

# ARTICLE 59-7. GENERAL DEVELOPMENT REGULATIONS

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## Div. 7.1. Site Access

### Sec. 7.1.1. Intent

The site access regulations are intended to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to lessen traffic congestion.

### Sec. 7.1.2. Applicability

The requirements of this Division (Div. 7.1) apply to development:

- A. in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones where an apartment/condo, multi use, or general building type is proposed; and
- B. a site plan or conditional use must be approved.

### Sec. 7.1.3. General Access Requirements

- A. All development and redevelopment must provide safe and efficient means of vehicular, pedestrian, and bicycle ingress and egress to and from a street or an abutting site. Vehicle access across primary pedestrian, bicycle, or transit routes must be limited wherever feasible.
- B. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion.
- C. All pad sites must take vehicular access from within the site.
- D. Land that is located in a Residential zone may not be used for driveway or vehicular access to any land that is not in a Residential zone, except in a Historic District or if the land in a Residential zone has a legally existing commercial, industrial, or utility use at the time of the application and an approved conditional use application allowing such access.

### Sec. 7.1.4. Driveway Access

- A. Driveway dimensions must be in accordance with the following table:

Zone	Width (min)	Width (max)	Radius (max)
R-30, R-20, R-10			
One-way	12'	16'	10'
Two-way	20'	24'	10'

Zone	Width (min)	Width (max)	Radius (max)
CR, CRT, CRN, EOF, LSC, GR, NR			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IH	30'	40'	30'

- B. The applicable review body may require wider driveways where unusual traffic, grade, or site conditions exist.
- C. Where on-site parking is accessible from an improved alley with a right-of-way of at least 20 feet in width, access should be from the alley and new curb cuts along the public right-of-way should be limited.
- D. For every 500 feet of site frontage along any street, no more than 2 driveways are allowed.
- E. On corner lots, where there is only one driveway, vehicular access should be taken from the street with the lower roadway classification unless the road is classified as a residential road. On through lots, vehicular access should be taken from the street with the lower roadway classification unless the road is classified as a residential road.

### Sec. 7.1.5. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with this Division (Div. 7.1) if the applicant submits documentation illustrating how:
  - 1. the objectives of the Division are fulfilled;
  - 2. the functional results or performance standards of the requirements are met or exceeded; and
  - 3. it is in the public interest.

## Div. 7.2. Parking, Queuing, and Loading

### Sec. 7.2.1. Intent

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner in both shared (Parking Benefit Districts) and non-shared parking environments.

### Sec. 7.2.2. Applicability

- A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity. The following are exempt from the required parking ratios of this Division (Div. 7.2):
  1. Any structure on the National Register of Historic Places; and
  2. Any expansion or cumulative expansions of less than 500 square feet in floor area or impervious cover.
- B. All off-street parking facilities provided, whether required or in addition to minimum requirements, must conform to the standards of this Division (Div. 7.2).
- C. Reducing the area of an off-street parking facility or encroachment of the facility by buildings, vehicle storage, or any other use where such reductions or encroachments will reduce the number of parking spaces to fewer than the minimum required by this Division (Div. 7.2) is prohibited without an approved alternative compliance plan.

### Sec. 7.2.3. Calculation of Required Parking

#### A. In General

1. In determining the required number of parking spaces, fractional spaces are rounded up to the nearest whole number.
2. Where spaces are calculated based on employees, the largest shift must be used.

#### B. Standard Vehicle Parking

The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use. Parking requirements may be adjusted under see [Sec. 7.2.4.B](#) and [Sec. 7.2.5.B](#).

#### C. Handicapped Spaces

Parking spaces for handicapped persons must be provided under the standards specified in the Maryland Building Code for the Handicapped as contained in the [Code of Maryland Regulations 05.02.02](#), dated February 1, 1995. Handicapped spaces count towards the provision of required parking.

#### D. Motorcycle/Scooter Parking

Any parking facility containing more than 50 parking spaces must provide motorcycle/scooter stalls equal to at least 2% of the number of vehicle spaces. Not more than 10 motorcycle/scooter stalls are required on any one lot.

#### E. Car-Share Spaces

1. One car share parking space is required for parking facilities with 50-149 parking spaces. One additional car share parking space is required for each 100 additional parking spaces.
2. If no car-share organization can be found to make use of the spaces, the property owner may use the spaces for publicly-available parking. However, upon 90 days advance written notification of interest, the property owner must make the space available to any County recognized car share organization.

#### F. Bicycle Parking

The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use. Long-term bicycle parking spaces are intended to be used for resident and employee parking. Short-term bicycle parking spaces are intended to be used for patrons and visitors.

## Sec. 7.2.4. Agricultural, Rural Residential, Residential, and Industrial Zones

### A. Required Vehicle Parking

The minimum parking requirement in the Agricultural, Rural Residential, Residential, and Industrial zones is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.4.E](#), , except under [Sec. 7.2.4.C](#), and reflects a non-shared parking environment.

### B. Adjustments to Vehicle Parking

#### 1. Shared Parking

Applications with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (latest edition) rather than using the parking table in this Section ([Sec. 7.2.4.E](#)).

#### 2. On-Street Space

One on-street parking space constructed by an applicant that is located in public or private right-of-way may be substituted for one required parking space, as determined by the applicable review body. Any such space removed by a public agency at a later date is not required to be replaced on site.

#### 3. Car-Share Space

A preferably located car-share space may be substituted for 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses. Car-share parking spaces are not counted against the parking maximum.

#### 4. Affordable Housing or Workforce Housing Units

Parking for all affordable housing and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.

### 5. Religious Assembly

- a. The required number of parking spaces may be reduced to 0.15 spaces per fixed seat if the church, synagogue, or other place of worship is located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.
- b. Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays is only required to provide 0.125 spaces per fixed seat; however, the required parking spaces do not have to be provided on-site if such place of worship is located in a Parking Benefit District or within 500 feet of any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building.
- c. The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone.

### C. Using the Parking Table

Uses on the parking table match the allowed uses and use groups in [Article 59-3](#). There are columns on the table for both required vehicle parking and required bicycle parking. The number of required spaces is based on a metric specific to each use, such as 1,000 square feet of gross floor area (GFA).

D. Agricultural, Rural Residential, Residential, and Industrial Zones

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Agricultural</b>					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	--	--	--
Nursery (Retail)	1,000 SF of Sales Area	3.00	--	--	--
Nursery (Wholesale)	1,000 SF of Total Floor Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA, and If the winery conducts public tours	1.50 10	--	--	--
Farm Market, On-Site (Accessory)	Market	3.00	--	--	--
<b>Residential</b>					
Single-Unit Living, Two-Unit Living, Townhouse Living	Dwelling Unit	2.00	--	--	--
	Efficiency Dwelling Unit	1.00			
Multi-Unit Living	1 Bedroom Dwelling Unit	1.25	Dwelling Unit (20+ Units Only)	0.35 (100 max)	95%
	2 Bedroom Dwelling Unit	1.50			
	3+ Bedroom Dwelling Unit	2.00			
	Bed	0.25			
Group Living	OR: Dwelling Unit or PLQ PLUS: Employee	1.00 0.50	Dwelling Unit (20+ Units Only)	0.25 (50 max)	95%
Accessory Apartment, Attached or Detached (in addition to residential spaces)	Accessory Dwelling Unit	1.00	--	--	--
Farm Tenant Dwelling	Dwelling Unit	1.00			
Home Occupation (Low Impact) (in addition to residential spaces)	Non-Resident Employee plus, Each Client Allowed per Hour	1.00 1.00	--	--	--
Home Occupation (Major Impact ) (in addition to residential spaces)	Non-Resident Employee plus, Each Client Allowed per Hour	1.00 1.00	--	--	--
Home Health Practitioner (Low Impact) (in addition to residential spaces)	Home Health Practitioner Non-Resident Employee plus, Each Client Allowed per Hour	1.00 1.00 1.00	--	--	--
Home Health Practitioner (Major Impact) (in addition to residential spaces)	Home Health Practitioner Non-Resident Employee plus, Each Client Allowed per Hour	1.00 1.00 1.00	--	--	--
<b>Civic and Institutional</b>					
Ambulance or Rescue Squads (Private)	Employee plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00 1.00	10,000 SF of GFA	2.0	85%
Charitable, Philanthropic Institution	Resident and Employee OR: 1,000 SF of Recreational GFA OR: 1,000 SF of Office GFA	0.50 5.00 2.80	10,000 SF of GFA	2.0	85%
Cultural Institution	1,000 SF of GFA	1.25	10,000 SF of GFA	1.0	15%
Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Student (Grades 9 - 12) Employee	0.25 1.00	10,000 SF of GFA	2.0	85%

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USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Min (Max)	% Long-Term
Hospital	1,000 SF of GFA	2.5	10,000 SF of GFA	2.0	85%
Private Club, Service Organization	1,000 SF of GFA	2.50	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.25 20.00	10,000 SF of GFA	1.0	15%
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	1.00	10,000 SF of GFA	2.0	15%
<b>Commercial</b>					
Animal Services					
Animal Boarding and Care	Employee on the Maximum Shift	1.00 plus 3			
Veterinary Office/Hospital	Employee on the Maximum Shift plus, Each Doctor Practicing Simultaneously	1.00 1.00 (Minimum of 5)	10,000 SF of GFA	1.0	15%
Eating and Drinking	1,000 SF for Patron Use	10.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Capacity of Assembly Area plus, Each Vehicle Operated in Connection with the Use	0.33 1.00	10,000 SF of GFA	1.0	15%
Landscape Contractor	Employee plus, Each Vehicle Operated in Connection with the Use	1.00 1.00	--	--	--
Lodging					
Bed and Breakfast (in addition to residential spaces)	Guest Room	1.00	--	--	--
Hotel, Motel	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.70 10.00			
Medical and Dental	1,000 SF of GFA	3.50	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.80	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA	10.00			
	OR: Every 4 Seats/Guest Spaces	1.00	10,000 SF of GFA	1.0	15%
	OR: Each Campsite	1.00			
	OR: Each Court	2.00			
Retail Sales and Service	1,000 SF of Gross Leasable Area	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of Gross Leasable Area	4.00	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Commercial Kitchen (Accessory)	Each Kitchen User	1.00	--	--	--
<b>Industrial</b>					
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Dry Cleaning Facility (Over 3,000 SF)	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	100%
Recycling Collection and Processing	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	--	--	--

## Sec. 7.2.5. Commercial/Residential and Employment Zones

### A. Required Vehicle Parking

1. The minimum parking requirement in the Commercial/Residential and Employment zones is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.5.E](#), except under [7.2.5.C, Adjustments](#), and reflects an environment that typically includes a mix of uses, is in close proximity to transit or contains shared parking resources.
  - a. Parking must be provided in Parking Benefit Districts, as defined by [Chapter 60](#), such that the amount provided is between a baseline minimum and a baseline maximum, which may be adjusted under [Sec 7.2.5.C](#). Parking in all other locations must be provided for at least the baseline minimum, as adjusted; no maximum is established for these locations.
  - b. In a Parking Benefit District, when a building is constructed, parking spaces may be reserved for specific tenants or units, if the baseline minimum is met and the baseline maximum is not exceeded, as adjusted under [Sec. 7.2.5.C](#).
    - i. For any parking spaces provided above the maximum, a fee per space will be assessed or the space must be made available to the general public under [Chapter 60](#).
    - ii. In a Primary Parking Benefit District, minimum parking requirements may be met through payment of an annual fee to the appropriate district under [Chapter 60](#).
2. The parking requirement may be met off-site if the property proposed to be used is plat-restricted, deed-restricted, or is under a joint use agreement. The plat or deed restrictions must specify that the property provides the required parking spaces for a use on another property. The plat or deed restrictions may be lifted if substitute off-site parking or leased property is found, or if the use ceases to exist. The following conditions apply to a joint use agreement:
  - a. A property under a joint use parking agreement must be under the control of the involved parties. A written joint use agreement must be

submitted with a conditional use application or site plan. The minimum term for the joint use agreement is 5 years.

- b. The parties must agree to immediately notify DPS of any changes to the joint use arrangement and provide DPS with a minimum of one month notification of any pending termination of the agreement.
  - c. If the parking available under a joint use agreement is reduced, or if the agreement is terminated, the use and occupancy permit for the development approved in reliance on the joint use agreement must be amended, or, if necessary, revoked, to reflect the reduced parking.
  - d. A subsequent change in use or in the joint use agreement requires a new use and occupancy permit and proof that sufficient parking will be available.
3. Spaces that provide an electric charging station are counted toward the minimum parking requirement.

### B. Adjustments to Vehicle Parking

#### 1. NADMS Factor

Any applicable Non-Auto Driver Mode Share (NADMS) factor as established in the master plan is multiplied against the baseline minimum vehicle parking standard to determine a new minimum vehicle parking standard. The baseline maximum vehicle parking standard remains unaffected by the NADMS factor.

#### 2. On-Street Space

One on-street parking space constructed by an applicant that is located in public or private right-of-way may be substituted for one required parking space, as determined by the applicable review body. Any such space removed by a public agency at a later date is not required to be replaced on-site.

#### 3. Carpool/Vanpool Space

Preferential location of one carpool or vanpool space may be substituted for 3 required parking spaces.



**4. Car-Share Space**

Preferential location of one car-share space may be substituted for 2 required parking spaces for residential uses, and 3 spaces for commercial uses. Car-share parking spaces are not counted against the parking maximum.

**5. Unbundled Residential Space**

In a Parking Benefit District, where residential parking for Townhouse Living and Multi-Unit Living sold or rented separately from the purchase or lease of a residential unit), the baseline minimum parking requirement is:

Use	Baseline Minimum
Townhouse Living	0.75
Multi-Unit Living	
Efficiency	0.50
1 Bedroom	0.50
2 Bedroom	0.75
3+ Bedroom	0.75

**6. Affordable Housing or Workforce Housing Units**

Parking for all multi-unit affordable housing and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.

**7. Bike-Share Facility**

Provision of a bike-share facility with a minimum of 10 spaces may be substituted for 3 vehicle parking spaces.

**8. Religious Assembly**

- a. The required number of parking spaces may be reduced to 0.15 spaces per fixed seat if the church, synagogue, or other place of worship is located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.
- b. Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays are only required to provide 0.125 spaces per fixed seat; however, the required parking spaces do not have to be provided on-site if such place of worship is located in a

Parking Benefit District or within 500 feet of any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building.

- c. The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone.

**9. Changing Facilities - Showers and Lockers**

For every changing facility provided above the minimum required under [Sec. 7.2.7.A.4](#), the vehicle parking requirement may be reduced by 3 spaces. A changing facility must be provided for each gender.

**C. Parking Below the Minimum or Above the Maximum**

- 1. In a Parking Benefit District, parking below the minimum number of required parking spaces, after all adjustments are made under [Sec. 7.2.5.C](#), may be provided if a payment to the Parking Benefit District is made as required by [Chapter 60](#).
- 2. In a Parking Benefit District, parking above the maximum number of allowed parking spaces may be provided if a payment to the Parking Benefit District is made as required by [Chapter 60](#) or if all of the spaces provided in excess of the maximum number allowed are made available to the public and are not reserved for any particular tenant(s).

**D. Using the Parking Table**

Uses on the parking table match the allowed uses and use groups in [Article 59-3](#). There are columns on the table for both required vehicle parking and required bicycle parking (if any). The number of required spaces is based on a metric specific to each use, such as 1,000 square feet of gross floor area (GFA). Vehicle parking is also differentiated by site location in or outside of a Parking Benefit District.

E. Commercial/Residential and Employment Zones

USE or USE GROUP	VEHICLE PARKING SPACES				BICYCLE PARKING SPACES		
	Metric	Within Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Agricultural</b>							
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	1.00	2.00	2.00			
Nursery (Retail)	1,000 SF of Sales Area	3.00	6.00	6.00	10,000 SF of GFA	1.0	15%
<b>Residential</b>							
Single-Unit Living, Two-Unit Living, Townhouse Living	Dwelling Unit	1.00	2.00	2.00	--	--	--
Multi-Unit Living	Efficiency Dwelling Unit	1.00	1.00	1.00	Dwelling Units (20+ Units Only)	0.5 in PBD 0.35 in non-PBD (100 max)	95%
	1 Bedroom Dwelling Unit	1.00	1.25	1.25			
	2 Bedroom Dwelling Unit	1.00	1.50	1.50			
	3+ Bedroom Dwelling Unit	1.00	2.00	2.00			
Group Living	Bed	0.25	0.25	0.25	Dwelling Units (20+ Units Only)	0.25 (50 max)	95%
	OR: Dwelling Unit or PLQ	0.50	1.00	1.00			
	PLUS: Employee	0.50	0.50	0.5			
Accessory Apartment, Attached or Detached (in addition to residential spaces)	Dwelling Unit	1.00	1.00	1.00	--	--	--
Home Occupation (Low Impact) (in addition to residential spaces)	Non-Resident Employee plus, Each Client Allowed per Hour	1.00	1.00	1.00	--	--	--
Home Occupation (Major Impact) (in addition to residential spaces)	Non-Resident Employee plus, Each Client Allowed per Hour	1.00	1.00	1.00	--	--	--
Home Health Practitioner (Low Impact) (in addition to residential spaces)	Home Health Practitioner	1.00	1.00	1.00	--	--	--
	Non-Resident Employee plus, Each Client Allowed per Hour	1.00	1.00	1.00			
Home Health Practitioner (Major Impact) (in addition to residential spaces)	Home Health Practitioner	1.00	1.00	1.00	--	--	--
	Non-Resident Employee	1.00	1.00	1.00			
	plus, Each Client Allowed per Hour	1.00	1.00	1.00			
<b>Civic and Institutional</b>							
Ambulance or Rescue Squads (Private)	Employee	0.50	1.00	1.00	10,000 SF of GFA	2.0	85%
	plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00	1.00	1.00			
Charitable, Philanthropic Institution	Resident and Employee	0.50	1.00	1.00	10,000 SF of GFA	2.0	85%
	OR: 1,000 SF of Recreational GFA	1.00	3.50	3.50			
	OR: 1,000 SF of Office GFA	2.00	4.00	4.00			
Cultural Institution	1,000 SF of GFA	0.50	2.00	1.25	10,000 SF of GFA	1.0	15%
Family Day Care (in addition to residential spaces)	Non-Resident Employee	0.50	1.50	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	4.00	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Student (Grades 9 - 12)	0.15	0.25	0.25	10,000 SF of GFA	2.0	85%
	Employee	0.25	0.50	0.50			
Hospital	1,000 SF of GFA	2.50	5.00	2.50	10,000 SF of GFA	2.0	85%

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USE or USE GROUP	VEHICLE PARKING SPACES				BICYCLE PARKING SPACES		
	Metric	Within Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Min (Max)	% Long-Term
Private Club, Service Organization	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.15 10.00	0.25 14.00	0.25 14.00	10,000 SF of GFA	1.0	15%
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	0.5	1.00	1.00	10,000 SF of GFA	1.0	15%
<b>Commercial</b>							
Animal Services							
Animal Boarding and Care	Employee on the Maximum Shift	1.00	2.50	2.50			
Veterinary Office/Hospital	Employee on the Maximum Shift	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
	plus, Each Doctor Practicing Simultaneously	2.00 (Minimum of 5)	3.50	2.50 (Minimum of 5)			
Eating and Drinking	1,000 SF for Patron Area, excluding outdoor seating area	4.00	12.00	4.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Capacity of Assembly Area	0.25	1.00	0.33	10,000 SF of GFA	1.0	15%
	plus, Each Vehicle Operated in Connection with the Use	1.00	1.00	1.00			
Lodging	Guest Room, plus	0.33	1.00	0.50	10 Guest Rooms	1.0	100%
	1,000 SF of Meeting Room, Dining	2.00	10.00	6.00			
Medical and Dental	1,000 SF of GFA	In CRN, NR zones: 2.00 In CRT, CR, GR, EOF, LSC zones: 1.00	4.00	4.00	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.00	3.00	2.25	10,000 SF of GFA	2.0	85%
	1,000 SF of GFA	1.00	5.00	2.50			
Recreation and Entertainment	OR: Every Seat/Guest Space	0.25	1.25	0.25	10,000 SF of GFA	1.0	15%
	OR: Each Campsite	1.00	5.00	1.00			
	OR: Each Court	2.00	5.00	2.00			
Retail Sales and Service	1,000 SF of Gross Leasable Area	3.50	6.00	5.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of Gross Leasable Area	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
<b>Industrial</b>							
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.00	3.00	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	100%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.00	3.00	1.50	-n/a??-	n/a??	n/a??

KEY: GFA = Gross Floor Area  
Chapter 59: Zoning Code  
Montgomery County, Maryland

## Sec. 7.2.6. Vehicle Parking Design Standards

### A. Location

1. All off-street parking spaces provided for uses outside of a Parking Benefit District must be located so that the major point of pedestrian access to a parking facility is within a 500-foot walking distance of the entrance to the establishment to be served by such facilities.
2. All off-street parking spaces provided in a Parking Benefit District must be located so that the major point of pedestrian access to a parking facility is within a ¼-mile walking distance of the entrance to the establishment to be served by such facilities.

### B. Access

Each parking space must have access to a street or alley open to use by the public via adequate interior aisles and entrance and exit driveways. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

### C. Marking

1. All off-street parking areas must be arranged and marked so as to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. Individual parking spaces must be clearly defined, and directional arrows and traffic signs must be provided as necessary for traffic control.
3. Each space or area for compact parking must be clearly marked to indicate the intended use.

### D. Size of Spaces

1. Parking spaces must meet the following minimum dimensional requirements:

Parking Angle	Standard Space		Compact Space	
	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	not allowed	not allowed
Parallel	7'	21'	6'	19.5'

2. Spaces may be reduced by 2 feet in length where the overhang will not impede pedestrian, bicycle, or vehicular circulation.
3. Within a Parking Benefit District, up to 20% of all required spaces may be compact spaces. Outside of a Parking Benefit District, up to 10% of all required spaces may be compact spaces.
4. If a column or other obstruction would interfere with opening a car door, then the minimum stall width of the affected space must be increased by one foot.
5. Tandem parking is allowed for dwelling units and valet parking. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length. When used for residential purposes, both parking spaces in tandem must be assigned to the same dwelling unit.
6. Valet parking is allowed as a means of satisfying required parking where:
  - a. An attendant or mechanized system is provided to park vehicles during all business hours of the associated use.
  - b. An equivalent number of valet spaces is available to substitute for the required parking spaces. Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

### E. Drive Aisles

1. Interior drive aisles have parking stalls along the sides. Entrance and exit drive aisles have no parking stalls along the sides.
2. Drive aisles designed to accommodate one-way and two-way movements must have the following minimum widths based on the configuration of the adjacent parking spaces:

Parking Type	One Way	Two Way
Perpendicular	20'	20'
60 to 75 degrees	18'	20'
45 to 59 degrees	16'	20'
Parallel	10'	20'
None	10'	20'

## F. Parking Separation

1. All parking spaces must be separated from sidewalks, roads, streets, or alleys by curbing or wheel stops.
2. All roads, streets, alleys, sidewalks, and other public rights-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

## G. Walkways

Pedestrian walkways or sidewalks must be provided in off-street parking facilities as needed for pedestrian safety. Such walkways and sidewalks must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable review body.

## H. Drainage

All off-street parking facilities must be drained so as to prevent damage to abutting properties and public streets, and must be constructed of material that will assure a surface resistant to erosion. All drainage must comply with the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.

## I. Landscaping and Lighting

Landscaping and lighting in parking lots must comply with [Div. 7.5](#).

## J. Facilities for Conditional Uses in Residential Zones

This paragraph applies to any off-street parking facility for a conditional use that is located in an Agricultural, Rural Residential, or Residential zone where 3 or more parking spaces are provided.

### 1. Location

Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

### 2. Setbacks

Each parking facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The following additional setbacks must be provided for each parking facility:

- a. Where 150 to 199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet;
  - b. Where 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.
3. Landscaping and screening must comply with [Div. 7.5](#).

## K. Commercial Vehicle Parking for Properties with a Residential Use

### 1. In General

- a. Vehicles and machinery for farming uses may be parked without restriction.
- b. Parking of a tow truck with a vehicle attached is prohibited on any size lot or parcel.

### 2. AR, R, RC, and RNC Zones

- a. On any lot or parcel up to 0.5 acre, one light commercial vehicle and one unoccupied recreational vehicle may be parked at any one time.
- b. On any lot or parcel over 0.5 and under 2 acres, up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.
- c. On any lot or parcel over 2 acres, there are no restrictions on commercial and recreational vehicle parking.

### 3. RE-2, RE-2C, and RE-1 Zones

- a. Up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.
- b. Any property zoned RE-1 that does not meet the minimum lot area of 40,000 square feet, must meet the requirements set in [Sec. 7.2.8.P.3.](#), Surface Parking in R-200, R-90, and R-60.

**4. R-200, R-90, R-60, and R-40 Zones**

One light commercial vehicle may be parked on any lot or parcel. One recreational vehicle may be parked on a lot or parcel, however, it must not be used for dwelling purposes for more than 3 days in any month.

**L. Surface Parking in R-200, R-90, and R-60**

1. Parking for any vehicle or trailer in the area between the lot line and the front building line must be on a surfaced parking area.
2. Temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.
3. The maximum percentage of the area between the lot line and the front building line that can be covered by a surfaced parking area, excluding the surfaced parking area in a driveway on a pipestem or flag shaped lot is as follows:
  - a. in the R-200 zone, 30%;
  - b. in the R-90 zone, 30%;
  - c. In the R-60 zone, 35%.
4. Any surfaced parking area existing before October 26, 2010 is not limited by this provision if the existing surfaced parking area is not increased.
5. For properties with primary access from a primary residential street, minor arterial road, major highway or arterial, or any state road, the surfaced parking area may be a maximum of 50% of the area between the lot line and the front building line.
  - a. Surfaced parking area consisting of 2 parking spaces can exceed the limits of this provision if it is no larger than 320 square feet in total area.
  - b. No more than one vehicle may be parked for every 160 square feet of surfaced parking area.
  - c. The limit on surfaced parking area does not apply to stone or rock quarries in the R-200 zone.

d. DPS may grant a waiver to these surfaced parking area limits as necessary to protect public safety.

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

**Sec. 7.2.7. Bicycle Parking Design Standards**

**A. Long-Term Spaces**

**1. Location, Access, and Security**

- a. Long-term bicycle parking spaces may be provided within a building or covered parking garage, or in bicycle lockers. Access to spaces must be convenient from the building or structure and the street or other bicycle right-of-way.
- b. Spaces must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, spaces must be accessible 24 hours a day, 7 days a week.
- c. When provided in a garage, spaces must be clearly marked as such and should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car.
- d. Spaces must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade. Spaces must be in a well-lit visible location near the main entrance or elevators.
- e. Spaces must be independently accessible by means of an aisle with a minimum width of 48 inches and a minimum vertical clearance of 75 inches.
- f. When provided in an enclosed area, must not be accessible to anyone without authorized access.
- g. When lockers are provided, the lockers must be securely anchored.
- h. All facilities must be well-maintained.
- i. All facilities must be well lit.

## 2. Space Dimensions

- a. Bicycle parking spaces must have:
  - i. A minimum vertical clearance of 75 inches, for spaces other than lockers, and 48 inches for lockers.
  - ii. A minimum length of 72 inches and width of 24 inches where bicycles are to be placed horizontally.
  - iii. A minimum length of 40 inches and width of 24 inches where bicycles are to be placed vertically.
- b. An aisle 5 feet in width must be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- c. Where a room or common locker not divided into individual spaces is used to meet these requirements, each 12 square feet of floor area is counted as one bicycle parking space.
- d. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking is counted as one bicycle parking space.

## 3. Signs

Where a long-term bicycle parking facility is not visible from the street or main building entrance, a sign in a lobby or common area indicating the location of the parking must be posted for bicyclists.

## 4. Changing Facilities – Showers and Lockers

- a. Any individual tenant space over 50,000 square feet of nonresidential gross floor area (excluding retail or uses with less than 50 employees during the largest shift), must provide one shower for each gender, unless provided in the development in a common area. An additional one shower per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 showers per gender.
- b. Where long term bicycle storage is required for a nonresidential use, a minimum number of clothing lockers equal to 0.3 times the minimum number of required long term storage spaces must be provided for each gender, and must be a minimum of 12 inches wide, 18 inches deep, 36

inches high, and must be available for use on a 24 hour basis. Lockers must be installed adjacent to the showers in a safe and secured area.

- c. Public parking facilities are exempt from the requirements of **Sec. 7.2.7.A.4.**

## B. Short-Term Spaces

### 1. Location, Access, and Security

- a. Short-term spaces must be available to the public.
- b. Spaces must be provided in a convenient, well-lit location that is clearly visible to both the occupants of the building for which the spaces are built, as well as the sidewalk that accesses the building's main entrance.
- c. Spaces must be placed no more than 90 feet from:
  - i. the main entrance of the building;
  - ii. at least one main entrance of a building with more than one main entrance;
  - iii. the main entrance of each building on a site with more than one building;
  - iv. and if a site plan or conditional use is required, the applicable review body may approve an alternative.
- d. Parking racks must be placed to avoid obstructing pedestrian traffic, bus stops, trees, and other features located in the pedestrian area.
- e. Sidewalk racks that are parallel to the curb must be located 2 feet from the curb face.
- f. Sidewalk racks aligned perpendicular to the curb must be placed so that the nearest vertical component of the rack is at least 4 feet from the curb.
- g. Sidewalk racks must be at least 14 feet from any stand-alone fire hydrant.
- h. Each parked bicycle must be accessible without moving another bicycle.
- i. An aisle of at least 5 feet in width must be maintained behind all occupied parking racks to allow room for bicycle maneuvering.

**2. Racks**

Where required bicycle parking is provided via racks, the racks must meet the following design and dimension standards:

- a. the bicycle frame and one wheel can be locked to the rack with a high security lock;
- b. a bicycle can be securely held with its frame supported in at least 2 places;
- c. racks must be offset a minimum of 30 inches on center;
- d. the rack must be durable and securely anchored;
- e. the locking surface of the rack should be thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters;
- f. aisles between racks must have a minimum width of 48 inches;
- g. a minimum depth of 72 inches should be allowed for each row of parked bicycles; and
- h. must perform at least as well as an inverted u-rack.

**Sec. 7.2.8. Queuing Design Standards**

**A. Spaces Required**

- 1. A minimum of 5 queuing spaces must be provided for each drive-thru lane for a restaurant.
- 2. A minimum of 3 queuing spaces must be provided for each drive-thru lane for any non-restaurant use.

**B. Design**

- 1. Queuing spaces must be equal in size to a standard parallel parking space under this Division (Div. 7.2)
- 2. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks.
- 3. Aisles to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.
- 4. All queuing spaces must adhere to the parking lot landscaping and lighting requirements in Div. 7.5.

**Sec. 7.2.9. Loading Design Standards**

**A. Applicability**

The required number of off-street loading spaces depends upon the number of dwelling units, gross floor area of the use, and the type of use. The table in Sec. 7.2.11.B. designates the number of loading spaces required. Outdoor storage, sales, or display areas are included as part of the calculation of gross floor area if these areas contain materials that are received or distributed via trucks. The off-street loading space requirement for a site with 2 or more uses is the highest number of spaces required of one use.

**B. Required Off-Street Loading Spaces**

**1. Multi-Unit Living Uses**

Metric	Required Number of Spaces (min)
Under 50 dwelling units	None
50 dwelling unit and above	1

**2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses**

Metric	Required Number of Spaces (min)
Up to 25,000 SF of GFA	None
25,001 to 250,000 SF of GFA	1
250,001 to 500,000 SF of GFA	2
500,001 to 750,000 SF of GFA	3
750,000 SF of GFA and above	4

**3. Retail Sales and Services, Manufacturing and Production, and Warehouse Uses**

Metric	Required Number of Spaces (min)
Up to 15,000 SF of GFA	None
15,001 to 50,000 SF of GFA	1
50,001 to 200,000 SF of GFA	2
200,001 to 350,000 SF of GFA	3
350,001 SF of GFA and above	4



### C. Shared Loading Spaces

Applicants wishing to use shared loading spaces must submit a shared loading space agreement for approval by the applicable review body. Where loading areas are shared among different uses, the requirement may be reduced to no less than the number of bays required by the use with the greatest requirement.

### D. Location and Design

#### 1. Location

- a. All off-street loading spaces must be located on the same lot as the building or use served unless the applicant has an approved shared loading space agreement.
- b. Off-street loading spaces are prohibited from projecting into a public right-of-way.
- c. Off-street loading spaces are prohibited from being located between the front building line and lot line.

#### 2. Screening

All outdoor off-street loading spaces must adhere to the parking lot landscaping and lighting requirements in [Div. 7.5](#).

#### 3. Dimensions

Required loading space dimensions depend upon the size of delivery vehicles serving the site. Minimum sizes are as follows:

- a. 10 feet wide, 30 feet long, 14 feet high: Spaces serving single-unit trucks and similar delivery vehicles.
- b. 12 feet wide, 55 feet long, 15 feet high: Spaces serving larger freight vehicles.

#### 4. Maneuvering

Minimum required maneuvering areas depend upon the size of delivery vehicles serving the site. Maneuvering areas for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering must be contained on-site. Minimum size of maneuvering areas are as follows:

- a. 30 feet: Spaces serving single-unit trucks and similar delivery vehicles.
- b. 50 feet: Spaces serving larger freight vehicles.

#### 5. Surfacing

All off-street loading spaces must be paved with a durable, all-weather material, such as concrete or asphalt. Semi-pervious materials may also be used, subject to the approval of the County Department of Transportation and verification that the materials can support the weight of vehicles and their loads.

#### 6. Drainage and Maintenance

Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable County specifications. Off-street loading areas must be maintained in a clean, orderly, and dust-free condition.

#### 7. Safe Design

Loading spaces must be designed and located to minimize intermixing of truck traffic with other vehicular, bicycle, and pedestrian traffic on site.

### Sec. 7.2.10. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with this Division (Div. 7.2) if the applicant submits documentation illustrating how:
  1. the objectives of the Division are fulfilled;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.
- B. Must comply with the annual fee regulations under Chapter 60.

## Div. 7.3. Open Space

### Sec. 7.3.1. Intent

Open spaces serve to protect the health, safety, and welfare of the public; improve the appearance of the community; safeguard and enhance property values; and encourage preservation and enhancement of natural resources, including improvement of water and air quality.

### Sec. 7.3.2. Overview of Open Space Requirements

The following table provides a summary of the types of open space that are required by zone or building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in [Sec. 7.3.4](#) to [Sec. 7.3.7](#):

Zone	Section References	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	6.2.3.A	CD			
RNC	4.3.6.A or 6.1.2.A	All	MPDU		
RE-2C, RE-1, R-200, R-90, R-60, R-40	6.1.2.A or 6.2.3.A		MPDU or CD		
TLD, TMD, THD	4.4.9.A, 4.4.10.A, 4.4.11.A, or 6.1.2.A		T, G, or MPDU		
R-30, R-20, R-10	4.4.12.A, 4.4.13.A, 4.4.14.A, or 6.1.2.A		T, A/C, G, or MPDU		
CRN, CRT, CR, LSC	4.5.4.A, 4.6.5.A, 6.4.2.A, or 6.5.2.A		T	A/C, MU, or G	
GR, NR, EOF, IL, IM, IH	4.6.4.A, 4.7.3.A, 4.7.4.A, or 6.5.2.A		T		A/C, MU, or G

For Floating zones, open space is required under the equivalent approved Euclidean zone for uses.

**KEY:** All = All development  
 MPDU = MPDU Development  
 A/C = Apartment/Condo Building Type  
 G = General Building Type

CD = Cluster Development  
 T = Townhouse Building Type  
 MU = Multi Use Building Type  
 Blank Cell = Not required

### Sec. 7.3.3. Allowed and Prohibited Features in Open Space

#### A. Allowed Features

The following table provides a summary of the allowed features in each type of open space. Detailed applicability is included with each open space type in [Sec. 7.3.4](#) through [Sec. 7.3.7](#):

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation areas or land trusts for natural, archeological or historical resources	A	A	x	x
Open spaces such as lawns, gardens, ornamental planting areas, patios, walks and pathways	x	A	A	A
Open spaces such as plazas, promenades, arcades, urban parks, or town squares	x	x	A	A
Pedestrian or non-motorized multipurpose trails	A	A	A	A
Natural resource-based recreation	A	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenities recommended by an approved urban renewal system	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water bodies, such as lakes, ponds, and floodways	A	A	x	x
Non-structural, natural, and ESD stormwater management facilities	A	A	A	A
Utilities	A	A	A	A
Other conservation-oriented uses compatible with the purpose of this Division	A	A	A	A

**KEY:** A = Allowed x = Not allowed

#### B. Prohibited Features

The following features are prohibited in an open space. Detailed applicability is included with each open space type in [Sec. 7.3.4](#) through [Sec. 7.3.7](#):

- Streets and impervious parking areas
- Parking or maneuvering areas for vehicles

3. Public streets
4. Individual wastewater disposal areas, or drain fields for community systems
5. Transitory Use
6. Activities prohibited by the applicable review body and recorded on the legal instrument providing for permanent protections. Any changes to the management plan must be approved by the applicable review body.
7. Any use prohibited in rural open space under [Sec. 7.3.4.A.4](#)

## Sec. 7.3.4. Rural Open Space

### A. General Regulations

#### 1. Applicability

- a. All Optional Method Cluster Development in the RC zone is required to provide rural open space.
- b. All development in the RNC zone is required to provide rural open space.

#### 2. Defined

Rural open space is land that is managed as farmland or in a natural state as allowed under [Sec. 7.3.4.B.1.e](#).

#### 3. Amount of Rural Open Space

- a. The amount of rural open space required in the RC zone is identified in [Sec. 6.2.3.A](#). The amount of rural open space required in the RNC zone is identified in [Sec. 4.3.6.A](#) for standard method development and [Sec. 6.1.2.A](#) for optional method development.
- b. The Planning Board may approve a minor variation in the master plan recommended rural open space if the Planning Board finds that the variation would retain or enhance both the quality and character of the rural open space in the intent of this Section (Sec. 7.3.4), but may not allow less than the zone requires.

### 4. Uses in Rural Open Space:

- a. The following uses allowed under Article 59-3 in the RC zone are prohibited in the rural open space:
  - i. Agricultural Processing
  - ii. Farm Supply, Machinery Sales, Storage, and Service
  - iii. Nursery (Retail)
  - iv. Nursery (Wholesale)
  - v. Slaughterhouse
  - vi. Seasonal Outdoor Sales
  - vii. Farm Tenant Dwelling not associated with a farm in the rural open space
  - viii. Independent Living Facility for Seniors or Persons with Disabilities
  - ix. Residential Care Facility (Up to 8 Persons)
  - x. Residential Care Facility (9 - 16 Persons)
  - xi. Residential Care Facility (Over 16 Persons)
  - xii. Charitable, Philanthropic Institution
  - xiii. Group Day Care (9 - 12 Persons)
  - xiv. Day Care Center (13 - 30 Persons)
  - xv. Day Care Center (Over 30 Persons)
  - xvi. Private Club, Service Organization
  - xvii. Public Use (Except Utilities)
  - xviii. Religious Assembly
  - xix. Animal Boarding and Care
  - xx. Veterinary Office/Hospital
  - xxi. Media Broadcast Tower
  - xxii. Country Inn
  - xxiii. Cemetery

- xxiv. Landscape Contractor
  - xxv. Shooting Range (Outdoor)
  - xxvi. Rural Antique Shop
  - xxvii. Mining, Excavation
- b. The following uses allowed under Article 59-3 in the RNC zone are prohibited in the rural open space:
- i. Equestrian Facility (3+ horses)
  - ii. Farm Supply, Machinery Sales, Storage, and Service
  - iii. Nursery (Retail)
  - iv. Nursery (Wholesale)
  - v. Winery
  - vi. Farm Market, On-site
  - vii. Seasonal Outdoor Sales
  - viii. Townhouse Living
  - ix. Independent Living Facility for Seniors or Persons with Disabilities
  - x. Residential Care Facility (Up to 8 Persons)
  - xi. Residential Care Facility (9 - 16 Persons)
  - xii. Residential Care Facility (Over 16 Persons)
  - xiii. Charitable, Philanthropic Institution
  - xiv. Cultural Institution
  - xv. Group Day Care (9 - 12 Persons)
  - xvi. Day Care Center (13 - 30 Persons)
  - xvii. Day Care Center (Over 30 Persons)
  - xviii. Educational Institution (Private)
  - xix. Private Club, Service Organization
  - xx. Public Use (Except Utilities)
  - xxi. Religious Assembly
  - xxii. Swimming Pool (Community)
  - xxiii. Animal Boarding and Care

- xxiv. Veterinary Office/Hospital
- xxv. Cable Communications System
- xxvi. Telecommunications Tower
- xxvii. Cemetery
- xxviii. Landscape Contractor
- xxix. Rural Antique Shop
- xxx. Rural Country Market
- xxxi. Public Utility Structure

## B. Design Regulations

### 1. Guidelines for Development

In addition to any other requirements of this Division (Div. 7.3) and Sec. 50-39 of the subdivision regulations, rural open should be developed as follows:

- a. Rural open space should be used to minimize any potential nuisance or conflict and maximize compatibility between residential and agricultural uses within the proposed development and between the proposed and existing development;
- b. Disturbance of the area to become rural open space should be limited to the maximum extent possible during construction of residential lots and associated infrastructure;
- c. Rural open space should be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records;
- d. In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:
  - i. restrict uses in the rural open space under Article 59-3 and Sec. 7.3.4.A.5;
  - ii. provide for the management of any natural or agricultural features under the approved site plan; and
  - iii. prohibit any development or subdivision within the rural open space area not expressly authorized.

- e. Rural open space used for a farm in the RC zone should be a minimum of 25 acres in size, unless the Planning Board finds that a smaller farm will implement the intent of this Division (Div. 7.3) and the zone; and
- f. Rural open space may be managed under one or more of the following techniques:
  - i. reforestation;
  - ii. woodland, meadow, wetland, or agricultural management;
  - iii. streambank or floodplain protection; or
  - iv. non-structural stormwater management. However, in the RNC zone, the Planning Board may allow structural stormwater management facilities in the rural open space if the location and appearance of any facility is consistent with the general intent of the RNC zone, and with the policy and guidance of the applicable master plan for use of the open space.

## 2. Open Space Allocation

The following areas are a priority for inclusion in rural open space:

- a. floodplains;
- b. stream buffer areas;
- c. jurisdictional wetlands under federal law (Sec. 404) that meet the definition applied by the Army Corps of Engineers;
- d. habitat for state- or federally-listed endangered or threatened species;
- e. historic, archaeological and cultural sites, cemeteries and burial grounds;
- f. agricultural lands containing prime farmland soils or other soils of state-wide importance;
- g. areas containing existing healthy trees greater than 12 inches DBH;
- h. areas that connect the site to neighboring rural open space, trails, or greenways;
- i. areas containing highly erodible soils or soils with severe limitations for development due to drainage problems;
- j. forest areas not included in the environmental buffer; and
- k. viewsheds recommended for preservation by the applicable master plan.

## 3. Configuration of Rural Open Space

- a. The minimum width for any rural open space is 75 feet. Exceptions may be granted for items such as trail easements and linear parks when their purpose meets the intent of this Section.
- b. A minimum of 60% of the rural open space must be contiguous. For the purposes of this Section (Sec. 7.3.4), contiguous includes any rural open space bisected by a residential street.
- c. Where feasible, the rural open space must adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected rural open space.

## Sec. 7.3.5. Common Open Space

### A. General Regulations

#### 1. Applicability

Common open space is required for the following:

- a. All optional method development in the RNC and Residential Detached zones;
- b. All development with townhouse, apartment/condo, or general building types in the Residential Townhouse and Residential Multi-Unit zones;
- c. All townhouse development in the Commercial/Residential and Employment zones; and
- d. Floating zones, as required under the equivalent approved Euclidean zone for uses.

#### 2. Defined

Common open space is an outdoor area not delineated as public open space that is intended for recreational use by residents and visitors. Common open space does not include private individual lots in a townhouse development.

#### 3. Amount of Common Open Space

The amount of common open space is calculated as follows:

- a. For Optional Method MPDU development in Rural Residential and Residential zones, the required percentage is identified in [Sec. 6.1.2.A](#), General Site and Building Type Mix.
- b. For Optional Method Cluster Development in the Residential zones, the required percentage is identified in [Sec. 6.2.3.A](#), General Site, Building Type Mix, and Height Standards.
- c. For townhouse building type in the CRN zone, the required percentage is identified in [Sec. 4.5.4](#), CRN, CRT, and CR Zones Standard Method Development Standards.
- d. For detached house, duplex, or townhouse building type in the Floating zones, the required percentage is identified in [Sec. 5.1.6.E](#), Coverage.

**B. Design Regulations**

- 1. Common open space is intended for common use by the residents of the neighborhood and must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
- 2. The minimum width for any required common open space is 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this Section (Sec. 7.3.5).
- 3. A minimum of 50% of the required common open space must be in a contiguous lot or site or series of lots and sites. For the purposes of this Section, contiguous includes any common open space bisected by a street.

**Sec. 7.3.6. Public Open Space**

**A. General Regulations**

**1. Applicability**

- a. All development apartment/condo, multi use, or general building type in a Commercial/Residential zone and certain Floating zones must provide public open space as required under the applicable development standards.

- b. Development with civic and institutional uses in the LSC zone may provide up to 50% of the required public open space as amenity open space under [Sec. 7.3.8](#). The Planning Board must also determine that the alternative provision of open space better serves the public interest due to health and safety concerns.

**2. Defined**

Public open space is space devoted to public use or enjoyment that enhances the public realm.

**3. Amount of Public Open Space**

The amount of public open space required is as follows:

- a. For standard method development in the CRN, CRT, and CR zones, the required percentage is identified by building type in [Sec. 4.5.4](#).
- b. For optional method development in the CR and CRT zones, the required percentage is identified in [Sec. 6.4.2.A](#).
- c. For standard method development in the Employment zones, the required percentage is identified by building type in [Sec. 4.6.4](#) and [Sec. 4.6.5](#).
- d. For optional method development in the Employment zones, the required percentage is identified in [Sec. 6.5.2.A](#).
- e. For Floating zones, the required percentage is identified in [Article 59-4](#) (for standard method) and [Article 59-6](#) (for optional method) according to the euclidean zone that was approved for uses under [Section 5.3.2](#) and [Sec. 5.4.2](#).
- f. Up to 5% of public open space may be used for outdoor café areas.

**B. Design Regulations**

**1. Standard Method Development**

Public open space must:

- a. abut a public sidewalk or other public pedestrian route;
- b. be a minimum of 15 feet wide;
- c. provide seating and shade;and

d. must be provided in a contiguous space.

## 2. Optional Method Development

Public open space:

- a. must abut a public sidewalk or other public pedestrian route;
- b. should provide space for pedestrian circulation, landscaped areas, seating, shade, water features, artwork, or recreation space; and
- c. must be provided in a contiguous space or spaces that are adjacent to other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not fulfill the intent of this Section (Sec. 7.3.6).

## C. Off-Site Options

The Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

1. Implementing public park or public open space improvements of an equal or greater size within or near the applicable master plan area; or
2. Making a payment in part or in full for design, construction, renovation, restoration, installation, or operation within or near the applicable master plan area if the payment is:
  - a. Equal to the cost of constructing an equal amount of public open space and associated amenities on-site per square foot plus the fair market value of the land per square foot;
  - b. Used to implement the open space, recreation, and cultural goals of the applicable master plan; and
  - c. Made no later than 30 days after the release of any building permit for the subject application.

## Sec. 7.3.7. Amenity Open Space

### A. General Regulations

#### 1. Applicability

Any development in the Industrial zones and development of any apartment/condo, multi use, or general building type in the GR, NR, and EOF zones must provide amenity open space under this Section (Sec. 7.3.7)

#### 2. Defined

Amenity open space is an area associated with a building or group of buildings that provides access to recreation areas and natural amenities for the use and enjoyment of employees and visitors.

#### 3. Amount of Amenity Open Space

- a. For standard method development in the Industrial zones, the required percentage is identified by building type in [Div. 4.7](#).
- b. The amenity open space required under this Section (Sec. 7.3.7) may be met by public open space under, [Sec. 7.3.6](#), Public Open Space.

### B. Design Regulations

1. The minimum width for any required amenity open space is 15 feet except for sidewalks, pathways, and trails.
2. A minimum of 10% of any amenity open space must be permeable.

## Sec. 7.3.8. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with this Division (Div. 7.3) if the applicant submits documentation illustrating how:
  1. the objectives of the Division are fulfilled;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.

## Div. 7.4. Recreation Facilities

### Sec. 7.4.1. Guidelines

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for recreation facilities. The guidelines must:

- A. be substantially consistent with the purposes of this Chapter
- B. be in addition to any standards, requirements, or rules in this Chapter; and
- C. establish minimum standards for recreation facilities for development that provides 20 or more residential units.



## Div. 7.5. Landscaping and Outdoor Lighting

### Sec. 7.5.1. Intent

The purpose of this Division (Div. 7.5) is to regulate minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The regulations are intended to protect public safety, health, comfort, and welfare; to preserve the value of property; to preserve and strengthen the character of communities; to improve water and air quality; to obstruct objectionable views and noise; to encourage energy conservation; and to reduce light pollution and glare.

### Sec. 7.5.2. Applicability

The requirements of this Section (Sec. 7.5.2) apply where open space is required under Div. 7.3, where parking facilities provide 10 or more parking spaces (see Div. 7.2), and where screening under Sec. 7.5.7 are required.

### Sec. 7.5.3. General Landscaping Requirements

#### A. General

1. DPS may not issue a final certificate of occupancy until all trees and plant material have been installed under the requirements of this Division (Div. 7.5).
2. A temporary certificate of occupancy may be issued for a period of up to 6 months due to circumstances that make the planting of the site impractical, or until the proper planting season is reached to complete the landscaping requirements.
3. Landscaping and lighting must comply with any applicable design guidelines or streetscape standards.
4. To satisfy the requirements of this Division (Div. 7.5), plant material may not be placed in any utility, stormwater management, or other easement that may result in removal of the plantings, except as explicitly allowed under this Division (Div. 7.5).
5. All landscape plans and related documentation must be prepared by a licensed landscape architect.

#### B. Landscaping Elements

##### 1. Plant Material

- a. All landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. All mature plant sizes are based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

##### 2. Canopy Trees

###### a. Defined

A large deciduous tree, typically 40 to 70 feet tall at maturity, with a spread (canopy) of at least 30 feet. Canopy trees typically have only a single trunk.

###### b. Size at Time of Planting

All canopy trees within open space areas, screening areas, and surface parking lots must have a minimum caliper of 2 inches or a minimum height of 14 feet at the time of planting.

##### 3. Understory Trees

###### a. Defined

A small deciduous tree, typically less than 30 feet tall at maturity. Many understory trees have multiple trunks.

###### b. Size at Time of Planting

- i. All single trunk understory trees within open space areas, screening areas, and surface parking lots must have a minimum caliper of 1.5 inches or a minimum height of 10 feet at the time of planting.

- ii. All multi-trunk understory trees within open space areas, screening areas, and surface parking lots must have a minimum of 3 main stems, each with a minimum caliper of 1.5 inches per stem, or a minimum height of 10 feet, at the time of planting.

#### 4. Evergreen Trees

##### a. Defined

An evergreen tree, typically more than 40 feet tall at maturity.

##### b. Size at Time of Planting

All evergreen trees within open space areas, screening areas, and surface parking lots must be a minimum of 8 feet in height at the time of planting, measured from the top of the root ball to the tip of the highest branch.

#### 5. Shrubs

##### a. Defined

- i. Large shrubs must be of a species that will reach a minimum height of 8 feet.
- ii. Medium shrubs must be of a species that will reach a minimum height of 4 feet.
- iii. Small shrubs must be of a species that will reach a minimum height of 2 feet.

##### b. Size at Time of Planting

- i. Large shrubs within open space areas, screening areas, and surface parking lots must be a minimum of 5 gallon container or balled and burlapped.
- ii. Medium shrubs within open space areas, screening areas, and surface parking lots must be a minimum of 3 gallon container or balled and burlapped.
- iii. Small shrubs within open space areas, screening areas, and surface parking lots must be a minimum of one gallon container.

#### C. Fences and Walls

##### 1. Defined

Fence or wall height is measured from the lowest level of the ground immediately under the fence or wall.

##### 2. Height and Placement

- a. The maximum height of a fence or wall in any front setback in a Residential zone is 4 feet.
- b. On a corner lot in any Residential zone, a fence, wall other than retaining wall, terrace, structure, shrubbery, planting, or other visual obstruction can be no higher than 3 feet in height above the curb level for a distance of 15 feet from the intersection of the front and side street lines.
- c. On a corner lot in any Residential zone, a deer fence must not be located closer to the street than the face of the building.
- d. No wall or fence may be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

##### 3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

- a. Deer fencing:
  - i. In all Agricultural and Rural Residential zones; and
  - ii. Behind the front building line for property in all non-Agricultural and non-Rural Residential zones unless the property adjoins a national historical park.
- b. Retaining walls where changes in street grade, width, or alignment have made such structures necessary;
- c. Other walls or fences that are a maximum of 6.5 feet in height, are behind the front building line, and are not on a property abutting a national historic park;
- d. Rustic fences on a property abutting a national historical park;

- e. Boundary fences behind the front building line if the property is located within 100 feet of a parking lot in a national historical park; and
- f. Deer fencing and other fences that are a maximum of 8 feet in height if the property is farmed and agriculturally assessed.

**D. Landscaping Maintenance**

**1. Responsibility**

The responsibility for maintenance of all landscape and planting areas remains with the owner, his or her successors, heirs, assignees, home owner associations, or any consenting grantee.

**2. Maintenance**

- a. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming must occur under the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.
- c. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
- d. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

**3. Failure to Maintain**

- a. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this Section (Sec. 7.5.3) the County must provide reasonable notice and allow a property owner 90 days to correct the deficiency. Refer to **Div. 8.8**, Violations, Penalties, and Enforcement for further procedures.

- b. The County may recover the cost of enforcement, including reasonable attorney fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance will be charged to the party having the primary responsibility for maintenance of the landscaped area.

**Sec. 7.5.4. General Outdoor Lighting Requirements**

**A. Applicability**

This section applies to any installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses, and other similar components, does not constitute replacement and is permitted provided such changes do not result in a higher lumen output.

**B. Design Requirements**

**1. Fixture (Luminaire)**

In order to direct light downward and minimize the amount of light spill, all outdoor lighting fixtures must be full or partial cutoff fixtures.

**2. Fixture Height**

Freestanding lighting fixtures may be a maximum of 40 feet in parking lots with at least 100 spaces, otherwise freestanding lighting fixtures may be a maximum of 30 feet in height within surface parking areas and may be a maximum of 15 feet in height within non-vehicular pedestrian areas measured from finished grade. Freestanding light fixtures located within 35 feet of the lot line of any detached house building type, not located in a Commercial/Residential or Employment zone, may not exceed 15 feet in height.



**3. Light Source (Lamp)**

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The applicable review body may approve alternate light sources based on new technology.

**4. Limit Lighting to Periods of Activity**

The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety, and promote compatibility between different land uses.

**C. Lighting Types**

**1. Security Lighting**

- a. Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
- b. Security fixtures, including but not limited to floodlights and wall packs, may not face ground floor residential uses.
- c. Security fixtures may not be substituted for parking area or walkway lighting and must be restricted to loading, storage, service, and similar locations.

**2. Accent Lighting**

Only lighting used to accent architectural features, landscaping, or art may be directed upward. The accent lighting fixture must be located, aimed, or shielded to minimize light spill and glare.

**3. Canopy Area Lighting**

All development that incorporates a canopy area over a Filling Station, automated teller machines, or similar facilities must use a full cutoff fixture with a lens cover flush with the bottom surface of the canopy or recessed within the canopy. Canopy area lighting area must be no greater than 30 footcandles under the canopy as measured horizontally at grade.

**4. Residential Entrances**

All entrances to residential buildings or multi use buildings with a residential component housing more than 4 units must be adequately lighted to ensure the safety of persons and the security of the building.

**5. Outdoor Recreation Lighting**

Lighting for outdoor recreation fields must be arranged to prevent direct glare onto any public or private property or streets. All outdoor playing field/court lighting is prohibited between the hours of 11:00 PM and 7:00 AM, unless other hours are specifically approved by the applicable review body.

**6. Commercial Businesses**

Lighting for commercial uses placed on or within a building is not restricted by this Section (Sec. 7.5.4) except that the provisions of Sec. 7.5.4.C.7 must be satisfied.

**D. Excessive Illumination**

Lighting may not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers, bicyclists, and pedestrians.

**E. Conditional Uses**

Outdoor lighting provided for a conditional use must be directed, shielded, or screened to ensure the maximum illumination level at any lot line abutting a detached house building type, not located in a Commercial/Residential or Employment zone, is no greater than 0.1 footcandle. Where this provision is in conflict with any other provision of this Code allowing greater light trespass, this provision will control.

**Sec. 7.5.5. Open Space Landscaping and Outdoor Lighting**

**A. Overview of Required Open Space Landscaping**

The following table provides an overview of the open space landscaping requirements.

Open Space Type	Farm Crops	Ornamental Planting	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Not Allowed	90%	No Minimum
Common Open Space	Allowed	Allowed	80%	20%
Public Open Space	Allowed in community garden	Allowed	10%	10%
Amenity Open Space	Allowed	Allowed	10%	10%

## B. Open Space Landscaping Requirements

### 1. General

Open space landscaping and lighting should be programmed into the site design in order to protect environmentally sensitive areas and address the needs of the proposed community for recreation.

### 2. Farming

Farming allowed in open space includes all farming uses defined in [Sec. 3.2.6.](#) and [Sec. 3.2.9](#) and under the applicable use standards for each zone.

### 3. Ornamental Planting

While all landscaping is encouraged to contain native species only, ornamental planting with non-native plants is allowed in some open space types. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants are prohibited.

### 4. Permeable Area

The intent of permeable area is to provide some portion of each open space type that is not covered with impermeable surfaces. All permeable area must be pervious, open to the sky, and covered with live plant materials or mulch. Permeable area also includes water bodies, bioretention areas, and other ESD stormwater facilities.

### 5. Tree Canopy

Tree canopy is intended to provide shade and relief from the heat island effect of paved areas. Tree canopy size is determined at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

### 6. Plant Distance from Paved Surface

All shrubs and trees must be located a minimum of 24 inches from center to any paved surface, except for street trees planted along sidewalks.

## C. Open Space Lighting

1. In rural open space and common open space, illumination at the property line must not exceed 0.1 footcandles.

2. In public open space and amenity open space, illumination at the property line must not exceed 0.1 footcandles abutting a property that is in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; illumination at the property line for all other properties must not exceed 0.5 footcandles.

## Sec. 7.5.6. Parking Lot Landscaping and Outdoor Lighting

### A. Applicability

This Section applies to any surface parking lot with 10 or more spaces, any structured parking facility, or any property with a conditional use requiring 3 to 9 spaces abutting an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use.

### B. Surface Parking Area Requirements for Conditional Uses Requiring 3 to 9 Spaces

1. If a conditional use requiring 3 to 9 parking spaces is abutting Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use:
  - a. the perimeter planting area must be a minimum of 8 feet wide, exclusive of any public utility easement, public improvement easement, or other easement, except for a stormwater management easement;
  - b. each perimeter planting area must contain a hedge, fence, or wall a minimum of 4 feet high;
  - c. 1 understory or evergreen tree must be planted every 30 feet on center ; and
  - d. native species should be used.
2. The Board of Appeals may modify the perimeter planting requirements for a conditional use application under [Sec. 8.3.1.](#)

### C. Surface Parking Area Requirements for 10 or More Spaces

#### 1. Landscaped Area

- a. A landscaped area comprising a minimum of 5% of the total area of the surface parking lot must be provided in islands of not less than 100

contiguous square feet each. Where possible, existing trees should be protected and incorporated into the design of surface parking areas.

- b. A maximum of 20 parking spaces may be located between islands.
- c. Landscaped area may be used for stormwater management ESD facilities.

## 2. Tree Canopy

Surface parking areas must maintain a minimum tree canopy of 25% at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended. Native species should be used.

## 3. Perimeter Planting

- a. If abutting Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use:
  - i. the perimeter planting area must be a minimum of 10 feet wide, exclusive of any public utility easement, public improvement easement, or other easement, except for a stormwater management easement;
  - ii. each perimeter planting area must contain a hedge, fence, or wall a minimum of 6 feet high;
  - iii. canopy trees planted must be planted every 30 feet on center in the perimeter planting area;
  - iv. 2 understory trees must be planted for every canopy tree in the perimeter planting area; and
  - v. native species should be used.
- b. If abutting any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property not subject to Sec. 7.5.6.B.3.a:
  - i. the perimeter planting area must be a minimum of 6 feet wide, exclusive of any public utility easement, public improvement easement, or other easement, except for a stormwater management easement;

- ii. each perimeter planting area must contain a hedge or low wall a minimum of 3 feet high;
- iii. canopy trees planted must be planted every 30 feet on center in the perimeter planting area;
- iv. native species should be used; and
- v. where a parking lot abuts another parking lot, no perimeter planting is required.

## 4. Lighting

Surface parking lot lighting must meet the standards of **Sec. 7.5.4.**, General Lighting Requirements.

## D. Structured Parking Requirements

- 1. Living green walls or artwork are required along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
- 2. Roof illumination must meet the standards of **Sec. 7.5.4.**, General Lighting Requirements, except that lighting fixtures within 30 feet of the deck perimeter must not exceed 15 feet in height and no fixture located on structured parking may exceed 30 feet in height.

## E. Interim Conditions

Parking lots that are constructed as an interim use under an application with an approved phasing plan may deviate from this Section (Sec. 7.5.6) if the applicable review body finds that a compatible, safe, and efficient alternative is provided.

## Sec. 7.5.7. Screening

### A. Applicability

- 1. Development for a permitted or limited use in any zone or a conditional use in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone must provide screening under Sec. 7.5.7.C if the property in the abutting zone is vacant or improved with an agricultural or residential use, as follows:

Building Type	Abutting Zone		
	Agricultural, Rural Residential, Residential Detached	Residential Townhouse	Residential Multi-Unit
Townhouse	Y	N	N
Apartment/condo (height ≤ 60')	Y	N	N
Apartment/condo (height > 60')	Y	Y	N
Multi Use (height ≤ 40')	Y	N	N
Multi Use (height > 40')	Y	Y	Y
General, with a non-Industrial use	Y	Y	Y
General, with an Industrial use	Y	Y	Y

KEY: Y = Screening required N = Screening not required

2. Development for a conditional use on Agricultural, Rural Residential, or Residential Detached zoned land must provide screening under [Sec. 7.5.7.C.9](#), regardless of building type, along each property line abutting an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use.
  - a. This requirement may be exempted by the use standards for any particular conditional use.
  - b. The Board of Appeals may modify the amount of screening for a conditional use application under [Sec. 8.3.1](#).
3. Screening is required along the property line for any outdoor area associated with the use.

## B. Screening Specifications

### 1. Location

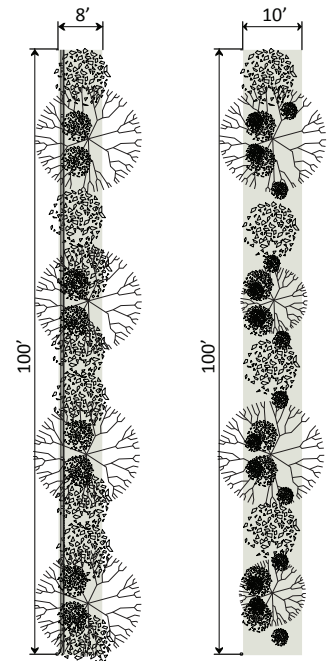
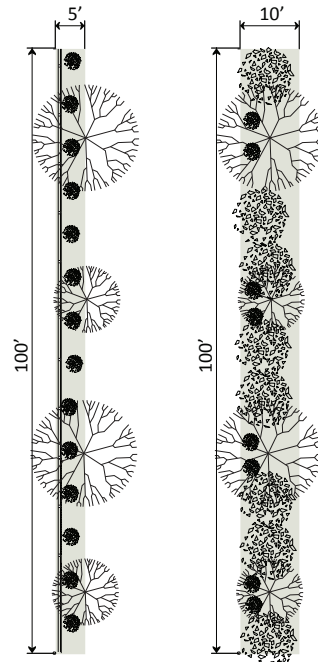
Screening may be placed within any setback required in [Article 59-4](#). Where the required setback is less than the screening dimensions established for the building types in Sec. 7.5.7.C, the required width in this Section (Sec. 7.5.7) controls.

### 2. Berms

Berms must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 40%. Berms may meander and be discontinuous if the screening intent of this Section (Sec. 7.5.7) is met.

## C. Screening Requirements by Building Type

1. Screening is based on the proposed building type, unless otherwise stated. The minimum requirements for each building type are set out in Sec. 7.5.7.C.4 through Sec. 7.5.7.C.10; however, additional planting is allowed.
2. Plant materials are specified per 100 linear feet of screening area. Any fractional requirements must be rounded up to the next higher whole number.
3. The applicant may choose between Option A and Option B depending on site characteristics.



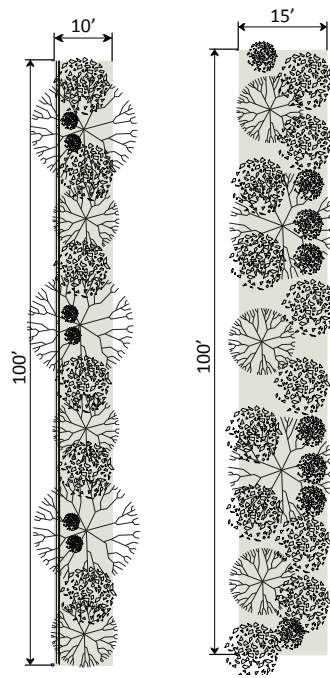
4. Townhouse

	Option A	Option B
<b>Dimensions</b>		
Width (min)	5'	10'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	2
Shrubs (minimum per 100')		
Large	--	8
Medium	--	--
Small	16	8
Wall, Fence or Berm (min)	4' fence or wall	--

5. Apartment/Condo Up to 60 Feet in Height

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	10'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	4	2
Understory or Evergreen	--	2
Shrubs (minimum per 100')		
Large	8	4
Medium	8	8
Small	--	8
Wall, Fence or Berm (min)	4' fence or wall	--



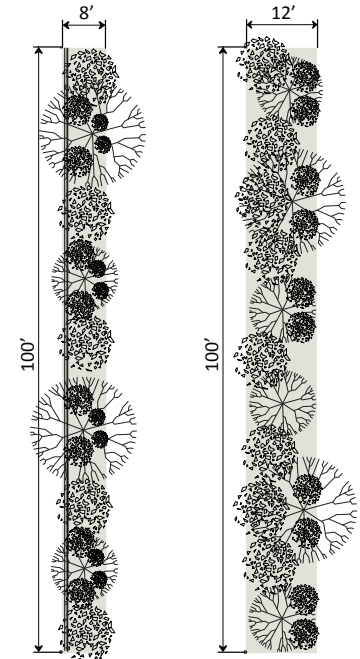
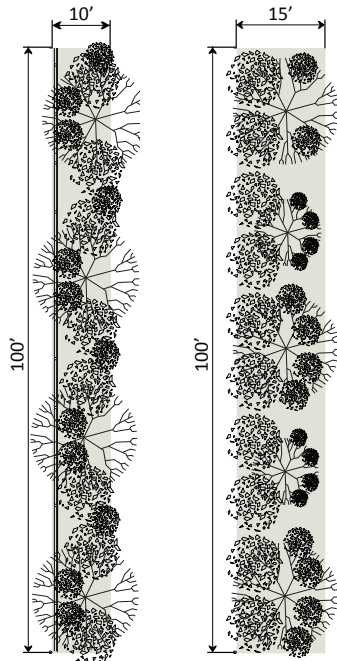


**6. Apartment/Condo Over 60 Feet in Height**

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	10'	15'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	3	2
Understory or Evergreen	3	3
Shrubs (minimum per 100')		
Large	6	11
Medium	--	8
Small	6	--
Wall, Fence or Berm (min)	4' fence or wall	--

**7. Multi Use Building Up to 40 Feet in Height**

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--



8. Multi Use Building Over 40 Feet in Height

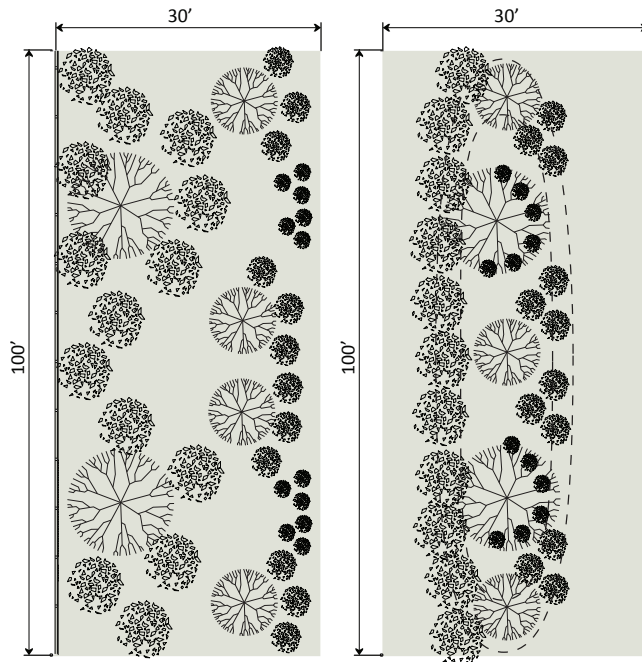
	Option A	Option B
<b>Dimensions</b>		
Depth (min)	10'	15'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	4	3
Understory or Evergreen	--	2
Shrubs (minimum per 100')		
Large	8	10
Medium	12	10
Small	--	12
Wall, Fence or Berm (min)	6' fence or wall	--

9. General Building with Non-Industrial Use or Conditional Use

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--

**Sec. 7.5.8. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with this Division (Div. 7.5) if the applicant submits documentation illustrating how:
1. the objectives of the Division are fulfilled;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.



**10. General Building with Industrial Use**

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	30'	30'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	4	3
Shrubs (minimum per 100')		
Large	14	11
Medium	12	12
Small	12	12
Wall, Fence or Berm (min)	6' fence or wall	6' berm

## Div. 7.6. Outdoor Display and Storage

### Sec. 7.6.1. Intent

The intent of this Division (Div. 7.6) is to regulate the size, location, height, and screening of all outdoor storage and display. The regulations are intended to protect public safety, health, and welfare; to preserve and enhance property values; and to preserve and strengthen the character of communities.

### Sec. 7.6.2. Applicability

- A. The requirements of this Division (Div. 7.6) apply to any site where merchandise, materials, or equipment is displayed or stored outside of a completely enclosed building.
- B. Merchandise, material, or equipment for agricultural uses in an Agricultural or Rural Residential zone is not subject to this Division (Div. 7.6).
- C. Where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted use is not subject to this Division (Div. 7.6).

### Sec. 7.6.3. Design Standards

#### A. Outdoor Display

##### 1. Defined

- a. Outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, or similar vending machines is considered outdoor display.
- b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).
- c. Seasonal outdoor sales, as allowed under [Article 59-3](#), is exempt from this Section (Sec. 7.6.3).

##### 2. Standards

Outdoor display is permitted with any nonresidential use following approval of the applicable plan illustrating the extent of the permitted area for

outdoor display. The area for outdoor display must meet the following standards:

- a. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. Propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight.
- b. Outdoor display may not impede pedestrian use of the sidewalk or parking areas.

#### B. Outdoor Storage

##### 1. Limited Outdoor Storage

###### a. Defined

Limited outdoor storage includes, but is not limited to:

- i. Overnight outdoor storage of vehicles awaiting repair;
- ii. Outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- iii. Outdoor sales area for building supplies, garden supplies, or plants;
- iv. Outdoor storage of fleet vehicles; and
- v. Outdoor storage of vehicles, boats, recreational vehicles, or other similar vehicles at a storage facility.

###### b. Standards

Limited outdoor storage is allowed when it is accessory to an allowed use following approval of the applicable plan illustrating the extent of the permitted area for limited outdoor storage. Limited outdoor storage is subject to the standards of the zone or the use.

## 2. General Outdoor Storage

### a. Defined

General outdoor storage includes, but is not limited to, materials associated with industrial uses such as equipment, lumber, pipe, steel, salvage, or recycled materials.

### b. Standards

General outdoor storage is permitted provided it meets the following standards:

- i. In the Industrial Zones screening of inventory and equipment must follow the screening requirements of **Sec. 7.5.7.C.10**, unless the use abuts or confronts Industrially-zoned property.
- ii. In all other zones:
  - (a) Approval of the applicable plan illustrating the extent of the permitted area for general outdoor storage.
  - (b) The property must front on and have direct access to a road built to primary or higher standards.
  - (c) The minimum area of the property is 5 acres if abutting an Agricultural, Rural Residential, or Residential zone.
  - (d) The minimum setback from any lot line must be 50 feet.
  - (e) Screening of inventory and equipment must follow the screening requirements of **Sec. 7.5.7.C.10** unless the use abuts or confronts Industrially-zoned property.

2. the functional results or performance standards of the requirements are met or exceeded; and
3. it is in the public interest.

### Sec. 7.6.4. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with this Division (Div. 7.6) if the applicant submits documentation illustrating how:
  1. the objectives of the Division are fulfilled;

## Div. 7.7. Signs

### Sec. 7.7.1. Purpose and Intent

The purpose of this Division (Div. 7.7) is to regulate the size, location, height, and construction of all signs placed for public view. The regulations are intended to protect public safety, health, comfort, and welfare; to preserve the value of property; to preserve and strengthen community ambiance and character; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56. It is the intent of this Division (Div. 7.7) to:

- A. encourage the effective use of signs;
- B. maintain and enhance the aesthetic environment of the County while avoiding visual clutter;
- C. promote the use of signs to identify buildings and geographic areas;
- D. improve pedestrian and vehicle traffic safety;
- E. promote the compatibility of signs with the surrounding land uses;
- F. promote the economic development and marketing of businesses located within an approved urban renewal area;
- G. provide increased flexibility in the number, size, location, design, and operating characteristics of signs for optional method development in an approved urban renewal area; and
- H. implement the recommendations of an approved urban renewal plan.

### Sec. 7.7.2. Applicability

- A. A permit must be obtained under this Division when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by Sec. 7.7.3, Exempt Signs, Sec. 7.7.11, Limited Duration signs, and Sec. 7.7.12, Temporary Signs.
- B. A sign must be maintained in good repair and in a safe condition. Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan.
- C. Any sign not listed in this Article (Article 59-7) or which does not conform to the requirements in this Article must obtain a variance from DPS.

### Sec. 7.7.3. Exempt Signs

The following signs are exempt from the requirements of this Division (Div. 7.7):

- A. The following signs on private property do not require a permit and are exempt from the requirements of this Division when the area of the sign is 2 square feet or less:
  1. A sign on private property customarily associated with residential living or decoration.
  2. A sign that is part of a mailbox or newspaper tube and conforms with government regulations.
  3. A sign warning the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk pursuant to an approved franchise agreement.
- C. The following signs do not require a permit and are exempt from the size, placement and number requirements of this Division, but must comply with the prohibitions contained in Sec. 7.7.4., Prohibited Signs.
  1. A sign which is not visible beyond the property lines of the property where the sign is located.
  2. A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.
  3. Any sign required to be displayed by law or regulation.
  4. A flag which is displayed on a flagpole.
  5. A sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure like a cornerstone, memorial, plaque, or historical marker.
  6. A sign that is an integral part of a dispensing mechanism, like a beverage machine, newspaper rack, or gasoline pump.
  7. Any adornments or seasonal decorations.

- D. A sign or inflatable device that is located in an urban renewal area that is within an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for no longer than thirty days; and includes more than 1,500 square feet of surface area, is exempt from the following:
1. The prohibition on animal forms in **Sec. 7.7.4.**, Prohibited Signs;
  2. The size, height and area limitations in this Division (Div. 7.7);
  3. The prohibition on roof signs in **Sec. 7.7.4.**, Prohibited Signs; and
  4. The prohibition on signs in the public right-of-way in **Sec. 7.7.4.**, Prohibited Signs, if constructed 20 feet or more above the public right-of-way.

### Sec. 7.7.4. Prohibited Signs

Any sign not authorized in this Division (Div. 7.7) is prohibited. The following signs are specifically prohibited and may not be erected or retained. The Sign Review Board may not grant a variance permitting their erection, installation, or maintenance. A prohibited sign erected after December 8, 1997, must be removed within 24 hours of notification by DPS that the sign must be removed.

#### A. Obscene Sign

A sign may not contain obscene statements, words, or depictions that are construed to offend public morals or decency.

#### B. Roof Sign

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign may not be painted on the roof of a building, or supported by poles, uprights or braces extending from or attached to the roof of a building, or project above the roof of a building. A wall sign is not a roof sign, and for the purposes of this Division (Div. 7.7) a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment like heating, ventilating and air conditioning units, elevator shafts, and stairs located on a roof also are considered wall space.

#### C. Obstructive Sign

A sign may not be placed in a location that obstructs the view of traffic signs, traffic signals, oncoming traffic, pedestrians, or in any way interferes with the placement or function of any traffic control device as determined by the appropriate transportation jurisdiction.

#### D. Unsafe Sign

Any sign determined by DPS to create a safety hazard due to structural or electrical conditions, or by reason of inadequate maintenance, may not be erected or retained. A sign that has become unsafe after erection must be repaired to meet safety requirements or removed within 30 days of notice of the unsafe condition.

#### E. Moved by the Wind

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign in the form of a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device that will move in the wind or moved manually may not be placed on a lot or parcel, except if the sign satisfies **Sec. 7.7.3.**, Exempt Signs.

#### F. Sign in the Public Right-of-Way

Signs in the right-of-way are prohibited, except for the following:

1. Any sign erected by a government agency or utility company in the performance of its public duties.
2. Any sign erected by the appropriate transportation jurisdiction in its right-of-way.
3. Any permanent sign expressly allowed to be located in the public right-of-way in this Division (Div. 7.7), where:
  - a. The sign is approved by the Sign Review Board; and
  - b. The appropriate transportation jurisdiction issues a permit after approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.
4. A limited duration sign that satisfies the requirements of this Division (Div. 7.7).

- 5. A sign approved as part of a sign concept plan for an optional method development project within an urban renewal area.

**G. Sign Attached to the Property of Others**

A sign may not be attached or affixed to a structure or property such as a fence, wall, antenna, other sign, tree or other vegetation, or to any public structure such as a utility pole, without permission of the owner.

**H. Abandoned or Obsolete Sign**

A permanent sign, including the structural supports and electrical connections, that was legally erected as a location sign, but the building has not been used for 6 months or more, is considered abandoned. A sign at a seasonal site is considered abandoned or obsolete only if the site remains unused for 12 months.

**I. Off-Site Sign**

Off-site signs are prohibited.

**Sec. 7.7.5. Measurements**

The following standards are used to measure the area of a sign regulated by this Division (Div. 7.7).

**A. Generally**

The sign area is the entire portion of the sign that can be enclosed within a single continuous rectangle. The area includes the extreme limits of the letters, figures, designs and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed (Figure 1).

**B. Supports**

The structure which supports a sign is not included in measuring the sign area unless the structure is designated and used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point, is an integral part of the display.

**C. Multiple Sections**

The area of a sign that consists of more than one section includes the space between the sections, plus the measurement of the sections of the sign (Figure 2).

Figure 1

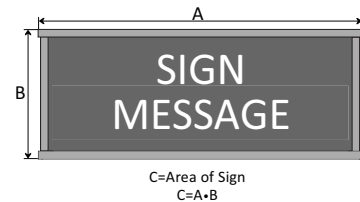
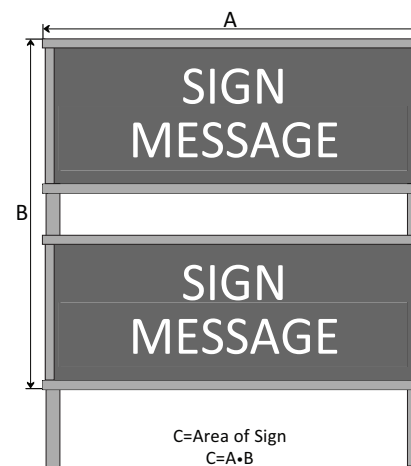


Figure 2





**D. Multiple Planes**

The area of a sign with more than one face or plane, including a 3 dimensional sign, is measured as follows:

**1. Generally**

All sides of a sign that can be seen at any one time from one vantage point outside the property line of the site where the sign is located are included in the computation of sign area (Figure 3).

**2. Parallel Faces**

Only the larger of 2 sides is measured if the sides are double faced or back to back. The 2 planes must be parallel and less than 2 feet apart. For parallel signs 2 feet or greater apart, the sum of all the planes or sides will be used in the computation of the sign area (Figure 4).

**3. "V" Shaped**

The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes will be used in the computation of the sign area unless the applicant demonstrates that only one side of the sign will be visible from any single vantage point outside the property line of the site (Figure 5).

**4. 3 Dimensional**

Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located (Figure 6).

Figure 3

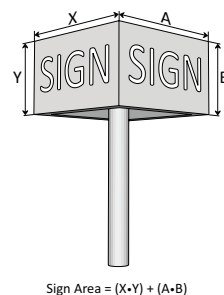


Figure 4

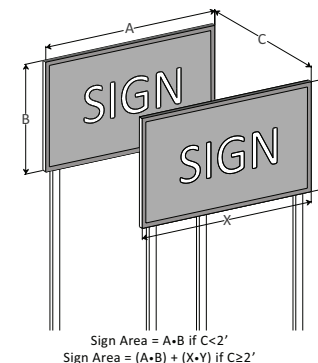


Figure 5

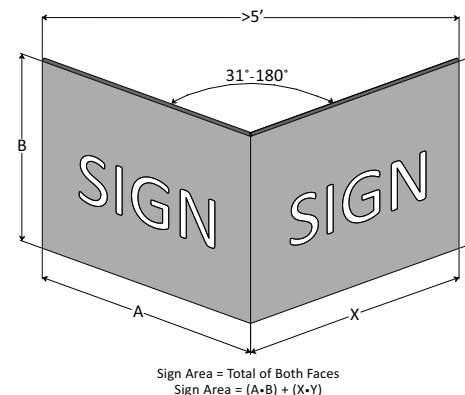
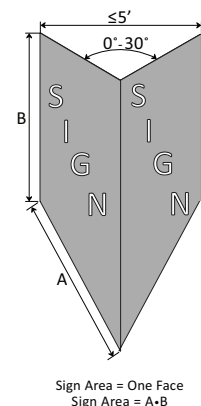
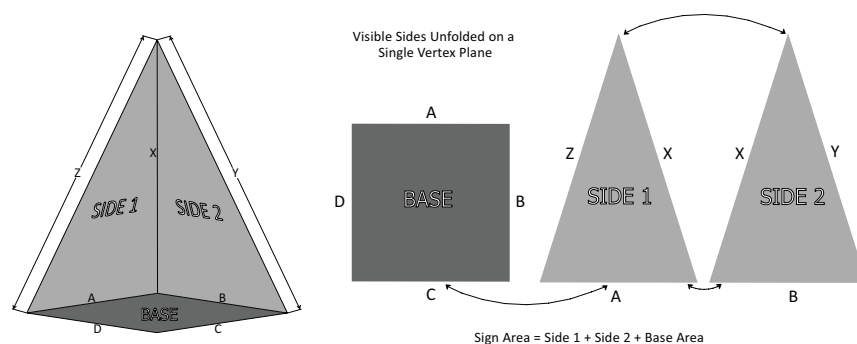


Figure 6



### Sec. 7.7.6. Permanent Signs, In General

Permanent signs are those that are intended to remain posted indefinitely. A permanent sign must obtain a permit and may require a building permit or electrical permit due to its physical characteristics.

#### A. Sign Area

1. Unless otherwise provided in this Division (Div. 7.7), the total sign area of all permanent signs on any lot or parcel must not exceed the maximum sign area allocated for the zone in which the sign is located.
2. Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet.

#### B. Sign Placement

1. Setbacks are measured from the portion of the sign nearest to the property line.
2. Height is measured from the portion of the sign which is vertically the farthest from the ground.
3. Unless otherwise provided in this Division (Div. 7.7), no portion of a sign must:
  - a. Be erected in a manner that places the top of the sign more than 26 feet above the ground, except for a location sign erected that satisfies the standards in [Sec. 7.7.3.D](#);
  - b. Extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in [Sec. 7.7.9.A.3](#) for canopy signs; and
  - c. Obstruct any building aperture, such as a window, door, ventilation opening, or fire prevention device.

#### C. Building and Electrical Permits

A permanent sign erected under this Division (Div. 7.7) must comply with the building and construction requirements of [Chapter 8](#) and the electrical requirements of [Chapter 17](#).

#### D. Color

1. A sign must not use any color combination that may be confused with a traffic sign or signal.
2. In order for the sign back or non-display side of a sign to be excluded from consideration as sign area, it must be a single neutral color where visible from outside the property lines of the site.

#### E. Illumination

When illumination of a sign is permitted, it must comply with each of the following restrictions:

1. An electrical permit must be obtained under [Chapter 17](#);
2. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line;
3. A sign must not be illuminated in a pattern or lighting combination that resembles a traffic signal;
4. A sign must not contain or be illuminated by flashing, revolving or intermittent lights, or lights of changing intensity; and
5. Any sign on a lot or parcel within 150 feet of a residential use must be illuminated only during the hours the entity is open for public business, unless the applicant demonstrates that the sign is located so that no adverse impact will affect the residential use.

#### F. Structural Limitations

A sign must comply with each of the following structural requirements.

1. A sign must not be shaped like a traffic sign or traffic signal, or use wording similar to traffic signals, or interfere with traffic safety.
2. A sign must not be shaped to resemble any human or animal form, but must conform to a geometric shape.
3. A sign must not be wind activated.
4. A sign must not have moving parts.
5. Signs that have characters which are changed manually or electronically must not be changed more than once each day. This includes a sign that

gives the appearance or illusion of movement for a written or printed message.

### G. Historic Preservation Area

A sign erected in an historic preservation area must comply with the following criteria:

1. DPS must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.
2. Before considering a sign permit application, DPS must verify that the applicant has received a historic area work permit under the provisions of **Chapter 24A**.
3. DPS must consider the following information in issuing a sign permit:
  - a. Size, shape, color, lettering, and location of the sign;
  - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area; and,
  - c. the approval of the Historic Preservation Commission. No sign permit may be issued unless the applicant has received a historic area work permit from the Historic Preservation Commission.

### H. Permanent Sign Standards By Zone

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed as allowed in a specific zone or which does not conform to the requirements listed in this Section (Sec. 7.7.6) or the applicable zone must obtain a variance from DPS.

#### Sec. 7.7.7. Agricultural and Rural Residential Zones

##### A. Base Sign Area

The total area of all permanent signs in the Agricultural and Rural Residential zones must not exceed 200 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.7).

##### 1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.

- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 10 feet from the property line.
- d. The sign must not exceed 10 feet in height.
- e. Illumination is prohibited.

##### 2. Wall Sign

- a. One wall sign is allowed.
- b. The sign area must not exceed 40 square feet.
- c. The sign must not be placed more than 26 feet above the ground.
- d. Illumination is prohibited.

### B. Additional Sign Area

#### Entrance Sign

In addition to the 200 square feet of total sign area, an additional location sign is allowed for a lot or parcel larger than 5 acres, if it meets the following requirements:

1. One entrance sign is allowed at each entrance to the lot or parcel.
2. The sign area must not exceed 40 square feet.
3. The sign must be set back a minimum of 10 feet from the property line.
4. The sign must not exceed 26 feet in height.
5. The sign may be illuminated (see **Sec. 7.7.6.E**).

#### Sec. 7.7.8. Residential Zones

##### A. Base Sign Area

The total area of all permanent signs in a Residential zone must not exceed 2 square feet, unless additional area is permitted under this Division.

##### 1. Freestanding Sign

- a. One freestanding sign is allowed.
- b. The sign must be set back a minimum of 5 feet from the property line.
- c. The maximum height of the sign is 5 feet.

- d. Illumination is prohibited.

**2. Wall Sign**

- a. One wall sign is allowed.
- b. The sign can be placed a maximum of 5 feet above the ground.
- c. Illumination is prohibited.

**B. Additional Sign Area**

**1. Subdivision and Multifamily Development Location Sign**

Additional sign area is allowed for a permanent location sign erected at any entrance to a subdivision or multifamily development if the sign is a ground sign or wall sign located at an entrance to the subdivision or building.

- a. 2 signs are allowed for each entrance.
- b. The sign area must not exceed 40 square feet per sign.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. The sign must not exceed 26 feet in height.
- e. The sign may be illuminated (see Sec. 7.7.6.E.).

**2. Place of Assembly Location Sign**

Additional sign area is allowed for a permanent location sign for any place of worship, school, library, museum, hospital, or any other publicly owned facility. The sign must be a ground sign or a wall sign located at an entrance to the building or driveway.

- a. 2 signs are allowed at each entrance.
- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
  - i. The sign must not exceed 26 feet in height.

- ii. The sign may be illuminated (see Sec. 7.7.6.E.).

**Sec. 7.7.9. Commercial/Residential, Employment, and Industrial Zones**

**A. Base Sign Area**

The total area of all permanent signs in a Commercial/Residential, Employment, or Industrial zone must not exceed 800 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.7), without submitting a sign concept plan to DPS. The maximum sign area for an individual sign in these zones is 200 square feet.

**1. Freestanding Sign**

- a. One sign is allowed at each customer entrance to the building or driveway.
- b. The maximum sign area for a lot or parcel is 2 square feet for each linear foot of frontage.
  - i. Where a lot or parcel has frontage on more than one street, signs may be erected facing each street, or may be erected at a location which allows it to be seen along each street on which the site has frontage.
  - ii. For a lot that has less than 50 feet of frontage, the sign area is based on the length of the lot line closest to the street toward which the sign is to be oriented. The applicant is restricted to using only one street and the property line closest to that street.
- c. A sign must be set back at least ¼ of the distance required for the building restriction setback as determined by the Code for the zone.
- d. The sign must not exceed the height of the tallest building on the same premises as the sign, and must not exceed 26 feet above the ground.
- e. The sign may be illuminated (see Sec. 7.7.6.E.).

**2. Wall Sign**

- a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center.

- b. The maximum sign area is 2 square feet for each linear foot of building frontage. Building frontage is the side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building. A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. A dimension must not be counted more than once as a building frontage.
- c. No sign or supporting structure of a flat wall sign may extend more than 12 inches from the wall.
- d. A projecting wall sign may project 42 inches from the building, but not closer than 8 feet to a curb line. The sign may not project over a public right-of-way except where there is no building setback.
- e. The sign may not exceed 26 feet in height and must meet the following standards:
  - i. The sign may not extend above any portion of the roof or be placed upon any roof surface;
  - ii. A sign that projects over a public right-of-way or public ingress or egress must have a minimum clearance above the ground of 10 feet for a sign that projects over a pedestrian walkway and 18 feet for a sign that projects over a street or driveway.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

### 3. Canopy Sign

- a. The maximum canopy sign area is 2 square feet for each linear foot of building frontage, not to exceed 200 square feet. Building frontage is the side of a building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building. Excluding lighting internal to the canopy which has the sole purpose of lighting the customer area for service or safety, the sign area of an illuminated canopy sign is calculated as a the total illuminated

surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located.

- b. The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.
- c. The height of the sign is determined by the building permit requirements for the canopy and must not exceed 26 feet in height. If no building permit is required, the height limits are the same as those of a projecting wall sign.
- d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## B. Additional Sign Area

### 1. Location Sign

Additional sign area is allowed for a permanent location sign erected at an entrance to a building or a development provided that the sign is a ground sign or flat wall sign located at the entrance. The sign must meet the following requirements:

- a. A sign may be placed on each face of the building that abuts, parallels, or is nearest to parallel with, a street, a parking area, or other circulation area open to the general public and that has either a main window display or a public entrance to the building, and at each customer entrance to the building and parking area.
- b. The sign area may not exceed 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A location sign erected as a ground sign must meet the setback restrictions for a freestanding sign, and a location sign erected as a wall sign must comply with the requirements for a wall sign.
- d. The sign may be placed on a wall more than 26 feet from the ground provided that it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.

- e. An entrance sign that is a freestanding location sign must not be placed within 100 feet of another freestanding sign. A wall location sign at an entrance must not be placed within 30 feet of another wall sign.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## 2. Freestanding Sign for Sites Larger than 5 Acres

Additional sign area is allowed for a freestanding sign erected at any driveway entrance to an industrial or commercial center that is larger than 5 acres. The sign must meet the following requirements:

- a. 2 signs per customer entrance are allowed.
- b. The sign area must not exceed 200 square feet per sign.
- c. A sign must be set back at least  $\frac{1}{4}$  of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.
- d. A sign may not exceed 26 feet in height.
- e. Each sign or pair of signs must be placed at least 200 feet from another sign or pair of signs.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#))

## Sec. 7.7.10. Urban Renewal Areas

- A. Any permanent sign located in an approved urban renewal area as part of an optional method development project need not conform to the Design Elements and Limitations of this Division (Div. 7.7) where the Sign Review Board approves the sign as part of a sign concept plan.
- B. Before approving any sign concept plan under this Section, the Sign Review Board must hold a public hearing on the sign concept plan in the Urban Renewal Area, after giving 30 days notice and verifying that the applicant has complied with all applicable variance notice requirements.

## Sec. 7.7.11. Limited Duration Signs

### A. Permit Requirements

- 1. A permit is not required for a limited duration sign on private property. A permit application must be filed for each sign to be placed in the public right-of-way.
- 2. When a permit is required, a limited duration sign is subject to the following provisions:
  - a. The sign must not be constructed in a manner that requires a building or electrical permit.
  - b. Each sign approved by a permit must display and have affixed to the sign information in a format as required by DPS, including the date of expiration of the permit.
  - c. A permit is issued for one year and may be renewed annually.
  - d. A limited duration sign is allowed in any zone.
  - e. A limited duration sign may be relocated upon approval by the DPS.

### B. Permit Applications

- 1. One sign is allowed per permit up to a maximum of 4 permits per applicant. DPS may consider each business location as a separate applicant, however the sign placement may not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
- 2. An application for a limitation duration sign permit must include:
  - a. A description of the sign indicating the number, size, shape, dimensions, and colors of the signs, and the time and day of the week during which the sign will be displayed;
  - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets; and
  - c. Other information required by the DPS to ensure compliance with this Division (Div. 7.7) and other Sections of the Code.

**C. General Requirements for Limited Duration Signs on Private Property**

1. The number of signs, area and placement restrictions allowed are the same as for a temporary sign in the zone in which the sign is erected. However, in residential zones, the total sign area of limited duration signs must not exceed 10 square feet.
2. Any sign erected on private property must have the written permission of the property owner.

**D. Requirements for Limited Duration Sign in the Public Right-of-Way**

1. The sign area for each sign may not exceed 5 square feet.
2. No sign may be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
3. The sign must be placed at least 50 feet from any driveway, entrance, or traffic control signal, and at least 5 feet from any other limited duration sign within the public right-of-way.
4. The sign must be placed at least 100 feet from a street intersection.
5. The nearest edge of a sign must be a minimum of 2 feet from a curb or, if no curb exists, a minimum of 6 feet from the edge of the roadway or street.
6. The sign may not be placed on a median strip or highway divider. If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.
7. The maximum height of the sign is 30 inches above the ground.
8. The sign must have its own means of support which is affixed to the ground. The sign installer or permit holder is responsible for complying with utility restrictions for excavating or driving a support into the ground.
9. The signs must be erected either only on weekends and National Holidays; or for no more than 14 consecutive days during any 6-month period.

**Sec. 7.7.12. Temporary Signs**

**A. Generally**

A permit is not required for a temporary sign and there is no limit to the number of temporary signs that may be displayed.

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must conform to the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. The absence of this information makes the sign a permanent or limited duration sign and subject to the applicable provisions of this Division (Div. 7.7).

**B. Requirements by Zone**

The following requirements apply in the zones specified:

**1. Agricultural and Rural Residential Zones**

The area of each temporary sign may not exceed 40 square feet and the total sign area must not exceed 100 square feet.

**2. Residential Zones**

Total sign area may not exceed 10 square feet. However, the total sign area at any place of assembly may not exceed 50 square feet.

**3. Commercial/Residential, Employment, and Industrial Zones**

- a. The maximum sign area of each sign is 50 square feet and the total sign area may not exceed 100 square feet.
- b. Temporary window signs are subject to the following additional requirements:
  - i. The total area of temporary window signs may not exceed 20% of the window glass area for each side of the building, minus the area of any permanent window signs.
  - ii. Signs may be placed in any window provided they are in conformance with the general rules of sign placement stated in **Sec. 7.7.6.B.**
  - iii. The sign may be illuminated.

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