



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

AGENDA ITEM #5D
February 4, 2025
Introduction

SUBJECT

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

Lead sponsors: Councilmembers Friedson and Fani-González

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

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

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

SUMMARY OF KEY DISCUSSION POINTS

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

This report contains:

ZTA 25-03

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Letter from Lead Sponsors

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Ordinance No.: _____
Zoning Text Amendment No.: 25-03
Concerning: Expedited Approvals –
Commercial to
Residential
Reconstruction
Revised: 1/29/2025 Draft No.: 1
Introduced: February 4, 2025
Public Hearing: _____
Adopted: _____
Effective: _____

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

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

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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

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

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

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

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

ORDINANCE

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

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

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

Commercial to Residential Reconstruction: See Section 3.3.2.B.

* * *

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

* * *

Independent Living Facility for Seniors or Persons with Disabilities: See

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

* * *

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

* * *

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

* * *

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

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

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

* * *

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

Division 3.3. Residential Uses

* * *

Section 3.3.2. Group Living

A. Defined, In General

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

B. Commercial to Residential Reconstruction

1. Defined

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

2. Exemptions

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

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

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

56 **3. Use Standards**

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

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

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

69 **[B] C. Dormitory**

70 * * *

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

72 * * *

73 **2. Use Standards**

74 * * *

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

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

* * *

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

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

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

113 * * *

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

115 **1. Defined, In General**

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

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

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

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

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

134 * * *

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

136 **A. Defined**

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

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

161 * * *

162 **Section 3.4.6. Hospital**

163 **A. Defined**

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

170 * * *

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

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

173 * * *

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

175 * * *

176 **B. FAR Averaging**

- 177 1. Only standard method development projects that require site plan
178 approval or optional method development projects can average FAR
179 between properties.
- 180 2. FAR may be averaged over 2 or more directly abutting or confronting
181 properties in one or more Commercial/Residential zones if:
 - 182 a. the properties are under the same site plan, sketch plan,
183 [Signature Business Headquarters plan, or Biohealth Priority
184 Campus plan] or expedited approval plan; however, if a sketch

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

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

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

227 * * *

228 **Section 4.5.4. Optional Method Development**

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

230 **A. General Requirements**

231 **1. Procedure for Approval**

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

238 * * *

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

240 **Division 4.6. Employment Zones**

241 * * *

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

243 **A. Density and Height Limits**

244 * * *

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

250 **B. FAR Averaging**

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

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

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

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

265 * * *

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

291 * * *

292 **Section 4.6.4. Optional Method Development**

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

294 **A. General Requirements**

295 **1. Procedure for Approval**

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

300 * * *

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

302 **Division 7.3. Regulatory Approvals**

303 * * *

304 **Section 7.3.3. Sketch Plan**

305 **A. Applicability and Description**

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

312 * * *

313 **Section 7.3.5. Expedited Approval Plan**

314 **A. Applicability and Description**

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

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

333 **B. Application Requirements**

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

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

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

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

404 6. Public notice is required under Division 7.5.

405 **C. Hearing Date**

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

412 **D. Review and Recommendation**

413 1. State and County Agencies

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

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

424 2. Planning Director

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

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

431 **E. Necessary Findings**

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

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

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

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

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

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

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

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

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

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

463 **F. Decision**

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

479 **G. Conforming Permits**

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

484 **H. Duration of Approval**

- 485 1. An expedited approval plan expires unless a certified expedited
486 approval plan is approved by the Planning Director within 24 months
487 after the date the resolution is mailed.
- 488 2. An expedited approval plan does not become effective until a record
489 plat, if required, is recorded that satisfies any approved subdivision plan
490 for the subject property. If no record plat is required, then the expedited
491 approval plan becomes effective upon certification under Section
492 7.3.5.F.3.
- 493 3. Development activities under Section 7.3.5 must satisfy the certified
494 expedited approval plan and any conditions of approval.
- 495 4. If the Planning Board approves an expedited approval plan, the
496 applicant must have a building permit application, accepted by DPS,
497 that includes the core and shell of the principal building within 2 years
498 of the date of the Planning Board's resolution. Within 2 years after DPS
499 accepts the building permit application that includes the core and shell
500 of the principal building, the applicant must obtain that building permit.
- 501 5. The deadlines under Section 7.3.5.H may be extended with approval of
502 the Planning Board by up to 18 months.
- 503 6. If an applicant fails to comply with any of the deadlines within this
504 section, the expedited approval plan approval shall be revoked. The
505 applicant may request reinstatement of a revoked approval within 30
506 days of revocation. After holding a hearing on the reinstatement, the

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

509 **I. Recording Procedures**

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

512 **J. Amendments**

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

515 1. Major Amendment

516 a. A major amendment includes any request to:

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

519 ii. decrease open space;

520 iii. deviate from a condition of approval; or

521 iv. alter a basic element of the plan.

522 b. Public notice is required under Division 7.5.

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

526 2. Minor Amendment

527 a. A minor amendment includes any request to:

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

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

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

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

543 b. Public notice is required under Division 7.5.

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

551 **K. Compliance and Enforcement**

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

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

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

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

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

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

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

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

599 **[B. Application Requirements]**

600 [1. Ownership

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

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

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

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

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

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

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

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

667 **[C. Hearing Date**

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

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

673 [1. State and County Agencies

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

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

682 [2. Planning Director

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

685 [3. Withdrawal of an Application

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

688 **[E. Necessary Findings]**

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

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

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

721 **[F. Decision]**

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

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

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

734 **[G. Conforming Permits]**

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

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

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

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

760 **[I. Recording Procedures**

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

763 **[J. Amendments**

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

767 [1. Major Amendment

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

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

778 [2. Minor Amendment

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

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

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

793 that prevents circulation on any street or path.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

850 **[B. Application Requirements]**

851 [1. Ownership

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

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

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

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

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

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

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

922 **[C. Hearing Date**

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

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

930 [1. State and County Agencies

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

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

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

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

948 **[E. Necessary Findings]**

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

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

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

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

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

980 **[F. Decision]**

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

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

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

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

996 **[G. Conforming Permits**

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

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

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

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

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

1028 **[I. Recording Procedures**

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

1031 **[J. Amendments**

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

1035 [1. Major Amendment

1036 a. A major amendment includes any request to:

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

1046 [2. Minor Amendment

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

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

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

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

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

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

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

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

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

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

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

1111 **[B. Application Requirements]**

1112 [1. Ownership

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

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

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

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

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

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

1184 **[C. Hearing Date**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1239 **[F. Decision]**

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

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

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

1255 **[G. Conforming Permits**

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

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

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

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

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

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

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

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

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

1287 **[I. Recording Procedures**

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

1290 **[J. Amendments**

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

1294 [1. Major Amendment

1295 a. A major amendment includes any request to:

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

1298 ii. decrease open space;

1299 iii. deviate from a condition of approval; or

1300 iv. alter a basic element of the plan.

1301 b. Public notice is required under Division 7.5.

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

1305 [2. Minor Amendment

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

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

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

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

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

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

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

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

1344 e. take any combination of these actions.]

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

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

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

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

1363 * * *

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

1365 **Division 7.5. Notice Standards**

1366 **Section 7.5.1. Notice Required**

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

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
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]				

1368 **KEY:** x = Required

1369

* * *

1370

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

1371

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

1372

* * *

1373

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

1374

date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

January 28, 2025

Colleagues:

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

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

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

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

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

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

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

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

Building More Workforce Housing

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

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

Converting Highly Vacant Office to Housing

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

Pathways to Homeownership

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

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

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

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

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

Sincerely,



Andrew Friedson
Councilmember, District 1



Natali Fani-González
Councilmember, District 6

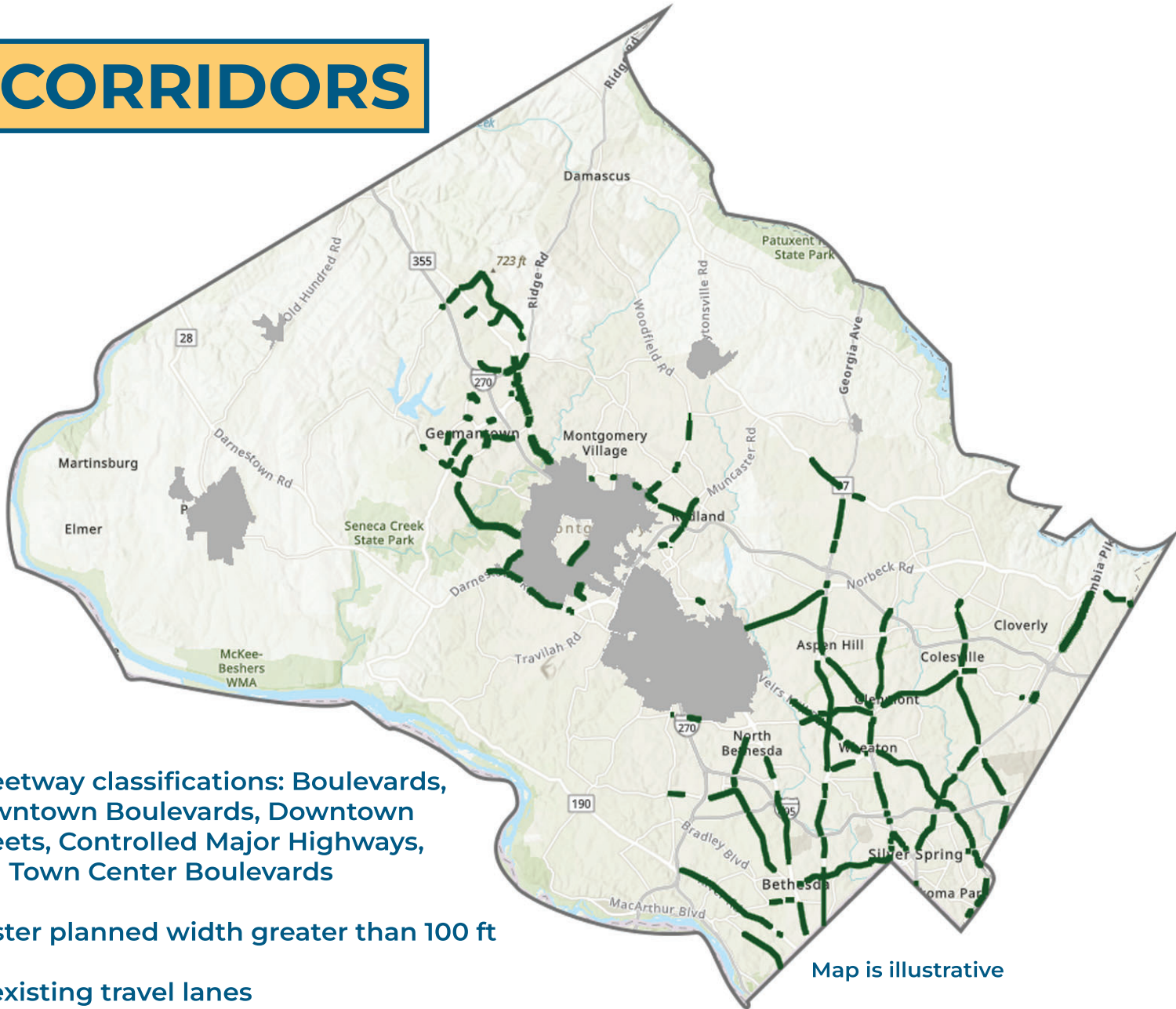
Attachments:

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

More Housing N.O.W.

New Options for Workers

CORRIDORS



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

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

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

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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

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

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

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

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

ORDINANCE

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

DRAFT

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

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

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

* * *

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

* * *

Triplex: See Section 4.1.3.C.

* * *

Usable Area: The area upon which the density of development is calculated in optional method 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
* * *																											
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	L	L	L	L
Two-Unit Living	3.3.1.C.				P		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	L	L	L	L	
Townhouse Living	3.3.1.D.				P	C	L/C	L/C	L/C	L/C	L/C	L/C	P	P	P	P	P	P	P	P	P	P	L	L	L	L	
Multi-Unit Living	3.3.1.E.					C	C	C	[C] L/C	[C] L/C	[C] L/C	[C] L/C				P	P	P	P	P	P	P	L	L	L	L	
* * *																											

28



29

* * *

30

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

31

Division 4.1. Rules for All Zones

32

* * *

33

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

34

Residential Zones

35

* * *

36

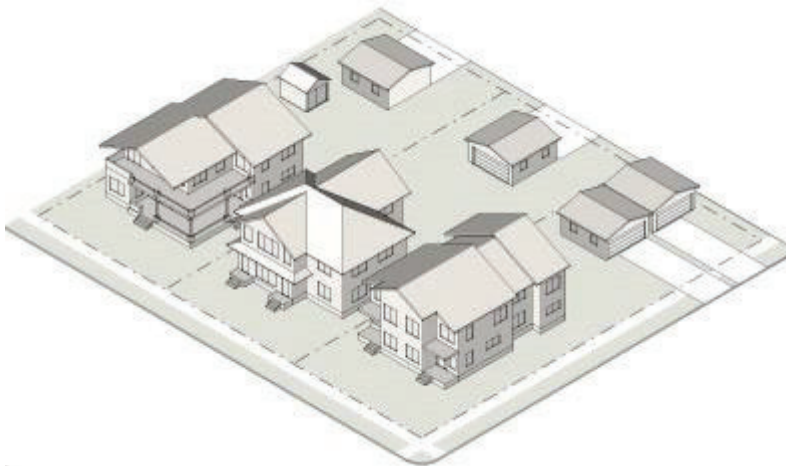
B. Duplex

37

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

38

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



39

40

C. Triplex

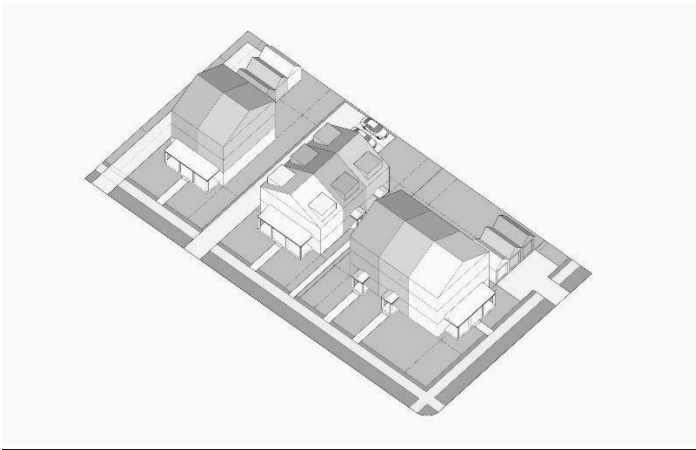
41

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

42

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

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



44

45 **[C]D. Townhouse**

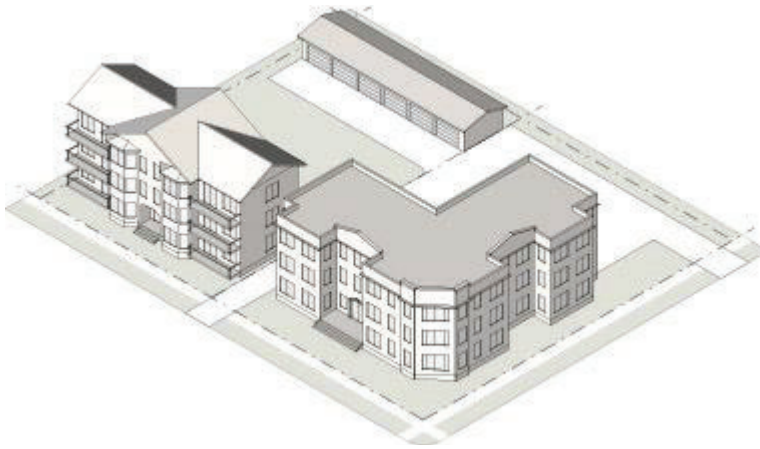
46 A townhouse is a building containing [3] 4 or more dwelling units where each
47 dwelling unit is separated vertically by a party wall. A townhouse may contain
48 ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



49

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

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







55

56

* * *

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

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

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone 	Duplex 	Triplex or Townhouse 	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>
---------	---	---------------	---------------	-----------------------------

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>	Determined as site plan	Determined as site plan	Determined as site plan	Determined as site plan
<u>Lot width at front lot line</u>	25'	25'	25'	n/a
<u>Frontage on street or open space</u>	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50	Required, except as exempt under Chapter 50
<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>				

150

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

152

* * *

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

154

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>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>				
<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)**

162 * * *

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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169

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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C. TLD Zone, Optional Method Development Standards

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

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Section 4.4.12. Townhouse Medium Density Zone (TMD)

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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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C. TMD Zone, Optional Method Development Standards

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

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Section 4.4.13. Townhouse High Density Zone (THD)

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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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C. THD Zone, Optional Method Development Standards

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

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

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

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

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

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

Division 4.5. Commercial/Residential Zones

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* * *

Section 4.5.3. Standard Method Development

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* * *

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

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

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Division 4.6. Employment Zones

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Section 4.6.3. Standard Method Development

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C. GR and NR Zones, Standard Method Development Standards

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

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

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

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 * * *

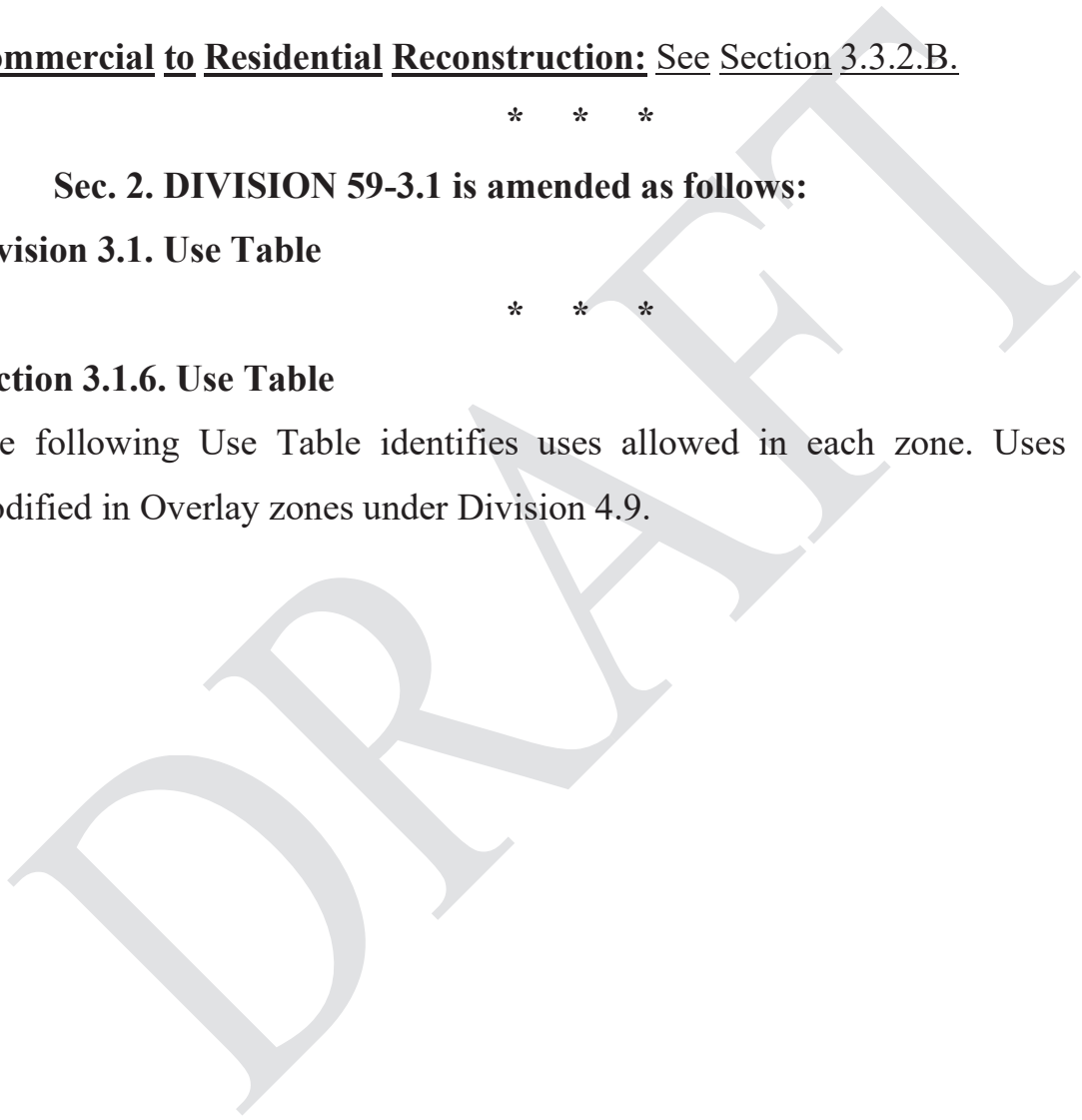
8 **Sec. 2. DIVISION 59-3.1 is amended as follows:**

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

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

45 **3. Use Standards**

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

51 b. In a red policy area, Commercial to Residential Reconstruction
52 must be in an Apartment Building type that satisfies Section
53 4.1.3.D.

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

58 * * *

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

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

61 * * *

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

63 * * *

64 **B. FAR Averaging**

65 1. Only standard method development projects that require site plan
66 approval or optional method development projects can average FAR
67 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.

115 * * *

116 **Section 4.5.4. Optional Method Development**

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

118 **A. General Requirements**

119 **1. Procedure for Approval**

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

126 * * *

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

128 **Division 4.6. Employment Zones**

129 * * *

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

131 **A. Density and Height Limits**

132 * * *

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

138 **B. FAR Averaging**

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

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

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

153 * * *

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

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

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

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

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

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

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

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

179 * * *

180 **Section 4.6.4. Optional Method Development**

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

182 **A. General Requirements**

183 **1. Procedure for Approval**

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

189 * * *

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

191 **Division 7.3. Regulatory Approvals**

192 * * *

193 **Section 7.3.3. Sketch Plan**

194 **A. Applicability and Description**

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

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Section 7.3.5. Expedited Approval Plan

A. Applicability and Description

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

B. Application Requirements

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

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

232 2. An expedited approval plan application must include:

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

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

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

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

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

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

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

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

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

295 **C. Hearing Date**

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

302 **D. Review and Recommendation**

303 1. State and County Agencies

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

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

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

314 2. Planning Director

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

317 3. Withdrawal of an Application

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

321 **E. Necessary Findings**

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

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

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

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

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

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

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

355 **F. Decision**

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

- 361 2. Any party aggrieved by a decision of the Planning Board may file a
362 petition for judicial review of the decision within 30 days after the
363 Planning Board’s action.
- 364 3. Within 30 days of submission, the final expedited approval plans must
365 be certified by the Planning Director to confirm that the drawings
366 reflect the Planning Board’s approval. If the certified plans do not
367 address or comply with the Planning Board’s approval, the plans will
368 be rejected with comments for the applicant to address. If no action is
369 taken by the Planning Director within 30 days, the plan is deemed
370 approved and certified.

371 **G. Conforming Permits**

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

376 **H. Duration of Approval**

- 377 1. An expedited approval plan expires unless a certified expedited
378 approval plan is approved by the Planning Director within 24 months
379 after the date the resolution is mailed.
- 380 2. An expedited approval plan does not become effective until a record
381 plat, if required, is recorded that satisfies any approved subdivision
382 plan for the subject property. If no record plat is required, then the
383 expedited approval plan becomes effective upon certification under
384 Section 7.3.5.F.3.
- 385 3. Development activities under Section 7.3.5 must satisfy the certified
386 expedited approval plan and any conditions of approval.

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

402 **I. Recording Procedures**

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

405 **J. Amendments**

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

409 1. Major Amendment

410 a. A major amendment includes any request to:

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

413 ii. decrease open space;

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

420 2. Minor Amendment

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

434 A minor amendment also includes a reduction in approved

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

436 include any change that prevents circulation on any street or

437 path.

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

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

446 **K. Compliance and Enforcement**

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

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

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

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

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

460 e. take any combination of these actions.

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

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

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

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

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

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

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

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

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

494 **[B. Application Requirements]**

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

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

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

563 **[C. Hearing Date**

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

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

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

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

578 [2. Planning Director

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

581 [3. Withdrawal of an Application

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

584 **[E. Necessary Findings]**

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

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

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

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

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

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

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

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

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

618 **[F. Decision]**

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

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

631 **[G. Conforming Permits**

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

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

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

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

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

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

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

658 **[I. Recording Procedures**

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

661 **[J. Amendments**

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

665 [1. Major Amendment

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

676 [2. Minor Amendment

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

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

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

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

691 that prevents circulation on any street or path.

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

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

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

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

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

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

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

749 **[B. Application Requirements]**

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

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

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

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

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

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

821 **[C. Hearing Date**

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

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

829 [1. State and County Agencies

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

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

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

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

847 **[E. Necessary Findings]**

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

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

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

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

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

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

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

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

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

881 **[F. Decision]**

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

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

897 **[G. Conforming Permits**

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

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

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

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

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

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

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

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

929 **[I. Recording Procedures**

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

932 **[J. Amendments**

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

936 [1. Major Amendment

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

947 [2. Minor Amendment

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

961 A minor amendment also includes a reduction in approved

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

963 include any change that prevents circulation on any street or

964 path.]

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

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

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

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

969 objection is received within 15 days after the application notice

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

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

972 same procedures as an original application.]

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

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

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

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

1006 **[A. Applicability and Description]**

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

1012 **[B. Application Requirements]**

1013 [1. Ownership

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

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

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

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

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

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

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

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

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

1085 **[C. Hearing Date**

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

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

1093 [1. State and County Agencies

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

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

1104 [2. Planning Director

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

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

1111 **[E. Necessary Findings]**

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

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

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

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

1140 **[F. Decision]**

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

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

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

1156 **[G. Conforming Permits]**

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

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

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

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

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

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

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

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

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

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

1188 **[I. Recording Procedures**

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

1191 **[J. Amendments**

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

1195 [1. Major Amendment]

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

1206 [2. Minor Amendment]

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

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

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

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

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

1264 * * *

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

1266 **Division 7.5. Notice Standards**

1267 **Section 7.5.1. Notice Required**

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

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
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.