

# ARTICLE 59-9. ZONES RETAINED FROM PREVIOUS ORDINANCE

## DIV. 9.1. IN GENERAL

SEC. 9.1.1. APPLICABILITY .....	9 – 2
SEC. 9.1.2. MODIFICATION OF ZONES .....	9 – 2

## DIV. 9.2. RESIDENTIAL FLOATING ZONES

SEC. 9.2.1. ZONES ESTABLISHED .....	9 – 3
SEC. 9.2.2. PURPOSE AND INTENT .....	9 – 3
SEC. 9.2.3. USES .....	9 – 4
SEC. 9.2.4. R-T ZONE REQUIREMENTS AND DEVELOPMENT STANDARDS .....	9 – 7
SEC. 9.2.5. R-H ZONE REQUIREMENTS AND DEVELOPMENT STANDARDS .....	9 – 9

## DIV. 9.3. PLANNED DEVELOPMENT ZONES

SEC. 9.3.1. ZONES ESTABLISHED .....	9 – 11
SEC. 9.3.2. PD ZONE .....	9 – 11
SEC. 9.3.3. TS ZONE .....	9 – 17
SEC. 9.3.4. PNZ ZONE .....	9 – 20
SEC. 9.3.5. PRC ZONE .....	9 – 22
SEC. 9.3.6. PCC ZONE .....	9 – 25

## Div. 9.1. In General

### Sec. 9.1.1. Applicability

The zones in this Article (Article 59-9), which were applied by local map amendment before this Zoning Ordinance was adopted, may be mapped on the zoning map, but may not be requested by any property owner under a Local Map Amendment, and may not be applied to any additional property in a master plan adopted after [date of adoption].

### Sec. 9.1.2. Modification of Zones

#### A. Amending a Development Plan

An amendment to an approved development plan or schematic development plan in any zone in this Article (Article 59-9) must follow the procedures for amending a floating zone plan under Sec. 8.2.1.1, the parking, queuing, and loading standards in Sec. 7.2, and the signage standards in Sec. 7.7.

#### B. Requesting a New Floating Zone

Unless prohibited by a specific provision of the zone, land under any zone in this Article (Article 59-9) may request a new floating zone under Article 59-5.

## Div. 9.2. Residential Floating Zones

### Sec. 9.2.1. Zones Established

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

### Sec. 9.2.2. Purpose and Intent

#### A. R-T Zone

1. The purpose of the R-T zones is to provide suitable sites for townhouses:
  - a. in sections of the County that are designated or appropriate for residential development at densities allowed in the R-T zones; or
  - b. in locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density multi-unit living uses and low-density single-unit living uses.
2. It is the intent of the R-T zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole.

#### B. R-H Zone

1. The purpose of the R-H zone is to provide suitable sites for relatively high density residential development, to accomplish economies in the construction and operation of such public services as transportation, retail shopping

facilities and other community facilities which depend upon convenient access by residents of the area, and to prevent undue congestion in sections of the County where such facilities are not available or cannot be conveniently and economically provided. These sites will provide a maximum of light, air and open space for the benefit of the residents of the development and for the surrounding area. Within the limits of these requirements it is the purpose of the R-H zone to provide the maximum possible amount of freedom in the design of residential structures and their grouping and layout within the areas classified in that zone, to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and of the county as a whole.

### Sec. 9.2.3. Use Table for the R-T and R-H zones

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

USE OR USE GROUP	Definitions and Standards	R-T 6.0	R-T 8.0	R-T 10.00	R-T 12.5	R-T 15.0	R-H
<b>AGRICULTURAL</b>							
Community Garden	3.2.3						P
Farming	3.2.6.						P
Urban Farming	3.2.9						P
ACCESSORY AGRICULTURAL USES	3.2.11						
Animal Husbandry	3.2.11.A						P
TEMPORARY AGRICULTURAL USES	3.2.12						
Seasonal Outdoor Sale	3.2.12.B	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	
<b>RESIDENTIAL</b>							
HOUSEHOLD LIVING	3.3.1						
Single-Unit Living	3.3.1.B	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	P
Two-Unit Living	3.3.1.C	P	P	P	P	P	
Townhouse Living	3.3.1.D	P	P	P	P	P	
Multi-Unit Living	3.3.1.E	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>5</sup>
GROUP LIVING	3.3.2						
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C	C	C	C	C	C	P
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D						L
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D						C
Residential Care Facility (Up to 8 Persons)	3.3.2.E	P	P	P	P	P	P
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	P
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C
ACCESSORY RESIDENTIAL USES	3.3.3						
Home Health Practitioner (Low Impact)	3.3.3.G	C	C	C	C	C	

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

USE OR USE GROUP	Definitions and Standards	R-T 6.0	R-T 8.0	R-T 10.00	R-T 12.5	R-T 15.0	R-H
Home Health Practitioner (Major Impact)	3.3.3.G	C	C	C	C	C	
Home Occupation (No Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Low Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C
<b>CIVIC AND INSTITUTIONAL</b>							
Cultural Institution	3.4.3	P	P	P	P	P	P
DAY CARE FACILITY	3.4.4						
Family Day Care (Up to 8 Persons)	3.4.4.C	P	P	P	P	P	P
Group Day Care (9 - 12 Persons) <sup>6</sup>	3.4.4.D	C	C	C	C	C	C
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C
Educational Institution (Private)	3.4.5	C	C	C	C	C	
Hospital	3.4.6	C	C	C	C	C	C
Private Club, Service Organization	3.4.8	C	C	C	C	C	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P
Religious Assembly	3.4.10	P	P	P	P	P	P
Swimming Pool (Community)	3.4.11	C	C	C	C	C	
<b>COMMERCIAL</b>							
COMMUNICATION FACILITY	3.5.2						
Cable Communications System	3.5.2.A	C	C	C	C	C	C
EATING AND DRINKING	3.5.3						
Restaurant	3.5.3.B						C <sup>7</sup>
Office	3.5.8.B	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>9</sup>
PARKING	3.5.9						
Structured Parking	3.5.9.B						P
Surface Parking for Use Allowed in the Zone	3.5.9.C						P
RECREATION AND ENTERTAINMENT	3.5.10						
Golf Course, Country Club	3.5.10.D	C	C	C	C	C	
RETAIL SALES AND SERVICE	3.5.11						
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A						C <sup>7</sup>
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A						C <sup>7</sup>

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

USE OR USE GROUP	Definitions and Standards	R-T 6.0	R-T 8.0	R-T 10.00	R-T 12.5	R-T 15.0	R-H
Retail/Service Establishment (15,001 - 49,999 SF)	3.5.11.A						C <sup>7</sup>
ACCESSORY COMMERCIAL USES	3.5.14						
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	L	L	L	L	L	L
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C						L
TEMPORARY COMMERCIAL USES	3.5.15						
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L
Transitory Use	3.5.15.C	L	L	L	L	L	L
<b>INDUSTRIAL</b>							
UTILITIES	3.6.7						
Distribution Line (Below Ground)	3.6.7.A	P	P	P	P	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C
ACCESSORY MISCELLANEOUS USES	3.7.4						
Accessory Structures	3.7.4.A	P	P	P	P	P	P
Accessory Use	3.7.4.B	P	P	P	P	P	P

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- 1 Limited to the sale of Christmas trees between December 5 and December 25.
- 2 Subject to the requirements of the R-6o zone.
- 3 Multi-unit living must occur in a one-household attached dwelling unit, defined as follows: a dwelling unit that is in a structure consisting entirely of dwelling units, each of which:
  - a. is attached to one or more other dwelling units;
  - b. has at least one direct entrance from the outside, and
  - c. has an abutting ground level outdoor area for the exclusive use of its occupants.
- 4 Under the special requirements applying to developments which include MPDUs as required by Chapter 25A.
- 5 A maximum of 40% of the dwelling units may be one-household attached dwell

ing units, as defined in footnote 3 of this Section (Sec. 9.2.3), except under the MPDU optional method requirements of Sec. 9.2.4.C.

- 6 Prohibited in a townhouse and duplex building type.
- 7 Restaurants and Retail/ Service Establishments may be permitted in the RH zone by the Board of Appeals subject to Sec. 8.3.1, Conditional Use, and the following standards:
  - a. The Restaurant or Retail/ Service Establishment must be:
    - i. primarily for the service of the residents of the building or complex in which it is located, and deliveries to non-residents are prohibited;
    - ii. located on the ground-level, except that a restaurant may locate on the top floor or penthouse; and
    - iii. located and constructed to protect tenants of the building from noise, traffic, odors, and interference with privacy.
  - b. Entrances directly from the exterior to the Restaurant or Retail/ Service Establishment are prohibited.
  - c. Retail/Service Establishments are limited to:
    - i. banks or savings and loan offices;
    - ii. barber and beauty shops;
    - iii. book stores;
    - iv. drug stores;
    - v. dry cleaning and laundry pick-up stations;
    - vi. florists;
    - vii. food and beverage store;
    - viii. gift shops;
    - ix. jewelry stores;
    - x. laundromats;
    - xi. newsstands;
    - xii. offices, banking; and
    - xiii variety and dry goods stores.
- 8 For business connected with the management, service, and maintenance of the development.
- 9 In an apartment/condo building or group of buildings occupying a parcel of land in one ownership, containing at least 24 dwelling units, for business connected with the rental, operation, service and maintenance of the building.

## Sec. 9.2.4. R-T Zone General Requirements and Development Standards

### A. R-T Zone, In General

#### 1. Combined Tracts

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

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

#### 2. Existing Structures

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

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

**B. R-T Zone Standard Method**

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

**2. Placement**

<b>Principal Building Setbacks (min)</b>					
From any dwelling unit in a detached house or land classified in a Residential Detached zone	30'	30'	30'	30'	30'
From any public street	25'	25'	25'	25'	20'
From an abutting lot:					
Side (end unit)	10'	10'	10'	10'	8'
Rear	20'	20'	20'	20'	20'
<b>Specifications for Principal Building Setbacks</b>					
a	The setback from a detached house or land classified in a Residential Detached zone may be decreased by the Planning Board if the applicant demonstrates that a more desirable form of development can be achieved using the street, side and rear lot line setbacks in this table.				
b	Where the side lot of an end unit abuts a public street, the side yard setback must equal the required front yard setback.				

**3. Building Height**

	<b>R-T 6.0</b>	<b>R-T 8.0</b>	<b>R-T 10.0</b>	<b>R-T 12.5</b>	<b>R-T 15.0</b>
<b>Height (max)</b>					
Principal building	35'	35'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'

**Specification for Height**

Agricultural buildings and the height encroachments allowed under [Sec. 4.1.5.D.3](#) may exceed the height limits.

**4. Form**

Eight townhouses is the maximum number permitted in any one attached row.

Three continuous, attached townhouses is the maximum number allowed with the same front building line. The variations in building line must be a minimum of 2 feet.

For one-household attached dwelling units, as defined in footnote 3 in [Sec.9.2.3](#), 12 units is the maximum number allowed in one row.



### C. R-T Zone Development Including MPDUs

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

#### 1. Development Standards

- The development standards in [Sec. 9.2.4. B](#) may be modified as follows:

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

- The form standards required under [Sec. 9.2.5.E](#) may be waived.

#### 2. Dwelling Unit Mix

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

## Sec. 9.2.5. R-H Zone General Requirements and Development Standards

### A. R-H Zone, In General

- Luminaries on parking lots may be a maximum of 10 feet above ground level and outdoor lighting must not shine in apartment windows or reflect or cause glare into abutting or facing premises.
- Interior roads may be private or public, but private roads must have a minimum width of 20 feet for two-way traffic and 10 feet for one-way traffic and must be paved and maintained in good repair.

- Inner courts are prohibited. The width of outer courts must be calculated in the same manner as specified in [Sec. 9.2.5.B.2](#) for the distance between buildings.
- Site plan approval is required under [Sec. 8.3.4.](#)

### B. R-H Zone Standard Method Development Standards

#### 1. Lot

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

#### 2. Placement

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

## 2. Placement

### Specifications for Setbacks

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

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

### Distance Between Buildings on the Same Lot (min)

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

## C. R-H Zone Special Regulations for Development Including MPDUs

The following optional standards may be used to achieve MPDUs, including any bonus density, provided under Chapter 25A on site:

1. The common open space may be reduced to a minimum of 35% ,if required to accommodate the construction of all workforce housing units on site.
2. The requirements for setbacks and distances between apartment/ condo buildings may be reduced if an applicant can demonstrate during site plan review that such reductions are necessary to accommodate the increased density.
3. Site plan approval is required under **Sec. 8.3.4.**

## Div. 9.3. Planned Unit Development Zones

### Sec. 9.3.1. Zones Established

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

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

### Sec. 9.3.2. PD Zone

#### A. Purpose

1. It is the purpose of this zone to implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. It is intended that this zone provide a means of regulating development which can achieve flexibility of design, the integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the procedures and regulations under which it is permitted as a right under conventional zoning categories. In so doing, it is intended that the zoning category be used to implement the general plan, area master plans and other pertinent county policies in a manner and to a degree more closely compatible with said county plans and policies than may be possible under other zoning categories.
2. In addition, it is the purpose of this zone that development be so designed and constructed as to facilitate and encourage a maximum of social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. It is intended that development in this zone produce a balanced and coordinated mixture of residential and convenience commercial uses, as well as other commercial and industrial uses shown on the area master plan, and related public and private facilities.
3. In addition, it is the purpose of this zone to provide and encourage a broad range of housing types, comprising owner and rental occupancy units, and one-family, multiple-family and other structural types.
4. Additionally, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees and, in order to do so, minimize the amount of grading necessary for construction of a development.
5. In addition, it is the purpose of this zone to encourage and provide for open space not only for use as setbacks and yards surrounding structures and related walkways, but also conveniently located with respect to points of residential and commercial concentration so as to function for the general benefit of the community and public at large as places for relaxation, recreation and social activity; and, furthermore, open space should be so situated as part of the plan and design of each development to achieve the physical and aesthetic integration of the uses and activities within each development.
6. It is also the purpose of this zone to encourage and provide for the development of comprehensive, pedestrian circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities, and thereby minimize reliance upon the automobile as a means of transportation.
7. Since many of the purposes of the zone can best be realized with developments of a large scale in terms of area of land and numbers of dwelling units which offer opportunities for a wider range of related residential and nonresidential uses, it is therefore the purpose of this zone to encourage development on such a scale.
8. It is also the purpose of this zone to achieve a maximum of safety, convenience and amenity for both the residents of each development and the residents of neighboring areas, and, furthermore, to assure compatibility and coordination of each development with existing and proposed surrounding land uses.

## B. Uses

### 1. Residential Uses

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

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

#### Key

NP Not permitted.

P Permitted but not required.

() Maximum percentage permitted.

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

## 2. Commercial Uses

- a. Pedestrian-oriented local commercial facilities not indicated on the master plan for the area in which the proposed development is located may be allowed at the discretion of the District Council upon a finding that they are compatible with the development and are necessary for the service of the residents of the proposed development and adjacent residential developments, in amounts not to exceed the following:
  - i. If the number of dwelling units shown on the development plan is greater than 500, Retail/Service Establishments and Offices principally for the service of the residents in the development may be allowed up to a maximum of 10 square feet of gross floor area per dwelling unit shown on the development plan.
  - ii. If the number of dwelling units shown on the development plan is greater than 1,000, Retail/Service establishments and Offices principally for the service of the residents in the development may be allowed up to a maximum of 20 square feet of gross floor area per dwelling unit shown on the development plan.
- b. Commercial and industrial uses may be allowed in addition to the local commercial facilities allowed under **Sec.9.3.2.B.2.a**, if any, under the following conditions:
  - i. Such uses are proposed by the appropriate master plan to be located within the area covered by the PD zone.
  - ii. Such uses are designed and located to achieve the purposes of the PD zone and to be compatible with other uses within and adjacent to the development.
- c. A Transitory Use is allowed and must satisfy the limited use standards under **Sec. 3.5.15.C.2.**

## 3. Other Uses

- a. Noncommercial community recreational facilities which are intended exclusively for the use of the residents of the development and their guests may be allowed.

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

## C. Development Standards

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

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

## 2. Density of Residential Development

- a. The density of development is based on the area shown for residential use on the master plan and must not exceed the density permitted by the density category granted. However, the maximum density allowed under [Sec. 9.3.2.c.1](#) may be increased to accommodate the construction of MPDUs and workforce housing units as follows:
  - i. For projects with a residential density of less than 28 dwelling units per acre, the number of MPDUs must be at least the number of bonus density units or 12.5% of the total number of dwelling units, whichever is greater
  - ii. For projects with a residential density of more than 28 dwelling units per acre, the number of MPDUs must be at least 12.5% of the total number of dwelling units under [Chapter 25A](#).
  - iii. Any project with a residential density at or above 40 dwelling units per acre may provide workforce housing units under [Chapter 25B](#).
- b. Notwithstanding the density provisions of this zone, the District Council may approve an increase in density for Independent Living Facilities for Seniors or Persons with Disabilities, as defined in [Sec. 3.3.2.C.1](#), within a planned development if the following requirements are satisfied:
  - i. The total number of dwelling units within that portion of the site proposed for such housing is a maximum of 3 times the density normally permitted for the same area under the density category requested. A minimum of 20% of such housing must be MPDUs under [Chapter 25A](#).
  - ii. The density for the remainder of the property must not exceed the density permitted under the density category requested.
  - iii. In approving such density increase, the District Council must find that the proposal satisfies the following:
    - (a) the total area of the planned development under application is a minimum of 3 acres in size;
    - (b) the site has adequate accessibility to public or private transportation, medical services, shopping areas, recreational and other

- community services frequently required by senior adults and persons with disabilities;
  - (c) the Independent Living Facilities for Seniors or Person with Disabilities will be situated on a maximum of one-third of the total site under application;
  - (d) the compatibility requirements of **Sec. 9.3.2.D** are satisfied; and
  - (e) the increased density to accommodate such housing is found to be in the public interest, taking into account the increased size and bulk of buildings and the impact on public facilities.
- iv. A copy of the application and pertinent information submitted by the applicants in support of the request for increased density for Independent Living Facility for Seniors or Persons with Disabilities must be transmitted to the Department of Health and Human Services and to the Department of Housing and Community Affairs by the Hearing Examiner's office, no later than 5 days after the zoning application is filed, for their recommendation to the Hearing Examiner.
  - v. The table in **Sec. 9.3.2.B.1.b**, containing the minimum requirements for the mixture of residential housing types within a planned development, does not apply to any Independent Living Facility for Seniors or Persons with Disabilities approved under this Section (Sec. 9.3.2).
  - vi. The parking requirements of **Div 7.2** applicable to Independent Living Facility for Seniors or Persons with Disabilities may be increased if the development plan proposes a project primarily concerned with providing facilities for independent living.
- c. The District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site.

#### D. Compatibility

1. All uses must achieve the purposes under **Sec. 9.3.2.A** and be compatible with the other uses proposed for the planned development and with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.

2. In order to assist in accomplishing compatibility for sites that are not within, or in close proximity to a central business district or transit station development area, the following requirements apply where a PD zone adjoins land for which the area master plan recommends a Residential Detached zone:
  - a. Only a detached house building type can be constructed within 100 feet of such adjoining land; and
  - b. No building can be constructed to a height greater than its distance from such adjoining land.
3. The requirement under **Sec. 9.3.2.D.2 a** can be waived if:
  - a. The area master plan recommends a use other than Single-Unit Living for the property immediately adjoining the area where the waiver is to occur; and
  - b. The immediately adjoining property will not be adversely affected by the waiver for present or future use.
4. The requirements under **Sec. 9.3.2.D.2** may be waived if:
  - a. The site is within or in close proximity to a central business district or transit station development area and reduced setbacks are recommended by the master or sector plan, and the Planning Board finds that the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting Residential Detached zones; or
  - b. The site is within or in close proximity to a historic district and the Planning Board finds that reduced setbacks or increased building height will facilitate the preservation, reuse, or redevelopment of a designated historic district and the immediately adjoining property will not be adversely affected by the waiver.
  - c. The maximum building height allowed under this waiver is 50 feet.
5. Compliance with these requirements does not, by itself, create a presumption of compatibility.

#### E. Dedication of Land for Public Use

Such land as may be required for public streets, parks, schools and other public uses must be dedicated to satisfy the requirements of **Chapter 50**, and the general plan and master plans and other plans as may be applicable. The lands



to be dedicated must be identified on development plans and site plans required under Sec. 8.3.4.

## F. Procedure for Development

Site plan approval is required under Sec. 8.3.4.

## Sec. 9.3.3. TS Zone

### A. Purpose

1. It is the purpose of this zone to provide a classification which will permit development of or additions to planned new towns or additions to existing urban developments. Such towns must contain, to the extent possible, all of the residential, commercial, civic and institutional, and industrial facilities needed to make possible a town that is reasonably self-sufficient for all purposes, except major employment and central business district shopping. Adequate provision must be made for the maintenance of open space and the location of streets and highways to assure orderly traffic circulation. Provision must be made for the inclusion of housing for families of low and moderate incomes. Physical planning within the town must assure that these uses, including a wide variety of types of housing accommodations, be placed in efficient and orderly relationship.
2. A new town is also described, for the purposes of this chapter, as being located on a substantially undeveloped site and meeting the following mutually interdependent requirements:
  - a. It must be self-sufficient and contain, as nearly as possible, all of the commercial, employment, cultural and recreational facilities desirable and necessary for the satisfaction of the needs of its residents.
  - b. It must be diverse, containing a wide variety of residential facilities to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices.
  - c. The density must be urban rather than rural, in order to facilitate travel between residential, commercial, employment and other types of areas and to make the most efficient use of public utilities, but low enough to permit the incorporation of large amounts of open land within the town for recreational and scenic purposes.
  - d. Transportation facilities adequate to serve the anticipated total population must exist or be planned for future construction.
  - e. Public sewer and water must be available at the site or planned for construction.

3. In order to encourage and facilitate desirable development of this kind, it is also the purpose to eliminate, in the TS zone, some of the specific restrictions which regulate, in other zoning categories, the height, bulk and arrangement of buildings and the location of the various land uses; to provide for more flexibility in development; and to require that all development satisfy a plan meeting the requirements of this section. It is the intent of this zone to achieve flexibility of design, integration of mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than the standards permitted by right and required in conventional zoning categories.
4. In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of trees; and, in order to do so, minimize the amount of grading necessary for construction of a development..

## B. Land Uses

1. Uses described on the approved development plan, are allowed by right in this zone. All uses authorized in any zone, by right or as conditional uses, may be similarly authorized in the TS zone, subject to the following restrictions:
  - a. Only uses shown on the approved site plan are permitted, unless the site plan is first amended under **Sec. 8.2.1.I**. An amendment to the site plan is not required for construction of accessory buildings and additions or modifications to existing detached houses, townhouses and accessory buildings if:
    - i. The Planning Board has approved homeowners association documents establishing a procedure to review such development prior to construction; and
    - ii. Under this procedure, approval for construction has been granted; provided, however, that site plan review is necessary for additional construction commenced prior to December 9, 1980, if:
      - (a) At the time such additional construction was commenced, site plan review was required; and
      - (b) The recorded subdivision plat creating the lot upon which such development is proposed did not indicate the standards to be applied or the procedures to be followed to approve additional construction beyond initial development.
  - b. No use may occupy a location other than indicated on the approved site plan.
  - c. Areas designated as residential on the development plan, must consist of the residential portion of the TS zone and accompanying facilities such as local retail areas, public school sites, local recreational and open space areas and public roads. Only the following building types and uses are allowed residential areas:
    - i. detached house building types containing the following uses:
      - (a) single-unit living;
      - (b) professional offices for use by not more than one member of a recognized profession who is a resident of the dwelling and by not more than one nonresident assistant. Recognized professions include but are not limited to medicine, dentistry, law, accounting and architecture; they do not include businesses such as insurance, real estate, etc. A professional office in this instance shall be incidental to the principal use of the building as a dwelling and must not include a medical, dental or veterinary clinic or in-patient treatment facility;
      - (c) all other permitted or limited uses allowed in the R-go zone under **Sec. 3.1.6; and**
      - (d) all conditional uses allowed in the R-go zone under **Sec. 3.1.6**, subject to the grant of a conditional use permit under **Sec 8.3.1.**
    - ii. apartment/ condo building types containing the following uses:
      - (a) household living up to the maximum number of dwelling units indicated on the site plan;
      - (b) office for rental, operation, service and maintenance of an apartment/ condo building or group of buildings;

- (c) all other permitted or limited uses in the R-30 zone under **Sec. 3.1.6;**
- (d) all conditional uses allowed in the R-30 zone under **Sec. 3.1.6,** which must also satisfy **Sec 8.3.1.;**
- (e) any of the commercial uses permitted in the NR zone if:
  - (1) commercial uses are on separate floors than residential uses; and
  - (2) the total floor area used for commercial purposes must not exceed the amount indicated on the site plan.
- d. An Independent Living Facility for Seniors or Persons with Disabilities is allowed.
- e. An Antenna on Existing Structure that satisfies the limited use standards in **Sec. 3.5.14.C** is allowed.
- 2. Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved home owners association, substantial in membership and duration, provided that easements for such uses must be granted to the County and recorded in the land records of the County following Planning Board approval of such easements.
- 3. All utility lines in the TS zone must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines as provided in Section 50-40(c). Standards for street lighting must be provided by the developer under the approved site plan. A use-and-occupancy permit must not be issued for any building which is not served by an approved sewer and water supply.

## C. Development Standards

### 1. Area Requirements

- a. Each application for the TS zone must be for a tract of land which has a minimum area of 1,500 acres; except:
  - i. an application for a tract of any size adjoining a tract in the town sector zone may be filed by the original applicant or a successor in title; or

- ii. a sectional map amendment may reduce the area zoned TS to less than 1,500 acres.
- b. A maximum of 10% of the total area of the town sector may be devoted to commercial purposes. All required parking for commercial purposes must be included within the 10% calculation.
- c. A maximum of 6% of the total area of the TS zone may be devoted to industrial purposes and other major employment facilities.
- d. A minimum of 10% of the total area of the TS zone must be devoted to open space. This may include publicly owned, community-wide or common open space and facilities but may not include streets and parking areas.

### 2. Density

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

### 3. Height

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

## D. Procedures for Development

1. Site plan approval is required under **Sec. 8.3.4**. Standards for width and area of lots, side and rear yards, setbacks, lot coverage, height and grouping of buildings, and similar requirements must be established at the time of site plan approval.
2. In the implementation of **Sec. 9.3.3.D.1**, the Planning Board may waive the substantive requirements of **Chapter 50** and certain requirements of **Div. 7.2**. (including the number of parking spaces described in **Div. 7.2**) if it finds that the waiver would allow greater flexibility of development consistent with the purposes of the zone and promote more attractive and more efficient overall planning and design; except that the following must not be waived:
  - a. the adequate public facilities requirements of Chapter 50 (**Sec. 50-35(k)**); nor
  - b. the provisions of **Sec. 8.3.4.D.-J**.
3. Record plats must indicate that the land is in the TS zone and must also include the following notations:
  - a. An appropriate statement concerning all of the land which is designated for common or quasi-public use but not to be in public ownership. This statement must grant to the public, on such land, easements covering all rights of development, construction or use other than the recreational or other quasi-public uses indicated in the approved site plan, except that, at the time of site plan approval, utilities easements may be excluded from specified areas.
  - b. A statement indicating that the plat satisfies the approved site plan and that development of the land is permitted only if it satisfies the approved site plan and the accompanying agreements concerning the ownership and maintenance of common land, which are on file at the offices of the Planning Board, and that application for reclassification is prohibited until 50 years after the grant of the TS zone.

## Sec. 9.3.4. Planned Neighborhood Zone

### A. Purpose

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

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

### B. Land Uses

The following building types and uses are allowed subject to the restrictions and conditions indicated. Each use, except any transitory use, must be shown on the development plan:

1. a detached house building type, containing the following uses:
  - a. single-household living;
  - b. professional office for the practice of medicine, dentistry, law, accounting or architecture by a resident of the dwelling, incidental to its principal

use as a dwelling and with the assistance of not more than one person who is not a resident of the dwelling;

- c. all other permitted or limited uses allowed in the R-go zone under [Sec. 3.1.6](#); and
  - d. all conditional uses allowed in the R-go zone under [Sec. 3.1.6](#), which must also satisfy [Sec. 8.3.1](#).
2. an apartment/ condo building type containing the following uses:
    - a. household living, up to the maximum number of units indicated on the site plan;
    - b. office for rental, operation, service and maintenance of an apartment/ condo building or group of buildings;
    - c. all other permitted or limited uses in the R-30 zone under [Sec. 3.1.6](#); and
    - d. all conditional uses allowed in the R-30 zone under [Sec. 3.1.6](#), which must also satisfy [Sec. 8.3.1](#).
  3. All of the commercial uses permitted in the NR zone, except Recreational and Entertainment Facilities may be allowed for a maximum area of 15 acres at any one location if the following conditions are met:
    - a. A market analysis of the local trade area, filed as a part of the development plan, indicates a need for the amount of commercial use proposed, and
    - b. The adopted master plan recommends commercial use within the area covered by the application, or there are not adequate local shopping areas, existing or proposed on a master plan, within a reasonable distance and with reasonable access from the site.
    - c. An Antenna on Existing Structure satisfies the limited use standards in [Sec. 3.5.14.C](#).
  4. Transitory Use that satisfies the limited use standards in [Sec. 3.5.15.C](#)
  5. Independent Living Facility for Seniors or Persons with Disabilities
  6. All utility lines in the planned neighborhood zone must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines as provided in Chapter 50 ([Sec. 50-40\(c\)](#)).

Street light standards must be provided by the developer that satisfy the approved site plan.

## C. Development Standards

### 1. Size and Density of Development

- a. The number of dwelling units in a planned neighborhood must house a minimum of 450 children of elementary school age, calculated with the formula in column A of the table in [Sec. 9.3.4.C.1.c](#).
- b. The appropriate density for each planned neighborhood application must be determined at the time of approval of the development plan and the granting of the planned neighborhood zone. The Planning Board's recommendation must take into account the availability of necessary public services and, where applicable, the provisions of the duly adopted and approved master plan for the subject area. The population density of a planned neighborhood must be planned to fall within a density range of from one to 15 persons per acre of land contained in the application, and must be calculated with the formula in column B of the table in [Sec. 9.3.4.C.1.c](#); except that such planned population may be increased by a maximum amount of 112% of the population to be housed in MPDUs provided under [Chapter 25A](#), provided, that the total increase in population is a maximum of 22% of the population which would otherwise be permitted.
- c. The following table indicates the formulas to be used in calculating the number of dwelling units in a neighborhood and the population density, as required in [Sec. 9.3.4.C.1.a](#) through [Sec. 9.3.4.C.1.b](#). These formulas are for the sole purpose of calculating the permitted number of dwelling units and the gross area required, and are not to be construed as indicating an actual or desirable family structure or household size. In addition, for planning purposes, the optimum size of an elementary school must be considered as ranging from 450 to 700 pupils.

	Column A	Column B
For each detached house	0.9 children	3.9 persons
For each townhouse	0.6 children	3.9 persons
For each dwelling unit in an apartment/condo building less than 50' in height	0.35 children	3 persons
For each dwelling unit in an apt/condo building 50' or more in height	0.1 children	2 persons

## 2. Height

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

## D. Reservation of Land

In addition to land required to be dedicated by Chapter 50, land must be reserved for public purposes and must conform to standards generally imposed for those sites, as follows:

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

## E. Procedure for Development

Site plan approval is required under [Sec. 8.3.4](#).

## Sec. 9.3.5. Planned Retirement Community Zone

### A. Purpose

The purpose and intent of the PRC zone is to provide for the establishment of a planned retirement community type of development, accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial and similar services required by the residents, that satisfies the comprehensive development plan approved by the Planning Board and designed to achieve a maximum of coordination between the development and the surrounding uses, including a maximum of safety, convenience and amenity for the residents of the development. Such developments are limited to areas that have adequate highway access, public water and sewer, and public services. Consideration must be given to the size of development (in acres) and the use of the site when determining whether day-to-day services and public facilities must be provided. Such developments must be designed to have a minimum of impact upon surrounding land and to provide adequate open spaces adjacent to their boundaries. In addition, it is the purpose of this zone to preserve and take the greatest possible aesthetic advantage of existing trees and to minimize the amount of grading necessary for construction of a development.

### B. Land Uses

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

#### 1. Required Uses

- a. In a development of 750 acres or more, the following uses are required:
  - i. dwelling units;
  - ii. retail commercial center, limited to the uses permitted in the NR zone and occupying a maximum of 1.5% of the gross area, including off-street parking;
  - iii. necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities; and

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

## 2. Permitted Uses

- a. The following uses are also allowed, but a floating zone plan amendment under [Sec. 8.2.1](#) is required for any use that is not shown on an approved development plan, unless the use is located in a dwelling unit and is subordinate to the residential use of that unit:
  - i. Hotel, Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying a maximum of 5 acres of land;
  - ii. Home Occupation in the age-restricted section subject to the regulations of the following zones:
    - (a) the R-60 zone in the case of a dwelling unit in a detached house;
    - (b) the RT-6 zone in the case of a dwelling unit in a townhouse or duplex; or

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



- i. in an area designated by the approved development plan for detached house dwelling units, the R-6o Zone, under [Article 59-3](#);
- ii. in an area designated by the approved development plan for townhouse or duplex dwelling units, the RT-6 zone, under [Sec. 9.2.3](#); or
- iii. in an area designated by the approved development plan for dwelling units in apartment/condo buildings, the R-3o Zone, under [Article 59-3](#).

### 3. Conditional Uses

- a. In the age-unrestricted area, conditional uses may be allowed under [Article 59-3](#) and [Sec. 8.3.1](#) based on the following zones:
  - i. in areas designated by the approved development plan for detached house dwelling units, the R-6o Zone, under [Article 59-3](#); or
  - ii. in areas designated by the approved development plan for duplex or townhouse dwelling units, the RT-6 Zone, under [Sec. 9.2.3](#); or
  - iii. in areas designated by the approved development plan for dwelling units in apartment/ condo buildings, the R-3o Zone, under [Article 59-3](#).
- b. Unless the use is located in, and subordinate to, the residential use of a dwelling unit, a development plan amendment under [Sec. 8.2.1](#) is required.

## C. Development Standards

### 1. Tract Area

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

### 2. Age of Residents, Residential Densities, and MPDUs

- a. A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated under the Fair Housing Amendments Act of 1988, as may be subsequently amended. The number of dwelling units is a maximum of 10 per acre, except as allowed under [Sec. 9.3.5.C.2.c](#).

- b. A planned retirement community of 750 acres or more may include a section in which there is no restriction on the age of residents. The facilities listed in [Sec. 9.3.5.B.1.a](#) are not required in this age-unrestricted section and land must be dedicated for public school sites.
  - i. In the age-restricted section, an area containing a minimum of 60% of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except, that a disabled relative may reside with a permanent resident. In addition, residence must be regulated under the Fair Housing Amendments Act of 1988. The number of dwelling units in that part of the planned retirement community is a maximum of 10 per acre of the land constituting the age-restricted section, including the retail commercial center and the associated off-street parking, except as allowed under [Sec. 9.3.5.C.2.c](#).
  - ii. In the age-unrestricted section, the number of dwelling units is a maximum of 6 dwelling units per acre of land, except as allowed under [Sec. 9.3.5.C.2.c](#).
- c. MPDUs must be provided in each section (age-restricted and unrestricted) under [Chapter 25A](#), including provisions for density bonus. The requirement to provide MPDUs does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption in 1974 of Chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any property added to the age-restricted area after April 4, 1994 will be subject to the provisions of Chapter 25A.

### 3. Setbacks

- a. In a development of 750 acres or more, all buildings and structures must be set back as follows:
  - i. Along a maximum of 40% of the length of the tract boundary, the setback must be a minimum of 50 feet.
  - ii. Along the remainder of the tract boundary, the setback must be a minimum of 100 feet.
  - iii. Notwithstanding the above:



- (a) There is no minimum setback requirement for an entrance gate house, and
- (b) Along any portion of the tract boundary adjoining land owned or occupied by a public utility the setback may be reduced to a minimum of 10 feet.
- iv. In a development of less than 750 acres, all buildings and structures must be set back as follows:
  - (a) the minimum setback of the adjacent zone; and
  - (b) an additional setback must be provided from adjacent detached house residential development if the building or structure proposed is higher than 35 feet. The additional setback must be a minimum of 2 feet for each foot of building above 35 feet.

#### 4. Coverage and Common Open Space

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

#### 5. Height

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

#### 6. Roads, Parking and School sites

- a. Off-street parking must be provided under [Div 7.2.](#)
- b. Interior roads not dedicated to public use must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and must be paved and maintained in good repair.
- c. Land required for sites for public schools in any age-unrestricted section must be dedicated under the requirements of the subdivision regulations.

#### D. Procedure for Development

- 1. Site plan approval is required under [Sec. 8.3.4.](#)
- 2. Application for the reclassification of land in the PRC zone is prohibited within 50 years after the land was classified in this zone.

### Sec. 9.3.6. Planned Cultural Center Zone

#### A. Purpose

- 1. The purpose of this zone is to provide appropriate locations for the planned development of planned cultural centers within the county. The PCC zone is intended to accommodate cultural arts facilities along with a variety of supplemental uses that relate to the cultural arts in a manner that achieves both physical and aesthetic integration of all uses and activities, including significant open space features and appropriate public use space. The zone is also intended to provide a more flexible approach to the comprehensive design and development of cultural centers than the procedures and regulations applicable under more traditional zoning categories and other PD zones.
- 2. The standards of the zone must be met in order to protect nearby properties and minimize the impacts of cultural centers on the surrounding area. Potential impacts include but are not limited to visual effects, noise and traffic. Adherence to the specific standards and requirements of the zone does not create a presumption that an application is, in fact, compatible with surrounding land uses and, in itself, does not require the approval of an application.

3. The uses listed as supplemental uses in **Sec 9.3.6.B.2** are appropriate only when provided in conjunction with specific cultural uses permitted in the zone which operate or are planned to operate on a year-round basis as shown in the development plan.

## B. Uses

1. The following are permitted cultural arts uses:
  - a. artist studios;
  - b. auditoriums for performing arts;
  - c. concert halls;
  - d. educational facilities devoted to the arts;
  - e. indoor theater; and
  - f. museums.
2. The following supplemental uses are allowed in the zone upon a finding by the District Council that a specific use or uses will be compatible with the cultural uses proposed on the site and will not adversely affect surrounding uses because of traffic or other factors:
  - a. accessory building and uses;
  - b. caretaker's residence or apartment;
  - c. child day care facilities, limited to children of persons employed by or using the cultural arts facilities;
  - d. community activities buildings;
  - e. detached houses constructed prior to property being classified in the zone;
  - f. restaurants;
  - g. hotel/motels limited to a maximum of 30 guest rooms or suites;
  - h. meeting rooms and conference facilities for the arts;
  - i. publicly owned or publicly operated uses;
  - j. residence hall for persons associated with cultural arts uses on the site.
  - k. antennas on existing structures under **Sec. 3.5.14**;

- l. sale of materials or works of art produced on the premises; and
  - m. work shops, including scenery and prop construction for use on site or for sale to other theatrical productions.
3. All uses must meet the purposes of the PCC zone and must be compatible with all uses, existing or proposed, within the site and in the surrounding area.

## C. Development Standards

### 1. Setbacks and Screening

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

### 2. Coverage

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

### 3. Parking

Off-street parking must be provided under **Div. 7.2**.

## D. Procedure for Development

Site plan approval is required under **Sec. 8.3.4**.