

Ordinance No.: 19-39
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:

DIVISION 1.4	“DEFINED TERMS”
Section 1.4.2	“Specific Terms and Phrases Defined
DIVISION 2.2	“ZONING MAP”
Section 2.2.4	“Zoning and Development within Rights-of-Way
DIVISION 3.2	“AGRICULTURAL USES
Section 3.3.2	“Agricultural Processing”
Section 3.2.4	“Equestrian Facility”
Section 3.2.7	“Nursery”
Section 3.2.8	“Slaughterhouse”
Section 3.2.10	“Accessory Agricultural Uses”
Section 3.2.11	“Temporary Agricultural Uses
DIVISION 3.4	“CIVIC AND INSTITUTIONAL USES”
Section 3.4.2	“Charitable, Philanthropic Institutions”
Section 3.4.5	“Educational Institutions (Private)”
DIVISION 3.5	“COMMERCIAL USES”
Section 3.5.6	“Lodging”
Section 3.5.7	“Medical and Dental”
Section 3.5.8	“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”
<u>DIVISION 4.5</u>	<u>“Commercial/Residential Zones”</u>
<u>Section 4.5.4.</u>	<u>“Optional Method Development”</u>
DIVISION 4.6	“EMPLOYMENT ZONES”
Section 4.6.3	“Standard Method Development”
<u>Section 4.6.4</u>	<u>“Optional Method Development”</u>
<u>DIVISION 4.8</u>	<u>“Industrial Zones”</u>
<u>Section 4.8.3.</u>	<u>“Standard Method Development”</u>
DIVISION 4.9	“OVERLAY ZONES”
Section 4.9.3	“Burtonsville Employment Area (BEA) Overlay Zone
DIVISION 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”
<u>DIVISION 6.7</u>	<u>“Signs”</u>
<u>Section 6.7.9</u>	<u>“Commercial/Residential, Employment, and Industrial Zones”</u>

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 text that 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.*

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:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

N.

* * *

Nonresidential Street: A right-of-way with a [business district street or higher] classification of Downtown Boulevard, Downtown Street, Town Center Boulevard, Town Center Street, Boulevard, Major Highway, Area Connector, and Industrial Street under Chapter 49.

* * *

R.

* * *

Residential Street: A right-of-way with a classification of Neighborhood Connector, Neighborhood Street, or Neighborhood Yield Street under Chapter 49.

* * *

Road[, Arterial]: A right-of-way with a classification of Freeway, Parkway, Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown Boulevard, Town Center Street, Downtown Street, Industrial, Area Connector, Neighborhood Connector, Country Connector, Country Road, Rustic Road, Exceptional Rustic Road, Neighborhood Street, Neighborhood Yield Street, Residential Shared Street, Commercial Shared Street, or Alley[See]under Chapter 49.

[Road, Business: See Chapter 49.]

[Road, Primary Residential: See Chapter 49.]

* * *

S.

* * *

Street: See definition of Road

* * *

Sec. 2. DIVISION 59-2.2 is amended as follows:

Division 2.2. Zoning Map

* * *

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

* * *

D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a [master plan of highways and transitways]Master Plan of Highways and Transitways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.

* * *

Sec. 3. DIVISION 59-3.2 is amended as follows:

Division 3.2. Agricultural Uses

* * *

Section 3.2.2. Agricultural Processing

* * *

B. Use Standards

Where Agricultural Processing 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:

1. The minimum lot area is 10 acres.
2. The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.
3. The lot must front on and have access to a road built to [primary residential]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.

* * *

Section 3.2.4. Equestrian Facility

* * *

B. Use Standards

1. Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:

* * *

- g. Equestrian events are restricted as follows:

Site Requirements	Hours of Operation		Number of Participants and Spectators			
	Su-Th	Fr-Sa	Event	Informal Event	Minor Event	Major Event
			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] <u>an Area</u>	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

<u>Connector</u> or higher classification				weekdays per month		days each
--	--	--	--	-----------------------	--	-----------

Section 3.2.7. Nursery

* * *

A. Nursery (Retail)

* * *

2. Use Standards

- a. Where Nursery (Retail) is allowed as a limited use, any Nursery (Retail) over 5,000 square feet of gross floor area, may be a maximum of 50% of the mapped FAR.
- b. Where a Nursery (Retail) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:
 - i. The minimum lot area is 2 acres.
 - ii. The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.
 - iii. The lot must front on and have access to a road built to [primary residential]Neighborhood Connector or higher standards. In the AR, R, and RC zones, this standard is not required if the Hearing Examiner finds that:
 - (a) Road access will be safe and adequate for the anticipated traffic to be generated; and
 - (b) The use at this location will not be an intrusion into an established residential neighborhood.

* * *

Section 3.2.8. Slaughterhouse

* * *

B. Use Standards

Where a Slaughterhouse 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:

1. The minimum lot area is 20 acres.
2. The minimum setback from any lot line is 75 feet.
3. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.
4. The lot must front on and have direct access to a road built to [primary residential]Neighborhood Connector or higher standards.

* * *

Section 3.2.10. Accessory Agricultural Uses

* * *

B. Farm Alcohol Production

* * *

2. Use Standards

- a. Where Farm Alcohol Production is allowed as a limited use, it must satisfy the following standards:

* * *

- xvi. In the RE-1 and RE-2 zones, for breweries, distilleries, and wineries:

(a) the minimum site area is 25 acres;

(b) the site must be located in an area classified as sewer category 6 in the Ten Year Comprehensive Water Supply and Sewerage Systems Plan; and

(c) access must be directly from a roadway classified in the approved Master Plan of Highways and

Transitways as a [primary residential]
Neighborhood Connector or higher roadway.

Section 3.2.11. Temporary Agricultural Uses

B. Seasonal Outdoor Sales

2. Use Standards

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

- e. In the Agricultural, Rural Residential, Residential, LSC, and EOF zones:
 - i. The property must be vacant or used for nonresidential purposes.
 - ii. Except where Seasonal Outdoor Sales occur on the site of a Religious Assembly use, the site must front on and have access to a road built to [primary residential]Neighborhood Connector or higher standards.

Sec. 4. DIVISION 59-3.4 is amended as follows:

Division 3.4. Civic and Institutional Uses

Section 3.4.2. Charitable, Philanthropic Institution

B. Use Standards

2. Where a Charitable, Philanthropic Institution 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:

* * *

- c. In the AR, R, RC, and RNC:

* * *

- ii. The site fronts on and has direct access to a public road built to [arterial]Area Connector or higher road standards. Frontage on and access to an [arterial]Area Connector or higher standard is not required where the Hearing Examiner finds that road access by a [primary residential or secondary residential road]Neighborhood Connector, Neighborhood Street or Neighborhood Yield Street will be safe and adequate for the anticipated traffic to be generated.

* * *

- g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

- i. The site fronts on and has direct access to a road built to [primary residential road]Neighborhood Connector or higher standards. Access to a corner lot may be from [an abutting primary street, constructed to]a [primary residential standards]Neighborhood Connector street, if the Hearing Examiner finds this access to be appropriate and not detrimental to existing residential uses on that [primary residential]Neighborhood Connector street.

* * *

Section 3.4.5. Educational Institution (Private)

* * *

C. Use Standards

* * *

2. Where an Educational Institution (Private) 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:

* * *

- d. The number of pupils per acre allowed to occupy the premises at any one time must be specified by the Hearing Examiner considering the following factors:

- i. traffic patterns, including:

(a) impact of increased traffic on residential streets;

(b) proximity to transit services, [arterial roads]Area

Connectors, Town Center Streets, Downtown

Streets, Boulevards, and Controlled major

highways; and

(c) provision of measures for Transportation Demand Management in Chapter 42 (Section 42A-21).

* * *

Sec. 5. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.6. Lodging

* * *

B. Bed and Breakfast

* * *

2. Use Standards

* * *

b. Where a Bed and Breakfast is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

- i. The Hearing Examiner may deny a petition for a Bed and Breakfast with frontage on and access to a road built to less than [primary residential]Neighborhood Connector standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.

* * *

Section 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

* * *

2. Use Standards

* * *

b. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- i. The minimum lot width at the front lot line is 100 feet.
- ii. The minimum setback from a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.

- iii. The site must front on and have direct access to a [business district]Town Center Street or Downtown street or higher classification; however, access to a corner lot may be from an abutting street built to [primary residential]Neighborhood Connector standards, if the Hearing Examiner finds the access to be appropriate and not detrimental to existing residential uses on the [primary residential]Neighborhood Connector street.

* * *

Section 3.5.8. Office and Professional

* * *

B. Office

* * *

2. Use Standards

* * *

- b. Where an Office is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- i. In the R-200, R-90, and R-60 zones:

* * *

- (g) In the R-60 zone, the site must be:

- (1) designated as suitable for an Office or nonresident professional office in a master plan; and
- (2) located along a highway with an existing right-of-way with a minimum width of 90 feet or along a portion of [an arterial road]a

Boulevard, Downtown Boulevard, Town
Center Boulevard, Area Connector,
Downtown Street, or Town Center Street
designated as a boundary of a Central
Business District area.

* * *

Section 3.5.9. Parking

* * *

C. Surface Parking for Use Allowed in the Zone

* * *

2. Use Standards

* * *

b. Where a sketch plan is not required:

i. the parking layout must accommodate the landscaping required
under Section 6.2.9; and

ii. in the CRT, CR, LSC, and EOF zones:

(a) the surface parking must be providing parking for a use
on an abutting lot or be a municipal public parking lot;
and

(b) for properties on a [business district street]Downtown
Street or Town Center Street, site plan approval is
required under Section 7.3.4. The Planning Board must
find that the surface parking supports commercial or
residential uses that substantially conform with the
recommendations of the applicable master plan.

Section 3.5.10. Recreation and Entertainment

* * *

D. Golf Course, Country Club

* * *

2. Use Standards

Where a Golf Course, Country Club 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:

- a. The maximum coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.
- c. In a Residential zone, the minimum frontage is 200 feet on a road of [arterial]Area Connector or higher classification.

* * *

G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

* * *

2. Use Standard

Where a Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any lot line a minimum of 50 feet.

- v. The site must have direct access to a public road that is built to [primary residential]Neighborhood Collector or higher standards.

* * *

- b. In the R-200 zone:

- i. Only an outdoor catering facility is allowed. An enclosed food preparation building is allowed but all catering parties must be held under pavilions, or in the open, and may include various recreational activities.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 20 feet.
- iv. Any structure, building, or parking area must be setback from any lot line a minimum of 100 feet.
- v. The site must have direct access to a public road that is built to [primary residential]Neighborhood Collector or higher standards.

* * *

H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

* * *

2. Use Standards

Where a Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.

- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 50 feet.
- iv. Any structure or building must be set back from any lot line a minimum of 50 feet.
- v. The site must have direct access to a public road that is built to [primary residential]Neighborhood Connector or higher standards.

* * *

Section 3.5.12. Vehicle/Equipment Sales and Rental

* * *

B. Light Vehicle Sales and Rental (Indoor)

* * *

2. Use Standards

- a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

- i. Access to the site from a street with a residential classification is prohibited.

* * *

- b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Indoor) use is allowed must also be:

- i. less than 10 acres in size;
- ii. located at least 3,000 feet from a Metrorail Station;

- iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
- iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at least]as an [arterial]Area Connector or higher classification roadway.

* * *

C. Light Vehicle Sales and Rental (Outdoor)

* * *

2. Use Standards

- a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
 - i. Access to the site from a street with a residential classification is prohibited.

* * *

- b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Outdoor) use is allowed must also be:
 - i. less than 10 acres in size;
 - ii. located at least 3,000 feet from a Metrorail Station;
 - iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and

- iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at least]as an [arterial]Area Connector or higher classification roadway.

* * *

Section 3.5.13. Vehicle Service

* * *

E. Repair (Major)

2. Use Standards

- b. In the EOF zone, the tract on which a Repair (Major) use is allowed must also be:
- i. less than 10 acres in size; and
 - ii. located at least 3,000 feet from a Metrorail Station;
 - iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
 - iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at least]as an [arterial]an Area Connector or higher classification roadway.

* * *

Sec. 6. DIVISION 59-4.5 is amended as follows:

Division 4.5. Commercial/Residential Zones

* * *

Section 4.5.4. Optional Method Development

417 * * *

418 **B. Development Standards**

419 * * *

420 **5. Development of Certain Biohealth Uses**

- 421 a. Additional height is permitted for any application in the
- 422 CR zone where the primary use is Research and
- 423 Development under Section 3.5.8 or Medical/Scientific
- 424 Manufacturing and Production under Section 3.6.4.D, if:
- 425 i. the development site is located within a red policy
- 426 area or opportunity zone, including contiguous
- 427 properties separated from the red policy area or
- 428 opportunity zone only by a public right-of-way; or
- 429 within ½ mile of a planned or existing Bus Rapid
- 430 Transit route including the Corridor Cities
- 431 Transitway;
- 432 ii. the development site fronts on a street classified as
- 433 an [[arterial roadway]]Area Connector or higher
- 434 classification;

435 * * *

436 **Sec. ~~[[6]]~~7. DIVISION 59-4.6 is amended as follows:**

437 **Division 4.6. Employment Zones**

438 * * *

439 **Section 4.6.3. Standard Method Development**

440 * * *

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

442

1. Site	Detached	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] <u>Downtown Street or Town Center Street</u> 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] <u>Downtown Street or Town Center Street</u> 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

444 **E. EOF Zone, Standard Method Development Standards**

445

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] <u>Downtown Street or Town Center Street</u> 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] <u>Downtown Street or Town Center Street</u> 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.							

446

* * *

Section 4.6.4. Optional Method Development

* * *

B. Development Standards

* * *

5. Development of Certain Biohealth Uses

- a. Additional height is permitted for any application in the LSC or EOF zone where the primary use is Research and Development under Section 3.5.8 or Medical/Scientific Manufacturing and Production under Section 3.6.4.D, if:
 - i. the development site is located within a red policy area or opportunity zone, including contiguous properties separated from the red policy area or opportunity zone only by a public right-of-way; or within ½ mile of a planned or existing Bus Rapid Transit route including the Corridor Cities Transitway;
 - ii. the development site fronts on a street classified as an [[arterial roadway]]Area Connector or higher classification;

* * *

Sec. 8. DIVISION 59-4.8 is amended as follows:

Division 4.8. Industrial Zones

* * *

Section 4.8.3. Standard Method Development

* * *

A. IL and IM Zones, Standard Method Development Standards

* * *

B. Development of Certain Biohealth Uses

1. Additional height is permitted for any application in the IM zone where the primary use is Research and Development under Section 3.5.8 or Medical/Scientific Manufacturing and Production under Section 3.6.4.D, if:
 - a. the development site is located within a red policy area or opportunity zone, including contiguous properties separated from the red policy area or opportunity zone only by a public right-of-way; or within ½ mile of a planned or existing Bus Rapid Transit route including the Corridor Cities Transitway;
 - b. the development site fronts on a street classified as an arterial roadway or higher classification; and

* * *

Sec. 9. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

Section 4.9.3. Burtonsville Employment Area (BEA) Overlay Zone

* * *

C. Development Standards

1. When property in the Overlay zone abuts a property that is not located in the BEA Overlay zone, all buildings in the Overlay zone must be set back as follows:
 - a. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a Boulevard or a Controlled major highway separating the Overlay zone from such residential uses;

- b. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
- c. 50 feet from a limited-access freeway or parkway;
- d. 50 feet from property recommended in a master plan for a nonresidential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;
- e. 25 feet from an [arterial]Area Connector or higher classification road that separates the employment area from a Commercial/Residential or Employment zone;

* * *

Sec. ~~[[8]]10~~. DIVISION 59-6.2 is amended as follows:

Division 6.2. Parking, Queuing, and Loading

* * *

Section 6.2.5. Vehicle Parking Design Standards

* * *

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

* * *

- 3. A surfaced parking area may exceed the size limits in Section 6.2.5.M.2 if:

- a. the surfaced parking area existed before October 26, 2010 and is not increased in size;
- b. the property has primary access from a [primary residential street, minor arterial road]Neighborhood Connector Street, major highway, [arterial]Area Connector, Downtown Boulevard, Town Center Boulevard, boulevard, or any state

road, and is equal to or less than 50% of the area between the lot line and the front or side street building line;

* * *

Sec. ~~[[9]]~~11. DIVISION 59-6.6 is amended as follows:

Division 6.6. Outdoor Display and Storage

* * *

Section 6.6.3. Design Standards

* * *

B. Outdoor Storage

* * *

2. General Outdoor Storage

* * *

b. Standards

General outdoor storage is permitted and must:

- i. in the Industrial zones, include screening of inventory and equipment under Section 6.5.3, unless the use abuts or confronts property in an Industrial zone; and
- ii. in all other zones:
 - (a) have an approved plan illustrating the extent of the permitted area for general outdoor storage;
 - (b) be located on property that fronts on and has direct access to a road built to [primary]Neighborhood Connector Street or higher standards;

* * *

Sec. ~~[[10]]~~12. DIVISION 59-6.7 is amended as follows:

Division 6.7 Signs

* * *

Section 6.7.12. Commercial/Residential, Employment, and Industrial Zones

A. Base Sign Area

* * *

2. Wall Sign

- a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center. Where a building includes a customer entrance abutting a public or private alley, the one allowable wall sign for such a customer entrance may be placed on a non-customer entrance that abuts ~~[[a major highway, arterial or business district road]]~~an Area Connector or higher classification road.

* * *

Sec. ~~[[10]]13~~. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in cursive script, appearing to read "Judy Rupp", is written over a horizontal line.

Judy Rupp
Clerk of the Council