

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:

**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”
Section 59-3.1.6.	“Use Table”
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 59-3.4.	“CIVIC AND INSTITUTIONAL USES
Section 59-3.4.5.	“Educational Institution (Private)”
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 59-3.5.11.	“Retail Sales and Service”
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 59-4.4.4.	“Residential Estate – 2 Zone (RE-2)”
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 59-4.5.	“COMMERCIAL/RESIDENTIAL ZONES”
Section 59-4.5.3.	“Standard Method Development”
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 59-5.2.	“RESIDENTIAL FLOATING ZONES”
Section 59-5.2.5.	“Development Standards”
DIVISION 59-5.3.	“COMMERCIAL/RESIDENTIAL FLOATING ZONES”
Section 59-5.3.1.	“Zones”
Section 59-5.3.5.	“Development Standards”
DIVISION 59-5.4.	“EMPLOYMENT FLOATING ZONES”
Section 59-5.4.1.	“Zones”
Section 59-5.4.5.	“Development Standards”
DIVISION 59-5.5.	“INDUSTRIAL FLOATING ZONES”
Section 59-5.5.1.	“Zones”
Section 59-5.5.5.	“Development Standards”
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 59-6.3.	“OPEN SPACE AND RECREATION”
Section 59-6.3.5.	“Common Open Space”
DIVISION 59-6.4.	“GENERAL LANDSCAPING AND OUTDOOR LIGHTING”
Section 59-6.4.3.	“General Landscaping Requirements”
DIVISION 59-6.7	“SIGNS”
Section 59-6.7.4.	“Prohibited Signs”
DIVISION 59-6.8.	“ALTERNATIVE COMPLIANCE”
Section 59-6.8.1.	“Alternative Method of Compliance”
DIVISION 59-7.2.	“DISTRICT COUNCIL APPROVALS”
Section 59-7.2.1.	“Local Map Amendment”
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”
Section 59-8.1.2.	“Modification of Zones”
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:** 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,
35 vehicles, or utilities as shown on a record plat as separate and distinct from the
36 abutting lots or 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 located
48 is in the AR zone and is encumbered by a recorded Transfer of Development
49 Rights easement:

50 * * *

51 **3. Civic and Institutional**

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

53 [b.] a. Charitable, Philanthropic Institution

USE OR USE GROUP	Definitions and Standards	Ag				Residential									Commercial/Residential			Employment				Industrial						
		Rural Residential				Residential Detached				Residential Townhouse			Residential Multi-Unit															
		AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
<p>Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed</p>																												

63

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

65 **Division 59-3.3. Residential Uses**

66 **Section 3.3.1. Household Living**

67 * * *

68 **D. Townhouse Living**

69 * * *

70 **2. Use Standards**

71 * * *

72 b. Where Townhouse Living is allowed as a conditional use, may be
73 permitted by the Hearing Examiner under Section 7.3.1, Conditional Use,
74 and the following standards:

75 * * *

76 viii. Reducing the number of required parking spaces through [alternative
77 compliance under Division 6.8] a parking waiver under Section
78 6.2.10 is prohibited.

79 * * *

80 **Section 3.3.2. Group Living**

81 **A. Defined, In General**

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

85 * * *

86 **C. Independent Living Facility for Seniors or Persons with Disabilities**

87 * * *

88 **2. Use Standards**

89 * * *

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

94 * * *

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

105 v. [The maximum building height of an Independent Living Facility
106 for Seniors or Persons with Disabilities is 60 feet in spite of any
107 other limitation in this Chapter.] Height, density, coverage, and

108 parking standards must be compatible with surrounding uses and
109 the Hearing Examiner may modify any standards to maximize the
110 compatibility of buildings with the residential character of the
111 surrounding neighborhood.

112 * * *

113 **Section 3.3.3. Accessory Residential Uses**

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

115 * * *

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

117 * * *

118 c. Where an Accessory Apartment conditional use application is filed under
119 Section 3.3.3.A.2.b, the Accessory Apartment may be permitted by the
120 Hearing Examiner under the limited use standards in Section 3.3.3.A.2.a,
121 Section 3.3.3.B.2[[,]] or Section 3.3.3.C.2.a, under Section 7.3.1,
122 Conditional Use (excluding Section 7.3.1.E), and the following
123 standards:

124 * * *

125 **B. Attached Accessory Apartment**

126 * * *

127 **2. Use Standards**

128 Where an Attached Accessory Apartment is allowed as a limited use, it
129 must satisfy the use standards for all Accessory Apartments under Section
130 3.3.3.A.2 and the following standards:

131 a. A separate entrance is located:

132 * * *

133 iii. at the front of the principal dwelling, if it is a single entrance door

134 for use of the principal dwelling and the Attached Accessory
135 Apartment[;].

136 * * *

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

141 d. In the RNC, R-90, and R-60 zones, the Attached Accessory Apartment is
142 located at least 300 feet from any other Attached or Detached Accessory
143 Apartment, measured in a line from side lot line to side lot line along the
144 same block face[;].

145 **C. Detached Accessory Apartment**

146 * * *

147 **2. Use Standards**

148 a. Where a Detached Accessory Apartment is allowed as a limited use, it
149 must satisfy the use standards for all Accessory Apartments under
150 Section 3.3.3.A.2 and the following standards:

151 * * *

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

155 b. Where a Detached Accessory Apartment is allowed only as a
156 conditional use, it may be permitted by the Hearing Examiner under all
157 limited use standards and Section 7.3.1, Conditional Use.

158 * * *

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

160 **Division 59-3.4. Civic and Institutional Uses**

161 * * *

162 **Section 3.4.5. Educational Institution (Private)**

163 * * *

164 **B. Exemptions**

165 A conditional use is not required for:

- 166 1. [[The conditional use standards in Section 3.4.5.C.2 do not apply for]] any
167 private educational institution or parochial school that is located in a
168 building or on premises owned or leased by any church or religious
169 organization, the government of the United States, the State of Maryland or
170 any State agency, Montgomery County or any incorporated village or town
171 within Montgomery County. This exemption does not apply to any
172 Educational Institution (Private) that received conditional use approval by
173 the Hearing Examiner to operate in a building or on a property that was not
174 owned or leased by any church or religious organization at the time the
175 decision of the Hearing Examiner was issued.
- 176 2. [[A conditional use is not required for]] any Educational Institution
177 (Private) that is located in a building or on land that has been used for a
178 public school or that is owned or leased by the County; however, site plan
179 approval is required under Section 7.3.4[[,]] for:
- 180 a. construction of an Educational Institution (Private) on vacant land
181 owned or leased by the County; or
- 182 b. any cumulative increase that is greater than 15% or 7,500 square feet,
183 whichever is less, in the gross floor area, as it existed on February 1,
184 2000, of an Educational Institution (Private) located in a building that
185 has been used for a public school or that is owned or leased by
186 Montgomery County. Site plan approval is not required for:

212 [(m) In the AR zone, this use may be prohibited under Section
213 3.1.5, Transferable Development Rights.]

214 * * *

215 **Section 3.5.2. Communication Facility**

216 * * *

217 **C. Telecommunications Tower**

218 * * *

219 **2. Use Standards**

220 * * *

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

225 * * *

226 ii. A Telecommunications Tower must be set back from the property
227 line, as measured from the base of the support structure, as
228 follows:

229 (a) A Telecommunications [Towers] Tower is prohibited in
230 any scenic setback indicated in a master plan.

231 (b) In the Agricultural, Rural Residential, and Residential
232 Detached zones, a distance of one foot for every foot of height
233 or 300 feet from an existing dwelling, whichever [is greater]
234 provides the greater setback.

235 (c) In the Employment [and Industrial] zones, a distance of
236 one- half foot for every foot of height when abutting
237 Commercial/ Residential, Employment, or Industrial zoned

238 properties, and one foot for every foot of height when abutting
239 Agricultural, Rural Residential, or Residential zoned properties.

240 * * *

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

242 **A. Cemetery**

243 * * *

244 **2. Use Standards**

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

248 * * *

249 d. In the AR, R, and RC zones, a family burial site is allowed only as an
250 accessory use on a residentially developed property and may only be
251 approved on a lot or parcel that is appropriate to the circumstances
252 and is a minimum of 25 acres in size. A family burial site must be set
253 back a minimum of 100 feet from any abutting property in a
254 Residential zone and a minimum of 50 feet from any existing or
255 master-planned street. The use of any property for a family burial site
256 must be recorded in the [lands] land records of Montgomery County.
257 A family burial site is not restricted by Section 3.1.5, Transferable
258 Development Rights.

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

261 * * *

262 **Section 3.5.11. Retail Sales and Service**

263 * * *

264 **B. Retail/Service Establishment**

265 * * *

266 **2. Use Standards**

267 a. Where a Retail/Service Establishment is allowed as a limited use, it
268 must satisfy the following standards:

269 i. In the R-10 zone:

270 (a) The apartment building type must contain a minimum of 150
271 dwelling units, be a minimum of 60 feet in height, and be on
272 a site with a minimum of 5 acres.

273 (b) A maximum of 10% of the gross floor area of the building
274 or ~~[[5,000]]~~ 10,000 square feet, whichever is less, may be
275 used for the Retail/Service Establishment use.

276 * * *

277 **Section 3.5.14. Accessory Commercial Uses**

278 * * *

279 **C. Antenna on Existing Structure**

280 * * *

281 **2. Use Standards**

282 * * *

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

288 * * *

289 **G. Lawn Maintenance Service**

290 * * *

291 **2. Use Standards**

292 * * *

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

295 * * *

296 **Sec. 6. DIVISION 59-3.6. is amended as follows:**

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

298 * * *

299 **Section 3.6.5. Mining, Excavation**

300 **A. Defined**

301 Mining, Excavation means ~~[[any]]~~ a use that extracts rocks, minerals, and other
302 natural resources from the ground. Mining, Excavation only includes borrow
303 pit, rock extraction, and gravel mining.

304 * * *

305 **Sec. 7. DIVISION 59-4.1. is amended as follows:**

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

307 * * *

308 **Section 4.1.2. Compliance Required**

309 * * *

310 B. Every new building must be located on a lot, except as allowed under Section
311 7.7.1.D.2 or as exempt from the platting requirements under Chapter 50.

312 * * *

313 **Section 4.1.7. Measurement and Exceptions**

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

315 * * *

316 **B. Placement**

317 **1. Structure Setbacks**

318 * * *

319 **b. Measurement of Setbacks**

320 There are front, side street, side, and rear setbacks. Through lots have
321 2 front setbacks. A lot abutting an alley is not a through lot.

322 * * *

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

327 **2. Build-to Area**

328 **Defined**

329
330 a. The build-to area is the area on the lot from the edge of the lot line or
331 right-of-way to the maximum setback where a certain percentage of the
332 front or side street building façade must be located[, measured as a
333 range from the edge of the lot line].

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

338 **3. Parking Setbacks**

339 * * *

340 **b. Measurement of Parking Setbacks**

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

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

346 * * *

347 **4. Coverage**

348 **a. Defined**

349 * * *

350 ii. Coverage does not include paved areas such as a driveway, a
351 pedestrian walkway, a bay window measuring 10 feet in width
352 or less and 3 feet in depth or less, an uncovered porch or patio,
353 deck, a swimming pool, or roof overhang.

354 * * *

355 **5. Setback Encroachments**

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

358 **a. Building Features**

359 i. Any unenclosed porch, deck, terrace, steps, or stoop may project a
360 maximum of 3 feet into any side setback, or any side street setback
361 of less than 25 feet [or side setback] and may project a maximum
362 of 9 feet into any front setback, [or] rear setback, or any side street
363 setback where the side street setback is a minimum of 25 feet. This
364 encroachment includes an unenclosed roofed porch or terrace.

365 ii. Any roofed and unenclosed steps or stoop may project a maximum
366 of 3 feet into any side setback, or any side street setback of less
367 than 25 feet [or side setback] and may project a maximum of 9 feet

368 into any front setback, [or] rear setback, or any side street setback
369 where the side street setback is a minimum of 25 feet. Any roof
370 covering unenclosed steps or a stoop may project a maximum of 3
371 feet into any setback.

372 * * *

373 viii. Any bay window, oriel, entrance, vestibule, or balcony, 10 feet in
374 width or less, may project a maximum of 3 feet into any setback.

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

377 * * *

378 **c. Solar Panels**

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

384 * * *

385 **C. Height**

386 **1. Building Height in Agricultural, Rural Residential, and Residential Zones**

387 a. Building height is measured from the average grade to either the mean
388 height level between the eaves and ridge of a gable, hip, mansard, or
389 gambrel roof or to the highest point of roof surface, [of a flat roof]
390 regardless of roof type.

391 * * *

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

394 a. Building height is always measured from the level of approved curb
395 grade opposite the middle of the front of a building to the highest point
396 of roof surface of a flat roof or to the mean height level between eaves
397 and ridge of a pitched roof. If a building is located on a terrace, the
398 height may be increased by the height of the terrace. [On a corner lot
399 exceeding 20,000 square feet, the height of the building may be
400 measured from either adjoining curb grade.] For a corner lot or a lot
401 extending through from street to street, the height [may] must be
402 measured from [either] the curb grade opposite the middle of the front
403 of a building. For the purposes of measuring height on a corner lot or a
404 lot extending through from street to street, an applicant may choose
405 either curb grade as the front.

406 * * *

407 **D. Form**

408 * * *

409 **3. Entrance Spacing**

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

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

416 **Section 4.1.8. Compatibility Requirements**

417 * * *

418 **B. Height Compatibility**

419 **1. Applicability**

420 Section 4.1.8.B applies to a property that:

- 421 a. abuts or confronts a property in an Agricultural, Rural Residential,
- 422 Residential Detached, or Residential Townhouse zone that is vacant or
- 423 improved with an agricultural or residential use; and
- 424 b. proposes any building type in a Commercial/Residential, Employment,
- 425 Industrial, or Floating zone.

426 * * *

427 **Sec. 8. DIVISION 59-4.3. is amended as follows:**

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

429 * * *

430 **Section 4.3.2. Optional Method Development**

431 * * *

432 **B. Optional Method Cluster Development**

433 The cluster method of development provides an optional method of
434 development that encourages the provision of community open space for active
435 or passive recreation as well as the preservation and enhancement of natural
436 resources. Optional method Cluster Development allows flexibility in lot layout
437 and for variety in the types of residential buildings. The density of dwelling
438 units per acre [and open space requirements are] is not changed. The character
439 of the existing neighborhood is protected and open space for common use is
440 provided. To accomplish these objectives, certain changes in lot areas and
441 dimensions and a greater variety of building types are allowed. An applicant's
442 use of this method of development, and site plan approval for portions of such
443 development, are subject to approval by the Planning Board.

444 * * *

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

446 * * *

447 **B. RC 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
1. Lot and Density		
* * *		
Coverage (max)		
Lot	10%	
Specifications for Coverage		
* * *		
<p>b. The total impervious surface area of any proposed preliminary plan must not exceed any impervious surface area limits recommended by the master plan. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area, <u>unless otherwise limited by a condition of approval.</u></p>		
* * *		

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

		Cluster Development
		Detached House
* * *		
2. Lot		
* * *		
Specification for Coverage		
<p>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, <u>unless otherwise limited by a condition of approval.</u></p>		

3. Placement	
Principal Building Setbacks (min)	
* * *	
Rear setback, alley	4' [or 20']
* * *	

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

452 * * *

453 **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 and <u>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				
* * *				

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

456 * * *

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

462 **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']
* * *			

464 **Sec. 9. DIVISION 59-4.4. is amended as follows:**

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

466 **Section 4.4.1. Standard Method Development**

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

470 * * *

471 **B. Residential Infill Compatibility**

472 * * *

473 **2. Coverage**

474 The maximum area that may be covered by any building, including any
 475 accessory building and any weatherproofed floor area above a porch, but not
 476 including any bay window measuring 10 feet in width or less and 3 feet in
 477 depth or less, chimney, porch, or up to 240 square feet of a detached garage,
 478 if the garage is less than 350 square feet of floor area and less than 20 feet in
 479 height, must vary with the lot area as follows:

480 * * *

481 **Section 4.4.2. Optional Method Development**

482 * * *

483 **A. Optional Method MPDU Development**

484 This optional method of development is permitted where moderately priced
485 dwelling units (MPDUs) are included in a development above the minimum
486 required by Chapter 25A, to facilitate the construction of those units. Optional
487 method MPDU Development [allows an increase in density above the total
488 number of dwelling units allowed by the standard method of development;]
489 allows additional building types[;] and provides more flexibility for certain
490 dimensional standards.

491 * * *

492 **B. Optional Method Cluster Development**

493 The cluster method of development provides an optional method of
494 development that encourages the provision of community open space for active
495 or passive recreation as well as the preservation and enhancement of natural
496 resources. Optional method Cluster Development allows flexibility in lot layout
497 and for variety in the types of residential buildings. [The density of dwelling
498 units per acre and open space requirements are not changed.] The character of
499 the existing neighborhood is protected, and open space for common use is
500 provided. To accomplish these objectives, certain changes in lot areas and
501 dimensions and a greater variety of building types are allowed. An applicant's
502 use of this method of development, and site plan approval for portions of such
503 development, are subject to approval by the Planning Board.

504 * * *

505 **Section 4.4.4. Residential Estate – 2 Zone**

506 * * *

507 **B. RE-2 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
1. Lot and Density	
Lot (min)	
Lot area	2 acres
Lot width at front building line	150'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Specification for Lot	
* * *	

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

510 * * *

511 **B. RE-2C 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
1. Lot and Density	
Lot (min)	
Lot area	2 acres
Lot width at front building line	150'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Specification for Lot	
* * *	

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

514 * * *

515 **2. Optional Method Cluster Development**

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

- 519 a. provides safe and adequate access;
- 520 b. has sufficient width to accommodate the proposed dwelling units;
- 521 c. will protect significant environmental features on- and off-site better
 522 than would a public road; and
- 523 d. has proper drainage.

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

527 **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				
a. The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if: <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)	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 <u>[[Open Space and]] Site Coverage</u>				
a. In development with a townhouse building type, <u>[[open space and]] site coverage [[are]] 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	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']
* * *				

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

529 * * *

530 **B. RE-1 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
1. Lot and Density	

Lot (min)	
Lot area	40,000 SF
Lot width at front building line	125'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Specification for Lot	
* * *	

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

533

	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[.]; 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)		1.22		1
Open Space (min)				
Common open space (% of usable area) (See Section 6.3.5)		10%		10%
Site Coverage (max)				
<u>Site coverage</u>	<u>n/a</u>	<u>n/a</u>	<u>40%</u>	<u>n/a</u>

Specification for <u>[[Open Space and]] Site Coverage</u>				
a. In development with a townhouse building type, <u>[[open space and]] site coverage [[are]] 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	9,000 SF	4,500 SF	[1,500] 1,200 SF	12,000 SF
* * *				
Coverage (max)				
Lot	35%	35%	[50%] n/a	15%
3. Placement				
Principal Building Setbacks (min)				
* * *				
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *				

534 **Section 4.4.7 Residential – 200 Zone (R-200)**

535 * * *

536 **B. R-200 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	20,000 SF
Lot width at front building line	100'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Density (max)	

* * *

538 **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 [the] 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%
<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>				
<p>a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is 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	6,000 SF	3,000 SF	[1,200] <u>1,000</u> SF	9,000 SF

* * *				
Coverage (max)				
Lot	35%	35%	[50%] <u>n/a</u>	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] <u>Specification</u> 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.				
* * *				

539 **Section 4.4.8 Residential – 90 Zone (R-90)**

540 * * *

541 **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
1. Lot and Density	
Lot (min)	
Lot area	9,000 SF
Lot width at front building line	75'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Density (max)	
* * *	
3. Height	

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

543

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]] 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	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']
* * *						

546 **Section 4.4.9 Residential – 60 Zone (R-60)**

547 * * *

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

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone
1. Lot and Density	
Lot (min)	
Lot area	6,000 SF
Lot width at front building line	60'
Lot width at front lot line	25'
<u>Frontage on street or open space</u>	<u>Required</u>
Density (max)	
* * *	
3. Height	
Height (max)	
Principal building, measured to highest point of [a flat] roof surface, <u>regardless of roof type</u> <u>OR</u>	35'
* * *	

550 **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>		
<u>Site Coverage (max)</u>						
Site coverage	n/a	n/a	40%	n/a	n/a	40%
<u>Specification for [[Open Space and]] Site Coverage</u>						
<p>a. <u>In development with a townhouse building type, [[open space and]] site coverage [[are]] is 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	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']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']	4' [or 20']
* * *						

552 **Section 4.4.10 Residential – 40 Zone (R-40)**

553 * * *

554 **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
* * *			
2. Lot and Density			
Lot (min)			
Lot area	6,000 SF	4,000 SF	8,000 SF
Lot width at front building line	60'	40'	80'
Lot width at front lot line	25'	10'	25'
<u>Frontage on street or open space</u>	<u>Required</u>		
Density (max)			
* * *			
4. Height			
Height (max)			
Principal building, measured to highest point of [a flat] roof <u>surface, regardless of roof type</u> <u>OR</u>	35'	35'	35'
* * *			

557 **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>			
<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]] 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	3,000 SF	1,500 SF	[1,200] <u>n/a</u> SF
* * *			
Coverage (max)			
Lot	60%	60%	[60%] <u>n/a</u>
3. Placement			
Principal Building Setbacks (min)			
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

559 **Section 4.4.11 Townhouse Low Density Zone (TLD)**

560 * * *

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

562

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a	Duplex - Side	Duplex - Over	Townhouse
--	--	----------------------	----------------------	------------------

	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	[50] <u>25</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	4,800 SF	2,400 SF	4,800 SF	[1,600] <u>1,250</u> SF
Lot width at front building line	30'	15'	30'	n/a
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
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']
* * *				

564 **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	<u>n/a</u>	<u>n/a</u>	<u>40%</u>
Specification for <u>[[Open Space and]] Site Coverage</u>			
a. <u>In development with a townhouse building type, <u>[[open space and]] site coverage <u>[[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u></u></u>			

2. Lot			
* * *			
Coverage (max)			
Lot	60%	60%	[60%] 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'] <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']
Accessory Structure Setbacks (min)			
* * *			
[Coverage (max)]			
[Lot]	[60%]	[60%]	[60%]
* * *			

566 **Section 4.4.12 Townhouse Medium Density Zone (TMD)**

567 * * *

568 **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	n/a	n/a	n/a	[45] <u>20%</u>

Section 6.3.5)				
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	3,600 SF	1,800 SF	3,600 SF	[1,400] <u>1,100</u> SF
Lot width at front building line	30'	15'	30'	n/a
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
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	[4] <u>3'</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]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']
* * *				

570 **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] 20%		
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]] is 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%] 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'] <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']
* * *			

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

573 * * *

574 **B. THD 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	[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
Lot width at front building line	30'	15'	30'	n/a
Lot width at front lot line	10'	10'	10'	n/a
<u>Frontage on street or open space</u>	<u>Required</u>			
Density (max)				
* * *				
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] <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']
* * *				

576 **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]] is 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	[6']4'	[6']4'	[6']4'

private street or open space			
* * *			
Rear setback, alley	4' [or 20']	4' [or 20']	4' [or 20']
* * *			

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

579 * * *

580 **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] <u>Specification</u> 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
Lot width at front building line	30'	15'	30'	n/a	75'
Lot width at front lot	10'	10'	10'	n/a	n/a

line					
<u>Frontage on street or open space</u>	<u>Required</u>				
Density (max)					
* * *					
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'
* * *					

582 **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>			
Site Coverage (max)				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
Specification for <u>[[Open Space and]] Site Coverage</u>				
a. In a development with townhouse or apartment building types, <u>[[open space and]] site coverage [[are]] is 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

* * *

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

585 * * *

586 **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] 30 %	[60] 45 %
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[18] 25 %	18%
[Specifications] <u>Specification</u> for Open Space and Site Coverage					
* * *					
2. Lot and Density					
Lot (min)					
Lot area	2,000 SF	1,000 SF	2,000 SF	1,000 SF	16,000 SF
Lot width at front building line	25'	12.5'	25'	n/a	85'
Lot width at front lot line	10'	10'	10'	n/a	n/a
<u>Frontage on street or open space</u>	<u>Required</u>				

Density (max)					
* * *					
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'
* * *					

588 **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> %			
Site Coverage (max)				
Site coverage	<u>n/a</u>	<u>n/a</u>	<u>30%</u>	<u>18%</u>
Specification for <u>[[Open Space and]] Site Coverage</u>				
a. <u>In a development with townhouse or apartment building types, <u>[[open space and]] site coverage <u>[[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u></u></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'	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
* * *				

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

591 * * *

592 **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]30%	[50]40%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	[12]20%	12%
[Specifications] <u>Specification</u> for Open Space and Site Coverage					
* * *					
2. Lot and Density					
Lot (min)					
Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF
Lot width at front building line	25'	12.5'	25'	n/a	100'
Lot width at front lot line	10'	10'	10'	n/a	n/a
<u>Frontage on street or open space</u>	<u>Required</u>				
Density (max)					
* * *					
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]
* * *					

594 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 <u>[[Open Space and]] Site Coverage</u>				
a. <u>In a development with townhouse or apartment building types, <u>[[open space and]] site coverage <u>[[are]] is calculated based on the area of the site minus any area for detached house and duplex lots.</u></u></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'] <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
* * *				

596 **Sec. 10. DIVISION 59-4.5. is amended as follows:**

597 **Division 59-4.5. Commercial/Residential Zones**

598 * * *

599 **Section 4.5.3. Standard Method Development**

600 **C. CRN, CRT, and CR Zones, Standard Method Development Standards**

	Detached House	Duplex – Side	Duplex – Over	* * *
1. Site				
Open Space (min)				
Open space, [[site]] tract ≤ 10,000 SF	n/a	n/a	n/a	
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	
* * *				

602 **Sec. 11. DIVISION 59-4.6. is amended as follows:**

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

604 * * *

605 **Section 4.6.3. Standard Method Development**

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

608 **A. In General**

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

611 [B.] 2. In the LSC and EOF zones, the maximum standard method height for any
 612 property is the height set by the zone shown on the zoning map; the

613 maximum total standard method FAR for any property is the limit indicated
 614 in the following table, unless shown as lower on the zoning map:

Zone	Total Density (max)
LSC	The greater of 0.5 FAR or 10,000 SF of gross floor area
EOF	The greater of 1.0 FAR or 10,000 SF of gross floor area

615 **B. Procedure for Approval**

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

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

	Detached House	Duplex – <u>[[Side]]</u> <u>[[Over]]</u>	Duplex – <u>[[Over]]</u> <u>[[Side]]</u>	Townhouse	Apartment	Multi Use	General
1. Site							
Open Space (min)							
Open space, <u>[[site]] tract</u> ≤ 10,000 SF	n/a	n/a	n/a	[20]10%	0%	0%	0%
Open space, <u>[[site]] tract</u> > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	<u>[[1,000]]</u> <u>500</u> SF	<u>[[500]]</u> <u>1,000</u> SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	<u>[[25']]</u> <u>12.5'</u>	<u>[[12.5']]</u> <u>25'</u>	12'	n/a	n/a	n/a

* * *							
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'
* * *							

623 **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]]	n/a	n/a	n/a	[20]10%	0%	0%	0%

<u>tract</u> ≤ 10,000 SF							
Open space, [[site]] <u>tract</u> > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							
Lot (min)							
Lot area	1,000 SF	[[1,000]] 500 SF	[[500]] 1,000 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	[[25']] 12.5'	[[12.5']] 25'	12'	n/a	n/a	n/a
* * *							
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</u> building line <u>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] building façade)							
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]]. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from [[those]] the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] 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.</u></p>							
* * *							
5. Form							
* * *							
Building Orientation							
Entrance facing street or open space	not required	not required	not required	required	required	required	required
Entrance spacing	n/a	n/a	n/a	n/a	100'	75'	100'

(max)							
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]]. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from [[those]] the Building Orientation and Transparency requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] 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.</u></p>							
* * *							

625 **E. EOF 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]] tract ≤ 10,000 SF	n/a	n/a	n/a	[20]10%	0%	0%	0%
Open space, [[site]] tract > 10,000 SF	n/a	n/a	n/a	[20]10%	10%	10%	10%
* * *							
2. Lot and Density							

Lot (min)							
Lot area	1,000 SF	[[1,000]] <u>500</u> SF	[[500]] <u>1,000</u> SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	[[25']] <u>12.5'</u>	[[12.5']] <u>25'</u>	12'	n/a	n/a	n/a
* * *							
Coverage (max)							
Lot	90%	90%	90%	[90%] <u>n/a</u>	n/a	n/a	n/a
* * *							
3. Placement							
Principal Building Setbacks (min)							
* * *							
Side setback, end unit	n/a	n/a	n/a	[4] <u>2'</u>	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	[8] <u>4'</u>	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] <u>5'</u>	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] <u>5'</u>	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 building in the BTA		
Side street setback	n/a	n/a	n/a	n/a	must be behind [front] side street building line of building in the BTA		
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] building facade)							
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]]. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from [[those]] the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] 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.</u></p>							
* * *							
5. Form							
* * *							
Building Orientation							
Entrance facing street or open space	required	required	required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							

Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'

Specification for Building Orientation and Transparency

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] 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]]. In approving a site plan submitted under this subsection, the Planning Board must find that the plan: (1) deviates from [[those]] the Building Orientation and Transparency requirements only to the extent necessary to accommodate the [[characteristics of the subject property]] 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.

* * *

627 **Section 4.6.4. Optional Method Development**

628 * * *

629 **B. Development Standards**

630 **1. Open Space**

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

[Lot] Tract 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%

634 * * *

Sec. 12. DIVISION 59-4.7. is amended as follows:

Division 59-4.7. Optional Method Public Benefits

Section 4.7.1. General Provisions

638 * * *

B. General Public Benefit Considerations

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

- 643 1. the recommendations and objectives of the applicable master plan;
- 644 2. the [CR] Commercial/Residential and Employment Zone Incentive
 645 Density Implementation Guidelines;
- 646 3. any design guidelines adopted for the applicable master plan area;
- 647 4. the size and configuration of the site;
- 648 5. the relationship of the site to adjacent properties;
- 649 6. the presence or lack of similar public benefits nearby; and
- 650 7. enhancements beyond the elements listed in an individual public benefit
 651 that increase public access to, or enjoyment of, the benefit.

652 * * *

Section 4.7.3. Public Benefit Descriptions and Criteria

654 * * *

655 **B. Transit Proximity**

656 1. Transit proximity points are granted for proximity to existing or master
 657 planned transit stops based on transit service level and CRT, CR, LSC,
 658 and EOF zones. Public benefit points can only be granted for one transit
 659 stop.

660 * * *

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

662 * * *

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

667 * * *

668 **Sec. 13. DIVISION 59-4.8. is amended as follows:**

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

670 * * *

671 **Section 4.8.3. Standard Method Development**

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

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

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

<u>Specification for Open Space</u>
a. <u>Open space is calculated on the area of the site.</u>
* * *

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

	Multi Use	General
1. Site		
Open Space (min)		
Amenity open space, [[site]] tract ≤ 10,000 SF (see Section [7.3.7] 6.3.7)	5%	5%
Amenity open space, [[site]] tract > 10,000 SF (see Section [7.3.7] 6.3.7)	10%	10%
<u>Specification for Open Space</u>		
a. <u>Open space is calculated on the area of the site.</u>		
* * *		

678 **Sec. 14. DIVISION 59-4.9. is amended as follows:**

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

680 * * *

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

682 * * *

683 **D. Development Standards**

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

- 686 1. The minimum front and side street setback for a main building is 30 feet,
687 and if the abutting lots are occupied by buildings with a front or side street
688 setback greater than this requirement, no building hereafter erected or any

689 addition to an existing building may project beyond the line previously
690 established by the buildings on the abutting lots.

691 2. A [front] porch added to a main building existing as of February 15, 2000
692 may project a maximum of 8 feet into the front and side street setback and
693 may be covered, but not enclosed.

694 * * *

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

697 * * *

698 **D. Site Plan**

699 * * *

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

701 * * *

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

704 * * *

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

706 * * *

707 **B. Optional Method**

708 * * *

709 **2. Rural Residential and Residential Zones**

710 * * *

711 **c. Development Standards**

712 The following table indicates the required development standards for each TDR
713 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

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

715 * * *

716 **b. Calculation of TDRs Required in the Commercial/Residential or**
 717 **Employment Zones**

718 * * *

719 iii. For optional method development, the Planning Board may grant a
 720 maximum of 20 public benefit points for TDRs under Section [4.7.3.F.7]
 721 4.7.3.F.6.

722 * * *

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

724 * * *

725 **B. Exemptions**

726 1. The following are exempt from Section 4.9.18:

727 * * *

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

729 g. Development not served by community sewer.

730 * * *

731 **Sec. 15. DIVISION 59-5.1. is amended as follows:**

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

733 * * *

734 **Section 5.1.2. Intent Statement**

735 * * *

736 B. Encourage the appropriate use of land by:

737 * * *

738 3. ensuring that development satisfies basic sustainability requirements
739 including[:] open space standards and environmental protection and
740 mitigation; and

- 741 [a. locational criteria,
- 742 b. connections to circulation networks,
- 743 c. density and use limitations,
- 744 d. open space standards,
- 745 e. environmental protection and mitigation; and]

746 * * *

747 **Sec. 16. DIVISION 59-5.2. is amended as follows:**

748 **Division 59-5.2. Residential Floating Zones**

749 **Section 5.2.5. Development Standards**

750 * * *

751 **B. Setback and Height**

752 * * *

753 2. ~~[[Maximum height and setbacks]]~~ Setbacks from the site boundary and
754 maximum height are established by the floating zone plan. All other setbacks
755 are established by the site plan approval process under Section 7.3.4.

756 * * *

757 **C. Lot Size**

758 Minimum lot sizes are established by the ~~[[floating zone plan]]~~ site plan
759 approval process under Section 7.3.4.

760 **D. ~~[[Coverage]]~~ Open Space**

761 * * *

762 **Sec. 17. DIVISION 59-5.3. is amended as follows:**

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

764 **Section 5.3.1. Zones**

765 * * *

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

770 * * *

771 **Section 5.3.5. Development Standards**

772 * * *

773 **B. Setback and Height**

774 * * *

775 2. [[Maximum height and setbacks]] Setbacks from the site boundary and
776 maximum height are established by the floating zone plan. All other setbacks
777 are established by the site plan approval process under Section 7.3.4.

778 * * *

779 **C. Lot Size**

780 Minimum lot sizes are established by the [[floating zone plan]] site plan
781 approval process under Section 7.3.4.

782 * * *

783 **Sec. 18. DIVISION 59-5.4. is amended as follows:**

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

785 **Section 5.4.1. Zones**

786 * * *

787 B. Employment Floating zones are mapped using the zone's initials followed by
788 the maximum allowed total density and maximum allowed height as limited by

789 Division 5.4. Zones are established at density increments of 0.25 FAR and
790 height increments of 5 feet.

791 * * *

792 **Section 5.4.5. Development Standards**

793 * * *

794 **B. Setback and Height**

795 * * *

796 2. [[Maximum height and setbacks]] Setbacks from the site boundary and
797 maximum height are established by the floating zone plan. All other setbacks
798 are established by the site plan approval process under Section 7.3.4.

799 * * *

800 **C. Lot Size**

801 Minimum lot sizes are established by the [[floating zone plan]] site plan
802 approval process under Section 7.3.4.

803 * * *

804 **Sec. 19. DIVISION 59-5.5. is amended as follows:**

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

806 **Section 5.5.1. Zones**

807 * * *

808 B. Industrial Floating zones are mapped using the zone's initials followed by the
809 maximum allowed total density and maximum allowed height as limited by
810 Division 5.5. Zones are established at density increments of 0.25 FAR and
811 height increments of 5 feet.

812 * * *

813 **Section 5.5.5. Development Standards**

814 * * *

815 **B. Setback and Height**

816 * * *

817 2. [[Maximum height and setbacks]] Setbacks from the site boundary and
818 maximum height are established by the floating zone plan. All other setbacks
819 are established by the site plan approval process under Section 7.3.4.

820 * * *

821 **C. Lot Size**

822 Minimum lot sizes are established by the [[floating zone plan]] site plan
823 approval process under Section 7.3.4.

824 * * *

825 **Sec. 20. DIVISION 59-6.2. is amended as follows:**

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

827 * * *

828 **Section 6.2.2. Applicability**

829 * * *

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

834 * * *

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

836 * * *

837 **D. Car-Share Spaces**

838 1. A parking facility with 50 to 149 parking spaces must have a minimum of
839 one car-share parking space. One additional car-share parking space is
840 required for each 100 parking spaces more than 149, or fraction thereof, up
841 to a maximum requirement of 5. A parking facility may provide more car-
842 share parking spaces than required.

843 * * *

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

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

849 * * *

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

851 1. An applicant may satisfy the required number of vehicular parking spaces
852 through off-site parking on property located within ¼ mile of the subject
853 property if the off-site property is plat-restricted, deed-restricted, or is under
854 a joint use agreement. The plat or deed restrictions must specify that the
855 property provides the required number of parking spaces for a use on
856 another property. The plat or deed restrictions may be lifted if substitute off-
857 site parking is provided or if the use requiring the parking ceases to exist. A
858 joint use agreement must:

859 * * *

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

865 * * *

866 **H. Parking Minimums and Maximums**

867 * * *

868 **2. Reduced Parking Area**

- 869 a. In a Reduced Parking Area, an applicant may provide fewer parking
 870 spaces than required, after all adjustments are made under Section
 871 6.2.3.I, only [under Alternative Compliance (see Division 6.8)] if a
 872 parking waiver under Section 6.2.10 is approved.
- 873 b. In a Reduced Parking Area, an applicant may provide more parking
 874 spaces than allowed by the maximum if all of the parking spaces
 875 provided in excess of the maximum number allowed are made available
 876 to the public and are not reserved, or if [approved under Alternative
 877 Compliance (see Division 6.8)] a parking waiver under Section 6.2.10 is
 878 approved.

879 * * *

880 **Section 6.2.4. Parking Requirements**

881 Uses on the parking table match the allowed uses and use groups in Article 59-3.
 882 The number of required spaces is based on a metric specific to each use[, such as
 883 1,000 square feet of gross floor area (GFA)]. If the proposed intensity of the use is
 884 less than the metric, the baseline minimum is calculated using a fraction of that
 885 metric. The number of vehicle parking spaces required also depends upon whether
 886 the property is located in or outside of a Parking Lot District or Reduced Parking
 887 Area.

888 * * *

889 **B. Vehicle Parking Spaces**

USE or USE GROUP	Metric	Agricultural, Rural Residential, Residential, and Industrial Zones	Commercial/Residential and Employment Zones		
			Within a Parking Lot District or Reduced Parking Area		Outside a Parking Lot District or Reduced Parking Area
		Baseline	Baseline	Baseline	Baseline

		Minimum	Minimum	Maximum	Minimum
* * *					
CIVIC AND INSTITUTIONAL					
* * *					
Educational Institution (Private)	Student (Grades 9 – 12 <u>or age 16+</u>)	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
* * *					
COMMERCIAL					
* * *					
Office and Professional					
[[Life Sciences]] Office [[Research and Development]]	1,000 SF of GFA	2.80	2.00	3.00	2.25
<u>Life Sciences Research and Development</u>	<u>1,000 SF of GFA</u>	<u>1.50</u>	<u>1.00</u>	<u>3.00</u>	<u>1.50</u>
* * *					

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

892 * * *

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

- 894 1. Parking for any vehicle or trailer in the area between the lot line and the
- 895 front or side street building line must be on a surfaced parking area.
- 896 2. Except as provided in Section 6.2.5.M.3, the maximum surfaced parking
- 897 area between the lot line and the front or side street building line,
- 898 excluding the surfaced parking area in a driveway on a pipestem or flag-
- 899 shaped lot, is:

900 * * *

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

908 * * *

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

912 * * *

913 **Section 6.2.10. Parking Waiver**

914 The deciding body may waive any requirement of Division 6.2, except the required
915 parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design
916 satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space
917 requirement under Section 6.2.4.B requires application notice under Section
918 7.5.2.D.

919 * * *

920 **Sec. 21. DIVISION 59-6.3. is amended as follows:**

921 **Division 59-6.3. Open Space and Recreation**

922 * * *

923 **Section 6.3.5. Common Open Space**

924 **A. General Requirements**

925 **1. Applicability**

926 Common open space is required for any:

- 927 a. optional method development in an RNC or Residential [[Detached]]
- 928 zone;
- 929 b. standard method development with a townhouse or apartment building
- 930 type in a Residential Townhouse or Residential Multi-Unit zone;
- 931 c. townhouse development in a Commercial/Residential or Employment
- 932 zone; and
- 933 d. Floating zone, as required under the equivalent Euclidean zone that
- 934 determines uses.

935 * * *

936 **Sec. 22. DIVISION 59-6.4. is amended as follows:**

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

938 * * *

939 **Section 6.4.3. General Landscaping Requirements**

940 * * *

941 **C. Fences and Walls**

942 * * *

943 **2. Height and Placement**

944 [a. The maximum height of a fence or wall in any front setback in a

945 Residential zone is 4 feet.]

946 [b]a. A fence, wall other than retaining wall, terrace, structure,

947 shrubbery, planting, or other visual obstruction on a corner lot in a

948 Residential zone can be a maximum height of 3 feet above the

949 curb level for a distance of 15 feet from the intersection of the

950 front and side street lines.

951 [c]b. A deer fence on a corner lot in a Residential zone must not be

952 located closer to the street than the face of the building.

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

956 * * *

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

958 Building line and setback requirements do not apply to:

959 * * *

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

963 * * *

964 **Sec. 23. DIVISION 59-6.7. is amended as follows:**

965 **Division 59-6.7. Signs**

966 * * *

967 **Section 6.7.4. Prohibited Signs**

968 * * *

969 **F. Sign in the Public Right-of-Way**

970 A sign in the right-of-way is prohibited, except for the following:

- 971 1. A sign erected by a government agency or utility company in the
972 performance of its public duties.
- 973 2. A sign erected by the appropriate transportation jurisdiction in its right-of-
974 way.
- 975 3. A permanent sign allowed to be located in the public right-of-way in
976 Division 6.7, if:
- 977 a. the sign is approved by the Sign Review Board; and

978 b. the appropriate transportation jurisdiction issues a permit after
979 approving the structural adequacy, physical location, sight distance,
980 pedestrian access, and other safety characteristics of the sign.

981 4. A limited duration sign that satisfies Division 6.7.

982 5. A sign approved as part of a sign concept plan for an optional method
983 development project located in an urban renewal area.

984 Section 6.7.4.F does not affect the authority of the appropriate transportation
985 jurisdiction to regulate signs in its right-of-way or the authority of the
986 Department of Transportation to otherwise regulate the right-of-way. The
987 appropriate transportation jurisdiction or DPS may remove any sign in the
988 public right-of-way that is prohibited under Section 6.7.4.F.

989 **Sec. 24. DIVISION 59-6.8. is amended as follows:**

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

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

992 The applicable deciding body may approve an alternative method of compliance
993 with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it
994 determines that there [are] is a unique site, [or] a use characteristic, or a
995 development [constraints] constraint, such as grade, visibility, an existing building
996 or structure, an easement, or a utility line[, or use restrictions]. The applicable
997 deciding body must also determine that the unique site, use characteristic, or
998 development constraint [preclude] precludes safe or efficient development under
999 the requirements of the applicable Division, and the alternative design will:

1000 * * *

1001 **Sec. 25. DIVISION 59-7.2. is amended as follows:**

1002 **Division 59-7.2. District Council Approvals**

1003 **Section 7.2.1. Local Map Amendment**

1004 * * *

1005 **E. Necessary Findings**

1006 * * *

1007 2. For a Floating zone application the District Council must find that the
1008 floating zone plan will:

1009 a. substantially conform with the recommendations of the applicable
1010 master plan, general plan, and other applicable County plans;

1011 b. further the public interest;

1012 c. satisfy the intent, purposes, and ~~[[standards]]~~ requirements of the
1013 proposed zone ~~[[and requirements of this Chapter]]~~;

1014 * * *

1015 **Sec. 26. DIVISION 59-7.3. is amended as follows:**

1016 **Division 59-7.3. Regulatory Approvals**

1017 **Section 7.3.1. Conditional Use**

1018 * * *

1019 **B. Application Requirements**

1020 * * *

1021 2. The applicant must submit the following for review:

1022 * * *

1023 f. list of any civic, renters, and homeowners associations that are
1024 registered with the Planning Department and located within 1/2 mile of
1025 the site;

1026 * * *

1027 **I. Duration of Approval**

1028 * * *

1029 2. ~~[[The]]~~ After the decision, the Board of Appeals or the Hearing Examiner
1030 may extend the time limit for a conditional use to be established or obtain
1031 a building permit if the evidence of record establishes that drawing of

1032 architectural plans, preparation of the land, or other factors involved in the
1033 particular use will delay the start of construction or the establishment of
1034 the use beyond the period of validity. An individual extension must not
1035 exceed 12 months. If the Board of Appeals or the Hearing Examiner
1036 grants an extension, it must set a date by which the erection or alteration
1037 of the building must begin or the use must be established.

1038 * * *

1039 **K. Amendments**

1040 * * *

1041 2. Minor Amendment

1042 a. A minor amendment to a conditional use may be approved
1043 administratively by the Hearing Examiner or Board of Appeals, as
1044 applicable, depending on which entity approved the conditional use. A
1045 minor amendment to a conditional use is one that does not change the
1046 nature, character, or intensity of the conditional use to an extent that
1047 substantial adverse effects on the surrounding neighborhood could
1048 reasonably be expected, when considered in combination with the
1049 underlying conditional use. Any amendment to a Telecommunications
1050 Tower is also a minor amendment.

1051 b. When a minor amendment is granted, the Board of Appeals or Hearing
1052 Examiner must send a copy of the resolution or decision, as applicable,
1053 to the applicant, the Board of Appeals or Hearing Examiner, as
1054 appropriate, the Planning Board, DPS, the Department of Finance, all
1055 parties entitled to notice at the time of the original filing, and current
1056 abutting and confronting property owners. Except for an amendment
1057 for a Telecommunications Tower, [The] the resolution or decision, as
1058 applicable, must state that any party may request a public hearing on

1059 the Board of Appeals' or Hearing Examiner's action within 15 days
1060 after the resolution or decision is issued. The request for public hearing
1061 must be in writing, and must specify the reason for the request and the
1062 nature of the objection or relief desired. If a request for a hearing is
1063 received, the deciding body must suspend its administrative
1064 amendment and conduct a public hearing to consider whether the
1065 amendment substantially changes the nature, character, or intensity of
1066 the conditional use or its effect on the immediate neighborhood. If the
1067 Board of Appeals or Hearing Examiner determines that such impacts
1068 are likely, then the amendment application must be treated as a major
1069 amendment application. A decision of the Hearing Examiner may be
1070 appealed on the basis of the Hearing Examiner's record to the Board of
1071 Appeals.

1072 * * *

1073 **Section 7.3.2. Variance**

1074 * * *

1075 **B. Application Requirements**

1076 * * *

1077 2. The applicant must submit the following for review:

1078 * * *

1079 g. list of any civic, renters, and homeowners associations that are
1080 registered with the Planning Department and located within 1/2 mile
1081 of the site;

1082 h. scale plans, illustrations, sections, elevations, or specifications
1083 showing all existing and proposed buildings and structures; [[and]]

1084 i. supplementary documentation to be introduced in support of the
1085 application[[.]]; and

1086 j. a letter of building permit denial from DPS.

1087 * * *

1088 **Section 7.3.3. Sketch Plan**

1089 * * *

1090 **B. Application Requirements**

1091 * * *

1092 3. The applicant must submit the following for review:

1093 * * *

1094 e. list of any civic, renters, and homeowners associations that are
1095 registered with the Planning Department and located within 1/2 mile of
1096 the site;

1097 * * *

1098 h. illustrative plans showing:

1099 * * *

1100 v. relationships [between existing or] of proposed [adjacent]
1101 buildings to adjacent existing or proposed buildings and rights-of-
1102 way;

1103 * * *

1104 **C. Hearing Date**

1105 The Planning Board must schedule a public hearing to begin within 90 days
1106 after the date an application was accepted. If a sketch plan application is
1107 accepted for concurrent review with a preliminary plan, the Planning Board
1108 may schedule the public hearing to begin within 120 days after the date the
1109 applications were accepted. The Planning Director may postpone the public
1110 hearing by up to 30 days once without Planning Board approval. The Planning
1111 Director or applicant may request an extension beyond the original 30 days with

1112 Planning Board approval. Any extension of the public hearing must be noticed
1113 by mail and on the hearing agenda with the new public hearing date indicated.

1114 * * *

1115 **I. Amendments**

1116 [During site plan review, the Planning Board may approve an amendment to
1117 any binding element or condition of an approved sketch plan.] An amendment
1118 to any binding element or condition of an approved sketch plan must follow the
1119 same procedures, meet the same criteria, and satisfy the same requirements as
1120 the original sketch plan application, unless the sketch plan is amended during
1121 site plan review. If the sketch is amending during site plan review:

1122 1. An amendment to a binding element or condition of an approved sketch
1123 plan must be:

1124 * * *

1125 **Section 7.3.4. Site Plan**

1126 **A. Applicability and Description**

1127 1. [Development under the optional method requires approval of a site plan
1128 after approval of a sketch plan.] Site plan approval is required as indicated
1129 in the table in Section 7.3.4.A.8 and as specified in this Chapter.

1130 2. [Development under a Floating zone requires approval of a site plan after
1131 approval of a floating zone plan.] Reserved

1132 3. [Development under the standard method requires site plan approval as
1133 indicated in the table in Section 7.3.4.A.8.] Reserved

1134 * * *

1135 8. A site plan is required under standard method development for any new
1136 construction or expansion of an existing structure, where the proposed
1137 intensity includes any existing structure and the expansion, as follows:

1138 * * *

1139 **B. Application Requirements**

1140 * * *

1141 2. The applicant must submit the following for review:

1142 * * *

1143 e. list of any civic, renters, and homeowners associations that are registered
1144 with the Planning Department and located within 1/2 mile of the site;

1145 * * *

1146 1. plans of proposed development showing:

1147 i. use, footprints, ground-floor layout, and heights of all buildings and
1148 structures;

1149 * * *

1150 **G. Subsequent Actions**

1151 * * *

1152 **2. Permits Exempt from Conformance to Approved Site Plans**

1153 * * *

1154 c. On a property where a site plan was approved, any owner or owners'
1155 association may, without finding of conformance to the approved
1156 site plan, change landscaping that was not required as a condition of
1157 approval for screening or install a site element or construct a [paved
1158 surface or] structure other than a building that meets all applicable
1159 development standards under Article 59-4 and general requirements
1160 under Article 59-6 and does not conflict with any conditions of
1161 approval. A structure allowed under this Section (Section
1162 7.3.4.G.2.c) must not conflict with any finding required for site plan
1163 approval.

1164 * * *

1165 **J. Amendments**

1166 Any property owner may apply for a site plan amendment to change a certified
1167 site plan. There are two types of amendments, a major and a minor amendment.

1168 **1. Major Amendment**

1169 [A major amendment to an approved site plan must follow the same
1170 procedures, meet the same criteria, and satisfy the same requirements as the
1171 original site plan, except as modified under Section 7.3.4.J.1.b.]

1172 a. A major amendment includes any request to increase density or height;
1173 change a use; decrease open space; [or to make a change to any
1174 condition] deviate from a binding element or a condition of approval; or
1175 alter a basic element of the plan.

1176 b. [The Planning Board may approve an uncontested major amendment on
1177 its consent agenda if the Planning Director publishes a report and
1178 recommendation on the amendment a minimum of 10 days before the
1179 Planning Board meeting.] Public notice is required under Division 7.5.

1180 c. A major amendment must follow the same hearing procedures and
1181 satisfy the same necessary findings as the original site plan.

1182 d. Additional requirements may be established by the Planning
1183 [[Department]] Department's Development Review Manual.

1184 **2. Minor Amendment**

1185 a. [The Planning Director may approve a minor amendment to an approved site
1186 plan.] A minor amendment includes any change to a parking or loading
1187 area, landscaping, sidewalk, recreational facility or area, configuration
1188 of open space, or any other plan element that will have a minimal effect
1189 on the overall design, layout, quality or intent of the plan. [[A minor
1190 amendment also includes a reduction in approved parking to satisfy
1191 Article 59-6.]] A minor amendment [also includes] does not include any
1192 change that [does not increase] increases density or height; [decrease a

1193 setback abutting a detached residential use; or alter the intent, objectives,
1194 or requirements of the Planning Board in approving the site plan] or
1195 prevents circulation on any street or path. [A minor amendment may
1196 also be approved to reduce the approved parking to satisfy Article 59-6.]

1197 [a.]b. Public notice is required under Division 7.5.

1198 [b.]c. A minor amendment may be approved by the Planning Director without
1199 a public hearing if no objection to the application is received within 15
1200 days after the application notice is sent. If an objection is received within
1201 15 days after the application notice is sent, and the objection is
1202 considered relevant, [A] a public hearing is required [if an objection to
1203 the application is received within 15 days after the notice of the filed
1204 application is sent]. A public hearing must be held under the same
1205 procedures as an original application. [If an objection to the application
1206 is not received within the 15 days, a public hearing is not required.]

1207 * * *

1208 **Sec. 27. DIVISION 59-7.4 is amended as follows:**

1209 **Division 59-7.4. Administrative Approvals**

1210 **Section 7.4.1. Building Permit**

1211 * * *

1212 **C. Review and Recommendation**

1213 DPS must submit the application to the Planning Director for review for any
1214 building permit that requests:

- 1215 1. construction of a new principal structure;
- 1216 2. construction that increases the gross floor area of an existing commercial
1217 structure; or
- 1218 3. construction that increases the gross floor area of any residential structure
1219 by more than 50% of the existing gross floor area.

1220 The Planning Director must confirm in writing that the application satisfies this
 1221 Chapter and that the property has all necessary approvals required by the
 1222 Planning Department and Planning Board.

1223 * * *

1224 **Sec. 28. DIVISION 59-7.5 is amended as follows:**

1225 **Division 59-7.5. Notice Standards**

1226 **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
* * *								

1228 **Section 7.5.2. Notice Specifications**

1229 * * *

1230 **B. Pre-Submittal Meeting**

- 1231 1. Before an application may be accepted, the applicant must hold a public
 1232 meeting to present the proposed application and respond to questions and

1233 comments. The meeting must be held no more than 90 days before filing
1234 the application.

1235 2. The applicant must post a sign advertising the pre-submittal meeting,
1236 equivalent to the requirement for an application sign, a minimum of 15
1237 days before the meeting[, but no more than 90 days before filing the
1238 application].

1239 3. The applicant must send notice advertising the pre-submittal meeting to
1240 the same recipients required under Section 7.5.2.E.1, [[hearing notice]]
1241 Hearing Notice, a minimum of 15 days before the meeting.

1242 4. The notices must include the date and place of meeting, applicant,
1243 application number and name, location of property, property size, zone,
1244 proposed use and density of development[, and phone and website for the
1245 applicable intake agency].

1246 * * *

1247 **C. Application Sign**

1248 1. The applicant must post at least one sign along every frontage [within 5
1249 days after an application is accepted]; if the frontage is more than 500
1250 feet, a sign must be posted at least every 500 feet.

1251 a. For a sketch plan, site plan, or major site plan amendment
1252 application, the sign must be posted before an application is
1253 accepted.

1254 b. For a Local Map Amendment, conditional use, or variance
1255 application, the sign must be posted within 5 days after an
1256 application is accepted.

1257 2. The sign must meet the following specifications:

1258 a. For a sketch plan, site plan, or major site plan amendment
1259 application, the applicant must use the sign template provided by
1260 the Planning Department.

1261 b. For a Local Map Amendment, conditional use, or variance
1262 application, [The] the sign must be made of a durable material; a
1263 minimum of 24 inches tall by 36 inches wide; white or yellow in
1264 background color; with black lettering and characters at least 2
1265 inches in height.

1266 3. The sign must include:

1267 [a. the date of filing;]

1268 [b]a. application number and name;

1269 [c]b. requested zone, if a Local Map Amendment;

1270 [d]c. proposed use, density, or structure description, if not a Local
1271 Map Amendment; and

1272 [e]d. [and] telephone number and website for the applicable intake
1273 agency.

1274 **D. Application Notice**

1275 1. When an application is accepted, the applicant must send notice of the
1276 application to all abutting and confronting property owners, civic, renters,
1277 and homeowners associations that are registered with the Planning
1278 Department and located within 1/2 mile of the site, any municipality
1279 within 1/2 mile, and, if applicable, pre-submittal meeting attendees [if
1280 applicable] who request to be a party of record. A condominium's
1281 council of unit owners may be notified instead of the owner and residents
1282 of each individual condominium. The deciding body may require
1283 additional noticing according to its approved rules of procedure.

1284 2. The notice must [include] identify the applicant[,], and include the
1285 application type, number, and project name, location of property,
1286 property size, zone (and requested zone, if applicable), proposed use and
1287 density of development, ~~[[items]]~~ changes covered by the proposed
1288 amendment, if applicable, and telephone number and website for the
1289 applicable intake agency.

1290 **E. Hearing Notice**

1291 1. [The deciding body must send notice of the hearing within 5 days after an
1292 application is accepted to] Hearing notice must be sent to all abutting and
1293 confronting property owners, civic, renters, and homeowners associations
1294 that are registered with the Planning Department and located within 1/2
1295 mile of the site, any municipality within 1/2 mile, and, if applicable, pre-
1296 submittal meeting attendees [if applicable] who request to be a party of
1297 record. A condominium's council of unit owners may be notified instead
1298 of the owner and residents of each individual condominium. The
1299 deciding body may require additional noticing according to its approved
1300 rules of procedure.

1301 a. The District Council, Hearing Examiner, and Board of Appeals
1302 must send notice of the hearing [[within 5 days after an application
1303 is accepted]] a minimum of 30 days before the scheduled hearing
1304 date.

1305 b. The Planning Board must send notice of the hearing a minimum of
1306 10 days before the scheduled hearing date.

1307 * * *

1308 4. A hearing may be postponed or continued if the time and place of the
1309 continued hearing is publicly announced at the time of the adjournment or
1310 notice is given to all parties of record ~~[[as required for the original~~

1311 application]] a minimum of 10 days before the next scheduled hearing
1312 date.

1313 * * *

1314 **H. Website Posting**

1315 * * *

1316 2. [When the Planning Director provides a recommendation report on an
1317 application decided by the Planning Board, the Planning Director must
1318 post the recommendation report on the Planning Board's website a
1319 minimum of 10 days before the Planning Board hearing. In cases where
1320 an application is decided by the Hearing Examiner, the Board of Appeals,
1321 or the District Council, the Planning Director's recommendation report
1322 must be posted on the Planning Board's website a minimum of 7 days
1323 before the Planning Board meeting.] When the Planning Director
1324 provides a recommendation report for the Planning Board, the report must
1325 be posted on the Planning Board's website as indicated in Division 7.2
1326 and Division 7.3.

1327 * * *

1328 **Sec. 29. DIVISION 59-7.6 is amended as follows:**

1329 **DIVISION 59-7.6. Special Provisions**

1330 **Section 7.6.1. Board of Appeals**

1331 * * *

1332 **C. Filing of Appeals**

1333 * * *

1334 5. When an administrative appeal is made, the Board of Appeals must send
1335 notice of the hearing [[within 5 days of the request for appeal]] a minimum
1336 of 30 days before the scheduled hearing date to DPS, the State Highway
1337 Administration, the County Board of Education, all abutting and confronting

1338 property owners, civic, renters, and homeowners associations that are
1339 registered with the Planning Department and located within 1/2 mile of the
1340 site, any municipality within 1/2 mile, and pre-submittal attendees [if
1341 applicable] who request to be a party of record. A condominium's council of
1342 unit owners may be notified instead of the owner and residents of each
1343 individual condominium.

1344 * * *

1345 **Sec. 30. DIVISION 59-7.7 is amended as follows:**

1346 **DIVISION 59-7.7. Exemptions and Nonconformities**

1347 **Section 7.7.1. Exemptions**

1348 **A. Existing Structure, Site Design, or Use on October 30, 2014**

1349 **1. Structure and Site Design**

1350 A legal structure or site design existing on October 30, 2014 that does not
1351 meet the zoning standards on or after October 30, 2014 is conforming and
1352 may be continued, renovated, repaired, or reconstructed if the floor area,
1353 height, and footprint of the structure is not increased, except as provided for
1354 in Section 7.7.1.C for structures in Commercial/Residential, Employment or
1355 Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached
1356 zones. [[A]] Any allowed use, up to the density limits established by the
1357 current zoning, may be located in a building or structure deemed
1358 conforming under this Section (Section 7.7.1.A.1)[[may be converted to
1359 any permitted, limited, or conditional use up to the density limits for the use
1360 established by the current zoning]].

1361 * * *

1362 **B. Application Approved or Filed for Approval before October 30, 2014**

1363 **1. Application in Progress before October 30, 2014**

1364 Any development plan, schematic development plan, diagrammatic plan,
 1365 concept plan, project plan, sketch plan, preliminary plan, record plat, site
 1366 plan, special exception, variance, or building permit filed or approved before
 1367 October 30, 2014 must be reviewed under the standards and procedures of
 1368 the Zoning Ordinance in effect on October 29, 2014. Any complete Local
 1369 Map Amendment application submitted to the Hearing Examiner by May 1,
 1370 2014, must be reviewed under the standards and procedures of the [Zoning
 1371 Ordinance in effect] property's zoning on October 29, 2014. If the District
 1372 Council approves such an application after October 30, 2014 for a zone that
 1373 is not retained in Chapter 59, then the zoning will automatically convert to
 1374 the equivalent zone as translated under DMA G-956 when the Local Map
 1375 Amendment is approved. The approval of any of these applications or
 1376 amendments to these applications will allow the applicant to proceed
 1377 through any other required application or step in the process within the time
 1378 allowed by law or plan approval, under the standards and procedures of the
 1379 Zoning Ordinance in effect on October 29, 2014. The gross tract area of an
 1380 application allowed under this Section (Section 7.7.1.B.1) may not be
 1381 increased.

1382 * * *

1383 **3. [Plan] Amendment of an Approved Plan [for Plans Approved] or**
 1384 **Modification of an Application Pending before October 30[,], 2014**

1385 a. Until October 30, 2039, an applicant may apply to amend any
 1386 previously approved [application] plan or modify an application pending
 1387 before October 30, 2014 (listed in Section 7.7.1.B.1 or Section
 1388 7.7.1.B.2)[,] under the development standards and procedures of the
 1389 property's zoning on October 29, 2014, if the amendment:

1390 i. does not increase the approved density or building height unless
1391 allowed under Section 7.7.1.C; and

1392 ii. either:

1393 (a) retains at least the approved setback from property in a
1394 Residential Detached zone that is vacant or improved with a
1395 Single-Unit Living use; or

1396 (b) satisfies the setback required by its zoning on the date
1397 the amendment or the permit is submitted[.]; and

1398 iii. does not increase the gross tract area.

1399 b. An applicant may apply [[for a minor site plan amendment]] to
1400 amend the parking requirements of a previously approved application
1401 (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the
1402 parking requirements of Section 6.2.3 and Section 6.2.4.

1403 * * *

1404 **5. Development with a Development Plan or Schematic Development Plan**
1405 **Approved before October 30, 2014**

1406 a. Any development allowed on property where the zoning
1407 classification on October 29, 2014 was the result of a Local Map
1408 Amendment must satisfy any binding elements until:

1409 i. the property is subject to a Sectional Map Amendment that
1410 implements a master plan approved after October 30, 2014 and
1411 obtains approval for development under the SMA- approved
1412 zoning;

1413 ii. the property is rezoned by Local Map Amendment; or

1414 iii. the binding element is revised by a development plan
1415 amendment under the procedures in effect on October 29, 2014.

1416 * * *

1417 **C. Expansion of Floor Area [Existing on October 30, 2014]**

1418 **1. Limited Rights under Zoning before October 30, 2014**

1419 Until October 30, 2039, on land that is located in a Commercial/Residential,
1420 Employment, or Industrial zone, an applicant for an amendment to an
1421 existing approval or development, or a modification of an application listed
1422 in Section 7.7.1.B.1 may increase the floor area on the site under Section
1423 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the
1424 property's zoning on October 29, 2014:

1425 * * *

1426 **2. [All Prior] Commercial/Residential, Employment, and Industrial Zones**

1427 Existing development in a Commercial/Residential, Employment, or
1428 Industrial zone may expand by up to the lesser of 10% of the gross floor area
1429 approved for the site on October 30, 2014 or 30,000 square feet, except for
1430 properties with 2,000 square feet or less of floor area, which may expand by
1431 up to 30% of the gross floor area approved for the site on October 30, 2014.
1432 Any expansion must satisfy Section 7.7.1.C.1. The gross floor area in a
1433 pending application listed in Section 7.7.1.B.1 may be expanded up to the
1434 full amount allowed under the property's zoning on October 29, 2014, but
1435 once the application is approved the gross floor area may expand by up to
1436 the lesser of 10% of the gross floor area or 30,000 square feet.

1437 * * *

1438 **4. Expansion above Section 7.7.1.C.2**

1439 [Any] If any [[portion of an enlargement]] expansion [that] exceeds Section
1440 7.7.1.C.2, then the entire [[enlargement]] expansion must satisfy the
1441 applicable standards and procedures for the current zoning. After October
1442 30, 2039, any amendment to a previously approved application must satisfy
1443 the applicable standards and procedures for the current zoning to the extent

1444 of (a) any expansion, and (b) any other portion of an approved development
1445 [that the amendment changes] associated with the expansion.

1446 * * *

1447 **D. Residential Lots and Parcels**

1448 **1. Residential Lot**

1449 Unless adjoining lots have merged by virtue of ownership and zoning
1450 requirements, DPS may issue a building permit for a detached house on any
1451 Residential or Rural Residential zoned lot identified either on a plat
1452 recorded before October 30, 2014 or a deed recorded before June 1, 1958,
1453 without regard to the street frontage and lot size requirements of its zoning,
1454 except as provided in Section 7.7.1.D.3.b.

1455 * * *

1456 **6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 [Zone]**

1457 **Zones**

1458 a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to other
1459 exemptions in this subsection, is exempt from the lot area and
1460 [[dimension]] lot width requirements of its zone, but must satisfy the
1461 requirements of the zone applicable to it before its classification to the
1462 RE-2, RE-2C, or RE-1 zone if:

1463 i. the record lot was approved for recordation by the Planning
1464 Board before the approval date of the most recent Sectional Map
1465 Amendment that included the lot; or

1466 ii. the lot was created by deed on or before the approval date of the
1467 most recent Sectional Map Amendment that included the lot.

1468 b. A lot or parcel in the RE-2C zone, in addition to other exemptions in
1469 this subsection, is exempt from the area and dimension requirements of

1470 the RE-2C zone, but must satisfy the requirements of the zone
1471 applicable to it before its classification to the RE-2C zone if:
1472 [a.] i. the property owner held title to the property before March 17,
1473 1982;
1474 [b.] ii. a reduced lot size is required for a lot created for a detached
1475 house;
1476 [c.] iii. the child of the property owner, or the spouse of a child, or the
1477 parents of the property owner will reside in the house on the
1478 additional lot; and
1479 [d.] iv. the overall density of the tract owned on March 17, 1982 is 1.1
1480 units per acre or lower.

1481 **7. Exempted Lots and Parcels in the Rural Zone**

1482 A lot or parcel in the Rural zone, in addition to other exemptions in this
1483 subsection, is exempt from the lot area and [[dimension]] lot width
1484 requirements of the Rural zone, but must satisfy the requirements of the
1485 zone applicable to it before its classification to the Rural zone if:
1486 a. the property owner can establish that the owner had legal title on or
1487 before June 4, 1974;
1488 b. the child of the property owner, or the spouse of a child, or the parents
1489 of the property owner will reside in the house on the additional lot; and
1490 c. the overall density of the property does not exceed one dwelling unit per
1491 5 acres in any subdivision[.]; or
1492 d. the lot was created by deed executed before June 5, 1974; or
1493 e. the record lot has an area of less than 5 acres and was created after June
1494 4, 1974, by replatting 2 or more lots, provided that the resulting number
1495 of lots is not greater than the number of lots that were replatted.

1496 **8. Exempted Lots and Parcels in the Rural Cluster Zone**

1497 A lot or a parcel in the Rural Cluster (RC) zone, in addition to other
1498 exemptions in this subsection, is exempt from the minimum lot area
1499 requirements and [[dimension]] lot width requirements of the Rural Cluster
1500 zone, but must satisfy the requirements of the zone applicable to it before
1501 its classification to the RC zone if:

- 1502 a. the property owner held title to the property before June 4, 1974;
- 1503 b. a reduced lot size is required for a lot created for a detached house; and
- 1504 c. the child of the property owner, or the spouse of a child, or the parents
1505 of the property owner will reside in the house on the additional lot[.]; or
- 1506 d. the lot was created by deed executed on or before the approval date of
1507 the most recent Sectional Map Amendment or Local Map Amendment
1508 that included the lot; or
- 1509 e. the record lot has an area of less than 5 acres and was created before the
1510 approval date of the most recent Sectional Map Amendment or Local
1511 Map Amendment that included the lot, by replatting 2 or more lots,
1512 provided that the resulting number of lots is not greater than the number
1513 of lots that were replatted.

1514 **9. Exempted Lots and Parcels in the Agricultural Reserve Zone**

1515 A lot or a parcel in the Agricultural Reserve (AR) zone, in addition to other
1516 exemptions in this subsection, is exempt from the minimum lot area and
1517 [[dimension]] lot width requirements of the AR zone, but must satisfy the
1518 requirements of the zone applicable to it before its classification to the AR
1519 zone if:

- 1520 a. the lot was created by deed executed before the approval date of the
1521 most recent Sectional Map Amendment that initially zoned the property
1522 to the RDT zone; [[or]]

- 1523 b. the record lot has an area of less than 5 acres and was created after the
1524 approval date of the Sectional Map Amendment that initially zoned the
1525 property to the RDT zone, by replatting 2 or more lots, provided that the
1526 resulting number of lots is not greater than the number of lots that were
1527 replatted; or
1528 c. the record lot was created by subdivision and was approved for
1529 recording by the Planning Board before the approval date of the
1530 Sectional Map Amendment that initially zoned the property to the RDT
1531 zone.

1532 **Sec. 31. DIVISION 59-8.1 is amended as follows:**

1533 **Division 59-8.1. In General**

1534 **Section 8.1.1. Applicability**

1535 The zones in Article 59-8 were applied by Local Map Amendment before this
1536 Zoning Ordinance was adopted. These zones may appear on the digital zoning
1537 map, but they cannot be requested by any property owner under a Local Map
1538 Amendment[,] or confirmed or applied to any [additional] property under a
1539 Sectional Map Amendment adopted after October 30, 2014.

1540 * * *

1541 **Section 8.1.2. Modification of Zones**

1542 **A. Amending a Development Plan**

1543 An amendment to an approved development plan or schematic development
1544 plan in any zone in Article 59-8 must follow:

- 1545 1. the procedures for amendment of a development plan under the zoning
1546 ordinance in effect on October 29, 2014;
- 1547 2. the parking, queuing, and loading standards in Division 6.2; and
- 1548 3. the signage standards in Division 6.7.

1549 Division 7.7 does not apply to the zones in Article 59-8.

1550 * * *

1551 **Sec. 32. DIVISION 59-8.2 is amended as follows:**

1552 **Division 59-8.2. Residential Floating Zones**

1553 * * *

1554 **Section 8.2.4. RT Zone General Requirements and Development Standards**

1555 * * *

1556 **A. RT Zone, In General**

1557 **1. Combined Tracts**

1558 A tract in the RT zone may be combined with a tract in another Residential
 1559 zone, with site plan approval under Section 7.3.4, if:

1560 * * *

1561 c. the amount of [common open space] green area in the combined tract
 1562 is, at a minimum, the total required for the separate tracts;

1563 * * *

1564 **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 (min)</u>					
[Common open space] <u>Green Area</u> (% of tract)	50%	50%	50%	50%	30%
* * *					

1566 **C. RT Zone Development Including MPDUs**

1567 * * *

1568 **1. Development Standards**

1569 a. The development standards in Section 8.2.4.B may be modified as
 1570 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%
* * *					

1571 **Section 8.2.5. R-H Zone General Requirements and Development Standards**

1572 * * *

1573 **B. R-H Zone Standard Method Development Standards**

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

1575 **C. R-H Zone Special Regulations for a Development with MPDUs**

1576 * * *

1577 1. The [common open space] green area may be reduced to a minimum of
 1578 35%, if required to accommodate the construction of all workforce housing
 1579 units on-site.

1580 * * *

Sec. 33. DIVISION 59-8.3 is amended as follows:

Division 59-8.3. Planned Unit Development Zones

1583 * * *

Section 8.3.2. PD Zone

1585 * * *

C. Development Standards

1587 1. The maximum density allowed, and minimum [open space] green area
 1588 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>		
[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.		

1590 * * *

Section 8.3.5. Planned Retirement Community Zone

1592 * * *

C. Development Standards

1594 * * *

1595 **4. Coverage and [Common Open Space] Green Area**

1596 a. In a development of 750 acres or more:

1597 i. a maximum of 15% of the gross area may be covered by
1598 residential buildings; and

1599 ii. a minimum of 65% of the gross area must be devoted to
1600 [common open space] green area.

1601 b. In a development of less than 750 acres, a minimum of 50% of the
1602 gross area must be devoted to [common open space] green area.

1603 * * *

1604 **Section 8.3.6. Planned Cultural Center Zone**

1605 * * *

1606 **C. Development Standards**

1607 * * *

1608 **2. Coverage and [Public Open Space] Green Area**

1609 * * *

1610 b. A minimum of 30% of the total site area included in the development
1611 plan must be maintained as [public open space] green area; however,
1612 the District Council may reduce this requirement if it finds that
1613 comparable amenities or facilities provided in lieu of [open space]
1614 green area are sufficient to accomplish the purposes of the zone and
1615 would be more beneficial to the proposed development than strict
1616 adherence to the specific [public open space] green area
1617 requirements.

1618 * * *

1619 **Sec. 34. Effective date.** This ordinance becomes effective 20 days after the
1620 date of Council adoption.

1621 This is a correct copy of Council action.

1622

1623 _____

1624 Linda M. Lauer, Clerk of the Council