

# ARTICLE 59-7. GENERAL DEVELOPMENT REQUIREMENTS

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## Div. 7.1. Site Access

### Sec. 7.1.1. Intent

The site access requirements 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 in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones where:

- A. an apartment/condo, multi use, or general building type is proposed; and
- B. a site plan or conditional use approval is required.

### Sec. 7.1.3. General Access Requirements

- A. Any development 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. Any on-site parking area must be designed to allow vehicles to enter and exit the parking area in a forward motion.
- C. Any pad site must take vehicular access from within the site.
- D. Land that is located in a Residential Detached zone must not be used for driveway or vehicular access to any land that is not in a Residential Detached zone, except:
  - 1. in a Historic District; or
  - 2. where the Residential Detached-zoned land has a legally existing nonresidential use, and any previous approval allows such access.

### Sec. 7.1.4. Driveway Access

- A. Driveway dimensions must satisfy 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'
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 deciding body may require a wider driveway 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 must be from the alley and new curb cuts along the public right-of-way must be limited, to the extent practicable.
- D. For every 300 feet of site frontage along any street, no more than 2 driveways are allowed.
- E. On corner lots where there is only one driveway and on through lots, vehicular access must 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 deciding body may approve an alternative method of compliance with this Division (Div. 7.1) if the applicant submits documentation illustrating how:
  - 1. the intent of the Division is satisfied;
  - 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, queueing, and loading requirements is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner.

### 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 gross floor area or impervious cover.
- B. An approved alternative compliance plan is required to reduce the area of an existing off-street parking facility if the reduction results in fewer than the minimum required under this Division (Div. 7.2).
- C. The following building types are exempt from the vehicle parking design standards under Sec. 7.2.5.C and Sec. 7.2.5.E through Sec. 7.2.5.G:
  1. Detached house;
  2. Duplex; and
  3. Townhouse that provides parking on individual lots.

### Sec. 7.2.3. Calculation of Required Parking

The minimum vehicle and bicycle parking requirement in all zones is the sum of the spaces required for each applicable land use in the tables in Sec. 7.2.4.B and Sec. 7.2.4.C, unless reduced under Sec. 7.2.3.H.

#### A. In General

1. In determining the required number of vehicle and bicycle parking spaces, fractional spaces are rounded up to the nearest whole number.

2. Where spaces are calculated based on employees, the time when the maximum number of employees are present must be used.
3. Spaces that provide an electric charging station count toward the minimum parking requirement.

#### B. Handicapped Spaces

Parking spaces for handicapped persons must be provided as required by State law. Handicapped spaces count toward the minimum parking requirement.

#### C. 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 up to a maximum of 10; additional spaces may be provided. Motorcycle/scooter spaces count toward the minimum parking requirement.

#### D. Car-Share Spaces

1. One car share parking space is required for parking facilities with 50 - 149 parking spaces up to a maximum of 5; additional spaces may be provided. 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.
3. Car-share parking spaces count toward the minimum parking requirement but are not counted against the parking maximum.

#### E. Bicycle Parking

1. Long-term bicycle parking spaces are intended for resident and employee parking. Short-term bicycle parking spaces are intended for patrons and visitors.

2. Long-term bicycle parking spaces under **Sec. 7.2.4.C** are indicated as a percent of total spaces; the balance must be provided as short-term spaces.

#### **F. Off-Site Parking by Agreement**

The vehicular parking requirement may be met off-site if the property proposed to be used for parking is within 1/4 mile of the subject property and 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 is provided, or if the use requiring the parking ceases to exist. The following conditions apply to a joint use agreement:

1. A property under a joint use parking agreement must be under the control of the involved parties. A joint use agreement must be submitted to the deciding body. The minimum term for the joint use agreement is 5 years.
2. The parties must agree to notify DPS no later than 3 days after any changes to the joint use arrangement and provide DPS with a minimum of one month notification of any pending termination of the agreement.
3. 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; or an alternative compliance plan must be approved.
4. A change in use or in the joint use agreement requires a new use-and-occupancy permit and proof that sufficient parking will be available.

#### **G. Parking Below the Minimum or Above the Maximum in a Parking Benefit District**

1. In a Parking Benefit District, parking below the minimum number of required parking spaces, after all adjustments are made under **Sec. 7.2.3.H**, may be allowed if payment is provided under **Chapter 60**.
2. In a Parking Benefit District, parking above the maximum number of allowed parking spaces may be provided if a payment is made under **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.

#### **H. Adjustments to Vehicle Parking**

##### **1. All Zones**

In all zones, the vehicle parking requirement may be adjusted as follows:

##### **a. On-Street Space**

One on-street parking space constructed by an applicant that is located within a 1/4 mile of the subject property and in public or private right-of-way may be substituted for one required parking space, as determined by the applicable deciding body. Any such space removed by a public agency at a later date is not required to be replaced on-site.

##### **b. Car-Share Space**

A car-share space located near an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses.

##### **c. Special Housing Types**

- i. Parking for all MPDUs and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.
- ii. Age-restricted housing units may be reduced by 75% from the baseline rate for the specific unit type.
- iii. Senior housing units may be reduced by 50% from the baseline rate for the specific unit type.

##### **d. Religious Assembly**

- i. 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.

- ii. 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.
- iii. 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.

## 2. Agricultural, Rural Residential, Residential, and Industrial Zones

### Shared Parking

In addition to the adjustments in [Sec. 7.2.3.H.1](#), in the Agricultural, Rural Residential, Residential, and Industrial zones, an application 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 [Sec. 7.2.4.B](#).

## 3. Commercial/Residential and Employment Zones

In addition to the adjustments in [Sec. 7.2.3.H.1](#), in the Commercial/Residential and Employment zones, vehicle parking may be adjusted as follows:

### a. NADMS Factor

Any applicable Non-Auto Driver Mode Share (NADMS) factor as recommended 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.

### b. Carpool/Vanpool Space

One carpool or vanpool space located near an entrance is equal to 3 required parking spaces. A sign may indicate that after 9:30 a.m. an unoccupied carpool or vanpool space may be available to all vehicles.

### c. Unbundled Residential Space

In a Parking Benefit District, where residential parking for Townhouse Living and Multi-Unit Living is 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

### d. Bike-Share Facility

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

### e. Changing Facilities - Showers and Lockers

For every changing facility provided above the minimum required under [Sec. 7.2.6.A.4](#), the vehicle parking requirement may be reduced by 3 spaces. A changing facility must include a shower and lockers provided separately for each gender.

## Sec. 7.2.4. Parking Requirements

### A. Using the Parking Tables

Uses on the parking table match the allowed uses and use groups in [Article 59-3](#). 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.

## B. Vehicle Parking Spaces

		AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
USE or USE GROUP	Metric		Within a Parking Benefit District		Outside a Parking Benefit District
			Baseline Minimum	Baseline Maximum	Baseline Minimum
AGRICULTURAL					
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	1.00	2.00	2.00
NURSERY					
Nursery (Retail)	1,000 SF of Sales Area	6.00	3.00	6.00	6.00
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 10.00	--	--	--
ACCESSORY AGRICULTURAL USES					
Farm Market, On-site	Market	3.00	0.00	0.00	3.00
RESIDENTIAL					
HOUSEHOLD LIVING					
Single-Unit Living	Dwelling Unit	2.00	1.00	2.00	2.00
Two-Unit Living					
Townhouse Living					
Multi-Unit Living	Efficiency Dwelling Unit	1.00	1.00	1.00	1.00
	1 Bedroom Dwelling Unit	1.25	1.00	1.25	1.25
	2 Bedroom Dwelling Unit	1.50	1.00	1.50	1.50
	3+ Bedroom Dwelling Unit	2.00	1.00	2.00	2.00
GROUP LIVING					
Dormitory	Bed	0.25	0.25	0.25	0.25
Independent Living Facility for Seniors or Persons with Disabilities	OR: Dwelling Unit or PLQ	1.00	0.50	1.00	1.00
Personal Living Quarters	plus, Employee	0.50	0.50	0.50	0.50
Residential Care Facility					
ACCESSORY RESIDENTIAL USES					
Attached Accessory Apartment	Accessory Dwelling Unit (in addition to residential spaces)	1.00	--	--	--
Detached Accessory Apartment					
Dwellings for Caretakers/Watchkeepers	Accessory Dwelling Unit	1.00	1.00	1.00	1.00
Farm Tenant Dwelling	Dwelling Unit	1.00	--	--	--
Home Occupation (Low Impact)	Non-Resident Employee	1.00	1.00	1.00	1.00
Home Occupation (Major Impact )	plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00	1.00	1.00	1.00

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES  Baseline Minimum	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking Benefit District		Outside a Parking Benefit District
			Baseline Minimum	Baseline Maximum	Baseline Minimum
Home Health Practitioner (Low Impact) Home Health Practitioner (Major Impact)	Home Health Practitioner	1.00	1.00	1.00	1.00
	Non-Resident Employee	1.00	1.00	1.00	1.00
	plus, Each Client Allowed per Hour (in addition to residential spaces)	1.00	1.00	1.00	1.00
	Accessory Dwelling Unit	--	1.00	1.00	1.00
<b>CIVIC AND INSTITUTIONAL</b>					
Ambulance, Rescue Squad (Private)	Employee	1.00	0.50	1.00	1.00
	plus, Each Vehicle Operated in Connection with the Use (adequately sized space)	1.00	1.00	1.00	1.00
Charitable, Philanthropic Institution	Resident and Employee	1.00	0.50	1.00	1.00
	OR: 1,000 SF of Recreational GFA	5.00	1.00	3.50	3.50
	OR: 1,000 SF of Office GFA	4.00	2.00	4.00	4.00
Cultural Institution	1,000 SF of GFA	1.25	0.50	2.00	1.25
<b>DAY CARE FACILITY</b>					
Family Day Care	Non-Resident Employee (in addition to residential spaces)	1.00	0.50	1.50	1.00
Group Day Care Day Care Center	1,000 SF of GFA	3.00	3.00	4.00	3.00
Educational Institution (Private)	Student (Grades 9 - 12)	0.25	0.15	0.25	0.25
	Employee	1.00	0.25	0.50	0.50
Hospital	1,000 SF of GFA	2.50	2.50	5.00	2.50
Private Club, Service Organization	1,000 SF of GFA	2.50	1.50	2.25	2.25
Religious Assembly	Fixed Seat	0.25	0.15	0.25	0.25
	OR: 1,000 SF of Assembly Area	20.00	10.00	14.00	14.00
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	1.00	0.50	1.00	1.00
<b>COMMERCIAL</b>					
<b>ANIMAL SERVICES</b>					
Animal Boarding and Care	Employee	2.50	1.00	2.50	2.50
	plus 3	2.50	1.00	2.50	2.50
Veterinary Office/Hospital	Employee	2.50	2.00	3.50	2.50
	plus, Each Doctor Practicing Simultaneously	(Minimum of 5)	(Minimum of 5)	--	(Minimum of 5)
<b>EATING AND DRINKING</b>					
Country Inn Restaurant	1,000 SF for Patron Use, (excluding out- door seating area in the Commercial/ Residential and Employment zones)	10.00	4.00	12.00	4.00



USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking Benefit District		Outside a Parking Benefit District
			Baseline Minimum	Baseline Maximum	Baseline Minimum
FUNERAL AND INTERMENT SERVICES					
Cemetery	Capacity of Assembly Area	0.33	0.25	1.00	0.33
Crematory	Employee	1.00	1.00	1.00	1.00
Funeral Home, Undertaker	plus, Each Vehicle Operated in Con- nection with the Use	1.00	1.00	1.00	1.00
Landscape Contractor	Employee	1.00	--	--	--
	plus, Each Vehicle Operated in Con- nection with the Use	1.00	--	--	--
LODGING					
Bed and Breakfast	Guest Room (in addition to any	1.00	0.33	1.00	0.50
Hotel, Motel	residential spaces) plus, 1,000 SF of Meeting Room, Dining	--	2.00	10.00	6.00
MEDICAL AND DENTAL					
Clinic Medical, Dental Laboratory	1,000 SF of GFA	4.00	In CRN, NR zones: 2.00	4.00	4.00
			In CRT, CR, GR, EOF, LSC zones: 1.00		
OFFICE AND PROFESSIONAL					
Life Sciences Office Research and Development	1,000 SF of GFA	2.80	2.00	3.00	2.25
RECREATION AND ENTERTAINMENT					
Adult Entertainment Campground	1,000 SF of GFA	10.00	1.00	5.00	2.50
Conference Center	OR: Every Seat/Guest Space	0.25	0.25	1.25	0.25
Golf Course, Country Club	OR: Each Campsite	1.00	1.00	5.00	1.00
Health Clubs and Facilities	OR: Each Court	2.00	2.00	5.00	2.00
Recreation and Entertainment Shooting Range					
RETAIL SALES AND SERVICE					
Retail/Service Establishment Rural Antique Shop Rural Country Market	1,000 SF of Gross Leasable Area	5.00	3.50	6.00	5.00
VEHICLE/EQUIPMENT SALES AND RENTAL					
Heavy Vehicle Sales and Rental Light Vehicle Sales and Rental	1,000 SF of Gross Leasable Area	4.00	1.00	2.50	2.50
VEHICLE SERVICE					
Automobile Storage Lot Car Wash Filling Station Repair	1,000 SF of GFA	4.00	1.00	2.50	2.50

USE or USE GROUP	Metric	AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES  Baseline Minimum	COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES		
			Within a Parking Benefit District		Outside a Parking Benefit District
			Baseline Minimum	Baseline Maximum	Baseline Minimum
ACCESSORY COMMERCIAL USES					
Commercial Kitchen	Each Kitchen User	1.00	--	--	--
INDUSTRIAL					
Animal Research Facility	1,000 SF of GFA	--	1.00	3.00	1.50
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.50	1.00	3.00	1.50
Dry Cleaning Facility (Over 3,000 SF)	1,000 SF of GFA	1.50	--	--	--
MANUFACTURING AND PRODUCTION					
Artisan Manufacturing and Production	1,000 SF of GFA	1.50	1.00	3.00	1.50
Heavy Manufacturing and Production					
Light Manufacturing and Production					
Medical/Scientific Manufacturing and Production					
TRANSPORTATION					
Bus, Rail Terminal/Station	1,000 SF of GFA	1.50	1.00	3.00	1.50
WAREHOUSE					
Freight Movement	1,000 SF of GFA	1.50	1.00	3.00	1.50
Mineral Storage					
Storage Facility					
Self-Storage	1,000 SF of GFA	3.00	1.00	3.00	1.50
	plus, Employee	1.00	1.00	1.00	1.00
WASTE-RELATED					
Recycling Collection and Processing	1,000 SF of GFA	1.50	--	--	--
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	1.00	3.00	1.50

## C. Bicycle Parking Spaces

		AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES		COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES	
USE or USE GROUP	Metric	Minimum (Maximum)	% Long-Term	Minimum (Maximum)	% Long-Term
RESIDENTIAL					
HOUSEHOLD LIVING					
Multi-Unit Living	Dwelling Unit (20+ Units Only)	0.35 (100 max)	95%	0.50 (100 max)	95%
GROUP LIVING					
Dormitory	Dwelling Unit (20+ Units Only)	0.25 (50 max)	95%	0.25 (50 max)	95%
Independent Living Facility for Seniors or Persons with Disabilities					
Personal Living Quarters					
Residential Care Facility					
CIVIC AND INSTITUTIONAL					
Charitable, Philanthropic Institution	5,000 SF of GFA	1.00 (5 max)	85%	1.00 (5 max)	85%
Cultural Institution	10,000 SF of GFA	0.50 (10 max)	15%	1.00 (10 max)	15%
DAY CARE FACILITY					
Group Day Care Day Care Center	5,000 SF of GFA	1.00 (5 max)	85%	1.00 (5 max)	85%
Educational Institution (Private)	5,000 SF of GFA	1.00 (50 max)	15%	1.00 (50 max)	15%
Hospital	25,000 SF of GFA	1.00 (50 max)	85%	1.00 (50 max)	85%
Private Club, Service Organization	10,000 SF of GFA	0.50 (10 max)	15%	1.00 (10 max)	15%
Swimming Pool (Community)	5,000 SF of GFA	1.00 (25 max)	15%	0.50 (25 max)	15%
COMMERCIAL					
EATING AND DRINKING					
Restaurant	10,000 SF of GFA	1.00 (10 max)	15%	1.00 (10 max)	15%
LODGING					
Hotel, Motel	10 Guest Rooms	--	--	1.00 (25 max)	100%
MEDICAL AND DENTAL					
Clinic Medical, Dental Laboratory	5,000 SF of GFA	0.50 (25 max)	85%	1.00 (25 max)	85%
OFFICE AND PROFESSIONAL					
Life Sciences Office Research and Development	5,000 SF of GFA	0.50 (100 max)	85%	1.00 (100 max)	85%
RECREATION AND ENTERTAINMENT					
Conference Center Health Clubs and Facilities Recreation and Entertainment	10,000 SF of GFA	0.50 (50 max)	15%	1.00 (50 max)	15%
RETAIL SALES AND SERVICE					
Retail/Service Establishment	10,000 SF of GFA	0.75 (50 max)	15%	1.00 (50 max)	15%
INDUSTRIAL					
MANUFACTURING AND PRODUCTION					
Light Manufacturing and Production Medical/Scientific Manufacturing and Production	10,000 SF of GFA	0.50 (15 max)	100%	1.00 (25 max)	100%
TRANSPORTATION					
Bus, Rail Terminal/Station	100 average daily riders	3.5 (100 max)	85%	7 (100 max)	85%

## Sec. 7.2.5. Vehicle Parking Design Standards

### A. Location

Each required parking space must be within 1/4 mile of an entrance to the establishment served by such facilities.

### B. Access

Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

### C. Marking

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

### D. Size of Spaces

- Each parking space 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'

- A parking space may be reduced by 2 feet in length where the overhang will not conflict with pedestrian, bicycle, or vehicular circulation.
- 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.
- 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.

- Tandem parking is allowed for dwelling units. 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 tandem parking spaces must be assigned to the same dwelling unit.
- Valet parking is allowed as a means of satisfying required parking where:
  - An attendant or mechanized system is provided to park vehicles during all business hours of the associated use.
  - 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 tandem parking and the mass parking of vehicles.

### E. Drive Aisles

- Interior drive aisles have parking stalls along the sides. Entrance and exit drive aisles have no parking stalls along the sides.
- A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:

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

- Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.
- Any road, street, alley, sidewalk, or other public right-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 deciding body.

## H. Drainage

Any off-street parking facility must be drained 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 satisfy the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.

## I. Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

### 1. Location

Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.

### 2. Setbacks

- a. For a general building, parking setbacks are established in Article 59-4.
- b. For a detached house:
  - i. The minimum rear parking setback equals the minimum rear setback that is required for the detached house.
  - ii. The minimum side parking setback equals 2 times the minimum setback that is required for the detached house.
- c. The following additional setbacks must be provided for each parking facility:
  - i. Where 150 to 199 parking spaces are provided, the required side and rear parking setbacks must be increased by 5 feet.
  - ii. Where 200 or more parking spaces are provided, the required side and rear parking setbacks must be increased by 10 feet.

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

### 1. In General

- a. Vehicles and machinery for Farming may be parked without restriction.
- b. Parking of a tow truck with a vehicle attached is prohibited.
- c. Commercial vehicles under this Section (Sec. 7.2.5.J) refer to vehicles owned or used by an occupant of the dwelling.

### 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 in Sec. 7.2.5.K, 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.

### 5. TLD, TMD, THD, R-30, R-20, and R-10 Zones

One light commercial vehicle may be parked on any lot or parcel if the vehicle is parked in a garage.

## K. Surface Parking in R-200, R-90, R-60, and R-40 Zones

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. The following provisions apply to the surfaced parking area:
  - a. The maximum 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:
    - i. in the R-200 and R-90 zones, 30% or 320 square feet, whichever is greater; and
    - ii. in the R-60 and R-40 zones, 35% or 320 square feet, whichever is greater; except that
    - iii. DPS may grant a waiver to these limits as necessary to protect public safety; and
    - iv. any surfaced parking area existing before October 26, 2010 is not limited by this provision if it is not increased.
  - b. For properties with primary access from a primary residential street, minor arterial road, major highway, 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.
  - c. Parking in the area between the lot line and front building line on a non-surfaced parking area or parking on less than 160 square feet of surfaced parking area for each vehicle is prohibited.
  - d. One vehicle may be parked for every 160 square feet of surfaced parking area.
  - e. The limit on surfaced parking area does not apply to stone or rock quarries in the R-200 zone.
3. Temporary parking for visitors, loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.

## Sec. 7.2.6. Bicycle Parking Design Standards

### A. Long-Term Spaces

#### 1. Location, Access, and Security

- a. Each space must be provided within a building, covered parking garage, or in bicycle lockers. Access to each space must be convenient from the building or structure and the street or other bicycle right-of-way.
- b. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
- c. When provided in a garage:
  - i. Each space 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;
  - ii. Each space must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade; and
  - iii. Each space must be in a well-lit, visible location near the main entrance or elevators.
- d. When provided in an enclosed area, the facility must not be accessible to anyone without authorized access.
- e. When a locker is provided, the locker must be securely anchored.
- f. Each facility must be well-maintained.
- g. Each facility must be well lit.

#### 2. Space Dimensions

- a. Each bicycle parking space 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 4 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 a manufactured metal locker or stall is 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 and changing facility for each gender, unless provided in the development in a common area available to all tenants. An additional one shower and changing facility per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 for each 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 during all hours that employees are on-site. Lockers must be installed adjacent to the showers and changing facilities in a safe and secured area.
- c. Public parking facilities are exempt from the requirements of **Sec. 7.2.6.A.4.**

## B. Short-Term Spaces

### 1. Location, Access, and Security

- a. Each short-term space must be available to the public.
- b. Each space must be provided in a convenient, well-lit location that is clearly visible to both the visitor to the building for which the space is built, as well as the sidewalk that accesses the building's main entrance.
- c. A space must be placed no more than 90 feet from:
  - i. the main entrance of any building;
  - ii. at least one main entrance of a building with more than one main entrance; and
  - iii. if a site plan or conditional use is required, the applicable deciding body may approve an alternative.
- d. Each parking facility must be placed to avoid obstructing pedestrian traffic or use of other features located in the pedestrian area.
- e. Any sidewalk rack that is parallel to the curb must be located 2 feet from the curb face.
- f. Any sidewalk rack 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. Each sidewalk rack 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 4 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 a rack, the rack 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 must 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. the rack must perform at least as well as an inverted u-rack.

## Sec. 7.2.7. 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. A queuing space must be equal in size to a standard parallel parking space under this Division (Div. 7.2)
- 2. Vehicles using drive-thru facilities must not encroach on or interfere with the public use of streets and sidewalks.
- 3. Any aisle to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.
- 4. Each queuing space must satisfy the parking lot landscaping and lighting requirements in [Sec. 7.2.9.](#)

## Sec. 7.2.8. Loading Design Standards

### A. Applicability

The required number of off-street loading spaces is determined by the number of dwelling units, gross floor area of the use, and the type of use. The table in [Sec. 7.2.8.B.](#) designates the number of loading spaces required. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed via trucks. The off-street loading space requirement for a development with 2 or more uses is the highest number of spaces required of any 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 units 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. Location and Design

### 1. Location

- a. Each off-street loading space must be located within the same development as the building or use served.
- b. Each off-street loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.
- c. Each off-street loading space is prohibited from being located between the front building line and lot line.

### 2. Dimensions

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

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

### 3. Maneuvering

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

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

### 4. Surfacing

Each off-street loading space must be paved with a durable, all-weather material, such as concrete or asphalt.

### 5. Safe Design

Loading spaces must be designed and located to minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

## Sec. 7.2.9. Parking Lot Landscaping and Outdoor Lighting

### A. Applicability

This Section (Sec. 7.2.9) 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. Parking Lot 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 satisfy the minimum specified parking setback under Article 59-4 or, if not specified, it must be 8 feet wide;
  - b. each perimeter planting area must contain a hedge, fence, or wall a minimum of 4 feet high; and
  - c. 1 understory or evergreen tree must be planted every 30 feet on center.
2. The Board of Appeals may increase the perimeter planting requirements for a conditional use application under Sec. 8.3.1.

### C. Parking Lot 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 that are a minimum of 100 contiguous square feet each. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- b. A maximum of 20 parking spaces may be located between islands.
- c. Landscaped area may be used for a stormwater management ESD facility.

## 2. Tree Canopy

Each parking lot 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.

## 3. Perimeter Planting

- a. If abutting an 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;
  - ii. each perimeter planting area must contain a hedge, fence, or wall a minimum of 6 feet high;
  - iii. a canopy tree must be planted every 30 feet on center in the perimeter planting area; and
  - iv. 2 understory trees must be planted for every canopy tree in the perimeter planting area.
- b. If abutting any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use:
  - i. the perimeter planting area must be a minimum of 6 feet wide;
  - ii. each perimeter planting area must contain a hedge or low wall a minimum of 3 feet high;
  - iii. a canopy tree must be planted every 30 feet on center in the perimeter planting area; and
  - iv. where a parking lot abuts another parking lot, perimeter planting is not required.

## 4. Lighting

Parking lot lighting must meet the standards of [Sec. 7.5.4](#), General Outdoor Lighting Requirements.

## D. Structured Parking Requirements

1. A living green wall or public artwork is 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 Outdoor Lighting Requirements, except that any lighting fixture within 30 feet of the deck perimeter must be 15 feet or less in height and any fixture located elsewhere on the deck must be 30 feet or less in height.

## E. Interim Conditions

Any parking lot that is constructed as an interim use under a sketch plan or site plan application with an approved phasing plan may deviate from this Section (Sec. 7.2.9) if the Planning Board finds that a compatible, safe, and efficient alternative is provided.

## Sec. 7.2.10. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.2) if the applicant submits documentation illustrating how:
  1. the intent of the Division is satisfied;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.
- B. A plan approved with an alternative method of compliance must pay any applicable tax under [Chapter 60](#).

## Div. 7.3. Open Space and Recreation

### Sec. 7.3.1. Intent

Open space provides adequate light, air, circulation, and recreation and encourages preservation and enhancement of natural resources, including improvement of water and air quality.

### Sec. 7.3.2. Applicability

The following table summarizes the types of open space that are required by zone, development method, and 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](#); open space area requirements are provided in the Section references in the following table:

Zone	Section References for Amount of Open Space Required	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	6.2.3.A	CD			
RNC	4.3.5.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	4.4.10.A, 4.4.11.A, 4.4.12.A, or 6.1.2.A		T, G, or MPDU		
R-30, R-20, R-10	4.4.13.A, 4.4.14.A, 4.4.15.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, 4.6.6.A, 4.7.4.A, 4.7.5.A, or 6.5.2.A		T		A/C, MU, or G

For Floating zones, open space is required under the equivalent Euclidean zone that determines 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 summarizes the allowed features in each type of open space:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	x	x
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A	A	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x	A	A
Pedestrian or non-motorized multipurpose trail	A	A	A	A
Natural resource-based recreation	A	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenity recommended by an approved urban renewal plan	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water body, such as a lake, pond, and floodway	A	A	x	x
Non-structural, natural, and ESD stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation-oriented use 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;

1. A street;
2. Parking or maneuvering area for vehicles;
3. Individual wastewater disposal area, or drain field for community systems;
4. Transitory Use;
5. Activity prohibited by the applicable deciding body and recorded on the legal instrument providing for permanent protection; and
6. Any use prohibited in rural open space under [Sec. 7.3.4.A.4](#)

## Sec. 7.3.4. Rural Open Space

### A. General Requirements

#### 1. Applicability

- a. All Optional Method Cluster Development in the RC zone must provide rural open space.
- b. All development in the RNC zone must 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.f.](#)

#### 3. Amount of Rural Open Space

The Planning Board may approve a minor variation in the master plan recommended rural open space if it finds that the variation would retain or enhance both the quality and character of the rural open space, but must not allow less than the zone requires.

#### 4. Uses in Rural Open Space:

- a. In the RC zone, the following uses allowed under [Article 59-3](#) are prohibited in any rural open space area:
  - 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. In the RNC zone, the following uses allowed under [Article 59-3](#) zone are prohibited in any rural open space area:
  - 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 Requirements

### 1. Guidelines for Development

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

- a. Rural open space must 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 must be limited to the maximum extent possible during construction of residential lots and associated infrastructure;
- c. Rural open space must 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.4;
  - 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 allowed.
- e. Rural open space used for a farm in the RC zone must 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 a structural stormwater management facility in the rural open space if the location and appearance of the facility is consistent with the general intent of the RNC zone, and substantially conforms with the recommendations of the applicable master plan for use of the open space.

## 2. Open Space Allocation

The following land area must be included in rural open space before other land areas:

- a. floodplain;
- b. stream buffer area;
- c. jurisdictional wetland 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 site, cemetery and burial ground;
- f. agricultural land containing prime farmland soil or other soil of statewide importance;
- g. area containing existing healthy trees greater than 12 inches DBH;
- h. area that connects 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. The Planning Board may grant an exception for items such as a trail easement or linear park when their purpose meets the intent of this Section (Sec. 7.3.4).
- b. A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.
- c. Where feasible, the rural open space must adjoin any neighboring area of open space, other protected area, and non-protected natural area that would be a candidate for inclusion as part of a future area of protected rural open space.

## Sec. 7.3.5. Common Open Space

### A. General Requirements

#### 1. Applicability

Common open space is required for:

- a. Any optional method development in any RNC and Residential Detached zone;
- b. Any development with a townhouse, apartment/condo, or general building type in any Residential Townhouse and Residential Multi-Unit zone;
- c. Any townhouse development in any Commercial/Residential and Employment zone; and
- d. Any Floating zone, as required under the equivalent Euclidean zone that determines uses.

#### 2. Defined

Common open space is an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.

### B. Design Requirements

1. Common open space 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. The deciding body may grant an exception for items such as a trail easement, a mid-block crossing, or a linear park, when their purpose meets the intent of this Division (Div. 7.3).
3. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

## Sec. 7.3.6. Public Open Space

### A. General Requirements

#### 1. Applicability

Any development with an apartment/condo, multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zones must provide the required public open space under the applicable development standards.

#### 2. Defined

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

#### 3. Public Open Space Alternatives

- a. Development with a civic and institutional use in the LSC zone may provide up to 50% of the required public open space as amenity open space under [Sec. 7.3.7](#), if the Planning Board determines that the amenity open space better serves the public interest due to health and safety concerns.
- b. Up to 5% of public open space may be used for outdoor café areas.

### B. Design Requirements

#### 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. 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. must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation space; and

- c. must be provided in a contiguous space or spaces that are abutting 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 Division (Div. 7.3).

### 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 any associated amenity 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 Requirements

#### 1. Applicability

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

#### 2. Defined

Amenity open space is an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.

## B. Design Requirements

1. The minimum width for any required amenity open space is 15 feet except for a sidewalk, pathway, or trail.
2. Amenity open space must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation space.

### Sec. 7.3.8. Open Space Landscaping and Outdoor Lighting

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

The following table summarizes the open space landscaping requirements:

Open Space Type	Farming	Native Species	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Required	90%	No Minimum
Common Open Space	Allowed	Preferred	80%	20%
Public Open Space	Allowed in Community Garden	Preferred	10%	10%
Amenity Open Space	Allowed	Preferred	10%	10%

#### B. Open Space Landscaping Requirements

##### 1. General

Open space landscaping and lighting must protect environmentally sensitive areas and address the recreation needs of the proposed community.

##### 2. Farming

Farming allowed in open space includes any Farming or Urban Farming use under the applicable use standards for each zone in [Sec. 3.2.6.](#) and [Sec. 3.2.9.](#)

##### 3. Native Species

Rural open space must contain native species only.

##### 4. Permeable Area

Permeable area provides some portion of each open space type with landscaping, carbon sequestration, rainwater infiltration, and heat island mitigation. Any permeable area must be pervious, open to the sky, and covered with live plant material or mulch. Permeable area includes any water body, bioretention area, or other ESD stormwater facility.

## 5. Tree Canopy

Tree canopy provides shade, carbon sequestration, and heat island mitigation. 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

Any shrub or tree must be located a minimum of 24 inches from center to any paved surface, except for any street tree planted along a sidewalk.

## C. Open Space Lighting

1. In rural open space and common open space, illumination at the property line must be 0.1 footcandles or less.
2. In public open space and amenity open space, illumination at the property line must 0.1 footcandles or less 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 any other property must be 0.5 footcandles or less, excluding street lights within the right-of-way.

### Sec. 7.3.9. Recreation Facilities

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

- A. be 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 development that provides 20 or more residential units.

### Sec. 7.3.10. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.3) if the applicant submits documentation illustrating how:
  1. the intent of the Division is satisfied;
  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. Compatibility Standards

### Sec. 7.4.1. Intent

The compatibility standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses. Additional setbacks, height restrictions, and screening may be required by an Overlay zone, use standards, or by another Section of this Chapter.

### Sec. 7.4.2. Applicability

#### A. Method of Development

This Division (Div. 7.4) only applies to standard method development. Compatibility standards for optional method development are determined at site plan under Sec. 8.3.4.

#### B. Development in the Agricultural, Rural Residential, and Residential Detached Zones

1. A conditional use in any building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.
  - a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.
  - b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.
2. Any use in a general building must satisfy the setback and screening standards in this Division (Div. 7.4) if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

#### C. Development in the Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating Zones

1. A conditional use in a detached house or duplex building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural

Residential, or Residential zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

- a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.
  - b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.
2. Any use in a townhouse, apartment/condo, multi use, or general building type must satisfy the applicable setback, height, and screening standards in this Division (Div. 7.4) as indicated in the following table:

Building Type	Abutting Zone		
	Agricultural, Rural Residential, Residential Detached	Residential Townhouse	Residential Multi-Unit
Townhouse	Sc	N	N
Apartment/condo in a Residential Multi Unit zone	Sc, Sb	N	N
Apartment/condo or Multi Use Building in a Commercial/Residential, Employment, or Industrial zone	Sc, Sb, H	Sc, Sb, H	N
General Building, with a non-Industrial use	Sc, Sb, H	Sc, Sb, H	N
General Building, with an Industrial use	Sc, Sb, H	Sc, Sb, H	Sc, Sb, H
KEY: Sc = Screening required    H = Height Required Sb = Setback required        N = Compatibility standards not required			

### Sec. 7.4.3. Setback Standards

#### A. Abutting Property

1. If the abutting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, the minimum setback equals 1.5 times the minimum setback required for a detached house on the abutting property;

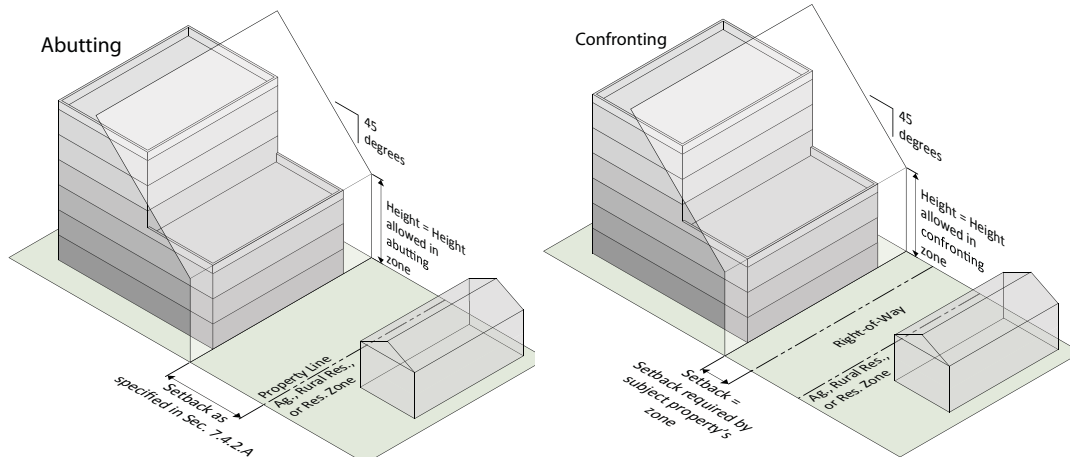
2. If the abutting property is improved with a civic and institutional, commercial, industrial, or miscellaneous use under [Sec. 3.1.6](#), the minimum setback equals the minimum setback required for a detached house on the abutting property; and
3. When screening is required under [Sec. 7.4.5](#) if the screening width is greater than the minimum setback established by this Section ([Sec. 7.4.2.A](#)), the minimum setback equals the required screening width.

## B. Confronting Property

Front and side street setbacks are not modified by this Section ([Sec. 7.4.3](#)).

## Sec. 7.4.4. Height Restrictions

- A. If the abutting property is vacant or improved with an agricultural or residential use under [Sec. 3.1.6](#), and the applicant proposes a building height greater than the height allowed in the abutting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the abutting zone at the setback line determined by [Sec. 7.4.2.A](#).
- B. If the confronting property is vacant or improved with an agricultural or residential use under [Sec. 3.1.6](#), and the applicant proposes a building height greater than the height allowed in the confronting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the confronting zone at the subject lot's front or side street setback line determined by [Article 59-4](#).

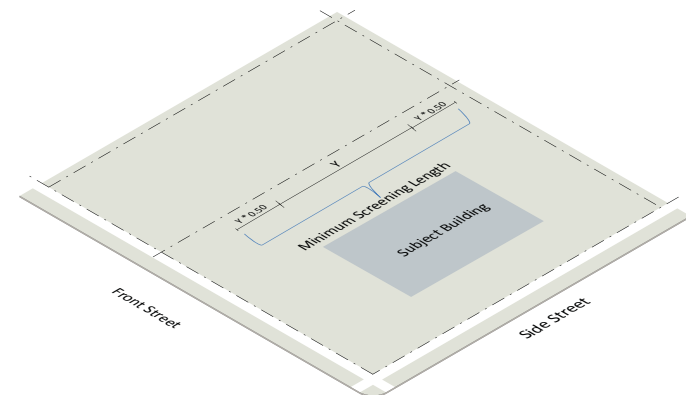


- C. Where the abutting or confronting property is improved with a civic and institutional, commercial, industrial, or miscellaneous use under [Sec. 3.1.6](#), the maximum height is not modified by this Section ([Sec. 7.4.4](#)).

## Sec. 7.4.5. Screening Requirements

### A. Location

1. Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.6](#).
2. Screening may be placed within any required setback. If the required setback is less than the screening width established for the building type in this Section ([Sec. 7.4.5](#)), the required screening width in [Sec. 7.4.5](#) must be provided.
3. Screening must be placed between the lot line and the subject structure or use and extend along the lot line a length equal to the length of the subject structure or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.



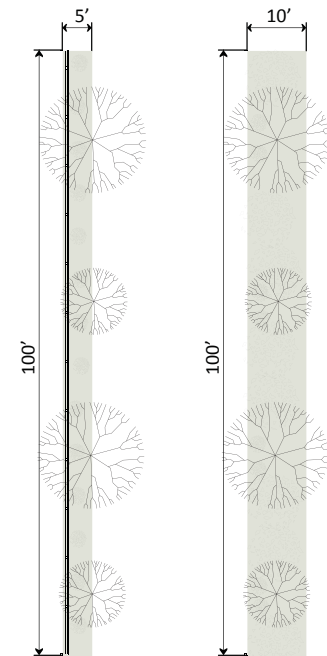
4. Screening is not required between a lot line and the subject structure or use if separated from the lot line by a surface parking lot. Instead, landscaping must be provided under [Sec. 7.2.9](#).

## B. Berms

Berms must have a rounded crown suitable for planting, and a stabilized side slope of 40% or less. Berms may meander and be discontinuous if the screening intent of this Division (Div. 7.4) is met.

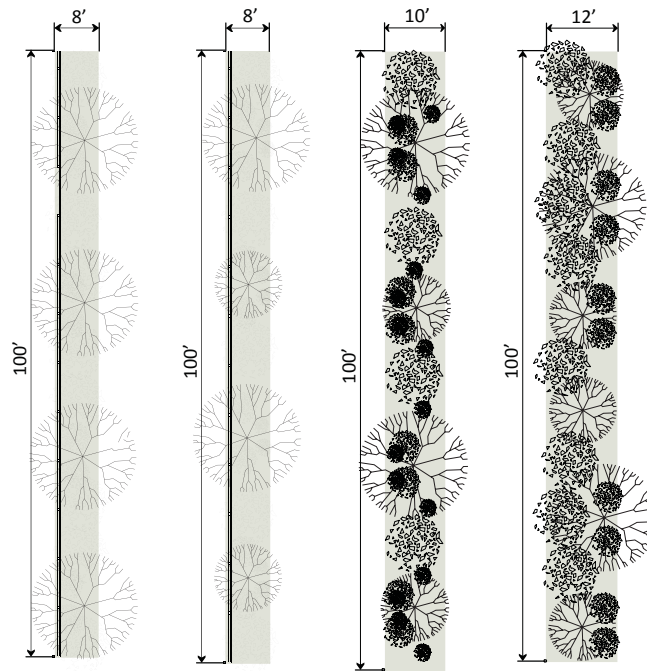
## C. Screening Requirements by Building Type

1. Screening is based on the proposed building type, unless otherwise stated. The minimum requirements for each building type are in [Sec. 7.4.5.C.4](#) through [Sec. 7.4.5.C.8](#); however, additional planting is allowed.
2. Plant materials are specified for each 100 linear feet of screening area. Any fractional requirement must be rounded up to the next higher whole number.
3. The applicant may choose between any option for the applicable building type or use.



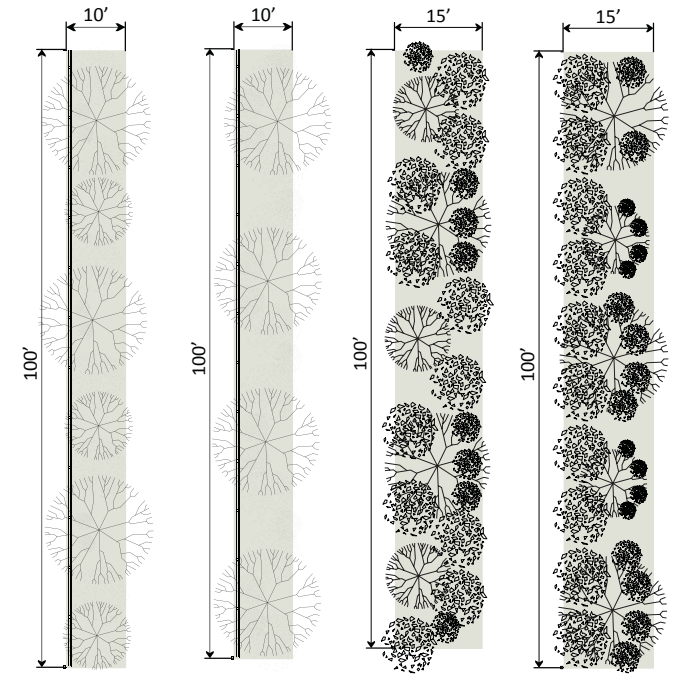
## 4. Townhouse

	Option A	Option B
<b>Dimensions (min)</b>		
Width	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	--



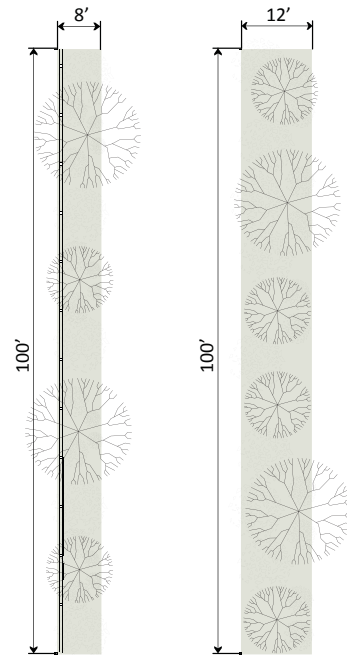
**5. Apartment/Condo Up to 60 Feet in Height or Multi Use Building Up to 40 Feet in Height**

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



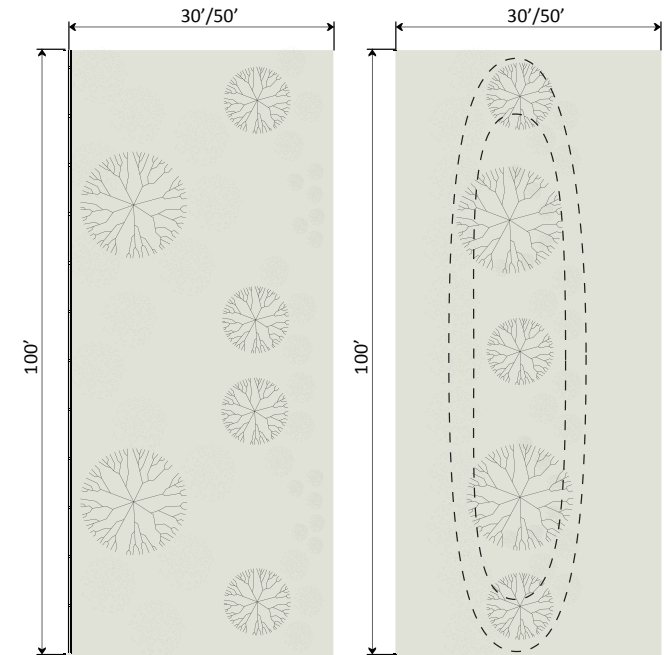
**6. Apartment/Condo Over 60 Feet in Height or Multi Use Building Over 40 Feet in Height**

	Option A	Option B	Option C	Option D
<b>Dimensions (min)</b>				
Depth	10'	10'	15'	15'
<b>Planting and Screening Requirements</b>				
Trees (minimum per 100')				
Canopy	3	4	2	3
Understory or Evergreen	3	--	3	2
Shrubs (minimum per 100')				
Large	6	8	11	10
Medium	--	12	8	10
Small	6	--	--	12
Wall, Fence or Berm (min)	4' fence or wall	6' fence or wall	--	--



**7. General Building with a Non-Industrial Use; Conditional Use in the Agricultural, Rural Residential, or Residential Zones; and Conditional Use in a Detached House or Duplex in Any Other Zone**

	Option A	Option B
<b>Dimensions (min)</b>		
Depth	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. General Building with an Industrial Use**

	Option A	Option B
<b>Dimensions (min)</b>		
Depth for all zones except IH zone	30'	30'
Depth for IH zone	50'	50'
<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

### **Sec. 7.4.6. Alternative Compliance**

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.4) if the applicant submits documentation illustrating how:
1. the intent of the Division is satisfied;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.

## Div. 7.5. General Landscaping and Outdoor Lighting

### Sec. 7.5.1. Intent

This Division (Div. 7.5) regulates minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The requirements are intended to preserve property values; to preserve and strengthen the character of communities; and to improve water and air quality.

### Sec. 7.5.2. Applicability

This Division (Div. 7.5) applies to landscaping required under this Chapter and to installation of any new outdoor lighting fixture or the replacement of any existing outdoor fixture. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture.

### Sec. 7.5.3. General Landscaping Requirements

#### A. General

1. DPS must 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 satisfy any applicable design guidelines or streetscape standards.
4. To satisfy the requirements of this Division (Div. 7.5), plant material must 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.
6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants are prohibited.

#### B. Landscaping Elements

##### 1. Plant Material

- a. Any 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 satisfy all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. Mature plant size is based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

##### 2. Canopy Trees

###### a. Defined

A canopy tree is a large deciduous tree, typically 40 to 70 feet tall at maturity, with a minimum spread (canopy) of 30 feet. A canopy tree typically has only a single trunk.

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

Any canopy tree within an open space area, screening area, or surface parking lot must have a minimum caliper of 2 inches or a minimum height of 14 feet when planted.

##### 3. Understory Trees

###### a. Defined

An understory tree is 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. Any single trunk understory tree within an open space area, screening area, or surface parking lot must have a minimum caliper of 1.5 inches or a minimum height of 10 feet when planted.

- ii. Any multi-trunk understory tree within an open space area, screening area, or surface parking lot 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, when planted.

#### 4. Evergreen Trees

##### a. Defined

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

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

Any evergreen tree within an open space area, screening area, or surface parking lot must be a minimum of 8 feet in height when planted, measured from the top of the root ball to the tip of the highest branch.

#### 5. Shrubs

##### a. Defined

- i. A large shrub must be of a species that will reach a minimum height of 8 feet.
- ii. A medium shrub must be of a species that will reach a minimum height of 4 feet.
- iii. A small shrub must be of a species that will reach a minimum height of 2 feet.

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

- i. A large shrub within an open space area, screening area, or surface parking lot must be a minimum of 5 gallon container or balled and burlapped.
- ii. A medium shrub within an open space area, screening area, or surface parking lot must be a minimum of 3 gallon container or balled and burlapped.
- iii. A small shrub within an open space area, screening area, or surface parking lot 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 a maximum height of 3 feet 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. A wall or fence must not 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. Any retaining wall where changes in street grade, width, or alignment have made such structures necessary;
- c. Any other wall or fence that is 6.5 feet or less in height, is behind the front building line, and is not on a property abutting a national historic park;
- d. Any rustic fence on a property abutting a national historical park;



- e. Any boundary fence 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 any other fence that 8 feet or less in height if the property is farmed and agriculturally assessed.

#### D. Failure to Maintain Landscaping

1. If 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 additional procedures.
2. 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. Exemptions

Routine lighting fixture maintenance, such as changing a lamp or light bulb, ballast, starter, photo control, housing, lense, and other similar component, does not constitute replacement and is permitted if such changes do not result in a higher lumen output.

#### B. Design Requirements

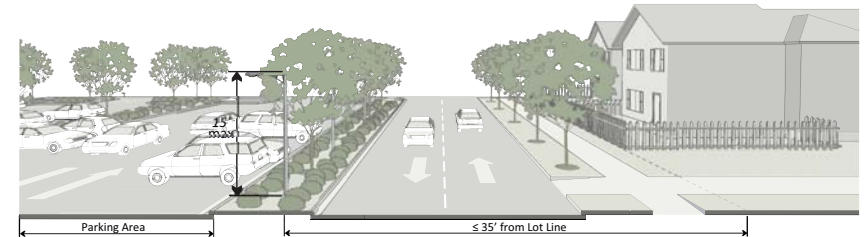
##### 1. Fixture (Luminaire)

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

##### 2. Fixture Height

A freestanding lighting fixture may be a maximum height of 40 feet in a parking lot with a minimum of 100 spaces, otherwise a freestanding lighting fixture may be a maximum height of 30 feet within a surface parking area and may be a maximum height of 15 feet within a non-vehicular pedestrian area. A freestanding light fixture located within 35 feet of the lot line of any

detached house building type not located in a Commercial/Residential or Employment zone may be a maximum height of 15 feet. Any height measure must be made from finished grade.



#### 3. Light Source (Lamp)

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

### C. Lighting Types

#### 1. Security Lighting

- a. Any building-mounted security light fixture such as a wall pack must not project above the fascia or roof line of the building and must be shielded.
- b. Any security fixture, including but not limited to a floodlight or wall pack, must not face ground floor residential uses.
- c. Any security fixture must 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 an architectural feature, 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 machine, or a similar facility 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 must be 30 footcandles or less under the canopy as measured horizontally at grade.

#### **4. Residential Entrances**

Any entrance to a residential building or multi use building 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 any outdoor recreation field must be arranged to prevent direct glare onto any public or private property or street. All outdoor playing field/ court lighting is prohibited between the hours of 11:00 p.m. and 7:00 a.m., unless other hours are specifically approved by the applicable deciding 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**

Except where otherwise stated in this Chapter, on-site illumination is limited to 0.5 footcandles at the lot line, excluding street lights within the right-of-way.

### **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 0.1 footcandles or less.

## **Sec. 7.5.5. Alternative Compliance**

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

## 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 requirements 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. This Division (Div. 7.6) applies to any site where merchandise, material, 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 are exempt from 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 exempt from 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 any propane gas storage rack, ice storage bin, soft drink, or similar vending machine 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, 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. Any outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. Any propane gas storage rack, ice storage bin, soft drink or similar vending machine may remain outside overnight.
- b. Any outdoor display must 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 any vehicle 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 any vehicle, boat, recreational vehicle, or other similar vehicle 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 must satisfy the standards of the zone or the use.

## 2. General Outdoor Storage

### a. Defined

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

### b. Standards

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

- i. In the Industrial zones screening of inventory and equipment must follow the screening requirements of **Sec. 7.4.5**, unless the use abuts or confronts property in an Industrial zone.
- 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 is 50 feet.
  - (e) Screening of inventory and equipment must follow the screening requirements of **Sec. 7.4.5** unless the use abuts or confronts property in an Industrial zone.

## Sec. 7.6.4. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.6) if the applicant submits documentation illustrating how:
  1. the intent of the Division is satisfied;
  2. the functional results or performance standards of the requirements are met or exceeded; and
  3. it is in the public interest.

## Div. 7.7. Signs

### Sec. 7.7.1. Intent

This Division (Div. 7.7) regulates the size, location, height, and construction of all signs placed for public view. The requirements are intended 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 property owner must obtain a permit under this Division before 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 that does not satisfy the requirements in this Article must obtain a variance from the Sign Review Board.

### Sec. 7.7.3. Exempt Signs

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

- A. A sign on private property does not require a permit and is exempt from the requirements of this Division when the area of the sign is 2 square feet or less, and:
  - 1. the sign is on private property customarily associated with residential living or decoration.
  - 2. the sign is part of a mailbox or newspaper tube and satisfies government regulations.
  - 3. the sign is warning the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk under 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 satisfy the prohibitions in [Sec. 7.7.4](#), Prohibited Signs.
  - 1. A sign that 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 that 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 such as a cornerstone, memorial, plaque, or historical marker.
  - 6. A sign that is an integral part of a dispensing mechanism, such as 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 must not be erected or retained. The Sign Review Board must not grant a variance permitting their erection, installation, or maintenance. A prohibited sign erected after December 8, 1997, must be removed no later than 24 hours after notification by DPS that the sign must be removed.

##### **A. Obscene Sign**

A sign must 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 must 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 such as heating, a ventilating and air conditioning unit, an elevator shaft, and stairs located on a roof also are considered wall space.

##### **C. Obstructive Sign**

A sign must 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, must not be erected or retained. Any unsafe sign must be repaired to meet safety requirements or removed no later than 30 days after 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 must not be placed on a lot or parcel, unless 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 allowed to be located in the public right-of-way in this Division (Div. 7.7), if:
  - 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 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 is prohibited.

### 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 for a seasonal use 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 that supports a sign is excluded from the measurement of 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.

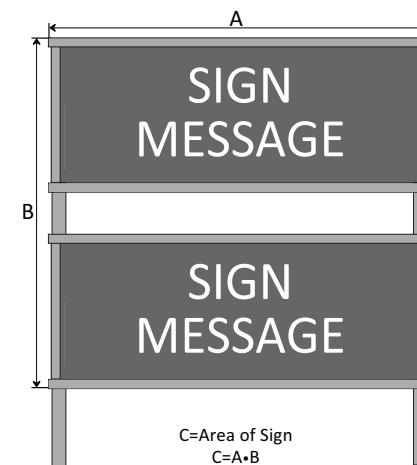
### C. Multiple Sections

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 are 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 are used in the computation of the sign area unless the applicant demonstrates that only one side of the sign is 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

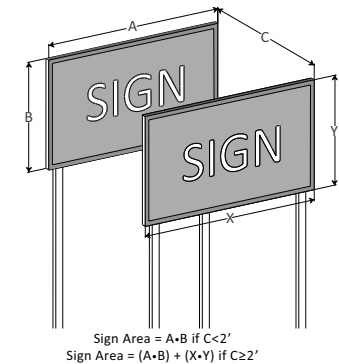


Figure 5

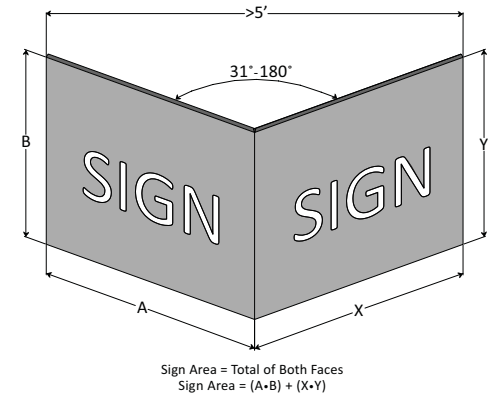
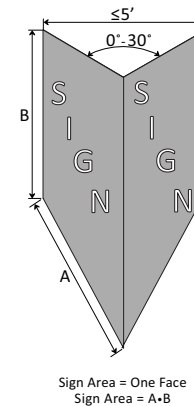
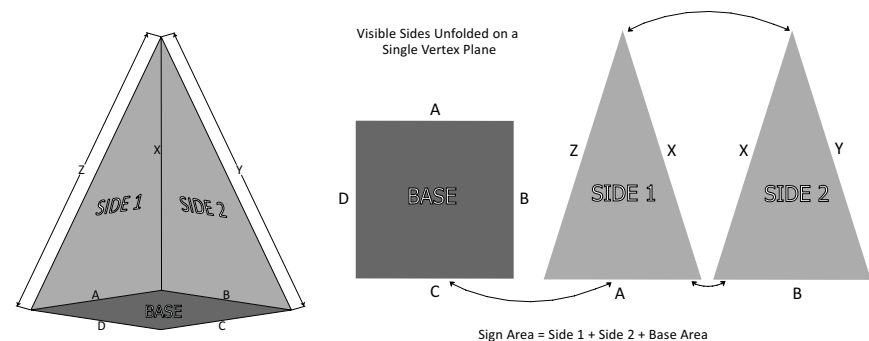


Figure 6





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

A permanent sign is one that is 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. Any setbacks is 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 satisfy 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 satisfy the following requirements:

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 illuminated in a pattern or lighting combination that resembles a traffic signal is prohibited;
4. A sign illuminated by flashing, revolving or intermittent lights, or lights of changing intensity is prohibited; 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 satisfy the following structural requirements.

1. A sign shaped like a traffic sign or traffic signal, or that uses wording similar to traffic signals, or interferes with traffic safety is prohibited.
2. A sign must be a geometric shape; a sign shaped to resemble any human or animal form is prohibited.
3. A sign activated by wind is prohibited.
4. A sign with moving parts is prohibited.
5. Signs that have characters that 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 satisfy 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; and
  - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area.

## 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 that does not satisfy 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 be 200 square feet or less, 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  $\frac{1}{4}$  of the distance required for the building restriction setback as determined by the Chapter 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. A sign or supporting structure of a flat wall sign must not 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 must not project over a public right-of-way except where there is no building setback.
- e. The sign must not exceed 26 feet in height and must meet the following standards:
  - i. The sign must 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 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 if 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 must 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 satisfy the requirements for a wall sign.
- d. The sign may be placed on a wall more than 26 feet from the ground if 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 must 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 satisfy 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 must satisfy 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 must 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 Chapter.

#### 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 must not exceed 5 square feet.
2. A sign must not 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 must 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 satisfying 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 satisfy 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 under 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 must not exceed 40 square feet and the total sign area must not exceed 100 square feet.

##### 2. Residential Zones

Total sign area must not exceed 10 square feet; however, the total sign area at any place of assembly must 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 must not exceed 100 square feet.
- b. Temporary window signs must satisfy the following additional requirements:
  - i. The total area of temporary window signs must 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 if they satisfy the general rules of sign placement stated in [Sec. 7.7.6.B.](#)
  - iii. The sign may be illuminated.