



Zoning Text Amendment - Modifications, Corrections and Clarifications

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Description

This Zoning Text Amendment (ZTA) clarifies language, corrects errors, and generally amends language in the new zoning ordinance. The changes requested by this ZTA have been brought to Planning Staff's attention over the past 6 months, since the effective date of the new code. For this reason, it is appropriate for the Planning Board to request introduction of this ZTA instead of the County Council.

Summary

Staff recommends transmittal of the Zoning Text Amendment (ZTA) to County Council for introduction. The ZTA includes clarifications and corrections based on implementation of the new zoning ordinance by the Planning Department, the Department of Permitting Services (DPS), the Office of Zoning and Administrative Hearings (OZAH), and other stakeholders.

Background/Analysis

The new zoning ordinance was adopted on March 5, 2014, and became effective on October 30, 2014. ZTA 14-09, which addressed initial corrections and clarifications to the zoning ordinance, was adopted on September 30, 2014, and also became effective on October 30, 2014. Since its effective date, widespread use of the new zoning ordinance has revealed text in need of clarification or correction, as well as a few substantive concerns. While a majority of the proposed revisions are minor in nature, some notable modifications to the code are also proposed.

The substantive issues addressed in this ZTA include:

- Revision of the definition of right-of-way and building height.

- Modification of the *Build-to Area, Transparency, Building Orientation, and Parking Setbacks for Surface Parking Lots* requirements under the standard method of development in the EOF and LSC zones for consistency with ZTA 15-05.
- Modifications to the process for amending a site plan.
- Amendment of the noticing standards for projects approved by the Planning Board (sketch plan, site plan, and major site plan amendments).
- Clarification of the provision for expansions above the amount “grandfathered” under a prior zone (typically the lesser of 10% or 30,000 square feet).

Each of these issues, and the language proposed to address each concern, is summarized in the “Substantive Changes” section below.

In addition to the more substantive change this ZTA proposes revisions to correct editorial errors characterized as unintentional changes from the prior zoning code. The ZTA also clarifies provisions that have been noted as confusing or unclear. Such changes, except those that only correct formatting or grammatical errors, are summarized in the “Language Clarification and Error Correction” section of this report.

SUBSTANTIVE CHANGES

- 1) Section 1.4.2: Add language to the definition of *Right-of-Way* to clarify that a private road located in an easement, but not necessarily placed in a separately platted lot or parcel, is also considered a right-of-way. Adding this language ensures that any building located on a private street, whether platted or under easement, is treated as a right-of-way with respect to any applicable development standards. Recent work on the rewrite of the Subdivision Regulations motivated this proposed revision when it became evident that requiring separately platted lots or parcels for private roads would make it difficult, if not impossible, to build desirable urban features, such as an underground parking garage under more than a single building .

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

- 2) Section 4.1.7.C.2.a: At the request of DPS, modify the definition of *Building Height in Commercial/ Residential, Employment, and Industrial Zones* to establish a uniform process for measuring building height on corner lots, regardless of lot size. The ZTA also includes a clarification that building height must always be measured from the curb grade opposite the middle of the front of the building, even if the building is on a corner lot.

a. Building height is always measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. [On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade.] For a corner lot or a lot extending through from street to street, the height [may] must be measured from [either] the curb grade opposite the middle of the front of a building.

- 3) Section 4.6.3.D.3; Section 4.6.3.D.5; Section 4.6.3.E.3; Section 4.6.3.E.5: Modify language in the placement and form specifications for the LSC and EOF zones under the standard method development. Similar to ZTA 15-05, the amended language would allow the Planning Board to modify *the Parking Setbacks for Surface Parking Lots, Build-to Area, Building Orientation, and Transparency* requirements under site plan review provided certain findings can be made.

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

a. *Parking Setbacks for Surface Parking Lots and Build-to Area* requirements only apply when the development fronts on a business district street 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 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 creates a pedestrian environment and enhances neighborhood compatibility¹.

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 creates a pedestrian environment and enhances neighborhood compatibility².

- 4) Section 7.3.4.J: Modify the site plan amendment language to make it more consistent with the prior zoning code. The new zoning code introduced a process for amending a site plan that was found to be both inefficient and overly burdensome once implemented.

^{1,2} ZTA 15-05 proposes modifications to the Placement and Form standards for the C/R zones. Following adoption of ZTA 15-05 similar modifications to the Placement and Form standards for the LSC and EOF zones should be made for consistency.

J. Amendments

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

1. Major Amendment

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

- a. A major amendment includes any request to increase density or height; change a use; decrease open space; [or to make a change to any condition] deviate from a binding element or a condition of approval; or alter a basic element of the plan.*
- b. [The Planning Board may approve an uncontested major amendment on its consent agenda if the Planning Director publishes a report and recommendation on the amendment a minimum of 10 days before the Planning Board meeting.] Public notice is required under Division 7.5.*
- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original site plan.*
- d. Additional requirements may be established by the Planning Department.*

2. Minor Amendment

a. [The Planning Director may approve a minor amendment to an approved site plan.] A minor amendment includes any change to a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan. A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment [also includes] does not include any change that [does not increase] increases density or height; [decrease a setback abutting a detached residential use; or alter the intent, objectives, or requirements of the Planning Board in approving the site plan] or prevents circulation on any street or path. [A minor amendment may also be approved to reduce the approved parking to satisfy Article 59-6.]

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

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

5) Division 7.5. Notice Standards

- Section 7.5.1; Section 7.5.2.D; Section 7.5.2.E.1: For sketch plan, site plan, and major site plan amendment applications, add a requirement to the table in Section 7.5.1 that requires an applicant to send out an application notice when the application is accepted (instead of the Planning Board sending out hearing notice when the application is accepted). Modify hearing notice so that Planning Board must send notice 10 days prior to the scheduled hearing. Also add a provision allowing the deciding body to require additional application notice according to approved rules of procedure.

The Planning Department has found that application noticing by the applicant, which was the practice under the old code, is more efficient than the procedure in the new code, which requires the Planning Department to send out hearing notice when the application is accepted. Although the Planning Department is working toward a 120 day review period, a thirty day extension can be approved by the Director based on the circumstances of the case, and longer extensions can be granted by the Board. Any change from the original date would have to be re-noticed, and this could be both frustrating and confusing to the public. For purposes of transparency, the Planning Department also wants the option to once again require that application notice be mailed to homeowner and civic associations located within one mile of the property proposed for redevelopment. Thus, language has been added to allow any deciding body the ability to require additional noticing according to its approved rules of procedures. In addition, Section 7.5.2.D.2 includes a clarification that application noticing for amendments should include a summary of the proposed amendment.

D. Application Notice

1. *When an application is accepted, the applicant must send notice of the application to all abutting and confronting property owners, civic and homeowners associations within 1/2 mile, any municipality within 1/2 mile, and pre-submittal meeting attendees if applicable. A condominium's council of unit owners may be notified instead of the*

owner and residents of each individual condominium. The deciding body may require additional noticing according to its approved rules of procedure.

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

E. Hearing Notice

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

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

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

- Section 7.5.2.C: For sketch plan, site plan, and a major site plan amendment add a requirement that the application sign be posted *before* an application is accepted, and require that the applicant use the sign template provided by the Planning Department. Also remove the requirement that the application sign include the date of filing, because the sign must be posted prior to the date of filing for sketch plan, site plans, and major site plan amendments.

C. Application Sign

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

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

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

2. The sign must meet the following specifications:

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

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

3. The sign must include:

[a. the date of filing;]

[b]a. application number and name;

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

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

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

- 6) Section 7.7.1.C.4: Modify the grandfathering language regarding expansions of buildings in Commercial/ Residential, Employment, or Industrial zones that existed or were approved prior to October 30, 2014. If an applicant wishes to exceed the expansion threshold under Section 7.7.1.C.2 (typically the lesser of 10% of the gross floor area approved for the site, or 30,000 square feet), then any new development, including the “grandfathered” amount, must meet the standards of the existing zone. This modification will make the application, review, and approval process for the expansion more straightforward for all stakeholders. As currently drafted, only the expansion above the grandfathered amount is required to meet the standards of the current zone thus requiring the application of two zoning ordinances for one expansion.

4. Expansion above Section 7.7.1.C.2

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

Language Clarification and Error Correction

Article 59-1

- Section 1.4.2. Specific Terms and Phrases Defined
 - Per request of DPS, add a definition of *Bay Window*, and include a requirement that it be primarily made of glass. This definition helps clarify the intent of the setback encroachment allowed for bay windows.
 - Add a definition of *Entrance Spacing* (referenced in Section 1.4.2. and defined in Section 4.1.7.D.3) to clarify the intent of the entrance spacing requirement in C/R, EOF, and LSC zones.
 - Correct the definition of *Home Occupation and Home Health Practitioner, Eligible Area* to also reference *Home Health Practitioner* at the end of the definition.
 - Add definitions for *Lot Line, Side Lot Line, Side Street*; and clarify the definition of *Lot Line, Front*. These definitions clarify the setback and build-to area requirements.
 - Modify the definition of *Site Element* to include a “paved surface” up to 625 square feet. This change will limit the amount of paved surface that may be added to a property with an approved site plan without the need for a site plan amendment.

Article 59-3

- Section 3.1.5.A.3: Remove *Ambulance, Rescue Squad (Private)* from the list of uses that are prohibited if a property in the AR zone is encumbered by a recorded TDR. *Ambulance, Rescue Squad (Private)* is a prohibited use in the AR zone making it unnecessary to state that the use is prohibited if the property is encumbered by a recorded TDR.

- Section 3.3.1.D.2.b.viii: In the conditional use standards for *Townhouse Living*, replace the reference to “alternative compliance” with a reference to a “parking waiver” to be consistent with the addition of the parking waiver provision in this ZTA (see Section 6.2.10).³
- Section 3.3.2.C.2.b: In the conditional use standards for *Independent Living Facility for Seniors or Persons with Disabilities*, add language to clarify that the maximum density is determined by the Hearing Examiner based on the development standards in the applicable zone. Also switch the order of standards iv. and v. to improve the readability of this Section.
- Section 3.3.3.A.2.c: Clarify that the limited use standards in Section 3.3.3.B.2. or Section 3.3.3.C, as applicable, must be satisfied when an *Accessory Apartment* conditional use application is filed under this Section.
- Section 3.3.3.C.2.a.iv.: Add the requirement that a detached house associated with a *Detached Accessory Apartment* must be at least 5 years old on the date of application. This correction is consistent with the intent of County Council when ZTA 12-11 was adopted.
- Section 3.5.1.B.2.b.i.(m): Delete the reference to Section 3.1.5 (Transferable Development Rights) in the use standards for *Animal Boarding and Care*. The use is allowed in the AR zone even if a property is encumbered by a TDR. This correction is consistent with the old zoning code.
- Section 3.5.2.C.2.b.ii.: Clarify the required setback for a *Telecommunication Tower* from an existing dwelling in the Agricultural, Rural Residential and Residential zones. The setback is the greater of one foot for every foot of tower height or 300 feet. Also remove the reference to Industrial zones from the conditional use standards, as a *Telecommunication Tower* is a limited use in the Industrial zones.
- Section 3.5.4.A.2: Add a cross reference to Section 3.1.5. (Transferable Development Rights) to clarify that a *Cemetery* is prohibited if a property in the AR zone is encumbered with a TDR. Also add language to clarify that a family burial site *is* allowed if a property is encumbered by a TDR. These corrections are consistent with the old zoning code.
- Section 3.5.14.C.2.e: In the use standard for *Antenna on Existing Structure*, replace “detached residential dwelling” with “detached house” so the building type language is consistent throughout the code.

³ Section 3.3.1.D.2.b. was adopted by ZTA 15-02 on April 21, 2015.

- Section 3.5.14.G.2.d. Add a cross reference to Section 3.1.5. (Transferable Development Rights) to clarify that *Lawn Maintenance Service* is prohibited if a property in the AR zone is encumbered with a TDR.
- Section 3.6.5.A: Correct the definition of *Mining, Excavation* to allow rock extraction to occur in the zones where *Mining, Excavation* is allowed.

Article 59-4

- Section 4.1.2.B: Add language to clarify that properties exempt from the platting requirements in Chapter 50 are also exempt from the requirement that “every new building must be located on a lot.” This correction is consistent with the old zoning code.
- Section 4.1.7.B.1.b.v: Remove the explanation of how to interpret a setback expressed as 2 numbers. This ZTA modifies all setbacks that are expressed as 2 numbers, so the explanation is no longer necessary (i.e. 4’ or 20’ is changed to 4’ for certain setbacks in Section 4.3.2. through Section 4.6.3.).
- Section 4.1.7.B.2: Clarify that the build-to area requirement also applies to the side street building façade, and that the build-to area for a front or side street building façade can also be measured from the right-of-way. Also clarify that drive aisles are prohibited in the build-to area, but access driveways perpendicular to the right-of-way are allowed. In addition, reorganize the language to clarify the definition of build-to area.
- Section 4.1.7.B.3.b: Clarify that the front or side street parking setback can also be measured from the right-of-way.
- Section 4.1.7.B.5.a.i; Section 4.1.7.B.5.a.ii; and Section 4.1.7.B.5.c: Clarify that the maximum encroachment allowed for certain building features into a side street setback is based on the width of the setback. On corner lots with a side street setback of at least 25’, these building features may project 9 feet (instead of 3 feet) into the setback. This correction is consistent with the old zoning code.
- Section 4.1.7.B.5.a.vii: Per request by DPS, limit the total area of all bay windows and oriel on a building façade to 50% of the façade. This restriction will prevent house designs with an unreasonable amount of bay windows encroaching into setbacks.
- Section 4.1.7.C.1: Per request by DPS, modify the definition of *Building Height in Agricultural, Rural Residential, and Residential zones* to match the definition of *Height of a residential building in the R-60 and R-90 zones* from the old code. Height can be measured to the highest point of a roof surface, regardless of roof type.

- Section 4.1.7.C.2: Clarify that building height in Commercial/ Residential, Employment, and Industrial zones is always measured from the level of approved curb grade opposite the middle of the front of the building, even for corner lots.
- Section 4.1.7.D.3: Add a definition for *Entrance Spacing* to clarify that an entrance must be provided for a specified length of building façade, as specified in Division 4.5 and Division 4.6.
- Division 4.1 through Division 4.6: Replace the *4' or 20'* requirement for *Front setback, private street or open space* and *Rear setback, alley* with a *4'* requirement. The *4' or 20'* requirement causes confusion and was found to be an impractical standard for many types of developments.

Rural Residential and Residential Detached Zones

- For standard method development in the R-90 (Section 4.4.8.B), R-60 (Section 4.4.9.B) and R-40 (Section 4.4.10.B) zones, modify the height language to match the old code (the maximum height, as measured to the highest point of a roof surface, regardless of roof type, is 35').
- For optional method cluster development in the RE-2C (Section 4.4.5.D.1), RE-1 (Section 4.4.6.D.1), R-200 (Section 4.4.7.C.1), and R-60 (Section 4.4.9.C) zones, add a provision from the old code to *Specification for Site under Cluster Development*. This provision allows the Planning Board to approve an optional method cluster development if the site abuts an existing cluster development in the same zone, even if the site does not satisfy the minimum usable area requirement. ZTA 14-09 added the same language for the R-90 zone.
- For optional method development in the RNC (Section 4.3.5.E), RE-2C (Section 4.4.5.D), RE-1 (Section 4.4.6.D), R-200 (Section 4.4.7.C), R-90 (Section 4.4.8.C), R-60 (Section 4.4.9.C), and R-40 (Section 4.4.10.C) zones, replace the lot coverage requirement for townhouses with a site coverage requirement, add a specification explaining how site coverage is calculated if townhouses are included in a development, and reduce the townhouse lot area requirement for consistency with other townhouse development standards in the code.
- For optional method development in the R-90 (Section 4.4.8.C), R-60 (Section 4.4.9.C), and R-40 (Section 4.4.10.C) zones, reduce the common open space requirement by half. This change is a response to feedback that an optional method development including townhouses would be extremely difficult to develop due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in an amount equivalent to that required by green area in the old zoning ordinance.
- Section 4.3.2.B: Remove the statement that open space requirements are not changed in Optional Method Cluster Development, as the statement is not accurate.

- Section 4.3.4.D: For RC optional method, correct the specification for coverage to match the language in the RC standard method specification for coverage.
- Section 4.3.5.D: Add language to clarify that the RNC zone allows an optional method of development without the provision of MPDUs above those required in Chapter 25A, if recommended in a master plan. This optional method of development was allowed in the old code and inadvertently left out of the new code.
- Section 4.3.5.E: For RNC optional method, add language from the old code requiring that a developed lot that provides any portion of the rural open space be a minimum of 10 acres.
- Section 4.4.1: Clarify that standard method development in the Residential zones may require site plan approval according to the chart in Section 7.3.4.A.8.
- Section 4.4.2.A: For optional method MPDU development in Residential zones, delete the phrase “an increase in density above the total number of dwelling units allowed by standard method development.” In some cases, the mathematical density decreases in optional method.
- Section 4.4.2.B: For optional method cluster development in Residential zones, delete the sentence “The density of dwelling units per acre and open space requirements are not changed” as the sentence is not accurate.
- Section 4.4.5.C: Remove the sentence in optional method cluster development in RE-2C that says “site plan approval may also be required...” since site plan is now always required for optional method development in the Residential zones.
- Section 4.4.5.D: For RE-2C optional method cluster, increase the maximum lot coverage for a detached house. This correction is consistent with the old zoning code.

Townhouse Zones

- For standard method development in the TLD (Section 4.4.11.B), TMD (Section 4.4.12.B), and THD (Section 4.4.12.B) zones, correct the following development standards:
 - Reduce common open space requirement. This change is a response to feedback that a townhouse development would be extremely difficult to build due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in amounts equivalent to that required by green area in the old zoning ordinance.
 - Increase site coverage for townhouses
 - Reduce lot area requirement for townhouses

- Reduce the side street setback; the side setback, end unit (in TMD, THD only); the side setback between lot and site boundary; and the rear setback between lot and site boundary
- Reduce the side street setback for an accessory structure

The Euclidean townhouse zone development standards under the new code were reviewed in more detail and applied to several approved projects – revealing that as written these standards are extremely difficult to satisfy.

- For optional method development in the TLD (Section 4.4.11.C), TMD (Section 4.4.12.C), and THD (Section 4.4.12.C) zones, correct the following development standards:
 - Modify usable area requirement
 - Reduce common open space requirement for the same reason described for the standard method Townhouse zones.
 - Replace lot coverage for townhouses with site coverage
 - Add a specification explaining how site coverage is calculated if townhouses are included in a development
 - Reduce the front setback from private streets or open space and reduce the side street setback
 - Delete coverage for all building types under placement (this was a mistake in the TLD zone only)

Multi-Unit Zones

- For standard method development in the R-30 (Section 4.4.14.B), R-20 (Section 4.4.15.B), and R-10 (Section 4.4.16.B) zones:
 - Reduce common open space requirements for townhouses and apartments. This change is a response to feedback that a townhouse development would be extremely difficult to build due to the onerous open space requirements. Because common open space requirements in the new code have more stringent design criteria than the green area requirements under the old code, reducing the percentage requirement satisfies the intent to provide usable open space for the residents of the community in amounts equivalent to that required by green area in the old zoning ordinance.
 - Increase site coverage for townhouses
 - Reduce lot area requirements for townhouses (R-30 and R-20 only)
 - Reduce the side street setback, and the side setback, end unit for townhouses
 - Reduce the side street setback for an accessory structure for townhouses
 - Remove entrance spacing requirement from R-10 because it is not required for any building types in this zone

- For optional method development in the R-30 (Section 4.4.14.C), R-20 (Section 4.4.15.C), and R-10 (Section 4.4.16.C) zones:
 - Modify usable area requirement
 - Reduce common open space requirement for the same reason described for the standard method Multi-Unit zones
 - Replace lot coverage requirement for townhouses and apartments with site coverage requirement
 - Add a specification explaining how site coverage is calculated if townhouses or apartment buildings are included in a development
 - Reduce the front setback from private street or open space for townhouses (also for detached houses and duplexes in R-30)
 - Reduce the side street setback for townhouses

Employment Zones

- Section 4.6.3.B.1: Add a reference to the table in Section 7.3.4.A.8 that indicates when site plan is required under standard method development so that applicants know they may have to go through site plan.
- Section 4.6.3.B.2: Add a provision that allows an applicant to file a site plan application to modify the Parking Setbacks for Surface Parking Lots, Build-to Area, Building Orientation, and Transparency requirements under EOF and LSC standard method development. This language mimics the language proposed for C/R standard method in ZTA 15-05, with the exception of the parking setbacks - the Employment zones already contained language to allow modifications by the Board.
- For standard method development in the GR and NR (Section 4.6.3.C), LSC (Section 4.6.3.D), and EOF (Section 4.6.3.E) zones:
 - Correct the headers for duplex-over and duplex-side columns - they were reversed
 - Reduce the open space requirement for townhouses
 - Remove the lot coverage requirement for townhouses
 - Reduce the side setback, end unit; side setback between lot and site boundary; and rear setback between lot and site boundary for townhouses
 - Reduce the side street setback for an accessory structure for townhouses
- For standard method development in the LSC (Section 4.6.3.D) and EOF (Section 4.6.3.E) zones, also do the following:
 - Clarify that the front and side street parking setback must be behind the building line of the building located in the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.

- Modify the side street parking setback to indicate that a surface parking lot must be behind the *side street* building line to be consistent with the intent and definition of the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.
 - Clarify the header for build-to area to indicate that a minimum percentage of the building façade must be located in the build-to area. This mimics a similar clarification made for C/R standard method in ZTA 15-05.
- Section 4.6.4.B.1.a: For the open space requirements in optional method EOF and LSC, replace “lot” with “tract”. This was an error that was corrected in ZTA 15-05 for the C/R zones as well.

Public Benefits

- Section 4.7.1.B.2: Correct the reference to “CR Zone Incentive Density Guidelines” to reference “Commercial/Residential and Employment Zone Incentive Density Guidelines”.
- Section 4.7.3.E.5 Correct the public art language to match the current practice of the Art Review Panel.

Industrial Zones

- Section 4.8.3: Add a reference to the table in Section 7.3.4.A.8 that indicates when site plan is required for standard method development so that applicants know they may have to go through site plan in an Industrial zone. Also correct the numbered reference to amenity open space in the development standards table.

Overlay Zones

- Section 4.9.8.D.1: Clarify language in the Garrett Park Overlay to be consistent with old code. For buildings on a corner lot, add a reference that the side street setback must be equal to or greater than the front setback of a building on an abutting lot that fronts on the side street.
- Section 4.9.14.D.2.c: In the Takoma Park/East Silver Spring Commercial Revitalization Overlay, remove the reference to the EOF zone since there is no longer any land classified in the EOF zone within this Overlay.
- Section 4.9.15.B.2.c: Clarify, in the table for the TDR Overlay zone, that the minimum usable area of the R-60 optional method MPDU development standards do not apply.
- Section 4.9.18.B.1: Add language from the old zoning code to the Upper Rock Creek Overlay zone to indicate that development not served by community sewer is exempt from the requirements of the overlay zone.

Article 59-5

- Section 5.1.2.B.3: Correct this floating zone intent statement; it references terms used in an old draft of the new zoning code, and some of the language is redundant.
- Section 5.3.1.B; Section 5.4.1.B; Section 5.5.1.B: Clarify that the mapping increments (0.25 for density and 5' for height) apply to the C/R, Employment, and Industrial Floating zones.

Article 59-6

- Section 6.2.2.B: Modify the applicability language so it refers to a parking waiver instead of alternative compliance. A parking waiver provision is added via Section 6.2.10 of this ZTA.
- Section 6.2.3.D.1 and Section 6.2.3.E: Clarify the language for calculating the minimum number of car-share and electric vehicle charging spaces required.
- Section 6.2.3.G.1.e: Modify the off-site parking language so it refers to a parking waiver instead of alternative compliance. A parking waiver provision is added via Section 6.2.10 of this ZTA.
- Section 6.2.4: Clarify how the metrics in the parking table work in terms of calculating the baseline minimum (per Hearing Examiner request).
- Section 6.2.5.M: Clarify that the requirements for surface parking in the R-60 and R-90 zones also apply to the side street, not just the front street.
- Section 6.2.10: Add language to allow the deciding body to grant a parking waiver, similar to the old code.
- Section 6.4.3.C.2.a; Section 6.4.3.C.3.c: Remove the provision which prohibits fences and walls above 4 feet tall in the front setback of a Residential zone; fence height would generally be restricted to 6' 6" anywhere on a property. The 4 foot restriction was added by the consultant who produced the original drafts of the new zoning code. After implementation of the new code, DPS realized that many fences above 4 feet currently exist in the front setbacks of many Residential neighborhoods, and residents continue to want to repair these existing fences or request new privacy fences taller than 4' in height. Further, swimming pools, which can be located in the side yard of a corner lot, require 5' fences to comply with pool safety requirements.
- Section 6.8.1: Clarify the language in alternative compliance and remove the reference to Division 6.2, since the parking waiver (included in Section 6.2.10 of this ZTA) now applies to that Division.

Article 59-7

- Section 7.3.1.K.2: Modify the conditional use minor amendment to accommodate the 60 day time frame for amending a *Telecommunications Tower* conditional use as required under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a). With the modified language, noticing is required for a *Telecommunications Tower* minor conditional use amendment, but a hearing cannot be requested.
- Section 7.3.3.B.3.h.v: Clarify language in sketch plan application requirements.
- Section 7.3.3.C: Clarify that if a sketch and preliminary plan come in together the timeframe to review the application follows the longer time frame (120 days).
- Section 7.3.3.I. Add language to clarify the sketch plan amendment process.
- Section 7.3.4.A: Clarify that site plan approval is required as indicated in the table in Section 7.3.4.A.8 and as specified in the Chapter, and remove the references to specific types of applications that require site plan approval. Also clarify that site plan approval is required for new construction or the expansion of an existing structure, but not for a new use relocating to an existing building. Finally, when calculating the intensity of a proposed building expansion to determine if site plan approval is required, both the existing structure and the expansion must be included.
- Section 7.3.4.B.2.1.i: Add “use” to the list of elements that an applicant must show on a proposed site plan.
- Section 7.3.4.G.2.c: Clarify that only “a structure other than a building” that does not conflict with any finding required for site plan approval is exempt from conformance to an approved site plan. Remove “paved surface” from the list of things that are exempt from conformance to approved site plans as it is now captured under the definition of site element and limited in size.
- Section 7.4.1.C: Clarify that the Planning Director must confirm that a property has all necessary approvals from the Planning Board and Planning Director before a building permit is issued.
- Section 7.5.2.B: Clarify that the pre-submittal meeting must be held within 90 days of filing the application, and remove the requirement that a pre-submittal meeting notice include phone and website info for intake agency. At the time of the pre-submittal meeting, the Planning Department is generally unaware of the details of the application, so including the agency’s contact information on the pre-submittal meeting sign will cause confusion for the public and the Planning Department staff.
- Section 7.5.2.H: Remove language that contradicts, or is redundant with, language in Division 7.2 and Division 7.3. Also clarify that a recommendation report provided by the Planning Director to the Planning Board must be posted on the Planning Board’s website.

- Section 7.7.1.A.1: Clarify that a new use can locate in a building or structure deemed conforming under this section.
- Section 7.7.1.B.1: Clarify that the gross tract area of an application in progress prior to October 30, 2014 may not be increased. This prevents applicants from incrementally adding gross floor area to a project by using density transfers.
- Section 7.7.1.B.3: Clarify the use of the words “amended” vs “modified” when referring to applications and plans; an application is modified, while a plan is amended. This terminology is used by the Planning Department, so modifying the language will reduce confusion. Also clarify that any amendment to an application filed under the old code cannot add additional gross floor area with a density transfer recorded after October 30, 2014.
- Section 7.7.1.B.5: Add language to clarify that binding elements associated with a Local Map Amendment approved prior to October 30, 2014 apply until a property is rezoned through a Sectional Map Amendment and a new application is approved.
- Section 7.7.1.C.1: Clarify the amendment vs. modification language as described above.
- Section 7.7.1.C.2: Modify the header to clarify that this Section only applies to properties in Commercial/ Residential, Employment, and Industrial zones. Also clarify that an *application* pending on October 29, 2014 may expand up to the full amount allowed under the property’s zoning on October 29, 2014, but once the application is approved, any expansion under the prior zone is limited to the lesser of 10% of the gross floor area or 30,000square feet.
- Section 7.7.1.D.6.a: Add language from the old code that allows lots and parcels in the RE-2, RE-2C, and RE-1 zones to develop under the area and dimensional requirements of a prior zone if a lot was approved on or before the date of the most recent Sectional Map Amendment.
- Section 7.7.1.D.7: Add language from the old code that allows a lot or parcel in the Rural zone to develop under the area and dimensional standards of a prior zone if the lot was created by June 1974, or if lots under 5 acres were created by replatting 2 or more lots.
- Section 7.7.1.D.8: Add language from the old code that allows a lot or parcel in the RC zone to develop under the area and dimensional standards of a prior zone if the lot was created before the approval of the most recent Sectional or Local Map Amendment, or if lots under 5 acres were created by replatting 2 or more lots.
- Add language from the old zoning ordinance that, under certain circumstances, would exempt lots or parcels in the AR, Rural, RC, RE-2, RE-2C, and RE-1 zones from the area and dimensional requirements of the current zone. The exemption generally applies to lots and parcels created by deed before the approval of the most recent Sectional Map Amendment that included the subject property.

Article 59-8

- Section 8.1.1: Clarify that the zones nominally retained from the previous ordinance (RT, R-H, PD, T-S, PNZ, and PRC) must be rezoned during the master plan process.
- Section 8.2.4; Section 8.2.5; Section 8.3.2; Section 8.3.5; Section 8.3.6: For consistency with the old zoning ordinance, replace the “open space” requirement in the RT, RH, PD, PRC, PCC zones with a “green area” requirement.

Zoning Text Amendment No.: 15-XX

Concerning: Zoning Ordinance
Rewrite – Updates,
Clarifications, and
Corrections

Draft No. & Date: 1 – 5/XX/15

Introduced: May XX, 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**

By: Councilmember

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

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

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

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

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

| | |
|--------------------|---|
| DIVISION 59-5.3. | “COMMERCIAL/RESIDENTIAL FLOATING ZONES” |
| Section 59-5.3.1. | “Zones” |
| DIVISION 59-5.4. | “EMPLOYMENT FLOATING ZONES” |
| Section 59-5.4.1. | “Zones” |
| DIVISION 59-5.5. | “INDUSTRIAL FLOATING ZONES” |
| Section 59-5.5.1. | “Zones” |
| DIVISION 59-6.2. | “PARKING, QUEUING, AND LOADING” |
| Section 59-6.2.2. | “Applicability” |
| Section 59-6.2.3. | “Calculation of Required Parking” |
| Section 59-6.2.4. | “Parking Requirements” |
| Section 59-6.2.5. | “Vehicle Parking Design Standards” |
| Section 59-6.2.10. | “Parking Waiver” |
| DIVISION 59-6.4. | “GENERAL LANDSCAPING AND OUTDOOR LIGHTING” |
| Section 59-6.4.3. | “General Landscaping Requirements” |
| DIVISION 59-6.8. | “ALTERNATIVE COMPLIANCE” |
| Section 59-6.8.1. | “Alternative Method of Compliance” |
| DIVISION 59-7.3. | “REGULATORY APPROVALS” |
| Section 59-7.3.1. | “Conditional Use” |
| Section 59-7.3.3. | “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 59-7.7. | “EXEMPTIONS AND NONCONFORMITIES” |
| Section 59-7.7.1. | “Exemptions” |
| DIVISION 59-8.1. | “IN GENERAL” |
| Section 59-8.1.1. | “Applicability” |
| DIVISION 59-8.2. | “RESIDENTIAL FLOATING ZONES” |
| Section 59-8.2.4. | “RT Zone General Requirements and Development Standards” |
| Section 59-8.2.5. | “R-H Zone General Requirements and Development Standards” |
| DIVISION 59-8.3. | “PLANNED UNIT DEVELOPMENT ZONES” |
| Section 59-8.3.2. | “PD Zone” |
| Section 59-8.3.5. | “Planned Retirement Community Zone” |
| Section 59-8.3.6. | “Planned Cultural Center Zone” |

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

ORDINANCE

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

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

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

3 * * *

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

5 * * *

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

10 * * *

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

12 * * *

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

14 * * *

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

22 * * *

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

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

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

27 * * *

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

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

33 * * *

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

37 * * *

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

42 * * *

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

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

45 * * *

46 **Section 3.1.5. Transferable Development Rights**

47 A. The following uses are prohibited if the lot or parcel on which the use is 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

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

59 * * *

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

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

62 **Section 3.3.1. Household Living**

63 * * *

64 **D. Townhouse Living**

65 * * *

66 **2. Use Standards**

67 * * *

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

71 * * *

72 viii. Reducing the number of required parking spaces through [alternative
73 compliance under Division 6.8] a parking waiver under Section
74 6.2.10 is prohibited.

75 * * *

76 **Section 3.3.2. Group Living**

77 * * *

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

79 * * *

80 **2. Use Standards**

81 * * *

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

86 * * *

87 iv. [Height, density, coverage, and parking standards must be
88 compatible with surrounding uses and the Hearing Examiner may
89 modify any standards to maximize the compatibility of buildings
90 with the residential character of the surrounding neighborhood.]

91 The maximum building height of an Independent Living Facility
92 for Seniors or Persons with Disabilities is 60 feet and the
93 maximum density is determined by the Hearing Examiner under
94 the development standards of Section 3.3.2.C.2.b.vi through
95 Section 3.3.2.C.2.b.ix, in spite of any other limitation in this
96 Chapter.

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

104 * * *

105 **Section 3.3.3. Accessory Residential Uses**

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

107 * * *

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

109 * * *

110 c. Where an Accessory Apartment conditional use application is filed under
111 Section 3.3.3.A.2.b, the Accessory Apartment may be permitted by the
112 Hearing Examiner under the limited use standards in Section 3.3.3.A.2.a,
113 Section 3.3.3.B.2 or Section 3.3.3.C.2.a, and Section 7.3.1, Conditional
114 Use, and the following standards:

115 * * *

116 **B. Attached Accessory Apartment**

117 * * *

118 **2. Use Standards**

119 Where an Attached Accessory Apartment is allowed as a limited use, it
120 must satisfy the use standards for all Accessory Apartments under Section
121 3.3.3.A.2 and the following standards:

122 a. A separate entrance is located:

123 * * *

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

127 * * *

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

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

136 **C. Detached Accessory Apartment**

137 * * *

138 **2. Use Standards**

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

142 * * *

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

146 * * *

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

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

149 * * *

150 **Section 3.5.1. Animal Services**

151 * * *

152 **B. Animal Boarding and Care**

153 * * *

154 **2. Use Standards**

155 * * *

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

159 * * *

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

161 * * *

162 [(m) In the AR zone, this use may be prohibited under Section
163 3.1.5, Transferable Development Rights.]

164 * * *

165 **Section 3.5.2. Communication Facility**

166 * * *

167 **C. Telecommunications Tower**

168 * * *

169 **2. Use Standards**

170 * * *

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

175 * * *

176 ii. A Telecommunications Tower must be set back from the property
177 line, as measured from the base of the support structure, as
178 follows:

179 (a) A Telecommunications Towers is prohibited in any scenic
180 setback indicated in a master plan.

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

185 (c) In the Employment [and Industrial] zones, a distance of
186 one- half foot for every foot of height when abutting
187 Commercial/ Residential, Employment, or Industrial zoned
188 properties, and one foot for every foot of height when abutting
189 Agricultural, Rural Residential, or Residential zoned properties.

190 * * *

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

192 **A. Cemetery**

193 * * *

194 **2. Use Standards**

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

198 * * *

199 d. In the AR, R, and RC zones, a family burial site is allowed only as an
200 accessory use on a residentially developed property and may only be
201 approved on a lot or parcel that is appropriate to the circumstances and
202 is a minimum of 25 acres in size. A family burial site must be set back
203 a minimum of 100 feet from any abutting property in a Residential
204 zone and a minimum of 50 feet from any existing or master-planned
205 street. The use of any property for a family burial site must be recorded

206 in the lands records of Montgomery County. A family burial site is not
207 restricted by Section 3.1.5, Transferable Development Rights.

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

210 * * *

211 **Section 3.5.14. Accessory Commercial Uses**

212 * * *

213 **C. Antenna on Existing Structure**

214 * * *

215 **2. Use Standards**

216 * * *

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

222 * * *

223 **G. Lawn Maintenance Service**

224 * * *

225 **2. Use Standards**

226 * * *

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

229 * * *

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

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

232 * * *

233 **Section 3.6.5. Mining, Excavation**

234 **A. Defined**

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

238 * * *

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

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

241 * * *

242 **Section 4.1.2. Compliance Required**

243 * * *

244 B. Every new building must be located on a lot, except as allowed under Section
245 7.7.1.D.2 or as exempt from the platting requirements under Chapter 50.

246 * * *

247 **Section 4.1.7. Measurement and Exceptions**

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

249 * * *

250 **B. Placement**

251 **1. Structure Setbacks**

252 * * *

253 **b. Measurement of Setbacks**

254 There are front, side street, side, and rear setbacks. Through lots have
255 2 front setbacks. A lot abutting an alley is not a through lot.

256 i. The front setback is measured from the front lot line to a
257 structure.

- 258 ii. The side street setback is measured from the side street lot
- 259 line to a structure.
- 260 iii. The side setback is measured from the side interior lot line
- 261 to a structure.
- 262 iv. The rear setback is measured from the rear lot line to a
- 263 structure.
- 264 [v. Where a setback is expressed as 2 numbers separated by
- 265 "or" (such as 4' or 20'), a property owner may build either to
- 266 the lesser setback, or no closer to the lot line than the greater
- 267 setback. A setback between the 2 numbers is prohibited.]

2. Build-to Area

Defined

- 270 a. The build-to area is the area on the lot from the edge of the lot line or
- 271 right-of-way to the maximum setback where a certain percentage of the
- 272 front or side street building façade must be located[, measured as a
- 273 range from the edge of the lot line].
- 274 b. A surface parking lot and a drive aisle are prohibited in the build-to
- 275 area. All other structures and uses customarily allowed on the lot are
- 276 allowed in the build-to area, [except a surface parking lot] including an
- 277 access driveway perpendicular to the right-of-way.

3. Parking Setbacks

* * *

b. Measurement of Parking Setbacks

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

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

287 * * *

288 **5. Setback Encroachments**

289 Any building or structure must be located at or behind the required
290 building setback line, except

291 **a. Building Features**

292 i. Any unenclosed porch, deck, terrace, steps, or stoop may project a
293 maximum of 3 feet into any side setback, or any side street setback
294 of less than 25 feet [or side setback] and may project a maximum
295 of 9 feet into any front setback, [or] rear setback, or any side street
296 setback where the side street setback is a minimum of 25 feet. This
297 encroachment includes an unenclosed roofed porch or terrace.

298 ii. Any roofed and unenclosed steps or stoop may project a maximum
299 of 3 feet into any side setback, or any side street setback of less
300 than 25 feet [or side setback] and may project a maximum of 9 feet
301 into any front setback, [or] rear setback, or any side street setback
302 where the side street setback is a minimum of 25 feet. Any roof
303 covering unenclosed steps or a stoop may project a maximum of 3
304 feet into any setback.

305 * * *

306 viii. Any bay window, oriel, entrance, vestibule, or balcony, 10 feet in
307 width or less, may project a maximum of 3 feet into any setback.
308 The total area of all bay windows and oriels on a building façade is
309 a maximum of 50% of the façade.

310 * * *

311 **c. Solar Panels**

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

317 * * *

318 **C. Height**

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

320 a. Building height is measured from the average grade to the mean height
321 level between the eaves and ridge of a gable, hip, mansard, or gambrel
322 roof or to the highest point of roof surface [of a flat roof] regardless of
323 roof type.

324 * * *

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

327 a. Building height is always measured from the level of approved curb
328 grade opposite the middle of the front of a building to the highest point
329 of roof surface of a flat roof or to the mean height level between eaves
330 and ridge of a pitched roof. If a building is located on a terrace, the
331 height may be increased by the height of the terrace. [On a corner lot
332 exceeding 20,000 square feet, the height of the building may be
333 measured from either adjoining curb grade.] For a corner lot or a lot
334 extending through from street to street, the height [may] must be
335 measured from [either] the curb grade opposite the middle of the front
336 of a building.

337 * * *

338 **D. Form**

339 * * *

340 **3. Entrance Spacing**

341 a. Entrance spacing is the maximum distance between entrances. One
342 entrance must be provided for a specified length of building façade
343 fronting a street or open space, as indicated in Division 4.5 and Division
344 4.6.

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

347 **Section 4.1.8. Compatibility Requirements**

348 * * *

349 **B. Height Compatibility**

350 **1. Applicability**

351 Section 4.1.8.B applies to a property that:

- 352 a. abuts or confronts a property in an Agricultural, Rural Residential,
- 353 Residential Detached, or Residential Townhouse zone that is vacant or
- 354 improved with an agricultural or residential use; and
- 355 b. proposes any building type in a Commercial/Residential, Employment,
- 356 Industrial, or Floating zone.

357 * * *

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

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

360 * * *

361 **Section 4.3.2. Optional Method Development**

362 * * *

363 **B. Optional Method Cluster Development**

364 The cluster method of development provides an optional method of
 365 development that encourages the provision of community open space for active
 366 or passive recreation as well as the preservation and enhancement of natural
 367 resources. Optional method Cluster Development allows flexibility in lot layout
 368 and for variety in the types of residential buildings. The density of dwelling
 369 units per acre [and open space requirements are] is not changed. The character
 370 of the existing neighborhood is protected and open space for common use is
 371 provided. To accomplish these objectives, certain changes in lot areas and
 372 dimensions and a greater variety of building types are allowed. An applicant's
 373 use of this method of development, and site plan approval for portions of such
 374 development, are subject to approval by the Planning Board.

375 * * *

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

377 * * *

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

| | Cluster Development |
|---|---------------------|
| | Detached House |
| * * * | |
| 2. Lot | |
| * * * | |
| Specification for Coverage | |
| a. The total impervious surface area of [a] <u>any</u> proposed preliminary plan must [satisfy] <u>not exceed</u> any impervious surface area [limit] <u>limits</u> recommended by the master plan. [A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area.] A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area. | |
| 3. Placement | |

| | |
|--|-------------|
| Principal Building Setbacks (min) | |
| * * * | |
| Rear setback, alley | 4' [or 20'] |
| * * * | |

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

381 * * *

382 **C. RNC Zone, Standard Method Development Standards**

| | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone | Duplex - Side | Duplex - Over | Townhouse |
|---|--|----------------------|----------------------|----------------------------|
| 1. Site | | | | |
| * * * | | | | |
| [Specifications] <u>Specification</u> for Site Coverage | | | | |
| a. In development with a townhouse building type, site coverage is calculated based on the area of the site minus any area for detached house <u>and duplex</u> lots. | | | | |
| 2. Lot and Density | | | | |
| Lot (min) | | | | |
| Lot area | 25,000 SF | 12,500 SF | 25,000 SF | [1,400] <u>1,100</u> 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 | | | | |
| * * * | | | | |

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

385 * * *

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

391 **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'] |
| * * * | | | |

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

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

395 **Section 4.4.1. Standard Method Development**

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

399 * * *

400 **Section 4.4.2 Optional Method Development**

401 * * *

402 **A. Optional Method MPDU Development**

403 This optional method of development is permitted where moderately priced
 404 dwelling units (MPDUs) are included in a development above the minimum
 405 required by Chapter 25A, to facilitate the construction of those units. Optional
 406 method MPDU Development [allows an increase in density above the total
 407 number of dwelling units allowed by the standard method of development;]

408 allows additional building types[;] and provides more flexibility for certain
409 dimensional standards.

410 * * *

411 **B. Optional Method Cluster Development**

412 The cluster method of development provides an optional method of
413 development that encourages the provision of community open space for active
414 or passive recreation as well as the preservation and enhancement of natural
415 resources. Optional method Cluster Development allows flexibility in lot layout
416 and for variety in the types of residential buildings. [The density of dwelling
417 units per acre and open space requirements are not changed.] The character of
418 the existing neighborhood is protected and open space for common use is
419 provided. To accomplish these objectives, certain changes in lot areas and
420 dimensions and a greater variety of building types are allowed. An applicant's
421 use of this method of development, and site plan approval for portions of such
422 development, are subject to approval by the Planning Board.

423 * * *

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

425 * * *

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

427 * * *

428 **2. Optional Method Cluster Development**

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

- 432 a. provides safe and adequate access;
- 433 b. has sufficient width to accommodate the proposed dwelling units;

- 434 c. will protect significant environmental features on- and off-site better
- 435 than would a public road; and
- 436 d. has proper drainage.

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

440 **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"> 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) | | 0.48 | | 0.4 |
| Open Space (min) | | | | |
| Common open space (% of usable area) (See Section 6.3.5) | | 5% | | 5% |
| <u>Site Coverage (max)</u> | | | | |
| <u>Site coverage</u> | n/a | n/a | 40% | n/a |
| <u>Specification for Open Space and Site Coverage</u> | | | | |
| <u>a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | | |

| | | | | |
|--|-------------|-------------|---------------------|-----------------|
| 2. Lot | | | | |
| Dimensions (min) | | | | |
| Lot area | 12,000 SF | 7,500 SF | [1,500] 1,200 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'] |
| * * * | | | | |

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

442 * * *

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

444

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

| | | | | |
|---|-------------|-------------|---------------------|-------------|
| Density (max) | | | | |
| Density (units/acre of usable area) | 1.22 | | | 1 |
| Open Space (min) | | | | |
| Common open space (% of usable area) (See Section 6.3.5) | 10% | | | 10% |
| Site Coverage (max) | | | | |
| Site coverage | n/a | n/a | 40% | n/a |
| Specification for Open Space and Site Coverage | | | | |
| a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | | |
| 2. Lot | | | | |
| Dimensions (min) | | | | |
| Lot area | 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'] |
| * * * | | | | |

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

446 * * *

447 **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> | | | | |
| Site coverage | n/a | n/a | 40% | n/a |
| <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 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. | | | | |
| * * * | | | | |

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

449 * * *

450 **B. R-90 Zone, Standard Method Development Standards**

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

452 **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 | [30%] <u>15%</u> | | | [30%] <u>15%</u> | | |

| | | | | | | |
|---|-------------|-------------|---------------------|-------------|-------------|---------------------|
| space (% of usable area) (See Section 6.3.5) | | | | | | |
| Site Coverage (max) | | | | | | |
| Site coverage | n/a | n/a | 40% | n/a | n/a | 40% |
| Specification 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 | | | | | | |
| Dimensions (min) | | | | | | |
| Lot area | 4,000 SF | 2,000 SF | [1,200] 1,000 SF | 5,000 SF | 2,500 SF | [1,500] 1,200 SF |
| * * * | | | | | | |
| Coverage (max) | | | | | | |
| Lot | 50% | 50% | [60%] n/a | 30% | 30% | [75%] n/a |
| 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'] |
| * * * | | | | | | |

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

456 * * *

457 **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 |
| * * * | |
| 3. Height | |
| Height (max) | |

| | |
|---|-----|
| Principal building, measured to highest point of [a flat] roof <u>surface regardless of roof type</u> | 35' |
| * * * | |

459 **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 | | | | | | |
| 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"> 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> | | | | | | |
| <u>Site coverage</u> | <u>n/a</u> | <u>n/a</u> | <u>40%</u> | <u>n/a</u> | <u>n/a</u> | <u>40%</u> |
| <u>Specification for Open Space and Site Coverage</u> | | | | | | |
| <u>a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | | | | |
| 2. Lot | | | | | | |
| Dimensions (min) | | | | | | |
| Lot area | 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'] |
| * * * | | | | | | |

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

462 * * *

463 **B. R-40 Zone, Standard Method Development Standards**

| | | | |
|---|--|----------------------|----------------------|
| | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone | Duplex - Side | Duplex - Over |
| * * * | | | |
| 4. Height | | | |
| Height (max) | | | |
| Principal building, measured to highest point of [a flat] roof <u>surface regardless of roof type</u> | 35' | 35' | 35' |
| * * * | | | |

466 **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> | | | |
| <u>a. In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | |
| 2. Lot | | | |
| Dimensions (min) | | | |
| Lot area | 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'] |
| * * * | | | |

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

469 * * *

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

471

| | | | | |
|--|--|----------------------|----------------------|------------------|
| | 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 |
| * * * | | | | |
| 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]5' |
| * * * | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] |
| * * * | | | | |

473 **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> |
| <u>Specification for Open Space and Site Coverage</u> | | | |
| a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | |
| 2. Lot | | | |
| * * * | | | |
| Coverage (max) | | | |
| Lot | 60% | 60% | [60%] <u>n/a</u> |
| 3. Placement | | | |
| Principal Building Setbacks (min) | | | |

| | | | |
|---|----------------|----------------|-----------------|
| Front setback from public street | 10' | 10' | 10' |
| Front setback from private street or open space | [6'] <u>4'</u> | [6'] <u>4'</u> | [6'] <u>4'</u> |
| Side street setback | 10' | 10' | [10'] <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%] |
| * * * | | | |

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

476 * * *

477 **B. TMD Zone, Standard Method Development Standards**

| | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone | Duplex - Side | Duplex - Over | Townhouse |
|--|--|----------------------|----------------------|------------------|
| 1. Site | | | | |
| * * * | | | | |
| Open Space (min) | | | | |
| Common open space (% of site) (See Section 6.3.5) | n/a | n/a | n/a | [45] <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 | 3,600 SF | 1,800 SF | 3,600 SF | [1,400] <u>1,100</u> SF |
| * * * | | | | |
| 3. Placement | | | | |
| Principal Building Setbacks (min) | | | | |
| Front setback, public street | 20' | 20' | 20' | 20' |
| Front setback, private street or open space | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] |
| Side street setback | 15' | 15' | 15' | [15] <u>5</u> ' |
| * * * | | | | |
| Side setback, end unit | n/a | n/a | n/a | [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] <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'] |
| * * * | | | | |

479 **C. TMD 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) | 15.25 | | |
| 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 Open Space and Site Coverage | | | |
| a. <u>In development with a townhouse building type, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | |
| Dimensions (min) | | | |
| * * * | | | |
| Coverage (max) | | | |
| Lot | 60% | 60% | [60%] <u>n/a</u> |
| 3. Placement | | | |
| Principal Building Setbacks (min) | | | |
| Front setback from public street | 10' | 10' | 10' |
| Front setback from private street or open space | [6'] <u>4'</u> | [6'] <u>4'</u> | [6'] <u>4'</u> |
| Side street setback | 10' | 10' | [10] <u>5'</u> |
| * * * | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] |
| * * * | | | |

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

482 * * *

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

485 **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</u> | | | |

| | | | |
|---|-------------|-------------|-------------|
| are calculated based on the area of the site minus any area for detached house and duplex lots. | | | |
| Dimensions (min) | | | |
| * * * | | | |
| Coverage (max) | | | |
| Lot | 75% | 75% | [75%] n/a |
| 3. Placement | | | |
| Principal Building Setbacks (min) | | | |
| Front setback from public street | 10' | 10' | 10' |
| Front setback from private street or open space | [6']4' | [6']4' | [6']4' |
| * * * | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] |
| * * * | | | |

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

488 * * *

489 **B. R-30 Zone, Standard Method Development Standards**

| | Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone | Duplex - Side | Duplex - Over | Townhouse | Apartment |
|---|--|----------------------|----------------------|------------------|------------------|
| 1. Site | | | | | |
| * * * | | | | | |
| Open Space (min) | | | | | |
| Common open space (% of site) (See Section 6.3.5) | n/a | n/a | n/a | [65]35% | [65]50% |
| Site Coverage (max) | | | | | |

| | | | | | |
|--|-------------|-------------|-------------|----------------------------|-----------|
| Site coverage | n/a | n/a | n/a | [18] 25 % | 18% |
| [Specifications] Specification for Open Space and Site Coverage | | | | | |
| a. In a development with townhouse or apartment building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots. | | | | | |
| 2. Lot and Density | | | | | |
| Lot (min) | | | | | |
| Lot area | 3,000 SF | 1,500 SF | 3,000 SF | [1,200] <u>1,000</u> SF | 12,000 SF |
| * * * | | | | | |
| 3. Placement | | | | | |
| Principal Building Setbacks (min) | | | | | |
| Front setback, public street | 20' | 20' | 20' | 20' | 30' |
| Front setback, private street or open space | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 20' |
| Side street setback | 15' | 15' | 15' | [15'] <u>5'</u> | 10' |
| * * * | | | | | |
| Side setback, end unit | n/a | n/a | n/a | [5'] <u>3'</u> | n/a |
| * * * | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' |
| * * * | | | | | |
| Accessory Structure Setbacks (min) | | | | | |
| Front setback, behind front building line | 10' | 10' | 10' | 10' | 10' |
| Side street setback | 15' | 15' | 15' | [15'] <u>5'</u> | 15' |
| * * * | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' |
| * * * | | | | | |

491 C. R-30 Zone, Optional Method Development Standards

| | MPDU Development | | | |
|---|---------------------------|----------------|------------------|-------------------------|
| | Detached House | Duplex | Townhouse | Apartment |
| 1. Site | | | | |
| Dimensions (min) | | | | |
| Usable area | [11,761] <u>11,700</u> SF | | | |
| Density (max) | | | | |
| Density (units/acre of usable area) | 17.69 | | | |
| Open Space (min) | | | | |
| Common open space (% of usable area) (See Section 6.3.5) | [35] <u>25%</u> | | | |
| <u>Site Coverage (max)</u> | | | | |
| <u>Site coverage</u> | <u>n/a</u> | <u>n/a</u> | <u>30%</u> | <u>18%</u> |
| <u>Specification for Open Space and Site Coverage</u> | | | | |
| a. <u>In a development with townhouse or apartment building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | | |
| Dimensions (min) | | | | |
| * * * | | | | |
| Coverage (max) | | | | |
| Lot | 75% | 75% | [75%] <u>n/a</u> | [18%] <u>n/a</u> |
| 3. Placement | | | | |
| Principal Building Setbacks (min) | | | | |
| Front setback from public street | 10' | 10' | 10' | Determined at site plan |
| Front setback from private street or open space | [6'] <u>4'</u> | [6'] <u>4'</u> | [6'] <u>4'</u> | Determined at site plan |
| Side street setback | 10' | 10' | [10'] <u>5'</u> | Determined at site plan |

| | | | | |
|---------------------|-------------|-------------|-------------|-----|
| * * * | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | n/a |
| * * * | | | | |

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

494 * * *

495 **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] Specification for Open Space and Site Coverage | | | | | |
| * * * | | | | | |
| 3. Placement | | | | | |
| Principal Building Setbacks (min) | | | | | |
| Front setback, public street | 20' | 20' | 20' | 20' | 30' |
| Front setback, private street or open space | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 20' |
| Side street | 15' | 15' | 15' | [15']5' | 10' |

| | | | | | |
|---|-------------|-------------|-------------|-----------------|-----|
| setback | | | | | |
| * * * | | | | | |
| 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' |
| * * * | | | | | |

497 **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 | n/a | n/a | 30% | 18% |
| Specification for Open Space and Site Coverage | | | | |
| a. In a development with townhouse or apartment building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots. | | | | |
| Dimensions (min) | | | | |
| * * * | | | | |
| Coverage (max) | | | | |
| Lot | 75% | 75% | [75%] n/a | [18%] n/a |
| 3. Placement | | | | |
| Principal Building Setbacks (min) | | | | |
| Front setback from public street | 10' | 10' | 10' | Determined at site plan |
| Front setback from private street or open space | 6' | 6' | [6']4' | Determined at site plan |
| Side street setback | 10' | 10' | [10']5' | Determined at site plan |
| * * * | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | n/a |
| * * * | | | | |

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

500 * * *

501 **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 | | | | | |
| * * * | | | | | |
| 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]5' | 10' |
| * * * | | | | | |
| Side setback, end unit | n/a | n/a | n/a | [5]3' | 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]5' | 15' |
| * * * | | | | | |
| Rear setback, | 4' [or 20'] | 4' [or 20'] | 4' [or | 4' [or 20'] | 4' |

| | | | | | |
|--------------------------------------|-------|-------|-------|----------|----------|
| alley | | | 20' | | |
| * * * | | | | | |
| 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] |
| * * * | | | | | |

503 **C. R-10 Zone, Optional Method Development Standards**

| | MPDU Development | | | |
|---|---------------------------|------------|------------|------------|
| | Detached House | Duplex | Townhouse | Apartment |
| 1. Site | | | | |
| Dimensions (min) | | | | |
| Usable area | [20,038] <u>20,000</u> SF | | | |
| Density (max) | | | | |
| Density (units/acre of usable area) | 53.07 | | | |
| Open Space (min) | | | | |
| Common open space (% of usable area) (See Section 6.3.5) | [35] <u>25%</u> | | | |
| Site Coverage (max) | | | | |
| Site coverage | <u>n/a</u> | <u>n/a</u> | <u>25%</u> | <u>12%</u> |
| Specification for Open Space and Site Coverage | | | | |
| a. <u>In a development with townhouse or apartment building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.</u> | | | | |
| Dimensions (min) | | | | |
| * * * | | | | |

| Coverage (max) | | | | |
|---|-------------|-------------|-------------|-------------------------|
| Lot | 75% | 75% | [75%] n/a | [12%] n/a |
| 3. Placement | | | | |
| Principal Building Setbacks (min) | | | | |
| Front setback from public street | 10' | 10' | 10' | Determined at site plan |
| Front setback from private street or open space | 6' | 6' | [6']4' | Determined at site plan |
| Side street setback | 10' | 10' | [10']5' | Determined at site plan |
| * * * | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | n/a |
| * * * | | | | |

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

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

507 * * *

508 **Section 4.6.3. Standard Method Development**

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

511 **A. In General**

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

514 [B.] 2. In the LSC and EOF zones, the maximum standard method height for any
515 property is the height set by the zone shown on the zoning map; the
516 maximum total standard method FAR for any property is the limit indicated
517 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 |

518 **B. Procedure for Approval**

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

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

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

| | | | | | | | |
|--|-------------|-------------|-------------|-------------|-----|-----|-----|
| Side setback between lot and site boundary | n/a | n/a | n/a | [8]4' | n/a | n/a | n/a |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| Rear setback between lot and site boundary | n/a | n/a | n/a | [15]5' | n/a | n/a | n/a |
| Accessory Structure Setbacks (min) | | | | | | | |
| Front setback, behind front building line | 5' | 5' | 5' | 5' | 0' | 0' | 0' |
| Side street setback | 15' | 15' | 15' | [15]5' | 0' | 0' | 0' |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| * * * | | | | | | | |

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

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

| | | | | | | | |
|---|-------------|-------------|-------------|-------------|--|-----|-----|
| Principal Building Setbacks (min) | | | | | | | |
| * * * | | | | | | | |
| Side setback, end unit | n/a | n/a | n/a | [4]2' | n/a | n/a | n/a |
| Side setback between lot and site boundary | n/a | n/a | n/a | [8]4' | n/a | n/a | n/a |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| Rear setback between lot and site boundary | n/a | n/a | n/a | [15]5' | n/a | n/a | n/a |
| Accessory Structure Setbacks (min) | | | | | | | |
| Front setback, behind front building line | 5' | 5' | 5' | 5' | 0' | 0' | 0' |
| Side street setback | 15' | 15' | 15' | [15]5' | 0' | 0' | 0' |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| Parking Setbacks for Surface Parking Lots (min) | | | | | | | |
| Front setback | n/a | n/a | n/a | n/a | must be behind front building line of <u>building in the BTA</u> | | |
| Side street setback | n/a | n/a | n/a | n/a | must be behind [front] <u>side street building line of building in the BTA</u> | | |
| Side setback | n/a | n/a | n/a | n/a | must accommodate landscaping required under Section 6.2.9 | | |
| Rear setback | n/a | n/a | n/a | n/a | must accommodate landscaping required under Section 6.2.9 | | |
| Rear setback, alley | n/a | n/a | n/a | n/a | 0' | 0' | 0' |
| Build-to Area (BTA, max setback and min % of [lot width] <u>building façade</u>) | | | | | | | |
| Front setback | n/a | n/a | n/a | 15' | 30' | 15' | 20' |
| Building in front street BTA | n/a | n/a | n/a | 70% | 70% | 70% | 70% |
| Side street setback | n/a | n/a | n/a | n/a | 30' | 15' | 20' |
| Building in side street | n/a | n/a | n/a | n/a | 35% | 35% | 35% |

| | | | | | | | |
|--|--------------|--------------|--------------|----------|----------|----------|----------|
| BTA | | | | | | | |
| Specification for Parking Setbacks for Surface Parking Lots and Build-to Area | | | | | | | |
| a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street 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 creates a pedestrian environment and enhances neighborhood compatibility.</u> | | | | | | | |
| * * * | | | | | | | |
| 5. Form | | | | | | | |
| * * * | | | | | | | |
| Building Orientation | | | | | | | |
| Entrance facing street or open space | not required | not required | not required | required | required | required | required |
| Entrance spacing (max) | n/a | n/a | n/a | n/a | 100' | 75' | 100' |
| Transparency, for Walls Facing a Street or Open Space | | | | | | | |
| Ground story, front (min) | n/a | n/a | n/a | n/a | 20% | 60% | 40% |
| Ground story, side/rear (min) | n/a | n/a | n/a | n/a | n/a | 30% | 25% |
| Upper story (min) | n/a | n/a | n/a | n/a | 20% | 20% | 20% |
| Blank wall, front (max) | n/a | n/a | n/a | 35' | 35' | 25' | 35' |
| Blank wall, side/rear (max) | n/a | n/a | n/a | 35' | 35' | 35' | 35' |
| Specification for Building Orientation and Transparency | | | | | | | |
| 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 creates a pedestrian environment and enhances neighborhood compatibility.</u> | | | | | | | |
| * * * | | | | | | | |

528 **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 ≤ 10,000 SF | n/a | n/a | n/a | [20]10% | 0% | 0% | 0% |
| Open space, site > 10,000 SF | n/a | n/a | n/a | [20]10% | 10% | 10% | 10% |
| * * * | | | | | | | |
| 2. Lot and Density | | | | | | | |
| * * * | | | | | | | |
| Coverage (max) | | | | | | | |
| Lot | 90% | 90% | 90% | [90%] n/a | n/a | n/a | n/a |
| * * * | | | | | | | |
| 3. Placement | | | | | | | |
| Principal Building Setbacks (min) | | | | | | | |
| * * * | | | | | | | |
| Side setback, end unit | n/a | n/a | n/a | [4]2' | n/a | n/a | n/a |
| Side setback between lot and site boundary | n/a | n/a | n/a | [8]4' | n/a | n/a | n/a |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| Rear setback between lot and site boundary | n/a | n/a | n/a | [15]5' | n/a | n/a | n/a |
| Accessory Structure Setbacks (min) | | | | | | | |
| Front setback, behind front building line | 5' | 5' | 5' | 5' | 0' | 0' | 0' |

| | | | | | | | |
|---|-------------|-------------|-------------|-------------|---|----------|----------|
| Side street setback | 15" | 15' | 15' | [15]5' | 0' | 0' | 0' |
| * * * | | | | | | | |
| Rear setback, alley | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' [or 20'] | 4' | 4' | 4' |
| Parking Setbacks for Surface Parking Lots (min) | | | | | | | |
| Front setback | n/a | n/a | n/a | n/a | must be behind front building line of 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 creates a pedestrian environment and enhances neighborhood compatibility.</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] <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 creates a pedestrian environment and enhances neighborhood compatibility.</u> | | | | | | | |
| * * * | | | | | | | |

530 **Section 4.6.4. Optional Method Development**

531 * * *

532 **B. Development Standards**

533 **1. Open Space**

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

| [Lot] <u>Tract</u> Area | # of Existing, Proposed, and Master-Planned Right-of-Way Frontages | | | |
|----------------------------|---|----|----|-----------|
| | 1 | 2 | 3 | 4 or more |
| | % of Site Required to be Dedicated for Open Space | | | |
| ≤ 0.50 acres | 0% | 0% | 0% | 5% |

| | | | | |
|--------------------|-----|-----|-----|-----|
| 0.51 to 1.00 acres | 0% | 0% | 5% | 10% |
| 1.01 to 3.00 acres | 0% | 5% | 10% | 10% |
| 3.01 to 6.00 acres | 5% | 10% | 10% | 10% |
| ≥ 6.01 acres | 10% | 10% | 10% | 10% |

537 * * *

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

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

540 **Section 4.7.1. General Provisions**

541 * * *

542 **B. General Public Benefit Considerations**

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

- 546 1. the recommendations and objectives of the applicable master plan;
- 547 2. the [CR] Commercial/Residential and Employment Zone Incentive
 548 Density Implementation Guidelines;
- 549 3. any design guidelines adopted for the applicable master plan area;
- 550 4. the size and configuration of the site;
- 551 5. the relationship of the site to adjacent properties;
- 552 6. the presence or lack of similar public benefits nearby; and
- 553 7. enhancements beyond the elements listed in an individual public benefit
 554 that increase public access to, or enjoyment of, the benefit.

555 * * *

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

557 * * *

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

559 * * *

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

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

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

566 * * *

567 **Section 4.8.3. Standard Method Development**

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

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

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

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

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

| | | |
|--|-----|-----|
| Amenity open space, site > 10,000 SF (see Section [7.3.7] 6.3.7) | 10% | 10% |
| * * * | | |

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

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

576 * * *

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

578 * * *

579 **D. Development Standards**

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

582 1. The minimum front and side street setback for a main building is 30 feet,
583 and if the abutting lots are occupied by buildings with a front or side street
584 setback greater than this requirement, no building hereafter erected or any
585 addition to an existing building may project beyond the line previously
586 established by the buildings on the abutting lots.

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

590 * * *

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

593 * * *

594 **D. Site Plan**

595 * * *

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

597 * * *

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

600 * * *

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

602 * * *

603 **B. Optional Method**

604 * * *

605 **2. Rural Residential and Residential Zones**

606 * * *

607 **c. Development Standards**

608 The following table indicates the required development standards for each TDR
 609 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 |

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

611 * * *

612 **b. Calculation of TDRs Required in the Commercial/Residential or**
 613 **Employment Zones**

614 * * *

615 iii. For optional method development, the Planning Board may grant a
616 maximum of 20 public benefit points for TDRs under Section [4.7.3.F.7]
617 4.7.3.F.6.

618 * * *

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

620 * * *

621 **B. Exemptions**

622 1. The following are exempt from Section 4.9.18:

623 * * *

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

625 g. Development not served by community sewer.

626 * * *

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

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

629 * * *

630 **Section 5.1.2. Intent Statement**

631 * * *

632 B. Encourage the appropriate use of land by:

633 * * *

634 3. ensuring that development satisfies basic sustainability requirements
635 including[:] open space standards and environmental protection and
636 mitigation; and

637 [a. locational criteria,

638 b. connections to circulation networks,

639 c. density and use limitations,

640 d. open space standards,

641 e. environmental protection and mitigation; and]

642 * * *

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

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

645 **Section 5.3.1. Zones**

646 * * *

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

651 * * *

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

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

654 **Section 5.4.1. Zones**

655 * * *

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

660 * * *

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

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

663 **Section 5.5.1. Zones**

664 * * *

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

669 * * *

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

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

672 * * *

673 **Section 6.2.2. Applicability**

674 * * *

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

679 * * *

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

681 * * *

682 **D. Car-Share Spaces**

683 1. A parking facility with 50 to 149 parking spaces must have a minimum of
684 one car-share parking space. One additional car-share parking space is
685 required for each 100 parking spaces more than 149, or fraction thereof, up
686 to a maximum requirement of 5. A parking facility may provide more car-
687 share parking spaces than required.

688 * * *

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

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

694 * * *

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

696 1. An applicant may satisfy the required number of vehicular parking spaces
697 through off-site parking on property located within ¼ mile of the subject
698 property if the off-site property is plat-restricted, deed-restricted, or is under
699 a joint use agreement. The plat or deed restrictions must specify that the
700 property provides the required number of parking spaces for a use on
701 another property. The plat or deed restrictions may be lifted if substitute off-
702 site parking is provided or if the use requiring the parking ceases to exist. A
703 joint use agreement must:

704 * * *

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

710 * * *

711 **H. Parking Minimums and Maximums**

712 * * *

713 **2. Reduced Parking Area**

714 a. In a Reduced Parking Area, an applicant may provide fewer parking
715 spaces than required, after all adjustments are made under Section
716 6.2.3.I, only [under Alternative Compliance (see Division 6.8)] if a
717 parking waiver under Section 6.2.10 is approved.

718 b. In a Reduced Parking Area, an applicant may provide more parking
719 spaces than allowed by the maximum if all of the parking spaces
720 provided in excess of the maximum number allowed are made available
721 to the public and are not reserved, or if [approved under Alternative

722 Compliance (see Division 6.8)] a parking waiver under Section 6.2.10 is
723 approved.

724 * * *

725 **Section 6.2.4. Parking Requirements**

726 Uses on the parking table match the allowed uses and use groups in Article 59-3.
727 The number of required spaces is based on a metric specific to each use[, such as
728 1,000 square feet of gross floor area (GFA)]. If the proposed intensity of the use is
729 less than the metric, the baseline minimum is calculated using a fraction of that
730 metric. The number of vehicle parking spaces required also depends upon whether
731 the property is located in or outside of a Parking Lot District or Reduced Parking
732 Area.

733 * * *

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

735 * * *

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

- 737 1. Parking for any vehicle or trailer in the area between the lot line and the
738 front or side street building line must be on a surfaced parking area.
- 739 2. Except as provided in Section 6.2.5.M.3, the maximum surfaced parking
740 area between the lot line and the front or side street building line,
741 excluding the surfaced parking area in a driveway on a pipestem or flag-
742 shaped lot, is:

743 * * *

- 744 3. A surfaced parking area may exceed the size limits in Section 6.2.5.M.2 if:
- 745 a. the surfaced parking area existed before October 26, 2010 and is
746 not increased in size;
- 747 b. the property has primary access from a primary residential street,
748 minor arterial road, major highway, arterial, or any state road, and is

749 equal to or less than 50% of the area between the lot line and the front
750 or side street building line;

751 * * *

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

755 * * *

756 **Section 6.2.10. Parking Waiver**

757 The deciding body may waive any requirement of Division 6.2, except the required
758 parking in a Parking Lot District under Section 6.2.3.H.1, if the alternative design
759 satisfies Section 6.2.1. Any request for a waiver of the vehicle parking space
760 requirement under Section 6.2.4.B requires application notice under Section
761 7.5.2.D.

762 * * *

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

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

765 * * *

766 **Section 6.4.3. General Landscaping Requirements**

767 * * *

768 **C. Fences and Walls**

769 * * *

770 **2. Height and Placement**

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

773 [b]a. A fence, wall other than retaining wall, terrace, structure,
774 shrubbery, planting, or other visual obstruction on a corner lot in a
775 Residential zone can be a maximum height of 3 feet above the curb level

776 for a distance of 15 feet from the intersection of the front and side street
777 lines.

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

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

783 * * *

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

785 Building line and setback requirements do not apply to:

786 * * *

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

790 * * *

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

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

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

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

802 * * *

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

804 **Division 59-7.3 Regulatory Approvals**

805 **Section 7.3.1. Conditional Use**

806 * * *

807 **K. Amendments**

808 * * *

809 2. Minor Amendment

810 * * *

811 b. When a minor amendment is granted, the Board of Appeals or Hearing
812 Examiner must send a copy of the resolution or decision, as applicable,
813 to the applicant, the Board of Appeals or Hearing Examiner, as
814 appropriate, the Planning Board, DPS, the Department of Finance, all
815 parties entitled to notice at the time of the original filing, and current
816 abutting and confronting property owners. Except for an amendment
817 for a Telecommunications Tower, [The] the resolution or decision, as
818 applicable, must state that any party may request a public hearing on
819 the Board of Appeals' or Hearing Examiner's action within 15 days
820 after the resolution or decision is issued. The request for public hearing
821 must be in writing, and must specify the reason for the request and the
822 nature of the objection or relief desired. If a request for a hearing is
823 received, the deciding body must suspend its administrative
824 amendment and conduct a public hearing to consider whether the
825 amendment substantially changes the nature, character, or intensity of
826 the conditional use or its effect on the immediate neighborhood. If the
827 Board of Appeals or Hearing Examiner determines that such impacts
828 are likely, then the amendment application must be treated as a major
829 amendment application. A decision of the Hearing Examiner may be

830 appealed on the basis of the Hearing Examiner's record to the Board of
831 Appeals.

832 **Section 7.3.3. Sketch Plan**

833 * * *

834 **B. Application Requirements**

835 * * *

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

837 * * *

838 h. illustrative plans showing:

839 * * *

840 v. relationships [between existing or] of proposed [adjacent]
841 buildings to adjacent existing or proposed buildings and rights-of-
842 way;

843 * * *

844 **C. Hearing Date**

845 The Planning Board must schedule a public hearing to begin within 90 days
846 after the date an application was accepted. If a sketch plan application is
847 accepted for concurrent review with a preliminary plan, the Planning Board
848 may schedule the public hearing to begin within 120 days after the date the
849 applications were accepted. The Planning Director may postpone the public
850 hearing by up to 30 days once without Planning Board approval. The Planning
851 Director or applicant may request an extension beyond the original 30 days with
852 Planning Board approval. Any extension of the public hearing must be noticed
853 by mail and on the hearing agenda with the new public hearing date indicated.

854 * * *

855 **I. Amendments**

856 [During site plan review, the Planning Board may approve an amendment to
857 any binding element or condition of an approved sketch plan.] An amendment
858 to any binding element or condition of an approved sketch plan must follow the
859 same procedures, meet the same criteria, and satisfy the same requirements as
860 the original sketch plan application, unless the sketch plan is amended during
861 site plan review. If the sketch is amending during site plan review:

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

864 * * *

865 **Section 7.3.4. Site Plan**

866 **A. Applicability and Description**

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

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

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

874 * * *

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

878 * * *

879 **B. Application Requirements**

880 * * *

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

882 * * *

- 883 1. plans of proposed development showing:
- 884 i. use, footprints, ground-floor layout, and heights of all buildings and
- 885 structures;

886 * * *

887 **G. Subsequent Actions**

888 * * *

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

890 * * *

- 891 c. On a property where a site plan was approved, any owner or owners’
- 892 association may, without finding of conformance to the approved site
- 893 plan, change landscaping that was not required as a condition of
- 894 approval for screening or install a site element or construct a [paved
- 895 surface or] structure other than a building that meets all applicable
- 896 development standards under Article 59-4 and general requirements
- 897 under Article 59-6 and does not conflict with any conditions of approval.
- 898 A structure allowed under this Section (Section 7.3.4.G.2.c) must not
- 899 conflict with any finding required for site plan approval.

900 * * *

901 **J. Amendments**

902 Any property owner may apply for a site plan amendment to change a certified

903 site plan. There are two types of amendments, a major and a minor amendment.

904 **1. Major Amendment**

905 [A major amendment to an approved site plan must follow the same

906 procedures, meet the same criteria, and satisfy the same requirements as the

907 original site plan, except as modified under Section 7.3.4.J.1.b.]

- 908 a. A major amendment includes any request to increase density or height;
- 909 change a use; decrease open space; [or to make a change to any

910 condition] deviate from a binding element or a condition of approval; or
911 alter a basic element of the plan.

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

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

918 d. Additional requirements may be established by the Planning Department.

919 **2. Minor Amendment**

920 a. [The Planning Director may approve a minor amendment to an approved site
921 plan.] A minor amendment includes any change to a parking or loading
922 area, landscaping, sidewalk, recreational facility or area, configuration
923 of open space, or any other plan element that will have a minimal effect
924 on the overall design, layout, quality or intent of the plan. A minor
925 amendment also includes a reduction in approved parking to satisfy
926 Article 59-6. A minor amendment [also includes] does not include any
927 change that [does not increase] increases density or height; [decrease a
928 setback abutting a detached residential use; or alter the intent, objectives,
929 or requirements of the Planning Board in approving the site plan] or
930 prevents circulation on any street or path. [A minor amendment may
931 also be approved to reduce the approved parking to satisfy Article 59-6.]

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

933 [b.]c. A minor amendment may be approved by the Planning Director without
934 a public hearing if no objection to the application is received within 15
935 days after the application notice is sent. If an objection is received within
936 15 days after the application notice is sent, and the objection is

937 considered relevant, [A] a public hearing is required [if an objection to
938 the application is received within 15 days after the notice of the filed
939 application is sent]. A public hearing must be held under the same
940 procedures as an original application. [If an objection to the application
941 is not received within the 15 days, a public hearing is not required.]

942 * * *

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

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

945 **Section 7.4.1. Building Permit**

946 * * *

947 **C. Review and Recommendation**

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

- 950 1. construction of a new principal structure;
- 951 2. construction that increases the gross floor area of an existing commercial
952 structure; or
- 953 3. construction that increases the gross floor area of any residential structure
954 by more than 50% of the existing gross floor area.

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

958 * * *

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

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

961 **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 |
| * * * | | | | | | | | |

963 **Section 7.5.2. Notice Specifications**

964 * * *

965 **B. Pre-Submittal Meeting**

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

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

- 974 3. The applicant must send notice advertising the pre-submittal meeting to
975 the same recipients required under Section 7.5.2.E.1, hearing notice, a
976 minimum of 15 days before the meeting.
- 977 4. The notices must include the date and place of meeting, applicant,
978 application number and name, location of property, property size, zone,
979 proposed use and density of development[, and phone and website for the
980 applicable intake agency].

981 * * *

982 **C. Application Sign**

- 983 1. The applicant must post at least one sign along every frontage [within 5
984 days after an application is accepted]; if the frontage is more than 500
985 feet, a sign must be posted at least every 500 feet.
- 986 a. For a sketch plan, site plan, or major site plan amendment
987 application, the sign must be posted before an application is accepted.
- 988 b. For a Local Map Amendment, conditional use, or variance
989 application, the sign must be posted within 5 days after an application
990 is accepted.
- 991 2. The sign must meet the following specifications:
- 992 a. For a sketch plan, site plan, or major site plan amendment
993 application, the applicant must use the sign template provided by the
994 Planning Department.
- 995 b. For a Local Map Amendment, conditional use, or variance
996 application, [The] the sign must be made of a durable material; a
997 minimum of 24 inches tall by 36 inches wide; white or yellow in
998 background color; with black lettering and characters at least 2 inches
999 in height.
- 1000 3. The sign must include:

- 1001 [a. the date of filing;]
- 1002 [b]a. application number and name;
- 1003 [c]b. requested zone, if a Local Map Amendment;
- 1004 [d]c. proposed use, density, or structure description, if not a Local
- 1005 Map Amendment; and
- 1006 [e]d. [and] telephone number and website for the applicable intake
- 1007 agency.

1008 **D. Application Notice**

- 1009 1. When an application is accepted, the applicant must send notice of the
- 1010 application to all abutting and confronting property owners, civic and
- 1011 homeowners associations within 1/2 mile, any municipality within 1/2
- 1012 mile, and pre-submittal meeting attendees if applicable. A
- 1013 condominium’s council of unit owners may be notified instead of the
- 1014 owner and residents of each individual condominium. The deciding body
- 1015 may require additional noticing according to its approved rules of
- 1016 procedure.
- 1017 2. The notice must [include] identify the applicant[,] and include the
- 1018 application number and project name, location of property, property size,
- 1019 zone (and requested zone, if applicable), proposed use and density of
- 1020 development, items covered by the proposed amendment, if applicable,
- 1021 and telephone number and website for the applicable intake agency.

1022 **E. Hearing Notice**

- 1023 1. [The deciding body must send notice of the hearing within 5 days after an
- 1024 application is accepted to] Hearing notice must be sent to all abutting and
- 1025 confronting property owners, civic and homeowners associations within
- 1026 1/2 mile, any municipality within 1/2 mile, and pre-submittal meeting
- 1027 attendees [if applicable] who request to be a party of record. A

1028 condominium’s council of unit owners may be notified instead of the
1029 owner and residents of each individual condominium. The deciding body
1030 may require additional noticing according to its approved rules of
1031 procedure.

1032 a. The Hearing Examiner and Board of Appeals must send notice of
1033 the hearing within 5 days after an application is accepted.

1034 b. The Planning Board must send notice of the hearing a minimum of
1035 10 days before the scheduled hearing date.

1036 * * *

1037 **H. Website Posting**

1038 * * *

1039 2. [When the Planning Director provides a recommendation report on an
1040 application decided by the Planning Board, the Planning Director must
1041 post the recommendation report on the Planning Board's website a
1042 minimum of 10 days before the Planning Board hearing. In cases where
1043 an application is decided by the Hearing Examiner, the Board of Appeals,
1044 or the District Council, the Planning Director's recommendation report
1045 must be posted on the Planning Board's website a minimum of 7 days
1046 before the Planning Board meeting.] When the Planning Director
1047 provides a recommendation report for the Planning Board, the report must
1048 be posted on the Planning Board’s website as indicated in Division 7.2
1049 and Division 7.3.

1050 * * *

1051 **Sec. 23. DIVISION 59-7.7 is amended as follows:**

1052 **DIVISION 59-7.7. Exemptions and Nonconformities**

1053 **Section 7.7.1. Exemptions**

1054 **A. Existing Structure, Site Design, or Use on October 30, 2014**

1055 **1. Structure and Site Design**

1056 A legal structure or site design existing on October 30, 2014 that does not
1057 meet the zoning standards on or after October 30, 2014 is conforming and
1058 may be continued, renovated, repaired, or reconstructed if the floor area,
1059 height, and footprint of the structure is not increased, except as provided for
1060 in Section 7.7.1.C for structures in Commercial/Residential, Employment or
1061 Industrial zones, or Section 7.7.1.D.5 for structures in Residential Detached
1062 zones. A use located in a building or structure deemed conforming under
1063 this Section (Section 7.7.1.A.1) may be converted to any permitted, limited,
1064 or conditional use up to the density limits for the use established by the
1065 current zoning.

1066 * * *

1067 **B. Application Approved or Filed for Approval before October 30, 2014**

1068 **1. Application in Progress before October 30, 2014**

1069 Any development plan, schematic development plan, diagrammatic plan,
1070 concept plan, project plan, sketch plan, preliminary plan, record plat, site
1071 plan, special exception, variance, or building permit filed or approved before
1072 October 30, 2014 must be reviewed under the standards and procedures of
1073 the Zoning Ordinance in effect on October 29, 2014. Any complete Local
1074 Map Amendment application submitted to the Hearing Examiner by May 1,
1075 2014, must be reviewed under the standards and procedures of the [Zoning
1076 Ordinance in effect] property's zoning on October 29, 2014. If the District
1077 Council approves such an application after October 30, 2014 for a zone that
1078 is not retained in Chapter 59, then the zoning will automatically convert to
1079 the equivalent zone as translated under DMA G-956 when the Local Map
1080 Amendment is approved. The approval of any of these applications or
1081 amendments to these applications will allow the applicant to proceed

1082 through any other required application or step in the process within the time
1083 allowed by law or plan approval, under the standards and procedures of the
1084 Zoning Ordinance in effect on October 29, 2014. The gross tract area of an
1085 application allowed under this Section (Section 7.7.1.B.1) may not be
1086 increased.

1087 * * *

1088 **3. [Plan] Amendment of an Approved Plan [for Plans Approved] or**
1089 **Modification of an Application Pending before October 30[.], 2014**

1090 a. Until October 30, 2039, an applicant may apply to amend any
1091 previously approved [application] plan or modify an application pending
1092 before October 30, 2014 (listed in Section 7.7.1.B.1 or Section
1093 7.7.1.B.2)[,] under the development standards and procedures of the
1094 property's zoning on October 29, 2014, if the amendment:

1095 i. does not increase the approved density or building height unless
1096 allowed under Section 7.7.1.C; and

1097 ii. either:

1098 (a) retains at least the approved setback from property in a
1099 Residential Detached zone that is vacant or improved with a
1100 Single-Unit Living use; or

1101 (b) satisfies the setback required by its zoning on the date
1102 the amendment or the permit is submitted[.]; and

1103 iii. does not increase the gross tract area.

1104 * * *

1105 **5. Development with a Development Plan or Schematic Development Plan**
1106 **Approved before October 30, 2014**

- 1107 a. Any development allowed on property where the zoning
1108 classification on October 29, 2014 was the result of a Local Map
1109 Amendment must satisfy any binding elements until:
- 1110 i. the property is subject to a Sectional Map Amendment that
 - 1111 implements a master plan approved after October 30, 2014 and
 - 1112 obtains approval for development under the SMA- approved
 - 1113 zoning;
 - 1114 ii. the property is rezoned by Local Map Amendment; or
 - 1115 iii. the binding element is revised by a development plan
 - 1116 amendment under the procedures in effect on October 29, 2014.

1117 * * *

1118 **C. Expansion of Floor Area [Existing on October 30, 2014]**

1119 **1. Limited Rights under Zoning before October 30, 2014**

1120 Until October 30, 2039, on land that is located in a Commercial/Residential,
1121 Employment, or Industrial zone, an applicant for an amendment to an
1122 existing approval or development, or a modification of an application listed
1123 in Section 7.7.1.B.1 may increase the floor area on the site under Section
1124 7.7.1.C.2 or 7.7.1.C.3 following the procedures and standards of the
1125 property's zoning on October 29, 2014:

1126 * * *

1127 **2. [All Prior] Commercial/Residential, Employment, and Industrial Zones**

1128 Existing development in a Commercial/Residential, Employment, or
1129 Industrial zone may expand by up to the lesser of 10% of the gross floor area
1130 approved for the site on October 30, 2014 or 30,000 square feet, except for
1131 properties with 2,000 square feet or less of floor area, which may expand by
1132 up to 30% of the gross floor area approved for the site on October 30, 2014.
1133 Any expansion must satisfy Section 7.7.1.C.1. The gross floor area in a

1134 pending application listed in Section 7.7.1.B.1 may be expanded up to the
1135 full amount allowed under the property’s zoning on October 29, 2014, but
1136 once the application is approved the gross floor area may expand by up to
1137 the lesser of 10% of the gross floor area or 30,000 square feet.

1138 * * *

1139 **4. Expansion above Section 7.7.1.C.2**

1140 [Any] If any portion of an enlargement [that] exceeds Section 7.7.1.C.2, then
1141 the entire enlargement must satisfy the applicable standards and procedures
1142 for the current zoning. After October 30, 2039, any amendment to a
1143 previously approved application must satisfy the applicable standards and
1144 procedures for the current zoning to the extent of (a) any expansion, and (b)
1145 any other portion of an approved development [that the amendment changes]
1146 associated with the expansion.

1147 * * *

1148 **D. Residential Lots and Parcels**

1149 * * *

1150 **6. Exempted Lots and Parcels in the RE-2, RE-2C, and RE-1 [Zone]**
1151 **Zones**

1152 a. A lot or parcel in the RE-2, RE-2C, or RE-1 zone, in addition to other
1153 exemptions in this subsection, is exempt from the area and dimension
1154 requirements of its zone, but must satisfy the requirements of the zone
1155 applicable to it before its classification to the RE-2, RE-2C, or RE-1
1156 zone if:

- 1157 i. the record lot was approved for recordation by the Planning
1158 Board before the approval date of the most recent Sectional Map
1159 Amendment that included the lot; or

1160 ii. the lot was created by deed on or before the approval date of the
1161 most recent Sectional Map Amendment that included the lot.

1162 b. A lot or parcel in the RE-2C zone, in addition to other exemptions in
1163 this subsection, is exempt from the area and dimension requirements of
1164 the RE-2C zone, but must satisfy the requirements of the zone
1165 applicable to it before its classification to the RE-2C zone if:

1166 [a.] i. the property owner held title to the property before March 17,
1167 1982;

1168 [b.] ii. a reduced lot size is required for a lot created for a detached
1169 house;

1170 [c.] iii. the child of the property owner, or the spouse of a child, or the
1171 parents of the property owner will reside in the house on the
1172 additional lot; and

1173 [d.] iv. the overall density of the tract owned on March 17, 1982 is 1.1
1174 units per acre or lower.

1175 **7. Exempted Lots and Parcels in the Rural Zone**

1176 A lot or parcel in the Rural zone, in addition to other exemptions in this
1177 subsection, is exempt from the area and dimension requirements of the
1178 Rural zone, but must satisfy the requirements of the zone applicable to it
1179 before its classification to the Rural zone if:

1180 a. the property owner can establish that the owner had legal title on or
1181 before June 4, 1974;

1182 b. the child of the property owner, or the spouse of a child, or the parents
1183 of the property owner will reside in the house on the additional lot; and

1184 c. the overall density of the property does not exceed one dwelling unit per
1185 5 acres in any subdivision[.]; or

1186 d. the lot was created by deed executed before June 5, 1974; or

1187 e. the record lot has an area of less than 5 acres and was created after June
1188 4, 1974, by replatting 2 or more lots, provided that the resulting number
1189 of lots is not greater than the number of lots that were replatted.

1190 **8. Exempted Lots and Parcels in the Rural Cluster Zone**

1191 A lot or a parcel in the Rural Cluster (RC) zone, in addition to other
1192 exemptions in this subsection, is exempt from the minimum area
1193 requirements and dimension requirements of the Rural Cluster zone, but
1194 must satisfy the requirements of the zone applicable to it before its
1195 classification to the RC zone if:

- 1196 a. the property owner held title to the property before June 4, 1974;
- 1197 b. a reduced lot size is required for a lot created for a detached house; and
- 1198 c. the child of the property owner, or the spouse of a child, or the parents
1199 of the property owner will reside in the house on the additional lot[.]; or
- 1200 d. the lot was created by deed executed on or before the approval date of
1201 the most recent Sectional Map Amendment or Local Map Amendment
1202 that included the lot; or
- 1203 e. the record lot has an area of less than 5 acres and was created before the
1204 approval date of the most recent Sectional Map Amendment or Local
1205 Map Amendment that included the lot, by replatting 2 or more lots,
1206 provided that the resulting number of lots is not greater than the number
1207 of lots that were replatted.

1208 **9. Exempted Lots and Parcels in the Agricultural Reserve Zone**

1209 A lot or a parcel in the Agricultural Reserve (AR) zone, in addition to other
1210 exemptions in this subsection, is exempt from the minimum area
1211 requirements and dimension requirements of the AR zone, but must satisfy
1212 the requirements of the zone applicable to it before its classification to the
1213 AR zone if:

- 1214 a. the lot was created by deed executed before the approval date of the
- 1215 most recent Sectional Map Amendment that initially zoned the property
- 1216 to the RDT zone; or
- 1217 b. the record lot has an area of less than 5 acres and was created after the
- 1218 approval date of the Sectional Map Amendment that initially zoned the
- 1219 property to the RDT zone, by replatting 2 or more lots, provided that the
- 1220 resulting number of lots is not greater than the number of lots that were
- 1221 replatted.

Sec. 24. DIVISION 59-8.1 is amended as follows:

Division 59-8.1. In General

Section 8.1.1. Applicability

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

* * *

Sec. 25. DIVISION 59-8.2 is amended as follows:

Division 59-8.2. Residential Floating Zones

* * *

Section 8.2.4. RT Zone General Requirements and Development Standards

* * *

A. RT Zone, In General

1. Combined Tracts

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

1240 * * *

1241 c. the amount of [common open space] green area in the combined tract
 1242 is, at a minimum, the total required for the separate tracts;

1243 * * *

1244 **B. RT Zone Standard Method**

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

1246 **C. RT Zone Development Including MPDUs**

1247 * * *

1248 **1. Development Standards**

1249 a. The development standards in Section 8.2.4.B may be modified as
 1250 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% |

| | | | | | |
|-------|--|--|--|--|--|
| * * * | | | | | |
|-------|--|--|--|--|--|

1251 **Section 8.2.5. R-H Zone General Requirements and Development Standards**

1252 * * *

1253 **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> (%t of lot) | 55% |
| * * * | |

1255 **C. R-H Zone Special Regulations for a Development with MPDUs**

1256 * * *

1257 1. The [common open space] green area may be reduced to a minimum of
 1258 35%, if required to accommodate the construction of all workforce housing
 1259 units on-site.

1260 * * *

1261 **Sec. 26. DIVISION 59-8.3 is amended as follows:**

1262 **Division 59-8.3. Planned Unit Development Zones**

1263 * * *

1264 **Section 8.3.2. PD Zone**

1265 * * *

1266 **C. Development Standards**

1267 1. The maximum density allowed, and minimum [open space] green area
 1268 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. | | |

1270 * * *

1271 **Section 8.3.5. Planned Retirement Community Zone**

1272 * * *

1273 **C. Development Standards**

1274 * * *

1275 **4. Coverage and [Common Open Space] Green Area**

- 1276 a. In a development of 750 acres or more:
- 1277 i. a maximum of 15% of the gross area may be covered by
- 1278 residential buildings; and
- 1279 ii. a minimum of 65% of the gross area must be devoted to
- 1280 [common open space] green area.
- 1281 b. In a development of less than 750 acres, a minimum of 50% of the
- 1282 gross area must be devoted to [common open space] green area.

1283 * * *

1284 **Section 8.3.6. Planned Cultural Center Zone**

1285 * * *

1286 **C. Development Standards**

1287 * * *

1288 **2. Coverage and [Public Open Space] Green Area**

1289 * * *

1290 b. A minimum of 30% of the total site area included in the development
1291 plan must be maintained as [public open space] green area; however,
1292 the District Council may reduce this requirement if it finds that
1293 comparable amenities or facilities provided in lieu of [open space]
1294 green area are sufficient to accomplish the purposes of the zone and
1295 would be more beneficial to the proposed development than strict
1296 adherence to the specific [public open space] green area
1297 requirements.

1298 * * *

1299 **Sec. 27. Effective date.** This ordinance becomes effective 20 days after the
1300 date of Council adoption.

1301 This is a correct copy of Council action.

1302

1303 _____

1304 Linda M. Lauer, Clerk of the Council