

ARTICLE 59-8. ZONES RETAINED FROM PREVIOUS ORDINANCE

Editor's Note: Article 8 of the approved code was Article 9 of ZTA 13-04, as introduced. Article 6 in ZTA 13-04, as introduced, was included in Article 4 of the approved code, thereby reducing the total number of Articles by 1. Although all section numbers have been changed, the previous section number is not indicated as deleted and the new section number is not underlined.

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Text Edit Key

Green text indicates changes made by the PHED committee

Blue text indicates plain language edits, corrections, and clarifications made by staff during PHED committee review

Pink text indicates changes made by Council and plain language edits, corrections, and clarifications made by staff during Council review

[Text deleted from the draft has brackets]

Text added to the draft is underlined

Division 8.1. In General

Section 8.1.1. Applicability

The zones in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9), which] were applied by Local Map Amendment before this Zoning Ordinance was adopted[,]. These zones may ~~[[be mapped]]~~ appear on the digital zoning map, but [may] they ~~[[must not]]~~ cannot be requested by any property owner under a Local Map Amendment[, and may not be] or applied to any additional property ~~[[in a master plan]]~~ under a Sectional Map Amendment adopted after October 30, 2014.

Section 8.1.2. Modification of Zones

A. Amending a Development Plan

An amendment to an approved development plan or schematic development plan in any zone in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9)] must follow:

1. the procedures for amending a floating zone plan under [Sec.] Section 7.2.1.1 ~~[[8.2.1.1]]~~ [,];
2. the parking, queuing, and loading standards in [Sec. 7.2,] Division 6.2 ~~[[7.2]]~~; and
3. the signage standards in [Sec. 7.7] Division 6.7 ~~[[7.7]]~~

B. Requesting a New Floating Zone

Unless prohibited by a specific provision of the zone, a property owner of land under any zone in [this] Article 59-8 ~~[[59-9]]~~ [(Article 59-9)] may request a new Floating zone under Article 59-5.

Division 8.2. Residential Floating Zones

Section 8.2.1. Zones Established

The residential floating zones under Article 59-8 [[59-9]] and their identifying symbols are:

- A. Residential Townhouse -6.0 (RT-6.0),
- B. Residential Townhouse- 8.0 (RT-8.0),
- C. Residential Townhouse- 10.0 (RT-10.0),
- D. Residential Townhouse- 12.5 (RT- 12.5),
- E. Residential Townhouse- 15.0 (RT-15.0), and
- F. Multiple-Unit, high-rise planned residential (R-H).

Section 8.2.2. Purpose and Intent

A. [R-T] RT Zone

1. The [purpose of the R-T] RT zones [is to] provide suitable sites for townhouses[:] in sections of the County:
 - a. that are [designated or] appropriate for residential development at densities allowed in the [R-T] RT zones; or
 - b. [in locations in the County] where [there is] a [need for] buffer or transitional [uses] use is needed between commercial, industrial, or high-density Multi-Unit Living uses and low-density Single-Unit Living uses.
2. [It is the intent of the R-T] The RT zones [to] should:
 - a. provide [the] maximum [amount of] freedom [possible] in the design of townhouses, including [and their] grouping and layout within the areas classified in that zone[.];
 - b. [to] provide [in such developments] the amenities normally associated with less dense zoning categories[.];
 - c. [to] permit [the greatest possible amount of freedom in] different types of ownership of townhouses and townhouse developments[.];
 - d. [to] prevent detrimental effects [to the use or development of] on adjacent properties or the neighborhood; and

- e. [to] promote the health, safety, [morals] and welfare of the [present] current and future inhabitants of the district and the County [as a whole].

B. R-H Zone

1. The [purpose of the] R-H zone [is to] should:
 - a. provide suitable sites for relatively high density residential development[.];
 - b. [to accomplish] create economies in the construction and operation of [such] public services such as transportation, retail shopping facilities, and other community facilities [which] that depend upon convenient access by residents of the area[.]; [and to]
 - c. prevent undue congestion in sections of the County where such [facilities] public services are not currently available or cannot be conveniently and economically provided[.];
 - d. [These sites will provide a maximum of light, air and open space for the benefit of the residents of the development and for the surrounding area. Within the limits of these requirements it is the purpose of the R-H zone to] provide [the] maximum [possible amount of] freedom in the design of residential structures, including [and their] grouping and layout within the areas classified in that zone[.];
 - e. [to] prevent detrimental effects [to the use or development of] on adjacent properties or the general neighborhood; and
 - f. [to] promote the health, safety, [morals] and welfare of the [present] current and future inhabitants of the district and the County [as a whole].
2. A development in the R-H zone must provide the maximum possible light, air, and open space for the benefit of the residents and the surrounding area.

Section 8.2.3. Use Table for the [R-T] RT and R-H Zones

- A. [Sec.] Section 3.1.1 through [Sec.] Section 3.1.4 apply to the Use Table in [this] Section 8.2.3 [[9.2.3.B]].[(Sec. 9.2.3)].
- B. The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under [Div.] Division 4.9. [[4.8.]]

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
AGRICULTURAL							
Community Garden	3.2.3						P
Farming	3.2.6[.]						P
Urban Farming	3.2.9						P
[[ACCESSORY AGRICULTURAL USES	3.2.11]]						
[[Animal Husbandry	3.2.11.[A]B						P]]
TEMPORARY AGRICULTURAL USES							
Seasonal Outdoor Sales	3.2.12.B	p ¹	p ¹	p ¹	p ¹	p ¹	
RESIDENTIAL							
HOUSEHOLD LIVING							
Single-Unit Living	3.3.1.B	p ²	p ²	p ²	p ²	p ²	P
Two-Unit Living	3.3.1.C	P	P	P	P	P	
Townhouse Living	3.3.1.D	P	P	P	P	P	
Multi-Unit Living	3.3.1.E	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ^{3,4}	p ⁵
GROUP LIVING							
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C	C	C	C	C	C	P
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D						L
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D						C
Residential Care Facility (Up to 8 Persons)	3.3.2.E	P	P	P	P	P	P
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	P
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C
ACCESSORY RESIDENTIAL USES							
Home Health Practitioner (Low Impact)	3.3.3.G	C	C	C	C	C	
Home Health Practitioner (Major Impact)	3.3.3.G	C	C	C	C	C	

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
Home Occupation (No Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Low Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C
CIVIC AND INSTITUTIONAL							
Cultural Institution	3.4.3	P	P	P	P	P	P
DAY CARE FACILITY	3.4.4						
Family Day Care (Up to 8 Persons)	3.4.4.C	P	P	P	P	P	P
Group Day Care (9 - 12 Persons) ⁶	3.4.4.D	C	C	C	C	C	C
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C
Educational Institution (Private)	3.4.5	C	C	C	C	C	
Hospital	3.4.6	C	C	C	C	C	C
Private Club, Service Organization	3.4.8	C	C	C	C	C	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P
Religious Assembly	3.4.10	P	P	P	P	P	P
Swimming Pool (Community)	3.4.11	C	C	C	C	C	
COMMERCIAL							
COMMUNICATION FACILITY	3.5.2						
Cable Communications System	3.5.2.A	C	C	C	C	C	C
EATING AND DRINKING	3.5.3						
Restaurant	3.5.3.B						C ⁷
<u>OFFICE AND PROFESSIONAL</u>	<u>3.5.8</u>						
Office	3.5.8.B	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁹
PARKING	3.5.9						
Structured Parking	3.5.9.B						P
Surface Parking for Use Allowed in the Zone	3.5.9.C						P
RECREATION AND ENTERTAINMENT	3.5.10						
Golf Course, Country Club	3.5.10.D	C	C	C	C	C	
RETAIL SALES AND SERVICE	3.5.11						
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.[A]B						C ⁷
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.[A]B						C ⁷
Retail/Service Establishment (15,001 - [49,999] 50,000 SF)	3.5.11.[A]B						C ⁷

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	[R-T] RT-6.0	[R-T] RT-8.0	[RT] 10.0[[0]]	[R-T] RT-12.5	[R-T] RT-15.0	R-H
ACCESSORY COMMERCIAL USES	3.5.14						
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	L	L	L	L	L	L
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C						L
Lawn Maintenance Service	3.5.14.G	L	L	L	L	L	L
TEMPORARY COMMERCIAL USES	3.5.15						
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L
Transitory Use	3.5.15.C	L	L	L	L	L	L
INDUSTRIAL							
UTILITIES	3.6.7						
Distribution Line (Below Ground)	3.6.7. [[A]]B	P	P	P	P	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C
ACCESSORY MISCELLANEOUS USES	3.7.4						
Accessory Structures	3.7.4.A	P	P	P	P	P	P
Accessory Use	3.7.4.B	P	P	P	P	P	P

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- 1 Limited to the sale of Christmas trees between December 5 and December 25.
- 2 [Subject to] Must satisfy the requirements of the R-60 zone.
- 3 Multi-Unit Living must occur in a one-household attached dwelling unit[, defined as follows: a dwelling unit] that is in a structure consisting entirely of dwelling units, each of which:
 - a. is attached to one or more other dwelling units;
 - b. has at least one direct entrance from the outside, and
 - c. has an abutting ground level outdoor area for the exclusive use of its occupants.
- 4 [Under] These units must satisfy the special requirements [applying to] for a development with [developments which include] MPDUs [as required by] in Chapter 25A.
- 5 A maximum of 40% of the dwelling units may be one-household attached dwelling units, as defined in footnote 3 of [this] Section 8.2.3.B [[9.2.3.B]]. [(Sec. 9.2.3)], except under the MPDU optional method requirements of [Sec.] Section 8.2.4.C [[9.2.4.C]].
- 6 Prohibited in a townhouse and duplex building type.
- 7 A Restaurant[s] and Retail/ Service Establishment[s] may be permitted in the R-H zone by the [Board of Appeals subject to Sec.] Hearing Examiner under Section 7.3.1 [[8.3.1]], Conditional Use[, and the following standards] if:

- a. [The] the Restaurant or Retail/ Service Establishment [must be]:
 - i. primarily [for the service of] serves the residents of the building or complex in which it is located[,] and [deliveries] does not deliver to non-residents [are prohibited];
 - ii. is located on the ground-level, except that a restaurant may locate on the top floor or penthouse; and
 - iii. is located and constructed to protect tenants of the building from noise, traffic, odors, and interference with privacy[.]; and
- b. [Entrances] there are no entrances to the Restaurant or Retail/Service Establishment directly from the exterior [to the Restaurant or Retail/ Service Establishment are prohibited].
- c. A Retail/Service Establishment[s] [are limited to] must be a:
 - i. bank[s] or savings and loan office[s];
 - ii. barber and beauty shop[s];
 - iii. book store[s];
 - iv. drug store[s];
 - v. dry cleaning and laundry pick-up station[s];
 - vi. florist[s];
 - vii. food and beverage store;
 - viii. gift shop[s];
 - ix. jewelry store[s];
 - x. laundromat[s];
 - xi. newsstand[s];
 - xii. [offices, banking] office; [and] or
 - xiii variety and dry goods store[s].
- 8 For business connected with the management, service, and maintenance of the development.
- 9 In an apartment[/condo] building or group of buildings occupying a parcel of land in one ownership, containing at least 24 dwelling units, for business connected with the rental, operation, service, and maintenance of the building.

Section 8.2.4. [R-T] RT Zone General Requirements and Development Standards

A. [R-T] RT Zone, In General

1. Combined Tracts

A tract in the [R-T] RT zone may be combined with a tract in another Residential zone, [subject to] with site plan approval under [Sec.] Section 7.3.4. [[8.3.4.]], if:

- a. the RT portion of the combined tracts is only used for uses allowed in the [R-T] RT zone [are allowed in the R-T portion of the combined tract];
- b. the number of dwelling units in the combined tract does not exceed the total number permitted on the separate tracts;
- c. the amount of common open space in the combined tract is, at a minimum, the total required for the separate tracts;
- d. the number of parking spaces in the combined tract is, at a minimum, the total number required for the separate tracts; and
- e. the [two] 2 or more tracts to be developed share a common boundary with one another.

2. Existing Structures

[Apartment/condo buildings existing] An apartment building that existed before the application of an RT zone [are] is a conforming [structures] structure. The apartment building [and] may be repaired, reconstructed, or structurally altered under the provisions of [their prior] its previous zone[,] if the gross floor area of those dwellings is not increased above the gross floor area that existed on the date that the lot was rezoned[.]; [however, if] Any reconstruction or alteration must satisfy the conditions of a covenant that was [covenants were] recorded under an approved schematic development plan[, any reconstruction or alteration must satisfy the conditions of those covenants].

3. Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]].

B. [R-T] RT Zone Standard Method

1. Tract and Density	<u>[R-T]</u> <u>RT-6.0</u>	<u>[R-T]</u> <u>RT-8.0</u>	<u>[R-T]</u> <u>RT-10.0</u>	<u>[R-T]</u> <u>RT-12.5</u>	<u>[R-T]</u> <u>RT-15.0</u>
Tract (min)					
Tract area	20,000 SF	20,000 SF	20,000 SF	20,000 SF	40,000 SF
Open Space (min)					
Common open space (% of tract)	50%	50%	50%	50%	30%
Density (max)					
Dwelling units per acre of usable area as defined in the Specification for Density in this table.	6	8	10	12.5	15
Coverage (max)					
Site coverage (% of tract)	35%	35%	35%	35%	n/a
Specification for Density	The usable area upon which the density of development for <u>[R-T]</u> <u>RT</u> zones is calculated is determined by deducting from the gross area of the tract <u>[the following]</u> :				
a.	<p><u>[[a]]</u> i. all land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and</p> <p><u>[[b]]</u> ii. all <u>[one-hundred]</u>100-year flood plain areas which, in the opinion of the Planning Board, would constitute an excessively high percentage of the total area of the tract.</p>				

2. Placement

Principal Building Setbacks (min)					
From any dwelling unit in a detached house or land classified in a Residential Detached zone	30'	30'	30'	30'	30'
From any public street	25'	25'	25'	25'	20'
From an abutting lot:					
Side (end unit)	10'	10'	10'	10'	8'
Rear	20'	20'	20'	20'	20'

Specifications for Principal Building Setbacks
a. The setback from a detached house or land classified in a Residential Detached zone may be decreased by the Planning Board if the applicant demonstrates that a more desirable form of development can be achieved using the street, side, and rear lot line setbacks in this table.
b. Where the side lot of an end unit abuts a public street, the side <u>[yard]</u> setback must equal the required front <u>[yard]</u> setback.

3. Building Height	<u>[R-T]</u> <u>RT-6.0</u>	<u>[R-T]</u> <u>RT-8.0</u>	<u>[R-T]</u> <u>RT-10.0</u>	<u>[R-T]</u> <u>RT-12.5</u>	<u>[R-T]</u> <u>RT-15.0</u>
Height (max)					
Principal building	35'	35'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'
Specification for Height	<u>[Agricultural buildings]</u> A building used for agriculture associated with Farming and <u>a.</u> the height encroachments allowed under <u>[Sec. 4.1.5.D.3]</u> <u>Section 4.1.7.C.3</u> may exceed the height limits.				

4. Form

Massing (max)
<u>[Eight]</u> 8 townhouses is the maximum number permitted in any one attached row.
<u>[Three]</u> 3 continuous, attached townhouses is the maximum number allowed with the same front building line. The variations in building line must be a minimum of 2 feet.
For one-household attached dwelling units, as defined in footnote 3 in <u>[Sec.]</u> <u>Section 8.2.3.B</u> <u>[[9.2.3.B]]</u> , 12 units is the maximum number allowed in one row.

C. [R-T] RT Zone Development Including MPDUs

[Where] A development that includes MPDUs [are included in a development] under [the requirements of] Chapter 25A[, the following] may follow the optional method standards [are permitted in order to facilitate the provision of those units. They] that permit an increase over the total number of dwelling units otherwise permitted, an additional housing type, and modification of some area and dimensional requirements.

1. Development Standards

- a. The development standards in [Sec.] Section 8.2.4.B [[9.2.4.B]] may be modified as follows:

	[R-T] RT-6.0	[R-T] RT-8.0	[R-T] RT-10.0	[R-T] RT-12.5	[R-T] RT-15.0
Open Space (min)					
Common open space (% of tract)	45%	45%	45%	45%	30%
Density (max)					
Dwelling units per acre of usable area as defined in [Sec.] Section 8.2.4.B.1 [[9.2.4.B.1]]	7.32	9.76	12.20	15.25	18.30
Coverage (max)					
Site coverage (% of tract)	40%	40%	40%	40%	n/a

- b. The form standards [required] under [Sec. 9.2.5.E] Section 8.2.4.B.4 [[9.2.4.B.4]] may be waived.

2. Dwelling Unit Mix

In the [R-T] RT-6.0, [R-T] RT-8.0, [R-T] RT-10.0 and [R-T] RT-12.5, one-household attached dwelling units, as defined in footnote 3 of [Sec.] Section 8.2.3.B [[9.2.3.B]], may be a maximum of 40% of the total number of dwelling units.

Section 8.2.5. R-H Zone General Requirements and Development Standards

A. R-H Zone, In General

- 1. [Luminaries] An outdoor lighting fixture located on a parking [lots] lot may be a maximum of 10 feet above ground level and [outdoor lighting] must not

shine in apartment windows or reflect or cause glare into abutting or facing premises.

- 2. [Interior roads] An interior road may be private or public[, but]. A private [roads] road must:
 - a. have a minimum width of 20 feet for two-way traffic; [and]
 - b. have a minimum width of 10 feet for one-way traffic; and
 - c. [must] be paved and maintained in good repair.
- 3. [Inner courts are prohibited] The R-H zone prohibits a development with an inner court. The width of an outer [courts] court must be calculated [in the same manner] as [specified in Sec. 9.2.5.B.2 for] the distance between buildings under Section 8.2.5.B.2. [[9.2.5.B.2.]]
- 4. Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]

B. R-H Zone Standard Method Development Standards

1. Lot	R-H
Lot (min)	
Lot area for any development	40,000 SF
Lot area per dwelling unit, where the percentage of the lot covered by apartment[/condo] buildings is:	
More than 11	1,400 SF
More than 10	1,300 SF
More than 9	1,200 SF
More than 8	1,100 SF
8 or less	1,000 SF
Lot width at front building line	200'
Coverage (max)	
Lot	12%
Common Open Space (min)	
Common open space	55%

2. Placement

R-H

Setbacks for Buildings up to 30' in Height (min)	
From street (whichever is greater):	
From street line	30'
From center line	70'
From adjoining lot:	
One side	10'
Sum of both sides	30'
Rear[:]	30'

Specifications for Setbacks

a. For buildings up to 30' [feet] in height, accessory buildings, parking, or access roads are prohibited within the setbacks. Entrance and exit drives may cross the setbacks in as direct a manner as possible.

b. For buildings over 30' [feet] in height, all of the setbacks shown in [Sec] Section 8.2.5.B.2 [[9.2.5.B.2]] must be increased by 1' [foot] for each foot of height over 30' [feet]. This additional setback may be used for parking, access drives, accessory buildings, and the terracing of buildings, if a building or structure does not penetrate the setback line requirement in [Sec] Section 8.2.5.B.2 [[9.2.5.B.2]] (for buildings up to 30' [feet] in height).

Distance Between Buildings on the Same Lot (min)

For buildings up to 30' [feet] in height	50'
For buildings over 30' [feet] in height	For each foot [by which] a building exceeds 30' [feet], an additional 1' [foot] is required between buildings

review that such reductions are necessary to accommodate the increased density.

[3. Site plan approval is required under Sec. 8.3.4.]

C. R-H Zone Special Regulations for a Development [Including] with MPDUs

[The] A development in the R-H zone may use the following optional standards [may be used] to achieve MPDUs, including any bonus density[, provided] under Chapter 25A [on site]:

1. The common open space may be reduced to a minimum of 35%, if required to accommodate the construction of all workforce housing units on-site.
2. The requirements for setbacks and distances between apartment[/condo] buildings may be reduced if an applicant can demonstrate during site plan

Division 8.3. Planned Unit Development Zones

Section 8.3.1. Zones Established

The [following are the] planned unit development zones and their identifying symbols are:

- A. Planned Development (PD),
- B. Town Sector (T-S),
- C. Planned Neighborhood (PNZ),
- D. Planned Retirement Community (PRC), and
- E. Planned Cultural Center (PCC).

Section 8.3.2. PD Zone

A. Purpose

1. [It is the purpose of this zone to] The PD zone should implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. [It is intended that this] This zone [provide] provides [a means of regulating development which can achieve] a flexibility of design[, the integration of] that better integrates mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than [the procedures and regulations under which it is permitted as a right under] conventional zoning categories. [In so doing, it is intended that the zoning category] The PD zone should be used to implement the general plan, area master plans, and other pertinent county policies in a manner and to a degree that is more [closely] compatible with [said] these county plans and policies than [may be possible] under other zoning categories.
2. [In addition, it is the purpose of this zone that] A development in the PD zone should be [so] designed and constructed [as] to [facilitate and] encourage [a maximum of] social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. [It is intended that] A development in this zone [produce] should have a balanced and coordinated mixture of residential and convenience commercial uses, [as well

as] other commercial and industrial uses shown on the area master plan, and related public and private facilities.

3. [In addition, it is the purpose of this] This zone [to provide and] should also:
 - a. encourage a broad range of housing types, [comprising] including owner and rental occupancy units, [and] one-family, multiple-family, and other structural types[.];
 - b. [4. Additionally, it is the purpose of this zone to] preserve [and take the greatest possible aesthetic advantage of] trees [and, in order to do so, minimize] by minimizing the amount of grading necessary for construction of a development[.];
 - c. [5. In addition, it is the purpose of this zone to] encourage [and provide for] open space:
 - i. [not only] for use as setbacks and yards surrounding structures and related walkways[.];
 - ii. [but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as] for use as places for relaxation, recreation, and social activity for the general benefit of the community and the public conveniently located near residential and commercial concentration;
 - iii. [and, furthermore, open space should be so situated] as part of the plan and design of each development to achieve the physical and aesthetic integration of the uses and activities within each development[.];
 - d. [6. It is also the purpose of this zone to] encourage and provide for the development of comprehensive [[,]] pedestrian circulation networks, separated from vehicular roadways, which [constitute a system of linkages among] link residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities, and thereby minimize reliance upon the automobile [as a means of transportation.]; and

- e. encourage developments on a large area of land with a large number of dwelling units that [7. Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which] offer opportunities for a wider range of related residential and nonresidential uses [, it is therefore the purpose of this zone to encourage development on such a scale].
- 4. [8. It is also the purpose of this] A development in the PD zone [to achieve a maximum of] should also maximize the safety, convenience, and [amenity] amenities for both the residents of [each] the development and the residents of neighboring areas [, and, furthermore, to assure compatibility and coordination of each development] while remaining compatible with existing and proposed surrounding land uses.

B. Uses

1. Residential Uses

- a. All types of Residential Uses, including Accessory Residential Uses, listed in [Sec.] Section 3.1.6 are allowed. All Group Living uses must be shown on the Development Plan. Residential Care Facilities (Over 16 persons) are subject to the standards in [Sec.] Section 3.3.2.E.2.c.ii and conditional use approval by the [Board of Appeals] Hearing Examiner under [Sec.] Section 7.3.1. [[8.3.1.]]
- b. The various dwelling unit types must be planned and constructed according to the following table. The table establishes, by density category and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.

Density Category	Total number of dwelling units planned	Minimum (Maximum) Percentage ¹ of Building Types Allowed			
		Detached House	Townhouse, Duplex and One-Household Attached ⁵	Apartment[/Condo] Less than 40' ^{2,3}	Apartment[/Condo] Greater than 40' ^{2,4}
Low: PD-2 & PD-3	Less than 200	35	35	NP	NP
	200-800	30	20	10(40)	NP
	More than 800	20	20	20	P(20)
Medium Low: PD-4, PD-5 & PD-7	Less than 200	10	40	15(30)	NP
	200-800	10	25	25(40)	NP
	More than 800	10	20	25	P(20)
Medium: PD-9, PD-11 & PD-13	Less than 200	P	25	25	NP
	200-800	P	20	35	NP
	More than 800	P	20	35(60)	P(30)
Medium High: PD-15, PD-18, PD-22 & PD-25	Less than 200	P	P	50	NP
	200-800	P	10	25 (75)	P(30)
	More than 800	P	10	35	25(40)
High: PD-28, PD-35 & PD-44	Less than 200	P	P	P	50
	200 or more	P	P	25	50
Urban High: PD-60, PD-68, PD-75, PD-88 & PD-100		NP	P	P	P

Key: NP = Not permitted P = Permitted but not required () = Maximum percentage permitted.

- 1 County Council may waive the percentage requirements for detached houses and apartment[/condo] units, if it finds that a proposed development (a) is more desirable for stated environmental reasons than development under these limits, or (b) achieves goals, policies, or recommendations stated in a master or sector plan.
- 2 If the minimum percentage would yield fewer than 150 apartment[/condo] dwelling units, this requirement does not apply and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number is required, unless it is waived under the provisions of Footnote 1 in [\[this\] Section 8.3.2.B.1.b](#) [\[\[9.3.2.B.1.b\]\]](#) [\[\(Sec.\) 9.3.2.B.1.b\]](#).
- 3 One-household attached units, as defined in footnote 3 of [\[Sec.\] Section 8.2.3](#) [\[\[9.2.3\]\]](#), may be substituted for all or part of this requirement.
- 4 The 40' height limit may be waived for a building designated and approved as an Independent Living Facility for Seniors or Persons with Disabilities if (a) such housing satisfies both the purposes of the zone and County policies and goals concerning the need for such housing; and (b) appropriately located with respect to the special needs of senior adults or persons with disabilities.
- 5 As defined in footnote 3 of [\[Sec.\] Section 8.2.3.B.](#) [\[\[9.2.3.B\]\]](#)

2. Commercial Uses

- a. The District Council may approve a pedestrian-oriented [Pedestrian-oriented] local commercial [facilities] facility that is not indicated on the master plan for the area in which the proposed development is located if the Council finds[[:]]
[[i]]. may be allowed at the discretion of the District Council upon a finding that they the proposed facility is [are] compatible with the development, and [are] necessary [for the service of] to serve the residents of the proposed development and adjacent residential developments [, in amounts not to exceed the following:]; and
 - i. [i. If] if the number of dwelling units shown on the development plan is greater than 500, [[the]] any Retail/Service [Establishments and Offices] Establishment [[and]] or Office [principally for the service of the residents in the development may be allowed up to] [[has]] may be allowed up to a maximum of 10 square feet of gross floor area per dwelling unit [shown on the development plan.]; or
 - ii. [ii. If] if the number of dwelling units shown on the development plan is greater than 1,000, [[the]] any Retail/Service [establishments and Offices principally for the service of the residents in the development may be allowed up to] Establishment [[and]] or Office [[has]] may be allowed up to a maximum of 20 square feet of gross floor area per dwelling unit [shown on the development plan].
- b. [Commercial] A commercial [and] or industrial [uses] use may be allowed in addition to [the] a local commercial [facilities allowed] facility under [Sec.] Section 8.3.2.B.2.a [[9.3.2.B.2.a]], if [any, under the following conditions]:
 - i. [Such uses are] the use is proposed by the appropriate master plan [to be] and located within the area covered by the PD zone[.]; and
 - ii. [Such uses are] the use is designed and located to achieve the purposes of the PD zone and to be compatible with other uses within and adjacent to the development.

- c. A Transitory Use is allowed and must satisfy the limited use standards under [Sec.] Section 3.5.15.C.2.

3. Other Uses

Property located in a PD zone may also be used for:

- a. [Noncommercial] a noncommercial community recreational [facilities] facility [which are intended exclusively] for the exclusive use of the residents of the development and their guests [may be allowed.];
- b. [A] a nonresidential, noncommercial use [may be allowed at the discretion of] if the District Council [on a finding] finds that it is compatible with the planned development and satisfies the compatibility requirements of [Sec.] Section 8.3.2.D. [[9.3.2.D.]]
- c. a Cable Communications System [are allowed] as a conditional use under [Sec.] Section 3.5.2.A; or
- d. [Any] any conditional use allowed in the R-90 zone, as shown in the use table in [Sec] Section 3.1.6 [may be allowed by] if the District Council [if] finds that the use meets any applicable use standard in Article 59-3 and satisfies the findings for conditional use approval under [in Sec. 8.3.1.D] Section 7.3.1.E. [[8.3.1.E.]] If the use is proposed after the District Council has approved the development plan, a petition for a conditional use must be filed with the Hearing Examiner [Board of Appeals]. The Hearing Examiner [Board of Appeals] may approve the conditional use if it finds [i.] the use is:
 - i. [a.] consistent with the design standards of the development plan; and
 - ii. [b.] satisfies the applicable use standards in Article 59-3 and the requirements of [Sec.] Section 7.3.1.E. [[8.3.1.E.]]; or
 - iii. [ii. the use is] not consistent with the design standards of the development plan, but the approval is contingent on the District Council's approval of an amendment to the development plan that incorporates the conditional use.
- e. [Antennas] an antenna on an existing [structures] structure and related unmanned equipment building, equipment [cabinets] cabinet, or equipment room [may be installed] under [Sec.] Section 3.5.14.C.

C. Development Standards

1. The maximum density allowed, and minimum open space required for the PD zone are indicated in the following table:

Density Category	Maximum Density (Dwelling Units per Acre)	Open Space (Percent of Gross Area)
Low		
PD-2	2	30
PD-3	3	30
Medium low		
PD-4	4	40
PD-5	5	40
PD-7	7	40
Medium		
PD-9	9	40
PD-11	11	50
PD-13	13	50
Medium high		
PD-15	15	50
PD-18	18	50
PD-22	22	50
PD-25	25	50
High		
PD-28	28	50
PD-35	35	50
PD-44	44	50
Urban High		
PD-60	60	30
PD-68	68	30
PD-75	75	30
PD-88	88	30
PD-100	100	30
Specification for Open Space:		
In residential areas, common open space is required. In commercial areas, public open space is required. Open space may be reduced to 35% for “Medium High” and “High” densities and to 20% for “Urban High” densities to allow the construction of all workforce housing units on site.		

2. Density of Residential Development

- a. The density of development [is based on the area shown for residential use on the master plan and] must not exceed the density permitted by the density category granted[.] except:
 - i. [However,] the maximum density allowed under [Sec.] Section 8.3.2.c.1 [[9.3.2.c.1]] may be increased to accommodate the construction of MPDUs [and workforce housing units] if [as follows]:
 - (a) [i. For projects] the number of MPDUs for a project with a residential density of less than 28 dwelling units per acre[, the number of MPDUs must be] is at least the number of bonus density units or 12.5% of the total number of dwelling units, whichever is greater; or
 - (b) [ii. For projects] the number of MPDUs for a project with a residential density of more than 28 dwelling units per acre[, the number of MPDUs] must be at least 12.5% of the total number of dwelling units under Chapter 25A[.]
 - ii. the maximum density allowed under Section 8.3.2.C.1 [[9.3.2.C.1]] may be increased [Any] for any project with a residential density at or above 40 dwelling units per acre [may provide] that includes workforce housing units under Chapter 25B[.]
 - iii. [c.] the District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site;
 - iv. [b. Notwithstanding the density provisions of this zone,] the District Council may approve an increase in density for Independent Living Facilities for Seniors or Persons with Disabilities, as defined in [Sec] Section 3.3.2.C.1, within a planned development if [the following requirements are satisfied]:
 - (a) [i. The] the total number of dwelling units within that portion of the site proposed for such housing is a maximum of 3 times the density [normally] permitted [for the same area] under the densi-

ty category requested[. A] and a minimum of 20% of such [housing must be] dwelling units are MPDUs under Chapter 25A[.];

- (b) [ii. The] the density for the remainder of the property [must] does not exceed the density permitted under the density category requested[.];

[iv. In approving such density increase, the District Council must find that the proposal satisfies the following:]

- (c) [(a)] the total area of the planned development [under application] is a minimum of 3 acres [in size];
- (d) [(b)] the site [has adequate accessibility] is accessible to public or private transportation, medical services, shopping areas, and recreational and other community services frequently required by senior adults and persons with disabilities;
- (e) [(c)] the Independent Living Facilities for Seniors or [Person] Persons with Disabilities will be situated on a maximum of one-third of the total site [under application];
- (f) [(d)] the development satisfies the compatibility requirements of [Sec.] Section 8.3.2.D [[9.3.2.D]] [are satisfied]; and
- (g) [(e)] the increased density to accommodate such housing is [found to be] in the public interest, taking into account the increased size and bulk of buildings and the impact on public facilities.

b. For a zoning application requesting increased density for an Independent Living Facility for Seniors or Persons with Disabilities:

- i. [iv.] the Hearing Examiner must transmit the zoning application [A copy of the application and pertinent information submitted by the applicants in support of the request for increased density for Independent Living Facility for Seniors or Persons with Disabilities must be transmitted] to the Department of Health and Human Services and to the Department of Housing and Community Affairs [by the Hearing Examiner's office, no later than] within 5 days after the zon-

ing application is filed[,] for their recommendation to the Hearing Examiner;

- ii. [v. The] the table in [Sec.] Section 8.3.2.B.1.b [[9.3.2.B.1.b]], containing the minimum requirements for the mixture of residential housing types within a planned development, does not apply to any Independent Living Facility for Seniors or Persons with Disabilities approved under [this] Section 8.3.2 [[9.3.2]] [(Sec.) 9.3.2).]; and
- iii. [vi. The] the parking requirements of Division [Div] 6.2 [[7.2]] applicable to Independent Living Facility for Seniors or Persons with Disabilities may be increased if the development plan proposes a project primarily concerned with providing facilities for independent living.

[c. The District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.]

D. Compatibility

1. All uses must:
 - a. achieve the purposes under [Sec.] Section 8.3.2.A [[9.3.2.A]]; and
 - b. be compatible with the other uses proposed for the planned development; and
 - c. be compatible with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.
2. [In order to assist in accomplishing compatibility for sites that are] if a site in a PD zone [[is not within, or in close proximity to a central business district or transit station development area], the following requirements apply where a PD zone and]] adjoins land for which the area master plan recommends a Residential Detached zone, the property owner may:
 - a. [Only] only construct a detached house building type [can be constructed] within 100 feet of such adjoining land; and
 - b. [No building can be constructed to] not construct any building at a height greater than its distance from such adjoining land.

3. [The requirement under Sec.] Section 8.3.2.D.2.a [[9.3.2.D.2.a]] [can] may be waived by the Planning Board if the:
 - a. [The] area master plan recommends a use other than Single-Unit Living for the property immediately adjoining the area where the waiver is to occur; and
 - b. [The] present or future use of the immediately adjoining property [will] would not be adversely affected by the waiver [for present or future use].
4. The [requirements under] Planning Board may waive [Sec.] Section 8.3.2.D.2 [[9.3.2.D.2]] [may be waived if: The] for a site located [is] within or in close proximity to a central business district or transit station development area if it finds that:
 - a. [and reduced setbacks are recommended by] the master or sector plan recommends reduced setbacks [, and the Planning Board finds that];
 - b. the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting Residential Detached zones; and
 - c. the maximum building height is 50 feet.
5. [b.] The Planning Board may waive Section 8.3.2.D.2 [[9.3.2.D.2]] for a site [is] located within or in close proximity to a historic district [and the Planning Board] if it finds that:
 - a. reduced setbacks or increased building height [will] would facilitate the preservation, reuse, or redevelopment of a designated historic district; [and]
 - b. the immediately adjoining property [will] would not be adversely affected by the waiver[.]; and
 - c. [The] the maximum building height [allowed under this waiver] is 50 feet.
6. [5.] Compliance with these requirements does not, by itself, create a presumption of compatibility.

E. Dedication of Land for Public Use

[Such] A property owner must dedicate land [as may be required] for public streets, parks, schools, and other public uses [must be dedicated to satisfy the requirements of] as required by Chapter 50, [and] the general plan, [and]

master plans, and other applicable plans [as may be applicable]. The lands to be dedicated must be identified on any development [plans and] or site [plans] plan required under [Sec.]Section 7.3.4. [[8.3.4.]]

F. Procedure for Development

Site plan approval is required under [Sec.]Section 7.3.4. [[8.3.4]], however, the installation of a fence, not including a deer fence, on the property of a Private Educational Institution is permitted without a site plan or a site plan amendment, if the fence does not cross a public trail, path, or roadway.

Section 8.3.3. T-S Zone

A. Purpose

1. [It is the purpose of this zone to provide a classification which will] The T-S zone is designed to permit development of or additions to planned new towns or additions to existing urban developments. Such towns must contain, to the extent possible, all of the residential, commercial, civic and institutional, and industrial facilities needed to make [possible] a town [that is] reasonably self-sufficient for all purposes, except major employment and central business district shopping. A development in the T-S zone must:
 - a. provide [Adequate provision must be made] for the maintenance of open space; [and the location of]
 - b. locate streets and highways to assure orderly traffic circulation[.];
 - c. [Provision must be made for the inclusion of] include housing for families of low and moderate incomes; and [Physical planning within the town must assure that these uses, including] place a wide variety of types of housing accommodations[, be placed] in an efficient and orderly [relationship] design.
2. A new town [is also described, for the purposes of this chapter, as being] located on a substantially undeveloped site [and meeting the following mutually interdependent requirements] must:
 - a. [It must] be self-sufficient and contain, as nearly as possible, all of the commercial, employment, cultural, and recreational facilities desirable and necessary for the satisfaction of the needs of its residents[.];

- b. [It must be diverse, containing] include a wide variety of residential facilities to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices[.];
- c. [The density must be] have an urban rather than rural density[, in order to] that would:
 - i. facilitate travel between residential, commercial, employment, and other types of areas; and to
 - ii. make the most efficient use of public utilities[, but low enough to];
 - iii. permit the incorporation of large amounts of open land within the town for recreational and scenic purposes[.];
 - iv. have or plan for the construction of [Transportation] transportation facilities adequate to serve the anticipated total population [must exist or be planned for future construction.]; and
 - v. have [Public] public sewer and water [must be] available at the site or planned for construction.
3. [In order to encourage and facilitate desirable development of this kind, it is also the purpose to eliminate, in the] The T-S zone[,] is designed to:
 - a. eliminate some of the specific restrictions which regulate, in other zoning categories, the height, bulk, and arrangement of buildings and the location of the various land uses;
 - b. [to] provide for more flexibility in development; and to
 - c. [require that all development satisfy a plan meeting the requirements of this section. It is the intent of this zone to] achieve flexibility of design, integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity than the standards permitted by right and required in conventional zoning categories[.]; and
 - d. [In addition, it is the purpose of this zone to] preserve and take the greatest possible aesthetic advantage of trees; and, in order to do so, minimize by minimizing the amount of grading necessary for construction of a development.

B. Land Uses

1. [Uses] A use described on the approved development plan[, are] is allowed by right in [this] the T-S zone.
2. All uses authorized in any zone, by right or as conditional uses, may also be [similarly] authorized in the T-S zone[, subject to the following restrictions:] if the use is [Only uses] shown on the approved site plan [are permitted, unless] or the site plan is first amended under [Sec. 8.2.1.] Section 7.3.4.J. **[[8.3.4.J.]]**
3. An amendment to the site plan is not required for construction of accessory buildings and additions or modifications to existing detached houses, townhouses, and accessory buildings if:
 - a. [i. The] the Planning Board has approved homeowners association documents establishing a procedure to review such development prior to construction; and
 - b. [ii.] the development is approved [Under this procedure, approval] for construction [has been granted;] under this procedure. [provided, however, that site plan review is necessary for additional construction commenced prior to December 9, 1980, if:
 - (a) At the time such additional construction was commenced, site plan review was required; and
 - (b) The recorded subdivision plat creating the lot upon which such development is proposed did not indicate the standards to be applied or the procedures to be followed to approve additional construction beyond initial development.]
4. [b.] No use may occupy a location other than indicated on the approved site plan.
5. [c. Areas] An area designated as residential on the development plan[,] must [consist of] only include the residential portion of the T-S zone and accompanying facilities such as local retail areas, public school sites, local recreational and open space areas, and public roads. [Only the following building types and uses are allowed] A residential [areas] area must only include:

- a. [i.] a detached house [building types containing the following uses] used for:
 - i. [(a)] Single-Unit Living;
 - ii. [(b)] a professional [offices] office for use by not more than one member of a recognized profession who is a resident of the dwelling and by not more than one nonresident assistant. Recognized professions include [but are not limited to] medicine, dentistry, law, accounting, and architecture; they do not include businesses such as insurance, real estate, etc. A professional office [in this instance shall] must be incidental to the principal use of the building as a dwelling and must not include a medical, dental, or veterinary clinic or in-patient treatment facility;
 - iii. [(c)] [all] any other permitted or limited [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3; [and]
 - iv. [(d)] [all] any conditional [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3, subject to the grant of a conditional use permit under [Sec.] Section 7.3.1 [[8.3.1]];
- b. [ii] an apartment/[condo] building [types containing the following uses] used for:
 - i. [(a)] Household Living up to the maximum number of dwelling units indicated on the site plan;
 - ii. [(b)] an office for the rental, operation, service, and maintenance of an apartment/[condo] building or group of buildings;
 - iii. [(c)] all any other permitted or limited [uses] use in the R-30 zone under [Sec. 3.1.6] Article 59-3;
 - iv. [(d)] all any conditional [uses] use allowed in the R-30 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]];
 - v. [(e)] any[of the] commercial [uses permitted] use allowed in the NR zone under Article 59-3 if:
 - (a) [(1)] commercial uses are on separate floors than residential uses; and

- (b) [(2)] the total floor area used for commercial purposes [must] does not exceed the amount indicated on the site plan[.]; and
 - c. [d. An] an Independent Living Facility for Seniors or Persons with Disabilities [is allowed].
6. [e.] An Antenna on an Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C is allowed.
7. [2.] Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved home owners association[,] with substantial [in] membership and duration[,] if the Planning Board approves [provided that] easements for such uses [must be] granted to the County and recorded in the land records of the County [following Planning Board approval of such easements].
8. [3.] All utility lines in the T-S zone must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines [as provided in] under Section 50-40(c). The developer must provide [Standards for] street lighting [must be provided by the developer under] satisfying the standards contained in the approved site plan. A use-and-occupancy permit must not be issued for any building which is not served by an approved sewer and water supply.

C. Development Standards

1. Area Requirements

- a. Each [application for] development in the T-S zone must [be for a tract of land which has] have a minimum area of 1,500 acres[; except] unless [.] a sectional map amendment reduces the area zoned T-S to less than 1,500 acres.
 - i. an application for a tract of any size adjoining a tract in the town sector zone may be filed by the original applicant or a successor in title; or
 - ii. a sectional map amendment may reduce the area zoned TS to less than 1,500 acres.]

- b. A maximum of 10% of the total area of the town sector may be devoted to commercial purposes. All required parking for commercial purposes must be included within the 10% calculation.
- c. A maximum of 6% of the total area of the T-S zone may be devoted to industrial purposes and other major employment facilities.
- d. A minimum of 10% of the total area of the T-S zone must be devoted to open space. This open space may include publicly owned, community-wide, or common open space and facilities, but may must not include streets and parking areas.

2. Density

- a. The population of the T-S zone must be planned for a maximum of 15 persons per acre based upon the total area within the T-S zone; except, that such. However, the planned population may be increased by an amount equal to the population to be housed in MPDUs included in the development plan under chapter 25A, if the total increase in population does not exceed 22% of the population that would otherwise be permitted.
- b. In calculating the density, the following standards apply To calculate density:
 - i. [Dwelling] dwelling units in detached houses must be assumed to have an average occupancy of 3.7 persons[.];
 - ii. [Dwelling] dwelling units in townhouses must be assumed to have an average occupancy of 3 persons[.];
 - iii. [Apartment]/[condo] apartment buildings less than 50' in height must be assumed to have an average occupancy of 3 persons per dwelling unit[.]; and
 - iv. [Apartment]/[condo] apartment buildings 50' in height or higher must be assumed to have an average occupancy of 2 persons per dwelling unit.

3. Height

The [heights] height of [all buildings] any building in the T-S zone must be consistent with the [limitations] limits set in other zoning classifications for areas of similar density or similar use.

D. Procedures for Development

- 1. A development in the T-S zone requires site [Site] plan approval [is required] under [Sec.] Section 7.3.4. [[8.3.4.]] The site plan approval must establish [Standards] standards for width and area of lots, side and rear yards, setbacks, lot coverage, height and grouping of buildings, and similar requirements [must be established at the time of site plan approval].
- 2. In [the implementation of] applying [Sec.] Section 8.3.3.D.1 [[9.3.3.D.1]], the Planning Board may waive the substantive requirements of Chapter 50 and certain requirements of [Div.] Division 6.2 [[7.2.]] (including the number of parking spaces described in [Div.] Division 6.2 [[7.2.]]) if it finds that the waiver would allow greater flexibility of development consistent with the purposes of the zone and promote more attractive and more efficient overall planning and design; except that the following]. However, the Planning Board must not [be waived] waive:
 - a. the adequate public facilities requirements of Chapter 50 ([Sec.] Section 50-35(k)); [nor] or
 - b. the provisions of [Sec.] Section 7.3.4.D [[8.3.4.D.]][-]through Section 7.3.4.K. [[8.3.4.J.]]
- 3. Record plats must indicate that the land is in the T-S zone and [must also] include [the following notations] a notation with a statement:
 - a. [An appropriate statement concerning] describing all of the land which is designated for common or quasi-public use, but not to be in public ownership. This statement must grant to the public, on such land, easements covering all rights of development, construction or use other than the recreational or other quasi-public uses indicated in the approved site plan, except that, at the time of site plan approval, utilities easements may be excluded from specified areas[.]; and

- b. [A statement indicating] that the plat satisfies the approved site plan, [and] that development of the land is permitted only if it satisfies the approved site plan, [and] the accompanying agreements concerning the ownership and maintenance of common land[, which] are on file at the offices of the Planning Board, and that application for reclassification is prohibited until 50 years after the grant of the T-S zone.

Section 8.3.4. Planned Neighborhood Zone

A. Purpose

[It is the purpose of this section to provide a method which will facilitate] The Planned Neighborhood Zone should facilitate the construction of residential neighborhoods in the County [using good planning principles. The principles, which it is the purpose and intention of this section to encourage and require in planning of such neighborhoods, are based on the assumption] assuming that a neighborhood is an urban area within which the residents may all conveniently share common services and facilities. [In order to make this possible, the following conditions should exist] A development in this zone should:

1. [The size of the neighborhood should be such as will] be large enough to provide a child population sufficient to use at least one public elementary school of optimum size and location for convenient and economic operation[.];
2. [There should be] have adequate retail shopping facilities [adequate] to provide for the day-to-day needs of the residents of the neighborhood[.]; and
3. [To] to the extent possible, locate all major transportation arteries [should be located] at the perimeter of the site. Where this is not possible, a grade-separated pedestrian walkway system must be constructed to provide for safe pedestrian crossing of such heavily traveled roadways. In addition, each planned neighborhood must include bikeways, sidewalks, and other appropriate walkways to provide for safe, direct, and convenient movement of pedestrians to local schools, shopping, and recreation areas.
4. Moderately priced housing [within the means of families of low and moderate incomes] should be available within the neighborhood.

B. Land Uses

[The following building types and uses are allowed subject to the restrictions and conditions indicated.] Each use, except any transitory use, must be shown on the development plan for the PNZ zone. A development in the PNZ zone may include:

1. a detached house [building type, containing the following uses] used for:
 - a. [single-household living] Single-Unit Living;
 - b. professional office for the practice of medicine, dentistry, law, accounting, or architecture by a resident of the dwelling, incidental to its principal use as a dwelling, and with the assistance of [not more than] only one [person who is not a resident of the dwelling] non-resident;
 - c. [all] any other permitted or limited [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3; [and] or
 - d. [all] any conditional [uses] use allowed in the R-90 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]] [.]
2. an apartment[/condo] [building type containing the following uses] used for:
 - a. [household living] Household Living, up to the maximum number of units indicated on the site plan;
 - b. an office for the rental, operation, service, and maintenance of an apartment[/condo] building or group of buildings;
 - c. [all] any other permitted or limited [uses] use in the R-30 zone under [Sec. 3.1.6] Article 59-3; [and] or
 - d. [all] any conditional [uses] use allowed in the R-30 zone under [Sec. 3.1.6] Article 59-3, which must also satisfy [Sec.] Section 7.3.1 [[8.3.1]] [.]
3. [All of the] any commercial [uses] use allowed [permitted] in the NR zone under Article 59-3, except a Recreational and Entertainment [Facilities] Facility, [may be allowed for a maximum area of] located on a property of no more than 15 acres at any one location if [the following conditions are met]:
 - a. [A] a market analysis of the local trade area, filed as a part of the development plan, indicates a need for the amount of commercial use proposed[.]; and

- b. [The] the adopted master plan recommends commercial use within the area covered by the application[,]; or
- c. there are [not adequate] inadequate local shopping areas, either existing or proposed on a master plan, within a reasonable distance and with reasonable access from the site[.];
- 4. [An] an Antenna on an Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C[.];
- 5. a Transitory Use that satisfies the limited use standards in [Sec.] Section 3.5.15.C;
- 6. an Independent Living Facility for Seniors or Persons with Disabilities;or
- 7. [All] utility lines [in the planned neighborhood zone], which must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines as provided in Chapter 50 ([Sec.] Section 50-40(c)). The developer must provide [Street] street light standards [must be provided by the developer] that satisfy the approved site plan.

C. Development Standards

1. Size and Density of Development

- a. The number of dwelling units in a planned neighborhood must be planned to house no more than 15 persons per acre calculated by multiplying the number of each type of dwelling unit by the appropriate estimated number of persons in each unit shown on the table in Section 8.3.4.C.1.c. [[9.3.4.C.1.c.]] [a minimum of 450 children of elementary school age, calculated with the formula in column A of the table in Sec.9.3.4.C.1.c.
- b. The appropriate density for each planned neighborhood application must be determined at the time of approval of the development plan and the granting of the planned neighborhood zone. The Planning Board's recommendation must take into account the availability of necessary public services and, where applicable, the provisions of the duly adopted and approved master plan for the subject area. The population density of a planned neighborhood must be planned to fall within a density range of from one to 15 persons per acre of land contained in the application,

and must be calculated with the formula in column B of the table in Sec. 9.3.4.C.1.c; except that such] The maximum density of the development may be increased by [planned population may be increased by a maximum amount of] 112% of the population to be housed in MPDUs provided under Chapter 25A, provided[,], that the total increase in [population] density is [a maximum of] increased by no more than 22% of the population which would otherwise be permitted.

- c. [The following table indicates the formulas to be used in calculating the number of dwelling units in a neighborhood and the population density, as required in Sec. 9.3.4.C.1.a through Sec. 9.3.4.C.1.b. These formulas are for the sole purpose of calculating the permitted number of dwelling units and the gross area required, and are not to be construed as indicating an actual or desirable family structure or household size. In addition, for planning purposes, the optimum size of an elementary school must be considered as ranging from 450 to 700 pupils.] Estimated Number of Persons Per Unit

<u>Building Type</u>	<u>[Column A]</u>	<u>Persons</u>
For each detached house	[0.9 children]	3.9 persons
For each townhouse	[0.6 children]	3.9 persons
For each dwelling unit in an apartment[/condo] building less than 50' in height	[0.35 children]	3 persons
For each dwelling unit in an [apt/condo] <u>apartment</u> building 50' or more in height	[0.1 children]	2 persons

2. Height

The heights of all buildings in the PNZ zone must be consistent with the limitations set in other zoning classifications for areas of similar density or similar use.

D. Reservation of Land

- 1. In addition to land [required to] that must be dedicated [by] for public use under Chapter 50, land must be reserved for [public purposes and must conform to standards generally imposed for those sites, as follows]:

- a. [1. Streets are subject to the review and recommendation of] streets as required by the Planning Board and DPS[.];
 - b. [2. Public schools are subject to the review and the recommendation of] public schools as required by the Planning Board and the appropriate staff of the Board of Education[.];
 - c. [3. Playgrounds] playgrounds and local parks [are subject to the review and recommendation of] as required by the Planning Board[.]; and
 - d. [4. Minor] minor stream valley and other conservation areas [are subject to the review and recommendation of] as required by the Planning Board in accordance with the character of the site.
2. All land area which is dedicated for the public purposes in [Sec.] Section 8.3.4.D.1 [[9.3.4.D.1]] [through Sec. 9.3.4.D.4] may be included in the computation of the allowable population density under [Sec.] Section 8.3.4.C.1. [[9.3.4.C.1.]]
 3. Final decisions concerning the public facility land requirements in [this] Section 8.3.4.D [[9.3.4.D]] [(Sec.) 9.3.4.D] and standards for properties proposed for the PNZ zone must be made at the time the plan is approved.

E. Procedure for Development

Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]

Section 8.3.5. Planned Retirement Community Zone

A. Purpose

1. The [purpose and intent of the] PRC zone [is to provide for] permits the establishment of a planned retirement community [type of development,] that:
 - a. is accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial, and similar services required by the residents[.];
 - b. [that] satisfies the comprehensive development plan approved by the Planning Board; and
 - c. [designed to achieve a maximum of coordination] is coordinated with [between the development and] the surrounding uses, including a

maximum of safety, convenience, and amenity for the residents of the development.

2. [Such developments are limited to areas] A development in the PRC zone must [that] have adequate highway access, public water and sewer, and public services based upon the size of the development (in acres) and the use of the site. [Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. Such developments] A development in the PRC zone [must be designed to] should:
 - a. have a minimum of impact upon surrounding land;
 - b. [and to provide] have adequate open spaces adjacent to [their] its boundaries[.];
 - c. [In addition, it is the purpose of this zone to preserve and] take the greatest possible aesthetic advantage of existing trees; and
 - d. [to] minimize the amount of grading necessary for construction [of a development].

B. Land Uses

The only development allowed in this zone is a planned retirement community[, which must meet the following requirements:].

1. Required Uses

- a. [In a] A PRC development of 750 acres or more[, the following uses are required] must have:
 - i. dwelling units;
 - ii. a retail commercial center, limited to the uses permitted in the NR zone under Article 59-3, and occupying a maximum of 1 .5% of the gross area, including off- street parking;
 - iii. necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities; and
 - iv. one or more of the following recreational, educational, and cultural facilities:

- (a) a golf course, 18 holes;
 - (b) a lake;
 - (c) a clubhouse;
 - (d) a swimming pool;
 - (e) a auditorium or meeting hall or both;
 - (f) a bowling green;
 - (g) a shuffleboard court; or
 - (h) a medical [facilities] facility, including an out-patient clinic.
- b. [In a] A PRC development of less than 750 acres[, the following uses are required] must include:
- i. dwelling units;
 - ii. meeting rooms; and
 - iii. recreational facilities, such as a swimming pool, shuffleboard court, golf course, or similar facilities, designed to meet the passive and active recreation requirements of the planned retirement community residents, consistent with the size of the project.

2. Permitted Uses

- a. [The following uses are also allowed, but a floating zone plan amendment under Sec. 8.2.1 is required for any use that is not shown on an approved development plan, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit] A PRC development may also include:
- i. a Hotel, Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying a maximum of 5 acres of land;
 - ii. a Home Occupation in the age-restricted section subject to the regulations of [the following zones]:
 - (a) the R-60 zone [in the case of] for a dwelling unit in a detached house;

- (b) the RT-6₀ zone [in the case of] for a dwelling unit in a townhouse or duplex; or
 - (c) the R-30 zone [in the case of] for a dwelling unit in an apartment/[condo] building[.];
[[d]A floating zone plan amendment under Sec 8.2.1. is not required for a home occupation.]
- iii. a Day Care Facility;
 - iv. a Hospital;
 - v. a Residential Care Facility;
 - vi. a recreational, educational, and cultural [facilities] facility not otherwise required by this section which [are] is consistent with the purposes of this zone;
 - vii. a Public Utility Structure;
 - viii. an Antenna on Existing Structure that satisfies the limited use standards in [Sec.] Section 3.5.14.C;
 - ix. a Helistop (temporary);
 - x. a Transitory Use that satisfies the limited use standards in [Sec.] Section 3.5.15.C;
 - xi. a retail commercial [uses] use allowed [as permitted or limited uses] in the NR zone under [Sec. 3.1.6] Article 59-3, which mainly serve the residents of the development;
 - xii. a Religious Assembly; and
 - xiii. one or more of the following recreational and medical facilities[, which must be] available on a reasonable basis for the exclusive use of the residents[, of the area restricted to permanent residents who are 50 years of age and over their guests,] and [reasonably to] others designated by any party holding title to such facilities, in trust or otherwise:
 - (a) a golf course;
 - (b) a clubhouse;
 - (c) a swimming pool; and

(d) a medical [facilities] facility, including an out-patient clinic.

- b. In the age-unrestricted area of the development, other permitted and limited uses are allowed based on the following zones:
 - i. in an area designated by the approved development plan for detached house dwelling units, the R-6o [[Zone]] zone, under Article 59-3;
 - ii. in an area designated by the approved development plan for townhouse or duplex dwelling units, the RT-6.o zone, under [Sec.] Section 8.2.3 [[9.2.3]]; or
 - iii. in an area designated by the approved development plan for dwelling units in apartment[/condo] buildings, the R-3o [[Zone]] zone, under Article 59-3.

3. Conditional Uses

- a. In the age-unrestricted area, conditional uses may be allowed under Article 59-3 and [Sec.] Section 7.3.1 [[8.3.1]] based on the following zones:
 - i. in areas designated by the approved development plan for detached house dwelling units, the R-6o [[Zone]] zone, under Article 59-3; or
 - ii. in areas designated by the approved development plan for duplex or townhouse dwelling units, the RT-6.o [[Zone]] zone, under [Sec.] Section 8.2.3 [[9.2.3]]; or
 - iii. in areas designated by the approved development plan for dwelling units in apartment[/condo] buildings, the R-3o [[Zone]] zone, under Article 59-3.
- [b. Unless the use is located in, and subordinate to, the residential use of a dwelling unit, a development plan amendment under Sec. 8.2.1. is required.]
- 4. The property owner must obtain a floating zone plan amendment under Section 7.2.1 [[8.2.1]] for any use that is not shown on an approved development plan unless the use is located in a dwelling unit and is subordinate to the residential use of that unit.

C. Development Standards

1. Tract Area

Each PRC zone must [have a minimum gross tract area of] be at least 25 acres[, except that a lesser area may be added to an existing PRC zone if the area is contiguous to the existing PRC zone and satisfies the provisions of this section].

2. Age of Residents, Residential Densities, and MPDUs

- a. A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. [In addition,] Restrictions on [[residence]] residency in a planned retirement community [[is]] are subject to [must be regulated under] the Fair Housing Amendments Act of 1988, as [may be subsequently] amended. [The number of] There must be no more than 10 dwelling units [is a maximum of 10] per acre, except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]
- b. A planned retirement community of 750 acres or more may include a section in which there is no restriction on the age of residents. The facilities listed in [Sec.] Section 8.3.5.B.1.a [[9.3.5.B.1.a]] are not required in this age-unrestricted section and land must be dedicated for public school sites.
 - i. In the age-restricted section, an area containing a minimum of 60% of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. [In addition,] Restrictions on [[residence]] residency [must be regulated under] are subject to the Fair Housing Amendments Act of 1988 as amended. [The number of dwelling units in that] The age-restricted part of the planned retirement community [is a maximum of] must not have more than 10 dwelling units per acre [of the land constituting the age-restricted section], including the retail commercial center and the associated off-street parking, except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]

- ii. [In the] The age-unrestricted section[, the number of] must have less than 7 dwelling units [is a maximum of 6 dwelling units] per acre [of land], except as allowed under [Sec.] Section 8.3.5.C.2.c. [[9.3.5.C.2.c.]]
- c. MPDUs must be [provided] included in each section (age-restricted and unrestricted) under Chapter 25A, including provisions for density bonus. The requirement to provide MPDUs does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption in 1974 of Chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any property added to the age-restricted area after April 4, 1994 will be subject to the provisions of Chapter 25A.

3. Setbacks

- a. In a development of 750 acres or more, all buildings and structures must be set back [as follows]:
 - i. a minimum of 50 feet [Along] along a maximum of 40% of the length of the tract boundary[, the setback must be a minimum of 50 feet.]; and
 - ii. a minimum of 100 feet [Along] along the remainder of the tract boundary[, the setback must be a minimum of 100 feet].
 - iii. [Notwithstanding] In spite of the above:
 - (a) [There] there is no minimum setback requirement for an entrance gate house[.]; and
 - (b) [Along any portion of the tract boundary adjoining land owned or occupied by a public utility] the setback may be reduced to a minimum of 10 feet along any portion of the tract boundary adjoining land owned or occupied by a public utility.
- b. [iv.] In a development of less than 750 acres, all buildings and structures must be set back [as follows]:
 - i. ([a]) the minimum setback of the adjacent zone; and
 - ii. [(b)] an additional setback of at least 2 feet for each foot of building height above 35 feet must be provided from an adjacent detached

house residential development [if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet].

4. Coverage and Common Open Space

- a. In a development of 750 acres or more:
 - i. a maximum of 15% of the gross area may be covered by residential buildings; and
 - ii. a minimum of 65% of the gross area must be devoted to common open space.
- b. In a development of less than 750 acres, a minimum of 50% of the gross area must be devoted to common open space.

5. Height

- a. The maximum height of any building is 100 feet, except a church tower.
- b. In a development of 750 acres or more:
 - i. [Any] [[any building, except a church tower, is a maximum height of 100 feet]][.];
 - ii. [A] a minimum of 65% of the total number of dwelling units must be contained in buildings that are a maximum height of 35 feet[.]; and
 - iii. [Residential buildings] a residential building over 39 feet in height must be set back a minimum of 500 feet from any boundary line of the planned retirement community.

[[b. In a development of less than 750 acres, any building, except a church tower, is a maximum height of 100 feet.]]

6. Roads, Parking and School sites

- a. Off-street parking must be provided under Division 6.2. [Div][[7.2.]]
- b. Interior roads not dedicated to public use must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and must be paved and maintained in good repair.

- c. Land required for sites for public schools in any age-unrestricted section must be dedicated under the requirements of the subdivision regulations.

D. Procedure for Development

1. Site plan approval is required under [Sec.]Section 7.3.4. [[8.3.4.]]
2. [Application for the reclassification of] An application to reclassify land in the PRC zone [is prohibited] within 50 years after the land was classified in this zone must not be approved.

Section 8.3.6. Planned Cultural Center Zone

A. Purpose

1. The [purpose of this zone is to provide] PCC zone creates appropriate locations for the [planned] development of planned cultural centers within the county. A development in the [The] PCC zone [is intended to] should accommodate cultural arts facilities along with a variety of supplemental uses that relate to the cultural arts in a manner that achieves both physical and aesthetic integration of all uses and activities, including significant open space features and appropriate public use space. The zone [is also intended to provide] uses a more flexible approach to the comprehensive design and development of cultural centers than the procedures and regulations applicable under more traditional zoning categories and other PD zones.
2. [The standards of] A development in the zone [must be met in order to] should protect nearby properties and minimize the impacts of cultural centers on the surrounding area, [. Potential impacts include but are not limited to] such as visual effects, noise, and traffic. [Adherence to] A development that meets the specific standards and requirements of the zone [does not create a presumption that an application is, in fact,] must not be presumed to be compatible with surrounding land uses and, in itself, does not require the [approval] [[Planning Board]] District Council to approve the [of an] application.
3. The [uses listed as] supplemental uses in [Sec.]Section 8.3.6.B.2 [[9.3.6.B.2]] are appropriate only when provided in conjunction with a specific cultural [uses] use that is permitted in the zone which [operate or are planned to

operate] would operate on a year-round basis [as shown in the development plan].

B. Uses

1. The [following are permitted cultural arts uses] planned cultural center may include:
 - a. an artist [studios] studio;
 - b. an [auditoriums] auditorium for performing arts;[[[]]]
 - c. a concert [halls] hall;
 - d. an educational [facilities] facility devoted to the arts;
 - e. an indoor theater; and
 - f. a [museums] museum.
2. [The following supplemental uses are allowed in the zone upon a finding by] If the District Council finds that a specific supplemental use [or uses will] would be compatible with the cultural uses proposed on the site and will not adversely affect surrounding uses because of traffic or other factors, the development may include:
 - a. an accessory building and [uses] use;
 - b. a caretaker's residence or apartment;
 - c. a child day care [facilities] facility, limited to children of persons employed by or using the cultural arts facilities;
 - d. a community activities [buildings] building;
 - e. a detached [houses] house constructed prior to property being classified in the zone;
 - f. a [restaurants] restaurant;
 - g. a [hotel/motels] hotel/motel [limited to a maximum of] with no more than 30 guest rooms or suites;
 - h. a meeting [rooms] room and conference [facilities] facility for the arts;
 - i. a publicly owned or publicly operated [uses] use;
 - j. a residence hall for persons associated with cultural arts uses on the site;

- k. an [antennas] antenna on an existing [structures] structure under [Sec.] Section 3.5.14.C;
 - l. a retail establishment for the sale of materials or works of art produced on the premises; and
 - m. a [workshops,] workshop used for the construction of [including] scenery and [prop] props [construction] for use on site or for sale to other theatrical productions.
3. All uses must meet the purposes of the PCC zone and must be compatible with all uses, existing or proposed, within the site and in the surrounding area.

C. Development Standards

1. Setbacks and Screening

- a. Unless the District Council finds that existing topographical features would permit a lesser setback, a building [Buildings] must be set back a minimum of 100 feet from confronting or abutting property that is recommended on the applicable master [[or sector]] plan for Residential Detached zoning and development[, unless the District Council finds that existing topographical features would permit a lesser setback].
- b. [Buildings] A building must be set back a minimum of 30 feet from any boundary line of the site as shown on the development plan.
- c. [Buildings are] [[A building is a]] The maximum building height [[of]] is 50 feet. However, [except that] the building height may be increased [to a maximum of] 1 foot for every 2 feet of additional setback beyond the minimum required setback, up to a total building height of 75 feet [if a minimum of 2 feet of additional building setback is provided for every foot of height above 50 feet].
- d. Adequate setbacks and screening must be provided for outdoor meeting facilities to ensure against any adverse noise or visual impacts from these facilities on abutting properties.

2. Coverage

A minimum of 30% of the total site area included in the development plan must be maintained as public open space[,]; [except that comparable amenities or facilities may be provided in lieu of public open space] however, [if] the District Council may reduce this requirement if it finds [determines] that [such] comparable amenities or facilities provided in lieu of open space are sufficient to accomplish the purposes of the zone and would be more beneficial to the proposed development than strict adherence to the specific public open space requirements.

3. Parking

Off-street parking must be provided under [Div.] Division 6.2. [[7.2.]]

D. Procedure for Development

Site plan approval is required under [Sec.] Section 7.3.4. [[8.3.4.]]