

Ordinance No.: 17-43
Zoning Text Amendment No.: 13-04
Concerning: Zoning Ordinance –
Revised
Draft No. & Date: 3 – 3/4/14
Introduced: May 7, 2013
Public Hearing: June 11, 2013
Adopted: March 4, 2014
Effective: October 30, 2014

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Council President Navarro at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Delete all of Chapter 59 and replace it with a new Chapter

EXPLANATION: *Boldface indicates a Heading or a defined term.*

All text not underlined indicates new text proposed by the Planning Board and approved by the Council without changes.

Changes to the numbering of divisions, sections, and subsection of Chapter 59 are intended to be included in the code, even when not underlined, except where entire sections of code are deleted.

Underlining indicates text that is added by the Planning, Housing, and Economic Development Committee to the Planning Board's proposed code.

[Single boldface brackets] indicate text that is deleted by the Planning, Housing, and Economic Development Committee from the Planning Board's proposed code.

Double underlining indicates text that is added to by the Council's amendment to the Planning, Housing, and Economic Development Committee recommended code.

[[Double boldface brackets]] indicate text that is deleted by the Council's amendment from the Planning, Housing, and Economic Development Committee recommended code.

"Editor's notes" are provided for the benefit of codification editors only; such notes are not intended to be included in the code.

OPINION

Zoning Text Amendment No. 13-04 was introduced on May 7, 2013 by the Council President at the request of the Planning Board.

The May 2, 2013 draft completely restructures the current code. The current code is organized by major zoning classifications. There is a different land use table in every major section of the code. In ZTA 13-04 as introduced, chapters are defined by the form of regulation or function (e.g., land use, optional development, standard development, amendments). For example, the draft has a single “Uses and Use Standards” Chapter, with a single land use table for all zones.

The new code has fewer zones than the current Ordinance, and collapses very particular land use categories (e.g., newspaper stand, flower shop) into more general land use categories (e.g., retail/service). In the CR and Employment zones, reducing the number of uses makes the zones generally more permissive than the current code. On the other hand, the new code more directly regulates the design aspects of development in these zones.

The following are examples of other substantive changes:

- Mixed-use and Employment zones are consolidated, with the exception of the LSC, CR, CRT, and CRN zones.
- All floating zones are new and clearly identified as floating zones.
- The standards for the number of on-site parking spaces are reduced in some instances and design standards are added.
- The amount of open space required in Mixed-use and Employment zones is generally reduced.
- The process for reviewing and approving Local Map Amendments is simplified.

CR, CRT, and CRN zones keep their names, with some change to their standards. These zones would be used to replace a wide variety of Mixed-use zones. CRN is also proposed to replace CT and, in some instances, C-1. The LSC zone is based on the current LSC zone. These proposed consolidations of zones would be a substantive change. In many instances, the new zone is based on a current zone but may also be used to consolidate other zones:

- NR is based on C-1.
- GR is based on C-2 and would also be used to replace C-3 and C-6.
- EOF is based on CO and would also be used to replace O-M, C-P, and I-3.
- IL is based on I-4.
- IM is based on I-1, and would also be used to replace R&D.
- IH is based on I-2.

The one-family residential zones are retained with the same development standards. The names of the zones remain the same, except for the R-150, RMH, and RMH-200 zones, which are being consolidated into other existing zones.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved.

The County Council held a public hearing on June 11, 2013 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

After conducting 11 worksessions fully devoted to ZTA 13-04 and District Map Amendment (DMA) G-956 during 2013 (June 14, 21, 28; July 2, 12, 19, 26, 30; September 13, 17, and 20), the PHED Committee published a draft with their recommendations on October 16. The Council conducted a second public hearing on November 12 and November 14 to allow the public an opportunity to comment on the Committee's draft. Thereafter, the Committee held 2 additional worksessions (on December 1 and 9). The Committee recommended some 120 changes to the Planning Board proposed draft in a December 16 draft. Every chapter in the Planning Board proposed draft has PHED recommended changes. The essential themes of the Committee's amendments can be characterized as:

- Neighborhood protection – revision to development standards, land use, the treatment of current binding elements, and floating zone limitations
- CR zones revised – for developments that provide more than 12.5% of total dwelling units as MPDUs, increasing public benefit points allowed and more relaxed development standards
- Grandfathering provisions – revising a landowner's ability to expand a building under the current code, increasing the time limit to amend plans under the current code to 25 years, and retaining the binding elements of current development plans

The District Council reviewed Zoning Text Amendment No. 13-04 at worksessions held on January 14 and 15, 2014, and for the most part agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

The Council made the following revisions to the Committee's recommendations, based on their view of the public interest:

- Added height and open space to the definitions in Chapter 1, with the appropriate cross-references.
- Added a modification to the provisions for Urban Farming to allow beekeeping in all zones by providing that the limited use standard requiring a 2,500 square foot property does not apply to the keeping of bees in Section 3.2.9, and allowing Urban Farming in the IH zone in Section 3.1.6.
- Revised Section 3.2.12.A.2 to allow Agricultural Vending frontage on a 2-lane road and not a 4-lane road.
- Added a provision in the definition for Farming in Section 3.2.6 addressing agricultural education and tourism as an accessory use to Farming, limiting the footprint of structures

- that can be constructed primarily for the use of education and tourism, and deleting Agricultural Education and Tourism as a separate land use in Section 3.1.6.
- Added a provision to composting under Section 3.2.6 as an accessory use to a farm that allows up to 20% of the materials used in accessory processing to come from off-site sources.
 - Reorganized the proposed code (Articles 59-2, 4, and 6) so the development standards are zone-centric in Article 59-4 and not function-centric in 3 separate Articles.
 - Added a sentence at the end of the building type description of a Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or Conditional Use allowed in the zone in Section 4.1.3.A that states this building type includes buildings used for agriculture in association with Farming.
 - Amended Division 4.7 (previously Section 6.6.3) to retain the public benefit categories and points as they currently exist in the Code for the CR zone, with the PHED Committee's recommended amendments for Moderately Priced Dwelling Units (MPDUs) and the benefit points for Transferable Development Rights (TDRs).
 - Revised the provisions for major public facility public benefit points for Section 4.7.3 (previously Section 6.6.3) to clarify the Planning Board's discretion to approve major public facilities that are not specifically recommended by a master plan.
 - Added a provision for site plan approval in Section 7.3.4.E.4, to require the Planning Board to take into consideration the availability of ground floor retail space in any redevelopment of a property that was formerly zoned C-1 or C-2.
 - Modified key for table in Section 6.3.3 as follows: "A = Allowed" is now "A = Allowed in open space"; and "x = Not allowed" is now "x = Not allowed in open space".
 - Modified Section 6.6.1: ~~[[The intent of]] [this] Division 6.6 [[7.6]] [(Div. 7.6)] [[is to regulate]]~~ regulates the size, location ...
 - Added a requirement that the Planning Board adopt a development review schedule for a 120-day review cycle, including meetings and a hearing date, for both sketch plans and site plans in Section 7.6.3.C.
 - Clarified language regarding the grandfathering provision in Section 7.7.1 (previously Section 8.7.1); allow at least all current grandfathered rights.
 - Allowed staff to make additional editorial changes to the code (plain English, grammar, punctuation, and correction noted in the March 4 staff report).

The staff memorandum for March 4 includes a table of all changes to ZTA 13-04 as introduced. All of the staff memorandums to the Council and the Committee are part of the Council's legislative history.

On March 4, the Council confirmed the text for height and density incentives in the CR and CRT zones when a developer builds more than the number of MPDUs required by law. The Council also made the following additional changes, which made the new code more consistent with the old code:

- Retain the current method of averaging to determine the height of a building.
- Retain the current setback provision for accessory buildings along the side street of a corner lot.

- Require public benefit points for CRTF and CRF floating zones consistent with the trigger point for optional method development in the CRT and CR zones.
- Allow a land purchase of nominal value to be included in the tract area.

The Council considered and rejected a proposed revision to delete Subsection 3.2.6.F. The Council believes that the provision allows ordinary and customary accessory uses.

As a general matter, the Council believes that the new code is more precise, concise, and decisive than the current code. Residents and landowners will have less difficulty finding the requirements of their zoning. Residential areas will be more protected by compatibility requirements and requirements for more development to get site plan approval. Non-residential development will have more land use flexibility and will have expanded opportunities for walkable and environmentally sustainable mixed-use development.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 13-04 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1.** CHAPTER 59 is repealed and replaced with the attached code;
2 however, the repeal does not affect or prevent any enforcement
3 of the previous code as applicable under Division 7.7.

4 **Sec. 2.** The attached Chapter 59 is approved as amended.

5 **Sec. 3.** **Effective date.** This ordinance becomes effective on
6 October 30, 2014.

7

8 This is a correct copy of Council action.

9

10 *Linda M. Lauer*

11 Linda M. Lauer, Clerk of the Council

CHAPTER 59
MONTGOMERY COUNTY ZONING ORDINANCE
[PLANNING BOARD]
[[PHED COMMITTEE]]
COUNCIL APPROVED [[DRAFT]]

[[DECEMBER 16]] [MAY 2][[, 2013]] MARCH 5, 2014

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[Use of the Zoning Ordinance

1. Coordination with Other Chapters

- A. The use of structures and land within Montgomery County must satisfy all other applicable provisions as well as this Chapter, whether or not such other provisions are specifically referenced in the Chapter. Reference to other chapters or provisions of the Montgomery County Code is for the convenience of the reader; the lack of a cross-reference does not exempt a property, building, structure, or use from other requirements.
- B. If a requirement adopted by this Chapter imposes a higher standard than those required under another statute or provision, the requirement adopted under this Chapter controls. If the other statute or provision imposes a higher standard, that statute or provision controls.

2. Chapter Organization

- A. Article 59-1., **General Zoning Ordinance Provisions** establishes the legal framework and purpose of this Chapter; describes what properties and land use elements are controlled by this Chapter; addresses how annexed properties are treated; how coordination with other provisions is governed; how tables, illustrations, and examples are to be interpreted; and defines certain terms used in this Chapter.
- B. Article 59-2., **Zones**, establishes the various zones used by the County to implement land use policy; the intent of each zone; and how zoning maps are recorded and interpreted.
- C. Article 59-3., **Uses and Use Standards**, provides a Use Table for all zones; defines each use; and specifies any use-specific standards in addition to the zone standards and requirements, and general requirements.
- D. Article 59-4., **Euclidean Zone Requirements: General and Standard Method**, establishes the allowed development methods; defines how standards are measured and what exceptions are allowed; and establishes the development standards and requirements for each Euclidean zone.
- E. Article 59-5., **Floating Zone Requirements**, establishes the development standards and requirements for each Floating zone.

- F. Article 59-6., **Optional Method Requirements**, establishes the development requirements and standards for all optional method development, including development with Moderately Priced Dwelling Units, Cluster Development, TDRs, and development requiring public benefits in the Commercial/Residential and Employment zones.
- G. Article 59-7., **General Development Requirements**, establishes the applicability, standards, and requirements for site access; parking, queuing, and loading; open space; recreation facilities; landscaping and outdoor lighting; outdoor storage and display; and signs.
- H. Article 59-8., **Administration and Procedures**, establishes the application requirements necessary to comply with this Chapter and the related submittal requirements; review and approval authorities for such applications; decision-making requirements; how approvals received before this Chapter became effective are treated; how nonconforming sites, designs, uses, and structures are treated; and how this Chapter is enforced.
- I. Article 59-9., **Zones Retained from Previous Ordinance**, establishes zones that were applied by local map amendment before this Zoning Ordinance was adopted; may be mapped on the zoning map, but may not be requested by any property owner under a Local Map Amendment; and may not be applied to any additional property in a master plan adopted after [date of adoption].

3. Step-By-Step Use of the Chapter

This section describes in general terms, and for the benefit of the reader, how to use the Chapter. It is not exhaustive, and may not contain all of the steps, information, or references necessary to make or evaluate a development application or to implement this Chapter.

A. To Determine the Zone

1. Obtain a scaled, certified copy of a property's zoning map from the Montgomery County Planning Department to ensure that zoning information is accurate and reliable. Take note of any Overlay zones that apply.
2. Take note of the zoning for abutting and confronting properties because this may affect land use classifications, development standards, and other

requirements. In particular, if a property is in a Commercial/Residential, Employment, Industrial, or Floating zone and is abutting property in an Agricultural, Rural Residential, or Residential Detached zone, limits on use, increases in setbacks, height restrictions, and other limits may be imposed; and

3. Refer to Article 59-2 to find the intent of the zone because some approvals require an applicant to show that an application meets the intent of the zone.

B. To Identify the Allowed Uses and Applicable Use Standards

1. Refer to the Use Table in Article 59-3 to determine which uses are allowed in the zone and ensure that the desired use meets the definition in that Article.
2. Consider a Floating zone that allows the use if the desired use is prohibited in the current zone. In this case, the requirements for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Sec. 8.2.1 will apply.
3. A use identified as limited ("L") or conditional ("C") must satisfy additional standards or review. All conditional uses must be approved by the Hearing Examiner or Board of Appeals, as indicated. Some limited uses will require a site plan under Sec. 8.3.4.

C. To Review the Building Types Allowed by the Zone

1. Sec. 4.1.4 identifies which building types are allowed in the zone.
2. Only uses allowed in the zone may be approved for any given building type, which must also be allowed in the zone: the building type name does not imply any particular use as defined by this Chapter.
3. If the desired building type is prohibited in the zone, the applicant may wish to pursue a Floating zone that allows the building type. In this case, the requirements for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Sec. 8.2.1 will apply.

D. To Determine the Development Method

1. There are 2 types of development allowed in this Chapter: standard method and optional method. In most cases, standard method development allows

a base density and has set standards and requirements. Optional method typically allows more flexibility in building types, density, height, and standards and requirements, and may require the provision of public amenities and benefits and entails additional public review.

2. Refer to the applicable Division in Article 59-4 or Article 59-6 to determine the development thresholds for standard and optional method development.

E. To Determine the Applicable Zone Requirements

1. Under standard method development, the zone requirements, including lot size, lot width, setbacks, coverage, height, etc., are contained in Article 59-4 for Euclidean zones.
2. Under optional method development, the zone requirements, including public amenity and benefit requirements, are contained in Article 59-6.
3. The zone requirements for a Floating zone are contained in Article 59-5.

F. To Identify the General Development Requirements

1. Development must comply with the general development requirements established in Article 59-7, as specified in that Article.
2. General development requirements include standards for site access; parking, queuing, and loading; open space; landscaping and lighting; outdoor storage and display; and signage. Each Division or Section of Article 59-7 includes the intent or applicability of the provisions and should be reviewed to ensure compliance.
3. If any applicant cannot comply with a provision in Article 59-7, or wishes to pursue an alternative, the mechanism for pursuing alternative compliance is indicated.

G. To Determine Review Procedures

1. Article 59-8 identifies what types of approvals are required and who performs the review.
2. Div. 8.1 identifies what types of approvals are required depending on the zone and method of development.
3. For each applicable approval, the application requirements, submittal

requirements, necessary findings, and other pertinent information are provided. The intake and review bodies are also enumerated. These agencies should be the first point of contact to ensure correct interpretation of the steps required and compliance with the requirements for development of any structure or land in the County.

H. Ensure Proper Interpretation

1. Refer to Div. 1.4. for the rules of interpretation and defined terms.
2. If a meaning, calculation, or measurement is unclear, a written interpretation may be obtained from DPS.]

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ARTICLE 59-1. GENERAL ZONING ORDINANCE PROVISIONS

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Division 1.1. In General

Section 1.1.1. Citation

This Chapter is known as the “Zoning Ordinance” of the Montgomery County Code. Within this Chapter, the Zoning Ordinance may be referred to as this or the “Chapter.”

[[Section 1.1.2. Repeal of Existing Zoning Ordinance]]

[[The existing zoning ordinance entitled, “Montgomery County Code Zoning Ordinance: Chapter 59,” as adopted on January 18, 2005 and as subsequently amended, is repealed as of [the effective date of the District Map Amendment. The adoption of the revised Zoning Ordinance] {FILL IN EFFECTIVE DATE}; however, [this repeal](#) does not affect or prevent any enforcement of the previous zoning ordinance, as applicable.]]

Section ~~[[1.1.3]]~~ 1.1.2. Severability

- A. Each provision of this Chapter is severable.
- B. Each provision of any amendment to this Chapter is severable unless the [\[Chapter\] amendment](#) says otherwise.
- C. The finding by a court that some provision of this Chapter or any amendment is unconstitutional and void does not affect the validity of the remaining portions of this Chapter unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed within the legislative intent of the District Council.

Division 1.2. Purpose

Section 1.2.1. Purpose of Chapter 59

The purpose of this Chapter is to provide zoning requirements designed to:

- A. control street congestion;
- B. promote health, public safety, and general welfare;
- C. provide adequate light and air;
- D. promote the conservation of natural resources;
- E. prevent environmental pollution;
- F. avoid an undue concentration of population; and
- G. promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities.

Division 1.3. Applicability

Section 1.3.1. Applicability

This Chapter applies to that portion of the Maryland-Washington Regional District in Montgomery County, except for certain municipalities in [Section \[Sec.\] 1.3.2\[.\]](#), and applies to all structures, lands, and uses over which the County has jurisdiction under the laws of the State of Maryland.

Section 1.3.2. Nonapplicability to Certain Municipalities

This Chapter does not apply to [\[\[the municipal corporations of\]\]](#) Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove.

Section 1.3.3. Annexations

Annexation of Additional Area to the Regional District

Any area annexed into that portion of the Maryland-Washington Regional District in Montgomery County after [\[the effective date of this Chapter\] October 30, 2014](#) will immediately upon annexation be automatically classified in the most nearly comparable zone until a Sectional or District Map Amendment for such area has been adopted by the District Council. The Commission must recommend to the District Council zoning for the annexed area [\[no later than\] within 6 months](#) after the effective date of such annexation.

Division 1.4. Defined Terms

Section 1.4.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

A. How to Compute Periods Measured in Months

If a period of time is measured in months, the period begins and ends on the same day of a month; however, if there are not enough days in the final month for this to be possible, the period ends on the final day of the final month.

B. How to Compute Periods Measured in Days

If this Chapter requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

1. If the period follows an event, count the day after the event as the first day of the period,
2. Count the remaining number of days in the period; however, if the period is 7 days or fewer, omit Saturdays, Sundays, and legal holidays.
3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or if the office where the person must file a [\[paper\] document](#) or perform an act is not open during the regular hours of that office on that day.

C. Requirements to Act by a Specific Date

1. If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.
2. Any action required to be taken within a specific time period is measured from the date of a final agency action, or, if a party seeks judicial review of the agency action, from the date the court makes a final decision.

D. Signatures

The signature of a person may be the actual signature of the person or a mark that the person has authorized.

E. Singular and Plural

The singular includes the plural and the plural includes the singular.

F. Tense

The present tense includes the future tense.

G. Use of "Or"

"Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

H. Use of "Includes"

"Includes" does not limit a term to the specified examples.

I. Title of Articles, Divisions, and Sections

Titles and captions are not part of the law. They only advise the reader of the content of each Article, Division, or Section.

J. Illustrations and Examples

This Chapter contains numerous illustrations and examples to assist the reader in understanding and applying the Chapter. To the extent that there is any inconsistency between the text of this Chapter and any such illustration or example, the text controls unless otherwise provided in the specific section. All illustrations are illustrative.

K. Use of "Chapter"

Chapter means a numbered section in the Montgomery County Code.

Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

A.

Abandonment: The cessation of activity necessary to the operation of a conditional [or non-conforming](#) use for at least 6 months.

Abutting: 2 properties are abutting if they share a property line or easement line.

Accessory Apartment: [A second dwelling unit that is subordinate to the principal dwelling. An Accessory Apartment includes an Attached Accessory Apartment and a Detached Accessory Apartment.] See Section 3.3.3.A.1

Accessory Structure: [A structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.] See Section 3.7.4.A.1

Accessory Use: [A use that is incidental and subordinate to the principal use of a lot or the principal building, and located on the same lot as the principal use or building.] See Section 3.7.4.B

Adjacent: Being close to or nearby without requiring the sharing of a common boundary.

Adult Entertainment: [An establishment that:

1. sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
2. features nude persons in adult entertainment performances; or
3. otherwise requires a County license as an adult entertainment business.] See Section 3.5.10.A.1

Adult Entertainment Material or Performance: A book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3- dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in State law.

Age-Restricted: A use restricted to persons who are 55 years of age or older.

Agricultural Auction Facility: [Any structure and land where farm-related merchandise is sold to a bidder.] See Section 3.2.1.A

[[Agricultural Education/Tourism: See Section 3.2.11.A.1]]

Agricultural Processing: [An operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Sec. 3.2.8, Slaughterhouse).] See Section 3.2.2.A

Agricultural Vending: [The sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47.] See Section 3.2.12.A.1

Agriculture: The business, science, and art of cultivating and managing the soil; composting, growing, harvesting, and selling crops, [[livestock,]] and the products of forestry, horticulture, and hydroponics; breeding, raising, [[or]] managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals; dairying, beekeeping, and similar activities; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product [[in the course of preparing]] to prepare the product for market and may [[or may not]] cause a change in the natural form or state of the product.

Airport Approach Area: An area adjacent to an airport, airpark, or airfield designed for fixed-wing aircraft, which is a trapezoidal area extending from both ends of the landing strip with dimensions as recommended by the Federal Aviation Agency or the Maryland State Aviation Administration.

Alley: A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

Amateur Radio Facility (Up to 65 Feet in Height): [Any structure used for personal, noncommercial radio communications licensed by the Federal Communications Commission.] See Section 3.5.14.A

Amateur Radio Facility (Over 65 Feet in Height): See Section 3.5.14.B.1

Ambulance, Rescue Squad (Private): [Volunteer, privately supported, or non-profit facility providing emergency fire protection, rescue, or ambulance services. Ambulance, Rescue Squad (Private) does not include non-emergency ambulance transportation services.] See Section 3.4.1.A

Amenity Open Space: [An outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.] See Section [\[\[7.3.7.A.2\]\]](#) [6.3.7.A.2](#)

Animal Boarding and Care: [The boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals at a location other than a Veterinary Office/ Hospital, not including animals raised for agricultural purposes.] See Section [3.5.1.B.1](#)

[Animal Husbandry: The practice of raising hens, ducks, miniature goats, rabbits, or bees.]

Animal Research Facility: [Any structure or land for the use of non-human animals in scientific experimentation.] See Section [3.6.1](#)

Animal Services: [The provision of care for animals. Animal Services does not include any use considered accessory to an agricultural use.] See Section [3.5.1.A](#)

Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips.

Antenna on Existing Structure: [One or more antennas attached to an existing support structure, including a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.] See Section [3.5.14.C.1](#)

Apartment/[Condo] Building: [A building containing 3 or more dwelling units vertically and horizontally arranged. An apartment/[condo] may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.] See Section [4.1.3.D](#) and Section [4.1.5.D](#)

Artisan Manufacturing and Production: [The manufacture and production of commercial goods by a manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan Manufacturing and Production does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.] See Section [3.6.4.A](#)

Attached Accessory Apartment: [A second dwelling unit that is part of a detached house building type and provides for cooking, eating, sanitation, and sleeping. An Attached Accessory Apartment is subordinate to the principal dwelling.] See Section [3.3.3.B.1](#)

Automobile Storage Lot: [The storage of automobiles in connection with a towing operation. Automobile Storage Lot does not include the storage of junked cars.] See Section [3.5.13.A.1](#)

Awning: A wall-mounted, cantilevered structure that provides shade and cover from the weather.

B.

Balcony: A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony is not fully enclosed.

Base Density: The maximum FAR or number of dwelling units per acre permitted by the zoning classification of a property without the use of optional method Cluster [Development](#), [optional method](#) MPDU [Development](#), or TDR density increase or application of a Floating zone.

Base Zone: The mapped zone and accompanying development standards that apply to a property before the application of a Floating or Overlay zone.

Basement: The portion of a building below the first floor joists of which at least half of its clear ceiling height is above the average elevation of the finished grade along the perimeter of the building.

Bed and Breakfast: [A detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfast to guests.] See Section [3.5.6.B.1](#)

Belt Courses: A continuous course of brick, shingles, stone, or tile.

Berm: A continuous linear earthen mound of varying height designed and placed to screen the view of and reduce the noise from an adjacent, incompatible use, such as a highway.

Bicycle Parking, Long-Term: Secure bicycle parking intended for use by residents and employees of a building.

Bicycle Parking, Short-Term: Spaces for bicycle parking intended for use by visitors to a building.

Bikeshare Facility: A facility that includes a bikeshare dock and bicycles and is part of a network of bikeshare facilities that is available for shared use by the public and approved by the Director of the Department of Transportation or the Director's designee.

Binding Element: [A restriction or requirement in an approval that limit an element, such as the] [A condition of an approval that restricts or requires a use, building type, density, building height, \[restrictions or\] setback, \[or general development\] screening, public benefit, or layout \[requirements\] of a development.](#)

Blank Wall: [A portion of the exterior façade of the building that does not include windows or doors, or columns, pilasters, or other articulation greater than 8 inches in depth.] [See Section 4.1.7.D.2](#)

Build-to-Area (BTA): [The area on the lot where a certain percentage of the front building façade must be located, measured as a range from the edge of the lot line.] [See Section 4.1.7.B.3](#)

Building: A structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

Building Height: [In Agricultural, Rural Residential, and Residential zones, the distance measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line. In Commercial/Residential, Employment and Industrial zones, height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched

roof. If a building is located on a terrace, the height may be increased by the height of the terrace. On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may measured from either curb grade. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. Building height measurement excludes structures allowed under Sec. 4.1.5.D.3.] [See Section 4.1.7.C](#)

Building Lot Termination (BLT): A transferable development right (TDR) created from land that:

1. consists of at least 25 acres;
2. is capable of being served by an individual sewage treatment unit that [\[meets the requirements of\] satisfies Chapter 27A](#) and applicable regulations issued under that Chapter;
3. is located in the AR zone; and
4. could be encumbered by a BLT easement under this Chapter.

When a BLT easement is recorded in the land records, the easement extinguishes the right to build a dwelling unit in the AR zone; this attribute distinguishes a BLT from other TDRs.

Bus, Rail Terminal/Station: [\[Any structure and land used for bus and train arrivals and departures. Bus, Rail Terminal/Station does not include bus or train maintenance \(see Sec. 3.5.13.D, Repair \(Commercial Vehicle\)\).\] See Section 3.6.6.A.1](#)

C.

Cable Communications System: [\[An arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system](#)

with cables that do not touch public rights-of-way and that serve only the occupants of a single property under common ownership or management.] See Section 3.5.2.A.1

Camp Retreat, Nonprofit: Land used by a nonprofit institution to provide social, recreational, and cultural activities for children, youth, or adults. A camp retreat may contain permanent structures for lodging, meeting, and recreational purposes.

Campground: [A parcel, lot, or tract of land used for 2 or more tent or recreational vehicle campsites. Campground does not include sites for manufactured homes.] See Section 3.5.10.B.1

Car-Share Space: A parking space intended for use by the customer of a vehicle-sharing service to park in-service vehicles.

Car Wash: [Any structure or land with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.] See Section 3.5.13.B.1

Catering Facility, Outdoor: A land use within the scope of "Recreation and Entertainment Facility, Outdoor." Any structure and land where food and drink is provided commercially at outdoor events. An outdoor catering facility includes an enclosed food preparation building.

Cellar: The portion of a building below the first floor joists of which at least half of the clear ceiling height is below the average elevation of the finished grade along the perimeter of the building.

Cemetery: [A place used for the permanent interment of deceased persons or animals or their cremated remains. A Cemetery does not include a memorial garden on the premises of a religious institution (see Sec. 3.4.10, Religious Assembly).] See Section 3.5.4.A.1

Central Business District (CBD): Any one of the principal business areas of the County that has been designated as a central business district in this Chapter as shown on the official map displayed on the Planning Department website at [[<http://www.montgomeryplanning.org/>]] <http://mcplanning.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=b421403f69994752ae555c6e17a169b6>

Certified Site Plan: A final document that incorporates all elements of the site plan approved by the Planning Board, including: a project data table; all necessary engineered drawings; specific references to all agency approvals required by the Planning Board approval resolution; and a complete copy of the approval resolution.

Charitable, Philanthropic Institution: [A private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, recreation, or environmental conservation. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. A Charitable, Philanthropic Institution also does not include other uses specifically defined or regulated in this Chapter such as a: Religious Assembly (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.5, Educational Institution (Private) and Sec. 3.4.9, Public Use (Except Utilities)), library or museum (See Sec. 3.4.3, Cultural Institution), Private Club, Service Organization (See Sec. 3.4.8, Private Club, Service Organization), Hospital (See Sec. 3.4.6, Hospital), Residential Care Facility (See Sec. 3.3.2.E, Residential Care Facility), or Independent Living Facility for Seniors or Persons with Disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).] See Section 3.4.2.A

Child: A biological child or an adopted child. A child does not include a stepchild, foster child, or grandchild, or a more remote descendant.

Clinic (Up to 4 Medical Practitioners): [A building occupied by medical practitioners and related services to provide healthcare on an outpatient basis.] See Section 3.5.7.A.1

Clinic (More than 4 Medical Practitioners): See Section 3.5.7.B.1

Combination Retail: See Section 3.5.11.A.1

Commercial Kitchen: [A part of a building that is accessory to Religious Assembly (Sec. 3.4.10, Religious Assembly) or Public Use (Except Utilities) (Sec. 3.4.9, Public Use (Except Utilities)) and satisfies the requirements of Chapter 15 for the preparation of food that could be sold to the public.] See Section 3.5.14.D.1

Commercial Vehicle, Heavy: Any motor vehicle, tandem axle trailer, or semi-trailer used for carrying freight or merchandise, or used in [the furtherance of] any commercial enterprise that is:

1. greater than 10,000 pounds gross vehicle weight;
2. rated by the manufacturer with a load capacity of more than one ton;
3. 21 feet long or longer, measured from the extremes of the vehicle, including any object on the vehicle; or
4. more than 8 feet high, with properly inflated tires, measured from the ground to the highest part of the vehicle, including any racks but excluding any antennas.

A heavy commercial vehicle does not include a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, a machine or a vehicle for agricultural use, or a tow truck that is less than 10,000 pounds gross vehicle weight, shorter than 21 feet in length as measured under subsection [(c)] 3, and less than 8 feet high as measured under subsection [(d)] 4.

Commercial Vehicle, Light: Any motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise that is not a heavy commercial vehicle and not used as an office or containing an entry for transactions. A light commercial vehicle is not a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, or a machine or vehicle for agricultural use.

Commission: The Maryland-National Capital Park and Planning Commission.

Common Open Space: [An outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.] See Section [[7.3.5.A.2]] 6.3.5.A.2

Community Garden: [Land cultivated by a group of people to grow products for personal use or limited distribution and not for sale on-site. Community Garden includes cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping, but does not include Animal Husbandry (see Sec. 3.2.11.A, Animal Husbandry) or Urban Farming (see Sec. 3.2.9, Urban Farming).] See Section 3.2.3.A

Conditional Use: A use that must meet the conditional use standards in [Division \[Div\] 3.2](#) through [Division \[Div.\] 3.7](#) and requires approval by the [Board of Appeals or] Hearing Examiner, under the findings in [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#). A conditional use is a special exception.

Conference Center: [A facility for conducting meetings, discussions, and conferences. Conference Center includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Conference Center does not include a Hotel, Motel (see Sec. 3.5.6.C, Hotel, Motel).] See Section 3.5.10.C.1

Confronting: Properties that are directly across a right-of-way [with a master plan width of less than 80 feet](#) from each other based on a line between the 2 properties that is drawn perpendicular to the right-of-way. Properties within a 45 degree diagonal across an intersection are also confronting.

Construction Administration or Sales Office: [A temporary office for construction administration or real estate sales.] See Section 3.5.15.A.1

Contractor Storage Yard: [An outdoor storage yard for construction equipment or building materials and supplies.] See Section 3.6.2.A

Country Inn: [An establishment for dining in a rural area that may include a maximum of 12 overnight guest rooms and the following subordinate uses: rural antique shop; handicrafts or art sales; equestrian-related retail sales and service; and recreational facilities primarily for the use of guests.] See Section 3.5.3.A.1

County: Montgomery County, Maryland.

Coverage: [The area of a lot or site occupied by buildings, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps. Coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.] See Section 4.1.7.B.5

Crematory: [A structure in which cremation occurs.] See Section 3.5.4.B.1

Cultural Institution: [Any private facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically

offered for sale. Cultural Institution includes a museum, cultural or art gallery, and library.] [See Section 3.4.3.A](#)

D.

Day Care Center (13 - 30 Persons): [A Day Care Facility for 13 to 30 persons where staffing, operations, and structures comply with State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resident and cannot meet the non-resident provider requirement.] [See Section 3.4.4.E.1](#)

Day Care Center (Over 30 Persons): [A Day Care Center (Over 30 Persons) is a Day Care Facility for over 30 persons where staffing, operations, and structures comply with State and local regulations and is not located in a townhouse or duplex building type.] [See Section 3.4.4.F.1](#)

Day Care Facility: [An establishment where care is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 17 years; any developmentally disabled person; any handicapped individual; or any elderly individual. Day Care Facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least 5 years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see Sec. 3.4.5. Educational Institution (Private)).] [See Section 3.4.4.A](#)

dB_A: A-weighted decibels measure as defined in [Chapter 31B](#).

DBH: Diameter at breast height.

Detached Accessory Apartment: [A second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type and provides for cooking, eating, sanitation, and sleeping. A Detached Accessory Apartment is subordinate to the principal dwelling.] [See Section 3.3.3.C.1](#)

Detached House: [A building containing one dwelling unit. A detached house may contain ancillary nonresidential uses, such as a Home Occupation or Fam-

ily Day Care. An existing detached house building type may be used entirely for a nonresidential use under Sec. 4.1.3.A.] [See Section 4.1.5.A](#)

Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or Conditional Use allowed in the zone: [See Section 4.1.3.A](#)

Development Rights: The potential for the improvement of a property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the property.

Distribution Line (Above Ground): [An above ground or below ground electric line, cable line, or telephone line.] [See Section 3.6.7.A.1](#)

Distribution Line (Below Ground): [See Section 3.6.7.B](#)

District: That portion of the Maryland-Washington Regional District in Montgomery County.

District Council: The Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District located in Montgomery County.

Dormitory: [A building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.] [See Section 3.3.2.B](#)

DPS: Department of Permitting Services or the Director of Permitting Services' designee.

Drive-Thru: [A facility where the customer is served while sitting in a vehicle. Drive-Thru includes drive-thru restaurants, banks, and pharmacies, but does not include Filling Station (see Sec. 3.5.13.C, Filling Station).] [See Section 3.5.14.E.1](#)

Dry Cleaning Facility (Over 3,000 SF): [An establishment over 3,000 square feet of gross floor area for the mechanical cleaning of garments, articles, or goods of fabric. Dry Cleaning Facility (Over 3,000 SF) includes a linen, diaper, or uniform laundering service and may perform work on the premises for other dry cleaning and laundry services and serve retail customers.] [See Section 3.6.3.A.1](#)

Dry Cleaning Facility (Up to 3,000 SF): [An establishment up to 3,000 square feet of gross floor area for the mechanical cleaning of garments, articles, or

goods of fabric for retail customers. Dry Cleaning Facility (Up to 3,000 SF) does not include a laundromat or dry cleaning and laundry pick-up station, (see Sec. 3.5.11.A, Retail/Service Establishment).] See Section 3.6.3.B

Duplex: [A building containing 2 principal dwelling units. A duplex may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.] See Section 4.1.3.B and Section 4.1.5.B

Dwelling Unit: A building or portion of a building providing complete living facilities for not more than one household, including, at a minimum, facilities for cooking, sanitation, and sleeping.

Dwelling for Caretaker/Watchkeeper: [A dwelling unit for a caretaker or watchkeeper and their families.] See Section 3.3.3.D

E.

Educational Institution (Private): [A private school or educational or training academy providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs, and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Sec. 3.3.3.H, Home Occupation).] See Section 3.4.5.A

Encroachment: Any structure that is located between the lot line and the required setback lines or above the height limit.

Environmental Site Design (ESD): Stormwater management practices, non-structural techniques, and site planning to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources as specified in the Maryland Design Manual.

Equestrian Activity: The care, breeding, boarding, rental, riding, or training of horses, or the teaching of equestrian skills.

Equestrian Event: A competition, exhibition, or other display of equestrian skills.

Equestrian Facility: [Any structure or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. Equestrian Facility includes events such as competitions, exhibitions, or other displays of equestrian skills.] See Section 3.2.4.A

Established Building Line: A front setback line that is greater than the minimum setback required for structures in a designated zone.

Euclidean Zone: A zone that is applied to a specific geographic area on the zoning map.

F.

Family Burial Site: A location used for the permanent interment of deceased persons and ashes related to the property owner by blood, marriage, or adoption.

Family Day Care: [A Day Care Facility for a maximum of 8 persons in a dwelling where for child day care the registrant is the provider and a resident, or the registrant is not a resident but more than half the children cared for are residents. The provider's own children under the age of 6 are counted within the group of 8. For care of senior adults or persons with disabilities the registrant is the provider. Family Day Care does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see Sec. 3.4.4.E, Day Care Center (13-30 Persons)).] See Section 3.4.4.C

Farm Airstrip, Helistop: [An accessory take-off and landing facility for aircraft associated with farming operations.] See Section [[3.2.11.B.1]] 3.2.11.A.1

Farm Market, On-site: [The display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. A Farm Market, On-site may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.] See Section [[3.2.11.C.1]] 3.2.11.B.1

Farm Supply or Machinery Sales, Storage, and Service: [The sales, storage, or service of machinery used in farming for agricultural purposes. Farm Supply or Machinery Sales, Storage, and Service does not include sales, storage, or service of vehicles and other machinery not associated with farming.] See Section 3.2.5.A

Farm Tenant Dwelling: [A dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Farm Tenant Dwelling includes up to 3 mobile homes. A Farm Tenant Dwelling is not restricted by the definition of household, and may share a well or septic system or both.] See Section 3.3.3.E.1

Farming: [An operation on a property, with or without associated buildings, that is being used for agriculture. Agriculture is the business, science, and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product. Farming includes the following accessory uses:

1. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled within Montgomery or adjacent counties by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.
2. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled in Montgomery and adjacent counties by the farmer.
3. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
4. The delivery and installation of horticultural products grown on the farm.] See Section 3.2.6.A

Fence: Any structure of posts and non-masonry connected material.

Fence, Boundary: A fence that is up to 5 feet high and constructed of unpainted wood posts and connecting material.

Fence, Deer: A fence that is up to 8 feet high and constructed of an open mesh ranging in size from 1.5 x 1.5 inches to 2 x 2.75 inches made of heavy weight, plastic or similar material that allows a clear view through the fence and may be constructed with wood, metal, or fiberglass posts.

Fence, Rustic: A fence that is up to 4 feet high and constructed of unpainted wood where the number of posts do not exceed 1 post for every 6 feet of fence plus 1 and the number of rails between any 2 posts do not exceed 3; the rails must leave at least 75% of the space created between the posts open.

Filling Station: [A facility used primarily to dispense motor vehicle fuels to the consumer. Filling Station includes minor repair services as an accessory use and an accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles are limited to 2 bays. Filling Station does not include storage or parking offered for rent.] See Section 3.5.13.C.1

Floating Zone: A flexible zone that is to be used for a designated purpose, but whose location is to be determined in the future as part of a Local Map Amendment.

Floor Area Ratio (FAR): The ratio between the [total] gross floor area of all buildings on a tract divided by the area of the tract.

Food Service Truck: A mobile food service where food or drink is prepared, served, or sold from a commercial vehicle.

Footprint: The area encompassed by a building's outer wall at ground level.

Freight Movement: [A establishment involved in the movement of goods or equipment, including temporary storage, for delivery to other facilities or the final consumer. Freight Movement does not include on-site sales activity.] See Section 3.6.8.A

Frontage: A property line shared with an existing or master-planned public or private road, street, highway, or alley right-of way, open space, or easement boundary.

Funeral Home, Undertaker: [A facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.] See Section 3.5.4.C.1

G.

Gallery: A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side.

General Building: [A building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses. When a general building is approved for a limited or conditional use in a Residential Detached zone, the building and site design must, to the maximum extent practicable, have the exterior appearance of a detached house.] See Section 4.1.5.F

Golf Course, Country Club: [The course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts, and pools. Golf Course, Country Club includes the provision of food, refreshments, and entertainment for club or organization members and their guests.] See Section 3.5.10.D.1

Grain Elevator: A structure for elevating, drying, storing, and discharging grain.

Green Area: Outdoor scenic, recreational, or similar amenities, including lawns, decorative plantings, sidewalks and walkways, and active and passive recreational areas that are available for occupants and visitors of the building.

Greenhouse: A structure used for the cultivation and protection of plants including a hoophouse or high tunnel.

Grocery Store: A Retail/Service Establishment with at least 80% of the sales floor area devoted to the sale of food products for home preparation. A grocery store is not a Combination Retail.

Gross Floor Area (GFA):The sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings. Gross floor area includes:

1. basements;
2. elevator shafts and stairwells at each floor;
3. floor space used for mechanical equipment with structural headroom of 6 feet, 6 inches or more;
4. floor space in an attic with structural headroom of 6 feet, 6 inches or more (regardless of whether a floor has been installed); and
5. interior balconies and mezzanines.

Gross floor area does not include:

1. mechanical equipment on rooftops;
2. cellars;
3. unenclosed steps, balconies, and porches;
4. structured parking;
5. floor area for publicly owned or operated uses or arts and entertainment uses provided as a public benefit under the optional method of development;
6. floor area for an historic resource recommended in the master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area;
7. interior balconies and mezzanines for common, non-leasable area in a regional shopping center; and
8. [[in the Commercial/Residential and Employment zones, floor area for all Moderately Priced Dwelling Units (MPDUs) that exceed the minimum 12.5% of required MPDUs; and]]

[[9]] in the LSC and Industrial zones, floor space used for mechanical equipment.

Gross Leasable Area: The total floor area designed for commercial tenant occupancy and exclusive uses, including basements, mezzanines, and the upper floors if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.

Group Day Care (9 - 12 Persons): [A Day Care Facility for 9 to 12 persons where staffing, operations, and structures comply with State and local regulations and the provider's own children under the age of 6 are counted towards the maximum allowed persons.] See Section 3.4.4.D.1

Group Living: [The residential occupancy of a structure by a group of people that does not meet the definition of a Household Living use under Sec. 3.3.1, where tenancy is arranged on a monthly or longer basis.] See Section 3.3.2.A

Group Picnic, Catering, and Recreation Facility: Any structure and land for company and group picnics, casual banquets, meetings and parties, and on-site and off-site food preparation for catering service.

Guest House: [A detached dwelling that is intended, arranged, or designed for occupancy by transient, nonpaying visitors of the resident owner of the principal dwelling.] See Section 3.3.3.F.1

H.

Hazardous Material Storage: [The storage of materials that the US Environmental Protection Agency (EPA) has determined are hazardous. Hazardous Material Storage includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that are not included on any of the previous listings, but that generally exhibit ignitability, corrosivity, reactivity, or toxicity.] See Section 3.6.8.B.1

Health Clubs and Facilities: [An establishment designed to enhance physical conditioning and general health. Health Clubs and Facilities includes dance, martial arts, and yoga studios.] See Section 3.5.10.E.1

Hearing Examiner: The Hearing Examiner or Examiners appointed by the County Council to conduct certain zoning hearings and make recommendations to the County Council and other duties under Chapter 2A.

Heavy Manufacturing and Production: [The processing, manufacturing, or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosives, and may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards. Heavy Manufacturing and Production does not include arsenals; blast furnaces; boiler works; distillation of bones; dumps; fat rendering; forge plants; incinerators, except when operated or licensed by a duly authorized public agency; ore reduction; packing houses, including meat canning or curing houses; petroleum refining, or storage in more than tank car lots; rolling mills; smelting; tanning, curing or dyeing of leather, rawhides or skins, or storage of skins; and wool pulling or scouring. Heavy Manufacturing and Production also does not include acetylene; ammonia, bleaching powder, chlorine; asphalt; celluloid or pyroxylin (or treatment of celluloid or pyroxylin); disinfectants; emery cloth or sandpaper; explosives, fireworks or gunpowder; fertilizers; gas for illumination or heating; glue, size, or gelatin; insecticides; lampblack; leather goods; linoleum; matches; mortar, lime, plaster, cement, gypsum; oil cloth or oiled products; paint, oil, shellac, turpentine or varnish employing a boiling or rendering process; potash; rubber or products made therefrom; soap; shoeblacking or polish; soda or soda compound; acids or other corrosive or offensive substances; tar or tar roofing or water proofing or other tar products or distillation thereof; and yeast, except as part of medical and biotechnical research and development.] See Section 3.6.4.B

Heavy Vehicle Sales and Rental: [The sales, rental, or leasing of heavy equipment, manufactured homes, and commercial vehicles, including 18-wheelers, commercial box trucks, high-lifts, and construction and heavy earth-moving equipment.] See Section 3.5.12.A.1

Height: See Section 4.1.7.C

Helipad, Heliport: [A designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Helipad, Heliport includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices, and other appropriate terminal facilities.] [See Section 3.6.6.B.1](#)

Helistop: [A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. Helistop includes a small fuel tank for a ground level facility and minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space. Helistop does not include major support facilities (see Sec. 3.6.6.B, Helipad, Heliport).] [See Section 3.5.14.F.1](#)

High Technology: Any activity that requires advanced scientific equipment, advanced engineering techniques, or computers. High technology includes electronics, information technology, optics, nanotechnology, robotics, renewable energy development, telecommunications, and biomedical research.

Home Address, Proof of: Any valid document showing where a person lives as established by [Executive](#) regulations under [Method 2 of Chapter 2A](#) ([[Sec.](#)] [Section 2A-15](#)).

Home Health Practitioner: [The office of a health practitioner who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene, has an advanced degree in the field from an accredited educational institution, and who resides in the dwelling unit in which the office is located. Home Health Practitioner includes a registered nurse or physician's assistant if that person has an advanced degree in the field and practices independently. Home Health Practitioner does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.] [See Section 3.3.3.G.1](#)

Home Health Practitioner (Low Impact): [A Home Health Practitioner that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.] [See Section 3.3.3.G.3.a](#)

Home Health Practitioner (Major Impact): [A Home Health Practitioner that is limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.] [See Section 3.3.3.G.4.a](#)

Home Occupation: [Any occupation that provides a service or product and is conducted within a dwelling unit by a resident of the dwelling unit. Home Occupation does not include Home Health Practitioner (see Sec. 3.3.3.G, Home Health Practitioner), Bed and Breakfast (see Sec. 3.5.6.B, Bed and Breakfast), Day Care Facility (see Sec. 3.4.4, Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see Sec. 3.5.5, Landscape Contractor), or Educational Institution (Private) (see Sec. 3.4.5, Educational Institution (Private)).] [See Section 3.3.3.H.1](#)

Home Occupation (Low Impact): [A Home Occupation that is limited to one non-resident employee per 24-hour period and is required to register with DPS.] [See Section 3.3.3.H.4.a](#)

Home Occupation (Major Impact): [A Home Occupation that is limited to 2 non-resident employees per 24-hour period and is regulated under Sec. 8.3.1, Conditional Use.] [See Section 3.3.3.H.5.a](#)

Home Occupation (No Impact): [A Home Occupation that is not required to register with DPS, prohibits non-resident employees, and is not regulated under Sec. 8.3.1, Conditional Use.] [See Section 3.3.3.H.3.a](#)

Home Occupation and Home Health Practitioner, Eligible Area: The total number of square feet of floor area, measured horizontally between interior faces of walls, in any building on a lot, including the area of a basement and any accessory building on the same lot but excluding the area of any cellar, uncovered steps, and uncovered porches. Eligible area does not include any addition to any building or any accessory building that was constructed [no later than] [within](#) 18 months after DPS approved a Home Occupation on the lot.

Hospital: [An institution providing health services primarily for the sick or injured and offering inpatient medical or surgical care. Hospital includes accessory facilities, such as laboratories, helistops, training facilities, classrooms, central service facilities, and staff offices integral to the Hospital. Hospital does not include a stand-alone hospice (see Sec. 3.3.2.E, Residential Care Facility).] [See Section 3.4.6.A](#)

Hotel, Motel: [A building containing guest rooms arranged for short-term stays of less than 30 days for compensation and may contain one or more restau-

rants, meetings rooms, or banquet facilities. Hotel, Motel includes a hostel.]
See Section 3.5.6.C

Household: A person living alone, or any one of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. any number of people related by blood, marriage, adoption, or guardianship;
2. up to 5 unrelated people; or
3. 2 unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, or guardianship[; or].

[4. not more than 8 unrelated people who are "handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).]

Household does not include any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Household Living: [The residential occupancy of a dwelling unit by a household on a monthly or longer basis.] See Section 3.3.1.A

I.

Immediate Family Member: A person's parent, spouse, child, or sibling.

Impervious Surface: Any covering that prevents or significantly impedes the infiltration of water into the underlying soil, including any structure, building, patio, deck, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, or artificial turf. Impervious surface also includes any area used by or for motor vehicles or heavy commercial equipment regardless of surface type or material, any road, road shoulder, driveway, or parking area.

Independent Living Facility for Seniors or Persons with Disabilities: [A building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care, personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.] See Section 3.3.2.C.1

Individual Living Unit: A private living space located in a Personal Living Quarters building.

[Infill Development: The building or construction of a detached house on a lot in an R-60, R-90, or R-200 zone if:

1. the lot was created by a plat recorded before January 1, 1978; or by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
2. the lot is less than 25,000 square feet in area; and
3. the construction proposed is:
 - a. a new detached house;
 - b. the demolition and reconstruction of more than 50% of the floor area of the dwelling; or
 - c. the addition of more than 50% of the floor area of the dwelling]

Inherent Adverse Effects: Adverse effects created by physical or operational characteristics of a conditional use necessarily associated with a particular use, regardless of its physical size or scale of operations.

J.

K.

L.

Landfill, Incinerator, or Transfer Station: [A landfill is a facility that collects and disposes of waste according to State of Maryland requirements for landfills. A landfill includes land clearing debris landfills, rubble landfills, and industrial waste landfills. An incinerator is a facility intended to reduce waste to ash through combustion and may produce energy or heat for re-use. An incinerator includes medical incinerator. A transfer station is a facility that receives solid or liquid wastes from others for transfer to another location according to State of Maryland requirements for transfer stations. Landfill, Incinerator, or Transfer Station is included in the Comprehensive Solid Waste Management Plan for Montgomery County.] [See Section 3.6.9.A.1](#)

Landscape Contractor: [The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal.] [See Section 3.5.5.A](#)

Lawn Maintenance Service: [See Section 3.5.14.G](#) [The business of cutting grass, raking leaves, snow removal, and other activities associated with maintaining a yard.]

Leader: A downspout [for water](#) or a duct for conducting hot air to an outlet in a hot-air heating system.

Life Sciences: [Research, development, and manufacturing activities concerning one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities. For a business, institution, or government agency conducting such activities in a Life Sciences Center, Life Sciences also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, informational technology, and robotics.] [See Section 3.5.8.A](#)

Lighting Fixture (Luminaire): A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and

protect the lamps and ballast (where applicable), and to connect the lamp to the power supply.

Light Manufacturing and Production: [The manufacturing of finished products or parts including processing, fabrication, assembly, treatment, and packaging of such products and parts, and incidental storage, sales, and distribution, where all manufacturing processes and any noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing processes are contained entirely within a building.] [See Section 3.6.4.C.1](#)

Light Shelf: A horizontal device, which may project into a room, beyond the exterior wall plane, or both, positioned to reflect daylight onto the ceiling and to shield the area immediately adjacent to the window from direct sunlight.

Light Vehicle Sales and Rental (Indoor): [The indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the minor repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors.] [See Section 3.5.12.B.1](#)

Light Vehicle Sales and Rental (Outdoor): [The outdoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Outdoor) includes the minor repair of vehicles and equipment for sale, rent, or lease as an incidental use.] [See Section 3.5.12.C.1](#)

Limits of Disturbance: An area on a certified site plan within which all construction work must occur.

Live/Work Unit: [A building, or space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.] [See Section 3.3.3.I](#) [3.5.14.H](#)

Lodging: [Short-term overnight accommodation for compensation.] [See Section 3.5.6.A](#)

Lot: [A contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.] [See Section 4.1.7.A.3](#)

Lot Area: [The geographic extent defined by lot boundaries.] See Section [4.1.7.A.4](#)

Lot, Child: A lot created for use for a detached house by a child, or the spouse of a child, of a property owner.

Lot, Corner: A lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

Lot, Flag: A lot with a narrow strip providing access to a public street where the bulk of the property contains no frontage.

Lot, Interior: Any lot other than a corner lot, including a through lot.

Lot Line: A line bounding a lot.

Lot Line, Front: A lot line abutting a right-of-way or common open space.

Lot Line, Rear: The lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than 10 feet long or the lot comes to a point at the rear, such rear lot line is assumed to be a line not less than 10 feet long lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of such front lot line.

Lot, Through: An interior lot fronting on two streets, excluding a corner lot.

Lot Width: The horizontal distance between the side lot lines.

Low Income: At or below 60% of the area median income (as determined annually by the U.S. Department of Housing and Urban Development), adjusted for household size.

M.

Management Control Plan: An agreement that binds the owner of land to control signage as approved by the management authority under the agreement.

Manufactured Home: A structure intended for residential use and transportable in one or more sections, which is 8 feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities. Manufactured Home includes the plumbing, heating, air con-

ditioning, and electrical systems contained therein, and is manufactured under [the standards that are (1) promulgated by] the U.S. Department of Housing and Urban Development (HUD)[,] and [(2) stated in] the Code of Maryland Regulations 05.01.01, [revised January 1, 1984,] as [they may be] amended [from time to time,] and carries the HUD label. A manufactured home does not include a recreational vehicle.

Media Broadcast Tower: [Any structure used to transmit radio or television communications that are intended to be received by the public. Media Broadcast Tower does not include amateur radio antenna (see Sec. 3.5.14.A through Sec. 3.5.14.B, Amateur Radio Facility) or Telecommunications Tower (see Sec. 3.5.2.C, Telecommunications Tower).] See Section [3.5.2.B.1](#)

Medical, Dental Laboratory: [A private, non-profit, or research facility for the testing of blood and other clinical specimens, including a blood or plasma donation center. Medical, Dental Laboratory includes the fabrication of medical or dental appliances.] See Section [3.5.7.C](#)

Medical Practitioner: [A licensed physician, surgeon, dentist, osteopath, chiropractor, optometrist, physician's assistant, or nurse practitioner.] [A healthcare professional licensed or certified by a board administered by the Maryland Department of Health and Mental Hygiene.](#)

Medical/Scientific Manufacturing and Production: [The manufacturing, compounding, processing, assembly, or packaging, including incidental storage, sales, and distribution, of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biotechnical and biogenetic research, and medical, scientific, or technical instruments, devices, and equipment.] See Section [3.6.4.D.1](#)

Memorial Garden: Any structure and land located on the premises of a Religious Assembly where ashes of deceased persons may be scattered or placed and where such areas may be set apart by formal plantings. A memorial garden includes an individual marker used to identify the location where the ashes of the deceased person are interred but does not include any individual monuments or headstones.

Mineral Storage: [Any structure and land for the off-loading, transfer, or storage of sand, gravel, or rocks.] See Section [3.6.8.C.1](#)

Mining, Excavation: [Any use that extracts minerals and other natural resources from land. Mining, Excavation includes borrow pit and gravel mining.] See Section 3.6.5.A

Mobile Home: A structure intended for residential use and transportable in one or more sections, which is 8 feet or more in width and 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling without permanent foundation when connected to the required utilities. Mobile Home includes the plumbing, heating, air conditioning, and electrical systems contained therein, and is manufactured under [the standards that are (1) promulgated by] the U.S. Department of Housing and Urban Development (HUD)[,] and [(2) stated in] the Code of Maryland Regulations 05.01.01, [revised January 1, 1984,] as [they may be] amended [from time to time,] and carries the HUD label.

Modal Split: The relative proportion of persons arriving at a destination by each available method of transportation.

Moderately Priced Dwelling Unit (MPDU): Any dwelling unit that meets the requirements for a moderately priced dwelling unit in Chapter 25A.

Monopole: A single, freestanding pole-type structure, tapering from base to top and supporting one or more antenna for wireless transmission. A monopole is not a tower.

MPDU Income: The income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program under Chapter 25A.

Multi-Unit Living: [Dwelling units in an apartment/condo or multi use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.] See Section 3.3.1.E.1

Multi Use Building: [A building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.] See Section 4.1.5.E

Non-Auto Driver Mode Share (NADMS): The percentage of commuters who travel to their worksite by means other than a single-occupant vehicle as calculated for an area [based on the results of] using an Annual Commuter Survey administered by the area's Transportation Management District (TMD) or by other acceptable means.

Noncommercial Kennel: [Any County-licensed establishment used for the keeping, breeding, or care of dogs, cats, or other domestic animals belonging to the site's owner and kept for purposes of show, hunting, breeding, or as pets. Noncommercial Kennel does not include an Equestrian Facility (see Sec. 3.2.4, Equestrian Facility).] See Section 3.7.1.A

Noncomplying Use: A term used to describe any structure located in a Residential Detached zone that was erected as or has been converted to a multi-unit dwelling and used continuously as a multi-unit dwelling from before January 1, 1954, to the effective date of Ordinance No. 8-66, March 23, 1979, even though such structure does not comply with the provisions of the zone in which it is located. Noncomplying use does not refer to and is not applicable to lawful nonconforming uses.

Nonconforming Building or Structure: A structure that was lawful when constructed, that no longer conforms to the requirements of the zone in which it is located.

Nonconforming Use: A use that was lawful when established, that no longer conforms to the requirements of the zone in which it is located.

Non-Inherent Adverse Effects: Adverse effects created by physical or operational characteristics of a conditional use not necessarily associated with the particular use or created by an unusual characteristic of the site.

Nonresidential Street: A right-of-way with a business district street or higher classification under Chapter 49.

Nursery (Retail): [An establishment for selling plants and plant materials to the public, as well as garden supplies, equipment, and related items. Nursery (Retail) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).] See Section 3.2.7.A.1

N.

Nursery (Wholesale): [An establishment for selling plants and plant materials to other businesses, as well as garden supplies, equipment, and related items. Nursery (Wholesale) includes the stocking and sale of fertilizers, plant food, and pesticides that are produced off-site. Nursery (Wholesale) does not include Landscape Contractor (see Sec. 3.5.5, Landscape Contractor).] See Section 3.2.7.B.1

O.

Office: [A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is conducted. Office includes a chancery, but does not include medical or dental services (see Sec. 3.5.7, Medical and Dental)) or Veterinary Office/Hospital (see Sec. 3.5.1.C, Veterinary Office/Hospital).] See Section 3.5.8.B.1

Open Space: See Division 6.3

Overlay Zone: A zone mapped over the underlying base zone that modifies the requirements of the underlying zone.

P.

Parcel: A contiguous area of land that is described by deed or plat recorded in the land records.

Parking: [A lot or structure that provides parking for motor vehicles where the facility is the principal use and a fee may be charged.] See Section 3.5.9.A

Parking, Shared: Privately-owned parking that is available as public parking [at all times or during specified periods of time] at least for some time periods.

Parking, Tandem: The arrangement of parking spaces where one space is directly in front of another space and one vehicle must be moved [in order] to access the other.

[Parking Benefit District (PBD): A designated area in which a parking minimum and parking maximum apply and developers have the option to pay a fee in lieu of providing off-street parking. See Chapter 6o.]

[Parking Benefit District, Primary: See Chapter 6o.]

[Parking Benefit District, Secondary: See Chapter 6o.]

Parking Lot District: A designated area defined in Chapter 6o that does not require provision of a minimum amount of parking and limits parking that may be provided to a maximum number.

Permeable Area: Any surface that allows the infiltration of water into the underlying soil. Permeable area does not include any structure, building, patio, deck, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, artificial turf, or any area used by or for motor vehicles or heavy commercial equipment, regardless of surface type or material, including any road, road shoulder, driveway, or parking area.

Person: Any individual, corporation, association, firm, or partnership.

Person with Disability: A person who [is determined by a qualified medical authority to have] has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment.[:

1. is expected to be of long continued and indefinite duration;
2. substantially impedes the ability to live independently; or
3. is of such a nature that the ability to live independently could be improved by more suitable housing conditions.]

Personal Living Quarters: [Any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and may have shared sanitation facilities.] See Section 3.3.2.D.1

Pipeline (Above Ground): [A conduit for the distribution of liquids or gas.] See Section 3.6.7.C.1

Pipeline (Below Ground): See Section 3.6.7.D

Planning Board: The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC).

Planning Department: The Planning Department for Montgomery County under the Maryland-National Capital Park and Planning Commission (M-NCPPC).

Planning Director: The staff member in the Planning Department who is in charge of all planning, zoning, and land development approval activities of

that Department, and who reports directly to the Planning Board. Planning Director includes the Planning Director's designee.

Plan, Comprehensive: A plan of the entire district or a significant portion of the district addressing land use and zoning that amends the general plan and any applicable underlying master plan.

Plan, Functional Master: A master plan addressing either a system, such as circulation or green infrastructure, or a policy, such as agricultural preservation or housing, which amends the general plan. See [Land Use Article of the Annotated Code of Maryland](#).

Plan, General: A plan for the physical development of the Maryland-Washington Regional District in Montgomery County. See [Land Use Article of the Annotated Code of Maryland](#).

Plan, Master: A plan of any portion of the general plan that may consist of maps, data, and other descriptive matter, that guides the physical development of the district or any portion of the district, including any amendments, extensions, or additions adopted by the Commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zones, or other similar information. Master plan includes sector plan. See [Land Use Article of the Annotated Code of Maryland](#).

Playground, Outdoor Area (Private): [\[An area used for outdoor recreation, often containing recreational equipment such as slides or swings. Playground, Outdoor Area \(Private\) includes both passive and active facilities, trails, and greenways.\] See Section 3.4.7](#)

Porch: A raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed.

Porch, Enclosed: A roofed structure abutting an exterior dwelling wall with any kind of vertical or horizontal obstruction at the perimeter with the exception of a column, guardrail, or pillar as required in the Building Code.

Porch, Unenclosed: A roofed structure abutting an exterior dwelling wall with no obstruction on any other sides at the perimeter with the exception of a guardrail as required in the Building Code.

Pre-Development Level of Ground: The grade that existed when an application for a building or demolition permit is filed, that is determined by examination of the contour lines on the property as they extend to the adjoining properties and to the street.

Principal Building: A building in which the principal use of the property is conducted.

Private Club, Service Organization: [\[An association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not open to the public.\] See Section 3.4.8.A](#)

Property: One or more tracts that are under common control, operation, or ownership or are under one application.

Public Arts Trust Steering Committee: A committee of the Arts and Humanities Council that allocates funds from the Public Arts Trust.

Public Facilities and Amenities: Any structures and land of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from, or related to, the development of a particular project, or to support County or State government programs or services. Public facilities and amenities includes:

1. green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation;
2. streetscaping that includes elements such as plantings, special pavers, bus shelters, benches, and decorative lighting;
3. public space designed for performances, events, vending, or recreation;
4. new or improved pedestrian walkways, tunnels, or bridges;
5. features that improve pedestrian access to transit stations;
6. dedicated spaces open to the public, such as museums, art galleries, cultural arts centers, community rooms, recreation areas;
7. day care for children or senior adults and persons with disabilities;
8. public art; and
9. a publicly owned or operated government facility.

Public facilities and amenities may be recommended or identified in a master plan. Public amenities do not include road improvements or other capital projects that are required under [[the Adequate Public Facilities Ordinance (APFO)]] Chapter 50 to serve the property.

Public Open Space: [Space devoted to public use or enjoyment that enhances the public realm.] See Section [[7.3.6.A.2]] 6.3.6.A.2

Public Use (Except Utilities): [A publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post offices, and State and Federal buildings. Public Use (Except Utilities) does not include a Public Utility Structure (see Sec. 3.6.7.E, Public Utility Structure).] See Section 3.4.9

Public Utility Structure: [A utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.] See Section 3.6.7.E.1

Q.

R.

Rainwater Collection System: A system designed to redirect and store water. Rainwater collection system includes gutters, downspouts, storage tanks, cisterns, pumps, and filtration systems.

Railroad Tracks: [Tracks and lines for the movement of trains.] See Section 3.6.6.C

Receiving Area: Land designated on the zoning map as qualified for development beyond its base density through the transfer of development rights.

Recreation and Entertainment Facility, Indoor: [A building with a capacity up to 1000 persons that provides recreation or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Recreation and Entertainment Facility, Indoor does not include Shooting Range (Indoor)

(see Sec. 3.5.10.I, Shooting Range (Indoor)) or Health Clubs and Facilities (see Sec. 3.5.10.E, Health Clubs and Facilities).] See Section 3.5.10.F.1

Recreation and Entertainment Facility, Major: [A structure or land for performances, cultural or sporting events, or general public interest events that is a place of assembly for over 1,000 participants or attendees.] See Section 3.5.10.H.1

Recreation and Entertainment Facility, Outdoor: [A structure or land with a capacity up to 1,000 persons providing outdoor recreation activities. Recreation and Entertainment Facility, Outdoor includes golf driving range, but does not include Golf Course, Country Club (see Sec. 3.5.10.D, Golf Course, Country Club), or Shooting Range (see Sec. 3.5.10.J, Shooting Range (Outdoor)).] See Section 3.5.10.G.1

Recreational Vehicle: A licensed and registered vehicle that is used for the leisure of the operator and guests and not used as an office or contain an entry for transactions. Recreation vehicle includes:

1. motor homes;
2. travel trailers;
3. campers or camping trailers including truck inserts and collapsible units; or
4. non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

Reconstruction: Constructing the same or less floor area on or within the footprint of an existing building that does not retain at least 25% of its structural elements.

Recycling Collection and Processing: [Any structure or land used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume and inventory stored on-site must be turned over at least once every 3 months. Recycling Collection and Processing includes an automobile recycling facility,

but does not include a transfer station (See Sec. 3.6.9.A, Landfill, Incinerator, or Transfer Station).] See Section 3.6.9.B.1

Reduced Parking Area: A designated area defined by a property's zoning and location including any property not in a Parking Lot District, and

1. in a CR, CRT, LSC, EOF, or equivalent Floating zone, or
2. in a CRN, NR, GR or equivalent Floating zone that is within 1 mile of a transit station or stop as defined by Transit Proximity.

Regional Shopping Center: A shopping center with a minimum of 600,000 gross leasable square feet and a minimum of 50 separate tenants.

Religious Assembly: [A meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.] See Section 3.4.10.A

Renovation: An interior or exterior alteration that does not affect a building's footprint.

Repair (Commercial Vehicle): [The repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Repair (Commercial Vehicle) includes the sale of fuel for aircraft.] See Section 3.5.13.D

Repair (Major): [An establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).] See Section 3.5.13.E.1

Repair (Minor): [An establishment where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment (see Sec. 3.5.13.D, Repair (Commercial Vehicle)).] See Section 3.5.13.F.1

Research and Development: [The study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics.

Research and Development also includes the development of prototypes and the marketing of resultant products and related activities, including administrative offices, educational facilities, libraries, data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.] See Section 3.5.8.C.1

Residential Care Facility: [A group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

1. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
2. resident staff necessary for operation of the facility are allowed to live on-site; and
3. the number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.
4. Residential Care Facility includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Residential Care Facility does not include Hospital (see Sec. 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).] See Section 3.3.2.E.1

Restaurant: [Any structure and land for the preparation and sale of food or drink for consumption. Restaurant includes catering, take-out services, and banquet facilities, but does not include a Drive-Thru (see Sec. 3.5.14.E, Drive-Thru).] See Section 3.5.3.B.1

Retail/Service Establishment: [A business providing personal services or sale of goods to the public. Retail/Service Establishment does not include Animal Services (see Sec. 3.5.1, Animal Services) or Drive-Thru (see Sec. 3.5.14.E, Drive-Thru).] See Section 3.5.11.B.1

Right-of-Way: Land dedicated to the passage of people, vehicles, or utilities as shown on a record plat as separate and distinct from the abutting lots or parcels [and not included within their dimensions].

Road, Arterial: See Chapter 49.

Road, Business: See Chapter 49.

Road, Residential Primary: See Chapter 49.

Rotorcraft: A steep-gradient aircraft whose aerodynamic capability is obtained by means of rotating blades or wings. Rotorcraft include helicopters and all steep-gradient aircraft capable of reduced airspeed down to a hover. Rotorcraft does not include ultra-light aircraft.

Rural Antique Shop: [The sale of items belonging to, made in, or typical of an earlier period.] See Section 3.5.11.C.1

Rural Country Market: [The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. Rural Country Market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. Rural Country Market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishment (see Sec. 3.5.3, Eating and Drinking).] See Section 3.5.11.D.1

Rural Open Space: [Land that is managed as farmland or is returning to its natural state without human intervention.] See Section [[7.3.4.A.2]] 6.3.4.A.2

S.

Seasonal Outdoor Sales: [The temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.] See Section 3.2.12.B.1

Security Pavilion: [A single-room building designed and arranged for housing security personnel and surveillance equipment.] See Section 3.7.4.C.1

Self-Storage: [A structure providing separate storage areas for personal or business use designed to allow private access by the tenant.] See Section 3.6.8.D.1

Senior Adult: A person who is 62 years of age or older.

Setback: The minimum distance that a structure or parking area must be [set back] located from a specified lot line or right-of-way.

Setback, Front: [The setback] A distance measured from the front lot line to a structure or surface parking lot.

Setback, Rear: [The setback] A distance measured from the rear lot line to a structure or surface parking lot.

Setback, Side: [The setback] A distance measured from the side lot line to a structure or surface parking lot.

Setback, Side Street: [The setback] A distance measured from the side street right-of-way to a structure or surface parking lot.

SF: Square feet.

Shooting Range (Indoor): [An area in a building with targets for rifle or handgun practice.] See Section 3.5.10.I.1

Shooting Range (Outdoor): [Any structure, not including a building, or land with targets for rifle, pistol, skeet, or trap shooting practice.] See Section 3.5.10.J.1

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract attention or to communicate information.

Sign Area: The surface measurement of a sign under [Sec.] Section [[7.7.5]] 6.7.5.

Sign, Canopy: A sign which forms an integral part of a permanent or semi-permanent shelter for sidewalks, driveways, windows, doors, seating areas, or other customer convenience areas, like awnings or umbrellas.

Sign Concept Plan: A plan required before DPS can issue a permit, (i) for certain Commercial/Residential, Employment, or Industrial zoned sites where the total area of signs is greater than 800 square feet; or (ii) for more than one Commercial/Residential, Employment, or Industrial site developed under a management control plan, if the total area of signs on one or more of the sites is greater than 800 square feet, or (iii) for optional method development projects within an approved urban renewal area. The sign concept plan includes scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs.

Sign, Freestanding: Any sign that is not attached in whole or in part to a building. There are 2 types of freestanding signs:

1. **Sign, Ground:** A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimension closest to the ground is greater than the height.
2. **Sign, Supported:** A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign.

Sign, Inflatable Device: A sign that is cold air inflated made of flexible fabric, resting on the ground or attached to a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices may be restrained, attached, or held in place by a cord, rope, cable, or similar method. An inflatable device is not an object that contains helium, hot air, or lighter-than-air substance.

Sign Installer: A business or person engaged in a sign related activity, such as installation, maintenance, alteration, and modification of a sign intended for use by a person other than the business or person.

Sign, Limited Duration: A non-permanent sign that is:

1. displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period; or
2. within the public right-of-way.

Sign, Location: A sign which portrays a logo, symbol, name, or address to identify the location of the building or use.

Sign, Off-site: A sign that identifies a location, person, entity, product, business, message, or activity that is not connected with a use that is lawfully occurring on the property where the sign is located.

Signs, Permanent: A sign, requiring a permit from DPS, that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time.

Sign, Portable: A sign installed on a support or structure that permits removal or relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with wheels; a menu or sandwich board sign; an inflatable sign; an umbrella,

but not a canopy sign, may be a temporary sign or a limited duration sign, but not a permanent sign. A portable sign includes a sign attached or painted on a vehicle parked and visible from the public right-of-way, unless it is a currently licensed and registered vehicle used in the daily operation of the business. A portable sign does not include a sign on any light or heavy commercial vehicle, which is operated within the public right-of-way.

Sign, Temporary: A sign that is displayed on private property for less than 30 days and usually made of a non-permanent material like canvas, cardboard, paper, or wood.

Sign, Wall: Any sign that is attached to the wall of a building. There are 2 types of wall signs:

1. **Flat Wall Sign:** A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face.
2. **Projecting Wall Sign:** A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

Sign, Window: A sign that is attached to a window, or which is visible through a window. A show window or three-dimensional display is not a window sign.

Sill: The framing that forms the lower side of a window or door.

Single-Unit Living: [\[One dwelling unit contained in a detached house building type.\] See Section 3.3.1.B.1](#)

Site: [\[An area of land including all existing and proposed lots and parcels in one application, except proposed and existing dedications and rights-of-way.\] See Section 4.1.7.A.2](#)

Site Design: The external elements between and around structures that give shape to patterns of activity, circulation, and form. Site design includes landforms, driveways, parking areas, roads, sidewalks, trails, paths, plantings, walls or fences, water features, recreation areas and facilities, lighting, public art, or other external elements.

Site Element: A feature, including trash receptacle; outdoor furniture; full cutoff light fixture; bike rack/locker; recreation equipment; plant container; deck, patio, or sidewalk up to 625 square feet; water feature; compost bin; and trash/recycling enclosure.

Slaughterhouse: [Any structure and land where livestock raised off-site are slaughtered for commercial purposes.] [See Section 3.2.8.A](#)

Solar Collection System: [An arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.] [See Section 3.7.2.A](#)

Special Event Parking: [Off-street parking of automobiles in connection with a sporting or cultural event.] [See Section 3.5.15.B.1](#)

Special Protection Area: A geographic area designated by the District Council where: existing water resources or other environmental features are of high quality or unusually sensitive; and proposed land uses would threaten the quality or preservation of those resources or features in the absence of special water quality protection measures which are closely coordinated with appropriate land use controls.

Stoop: A small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

Storage Facility: [Any structure and land for the short- or long-term storage of goods or equipment, not including Self-Storage (See Sec. 3.6.8.D, Self-Storage).] [See Section 3.6.8.E.1](#)

Stream Buffer Area: A strip of natural vegetation contiguous with and parallel to the bank of a perennial or intermittent stream.

Structure: A combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.

Structured Parking: [A one or more level free-standing structure for parking or storing motor vehicles that does not share a common floor or ceiling with another use allowed in the zone. Structured Parking does not include Surface Parking.] [See Section 3.5.9.B](#)

Surface Parking for Commercial Uses in an Historic District: [The parking of motor vehicles on land zoned Agricultural, Rural Residential, or Residential in a master plan-designated historic district, where the parking must abut land

zoned Commercial/Residential or Employment in the same master plan-designated historic district.] [See Section 3.5.9.D.1](#)

Surface Parking for Use Allowed in the Zone: [Surface parking in connection with any permitted or limited use allowed in the zone where no building or other use requiring parking is on the same lot.] [See Section 3.5.9.C.1](#)

Surfaced Parking Area: An area appropriately surfaced for vehicular parking using materials such as gravel, asphalt, concrete, or pavers.

Swimming Pool (Community): [A private swimming pool shared by its members, including recreational facilities such as tennis courts as an accessory use. Swimming Pool (Community) does not include swimming pools owned by a homeowner's association, operated as part of an apartment complex, or pools that are accessory to a dwelling.] [See Section 3.4.11.A](#)

T.

Taxi/Limo Facility: [Any structure or land for the dispatch or storage of taxis, limousines, or other vehicles for hire.] [See Section 3.6.6.D.1](#)

Teen Center: A supervised building, or a supervised area of a building, which provides for the social, recreational, or educational use by children between the ages of 12 and 18 with at least 80% of the facility's hours of operation for the use of teenagers.

Telecommunications Tower: [Any structure other than a building, providing wireless voice, data, or image transmission within a designated service area. Telecommunications Tower consists of one or more antennas attached to a support structure and related equipment, but does not include amateur radio antenna (see Sec. 3.5.14.A through Sec. 3.5.14.B., Amateur Radio Facility), radio or TV tower (see Sec. 3.5.2.B, Media Broadcast Tower), or an antenna on an existing structure (See Sec. 3.5.14.C, Antenna on Existing Structure).] [See Section 3.5.2.C.1](#)

Tower: A structure, other than a building, with guyed or freestanding supporting antennas used for radio or television broadcasting, telecommunications, or wireless transmission.

Townhouse: [A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.] See Section 4.1.3.C and Section 4.1.5.C

Townhouse Living: [3 or more dwelling units in a townhouse building type.] See Section 3.3.1.D.1

Tract: [A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed for consideration.] See Section 4.1.7.A.1

Transfer of Development Rights (TDRs): The conveyance of development rights, as authorized by law, to another tract of land and the recordation of that conveyance.

Transient Visitor: A person residing in the County for any one period of time not exceeding 6 months, except that, in a Bed and Breakfast, a transient visitor is a person who resides in the lodging for no longer than 14 days in any one visit.

Transit Proximity: Transit proximity is categorized in 3 levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of [a] an existing or master planned MARC station [and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility]; and 3. Proximity to an existing or master planned MARC station. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

Transit Station Development Area: An area near a metro transit station, or along an existing or proposed transit right-of-way, which is not located within a central business district, that has been designated as a Transit Station Development Area by a master plan.

Transitory Use: [A use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Transitory Use includes a food service truck.] See Section 3.5.15.C.1

Transparency: Percentage of windows and doors on an exterior wall of a building.

Transportation Management Plan: Actions designed to alleviate traffic congestion by reducing dependence on the single-occupancy vehicle through transit, carpooling, and other alternatives.

Two-Unit Living: [2 dwelling units contained in a duplex building type.] See Section 3.3.1.C.1

U.

Urban Farming: [The cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture.] See Section 3.2.9.A

Usable Area: The area upon which the density of development is calculated in optional method MPDU and Cluster Development [[Optional Method]] projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.

Use: Except as otherwise provided, the purpose for which a property or the building on that property is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

V.

Very Low Income: Income at or below 50% of the area median income (as determined annually by the U.S. Department of Housing and Urban Development) adjusted for household size.

Veterinary Office/Hospital: [Any structure and land where medical, surgical, and other veterinary care is provided to domestic animals, which may stay overnight only for medical purposes. Veterinary Office/Hospital does not include Animal Boarding and Care (see Sec. 3.5.1.B, Animal Boarding and Care).] See Section 3.5.1.C.1

W.

Water Quality Plan: A plan, including supporting documents, required as part of a water quality review under Chapter 19 for significant projects [being developed within] proposed to be located in a special protection area, intended to measure and control the effect that development will have on water resources or other environmental features lying within a special protection area.

Wildlife, Game Preserve, and Other Conservation Areas: [A public or private area used for raising, protecting, breeding or hunting wildlife within a natural environment. Wildlife, Game Preserve, and Other Conservation Areas includes a regulated shooting ground licensed by the Maryland Wildlife Administration.] See Section 3.7.3

Winery: [Any structure and land for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets where a minimum of 5 acres of grapes or other fruit must be grown on the same parcel or lot as the processing facility.] See Section 3.2.10.A

Workforce Housing: A dwelling unit that satisfies rent limits or sale controls under Chapter 25B. Workforce Housing is not an MPDU.

X.

Y.

Z.

Zone: An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces may be required; lot areas, building height limits, and other requirements are established; and all of the foregoing apply uniformly within the zone.

Zoning Map: The digital zoning map of the Maryland-Washington Regional District in the County, together with all amendments to the zoning map subsequently adopted.

Zoning Ordinance: Chapter 59 of the Montgomery County Code, also referred to as this Chapter.

#.

100-year Flood Plain: An area along or adjacent to a stream or body of water, except tidal waters, that is capable of storing or conveying floodwaters during a [100-year frequency] storm event[,] or a [100-year] flood expected once every 100 years.

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ARTICLE 59-2. ZONES AND ZONING MAP

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Division 2.1. Zones Established

Section 2.1.1. Requirements for All Zones

- A. Zones established in [this] Article 59-2 [(Article 59-2)] must satisfy:
1. Definitions under Article 59-1;
 2. Use restrictions and use standards under Article 59-3;
 3. Development standards under Article 59-4;
 - [[4. Optional method requirements under Article 59-6;]]
 4. General requirements under Article 59-6[[59-7]]; and
 5. Review procedures under Article 59-7 [[59-8]].
- B. Floating zones established in [this] Article 59-2 must also satisfy Article 59-5.

Section 2.1.2. Zoning Categories

The following zoning categories refer to particular sets of zones:

- A. Euclidean
1. Agricultural (abbreviated "Ag" in the Use Table),
 2. Rural Residential,
 3. Residential,
 - a. Residential Detached;
 - b. Residential Townhouse; and
 - c. Residential Multi-Unit.
 4. Commercial/Residential,
 5. Employment,
 6. Industrial, and
 7. Overlay, [[, and]]
 - [1. Commercial Preservation Overlay;
 2. Industrial Mixed Use Overlay;
 3. Neighborhood Protection Overlay;
 4. Special Protection Area Overlay;
 5. Transferable Development Rights Overlay; and

6. Germantown Transit Mixed Use Overlay.]

B. Floating

1. Residential Floating;
2. Commercial/Residential Floating;
3. Employment Floating; and
4. Industrial Floating.

Section 2.1.3. Establishment of Zones

A. Agricultural Zone

1. There is one Agricultural zone classification: Agricultural Reserve (AR)
2. The AR zone will be applied on the Zoning Map by showing its zoning classification symbol.

B. Rural Residential Zones

1. There are 3 Rural Residential zone classifications:
 - a. Rural (R),
 - b. Rural Cluster (RC), and
 - c. Rural Neighborhood Cluster (RNC).
2. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

C. Residential Zones

The Residential zones consist of the 7 Residential Detached zones, the 3 Residential Townhouse zones, and the 3 Residential Multi-Unit zones.

1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
 - i. Residential Estate – 2 (RE-2),
 - ii. Residential Estate – 2C (RE-2C),
 - iii. Residential Estate – 1 (RE-1),

- iv. Residential – 200 (R-200),
- v. Residential – 90 (R-90),
- vi. Residential – 60 (R-60), and
- vii. Residential – 40 (R-40).

- b. The RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones will be applied on the Zoning Map by showing their zoning classification symbols.

2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:
 - i. Townhouse Low Density (TLD),
 - ii. Townhouse Medium Density (TMD), and
 - iii. Townhouse High Density (THD).
- b. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
 - i. Residential Multi-Unit Low Density – 30 (R-30),
 - ii. Residential Multi-Unit Medium Density – 20 (R-20), and
 - iii. Residential Multi-Unit High Density – 10 (R-10).
- b. The R-30, R-20, and R-10 zones will be applied on the Zoning Map by showing their zoning classification symbols.

D. Commercial/Residential Zones

- 1. There are 3 Commercial/Residential zone classifications:
 - a. Commercial Residential Neighborhood (CRN),
 - b. Commercial Residential Town (CRT), and
 - c. Commercial Residential (CR).
- 2. Each CRN, CRT, and CR zone classification is followed by a number and a

sequence of 3 additional symbols: C, R, and H, each followed by another number where:

- a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c;
 - b. The number following the C is the maximum nonresidential FAR allowed;
 - c. The number following the R is the maximum residential FAR allowed unless additional residential FAR is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c; and
 - d. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c.
- 3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
 - a. The classification; and
 - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).
 - 4. Commercial/Residential "T" zones are translated from certain zones existing before October 30, 2014.

E. Employment Zones

- 1. There are 4 Employment zone classifications:
 - a. General Retail (GR),
 - b. Neighborhood Retail (NR),
 - c. Life Sciences Center (LSC), and
 - d. Employment Office (EOF).
- 2. Each GR, NR, LSC, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:

- a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under Section 4.6.2.C and Section 4.7.3.D.6.c; and
- b. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 4.7.3.D.6.c.
3. The GR, NR, LSC, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
 - a. The classification; and
 - b. The 2 maximum allowances (total FAR and height).
4. Employment "T" zones are translated from certain zones existing before October 30, 2014.

F. Industrial Zones

1. There are 3 Industrial zone classifications:
 - a. Light Industrial (IL),
 - b. Moderate Industrial (IM), and
 - c. Heavy Industrial (IH).
2. Each IL, IM, and IH zone classification is followed by a number and symbol: H, which is followed by another number where:
 - a. The number following the classification is the maximum total FAR allowed; and
 - b. The number following the H is the maximum building height in feet allowed.
3. The IL, IM, and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.

G. Overlay Zones

1. There are 15 Overlay zone classifications:
 - a. Burtonsville Employment Area (BEA),
 - b. Chevy Chase Neighborhood Retail (CCNR),
 - c. Community-serving Retail (CSR),

- d. Fenton Village (FV),
- e. Garrett Park (GP),
- f. Germantown Transit Mixed Use (GTMU),
- g. Regional Shopping Center (RSC),
- h. Ripley/South Silver Spring (RSS),
- i. Rural Village Center (RVC),
- j. Sandy Spring/Ashton Rural Village (SSA),
- k. Takoma Park/East Silver Spring Commercial Revitalization (TPESS)
- l. Transferable Development Rights (TDR)
- m. Twinbrook (TB),
- n. Upper Paint Branch (UPB), and
- o. Upper Rock Creek (URC).
2. Building types, uses, density, height, and other standards and requirements may be modified by the Overlay zones under Section. 4.9.2 through Section 4.9.16.
3. The Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol followed by the TDR density designation (1 through 100, including fractions).

H. Floating Zones

1. Residential Floating

- a. There are 3 Residential Floating zone classifications:
 - i. Residential Detached Floating (RDF),
 - ii. Townhouse Floating (TF), and
 - iii. Apartment Floating (AF).
- b. The RDF, TF, and AF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by a number indicating the maximum allowed units per acre.

2. Commercial/Residential Floating

- a. There are 3 Commercial/Residential Floating zone classifications:
 - i. Commercial Residential Neighborhood Floating (CRNF),
 - ii. Commercial Residential Town Floating (CRTF), and
 - iii. Commercial Residential Floating (CRF).
- b. The CRNF, CRTF, and CRF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total, commercial, and residential densities and maximum allowed height.

3. Employment Floating

- a. There are 4 Employment Floating zone classifications:
 - i. General Retail Floating (GRF),
 - ii. Neighborhood Retail Floating (NRF),
 - iii. Employment Office Floating (EOFF), and
 - iv. Life Sciences Center Floating (LSCF).
- b. The GRF, NRF, EOFF, and LSCF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

4. Industrial Floating

- a. There are 2 Industrial Floating zone classifications:
 - i. Light Industrial Floating (ILF), and
 - ii. Moderate Industrial Floating (IMF).
- b. The ILF and IMF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

Editor's Note: All of Section 2.1.3 through Section 2.1.10 below was deleted for reorganization. Intent statements have been moved to Article 59-4 and Article 59-5, as applicable

[[Section 2.1.3. Agricultural Zone

A. Zone Established

1. There is one Agricultural zone classification: Agricultural Reserve (AR)
2. The AR zone will be applied on the Zoning Map by showing its zoning classification symbol.

B. Intent Statement

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the general plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. [This is to be accomplished] The AR zone accomplishes this intent by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas. [Residential uses should be located and arranged to support agriculture as the primary use and to support the rural character of the area.]
2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. An agricultural use cannot be restricted on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature must satisfy additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit and to otherwise meet the purposes of the AR zone.]]

[[Section 2.1.4. Rural Residential Zones

A. Zones Established

1. There are 3 Rural Residential zone classifications:
 - a. Rural (R),
 - b. Rural Cluster (RC), and

- c. Rural Neighborhood Cluster (RNC).
2. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

B. Intent Statements

1. Rural (R)

The intent of the R zone is to preserve rural areas of the County for agriculture and other natural resource development, residential uses of a rural character, extensive recreational facilities, and protection of scenic and environmentally sensitive areas.

2. Rural Cluster (RC)

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. The RC zone permits an optional method Cluster [Development](#) alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

3. Rural Neighborhood Cluster (RNC)

- a. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources, and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting. A master plan must recommend the RNC zone, and must provide development guidelines and recommendations regarding density, and the location and rationale for preserving the rural open space.
- b. It is also the intent of the RNC zone to implement the recommendations of the applicable master plan, such as maintaining broad vistas of open space, preserving agrarian character, or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of

the applicable master plan and is compatible with existing development in adjoining communities.]]

[[Section 2.1.5. Residential Zones

A. Zones Established

The Residential zones consist of the 7 Residential Detached zones, the 3 Residential Townhouse zones, and the 3 Residential Multi-Unit zones.

1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
 - i. Residential Estate – 2 (RE-2),
 - ii. Residential Estate – 2C (RE-2C),
 - iii. Residential Estate – 1 (RE-1),
 - iv. Residential – 200 (R-200),
 - v. Residential – 90 (R-90),
 - vi. Residential – 60 (R-60), and
 - vii. Residential – 40 (R-40).
- b. The RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones will be applied on the Zoning Map by showing their zoning classification symbols.

2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:
 - i. Townhouse Low Density (TLD),
 - ii. Townhouse Medium Density (TMD), and
 - iii. Townhouse High Density (THD).
- b. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
 - i. Residential Multi-Unit Low Density – 30 (R-30),
 - ii. Residential Multi-Unit Medium Density – 20 (R-20), and

iii. Residential Multi-Unit High Density – 10 (R-10).

b. The R-30, R-20, and R-10 zones will be applied on the Zoning Map by showing their zoning classification symbols.

B. Intent Statements

1. Residential Detached Zones

a. Residential Estate (RE-2, RE-2C, RE-1)

The intent of the RE-2, RE-2C, and RE-1 zones is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house. The RE-2C zone permits optional method Cluster Development.

b. Residential Low Density (R-200)

The intent of the R-200 zone is to provide designated areas of the County for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

c. Residential Medium Density (R-90, R-60, R-40)

The intent of the R-90, R-60, and R-40 zones is to provide designated areas of the County for moderate density residential uses. In the R-90 and R-60 zones, the predominant use is residential in a detached house. In the R-40 zone, the predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed in these zones under the optional method of development.

2. Residential Townhouse Zones (TLD, TMD, THD)

The intent of the TLD, TMD, and THD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the Residential Medium Density zones. It is also the intent of the Residential Townhouse zones to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

3. Residential Multi-Unit Zones (R-30, R-20, R-10)

The intent of the R-30, R-20, and R-10 zones is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment/[condo] building, although detached house, duplex, and townhouse building types are allowed within these zones.]]

[[Section 2.1.6. Commercial/Residential Zones

A. Zones Established

1. There are 3 Commercial/Residential zone classifications:
 - a. Commercial Residential Neighborhood (CRN),
 - b. Commercial Residential Town (CRT), and
 - c. Commercial Residential (CR).
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:
 - a. The number following the classification is the maximum total FAR allowed;
 - b. The number following the C is the maximum nonresidential FAR allowed;
 - c. The number following the R is the maximum residential FAR allowed; and
 - d. The number following the H is the maximum building height in feet allowed.
3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
 - a. The classification; and
 - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).
4. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum

residential FAR (R), and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

5. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in [Section\[Sec.\] 2.1.6.A.4.](#)
6. Special provisions for "T" zones translated from certain zones existing before [{date of adoption of district map amendment minus one}](#).
 - a. These special provisions [\[are temporary and\]](#) apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "CR2.0 C1.5 R1.5 H75 T".
 - b. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
 - i. Residential density may be increased above the number following the R on the zoning map [for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units \(MPDUs\) under Chapter 25A except as follows:](#) [by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A (Sec. 25A-5(c)(3)) minus the increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area.]
 - [\(a\) The FAR for MPDUs provided over 12.5% of the residential units is not included in the calculation of gross floor area. This FAR must be subtracted from the Achieved Density Bonus listed in the table in Chapter 25A \(Section 25A-5\(c\)\(3\)\) resulting in a maximum bonus density of 19.5% FAR for providing 15% of the total number of units as MPDUs. For the purpose of calculating the density](#)

[bonus, the density bonuses in Chapter 25A indicate the percentage increase in residential FAR.](#)

- (b) [\[\(a\)\]](#)Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
 - (c) [\[\(b\)\]](#) In any case, to achieve a density bonus under [\[this\] Section \[\(Sec.\) 2.1.6.A.6.b\)\]](#), at least one more MPDU than would be required at 12.5% must be provided.
- ii. On a property within a designated central business district [mapped at a height up to 145 feet](#), height may be increased above the number following the H on the zoning map by up to 1.5 times if:
 - (a) the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing units divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet, [or](#)
 - [\(b\) additional height is specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan.](#)
 - [iii. Property within a designated central business district and not located in a designated density transfer area, is exempt from Section 4.5.1.B.2.d.](#)
 - [iv. Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.](#)
 - v. [\[iii.\]](#) Any density or height increases under [\[this\] Section \[Sec.\] 2.1.6.A.6\)\]](#) requires site plan [approval](#) under [Section \[Sec.\] 8.3.4.](#)

B. Intent Statements

1. In General

The CRN, CRT, and CR zones permit a mix of residential and nonresidential uses at varying [intensities] densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities [while minimizing their reliance on automobile use]. The application of the CRN, CRT, and CR zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services. The intent of the CRN, CRT, and CR zones is to:

- a. implement the [policy] recommendations of applicable master plans;
- b. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
- c. [reduce dependence on the automobile by encouraging] encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;
- d. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
- e. integrate an appropriate balance of employment and housing opportunities; and
- f. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

2. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited [in order] to preserve community scale.

3. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited [in order] to preserve the town center scale. Transit options may include light rail, Metro, and bus.

4. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.]]

[[Section 2.1.7. Employment Zones

A. Zones Established

1. There are 4 Employment zone classifications:
 - a. General Retail (GR),
 - b. Neighborhood Retail (NR),
 - c. Life Sciences Center (LSC), and
 - d. Employment Office (EOF).
2. Each GR, NR, LSC, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:
 - a. The number following the classification is the maximum total FAR allowed; and
 - b. The number following the H is the maximum building height in feet allowed.
3. The GR, NR, LSC, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
 - a. The classification; and
 - b. The 2 maximum allowances (total FAR and height).
4. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
GR	0.5 to 2.5	25' to 120'
NR	0.25 to 1.5	25' to 50'
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

5. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in [Section \[Sec.\] 2.1.7.A.4](#).
6. Special provisions for "T" zones translated from certain zones existing before [\[date of adoption of district map amendment minus one\]](#).
 - a. These special provisions [\[are temporary and\]](#) apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "EOF2.o H6oT".
 - b. For Employment-zoned properties designated with a T, the following provisions apply:
 - i. Residential density may be increased above the number following the R on the zoning map [for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units \(MPDUs\) under Chapter 25A except as follows: \[by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A \(Sec. 25A-5\(c\)\(3\)\) minus the increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area.\]](#)
 - [\(a\) The FAR for MPDUs provided over 12.5% of the residential units is not included in the calculation of gross floor area. This FAR must be subtracted from the Achieved Density Bonus listed in the table in Chapter 25A \(Section 25A-5\(c\)\(3\)\) resulting in a maximum bonus density of 19.5% FAR for providing 15% of the total number of units as MPDUs. For the purpose of calculating the density bonus, the density bonuses in Chapter 25A indicate the percentage increase in residential FAR.](#)

(b) [\[\(a\)\]](#) Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.

(c) [\[\(b\)\]](#) In any case, to achieve a density bonus under [\[this\] Section 2.1.7.A.6.b \[\(2.1.7.A.6\)\]](#), at least one more MPDU than would be required at 12.5% must be provided.

- ii. Any density increase under [\[this\] Section 2.1.7.A.6 \[\(2.1.7.A.6\)\]](#) requires site plan [approval](#) under [Section \[Sec.\] 8.3.4](#).

B. Intent Statements

1. In General

The GR, NR, LSC, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying [\[intensities\] densities](#) and heights. The GR, NR, LSC, and EOF zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate [\[while minimizing their reliance on automobile use\]](#). The application of the GR, NR, LSC, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total [\[allowed density in a given area\] gross floor area on the subject site](#). The intent of the GR, NR, LSC, and EOF zones is to:

- a. implement the [\[policy\]](#) recommendations of the applicable master plans;
- b. target opportunities for employment, technology, and general commercial uses;
- c. [\[reduce dependence on the automobile by providing\] provide](#) employment areas with supporting residential and retail uses;
- d. allow a flexible mix of uses, [\[intensities\] densities](#), and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
- e. establish minimum requirements for the provision of public benefits.

2. [Employment] General Retail (GR)

- a. The GR zone is intended for commercial areas of a general nature, including [central urban commercial areas,] regional shopping centers[,] and clusters of commercial development. The GR zone provides development opportunities adjacent to the County’s most auto-dominated corridors and those areas with few alternative mobility options.
- b. The GR zone allows flexibility in building, circulation, and parking lot layout. Retail/Service Establishment gross floor area is not restricted.

3. Neighborhood Retail (NR)

- a. The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.
- b. The NR zone allows flexibility in building, circulation, and parking lot layout.

4. Life Sciences Center (LSC)

The LSC zone is intended primarily for research, development, education, and related activities. The primary purpose is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

5. Employment Office (EOF)

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.]]

[[Section 2.1.8. Industrial Zones

A. Zones Established

- 1. There are 3 Industrial zone classifications:
 - a. Light Industrial (IL),
 - b. Moderate Industrial (IM), and
 - c. Heavy Industrial (IH).
- 2. The IL, IM, and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.
- 3. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
IL	0.25 to 1.5	25' to 50'
IM	0.25 to 2.5	25' to 120'
IH	0.5 to 4.0	35' to 200'
- 4. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums indicated in [Section \[Sec.\] 2.1.8.A.3.](#)

B. Intent Statements

1. Light Industrial (IL)

The IL zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. The IL zone is appropriate as a transitional Industrial zone between a Residentially zoned area and land classified in the IM and IH zones.

2. Moderate Industrial (IM)

The IM zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.

3. Heavy Industrial (IH)

The IH zone is intended to provide land for industrial activities that usually need major transportation links to highways or rail and may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.]]

[[Section 2.1.9. Overlay Zones

A. Zones Established

[1. Commercial Preservation (CP) Overlay Zones

- a. There are [4] 5 Commercial Preservation Overlay zone classifications:
 - i. CP-BEA: Commercial Preservation - Burtonsville Employment Area,
 - ii. CP-CCNR: Commercial Preservation - Chevy Chase Neighborhood Retail,
 - iii. CP-NR: Commercial Preservation - Neighborhood Retail, and
 - iv. CP-TPESS: Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the CP Overlay zones under Sec. 4.8.2.
- c. The CP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

[2. Industrial Mixed Use (IMU) Overlay Zones

- a. There is one Industrial Mixed Use Overlay zone classification: Industrial Mixed Use - Twinbrook (IMU-TB)
- b. Building types, uses, density, height, and other standards and requirements may be modified by the IMU Overlay zone under Sec. 4.8.3.
- c. The IMU Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]

[3. Neighborhood Protection (NP) Overlay Zones

- a. There are 5 Neighborhood Protection Overlay zone classifications:
 - i. NP-FV: Neighborhood Protection - Fenton Village,

- ii. NP-GP: Neighborhood Protection - Garrett Park,
 - iii. NP-RSS: Neighborhood Protection - Ripley/South Silver Spring,
 - iv. NP-RVC: Neighborhood Protection - Rural Village Center, and
 - v. NP-SSA: Neighborhood Protection - Sandy Spring/Ashton Rural Village.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the NP Overlay zones under Sec. 4.8.4.
 - c. The NP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

[4. Special Protection Area (SPA) Overlay Zones

- a. There are 2 Special Protection Area Overlay zone classifications:
 - i. Special Protection Area - Upper Paint Branch (SPA-UPB), and
 - ii. Special Protection Area - Upper Rock Creek (SPA-URC).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the SPA Overlay zones under Sec. 4.8.5.
- c. The SPA Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

[5. Transferable Development Rights (TDR) Overlay Zone

- a. There is one Transferable Development Rights Overlay zone classification: Transferable Development Rights (TDR).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the TDR Overlay zone under Sec. 4.8.6.
- c. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]

[6. Germantown Transit Mixed Use (GTMU) Overlay Zone

- a. There is one Germantown Transit Mixed Use Overlay zone classification: Germantown Transit Mixed Use (GTMU).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the GTMU Overlay zone under Sec. 4.8.7.

c. The GTMU Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]

1. There are 15 Overlay zone classifications:

- a. Burtonsville Employment Area (BEA),
- b. Chevy Chase Neighborhood Retail (CCNR),
- c. Community-serving Retail (CSR),
- d. Fenton Village (FV),
- e. Garrett Park (GP),
- f. Germantown Transit Mixed use (GTMU),
- g. Regional Shopping Center (RSC),
- h. Ripley/South Silver Spring (RSS),
- i. Rural Village Center (RVC),
- j. Sandy Spring/Ashton Rural Village (SSA),
- k. Takoma Park/East Silver Spring Commercial Revitalization (TPESS)
- l. Transferable Development Rights (TDR)
- m. Twinbrook (TB),
- n. Upper Paint Branch (UPB), and
- o. Upper Rock Creek (UPC).

2. Building types, uses, density, height, and other standards and requirements may be modified by the Overlay zones under Section 4.8.2 through Section 4.8.16.

3. The Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol followed by the TDR density designation (1 through 100, including fractions).

B. Intent Statement[s]

The intent of the Overlay zones is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or

redevelopment of an area. Overlay zones are created in areas of critical public interest and provide uniform comprehensive development regulations for an area.

[1. In General

The CP, IMU, NP, SPA, TDR, and GTMU Overlay zones provide requirements and standards that are necessary to achieve the planning goals and objectives for development of a particular area.]

[2. Commercial Preservation (CP) Overlay

- a. The CP Overlay zone is intended to:
 - i. provide for a compatible mix of residential and neighborhood-serving commercial uses; and
 - ii. regulate land uses, development standards, and review process over the restrictions and allowances of the underlying zone.
- b. Each mapped CP Overlay zone will be given a subsection in Article 59-4 establishing:
 - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
 - ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
 - iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.]

[3. Industrial Mixed Use (IMU) Overlay

- a. The IMU Overlay zone is intended to allow residential uses in the IL zone if it is located near a metro transit station.
- b. Each mapped IMU Overlay zone will be given a subsection in Article 59-4 establishing:
 - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;

- ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
- iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.]

[4. Neighborhood Preservation (NP) Overlay

- a. The NP Overlay zone is intended to:
 - i. preserve the distinct character of a neighborhood regarding uses, intensity of development, and unique design attributes; and
 - ii. regulate land uses, development standards, general requirements, and review process over the restrictions and allowances of the underlying zone.
- b. Each mapped NP Overlay zone will be given a subsection in Article 59-4 establishing:
 - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
 - ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone;
 - iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone; and
 - iv. The general requirements required or permitted notwithstanding the required or permitted general requirements of the underlying zone.]

[5. Special Protection Area (SPA) Overlay

- a. The SPA Overlay zone is intended to:
 - i. protect the water quality and quantity of the applicable watershed and its tributaries, as well as the biodiversity within the area;

- ii. regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature; and
 - iii. regulate land uses that could adversely affect the applicable stream system resources.
- b. Land uses that are restricted in these areas and general requirements for resource protection are specified in Article 59-4.
 - c. Additional controls on impervious surfaces and environmental protections may be specified by the applicable master plan].

[6. Transferable Development Rights (TDR) Overlay

- a. The TDR Overlay zone is intended to facilitate the purchase of development rights from the Agricultural Reserve (AR) zone in order to protect the County's agricultural and rural heritage.
- b. The TDR Overlay zone is mapped on particular areas in the County where density exceeding base density can be achieved through the purchase of transferable development rights (TDRs) from the AR zone.
- c. In any specified area, the applicable master plan must specify the number of TDRs that may be purchased in exchange for increased density and more flexible development standards intended to supersede underlying zone classification.
- d. Additional residential building types may be allowed but development standards and general requirements are finalized through an approved site plan based on evaluation of compatibility and impacts on surrounding communities.
- e. The TDR Overlay zone will be given a subsection in Article 59-4]

[7. Germantown Transit Mixed Use (GTMU) Overlay

- a. The GTMU Overlay zone is intended to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.
- b. The GTMU Overlay zone will be given a subsection in Article 59-4]]]

[[Section 2.1.10. Floating Zones

A. Zones Established

1. Residential Floating

- a. There are 3 Residential Floating zone classifications:
 - i. Residential Detached - Floating (RDF),
 - ii. Townhouse - Floating (TF), and
 - iii. Apartment - Floating (AF).
- b. The RDF, TF, and AF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by a number indicating the maximum allowed units per acre.

2. Commercial/Residential Floating

- a. There are 3 Commercial/Residential Floating zone classifications:
 - i. Commercial Residential Neighborhood - Floating (CRNF),
 - ii. Commercial Residential Town - Floating (CRTF), and
 - iii. Commercial Residential - Floating (CRF).
- b. The CRNF, CRTF, and CRF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total, commercial, and residential densities and maximum allowed height.

3. Employment Floating

- a. There are 4 Employment Floating zone classifications:
 - i. General Retail - Floating (GRF),
 - ii. Neighborhood Retail - Floating (NRF),
 - iii. Employment Office - Floating (EOFF), and
 - iv. Life Sciences Center - Floating (LSCF).
- b. The GRF, NRF, EOFF, and LSCF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

4. Industrial Floating

- a. There are 2 Industrial Floating zone classifications:
 - i. Light Industrial - Floating (ILF), and
 - ii. Moderate Industrial - Floating (IMF).
- b. The ILF and IMF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

B. Intent Statement[s]

[1. In General]

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). [In order to] To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment [application] under Section 8.2.1. [The review process provides substantial opportunities for analysis and public input to ensure compatibility with surrounding neighborhoods and development.] The intent of the Floating zones is to:

1. Implement comprehensive planning objectives by:
 - a. furthering the goals of the general plan, applicable master plan, and functional master plans;
 - b. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements ; and
 - c. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and
2. Encourage the appropriate use of land by:

- a. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;
- b. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and
- c. ensuring that development satisfies basic sustainability requirements including:
 - i. locational criteria,
 - ii. connections to circulation networks,
 - iii. density and use limitations,
 - iv. open space standards,
 - v. environmental protection and mitigation; and
- 3. Ensure protection of established neighborhoods by:
 - a. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;
 - b. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and
 - c. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.
- [a. implement the objectives of the general plan and applicable master plan;
- b. provide flexibility in the planning and construction of development projects by allowing uses based on approved density and existing zoning while providing protections for abutting properties;
- c. provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
- d. encourage the preservation and enhancement of natural amenities and cultural resources and ensure a minimum amount of open space;
- e. provide for an efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and

- f. encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors.]

[2. Residential Floating Zones

- a. The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily Residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.
- b. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- c. The area of the lot or site determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

[3. Commercial/Residential Floating Zones

- a. The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.
- b. Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site: for example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- d. Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

[4. Employment Floating Zones

- a. The Employment Floating zones (GRF, NRF, EOFF, and LSCF) are intended to allow development of mixed-use centers and communities,

primarily with office uses, supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.

- b. Uses are restricted to ensure higher jobs-to-housing ratios, but flexible to allow some housing to support a portion of the proposed workforce and accessory retail to provide basic services to employees and residents.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- d. Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

[5. Industrial Floating Zones

- a. The Industrial Floating zones (ILF and IMF) are intended to allow development of industrial sites with primarily light manufacturing, warehouse, and related uses at a range of densities and heights flexible enough to respond to various settings.
- b. Uses are restricted to industrial uses that provide employment and support economic diversity within the County, and limited ancillary housing.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.]]

Division 2.2. Zoning Map

Section 2.2.1. Zoning Maps

A. Adoption of Zoning Map

1. The zoning district maps shown on the map entitled "Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland" are hereby adopted as a digital map, effective October 30, 2014 and known as the "Digital Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland," adopted by the District Council.
2. The Montgomery County digital maps are certified by the Planning Director and the certification is part of the digital zoning layer, which is permanently kept and maintained by the Planning Department. The Montgomery County digital zoning layer is incorporated in this Article by reference and made a part of this Chapter.
3. The digital zoning [[later]] layer must include the case numbers for all previous zoning and conditional use approvals.
4. The Planning Director must file an offline digital copy of the digital map and must provide a digital copy of the District Council approved map to the Director of DPS and the Executive Director of the Board of Appeals [[before]] on October 30, 2014.

B. Authorized Changes to Zoning Map

The Montgomery County digital zoning map can only be changed by:

1. District Map Amendment enacted by the District Council under Section [Sec.] [[8.2.3]] 7.2.3 and certified by the Planning Director;
2. Sectional Map Amendment under Section [Sec.] [[8.2.3]] 7.2.3 and certified by the Planning Director;
3. Local Map Amendment under Section [Sec.] [[8.2.1]] 7.2.1, and upon final decision, certified by the Planning Director; and
4. Corrective Map Amendment under Section [Sec.] [[8.2.2]] 7.2.2 certified by the Planning Director.; and
5. administrative zoning district line adjustments under Sec. 8.4.6.]

C. Changes to be Recorded on Digital Zoning Layer

1. Any change to the digital zoning layer must record the zoning change, the date of the change, and the documentation supporting the change, and must be certified by the Planning Director.
2. Any change to the digital zoning layer must indicate the zoning case number that changed the map at appropriate locations.
3. When the digital zoning layer is changed, the Planning Director must file an offline digital copy of the digital map and must provide a new digital copy of the map to the Director of DPS and the Executive Director of the Board of Appeals within 10 days of the District Council's action.

D. Copies of Digital Zoning Layer

1. Uncertified copies of the digital zoning layer are provided for informational purposes only.
2. To verify the zoning status of a property, an individual may obtain a certified copy of the Montgomery County digital zoning layer from the Planning Department.
3. Certified copies are officially stamped by the Planning Director and include the date on which the property's zoning was verified.

E. Scale of Digital Zoning Layer

Certified copies of the Montgomery County digital zoning layer must be provided with a graphic scale, measurable when printed.

Section 2.2.2. Location and Boundaries of Zones

The location and boundaries of zones established in the district are as shown on a digital map, entitled "Digital Zoning Map of the Maryland-Washington Regional District in Montgomery County, Maryland," effective October 30, 2014, and as the same may be amended subsequent to the adoption of the map; and such map, sections or portions of the map, together with all notations, dimensions, designations, references and other data shown, are made a part of this Chapter to the same extent as if the information on such maps were fully described and incorporated in the Chapter.

Section 2.2.3. Zone Boundary Interpretation

Where uncertainty exists as to the boundaries of any of the zones established in [\[this\] Section 2.2.2](#), as shown on the digital zoning map, the following rules apply:

- A. Zone boundary lines are intended to follow street, alley, or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise specified on the zoning map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines are construed to be the zone boundary.
- C. Where zone boundaries approximately follow lot lines and are not more than 10 feet away from the lot lines, such lot lines are the zone boundaries.
- D. In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless designated, is measured using the map scale shown thereon, and scaled to the nearest foot.

Section 2.2.4. Zoning and Development within Rights-of-Way

A. Zoning of Public Rights-of Way

1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.
2. Zone boundaries within rights-of-ways previously dedicated [\[via\] by](#) plat or other method of subdivision can be included in map amendments for density purposes; rights-of-way included in a map amendment boundary assume the new zoning assigned in the map amendment.
3. Where, by action of the District Council in previous zoning map amendments, private property was withheld from rezoning [\[in order\]](#) to provide for future construction, widening, realignment, and relocation of proposed public roads, streets, alleys, easements, or transit routes or facilities, the zoning of such private property assumes the zoning classification of the land of which it is a part, or the least intense of abutting zones if the private property is not part of an abutting property. Nothing in [\[this\] Section 2.2.4.A](#) affects or precludes the application of permit control procedures of Section 2.2.4.D [\[pertaining to\] for](#) proposed buildings and structures within planned highways and rapid transit lines.

B. Air Rights Development and Subsurface Development within Public Rights-of-Way

Air rights development and subsurface rights development are permitted in publicly owned rights-of-way for roads, streets, alleys, easements, and rapid transit routes if each of the following provisions is satisfied:

1. The development will not conflict with the recommendations and guidelines of the applicable master plan.
2. Site plan approval, not otherwise required by the zoning ordinance, is not required for air rights development and subsurface rights development in publicly owned rights-of-way for transit routes located within central business districts as defined in [Section \[Sec.\] 1.4.2](#) when the Planning Board finds that such development rights have been held in private ownership continuously since July 7, 1986, and that the proposed development will preserve the integrity of the right-of-way for its intended public use.
3. The right-of-way is recorded on a record plat approved after July 7, 1986.

C. Zoning of Privately Owned Railroad Rights-of-Way

1. All privately owned railroad rights-of-way are classified in zones as specified in [Section \[Sec.\] 2.2.4.C.1.a](#) through [Section \[Sec.\] 2.2.4.C.1.c](#), except as otherwise reclassified by the District Council:
 - a. Where abutting land is classified in an Agricultural, Rural Residential, or Residential zone, the right-of-way is classified in the least intense of abutting zones.
 - b. Where abutting land on one side is classified in an Agricultural, Rural Residential, or Residential zone, and the abutting land on the other side is classified in a non-Agricultural, non-Rural Residential, or non-Residential zone, the right-of-way is classified in the abutting Agricultural, Rural Residential, or Residential zone.
 - c. Where abutting land on both sides of the right-of-way is classified in other than Agricultural, Rural Residential, or Residential zones, the abutting zoning on each side must extend to the center line of the right-of-way.
2. [\[In order to\] To](#) clearly define the location of privately owned railroad rights-of-way, zoning is not normally depicted within such rights-of-way; however,

zoning is depicted within such rights-of-way where the District Council has approved zoning other than indicated in [Section \[Sec.\] 2.2.4.C.1.a](#) through [Section \[Sec.\] 2.2.4.C.1.c](#).

B. Development of properties under these zones may proceed under the requirements and standards in [Article 59-8](#) ~~[[59-9]]~~.

D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a master plan of highways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.
2. The owner of the property [\[so affected has the right to\] who is denied a permit under subsection \(1\) may](#) appeal the [\[refusal of a building permit\] denial](#) to the Board of Appeals and the Board of Appeals may grant a permit to build, under such conditions and restrictions as it deems necessary, if it [\[should find, upon the evidence and arguments to it upon such appeal,\] finds](#) (1) that the entire property of the appellant of which the area affected by the master plan is a part cannot yield a reasonable return to the owner unless [\[such appeal\] the permit](#) is granted, and (2) that balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of [\[such\] the](#) permit is required by consideration of reasonable justice and equity. Before taking any action, the Board of Appeals must hold a public hearing at which the parties in interest will have an opportunity to be heard.

Section 2.2.5. Zones Retained from Previous Ordinance

A. The following zones, which were applied by Local Map Amendment before this Zoning Ordinance was adopted, may ~~[[be mapped]]~~ [appear](#) on the [\[Official Zoning Map\] digital zoning map](#) but ~~[[may not]]~~ [they cannot](#) be requested by any property owner under a Local Map Amendment ~~[[and may not be]]~~ [or](#) applied to any additional property ~~[[in a master plan]]~~ [under a Sectional Map Amendment](#) adopted after [October 30, 2014](#): R-H, PCC, PD, PNZ, PRC, TS, ~~[[R-T 6.0, R-T 8.0, R-T 10.0, R-T 12.5, and R-T 15.0]]~~ [RT-6.0, RT-8.0, RT-10.0, RT-12.5, and RT-15.0](#).

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Division 3.1. Use Table

Section 3.1.1. Key to Use Table

The Use Table ([Section 3.1.6](#)) in [\[this\]](#) Division [\[\(Div. 3.1\)\] 3.1](#) identifies uses allowed in each zone. The key for this table is:

A. Permitted Use (P)

A "P" indicates that the use is permitted in the zone.

B. Limited Use (L)

An "L" indicates that the use is permitted if it meets the limited use standards in [Division \[Div\] 3.2](#) through [Division \[Div\] 3.7](#).

C. Conditional Use (C)

A "C" indicates that the use must meet the conditional use standards in [Division \[Div\] 3.2](#) through [Division \[Div\] 3.7](#) and requires approval by the Hearing Examiner [\[or Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#).

D. Blank Cell

A blank cell indicates that a use is prohibited in that zone.

Section 3.1.2. Use Classifications

A. Use Categories

1. There are 6 use categories: Agricultural, Residential, Civic and Institutional, Commercial, Industrial, and Miscellaneous.
2. When calculating density, any use in the Residential category counts toward residential density; any use in the Agricultural, Civic and Institutional, Commercial, Industrial, or Miscellaneous category counts toward nonresidential density.

B. Use Groups and Individual Uses

Under each category in the Use Table, some rows contain individual uses, while other rows represent a use group (a group of uses characterized by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.

C. Use Definitions

Where a use definition in [Division \[Div\] 3.2](#) through [Division \[Div\] 3.7](#) contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.

D. Grandfathered Uses Not Indicated with a "P", "L", or "C" in Section 3.1.6

1. Conditional Uses

- a. The following conditional uses that were lawfully existing on October 29, 2014 that are not indicated as permitted (P), limited (L), or conditional (C) in Section 3.1.6, Use Table, may, at the option of the owner, be continued, renovated, repaired, or enlarged under the conditional use requirements and Section [[8.3.1]] 7.3.1, Conditional Use:
Educational Institution (Private) in the AR zone
- b. Any other conditional use that was lawfully existing on October 29, 2014 that is not indicated as permitted (P), limited (L), or conditional (C) in Section 3.1.6, Use Table, must satisfy Section [[8.7.1]] 7.7.1, Exemptions.

2. Permitted Uses

- a. The following permitted uses that were lawfully existing on October 29, 2014 that are not indicated as permitted (P), limited (L), or conditional (C) in Section 3.1.6, Use Table, may, at the option of the owner, be continued, renovated, repaired, or enlarged:
Camp retreat, nonprofit in the RC zone
- b. Any other permitted use that was lawfully existing on October 29, 2014 that is not indicated as permitted (P), limited (L), or conditional (C) in Section 3.1.6, Use Table, must satisfy Section [[8.7.1]] 7.7.1, Exemptions.

E. Uses Not Specifically Listed

1. [Any use not specifically listed is prohibited unless DPS determines that the use is similar in impact, nature, function, and duration to an allowed use listed in this Division. Where the similar allowed use must satisfy a limited

or conditional use standard and approval, the proposed use must meet such standard and obtain such approval.] Uses listed are general. DPS must determine whether a specific use falls within the general use or is similar in impact, nature, function and duration. Uses that are not allowed as permitted, limited, or conditional are prohibited, unless the use is deemed similar in impact, nature, function, and duration.

2. [To determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, DPS must review relevant characteristics of the proposed use, including but not limited to the following:] Some factors DPS may consider in determining if a proposed use is similar in impact, nature, function and duration to an existing use include but are not limited to:
 - a. The [size,] type [and volume] of items or services sold and the nature and quantity of inventory on the premises;
 - b. Any processing done on the premises, including assembly, manufacturing, [warehousing, shipping,] and distribution;
 - c. The amount and nature of any adverse impacts generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
 - d. Any [dangerous,] hazardous[, toxic, or explosive] materials used on the premises;
 - [e. The nature and location of storage and display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);]
 - e. [f.] The type[, and size[, and nature of buildings and] of structures;
 - f. [g.] The number of employees and customers in relation to business hours and employment shifts; and
 - [h. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;]
 - g. [i.] Parking requirements, turnover [and generation], and the potential for shared parking with other use types. [, and

- j. Any special public infrastructure needed to serve the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions, and any significant power structures and communications towers or facilities.]

Section 3.1.3. Uses Listed as Accessory

Uses listed under an accessory use group in the Use Table are uses that are incidental and subordinate to the principal use of a lot, site, or the principal building, and located on the same lot or site as the principal use or building.

Section 3.1.4. Temporary Uses

A. In General

Temporary uses

1. are temporary in nature;
2. are established for a fixed period of time with the intent to discontinue the use when that period of time is over;
3. do not involve the construction or alteration of any permanent structure; and
4. require a temporary use permit under Section [Sec.] [[8.4.2]] 7.4.2, with the following exceptions.

a. Construction Dumpsters

One construction dumpster is permitted on-site in association with a valid building permit. The use of a dumpster past expiration of the building permit is prohibited.

b. Garage or Yard Sales

- i. A garage sale or yard sale is the sale, on residential property, of goods previously used by a resident of the property. This also includes all similar sales activities such as moving sales, estate sales, and community sale.
- ii. A garage sale is not a vending activity unless it exceeds the limits in Chapter 47.

c. Self-Storage Containers

- i. A storage container for household or other goods located in any yard is permitted for a maximum of 30 consecutive days twice per calendar year.
- ii. The storage container must be placed completely on-site (and cannot be placed in any public right-of-way).
- iii. The storage container must be placed on a paved surface.

B. Benefit Performance

A benefit performance, under Chapter 30 (Section [Sec.] 30-4), is permitted in any zone, including on property regulated by a conditional use, without requiring a modification of the conditional use plan. Unless the benefit performance is conducted on property that is occupied by a private club operating in compliance with this Chapter, a religious institution, a fire department, a public school, or a nationally chartered service or veterans organization not organized for gain or profit of any individual member of such groups, it must satisfy the following standards:

- 1. In any Residential, EOF, or NR zone, a benefit performance is a maximum of 15 days.
- 2. The benefit performance must be a minimum of 600 feet from any dwelling, measured from the perimeter of the performance area as [delineated] listed in the license application, unless a minimum of 75% of the occupants of the dwellings within the 600 feet measurement consent to the performance in writing.

C. Landing of Rotorcraft

The takeoff and landing of rotorcraft may be allowed, [notwithstanding] in spite of any other provision of this Chapter, under the following circumstances:

- 1. The landing and use of air ambulances and other emergency rotorcraft is a permitted use in any zone during any emergency.
- 2. Emergency helipads for hospitals are a permitted use in any zone.
- 3. A rotorcraft may land for special events, such as athletic contests, holiday celebrations, parades, political campaigning, advertising promotions, fairs, carnivals or similar activities if:

- a. the person or organization intending to use a rotorcraft has received approval from the Federal Aviation Administration and the Chief of Police; and
 - b. the Chief of Police refers each application to the Department of Fire and Rescue Services, Department of Environmental Protection, and DPS for review and recommendations before approving the time and place of the use.
4. The landing and takeoff areas for temporary helistops must satisfy the heliport surface dimensions recommended in the most recent Federal Aviation Administration Heliport Design Guide. An application for a temporary heliport must obtain approval by the Chief of Police, who must refer the application to the Department of Fire and Rescue Services, Department of Environmental Protection, and DPS for review and recommendations before making any decision on the application.

Section 3.1.5. Transferable Development Rights

A. The following uses are prohibited if the lot or parcel on which the use is located is in the AR zone and is encumbered by a recorded Transfer of Development Rights easement:

1. Agricultural

Agricultural Auction Facility

2. Residential

- a. Attached Accessory Apartment
- b. Detached Accessory Apartment
- c. Residential Care Facility (Up to 8 Persons)
- d. Residential Care Facility (9 - 16 Persons)
- e. Residential Care Facility (Over 16 Persons)
- f. Guest House
- g. Home Health Practitioner (Low Impact)
- h. Home Health Practitioner (Major Impact)
- i. Home Occupation (Low Impact)

- j. Home Occupation (Major Impact)

3. Civic and Institutional

- a. Ambulance, Rescue Squad[s] (Private)
- b. Charitable, Philanthropic Institution
- c. Group Day Care (9 - 12 Persons)
- d. Day Care Center (13 - 30 Persons)
- e. Day Care Center (Over 30 Persons)
- f. Private Club, Service Organization
- g. Religious Assembly

4. Commercial

- a. Veterinary Office/Hospital
- b. Bed and Breakfast (if not accessory to Farming)
- c. Cemetery
- d. Funeral Home, Undertaker
- e. Lawn Maintenance Service
- f. Rural Antique Shop
- g. Shooting Range (Outdoor)
- h. Transitory Use

5. Industrial

Mining, Excavation

- B. However, any building existing on October 2, 2007 may be repaired or reconstructed if the floor area of the building is not increased and the use is not changed.

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under [Division \[Div\] \[\[4.8\]\] 4.9.](#)

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential				Residential												Commercial/ Residential			Employment				Industrial		
							Residential Detached						Residential Townhouse			Residential Multi-Unit												
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
AGRICULTURAL																												
Agricultural Auction Facility	3.2.1	C																										
Agricultural Processing	3.2.2	C	C	C																						P	P	P
Community Garden	3.2.3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Equestrian Facility	3.2.4	L/C	L/C	L/C	L/C	C	C	C	C																			
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	C		C																		P	L				P	
Farming	3.2.6[.]	P	P	P	P	P	P	P	P [L]	P [L]	P [L]	P [L]																
NURSERY	3.2.7																											
Nursery (Retail)	3.2.7.A	C	C	C	C	C	C	C	C													P	P			L	L	
Nursery (Wholesale)	3.2.7.B	C	C	C	C	C	C	C	C																	P	P	
Slaughterhouse	3.2.8	C	C	C																								
Urban Farming	3.2.9												L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Winery	3.2.10	L/C	L/C	L/C	C																							
ACCESSORY AGRICULTURAL USES	3.2.11																											
[[Agricultural Education/Tourism	3.2.11.A	L]]																										
[Animal Husbandry	3.2.11.A	P	P	P	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Farm Airstrip, Helistop	3.2.11. [[B]]A	C		C																								
Farm Market, On-site	3.2.11. [[C]]B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
TEMPORARY AGRICULTURAL USES	3.2.12																											
Agricultural Vending	3.2.12.A					L	L	L	L	L	L	L	L	L	L	L	L	L	[P] L	[P] L	[P] L	L	L	L	L	L	L	
Seasonal Outdoor Sales	3.2.12.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	[P] L	[P] L	[P] L	[P] L	[P] L	L	L	[P] L	[P] L	
RESIDENTIAL																												
HOUSEHOLD LIVING	3.3.1																											
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L			
Two-Unit Living	3.3.1.C				P	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L			
Townhouse Living	3.3.1.D				P	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	L	L	L	L			
Multi-Unit Living	3.3.1.E														P	P	P	P	P	P	P	L	L	L	L			

USE OR USE GROUP	Definitions and Standards	Ag AR	Rural Residential R RC RNC		Residential													Commercial/ Residential CRN CRT CR			Employment GR NR LSC EOF				Industrial IL IM IH		
					Residential Detached RE-2 RE-2C RE-1 R-200 R-90 R-60 R-40								Residential Townhouse TLD TMD THD			Residential Multi-Unit R-30 R-20 R-10											
					R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF
ACCESSORY COMMERCIAL USES	3.5.14																										
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C	L	L	L	L	L	L	L	L	L	L	L				L	L	L	L	L	L	L	L	L	L	L	L
Commercial Kitchen	3.5.14.D									L	L																
Drive-Thru	3.5.14.E																		L/C	L/C	L/C	L/C		L	L/C	L/C	L/C
Helistop	3.5.14.F																		C		C	C	C	C	C	C	C
Lawn Maintenance Service	3.5.14.G	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L				
Live/Work Unit	3.5.14.H																		P	P	P	P	P	P	P	P	P
TEMPORARY COMMERCIAL USES	3.5.15																										
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Special Event Parking	3.5.15.B					L			L																		
Transitory Use	3.5.15.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
INDUSTRIAL																											
Animal Research Facility	3.6.1																					P					
Contractor Storage Yard	3.6.2																								L	P	
Dry Cleaning Facility (Up to 3,000 SF)	3.6.3.A																		L	L	L	L	L		P	P	P
Dry Cleaning Facility (Over 3,000 SF)	3.6.3.B																								P	P	P
MANUFACTURING AND PRODUCTION	3.6.4																										
Artisan Manufacturing and Production	3.6.4.A																		P	P	P				P	P	
Heavy Manufacturing and Production	3.6.4.B																										P
Light Manufacturing and Production	3.6.4.C																						L	P	P	P	
Medical/Scientific Manufacturing and Production	3.6.4.D																		L	P			P	P	P	P	
Mining, Excavation	3.6.5	C	C	C						L/C																	P

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

Division 3.2. Agricultural Uses

Section 3.2.1. Agricultural Auction Facility

A. Defined

[[An]] Agricultural Auction Facility [is] means any structure and land where farm-related merchandise is sold to a bidder.

B. Use Standards

Where an Agricultural Auction Facility is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 5 acres.
2. The minimum setback of the auction facility (whether enclosed within a building or not) and the parking area is 50 feet from any lot line where the subject lot abuts [abutting] property [is] in residential use.
3. The Hearing Examiner [Board of Appeals] may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted under the limits established by the Hearing Examiner [Board of Appeals].
5. Where [any abutting property is] the subject lot abuts property in residential use, the noise level at the lot line must [not exceed the requirements of] satisfy Chapter 31B.
6. The agricultural exemption of State law (Section [Sec.] 31B-14(C)) is not applicable.
7. If the subject lot abuts [abutting] property in the AR zone, screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
8. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

Section 3.2.2. Agricultural Processing

A. Defined

Agricultural Processing [is] means any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final

consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Section [Sec.] 3.2.8, Slaughterhouse).

B. Use Standards

Where Agricultural Processing is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 10 acres.
2. The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.
3. The lot must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.
4. If the subject lot abuts [abutting] property in the AR zone, screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.

Section 3.2.3. Community Garden

A. Defined

[[A]] Community Garden [is] means land cultivated by a group of people to grow products for personal use or limited distribution and not for sale on-site. Community Garden includes cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping, but does not include [Animal Husbandry] Farming (see [Sec. 3.2.11.A, Animal Husbandry] Section 3.2.6, Farming) or Urban Farming (see Section [Sec.] 3.2.9, Urban Farming).

B. Use Standards

Where a Community Garden is allowed as a limited use, it must satisfy the following standards:

1. The total gross floor area of all structures, except greenhouses, [must not exceed] is limited to 10% of the lot or parcel used for the Community Garden.

2. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
3. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Section 3.2.4. Equestrian Facility

A. Defined

[[An]] Equestrian Facility [is] means any structure or land [area] that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. Equestrian Facility includes events such as competitions, exhibitions, or other displays of equestrian skills.

B. Use Standards

1. Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:
 - a. The minimum gross acreage per horse is as follows:
 - i. for 1-2 horses, 2 acres;
 - ii. for 3-10 horses, one acre per horse; and
 - iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
 - b. In the RNC zone, a maximum of 5 horses is allowed.
 - c. Any Equestrian Facility that keeps or boards more than 10 horses must meet all nutrient management, water quality, and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after [commencement of] starting operations.

- d. Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an abutting property.
- e. Amplified sound must [meet all requirements of] satisfy Chapter 31B.
- f. Any outdoor arena lighting must direct light downward using full cutoff fixtures; producing any glare or direct light onto nearby properties is prohibited. Illumination is prohibited after 10:00 p.m. on Friday or Saturday, and after 9:00 p.m. on Sunday through Thursday.
- g. Equestrian events are restricted as follows:

Site Requirements	Hours of Operation		Number of Participants and Spectators			
	Su-Th	Fr-Sa	Event	Informal Event	Minor Event	Major Event
Up to 17.9 acres	6am-9pm	6am-10pm	0-25 on any day	26-50 None	51-150 None	151-300 None
18 - 24.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres and direct access to a roadway with an arterial or higher classification	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 3 per year lasting up to 3 consecutive days each

- h. A permit must be obtained from DPS for each event involving between 151 and 300 participants and spectators, per day. The applicant must

specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

- i. An Equestrian Facility conditional use application may be filed with the [Hearing Examiner \[Board of Appeals\]](#) to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; or hours of operation. An Equestrian Facility conditional use approval must be renewed every 5 years. [, at which time] Before the conditional use is renewed the [Hearing Examiner \[Board of Appeals\]](#) must evaluate the effectiveness of the terms and conditions of the original approval.
2. Where an Equestrian Facility is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all applicable limited use standards, [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - a. If the subject lot abuts [abutting] property in the AR zone, screening under [Division \[\[7.5\]\] 6.5 \[Sec. 7.4.5\]](#) is not required.
 - b. In the AR, R, RC, and RNC zones:
 - i. The Equestrian Facility must not adversely affect abutting land uses or the surrounding road network.
 - ii. In evaluating the compatibility of an Equestrian Facility on the surrounding land uses, the [Hearing Examiner \[Board of Appeals\]](#) must consider that the impact of an agricultural use on surrounding land uses in an Agricultural or Rural Residential zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
 - c. In the RE-2, RE-2C, RE-1, and R-200 zones:
 - i. Any Equestrian Facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the [Hearing Examiner \[Board of Appeals\]](#) requires, that the site

contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the site.

- ii. The [Hearing Examiner \[Board of Appeals\]](#) may limit or regulate more stringently than limited use standards the following:
 - (a) the number of horses that may be kept or boarded;
 - (b) the number of horses that may be rented out for recreational riding or instruction;
 - (c) the number and type of equestrian events that may be held in a one-year period; and
 - (d) the hours of operation of any equestrian event or activity.
- iii. [All animal waste must be handled according to] The facility operator must satisfy the state requirements for nutrient management [concerning animal waste](#).

Section 3.2.5. Farm Supply or Machinery Sales, Storage, and Service

A. Defined

Farm Supply or Machinery Sales, Storage, and Service [is] means the sales, storage, or service of farm supply materials and machinery used in farming for agricultural purposes. Farm Supply or Machinery Sales, Storage, and Service does not include sales, storage, or service of vehicles and other machinery not associated with farming.

B. Use Standards

1. Where Farm Supply or Machinery Sales, Storage, and Service is allowed as a limited use and the subject lot abuts property in the AR zone, this use is limited to farm building supply and services that construct, stabilize, and repair farm accessory buildings, structures, and fences.
2. Where Farm Supply or Machinery Sales, Storage, and Service is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- a. The minimum lot area is 5 acres. The Hearing Examiner [Board of Appeals] may require a larger area if warranted by the size and characteristics of the inventory.
- b. The minimum setback from any lot line for parking, buildings, or inventory storage is 75 feet, except that the minimum setback from the street may be reduced to 50 feet if the Hearing Examiner [Board of Appeals] finds that:
 - i. the confronting property is in an Agricultural or Rural Residential zone; and
 - ii. the smaller setback would be compatible with surrounding uses.
- c. The Hearing Examiner [Board of Appeals] may reduce the required number of parking spaces to a minimum of 2 spaces for every 1,000 square feet of gross floor area, excluding storage area, if it finds that the reduction can be made without adverse impact on abutting uses.

Section 3.2.6. Farming

[A.] Defined

Farming [is] means the practice of agriculture on a property, [with or without] and any associated buildings. Agriculture [is] means the business, science, and art of cultivating and managing the soil~~[[,]]~~; composting, growing, harvesting, and selling crops ~~[[and livestock]]~~, and the products of forestry, horticulture~~;~~ and hydroponics; breeding, raising, ~~[[or]]~~ managing, or selling livestock, including horses, poultry, fish, game, and fur-bearing animals~~[[,]]~~; dairying, beekeeping~~;~~ and similar activities~~[[,]]~~; and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product [in the course of preparing the] to prepare the product for market and may [or may not] cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- A. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled [within Montgomery or adjacent counties] by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.

- B. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, or controlled [in Montgomery and adjacent counties] by the farmer.
- C. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
- D. The delivery and installation of horticultural products grown on the farm.
- E. The production and manufacturing of mulch or compost where up to 20% of the materials used in accessory processing can come from off-site sources.
- F. Accessory agricultural education and tourism activities conducted as a part of a farm's regular operations, with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, and locally grown foods. Allowed activities include corn mazes, hay rides, and educational tours, classes, and workshops. The maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism is limited to 10% of the total footprint square footage of all structures on the site used for agriculture. The property must have DPS approved sanitation facilities for this accessory use.

[B. Use Standards

Where Farming is allowed as a limited use, it must satisfy the following standards:

1. Sod farming is prohibited.
2. The breeding, raising, or managing of livestock is prohibited, except as allowed under Animal Husbandry (see Sec. 3.2.11.A, Animal Husbandry).]

Section 3.2.7. Nursery

A. Nursery (Retail)

1. Defined

~~[[A]]~~ Nursery (Retail) [is] means an establishment for selling plants and plant materials to the public, as well as garden supplies, equipment, and related items. Nursery (Retail) does not include Landscape Contractor (see Section [Sec.] 3.5.5, Landscape Contractor).

2. Use Standards

- a. Where Nursery (Retail) is allowed as a limited use, [for] any Nursery (Retail) over 5,000 square feet of gross floor area, may be a maximum of 50% of the allowed gross floor area mapped FAR. may be for the use
- b. Where a Nursery (Retail) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. The minimum lot area is 2 acres.
 - ii. The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.
 - iii. The lot must front on and have access to a road built to primary residential or higher standards. In the AR, R, and RC zones, this standard is not required if the Hearing Examiner [Board of Appeals] finds that:
 - (a) Road access will be safe and adequate for the anticipated traffic to be generated; and
 - (b) The use at this location will not be an intrusion into an established residential neighborhood.
 - iv. Tools and equipment for sale must not be displayed outdoors.
 - v. The incidental sale of seasonal items is allowed.
 - vi. The sale of general hardware or power equipment is prohibited.
 - vii. The manufacture of mulch, other than by composting of plant material, is prohibited.

B. Nursery (Wholesale)

1. Defined

[[A]] Nursery (Wholesale) [is] means an establishment for selling plants and plant materials to other businesses, as well as garden supplies, equipment, and related items. Nursery (Wholesale) includes the stocking and sale of fertilizers, plant food, and pesticides that are produced off-site and storing such items. Nursery (Wholesale) does not include Landscape Contractor (see Section [Sec.] 3.5.5, Landscape Contractor).

2. Use Standards

- Where a Nursery (Wholesale) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
- a. The minimum lot area is 2 acres.
 - b. The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.

Section 3.2.8. Slaughterhouse

A. Defined

[[A]] Slaughterhouse [is] means any structure and land where livestock raised off-site are slaughtered for commercial purposes.

B. Use Standards

- Where a Slaughterhouse is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
1. The minimum lot area is 20 acres.
 2. The minimum setback from any lot line is 75 feet.
 3. If the subject lot abuts [abutting] property in the AR zone, screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
 4. The lot must front on and have direct access to a road built to primary residential or higher standards.

Section 3.2.9. Urban Farming

A. Defined

Urban Farming [is] means the cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture.

B. Use Standards

Where Urban Farming is allowed as a limited use, it must satisfy the following standards:

1. The minimum area for an urban farm is 2,500 square feet. This standard does not apply to the keeping of bees.
2. One fowl may be kept for every 1,000 square feet of [land] lot or parcel area; roosters are prohibited.
3. Aquaculture is permitted in tanks or pools.
4. The maximum total gross floor area of all structures, including aquaculture tanks or pools but excluding greenhouses, is 10% of the lot or parcel on any urban farm.
5. The minimum setback for accessory structures from any lot line is 15 feet.
6. The maximum height for any accessory structure, including any pitched roof, is 14 feet.
7. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Section 3.2.10. Winery

A. Defined

[[A]] Winery [is] means any structure and land for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets where a minimum of 5 acres of grapes or other fruit must be grown on the same parcel or lot as the processing facility.

B. Use Standards

1. Where a Winery is allowed as a limited use, it must satisfy the following standards:
 - a. In the AR zone:
 - i. A maximum of 9 days of events that require an entrance ticket or a cover charge is allowed each calendar year. Additional events require conditional use approval by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1.
 - ii. The maximum lighting level at any lot line is 0.1 footcandle.
 - b. In the R and RC zone, a maximum of 2 special events such as a wedding, festival, or other similar event are allowed each calendar year. Additional

events require conditional use approval by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1.

2. Where a Winery is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - a. The minimum lot area is 10 acres.
 - b. The minimum setback for any structure from any lot line is 75 feet, except that the minimum front setback may be reduced to 50 feet if the Hearing Examiner [Board of Appeals] finds the reduced setback is compatible with abutting and confronting agricultural uses.
 - c. The lot must front on and have access to a road built to primary or higher standards.

Section 3.2.11. Accessory Agricultural Uses

[[A. Agricultural Education/Tourism

1. Defined

Agricultural Education/Tourism means agricultural and accessory activities conducted as a part of a farm's regular operations with emphasis on hands-on experiences and events that foster increased knowledge of agriculture, including cultivation methods, animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, and includes corn mazes, hay rides, and educational tours, classes, and work-shops.

2. Use Standards

Where Agricultural Education/Tourism is allowed as a limited use, it must satisfy the following standards:

- a. The property must be farmed and agriculturally assessed.
- b. A minimum of 80% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.
- c. Impervious area is a maximum of 8% of the portion of the site where the Agricultural Education/Tourism area is located.
- d. The property must have proper sanitation facilities approved by DPS.

e. The use must be an accessory use to a farm.]]

[B. Animal Husbandry

1. Defined

Animal Husbandry is the practice of raising hens, ducks, miniature goats, rabbits, or bees.

2. Use Standards

Where Animal Husbandry is allowed as a limited use, it must satisfy the following standards:

- a. Any accessory structure used to house hens, ducks, miniature goats, or rabbits must meet the setback requirements of an accessory structure for the zone.
- d. One miniature goat may be kept for every 2,000 square feet of land area and one hen, duck, or rabbit may be kept for every 1,000 square feet of land area. A combined total of 8 animals is allowed per lot. When calculating the number of animals allowed per lot, the square footage designated for one animal cannot be used to satisfy the square footage requirement of another animal.
- e. Roosters are prohibited.
- f. In the CRN, CRT, CR, GR, NR, LSC, EOF, IL, IM, and IH zones, only bees are allowed.]

A. Farm Airstrip, Helistop

1. Defined

[[A]] Farm Airstrip, Helistop [is] means an accessory take-off and landing facility for aircraft associated with farming operations.

2. Use Standards

Where a Farm Airstrip, Helistop is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. Only one aircraft is permanently [housed] parked at the airstrip or helistop.

- b. The applicant must obtain a favorable air space determination from the Federal Aviation Administration (FAA) in response to an application filed on Form 33 FAA 7480.1 titled "Notice of Proposed Landing Area Established," or whatever form number and title the FAA may require.
- c. The minimum setback from any lot line is 1,000 feet.
- d. The aircraft using the airstrip or helistop must aid farming operations.
- e. The airstrip or helistop must be unpaved.
- f. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.

B. Farm Market, On-site

1. Defined

[[A]] Farm Market, On-site [is] means the display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. A Farm Market, On-site may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.

2. Use Standards

Where a Farm Market, On-site is allowed as a limited use, it must satisfy the following standards:

- a. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200 zones:
 - i. The minimum setback for the sale and display area is 25 feet from the paved edge of the roadway.
 - ii. Firewood sold at a Farm Market, On-site must be cut and split on the farm where the wood is harvested.
 - iii. A maximum of 25% of the Farm Market, On-site display and sales area may be used for agricultural products not produced on a farm under the control of the owner or operator of the Farm Market, On-site. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the Farm Market, On-site DPS may, upon the recommendation of the Department of Economic Development and the Montgomery

County Agricultural Advisory Committee and, for a limited period of time, permit more than 25% of the Farm Market, On-site display and sales area to be used for agricultural products not produced on a farm under the control of the owner or operator of the Farm Market, On-site.

- b. In the R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRN, CRT, CR, GR, NR, LSC, EOF, IL, and IM zones:
 - i. All of the agricultural products for display and retail sale must be produced on-site.
 - ii. The minimum setback for the sale and display area is 25 feet from any lot line [\[shared with a property\] where the subject lot abuts property](#) in a Residential zone.

Section 3.2.12. Temporary Agricultural Uses

A. Agricultural Vending

1. Defined

Agricultural Vending [\[is\] means](#) the sale of produce by a vendor who is a certified agricultural producer as defined in [Chapter 47](#).

2. Use Standards

Where Agricultural Vending is allowed as a limited use, it must satisfy the following standards:

- a. A temporary use permit from DPS is required.
- b. [The maximum time the structure or vehicle used for sales may remain in the same location is 24 hours.](#)
- c. [In the Residential, CRN, Employment, IL, and IM zones:](#)
 - i. The minimum setback from any dwelling is 100 feet.
 - ii. The site must:
 - (a) be a minimum of 2 acres;
 - (b) be used for nonresidential purposes; and
 - (c) front on a roadway with a minimum of [\[\[4\]\]](#) 2 travel lanes.

- [\[3. The maximum time the structure or vehicle used for sales may remain in the same location is 24 hours.\]](#)

B. Seasonal Outdoor Sales

1. Defined

Seasonal Outdoor Sales [\[is\] means](#) the temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.

2. Use Standards

Where Seasonal Outdoor Sales is allowed as a limited use, it must satisfy the following standards:

- a. A temporary use permit from DPS is required. [Temporary use permit duration is a maximum of 45 days. A maximum of 2 temporary permits can be issued per site annually.](#)
- b. [A plan must be submitted by the applicant demonstrating adequate vehicular circulation, parking, and queuing.](#)
- c. [Any obstruction that adversely affects visibility at an intersection or to any Seasonal Outdoor Sales driveway is prohibited.](#)
- d. [Evergreen trees may only be sold beginning the first Saturday following Thanksgiving Day through December 24th, and are exempt from Section 3.2.12.B.2.b and Section 3.2.12.B.2.e.ii.](#)
- e. [\[d.\] In the Agricultural, Rural Residential, Residential, LSC, and EOF zones:](#)
 - i. The property must be [vacant or](#) used for nonresidential purposes.
 - ii. Except where Seasonal Outdoor Sales occur on the site of a Religious Assembly use, the site must front on and have access to a road built to primary or higher standards.

Division 3.3. Residential Uses

Section 3.3.1. Household Living

A. Defined, In General

Household Living [is] means the residential occupancy of a dwelling unit by a household on a monthly or longer basis.

B. Single-Unit Living

1. Defined

Single-Unit Living [is] means one dwelling unit contained in a detached house building type.

2. Use standards

Where Single-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses [in an application] on a site [must not exceed] is limited to 30% of the [maximum allowed FAR mapped] total gross floor area on the subject site.
- b. In the LSC zone[, if the tract is larger than 5 acres, the gross floor area of] all Household Living uses [in an application] [must not exceed] are limited to 30% of the maximum allowed FAR mapped on the subject site.

C. Two-Unit Living

1. Defined

Two-Unit Living [is] means 2 dwelling units contained in a duplex building type.

2. Use Standards

Where Two-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the RE-2C and RE-1 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units

(see [Division \[Div\] \[\[6.1\]\] 4.4](#)[[, MPDU Development in Rural Residential and Residential Zones]]) if it is

- i. served by public sewer service; or
 - ii. designated for sewer service in the applicable master plan.
- b. In the R-200 zone, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see [Division \[Div\] \[\[6.1\]\] 4.4](#)[[, MPDU Development in Rural Residential and Residential Zones]]).
 - c. In the R-90 and R-60 zones, Two-Unit Living is permitted as part of a development including optional method Moderately Priced Dwelling Units [(see [Division \[Div\] 6.1](#), MPDU Development in Rural Residential and Residential Zones),] or [a] optional method Cluster Development (see [Division \[\[6.2\]\] 4.4](#)[[, Cluster Development in Rural Residential and Residential Zones]]).
 - d. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses [in an application] on a site [must not exceed] is limited to 30% of the [maximum allowed FAR mapped] total gross floor area on the subject site.
 - e. In the LSC zone[, if the tract is larger than 5 acres, the gross floor area of] all Household Living uses [in an application] [must not exceed] are limited to 30% of the maximum allowed FAR mapped on the subject site.

D. Townhouse Living

1. Defined

Townhouse Living [is] means 3 or more dwelling units in a townhouse building type.

2. Use Standards

Where Townhouse Living is allowed as a limited use, it must satisfy the following standards:

- a. In the RE-2C and RE-1 zones, Townhouse Living is permitted as part of a development including optional method Moderately Priced Dwelling

Units (see [Division \[Div\] 6.1 4.4](#), MPDU Development in Rural Residential and Residential Zones)) if it is

- i. served by public sewer service; or
 - ii. designated for sewer service in an applicable master plan.
- b. In the R-200 and R-40 zones, Townhouse Living is permitted as part of a development including optional method Moderately Priced Dwelling Units (see [Division \[Div\] 6.1 4.4](#), MPDU Development in Rural Residential and Residential Zones)).
- c. In the R-90 and R-60 zones, Townhouse Living is permitted as part of the following:
- i. a development including optional method Moderately Priced Dwelling Units (see [Division \[Div\] 6.1 4.4](#), MPDU Development in Rural Residential and Residential Zones)); **[[or]]**
 - ii. **[[a]] optional method** cluster development (see [Division \[Div\] 6.2 4.4](#), Cluster Development in Rural Residential and Residential Zones)) that is a minimum of 10 acres in size; or
 - iii. **[[a]] optional method** cluster development (see [Division \[Div\] 6.2 4.4](#), Cluster Development in Rural Residential and Residential Zones)) that is a minimum of 3 acres or more in size and recommended in a master plan.
- d. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses **[[in an application] on a site [must not exceed] is limited to] 30%** of the **[[maximum allowed FAR mapped] total gross floor area]** on the subject site.
- e. In the LSC zone, **[[if the tract is larger than 5 acres, the gross floor area of] all Household Living uses [in an application] [must not exceed] are limited to] 30%** of the maximum allowed FAR mapped on the subject site.

E. Multi-Unit Living

1. Defined

Multi-Unit Living **[[is] means]** dwelling units in an apartment/[condo] or multi use building type. Multi-Unit Living includes ancillary offices to manage, service, and maintain the development.

2. Use Standards

Where Multi-Unit Living is allowed as a limited use, it must satisfy the following standards:

- a. In the GR, NR, and EOF zones, the gross floor area of all Household Living uses **[[in an application] on a site [must not exceed] is limited to] 30%** of the **[[maximum allowed FAR mapped] total gross floor area]** on the subject site.
- b. In the LSC zone, **[[if the tract is larger than 5 acres, the gross floor area of] all Household Living uses [in an application] [must not exceed] are limited to] 30%** of the maximum allowed FAR mapped on the subject site.

Section 3.3.2. Group Living

A. Defined, In General

Group Living **[[is] means]** the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under [Section \[Sec.\] 3.3.1](#), where tenancy is arranged on a monthly or longer basis.

B. Dormitory

Defined

[[A]] Dormitory **[[is] means]** a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

C. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

[[An]] Independent Living Facility for Seniors or Persons with Disabilities **[[is] means]** a building containing dwelling units and related services for senior adults or persons with disabilities. Independent Living Facility for Seniors or Persons with Disabilities includes meal preparation and service, day care,

personal care, nursing or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of these operations.

2. Use Standards

a. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a limited use, it must satisfy the following standards:

- i. The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.
- ii. Resident staff necessary for the operation of the facility are allowed to live on-site.
- iii. Occupancy of a dwelling unit is restricted to the following:
 - (a) a senior adult or person with disabilities, as defined in [Section \[Sec.\] 1.4.2](#), Defined Terms;
 - (b) the spouse of a senior or disabled resident, regardless of age or disability;
 - (c) a resident care-giver, if needed to assist a senior or disabled resident; or
 - (d) in a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister, or brother of a handicapped resident, regardless of age or disability.
 - (e) Age restrictions must ~~[[comply with]]~~ satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, [and subsequent amendments] as amended.

b. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all limited use standards, [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas,

recreation and other community services frequently desired by senior adults or persons with disabilities. The application must [\[contain include\]](#) a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.

- ii. The [Hearing Examiner \[Board of Appeals\]](#) may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.
- iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs under Executive regulations. Income levels are defined in [Section 1.4.2 \[Div 1.4\]](#), Defined Terms.
- iv. Height, density, coverage, and parking standards must be compatible with surrounding uses and the [Hearing Examiner \[Board of Appeals\]](#) may modify any standards to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.
- v. [\[Notwithstanding the maximum building height requirements of Sec. 4.3.3 through Sec. 4.3.5 and Sec. 4.4.3 through Sec. 4.4.13, the\]](#) [The](#) maximum [building](#) height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet [in spite of any other limitation in this Chapter](#).
- vi. The minimum front setback is 50 feet. Except for an access driveway, this setback area must be maintained as green area; however, if development does not exceed the height limit of the applicable Residential zone, the minimum setback specified by the zone applies.
- vii. The minimum side and rear setback is 25 feet or as specified by the relevant zone, whichever is greater.
- viii. The minimum green area is:

- (a) 70% in the RE-2, RE-2C, and RE-1 zone, except where the minimum green area requirement is established in a master plan;
 - (b) 60% in the R-200 zone; and
 - (c) 50% in the R-60, R-90, and Residential Townhouse zones.
- ix. The [Hearing Examiner \[Board of Appeals\]](#) may reduce the green area requirement by up to 15% if it is necessary to accommodate a lower building height for compatibility reasons.

D. Personal Living Quarters

1. Defined, In General

Personal Living Quarters [\[is\] means](#) any building or portion of a building containing more than 5 individual living units, [\[which must have\] with](#) shared cooking facilities and may have shared sanitation facilities. Personal Living Quarters does not include Multi-Unit Living or Hotel, Motel.

2. Use Standards

a. Personal Living Quarters (Up to 50 Individual Living Units)

Where Personal Living Quarters (Up to 50 Individual Living Units) are allowed as a limited use, it must satisfy the following standards:

- i. Each individual living unit must have a minimum gross floor area of 150 square feet and a maximum gross floor area of 385 square feet.
- ii. Each individual living unit is prohibited from having complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances.
- iii. Each individual living unit may contain separate sanitation facilities.
- iv. Each individual living unit must have a rental agreement with a minimum lease term of at least 30 days. Copies of the rental agreement must be available for inspection by, and provided upon demand to the County.
- v. The maximum number of individual living units per acre is as follows:
 - (a) in the R-30 zone, 29 units per acre;

- (b) in the R-20 zone, 43 units per acre; and
- (c) in the R-10 zone, 87 units per acre.

- vi. If individual living units are constructed on a lot or included in a building with complete dwelling units, the density standard for dwelling units in the zone applies to that portion of the lot that contains complete dwelling units.

b. Personal Living Quarters (Over 50 Individual Living Units)

Where Personal Living Quarters (Over 50 Individual Living Units) are allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all limited use standards for Personal Living Quarters (Up to 50 Individual Living Units), [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1,](#) Conditional Use, and the following standards:

- i. An applicant for Personal Living Quarters must submit evidence which shows how the maintenance and management of the Personal Living Quarters will be provided. The [Hearing Examiner \[Board of Appeals\]](#) may require on-site management and maintenance.
- ii. Common open space may be required by the [Hearing Examiner \[Board of Appeals\]](#) as follows:
 - (a) 10% of the gross floor area of the Personal Living Quarters if the smallest individual living unit has a gross floor area of less than 200 square feet; and
 - (b) 5% of the gross floor area of the Personal Living Quarters if the smallest individual living unit has a gross floor area of 200 square feet or greater.

E. Residential Care Facility

1. Defined, In General

[\[\[A\]\]](#) Residential Care Facility [\[is\] means](#) a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
- b. resident staff necessary for operation of the facility are allowed to live on-site; and
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

Residential Care Facility includes a nursing home, an assisted living facility, a continuing care retirement community, a hospice, and a group home.

Residential Care Facility does not include a Hospital (see [Section \[Sec.\] 3.4.6](#), Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Section \[Sec.\] 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

2. Use Standards

a. Residential Care Facility (Up to 8 Persons)

Where a Residential Care Facility (Up to 8 Persons) is allowed as a limited use it may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

b. Residential Care Facility (9 - 16 Persons)

- i. Where a Residential Care Facility (9 - 16 Persons) is allowed as a limited use, [and the subject lot abuts or confronts \[abutting or confronting\]](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
- ii. Where a Residential Care Facility (9 - 16 Persons) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - (a) A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

- (b) Height, density, coverage, and parking standards must be compatible with surrounding uses and the [Hearing Examiner \[Board of Appeals\]](#) may modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
- (c) In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

c. Residential Care Facility (Over 16 Persons)

- i. Where a Residential Care Facility (Over 16 Persons) is allowed as a limited use, [and the subject lot abuts or confronts \[abutting or confronting\]](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
- ii. Where a Residential Care Facility (Over 16 Persons) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - (a) The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents. Any such service may be restricted by the [Hearing Examiner \[Board of Appeals\]](#).
 - (b) A group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children [\[\[to be cared for\]\] who will use the facility](#).
 - (c) Where residential dwelling units are provided
 - (1) the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater; and
 - (2) the minimum green area is 50%.

- (d) Where facility size is based on the number of beds, not dwelling units, the following lot area is required:
- (1) In the R, RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.
 - (2) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:
 - (i) in RE-2, RE-2C, RE-1, and R-200 zone: 1,200 square feet per bed;
 - (ii) in R-60, R-90, and R-40 zone: 800 square feet per bed;
 - (iii) in TLD, TMD, THD, R-30, and R-20 zone: 600 square feet per bed; and
 - (iv) in R-10: 300 square feet per bed.
- (e) The minimum side setback is 20 feet.
- (f) Independent dwelling units must satisfy the [\[residential portions of the\] MPDU provisions of Chapter 25 \(Section \[Sec.\] 25.A-5\)](#).
- (g) In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years of age or older, with the following exceptions:
- (1) the spouse of a resident, regardless of age;
 - (2) another relative of a resident, 50 years of age and older;
 - (3) the resident widow, widower, or other surviving relative of a resident who dies while residing at the continuing care retirement community, is allowed to remain even though the resident widow, widower, or other surviving relative has not reached the age of 62.
- A minimum of 80% of the dwelling units must be occupied by at least one person per unit who is 55 years of age or older.
- (h) Height, density, coverage, and parking standards must be compatible with surrounding uses and the [Hearing Examiner \[Board of Appeals\]](#) may modify any standards to maximize the

compatibility of the building with the residential character of the surrounding neighborhood.

- (i) In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

Section 3.3.3. Accessory Residential Uses

A. Accessory Apartment, In General

1. Defined, In General

[[An]] Accessory Apartment [\[is\] means](#) a second dwelling unit that is subordinate to the principal dwelling. An Accessory Apartment includes an Attached Accessory Apartment and a Detached Accessory Apartment.

2. Use Standards for all Accessory Apartments

- a. Where an Accessory Apartment is allowed as a limited use, it must satisfy the following standards:
 - i. Only one Accessory Apartment is permitted for each lot.
 - ii. The Accessory Apartment was approved as a conditional use before May 20, 2013 and satisfies the conditions of the conditional use approval; or
 - iii. The Accessory Apartment is licensed by the Department of Housing and Community Affairs under [Chapter 29 \(Sec 29-19\)](#); and
 - (a) the apartment has the same street address as the principal dwelling;
 - (b) one on-site parking space is provided in addition to any required on-site parking [space](#) for the principal dwelling; however, if a new driveway must be constructed for the Accessory Apartment, then 2 on-site parking spaces must be provided;
 - (c) the maximum gross floor area for an Accessory Apartment, including any floor area used for an Accessory Apartment in a cellar, must be less than 50% of the total floor area in the principal dwelling, including any floor area used for an Accessory Apartment.

ment in the cellar of the principal dwelling, or 1,200 square feet, whichever is less;

- (d) the maximum floor area used for an Accessory Apartment in a proposed addition to the principal dwelling must not be more than 800 square feet if the proposed addition increases the footprint of the principal dwelling; and
 - (e) the maximum number of occupants is limited by Chapter 26 (Section [Sec.] 26-5); however, the total number of occupants residing in the Accessory Apartment who are 18 years or older is limited to 2.
- iv. An Accessory Apartment must not be located on a lot where any other allowed rental Residential use exists; however, an Accessory Apartment may be located on a lot in an Agricultural or Rural Residential zone that includes a Farm Tenant Dwelling or a Guest House.
 - v. In the Agricultural and Rural Residential zones, [it] an Accessory Apartment is excluded from any density calculations. If the property associated with an Accessory Apartment is subsequently subdivided, [these provisions no longer apply] the Accessory Apartment is included in the density calculations.
 - vi. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
 - vii. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.
- b. An Accessory Apartment conditional use application may be filed with the Hearing Examiner to deviate from the following limited use standards:
 - i. the number of on-site parking spaces; or
 - ii. the minimum distance from any other Attached or Detached Accessory Apartment.
 - c. Where an Accessory Apartment conditional use application is filed under Section [Sec.] 3.3.3.A.2.b, the Accessory Apartment may be permitted by the Hearing Examiner under the limited use standards in Section [Sec.]

3.3.3.A.2.a, Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- i. Fewer off-street spaces are allowed if there is adequate on-street parking. On-street parking is inadequate if:
 - (a) the available on-street parking for residents within 300 feet of the proposed Accessory Apartment would not permit a resident to park on-street near his or her residence on a regular basis; and
 - (b) the proposed Accessory Apartment is likely to reduce the available on-street parking within 300 feet of the proposed Accessory Apartment.
- ii. When considered in combination with other existing or approved Accessory Apartments, the deviation in distance separation does not result in an excessive concentration of similar uses, including other conditional uses, in the general neighborhood of the proposed use.

B. Attached Accessory Apartment

1. Defined

[[An]] Attached Accessory Apartment [is] means a second dwelling unit that is part of a detached house building type and [provides] includes facilities for cooking, eating, sanitation, and sleeping. An Attached Accessory Apartment is subordinate to the principal dwelling.

2. Use Standards

Where an Attached Accessory Apartment is allowed as a limited use, it must satisfy the use standards for all Accessory Apartments under Section [Sec.] 3.3.3.A.2 and the following standards:

- a. A separate entrance is located:
 - i. on the side or rear of the dwelling;
 - ii. at the front of the principal dwelling, if the entrance existed before May 20, 2013; or
 - iii. at the front of the principal dwelling, if it is a single entrance door for use of the principal dwelling and the Attached Accessory Apartment;

- b. The detached house in which the Accessory Apartment is to be created or to which it is to be added must be at least 5 years old on the date of application for a license or a conditional use.
- c. In the RE-2, RE-2C, RE-1, and R-200 zones the Attached Accessory Apartment is located at least 500 feet from any other Attached or Detached Accessory Apartment, measured in a line from side lot line to side lot line along the same block face;
- d. In the RNC, R-90, and R-60 zones the Attached Accessory Apartment is located at least 300 feet from any other Attached or Detached Accessory Apartment, measured in a line from side lot line to side lot line along the same block face;

C. Detached Accessory Apartment

1. Defined

[[A]] Detached Accessory Apartment [is] means a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type and [provides] includes facilities for cooking, eating, sanitation, and sleeping. A Detached Accessory Apartment is subordinate to the principal dwelling.

2. Use Standards

- a. Where a Detached Accessory Apartment is allowed as a limited use, it must satisfy the use standards for all Accessory Apartments under Section [Sec.] 3.3.3.A.2 and the following standards:
 - i. In the RE-2, RE-2C, and RE-1 zones the Detached Accessory Apartment is located a minimum distance of 500 feet from any other Attached or Detached Accessory Apartment, measured in a line from side lot line to side lot line along the same block face.
 - ii. A Detached Accessory Apartment built after May 30, 2012 must have the same minimum side setback as the principal dwelling and a minimum rear setback of 12 feet, unless more restrictive accessory building or structure setback standards are required under [[Division [Div] 4.2 through Division [Div] 4.4]] Article 59-4.
 - iii. The minimum lot area is one acre.

- b. Where a Detached Accessory Apartment is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

D. Dwelling for Caretaker/Watchkeeper

Defined

[[A]] Dwelling for a Caretaker/Watchkeeper [is] means a dwelling unit for a caretaker or watchkeeper and their families.

E. Farm Tenant Dwelling

1. Defined

[[A]] Farm Tenant Dwelling [is] means a dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Farm Tenant Dwelling includes up to 3 mobile homes. A Farm Tenant Dwelling is not restricted by the definition of household, and may share a well or septic system or both.

2. Use Standards

Where a Farm Tenant Dwelling is allowed as a limited use, it must satisfy the following standards:

- a. In the Agricultural and Rural Residential zones, it is excluded from any density calculations, if it remains accessory to a farm. If the property associated with a Farm Tenant Dwelling is subsequently subdivided, the Farm Tenant Dwelling is included in the density calculations.
- b. The maximum number of tenants in a single dwelling is limited by well and septic capacity.
- c. In the RE-2C zone only one Farm Tenant Dwelling is allowed and it must be a mobile home.
- d. In the Agricultural, Rural Residential, RE-2, and RE-1 zones, a Farm Tenant Dwelling in existence before June 1, 1958, may be rented to a tenant other than an agricultural worker, if the dwelling meets all applicable health and safety regulations.
- e. In the RE-2, RE-1, and R-200 zones, only one mobile home is allowed.
- [f. In the R-90, R-60, and R-40 zones, mobile homes are prohibited.]

F. Guest House

1. Defined

[[A]] Guest House [is] means a detached dwelling that is intended, arranged, or designed for occupancy by transient, nonpaying visitors of the resident owner of the principal dwelling.

2. Use Standards

Where a Guest House is allowed as a limited use, it must satisfy the following standards:

- a. A Guest House must not be located on a lot:
 - i. that is occupied by a renter;
 - ii. that has an accessory apartment; or
 - iii. where the owner of the lot resides off-site for more than 6 months in any calendar year.
- b. In the Agricultural and Rural Residential zones, [it] a Guest House is excluded from any density calculations, if it remains accessory to a farm. If the property associated with a Guest House is subsequently subdivided, the Guest House is included in the density calculations.
- c. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

G. Home Health Practitioner

1. Defined, In General

[[A]] Home Health Practitioner [is] means the office of a health practitioner who is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene, has an advanced degree in the field from an accredited educational institution, and who resides in the dwelling unit in which the office is located. Home Health Practitioner includes a registered nurse or physician's assistant if that person has an advanced degree in the field and practices independently. Home Health Practitioner does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

2. Use Standards for All Home Health Practitioners

- a. A Home Health Practitioner is prohibited in an apartment[/condo], multi use, and general building type.
- b. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
- c. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.
 - iv. The maximum amount of floor area used for the Home Health Practitioner is 33% of the eligible floor area of the dwelling unit plus any existing accessory building on the same lot, or 1,500 square feet, whichever is less.
 - v. An existing accessory building may be used for the home health practice, but external evidence of such use is prohibited. Only one accessory building may be used and it must be an eligible area.
 - vi. Equipment or facilities are limited to:
 - (a) office equipment; or
 - (b) medical equipment.
 - vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
 - viii. Disposal of medical waste must be regulated by State laws and regulations.
 - ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

- x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.
- xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
- xii. In a Residential zone, any additional parking must be located behind the front building line.
- d. [xiii.] The applicant [M] must provide valid proof of home address as established by Executive regulations under Method 2 of Chapter 2 (Section [Sec.] 2A-15).
- e. [xiv.] In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

3. Home Health Practitioner (Low Impact)

a. Defined

[[A]] Home Health Practitioner (Low Impact) [is] means a Home Health Practitioner that is limited to 2 resident health practitioners and one non-resident support person in a 24-hour period.

b. Use Standards

Where a Home Health Practitioner (Low Impact) is allowed as a limited use, it must satisfy the following standards:

- i. Treatment of more than one patient or client at a time is allowed, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
- ii. The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
- iii. A maximum of one Home Occupation (Low Impact) and one Home Health Practitioner (Low Impact) is allowed.
- iv. An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.

- v. Parking must be screened under Section [Sec.] [[7.2.9.B]] 6.2.9.B or Section [[7.2.9.C]] 6.2.9.C, depending on the number of parking spaces provided.

c. Registration

Any Home Health Practitioner (Low Impact) must register with DPS.

i. Application Requirements

An application for registration must include the following:

- (a) a signed affidavit of compliance that affirms that the applicant:
 - (1) satisfies the applicable standards in Section [Sec.] 3.3.3.G, and
 - (2) will take whatever action is required by DPS to bring the Home Health Practitioner (Low Impact) into compliance if complaints of noncompliance are received and verified;
- (b) the manner in which the operation of the Home Health Practitioner (Low Impact) satisfies the use standards in Section [Sec.] 3.3.3.G;
- (c) the location of the lot by street address and either lot and block number or liber and folio;
- (d) the zone in which the lot is located;
- (e) area of the lot or parcel, in square feet or acres;
- (f) the total floor area of the dwelling unit and the amount of floor area to be used for the Home Health Practitioner (Low Impact), as well as the floor area of any existing accessory building to be used for the Home Health Practitioner (Low Impact);
- (g) the location and number of off-street parking spaces;
- (h) proof of home address;
- (i) other pertinent information required by DPS;
- (j) a copy of the use-and-occupancy permit required under Section [[8.4.2]] 7.4.2; and
- (k) the location of any indoor waiting room for patients, if more than one patient will be on the premises at the same time.

ii. Approval

- (a) DPS must issue a Certificate of Registration if the applicant:
 - (1) satisfies [Section \[Sec.\] 3.3.3.G](#), and
 - (2) has an approved on-site inspection.
- (b) DPS must maintain a Home Health Practitioner Registry that is readily available for public inspection.

iii. Compliance and Enforcement

- (a) If DPS receives a complaint about a Home Health Practitioner (Low Impact), an inspector must inspect the property and determine, [\[no later than\] within](#) 90 days after receipt of the complaint, whether there is a violation of the provisions of [Section \[Sec.\] 3.3.3.G](#).
- (b) If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected [\[no later than\] within](#) 30 days after the warning notice is issued.
 - (1) In the case of any violation that could be remedied with a conditional use [\[application\] approval](#), a petition must be filed [\[no later than\] within](#) 60 days after the warning notice is issued for a conditional use for a Home Health Practitioner (Major Impact) under [Section 3.3.3.G.4 \[Sec. 3.3.3.G.\]](#)
 - (2) A hearing on a petition for a conditional use filed in the case of a Home Health Practitioner (Low Impact) found to be in violation of [Section \[Sec.\] 3.3.3.G](#) must be scheduled within 30 days, or as soon as the Hearing Examiner's calendar permits. The Hearing Examiner does not have authority to grant the applicant any extension of the hearing in such a case.
 - (3) Operation of the Home Health Practitioner (Low Impact) may continue until the [Hearing Examiner \[Board of Appeals\]](#) has acted on the petition, if the violation is corrected before the application for conditional use is filed. If the [Hearing Examiner \[Board of Appeals\]](#) denies the conditional use application, the

Home Health Practitioner (Low Impact) must cease immediately or operate under the requirements for a Home Health Practitioner (Low Impact).

- (c) DPS may issue a citation under [Division \[Div\] \[\[8.8\]\] 7.8](#):
 - (1) immediately, instead of a warning notice under [Section \[Sec\] 3.3.3.G.3.c.iii\(b\)](#); or
 - (2) 30 days or more after the warning notice was issued under [Section 3.3.3.G.3.c.iii\(b\)](#).

4. Home Health Practitioner (Major Impact)

a. Defined

[[A]] Home Health Practitioner (Major Impact) [is] [means](#) a Home Health Practitioner limited to 2 resident health practitioners and 2 or more non-resident support persons in [\[a\] any](#) 24-hour period.

b. Use Standards

Where a Home Health Practitioner (Major Impact) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- i. The hours of operation and number of clients, customers, patients or other visitors allowed during that time are determined by the [Hearing Examiner \[Board of Appeals\]](#).
- ii. The maximum number of deliveries is determined by the [Hearing Examiner \[Board of Appeals\]](#).
- iii. On-site sale of goods is determined by the [Hearing Examiner \[Board of Appeals\]](#).
- iv. The [Hearing Examiner \[Board of Appeals\]](#) may grant a conditional use for a Home Health Practitioner (Major Impact) on the same site as a Home Health Practitioner (Low Impact), a Home Occupation (Low Impact), or a Home Occupation (No Impact) if it finds that both together can be operated in a manner that satisfies [Section \[Sec.\] 3.3.3.G.4 and Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

- v. The Hearing Examiner [Board of Appeals] must not grant a conditional use for a Home Health Practitioner (Major Impact) where the site is already approved for any other conditional use under Section [Sec.] [[8.3.1]] 7.3.1 Conditional Use.
- vi. An indoor waiting room must be provided.
- vii. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.

H. Home Occupation

1. Defined, In General

[[A]] Home Occupation [is] means any occupation that provides a service or product and is conducted within a dwelling unit by a resident of the dwelling unit. Home Occupation does not include Home Health Practitioner (see Section [Sec.] 3.3.3.G, Home Health Practitioner), Bed and Breakfast (see Section [Sec.] 3.5.6.B, Bed and Breakfast), Day Care Facility (see Section [Sec.] 3.4.4, Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see Section [Sec.] 3.5.5, Landscape Contractor), or Educational Institution (Private) (see Section [Sec.] 3.4.5, Educational Institution (Private)).

2. Use Standards for all Home Occupations

- a. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
- b. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area[, except for the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than 2 single axle trailers or trucks]. The use must be subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.

- iv. The maximum amount of floor area used for the Home Occupation must not exceed 33% of the total eligible area of the dwelling unit and any existing accessory building on the same lot, or 1,500 square feet, whichever is less.
- v. An existing accessory building may be used for the Home Occupation, but external evidence of such use is prohibited. Only one accessory building may be used and it must be an eligible area.
- vi. Equipment or facilities are limited to:
 - (a) domestic[[,]]or household [or lawn maintenance service] equipment;
 - (b) office equipment; or
 - (c) any equipment reasonably necessary for art production, hand-crafts, or making beer or wine.
- vii. Any equipment or process that creates a nuisance or violates any law is prohibited in [connection with] the operation of a Home Occupation.
- viii. A Home Occupation is prohibited to use, store, or dispose of:
 - (a) a quantity of a petroleum product sufficient to require a special license or permit from The Fire [Chief] Marshal; or
 - (b) any material defined as hazardous or required to have a special handling license under State and County law.
- ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- x. Display or storage of merchandise to be delivered must not be visible outside of the residence and must be contained within the maximum floor area available for the Home Occupation.
- xi. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- xii. A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.

xiii. The maintenance or repair of motor vehicles for compensation is prohibited.

3. Home Occupation (No Impact)

a. Defined

[[A]] Home Occupation (No Impact) [is] means a Home Occupation that is not required to register with DPS, prohibits non-resident employees, and is not regulated under [Section \[Sec.\]](#)[[8.3.1]] [7.3.1](#), Conditional Use.

b. Use standards

Where a Home Occupation (No Impact) is allowed as a limited use, it must satisfy the following standards:

- i. The maximum number of visits and deliveries for all Home Occupations (No Impact) on-site is 5 per week. In R-90 and R-60 zones, a maximum of 2 vehicles visiting the Home Occupation (No Impact) may be parked on the lot at the same time.
- ii. In-person sale of goods is prohibited.
- iii. Display or storage of goods is limited to samples of merchandise that may be ordered by customers for delivery at other locations.

4. Home Occupation (Low Impact)

a. Defined

[[A]] Home Occupation (Low Impact) [is] means a Home Occupation that is limited to one non-resident employee [per] in any 24-hour period and is required to register with DPS.

b. Use Standards

Where a Home Occupation (Low Impact) is allowed as a limited use, it must satisfy the following standards:

- i. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries and the arrival and departure of any non-resident employee) for all Home Occupations on-site. In R-90 and R-60 zones, a maximum of 2 vehicles visiting the Home Occupation (Low Impact) may be parked on the lot at the same time.

ii. In-person sale of goods is limited to:

- (a) handcrafts, art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry, pottery, and musical instruments, which are produced on-site by a resident of the dwelling; and
- (b) no more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).

iii. Display or storage of goods is limited to:

- (a) products [enumerated] listed in [Section \[Sec.\]](#) 3.3.3.H.4.b.ii.(a); and
- (b) samples of merchandise that may be ordered by customers for delivery at other locations.

iv. The maximum number of Home Occupations (Low Impact) allowed in a single dwelling unit is 2.

v. [The applicant \[M\]](#) must provide valid proof of home address as established by [Executive regulations](#) under [Method 2 of Chapter 2 \(Section \[Sec.\] 2A-15\)](#).

vi. In the AR zone, this use may be prohibited under [Section \[Sec.\]](#) 3.1.5, Transferable Development Rights.

c. Registration

Any Home Occupation (Low Impact) must register with DPS.

i. Application Requirements

An application for registration must include the following:

- (a) a signed affidavit of compliance that affirms that the applicant:
 - (1) satisfies the applicable standards in [Section \[Sec.\]](#) 3.3.3.H; and
 - (2) will take whatever action is required by DPS to bring the Home Occupation (Low Impact) into compliance if complaints of noncompliance are received and verified;

- (b) the manner in which the operation of the Home Occupation (Low Impact) satisfies the use standards in [Section \[Sec.\] 3.3.3.H](#);
- (c) the location of the lot by street address and either lot and block number or liber and folio;
- (d) the zone in which the lot is located;
- (e) area of the lot or parcel, in square feet or acres;
- (f) the total floor area of the dwelling unit and the amount of floor area to be used for the Home Occupation (Low Impact), as well as the floor area of any existing accessory building to be used for the Home Occupation (Low Impact);
- (g) the location and number of off-street parking spaces;
- (h) proof of home address; and
- (i) other pertinent information required by DPS.

ii. Approval

- (a) DPS must issue a Certificate of Registration if the applicant:
 - (1) satisfies [Section \[Sec.\] 3.3.3.H](#); and
 - (2) has an approved on-site inspection.
- (b) DPS must maintain a Home Occupation Registry that is readily available for public inspection.

iii. Compliance and Enforcement

- (a) If DPS receives a complaint about a Home Occupation (Low Impact), an inspector must inspect the property and determine, [\[no later than\] within](#) 90 days after receipt of the complaint, whether there is a violation of the provisions of [Section \[Sec.\] 3.3.3.H](#).
- (b) If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected [\[no later than\] within](#) 30 days after the warning notice is issued.
 - (1) In the case of any violation that could be remedied with a conditional use [\[application\] approval](#), a petition must be filed [\[no later than\] within](#) 60 business days after the warning

notice is issued for a conditional use for a Home Occupation (Major Impact) under [Section \[Sec.\] 3.3.3.H](#).

- (2) A hearing on a petition for a conditional use filed in the case of a Home Occupation (Low Impact) found to be in violation of [Section \[Sec.\] 3.3.3.H](#) must be scheduled within 30 days, or as soon as the Hearing Examiner's calendar permits. The Hearing Examiner does not have authority to grant the applicant any extension of the hearing in such a case.
 - (3) Operation of the Home Occupation (Low Impact) may continue until the [Hearing Examiner \[Board of Appeals\]](#) has acted on the petition, if the violation is corrected before the application for conditional use is filed. If the [Hearing Examiner \[Board of Appeals\]](#) denies the conditional use application, the Home Occupation (Low Impact) must cease immediately or operate under the requirements for a Home Occupation (Low Impact).
- (c) DPS may issue a citation under [\[\[Div 8.8\]\] Division 7.8](#):
 - (1) immediately, instead of a warning notice under [Section \[Sec.\] \[\[3.3.3.H.3.c.iii\(b\)\]\] 3.3.3.H.4.c.iii.\(b\)](#); or
 - (2) 30 days or more after the warning notice was issued under [Section \[Sec.\] \[\[3.3.3.H.3.c.iii\(b\)\]\] 3.3.3.H.4.c.iii.\(b\)](#).

5. Home Occupation (Major Impact)

a. Defined

[\[\[A\]\]](#) Home Occupation (Major Impact) [\[is\] means](#) a Home Occupation that is limited to 2 non-resident employees [\[per\] in any](#) 24-hour period and is regulated under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

b. Use Standards

Where a Home Occupation (Major Impact) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- i. The maximum number of visits and deliveries is determined by the Hearing Examiner [Board of Appeals].
- ii. An indoor waiting room must be provided.
- iii. In-person sale of goods is limited to:
 - (a) the products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or hand-crafts performed by a resident of the dwelling; and
 - (b) a maximum of 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- iv. Display or storage of goods is limited to:
 - (a) the products ~~[[enumerated]]~~ listed in Section [Sec.] 3.3.3.H.5.b.iii. (a); and
 - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- v. Display or storage of merchandise to be delivered must not be visible outside of the residence and must be contained within the maximum floor area available for the Home Occupation.
- vi. The Hearing Examiner [Board of Appeals] may grant a conditional use for a Home Occupation (Major Impact) on the same site as a Home Occupation (Low Impact), a Home Occupation (No Impact), or a Home Health Practitioner (Low Impact) if it finds that both together can be operated in a manner that satisfies Section [Sec.] 3.3.3.H.5 and Section [Sec.] ~~[[8.3.1]]~~ 7.3.1, Conditional Use.
- vii. The Hearing Examiner [Board of Appeals] must not grant a conditional use for a Home Occupation (Major Impact) where the site is already approved for any other conditional use under Section [Sec.] ~~[[8.3.1]]~~ 7.3.1, Conditional Use.
- viii. The applicant [M] must provide valid proof of home address as established by Executive regulations under Method 2 of Chapter 2 (Section [Sec.] 2A-15).

- ix. Screening under Division ~~[[7.5]]~~ 6.5 [Sec. 7.4.5] is not required.
- x. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

[[I. Live/Work Unit

Defined

A Live/Work Unit [is] means a building, or a space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.]]

Division 3.4. Civic and Institutional Uses

Section 3.4.1. Ambulance, Rescue Squad (Private)

A. Defined

[[An]] Ambulance, Rescue Squad (Private) [is] means a volunteer, privately supported, or non-profit facility providing emergency fire protection, rescue, or ambulance services. Ambulance, Rescue Squad (Private) does not include non-emergency ambulance transportation services.

B. Use Standards

1. Where an Ambulance, Rescue Squad (Private) is allowed as a limited use, [if it is abutting or confronting] and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.][[8.3.4]] 7.3.4.
2. Where an Ambulance, Rescue Squad (Private) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.][[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - a. The minimum lot area is 20,000 square feet
 - b. The minimum lot width at the front lot line is 100 feet.
 - c. The minimum front setback is 30 feet.
 - d. The minimum side setback and rear setback is 25 feet.

Section 3.4.2. Charitable, Philanthropic Institution

A. Defined

1. [[A]] Charitable, Philanthropic Institution [is] means a private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, recreation, or environmental conservation.
2. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Charitable, Philanthropic Institution also does not include other uses

specifically defined or regulated in this Chapter such as a: Religious Assembly (See Section [Sec.] 3.4.10, Religious Assembly), public or private educational institution (See Section [Sec.] 3.4.5, Educational Institution (Private) and Section [Sec.] 3.4.9, Public Use (Except Utilities)), library or museum (See Section [Sec.] 3.4.3, Cultural Institution), Private Club, Service Organization (See Section [Sec.] 3.4.8, Private Club, Service Organization), Hospital (See Section [Sec.] 3.4.6, Hospital), Residential Care Facility (See Section [Sec.] 3.3.2.E, Residential Care Facility), or Independent Living Facility for Senior Adults or Persons with Disabilities (See Section [Sec.] 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

B. Use Standards

Where a Charitable, Philanthropic Institution is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

1. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is required for outdoor recreation facilities. [Buildings are exempt from this requirement.]
2. Any lighting associated with outdoor recreation facilities [meets the requirements of] must satisfy Section [[7.4.4]] 6.4.4 [Sec. 7.5.4].
3. In the AR, R, RC, and RNC:
 - a. A Charitable, Philanthropic Institution must re-use an existing building. The Hearing Examiner [Board of Appeals] may waive this restriction to approve a residential camp for seriously ill children and their immediate family members, operated or sponsored by a non-profit organization under the following conditions. Immediate family members may attend sessions jointly with or separate from the sessions attended by the children. Separate sessions for immediate family members are only permitted as a secondary camp activity. The camp may include facilities for overnight accommodations and for support services related to camp activities. The camp must be compatible with adjacent land uses.
 - b. The site fronts on and has direct access to a public road built to arterial or higher road standards. Frontage on and access to an arterial or higher

standard is not required where the [Hearing Examiner \[Board of Appeals\]](#) finds that road access [\[via\] by](#) a primary or secondary road will be safe and adequate for the anticipated traffic to be generated.

- c. The minimum side setback is twice that required for a detached house.
- d. The minimum lot width at the front lot line is twice that required for a detached house.
- e. The minimum green area is 50%.
- f. The maximum coverage is half of the maximum allowed for a detached house.
- g. The maximum FAR is 0.2.
4. [\[h.\]](#) In the R and RC zones, the maximum lot area is 5 acres.
5. [\[4.\]](#) In the AR and RNC zones, the minimum lot area is twice that required for a detached house and the maximum lot area is 2 acres.
6. [\[5.\]](#) In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.
7. [\[6.\]](#) In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:
 - a. The site fronts on and has direct access to a road built to primary residential road or higher standards. Access to a corner lot may be from an abutting primary street, constructed to primary standards, if the [Hearing Examiner \[Board of Appeals\]](#) finds this access to be appropriate and not detrimental to existing residential uses on that primary street.
 - b. The minimum side setback is twice that required for a detached house.
 - c. The minimum lot width at the front lot line is twice that required for a detached house.
 - d. The maximum FAR is 0.25.
 - e. For residential and office uses, if located in a lawfully existing building, the standards in [Section \[Sec.\] 3.4.2.B. \[6\] 7.b](#) and [Section \[Sec.\] 3.4.2.B. \[6\] 7.d](#) do not apply.
8. [\[7.\]](#) In the R-90 and R-60 zones, the minimum green area is 50% and the maximum building height is 35 feet.

9. [\[8.\]](#) In the R-200 zone, the minimum green area is 60% and the maximum building height is 50 feet.
10. [\[9.\]](#) In the RE-2, RE-2C, RE-1 zones, the minimum green area is 70%.

C. Waivers

1. If a property is designated as an historic resource by the Master Plan for Historic Preservation, the [Hearing Examiner \[Board of Appeals\]](#) may waive the standards in [Section \[Sec.\] 3.4.2.B.3.b](#) through [Section 3.4.2.B.3.g \[Sec. 3.4.2.B.3.h\]](#) and [Section \[Sec.\] 3.4.2.B.4](#) through [Section 3.4.2.B.10 \[Sec. 3.4.2.B.9\]](#).
2. If the Charitable, Philanthropic Institution conditional use approval is for a new building located on the property of an existing Religious Assembly, the [Hearing Examiner \[Board of Appeals\]](#) may waive the standards in [Section \[Sec.\] 3.4.2.B.3.b](#) and [Section 3.4.2.B.7.a \[Sec. 3.4.2.B.6.a\]](#).
3. To grant a waiver under [Section \[Sec.\] 3.4.2.C.1](#) and [Section \[Sec.\] 3.4.2.C.2](#), the [Hearing Examiner \[Board of Appeals\]](#) must find that:
 - a. Road access will be safe and adequate for the anticipated traffic to be generated;
 - b. Road access will not have a significantly adverse impact on the surrounding neighborhood; and
 - c. The grant of the waiver will not cause other significant adverse impacts on the surrounding neighborhood.

Section 3.4.3. Cultural Institution

A. Defined

[\[\[A\]\]](#) Cultural Institution [\[is\] means](#) any [\[private\] privately owned or operated](#) structure and land where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study, or reference, but not typically offered for sale. Cultural Institution includes a museum, cultural or art exhibit, and library.

B. Use Standards

Where a Cultural Institution is allowed as a limited use, it must satisfy the following standards:

1. In the RC and RNC zone, when main and accessory structures exceed a total floor area of 5,000 square feet, site plan approval is required under [Section \[Sec.\]](#)[[8.3.4]] [7.3.4](#), unless designated as resources in the Master Plan for Historic Preservation.
2. In the CRN zone, the gross floor area is a maximum of 5,000 square feet.

Section 3.4.4. Day Care Facility

A. Defined, In General

[[A]] Day Care Facility [is] [means](#) an establishment where care is provided for less than 24 hours a day, for which the provider is paid, for any of the following: children under the age of 17 years; developmentally disabled persons; handicapped individual; or any elderly individual. [Day Care Facility includes accessory preschool and kindergarten educational programs that are accredited by the State.](#) [Day Care Facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least 5 years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see [Sec. 3.4.5. Educational Institution \(Private\)](#)).]

B. Exemptions

The conditional use standards in [Section \[Sec.\] 3.4.4.E.2.b](#) and [Section \[Sec.\] 3.4.4.F.2.b.i](#) through [Section \[Sec.\] 3.4.4.F.2.b.v](#). do not apply to a Day Care Center operated by a nonprofit organization and located in:

1. a structure owned or leased by a religious organization and used for worship, or a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;
2. a structure used for private, parochial education purposes that is exempted from the conditional uses standards under [Section \[Sec.\] 3.4.5, Educational Institution \(Private\)](#); or
3. a publicly-owned building.

C. Family Day Care (Up to 8 Persons)

Defined

[[A]] Family Day Care (Up to 8 Persons) [is] [means](#) a Day Care Facility for a maximum of 8 [persons] [people](#) in a dwelling where for child day care the registrant is

the provider and a resident, or the registrant is not a resident but more than half the children cared for are residents. The provider's own children under the age of 6 are counted within the group of 8. For care of senior adults or persons with disabilities the registrant is the provider. Family Day Care (Up to 8 Persons) does not include more than 2 non-resident staff members on-site at any time or a provider that is not a resident and does not meet the requirement for a non-resident provider (see [Section \[Sec.\] 3.4.4.E, Day Care Center \(13-30 Persons\)](#)).

D. Group Day Care (9 -12 Persons)

1. Defined

[[A]] Group Day Care (9-12 Persons) [is] [means](#) a Day Care Facility for 9 to 12 [persons] [people](#) where staffing, operations, and structures comply with State and local regulations and the provider's own children under the age of 6 are counted towards the maximum [number of people](#) allowed [persons].

2. Use Standards

- a. Where a Group Day Care (9-12 Persons) is allowed as a limited use, it must satisfy the following standards:
 - i. The facility must not be located in a townhouse or duplex building type.
 - ii. In a detached house, the registrant is the provider and a resident. If the provider is not a resident, the provider may file a conditional use application for a Day Care Center (13-30 Persons) (see [Section \[Sec.\] 3.4.4.E](#)).
 - iii. In a detached house, no more than 3 non-resident staff members are on-site at any time.
 - iv. In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5, Transferable Development Rights](#).
- b. Where a Group Day Care (9-12 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards and [Section \[Sec.\]](#)[[8.3.1]] [7.3.1, Conditional Use](#).

E. Day Care Center (13 - 30 Persons)

1. Defined

[[A]] Day Care Center (13-30 Persons) [is] means a Day Care Facility for 13 to 30 [persons] people where staffing, operations, and structures [[comply with]] satisfy State and local regulations. A Day Care Center (13-30 Persons) includes a Family Day Care (Up to 8 Persons) and Group Day Care (9-12 Persons) where the provider is not a resident and cannot meet the non-resident provider requirement.

2. Use Standards

Where a Day Care Center (13-30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [Sec.][[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The facility must not be located in a townhouse or duplex building type.
- b. An adequate area for the discharge and pick up of children is provided.
- c. The number of parking spaces under Division [Div] [[7.2]] 6.2 may be reduced if the applicant demonstrates that the full number of spaces is not necessary because:
 - i. existing parking spaces are available on abutting property or on the street abutting the site that will satisfy the number of spaces required; or
 - ii. a reduced number of spaces would be sufficient to accommodate the proposed use without adversely affecting the surrounding area or creating safety problems.
- d. For a Family Day Care where the provider is not a resident and cannot meet the non-resident provider requirement, screening under [[Section [Sec.] 7.4.5]] Division 6.5 is not required.
- e. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

F. Day Care Center (Over 30 Persons)

1. Defined

[[A]] Day Care Center (Over 30 Persons) [is] means a Day Care Facility for over 30 [persons] people where staffing, operations, and structures comply with State and local regulations and is not located in a townhouse or duplex building type.

2. Use Standards

- a. Where a Day Care Center (Over 30 Persons) is allowed as a limited use, [if it is abutting or confronting] and the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.][[8.3.4]] 7.3.4.
- b. Where a Day Care Center (Over 30 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.][[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Hearing Examiner [Board of Appeals] finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
 - ii. An adequate area for the discharge and pick up of children is provided.
 - iii. The Hearing Examiner [Board of Appeals] may limit the number of children outside at any one time.
 - iv. In the RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones, the Day Care Center (Over 30 Persons) must be located on a site containing a minimum of 500 square feet of land area per person. The Hearing Examiner [Board of Appeals] may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:

- (a) the facility will predominately serve persons of an age range that requires limited outdoor activity space;
- (b) the additional density will not adversely affect adjacent properties; and
- (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
- v. The Hearing Examiner [Board of Appeals] may limit the number of [persons permitted] people allowed for overnight care.
- vi. In the AR zone, this use may be prohibited Section [Sec.] 3.1.5, Transferable Development Rights.

Section 3.4.5. Educational Institution (Private)

A. Defined

[[An]] Educational Institution (Private) [is] means a private school or educational or training academy providing instruction or programs of learning. Educational Institution (Private) includes tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Educational Institution (Private) does not include schools operated by the County Board of Education or education conducted in the provider's home as a Home Occupation (See Section [Sec.] 3.3.3.H, Home Occupation).

B. Exemptions

1. The conditional use standards in Section 3.4.5.C.2 do not apply for any private educational institution or parochial school that is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any State agency, Montgomery County or any incorporated village or town within Montgomery County. This exemption does not apply to any Educational Institution (Private) that received conditional use approval by the Hearing Examiner [Board of Appeals] to operate in a building or on a property that was not owned or leased by any church or religious organization at the time the decision of the Hearing Examiner [Board of Appeals] was issued.

2. A conditional use is not required for any Educational Institution (Private) that is located in a building or on [[premises]] land that [[have]] has been used for a public school or that [[are]] is owned or leased by the County; however, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4, for:
 - a. construction of an Educational Institution (Private) on vacant land owned or leased by the County; or
 - b. any cumulative increase that is greater than 15% or 7,500 square feet, whichever is less, in the gross floor area, as it existed on February 1, 2000, of an Educational Institution (Private) located in a building that has been used for a public school or that is owned or leased by Montgomery County. Site plan approval is not required for: (i) an increase in floor area of an Educational Institution (Private) located in a building that has been used for a public school or that is owned or leased by Montgomery County if a request for review under mandatory referral was submitted to the Planning Board on or before February 1, 2000, or (ii) any portable classroom used by a private educational institution that is located on property owned or leased by Montgomery County and that is in place for less than one year.

C. Use Standards

1. Where an Educational Institution (Private) is allowed as a limited use, it must satisfy the following standards: [if it is abutting or confronting property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Sec 8.3.4.]
 - a. In the CRN zone, if the subject lot abuts or confronts property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [[8.3.4]] 7.3.4.
 - b. In the IL and IM zones, Educational Institution (Private) is limited to trade, artistic, or technical instruction.
2. Where an Educational Institution (Private) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The Educational Institution (Private) will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element that is incompatible with the environment and character of the surrounding neighborhood.
- b. The Educational Institution (Private) will be in a building compatible with the residential character of the surrounding neighborhood, and, if the Educational Institution (Private) is located on a lot of 2 acres or less, in either an undeveloped area or an area substantially developed with detached houses, the exterior architecture of the building must be similar to a detached house design, and at least comparable to any existing homes in the immediate neighborhood.
- c. The Educational Institution (Private) will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community.
- d. The [allowable] number of pupils per acre [permitted] allowed to occupy the premises at any one time must be specified by the Hearing Examiner [Board of Appeals] considering the following factors:
 - i. traffic patterns, including:
 - (a) impact of increased traffic on residential streets;
 - (b) proximity to transit services, arterial roads, and major highways; and
 - (c) provision of measures for Transportation Demand Management [as defined] in Chapter 42 (Section [Sec.] 42A-21).
 - ii. adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter vehicle queues [from spilling over onto] on adjacent streets;
 - iii. adequacy of student and visitor parking; and
 - iv. noise or type of physical activity.
- e. Density greater than 87 pupils per acre may be permitted only where the Hearing Examiner [Board of Appeals] finds that:
 - i. the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
 - ii. the additional density will not adversely affect adjacent properties; and
 - iii. additional traffic generated by the additional density will not adversely affect the surrounding streets.
- f. Outdoor recreation facilities are screened from abutting residential properties under Division [[7.5]] 6.5 [Sec. 7.4.5].
- g. Any lighting associated with outdoor recreation facilities [meets the requirements of] must satisfy Section [[7.4.4]] 6.4.4 [Sec. 7.5.4].
- h. If an Educational Institution (Private) operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses; (ii) art education programs; (iii) artistic performances; (iv) indoor and outdoor recreation programs; or (v) summer day camps, the Hearing Examiner [Board of Appeals] must find, in addition to the other required findings for the grant of a conditional use, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Hearing Examiner [Board of Appeals] must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Hearing Examiner [Board of Appeals].
- i. The Hearing Examiner [Board of Appeals] may limit the number of participants and frequency of events [authorized in Sec. 3.4.5].

Section 3.4.6. Hospital

A. Defined

[[A]] Hospital [is] means an institution providing health services primarily for the sick or injured and offering inpatient medical or surgical care. Hospital includes

accessory facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities, and staff offices integral to the Hospital. Hospital does not include a stand-alone hospice (see [Section \[Sec.\] 3.3.2.E](#), Residential Care Facility).

B. Use Standards

1. Where a Hospital is allowed as a limited use, it must abut property zoned Commercial/Residential, Employment, or Industrial.
2. Where a Hospital is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - a. The [Hearing Examiner \[Board of Appeals\]](#) finds that the Hospital will not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the present character or future development of the surrounding residential community.
 - b. The minimum lot area is 5 acres.
 - c. The minimum lot width at the front lot line is 200 feet. This requirement does not apply in the GR and EOF zones.
 - d. Where the [\[abutting or nearest adjacent\] subject lot abuts](#) land [that](#) is zoned Residential Detached or is used solely for detached houses, no portion of a building must be nearer to the lot line than a distance equal to the height of that portion of the building, and [\[in all other cases\]](#) a minimum of 50 feet from a lot line [when the subject lot abuts all other zones and nonresidential uses](#).
 - e. Off-street parking must be located to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience, and amenity for the residents of neighboring areas.
 - f. Parking must be limited to a minimum between the front lot line and the front building line.
 - g. [\[Notwithstanding the maximum building height requirements in Sec. 4.4.4 through Sec. 4.4.15, Sec. 4.6.4, Sec. 4.6.5, or Sec. 4.7.4 the\] The](#)

maximum height of a Hospital building is 145 feet [in spite of any other limitation in this Chapter](#).

- h. [In the \[\[Residential and\]\] Industrial zones, the maximum FAR of a Hospital building is established by the conditional use approval in spite of any other limitation in this Chapter](#).

Section 3.4.7. Playground, Outdoor Area (Private)

[A.] Defined

[[A]] Playground, Outdoor Area (Private) [\[is\] means](#) an area used for outdoor recreation, often containing recreational equipment such as slides or swings. Playground, Outdoor Area (Private) includes both passive and active facilities, trails, and greenways.

Section 3.4.8. Private Club, Service Organization

A. Defined

[[A]] Private Club, Service Organization [\[is\] means](#) an association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the public.

B. Use Standards

1. Where a Private Club, Service Organization is allowed as a limited use, [\[if it is abutting or confronting a\] and the subject lot abuts or confronts](#) property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
2. Where a Private Club, Service Organization is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - a. The minimum lot area required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.
 - b. The minimum lot width at the front lot line is twice that required for a detached house.
 - c. The maximum coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.

- d. The minimum open space requirement is 50%.
- e. In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

Section 3.4.9. Public Use (Except Utilities)

Defined

[[A]] Public Use (Except Utilities) [\[is\] means](#) a publicly-owned or publicly operated use. Public Use (Except Utilities) includes County office buildings, maintenance facilities, public schools and parks, post office, State and Federal buildings. Public Use (Except Utilities) does not include a Public Utility Structure (see [Section \[Sec.\] 3.6.7.E](#), Public Utility Structure).

Section 3.4.10. Religious Assembly

A. Defined

Religious Assembly [\[is\] means](#) a meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.

B. Use Standards

Where Religious Assembly is allowed as a limited use [\[in the AR zone\]](#), [it must satisfy the following standards:](#)

1. [\[this\] This](#) use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.
2. [This use is exempt from the minimum site area requirement in Section \[\[4.2.5.A\]\] 4.2.1.F.1 and the maximum density requirement of 1 lot per 25 acres in Section \[\[4.2.5.B\]\] 4.2.1.F.2 if the lawful use existed in a building on the parcel on September 17, 2013 and the parcel has not changed in size or shape since September 17, 2013. If the parcel size or shape is modified by deed or plat, then the use no longer qualifies for this exemption.](#)

Section 3.4.11. Swimming Pool (Community)

A. Defined

[[A]] Swimming Pool (Community) [\[is\] means](#) a private swimming pool shared by its members, including recreational facilities such as tennis courts as an ac-

cessory use. Swimming Pool (Community) does not include swimming pools owned by a homeowner's association, operated as part of an apartment complex, or pools that are accessory to a dwelling.

B. Use Standards

Where a Swimming Pool (Community) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use (excluding [Section \[Sec.\] \[\[8.3.1.E\]\] 7.3.1.E.1 and 7.3.1.E.3](#)), and the following standards:

1. The swimming pool, including the pool deck and any buildings, is set back a minimum of 75 feet from any lot line shared with a property zoned Agricultural, Rural Residential, or Residential or at least 125 feet from any existing residential dwelling, whichever is greater.
2. The swimming pool, including the pool deck and any buildings, is set back a minimum of 25 feet from any public right-of-way or lot line shared with a property zoned Commercial/Residential, Employment, or Industrial.
3. Buildings must [\[\[comply with\]\] satisfy](#) the requirements of the zone in which the pool is located.
4. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse effect on the private water supply for the community.

Division 3.5. Commercial Uses

Section 3.5.1. Animal Services

A. Defined, In General

Animal Services [is] means the [provision of] structures or land used for the care [for] of animals. Animal Services does not include any use considered accessory to an agricultural use.

B. Animal Boarding and Care

1. Defined

Animal Boarding and Care [is] means the structures or land used for the boarding, breeding, or care of dogs, cats, pets, fowl, or other domestic animals at a location other than a Veterinary Office/Hospital, not including animals raised for agricultural purposes.

2. Use Standards

- a. Where Animal Boarding and Care is allowed as a limited use, it must satisfy the following standards:
 - i. [All interior areas for the keeping of animals] Any part of a building used for animal boarding or care must be soundproofed.
 - ii. If it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
 - iii. An outdoor exercise yard is allowed if:
 - (a) it is fenced and set back a minimum of 50 feet from any Residential zone; and
 - (b) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
- b. Where Animal Boarding and Care is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200 zones:

- (a) The minimum lot area is 2 acres or the minimum lot area required for a detached house building type in the zone, whichever is greater.
- (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 200 feet from any lot line and screened under Division [[7.5]] 6.5 [Sec. 7.4.5]. [Buildings are exempt from this requirement.]
- (c) All exterior exercise areas and runs must be fenced.
- (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
- (e) Animals must [not] only be walked or exercised in on-site outdoor areas [that are off-site].
- (f) The sound level at the nearest property line [cannot exceed 60 dBA] must satisfy Chapter 31B.
- (g) All buildings and accessory structures must be set back a minimum of [50] 75 feet from any lot line.
[(h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.]
- (h) (i) All litter and animal waste must be contained and controlled on the site.
- (i) (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- (j) (k) The Hearing Examiner [Board of Appeals] may regulate hours of operation. The Hearing Examiner [Board of Appeals] may also regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.

- (k) (l) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (l) (m) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
 - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (m)(n) In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.
- ii. In the Commercial/Residential and Employment zones [\[all interior areas for the keeping of animals\] any part of a building used for animal boarding or care](#) must be soundproofed.
- iii. In the CRT, CR, and NR zones an outdoor exercise yard is allowed if:
 - (a) it is fenced and set back a minimum of 50 feet from any Residential zone; and
 - (b) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

C. Veterinary Office/Hospital

1. Defined

[[A]] Veterinary Office/Hospital [is] [means](#) any structure and land where medical, surgical, and other veterinary care is provided to domestic animals, which may stay overnight only for medical purposes. Veterinary Office/Hospital does not include Animal Boarding and Care (see [Section \[Sec.\] 3.5.1.B](#), Animal Boarding and Care)

2. Use Standards

- a. Where a Veterinary Office/Hospital is allowed as a limited use, it must satisfy the following standards:
 - i. In the Commercial/Residential and Employment zones, an outdoor exercise yard is allowed if:
 - (a) it is fenced and set back a minimum of 50 feet from any Residential zone; and
 - (b) any animal is prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
 - ii. [\[All interior areas for the keeping of animals\] Any part of a building used for animal boarding](#) must be soundproofed.
 - iii. In the Commercial/Residential and Employment zones, where the [\[use\] subject lot](#) abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
- b. Where a Veterinary Office/Hospital is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - i. Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any lot line and screened under [Division \[\[7.5\]\] 6.5 \[Sec. 7.4.5\]](#). [\[Buildings are exempt from this requirement.\]](#)
 - ii. All exterior exercise areas and runs must be fenced.
 - iii. Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
 - iv. Animals must [\[not\] only](#) be walked or exercised in [on-site](#) outdoor areas [\[that are off-site\]](#).
 - v. The sound [level](#) at the nearest property line [\[cannot exceed 60 dBA\] must satisfy Chapter 31B](#).

- vi. All buildings and accessory structures must be set back a minimum of 50 feet from any residential lot line.
- vii. [vii.] All litter and animal waste must be contained and controlled on the site.
- viii. [ix.] Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- ix. [x.] The Hearing Examiner [Board of Appeals] may regulate hours of operation. The Hearing Examiner [Board of Appeals] may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- x. [xi.] The Hearing Examiner [Board of Appeals] may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without a scheduled appointment; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by [County authorities] DPS.
- xi. [xii.] If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not [have any negative] adversely effect [on] groundwater or septic systems.
- xii. [xiii.] The applicant must submit the following:
 - (a) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.

- (b) Detailed floor plans that show all the interior areas, including runs and kennels.
- (c) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- xiii. [xiv.] In the R-90 and R-60 zones:
 - (a) The minimum lot area is one-half acre; and
 - (b) In the R-60 zone, the Veterinary Office/Hospital must be located on a site with frontage on a road with a minimum existing right-of-way width of 90 feet, that confronts a property zoned Commercial/Residential or Employment.
- xiv. [xv.] In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

Section 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

[[A]] Cable Communications System [is] means an arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital or other forms of electronic or electrical signals, programs and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system with cables that do not touch public rights-of-way and that serve only the occupants of a single property of land under common ownership or management.

2. Use Standards

Where a Cable Communications System is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. Any proposed tower must be set back one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.
 - b. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the District Council.
 - c. Structures, buildings, and facilities in which or on which component elements of a Cable Communications System are located or which otherwise support the system, and which are operated by the entity operating the Cable Communications System [pursuant to] under a franchise awarded by Montgomery County, may be allowed [upon approval] if approved by the Hearing Examiner [Board of Appeals].
 - d. Offices are prohibited in Residential zones as part of the Cable Communications System.
 - e. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
 - f. The transmission and distribution lines, wires, and cables that are component elements of a cable communications system are permitted uses in all zones and are not required to obtain conditional use approval.
- b. Where a Media Broadcast Tower is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. Before the Hearing Examiner [Board of Appeals] grants any conditional use for a Media Broadcast Tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Hearing Examiner [Board of Appeals] regarding the tower with the application. The recommendation must be no more than one year old.
 - ii. Any antenna that is collocated on an existing tower is [not required to obtain] allowed without a conditional use permit. A modification of a Media Broadcast Tower conditional use permit is only required for a change to any use within the conditional use area directly related to the conditional grant.
 - iii. A Media Broadcast Tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - (a) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 275 feet from an existing dwelling, whichever is greater.
 - (b) In the Employment and Industrial zones, a distance of one foot for every foot of height.
 - (c) The Hearing Examiner [Board of Appeals] may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure, whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may [not] be approved only if there is

B. Media Broadcast Tower

1. Defined

[[A]] Media Broadcast Tower [is] means any structure used to transmit radio or television communications that are intended to be received by the public. Media Broadcast Tower does not include amateur radio antenna (see Section [Sec.] 3.5.14.A and Section [Sec.] [[6.5.14.B]] 3.5.14.B, Amateur Radio Facility) or Telecommunications Tower (see Section [Sec.] 3.5.2.C, Telecommunications Tower).

2. Use Standards

- a. Where a Media Broadcast Tower is allowed as a limited use, it is a maximum height of 199 feet and is set back one foot for every foot of height from any property zoned Agricultural, Rural Residential, or Residential.

[no] a location on the property where the setback requirements can be met.

- iv. The maximum height of the support structure is 275 feet, except where it can be demonstrated that the additional height is necessary to [[comply with]] satisfy the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection [pursuant to] required by the building permit, the applicant must certify to DPS that the height and location of the support structure as built conforms with the height and location of the support structure [as authorized in] on the building permit.
- v. The support structure must be located to minimize its visual impact. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required; however, the Hearing Examiner [Board of Appeals] may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and abutting and nearby residential properties.
- vi. The property owner is an applicant for the conditional use for each support structure.
- vii. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower. The outdoor storage of equipment or other items is prohibited.
- viii. Signs or illumination are prohibited on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- ix. The Media Broadcast Tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- x. Any support structure is identified by a sign [no larger than] 2 square feet or smaller, affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance

service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Hearing Examiner [Board of Appeals] notified within 10 days of any change in ownership.

- xi. The owner of the facility is responsible for maintaining the facility in a safe condition.

C. Telecommunications Tower

1. Defined

[[A]] Telecommunications Tower [is] means any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Telecommunications Tower consists of one or more antennas attached to a support structure and related equipment, but does not include amateur radio antenna (see Section [Sec.] 3.5.14.A and Section [Sec.] 3.5.14.B, Amateur Radio Facility), radio or TV tower (see Section [Sec.] 3.5.2.B, Media Broadcast Tower), or an antenna on an existing structure (See Section [Sec.] 3.5.14.C, Antenna on Existing Structure).

2. Use Standards

- a. Where a Telecommunications Tower is allowed as a limited use, it must satisfy the following standards:
 - i. It must not be staffed.
 - ii. Antennas are limited to the following types and dimensions:
 - (a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
 - (b) directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
 - (c) satellite or microwave dish antennas with a maximum diameter of 8 feet.
 - iii. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

- iv. In the AR, R, and RC zones, the tower must be located within an overhead transmission line right-of-way and is a maximum height of 199 feet. The tower must be a minimum of 300 feet from any residence. A Telecommunications Tower conditional use application may be filed with the [Hearing Examiner \[Board of Appeals\]](#) to deviate from this standard.
 - v. In the LSC, IL, IM, and IH zones, the tower is a maximum height of 199 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential.
 - vi. In the GR and EOF zones, the tower is a maximum height of 150 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential. A Telecommunications Tower conditional use application may be filed with the [Hearing Examiner \[Board of Appeals\]](#) to deviate from this standard.
- b. Where a Telecommunications Tower is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all applicable limited use standards, [Section \[Sec.\]](#) ~~[[8.3.1]]~~ 7.3.1, Conditional Use, and the following standards:
- i. Before the [Hearing Examiner \[Board of Appeals\]](#) ~~[grants]~~ approves any conditional use for a Telecommunications Tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the [Hearing Examiner \[Board of Appeals\]](#) at least 5 days before the date set for the public hearing. The recommendation must be no more than 90 days old.
 - ii. A Telecommunications Tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - (a) A Telecommunications Towers is prohibited in any scenic setback indicated in a master plan.
 - (b) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
 - iii. The maximum height of a support structure and antenna is 155 feet, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection ~~[pursuant to]~~ required by the building permit, the applicant must certify to DPS that the height and location of the support structure conforms with the height and location of the support structure ~~[as authorized in]~~ on the building permit.
 - iv. The support structure must be located to minimize its visual impact. Screening under [Division](#) ~~[[7.5]]~~ 6.5 [\[Sec. 7.4.5\]](#) is not required, however, the [Hearing Examiner \[Board of Appeals\]](#) may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.
- (c) In the Employment and Industrial zones, a distance of one-half foot for every foot of height when abutting Commercial/Residential, Employment, or Industrial zoned properties, and one foot for every foot of height when abutting Agricultural, Rural Residential, or Residential zoned properties.
 - (d) The [Hearing Examiner \[Board of Appeals\]](#) may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure, whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may ~~[not]~~ be approved only if there is ~~[no]~~ a location on the property where the setback requirements can be met.

- v. The property owner must be an applicant for the conditional use for each support structure.
- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use approval.
- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Hearing Examiner [Board of Appeals] finds:
 - (a) that collocation at the proposed location is not essential to the public interest; and
 - (b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.
- ix. The support structure must be removed at the cost of the owner of the Telecommunications Tower when the Telecommunications Tower is no longer in use by any wireless communication carrier for more than 12 months.
- x. The support structure must be identified by a sign [no larger than] 2 square feet or smaller, affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Hearing Examiner [Board of Appeals] notified within 10 days of any change in ownership.
- xi. Each owner of the Telecommunications Tower is responsible for maintaining the wireless communications tower in a safe condition.
- xii. The Hearing Examiner [Board of Appeals] must make a separate, independent finding as to need and location of the facility. The ap-

plicant must submit evidence sufficient to demonstrate the need for the proposed facility.

Section 3.5.3. Eating and Drinking

A. Country Inn

1. Defined

[[A]] Country Inn [is] means an establishment for dining in a rural area that may include a maximum of 12 overnight guest rooms and the following subordinate uses: rural antique shop; handicrafts or art sales; equestrian-related retail sales and service; and recreational facilities primarily for the use of guests.

2. Use Standards

- a. Where a Country Inn is allowed as a limited use, it must satisfy the following standards:
 - i. [It] The property on which the use is located must [be legally existing] have been in the Country Inn zone and be the subject of an approved development plan or development plan amendment before October 30, 2014, and must [fully comply with] satisfy the [schematic] development plan and any associated binding element or covenant applicable to the property as of October 29, 2014.
 - ii. A conditional use application for a Country Inn may be filed with the Hearing Examiner [Board of Appeals] if this use standard can not be met.
 - [[iii. [The minimum lot area is 2 acres, or a lesser area if a master plan recommends a lesser area.
 - iv. The maximum coverage is 10%.
 - v. A minimum of 50% of the lot must be open space.
 - vi. The minimum setback from any street is 50 feet. The minimum setback from any other lot line is 75 feet.
 - vii. A lawfully existing structure may be used that does not meet requirements iii. through vi.]

- b. Where a Country Inn is not legally existing before October 30, 2014, it may be allowed as a conditional use by the Hearing Examiner under Section [[8.3.1]] 7.3.1, Conditional Use and the following standards:
 - i. The minimum lot area is 2 acres, or a lesser area if a master plan recommends a lesser area.
 - ii. The maximum coverage is 10%.
 - iii. A minimum of 50% of the lot must be open space.
 - iv. The minimum setback from any street is 50 feet. The minimum setback from any other lot line is 75 feet.

B. Restaurant

1. Defined

[[A]] Restaurant [is] means any structure and land for the preparation and sale of food or drink for consumption. Restaurant includes catering, take-out services, and banquet facilities, but does not include a Drive-Thru (see Section [Sec.] 3.5.14.E, Drive-Thru).

2. Use Standards

- a. Where a Restaurant is allowed as a limited use, it must satisfy the following standards:
 - i. In the CRN zone, if [it is abutting or confronting] the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
 - ii. In the IL and IM zone, a maximum of 3,500 square feet or [25] 35% of the [allowed gross floor area] mapped FAR, whichever is greater, may be for Restaurant use or a combination of Office, Retail/Service Establishment, or Restaurant uses.
- b. Where a Restaurant is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

Section 3.5.4. Funeral and Interment Services

A. Cemetery

1. Defined

[[A]] Cemetery [is] means a place used for the permanent interment of deceased persons or animals or their cremated remains. Cemetery does not include a memorial garden on the premises of a religious institution (see Section [Sec.] 3.4.10, Religious Assembly).

2. Use Standards

Where a Cemetery is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The proposed location must be compatible with adjacent land uses, and will not adversely affect the public health, safety, and welfare of the inhabitants of the area.
- b. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required; [except that] however, all grave sites must be sufficiently set back from surrounding properties to establish a buffer.
- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high water table.
- d. In the AR, R, and RC zones, a family burial site is allowed as an accessory use on a residentially developed property and may be approved on a lot or parcel that is appropriate to the circumstances and is a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any abutting property in a Residential zone and a minimum of 50 feet from any existing or master-planned street. The use of any property for a family burial site must be recorded in the lands records of Montgomery County.

B. Crematory

1. Defined

[[A]] Crematory [is] means a structure in which cremation occurs.

2. Use Standards

Where a Crematory is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

C. Funeral Home, Undertaker

1. Defined

[[A]] Funeral Home, Undertaker [is] means a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

- a. Where a Funeral Home, Undertaker is allowed as a limited use, it must satisfy the following standards:
 - i. The cremation of remains is prohibited.
 - ii. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.
 - iii. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
 - iv. Queuing of motor vehicles is prohibited in the public right-of-way.
 - v. If [it is abutting or confronting] the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).

- b. Where a Funeral Home, Undertaker is allowed as a conditional use, it may [satisfy [Sec. 3.5.4.C.2.a.i through Sec. 3.5.4.C.2.a.iii](#)] be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section 3.5.4.C.2.a.i through Section 3.5.4.C.2.a.iii](#), [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - i. The minimum side setback is 50 feet.
 - ii. The minimum rear setback is 50 feet.
 - iii. Frontage upon and access to a street or roadway having more than one through travel lane in each direction of travel.
 - iv. In the RE-2, RE-1, R-200, and R-90 zones, the minimum lot area is 2 acres.
 - v. In the AR zone, this use is allowed only where it is operating [in conjunction] with a Cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

Section 3.5.5. Landscape Contractor

A. Defined

[[A]] Landscape Contractor [is] means the business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and providing snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Landscape Contractor includes tree installation, maintenance, or removal. [Landscape Contractor does not include Lawn Maintenance Service \(see Section 3.5.14.G, Lawn Maintenance Service\).](#)

B. Use Standard

Where a Landscape Contractor is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

1. In the Agricultural, Rural Residential, and Residential Detached zones the minimum lot area is 2 acres. The [Hearing Examiner \[Board of Appeals\]](#) may require a larger area if warranted by the size and characteristics of the inventory or operation.

2. Building and parking setbacks, including loading areas and other site operations, are a minimum of 50 feet from any lot line.
3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on-site must be limited by the Hearing Examiner [Board of Appeals] to avoid an adverse impact on abutting uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
4. Sale of plant materials, garden supplies, or equipment is prohibited unless the contracting business is associated with a Nursery (Retail) or Nursery (Wholesale).
5. The Hearing Examiner [Board of Appeals] may regulate hours of operation and other on-site operations to avoid adverse impact on abutting uses.

Section 3.5.6. Lodging

A. Defined, In General

Lodging [is] means a building used for the short-term overnight accommodation [for compensation] of paying guests.

B. Bed and Breakfast

1. Defined

[[A]] Bed and Breakfast [is] means a detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfasts to guests.

2. Use Standards

- a. Where a Bed and Breakfast is allowed as a limited use, it must satisfy the following standards:
 - i. A Bed and Breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a Farm Tenant Dwelling, or on a site that includes an Accessory Apartment.
 - ii. The display of a sign must include the official house number.
 - iii. Breakfast is the only meal that may be served and only to overnight guests.

- iv. A guest must only remain in a Bed and Breakfast for a maximum of 14 days in any one visit.
 - v. A record of all overnight visitors must be maintained.
 - vi. The Bed and Breakfast must be registered with DPS.
 - vii. In the Agricultural, Rural Residential, and Residential zones, the minimum lot area is the greater of 9,000 square feet or the minimum lot area for a detached house building type in the zone.
 - viii. In the Agricultural, Rural Residential, and Residential zones, on a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
 - ix. In the Agricultural and Rural Residential zones, a Bed and Breakfast may be allowed in an accessory building designated as historic on the Master Plan for Historic Preservation.
 - x. Parking must be located behind the front building line.
 - xi. In the AR zone, this use may be prohibited if not accessory to Farming under Section [Sec.] 3.1.5, Transferable Development Rights.
- b. Where a Bed and Breakfast is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under all limited use standards, Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
- i. The Hearing Examiner [Board of Appeals] may deny a petition for a Bed and Breakfast with frontage on and access to a road built to less than primary residential standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
 - ii. If there is inadequate space for parking behind the front building line, the Hearing Examiner [Board of Appeals] may approve an alternative placement for parking.
 - iii. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.
 - iv. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Hearing Examiner [Board

of Appeals] may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

C. Hotel, Motel

Defined

[[A]] Hotel, Motel [is] means a building containing guest rooms arranged for short-term [stays] accommodations of less than 30 days for compensation and may contain one or more restaurants, meetings rooms, or banquet facilities. Hotel, Motel includes a hostel.

Section 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

1. Defined

[[A]] Clinic (Up to 4 Medical Practitioners) [is] means a building occupied by up to 4 medical practitioners and related services to provide healthcare on an outpatient basis.

2. Use Standards

Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The minimum lot width at the front lot line is 100 feet.
- b. The minimum setback from [an abutting] a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.
- c. The site must front on and have direct access to a business district street[[, arterial,]] or higher classification [[standard roadway]]; [except that] however, access to a corner lot may be from an abutting primary street, if the Hearing Examiner [Board of Appeals] finds the access to be appropriate and not detrimental to existing residential uses on the primary street.
- d. Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone

or the nearest medical clinic office building constructed [according to a conditional use grant].

- e. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

B. Clinic (More than 4 Medical Practitioners)

1. Defined

[[A]] Clinic (More than 4 Medical Practitioners) [is] means a building occupied by more than 4 medical practitioners and related services to provide healthcare on an outpatient basis. Clinic (More than 4 Medical Practitioners) does not include emergency medical care accessory to a Hospital.

2. Use Standards

- a. Where a Clinic (More than 4 Medical Practitioners) is allowed as a limited use, [if it is abutting or confronting] and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
- b. Where a Clinic (More than 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

C. Medical, Dental Laboratory

Defined

[[A]] Medical, Dental Laboratory [is] means a private, non-profit, or research facility for the testing of blood and other clinical specimens, including a blood or plasma donation center. Medical, Dental Laboratory includes the fabrication of medical or dental appliances. [[.]]

Section 3.5.8. Office and Professional

A. Life Sciences

Defined

Life Sciences [is] means the research, development, and manufacturing activities in one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities. For a business, institution, or government agency conducting such activities in a Life Sciences Center, Life Sciences also includes related activities and supporting services, such as administrative offices, educational facilities, libraries, data services, nanotechnology, informational technology, and robotics.

B. Office

1. Defined

[[An]] Office [is] means a room, set of rooms, or a building where the business of a commercial or industrial organization or of a professional person is conducted. Office includes a chancery, but does not include medical or dental services (see Section [Sec.] 3.5.7, Medical and Dental) or Veterinary Office/Hospital (see Section [Sec.] 3.5.1.C, Veterinary Office/Hospital).

2. Use Standards

- a. Where an Office is allowed as a limited use, it must satisfy the following standards:
 - i. In the LSC zone, an Office for a company that is not principally engaged in health services, research and development, or high technology industrial activities is limited to 40% of the gross floor area.
 - ii. In the IL and IM zone, a maximum of [50] 35% of the [allowed gross floor area] mapped FAR may be for Office use or a combination of Office, Retail/Service Establishment, or Restaurant uses.

- b. Where an Office is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. In the R-200, R-90, and R-60 zones:
 - (a) The Office must be in an existing detached house.
 - (b) Parking of more than one light commercial vehicle is prohibited.
 - (c) Exterior storage of goods or equipment is prohibited.
 - (d) Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
 - (e) The storage of equipment or merchandise for collection by employees is prohibited.
 - (f) A minimum of 25% of the lot area is devoted to open space.
 - (g) In the R-60 zone, the site must be:
 - (1) designated as suitable for an Office or nonresident professional office in a master plan; and
 - (2) located along a highway with an existing right-of-way with a minimum width of 90 feet or along a portion of an arterial road designated as a boundary of a Central Business District area.
 - (h) In the R-90 zone, the site must:
 - (1) be designated as historic in the Master Plan for Historic Preservation;
 - (2) be located along a highway with an existing right-of-way [[of]] that is at least 120 feet wide; and
 - (3) contain a structure formerly used for nonresidential purposes.
 - (i) In the R-200 zone, the site must abut a fire station, police station, ambulance squad, or rescue squad on more than one lot line.

C. Research and Development

1. Defined

Research and Development [is] means the study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and Development also includes the development of prototypes and the marketing of resultant products and related activities, including administrative offices, educational facilities, libraries, and data services, and the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products.

2. Use Standards

Where Research and Development is allowed as a limited use, it must satisfy the following standards:

- a. Manufacturing, mixing, fermentation, or treatment of resultant products for marketing purposes is prohibited.
- b. A maximum of 30% of the gross floor area may be used for assembly, packaging, and servicing of resultant products.

Section 3.5.9. Parking

A. Defined, In General

Parking [is] means a lot or structure that provides parking for motor vehicles where the facility is the principal use and a fee may be charged.

B. Structured Parking

Defined

Structured Parking [is] means a one or more level free-standing structure for parking or storing motor vehicles that does not share a common floor or ceiling with another use allowed in the zone. Structured Parking does not include Surface Parking. [Structured Parking does not include Surface Parking.]

C. Surface Parking for Use Allowed in the Zone

1. Defined

Surface parking for Use Allowed in the Zone [is] means surface parking in connection with any permitted or limited use allowed in the zone where no building or other use requiring parking is on the same lot.

2. Use Standards

Where Surface Parking for Use Allowed in the Zone is allowed as a limited use, it must satisfy the following standards:

- a. Where a sketch plan is required, the surface parking is only allowed as part of an approved phasing plan and [if] the Planning Board finds that the layout is safe, efficient, and compatible with adjacent development.
- b. Where a sketch plan is not required,
 - i. the parking setbacks must accommodate the landscaping required under [Section \[Sec.\] \[\[7.2.9\]\] 6.2.9, and](#)
 - ii. [Additionally, in] [In](#) the CRT, CR, LSC, and EOF zones:
 - (a) the surface parking must be providing parking for a use on an abutting lot or be a municipal public parking lot; and
 - (b) for properties on a business district street, [a site plan, if not otherwise required, must be filed] [site plan approval is required](#) under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4. \[showing\] The Planning Board must find](#) that the surface parking supports commercial or residential uses that substantially conform with the recommendations of the applicable master plan.

D. Surface Parking for Commercial Uses in an Historic District

1. Defined

Surface Parking for Commercial Uses in an Historic District [is] means the parking of motor vehicles on land zoned Agricultural, Rural Residential, or Residential in a master plan-designated historic district, where the parking must abut land zoned Commercial/Residential or Employment in the same master plan-designated historic district.

2. Use Standards

- a. Where Surface Parking for Commercial Uses in an Historic District is allowed as a limited use, it must satisfy the following standards:
 - i. The land zoned Agricultural, Rural Residential, or Residential is currently vacant. Removing or relocating structures to provide parking is prohibited.
 - ii. The amount of parking proposed is the minimum required under [Division \[\[7.2\]\] 6.2 \[Sec. 7.2.9\]](#), Parking, Queuing, and Loading for the commercial use proposed. Providing extra spaces is prohibited.
 - iii. The parking area must be located behind the front building line of the commercial structure being served by the parking; [\[except that in the case of\] however, for](#) a through lot with 2 front setbacks, parking must normally front on the road with the lesser classification.
 - iv. Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process under [Chapter 24 \(Section \[Sec.\] 24A-7\)](#).
 - v. In the AR, R, RE-2, RE-2C, RE-1, and R-200 zones, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
- b. Where Surface Parking for Commercial Uses in an Historic District is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all applicable limited use standards and [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use. Screening under [Division \[\[7.5\]\] 6.5 \[Sec. 7.4.5\]](#) is not required.

Section 3.5.10. Recreation and Entertainment

A. Adult Entertainment

1. Defined

Adult Entertainment [\[is\] means](#) an establishment that:

- a. sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
- b. features nude persons in adult entertainment performances; or

- c. otherwise requires a County license as an Adult Entertainment business.

2. Use Standards

Where Adult Entertainment is allowed as a limited use, it must satisfy the following standards:

- a. The adult entertainment materials must not be visible from outside the establishment.
- b. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- c. The Adult Entertainment business must be located a minimum of 750 feet from any property that is
 - i. located in a Residential zone; or
 - ii. on which a school, library, park, playground, recreational facility, day care center, place of worship, or other Adult Entertainment business is located as a principal use.

The distance must be measured in a straight line from the nearest lot line of the subject property to the nearest point of the boundary line of any property located in a Residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other Adult Entertainment business is located.

- d. An Adult Entertainment business may continue as a nonconforming use if a school, library, park, playground, recreational facility, day care center, place of worship, or Agricultural or Residential zone is established within 750 feet of the Adult Entertainment business after the business was established.
- e. An Adult Entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- f. If adult booths are located on the premises:
 - i. The booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;

- ii. Doors or curtains that screen the booth's interior from the common areas of the premises are prohibited;
- iii. The booths must be designed to prevent physical contact with another person;
- iv. The booths must be illuminated at all times;
- v. Holes in the partitions between the adult booths are prohibited; and
- vi. Persons under the age of 18 are prohibited from entering the premises.

B. Campground

1. Defined

[[A]] Campground [is] means a parcel, lot, or tract of land used for 2 or more tent or recreational vehicle campsites. Campground does not include sites for manufactured homes.

2. Use Standards

[a. Where a campground is allowed as a limited use, it must be established before April 11, 2005.]

[b.] Where a Campground is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. [i.] The maximum density of campsites is 15 campsites per acre of the developed portion of the Campground, inclusive of service roads, toilet facilities and service buildings.
- b. [ii.] Each campsite, excluding parking space, [provides] is a minimum of 900 square feet.
- c. [iii.] The site is a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way; unless the Hearing Examiner [Board of Appeals] waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.
- d. [iv.] All campsites are located a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way.

- e. [v.] Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.

C. Conference Center

1. Defined

[[A]] Conference Center [is] means a facility for conducting meetings, discussions, and conferences. Conference Center includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Conference Center does not include a Hotel, Motel (see Section [Sec.] 3.5.6.C, Hotel, Motel).

2. Use Standards

Where a Conference Center is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

D. Golf Course, Country Club

1. Defined

[[A]] Golf Course , Country Club [is] means the course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts, and pools. Golf Course , Country Club includes the provision of food, refreshments, and entertainment for club or organization members and their guests.

2. Use Standards

Where a Golf Course, Country Club is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The maximum coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.
- c. In a Residential zone, [a] the minimum frontage [of] is 200 feet on a road of arterial or higher classification [is required].
- d. All major outdoor activity areas, golf course playing surfaces, and accessory uses such as tennis courts and swimming pools must be set back a minimum of 100 feet from lot lines abutting a property in a Residential

Detached zone. The [Hearing Examiner \[Board of Appeals\]](#) may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the abutting residential use.

- e. Screening under [Division \[\[7.5\]\] 6.5 \[Sec. 7.4.5\]](#) is not required.

E. Health Clubs and Facilities

1. Defined

Health Clubs and Facilities [\[is\] means](#) any establishment designed to enhance [the](#) physical conditioning and general health [of participants](#). Health Clubs and Facilities includes dance, martial arts, and yoga studios.

2. Use Standards

Where Health Clubs and Facilities is allowed as a limited use, it must satisfy the following standards:

- a. In the CRN zone, if [\[it is abutting or confronting\] the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).
- b. In the NR zone, the maximum size is 14,500 square feet of gross floor area.

F. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)

1. Defined

[\[\[A\]\]](#) Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) [\[is\] means](#) a building with a capacity up to 1,000 [\[persons\] people](#) that provides recreation or entertainment activities [\[in an indoor setting,\]](#) such as sport facilities, theaters, and dance clubs. Recreation and Entertainment Facility, Indoor does not include Shooting Range (Indoor) (see [Section \[Sec.\] 3.5.10.I](#), Shooting Range (Indoor)) or Health Clubs and Facilities (see [Section \[Sec.\] 3.5.10.E](#), Health Clubs and Facilities).

2. Use Standards

- a. Where a Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) is allowed as a limited use, [its](#) capacity is limited to 250 [\[persons\] people](#). A conditional use application may be filed with the [Hearing Examiner \[Board of Appeals\]](#) to increase capacity up to 1,000 [\[persons\] people](#).
- b. Where a Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use and the following standard:

The [Hearing Examiner \[Board of Appeals\]](#) may deny the application if it finds the use would be inconsistent with the intent of the zone due to the facility's size, intensity, level of noise, traffic activity, hours of operation, or lighting.

G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

1. Defined

[\[\[A\]\]](#) Recreation and Entertainment Facility, Outdoor ([Capacity up to 1,000 Persons](#)) [\[is\] means](#) a structure or land with a capacity up to 1,000 [\[persons\] people](#) providing [\[outdoor\]](#) recreation activities [outside of a building](#). Recreation and Entertainment Facility, Outdoor includes golf driving range, but does not include Golf Course, Country Club (see [Section \[Sec.\] 3.5.10.D](#), Golf Course, Country Club), or Shooting Range (Outdoor) (see [Section \[Sec.\] 3.5.10.J](#), Shooting Range (Outdoor)).

2. Use Standard

Where a Recreation and Entertainment Facility, Outdoor ([Capacity up to 1,000 Persons](#)) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.

- ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Screening under [Division \[\[7.5\]\] 6.5](#) [Sec. 7.4.5] is only required for outdoor catering and recreational facilities.
 - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events.
- b. In the R-200 zone:
- i. Only an outdoor catering facility is allowed. An enclosed food preparation building is allowed but all catering parties must be held under pavilions, or in the open, and may include various recreational activities.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 20 feet.
 - iv. Any structure, building, or parking area must be setback from any lot line a minimum of 100 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
- [vi. Other than a permanent food preparation building, permanent structures are limited to open pavilions. Screening under Sec. 7.4.5 is only required for a permanent food preparation building.]
- c. In the Commercial/Residential, Employment, and Industrial zones, in addition to screening under [Division \[\[7.5\]\] 6.5](#) [Sec. 7.4.5], when the use abuts a lot in any Residential zone, a solid wall or solid fence a minimum of 6 feet in height must be constructed and maintained between the use and the lot line.
 - d. Parking must be sufficient to accommodate the number of people participating in the events.

- e. The [Hearing Examiner](#) [Board of Appeals] may deny the application if it finds the use would be inconsistent with the intent of the zone due to the facility's size, intensity, level of noise, traffic activity, hours of operation, or lighting.

H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

1. Defined

[[A]] Recreation and Entertainment Facility, Major ([Capacity over 1,000 Persons](#)) [is] [means](#) a structure or land for performances, cultural or sporting events, or general public interest events that is a place of assembly for over 1,000 participants or attendees.

2. Use Standards

Where a Recreation and Entertainment Facility, Major ([Capacity over 1,000 Persons](#)) is allowed as a conditional use, it may be permitted by the [Hearing Examiner](#) [Board of Appeals] under [Section \[Sec.\] \[\[8.3.1\] 7.3.1](#) Conditional Use, and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Screening under [Division \[\[7.5\]\] 6.5](#) [Sec. 7.4.5] is only required for outdoor catering and recreational facilities.
 - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.
- b. In the Commercial/Residential, Employment, and Industrial zones, in addition to screening under [Division \[\[7.5\]\] 6.5](#) [Sec. 7.4.5], when the use abuts a lot in any Residential zone, a solid wall or solid fence a minimum

of 6 feet in height must be constructed and maintained between the use and the lot line.

- c. If the use is outdoors, parking must be sufficient to accommodate the number of people participating in the events.
- d. The Hearing Examiner [Board of Appeals] may deny the application if it finds the use would be inconsistent with the intent of the zone due to the facility's size, intensity, level of noise, traffic activity, hours of operation, or lighting.

I. Shooting Range (Indoor)

1. Defined

[[A]] Shooting Range (Indoor) [is] means an area in a building with targets for rifle or handgun practice.

2. Use Standard

Where a Shooting Range (Indoor) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

J. Shooting Range (Outdoor)

1. Defined

[[A]] Shooting Range (Outdoor) [is] means any structure, not including a building, or land with targets for rifle, pistol, skeet, or trap shooting practice.

2. Use Standard

Where a Shooting Range (Outdoor) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. Adjacent areas are predominantly undeveloped.
- b. The hours of operation are compatible with an existing uses.
- c. The use is established for a maximum [period] of 3 years, but may be renewed by the Hearing Examiner [Board of Appeals].
- d. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

Section 3.5.11. Retail Sales and Service

A. Combination Retail

1. Defined

Combination Retail means a department or retail store that exceeds 85,000 square feet and that includes a pharmacy and a full line of groceries. Combination Retail does not include a grocery store, or a club or membership store that charges a membership or access fee and sells primarily bulk merchandise (See Section [Sec.] 3.5.11.B, Retail/Service Establishment).

2. Use Standards

Where Combination Retail is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The building must be designed in a way that reduces its scale and contributes to its visual interest. Long building walls should have projections, recessions, or other effective treatments that improve building design.
- b. Where Combination Retail is located within 1/2 mile of a Metro station entrance and has a minimum 50,000 square [[feet]] foot footprint or a minimum of 100,000 square feet of all gross floor area designed for a single user it must satisfy the following standards:
 - i. In addition to any street-facing entrance requirement, all sides of a building that front an abutting public right-of-way must have at least one active entrance.
 - ii. Parking facilities, excluding access driveways, must be located below-grade or in a structure behind or within the primary building.
 - iii. The maximum building footprint of the area designed for a single Combination Retail use is 80,000 square feet.
 - iv. Additional floor area equal to at least 20% of the footprint designed for the Combination Retail must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and a second-

any entrance accessing the Combination Retail use is prohibited. At least 50% of the additional tenant space(s) must be located along the facade where the primary active customer entrance for the Combination Retail is located.

- v. If applicable, full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.
- vi. [[There must be]] Any residential floor area or office floor area [[that is]] must be equal to or greater than the gross floor area designed for the Combination Retail. At least 50% of the gross floor area of the non-retail component must be located above the street level retail footprint.
- vii. Section 3.5.11.A.2.b.iii through Section 3.5.11.A.2.b.vi do not apply if more than 75% of the gross floor area of the Combination Retail is a cellar.

B. Retail/Service Establishment

1. Defined

[[A]] Retail/Service Establishment [is] means a business providing personal services or sale of goods to the public. Retail/Service Establishment does not include Animal Services (see Section [Sec.] 3.5.1, Animal Services) or Drive-Thru (see Section [Sec.] 3.5.14.E, Drive-Thru).

2. Use Standards

- a. Where a Retail/Service Establishment is allowed as a limited use, it must satisfy the following standards:
 - i. In the R-10 zone:
 - (a) The apartment/[condo] building type must contain a minimum of 150 dwelling units, be a minimum of 60 feet in height, and be on a site with a minimum of 5 acres.
 - (b) A maximum of 10% of the gross floor area of the building or 5,000 square feet, whichever is less, may be used for the Retail/Service Establishment use.

- (c) Only small-scale retail sales and personal service establishments are permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.
- ii. In the CRN zone:
 - (a) If [it is abutting or confronting] the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
 - (b) A Retail/Service Establishment over 15,000 square feet of gross floor area must be a grocery store.
- iii. In the CRT, GR, and NR zones, if [it is abutting or confronting] the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
- iv. In the CRT, CR, GR, and NR zones, where a development is located within 1/2 mile of a Metro station entrance and has a minimum 50,000 square [[feet]] foot footprint or a minimum of 100,000 square feet of all gross floor area designed for a single user it must satisfy the following standards:
 - (a) In addition to [the] any street-facing entrance requirement, all sides of a building that front an abutting public right-of-way must have at least one active entrance.
 - (b) Parking facilities, excluding access driveways, must be located below-grade or in a structure behind or within the primary building.
 - (c) The maximum building footprint of the area designed for a single Retail/Service Establishment use is 80,000 square feet.

- (d) Additional floor area equal to at least 20% of the footprint designed for the largest Retail/Service Establishment must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and a secondary entrance accessing the primary Retail/Service Establishment use is prohibited. At least 50% of the additional tenant space(s) must be located along the facade where the primary active customer entrance for the largest single Retail/Service Establishment is located.
- (e) If applicable, full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.
- (f) ~~[[There must be]]~~ Any residential floor area or office floor area ~~[[that is]]~~ must be equal to or greater than the gross floor area designed for the subject Retail/Service Establishment. At least 50% of the gross floor area of the non-retail component must be located above the street level retail footprint.
- (g) Section [Sec.] 3.5.11.B.2.a.iv.(c) through Section [Sec.] 3.5.11.B.2.a.iv.(f) do not apply if more than 75% of the gross floor area of the Retail/Service Establishment is a cellar.
- (h) For a project greater than 500,000 square feet of total gross floor area, the Planning Board may approve a development that does not satisfy Section 3.5.11.B.2.a.iv.(a) through Section 3.5.11.B.2.a.iv.(f) if it finds that the project, through an alternative design, results in a more appropriate configuration of the site.
- (i) [h.] Section [Sec.] 3.5.11.B.2.a.iv does not apply to a regional shopping center.
- v. In the EOF zone, Retail/Service Establishment is limited to a maximum of 30% of the gross floor area of development approved under one application.
- vi. In the LSC zone, if the tract is larger than 5 acres, Retail/Service Establishment is limited to a maximum of 10% of the gross floor area of development approved under one application. If [a] site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4, the Planning Board may approve a maximum of 15% of the gross floor area for Retail/Service Establishment if the Planning Board finds that unique circumstances are present and the area would be enhanced by additional retail activity.
- vii. In the IL and IM zones, Retail/Service Establishment is limited to:
 - (a) building and food service supply, home design and furnishings, wholesale or retail;
 - (b) computer programming and software sales and service, including data banks, and data retrieval;
 - (c) wholesale trades limited to sale or rental of products intended for industrial or commercial users; and
 - (d) other Retail/Service Establishment uses or a combination of Office, Retail/Service Establishment, or Restaurant uses that occupy a maximum of [50] 35% of the [allowed gross floor area] mapped FAR.
- viii. In the IH zone, Retail/Service Establishment is limited to:
 - (a) building and food service supply, home design and furnishings, wholesale or retail;
 - (b) computer programming and software sales and service, including data banks, and data retrieval; and
 - (c) wholesale trades limited to sale or rental of products intended for industrial or commercial users.
- b. Where a Retail/Service Establishment is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standard[s]:
 - i. The building must be designed in a way that reduces [the building's] its scale and contributes to its visual interest. Long building walls should have projections, [or] recessions, [or] other effective treatments that improve building design.

- ii. Parking areas must provide safe, convenient, and efficient access, and be landscaped to define vehicular drives and pedestrian areas.
- iii. The site must have direct vehicular access to an existing arterial or major highway and the streets and roads adjoining the site must be adequate to accommodate the increased traffic generated. The applicant must provide a traffic impact study to demonstrate that acceptable peak hour levels of service will result after taking into account existing and programmed roads, and any improvements to be provided by the applicant.
- iv. Product displays, parked vehicles and other obstructions that adversely affect visibility at intersections or at entrances and exits to and from the site are prohibited.]

C. Rural Antique Shop

1. Defined

[[A]] Rural Antique Shop [is] means the sale in a rural or residential area of items belonging to, made in, or typical of an earlier period.

2. Use Standards

Where a Rural Antique Shop is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The shop must be located in an existing building or part of an existing building.
- b. The original character of the building must be maintained.
- c. The structure must be 5 or more years old.
- d. If the property is located in the R-200 zone, it must abut land in the AR zone.
- e. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

D. Rural Country Market

1. Defined

[[A]] Rural Country Market [is] means the display and retail sale in a rural or residential area of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A Rural Country Market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. Rural Country Market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishments (see Section [Sec.] 3.5.3, Eating and Drinking).

2. Use Standards

Where a Rural Country Market is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The minimum tract area is 2 acres.
- b. The maximum height is 20 feet, unless located in an existing building.
- c. The minimum setback from the street and from any side or rear lot line is 50 feet, except that the minimum setback from the street may be reduced to 25 feet if the Hearing Examiner [Board of Appeals] finds that the smaller setback would be compatible with surrounding uses. The Hearing Examiner [Board of Appeals] may approve the use of an existing structure that does not meet these requirements if the [[Board]] Hearing Examiner finds that the use is suitable and compatible with the surrounding area.

Section 3.5.12. Vehicle/Equipment Sales and Rental

A. Heavy Vehicle Sales and Rental

1. Defined

Heavy Vehicle Sales and Rental [is] means the sales, rental, or leasing of heavy equipment, manufactured homes, and commercial vehicles, including

18-wheelers, commercial box trucks, high-lifts, and construction and heavy earth-moving equipment.

2. Use Standards

Where Heavy Vehicle Sales and Rental is allowed as a limited use, it must satisfy the following standards:

- a. Vehicles must be stored or parked only on a surfaced parking area that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be set back a minimum of 15 feet from any right-of-way, 30 feet from any lot line abutting land in a Residential zone, and 3 feet from any other lot line.
- b. A minimum of 20 feet between access driveways on each street is required, and all driveways must be perpendicular to the curb or street line.
- c. On a corner lot, the access driveway must be located a minimum of 20 feet from the intersection of the [\[front and side street\]](#) rights-of-way, and is a maximum of 30 feet in width.
- d. Product displays, parked vehicles and other obstructions, which would adversely affect visibility at intersections or to driveways are prohibited.

B. Light Vehicle Sales and Rental (Indoor)

1. Defined

Light Vehicle Sales and Rental (Indoor) [\[is\] means a building for](#) the indoor sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving. Light Vehicle Sales and Rental (Indoor) includes the [\[minor\]](#) repair of vehicles and equipment for sale, rent, or lease as an incidental use if conducted indoors. [Light Vehicle Sales and Rental \(Indoor\) includes indoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.](#)

2. Use Standards

Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, [\[if it is abutting or confronting\] and the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is

vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- a. Access to the site from a street with a residential classification is prohibited.
- b. Site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4.](#)

C. Light Vehicle Sales and Rental (Outdoor)

1. Defined

Light Vehicle Sales and Rental (Outdoor) [\[is\] means](#) the [\[outdoor\]](#) sales, rental, or leasing of light equipment and vehicles, including vehicles for hauling and moving, [outside of a building](#). Light Vehicle Sales and Rental (Outdoor) includes the [\[minor\]](#) repair of vehicles and equipment for sale, rent, or lease as an incidental use [if conducted indoors](#). [Light Vehicle Sales and Rental \(Outdoor\) includes outdoor storage of vehicles for sale, and an accessory car wash for vehicles and equipment for sale, rent, or lease.](#)

2. Use Standards

- a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a limited use, [\[if it is abutting or confronting\] and the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
 - i. Access to the site from a street with a residential classification is prohibited.
 - ii. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be set back 15 feet from any right-of-way, 15 feet from any lot line abutting land in an Agricultural, Rural Residential, or Residential Detached zone, and 3 feet from any other lot line.
 - iii. There must be a minimum of 20 feet between access driveways [\[on each street\]](#), and all driveways must be perpendicular to the curb or street line.

- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the [front and side street] rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles, and other obstructions, which would adversely affect visibility at intersections or to driveways, are prohibited.
- vi. In the CRT zone, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
- b. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a conditional use, it may be permitted by the Hearing Examiner under all applicable limited use standards, and Section [[8.3.1]] 7.3.1, Conditional Use.

Section 3.5.13. Vehicle Service

A. Automobile Storage Lot

1. Defined

[[An]] Automobile Storage Lot [is] means the storage of automobiles in connection with a towing operation. Automobile Storage Lot does not include the storage of junked cars.

2. Use Standards

Where an Automobile Storage Lot is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

B. Car Wash

1. Defined

[[A]] Car Wash [is] means any structure or land with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

- a. Where a Car Wash is allowed as a limited use, it must satisfy the following standards:

- i. When a Car Wash occupies a corner lot, [the ingress or egress] drive-ways [are] must be located a minimum of 20 feet from the intersection of the rights-of-way. [front and side street lines of the lot.]
- ii. Obstructions which adversely affect visibility at intersections or to the Car Wash driveways are prohibited.
- iii. All driveways must be perpendicular to the curb or street line.
- iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.
- v. [Demonstrate] The applicant must demonstrate that the vehicles using the Car Wash will not queue off-site.
- vi. Where [abutting or confronting] the subject lot abuts or confronts a property zoned Residential that is vacant or improved with a residential use:
 - (a) All buildings must be set back a minimum of 100 feet from the abutting residential lot line, and
 - (b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential lot line.
- b. Where a Car Wash is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under all limited use standards and Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

C. Filling Station

1. Defined

[[A]] Filling Station [is] means a facility used primarily to dispense motor vehicle fuels [to the consumer] or otherwise provide energy to a consumer's vehicle by any technology. Filling Station includes minor repair services as an accessory use and an accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles are limited to 2 bays. Filling Station does not include storage or parking offered for rent, except for car-share space.

2. Use Standards

Where Filling Station is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

[a. The minimum site is 20,000 square feet.]

a. [b.] Access to the site from a street with a residential classification is prohibited if:

i. it is the only access to the Filling Station, or

ii. it is the primary entrance to a Filling Station with more than 1 entrance.

The Hearing Examiner may allow a Filling Station with access on a residential street as a secondary entrance if it finds that the access will not have an adverse impact on neighboring residential houses.

b. [c.] Site lighting is a maximum of 0.1 footcandles at the lot line when the subject lot abuts [abutting] a Residential [Detached] zone. Site lighting is a maximum of 0.5 footcandles at the lot line when the subject lot abuts [abutting] all other zones.

c. [d.] Any Filling Station facility designed to dispense a minimum of 3.6 million gallons per year must be located at least 300 feet from the lot line of any public or private school, or any park, playground, day care center, or any outdoor use categorized as a civic and institutional use or a Recreation and Entertainment use.

d. [e.] Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.

e. [f.] When such use occupies a corner lot, the [ingress or egress] driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.

f. [g.] Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the setback line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building, except for car-share space.

g. [h.] There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Hearing Examiner [Board of Appeals] may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.

h. [i.] Vehicle parking that overhangs the public right-of-way is prohibited.

i. [j.] If the Filling Station facility includes a car wash, it must:

i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays [must be provided]; and

ii. demonstrate that the vehicles using the car wash will not queue off-site.

j. The Hearing Examiner must find there is adequate parking for all accessory uses.

D. Repair (Commercial Vehicle)

Defined

Repair (Commercial Vehicle) [is] means the repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Repair (Commercial Vehicle) includes the sale of fuel for aircraft.

E. Repair (Major)

1. Defined

Repair (Major) [is] means an establishment where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Repair (Major) does not include repair or services for commercial vehicles or heavy equipment (see Section [Sec.] 3.5.13.D, Repair (Commercial Vehicle)).

2. Use Standards

a. Where Repair (Major) is allowed as a limited use, [if it is abutting or confronting] and the subject lot abuts or confronts a property zoned

Residential that is vacant or improved with a residential use, it is subject the following standards:

- i. All buildings must be set back a minimum of 100 feet from the abutting residential lot line.
 - ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential lot line.
 - iii. The minimum site is 20,000 square feet if not fully contained in a structure.
 - iv. Access to the site from a street with a residential classification is prohibited.
- b. Where Repair (Major) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all limited use standards and [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

F. Repair (Minor)

1. Defined

Repair (Minor) [\[is\] means](#) an establishment where minor vehicle repair and service is conducted, including audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Repair (Minor) does not include repair or services for commercial vehicles or heavy equipment (see [Section \[Sec.\] 3.5.13.D](#), Repair (Commercial Vehicle)).

2. Use Standards

- a. Where Repair (Minor) is allowed as a limited use, [\[if it is abutting or confronting\] and the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
- i. All buildings must be set back a minimum of 50 feet from the abutting residential lot line.
 - ii. All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential lot line.
 - iii. The minimum site is 20,000 square feet.

- iv. Access to the site from a street with a residential classification is prohibited.
- v. [\[Additionally, in\] In](#) the CRT zone, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4](#).

- b. Where Repair (Minor) is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under all applicable limited use standards, [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

In the NR zone:

- i. This use must be conducted entirely within a building containing a maximum of 3 service bays.
- ii. Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
- iii. When a Repair (Minor) use occupies a corner lot, the [\[ingress or egress\]](#) driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.
- iv. There must be a minimum of 20 feet between driveways [\[on each street\]](#), and each driveway must be perpendicular to the curb or street line. The [Hearing Examiner \[Board of Appeals\]](#) may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.
- v. Vehicle parking that overhangs the public right-of-way is prohibited.

Section 3.5.14. Accessory Commercial Uses

A. Amateur Radio Facility (Up to 65 Feet in Height)

Defined

[\[\[An\]\]](#) Amateur Radio Facility (Up to 65 Feet in Height) [\[is\] means](#) any structure used for personal, noncommercial radio communications licensed by the Federal Communications Commission up to 65 feet in height.

B. Amateur Radio Facility (Over 65 Feet in Height)

1. Defined

[[An]] Amateur Radio Facility (Over 65 Feet in Height) [is] means any structure used for personal, non-commercial radio communications licensed by the Federal Communications Commission over 65 feet in height.

2. Use Standards

Where an Amateur Radio Facility (Over 65 Feet in Height) is allowed, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.][[8.3.1]] 7.3.1, Conditional Use and the following standards:

- a. The applicant must demonstrate that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.
- b. Screening under Division [[7.5]] 6.5 [Sec. 7.4.5] is not required.

C. Antenna on Existing Structure

1. Defined

[[An]] Antenna on Existing Structure [is] means one or more antennas attached to an existing support structure, such as a building, a transmission tower, a monopole, a light pole, a water tank, a silo, a barn, or an overhead transmission line support structure. Antenna on Existing Structure includes related equipment.

2. Use Standards

Where an Antenna on Existing Structure is allowed as a limited use, it must satisfy the following standards:

- a. Antennas are limited to the following types and dimensions:
 - i. omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
 - ii. directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
 - iii. satellite or microwave dish antennas with a maximum diameter of 8 feet.

- b. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- c. Associated equipment must be located in an unmanned building, equipment cabinet, or equipment room in an existing building. An equipment building must satisfy the following standards:
 - i. It is a maximum of 560 square feet in area; however, a single equipment building in excess of 560 square feet, located at ground level, may be used if:
 - (a) the overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
 - (b) the building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) the building is reviewed by the Telecommunications Transmission Facility Coordinating Group under Chapter 2 (Section 2-58E).
 - ii. It is a maximum of 12 feet in height if located on the ground or 14 feet in height for a rooftop structure, including the support structure for the equipment building.; however, a single equipment building in excess of 560 square feet, located at ground level, may be used if:
 - (a) the overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
 - (b) the building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) the building is reviewed by the Telecommunications Transmission Facility Coordinating Group under Chapter 2 (Sec. 2-58E).]
 - iii. If the equipment building or cabinet is at ground level in a Residential zone, or the nearest abutting property is in a Residential zone, the building or cabinet must be faced with brick or other compatible material on all sides and surrounded by landscaping providing a screen of at least 3 feet in height.
- d. When mounted on a rooftop or structure located on privately owned land, the antenna must meet the following standards:

- i. An antenna is prohibited:
 - (a) on any detached house or duplex building type or an accessory structure associated with either building type; and
 - (b) in any scenic setback indicated in a master plan.
- ii. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop if a building is a minimum height of:
 - (a) 50 feet in any Residential Detached zone; or
 - (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone.
- iii. An antenna may be mounted on the facade of a building at a minimum height of:
 - (a) 50 feet in a Residential Detached zone; or
 - (b) 30 feet in any Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zone.
- iv. The antenna must not be attached to the support structure for:
 - (a) an antenna that is part of an Amateur Radio Facility licensed by the Federal Communications Commission; or
 - (b) an antenna to receive television imaging in the home.

D. Commercial Kitchen

1. Defined

[[A]] Commercial Kitchen [is] means a part of a building that is accessory to Religious Assembly ([Section \[Sec.\] 3.4.10](#)) or Public Use (Except Utilities) ([Section \[Sec.\] 3.4.9](#)) and satisfies the requirements of [Chapter 15](#) for the preparation of food that could be sold to the public.

2. Use Standards

Where a Commercial Kitchen is allowed as a limited use, it must satisfy the following standards:

- a. The Commercial Kitchen must occupy less than 5% of the floor area of the building in which it is located.

- b. The Commercial Kitchen cannot be used as part of an on-site Eating and Drinking establishment ([Section \[Sec.\] 3.5.3](#)).
- c. A minimum of one parking space, on-site or off-site, per kitchen user is required.
- d. The Commercial Kitchen can be used for the preparation of food for public consumption off-site only between the hours of 6:00 a.m. to 9:00 p.m. weekdays and 8:00 a.m. to 9:00 p.m. weekends.

E. Drive-Thru

1. Defined

[[A]] Drive-Thru [is] means a facility where the customer is served while sitting in a vehicle. Drive-Thru includes drive-thru restaurants, banks, and pharmacies, but does not include Filling Station (see [Section \[Sec.\] 3.5.13.C](#), Filling Station).

2. Use Standards

- a. Where a Drive-Thru is allowed as a limited use, it must satisfy the following standards:
 - i. A Drive-Thru, including the queuing area, must be located a minimum of 100 feet from any property that is vacant or improved with a residential use in the Agricultural, Rural Residential, or Residential Detached zones.
 - ii. For a Restaurant with a Drive-Thru, access to the site from a street with a residential classification is prohibited.
 - iii. [\[b.\]](#) A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.
 - iv. [\[c.\]](#) A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum [\[\[5\]\]](#) 3 foot high wall or fence.
 - v. [\[d.\]](#) Site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4.](#)

- vi. A conditional use application for a Drive-Thru may be filed with the Hearing Examiner if the limited use standards under Section 3.5.14.E.2.a.i through Section 3.5.14.E.2.a.iv cannot be met.
- b. Where a Drive-Thru is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:
 - i. The use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic patterns from such buildings or cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.
 - ii. The use of the proposed location will not preempt frontage on any highway or public road in a way that reduces the visibility and accessibility of an interior commercial area zoned or proposed for commercial use that is oriented to the same highway or public road.
 - iii. Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections, or at entrances and exits to and from the Drive-Thru are prohibited.
 - iv. When a Drive-Thru occupies a corner lot, the ingress or egress driveways must be located a minimum of 20 feet from the intersection of the rights-of-way, and such driveways must not exceed 25 feet in width. In areas where no master plan of highways has been adopted, the street line must be considered to be a minimum of 60 feet from the centerline of any abutting street or highway.

F. Helistop

1. Defined

[[A]] Helistop [is] means a designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. Helistop includes a small fuel tank for a ground level facility and minor support facilities

such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space. Helistop does not include major support facilities (see Section [Sec.] 3.6.6.B, Helipad, Heliport).

2. Use Standards

Where a Helistop is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use.

G. Lawn Maintenance Service

1. Defined

[[A]] Lawn Maintenance Service means a home-based business of cutting grass, raking leaves, snow removal, and other activities associated with maintaining a yard. Lawn Maintenance Service does not include Landscape Contractor (see Section 3.5.5, Landscape Contractor).

2. Use Standards

Where a Lawn Maintenance Service is allowed as a limited use, it must satisfy the following standards:

- a. The Lawn Maintenance Service must satisfy the use standards for all Home Occupations under Section 3.3.3.H.2, the use standards for a Home Occupation (Low Impact) under Section 3.3.3.H.4.b, and the registration requirements under Section 3.3.3.H.4.c.
- b. The loading and unloading of tools and equipment from not more than 2 single axle trailers or trucks is allowed.
- c. Equipment or facilities are limited to lawn maintenance service equipment.

H. Live/Work Unit

Defined

Live/Work Unit means a building, or a space within a building, that combines space for a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

Section 3.5.15. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

[[A]] Construction Administration or Sales Office [is] means a temporary office for construction administration or real estate sales.

2. Use Standards

Where a Construction Administration or Sales Office is allowed as a limited use, it must satisfy the following standards:

- a. A temporary use permit and an use-and-occupancy permit are required.
- b. The use is limited to the construction, development, or sale of buildings or structures within the same site or subdivision.
- c. The use is allowed only for the duration of construction and sale of a project.
- d. A temporary outdoor storage yard for construction equipment or building materials and supplies that is located within 300 feet of any occupied residentially developed property and is to be maintained in the same general location for a minimum of one year must be effectively screened from the residential development by natural features or a solid fence with a maximum height of 6.5 feet.
- e. A Construction Administration or Sales Office, including any associated trailer, building, or portable toilet, that is located within 100 feet of an occupied residentially developed property:
 - i. must be landscaped and maintained; and
 - ii. may be approved for a maximum of one year. Extensions may be approved by DPS for additional one year periods. If a public hearing is held on the extension, the applicant must demonstrate to DPS that a more appropriate location for such use, farther removed from the residential development, does not exist on the site. This finding will not be required if the extension requested does not exceed 6 months.
- f. Any Construction Administration or Sales Office, including an outside storage area, located a minimum of 100 feet from an occupied residentially developed property may be approved for a maximum of 3 years. Extensions may be approved by DPS for additional 2 year periods.

- g. The procedure to request an extension of a temporary use-and-occupancy permit for a Construction Administration or Sales Office is as follows:
 - i. The request must be filed with DPS.
 - ii. The applicant must demonstrate compliance with the landscaping and screening requirements of the original approval.
 - iii. If the use moves more than 200 feet from the originally approved location, then the applicant must apply for a new temporary use-and-occupancy permit.
 - iv. The applicant must provide notice by certified mail to all owners of property that adjoin such use stating that an extension has been requested and that the owners, if they wish to comment, must submit their comments concerning the extension to DPS within 20 days.
 - v. If any abutting property owner opposes continuance of the use, DPS must hold a public hearing before making a decision on the requested extension. A notice of such public hearing must be sent to all abutting property owners.
 - vi. DPS must decide on the extension within 5 days of the closing of the hearing record. In approving an extension, DPS may add additional reasonable conditions to the use-and-occupancy permit. DPS may deny an extension, with reasons for the denial stated in writing.

B. Special Event Parking

1. Defined

Special Event Parking [is] means off-street parking of automobiles motor vehicles in connection with a sporting or cultural event.

2. Use Standards

Where Special Event Parking is allowed as a limited use, it must satisfy the following standards:

- a. The use is limited to one event a year for a maximum of 10 days.

- b. A written permit authorizing such parking must be obtained from DPS a minimum of 10 days before the event.
- c. DPS is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected.

C. Transitory Use

1. Defined

[[A]] Transitory Use [is] means a use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Transitory Use includes a food service truck.

2. Use Standards

Where a Transitory Use is allowed as a limited use, it must satisfy the following standards:

- a. A Transitory Use must be registered under Chapter 47.
- b. A Transitory Use may be located in the public right-of-way where it satisfies Chapter 47.
- c. A Transitory Use may be allowed on private property only if it would be allowed as a permanent use in the applicable zone under Section [Sec.] 3.1.6.
- d. A Transitory Use is prohibited on any portion of the open space required by the zone in which the property is located.
- e. In the AR zone, this use may be prohibited under Section [Sec.] 3.1.5, Transferable Development Rights.

Division 3.6. Industrial Uses

Section 3.6.1. Animal Research Facility

Defined

[[An]] Animal Research Facility [is] means any structure or land for the use of [non-human] animals in scientific experimentation.

Section 3.6.2. Contractor Storage Yard

A. Defined

[[A]] Contractor Storage Yard [is] means a parcel or lot for storing [an outdoor storage yard for] construction equipment or building materials and supplies.

B. Use Standards

Where a Contractor Storage Yard is allowed as a limited use, [if it is abutting or confronting] and the subject parcel or lot abuts or confronts a property zoned Residential Detached that is vacant or improved with a residential use, it must satisfy the following standards:

1. The minimum site is 20,000 square feet.
2. Access to the site from a street with a residential classification is prohibited.

Section 3.6.3. Dry Cleaning Facility

A. Dry Cleaning Facility (Up to 3,000 SF)

1. Defined

[[A]] Dry Cleaning Facility (Up to 3,000 SF) [is] means [an establishment] a building or part of a building up to 3,000 square feet of gross floor area used for the mechanical cleaning of garments, articles, or goods of fabric for retail customers. Dry Cleaning Facility (Up to 3,000 SF) does not include a laundromat or dry cleaning and laundry pick-up station, (see Section 3.5.11.B [Sec. 3.5.11.A], Retail/Service Establishment).

2. Use Standards

Where a Dry Cleaning Facility (Up to 3,000 SF) is allowed as a limited use, work for other similar dry cleaning or laundering establishments is prohibited.

B. Dry Cleaning Facility (Over 3,000 SF)

Defined

[[A]] Dry Cleaning Facility (Over 3,000 SF) [is] means [an establishment] a building or part of a building over 3,000 square feet of gross floor area used for the mechanical cleaning of garments, articles, or goods of fabric. Dry Cleaning Facility (Over 3,000 SF) includes a linen, diaper, or uniform laundering service and may perform work on the premises for other dry cleaning and laundry services and serve retail customers.

Section 3.6.4. Manufacturing and Production

A. Artisan Manufacturing and Production

Defined

Artisan Manufacturing and Production [is] means a structure used for the manufacture and production of commercial goods by a manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products. Artisan Manufacturing and Production does not include any activity that causes noise, odor, or vibration to be detectable on a neighboring property.

B. Heavy Manufacturing and Production

Defined

Heavy Manufacturing and Production [is] means a building used for the processing, manufacturing, or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosives, and may involve outdoor operations as part of their manufacturing process. Heavy manufacturing processes have greater than average impacts on the environment or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards. Heavy Manufacturing and Production does not include arsenals; blast furnaces; boiler works; distillation of bones; dumps; fat rendering; forge plants; incinerators, except when operated or licensed by a duly authorized public agency; ore reduction; packing houses, including meat

canning or curing houses; petroleum refining, or storage in more than tank car lots; rolling mills; smelting; tanning, curing or dyeing of leather, rawhides or skins, or storage of skins; and wool pulling or scouring. Heavy Manufacturing and Production also does not include acetylene; ammonia, bleaching powder, chlorine; asphalt; celluloid or pyroxylin (or treatment of celluloid or pyroxylin); disinfectants; emery cloth or sandpaper; explosives, fireworks or gunpowder; fertilizers; gas for illumination or heating; glue, size, or gelatin; insecticides; lampblack; leather goods; linoleum; matches; mortar, lime, plaster, cement, gypsum; oil cloth or oiled products; paint, oil, shellac, turpentine or varnish employing a boiling or rendering process; potash; rubber or products made [\[therefrom\] from rubber](#); soap; shoeblackening or polish; soda or soda compound; acids or other corrosive or offensive substances; tar or tar roofing or water proofing or other tar products or distillation [\[\[thereof\]\] of tar](#); and yeast, except as part of medical and biotechnical research and development.

C. Light Manufacturing and Production

1. Defined

Light Manufacturing and Production [\[is\] means a building used for](#) the manufacturing of finished products or parts including processing, fabrication, assembly, treatment, and packaging of such products and parts, and incidental storage, sales, and distribution, where all manufacturing processes and noise, odor, smoke, heat, glare and vibration resulting from the manufacturing processes are contained entirely within a building.

2. Use Standards

Where Light Manufacturing and Production is allowed as a limited use, [\[if it is abutting or confronting\] and the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4.](#)

D. Medical/Scientific Manufacturing and Production

1. Defined

Medical/Scientific Manufacturing and Production [\[is\] means a building used for](#) the manufacturing, compounding, processing, assembly, or packaging,

including incidental storage, sales, and distribution, of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biotechnical and biogenetic research and medical, scientific, or technical instruments, devices, and equipment.

2. Use Standards

Where Medical/Scientific Manufacturing and Production is allowed as a limited use, [\[if it is abutting or confronting\] and the subject lot abuts or confronts](#) a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under [Section \[Sec.\] \[\[8.3.4\]\] 7.3.4.](#)

Section 3.6.5. Mining, Excavation

A. Defined

Mining, Excavation [\[is\] means](#) any use that extracts minerals and other natural resources from land. Mining, Excavation includes borrow pit and gravel mining.

B. Use Standards

1. Where Mining, Excavation is allowed as a limited use, it must satisfy the following standards:
 - a. It must be recommended as appropriate in the applicable master plan, be in existence before 1958, and have a maximum of 4,000 square feet of enclosed structures in the aggregate; and
 - b. It includes the extraction, processing, storage and sale of mineral resources and products (which may include incidental sales of mineral resources not extracted on the premises), and accessory uses such as a storage yard, a facility for the maintenance and repair of equipment, a loading facility, crushing, mixing, washing and screening of stone quarried on-site, stone works for the cutting and polishing of dimensional stone, and sale of equipment and building supplies associated with the installation of mineral products.
 - c. Mining, Excavation that is recommended as appropriate in the applicable master plan, is in existence before 1958, and has a minimum of 4,000 square feet up to a maximum of 7,500 square feet, in the aggregate of enclosed structures requires conditional use approval under [Section](#)

[Sec.][[8.3.1]] 7.3.1. The conditional use standards in Section [Sec.] 3.6.5.B.2 do not apply.

2. Where Mining, Excavation is allowed as a conditional use, it may be allowed by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\]\[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:
 - a. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of the zone, whichever is greater; however, the minimum lot area is 10 acres.
 - b. A maximum of 10% of the lot is covered by buildings, including accessory buildings.
 - c. All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures will be set back from property lines an amount sufficient to achieve the performance standards established by the [Hearing Examiner \[Board of Appeals\]](#).
 - d. Access to a public road must be available.
 - e. The maximum height of a building or structure is 90 feet above the natural grade of the portion of the site upon which the building or structure is situated, but facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.
 - f. A minimum of 25% of the lot area designated for mining and excavation will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas, or areas devoted to agriculture.
 - g. Access roads, security patrol roads, railroad sidings, identifications, directional and safety warning signs, security fences and acoustical or visual screens, berms, or walls are permitted within the setback area.
 - h. The use is valid for a maximum of 3 years, and the use may be renewed by the [Hearing Examiner \[Board of Appeals\]](#).
 - i. In the AR zone, this use may be prohibited under [Section \[Sec.\] 3.1.5](#), Transferable Development Rights.

Section 3.6.6. Transportation

A. Bus, Rail Terminal/Station

1. Defined

[[A]] Bus, Rail Terminal/Station [is] [means](#) any structure and land used for bus and train arrivals and departures. Bus, Rail Terminal/Station does not include bus or train maintenance (see [Section \[Sec.\] 3.5.13.D](#), Repair (Commercial Vehicle)).

2. Use Standards

Where a Bus, Rail Terminal/Station is allowed as a limited use, bus or train storage is prohibited.

B. Helipad, Heliport

1. Defined

[[A]] Helipad, Heliport [is] [means](#) a designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Helipad, Heliport includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices, and other appropriate terminal facilities.

2. Use Standards

Where a Helipad, Heliport is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\]\[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- a. All applications for Helipad, Heliport must provide noise analysis sufficient to make a finding of noise compatibility around the facility (the primary impact area) and along and under the principal access routes (the secondary impact area). The primary impact area includes the rotorcraft facility and the area within a 4,000 [[-]] foot radius from the helipad. The secondary impact area includes all areas in the County along and under the principal access routes to the rotorcraft facility excluding the primary impact area.
- b. The Helipad, Heliport noise analysis must include a description of detailed operational procedures that would minimize noise levels affecting

sensitive land uses in both the primary and secondary impact areas (“fly neighborly” procedures). Based on use of these procedures and worst-day noise scenario with peak usage of the facility, projected rotorcraft noise level (in terms of day-night average sound level or DNL) must be developed using models approved by the Federal Aviation Administration (see FAA Advisory Circular 150/5020-2). This worst-day operational scenario becomes the maximum allowable limit for the type, weight, and noise characteristics of the rotorcraft proposed to use the facility; proposed number of operations; and approximate time of day that landings and departures could occur.

- c. Rotorcraft operations are noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft ambient noise levels) exceed pre-rotorcraft ambient DNL levels by one decibel or less. If rotorcraft operations already exist in the vicinity, the cumulative impact of all operations must be calculated to determine compliance.
- d. Instead of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as shown in the following table:
 - i. Maximum Compatible Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	55 dBA
2 units to 15 units per acre	60 dBA
Multi-unit and high rise	65 dBA

- ii. Based on this table and the compatibility standard of allowing only a one-decibel increase in the ambient levels, the following table designates maximum rotorcraft sound levels:

Maximum Rotorcraft Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	49 dBA
2 units to 15 units per acre	54 dBA
Multi-unit and high rise	59 dBA

- iii. Where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels table, measurements or modeling may be performed to establish compatibility standards appropriate to the ambient environment. Office, commercial, and industrial land uses will not be reviewed for noise impacts with the following 2 exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of $LEQ_1 = 75$ dBA for an 8-hour period; (2) in CBD or Transit Station areas, where amenity spaces are provided, if it appears that noise impacts may be of such magnitude as to significantly reduce the usefulness or inhibit the proper function of these spaces for their intended purpose. In addition to the cumulative noise standards, the [Hearing Examiner \[Board of Appeals\]](#) may designate additional conditions for use in the public interest which may include, but not be limited to, restricting the number of rotorcraft operations, restricting the hours of operation of the facility, restricting operations of high noise generating rotorcraft during noise-sensitive hours, or any combinations of these restrictions.
- e. With the exception of operations on the helipad, all on-ground operations must satisfy the standards of [Chapter 31B](#). In particular, heliport maintenance operations must satisfy these standards.
- f. All applications for a Helipad/Heliport must also contain the following information:
 - i. An aerial photograph showing the primary impact area, as defined in [Section \[Sec.\] 3.6.6.B.2.a](#), at a scale no less than one inch equals 400 feet showing the location of the proposed Helipad/Heliport; the approach and departure routes and altitudes within the primary impact area; the location of all residences, schools, churches, hospitals, and

other areas used for the open assembly of people, and other noise sensitive uses that exist, have been approved for development, or are master planned within the primary impact area.

- ii. A map showing the intended flight paths and altitudes within the secondary impact area, as defined in [Section \[Sec.\] 3.6.6.B.2.a](#). This map must indicate the proposed routes and altitude restrictions, if any, found to be acceptable by the Federal Aviation Administration.
- iii. Information concerning the type of rotorcraft facility proposed (helipad/heliport); the nature of the use (public use/private use); type, weight and noise characteristics of rotorcraft that would use the facility; the proposed number of operations and approximate time of day that landings and departures would occur for each type of rotorcraft; and finally, the facility's proposed operating hours.
- iv. A plan must be submitted for the [\[\[Board of Appeal's\]\] Hearing Examiner's](#) approval that complies with all the heliport design guideline recommendations in the Federal Aviation Administration's Heliport Design Guide, Advisory Circular No. 150/5390-1B, dated August 22, 1977, [\[and\]](#) as [\[subsequently\]](#) amended. These guidelines are the minimum standards for the design and approval of a Helipad/Heliport plan. Exemptions to specific standards contained in the heliport design guide may be approved by the [Hearing Examiner \[Board of Appeals\]](#), but only after receiving a recommendation for approval of the requested exemption from the Federal Aviation Administration.
- v. For elevated facilities, an architectural drawing must be submitted which has been certified by a structural engineer licensed by the State of Maryland as demonstration that the structure will support the static and dynamic loads of rotorcraft proposed to use the facility, and that the fire safety regulations, as established in NFPA Publication #418, current edition, or any other regulations in effect at the time of application, have been satisfied.
- vi. A copy of the "Notice of Landing Area Proposal," a copy of the Federal Aviation Administration's response to the Notice of Landing Area Proposal, and a copy of the Air Space Determination from the Federal Aviation Administration must be submitted.

vii. In addition to the above requirements, the [Hearing Examiner \[Board of Appeals\]](#) may require any additional information and analyses that may be relevant as the evidence of record and the public interest require.

- g. Permission for a private use Helipad, Heliport may be granted by the [Hearing Examiner \[Board of Appeals\]](#) for a 5-year period or such shorter period as the [Hearing Examiner \[Board of Appeals\]](#) may specify in granting the conditional use. The conditional use may be renewed by the [Hearing Examiner \[Board of Appeals\]](#) for additional periods, a maximum of 5 years each, if the same findings required for the initial approval by the [Hearing Examiner \[Board of Appeals\]](#) can still be made.
- h. Operators of approved Helipad, Heliport must maintain an accurate log of all rotorcraft operations, specifying each operation that occurs including the type of rotorcraft and the date and time of the operation. This log must be available for inspection by DPS as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to DPS as part of an inspection is a violation of the conditional use approval.

C. Railroad Tracks

Defined

Railroad Tracks [\[is\] means fixed guideways \[tracks and lines\]](#) for the movement of trains.

D. Taxi/Limo Facility

1. Defined

[\[\[A\]\]](#) Taxi/Limo Facility [\[is\] means](#) any structure or land for the dispatch or storage of taxis, limousines, or other vehicles for hire.

2. Use Standards

Where a Taxi/Limo Facility is allowed as a limited use, vehicle storage is prohibited.

Section 3.6.7. Utilities

A. Distribution Line (Above Ground)

1. Defined

[[A]] Distribution Line (Above Ground) [is] means an above ground electric line (carrying under 69,000 volts), cable line, or telephone line.

2. Use Standards

Where a Distribution Line (Above Ground) is allowed as a limited use, only electric distribution lines are allowed.

B. Distribution Line (Below Ground)

Defined

[[A]] Distribution Line (Below Ground) [is] means an underground electric line, cable line, or telephone line.

C. Pipeline (Above Ground)

1. Defined

[[A]] Pipeline (Above Ground) [is] means an above ground conduit for the distribution of liquids or gas.

2. Use Standards

Where a Pipeline (Above Ground) is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:

- a. The proposed pipeline is necessary for public convenience and service.
- b. The proposed pipeline will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

D. Pipeline (Below Ground)

Defined

[[A]] Pipeline (Below Ground) [is] means an underground conduit for the distribution of liquids or gas.

E. Public Utility Structure

1. Defined

[[A]] Public Utility Structure [is] means a utility structure other than transmission lines or pipelines. Public Utility Structure includes structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service or other public utilities.

2. Use Standards

- a. Where a Public Utility Structure is allowed as a limited use, [if it is abutting or confronting] and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4.
- b. Where a Public Utility Structure is allowed as a conditional use, it may be permitted by the Hearing Examiner [Board of Appeals] under Section [Sec.] [[8.3.1]] 7.3.1, Conditional Use, and the following standards:
 - i. The proposed structure at the location selected is necessary for public convenience and service.
 - ii. The proposed structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
 - iii. A Public Utility Structure allowed in any Rural Residential or Residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Hearing Examiner [Board of Appeals].
 - iv. The Hearing Examiner [Board of Appeals] may waive the height limits of the applicable zone where, in the opinion of the Hearing Examiner [Board of Appeals], adjacent residential uses will not be adversely affected by the increased height.

- v. An applicant for a Public Utility Structure [\[is considered an interested person for purposes of filing\] may file](#) a conditional use application if the applicant states in writing under oath that a bona fide effort has been made to obtain a contractual interest in the subject property for a valid consideration without success, and that there is an intent to continue negotiations to obtain the required interest or in the alternative to file condemnation proceedings should the conditional use be approved.

Section 3.6.8. Warehouse

A. Freight Movement

Defined

Freight Movement [\[is\] means any structure or land \[an establishment\]](#) involved in the movement of goods or equipment, including temporary storage, for delivery to other facilities or the final consumer. Freight Movement does not include on-site sales activity.

B. Hazardous Material Storage

1. Defined

Hazardous Material Storage [\[is\] means](#) the storage of [\[materials\] waste](#) that the US Environmental Protection Agency (EPA) has determined are hazardous. Hazardous Material Storage includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that are not included on any of the previous listings, but that generally exhibit ignitability, corrosivity, reactivity, or toxicity.

2. Use Standards

Where Hazardous Material Storage is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

C. Mineral Storage

1. Defined

Mineral Storage [\[is\] means](#) any structure and land for the off-loading, transfer, or storage of sand, gravel, or rocks.

2. Use Standards

Where Mineral Storage is allowed as a limited use, it must be set back at least 750 feet from the nearest property in a Residential zone.

D. Self-Storage

1. Defined

Self-Storage [\[is\] means](#) a structure providing separate storage areas for personal or business use designed to allow private access by the tenant.

2. Use Standards

- a. Where Self-Storage is allowed as a limited use, [\[site plan approval is required under Sec. 8.3.4\] it must satisfy the following standards:](#)
 - i. [In the GR zone, site plan approval is required under Section \[\[8.3.4\]\] 7.3.4.](#)
 - ii. [In the CR zone, Self-Storage is allowed only under the standard method of development under Section \[\[4.5.2.A\]\] 4.5.3 and only:](#)
 - (a) [in a basement or cellar of a building used for other purposes;](#)
 - (b) [with the provision of on-site loading and unloading facilities;](#)
 - (c) [with doors for individual storage units in the interior of the building; and](#)
 - (d) [if signage is limited to a wall sign under Section \[\[7.7.9.A.2\]\] 6.7.9.A.2 and the maximum area of the sign is 40 square feet.](#)
- b. Where Self-Storage is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use.

E. Storage Facility

1. Defined

[[A]] Storage Facility [is] means any structure and land for the short- or long-term storage of goods or equipment, not including Self-Storage (See [Section \[Sec.\] 3.6.8.D, Self-Storage](#)).

2. Use Standards

Where a Storage Facility is allowed as a limited use, it must satisfy the following standards:

- a. Outdoor storage is prohibited.
- b. In the [CRN,] CRT, CR, and EOF zones, only a facility up to 10,000 square feet of [gross floor area](#) is allowed.

Section 3.6.9. Waste-Related

A. Landfill, Incinerator, or Transfer Station

1. Defined

[[A landfill]] [Landfill](#) [is] means a facility that collects and disposes of waste [\[according to\] under](#) State of Maryland requirements for landfills. A landfill includes land clearing debris landfills, rubble landfills, and industrial waste landfills. [[An incinerator]] [Incinerator](#) [is] means a facility intended to reduce waste to ash through combustion and may produce energy or heat for re-use. An incinerator includes medical incinerator. [[A transfer]] [Transfer station](#) [is] means a facility that receives solid or liquid wastes from others for transfer to another location [\[according to\] under](#) State of Maryland requirements for transfer stations. Landfill, Incinerator, or Transfer Station is included in the Comprehensive Solid Waste Management Plan for Montgomery County.

2. Use Standards

Where a Landfill, Incinerator, or Transfer Station is allowed as a conditional use, it may be permitted by the [Hearing Examiner \[Board of Appeals\]](#) under [Section \[Sec.\] \[\[8.3.1\]\] 7.3.1](#), Conditional Use, and the following standards:

- a. The proposed use must meet all applicable requirements and conditions for State of Maryland permits.

- b. The applicant must provide a detailed plan showing the proposed truck haul route to the nearest major highway and traffic engineering studies and analyses demonstrating the effects of the proposed conditional use on present and projected levels of service, adequacy of the present and planned road system, road safety conditions, bridge capacity, and other factors related to traffic flow and safety. The detailed plan submitted by the applicant must include:
 - i. a map of the hauling route indicating the classification of all roads and the width of the respective rights-of-way, as well as the number of lanes as built.
 - ii. the load limits of all bridges which the hauling route will cross,
 - iii. the segments of the road which are "closed" by curb and gutters, and "open" to roadside swales or ditches,
 - iv. the hours and days when the property will accept vehicles, and
 - v. the steps which the applicant will take to maintain the hauling route free of debris from vehicles accessing or leaving applicant's facility and control the number of vehicles accessing and leaving the site on a daily, weekly, monthly, and extraordinary basis, and
 - vi. designation of on-site queuing spaces sufficient to accommodate the anticipated hauling vehicles without causing the vehicles to queue into the public right-of-way. The number of queuing spaces must be at least one-half of the number of trucks expected during the peak hours of operation.
- c. The applicant must have and adhere to an emergency notification and mitigation plan, acceptable to DPS, for instances when the presence of toxic, hazardous, or special medical wastes is discovered or suspected.
- d. To protect the public health, safety and welfare, the applicant must provide on-site and off-site monitoring of air pollution, noise, ground water, and surface waters in a plan acceptable to DPS. The applicant must describe how the transfer station operations will conform to the water quality and quantity requirements of [Chapter 19](#), without any waiver.

- e. The site must conform to the National Fire Protection Association (NFPA) Standard 46, "Recommended Safe Practice for Storage of Forest Products". The standards are mandatory and not recommendations.
- f. Any transfer of solid waste or sorting of recyclable materials must occur only in a wholly enclosed building.
- g. The outdoor storage of solid waste or recyclable materials must be in leakproof, fly-and-rodent proof containers.
- h. Impervious surfaces must be provided for all areas where the handling, sorting, storage, or transporting of solid waste or recyclable materials occurs.
- i. Any water that comes into contact with solid waste must be discharged to the sanitary sewer system that satisfies an industrial discharge permit.
- j. Water runoff must be discharged only into the sanitary sewer system.
- k. A solid waste transfer station operation must not be located on any part of a floodplain or wetland, or within 300 feet of a stream.
- l. Each site must be accessible directly from a roadway consisting of sufficient lanes to provide separate turning lanes and through lanes for large trucks to assure safe ingress and egress and not impede through traffic.
- m. There must be at least a 200 foot buffer between the proposed sorting and storage operations and any lot line.

B. Recycling Collection and Processing

1. Defined

Recycling Collection and Processing [is] means any structure or land used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume and inventory stored on-site must be turned over at least once every 3 months. Recycling Collection and Processing includes an automobile recycling facility, but does not include a transfer station (See [Section \[Sec.\] 3.6.9.A](#), Landfill, Incinerator, or Transfer Station).

2. Use Standard

Where Recycling Collection and Processing is allowed as a limited use, recycling of construction and demolition debris is prohibited unless the use was lawfully existing on October 29, 2014. [, and] The recycling of automobiles is also prohibited.

Division 3.7. Miscellaneous Uses

Section 3.7.1. Noncommercial Kennel

A. Defined

[[A]] Noncommercial Kennel [is] means any County-licensed establishment used for the keeping, breeding, or care of dogs, cats, or other domestic animals belonging to the site's owner and kept for purposes of show, hunting, breeding, or as pets. Noncommercial Kennel does not include an Equestrian Facility (see [Section \[Sec.\] 3.2.4](#), Equestrian Facility).

B. Use Standards

Where a Noncommercial Kennel is allowed as a limited use, construction or use of accessory buildings, enclosures, or runs for these dogs is prohibited.

Section 3.7.2. Solar Collection System

A. Defined

[[A]] Solar Collection System [is] means an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices.

B. Use Standards

Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

1. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones a Solar Collection System must be an accessory use as defined in [\[Sec\] Section 3.1.3](#)
2. Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.
3. Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.
4. In the Commercial/Residential, Employment, and Industrial zones, a roof-

mounted system may exceed the maximum height by 8 feet under [Section 4.1.7.C.3](#) [Sec. 4.1.5.D.3].

5. The following standards apply to a freestanding Solar Collection System:

- a. In the Agricultural, Rural Residential, Residential, Commercial/Residential, and Employment zones, it is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure; [with the following exception:] however it [It] may be located in the side yard of a property in a Rural Residential or Residential Detached zone if the main building is set back a minimum of 70 feet from the side lot line and the Solar Collection System is setback a minimum of 50 feet from a side lot line and the height of the Solar Collection System is a maximum of 20 feet.
- b. In the Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zones, a Solar Collection System installed above a parking lot or other paved surface does not count towards the maximum coverage.
- c. Signs are prohibited, except for a flush-mounted sign identifying the manufacturer of the system.
- d. The Solar Collection System must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The Solar Collection System will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.

Section 3.7.3. Wildlife, Game Preserve, and Other Conservation Areas

Defined

Wildlife, Game Preserve, and Other Conservation Areas [is] means a public or private area used for raising, protecting, breeding or hunting wildlife within a natural environment. Wildlife, Game Preserve, and Other Conservation Areas includes a regulated shooting ground licensed by the Maryland Wildlife Administration.

Section 3.7.4. Accessory Miscellaneous Uses

A. Accessory Structure

1. Defined

[[An]] Accessory Structure [is] means a structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.

2. Use Standards

Where an Accessory Structure is allowed as a limited use, it must satisfy the following standards:

- a. In Agricultural and Rural Residential zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.
- b. In Residential Detached zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.

B. Accessory Use

Defined

[[An]] Accessory Use [is] means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied.

C. Security Pavilion

1. Defined

[[A]] Security Pavilion [is] means a single-room building designed and arranged for [housing] sheltering security personnel and surveillance equipment.

2. Use Standards

Where a Security Pavilion is allowed as a limited use, it must satisfy the following standards:

- a. A Security Pavilion cannot be designed or used as a dwelling unit and cannot be used for the storage of goods, materials, or automobiles.
- b. The minimum lot area is 2 acres.
- c. The maximum size is 196 square feet of total floor area, with maximum linear dimensions of 14 feet per side.
- d. The maximum height is 12 feet.
- e. The minimum front setback is 30 feet.
- f. The minimum side setback is 15 feet.
- g. The Security Pavilion is placed within 5 feet of the main driveway that provides access to the main dwelling located on the same lot.

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ARTICLE 59-4. [[EUCLIDEAN ZONE REQUIREMENTS: IN GENERAL AND STANDARD METHOD]] DEVELOPMENT STANDARDS FOR EUCLIDEAN ZONES

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Division 4.1. Rules for All Zones

Section 4.1.1. Development Options

[There are 2 types of development options: standard method and optional method. Standard method development is governed by standards that are set by the Chapter.] An applicant may always choose to develop under the standard method of development; in some zones and under certain circumstances, an applicant may choose the optional method of development. Optional method development may allow more density and greater flexibility than is allowed under the standard method and generally requires more discretionary review.

A. Standard Method **[[see Division [Div.] 4.2 through Division [Div.] 4.8]]**

The standard method of development [provides the basic framework for development. Development] of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) under Chapter 25A. In the Rural Residential and Residential zones, a [A] project providing more than 12.5% MPDUs or a project with less than 20 units that provides 12.5% MPDUs is an optional method of development project.

B. Optional Method **[[see Division [Div.] 6.1 through Division [Div.] 6.6]]**

The optional methods of development [contain alternative] include requirements for the zones in which the method is allowed. [The following zones provide an] An optional method of development is allowed in the following zones: RC, RNC, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRT, CR, LSC, and EOF.

Section 4.1.2. Compliance Required

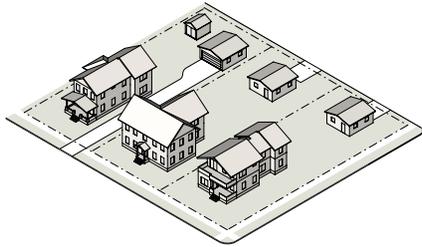
- A. [A.] Land may be used and a structure may be erected, moved, structurally altered, added to, enlarged, or used, only as allowed under the uses, use standards, and development standards [prescribed by] in the zone in which the land or structure is located. [This] Section 4.1.2 does not, however, prohibit the use of any land for exclusively agricultural purposes.
- B. Every new building must be located on a lot, except as allowed under Section 7.7.1.D.2.

- C. In the Agricultural, Rural Residential, and Residential Detached zones, only one detached house is allowed per lot, except as allowed under Section 3.1.6 for a Detached Accessory Apartment, Farm Tenant Dwelling, or Guest House, or under Section 7.7.1.A.1 for an Existing Structure on October 30, 2014.

[B. Unless otherwise specified, every new building must be located on a lot; and, except as allowed in this Chapter or Chapter 50, only one detached house is allowed per lot.]

Section 4.1.3. Building Types in the Agricultural, Rural Residential, and Residential Zones

Building types [are established to] regulate the form of development allowed within each zone. [Uses allowed within any building type are determined by the uses allowed within the zone under Section 3.1.6; the building type does not determine use.] The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.

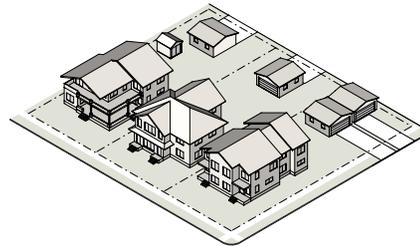


A. Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or Conditional Use allowed in the zone

A detached house is a [A] building containing one dwelling unit. A detached house that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. A Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone is a building that accommodates only a Cultural Institution, Religious Assembly, Public Use, or an approved conditional use allowed in the applicable zone under Article 59-3, Uses and Use Standards. This building type includes buildings used for agriculture associated with Farming. [An existing detached house building type may be used entirely for a nonresidential use if:

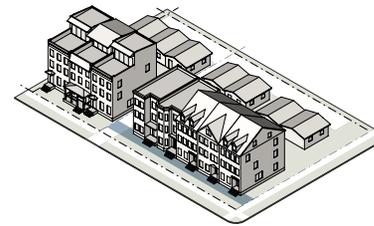
1. The detached house is a minimum of 3 years old when an applicant files for a use-and-occupancy permit for the nonresidential use;
2. Expansions of the existing detached house are limited to a maximum of 500 square feet and restricted to improvements required by the Fire Marshall or ADA regulations; and
3. The building and site retain the exterior appearance of a detached house;
4. Parking and parking setbacks are accommodated on-site.]

4 - 4
 [[December 16 [May 2], 2013]] March 5, 2014



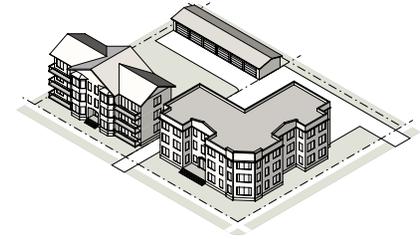
B. Duplex

A duplex is a building containing 2 principal dwelling units. A duplex that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



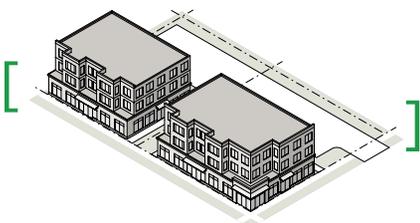
C. Townhouse

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



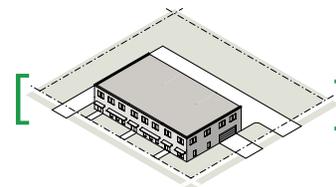
D. Apartment/[Condo] Building

[A] An apartment building is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment/[condo] may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



E. Multi Use Building

A building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.]

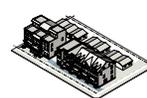


F. General Building

A building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses. When a general building is approved for a limited or conditional use in a Residential Detached zone, the building and site design must, to the maximum extent practicable, have the exterior appearance of a detached house.]

Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones

In the Agricultural, Rural Residential, and Residential zones, [Building] building types are allowed by zone as follows:



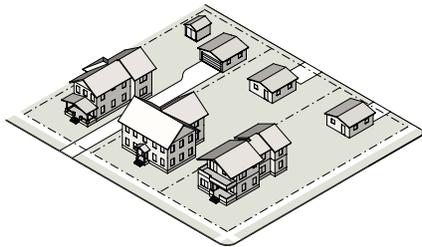
Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone

		Duplex	Townhouse	Apartment/ Condo Building	[Multi Use Building]	[General Building]
Agricultural Zone						
Agricultural Reserve (AR)	A	--	--	--	[--]	[A]
Rural Residential Zones						
Rural (R)	A	--	--	--	[--]	[A]
Rural Cluster (RC)	A	--	--	--	[--]	[A]
Rural Neighborhood Cluster (RNC)	A	A	A	--	[--]	[A]
Residential Detached Zones						
Residential Estate - 2 (RE-2)	A	[--] TDR	[--] TDR	[--] TDR	[--]	[A]
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--	[--]	[A]
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	[--]	[A]
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	[--] TDR	[--]	[A]
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	[--] TDR	[--]	[A]
Residential - 60 (R-60)	A	MPDU, CD, TDR	MPDU, CD, TDR	[--] TDR	[--]	[A]
Residential - 40 (R-40)	A	A	MPDU	--	[--]	[A]
Residential Townhouse Zones						
Townhouse Low Density (TLD)	A	A	A	--	[--]	[A]
Townhouse Medium Density (TMD)	A	A	A	--	[--]	[A]
Townhouse High Density (THD)	A	A	A	--	[--]	[A]
Residential Multi-Unit Zones						
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A	[--]	[A]
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A	[--]	[A]
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A	[--]	[A]
[Commercial/Residential Zones]						
[CR Neighborhood (CRN)]	A	A	A	A	A	[A]
[CR Town (CRT)]	A	A	A	A	A	[A]
[CR (CR)]	A	A	A	A	A	[A]
[Employment Zones]						
[General Retail (GR)]	A	A	A	A	A	[A]
[Neighborhood Retail (NR)]	A	A	A	A	A	[A]
[Life Science Center (LSC)]	A	A	A	A	A	[A]
[Employment Office (EOF)]	A	A	A	A	A	[A]
[Industrial Zones]						
[Light Industrial (IL)]	--	--	--	--	A	[A]
[Moderate Industrial (IM)]	--	--	--	--	A	[A]
[Heavy Industrial (IH)]	--	--	--	--	A	[A]
[Overlay Zone]						
[Transferable Development Rights (TDR)]	TDR	TDR	TDR	TDR	--	[--]

KEY : A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an optional method Cluster Development [\[Under Division 6.2\]](#)
 MPDU = Allowed as part of an optional method MPDU Development [\[\[Under Division 6.1\]\]](#) TDR = Allowed in a TDR Overlay zone as part of optional method TDR Development under [\[\[Division 6.3\]\]](#) Section 4.9.13.B
 Chapter 59: Zoning Code
 Montgomery County, Maryland

Section 4.1.5. **Building Types in the Commercial/Residential, Employment, and Industrial Zones**

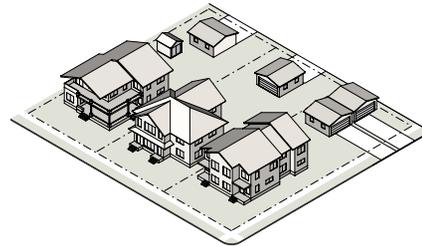
Building types regulate the form of development allowed within each zone. Uses allowed within any building type are determined by the uses allowed within the zone under Section 3.1.6; the building type does not determine use. The building type only determines the applicable development standards. All graphic depictions of building types are



for illustrative purposes only and are not meant to limit or exclude other designs.

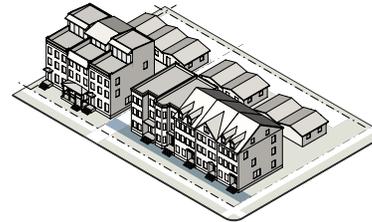
A. Detached House

A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



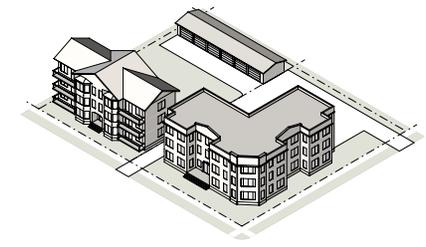
B. Duplex

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



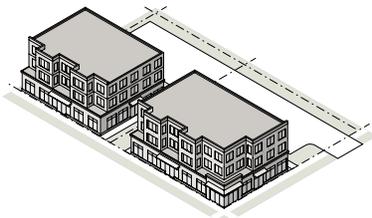
C. Townhouse

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



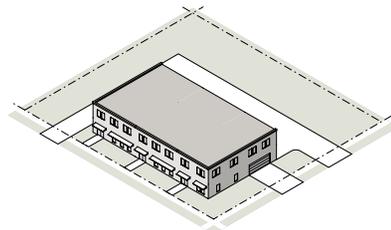
D. Apartment Building

An apartment building is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



E. Multi Use Building

A multi use building is a building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.

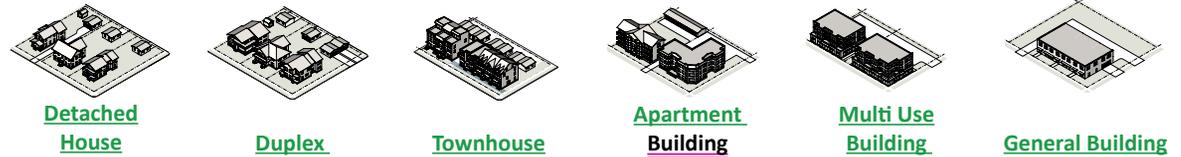


F. General Building

A general building is a building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses.

Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones

In the Commercial/Residential, Employment, and Industrial zones, building types are allowed by zone as follows:



	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Apartment Building</u>	<u>Multi Use Building</u>	<u>General Building</u>
Commercial/Residential Zones						
<u>CR Neighborhood (CRN)</u>	A	A	A	A	A	A
<u>CR Town (CRT)</u>	A	A	A	A	A	A
<u>CR (CR)</u>	A	A	A	A	A	A
Employment Zones						
<u>General Retail (GR)</u>	A	A	A	A	A	A
<u>Neighborhood Retail (NR)</u>	A	A	A	A	A	A
<u>Life Science Center (LSC)</u>	A	A	A	A	A	A
<u>Employment Office (EOF)</u>	A	A	A	A	A	A
Industrial Zones						
<u>Light Industrial (IL)</u>	--	--	--	--	A	A
<u>Moderate Industrial (IM)</u>	--	--	--	--	A	A
<u>Heavy Industrial (IH)</u>	--	--	--	--	A	A

KEY : A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

Section 4.1.7. [4.1.5] Measurement and Exceptions

The rules in [Section 4.1.7 \[Sec. 4.1.5\]](#) apply to all zones unless [\[expressly\]](#) stated otherwise.

A. Area, Lot, and Density

1. Tract

A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed to a government for more than nominal consideration.

2. Site

A site is an area of land including all existing and proposed lots and parcels in one application, except proposed and previous dedications and rights-of-way.

[B. Lot and Density]

3. [1.] Lot

A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

4. [2.] Lot Area

The lot area is the geographic extent defined by lot boundaries

5. [3.] Lot Width

a. At the Front Lot Line

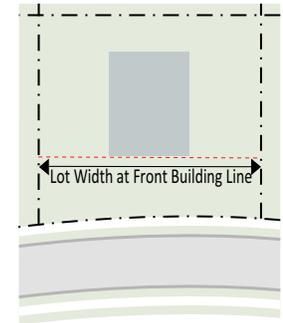
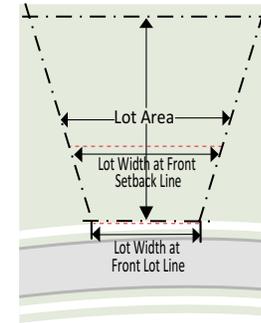
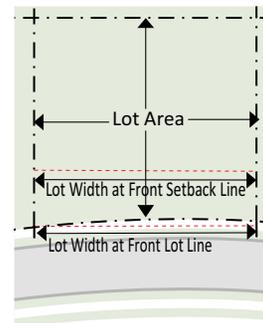
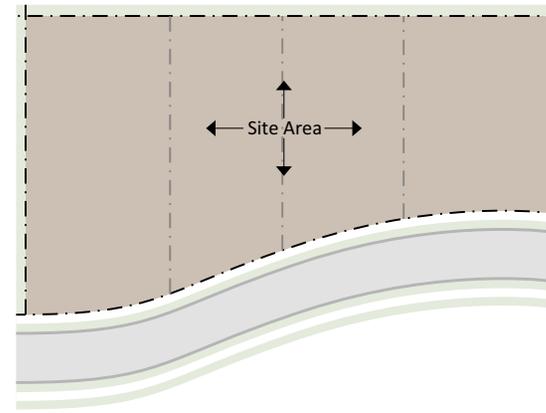
The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line.

b. At the Front Setback Line

The lot width at the front setback line is measured between the side lot lines, at the front setback line, along a straight line.

c. At the Front Building Line

The lot width at the front building line is measured between the side lot lines, at the front edge of the building, along a straight line.



6. [4.] Density

Density limits are expressed in units per acre, lots per acre, or FAR, as indicated in each zone.

[[a. Units per Acre

For the detached house, duplex, townhouse, and apartment/[condo] building types in the Agricultural, Rural Residential, and Residential zones, the maximum permitted density is measured by the number of dwelling units allowed per lot area, site, or usable area.]]

[[b. Floor Area Ratio (FAR)

In the Commercial/Residential, Employment, and Industrial zones, the maximum permitted density is measured as FAR.]] [For the general building type in the Agricultural, Rural Residential, and Residential zones, the maximum permitted density is measured as FAR.]

B. [C.] Placement

1. [Building] Structure Setbacks

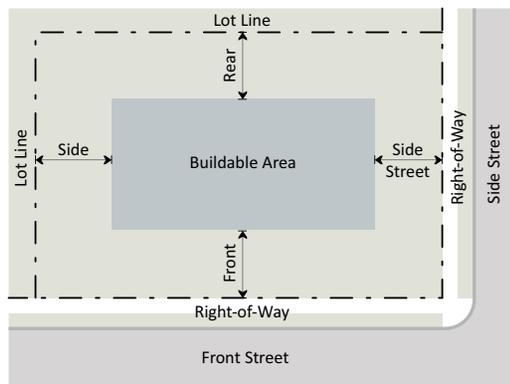
a. Defined

A [building] structure setback is the minimum distance that a principal building or accessory structure must be [set back] located from a specified lot line or right-of-way.

b. Measurement of Setbacks

There are front, side street, side, and rear setbacks. Through lots have 2 front setbacks. A lot abutting an alley is not a through lot.

- i. The front setback is measured from the front lot line to a structure.
- ii. The side street setback is measured from the side street lot line to a structure.
- iii. The side setback is measured from the side interior lot line to a structure.
- iv. The rear setback is measured from the rear lot line to a structure.
- v. Where a setback is expressed as 2 numbers separated by "or" (such as 4' or 20'), a property owner may build either to the lesser setback, or no closer to the lot line than the greater setback. A setback between the 2 numbers is prohibited.



[[2.Corner Lots

a. Defined

A corner lot is a lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

b. Measurement of Setbacks

A corner lot has 2 front setbacks; however, where the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, then along that street the side street setback applies.]]

[c. Addressing

In determining the address, the following conditions must be considered:

- vi. the street with the highest street classification;
- vii. the established orientation of the block;
- viii. the street abutting the longest face of the lot; and
- ix. the street parallel to an alley within the block.]

2. Build-to Area

Defined

- a. The build-to area is the area on the lot where a certain percentage of the front building façade must be located, measured as a range from the edge of the lot line.
- b. [With the exception of parking areas, all] All structures and uses customarily allowed on the lot are allowed in the build-to area except a surface parking lot.

3. Parking Setbacks

a. Defined

A parking setback is the minimum distance that a [parking area] surface parking lot must be [set back] located from a specified lot line or right-of-way. [Parking setbacks apply to on-site surface parking.] Structured parking must [[comply with]] satisfy principal building setbacks.

b. Measurement of Parking Setbacks

There are front, side street, side, and rear parking setbacks. Through lots have 2 front parking setbacks. A lot abutting an alley is not a through lot.

- i. The front and side street parking setback is measured from the edge of the lot line [to a surface parking lot](#).
- ii. The side parking setback is measured from the side lot line [to a surface parking lot](#).
- iii. The rear parking setback is measured from the rear lot line or the edge of the right-of-way if there is an alley [to a surface parking lot](#).

4. Coverage

a. Defined

- i. Coverage is the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or steps.
- ii. Coverage does not include paved areas such as a driveway, a pedestrian walkway, a bay window, an uncovered porch or patio, deck, a swimming pool, or roof overhang.

b. Exemptions

- [i. In the Agricultural and Rural Residential zones, on a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) a site plan is approved under Sec. 8.3.4.
- ii. Maximum coverage does not apply to Religious Assembly (Sec. 3.4.10) in the R-60 zone.]
- [iii.] Handicap facilities are exempt from coverage if the size of the accessibility improvement does not exceed the minimum design specifications in the Maryland Accessibility Code and Montgomery County Building Code.

5. Setback Encroachments

Any building or structure must be located at or behind the required building setback line, except: [\[as listed in Sec. 4.1.5.D.6.a through Sec. 4.1.5.D.6.c.\]](#)

a. Building Features

- i. Any unenclosed porch, deck, terrace, steps, or stoop may project a maximum of 3 feet into any side street or side setback and may project a maximum of 9 feet into any front or rear setback. This [encroachment](#) includes an unenclosed roofed porch or terrace.
- ii. Any roofed and unenclosed steps or stoop may project a maximum of 3 feet into any side street or side setback and may project a maximum of 9 feet into any front or rear setback. Any roof covering unenclosed steps or a stoop may project a maximum of 3 feet into any setback.
- iii. An unenclosed balcony may [extend](#) [project](#) a maximum of 6 feet into a required setback, if such [extension](#) [projection](#) is a minimum of 2 feet from the vertical plane of any lot line.
- iv. A sill, leader, belt course, or similar ornamental feature may project a maximum of 6 inches into any setback. Where a wall is located on a lot line, any such projection may extend across a lot line under [Chapter 50 \(Section \[Sec.\] 50-20\)](#).
- v. A chimney or flue as part of a detached house, duplex, or townhouse may project a maximum of 2 feet into any setback.
- vi. A chimney or flue as part of an apartment[[condo](#)], [multi use](#), or [general building](#) may project a maximum of 4 feet into any setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line.
- vii. Any building eave, cornice, or light shelf may project a maximum of 2 ½ feet into any setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, any such projection may extend across a lot line under [Chapter 50 \(Section \[Sec.\] 50-20\)](#).
- viii. Any bay window, oriel, entrance, vestibule, or balcony, 10 feet in width or less, may project a maximum of 3 feet into any setback.
- ix. Any unenclosed fire escape or outside stairway may project a maximum of 5 feet into any side street, side, or rear setback.

b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as an HVAC unit or security lighting, may project a maximum of 5 feet into any front or rear setback.
- ii. A permanent rainwater collection or harvesting system may project a maximum of 3 feet into any side street, side, or rear setback.

c. Other Encroachments

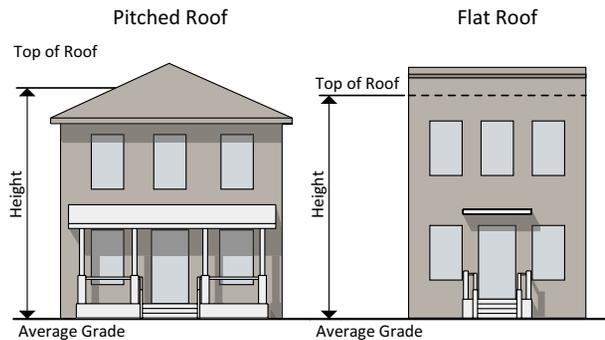
The following features may encroach into any setback:

- i. any fence or wall under [Section \[Sec.\] \[\[7.5.3.C\]\] 6.4.3.C](#);
- ii. a handicap facility to the extent necessary to meet the minimum standards of the Americans with Disabilities Act; and
- iii. any sign under [Division \[Div.\] \[\[7.7\]\] 6.7](#).

C. [D.]Height

1. Building Height in Agricultural, Rural Residential, and Residential Zones

- a. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

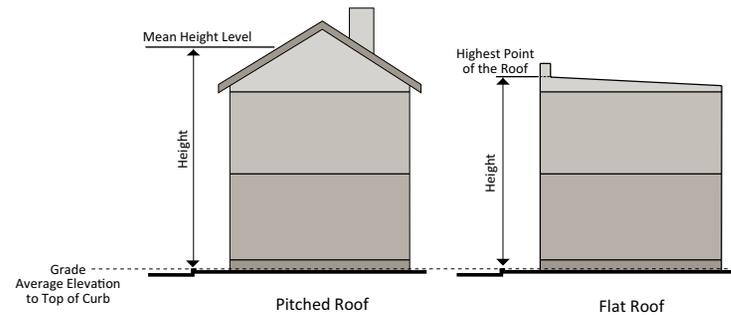


- b. Average grade is calculated using the [[average of the highest and lowest elevation]] weighted average of point grades for each wall length along pre-development or finished level of ground (whichever is more restrictive), along the front of the building parallel to the front setback line. The weighted average of point grades for each wall length is calculated

by multiplying each front facing wall section times the grade elevation adjacent to that section, summing all products, and dividing by the total length of the front wall.

2. Building Height in Commercial/Residential, Employment, and Industrial Zones

- a. Building height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.



- b. [In the case of] If a building is set back from the street line 35 feet or more, then the building height is measured from the average elevation of finished ground surface along the front of the building.

3. Height Encroachments

Any height encroachment not specifically listed is prohibited.

- a. The following roof structures may occupy a maximum of 25% of the roof area: a spire, belfry, cupola, dome not intended for human occupancy, chimney, flue or vent stack, flagpole, monument, water tank, television antenna or aerial, air conditioning unit, or similar structure or mechanical appurtenance (not including a rooftop renewable energy system). A larg-

er area may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones.

- b. The maximum height does not apply to any roof structure listed in [Sec. 4.1.5.D.3.a] Section 4.1.7.C.3.a, except that in the TLD, TMD, THD, and R-30 zones, an air conditioning unit or similar structure or mechanical appurtenance may exceed the established height limit by a maximum of 8 feet.
- c. In the CRT, CR, Employment, and Industrial zones, the following may exceed the established height limit by up to 8 feet, except when located within an airport approach area:
 - i. rooftop deck, patio, shade structure;
 - ii. rooftop garden, landscaping;
 - iii. parapet wall;
 - iv. rooftop rainwater collection or harvesting system; and
 - v. rooftop renewable energy system, such as a solar panel or wind turbine.
- d. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.
- [e. The maximum height in the AR, R, RC, RNC, RE-2, RE-2C, and RE-1 zones does not apply to an agricultural building.]
- e. [f.] A public building may be a maximum of 120 feet; but the minimum front, rear, and side setbacks must be increased 1 foot for each foot above the maximum height [for a general building type] allowed in the zone.

4. Height in Airport Approach Areas

[In an airport approach area, any height limit, as provided in this Chapter, does not apply.] The height [limit] of any building or structure, including any structure regulated under [Sec. 4.1.5.D.3] Section 4.1.7.C.3, must be limited to provide a clear glide path from the end of the [[useable]] usable landing strip. The glide path is a plane surface laid out according to the operating characteristics of the aircraft for which the airport is designed, and under

the criteria in the airport's conditional use approval. The first 500 feet of such glide path must be wholly within the airport.

D. [E.]Form

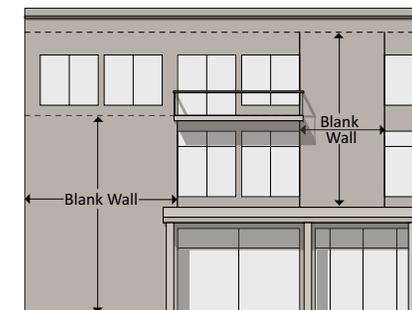
1. Transparency

- a. The minimum percentage of windows and doors that must cover a ground story façade is measured based on façade wall area between 0 and 12 feet above the adjacent sidewalk.
- b. The minimum percentage of windows and doors that must cover an upper story façade is measured based on façade wall area from the top of the finished floor to the top of the finished floor above. When there is no floor above it is measured from the top of the finished floor to the top of the wall plate.



2. Blank Wall

- a. Blank wall is the area of the exterior street facing façade of a building that does not include windows or doors, or columns, pilasters, or other articulation greater than 8 inches in depth.
- b. Blank wall is measured vertically and horizontally.



[3. Building Elements

a. Porch

A porch is a raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed.

b. Stoop

A stoop is a small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

c. Balcony

A balcony is a platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony is not fully enclosed.

d. Gallery

A gallery is a covered passage extending along the outside wall of a building, supported by arches or columns, that is open on one side. A gallery must be a minimum height of 10 feet above the sidewalk. A gallery is contiguous and must extend over a minimum of 50% of the width of the building façade from which it projects.

e. Awning

An awning is a wall-mounted, cantilevered structure that provides shade and cover from the weather. An awning must be a minimum height of 10 feet above the sidewalk or stoop.]

Section 4.1.8. Compatibility Requirements

A. Setback Compatibility

1. Applicability

Section 4.1.8.A applies to a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone that:

- a. abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and

- b. proposes development of an apartment, multi use, or general building type.

2. Setback Required along Side or Rear Lot Line

- a. The minimum side and rear setbacks equal either 1.5 times the minimum side and rear setback required for a detached house on the abutting property or the minimum side and rear setback required for a detached house on the abutting property as follows:

Zone	Building Type	Abutting Zone				
		Agricultural	Rural Residential	Residential Detached	Residential Townhouse	Residential Multi-Unit
Residential Multi-Unit	Apartment Building	1.5	1.5	1.5	1.5	1
Commercial/Residential, Employment	Apartment Building	1.5	1.5	1.5	1.5	1
	Multi Use([,]) or General Building	1.5	1.5	1.5	1.5	1.5
Industrial	Multi Use([,]) or General Building	1.5	1.5	1.5	1.5	1.5

KEY: 1.5 = setback is equal to 1.5 times the minimum required for a detached house on abutting property

1 = setback is equal to the minimum required for a detached house on abutting property

- b. When screening is required under Division [[7.5]] 6.5, if the screening width is greater than the minimum setback under Section 4.1.8.A.2, the minimum setback equals the required screening width.
- c. Front and side street setbacks are not modified by Section 4.1.8.A.2.

B. Height Compatibility

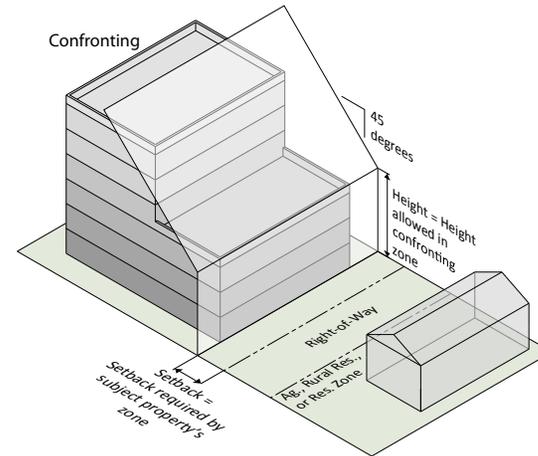
1. Applicability

Section 4.1.8.B applies to a property that:

- a. abuts or confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- b. proposes any building type in a Commercial/Residential, Employment, Industrial, or Floating zone.

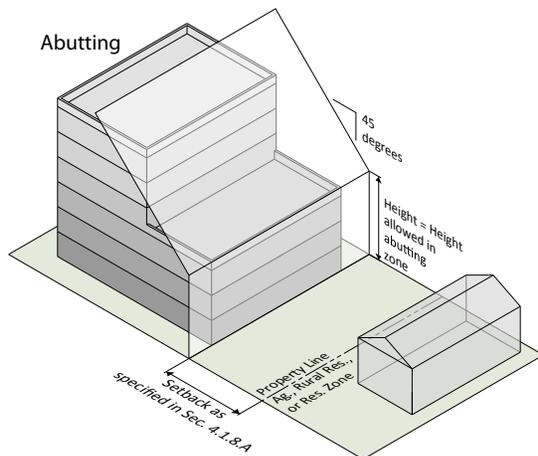
2. Height Restrictions

- a. When the subject property abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line determined by Section 4.1.8.A.
- b. When the subject property confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the confronting zone at the front or side street setback line determined under Article 59-4.
- c. If not applicable under Section 4.1.8.B.1, the maximum height in the zone is not modified by Section 4.1.8.B.2.



3. Height Measurements

The height limit for compatibility standards under Section 4.1.8.B is measured the same as under Section 4.1.7.C, except that the measurement is taken from the average grade along the building facing the applicable abutting or confronting property.



Division 4.2. Agricultural Zone

Section 4.2.1. Agricultural Reserve Zone (AR)

A. Intent Statement

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the general plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. The AR zone accomplishes this intent by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. An agricultural use cannot be restricted on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature must satisfy additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit and to otherwise meet the purposes of the AR zone.

B. [[Methods of]] Standard Method Development

The AR zone allows development only under the standard method. A child lot above the density of one dwelling unit per 25 acres is allowed in the AR zone under standard method [according to] under Section [Sec.] [[4.2.4]] 4.2.1.E. Standard method development is allowed under the development standards established in Section [Sec.] [[4.2.4]] 4.2.1.E and Section [Sec.] [[4.2.5]] 4.2.1.F.

C. General Requirements

[[A. Building Types

[Building types are allowed by zone under Sec. 4.1.4.] The allowed building types are in Section 4.1.4. Dimensional standards for allowed building types are under Section [Sec.] 4.2.5.]

Location of Residential Uses

Residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area.

D. Special Requirements for the Transfer of Density

1. In General

Under [[Division]] [Div.] [[6.3]] Section 4.9.13.B and in conformance with a general plan, master plan, or functional master plan, residential density may be transferred at the rate of one development right per 5 acres minus one development right for each existing dwelling unit, from the AR zone to a duly designated TDR Overlay zone. [The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the AR zone. The] A development right is not required for the following dwelling units on land in the AR zone [are excluded from this calculation if] as long as the dwelling unit remains accessory to [a] Farming:

- a. Farm Tenant Dwelling,
- b. Attached Accessory Apartment,
- c. Detached Accessory Apartment, and
- d. Bed and Breakfast.

[Once the] If a property is subdivided, dwellings associated with these uses are not excluded from the calculation of density. The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the AR zone.

2. Recording of Development Right

- a. A development right may be created, transferred, and extinguished only by an easement and appropriate release, in a recordable form approved by the Planning Board. Any easement must limit the future construction of detached houses on land zoned AR to the total number of development rights allowed by zoning minus all development rights recorded

prior to October 30, 2014 all development rights previously transferred under [[Section 4.2.3.A and Division 6.3.]] Section 4.2.1.D.1 and Section 4.9.13.B the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.

- b. The transfer of development rights must be recorded in the land records of the County.

E. Special Requirements for Child Lots

1. Applicability

A child lot above the density of one detached house per 25 acres is allowed in the AR zone only if the property owner has:

- a. a recorded title to the property before January 7, 1981;
- b. personally applied for and obtained approval to create the lot; and
- c. retained a development right for each lot.

2. Density

- a. The Planning Board may approve no more than one child lot for each child of the property owner, regardless of the number of properties owned.
- b. A maximum of 3 child lots may be established for a qualifying property owner under Section [Sec.] [[4.2.4.A]] 4.2.1.E.1. The Planning Board may approve up to two additional child lots above the maximum number allowed in Section [Sec.] [[4.2.5.B.]] 4.2.1.F.2, Child Lots, if the additional child lot:
 - i. is not encumbered by a State or County Agricultural Land Preservation Easement;
 - ii. meets the applicable requirements in Section [Sec.] [[4.2.4]] 4.2.1.E;
 - iii. is on the landowner's only real property land holdings in the County; and
 - iv. the area of the site for 4 child lots is at least 170 acres and the area of the site for 5 total child lots is at least 220 acres.

- c. In determining whether to approve any additional child lot, the Planning Board must consider any recommendation from the Agricultural Preservation Advisory Board (APAB) about whether the additional lot will promote the continuation of the family farm unit or otherwise meet the purposes of the AR zone.

3. Lot Area

A lot created for a child must be no larger than the minimum area necessary for approval of well and septic. The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible and the lot cannot be served by a septic easement. The area of the driveway stem on a flag lot is not included in the maximum area limit.

4. Building Permit

- a. When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.
- b. A building permit for a detached house on a child lot must be issued only to:
 - i. a child of the property owner;
 - ii. the spouse of a child of the property owner;
 - iii. a contractor for a child of the property owner; or
 - iv. a contractor for the spouse of a child of the property owner.

5. Ownership Transfer

Ownership of a child lot cannot be transferred or leased within 5 years of the date of DPS' final inspection of the dwelling unit, with the exception that:

- a. The owner of the child lot may only lease the lot to an immediate family member.
- b. Ownership of a child lot may be transferred if the Planning Board finds a hardship after the date of final inspection, such as a death of the child or a bona fide foreclosure of the mortgage or deed of trust.

6. Penalty for Violations

The penalty and enforcement provisions in [Section \[Sec.\] \[\[8.6.3.B\]\] 7.6.3.B](#) and [Division \[Div.\] \[\[8.8\]\] 7.8](#) apply to any violation of [Section \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#). Every day a transfer restriction is violated is a new violation.

7. Deed Restrictions and Certificates of Compliance

- a. Any deed or other instrument conveying title from the owner of the property to a child must be signed by both the grantor and the grantee.
- b. In any deed or other instrument conveying title from the owner of the property to a child, the grantor must clearly and conspicuously state, and the grantee must clearly and conspicuously acknowledge, that the conveyed property is a child lot under [Section \[Sec.\] \[\[4.2.4.E\]\] 4.2.1.E.5](#).
- c. If the Planning Director determines that a child lot may be transferred under [Section \[Sec.\] \[\[4.2.4.E.2\]\] 4.2.1.E.5.b](#), the Planning Director must issue a certificate of compliance to the owner of the child lot in a form appropriate for recordation in the land records. The certificate is conclusive evidence of the owner's compliance with [Section \[Sec.\] \[\[4.2.4.E\]\] 4.2.1.E.5](#).

8. Existing Child Lots and Preliminary Plan Applications

- a. A child lot is permitted on an area of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held under a deed that indicates conveyance from parent to child and was recorded before October 1, 2010, under the following provisions:
 - i. one lot for every 25 acres plus one additional lot for each child lot;
 - ii. a child lot of any size; and
 - iii. no limitations on ownership.
- b. A child lot is permitted on an area of land of any size with a preliminary plan approved before October 1, 2010, under the ownership and transfer provisions of [Section \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#) and may be identified on a plat recorded among the land records of the County using the following provisions:

- i. one lot for every 25 acres plus one additional lot for each child lot; and
 - ii. a child lot of any size.
 - c. A child lot is permitted on an area of land of any size with a preliminary plan application filed, but not approved, before October 1, 2010 and must satisfy [Section \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#), except it may be approved with a density of one lot for every 25 acres plus one additional lot for each child lot.
 - d. A child lot previously recorded by plat is exempt from the limit on number of child lots and the lot area, and size limits of [Section \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#), if the density does not exceed one lot for every 25 acres plus one additional lot for each child lot.

F. AR Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
1. Site		
Site Area		
Site (min)	25 acres	[3 acres]
[Site coverage (max)]	n/a	10%
[Specification for Site Coverage]		
1	In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]	
2. Lot and Density		
Lot		
Lot area (min)	40,000 SF	[40,000 SF]
[Alternative lot area (max)]	3 acres	3 acres]
[If using alternative lot area, remainder of site must be placed in a conservation or agricultural easement or land trust	yes	yes]
Lot width at front building line (min)	125'	[n/a]
Lot width at front lot line (min)	25'	[200']
Density (max)		
Density ([units] lots/acre)	1/25	[n/a]
[[Density (units/lot)]	<u>1</u>]	
[Density (FAR per tract)]	n/a	0.5]
Coverage (max)		
[Lot up to 3 acres	15%	n/a]
Lot [greater than 3 acres]	10%	[n/a]
Specification for Coverage		
a.	On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] [[8.3.4]] 7.3.4.	
Voluntary Conservation Lot		
Lot Area (max)	3 acres	
Remainder of site must be placed in a conservation or agricultural easement or land trust	yes	
Coverage (max)	15%	
Specifications for Voluntary Conservation Lot		
a.	The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible on a lot of 3 acres or less and the lot cannot be served by a septic easement.	

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
b.	On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [[8.3.4]] 7.3.4.	
Child Lots		
Lot area, excluding driveway stem on flag lot (max)	3 acres	[n/a]
Number of child lots allowed (max):		
On a site at least 25 acres up to 69 acres	1	[n/a]
On a site at least 70 acres up to 120 acres	2	[n/a]
On a site at least 121 acres	3	[n/a]
Specification for Child Lots		
a.	The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible on [such a sized lot] a lot of 3 acres or less and the lot cannot be served by a septic easement.	
3. Placement		
Principal Building Setbacks (min)		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	20'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	15']
Accessory Structure Setbacks (min)		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	15'	[15']
Rear setback	15'	[15']
Specification for Principal Building and Accessory Structure Setbacks		
a.	The front setback and side street setback must consist of any scenic setback [indicated on] recommended by a master plan or 50 feet, whichever is greater.	

Section 4.2.1.F. AR Zone, Standard Method Development Standards (cont'd)

Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone [General]

3. Placement

- Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot. The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.

[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	25']
[Side street setback	n/a	25']
[Side setback	n/a	25']
[Rear setback	n/a	25']
[Rear setback, alley	n/a	0']

4. Height

Height (max)		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building	no limit	no limit]

5. Form

Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]

6. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.2.5.D]] 4.2.1.F.4.

Division 4.3. Rural Residential Zones

[[Section 4.3.1. Methods of Development

The R zone allows development only under the standard method. The RC and RNC zones allow development under the standard method and may allow development under the optional method, which requires [a] site plan [approval](#) under [Section \[Sec.\] 8.3.4.](#)

A. Standard Method

Standard method development is allowed under the development standards established in [Section \[Sec.\] 4.3.3](#) through [Section \[Sec.\] 4.3.5.](#)

B. Optional Method

Optional method development is allowed under [Division \[Div.\] 6.1](#) and [Division \[Div.\] 6.2.](#)

Section 4.3.2. General Requirements

A. Building Types

The allowed building types are [specified by zone] in [Section \[Sec.\] 4.1.4.](#) Dimensional standards for allowed building types are in [Section \[Sec.\] 4.3.3](#) through [Section \[Sec.\]g.](#)

B. Public Sewer and Water

In the RNC zone, public sewer and water service is prohibited under standard method development unless recommended in the relevant master plan.]]

Section 4.3.1. Standard Method Development

The R, RC, and RNC zone allow development under the standard method.

Section 4.3.2. Optional Method Development

The RC zone allows development under optional method Cluster Development. The RNC zone allows development under optional method MPDU Development.

A. Optional Method MPDU Development

This optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional

method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards.

1. Development Approval Procedure

Site plan approval under Section 7.3.4 is required.

2. MPDU Development Across Different Zones

Optional method MPDU Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

3. Usable Area

Density is calculated on usable area within the tract.

4. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.3.2.A and the optional method MPDU Development standards.

B. Optional Method Cluster Development

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units

per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

1. Development Approval Procedure

a. Site Plan

Site plan approval under Section 7.3.4 is required.

b. Master Plan and Design Guidelines

- i. Development must substantially conform with the recommendations of the applicable master plan.
- ii. The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

2. Cluster Development Across Different Zones

Optional method Cluster Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required common open space may be located in any zone.

3. Usable Area

Density is calculated on usable area within the tract.

4. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.3.2.B and the optional method Cluster Development standards.

Section 4.3.3. Rural **[[R]]** Zone **(R)** **[[, Standard Method Development Standard]]**

A. Intent Statement

The intent of the R zone is to preserve rural areas of the County for agriculture and other natural resource development, residential uses of a rural character, extensive recreational facilities, and protection of scenic and environmentally sensitive areas.

B. R Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
[A. Site]		
[Site Area]		
[Site (min)]	n/a	5 acres
[Site coverage (max)]	n/a	10%
[Specification for Site Coverage]		
1 In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]		
1. Lot and Density		
Lot		
Lot area (min)	5 acres	[40,000 SF]
Lot width at front building line (min)	300'	[n/a]
Lot width at front lot line (min)	25'	[200']
Density (max)		
Density ([units][lots]/acre)	1/5	[n/a]
[[Density (units/lot)]]	1]]	
[Density (FAR per tract)]	n/a	0.5]
Coverage (max)		
Lot	10%	[n/a]
Specification for Coverage		
a. On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] [[8.3.4]] 7.3.4.		
2. Placement		
Principal Building Setbacks (min)		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	20'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']

Section 4.3.3.B. R Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
2. Placement		
Accessory Structure Setbacks (min)		
Front setback	80'	[50']
Side street setback	50'	[50']
Side setback	15'	[25']
Rear setback	15'	[25']
Specifications for Accessory Structure Setbacks		
Any accessory building or structure used for the housing, shelter, or sale of animals or		
a.	fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.	
b.	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3[[7.4.3.C.3]] [Sec. 7.5.3.C.3].	
c.	In addition to the front setback minimum, any accessory structure on a residential lot must be located behind the rear building line of the principal building.	
d.	The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.	
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	25']
[Side street setback	n/a	25']
[Side setback	n/a	25']
[Rear setback	n/a	25']
[Rear setback, alley	n/a	0']
3. Height		
Height (max)		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building	no limit	no limit]

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
A building used for agriculture associated with Farming must satisfy the standards of		
a.	an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.3.3.D]] 4.3.3.B.3.	

Section 4.3.4. [[RC]] Rural Cluster Zone (RC) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. The RC zone permits an optional method Cluster Development alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

B. RC Zone, Standard Method Development Standards

<u>[A. Site]</u>	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>[General]</u>
<u>[Site Area]</u>		
<u>[Site (min)]</u>	n/a	5 acres
<u>[Site coverage (max)]</u>	n/a	10%
<u>[Specification for Site Coverage]</u>		
1	In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]	

1. Lot and Density

<u>Lot</u>		
Lot area (min)	5 acres	[40,000 SF]
Lot width at front building line (min)	300'	[n/a]
Lot width at front lot line (min)	300'	[200']
<u>Density (max)</u>		
Density ([units] [[lots]]/acre)	1/5	[n/a]
<u>[[Density (units/lot)]</u>	<u>1]</u>	
<u>[Density (FAR per tract)]</u>	n/a	0.5
<u>Coverage (max)</u>		
Lot	10%	[n/a]
<u>Specifications for Coverage</u>		
a.	On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% <u>lot coverage</u> consists entirely of greenhouses; and (2) a site plan is approved under <u>Section [Sec.] [[8.3.4]] 7.3.4.</u>	
b.	The total impervious surface area of any proposed preliminary plan must not exceed any impervious surface area limits recommended by the master plan. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area.	

Section 4.3.4.B. RC Zone, Standard Method Development Standards (cont'd)

2. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Principal Building Setbacks (min)		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	20'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
Accessory Structure Setbacks (min)		
Front setback	80'	[50']
Side street setback	50'	[50']
Side setback	15'	[25']
Rear setback	15'	[25']
Specifications for Principal Building and Accessory Structure Setbacks (min)		
a.	The front setback and side street setback must consist of any scenic setback [indicated on] <u>recommended by</u> a master plan or 50 feet, whichever is greater.	
b.	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] <u>other than a household pet</u> must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.	
c.	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under <u>Section 6.4.3.C.3</u> [[7.4.3.C.3]] [Sec. 7.5.3.C.3].	
d.	In addition to the front setback minimum, any accessory structure on a residential lot must be located behind the rear building line of the principal building.	
e.	<u>The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.</u>	
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback]	n/a	25']
[Side street setback]	n/a	25']
[Side setback]	n/a	25']
[Rear setback]	n/a	25']
[Rear setback, alley]	n/a	0']

3. Height	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Height (max)		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building]	no limit	no limit]
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
A building used for agriculture associated with Farming must satisfy the standards of		
a.	<u>an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.3.4.D]] 4.3.4.B.3.</u>	

C. RC Zone, Optional Method Requirements

1. The plan of cluster development must show how scenic vistas would be preserved or enhanced, and reflect an arrangement that has considered the visual impact of the residential development on such vistas.
2. The Planning Board may deny the optional method Cluster Development if the development would:
 - a. unduly jeopardize significant farming or agricultural activity;
 - b. threaten the natural integrity of environmentally sensitive areas; or
 - c. eliminate or substantially diminish significant scenic vistas.

D. RC Zone, Optional Method Development Standards

	<u>Cluster Development</u>
	<u>Detached House</u>
1. Site	
Density (max)	
Density (units/acre of usable area)	<u>1/5</u>
Open Space (min)	
Rural open space (% of usable area) (See Section 6.3.4)	<u>60%</u>
Specification for Open Space	
The Planning Board may approve a plan with a lower percentage of rural open space if an applicant can demonstrate that such a plan would better accomplish the purposes of the zone.	
a.	
2. Lot	
Dimensions (min)	
Lot area	<u>40,000 SF</u>
Lot width at front building line	<u>125'</u>
Lot width at front lot line	<u>25'</u>
Frontage on street or open space	<u>Required</u>
Coverage (max)	
Lot	<u>10%</u>
Specification for Coverage	
The total impervious surface area of a proposed preliminary plan must satisfy any impervious surface area limit recommended by the master plan. A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area.	
a.	
3. Placement	
Principal Building Setbacks (min)	
Front setback from public street	<u>50'</u>
Front setback from private street or open space	<u>50'</u>
Side street setback	<u>50'</u>
Side or rear setback	<u>Determined at site plan</u>
Side setback, abutting property not included in application	<u>17'</u>
Rear setback, abutting property not included in application	<u>35'</u>
Rear setback, alley	<u>4' or 20'</u>

Section 4.3.4.D. RC Zone, Optional Method Development Standards (cont'd)

3. Placement	Cluster Development
	Detached House
Accessory Structure Setbacks (min)	
Front setback	80'
Side street setback	Side street setback of principal building
Side or rear setback	Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'
Specifications for Principal Building and Accessory Structure Setbacks	
a.	The front setback and side street setback must consist of any scenic setback indicated on a master plan or 50 feet, whichever is greater.
b.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.
c.	Accessory structures on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3.

4. Height	
Height (max)	
Principal building	50'
Accessory structure	50'

5. Buildings used for Agriculture Associated with Farming
Specification for Buildings used for Agriculture Associated with Farming
a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.4.D.4.

Section 4.3.5. [[RNC]] Rural Neighborhood Cluster Zone (RNC)[[, Standard Method Development Standards]]

A. Intent Statement

1. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources, and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting. A master plan must recommend the RNC zone, and must provide development guidelines and recommendations regarding density, and the location and rationale for preserving the rural open space.
2. It is also the intent of the RNC zone to implement the recommendations of the applicable master plan, such as maintaining broad vistas of open space, preserving agrarian character, or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the applicable master plan and is compatible with existing development in adjoining communities.

B. RNC Zone, Standard Method Requirements

Public sewer and water service is prohibited under standard method development unless recommended in the relevant master plan.

C. RNC Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
1. Site					
Site Area (min)					
Site	5 acres	5 acres	5 acres	5 acres	[5 acres]
Site per unit	n/a	n/a	n/a	4,800 SF	[n/a]
Open Space (min)					
[[Open]] Rural open space (% of site) (See Section 6.3.4)	60%	60%	60%	60%	[60%]
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	[10%]
Specifications for [Open Space and] Site Coverage					
In development with a townhouse [or general] building [types] type, [open space and]					
a.	site coverage [are] is calculated based on the area of the site minus any area for detached house lots.				
2. Lot and Density					
Lot (min)					
Lot area	25,000 SF	12,500 SF	25,000 SF	1,400 SF	[25,000 SF]
Lot width at front building line	100'	50'	100'	n/a	[n/a]
Lot width at front lot line	25'	12'	25'	n/a	[200']
Density (max)					
Density ([units]lots/acre)	1/5	1/5	1/5	1/5	[n/a]
[[Density (units/lot)	1	1	1	1]]	
[Density (FAR per tract)	n/a	n/a	n/a	n/a	0.5]
Coverage (max)					
Lot	10%	10%	10%	n/a	[n/a]
Specification for Coverage					
a.	On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] [[8.3.4]] 7.3.4.				

Section 4.3.5.C. RNC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
Principal Building Setbacks (min)					
Front setback, public street	40'	40'	40'	25'	[50']
Front setback, private street or open space	40'	40'	40'	4' or 20'	[50']
Side street setback	50'	50'	50'	15'	[50']
Side setback	15'	15'	15'	4'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	n/a	n/a	n/a	15']
Side setback, end unit	n/a	n/a	n/a	5'	[n/a]
<u>Side setback between lot and site boundary</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>15'</u>	[n/a]
Rear setback	35'	35'	35'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	15']
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 15'	[n/a]

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
Accessory Structure Setbacks (min)					
Front setback	80'	80'	80'	n/a	[50']
Front setback, behind rear building line	n/a	n/a	n/a	5'	[n/a]
Side street setback	50'	50'	50'	15'	[50']
Side setback	15'	15'	15'	4'	[25']
Rear setback	15'	15'	15'	0'	[25']
Specification for Principal Building and Accessory Structure Setbacks					
a.	The front setback and side street setback must consist of any scenic setback [indicated on recommended by a master plan or 50 feet, whichever is greater.				
b.	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
c.	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3 [[7.4.3.C.3]] [Sec. 7.5.3.C.3].				
d.	The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.				
[Parking Setbacks for Surface Parking Lots (min)]					
[Front setback	n/a	n/a	n/a	n/a	25']
[Side street setback	n/a	n/a	n/a	n/a	25']
[Side setback	n/a	n/a	n/a	n/a	25']
[Rear setback	n/a	n/a	n/a	n/a	25']
[Rear setback, alley	n/a	n/a	n/a	n/a	0']

4. Height

Height (max)					
Principal building	35'	35'	35'	40'	[35']
Accessory structure	35'	35'	35'	25'	[35']
[Agricultural building	no limit	no limit	no limit	no limit	no limit]

Section 4.3.5.C. RNC Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
Massing (max)					
Units permitted in one row	n/a	n/a	n/a	8	[n/a]
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	[n/a]
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	[yes]

6. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

A building used for agriculture associated with Farming must satisfy the standards of

- a. an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.C.4 [[4.3.5.D]] .

D. RNC Zone, Optional Method Requirements

1. A diversity of lot sizes is required. The Planning Board must evaluate the range of lot sizes provided and ensure that a proposed development is compatible with existing development on adjoining properties and is consistent with the purpose and intent of the zone.
2. The Planning Board must favor diversity of house sizes where such diversity would be substantially consistent with neighboring communities.
3. A lot developed under the optional method must be connected to a community water and sewerage system, unless the applicant can demonstrate in a preliminary plan application that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

E. RNC Zone, Optional Method Development Standards

<u>1. Site</u>	<u>MPDU Development</u>
<u>Dimensions (min)</u>	
Usable area	<u>10 acres</u>
<u>Specification for Site</u>	
The Planning Board may waive the 10 acre minimum where the property abuts an existing property developed under the provisions of optional method MPDU Development, and the resulting development is a logical extension of the existing development.	
<u>Density (max)</u>	
Density (units/acre of usable area)	<u>1.22</u>
<u>Open Space (min)</u>	
Rural open space (% of usable area) (See Section 6.3.4)	<u>65%</u>
Common open space (% of usable area) (See Section 6.3.5)	<u>5%</u>

<u>2. Lot</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>
<u>Dimensions (min)</u>			
Lot area	<u>4,000 SF</u>	<u>3,500 SF</u>	<u>1,500 SF</u>
Lot width at front building line	<u>Determined at site plan</u>		
Lot width at front lot line	<u>25'</u>	<u>25'</u>	<u>14'</u>
Frontage on street or open space	<u>Required</u>		
<u>Coverage (max)</u>			
Lot	<u>35%</u>	<u>35%</u>	<u>50%</u>

<u>3. Placement</u>			
<u>Principal Building Setbacks (min)</u>			
Front setback from public street	<u>15'</u>	<u>15'</u>	<u>15'</u>
Front setback from private street or open space	<u>15'</u>	<u>15'</u>	<u>15'</u>
Side street setback	<u>15'</u>	<u>15'</u>	<u>15'</u>
Side or rear setback	<u>Determined at site plan</u>		
Side or rear setback, abutting property not included in application	<u>Equal to required setback for a detached house building type in the abutting zone under standard method</u>		
Rear setback, alley	<u>4' or 20'</u>	<u>4' or 20'</u>	<u>4' or 20'</u>

Section 4.3.5.E. RNC Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'

4. Height			
Height (max)			
Principal building	35'	35'	35'
Accessory structure	25'	25'	25'

5. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming
A building used for agriculture associated with Farming must satisfy the standards
a. of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.E.4.

Division 4.4. Residential Zones

[[Section 4.4.1. Methods of Development

The RE-2 zone allows development only under the standard method. The RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zones allow development under the standard method and may allow development under the optional method, which requires [a] site plan approval under Section [Sec.] 8.3.4.]]

[[A. Standard Method

Standard method development is allowed under the development standards established in Section [Sec.] 4.4.4 through Section [Sec.] 4.4.15. Standard method development of a detached house in the R-200, R-90, R-60, or R-40 zone may also have to satisfy the residential infill compatibility standards under Section [Sec.] 4.4.3.]]

[[B. Optional Method

Optional method development is allowed under Division [Div.] 6.1 and Division [Div.] 6.2.]]

[[Section 4.4.1. General Requirements]]

[[A. Building Types

Building types are allowed by zone under Sec. 4.1.4. The allowed building types are in Section 4.1.4. Dimensional standards for allowed building types are in Section [Sec.] 4.4.4 to Section [Sec.] 4.4.15.]]

[[B. Historic Districts

In the Residential Detached zones, the minimum lot width at the front building line and setback requirements for a principal building or an accessory building or structure may be reduced if:

1. the lot is located in an historic district designated on the Master Plan for Historic Preservation;
2. the Planning Board finds in a site plan under Section [Sec.] 8.3.4 that the reductions serve the purpose of maintaining the historic development and building patterns as evidenced throughout the surrounding designated historic district; and

3. the reduction is approved by the Historic Preservation Commission through the Historic Area Work Permit process Chapter 24 (24A-7).]]

Section 4.4.1. Standard Method Development

The RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under the standard method.

A. Established Building Line

1. The established building line applies only to new buildings in the R-200, R-90, or R-60 zones, and new detached house buildings in the R-40 zone and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must be:
 - a. within 300 feet of the side lot line of the proposed construction site measured along the street frontage;
 - b. along the same side of the street;
 - c. between intersecting streets or to the point where the street terminates;
 - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
 - e. legally constructed; and
 - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.
3. The established building line applies if at least 2 buildings described in Section [Sec.] [[4.4.2.C.2]] 4.4.1.A.2 and more than 50% of the buildings described in Section [Sec.] [[4.4.2.C.2]] 4.4.1.A.2 are set back more than the minimum required by the zone. The established building line is equal to the average front setback of all the buildings described in Section [Sec.] [[4.4.2.C.2]] 4.4.1.A.2, excluding those buildings:
 - a. in the R-200 zone that are or were ever served by well or septic;
 - b. on the subject property;
 - c. in a different zone than the subject property;

- d. on a through lot that fronts on a street different than the subject property;
- e. located on any pipestem, wedge-shaped, or flag-shaped lot; or
- f. approved by permit for demolition, except if a building permit was also approved with the same setback.

Instead of using the established building line, the applicant may choose to calculate as a front setback the average front setback of the two abutting lots, or the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone. All calculations must be based on a survey that is signed and sealed by a Maryland licensed engineer or surveyor.

- 4. If the established building line does not apply, the building must [[comply with]] satisfy the minimum front setback of the zone.
- 5. Corner lots have two front setbacks and must satisfy established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the abutting buildings on both sides of the corner lot.

B. Residential Infill Compatibility

1. Applicability

The standards [outlined] in Section [Sec.] [[4.4.3.B]] 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

- a. the lot was created:
 - i. by a plat recorded before January 1, 1978; or
 - ii. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- b. the lot is less than 25,000 square feet in area; and
- c. the construction proposed is:
 - i. a new detached house;
 - ii. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or

- iii. the addition of more than 50% of the floor area of the detached house.

2. Coverage

The maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than 20 feet in height, must vary with the lot area as follows:

Lot Area	Maximum Coverage
Lot area less than 6,000 SF:	30% of lot area
Lot area equal to or greater than 6,000 SF but less than 16,000 SF:	30%, less .001% per square foot of lot area exceeding 6,000 SF
Lot area equal to or greater than 16,000 SF:	20% of the lot area

Section 4.4.2. Optional Method Development

The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional method MPDU Development and optional method Cluster Development. The R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional method MPDU Development.

A. Optional Method MPDU Development

This optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards.

1. Development Approval Procedure

Site plan approval under Section 7.3.4 is required.

2. MPDU Development Across Different Zones

Optional method MPDU Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

3. Usable Area

Density is calculated on usable area within the tract.

4. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

In a Residential Detached zone, an applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method MPDU Development standards, except that:

- a. a perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must satisfy the dimensional standards under the standard method of development;
- b. the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and
- c. the maximum percentage of townhouses is 40% of the total residential dwellings in that development, unless a development in which up to 100% of the units consist of townhouses is approved by the Planning Board upon a finding that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

5. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.4.2.A and the optional method MPDU Development standards.

B. Optional Method Cluster Development

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

1. Development Approval Procedure

a. Site Plan

Site plan approval under Section 7.3.4 is required.

b. Master Plan and Design Guidelines

- i. Development must substantially conform with the recommendations of the applicable master plan.
- ii. The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

2. Cluster Development Across Different Zones

Optional method Cluster Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required common open space may be located in any zone.

3. Usable Area

Density is calculated on usable area within the tract.

4. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.4.2.B and the optional method Cluster Development standards.

5. Community Water and Sewer

In the Residential Detached zones, development under this method is prohibited unless the resulting development will be connected to community water supply and sewerage systems; however, if land in the RE-2C zone is not served by community sewer, it may be developed under this method under the following conditions:

- a. A master plan specifically recommends cluster development with community water but not community sewer;
- b. The resulting development will be connected to community water; and
- c. The resulting development meets all of the requirements for individual sewerage systems in the most recent County comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79, as amended, on individual water supply and sewage disposal systems.

Section 4.4.3. Historic Districts

In the Residential Detached zones, the minimum lot width at the front building line and setback requirements for a principal building or an accessory building or structure may be reduced if:

- A. the lot is located in an historic district designated on the Master Plan for Historic Preservation;
- B. the Planning Board finds in a site plan under Section 7.3.4 that the reductions serve the purpose of maintaining the historic development and building patterns as evidenced throughout the surrounding designated historic district; and
- C. the reduction is approved by the Historic Preservation Commission through the Historic Area Work Permit process Chapter 24 (24A-7).

Section 4.4.4. [[RE-2]] Residential Estate - 2 Zone (RE-2) [[and RE-2C Zones, Standard Method Development Standards]]

A. Intent Statement

The intent of the RE-2 zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

B. RE-2 Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
1. Lot and Density		
Lot (min)		
Lot area	2 acres	[2 acres]
Lot width at front building line	150'	[n/a]
Lot width at front lot line	25'	[150']
Specification for Lot		
a. Lot width at the front building line and setback requirements may be reduced under <u>Section [Sec.] [[4.4.2.B.]] 4.4.3.</u>		
Density (max)		
Density (units/acre)	1/2	[n/a]
[Density (FAR per tract)]	n/a	0.5]
Coverage (max)		
Lot	25%	[15%]
2. Placement		
Principal Building Setbacks (min)		
Front setback	50'	[50']
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>50'</u>	
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	20'	[20']
Side setback	17'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	17']
Sum of side setbacks	35'	[35']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a'	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
[Rear setback, alley]	n/a	4']

Section 4.4.4.B. RE-2 Zone, Standard Method Development Standards (cont'd)

2. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Accessory Structure Setbacks (min)		
Front setback	80'	[80']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	50'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	[20']
Side setback	15'	[17']
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	12'	
Rear setback, if not otherwise addressed	10'	[35']
[Rear setback, alley]	n/a	4']
Specifications for Accessory Structure Setbacks		
Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.		
a.		
Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3 [[7.4.3.C.3 [Sec. 7.5.3.C.3]]].		
b.		
In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.		
c.		
The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.		
d.		
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback]	n/a	10']
[Side street setback]	n/a	10']
[Side setback]	n/a	10']
[Rear setback]	n/a	10']
[Rear setback, alley]	n/a	0']

3. Height	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Height (max)		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building]	no limit	no limit]
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
A building used for agriculture associated with Farming must satisfy the standards		
a.	of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.4.4.D.]] 4.4.4.B.3.	

Section 4.4.5. Residential Estate - 2C Zone (RE-2C)

A. Intent Statement

The intent of the RE-2C zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

B. RE-2C Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>
1. Lot and Density	
Lot (min)	
<u>Lot area</u>	<u>2 acres</u>
<u>Lot width at front building line</u>	<u>150'</u>
<u>Lot width at front lot line</u>	<u>25'</u>
Specification for Lot	
a. <u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>	
Density (max)	
<u>Density (units/acre)</u>	<u>1/2</u>
Coverage (max)	
<u>Lot</u>	<u>25%</u>
2. Placement	
Principal Building Setbacks (min)	
<u>Front setback</u>	<u>50'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>50'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>20'</u>
<u>Side setback</u>	<u>17'</u>
<u>Sum of side setbacks</u>	<u>35'</u>
<u>Rear setback</u>	<u>35'</u>

Section 4.4.5.B. RE-2C Zone, Standard Method Development Standards (cont'd)

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>
Accessory Structure Setbacks (min)	
Front setback	80'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	50'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'
Side setback	15'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	12'
Rear setback, if not otherwise addressed	10'
Specifications for Accessory Structure Setbacks	
a.	<u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>
b.	<u>Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3.</u>
c.	<u>In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.</u>
d.	<u>The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.</u>
3. Height	
Height (max)	
Principal building	50'
Accessory structure	50'

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>
4. Form	
Allowed Building Elements	
Gallery/Awning	n/a
Porch/Stoop	yes
Balcony	yes
5. Buildings used for Agriculture Associated with Farming	
Specification for Buildings used for Agriculture Associated with Farming	
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.5.B.3.	

C. RE-2C, Optional Method Requirements

1. Optional Method MPDU Development

Optional method MPDU Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

2. Optional Method Cluster Development

Under optional method Cluster Development, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

- a. provides safe and adequate access;
- b. has sufficient width to accommodate the proposed dwelling units;
- c. will protect significant environmental features on- and off-site better than would a public road; and
- d. has proper drainage.

Each private cul-de-sac must satisfy Chapter 50 (Section 50-25(h)) concerning private roads. Site plan approval under Section 7.3.4 may also be required for a subdivision with lots fronting on a private cul-de-sac.

D. RE-2C Zone, Optional Method Development Standards

1. Site	MPDU Development	Cluster Development
Dimensions (min)		
Usable area	34 acres	50 acres
Specification for Site under MPDU Development		
a.	In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 30%.	
Specification for Site under Cluster Development		
a.	The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.	
Density (max)		
Density (units/acre of usable area)	0.48	0.4
Open Space (min)		
Common open space (% of usable area) (See Section 6.3.5)	5%	5%

2. Lot	Detached House	Duplex	Townhouse	Detached House
Dimensions (min)				
Lot area	12,000 SF	7,500 SF	1,500 SF	15,000 SF
Lot width at front building line	Determined at site plan			Determined at site plan
Lot width at front lot line	25'	25'	14'	25'
Frontage on street or open space	Required			Required
Specification for Lot under MPDU Development and Cluster Development				
a.	Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.			
Coverage (max)				
Lot	35%	35%	50%	15%

Section 4.4.5.D. RE-2C Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Principal Building Setbacks (min)				
Front setback from public street	35'	35'	35'	35'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	35'	35'	35'	35'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			80'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'
Specifications for Accessory Structure Setbacks under Cluster Development				

- a. In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.
- b. Accessory structures on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3.

4. Height	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Height (max)				
Principal building	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'

5. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.5.D.4.

Section 4.4.6. [[RE-1]] Residential Estate - 1 Zone (RE-1) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the RE-1 zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

B. RE-1 Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
1. Lot and Density		
Lot (min)		
Lot area	40,000 SF	[40,000 SF]
Lot width at front building line	125'	[n/a]
Lot width at front lot line	25'	[125']
Specification for Lot		
a. Lot width at the front building line and setback requirements may be reduced under <u>Section [Sec.] [[4.4.2.B.]] 4.4.3.</u>		
Density (max)		
Density (units/acre)	1.09	[n/a]
[Density (FAR per tract)]	n/a	0.5
Coverage (max)		
Lot	15%	[15%]
2. Placement		
Principal Building Setbacks (min)		
Front setback	50'	[50']
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>50'</u>	
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	20'	[20']
Side setback	17'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Side setback, abutting all other zones]	n/a	17'
Sum of side setbacks	35'	[35']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Rear setback, abutting all other zones]	n/a	15'
[Rear setback, alley]	n/a	4']

Section 4.4.6.B. RE-1 Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
2. Placement		
Accessory Structure Setbacks (min)		
Front setback	80'	[80']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	50'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	[20']
Side setback	15'	[17']
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	12'	
Rear setback, if not otherwise addressed	10'	[35']
[Rear setback, alley	n/a	4']
Specifications for Accessory Structure Setbacks		
Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.		
a.		
Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3[[7.4.3.C.3 [Sec. 7.5.3.C.3]]].		
b.		
In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.[.]		
c.		
The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.		
d.		
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	10']
[Side street setback	n/a	10']
[Side setback	n/a	10']
[Rear setback	n/a	10']
[Rear setback, alley	n/a	0']

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
3. Height		
Height (max)		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building	no limit	no limit]
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
A building used for agriculture associated with Farming must satisfy the standards		
a.	of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.6.B.3. [[4.4.5.D.]]	

C. RE-1 Zone, Optional Method Requirements

Optional method MPDU Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

D. RE-1 Zone, Optional Method Development Standards

<u>1. Site</u>	<u>MPDU Development</u>	<u>Cluster Development</u>
<u>Dimensions (min)</u>		
<u>Usable area</u>	<u>17 acres</u>	<u>50 acres</u>
<u>Specification for Site under MPDU Development</u>		
<u>a.</u>	<u>In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 30%.</u>	
<u>Specification for Site under Cluster Development</u>		
<u>a.</u>	<u>The Planning Board may allow development to proceed under the optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.</u>	
<u>Density (max)</u>		
<u>Density (units/acre of usable area)</u>	<u>1.22</u>	<u>1</u>
<u>Open Space (min)</u>		
<u>Common open space (% of usable area) (See Section 6.3.5)</u>	<u>10%</u>	<u>10%</u>

<u>2. Lot</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Detached House</u>
<u>Dimensions (min)</u>				
<u>Lot area</u>	<u>9,000 SF</u>	<u>4,500 SF</u>	<u>1,500 SF</u>	<u>12,000 SF</u>
<u>Lot width at front building line</u>	<u>Determined at site plan</u>			<u>Determined at site plan</u>
<u>Lot width at front lot line</u>	<u>25'</u>	<u>25'</u>	<u>14'</u>	<u>25'</u>
<u>Frontage on street or open space</u>	<u>Required</u>			<u>Required</u>
<u>Specification for Lot under MPDU Development and Cluster Development</u>				
<u>a.</u>	<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>			
<u>Coverage (max)</u>				
<u>Lot</u>	<u>35%</u>	<u>35%</u>	<u>50%</u>	<u>15%</u>

Section 4.4.6.D. RE-1 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Principal Building Setbacks (min)				
Front setback from public street	35'	35'	35'	35'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	35'	35'	35'	35'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			80'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'

Specifications for Accessory Structure Setbacks under Cluster Development

- a. In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.
- b. Accessory structures on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 6.4.3.C.3.

4. Height	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Height (max)				
Principal building	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'

5. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.6.D.4.

Section 4.4.7. [[R-200]] Residential - 200 Zone (R-200) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-200 zone is to provide designated areas of the County for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

B. RE-200 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
1. Lot and Density		
Lot (min)		
Lot area	20,000 SF	[20,000 SF]
Lot width at front building line	100'	[n/a]
Lot width at front lot line	25'	[100']
Density (max)		
Density (units/acre)	2.18	[n/a]
[Density (FAR per tract)]	n/a	0.5
Coverage (max)		
Lot	25%	[25%]
Specification for Lot and Density		
a.	Lot width at the front building line and setback requirements may be reduced under Section [[4.4.2.B.]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	

2. Placement

Principal Building Setbacks (min)		
Front setback	40'	[40']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	40'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	[15']
Side setback	12'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Side setback, abutting all other zones]	n/a	12'
Sum of side setbacks	25'	[25']
Rear setback	30'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Rear setback, abutting all other zones]	n/a	15'
[Rear setback, alley]	n/a	4'
Specification for Principal Building Setbacks		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	

Section 4.4.7.B. R-200 Zone, Standard Method Development Standards (cont'd)

2. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Accessory Structure Setbacks (min)		
Front setback	65'	[65']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	40'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	[15']
Side setback	12'	[12']
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	12'	
Rear setback, if not otherwise addressed	7'	[7']
[Rear setback, alley	n/a	4']
Specification for Accessory Structure Setbacks		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building. <u>The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.</u>	
b.	<u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>	
c.		
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	10']
[Side street setback	n/a	10']
[Side setback	n/a	10']
[Rear setback	n/a	10']
[Rear setback, alley	n/a	0']

3. Height	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
Height (max)		
Principal building		
Measured to highest point of any roof		
If lot is ≥ 40,000 SF	50'	[50']
If lot is ≥ 25,000 SF and <40,000 SF	45'	[45']
If lot is ≥ 15,000 SF and <25,000 SF	40'	[40']
If lot is ≥ 0 SF and <15,000 SF	35'	[35']
OR		
Measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof		
If lot is ≥ 40,000 SF	50'	[50']
If lot is ≥ 25,000 SF and <40,000 SF	40'	[40']
If lot is ≥ 15,000 SF and <25,000 SF	35'	[35']
If lot is ≥ 0 SF and <15,000 SF	30'	[30']
Accessory structure	35'	[35']
[Agricultural building	50'	50']
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
a.	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.</u>	

C. RE-200 Zone, Optional Method Development Standards

1. Site	MPDU Development	Cluster Development
Dimensions (min)		
Usable area	9 acres	5 acres
Specification for Site under MPDU Development		
In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 40%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.		
Specification for Site under Cluster Development		
The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.		
Density (max)		
Density (units/acre of usable area)	2.44	2
Open Space (min)		
Common open space (% of usable area) (See Section 6.3.5)	20%	20%

2. Lot	Detached House	Duplex	Townhouse	Detached House
Dimensions (min)				
Lot area	6,000 SF	3,000 SF	1,200 SF	9,000 SF
Lot width at front building line	Determined at site plan			Determined at site plan
Lot width at front lot line	25'	25'	14'	25'
Frontage on street or open space	Required			Required
Specification for Lot under MPDU Development and Cluster Development				
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
Coverage (max)				
Lot	35%	35%	50%	25%

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Principal Building Setbacks (min)				
Front setback from public street	25'	25'	25'	25'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	25'	25'	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			40'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			65'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'

Specifications for Accessory Structure Setbacks under Cluster Development

a. In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.

Section 4.4.7.C. R-200 Zone, Optional Method Development Standards (cont'd)

4. Height	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
Height (max)				
<u>Principal building</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Accessory structure</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>

5. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.

Section 4.4.8. [[R-90]] Residential - 90 Zone (R-90) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

B. RE-90 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
1. Lot and Density		
Lot (min)		
Lot area	9,000 SF	[9,000 SF]
Lot width at front building line	75'	[n/a]
Lot width at front lot line	25'	[75']
Density (max)		
Density (units/acre)	4.84	[n/a]
[Density (FAR per tract)]	n/a	0.75]
Coverage (max)		
Lot	30%	30%
Specification for Lot and Density		
a.	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	
2. Placement		
Principal Building Setbacks (min)		
Front setback	30'	[30']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	30'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	[15']
Side setback	8'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	8']
Sum of side setbacks	25'	[25']
Rear setback	25'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
[Rear setback, alley]	n/a	4']
Specification for Principal Building Setbacks		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	

Section 4.4.8.B. R-90 Zone, Standard Method Development Standards (cont'd)

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>[General]</u>
2. Placement		
Accessory Structure Setbacks (min)		
Front setback	60'	[60']
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>30'</u>	
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	15'	[15']
Side setback	5'	[5']
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>10'</u>	
<u>Rear setback, if not otherwise addressed</u>	5'	[5']
<u>[Rear setback, alley</u>	n/a	4']
Specifications for Accessory Structure Setbacks		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
b.	For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.	
c.	For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.	
d.	<u>The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.</u>	
e.	<u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>	
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	10']
[Side street setback	n/a	10']
[Side setback	n/a	10']
[Rear setback	n/a	10']
[Rear setback, alley	n/a	0']

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>[General]</u>
3. Height		
Height (max)		
Principal building, measured to highest point of a flat roof	35'	[35']
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	[30']
Accessory structure	20'	[20']
<u>[Agricultural building</u>	<u>50'</u>	<u>50']</u>
Specification for Height		
a.	In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under <u>Section [Sec.] [[8.3.4]] 7.3.4.</u>	
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
a.	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.</u>	

C. RE-90 Zone, Optional Method Development Standards

1. Site	MPDU Development	Cluster Development
Dimensions (min)		
Usable area	5 acres	5 acres
Specification for Site under MPDU Development		
In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 50%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.		
a. <u>Proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.</u>		
Specification for Site under Cluster Development		
The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.		
a. <u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>		
Density (max)		
Density (units/acre of usable area)	4.39	3.6
Open Space (min)		
Common open space (% of usable area) (See Section 6.3.5)	30%	30%

2. Lot	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Lot area	4,000 SF	2,000 SF	1,200 SF	5,000 SF	2,500 SF	1,500 SF
Lot width at front building line	Determined at site plan			Determined at site plan		
Lot width at front lot line	25'	25'	14'	25'	25'	16'
Frontage on street or open space	Required			Required		
Specification for Lot under MPDU Development and Cluster Development						
a. <u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>						
Coverage (max)						
Lot	50%	50%	60%	30%	30%	75%

Section 4.4.8.C. R-90 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)						
Front setback from public street	25'	25'	25'	25'	25'	25'
Front setback from private street or open space	10'	10'	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	25'	25'	25'	25'	25'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)						
Front setback	5' behind front building line			60'	60'	60'
Side street setback	Side street setback of principal building			Side street setback of principal building		
Side or rear setback	Determined at site plan			Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'	4'	4'	4'
Specifications for Accessory Structure Setbacks under Cluster Development						
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.					
b.	For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.					

Section 4.4.8.C. R-90 Zone, Optional Method Development Standards (cont'd)

For accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.

4. Height	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Height (max)						
Principal building	40'	40'	40'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'	25'

5. Form	MPDU Development			Cluster Development		
Massing (max)						
Number of units permitted in any one row	n/a	n/a	n/a	n/a	n/a	8

6. Buildings used for Agriculture Associated with Farming
Specification for Buildings used for Agriculture Associated with Farming
 a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.

Section 4.4.9. [[R-60]] Residential - 60 Zone (R-60) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

B. R-60 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
1. Lot and Density		
Lot (min)		
Lot area	6,000 SF	[6,000 SF]
Lot width at front building line	60'	[n/a]
Lot width at front lot line	25'	[60']
Density (max)		
Density (units/acre)	7.26	[n/a]
[Density (FAR per tract)]	n/a	0.75]
Coverage (max)		
Lot	35%	[35%]
Specification for Lot and Density		
a.	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	
c.	The lot coverage maximum does not apply to Religious Assembly.	
2. Placement		
Principal Building Setbacks (min)		
Front setback	25'	[30']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	[15']
Side setback	8'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	8']
Sum of side setbacks	18'	[18']
Rear setback	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
[Rear setback, alley]	n/a	4']
Specification for Principal Building Setbacks		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	

Section 4.4.9.B. R-60 Zone, Standard Method Development Standards (cont'd)

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>[General]</u>
2. Placement		
Accessory Structure Setbacks (min)		
Front setback	60'	[60']
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	15'	[15']
Side setback	5'	[5']
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>10'</u>	
<u>Rear setback, if not otherwise addressed</u>	5'	[5']
[Rear setback, alley	n/a	4']
Specifications for Accessory Structure Setbacks		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
b.	For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.	
c.	For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.	
d.	<u>The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.</u>	
e.	<u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>	
[Parking Setbacks for Surface Parking Lots (min)]		
[Front setback	n/a	10']
[Side street setback	n/a	10']
[Side setback	n/a	10']
[Rear setback	n/a	10']
[Rear setback, alley	n/a	0']

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>[General]</u>
3. Height		
Height (max)		
Principal building, measured to highest point of a flat roof	35'	[35']
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	[30']
Accessory structure	20'	[20']
[Agricultural building	50'	50']
Specification for Height		
a.	In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under <u>Section [Sec.] [[8.3.4.]] 7.3.4.</u>	
4. Form		
Allowed Building Elements		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
5. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
a.	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.</u>	

C. RE-60 Zone, Optional Method Development Standards

1. Site	MPDU Development	Cluster Development
Dimensions (min)		
Usable area	3 acres	5 acres

Specification for Site under MPDU Development

In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 60%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.

- a. proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.

Specification for Site under Cluster Development

The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.

Density (max)		
Density (units/acre of usable area)	6.1	5
Open Space (min)		
Common open space (% of usable area) (See Section 6.3.5)	40%	40%

2. Lot	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Dimensions (min)						
Lot area	3,000 SF	1,500 SF	1,200 SF	3,000 SF	1,500 SF	1,500 SF
Lot width at front building line	Determined at site plan			Determined at site plan		
Lot width at front lot line	25'	25'	14'	25'	25'	14'
Frontage on street or open space	Required			Required		

Specification for Lot under MPDU Development and Cluster Development

- a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.

Coverage (max)						
Lot	60%	60%	60%	35%	35%	75%

Section 4.4.9.C. R-60 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)						
Front setback from public street	20'	20'	20'	20'	20'	20'
Front setback from private street or open space	10'	10'	10'	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	20'	20'	20'	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)						
Front setback	5' behind front building line			60'	60'	60'
Side street setback	Side street setback of principal building			Side street setback of principal building		
Side or rear setback	Determined at site plan			Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'	4'	4'	4'
Specifications for Accessory Structure Setbacks under Cluster Development						
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.					
b.	For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.					

Section 4.4.9.C. R-60 Zone, *Optional Method Development Standards (cont'd)*

For accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.

4. Height	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
Height (max)						
Principal building	40'	40'	40'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'	25'

5. Form	MPDU Development			Cluster Development		
Massing (max)						
Number of units permitted in any one row	n/a	n/a	n/a	n/a	n/a	10

6. Buildings used for Agriculture Associated with Farming
Specification for Buildings used for Agriculture Associated with Farming
 a. A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.

Section 4.4.10. [[R-40]] Residential - 40 Zone (R-40) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-40 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed under the optional method of development.

B. R-40 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
1. Site				
Site Area (min)				
Site	n/a	8,000 SF	8,000 SF	[n/a]
2. Lot and Density				
Lot (min)				
Lot area	6,000 SF	4,000 SF	8,000 SF	[15,000 SF]
Lot width at front building line	60'	40'	80'	[n/a]
Lot width at front lot line	25'	10'	25'	[75']
Density (max)				
Density (units/acre)	7.26	10.89	10.89	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	0.75]
Coverage (max)				
Lot	35%	40%	40%	[40%]
Specification for Lot and Density				
a.	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B]] 4.4.3.			
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.			
3. Placement				
Principal Building Setbacks (min)				
Front setback	25'	25'	25'	[30']
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	25'	25'	25'	
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'	[15']
Side setback	8'	10'	10'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	n/a	n/a	8']
Sum of side setbacks	18'	n/a	n/a	[18']

Section 4.4.10.B. R-40 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
Rear setback	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	n/a	n/a	15']
[Rear setback, alley	n/a	n/a	n/a	4']
Specification for Principal Building Setbacks				
a. <u>Development of a detached house may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
Accessory Structure Setbacks (min)				
Front setback	60'	60'	60'	[60']
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	15'	15'	15'	[15']
Side setback	5'	5'	5'	[5']
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	
Rear setback, if not otherwise addressed	5'	5'	5'	[5']
[Rear setback, alley	n/a	n/a	n/a	4']
Specifications for Accessory Structure Setbacks				
a. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.				
b. For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.				
c. For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.				

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.				
Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
[Parking Setbacks for Surface Parking Lots (min)]				
[Front setback	n/a	n/a	n/a	10']
[Side street setback	n/a	n/a	n/a	10']
[Side setback	n/a	n/a	n/a	10']
[Rear setback	n/a	n/a	n/a	10']
[Rear setback, alley	n/a	n/a	n/a	0']
4. Height				
Height (max)				
Principal building, measured to highest point of a flat roof	35'	35'	35'	[35']
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	35'	35'	[35']
Accessory Structure	20'	20'	20'	[20']
[Agricultural Building	50'	50'	50'	50']
Specification for Height				
a. In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under Section [Sec.] [[8.3.4]] 7.3.4.				
5. Form				
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	[yes]
Balcony	yes	yes	yes	[yes]
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
a. <u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.</u>				

C. R-40 Zone, Optional Method Development Standards

1. Site	MPDU Development		
	Dimensions (min)		
Usable area	3 acres		
Density (max)			
Density (units/acre of usable area)	10.12		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	40%		
2. Lot	Detached House	Duplex	Townhouse
Dimensions (min)			
Lot area	3,000 SF	1,500 SF	1,200 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	25'	25'	14'
Frontage on street or open space	Required		
Specification for Lot under MPDU Development			
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.			
Coverage (max)			
Lot	60%	60%	60%

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)			
Front setback from public street	20'	20'	20'
Front setback from private street or open space	10'	10'	10'
Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone	20'	20'	20'
Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone	15'	15'	15'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

5. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming	
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.

Section 4.4.11. [[TLD]] Townhouse Low Density Zone (TLD) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the TLD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the TLD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

B. TLD Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>Duplex - Side</u>	<u>Duplex - Over</u>	<u>Townhouse</u>	<u>[General]</u>
1. Site					
Site Area (min)					
Site (min)	4,800 SF	4,800 SF	4,800 SF	n/a	[n/a]
Site per unit (min)	n/a	n/a	n/a	4,800 SF	[n/a]
Open Space (min)					
[[Open]] <u>Common open space</u> (% of site)					
(See Section 6.3.5)	n/a	n/a	n/a	50%	[25%]
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	[35%]

Specifications for Open Space and Site Coverage

- In development with a townhouse [or general]building [types] type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

2. Lot and Density

Lot (min)					
Lot area	4,800 SF	2,400 SF	4,800 SF	1,600 SF	[n/a]
Lot width at front building line	30'	15'	30'	n/a	[n/a]
Lot width at front lot line	10'	10'	10'	n/a	[75']
Density (max)					
Density (units/acre)	9.07	9.07	9.07	9.07	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	0.75]
Coverage (max)					
Lot	35%	35%	35%	n/a	[n/a]

Section 4.4.11.B. TLD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
	Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[15']
Side street setback	15'	15'	15'	15'	[15']
[Side setback]	n/a	n/a	n/a	4'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	[8']
Side setback, end unit	n/a	n/a	n/a	4'	[n/a]
<u>Side setback between lot and site boundary</u>	n/a	n/a	n/a	8'	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 20'	[n/a]
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	[5']
Rear setback	4'	4'	4'	0'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
	[Parking Setbacks for Surface Parking Lots (min)]				
[Front setback]	n/a	n/a	n/a	n/a	10']
[Side street setback]	n/a	n/a	n/a	n/a	10']
[Side setback]	n/a	n/a	n/a	n/a	10']
[Rear setback]	n/a	n/a	n/a	n/a	10']
[Rear setback, alley]	n/a	n/a	n/a	n/a	0']

4. Height

Height (max)					
Principal building	35'	35'	35'	40'	[40' and Sec. 7.4.4]
Accessory Structure	25'	25'	25'	25'	[25']

5. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	[n/a]
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	[required]
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	[yes]

C. TLD Zone, Optional Method Development Standards

1. Site	MPDU Development		
	Dimensions (min)		
Usable area	20,038 SF		
Density (max)			
Density (units/acre of usable area)	9.76		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	45%		
2. Lot			
	Detached House	Duplex	Townhouse
Dimensions (min)			
Lot area	3,000 SF	1,500 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
Coverage (max)			
Lot	60%	60%	60%

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

Section 4.4.12. [[TMD]] Townhouse Medium Density Zone (TMD) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the TMD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the TMD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

B. TMD Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>Duplex - Side</u>	<u>Duplex - Over</u>	<u>Townhouse</u>	<u>[General]</u>
1. Site					
Site Area (min)					
Site	3,600 SF	3,600 SF	3,600 SF	n/a	[n/a]
Site per unit	n/a	n/a	n/a	3,600 SF	[n/a]
Open Space (min)					
[[Open]] <u>Common open space</u> (% of site)					
(See Section 6.3.5)	n/a	n/a	n/a	45%	[25%]
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	[35%]
Specifications for Open Space and Site Coverage					
In development with a townhouse [or general] building [types] type, open space and site					
a.	coverage are calculated based on the area of the site minus any area for detached house and duplex lots.				
2. Lot and Density					
Lot (min)					
Lot area	3,600 SF	1,800 SF	3,600 SF	1,400 SF	[n/a]
Lot width at front building line	30'	15'	30'	n/a	[n/a]
Lot width at front lot line	10'	10'	10'	n/a	[75']
Density (max)					
Density (units/acre)	12.10	12.10	12.10	12.10	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	1.0]
Coverage (max)					
Lot	40%	40%	40%	n/a	[n/a]

Section 4.4.12.B. TMD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[15']
Side street setback	15'	15'	15'	15'	[15']
[Side setback]	n/a	n/a	n/a	4'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	[8']
Side setback, end unit	n/a	n/a	n/a	4'	[n/a]
<u>Side setback between lot and site boundary</u>	n/a	n/a	n/a	8'	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 20'	[n/a]
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	[5']
Rear setback	4'	4'	4'	0'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
[Parking Setbacks for Surface Parking Lots (min)]					
[Front setback]	n/a	n/a	n/a	n/a	10']
[Side street setback]	n/a	n/a	n/a	n/a	10']
[Side setback]	n/a	n/a	n/a	n/a	10']
[Rear setback]	n/a	n/a	n/a	n/a	10']
[Rear setback, alley]	n/a	n/a	n/a	n/a	0']

4. Height

Height (max)					
Principal building	35'	35'	35'	40'	[40' and Sec. 7.4.4]
Accessory Structure	25'	25'	25'	25'	[25']

5. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	[n/a]
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	[required]
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	[yes]

C. TMD Zone, Optional Method Development Standards

1. Site	MPDU Development		
Dimensions (min)			
Usable area	20,038 SF		
Density (max)			
Density (units/acre of usable area)	15.25		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	45%		
2. Lot	Detached House	Duplex	Townhouse
Dimensions (min)			
Lot area	2,000 SF	1,000 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
Coverage (max)			
Lot	60%	60%	60%

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

Section 4.4.13. [[THD]] Townhouse High Density Zone (THD) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the THD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the THD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

B. THD Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	<u>Duplex - Side</u>	<u>Duplex - Over</u>	<u>Townhouse</u>	<u>[General]</u>
1. Site					
Site Area (min)					
Site	2,900 SF	2,900 SF	2,900 SF	n/a	[n/a]
Site per unit	n/a	n/a	n/a	2,900 SF	[n/a]
Open Space (min)					
[[Open]] <u>Common open space</u> (See Section 6.3.5)					
space (% of site)	n/a	n/a	n/a	40%	[25%]
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	[35%]
Specifications for Open Space and Site Coverage					
In development with a townhouse [or general] building [types] type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.					
2. Lot and Density					
Lot (min)					
Lot area	2,900 SF	1,450 SF	2,900 SF	1,200 SF	[n/a]
Lot width at front building line	30'	15'	30'	n/a	[n/a]
Lot width at front lot line	10'	10'	10'	n/a	[75']
Density (max)					
Density (units/acre)	15.02	15.02	15.02	15.02	[15.02]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	1.0]
Coverage (max)					
Lot	50%	50%	50%	n/a	[n/a]

Section 4.4.13.B. THD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
	Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[15']
Side street setback	15'	15'	15'	15'	[15']
[Side setback]	n/a	n/a	n/a	4'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	[8']
Side setback, end unit	n/a	n/a	n/a	5'	[n/a]
<u>Side setback between lot and site boundary</u>	n/a	n/a	n/a	10'	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']
Rear/[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 25'	[n/a]
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	[5']
Rear setback	4'	4'	4'	0'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	[4']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
	[Parking Setbacks for Surface Parking Lots (min)]				
[Front setback]	n/a	n/a	n/a	n/a	10']
[Side street setback]	n/a	n/a	n/a	n/a	10']
[Side setback]	n/a	n/a	n/a	n/a	10']
[Rear setback]	n/a	n/a	n/a	n/a	10']
[Rear setback, alley]	n/a	n/a	n/a	n/a	0']

4. Height

Height (max)					
Principal building	35'	35'	35'	40'	[40' and Sec. 7.4.4]
Accessory Structure	25'	25'	25'	25'	[25']

5. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	12	[n/a]
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	[required]
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	[yes]

C. THD Zone, Optional Method Development Standards

1. Site	MPDU Development		
Dimensions (min)			
Usable area	39,204 SF		
Density (max)			
Density (units/acre of usable area)	18.30		
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	30%		
2. Lot	Detached House	Duplex	Townhouse
Dimensions (min)			
Lot area	1,500 SF	1,000 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
Coverage (max)			
Lot	75%	75%	75%

3. Placement	MPDU Development		
	Detached House	Duplex	Townhouse
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
Accessory Structure Setbacks (min)			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
4. Height			
Height (max)			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

Section 4.4.14. [[R-30]] Residential Multi-Unit Low Density - 30 Zone (R-30) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-30 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

B. R-30 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
1. Site						
Site Area (min)						
Site	3,000 SF	3,000 SF	3,000 SF	n/a	n/a	[n/a]
Site per unit	n/a	n/a	n/a	3,000 SF	3,000 SF	[n/a]
Open Space (min)						
[[Open]] Common open space (% of site) (See Section 6.3.5)						
	n/a	n/a	n/a	65%	65%	[25%]
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	18%	18%	[18%]

Specifications for Open Space and Site Coverage

- In a development with townhouse[,] or apartment[/condo, or general] building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

2. Lot and Density

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
Lot (min)						
Lot area	3,000 SF	1,500 SF	3,000 SF	1,200 SF	12,000 SF	[n/a]
Lot width at front building line	30'	15'	30'	n/a	75'	[75']
Lot width at front lot line	10'	10'	10'	n/a	n/a	[n/a]
Density (max)						
Density (units/acre)	14.50	14.50	14.50	14.50	14.50	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	n/a	1.50]
Coverage (max)						
Lot	50%	50%	50%	n/a	n/a	[n/a]

Section 4.4.14.B. R-30 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	[20']
Side street setback	15'	15'	15'	15'	10'	[10']
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	[10']
Side setback, end unit	n/a	n/a	n/a	5'	n/a	[n/a]
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	n/a]
[Rear setback	20'	20'	20'	20'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	30'	[15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec 7.4.3] 10'	n/a	[n/a]

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Accessory Structure Setbacks (min)						
Front setback, behind front building line	10'	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	5'	[5']
Rear setback	4'	4'	4'	0'	5'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	[10']
Side street setback	n/a	n/a	n/a	n/a	10'	[10']
Side setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback, alley	n/a	n/a	n/a	n/a	0'	[0']
4. Height						
Height (max)						
Principal building	35'	35'	35'	35'	35'	[35' and Sec. 7.4.4]
Accessory structure	25'	25'	25'	25'	25'	[25']
5. Form						
Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	[yes]
Porch/Stoop	yes	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	yes	[yes]

C. R-30 Zone, Optional Method Development Standards

1. Site	MPDU Development			
	Dimensions (min)			
Usable area	11,761 SF			
Density (max)				
Density (units/acre of usable area)	17.69			
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	35%			

2. Lot	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Lot area	1,500 SF	1,000 SF	800 SF	12,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	75%	18%

3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a

3. Placement	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

4. Height				
Height (max)				
Principal building	40'	40'	40'	35'
Accessory structure	25'	25'	25'	25'

Section 4.4.15. [[R-20]] Residential Multi-Unit Medium Density - 20 Zone (R-20) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-20 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

B. R-20 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
1. Site						
Site Area (min)						
Site	2,000 SF	2,000 SF	2,000 SF	n/a	n/a	[n/a]
Site per unit	n/a	n/a	n/a	2,000 SF	2,000 SF	[n/a]
Open Space (min)						
[[Open]] Common open space (% of site) (See Section 6.3.5)						
	n/a	n/a	n/a	60%	60%	[25%]
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	18%	18%	[18%]

Specifications for Open Space and Site Coverage

- In development with townhouse[,] or apartment[/condo, or general] building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

2. Lot and Density

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
Lot (min)						
Lot area	2,000 SF	1,000 SF	2,000 SF	1,000 SF	16,000 SF	[n/a]
Lot width at front building line	25'	12.5'	25'	n/a	85'	[75']
Lot width at front lot line	10'	10'	10'	n/a	n/a	[n/a]
Density (max)						
Density (units/acre)	21.70	21.70	21.70	21.70	21.70	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	n/a	1.75]
Coverage (max)						
Lot	75%	75%	75%	n/a	n/a	[n/a]

Section 4.4.15.B. R-20 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	[20']
Side street setback	15'	15'	15'	15'	10'	[10']
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	[10']
Side setback, end unit	n/a	n/a	n/a	5'	n/a	[n/a]
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	
[Rear setback	20'	20'	20'	10'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	30'	[15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 10'	n/a	[n/a]

Specification for Principal Building Setbacks

a. Additional setbacks are required for an apartment[/condo and general buildings] building more than 30' in height. For each foot of height over 30', the setbacks must be increased by 3'.

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Accessory Structure Setbacks (min)						
Front setback, behind front building line	10'	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	5'	[5']
Rear setback	4'	4'	4'	0'	5'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	[10']
Side street setback	n/a	n/a	n/a	n/a	10'	[10']
Side setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback, alley	n/a	n/a	n/a	n/a	0'	[0']

4. Height

Height (max)						
Principal building	40'	40'	40'	40'	80'	[80' and Sec. 7.4.4]
Accessory structure	25'	25'	25'	25'	25'	[25']

5. Form

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	[yes]
Porch/Stoop	yes	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	yes	[yes]

C. R-20 Zone, Optional Method Development Standards

1. Site	MPDU Development			
	Dimensions (min)			
Usable area	15,682 SF			
Density (max)				
Density (units/acre of usable area)	26.47			
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	35%			
2. Lot	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Lot area	1,000 SF	800 SF	800 SF	16,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	75%	18%
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

3. Placement	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
4. Height				
Height (max)				
Principal building	40'	40'	40'	80'
Accessory structure	25'	25'	25'	25'

Section 4.4.16. [[R-10]] Residential Multi-Unit High Density Zone - 10 Zone (R-10) [[, Standard Method Development Standards]]

A. Intent Statement

The intent of the R-10 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

B. R-10 Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
1. Site						
Site Area (min)						
Site	2,000 SF	2,000 SF	2,000 SF	n/a	n/a	[n/a]
Site per unit	n/a	n/a	n/a	1,000 SF	1,000 SF	[n/a]
Open Space (min)						
[[Open]] Common open space (% of site) (See Section 6.3.5)						
	n/a	n/a	n/a	50%	50%	[25%]
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	12%	12%	[12%]

Specifications for Open Space and Site Coverage

- In a development with townhouse[,] or apartment[/condo, or general] building types, open a. space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

2. Lot and Density

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
Lot (min)						
Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF	[n/a]
Lot width at front building line	25'	12.5'	25'	n/a	100'	[75']
Lot width at front lot line	10'	10'	10'	n/a	n/a	[n/a]
Density (max)						
Density (units/ acre)	43.50	43.50	43.50	43.50	43.50	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	n/a	n/a	2.00
Coverage (max)						
Lot	90%	90%	90%	n/a	n/a	[n/a]

Section 4.4.16.B. R-10 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	[30']
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	[20']
Side street setback	15'	15'	15'	15'	10'	[10']
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	[10']
Side setback, end unit	n/a	n/a	n/a	5'	n/a	[n/a]
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	
[Rear setback	20'	20'	20'	10'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	See [Sec. 7.4.3] Section 4.1.8.A	[See Sec. 7.4.3]
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	30'	[15']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 10'	n/a	[n/a]

Specification for Principal Building Setbacks
 Additional setbacks are required for an apartment[/condo and general buildings] building.
 a. more than 30' in height. For each foot of height over 30', the setbacks must be increased by 0.5'.

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
Accessory Structure Setbacks (min)						
Front setback, behind front building line	10'	10'	10'	10'	10'	[10']
Side street setback	15'	15'	15'	15'	15'	[15']
Side setback	4'	4'	4'	4'	5'	[5']
Rear setback	4'	4'	4'	0'	5'	[5']
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	[4']
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	[10']
Side street setback	n/a	n/a	n/a	n/a	10'	[10']
Side setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback	n/a	n/a	n/a	n/a	10'	[10']
Rear setback, alley	n/a	n/a	n/a	n/a	0'	[0']

4. Height						
Height (max)						
Principal building	40'	40'	40'	40'	100'	[100' and Sec. 7.4.4]
Accessory structure	25'	25'	25'	25'	25'	[25']

5. Form						
Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
Entrance spacing (max)	n/a	n/a	n/a	n/a	n/a	[100']
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	[yes]
Porch/Stoop	yes	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	yes	[yes]

C. R-10 Zone, Optional Method Development Standards

1. Site	MPDU Development			
	Dimensions (min)			
Usable area	20,038 SF			
Density (max)				
Density (units/acre of usable area)	53.07			
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	35%			
2. Lot	Detached House	Duplex	Townhouse	Apartment
Dimensions (min)				
Lot area	1,000 SF	800 SF	800 SF	20,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
Coverage (max)				
Lot	75%	75%	75%	12%
3. Placement				
Principal Building Setbacks (min)				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

3. Placement	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a
Accessory Structure Setbacks (min)				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
4. Height				
Height (max)				
Principal building	40'	40'	40'	100' and Section 4.1.8.B
Accessory structure	25'	25'	25'	25'

Division 4.5. Commercial/Residential Zones

Section 4.5.1. Intent Statements

A. In General

The CRN, CRT, and CR zones permit a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. The application of the CRN, CRT, and CR zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services. The intent of the CRN, CRT, and CR zones is to:

1. implement the recommendations of applicable master plans;
2. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
3. encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. integrate an appropriate balance of employment and housing opportunities; and
6. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

B. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited to preserve community scale.

C. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground

floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.

D. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.

Section 4.5.2. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Commercial/Residential zone are established on the zoning map under Sec. 2.1.6.A.4.]

1. Density is calculated as an allowed floor area ratio (FAR). [[Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H) is a zone under the following limits:]]
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:
 - a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c;
 - b. The number following the C is the maximum nonresidential FAR allowed;
 - c. The number following the R is the maximum residential FAR allowed unless additional residential FAR is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c; and
 - d. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c.
3. The following limits apply unless additional total FAR, residential FAR, or height is allowed under Section 4.5.2.C and Section 4.7.3.D.6.c:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

4. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section [[4.5.1.A.1]] 4.5.2.A.3.

B. FAR Averaging

1. Only standard method development projects that require [a] site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:
 - a. the properties are under the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - d. a building cannot exceed the maximum height set by the zone;
 - e. uses must satisfy the provisions of the zone category;
 - d. [f.] the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and
 - e. [g.] public benefits are required to be provided under any phasing element of an approved sketch plan.

3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones, if:
 - a. Each provision under Section [Sec.] [[4.5.1.B.2]] 4.5.2.B.2 is satisfied;
 - b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area;
 - c. The minimum public benefit points required under Section [Sec.] [[6.4.1.B]] 4.5.4.A.2 must be exceeded by at least 50%; and
 - d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

C. Special Provisions for "T" Zones Translated from Certain Zones Existing Before October 30, 2014

1. These special provisions apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "CR2.0 C1.5 R1.5 H75 T".
2. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
 - a. Residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units (MPDUs).
 - b. Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
 - c. In any case, to achieve a density bonus under Section 4.5.2.C.2, at least one more MPDU than would be required at 12.5% must be provided.
 - d. On a property within a designated central business district mapped at a height up to 145 feet, height may be increased above the number following the H on the zoning map by up to 1.5 times if:
 - i. the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing

units divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet, or

- ii. additional height is specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan.
- e. Property within a designated central business district and not located in a designated density transfer area, is exempt from Section 4.5.2.B.2.d.
- f. Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.
- g. Any density or height increases under Section 4.5.2.C requires site plan approval under Section 7.3.4.

[[Section 4.5.2. Methods of Development]]

[[The CRN zone allows development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method. Approval of a sketch plan is required under [Section \[Sec.\] 8.3.3](#) for optional method development]].

Section 4.5.3. Standard Method Development

[[Standard]] The CRN, CRT, and CR zone allow standard method development [[is allowed]] under the following limitations and requirements.

- A. In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- B. In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:

Zone	Total Density (max)
CRT	The greater of 1.0 FAR or 10,000 SF of gross floor area
CR	The greater of 0.5 FAR or 10,000 SF of gross floor area

[[B. Optional Method

Optional method development is allowed under [Division \[Div.\] 6.4.](#)]]

[[Section 4.5.3. Building Types]]

[[The allowed building types are [\[specified by zone\]](#) in [Section 4.1.6. \[Sec. 4.1.4.\]](#) Dimensional standards for allowed building types are in [Section \[Sec.\] 4.5.4.](#)]]

C. CRN, CRT, and CR Zones, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
a.	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space[[, under Division [Div.] 7.3]] (see Section 6.3.6).						
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	800 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
CRN Density, FAR	mapped						
CRT Density, FAR	<u>The lesser of: mapped FAR or the greater of 10,000 SF or 1.0 FAR</u> [[, whichever is less]]						
CR Density, FAR	<u>The lesser of: mapped FAR or the greater of 10,000 SF or 0.5 FAR</u> [[, whichever is less]]						
Specification for Density							
a.	An historic resource recommended in the applicable master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation.						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

Section 4.5.3.C. CRN, CRT, CR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

Section 4.5.3.C. CRN, CRT, CR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%

4. Height

Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

5. Form

Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	required						
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes						
Balcony	yes						

Section 4.5.4. Optional Method Development

The CRT and CR zone allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3. A site plan must be approved under Section 7.3.4. for any development on a property with an approved sketch plan.

2. Public Benefit Points and Categories

a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

<u>Zone</u>	<u>Tract Size OR Max Total FAR</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>CRT</u>	<u>< 10,000 SF OR</u> <u>< 1.5 max FAR</u>	<u>25</u>	<u>2</u>
	<u>≥ 10,000 SF OR</u> <u>≥ 1.5 to max FAR</u>	<u>50</u>	<u>3</u>
<u>CR</u>	<u>< 10,000 SF OR</u> <u>< 1.5 max FAR</u>	<u>50</u>	<u>3</u>
	<u>≥ 10,000 SF OR</u> <u>≥ 1.5 to max FAR</u>	<u>100</u>	<u>4</u>

b. In the CR zone, the purchase of BLTs is required under Section 4.7.3.F.1.a.

3. Building Type

All building types allowed under Section 4.1.6 are allowed in the CRT and CR zones under optional method development.

4. Compatibility Standards

Development must satisfy the compatibility standards under Section 4.1.8.

B. Development Standards

1. Open Space

a. A developer must provide open space based on the lot area and number of frontages as described in the following table:

<u>Lot Area</u>	<u># of Existing, Proposed, and Master-Planned Right-of-Way Frontages</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
<u>≤ 0.50 acres</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>
<u>0.51 to 1.00 acres</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>
<u>1.01 to 3.00 acres</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>
<u>3.01 to 6.00 acres</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<u>≥ 6.01 acres</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

- c. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- d. Open space for the townhouse building type is common open space (see Section 6.3.5) and for other buildings is public open space (see Section 6.3.6).
- e. Open space must satisfy Division 6.3.

2. Lot, Density, and Height

- a. Lot standards for detached house, duplex, and townhouse building types are determined by the site plan approval process under Section 7.3.4.
- b. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone unless increased under Section 4.5.2.C and Section 4.7.3.D.6.c.

3. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process.

4. Form

Form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances.

Division 4.6. Employment Zones

Section 4.6.1. Intent Statements

A. In General

The GR, NR, LSC, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights. The GR, NR, LSC, and EOF zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate. The application of the GR, NR, LSC, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total gross floor area on the subject site. The intent of the GR, NR, LSC, and EOF zones is to:

1. implement the recommendations of the applicable master plans;
2. target opportunities for employment, technology, and general commercial uses;
3. provide employment areas with supporting residential and retail uses;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
5. establish minimum requirements for the provision of public benefits.

B. General Retail (GR)

1. The GR zone is intended for commercial areas of a general nature, including regional shopping centers and clusters of commercial development. The GR zone provides development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options.
2. The GR zone allows flexibility in building, circulation, and parking lot layout. Retail/Service Establishment gross floor area is not restricted.

C. Neighborhood Retail (NR)

1. The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.
2. The NR zone allows flexibility in building, circulation, and parking lot layout.

D. Life Sciences Center (LSC)

The LSC zone is intended primarily for research, development, education, and related activities. The primary purpose is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

E. Employment Office (EOF)

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.

Section 4.6.2. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Employment zone are established on the zoning map under Sec. 2.1.7.A.4.]

1. Density is calculated as an allowed floor area ratio (FAR). [[Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:]]
2. Each GR, NR, LSC, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:

- a. The number following the classification is the maximum total FAR allowed unless additional FAR is allowed under Section 4.6.2.C and Section 4.7.3.D.6.c; and
- b. The number following the H is the maximum building height in feet allowed unless additional height is allowed under Section 4.7.3.D.6.c.
- 3. The following limits apply unless additional total FAR or height is allowed under Section 4.6.2.C and Section 4.7.3.D.6.c.

<u>Zone</u>	<u>Total FAR (max)</u>	<u>Height (max)</u>
<u>GR</u>	<u>0.5 to 2.5</u>	<u>25' to 120'</u>
<u>NR</u>	<u>0.25 to 1.5</u>	<u>25' to 50'</u>
<u>LSC</u>	<u>0.5 to 2.5</u>	<u>35' to 200'</u>
<u>EOF</u>	<u>0.5 to 4.0</u>	<u>35' to 200'</u>

- 4. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section [[4.6.1.A.1]] 4.6.2.A.3.

B. FAR Averaging

- 1. Only standard method development projects that require [a] site plan approval or optional method development projects can average FAR between properties.
- 2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones, if:
 - a. the properties are under the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - [d. a building cannot exceed the maximum height set by the zone;
 - e. uses must satisfy the provisions of the zone category;]

- d. [f.] the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and
- e. [g.] public benefits are required to be provided under the phasing element of an approved sketch plan.

- 3. Density may be averaged over 2 or more non-contiguous properties in one or more LSC or EOF zones, if:
 - a. Each provision under Section [Sec.] [[4.6.1.B.2]] 4.6.2.B.2 is satisfied;
 - b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area;
 - c. The minimum public benefit points required under Section [Sec.] [[6.4.1.B]] 4.6.4.A.2 must be exceeded by at least 50%; and
 - d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

C. Special Provisions for "T" Zones Translated from Certain Zones Existing Before October 30, 2014

- 1. These special provisions apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "EOF2.o H6o T".
- 2. For Employment-zoned properties designated with a T, the following provisions apply:
 - a. Residential density may be increased above the maximum allowed in the zone in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units (MPDUs).
 - b. In any case, to achieve a density bonus under Section 4.6.2.C.2, at least one more MPDU than would be required at 12.5% must be provided.
 - c. Any density increase under Section 4.6.2.C requires site plan approval under Section 7.3.4.

[[Section 4.6.2. Methods of Development]]

[[The GR and NR zones allow development only under the standard method. The LSC and EOF zones allow development under the standard method and may allow development under the optional method. Approval of a sketch plan is required under [Section \[Sec.\] 8.3.3](#) for optional method development.]]

Section 4.6.3. Standard Method Development

[[Standard]] The GR, NR, LSC, and EOF zone allow standard method development [[is allowed as follows]] under the following limitations and requirements.

- A. In the GR and NR zone, the maximum total FAR and maximum height for any property is set by the zone shown on the zoning map.
- B. In the LSC and EOF zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:

Zone	Total Density (max)
LSC	The greater of 0.5 FAR or 10,000 SF of gross floor area
EOF	The greater of 1.0 FAR or 10,000 SF of gross floor area

[[B. Optional Method

Optional method development is allowed under [\[Div\] Division 6.5.](#)]]

[[Section 4.6.3. Building Types]]

[[The allowed building types are [\[specified by zone\]](#) in [Section 4.1.6. \[Sec. 4.1.4.\]](#) Dimensional standards for allowed building types are in [Section \[Sec.\] 4.6.4](#) to [Section \[Sec.\] 4.6.6.](#)]]

C. GR and NR Zones, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%

Specifications for all Open Space

- a. In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.
- b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is amenity open space[, under [Division \[Div.\] 7.3](#)] (see Section 6.3.7).

2. Lot and Density

Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
Density, FAR	mapped						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

Specification for Density

- a. Gross floor area of all Household Living uses [in an application] on a site [must not exceed] is limited to 30% of the [maximum allowed FAR mapped] total gross floor area on the subject site.

Section 4.6.3.C. GR and NR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear/[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Side street setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

Section 4.6.3.C. GR and NR Zones, Standard Method Development Standards (cont'd)

4. Height	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	Multi Use	General
Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		
5. Form							
Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

D. LSC Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
a.	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space[[, under Division [Div.] 7.3]] (see Section 6.3.6).						
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
[LSC] Density, FAR	<u>The lesser of:</u> mapped or the greater of 0.5 FAR or 10,000 SF of gross floor area[[, which-ever is less]]						
Specification for Density							
a.	Gross floor area of all Household Living uses [in an application must not exceed] is limited to 30% of the maximum allowed FAR <u>mapped on the subject site</u> .						
	For a tract larger than 5 acres:						
	A) A minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses. The proposed gross floor area used for the purpose of calculating the minimum percentage of Life Sciences uses excludes: (1) a Hospital and the Hospital's accessory uses; and (2) educational facilities.						
b.	B) A maximum of 10% of the gross floor area proposed may be for Retail/Service Establishment; however, if the Planning Board finds that unique circumstances are present and the area would be enhanced by additional retail activity, then a maximum of 15% of the gross floor area proposed may be used for Retail/Service Establishment.						
c.	Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone [may not] <u>must</u> be used [for any other] <u>only for this</u> purpose. The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'

Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%

Specification for Parking Setbacks for Surface Parking Lots and Build-to Area

- Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the applicable master plan. If a site plan [approval](#) is required, the Planning Board may waive the Parking Setbacks for Surface Parking Lots and Build-to Area requirements.

4. Height

Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	not required	not required	not required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Specification for Building Orientation and Transparency							
Building Orientation and Transparency requirements only apply when the development fronts on a business							
a.	district street or a build-to-line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Building Orientation and Transparency requirements.						
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

E. EOF Zone, Standard Method Development Standards

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
a.	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is amenity open space[[, under <u>Division [Div.] 7.3</u>]] (see Section 6.3.7).						

2. Lot and Density

Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
Density, FAR	<u>The lesser of:</u> mapped FAR or the greater of 1.0 FAR or 10,000 SF, [[whichever is less]]						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a
Specification for Density							
a.	Gross floor area of all Household Living uses [in an application] <u>on a site</u> [must not exceed] <u>is limited to</u> 30% of <u>the</u> [maximum allowed FAR mapped] <u>total gross floor area</u> on the subject site.						

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%

Specification for Parking Setbacks for Surface Parking Lots and Build-to Area

- Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the applicable master plan. If a site plan [approval](#) is required, the Planning Board may waive the Parking Setbacks for Surface Parking Lots and Build-to Area requirements.

4. Height

Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	Multi Use	General
Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	required	required	required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Specification for Building Orientation and Transparency							
Building Orientation and Transparency requirements only apply when the development fronts on a business							
a.	district street or a build-to line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Building Orientation and Transparency requirements.						
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Section 4.6.4. Optional Method Development

The LSC and EOF zone allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

2. Public Benefit Points and Categories

- a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

<u>Zone</u>	<u>Tract Size OR Max Total FAR</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>LSC</u>	<u>< 10,000 SF OR < 1.5 max FAR</u>	<u>15</u>	<u>1</u>
	<u>≥ 10,000 SF OR ≥ 1.5 max FAR</u>	<u>30</u>	<u>2</u>
<u>EOF</u>	<u>< 10,000 SF OR < 1.5 max FAR</u>	<u>30</u>	<u>2</u>
	<u>≥ 10,000 SF OR ≥ 1.5 max FAR</u>	<u>60</u>	<u>3</u>

- b. In the LSC zone, the purchase of BLTs is required under Section 4.7.3.F.1.b.

3. Building Type

All building types allowed under Section 4.1.6. are allowed in the LSC and EOF zones under optional method development.

4. Compatibility Standards

Development must satisfy the compatibility standards under Section 4.1.8.

B. Development Standards

1. Open Space

- a. A developer must provide open space based on the lot area and number of frontages as described in the following table.

<u>Lot Area</u>	<u># of Existing, Proposed, and Master-Planned Right-of-Way Frontages</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
<u>% of Site Required to be Dedicated for Open Space</u>				
<u>≤ 0.50 acres</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>
<u>0.51 to 1.00 acres</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>
<u>1.01 to 3.00 acres</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>
<u>3.01 to 6.00 acres</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<u>≥ 6.01 acres</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

- b. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the site area minus any area used for detached house and duplex unit lots.
- c. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other buildings is public open space (see Section 6.3.6) in the LSC zone and amenity open space (see Section 6.3.7) in the EOF zone.
- d. Open space must satisfy Division 6.3.

2. Lot, Density, and Height

- a. Lot standards for detached house, duplex, and townhouse building types are established by the site plan approval process.
- b. The maximum total FAR and the maximum height are established by the mapped zone unless increased under Section 4.7.3.D.6.c.
- c. In the GR, NR, and EOF zones, gross floor area of all Household Living uses on a site is limited to 30% of the total gross floor area on the subject site.
- d. In the LSC zone:
 - i. For tracts larger than 5 acres:

- (a) A minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses. The proposed gross floor area used for the purpose of calculating the minimum percentage of Life Sciences uses excludes: (1) Hospitals and the Hospital's accessory uses; and (2) educational facilities.
- (b) A maximum of 10% of the gross floor area proposed may be used for Retail/Service Establishment; however, a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment if the Planning Board finds unique circumstances and the development would be enhanced by additional retail activity.
- ii. Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.
- iii. Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone must be used only for purpose. The total area of any partial floors or stories excluded from the maximum density calculation is limited to the gross floor area of any full floor of the building.

3. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process.

4. Form

Form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances.

Division 4.7. Optional Method Public Benefits

Section 4.7.1. General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone among the following categories:
 - a. Major Public Facilities;
 - b. Transit Proximity;
 - c. Connectivity and Mobility;
 - d. Diversity of Uses and Activities;
 - e. Quality Building and Site Design;
 - f. Protection and Enhancement of the Natural Environment; and
 - g. Building Reuse.
2. The individual public benefits that may be accepted in each of these categories in each zone are in Section 4.7.2.

B. General Public Benefit Considerations

Granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations and objectives of the applicable master plan;
2. the CR Zone Incentive Density Implementation Guidelines;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

C. Public Benefit Implementation Guidelines

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

1. be consistent with the objectives of Division 4.7;
2. be in addition to any standards, requirements, or rules of incentive density calculation included in Division 4.7, but must not conflict with those provisions; and
3. allow incentive FAR only for those public benefits listed in Section 4.7.3.

Section 4.7.2. Public Benefit Overview

The Planning Board must determine the public benefit points under optional method development from the following categories:

- A. Major Public Facility
- B. Transit Proximity
- C. Connectivity and Mobility
 1. Advance Dedication
 2. Minimum Parking
 3. Neighborhood Services
 4. Public Parking
 5. Through-Block Connection
 6. Transit Access Improvement
 7. Streetscape Improvement
 8. Trip Mitigation
 9. Way Finding
- D. Diversity of Uses and Activities
 1. Adaptive Buildings
 2. Care Centers
 3. Dwelling Unit Mix

4. Enhanced Accessibility for the Disabled
5. Live/Work
6. Moderately Priced Dwelling Units
7. Small Business Opportunity
- E. Quality Building and Site Design
 1. Architectural Elevations
 2. Exceptional Design
 3. Historic Resource Protection
 4. Public Art
 5. Public Open Space
 6. Structured Parking
 7. Tower Step-Back
- F. Protection and Enhancement of the Natural Environment
 1. Building Lot Terminations
 2. Cool Roof
 3. Energy Conservation and Generation
 4. Habitat Preservation and Restoration
 5. Recycling Facility Plan
 6. Transferable Development Rights
 7. Tree Canopy
 8. Vegetated Area
 9. Vegetated Roof
 10. Vegetated Wall
- G. Building Reuse

Section 4.7.3. Public Benefit Descriptions and Criteria

A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as a school, library, recreation center, park, County service center, bike share station, public transportation or utility upgrade, or other resource delineated in an applicable master plan. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. If a major public facility is recommended for a property in a master plan, an applicant for a sketch plan on that property must provide the major public facility unless the Planning Board finds that the facility:
 - a. is infeasible;
 - b. would not be accepted by the government department or agency responsible for operating the facility; or
 - c. is no longer in the public interest.
3. If a proposed major public facility is not recommended in the applicable master plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
4. Due to their significance in placemaking, the Planning Board may approve incentive FAR for
 - a. the conveyance of a site or floor area,
 - b. the construction of, or
 - c. making a partial or full payment for
a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
5. Up to the following number of points may be awarded if the requirements of Section 4.7.3.A are met:

- a. 20 points in an LSC zone;
- b. 40 points in an EOF or CRT zone; and
- c. 70 points in a CR zone.

B. Transit Proximity

1. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT, CR, LSC, and EOF zones.
 - a. Transit proximity is categorized in 3 levels:
 - i. Level 1 is proximity to an existing or master planned Metrorail Station.
 - ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of an existing or master planned MARC station.
 - iii. Level 3 is proximity to an existing or master planned MARC station.

All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.
 - b. A project is abutting or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100% of the tract in a single sketch plan application is within ¼ mile of the transit portal.
 - c. For split proximity-range projects:
 - i. If at least 75% of the tract in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
 - ii. If less than 75% of the tract in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

	<u>Abutting or Confronting</u>	<u>Within 1/4 Mile</u>	<u>Between 1/4 and 1/2 Mile</u>	<u>Between 1/2 and 1 Mile</u>
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<u>Transit Service Proximity Level</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>LSC</u>	<u>10</u>	<u>5</u>	<u>2.5</u>	<u>8</u>	<u>4</u>	<u>0</u>	<u>6</u>	<u>2</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>
<u>EOF or CRT</u>	<u>25</u>	<u>15</u>	<u>5</u>	<u>20</u>	<u>12.5</u>	<u>2.5</u>	<u>15</u>	<u>10</u>	<u>0</u>	<u>10</u>	<u>7.5</u>	<u>0</u>
<u>CR</u>	<u>50</u>	<u>30</u>	<u>10</u>	<u>40</u>	<u>25</u>	<u>5</u>	<u>30</u>	<u>20</u>	<u>5</u>	<u>20</u>	<u>15</u>	<u>2.5</u>

C. Connectivity and Mobility

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses may achieve public benefit points.

1. Advance Dedication: Up to 8 points in the LSC zone, 15 points in the EOF zone, and 30 points in the CRT and CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.
2. Minimum Parking: Up to 10 points for providing fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
3. Neighborhood Services: When fewer than 10 different basic services exist within ¼ mile, up to 15 points for providing retail bays appropriate for at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.
4. Public Parking: Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. Through-Block Connections: Up to 20 points for safe and attractive pedestrian connections between streets.
6. Transit Access Improvement: Up to 20 points for constructing new or improving existing transit access.
7. Streetscape Improvement: Up to 20 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. Trip Mitigation: Up to 20 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory require-

ment; the agreement must result in a reduction of at least 50% for trips attributable to the site.

9. **Way-Finding:** Up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

D. Diversity of Uses and Activities

Development that increases the variety and mixture of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.

1. **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Care Centers:** Up to 20 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.
3. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy Chapter 25A.
4. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
5. **Live/Work:** Up to 15 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
6. **Moderately Priced Dwelling Units:** There is no limitation on the number of points for providing more than 12.5% of the residential units as MPDUs as required under Chapter 25A.
 - a. Points are calculated as follows:

- i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - ii. An additional 2 points are granted for every 1% of 2 bedroom MPDUs not otherwise required.
 - iii. An additional 5 points are granted for every 1% of 3 bedroom MPDUs.
 - iv. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU public benefit points in any zone.
 - v. For a project providing a minimum of 15% MPDUs, one less benefit category than is required under Section 4.5.4.A.2 and Section 4.6.4.A.2 must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.
- b. In a zone with a "T" designation, if a project exceeds 12.5% MPDUs, residential density may be increased under Section 4.5.2.C in the Commercial/Residential zones or under Section 4.6.2.C in the Employment zones.
 - c. In a zone without a "T" designation:
 - i. If a project exceeds 12.5% MPDUs, the height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
 - ii. For a project providing less than 15% MPDUs, the gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.
 - iii. For a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR.
7. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

E. Quality Building and Site Design

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

- 1. Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility.
- 2. Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting per the purposes listed in Section 4.7.3.E.
- 3. Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
- 4. Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
- 5. Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
- 6. Structured Parking:** Up to 20 points for placing parking in an above or below grade parking structure.
- 7. Tower Step-Back:** Up to 10 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

F. Protection and Enhancement of the Natural Environment

Protection and enhancement of natural systems and reduced energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

- 1. Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).
 - a. In the CR zone:
 - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 7.5% of the incentive density floor area under the following parameters:
 - (a) One BLT, equivalent to 9 points, must be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area;
 - (b) A private BLT easement must be purchased in whole units; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
 - ii. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 7.5%. Each BLT easement purchase or payment is equivalent to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
 - b. In the LSC zone:
 - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density under the following parameters:
 - (a) For any floor area above 0.50 FAR, one BLT, equivalent to 9 points, must be purchased or an equivalent payment made for:

- (1) each 31,500 square feet of floor area of residential, non-residential, and Life Sciences between 0% and 40% of the project's floor area; and
 - (2) each 60,000 square feet of Life Sciences between 40% and 50% of the project's floor area.
 - (b) Any private BLT easement must be purchased in a whole unit; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
 - ii. Floor area restricted to the following uses is subtracted from the total density before calculating the required BLTs:
 - (a) workforce housing units;
 - (b) MPDUs;
 - (c) Hospitals, including the Hospital's accessory uses, other than medical office buildings;
 - (d) educational facilities for non-life sciences; and
 - (e) Life Sciences in excess of 50% of the project's total floor area.
 - c. In the CRT and EOF zones, BLT payments are optional; each BLT easement purchase or payment is equal to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
 2. Cool Roof: Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 3. Energy Conservation and Generation: Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on-site or within 1/2 mile of the site for a minimum of 2.5% of the projected energy requirement for the development.
 4. Habitat Preservation and Restoration: Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other County laws.
 5. Recycling Facility Plan: Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.
 6. Transferable Development Right: For a property that is in a TDR Overlay zone, up to 20 points for the purchase of TDRs under Section 4.9.13.B. Every TDR purchased is worth 1 point.
 7. Tree Canopy: Up to 15 points for protecting tree canopy coverage with at least 15 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
 8. Vegetated Area: Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs or stormwater management facilities.
 9. Vegetated Roof: Up to 15 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
 10. Vegetated Wall: Up to 10 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.
- G. Building Reuse**
- Up to 100 points for reuse of an existing building that satisfies the following:
- a. 75% of the structural system of the building must be retained; and
 - b. An architectural deconstruction company must be used to remove reusable and recyclable materials before any demolition.
 - c. Although up to 100 points may be obtained, public benefit category minimums must be met.

Division 4.8. Industrial Zones

Section 4.8.1. Intent Statements

A. Light Industrial (IL)

The IL zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. The IL zone is appropriate as a transitional Industrial zone between a Residentially zoned area and land classified in the IM and IH zones.

B. Moderate Industrial (IM)

The IM zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.

C. Heavy Industrial (IH)

The IH zone is intended to provide land for industrial activities that usually need major transportation links to highways or rail and may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.

Section 4.8.2. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Industrial zone are established on the zoning map under Sec. 2.1.8.A.3.]

- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
IL	0.25 to 1.5	25' to 50'
IM	0.25 to 2.5	25' to 120'
IH	0.5 to 4.0	35' to 200'

- Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums indicated in Section [[4.7.1.A.1]] 4.8.2.A.1.

B. FAR Averaging

- Only standard method development projects that require [a] site plan approval can average FAR between properties.
- FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Industrial zones, if:
 - the properties are under the same site plan;
 - the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved site plan;
 - the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties; and
 - a building cannot exceed the maximum height set by the zone;
 - uses must satisfy the provisions of the zone category; and
 - [f.] the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone.
- Density may be averaged over 2 or more non-contiguous properties in one or more IL or IM zones, if:
 - Each of the provisions under Section [Sec.] [[4.7.1.B.2]] 4.8.2.B.2 is satisfied;
 - The properties are within ¼ mile of each other or in a designated master-planned density transfer area; and
 - The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

Section 4.8.3. Standard Method Development

The IL, IM, and IH zones allow development only under the standard method.

[[Section 4.7.2. Methods of Development]]

- [[A. The Industrial zones allow development only under the standard method.
- B. In the Industrial zones, the maximum total FAR and maximum height are set by the zone shown on the zoning map.]]

[[Section 4.7.3. Building Types]]

[[The allowed building types are [specified by zone] in [Section 4.1.6.](#) [Sec. 4.1.4.] Dimensional standards for allowed building types are in [Section \[Sec.\] 4.7.4](#) and [Section \[Sec.\] 4.7.5.](#)]]

A. IL and IM Zones, Standard Method Development Standards

1. Site	Multi Use	General
Open Space (min)		
[[Open]] Amenity open space, site ≤ 10,000 SF (see Section 7.3.7)	5%	5%
[[Open]] Amenity open space, site > 10,000 SF (see Section 7.3.7)	10%	10%
2. Lot and Density		
Density (max)		
Density, FAR [[FAR per tract]]	mapped	
Specification for Density		
Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone [may not] must be used [for any other] only for this purpose. The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.		
3. Placement		
Principal Building and Accessory Structure Setbacks (min)		
Front setback	10'	10'
Side street setback	10'	10'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Side setback, abutting Industrial zones	0'	0'
Side setback, abutting all other zones	10'	10'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Rear setback, abutting Industrial zones	0'	0'
Rear setback, abutting all other zones	10'	10'
Rear setback, alley	0'	0'

3. Placement	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)		
Front setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
4. Height		
Height (max)		
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B	
Accessory structure	mapped and [Sec. 7.4.4] Section 4.1.8.B	
5. Form		
Allowed Building Elements		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

B. IH Zone, Standard Method Development Standards

1. Site	Multi Use	General
Open Space (min)		
[[Open]] Amenity open space, site ≤ 10,000 SF (see Section 7.3.7)	5%	5%
[[Open]] Amenity open space, site >10,000 SF (see Section 7.3.7)	10%	10%
2. Lot and Density		
Density (max)		
Density, FAR	mapped	
Specification for Density		
Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone <u>may not</u> <u>must</u> be used <u>for any other</u> <u>only for this</u> purpose. The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.		
3. Placement		
Principal Building and Accessory Structure Setbacks (min)		
Front setback	10'	10'
Side street setback	10'	10'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Side setback, abutting Industrial zones	0'	0'
Side setback, abutting all other zones	10'	10'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Rear setback, abutting Industrial zones	0'	0'
Rear setback, abutting all other zones	10'	10'
Rear setback, alley	4'	4'
[Accessory Structure Setbacks (min)]		
[Front setback, behind front building line	10'	10']
[Side street setback	10'	10']
[Side setback	10'	10']
[Rear setback	10'	10']
[Rear setback, alley	4'	4']

3. Placement	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)		
Front setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
4. Height		
Height (max)		
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B	
Accessory structure	mapped and [Sec. 7.4.4] Section 4.1.8.B	
5. Form		
Allowed Building Elements		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

Division 4.9. Overlay Zones

Section 4.9.1. In General

A. Intent Statement

The intent of the Overlay zones is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or redevelopment of an area. Overlay zones are created in areas of critical public interest and provide uniform comprehensive development regulations for an area.

B. Applicability

Land must only be designated within an Overlay zone when recommended by a master plan and approved [as part of] by a Sectional Map Amendment, or when approved by a District Map Amendment.

C. Standards and Requirements

Development in an Overlay zone must [must conform to] satisfy the standards and requirements of the underlying zone, except as [specifically] modified by [this] Division [[4.8]] 4.9 [(Div. 4.8)]. [Where] If there is an ambiguity as to whether the requirements of the underlying zone or Overlay zone apply, the requirements of the Overlay zone apply. [A site plan must be submitted] Site plan approval is required under Section [Sec.] [[8.3.4]] 7.3.4, except where [specifically] exempted by the applicable Overlay zone.

[Sec. 4.8.2. Commercial Preservation (CP) Overlay Zone

A. Commercial Preservation - Burtonsville Employment Area (CP-BEA) Overlay Zone

1. Purpose

The purpose of the CP-BEA Overlay zone is to:

- a. Develop a compatible mix of office, commercial, light industrial, and nonresidential uses within a designated employment area.
- b. Establish a uniform set of development standards for the Overlay zone.
- c. Allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area.

- d. Encourage the use of traffic-limiting measures such as car pools and use of mass transit.
- e. Eliminate uses not considered compatible with the intent of this Overlay zone.

2. Land Uses

- a. All permitted uses in the IM and EOF zones are permitted for any area of land with a preliminary plan approved by the Planning Board after October 27, 2006 but before October 27, 2009.
- b. The following uses are prohibited:
 - i. Adult Entertainment;
 - ii. Agricultural Processing;
 - iii. Animal Husbandry;
 - iv. Artisan Manufacturing and Production;
 - v. Community Garden;
 - vi. Contractor Storage Yard;
 - vii. Dry Cleaning Facility;
 - viii. Farm Market, On-site;
 - ix. Filling Station;
 - x. Freight Movement;
 - xi. Light Manufacturing and Production, except as noted in Sec. 4.8.2.A.2.d;
 - xii. Light Vehicle Sales and Rental (Indoor);
 - xiii. Light Vehicle Sales and Rental (Outdoor);
 - xiv. Medical/Scientific Manufacturing and Production;
 - xv. Mineral Storage;
 - xvi. Recycling Collection and Processing;
 - xvii. Repair (Commercial Vehicle);

- xviii. Repair (Major);
 - xix. Repair (Minor);
 - xx. The following Retail/Service Establishments: building materials and supplies (wholesale and retail) and wholesale trades limited to sale or rental of products intended for industrial or commercial users;
 - xxi. Self-Storage;
 - xxii. Shooting Range (Indoor);
 - xxiii. Storage Facility; and
 - xxiv. Urban Farming.
- c. The following Retail/Service Establishments are permitted: an antique shop, handicraft, or art sales; barber or beauty shop; bank; bookstore; drugstore; express or mailing office; florist; food and beverage store; newsstand; photographic and art supply store; and shoe repair shop.
 - d. The following Light Manufacturing and Production uses are permitted: manufacturing and assembly of electronic components, instruments, and devices; manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment; manufacturing and assembly of semi-conductors, microchips, circuits, and circuit boards; manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development; and printing and publishing.

3. Development Standards

- a. When abutting a property that is not located in the CP-BEA Overlay zone, all buildings must be set back as follows:
 - i. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a major highway separating the Overlay zone from such residential uses;
 - ii. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
 - iii. 50 feet from a limited-access freeway or parkway;
 - iv. 50 feet from property recommended in a master plan for a non-residential public use including, but not limited to such uses as a public

- park, stormwater management facility, maintenance facility, or similar use;
 - v. 25 feet from an arterial road that separates the employment area from a Commercial/Residential or Employment zone;
 - vi. 10 feet from any Commercial/Residential, Employment, or Industrial zone outside the Overlay zone; and
 - vii. a building containing principally retail (50% or more of the gross floor area) commercial uses must be located at least 200 feet from any adjacent Residential zone.
- b. All parking and maneuvering areas must be set back at least 100 feet from any adjacent Residential zone, and 50 feet from a major highway with a right-of-way of 120 feet or greater that separates the Overlay zone from any Residential zone.
 - c. Where property in the Overlay zone abuts Residentially zoned land that is recommended in a master plan for a nonresidential public use including, but not limited to, such uses as a public park, stormwater management facility, maintenance facility or similar use, the setback for parking and maneuvering areas is 50 feet.
 - d. A building containing principally retail commercial uses must not exceed 20,000 gross square feet.
 - e. The cumulative square footage of retail commercial uses permitted in the Overlay zone must not exceed a total of 50,000 gross square feet.

4. Site Plan

Any development in the CP-BEA Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings and Uses

- a. Any use legally existing before October 27, 2009 that otherwise would have been made non-conforming because of ZTA 09-05 is a conforming use, and may be modified, repaired, or reconstructed.
- b. Any structure lawfully existing as of the date of application of the CP-BEA Overlay zone that does not conform to the standards of the Overlay

zone may be rebuilt, repaired, or reconstructed under the standards of the underlying zone as long as the degree of non-conformity is not increased; however, any expansion must comply with the standards of the Overlay zone.

- c. Any lawfully existing use allowed as of the effective date of application of the CP-BEA Overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the Overlay zone may be continued as a lawful use under the standards of the underlying zone.

B. Commercial Preservation - Chevy Chase Neighborhood Retail (CP-CCNR) Overlay Zone.

1. Purpose

The purpose of the CP-CCNR Overlay zone is to:

- a. Retain the existing mix of neighborhood-oriented retail and service uses while allowing a reasonable expansion and modernization of retail space.
- b. Ensure that the retail and service uses are accessible to pedestrians.
- c. Encourage pedestrian-oriented retail and reinforce a sense of community.

2. Land Uses

The following uses are permitted at the ground floor, including entrance lobbies and common areas:

- a. Cultural Institution;
- b. Day Care Facility;
- c. The following Office uses: personal service office uses such as travel agency, real estate office, optician, and similar neighborhood-serving office uses;
- d. Playground, Outdoor Area (Private);
- e. Restaurant; and
- f. The following Retail/Service Establishment uses: an antique shop, handi-craft, or art sale; appliance repair shop; bank and financial institution; barber and beauty shop; book store; drug store; dry cleaning and laundry pickup station; duplicating service; florist; food and beverage store; gift

shop; grocery store; hardware store; newsstand; pet shop; photographic studio; photographic and art supply store; shoe repair shop; specialty shop, such as jewelry store; variety and dry goods store, including wearing apparel; and tailoring or dressmaking shop.

3. Development Standards

- a. The maximum floor area for a grocery store is 25,000 square feet.
- b. The maximum floor area of any restaurant operating on May 4, 1998 is 8,500 square feet.
- c. The maximum floor area for all other uses permitted at ground floor level is 5,000 square feet.
- d. The Planning Board may grant a waiver to increase the maximum floor area limit for any use permitted at the ground floor level during sketch plan or site plan review, if the Planning Board finds that an increased floor area substantially conforms with the commercial and development objectives for the area as established in the master plan. The waiver must be reapproved by an amendment to the sketch plan or site plan if the use changes; however, a replacement tenant for the same use or a similar use may be approved by the Planning Board without formal sketch plan or site plan amendment. The 5,000 square foot area limit on uses permitted at ground level, does not apply to any use that occupied more than 5,000 square feet of floor area on May 4, 1998.

4. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to existing buildings that change the amount of floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8.
- b. In addition to the site plan findings under Sec. 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings must be directly accessible from a sidewalk, plaza, or other public space before approving a site plan for the CP-CCNR Overlay zone.

C. Commercial Preservation - Neighborhood Retail (CP-NR) Overlay Zone

1. Purpose

The purpose of the CP-NR Overlay zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

2. Land Uses

Retail/Service Establishment uses are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry cleaning and laundry pick-up station; florist; food and beverage store; gift shop; jewelry store; laundromat; newsstand; office, banking; restaurant; and variety and dry goods store.

3. Development Standards

If the Retail/Service Establishment use is proposed to be free-standing, the scale and character of development must substantially conform with the recommendations of the master plan. If the Retail/Service Establishment use is proposed to be provided in an apartment[condo] building type, the use must have direct access to the street.

4. Site Plan

- a. Site plan approval is required under Sec. 8.3.4 if:
 - i. Retail/Service Establishment uses are proposed in a Multi-Unit zone; or
 - ii. required under Sec. 8.3.4.A.8.
- b. The Planning Board may waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will substantially conform with the goals of the master plan, allow better pedestrian circulation, and encourages use of transit.

D. Commercial Preservation - Regional Shopping Center (CP-RSC)

Overlay Zone

1. Purpose

The purpose of the CP-RSC Overlay zone is to:

- a. Provide flexibility of development standards to facilitate certain uses compatible with a regional shopping center.
- b. Provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers.

2. Land Uses

The following uses are permitted as part of a Regional Shopping Center:

- a. Hotel, Motel
- b. The following Recreation and Entertainment Facility use: theater complex
- c. Combination Retail

3. Development Standards

- a. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:
 - i. 90 feet for a building that includes a theater complex, and
 - ii. 130 feet for a Hotel, Motel.
- b. [For any increase in building height, that portion of the building] Any portion of a building over 45 feet in height must be set back from [the nearest] an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each 1 foot of building height over 45 feet.

4. Site Plan

A site plan is required for any increase in building height under Sec. 4.8.2.D.3.a.

5. Parking

a. Requirement

- i. The parking requirement for a regional shopping center is [5.5] 4 parking spaces for each 1,000 square feet of gross leasable area [and may be reduced by 15% if an entrance to a regional shopping center is within 1,600 feet of a Metrorail station entrance, defined as the straight-line distance between a main pedestrian entrance of a building for which the parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. A station entrance is defined as the street-level entrance of any escalator or the gate or similar barrier of any station entrance that has no escalator].
- ii. The parking requirement for separate standing office and professional buildings is under Div. 7.2.
- iii. All storage space that exceeds 35% of the total gross leasable area shall be excluded in calculating the number of required parking spaces. The owner must submit an annual report specifying the amount of storage space that is greater than 35% of the gross leasable area.

b. Pedestrian Access

The major point of pedestrian access for an off-street parking facility that occupies contiguous land area integral to the regional shopping center property may extend more than 500 feet walking distance from an entrance to the center to satisfy the number of spaces required under Sec. 4.8.2.D.5.a.i.

c. Parking Space Size

DPS or the Planning Board may approve smaller than standard size parking spaces for up to 20% of the total parking spaces at the regional shopping center. Any modified standard size space must be for employee use only. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only. Any modified standard size space must have the following minimum dimensions:

Angle of Parking Space to Drive Aisle	Width	Length
0° (parallel)	6.5'	20.5'
45° - 59°	11'	22.5'
60° - 75°	9'	22'
90° (perpendicular)	8'	17.5'

d. Off-site Parking

Off-site parking spaces may be allowed under the following circumstances:

- i. The off-site parking facility will be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.
- ii. The off-site parking facility will contain a maximum of 20% of the total parking spaces provided for the regional shopping center.
- iii. DPS or the Planning Board must find that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center.
- iv. DPS or the Planning Board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.

E. Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization (CP-TPESS) Overlay Zone

1. Purpose

The purpose of the CP-TPESS Overlay zone is to:

- a. Foster economic vitality and attractive community character in areas needing revitalization.
- b. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
- c. Substantially conform with the master plan vision for specific existing commercial areas.

- d. Provide for the combination of residential with commercial uses.

2. Land Uses

- a. Multi-unit living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
- b. In the CRT zone, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.
- c. In the CRT zone, the following uses, as allowed in the underlying zone, are allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:
 - i. Car Wash;
 - ii. Filling Station;
 - iii. Funeral Home, Undertaker;
 - iv. Light Vehicle Sales and Rental (Indoor);
 - v. Light Vehicle Sales and Rental (Outdoor);
 - vi. Repair (Major); and
 - vii. Repair (Minor).

3. Development Standards

The maximum building height is 30 feet; however, the Planning Board may allow a building height:

- a. up to 42 feet for commercial development, and
- b. up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

4. Site Plan

- a. A site plan is required for:
 - i. new construction;
 - ii. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;

- iii. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the overlay zone;
- iv. a waiver of more than 50% of the off-street parking requirements under Div. 7.2.;
- v. conversion of an existing structure to residential use; or
- vi. if required under Sec. 8.3.4.A.8.

- b. During site plan review, the Planning Board may:

- i. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
- ii. reduce building setbacks to accomplish master plan objectives.

- c. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Sec. 4.8.2.E.4.a.iii, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

5. Existing Buildings and Uses

- a. Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the overlay zone, may continue as a conforming use or building and may be rebuilt, repaired, or reconstructed. A maximum expansion of 1,000 square feet is allowed with site plan approval under Sec. 8.3.4.
- b. Any building or use as identified in Sec. 4.8.2.E.5.a may expand up to 1,000 square feet with site plan approval under Sec. 8.3.4.

Sec. 4.8.3. Industrial Mixed Use (IMU) Overlay Zone

A. Industrial Mixed Use - Twinbrook (IMU-TB) Overlay Zone

1. Purpose

The purpose of the IMU-TB Overlay zone is to allow residential uses in the IL zone in areas near the Twinbrook Metro Station.

2. Land Uses

Multi-Unit Living is permitted in the IMU-TB Overlay zone. All residential uses must be located above the first floor and must be less than 40% of the total floor area of the building.

3. Development Standards

- a. [One main building and one accessory building may be located on a lot that is smaller than one acre but at least 5,000 square feet; however, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.
- b. The minimum setback from any Commercial/Residential, Employment, or Residential zone is 50 feet. The Planning Board may approve a lesser setback if it finds a lesser setback would not have an adverse impact on abutting property zoned Residential, Commercial/Residential, or Employment.
- c. The Planning Board may approve any building to be set back a minimum of 10 feet from:
 - i. an arterial road that separates the industrial area from a Commercial/Residential or Employment zone; or
 - ii. an arterial road, local street, or private right-of-way within the industrial area.
- d. Any site that includes residential uses must have a minimum of 10% common open space.
- e. The Planning Board may waive the minimum parking setback requirement to achieve a better design.

- f. The Planning Board may approve a reduction of the amenity open space requirement to a minimum of 10% of the site.] A maximum of 50% of the required amenity open space may be located off-site within the IMU-TB Overlay zone.
- g. The parking standards for multi-unit living in Sec. 7.2.4.B apply. A parking space for any dwelling unit must be located behind the front building line.
- h. Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use under the conditions of the approval.

4. Site Plan

A site plan is required for any development with residential uses or if required under Sec. 8.3.4.A.8.

Sec. 4.8.4. Neighborhood Protection (NP) Overlay Zone

A. Neighborhood Protection - Fenton Village (NP-FV) Overlay Zone

1. Purpose

The purpose of the NP-FV Overlay zone is to:

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- c. Provide flexibility of development standards to encourage innovative design solutions.
- d. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet; and catering facility.

3. Development Standards

- a. Building Height
 - i. Maximum building height is 90 feet along a major highway;
 - ii. Maximum building height is 60 feet along any street confronting any block that includes property in a Residential Detached zone;
 - iii. Within the area between a major highway and a street that confronts a block that includes property in a Residential Detached zone, maximum building height is
 - (a) 60 feet but may increase to a maximum of 90 feet if at least 33% of a project's floor area is residential;
 - (b) 110 feet if additional building height is necessary to accommodate workforce housing units, at least 33% of the project's floor area is residential, and the additional height is placed near a major highway and decreases in the direction of the closest property in a Residential Detached zone;
 - iv. For property located in a block that includes property in a Residential Detached zone maximum building height is 45 feet for all uses, except maximum building height is 60 feet for:
 - (a) residential use; or
 - (b) mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;
 - v. For properties with frontage on both Wayne Avenue and Fenton Street, notwithstanding the height limitations in Sec. 4.8.4.A.3.a.ii through Sec. 4.8.4.A.3.a.iv, maximum building height may be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street

as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan. However, any building using additional height must be set back from abutting Residentially zoned land no less than the setback required in the adjacent Residential zone or the height of the building, whichever is greater.

- vi. Building heights may be approved under the standards of this Section without regard to the building height recommendations of the master plan.
- b. Any project plan approved before August 18, 2008 may be constructed under the conditions of its approval and any site plan thereafter that implements the previously approved project plan. Any site plan approved before August 18, 2008 may be constructed under the conditions of its approval. Any building constructed under this Section is conforming and may be maintained and reconstructed under the conditions of their approval.
- c. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
- d. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
- e. In the CR zone, under the standard method of development the maximum FAR is 2.0 if approved by site plan under Sec. 8.3.4.
- f. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Sec. 8.3.4

4. Site Plan

Any development in the NP-FV Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings

Any building for which a valid building permit was issued before approval of the Fenton Village Overlay Zone Sectional Map Amendment, is a conforming building and may be altered, repaired or reconstructed under the standards of the zone in effect at the time the building was constructed, except:

- a. If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed as of the date of application of the Fenton Village Overlay zone; or
- b. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must conform to the standards of the underlying zone, except as may be further regulated by the NP-FV Overlay zone.

B. Neighborhood Protection – Garrett Park (NP-GP) Overlay Zone

1. Purpose

The purpose of the NP-GP Overlay zone is to:

- a. Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
- b. Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
- c. Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
- d. Create a uniform set of development standards to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

2. Exemptions

The NP-GP Overlay zone applies to any alteration, renovation, or enlargement of an existing detached house or new construction, unless exempt as follows:

- a. Any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.

- b. Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.
- c. Any detached house in an Agricultural, Rural Residential, or Residential Detached zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building.
- d. Any detached house in the NP-GP Overlay zone that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.
- e. Reconstruction of a detached house may not exceed the footprint or floor area of the previous dwelling unless reconstruction fully conforms with the standards of the NP-GP Overlay zone.

3. Land Uses

The land uses and use standards of the underlying zone are applicable unless the development standards in Sec. 4.8.4.B.4 are more restrictive, in which case, Sec. 4.8.4.B.4 must be followed.

4. Development Standards

The development standards in the NP-GP Overlay zone are the same as those in the R-90, except as follows:

- a. The minimum front setback for a main building is 30 feet, and if the abutting lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an existing building may project beyond the line previously established by the buildings on the abutting lots.
- b. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.
- c. In the case of a corner lot, if the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.

- d. The minimum side setback for a principal building is 10 feet. The minimum sum of both side setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
- e. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.
- f. The maximum building coverage is 20%.
- g. The maximum FAR for all buildings on a lot is 0.375.
- h. An accessory building or structure must be located behind the rear building line and may occupy:
 - i. a maximum of 25% of the lot behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
 - ii. a maximum of 20% of the lot behind the rear building line on lots with a total lot area 8,600 square feet or larger.

5. Site Plan

A site plan is not required in the NP-GP Overlay zone except as required by Div. 4.4 or Sec. 8.3.4.A.8.

C. Neighborhood Protection - Ripley/South Silver Spring (NP-RSS) Overlay Zone

1. Purpose

The purpose of the NP-RSS Overlay zone is to:

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- c. Provide flexibility of development standards to encourage innovative design solutions.
- d. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet; and catering facility.

3. Development Standards

a. Building Height

- i. The maximum building height is 45 feet along Newell Street and Eastern Avenue that confronts a Residential zone in the District of Columbia; however, this building height may be increased to:
 - (a) a maximum of 90 feet for any building or portion of a building that is set back a minimum of 60 feet from the street; or
 - (b) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street and includes a public parking garage constructed under a General Development Agreement with the County.
 - ii. The Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground floor retail. Any structure or device used to collect or radiate electromagnetic waves, including a satellite dish, must not be included in calculating building height under this paragraph.
- b. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
 - c. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
 - d. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Sec. 8.3.4

4. Site Plan

Any development in the NP-RSS Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings

Any building for which a valid building permit was issued before February 1, 2000 is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect when the building was constructed, except:

- a. If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed on February 1, 2000; or
- b. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must satisfy the standards of the underlying zone, except as may be further modified by the NP-RSS Overlay zone.

D. Neighborhood Protection - Rural Village Center (NP-RVC) Overlay Zone

1. Purpose

The purpose of the NP-RVC Overlay zone is to:

- a. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.
- b. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
- c. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
- d. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.

- e. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.
- f. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

2. Land Uses

- a. Where a lot is either partially or totally in a Commercial/Residential zone:
 - i. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Sec. 8.3.1.
 - ii. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Sec. 8.3.1. and the following standards:
 - (a) A car wash is prohibited;
 - (b) The maximum height for pump canopies is 35 feet; and
 - (c) Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.
 - iii. Multi-unit living, as allowed in the underlying zone, must be in a multi use building type.
 - iv. The following uses are prohibited:
 - (a) Animal Boarding and Care;
 - (b) Drive -Thru in connection with a Restaurant;
 - (c) Helipad, Heliport;
 - (d) Helistop;
 - (e) The following Light Manufacturing and Production: newspaper, printing and publishing;
 - (f) Recreation and Entertainment Facility;
 - (g) Repair (Minor);
 - (h) The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - (i) Shooting Range (Indoor); and

(j) Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.

b. Where a lot is in a Residential zone:

- i. It may provide septic capacity for an adjacent commercial use, or adjacent residential property, if it substantially conforms with the recommendations of the applicable master plan.
- ii. The following uses are prohibited:
 - (a) Day Care Center (13-30 Persons);
 - (b) Day Care Center (Over 30 Persons);
 - (c) Golf Course, Country Club;
 - (d) Hospital; and
 - (e) Residential Care Facility (Over 16 Persons).

3. Development Standards

a. Where a lot is either partially or totally in a Commercial/Residential zone:

- i. When abutting an Agricultural, Rural Residential, or Residential zone, the minimum setbacks for all buildings, off-street parking, and loading and maneuvering areas is that of the abutting zone; however, the Planning Board may authorize alternative setbacks that replicate existing development patterns if recommended in a master plan. All other setbacks will be determined at site plan.
- ii. The maximum density for commercial uses is 0.2 FAR and is computed only on the area of the underlying Commercial/Residential zoned portion of the lot.
 - (a) Any project that received preliminary plan approval before November 4, 2002 for commercial development at an FAR greater than 0.2, is not required to satisfy the FAR limitation of this Section and may be developed, as a conforming use, under the approved preliminary plan.

(b) The Planning Board may recommend density above 0.2 FAR, up to the maximum allowed in the underlying zone, if authorized in a master plan, if the Planning Board determines that the higher density is compatible with surrounding uses and will better replicate existing development patterns in a village.

iii. Notwithstanding the amount of open space required by the underlying zone, the minimum open space is 35% of the tract. The Planning Board may authorize less open space if recommended in a master plan if the Planning Board determines that reduced open space will better replicate existing development patterns in a village.

iv. The maximum height for all buildings is 35 feet.

v. In addition to the parking requirements in Div. 7.2:

(a) Parking facilities must be located to maintain a pedestrian-friendly street orientation.

(b) Trees must be planted and maintained throughout the parking facility to assure that at least 30% of the area is shaded. Shading must be calculated using the area of the tree crown at 15 years after the parking facility is built.

(c) For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before November 4, 2002 the entire off-street parking facility must be brought into conformance with this Section.

vi. Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.

vii. All outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.

- b. Where a lot is in a Residential zone, if recommended in a master plan, the Planning Board may authorize alternative setbacks that replicate existing development patterns at the time of site plan review.

4. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8..
- b. A site plan is not required for a detached house exempt from subdivision.

E. Neighborhood Protection - Sandy Spring/Ashton Rural Village (NP - SSA) Overlay Zone

1. Purpose

The purpose of the NP-SSA Overlay zone is to:

- a. Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.
- b. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

2. Sewer

Lots developed under the NP-SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.

3. Land Uses

Where a lot is either partially or totally in a Commercial/Residential or Employment zone:

- a. Multi-unit living, as allowed in the underlying zone, must be in a multi use building type.
- b. The following uses are prohibited:
 - i. Adult Entertainment;
 - ii. Animal Research Facility;
 - iii. Car Wash;
 - iv. Drive -Thru in connection with a Restaurant;
 - v. Dry Cleaning Facility (Up to 3,000 SF);
 - vi. Filling Station, except that any lawful Filling Station use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
 - vii. Helipad, Heliport;
 - viii. Helistop;
 - ix. The following Light Manufacturing and Production use: Newspaper, printing, and publishing;
 - x. Media Broadcast Tower;
 - xi. Medical/Dental Laboratory;
 - xii. Pipelines (Above Ground);
 - xiii. Recreation and Entertainment Facility;
 - xiv. Repair (Major);
 - xv. Repair (Minor);
 - xvi. Research and Development;
 - xvii. Retail/Service Establishment (50,000 SF and Over);

- xviii. The following Retail/Service Establishments: building materials and supplies; furniture store, carpet, or related furnishing sales or service; and pawnshop;
- xix. Self-Storage;
- xx. Shooting Range (Indoor);
- xxi. Storage Facility;
- xxii. Structured Parking;
- xxiii. Surface Parking for Use Allowed in the Zone;
- xxiv. Surface Parking for Commercial Uses in an Historic District; and
- xxv. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established.

4. Development Standards

- a. Where a lot is in a Commercial/Residential or Employment zone:
 - i. The maximum height for all buildings is 24 feet, except that during site plan review the Planning Board may allow additional height up to 30 feet if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.
 - ii. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
 - iii. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
 - iv. In areas recommended in the master plan for mixed use development, development should substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a conditional use.

- b. Where a lot is in a Residential zone:
 - i. The density of development cannot exceed the standards for the underlying zone under the cluster provisions under Div. 6.2.
 - ii. The Planning Board may approve lot sizes down to 3,000 square feet, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.
 - iii. The maximum height for all buildings is 35 feet.

5. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8.
- b. A site plan is not required for development of a detached house that proceeds under standard method development.
- c. In addition to the site plan findings under Sec. 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.

6. Parking

- a. The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.
- b. Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be utilized for off-street parking in connection with commercial uses.
- c. The NP-SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.

Sec. 4.8.5. Special Protection Area (SPA) Overlay Zone

A. Special Protection Area - Upper Paint Branch (SPA-UPB) Overlay Zone

1. Purpose

The purpose of the SPA-UPB Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including but not limited to the headwater tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch mainstem north of Fairland Road.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
- c. Regulate land uses that could adversely affect the high quality, cold water stream resource. This resource is afforded the highest order of protection through its designation by the State of Maryland as Use III Waters.

2. Exemptions

The following are exempt from Sec. 4.8.5.A:

- a. Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 2007 may continue or be reconstructed under the development standards in effect when the building permit was issued.
- b. Any impervious surface which results from construction under a building permit may be constructed or reconstructed under the development standards in effect on July 31, 2007 if:
 - i. the building permit application was pending before DPS on July 31, 2007; or
 - ii. the building permit is for a lot in a subdivision approved before July 31, 2007, if the subdivision was approved for fewer than 20 housing units.
- c. Any impervious surface resulting from an addition or accessory structure to an existing detached house must not be counted against any calculation of the 8% impervious surface restriction.

3. Land Uses

- a. Except as delineated in Sec. 4.8.5.A.3.b and Sec. 4.8.5.A.3.c, the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Sec. 4.8.5.A.4 are more restrictive, in which case Sec. 4.8.5.A.4 must be followed.
- b. The following uses are restricted in the SPA-UPB Overlay zone:
 - i. Any Landscape Contractor or Nursery must be certified as an organic grower by the State of Maryland or another approved certifying body;
 - ii. Any Golf Course, Country Club or golf driving range must have an Integrated Pest Management program; and
 - iii. Any Equestrian Facility must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
- c. If validly existing on July 1, 1997, the uses in Sec. 4.8.5.A.3.b. may be continued under the requirements in effect at the time the use was established. Any expansion requires compliance with the SPA-UPB Overlay zone.
- d. The following uses are prohibited in the SPA-UPB Overlay zone:
 - i. Farm Airstrip, Helistop;
 - ii. Helipad, Heliport;
 - iii. Pipelines used for interstate transmission of petroleum products; and
 - iv. Vehicle Services.

4. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

5. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.5.A.4 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
- b. The application otherwise complies with all applicable Federal, State, and County water quality provisions;
- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and control techniques are used to meet the purposes of Sec. 4.8.5.A.

B. Special Protection Area - Upper Rock Creek (SPA-URC) Overlay Zone

1. Purpose

The purpose of the SPA-URC Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Rock Creek watershed north of Muncaster Mill Road, including Rock Creek mainstem and its tributaries.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

2. Exemptions

- a. The following are exempt from Sec. 4.8.5.B:
 - i. Any impervious surface lawfully existing under a building permit or sediment control permit issued before November 15, 2004 or under a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.
 - ii. Any property expressly exempted by the applicable master plan.
 - iii. Any addition, allowed under the development standards of the underlying zone, to a detached house.

- iv. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.
- v. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, if every effort is made to minimize imperviousness or mitigate the impacts of runoff. Also, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.
- vi. Development in any Industrial or Commercial/Residential zone.
- b. All public projects must satisfy the provisions of the SPA-URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.

3. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

4. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.5.B.3 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area;
- b. The application otherwise complies with all applicable Federal, State, and County water quality regulations;

- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and quantity control techniques are used to meet the purposes of Sec. 4.8.5.B.

Sec. 4.8.6. Transferable Development Rights (TDR) Overlay Zone

A. Standard Method

Development in the TDR Overlay zone is allowed under the standard method of development without the use of Transferable Development Rights and must comply with the requirements for development and density limitations contained in the underlying zone (see Div. 4.3 - Div. 4.6). In addition, standard method development in the TDR Overlay zone may be approved under the cluster development procedures of Div. 6.2 or the procedures for development including moderately priced dwelling units as contained in Div. 6.1, if the property satisfies the minimum requirements for these development options per the underlying zone.

B. Optional Method

Optional method development is allowed in the TDR Overlay zone under Div. 6.3.

Sec. 4.8.7. Germantown Transit Mixed Use (GTMU) Overlay Zone

A. Purpose

The purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.

B. Land Uses

The land uses and use standards of the underlying zone apply.

C. Development Standards

The development standards of the underlying zone apply.

D. Optional Method

Optional method development under the CR zone and the GTMU Overlay zone must provide public benefits under Sec. 6.6.3.F.1.a except that the applicant

must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.]

Section 4.9.2. Burtonsville Employment Area (BEA) Overlay Zone

A. Purpose

The purpose of the BEA Overlay zone is to:

1. Allow the development of a compatible mix of office, commercial, light industrial, and nonresidential uses within a designated employment area.
2. Establish a uniform set of development standards for the Overlay zone.
3. Allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area.
4. Encourage the use of traffic-limiting measures such as car pools and use of mass transit.
5. Eliminate uses not considered compatible with the intent of this Overlay zone.

B. Land Uses

- [1. All permitted uses in the IM and EOF zones are permitted for any area of land with a preliminary plan approved by the Planning Board after October 27, 2006 but before October 27, 2009.]
1. [2.]The following uses are prohibited:
 - a. Adult Entertainment;
 - b. Agricultural Processing;
 - c. Animal Husbandry;
 - d. Artisan Manufacturing and Production;
 - e. Community Garden;
 - f. Contractor Storage Yard;
 - g. Dry Cleaning Facility;
 - h. Farm Market, On-site;
 - i. Filling Station;

- j. Freight Movement;
 - k. Light Manufacturing and Production, except as noted in Section [[4.8.2.B.4]] 4.9.2.B.3;
 - l. Light Vehicle Sales and Rental (Indoor);
 - m. Light Vehicle Sales and Rental (Outdoor);
 - n. Medical/Scientific Manufacturing and Production;
 - o. Mineral Storage;
 - p. Recycling Collection and Processing;
 - q. Repair (Commercial Vehicle);
 - r. Repair (Major);
 - s. Repair (Minor);
 - t. The following Retail/Service Establishments: building materials and supplies (wholesale and retail) and wholesale trades limited to sale or rental of products intended for industrial or commercial users;
 - u. Self-Storage;
 - v. Shooting Range (Indoor);
 - w. Storage Facility; and
 - x. Urban Farming.
2. [3.]The following Retail/Service Establishments are permitted: an antique shop, handicraft, or art sales; barber or beauty shop; bank; bookstore; drug-store; express or mailing office; florist; food and beverage store; newsstand; photographic and art supply store; and shoe repair shop.
3. [4.]The following Light Manufacturing and Production uses are permitted: manufacturing and assembly of electronic components, instruments, and devices; manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment; manufacturing and assembly of semi-conductors, microchips, circuits, and circuit boards; manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development; and printing and publishing.

C. **Development Standards**

1. When property in the Overlay zone abuts a property that is not located in the BEA Overlay zone, all buildings in the Overlay zone must be set back as follows:
 - a. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a major highway separating the Overlay zone from such residential uses;
 - b. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
 - c. 50 feet from a limited-access freeway or parkway;
 - d. 50 feet from property recommended in a master plan for a non-residential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;
 - e. 25 feet from an arterial road that separates the employment area from a Commercial/Residential or Employment zone;
 - f. 10 feet from any Commercial/Residential, Employment, or Industrial zone outside the Overlay zone; and
 - g. a building containing principally retail uses (50% or more of the gross floor area) must be located at least 200 feet from any abutting or confronting Residential zone.
2. All parking and maneuvering areas must be set back at least 100 feet from any abutting or confronting Residential zone, and 50 feet from a major highway with a right-of-way of 120 feet or greater that separates the Overlay zone from any Residential zone.
3. Where property in the Overlay zone abuts Residentially zoned land that is recommended in a master plan for a nonresidential public use including, but not limited to, such uses as a public park, stormwater management facility, maintenance facility or similar use, the setback for parking and maneuvering areas is 50 feet.
4. A building containing principally retail commercial uses must not exceed 20,000 gross square feet of floor area.
5. The cumulative square footage of retail commercial uses permitted in the

Overlay zone must not exceed a total of 50,000 gross square feet of floor area.

D. Site Plan

Site plan approval under Section [[8.3.4]] 7.3.4 is required for any development in the BEA Overlay zone.

E. Existing Buildings and Uses

[1. Any use legally existing before October 27, 2009 that otherwise would have been made non-conforming because of ZTA 09-05 is a conforming use, and may be modified, repaired, or reconstructed.]

[2.] Any structure lawfully existing as of the date of application of the BEA Overlay zone that does not conform to the standards of the Overlay zone may be rebuilt, repaired, or reconstructed under the standards of the underlying zone as long as the degree of non-conformity is not increased; however, any expansion must satisfy the standards of the Overlay zone.

[3. Any lawfully existing use allowed as of the effective date of application of the BEA Overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the Overlay zone may be continued as a lawful use under the standards of the underlying zone.]

Section 4.9.3. Chevy Chase Neighborhood Retail (CCNR) Overlay Zone

A. Purpose

The purpose of the CCNR Overlay zone is to:

1. Retain the existing mix of neighborhood-oriented retail and service uses while allowing a reasonable expansion and modernization of retail space.
2. Ensure that the retail and service uses are accessible to pedestrians.
3. Encourage pedestrian-oriented retail and reinforce a sense of community.

B. Land Uses

The following uses are permitted at the ground floor, including entrance lobbies and common areas:

1. Cultural Institution;

2. Day Care Facility;
3. The following Office uses: personal service office uses such as travel agency, real estate office, optician, and similar neighborhood-serving office uses;
4. Playground, Outdoor Area (Private);
5. Restaurant; and
6. The following Retail/Service Establishment uses: an antique shop, handi-craft, or art sale; appliance repair shop; bank and financial institution; barber and beauty shop; book store; drug store; dry cleaning and laundry pickup station; duplicating service; florist; food and beverage store; gift shop; grocery store; hardware store; newsstand; pet shop; photographic studio; photographic and art supply store; shoe repair shop; specialty shop, such as jewelry store; variety and dry goods store, including wearing apparel; and tailoring or dressmaking shop.

C. Development Standards

1. The maximum floor area for a grocery store is 25,000 square feet.
2. The maximum floor area of any restaurant operating on May 4, 1998 is 8,500 square feet.
3. The maximum floor area for all other uses permitted at ground floor level is 5,000 square feet.
4. The Planning Board may grant a waiver to increase the maximum floor area limit for any use permitted at the ground floor level during sketch plan or site plan review, if the Planning Board finds that an increased floor area substantially conforms with the commercial and development objectives for the area as established in the master plan. The waiver must be reapproved by an amendment to the sketch plan or site plan if the use changes; however, a replacement tenant for the same use or a similar use may be approved by the Planning Board without formal sketch plan or site plan amendment. The 5,000 square foot area limit on uses permitted at ground level, does not apply to any use that occupied more than 5,000 square feet of floor area on May 4, 1998.

D. **Site Plan**

1. Site plan approval under Section [[8.3.4]] 7.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to existing buildings that change the amount of floor area on a site; or
 - c. if required under Section [[8.3.4.A.8]] 7.3.4.A.8.
2. In addition to the site plan findings under Section [[8.3.4.E]] 7.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings must be directly accessible from a sidewalk, plaza, or other public space before approving a site plan for the CCNR Overlay zone.

Section 4.9.4. **Community-serving Retail (CSR) Overlay Zone**

A. **Purpose**

The purpose of the CSR Overlay zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

B. **Land Uses**

Retail/Service Establishment uses and Restaurants are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry cleaning and laundry pick-up station; florist; food and beverage store; gift shop; jewelry store; laundromat; newsstand; and variety and dry goods store.

C. **Development Standards**

If the Retail/Service Establishment use is proposed to be free-standing, the scale and character of development must substantially conform with the recommendations of the master plan. If the Retail/Service Establishment use is proposed to be provided in an apartment building type, the use must have direct access to the street.

D. **Site Plan**

1. Site plan approval under Section [[8.3.4]] 7.3.4 is required if:

- a. Retail/Service Establishment uses are proposed in a Multi-Unit zone; or
 - b. required under Section [[8.3.4.A.8]] 7.3.4.A.8.
2. The Planning Board may waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will substantially conform with the goals of the master plan, allow better pedestrian circulation, and encourages use of transit.

Section 4.9.5. **Fenton Village (FV) Overlay Zone**

A. **Purpose**

The purpose of the FV Overlay zone is to:

1. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
2. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
3. Provide flexibility of development standards to encourage innovative design solutions.
4. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
5. Allow new uses.

B. **Land Uses**

The following uses are permitted in addition to the uses allowed in the underlying zone:

1. The following Light Manufacturing and Production use: assembly of computer components; and
2. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet of gross floor area; and catering facility.

C. **Development Standards**

1. **Building Height**
 - a. Maximum building height is 90 feet along a major highway;
 - b. Maximum building height is 60 feet along any street confronting any block that includes property in a Residential Detached zone and, when a

building is allowed to be higher than 60 feet under Section ~~[[4.8.5.C.1.c]] 4.9.5.C.1.c~~ each additional foot in building height above 60 feet requires at least an additional one foot setback from the front of the building along Fenton Street;

- c. Within the area between a major highway and a street that confronts a block that includes property in a Residential Detached zone, maximum building height is
 - i. 60 feet but may increase to a maximum of 90 feet if at least 33% of a project's floor area is residential;
 - ii. 110 feet if additional building height is necessary to accommodate workforce housing units, at least 33% of the project's floor area is residential, and the additional height is placed near a major highway and decreases in the direction of the closest property in a Residential Detached zone;
- d. For property located in a block that includes property in a Residential Detached zone maximum building height is 45 feet for all uses, except maximum building height is 60 feet for:
 - i. residential use; or
 - ii. mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;
- e. For properties with frontage on both Wayne Avenue and Fenton Street, in spite of the height limitations in Section ~~[[4.8.5.C.1.b]] 4.9.5.C.1.b~~ through Section ~~[[4.8.5.C.1.d]] 4.9.5.C.1.d~~, maximum building height may be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan; however, any building using additional height must be set back from abutting Residentially zoned land no less than the setback required in the abutting Residential zone or the height of the building, whichever is greater.

f. Building heights may be approved under the standards of Section ~~[[4.8.5.C.1]] 4.9.5.C.1~~ without regard to the building height recommendations of the master plan.

- [2. Any project plan approved before September 24, 2013 may be constructed under the conditions of its approval and any preliminary plan or site plan thereafter that implements the previously approved project plan. Any site plan approved before September 24, 2013 may be constructed under the conditions of its approval. Any building constructed under Section 4.8.5.C.2 is conforming and may be maintained and reconstructed under the conditions of their approval.]
- 2. [3.]Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
- 3. [4.]Costs associated with meeting the public open space off-site may be shared by multiple property owners.
- 4. [5.]In the CR zone, under the standard method of development the maximum FAR is 2.0 if approved by site plan under Section ~~[[8.3.4]] 7.3.4~~.
- 5. [6.]Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Section ~~[[8.3.4]] 7.3.4~~.

D. Site Plan

Site plan approval under Section ~~[[8.3.4]] 7.3.4~~ is required for any development in the FV Overlay zone.

E. Existing Buildings

Any building for which a valid building permit was issued before approval of the FV Overlay zone Sectional Map Amendment, is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect at the time the building was constructed, except:

- [1.] If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed as of the date of application of the FV Overlay zone.
- [2. If the building does not exceed the standards of the underlying zone, any

alteration, repair, or reconstruction of the building must conform to the standards of the underlying zone, except as may be further regulated by the FV Overlay zone.]

Section 4.9.6. Garrett Park (GP) Overlay Zone

A. Purpose

The purpose of the GP Overlay zone is to:

1. Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
2. Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
3. Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
4. Create a uniform set of development standards to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

B. Exemptions

1. Buildable Lot under Previous Ordinance

- a. For lots within the GP Overlay zone, the language of the Overlay zone supersedes, except for any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential zone.
- b. Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any residential zone.

2. Detached House

- a. The development standards of the GP Overlay zone apply to alterations, renovations and enlargements of existing detached houses as well as to new construction. For structures within the Overlay zone, the language of the Overlay zone supersedes, except for any detached house in a Residential zone or Agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building.
- b. Any detached house in the Overlay district that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.
- c. Reconstruction of such a building may not exceed the footprint or floor area of the prior dwelling unless reconstruction fully conforms with the standards of the Overlay zone.

C. Land Uses

The land uses and use standards of the underlying zone are applicable unless the development standards in Section ~~[[4.8.6.D]]~~ 4.9.6.D are more restrictive, in which case, Section ~~[[4.8.6.D]]~~ 4.9.6.D must be followed.

D. Development Standards

The development standards in the GP Overlay zone are the same as those in the R-90, except as follows:

1. The minimum front setback for a main building is 30 feet, and if the abutting lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an existing building may project beyond the line previously established by the buildings on the abutting lots.
2. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.
3. In the case of a corner lot, if the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.

4. The minimum side setback for a principal building is 10 feet. The minimum sum of both side setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
5. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.
6. The maximum building coverage is 20%.
7. The maximum FAR for all buildings on a lot is 0.375.
8. An accessory building or structure must be located behind the rear building line and may occupy:
 - a. a maximum of 25% of the lot behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
 - b. a maximum of 20% of the lot behind the rear building line on lots with a total lot area 8,600 square feet or larger.

E. Site Plan

Site plan approval is not required in the GP Overlay zone except as required by Division 4.4 or Section [[8.3.4.A.8]] 7.3.4.A.8.

Section 4.9.7. Germantown Transit Mixed Use (GTMU) Overlay Zone

A. Purpose

The purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.

B. Land Uses

The land uses and use standards of the underlying zone apply.

C. Development Standards

The development standards of the underlying zone apply.

D. Optional Method

Optional method development under the CR zone and the GTMU Overlay zone must provide public benefits under Section [[6.6.3.F.1.a]] 4.7.3.F.1.a except that

the applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.

Section 4.9.8. Regional Shopping Center (RSC) Overlay Zone

A. Purpose

The purpose of the RSC Overlay zone is to:

1. Provide flexibility of development standards to facilitate certain uses compatible with a regional shopping center.
2. Provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers.

B. Land Uses

The following uses are permitted as part of a regional shopping center:

1. Hotel, Motel
2. The following Recreation and Entertainment Facility use: theater complex
3. Combination Retail
4. Retail/Service Establishment (85,001 - 120,000 SF)
5. Retail/Service Establishment (120,001 SF and Over)

C. Development Standards

1. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:
 - a. 90 feet for a building that includes a theater complex, and
 - b. 130 feet for a Hotel, Motel.
2. Any portion of a building over 45 feet in height must be set back from an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each 1 foot of building height over 45 feet.

D. Site Plan

Site plan approval under Section [[8.3.4]] 7.3.4 is required for any increase in building height under Section [[4.8.8.C.1]] 4.9.8.C.1.

E. Parking

1. Requirement

- a. The parking requirement for a regional shopping center is [5.5] 4 parking spaces for each 1,000 square feet of gross leasable area [and may be reduced by 15% if an entrance to a regional shopping center is within 1,600 feet of a Metrorail station entrance, defined as the straight-line distance between a main pedestrian entrance of a building for which the parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. A station entrance is defined as the street-level entrance of any escalator or the gate or similar barrier of any station entrance that has no escalator].
- b. The parking requirement for separate standing office and professional buildings is under Division [[7.2]] 6.2.
- c. All storage space that exceeds 35% of the total gross leasable area must be excluded in calculating the number of required parking spaces. The owner must submit an annual report specifying the amount of storage space that is greater than 35% of the gross leasable area.

2. Pedestrian Access

The major point of pedestrian access for an off-street parking facility that occupies contiguous land area integral to the regional shopping center property may extend more than 500 feet walking distance from an entrance to the center to satisfy the number of spaces required under Section [[4.8.8.E.1.a]] 4.9.8.E.1.a.

3. Parking Space Size

DPS or the Planning Board may approve smaller than standard size parking spaces for up to 20% of the total parking spaces at the regional shopping center. Any modified standard size space must be for employee use only. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only. Any modified standard size space must have the following minimum dimensions:

<u>Angle of Parking Space to Drive Aisle</u>	<u>Width</u>	<u>Length</u>
<u>0° (parallel)</u>	<u>6.5'</u>	<u>20.5'</u>
<u>45° - 59°</u>	<u>11'</u>	<u>22.5'</u>
<u>60° - 75°</u>	<u>9'</u>	<u>22'</u>
<u>90° (perpendicular)</u>	<u>8'</u>	<u>17.5'</u>

4. Off-site Parking

Off-site parking spaces may be allowed under the following circumstances:

- a. The off-site parking facility will be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.
- b. The off-site parking facility will contain a maximum of 20% of the total parking spaces provided for the regional shopping center.
- c. DPS or the Planning Board must find that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center.
- d. DPS or the Planning Board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.

Section 4.9.9. Ripley/South Silver Spring (RSS) Overlay Zone

A. Purpose

The purpose of the RSS Overlay zone is to:

- 1. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- 2. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- 3. Provide flexibility of development standards to encourage innovative design solutions.
- 4. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- 5. Allow new uses.

B. Land Uses

The following uses are permitted in addition to the uses allowed in the underlying zone:

1. The following Light Manufacturing and Production use: assembly of computer components; and
2. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet of gross floor area; and catering facility.

C. Development Standards

1. Building Height
 - a. The maximum building height is 45 feet along Newell Street and Eastern Avenue that confronts a Residential zone in the District of Columbia; however, this building height may be increased to:
 - i. a maximum of 90 feet for any building or portion of a building that is set back a minimum of 60 feet from the street; or
 - ii. a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street and includes a public parking garage constructed under a General Development Agreement with the County.
 - b. The Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground floor retail. Any structure or device used to collect or radiate electromagnetic waves, including a satellite dish, must not be included in calculating building height under this paragraph.
2. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
3. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
4. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Section [[8.3.4]] 7.3.4.

D. Site Plan

Site plan approval under Section [[8.3.4]] 7.3.4 is required for any development in the RSS Overlay zone.

E. Existing Buildings

Any building for which a valid building permit was issued before February 1, 2000 is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect when the building was constructed, except:

- [1.] If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed on February 1, 2000.; or]
- [2. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must satisfy the standards of the underlying zone, except as may be further modified by the RSS Overlay zone.]

Section 4.9.10. Rural Village Center (RVC) Overlay Zone

A. Purpose

The purpose of the RVC Overlay zone is to:

1. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.
2. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
3. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
4. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.
5. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.
6. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

B. Land Uses

1. Where a lot is either partially or totally in a Commercial/Residential zone:
 - a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Section [[8.3.1]] 7.3.1.
 - b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section [[8.3.1]] 7.3.1 and the following standards:
 - i. A car wash is prohibited;
 - ii. The maximum height for pump canopies is 35 feet; and
 - iii. Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.
 - c. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.
 - d. The following uses are prohibited:
 - i. Animal Boarding and Care;
 - ii. Drive -Thru in connection with a Restaurant;
 - iii. Helipad, Heliport;
 - iv. Helistop;
 - v. The following Light Manufacturing and Production: newspaper, printing and publishing;
 - vi. Recreation and Entertainment Facility;
 - vii. Repair (Minor);
 - viii. The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - ix. Shooting Range (Indoor); and
 - x. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.
2. Where a lot is in a Residential zone:

- a. The lot may provide septic capacity for an adjacent commercial use, or adjacent residential property, if the use substantially conforms with the recommendations of the applicable master plan.
- b. The following uses are prohibited:
 - i. Day Care Center (13-30 Persons);
 - ii. Day Care Center (Over 30 Persons);
 - iii. Golf Course, Country Club;
 - iv. Hospital; and
 - v. Residential Care Facility (Over 16 Persons).

C. Development Standards

1. Where a lot is either partially or totally in a Commercial/Residential zone:
 - a. When the lot abuts an Agricultural, Rural Residential, or Residential zone, the minimum setbacks for all buildings, off-street parking, and loading and maneuvering areas is that of the abutting zone; however, the Planning Board may allow alternative setbacks that replicate existing development patterns if recommended in a master plan. All other setbacks will be determined through the site plan approval process.
 - b. The maximum density for commercial uses is 0.2 FAR and is computed only on the area of the underlying Commercial/Residential zoned portion of the lot.
 - [i. Any project that received preliminary plan approval before November 4, 2002 for commercial development at an FAR greater than 0.2, is not required to satisfy the FAR limitation of Section 4.8.10.C.1.b and may be developed, as a conforming use, under the approved preliminary plan.]
 - [ii.] The Planning Board may recommend density above 0.2 FAR, up to the maximum allowed in the underlying zone, if authorized in a master plan, if the Planning Board determines that the higher density is compatible with surrounding uses and will better replicate existing development patterns in a village.

- c. In spite of the amount of open space required by the underlying zone, the minimum open space is 35% of the tract. The Planning Board may allow less open space if recommended in a master plan if the Planning Board determines that reduced open space will better replicate existing development patterns in a village.
 - d. The maximum height for all buildings is 35 feet.
 - e. In addition to the parking requirements in Division [[7.2]] 6.2:
 - i. Parking facilities must be located to maintain a pedestrian-friendly street orientation.
 - ii. Trees must be planted and maintained throughout the parking facility to assure that at least 30% of the area is shaded. Shading must be calculated using the area of the tree crown at 15 years after the parking facility is built.
 - iii. For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before November 4, 2002 the entire off-street parking facility must be brought into conformance with Section [[4.8.10]] 4.9.10.
 - f. Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.
 - g. All outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
2. Where a lot is in a Residential zone, if recommended in a master plan, the Planning Board may allow alternative setbacks that replicate existing development patterns at the time of site plan review.

D. Site Plan

1. Site plan approval under Section [[8.3.4]] 7.3.4 is required for:
 - a. construction of a new building;

- b. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - c. if required under Section [[8.3.4.A.8.]] 7.3.4.A.8.
2. Site plan approval is not required for a detached house exempt from subdivision.

Section 4.9.11. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone

A. Purpose

The purpose of the SSA Overlay zone is to:

1. Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.
2. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

B. Sewer

Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.

C. Land Uses

Where a lot is either partially or totally in a Commercial/Residential or Employment zone:

1. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.
2. The following uses are prohibited:
 - a. Adult Entertainment;
 - b. Animal Research Facility;

- c. Car Wash;
- d. Combination Retail;
- e. Drive -Thru in connection with a Restaurant;
- f. Dry Cleaning Facility (Up to 3,000 SF);
- g. Filling Station, except that any lawful Filling Station use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
- h. Helipad, Heliport;
- i. Helistop;
- j. The following Light Manufacturing and Production use: newspaper, printing, and publishing;
- k. Media Broadcast Tower;
- l. Medical/Dental Laboratory;
- m. Pipelines (Above Ground);
- n. Recreation and Entertainment Facility;
- o. Repair (Major);
- p. Repair (Minor);
- q. Research and Development;
- r. Retail/Service Establishment (50,000 SF and Over);
- s. The following Retail/Service Establishments: building materials and supplies; furniture store, carpet, or related furnishing sales or service; and pawnshop;
- t. Self-Storage;
- u. Shooting Range (Indoor);
- v. Storage Facility;
- w. Structured Parking;
- x. Surface Parking for Use Allowed in the Zone;
- y. Surface Parking for Commercial Uses in an Historic District; and

- z. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established.

D. Development Standards

1. Where a lot is in a Commercial/Residential or Employment zone:
 - a. The maximum height for all buildings is 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.
 - b. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
 - c. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
 - d. In areas recommended in the master plan for mixed use development, development must substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a conditional use.
2. Where a lot is in a Residential zone:
 - a. The density of development must not exceed the standards for the underlying zone under [[the cluster provisions under Division 6.2]] optional method Cluster Development.
 - b. The Planning Board may approve lot sizes as small as 3,000 square feet, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.
 - c. The maximum height for all buildings is 35 feet.

E. Site Plan

1. Site plan approval under Section [[8.3.4]] 7.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - c. if required under Section [[8.3.4.A.8]] 7.3.4.A.8.
2. Site plan approval is not required for development of a detached house that proceeds under standard method development.
3. In addition to the site plan findings under Section [[8.3.4.E]] 7.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.

F. Parking

1. The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.
2. Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be used for off-street parking in connection with commercial uses.
3. The SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.

Section 4.9.12. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone

A. Purpose

The purpose of the TPESS Overlay zone is to:

1. Foster economic vitality and attractive community character in areas needing revitalization.

2. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
3. Substantially conform with the master plan vision for specific existing commercial areas.
4. Provide for the combination of residential with commercial uses.

B. Land Uses

1. Multi-Unit Living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
2. In the CRT zone, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.
3. In the CRT zone, the following uses, as allowed in the underlying zone, are allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:
 - a. Car Wash;
 - b. Filling Station;
 - c. Funeral Home, Undertaker;
 - d. Light Vehicle Sales and Rental (Indoor);
 - e. Light Vehicle Sales and Rental (Outdoor);
 - f. Repair (Major); and
 - g. Repair (Minor).

C. Development Standards

The maximum building height is 30 feet; however, the Planning Board may allow a building height:

1. up to 42 feet for commercial development, and
2. up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

D. Site Plan

1. Site plan approval under Section [[8.3.4]] 7.3.4 is required for:
 - a. new construction;
 - b. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;
 - c. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the Overlay zone;
 - d. a waiver of more than 50% of the off-street parking requirements under Division [[7.2]] 6.2;
 - e. conversion of an existing structure to residential use; or
 - f. if required under Section [[8.3.4.A.8]] 7.3.4.A.8.
2. During site plan review, the Planning Board may:
 - a. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
 - b. reduce building setbacks to accomplish master plan objectives.
3. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Section [[4.8.12.D.1.c]] 4.9.12.D.1.c, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

E. Existing Buildings and Uses

Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the Overlay zone, may continue as a

conforming use or building and may be rebuilt, repaired, or reconstructed. Any such building or use may expand up to 1,000 square feet with site plan approval under Section [[8.3.4]] 7.3.4.

Section 4.9.13. Transferable Development Rights (TDR) Overlay Zone

A. Standard Method

Development in the TDR Overlay zone is allowed under the standard method of development without the use of Transferable Development Rights and must [[comply with the requirements for]] satisfy the development and density limitations in the underlying zone (see Division 4.3 through Division 4.6). In addition, standard method development in the TDR Overlay zone may be approved under the optional method Cluster Development procedures [[of Division 6.2]] or the optional method MPDU Development procedures [[for development including moderately priced dwelling units in Division 6.1]], if the property satisfies the minimum requirements for these development options in the underlying zone.

B. Optional Method

[[Optional method development is allowed in the TDR Overlay zone under Division 6.3.]]

1. In General

The TDR Overlay optional method of development permits an increase in the maximum residential density, if the development satisfies the requirements for optional method development using Transferable Development Rights under Section 4.9.13.B.

a. Applicability

The procedures and requirements in Section 4.9.13.B apply to the transfer of development rights from land in the AR zone to land in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities up to the maximum density allowed in the applicable TDR Overlay zone and substantially conforming to the recommendations in the applicable master plan.

b. General Provisions

A request to use TDRs on a property under the optional method must be in the form of a preliminary subdivision plan submitted under Chapter 50.

c. Recording of Development Right

- i. An easement to the Montgomery County government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the County before recordation of a final record plat for a subdivision using transferred development rights.
- ii. A final record plat for a subdivision using transferred development rights must contain a statement including the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by Section 4.9.13.B.

d. Development with Moderately Priced Dwelling Units

- i. A property developed under Section 4.9.13.B must satisfy Chapter 25A.
- ii. A density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Section 4.9.13.B through TDRs.
- iii. In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under optional method MPDU Development.

e. Additional Findings

In addition to the findings required for approval of a site plan under Section 7.3.4, for projects developed under Section 4.9.13.B the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.

2. Rural Residential and Residential Zones

a. Density Designation

- i. Land in a TDR Overlay zone is assigned a density number, as recommended in the applicable master plan, that states the maximum number of units per acre that may be built through the purchase of TDRs, up to the following limits:

<u>Zones</u>	<u>Base Density for the Calculation of Required TDRs (max units/acre)</u>	<u>TDR Density (max units/acre)</u>
<u>RNC</u>	<u>0.2</u>	<u>1</u>
<u>RE-2</u>	<u>0.4</u>	<u>4</u>
<u>RE-2C</u>	<u>0.4</u>	<u>2</u>
<u>RE-1</u>	<u>1</u>	<u>2</u>
<u>R-200</u>	<u>2</u>	<u>11</u>
<u>R-90</u>	<u>3.6</u>	<u>28</u>
<u>R-60</u>	<u>5</u>	<u>28</u>
<u>R-30</u>	<u>14.5</u>	<u>40</u>
<u>R-20</u>	<u>21.7</u>	<u>50</u>
<u>R-10</u>	<u>43.5</u>	<u>100</u>

- ii. TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation (1 through 100, including fractions), (TDR-#).

b. Calculation of TDRs Required in the Rural Residential or Residential Zones

Development using TDRs must include at least 2/3 of the maximum number of development rights unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons.

- i. In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed number of units (noted in paren-

theses). In addition, the minimum amount of common open space required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Town-house	Apartment	
<u>1</u>	<u>Any size</u>	100%	0%	0%	Not permitted	0%
<u>2</u>	<u>Any size</u>	100%	0%	0%	Not permitted	0%
<u>3-5</u>	<u>< 800 units</u>	30%	0%	0%	Not permitted	35%
	<u>800+ units</u>	30%	0%	0%	0% (20% max)	35%
<u>6-10</u>	<u>< 200 units</u>	15%	0%	0%	Not permitted	40%
	<u>200+ units</u>	15%	0%	0%	0% (35% max)	40%
<u>11-15</u>	<u>< 200 units</u>	0%	0%	0%	0%	50%
	<u>200+ units</u>	0%	0%	0%	35% (60% max)	50%
<u>16-28</u>	<u>< 200 units</u>	0%	0%	0%	0%	50%
	<u>200+ units</u>	0%	0%	0%	25% (60% max)	50%
<u>> 28</u>	<u>Any size</u>	0%	0%	0%	25%	50%

- (a) The apartment building type is permitted only where specifically recommended in the area master plan for the receiving area. Where the minimum percentage requirement would yield a total of 150 units or fewer, no such units are required. Where the minimum percentage would yield 151 units or greater, the full number must be required unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons.
- (b) A duplex or townhouse building type may be substituted for all or part of the apartment requirement.

(c) An apartment building type is limited to a maximum building height of 40 feet. The height limit may be waived by the Planning Board if it finds that the proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.

- ii. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
 - (a) In a Metro Station Policy Area:
 - (1) 2 detached houses;
 - (2) 2 units in a duplex building type;
 - (3) 2 units in a townhouse building type; or
 - (4) 3 units in an apartment building type.
 - (b) In a Non-Metro Station Policy Area:
 - (1) one detached house unit;
 - (2) one unit in a duplex building type;
 - (3) one unit in a townhouse building type; or
 - (4) 2 units in an apartment building type.
- iii. The Planning Board may waive the minimum required or maximum allowed number of units of a particular building type if it finds that a different mix of building types is appropriate for environmental or compatibility reasons.

c. Development Standards

The following table indicates the required development standards for each TDR density designation:

TDR Density Designation	Development Standards
<u>1</u>	<u>In a Rural Residential zone, same as for a detached house building type under standard method in the RNC zone, see Division 4.3</u> <u>In a Residential zone, same as for a detached house building type under standard method in the RE-1 zone, see Division 4.4</u>

<u>TDR Density Designation</u>	<u>Development Standards</u>
<u>2</u>	<u>Same as for a detached house building type under standard method in the R-200 zone, see Division 4.4</u>
<u>3-5</u>	<u>May utilize the R-60 optional method MPDU Development standards, see Division 4.4</u>
<u>6 or more</u>	<u>Determined at site plan</u>

3. Commercial/Residential and Employment Zones

a. Density Designation

- i. Land in a TDR Overlay zone is assigned a residential density number, as recommend in the applicable master plan, that states the maximum residential FAR that may be built through the purchase of TDRs. Total density may be increased by the amount of additional residential FAR achieved through the purchase of TDRs.
- ii. TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation in FAR (1 through 10, including fractions), (TDR-#).

b. Calculation of TDRs Required in the Commercial/Residential or Employment Zones

- i. TDRs may be purchased to achieve the maximum residential FAR indicated under the TDR Overlay zone. A fraction of a TDR cannot be purchased; any fraction of a TDR must be rounded up to the next whole number.
- ii. Each TDR purchased allows the construction of 2,400 square feet of residential density, except for in a Metro Station Policy Area, which allows the construction of 4,400 square feet of residential density. To determine the number of TDRs required per acre, subtract the residential FAR in the base zone from the requested residential FAR up to the maximum allowed under the TDR Overlay. Multiply the difference by 43,560 to get the additional number of residential square feet per acre allowed through the purchase of TDRs. Divide the residential

square feet per acre by 2,400 or 4,400, as applicable, to determine the required number of TDRs per acre that must be purchased.

- iii. For optional method development, the Planning Board may grant a maximum of 20 public benefit points for TDRs under Section 4.7.3.F.7.

Section 4.9.14. Twinbrook (TB) Overlay Zone

A. Purpose

The purpose of the TB Overlay zone is to allow residential uses in the IL zone in areas near the Twinbrook Metro Station.

B. Land Uses

Multi-Unit Living is permitted in the TB Overlay zone. All residential uses must be located above the first floor and must be less than 40% of the total floor area of the building.

C. Development Standards

1. One main building and one accessory building may be located on a lot that is smaller than one acre but at least 5,000 square feet; however, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.
2. The minimum setback from any Commercial/Residential, Employment, or Residential zone is 50 feet. The Planning Board may approve a lesser setback if it finds a lesser setback would not have an adverse impact on abutting property zoned Residential, Commercial/Residential, or Employment.
3. The Planning Board may approve any building to be set back a minimum of 10 feet from:
 - a. an arterial road that separates the industrial area from a Commercial/Residential or Employment zone; or
 - b. an arterial road, local street, or private right-of-way within the industrial area.
4. Any site that includes residential uses must have a minimum of 10% common open space.

5. The Planning Board may waive the minimum parking setback requirement to achieve a better design.
6. The Planning Board may approve a reduction of the amenity open space requirement to a minimum of 10% of the site.]
1. A maximum of 50% of the required amenity open space may be located off-site within the TB Overlay zone.
2. [7] The parking standards for Multi-Unit Living in Section [[7.2.4.B]] 6.2.4.B apply. A parking space for any dwelling unit must be located behind the front building line.
3. [8] Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use under the conditions of the approval.

D. **Site Plan**

Site plan approval under Section [[8.3.4]] 7.3.4 is required for any development with residential uses or if required under Section [[8.3.4.A.8]] 7.3.4.A.8.

Section 4.9.15. **Upper Paint Branch (UPB) Overlay Zone**

A. **Purpose**

The purpose of the UPB Overlay zone is to:

1. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including but not limited to the head-water tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch mainstem north of Fairland Road.
2. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
3. Regulate land uses that could adversely affect the high quality, cold water stream resource. This resource is afforded the highest order of protection through its designation by the State of Maryland as Use III Waters.

B. **Exemptions**

The following are exempt from Section [[4.8.15]] 4.9.15:

1. Any impervious surface lawfully existing allowed by a building permit issued before July 1, 2007 may continue or be reconstructed under the development standards in effect when the building permit was issued.
2. Any impervious surface that results from construction under a building permit may be constructed or reconstructed under the development standards in effect on July 31, 2007 if:
 - a. the building permit application was pending before DPS on July 31, 2007; or
 - b. the building permit is for a lot in a subdivision approved before July 31, 2007, if the subdivision was approved for fewer than 20 housing units.
3. Any impervious surface resulting from an addition or accessory structure to an existing detached house must not be counted against any calculation of the 8% impervious surface restriction.

C. **Land Uses**

1. Except as listed in Section [[4.8.15.C.2]] 4.9.15.C.2 and Section [[4.8.15.C.3]] 4.9.15.C.3, the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Section [[4.8.15.D]] 4.9.15.D are more restrictive, in which case Section [[4.8.15.D]] 4.9.15.D must be followed.
2. The following uses are restricted in the UPB Overlay zone:
 - i. Any Landscape Contractor or Nursery must be certified as an organic grower by the State of Maryland or another approved certifying body;
 - ii. Any Golf Course, Country Club or golf driving range must have an Integrated Pest Management program; and
 - iii. Any Equestrian Facility must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
3. If validly existing on July 1, 1997, the uses in Section [[4.8.15.C.2]] 4.9.15.C.2 may be continued under the requirements in effect at the time the use was established. Any expansion requires compliance with the UPB Overlay zone.
4. The following uses are prohibited in the UPB Overlay zone:

- a. Farm Airstrip, Helistop;
- b. Helipad, Heliport;
- c. Pipelines used for interstate transmission of petroleum products; and
- d. Vehicle Services.

D. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

E. Waiver

The applicable review body may grant a waiver of the development standards in Section [[4.8.15.D]] 4.9.15.D if it finds that:

1. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
2. The application otherwise complies with all applicable Federal, State, and County water quality provisions;
3. The relief sought is the minimum needed to prevent the undue hardship; and
4. Alternative water quality and control techniques are used to meet the purposes of Section [[4.8.15]] 4.9.15.

Section 4.9.16. Upper Rock Creek (URC) Overlay Zone

A. Purpose

The purpose of the URC Overlay zone is to:

1. Protect the water quality and quantity and biodiversity of the Upper Rock Creek watershed north of Muncaster Mill Road, including Rock Creek mainstem and its tributaries.
2. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

B. Exemptions

1. The following are exempt from Section [[4.8.16]] 4.9.16:

- a. Any impervious surface lawfully existing under a building permit or sediment control permit issued before November 15, 2004 or under a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.
 - b. Any property expressly exempted by the applicable master plan.
 - c. Any addition, allowed under the development standards of the underlying zone, to a detached house.
 - d. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.
 - e. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, if every effort is made to minimize imperviousness or mitigate the impacts of runoff. Also, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.
 - f. Development in any Industrial or Commercial/Residential zone.
2. All public projects must satisfy the provisions of the URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.

C. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

D. Waiver

The applicable review body may grant a waiver of the development standards in Section [[4.8.16.C]] 4.9.16.C if it finds that:

1. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of afford-

able housing units otherwise allowed by the zone. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area;

2. The application otherwise complies with all applicable Federal, State, and County water quality regulations;
3. The relief sought is the minimum needed to prevent the undue hardship; and
4. Alternative water quality and quantity control techniques are used to meet the purposes of Section [[4.8.16]] 4.9.16.

ARTICLE 59-5. FLOATING ZONE REQUIREMENTS

[DIV. 5.1. IN GENERAL

SEC. 5.1.1. ZONE CATEGORIES 5-2
SEC. 5.1.2. PURPOSES 5-2
SEC. 5.1.3. APPLICABILITY AND APPROVAL REQUIRED 5-2
SEC. 5.1.4. SPECIAL PROVISIONS FOR PROPERTIES ZONED UNDER
ARTICLE 59-9..... 5-3]

[DIV. 5.2. RESIDENTIAL FLOATING ZONES

SEC. 5.2.1. ZONES 5-4
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[DIV. 5.3. COMMERCIAL/RESIDENTIAL FLOATING ZONES

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[DIV. 5.4. EMPLOYMENT FLOATING ZONES

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[DIV. 5.5. INDUSTRIAL FLOATING ZONES

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Division 5.1. In General

Section 5.1.1. Zone Categories

There are 4 categories of Floating zones:

- A. Residential Floating zones ([Div.] Division 5.2);
- B. Commercial/Residential Floating zones ([Div.] Division 5.3);
- C. Employment Floating zones ([Div.] Division 5.4); and
- D. Industrial Floating zones ([Div.] Division 5.5)

Section 5.1.2. Purposes

The purposes of the Floating zones are to:

- A. Implement comprehensive planning objectives by:
 - 1. furthering the goals of the general plan, applicable master plan, and functional master plans;
 - 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, and functional master plans; and
 - 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and
- B. Encourage the appropriate use of land by:
 - 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;
 - 2. allowing various uses, building types, and densities on sites determined by the property's size and base zone to serve a diverse and evolving population; and
 - 3. ensuring that development satisfies basic sustainability requirements including appropriate location and connections to circulation networks; and
- C. Ensure protection of established neighborhoods by:

- 1. establishing compatible relationships between new development and existing neighborhoods;
- 2. providing development standards to protect the character of adjacent neighborhoods; and
- 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.]

Section 5.1.2. Intent Statement

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment under Section 7.2.1. The intent of the Floating zones is to:

- A. Implement comprehensive planning objectives by:
 - 1. furthering the goals of the general plan, applicable master plan, and functional master plans;
 - 2. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements ; and
 - 3. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and
- B. Encourage the appropriate use of land by:
 - 1. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;
 - 2. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and

3. ensuring that development satisfies basic sustainability requirements including:
 - a. locational criteria,
 - b. connections to circulation networks,
 - c. density and use limitations,
 - d. open space standards,
 - e. environmental protection and mitigation; and
- C. Ensure protection of established neighborhoods by:
 1. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;
 2. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and
 3. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

Section 5.1.3. [5.1.3.] Applicability [and Approval Required]

- A. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.
- B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application.
- C. If a Floating zone is not recommended in a master plan, [prerequisites apply as follows] the following apply:
 1. The maximum allowed density is based on the base zone and on the size of the tract as stated in [Div.] Division 5.2 through [Div.] Division 5.5. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the zone requested.
 2. Residential Base Zone
 - a. When requesting a Residential Detached Floating (RDF) zone for a property with a Residential base zone:

- i. [a] If [no] neither commercial uses [are requested and no] nor any increase in density above that allowed by the base zone is requested, there are no prerequisites for an application;
- ii. [b] If a commercial use or an increase in density above that allowed by the base zone is requested, the application must satisfy [at least] a minimum of 2 [of the] prerequisites for each of the [following] categories under Section 5.1.3.D [[5.1.2.D]].[:]
- b. When requesting a Townhouse Floating (TF) zone, Apartment Floating (AF) zone, or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:
 - i. The property must front on a nonresidential street or must confront or abut a property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone; and
 - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D [[5.1.2.D]].
- c. When requesting a Commercial Residential Floating (CRF) zone, Commercial Residential Town Floating (CRTF) zone, or any Employment Floating zone (NRF, GRF, EOFF, LSCF) for a property with a Residential base zone:
 - i. The property must front on a nonresidential street or must confront or abut a property that is in a Commercial/Residential, Employment, or Industrial zone; and
 - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D [[5.1.2.D]].
- d. When requesting any Industrial Floating zone (ILF or IMF) for a property with a Residential base zone:
 - i. The property must abut a property in an Industrial zone; and
 - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D [[5.1.2.D]].

3. Non-Residential Base Zone

When requesting a Floating zone for a property with a non-Residential base zone there are no prerequisites for an application.

D. Prerequisites

Category	Prerequisite Choices
[Location] Transit & Infrastructure	At least 75% of the site <u>[must be] is</u> within <u>¼ mile of a Level 3, ½ mile of a Level 2, [transit station/stop] or [1] ¾ mile of a Level 1 transit station/stop.;</u>]
	<u>The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.</u>
	The site <u>[must be] is</u> served by existing water and sewer infrastructure that will not require [[an]] <u>either an upgrade to the service line or installation of a pump station</u> due to the proposed development.;]
	<u>[The site must be in a transitional location between existing Residential Multi-Unit, Residential Townhouse, or non-Residential zoning and Residential Multi-Unit, Residential Townhouse, or Residential Detached zoning] All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.;</u>]
	<u>[Any stream, floodplain, wetland, or environmental buffer on-site will not be adversely impacted by the development; or]</u>
	<u>The project is age-restricted or senior housing, or if [If] proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed. [Age-restricted or senior housing automatically qualifies for this prerequisite.]</u>

Category	Prerequisite Choices
[Circulation Network] Vicinity & Facilities	<u>The site is in a transitional location between property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential zone and property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached zone.</u>
	<u>[All streets built as part of the development must be available for general public use;] The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.</u>
	<u>[Except for detached houses, all parking, except on-street parallel parking, must be to the side of or behind buildings;] The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.</u>
	<u>[Surface parking for the development must not cover more than 20% of the site;] The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board’s Recreation Guidelines, as amended, within ¾ mile.</u>
	<u>[The site has frontage on a nonresidential street; or] The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer’s market within ¼ mile.</u>
	<u>[The tract is adjacent to an existing pedestrian and bicyclist route that is at least 5 miles in length.]</u>
Environment & Resources	<u>The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.</u>
	<u>The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.</u>
	<u>The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.</u>
	<u>The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.</u>
	<u>The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.</u>

[3. Non-Residential Base Zone

When requesting a Floating zone for a property with a non-Residential base zone there are no additional prerequisites for an application.]

Section 5.1.4. Approval

- A. [D.]Application of a Floating zone requires approval of a Local Map Amendment under [Sec.] Section 7.2.1. [[8.2.1.]]
- B. Amendments to a Floating zone once it has been applied to a property are restricted to the density and use limits that could have been approved—but were not requested—based on the previous base zone.
- [E. A Floating zone application that meets the prerequisites and requirements in this Article (Article 59-5) may not be sufficient to require approval of the application.]

Section 5.1.5. Special Provisions for Properties in a Zone Under Article [[59-9]] 59-8

- A. Properties in a zone under Article 59-8 [[59-9]] may be rezoned to a Floating zone [in this] under Article 59-5 [(Article 59-5)] as follows:
 - 1. The applicant must [propose] identify an equivalent Euclidean zone based on the subject property's existing use and density;
 - 2. [The] This equivalent Euclidean zone is the base zone that determines:
 - a. the prerequisites under [Sec.] Section 5.1.3.D [[5.1.2.D]] [5.1.3] that apply;
 - b. the Floating zone that may be requested; and
 - c. any applicable land uses, building types, and development standards.
- B. [This] Section 5.1.5 [(Sec. 5.1.4)] does not apply where Article 59-8 [[59-9]] specifically prohibits rezoning to a new Floating zone.

Division 5.2. Residential Floating Zones

Section 5.2.1. Zones

- A. There are 3 Residential Floating zone categories.
- B. Residential Floating zones are mapped using the zone’s initials followed by a number indicating the maximum allowed units per acre approved by a Local Map Amendment under [Sec.] [Section 7.2.1](#) [[8.2.1]]:
1. Residential Detached – Floating (RDF-#);
 2. Townhouse – Floating (TF-#); and
 3. Apartment – Floating (AF-#).

Section 5.2.2. Purpose

The purpose of the Residential Floating zones is to:

- A. allow flexibility in residential development, including site layout, lot size, and placement;
- B. allow residential development of a certain size to provide limited accessory commercial uses for the daily needs of the community; and
- C. provide residential development that is compatible with the surrounding neighborhood.

Section 5.2.3. Land Uses

A. Allowed Uses

Land uses are allowed in the Residential Floating zones as follows:

Floating Zone Category	Approved Density	All Uses Allowed
RDF	< 3 units/acre and < 150 total units	R-200
	< 3 units/acre and ≥ 150 total units	R-200, CRN
	≥ 3 units/acre and < 150 total units	R-90, R-60, R-40
	≥ 3 units/acre and ≥ 150 total units	R-90, R-60, R-40, [CRT] CRN

Floating Zone Category	Approved Density	All Uses Allowed
TF	< 12 units/acre and < 150 total units	TLD
	< 12 units/acre and ≥ 150 total units	TLD, CRN
	≥ 12 units/acre and < 150 total units	TMD, THD
	≥ 12 units/acre and ≥ 150 total units	TMD, THD, [CRT] CRN
AF	< 20 units/acre and < 150 total units	R-30[CRN]
	< 20 units/acre and ≥ 150 total units	R-30, [CRT] CRN
	≥ 20 units/acre and < 150 total units	R-20, R-10, CRN
	≥ 20 units/acre and ≥ 150 total units	R-20, R-10, [CR] CRT

B. Use Provisions

1. In the Residential Floating zones the maximum area of the site for nonresidential uses is 25% and the maximum nonresidential density on that 25% of the site is 0.25 FAR.
2. The lot on which any approved commercial uses are located must be separated from the boundary of the tract included in the Local Map Amendment by residential lots or open space and must not share a lot line with any properties in a Residential zone not included in the Local Map Amendment.
3. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses [in order] to support the necessary findings of approval under [Sec.] [Section 7.2.1](#) [[8.2.1]].

Section 5.2.4. Building Types

A. Building types are allowed as follows:

Zone	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone					
	Duplex	Town-house	Apartment/[Condo] Building	Multi Use Building	General Building	
RDF	A			S	[A] S	
TF	A	A	A	S	[A] S	
AF	A	A	A	S	[A] S	

KEY A = Allowed S = Subject to approval of commercial uses under [\[Sec. 5.2.2\]](#) [Section 5.2.3](#)

B. An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific [\[\[uses\]\] building types \[in order\]](#) to support the necessary findings of approval under [\[Sec.\] Section 7.2.1. \[\[8.2.1.\]\]](#)

Section 5.2.5. Development Standards

A. Density

1. Residential Density

- If a Floating zone is recommended in a master plan, residential density must not exceed [\[the specific\] that](#) recommendation, except where MPDUs above the minimum required or TDRs are provided.
- If a Floating zone is not recommended in a master plan [and the base zone is Residential](#), the following residential density limits apply, calculated on site area:

Pre-Existing Euclidean Zone	Base Lot/ Site Size	Base Density in Units per Acre	Maximum Allowed Density in Units per Acre		
			Less than 3 times the base lot/site size	3 to <6 times the base lot/site size	At least 6 times the base lot/site size
RE-2, RE-2C	2 acres	0.50	0.50	0.75	1.00
RE-1	40,000 SF	1.09	1.09	1.63	2.18
R-200	20,000 SF	2.18	2.18	3.27	4.36
R-90	9,000 SF	4.84	4.84	7.26	12.00
R-60	6,000 SF	7.26	7.26	10.89	14.52
R-40	4,000 SF	10.89	10.89	16.33	21.78
TLD	20,000 SF	9.00	9.00	13.50	18.00
TMD	20,000 SF	12.00	12.00	18.00	24.00
THD	40,000 SF	15.00	15.00	22.50	30.00
R-30	12,000 SF	14.50	14.50	21.75	29.00
R-20	16,000 SF	21.70	21.70	32.55	43.40
R-10	20,000 SF	43.50	43.50	65.25	87.00

c. [If a Floating zone is not recommended in a master plan and the base zone is non-Residential, the following residential density limits apply, calculated on tract area:](#)

Pre-Existing Euclidean Zone Total FAR	Maximum Allowed Density in Units per Acre		
	Up to 0.5 acres	0.51 acres - 3.00 acres	Greater than 3 acres
≤ 0.5	18	24	31
0.75 - 1.0	31	37	43
1.25 - 1.5	49	74	99
1.75 - 2.5	74	99	124
2.75 - 3.5	99	124	149
3.75 - 4.5	124	149	174
4.75 - 5.5	149	174	200
5.75 - 6.5	174	200	200
≥ 6.75	200	200	200

2. Commercial Density

Commercial density, if allowed under [Sec.] [Section 5.2.3, \[5.2.2\]](#) is limited to 0.25 FAR, calculated on 25% of the [site] [site's land area](#).

3. Modifications by Applicant

An applicant may limit density below the maximum allowed by [this] [Section 5.2.5.A \[Sec. 5.2.4.A in order\]](#) to support the necessary findings of approval under [Sec.] [Section 7.2.1. \[\[8.2.1.\]\]](#).

B. Setback and Height

1. If a Floating zone is recommended in a master plan, height must not exceed [\[the specific\] that](#) recommendation.
2. Maximum height and setbacks are established by the floating zone plan.
3. Height must satisfy the compatibility standards for the applicable building type under [\[Div. 7.4.\] Section 4.1.8.B](#).

C. Lot Size

Minimum lot sizes are established by the floating zone plan.

D. Coverage

Minimum open space must be provided as a percentage of the site [area](#) as determined by the most intense building type approved and density in units per acre.

Open Space Required

Building Type	Minimum Open Space Required Based on Units per Acre			
	1-19 units/acre	20-39 units/acre	40-59 units/acre	60+ units/acre
Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone	0%	10%	10%	15%
Duplex	0%	10%	15%	20%
Townhouse	10%	15%	20%	25%

Open Space Required

Building Type	Minimum Open Space Required Based on Units per Acre			
	1-19 units/acre	20-39 units/acre	40-59 units/acre	60+ units/acre
Apartment[/Condo], Multi Use, or General Building	15%	20%	25%	30%

E. General Requirements

1. Parking, [\[open space\]](#) recreation facilities, screening, and landscaping must be provided under Article [59-6 \[\[59-7\]\]](#) [\[according to\] as required for](#) the Euclidean zone that establishes uses under [\[Sec.\] Section 5.2.3 \[5.2.2\]](#) for each applicable residential or commercial area.
2. The floating zone plan may [\[require\] provide for](#) additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting [\[in order\] to allow the District Council to](#) make the necessary findings of approval under [\[Sec.\] Section 7.2.1. \[\[8.2.1.\]\]](#).

Division 5.3. Commercial/Residential Floating Zones

Section 5.3.1. Zones

- A. There are 3 categories of Commercial/Residential Floating zones.
- B. Commercial/Residential Floating zones are mapped using the zone’s initials followed by the maximum allowed total, commercial, and residential densities and maximum allowed height as limited by [this] Division 5.3 [(Div. 5.3)].
- Commercial Residential Neighborhood – Floating (CRNF# C# R# H#)
 - Commercial Residential Town – Floating (CRTF# C# R# H#)
 - Commercial Residential – Floating (CRF# C# R# H#)

Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;
- allow flexibility in uses for a site; and
- provide mixed-use development that is compatible with adjacent development.

Section 5.3.3. Land Uses

- A. The following land uses are allowed in the Commercial/Residential Floating zones:
- In the CRNF zones, only the uses allowed in the CRN zone are allowed.
 - In the CRTF zones, only the uses allowed in the CRT zone are allowed.
 - In the CRF zones, only the uses allowed in the CR zone are allowed.
- B. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]].

Section 5.3.4. Building Types Allowed

- Any building type is allowed in the Commercial/Residential Floating zones.
- An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific building types [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]].

Section 5.3.5. Development Standards

A. Density

- If a Floating zone is recommended in a master plan, density must not exceed [the specific] that recommendation.
- If a Floating zone is not recommended in a master plan, the following density limits apply.

Density Allowed

Pre-Existing Euclidean Zone	Maximum Density Allowed in FAR Based on Size of Tract in Acres					
	Up to 0.5 acres		0.51 acres - 3.00 acres		Greater than 3 acres	
	Total Density	C or R Density	Total Density	C or R Density	Total Density	C or R Density
RE-2, RE-2c, RE-1, R-200	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
R-90, R-60, R-40, TLD, TMD, THD	1.0	0.75	1.25	1.0	1.5	1.25
R-30, R-20, R-10	1.25	1.0	1.5	1.25	1.75	1.5
CRN	1.0	0.75	1.25	1.0	1.5	1.25
CRT	2.0	1.5	3.0	2.0	4.0	3.0
CR	4.0	3.0	6.0	4.5	8.0	6.0
Employment	2.0	1.5	3.0	2.0	4.0	3.0
IL, IM	0.75	0.5	1.0	0.75	1.5	1.25

- An applicant may limit density below the maximum allowed by [this] Section 5.3.5.A [(Sec. 5.3.4.A) in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]].

B. Setback and Height

- If a Floating zone is recommended in a master plan, height must not exceed [the specific] that recommendation.
- Maximum height and setbacks are established by the floating zone plan.
- Height must satisfy the compatibility standards for the applicable building type under [Div. 7.4.] Section 4.1.8.B.

C. Lot Size

Minimum lot sizes are established by the floating zone plan.

[D. Coverage]

Minimum open space is equivalent to the minimum open space under the Euclidean zone that establishes uses under Sec.5.3.2.A for each applicable building type.]

D. [E.] General Requirements

1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 [[59-7]] according to as required for the Euclidean zone that establishes uses under [Sec. 5.3.2] Section 5.3.3.
2. Open Space
 - a. If public benefits are not required under Section 5.3.5.E, [Public] open space must be provided under Section 4.5.3.C.1 [[Article 59-4]] (for standard method) as required for the Euclidean zone that establishes uses under Section 5.3.3.
 - b. If public benefits are required under Section 5.3.5.E, open space must be provided under [and] Section 4.5.4.B.1 [[Article 59-6]] (for optional method) according to as required for the Euclidean zone that establishes uses under [Sec. 5.3.2] Section 5.3.3.
3. The [Local Map Amendment] floating zone plan may [require] provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting [in order] to allow the District Council to make the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

E. [F.] Public Benefits

1. Public Benefits Required

- a. Development above the greater of 1.0 FAR or 10,000 square feet of gross floor area in the CRTF zone requires public benefits.
- b. Development above the greater of 0.5 FAR or 10,000 square feet of gross floor area in the CRF zone requires public benefits.

- c. When public benefits are required by development in the Commercial/ Residential Floating zones, a sketch plan must be submitted under [Sec.] Section 7.3.3. [[8.3.3.]]

2. Public Benefit Points and Categories Required

- a. Public benefits under [Div.] Division 4.7 [[6.6]] must be provided according to zone and [to the site] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRTF	< 10,000 SF OR < 1.5 max FAR	25	2
	≥ 10,000 SF [[to < 1,250,000 SF]] OR ≥ 1.5 [[to < [3.25] 3.5]] max FAR	50	3
	[[≥ 1,250,000 SF OR ≥ 3.5 max FAR]]	[[75]]	[[4]]
CRF	< 10,000 SF OR < 1.5 max FAR	50	3
	≥ 10,000 SF [[to < 1,250,000 SF]] OR ≥ 1.5 [[to < [3.25] 3.5]] max FAR	100	4
	[[≥ 1,250,000 SF OR ≥ 3.5 max FAR]]	[[125]]	[[5]]

- b. In the CRF zone, the purchase of BLTs is required under [Sec.] Section 4.7.3.F.1.a. [[6.6.3.F.1.a.]]

Division 5.4. Employment Floating Zones

Section 5.4.1. Zones

- A. There are 4 categories of Employment Floating zones.
- B. Employment Floating zones are mapped using the [zones'] zone's initials followed by the maximum allowed total density and maximum allowed height as limited by [this] Division 5.4. [(Div. 5.4)]
 - 1. GENERAL RETAIL – FLOATING (GRF# H#)
 - 2. NEIGHBORHOOD RETAIL – FLOATING (NRF# H#)
 - 3. EMPLOYMENT OFFICE – FLOATING (EOFF# H#)
 - 4. LIFE SCIENCES CENTER – FLOATING (LSCF# H#)

Section 5.4.2. Purpose

The purpose of the Employment Floating zones is to:

- A. allow development of commercial centers and communities, at a range of densities and heights flexible enough to respond to various settings.
- B. allow limited residential development and flexibility in uses for a site; and
- C. provide development that is compatible with adjacent development.

Section 5.4.3. Land Uses

- A. The following land uses are allowed in the Employment Floating zones:
 - 1. In the GRF zones, only the uses allowed in the GR zone are allowed.
 - 2. In the NRF zones, only the uses allowed in the NR zone are allowed.
 - 3. In the EOFF zones, only the uses allowed in the EOF zone are allowed.
 - 4. In the LSCF zones, only the uses allowed in the LSC zone are allowed.
- B. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

Section 5.4.4. Building Types Allowed

- A. Any building type is allowed in the Employment Floating zones.

- B. An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific building types [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

Section 5.4.5. Development Standards

A. Density

- 1. If a Floating zone is recommended in a master plan, density must not exceed [the specific] that recommendation.
- 2. If a Floating zone is not recommended in a master plan, the following density limits apply:

Pre-Existing Euclidean Zone	Density Allowed		
	Maximum Total Density Allowed in FAR Based on Size of Tract in Acres		
	Less than 0.5 acres	0.5 acres – 3.00 acres	Greater than 3 acres
RE-2, RE-2c, RE-1, R-200	0.75 FAR	1.0 FAR	1.25 FAR
R-90, R-60, R-40, TLD, TMD, THD	1.0	1.25	1.5
R-30, R-20, R-10	1.25	1.5	1.75
CRN	1.0	1.25	1.5
CRT	2.0	3.0	4.0
CR	4.0	6.0	8.0
Employment	2.0	3.0	4.0
IL, IM	0.75	1.0	1.5

- 3. An applicant may limit density below the maximum allowed by [this] Section 5.4.5.A [(Sec. 5.4.4.A) in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]].

B. Setback and Height

- 1. If a Floating zone is recommended in a master plan, height must not exceed [the specific] that recommendation.
- 2. Maximum height and setbacks are established by the floating zone plan.

3. Height must satisfy the compatibility standards for the applicable building type under [Div. 7.4.] Section 4.1.8.B.

C. Lot Size

Minimum lot sizes are established by the floating zone plan.

[D. Coverage

Minimum open space is equivalent to the minimum open space under the Euclidean zone that establishes uses under Sec.5.4.2.A for each applicable building type.]

D. [E.] General Requirements

1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 [[59-7]] [according to] as required for the Euclidean zone that establishes uses under [Sec. 5.4.4.] Section 5.4.3.
2. Open Space
 - a. If public benefits are not required under Section 5.4.4.E, [Public] open space must be provided under Section 4.6.3 [[Article 59-4]] (for standard method) as required for the Euclidean zone that establishes uses under Section 5.4.3.
 - b. If public benefits are required under Section 5.4.4.E, open space must be provided under [and] Section 4.6.4.B.1 [[Article 59-6]] (for optional method) [according to] as required for the Euclidean zone that establishes uses under [Sec. 5.4.2] Section 5.4.3.
3. The [Local Map Amendment] floating zone plan may [require] provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting [in order] to allow the District Council to make the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

E. [F.] Public Benefits

1. Public Benefits Required

- a. Development above the greater of 1.0 FAR or 10,000 square feet of gross floor area in the EOFF zone requires public benefits.
- b. Development above the greater of 0.5 FAR or 10,000 square feet of gross floor area in the LSCF zone requires public benefits.

- c. When public benefits are required by development in the Employment Floating zones, a sketch plan must be submitted under [Sec.] Section 7.3.3. [[8.3.3.]]

2. Public Benefit Points and Categories Required

- a. Public benefits under [Div.] Division 4.7 [[6.6]] must be provided according to zone and [to the] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
LSCF	< 10,000 SF OR < [1.5] [[1.0]] max FAR	15	1
	≥ 10,000 SF [[to < 1,250,000 SF OR ≥ [1.5] [[1.0 to < [3.25] 1.75]] max FAR	30	2
	[[≥ 1,250,000 SF OR ≥[3.5] 1.75 max FAR]]	[[40]]	[[3]]
EOFF	< 10,000 SF OR < 1.5 max FAR	30	2
	≥ 10,000 SF [[to < 1,250,000 SF]] OR ≥ 1.5 [[to < [3.25] 3.5]] max FAR	60	3
	[[≥ 1,250,000 SF OR ≥ 3.5 max FAR]]	[[75]]	[[4]]

- b. In the LSCF zone, the purchase of BLTs is required under [Sec.] Section 4.7.3.F.1.b. [[6.6.3.F.1.b.]]

Division 5.5. Industrial Floating Zones

Section 5.5.1. Zones

- A. There are 2 categories of Industrial Floating zones.
- B. Industrial Floating zones are mapped using the [zones'] zone's initials followed by the maximum allowed total density and maximum allowed height as limited by [this] Division 5.5 [(Div. 5.5)].
1. INDUSTRIAL LIGHT – FLOATING (ILF# H#)
 2. INDUSTRIAL MODERATE – FLOATING (IMF# H#)

Section 5.5.2. Purpose

The purpose of the Industrial Floating zones is to allow development of industrial sites with primarily light manufacturing, warehouse, and related uses at a range of densities and heights flexible enough to respond to various settings.

Section 5.5.3. Land Uses

- A. The following land uses are allowed in the Industrial Floating zones:
1. In the ILF zones, only the uses allowed in the IL zone are allowed.
 2. In the IMF zones, only the uses allowed in the IM zone are allowed.
- B. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

Section 5.5.4. Building Types Allowed

- A. Building types are allowed [according to] under the equivalent Euclidean zone.
- B. An applicant may voluntarily prohibit [specific] building types or establish binding elements that restrict specific building types [in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

Section 5.5.5. Development Standards

A. Density

1. If a Floating zone is recommended in a master plan, density must not exceed [the specific] that recommendation.

2. If a Floating zone is not recommended in a master plan, the following density limits apply:

Pre-Existing Euclidean Zone	Density Allowed		
	Maximum Total Density Allowed in FAR Based on Size of Tract in Acres		
	Less than 0.5 acres	0.5 <u>acres</u> – 3.00 acres	Greater than 3 acres
RE-2, RE-2C, RE-1, R-200	0.50 FAR	0.75 FAR	1.00 FAR
R-90, R-60, R-40, TLD, TMD, THD	0.75	1.00	1.25
R-30, R-20, R-10	1.00	1.25	1.50
CRN	0.75	1.00	1.25
CRT	1.00	1.25	1.50
CR	2.00	2.50	3.00
Employment	1.00	1.25	1.50
Industrial	2.00	2.50	3.00

3. An applicant may limit density below the maximum allowed by [this] Section 5.5.5.A [(Sec. 5.5.4.A) in order] to support the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

B. Setback and Height

1. If a Floating zone is recommended in a master plan, height must not exceed [the specific] that recommendation.
2. Maximum height and setbacks are established by the floating zone plan.
3. Height must satisfy the compatibility standards for the applicable building type under [Div. 7.4.] Section 4.1.8.B.

C. Lot Size

Minimum lot sizes are established by the floating zone plan.

[D. Coverage

Minimum open space is equivalent to the minimum open space under the Euclidean zone that establishes uses under Sec.5.4.2.A for each applicable building type.]

D. [E.] General Requirements

1. Parking, recreation facilities, screening and landscaping must be provided under Article 59-6 [[59-7]] [according to] as required for the Euclidean zone that establishes uses under [Sec. 5.5.2] Section 5.5.3.
2. [Public open] Open space must be provided under Section 4.8.3.A.1 [[Article. 59-4]] [(for standard method) and Article 59-6 (for optional method) according to] as required for the Euclidean zone that establishes uses under [Sec. 5.5.2.] Section 5.5.3.
3. The [Local Map Amendment] floating zone plan may [require] provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting [in order] to allow the District Council to make the necessary findings of approval under [Sec.] Section 7.2.1. [[8.2.1.]]

ARTICLE 59-6. GENERAL DEVELOPMENT REQUIREMENTS

Editor's Note: Article 6 of the approved code was Article 7 of ZTA 13-04, as introduced. Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1. Although all section numbers have been changed, the previous section number is not indicated as deleted and the new section number is not underlined.

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Division 6.1. Site Access

Section 6.1.1. Intent

The [intent of these](#) site access requirements [\[are intended\]](#) [is](#) to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to [\[lessen\]](#) [reduce](#) traffic congestion.

Section 6.1.2. Applicability

[\[The requirements of this Division \(Div. 7.1\) apply\]](#) [Division 6.1](#) [\[\[7.1\]\]](#) [applies](#) to development in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones [\[where\]](#) [if](#):

- A. an apartment[\[condo\]](#), multi use, or general building type is proposed; and
- B. a site plan or conditional use approval is required.

Section 6.1.3. General Access Requirements

- A. Any development must:
 - 1. [\[provide safe and efficient means of vehicular, pedestrian, and bicycle ingress and egress\]](#) [allow a vehicle, pedestrian, or bicycle to enter and exit the property](#) to and from a street or an abutting site [safely](#); [\[.\]](#)
 - 2. [limit vehicle](#) [\[Vehicle\]](#) access across [a](#) primary pedestrian, bicycle, or transit [\[routes must be limited\]](#) [route](#) wherever feasible; [\[.\]](#)
 - 3. [\[Any on-site parking area must be designed to\]](#) allow [\[vehicles\]](#) [a vehicle](#) to enter and exit [\[the\]](#) [any on-site](#) parking area in a forward motion; [and](#) [\[.\]](#)
 - 4. [\[Any\]](#) [allow a vehicle to access any](#) pad site [\[must take vehicular access\]](#) from within the site.
- B. Land that is located in a Residential Detached zone must not be used for driveway or vehicular access to any land that is not in a Residential Detached zone, except:
 - 1. in a Historic District; or
 - 2. where [such access has been previously approved for a property with](#) [\[the Residential Detached-zoned land has\]](#) a legally existing nonresidential use, and any previous approval allows such access].

Section 6.1.4. Driveway Access

- A. Driveway dimensions must satisfy the following table:

Zone	Width (min)	Width (max)	Radius (max)
R-30, R-20, R-10			
One-way	12'	16'	10'
Two-way	20'	24'	10'
CR, CRT, CRN, EOF, LSC, GR, NR			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IM, IH	30'	40'	30'

- B. The applicable deciding body may require a wider driveway [\[where\]](#) [if there is an](#) unusual traffic, grade, or site [\[conditions exist\]](#) [condition](#).
- C. [\[Where\]](#) [if](#) on-site parking is accessible from an improved alley with a right-of-way of at least 20 feet in width; [\[.\]](#)
 - 1. access must be from the alley;
 - 2. and new curb cuts along the public right-of-way must be limited, to the extent practicable.
- D. [\[For\]](#) [A maximum of 2 driveways may be permitted for](#) every 300 feet of site frontage along any street, [\[no more than 2 driveways are allowed\]](#).
- E. [Unless the road is classified as a residential road,](#) [\[On corner lots where there is only one driveway and on through lots, vehicular\]](#) [a vehicle must access a corner lot with only one driveway or a through lot](#) [\[must be taken\]](#) from the street with the lower roadway classification [\[unless the road is classified as a residential road\]](#).

[Section 7.1.5. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.1) if the applicant submits documentation illustrating how:
 - 1. the intent of the Division is satisfied;
 - 2. the functional results or performance standards of the requirements are met or exceeded; and
 - 3. it is in the public interest.]

Division 6.2. Parking, Queuing, and Loading

Section 6.2.1. Intent

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate [and appropriate levels of] parking [are] is provided in a safe and efficient manner.

Section 6.2.2. Applicability

- A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity.] Under Division [[7.2]] 6.2, any use must provide off-street parking that permits a vehicle to enter and exit the property. Any change in floor area, capacity, use, or parking design requires recalculation of the parking requirement under Division [[7.2]] 6.2, and may be subject to a payment under Chapter 60. The [following are exempt from the required] parking ratios of [this] Division 6.2 [[7.2]] [(Div. 7.2)] do not apply to any:
1. [Any] structure on the National Register of Historic Places; [and] or
 2. [Any] expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.
- B. An applicant must not reduce the area of an existing off-street parking facility below the minimum number of parking spaces required under Division 6.2 [[7.2]] unless an [An approved] alternative compliance plan is approved [required to reduce the area of an existing off-street parking facility if the reduction results in fewer than the minimum required under this Division (Div. 7.2)].
- C. The following building types are exempt from the vehicle parking design standards under Sec. 7.2.5.C and Sec. 7.2.5.E through Sec. 7.2.5.G:
1. Detached house;
 2. Duplex; and
 3. Townhouse that provides parking on individual lots.]

Section 6.2.3. Calculation of Required Parking

The minimum number of vehicle and bicycle parking [requirement] spaces required in all zones is the sum of the number of spaces required for each applicable land use in the tables in [Sec.] Section 6.2.4.B [[7.2.4.B]] and [Sec.] Section 6.2.4.C [[7.2.4.C]], unless the total number is reduced under [Sec.] Section 6.2.3.H. [[7.2.3.H.]]

A. In General

1. [In determining] To calculate the required number of vehicle and bicycle parking spaces from the tables in Section 6.2.4. [[7.2.4.]], [fractional spaces are] a fractional space must be rounded up to the nearest whole number.
2. [Where] If the required number of parking spaces [are] is calculated based on number of employees, the time when the maximum number of employees [are] is present must be used.
3. [Spaces] A parking space that provides an electric charging station must count toward the minimum number of parking spaces required [requirement].
4. Any parking space provided for handicapped persons, up to 10 motorcycle/scooter spaces, and any car-share space count toward the minimum number of parking spaces required. Car-share spaces do not count against the parking maximum.
5. Any on-street parking space in a right-of-way counts toward the minimum number of required parking spaces if the space is:
 - a. not located within a Parking Lot District;
 - b. abutting or confronting the subject property;
 - c. constructed by the applicant; and
 - d. for a Retail/Service Establishment or Restaurant use, or a car-share space.Any such space removed by a public agency at a later date is not required to be replaced on-site.

B. Handicapped Spaces

The applicant must provide the minimum number of parking [Parking] spaces required for handicapped persons [must be provided as required by] under State law. [Handicapped spaces count toward the minimum parking requirement.]

C. Motorcycle/Scooter Parking

Any parking facility [containing] with more than 50 parking spaces must provide [motorcycle/scooter stalls equal to] at least 2% of the number of vehicle spaces, up to a maximum requirement of 10, for a motorcycle or scooter; [additional] more than 10 motorcycle or scooter spaces may be provided but any such additional spaces must not count toward the minimum number of parking spaces required. [Motorcycle/scooter spaces count toward the minimum parking requirement.]

D. Car-Share Spaces

1. A parking facility with 50 to 149 parking spaces must have a minimum of one [One] car-share parking space. [is required for parking facilities with 50 - 149 parking spaces up to a maximum of 5; additional spaces may be provided.] One additional car-share parking space is required for each 100 [additional] parking spaces more than 149, up to a maximum requirement of 5. A parking facility may provide more car-share parking spaces than required.
2. If the property owner cannot find a [no] car-share organization [can be found] willing to make use of the spaces, the property owner may use the spaces for publicly-available parking. [; however, upon] If a County recognized car-share organization notifies the property owner that the organization wants to use the car-share spaces, the property owner must make the spaces available to the car-share organization within 90 days [advance] after receiving written [notification] notice of interest[, the property owner must make the space available to any] from the County recognized car-share organization.
3. Car-share parking spaces count toward the minimum parking requirement but are not counted against the parking maximum.]

E. Bicycle Parking

1. Long-term bicycle parking spaces are [intended] for residents and employees [parking]. Short-term bicycle parking spaces are [intended] for patrons and visitors.
2. [Long-term bicycle parking spaces under Sec. 7.2.4.C are indicated as a] Section 6.2.4.C [[7.2.4.C]] shows the percent of total bicycle spaces that must be for long-term parking. [; the balance] The rest of the bicycle spaces must be [provided as] short-term spaces.

F. Off-Site Parking by Agreement

[The] An applicant may satisfy the required number of vehicular parking spaces [requirement may be met] through off-site parking on [if the] property [proposed to be used for parking is] located within ¼ mile of the subject property [and] if the off-site property is plat-restricted, deed-restricted, or is under a joint use agreement. The plat or deed restrictions must specify that the property provides the required number of parking spaces for a use on another property. The plat or deed restrictions may be lifted if substitute off-site parking is provided, or if the use requiring the parking ceases to exist. [The following conditions apply to a] A joint use agreement must:

1. [A property under a joint use parking agreement must] be for a property under the control of the involved parties;[.]
2. [A joint use agreement must] be [submitted to] approved by the deciding body;[.]
3. [The minimum term for the joint use agreement is 5 years] have a minimum term of 5 years; and[.]
4. [The] require the parties [must agree] to notify DPS [no later than] within 3 days after any changes to the joint use arrangement and provide DPS with a minimum of one month [notification] notice of any pending termination of the agreement.
5. If the parking available under a joint use agreement is reduced[, or if the agreement is terminated,] the use-and-occupancy permit for the develop-

ment that was approved in reliance on the joint use agreement must be amended, or, if necessary, revoked, as appropriate, due to reflect the reduced parking; or] unless an alternative compliance plan must be is approved.

6. A property owner must obtain a change in use or in the joint use agreement requires a new use-and-occupancy permit, including and proof that of sufficient parking, will be available if there is a change in use of the property or in the joint use agreement.

G. Parking [Below the Minimum or Above the Maximum] Minimums and Maximums [in a Parking Benefit District]

1. Parking Lot District

- a. In a Parking [Benefit] Lot District, an applicant may provide fewer parking [below the minimum number of required parking] spaces than required, after all adjustments are made under [Sec.] Section 6.2.3.H [[7.2.3.H]], may be allowed if payment is provided made under Chapter 60.
- b. In a Parking [Benefit] Lot District, [parking above] the maximum number of allowed parking spaces [may be provided if a payment is made under Chapter 60 or if all of the spaces provided in excess of the maximum number allowed are made available to the public and are not reserved for any particular tenant] is equal to the parking maximum indicated in the parking table under Section 6.2.4.B. [[7.2.4.B]], and may not be exceeded.

2. Reduced Parking Area

- a. In a Reduced Parking Area, an applicant may provide fewer parking spaces than required, after all adjustments are made under Section 6.2.3.H [[7.2.3.H]], only under Alternative Compliance (see Division 6.8 [[7.8]].)
- b. In a Reduced Parking Area, an applicant may provide more parking spaces than allowed by the maximum if all of the parking spaces provided in excess of the maximum number allowed are made available to the public and are not reserved, or if approved under Alternative Compliance (see Division 6.8 [[7.8]].)

H. Adjustments to Vehicle Parking

1. [All Zones] In General

[In all zones, the vehicle parking requirement may be adjusted as follows:

a. On-Street Space

One on-street parking space constructed by an applicant that is located within a 1/4 mile of the subject property and in public or private right-of-way may be substituted for one required parking space, as determined by the applicable deciding body. Any such space removed by a public agency at a later date is not required to be replaced on-site.

b. Car-Share Space

A car-share space located near an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses.

c. Special Housing Types

- i. Parking for all MPDUs and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.
- ii. Age-restricted housing units may be reduced by 75% from the baseline rate for the specific unit type.
- iii. Senior housing units may be reduced by 50% from the baseline rate for the specific unit type.]

- a. Reduced parking rates under Section 6.2.3.H [[7.2.3.H]] are not mandatory. The maximum number of parking spaces allowed in a Parking Lot District or Reduced Parking Area is based on the baseline maximum in the parking table under Section 6.2.4.B. [[7.2.4.B.]]
- b. Adjustments under Section 6.2.3.H [[7.2.3.H]] to the minimum number of required parking spaces must not result in a reduction below 50% of the baseline parking minimum or shared parking model minimum.

2. Special Uses

- a. The parking minimum resulting from a Special Uses adjustment may not be further reduced by additional adjustments under Section 6.2.3.H

b. Restricted Housing Types

The baseline parking minimum in the parking table under Section 6.2.4.B ~~[[7.2.4.B]]~~ may be reduced for restricted housing types by multiplying the following adjustment factor times the baseline minimum:

Housing Type	Adjustment Factor
MPDUs and Workforce Housing	0.50
Age-Restricted Housing	0.75
Senior Housing	0.50

c. [d.] Religious Assembly

- i. The deciding body may reduce the required number of parking spaces:
 - (a) [i. may be reduced] to 0.15 spaces per fixed seat for a [if the church, synagogue, or other place of worship is] Religious Assembly located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the [additional spaces required.] difference; or
 - (b) [ii. Any place of worship] to 0.125 per fixed seat for a Religious Assembly used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays. [is only required to provide 0.125 spaces per fixed seat; however, the] The required number of parking spaces [do not have to be provided on-site] may be off-site if the Religious Assembly [if such place of worship] is located in a Parking [Benefit] Lot District or Reduced Parking Area or within 500 feet of any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building.
- ii. [iii.] The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone [which] that is used for [religious purposes] Religious Assembly, if the existing parking meets [or otherwise

exceeds] the requirements for any commercial or industrial [uses] use allowed in the zone.

[[c. The parking minimum resulting from a Special Uses adjustment may not be further reduced by additional adjustments under Section 7.2.3.H.]]

3. Agricultural, Rural Residential, Residential, and Industrial Zones

Shared Parking

In addition to the adjustments in Sec. 7.2.3.H.1, in the Agricultural, Rural Residential, Residential, and Industrial zones, an application with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (latest edition) rather than using the parking table in Sec. 7.2.4.B.]

3. Shared Parking

- a. An applicant proposing development with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (Second Edition, 2005) instead of using the parking table in Section 6.2.4.B. [[7.2.4.B.]]
- b. The minimum number of required parking spaces under the shared parking model may be adjusted under Section 6.2.3.H.4. [[7.2.3.H.4]] through Section 6.2.3.H.6. [[7.2.3.H.6.]]

4. Car-Share Space

One car-share space located near an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses.

5. Unbundled Residential Space

In a Parking Lot District or Reduced Parking Area, if residential parking for Townhouse Living and Multi-Unit Living is sold or rented separately from the purchase or lease of a residential unit, the baseline minimum parking requirement is:

Use	Baseline Minimum
Townhouse Living	0.75
Multi-Unit Living	
Efficiency	0.50
1 Bedroom	0.50
2 Bedroom	0.75
3+ Bedroom	0.75

6. Federal Tenants

The minimum number of parking spaces required for Office used by a federal government tenant under a long-term lease is 1.5 spaces per 1,000 square feet of Office gross floor area.

7. Adjustments Allowed Only in Commercial/Residential and Employment Zones

[In addition to the adjustments in Sec. 7.2.3.H.1, in the Commercial/Residential and Employment zones, vehicle parking may be adjusted as follows:]

a. NADMS [Factor] Percentage Goal

- i. [Any applicable] The baseline parking minimum or shared parking model minimum may be reduced by the Non-Auto Driver Mode Share (NADMS) [factor as] percentage goal recommended in the applicable master plan, up to a maximum reduction of 20%. [is multiplied against the baseline minimum vehicle parking standard to determine a new minimum vehicle parking standard.]
- ii. The baseline maximum vehicle parking standard [remains unaffected] must not be changed by the NADMS [factor] percentage goal.
- iii. The NADMS percentage goal adjustment must be calculated before any other adjustment is taken.

b. Carpool/Vanpool Space

One carpool or vanpool space located near an entrance is equal to 3 required parking spaces. [A sign may indicate that after 9:30 a.m. an unoccupied] A carpool or vanpool space that is unoccupied after 9:30 a.m. may be made available to all vehicles if a sign is posted on the property notifying the public.

[c. Unbundled Residential Space

In a Parking Benefit District, where residential parking for Townhouse Living and Multi-Unit Living is sold or rented separately from the purchase or lease of a residential unit, the baseline minimum parking requirement is:

Use	Baseline Minimum
Townhouse Living	0.75
Multi-Unit Living	
Efficiency	0.50
1 Bedroom	0.50
2 Bedroom	0.75
3+ Bedroom	0.75]

c. [d.] Bike-Share Facility

[Provision of a] A bike-share facility with a minimum of 10 spaces may be substituted for 3 vehicle parking spaces if the bike-share facility is accepted by the Department of Transportation as part of an approved comprehensive plan of bike-sharing stations.

d. [e.] Changing Facilities - Showers and Lockers

The deciding body may reduce the required number of vehicle parking spaces by 3 spaces for each additional [For every] changing facility provided above the minimum required under [Sec.] Section 6.2.6.A.4. [[7.2.6.A.4]] [the vehicle parking requirement may be reduced by 3 spaces]. A changing facility must include a shower and lockers provided separately for each gender.

Section 6.2.4. Parking Requirements

A. Using the Parking Tables

Uses on the parking table match the allowed uses and use groups in Article 59-3. The number of required spaces is based on a metric specific to each use, such as 1,000 square feet of gross floor area (GFA). The number of vehicle [Vehicle] parking [is also differentiated] spaces required also depends upon whether the property is located [by site location] in or outside of a Parking [Benefit] Lot District or Reduced Parking Area.

B. Vehicle Parking Spaces

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES Baseline Minimum	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking [Benefit] Lot District or Reduced Parking Area		Outside a Parking [Benefit] Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
AGRICULTURAL					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	1.00	2.00	2.00
NURSERY					
Nursery (Retail)	1,000 SF of Sales Area	6.00	3.00	6.00	6.00
Nursery (Wholesale)	1,000 SF of Total Floor Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA, and If the winery conducts public tours	1.50 10.00	--	--	--
ACCESSORY AGRICULTURAL USES					
Farm Market, On-site	Market	3.00	0.00	0.00	3.00
RESIDENTIAL					
HOUSEHOLD LIVING					
Single-Unit Living	Dwelling Unit	2.00	1.00	2.00	2.00
Two-Unit Living					
Townhouse Living					
Multi-Unit Living	Efficiency Dwelling Unit	1.00	1.00	1.00	1.00
	1 Bedroom Dwelling Unit	1.25	1.00	1.25	1.25
	2 Bedroom Dwelling Unit	1.50	1.00	1.50	1.50
	3+ Bedroom Dwelling Unit	2.00	1.00	2.00	2.00
GROUP LIVING					
Dormitory	Bed	0.25	0.25	0.25	0.25
Independent Living Facility for Seniors or Persons with Disabilities	OR: Dwelling Unit or PLQ	1.00	0.50	1.00	1.00
Personal Living Quarters	plus, Employee	0.50	0.50	0.50	0.50
Residential Care Facility					
ACCESSORY RESIDENTIAL USES					
Attached Accessory Apartment	Accessory Dwelling Unit (in addition to residential spaces)	1.00	--	--	--
Detached Accessory Apartment					
Dwellings for Caretakers/Watchkeepers	Accessory Dwelling Unit	1.00	1.00	1.00	1.00
Farm Tenant Dwelling	Dwelling Unit	1.00	--	--	--
Home Occupation (Low Impact)	Non-Resident Employee plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00	1.00	1.00	1.00
Home Occupation (Major Impact)		1.00	1.00	1.00	1.00
Home Health Practitioner (Low Impact)	Home Health Practitioner	1.00	1.00	1.00	1.00
Home Health Practitioner (Major Impact)	Non-Resident Employee plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00	1.00	1.00	1.00
Live/Work Units	Accessory Dwelling Unit	--	1.00	1.00	1.00

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking [Benefit] Lot District or Reduced Parking Area		Outside a Parking [Benefit] Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
CIVIC AND INSTITUTIONAL					
Ambulance, Rescue Squad (Private)	Employee plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00	0.50	1.00	1.00
Charitable, Philanthropic Institution	Resident and Employee OR: 1,000 SF of Recreational GFA OR: 1,000 SF of Office GFA	1.00 5.00 4.00	0.50 1.00 2.00	1.00 3.50 4.00	1.00 3.50 4.00
Cultural Institution	1,000 SF of GFA	1.25	0.50	2.00	1.25
DAY CARE FACILITY					
Family Day Care <u>Group Day Care</u>	Non-Resident Employee (in addition to residential spaces) <u>Required spaces may be allowed on the street abutting the site</u>	1.00	0.50	1.50	1.00
<u>[Group Day Care]</u> Day Care Center	1,000 SF of GFA	3.00	3.00	4.00	3.00
Educational Institution (Private)	Student (Grades 9 - 12)	0.25	0.15	0.25	0.25
Hospital	Employee 1,000 SF of GFA	1.00 <u>[2.50] 1.75</u>	0.25 <u>[2.50] 1.75</u>	0.50 5.00	0.50 <u>[2.50] 1.75</u>
Private Club, Service Organization	1,000 SF of GFA	2.50	1.50	2.25	2.25
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.25 20.00	0.15 10.00	0.25 14.00	0.25 14.00
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	1.00	0.50	1.00	1.00
COMMERCIAL					
ANIMAL SERVICES					
Animal Boarding and Care	Employee	<u>[2.50] 1.00</u> plus 3	1.00	<u>[2.50] 3.00</u>	<u>[2.50] 1.00</u> plus 3
Veterinary Office/Hospital	Employee plus, Each Doctor Practicing Simultaneously	<u>[2.50] 1.00</u> 2.50	1.00 2.00	2.50 3.50	<u>[2.50] 1.00</u> 2.50
		(Minimum of 5)	<u>[(Minimum of 5)] --</u>	--	(Minimum of 5)
EATING AND DRINKING					
Country Inn Restaurant	1,000 SF for Patron Use, (excluding out- door seating area in the Commercial/ Residential and Employment zones)	10.00	4.00	12.00	4.00
FUNERAL AND INTERMENT SERVICES					
Cemetery	Capacity of Assembly Area	0.33	0.25	1.00	0.33
Crematory	Employee	1.00	1.00	1.00	1.00
Funeral Home, Undertaker	plus, Each Vehicle Operated in Connec- tion with the Use	1.00	1.00	1.00	1.00

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES Baseline Minimum	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking [Benefit] Lot District or Reduced Parking Area		Outside a Parking [Benefit] Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
Landscape Contractor	Employee	[1.00] 0.50	--	--	--
	plus, Each Vehicle Operated in Connection with the Use	1.00	--	--	--
LODGING					
Bed and Breakfast Hotel, Motel	Guest Room (in addition to any residential spaces) plus,	1.00	0.33	1.00	0.50
	1,000 SF of Meeting Room, Dining	--	2.00	10.00	6.00
MEDICAL AND DENTAL					
Clinic Medical, Dental Laboratory	1,000 SF of GFA	4.00	In CRN, NR zones: 2.00 In CRT, CR, GR, EOF, LSC zones: 1.00	4.00	4.00
OFFICE AND PROFESSIONAL					
Life Sciences Office Research and Development	1,000 SF of GFA	2.80	2.00	3.00	2.25
RECREATION AND ENTERTAINMENT					
Adult Entertainment Campground	1,000 SF of GFA	10.00	1.00	5.00	2.50
Conference Center	OR: Every Seat/Guest Space	0.25	0.25	1.25	0.25
Golf Course, Country Club Health Clubs and Facilities	OR: Each Campsite	1.00	1.00	5.00	1.00
Recreation and Entertainment Facility Shooting Range	OR: Each Court	2.00	2.00	5.00	2.00
RETAIL SALES AND SERVICE					
Combination Retail Retail/Service Establishment Rural Antique Shop Rural Country Market	1,000 SF of Gross Leasable Area	5.00	3.50	6.00	5.00
VEHICLE/EQUIPMENT SALES AND RENTAL					
Heavy Vehicle Sales and Rental Light Vehicle Sales and Rental	1,000 SF of Gross Leasable Area	4.00	1.00	2.50	2.50
VEHICLE SERVICE					
Automobile Storage Lot Car Wash Filling Station Repair	1,000 SF of GFA	4.00	1.00	2.50	2.50
ACCESSORY COMMERCIAL USES					
Commercial Kitchen	Each Kitchen User	1.00	--	--	--

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES Baseline Minimum	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking [Benefit] Lot District or Reduced Parking Area		Outside a Parking [Benefit] Lot District or Reduced Parking Area
			Baseline Minimum	Baseline Maximum	Baseline Minimum
INDUSTRIAL					
Animal Research Facility	1,000 SF of GFA	--	1.00	3.00	1.50
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.50	1.00	3.00	1.50
Dry Cleaning Facility (Over 3,000 SF)	1,000 SF of GFA	1.50	--	--	--
MANUFACTURING AND PRODUCTION					
Artisan Manufacturing and Production Heavy Manufacturing and Production Light Manufacturing and Production Medical/Scientific Manufacturing and Production	1,000 SF of GFA	1.50	1.00	3.00	1.50
TRANSPORTATION					
Bus, Rail Terminal/Station	1,000 SF of GFA	1.50	1.00	3.00	1.50
WAREHOUSE					
Freight Movement Mineral Storage Storage Facility	1,000 SF of GFA	1.50	1.00	3.00	1.50
Self-Storage	[[1,000]] <u>10,000 SF of GFA for Storage Units without Driveway Access</u>	<u>1.00</u>	<u>1.00</u>	<u>3.00</u>	<u>1.00</u>
	<u>OR: 1,000 SF of Office Space GFA for Storage Units with Driveway Access</u>	3.00	1.00	3.00	1.50
	plus, Employee	1.00	1.00	1.00	1.00
WASTE-RELATED					
Recycling Collection and Processing	1,000 SF of GFA	1.50	--	--	--
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	1.00	3.00	1.50

C. Bicycle Parking Spaces

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES		COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES	
		Minimum (Maximum)	% Long-Term	Minimum (Maximum)	% Long-Term
RESIDENTIAL					
HOUSEHOLD LIVING					
Multi-Unit Living	Dwelling Unit (20+ Units Only)	0.35 (100 max)	95%	0.50 (100 max)	95%
GROUP LIVING					
Dormitory	Dwelling Unit (20+ Units Only)	0.25 (50 max)	95%	0.25 (50 max)	95%
Independent Living Facility for Seniors or Persons with Disabilities					
Personal Living Quarters					
Residential Care Facility					
CIVIC AND INSTITUTIONAL					
Charitable, Philanthropic Institution	5,000 SF of GFA	1.00 (5 max)	85%	1.00 (5 max)	85%
Cultural Institution	10,000 SF of GFA	0.50 (10 max)	15%	1.00 (10 max)	15%
DAY CARE FACILITY					
Group Day Care	5,000 SF of GFA	1.00 (5 max)	85%	1.00 (5 max)	85%
Day Care Center					
Educational Institution (Private)	5,000 SF of GFA	1.00 (50 max)	15%	1.00 (50 max)	15%
Hospital	25,000 SF of GFA	1.00 (50 max)	85%	1.00 (50 max)	85%
Private Club, Service Organization	10,000 SF of GFA	0.50 (10 max)	15%	1.00 (10 max)	15%
Swimming Pool (Community)	5,000 SF of GFA	1.00 (25 max)	15%	0.50 (25 max)	15%
COMMERCIAL					
EATING AND DRINKING					
Restaurant	10,000 SF of GFA	1.00 (10 max)	15%	1.00 (10 max)	15%
LODGING					
Hotel, Motel	10 Guest Rooms	--	--	1.00 (25 max)	100%
MEDICAL AND DENTAL					
Clinic	5,000 SF of GFA	0.50 (25 max)	85%	1.00 (25 max)	85%
Medical, Dental Laboratory					
OFFICE AND PROFESSIONAL					
Life Sciences					
Office	5,000 SF of GFA	0.50 (100 max)	85%	1.00 (100 max)	85%
Research and Development					
RECREATION AND ENTERTAINMENT					
Conference Center					
Health Clubs and Facilities	10,000 SF of GFA	0.50 (50 max)	15%	1.00 (50 max)	15%
Recreation and Entertainment Facility					
RETAIL SALES AND SERVICE					
Retail/Service Establishment	10,000 SF of GFA	0.75 (50 max)	15%	1.00 (50 max)	15%
INDUSTRIAL					
MANUFACTURING AND PRODUCTION					
Light Manufacturing and Production	10,000 SF of GFA	0.50 (15 max)	100%	1.00 (25 max)	100%
Medical/Scientific Manufacturing and Production					
TRANSPORTATION					
Bus, Rail Terminal/Station	100 average daily riders	3.5 (100 max)	85%	[7] 7.00 (100 max)	85%

Section 6.2.5. Vehicle Parking Design Standards

A. Building Type Exemptions

The vehicle parking design standards under Section 6.2.5.D [[7.2.5.D]] and Section 6.2.5.F [[7.2.5.F]] through Section 6.2.5.H [[7.2.5.H]] do not apply to a:

1. [detached house](#);
2. [duplex](#); or
3. [townhouse that provides parking on individual lots](#).

B. [A.] Location

Each required parking space must be within ¼ mile of an entrance to the establishment served by such facilities.

C. [B.] Access

Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

D. [C.] Marking

1. Any off-street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. Each individual parking space must be clearly [defined](#) [marked](#), and directional arrows and traffic signs must be provided as necessary for traffic control.
3. Each space or area for compact parking must be clearly marked to indicate the intended use.

E. [D.] Size of Spaces

1. Each parking space must [meet](#) [satisfy](#) the following minimum dimensional requirements:

Parking Angle	Standard Space		Compact Space	
	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	not allowed	not allowed
Parallel	7'	21'	6'	19.5'

2. A parking space may be reduced by 2 feet in length where the overhang will not conflict with pedestrian, bicycle, or vehicular circulation.
3. Within a Parking [Benefit](#) Lot District or [Reduced Parking Area](#), up to 20% of all required spaces may be compact spaces. Outside of a Parking [Benefit](#) Lot District or [Reduced Parking Area](#), up to 10% of all required spaces may be compact spaces.
4. If a column or other obstruction would interfere with opening a car door, then the minimum stall width of the affected space must be increased by one foot.
5. Tandem parking is allowed for dwelling units. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length. When used for residential purposes, both tandem parking spaces must be assigned to the same dwelling unit.
6. Valet parking [\[is allowed as a means of satisfying\]](#) [may be allowed to satisfy the parking requirement if](#) [\[required parking where\]](#):
 - a. [\[An\]](#) [an](#) attendant or mechanized system [\[is provided\]](#) to park vehicles [is available](#) during all business hours of the associated use, [and](#) [\[.\]](#)
 - b. [\[An equivalent\]](#) [the](#) number of valet spaces [\[is available to substitute for the\]](#) [equals the number of](#) required parking spaces. Valet spaces do not require individual striping, and may [\[take into account\]](#) [use](#) tandem or [mass](#) parking [\[and the mass parking\]](#) of vehicles.

F. [E.] Drive Aisles

1. [\[Interior drive aisles have parking stalls along the sides. Entrance and exit drive aisles have no parking stalls along the sides.\] If a drive aisle has parking stalls along the sides it is an interior drive aisle. A drive aisle with no parking stalls along the sides is an entrance or exit drive aisle.](#)
2. A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:

Parking Type	One Way	Two Way
Perpendicular	20'	20'
60 to 75 degrees	18'	20'
45 to 59 degrees	16'	20'
Parallel	10'	20'

None	10'	20'
------	-----	-----

G. [F.] Parking Separation

1. Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.
2. Any road, street, alley, sidewalk, or other public right-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

H. [G.] Walkways

[Pedestrian walkways or sidewalks must be provided in] An off-street parking [facilities] facility must have pedestrian walkways or sidewalks as needed for pedestrian safety. [Such walkways and sidewalks] A pedestrian walkway or sidewalk must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

I. [H.] Drainage

Any off-street parking facility must be drained to prevent damage to abutting properties and public streets, and must be constructed of material that will assure a surface resistant to erosion. All drainage must satisfy the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.

J. [I.] Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

1. Location

Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.

2. Setbacks

[a. For a general building, parking setbacks are established in Article 59-4.]

[b. For a detached house:]

- a. [i.] The minimum rear parking setback equals the minimum rear setback [that is] required for the detached house.

- b. [ii.] The minimum side parking setback equals 2 times the minimum side setback [that is] required for the detached house.
- c. [The following additional] In addition to the required setbacks [must be provided] for each parking facility:
 - i. [i.] [Where 150 to 199 parking spaces are provided,] the required side and rear parking setbacks must be increased by 5 feet for a parking facility with 150 to 199 parking spaces; and[.]
 - ii. [ii.] [Where 200 or more parking spaces are provided,] the required side and rear parking setbacks must be increased by 10 feet for a parking facility with more than 199 parking spaces.

K. [J.] Commercial Vehicle Parking for Properties with a Residential Use

1. In General

- a. Vehicles and machinery used primarily for Farming may be parked without restriction.
- b. Parking of a tow truck with a vehicle attached is prohibited.
- c. [Commercial vehicles] A commercial vehicle under [this] Section 6.2.5.K [[7.2.5.K]].[(Sec. 7.2.5.J)] [refer to vehicles] must be owned or used by an occupant of the dwelling.

2. AR, R, RC, and RNC Zones

- a. On any lot or parcel up to 0.5 acre, one light commercial vehicle and one unoccupied recreational vehicle may be parked at any one time.
- b. On any lot or parcel [over] more than 0.5 acre and [under] less than 2 acres, up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes on the property for [not more than] up to 3 days in any month.
- c. On any lot or parcel [over] more than 2 acres, there are no restrictions on commercial and recreational vehicle parking.

3. RE-2, RE-2C, and RE-1 Zones

- a. Up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked on any lot or parcel in the RE-2, RE-2C, or RE-1 zone at any one time. One additional recreational vehicle may be used for dwelling purposes on the property for [not more than] up to 3 days in any month.
- b. Any property zoned RE-1 that does not [meet the] have a minimum lot area of 40,000 square feet, must [meet] satisfy the requirements for [in Sec. 7.2.5.K,] Surface Parking in R-200, R-90, and R-60 under Section 6.2.5.L. [[7.2.5.L.]]

4. R-200, R-90, R-60, and R-40 Zones

One light commercial vehicle and one recreational vehicle may be parked on any lot or parcel in the R-200, R-90, R-60, or R-40 zone; [One recreational vehicle may be parked on a lot or parcel,] however, [it] the recreational vehicle [must not be] may only be used for dwelling purposes for [more than] up to 3 days in any month.

5. TLD, TMD, THD, R-30, R-20, and R-10 Zones

One light commercial vehicle may be parked in a garage on any lot or parcel [if the vehicle is parked in a garage] in the TLD, TMD, THD, R-30, R-20, or R-10 zone.

L. [K.] Surface Parking in R-200, R-90, R-60, and R-40 Zones

1. Parking for any vehicle or trailer in the area between the lot line and the front building line must be on a surfaced parking area.
- [2. The following provisions apply to the surfaced parking area:]
 2. [a.] Except as provided in Section 6.2.5.L.3 [[7.2.5.L.3]], the maximum surfaced parking area [The maximum area] between the lot line and the front building line [that can be covered by a surfaced parking area], excluding the surfaced parking area in a driveway on a pipestem or flag-shaped lot, is:
 - a. [i.] in the R-200 and R-90 zones, 30% or 320 square feet, whichever is greater; and

- b. [ii.] in the R-60 and R-40 zones, 35% or 320 square feet, whichever is greater; [except that]
 - [iii. DPS may grant a waiver to these limits as necessary to protect public safety; and
 - iv. any surfaced parking area existing before October 26, 2010 is not limited by this provision if it is not increased.]

3. A surfaced parking area may exceed the size limits in Section 6.2.5.L.2 [[7.2.5.L.2]] if:

- a. the surfaced parking area existed before October 26, 2010 and is not increased in size;
- b. [For properties with] the property has primary access from a primary residential street, minor arterial road, major highway, arterial, or any state road, [the surfaced parking area may be a maximum of] and is equal to or less than 50% of the area between the lot line and the front building line; [.]
- c. the property is a stone or rock quarry in the R-200 zone; or
- d. DPS grants a waiver to protect public safety.
4. [c.] Parking a vehicle in the area between the lot line and front building line on a non-surfaced parking area or [parking] on less than 160 square feet of surfaced parking area for each vehicle is prohibited.
5. [d.] One vehicle may be parked for every 160 square feet of surfaced parking area.
 - [e. The limit on surfaced parking area does not apply to stone or rock quarries in the R-200 zone.]
6. [3.] Temporary parking for visitors, loading, or unloading, or cleaning vehicles or trailers is permitted on any area for a maximum of 12 days per year. [Temporary parking is infrequent; not more than 12 days per year.] Temporary parking may also be permitted for cleaning vehicles and trailers if the vehicles are not heavy commercial vehicles.
7. Servicing a heavy commercial vehicle is prohibited.

Section 6.2.6. Bicycle Parking Design Standards

A. Long-Term Spaces

1. Location, Access, and Security

- a. Each long-term bicycle parking space must be provided within a building, covered parking garage, or [in] bicycle [lockers] locker. Access to each space must be convenient from] located near the building or structure and the street or other bicycle right-of-way.
- b. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
- c. [When provided] A long-term bicycle parking space in a garage:
 - i. [Each space] must be clearly marked as a long-term bicycle parking space [such and should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car];
 - ii. [Each space] must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade; [and]
 - iii. [Each space] must be in a well-lit, visible location near the main entrance or elevators; [and].]
 - iv. should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car.
- d. [When provided] If a long-term bicycle parking space is in an enclosed area, the facility must not be accessible to anyone without authorized access.
- e. [When] If a locker is provided, the locker must be securely anchored.
- f. Each facility must be well-maintained and well lit.

2. Space Dimensions

- a. Each long-term bicycle parking space must have:

- i. [A] a minimum vertical clearance of 75 inches~~[,]~~ for spaces other than lockers~~;~~~~[, and]~~
 - ii. a minimum vertical clearance of 48 inches for ~~[lockers.] a locker;~~
 - iii. [A] a minimum length of 72 inches and width of 24 inches [where bicycles are to be] if a bicycle is placed horizontally; and[.]
 - iv. [A] a minimum length of 40 inches and width of 24 inches [where bicycles are to be] if a bicycle is placed vertically.
- b. [An] A bicycle parking facility must have an aisle a minimum of 4 feet in width [must be provided] between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
 - c. [Where] If a room or common locker is not divided into individual spaces [is used to meet these requirements], each 12 square feet of floor area is counted as one bicycle parking space.
 - d. [Where] If a bicycle parking facility has a manufactured metal locker or stall [is provided], each locker or stall devoted to bicycle parking is counted as one bicycle parking space.

3. Signs

[Where] If a long-term bicycle parking facility is not visible from the street or main building entrance, the property owner must post a sign in a lobby or common area indicating the location of the bicycle parking [must be posted for bicyclists].

4. Changing Facilities – Showers and Lockers

- a. Any individual tenant space [over] with more than 50,000 square feet of nonresidential gross floor area (excluding retail or uses with less than 50 employees during the largest shift), must [provide] have one shower and changing facility for each gender, unless [provided in] the development has shower and changing facilities in a common area that is available to all tenants. [An] One additional [one] shower and changing facility per gender must be installed for every additional 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 for each gender.

- b. [Where] If a long-term bicycle storage facility is required for a nonresidential use, the facility must have a minimum [number] of 0.3 clothing lockers [equal to 0.3 times the minimum number of] for each required long-term storage space [spaces must be provided] for each gender, and must be a minimum of] Each clothing locker must be:
 - i. a minimum of 12 inches wide, 18 inches deep, and 36 inches high, and must be]
 - ii. available for use during all hours that employees are on-site; and [.]
 - iii. [Lockers must be] installed adjacent to the showers and changing facilities in a safe and secured area.
- c. [Public parking facilities are exempt from the requirements of Sec. 7.2.6.A.4.] Section 6.2.6.A.4. [[7.2.6.A.4]] does not apply to a public parking facility.

B. Short-Term Spaces

1. Location, Access, and Security

- a. Each short-term bicycle parking space must be:
 - i. available to the public; [.]
 - ii. [b. Each space must be provided] located in a convenient, well-lit [location] area that is clearly visible to both [the] a visitor to the building [for which the space is built, as well as] and a person who is on the sidewalk that accesses the building's main entrance; and [.]
 - iii. [c. A space must be placed no more than] within 90 feet from:
 - (a) [i.] the main entrance of any building; or
 - (b) [ii.] at least one main entrance of a building with more than one main entrance; and unless
 - (c) [iii. if a site plan or conditional use is required,] the applicable deciding body [may approve] approves an alternative location during the site plan or conditional use process.
- b. Each parking facility [must be placed to avoid] is prohibited from obstructing pedestrian traffic or interfering with the use of [other features located in] the pedestrian area.

- c. Any sidewalk rack that is parallel to the curb must be located 2 feet from the curb face.
- d. Any sidewalk rack aligned perpendicular to the curb must be [placed] located so that the nearest vertical component of the rack is [at least] a minimum of 4 feet from the curb.
- e. Each sidewalk rack must be [at least] a minimum of 14 feet from any stand-alone fire hydrant.
- f. Each parked bicycle must be accessible without moving another bicycle.
- g. A bicycle parking facility must have an [An] aisle [at least] a minimum of 4 feet in width [must be maintained] behind all occupied parking racks to allow room for bicycle maneuvering.

2. Racks

[Where required bicycle parking is provided via a rack, the] A bicycle rack must [meet the following design and dimension standards]:

- a. [the] permit a bicycle frame and one wheel [can] to be locked to the rack with a high security lock;
- b. permit a bicycle [can] to be securely held with its frame supported in at least 2 places;
- c. [racks must] be offset a minimum of 30 inches on center;
- d. [the rack must] be durable and securely anchored;
- e. have a [the] locking surface [of the rack must be] thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters;
- f. have aisles a minimum width of 48 inches between racks [must have a minimum width of 48 inches];
- g. have a minimum depth of 72 inches [should be allowed for] between each row of parked bicycles; and
- h. [the rack must] perform [at least] as well as an inverted u-rack.

Section 6.2.7. Queuing Design Standards

A. Spaces Required

1. A Restaurant must have a minimum of 5 queuing spaces [must be provided] for each drive-thru lane [for a restaurant].
2. [A] Any non-Restaurant use must have a minimum of 3 queuing spaces [must be provided] for each drive-thru lane [for any non-restaurant use].

B. Design

1. A queuing space must be [equal in] the same size [to] as a standard parallel parking space under [this] Division 6.2. [[7.2.]] [(Div. 7.2)]
2. [Vehicles using] A vehicle must be able to use a drive-thru [facilities] facility without encroaching [must not encroach] on or [interfere] interfering with the public use of streets and sidewalks.
3. Any aisle to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.
4. Each queuing space must satisfy the parking lot landscaping and lighting requirements in [Sec.] Section 6.2.9. [[7.2.9.]]

Section 6.2.8. Loading Design Standards

A. Applicability

The required number of off-street loading spaces is determined by the number of dwelling units, gross floor area of the use, and the type of use. The table in [Sec.] Section 6.2.8.B [[7.2.8.B]] designates the number of loading spaces required. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed [via] by trucks. If a development has 2 or more uses, the [The] off-street loading space requirement [for a development with 2 or more uses] is the highest number of spaces required of any one use.

B. Required Off-Street Loading Spaces

1. Multi-Unit Living Uses

Metric	Required Number of Spaces (min)
Under 50 dwelling units	None
50 dwelling units and above	1

2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses

Metric	Required Number of Spaces (min)
Up to 25,000 SF of GFA	None
25,001 to 250,000 SF of GFA	1
250,001 to 500,000 SF of GFA	2
500,001 to 750,000 SF of GFA	3
750,000 SF of GFA and above	4

3. Retail Sales and Services, Manufacturing and Production, and Warehouse Uses

Metric	Required Number of Spaces (min)
Up to 15,000 SF of GFA	None
15,001 to 50,000 SF of GFA	1
50,001 to 200,000 SF of GFA	2
200,001 to 350,000 SF of GFA	3
350,001 SF of GFA and above	4

C. Location and Design

1. Location

- a. [Each] An off-street loading space must be located within the same development as the building or use served.
- b. [Each] An off-street loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.
- c. [Each] An off-street loading space is prohibited from being located between the front building line and the lot line.

2. Dimensions

The size of a [Required] loading space [dimensions depend upon] is determined by the size of delivery vehicles serving the site. The minimum size of a loading space is [Minimum sizes are]:

- a. [For spaces serving single-unit trucks and similar delivery vehicles:] 10 feet wide, 30 feet long, and 14 feet high if it serves single-unit trucks and similar delivery vehicles; and

- b. [For spaces serving larger freight vehicles:] 12 feet wide, 55 feet long, and 15 feet high if it serves larger freight vehicles.

3. Maneuvering

[Minimum required] The size of a maneuvering [areas depend upon] area is determined by the size of the delivery vehicles serving the site. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. [All] A maneuvering area must be [contained] located on-site[. The minimum size of maneuvering areas are] and be a minimum of:

- a. [For spaces serving single-unit trucks and similar delivery vehicles:] 30 feet for spaces serving single-unit trucks and similar delivery vehicles; and
- b. [For spaces serving larger freight vehicles:] 50 feet for spaces serving larger freight vehicles .

4. Surfacing

Each off-street loading space must be paved with a durable, all-weather material, such as concrete or asphalt.

5. Safe Design

Each loading space [Loading spaces] must be designed and located to minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

Section 6.2.9. Parking Lot Landscaping and Outdoor Lighting

A. Applicability

[This] Section 6.2.9 ~~[[7.2.9]]~~ [(Sec. 7.2.9)] applies to any:

- 1. surface parking lot with 10 or more spaces~~[,];~~
- 2. [any] structured parking facility~~[,];~~ or
- 3. [any] property with a conditional use requiring 3 to 9 spaces [abutting] that abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use.

B. Parking Lot Requirements for Conditional Uses Requiring 3 to 9 Spaces

- 1. If a property with a conditional use requiring 3 to 9 parking spaces is abutting Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, the parking lot must have a perimeter planting area that:
 - a. [the perimeter planting area must satisfy] satisfies the minimum specified parking setback under Article 59-4 or, if not specified, is a minimum of 8 feet wide;
 - b. [each perimeter planting area must contain] contains a hedge, fence, or wall a minimum of 4 feet high; and
 - c. has a minimum of 1 understory or evergreen tree [must be] planted every 30 feet on center.
- 2. The [Board of Appeals] Hearing Examiner may increase the perimeter planting requirements for a conditional use application under [Sec.] Section 7.3.1. [[8.3.1.]]

C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- a. A surface parking lot must have landscaped [area comprising a minimum of 5% of the total area of the surface parking lot must be provided in] islands that are a minimum of 100 contiguous square feet each [comprising a minimum of 5% of the total area of the surface parking lot]. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- b. A maximum of 20 parking spaces may be located between islands.
- c. A landscaped [Landscaped] area may be used for a stormwater management ESD facility.

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the Planning Board's Trees Technical Manual [approved by the Planning Board], as amended.

3. Perimeter Planting

- a. The perimeter planting area for a property that abuts [If abutting] an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use must:
 - i. [the perimeter planting area must] be a minimum of 10 feet wide;
 - ii. [each perimeter planting area must] contain a hedge, fence, or wall a minimum of 6 feet high;
 - iii. have a canopy tree [must be] planted every 30 feet on center [in the perimeter planting area]; and
 - iv. have a minimum of 2 understory trees [must be] planted for every canopy tree [in the perimeter planting area].
- b. The perimeter planting area for a property that abuts [If abutting] any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use must:
 - i. [the perimeter planting area must] be a minimum of 6 feet wide;
 - ii. [each perimeter planting area must] contain a hedge or low wall a minimum of 3 feet high; and
 - iii. have a canopy tree [must be] planted every 30 feet on center [in the perimeter planting area]; [and] unless
 - iv. [where a parking lot] the property abuts another parking lot, in which case a perimeter planting area is not required.

4. Lighting

Parking lot lighting must [meet the standards of Sec. 7.5.4] satisfy Section 6.4.4 [[7.4.4]], General Outdoor Lighting Requirements.

D. Structured Parking Requirements

1. A structured parking garage must have a living green wall or public artwork [is required] along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
2. [Roof] The roof illumination of a structured parking garage must [meet the

standards of Sec. 7.5.4] satisfy Section 6.4.4 [[7.4.4]], General Outdoor Lighting Requirements, except:

- a. [that] any lighting fixture located within 30 feet of the deck perimeter must be 15 feet or less in height; and
- b. any fixture located elsewhere on the deck must be 30 feet or less in height.

E. Interim Conditions

The Planning Board may allow a [Any] parking lot that is constructed as an interim use under a sketch plan or site plan [application] with an approved phasing plan [may] to deviate from [this] Section 6.2.9 [[7.2.9]] [(Sec. 7.2.9)] if the Planning Board finds that a compatible, safe, and efficient alternative is provided.

[Sec. 7.2.10. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.2) if the applicant submits documentation illustrating how:
 1. the intent of the Division is satisfied;
 2. the functional results or performance standards of the requirements are met or exceeded; and
 3. it is in the public interest.
- B. A plan approved with an alternative method of compliance must pay any applicable tax under Chapter 60.]

Division 6.3. Open Space and Recreation

Section 6.3.1. Intent

Open space [provides] can provide adequate light, air, circulation, and recreation and [encourages] encourage preservation and enhancement of natural resources, including improvement of water and air quality.

Section 6.3.2. Applicability

The following table summarizes the types of open space that are required by zone, development method, and building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in [Sec.] Section 6.3.4 [[7.3.4]] to [Sec.] Section 6.3.7 [[7.3.7]]; open space area requirements are provided in the Section references in the following table:

Zone	[[Section]] Division References for Amount of Open Space Required	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	[[6.2.3.A]] <u>4.3.</u>	CD			
RNC	[[4.3.5.A or 6.1.2.A]] <u>4.3</u>	All	MPDU		
RE-2C, RE-1, R-200, R-90, R-60, R-40	[[6.1.2.A or 6.2.3.A]] <u>4.4</u>		MPDU or CD		
TLD, TMD, THD	[[4.4.10.A, 4.4.11.A, 4.4.12.A, or 6.1.2.A]] <u>4.4</u>		T, G, or MPDU		
R-30, R-20, R-10	[[4.4.13.A, 4.4.14.A, 4.4.15.A, or 6.1.2.A]] <u>4.4</u>		T, A/[C], G or MPDU		
CRN, CRT, CR, LSC	[[4.5.4.A, 4.6.5.A, 6.4.2.A, or 6.5.2.A]] <u>4.5</u>		T	A/[C], MU, or G	
GR, NR, EOF, IL, IM, IH	[[4.6.4.A, 4.6.6.A, 4.7.4.A, 4.7.5.A, or 6.5.2.A]] <u>4.6 or 4.7</u>		T		A/[C], MU, or G

For Floating zones, open space is required under the equivalent Euclidean zone that determines uses.

KEY: All = All development CD = Optional method Cluster Development
 MPDU = Optional method MPDU Development T = Townhouse Building Type
 A/[C] = Apartment/[Condo] Building Type MU = Multi Use Building Type
 G = General Building Type Blank Cell = Not required

Section 6.3.3. Allowed and Prohibited Features in Open Space

A. Allowed Features

The following table summarizes the allowed features in each type of open space:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	x	x
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A	A	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x	A	A
Pedestrian or non-motorized multipurpose trail	A	A	A	A
Natural resource-based recreation	A	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenity recommended by an approved urban renewal plan	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water body, such as a lake, pond, and floodway	A	A	x	x
Non-structural, natural, and ESD stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation-oriented use compatible with the purpose of [this] Division 6.3 [[7.3]]	A	A	A	A

KEY: A = Allowed in open space x = Not allowed in open space

B. Prohibited Features

[The following features are prohibited in an] An open space must not include: [;]

1. a [A] street;
2. a parking [Parking] or maneuvering area for vehicles;
3. an individual [Individual] wastewater disposal area, or drain field for community systems;
4. a Transitory Use;
5. any activity [Activity] prohibited by the applicable deciding body and recorded on the legal instrument providing for permanent protection; [and] or

6. any [Any] use prohibited in rural open space under [Sec.] Section 6.3.4.A.4. [[7.3.4.A.4]]

Section 6.3.4. Rural Open Space

A. General Requirements

1. Applicability

- a. All optional method Cluster Development in the RC zone must provide rural open space.
- b. All development in the RNC zone must provide rural open space.

2. Defined

Rural open space [is] means land that is managed as farmland or in a natural state as allowed under [Sec. 7.3.4.B.1.f] Section 6.3.4.B.1.d. [[7.3.4.B.1.d.]]

3. Amount of Rural Open Space

The Planning Board may approve a minor variation in the master plan recommended rural open space if it finds that the variation would retain or enhance both the quality and character of the rural open space, but the Planning Board must not [allow] approve less rural open space than the zone requires.

4. Uses in Rural Open Space[:]

- a. In the RC zone, the following uses allowed under Article 59-3 are prohibited in any rural open space area:
 - i. Agricultural Processing;
 - ii. Farm Supply, Machinery Sales, Storage, and Service;
 - iii. Nursery (Retail);
 - iv. Nursery (Wholesale);
 - v. Slaughterhouse;
 - vi. Seasonal Outdoor Sales;
 - vii. Farm Tenant Dwelling not associated with a farm in the rural open space;
 - viii. Independent Living Facility for Seniors or Persons with Disabilities;

- ix. Residential Care Facility (Up to 8 Persons);
- x. Residential Care Facility (9 - 16 Persons);
- xi. Residential Care Facility (Over 16 Persons);
- xii. Charitable, Philanthropic Institution;
- xiii. Group Day Care (9 - 12 Persons);
- xiv. Day Care Center (13 - 30 Persons);
- xv. Day Care Center (Over 30 Persons);
- xvi. Private Club, Service Organization;
- xvii. Public Use (Except Utilities);
- xviii. Religious Assembly;
- xix. Animal Boarding and Care;
- xx. Veterinary Office/Hospital;
- xxi. Media Broadcast Tower;
- xxii. Country Inn;
- xxiii. Cemetery;
- xxiv. Landscape Contractor;
- xxv. Shooting Range (Outdoor);
- xxvi. Rural Antique Shop; and
- xxvii. Mining, Excavation;

- b. In the RNC zone, the following uses allowed under Article 59-3 [zone] are prohibited in any rural open space area:
 - i. Equestrian Facility (3+ horses);
 - ii. Farm Supply, Machinery Sales, Storage, and Service;
 - iii. Nursery (Retail);
 - iv. Nursery (Wholesale);
 - v. Winery;
 - vi. Farm Market, On-site;
 - vii. Seasonal Outdoor Sales;

- viii. Townhouse Living;
- ix. Independent Living Facility for Seniors or Persons with Disabilities;
- x. Residential Care Facility (Up to 8 Persons);
- xi. Residential Care Facility (9 - 16 Persons);
- xii. Residential Care Facility (Over 16 Persons);
- xiii. Charitable, Philanthropic Institution;
- xiv. Cultural Institution;
- xv. Group Day Care (9 - 12 Persons);
- xvi. Day Care Center (13 - 30 Persons);
- xvii. Day Care Center (Over 30 Persons);
- xviii. Educational Institution (Private);
- xix. Playground, Outdoor Area (Private);
- xx. Private Club, Service Organization;
- xxi. Public Use (Except Utilities);
- xxii. Religious Assembly;
- xxiii. Swimming Pool (Community);
- xxiv. Animal Boarding and Care;
- xxv. Veterinary Office/Hospital;
- xxvi. Cable Communications System;
- xxvii. Telecommunications Tower;
- xxviii. Cemetery;
- xxix. Landscape Contractor;
- xxx. Rural Antique Shop;
- xxxi. Rural Country Market; and
- xxxii. Public Utility Structure.

B. Design Requirements

1. Guidelines for Development

- a. In addition to any other requirements of [this] Division 6.3 [[7.3]] [(Div. 7.3)] and Chapter 50 ([Sec.] Section 50-39), rural open space must [should be developed as follows]:
 - i. [a. Rural open space must] be used to minimize any potential nuisance or conflict and maximize compatibility between residential and agricultural uses within the proposed development and between the proposed and existing development;
 - ii. [b. Disturbance] limit the disturbance of the area to become rural open space [must be limited] to the maximum extent possible during construction of residential lots and associated infrastructure; and
 - iii. [c. Rural open space must] be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records[;].
- b. [d.] In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:
 - i. restrict uses in the rural open space under Article 59-3 and [Sec.] Section 6.3.4.A.4 [[7.3.4.A.4]];
 - ii. provide for the management of any natural or agricultural features under the approved site plan; and
 - iii. prohibit any development or subdivision within the rural open space area not expressly allowed.
- c. [e.] Rural open space used for a farm in the RC zone must be a minimum of 25 acres [in size], unless the Planning Board finds that a smaller farm will implement the intent of [this] Division 6.3 [[7.3]] [(Div. 7.3)] and the zone[; and]
- d. [f.] Rural open space may be managed [under one or more of the following techniques] by:

- i. reforestation;
- ii. woodland, meadow, wetland, or agricultural management;
- iii. streambank or floodplain protection; or
- iv. non-structural stormwater management; however, in the RNC zone, the Planning Board may allow a structural stormwater management facility in the rural open space if the location and appearance of the facility is consistent with the general intent of the RNC zone, and substantially conforms with the recommendations of the applicable master plan for use of the open space.

2. Open Space Allocation

[The following land area must be included in] Before adding other types of land areas in rural open space [before other land areas], rural open space must include:

- a. floodplain;
- b. stream buffer area;
- c. jurisdictional wetland under federal law ([Sec.] Section 404) [that meet the definition applied] as defined by the Army Corps of Engineers;
- d. habitat for state- or federally-listed endangered or threatened species;
- e. historic, archaeological and cultural site, cemetery and burial ground;
- f. agricultural land containing prime farmland soil or other soil of statewide importance;
- g. an area containing existing healthy trees greater than 12 inches DBH;
- h. an area that connects the site to neighboring rural open space, trails, or greenways;
- i. areas containing highly erodible soils or soils with severe limitations for development due to drainage problems;
- j. forest areas not included in the environmental buffer; and
- k. viewsheds recommended for preservation by the applicable master plan.

3. Configuration of Rural Open Space

- a. The minimum width for any rural open space is 75 feet[. The] unless the Planning Board [may grant] grants an exception for items such as a trail easement or linear park when their purpose meets the intent of [this] Section 6.3.4 [[7.3.4]].[(Sec. 7.3.4)].
- b. A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.
- c. Where feasible, the rural open space must adjoin any neighboring area of open space, other protected area, [and] or non-protected natural area that would be a candidate for inclusion as part of a future area of protected rural open space.

Section 6.3.5. Common Open Space

A. General Requirements

1. Applicability

Common open space is required for any:

- a. [Any] optional method development in [any] [[a]] an RNC [and] or Residential Detached zone;
- b. [Any] development with a townhouse[,] or apartment[/condo, or general] building type in [any] a Residential Townhouse [and] or Residential Multi-Unit zone;
- c. [Any] townhouse development in [any] a Commercial/Residential [and] or Employment zone; and
- d. [Any] Floating zone, as required under the equivalent Euclidean zone that determines uses.

2. Defined

Common open space [is] means an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.

B. Design Requirements

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
2. The minimum width for any required common open space is 50 feet. The unless the deciding body may grant grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, when their by finding that its purpose meets the intent of this Division 6.3 [[7.3]]. (Div. 7.3).
3. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

Section 6.3.6. Public Open Space

A. General Requirements

1. Applicability

Any development with an apartment [condo], multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF [zones] zone must provide the required public open space under the applicable development standards.

2. Defined

Public open space [is] means space devoted to public use or enjoyment that enhances the public realm attracts public appreciation due to its location and amenities.

3. Public Open Space Alternatives

- a. Development with a civic and institutional use in the LSC zone may provide up to 50% of the required public open space as amenity open space under [Sec.] Section 6.3.7 [[7.3.7]], if the Planning Board determines finds that the amenity open space better serves the public interest due to health and safety concerns.
- b. Up to 5% of public open space may be used for outdoor café areas.

B. Design Requirements

1. Standard Method Development

Under standard method development, public [Public] open space must:

- a. abut a public sidewalk or other public pedestrian route;
- b. be a minimum of 15 feet wide;
- c. [provide] include seating and shade; and
- d. be [provided] in a contiguous space.

2. Optional Method Development

Under optional method development, public [Public] open space must:

- a. [must] abut a public sidewalk or other public pedestrian route;
- b. [must provide] include space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation [space]; and
- c. [must] be [provided] in a contiguous space or spaces that [are abutting] abut other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not [fulfill] satisfy the intent of this Division 6.3 [[7.3]]. (Div. 7.3).

C. Off-Site Options

The Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

1. [Implementing] making public park or public open space improvements [of an equal or greater size] in an area at least as large as the required public open space located within or near the applicable master plan area; or
2. [Making a payment in part or in full for] paying all or part of the cost to design, [construction, renovation, restoration, installation, or operation] construct, renovate, restore, install, or operate a public open space located within or near the applicable master plan area if the payment [is]:
 - a. [Equal to] equals the cost of constructing [an equal] the same amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot;

- b. [Used to implement] implements the open space, recreation, and cultural goals of the applicable master plan; and
- c. [Made] is made [no later than] within 30 days after the release of any building permit for the subject application.

Section 6.3.7. Amenity Open Space

A. General Requirements

1. Applicability

Any development in the Industrial zones and development of any apartment/[condo], multi use, or general building type in the GR, NR, EOF, GRF, NRF, or EOFF zones must provide amenity open space under [this] Section 6.3.7. [[7.3.7.]][(Sec. 7.3-7)]

2. Defined

Amenity open space [is] means an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.

B. Design Requirements

- 1. The minimum width for any required amenity open space is 15 feet except for a sidewalk, pathway, or trail.
- 2. Amenity open space must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation [space].

Section 6.3.8. Open Space Landscaping and Outdoor Lighting

A. Overview of Required Open Space Landscaping

The following table summarizes the open space landscaping requirements:

Open Space Type	Farming	Native Species	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Required	90%	No Minimum
Common Open Space	Allowed	Preferred	80%	20%
Public Open Space	Allowed in Community Garden	Preferred	10%	10%
Amenity Open Space	Allowed	Preferred	10%	10%

B. Open Space Landscaping Requirements

1. General

Open space landscaping and lighting must protect environmentally sensitive areas and address the recreation needs of the proposed community.

2. Farming

[Farming allowed in open space includes any] Any Farming or Urban Farming use under the applicable use standards for each zone in [Sec.] Section 3.2.6 and [Sec.] Section 3.2.9 is allowed in open space.

3. Native Species

Rural open space must contain native species only.

4. Permeable Area

Permeable area provides some portion of each open space type with landscaping, carbon sequestration, rainwater infiltration, and heat island mitigation. Any permeable area must be pervious, open to the sky, and covered with live plant material or mulch. Permeable area includes any water body, bioretention area, or other ESD stormwater facility.

5. Tree Canopy

Tree canopy provides shade, carbon sequestration, and heat island mitigation. Tree canopy size is [determined] calculated at 20 years of growth, as defined by the Planning Board's Trees Technical Manual [approved by the Planning Board], as amended.

6. Plant Distance from Paved Surface

Any shrub or tree must be located a minimum of 24 inches from the center to any paved surface, except for any street tree planted along a sidewalk.

C. Open Space Lighting

- 1. In rural open space and common open space, illumination at the property line must be 0.1 footcandles or less.
- 2. In public open space and amenity open space, illumination at the property line must be:

- a. 0.1 footcandles or less [abutting] if the subject property abuts a property that is in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- b. 0.5 footcandles or less [illumination at the property line for] if the subject property abuts any other property [must be], excluding street lights within the right-of-way.

Section 6.3.9. Recreation Facilities

The Planning Board must adopt guidelines that detail the standards and requirements for recreation facilities. The guidelines must:

- A. be consistent with the purposes of this Chapter;
- B. be in addition to any standards, requirements, or rules in this Chapter; and
- C. establish the minimum standards for development of a property with [that provides 20 or] more than 19 residential units.

[Sec. 7.3.10. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.3) if the applicant submits documentation illustrating how:
 - 1. the intent of the Division is satisfied;
 - 2. the functional results or performance standards of the requirements are met or exceeded; and
 - 3. it is in the public interest.]

[Div. 7.4. Compatibility Standards

Sec. 7.4.1. Intent

The compatibility standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses. Additional setbacks, height restrictions, and screening may be required by an Overlay zone, use standards, or by another Section of this Chapter.

Sec. 7.4.2. Applicability

A. Method of Development

This Division (Div. 7.4) only applies to standard method development. Compatibility standards for optional method development are determined at site plan under Sec. 8.3.4.

B. Development in the Agricultural, Rural Residential, and Residential Detached Zones

1. A conditional use in any building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.
 - a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.
 - b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.
2. Any use in a general building must satisfy the setback and screening standards in this Division (Div. 7.4) if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

C. Development in the Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating Zones

1. A conditional use in a detached house or duplex building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural

Residential, or Residential zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

- a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.
 - b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.
2. Any use in a townhouse, apartment[/condo], multi use, or general building type must satisfy the applicable setback, height, and screening standards in this Division (Div. 7.4) as indicated in the following table:

Building Type	Abutting Zone		
	Agricultural, Rural Residential, Residential Detached	Residential Townhouse	Residential Multi-Unit
Townhouse	Sc	N	N
Apartment[/condo] in a Residential Multi-Unit zone	Sc, Sb	N	N
Apartment[/condo] or Multi Use Building in a Commercial/Residential, Employment, or Industrial zone	Sc, Sb, H	Sc, Sb, H	N
General Building, with a non-Industrial use	Sc, Sb, H	Sc, Sb, H	N
General Building, with an Industrial use	Sc, Sb, H	Sc, Sb, H	Sc, Sb, H

KEY: Sc = Screening required H = Height Required
 Sb = Setback required N = Compatibility standards not required

Sec. 7.4.3. Setback Standards

A. Abutting Property

1. If the abutting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, the minimum setback equals 1.5 times the minimum setback required for a detached house on the abutting property;
2. If the abutting property is improved with a civic and institutional, commer-

cial, industrial, or miscellaneous use under Sec. 3.1.6, the minimum setback equals the minimum setback required for a detached house on the abutting property; and

3. When screening is required under Sec. 7.4.5 if the screening width is greater than the minimum setback established by this Section (Sec. 7.4.2.A), the minimum setback equals the required screening width.

B. Confronting Property

Front and side street setbacks are not modified by this Section (Sec. 7.4.3).

Sec. 7.4.4. Height Restrictions

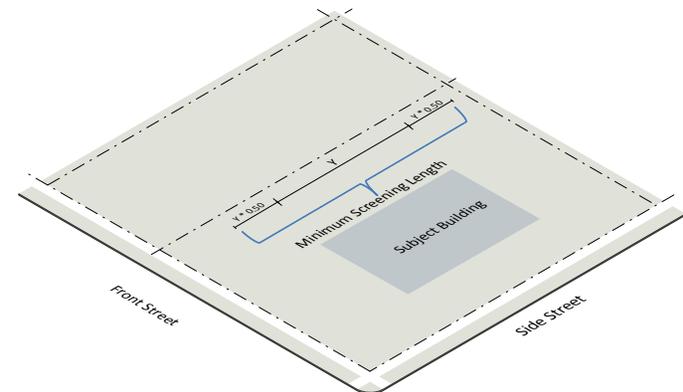
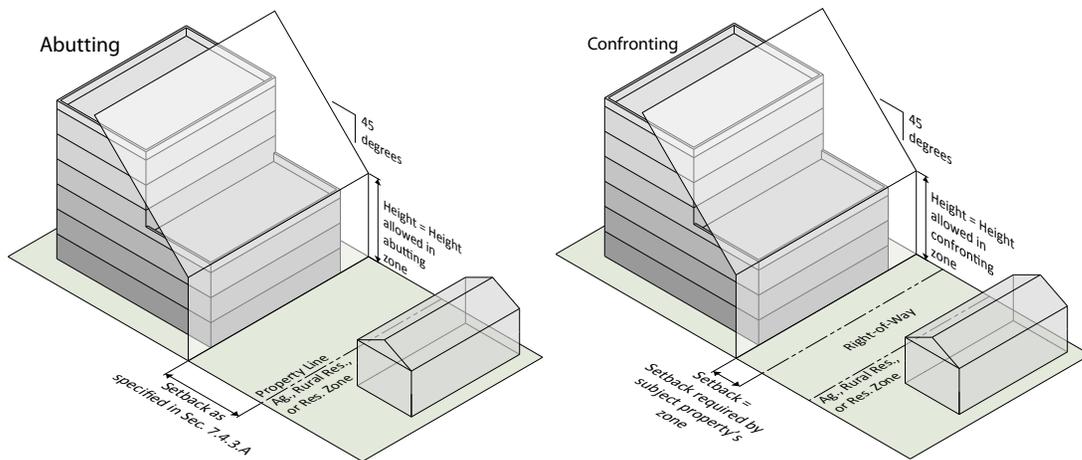
- A. If the abutting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, and the applicant proposes a building height greater than the height allowed in the abutting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the abutting zone at the setback line determined by Sec. 7.4.2.A.
- B. If the confronting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, and the applicant proposes a building height greater than the height allowed in the confronting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the confronting zone at the subject lot's front or side street setback line determined by Article 59-4.

- C. Where the abutting or confronting property is improved with a civic and institutional, commercial, industrial, or miscellaneous use under Sec. 3.1.6, the maximum height is not modified by this Section (Sec. 7.4.4).

Sec. 7.4.5. Screening Requirements

A. Location

1. Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use under Sec. 3.1.6.
2. Screening may be placed within any required setback. If the required setback is less than the screening width established for the building type in this Section (Sec. 7.4.5), the required screening width in Sec. 7.4.5 must be provided.
3. Screening must be placed between the lot line and the subject structure or use and extend along the lot line a length equal to the length of the subject structure or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.



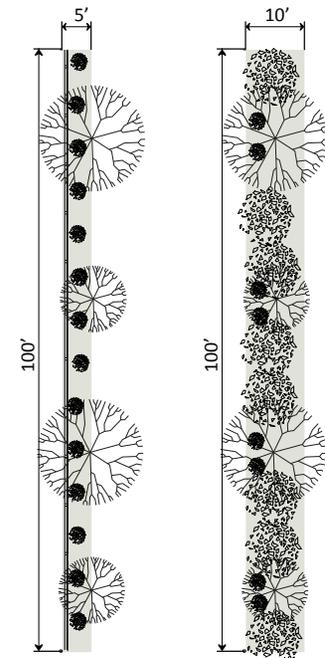
4. Screening is not required between a lot line and the subject structure or use if separated from the lot line by a surface parking lot. Instead, landscaping must be provided under Sec. 7.2.9.

B. Berms

Berms must have a rounded crown suitable for planting, and a stabilized side slope of 40% or less. Berms may meander and be discontinuous if the screening intent of this Division (Div. 7.4) is met.

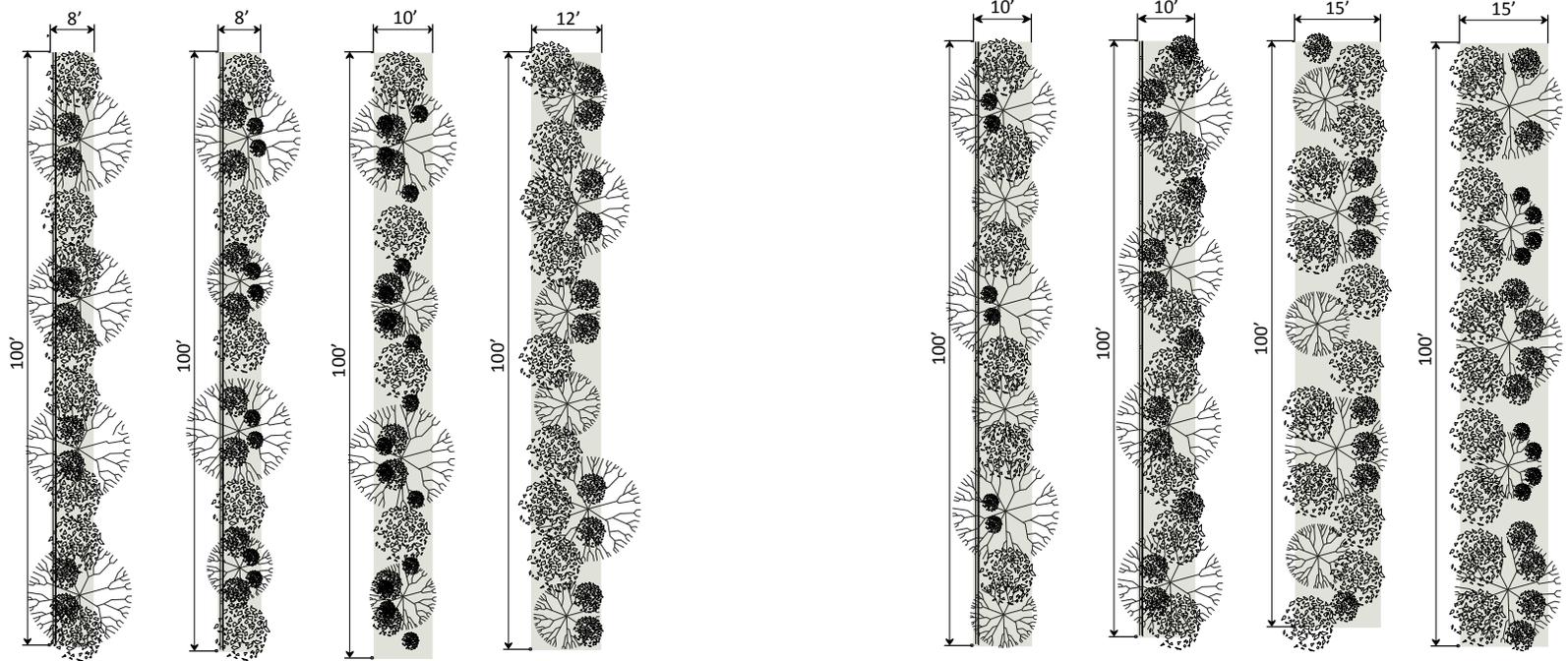
C. Screening Requirements by Building Type

1. Screening is based on the proposed building type, unless otherwise stated. The minimum requirements for each building type are in Sec. 7.4.5.C.4 through Sec. 7.4.5.C.8; however, additional planting is allowed.
2. Plant materials are specified for each 100 linear feet of screening area. Any fractional requirement must be rounded up to the next higher whole number.
3. The applicant may choose between any option for the applicable building type or use.



4. Townhouse

	Option A	Option B
Dimensions (min)		
Width	5'	10'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	2
Shrubs (minimum per 100')		
Large	--	8
Medium	--	--
Small	16	8
Wall, Fence or Berm (min)	4' fence or wall	--

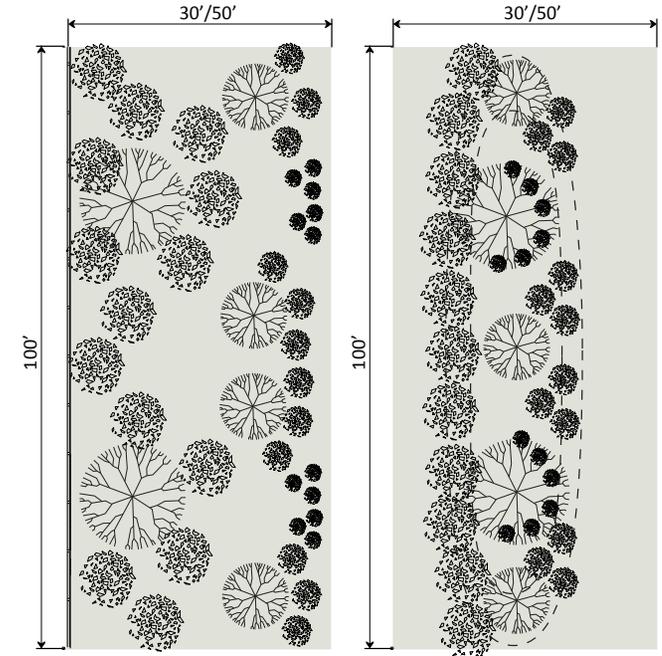
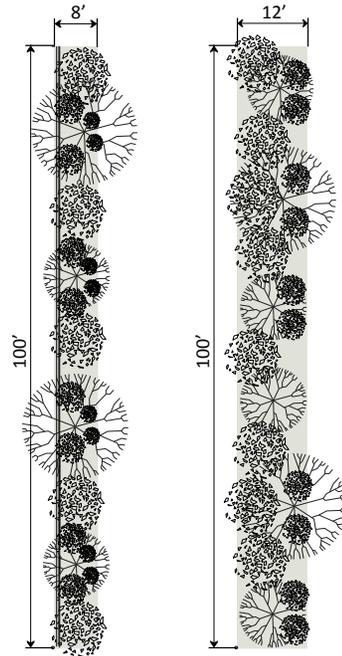


5. Apartment[/Condo] Up to 60 Feet in Height or Multi Use Building Up to 40 Feet in Height

	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	8'	8'	10'	12'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	4	2	2	2
Understory or Evergreen	--	2	2	4
Shrubs (minimum per 100')				
Large	8	6	4	8
Medium	8	8	8	12
Small	--	8	8	--
Wall, Fence or Berm (min)	4' fence or wall	4' fence or wall	--	--

6. Apartment[/Condo] Over 60 Feet in Height or Multi Use Building Over 40 Feet in Height

	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	10'	10'	15'	15'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	3	4	2	3
Understory or Evergreen	3	--	3	2
Shrubs (minimum per 100')				
Large	6	8	11	10
Medium	--	12	8	10
Small	6	--	--	12
Wall, Fence or Berm (min)	4' fence or wall	6' fence or wall	--	--



7. General Building with a Non-Industrial Use; Conditional Use in the Agricultural, Rural Residential, or Residential Zones; and Conditional Use in a Detached House or Duplex in Any Other Zone

	Option A	Option B
Dimensions (min)		
Depth	8'	12'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--

8. General Building with an Industrial Use

	Option A	Option B
Dimensions (min)		
Depth for all zones except IH zone	30'	30'
Depth for IH zone	50'	50'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	4	3
Shrubs (minimum per 100')		
Large	14	11
Medium	12	12
Small	12	12
Wall, Fence or Berm (min)	6' fence or wall	6' berm

Sec. 7.4.6. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.4) if the applicant submits documentation illustrating how:
1. the intent of the Division is satisfied;
 2. the functional results or performance standards of the requirements are met or exceeded; and
 3. it is in the public interest.]

Division 6.4. General Landscaping and Outdoor Lighting

Section 6.4.1. Intent

[This] Division 6.4 ~~[[7.4]]~~ ~~[(Div. 7.5)]~~ [regulates] provides minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The intent of these standards is ~~[requirements are intended]~~ to preserve property values, ~~[; to]~~ preserve and strengthen the character of communities, ~~[;]~~ and [to] improve water and air quality.

Section 6.4.2. Applicability

[This] Division 6.4 ~~[[7.4]]~~ ~~[(Div. 7.5)]~~ applies to landscaping required under this Chapter, ~~[and to] the~~ installation of any new outdoor lighting fixture, and [or] the replacement of any existing outdoor fixture. Replacement of a fixture ~~[refers to]~~ means to [a] change ~~[of] the~~ fixture type or to change ~~[to]~~ the mounting height or location of the fixture.

Section 6.4.3. General Landscaping Requirements

A. General

1. DPS must not issue a final certificate of occupancy until all trees and plant material have been installed [under the requirements of this] and satisfy Division 6.4 ~~[[7.4]]~~ ~~[(Div. 7.5)]~~.
2. DPS may issue a [A] temporary certificate of occupancy [may be issued] for a period of up to 6 months [due to] if [circumstances that make the] planting of the site is impractical, or until the proper planting season [is reached] to complete the landscaping requirements occurs.
3. Landscaping and lighting must satisfy any applicable design guidelines or streetscape standards.
4. To satisfy [the requirements of this Division (Div. 7.5),] Section 6.2.9 ~~[[7.2.9]]~~, Division 6.3 ~~[[7.3]]~~, and Division 6.6 ~~[[7.6]]~~, a property owner must not place plant material [must not be placed] in any utility, stormwater management, or other easement that may result in removal of the plantings, except as [explicitly] allowed under Section 6.2.9 ~~[[7.2.9]]~~, Division 6.3 ~~[[7.3]]~~, and Division 6.6 ~~[[7.6]]~~. ~~[this Division (Div. 7.5)].~~

5. All landscape plans and related documentation must be prepared by a licensed landscape architect.
6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants [are prohibited] must not be used for landscaping.

B. Landscaping Elements

1. Plant Material

- a. Any landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must satisfy all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. Mature plant size is based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

2. Canopy Trees

a. Defined

A canopy tree is a large deciduous tree, typically 40 to 70 feet tall at maturity, with a minimum spread (canopy) of 30 feet. A canopy tree typically has only a single trunk.

b. Size at Time of Planting

Any canopy tree within an open space area, screening area, or surface parking lot must have a minimum caliper of 2 inches or a minimum height of 14 feet when planted.

3. Understory Trees

a. Defined

An understory tree is a small deciduous tree, typically less than 30 feet tall at maturity. Many understory trees have multiple trunks.

b. Size at Time of Planting

- i. Any single trunk understory tree [within] located in an open space area, screening area, or surface parking lot must have a minimum caliper of 1.5 inches or a minimum height of 10 feet when planted.
- ii. Any multi-trunk understory tree [within] located in an open space area, screening area, or surface parking lot must have a minimum of 3 main stems, each with a minimum caliper of 1.5 inches per stem, or a minimum height of 10 feet, when planted.

4. Evergreen Trees

a. Defined

An evergreen tree (conifer), typically more than 40 feet tall at maturity.

b. Size at Time of Planting

Any evergreen tree [within] located in an open space area, screening area, or surface parking lot must be a minimum of 8 feet in height when planted, measured from the top of the root ball to the tip of the highest branch.

5. Shrubs

a. Defined

- i. A large shrub must be of a species that [will reach] is expected to grow to a minimum height of 8 feet.
- ii. A medium shrub must be of a species that [will reach] is expected to grow to a minimum height of 4 feet.
- iii. A small shrub must be of a species that [will reach] is expected to grow to a minimum height of 2 feet.

b. Size at Time of Planting

- i. A large shrub [within] located in an open space area, screening area, or surface parking lot must be in a container with a minimum volume of 5 gallons [a minimum of 5 gallon container] or be balled and burlapped.

- ii. A medium shrub [within] located in an open space area, screening area, or surface parking lot must be in a container with a minimum volume of 3 gallons [a minimum of 3 gallon container] or be balled and burlapped.
- iii. A small shrub [within] located in an open space area, screening area, or surface parking lot must be in a container with a minimum volume of one gallon [container].

C. Fences and Walls

1. [Defined] Measurement of Height

Fence or wall height is measured from the lowest level of the [ground immediately] grade under the fence or abutting a wall.

2. Height and Placement

- a. The maximum height of a fence or wall in any front setback in a Residential zone is 4 feet.
- b. [On a corner lot in any Residential zone, a] A fence, wall other than retaining wall, terrace, structure, shrubbery, planting, or other visual obstruction on a corner lot in a Residential zone can be a maximum height of 3 feet above the curb level for a distance of 15 feet from the intersection of the front and side street lines.
- c. [On a corner lot in any Residential zone, a] A deer fence on a corner lot in a Residential zone must not be located closer to the street than the face of the building.
- d. A wall or fence must not be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

- a. [Deer] deer fencing:
 - i. [In all] in an Agricultural [and] or Rural Residential [zones] zone; [and] or

- ii. [Behind] behind the front building line for property in [all] a non-Agricultural [and] or non-Rural Residential [zones] zone unless the property adjoins a national historical park.
- b. [Any] a retaining wall where changes in street grade, width, or alignment have made such structures necessary;
- c. [Any] any other wall or fence that is 6.5 feet or less in height, is behind the front building line, and is not on a property abutting a national historic park;
- d. [Any] a rustic fence on a property abutting a national historical park;
- e. [Any] any boundary fence behind the front building line if the property is located within 100 feet of a parking lot in a national historical park; and
- f. [Deer] deer fencing and any other fence that 8 feet or less in height if the property is farmed and agriculturally assessed.

D. Failure to Maintain Landscaping

1. If the owner of a landscaped area fails to maintain the area according to the standards of [this] Section 6.4.3, [[7.4.3]] [(Sec. 7.5.3)] the County may issue a notice of violation to the property owner, allowing the [must provide reasonable notice and allow a] property owner go days to correct the deficiency. Refer to [Div.] Division 7.8 [[8.8]], Violations, Penalties, and Enforcement for additional procedures.
2. The County may recover the cost of enforcement from the property owner, including reasonable [attorney] attorney's fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to [take maintenance action] maintain the area. The [cost of such maintenance will be charged to the] party [having the] with primary responsibility for maintenance of the landscaped area must reimburse the County for the work.

Section 6.4.4. General Outdoor Lighting Requirements

A. Exemptions

Routine lighting fixture maintenance, such as changing a lamp or light bulb, ballast, starter, photo control, housing, [lense] lens, and other similar component,

[does not constitute] is not replacement and [is permitted] may be performed if such changes do not result in a higher lumen output.

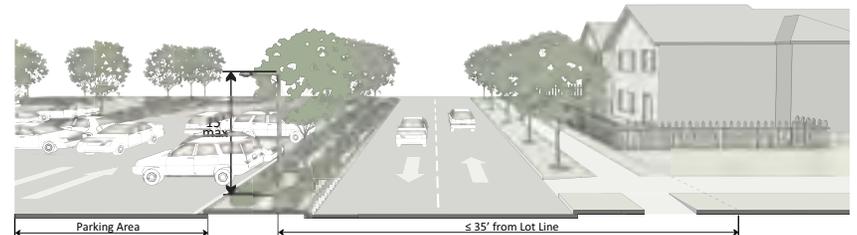
B. Design Requirements

1. Fixture (Luminaire)

[In order to] To direct light downward and minimize the amount of light spill, any outdoor lighting fixture must be a full or partial cutoff fixture.

2. Fixture Height

A freestanding lighting fixture may be a maximum height of 40 feet in a parking lot with a minimum of 100 spaces, otherwise a freestanding lighting fixture may be a maximum height of 30 feet within a surface parking area and may be a maximum height of 15 feet within a non-vehicular pedestrian area. A freestanding light fixture located within 35 feet of the lot line of any detached house building type that is not located in a Commercial/Residential or Employment zone may be a maximum height of 15 feet. [Any] The height of a freestanding lighting fixture must be measured [measure must be made] from the finished grade.



3. Light Source (Lamp)

A light source must use only [Only] incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium, [may be used. The] unless the applicable deciding body [may approve] approves an alternate light [sources] source based on new technology.

C. Lighting Types

1. Security Lighting

- a. Any building-mounted security light fixture, such as a wall pack, must not project above the fascia or roof line of the building and must be shielded.
- b. Any security fixture, including but not limited to a floodlight or wall pack, must not face ground floor residential uses.
- c. Any security fixture must not be substituted for parking area or walkway lighting, and must be [restricted to] located in a loading, storage, service, [and] or other similar [locations] area.

2. Accent Lighting

Only lighting used to accent an architectural feature, landscaping, or art may be directed upward. The accent lighting fixture must be located, aimed, or shielded to minimize light spill and glare.

3. Canopy Area Lighting

All development that incorporates a canopy area over a Filling Station, automated teller machine, or a similar facility must use a full cutoff fixture with a lens cover flush with the bottom surface of the canopy or recessed within the canopy. Canopy area lighting must be 30 footcandles or less under the canopy as measured horizontally at grade.

4. Residential Entrances

Any entrance to a residential building or multi use building with [a residential component housing] more than 4 residential units must be adequately lighted to ensure the safety of persons and the security of the building.

5. Outdoor Recreation Lighting

Lighting for any outdoor recreation field must be arranged to prevent direct glare onto any public or private property or street. [All] Lighting of an outdoor playing field/court [lighting] is prohibited between [the hours of] 11:00 p.m. and 7:00 a.m., unless [other hours are specifically approved by] the applicable deciding body approves other hours.

6. Commercial Businesses

None of the provisions of Section 6.4.4. [[7.4.4]], except for Section 6.4.4.E [[7.4.4.E]], apply to lighting [Lighting] for commercial uses placed on or within a building [is not restricted by this Section (Sec. 7.5.4) except that the provisions of Sec. 7.5.4.C.7 must be satisfied].

D. Excessive Illumination

Except where otherwise stated in this Chapter, on-site illumination [is limited to] must be 0.5 footcandles or less at the lot line, excluding street lights within the right-of-way.

E. Conditional Uses

Outdoor lighting [provided] for a conditional use must be directed, shielded, or screened to ensure that the [maximum] illumination [level] is 0.1 footcandles or less at any lot line [abutting] that abuts a lot with a detached house building type, not located in a Commercial/Residential or Employment zone, is 0.1 footcandles or less.

[Sec. 7.4.5. Alternative Compliance

A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.5) if the applicant submits documentation illustrating how:

1. the intent of the Division is satisfied;
2. the functional results or performance standards of the requirements are met or exceeded; and
3. it is in the public interest.]

Division 6.5. Screening Requirements

Section 6.5.1. Intent

The intent of Division 6.5 [[7.5]] is to ensure appropriate screening between different building types and uses.

Section 6.5.2. Applicability

A. Method of Development

Division 6.5 [[7.5]] only applies to standard method development.

B. Agricultural, Rural Residential, and Residential Detached Zones

In the Agricultural, Rural Residential, and Residential Detached zones, a conditional use in any building type must provide screening under Section 6.5.3 [[7.5.3]] if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use.

1. The conditional use standards under Article 59-3 may exempt the development from this requirement.
2. The Hearing Examiner may increase the amount of screening required for conditional use approval under Section 7.3.1. [[8.3.1.]]

C. Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, and Industrial Zones

In the Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, and Industrial zones:

1. A conditional use in a detached house or duplex building type must provide screening under Section 6.5.3 [[7.5.3]] if the subject lot abuts property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use.
 - a. The conditional use standards under Article 59-3 may exempt the development from this requirement.
 - b. The Hearing Examiner may increase the amount of screening required for conditional use approval under Section 7.3.1. [[8.3.1.]]
2. Any use in a townhouse, apartment, multi use, or general building type must

provide screening under Section 6.5.3 [[7.5.3]] as indicated in the following table if the subject lot abuts property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use:

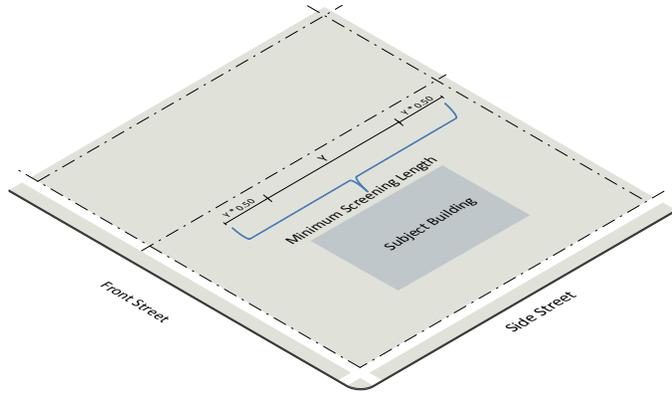
Building Type	Abutting Zone		
	Agricultural, Rural Residential, Residential Detached	Residential Townhouse	Residential Multi-Unit
Townhouse	Y	N	N
Apartment or Multi Use Building	Y	Y	N
General Building, with a non-Industrial use	Y	Y	N
General Building, with an Industrial use	Y	Y	Y

KEY: Y = Screening required N = Screening not required

Section 6.5.3. Screening Requirements

A. Location

1. Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use.
2. Screening may be placed within any required setback. If the required setback is less than the screening width required for the building type in Section 6.5.3 [[7.5.3]], the property must satisfy the required screening width in Section 6.5.3. [[7.5.3.]]
3. Screening must be placed between the lot line and the subject structure or use and extend along the lot line. The screening must extend along the full length of the subject structure or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.



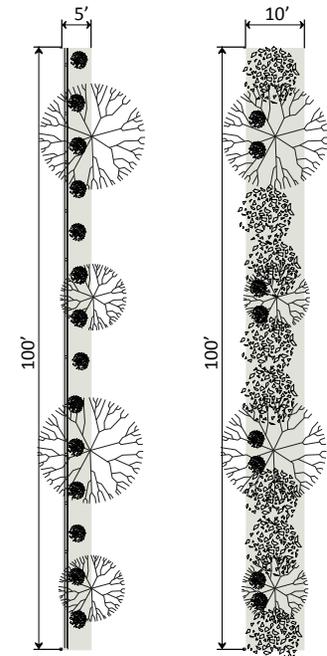
- Screening is not required between a lot line and the subject structure or use if the structure or use is separated from the lot line by a surface parking lot. Instead, landscaping must be provided under Section 6.2.9. [[7.2.9.]]

B. Berms

A berm must have a rounded crown suitable for planting and a stabilized side slope of 40% or less. A berm may meander and be discontinuous if it satisfies the intent of Division 6.5. [[7.5.]]

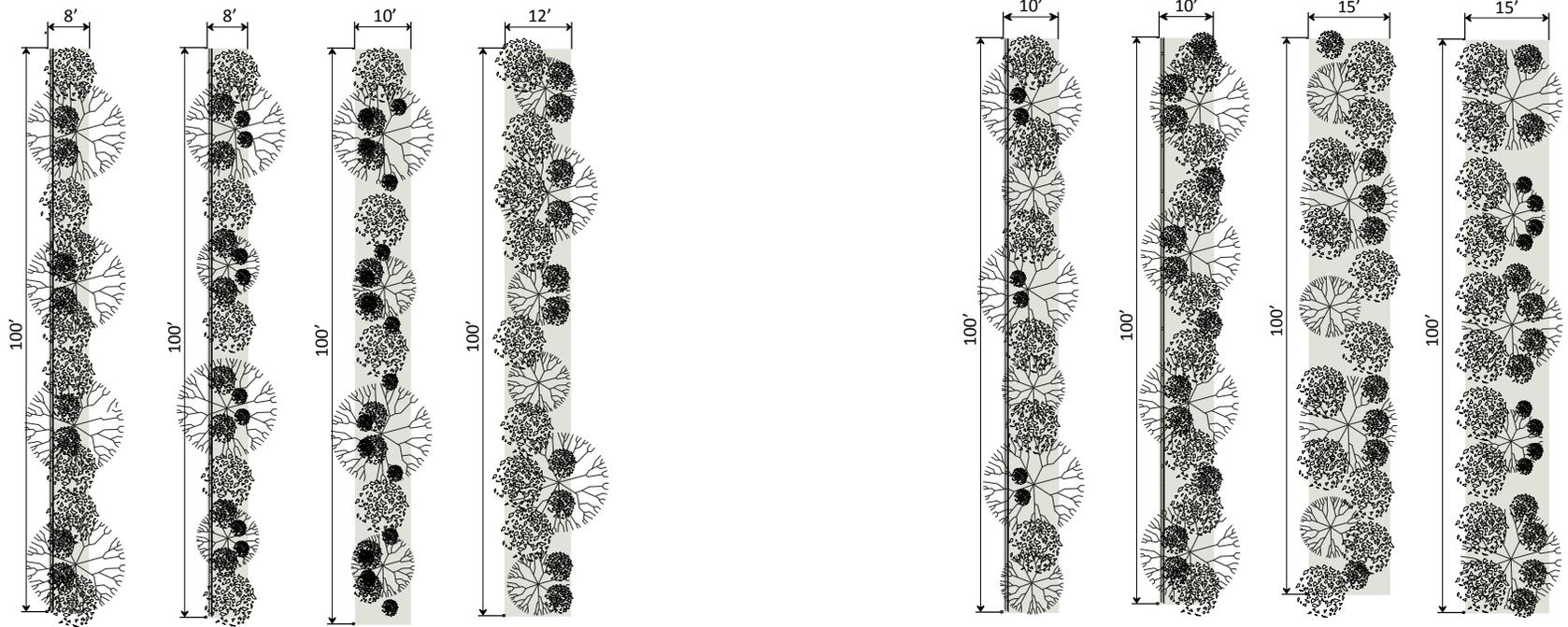
C. Screening Requirements by Building Type

- Screening is determined by the proposed building type, unless otherwise stated. The minimum screening requirements for each building type are in Section 6.5.3.C.4. [[7.5.3.C.4]] through Section 6.5.3.C.8. [[7.5.3.C.8.]]
- Plant materials are specified for each 100 linear feet of screening area. Any fractional requirement must be rounded up to the next higher whole number.
- The applicant may choose any option for the applicable building type or use.



4. Townhouse

	Option A	Option B
Dimensions (min)		
Width	5'	10'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	2
Shrubs (minimum per 100')		
Large	=	8
Medium	=	=
Small	16	8
Wall, Fence or Berm (min)	4' fence or wall	=

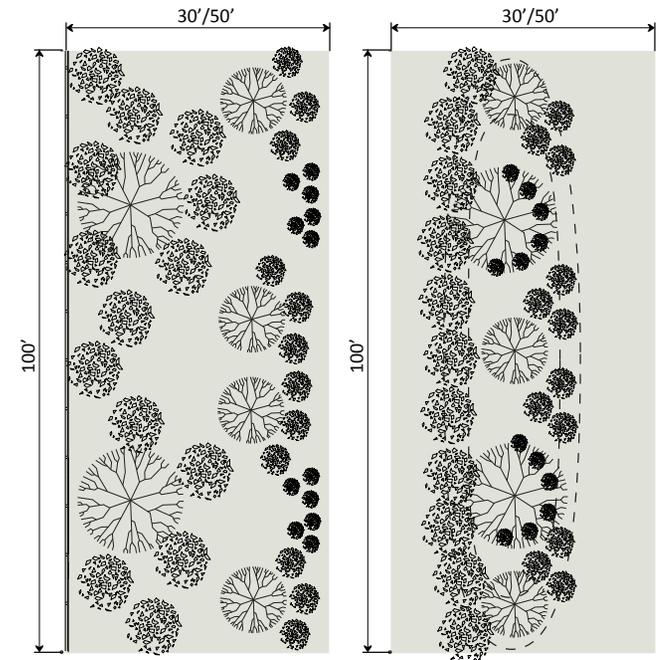
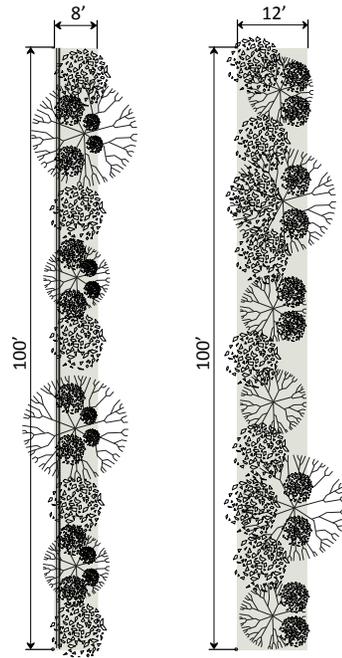


5. Apartment Building Up to 60 Feet in Height or Multi Use Building Up to 40 Feet in Height

	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	8'	8'	10'	12'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	4	2	2	2
Understory or Evergreen	==	2	2	4
Shrubs (minimum per 100')				
Large	8	6	4	8
Medium	8	8	8	12
Small	==	8	8	==
Wall, Fence or Berm (min)	4' fence or wall	4' fence or wall	==	==

6. Apartment Building Over 60 Feet in Height or Multi Use Building Over 40 Feet in Height

	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	10'	10'	15'	15'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	3	4	2	3
Understory or Evergreen	3	==	3	2
Shrubs (minimum per 100')				
Large	6	8	11	10
Medium	==	12	8	10
Small	6	==	==	12
Wall, Fence or Berm (min)	4' fence or wall	6' fence or wall	==	==



7. General Building with a Non-Industrial Use; Conditional Use in the Agricultural, Rural Residential, or Residential Detached Zones; and Conditional Use in a Detached House or Duplex in Any Other Zone

	Option A	Option B
Dimensions (min)		
Depth	8'	12'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	=
Wall, Fence or Berm (min)	4' fence or wall	=

8. General Building with an Industrial Use

	Option A	Option B
Dimensions (min)		
Depth for all zones except IH zone	30'	30'
Depth for IH zone	50'	50'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	4	3
Shrubs (minimum per 100')		
Large	14	11
Medium	12	12
Small	12	12
Wall, Fence or Berm (min)	6' fence or wall	6' berm

Division 6.6. Outdoor Display and Storage

Section 6.6.1. Intent

[[The intent of]][this] Division 6.6 [[7.6]] [(Div. 7.6)] [[is to regulate]] regulates the size, location, height, and screening of all outdoor storage and display. The requirements are intended to protect public safety, health, and welfare; to preserve and enhance property values; and to preserve and strengthen the character of communities.

Section 6.6.2. Applicability

- A. [This] Division 6.6 [[7.6]][(Div. 7.6)] applies to any site where merchandise, material, or equipment is displayed or stored outside of a completely enclosed building.
- B. Division 6.6 [[7.6]] does not apply to:
- [B. Merchandise] merchandise, material, or equipment for agricultural uses in an Agricultural or Rural Residential zone are exempt from this Division (Div. 7.6).; and
 - [C. Where] where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted allowed use [is exempt from this Division (Div. 7.6)].

Section 6.6.3. Design Standards

A. Outdoor Display

1. Defined

- Outdoor display means the outside display of products actively available for sale. The outdoor placement of any propane gas storage rack, ice storage bin, soft drink, or similar vending machine is considered an outdoor display.
- Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).
- Section 6.6.3 [[7.6.3]] does not apply to Seasonal Outdoor Sales, under Article 59-3, is exempt from this Section (Sec. 7.6.3)].

2. Standards

Outdoor display is permitted with any Any nonresidential use may have an outdoor display if the deciding body approves [following approval of] the applicable plan illustrating the extent of the permitted area for outdoor display. [The area for] An outdoor display must [meet the following standards]:

- [Any outdoor display must] be removed and placed inside a fully-enclosed building at the end of each business day, except a. Any propane gas storage rack, ice storage bin, soft drink or similar vending machine may remain outside overnight; and [.]
- [Any outdoor display must] not impede pedestrian use of the sidewalk or parking areas.

B. Outdoor Storage

1. Limited Outdoor Storage

a. Defined

Limited outdoor storage includes, but is not limited to:

- [Overnight] overnight outdoor storage of any vehicle awaiting repair;
- [Outdoor] outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- [Outdoor] outdoor sales area for building supplies, garden supplies, or plants;
- [Outdoor] outdoor storage of fleet vehicles; and
- [Outdoor] outdoor storage of any vehicle, boat, recreational vehicle, or other similar vehicle at a storage facility.

b. Standards

Limited outdoor storage is allowed when it is accessory to an allowed use [following approval of] if the deciding body approves the applicable plan illustrating the extent of the permitted area for limited outdoor storage.

Limited outdoor storage must satisfy the standards of the zone or the use.

2. General Outdoor Storage

a. Defined

General outdoor storage includes[, but is not limited to,] any material associated with industrial uses, such as equipment, lumber, pipe, steel, salvage, or recycled materials.

b. Standards

General outdoor storage is permitted [if it meets the following standards] and must:

- i. [In]in the Industrial zones, include screening of inventory and equipment [must follow the screening requirements of Sec. 7.4.5] under Section 6.5.3 [[7.5.3]], unless the use abuts or confronts property in an Industrial zone; and [.]
- ii. [In]in all other zones:
 - (a) have an approved [Approval of the applicable] plan illustrating the extent of the permitted area for general outdoor storage; [.]
 - (b) [The] be located on property [must front] that fronts on and [have] has direct access to a road built to primary or higher standards; [.]
 - (c) [The] be located on property with a minimum area of [the property is] 5 acres if abutting an Agricultural, Rural Residential, or Residential zone; [.]
 - (d) [The minimum setback] be set back a minimum of 50 feet from any lot line [is 50 feet.]; and
 - (e) [Screening] include screening of inventory and equipment [must follow the screening requirements of Sec. 7.4.5] under Section 6.5.3 [[7.5.3]], unless the use abuts or confronts property in an Industrial zone.

[Section 7.6.4. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.6) if the applicant submits documentation illustrating how:
 1. the intent of the Division is satisfied;
 2. the functional results or performance standards of the requirements are met or exceeded; and
 3. it is in the public interest.]

Division 6.7. Signs

Section 6.7.1. Intent

[This] Division 6.7 [[7.7]].[(Div. 7.7)] regulates the size, location, height, and construction of all signs placed for public view. The requirements are intended to preserve the value of property; to preserve and strengthen community ambiance and character; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56. It is the intent of [this] Division 6.7 [[7.7]] [(Div. 7.7)] to:

- A. encourage the effective use of signs;
- B. maintain and enhance the aesthetic environment of the County while avoiding visual clutter;
- C. promote the use of signs to identify buildings and geographic areas;
- D. improve pedestrian and vehicle traffic safety;
- E. promote the compatibility of signs with the surrounding land uses;
- F. promote the economic development and marketing of businesses located within an approved urban renewal area;
- G. provide increased flexibility in the number, size, location, design, and operating characteristics of signs for optional method development in an approved urban renewal area; and
- H. implement the recommendations of an approved urban renewal plan.

Section 6.7.2. Applicability

- A. A property owner must obtain a permit under [this] Division 6.7 [[7.7]] before a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by [Sec.] Section 6.7.3 [[7.7.3]], Exempt Signs, [Sec.] Section 6.7.11 [[7.7.11]], Limited Duration signs, and [Sec.] Section 6.7.12 [[7.7.12]], Temporary Signs.
- B. A property owner must maintain a sign [must be maintained] in good repair and in a safe condition. Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy [in compliance with] to satisfy a sign concept plan.
- C. [Any] A sign not listed in [this Article (Article 59-7)] Division 6.7 [[7.7]] or that does not satisfy the requirements in [this Article] Division 6.7 [[7.7]] may be con-

structed if the applicant obtains [must obtain] a variance from the Sign Review Board.

Section 6.7.3. Exempt Signs

The following signs are exempt from [the requirements of this] Division 6.7 [[7.7]] [(Div. 7.7)]:

- A. A sign on private property does not require a permit [and is exempt from the requirements of this Division 7.7] when the area of the sign is 2 square feet or less, and:
 1. the sign is on private property customarily associated with residential living or decoration.
 2. the sign is part of a mailbox or newspaper tube and satisfies government regulations.
 3. the sign is a warning to the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk under an approved franchise agreement.
- C. The following signs do not require a permit and are exempt from the size, placement, and number requirements of [this] Division 6.7 [[7.7]], but must satisfy the prohibitions in [Sec.] Section 6.7.4 [[7.7.4]], Prohibited Signs[.]:
 1. A sign that is not visible beyond the property lines of the property where the sign is located.
 2. A sign erected by, or on the order of, a public officer or utility official and used by a government agency or utility company [erected by, or on the order of, a public officer or utility official] in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.
 3. [Any] A sign required to be displayed by law or regulation.
 4. A flag that is displayed on a flagpole.
 5. A sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure such as a cornerstone, memorial, plaque, or historical marker.
 6. A sign that is an integral part of a dispensing mechanism, such as a beverage machine, newspaper rack, or gasoline pump.

7. [Any] An [adornments] adornment or seasonal [decorations] decoration.
- D. A sign or inflatable device that is located in an urban renewal area that is [within] located in an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for [no longer than thirty] a maximum of 30 days; and includes more than 1,500 square feet of surface area, is exempt from the following:
1. The prohibition on animal forms in [Sec.] Section 6.7.4 [[7.7.4]], Prohibited Signs;
 2. The size, height and area limitations in [this] Division 6.7 [[7.7]] [(Div. 7.7)];
 3. The prohibition on roof signs in [Sec.] Section 6.7.4 [[7.7.4]], Prohibited Signs; and
 4. The prohibition on signs in the public right-of-way in [Sec.] Section 6.7.4 [[7.7.4]], Prohibited Signs, if constructed 20 feet or more above the public right-of-way.

Section 6.7.4. Prohibited Signs

[Any] A sign not authorized in [this] Division 6.7 [[7.7]] [(Div. 7.7)] is prohibited. The following signs are specifically prohibited and must not be erected or retained. The Sign Review Board must not grant a variance permitting their erection, installation, or maintenance. A prohibited sign [erected after December 8, 1997,] must be removed [no later than] within 24 hours after notification by DPS that the sign must be removed.

A. Obscene Sign

A sign [must not contain] containing obscene statements, words, or depictions that are construed to offend public morals or decency is prohibited.

B. Roof Sign

[Except if] Unless approved as part of a sign concept plan for an optional method development project [within] located in an urban renewal area, a sign [must not be] painted on the roof of a building, or supported by poles, uprights or braces extending from or attached to the roof of a building, or projected above the roof of a building, is prohibited. A wall sign is not a roof sign, and for the purposes of [this] Division 6.7 [[7.7]] [(Div. 7.7)] a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses

equipment such as a heating, [a] ventilating and air conditioning unit, an elevator shaft, and stairs located on a roof also are considered wall space.

C. Obstructive Sign

A sign [must not be] placed in a location that obstructs the view of traffic signs, traffic signals, oncoming traffic, pedestrians, or in any way interferes with the placement or function of any traffic control device as determined by the appropriate transportation jurisdiction is prohibited.

D. Unsafe Sign

[Any] A sign determined by DPS to create a safety hazard due to structural or electrical conditions, or by reason of inadequate maintenance, [must not be erected or retained]. Any unsafe sign must be repaired to meet safety requirements or removed [no later than] within 30 days after notice of the unsafe condition.

E. Moved by the Wind

[Except if] Unless approved as part of a sign concept plan for an optional method development project [within] located in an urban renewal area, placing a sign in the form of a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device that will move in the wind or be moved manually [must not be placed] on a lot or parcel is prohibited, unless the sign satisfies [Sec.] Section 6.7.3 [[7.7.3]], Exempt Signs.

F. Sign in the Public Right-of-Way

[Signs] A sign in the right-of-way [are] is prohibited, except for the following:

1. [Any] A sign erected by a government agency or utility company in the performance of its public duties.
2. [Any] A sign erected by the appropriate transportation jurisdiction in its right-of-way.
3. [Any] A permanent sign allowed to be located in the public right-of-way in [this] Division 6.7 [[7.7]] [(Div. 7.7)], if:
 - a. [The] the sign is approved by the Sign Review Board; and
 - b. [The] the appropriate transportation jurisdiction issues a permit after approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.

4. A limited duration sign that satisfies [the requirements of this] Division 6.7 [[7.7]] [(Div. 7.7)].
5. A sign approved as part of a sign concept plan for an optional method development project [within] located in an urban renewal area.

G. Sign Attached to the Property of Others

A sign attached [or affixed] to a structure or property such as a fence, wall, antenna, other sign, tree or other vegetation, or to any public structure such as a utility pole, without permission of the owner is prohibited.

H. Abandoned [or Obsolete] Sign

A permanent sign, including the structural supports and electrical connections, that was legally erected as a location sign, but the building has not been used for 6 months or more, is considered abandoned. A sign for a seasonal use is considered abandoned [or obsolete] only if the site remains unused for 12 months.

I. Off-Site Sign

[Off-site signs are] An off-site sign is prohibited.

Section 6.7.5. Measurements

The following standards are used to measure the area of a sign regulated by [this] Division 6.7 [[7.7]] [(Div. 7.7)].

A. Generally

The sign area is the entire portion of the sign that can be enclosed within a [single continuous] rectangle. The area includes the extreme limits of the letters, figures, designs, and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed (Figure 1).

B. Supports

The structure that supports a sign is excluded from the measurement of sign area unless the structure is [designated and] used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point, is an integral part of the display.

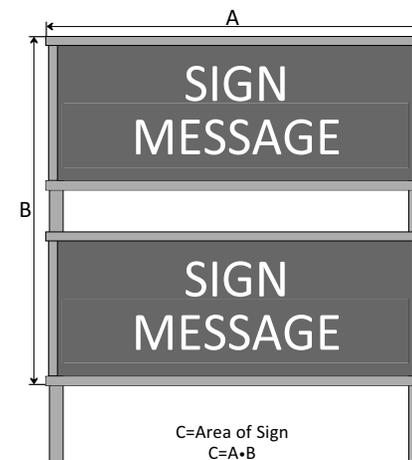
C. Multiple Sections

The area of a sign that consists of more than one section includes the space between the sections, plus the measurement of the sections of the sign (Figure 2).

Figure 1



Figure 2



D. Multiple Planes

The area of a sign with more than one face or plane, including a 3 dimensional sign, is measured as follows:

1. Generally

All sides of a sign that can be seen at any one time from one vantage point outside the property line of the site where the sign is located are included in the [computation of] sign area (Figure 3).

2. Parallel Faces

Only the larger of 2 sides is measured if the sides are double faced or back to back. The 2 planes must be parallel and less than 2 feet apart. For parallel signs at least 2 feet [or greater] apart, the sum of all the planes or sides are used [in the computation of] to determine the sign area (Figure 4).

3. "V" Shaped

The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the maximum distance between the sides [does not exceed] is 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes are used [in the computation of] to determine the sign area unless the applicant demonstrates that only one side of the sign is visible from any single vantage point outside the property line of the site (Figure 5).

4. 3 Dimensional

Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located (Figure 6).

Figure 3



Figure 4

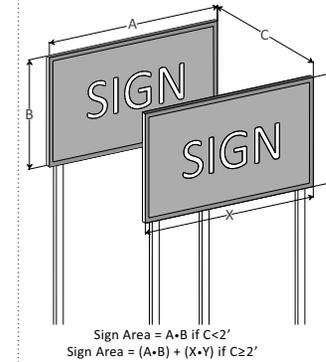


Figure 5

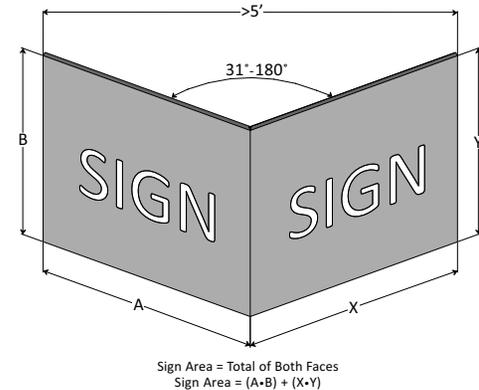
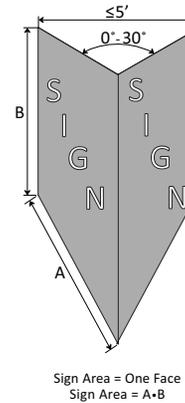
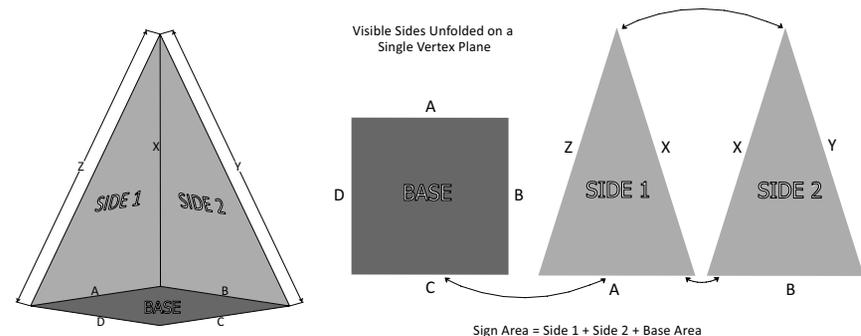


Figure 6



Section 6.7.6. Permanent Signs, In General

A permanent sign is one that is intended to remain posted indefinitely. A permit is required to construct a permanent sign [must obtain a permit] and [may require] a building permit or electrical permit may be required due to [its] the sign's physical characteristics.

A. Sign Area

1. Unless otherwise provided in [this] Division 6.7 [[7.7]] [(Div. 7.7)], the maximum total sign area of all permanent signs on any lot or parcel [must not exceed] is the maximum sign area allocated for the zone in which the sign is located.
2. The maximum sign area for a [Any] sign on a lot or parcel within 150 feet of a residential use [use must not exceed a sign area of] is 100 square feet.

B. Sign Placement

1. [Any setbacks] A setback is measured from the portion of the sign nearest to the property line.
2. Height is measured from the portion of the sign which is vertically the farthest from the ground.
3. Unless otherwise provided in [this] Division 6.7 [[7.7]] [(Div. 7.7)], no portion of a sign [must] may:
 - a. [Be] be erected in a manner that places the top of the sign more than 26 feet above the ground, except for a location sign erected that satisfies [the standards in Sec.] Section 6.7.3.D [[7.3.D]];
 - b. [Extend] extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in [Sec.] Section 6.7.9.A.3 [[7.9.A.3]] for canopy signs; and
 - c. [Obstruct] obstruct any building aperture, such as a window, door, ventilation opening, or fire prevention device.

C. Building and Electrical Permits

[A] The applicant for a permanent sign [erected] under [this] Division 6.7 [[7.7]] [(Div. 7.7)] must construct and maintain the sign in a manner that satisfies [sat-

isfy] the building and construction requirements of Chapter 8 and the electrical requirements of Chapter 17.

D. Color

1. A sign [must not use] that contains any color combination that may be confused with a traffic sign or signal is prohibited.
2. [In order for the] A sign back or non-display side of a sign must be a single neutral color where visible from outside the property lines of the site or DPS must include the sign back or non-display side of the sign as sign area [to be excluded from consideration as sign area, it must be a single neutral color where visible from outside the property lines of the site].

E. Illumination

When illumination of a sign is permitted, [it] the applicant must satisfy the following requirements:

1. An electrical permit must be obtained under Chapter 17;
2. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source [in a manner that prevents glare from beyond the property line] and be 0.5 footcandles or less at the property line if the subject property abuts a property that is improved with a residential use in any zone or is vacant in a Residential zone;
3. A sign illuminated in a pattern or lighting combination that resembles a traffic signal is prohibited;
4. A sign illuminated by flashing, revolving or intermittent lights, or lights of changing intensity is prohibited; and
5. [Any] A sign on a lot or parcel within 150 feet of a residential use must be illuminated only during the hours the entity is open for public business, unless the applicant demonstrates that the sign is located so that no adverse impact will affect the residential use.

F. Structural Limitations

The applicant for a [A] sign must construct and maintain the sign in a manner that satisfies [satisfy] the following structural requirements[.].

1. A sign shaped like a traffic sign or traffic signal, or that uses wording similar to traffic signals, or interferes with traffic safety is prohibited.
2. A sign must be a geometric shape; a sign shaped to resemble any human or animal form is prohibited.
3. A sign activated by wind is prohibited.
4. A sign with moving parts is prohibited.
5. [Signs] A sign that [have] has characters that are changed manually or electronically must not be changed more than once each day. This includes a sign that gives the appearance or illusion of movement for a written or printed message. A sign that displays the number of available parking spaces is exempt from this requirement.

G. Historic Preservation Area

The applicant for a [A] sign erected in an historic preservation area must construct and maintain the sign in a manner that satisfies [satisfy] the following criteria:

1. DPS must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.
2. [Before considering a sign permit application,] DPS must verify that the applicant has received [a] an historic area work permit under the provisions of Chapter 24A before considering a sign permit application for a sign located on an historic resource.
3. DPS must consider the following information in issuing a sign permit:
 - a. Size, shape, color, lettering, and location of the sign; and
 - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area.

H. Permanent Sign Standards By Zone

[In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any] The applicant for a permanent sign not listed as allowed in a specific zone or that does not satisfy [the requirements listed in this] Section 6.7.6 [[7.7.6]] [(Sec. 7.7.6)] or the applicable zone must obtain a variance from the Sign Review Board [DPS].

Section 6.7.7. Agricultural and Rural Residential Zones

A. Base Sign Area

The maximum total area of all permanent signs on a lot or parcel in the Agricultural and Rural Residential zones [must be] is 200 square feet [or less], excluding the additional area allowed by other provisions of [this] Division 6.7 [[7.7]] [(Div. 7.7)].

1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.
- b. The maximum sign area [must not exceed] is 40 square feet.
- c. The [sign must be set back a] minimum setback for a sign is [of] 10 feet from the property line.
- d. The maximum height of a sign [must not exceed] is 10 feet [in height].
- e. Illumination is prohibited.

2. Wall Sign

- a. One wall sign is allowed.
- b. The maximum sign area [must not exceed] is 40 square feet.
- c. The sign [must not] may be placed [more than] up to 26 feet above the ground.
- d. Illumination is prohibited.

B. Additional Sign Area

In addition to the 200 square feet of total sign area, an additional location sign is allowed for a lot or parcel larger than 5 acres, if it meets the following requirements:

1. One entrance sign is allowed at each entrance to the lot or parcel.
2. The maximum sign area [must not exceed] is 40 square feet.
3. The [sign must be set back a] minimum setback for a sign is [of] 10 feet from the property line
4. The maximum height of a sign [must not exceed] is 26 feet [in height].

5. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

Section 6.7.8. Residential Zones

A. Base Sign Area

The maximum total area of all permanent signs on a lot or parcel in a Residential zone [must not exceed] is 2 square feet, unless additional area is permitted under [this] Division 6.7. [[7.7.]]

1. Freestanding Sign

- a. One freestanding sign is allowed.
- b. The [sign must be set back a] minimum setback for a sign is [of] 5 feet from the property line.
- c. The maximum height of the sign is 5 feet.
- d. Illumination is prohibited.

2. Wall Sign

- a. One wall sign is allowed.
- b. The sign [can] may be placed a maximum of 5 feet above the ground.
- c. Illumination is prohibited.

B. Additional Sign Area

1. Subdivision and [Multifamily] Multi-Unit Development Location Sign

Additional sign area is allowed for a permanent location sign erected at any entrance to a subdivision or [multifamily] Multi-Unit development if the sign is a ground sign or wall sign located at an entrance to the subdivision or building.

- a. 2 signs are allowed for each entrance.
- b. The maximum sign area [must not exceed] is 40 square feet per sign.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. The maximum height of a sign [must not exceed] is 26 feet [in height].

- e. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

2. Place of Assembly Location Sign

Additional sign area is allowed for a permanent location sign for any place of worship, school, library, museum, hospital, or any other publicly owned facility. The sign must be a ground sign or a wall sign located at an entrance to the building or driveway.

- a. 2 signs are allowed at each entrance.
- b. The maximum sign area [must not exceed] is 40 square feet.
- c. The [sign must be set back a] minimum setback for a sign is [of] 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. [i.] The maximum height of a sign [must not exceed] is 26 feet [in height].
- e. [ii.] The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

Section 6.7.9. Commercial/Residential, Employment, and Industrial Zones

A. Base Sign Area

The maximum total area of all permanent signs on a lot or parcel in a Commercial/Residential, Employment, or Industrial zone [must not exceed] is 800 square feet, excluding the additional area allowed by other provisions of [this] Division 6.7. [[7.7]] [(Div. 7.7)], without submitting a sign concept plan to DPS. The maximum sign area for an individual sign in these zones is 200 square feet.

1. Freestanding Sign

- a. One sign is allowed at each customer entrance to the building or driveway.
- b. The maximum sign area for a lot or parcel is 2 square feet for each linear foot of frontage.
 - i. Where a lot or parcel has frontage on more than one street, signs may be erected facing each street, or may be erected at a location

which allows it to be seen along each street on which the site has frontage.

- ii. For a lot that has less than 50 feet of frontage, the sign area is based on the length of the lot line closest to the street toward which the sign is to be oriented. The applicant is restricted to using only one street and the property line closest to that street.
- c. A sign must be set back at least $\frac{1}{4}$ of the distance required for the building setback for the zone.
- d. The maximum height of the sign is the height of the tallest building on the same premises as the sign or 26 feet above the ground, whichever is less.
- e. The sign may be illuminated (see 6.7.6.E [[7.7.6.E]]).

2. Wall Sign

- a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center.
- b. The maximum sign area is 2 square feet for each linear foot of building frontage. Building frontage is the side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building. A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. [A dimension must not be counted more than once as a building frontage.]
- c. A sign or supporting structure of a flat wall sign must [not] extend [more than] 12 inches or less from the wall.
- d. A projecting wall sign may project 42 inches from the building, but not closer than 8 feet to a curb line. The sign [must not] may project over a public right-of-way [except] only where there is no building setback.
- e. The maximum height of a sign [must not exceed] is 26 feet [in height] and must meet the following standards:

- i. [The] A sign [must not extend] that extends above any portion of the roof or [be placed upon] that is placed on any roof surface is prohibited;
 - ii. A sign that projects over a public right-of-way or public ingress or egress must have a minimum clearance above the ground of 10 feet for a sign that projects over a pedestrian walkway and 18 feet for a sign that projects over a street or driveway.
- f. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

3. Canopy Sign

- a. The maximum canopy sign area is 2 square feet for each linear foot of building frontage, not to exceed 200 square feet. Building frontage is the side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building. Excluding lighting internal to the canopy which has the sole purpose of lighting the customer area for service or safety, the sign area of an illuminated canopy sign is [calculated as a] the total illuminated surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located.
- b. The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.
- c. The height of the sign is determined by the building permit requirements for the canopy and [must not exceed] is a maximum of 26 feet [in height]. If no building permit is required, the height limits are the same as those of a projecting wall sign.
- d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.
- e. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

B. Additional Sign Area

1. Location Sign

Additional sign area is allowed for a permanent location sign erected at an entrance to a building or a development if the sign is a ground sign or flat wall sign located at the entrance. The sign must meet the following requirements:

- a. A sign may be placed on each face of the building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building, and at each customer entrance to the building and parking area.
- b. The maximum sign area [must not exceed] is 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A location sign erected as a ground sign must [meet] satisfy the setback restrictions for a freestanding sign, and a location sign erected as a wall sign must satisfy the requirements for a wall sign.
- d. The sign may be placed on a wall more than 26 feet from the ground if it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.
- e. An entrance sign that is a freestanding location sign must [not] be placed [within] a minimum of 100 feet [of] from another freestanding sign. A wall location sign at an entrance must [not] be placed [within] a minimum of 30 feet [of] from another wall sign.
- f. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

2. Freestanding Sign for Sites Larger than 5 Acres

Additional sign area is allowed for a freestanding sign erected at any driveway entrance to an industrial or commercial center that is larger than 5 acres. The sign must meet the following requirements:

- a. 2 signs per customer entrance are allowed.
- b. The maximum sign area [must not exceed] is 200 square feet per sign.

- c. A sign must be set back at least $\frac{1}{4}$ of the distance required for the building [restriction] setback [as determined by the Zoning ordinance] for the zone.
- d. [A] The maximum height of a sign [must not exceed] is 26 feet [in height].
- e. Each sign or pair of signs must be placed [at least] a minimum of 200 feet from another sign or pair of signs.
- f. The sign may be illuminated (see [Sec.] Section 6.7.6.E [[7.7.6.E]]).

Section 6.7.10. Urban Renewal Areas

- A. [Any]A permanent sign located in an approved urban renewal area as part of an optional method development project need not satisfy the Design Elements and Limitations of [this] Division 6.7 [[7.7]] [[Div. 7.7]] where the Sign Review Board approves the sign as part of a sign concept plan.
- B. Before approving any sign concept plan under [this] Section 6.7.10 [[7.7.11]], the Sign Review Board must hold a public hearing on the sign concept plan in the urban renewal area, after giving 30 days notice and verifying that the applicant has [complied with] satisfied all applicable variance notice requirements.

Section 6.7.11. Limited Duration Signs

A. Permit Requirements

1. A permit is not required for a limited duration sign on private property. A permit application must be [filed] approved for each sign to be placed in the public right-of-way.
2. When a permit is required, a limited duration sign must satisfy the following provisions:
 - a. The sign must [not] be constructed in a manner that does not require [requires] a building or electrical permit.
 - b. Each sign approved by a permit must display and have affixed to the sign information in a format as required by DPS, including the date of expiration of the permit.
 - c. A permit is issued for one year and may be renewed annually.

- d. A limited duration sign is allowed in any zone.
- e. A limited duration sign may be relocated upon approval by the DPS.

B. Permit Applications

1. One sign is allowed per permit. An applicant may request up to a maximum of 4 permits [per applicant]. DPS may consider each business location as a separate applicant; however the sign placement must not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
2. An application for a [limitation] limited duration sign permit must include:
 - a. A description of the sign indicating the [number], size, shape, dimensions, and colors of the [signs] sign, and the time and day of the week during which the sign will be displayed;
 - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets; [and]
 - c. The number of signs on the site; and
 - d. [c.] Other information required by [the] DPS to confirm the limited duration sign satisfies [ensure compliance with this] Division 6.7 [[7.7]] [(Div. 7.7)] and other Sections of the Chapter.

C. General Requirements for Limited Duration Signs on Private Property

1. The number of signs, area and placement restrictions allowed are the same as for a temporary sign in the zone in which the sign is erected; however, in Residential zones, the maximum [total] sign area of all limited duration signs on a lot or parcel is [must not exceed] 10 square feet.
2. [Any] A sign erected on private property must have the written permission of the property owner.

D. Requirements for Limited Duration Sign in the Public Right-of-Way

1. The maximum sign area for each sign [must not exceed] is 5 square feet.
2. A sign must not be placed on a paved section of the right-of-way, such as

a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.

3. [The sign] A sign must be placed [at least] a minimum of 50 feet from any driveway, entrance, or traffic control signal, and [at least] a minimum of 5 feet from any other limited duration sign within the public right-of-way.
4. [The sign] A sign must be placed [at least] a minimum of 100 feet from a street intersection.
5. The nearest edge of a sign must be a minimum of 2 feet from a curb or, if no curb exists, a minimum of 6 feet from the edge of the roadway or street.
6. [The sign] A sign must not be placed on a median strip or highway divider. [If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.]
7. The maximum height of the sign is 30 inches above the ground.
8. [The sign] A sign must have its own means of support which is affixed to the ground. The sign installer or permit holder is responsible for satisfying utility restrictions for excavating or driving a support into the ground.
9. [The signs] A sign must be erected either only on weekends and National Holidays; or for [no more than] a maximum of 14 consecutive days during any 6-month period.

Section 6.7.12. Temporary Signs

A. Generally

A permit is not required for a temporary sign and [there is no limit to] the number of temporary signs that may be displayed is not limited.

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must satisfy the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. [The absence of] A sign without this information [makes the sign] is a permanent or limited duration sign under [this] Division 6.7 [[7.7]] [(Div. 7.7)].

B. Requirements by Zone

The following requirements apply in the zones specified:

1. Agricultural and Rural Residential Zones

The maximum sign area of each temporary sign [must not exceed] is 40 square feet and the total sign area [must not exceed] is 100 square feet.

2. Residential Zones

The maximum total [Total] sign area [must not exceed] is 10 square feet; however, the maximum total sign area at any place of assembly [must not exceed] is 50 square feet.

3. Commercial/Residential, Employment, and Industrial Zones

- a. The maximum sign area of each sign is 50 square feet and the maximum total sign area [must not exceed] is 100 square feet.
- b. Temporary window signs must satisfy the following additional requirements:
 - i. The maximum total area of temporary window signs [must not exceed] is 20% of the window glass area for each side of the building, minus the area of any permanent window signs.
 - ii. Signs may be placed in any window if they satisfy the general rules of sign placement [stated in Sec.] under Section 6.7.6.B. [[7.7.6.B.]]
 - iii. The sign may be illuminated.

Division 6.8. Alternative Compliance

Section 6.8.1. Alternative Method of Compliance

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 [[7.1]] through Division 6.6 [[7.6]] if it determines there are unique site or development constraints, such as grade, visibility, an existing building or structure, an easement, a utility line, or use restrictions that preclude safe or efficient development under the requirements of the applicable Division and the alternative design will:

- A. satisfy the intent of the applicable Division;
- B. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;
- C. provide necessary mitigation alleviating any adverse impacts; and
- D. be in the public interest.

[[ARTICLE 59-6. OPTIONAL METHOD REQUIREMENTS

Editor's Note: Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1.

SEC. 6.1.2. GENERAL SITE AND BUILDING TYPE MIX 6 – 4

SEC. 6.1.3. DETACHED HOUSE 6 – 5

SEC. 6.1.4. DUPLEX 6 – 6

SEC. 6.1.5. TOWNHOUSE 6 – 7

SEC. 6.1.6. APARTMENT[/CONDO] 6 – 8]

[DIV. 6.2. CLUSTER DEVELOPMENT IN RURAL RESIDENTIAL AND RESIDENTIAL ZONES

SEC. 6.2.1. GENERAL REQUIREMENTS 6 – 9

SEC. 6.2.2. DEVELOPMENT STANDARDS 6 – 9

SEC. 6.2.3. GENERAL SITE, BUILDING TYPE MIX, AND HEIGHT STANDARDS 6 – 11

SEC. 6.2.4. DETACHED HOUSE AND DUPLEX 6 – 12

SEC. 6.2.5. TOWNHOUSE 6 – 13]

[DIV. 6.3. TRANSFERABLE DEVELOPMENT RIGHTS (TDR) OVERLAY

SEC. 6.3.1. IN GENERAL 6 – 14]

[DIV. 6.4. COMMERCIAL/RESIDENTIAL ZONES

SEC. 6.4.1. GENERAL REQUIREMENTS 6 – 17

SEC. 6.4.2. DEVELOPMENT STANDARDS 6 – 17]

[DIV. 6.5. EMPLOYMENT ZONES

SEC. 6.5.1. GENERAL REQUIREMENTS 6 – 18

SEC. 6.5.2. DEVELOPMENT STANDARDS 6 – 18]

[DIV. 6.6. OPTIONAL METHOD PUBLIC BENEFITS

SEC. 6.6.1. GENERAL PROVISIONS 6 – 20

SEC. 6.6.2. PUBLIC BENEFIT OVERVIEW 6 – 20

SEC. 6.6.3. PUBLIC BENEFIT DESCRIPTIONS AND CRITERIA 6 – 21]

Division 6.1. MPDU Development in Rural Residential and Residential Zones

Section 1.1.1. General Requirements

This optional method of development is permitted [Where] where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, [this optional method of development is permitted in order] to facilitate the construction of those units.

A. Development Approval Procedure

[A site] Site plan [must be filed] approval under [Sec.] Section 8.3.4 is required.

B. MPDU Development Across Different Zones

Optional method MPDU [Optional Method] Development may occur across different zones under the following limitations:

1. The differently zoned areas must be contiguous;
2. Uses and building types are governed by the zone; [and]
3. [Total density and open space must satisfy the requirements under Sec. 6.1.2. and must not exceed the maximum density or provide less than the minimum open space] The requirements of Section 6.1.2 apply; density and open space must be calculated as if each area were developed individually; and
4. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

C. Usable Area

Density is calculated on usable area within the tract.

D. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

In a Residential Detached zone, an applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of [Sec.] Section 6.1.2., except that:

1. [any] a perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must [conform to] satisfy the dimensional standards under the standard method of development;

2. the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and
3. the maximum percentage of townhouses [must not exceed] is 40% of the total residential dwellings in that development, [; however, the Planning Board may approve] unless a development in which up to 100% of the units consist of townhouses [if] is approved by the Planning Board [finds] upon a finding that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

E. Special Requirements for the RNC Zone

1. A diversity of lot sizes is required. The Planning Board must evaluate the range of lot sizes provided and ensure that a proposed development is compatible with existing development on adjoining properties and is consistent with the purpose and intent of the zone.
2. The Planning Board [should encourage] must favor diversity of house sizes where such diversity would be substantially consistent with neighboring communities.
3. A lot developed under the optional method must be connected to a community water and sewerage system, unless the applicant provides in a preliminary plan application that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

F. Special Requirements for the RE-2C and RE-1 Zones

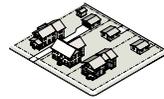
Optional method MPDU [Optional Method] Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

G. Dedicated Land

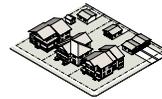
Land dedicated to public use for school and park sites may be included in the calculation of the density of development if development of the remaining land satisfies [the general requirements of this] Division 6.1 [(Div. 6.1)].

H. Building Types Allowed by Zone

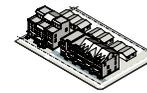
Building types are allowed in optional method MPDU Development as follows:



Detached House



Duplex



Townhouse



Apartment[/Condo]

	Detached House	Duplex	Townhouse	Apartment[/Condo]
Rural Residential Zones				
Rural Neighborhood Cluster (RNC)	A	A	A	--
Residential Detached Zones				
Residential Estate - 2C (RE-2C)	A	A	A	--
Residential Estate - 1 (RE-1)	A	A	A	--
Residential - 200 (R-200)	A	A	A	--
Residential - 90 (R-90)	A	A	A	--
Residential - 60 (R-60)	A	A	A	--
Residential - 40 (R-40)	A	A	A	--
Residential Townhouse Zones				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
Residential Multi-Unit Zones				
Residential Multi-Unit Low Density - 3 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 2 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 1 (R-10)	A	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

Section 1.1.2. General Site and Building Type Mix

Optional method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards as indicated in [Sec.] Section 6.1.2 through [Sec.] Section 6.1.6.

A. Site	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
Usable area	10 acres	34 acres	17 acres	9 acres	5 acres	3 acres	3 acres	20,038 SF	20,038 SF	39,204 SF	11,761 SF	15,682 SF	20,038 SF
Specification for Dimensions													
1 In the RNC zone, the Planning Board may waive the 10 acre minimum where the property abuts an existing property developed under the provisions of [this] Division 6.1, and the resulting development is a logical extension of the existing development.													
Density (max)													
Density (units/acres)	1.22/1	0.48/1	1.22/1	2.44/1	4.39/1	6.1/1	10.12/1	9.76/1	15.25/1	18.30/1	17.69/1	26.47/1	53.07/1
Coverage (min)													
Rural open space (% of usable area)	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Common open space (% of usable area)	5%	5%	10%	20%	30%	40%	40%	45%	45%	30%	35%	35%	35%

B. Building Type

Building Type (max % of building type)	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Detached House	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Duplex or Townhouse	100%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
Apartment[/Condo]	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	100%	100%
Specification for Building Type													
1 In the R-200, R-90, and R-60 zones, the Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in [this] Division 6.1 [(Div. 6.1)] for the required number of detached house dwelling units.													

Section 1.1.3. Detached House

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
Lot area	4,000 SF	12,000 SF	9,000 SF	6,000 SF	4,000 SF	3,000 SF	3,000 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF
Lot width at front building line (feet)	Determined at site plan												
Lot width at front lot line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Frontage on street or open space	Required												
Specification for Lot													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B .												
B. Placement													
Principal Building Setbacks (min)													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Section 1.1.4. Duplex

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
Lot area	3,500 SF	7,500 SF	4,500 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF	1,000 SF	800 SF	800 SF
Lot width at front building line	Determined at site plan												
Lot width at front lot line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
Frontage on street or open space	Required												
Specification for Lot													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B.												
B. Placement													
Principal Building Setbacks (min)													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Section 1.1.5. Townhouse

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
Lot area	1,500 SF	1,500 SF	1,500 SF	1,200 SF	1,200 SF	1,200 SF	1,200 SF	800 SF					
Lot width at front building line	Determined at site plan												
Lot width at front lot line	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
Frontage on street or open space	Required												
Specification for Lot													
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B.												
B. Placement													
Principal Building Setbacks (min)													
Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Side street setback	Side street setback for principal building plus 5'												
Side or rear setback	Determined at site plan												
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone												
Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
Roofed buildings and structures	50%	50%	50%	50%	60%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Section 1.1.6. Apartment[/Condo]

A. Lot	R-30	R-20	R-10
Dimensions (min)			
Lot area	12,000 SF	16,000 SF	20,000 SF
Lot width at front lot line	50'	50'	50'
B. Placement			
Principal Building Setbacks (min)			
Front setback from public street	Determined at site plan		
Side street setback	Determined at site plan		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone and [Sec. 7.4.3] Section 4.1.8.A		
Parking Setbacks (min)			
Front setback	30'	30'	30'
Side street setback	10'	10'	10'
Side or rear setback	0'	0'	0'
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone and [Sec. 7.4.3] Section 4.1.8.A		
Coverage (max)			
Roofed buildings and structures	18%	18%	12%
C. Height			
Building Height (max)			
Principal building	35' [and Sec. 7.4.4]	80' and [Sec. 7.4.4] Section 4.1.8.B	100' and [Sec. 7.4.4] Section 4.1.8.B
Accessory structure	25'	25'	25'

Division 6.2. Cluster Development in Rural Residential and Residential Zones

Section 1.2.1. General Requirements

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. [In order to] To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

A. Development Approval Procedure

[An applicant for development on a property with an approved sketch plan must file a site] Site plan approval under [Sec.] Section 8.3.4 is required.

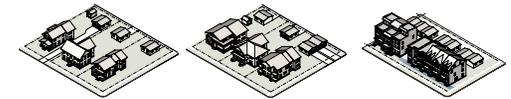
B. Community Water and Sewer

In the Residential Detached zones, development under this method is prohibited unless the resulting development will be connected to community water supply and sewerage systems; however, if land in the RE-2C zone is not served by community sewer, it may be developed under this method under the following conditions:

1. A master plan specifically recommends cluster development with community water but not community sewer;
2. The resulting development will be connected to community water; and
3. The resulting development meets all of the requirements for individual sewerage systems in the most recent County comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79, as amended, on individual water supply and sewage disposal systems.

C. Building Types Allowed by Zone

Building types are allowed in optional method Cluster Development as follows:



	Detached House	Duplex	Townhouse
Rural Residential Zones			
Rural Cluster (RC)	A	--	--
Residential Detached Zones			
Residential Estate - 2C (RE-2C)	A	--	--
Residential Estate - 1 (RE-1)	A	--	--
Residential- 200 (R-200)	A	--	--
Residential- 90 (R-90)	A	A	A
Residential - 60 (R-60)	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

Section 1.2.2. Development Standards

Optional method Cluster Development must satisfy [with the requirements of Sec.] Section 6.2.2.A through [Sec.] Section 6.2.2.F.

A. Master Plan and Design Guidelines

1. Development must substantially conform with the recommendations of the applicable master plan.
2. [Development] The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

B. Cluster Development Across Different Zones

Optional method Cluster Development may occur across different zones under the following limitations:

1. The differently zoned areas must be contiguous;
2. Uses and building types are governed by the zone; [and]
3. [Total density and common open space must satisfy the requirements under Sec. 6.2.3 and must not exceed the maximum density or provide less than the minimum common open space] The requirements of Section 6.2.3 ap-

ply, with density and open space calculated as if each area were developed individually; and

4. The allowed number of units and required common open space may be located in any zone.

C. Usable Area

Density is calculated on usable area in the tract.

D. Dedicated Land

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land [can satisfy] satisfies [the requirements of this Section (Sec. 6.2.2)] Division 6.2.

E. Special Requirements for the RC Zone

1. The plan of cluster development must show how scenic vistas would be preserved or enhanced, and reflect an arrangement that has considered the visual impact of the residential development on such vistas.
2. The Planning Board may deny the [cluster method] optional method Cluster Development [or a plan of cluster development] if the development would:
 - a. [Significant agricultural, farming, or similar activity would be jeopardized unduly through development under the cluster method] unduly jeopardize significant farming or agricultural activity;
 - b. threaten the [The] natural integrity of environmentally sensitive areas [would be threatened due to the cluster development]; or
 - c. eliminate or substantially diminish significant [Significant] scenic vistas [would be lost or substantially diminished in value due to the cluster development].

F. Lots Fronting on a Private Cul-de-Sac in the RE-2C Zone

In the RE-2C zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

1. provides safe and adequate access;
2. has sufficient width to accommodate the proposed dwelling units [proposed];

3. will [better] protect significant environmental features on- and off-site bet-ter than would a public road; and
4. has proper drainage.

Each private cul-de-sac must [comply with the requirements of] satisfy Chapter 50 ([Sec.] Section 50-25(h)) concerning private roads. [A] Site plan approval under Section 8.3.4 may also be required for a subdivision with lots fronting on a private cul-de-sac [may also be required to comply with site plan under Sec. 8.3.4].

Section 1.2.3. General Site, Building Type Mix, and Height Standards

Optional method Cluster Development permits additional building types and provides more flexibility for certain dimensional standards.

A. Site	RC	RE-2C	RE-1	R-200	R-90	R-60
Dimensions (min)						
Usable area	n/a	50 acres	50 acres	5 acres	5 acres	5 acres
Specification for Site						
The Planning Board may allow development to proceed under the optional method Cluster Development on a smaller site than allowed in Usable Area if the						
1	subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.					
Density (max)						
Density (units/acres of usable area)	1/5	0.4/1	1/1	2/1	3.6/1	5/1
Coverage (min)						
Rural open space (% of property)	60%	n/a	n/a	n/a	n/a	n/a
Common open space (% of usable area)	n/a	5%	10%	20%	30%	40%
Specification for Coverage						
1	In the RC zone, the Planning Board may approve a plan with a lower percentage of rural open space if an applicant can demonstrate that such a plan would better accomplish the purposes of the zone.					
B. Building Type						
Building Type (max % of building type)						
Detached House	100%	100%	100%	100%	100%	100%
Duplex or Townhouse	0%	0%	0%	0%	100%	100%
C. Height						
Building Height (max)						
Principal building	50'	40'	40'	40'	35'	35'
Accessory structure	50'	25'	25'	25'	25'	25'
<u>Agricultural building</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>	<u>50'</u>	<u>50'</u>	<u>50'</u>

[Height restrictions do not apply to agricultural buildings. See Sec. 4.1.4.D.3.e]

Section 1.2.4. Detached House and Duplex

A. Lot	RC	RE-2C	RE-1	R-200	R-90	R-60
Dimensions (min)						
Lot area for detached house	40,000 SF	15,000 SF	12,000 SF	9,000 SF	5,000 SF	3,000 SF
Lot area for duplex	n/a	7,500 SF	6,000 SF	4,500 SF	2,500 SF	1,500 SF
Lot width at front building line	125'	n/a	n/a	n/a	n/a	n/a
Lot width at front lot line	25'	25'	25'	25'	25'	25'
Frontage on street or open space	Required					
Specification for Lot						
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B.					
B. Placement						
Principal Building Setbacks (min)						
Front setback from public street	50'	35'	35'	25'	25'	20'
Front setback from private street or open space	50'	10'	10'	10'	10'	10'
Side street setback	50'	20'	20'	15'	15'	15'
Side or rear setback	Determined at site plan					
Side setback, abutting property not included in application	17'	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone				
Rear setback, abutting property not included in application	35'	50'	50'	40'	30'	30'
Rear setback, alley	4' or 20'					
Accessory Structure Setbacks (min)						
Front setback	80'	80'	80'	65'	60'	60'
Side street setback	Side street setback for principal building plus 5'					
Side or rear setback	Determined at site plan					
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone					
Rear setback, alley	4'	4'	4'	4'	4'	4'
Specifications for Principal Building and Accessory Structure Setbacks						
1	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.					
2	In the RC zone, the front setback and side street setback must consist of any scenic setback indicated on a master plan or 50 feet, whichever is greater.					
3	In the RC, RE-2C, and RE-1 zones, accessory structures on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under [Sec.7.5.3.B.5] Section 7.4.3.C.3.					
4	In the R-90 and R-60 zones, for accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.					
5	In the R-90 and R-60 zones, for accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.					
Coverage (max)						
Roofed buildings and structures	10%	15%	15%	25%	30%	35%
Specification for Coverage						
1	In the RC zone, the total impervious surface area of [any] a proposed preliminary plan must [not exceed] satisfy any impervious surface area limit recommended by the master plan.					
1	A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area.					

Section 1.2.5. Townhouse

A. Lot	R-90	R-60
Dimensions (min)		
Lot area	1,500 SF	1,500 SF
Lot width at front lot line	16'	14'
Average frontage of a group of attached townhouses	Determined at site plan	
Specification for Lot		
1	In the Residential Detached zones, lot width at the front building line and setback requirements may be reduced under [Sec.] Section 4.4.2.B.	
B. Placement		
Principal Building Setbacks (min)		
Front setback from public street	25'	20'
Front setback from private street or open space	10'	10'
Side street setback	15'	15'
Side or rear setback	Determined at site plan	
Side or rear setback, abutting property not included in application	30'	30'
Rear setback, alley	4' or 20'	
Accessory Structure Setbacks (min)		
Front setback	60'	60'
Side street setback	Side street setback for principal building plus 5'	
Side or rear setback	Determined at site plan	
Side or rear setback, abutting property not included in application	Equal to required setback in Article 59-4 for a detached house building type in the abutting zone	
Rear setback, alley	4'	4'
Specifications for Accessory Structure Setbacks		
1	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.	
2	For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.	
3	For accessory structures with a length along a rear or side property line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this limit.	
Coverage (max)		
Roofed buildings and structures	75%	75%
C. Form		
Massing (max)		
Number of units permitted in any one row	8	10

Division 6.3. Transferable Development Rights (TDR) Overlay

Section 1.3.1. In General

The TDR Overlay optional method of development permits an increase in the maximum density of development established in [Article 59-4](#), if the development satisfies the requirements for optional method development using Transferable Development Rights under [\[this Section \(Sec. 6.3.1\)\] Division 6.3](#).

A. Applicability

The procedures and requirements in [\[this Section 6.3.1\] Division 6.3](#) apply to the transfer of development rights from land in the AR zone to land in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities up to the maximum density allowed in the applicable TDR Overlay zone and substantially conforming to the recommendations in the applicable master plan.

B. General Provisions

1. The development density of a property under the TDR Overlay optional method is allowed up to the maximum density permitted in the TDR Overlay zone.
2. A [developer](#) of property developed with the transfer of development rights must satisfy the requirement for MPDUs under [Chapter 25A](#). The applicability of [Chapter 25A](#) and the MPDU density increase in [\[Sec.\] Section 6.1.2.A](#) must be calculated after the base density of a property has been increased by the transfer of development rights. The density increase under [\[Sec.\] Section 6.1.2.A](#) may be made without the acquisition of additional TDRs.
3. A request to use TDRs on a property under the optional method must be in the form of a preliminary subdivision plan submitted under Chapter 50.

C. Recording of Development Right

1. A development right must may be created, transferred, and extinguished only by means of an easement and appropriate release, in a recordable form approved by the Planning Board. Any easement must limit the future construction of detached houses on land zoned AR zone to the total number of development rights allowed by zoning minus all development rights previ-

ously transferred under this Section (Sec. 6.3.1), the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.

2. The transfer of development rights must be recorded in the land records of the County.]
1. [\[3. Before recordation of a final record plat for a subdivision using transferred development rights, an\] An](#) easement to the Montgomery County Government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the County [before recordation of a final record plat for a subdivision using transferred development rights](#).
2. [\[4.\]](#) A final record plat for a subdivision using transferred development rights must contain a statement including the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by [\[Sec. 6.3.1\] Division 6.3](#).

D. Development with Moderately Priced Dwelling Units

1. [A property developed under Division 6.3 must satisfy Chapter 25A.](#)
2. [A density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Division 6.3 through TDRs.](#)
3. [In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under Division 6.1.](#)

E. Additional Findings

[In addition to the findings required for approval of a site plan under Section 8.3.4, for projects developed under Division 6.3 the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.](#)

Section 1.3.2. [D. Density Designation] Rural Residential and Residential Zones

A. [1. Rural Residential and Residential Zones:] Density Designation

- Land in a TDR Overlay zone is assigned a density number, as recommended in the applicable master plan, that states the maximum number of units per acre that may be built through the purchase of TDRs, [but must not exceed] up to the following limits:

Zones	[Density without] Base Density for the Calculation of Required TDRs (max units/acre)	TDR Density (max units/acre)
RNC	0.2	1
RE-2	[0.5] 0.4	4
RE-2C	[0.5] 0.4	2
RE-1	[1.09] 1	2
R-200	[2.18] 2	11
R-90	[4.84] 3.6	28
R-60	[7.26] 5	28
R-30	14.5	40
R-20	21.7	50
R-10	43.5	100

- TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation (1 through 100, including fractions), (TDR-#).

[2. Commercial/Residential and Employment Zones:

- Optional method development in a TDR Overlay zone must use TDRs. TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 public benefit points must be provided through the purchase of TDRs, under Div. 6.6.
- TDR Overlay zones are shown on the zoning map with the symbol (TDR).]

B. [E.] Calculation of TDRs Required in the Rural Residential or Residential Zones

Development using TDRs must include at least [two-thirds] 2/3 of the maximum number of development rights unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons [a lower density is more appropriate].

- In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed number of units (noted in parentheses). In addition, the minimum amount of common open space required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Townhouse	Apartment/[Condo]	
1	Any size	100%	0%	0%	Not permitted	0%
2	Any size	100%	0%	0%	Not permitted	0%
3-5	< 800 units	30%	0%	0%	Not permitted	35%
	800+ units	30%	0%	0%	0% (20% max)	35%
6-10	< 200 units	15%	0%	0%	Not permitted	40%
	200+ units	15%	0%	0%	0% (35% max)	40%
11-15	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	35% (60% max)	50%
16-28	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	25% (60% max)	50%
> 28	Any size	0%	0%	0%	25%	50%

- The apartment/[condo] building type is permitted only where specifically recommended in the area master plan for the receiving area. Where the minimum percentage requirement would yield a total of 150 units or fewer, no such units are required. Where the minimum percentage would

yield 151 units or greater, the full number must be required unless the Planning Board finds [that a lower density is more appropriate for environmental or compatibility reasons](#) [otherwise, see Sec. 6.3.1.B.3.c].

- b. A duplex or townhouse building type may be substituted for all or part of the apartment[/[condo](#)] requirement.
 - c. An apartment[/[condo](#)] building type is limited to a maximum building height of 40 feet. The height limit may be waived by the Planning Board if it finds that the proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.
2. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
- a. In a Metro Station Policy Area:
 - i. 2 detached houses;
 - ii. 2 units in a duplex building type;
 - iii. 2 units in a townhouse building type; or
 - iv. 3 units in an apartment[/[condo](#)] building type.
 - b. In a Non-Metro Station Policy Area:
 - i. one detached house unit;
 - ii. one unit in a duplex building type;
 - iii. one unit in a townhouse building type; or
 - iv. 2 units in an apartment[/[condo](#)] building type.
3. The Planning Board may waive the minimum required or maximum allowed number of units of a particular building type if it finds that [a different mix of building types is appropriate](#) for environmental or compatibility reasons [a different mix of building types is appropriate].

C. [F.] Development Standards

The following table indicates the required development standards for each TDR density designation:

TDR Density Designation	Development Standards
1	In a Rural Residential zone, same as for a detached house building type under standard method in the RNC zone, see [Div.] Division 4.3
2	In a Residential zone, same as for a detached house building type under standard method in the RE-1 zone, see [Div.] Division 4.4
3-5	Same as for a detached house building type under standard method in the R-200 zone , see [Div.] Division 4.4
6 or more	May utilize the R-60 optional method MPDU Development standards, see [Div.] Division 6.1
	Determined at site plan

Section 1.3.3. [Commercial/Residential and Employment Zones](#)

A. [Density Designation](#)

1. [Land in a TDR Overlay zone is assigned a residential density number, as recommend in the applicable master plan, that states the maximum residential FAR that may be built through the purchase of TDRs. Total density may be increased by the amount of additional residential FAR achieved through the purchase of TDRs.](#)
2. [TDR Overlay zones are shown on the zoning map with the symbol \(TDR\) followed by the TDR density designation in FAR \(1 through 10, including fractions\), \(TDR-#\).](#)

B. [Calculation of TDRs Required in the Rural Residential or Residential Zones](#)

1. [TDRs may be purchased to achieve the maximum residential FAR indicated under the TDR Overlay zone. A fraction of a TDR cannot be purchased; any fraction of a TDR must be rounded up to the next whole number.](#)
2. [Each TDR purchased allows the construction of 2,400 square feet of residential density, except for in a Metro Station Policy Area, which allows the construction of 4,400 square feet of residential density. To determine the number of TDRs required per acre, subtract the residential FAR in the base](#)

zone from the requested residential FAR up to the maximum allowed under the TDR Overlay. Multiply the difference by 43,560 to get the additional number of residential square feet per acre allowed through the purchase of TDRs. Divide the residential square feet per acre by 2,400 or 4,400, as applicable, to determine the required number of TDRs per acre that must be purchased.

3. For optional method development, the Planning Board may grant a maximum of 20 public benefit points for TDRs under Section 6.6.3.F.3.

G. Development with Moderately Priced Dwelling Units

1. Any property developed under this Section (Sec. 6.3.1) must satisfy the requirements of Chapter 25A.
2. Any density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Division 6.3 through TDRs.
3. In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under Div. 6.1.

H. Additional Findings

In addition to the findings required for approval of a site plan under Sec. 8.3.4, for projects developed under this Division (Div. 6.3), the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.]

Division 6.4. Commercial/Residential Zones

Section 1.4.1. General Requirements

A. Procedure for Approval

A sketch plan must be approved under [Sec.] Section 8.3.3. A site plan must be approved under [Sec.] Section 8.3.4. for any development on a property with an approved sketch plan.

B. Public Benefit Points and Categories

- Public benefits under [Div.] Division 6.6 must be provided according to zone and [to the] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF OR < 1.5 max FAR	25	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	50	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4
CR	< 10,000 SF OR < 1.5 max FAR	50	3
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	100	4
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	125	5

- In the CR zone, the purchase of BLTs is required under [Sec.] Section 6.6.3.F.1.a.

C. Building Type

All building types allowed under [Div.] Division 4.5 are allowed in the CRT and CR zones under optional method development.

D. Compatibility Standards

Development must satisfy the compatibility standards under [Div. 7.4] Section 4.1.8.

Section 1.4.2. Development Standards

A. Open Space

- A [development] developer must provide open space based on the lot area and number of frontages as described in the following table:

Lot Area	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
% of Site Required to be Dedicated for Open Space				
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

- In a development with townhouse, apartment[condo], multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common open space and for other buildings is public open space under [Div.] Division 7.3.
- Open space must satisfy [Div.] Division 7.3.

B. Lot, [and] Density, and Height

- Lot standards for detached house, duplex, and townhouse building types are determined by the site plan approval process.
- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

3. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 6.4.2.B.2.
4. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.

C. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan [approval process](#).

{D. Height

The maximum height is established by the mapped zone.]

D. [E.]Form

Form standards are established by the site plan [approval process](#) and must address, at a minimum, transparency, blank walls, and active entrances.

Division 6.5. Employment Zones

Section 1.5.1. General Requirements

A. Procedure for Approval

A sketch plan must be approved under [Sec.] Section 8.3.3. A site plan must be approved under [Sec.] Section 8.3.4. for any development on a property with an approved sketch plan.

B. Public Benefit Points and Categories

- Public benefits under [Div.] Division 6.6 must be provided according to zone and [to the] tract size or maximum total mapped FAR, whichever requires [fewer] more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
LSC	< 10,000 SF OR < [1.5] 1.0 max FAR	15	1
	10,000 SF to < 1,250,000 SF OR [1.5] 1.0 to < [3.25] 1.75 max FAR	30	2
	≥ 1,250,000 SF OR ≥ [3.5] 1.75 max FAR	40	3
EOF	< 10,000 SF OR < 1.5 max FAR	30	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < [3.25] 3.5 max FAR	60	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4

- In the LSC zone, the purchase of BLTs is required under [Sec.] Section 6.6.3.F.1.b.

C. Building Type

All building types allowed under [Div.] Division 4.6. are allowed in the LSC and EOF zones under optional method development.

D. Compatibility Standards

Development must satisfy the compatibility standards under [Div. 7.4] Section 4.1.8.

Section 1.5.2. Development Standards

A. Open Space

- A developer must provide open space based on the lot area and number of frontages as described in the following table.

Lot Area	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
% of Site Required to be Dedicated for Open Space				
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

- In a development with townhouse, apartment[condo], multi use, or general building types, open space is calculated on the site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common open space and for other buildings is public open space under [Div.] Division 7.3.
- Open space must satisfy [Div.] Division 7.3.

B. Lot, [and] Density, and Height

- Lot standards for detached house, duplex, and townhouse building types are established by the site plan approval process.
- [The maximum density is established by the mapped zone.]Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

3. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 6.5.2.B.2.
4. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.
5. [3. Gross floor area of all Household Living uses in an application must not exceed 30% of maximum allowed FAR.] In the GR, NR, and EOF zones, gross floor area of all Household Living uses on a site is limited to 30% of the total gross floor area on the subject site.
6. [4.] In the LSC zone[, for tracts larger than 5 acres]:
 - a. For tracts larger than 5 acres:
 - i. [a.] A minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses. The proposed gross floor area used for the purpose of calculating the minimum percentage of Life Sciences uses excludes: (1) Hospitals and the Hospital's accessory uses; and (2) educational facilities.
 - ii. [b.] A maximum of 10% of the gross floor area proposed may be used for Retail/Service Establishment; however, a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment if the Planning Board finds unique circumstances and the development would be enhanced by additional retail activity[, then a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment].
 - b. Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.
 - c. [5.] [In the LSC zone, any] Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone must [not] be used [for any other] only for purpose. The total area of any partial floors or stories excluded from the maximum density calculation [must not exceed] is limited to the gross floor area of any full floor of the building.

C. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process.

[D. Height

The maximum height is established by the mapped zone.]

D. [E.] Form

Form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances.

Division 6.6. Optional Method Public Benefits

Section 1.6.1. General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone among the following categories:
 - a. Major Public Facilities;
 - b. Transit Proximity;
 - c. Connectivity and Mobility;
 - d. Diversity of Uses and Activities;
 - e. Quality Building and Site Design; and
 - f. Protection and Enhancement of the Natural Environment.
2. The individual public benefits that may be accepted in each of these categories in each zone are in [Section 6.6.2.](#)

B. General Public Benefit Considerations

Granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations and objectives of the applicable master plan;
2. the CR Zone Incentive Density Implementation Guidelines;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

C. Public Benefit Implementation Guidelines

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

1. be consistent with the objectives of [\[this\] Division 6.6](#) [\[\(Div. 6.6\)\]](#);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in [\[this\] Division 6.6](#) [\[\(Div. 6.6\)\]](#), but must not conflict with those provisions; and
3. [\[only\]](#) allow incentive FAR [only](#) for those public benefits listed in [\[Sec.\] Section 6.6.3.](#)

Section 1.6.2. Public Benefit Overview

The Planning Board must determine the public benefit points under optional method development from the following categories:

A. Major Public Facility

B. Transit Proximity

C. Connectivity and Mobility

[\[1. Advance Dedication\]](#)

1. [\[2.\] Minimum Parking](#)
2. [\[3.\] Neighborhood Services](#)
3. [\[4.\] Public Parking](#)

[\[5. Through-Block Connection\]](#)

4. [\[6.\] Transit Access \[\\[or Streetscape Improvement\\]\]\(#\)](#)

[\[5. Streetscape Improvement\]](#)

6. [\[7.\] Trip Mitigation](#)

[\[8. Way Finding\]](#)

D. Diversity of Uses and Activities

[\[1. Adaptive Buildings\]](#)

[\[2. Affordable Housing\]](#)

1. [\[3.\] Care Centers](#)
2. [\[4.\] Dwelling Unit Mix](#)
3. [\[5.\] Enhanced Accessibility for the Disabled](#)

- [6. Enhanced Visitability for Seniors/Disabled]
- [7. Live/Work]
- 4. [Moderately Priced Dwelling Units](#)
- 5. [8.] Small Business Opportunity
- [9. Workforce Housing]
- E. Quality Building and Site Design
 - 1. Architectural Elevations
 - [2. Enhanced Recreation Facilities]
 - 2. [3.] Exceptional Design
 - 3. [4.] Historic Resource Protection
 - 4. [5.] Public Art
 - 5. [6.] Public Open Space
 - 6. [7.] Structured Parking
 - [8. Tower Step-Back]
- F. Protection and Enhancement of the Natural Environment
 - 1. Building Lot Terminations
 - 2. Building Reuse
 - [3. Cool Roof]
 - 4. Energy Conservation
 - 5. Energy Generation
 - 6. Habitat Preservation and Restoration
 - 7. Recycling Facility Plan]
 - 3. [8.] Transferable Development Rights
 - [9. Tree Canopy]
 - 10. Vegetated Area
 - 11. Vegetated Roof
 - 12. Vegetated Wall]

Section 1.6.3. Public Benefit Descriptions and Criteria

A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as a school, library, recreation center, park, County service center, bike share station, public transportation or utility upgrade, or other resource delineated in an applicable master plan. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where a proposed major public facility is not recommended in the applicable master plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a partial or full payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
4. Up to the following number of points may be awarded if the requirements of [Sec.] [Section 6.6.3.A.3](#) are met:
 - a. 20 points in an LSC zone;
 - b. 40 points in an EOF or CRT zone; and
 - c. 70 points in a CR zone.

B. Transit Proximity

1. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT, CR, LSC, and EOF zones.
 - a. Transit proximity is categorized in 3 levels:

- i. Level 1 is proximity to an existing or master planned Metrorail Station.
- ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of an existing or master planned MARC station.
- iii. Level 3 is proximity to an existing or master planned MARC station.

All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

- b. A project is abutting or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100% of the tract in a single sketch plan application is within ¼ mile of the transit portal.
- c. For split proximity-range projects:
 - i. If at least 75% of the tract in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
 - ii. If less than 75% of the tract in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

[Proximity]	[Abutting or Confronting]			[Within 1/4 Mile]			[Between 1/4 and 1/2 Mile]			[Between 1/2 and 3/4 Mile]		
	1	2	3	1	2	3	1	2	3	1	2	3]
[Transit Service Proximity Level]	1	2	3	1	2	3	1	2	3	1	2	3]
[LSC]	10	5	2.5	8	4	0	6	2	0	4	0	0]
[EOF or CRT]	25	15	5	20	12.5	2.5	15	10	0	10	7.5	0]
[CR]	50	30	10	40	25	5	30	20	5	20	15	2.5]

Proximity	Abutting or Confronting		Within 1/4 Mile		Between 1/4 and 1/2 Mile		Between 1/2 and 3/4 Mile	
	1	2	1	2	1	2	1	2
Transit Service Proximity Level	1	2	1	2	1	2	1	2
LSC	10	5	8	4	6	2	4	0
EOF or CRT	15	10	15	10	10	5	5	5
CR	25	15	20	15	15	10	10	10

C. Connectivity and Mobility

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses may achieve public benefit points.

- [1. **Advance Dedication:** Up to 8 points in the LSC zone, 15 points in the EOF and CRT zones, and 30 points in the CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.]
- 1. [2.] **Minimum Parking:** Up to [10] 20 points in the CR and LSC zones and up to 15 points in the CRT and EOF zones for providing [less] fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
- 2. [3.] **Neighborhood Services:** When fewer than 10 different basic services exist within ¼ mile, up to 10 points for providing retail bays appropriate for at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of [no greater than] 5,000 square feet.
- 3. [4.] **Public Parking:** Up to [25] 20 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
- [5. **Through-Block Connections:** Up to 15 points for safe and attractive pedestrian connections between streets.]
- 4. [6.] **Transit Access [or Streetscape Improvement]:** Up to [20] 5 points for [creating] constructing new or improving existing transit access [or for con-

struction of off-site improvements, excluding any streetscape improvements otherwise required].

5. **Streetscape Improvement:** Up to 10 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
6. **[7.] Trip Mitigation:** Up to [15] 5 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.
- [8. Way-Finding:** Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.]

D. Diversity of Uses and Activities

Development that increases the variety and mixture of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.

- [1. Adaptive Buildings:** Up to 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.]
- [2. Affordable Housing**
 - a. Up to 40 points for providing MPDUs above the 12.5% minimum required under Chapter 25A.
 - b. Points are calculated as follows:
 - i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - ii. Above 15% of MPDUs, each 1% of additional MPDUs entitles the applicant to an additional 2 benefit points. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 2 points.

- iii. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.

- c. The gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.]
1. **[3.] Care Centers:** Up to [20] 15 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.
2. **[4.] Dwelling Unit Mix:** Up to [10] 5 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy [the requirements of] Chapter 25A.
3. **[5.] Enhanced Accessibility for Seniors or the Disabled:** Up to [15] 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
- [6. Enhanced Visitability for Seniors or the Disabled:** Up to 15 points for constructing dwelling units that satisfy ANSI A117.1, Type C, VISIBLE Unit, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level.]
- [7. Live/Work:** Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.]
4. **Moderately Priced Dwelling Units:** There is no limitation on the number of points for providing more than 12.5% of the residential units as MPDUs under Chapter 25A.
 - a. Points are calculated as follows:
 - i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - ii. An additional 2 points are granted for every 1% of 2 bedroom MPDUs not otherwise required.

- iii. An additional 5 points are granted for every 1% of 3 bedroom MP-DUs.
 - iv. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU public benefit points in any zone.
 - b. For a project that exceeds 12.5% MPDUs, the height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
 - c. For a project providing less than 15% MPDUs, the gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.
 - d. For a project providing a minimum of 15% MPDUs:
 - i. the gross floor area of all MPDUs provided is exempt from the calculation of FAR; and
 - ii. one less category than is required under Section 6.4.1.B and Section 6.5.1.B must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 6.4.1.B and Section 6.5.1.B.
5. **[8.]Small Business Opportunities:** Up to [20] 10 points for providing on-site space for small, neighborhood-oriented businesses.

[9. Workforce Housing: Up to 20 points for providing workforce housing under Chapter 25B at a rate of 2 points for each percentage of the total units, excluding MPDUs.]

E. Quality Building and Site Design

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings

all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

1. **Architectural Elevations:** Up to 20 points in the CRT zone for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of [this] Division 6.6 [(Div. 6.6)], such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility.
2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the level required by Planning Board approved Recreation Guidelines.]
2. **[3.] Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting per the purposes [delineated] listed in [this] Division 6.6 [(Div. 6.6)]. Of the 10 points, at least 5 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor façade. The step-back must begin at a height no greater than 72 feet.
3. **[4.]Historic Resource Protection:** Up to [20] 15 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
4. **[5.]Public Open Space:** Up to [20] 15 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
5. **[6.]Public Art:** Up to [15] 10 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
6. **[7.]Structured Parking:** Up to 20 points for placing parking [within,] in an above or below grade parking [structures] structure.
- [8. Tower Step-Back:** Up to 5 points for stepping back a building's upper floors

by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.]

F. Protection and Enhancement of the Natural Environment

Protection and enhancement of natural systems and reduced energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

1. **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).
 - a. In the CR zone:
 - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 7.5% of the incentive density floor area under the following parameters:
 - (a) One BLT, equivalent to 9 points, must be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area;
 - (b) [Any] A private BLT easement must be purchased in whole units; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
 - ii. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 7.5%. Each BLT easement purchase or payment is equivalent to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
 - b. In the LSC zone:
 - i. BLTs are mandatory for all optional method developments in the LSC zone and each percent of incentive density achieved is equal to one

point. For those projects that don't achieve 30 points under the mandatory calculation, additional BLTs may be purchased or payments made for up to 30 total points.]

- i. [ii.] An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density under the following parameters:
 - (a) For any floor area above 0.50 FAR, one BLT, equivalent to 9 points, must be purchased or an equivalent payment made for:
 - (1) each 31,500 square feet of floor area of residential, non-residential, and Life Sciences between 0% and 40% of the project's floor area; and
 - (2) each 60,000 square feet of Life Sciences between 40% and 50% of the project's floor area.
 - (b) Any private BLT easement must be purchased in a whole unit; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
- ii. [iii.] Floor area restricted to the following uses is subtracted from the total density before calculating the required BLTs:
 - (a) workforce housing units;
 - (b) MPDUs;
 - (c) hospitals, including the hospital's accessory uses, other than medical office buildings;
 - (d) educational facilities for non-life sciences; and
 - (e) Life Sciences in excess of 50% of the project's total floor area.
- c. In the CRT and EOF zones, BLT payments are optional; each BLT easement purchase or payment is equal to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.

2. **Building Reuse:** Up to 100 points for reuse of an existing building that satisfies the following:
 - a. 75% of the structural system of the building must be retained; and
 - b. An architectural deconstruction company must be used to remove reusable and recyclable materials before any demolition.
 - c. Although 100 points may be obtained, public benefit category minimums must be met.
3. **Cool Roof:** Up to 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
4. **Energy Conservation:** Up to 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings.
5. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
6. **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other County laws.
7. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that [complies with] satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.]
3. **[8.] Transferable Development Right:** Up to 20 points for the purchase of TDRs. Every TDR purchased is worth 1 point. If a site is within a TDR Overlay zone, TDRs [must] may be purchased under Division 6.3. [as recommended by the master plan or, if no recommendation is made, at least 5 points must be provided through the purchase of TDRs.]
9. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at least 20 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
10. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. An individual area must be a minimum of 500 square feet. This does not include vegetated roofs or stormwater management facilities.
11. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
12. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.]]

ARTICLE 59-7. ADMINISTRATION AND PROCEDURES

Editor's Note: Article 7 of the approved code was Article 8 of ZTA 13-04, as introduced. Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1. Although all section numbers have been changed, the previous section number is not indicated as deleted and the new section number is not underlined.

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Division 7.1. Review Authority and Approvals Required

Section 7.1.1. In General

The applicant has the burden of [proof going forward with the evidence,] production and has the burden of proof by a preponderance of the evidence on all questions of fact.

Section 7.1.2. Overview of Review and Approval Authority

The following table provides an overview of the authority granted the various bodies under this Chapter. This table does not define legal responsibilities and is only provided for the convenience of the reader.

Approval Requested	Section Reference	Authority					
		Sign Review Board	DPS Director or Staff	Planning Director or Staff	Planning Board	Hearing Examiner	Board of Appeals
District Council Approvals							
Local Map Amendment	7.2.1 [[8.2.1]]			R	R	R	D
Corrective Map Amendment	7.2.2 [[8.2.2]]			R	R		D
Sectional or District Map Amendment	7.2.3 [[8.2.3]]			R	R		D
Zoning Text Amendment	7.2.4 [[8.2.4]]		R	R	R		D
Regulatory Approvals							
Conditional Use	7.3.1 [[8.3.1]]			R	I	[R/]D	[D] A
Variance	7.3.2 [[8.3.2]]			I	I	I	D
Sketch Plan	7.3.3 [[8.3.3]]			R	D		
Site Plan	7.3.4 [[8.3.4]]			R	D		
Administrative Approvals							
Building Permit	7.4.1 [[8.4.1]]		D			I	A
Use and Occupancy and Temporary Use Permit	7.4.2 [[8.4.2]]		D			I	A
Sign Permit	7.4.3 [[8.4.3]]		D			I	A
Sign [Permit] Variance	7.4.4 [[8.4.4]]	D				I	A
[Sign Installer License]	[8.4.5]		[D]				
[Administrative Zoning District Line Adjustment]	[8.4.6]			[D]			

KEY: A = Appeal D = Decision I = Review and recommendation if requested by a reviewing, deciding, or appellate body R = Review and recommendation

Section 7.1.3. Overview of Approvals Required

The following table provides an overview of the approvals required under [this] Article 59-7 [[59-8]] [[Article 59-8]]. Details of the submittal requirements and review criteria are discussed in the referenced Sections. These explanations are not legal definitions and are only provided for the convenience of the reader.

Application	Section Reference	Applicability
District Council Approvals		
Local Map Amendment	7.2.1 [[8.2.1]]	A local zoning change to apply a Floating or Euclidean zone to a specific property.
Corrective Map Amendment	7.2.2 [[8.2.2]]	Correction of an error in the application or mapping of a comprehensive rezoning.
Sectional or District Map Amendment	7.2.3 [[8.2.3]]	A comprehensive rezoning of an area or areas of the County.
Zoning Text Amendment	7.2.4 [[8.2.4]]	A change in the text of this Chapter.
Regulatory Approvals		
Conditional Use	7.3.1 [[8.3.1]]	Use of any property for a conditional use, as designated by Article 59-3 .
Variance	7.3.2 [[8.3.2]]	A request to deviate from any requirement of this Chapter.
Sketch Plan	7.3.3 [[8.3.3]]	Required for development under the optional method.
Site Plan	7.3.4 [[8.3.4]]	Optional method development requires approval of a site plan after approval of a sketch plan. Development under a Floating zone requires approval of a site plan after approval of a Local Map Amendment. Development under standard method may require [requires] site plan approval [as indicated in Sec.] under Section 7.3.4. [[8.3.4]]
Administrative Approvals		
Building Permit	7.4.1 [[8.4.1]]	Required before any building or structure can be erected, moved, [structurally] altered, [added to,] or enlarged[and before any excavation]. See exemptions in [Sec.] Section 7.4.1. [[8.4.1]]
Use-and-Occupancy and Temporary Use Permits	7.4.2 [[8.4.2]]	Required before any building, structure, or land can be used or can be converted, in whole or in part, from one use to another. See exemptions in [Sec.] Section 7.4.2. [[8.4.2]]
Sign Permit	7.4.3 [[8.4.3]]	Required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy that satisfies a sign concept plan, does not require a permit. See exemptions in [Sec.] Section 6.7.3. [[7.7.3.]]
Sign [Permit] Variance	7.4.4 [[8.4.4]]	Any sign not listed in [Div] Division 6.7 [[7.7]], or that does not satisfy the requirements in [Div] Division 6.7 [[7.7]], may apply for a sign [permit] variance from the Sign Review Board.
[Sign Installer License]	[8.4.5]	[Required for any business that chooses to provide certification as a licensed sign installer.]
[Administrative Zoning District Line Adjustment]	[8.4.5]	[An administrative correction of an error in a zoning district line.]

Division 7.2. District Council Approvals

Section 7.2.1. Local Map Amendment

A. Applicability and Description

1. A zoning map change to apply a Floating or Euclidean zone to an individual property requires approval of a Local Map Amendment.
2. The Local Map Amendment application describes the property and the basis for the requested zoning change.
3. When requesting a Floating zone, an applicant may propose binding elements with a Local Map Amendment application. A binding element may include, but is not limited to, a restriction on use and building type that the zone would otherwise allow; a limit on a development standard to less than the maximum allowed; or a general development requirement beyond the minimum required. A binding element binds the applicant, and any successor or assign, unless lawfully amended.

B. Application Requirements

1. An applicant must file a Local Map Amendment application with the Hearing Examiner.
 - a. Before filing, the applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness no later than 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 - b. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness no later than 10 days after receipt.
 - c. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Hearing Examiner, who will accept the application and establish a hearing date under Sec. 8.2.1.C.]

1. [d.] The applicant must be a government agency, own the subject property, or be authorized by the owner to file the application. If any land or right-of-way is owned or controlled by the State, County, or any other entity or agency, the applicant must submit written authorization from that entity or agency with the application.

2. Public notice is required under Division 8.5.]

2. [3.] The applicant must submit the following for review:
 - a. An application form and fees approved by the District Council[;].
 - b. The identity of each person who has a substantial interest in the property under the application, including any person with a share in the property amounting to 5% or more (whether held in an individual or corporate capacity) of the full cash value of the property after subtracting all mortgages, deeds of trusts, liens, and encumbrances. The application must also contain the names of any contract purchaser or person holding a mortgage, deed of trust, or option to purchase the property.
 - c. A statement disclosing political contributions to the treasurer or political committee of any candidate for County Council and County Executive or slate that contributes to candidates for County Council or County Executive, under State law. The applicant must submit the disclosure statement on a form approved by the District Council.
 - d. A statement explaining how the proposed development satisfies the criteria to grant the application[;].
 - e. For a Floating zone, a floating zone plan depicting:
 - i. building location, density, massing, height, and anticipated use;
 - ii. locations of open spaces and preliminary stormwater management strategy;
 - iii. pedestrian, bicycle, and vehicular circulation, parking, and loading;
 - iv. any binding element on the application. An applicant who proposes a binding element must submit an unexecuted covenant suitable for filing in the land records reflecting any restriction on the development

standards, development program, or use that will be applicable to the property if the District Council approves the application; and

- v. the following additional information:
 - (a) current and proposed zone;
 - (b) existing site conditions and vicinity;
 - (c) existing or approved adjacent land uses, buildings, and rights-of-way;
 - (d) a Traffic Study under the Planning Board's LATR Guidelines if the incremental increase in vehicular peak-hour trips between the density of the base zoning and the density of the requested floating zone meets the minimum applicability requirement in the LATR Guidelines; and
 - (e) general phasing of structures, uses, rights-of-way, sidewalks, dedications, and future preliminary and site plan applications.

- f. For a Euclidean zone application, exhibits showing:
 - i. the subject property and the proposed neighborhood, identifying uses and zoning; and
 - ii. an explanation of the changes that have occurred in the neighborhood since the original zoning or previous comprehensive rezoning, or evidence of the alleged mistake made by the District Council in the previous Sectional or District Map Amendment, in support of the requested Euclidean zone.

- 3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
- 4. The applicant must submit any required revisions to the Planning Director.

The Planning Director must review the revised application for completeness within 10 days after receipt.

- 5. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Hearing Examiner, who will accept the application and establish a hearing date under Section 7.2.1.C. [[8.2.1.C]]
- 6. Public notice is required under Division 7.5. [[8.5.]]
- 7. [4.]New public notice must be provided for any modification to an application [applications] requesting an increase in the area proposed to be reclassified or requesting a change to the zoning classification[; and].
- 8. [5.]The Hearing Examiner must make applications available for public inspection during regular office hours.

C. Hearing Date

- 1. The Hearing Examiner must schedule a [begin a] public hearing to begin on a Local Map Amendment application [no later than] within 120 days after the application was accepted.
- 2. The Hearing Examiner may postpone the public hearing if done [at least] a minimum of 10 days before the scheduled date unless extraordinary circumstances make such notice impossible, and must provide notice of the new hearing date.
- 3. The Hearing Examiner may issue a subpoena to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.

D. Review and Recommendation

1. Planning Director Review

The Planning Director must [issue and make available to the applicant and the public] publish a report and recommendation [no later than] a minimum of 10 days before the Planning Board public meeting. [The report and recommendation must be made.]

2. Planning Board Review

- a. The Planning Board must hold a public meeting on the application.
- b. The Planning Board must provide a recommendation on the application to the Hearing Examiner [no later than] a minimum of 7 days before the Hearing Examiner's public hearing.

3. Hearing Examiner Review

- a. The Hearing Examiner must forward a report and recommendation to the District Council [no later than] within 45 days after the close of the record of the public hearing. The Hearing Examiner must also make the report available to the applicant and public.
- b. The Hearing Examiner may extend the time to forward the report and recommendation once by up to 45 days without the District Council's approval and again by up to 45 days with the District Council's approval.
- c. Any party of record or aggrieved party may, [no later than] within 10 days after [transmittal of] the Hearing Examiner's issues a report and recommendation, file a written request with the District Council to present oral argument.
 - i. Any party who submits a request for oral argument must send a copy of the request to all parties of record.
 - ii. The request must concisely state the matters desired to be presented at the oral argument. The District Council may grant or deny the request. [If the District Council grants the request, the argument must be limited to matters contained in the record compiled by the Hearing Examiner.]The District Council may, on its own motion, require oral argument on any aspect of the case. When oral argument is allowed, the District Council must:
 - (a) set the day and time for oral argument;
 - (b) limit oral argument to specific topics;
 - (c) set time limits for oral argument; and
 - (d) specify the order of presentations.

- iii. Each oral argument must be limited to matters contained in the record compiled by the Hearing Examiner.
- iv. After oral argument, the District Council must either decide the application or remand the application to the Hearing Examiner for clarification or taking additional evidence.
- v. [iii.] Any interested party may, [no later than] within 5 days after a request for oral argument is filed with the District Council, file a written opposition to a request for oral argument or request to participate in oral argument if oral argument is allowed. The opposition must be concise and limited to matters raised by the party who requested oral argument. Any party who files an opposition or request to participate must send a copy to all parties of record.

4. Withdrawal of Application

The Hearing Examiner may allow an applicant to withdraw an application for a Local Map Amendment at any time before the Hearing Examiner issues the report.

E. Necessary Findings

1. A Floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.
2. [1.] For a Floating zone application the District Council must find that the floating zone plan will:
 - a. substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;
 - b. further the public interest;
 - c. [meet] satisfy the intent, purposes, and standards of the proposed zone and requirements of this Chapter;
 - d. be compatible with existing and approved adjacent development;
 - e. [demonstrate the ability to provide adequate and safe internal infrastructure, open space, public amenities, and pedestrian and transportation circulation] generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning

Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and

- f. when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely ~~[[effect]]~~ affect the character of the surrounding neighborhood.
3. [2.]For a Euclidean zone application, the District Council must find:
 - a. a substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning, or that a mistake was made by the District Council when it applied the existing zoning;
 - b. the requested zone is in the public interest; and
 - c. the requested zone is compatible with the surrounding area.

F. Decision

1. The District Council must make its decision to approve, deny, or remand the application to the Hearing Examiner on the record.
2. Generally, [An] an affirmative vote of 5 members of the District Council is required to approve an application; [, except that when a Floating zone application is not recommended by the applicable master plan and the Planning Board or applicable municipality does not recommend approval of the application, a vote of 6 members is required] however, an affirmative vote of 6 members of the District Council is required to approve an application if:
 - a. approval would be contrary to the recommendation of the municipality in which the property is located; or
 - b. the Planning Board does not recommend approval of the application.

If the required number of affirmative votes is not obtained, the application is denied.

3. For a Floating zone:
 - a. Before the close of the administrative record the applicant must submit to the Hearing Examiner an executed covenant that reflects any restriction on the development standards, development program, or use in the approved floating zone plan.

- b. The executed covenant must also state that the restricted development standards, development program, or use remain in full effect until the property is rezoned or the floating zone plan is amended and an amended covenant is executed and recorded.
- c. The applicant must file the executed covenant in the land records of Montgomery County [no later than] within 10 days after approval of the application by the District Council and submit certification of such filing to the Planning Board with the site plan application. The Planning Board must not accept a site plan application without this certification.
4. The District Council must issue a resolution and opinion reflecting its decision on the application [no later than] within 60 days after the Hearing Examiner's transmittal to the District Council, unless such time is extended by the District Council, or remand the application to the Hearing Examiner for further consideration.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision [no later than] within 30 days after the District Council's action under the Land Use Article.
6. The decision of the District Council on any application for a Local Map Amendment is final, except that the District Council on its own motion may, within 30 days, reconsider its decision on any application. A decision to reconsider stays the time in which a party may file for petition for judicial review.
7. After giving the applicant 30 days' notice, the Hearing Examiner may recommend that the District Council dismiss an application if:
 - a. the application has been pending for 2 years or longer; and
 - b. the applicant has not actively pursued the application.The District Council may dismiss the application unless the applicant shows good cause that the application should not be dismissed.

G. Subsequent Actions

1. Filing of subsequent Local Map Amendment applications are limited as follows:

- a. Filing a Local Map Amendment application is prohibited for land that was in whole or in part the subject of a previous zoning application decided on its merits within the last 18 months.
 - b. Filing a Local Map Amendment application is prohibited for land that was in whole or in part the subject of a previous zoning application for the same zoning classification filed within the last 36 months and decided on its merits.
 - c. The time limitations in [Sec.] [Section 7.2.1.G.1.a](#) [[8.2.1.G.1.a]] and [Sec.] [Section 7.2.1.G.1.b](#) [[8.2.1.G.1.b]] do not apply when the previous application, which would bar the filing of a new application, was filed by a governmental agency not at the owner's request.
 - d. The District Council may waive the time limitations in [Sec.] [Section 7.2.1.G.1.a](#) [[8.2.1.G.1.a]] if an applicant submits a petition that shows substantial new facts that would warrant reapplication.
2. All development in a Floating zone requires site plan approval under [Sec.] [Section 7.3.4.](#) [[8.3.4.]]

H. Recording Procedures

1. For a Local Map Amendment for a Floating zone:
 - a. If a floating zone plan includes a binding element, the applicant must file an executed covenant reflecting the binding element in the land records and provide certification of the filing to the Planning Board with any subsequent site plan application. The covenant must remain in effect until the District Council rezones the property or removes the binding element that the covenant reflects.
 - b. The applicant must provide the floating zone plan that satisfies the District Council's resolution to the Hearing Examiner for certification in a format approved by the Hearing Examiner, [no later than] [within](#) 10 days after the District Council issues its resolution.
 - c. The Hearing Examiner must maintain the certified floating zone plan in the Hearing Examiner's permanent files, [and publish an electronic copy.](#)
 - d. The District Council must send a copy of the resolution [[and certified floating zone plan](#)] to the Planning Board to update the zoning map. The

District Council must also send a copy of the resolution to the applicant, all parties of record, [and](#) DPS, [. DPS must send a copy of the resolution to](#) the Supervisor of Assessments for Montgomery County, the Department of Finance, the Department of Environmental Protection[;](#), and the Board of Appeals.

2. For a Local Map Amendment for [[an]] [a](#) Euclidean zone, the District Council must send a copy of the resolution to the Planning Board to update the zoning map. The District Council must also send a copy of the resolution to the applicant, all parties of record, [and](#) DPS, [. DPS must send a copy of the resolution and opinion to](#) the Supervisor of Assessments for Montgomery County, the Department of Finance, the Department of Environmental Protection, and the Board of Appeals.

I. Amendment to a Floating Zone Plan

There are 2 ways to amend a floating zone plan:

1. A major amendment to an approved floating zone plan follows the same procedures as an original application. A major amendment includes any request to increase density or height, add a previously disallowed use, decrease a setback, or make a change to any binding element of approval.
2. At site plan, the Planning Board may approve an amendment to an approved floating zone plan that does not increase density or height, add a previously disallowed use, decrease a setback, or change any binding element.

J. Compliance and Enforcement

1. [\[Whenever a complaint is filed\] Any individual or governmental agency may file a complaint](#) alleging [\[substantial\]](#) noncompliance with any binding element of an approved floating zone plan[\[,\] with](#) DPS, [\[must investigate the complaint and, if\] If](#) the complaint is found to have reasonable cause, [DPS must](#) provide a [\[written summary of the investigation\] notice of noncompliance](#) to the complaining party, the [\[zoning applicant or a successor in interest\] property owner,](#) [\[the Planning Board,\]](#) and the Hearing Examiner. [\[Any individual or governmental agency may file a complaint.\]](#)
2. Upon receipt of the [\[investigative report\] notice of noncompliance,](#) the Hearing Examiner must schedule a show cause hearing to determine whether the property owner has failed to comply with a binding element and whether

any such failure merits sanctions including reversion to the previous zoning category. The hearing will be conducted after providing the parties and the public with 30 days notice. The Hearing Examiner must provide the District Council with a report and recommendation [no later than] within 30 days after the close of the hearing record. A hearing is not required if the complaint is withdrawn or the alleged noncompliance is corrected to the satisfaction of DPS.

3. If the District Council finds, after consideration of the Hearing Examiner's report and recommendation, that a party has failed to satisfy any binding element of an approved floating zone plan, it may adopt a resolution providing appropriate sanctions including reversion to the previous zoning classification. Upon the property's reversion to the previous zoning classification, all development standards of the previous zone apply. The reversion sanction will not apply where the District Council finds substantial compliance with the binding elements.

Section 7.2.2. Corrective Map Amendment

A. Applicability and Description

1. Correction of an administrative or technical error [or an error or omission in the findings of fact] in [the application of] a Sectional or District Map Amendment requires approval of a Corrective Map Amendment.
2. A Corrective Map Amendment may cover one or more properties.
- [3. The purpose of a Corrective Map Amendment is to enable the District Council to correct depiction of a zoning boundary line resulting from an administrative or technical error or from an error or omission in the findings of fact during the District Council's proceedings regarding an earlier Map Amendment.]
3. [4.] A Corrective Map Amendment is not a basis for determining change in the character of the neighborhood.

B. Application Requirements

1. Only the Planning Board may file an application for a Corrective Map Amendment with the District Council.

2. Public notice is required [for accepted applications] under [Div.] Division 7.5. [[8.5.]]

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must [issue and make publicly available] publish a report and recommendation [at least] a minimum of 7 days before the Planning Board meeting.
- b. The Planning Director's report and recommendation must include:
 - i. A description of the area of land proposed for rezoning;
 - ii. A map depicting the existing and proposed zoning for the area of land; and
 - iii. A statement of reason for the zoning change.

2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public meeting to consider the recommendation.
- b. The Planning Board must submit a recommendation on the application to the District Council.

D. Necessary Findings

The Planning Board must show that there is an error or inaccurate depiction of the zoning boundary line on an adopted map.

E. Decision

1. The District Council must conduct a public hearing and make its decision on the record to approve, deny, or remand the application to the Planning Board for further consideration.
2. An affirmative vote of 5 members of the District Council is required to approve a Corrective Map Amendment. If the required number of affirmative votes is not obtained, the application is denied.
3. The District Council must issue a resolution and opinion on the application [no later than] within 60 days after the close of record, unless such time is

extended by the District Council, or remand the application to the Planning Board for further consideration.

4. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision [\[no later than\] within](#) 30 days after the District Council's action [under the Land Use Article](#).
5. A public hearing may be adjourned, continued, suspended, deferred, or postponed either to a time certain or for a reasonable period of time by the District Council on public announcement. The District Council, on its own or at the suggestion of the Planning Board, may determine that some or all of the proposed adjustments should be considered comprehensively as part of a future master plan review and therefore dismiss the application.

F. Recording Procedures

1. The Planning Board must maintain the District Council's resolution on the Corrective Map Amendment in its permanent files.
2. The District Council must send a copy of the resolution and opinion to the Planning Board to update the zoning map and all property owners included in the application.

Section 7.2.3. Sectional and District Map Amendment

A. Applicability and Description

1. A Sectional Map Amendment rezones or confirms the zoning of a substantial area of the County.
2. A District Map Amendment rezones or confirms the zoning of the entire County.

B. Application Requirements

1. Only the Planning Board or District Council may apply for a Sectional or District Map Amendment.
2. [The District Council, or its designee, accepts the application for a Sectional or District Map Amendment. The District Council must forward the application to the Planning Board no later than 5 days after acceptance for filing.](#)
3. Public notice is required under Div. 8.5.]

2. For a Sectional Map Amendment, the applicant must submit the following for review:
 - a. The designation or description of the area sufficient to identify:
 - i. the zone boundaries and existing and proposed zoning;
 - ii. all roads, streets, alleys, public parks or other areas in public ownership or on public rights-of-way, and all streams and railroad rights-of-way within the area covered by the map, and the names thereof.
 - b. A map or map series of the area prepared by a civil engineer, surveyor, or the Planning Board, and certified to be correct and satisfying [\[this\] Section 7.2.3](#) [\[\[8.2.3\]\]](#) [\[\(Section 8.2.3\)\]](#).
 - c. [A digital copy of the map indicating the existing zoning and the proposed zoning.](#)
 - d. A statement of the reasons for the proposed zoning changes or adjustments. The application must include the total acres in the application, the acres proposed for rezoning, and the acres proposed for reconfirmation of existing zoning.
3. [The District Council, or its designee, accepts the application for a Sectional or District Map Amendment. If the Planning Board is not the applicant the District Council must forward the application to the Planning Board within 5 days after acceptance for filing.](#)
4. [Public notice is required under Division 7.5.](#) [\[\[8.5.\]\]](#)

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must [\[issue and make publicly available\] publish](#) a report and recommendation [\[at least\] a minimum of](#) 10 days before the Planning Board public meeting.
- b. The Planning Director's report and recommendation must include:
 - i. A description of the area proposed for rezoning; and
 - ii. Maps depicting the proposed zoning.

2. Planning Board Review

- a. The Planning Board may consider the Planning Director's report and recommendation as a consent item on its agenda or hold a public meeting to consider the recommendation.
- b. The Planning Board must submit a recommendation on the application to the District Council.

D. Decision

1. The District Council must conduct a public hearing and make its decision to approve with or without modification, deny, or remand the application to the Planning Board for additional analysis.
2. [An affirmative vote of 5 members of the District Council is required to adopt the Sectional or District Map Amendment, except that when an applicable municipality does not recommend approval of the application a vote of 6 members is required. If the required number of affirmative votes is not obtained, the application is denied. If the zoning is not recommended in a master plan or by the Planning Board, a vote of 6 members is required.] Generally, an affirmative vote of 5 members of the District Council is required to approve an application; however, an affirmative vote of 6 members of the District Council is required to approve an application if:
 - a. approval would be contrary to the recommendation of the municipality in which the property is located; or
 - b. the Planning Board does not recommend approval of the application.
3. The District Council must issue a resolution and opinion reflecting its decision on the application [no later than] within 60 days after the close of record, unless the time is extended by the District Council.
4. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision no later than 30 days after the District Council's action.
4. [5.] The decision of the District Council on any application for a Sectional or District Map Amendment is final except that the District Council on its own motion may, within 30 days, reconsider its decision on any application. [A

reconsideration stays the time in which a petition for judicial review may be filed.]

E. Recording Procedures

1. The Planning Board must maintain the District Council's resolution on the Sectional or District Map Amendment in its permanent files.
2. The District Council must send a copy of the resolution to the Planning Board to update the zoning map. The District Council must also send a copy of the resolution to all parties of record, and DPS. DPS must send a copy of the resolution to the Supervisor of Assessments for Montgomery County, the Department of Finance, the Department of Environmental Protection, and the Board of Appeals.

Section 7.2.4. Zoning Text Amendment

A. Applicability and Description

A change in the text of this Chapter requires approval of a Zoning Text Amendment.

B. Application Requirements

1. Any individual or government agency may request the District Council or an individual District Council member to sponsor a Zoning Text Amendment.
2. Only the District Council may introduce a Zoning Text Amendment.
3. The District Council must transmit send the Zoning Text Amendment to the Planning Director, the County Executive, the Board of Appeals, and the Hearing Examiner no later than 5 days after introduction and notify them of the District Council's public hearing date.
4. Public notice is required under Div. Division 7.5. [[8.5.]]

C. Review and Recommendation

1. Planning Director Review

The Planning Director must issue publish a report and recommendation at least a minimum of 7 days before the Planning Board public meeting. The report and recommendation must be made available to the public.

2. Planning Board Review

- a. The Planning Board may consider the Planning Director's report and recommendation as a consent item on its agenda or hold a public meeting to consider the recommendation.
- b. The Planning Board must submit a recommendation on the application to the District Council [at least 5 days] before the District Council Hearing. The recommendation must also be made available to the public.

3. Other Agency Review

The County Executive, the Board of Appeals, or the Hearing Examiner [must] may submit and make publicly available any recommendation on a Zoning Text Amendment to the District Council [at least 5 days before the District Council hearing].

[D. Necessary Findings

The approval of a Zoning Text Amendment must be in the public interest and further the County's plans and policies.]

D. [E.] Decision

1. The District Council must hold a public hearing [no later than] within 60 days after introduction, unless the District Council extends the hearing date. A quorum of the District Council is not required to conduct a public hearing on a Zoning Text Amendment.
2. [At least] A minimum of 5 members of the District Council must vote in the affirmative to adopt a Zoning Text Amendment.
3. Any District Council member who was not present at the hearing must review the record and sign a statement that he or she reviewed the record before voting on the amendment.
- [4. The final adoption of a Zoning Text Amendment must be a roll call vote.]
4. [5. Each] A Zoning Text Amendment takes effect 20 days after the District Council adopts it, unless the resolution adopting it specifies a different date.
5. [6.] If the District Council does not act on a Zoning Text Amendment within the earlier of 2 years of the date of its public hearing or expiration of the term of office of the District Council that conducted the public hearing, it

may not do so unless the Zoning Text Amendment is again introduced and set for public hearing.

[F. Recording Procedures

1. When the District Council adopts a Zoning Text Amendment, it must also adopt and maintain in its permanent files an opinion stating the reasons for its adoption.
2. The District Council must promptly send a copy of the opinion and Zoning Text Amendment to the County Executive, the Planning Board, the Hearing Examiner, the Board of Appeals, the Supervisor of Assessments, DPS, and the Department of Finance, and all persons entering their appearance at the hearing.]

Division 7.3. Regulatory Approvals

Section 7.3.1. Conditional Use

A. Applicability and Description

1. Use of any property for a conditional use[, as designated by] under Article 59-3[,] requires approval of a conditional use application.
2. A conditional use application may include all or part of a property[, but when the application does not contain the entire area included in any previous approval, the application must demonstrate its relation to and coordination with other approvals].
3. A conditional use application must satisfy the conditions and binding elements of, and be consistent with, any effective previous approvals on the subject property.
4. An area covered by a conditional use approval requires a site plan only if:
 - a. the area is included in a sketch plan; or
 - b. the use standards in Article 59-3 require it[, or
 - c. the Board of Appeals or Hearing Examiner requires it].

B. Application Requirements

- [1. Conditional use applications are filed with either the Board of Appeals or the Hearing Examiner depending on which body is authorized to make the final decision under Article 59-3:
 - a. Before filing, the applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness no later than 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 - b. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness no later than 10 days after receipt.

- c. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Hearing Examiner or Board of Appeals, who will accept the application and establish a hearing date under Sec. 8.3.1.C.]
1. [2.] Ownership:
 - a. An applicant must own the subject property or [show authorization from] be authorized by the owner to file the application.
 - b. If any land or right-of-way is owned or controlled by the State, County, or any other entity or agency, written authorization from that entity or agency must be submitted with the application.
- [3. Public notice is required for accepted applications under Div. 8.5.]
2. [4.] The applicant must submit the following for review:
 - a. application form and fees as approved by the District Council;
 - b. proof of ownership or authorization;
 - c. statement of how the proposed development satisfies the criteria to grant the application;
 - d. certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
 - e. list of abutting and confronting property owners in the County tax records;
 - f. list of any civic and homeowners associations within 1/2 mile;
 - g. Traffic Statement or Study, accepted for review by the Planning Director;
 - h. [inventory] map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - i. existing and proposed dry and wet utility plan if changes to these facilities are proposed;
 - j. written description of operational features of the proposed use;

- k. if exterior changes are proposed, plans of the proposed development showing:
 - i. footprints, ground-floor layout, and heights of all buildings and structures;
 - ii. required open spaces and recreational amenities;
 - iii. layout of all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. rough grading;
 - v. landscaping and lighting;
 - vi. approved Natural Resources Inventory/Forest Stand Delineation, if required under Chapter 22A;
 - vii. Forest Conservation Plan application, if required under Chapter 22A, or an approved preliminary forest conservation plan; telecommunication tower applications [are exempt from this requirement] must include an approved Forest Conservation Plan or a letter from the Planning Department confirming that a Forest Conservation Plan is not required under Chapter 22A;
 - viii. Stormwater Management Concept or Water Quality Plan application, if required under Chapter 19; and
 - ix. supplementary documentation showing or describing how the application satisfies previous approvals and applicable requirements.
 - l. development program and inspection schedule detailing any construction phasing for the project; and
 - m. for a telecommunication tower application, photographic simulations of the tower and site seen from areas with a direct view of the tower, including a minimum of at least 3 directions.
3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.

4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 10 days after receipt.
5. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Hearing Examiner, who will accept the application and establish a hearing date under Section 7.3.1.C. [[8.3.1.C.]]
6. Public notice is required under Division 7.5. [[8.5.]]

C. Hearing Date

1. The Hearing Examiner must [begin] schedule a public hearing to begin [no later than] within 120 days after the date an application [is] was accepted.
2. The Hearing Examiner may postpone the public hearing and must send notice to all parties of record of the new hearing date.
3. The Hearing Examiner may issue a subpoena to compel the attendance of witnesses at a public hearing and production of documents and administer an oath to any witness.

D. Review and Recommendation

1. Planning Director Review

- a. The Planning Director may provide a report and recommendation for review by the Planning Board at a public meeting or issue a report and recommendation directly to the Hearing Examiner. The Planning Director must provide a report and recommendation on a telecommunication tower application directly to the Hearing Examiner.
- b. If the Planning Director provides a report and recommendation to the Planning Board, the Planning Director must [issue and make publicly available] publish the report and recommendation a minimum of 10 days before the Planning Board public meeting.
- c. If the Planning Director provides a report and recommendation to the Hearing Examiner, the Planning Director must [issue] publish the report and recommendation a minimum of 10 days before the Hearing Examiner's public hearing.

2. Planning Board Review

- a. The Planning Board may consider the Planning Director's report and recommendation as a consent item on its agenda or hold a public meeting to consider the recommendation.
- b. The Planning Board must provide a recommendation on the application to the Hearing Examiner a minimum of 7 days before the Hearing Examiner's public hearing.

3. Hearing Examiner Review

When the Board of Appeals is the deciding body:

- i. The Hearing Examiner must forward a report and recommendation to the Board of Appeals no later than 30 days after the close of the record of the public hearing. The Hearing Examiner must notify the applicant and all parties who participated in the hearing that the report and recommendation are complete and available for review.
- ii. The Hearing Examiner may extend the time to forward the report and recommendation once by up to 30 days without the Board of Appeals' approval. Any extension beyond 30 days requires approval by the Board of Appeals.
- iii. Any party of record or aggrieved party may, no later than 10 days after transmittal of the Hearing Examiner's report, file a written request to present oral argument before the Board of Appeals.
 - (a) A written request must be filed with the Board of Appeals and must concisely identify the matters to be presented at the oral argument.
 - (b) Any party of record or aggrieved party may, no later than 5 days after a request for oral argument is filed, file a written opposition or request to participate in oral argument. An opposition to a request for oral argument must be sent to the Board of Appeals and all parties as listed by the Hearing Examiner, and must be concise and limited to matters raised by the party who requested oral argument.

(c) The Board of Appeals may, in its discretion, grant or deny an oral argument request. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner.

(d) Thereafter, the Board of Appeals must decide the matter under [Sec.] Section 8.3.1.F, or remand it to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.]

3. [4.]Amendment of an Application

- a. An applicant may amend the application before the hearing if the Hearing Examiner approves a motion to amend after giving 10 days' notice to all parties entitled to original notice of filing. If an amendment would materially alter an applicant's proposal or evidence, the Hearing Examiner may postpone the hearing to a date that permits all interested parties adequate time to review the amendment.
- b. The applicant must forward a copy of any proposed amendment to the Planning Board. The Hearing Examiner must keep the record open for [a reasonable time] no more than 30 days to provide an opportunity for the Planning Board or its staff to comment. Within that time, the Planning Board or its staff must comment on the amendment or state that no additional review and comment are necessary.

4. [5.]Withdrawal of an Application

[a.] The [Board of Appeals] Hearing Examiner or [its] the Hearing Examiner's designee must send a notice to all parties entitled to notice of the [filing of the application] hearing when an applicant withdraws an application for a conditional use.

- [b. If an applicant withdraws an application a minimum of 30 days before the initial hearing, the Planning Board may allow the application to be withdrawn without the limitations on refiling specified in Sec 8.3.1.G.1.
- c. Withdrawal of an application fewer than 30 days from the date of the hearing must be with prejudice.]

E. Necessary Findings

1. To approve a conditional use application, the Hearing Examiner [or Board of Appeals] must find that the proposed development:
 - a. satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended;
 - b. satisfies the requirements of the zone, use standards under Article 59-3, and applicable general requirements under Article [[59-7]] 59-6;
 - c. substantially conforms with the recommendations of the applicable master plan;
 - d. is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;
 - e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;
 - f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:
 - i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner [or Board of Appeals] must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or
 - ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; and
 - g. [will not have a significant non-inherent adverse impact] will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:
 - i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;
 - ii. traffic, noise, odors, dust, illumination, or a lack of parking; or
 - iii. the health, safety, or welfare of neighboring residents, visitors, or employees.
2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must[whenever practicable, have the exterior appearance of a detached house, duplex, or townhouse building type as allowed in the zone] be compatible with the character of the residential neighborhood.
3. The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require conditional use approval.
4. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner [or Board of Appeals] must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.
5. A conditional use must be denied if any of the findings required in Section 8.3.1.E.1.a through Section 8.3.1.E.1.e cannot be made. A conditional use may be denied if it has non-inherent adverse effects in any of the categories in Section 8.3.1.E.1.g and the overall assessment of both inherent and non-inherent adverse impacts warrants denial to avoid undue harm to the general neighborhood.]
5. The following conditional uses may only be approved when the Hearing

Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:

- a. Filling Station;
 - b. Light Vehicle Sales and Rental (Outdoor);
 - c. Swimming Pool (Community); and
 - d. the following Recreation and Entertainment Facility use: swimming pool, commercial.
6. The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:
- a. Funeral Home; Undertaker;
 - b. Hotel, Motel;
 - c. Shooting Range (Outdoor);
 - d. Drive-Thru
 - e. Landfill, Incinerator, or Transfer Station; and
 - f. a Public Use Helipad, Heliport or a Public Use Helistop.

F. Decision

1. If the Hearing Examiner is deciding the application, the Hearing Examiner must issue a decision on the application no later than 30 days after the close of the record to approve, approve with conditions, or deny the application. The Hearing Examiner, by order, may extend the time to issue a decision.
2. If the Board of Appeals is deciding the application, it must:
 - a. vote in public session to approve, approve with conditions, deny the application, or to remand to the Hearing Examiner for additional evidence or clarification. An affirmative vote of 4 members of the Board of Appeals is required when 5 members are present, or an affirmative vote of 3

members is required when 4 or 3 members are present to approve a conditional use. Any Board of Appeals member who votes on a conditional use and was not present for any portion of the hearing must read and sign the transcript of that portion of the testimony and must review all exhibits introduced at the hearing.

- b. The Board of Appeals must issue a resolution reflecting the Board of Appeals' decision no later than 30 days after the close of the record unless such time is extended by the Board of Appeals.
3. The Hearing Examiner or Board of Appeals may impose conditions of approval regarding operations, parking, landscaping, and lighting to ensure compatibility with the general neighborhood.
4. Any party of record or any party aggrieved by a decision of the Hearing Examiner may file an appeal with the Board of Appeals. Any party aggrieved by a decision of the Board of Appeals may file a petition for judicial review of the decision no later than 30 days after the Board of Appeals' action.]

1. Hearing Examiner

- a. The Hearing Examiner must issue a report and decision no later than 30 days after the close of the record of the public hearing. The decision may recommend that the application be approved, approved with conditions, or denied. The Hearing Examiner may supplement the specific requirements of this Chapter with any other requirements necessary to protect nearby properties and the general neighborhood. The Hearing Examiner may by order extend the time to issue the report and decision.
- b. The Hearing Examiner must notify the Board of Appeals, the applicant, and all parties who participated in the hearing that the report and decision are complete and available for review. If a timely request for oral argument is not received under Section 7.3.1.F.1.c [[8.3.1.F.1.c]], the Hearing Examiner's report and decision becomes the final decision.
- c. Any party of record or aggrieved party may, no later than 10 days after the transmittal of notification that the Hearing Examiner's report and decision are available for review, file a written request to present oral argument before the Board of Appeals. The filing of such a request trans-

fers jurisdiction over the matter from the Hearing Examiner to the Board of Appeals.

- i. A written request for oral argument must be filed with the Board of Appeals and the Hearing Examiner, and must concisely identify the matters to be presented at the oral argument.
- ii. Any party of record or aggrieved party may, no later than 5 days after a request for oral argument is filed, file a written opposition or request to participate in oral argument. An opposition to a request for oral argument must be sent to the Board of Appeals and all parties as listed by the Hearing Examiner, and must be concise and limited to matters raised by the party who requested oral argument.
- iii. The Board of Appeals may, in its discretion, grant or deny an oral argument request. If the Board of Appeals grants a request for oral argument, the argument must be limited to matters contained in the record compiled by the Hearing Examiner.
- iv. Regardless of whether the Board of Appeals has elected to hear oral argument, the Board of Appeals must, under Section 7.3.1.F.2 [[8.3.1.F.2]], approve or deny the conditional use application or remand it to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.

2. Board of Appeals

- a. If the Board of Appeals is deciding the application, it must make the necessary findings under Section 7.3.1.E [[8.3.1.E]] and must:
 - i. vote in public session to approve, approve with conditions, or deny the application, or to remand the application to the Hearing Examiner for additional evidence or clarification. An affirmative vote of 4 members of the Board of Appeals is required to approve a conditional use when 5 members are present, otherwise an affirmative vote of 3 members is required. Any Board of Appeals member who votes on a conditional use and was not present for any portion of the hearing must read and sign the transcript of that portion of the testimony and must review all exhibits introduced at the hearing; and

- ii. issue a resolution reflecting the Board of Appeals' decision no later than 30 days after voting on the matter, unless such time is extended by the Board of Appeals.
- b. All matters decided under Section 7.3.1.F.2 [[8.3.1.F.2]] must be decided on the basis of the evidence or record, but the Board of Appeals may decide any matter heard by the Hearing Examiner and presented to the Board of Appeals for decision solely on the basis of the Hearing Examiner's report and decision.
 - c. The Board of Appeals may supplement the specific requirements of this Chapter with any other requirements necessary to protect nearby properties and the general neighborhood.

G. Appeal

Any party aggrieved by a decision of the Board of Appeals may, within 30 days after the Board of Appeals' action, file a petition for judicial review of the decision under the Land Use Article (Section 22-403).

H. [G.]Subsequent Actions

1. If the conditional use application is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Hearing Examiner [or Board of Appeals] finds that the applicant provides material new facts that warrant reapplication.
- ### **2. Conforming Permits**
- DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement associated with a conditional use
- a. until the Hearing Examiner or Board of Appeals approves a conditional use; and
 - b. unless any building, structure, or improvement satisfies the approved conditional use.

3. Permits Exempt from Conformance to Approved Conditional Uses

- a. On any property with an approved conditional use, DPS may, without a finding of conformance to the approved conditional use, issue a sediment control permit or building permit to:
 - i. construct an accessibility improvement;
 - ii. repair an existing structure without changing its height or footprint; or
 - iii. replace an existing structure to no more than the same footprint and height approved.
- b. DPS must submit a copy of any permit issued under [this] Section 7.3.1.H.3 [[8.3.1.H.3]] [(Section 8.3.1.G.3)] to the Hearing Examiner [or] and the Board of Appeals for inclusion in the record of the conditional use.
- c. Any modification or improvement allowed under [this] Section 7.3.1.H.3 [[8.3.1.H.3]] [(Section 8.3.1.G.3)] does not require an amendment to the conditional use application.

I. [H.]Duration of Approval

1. A conditional use [expires within] that is not established or has not obtained a building permit within 24 months from the date of the issuance of the decision or resolution expires, unless a longer period is established by the decision or resolution¹, if the use is not established or a building permit has not been obtained for the applicable use.
2. The Board of Appeals or the Hearing Examiner may extend the time limit for a conditional use to be established or obtain a building permit if the evidence of record establishes that drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. An individual extension must not exceed 12 months. If the Board of Appeals or the Hearing Examiner grants an extension, it must set a date by which the erection or alteration of the building must begin or the use must be established.
3. Development activities under [this] Section 7.3.1 [[8.3.1]] [(Section 8.3.1)]

must satisfy the approved conditional use and any conditions, including operational restrictions.

4. The conditional use holder must notify the Board of Appeals or the Hearing Examiner of any change in land ownership or change in circumstances or conditions affecting the conditional use.

J. [I.]Recording Procedures

1. The Hearing Examiner or the Board of Appeals must maintain in their permanent files any conditional use application that they approve along with any written decision.
2. A copy or notice of the decision of the Board of Appeals or Hearing Examiner on each conditional use application must be sent to the applicant, the Board of Appeals or Hearing Examiner, as appropriate, the Planning Board, DPS, the Department of Finance, all parties entitled to notice of filing, and any other parties of record.
3. The Planning Director must indicate the decision on the official zoning map by use of an appropriate code number or symbol.

K. [J.]Amendments

1. Major Amendment

- a. A major amendment to a conditional use is one that changes the nature, character, or intensity of the conditional use to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected, when considered in combination with the underlying conditional use.
- b. A major amendment to a conditional use follows the same procedures, must meet the same criteria, and must satisfy the same requirements as the original conditional use application, except that,
 - i. The public hearing must be limited to consideration of the proposed modifications specified in the notice of public hearing and to those aspects of the conditional use that are directly related to those proposals; and

- ii. The Hearing Examiner or the Board of Appeals, as applicable, may require the underlying conditional use to satisfy the conditional use requirements of the applicable zone, to the extent necessary to avoid substantial adverse effects on the surrounding neighborhood.

2. Minor Amendment

- a. A minor amendment to a conditional use may be approved administratively by the Hearing Examiner or Board of Appeals, as applicable, depending on which entity approved the conditional use. A minor amendment to a conditional use is one that does not change the nature, character, or intensity of the conditional use to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected, when considered in combination with the underlying conditional use.
- b. When a minor amendment is granted, the Board of Appeals or Hearing Examiner must send a copy of the resolution to the applicant, the Board of Appeals or Hearing Examiner, as appropriate, the Planning Board, DPS, the Department of Finance, all parties entitled to notice at the time of the original filing, and current abutting and confronting property owners. The resolution must state that any party may, [no later than] within 15 days after the resolution is sent, request a public hearing on the Board of Appeals' or Hearing Examiner's action. The request for public hearing must be in writing, and must specify the reason for the request and the nature of the objection or relief desired. If a request for a hearing is received, the deciding body must suspend its administrative amendment and conduct a public hearing to consider whether the amendment substantially changes the nature, character, or intensity of the conditional use or its effect on the immediate neighborhood. If the Board of Appeals or Hearing Examiner determines that such impacts are likely, then the amendment application must be treated as a major amendment application. A decision of the Hearing Examiner may be appealed on the basis of the Hearing Examiner's record to the Board of Appeals.

L. [K.] Compliance and Enforcement

1. DPS and the Board of Appeals [or the Hearing Examiner] must establish a regular inspection program for conditional uses. DPS must perform the inspections according to the established schedule, and must perform additional inspections if DPS, the Board of Appeals, or the Hearing Examiner receive a complaint alleging failure to satisfy the terms or conditions of a conditional use. If a complaint is filed, DPS must inspect the premises of the conditional use [no later than] within 21 days after receiving the complaint, or more promptly if requested by the Board of Appeals or the Hearing Examiner, to determine the validity of the complaint.
2. If the inspection finds a violation of the terms or conditions of the conditional use, DPS must direct the conditional use holder to correct the violation [within a time certain to be no fewer than 15 days from the date of inspection]. When the time to correct the violation expires, DPS must reinspect the premises. If the violation has not been corrected, DPS must file a report with the Board of Appeals or the Hearing Examiner describing the nature of the violation, the corrective action ordered by DPS, and the time allowed to correct the violation.
3. If DPS finds that no violation exists, it must report to the Hearing Examiner or Board of Appeals that the conditional use satisfies the terms and conditions of the conditional use approval.
4. If the Board of Appeals or the Hearing Examiner receives a written notice from DPS that the conditional use holder is violating the terms or conditions of a conditional use or the terms, conditions, or restrictions attached to the grant of any permit issued under the conditional use approval, the Board of Appeals or the Hearing Examiner must order the conditional use holder and the property owner to appear before the Board of Appeals or the Hearing Examiner to show cause why the conditional use should not be revoked.
5. If DPS finds that a conditional use has been abandoned, DPS must forward written notice of its findings to the last recorded holder of the conditional use and to the property owner. The conditional use holder and property owner, no later than 60 days after the date of sending notice, must submit

- a written statement confirming the abandonment or challenging it and requesting that the use be continued.
- a. If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals or the Hearing Examiner. The Board of Appeals or the Hearing Examiner must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering it revoked.
 - b. If either the conditional use holder or the property owner challenges the abandonment and requests that the conditional use be continued, DPS must notify the Board of Appeals or the Hearing Examiner, and the Board of Appeals or the Hearing Examiner must convene a public show cause hearing to determine whether or not the conditional use was abandoned and whether it should be revoked.
 - c. If neither the conditional use holder nor the property owner responds, DPS must notify the Board of Appeals or the Hearing Examiner of its findings, and the Board of Appeals or the Hearing Examiner must issue to the conditional use holder and the property owner an order to appear before the Board of Appeals or the Hearing Examiner to show cause why the conditional use should not be revoked.
 - d. If neither the conditional use holder nor the property owner appears before the Board of Appeals or the Hearing Examiner to show cause why the conditional use should not be revoked, the Board of Appeals or the Hearing Examiner must revoke the conditional use approval.]
5. [6.] The notice of a show cause hearing must be issued to the conditional use holder and the property owner by certified mail, return receipt requested. Notification must also be sent to DPS, and to any party who submitted a written complaint concerning the conditional use, and must:
- a. include the nature of the alleged violations;
 - b. state that the hearing is limited to a consideration and a determination of the validity of the allegations; and
 - c. advise the conditional use holder and the property owner that failure to attend and participate in the hearing may result in revocation of the conditional use.
6. [7.] The Board of Appeals or the Hearing Examiner must conduct a show cause hearing limited to consideration of the issues identified in the notice of hearing. The Board of Appeals or the Hearing Examiner may reaffirm or revoke the conditional use or amend, add to, delete or modify the existing terms or conditions. The Board of Appeals or the Hearing Examiner must make a determination on the issues presented [no later than] within 15 days after the close of record. The decision of the Board of Appeals or the Hearing Examiner must be by the adoption of a written resolution and copies of the resolution must be transmitted to the conditional use holder, the property owner, DPS, the Planning Director, and other relevant parties.
7. If DPS finds that a conditional use has been abandoned, DPS must forward written notice of its findings to the last recorded holder of the conditional use and to the property owner. The conditional use holder and property owner, within 60 days after the date of sending notice, must submit a written statement confirming the abandonment or challenging it and requesting that the use be continued.
- a. If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals or the Hearing Examiner, as appropriate. The Board of Appeals or Hearing Examiner must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering it revoked.
 - b. If either the conditional use holder or the property owner challenges the abandonment and requests that the conditional use be continued, DPS must notify the Board of Appeals or the Hearing Examiner, as appropriate, and the Board of Appeals or Hearing Examiner must convene a public show cause hearing to determine whether or not the conditional use was abandoned and whether it should be revoked.
 - c. If neither the conditional use holder nor the property owner responds, DPS must notify the Board of Appeals or Hearing Examiner of its findings, and the Board of Appeals or Hearing Examiner, as appropriate must issue to the conditional use holder and the property owner an order to appear before them to show cause why the conditional use should not be revoked.

- d. If neither the conditional use holder nor the property owner appears before the Board of Appeals or Hearing Examiner, as appropriate, to show cause why the conditional use should not be revoked, the deciding body must revoke the conditional use approval.
8. The Planning Director must note the revocation of any conditional use in the official zoning maps.

Section 7.3.2. Variance

A. Applicability and Description

The Board of Appeals may grant a variance [for development that does not meet the requirements] from any requirement of this Chapter.

B. Application Requirements

1. A property owner or another party authorized by the property owner may file a variance application with the Board of Appeals.
[2. Public notice is required for accepted applications under Div. 8.5.]
2. [3.]The applicant must submit the following for review:
 - a. application form and fees required by the Board of Appeals;
 - b. documentation of interest in the proposed development site under [Sec.] Section 7.3.2.B.1 [[8.3.2.B.1]];
 - c. statement of justification outlining how the proposed development satisfies the criteria for approving the application;
 - d. survey plat or scaled drawing showing boundaries, frontage, and topography;
 - e. certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
 - f. list of abutting and confronting property owners in the County tax records;
 - g. list of any civic and homeowners associations within 1/2 mile;
 - h. scale plans, illustrations, sections, elevations, or specifications showing all existing and proposed buildings and structures; and

- i. supplementary documentation to be introduced in support of the application.

3. Public notice is required under Division 7.5. [[8.5.]]

C. Hearing Date

The Board of Appeals must [begin] schedule a public hearing to begin no later [no later than] within 60 days after the application [is] was accepted, except that the hearing date may be extended to 120 days from acceptance if the Board of Appeals requests advice from the Planning Director, Planning Board, or the Hearing Examiner.

D. Review and Recommendation

1. The Board of Appeals may request review by the Planning Director, Planning Board, or Hearing Examiner.
2. If the Board of Appeals requests review by the Planning Director, Planning Board, or Hearing Examiner the review follows the same procedure as a conditional use application.
3. When an error committed or discovered during the course of construction on a site where a property owner holds a valid building permit to construct a detached house or townhouse building type in a new residential subdivision results in the violation of a required setback, and a variance would involve less than 10% of the setback requirement, the Board of Appeals may hear the application for the variance at the next regularly scheduled hearing if:
 - a. the property owner makes a written request to the Board of Appeals; and
 - b. the Board of Appeals members present make a unanimous vote to allow the application.

4. Amendment of an Application

An applicant may amend the application before the hearing if the Board of Appeals approves a motion to amend after giving 10 days' notice to all parties entitled to original notice of filing. If an amendment would alter materially an applicant's proposal or evidence, the Board of Appeals may postpone the hearing to a date that permits all interested parties adequate time to review the amendment.

E. Necessary Findings

To approve a variance, the Board of Appeals must find that:

1. Denying the variance would result in no reasonable use of the property; or
2. [1.] One or more of the following unusual or extraordinary situations or conditions exist:
 - a. exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;
 - b. the proposed development uses an existing legal nonconforming property or structure;
 - c. the proposed development contains environmentally sensitive features or buffers;
 - d. the proposed development contains a historically significant property or structure; or
 - e. the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood [or]
 - [f. denying the variance would result in an inability to legally use the property].
3. [2.] The special circumstances or conditions are not the result of actions by the applicant;
4. [3.] The requested variance is the minimum necessary to overcome the practical difficulties that full compliance with this Chapter would impose due to the unusual or extraordinary situations or conditions on the property;
5. [4.] The variance can be granted without substantial impairment to the intent and integrity of the general plan [or] and the applicable master plan; and
6. [5.] Granting the variance will not be adverse to the use and enjoyment of abutting properties.

F. Decision

1. The Board of Appeals must act by an affirmative vote of 3 members to approve, approve with conditions, or deny the application [no later than]

within 30 days after the close of the record of the public hearing. If the required number of affirmative votes is not obtained, the application is denied.

2. Any party aggrieved by a decision of the Board of Appeals may file a petition for judicial review of the decision [no later than] within 30 days after the Board of Appeals action to the Circuit Court and thereafter to the Court of Special Appeals. If a decision on a variance is appealed to a court, this time limit runs from the date of the final court order in the appeal.

[G. Subsequent Actions

If the Board of Appeals denies a variance application, a new application proposing substantially the same development for the same property may not be filed within 18 months after a resolution is adopted unless the Board of Appeals finds that the applicant provides material new facts that warrant reapplication.]

G. [H]Duration of Approval

1. [A building permit, if required, must be obtained for the applicable building, structure, or use, or an application filed for any site plan or conditional use application required no later than 12 months after the approval of a variance. If a decision on a variance is appealed to a court, this time limit runs from the date of the final court order in the appeal.] The applicant must submit an application for a building permit, site plan, or conditional use within 12 months after the issuance of a variance.
2. After approval of a variance, the Board of Appeals may extend the time limit to obtain a building permit or file an application for a site plan or conditional use if the evidence of record establishes that drawing of architectural plans, preparation of the land, or other factors involved in the particular use will delay the start of construction or the establishment of the use beyond the period of validity. If the Board of Appeals grants an extension, the Board of Appeals must set a date by which the erection or alteration of the building must be started or the use established.
3. Approval of a variance entitles the applicant or successor to obtain a building permit or file a site plan or conditional use application to the standard granted by the variance.
4. The conditions approved by the Board of Appeals are binding upon the applicant, successors, and assigns.

H. [1]Recording Procedures

The Board of Appeals[resolution] must [be maintained in the land records and] maintain any resolution concerning a variance in its permanent files [of the Board of Appeals]. The applicant for a variance must record an approved variance in the land records within 30 days after approval.

Section 7.3.3. Sketch Plan

A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan.
2. A sketch plan describes a project at an early stage to provide the public and the Planning Board the chance to review a proposed development for general design, density, circulation, public benefits, and relationship to the master plan before a developer is required to expend significant resources on design and engineering.

B. Application Requirements

- [1. The Planning Director accepts applications for all sketch plans.
 - a. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness no later than 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 - b. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness no later than 10 days after receipt.
 - c. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Sec. 8.3.3.C.]

- [2.] An applicant must own the subject property or be authorized by the owner to file the application.
- [3.] If any land or right-of-way encompassed by a sketch plan application is owned or controlled by the State, County, or any other private or public entity, a written agreement or authorization from that entity or agency must be submitted with the sketch plan application.
- [4. Public notice is required for accepted applications under Div. 8.5.]
- [5.] The applicant must submit the following for review:
 - a. application form and fees required by the Planning Director;
 - b. vicinity map at 1" = 200';
 - c. site [inventory] map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - d. list of abutting and confronting property owners in the County tax records;
 - e. list of any civic and homeowners associations within 1/2 mile;
 - f. documentation of interest in the proposed development site under [Sec. 8.3.3.B.2] Section 7.3.3.B.1 [[8.3.3.B.1]] and [Sec. 8.3.3.B.3] Section 7.3.3.B.2 [[8.3.3.B.2]];
 - g. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application; and
 - h. illustrative plans showing:
 - i. building densities, massing, heights, and the anticipated mix of uses;
 - ii. locations of public use and other open spaces;
 - iii. pedestrian, bicycle, and vehicular circulation, parking, and loading;
 - iv. estimated range of peak hour trips; and
 - v. relationships between existing or proposed adjacent buildings and rights-of-way;

- i. a table of proposed public benefits and the incentive density points requested for each;
 - j. a general phasing of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications; and
 - k. fees set by the Planning Board.
4. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 5. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 10 days after receipt.
 6. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.3.C. [[8.3.3.C.]]
 7. Public notice is required under Division 7.5. [[8.5.]]

C. Hearing Date

The Planning Board must [conduct] schedule a public hearing to begin [no later than] within 90 days after the date an application [is] was accepted. The Planning Director may postpone the public hearing by up to 30 days once without Planning Board approval. [[and by an additional 30 days if the extension is approved by the Planning Board.]] The Planning Director or applicant may request an extension beyond the original 30 days with Planning Board approval. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

D. Review and Recommendation

The Planning Director must [issue and make publicly available] publish a report and recommendation a minimum of 10 days before the Planning Board public

hearing. The report and recommendation must be made available to the applicant and public.

E. Necessary Findings

To approve a sketch plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:

1. meet the objectives, general requirements, and standards of this Chapter;
2. substantially conform with the recommendations of the applicable master plan;
3. satisfy [Sec. 8.7.1.A.6.c] any development plan or schematic development plan in effect on October 29, 2014;
4. achieve compatible internal and external relationships between existing and pending nearby development;
5. provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;
6. propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community; and
7. establish a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

F. Decision

[1.] The Planning Board must act [no later than] within 30 days after the close of the record of the public hearing by majority vote of those present at the public hearing to approve; approve with modifications, conditions, or binding elements; or deny the application. A binding element may include, but is not limited to, a restriction on use or building type that the zone would otherwise allow; a limit on a development standard to less than the maximum allowed; a general development requirement beyond the minimum required; establishment of the public benefits that must be provided; or establishing the general layout and massing of buildings, open space, and circulation. A binding element binds the applicant, and any successor or assign, unless lawfully amended.

[2.] Any party aggrieved by a decision of the Planning Board may file a petition

for judicial review of the decision no later than 30 days after the Planning Board's action.]

G. Subsequent Actions

If a sketch plan is approved, a site plan under [Sec.] Section 7.3.4 [[8.3.4]] must be submitted [no later than] within 36 months after date of the sending of the resolution, unless a longer period is established by the resolution.

H. Recording Procedures

The Planning Board resolution must be maintained in the permanent files of the Planning Department.

I. Amendments

During site plan review, the Planning Board may approve an amendment to any binding element or condition of an approved sketch plan.

1. An amendment to a binding element or condition of an approved sketch plan must be:
 - a. requested by the applicant;
 - b. recommended by the Planning Board staff and agreed to by the applicant; or
 - c. made by the Planning Board, based on a staff recommendation or on its own initiative, if the Planning Board finds that a change in material facts and circumstances since sketch plan approval demonstrates that the binding element or condition does not substantially conform with the recommendations of the applicable master plan or does not [meet the requirements of] satisfy this Chapter.
2. Notice of a site plan application must include any proposed amendment to a binding element requested by the applicant. Notice of the site plan hearing must include any proposed amendment to a binding element recommended by Planning Board staff and agreed to by the applicant.
3. For any amendment to a binding element or condition, the Planning Board must make the applicable sketch plan findings in addition to the findings necessary to approve a site plan under [this] Article 59-7. [[59-8.]] [(Article 59-8).]

Section 7.3.4. Site Plan

A. Applicability and Description

1. Development under the optional method requires approval of a site plan after approval of a sketch plan.
2. Development under a Floating zone requires approval of a site plan after approval of a floating zone plan.
3. Development under the standard method requires site plan approval as indicated in the table in [Sec.] Section 7.3.4.A.8. [[8.3.4.A.8.]]
4. A site plan provides a detailed overview of the applicant's development. Site plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the recommendations of the applicable master plan and approved guidelines.
5. A site plan application may encompass all or any part of a property and must demonstrate its relation to and coordination with other applicable approvals or submittals.
6. Site plan applications must satisfy the conditions and binding elements of and be consistent with any and all previous approvals that apply to the subject property.
7. An area covered by a conditional use approval requires a site plan only if:
 - a. the area is included in a sketch plan; or
 - b. the use standards in Article 59-3 require it[, or
 - c. the Board of Appeals or Hearing Examiner requires it].

8. A site plan is required under standard method development as follows:

Subject Property's Zone	Proposed Use	Proposed Intensity (units, gross floor area in SF, or building height in feet)	Abutting or Confronting Property's Zone (determined by base zone, not Overlay zone)	Site Plan Required
Agricultural, Rural Residential, or Residential Detached	Permitted	Any	Any	No
	Limited	Any	Any	Yes, if required for the use under Article 59-3 ; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.
Residential Townhouse or Residential Multi-Unit	Permitted	< 20 units and ≤ 40' [OR for general buildings: < 10,000 SF and ≤ 40']	Any	No
		≥ 20 units or > 40' [OR for general buildings: ≥ 10,000 SF or > 40']	Any	Yes
	Limited	< 20 units and ≤ 40' [OR for general buildings: < 10,000 SF and ≤ 40']	Any	Yes, if required for the use under Article 59-3 ; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.
		≥ 20 units or > 40' [OR for general buildings: ≥ 10,000 SF or > 40']	Any	Yes
Commercial/Residential or Employment	Permitted	< 10,000 SF and ≤ 40'	Any	No
		≥ 10,000 SF or > 40'	Agricultural, Rural Residential, Residential, or Residential Floating	Yes
	Limited	Any	All other zones	No
Industrial	Permitted	Any	Agricultural, Rural Residential, Residential, or Residential Floating	Yes
		> 40'	Commercial/Residential, [or] Employment, Commercial/Residential Floating, or Employment Floating	Yes
		Any	Industrial or Industrial Floating	No
	Limited	Any	Any	Yes, if required for the use under Article 59-3 ; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.
Overlay	Any	Any	Any	If required by the applicable Overlay zone under Article 59-4 or if required by the underlying zone.

B. Application Requirements

1. The Planning Director accepts the application for all site plans.
 - a. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness no later than 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 - b. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness no later than 10 days after receipt.
 - c. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Sec. 8.3.4.C.]
1. [2.]Ownership:
 - a. An applicant must own the subject property or be authorized by the owner to file the application.
 - b. If any land or right-of-way encompassed by a site plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the site plan application.
- [3. Public notice is required under Div.8.5]
2. [4.]The applicant must submit the following for review:
 - a. application form and fees required by the Planning Director;
 - b. vicinity map at 1" = 200';
 - c. site [inventory] map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - d. list of abutting and confronting property owners in the County tax records;
 - e. list of any civic and homeowners associations within 1/2 mile;
 - f. documentation of interest in the proposed development site under [Sec. 8.3.4.B.2] Section 7.3.4.B.1 [[8.3.4.B.1]];
 - g. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
 - h. verification that the applicant has posted notice on the property, notified affected parties, and held a pre-submittal meeting with the public under the Planning Department's Development Review Manual;
 - i. Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
 - j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;
 - ii. Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
 - k. existing and proposed dry and wet utility plan;
 - l. plans of proposed development showing:
 - i. footprints, ground-floor layout, and heights of all building and structures;
 - ii. required open spaces and recreational amenities;
 - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and
 - vi. documentation demonstrating how the application satisfies previous approvals and applicable requirements.
 - m. a development program and inspection schedule detailing the construction phasing for the project;

- n. if a sketch plan was approved for the property, a table of proposed public benefits and the incentive density points approved for each; and
 - o. if common open space is required, a description of how the common use and adequate maintenance of common open space will be assured.
3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 10 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
 4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 10 days after receipt.
 5. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.4.C. [[8.3.4.C.]]
 6. Public notice is required under Division 7.5. [[8.5.]]

C. Hearing Date

The Planning Board must [conduct] schedule a public hearing to begin [no later than] within 120 days after the date an application is accepted. The Planning Director may postpone the public hearing by up to 30 days once without Planning Board approval. [[and for an additional 30 days if the extension is approved by the Planning Board.]] The Planning Director or applicant may request an extension beyond the original 30 days with Planning Board approval. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

D. Review and Recommendation

1. State and County Agencies

- a. Reviewing State and County agencies and utilities must submit initial comments before the Development Review Committee meeting established under the Planning Department's Development Review Manual.

- b. The applicant must submit revised drawings to address the comments a minimum of 65 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request [no later than] within 15 days after the revised drawings were due. If no written request is received or an extension is not granted, the application is deemed withdrawn.
- c. State and County agencies and utilities must submit a final recommendation on the application a minimum of 45 days before the date of the hearing.

2. Planning Director

The Planning Director must [issue and make publicly available] publish a report and recommendation a minimum of 10 days before the Planning Board hearing.

3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a site plan.

- [a. When an application is withdrawn a minimum of 30 days before the initial hearing, the Planning Board may allow the application to be withdrawn without prejudice.
- b. Withdrawal of an application fewer than 30 days before the date of the hearing must be with prejudice.]

E. Necessary Findings

1. When reviewing an application, the findings of approval only apply to the area encompassed by the application.
2. To approve a site plan, the Planning Board must find that the proposed development:
 - a. [1.] satisfies any previous approval that applies to the site, including any development plan or schematic development plan in effect on October 29, 2014. [andSec. 8.7.1.A.6.b and Sec. 8.7.1.A.6.c];
 - b. [2.] satisfies applicable use standards, development standards, and general requirements under this Chapter;

- c. [3. meets] satisfies the applicable requirements of [other applicable sections of the Montgomery County Code under jurisdiction of the Planning Board, including]:
 - i. [a.] Chapter 19, Erosion, Sediment Control, and Stormwater Management; and
 - ii. [b.] Chapter 22A, Forest Conservation.
 - d. [4.] provides safe, well-integrated parking, circulation patterns, [and] building massing and, where required, open spaces and site amenities;
 - e. [5.] substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan; [and]
 - f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;
 - g. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and
 - h. [6.] on a property in all other zones, is compatible with existing and approved or pending adjacent development.
3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.
 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area

for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

F. Decision

1. The Planning Board must act [no later than] within 30 days after the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within this 30 day time period unless extended for up to an additional 30 days.
2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision [no later than] within 30 days after the Planning Board's action to the Circuit Court and thereafter to the Court of Special Appeals.
3. The Planning Board may adopt regulations that allow an applicant to submit engineered drawings after the Planning Board acts on an application. These plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval.

G. Subsequent Actions

1. Conforming Permits

For any development requiring site plan approval, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless:

- a. the Planning Board has approved a site plan;
- b. a bond has been approved under [Sec.] Section 7.3.4.K.3. [[8.3.4.K.3]]; and
- c. such building, structure, or improvement satisfies the certified site plan and conditions of approval.

2. Permits Exempt from Conformance to Approved Site Plans

- a. On any property covered by an approved site plan, DPS may issue a sediment control permit or building permit without finding of conformance to the approved site plan to:
 - i. construct a handicapped accessibility improvement;
 - ii. construct a bikeshare facility;
 - iii. install outdoor lighting with full cut-off fixtures;
 - iv. repair an existing structure to any extent allowed by the certified site plan; or
 - v. replace an existing structure to no more than the same footprint and height approved.
- b. DPS must submit a copy of any building or site permit approved under [\[this\] Section 7.3.4 \[\[8.3.4\]\] \[\(Section 8.3.4\)\]](#) to the Planning Director for inclusion in the record of the site plan.
- c. On a property where a site plan was approved, any owner or owners' association may, without finding of conformance to the approved site plan, change landscaping that was not required as a condition of approval for screening or install a site element or construct a paved surface or structure that meets all applicable [development](#) standards [under Article 59-4](#) and [general](#) requirements [under Article 59-6 \[\[59-7\]\] \[of the Chapter\]](#) and does not conflict with any conditions of approval.
- d. Any change allowed under [\[this\] Section 7.3.4.G.2 \[\[8.3.4.G.2\]\] \[\(Section 8.3.4.G.2\)\]](#) does not require an amendment to the site plan.

H. Duration of Approval

1. A site plan expires unless a certified site plan, as defined and reviewed by the Planning Director, is approved [\[no later than\] within](#) 24 months after Planning Board approval.
2. A site plan does not become effective until a record plat is recorded that satisfies any approved subdivision plan for the subject property.
3. A development must satisfy the zoning in effect at the time a building permit is issued as well as the requirements of a certified site plan.

4. Development activities under [\[this\] Section 7.3.4 \[\[8.3.4\]\] \[\(Section 8.3.4\)\]](#) must satisfy the certified site plan and any conditions of approval.

I. Recording Procedures

The certified site plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

J. Amendments

1. A major amendment to an approved site plan must follow the same procedures, meet the same criteria, and satisfy the same requirements as the original site plan, except as modified under [\[Sec.\] Section 7.3.4.J.1.b. \[\[8.3.4.J.1.b.\]\]](#)
 - a. A major amendment includes any request to increase density or height or to make a change to any condition of approval.
 - b. The Planning Board may approve an uncontested major amendment on its consent agenda if the Planning Director publishes a report and recommendation on the amendment [\[at least\] a minimum of](#) 10 days before the Planning Board meeting.
2. The Planning Director may approve a minor amendment to an approved site plan. A minor amendment includes any change that does not increase density or height; decrease a setback abutting a detached residential use; or alter the intent, objectives, or requirements of the Planning Board in approving the site plan. [A minor amendment may also be approved to reduce the approved parking to satisfy Article 59-6. \[\[59-7.\]\]](#)
 - a. Public notice is required under [\[Div.\] Division 7.5. \[\[8.5.\]\]](#)
 - b. A public hearing is required if an objection to the application is received [\[no later than\] within](#) 15 days after the notice of the filed application is sent. A public hearing must be held under the same procedures as an original application. If an objection to the application is not received within the 15 days, a public hearing is not required.

K. Compliance and Enforcement

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified site plan, it may:

- a. impose a civil fine or administrative civil penalty authorized by Chapter 50 ([Sec.] [Section 50-41](#));
 - b. suspend or revoke site plan approval;
 - c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified site plan;
 - d. allow the applicant to propose modifications to the certified site plan; or
 - e. take any combination of these actions.
2. If the Planning Board suspends or revokes a site plan, DPS must immediately suspend any applicable building permit under which construction has not been completed, or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the site plan or approves a new site plan for the development.
 3. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified site plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a [\[sediment control permit,\]](#) building permit[,], or use-and-occupancy permit until such surety is accepted.

Division 7.4. Administrative Approvals

Section 7.4.1. Building Permit

A. Applicability

1. A building permit is required before any building or structure can be erected, moved, [structurally] altered, [added to,] or enlarged [and before any excavation can be started] under Chapter 8.
2. A building permit is not required for:
 - a. Any building or structure used exclusively for agricultural purposes on land used exclusively for agriculture, except for:
 - i. a building or structure used for a purpose that is not exclusively agricultural, including conditional uses, even though located on otherwise agricultural land; or
 - ii. an equestrian facility, building, or structure intended for use by participants or spectators at an equestrian event.
 - b. The following public utility equipment:
 - i. any structure and its attached cross arms carrying overhead electric power and energy transmission and distribution lines that carry 69,000 volts or less;
 - ii. equipment installed and maintained by a public utility under regulation by the State Public Service Commission; or
 - iii. poles or structures used for street lights, fire alarm boxes, traffic signals, or similar municipal equipment installed by the State or a local municipality.

B. Application Requirements

[Each application for a building permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision name, if any;
2. the name and width of adjacent streets;

3. the location, dimensions, and use of existing buildings and other structures on the lot;
 4. the location, dimensions, and proposed use of buildings and other structures for which a permit is requested;
 5. front and rear yard widths;
 6. north point, date, and scale of plan; and]
- [7. for] For projects that do not require [a] site plan approval or conditional use [application] approval and have more than 10 parking spaces, an application for building permit must include a plan showing the location and design of entrances and exits to public roads; the location and size of all buildings and structures; the location of parking spaces, directional markings, traffic-control devices and signs; and [compliance with Div.] that it satisfies Division 6.2. [[7.2.]]

C. Review and Recommendation

DPS must submit the application to the Planning Director for review for any building permit that requests

1. construction of a new principal structure;
2. construction that increases the gross floor area of an existing commercial structure; or
3. construction that increases the gross floor area of any residential structure by more than 500 square feet.

The Planning Director must confirm in writing that the application satisfies this Chapter.

D. Approval Process

DPS accepts the applications for all building permits.

E. Necessary Findings for a Site with a Conditional Use

- [1. In addition to any requirements under Chapter 8, to approve a building permit, DPS must determine that the proposed work satisfies the amount of development and use authorized under this Chapter or other applicable law and for which the adequacy of public facilities is determined after:

- a. review of a preliminary plan of subdivision or site plan if required under this Chapter or Chapter 50; or
 - b. building permit review if required under Chapter 8.
2. For a site with a conditional use, variance, or site plan:
- a. Proposed work must satisfy all terms and conditions set by the deciding body in the resolution or decision granting the approval, including any exhibits referred to in the decision.
 - b. The County may suspend or revoke any building permit for construction if the construction does not satisfy all terms and conditions set by the deciding body.]

[3]For a site with a conditional use:

1. DPS may allow minor adjustments during construction that do not substantially alter the size, location, or external appearance of any approved building, structure, or use. DPS must immediately notify the deciding body of any deviations from the approval of the deciding body.
2. Any change proposed during construction that would substantially alter the location or external appearance of any approved building, structure, or use requires an amendment under [this] Article 59-7. [[59-8.]] [(Article 59-8).]

F. Appeal

Any party aggrieved by a decision of DPS may file an appeal for review of the decision with the Board of Appeals.]

Section 7.4.2. Use-and-Occupancy and Temporary Use Permits

A. Applicability

1. A use-and-occupancy permit is required before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another.
2. Exemptions from use-and-occupancy permit requirement:
 - a. land or buildings used exclusively for agricultural purposes;

- b. a use for which a valid occupancy permit was issued and not revoked before June 1, 1958;
- c. a Family Day Care (Up to 8 Persons); and
- d. a Transitory Use.

B. Application Requirements

Each application for a use-and-occupancy permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot on which a use is proposed, lot dimensions, lot and block numbers and subdivision name, if any;
2. the location, extent, and layout for the proposed use and any other pertinent information; and
3. north point, date and scale of plan.

C. Approval Process

DPS accepts the application for all use-and-occupancy and temporary use permits.

D. Necessary Findings

1. DPS must certify compliance with this Chapter.
2. Any building, structure, or land on a site with any previous development approval must satisfy the requirements, representations, plans, and conditions contained in the decision or resolution of the deciding body.
3. On the basis of a [thorough] final inspection, DPS must verify that construction or alteration has been completed according to the applicable decision or resolution.
4. A temporary use permit may be issued if the use satisfies the applicable use standards under Article 59-3.

E. Appeals

Any party aggrieved by the decision of DPS may file an appeal for review of the decision with the Board of Appeals under its rules of procedure.]

Section 7.4.3. Sign Permit

A. Applicability

1. A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy that satisfies a sign concept plan, does not require a permit.
2. Signs listed in [Sec.] Section 6.7.3 [[7.7.3]] and Section 6.7.12 [[7.7.12]] are exempt from the sign permit requirement.

B. Application Requirements

1. The property owner and the sign installer must file a joint application for the sign permit on forms provided by DPS. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required fees and the following:
 - a. a scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports;
 - b. a scale drawing of the site showing:
 - i. the proposed location of the sign, including setbacks;
 - ii. the location and size of all other signs on the property;
 - iii. the location, dimensions, and distance from property lines of all buildings on the site;
 - iv. the location and name of all streets that abut the property;
 - v. the frontage dimensions of the site along each street that abuts the property;
 - vi. the existing elevation and grade of the site and the proposed contour lines;
 - c. a valid electrical permit or a completed application for an electrical permit under Chapter 17, if the application is for an illuminated sign;

- d. a completed building permit application under Chapter 8 for a sign requiring structural support;
 - e. payment of the sign permit fee as adopted by District Council Resolution;
 - f. other information that may be required by DPS to insure compliance with [Div] Division 6.7 [[7.7]] or other sections of the Chapter; and
 - g. a sign concept plan if:
 - i. the lot or parcel is in a Commercial/Residential, Employment, or Industrial zone and is requesting more than 800 square feet of total sign area;
 - ii. the development consists of more than one lot or parcel in a Commercial/Residential, Employment, or Industrial zone developed under a management control plan where one or more individual lots or parcels is requesting more than 800 square feet of total sign area, even if such development includes one or more individual sites or parcels whose total sign area does not exceed 800 square feet; or
 - iii. the development uses optional method within an urban renewal area.
2. DPS must waive all required fees if:
 - a. the primary applicant is a non-profit organization that is on the Planning Board's list of civic and homeowners associations; and
 - b. the size of the proposed sign is smaller than the maximum size under [Section 7.7.5] Division 6.7. [[7.7.]]
 3. DPS may waive or reduce all required fees if:
 - a. the primary applicant is a non-profit organization that by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by DPS under Method (2); and
 - b. the size of the proposed sign is smaller than the maximum size under [Section 7.7.5] Division 6.7. [[7.7.]]

C. Approval Process

DPS accepts all sign permit applications.

D. Necessary Findings

1. DPS may issue a sign permit based on one of the following:
 - a. its determination, upon review of the application, that the proposed sign or sign concept plan meets the requirements of satisfies [Div] Division 6.7 [[7.7]]; or
 - b. submission of the application packet and a written certification by a licensed sign installer that the proposed sign meets the requirements of satisfies [Div] Division 6.7 [[7.7]]
2. DPS has the authority to resolve any dispute or to interpret any ambiguity in this Section 7.4.3 [[8.4.3]] [(Section 8.4.3)].

E. Validity

A sign permit becomes invalid when:

1. the sign for which the permit was issued is not erected within 6 months from the date of issuance;
2. the sign for which the permit was issued is moved or substantially altered;
3. DPS revokes the permit for failure to satisfy an order issued by DPS stipulating corrective action for improper maintenance;
4. the application for a sign permit contained inaccurate information; or
5. the terms of the permit have not been satisfied.

F. Appeal

Any decision of DPS or the Sign Review Board may be appealed to the Board of Appeals no later than within 30 days after the date of the action or decision appealed.

G. Compliance and Enforcement

1. The sign permit must be displayed in a location on or near the sign that permits a person to read the permit while standing on the ground, including on the sign itself, on its supporting structure, or in another reasonable and visible location.

2. Compliance is the responsibility of the joint applicants for a sign permit, including the property owner or agent of the property where the sign is erected, along with the lessee, if any, and the sign installer. DPS may initiate enforcement proceedings against one or all of these individuals or entities, jointly or severally.
3. Upon identification and presentation of proper credentials, DPS may enter any site in the County during normal business hours to inspect a sign displayed on a building, structure, lot, or parcel to determine compliance with this Chapter.
4. DPS may order the removal of any sign that violates this Chapter, or interferes with traffic or public safety. The removal must be performed at the expense of the responsible party.
5. DPS may revoke, suspend, refuse to issue, or refuse to reissue any permit or license under this Chapter.

Section 7.4.4. Sign [Permit] Variance

A. Applicability

Any sign not listed in [Div] Division 6.7 [[7.7]], or which does not satisfy the requirements in [Div] Division 6.7 [[7.7]], may apply for a sign permit variance from DPS.

B. Application Requirements

DPS accepts all sign permit variance applications and a hearing date is scheduled with the Sign Review Board.

C. Necessary Findings

1. For all sign permit variances, the Sign Review Board must consider:
 - a. the sign's size, shape, color, design elements, location, or cost;
 - b. compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; and
 - c. any recommendation of the Planning Board or its technical staff.
2. After a hearing, the Sign Review Board may approve an application for a sign permit variance from the sign requirements of [Div] Division 6.7 [[7.7]] if:

- a. the strict application of the sign requirements of [Div] Division 6.7 [[7.7]] would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on an applicant;
 - b. the sign [permit] variance is the minimum reasonably necessary to overcome any exceptional conditions; and
 - c. the sign [permit] variance can be granted without substantial impairment of the purpose of [Div] Division 6.7 [[7.7]].
3. After a hearing, the Sign Review Board may revoke a previously granted sign [permit] variance if:
 - a. the applicant supplied inaccurate information, or
 - b. the terms of a variance have not been followed.
 4. The Sign Review Board is prohibited [from varying any requirement of Sec. 8.4.5 and] from approving a sign [permit] variance for any sign prohibited under [Sec.] Section 6.7.4. [[7.7.4.]]
 5. The Sign Review Board may approve a sign [permit] variance without a hearing if:
 - a. after receiving notice under [Sec.] Section 7.5.2.E [[8.5.2.E]], no person has expressed an intention by a specified deadline to oppose the application or otherwise appear at the hearing; and
 - b. the Sign Review Board concludes that approval of a sign [permit] variance would not create any negative impact on the area where the sign is or would be located.
 6. The Sign Review Board may approve a variance for a sign on property with a conditional use approval if the Board of Appeals has approved the sign. Nothing in [this] Section 7.4.4 [[8.4.4]] [(Section 8.4.4)] prevents the Sign Review Board from imposing more restrictive conditions than the Board of Appeals, but the Sign Review Board must not approve a sign [permit] variance which is less restrictive than any condition set by the Board of Appeals.

D. Decision

1. The Sign Review Board may impose conditions and terms when approving a sign [permit] variance.

2. The Sign Review Board must notify each party of record of the sign [permit] variance decision when it is issued.
3. If a sign [permit] variance is approved, the applicant must apply for the appropriate sign permits.

E. Appeal

Any party of record may appeal any final decision of the Sign Review Board [no later than] within 30 days after the action to the Board of Appeals under [Sec.] Section 7.6.1. [[8.6.1.]]

F. Compliance and Enforcement

DPS must enforce the conditions and terms of a sign [permit] variance.

[Section 8.4.5. Sign Installer License

A. Applicability

The provisions of the sign installer license apply to a business which chooses to provide certification as a licensed sign installer.

B. Application Requirements

1. The joint applicants for a sign installer license must submit a complete application on a form approved by DPS, indicating:
 - a. the complete business identification including the address and telephone number of the business, the names of the principals, partners, and officers, and any affiliates of the business;
 - b. a statement of the experience, education, and training of the principal employee in the sign related activity;
 - c. other information which DPS may require.
2. A certificate of current general liability insurance, from an insurance company qualified to do business in the State of Maryland, of at least \$500,000 single limit for bodily injury and property damage for every occurrence including contractual liability, personal injury, and independent contractors must accompany the application form.
3. A check in the amount of the application fee, examination fee, and license fee.

C. Approval Process

1. The applicant must establish and DPS may verify the minimum eligibility requirements of an applicant to be examined for a license as follows:
 - a. The applicant must have been regularly and principally employed in sign related activity for 2 years immediately preceding the application. DPS may credit the 2 years of experience upon certification of relevant education at a trade school or other educational institution which DPS deems to be comparable. One year (30 semester hours or Continuing Education Units) of relevant education may be considered as one year of experience. DPS may credit up to the maximum of 2 years of experience with education.
 - b. The applicant must be of good character. DPS may ascertain the character of the applicant from the references provided by the applicant and from independent sources, including the office of consumer affairs, the State of Maryland Office of the Attorney General, and the records of the department.
2. Upon the applicants satisfying the minimum requirements and filing a complete application for a license, DPS must provide the applicant with access to the sign ordinance and other related provisions and must schedule the applicant for an examination.
3. The applicant must receive a passing grade on an examination based upon the standards of this Article (Article 59-8) and administered by DPS.
 - a. DPS must grade the examination no later than 20 days after the examination date and notify the applicant, in writing, no later than 10 days after determining the results of the examination.
 - b. An applicant who fails to pass the examination is entitled to one reexamination, without resubmitting the license application. An applicant who fails to pass the reexamination must submit a new application for a license.
4. A license must be issued jointly to the business and to a person who is principally employed by the business and responsible for supervising the sign related activity. A business may obtain licenses for multiple employees.

D. Validity

1. A license is valid for one year from the date of issuance, and may be renewed by applying in person at DPS. Applicants for renewal must provide to DPS:
 - a. certification that the insurance requirements of Sec. 8.4.5.B.2 remain in compliance;
 - b. a check in the amount of the renewal fee; and
 - c. other information which DPS may require.
2. A license is not transferable. If the person and the business holding a license terminate their association, the license becomes invalid and a new license must be obtained.
3. A license is issued based upon the information submitted at the time of application. Any changes in the information must be submitted to DPS promptly.

E. Denial, Suspension or Revocation

1. DPS may suspend, revoke, refuse to issue, or deny renewal of a license if the applicant or licensee:
 - a. has secured the license through misrepresentation;
 - b. has failed to correct without additional charge, violations of any provisions of this Article (Article 59-8);
 - c. has been found by a court or the Board of Appeals to have violated the same provision of this Article (Article 59-8) more than 2 times;
 - d. has been found guilty of deceptive business practices;
 - e. has committed an act of gross negligence; or
 - f. has failed to notify DPS of changes to the information required on the license application.
2. DPS must provide written notice to the applicant or licensee of any action taken under Sec. 8.4.5.E.1. The notice must:
 - a. contain a statement of the reasons for the action taken and the right of appeal to the Board of Appeals; and

- b. be delivered personally to the applicant, licensee, or authorized business representative or sent by certified mail to the local address in the license application.
3. A license may be suspended for up to 120 days upon a finding by DPS that a violation of Sec. 8.4.5.E.1. has occurred.
4. Following a revocation or refusal to renew, a licensee may request reinstatement after one year has elapsed.

F. Appeal

The suspension, revocation, denial or refusal to issue or renew a sign installer's license may be appealed to the Board of Appeals under Sec 8.6.1.C.]

[Section 8.4.6. Administrative Zoning District Line Adjustments

- A. The Planning Director may certify an adjustment to a zoning district line when:
 1. More accurate parcel information, such as a sealed survey plat or a recorded plat, becomes available and evidence indicates that the property boundary was intended to match the zoning district line; and
 2. Adopted rezoning documentation clearly depicts a discrepancy between a zoning district line as shown on the digital zoning layer and the updated property boundary.
- B. When an administrative zoning district line adjustment is approved, the Planning Director must send a copy of the certification to all abutting and confronting property owners. The certification must state that any party, no later than 30 days after the certification is sent, may make a written request for public review by the Planning Board. If a request for public review is received, the Planning Director must suspend the certification of the administrative zoning district line adjustment and schedule a public review with the Planning Board. At the public review, the Planning Board may decide to approve the Planning Director's certification or require the administrative zoning district line adjustment to follow the procedures for a Corrective Map Amendment under Sec. 8.2.2.]

Division 7.5. Notice Standards

Section 7.5.1. Notice Required

Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	[Individual] Application Notice	[Individual] Hearing Notice	[Individual] Resolution or Opinion Notice	Building Permit Sign Notice	Website Posting
District Council Approvals								
Local Map Amendment			x	[x]	x			x
Corrective Map Amendment					x			x
Sectional or District Map Amendment	x							x
Zoning Text Amendment	x							x
Regulatory Approvals								
Conditional Use			x		x	x		x
Variance			x		x			
Sketch Plan		x	x	[x]	x	x		x
Site Plan		x	x	[x]	x	x		x
Administrative Approvals								
Building Permit							x	x
Use-and-Occupancy and Temporary Use Permit								
Sign Permit								
Sign [Permit] Variance				[x]	x			
[Sign Installer License]								
Amendments to Approvals								
Major Floating Zone Plan Amendment			x	[x]	x	x		x
Minor Floating Zone Plan Amendment			x	x				x
Major Conditional Use Amendment			x	[x]	x	x		x
Minor Conditional Use Amendment						x		x
Major Site Plan Amendment			x	[x]	x	x		x
Minor Site Plan Amendment				x				x

KEY: x = Required

Section 7.5.2. Notice Specifications

The following notice requirements are the minimum necessary to ensure appropriate notice for communities ~~[[impacted]]~~ affected by an application. For notice required under [Sec.] Section 7.5.1 ~~[[8.5.1]]~~, the following standards apply.

A. Newspaper Notice

1. When an application is accepted, the intake body must publish a notice of the public hearing in at least 2 newspapers of general circulation in the County a minimum of 30 days before the hearing date.
2. The notice must include the date and place of hearing, applicant, application number and name, location of property, property size, zone, density of development, and telephone number and website for the applicable intake agency. The notice for a Zoning Text Amendment must also include a brief summary of the proposed amendment.

B. Pre-Submittal Meeting

1. Before an application may be accepted, the applicant must hold a public meeting to present the proposed application and respond to questions and comments.
2. The applicant must post a sign advertising the pre-submittal meeting, equivalent to the requirement for an application sign, a minimum of 15 days before the meeting, but no more than 90 days before filing the application.
3. The applicant must send notice advertising the pre-submittal meeting to the same recipients required under [[individual application] Section 7.5.2.E.1, hearing notice, a minimum 15 days before the meeting.
4. The notices must include the date and place of meeting, applicant, application number and name, location of property, property size, zone ~~[[and requested zone, if applicable]]~~, proposed use and density of development, and phone and website for the applicable intake agency.
5. The applicant must submit a list of attendees and a record of the pre-submittal meeting with the application.

C. Application Sign

1. ~~[[Before an application may be accepted, the]]~~ The applicant must post at least one sign along every frontage within 5 days after an application is accepted; if the frontage is more than 500 feet, a sign must be posted at least every 500 feet.
2. The sign must be made of a durable material; a minimum of 24 inches tall by 36 inches wide; white or yellow in background color; with black lettering and characters at least 2 inches in height.
3. The sign must include:
 - a. the date of filing;
 - b. application number and name;
 - [c. location of property;
 - d. property size;]
 - c. [e. zone (and]requested zone, if [applicable)] a Local Map Amendment;
 - d. [f.] proposed use, density, or structure description, if not a Local Map Amendment;
 - e. [g.] and telephone number and website for the applicable intake agency.

D. [[Individual] Application Notice

1. ~~[[Before]]~~ When an application [may be] is accepted, the applicant must send notice of the application to all abutting and confronting property owners, civic and homeowners associations within 1/2 mile, any municipality within [1/4] 1/2 mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium. [[For a sign permit variance, if the property has an approved site plan the applicant must also notify the Planning Director.]]
2. The notice must include the applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), proposed use and density of development, and telephone number and website for the applicable intake agency.

[[3. For conditional uses and variances the notice must:

- a. state where interested parties can access the complete application;
- b. inform the recipient of the requirements for prehearing statements for groups or organizations desiring to appear in opposition; and
- c. inform the recipient if the application has been referred to the Planning Board for review and recommendation, where required.]

E. [Individual] Hearing Notice

1. [For a Local Map Amendment and a conditional use, a minimum of 30 days before the hearing, the] The deciding body must send notice of the hearing within 5 days after an application is accepted to all abutting and confronting property owners, civic and homeowners associations within 1/2 mile, any municipality within 1/4 1/2 mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium.
2. [For all other applications, a minimum of 10 days before the hearing, the deciding body must send notice of the hearing to all abutting and confronting property owners, civic and homeowners associations within 1/2 mile, any municipality within 1/4 mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium.] For a sign [permit] variance, the deciding body must also send notice of the hearing to any special taxing district in which the proposed sign would be located and the technical staff of the Planning Board if the sign would be located on a property with a site plan.
3. The notice must include the date and place of meeting, applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), proposed use or density of development when applicable, and telephone number and website for the applicable intake agency.
4. A hearing may be postponed or continued if the time and place of the continued hearing is publicly announced at the time of the adjournment or notice is given to all parties of record as required for the original application.

F. [Individual] Resolution or Opinion Notice

1. The deciding body or its designee must provide [individual] notice of the approved resolution or opinion to all parties that were notified of the hearing and any additional parties of record [no later than] within 10 days after a resolution or opinion is [adopted] issued.
2. The notice must provide the date the decision was made, a summary of the decision, a copy of the resolution or opinion or a website link to a copy, and the phone number, address, and website of the applicable deciding body.

G. Building Permit Sign Notice

After a building permit is approved, the applicant must post a sign as required under Chapter 8.

- [[1. After a permit is approved, the applicant must post a minimum of one sign along every frontage; if the frontage is more than 500 feet, a sign must be posted at least every 500 feet.
2. The sign must be a minimum of 24 inches tall by 36 inches wide; white or yellow in background color; with black lettering and characters at least 2 inches in height.
3. The sign must include the date of approval; application number and name; location of property, property size, zone, approved use, density, or structure description, and telephone number and website for the applicable approval agency.]]

H. Website Posting

1. During review, the applicable intake agency or designee, must post the application on its website [no later than] within 15 days after acceptance.
2. When the Planning Director provides a recommendation report on an application decided by the Planning Board, the Planning Director must post the recommendation report on the Planning Board's website [at least] a minimum of 10 days before the Planning Board hearing. In cases where an application is decided by the Hearing Examiner, the Board of Appeals, or the District Council, the Planning Director's recommendation report must be posted on the Planning Board's website [at least] a minimum of 7 days before the Planning Board meeting.

3. When the Hearing Examiner provides a recommendation report on an application decided by the Board of Appeals or the District Council, the Hearing Examiner must post the recommendation report on [\[the deciding body's\] its](#) website [\[at least\] a minimum of](#) 10 days before the Board of Appeals or the District Council hearing.
4. After a decision is made, the applicable deciding body or designee, must post on its website the resolution reflecting its decision and if approved, plans certified by the deciding body or designee, modified from the submitted plans to satisfy the decision.
5. When DPS accepts a building permit application, DPS must post on its website the application information and track the status of review. After a decision is made, DPS must post on the internet its decision and, if approved, a summary of the approval, including at least the approved use and gross floor area.

Division 7.6. Special Provisions

Section 7.6.1. Board of Appeals

A. Powers

[1.] In addition to any other power described in [this Division (Div. 8.6)] Division 7.6 [[8.6]], the Board of Appeals may compel the attendance of witnesses at hearings or meetings, and the chair or another member may administer oaths.

[2. Nothing in this Chapter authorizes the Board of Appeals to:

- a. reverse or modify any denial of a permit or any other order, requirement, decision, or determination under this Chapter;
- b. to validate, ratify, or legalize any violation of law or requirement; or
- c. amend any provision of this Chapter or the zoning map.]

B. Duties

In addition to any other duties described in [this Division (Div. 8.6)] Division 7.6 [[8.6]], the Board of Appeals must:

1. ensure that a minimum of 3 members of the Board of Appeals are present when hearing or deciding any matter under this Chapter;
2. keep minutes of its proceedings, meetings and hearings; and
3. take each final action under this Chapter by written resolution. Each resolution must contain findings of fact and conclusions of law forming the basis for each decision. The members' votes must be recorded in the Board of Appeals minutes. Any action or decision of the Board of Appeals under this Chapter requires the affirmative vote of at least 3 members.

C. Filing of Appeals

1. Appeals to the Board of Appeals may be made:
 - a. by any person, board, association, corporation, or official allegedly aggrieved by the grant or refusal of a building or use-and-occupancy permit or by any other administrative decision based or claimed to be based, in whole or in part, upon this Chapter, including the zoning map, or
 - b. about property affected by the master plan of highways.

[2. Any variance or administrative appeal may be filed with the Board of Appeals only after refusal of issuance or revocation of a building or use-and-occupancy permit by DPS or after the issuance of a permit in cases where it is alleged that such permit has been issued erroneously.]

2. [3.] Appeals must be made on forms provided for that purpose. Completed forms must be filed with the clerk to the Board of Appeals, and the appellant must pay the clerk for expenses incidental to the appeal. The clerk will accept the form only if it contains all pertinent information and is accompanied by the required fee to defray expenses.

3. [4.] Except as otherwise specifically provided by statute, Board of Appeals review of any action, inaction, decision or order of a department of the County government must be de novo.

4. [5.] DPS must satisfy the prehearing submission requirements of Chapter 2A.

Section 7.6.2. Hearing Examiner

A. Assignment of Hearing Examiner

1. The County Council, sitting as the District Council, may assign one or more Hearing Examiners in the Office of Zoning and Administrative Hearings to conduct hearings for Local Map Amendments.
2. Any Hearing Examiner assigned to conduct hearings for Local Map Amendments must not, within one year after serving as a Hearing Examiner, act as agent or attorney in any proceeding or other matter before any County agency or officer involving property that was the subject of a Local Map Amendment pending during the Hearing Examiner's service as Hearing Examiner.

B. Duties

1. The Hearing Examiner must recommend rules and procedures to the District Council to govern the conduct of public hearings and of other functions of the Hearing Examiner's office and must perform such other tasks and duties as the District Council from time to time may assign.

2. [The Hearing Examiner's office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the Board of Appeals under this Chapter and upon request of the Board of Appeals and with approval of 3 of its members, any other matter pending before the Board of Appeals.] The Hearing Examiner schedules and conducts public hearings for all conditional use applications. The Hearing Examiner may schedule and conduct a hearing or write a report and recommendation for any other matter pending before the Board of Appeals upon request of the Board of Appeals and with approval of 3 of its members.
3. The Hearing Examiner's office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the District Council for Local Map Amendments. The Hearing Examiner may:
 - a. postpone or continue a public hearing to a time certain or for a reasonable time if:
 - i. the Hearing Examiner finds that the pendency of any proposed master plan, plan amendment, highway plan, capital improvement program, zoning or planning study, zoning text amendment, pending court case, or other relevant matter may substantially affect the application under consideration; or
 - ii. the applicant or another party for good cause requests a postponement or continuance.
 - b. extend the time for closing the record, either to a time certain or for a reasonable time, if:
 - i. the Hearing Examiner finds additional information or government action is necessary on any relevant issue; or
 - ii. the applicant or another party requests a delay for good cause.
 - c. The District Council may, by resolution, order the Hearing Examiner to postpone or continue a public hearing or the issuance of a report and recommendation on a Local Map Amendment application, either to a time certain or for a reasonable time, when a delay is necessary to allow sufficient time for the District Council to approve any master plan, plan amendment, zoning or planning study, highway plan or project, zoning

text amendment, sewer, water, or other capital improvements project, which may have a substantial effect on any Local Map Amendment application before the Hearing Examiner.

- d. The District Council may by resolution, and for good cause shown, cancel, negate, void or suspend any order of the Hearing Examiner suspending, postponing, deferring, or continuing any public hearing.

[C. Conditional Uses Decided by the Hearing Examiner

In addition to the authorization given to the Board of Appeals to hear and decide petitions for conditional use applications under Chapter 2 (Sec. 2-112, Jurisdiction), the Hearing Examiner may hear and decide petitions for conditional use applications for the following uses:

1. Home Occupation (Major Impact) and Home Health Practitioner (Major Impact) in the Residential Multi-Unit, Commercial/Residential, and Employment zones;
2. Home Health Practitioner (Low Impact) in the Residential Multi-Unit zones;
3. Equestrian Facility for 2 or fewer horses in the RE-2 zone;
4. Renewal of a conditional use originally granted by the Board of Appeals or Hearing Examiner for a Home Occupation (Major Impact), a Home Health Practitioner (Low Impact), and a Home Health Practitioner (Major Impact);
5. Group Day Care (9 - 12 Persons);
6. Day Care Center (13 - 30 Persons);
7. Attached Accessory Apartment; and
8. Detached Accessory Apartment.]

Section 7.6.3. Planning Board

- A. In addition to any other remedy provided by law, any violation of a Planning Board action, as defined in Chapter 50 (Section 50-41), may be enforced under [Div] Division 7.8 [[8.6]] or under Chapter 50 (Section 50-41), at the discretion of the Planning Board.
- B. The Planning Board may assign a hearing officer designated by the Planning Board, including a Hearing Examiner from the Office of Zoning and Administrative Hearings, to conduct a public hearing and submit a report and recom-

mendation on any alleged violation of this Chapter or any other Planning Board action as defined in Chapter 50 (Section 50-41). The hearing officer must submit the required report and recommendation to the Planning Board a maximum of 60 days after the hearing record closes, but the hearing officer may by order extend the time to file the report.

C. Plan Review Schedule

1. The Planning Board must annually adopt a Plan Review Schedule for the calendar year that reflects the timeframes established in Section 7.3.3, Sketch Plan, and Section 7.3.4, Site Plan.
2. This schedule will set the following:
 - a. The date an accepted application will be distributed to the Development Review Committee,
 - b. The date that initial Staff and agency comments are due,
 - c. The date of the Development Review Committee meeting,
 - d. The date by which an applicant must resubmit plans addressing the Development Review Committee comments,
 - e. The date when final Staff and agency recommendations and conditions are due, and
 - f. The date of the public hearing.
3. Extensions to these dates may be allowed at the request of either the applicant or the Planning Director as established under Section 7.3.3.C, Hearing Date, for a sketch plan and Section 7.3.4.C, Hearing Date, and Section 7.3.4.D, Review and Recommendation, for a site plan.
4. If an applicant submits a sketch plan amendment and site plan together, the Plan Review Schedule follows the timeframes for a site plan.

- D. Any provision adopted by the Planning Board to implement [this] Article 59-7 [[59-8]] is subject to District Council review and disapproval as if the provision were submitted to the District Council under Method 2 of Chapter 2 (Section 2A-15).

Section 7.6.4. Sign Review Board

A. Composition

1. The Sign Review Board consists of 5 members:
 - a. appointed by the County Executive and confirmed by the District Council, and under Chapter 2 (Section 2-148);
 - b. who are residents of the County;
 - c. one of whom must operate a business in the County; and
 - d. one of whom must be an architect licensed in Maryland. The Executive must request from the Potomac Valley Chapter of Maryland, American Institute of Architects, recommendations of architects who are qualified to serve on the Board, but the Executive is not limited to the Chapter's recommendation.
2. One member must be designated as chair by the County Executive, and confirmed by the District Council.
3. Each member serves a 3-year term, except that an appointment to fill a vacancy occurring before a term expires is for the remainder of the unexpired term.

B. Procedures

The Sign Review Board must:

1. meet a minimum of once a month at the call of the chair;
2. exercise its powers and duties only when a minimum of 3 members are present;
3. provide written decisions and actions of the Sign Review Board [no later than] within 10 days after the decision or action in a format required by DPS; and
4. [5.] exercise its powers and duties according to the procedures adopted by District Council resolution. These procedures must include:
 - a. the keeping of records of meetings and hearings;

- b. the establishment of requirements for hearing notification;
- c. the orientation and training of new members;
- d. the issuance of an annual report of activities and accomplishments;
- e. standards of conduct regarding conflict of interest;
- f. standards of ethics; and
- g. the procedure for admission of evidence and testimony.

C. Powers

The Sign Review Board may:

1. advise DPS whether an application for a permit satisfies this Chapter or needs a variance;
2. approve or revoke a sign [permit] variance under Section 7.4.4 [[8.4.4]];
3. order the appearance of a person or evidence at a hearing before them; and
4. approve a right-of-way sign under Section 6.7.4.F.3 [[7.4.F.3.]] after receiving a recommendation from the appropriate transportation jurisdiction.

Section 7.6.5. Fees

A. Establishing Fees

1. Where DPS, the Hearing Examiner, the Board of Appeals, or the District Council is the deciding body, fees to cover the cost of administering this Chapter must be approved by District Council resolution. A resolution to establish or amend the filing fees may only be adopted after the District Council has held a public hearing [on] after reasonable notice. A filing fee is not required for any application filed by the District Council or another government agency, unless the application is filed at the request of a person with a financial, contractual, or proprietary interest in the property.
2. Where the Planning Board is the deciding body, fees to cover the cost of administering this Chapter must be approved by resolution of the Planning Board.
3. For Local Map Amendments and conditional use applications, 25% of the established fee must be paid directly to the Planning Director [[Directly]]

and 75% must be paid directly to the Hearing Examiner, Board of Appeals, or District Council as applicable.

B. Waiving or Refunding of Local Map Amendment Fees

1. The District Council may waive or refund any Local Map Amendment required filing fee, in whole or in part, if:
 - a. the application has not been advertised for public hearing;
 - b. the application has been advertised for public hearing but the applicant files a request to withdraw it [no later than] within 90 days after a master plan, Sectional Map Amendment, or Zoning Text Amendment that materially affects the property is approved, or condemnation proceedings or public acquisition of the subject property has been initiated; or
 - c. the applicant shows that undue hardship will result if the refund is not approved.
2. The Hearing Examiner may refund a Local Map Amendment filing fee of less than \$25,000, if any condition of [Sec] Section 7.6.5.B.1 [[8.6.5.B.1]] is satisfied.

C. Waiving or Refunding of Variance Fees

If a variance is needed because of an error by a government agency in its approval of a site plan, the Board of Appeals may waive or refund all or part of the filing fee.

Division 7.7. Exemptions and Nonconformities

Section 7.7.1. Exemptions

A. Existing Structure, Site Design, or Use on October 30, 2014

1. Structure and Site Design

A structure or site design existing on October 30, 2014 that does not meet the zoning standards on or after October 30, 2014 is conforming and may be continued, renovated, repaired, or reconstructed if the floor area, height, and footprint of the structure is not increased, except as provided for in Section 7.7.1.C. [[8.7.1.C]] for structures in Commercial/Residential, Employment or Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached zones.

2. Use

Any use that was conforming or not nonconforming on October 29, 2014 and that would otherwise be made nonconforming by the application of zoning on October 30, 2014 is conforming, but may not expand.

B. Application Approved or Filed for Approval before October 30, 2014

1. Application in Progress before October 30, 2014

Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. Any complete Local Map Amendment application submitted to the Hearing Examiner by [[April]] May 1, 2014, must [[also]] be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59, then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. The approval of any of these applications or amendments to these applications approved before October 30, 2014 will allow the applicant to proceed through any other required application or step in the process

within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

2. Application Approved before October 30, 2014

Any structure or site design approved before October 30, 2014 may be implemented by the property owner under the terms of the applicable plan.

3. Plan Amendment for Plans Approved or Pending before October 30, 2014

a. Until October 30, 2039, an applicant may apply to amend any previously approved application (listed in Section 7.7.1.B.1 [[8.7.1.B.1]] or Section 7.7.1.B.2 [[8.7.1.B.2]]), under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:

- i. does not increase the approved density or building height unless allowed under Section 7.7.1.C [[8.7.1.C]]; and
- ii. either:
 - (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or
 - (b) satisfies the setback required by its zoning on [[or after {effective date}]] the date the amendment or the permit is submitted.

b. An applicant may apply for a minor site plan amendment to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 [[8.7.1.B.1]] or 7.7.1.B.2 [[8.7.1.B.2]]) in a manner that satisfies the parking requirements of Section 6.2.3 [[7.2.3]] and Section 6.2.4. [[7.2.4.]]

4. Repair, Renovation, and Rebuilding Rights under Section 7.7.1.B [[8.7.1.B]]

Any structure or site design implemented under Section 7.7.1.B [[8.7.1.B]] is conforming and may be continued, renovated, repaired, or reconstructed.

5. Development with a Development Plan or Schematic Development Plan

Approved before October 30, 2014

Any development allowed on property subject to the binding elements of a District Council approved development plan or schematic development plan on October 30, 2014 must satisfy those binding elements until the property is:

- a. subject to a Sectional Map Amendment that implements a master plan approved after October 30, 2014; [[or is]]
- b. rezoned by Local Map Amendment; or
- c. revised by a major development plan amendment.

6. Density Transfers Approved before October 30, 2014

On a property that is subject to an effective density transfer easement and density transfer deed, the total density or density associated with a commercial or residential use, including any density approved by an amendment of a previously approved application listed in Section 7.7.1.B.1 ~~[[8.7.1.B.1]]~~, may exceed that allowed by the existing zoning as long as the total density or density associated with a commercial or residential use does not exceed that allowed by the density transfer easement and density transfer deed.

C. Expansion of Floor Area Existing on October 30, 2014

1. Limited Rights under Zoning before October 30, 2014

Until October 30, 2039, on land that is located in a Commercial/Residential, Employment, or Industrial zone, an applicant for ~~[[a preliminary plan amendment, site plan amendment, or a building permit]]~~ an amendment to an application listed in Section 7.7.1.B.1 may increase the floor area on the site by the lesser of 10% of the gross floor area approved for ~~[[on]]~~ the site on October 30, 2014 or 30,000 square feet, except for properties with 2,000 square feet or less of floor area, which may expand up to 30% of the gross floor area approved for ~~[[on]]~~ the site on October 30, 2014, following the procedure and standards of the property's zoning on October 29, 2014, if:

- a. The building does not exceed the height limits and density of the property's zoning in effect on October 29, 2014;
- b. Any building on the site is no closer to property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use than any

existing structure on the site on October 30, 2014 or satisfies the setbacks of the current zoning; and

- c. If a site plan or site plan amendment is required by the property's zoning on October 29, 2014, then a site plan or a site plan amendment is approved under the standards of site plan approval on October 29, 2014.

2. Expansion above Section 7.7.1.C.1 ~~[[8.7.1.C.1]]~~ or Amendment after Section 7.7.1.B.3.a ~~[[8.7.1.B.3.a]]~~

Any portion of an enlargement that exceeds Section 7.7.1.C.1 ~~[[8.7.1.C.1]]~~ must satisfy the applicable standards and procedures for the current zoning. After October 30, 2039, any amendment to a previously approved application must satisfy the applicable standards and procedures for the current zoning to the extent of (a) any expansion, and (b) any other portion of an approved development that the amendment changes.

D. Residential Lots and Parcels

1. Residential Lot

Unless adjoining lots have merged by virtue of ownership and zoning requirements, DPS may issue a building permit for a detached house on any Residential or Rural Residential zoned lot identified on a plat recorded before October 30, 2014 without regard to the street frontage and lot size requirements of its zoning, except as provided in Section 7.7.1.D.3.b. ~~[[Section 8.7.1.D.3.b.]]~~

2. Pre-1958 Parcel

A detached house on a platted lot, parcel, or part of a previously platted lot that has not changed in size or shape since June 1, 1958, exclusive of changes due to public acquisition, may be:

- a. constructed under its current zoning without regard to the minimum lot width at the front lot line; [[or]]
- b. ~~[[may be]]~~ reconstructed either on its current footprint and up to its current maximum building height; or
- c. constructed or reconstructed in a manner that satisfies ~~[[the setback and height requirements of its current zoning]]~~ the maximum building height, lot coverage and established building line of its zone when the

building permit is submitted and the side yard and rear setback required by its pre- 1958 zoning in effect when the lot, parcel or part of a lot was first created.

3. Pre-1928 Lot

- a. In addition to the provisions of Section 7.7.1.D.1 [[8.7.1.D.1]], a new or reconstructed detached house on any lot recorded before 1928 must satisfy the front, rear, and side yard setbacks of the 1928 Zoning Ordinance; however, a new building must satisfy the established building line requirements under Section 4.4.1.A [[4.4.2.C]] if applicable.
- b. Before DPS may issue a building permit for a new detached house on a lot less than 5,000 square feet in land area that was recorded before 1928 and adjoins vacant land in common ownership any time since November 8, 2012, the lot must be subdivided with such adjoining property.

4. Damage in Flood Plain

If a detached house that is located within a 100-year flood plain and abuts any waterway, is damaged or destroyed by flood to the extent of up to 75% of the reconstruction value of the building, the dwelling may be repaired or reconstructed to preexisting dimensions.

5. Additions to Dwellings

In addition to the authority to renovate, repair, and reconstruct under Section 7.7.1.A.1 and without regard to the standards of its current zoning, the owner of a detached house that:

- a. is in a housing project constructed before January 1, 1945 that was owned by the government when constructed, may construct an addition to the detached house if, after the addition,:
 - i. the front setback of the detached house on the subject property is equal to the average of all the front setbacks of the detached houses on the same side of the right-of-way;
 - ii. the minimum side setback between a detached house on an abutting lot and the subject detached house is 18 feet; and
 - iii. the minimum rear setback is 20 feet or the sum of the rear setbacks between any 2 detached houses is a minimum of 40 feet;

- b. was constructed under density control standards in the R-150 zone before October 30, 2014 may construct an addition to the dwelling if, after the addition,:
 - i. the minimum front setback is 30 feet;
 - ii. the minimum side setback is 10 feet;
 - iii. the minimum rear setback is 25 feet; and
 - iv. the maximum lot coverage is 30%;
- c. was constructed under density control standards in the R-200, R-90 or RMH-200 zone before October 30, 2014 may construct an addition that satisfies the development standards of their current zone under the standard method of development; or
- d. is in an area rezoned from R-60 to R-90 may construct an addition that satisfies the development standards of the R-60 zone under the standard method of development.

[A. Exemptions from Revised Zoning Ordinance and District Map Amendment of 2013]

[1. Existing Structure, Site Design, or Use Conforming as of {date of adoption minus one}]

A structure, site design, or use that is lawfully existing and satisfies the zoning ordinance on {date of adoption minus one} but not on {date of adoption} is deemed to be conforming and may, at the option of the owner, be continued, renovated, or repaired to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet, subject to the full requirements of zoning in effect on {date of adoption minus one} and any applicable approved plans. Reconstruction of a structure, site design, or use that is lawfully existing and satisfies the zoning ordinance on {date of adoption minus one} but not on {date of adoption} is deemed to be conforming but is only allowed within 15 years of {date of adoption}. Reconstruction of a structure, site design, or use that is involuntarily demolished by fire, wind, falling debris, water, or other force of nature is not subject to this 15-year limit. An enlargement above the limitations of this Section (Section 8.7.1.A.1) must satisfy current zoning

requirements. A use located in a building or structure deemed conforming under Section (Section 8.7.1.A.1) may be converted to any permitted non-residential or residential use up to the density limits for the land use established by the zoning in effect on {date of adoption}.]

[2. Existing Structure, Site Design, or Use Conforming as of {date of District Map Amendment minus one}]

A structure, site design, or use that is lawfully existing and satisfies the zoning ordinance on {date of district map amendment minus one} but not on {date of district map amendment} is deemed to be conforming and may, at the option of the owner, be continued, renovated, or repaired to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet, subject to the full requirements of zoning in effect on {date of adoption minus one} and any applicable approved plans. Reconstructions of a structure, site design, or use that is lawfully existing and satisfies the zoning ordinance on {date of district map amendment minus one} but not on {date of district map amendment} is deemed to be conforming but are only allowed within 15 years of {date of district map amendment minus one}. Reconstruction of a structure, site design, or use that is involuntarily demolished by fire, wind, falling debris, water, or other force of nature is not subject to this 15-year limit. An enlargement above the limitations of this Section (Section 8.7.1.A.2) must satisfy current zoning requirements. A use located in a building or structure deemed conforming under this Section (Section 8.7.1.A.2) may be converted to any permitted non-residential or residential use up to the density limits for the land use established by the zoning in effect on {date of adoption}.]

[3. Previously Buildable Lot

Any lot that was recorded by subdivision plat before {date of district map amendment}, or for which a preliminary plan of subdivision is pending or approved no later {180 days from date of district map amendment} is buildable even though it may not meet the area and dimensional requirements of the zone in which it is located. Any such lot may be developed under the zoning development standards in effect when the lot was recorded.]

[4. Plans Approved or Pending as of {date of adoption}]

A property subject to an approved development plan, schematic development plan, diagrammatic plan, concept plan under the Great Seneca Science Corridor Master Plan, project plan, sketch plan, preliminary plan, site plan, or special exception on {date of adoption}, or for which a complete application for approval of such a plan or special exception has been accepted no later than {180 days after date of adoption}, may continue to obtain required approvals or be built at any time subject to the zoning in effect and the plans approved or accepted for filing on {date of adoption minus one}. If approved and built, a structure, site design, or use subject to such a plan is deemed to be conforming and may be reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet subject to the full requirements of the zoning in effect on {date of adoption minus one} and any applicable approved plans only if a building permit for the reconstruction is issued within 15 years of the date of approval. Reconstruction of a structure, site design, or use that is involuntarily demolished by fire, wind, falling debris, water, or other force of nature is not subject to this 15-year limit. An enlargement above the limitations of this Section (Section 8.7.1.A.4) must satisfy current zoning requirements.]

[5. Plans Approved or Pending as of {date of District Map Amendment}]

A property subject to an approved development plan, schematic development plan, diagrammatic plan, concept plan under the Great Seneca Science Corridor Master Plan, project plan, sketch plan, preliminary plan, site plan, or special exception on {date of district map amendment}, or for which a complete application for approval of such a plan or special exception has been accepted no later than {180 days after date of district map amendment}, may continue to obtain required approvals or be built at any time subject to the zoning in effect and the plans approved or accepted for filing on {date of district map amendment minus one}. If approved and built, a structure, site design, or use subject to such a plan is deemed to be conforming and may be reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet subject to the full requirements of the zoning in effect on {date

of adoption minus one} and any applicable approved plans only if a building permit for the reconstruction is issued within 15 years of the date of approval. Reconstruction of a structure, site design, or use that is involuntarily demolished by fire, wind, falling debris, water, or other force of nature is not subject to this 15-year limit. An enlargement above the limitations of this Section (Section 8.7.1.A.5) must satisfy current zoning requirements.]

[6. Special Provisions for a Property Deemed Conforming under Sec. 8.7.1.A.2 or Sec. 8.7.1.A.5 that is Subject to a Special Exception or Development Plan

- a. If a property is subject to a development plan or schematic development plan, the structures, site design, and uses may be continued, renovated, repaired, reconstructed to the same size and configuration, or enlarged only as long as and to the extent that the property fully satisfies the development plan or schematic development plan and all associated binding elements or covenants.
- b. If a property is subject to a special exception, the structures, site design, and uses may be continued, renovated, repaired, reconstructed to the same size and configuration, or enlarged only as long as and to the extent that they fully satisfy the terms and conditions of their approval.
- c. If a property was subject to an approved development plan or special exception on {date of adoption minus one}, the Planning Board in approving any sketch plan, preliminary plan, or site plan must consider the terms and conditions of the approved development plan or special exception.
- d. If a development plan application that was accepted and pending on {date of district map amendment} or accepted no later than {180 days after date of district map amendment} is approved, once rezoned under the development plan the property to which the development plan applies must satisfy the approved zoning classification as stated in the zoning ordinance as of {date of adoption minus one}.

[7. Existing Nonconformities

A structure, use, or site design that was nonconforming on {date of adoption minus one} may be continued, renovated, repaired, or reconstructed only

as permitted under the zoning ordinance as of {date of adoption minus one} and any applicable approved plans.]

[B. Special Provisions for Conditions Predating 1958]

[1. Buildable Lot under Previous Ordinance

Any lot that was recorded by subdivision plat before June 1, 1958, or any lot recorded by deed before June 1, 1958 that does not include parts of previously platted properties, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential zone. Any such lot may be developed under the zoning development standards in effect when the lot was recorded except that:

- a. a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District must meet the development standards in the 1928 Zoning Ordinance;
- b. any new detached house on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must satisfy the standards in Sec. 8.7.1.B.3.b;
- c. the maximum building height and maximum building coverage for any building or structure must satisfy the current standard of the zone in which the lot is now classified. In addition to satisfying the maximum building height and the maximum building coverage standards, any building or structure constructed under a building permit issued after August 24, 1998 that meets the lot area and width standards of the zone in which the lot is classified must satisfy the current yard requirements of the zone in which the lot is classified; and
- d. an established building line setback must satisfy the standards for determining the established building line in effect for the lot when construction occurs. Any building permit issued before November 23, 1997 must satisfy the development standards in effect when the lot was recorded.]

[2. Resubdivision of R-60 Lots

Any lot in the R-60 zone that had frontage of less than 180 feet or an area of less than 18,000 square feet before June 1, 1958, may be resubdivided into

lots with frontage of not less than 50 feet and an area of not less than 5,000 square feet if the majority of the recorded lots in the same block have frontages of less than 60 feet or areas of less than 6,000 square feet.]

[3. One-Family Dwelling

Any one-family dwelling in an Agricultural, Rural Residential, or Residential zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling, under the zoning development standards in effect when the lot was recorded, except that:

- a. a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District, must meet the development standards in the 1928 Zoning Ordinance;
- b. one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must satisfy the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;
- c. the maximum building height and maximum building coverage in effect when the building is altered, renovated, enlarged, or replaced by a new dwelling applies to the building; and
- d. an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, enlargement, or replacement by a new dwelling occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.]

[4. Resubdivision of Lots, Parts of Lots, or Parcels with Dwellings

- a. Any 2 or more lots or parcels created by deed or plat before June 1, 1958 may be consolidated by record plat into one buildable lot, even if the new lot does not meet the width and size requirements of the underlying zone, if:
 - i. the lots or parcels are under common ownership;

- ii. a habitable one-family dwelling located on the lots or parcels, before July 20, 2009, crossed a property line created by deed or plat documented by a professionally certified house location plan, previously issued demolition permit, or similar substantial evidence; and
 - iii. all the lots or parcels on which the dwelling is, or was, located are included in the newly created lot.
- b. The dwelling on any lot created under Sec. 8.7.1.B.4.a may be altered, renovated, enlarged, or replaced by a new dwelling under the zoning development standards in effect when the application is approved, even if the lot's width and size standards are not satisfied.]

[C. Special Provisions for the Area of the City of Takoma Park Annexed into Montgomery County on July 1, 1997]

[1. Existing Buildings and Structures

Any building or structure that was lawful under the Prince George's County Zoning Ordinance in effect on June 30, 1997, and was constructed within the Annexation Area under a building permit issued before February 10, 1998, is a conforming building or structure in Montgomery County and may be:

- a. altered, renovated, or enlarged under the Montgomery County Zoning Ordinance, or
- b. reconstructed after a fire, flood, or similar event under the building permit for the property in effect before unification, if the property had a valid use-and-occupancy permit issued by Prince George's County before July 1, 1997.]

[2. Existing Uses

Any use existing within the Annexation Area that had a valid use-and-occupancy permit from Prince George's County on June 30, 1997 may continue as a conforming use.]

[3. Buildable Lot

- a. A building permit may be issued for a detached house on property:
 - i. recorded by a deed before January 1, 1982, whether or not the property has been previously platted, as long as it remains otherwise

buildable under the Prince George's County Zoning and Subdivision regulations in effect on June 30, 1997 and

ii. meeting the exception to platting requirements in Chapter 50.

b. A lot recorded by plat before November 29, 1949 that meets the requirements of the 1928 Zoning Ordinance is a buildable lot under the provisions of Sec. 8.7.1.B.1.]

[D. Exemptions for Unplatted Parcels Containing Detached House Dwelling Units

A parcel, created by deed, that contains a lawfully constructed detached house, excluding a farm tenant dwelling, is exempt from the area and dimensional requirements of its current zone, and may be recorded under Chapter 50 if the resulting lot meets the requirements of the zone in place when the dwelling was constructed.]

Section 7.7.2. Nonconforming Use[, Structure, or Site Design]

[A. Continuation]

A lawful nonconforming use[, structure, or site design] may be continued, under the following limits:

A. [1. Extension] Expansion

A lawful nonconforming use of a structure or lot must not be [extended] expanded in any way.; however, a nonconforming use may be initiated or extended throughout those parts of a structure that were designed or arranged for the use if the structure was substantially completed before:

- a. June 1, 1958; or
- b. the effective date of the zoning text or map amendment that made it nonconforming.]

[2. Structural Alterations

Except as otherwise provided in this Chapter, a nonconforming structure or site design may be altered, renovated, or enlarged only if the construction will conform the structure or site design to the requirements for the zone in effect when construction begins.]

[3. Change of Use

A structure in which a nonconforming use has been changed in whole or in part to a more restricted use must not be converted to a less restricted use.]

B. [4.] Abandonment of Use

If a nonconforming use is abandoned, it must not be reestablished[, subject to Sec. 8.7.2.A.6] unless it is a historic resource and satisfies Section 7.7.2.C. **[[8.7.2.C.]]** A nonconforming use is abandoned if the nonconforming use [stops] ceases for at least 6 consecutive months.

[5. Reconstruction

If a structure devoted to a nonconforming use is destroyed or seriously damaged, it must not be repaired or reconstructed to continue the nonconforming use. Serious damage means damage that reduces the value of the structure by more than half its value immediately before the damage occurs.]

C. [6.] Historic Resources

Any nonconforming use that has ceased operations for [more than] at least 6 consecutive months may be reestablished if the use is:

1. [a.] located in a historic structure or on a historic site identified in the Master Plan for Historic Preservation; and
2. [b.] consistent with the historic use of the property as documented in the Locational Atlas of Historic Sites, the Master Plan for Historic Preservation, or the land records.

D. [7.] Lawful Nonconforming Use Certification

The owner of property who wishes to establish that [the] a use[, structure, or site design] on the property is lawfully nonconforming, under the provision of this Chapter, must submit an application in a form [prescribed] provided by DPS. A nonconforming use certification must be issued by DPS if DPS determines that the use of the property is a nonconforming use as defined herein.

[B. Exceptions]

[1. Housing Projects Constructed before 1945

Repairs, structural alterations, and additions may be made to any housing project constructed before January 1, 1945, with 3 or more one-family

detached dwelling units, that was owned by any government agency when originally constructed, except that:

- a. the number of dwelling units in the housing project must not be increased;
- b. a subdivision of land must not be affected by the repairs, alterations, or additions;
- c. repairs, structural alterations, or additions must not reduce any front yard to less than the average of all front yards on the same side of the right-of-way. The average is computed from the centerline of the right-of-way on which the dwelling fronts to the existing front building line of the dwelling. This average must not be reduced below the average on March 1, 1959;
- d. repairs, structural alterations, or additions must not reduce any side yard between dwellings to less than 18 feet;
- e. repairs, structural alterations, or additions must not decrease any rear yard to less than 20 feet or decrease the sum of the rear yards between any 2 dwellings to less than 40 feet; and
- f. buildings and structures must not cover more than 25% of the net area of the lot.]

[2. Opportunity Housing Project

A housing project developed under Chapter 2, Article IX is not a nonconforming use.]

[3. Swimming Pools for Motels

One swimming pool may be constructed on land abutting a motel if the land was used before June 1, 1958 for a nonconforming motel use; however, the swimming pool must be used only by the guests or occupants of that motel.]

[4. Repair of Dwellings on Flood Plains

If a detached house existing on September 1, 1971, that is located within a 100-year flood plain and abuts a creek or other recess, cove, bay, or inlet in the shore of a river, is damaged or destroyed by flood to the extent of not more than 75% of the reconstruction value of the building, the dwelling may be repaired or reconstructed to preexisting dimensions.]

[5. Nonconformity through Public Taking

A building or structure is not a nonconforming building or structure if:

- a. the building or structure:
 - i. was otherwise lawful on:
 - (a) June 1, 1958; or
 - (b) the date of an amendment to this Chapter; or
 - ii. is on an otherwise lawful lot; and
- b. the lot on which the building or structure is located is reduced in area by a taking under eminent domain or another government action that would otherwise make the building or structure nonconforming because a dimension of the building or structure, or the location on the lot, is deficient.

The building or structure may be repaired, altered, or reconstructed, if it is an otherwise lawful use, except that the construction must not change any dimension of the building or structure that is deficient.]

[6. Alteration, Renovation, Enlargement, and Reconstruction of a Nonconforming Detached House

A detached house built on a lot recorded on or after June 1, 1958, that is a nonconforming building, may be:

- a. altered, renovated, or enlarged under the zoning development standards in effect for the zone when the dwelling was originally constructed; or
- b. reconstructed after a fire, flood, or similar event, under the zoning development standards in effect for the zone when the dwelling was originally constructed, except that the maximum building height for the zone in effect when the dwelling is reconstructed applies to the reconstruction.]

[7. Residential Lots Reclassified from R-60 to R-90 Zone

A lot in the R-90 zone that was recorded by deed or subdivision plat in the R-60 zone before June 26, 1990, may be developed with a detached house and accessory structures under the development standards of the R-60 zone that were in effect when the lot was recorded.]

[C. Noncomplying Multi-Unit Dwellings]

[1. Continuation of Noncomplying Multi-Family Dwellings Existing before January 1, 1954

Any structure located in a single family residential zone that was originally constructed as a multi-family dwelling and is registered as a multi-family dwelling as of [date of adoption minus one] may be continued as long as it remains registered and complies with the following:

- a. The structural alterations of a building or structure that does not conform to the provisions of the zoning district in which it is located may be made only if the building is being altered to conform to the provisions of this Section or to conform with other applicable codes or regulations.
- b. A registered noncomplying multi-family dwelling is prohibited from extending, expanding or increasing in intensity of use in any way.
- c. A registered noncomplying multi-family dwelling that has been changed in whole or in part to a less intensive use is prohibited from reverting to a more intensive use, except that the owner of noncomplying multi-family dwelling that was originally constructed as a multi-family dwelling may temporarily reduce the number of units if the reason for the temporary reduction is to provide a larger unit for the property owner's own use. A noncomplying use, once abandoned, is prohibited from re-establishing. For the purpose of this Section (Section 8.7.2.C), "abandoned" is defined as the cessation of use as a multi-family dwelling for a period of 6 months or more.
- d. In the event of destruction or serious damage by fire, flood or similar cause, no registered noncomplying multi-family dwelling is allowed to be reconstructed for the purpose of carrying on the noncomplying use. "Serious damage" is defined as damage that reduces the market value of any structure by more than one-half.
- e. Each registered multi-family dwelling must be maintained in good condition and in compliance with all applicable Federal, State, County and municipal laws and regulations. DPS must establish a regular schedule of inspections to be made of each registered multi-family dwelling, said

inspection to coincide with the biennial rental facility licensing inspection, where applicable.

- f. The County Executive, by written regulation, must establish administrative procedures, exterior maintenance standards necessary to protect the public health, safety and welfare, off-street parking requirements, registration fees in an amount sufficient to pay the costs to the County to administer this Section (Section 8.7.2.C), and an inspection schedule applicable to buildings, structures, and lands registered under this Section (Section 8.7.2.C). The County Executive, by written regulation, may establish an administrative procedure to allow the City of Takoma Park to administer the registration procedure for properties located in the City if the City adopts the procedures in this Section. The regulation must allow DPS to vary the specific requirements for off-street parking upon a finding that the strict imposition of those requirements would be physically impossible for a noncomplying multi-family dwelling use to achieve due to lot/house configuration or other extenuating circumstances.]

[2. Special Provisions for Properties in the City of Takoma Park Annexed into Montgomery County on July 1, 1997

- a. Any building or structure located in a single-family residential zone that has been converted and used continuously as a multi-family dwelling and has a valid use-and-occupancy permit as of January 1, 2001 may continue if the use is registered with DPS. A registered multi-family use must satisfy the provisions of Sec. 8.7.2.C.1.a through Sec. 8.7.2.C.1.c, Sec. 8.7.2.C.1.e and Sec. 8.7.2.C.1.f. Any such multi-family use that does not register becomes noncomplying and must terminate the noncomplying use by July 1, 2001.
- b. In the event of destruction or serious damage by fire, flood or similar cause, a registered multi-family dwelling is allowed to be reconstructed for the purpose of continuing the multi-family use; however, the use cannot be expanded beyond what is in existence at the time the use is registered. If reconstruction or repair brings the use into compliance with the provisions of the zone in which the use is located, the multi-family use cannot be reestablished.]

Division 7.8. Violations, Penalties, and Enforcement

Section 7.8.1. Generally

- A. Any violation of this Chapter may be punished as provided in State law.
- B. In addition to all other remedies provided by law, any violation of this Chapter may, as an alternative, be punished by a civil fine equal to the maximum allowed by the Maryland Land Use Article as amended and any penalty allowed by regulation adopted under Method (2). Each day a violation continues is a separate offense.

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ARTICLE 59-8. ZONES RETAINED FROM PREVIOUS ORDINANCE

Editor's Note: Article 8 of the approved code was Article 9 of ZTA 13-04, as introduced. Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1. Although all section numbers have been changed, the previous section number is not indicated as deleted and the new section number is not underlined.

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Division 8.1. In General

Section 8.1.1. Applicability

The zones in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9), which] were applied by Local Map Amendment before this Zoning Ordinance was adopted[,]. These zones may ~~[[be mapped]]~~ appear on the digital zoning map, but ~~[[may]]~~ they ~~[[must not]]~~ cannot be requested by any property owner under a Local Map Amendment[, and may not be or applied to any additional property ~~[[in a master plan]]~~ under a Sectional Map Amendment adopted after October 30, 2014.

Section 8.1.2. Modification of Zones

A. Amending a Development Plan

An amendment to an approved development plan or schematic development plan in any zone in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9)] must follow:

1. the procedures for amending a floating zone plan under [Sec.] Section 7.2.1.1 ~~[[8.2.1.1]]~~ [,];
2. the parking, queuing, and loading standards in [Sec. 7.2,] Division 6.2 ~~[[7.2]]~~; and
3. the signage standards in [Sec. 7.7] Division 6.7 ~~[[7.7]]~~

B. Requesting a New Floating Zone

Unless prohibited by a specific provision of the zone, a property owner of land under any zone in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9)] may request a new Floating zone under Article 59-5.

Division 8.2. Residential Floating Zones

Section 8.2.1. Zones Established

The residential floating zones under Article 59-8 [[59-9]] and their identifying symbols are:

- A. Residential Townhouse -6.0 (RT-6.0),
- B. Residential Townhouse- 8.0 (RT-8.0),
- C. Residential Townhouse- 10.0 (RT-10.0),
- D. Residential Townhouse- 12.5 (RT- 12.5),
- E. Residential Townhouse- 15.0 (RT-15.0), and
- F. Multiple-Unit, high-rise planned residential (R-H).

Section 8.2.2. Purpose and Intent

A. [R-T] RT Zone

1. The [purpose of the R-T] RT zones [is to] provide suitable sites for townhouses[:] in sections of the County:
 - a. that are [designated or] appropriate for residential development at densities allowed in the [R-T] RT zones; or
 - b. [in locations in the County] where [there is] a [need for] buffer or transitional [uses] use is needed between commercial, industrial, or high-density Multi-Unit Living uses and low-density Single-Unit Living uses.
2. [It is the intent of the R-T] The RT zones [to] should:
 - a. provide [the] maximum [amount of] freedom [possible] in the design of townhouses, including [and their] grouping and layout within the areas classified in that zone[.];
 - b. [to] provide [in such developments] the amenities normally associated with less dense zoning categories[.];
 - c. [to] permit [the greatest possible amount of freedom in] different types of ownership of townhouses and townhouse developments[.];
 - d. [to] prevent detrimental effects [to the use or development of] on adjacent properties or the neighborhood; and

- e. [to] promote the health, safety, [morals] and welfare of the [present] current and future inhabitants of the district and the County [as a whole].

B. R-H Zone

1. The [purpose of the] R-H zone [is to] should:
 - a. provide suitable sites for relatively high density residential development[.];
 - b. [to accomplish] create economies in the construction and operation of [such] public services such as transportation, retail shopping facilities, and other community facilities [which] that depend upon convenient access by residents of the area[.]; [and to]
 - c. prevent undue congestion in sections of the County where such [facilities] public services are not currently available or cannot be conveniently and economically provided[.];
 - d. [These sites will provide a maximum of light, air and open space for the benefit of the residents of the development and for the surrounding area. Within the limits of these requirements it is the purpose of the R-H zone to] provide [the] maximum [possible amount of] freedom in the design of residential structures, including [and their] grouping and layout within the areas classified in that zone[.];
 - e. [to] prevent detrimental effects [to the use or development of] on adjacent properties or the general neighborhood; and
 - f. [to] promote the health, safety, [morals] and welfare of the [present] current and future inhabitants of the district and the County [as a whole].
2. A development in the R-H zone must provide the maximum possible light, air, and open space for the benefit of the residents and the surrounding area.

Section 8.2.3. Use Table for the [R-T] RT and R-H Zones

- A. [Sec.] Section 3.1.1 through [Sec.] Section 3.1.4 apply to the Use Table in [this] Section 8.2.3 [[9.2.3.B]].[(Sec. 9.2.3)].
- B. The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under [Div.] Division 4.9. [[4.8.]]

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
AGRICULTURAL							
Community Garden	3.2.3						P
Farming	3.2.6[.]						P
Urban Farming	3.2.9						P
[[ACCESSORY AGRICULTURAL USES	3.2.11]]						
[[Animal Husbandry	3.2.11.[A]B						P]]
TEMPORARY AGRICULTURAL USES							
Seasonal Outdoor Sales	3.2.12.B	p ¹	p ¹	p ¹	p ¹	p ¹	
RESIDENTIAL							
HOUSEHOLD LIVING							
Single-Unit Living	3.3.1.B	p ²	p ²	p ²	p ²	p ²	P
Two-Unit Living	3.3.1.C	P	P	P	P	P	
Townhouse Living	3.3.1.D	P	P	P	P	P	
Multi-Unit Living	3.3.1.E	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ⁵
GROUP LIVING							
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C	C	C	C	C	C	P
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D						L
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D						C
Residential Care Facility (Up to 8 Persons)	3.3.2.E	P	P	P	P	P	P
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	P
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C
ACCESSORY RESIDENTIAL USES							
Home Health Practitioner (Low Impact)	3.3.3.G	C	C	C	C	C	
Home Health Practitioner (Major Impact)	3.3.3.G	C	C	C	C	C	

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
Home Occupation (No Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Low Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C
CIVIC AND INSTITUTIONAL							
Cultural Institution	3.4.3	P	P	P	P	P	P
DAY CARE FACILITY	3.4.4						
Family Day Care (Up to 8 Persons)	3.4.4.C	P	P	P	P	P	P
Group Day Care (9 - 12 Persons) ⁶	3.4.4.D	C	C	C	C	C	C
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C
Educational Institution (Private)	3.4.5	C	C	C	C	C	
Hospital	3.4.6	C	C	C	C	C	C
Private Club, Service Organization	3.4.8	C	C	C	C	C	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P
Religious Assembly	3.4.10	P	P	P	P	P	P
Swimming Pool (Community)	3.4.11	C	C	C	C	C	
COMMERCIAL							
COMMUNICATION FACILITY	3.5.2						
Cable Communications System	3.5.2.A	C	C	C	C	C	C
EATING AND DRINKING	3.5.3						
Restaurant	3.5.3.B						C ⁷
<u>OFFICE AND PROFESSIONAL</u>	<u>3.5.8</u>						
Office	3.5.8.B	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁹
PARKING	3.5.9						
Structured Parking	3.5.9.B						P
Surface Parking for Use Allowed in the Zone	3.5.9.C						P
RECREATION AND ENTERTAINMENT	3.5.10						
Golf Course, Country Club	3.5.10.D	C	C	C	C	C	
RETAIL SALES AND SERVICE	3.5.11						
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.[A]B						C ⁷
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.[A]B						C ⁷
Retail/Service Establishment (15,001 - [49,999] 50,000 SF)	3.5.11.[A]B						C ⁷

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
ACCESSORY COMMERCIAL USES	3.5.14						
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	L	L	L	L	L	L
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C						L
Lawn Maintenance Service	3.5.14.G	L	L	L	L	L	L
TEMPORARY COMMERCIAL USES	3.5.15						
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L
Transitory Use	3.5.15.C	L	L	L	L	L	L
INDUSTRIAL							
UTILITIES	3.6.7						
Distribution Line (Below Ground)	3.6.7. [[A]]B	P	P	P	P	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C
ACCESSORY MISCELLANEOUS USES	3.7.4						
Accessory Structures	3.7.4.A	P	P	P	P	P	P
Accessory Use	3.7.4.B	P	P	P	P	P	P

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

- 1 Limited to the sale of Christmas trees between December 5 and December 25.
- 2 [Subject to] Must satisfy the requirements of the R-60 zone.
- 3 Multi-Unit Living must occur in a one-household attached dwelling unit[, defined as follows: a dwelling unit] that is in a structure consisting entirely of dwelling units, each of which:
 - a. is attached to one or more other dwelling units;
 - b. has at least one direct entrance from the outside, and
 - c. has an abutting ground level outdoor area for the exclusive use of its occupants.
- 4 [Under] These units must satisfy the special requirements [applying to] for a development with [developments which include] MPDUs [as required by] in Chapter 25A.
- 5 A maximum of 40% of the dwelling units may be one-household attached dwelling units, as defined in footnote 3 of [this] Section 8.2.3.B [[9.2.3.B]] [(Sec. 9.2.3)], except under the MPDU optional method requirements of [Sec.] Section 8.2.4.C [[9.2.4.C]].
- 6 Prohibited in a townhouse and duplex building type.
- 7 A Restaurant[s] and Retail/ Service Establishment[s] may be permitted in the R-H zone by the [Board of Appeals subject to Sec.] Hearing Examiner under Section 7.3.1 [[8.3.1]], Conditional Use[, and the following standards] if:

- a. [The] the Restaurant or Retail/ Service Establishment [must be]:
 - i. primarily [for the service of] serves the residents of the building or complex in which it is located[,] and [deliveries] does not deliver to non-residents [are prohibited];
 - ii. is located on the ground-level, except that a restaurant may locate on the top floor or penthouse; and
 - iii. is located and constructed to protect tenants of the building from noise, traffic, odors, and interference with privacy[.]; and
- b. [Entrances] there are no entrances to the Restaurant or Retail/Service Establishment directly from the exterior [to the Restaurant or Retail/ Service Establishment are prohibited].
- c. A Retail/Service Establishment[s] [are limited to] must be a:
 - i. bank[s] or savings and loan office[s];
 - ii. barber and beauty shop[s];
 - iii. book store[s];
 - iv. drug store[s];
 - v. dry cleaning and laundry pick-up station[s];
 - vi. florist[s];
 - vii. food and beverage store;
 - viii. gift shop[s];
 - ix. jewelry store[s];
 - x. laundromat[s];
 - xi. newsstand[s];
 - xii. [offices, banking] office; [and] or
 - xiii variety and dry goods store[s].
- 8 For business connected with the management, service, and maintenance of the development.
- 9 In an apartment[/condo] building or group of buildings occupying a parcel of land in one ownership, containing at least 24 dwelling units, for business connected with the rental, operation, service, and maintenance of the building.

Section 8.2.4. [R-T] RT Zone General Requirements and Development Standards

A. [R-T] RT Zone, In General

1. Combined Tracts

A tract in the [R-T] RT zone may be combined with a tract in another Residential zone, [subject to] with site plan approval under [Sec.] Section 7.3.4. [[8.3.4.]], if:

- a. the RT portion of the combined tracts is only used for uses allowed in the [R-T] RT zone [are allowed in the R-T portion of the combined tract];
- b. the number of dwelling units in the combined tract does not exceed the total number permitted on the separate tracts;
- c. the amount of common open space in the combined tract is, at a minimum, the total required for the separate tracts;
- d. the number of parking spaces in the combined tract is, at a minimum, the total number required for the separate tracts; and
- e. the [two] 2 or more tracts to be developed share a common boundary with one another.

2. Existing Structures

[Apartment/condo buildings existing] An apartment building that existed before the application of an RT zone [are] is a conforming [structures] structure. The apartment building [and] may be repaired, reconstructed, or structurally altered under the provisions of [their prior] its previous zone[,] if the gross floor area of those dwellings is not increased above the gross floor area that existed on the date that the lot was rezoned[.]; [however, if] Any reconstruction or alteration must satisfy the conditions of a covenant that was [covenants were] recorded under an approved schematic development plan[, any reconstruction or alteration must satisfy the conditions of those covenants].

3. Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]].

B. [R-T] RT Zone Standard Method

1. Tract and Density	[R-T] RT-6.0	[R-T] RT-8.0	[R-T] RT-10.0	[R-T] RT-12.5	[R-T] RT-15.0
Tract (min)					
Tract area	20,000 SF	20,000 SF	20,000 SF	20,000 SF	40,000 SF
Open Space (min)					
Common open space (% of tract)	50%	50%	50%	50%	30%
Density (max)					
Dwelling units per acre of usable area as defined in the Specification for Density in this table.	6	8	10	12.5	15
Coverage (max)					
Site coverage (% of tract)	35%	35%	35%	35%	n/a
Specification for Density	The usable area upon which the density of development for [R-T] RT zones is calculated is determined by deducting from the gross area of the tract [the following]:				
a.	[[a]] i. all land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and [[b]] ii. all [one-hundred]100-year flood plain areas which, in the opinion of the Planning Board, would constitute an excessively high percentage of the total area of the tract.				

2. Placement

Principal Building Setbacks (min)					
From any dwelling unit in a detached house or land classified in a Residential Detached zone	30'	30'	30'	30'	30'
From any public street	25'	25'	25'	25'	20'
From an abutting lot:					
Side (end unit)	10'	10'	10'	10'	8'
Rear	20'	20'	20'	20'	20'
Specifications for Principal Building Setbacks	The setback from a detached house or land classified in a Residential Detached zone may be decreased by the Planning Board if the applicant demonstrates that a more desirable form of development can be achieved using the street, side, and rear lot line setbacks in this table.				
a.	Where the side lot of an end unit abuts a public street, the side [yard] setback must equal the required front [yard] setback.				

3. Building Height	[R-T] RT-6.0	[R-T] RT-8.0	[R-T] RT-10.0	[R-T] RT-12.5	[R-T] RT-15.0
Height (max)					
Principal building	35'	35'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'
Specification for Height	[Agricultural buildings] A building used for agriculture associated with Farming and a. the height encroachments allowed under [Sec. 4.1.5.D.3] Section 4.1.7.C.3 may exceed the height limits.				

4. Form

Massing (max)
[Eight] 8 townhouses is the maximum number permitted in any one attached row.
[Three] 3 continuous, attached townhouses is the maximum number allowed with the same front building line. The variations in building line must be a minimum of 2 feet.
For one-household attached dwelling units, as defined in footnote 3 in [Sec.] Section 8.2.3.B [[9.2.3.B]], 12 units is the maximum number allowed in one row.

C. [R-T] RT Zone Development Including MPDUs

[Where] A development that includes MPDUs [are included in a development] under [the requirements of] Chapter 25A[, the following] may follow the optional method standards [are permitted in order to facilitate the provision of those units. They] that permit an increase over the total number of dwelling units otherwise permitted, an additional housing type, and modification of some area and dimensional requirements.

1. Development Standards

- a. The development standards in [Sec.] Section 8.2.4.B [[9.2.4.B]] may be modified as follows:

	[R-T] RT-6.0	[R-T] RT-8.0	[R-T] RT-10.0	[R-T] RT-12.5	[R-T] RT-15.0
Open Space (min)					
Common open space (% of tract)	45%	45%	45%	45%	30%
Density (max)					
Dwelling units per acre of usable area as defined in [Sec.] <u>Section 8.2.4.B.1</u> [[9.2.4.B.1]]	7.32	9.76	12.20	15.25	18.30
Coverage (max)					
Site coverage (% of tract)	40%	40%	40%	40%	n/a

- b. The form standards [required] under [Sec. 9.2.5.E] Section 8.2.4.B.4 [[9.2.4.B.4]] may be waived.

2. Dwelling Unit Mix

In the [R-T] RT-6.0, [R-T] RT-8.0, [R-T] RT-10.0 and [R-T] RT-12.5, one-household attached dwelling units, as defined in footnote 3 of [Sec.] Section 8.2.3.B [[9.2.3.B]], may be a maximum of 40% of the total number of dwelling units.

Section 8.2.5. R-H Zone General Requirements and Development Standards

A. R-H Zone, In General

- 1. [Luminaries] An outdoor lighting fixture located on a parking [lots] lot may be a maximum of 10 feet above ground level and [outdoor lighting] must not

shine in apartment windows or reflect or cause glare into abutting or facing premises.

- 2. [Interior roads] An interior road may be private or public[, but]. A private [roads] road must:
 - a. have a minimum width of 20 feet for two-way traffic; [and]
 - b. have a minimum width of 10 feet for one-way traffic; and
 - c. [must] be paved and maintained in good repair.
- 3. [Inner courts are prohibited] The R-H zone prohibits a development with an inner court. The width of an outer [courts] court must be calculated [in the same manner] as [specified in Sec. 9.2.5.B.2 for] the distance between buildings under Section 8.2.5.B.2. [[9.2.5.B.2.]]
- 4. Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]

B. R-H Zone Standard Method Development Standards

1. Lot	R-H
Lot (min)	
Lot area for any development	40,000 SF
Lot area per dwelling unit, where the percentage of the lot covered by apartment[/condo] buildings is:	
More than 11	1,400 SF
More than 10	1,300 SF
More than 9	1,200 SF
More than 8	1,100 SF
8 or less	1,000 SF
Lot width at front building line	200'
Coverage (max)	
Lot	12%
Common Open Space (min)	
Common open space	55%

2. Placement

R-H

Setbacks for Buildings up to 30' in Height (min)	
From street (whichever is greater):	
From street line	30'
From center line	70'
From adjoining lot:	
One side	10'
Sum of both sides	30'
Rear[:]	30'

Specifications for Setbacks

a. For buildings up to 30' [feet] in height, accessory buildings, parking, or access roads are prohibited within the setbacks. Entrance and exit drives may cross the setbacks in as direct a manner as possible.

b. For buildings over 30' [feet] in height, all of the setbacks shown in [Sec] Section 8.2.5.B.2 [[9.2.5.B.2]] must be increased by 1' [foot] for each foot of height over 30' [feet]. This additional setback may be used for parking, access drives, accessory buildings, and the terracing of buildings, if a building or structure does not penetrate the setback line requirement in [Sec] Section 8.2.5.B.2 [[9.2.5.B.2]] (for buildings up to 30' [feet] in height).

Distance Between Buildings on the Same Lot (min)	
For buildings up to 30' [feet] in height	50'
For buildings over 30' [feet] in height	For each foot [by which] a building exceeds 30' [feet], an additional 1' [foot] is required between buildings

review that such reductions are necessary to accommodate the increased density.

[3. Site plan approval is required under Sec. 8.3.4.]

C. R-H Zone Special Regulations for a Development [Including] with MPDUs

[The] A development in the R-H zone may use the following optional standards [may be used] to achieve MPDUs, including any bonus density[, provided] under Chapter 25A [on site]:

1. The common open space may be reduced to a minimum of 35%, if required to accommodate the construction of all workforce housing units on-site.
2. The requirements for setbacks and distances between apartment[/condo] buildings may be reduced if an applicant can demonstrate during site plan

Division 8.3. Planned Unit Development Zones

Section 8.3.1. Zones Established

The [following are the] planned unit development zones and their identifying symbols are:

- A. Planned Development (PD)₂
- B. Town Sector (T-S)₂
- C. Planned Neighborhood (PNZ)₂
- D. Planned Retirement Community (PRC)₂ and
- E. Planned Cultural Center (PCC)₂

Section 8.3.2. PD Zone

A. Purpose

1. [It is the purpose of this zone to] The PD zone should implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. [It is intended that this] This zone [provide] provides [a means of regulating development which can achieve] a flexibility of design[, the integration of] that better integrates mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than [the procedures and regulations under which it is permitted as a right under] conventional zoning categories. [In so doing, it is intended that the zoning category] The PD zone should be used to implement the general plan, area master plans₂ and other pertinent county policies in a manner and to a degree that is more [closely] compatible with [said] these county plans and policies than [may be possible] under other zoning categories.
2. [In addition, it is the purpose of this zone that] A development in the PD zone should be [so] designed and constructed [as] to [facilitate and] encourage [a maximum of] social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. [It is intended that] A development in this zone [produce] should have a balanced and coordinated mixture of residential and convenience commercial uses, [as well

as] other commercial and industrial uses shown on the area master plan, and related public and private facilities.

3. [In addition, it is the purpose of this] This zone [to provide and] should also:
 - a. encourage a broad range of housing types, [comprising] including owner and rental occupancy units, [and] one-family, multiple-family₂ and other structural types[.];
 - b. [4. Additionally, it is the purpose of this zone to] preserve [and take the greatest possible aesthetic advantage of] trees [and, in order to do so, minimize] by minimizing the amount of grading necessary for construction of a development[.];
 - c. [5. In addition, it is the purpose of this zone to] encourage [and provide for] open space:
 - i. [not only] for use as setbacks and yards surrounding structures and related walkways[.];
 - ii. [but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as] for use as places for relaxation, recreation₂ and social activity for the general benefit of the community and the public conveniently located near residential and commercial concentration;
 - iii. [and, furthermore, open space should be so situated] as part of the plan and design of each development to achieve the physical and aesthetic integration of the uses and activities within each development[.];
 - d. [6. It is also the purpose of this zone to] encourage and provide for the development of comprehensive [[,]] pedestrian circulation networks, separated from vehicular roadways, which [constitute a system of linkages among] link residential areas, open spaces, recreational areas, commercial and employment areas₂ and public facilities, and thereby minimize reliance upon the automobile [as a means of transportation.]; and

- e. encourage developments on a large area of land with a large number of dwelling units that [7. Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which] offer opportunities for a wider range of related residential and nonresidential uses [, it is therefore the purpose of this zone to encourage development on such a scale].
- 4. [8. It is also the purpose of this] A development in the PD zone [to achieve a maximum of] should also maximize the safety, convenience, and [amenity] amenities for both the residents of [each] the development and the residents of neighboring areas [, and, furthermore, to assure compatibility and coordination of each development] while remaining compatible with existing and proposed surrounding land uses.

B. Uses

1. Residential Uses

- a. All types of Residential Uses, including Accessory Residential Uses, listed in [Sec.] Section 3.1.6 are allowed. All Group Living uses must be shown on the Development Plan. Residential Care Facilities (Over 16 persons) are subject to the standards in [Sec.] Section 3.3.2.E.2.c.ii and conditional use approval by the [Board of Appeals] Hearing Examiner under [Sec.] Section 7.3.1. [[8.3.1.]]
- b. The various dwelling unit types must be planned and constructed according to the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.

Density Category	Total number of dwelling units planned	Minimum (Maximum) Percentage ¹ of Building Types Allowed			
		Detached House	Townhouse, Duplex and One-Household Attached ⁵	Apartment[/Condo] Less than 40' ^{2,3}	Apartment[/Condo] Greater than 40' ^{2,4}
Low: PD-2 & PD-3	Less than 200	35	35	NP	NP
	200-800	30	20	10(40)	NP
	More than 800	20	20	20	P(20)
Medium Low: PD-4, PD-5 & PD-7	Less than 200	10	40	15(30)	NP
	200-800	10	25	25(40)	NP
	More than 800	10	20	25	P(20)
Medium: PD-9, PD-11 & PD-13	Less than 200	P	25	25	NP
	200-800	P	20	35	NP
	More than 800	P	20	35(60)	P(30)
Medium High: PD-15, PD-18, PD-22 & PD-25	Less than 200	P	P	50	NP
	200-800	P	10	25 (75)	P(30)
	More than 800	P	10	35	25(40)
High: PD-28, PD-35 & PD-44	Less than 200	P	P	P	50
	200 or more	P	P	25	50
Urban High: PD-60, PD-68, PD-75, PD-88 & PD-100		NP	P	P	P

Key: NP = Not permitted P = Permitted but not required () = Maximum percentage permitted.

- 1 County Council may waive the percentage requirements for detached houses and apartment[/condo] units, if it finds that a proposed development (a) is more desirable for stated environmental reasons than development under these limits, or (b) achieves goals, policies, or recommendations stated in a master or sector plan.
- 2 If the minimum percentage would yield fewer than 150 apartment[/condo] dwelling units, this requirement does not apply and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number is required, unless it is waived under the provisions of Footnote 1 in [\[this\] Section 8.3.2.B.1.b](#) [\[\[9.3.2.B.1.b\]\]](#) [\[\(Sec.\) 9.3.2.B.1.b\]\]](#).
- 3 One-household attached units, as defined in footnote 3 of [\[Sec.\] Section 8.2.3](#) [\[\[9.2.3\]\]](#), may be substituted for all or part of this requirement.
- 4 The 40' height limit may be waived for a building designated and approved as an Independent Living Facility for Seniors or Persons with Disabilities if (a) such housing satisfies both the purposes of the zone and County policies and goals concerning the need for such housing; and (b) appropriately located with respect to the special needs of senior adults or persons with disabilities.
- 5 As defined in footnote 3 of [\[Sec.\] Section 8.2.3.B.](#) [\[\[9.2.3.B\]\]](#)

2. Commercial Uses

- a. The District Council may approve a pedestrian-oriented [Pedestrian-oriented] local commercial [facilities] facility that is not indicated on the master plan for the area in which the proposed development is located if the Council finds[[:]]
[[i]]. may be allowed at the discretion of the District Council upon a finding that they the proposed facility is [are] compatible with the development, and [are] necessary [for the service of] to serve the residents of the proposed development and adjacent residential developments [, in amounts not to exceed the following:]; and
 - i. [i. If] if the number of dwelling units shown on the development plan is greater than 500, the any Retail/Service [Establishments and Offices] Establishment and or Office [principally for the service of the residents in the development may be allowed up to] has may be allowed up to a maximum of 10 square feet of gross floor area per dwelling unit [shown on the development plan.]; or
 - ii. [ii. If] if the number of dwelling units shown on the development plan is greater than 1,000, the any Retail/Service [establishments and Offices principally for the service of the residents in the development may be allowed up to] Establishment and or Office has may be allowed up to a maximum of 20 square feet of gross floor area per dwelling unit [shown on the development plan].
- b. [Commercial] A commercial [and] or industrial [uses] use may be allowed in addition to the a local commercial [facilities allowed] facility under [Sec.] Section 8.3.2.B.2.a [[9.3.2.B.2.a]], if [any, under the following conditions]:
 - i. [Such uses are] the use is proposed by the appropriate master plan [to be] and located within the area covered by the PD zone[.]; and
 - ii. [Such uses are] the use is designed and located to achieve the purposes of the PD zone and to be compatible with other uses within and adjacent to the development.

- c. A Transitory Use is allowed and must satisfy the limited use standards under [Sec.] Section 3.5.15.C.2.

3. Other Uses

Property located in a PD zone may also be used for:

- a. [Noncommercial] a noncommercial community recreational [facilities] facility [which are intended exclusively] for the exclusive use of the residents of the development and their guests [may be allowed.];
- b. [A] a nonresidential, noncommercial use [may be allowed at the discretion of] if the District Council [on a finding] finds that it is compatible with the planned development and satisfies the compatibility requirements of [Sec.] Section 8.3.2.D. [[9.3.2.D.]]
- c. a Cable Communications System [are allowed] as a conditional use under [Sec.] Section 3.5.2.A; or
- d. [Any] any conditional use allowed in the R-90 zone, as shown in the use table in [Sec.] Section 3.1.6 [may be allowed by] if the District Council [if] finds that the use meets any applicable use standard in Article 59-3 and satisfies the findings for conditional use approval under [in Sec. 8.3.1.D] Section 7.3.1.E. [[8.3.1.E.]] If the use is proposed after the District Council has approved the development plan, a petition for a conditional use must be filed with the Hearing Examiner [Board of Appeals]. The Hearing Examiner [Board of Appeals] may approve the conditional use if it finds [i.] the use is:
 - i. [a.] consistent with the design standards of the development plan; and
 - ii. [b.] satisfies the applicable use standards in Article 59-3 and the requirements of [Sec.] Section 7.3.1.E. [[8.3.1.E.]]; or
 - iii. [ii. the use is] not consistent with the design standards of the development plan, but the approval is contingent on the District Council's approval of an amendment to the development plan that incorporates the conditional use.
- e. [Antennas] an antenna on an existing [structures] structure and related unmanned equipment building, equipment [cabinets] cabinet, or equipment room [may be installed] under [Sec.] Section 3.5.14.C.

C. Development Standards

1. The maximum density allowed, and minimum open space required for the PD zone are indicated in the following table:

Density Category	Maximum Density (Dwelling Units per Acre)	Open Space (Percent of Gross Area)
Low		
PD-2	2	30
PD-3	3	30
Medium low		
PD-4	4	40
PD-5	5	40
PD-7	7	40
Medium		
PD-9	9	40
PD-11	11	50
PD-13	13	50
Medium high		
PD-15	15	50
PD-18	18	50
PD-22	22	50
PD-25	25	50
High		
PD-28	28	50
PD-35	35	50
PD-44	44	50
Urban High		
PD-60	60	30
PD-68	68	30
PD-75	75	30
PD-88	88	30
PD-100	100	30
Specification for Open Space:		
In residential areas, common open space is required. In commercial areas, public open space is required. Open space may be reduced to 35% for “Medium High” and “High” densities and to 20% for “Urban High” densities to allow the construction of all workforce housing units on site.		

2. Density of Residential Development

- a. The density of development [is based on the area shown for residential use on the master plan and] must not exceed the density permitted by the density category granted[.] except:
 - i. [However,] the maximum density allowed under [Sec.] Section 8.3.2.c.1 ~~[[9.3.2.c.1]]~~ may be increased to accommodate the construction of MPDUs [and workforce housing units] if [as follows]:
 - (a) [i. For projects] the number of MPDUs for a project with a residential density of less than 28 dwelling units per acre[, the number of MPDUs must be] is at least the number of bonus density units or 12.5% of the total number of dwelling units, whichever is greater; or
 - (b) [ii. For projects] the number of MPDUs for a project with a residential density of more than 28 dwelling units per acre[, the number of MPDUs] must be at least 12.5% of the total number of dwelling units under Chapter 25A[.];
 - ii. the maximum density allowed under Section 8.3.2.C.1 ~~[[9.3.2.C.1]]~~ may be increased [Any] for any project with a residential density at or above 40 dwelling units per acre [may provide] that includes workforce housing units under Chapter 25B[.];
 - iii. [c.] the District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site;
 - iv. [b. Notwithstanding the density provisions of this zone,] the District Council may approve an increase in density for Independent Living Facilities for Seniors or Persons with Disabilities, as defined in [Sec] Section 3.3.2.C.1, within a planned development if [the following requirements are satisfied]:
 - (a) [i. The] the total number of dwelling units within that portion of the site proposed for such housing is a maximum of 3 times the density [normally] permitted [for the same area] under the densi-

ty category requested[. A] and a minimum of 20% of such [housing must be] dwelling units are MPDUs under Chapter 25A[.];

- (b) [ii. The] the density for the remainder of the property [must] does not exceed the density permitted under the density category requested[.];

[iv. In approving such density increase, the District Council must find that the proposal satisfies the following:]

- (c) [(a)] the total area of the planned development [under application] is a minimum of 3 acres [in size];
- (d) [(b)] the site [has adequate accessibility] is accessible to public or private transportation, medical services, shopping areas, and recreational and other community services frequently required by senior adults and persons with disabilities;
- (e) [(c)] the Independent Living Facilities for Seniors or [Person] Persons with Disabilities will be situated on a maximum of one-third of the total site [under application];
- (f) [(d)] the development satisfies the compatibility requirements of [Sec.] Section 8.3.2.D [[9.3.2.D]] [are satisfied]; and
- (g) [(e)] the increased density to accommodate such housing is [found to be] in the public interest, taking into account the increased size and bulk of buildings and the impact on public facilities.

b. For a zoning application requesting increased density for an Independent Living Facility for Seniors or Persons with Disabilities:

- i. [iv.] the Hearing Examiner must transmit the zoning application [A copy of the application and pertinent information submitted by the applicants in support of the request for increased density for Independent Living Facility for Seniors or Persons with Disabilities must be transmitted] to the Department of Health and Human Services and to the Department of Housing and Community Affairs [by the Hearing Examiner's office, no later than] within 5 days after the zon-

ing application is filed[,] for their recommendation to the Hearing Examiner;

- ii. [v. The] the table in [Sec.] Section 8.3.2.B.1.b [[9.3.2.B.1.b]], containing the minimum requirements for the mixture of residential housing types within a planned development, does not apply to any Independent Living Facility for Seniors or Persons with Disabilities approved under [this] Section 8.3.2 [[9.3.2]] [(Sec.) 9.3.2.]; and
- iii. [vi. The] the parking requirements of Division [Div] 6.2 [[7.2]] applicable to Independent Living Facility for Seniors or Persons with Disabilities may be increased if the development plan proposes a project primarily concerned with providing facilities for independent living.

[c. The District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.]

D. Compatibility

1. All uses must:
 - a. achieve the purposes under [Sec.] Section 8.3.2.A [[9.3.2.A]]; and
 - b. be compatible with the other uses proposed for the planned development; and
 - c. be compatible with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.
2. [In order to assist in accomplishing compatibility for sites that are] if a site in a PD zone [[is not within, or in close proximity to a central business district or transit station development area], the following requirements apply where a PD zone and]] adjoins land for which the area master plan recommends a Residential Detached zone, the property owner may:
 - a. [Only] only construct a detached house building type [can be constructed] within 100 feet of such adjoining land; and
 - b. [No building can be constructed to] not construct any building at a height greater than its distance from such adjoining land.

3. [The requirement under Sec.] Section 8.3.2.D.2.a [[9.3.2.D.2.a]] [can] may be waived by the Planning Board if the:
 - a. [The] area master plan recommends a use other than Single-Unit Living for the property immediately adjoining the area where the waiver is to occur; and
 - b. [The] present or future use of the immediately adjoining property [will] would not be adversely affected by the waiver [for present or future use].
4. The [requirements under] Planning Board may waive [Sec.] Section 8.3.2.D.2 [[9.3.2.D.2]] [may be waived if: The] for a site located [is] within or in close proximity to a central business district or transit station development area if it finds that:
 - a. [and reduced setbacks are recommended by] the master or sector plan recommends reduced setbacks [, and the Planning Board finds that];
 - b. the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting Residential Detached zones; and
 - c. the maximum building height is 50 feet.
5. [b.] The Planning Board may waive Section 8.3.2.D.2 [[9.3.2.D.2]] for a site [is] located within or in close proximity to a historic district [and the Planning Board] if it finds that:
 - a. reduced setbacks or increased building height [will] would facilitate the preservation, reuse, or redevelopment of a designated historic district; [and]
 - b. the immediately adjoining property [will] would not be adversely affected by the waiver[.]; and
 - c. [The] the maximum building height [allowed under this waiver] is 50 feet.
6. [5.] Compliance with these requirements does not, by itself, create a presumption of compatibility.

E. Dedication of Land for Public Use

[Such] A property owner must dedicate land [as may be required] for public streets, parks, schools, and other public uses [must be dedicated to satisfy the requirements of] as required by Chapter 50, [and] the general plan, [and]

master plans, and other applicable plans [as may be applicable]. The lands to be dedicated must be identified on any development [plans and] or site [plans] plan required under [Sec.] Section 7.3.4. [[8.3.4.]]

F. Procedure for Development

Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4]], however, the installation of a fence, not including a deer fence, on the property of a Private Educational Institution is permitted without a site plan or a site plan amendment, if the fence does not cross a public trail, path, or roadway.

Section 8.3.3. T-S Zone

A. Purpose

1. [It is the purpose of this zone to provide a classification which will] The T-S zone is designed to permit development of or additions to planned new towns or additions to existing urban developments. Such towns must contain, to the extent possible, all of the residential, commercial, civic and institutional, and industrial facilities needed to make [possible] a town [that is] reasonably self-sufficient for all purposes, except major employment and central business district shopping. A development in the T-S zone must:
 - a. provide [Adequate provision must be made] for the maintenance of open space; [and the location of]
 - b. locate streets and highways to assure orderly traffic circulation[.];
 - c. [Provision must be made for the inclusion of] include housing for families of low and moderate incomes; and [Physical planning within the town must assure that these uses, including] place a wide variety of types of housing accommodations[, be placed] in an efficient and orderly [relationship] design.
2. A new town [is also described, for the purposes of this chapter, as being] located on a substantially undeveloped site [and meeting the following mutually interdependent requirements] must:
 - a. [It must] be self-sufficient and contain, as nearly as possible, all of the commercial, employment, cultural, and recreational facilities desirable and necessary for the satisfaction of the needs of its residents[.];

- b. [It must be diverse, containing] include a wide variety of residential facilities to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices[.];
- c. [The density must be] have an urban rather than rural density[, in order to] that would:
 - i. facilitate travel between residential, commercial, employment, and other types of areas; and to
 - ii. make the most efficient use of public utilities[, but low enough to];
 - iii. permit the incorporation of large amounts of open land within the town for recreational and scenic purposes[.];
 - iv. have or plan for the construction of [Transportation] transportation facilities adequate to serve the anticipated total population [must exist or be planned for future construction.]; and
 - v. have [Public] public sewer and water [must be] available at the site or planned for construction.
3. [In order to encourage and facilitate desirable development of this kind, it is also the purpose to eliminate, in the] The T-S zone[,] is designed to:
 - a. eliminate some of the specific restrictions which regulate, in other zoning categories, the height, bulk, and arrangement of buildings and the location of the various land uses;
 - b. [to] provide for more flexibility in development; and to
 - c. [require that all development satisfy a plan meeting the requirements of this section. It is the intent of this zone to] achieve flexibility of design, integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity than the standards permitted by right and required in conventional zoning categories[.]; and
 - d. [In addition, it is the purpose of this zone to] preserve and take the greatest possible aesthetic advantage of trees; and, in order to do so, minimize by minimizing the amount of grading necessary for construction of a development.

B. Land Uses

1. [Uses] A use described on the approved development plan[, are] is allowed by right in [this] the T-S zone.
2. All uses authorized in any zone, by right or as conditional uses, may also be [similarly] authorized in the T-S zone[, subject to the following restrictions:] if the use is [Only uses] shown on the approved site plan [are permitted, unless] or the site plan is first amended under [Sec. 8.2.1.] Section 7.3.4.J. [[8.3.4.J.]]
3. An amendment to the site plan is not required for construction of accessory buildings and additions or modifications to existing detached houses, townhouses, and accessory buildings if:
 - a. [i. The] the Planning Board has approved homeowners association documents establishing a procedure to review such development prior to construction; and
 - b. [ii.] the development is approved [Under this procedure, approval] for construction [has been granted;] under this procedure. [provided, however, that site plan review is necessary for additional construction commenced prior to December 9, 1980, if:
 - (a) At the time such additional construction was commenced, site plan review was required; and
 - (b) The recorded subdivision plat creating the lot upon which such development is proposed did not indicate the standards to be applied or the procedures to be followed to approve additional construction beyond initial development.]
4. [b.] No use may occupy a location other than indicated on the approved site plan.
5. [c. Areas] An area designated as residential on the development plan[,] must [consist of] only include the residential portion of the T-S zone and accompanying facilities such as local retail areas, public school sites, local recreational and open space areas, and public roads. [Only the following building types and uses are allowed] A residential [areas] area must only include:

- a. [i.] a detached house [building types containing the following uses] used for:
- i. [(a)] Single-Unit Living;
 - ii. [(b)] a professional [offices] office for use by not more than one member of a recognized profession who is a resident of the dwelling and by not more than one nonresident assistant. Recognized professions include [but are not limited to] medicine, dentistry, law, accounting, and architecture; they do not include businesses such as insurance, real estate, etc. A professional office [in this instance shall] must be incidental to the principal use of the building as a dwelling and must not include a medical, dental, or veterinary clinic or in-patient treatment facility;
 - iii. [(c)] [all] any other permitted or limited [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3; [and]
 - iv. [(d)] [all] any conditional [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3, subject to the grant of a conditional use permit under [Sec.] Section 7.3.1 [[8.3.1]];
- b. [(ii)] an apartment[/condo] building [types containing the following uses] used for:
- i. [(a)] Household Living up to the maximum number of dwelling units indicated on the site plan;
 - ii. [(b)] an office for the rental, operation, service, and maintenance of an apartment[/condo] building or group of buildings;
 - iii. [(c)] [all] any other permitted or limited [uses] use in the R-30 zone under [Sec. 3.1.6] Article 59-3;
 - iv. [(d)] [all] any conditional [uses] use allowed in the R-30 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]];
 - v. [(e)] any[of the] commercial [uses permitted] use allowed in the NR zone under Article 59-3 if:
 - (a) [(1)] commercial uses are on separate floors than residential uses; and

- (b) [(2)] the total floor area used for commercial purposes [must] does not exceed the amount indicated on the site plan[.]; and
 - c. [d. An] an Independent Living Facility for Seniors or Persons with Disabilities [is allowed].
6. [e.] An Antenna on an Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C is allowed.
7. [2.] Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved home owners association[,] with substantial [in] membership and duration[,] if the Planning Board approves [provided that] easements for such uses [must be] granted to the County and recorded in the land records of the County [following Planning Board approval of such easements].
8. [3.] All utility lines in the T-S zone must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines [as provided in] under Section 50-40(c). The developer must provide [Standards for] street lighting [must be provided by the developer under] satisfying the standards contained in the approved site plan. A use-and-occupancy permit must not be issued for any building which is not served by an approved sewer and water supply.

C. Development Standards

1. Area Requirements

- a. Each [application for] development in the T-S zone must [be for a tract of land which has] have a minimum area of 1,500 acres[; except] unless [.] a sectional map amendment reduces the area zoned T-S to less than 1,500 acres.
- [i.] an application for a tract of any size adjoining a tract in the town sector zone may be filed by the original applicant or a successor in title; or
 - ii. a sectional map amendment may reduce the area zoned TS to less than 1,500 acres.]

- b. A maximum of 10% of the total area of the town sector may be devoted to commercial purposes. All required parking for commercial purposes must be included within the 10% calculation.
- c. A maximum of 6% of the total area of the T-S zone may be devoted to industrial purposes and other major employment facilities.
- d. A minimum of 10% of the total area of the T-S zone must be devoted to open space. This open space may include publicly owned, community-wide, or common open space and facilities, but may must not include streets and parking areas.

2. Density

- a. The population of the T-S zone must be planned for a maximum of 15 persons per acre based upon the total area within the T-S zone; except, that such. However, the planned population may be increased by an amount equal to the population to be housed in MPDUs included in the development plan under chapter 25A, if the total increase in population does not exceed 22% of the population that would otherwise be permitted.
- b. In calculating the density, the following standards apply To calculate density:
 - i. [Dwelling] dwelling units in detached houses must be assumed to have an average occupancy of 3.7 persons[.];
 - ii. [Dwelling] dwelling units in townhouses must be assumed to have an average occupancy of 3 persons[.];
 - iii. [Apartment]/[condo] apartment buildings less than 50' in height must be assumed to have an average occupancy of 3 persons per dwelling unit[.]; and
 - iv. [Apartment]/[condo] apartment buildings 50' in height or higher must be assumed to have an average occupancy of 2 persons per dwelling unit.

3. Height

The [heights] height of [all buildings] any building in the T-S zone must be consistent with the [limitations] limits set in other zoning classifications for areas of similar density or similar use.

D. Procedures for Development

- 1. A development in the T-S zone requires site [Site] plan approval [is required] under [Sec.] Section 7.3.4. [[8.3.4.]] The site plan approval must establish [Standards] standards for width and area of lots, side and rear yards, setbacks, lot coverage, height and grouping of buildings, and similar requirements [must be established at the time of site plan approval].
- 2. In [the implementation of] applying [Sec.] Section 8.3.3.D.1 [[9.3.3.D.1]], the Planning Board may waive the substantive requirements of Chapter 50 and certain requirements of [Div.] Division 6.2 [[7.2.]] (including the number of parking spaces described in [Div.] Division 6.2 [[7.2.]]) if it finds that the waiver would allow greater flexibility of development consistent with the purposes of the zone and promote more attractive and more efficient overall planning and design; except that the following]. However, the Planning Board must not [be waived] waive:
 - a. the adequate public facilities requirements of Chapter 50 ([Sec.] Section 50-35(k)); [nor] or
 - b. the provisions of [Sec.] Section 7.3.4.D [[8.3.4.D.]][-]through Section 7.3.4.K. [[8.3.4.J.]]
- 3. Record plats must indicate that the land is in the T-S zone and [must also] include [the following notations] a notation with a statement:
 - a. [An appropriate statement concerning] describing all of the land which is designated for common or quasi-public use, but not to be in public ownership. This statement must grant to the public, on such land, easements covering all rights of development, construction or use other than the recreational or other quasi-public uses indicated in the approved site plan, except that, at the time of site plan approval, utilities easements may be excluded from specified areas[.]; and

- b. [A statement indicating] that the plat satisfies the approved site plan, [and] that development of the land is permitted only if it satisfies the approved site plan, [and] the accompanying agreements concerning the ownership and maintenance of common land[, which] are on file at the offices of the Planning Board, and that application for reclassification is prohibited until 50 years after the grant of the T-S zone.

Section 8.3.4. Planned Neighborhood Zone

A. Purpose

[It is the purpose of this section to provide a method which will facilitate] The Planned Neighborhood Zone should facilitate the construction of residential neighborhoods in the County [using good planning principles. The principles, which it is the purpose and intention of this section to encourage and require in planning of such neighborhoods, are based on the assumption] assuming that a neighborhood is an urban area within which the residents may all conveniently share common services and facilities. [In order to make this possible, the following conditions should exist] A development in this zone should:

1. [The size of the neighborhood should be such as will] be large enough to provide a child population sufficient to use at least one public elementary school of optimum size and location for convenient and economic operation[.];
2. [There should be] have adequate retail shopping facilities [adequate] to provide for the day-to-day needs of the residents of the neighborhood[.]; and
3. [To] to the extent possible, locate all major transportation arteries [should be located] at the perimeter of the site. Where this is not possible, a grade-separated pedestrian walkway system must be constructed to provide for safe pedestrian crossing of such heavily traveled roadways. In addition, each planned neighborhood must include bikeways, sidewalks, and other appropriate walkways to provide for safe, direct, and convenient movement of pedestrians to local schools, shopping, and recreation areas.
4. Moderately priced housing [within the means of families of low and moderate incomes] should be available within the neighborhood.

B. Land Uses

[The following building types and uses are allowed subject to the restrictions and conditions indicated.] Each use, except any transitory use, must be shown on the development plan for the PNZ zone. A development in the PNZ zone may include:

1. a detached house [building type, containing the following uses] used for:
 - a. [single-household living] Single-Unit Living;
 - b. professional office for the practice of medicine, dentistry, law, accounting, or architecture by a resident of the dwelling, incidental to its principal use as a dwelling, and with the assistance of [not more than] only one [person who is not a resident of the dwelling] non-resident;
 - c. [all] any other permitted or limited [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3; [and] or
 - d. [all] any conditional [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]] [.]
2. an apartment[/condo] [building type containing the following uses] used for:
 - a. [household living] Household Living, up to the maximum number of units indicated on the site plan;
 - b. an office for the rental, operation, service, and maintenance of an apartment[/condo] building or group of buildings;
 - c. [all] any other permitted or limited [uses] use in the R-30 zone under [Sec. 3.1.6] Article 59-3; [and] or
 - d. [all] any conditional [uses] use allowed in the R-30 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]] [.]
3. [All of the] any commercial [uses] use allowed [permitted] in the NR zone under Article 59-3, except a Recreational and Entertainment [Facilities] Facility, [may be allowed for a maximum area of] located on a property of no more than 15 acres at any one location if [the following conditions are met]:
 - a. [A] a market analysis of the local trade area, filed as a part of the development plan, indicates a need for the amount of commercial use proposed[.]; and

- b. [The] the adopted master plan recommends commercial use within the area covered by the application[,]; or
- c. there are [not adequate] inadequate local shopping areas, either existing or proposed on a master plan, within a reasonable distance and with reasonable access from the site[.];
- 4. [An] an Antenna on an Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C[.];
- 5. a Transitory Use that satisfies the limited use standards in [Sec.] Section 3.5.15.C;
- 6. an Independent Living Facility for Seniors or Persons with Disabilitiesor
- 7. [All] utility lines [in the planned neighborhood zone], which must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines as provided in Chapter 50 ([Sec.] Section 50-40(c)). The developer must provide [Street] street light standards [must be provided by the developer] that satisfy the approved site plan.

C. Development Standards

1. Size and Density of Development

- a. The number of dwelling units in a planned neighborhood must be planned to house no more than 15 persons per acre calculated by multiplying the number of each type of dwelling unit by the appropriate estimated number of persons in each unit shown on the table in Section 8.3.4.C.1.c. [[9.3.4.C.1.c.]] [a minimum of 450 children of elementary school age, calculated with the formula in column A of the table in Sec.9.3.4.C.1.c.
- b. The appropriate density for each planned neighborhood application must be determined at the time of approval of the development plan and the granting of the planned neighborhood zone. The Planning Board's recommendation must take into account the availability of necessary public services and, where applicable, the provisions of the duly adopted and approved master plan for the subject area. The population density of a planned neighborhood must be planned to fall within a density range of from one to 15 persons per acre of land contained in the application,

and must be calculated with the formula in column B of the table in Sec. 9.3.4.C.1.c; except that such] The maximum density of the development may be increased by [planned population may be increased by a maximum amount of] 112% of the population to be housed in MPDUs provided under Chapter 25A, provided[,], that the total increase in [population] density is [a maximum of] increased by no more than 22% of the population which would otherwise be permitted.

- c. [The following table indicates the formulas to be used in calculating the number of dwelling units in a neighborhood and the population density, as required in Sec. 9.3.4.C.1.a through Sec. 9.3.4.C.1.b. These formulas are for the sole purpose of calculating the permitted number of dwelling units and the gross area required, and are not to be construed as indicating an actual or desirable family structure or household size. In addition, for planning purposes, the optimum size of an elementary school must be considered as ranging from 450 to 700 pupils.] Estimated Number of Persons Per Unit

<u>Building Type</u>	<u>[Column A]</u>	<u>Persons</u>
For each detached house	[0.9 children]	3.9 persons
For each townhouse	[0.6 children]	3.9 persons
For each dwelling unit in an apartment[/condo] building less than 50' in height	[0.35 children]	3 persons
For each dwelling unit in an [apt/condo] <u>apartment</u> building 50' or more in height	[0.1 children]	2 persons

2. Height

The heights of all buildings in the PNZ zone must be consistent with the limitations set in other zoning classifications for areas of similar density or similar use.

D. Reservation of Land

- 1. In addition to land [required to] that must be dedicated [by] for public use under Chapter 50, land must be reserved for [public purposes and must conform to standards generally imposed for those sites, as follows]:

- a. [1. Streets are subject to the review and recommendation of] streets as required by the Planning Board and DPS[.];
 - b. [2. Public schools are subject to the review and the recommendation of] public schools as required by the Planning Board and the appropriate staff of the Board of Education[.];
 - c. [3. Playgrounds] playgrounds and local parks [are subject to the review and recommendation of] as required by the Planning Board[.]; and
 - d. [4. Minor] minor stream valley and other conservation areas [are subject to the review and recommendation of] as required by the Planning Board in accordance with the character of the site.
2. All land area which is dedicated for the public purposes in [Sec.] Section 8.3.4.D.1 [[9.3.4.D.1]] [through Sec. 9.3.4.D.4] may be included in the computation of the allowable population density under [Sec.] Section 8.3.4.C.1. [[9.3.4.C.1.]]
 3. Final decisions concerning the public facility land requirements in [this] Section 8.3.4.D [[9.3.4.D]] [(Sec.) 9.3.4.D] and standards for properties proposed for the PNZ zone must be made at the time the plan is approved.

E. Procedure for Development

Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]

Section 8.3.5. Planned Retirement Community Zone

A. Purpose

1. The [purpose and intent of the] PRC zone [is to provide for] permits the establishment of a planned retirement community [type of development,] that:
 - a. is accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial, and similar services required by the residents[.];
 - b. [that] satisfies the comprehensive development plan approved by the Planning Board; and
 - c. [designed to achieve a maximum of coordination] is coordinated with [between the development and] the surrounding uses, including a

maximum of safety, convenience, and amenity for the residents of the development.

2. [Such developments are limited to areas] A development in the PRC zone must [that] have adequate highway access, public water and sewer, and public services based upon the size of the development (in acres) and the use of the site. [Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. Such developments] A development in the PRC zone [must be designed to] should:
 - a. have a minimum of impact upon surrounding land;
 - b. [and to provide] have adequate open spaces adjacent to [their] its boundaries[.];
 - c. [In addition, it is the purpose of this zone to preserve and] take the greatest possible aesthetic advantage of existing trees; and
 - d. [to] minimize the amount of grading necessary for construction [of a development].

B. Land Uses

The only development allowed in this zone is a planned retirement community[, which must meet the following requirements:].

1. Required Uses

- a. [In a] A PRC development of 750 acres or more[, the following uses are required] must have:
 - i. dwelling units;
 - ii. a retail commercial center, limited to the uses permitted in the NR zone under Article 59-3, and occupying a maximum of 1 .5% of the gross area, including off- street parking;
 - iii. necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities; and
 - iv. one or more of the following recreational, educational, and cultural facilities:

- (a) a golf course, 18 holes;
 - (b) a lake;
 - (c) a clubhouse;
 - (d) a swimming pool;
 - (e) a auditorium or meeting hall or both;
 - (f) a bowling green;
 - (g) a shuffleboard court; or
 - (h) a medical [facilities] facility, including an out-patient clinic.
- b. [In a] A PRC development of less than 750 acres[, the following uses are required] must include:
- i. dwelling units;
 - ii. meeting rooms; and
 - iii. recreational facilities, such as a swimming pool, shuffleboard court, golf course, or similar facilities, designed to meet the passive and active recreation requirements of the planned retirement community residents, consistent with the size of the project.

2. Permitted Uses

- a. [The following uses are also allowed, but a floating zone plan amendment under Sec. 8.2.1 is required for any use that is not shown on an approved development plan, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit] A PRC development may also include:
- i. a Hotel, Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying a maximum of 5 acres of land;
 - ii. a Home Occupation in the age-restricted section subject to the regulations of [the following zones]:
 - (a) the R-60 zone [in the case of] for a dwelling unit in a detached house;

- (b) the RT-6₀ zone [in the case of] for a dwelling unit in a townhouse or duplex; or
 - (c) the R-30 zone [in the case of] for a dwelling unit in an apartment/[condo] building[.];
[[d) A floating zone plan amendment under Sec 8.2.1. is not required for a home occupation.]
- iii. a Day Care Facility;
 - iv. a Hospital;
 - v. a Residential Care Facility;
 - vi. a recreational, educational, and cultural [facilities] facility not otherwise required by this section which [are] is consistent with the purposes of this zone;
 - vii. a Public Utility Structure;
 - viii. an Antenna on Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C;
 - ix. a Helistop (temporary);
 - x. a Transitory Use that satisfies the limited use standards in [Sec.] Section 3.5.15.C;
 - xi. a retail commercial [uses] use allowed [as permitted or limited uses] in the NR zone under [Sec. 3.1.6] Article 59-3, which mainly serve the residents of the development;
 - xii. a Religious Assembly; and
 - xiii. one or more of the following recreational and medical facilities[, which must be] available on a reasonable basis for the exclusive use of the residents[, of the area restricted to permanent residents who are 50 years of age and over their guests,] and [reasonably to] others designated by any party holding title to such facilities, in trust or otherwise:
 - (a) a golf course;
 - (b) a clubhouse;
 - (c) a swimming pool; and

(d) a medical [facilities] facility, including an out-patient clinic.

- b. In the age-unrestricted area of the development, other permitted and limited uses are allowed based on the following zones:
 - i. in an area designated by the approved development plan for detached house dwelling units, the R-6o [[Zone]] zone, under Article 59-3;
 - ii. in an area designated by the approved development plan for townhouse or duplex dwelling units, the RT-6.o zone, under [Sec.] Section 8.2.3 [[9.2.3]]; or
 - iii. in an area designated by the approved development plan for dwelling units in apartment[/condo] buildings, the R-3o [[Zone]] zone, under Article 59-3.

3. Conditional Uses

- a. In the age-unrestricted area, conditional uses may be allowed under Article 59-3 and [Sec.] Section 7.3.1 [[8.3.1]] based on the following zones:
 - i. in areas designated by the approved development plan for detached house dwelling units, the R-6o [[Zone]] zone, under Article 59-3; or
 - ii. in areas designated by the approved development plan for duplex or townhouse dwelling units, the RT-6.o [[Zone]] zone, under [Sec.] Section 8.2.3 [[9.2.3]]; or
 - iii. in areas designated by the approved development plan for dwelling units in apartment[/condo] buildings, the R-3o [[Zone]] zone, under Article 59-3.
 - [b. Unless the use is located in, and subordinate to, the residential use of a dwelling unit, a development plan amendment under Sec. 8.2.1. is required.]
4. The property owner must obtain a floating zone plan amendment under Section 7.2.1 [[8.2.1]] for any use that is not shown on an approved development plan unless the use is located in a dwelling unit and is subordinate to the residential use of that unit.

C. Development Standards

1. Tract Area

Each PRC zone must [have a minimum gross tract area of] be at least 25 acres, [except that a lesser area may be added to an existing PRC zone if the area is contiguous to the existing PRC zone and satisfies the provisions of this section].

2. Age of Residents, Residential Densities, and MPDUs

- a. A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. [In addition,] Restrictions on [[residence]] residency in a planned retirement community [[is]] are subject to [must be regulated under] the Fair Housing Amendments Act of 1988, as [may be subsequently] amended. [The number of] There must be no more than 10 dwelling units [is a maximum of 10] per acre, except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]
- b. A planned retirement community of 750 acres or more may include a section in which there is no restriction on the age of residents. The facilities listed in [Sec.] Section 8.3.5.B.1.a [[9.3.5.B.1.a]] are not required in this age-unrestricted section and land must be dedicated for public school sites.
 - i. In the age-restricted section, an area containing a minimum of 60% of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. [In addition,] Restrictions on [[residence]] residency [must be regulated under] are subject to the Fair Housing Amendments Act of 1988 as amended. [The number of dwelling units in that] The age-restricted part of the planned retirement community [is a maximum of] must not have more than 10 dwelling units per acre [of the land constituting the age-restricted section], including the retail commercial center and the associated off-street parking, except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]

- ii. [In the] The age-unrestricted section[, the number of] must have less than 7 dwelling units [is a maximum of 6 dwelling units] per acre [of land], except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]

- c. MPDUs must be [provided] included in each section (age-restricted and unrestricted) under Chapter 25A, including provisions for density bonus. The requirement to provide MPDUs does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption in 1974 of Chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any property added to the age-restricted area after April 4, 1994 will be subject to the provisions of Chapter 25A.

3. Setbacks

- a. In a development of 750 acres or more, all buildings and structures must be set back [as follows]:
 - i. a minimum of 50 feet [Along] along a maximum of 40% of the length of the tract boundary[, the setback must be a minimum of 50 feet.]; and
 - ii. a minimum of 100 feet [Along] along the remainder of the tract boundary[, the setback must be a minimum of 100 feet].
 - iii. [Notwithstanding] In spite of the above:
 - (a) [There] there is no minimum setback requirement for an entrance gate house[.]; and
 - (b) [Along any portion of the tract boundary adjoining land owned or occupied by a public utility] the setback may be reduced to a minimum of 10 feet along any portion of the tract boundary adjoining land owned or occupied by a public utility.
- b. [iv.] In a development of less than 750 acres, all buildings and structures must be set back [as follows]:
 - i. ([a]) the minimum setback of the adjacent zone; and
 - ii. [(b)] an additional setback of at least 2 feet for each foot of building height above 35 feet must be provided from an adjacent detached

house residential development [if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet].

4. Coverage and Common Open Space

- a. In a development of 750 acres or more:
 - i. a maximum of 15% of the gross area may be covered by residential buildings; and
 - ii. a minimum of 65% of the gross area must be devoted to common open space.
- b. In a development of less than 750 acres, a minimum of 50% of the gross area must be devoted to common open space.

5. Height

- a. The maximum height of any building is 100 feet, except a church tower.
 - b. In a development of 750 acres or more:
 - i. [Any] [[any building, except a church tower, is a maximum height of 100 feet]][.];
 - ii. [A] a minimum of 65% of the total number of dwelling units must be contained in buildings that are a maximum height of 35 feet[.]; and
 - iii. [Residential buildings] a residential building over 39 feet in height must be set back a minimum of 500 feet from any boundary line of the planned retirement community.
- [[b. In a development of less than 750 acres, any building, except a church tower, is a maximum height of 100 feet.]]

6. Roads, Parking and School sites

- a. Off-street parking must be provided under Division 6.2. [Div][[7.2.]]
- b. Interior roads not dedicated to public use must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and must be paved and maintained in good repair.

- c. Land required for sites for public schools in any age-unrestricted section must be dedicated under the requirements of the subdivision regulations.

D. Procedure for Development

1. Site plan approval is required under [Sec.]Section ~~7.3.4.~~ [[8.3.4.]]
2. [Application for the reclassification of] An application to reclassify land in the PRC zone [is prohibited] within 50 years after the land was classified in this zone must not be approved.

Section 8.3.6. Planned Cultural Center Zone

A. Purpose

1. The [purpose of this zone is to provide] PCC zone creates appropriate locations for the [planned] development of planned cultural centers within the county. A development in the [The] PCC zone [is intended to] should accommodate cultural arts facilities along with a variety of supplemental uses that relate to the cultural arts in a manner that achieves both physical and aesthetic integration of all uses and activities, including significant open space features and appropriate public use space. The zone [is also intended to provide] uses a more flexible approach to the comprehensive design and development of cultural centers than the procedures and regulations applicable under more traditional zoning categories and other PD zones.
2. [The standards of] A development in the zone [must be met in order to] should protect nearby properties and minimize the impacts of cultural centers on the surrounding area, [. Potential impacts include but are not limited to] such as visual effects, noise, and traffic. [Adherence to] A development that meets the specific standards and requirements of the zone [does not create a presumption that an application is, in fact,] must not be presumed to be compatible with surrounding land uses and, in itself, does not require the [approval] [[Planning Board]] District Council to approve the [of an] application.
3. The [uses listed as] supplemental uses in [Sec.]Section ~~8.3.6.B.2~~ [[9.3.6.B.2]] are appropriate only when provided in conjunction with a specific cultural [uses] use that is permitted in the zone which [operate or are planned to

operate] would operate on a year-round basis [as shown in the development plan].

B. Uses

1. The [following are permitted cultural arts uses] planned cultural center may include:
 - a. an artist [studios] studio;
 - b. an [auditoriums] auditorium for performing arts;[[[]]]
 - c. a concert [halls] hall;
 - d. an educational [facilities] facility devoted to the arts;
 - e. an indoor theater; and
 - f. a [museums] museum.
2. [The following supplemental uses are allowed in the zone upon a finding by] If the District Council finds that a specific supplemental use [or uses will] would be compatible with the cultural uses proposed on the site and will not adversely affect surrounding uses because of traffic or other factors, the development may include:
 - a. an accessory building and [uses] use;
 - b. a caretaker's residence or apartment;
 - c. a child day care [facilities] facility, limited to children of persons employed by or using the cultural arts facilities;
 - d. a community activities [buildings] building;
 - e. a detached [houses] house constructed prior to property being classified in the zone;
 - f. a [restaurants] restaurant;
 - g. a [hotel/motels] hotel/motel [limited to a maximum of] with no more than 30 guest rooms or suites;
 - h. a meeting [rooms] room and conference [facilities] facility for the arts;
 - i. a publicly owned or publicly operated [uses] use;
 - j. a residence hall for persons associated with cultural arts uses on the site;

- k. an [antennas] antenna on an existing [structures] structure under [Sec.] Section 3.5.14.C;
 - l. a retail establishment for the sale of materials or works of art produced on the premises; and
 - m. a [workshops,] workshop used for the construction of [including] scenery and [prop] props [construction] for use on site or for sale to other theatrical productions.
3. All uses must meet the purposes of the PCC zone and must be compatible with all uses, existing or proposed, within the site and in the surrounding area.

C. Development Standards

1. Setbacks and Screening

- a. Unless the District Council finds that existing topographical features would permit a lesser setback, a building [Buildings] must be set back a minimum of 100 feet from confronting or abutting property that is recommended on the applicable master [[or sector]] plan for Residential Detached zoning and development[, unless the District Council finds that existing topographical features would permit a lesser setback].
- b. [Buildings] A building must be set back a minimum of 30 feet from any boundary line of the site as shown on the development plan.
- c. [Buildings are] [[A building is a]] The maximum building height [[of]] is 50 feet. However, [except that] the building height may be increased [to a maximum of] 1 foot for every 2 feet of additional setback beyond the minimum required setback, up to a total building height of 75 feet [if a minimum of 2 feet of additional building setback is provided for every foot of height above 50 feet].
- d. Adequate setbacks and screening must be provided for outdoor meeting facilities to ensure against any adverse noise or visual impacts from these facilities on abutting properties.

2. Coverage

A minimum of 30% of the total site area included in the development plan must be maintained as public open space[,]; [except that comparable amenities or facilities may be provided in lieu of public open space] however, [if] the District Council may reduce this requirement if it finds [determines] that [such] comparable amenities or facilities provided in lieu of open space are sufficient to accomplish the purposes of the zone and would be more beneficial to the proposed development than strict adherence to the specific public open space requirements.

3. Parking

Off-street parking must be provided under [Div.] Division 6.2. [[7.2.]]

D. Procedure for Development

Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]