

# ARTICLE 59-2. ZONES

## [DIV. 2.1. ZONES ESTABLISHED

SEC. 2.1.1. REQUIREMENTS FOR ALL ZONES ..... 2 – 2

SEC. 2.1.2. ZONING CATEGORIES ..... 2 –2

SEC. 2.1.3. AGRICULTURAL ZONE ..... 2 –2

SEC. 2.1.4. RURAL RESIDENTIAL ZONES ..... 2 – 3

SEC. 2.1.5. RESIDENTIAL ZONES ..... 2 – 3

SEC. 2.1.6. COMMERCIAL/RESIDENTIAL ZONES ..... 2 –4

SEC. 2.1.7. EMPLOYMENT ZONES ..... 2 –6

SEC. 2.1.8. INDUSTRIAL ZONES ..... 2 –8

SEC. 2.1.9. OVERLAY ZONES ..... 2 –8

SEC. 2.1.10. FLOATING ZONES ..... 2 –11]

## [DIV. 2.2. ZONING MAP

SEC. 2.2.1. ZONING MAPS ..... 2 – 13

SEC. 2.2.2. LOCATION AND BOUNDARIES OF ZONES ..... 2 – 13

SEC. 2.2.3. ZONE BOUNDARY INTERPRETATION ..... 2 – 13

SEC. 2.2.4. ZONING AND DEVELOPMENT WITHIN RIGHTS-OF-WAY ..... 2 – 14

SEC. 2.2.5. ZONES RETAINED FROM PREVIOUS ORDINANCE ..... 2 – 15]

### Key to Text Edits

Green text indicates changes made by the PHED committee

Blue text indicates plain language edits, corrections, and clarifications

[Text deleted from the draft has brackets]

Text added to the draft is underlined

## Division 2.1. Zones Established

### Section 2.1.1. Requirements for All Zones

- A. Zones established in [\[this\] Article 59-2](#) [\[\(Article 59-2\)\]](#) must satisfy:
  - 1. Definitions under [Article 59-1](#);
  - 2. Use restrictions and use standards under [Article 59-3](#);
  - 3. Development standards under [Article 59-4](#);
  - 4. Optional method requirements under [Article 59-6](#);
  - 5. General requirements under [Article 59-7](#); and
  - 6. Review procedures under [Article 59-8](#).
- B. Floating zones established in [\[this\] Article 59-2](#) must also satisfy [Article 59-5](#).

### Section 2.1.2. Zoning Categories

The following zoning categories refer to particular sets of zones:

- A. Agricultural (abbreviated "Ag" in the Use Table),
- B. Rural Residential,
- C. Residential,
  - 1. Residential Detached;
  - 2. Residential Townhouse; and
  - 3. Residential Multi-Unit.
- D. Commercial/Residential,
- E. Employment,
- F. Industrial,
- G. Overlay, [and](#)
  - 1. [Commercial Preservation Overlay](#);
  - 2. [Industrial Mixed Use Overlay](#);
  - 3. [Neighborhood Protection Overlay](#);
  - 4. [Special Protection Area Overlay](#);
  - 5. [Transferable Development Rights Overlay](#); and
  - 6. [Germantown Transit Mixed Use Overlay](#).]

- H. Floating
  - 1. Residential Floating;
  - 2. Commercial/Residential Floating;
  - 3. Employment Floating; and
  - 4. Industrial Floating.

### Section 2.1.3. Agricultural Zone

#### A. Zone Established

- 1. There is one Agricultural zone classification: Agricultural Reserve (AR)
- 2. The AR zone will be applied on the Zoning Map by showing its zoning classification symbol.

#### B. Intent Statement

- 1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the general plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. [\[This is to be accomplished\] The AR zone accomplishes this intent](#) by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas. [\[Residential uses should be located and arranged to support agriculture as the primary use and to support the rural character of the area.\]](#)
- 2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. An agricultural use cannot be restricted on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature must satisfy additional use standards or the conditional use approval process.
- 3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit and to otherwise meet the purposes of the AR zone.

## Section 2.1.4. Rural Residential Zones

### A. Zones Established

1. There are 3 Rural Residential zone classifications:
  - a. Rural (R),
  - b. Rural Cluster (RC), and
  - c. Rural Neighborhood Cluster (RNC).
2. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

### B. Intent Statements

#### 1. Rural (R)

The intent of the R zone is to preserve rural areas of the County for agriculture and other natural resource development, residential uses of a rural character, extensive recreational facilities, and protection of scenic and environmentally sensitive areas.

#### 2. Rural Cluster (RC)

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. The RC zone permits an optional method Cluster [Development](#) alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

#### 3. Rural Neighborhood Cluster (RNC)

- a. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources, and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting. A master

plan must recommend the RNC zone, and must provide development guidelines and recommendations regarding density, and the location and rationale for preserving the rural open space.

- b. It is also the intent of the RNC zone to implement the recommendations of the applicable master plan, such as maintaining broad vistas of open space, preserving agrarian character, or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the applicable master plan and is compatible with existing development in adjoining communities.

## Section 2.1.5. Residential Zones

### A. Zones Established

The Residential zones consist of the 7 Residential Detached zones, the 3 Residential Townhouse zones, and the 3 Residential Multi-Unit zones.

#### 1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
  - i. Residential Estate – 2 (RE-2),
  - ii. Residential Estate – 2C (RE-2C),
  - iii. Residential Estate – 1 (RE-1),
  - iv. Residential – 200 (R-200),
  - v. Residential – 90 (R-90),
  - vi. Residential – 60 (R-60), and
  - vii. Residential – 40 (R-40).
- b. The RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones will be applied on the Zoning Map by showing their zoning classification symbols.

#### 2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:

- i. Townhouse Low Density (TLD),
  - ii. Townhouse Medium Density (TMD), and
  - iii. Townhouse High Density (THD).
- b. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

### 3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
- i. Residential Multi-Unit Low Density – 30 (R-30),
  - ii. Residential Multi-Unit Medium Density – 20 (R-20), and
  - iii. Residential Multi-Unit High Density – 10 (R-10).
- b. The R-30, R-20, and R-10 zones will be applied on the Zoning Map by showing their zoning classification symbols.

## B. Intent Statements

### 1. Residential Detached Zones

#### a. Residential Estate (RE-2, RE-2C, RE-1)

The intent of the RE-2, RE-2C, and RE-1 zones is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house. The RE-2C zone permits optional method Cluster Development.

#### b. Residential Low Density (R-200)

The intent of the R-200 zone is to provide designated areas of the County for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

#### c. Residential Medium Density (R-90, R-60, R-40)

The intent of the R-90, R-60, and R-40 zones is to provide designated areas of the County for moderate density residential uses. In the R-90 and R-60 zones, the predominant use is residential in a detached house. In the R-40 zone, the predominant use is residential in a duplex or detached

house. A limited number of other building types may be allowed in these zones under the optional method of development.

### 2. Residential Townhouse Zones (TLD, TMD, THD)

The intent of the TLD, TMD, and THD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the Residential Medium Density zones. It is also the intent of the Residential Townhouse zones to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

### 3. Residential Multi-Unit Zones (R-30, R-20, R-10)

The intent of the R-30, R-20, and R-10 zones is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment[condo] building, although detached house, duplex, and townhouse building types are allowed within these zones.

## Section 2.1.6. Commercial/Residential Zones

### A. Zones Established

1. There are 3 Commercial/Residential zone classifications:
  - a. Commercial Residential Neighborhood (CRN),
  - b. Commercial Residential Town (CRT), and
  - c. Commercial Residential (CR).
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed;
  - b. The number following the C is the maximum nonresidential FAR allowed;
  - c. The number following the R is the maximum residential FAR allowed; and

- d. The number following the H is the maximum building height in feet allowed.
- 3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).
- 4. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

- 5. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in [Section\[Sec.\] 2.1.6.A.4](#).
- 6. Special provisions for "T" zones translated from certain zones existing before [{date of adoption of district map amendment minus one}](#).
  - a. These special provisions [\[are temporary and\]](#) apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "CR2.0 C1.5 R1.5 H75 T".
  - b. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
    - i. Residential density may be increased above the number following the R on the zoning map [for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units \(MPDUs\) under Chapter 25A except as follows: \[by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A \(Sec. 25A-5.](#)

[\(c\)\(3\)\) minus the increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area.\]](#)

- (a) [The FAR for MPDUs provided over 12.5% of the residential units is not included in the calculation of gross floor area. This FAR must be subtracted from the Achieved Density Bonus listed in the table in Chapter 25A \(Section 25A-5\(c\)\(3\)\) resulting in a maximum bonus density of 19.5% FAR for providing 15% of the total number of units as MPDUs. For the purpose of calculating the density bonus, the density bonuses in Chapter 25A indicate the percentage increase in residential FAR.](#)
- (b) [\[\(a\)\]Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.](#)
- (c) [\[\(b\)\] In any case, to achieve a density bonus under \[this\] Section \[\(Sec.\) 2.1.6.A.6.b\)\], at least one more MPDU than would be required at 12.5% must be provided.](#)
- ii. On a property within a designated central business district [mapped at a height up to 145 feet](#), height may be increased above the number following the H on the zoning map by up to 1.5 times if:
  - (a) the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing units divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet, [or](#)
  - (b) [additional height is specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan.](#)
- iii. [Property within a designated central business district and not located in a designated density transfer area, is exempt from Section 4.5.1.B.2.d.](#)
- iv. [Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of](#)

the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.

- v. [iii.] Any density or height increases under [this] Section [Sec.] 2.1.6.A.6[] requires site plan approval under Section [Sec.] 8.3.4.

## B. Intent Statements

### 1. In General

The CRN, CRT, and CR zones permit a mix of residential and nonresidential uses at varying [intensities] densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities [while minimizing their reliance on automobile use]. The application of the CRN, CRT, and CR zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services. The intent of the CRN, CRT, and CR zones is to:

- a. implement the [policy] recommendations of applicable master plans;
- b. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
- c. [reduce dependence on the automobile by encouraging] encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;
- d. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
- e. integrate an appropriate balance of employment and housing opportunities; and
- f. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

### 2. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited [in order] to preserve community scale.

### 3. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited [in order] to preserve the town center scale. Transit options may include light rail, Metro, and bus.

### 4. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.

## Section 2.1.7. Employment Zones

### A. Zones Established

- 1. There are 4 Employment zone classifications:
  - a. General Retail (GR),
  - b. Neighborhood Retail (NR),
  - c. Life Sciences Center (LSC), and
  - d. Employment Office (EOF).
- 2. Each GR, NR, LSC, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:
  - a. The number following the classification is the maximum total FAR allowed; and
  - b. The number following the H is the maximum building height in feet allowed.
- 3. The GR, NR, LSC, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 2 maximum allowances (total FAR and height).

4. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
GR	0.5 to 2.5	25' to 120'
NR	0.25 to 1.5	25' to 50'
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

5. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in [Section \[Sec.\] 2.1.7.A.4](#).
6. Special provisions for "T" zones translated from certain zones existing before [\[date of adoption of district map amendment minus one\]](#).

- a. These special provisions [\[are temporary and\]](#) apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "EOF2.0 H60 T".
- b. For Employment-zoned properties designated with a T, the following provisions apply:
- i. Residential density may be increased above the number following the R on the zoning map [for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units \(MPDUs\) under Chapter 25A except as follows: \[by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A \(Sec. 25A-5\(c\)\(3\)\) minus the increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area.\]](#)
- (a) [The FAR for MPDUs provided over 12.5% of the residential units is not included in the calculation of gross floor area. This FAR must be subtracted from the Achieved Density Bonus listed in the table in Chapter 25A \(Section 25A-5\(c\)\(3\)\) resulting in a maximum bonus density of 19.5% FAR for providing 15% of the total number of units as MPDUs. For the purpose of calculating the density](#)

[bonus, the density bonuses in Chapter 25A indicate the percentage increase in residential FAR.](#)

- (b) [\[\(a\)\]](#) Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
- (c) [\[\(b\)\]](#) In any case, to achieve a density bonus under [\[this\] Section 2.1.7.A.6.b \[\(2.1.7.A.6\)\]](#), at least one more MPDU than would be required at 12.5% must be provided.
- ii. Any density increase under [\[this\] Section 2.1.7.A.6 \[\(2.1.7.A.6\)\]](#) requires site plan [approval](#) under [Section \[Sec.\] 8.3.4](#).

## B. Intent Statements

### 1. In General

The GR, NR, LSC, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying [\[intensities\] densities](#) and heights. The GR, NR, LSC, and EOF zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate [\[while minimizing their reliance on automobile use\]](#). The application of the GR, NR, LSC, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total [\[allowed density in a given area\] gross floor area on the subject site](#). The intent of the GR, NR, LSC, and EOF zones is to:

- implement the [\[policy\]](#) recommendations of the applicable master plans;
- target opportunities for employment, technology, and general commercial uses;
- [\[reduce dependence on the automobile by providing\] provide](#) employment areas with supporting residential and retail uses;
- allow a flexible mix of uses, [\[intensities\] densities](#), and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
- establish minimum requirements for the provision of public benefits.

**2. [Employment] General Retail (GR)**

- a. The GR zone is intended for commercial areas of a general nature, including [central urban commercial areas,] regional shopping centers[,] and clusters of commercial development. The GR zone provides development opportunities adjacent to the County’s most auto-dominated corridors and those areas with few alternative mobility options.
- b. The GR zone allows flexibility in building, circulation, and parking lot layout. Retail/Service Establishment gross floor area is not restricted.

**3. Neighborhood Retail (NR)**

- a. The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.
- b. The NR zone allows flexibility in building, circulation, and parking lot layout.

**4. Life Sciences Center (LSC)**

The LSC zone is intended primarily for research, development, education, and related activities. The primary purpose is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

**5. Employment Office (EOF)**

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.

**Section 2.1.8. Industrial Zones**

**A. Zones Established**

- 1. There are 3 Industrial zone classifications:
  - a. Light Industrial (IL),
  - b. Moderate Industrial (IM), and
  - c. Heavy Industrial (IH).
- 2. The IL, IM, and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.
- 3. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:
 

Zone	Total FAR (max)	Height (max)
IL	0.25 to 1.5	25' to 50'
IM	0.25 to 2.5	25' to 120'
IH	0.5 to 4.0	35' to 200'
- 4. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums indicated in [Section \[Sec.\] 2.1.8.A.3.](#)

**B. Intent Statements**

**1. Light Industrial (IL)**

The IL zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. The IL zone is appropriate as a transitional Industrial zone between a Residentially zoned area and land classified in the IM and IH zones.

**2. Moderate Industrial (IM)**

The IM zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.



### 3. Heavy Industrial (IH)

The IH zone is intended to provide land for industrial activities that usually need major transportation links to highways or rail and may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.

## Section 2.1.9. Overlay Zones

### A. Zones Established

#### [1. Commercial Preservation (CP) Overlay Zones

- a. There are [4] 5 Commercial Preservation Overlay zone classifications:
  - i. CP-BEA: Commercial Preservation - Burtonsville Employment Area,
  - ii. CP-CCNR: Commercial Preservation - Chevy Chase Neighborhood Retail,
  - iii. CP-NR: Commercial Preservation - Neighborhood Retail, and
  - iv. CP-TPESS: Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the CP Overlay zones under Sec. 4.8.2.
- c. The CP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

#### [2. Industrial Mixed Use (IMU) Overlay Zones

- a. There is one Industrial Mixed Use Overlay zone classification: Industrial Mixed Use - Twinbrook (IMU-TB)
- b. Building types, uses, density, height, and other standards and requirements may be modified by the IMU Overlay zone under Sec. 4.8.3.
- c. The IMU Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]

#### [3. Neighborhood Protection (NP) Overlay Zones

- a. There are 5 Neighborhood Protection Overlay zone classifications:
  - i. NP-FV: Neighborhood Protection - Fenton Village,

- ii. NP-GP: Neighborhood Protection - Garrett Park,
  - iii. NP-RSS: Neighborhood Protection - Ripley/South Silver Spring,
  - iv. NP-RVC: Neighborhood Protection - Rural Village Center, and
  - v. NP-SSA: Neighborhood Protection - Sandy Spring/Ashton Rural Village.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the NP Overlay zones under Sec. 4.8.4.
  - c. The NP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

#### [4. Special Protection Area (SPA) Overlay Zones

- a. There are 2 Special Protection Area Overlay zone classifications:
  - i. Special Protection Area - Upper Paint Branch (SPA-UPB), and
  - ii. Special Protection Area - Upper Rock Creek (SPA-URC).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the SPA Overlay zones under Sec. 4.8.5.
- c. The SPA Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.]

#### [5. Transferable Development Rights (TDR) Overlay Zone

- a. There is one Transferable Development Rights Overlay zone classification: Transferable Development Rights (TDR).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the TDR Overlay zone under Sec. 4.8.6.
- c. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]

#### [6. Germantown Transit Mixed Use (GTMU) Overlay Zone

- a. There is one Germantown Transit Mixed Use Overlay zone classification: Germantown Transit Mixed Use (GTMU).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the GTMU Overlay zone under Sec. 4.8.7.

- c. The GTMU Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.]
- 1. There are 15 Overlay zone classifications:
  - a. Burtonsville Employment Area (BEA),
  - b. Chevy Chase Neighborhood Retail (CCNR),
  - c. Community-serving Retail (CSR),
  - d. Fenton Village (FV),
  - e. Garrett Park (GP),
  - f. Germantown Transit Mixed use (GTMU),
  - g. Regional Shopping Center (RSC),
  - h. Ripley/South Silver Spring (RSS),
  - i. Rural Village Center (RVC),
  - j. Sandy Spring/Ashton Rural Village (SSA),
  - k. Takoma Park/East Silver Spring Commercial Revitalization (TPESS)
  - l. Transferable Development Rights (TDR)
  - m. Twinbrook (TB),
  - n. Upper Paint Branch (UPB), and
  - o. Upper Rock Creek (UPC).
- 2. Building types, uses, density, height, and other standards and requirements may be modified by the Overlay zones under Section 4.8.2 through Section 4.8.16.
- 3. The Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol followed by the TDR density designation (1 through 100, including fractions).

## B. Intent Statement[s]

The intent of the Overlay zones is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or

redevelopment of an area. Overlay zones are created in areas of critical public interest and provide uniform comprehensive development regulations for an area.

### [1. In General

The CP, IMU, NP, SPA, TDR, and GTMU Overlay zones provide requirements and standards that are necessary to achieve the planning goals and objectives for development of a particular area.]

### [2. Commercial Preservation (CP) Overlay

- a. The CP Overlay zone is intended to:
  - i. provide for a compatible mix of residential and neighborhood-serving commercial uses; and
  - ii. regulate land uses, development standards, and review process over the restrictions and allowances of the underlying zone.
- b. Each mapped CP Overlay zone will be given a subsection in Article 59-4 establishing:
  - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
  - ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
  - iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.]

### [3. Industrial Mixed Use (IMU) Overlay

- a. The IMU Overlay zone is intended to allow residential uses in the IL zone if it is located near a metro transit station.
- b. Each mapped IMU Overlay zone will be given a subsection in Article 59-4 establishing:
  - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;

- ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
- iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.]

#### [4. Neighborhood Preservation (NP) Overlay

- a. The NP Overlay zone is intended to:
  - i. preserve the distinct character of a neighborhood regarding uses, intensity of development, and unique design attributes; and
  - ii. regulate land uses, development standards, general requirements, and review process over the restrictions and allowances of the underlying zone.
- b. Each mapped NP Overlay zone will be given a subsection in Article 59-4 establishing:
  - i. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
  - ii. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone;
  - iii. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone; and
  - iv. The general requirements required or permitted notwithstanding the required or permitted general requirements of the underlying zone.]

#### [5. Special Protection Area (SPA) Overlay

- a. The SPA Overlay zone is intended to:
  - i. protect the water quality and quantity of the applicable watershed and its tributaries, as well as the biodiversity within the area;

- ii. regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature; and
  - iii. regulate land uses that could adversely affect the applicable stream system resources.
- b. Land uses that are restricted in these areas and general requirements for resource protection are specified in Article 59-4.
  - c. Additional controls on impervious surfaces and environmental protections may be specified by the applicable master plan].

#### [6. Transferable Development Rights (TDR) Overlay

- a. The TDR Overlay zone is intended to facilitate the purchase of development rights from the Agricultural Reserve (AR) zone in order to protect the County's agricultural and rural heritage.
- b. The TDR Overlay zone is mapped on particular areas in the County where density exceeding base density can be achieved through the purchase of transferable development rights (TDRs) from the AR zone.
- c. In any specified area, the applicable master plan must specify the number of TDRs that may be purchased in exchange for increased density and more flexible development standards intended to supersede underlying zone classification.
- d. Additional residential building types may be allowed but development standards and general requirements are finalized through an approved site plan based on evaluation of compatibility and impacts on surrounding communities.
- e. The TDR Overlay zone will be given a subsection in Article 59-4]

#### [7. Germantown Transit Mixed Use (GTMU) Overlay

- a. The GTMU Overlay zone is intended to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.
- b. The GTMU Overlay zone will be given a subsection in Article 59-4]

## Section 2.1.10. Floating Zones

### A. Zones Established

#### 1. Residential Floating

- a. There are 3 Residential Floating zone classifications:
  - i. Residential Detached - Floating (RDF),
  - ii. Townhouse - Floating (TF), and
  - iii. Apartment - Floating (AF).
- b. The RDF, TF, and AF zones will be applied on the Zoning Map by showing their zoning classification symbols [followed by a number indicating the maximum allowed units per acre.](#)

#### 2. Commercial/Residential Floating

- a. There are 3 Commercial/Residential Floating zone classifications:
  - i. Commercial Residential Neighborhood - Floating (CRNF),
  - ii. Commercial Residential Town - Floating (CRTF), and
  - iii. Commercial Residential - Floating (CRF).
- b. The CRNF, CRTF, and CRF zones will be applied on the Zoning Map by showing their zoning classification symbols [followed by the maximum allowed total, commercial, and residential densities and maximum allowed height.](#)

#### 3. Employment Floating

- a. There are 4 Employment Floating zone classifications:
  - i. General Retail - Floating (GRF),
  - ii. Neighborhood Retail - Floating (NRF),
  - iii. Employment Office - Floating (EOFF), and
  - iv. Life Sciences Center - Floating (LSCF).
- b. The GRF, NRF, EOFF, and LSCF zones will be applied on the Zoning Map by showing their zoning classification symbols [followed by the maximum allowed total density and maximum allowed height.](#)

### 4. Industrial Floating

- a. There are 2 Industrial Floating zone classifications:
  - i. Light Industrial - Floating (ILF), and
  - ii. Moderate Industrial - Floating (IMF).
- b. The ILF and IMF zones will be applied on the Zoning Map by showing their zoning classification symbols [followed by the maximum allowed total density and maximum allowed height.](#)

### B. Intent Statement[s]

#### [1. In General]

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). [In order to] To obtain a Floating zone, an applicant must obtain approval of a Local Map Amendment [application] under Section 8.2.1. [The review process provides substantial opportunities for analysis and public input to ensure compatibility with surrounding neighborhoods and development.] The intent of the Floating zones is to:

1. [Implement comprehensive planning objectives by:](#)
  - a. [furthering the goals of the general plan, applicable master plan, and functional master plans;](#)
  - b. [ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements ; and](#)
  - c. [allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and](#)
2. [Encourage the appropriate use of land by:](#)

- a. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;
- b. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and
- c. ensuring that development satisfies basic sustainability requirements including:
  - i. locational criteria,
  - ii. connections to circulation networks,
  - iii. density and use limitations,
  - iv. open space standards,
  - v. environmental protection and mitigation; and
- 3. Ensure protection of established neighborhoods by:
  - a. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;
  - b. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and
  - c. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.
  - [a. implement the objectives of the general plan and applicable master plan;
  - b. provide flexibility in the planning and construction of development projects by allowing uses based on approved density and existing zoning while providing protections for abutting properties;
  - c. provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
  - d. encourage the preservation and enhancement of natural amenities and cultural resources and ensure a minimum amount of open space;
  - e. provide for an efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and

- f. encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors.]

## **[2. Residential Floating Zones**

- a. The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily Residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.
- b. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- c. The area of the lot or site determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

## **[3. Commercial/Residential Floating Zones**

- a. The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.
- b. Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site: for example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- d. Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

## **[4. Employment Floating Zones**

- a. The Employment Floating zones (GRF, NRF, EOFF, and LSCF) are intended to allow development of mixed-use centers and communities,

primarily with office uses, supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.

- b. Uses are restricted to ensure higher jobs-to-housing ratios, but flexible to allow some housing to support a portion of the proposed workforce and accessory retail to provide basic services to employees and residents.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.
- d. Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.]

#### **[5. Industrial Floating Zones**

- a. The Industrial Floating zones (ILF and IMF) are intended to allow development of industrial sites with primarily light manufacturing, warehouse, and related uses at a range of densities and heights flexible enough to respond to various settings.
- b. Uses are restricted to industrial uses that provide employment and support economic diversity within the County, and limited ancillary housing.
- c. Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.]

## Division 2.2. Zoning Map

### Section 2.2.1. Zoning Maps

#### A. Adoption of Zoning Map

1. The zoning district maps shown on the map entitled "Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland" are hereby adopted as a digital map, effective {FILL IN EFFECTIVE DATE OF TEXT AMENDMENT} and known as the "Digital Zoning Map for the Maryland-Washington Regional District in Montgomery County, Maryland," adopted by the District Council.
2. The Montgomery County digital maps are certified by the Planning Director and the certification is part of the digital zoning layer, which is permanently kept and maintained by the Planning Department. The Montgomery County digital zoning layer is incorporated in this Article by reference and made a part of this Chapter.
3. The digital zoning later must include the case numbers for all previous zoning and conditional use approvals.
4. The Planning Director must file an offline digital copy of the digital map and must provide a digital copy of the District Council approved map to the Director of DPS and the Executive Director of the Board of Appeals before {effective date of the district map amendment}

#### B. Authorized Changes to Zoning Map

The Montgomery County digital zoning map can only be changed by:

1. District Map Amendment enacted by the District Council under [Section \[Sec.\] 8.2.3](#) and certified by the Planning Director;
2. Sectional Map Amendment under [Section \[Sec.\] 8.2.3](#) and certified by the Planning Director;
3. Local Map Amendment under [Section \[Sec.\] 8.2.1](#), and upon final decision, certified by the Planning Director; and
4. Corrective Map Amendment under [Section \[Sec.\] 8.2.2](#), certified by the Planning Director; and

5. administrative zoning district line adjustments under [Sec. 8.4.6.](#)

#### C. Changes to be Recorded on Digital Zoning Layer

1. Any change to the digital zoning layer must record the zoning change, the date of the change, and the documentation supporting the change, and must be certified by the Planning Director.
2. Any change to the digital zoning layer must indicate the zoning case number that changed the map at appropriate locations.
3. When the digital zoning layer is changed, the Planning Director must file an offline digital copy of the digital map and must provide a new digital copy of the map to the Director of DPS and the Executive Director of the Board of Appeals within 10 days of the District Council's action.

#### D. Copies of Digital Zoning Layer

1. Uncertified copies of the digital zoning layer are provided for informational purposes only.
2. To verify the zoning status of a property, an individual may obtain a certified copy of the Montgomery County digital zoning layer from the Planning Department.
3. Certified copies are officially stamped by the Planning Director and include the date on which the property's zoning was verified.

#### E. Scale of Digital Zoning Layer

Certified copies of the Montgomery County digital zoning layer must be provided with a graphic scale, measurable when printed.

### Section 2.2.2. Location and Boundaries of Zones

The location and boundaries of zones established in the district are as shown on a digital map, entitled "Digital Zoning Map of the Maryland-Washington Regional District in Montgomery County, Maryland," effective {FILL IN DATE}, and as the same may be amended subsequent to the adoption of the map; and such map, sections or portions of the map, together with all notations, dimensions, designations, refer-

ences and other data shown, are made a part of this Chapter to the same extent as if the information on such maps were fully described and incorporated in the Chapter.

### Section 2.2.3. Zone Boundary Interpretation

Where uncertainty exists as to the boundaries of any of the zones established in [this] Section 2.2.2, as shown on the digital zoning map, the following rules apply:

- A. Zone boundary lines are intended to follow street, alley, or lot lines or lines parallel or perpendicular thereto, unless such zone boundary lines are otherwise specified on the zoning map.
- B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines are construed to be the zone boundary.
- C. Where zone boundaries approximately follow lot lines and are not more than 10 feet away from the lot lines, such lot lines are the zone boundaries.
- D. In un-subdivided property, or where a zone boundary divides a lot, the location of any such boundary, unless designated, is measured using the map scale shown thereon, and scaled to the nearest foot.

### Section 2.2.4. Zoning and Development within Rights-of-Way

#### A. Zoning of Public Rights-of Way

1. Zone boundaries must not be depicted in public rights-of-way but must run to the centerline of each right-of-way.
2. Zone boundaries within rights-of-ways previously dedicated [via] by plat or other method of subdivision can be included in map amendments for density purposes; rights-of-way included in a map amendment boundary assume the new zoning assigned in the map amendment.
3. Where, by action of the District Council in previous zoning map amendments, private property was withheld from rezoning [in order] to provide for future construction, widening, realignment, and relocation of proposed public roads, streets, alleys, easements, or transit routes or facilities, the zoning of such private property assumes the zoning classification of the land of which it is a part, or the least intense of abutting zones if the private property is not part of an abutting property. Nothing in [this] Section 2.2.4.A affects or precludes the application of permit control procedures of Section

2.2.4.D [pertaining to] for proposed buildings and structures within planned highways and rapid transit lines.

#### B. Air Rights Development and Subsurface Development within Public Rights-of-Way

Air rights development and subsurface rights development are permitted in publicly owned rights-of-way for roads, streets, alleys, easements, and rapid transit routes if each of the following provisions is satisfied:

1. The development will not conflict with the recommendations and guidelines of the applicable master plan.
2. Site plan approval, not otherwise required by the zoning ordinance, is not required for air rights development and subsurface rights development in publicly owned rights-of-way for transit routes located within central business districts as defined in Section [Sec.] 1.4.2 when the Planning Board finds that such development rights have been held in private ownership continuously since July 7, 1986, and that the proposed development will preserve the integrity of the right-of-way for its intended public use.
3. The right-of-way is recorded on a record plat approved after July 7, 1986.

#### C. Zoning of Privately Owned Railroad Rights-of-Way

1. All privately owned railroad rights-of-way are classified in zones as specified in Section [Sec.] 2.2.4.C.1.a through Section [Sec.] 2.2.4.C.1.c, except as otherwise reclassified by the District Council:
  - a. Where abutting land is classified in an Agricultural, Rural Residential, or Residential zone, the right-of-way is classified in the least intense of abutting zones.
  - b. Where abutting land on one side is classified in an Agricultural, Rural Residential, or Residential zone, and the abutting land on the other side is classified in a non-Agricultural, non-Rural Residential, or non-Residential zone, the right-of-way is classified in the abutting Agricultural, Rural Residential, or Residential zone.
  - c. Where abutting land on both sides of the right-of-way is classified in other than Agricultural, Rural Residential, or Residential zones, the abutting zoning on each side must extend to the center line of the right-of-way.



2. [In order to] To clearly define the location of privately owned railroad rights-of-way, zoning is not normally depicted within such rights-of-way; however, zoning is depicted within such rights-of-way where the District Council has approved zoning other than indicated in [Section \[Sec.\] 2.2.4.C.1.a](#) through [Section \[Sec.\] 2.2.4.C.1.c](#).

- B. Development of properties under these zones may proceed under the requirements and standards in [Article 59-9](#).

#### D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a master plan of highways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.
2. The owner of the property [so affected has the right to] who is denied a permit under subsection (1) may appeal the [refusal of a building permit] denial to the Board of Appeals and the Board of Appeals may grant a permit to build, under such conditions and restrictions as it deems necessary, if it [should find, upon the evidence and arguments to it upon such appeal,] finds (1) that the entire property of the appellant of which the area affected by the master plan is a part cannot yield a reasonable return to the owner unless [such appeal] the permit is granted, and (2) that balancing the interest of the general public in preserving the integrity of the plan and the interest of the owner of the property in the use and benefits of his property, the granting of [such] the permit is required by consideration of reasonable justice and equity. Before taking any action, the Board of Appeals must hold a public hearing at which the parties in interest will have an opportunity to be heard.

#### Section 2.2.5. Zones Retained from Previous Ordinance

- A. The following zones, which were applied by Local Map Amendment before this Zoning Ordinance was adopted, may be mapped on the [\[Official Zoning Map\] digital zoning map](#) but may not be requested by any property owner under a Local Map Amendment and may not be applied to any additional property in a master plan adopted after [\[date of adoption\]](#): R-H, PCC, PD, PNZ, PRC, TS, R-T 6.0, R-T 8.0, R-T 10.0, R-T 12.5, and R-T 15.0.

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