



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

Attachment C

AGENDA ITEM #5E
February 4, 2025
Introduction

SUBJECT

Subdivision Regulation Amendment (SRA) 25-01, Administrative Subdivision – Expedited Approval Plan

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

SRA 25-01 will create an administrative subdivision process for a Commercial to Residential Reconstruction expedited approval plan.

SUMMARY OF KEY DISCUSSION POINTS

- ZTA 25-03, Expedited Approvals - Commercial to Residential Reconstruction, will create a Commercial to Residential Reconstruction use and provide an expedited approval process for that use.
- SRA 25-01 will create an administrative subdivision process for a Commercial to Residential Reconstruction plan to ensure that the timelines are compatible in the event subdivision is necessary.
- A public hearing is tentatively scheduled for March 11, 2025.

This report contains:

SRA 25-01

© 1

Letter from Lead Sponsors

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Subdivision Regulation
Amendment No.: 25-01
Concerning: Administrative
Subdivision – Expedited
Approval Plan
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**

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

AN AMENDMENT to:

- (1) create an administrative subdivision process for a Commercial to Residential Reconstruction expedited approval plan;
- (2) and generally amend the subdivision provisions.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.6. “Administrative Subdivision Plan”
Section 50.6.1. “Applicability”

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

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:

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

Date



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,

The image shows two handwritten signatures in black ink. The signature on the left is for Andrew Friedson, and the signature on the right is for Natali Fani-González. Both signatures are written in a cursive, flowing style.

Andrew Friedson
Councilmember, District 1

Natali Fani-González
Councilmember, District 6

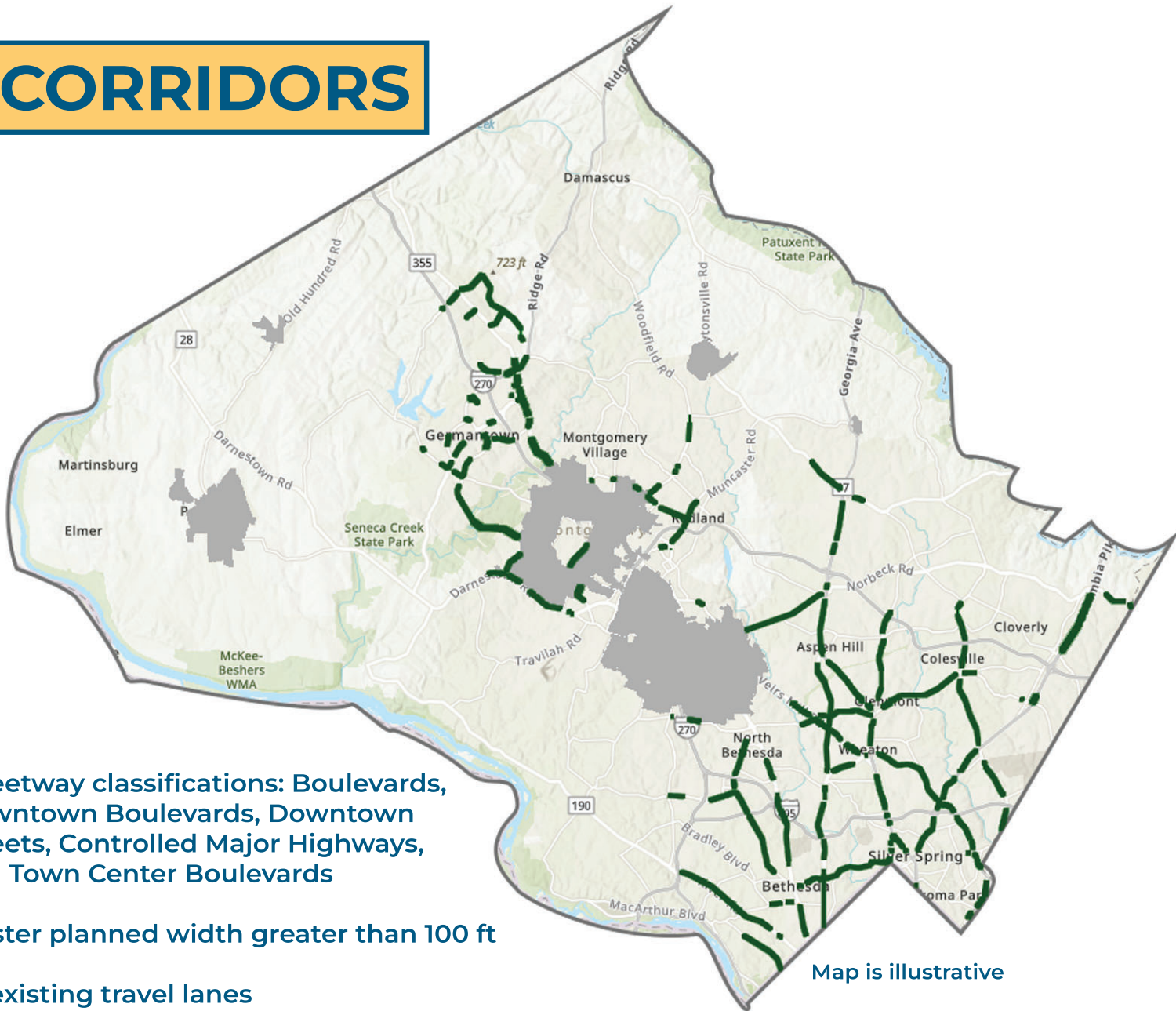
Attachments:

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 MPDU₂ [and] Cluster Development₂ 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	
* * *																													
RESIDENTIAL																													
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	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	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	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

* * *

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

31

Division 4.1. Rules for All Zones

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* * *

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

34

Residential Zones

35

* * *

36

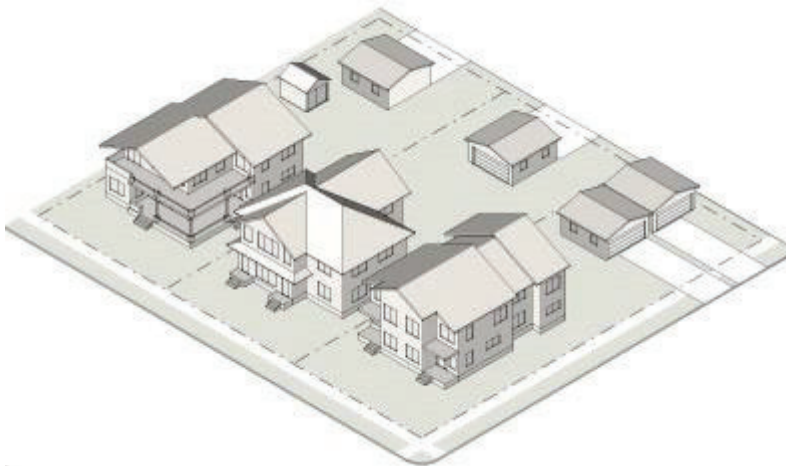
B. Duplex

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

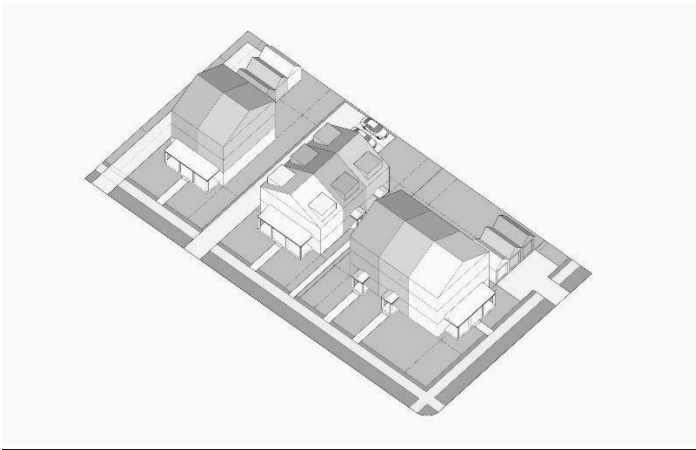
41

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**

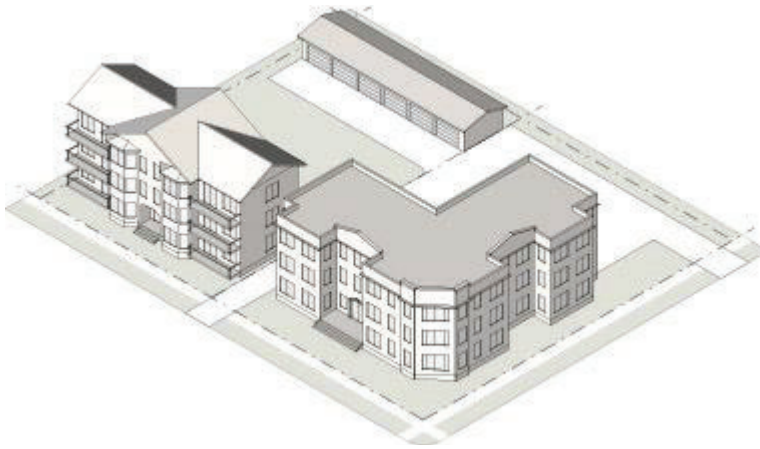
46 A townhouse is a building containing [3] 4 or more dwelling units where each
47 dwelling unit is separated vertically by a party wall. A townhouse may contain
48 ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



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:

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone 	Duplex 	<u>Triplex or Townhouse</u> 	Apartment Building 
* * *				
Residential Detached Zones				
* * *				
Residential - 200 (R-200)	A	MPDU, TDR ₂ , <u>WFH</u>	MPDU, TDR ₂ , <u>WFH</u>	TDR ₂ , <u>WFH</u>
Residential - 90 (R-90)	A	MPDU, CD, TDR ₂ , <u>WFH</u>	MPDU, CD, TDR ₂ , <u>WFH</u>	TDR ₂ , <u>WFH</u>
Residential - 60 (R-60)	A	MPDU, CD, TDR ₂ , <u>WFH</u>	MPDU, CD, TDR ₂ , <u>WFH</u>	TDR ₂ , <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>
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76 * * *

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

	MPDU Development		
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>
1. Site				
<u>Dimensions (min)</u>				
<u>Usable area</u>	16,000 SF	16,000 SF	16,000 SF	16,000 SF
2. <u>Lot and Density</u>				
<u>Lot (min)</u>				
<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>
<u>Density (max)</u>				

<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>				
Coverage (max)				
<u>Lot</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>
Specification for Lot and Density				
<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
3. Placement				
Principal Building Setbacks (min)				
<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>
Specification for Principal Building Setbacks				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
Accessory Structure Setbacks (min)				
<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>
Specification for Accessory Structure Setbacks				
a. <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. <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>				
4. Height				
Height (max)				
<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>
5. Form				
Allowed Building Elements				
<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>
6. Buildings used for Agriculture Associated with Farming				
Specification for Buildings used for Agriculture Associated with Farming				
<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)**

152

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153

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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155

D. R-90 Zone, Workforce Housing Development Standards

	Duplex	Triplex	Townhouse	Apartment
1. Site				
Dimensions (min)				
<u>Usable area</u>	<u>9,000 SF</u>	<u>9,000 SF</u>	<u>9,000 SF</u>	<u>9,000 SF</u>
2. Lot & Density				
Dimensions (min)				
<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>
Density (max)				

<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>				
Coverage (max)				
<u>Lot</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>
Specification for Lot and Density				
<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>				
3. Placement				
Principal Building Setbacks (min)				
<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>
Specification for Principal Building Setbacks				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
Accessory Structure Setbacks (min)				
<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>
Specification for Accessory Structure Setbacks				
a. <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. <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>				
c. <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>				

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	25'	25'	25'	25'
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'.				

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

157 * * *

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

159

160 **D. R-60 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				
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
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>				
<u>Density (max)</u>				
<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>				
<u>Coverage (max)</u>				
<u>Lot</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>Specification for Lot and Density</u>				
<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>				
<u>3. Placement</u>				
<u>Principal Building Setbacks (min)</u>				
<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>
<u>Specification for Principal Building Setbacks</u>				
<u>Development may have to satisfy Section 4.4.1.A, Established Building Line.</u>				
<u>Accessory Structure Setbacks (min)</u>				
<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>
<u>Specification for Accessory Structure Setbacks</u>				
<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

164

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>
<u>Density (max)</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>Coverage (max)</u>				
<u>Lot</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>
<u>Specification for Lot and Density</u>				
Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
<u>3. Placement</u>				
<u>Principal Building Setbacks (min)</u>				
<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>
<u>Specification for Principal Building Setbacks</u>				
Development may have to satisfy Section 4.4.1.A, Established Building Line.				
<u>Accessory Structure Setbacks (min)</u>				
<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'
Specification for Accessory Structure Setbacks				
<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>				
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'.				

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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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	Conditional Use allowed in the zone			
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188 **C. THD Zone, Optional Method Development Standards**

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

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

192

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193 **B. R-30 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>	Apartment
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196 **C. R-30 Zone, Optional Method Development Standards**

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

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

200

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201 **B. R-20 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>	Apartment
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	Conditional Use allowed in the zone				
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C. R-20 Zone, Optional Method Development Standards

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

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

208

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B. R-10 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</u> Townhouse	Apartment
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C. R-10 Zone, Optional Method Development Standards

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

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

Division 4.5. Commercial/Residential Zones

217

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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 Townhouse</u>	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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228

C. GR and NR Zones, Standard Method Development Standards

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

238

date of Council adoption.

This is a correct copy of Council action.

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 * * *

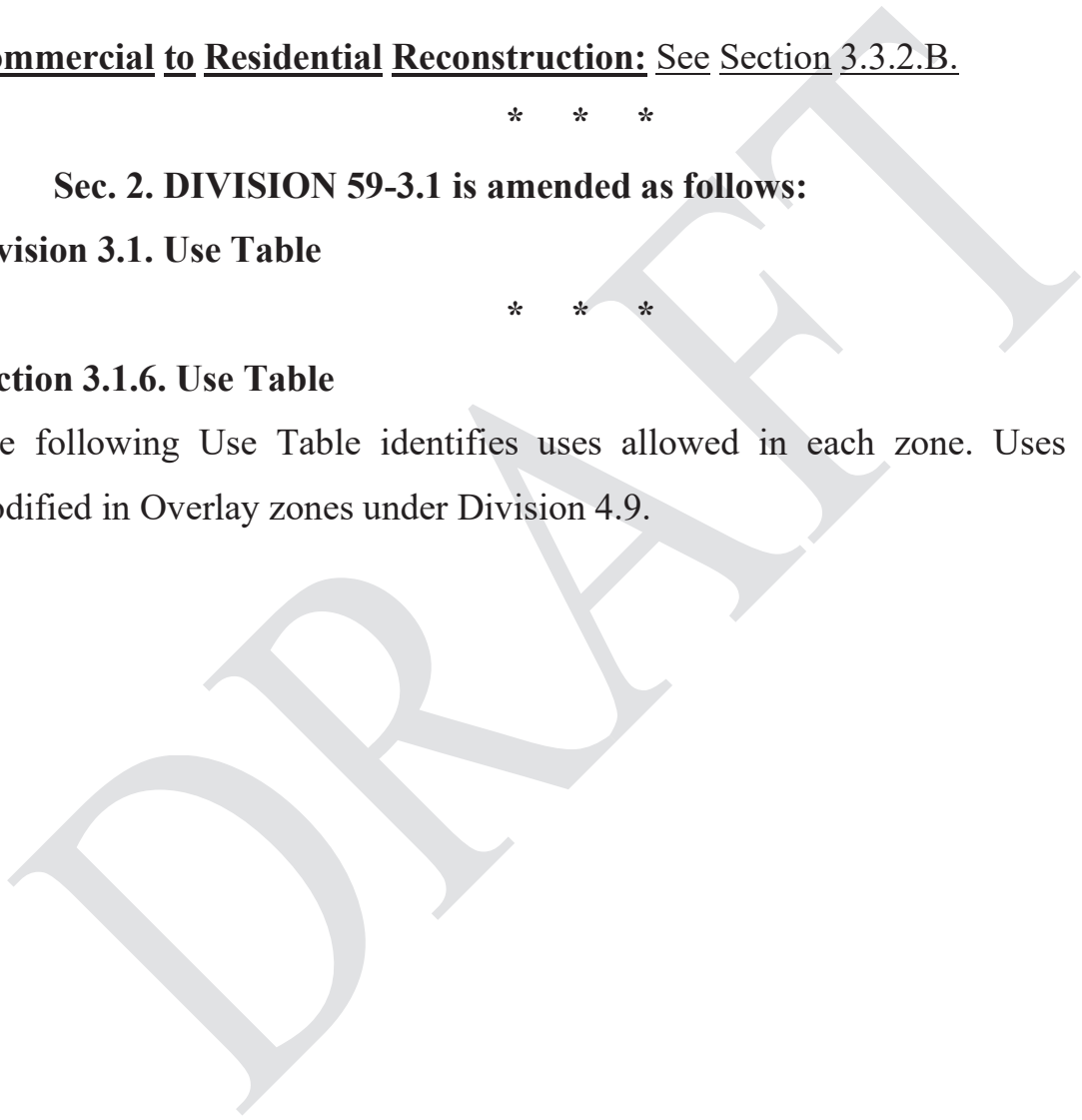
8 **Sec. 2. DIVISION 59-3.1 is amended as follows:**

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	Residential																Commercial/Residential			Employment				Industrial												
			Rural Residential				Residential Detached								Residential Townhouse			Residential Multi-Unit			CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM	IH								
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10																			
* * *																																						
RESIDENTIAL																																						
* * *																																						
GROUP LIVING	3.3.2																																					
Commercial to Residential Reconstruction	3.3.2.B																					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	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	L	L													
Personal Living Quarters (Over 50 Individual Living Units)	[3.3.2.D] 3.3.2.E																	C	C	C	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											
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	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;

- 94 b. the properties are within ¼ mile of each other, located in a
- 95 designated master-planned density transfer area, or are part of
- 96 [a Signature Business Headquarters plan or Biohealth Priority
- 97 Campus] an expedited approval plan;
- 98 c. the minimum public benefit points required under
- 99 Section 4.5.4.A.2 must be exceeded by at least 50%; and
- 100 d. the applicable master plan does not specifically prohibit the
- 101 averaging of density between non-contiguous properties.
- 102 4. If the Planning Board approves a site plan[, Signature Business
- 103 Headquarters plan, or Biohealth Priority Campus] or expedited
- 104 approval plan for a development project using FAR averaging across
- 105 two or more lots, the maximum density on certain lots in the
- 106 development project will be less than or greater than the zone allows,
- 107 as indicated in the applicable plan. To provide additional notice of the
- 108 FAR averaging, before the Planning Board approves a certified site
- 109 plan[, certified Signature Business Headquarters plan, or Biohealth
- 110 Priority Campus] or certified expedited approval plan for such a
- 111 project or, if plat approval is required, before plat approval, the
- 112 applicant must state the gross square footage taken from any lot with
- 113 reduced density in an instrument approved by the Planning Board and
- 114 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

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
* * *								
Regulatory Approvals								
* * *								
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]
* * *								
Amendments to Approvals								
* * *								
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.

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

Boldface	<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:

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

2 **52-24. Payments in lieu of taxes for certain housing developments.**

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

5 * * *

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

8 * * *

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

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

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

25 (3) owned or controlled by a non-profit housing developer if all of the
26 dwelling units are subject to a Section 8 Project-Based Rental
27 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.