

Zoning Text Amendment No.: 15-09
Concerning: Zoning Rewrite –
Revisions, Clarifications,
and Corrections
Draft No. & Date: 1 – 5/18/15
Introduced: May 21, 2015
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

Lead Sponsor: Council President Leventhal at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance that is effective October 30, 2014 to:

- amend the definition of right-of-way;
- amend the definition of building height in regards to corner lots;
- amend the standard method development standards in the LSC and EOF zone to allow for greater flexibility, through site plan, of the Build-to Area, Transparency, Building Orientation, and Parking Setbacks for Surface Parking Lots requirements;
- amend the process for a site plan amendment
- amend the noticing standards for sketch plan, site plan, and major site plan amendments;
- amend the grandfathering language regarding expansions above the grandfathered amount
- clarify language and correct errors;
- and generally amend the Zoning Ordinance

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code effective October 30, 2014:

DIVISION 59-1.4. “DEFINED TERMS”
Section 59-1.4.2. “Specific Terms and Phrases Defined”
DIVISION 59-3.1. “USE TABLE”
Section 59-3.1.5. “Transferable Development Rights”
DIVISION 59-3.3. “RESIDENTIAL USES”
Section 59-3.3.1. “Household Living”
Section 59-3.3.2. “Group Living”
Section 59-3.3.3. “Accessory Residential Uses”

DIVISION 59-3.5.	“COMMERCIAL USES”
Section 59-3.5.1.	“Animal Services”
Section 59-3.5.2.	“Communication Facility”
Section 59-3.5.4.	“Funeral and Interment Services”
Section 59-3.5.14.	“Accessory Commercial Uses”
DIVISION 59-3.6.	“INDUSTRIAL USES”
Section 59-3.6.5.	“Mining, Excavation”
DIVISION 59-4.1.	“RULES FOR ALL ZONES”
Section 59-4.1.2.	“Compliance Required”
Section 59-4.1.7.	“Measurement and Exceptions”
Section 59-4.1.8.	“Compatibility Requirements”
DIVISION 59-4.3.	“RURAL RESIDENTIAL ZONES”
Section 59-4.3.2.	“Optional Method Development”
Section 59-4.3.4.	“Rural Cluster Zone (RC)”
Section 59-4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
DIVISION 59-4.4.	“RESIDENTIAL ZONES”
Section 59-4.4.1.	“Standard Method Development”
Section 59-4.4.2.	“Optional Method Development”
Section 59-4.4.5.	“Residential Estate – 2C Zone (RE-2C)”
Section 59-4.4.6.	“Residential Estate – 1 Zone (RE-1)”
Section 59-4.4.7.	“Residential – 200 Zone (R-200)”
Section 59-4.4.8.	“Residential – 90 Zone (R-90)”
Section 59-4.4.9.	“Residential – 60 Zone (R-60)”
Section 59-4.4.10.	“Residential – 40 Zone (R-40)”
Section 59-4.4.11.	“Townhouse Low Density Zone (TLD)”
Section 59-4.4.12.	“Townhouse Medium Density Zone (TMD)”
Section 59-4.4.13.	“Townhouse High Density Zone (THD)”
Section 59-4.4.14.	“Residential Multi-Unit Low Density – 30 Zone (R-30)”
Section 59-4.4.15.	“Residential Multi-Unit Medium Density – 20 Zone (R-20)”
Section 59-4.4.16.	“Residential Multi-Unit High Density – 10 Zone (R-10)”
DIVISION 59-4.6.	“EMPLOYMENT ZONES”
Section 59-4.6.3.	“Standard Method Development”
Section 59-4.6.4.	“Optional Method Development”
DIVISION 59-4.7.	“OPTIONAL METHOD PUBLIC BENEFITS”
Section 59-4.7.1.	“General Provisions”
Section 59-4.7.3.	“Public Benefit Description and Criteria”
DIVISION 59-4.8.	“INDUSTRIAL ZONES”
Section 59-4.8.3.	“Standard Method Development”
DIVISION 59-4.9.	“OVERLAY ZONES”
Section 59-4.9.8.	“Garrett Park (GP) Overlay Zone”
Section 59-4.9.14.	“Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”
Section 59-4.9.15.	“Transferable Development Rights (TDR) Overlay Zone”
Section 59-4.9.18.	“Upper Rock Creek (URC) Overlay Zone”
DIVISION 59-5.1.	“IN GENERAL”
Section 59-5.1.2.	“Intent Statement”

DIVISION 59-5.3.	“COMMERCIAL/RESIDENTIAL FLOATING ZONES”
Section 59-5.3.1.	“Zones”
DIVISION 59-5.4.	“EMPLOYMENT FLOATING ZONES”
Section 59-5.4.1.	“Zones”
DIVISION 59-5.5.	“INDUSTRIAL FLOATING ZONES”
Section 59-5.5.1.	“Zones”
DIVISION 59-6.2.	“PARKING, QUEUING, AND LOADING”
Section 59-6.2.2.	“Applicability”
Section 59-6.2.3.	“Calculation of Required Parking”
Section 59-6.2.4.	“Parking Requirements”
Section 59-6.2.5.	“Vehicle Parking Design Standards”
Section 59-6.2.10.	“Parking Waiver”
DIVISION 59-6.4.	“GENERAL LANDSCAPING AND OUTDOOR LIGHTING”
Section 59-6.4.3.	“General Landscaping Requirements”
DIVISION 59-6.8.	“ALTERNATIVE COMPLIANCE”
Section 59-6.8.1.	“Alternative Method of Compliance”
DIVISION 59-7.3.	“REGULATORY APPROVALS”
Section 59-7.3.1.	“Conditional Use”
Section 59-7.3.2.	“Variance”
Section 59-7.3.3.	“Sketch Plan”
Section 59-7.3.4.	“Site Plan”
DIVISION 59-7.4.	“ADMINISTRATIVE APPROVALS”
Section 59-7.4.1.	“Building Permit”
DIVISION 59-7.5.	“NOTICE STANDARDS”
Section 59-7.5.1.	“Notice Required”
Section 59-7.5.2.	“Notice Specifications”
DIVISION 59-7.6.	“SPECIAL PROVISIONS”
Section 59-7.6.1.	“Board of Appeals”
DIVISION 59-7.7.	“EXEMPTIONS AND NONCONFORMITIES”
Section 59-7.7.1.	“Exemptions”
DIVISION 59-8.1.	“IN GENERAL”
Section 59-8.1.1.	“Applicability”
DIVISION 59-8.2.	“RESIDENTIAL FLOATING ZONES”
Section 59-8.2.4.	“RT Zone General Requirements and Development Standards”
Section 59-8.2.5.	“R-H Zone General Requirements and Development Standards”
DIVISION 59-8.3.	“PLANNED UNIT DEVELOPMENT ZONES”
Section 59-8.3.2.	“PD Zone”
Section 59-8.3.5.	“Planned Retirement Community Zone”
Section 59-8.3.6.	“Planned Cultural Center Zone”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

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. DIVISION 59-1.4. is amended as follows:**

2 **Division 59-1.4. Defined Terms**

3 * * *

4 **Section 1.4.2. Specific Terms and Phrases Defined**

5 * * *

6 **Bay Window:** A window, primarily made of glass that projects from the wall of a
7 building and forms an alcove of a room. It may have its foundation in the ground,
8 or be supported on corbels or otherwise. An oriel window is a type of bay window
9 that is cantilevered (does not have its foundation in the ground).

10 * * *

11 **Build-to[-]Area (BTA):** See Section [4.1.7.B.3] 4.1.7.B.2

12 * * *

13 **Entrance Spacing:** See Section 4.1.7.D.3

14 * * *

15 **Home Occupation and Home Health Practitioner, Eligible Area:** The total
16 number of square feet of floor area, measured horizontally between interior faces
17 of walls, in any building on a lot, including the area of a basement and any
18 accessory building on the same lot but excluding the area of any cellar, uncovered
19 steps, and uncovered porches. Eligible area does not include any addition to any
20 building or any accessory building that was constructed within 18 months after
21 DPS approved a Home Occupation or a Home Health Practitioner on the lot.

22 * * *

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

24 **Lot Line, Side:** A lot line adjoining or generally perpendicular to the front lot line
25 that abuts another lot line or common open space.

26 **Lot Line, Side Street:** A lot line abutting a side street right-of-way.

27 * * *

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

30 1. in a CR, CRT, LSC, EOF, or equivalent Floating zone, or

31 2. in a CRN, NR, GR, or equivalent Floating zone that is within 1 mile of a
32 transit station or stop, as defined by Transit proximity.

33 * * *

34 **Right-of-Way:** Land [dedicated to] reserved for the passage of people, vehicles, or
35 utilities as shown on a record plat as separate and distinct from the abutting lots or
36 parcels, or as shown in an easement.

37 * * *

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

42 * * *

43 **Sec. 2. DIVISION 59-3.1. is amended as follows:**

44 **Division 59-3.1. Use Table**

45 * * *

46 **Section 3.1.5. Transferable Development Rights**

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

50 * * *

51 **3. Civic and Institutional**

52 [a. Ambulance, Rescue Squad (Private)]

53 [b] a. Charitable, Philanthropic Institution

- 54 [c] b. Group Day Care (9 – 12 Persons)
- 55 [d] c. Day Care Center (13 – 30 Persons)
- 56 [e] d. Day Care Center (Over 30 Persons)
- 57 [f] e. Private Club, Service Organization
- 58 [g] f. Religious Assembly

59 * * *

Sec. 3. DIVISION 59-3.3. is amended as follows:

Division 59-3.3. Residential Uses

Section 3.3.1. Household Living

63 * * *

D. Townhouse Living

65 * * *

2. Use Standards

67 * * *

b. Where Townhouse Living 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:

71 * * *

viii. Reducing the number of required parking spaces through [alternative compliance under Division 6.8] a parking waiver under Section 6.2.10 is prohibited.

75 * * *

Section 3.3.2. Group Living

77 * * *

C. Independent Living Facility for Seniors or Persons with Disabilities

79 * * *

80 **2. Use Standards**

81 * * *

82 b. Where an Independent Living Facility for Seniors or Persons
83 with Disabilities is allowed as a conditional use, it may be
84 permitted by the Hearing Examiner under all limited use
85 standards, Section 7.3.1, Conditional Use, and the following
86 standards:

87 * * *

88 iv. [Height, density, coverage, and parking standards must
89 be compatible with surrounding uses and the Hearing
90 Examiner may modify any standards to maximize the
91 compatibility of buildings with the residential character
92 of the surrounding neighborhood.] The maximum
93 building height of an Independent Living Facility for
94 Seniors or Persons with Disabilities is 60 feet and the
95 maximum density is determined by the Hearing
96 Examiner under the development standards of Section
97 3.3.2.C.2.b.vi through Section 3.3.2.C.2.b.ix, in spite of
98 any other limitation in this Chapter.

99 v. [The maximum building height of an Independent Living
100 Facility for Seniors or Persons with Disabilities is 60 feet
101 in spite of any other limitation in this Chapter.] Height,
102 density, coverage, and parking standards must be
103 compatible with surrounding uses and the Hearing
104 Examiner may modify any standards to maximize the
105 compatibility of buildings with the residential character
106 of the surrounding neighborhood.

107 * * *

108 **Section 3.3.3. Accessory Residential Uses**

109 **A. Accessory Apartment, In General**

110 * * *

111 **2. Use Standards for all Accessory Apartments**

112 * * *

113 c. Where an Accessory Apartment conditional use application is
114 filed under Section 3.3.3.A.2.b, the Accessory Apartment may
115 be permitted by the Hearing Examiner under the limited use
116 standards in Section 3.3.3.A.2.a, Section 3.3.3.B.2, or Section
117 3.3.3.C.2.a, under Section 7.3.1, Conditional Use (excluding
118 Section 7.3.1.E), and the following standards:

119 * * *

120 **B. Attached Accessory Apartment**

121 * * *

122 **2. Use Standards**

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

126 a. A separate entrance is located:

127 * * *

128 iii. at the front of the principal dwelling, if it is a single
129 entrance door for use of the principal dwelling and the
130 Attached Accessory Apartment[;].

131 * * *

- 132 c. In the RE-2, RE-2C, RE-1, and R-200 zones, the Attached
- 133 Accessory Apartment is located at least 500 feet from any other
- 134 Attached or Detached Accessory Apartment, measured in a line
- 135 from side lot line to side lot line along the same block face[;].
- 136 d. In the RNC, R-90, and R-60 zones, the Attached Accessory
- 137 Apartment is located at least 300 feet from any other Attached
- 138 or Detached Accessory Apartment, measured in a line from side
- 139 lot line to side lot line along the same block face[;].

140 **C. Detached Accessory Apartment**

141 * * *

142 **2. Use Standards**

- 143 a. Where a Detached Accessory Apartment is allowed as a limited
- 144 use, it must satisfy the use standards for all Accessory
- 145 Apartments under Section 3.3.3.A.2 and the following
- 146 standards:

147 * * *

- 148 iv. The detached house associated with the Detached
- 149 Accessory Apartment must be at least 5 years old on the
- 150 date of application for a license or a conditional use.

151 * * *

152 **Sec. 4. DIVISION 59-3.5. is amended as follows:**

153 **Division 59-3.5. Commercial Uses**

154 * * *

155 **Section 3.5.1. [Ambulance, Rescue Squad (Private)] Animal Services**

156 * * *

157 **B. Animal Boarding and Care**

158 * * *

159 **2. Use Standards**

160 * * *

161 b. Where Animal Boarding and Care is allowed as a conditional
162 use, it may be permitted by the Hearing Examiner under
163 Section 7.3.1, Conditional Use, and the following standards:

164 i. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200
165 zones:

166 * * *

167 [(m) In the AR zone, this use may be prohibited under
168 Section 3.1.5, Transferable Development Rights.]

169 * * *

170 **Section 3.5.2. Communication Facility**

171 * * *

172 **C. Telecommunications Tower**

173 * * *

174 **2. Use Standards**

175 * * *

176 b. Where a Telecommunications Tower is allowed as a conditional
177 use, it may be permitted by the Hearing Examiner under all
178 applicable limited use standards, Section 7.3.1, Conditional
179 Use, and the following standards:

180 * * *

181 ii. A Telecommunications Tower must be set back from the
182 property line, as measured from the base of the support
183 structure, as follows:

- 184 (a) A Telecommunications [Towers] Tower is
185 prohibited in any scenic setback indicated in a
186 master plan.
- 187 (b) In the Agricultural, Rural Residential, and
188 Residential Detached zones, a distance of one foot
189 for every foot of height or 300 feet from an
190 existing dwelling, whichever [is greater] provides
191 the greater setback.
- 192 (c) In the Employment [and Industrial] zones, a
193 distance of one-half foot for every foot of height
194 when abutting Commercial/ Residential,
195 Employment, or Industrial zoned properties, and
196 one foot for every foot of height when abutting
197 Agricultural, Rural Residential, or Residential
198 zoned properties.

199 * * *

200 **Section 3.5.4. Funeral and Interment Services**

201 **A. Cemetery**

202 * * *

203 **2. Use Standards**

204 Where a Cemetery is allowed as a conditional use, it may be permitted
205 by the Hearing Examiner under Section 7.3.1, Conditional Use, and
206 the following standards:

207 * * *

- 208 d. In the AR, R, and RC zones, a family burial site is allowed only
209 as an accessory use on a residentially developed property and

210 may only be approved on a lot or parcel that is appropriate to
211 the circumstances and is a minimum of 25 acres in size. A
212 family burial site must be set back a minimum of 100 feet from
213 any abutting property in a Residential zone and a minimum of
214 50 feet from any existing or master-planned street. The use of
215 any property for a family burial site must be recorded in the
216 [lands] land records of Montgomery County. A family burial
217 site is not restricted by Section 3.1.5, Transferable
218 Development Rights.

219 e. In the AR zone, a cemetery may be prohibited under Section
220 3.1.5, Transferable Development Rights.

221 * * *

222 **Section 3.5.14. Accessory Commercial Uses**

223 * * *

224 **C. Antenna on Existing Structure**

225 * * *

226 **2. Use Standards**

227 * * *

228 e. When located at least 60 feet from a detached [residential
229 dwelling] house or a duplex building type, a small cell antenna
230 that satisfies Section 3.5.14.C.2.a.iv may be installed on any
231 existing structure, at a minimum height of 15 feet, in any zone
232 where an antenna on an existing structure is allowed.

233 * * *

234 **G. Lawn Maintenance Service**

235 * * *

236 **2. Use Standards**

237 * * *

238 d. In the AR zone, this use may be prohibited under Section 3.1.5,
239 Transferable Development Rights.

240 * * *

241 **Sec. 5. DIVISION 59-3.6. is amended as follows:**

242 **Division 59-3.6. Industrial Uses**

243 * * *

244 **Section 3.6.5. Mining, Excavation**

245 **A. Defined**

246 Mining, Excavation means any use that extracts rocks, minerals, and other
247 natural resources from the ground. Mining, Excavation only includes borrow
248 pit, rock extraction, and gravel mining.

249 * * *

250 **Sec. 6. DIVISION 59-4.1. is amended as follows:**

251 **Division 59-4.1. Rules for All Zones**

252 * * *

253 **Section 4.1.2. Compliance Required**

254 * * *

255 B. Every new building must be located on a lot, except as allowed under
256 Section 7.7.1.D.2 or as exempt from the platting requirements under Chapter
257 50.

258 * * *

259 **Section 4.1.7. Measurement and Exceptions**

260 The rules in Section 4.1.7 apply to all zones unless stated otherwise.

261 * * *

262 **B. Placement**

263 **1. Structure Setbacks**

264 * * *

265 **b. Measurement of Setbacks**

266 There are front, side street, side, and rear setbacks. Through lots
267 have 2 front setbacks. A lot abutting an alley is not a through
268 lot.

269 * * *

270 [v. Where a setback is expressed as 2 numbers separated by
271 "or" (such as 4' or 20'), a property owner may build either
272 to the lesser setback, or no closer to the lot line than the
273 greater setback. A setback between the 2 numbers is
274 prohibited.]

275 **2. Build-to Area**

276 **Defined**

277 a. The build-to area is the area on the lot from the edge of the lot
278 line or right-of-way to the maximum setback where a certain
279 percentage of the front or side street building façade must be
280 located[, measured as a range from the edge of the lot line].

281 b. A surface parking lot and a drive aisle are prohibited in the
282 build-to area. All other structures and uses customarily allowed
283 on the lot are allowed in the build-to area, [except a surface
284 parking lot] including an access driveway perpendicular to the
285 right-of-way.

286 **3. Parking Setbacks**

287 * * *

288 **b. Measurement of Parking Setbacks**

289 There are front, side street, side, and rear parking setbacks.
290 Through lots have 2 front parking setbacks. A lot abutting an
291 alley is not a through lot.

292 i. The front and side street parking setback is measured
293 from the edge of the lot line or right-of-way to a surface
294 parking lot.

295 * * *

296 **5. Setback Encroachments**

297 Any building or structure must be located at or behind the required
298 building setback line, except:

299 **a. Building Features**

300 i. Any unenclosed porch, deck, terrace, steps, or stoop may
301 project a maximum of 3 feet into any side setback, or any
302 side street setback of less than 25 feet [or side setback]
303 and may project a maximum of 9 feet into any front
304 setback, [or] rear setback, or any side street setback
305 where the side street setback is a minimum of 25 feet.
306 This encroachment includes an unenclosed roofed porch
307 or terrace.

308 ii. Any roofed and unenclosed steps or stoop may project a
309 maximum of 3 feet into any side setback, or any side
310 street setback of less than 25 feet [or side setback] and
311 may project a maximum of 9 feet into any front setback,
312 [or] rear setback, or any side street setback where the side
313 street setback is a minimum of 25 feet. Any roof covering
314 unenclosed steps or a stoop may project a maximum of 3
315 feet into any setback.

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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. The total area of all bay windows and oriels on a building façade is a maximum of 50% of the façade.

c. Solar Panels

A solar panel may project a maximum of 3 feet into any side setback, or any side street setback of less than 25 feet [or side setback] and may project a maximum of 9 feet into any front setback, [or] rear setback, or any side street setback where the side street setback is a minimum of 25 feet.

* * *

C. 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] regardless of roof type.

* * *

2. Building Height in Commercial/Residential, Employment, and Industrial Zones

a. Building height is always 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

343 level between eaves and ridge of a pitched roof. If a building is
344 located on a terrace, the height may be increased by the height
345 of the terrace. [On a corner lot exceeding 20,000 square feet,
346 the height of the building may be measured from either
347 adjoining curb grade.] For a corner lot or a lot extending
348 through from street to street, the height [may] must be
349 measured from [either] the curb grade opposite the middle of
350 the front of a building.

351 * * *

352 **D. Form**

353 * * *

354 **3. Entrance Spacing**

355 a. Entrance spacing is the maximum distance between entrances.
356 One entrance must be provided for a specified length of
357 building façade fronting a street or open space, as indicated in
358 Division 4.5 and Division 4.6.

359 b. An angled entrance may be provided at either corner of a
360 building along the street to meet the street-facing entrance
361 requirements.

362 **Section 4.1.8. Compatibility Requirements**

363 * * *

364 **B. Height Compatibility**

365 **1. Applicability**

366 Section 4.1.8.B applies to a property that:

367 a. abuts or confronts a property in an Agricultural, Rural
368 Residential, Residential Detached, or Residential Townhouse

369 zone that is vacant or improved with an agricultural or
370 residential use; and

371 b. proposes any building type in a Commercial/Residential,
372 Employment, Industrial, or Floating zone.

373 * * *

374 **Sec. 7. DIVISION 59-4.3. is amended as follows:**

375 **Division 59-4.3. Rural Residential Zones**

376 * * *

377 **Section 4.3.2. Optional Method Development**

378 * * *

379 **B. Optional Method Cluster Development**

380 The cluster method of development provides an optional method of
381 development that encourages the provision of community open space for
382 active or passive recreation as well as the preservation and enhancement of
383 natural resources. Optional method Cluster Development allows flexibility
384 in lot layout and for variety in the types of residential buildings. The density
385 of dwelling units per acre [and open space requirements are] is not changed.
386 The character of the existing neighborhood is protected and open space for
387 common use is provided. To accomplish these objectives, certain changes in
388 lot areas and dimensions and a greater variety of building types are allowed.
389 An applicant's use of this method of development, and site plan approval for
390 portions of such development, are subject to approval by the Planning
391 Board.

392 * * *

393 **Section 4.3.4. Rural Cluster Zone (RC)**

394 * * *

395 **D. RC Zone, Optional Method Development Standards**

	Cluster Development
	Detached House
* * *	
2. Lot	
* * *	
Specification for Coverage	
a. The total impervious surface area of [a] <u>any</u> proposed preliminary plan must [satisfy] <u>not exceed</u> any impervious surface area [limit] <u>limits</u> 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.	
3. Placement	
Principal Building Setbacks (min)	
* * *	
Rear setback, alley	4' [or 20']
* * *	

397 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

398 * * *

399 **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
1. Site				
* * *				
[Specifications] <u>Specification</u> for Site Coverage				
a. In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house <u>and duplex</u> lots.				

2. Lot and Density				
Lot (min)				
Lot area	25,000 SF	12,500 SF	25,000 SF	[1,400] 1,100 SF
* * *				
3. Placement				
Principal Building Setbacks (min)				
* * *				
Front setback, private street or open space	40'	40'	40'	4' [or 20']
* * *				
[Specification] <u>Specifications</u> for Principal Building and Accessory Structure Setbacks				
* * *				

401 **D. RNC Zone, Optional Method Requirements**

402 * * *

403 4. The RNC zone also allows for an optional method of development
 404 without the provision of MPDUs above those required by Chapter
 405 25A, if recommended in the applicable master plan. The maximum
 406 density for this type of optional method development is 1 dwelling
 407 unit per acre, unless a lesser density is recommended by the applicable
 408 master plan.

409 **E. RNC Zone, Optional Method Development Standards**

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
* * *			
Density (max)			

Density, <u>as recommended in the master plan</u> (units/acre of usable area)	1.22		
Open Space (min)			
Rural open space (% of usable area) (See Section 6.3.4)	65%		
Common open space (% of usable area) (See Section 6.3.5)	5%		
<u>Specification for Open Space</u>			
a. <u>The minimum lot size for a developed lot intended to provide any portion of the rural open space requirement is 10 acres, and a substantial majority of the lot must be encumbered by the instrument regulating the rural open space.</u>			
<u>Site Coverage (max)</u>			
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>30%</u>
<u>Specification for Site Coverage</u>			
a. <u>In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
2. Lot			
Dimensions (min)			
Lot area	4,000 SF	3,500 SF	[1,500] <u>1,200</u> SF
* * *			
Coverage (max)			
Lot	35%	35%	[50%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

411 **Sec. 8. DIVISION 59-4.4. is amended as follows:**

412 **Division 59-4.4. Residential Zones**

413 **Section 4.4.1. Standard Method Development**

414 The RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20,
415 and R-10 zone allow development under the standard method. Site plan approval
416 may be required under Section 7.3.4.A.8.

417 * * *

418 **Section 4.4.2. Optional Method Development**

419 * * *

420 **A. Optional Method MPDU Development**

421 This optional method of development is permitted where moderately priced
422 dwelling units (MPDUs) are included in a development above the minimum
423 required by Chapter 25A, to facilitate the construction of those units.

424 Optional method MPDU Development [allows an increase in density above
425 the total number of dwelling units allowed by the standard method of
426 development;] allows additional building types[;] and provides more
427 flexibility for certain dimensional standards.

428 * * *

429 **B. Optional Method Cluster Development**

430 The cluster method of development provides an optional method of
431 development that encourages the provision of community open space for
432 active or passive recreation as well as the preservation and enhancement of
433 natural resources. Optional method Cluster Development allows flexibility
434 in lot layout and for variety in the types of residential buildings. [The density
435 of dwelling units per acre and open space requirements are not changed.]

436 The character of the existing neighborhood is protected, and open space for
437 common use is provided. To accomplish these objectives, certain changes in
438 lot areas and dimensions and a greater variety of building types are allowed.
439 An applicant's use of this method of development, and site plan approval for

440 portions of such development, are subject to approval by the Planning
441 Board.

442 * * *

443 **Section 4.4.5. Residential Estate – 2C Zone (RE-2C)**

444 * * *

445 **C. RE-2C Zone, Optional Method Requirements**

446 * * *

447 **2. Optional Method Cluster Development**

448 Under optional method Cluster Development, lots may front on a
449 private cul-de-sac if the Planning Board finds, as part of the cluster
450 subdivision plan approval, that the private cul-de-sac:

- 451 a. provides safe and adequate access;
- 452 b. has sufficient width to accommodate the proposed dwelling
453 units;
- 454 c. will protect significant environmental features on- and off-site
455 better than would a public road; and
- 456 d. has proper drainage.

457 Each private cul-de-sac must satisfy Chapter 50 (Section 50-25(h))
458 concerning private roads. [Site plan approval under Section 7.3.4 may
459 also be required for a subdivision with lots fronting on a private cul-
460 de-sac.]

461 **D. RE-2C Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				

* * *				
Specification for Site under Cluster Development				
<p>a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if:</p> <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; <u>or</u> iii. <u>the development abuts an existing cluster development in the same zone, and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 				
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%
Site Coverage (max)				
Site coverage	n/a	n/a	40%	n/a
Specification for Open Space and Site Coverage				
<p>a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u></p>				
2. Lot				
Dimensions (min)				
Lot area	12,000 SF	7,500 SF	[1,500] <u>1,200</u> SF	15,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] <u>n/a</u>	[15] <u>25%</u>
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']

* * *

462 **Section 4.4.6. Residential Estate – 1 Zone (RE-1)**

463 * * *

464 **D. RE-1 Zone, Optional Method Development Standards**

465

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				
* * *				
Specification for Site under Cluster Development				
a. The Planning Board may allow development to proceed under [the] optional method Cluster Development on a smaller site than allowed in Usable Area if: <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; <u>or</u> iii. <u>the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 				
Density (max)				
Density (units/acre of usable area)	1.22			1
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)	10%			10%
<u>Site Coverage (max)</u>				
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>	<u>n/a</u>
<u>Specification for Open Space and Site Coverage</u>				
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>				

2. Lot				
Dimensions (min)				
Lot area	9,000 SF	4,500 SF	[1,500] 1,200 SF	12,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] <u>n/a</u>	15%
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

466 **Section 4.4.7. Residential – 200 Zone (R-200)**

467 * * *

468 **C. R-200 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
1. Site				
* * *				
Specification for Site under Cluster Development				
<p>a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if:</p> <ul style="list-style-type: none"> <u>i.</u> the subject property is recommended for cluster development in a master plan; or [if] <u>ii.</u> it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or <u>iii.</u> <u>the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 				

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%
Site Coverage (max)				
Site coverage	n/a	n/a	40%	n/a
Specification for Open Space and Site Coverage				
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>				
2. Lot				
Dimensions (min)				
Lot area	6,000 SF	3,000 SF	[1,200] 1,000 SF	9,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] n/a	25%
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Accessory Structure Setbacks (min)				
* * *				
[Specifications] Specification 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.				
* * *				

469 Section 4.4.8. Residential – 90 Zone (R-90)

470 * * *

471 **B. R-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
* * *	
3. Height	
Height (max)	
Principal building, measured to highest point of [a flat] roof surface, regardless of roof type	35'
* * *	

473 **C. R-90 Zone, Optional Method Development Standards**

	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
1. Site						
* * *						
Open Space (min)						
Common open space (% of usable area) (See Section 6.3.5)	[30%] <u>15%</u>			[30%] <u>15%</u>		
<u>Site Coverage (max)</u>						
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>
<u>Specification for Open Space and Site Coverage</u>						
<u>a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>						
2. Lot						
Dimensions (min)						

Lot area	4,000 SF	2,000 SF	[1,200] <u>1,000</u> SF	5,000 SF	2,500 SF	[1,500] <u>1,200</u> SF
* * *						
Coverage (max)						
Lot	50%	50%	[60%] <u>n/a</u>	30%	30%	[75%] <u>n/a</u>
3. Placement						
Principal Building Setbacks (min)						
* * *						
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *						

476 **Section 4.4.9. Residential – 60 Zone (R-60)**

477 * * *

478 **B. R-60 Zone, Standard Method Development Standards**

479

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
* * *	
3. Height	
Height (max)	
Principal building, measured to highest point of [a flat] roof <u>surface, regardless of roof type</u>	35'
* * *	

481 **C. R-60 Zone, Optional Method Development Standards**

	MPDU Development	Cluster Development
--	-------------------------	----------------------------

	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
1. Site						
* * *						
Specification for Site under Cluster Development						
<p>a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if:</p> <ul style="list-style-type: none"> i. the subject property is recommended for cluster development in a master plan; or [if] ii. it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons[.]; or iii. <u>the development abuts an existing cluster development in the same zone and the Planning Board finds it would be a compatible extension of the neighboring development.</u> 						
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%] <u>20%</u>			[40%] <u>20%</u>	
Site Coverage (max)						
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>40%</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>
Specification for Open Space and Site Coverage						
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>						
2. Lot						
Dimensions (min)						
Lot area	3,000 SF	1,500 SF	[1,200] <u>1,000</u> SF	3,000 SF	1,500 SF	[1,500] <u>1,200</u> SF
* * *						
Coverage (max)						
Lot	60%	60%	[60%] <u>n/a</u>	35%	35%	[75%] <u>n/a</u>
3. Placement						
Principal Building Setbacks (min)						

* * *						
Rear setback, alley	4' [or 20']					
* * *						

483 **Section 4.4.10. Residential – 40 Zone (R-40)**

484 * * *

485 **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
* * *			
4. Height			
Height (max)			
Principal building, measured to highest point of [a flat] roof <u>surface regardless of roof type</u>	35'	35'	35'
* * *			

488 **C. R-40 Zone, Optional Method Development Standards**

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
* * *			
Open Space (min)			
Common open space (% of usable area) (See Section 6.3.5)	[40%] <u>20%</u>		
<u>Site Coverage (max)</u>			

Site coverage	n/a	n/a	40%
<u>Specification for Open Space and Site Coverage</u>			
a. In development with a townhouse building 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			
Dimensions (min)			
Lot area	3,000 SF	1,500 SF	[1,200 SF] n/a
* * *			
Coverage (max)			
Lot	60%	60%	[60%] n/a
3. Placement			
Principal Building Setbacks (min)			
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

490 **Section 4.4.11. Townhouse Low Density Zone (TLD)**

491 * * *

492 **B. TLD Zone, Standard Method Development Standards**

493

	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
1. Site				
* * *				
Open Space (min)				

Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50] <u>25%</u>
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] <u>40%</u>
[Specifications] <u>Specification for Open Space and Site Coverage</u>				
a. In development with a townhouse building 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] <u>1,250</u> SF
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15] <u>5'</u>
* * *				
Side setback between lot and site boundary	n/a	n/a	n/a	[8] <u>5'</u>
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Rear setback between lot and site boundary	n/a	n/a	n/a	[20] <u>10'</u>
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15] <u>5'</u>
* * *				

Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

495 **C. TLD Zone, Optional Method Development Standards**

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[20,038] <u>20,000</u> 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] <u>20%</u>		
Site Coverage (max)			
Site coverage	n/a	n/a	<u>40%</u>
<u>Specification for Open Space and Site Coverage</u>			
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
2. Lot			
* * *			
Coverage (max)			
Lot	60%	60%	[60%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6'] <u>4'</u>	[6'] <u>4'</u>	[6'] <u>4'</u>

Side street setback	10'	10'	[10]5'
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
Accessory Structure Setbacks (min)			
* * *			
[Coverage (max)]			
[Lot]	[60%]	[60%]	[60%]
* * *			

497 **Section 4.4.12. Townhouse Medium Density Zone (TMD)**

498 * * *

499 **B. TMD 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
1. Site				
* * *				
Open Space (min)				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[45] 20%
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] 40%
[Specifications] <u>Specification</u> for Open Space and Site Coverage				
a. In development with a townhouse building 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	3,600 SF	1,800 SF	3,600 SF	[1,400] 1,100 SF

* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15]5'
* * *				
Side setback, end unit	n/a	n/a	n/a	[4]3'
Side setback between lot and site boundary	n/a	n/a	n/a	[8]5'
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Rear setback between lot and site boundary	n/a	n/a	n/a	[20]10'
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15]5'
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

501 C. TMD Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[20,038] 20,000 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] <u>20%</u>		
Site Coverage (max)			
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>
<u>Specification for Open Space and Site Coverage</u>			
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
Dimensions (min)			
* * *			
Coverage (max)			
Lot	60%	60%	[60%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6'] <u>4'</u>	[6'] <u>4'</u>	[6'] <u>4'</u>
Side street setback	10'	10'	[10] <u>5'</u>
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

503 **Section 4.4.13. Townhouse High Density Zone (THD)**

504 * * *

505 **B. THD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural	Duplex - Side	Duplex - Over	Townhouse
--	--	----------------------	----------------------	------------------

	Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone			
1. Site				
* * *				
Open Space (min)				
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[40] <u>20</u> %
Site Coverage (max)				
Site coverage	n/a	n/a	n/a	[35] <u>40</u> %
[Specifications] <u>Specification</u> for Open Space and Site Coverage				
a. In development with a townhouse building 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] <u>1,000</u> SF
* * *				
3. Placement				
Principal Building Setbacks (min)				
Front setback, public street	20'	20'	20'	20'
Front setback, private street or open space	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
Side street setback	15'	15'	15'	[15] <u>5</u> '
* * *				
Side setback, end unit	n/a	n/a	n/a	[5] <u>3</u> '
Side setback between lot and site boundary	n/a	n/a	n/a	[10] <u>5</u> '
Rear setback	20'	20'	20'	20'
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']

Rear setback between lot and site boundary	n/a	n/a	n/a	[25]10'
Accessory Structure Setbacks (min)				
Front setback, behind front building line	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15]5'
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

507 C. THD Zone, Optional Method Development Standards

	MPDU Development		
	Detached House	Duplex	Townhouse
1. Site			
Dimensions (min)			
Usable area	[39,204] 39,200 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] 15%		
Site Coverage (max)			
Site coverage	n/a	n/a	40%
Specification for Open Space and Site Coverage			
a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u>			
Dimensions (min)			
* * *			

Coverage (max)			
Lot	75%	75%	[75%] n/a
3. Placement			
Principal Building Setbacks (min)			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	[6]4'	[6]4'	[6]4'
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

509 **Section 4.4.14. Residential Multi-Unit Low Density – 30 Zone (R-30)**

510 * * *

511 **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
1. Site					
* * *					
Open Space (min)					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[65]35%	[65]50%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[18]25%	18%
[Specifications] Specification for Open Space and Site Coverage					
a. In a development with townhouse or apartment 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					
Lot (min)					
Lot area	3,000 SF	1,500 SF	3,000 SF	[1,200] 1,000 SF	12,000 SF
* * *					
3. Placement					
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']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					

513 **C. R-30 Zone, Optional Method Development Standards**

	MPDU Development
--	-------------------------

	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[11,761] <u>11,700</u> 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] <u>25%</u>			
<u>Site Coverage (max)</u>				
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
<u>Specification for Open Space and Site Coverage</u>				
a. <u>In a development with townhouse or apartment 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.</u>				
Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] <u>n/a</u>	[18%] <u>n/a</u>
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'] <u>4'</u>	[6'] <u>4'</u>	[6'] <u>4'</u>	Determined at site plan
Side street setback	10'	10'	[10'] <u>5'</u>	Determined at site plan
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a
* * *				

515 **Section 4.4.15. Residential Multi-Unit Medium Density – 20 Zone (R-20)**

516 * * *

517 **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
1. Site					
* * *					
Open Space (min)					
Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[60] <u>30%</u>	[60] <u>45%</u>
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[18] <u>25%</u>	18%
[Specifications] <u>Specification</u> for Open Space and Site Coverage					
* * *					
3. Placement					
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']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a

* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					

519 C. R-20 Zone, Optional Method Development Standards

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[15,682] <u>15,600</u> 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] <u>25</u> %			
<u>Site Coverage (max)</u>				
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
<u>Specification for Open Space and Site Coverage</u>				

a. In a development with townhouse or apartment 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.

Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] <u>n/a</u>	[18%] <u>n/a</u>
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'] <u>4'</u>	Determined at site plan
Side street setback	10'	10'	[10'] <u>5'</u>	Determined at site plan
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a
* * *				

521 **Section 4.4.16. Residential Multi-Unit High Density -10 Zone (R-10)**

522 * * *

523 **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
1. Site					
* * *					
Open Space (min)					

Common open space (% of site) (See Section 6.3.5)	n/a	n/a	n/a	[50] <u>30%</u>	[50] <u>40%</u>
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[12] <u>20%</u>	12%
[Specifications] <u>Specification</u> for Open Space and Site Coverage					
* * *					
3. Placement					
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']	20'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	10'
* * *					
Side setback, end unit	n/a	n/a	n/a	[5'] <u>3'</u>	n/a
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	[15'] <u>5'</u>	15'
* * *					
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'
* * *					

5. Form					
* * *					
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
[Entrance spacing (max)]	[n/a]	[n/a]	[n/a]	[n/a]	[n/a]
* * *					

525 C. R-10 Zone, Optional Method Development Standards

	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	[20,038] <u>20,000</u> 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] <u>25</u> %			
Site Coverage (max)				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>25</u> %	<u>12</u> %
Specification for Open Space and Site Coverage				
a. <u>In a development with townhouse or apartment 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.</u>				
Dimensions (min)				
* * *				
Coverage (max)				
Lot	75%	75%	[75%] <u>n/a</u>	[12%] <u>n/a</u>

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'] 4 '	Determined at site plan
Side street setback	10'	10'	[10'] 5 '	Determined at site plan
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	n/a
* * *				

527 **Sec. 9. DIVISION 59-4.6. is amended as follows:**

528 **Division 59-4.6. Employment Zones**

529 * * *

530 **Section 4.6.3. Standard Method Development**

531 The GR, NR, LSC, and EOF zone allow standard method development under the
 532 following limitations and requirements.

533 **A. In General**

534 1. In the GR and NR zone, the maximum total FAR and maximum
 535 height for any property is set by the zone shown on the zoning map.

536 **[B.] 2.** In the LSC and EOF zones, the maximum standard method height for
 537 any property is the height set by the zone shown on the zoning map;
 538 the maximum total standard method FAR for any property is the limit
 539 indicated in the following table, unless shown as lower on the zoning
 540 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
-----	---

541 **B. Procedure for Approval**

- 542 1. Site plan approval may be required under Section 7.3.4.A.8.
- 543 2. An applicant may file a site plan application to modify the Parking
- 544 Setbacks for Surface Parking Lots, Build-to Area, Building
- 545 Orientation, or Transparency requirements under Section 4.6.3.D and
- 546 Section 4.6.3.E.

547 **C. GR and NR Zones, Standard Method Development Standards**

	Detached House	Duplex – [Side] Over	Duplex – [Over] Side	Townhouse	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	[20]10%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
* * *							
3. Placement							
Principal Building Setbacks (min)							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4]2'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8]4'	n/a	n/a	n/a

* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15]5'	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]5'	0'	0'	0'
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
* * *							

549 **D. LSC Zone, Standard Method Development Standards**

	Detached House	Duplex – [Side] Over	Duplex – [Over] Side	Townhouse	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	[20]10%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
3. Placement							
Principal Building Setbacks (min)							
* * *							

Side setback, end unit	n/a	n/a	n/a	[4]2'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8]4'	n/a	n/a	n/a
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15]5'	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]5'	0'	0'	0'
* * *							
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 <u>of building in the BTA</u>		
Side street setback	n/a	n/a	n/a	n/a	must be behind [front] <u>side street building line of building in the BTA</u>		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 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] <u>building façade</u>)							
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							

<p>a. 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] <u>The Planning Board may [waive] modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4 if it finds that the alternative design satisfies the intent of the zone and deviates from those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.</u></p>							
* * *							
5. Form							
* * *							
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							
<p>a. Building Orientation and Transparency 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] <u>The Planning Board may [waive] modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4 if it finds that the alternative design satisfies the intent of the zone and deviates from those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.</u></p>							
* * *							

551 E. EOF Zone, Standard Method Development Standards

	Detached House	Duplex – [Side] <u>Over</u>	Duplex – [Over] <u>Side</u>	Townhouse	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	[20]10%	0%	0%	0%
Open space, site > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] n/a	n/a	n/a	n/a
* * *							
3. Placement							
Principal Building Setbacks (min)							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4]2'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8]4'	n/a	n/a	n/a
* * *							
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4'	4'	4'
Rear setback between lot and site boundary	n/a	n/a	n/a	[15]5'	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]5'	0'	0'	0'
* * *							
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 of <u>building in the BTA</u>		
Side street setback	n/a	n/a	n/a	n/a	must be behind [front] <u>side street building line of building in the BTA</u>		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section 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] <u>building facade</u>)							
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							
<p>a. 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] <u>The Planning Board may [waive] modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4 if it finds that the alternative design satisfies the intent of the zone and deviates from those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.</u></p>							
* * *							
5. Form							
* * *							
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'
Specification for Building Orientation and Transparency							
<p>a. Building Orientation and Transparency 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] The Planning Board may [waive] <u>modify</u> the Building Orientation and Transparency requirements <u>during site plan review under Section 7.3.4 if it finds that the alternative design satisfies the intent of the zone and deviates from those requirements only to the extent necessary to accommodate the characteristics of the subject property or the proposed use.</u></p>							
* * *							

553 **Section 4.6.4. Optional Method Development**

554 * * *

555 **B. Development Standards**

556 **1. Open Space**

557 a. A developer must provide open space based on the [lot] tract
 558 area and number of frontages as described in the following
 559 table.

[Lot] <u>Tract</u> 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%

561 * * *

562 **Sec. 10. DIVISION 59-4.7. is amended as follows:**

563 **Division 59-4.7. Optional Method Public Benefits**

564 **Section 4.7.1. General Provisions**

565 * * *

566 **B. General Public Benefit Considerations**

567 Granting points as a public benefit for any amenity or project feature
 568 otherwise required by law is prohibited. In approving any incentive FAR
 569 based on the provision of public benefits, the Planning Board must consider:

- 570 1. the recommendations and objectives of the applicable master plan;
- 571 2. the [CR] Commercial/Residential and Employment Zone Incentive
 572 Density Implementation Guidelines;
- 573 3. any design guidelines adopted for the applicable master plan area;
- 574 4. the size and configuration of the site;
- 575 5. the relationship of the site to adjacent properties;
- 576 6. the presence or lack of similar public benefits nearby; and
- 577 7. enhancements beyond the elements listed in an individual public
 578 benefit that increase public access to, or enjoyment of, the benefit.

579 * * *

580 **Section 4.7.3. Public Benefit Descriptions and Criteria**

581 * * *

582 **E. Quality Building and Site Design**

583 * * *

584 **5. Public Art:** Up to 15 points for installing public art reviewed for
 585 comments by the Art Review Panel under The Public Art Guidelines
 586 approved by the Planning Board, or by paying a fee accepted by[,] the
 587 Public Arts Trust Steering Committee (PATSC).

588 **Sec. 11. DIVISION 59-4.8. is amended as follows:**

589 **Division 59-4.8. Industrial Zones**

590 * * *

591 **Section 4.8.3. Standard Method Development**

592 The IL, IM, and IH zones allow development only under the standard method. Site
 593 plan approval may be required under Section 7.3.4.A.8.

594 **A. IL and IM Zones, Standard Method Development Standards**

	Multi Use	General
1. Site		
Open Space (min)		
Amenity open space, site ≤ 10,000 SF (see Section [7.3.7] <u>6.3.7</u>)	5%	5%
Amenity open space, site > 10,000 SF (see Section [7.3.7] <u>6.3.7</u>)	10%	10%
* * *		

596 **B. IH Zone, Standard Method Development Standards**

	Multi Use	General
1. Site		

Open Space (min)		
Amenity open space, site ≤ 10,000 SF (see Section [7.3.7] <u>6.3.7</u>)	5%	5%
Amenity open space, site > 10,000 SF (see Section [7.3.7] <u>6.3.7</u>)	10%	10%
* * *		

598 **Sec. 12. DIVISION 59-4.9. is amended as follows:**

599 **Division 59-4.9. Overlay Zones**

600 * * *

601 **Section 4.9.8. Garrett Park (GP) Overlay Zone**

602 * * *

603 **D. Development Standards**

604 The development standards in the GP Overlay zone are the same as those in
 605 the R-90, except as follows:

- 606 1. The minimum front and side street setback for a main building is 30
 607 feet, and if the abutting lots are occupied by buildings with a front or
 608 side street setback greater than this requirement, no building hereafter
 609 erected or any addition to an existing building may project beyond the
 610 line previously established by the buildings on the abutting lots.
- 611 2. A [front] porch added to a main building existing as of February 15,
 612 2000 may project a maximum of 8 feet into the front and side street
 613 setback and may be covered, but not enclosed.

614 * * *

615 **Section 4.9.14. Takoma Park/East Silver Spring Commercial Revitalization**
 616 **(TPESS) Overlay Zone**

617 * * *

618 **D. Site Plan**

619 * * *

620 2. During site plan review, the Planning Board may:

621 * * *

622 c. where recommended in the master plan, allow direct pedestrian
623 access for all uses from the exterior of a structure in the [EOF
624 or] CRT zone; and

625 * * *

626 **Section 4.9.15. Transferable Development Rights (TDR) Overlay Zone**

627 * * *

628 **B. Optional Method**

629 * * *

630 **2. Rural Residential and Residential Zones**

631 * * *

632 **c. Development Standards**

633 The following table indicates the required development standards for each TDR
634 density designation:

TDR Density Designation	Development Standards
* * *	
3-5	May utilize the R-60 optional method MPDU Development standards, see Division 4.4. <u>The minimum usable area does not apply.</u>
6 or more	Determined at site plan

635 **3. Commercial/Residential and Employment Zones**

636 * * *

637 **b. Calculation of TDRs Required in the**
638 **Commercial/Residential or Employment Zones**

639 * * *

640 iii. For optional method development, the Planning Board
641 may grant a maximum of 20 public benefit points for
642 TDRs under Section [4.7.3.F.7] 4.7.3.F.6.

643 * * *

644 **Section 4.9.18. Upper Rock Creek (URC) Overlay Zone**

645 * * *

646 **B. Exemptions**

647 1. The following are exempt from Section 4.9.18:

648 * * *

649 f. Development in any Industrial or Commercial/Residential zone.

650 g. Development not served by community sewer.

651 * * *

652 **Sec. 13. DIVISION 59-5.1 is amended as follows:**

653 **Division 59-5.1. In General**

654 * * *

655 **Section 5.1.2. Intent Statement**

656 * * *

657 B. Encourage the appropriate use of land by:

658 * * *

659 3. ensuring that development satisfies basic sustainability requirements
660 including[:] open space standards and environmental protection and
661 mitigation; and

- 662 [a. locational criteria,
- 663 b. connections to circulation networks,
- 664 c. density and use limitations,
- 665 d. open space standards,

666 e. environmental protection and mitigation; and]

667 * * *

668 **Sec. 14. DIVISION 59-5.3 is amended as follows:**

669 **Division 59-5.3. Commercial/Residential Floating Zones**

670 **Section 5.3.1. Zones**

671 * * *

672 B. Commercial/Residential Floating zones are mapped using the zone's initials
673 followed by the maximum allowed total, commercial, and residential
674 densities and maximum allowed height as limited by Division 5.3. Zones are
675 established at density increments of 0.25 FAR and height increments of 5
676 feet.

677 * * *

678 **Sec. 15. DIVISION 59-5.4 is amended as follows:**

679 **Division 59-5.4. Employment Floating Zones**

680 **Section 5.4.1. Zones**

681 * * *

682 B. Employment Floating zones are mapped using the zone's initials followed by
683 the maximum allowed total density and maximum allowed height as limited
684 by Division 5.4. Zones are established at density increments of 0.25 FAR
685 and height increments of 5 feet.

686 * * *

687 **Sec. 16. DIVISION 59-5.5 is amended as follows:**

688 **Division 59-5.5. Industrial Floating Zones**

689 **Section 5.5.1. Zones**

690 * * *

691 B. Industrial Floating zones are mapped using the zone's initials followed by
692 the maximum allowed total density and maximum allowed height as limited

693 by Division 5.5. Zones are established at density increments of 0.25 FAR
694 and height increments of 5 feet.

695 * * *

696 **Sec. 17. DIVISION 59-6.2 is amended as follows:**

697 **Division 59-6.2. Parking, Queuing, and Loading**

698 * * *

699 **Section 6.2.2. Applicability**

700 * * *

701 B. An applicant must not reduce the area of an existing off-street parking
702 facility below the minimum number of parking spaces required under
703 Division 6.2 unless[an alternative compliance plan] a parking waiver under
704 Section 6.2.10 is approved.

705 * * *

706 **Section 6.2.3. Calculation of Required Parking**

707 * * *

708 **D. Car-Share Spaces**

709 1. A parking facility with 50 to 149 parking spaces must have a
710 minimum of one car-share parking space. One additional car-share
711 parking space is required for each 100 parking spaces more than 149,
712 or fraction thereof, up to a maximum requirement of 5. A parking
713 facility may provide more car-share parking spaces than required.

714 * * *

715 **E. Spaces for Charging Electric Vehicles**

716 Any parking facility constructed after May 12, 2014, containing 100 parking
717 spaces or more, must have a minimum of one parking space ready to be
718 converted to a station for charging electric vehicles for every 100 parking
719 spaces, or fraction thereof.

720 * * *

721 **G. Off-Site Parking by Agreement**

722 1. An applicant may satisfy the required number of vehicular parking
723 spaces through off-site parking on property located within ¼ mile of
724 the subject property if the off-site property is plat-restricted, deed-
725 restricted, or is under a joint use agreement. The plat or deed
726 restrictions must specify that the property provides the required
727 number of parking spaces for a use on another property. The plat or
728 deed restrictions may be lifted if substitute off-site parking is provided
729 or if the use requiring the parking ceases to exist. A joint use
730 agreement must:

731 * * *

732 e. If the parking available under a joint use agreement is reduced,
733 the use-and-occupancy permit for the development that was
734 approved in reliance on the joint use agreement must be
735 amended or revoked, as appropriate, due to the reduced parking
736 unless [an alternative compliance plan] a parking waiver under
737 Section 6.2.10 is approved.

738 * * *

739 **H. Parking Minimums and Maximums**

740 * * *

741 **2. Reduced Parking Area**

742 a. In a Reduced Parking Area, an applicant may provide fewer
743 parking spaces than required, after all adjustments are made
744 under Section 6.2.3.I, only [under Alternative Compliance (see
745 Division 6.8)] if a parking waiver under Section 6.2.10 is
746 approved.

747 b. In a Reduced Parking Area, an applicant may provide more
748 parking spaces than allowed by the maximum if all of the
749 parking spaces provided in excess of the maximum number
750 allowed are made available to the public and are not reserved,
751 or if [approved under Alternative Compliance (see Division
752 6.8)] a parking waiver under Section 6.2.10 is approved.

753 * * *

754 **Section 6.2.4. Parking Requirements**

755 Uses on the parking table match the allowed uses and use groups in Article 59-3.
756 The number of required spaces is based on a metric specific to each use[, such as
757 1,000 square feet of gross floor area (GFA)]. If the proposed intensity of the use is
758 less than the metric, the baseline minimum is calculated using a fraction of that
759 metric. The number of vehicle parking spaces required also depends upon whether
760 the property is located in or outside of a Parking Lot District or Reduced Parking
761 Area.

762 * * *

763 **Section 6.2.5. Vehicle Parking Design Standards**

764 * * *

765 **M. Surface Parking in R-200, R-90, R-60, and R-40 Zones**

- 766 1. Parking for any vehicle or trailer in the area between the lot line and
767 the front or side street building line must be on a surfaced parking
768 area.
- 769 2. Except as provided in Section 6.2.5.M.3, the maximum surfaced
770 parking area between the lot line and the front or side street building
771 line, excluding the surfaced parking area in a driveway on a pipestem
772 or flag-shaped lot, is:

773 * * *

- 774 3. A surfaced parking area may exceed the size limits in Section
 775 6.2.5.M.2 if:
 776 a. the surfaced parking area existed before October 26, 2010 and
 777 is not increased in size;
 778 b. the property has primary access from a primary residential
 779 street, minor arterial road, major highway, arterial, or any state
 780 road, and is equal to or less than 50% of the area between the
 781 lot line and the front or side street building line;

782 * * *

- 783 4. Parking a vehicle in the area between the lot line and front or side
 784 street building line on a non-surfaced parking area or on less than 160
 785 square feet of surfaced parking area for each vehicle is prohibited.

786 * * *

787 **Section 6.2.10. Parking Waiver**

788 The deciding body may waive any requirement of Division 6.2, except the required
 789 parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design
 790 satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space
 791 requirement under Section 6.2.4.B requires application notice under Section
 792 7.5.2.D.

793 * * *

794 **Sec. 18. DIVISION 59-6.4 is amended as follows:**

795 **Division 59-6.4. General Landscaping and Outdoor Lighting**

796 * * *

797 **Section 6.4.3. General Landscaping Requirements**

798 * * *

799 **C. Fences and Walls**

800 * * *

801 **2. Height and Placement**

802 [a. The maximum height of a fence or wall in any front setback in
803 a Residential zone is 4 feet.]

804 [b] a. A fence, wall other than retaining wall, terrace, structure,
805 shrubbery, planting, or other visual obstruction on a corner lot
806 in a Residential zone can be a maximum height of 3 feet above
807 the curb level for a distance of 15 feet from the intersection of
808 the front and side street lines.

809 [c] b. A deer fence on a corner lot in a Residential zone must not be
810 located closer to the street than the face of the building.

811 [d] c. A wall or fence must not be located within any required
812 drainage, utility or similar easement, unless approved by the
813 agency with jurisdiction over the easement.

814 * * *

815 **3. Exemptions from Building Line and Setbacks**

816 Building line and setback requirements do not apply to:

817 * * *

818 c. any other wall or fence that is 6.5 feet or less in height, [is
819 behind the front building line], and is not on a property abutting
820 a national historic park;

821 * * *

822 **Sec. 19. DIVISION 59-6.8 is amended as follows:**

823 **Division 59-6.8. Alternative Compliance**

824 **Section 6.8.1. Alternative Method of Compliance**

825 The applicable deciding body may approve an alternative method of compliance
826 with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it
827 determines that there [are] is a unique site, [or] a use characteristic, or a

828 development [constraints] constraint, such as grade, visibility, an existing building
829 or structure, an easement, or a utility line[, or use restrictions]. The applicable
830 deciding body must also determine that the unique site, use characteristic, or
831 development constraint [preclude] precludes safe or efficient development under
832 the requirements of the applicable Division₂ and the alternative design will:

833 * * *

834 **Sec. 20. DIVISION 59-7.3 is amended as follows:**

835 **Division 59-7.3 Regulatory Approvals**

836 **Section 7.3.1. Conditional Use**

837 * * *

838 **B. Application Requirements**

839 * * *

840 2. The applicant must submit the following for review:

841 * * *

842 f. list of any civic₂ renters, and homeowners associations within
843 1/2 mile;

844

845 **K. Amendments**

846 * * *

847 2. Minor Amendment

848 * * *

849 b. When a minor amendment is granted, the Board of Appeals or
850 Hearing Examiner must send a copy of the resolution or
851 decision, as applicable, to the applicant, the Board of Appeals
852 or Hearing Examiner, as appropriate, the Planning Board, DPS,
853 the Department of Finance, all parties entitled to notice at the
854 time of the original filing, and current abutting and confronting

855 property owners. Except for an amendment for a
856 Telecommunications Tower, [The] the resolution or decision, as
857 applicable, must state that any party may request a public
858 hearing on the Board of Appeals' or Hearing Examiner's action
859 within 15 days after the resolution or decision is issued. The
860 request for public hearing must be in writing, and must specify
861 the reason for the request and the nature of the objection or
862 relief desired. If a request for a hearing is received, the deciding
863 body must suspend its administrative amendment and conduct a
864 public hearing to consider whether the amendment substantially
865 changes the nature, character, or intensity of the conditional use
866 or its effect on the immediate neighborhood. If the Board of
867 Appeals or Hearing Examiner determines that such impacts are
868 likely, then the amendment application must be treated as a
869 major amendment application. A decision of the Hearing
870 Examiner may be appealed on the basis of the Hearing
871 Examiner's record to the Board of Appeals.

872 * * *

873 **Section 7.3.2. Variance**

874 * * *

875 **B. Application Requirements**

876 * * *

877 2. The applicant must submit the following for review:

878 * * *

879 g. list of any civic, renters, and homeowners associations within
880 1/2 mile;

881 * * *

882 **Section 7.3.3. Sketch Plan**

883 * * *

884 **B. Application Requirements**

885 * * *

886 3. The applicant must submit the following for review:

887 * * *

888 e. list of any civic, renters, and homeowners associations within
889 1/2 mile;

890 * * *

891 h. illustrative plans showing:

892 * * *

893 v. relationships [between existing or] of proposed [adjacent]
894 buildings to adjacent existing or proposed buildings and
895 rights-of-way;

896 * * *

897 **C. Hearing Date**

898 The Planning Board must schedule a public hearing to begin within 90 days
899 after the date an application was accepted. If a sketch plan application is
900 accepted for concurrent review with a preliminary plan, the Planning Board
901 may schedule the public hearing to begin within 120 days after the date the
902 applications were accepted. The Planning Director may postpone the public
903 hearing by up to 30 days once without Planning Board approval. The
904 Planning Director or applicant may request an extension beyond the original
905 30 days with Planning Board approval. Any extension of the public hearing
906 must be noticed by mail and on the hearing agenda with the new public
907 hearing date indicated.

908 * * *

909 **I. Amendments**

910 [During site plan review, the Planning Board may approve an amendment to
911 any binding element or condition of an approved sketch plan.] An
912 amendment to any binding element or condition of an approved sketch plan
913 must follow the same procedures, meet the same criteria, and satisfy the
914 same requirements as the original sketch plan application, unless the sketch
915 plan is amended during site plan review. If the sketch is amending during
916 site plan review:

917 1. An amendment to a binding element or condition of an approved
918 sketch plan must be:

919 * * *

920 **Section 7.3.4. Site Plan**

921 **A. Applicability and Description**

922 1. [Development under the optional method requires approval of a site
923 plan after approval of a sketch plan.] Site plan approval is required as
924 indicated in the table in Section 7.3.4.A.8 and as specified in this
925 Chapter.

926 2. [Development under a Floating zone requires approval of a site plan
927 after approval of a floating zone plan.] Reserved

928 3. [Development under the standard method requires site plan approval
929 as indicated in the table in Section 7.3.4.A.8.] Reserved

930 * * *

931 8. A site plan is required under standard method development for any
932 new construction or expansion of an existing structure, where the
933 proposed intensity includes any existing structure and the expansion,
934 as follows:

935 * * *

936 **B. Application Requirements**

937 * * *

938 2. The applicant must submit the following for review:

939 * * *

940 e. list of any civic, renters, and homeowners associations within
941 1/2 mile;

942 * * *

943 1. plans of proposed development showing:

944 i. use, footprints, ground-floor layout, and heights of all
945 buildings and structures;

946 * * *

947 **G. Subsequent Actions**

948 * * *

949 **2. Permits Exempt from Conformance to Approved Site Plans**

950 * * *

951 c. On a property where a site plan was approved, any owner or
952 owners' association may, without finding of conformance to the
953 approved site plan, change landscaping that was not required as
954 a condition of approval for screening or install a site element or
955 construct a [paved surface or] structure other than a building
956 that meets all applicable development standards under Article
957 59-4 and general requirements under Article 59-6 and does not
958 conflict with any conditions of approval. A structure allowed
959 under this Section (Section 7.3.4.G.2.c) must not conflict with
960 any finding required for site plan approval.

961 * * *

962 **J. Amendments**

963 Any property owner may apply for a site plan amendment to change a
 964 certified site plan. There are two types of amendments, a major and a minor
 965 amendment.

966 **1. Major Amendment**

967 [A major amendment to an approved site plan must follow the same
 968 procedures, meet the same criteria, and satisfy the same requirements
 969 as the original site plan, except as modified under Section 7.3.4.J.1.b.]

970 a. A major amendment includes any request to increase density or
 971 height; change a use; decrease open space; [or to make a change
 972 to any condition] deviate from a binding element or a condition
 973 of approval; or alter a basic element of the plan.

974 b. [The Planning Board may approve an uncontested major
 975 amendment on its consent agenda if the Planning Director
 976 publishes a report and recommendation on the amendment a
 977 minimum of 10 days before the Planning Board meeting.]

978 Public notice is required under Division 7.5.

979 c. A major amendment must follow the same hearing procedures
 980 and satisfy the same necessary findings as the original site plan.

981 d. Additional requirements may be established by the Planning
 982 Department.

983 **2. Minor Amendment**

984 a. [The Planning Director may approve a minor amendment to an
 985 approved site plan.] A minor amendment includes any change
 986 to a parking or loading area, landscaping, sidewalk, recreational
 987 facility or area, configuration of open space, or any other plan
 988 element that will have a minimal effect on the overall design,
 989 layout, quality or intent of the plan. A minor amendment also

990 includes a reduction in approved parking to satisfy Article 59-6.
991 A minor amendment [also includes] does not include any
992 change that [does not increase] increases density or height;
993 [decrease a setback abutting a detached residential use; or alter
994 the intent, objectives, or requirements of the Planning Board in
995 approving the site plan] or prevents circulation on any street or
996 path. [A minor amendment may also be approved to reduce the
997 approved parking to satisfy Article 59-6.]

998 [a] b. Public notice is required under Division 7.5.

999 [b] c. A minor amendment may be approved by the Planning Director
1000 without a public hearing if no objection to the application is
1001 received within 15 days after the application notice is sent. If an
1002 objection is received within 15 days after the application notice
1003 is sent, and the objection is considered relevant, [A] a public
1004 hearing is required [if an objection to the application is received
1005 within 15 days after the notice of the filed application is sent].
1006 A public hearing must be held under the same procedures as an
1007 original application. [If an objection to the application is not
1008 received within the 15 days, a public hearing is not required.]

1009 * * *

1010 **Sec. 21. DIVISION 59-7.4 is amended as follows:**

1011 **Division 59-7.4. Administrative Approvals**

1012 **Section 7.4.1. Building Permit**

1013 * * *

1014 **C. Review and Recommendation**

1015 DPS must submit the application to the Planning Director for review for any
1016 building permit that requests:

- 1017 1. construction of a new principal structure;
- 1018 2. construction that increases the gross floor area of an existing
- 1019 commercial structure; or
- 1020 3. construction that increases the gross floor area of any residential
- 1021 structure by more than 50% of the existing gross floor area.

1022 The Planning Director must confirm in writing that the application satisfies
 1023 this Chapter and that the property has all necessary approvals required by the
 1024 Planning Department and Planning Board.

1025 * * *

1026 **Sec. 22. DIVISION 59-7.5 is amended as follows:**

1027 **Division 59-7.5. Notice Standards**

1028 **Section 7.5.1. Notice Required**

Application	News- paper	Pre- Submittal Meeting	Applica- tion Sign	Applica- tion Notice	Hear- ing Notice	Resolu- tion Notice	Building Permit Sign Notice	Website Posting
* * *								
Regulatory Approvals								
* * *								
Sketch Plan		x	x	<u>x</u>	x	x		x
Site Plan		x	x	<u>x</u>	x	x		x
Amendments to Approvals								
* * *								
Major Site Plan Amendment			x	<u>x</u>	x	x		x
* * *								

1030 **Section 7.5.2. Notice Specifications**

1031 * * *

1032 **B. Pre-Submittal Meeting**

1033 1. Before an application may be accepted, the applicant must hold a
 1034 public meeting to present the proposed application and respond to
 1035 questions and comments. The meeting must be held no more than 90
 1036 days before filing the application.

1037 2. The applicant must post a sign advertising the pre-submittal meeting,
 1038 equivalent to the requirement for an application sign, a minimum of
 1039 15 days before the meeting[, but no more than 90 days before filing
 1040 the application].

1041 3. The applicant must send notice advertising the pre-submittal meeting
 1042 to the same recipients required under Section 7.5.2.E.1, hearing
 1043 notice, a minimum of 15 days before the meeting.

1044 4. The notices must include the date and place of meeting, applicant,
 1045 application number and name, location of property, property size,
 1046 zone, proposed use and density of development[, and phone and
 1047 website for the applicable intake agency].

1048 * * *

1049 **C. Application Sign**

1050 1. The applicant must post at least one sign along every frontage [within
 1051 5 days after an application is accepted]; if the frontage is more than
 1052 500 feet, a sign must be posted at least every 500 feet.

1053 a. For a sketch plan, site plan, or major site plan amendment
 1054 application, the sign must be posted before an application is
 1055 accepted.

1083 residents of each individual condominium. The deciding body may
1084 require additional noticing according to its approved rules of
1085 procedure.

1086 2. The notice must [include] identify the applicant[,] and include the
1087 application number and project name, location of property, property
1088 size, zone (and requested zone, if applicable), proposed use and
1089 density of development, items covered by the proposed amendment, if
1090 applicable, and telephone number and website for the applicable
1091 intake agency.

1092 **E. Hearing Notice**

1093 1. [The deciding body must send notice of the hearing within 5 days
1094 after an application is accepted to] Hearing notice must be sent to all
1095 abutting and confronting property owners, civic, renters, and
1096 homeowners associations within 1/2 mile, any municipality within 1/2
1097 mile, and pre-submittal meeting attendees [if applicable] who request
1098 to be a party of record. A condominium’s council of unit owners may
1099 be notified instead of the owner and residents of each individual
1100 condominium. The deciding body may require additional noticing
1101 according to its approved rules of procedure.

1102 a. The Hearing Examiner and Board of Appeals must send notice
1103 of the hearing within 5 days after an application is accepted.

1104 b. The Planning Board must send notice of the hearing a minimum
1105 of 10 days before the scheduled hearing date.

1106 * * *

1107 **H. Website Posting**

1108 * * *

1109 2. [When the Planning Director provides a recommendation report on an
 1110 application decided by the Planning Board, the Planning Director
 1111 must post the recommendation report on the Planning Board's website
 1112 a minimum of 10 days before the Planning Board hearing. In cases
 1113 where an application is decided by the Hearing Examiner, the Board
 1114 of Appeals, or the District Council, the Planning Director's
 1115 recommendation report must be posted on the Planning Board's
 1116 website a minimum of 7 days before the Planning Board meeting.]
 1117 When the Planning Director provides a recommendation report for the
 1118 Planning Board, the report must be posted on the Planning Board's
 1119 website as indicated in Division 7.2 and Division 7.3.

1120 * * *

1121 **Sec. 23. DIVISION 59-7.6 is amended as follows:**

1122 **DIVISION 59-7.6. Special Provisions**

1123 **Section 7.6.1. Board of Appeals**

1124 * * *

1125 **C. Filing of Appeals**

1126 * * *

1127 5. When an administrative appeal is made, the Board of Appeals must
 1128 send notice of the hearing within 5 days of the request for appeal to
 1129 DPS, the State Highway Administration, the County Board of
 1130 Education, all abutting and confronting property owners, civic,
 1131 renters, and homeowners associations within ½ mile, any municipality
 1132 within ½ mile, and pre-submittal attendees [if applicable] who request
 1133 to be a party of record. A condominium's council of unit owners may
 1134 be notified instead of the owner and residents of each individual
 1135 condominium.

1136 * * *

1137 **Sec. 24. DIVISION 59-7.7 is amended as follows:**

1138 **DIVISION 59-7.7. Exemptions and Nonconformities**

1139 **Section 7.7.1. Exemptions**

1140 **A. Existing Structure, Site Design, or Use on October 30, 2014**

1141 **1. Structure and Site Design**

1142 A legal structure or site design existing on October 30, 2014 that does
1143 not meet the zoning standards on or after October 30, 2014 is
1144 conforming and may be continued, renovated, repaired, or
1145 reconstructed if the floor area, height, and footprint of the structure is
1146 not increased, except as provided for in Section 7.7.1.C for structures
1147 in Commercial/Residential, Employment or Industrial zones, or
1148 Section 7.7.1.D.5 for structures in Residential Detached zones. A use
1149 located in a building or structure deemed conforming under this
1150 Section (Section 7.7.1.A.1) may be converted to any permitted,
1151 limited, or conditional use up to the density limits for the use
1152 established by the current zoning.

1153 * * *

1154 **B. Application Approved or Filed for Approval before October 30, 2014**

1155 **1. Application in Progress before October 30, 2014**

1156 Any development plan, schematic development plan, diagrammatic
1157 plan, concept plan, project plan, sketch plan, preliminary plan, record
1158 plat, site plan, special exception, variance, or building permit filed or
1159 approved before October 30, 2014 must be reviewed under the
1160 standards and procedures of the Zoning Ordinance in effect on
1161 October 29, 2014. Any complete Local Map Amendment application
1162 submitted to the Hearing Examiner by May 1, 2014, must be reviewed

1163 under the standards and procedures of the [Zoning Ordinance in
 1164 effect] property's zoning on October 29, 2014. If the District Council
 1165 approves such an application after October 30, 2014 for a zone that is
 1166 not retained in Chapter 59, then the zoning will automatically convert
 1167 to the equivalent zone as translated under DMA G-956 when the
 1168 Local Map Amendment is approved. The approval of any of these
 1169 applications or amendments to these applications will allow the
 1170 applicant to proceed through any other required application or step in
 1171 the process within the time allowed by law or plan approval, under the
 1172 standards and procedures of the Zoning Ordinance in effect on
 1173 October 29, 2014. The gross tract area of an application allowed under
 1174 this Section (Section 7.7.1.B.1) may not be increased.

1175 * * *

1176 **3. [Plan] Amendment of an Approved Plan [for Plans Approved] or**
 1177 **Modification of an Application Pending before October 30[,], 2014**

- 1178 a. Until October 30, 2039, an applicant may apply to amend any
 1179 previously approved [application] plan or modify an application
 1180 pending before October 30, 2014 (listed in Section 7.7.1.B.1 or
 1181 Section 7.7.1.B.2)[,] under the development standards and
 1182 procedures of the property's zoning on October 29, 2014, if the
 1183 amendment:
- 1184 i. does not increase the approved density or building height
 1185 unless allowed under Section 7.7.1.C; and
 - 1186 ii. either:
 - 1187 (a) retains at least the approved setback from property
 1188 in a Residential Detached zone that is vacant or
 1189 improved with a Single-Unit Living use; or

1190 (b) satisfies the setback required by its zoning on the
1191 date the amendment or the permit is submitted[.];

1192 and

1193 iii. does not increase the gross tract area.

1194 * * *

1195 **5. Development with a Development Plan or Schematic Development**
1196 **Plan Approved before October 30, 2014**

1197 a. Any development allowed on property where the zoning
1198 classification on October 29, 2014 was the result of a Local
1199 Map Amendment must satisfy any binding elements until:

1200 i. the property is subject to a Sectional Map Amendment
1201 that implements a master plan approved after October 30,
1202 2014 and obtains approval for development under the
1203 SMA- approved zoning;

1204 ii. the property is rezoned by Local Map Amendment; or

1205 iii. the binding element is revised by a development plan
1206 amendment under the procedures in effect on October 29,
1207 2014.

1208 * * *

1209 **C. Expansion of Floor Area [Existing on October 30, 2014]**

1210 **1. Limited Rights under Zoning before October 30, 2014**

1211 Until October 30, 2039, on land that is located in a
1212 Commercial/Residential, Employment, or Industrial zone, an
1213 applicant for an amendment to an existing approval or development,
1214 or a modification of an application listed in Section 7.7.1.B.1 may
1215 increase the floor area on the site under Section 7.7.1.C.2 or 7.7.1.C.3

1216 following the procedures and standards of the property's zoning on
1217 October 29, 2014:

1218 * * *

1219 **2. [All Prior] Commercial/Residential, Employment, and Industrial**
1220 **Zones**

1221 Existing development in a Commercial/Residential, Employment, or
1222 Industrial zone may expand by up to the lesser of 10% of the gross
1223 floor area approved for the site on October 30, 2014 or 30,000 square
1224 feet, except for properties with 2,000 square feet or less of floor area,
1225 which may expand by up to 30% of the gross floor area approved for
1226 the site on October 30, 2014. Any expansion must satisfy Section
1227 7.7.1.C.1. The gross floor area in a pending application listed in
1228 Section 7.7.1.B.1 may be expanded up to the full amount allowed
1229 under the property's zoning on October 29, 2014, but once the
1230 application is approved the gross floor area may expand by up to the
1231 lesser of 10% of the gross floor area or 30,000 square feet.

1232 * * *

1233 **4. Expansion above Section 7.7.1.C.2**

1234 [Any] If any portion of an enlargement [that] exceeds Section
1235 7.7.1.C.2, then the entire enlargement must satisfy the applicable
1236 standards and procedures for the current zoning. After October 30,
1237 2039, any amendment to a previously approved application must
1238 satisfy the applicable standards and procedures for the current zoning
1239 to the extent of (a) any expansion, and (b) any other portion of an
1240 approved development [that the amendment changes] associated with
1241 the expansion.

1242 * * *

1243 **D. Residential Lots and Parcels**

1244 * * *

1245 **6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 [Zone]**
1246 **Zones**

1247 a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to
1248 other exemptions in this subsection, is exempt from the area
1249 and dimension requirements of its zone, but must satisfy the
1250 requirements of the zone applicable to it before its classification
1251 to the RE-2, RE-2C, or RE-1 zone if:

1252 i. the record lot was approved for recordation by the
1253 Planning Board before the approval date of the most
1254 recent Sectional Map Amendment that included the lot;
1255 or

1256 ii. the lot was created by deed on or before the approval date
1257 of the most recent Sectional Map Amendment that
1258 included the lot.

1259 b. A lot or parcel in the RE-2C zone, in addition to other
1260 exemptions in this subsection, is exempt from the area and
1261 dimension requirements of the RE-2C zone, but must satisfy the
1262 requirements of the zone applicable to it before its classification
1263 to the RE-2C zone if:

1264 [a] i. the property owner held title to the property before
1265 March 17, 1982;

1266 [b] ii. a reduced lot size is required for a lot created for a
1267 detached house;

1268 [c] iii. the child of the property owner, or the spouse of a child,
1269 or the parents of the property owner will reside in the
1270 house on the additional lot; and

1271 [d] iv. the overall density of the tract owned on March 17, 1982
1272 is 1.1 units per acre or lower.

1273 **7. Exempted Lots and Parcels in the Rural Zone**

1274 A lot or parcel in the Rural zone, in addition to other exemptions in
1275 this subsection, is exempt from the area and dimension requirements
1276 of the Rural zone, but must satisfy the requirements of the zone
1277 applicable to it before its classification to the Rural zone if:

- 1278 a. the property owner can establish that the owner had legal title
1279 on or before June 4, 1974;
- 1280 b. the child of the property owner, or the spouse of a child, or the
1281 parents of the property owner will reside in the house on the
1282 additional lot; and
- 1283 c. the overall density of the property does not exceed one dwelling
1284 unit per 5 acres in any subdivision[.]; or
- 1285 d. the lot was created by deed executed before June 5, 1974; or
- 1286 e. the record lot has an area of less than 5 acres and was created
1287 after June 4, 1974, by replatting 2 or more lots, provided that
1288 the resulting number of lots is not greater than the number of
1289 lots that were replatted.

1290 **8. Exempted Lots and Parcels in the Rural Cluster Zone**

1291 A lot or a parcel in the Rural Cluster (RC) zone, in addition to other
1292 exemptions in this subsection, is exempt from the minimum area
1293 requirements and dimension requirements of the Rural Cluster zone,

1294 but must satisfy the requirements of the zone applicable to it before its
1295 classification to the RC zone if:

- 1296 a. the property owner held title to the property before June 4,
1297 1974;
- 1298 b. a reduced lot size is required for a lot created for a detached
1299 house; and
- 1300 c. the child of the property owner, or the spouse of a child, or the
1301 parents of the property owner will reside in the house on the
1302 additional lot[.]; or
- 1303 d. the lot was created by deed executed on or before the approval
1304 date of the most recent Sectional Map Amendment or Local
1305 Map Amendment that included the lot; or
- 1306 e. the record lot has an area of less than 5 acres and was created
1307 before the approval date of the most recent Sectional Map
1308 Amendment or Local Map Amendment that included the lot, by
1309 replatting 2 or more lots, provided that the resulting number of
1310 lots is not greater than the number of lots that were replatted.

1311 **9. Exempted Lots and Parcels in the Agricultural Reserve Zone**

1312 A lot or a parcel in the Agricultural Reserve (AR) zone, in addition to
1313 other exemptions in this subsection, is exempt from the minimum area
1314 requirements and dimension requirements of the AR zone, but must
1315 satisfy the requirements of the zone applicable to it before its
1316 classification to the AR zone if:

- 1317 a. the lot was created by deed executed before the approval date of
1318 the most recent Sectional Map Amendment that initially zoned
1319 the property to the RDT zone; or

1320 b. the record lot has an area of less than 5 acres and was created
1321 after the approval date of the Sectional Map Amendment that
1322 initially zoned the property to the RDT zone, by replatting 2 or
1323 more lots, provided that the resulting number of lots is not
1324 greater than the number of lots that were replatted.

1325 **Sec. 25. DIVISION 59-8.1 is amended as follows:**

1326 **Division 59-8.1. In General**

1327 **Section 8.1.1. Applicability**

1328 The zones in Article 59-8 were applied by Local Map Amendment before this
1329 Zoning Ordinance was adopted. These zones may appear on the digital zoning
1330 map, but they cannot be requested by any property owner under a Local Map
1331 Amendment[,] or confirmed or applied to any [additional] property under a
1332 Sectional Map Amendment adopted after October 30, 2014.

1333 * * *

1334 **Sec. 26. DIVISION 59-8.2 is amended as follows:**

1335 **Division 59-8.2. Residential Floating Zones**

1336 * * *

1337 **Section 8.2.4. RT Zone General Requirements and Development Standards**

1338 * * *

1339 **A. RT Zone, In General**

1340 **1. Combined Tracts**

1341 A tract in the RT zone may be combined with a tract in another
1342 Residential zone, with site plan approval under Section 7.3.4 , if:

1343 * * *

1344 c. the amount of [common open space] green area in the combined
1345 tract is, at a minimum, the total required for the separate tracts;

1346 * * *

1347 **B. RT Zone Standard Method**

1. Tract and Density	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0
* * *					
[Open Space] <u>Green Area</u> (min)					
[Common open space] <u>Green Area</u> (% of tract)	50%	50%	50%	50%	30%
* * *					

1349 **C. RT Zone Development Including MPDUs**

1350 * * *

1351 **1. Development Standards**

1352 a. The development standards in Section 8.2.4.B may be modified
 1353 as follows:

	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0
[Open Space] <u>Green Area</u> (min)					
[Common open space] <u>Green Area</u> (% of tract)	45%	45%	45%	45%	30%
* * *					

1354 **Section 8.2.5. R-H Zone General Requirements and Development Standards**

1355 * * *

1356 **B. R-H Zone Standard Method Development Standards**

1. Lot	R-H
* * *	
[Common Open Space] <u>Green Area (min)</u>	
[Common open space] <u>Green Area (%t of lot)</u>	55%
* * *	

1358 **C. R-H Zone Special Regulations for a Development with MPDUs**

1359 * * *

1360 1. The [common open space] green area may be reduced to a minimum
 1361 of 35%, if required to accommodate the construction of all workforce
 1362 housing units on-site.

1363 * * *

1364 **Sec. 27. DIVISION 59-8.3 is amended as follows:**

1365 **Division 59-8.3. Planned Unit Development Zones**

1366 * * *

1367 **Section 8.3.2. PD Zone**

1368 * * *

1369 **C. Development Standards**

1370 1. The maximum density allowed, and minimum [open space] green area
 1371 required for the PD zone, are indicated in the following table:

Density Category	Maximum Density (Dwelling Units per Acre)	[Open Space] <u>Green Area</u> (Percent of Gross Area)
* * *		
Specification for [Open Space] <u>Green Area</u>		
<p>[In residential areas, common open space is required. In commercial areas, public open space is required. Open space] <u>Green area</u> 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.</p>		

1373 * * *

1374 **Section 8.3.5. Planned Retirement Community Zone**

1375 * * *

1376 **C. Development Standards**

1377 * * *

1378 **4. Coverage and [Common Open Space] Green Area**

- 1379 a. In a development of 750 acres or more:
 - 1380 i. a maximum of 15% of the gross area may be covered by
 - 1381 residential buildings; and
 - 1382 ii. a minimum of 65% of the gross area must be devoted to
 - 1383 [common open space] green area.
- 1384 b. In a development of less than 750 acres, a minimum of 50% of
- 1385 the gross area must be devoted to [common open space] green
- 1386 area.

1387 * * *

1388 **Section 8.3.6. Planned Cultural Center Zone**

1389 * * *

1390 **C. Development Standards**

1391 * * *

1392 **2. Coverage and [Public Open Space] Green Area**

1393 * * *

1394 b. A minimum of 30% of the total site area included in the

1395 development plan must be maintained as [public open space]

1396 green area; however, the District Council may reduce this

1397 requirement if it finds that comparable amenities or facilities

1398 provided in lieu of [open space] green area are sufficient to

1399 accomplish the purposes of the zone and would be more

1400 beneficial to the proposed development than strict adherence to

1401 the specific [public open space] green area requirements.

1402 * * *

1403 **Sec. 28. Effective date.** This ordinance becomes effective 20 days after the

1404 date of Council adoption.

1405

1406 This is a correct copy of Council action.

1407

1408 _____

1409 Linda M. Lauer, Clerk of the Council