



**Committee:** PHP  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Senior Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #5D  
February 4, 2025  
**Introduction**

## SUBJECT

Zoning Text Amendment (ZTA) 25-03, Expedited Approvals - Commercial to Residential Reconstruction

Lead sponsors: Councilmembers Friedson and Fani-González

Co-sponsors: Councilmember Luedtke, Council President Stewart and Councilmembers Balcombe and Sayles

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item – no vote expected

## DESCRIPTION/ISSUE

ZTA 25-03 will create a Commercial to Residential Reconstruction use, provide an expedited approval process for that use, and allow reallocation of FAR in certain Employment zones.

## SUMMARY OF KEY DISCUSSION POINTS

- ZTA 25-03 will create the Commercial to Residential Reconstruction use, which will be defined as a building that is converted or demolished from a 50% vacant commercial building to a residential building. This new use will be allowed in the Commercial/Residential, Neighborhood Retail (NR), and Employment Office (EOF) zones.
- ZTA 25-03 will also remove the residential restriction on FAR in the NR and EOF zones, so that total commercial-residential FAR can be used for residential.
- A public hearing is tentatively scheduled for March 11, 2025.

### **This report contains:**

ZTA 25-03

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Letter from Lead Sponsors

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Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-03  
Concerning: Expedited Approvals –  
Commercial to  
Residential  
Reconstruction  
Revised: 1/29/2025 Draft No.: 1  
Introduced: February 4, 2025  
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**

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Lead Sponsor: Councilmembers Friedson and Fani-González  
Co-Sponsors: Councilmember Luedtke, Council President Stewart and  
Councilmembers Balcombe and Sayles

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) create a Commercial to Residential Reconstruction use;
- (2) provide an expedited approval process for the Commercial to Residential Reconstruction use;
- (3) consolidate existing expedited regulatory approvals;
- (4) allow reallocation of FAR in certain Employment zones; and
- (5) generally amend expedited regulatory approvals.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 3.4.	“Civic and Institutional Uses”
Section 3.4.2.	“Charitable, Philanthropic Institution”
Section 3.4.6.	“Hospital”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”

Section 4.5.4.	“Optional Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.4.	“Optional Method Development”
Division 7.3.	“Regulatory Approvals”
Section 7.3.3.	“Sketch Plan”
Section 7.3.5.	“Signature Business Headquarters Plan”
Section 7.3.6.	“Biohealth Priority Campus Plan”
Section 7.3.7.	“Mixed-Income Housing Community Plan”
Division 7.5.	“Notice Standards”
Section 7.5.1.	“Noticed Required”

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

*ORDINANCE*

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

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

**Division 1.4. Defined Terms**

\* \* \*

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

\* \* \*

**Commercial to Residential Reconstruction: See Section 3.3.2.B.**

\* \* \*

**Dormitory:** See [Section 3.3.2.B] Section 3.3.2.C

\* \* \*

**Independent Living Facility for Seniors or Persons with Disabilities:** See

[Section 3.3.2.C.1] Section 3.3.2.D.1

\* \* \*

**Personal Living Quarters:** See [Section 3.3.2.D.1] Section 3.3.2.E.1

\* \* \*

**Residential Care Facility:** See [Section 3.3.2.E.1] Section 3.3.2.F.1

\* \* \*

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

**Division 3.1. Use Table**

\* \* \*

**Section 3.1.6. Use Table**

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential																		Commercial/ Residential			Employment				Industrial						
					Residential Detached									Residential Townhouse			Residential Multi-Unit																			
					RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10																			
AR	R	RC	RNC														CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH										
* * *																																				
RESIDENTIAL																																				
* * *																																				
GROUP LIVING	3.3.2																																			
Commercial to Residential Reconstruction	3.3.2.B																					L	L	L			L		L							
Dormitory	[3.3.2.B] 3.3.2.C																						L	L				P								
Independent Living Facility for Seniors or Persons with Disabilities	[3.3.2.C] 3.3.2.D		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L													
Personal Living Quarters (Up to 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																	L	L	L	L	L	L													
Personal Living Quarters (Over 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																	C	C	C	C	C	C													
Residential Care Facility (Up to 8 Persons)	[3.3.2.E] 3.3.2.F	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Residential Care Facility (9 - 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P			L	L									
Residential Care Facility (Over 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P			L			P	C						
* * *																																				

\* \* \*

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

**Division 3.3. Residential Uses**

\* \* \*

**Section 3.3.2. Group Living**

**A. Defined, In General**

Group Living means the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under Section 3.3.1.

**B. Commercial to Residential Reconstruction**

**1. Defined**

Commercial to Residential Reconstruction means a vacant office or retail building that is at least 2 stories high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E. Vacancy is defined in this Section as an Office or Retail building, as defined in Sections 3.5.8.B. or 3.5.11, that has no tenants in 50% of the building at the time of application.

**2. Exemptions**

a. A sketch plan and a site plan are not required for a Commercial to Residential Reconstruction if the Planning Board approves a Commercial to Residential Reconstruction expedited approval plan under Section 7.3.5.

b. Development of a Commercial to Residential Reconstruction should proceed under the standards of Chapter 50 and the underlying zone, including any overlay zones, except as modified by Section 3.3.2.B. and in conformance with the hearing and review schedule in Sections 7.3.5.

52 c. After a Commercial to Residential Reconstruction plan is  
53 approved, subsequent additions or expansions of the Commercial  
54 to Residential Reconstruction, in any size or amount, will be  
55 processed under Section 7.3.5 as amendments.

56 **3. Use Standards**

57 a. Commercial FAR limits on the subject property may be  
58 reallocated to residential FAR if the total FAR does not exceed  
59 the maximum total mapped FAR of the property and the building  
60 height does not exceed the maximum mapped height, including  
61 any increases in each allowed by this Chapter.

62 b. In a red policy area, Commercial to Residential Reconstruction  
63 must be in an Apartment Building type that satisfies Section  
64 4.1.3.D.

65 c. If not in a red policy area, Commercial to Residential  
66 Reconstruction must be in a building type that satisfies  
67 Townhouse Living under Section 3.3.1.D. or Multi-Unit Living  
68 under Section 3.3.1.E.

69 **[B] C. Dormitory**

70 \* \* \*

71 **[C] D. Independent Living Facility for Seniors or Persons with Disabilities**

72 \* \* \*

73 **2. Use Standards**

74 \* \* \*

75 c. Where an Independent Living Facility for Seniors or Persons  
76 with Disabilities is allowed as a conditional use, it may be  
77 permitted by the Hearing Examiner under all limited use



standards, Section 7.3.1, Conditional Use, and the following standards:

\* \* \*

- iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is the height of the applied-for building type in the underlying zone under the standard method of development, except for the apartment building type which may be up to 60 feet. If a particular building type is not allowed under the standard method of development, the maximum height is the height of a Conditional Use in the underlying zone. The maximum density is determined by the Hearing Examiner under the development standards of [Section 3.3.2.C.2.c.vi] Section 3.3.2.C.2.c.vi through [Section 3.3.2.C.2.c.ix] Section 3.3.2.C.2.c.ix, without regard to any other limitation in this Chapter.
- v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.
- vi. The minimum front setback to the street for a lot abutting a property not included in the application is equal to the front setback for a detached house in the underlying zone under the standard method of development. Except for an access driveway, this front setback area must be maintained as green area.

- vii. The minimum side and rear setback is 25 feet to abutting lots not included in the application.
- viii. The minimum green area is 50%.
- ix. Principal building setbacks for all building types must meet the minimum setbacks required under the standard method of development for the subject building type in the R-30 zone (see Section 4.4.14.B.3, Placement).

**[D] E. Personal Living Quarters**

\* \* \*

**[E] F. Residential Care Facility**

**1. Defined, In General**

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
- b. resident staff necessary for operation of the facility are allowed to live on-site; and
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

Residential Care Facility includes a nursing home, an assisted living facility, a Continuing Care Retirement Community, a hospice, a group home, and a Senior Care Community. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or

131 Persons with Disabilities (see [Section 3.3.2.C] Section 3.3.2.D, Independent  
132 Living Facility for Seniors or Persons with Disabilities.

133 **Division 3.4. Civic and Institutional Issues**

134 \* \* \*

135 **Section 3.4.2. Charitable, Philanthropic Institution**

136 **A. Defined**

- 137 1. Charitable, Philanthropic Institution means a private, tax-exempt  
138 [organiza-tion] organization whose primary function is to provide:  
139 a. services, research, or educational activities in areas such as  
140 health and social services;  
141 b. housing and support services for persons who are present as a  
142 result of treatment or care being provided to a member of their  
143 household by a federal treatment facility or a Hospital;  
144 c. recreation; or  
145 d. environmental conservation.
- 146 2. Charitable, Philanthropic Institution does not include a trade or  
147 business whose primary purpose or function is promoting the economic  
148 advancement of its members, such as a professional or trade association  
149 or a labor union. Charitable, Philanthropic Institution also does not  
150 include other uses specifically defined or regulated in this Chapter such  
151 as a: Religious Assembly (See Section 3.4.10, Religious Assembly),  
152 public or private educational institution (See Section 3.4.5, Educational  
153 Institution (Private) and Section 3.4.9, Public Use (Except Utilities)),  
154 library or museum (See Section 3.4.3, Cultural Institution), Private  
155 Club, Service Organization (See Section 3.4.8, Private Club, Service  
156 Organization), Hospital (See Section 3.4.6, Hospital), Residential Care  
157 Facility (See [Section 3.3.2.E] Section 3.3.2.F, Residential Care

158 Facility), or Independent Living Facility for Senior Adults or Persons  
159 with Disabilities (See [Section 3.3.2.C] Section 3.3.2.D, Independent  
160 Living Facility for Seniors or Persons with Disabilities).

161 \* \* \*

162 **Section 3.4.6. Hospital**

163 **A. Defined**

164 Hospital means an institution providing health services primarily for the sick or  
165 injured and offering inpatient medical or surgical care. Hospital includes accessory  
166 facilities, such as laboratories, medical/dental clinics, helistops, training facilities,  
167 classrooms, central service facilities, and staff offices integral to the Hospital.  
168 Hospital does not include a stand-alone hospice (see [Section 3.3.2.E] Section  
169 3.3.2.F, Residential Care Facility).

170 \* \* \*

171 **Sec. 4. DIVISION 59-4.5 is amended as follows:**

172 **Division 4.5. Commercial/Residential Zones**

173 \* \* \*

174 **Section 4.5.2. Density and Height Allocation**

175 \* \* \*

176 **B. FAR Averaging**

177 1. Only standard method development projects that require site plan  
178 approval or optional method development projects can average FAR  
179 between properties.

180 2. FAR may be averaged over 2 or more directly abutting or confronting  
181 properties in one or more Commercial/Residential zones if:

182 a. the properties are under the same site plan, sketch plan,  
183 [Signature Business Headquarters plan, or Biohealth Priority  
184 Campus plan] or expedited approval plan; however, if a sketch

- 185 plan[, Signature Business Headquarters plan, or Biohealth  
186 Priority Campus] or expedited approval plan is required, density  
187 averaging must be shown on the applicable plan;
- 188 b. the resulting properties are created by the same preliminary  
189 subdivision plan or satisfy a phasing plan established by an  
190 approved sketch plan[, Signature Business Headquarters plan,  
191 or Biohealth Priority Campus plan] or expedited approval plan;
- 192 c. the maximum total, nonresidential, and residential FAR limits  
193 apply to the entire development, not to individual properties;
- 194 d. the total allowed maximum density on a resulting property that  
195 is abutting or confronting a property in an Agricultural, Rural  
196 Residential, or Residential Detached zone that is vacant or  
197 improved with an agricultural or residential use does not exceed  
198 that allowed by the property's zone; and
- 199 e. public benefits are required to be provided under any phasing  
200 element of an approved sketch plan[, Signature Business  
201 Headquarters plan, or Biohealth Priority Campus] or expedited  
202 approval plan.
- 203 3. Density may be averaged over 2 or more non-contiguous properties in  
204 one or more CRT or CR zones if:
- 205 a. each provision under Section 4.5.2.B.2 is satisfied;
- 206 b. the properties are within ¼ mile of each other, located in a  
207 designated master-planned density transfer area, or are part of [a  
208 Signature Business Headquarters plan or Biohealth Priority  
209 Campus] an expedited approval plan;
- 210 c. the minimum public benefit points required under  
211 Section 4.5.4.A.2 must be exceeded by at least 50%; and

212 d. the applicable master plan does not specifically prohibit the  
 213 averaging of density between non-contiguous properties.

214 4. If the Planning Board approves a site plan[, Signature Business  
 215 Headquarters plan, or Biohealth Priority Campus] or expedited  
 216 approval plan for a development project using FAR averaging across  
 217 two or more lots, the maximum density on certain lots in the  
 218 development project will be less than or greater than the zone allows,  
 219 as indicated in the applicable plan. To provide additional notice of the  
 220 FAR averaging, before the Planning Board approves a certified site  
 221 plan[, certified Signature Business Headquarters plan, or Biohealth  
 222 Priority Campus] or certified expedited approval plan for such a project  
 223 or, if plat approval is required, before plat approval, the applicant must  
 224 state the gross square footage taken from any lot with reduced density  
 225 in an instrument approved by the Planning Board and must record the  
 226 instrument in the Montgomery County land records.

227 \* \* \*

228 **Section 4.5.4. Optional Method Development**

229 The CRT and CR zones allow development under the optional method.

230 **A. General Requirements**

231 **1. Procedure for Approval**

232 A sketch plan must be approved under Section 7.3.3, unless [a  
 233 Signature Business Headquarters plan is approved under Section 7.3.5  
 234 or a Biohealth Priority Campus plan is approved under Section 7.3.6]  
 235 an expedited approval plan is approved under Section 7.3.5. A site plan  
 236 must be approved under Section 7.3.4 for any development on a  
 237 property with an approved sketch plan.

238 \* \* \*

239 **Sec. 5. DIVISION 59-4.6 is amended as follows:**

240 **Division 4.6. Employment Zones**

241 \* \* \*

242 **Section 4.6.2. Density and Height Allocation**

243 **A. Density and Height Limits**

244 \* \* \*

245 5. In the NR and EOF zones, commercial FAR limits on the subject  
246 property may be reallocated to residential FAR if the total FAR does  
247 not exceed the maximum total mapped FAR of the property and the  
248 building height does not exceed the maximum mapped height,  
249 including any increases in each allowed by this Chapter.

250 **B. FAR Averaging**

251 1. Only standard method development projects that require site plan  
252 approval or optional method development projects can average FAR  
253 between properties.

254 2. FAR may be averaged over 2 or more directly abutting or confronting  
255 properties in one or more Employment zones if:

256 a. the properties are under the same site plan, sketch plan, or  
257 [Biohealth Priority Campus] expedited approval plan; however,  
258 if a sketch plan or [Biohealth Priority Campus] expedited  
259 approval plan is required, density averaging must be shown on  
260 the applicable plan;

261 b. the resulting properties are created by the same preliminary  
262 subdivision plan or satisfy a phasing plan established by an  
263 approved sketch plan or [Biohealth Priority Campus] an  
264 expedited approval plan;

265 \* \* \*

- 266 e. public benefits are required to be provided under the phasing  
267 element of an approved sketch plan or [Biohealth Priority  
268 Campus] an expedited approval plan.
- 269 3. Density may be averaged over 2 or more non-contiguous properties in  
270 one or more LSC or EOF zones if:
- 271 a. each provision under Section 4.6.2.B.2 is satisfied;
- 272 b. the properties are within ¼ mile of each other or in a designated  
273 master-planned density transfer area or part of [a Biohealth  
274 Priority Campus] an expedited approval plan;
- 275 c. the minimum public benefit points required under Section  
276 4.6.4.A.2 are exceeded by at least 50%; and
- 277 d. the applicable master plan does not specifically prohibit the  
278 averaging of density between non-contiguous properties.
- 279 4. If the Planning Board approves a site plan or [Biohealth Priority  
280 Campus] an expedited approval plan for a development project using  
281 FAR averaging across two or more lots, the maximum density on  
282 certain lots in the development project will be less than or greater than  
283 the zone allows, as indicated in the applicable plan. To provide  
284 additional notice of the FAR averaging, before the Planning Board  
285 approves a certified site plan or a certified [Biohealth Priority campus]  
286 expedited approval plan for such a project or, if plat approval is  
287 required, before plat approval, the applicant must state the gross square  
288 footage taken from any lot with reduced density in an instrument  
289 approved by the Planning Board and must record the instrument in the  
290 Montgomery County land records.

291 \* \* \*

292 **Section 4.6.4. Optional Method Development**



293 The LSC and EOF zones allow development under the optional method.

294 **A. General Requirements**

295 **1. Procedure for Approval**

296 A sketch plan must be approved under Section 7.3.3 or [a Biohealth  
297 Priority Campus] an expedited approval plan must be approved under  
298 Section [7.3.6] 7.3.5. A site plan must be approved under Section 7.3.4  
299 for any development on a property with an approved sketch plan.

300 \* \* \*

301 **Sec. 6. DIVISION 59-7.3 is amended as follows:**

302 **Division 7.3. Regulatory Approvals**

303 \* \* \*

304 **Section 7.3.3. Sketch Plan**

305 **A. Applicability and Description**

306 1. Development under optional method in the CRT, CR, EOF, or LSC  
307 zone requires approval of a sketch plan, unless the development is  
308 approved as [a Signature Business Headquarters plan under Section  
309 7.3.5, a Biohealth Priority Campus plan under Section 7.3.6, or a  
310 Mixed-Income Housing Community plan under Section 7.3.7] an  
311 expedited approval plan under Section 7.3.5.

312 \* \* \*

313 **Section 7.3.5. Expedited Approval Plan**

314 **A. Applicability and Description**

315 1. An expedited approval plan provides a detailed overview of a proposed  
316 expedited approval. An expedited approval plan review will be used to  
317 determine if the proposed development satisfies current laws,  
318 regulations, and this Chapter, and substantially conforms with the intent  
319 of the applicable master plan and approved guidelines.

- 320           2.     The following uses may be approved under an expedited approval plan:  
321           a.     Signature Business Headquarters  
322           b.     Biohealth Priority Campus  
323           c.     Mixed-Income Housing Community  
324           d.     Commercial to Residential Reconstruction  
325           3.     An expedited approval plan may be phased, with each phase approved  
326                 separately under this section.  
327           4.     An expedited approval plan may encompass all or part of any property  
328                 on which the applicable use will be located and must demonstrate its  
329                 relation to and coordination with other applicable approvals or  
330                 submittals. Any amendment to a previously approved plan may follow  
331                 the timeframe for review under Section 7.3.5.B.3 through Section  
332                 7.3.5.B.6, Section 7.3.5.C, and Section 7.3.5.D.

333     **B. Application Requirements**

- 334           1.     Ownership  
335           a.     An applicant must own the subject property or be authorized by  
336                 the owner to file the application.  
337           b.     If any land or right-of-way encompassed by an expedited  
338                 approval plan application is owned or controlled by the State,  
339                 County, or any other entity or agency, a written agreement or  
340                 authorization from that entity or agency must be submitted with  
341                 the expedited approval plan application.  
342           2.     An expedited approval plan application must include:  
343           a.     a legally binding commitment or other evidence accepted by the  
344                 Planning Director that the expedited approval plan will meet the  
345                 requirements of the use;  
346           b.     an application form and fees required by the Planning Director;

- 347 c. a vicinity map at 1" = 200", and a site map showing existing  
348 buildings, structures, circulation routes, significant natural  
349 features, historic resources, and zoning and legal descriptions on  
350 the proposed development site and within 500 feet of the  
351 perimeter boundary;
- 352 d. a list of abutting and confronting property owners in the State tax  
353 records;
- 354 e. a list of any civic, homeowners, and renters associations that are  
355 registered with the Planning Department and located within ½  
356 mile of the site;
- 357 f. documentation of property interest in the proposed development  
358 site under Section 7.3.5.B.1 and, if applicant is not the property  
359 owner, documentation from the property owner authorizing the  
360 application;
- 361 g. a statement of justification outlining how the proposed  
362 development satisfies the standards and criteria required to grant  
363 the application;
- 364 h. verification that the applicant has posted notice on the property,  
365 notified affected properties, and held a pre-submittal community  
366 meeting that followed the Planning Department's Administrative  
367 Procedures for Development Review process;
- 368 i. a Traffic Statement or Study accepted by the Planning Director,  
369 if not submitted with a previous or concurrent application;
- 370 j. environmental documentation or exemption for:
  - 371 i. an approved Natural Resources Inventory/Forest Stand  
372 Delineation;

- 373                   ii.    a Stormwater Management Concept Application or, if  
374                               required, a Water Quality Plan Application; and  
375                   iii.    a final Forest Conservation Plan application;  
376                   k.    existing and proposed dry and wet utility plan;  
377                   l.    plans of proposed development showing:  
378                               i.    use, ground-floor layout, building footprints, massing, and  
379                               heights of all on-site buildings and structures, and  
380                               approximate footprints and height for buildings located on  
381                               abutting and confronting lots;  
382                               ii.   any required open spaces and recreational amenities;  
383                               iii.   detailed layout and dimensions for all sidewalks, trails,  
384                               paths, roadways, parking, loading, and bicycle storage  
385                               areas;  
386                               iv.   grading;  
387                               v.    landscaping and lighting; and  
388                   m.    a development program and inspection schedule detailing the  
389                               construction schedule for the project.  
390                   3.    The applicant must submit an initial application to the Planning  
391                               Director for approval of completeness. The Planning Director must  
392                               review the application for completeness within 3 business days after  
393                               receipt. An application is incomplete if any required element is missing  
394                               or is facially defective, e.g., a drawing that is not to scale or lacks proper  
395                               signatures. The assessment of completeness must not address the merits  
396                               of the application.  
397                   4.    The applicant must submit any required revisions to the Planning Director.  
398                               The Planning Director must review the revised application for  
399                               completeness within 2 business days after receipt.

400           5.     Once the Planning Director verifies that the application is complete, the  
401                     applicant must file the final application with the Planning Director, who  
402                     will accept the application and establish a hearing date under Section  
403                     7.3.5.C.

404           6.     Public notice is required under Division 7.5.

405     **C.   Hearing Date**

406     The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
407     date an application is accepted. If the next regularly scheduled hearing date would  
408     fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
409     scheduled hearing date should be used. The applicant may request an extension with  
410     Planning Director approval. Any extension of the public hearing must be noticed on  
411     the hearing agenda with the new public hearing date indicated.

412     **D.   Review and Recommendation**

413           1.     State and County Agencies

414                     a.     Reviewing State and County agencies and utilities must submit  
415                             comments within 15 days after the date an application is  
416                             accepted. If no comments are submitted within that time, the  
417                             reviewing agency or utility's portion of the application is deemed  
418                             approved.

419                     b.     The applicant must submit revised drawings to address the  
420                             comments a minimum of 25 days before the date of the hearing.  
421                             The Planning Director may extend the deadline if the applicant  
422                             submits a written request within 5 days after the revised drawings  
423                             were due.

424           2.     Planning Director

425                     The Planning Director must publish a report and recommendation a minimum  
426                     of 10 days before the Planning Board hearing.

427           3.     Withdrawal of an Application  
428           The Planning Board must send a notice to all parties entitled to notice of the  
429           hearing when an applicant withdraws an application for an expedited approval  
430           plan.

431    **E. Necessary Findings**

432           1.     When reviewing an application, the approval findings apply only to the  
433           site covered by the application.

434           2.     To approve an expedited approval plan, the Planning Board must find  
435           that the proposed development:

436           a.     satisfies any previous approval that applies to the site, unless  
437           exempt under the applicable use section or amended;

438           b.     satisfies the applicable use and development standards and  
439           general requirements of this Chapter;

440           c.     satisfies the applicable requirements of Chapter 19 and Chapter  
441           22A;

442           d.     provides safe, well-integrated parking, circulation patterns,  
443           building massing, and site amenities;

444           e.     substantially conforms with the intent of the applicable master  
445           plan, existing and approved or pending adjacent development,  
446           the requirements of this chapter, and any guidelines approved by  
447           the Planning Board that implement the applicable plan;

448           f.     if on a property in a master plan area that requires staging based  
449           on Non-Auto Driver Mode Share (NADMS), is exempt from the  
450           staging requirement if:

451           i.     the applicant agrees to enter into a Transportation Demand  
452           Management plan that provides an action plan for  
453           substantial achievement of the applicable NADMS goal;

- 454                   ii.     parking below the minimum required under Section 6.2.4  
455                                   is provided; and  
456                   iii.     transit, bicycle, and pedestrian infrastructure required by  
457                                   the applicable stage of the master plan is funded in the  
458                                   Capital Improvements Program or Consolidated  
459                                   Transportation Program, or provided by the applicant; and  
460                   g.     will be served by adequate public services and facilities,  
461                                   including schools, police and fire protection, water, sanitary  
462                                   sewer, public roads, storm drainage, and other public facilities.

463     **F.     Decision**

- 464             1.     The Planning Board must act upon the close of the record of the public  
465                                   hearing by majority vote of those present at the public hearing to  
466                                   approve, approve with modifications or conditions, or deny the  
467                                   application. The Planning Board must issue a resolution reflecting its  
468                                   decision within 7 days of the Planning Board vote.  
469             2.     Any party aggrieved by a decision of the Planning Board may file a  
470                                   petition for judicial review of the decision within 30 days after the  
471                                   Planning Board’s action.  
472             3.     Within 30 days of submission, the final expedited approval plans must  
473                                   be certified by the Planning Director to confirm that the drawings  
474                                   reflect the Planning Board’s approval. If the certified plans do not  
475                                   address or comply with the Planning Board’s approval, the plans will  
476                                   be rejected with comments for the applicant to address. If no action is  
477                                   taken by the Planning Director within 30 days, the plan is deemed  
478                                   approved and certified.

479     **G.     Conforming Permits**

480 For any development requiring an expedited approval plan, DPS must not issue a  
481 sediment control permit, building permit, or use-and-occupancy permit for any  
482 building, structure, or improvement unless the Planning Board has approved an  
483 expedited approval plan and a bond has been approved under Section 7.3.5.K.4.

484 **H. Duration of Approval**

485 1. An expedited approval plan expires unless a certified expedited  
486 approval plan is approved by the Planning Director within 24 months  
487 after the date the resolution is mailed.

488 2. An expedited approval plan does not become effective until a record  
489 plat, if required, is recorded that satisfies any approved subdivision plan  
490 for the subject property. If no record plat is required, then the expedited  
491 approval plan becomes effective upon certification under Section  
492 7.3.5.F.3.

493 3. Development activities under Section 7.3.5 must satisfy the certified  
494 expedited approval plan and any conditions of approval.

495 4. If the Planning Board approves an expedited approval plan, the  
496 applicant must have a building permit application, accepted by DPS,  
497 that includes the core and shell of the principal building within 2 years  
498 of the date of the Planning Board's resolution. Within 2 years after DPS  
499 accepts the building permit application that includes the core and shell  
500 of the principal building, the applicant must obtain that building permit.

501 5. The deadlines under Section 7.3.5.H may be extended with approval of  
502 the Planning Board by up to 18 months.

503 6. If an applicant fails to comply with any of the deadlines within this  
504 section, the expedited approval plan approval shall be revoked. The  
505 applicant may request reinstatement of a revoked approval within 30  
506 days of revocation. After holding a hearing on the reinstatement, the



507 Planning Board may reinstate the approval and extend the deadline for  
508 good cause shown.

509 **I. Recording Procedures**

510 The certified expedited approval plan and Planning Board resolution must be  
511 maintained in the permanent files of the Planning Department.

512 **J. Amendments**

513 Any property owner may apply for an expedited approval plan amendment to change  
514 a certified expedited approval plan.

515 1. Major Amendment

516 a. A major amendment includes any request to:

517 i. increase density or height by more than that allowed under  
518 a minor amendment under Section 7.3.5.J.2;

519 ii. decrease open space;

520 iii. deviate from a condition of approval; or

521 iv. alter a basic element of the plan.

522 b. Public notice is required under Division 7.5.

523 c. A major amendment must follow the same hearing procedures  
524 and satisfy the same necessary findings as the original expedited  
525 approval plan.

526 2. Minor Amendment

527 a. A minor amendment includes any request to:

528 i. increase density by up to 10% or 15,000 square feet,  
529 provided the increase is less than or equal to the total  
530 mapped density, including any density increases or  
531 bonuses;

532                   ii.     increase height by up to 10%, provided the height is less  
533                             than or equal to the height and any increases allowed under  
534                             the applicable use standards; or

535                   iii.    change an ancillary use, a parking or loading area,  
536                             landscaping, sidewalk, recreational facility or area,  
537                             configuration of open space, or any other plan element that  
538                             will have a minimal effect on the overall design, layout,  
539                             quality, or intent of the plan.

540                   A minor amendment also includes a reduction in approved  
541                             parking to satisfy Article 59-6. A minor amendment does not  
542                             include any change that prevents circulation on any street or path.

543                   b.     Public notice is required under Division 7.5.

544                   c.     A minor amendment may be approved by the Planning Director  
545                             without a public hearing if no objection to the application is  
546                             received within 15 days after the application notice is sent. If an  
547                             objection is received within 15 days after the application notice  
548                             is sent, and the objection is considered relevant, a public hearing  
549                             is required. A public hearing must be held under the same  
550                             procedures as an original application.

551     **K. Compliance and Enforcement**

552                   1.     If the Planning Board finds, after holding a public hearing or  
553                             designating a hearing officer to hold a public hearing, that a property  
554                             under development is not in compliance with a certified expedited  
555                             approval plan, it may:

556                   a.     impose a civil fine or administrative civil penalty authorized by  
557                             Chapter 50;

- 558            b. suspend or revoke the non-compliant portion of the expedited  
559            approval plan approval;
- 560            c. order a compliance program that would permit the applicant to  
561            take corrective action to satisfy the certified expedited approval  
562            plan;
- 563            d. allow the applicant to propose modifications to the certified  
564            expedited approval plan; or
- 565            e. take any combination of these actions.
- 566        2. If the Planning Board or its designee finds that the applicant has failed  
567        to comply with a compliance program approved under Section  
568        7.3.5.K.1.c, the Planning Board may, without holding any further  
569        hearing, take any of the actions identified in Section 7.3.5.K.1.a through  
570        Section 7.3.5.K.1.e.
- 571        3. If the Planning Board suspends or revokes all or any portion of an  
572        expedited approval plan, DPS must immediately suspend any  
573        applicable building permit under which construction has not been  
574        completed or withhold any applicable use-and-occupancy permit, until  
575        the Planning Board reinstates the applicable portion of the expedited  
576        approval plan or approves a new plan for the development.
- 577        4. The Planning Board may require the applicant to post a commercially  
578        acceptable form of surety securing compliance with and full  
579        implementation of specified features of the certified expedited approval  
580        plan in an amount set by the Planning Board. If such surety is required,  
581        DPS must not issue a building permit or use-and-occupancy permit  
582        until such surety is accepted.

583        **[Section 7.3.5. Signature Business Headquarters Plan]**

584        **[A. Applicability and Description]**

585 [1. A Signature Business Headquarters plan provides a detailed overview of  
586 a proposed Signature Business Headquarters. A Signature Business  
587 Headquarters plan review will be used to determine if the proposed  
588 development satisfies current laws, regulations, and this Chapter, and  
589 substantially conforms with the intent of the applicable master plan and  
590 approved guidelines.]

591 [2. A Signature Business Headquarters plan may be phased, with each phase  
592 approved separately under this section.]

593 [3. A Signature Business Headquarters plan may encompass all or part of  
594 any property on which the Signature Business Headquarters will be located  
595 and must demonstrate its relation to and coordination with other applicable  
596 approvals or submittals. Any amendment to a previously approved plan may  
597 follow the timeframe for review under Section 7.3.5.B.3 through Section  
598 7.3.5.B.6, Section 7.3.5.C and Section 7.3.5.D.]

599 **[B. Application Requirements]**

600 [1. Ownership

601 a. An applicant must own the subject property or be authorized by  
602 the owner to file the application.

603 b. If any land or right-of-way encompassed by a Signature Business  
604 Headquarters plan application is owned or controlled by the  
605 State, County, or any other entity or agency, a written agreement  
606 or authorization from that entity or agency must be submitted  
607 with the Signature Business Headquarters plan application.]

608 [2. A Signature Business Headquarters plan application must include:

609 a. a legally binding commitment or other evidence accepted by the  
610 Planning Director that the Signature Business Headquarters will

- 611 employ at least 20,000 individuals within a single Metro Station  
612 Policy Area;
- 613 b. an application form and fees required by the Planning Director;
- 614 c. a site map showing existing buildings, structures, circulation  
615 routes, significant natural features, historic resources, and zoning  
616 and legal descriptions on the proposed development site and  
617 within 500 feet of the perimeter boundary;
- 618 d. a list of abutting and confronting property owners in the County  
619 tax records;
- 620 e. a list of any civic, homeowners, and renters associations that are  
621 registered with the Planning Department and located within ½  
622 mile of the site;
- 623 f. documentation of interest in the proposed development site  
624 under Section 7.3.5.B.1;
- 625 g. a statement of justification outlining how the proposed  
626 development satisfies the standards and criteria required to grant  
627 the application;
- 628 h. verification that the applicant has posted notice on the property,  
629 notified affected properties, and held a pre-submittal community  
630 meeting that followed the Planning Department's Administrative  
631 Procedures for Development Review process;
- 632 i. a Traffic Statement or Study accepted by the Planning Director,  
633 if not submitted with a previous or concurrent application;
- 634 j. environmental documentation or exemption for:
- 635 i. an approved Natural Resources Inventory/Forest Stand  
636 Delineation;

- 637                   ii.     a Stormwater Management Concept Application or, if
- 638                                 required, a Water Quality Plan Application; and
- 639                   iii.     a final Forest Conservation Plan application;
- 640           k.     existing and proposed dry and wet utility plan;
- 641           l.     plans of proposed development showing:
  - 642                   i.     use, footprints, ground-floor layout, and heights of all
  - 643                                 buildings and structures;
  - 644                   ii.     required open spaces and recreational amenities;
  - 645                   iii.     detailed layout and dimensions for all sidewalks, trails,
  - 646                                 paths, roadways, parking, loading, and bicycle storage
  - 647                                 areas;
  - 648                   iv.     grading;
  - 649                   v.     landscaping and lighting; and
  - 650           m.     a development program and inspection schedule detailing the
  - 651                                 construction schedule for the project.]
- 652       [3.     The applicant must submit an initial application to the Planning
- 653                                 Director for approval of completeness. The Planning Director must
- 654                                 review the application for completeness within 3 days after receipt. An
- 655                                 application is incomplete if any required element is missing or is
- 656                                 facially defective, e.g., a drawing that is not to scale or lacks proper
- 657                                 signatures. The assessment of completeness must not address the merits
- 658                                 of the application.]
- 659       [4.     The applicant must submit any required revisions to the Planning
- 660                                 Director. The Planning Director must review the revised application for
- 661                                 completeness within 2 days after receipt.]
- 662       [5.     After the Planning Director verifies that the application is complete, the
- 663                                 applicant must file the final application with the Planning Director, who

664 will accept the application and establish a hearing date under Section  
665 7.3.5.C.]

666 [6. Public notice is required under Division 7.5.]

667 **[C. Hearing Date**

668 The Planning Board must schedule a public hearing to begin within 60 days after the  
669 date an application is accepted. The applicant may request an extension with  
670 Planning Board approval. Any extension of the public hearing must be noticed on  
671 the hearing agenda with the new public hearing date indicated.]

672 **[D. Review and Recommendation]**

673 [1. State and County Agencies

674 a. Reviewing State and County agencies and utilities must submit  
675 comments within 15 days after the date an application is  
676 accepted.

677 b. The applicant must submit revised drawings to address the  
678 comments a minimum of 20 days before the date of the hearing.  
679 The Planning Director may extend the deadline if the applicant  
680 submits a written request within 5 days after the revised drawings  
681 were due.]

682 [2. Planning Director

683 The Planning Director must publish a report and recommendation a minimum  
684 of 10 days before the Planning Board hearing.]

685 [3. Withdrawal of an Application

686 The Planning Board must send a notice to all parties entitled to notice of the  
687 hearing when an applicant withdraws an application for a headquarters plan.]

688 **[E. Necessary Findings]**

689 [1. When reviewing an application, the approval findings apply only to the  
690 site covered by the application.]

- 691 [2. To approve a Signature Business Headquarters plan, the Planning  
692 Board must find that the proposed development:
- 693 a. satisfies any previous approval that applies to the site, unless  
694 exempt under Section 3.5.8.D.2 or amended;
  - 695 b. satisfies the applicable use and development standards and  
696 general requirements of this Chapter;
  - 697 c. satisfies the applicable requirements of Chapter 19 and Chapter  
698 22A;
  - 699 d. provides safe, well-integrated parking, circulation patterns,  
700 building massing, and site amenities;
  - 701 e. substantially conforms with the intent of the applicable master  
702 plan and any guidelines approved by the Planning Board that  
703 implement the applicable plan;
  - 704 f. will be located within the same Metro Station Policy Area as all  
705 other phases of the Signature Business Headquarters;
  - 706 g. on a property in a master plan area that requires staging based on  
707 Non-Auto Driver Mode Share (NADMS), is exempt from the  
708 staging requirement if:
    - 709 i. the applicant agrees to enter into a traffic mitigation  
710 agreement that provides an action plan for substantial  
711 achievement of the applicable NADMS goal;
    - 712 ii. parking below the minimum required under Section 6.2.4  
713 is provided; and
    - 714 iii. transit, bicycle, and pedestrian infrastructure required by  
715 the applicable stage of the master plan is funded in the  
716 Capital Improvements Program or Consolidated  
717 Transportation Program, or provided by the applicant; and



718 h. will be served by adequate public services and facilities,  
719 including schools, police and fire protection, water, sanitary  
720 sewer, public roads, storm drainage, and other public facilities.]

721 **[F. Decision]**

722 [1. The Planning Board must act upon the close of the record of the public  
723 hearing by majority vote of those present at the public hearing to  
724 approve, approve with modifications or conditions, or deny the  
725 application. The Planning Board must issue a resolution reflecting its  
726 decision within 7 days of the Planning Board vote.]

727 [2. Any party aggrieved by a decision of the Planning Board may file a  
728 petition for judicial review of the decision within 30 days after the  
729 Planning Board's action to the Circuit Court and thereafter to the Court  
730 of Special Appeals.]

731 [3. Final Signature Business Headquarters plans must be certified by the  
732 Planning Director to confirm that the drawings reflect the Planning  
733 Board's approval.]

734 **[G. Conforming Permits]**

735 For any development requiring a Signature Business Headquarters plan, DPS must  
736 not issue a sediment control permit, building permit, or use-and-occupancy permit  
737 for any building, structure, or improvement unless the Planning Board has approved  
738 a Signature Business Headquarters plan and a bond has been approved under Section  
739 7.3.5.K.4.]

740 **[H. Duration of Approval]**

741 [1. A Signature Business Headquarters plan expires unless a certified  
742 Signature Business Headquarters plan is approved by the Planning  
743 Director within 24 months after the date the resolution is mailed.]

- 744 [2. A Signature Business Headquarters plan does not become effective  
745 until a record plat is recorded that satisfies any approved subdivision  
746 plan for the subject property.]
- 747 [3. Development activities under Section 7.3.5 must satisfy the certified  
748 Signature Business Headquarters plan and any conditions of approval.]
- 749 [4. If the Planning Board approves a Signature Business Headquarters  
750 plan, the applicant must have a building permit application, accepted  
751 by the Department of Permitting Services, that includes the core and  
752 shell of the principal building within two years of the date of the  
753 Planning Board's resolution. Within two years after the Department of  
754 Permitting Services accepts the building permit application that  
755 includes the core and shell of the principal building, the applicant must  
756 obtain that building permit. The deadlines under this section may not  
757 be extended. If an applicant fails to comply with any of the deadlines  
758 under this section, the applicable phase of the Signature Business  
759 Headquarters plan approval is revoked.]

760 **[I. Recording Procedures**

761 The certified Signature Business Headquarters plan and Planning Board resolution  
762 must be maintained in the permanent files of the Planning Department.]

763 **[J. Amendments**

764 Any property owner may apply for a Signature Business Headquarters plan  
765 amendment to change a certified Signature Business Headquarters plan. There are  
766 two types of amendments: a major and a minor amendment.]

767 [1. Major Amendment

- 768 a. A major amendment includes any request to:
- 769 i. increase density or height by more than that allowed under  
770 a minor amendment (Section 7.3.5.J.2);

- 771                   ii.     decrease open space;
- 772                   iii.    deviate from a condition of approval; or
- 773                   iv.    alter a basic element of the plan.
- 774           b.     Public notice is required under Division 7.5.
- 775           c.     A major amendment must follow the same hearing procedures
- 776                   and satisfy the same necessary findings as the original Signature
- 777                   Business Headquarters plan.]

778       [2.   Minor Amendment

- 779           a.     A minor amendment includes any request to:
- 780                   i.     increase density by up to 10% or 30,000 square feet,
- 781                             whichever is less, provided the increase is less than or
- 782                             equal to the total mapped density;
- 783                   ii.    increase height by up to 10%, provided the height is less
- 784                             than or equal to the height allowed under Section 3.5.8.D;
- 785                             or
- 786                   iii.   change an ancillary use, a parking or loading area,
- 787                             landscaping, sidewalk, recreational facility or area,
- 788                             configuration of open space, or any other plan element that
- 789                             will have a minimal effect on the overall design, layout,
- 790                             quality or intent of the plan.

791           A minor amendment also includes a reduction in approved parking to

792           satisfy Article 59-6. A minor amendment does not include any change

793           that prevents circulation on any street or path.

- 794           b.     Public notice is required under Division 7.5.
- 795           c.     A minor amendment may be approved by the Planning Director
- 796                   without a public hearing if no objection to the application is
- 797                   received within 15 days after the application notice is sent. If an

798 objection is received within 15 days after the application notice  
799 is sent, and the objection is considered relevant, a public hearing  
800 is required. A public hearing must be held under the same  
801 procedures as an original application.]

802 **[K. Compliance and Enforcement]**

803 [1. If the Planning Board finds, after holding a public hearing or  
804 designating a hearing officer to hold a public hearing, that a property  
805 under development is not in compliance with a certified Signature  
806 Business Headquarters plan, it may:

- 807 a. impose a civil fine or administrative civil penalty authorized by  
808 Chapter 50 (Section 50-10.6.D);
- 809 b. suspend or revoke Signature Business Headquarters plan  
810 approval;
- 811 c. order a compliance program that would permit the applicant to  
812 take corrective action to satisfy the certified Signature Business  
813 Headquarters plan;
- 814 d. allow the applicant to propose modifications to the certified  
815 Signature Business Headquarters plan; or
- 816 e. take any combination of these actions.]

817 [2. If the Planning Board or its designee finds that the applicant has failed  
818 to comply with a compliance program approved under Section  
819 7.3.5.K.1.c, the Planning Board may, without holding any further  
820 hearing, take any of the actions identified in Section 7.3.5.K.1.a.  
821 through Section 7.3.5.K.1.e.]

822 [3. If the Planning Board suspends or revokes a Signature Business Head-  
823 quarters plan, DPS must immediately suspend any applicable building  
824 permit under which construction has not been completed or withhold

825 any applicable use-and-occupancy permit, until the Planning Board  
826 reinstates the Signature Business Headquarters plan or approves a new  
827 plan for the development.]

828 [4. The Planning Board may require the applicant to post a commercially  
829 acceptable form of surety securing compliance with and full  
830 implementation of specified features of the certified Signature Business  
831 Headquarters plan in an amount set by the Planning Board. If such  
832 surety is required, DPS must not issue a building permit or use-and-  
833 occupancy permit until such surety is accepted.]

834 **[Section 7.3.6. Biohealth Priority Campus Plan]**

835 **[A. Applicability and Description]**

836 [1. A Biohealth Priority Campus plan provides a detailed overview of a  
837 proposed Biohealth Priority Campus. A Biohealth Priority Campus  
838 plan review will be used to determine if the proposed development  
839 satisfies current laws, regulations, and this Chapter, and substantially  
840 conforms with the intent of the applicable master plan and approved  
841 guidelines.]

842 [2. A Biohealth Priority Campus plan may be phased, with each phase  
843 approved separately under this section.]

844 [3. A Biohealth Priority Campus plan may encompass all or part of any  
845 property on which the Biohealth Priority Campus will be located and  
846 must demonstrate its relation to and coordination with other applicable  
847 approvals or submittals. Any amendment to a previously approved plan  
848 may follow the timeframe for review under Section 7.3.6.B.3 through  
849 Section 7.3.6.B.6, Section 7.3.6.C, and Section 7.3.6.D.]

850 **[B. Application Requirements]**

851 [1. Ownership

- 852 a. An applicant must own the subject property or be authorized by
- 853 the owner to file the application.
- 854 b. If any land or right-of-way encompassed by a Biohealth Priority
- 855 Campus plan application is owned or controlled by the State,
- 856 County, or any other entity or agency, a written agreement or
- 857 authorization from that entity or agency must be submitted with
- 858 the Biohealth Priority Campus plan application.]
- 859 [2. A Biohealth Priority Campus plan application must include:
- 860 a. a legally binding commitment or other evidence accepted by the
- 861 Planning Director that the Biohealth Priority Campus will meet
- 862 the requirements of Section 3.5.8.E.1;
- 863 b. an application form and fees required by the Planning Director;
- 864 c. a vicinity map at 1" = 200", and a site map showing existing
- 865 buildings, structures, circulation routes, significant natural
- 866 features, historic resources, and zoning and legal descriptions on
- 867 the proposed development site and within 500 feet of the
- 868 perimeter boundary;
- 869 d. a list of abutting and confronting property owners in the State tax
- 870 records;
- 871 e. a list of any civic, homeowners, and renters associations that are
- 872 registered with the Planning Department and located within ½
- 873 mile of the site;
- 874 f. documentation of property interest in the proposed development
- 875 site under Section 7.3.6.B.1 and, if applicant is not the property
- 876 owner, documentation from the property owner authorizing the
- 877 application;

- 878 g. a statement of justification outlining how the proposed
- 879 development satisfies the standards and criteria required to grant
- 880 the application;
- 881 h. verification that the applicant has posted notice on the property,
- 882 notified affected properties, and held a pre-submittal community
- 883 meeting that followed the Planning Department’s Administrative
- 884 Procedures for Development Review process;
- 885 i. a Traffic Statement or Study accepted by the Planning Director,
- 886 if not submitted with a previous or concurrent application;
- 887 j. environmental documentation or exemption for:
  - 888 i. an approved Natural Resources Inventory/Forest Stand
  - 889 Delineation;
  - 890 ii. a Stormwater Management Concept Application or, if
  - 891 required, a Water Quality Plan Application; and
  - 892 iii. a final Forest Conservation Plan application;
- 893 k. existing and proposed dry and wet utility plan;
- 894 l. plans of proposed development showing:
  - 895 i. use, ground-floor layout, building footprints, massing, and
  - 896 heights of all on-site buildings and structures, and
  - 897 approximate footprints and height for buildings located on
  - 898 abutting and confronting lots;
  - 899 ii. required open spaces and recreational amenities;
  - 900 iii. detailed layout and dimensions for all sidewalks, trails,
  - 901 paths, roadways, parking, loading, and bicycle storage
  - 902 areas;
  - 903 iv. grading;
  - 904 v. landscaping and lighting; and

905 m. a development program and inspection schedule detailing the  
906 construction schedule for the project.]

907 [3. The applicant must submit an initial application to the Planning  
908 Director for approval of completeness. The Planning Director must  
909 review the application for completeness within 3 business days after  
910 receipt. An application is incomplete if any required element is missing  
911 or is facially defective, e.g., a drawing that is not to scale or lacks proper  
912 signatures. The assessment of completeness must not address the merits  
913 of the application.]

914 [4. The applicant must submit any required revisions to the Planning  
915 Director. The Planning Director must review the revised application for  
916 completeness within 2 business days after receipt.]

917 [5. Once the Planning Director verifies that the application is complete, the  
918 applicant must file the final application with the Planning Director, who  
919 will accept the application and establish a hearing date under Section  
920 7.3.6.C.]

921 [6. Public notice is required under Division 7.5.]

922 **[C. Hearing Date**

923 The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
924 date an application is accepted. If the next regularly scheduled hearing date would  
925 fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
926 scheduled hearing date should be used. The applicant may request an extension with  
927 Planning Director approval. Any extension of the public hearing must be noticed on  
928 the hearing agenda with the new public hearing date indicated.]

929 **[D. Review and Recommendation]**

930 [1. State and County Agencies



931 a. Reviewing State and County agencies and utilities must submit  
932 comments within 15 days after the date an application is  
933 accepted. If no comments are submitted within that time, the  
934 reviewing agency or utility’s portion of the application is deemed  
935 approved.

936 b. The applicant must submit revised drawings to address the  
937 comments a minimum of 25 days before the date of the hearing.  
938 The Planning Director may extend the deadline if the applicant  
939 submits a written request within 5 days after the revised drawings  
940 were due.]

941 [2. Planning Director  
942 The Planning Director must publish a report and recommendation a minimum  
943 of 10 days before the Planning Board hearing.]

944 [3. Withdrawal of an Application  
945 The Planning Board must send a notice to all parties entitled to notice of the  
946 hearing when an applicant withdraws an application for a Biohealth Priority  
947 Campus plan.]

948 **[E. Necessary Findings]**

949 [1. When reviewing an application, the approval findings apply only to the  
950 site covered by the application.]

951 [2. To approve a Biohealth Priority Campus plan, the Planning Board must  
952 find that the proposed development:

953 a. satisfies any previous approval that applies to the site, unless  
954 exempt under Section 3.5.8.E.2 or amended;

955 b. satisfies the applicable use and development standards and  
956 general requirements of this Chapter;

- 957 c. satisfies the applicable requirements of Chapter 19 and Chapter  
958 22A;
- 959 d. provides safe, well-integrated parking, circulation patterns,  
960 building massing, and site amenities;
- 961 e. substantially conforms with the intent of the applicable master  
962 plan, existing and approved or pending adjacent development,  
963 the requirements of this chapter, and any guidelines approved by  
964 the Planning Board that implement the applicable plan;
- 965 f. if on a property in a master plan area that requires staging based  
966 on Non-Auto Driver Mode Share (NADMS), is exempt from the  
967 staging requirement if:
  - 968 i. the applicant agrees to enter into a Transportation Demand  
969 Management plan that provides an action plan for  
970 substantial achievement of the applicable NADMS goal;
  - 971 ii. parking below the minimum required under Section 6.2.4  
972 is provided; and
  - 973 iii. transit, bicycle, and pedestrian infrastructure required by  
974 the applicable stage of the master plan is funded in the  
975 Capital Improvements Program or Consolidated  
976 Transportation Program, or provided by the applicant; and
- 977 g. will be served by adequate public services and facilities,  
978 including schools, police and fire protection, water, sanitary  
979 sewer, public roads, storm drainage, and other public facilities.]

980 **[F. Decision]**

- 981 [1. The Planning Board must act upon the close of the record of the public  
982 hearing by majority vote of those present at the public hearing to  
983 approve, approve with modifications or conditions, or deny the

984 application. The Planning Board must issue a resolution reflecting its  
985 decision within 7 days of the Planning Board vote.]

986 [2. Any party aggrieved by a decision of the Planning Board may file a  
987 petition for judicial review of the decision within 30 days after the  
988 Planning Board’s action]

989 [3. Within 30 days of submission, the final Biohealth Priority Campus  
990 plans must be certified by the Planning Director to confirm that the  
991 drawings reflect the Planning Board’s approval. If the certified plans  
992 do not address or comply with the Planning Board’s approval, the plans  
993 will be rejected with comments for the applicant to address. If no action  
994 is taken by the Planning Director within 30 days, the plan is deemed  
995 approved and certified.]

996 **[G. Conforming Permits**

997 For any development requiring a Biohealth Priority Campus plan, DPS must not  
998 issue a sediment control permit, building permit, or use-and-occupancy permit for  
999 any building, structure, or improvement unless the Planning Board has approved a  
1000 Biohealth Priority Campus plan and a bond has been approved under Section  
1001 7.3.6.K.4.]

1002 **[H. Duration of Approval]**

1003 [1. A Biohealth Priority Campus plan expires unless a certified Biohealth  
1004 Priority Campus plan is approved by the Planning Director within 24  
1005 months after the date the resolution is mailed.]

1006 [2. A Biohealth Priority Campus plan does not become effective until a  
1007 record plat, if required, is recorded that satisfies any approved  
1008 subdivision plan for the subject property. If no record plat is required,  
1009 then the Biohealth Priority Campus plan becomes effective upon  
1010 certification under Section 7.3.6.F.3.]

- 1011 [3. Development activities under Section 7.3.6 must satisfy the certified  
1012 Biohealth Priority Campus plan and any conditions of approval.]
- 1013 [4. If the Planning Board approves a Biohealth Priority Campus plan, the  
1014 applicant must have a building permit application, accepted by DPS,  
1015 that includes the core and shell of the principal building within two  
1016 years of the date of the Planning Board’s resolution. Within two years  
1017 after DPS accepts the building permit application that includes the core  
1018 and shell of the principal building, the applicant must obtain that  
1019 building permit.]
- 1020 [5. The deadlines under Section 7.3.6.H may be extended with approval of  
1021 the Planning Board by up to 18 months.]
- 1022 [6. If an applicant fails to comply with any of the deadlines within this  
1023 section, the Biohealth Priority Campus plan approval shall be revoked.  
1024 The applicant may request reinstatement of a revoked approval within  
1025 30 days of revocation. After holding a hearing on the reinstatement, the  
1026 Planning Board may reinstate the approval and extend the deadline for  
1027 good cause shown.]

1028 **[I. Recording Procedures**

1029 The certified Biohealth Priority Campus plan and Planning Board resolution must  
1030 be maintained in the permanent files of the Planning Department.]

1031 **[J. Amendments**

1032 Any property owner may apply for a Biohealth Priority Campus plan amendment to  
1033 change a certified Biohealth Priority Campus plan. There are two types of  
1034 amendments: a major and a minor amendment.]

1035 [1. Major Amendment

1036 a. A major amendment includes any request to:

- 1037 i. increase density or height by more than that allowed under
- 1038 a minor amendment (Section 7.3.6.J.2);
- 1039 ii. decrease open space;
- 1040 iii. deviate from a condition of approval; or
- 1041 iv. alter a basic element of the plan.
- 1042 b. Public notice is required under Division 7.5.
- 1043 c. A major amendment must follow the same hearing procedures
- 1044 and satisfy the same necessary findings as the original Biohealth
- 1045 Priority Campus plan.]

1046 [2. Minor Amendment

- 1047 a. A minor amendment includes any request to:
- 1048 i. increase density by up to 10% or 15,000 square feet,
- 1049 provided the increase is less than or equal to the total
- 1050 mapped density, including any density increases or
- 1051 bonuses;
- 1052 ii. increase height by up to 10%, provided the height is less
- 1053 than or equal to the height and any increases allowed under
- 1054 Section 3.5.8.D; or
- 1055 iii. change an ancillary use, a parking or loading area,
- 1056 landscaping, sidewalk, recreational facility or area,
- 1057 configuration of open space, or any other plan element that
- 1058 will have a minimal effect on the overall design, layout,
- 1059 quality or intent of the plan.

1060 A minor amendment also includes a reduction in approved  
1061 parking to satisfy Article 59-6. A minor amendment does not  
1062 include any change that prevents circulation on any street or  
1063 path.]

- 1064 b. Public notice is required under Division 7.5.
- 1065 c. A minor amendment may be approved by the Planning Director
- 1066 without a public hearing if no objection to the application is
- 1067 received within 15 days after the application notice is sent. If an
- 1068 objection is received within 15 days after the application notice
- 1069 is sent, and the objection is considered relevant, a public hearing
- 1070 is required. A public hearing must be held under the same
- 1071 procedures as an original application.]

1072 **[K. Compliance and Enforcement]**

- 1073 [1. If the Planning Board finds, after holding a public hearing or
- 1074 designating a hearing officer to hold a public hearing, that a property
- 1075 under development is not in compliance with a certified Biohealth
- 1076 Priority Campus plan, it may:
  - 1077 a. impose a civil fine or administrative civil penalty authorized by
  - 1078 Chapter 50 (Section 50-10.6.D);
  - 1079 b. suspend or revoke the non-compliant portion of the Biohealth
  - 1080 Priority Campus plan approval;
  - 1081 c. order a compliance program that would permit the applicant to
  - 1082 take corrective action to satisfy the certified Biohealth Priority
  - 1083 Campus plan;
  - 1084 d. allow the applicant to propose modifications to the certified
  - 1085 Biohealth Priority Campus plan; or
  - 1086 e. take any combination of these actions.]
- 1087 [2. If the Planning Board or its designee finds that the applicant has failed
- 1088 to comply with a compliance program approved under Section
- 1089 7.3.6.K.1.c, the Planning Board may, without holding any further

1090 hearing, take any of the actions identified in Section 7.3.6.K.1.a through  
1091 Section 7.3.6.K.1.e.]

1092 [3. If the Planning Board suspends or revokes all or any portion of a  
1093 Biohealth Priority Campus plan, DPS must immediately suspend any  
1094 applicable building permit under which construction has not been  
1095 completed or withhold any applicable use-and-occupancy permit, until  
1096 the Planning Board reinstates the applicable portion of the Biohealth  
1097 Priority Campus plan or approves a new plan for the development.]

1098 [4. The Planning Board may require the applicant to post a commercially  
1099 acceptable form of surety securing compliance with and full  
1100 implementation of specified features of the certified Biohealth Priority  
1101 Campus plan in an amount set by the Planning Board. If such surety is  
1102 required, DPS must not issue a building permit or use-and-occupancy  
1103 permit until such surety is accepted.]

1104 **[Section 7.3.7. Mixed-Income Housing Community Plan]**

1105 **[A. Applicability and Description]**

1106 A Mixed-Income Housing Community plan provides a detailed overview of a  
1107 proposed Mixed-Income Housing Community. A Mixed-Income Housing  
1108 Community plan review will be used to determine if the proposed development  
1109 satisfies current laws, regulations, and this Chapter, and substantially conforms with  
1110 the intent of the applicable master plan and approved guidelines.]

1111 **[B. Application Requirements]**

1112 [1. Ownership

1113 a. An applicant must own the subject property or be authorized by  
1114 the owner to file the application.

1115 b. If any land or right-of-way encompassed by a Mixed-Income  
1116 Housing Community plan application is owned or controlled by

1117 the State, County, or any other entity or agency, a written  
1118 agreement or authorization from that entity or agency must be  
1119 submitted with the Mixed-Income Housing Community plan  
1120 application.]

- 1121 [2. A Mixed-Income Housing Community plan application must include:
- 1122 a. a legally binding commitment or other evidence accepted by the  
1123 Planning Director that the Mixed-Income Housing Community  
1124 will meet the requirements of Section 3.3.4;
  - 1125 b. an application form and fees required by the Planning Director;
  - 1126 c. a vicinity map at 1" = 200", and a site map showing existing  
1127 buildings, structures, circulation routes, significant natural  
1128 features, historic resources, and zoning and legal descriptions on  
1129 the proposed development site and within 500 feet of the  
1130 perimeter boundary;
  - 1131 d. a list of abutting and confronting property owners in the State tax  
1132 records;
  - 1133 e. a list of any civic, homeowners, and renters associations that are  
1134 registered with the Planning Department and located within ½  
1135 mile of the site;
  - 1136 f. documentation of property interest in the proposed development  
1137 site under Section 7.3.7.B.1 and, if applicant is not the property  
1138 owner, documentation from the property owner authorizing the  
1139 application;
  - 1140 g. a statement of justification outlining how the proposed  
1141 development satisfies the standards and criteria required to grant  
1142 the application;



- 1143 h. verification that the applicant has posted notice on the property,  
1144 notified affected properties, and held a pre-submittal community  
1145 meeting that followed the Planning Department’s Administrative  
1146 Procedures for Development Review process;
- 1147 i. a Traffic Statement or Study accepted by the Planning Director,  
1148 if not submitted with a previous or concurrent application;
- 1149 j. environmental documentation or exemption for:
  - 1150 i. an approved Natural Resources Inventory/Forest Stand  
1151 Delineation;
  - 1152 ii. a Stormwater Management Concept Plan application or, if  
1153 required, a Water Quality Plan application; and
  - 1154 iii. a final Forest Conservation Plan application;
- 1155 k. existing and proposed dry and wet utility plan;
- 1156 l. plans of proposed development showing:
  - 1157 i. use, ground-floor layout, building footprints, massing, and  
1158 heights of all on-site buildings and structures, and  
1159 approximate footprints and height for buildings located on  
1160 abutting and confronting lots;
  - 1161 ii. required open spaces and recreational amenities;
  - 1162 iii. detailed layout and dimensions for all sidewalks, trails,  
1163 paths, roadways, parking, loading, and bicycle storage  
1164 areas;
  - 1165 iv. grading;
- 1166 v. landscaping and lighting; and
- 1167 m. a development program and inspection schedule detailing the  
1168 construction schedule for the project.]

- 1169 [3. The applicant must submit an initial application to the Planning  
1170 Director for approval of completeness. The Planning Director must  
1171 review the application for completeness within 3 business days after  
1172 receipt. An application is incomplete if any required element is missing  
1173 or is facially defective, e.g., a drawing that is not to scale or lacks proper  
1174 signatures. The assessment of completeness must not address the merits  
1175 of the application.]
- 1176 [4. The applicant must submit any required revisions to the Planning  
1177 Director. The Planning Director must review the revised application for  
1178 completeness within 2 business days after receipt.]
- 1179 [5. Once the Planning Director verifies that the application is complete, the  
1180 applicant must file the final application with the Planning Director, who  
1181 will accept the application and establish a hearing date under Section  
1182 7.3.7.C.]
- 1183 [6. Public notice is required under Division 7.5.]

1184 **[C. Hearing Date**

1185 The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
1186 date an application is accepted. If the next regularly scheduled hearing date would  
1187 fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
1188 scheduled hearing date should be used. The applicant may request an extension with  
1189 Planning Director approval. Any extension of the public hearing must be noticed on  
1190 the hearing agenda with the new public hearing date indicated.]

1191 **[D. Review and Recommendation]**

- 1192 [1. State and County Agencies
- 1193 a. Reviewing State and County agencies and utilities must submit  
1194 comments within 15 days after the date an application is  
1195 accepted. If no comments are submitted within that time, the

1196 reviewing agency or utility’s portion of the application is deemed  
1197 approved.

1198 b. The applicant must submit revised drawings to address the  
1199 comments a minimum of 25 days before the date of the hearing.  
1200 The Planning Director may extend the deadline if the applicant  
1201 submits a written request within 5 days after the revised drawings  
1202 were due.]

1203 [2. Planning Director  
1204 The Planning Director must publish a report and recommendation a minimum  
1205 of 10 days before the Planning Board hearing.]

1206 [3. Withdrawal of an Application  
1207 The Planning Board must send a notice to all parties entitled to notice of the  
1208 hearing when an applicant withdraws an application for a Mixed-Income  
1209 Housing Community plan.]

1210 **[E. Necessary Findings]**  
1211 [To approve a Mixed-Income Housing Community plan, the Planning Board must  
1212 find that the proposed development:]

1213 [1. satisfies any previous approval that applies to the site, unless exempt  
1214 under Section 3.3.4 or amended;]

1215 [2. satisfies the applicable use and development standards and general  
1216 requirements of this Chapter;]

1217 [3. satisfies the applicable requirements of Chapter 19 and Chapter 22A;]

1218 [4. provides safe, well-integrated parking, circulation patterns, building  
1219 massing, and site amenities;]

1220 [5. substantially conforms with the intent of the applicable master plan,  
1221 existing and approved or pending adjacent development, the

1222 requirements of this Chapter, and any guidelines approved by the  
1223 Planning Board that implement the applicable plan;]

1224 [6. if on a property in a master plan area that requires staging based on  
1225 Non-Auto Driver Mode Share (NADMS), is exempt from the staging  
1226 requirement if:

1227 a. the applicant agrees to enter into a Transportation Demand  
1228 Management plan that provides an action plan for substantial  
1229 achievement of the applicable NADMS goal;

1230 b. parking below the minimum required under Section 6.2.4 is  
1231 provided; and

1232 c. transit, bicycle, and pedestrian infrastructure required by the  
1233 applicable stage of the master plan is funded in the Capital  
1234 Improvements Program or Consolidated Transportation  
1235 Program, or provided by the applicant; and]

1236 [7. will be served by adequate public services and facilities, including  
1237 schools, police and fire protection, water, sanitary sewer, public roads,  
1238 storm drainage, and other public facilities.]

1239 **[F. Decision]**

1240 [1. The Planning Board must act upon the close of the record of the public  
1241 hearing by majority vote of those present to approve, approve with  
1242 modifications or conditions, or deny the application. The Planning  
1243 Board must issue a resolution reflecting its decision within 7 days of  
1244 the Planning Board vote.]

1245 [2. Any party aggrieved by a decision of the Planning Board may file a  
1246 petition for judicial review of the decision within 30 days after the  
1247 Planning Board's action.]

1248 [3. Within 30 days of submission, the final Mixed-Income Housing  
1249 Community plans must be certified by the Planning Director to confirm  
1250 that the drawings reflect the Planning Board’s approval. If the certified  
1251 plans do not address or comply with the Planning Board’s approval, the  
1252 plans will be rejected with comments for the applicant to address. If no  
1253 action is taken by the Planning Director within 30 days, the plan is  
1254 deemed approved and certified.]

1255 **[G. Conforming Permits**

1256 For any development requiring a Mixed-Income Housing Community plan, DPS  
1257 must not issue a sediment control permit, building permit, or use-and-occupancy  
1258 permit unless the Planning Board has approved a Mixed-Income Housing  
1259 Community plan and a bond has been approved under Section 7.3.7.K.4.]

1260 **[H. Duration of Approval]**

1261 [1. A Mixed-Income Housing Community plan expires unless a certified  
1262 Mixed-Income Housing Community plan is approved by the Planning  
1263 Director within 24 months after the date the resolution is mailed.]

1264 [2. A Mixed-Income Housing Community plan does not become effective  
1265 until a record plat, if required, is recorded that satisfies any approved  
1266 subdivision plan for the subject property. If no record plat is required,  
1267 then the Mixed-Income Housing Community plan becomes effective  
1268 upon certification under Section 7.3.7.F.3.]

1269 [3. Development activities under Section 7.3.7 must satisfy the certified  
1270 Mixed-Income Housing Community plan and any conditions of  
1271 approval.]

1272 [4. If the Planning Board approves a Mixed-Income Housing Community  
1273 plan, the applicant must have a building permit application, accepted  
1274 by DPS, that includes the core and shell of the principal building within

1275 24 months of the date of the Planning Board’s resolution. Within 24  
1276 months after DPS accepts the building permit application that includes  
1277 the core and shell of the principal building, the applicant must obtain  
1278 that building permit.]

1279 [5. The deadlines under Section 7.3.7.H may be extended with approval of  
1280 the Planning Board by up to 18 months.]

1281 [6. If an applicant fails to comply with any of the deadlines within this  
1282 section, the Mixed-Income Housing Community plan approval shall be  
1283 revoked. The applicant may request reinstatement of a revoked  
1284 approval within 30 days of revocation. After holding a hearing on the  
1285 reinstatement, the Planning Board may reinstate the approval and  
1286 extend the deadline for good cause shown.]

1287 **[I. Recording Procedures**

1288 The certified Mixed-Income Housing Community plan and Planning Board  
1289 resolution must be maintained in the permanent files of the Planning Department.]

1290 **[J. Amendments**

1291 Any property owner may apply for a Mixed-Income Housing Community plan  
1292 amendment to change a certified Mixed-Income Housing Community plan. There  
1293 are two types of amendments: a major and a minor amendment.]

1294 [1. Major Amendment

1295 a. A major amendment includes any request to:

1296 i. increase density or height by more than that allowed under  
1297 a minor amendment (Section 7.3.7.J.2);

1298 ii. decrease open space;

1299 iii. deviate from a condition of approval; or

1300 iv. alter a basic element of the plan.

1301 b. Public notice is required under Division 7.5.

1302 c. A major amendment must follow the same hearing procedures  
1303 and satisfy the same necessary findings as the original Mixed-  
1304 Income Housing Community plan.]

1305 [2. Minor Amendment

- 1306 a. A minor amendment includes any request to:
- 1307 i. increase density by up to 10% or 15,000 square feet,  
1308 provided the increase is less than or equal to the total  
1309 mapped density, including any density increases or  
1310 bonuses;]
  - 1311 ii. increase height by up to 10%, provided the height is less  
1312 than or equal to the height and any increases allowed under  
1313 Section 3.5.8.D;
  - 1314 iii. change an ancillary use, a parking or loading area,  
1315 landscaping, sidewalk, recreational facility or area,  
1316 configuration of open space, or any other plan element that  
1317 will have a minimal effect on the overall design, layout,  
1318 quality or intent of the plan; or
  - 1319 iv. a reduction in approved parking to satisfy Article 59-6, but  
1320 not any change that prevents circulation on any street or  
1321 path.]
- 1322 b. Public notice is required under Division 7.5.
- 1323 c. A minor amendment may be approved by the Planning Director  
1324 without a public hearing if no objection to the application is  
1325 received within 15 days after the application notice is sent. If an  
1326 objection is received within 15 days after the application notice  
1327 is sent, and the objection is considered relevant, a public hearing

1328 is required. A public hearing must be held under the same  
1329 procedures as an original application.]

1330 **[K. Compliance and Enforcement]**

1331 [1. If the Planning Board finds, after holding a public hearing or  
1332 designating a hearing officer to hold a public hearing, that a property  
1333 under development is not in compliance with a certified Mixed-Income  
1334 Housing Community plan, it may:

1335 a. impose a civil fine or administrative civil penalty authorized by  
1336 Chapter 50 (Division 50-10.6.D);

1337 b. suspend or revoke the non-compliant portion of the Mixed-  
1338 Income Housing Community plan approval;

1339 c. order a compliance program that would permit the applicant to  
1340 take corrective action to satisfy the certified Mixed-Income  
1341 Housing Community plan;

1342 d. allow the applicant to propose modifications to the certified  
1343 Mixed-Income Housing Community plan; or

1344 e. take any combination of these actions.]

1345 [2. If the Planning Board or its designee finds that the applicant has failed  
1346 to comply with a compliance program approved under Section  
1347 7.3.7.K.1.c, the Planning Board may, without holding any further  
1348 hearing, take any of the actions identified in Section 7.3.7.K.1.a through  
1349 Section 7.3.7.K.1.e.]

1350 [3. If the Planning Board suspends or revokes all or any portion of a Mixed-  
1351 Income Housing Community plan, DPS must immediately suspend any  
1352 applicable building permit under which construction has not been  
1353 completed or withhold any applicable use-and-occupancy permit, until  
1354 the Planning Board reinstates the applicable portion of the Mixed-



1355 Income Housing Community plan or approves a new plan for the  
1356 development.]

1357 [4. The Planning Board may require the applicant to post a commercially  
1358 acceptable form of surety securing compliance with and full  
1359 implementation of specified features of the certified Mixed-Income  
1360 Housing Community plan in an amount set by the Planning Board. If  
1361 such surety is required, DPS must not issue a building permit or use-  
1362 and-occupancy permit until such surety is accepted.]

1363 \* \* \*

1364 **Sec. 7. DIVISION 59-7.5 is amended as follows:**

1365 **Division 7.5. Notice Standards**

1366 **Section 7.5.1. Notice Required**

1367 Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
<b>Regulatory Approvals</b>								
* * *								
Site Plan		x	x	x	x	x		x
<u>Expedited Approval Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
[Signature Business Headquarters Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Biohealth Priority Campus Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Mixed-Income Housing Community]		[x]	[x]	[x]	[x]	[x]		[x]
* * *								
<b>Amendments to Approvals</b>								
* * *								
Minor Site Plan Amendment				x				x
<u>Major Expedited Approval Plan Amendment</u>			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>

<u>Minor Expedited Approval Plan Amendment</u>				<u>x</u>				
[Major Signature Business Headquarters Plan Amendment]			[x]	[x]	[x]	[x]		[x]
[Minor Signature Business Headquarters Plan Amendment]				[x]				
[Major Biohealth Priority Campus Plan]			[x]	[x]	[x]	[x]		[x]
[Minor Biohealth Priority Campus Plan]				[x]				

1368 **KEY:** x = Required

1369

\* \* \*

1370

**Sec. 8. Short title.** This zoning text amendment may be cited as part of the

1371

“More Housing N.O.W. (New Options for Workers)” package.

1372

\* \* \*

1373

**Sec. 9. Effective date.** This ordinance becomes effective 20 days after the

1374

date of Council adoption.

This is a correct copy of Council action.

---

Sara R. Tenenbaum  
Clerk of the Council



## MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

January 28, 2025

Colleagues:

For your consideration, we are enclosing the details of an ambitious workforce housing package which takes five steps to increase the supply of housing, drive down costs, and increase pathways to homeownership for the hard-working residents of Montgomery County.

With the high cost of housing squeezing families and holding back our economy, the **More Housing N.O.W. (*New Options for Workers*)** package helps build more homes that are affordable to teachers, firefighters, police officers, biotech and healthcare workers, and everyone in, or striving to be in, the middle class.

Homes are too expensive in Montgomery County. We all know it. Consider the following figures:

- Not only are we starting from a high level, but it's getting increasingly expensive. Housing price increases have outpaced inflation and income growth since the mid-1990s.
- Between 2023 and 2024, the average sold price across all unit types increased by 6.5%, while wages have only increased by 1.5%
- In 2024, the average sale price for a single family detached home was \$1.02 million. To afford this house, a couple would need a combined income of approximately \$340,000, far exceeding Montgomery County's area median income for a couple at \$123,800. Townhomes, which are on average smaller than detached units, sold for an average of \$583,000. A couple would need a combined income of \$197,000 to afford this house.

Working families and young professionals are feeling the squeeze. According to the [Comptroller of Maryland's 2024 State of the Economy Report](#), housing affordability and availability is hurting efforts to attract new residents who could fill job vacancies, noting “prospective businesses turning down potential location plans to Maryland due to insufficient workforce housing.” Similarly, a recent supply/demand analysis by the Montgomery Planning Department, we are facing a deficit of over 12,000 rental units that are affordable to incomes at 70-120% of area median income (AMI). This forces these workers to swallow exorbitant housing costs *or* compete with residents at lower income bands for less expensive options. Both are bad outcomes.

The status quo is unsustainable and makes our County less attractive to families, workers, entrepreneurs, and businesses.

**To address this crisis, we must act boldly. Now.**

The More Housing N.O.W. package takes five bold steps to increase housing supply, reduce costs, and expand pathways to homeownership for hardworking Montgomery County residents:

## **Building More Workforce Housing**

1. **Workforce Housing ZTA:** Allow more residential building types along corridors with a workforce housing requirement
  - a. Allow more residential building types through optional method development along corridors with a 15% workforce housing requirement in the R-200, R-90, R-60, and R-40 zones.
  - b. Corridors included are Boulevards, Downtown Boulevards, Downtown Streets, Controlled Major Highways, and Town Center Boulevards that have a master planned width greater than 100 feet and 3+ existing travel lanes
  - c. Density capped at 1.25 FAR
  - d. Maximum height is 40 feet
  - e. Require 15% of units satisfy the definition of workforce housing, with a minimum of 1 workforce housing unit for structures that have 3 or more units
  - f. Maintain existing workforce housing definition of 120% AMI, which is currently approximately \$148,000 for 2 persons or \$185,000 for a family of four
2. **Workforce Housing Opportunity Fund:** New countywide fund to incentivize the construction of workforce units
  - a. \$4 million in initial funding

- b. Eligible projects must provide at least 30% workforce units
- c. Workforce units must be affordable to 80% AMI (area median income), on average

## Converting Highly Vacant Office to Housing

- 3. **Office to Housing ZTA:** Create an expedited approval process for projects that convert high-vacancy commercial properties to residential use
  - a. Applies to the Commercial-Residential, NR, and EOF zones
  - b. Retail or office building that is at least 50% vacant
  - c. Remove residential restriction on FAR, so that total commercial-residential FAR can be used for residential
  - d. In red policy areas, must be for the apartment-building type; may include townhomes outside of the red policy area
  - e. Must pull a building permit within 2 years of approval
- 4. **Office to Housing PILOT Bill:** Establish a payment in lieu of taxes (PILOT) for conversion of high-vacancy commercial properties to residential use
  - a. Retail or office building that is at least 50% vacant
  - b. 100% tax abatement for 25 years for qualifying projects
  - c. Minimum 15% MPDU requirement

## Pathways to Homeownership

- 5. **Budget:** Double the County's investment in the Homeowner Assistance Program from \$4 million to \$8 million in the FY26 Housing Initiative Fund (HIF)
  - a. Funds may be used in partnership with the State's Maryland Mortgage Program (which allows the household to receive both down payment assistance and lower rate mortgage) and through the Housing Opportunities Commission's Montgomery County Homeownership Assistance Fund (McHAF).
  - b. Up to \$25,000 may be granted to a first-time buyer thus providing support for up to 160 qualified applicants. Up to \$1.0 million is reserved for County and MCPS employees under the Montgomery Employee Down Payment Assistance Loan (MEDPAL)

Many thanks to Council President Kate Stewart, Councilmembers Dawn Luedtke, Marilyn Balcombe, and Laurie-Anne Sayles who have already signed on as co-sponsors as well as the many community advocates and housing experts for their strong support of this package which we will be unveiling today at noon. We would welcome additional



cosponsors prior to introduction of the legislative aspects of the package, scheduled for February 4.

We have appended the zoning text amendments, legislation, and some supporting materials to assist your review of the proposal. We appreciate your thoughtful consideration of this package and hope to earn your support for it in the coming weeks and months.

Our housing crisis is a serious and urgent matter. There is no time to wait.

Sincerely,



Andrew Friedson  
Councilmember, District 1



Natali Fani-González  
Councilmember, District 6

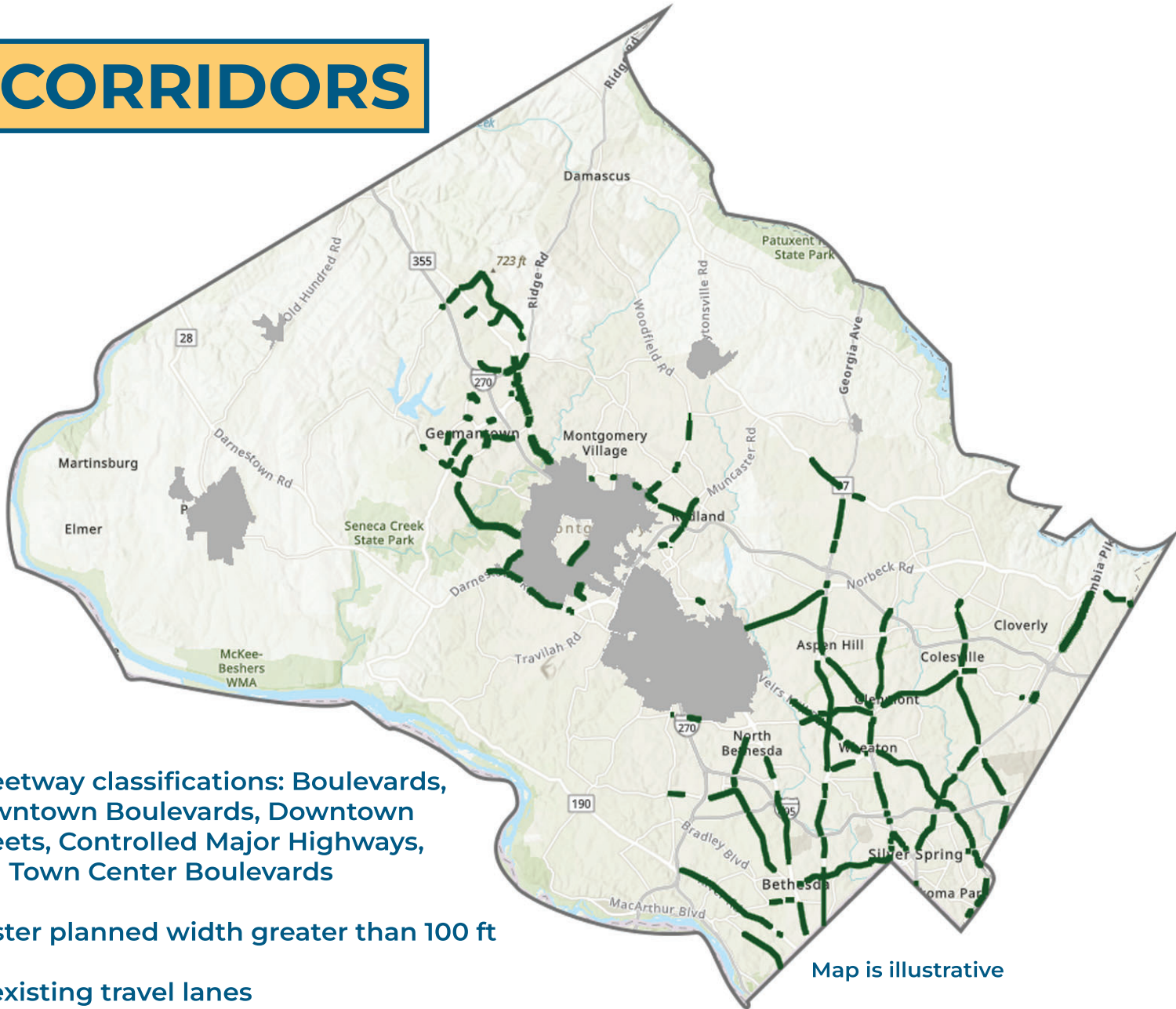
Attachments:

1. Workforce Housing ZTA Corridors Map
2. Workforce Housing ZTA
3. Office to Housing ZTA
4. Office to Housing Pilot Bill

# More Housing N.O.W.

## *New Options for Workers*

### CORRIDORS



Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-xx  
Concerning: Workforce Housing –  
Development Standards  
Revised: 1/24/2025 Draft No.: 2  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

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

---

Lead Sponsors: Councilmembers Friedson and Fani-González  
Co-Sponsors: Councilmembers Luedtke, Council President Stewart,  
Councilmembers Balcombe and Sayles

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) allow additional residential building types in certain residential zones along certain road typologies;
- (2) create optional method workforce housing development standards;
- (3) generally amend the development standards for certain residential zones.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 4.1.	“Rules for All Zones”
Section 4.1.3.	“Building Types in the Agricultural, Rural Residential, and Residential Zones”
Section 4.1.4.	“Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones”
Division 4.3.	“Rural Residential Zones”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
Division 4.4.	“Residential Zones”
Section 4.4.2.	“Optional Method Development”
Section 4.4.5.	“Residential Estate - 2C Zone (RE-2C)”
Section 4.4.6.	“Residential Estate - 1 Zone (RE-1)”

- Section 4.4.7. “Residential - 200 Zone (R-200)”
- Section 4.4.8. “Residential - 90 Zone (R-90)”
- Section 4.4.9. “Residential - 60 Zone (R-60)”
- Section 4.4.10. “Residential - 40 Zone (R-40)”
- Section 4.4.11. “Townhouse Low Density Zone (TLD)”
- Section 4.4.12. “Townhouse Medium Density Zone (TMD)”
- Section 4.4.13. “Townhouse High Density Zone (THD)”
- Section 4.4.14. “Residential Multi-Unit Low Density - 30 Zone (R-30)”
- Section 4.4.15. “Residential Multi-Unit Medium Density - 20 Zone (R-20)”
- Section 4.4.16. “Residential Multi-Unit High Density - 10 Zone (R-10)”
- Division 4.5. “Commercial/Residential Zones”
- Section 4.5.3. “Standard Method Development”
- Division 4.6. “Employment Zones”
- Section 4.6.3. “Standard Method Development”

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

*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:*

DRAFT

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

**Division 1.4. Defined Terms**

\* \* \*

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

In this Chapter, terms that are not specifically defined have their ordinary meaning. The following words and phrases have the meanings indicated.

\* \* \*

**Base Density:** The maximum FAR or number of dwelling units per acre permitted by the zoning classification of a property without the use of optional method Cluster Development, optional method MPDU Development, optional method Workforce Housing Development, or TDR density increase or application of a Floating zone.

\* \* \*

**Triplex:** See Section 4.1.3.C.

\* \* \*

**Usable Area:** The area upon which the density of development is calculated in optional method MPDU<sub>2</sub> [and] Cluster Development<sub>2</sub> and Workforce Housing projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.

\* \* \*

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

**Division 3.1. Use Table**

\* \* \*

**Section 3.1.6. Use Table**

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

27

USE OR USE GROUP	Definition s and Standards	Ag AR	Rural Residential			Residential													Commercial / Residential			Employment				Industrial		
						Residential Detached								Residential Townhouse			Residential Multi-Unit											
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH
* * *																												
<b>RESIDENTIAL</b>																												
HOUSEHOLD LIVING	3.3.1																											
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L	
Two-Unit Living	3.3.1.C.				P		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L		
Townhouse Living	3.3.1.D.				P	C	L/C	L/C	L/C	L/C	L/C	L/C	P	P	P	P	P	P	P	P	P	P	L	L	L	L		
Multi-Unit Living	3.3.1.E.					C	C	C	[C] L/C	[C] L/C	[C] L/C	[C] L/C				P	P	P	P	P	P	P	L	L	L	L		
* * *																												

28



29

\* \* \*

30

**Sec. 3. DIVISION 59-4.1 is amended as follows:**

31

**Division 4.1. Rules for All Zones**

32

\* \* \*

33

**Section 4.1.3. Building Types in the Agricultural, Rural Residential, and**

34

**Residential Zones**

35

\* \* \*

36

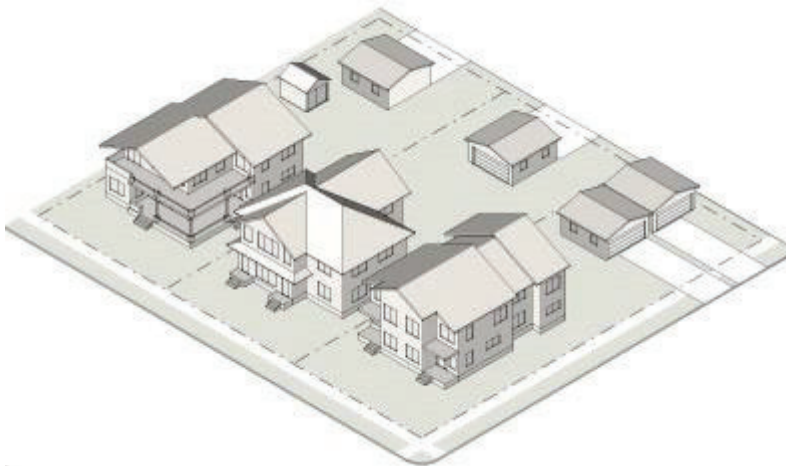
**B. Duplex**

37

A duplex is a building containing 2 principal dwelling units that may contain

38

ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



39

40

**C. Triplex**

41

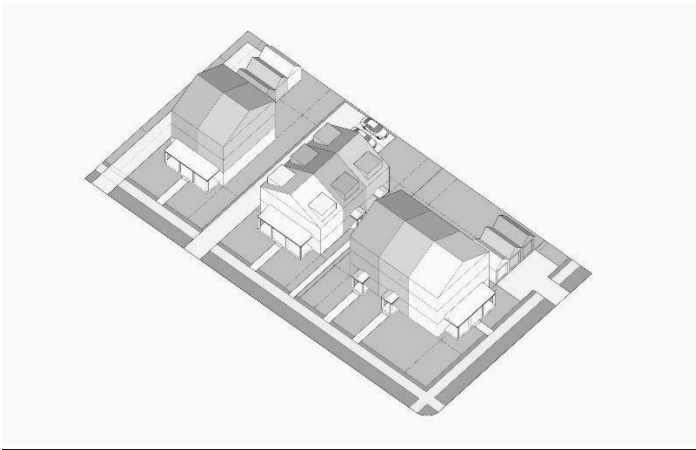
A triplex is a building containing 3 dwelling units where each dwelling unit is

42

separated vertically or horizontally by a party wall. A triplex may contain ancillary



43 nonresidential uses, such as a Home Occupation or Family Day Care.



44

45 **[C]D. Townhouse**

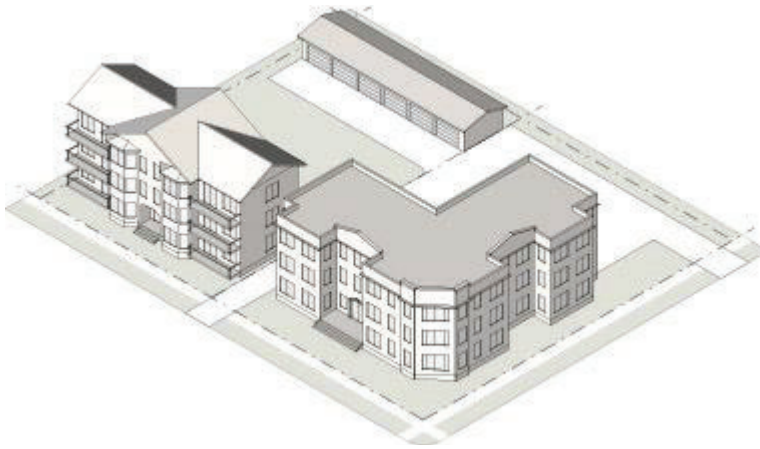
46 A townhouse is a building containing [3] 4 or more dwelling units where each  
47 dwelling unit is separated vertically by a party wall. A townhouse may contain  
48 ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



49

50 **[D]E. Apartment Building**

51 An apartment building is a building containing 4 or more dwelling units vertically  
52 and horizontally arranged. In the R-30, R-20, R-10, Commercial/Residential, and  
53 Employment zones, an [An] apartment may contain up to 10% of the gross floor area  
54 as Retail/Service Establishment uses, otherwise it is a multi-use building.







55

56

\* \* \*

57 **Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural**  
 58 **Residential, and Residential Zones**

59 In the Agricultural, Rural Residential, and Residential zones, building types are  
 60 allowed by zone as follows:

	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b> 	<b>Duplex</b> 	<b>Triplex or Townhouse</b> 	<b>Apartment Building</b> 
* * *				
<b>Residential Detached Zones</b>				
* * *				
Residential - 200 (R-200)	A	MPDU, TDR <sub>2</sub> , <u>WFH</u>	MPDU, TDR <sub>2</sub> , <u>WFH</u>	TDR <sub>2</sub> , <u>WFH</u>
Residential - 90 (R-90)	A	MPDU, CD, TDR <sub>2</sub> , <u>WFH</u>	MPDU, CD, TDR <sub>2</sub> , <u>WFH</u>	TDR <sub>2</sub> , <u>WFH</u>
Residential - 60 (R-60)	A	MPDU, CD, TDR <sub>2</sub> , <u>WFH</u>	MPDU, CD, TDR <sub>2</sub> , <u>WFH</u>	TDR <sub>2</sub> , <u>WFH</u>
Residential - 40 (R-40)	A	A	MPDU, <u>WFH</u>	[--] <u>WFH</u>
* * *				

61

62 **KEY[ ]:** A = Allowed to accommodate permitted, limited, and conditional uses

63 -- = Not allowed

64 CD = Allowed as part of an optional method Cluster Development

65 MPDU = Allowed as part of an optional method MPDU Development

66 TDR = Allowed in a TDR Overlay zone as part of optional method TDR

67 Development under Section 4.9.15.B

68 WFH = Allowed as part of an optional method Workforce Housing Development

69 \* \* \*

70 **Sec. 4. DIVISION 59-4.3 is amended as follows:**

71 **Division 4.3. Rural Residential Zones**

72 \* \* \*

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

74 \* \* \*

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

1. Site	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	<u>Triplex or Townhouse</u>
---------	---	---------------	---------------	-----------------------------

76 \* \* \*

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

	<b>MPDU Development</b>		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

78 \* \* \*

79 **Sec. 5. DIVISION 59-4.4 is amended as follows:**

80 **Division 4.4. Residential Zones**

81 \* \* \*

82 **Section 4.4.2. Optional Method Development**

83 The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional  
84 method MPDU Development and optional method Cluster Development. The R-40,  
85 TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional  
86 method MPDU Development. The R-200, R-90, R-60, and R-40 zone allow  
87 development under optional method Workforce Housing Development.

88 \* \* \*

89 **C. Optional Method Workforce Housing Development**

90 This optional method of development is permitted where workforce housing units  
91 that satisfy Chapter 25B are included. Optional method Workforce Housing  
92 Development allows additional building types and provides more flexibility in lot  
93 layout.

94 **1. Development Approval Procedure**

95 Site plan approval under Section 7.3.4 is required.

96 **2. Workforce Housing Development Across Different Zones**

97 Optional method Workforce Housing Development may occur across  
98 different zones under the following limitations:

- 99 a. The differently zoned areas must be contiguous;
- 100 b. Uses and building types are governed by the zone;
- 101 c. The site requirements in the optional method tables apply;  
102 density and open space must be calculated as if each area were  
103 developed individually; and
- 104 d. The allowed number of units and required open space may be  
105 located without regard to the limits in the underlying zone.

106 **3. Density and Usable Area**

- 107 a. The maximum total residential FAR is 1.25.
- 108 b. Density is calculated on usable area within the tract.

109 **4. Development Standards for Workforce Housing Projects**

- 110 a. An applicant must provide at least 15% workforce housing units
- 111 that satisfy Chapter 25B, with a minimum of 1 workforce
- 112 housing unit for any structure that contains at least 3 units.
- 113 b. The maximum height for all buildings is 40 feet.
- 114 c. The minimum site size is the minimum lot size in the underlying
- 115 zone.
- 116 d. Off-street parking must be located behind the front building line.
- 117 e. Driveway access is limited to 1 driveway per structure, except
- 118 for structures located on a corner lot, which may have 1 driveway
- 119 per structure on each street.

120 **5. Applicable Corridors**

- 121 a. The front lot line must abut a Boulevard, Downtown Boulevard,
- 122 Downtown Street, Town Center Boulevard, or Controlled Major
- 123 Highway, as defined by Chapter 49.
- 124 b. The width of the master-planned right-of-way must be greater
- 125 than 100 feet.
- 126 c. The right-of-way must have at least 3 existing travel lanes.

127 **6. Dedicated Land**

128 Land dedicated to public use for a school or park site may be included in the

129 calculation of the density of development if development of the remaining

130 land satisfies Section 4.4.2.C and the optional method Workforce Housing

131 Development standards.

132 **7. Community Water and Sewer**

133 Development under this method is prohibited unless the resulting

134 development will be connected to community water supply and sewerage

135 systems.

136 \* \* \*

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

138 \* \* \*

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

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

140 \* \* \*

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

142 \* \* \*

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

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

144 \* \* \*

145 **Section 4.4.7. Residential - 200 Zone (R-200)**

146 \* \* \*

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

	MPDU Development			Cluster Development
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>	Detached House

148

149 **D. R-200 Zone, Workforce Housing Development Standards**

	<u>Duplex</u>	<u>Triplex</u>	<u>Townhouse</u>	<u>Apartment</u>
<b>1. Site</b>				
<b><u>Dimensions (min)</u></b>				
<u>Usable area</u>	16,000 SF	16,000 SF	16,000 SF	16,000 SF
<b>2. <u>Lot and Density</u></b>				
<b><u>Lot (min)</u></b>				
<u>Lot area (per unit)</u>	8,000 SF	5,000 SF	3,200 SF	n/a
<u>Lot width at front building line</u>	<u>Determined as site plan</u>	<u>Determined as site plan</u>	<u>Determined as site plan</u>	<u>Determined as site plan</u>
<u>Lot width at front lot line</u>	25'	25'	25'	n/a
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>
<b><u>Density (max)</u></b>				

<u>The density allowed for any application, qualified under Chapter 25B and rounded up to the nearest whole number of units, is 1.25 FAR.</u>				
<b>Coverage (max)</b>				
<u>Lot</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>
<b>Specification for Lot and Density</b>				
<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
<u>Front setback</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Side setback, including end unit</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>
<u>Sum of side setbacks</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Rear setback</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>	<u>30'</u>
<b>Specification for Principal Building Setbacks</b>				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
<b>Accessory Structure Setbacks (min)</b>				
<u>Front setback</u>	<u>65'</u>	<u>65'</u>	<u>65'</u>	<u>65'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Side setback</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>	<u>12'</u>
<u>Rear setback, if not otherwise addressed</u>	<u>7'</u>	<u>7'</u>	<u>7'</u>	<u>7'</u>
<b>Specification for Accessory Structure Setbacks</b>				
<b>a.</b> <u>In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.</u>				
<b>b.</b> <u>Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</u>				

c. <u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</u>				
<b>4. Height</b>				
<b>Height (max)</b>				
<u>Principal building, measured to highest point of any roof</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Accessory structure</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<b>5. Form</b>				
<b>Allowed Building Elements</b>				
<u>Gallery/Awning</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
<u>Porch/Stoop</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<u>Balcony</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>	<u>yes</u>
<b>6. Buildings used for Agriculture Associated with Farming</b>				
<b>Specification for Buildings used for Agriculture Associated with Farming</b>				
<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.</u>				

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151 **Section 4.4.8. Residential - 90 Zone (R-90)**

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

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

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**D. R-90 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
<b>1. Site</b>				
<b>Dimensions (min)</b>				
<u>Usable area</u>	<u>9,000 SF</u>	<u>9,000 SF</u>	<u>9,000 SF</u>	<u>9,000 SF</u>
<b>2. Lot &amp; Density</b>				
<b>Dimensions (min)</b>				
<u>Lot area (per unit)</u>	<u>4,500 SF</u>	<u>3,000 SF</u>	<u>1,800 SF</u>	<u>n/a</u>
<u>Lot width at front building line</u>	<u>35'</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>	<u>n/a</u>
<u>Lot width at front lot line</u>	<u>15'</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>	<u>n/a</u>
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>
<b>Density (max)</b>				



<u>The density allowed for any application, qualified under Chapter 25B and rounded up to the nearest whole number of units, is 1.25 FAR.</u>				
<b>Coverage (max)</b>				
<u>Lot</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>
<b>Specification for Lot and Density</b>				
<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
<u>Front setback</u>	<u>30'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>30'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side setback, including end unit</u>	<u>8'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Rear setback</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<b>Specification for Principal Building Setbacks</b>				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
<b>Accessory Structure Setbacks (min)</b>				
<u>Front setback, behind the front building line</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>30'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side setback, including end unit</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Rear setback, if not otherwise addressed</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<b>Specification for Accessory Structure Setbacks</b>				
<b>a.</b> <u>In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.</u>				
<b>b.</b> <u>For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.</u>				
<b>c.</b> <u>For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.</u>				

<b>d.</b> Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.				
<b>e.</b> Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
<b>4. Height</b>				
<b>Height (max)</b>				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'
<b>5. Form</b>				
<b>Allowed Building Elements</b>				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
<b>6. Buildings used for Agriculture Associated with Farming</b>				
<b>Specification for Buildings used for Agriculture Associated with Farming</b>				
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.				

156 **Section 4.4.9. Residential - 60 Zone (R-60)**

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

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

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160 **D. R-60 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
<b>1. Site</b>				
<b>Dimensions (min)</b>				
Usable area	6,000 SF	6,000 SF	6,000 SF	6,000 SF
<b>2. Lot</b>				
<b>Dimensions (min)</b>				
Lot area (per unit)	3,000 SF	2,000 SF	1,200 SF	n/a
Lot width at front building line	30'	Determined at site plan	Determined at site plan	n/a
Lot width at front lot line	15'	Determined at site plan	Determined at site plan	n/a

	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>
<u>Frontage on street or open space</u>				
<b><u>Density (max)</u></b>				
<u>The density allowed for any application, qualified under Chapter 25B and rounded up to the nearest whole number of units, is 1.25 FAR.</u>				
<b><u>Coverage (max)</u></b>				
<u>Lot</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<b><u>Specification for Lot and Density</u></b>				
<u>a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
<u>b. The lot coverage maximum does not apply to Religious Assembly.</u>				
<b><u>3. Placement</u></b>				
<b><u>Principal Building Setbacks (min)</u></b>				
<u>Front setback</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side setback, including end unit</u>	<u>8'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Rear setback</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<b><u>Specification for Principal Building Setbacks</u></b>				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
<b><u>Accessory Structure Setbacks (min)</u></b>				
<u>Front setback, behind the front building line</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side setback, including end unit</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Rear setback, if not otherwise addressed</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<b><u>Specification for Accessory Structure Setbacks</u></b>				
<u>a. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.</u>				

- b.** For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.
- c.** For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.
- d.** Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.
- e.** Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

**4. Height**

**Height (max)**

Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	20'	20'	20'	20'

**5. Form**

**Allowed Building Elements**

Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes

**6. Buildings used for Agriculture Associated with Farming**

**Specification for Buildings used for Agriculture Associated with Farming**

A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.

161 **Section 4.4.10. Residential - 40 Zone (R-40)**

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

	MPDU Development		
1. Site	Detached House	Duplex	Triplex or Townhouse

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165 **D. R-40 Zone, Workforce Housing Development Standards**

	Duplex	Triplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
Usable area	6,000 SF	6,000 SF	6,000 SF	6,000 SF
2. Lot & Density				
Dimensions (min)				
Lot area (per unit)	3,000 SF	2,000 SF	1,200 SF	n/a
Lot width at front building line	30'	Determined at site plan'	Determined at site plan	n/a

<u>Lot width at front lot line</u>	<u>15'</u>	<u>Determined at site plan</u>	<u>Determined at site plan</u>	<u>n/a</u>
<u>Frontage on street or open space</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>	<u>Required, except as exempt under Chapter 50</u>
<b><u>Density (max)</u></b>				
<u>The density allowed for any application, qualified under Chapter 25B and rounded up to the nearest whole number of units, is 1.25 FAR.</u>				
<b><u>Coverage (max)</u></b>				
<u>Lot</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>
<b><u>Specification for Lot and Density</u></b>				
<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
<b><u>3. Placement</u></b>				
<b><u>Principal Building Setbacks (min)</u></b>				
<u>Front setback</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side setback, including end unit</u>	<u>8'</u>	<u>6'</u>	<u>6'</u>	<u>6'</u>
<u>Rear setback</u>	<u>20'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<b><u>Specification for Principal Building Setbacks</u></b>				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
<b><u>Accessory Structure Setbacks (min)</u></b>				
<u>Front setback, behind the front building line</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone</u>	<u>25'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone</u>	<u>15'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>

Side setback	5'	5'	5'	5'
Rear setback, on a corner lot where abutting lot fronts on the side street and is in a Residential Detached zone	10'	10'	10'	10'
Rear setback, if not otherwise addressed	5'	5'	5'	5'
<b>Specification for Accessory Structure Setbacks</b>				
<p>a. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.</p> <p>b. For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15.</p> <p>c. For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.</p> <p>d. Where the principal building on a lot is a duplex or triplex, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</p> <p>e. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</p>				
<b>4. Height</b>				
<b>Height (max)</b>				
Principal building, measured to highest point of any roof	40'	40'	40'	40'
Accessory structure	20'	20'	20'	20'
<b>5. Form</b>				
<b>Allowed Building Elements</b>				
Gallery/Awning	n/a	n/a	n/a	n/a
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes
<b>6. Buildings used for Agriculture Associated with Farming</b>				
<b>Specification for Buildings used for Agriculture Associated with Farming</b>				
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 40'.				

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

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

1. Site	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	<u>Triplex or Townhouse</u>
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172 **C. TLD Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

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

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

1. Site	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	<u>Triplex or Townhouse</u>
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180 **C. TMD Zone, Optional Method Development Standards**

	MPDU Development		
1. Site	Detached House	Duplex	<u>Triplex or Townhouse</u>

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

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

1. Site	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a	Duplex - Side	Duplex - Over	<u>Triplex or Townhouse</u>
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	<b>Conditional Use allowed in the zone</b>			
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188 **C. THD Zone, Optional Method Development Standards**

	<b>MPDU Development</b>		
<b>1. Site</b>	<b>Detached House</b>	<b>Duplex</b>	<b><u>Triplex or Townhouse</u></b>

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

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

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b><u>Triplex or Townhouse</u></b>	<b>Apartment</b>
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196 **C. R-30 Zone, Optional Method Development Standards**

	<b>MPDU Development</b>			
<b>1. Site</b>	<b>Detached House</b>	<b>Duplex</b>	<b><u>Triplex or Townhouse</u></b>	<b>Apartment</b>

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

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201 **B. R-20 Zone, Standard Method Development Standards**

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b><u>Triplex or Townhouse</u></b>	<b>Apartment</b>
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	<b>Conditional Use allowed in the zone</b>				
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**C. R-20 Zone, Optional Method Development Standards**

	<b>MPDU Development</b>			
<b>1. Site</b>	<b>Detached House</b>	<b>Duplex</b>	<b><u>Triplex or</u> <b>Townhouse</b></b>	<b>Apartment</b>

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

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**B. R-10 Zone, Standard Method Development Standards**

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>Duplex - Side</b>	<b>Duplex - Over</b>	<b><u>Triplex or</u> <b>Townhouse</b></b>	<b>Apartment</b>
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**C. R-10 Zone, Optional Method Development Standards**

	<b>MPDU Development</b>			
<b>1. Site</b>	<b>Detached House</b>	<b>Duplex</b>	<b><u>Triplex or</u> <b>Townhouse</b></b>	<b>Apartment</b>

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

**Division 4.5. Commercial/Residential Zones**

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**Section 4.5.3. Standard Method Development**

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

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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**Sec. 7. DIVISION 59-4.6 is amended as follows:**

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**Division 4.6. Employment Zones**

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**Section 4.6.3. Standard Method Development**

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

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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**D. LSC Zone, Standard Method Development Standards**

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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**D. EOF Zone, Standard Method Development Standards**

1. Site	Detached House	Duplex - Side	Duplex - Over	<u>Triplex or</u> Townhouse	Apartment	Multi Use	General
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**Sec. 8. Effective date.** This ordinance becomes effective 20 days after the

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date of Council adoption.

This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council

DRAFT

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-xx  
Concerning: Expedited Approvals –  
Commercial to  
Residential  
Reconstruction  
Revised: 1/16/2025 Draft No.: 1  
Introduced: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

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

---

Lead Sponsors: Councilmembers Friedson and Fani-González  
Co-Sponsors: Councilmembers Luedtke, Council President Stewart,  
Councilmembers Balcombe and Sayles

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) create a Commercial to Residential Reconstruction use;
- (2) provide an approval process for the Commercial to Residential Reconstruction use;
- (3) consolidate existing expedited regulatory approvals;
- (4) allow reallocation of FAR in certain Employment zones; and
- (5) generally amend expedited regulatory approvals.

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

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”
Section 4.5.4.	“Optional Method Development”
Division 4.6.	“Employment Zones”
Section 4.6.2.	“Density and Height Allocation”
Section 4.6.4.	“Optional Method Development”

Division 7.3.	“Regulatory Approvals”
Section 7.3.3.	“Sketch Plan”
Section 7.3.5.	“Signature Business Headquarters Plan”
Section 7.3.6.	“Biohealth Priority Campus Plan”
Section 7.3.7.	“Mixed-Income Housing Community Plan”
Division 7.5.	“Notice Standards”
Section 7.5.1.	“Noticed Required”

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

*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:*

DRAFT

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

2   **Division 1.4. Defined Terms**

3   \*   \*   \*

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

5   \*   \*   \*

6   **Commercial to Residential Reconstruction:** See Section 3.3.2.B.

7   \*   \*   \*

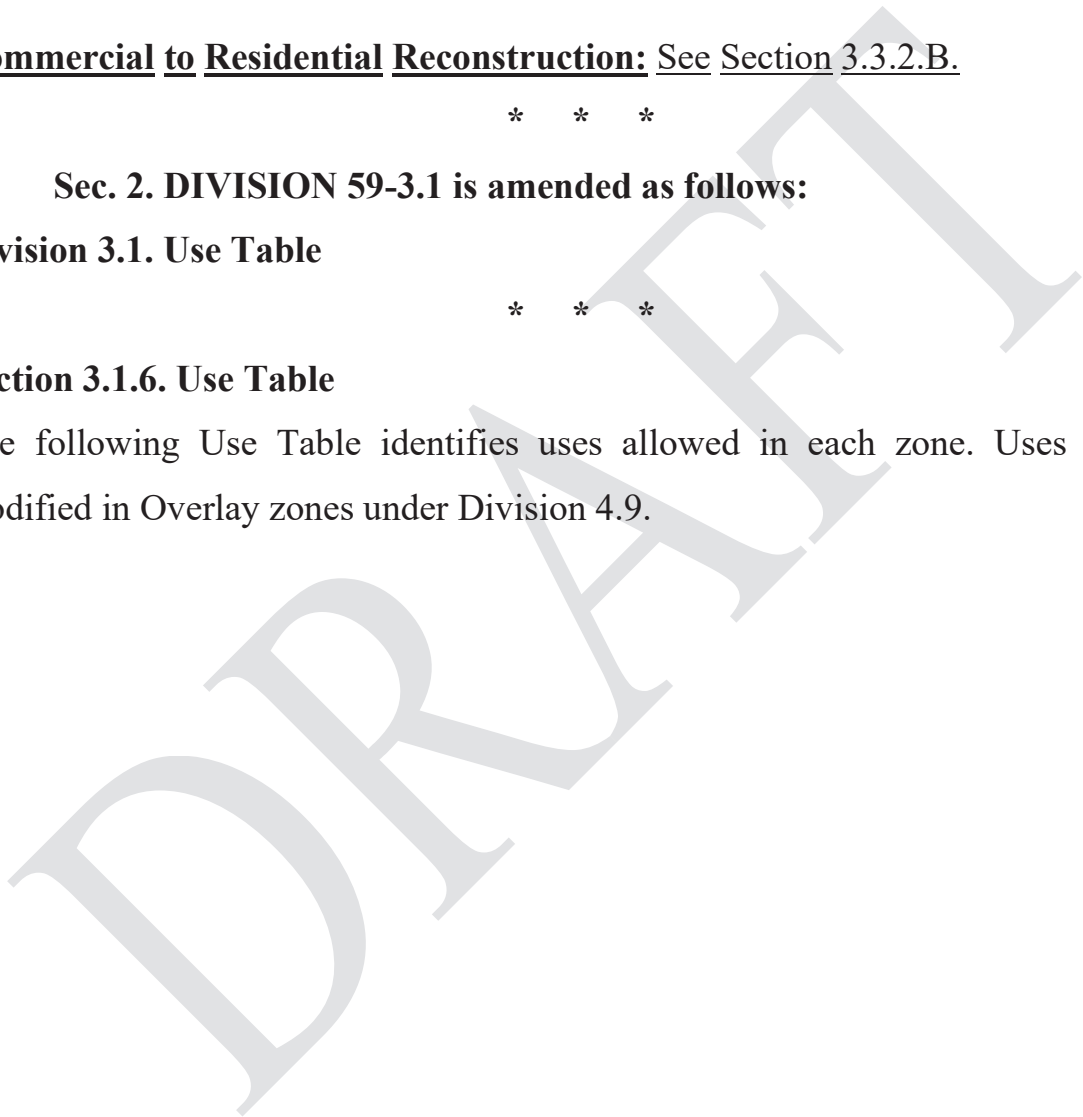
8                   **Sec. 2. DIVISION 59-3.1 is amended as follows:**

9   **Division 3.1. Use Table**

10   \*   \*   \*

11   **Section 3.1.6. Use Table**

12   The following Use Table identifies uses allowed in each zone. Uses may be  
13   modified in Overlay zones under Division 4.9.



USE OR USE GROUP	Definitions and Standards	Ag AR	Rural Residential R RC RNC			Residential												Commercial/ Residential CRN CRT CR			Employment GR NR LSC EOF				Industrial IL IM IH		
						Residential Detached RE-2 RE-2C RE-1 R-200 R-90 R-60 R-40								Residential Townhouse TLD TMD THD			Residential Multi-Unit R-30 R-20 R-10										
			R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
* * *																											
RESIDENTIAL																											
* * *																											
GROUP LIVING	3.3.2																										
Commercial to Residential Reconstruction	3.3.2.B																			L	L	L		L		L	
Dormitory	[3.3.2.B] 3.3.2.C																				L	L				P	
Independent Living Facility for Seniors or Persons with Disabilities	[3.3.2.C] 3.3.2.D		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L		
Personal Living Quarters (Up to 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																			L	L	L	L	L			
Personal Living Quarters (Over 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																			C	C	C	C	C	C		
Residential Care Facility (Up to 8 Persons)	[3.3.2.E] 3.3.2.F	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Residential Care Facility (9 - 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P	L	L
Residential Care Facility (Over 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	L		P	C	
* * *																											



\* \* \*

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

**Division 3.3. Residential Uses**

\* \* \*

**Section 3.3.2. Group Living**

**A. Defined, In General**

Group Living means the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under Section 3.3.1.

**B. Commercial to Residential Reconstruction**

**1. Defined**

Commercial to Residential Reconstruction means a vacant office or retail building that is at least two stories high and is converted or demolished to a residential building that qualifies as Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E. Vacancy is defined in this Section as an Office or Retail building, as defined in Sections 3.5.8.B. or 3.5.11, that has no tenants in 50% of the building at the time of application.

**2. Exemptions**

- a. A sketch plan and a site plan are not required for a Commercial to Residential Reconstruction if the Planning Board approves a Commercial to Residential Reconstruction plan under Section 7.3.5.
- b. Development of a Commercial to Residential Reconstruction should proceed under the standards of Chapter 50 and the underlying zone, including any overlay zones, except as modified by Section 3.3.2.B. and in conformance with the hearing and review schedule in Sections 7.3.5.

c. After a Commercial to Residential Reconstruction plan is approved, subsequent additions or expansions of the Commercial to Residential Reconstruction, in any size or amount, will be processed under Section 7.3.5 as amendments.

**3. Use Standards**

a. Commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.

b. In a red policy area, Commercial to Residential Reconstruction must be in an Apartment Building type that satisfies Section 4.1.3.D.

c. If not in a red policy area, Commercial to Residential Reconstruction must be in a building type that satisfies Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E.

\* \* \*

**Sec. 4. DIVISION 59-4.5 is amended as follows:**

**Division 4.5. Commercial/Residential Zones**

\* \* \*

**Section 4.5.2. Density and Height Allocation**

\* \* \*

**B. FAR Averaging**

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.

- 68           2.     FAR may be averaged over 2 or more directly abutting or confronting  
69                     properties in one or more Commercial/Residential zones if:
- 70                 a.     the properties are under the same site plan, sketch plan,  
71                     [Signature Business Headquarters plan, or Biohealth Priority  
72                     Campus plan] or expedited approval plan; however, if a sketch  
73                     plan[, Signature Business Headquarters plan, or Biohealth  
74                     Priority Campus] or expedited approval plan is required,  
75                     density averaging must be shown on the applicable plan;
- 76                 b.     the resulting properties are created by the same preliminary  
77                     subdivision plan or satisfy a phasing plan established by an  
78                     approved sketch plan[, Signature Business Headquarters plan,  
79                     or Biohealth Priority Campus plan] or expedited approval plan;
- 80                 c.     the maximum total, nonresidential, and residential FAR limits  
81                     apply to the entire development, not to individual properties;
- 82                 d.     the total allowed maximum density on a resulting property that  
83                     is abutting or confronting a property in an Agricultural, Rural  
84                     Residential, or Residential Detached zone that is vacant or  
85                     improved with an agricultural or residential use does not exceed  
86                     that allowed by the property's zone; and
- 87                 e.     public benefits are required to be provided under any phasing  
88                     element of an approved sketch plan[, Signature Business  
89                     Headquarters plan, or Biohealth Priority Campus] or expedited  
90                     approval plan.
- 91           3.     Density may be averaged over 2 or more non-contiguous properties in  
92                     one or more CRT or CR zones if:
- 93                 a.     each provision under Section 4.5.2.B.2 is satisfied;

- b. the properties are within ¼ mile of each other, located in a designated master-planned density transfer area, or are part of [a Signature Business Headquarters plan or Biohealth Priority Campus] an expedited approval plan;
- c. the minimum public benefit points required under Section 4.5.4.A.2 must be exceeded by at least 50%; and
- d. the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan[, certified Signature Business Headquarters plan, or Biohealth Priority Campus] or certified expedited approval plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the Planning Board and must record the instrument in the Montgomery County land records.

\* \* \*

#### **Section 4.5.4. Optional Method Development**

The CRT and CR zones allow development under the optional method.

##### **A. General Requirements**

###### **1. Procedure for Approval**

120 A sketch plan must be approved under Section 7.3.3, unless [a  
121 Signature Business Headquarters plan is approved under Section 7.3.5  
122 or a Biohealth Priority Campus plan is approved under Section 7.3.6]  
123 an expedited approval plan is approved under Section 7.3.5. A site  
124 plan must be approved under Section 7.3.4 for any development on a  
125 property with an approved sketch plan.

126 \* \* \*

127 **Sec. 5. DIVISION 59-4.6 is amended as follows:**

128 **Division 4.6. Employment Zones**

129 \* \* \*

130 **Section 4.6.2. Density and Height Allocation**

131 **A. Density and Height Limits**

132 \* \* \*

133 5. In the NR and EOF zones, commercial FAR limits on the subject  
134 property may be reallocated to residential FAR if the total FAR does  
135 not exceed the maximum total mapped FAR of the property and the  
136 building height does not exceed the maximum mapped height,  
137 including any increases in each allowed by this Chapter.

138 **B. FAR Averaging**

- 139 1. Only standard method development projects that require site plan  
140 approval or optional method development projects can average FAR  
141 between properties.
- 142 2. FAR may be averaged over 2 or more directly abutting or confronting  
143 properties in one or more Employment zones if:
- 144 a. the properties are under the same site plan, sketch plan, or  
145 [Biohealth Priority Campus] expedited approval plan; however,  
146 if a sketch plan or [Biohealth Priority Campus] expedited

147                    approval plan is required, density averaging must be shown on  
148                    the applicable plan;

149                    b.    the resulting properties are created by the same preliminary  
150                    subdivision plan or satisfy a phasing plan established by an  
151                    approved sketch plan or [Biohealth Priority Campus] expedited  
152                    approval plan;

153                    \*   \*   \*

154                    e.    public benefits are required to be provided under the phasing  
155                    element of an approved sketch plan or [Biohealth Priority  
156                    Campus] expedited approval plan.

157                    3.    Density may be averaged over 2 or more non-contiguous properties in  
158                    one or more LSC or EOF zones if:

159                    a.    each provision under Section 4.6.2.B.2 is satisfied;

160                    b.    the properties are within ¼ mile of each other or in a designated  
161                    master-planned density transfer area or part of [a Biohealth  
162                    Priority Campus] an expedited approval plan;

163                    c.    the minimum public benefit points required under Section  
164                    4.6.4.A.2 are exceeded by at least 50%; and

165                    d.    the applicable master plan does not specifically prohibit the  
166                    averaging of density between non-contiguous properties.

167                    4.    If the Planning Board approves a site plan or [Biohealth Priority  
168                    Campus] expedited approval plan for a development project using  
169                    FAR averaging across two or more lots, the maximum density on  
170                    certain lots in the development project will be less than or greater than  
171                    the zone allows, as indicated in the applicable plan. To provide  
172                    additional notice of the FAR averaging, before the Planning Board  
173                    approves a certified site plan or certified [Biohealth Priority campus]

174 expedited approval plan for such a project or, if plat approval is  
175 required, before plat approval, the applicant must state the gross  
176 square footage taken from any lot with reduced density in an  
177 instrument approved by the Planning Board and must record the  
178 instrument in the Montgomery County land records.

179 \* \* \*

180 **Section 4.6.4. Optional Method Development**

181 The LSC and EOF zones allow development under the optional method.

182 **A. General Requirements**

183 **1. Procedure for Approval**

184 A sketch plan must be approved under Section 7.3.3 or [a Biohealth  
185 Priority Campus] an expedited approval plan must be approved under  
186 Section [7.3.6] 7.3.5. A site plan must be approved under Section  
187 7.3.4 for any development on a property with an approved sketch  
188 plan.

189 \* \* \*

190 **Sec. 6. DIVISION 59-7.3 is amended as follows:**

191 **Division 7.3. Regulatory Approvals**

192 \* \* \*

193 **Section 7.3.3. Sketch Plan**

194 **A. Applicability and Description**

195 1. Development under optional method in the CRT, CR, EOF, or LSC  
196 zone requires approval of a sketch plan, unless the development is  
197 approved as [a Signature Business Headquarters plan under Section  
198 7.3.5, a Biohealth Priority Campus plan under Section 7.3.6, or a  
199 Mixed-Income Housing Community plan under Section 7.3.7] an  
200 expedited approval plan under Section 7.3.5.

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**Section 7.3.5. Expedited Approval Plan**

**A. Applicability and Description**

1. An expedited approval plan provides a detailed overview of a proposed expedited approval. An expedited approval plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.
2. The following uses may be approved under an expedited approval plan:
  - a. Signature Business Headquarters
  - b. Biohealth Priority Campus
  - c. Mixed-Income Housing Community
  - d. Commercial to Residential Reconstruction
3. An expedited approval plan may be phased, with each phase approved separately under this section.
4. An expedited approval plan may encompass all or part of any property on which the applicable use will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C, and Section 7.3.5.D.

**B. Application Requirements**

1. Ownership
  - a. An applicant must own the subject property or be authorized by the owner to file the application.



227            b. If any land or right-of-way encompassed by an expedited  
228            approval plan application is owned or controlled by the State,  
229            County, or any other entity or agency, a written agreement or  
230            authorization from that entity or agency must be submitted with  
231            the expedited approval plan application.

232            2. An expedited approval plan application must include:

233            a. a legally binding commitment or other evidence accepted by the  
234            Planning Director that the expedited approval plan will meet the  
235            requirements of the use;

236            b. an application form and fees required by the Planning Director;

237            c. a vicinity map at 1" = 200", and a site map showing existing  
238            buildings, structures, circulation routes, significant natural  
239            features, historic resources, and zoning and legal descriptions  
240            on the proposed development site and within 500 feet of the  
241            perimeter boundary;

242            d. a list of abutting and confronting property owners in the State  
243            tax records;

244            e. a list of any civic, homeowners, and renters associations that are  
245            registered with the Planning Department and located within ½  
246            mile of the site;

247            f. documentation of property interest in the proposed development  
248            site under Section 7.3.5.B.1 and, if applicant is not the property  
249            owner, documentation from the property owner authorizing the  
250            application;

251            g. a statement of justification outlining how the proposed  
252            development satisfies the standards and criteria required to  
253            grant the application;

- 254            h. verification that the applicant has posted notice on the property,  
255            notified affected properties, and held a pre-submittal  
256            community meeting that followed the Planning Department’s  
257            Administrative Procedures for Development Review process;  
258            i. a Traffic Statement or Study accepted by the Planning Director,  
259            if not submitted with a previous or concurrent application;  
260            j. environmental documentation or exemption for:  
261            i. an approved Natural Resources Inventory/Forest Stand  
262            Delineation;  
263            ii. a Stormwater Management Concept Application or, if  
264            required, a Water Quality Plan Application; and  
265            iii. a final Forest Conservation Plan application;  
266            k. existing and proposed dry and wet utility plan;  
267            l. plans of proposed development showing:  
268            i. use, ground-floor layout, building footprints, massing,  
269            and heights of all on-site buildings and structures, and  
270            approximate footprints and height for buildings located  
271            on abutting and confronting lots;  
272            ii. any required open spaces and recreational amenities;  
273            iii. detailed layout and dimensions for all sidewalks, trails,  
274            paths, roadways, parking, loading, and bicycle storage  
275            areas;  
276            iv. grading;  
277            v. landscaping and lighting; and  
278            m. a development program and inspection schedule detailing the  
279            construction schedule for the project.

- 280           3.     The applicant must submit an initial application to the Planning  
281                     Director for approval of completeness. The Planning Director must  
282                     review the application for completeness within 3 business days after  
283                     receipt. An application is incomplete if any required element is  
284                     missing or is facially defective, e.g., a drawing that is not to scale or  
285                     lacks proper signatures. The assessment of completeness must not  
286                     address the merits of the application.
- 287           4.     The applicant must submit any required revisions to the Planning  
288                     Director. The Planning Director must review the revised application  
289                     for completeness within 2 business days after receipt.
- 290           5.     Once the Planning Director verifies that the application is complete,  
291                     the applicant must file the final application with the Planning  
292                     Director, who will accept the application and establish a hearing date  
293                     under Section 7.3.5.C.
- 294           6.     Public notice is required under Division 7.5.

295     **C.   Hearing Date**

296     The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
297     date an application is accepted. If the next regularly scheduled hearing date would  
298     fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
299     scheduled hearing date should be used. The applicant may request an extension  
300     with Planning Director approval. Any extension of the public hearing must be  
301     noticed on the hearing agenda with the new public hearing date indicated.

302     **D.   Review and Recommendation**

- 303           1.     State and County Agencies
- 304                     a.     Reviewing State and County agencies and utilities must submit  
305                             comments within 15 days after the date an application is  
306                             accepted. If no comments are submitted within that time, the

307 reviewing agency or utility's portion of the application is  
308 deemed approved.

309 b. The applicant must submit revised drawings to address the  
310 comments a minimum of 25 days before the date of the hearing.  
311 The Planning Director may extend the deadline if the applicant  
312 submits a written request within 5 days after the revised  
313 drawings were due.

314 2. Planning Director

315 The Planning Director must publish a report and recommendation a  
316 minimum of 10 days before the Planning Board hearing.

317 3. Withdrawal of an Application

318 The Planning Board must send a notice to all parties entitled to notice of the  
319 hearing when an applicant withdraws an application for an expedited  
320 approval plan.

321 **E. Necessary Findings**

322 1. When reviewing an application, the approval findings apply only to  
323 the site covered by the application.

324 2. To approve an expedited approval plan, the Planning Board must find  
325 that the proposed development:

326 a. satisfies any previous approval that applies to the site, unless  
327 exempt under the applicable use section or amended;

328 b. satisfies the applicable use and development standards and  
329 general requirements of this Chapter;

330 c. satisfies the applicable requirements of Chapter 19 and Chapter  
331 22A;

332 d. provides safe, well-integrated parking, circulation patterns,  
333 building massing, and site amenities;

- 334 e. substantially conforms with the intent of the applicable master  
335 plan, existing and approved or pending adjacent development,  
336 the requirements of this chapter, and any guidelines approved  
337 by the Planning Board that implement the applicable plan;
- 338 f. if on a property in a master plan area that requires staging based  
339 on Non-Auto Driver Mode Share (NADMS), is exempt from  
340 the staging requirement if:
  - 341 i. the applicant agrees to enter into a Transportation  
342 Demand Management plan that provides an action plan  
343 for substantial achievement of the applicable NADMS  
344 goal;
  - 345 ii. parking below the minimum required under Section 6.2.4  
346 is provided; and
  - 347 iii. transit, bicycle, and pedestrian infrastructure required by  
348 the applicable stage of the master plan is funded in the  
349 Capital Improvements Program or Consolidated  
350 Transportation Program, or provided by the applicant;  
351 and
- 352 g. will be served by adequate public services and facilities,  
353 including schools, police and fire protection, water, sanitary  
354 sewer, public roads, storm drainage, and other public facilities.

355 **F. Decision**

- 356 1. The Planning Board must act upon the close of the record of the  
357 public hearing by majority vote of those present at the public hearing  
358 to approve, approve with modifications or conditions, or deny the  
359 application. The Planning Board must issue a resolution reflecting its  
360 decision within 7 days of the Planning Board vote.

361           2. Any party aggrieved by a decision of the Planning Board may file a  
362           petition for judicial review of the decision within 30 days after the  
363           Planning Board’s action.

364           3. Within 30 days of submission, the final expedited approval plans must  
365           be certified by the Planning Director to confirm that the drawings  
366           reflect the Planning Board’s approval. If the certified plans do not  
367           address or comply with the Planning Board’s approval, the plans will  
368           be rejected with comments for the applicant to address. If no action is  
369           taken by the Planning Director within 30 days, the plan is deemed  
370           approved and certified.

371    **G. Conforming Permits**

372    For any development requiring an expedited approval plan, DPS must not issue a  
373    sediment control permit, building permit, or use-and-occupancy permit for any  
374    building, structure, or improvement unless the Planning Board has approved an  
375    expedited approval plan and a bond has been approved under Section 7.3.5.K.4.

376    **H. Duration of Approval**

377           1. An expedited approval plan expires unless a certified expedited  
378           approval plan is approved by the Planning Director within 24 months  
379           after the date the resolution is mailed.

380           2. An expedited approval plan does not become effective until a record  
381           plat, if required, is recorded that satisfies any approved subdivision  
382           plan for the subject property. If no record plat is required, then the  
383           expedited approval plan becomes effective upon certification under  
384           Section 7.3.5.F.3.

385           3. Development activities under Section 7.3.5 must satisfy the certified  
386           expedited approval plan and any conditions of approval.

- 387           4.     If the Planning Board approves an expedited approval plan, the  
388                     applicant must have a building permit application, accepted by DPS,  
389                     that includes the core and shell of the principal building within two  
390                     years of the date of the Planning Board’s resolution. Within two years  
391                     after DPS accepts the building permit application that includes the  
392                     core and shell of the principal building, the applicant must obtain that  
393                     building permit.
- 394           5.     The deadlines under Section 7.3.5.H may be extended with approval  
395                     of the Planning Board by up to 18 months.
- 396           6.     If an applicant fails to comply with any of the deadlines within this  
397                     section, the expedited approval plan approval shall be revoked. The  
398                     applicant may request reinstatement of a revoked approval within 30  
399                     days of revocation. After holding a hearing on the reinstatement, the  
400                     Planning Board may reinstate the approval and extend the deadline for  
401                     good cause shown.

402     **I.     Recording Procedures**

403     The certified expedited approval plan and Planning Board resolution must be  
404     maintained in the permanent files of the Planning Department.

405     **J.     Amendments**

406     Any property owner may apply for a Biohealth Priority Campus plan amendment  
407     to change a certified Biohealth Priority Campus plan. There are two types of  
408     amendments: a major and a minor amendment.

409           1.     Major Amendment

410                     a.     A major amendment includes any request to:

411                             i.     increase density or height by more than that allowed  
412                                     under a minor amendment under Section 7.3.5.J.2;

413                             ii.    decrease open space;

- 414                   iii.    deviate from a condition of approval; or
- 415                   iv.    alter a basic element of the plan.
- 416           b.    Public notice is required under Division 7.5.
- 417           c.    A major amendment must follow the same hearing procedures
- 418                   and satisfy the same necessary findings as the original
- 419                   expedited approval plan.

420           2.    Minor Amendment

- 421           a.    A minor amendment includes any request to:
- 422                   i.    increase density by up to 10% or 15,000 square feet,
- 423                           provided the increase is less than or equal to the total
- 424                           mapped density, including any density increases or
- 425                           bonuses;
- 426                   ii.   increase height by up to 10%, provided the height is less
- 427                           than or equal to the height and any increases allowed
- 428                           under the applicable use standards; or
- 429                   iii.   change an ancillary use, a parking or loading area,
- 430                           landscaping, sidewalk, recreational facility or area,
- 431                           configuration of open space, or any other plan element
- 432                           that will have a minimal effect on the overall design,
- 433                           layout, quality, or intent of the plan.

434                   A minor amendment also includes a reduction in approved

435                   parking to satisfy Article 59-6. A minor amendment does not

436                   include any change that prevents circulation on any street or

437                   path.

- 438           b.    Public notice is required under Division 7.5.
- 439           c.    A minor amendment may be approved by the Planning Director
- 440                   without a public hearing if no objection to the application is



441 received within 15 days after the application notice is sent. If an  
442 objection is received within 15 days after the application notice  
443 is sent, and the objection is considered relevant, a public  
444 hearing is required. A public hearing must be held under the  
445 same procedures as an original application.

446 **K. Compliance and Enforcement**

447 1. If the Planning Board finds, after holding a public hearing or  
448 designating a hearing officer to hold a public hearing, that a property  
449 under development is not in compliance with a certified expedited  
450 approval plan, it may:

451 a. impose a civil fine or administrative civil penalty authorized by  
452 Chapter 50;

453 b. suspend or revoke the non-compliant portion of the expedited  
454 approval plan approval;

455 c. order a compliance program that would permit the applicant to  
456 take corrective action to satisfy the certified expedited approval  
457 plan;

458 d. allow the applicant to propose modifications to the certified  
459 expedited approval plan; or

460 e. take any combination of these actions.

461 2. If the Planning Board or its designee finds that the applicant has failed  
462 to comply with a compliance program approved under Section  
463 7.3.5.K.1.c, the Planning Board may, without holding any further  
464 hearing, take any of the actions identified in Section 7.3.5.K.1.a  
465 through Section 7.3.5.K.1.e.

466 3. If the Planning Board suspends or revokes all or any portion of an  
467 expedited approval plan, DPS must immediately suspend any

468 applicable building permit under which construction has not been  
469 completed or withhold any applicable use-and-occupancy permit, until  
470 the Planning Board reinstates the applicable portion of the expedited  
471 approval plan or approves a new plan for the development.

472 4. The Planning Board may require the applicant to post a commercially  
473 acceptable form of surety securing compliance with and full  
474 implementation of specified features of the certified expedited  
475 approval plan in an amount set by the Planning Board. If such surety  
476 is required, DPS must not issue a building permit or use-and-  
477 occupancy permit until such surety is accepted.

478 **[Section 7.3.5. Signature Business Headquarters Plan]**

479 **[A. Applicability and Description]**

480 [1. A Signature Business Headquarters plan provides a detailed overview of  
481 a proposed Signature Business Headquarters. A Signature Business  
482 Headquarters plan review will be used to determine if the proposed  
483 development satisfies current laws, regulations, and this Chapter, and  
484 substantially conforms with the intent of the applicable master plan and  
485 approved guidelines.]

486 [2. A Signature Business Headquarters plan may be phased, with each  
487 phase approved separately under this section.]

488 [3. A Signature Business Headquarters plan may encompass all or part of  
489 any property on which the Signature Business Headquarters will be located  
490 and must demonstrate its relation to and coordination with other applicable  
491 approvals or submittals. Any amendment to a previously approved plan may  
492 follow the timeframe for review under Section 7.3.5.B.3 through Section  
493 7.3.5.B.6, Section 7.3.5.C and Section 7.3.5.D.]

494 **[B. Application Requirements]**

- 495 [1. Ownership
- 496 a. An applicant must own the subject property or be authorized by
- 497 the owner to file the application.
- 498 b. If any land or right-of-way encompassed by a Signature
- 499 Business Headquarters plan application is owned or controlled
- 500 by the State, County, or any other entity or agency, a written
- 501 agreement or authorization from that entity or agency must be
- 502 submitted with the Signature Business Headquarters plan
- 503 application.]
- 504 [2. A Signature Business Headquarters plan application must include:
- 505 [a. a legally binding commitment or other evidence accepted by the
- 506 Planning Director that the Signature Business Headquarters will
- 507 employ at least 20,000 individuals within a single Metro Station
- 508 Policy Area;
- 509 [b. an application form and fees required by the Planning Director;
- 510 [c. a site map showing existing buildings, structures, circulation
- 511 routes, significant natural features, historic resources, and
- 512 zoning and legal descriptions on the proposed development site
- 513 and within 500 feet of the perimeter boundary;
- 514 [d. a list of abutting and confronting property owners in the County
- 515 tax records;
- 516 [e. a list of any civic, homeowners, and renters associations that are
- 517 registered with the Planning Department and located within ½
- 518 mile of the site;
- 519 [f. documentation of interest in the proposed development site
- 520 under Section 7.3.5.B.1;

- 521 [g. a statement of justification outlining how the proposed
- 522 development satisfies the standards and criteria required to
- 523 grant the application;
- 524 [h. verification that the applicant has posted notice on the property,
- 525 notified affected properties, and held a pre-submittal
- 526 community meeting that followed the Planning Department's
- 527 Administrative Procedures for Development Review process;
- 528 [i. a Traffic Statement or Study accepted by the Planning Director,
- 529 if not submitted with a previous or concurrent application;
- 530 [j. environmental documentation or exemption for:
- 531 i. an approved Natural Resources Inventory/Forest Stand
- 532 Delineation;
- 533 ii. a Stormwater Management Concept Application or, if
- 534 required, a Water Quality Plan Application; and
- 535 iii. a final Forest Conservation Plan application;
- 536 [k. existing and proposed dry and wet utility plan;
- 537 [l. plans of proposed development showing:
- 538 i. use, footprints, ground-floor layout, and heights of all
- 539 buildings and structures;
- 540 ii. required open spaces and recreational amenities;
- 541 iii. detailed layout and dimensions for all sidewalks, trails,
- 542 paths, roadways, parking, loading, and bicycle storage
- 543 areas;
- 544 iv. grading;
- 545 v. landscaping and lighting; and
- 546 m. a development program and inspection schedule detailing the
- 547 construction schedule for the project.]

- 548 [3. The applicant must submit an initial application to the Planning  
549 Director for approval of completeness. The Planning Director must  
550 review the application for completeness within 3 days after receipt.  
551 An application is incomplete if any required element is missing or is  
552 facially defective, e.g., a drawing that is not to scale or lacks proper  
553 signatures. The assessment of completeness must not address the  
554 merits of the application.]
- 555 [4. The applicant must submit any required revisions to the Planning  
556 Director. The Planning Director must review the revised application  
557 for completeness within 2 days after receipt.]
- 558 [5. After the Planning Director verifies that the application is complete,  
559 the applicant must file the final application with the Planning  
560 Director, who will accept the application and establish a hearing date  
561 under Section 7.3.5.C.]
- 562 [6. Public notice is required under Division 7.5.]

563 **[C. Hearing Date**

564 The Planning Board must schedule a public hearing to begin within 60 days after  
565 the date an application is accepted. The applicant may request an extension with  
566 Planning Board approval. Any extension of the public hearing must be noticed on  
567 the hearing agenda with the new public hearing date indicated.]

568 **[D. Review and Recommendation]**

- 569 [1. State and County Agencies
- 570 a. Reviewing State and County agencies and utilities must submit  
571 comments within 15 days after the date an application is  
572 accepted.
- 573 b. The applicant must submit revised drawings to address the  
574 comments a minimum of 20 days before the date of the hearing.

575                   The Planning Director may extend the deadline if the applicant  
576                   submits a written request within 5 days after the revised  
577                   drawings were due.]

578           [2.    Planning Director  
579           The Planning Director must publish a report and recommendation a  
580           minimum of 10 days before the Planning Board hearing.]

581           [3.    Withdrawal of an Application  
582           The Planning Board must send a notice to all parties entitled to notice of the  
583           hearing when an applicant withdraws an application for a headquarters plan.]

584   **[E.   Necessary Findings]**

585           [1.    When reviewing an application, the approval findings apply only to  
586           the site covered by the application.]

587           [2.    To approve a Signature Business Headquarters plan, the Planning  
588           Board must find that the proposed development:

589           [a.    satisfies any previous approval that applies to the site, unless  
590           exempt under Section 3.5.8.D.2 or amended;

591           [b.    satisfies the applicable use and development standards and  
592           general requirements of this Chapter;

593           [c.    satisfies the applicable requirements of Chapter 19 and Chapter  
594           22A;

595           [d.    provides safe, well-integrated parking, circulation patterns,  
596           building massing, and site amenities;

597           [e.    substantially conforms with the intent of the applicable master  
598           plan and any guidelines approved by the Planning Board that  
599           implement the applicable plan;

600           [f.    will be located within the same Metro Station Policy Area as all  
601           other phases of the Signature Business Headquarters;

- 602 [g. on a property in a master plan area that requires staging based
- 603 on Non-Auto Driver Mode Share (NADMS), is exempt from
- 604 the staging requirement if:
- 605 [i. the applicant agrees to enter into a traffic mitigation
- 606 agreement that provides an action plan for substantial
- 607 achievement of the applicable NADMS goal;
- 608 [ii. parking below the minimum required under Section 6.2.4
- 609 is provided; and
- 610 [iii. transit, bicycle, and pedestrian infrastructure required by
- 611 the applicable stage of the master plan is funded in the
- 612 Capital Improvements Program or Consolidated
- 613 Transportation Program, or provided by the applicant;
- 614 and
- 615 [h. will be served by adequate public services and facilities,
- 616 including schools, police and fire protection, water, sanitary
- 617 sewer, public roads, storm drainage, and other public facilities.]

618 **[F. Decision]**

- 619 [1. The Planning Board must act upon the close of the record of the
- 620 public hearing by majority vote of those present at the public hearing
- 621 to approve, approve with modifications or conditions, or deny the
- 622 application. The Planning Board must issue a resolution reflecting its
- 623 decision within 7 days of the Planning Board vote.]
- 624 [2. Any party aggrieved by a decision of the Planning Board may file a
- 625 petition for judicial review of the decision within 30 days after the
- 626 Planning Board's action to the Circuit Court and thereafter to the
- 627 Court of Special Appeals.]

628 [3. Final Signature Business Headquarters plans must be certified by the  
629 Planning Director to confirm that the drawings reflect the Planning  
630 Board's approval.]

631 **[G. Conforming Permits**

632 For any development requiring a Signature Business Headquarters plan, DPS must  
633 not issue a sediment control permit, building permit, or use-and-occupancy permit  
634 for any building, structure, or improvement unless the Planning Board has  
635 approved a Signature Business Headquarters plan and a bond has been approved  
636 under Section 7.3.5.K.4.]

637 **[H. Duration of Approval]**

638 [1. A Signature Business Headquarters plan expires unless a certified  
639 Signature Business Headquarters plan is approved by the Planning  
640 Director within 24 months after the date the resolution is mailed.]

641 [2. A Signature Business Headquarters plan does not become effective  
642 until a record plat is recorded that satisfies any approved subdivision  
643 plan for the subject property.]

644 [3. Development activities under Section 7.3.5 must satisfy the certified  
645 Signature Business Headquarters plan and any conditions of  
646 approval.]

647 [4. If the Planning Board approves a Signature Business Headquarters  
648 plan, the applicant must have a building permit application, accepted  
649 by the Department of Permitting Services, that includes the core and  
650 shell of the principal building within two years of the date of the  
651 Planning Board's resolution. Within two years after the Department of  
652 Permitting Services accepts the building permit application that  
653 includes the core and shell of the principal building, the applicant  
654 must obtain that building permit. The deadlines under this section may



655 not be extended. If an applicant fails to comply with any of the  
656 deadlines under this section, the applicable phase of the Signature  
657 Business Headquarters plan approval is revoked.]

658 **[I. Recording Procedures**

659 The certified Signature Business Headquarters plan and Planning Board resolution  
660 must be maintained in the permanent files of the Planning Department.]

661 **[J. Amendments**

662 Any property owner may apply for a Signature Business Headquarters plan  
663 amendment to change a certified Signature Business Headquarters plan. There are  
664 two types of amendments: a major and a minor amendment.]

665 [1. Major Amendment

- 666 a. A major amendment includes any request to:
- 667 i. increase density or height by more than that allowed
  - 668 under a minor amendment (Section 7.3.5.J.2);
  - 669 ii. decrease open space;
  - 670 iii. deviate from a condition of approval; or
  - 671 iv. alter a basic element of the plan.
- 672 b. Public notice is required under Division 7.5.
- 673 c. A major amendment must follow the same hearing procedures  
674 and satisfy the same necessary findings as the original  
675 Signature Business Headquarters plan.]

676 [2. Minor Amendment

- 677 [a. A minor amendment includes any request to:
- 678 [i. increase density by up to 10% or 30,000 square feet,
  - 679 whichever is less, provided the increase is less than or
  - 680 equal to the total mapped density;

- 681                    [ii.    increase height by up to 10%, provided the height is less
- 682                               than or equal to the height allowed under Section
- 683                               3.5.8.D; or
- 684                    [iii.    change an ancillary use, a parking or loading area,
- 685                               landscaping, sidewalk, recreational facility or area,
- 686                               configuration of open space, or any other plan element
- 687                               that will have a minimal effect on the overall design,
- 688                               layout, quality or intent of the plan.

689                    [A minor amendment also includes a reduction in approved parking to

690                    satisfy Article 59-6. A minor amendment does not include any change

691                    that prevents circulation on any street or path.

- 692                    [b.    Public notice is required under Division 7.5.
- 693                    [c.    A minor amendment may be approved by the Planning Director
- 694                               without a public hearing if no objection to the application is
- 695                               received within 15 days after the application notice is sent. If an
- 696                               objection is received within 15 days after the application notice
- 697                               is sent, and the objection is considered relevant, a public
- 698                               hearing is required. A public hearing must be held under the
- 699                               same procedures as an original application.]

700    **[K.    Compliance and Enforcement]**

- 701                    [1.    If the Planning Board finds, after holding a public hearing or
- 702                               designating a hearing officer to hold a public hearing, that a property
- 703                               under development is not in compliance with a certified Signature
- 704                               Business Headquarters plan, it may:
- 705                               [a.    impose a civil fine or administrative civil penalty authorized by
- 706                               Chapter 50 (Section 50-10.6.D);

- 707 [b. suspend or revoke Signature Business Headquarters plan
- 708 approval;
- 709 [c. order a compliance program that would permit the applicant to
- 710 take corrective action to satisfy the certified Signature Business
- 711 Headquarters plan;
- 712 [d. allow the applicant to propose modifications to the certified
- 713 Signature Business Headquarters plan; or
- 714 e. take any combination of these actions.]
- 715 [2. If the Planning Board or its designee finds that the applicant has failed
- 716 to comply with a compliance program approved under Section
- 717 7.3.5.K.1.c, the Planning Board may, without holding any further
- 718 hearing, take any of the actions identified in Section 7.3.5.K.1.a.
- 719 through Section 7.3.5.K.1.e.]
- 720 [3. If the Planning Board suspends or revokes a Signature Business Head-
- 721 quarters plan, DPS must immediately suspend any applicable building
- 722 permit under which construction has not been completed or withhold
- 723 any applicable use-and-occupancy permit, until the Planning Board
- 724 reinstates the Signature Business Headquarters plan or approves a new
- 725 plan for the development.]
- 726 [4. The Planning Board may require the applicant to post a commercially
- 727 acceptable form of surety securing compliance with and full
- 728 implementation of specified features of the certified Signature
- 729 Business Headquarters plan in an amount set by the Planning Board.
- 730 If such surety is required, DPS must not issue a building permit or
- 731 use-and-occupancy permit until such surety is accepted.]

732 **[Section 7.3.6. Biohealth Priority Campus Plan]**

733 **[A. Applicability and Description]**

- 734 [1. A Biohealth Priority Campus plan provides a detailed overview of a  
735 proposed Biohealth Priority Campus. A Biohealth Priority Campus  
736 plan review will be used to determine if the proposed development  
737 satisfies current laws, regulations, and this Chapter, and substantially  
738 conforms with the intent of the applicable master plan and approved  
739 guidelines.]
- 740 [2. A Biohealth Priority Campus plan may be phased, with each phase  
741 approved separately under this section.]
- 742 [3. A Biohealth Priority Campus plan may encompass all or part of any  
743 property on which the Biohealth Priority Campus will be located and  
744 must demonstrate its relation to and coordination with other  
745 applicable approvals or submittals. Any amendment to a previously  
746 approved plan may follow the timeframe for review under Section  
747 7.3.6.B.3 through Section 7.3.6.B.6, Section 7.3.6.C, and Section  
748 7.3.6.D.]

749 **[B. Application Requirements]**

- 750 [1. Ownership
- 751 a. An applicant must own the subject property or be authorized by  
752 the owner to file the application.
- 753 b. If any land or right-of-way encompassed by a Biohealth Priority  
754 Campus plan application is owned or controlled by the State,  
755 County, or any other entity or agency, a written agreement or  
756 authorization from that entity or agency must be submitted with  
757 the Biohealth Priority Campus plan application.]
- 758 [2. A Biohealth Priority Campus plan application must include:

- 759 [a. a legally binding commitment or other evidence accepted by the
- 760 Planning Director that the Biohealth Priority Campus will meet
- 761 the requirements of Section 3.5.8.E.1;
- 762 [b. an application form and fees required by the Planning Director;
- 763 [c. a vicinity map at 1" = 200", and a site map showing existing
- 764 buildings, structures, circulation routes, significant natural
- 765 features, historic resources, and zoning and legal descriptions
- 766 on the proposed development site and within 500 feet of the
- 767 perimeter boundary;
- 768 [d. a list of abutting and confronting property owners in the State
- 769 tax records;
- 770 [e. a list of any civic, homeowners, and renters associations that are
- 771 registered with the Planning Department and located within ½
- 772 mile of the site;
- 773 [f. documentation of property interest in the proposed development
- 774 site under Section 7.3.6.B.1 and, if applicant is not the property
- 775 owner, documentation from the property owner authorizing the
- 776 application;
- 777 [g. a statement of justification outlining how the proposed
- 778 development satisfies the standards and criteria required to
- 779 grant the application;
- 780 [h. verification that the applicant has posted notice on the property,
- 781 notified affected properties, and held a pre-submittal
- 782 community meeting that followed the Planning Department's
- 783 Administrative Procedures for Development Review process;
- 784 [i. a Traffic Statement or Study accepted by the Planning Director,
- 785 if not submitted with a previous or concurrent application;

- 786 [j. environmental documentation or exemption for:  
787 [i. an approved Natural Resources Inventory/Forest Stand  
788 Delineation;  
789 [ii. a Stormwater Management Concept Application or, if  
790 required, a Water Quality Plan Application; and  
791 [iii. a final Forest Conservation Plan application;  
792 [k. existing and proposed dry and wet utility plan;  
793 [l. plans of proposed development showing:  
794 [i. use, ground-floor layout, building footprints, massing,  
795 and heights of all on-site buildings and structures, and  
796 approximate footprints and height for buildings located  
797 on abutting and confronting lots;  
798 [ii. required open spaces and recreational amenities;  
799 [iii. detailed layout and dimensions for all sidewalks, trails,  
800 paths, roadways, parking, loading, and bicycle storage  
801 areas;  
802 [iv. grading;  
803 [v. landscaping and lighting; and  
804 m. a development program and inspection schedule detailing the  
805 construction schedule for the project.]  
806 [3. The applicant must submit an initial application to the Planning  
807 Director for approval of completeness. The Planning Director must  
808 review the application for completeness within 3 business days after  
809 receipt. An application is incomplete if any required element is  
810 missing or is facially defective, e.g., a drawing that is not to scale or  
811 lacks proper signatures. The assessment of completeness must not  
812 address the merits of the application.]

813 [4. The applicant must submit any required revisions to the Planning  
814 Director. The Planning Director must review the revised application  
815 for completeness within 2 business days after receipt.]

816 [5. Once the Planning Director verifies that the application is complete,  
817 the applicant must file the final application with the Planning  
818 Director, who will accept the application and establish a hearing date  
819 under Section 7.3.6.C.]

820 [6. Public notice is required under Division 7.5.]

821 **[C. Hearing Date**

822 The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
823 date an application is accepted. If the next regularly scheduled hearing date would  
824 fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
825 scheduled hearing date should be used. The applicant may request an extension  
826 with Planning Director approval. Any extension of the public hearing must be  
827 noticed on the hearing agenda with the new public hearing date indicated.]

828 **[D. Review and Recommendation]**

829 [1. State and County Agencies

830 a. Reviewing State and County agencies and utilities must submit  
831 comments within 15 days after the date an application is  
832 accepted. If no comments are submitted within that time, the  
833 reviewing agency or utility's portion of the application is  
834 deemed approved.

835 b. The applicant must submit revised drawings to address the  
836 comments a minimum of 25 days before the date of the hearing.  
837 The Planning Director may extend the deadline if the applicant  
838 submits a written request within 5 days after the revised  
839 drawings were due.]

840 [2. Planning Director  
841 The Planning Director must publish a report and recommendation a  
842 minimum of 10 days before the Planning Board hearing.]

843 [3. Withdrawal of an Application  
844 The Planning Board must send a notice to all parties entitled to notice of the  
845 hearing when an applicant withdraws an application for a Biohealth Priority  
846 Campus plan.]

847 **[E. Necessary Findings]**

848 [1. When reviewing an application, the approval findings apply only to  
849 the site covered by the application.]

850 [2. To approve a Biohealth Priority Campus plan, the Planning Board  
851 must find that the proposed development:

852 [a. satisfies any previous approval that applies to the site, unless  
853 exempt under Section 3.5.8.E.2 or amended;

854 [b. satisfies the applicable use and development standards and  
855 general requirements of this Chapter;

856 [c. satisfies the applicable requirements of Chapter 19 and Chapter  
857 22A;

858 [d. provides safe, well-integrated parking, circulation patterns,  
859 building massing, and site amenities;

860 [e. substantially conforms with the intent of the applicable master  
861 plan, existing and approved or pending adjacent development,  
862 the requirements of this chapter, and any guidelines approved  
863 by the Planning Board that implement the applicable plan;

864 [f. if on a property in a master plan area that requires staging based  
865 on Non-Auto Driver Mode Share (NADMS), is exempt from  
866 the staging requirement if:



- 867 [i. the applicant agrees to enter into a Transportation
- 868 Demand Management plan that provides an action plan
- 869 for substantial achievement of the applicable NADMS
- 870 goal;
- 871 [ii. parking below the minimum required under Section 6.2.4
- 872 is provided; and
- 873 [iii. transit, bicycle, and pedestrian infrastructure required by
- 874 the applicable stage of the master plan is funded in the
- 875 Capital Improvements Program or Consolidated
- 876 Transportation Program, or provided by the applicant;
- 877 and
- 878 g. will be served by adequate public services and facilities,
- 879 including schools, police and fire protection, water, sanitary
- 880 sewer, public roads, storm drainage, and other public facilities.]

881 **[F. Decision]**

- 882 [1. The Planning Board must act upon the close of the record of the
- 883 public hearing by majority vote of those present at the public hearing
- 884 to approve, approve with modifications or conditions, or deny the
- 885 application. The Planning Board must issue a resolution reflecting its
- 886 decision within 7 days of the Planning Board vote.]
- 887 [2. Any party aggrieved by a decision of the Planning Board may file a
- 888 petition for judicial review of the decision within 30 days after the
- 889 Planning Board’s action]
- 890 [3. Within 30 days of submission, the final Biohealth Priority Campus
- 891 plans must be certified by the Planning Director to confirm that the
- 892 drawings reflect the Planning Board’s approval. If the certified plans
- 893 do not address or comply with the Planning Board’s approval, the

894 plans will be rejected with comments for the applicant to address. If  
895 no action is taken by the Planning Director within 30 days, the plan is  
896 deemed approved and certified.]

897 **[G. Conforming Permits**

898 For any development requiring a Biohealth Priority Campus plan, DPS must not  
899 issue a sediment control permit, building permit, or use-and-occupancy permit for  
900 any building, structure, or improvement unless the Planning Board has approved a  
901 Biohealth Priority Campus plan and a bond has been approved under Section  
902 7.3.6.K.4.]

903 **[H. Duration of Approval]**

904 [1. A Biohealth Priority Campus plan expires unless a certified Biohealth  
905 Priority Campus plan is approved by the Planning Director within 24  
906 months after the date the resolution is mailed.]

907 [2. A Biohealth Priority Campus plan does not become effective until a  
908 record plat, if required, is recorded that satisfies any approved  
909 subdivision plan for the subject property. If no record plat is required,  
910 then the Biohealth Priority Campus plan becomes effective upon  
911 certification under Section 7.3.6.F.3.]

912 [3. Development activities under Section 7.3.6 must satisfy the certified  
913 Biohealth Priority Campus plan and any conditions of approval.]

914 [4. If the Planning Board approves a Biohealth Priority Campus plan, the  
915 applicant must have a building permit application, accepted by DPS,  
916 that includes the core and shell of the principal building within two  
917 years of the date of the Planning Board's resolution. Within two years  
918 after DPS accepts the building permit application that includes the  
919 core and shell of the principal building, the applicant must obtain that  
920 building permit.]

921 [5. The deadlines under Section 7.3.6.H may be extended with approval  
922 of the Planning Board by up to 18 months.]

923 [6. If an applicant fails to comply with any of the deadlines within this  
924 section, the Biohealth Priority Campus plan approval shall be  
925 revoked. The applicant may request reinstatement of a revoked  
926 approval within 30 days of revocation. After holding a hearing on the  
927 reinstatement, the Planning Board may reinstate the approval and  
928 extend the deadline for good cause shown.]

929 **[I. Recording Procedures**

930 The certified Biohealth Priority Campus plan and Planning Board resolution must  
931 be maintained in the permanent files of the Planning Department.]

932 **[J. Amendments**

933 Any property owner may apply for a Biohealth Priority Campus plan amendment  
934 to change a certified Biohealth Priority Campus plan. There are two types of  
935 amendments: a major and a minor amendment.]

936 [1. Major Amendment

- 937 a. A major amendment includes any request to:
- 938 i. increase density or height by more than that allowed
  - 939 under a minor amendment (Section 7.3.6.J.2);
  - 940 ii. decrease open space;
  - 941 iii. deviate from a condition of approval; or
  - 942 iv. alter a basic element of the plan.
- 943 b. Public notice is required under Division 7.5.
- 944 c. A major amendment must follow the same hearing procedures
- 945 and satisfy the same necessary findings as the original
- 946 Biohealth Priority Campus plan.]

947 [2. Minor Amendment

- 948 [a. A minor amendment includes any request to:
- 949 [i. increase density by up to 10% or 15,000 square feet,
- 950 provided the increase is less than or equal to the total
- 951 mapped density, including any density increases or
- 952 bonuses;
- 953 [ii. increase height by up to 10%, provided the height is less
- 954 than or equal to the height and any increases allowed
- 955 under Section 3.5.8.D; or
- 956 [iii. change an ancillary use, a parking or loading area,
- 957 landscaping, sidewalk, recreational facility or area,
- 958 configuration of open space, or any other plan element
- 959 that will have a minimal effect on the overall design,
- 960 layout, quality or intent of the plan.

961 A minor amendment also includes a reduction in approved

962 parking to satisfy Article 59-6. A minor amendment does not

963 include any change that prevents circulation on any street or

964 path.]

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

966 [c. A minor amendment may be approved by the Planning Director

967 without a public hearing if no objection to the application is

968 received within 15 days after the application notice is sent. If an

969 objection is received within 15 days after the application notice

970 is sent, and the objection is considered relevant, a public

971 hearing is required. A public hearing must be held under the

972 same procedures as an original application.]

973 **[K. Compliance and Enforcement]**

- 974 [1. If the Planning Board finds, after holding a public hearing or  
975 designating a hearing officer to hold a public hearing, that a property  
976 under development is not in compliance with a certified Biohealth  
977 Priority Campus plan, it may:]
- 978 [a. impose a civil fine or administrative civil penalty authorized by  
979 Chapter 50 (Section 50-10.6.D);
- 980 b. suspend or revoke the non-compliant portion of the Biohealth  
981 Priority Campus plan approval;
- 982 c. order a compliance program that would permit the applicant to  
983 take corrective action to satisfy the certified Biohealth Priority  
984 Campus plan;
- 985 d. allow the applicant to propose modifications to the certified  
986 Biohealth Priority Campus plan; or
- 987 e. take any combination of these actions.]
- 988 [2. If the Planning Board or its designee finds that the applicant has failed  
989 to comply with a compliance program approved under Section  
990 7.3.6.K.1.c, the Planning Board may, without holding any further  
991 hearing, take any of the actions identified in Section 7.3.6.K.1.a  
992 through Section 7.3.6.K.1.e.]
- 993 [3. If the Planning Board suspends or revokes all or any portion of a  
994 Biohealth Priority Campus plan, DPS must immediately suspend any  
995 applicable building permit under which construction has not been  
996 completed or withhold any applicable use-and-occupancy permit, until  
997 the Planning Board reinstates the applicable portion of the Biohealth  
998 Priority Campus plan or approves a new plan for the development.]
- 999 [4. The Planning Board may require the applicant to post a commercially  
1000 acceptable form of surety securing compliance with and full

1001 implementation of specified features of the certified Biohealth Priority  
1002 Campus plan in an amount set by the Planning Board. If such surety is  
1003 required, DPS must not issue a building permit or use-and-occupancy  
1004 permit until such surety is accepted.]

1005 **[Section 7.3.7. Mixed-Income Housing Community Plan]**

1006 **[A. Applicability and Description**

1007 A Mixed-Income Housing Community plan provides a detailed overview of a  
1008 proposed Mixed-Income Housing Community. A Mixed-Income Housing  
1009 Community plan review will be used to determine if the proposed development  
1010 satisfies current laws, regulations, and this Chapter, and substantially conforms  
1011 with the intent of the applicable master plan and approved guidelines.]

1012 **[B. Application Requirements]**

1013 [1. Ownership

1014 a. An applicant must own the subject property or be authorized by  
1015 the owner to file the application.

1016 b. If any land or right-of-way encompassed by a Mixed-Income  
1017 Housing Community plan application is owned or controlled by  
1018 the State, County, or any other entity or agency, a written  
1019 agreement or authorization from that entity or agency must be  
1020 submitted with the Mixed-Income Housing Community plan  
1021 application.]

1022 [2. A Mixed-Income Housing Community plan application must include:

1023 [a. a legally binding commitment or other evidence accepted by the  
1024 Planning Director that the Mixed-Income Housing Community  
1025 will meet the requirements of Section 3.3.4;

1026 [b. an application form and fees required by the Planning Director;

- 1027 [c. a vicinity map at 1" = 200", and a site map showing existing
- 1028 buildings, structures, circulation routes, significant natural
- 1029 features, historic resources, and zoning and legal descriptions
- 1030 on the proposed development site and within 500 feet of the
- 1031 perimeter boundary;
- 1032 [d. a list of abutting and confronting property owners in the State
- 1033 tax records;
- 1034 [e. a list of any civic, homeowners, and renters associations that are
- 1035 registered with the Planning Department and located within ½
- 1036 mile of the site;
- 1037 [f. documentation of property interest in the proposed development
- 1038 site under Section 7.3.7.B.1 and, if applicant is not the property
- 1039 owner, documentation from the property owner authorizing the
- 1040 application;
- 1041 [g. a statement of justification outlining how the proposed
- 1042 development satisfies the standards and criteria required to
- 1043 grant the application;
- 1044 [h. verification that the applicant has posted notice on the property,
- 1045 notified affected properties, and held a pre-submittal
- 1046 community meeting that followed the Planning Department's
- 1047 Administrative Procedures for Development Review process;
- 1048 [i. a Traffic Statement or Study accepted by the Planning Director,
- 1049 if not submitted with a previous or concurrent application;
- 1050 [j. environmental documentation or exemption for:
- 1051 i. an approved Natural Resources Inventory/Forest Stand
- 1052 Delineation;

- 1053                   ii.     a Stormwater Management Concept Plan application or,  
1054                             if required, a Water Quality Plan application; and
- 1055                   iii.     a final Forest Conservation Plan application;
- 1056                   [k.     existing and proposed dry and wet utility plan;
- 1057                   [l.     plans of proposed development showing:
  - 1058                             [i.     use, ground-floor layout, building footprints, massing,  
1059                                     and heights of all on-site buildings and structures, and  
1060                                     approximate footprints and height for buildings located  
1061                                     on abutting and confronting lots;
  - 1062                             [ii.    required open spaces and recreational amenities;
  - 1063                             [iii.  detailed layout and dimensions for all sidewalks, trails,  
1064                                     paths, roadways, parking, loading, and bicycle storage  
1065                                     areas;
  - 1066                             [iv.  grading;]
  - 1067                             [v.   landscaping and lighting; and
- 1068                   m.     a development program and inspection schedule detailing the  
1069                             construction schedule for the project.]
- 1070                   [3.    The applicant must submit an initial application to the Planning  
1071                             Director for approval of completeness. The Planning Director must  
1072                             review the application for completeness within 3 business days after  
1073                             receipt. An application is incomplete if any required element is  
1074                             missing or is facially defective, e.g., a drawing that is not to scale or  
1075                             lacks proper signatures. The assessment of completeness must not  
1076                             address the merits of the application.]
- 1077                   [4.    The applicant must submit any required revisions to the Planning  
1078                             Director. The Planning Director must review the revised application  
1079                             for completeness within 2 business days after receipt.]



1080 [5. Once the Planning Director verifies that the application is complete,  
1081 the applicant must file the final application with the Planning  
1082 Director, who will accept the application and establish a hearing date  
1083 under Section 7.3.7.C.]

1084 [6. Public notice is required under Division 7.5.]

1085 **[C. Hearing Date**

1086 The Planning Board must schedule a public hearing to begin 60 to 65 days after the  
1087 date an application is accepted. If the next regularly scheduled hearing date would  
1088 fall after the 60- or 65-day period due to a holiday or recess, then the next regularly  
1089 scheduled hearing date should be used. The applicant may request an extension  
1090 with Planning Director approval. Any extension of the public hearing must be  
1091 noticed on the hearing agenda with the new public hearing date indicated.]

1092 **[D. Review and Recommendation]**

1093 [1. State and County Agencies

1094 a. Reviewing State and County agencies and utilities must submit  
1095 comments within 15 days after the date an application is  
1096 accepted. If no comments are submitted within that time, the  
1097 reviewing agency or utility's portion of the application is  
1098 deemed approved.

1099 b. The applicant must submit revised drawings to address the  
1100 comments a minimum of 25 days before the date of the hearing.  
1101 The Planning Director may extend the deadline if the applicant  
1102 submits a written request within 5 days after the revised  
1103 drawings were due.]

1104 [2. Planning Director

1105 The Planning Director must publish a report and recommendation a  
1106 minimum of 10 days before the Planning Board hearing.]

1107 [3. Withdrawal of an Application  
1108 The Planning Board must send a notice to all parties entitled to notice of the  
1109 hearing when an applicant withdraws an application for a Mixed-Income  
1110 Housing Community plan.]

1111 **[E. Necessary Findings]**

1112 [To approve a Mixed-Income Housing Community plan, the Planning Board must  
1113 find that the proposed development:]

- 1114 [1. satisfies any previous approval that applies to the site, unless exempt  
1115 under Section 3.3.4 or amended;]
- 1116 [2. satisfies the applicable use and development standards and general  
1117 requirements of this Chapter;]
- 1118 [3. satisfies the applicable requirements of Chapter 19 and Chapter 22A;]
- 1119 [4. provides safe, well-integrated parking, circulation patterns, building  
1120 massing, and site amenities;]
- 1121 [5. substantially conforms with the intent of the applicable master plan,  
1122 existing and approved or pending adjacent development, the  
1123 requirements of this Chapter, and any guidelines approved by the  
1124 Planning Board that implement the applicable plan;]
- 1125 [6. if on a property in a master plan area that requires staging based on  
1126 Non-Auto Driver Mode Share (NADMS), is exempt from the staging  
1127 requirement if:
  - 1128 a. the applicant agrees to enter into a Transportation Demand  
1129 Management plan that provides an action plan for substantial  
1130 achievement of the applicable NADMS goal;
  - 1131 b. parking below the minimum required under Section 6.2.4 is  
1132 provided; and

1133 c. transit, bicycle, and pedestrian infrastructure required by the  
1134 applicable stage of the master plan is funded in the Capital  
1135 Improvements Program or Consolidated Transportation  
1136 Program, or provided by the applicant; and]

1137 [7. will be served by adequate public services and facilities, including  
1138 schools, police and fire protection, water, sanitary sewer, public roads,  
1139 storm drainage, and other public facilities.]

1140 **[F. Decision]**

1141 [1. The Planning Board must act upon the close of the record of the  
1142 public hearing by majority vote of those present to approve, approve  
1143 with modifications or conditions, or deny the application. The  
1144 Planning Board must issue a resolution reflecting its decision within 7  
1145 days of the Planning Board vote.]

1146 [2. Any party aggrieved by a decision of the Planning Board may file a  
1147 petition for judicial review of the decision within 30 days after the  
1148 Planning Board's action.]

1149 [3. Within 30 days of submission, the final Mixed-Income Housing  
1150 Community plans must be certified by the Planning Director to  
1151 confirm that the drawings reflect the Planning Board's approval. If the  
1152 certified plans do not address or comply with the Planning Board's  
1153 approval, the plans will be rejected with comments for the applicant to  
1154 address. If no action is taken by the Planning Director within 30 days,  
1155 the plan is deemed approved and certified.]

1156 **[G. Conforming Permits]**

1157 For any development requiring a Mixed-Income Housing Community plan, DPS  
1158 must not issue a sediment control permit, building permit, or use-and-occupancy

1159 permit unless the Planning Board has approved a Mixed-Income Housing  
1160 Community plan and a bond has been approved under Section 7.3.7.K.4.]

1161 **[H. Duration of Approval]**

1162 [1. A Mixed-Income Housing Community plan expires unless a certified  
1163 Mixed-Income Housing Community plan is approved by the Planning  
1164 Director within 24 months after the date the resolution is mailed.]

1165 [2. A Mixed-Income Housing Community plan does not become effective  
1166 until a record plat, if required, is recorded that satisfies any approved  
1167 subdivision plan for the subject property. If no record plat is required,  
1168 then the Mixed-Income Housing Community plan becomes effective  
1169 upon certification under Section 7.3.7.F.3.]

1170 [3. Development activities under Section 7.3.7 must satisfy the certified  
1171 Mixed-Income Housing Community plan and any conditions of  
1172 approval.]

1173 [4. If the Planning Board approves a Mixed-Income Housing Community  
1174 plan, the applicant must have a building permit application, accepted  
1175 by DPS, that includes the core and shell of the principal building  
1176 within 24 months of the date of the Planning Board's resolution.  
1177 Within 24 months after DPS accepts the building permit application  
1178 that includes the core and shell of the principal building, the applicant  
1179 must obtain that building permit.]

1180 [5. The deadlines under Section 7.3.7.H may be extended with approval  
1181 of the Planning Board by up to 18 months.]

1182 [6. If an applicant fails to comply with any of the deadlines within this  
1183 section, the Mixed-Income Housing Community plan approval shall  
1184 be revoked. The applicant may request reinstatement of a revoked  
1185 approval within 30 days of revocation. After holding a hearing on the

1186 reinstatement, the Planning Board may reinstate the approval and  
1187 extend the deadline for good cause shown.]

1188 **[I. Recording Procedures**

1189 The certified Mixed-Income Housing Community plan and Planning Board  
1190 resolution must be maintained in the permanent files of the Planning Department.]

1191 **[J. Amendments**

1192 Any property owner may apply for a Mixed-Income Housing Community plan  
1193 amendment to change a certified Mixed-Income Housing Community plan. There  
1194 are two types of amendments: a major and a minor amendment.]

1195 [1. Major Amendment]

- 1196 [a. A major amendment includes any request to:
- 1197 i. increase density or height by more than that allowed
  - 1198 under a minor amendment (Section 7.3.7.J.2);
  - 1199 ii. decrease open space;
  - 1200 iii. deviate from a condition of approval; or
  - 1201 iv. alter a basic element of the plan.
- 1202 b. Public notice is required under Division 7.5.
- 1203 c. A major amendment must follow the same hearing procedures  
1204 and satisfy the same necessary findings as the original Mixed-  
1205 Income Housing Community plan.]

1206 [2. Minor Amendment]

- 1207 [a. A minor amendment includes any request to:
- 1208 [i. increase density by up to 10% or 15,000 square feet,
  - 1209 provided the increase is less than or equal to the total
  - 1210 mapped density, including any density increases or
  - 1211 bonuses;]

- 1212 [ii. increase height by up to 10%, provided the height is less
- 1213 than or equal to the height and any increases allowed
- 1214 under Section 3.5.8.D;
- 1215 [iii. change an ancillary use, a parking or loading area,
- 1216 landscaping, sidewalk, recreational facility or area,
- 1217 configuration of open space, or any other plan element
- 1218 that will have a minimal effect on the overall design,
- 1219 layout, quality or intent of the plan; or
- 1220 iv. a reduction in approved parking to satisfy Article 59-6,
- 1221 but not any change that prevents circulation on any street
- 1222 or path.]
- 1223 [b. Public notice is required under Division 7.5.]
- 1224 [c. A minor amendment may be approved by the Planning Director
- 1225 without a public hearing if no objection to the application is
- 1226 received within 15 days after the application notice is sent. If an
- 1227 objection is received within 15 days after the application notice
- 1228 is sent, and the objection is considered relevant, a public
- 1229 hearing is required. A public hearing must be held under the
- 1230 same procedures as an original application.]

1231 **[K. Compliance and Enforcement]**

- 1232 [1. If the Planning Board finds, after holding a public hearing or
- 1233 designating a hearing officer to hold a public hearing, that a property
- 1234 under development is not in compliance with a certified Mixed-
- 1235 Income Housing Community plan, it may:]
- 1236 [a. impose a civil fine or administrative civil penalty authorized by
- 1237 Chapter 50 (Division 50-10.6.D);

- 1238 b. suspend or revoke the non-compliant portion of the Mixed-  
1239 Income Housing Community plan approval;
  - 1240 c. order a compliance program that would permit the applicant to  
1241 take corrective action to satisfy the certified Mixed-Income  
1242 Housing Community plan;
  - 1243 d. allow the applicant to propose modifications to the certified  
1244 Mixed-Income Housing Community plan; or
  - 1245 e. take any combination of these actions.]
- 1246 [2. If the Planning Board or its designee finds that the applicant has failed  
1247 to comply with a compliance program approved under Section  
1248 7.3.7.K.1.c, the Planning Board may, without holding any further  
1249 hearing, take any of the actions identified in Section 7.3.7.K.1.a  
1250 through Section 7.3.7.K.1.e.]
- 1251 [3. If the Planning Board suspends or revokes all or any portion of a  
1252 Mixed-Income Housing Community plan, DPS must immediately  
1253 suspend any applicable building permit under which construction has  
1254 not been completed or withhold any applicable use-and-occupancy  
1255 permit, until the Planning Board reinstates the applicable portion of  
1256 the Mixed-Income Housing Community plan or approves a new plan  
1257 for the development.]
- 1258 [4. The Planning Board may require the applicant to post a commercially  
1259 acceptable form of surety securing compliance with and full  
1260 implementation of specified features of the certified Mixed-Income  
1261 Housing Community plan in an amount set by the Planning Board. If  
1262 such surety is required, DPS must not issue a building permit or use-  
1263 and-occupancy permit until such surety is accepted.]

1264 \* \* \*

1265 **Sec. 7. DIVISION 59-7.5 is amended as follows:**

1266 **Division 7.5. Notice Standards**

1267 **Section 7.5.1. Notice Required**

1268 Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
<b>Regulatory Approvals</b>								
* * *								
Site Plan		x	x	x	x	x		x
<u>Expedited Approval Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
[Signature Business Headquarters Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Biohealth Priority Campus Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Mixed-Income Housing Community]		[x]	[x]	[x]	[x]	[x]		[x]
* * *								
<b>Amendments to Approvals</b>								
* * *								
Minor Site Plan Amendment				x				x
<u>Major Expedited Approval Plan Amendment</u>			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>



<u>Minor Expedited Approval Plan Amendment</u>				<u>x</u>				
[Major Signature Business Headquarters Plan Amendment]			[x]	[x]	[x]	[x]		[x]
[Minor Signature Business Headquarters Plan Amendment]				[x]				
[Major Biohealth Priority Campus Plan]			[x]	[x]	[x]	[x]		[x]
[Minor Biohealth Priority Campus Plan]				[x]				

1269 **KEY:** x = Required

1270

\* \* \*

1271           **Sec. 8. Effective date.** This ordinance becomes effective 20 days after the  
1272 date of Council adoption.

DRAFT

This is a correct copy of Council action.

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Sara R. Tenenbaum  
Clerk of the Council

DRAFT

Expedited Bill No. 2-25  
Concerning: Taxation – Payments in Lieu  
of Taxes – Affordable Housing –  
Amendments  
Revised: 1/27/2025 Draft No. 5  
Introduced: February 4, 2025  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

Lead Sponsors: Councilmembers Fani-González and Friedson  
Co-sponsors: Councilmember Luedtke, Council President Stewart, and Councilmembers Balcombe  
and Sayles

---

**AN EXPEDITED ACT** to:

- (1) establish a minimum payment in lieu of taxes for certain conversions of high-vacancy commercial properties to residential use;
- (2) establish the amount of the payment in lieu of taxes; and
- (3) generally amend the law governing payments in lieu of taxes.

By amending

Montgomery County Code  
Chapter 52, Taxation  
Section 52-24

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Section 52-24 is amended as follows:**

**52-24. Payments in lieu of taxes for certain housing developments.**

(a) *Definitions.* In this Section, the following words have the following meanings.

\* \* \*

Person has the same meaning as in Section 1-101 of the Tax-Property Article of the Maryland Code, as amended.

\* \* \*

(c) When authorized by state law, the Director must offer a payment in lieu of taxes for a qualifying housing development:

(1) owned or controlled by the Housing Opportunities Commission that exempts 100[%] percent of the real property tax that would otherwise be levied;

(2) owned or controlled by a non-profit housing developer if at least 50[%] percent of the dwelling units located on the property receiving the payment in lieu of taxes are built under a government regulation or binding agreement with the County limiting the rent charged for the unit for at least 15 years to make the unit affordable to households earning 60[%] percent or less of the area median income. The offer must exempt 100[%] percent of the real property tax that would otherwise be levied for a period of at least 15 years, but no more than the number of years that rents charged for 50[%] percent of the dwelling units must remain restricted to households earning 60[%] percent or less of the area median income; [or]

(3) owned or controlled by a non-profit housing developer if all of the dwelling units are subject to a Section 8 Project-Based Rental Assistance Payment contract. The offer must exempt 100[%]

28 percent of the real property tax that would otherwise be levied as  
29 long as the Section 8 Project-Based Rental Assistance Payment  
30 contract is in effect[.]; or

31 (4) owned or controlled by a person engaged in constructing or  
32 operating housing structures or projects if:

33 (A) the property receiving the payment in lieu of taxes is  
34 converted to residential use from a commercial use with at  
35 least a 50 percent vacancy rate at the date of application to  
36 either the Department of Permitting Services or Planning  
37 Department pursuant to Section 3.3.2.B of Chapter 59;

38 (B) the property’s development meets all the requirements of an  
39 expedited approval plan under Section 7.3.5 of Chapter 59;  
40 and

41 (C) at least 15 percent of the dwelling units located on the  
42 property are built under a government regulation or binding  
43 agreement with the County limiting the rent charged for the  
44 unit for at least 25 years to make the unit affordable to  
45 households earning 60 percent or less of the area median  
46 income.

47 The offer must exempt 100 percent of the real property tax that  
48 would otherwise be levied for a period of at least 25 years  
49 beginning in the year a use and occupancy permit is issued for the  
50 qualifying development, but no more than the number of years that  
51 rents charged for 15 percent of the dwelling units must remain  
52 restricted to households earning 60 percent or less of the area  
53 median income.

54 \* \* \*

55           **Sec. 2. Effective date.** The Council declares that this legislation is necessary for  
56 the immediate protection of the public interest. This Act takes effect 20 days after the  
57 date on which it becomes law.

58           **Sec. 3. Short title.** This expedited bill may be cited as part of the “More Housing  
59 N.O.W. (New Options for Workers)” package.