Zoning Text Amendment No.: 22-10 Concerning: Streets and Roads Draft No. & Date: 2 - 10/19/2022

Introduced: July 26, 2022

Public Hearing: September 20, 2022

Adopted: October 25, 2022 Effective: November 14, 2022

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 at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- replace any reference to road or street types with the updated typology from Chapter 49;
- define Residential Streets; and
- generally amend provisions related to streets and roads.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

"DEFINED TERMS"
"Specific Terms and Phrases Defined
"ZONING MAP"
"Zoning and Development within Rights-of-Way
"AGRICULTURAL USES
"Agricultural Processing"
"Equestrian Facility"
"Nursery"
"Slaughterhouse"
"Accessory Agricultural Uses"
"Temporary Agricultural Uses
"CIVIC AND INSTUTIONAL USES"
"Charitable, Philanthropic Institutions"
"Educational Institutions (Private)"
"COMMERCIAL USES"
"Lodging"
"Medical and Dental"
"Office and Professional"

Section 3.5.9	"Parking"
Section 3.5.10	"Recreation and Entertainment"
Section 3.5.12	"Vehicle/Equipment Sales and Rental"
Section 3.5.13	"Vehicle Service"
DIVISION 4.5	"Commercial/Residential Zones"
Section 4.5.4.	"Optional Method Development"
DIVISION 4.6	"EMPLOYMENT ZONES"
Section 4.6.3	"Standard Method Development"
<u>Section 4.6.4</u>	"Optional Method Development"
DIVISION 4.8	"Industrial Zones"
<u>Section 4.8.3.</u>	"Standard Method Development"
DIVISION 4.9	"OVERLAY ZONES"
Section 4.9.3	"Burtonsville Employment Area (BEA) Overlay Zone
DIVISON 6.2	"PARKING, QUEUING, AND LOADING"
Section 6.2.5	"Vehicle Parking Design Standards
DIVISION 6.6	"OUTDOOR DISPLAY AND STORAGE"
Section 6.6.3	"Design Standards"
DIVISION 6.7	<u>"Signs"</u>
Section 6.7.9	"Commercial/Residential, Employment, and Industrial Zones"

EXPLANATION: Boldface indicates a Heading or a defined term.

<u>Underlining</u> indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

<u>Double underlining</u> 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.

OPINION

Zoning Text Amendment (ZTA) 22-10, Streets and Roads, lead sponsor Council President Albornoz at the request of the Planning Board, was introduced on July 26, 2022, with a public hearing on September 20, 2022. ZTA 22-10 replaces the existing road types referenced throughout the Zoning Ordinance with the new Complete Streets Design Guide road types.

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) impact statement. OLO found that ZTA 22-10 would have little to no impact on racial equity and social justice in the County because the ZTA only makes technical revisions to the Zoning Ordinance.

The Planning Board met on September 15, 2022, and unanimously supported ZTA 22-10. The Planning Board recommended three amendments: 1) changing references to road types that were

added to the Zoning Ordinance via ZTA's passed since introduction; 2) amending the definition of "Road" to include all new road types; and 3) providing a definition of "Street."

The T&E Committee held a worksession on October 10, 2022. The T&E Committee recommended approval of ZTA 22-10 with the amendments recommended by the Planning Board.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 22-10 will be approved as amended.

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:

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Sec. 1. DIVISION 59-1.4 is amended as follows:
 1
     Division 1.4. Defined Terms
 2
             *
         *
 3
     Section 1.4.2. Specific Terms and Phrases Defined
 4
     *
         *
             *
 5
     N.
 6
         *
             *
 7
     Nonresidential Street: A right-of-way with a [business district street or higher]
 8
     classification of Downtown Boulevard, Downtown Street, Town Center Boulevard,
 9
     Town Center Street, Boulevard, Major Highway, Area Connector, and Industrial
10
     Street under Chapter 49.
11
         *
12
             *
13
     R.
         *
             *
14
     Residential Street: A right-of-way with a classification of Neighborhood
15
     Connector, Neighborhood Street, or Neighborhood Yield Street under Chapter 49.
16
         *
             *
17
     Road[, Arterial]: A right-of-way with a classification of Freeway, Parkway,
18
     Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown
19
     Boulevard, Town Center Street, Downtown Street, Industrial, Area Connector,
20
     Neighborhood Connector, Country Connector, Country Road, Rustic Road,
21
     Exceptional Rustic Road, Neighborhood Street, Neighborhood Yield Street,
22
23
     Residential Shared Street, Commercial Shared Street, or Alley [See] under Chapter
     49.
24
     [Road, Business: See Chapter 49.]
25
     [Road, Primary Residential: See Chapter 49.]
26
         *
27
```

S. 28 * * * 29 **Street:** See definition of Road 30 * * 31 Sec. 2. DIVISION 59-2.2 is amended as follows: 32 **Division 2.2. Zoning Map** 33 * 34 Section 2.2.4. Zoning and Development within Rights-of-Way 35 * * 36 **Development within Planned Rights-of Ways** D. 37 1. In areas where the Commission has adopted a [master plan of 38 highways and transitways Master Plan of Highways and Transitways 39 showing a proposed new highway or street or a proposed relocation or 40 widening of an existing highway or street, or a proposed rapid transit 41 route or facility, no building or part of a building is permitted to be 42 43 erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility. 44 * 45 Sec. 3. DIVISION 59-3.2 is amended as follows: 46 **Division 3.2. Agricultural Uses** 47 * * 48 Section 3.2.2. Agricultural Processing 49 * * 50 В. **Use Standards** 51 Where Agricultural Processing is allowed as a conditional use, it may be permitted 52 by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following 53 standards: 54

- 55 1. The minimum lot area is 10 acres.
- The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.
- The lot must front on and have access to a road built to [primary residential]Neighborhood Connector[road] or higher standards unless processing materials are produced on-site.
- 4. If the subject lot abuts property in the AR zone, screening under
 Division 6.5 is not required.
- 63 * * *

64 Section 3.2.4. Equestrian Facility

65 * * *

66 B. Use Standards

- Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:
- 69 * * *

70

g. Equestrian events are restricted as follows:

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

days each

	class			or mi	gner				month		days each
	Sec	etic	n	3.2	.7. Nurs	ery					
}	*	*		*							
ļ	Α.		N	urs	ery (Ret	tail)					
í	*	*		*							
)			2.		Use Sta	andard	S				
,					a. V	Where	Nurse	ry (Retail)	is allowed as a	limited use	e, any Nursery
3					(Retail) over	5,000 squa	are feet of gross	floor area,	may be a
)					r	naxim	um of	50% of the	e mapped FAR.		
)					b. V	Where	a Nurs	sery (Retai	l) is allowed as	a condition	nal use, it may
					ŀ	oe perr	nitted	by the Hea	ring Examiner	under Secti	ion 7.3.1,
2					(Condit	ional U	Jse, and th	e following star	ndards:	
;					i		Γhe mi	nimum lot	area is 2 acres.		
Ļ					i	i. 7	Γhe mi	nimum bu	ilding setback f	rom any lo	t line is 50
i						f	eet; th	e minimur	n outdoor storag	ge setback	is 25 feet.
,					i	ii.	The lot	must fron	t on and have a	ccess to a r	oad built to
,						[prima	ry resident	ial]Neighborho	od Connect	tor or higher
3						S	standar	ds. In the	AR, R, and RC	zones, this	standard is
)						1	not req	uired if the	e Hearing Exam	iner finds t	that:
							_		_		

weekdays per

94 * * *

Connector or higher

Section 3.2.8. Slaughterhouse

(a)

(b)

96 * * *

Road access will be safe and adequate for the

The use at this location will not be an intrusion

into an established residential neighborhood.

anticipated traffic to be generated; and

97	В.		Use	Standa	ards				
98	Wł	ner	e a Sl	aughte	rhouse	is allo	owed as a conditional use, it may be permitted by the		
99	He	ari	ng Ex	amine	r undei	Section	on 7.3.1, Conditional Use, and the following		
100	sta	nda	ards:						
101			1.	The	minimı	ım lot	area is 20 acres.		
102			2.	The	minim	ım set	back from any lot line is 75 feet.		
103			3.	If the	If the subject lot abuts property in the AR zone, screening under				
104				Divis	sion 6.	5 is no	t required.		
105			4.	The 1	lot mus	st front	t on and have direct access to a road built to [primary		
106				resid	ential]	Neighl	borhood Connector or higher standards.		
107	*	*	*						
108	Sec	ctic	on 3.2	2.10. A	ccesso	ry Ag	ricultural Uses		
109	*	*	*						
110	В.		Farn	n Alco	hol Pr	oduct	ion		
111	*	*	*						
112			2.	Use	Standa	rds			
113				a.	When	re Farr	n Alcohol Production is allowed as a limited use, it		
114					must	satisfy	y the following standards:		
115	*	*	*						
116					xvi.	In the	e RE-1 and RE-2 zones, for breweries, distilleries,		
117						and v	wineries:		
118						<u>(a)</u>	the minimum site area is 25 acres;		
119						<u>(b)</u>	the site must be located in an area classified as		
120							sewer category 6 in the Ten Year Comprehensive		
121							Water Supply and Sewerage Systems Plan; and		
122						<u>(c)</u>	access must be directly from a roadway classified		
123							in the approved Master Plan of Highways and		

124						Transitways as a [primary residential]
125						Neighborhood Connector or higher roadway.
126	*	*	*			
127	Sec	ctio	n 3.2	.11. Т	Tempo	rary Agricultural Uses
128	*	*	*			
129	В.	i	Seas	onal (Outdo	or Sales
130	*	*	*			
131			2.	Use	Stand	ards
132				Whe	ere Sea	asonal Outdoor Sales is allowed as a limited use, it must
133				satis	sfy the	following standards:
134	*	*	*			
135				e.	In th	ne Agricultural, Rural Residential, Residential, LSC, and
136					EOF	zones:
137					i.	The property must be vacant or used for nonresidential
138						purposes.
139					ii.	Except where Seasonal Outdoor Sales occur on the site of
140						a Religious Assembly use, the site must front on and
141						have access to a road built to [primary
142						residential]Neighborhood Connector or higher standards.
143	*	*	*			
144		i	Sec.	4. DI	VISIO	ON 59-3.4 is amended as follows:
145	Di	visio	on 3.	4. Civ	vic and	l Institutional Uses
146	*	*	*			
147	Sec	ctio	n 3.4	.2. Cl	harital	ble, Philanthropic Institution
148	*	*	*			
149	В.		Use S	Stand	ards	
150	*	*	*			

151		2	2.	Whe	re a Ch	aritable, Philanthropic Institution is allowed as a
152				cond	itional	use, it may be permitted by the Hearing Examiner under
153				Sect	ion 7.3.	1, Conditional Use, and the following standards:
154	*	*	*			
155				c.	In the	AR, R, RC, and RNC:
156	*	*	*			
157					ii.	The site fronts on and has direct access to a public road
158						built to [arterial] Area Connector or higher road
159						standards. Frontage on and access to an [arterial]Area
160						Connector or higher standard is not required where the
161						Hearing Examiner finds that road access by a [primary
162						residential or secondary residential road]Neighborhood
163						Connector, Neighborhood Street or Neighborhood Yield
164						Street will be safe and adequate for the anticipated traffic
165						to be generated.
166	*	*	*			
167				g.	In the	RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:
168					i.	The site fronts on and has direct access to a road built to
169						[primary residential road]Neighborhood Connector or
170						higher standards. Access to a corner lot may be from [an
171						abutting primary street, constructed to]a [primary
172						residential standards]Neighborhood Connector street, if
173						the Hearing Examiner finds this access to be appropriate
174						and not detrimental to existing residential uses on that
175						[primary residential]Neighborhood Connector street.
176	*	*	*			

Section 3.4.5. Educational Institution (Private)

177

178	*	*	*				
179	C.		Use	Standa	rds		
180	*	*	*				
181			2.	When	re an E	ducati	ional Institution (Private) is allowed as a conditional
182				use, i	t may	be per	mitted by the Hearing Examiner under Section 7.3.1
183				Conc	litional	Use,	and the following standards:
184	*	*	*				
185				d.	The r	numbe	er of pupils per acre allowed to occupy the premises
186					at any	y one 1	time must be specified by the Hearing Examiner
187					consi	dering	g the following factors:
188					i.	traffi	ic patterns, including:
189						(a)	impact of increased traffic on residential streets;
190						(b)	proximity to transit services, [arterial roads]Area
191							Connectors, Town Center Streets, Downtown
192							Streets, Boulevards, and Controlled major
193							highways; and
194						(c)	provision of measures for Transportation Demand
195							Management in Chapter 42 (Section 42A-21).
196	*	*	*				
197			Sec.	5. DIV	VISIO	N 59-3	3.5 is amended as follows:
198	Di	visi	ion 3.	.5. Con	nmerc	ial Us	es
199	*	*	*				
200	Sec	ctio	on 3.5	5.6. Lo	dging		
201	*	*	*				
202	В.		Bed	and B	reakfa	st	
203	*	*	*				
204			2.	Use S	Standa	rds	

205	*	*	*		
206				b.	Where a Bed and Breakfast is allowed as a conditional use, it
207					may be permitted by the Hearing Examiner under all limited
208					use standards, Section 7.3.1, Conditional Use, and the following
209					standards:
210					i. The Hearing Examiner may deny a petition for a Bed and
211					Breakfast with frontage on and access to a road built to
212					less than [primary residential]Neighborhood Connector
213					standards if it finds that road access will be unsafe and
214					inadequate for the anticipated traffic to be generated or
215					the level of traffic would have an adverse impact on
216					neighboring residences.
217	*	*	*		
218	Sec	ctio	n 3.5	5.7. Me	edical and Dental
219	A.		Clin	ic (Up	to 4 Medical Practitioners)
220	*	*	*		
221			2.	Use	Standards
222	*	*	*		
223				b.	Where a Clinic (Up to 4 Medical Practitioners) is allowed as a
224					conditional use, it may be permitted by the Hearing Examiner
225					under Section 7.3.1, Conditional Use, and the following
226					standards:
227					i. The minimum lot width at the front lot line is 100 feet.
228					ii. The minimum setback from a lot that is vacant or
229					residentially improved is 40 feet. The minimum setback
230					from all other abutting lots is 20 feet.

231					111.	The	site mi	ist front on and have direct access to a
232						[bus	iness d	istrict]Town Center Street or Downtown
233						stree	t or hig	gher classification; however, access to a corner
234						lot n	nay be	from an abutting street built to [primary
235						resid	lential]	Neighborhood Connector standards, if the
236						Hear	ring Ex	caminer finds the access to be appropriate and
237						not c	letrime	ental to existing residential uses on the
238						[prin	nary re	sidential]Neighborhood Connector street.
239	*	*	*					
240	Sec	ctio	n 3.5	5.8. Of	fice ar	nd Pro	fessior	nal
241	*	*	*					
242	В.		Offic	ce				
243	*	*	*					
244			2.	Use	Stand	ards		
245	*	*	*					
246				b.	Whe	re an (Office i	is allowed as a conditional use, it may be
247					pern	nitted b	y the I	Hearing Examiner under Section 7.3.1,
248					Cone	ditiona	ıl Use,	and the following standards:
249					i.	In th	e R-20	0, R-90, and R-60 zones:
250	*	*	*					
251						(g)	In th	e R-60 zone, the site must be:
252							(1)	designated as suitable for an Office or
253								nonresident professional office in a master
254								plan; and
255							(2)	located along a highway with an existing
256								right-of-way with a minimum width of 90
257								feet or along a portion of [an arterial road]a

258						Boulevard, Downtown Boulevard, Town
259						Center Boulevard, Area Connector,
260						Downtown Street, or Town Center Street
261						designated as a boundary of a Central
262						Business District area.
263	*	*	*			
264	Sec	ctio	on 3.5	5.9. Pa	rking	
265	*	*	*			
266	C.		Surf	face Pa	rking	for Use Allowed in the Zone
267	*	*	*			
268	2.		Use	Standa	ards	
269	*	*	*			
270			b.	Whe	re a sko	etch plan is not required:
271				i.	the p	arking layout must accommodate the landscaping required
272					unde	r Section 6.2.9; and
273				ii.	in the	e CRT, CR, LSC, and EOF zones:
274					(a)	the surface parking must be providing parking for a use
275						on an abutting lot or be a municipal public parking lot;
276						and
277					(b)	for properties on a [business district street] <u>Downtown</u>
278						Street or Town Center Street, site plan approval is
279						required under Section 7.3.4. The Planning Board must
280						find that the surface parking supports commercial or
281						residential uses that substantially conform with the
282						recommendations of the applicable master plan.
283						

Section 3.5.10. Recreation and Entertainment

284

285	*	*	*		
286	D.		Golf	Cour	se, Country Club
287	*	*	*		
288			2.	Use	Standards
289			Whe	re a Go	olf Course, Country Club is allowed as a conditional use, it may
290			be pe	ermitte	d by the Hearing Examiner under Section 7.3.1, Conditional Use
291			and t	the foll	owing standards:
292				a.	The maximum coverage is no more than 3%.
293				b.	The minimum setback for a principal building is 50 feet.
294				c.	In a Residential zone, the minimum frontage is 200 feet on a
295					road of [arterial] Area Connector or higher classification.
296	*	*	*		
297	G.		Reci	reation	and Entertainment Facility, Outdoor (Capacity up to 1,000
298			Pers	ons)	
299	*	*	*		
300			2.	Use	Standard
301			Whe	re a Re	ecreation and Entertainment Facility, Outdoor (Capacity up to
302			1,00	0 Perso	ons) is allowed as a conditional use, it may be permitted by the
303			Hear	ring Ex	aminer under Section 7.3.1, Conditional Use and the following
304			stanc	dards:	
305			a.	In the	e RE-2C zone:
306				i.	Only a group picnic, catering and recreation facility is allowed.
307				ii.	The site must be a minimum of 80 acres.
308				iii.	The maximum building height is 50 feet.
309				iv.	Any structure or building must be set back from any lot line a
310					minimum of 50 feet.

311					v.	The site must have direct access to a public road that is built to
312						[primary residential]Neighborhood Collector or higher
313						standards.
314	*	*	:	*		
315			t).	In the	e R-200 zone:
316					i.	Only an outdoor catering facility is allowed. An enclosed food
317						preparation building is allowed but all catering parties must be
318						held under pavilions, or in the open, and may include various
319						recreational activities.
320					ii.	The site must be a minimum of 80 acres.
321					iii.	The maximum building height is 20 feet.
322					iv.	Any structure, building, or parking area must be setback from
323						any lot line a minimum of 100 feet.
324					v.	The site must have direct access to a public road that is built to
325						[primary residential]Neighborhood Collector or higher
326						standards.
327	*	*	:	*		
328	Н.		ŀ	Recr	eation	and Entertainment Facility, Major (Capacity over 1,000
329			I	Pers	ons)	
330	*	*	:	*		
331			2	1.	Use S	Standards
332			7	Vhe	re a Re	ecreation and Entertainment Facility, Major (Capacity over 1,000
333			F	Perso	ons) is	allowed as a conditional use, it may be permitted by the Hearing
334			F	Exan	niner u	ander Section 7.3.1, Conditional Use, and the following standards:
335					a.	In the RE-2C zone:
336						i. Only a group picnic, catering and recreation facility is
337						allowed.

338					ii.	The site must be a minimum of 80 acres.
339					iii.	The maximum building height is 50 feet.
340					iv.	Any structure or building must be set back from any lot
341						line a minimum of 50 feet.
342					v.	The site must have direct access to a public road that is
343						built to [primary residential]Neighborhood Connector or
344						higher standards.
345	*	*	*			
346	Sec	ctio	n 3.5	5.12.	Vehicle	/Equipment Sales and Rental
347	*	*	*			
348	В.		Ligh	t Ve	hicle Sa	les and Rental (Indoor)
349	*	*	*			
350			2.	Use	e Stand	ards
351				a.	Where	Light Vehicle Sales and Rental (Indoor) is allowed as a
352					limit	ted use, and the subject lot abuts or confronts a property
353					zone	ed Agricultural, Rural Residential, or Residential Detached
354					that	is vacant or improved with an agricultural or residential
355					use,	it must satisfy the following standards:
356					i.	Access to the site from a street with a residential
357						classification is prohibited.
358	*	*	*			
359				b.	In th	e EOF zone, the tract on which a Light Vehicle Sales and
360					Rent	cal (Indoor) use is allowed must also be:
361					i.	less than 10 acres in size;
362					ii.	located at least 3,000 feet from a Metrorail Station;

363					iii.	abutting land that is not zoned in a rural residential or
364						residential classification with any residential use located
365						on the abutting land; and
366					iv.	abutting 2 or more rights-of-way; at least one of the
367						abutting rights-of-way must be classified as a freeway
368						and one other abutting right-of-way must be classified [at
369						least]as an [arterial]Area Connector or higher
370						classification roadway.
371	*	*	*			
372	C.		Light	Vehi	cle Sal	es and Rental (Outdoor)
373	*	*	*			
374			2.	Use S	Standa	rds
375				a.	Wher	e Light Vehicle Sales and Rental (Outdoor) is allowed as a
376					limite	ed use, and the subject lot abuts or confronts a property
377					zoned	Agricultural, Rural Residential, or Residential Detached
378					that is	s vacant or improved with an agricultural or residential
379					use, it	t must satisfy the following standards:
380					i.	Access to the site from a street with a residential
381						classification is prohibited.
382	*	*	*			
383				b.	In the	EOF zone, the tract on which a Light Vehicle Sales and
384					Renta	d (Outdoor) use is allowed must also be:
385					i.	less than 10 acres in size;
386					ii.	located at least 3,000 feet from a Metrorail Station;
387					iii.	abutting land that is not zoned in a rural residential or
388						residential classification with any residential use located
389						on the abutting land; and

390					1V.	abutting 2 or more rights-of-way; at least one of the
391						abutting rights-of-way must be classified as a freeway
392						and one other abutting right-of-way must be classified [at
393						least]as an [arterial]Area Connector or higher
394						classification roadway.
395	*	*	*			
396	Se	ctio	n 3.5	5.13. V	ehicle	Service
397	*	*	*			
398	E.		Repa	air (M	ajor)	
399			2.	Use	Standa	ards
400				b.	In the	e EOF zone, the tract on which a Repair (Major) use is
401					allow	ved must also be:
402					i.	less than 10 acres in size; and
403					ii.	located at least 3,000 feet from a Metrorail Station;
404					iii.	abutting land that is not zoned in a rural residential or
405						residential classification with any residential use located
406						on the abutting land; and
407					iv.	abutting 2 or more rights-of-way; at least one of the
408						abutting rights-of-way must be classified as a freeway
409						and one other abutting right-of-way must be classified [at
410						least]as an [arterial]an Area Connector or higher
411						classification roadway.
412	*	*	*			
413			Sec.	6. DI	VISIO	N 59-4.5 is amended as follows:
414	Di	visi	on 4.	5. Cor	nmerc	ial/Residential Zones
415	*	*	*			
416	Se	ctio	n 4.5	5.4. Op	tional	Method Development

417	*	*	*							
418]	B.	Dev	velopment :	Standards				
419	*	*	*							
420				5.	Develop	ment of Cer	tain Bioh	ealth Uses		
421					a. A	dditional hei	ght is perm	nitted for an	y application	on in the
422					Cl	R zone where	e the prima	ary use is Re	esearch and	1
423					De	evelopment i	under Secti	on 3.5.8 or	Medical/S	cientific
424					M	anufacturing	and Produ	iction under	Section 3.	.6.4.D, if:
425					i.	the deve	elopment si	te is located	l within a r	ed policy
426						area or o	opportunity	zone, inclu	ding conti	guous
427						properti	es separate	d from the r	ed policy	area or
428						opportu	nity zone o	nly by a pul	olic right-c	of-way; or
429						within ½	2 mile of a	planned or	existing Bu	us Rapid
430						Transit 1	route inclu	ding the Co	rridor Citie	es
431						Transitv	vay;			
432					ii.	the deve	elopment si	te fronts on	a street cla	assified as
433						an [[arte	rial roadw	ay]] <u>Area Co</u>	onnector or	higher
434						classific	ation;			
435	*	*	*							
436		,	Sec.	[[6]] <u>'</u>	<u>7</u> . DIVISIO)N 59-4.6 is	amended	as follows:		
437	Di	visio	on 4.	6. Er	nployment	Zones				
438	*	*	*							
439	Sec	ctio	n 4. 6	5.3. S	tandard M	ethod Devel	opment			
440	*	*	*							
441]	D.	LS	C Zone, Sta	andard Met	hod Devel	opment Sta	ndards	
442										
	1. S	ite	Deta	ached	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General

		House						
*	*	*	-	-	•	•	= '	₹

Specification for Parking Setbacks for Surface Parking Lots and Build-to Area

a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

443

E. EOF Zone, Standard Method Development Standards

445

444

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* *	*						

Specification for Parking Setbacks for Surface Parking Lots and Build-to Area

a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

*

Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

447	*	*	*				
448	Se	ctio	n 4.6	6.4. O	ptiona	l Meth	od Development
449	*	*	*				
450			В.	Dev	elopm	ent Sta	andards
451	*	*	*				
452				5.	Dev	elopm	ent of Certain Biohealth Uses
453					a.	Add	itional height is permitted for any application in the
454						LSC	or EOF zone where the primary use is Research and
455						Dev	elopment under Section 3.5.8 or Medical/Scientific
456						Man	ufacturing and Production under Section 3.6.4.D, if:
457						i.	the development site is located within a red policy
458							area or opportunity zone, including contiguous
459							properties separated from the red policy area or
460							opportunity zone only by a public right-of-way; or
461							within 1/2 mile of a planned or existing Bus Rapid
462							Transit route including the Corridor Cities
463							Transitway;
464						ii.	the development site fronts on a street classified as
465							an [[arterial roadway]]Area Connector or higher
466							classification;
467	*	*	*				
468			Sec.	8. D	VISIO	ON 59-	4.8 is amended as follows:
469	Di	visi	on 4.	.8. Inc	lustria	al Zone	es
470	*	*	*				
471	Se	ctio	n 4.8	8.3. St	andar	d Metl	nod Development
472	*	*	*				
473	A.		IL a	nd IN	I Zone	es, Star	ndard Method Development Standards

474	*	*	*		
475	В.		Deve	elopme	nt of Certain Biohealth Uses
476			1.	Addi	tional height is permitted for any application in the IM zone
477				where	e the primary use is Research and Development under Section
478				3.5.8	or Medical/Scientific Manufacturing and Production under
479				Section	on 3.6.4.D, if:
480				a.	the development site is located within a red policy area or
481					opportunity zone, including contiguous properties separated
482					from the red policy area or opportunity zone only by a public
483					right-of-way; or within 1/2 mile of a planned or existing Bus
484					Rapid Transit route including the Corridor Cities Transitway;
485				b.	the development site fronts on a street classified as an [[arterial
486					roadway]]Area Connector or higher classification; and
487	*	*	*		
488			Sec.	[[7]] <u>9</u> .	DIVISION 59-4.9 is amended as follows:
489	Div	visi	on 4.	9. Ove	rlay Zones
490	*	*	*		
491	Sec	ctio	n 4.9	9.3. Bu	rtonsville Employment Area (BEA) Overlay Zone
492	*	*	*		
493	C.		Deve	elopme	nt Standards
494			1.	When	n property in the Overlay zone abuts a property that is not located
495				in the	BEA Overlay zone, all buildings in the Overlay zone must be
496				set ba	ack as follows:
497				a.	100 feet from any Residential zone developed with or proposed
498					for residential uses in a master plan, or from a <u>Boulevard or a</u>
499					Controlled major highway separating the Overlay zone from
500					such residential uses;

501				b.	50 feet from a railroad or utility right-of-way that separates the
502					employment area from a Residential zone;
503				c.	50 feet from a limited-access freeway or parkway;
504				d.	50 feet from property recommended in a master plan for a
505					nonresidential public use including, but not limited to such uses
506					as a public park, stormwater management facility, maintenance
507					facility, or similar use;
508				e.	25 feet from an [arterial] Area Connector or higher classification
509					road that separates the employment area from a
510					Commercial/Residential or Employment zone;
511	*	*	*		
512			Sec.	[[8]] <u>1</u>	<u>0</u> . DIVISION 59-6.2 is amended as follows:
513	Div	visi	on 6	.2. Par	king, Queuing, and Loading
514	*	*	*		
515	Sec	ctio	n 6.	2.5. Ve	hicle Parking Design Standards
516	*	*	*		
517	Μ.		Sur	face Pa	arking in R-200, R-90, R-60, and R-40 Zones
518	*	*	*		
519			3.	A su	rfaced parking area may exceed the size limits in
520				Sect	ion 6.2.5.M.2 if:
521				a.	the surfaced parking area existed before October 26, 2010 and
522					is not increased in size;
523				b.	the property has primary access from a [primary residential
524					street, minor arterial road]Neighborhood Connector Street,
525					major highway, [arterial] Area Connector, Downtown
526					Boulevard, Town Center Boulevard, boulevard, or any state

527					road	l, and is	s equal to or less than 50% of the area between the
528					lot 1	ine and	the front or side street building line;
529	*	*	*				
530			Sec.	[[9]] <u>1</u>	<u>[</u> . DI`	VISIO	N 59-6.6 is amended as follows:
531	Di	visi	ion 6.	.6. Ou	tdoor	Displa	ay and Storage
532	*	*	*				
533	Se	ctio	on 6.6	6.3. De	esign	Standa	ards
534	*	*	*				
535	В.		Out	door S	torag	e	
536	*	*	*				
537			2.	Gene	eral O	utdoor	Storage
538	*	*	*				
539				b.	Stan	dards	
540				Gene	eral ou	ıtdoor s	storage is permitted and must:
541					i.	in th	e Industrial zones, include screening of inventory
542						and	equipment under Section 6.5.3, unless the use abuts
543						or co	onfronts property in an Industrial zone; and
544					ii.	in al	l other zones:
545						(a)	have an approved plan illustrating the extent of the
546							permitted area for general outdoor storage;
547						(b)	be located on property that fronts on and has direct
548							access to a road built to [primary]Neighborhood
549							Connector Street or higher standards;
550	*	*	*				
551			Sec.	[[10]]	<u>12</u> . D	IVISIO	ON 59-6.7 is amended as follows:
552	Di	visi	ion 6.	.7 Sign	S		
553	*	*	*	_			

554	Se	CUO	n 6. /	.12. C	omme	ercial/Residential, Employment, and Industrial Zones
555		4	A.	Base	e Sign	Area
556	*	*	*			
557				2.	Wall	Sign
558					a.	One sign is allowed for each customer entrance. A
559						customer entrance includes, but is not limited to, a direct
560						outside entrance to a shop or store, and a direct outside
561						entrance to an enclosed mall or shopping center. Where a
562						building includes a customer entrance abutting a public
563						or private alley, the one allowable wall sign for such a
564						customer entrance may be placed on a non-customer
565						entrance that abuts [[a major highway, arterial or
566						business district road]]an Area Connector or higher
567						classification road.
568	*	*	*			
569		,	Sec.	[[10]]	<u>13</u> . Ef	fective date . This ordinance becomes effective 20 days
570	aft	er th	ie da	te of C	Council	l adoption.
571						

This is a correct copy of Council action.

udy Rupp

Clerk of the Council