

# ARTICLE 59-1. PURPOSE, APPLICABILITY, AND USE OF THE CODE

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

## Div. 1.1. In General

### Sec. 1.1.1. Citation

This Chapter is known as the “Zoning Code” of the Montgomery County Code and may also be referred to as the “Zoning Ordinance”. Within this Chapter, the Zoning Code is referred to as this or the “Code” or “Chapter”.

### Sec. 1.1.2. Effective Date

The effective date of this Code is the date of the District Council resolution adopting the Code.

### Sec. 1.1.3. Repeal of Existing Zoning Regulations

The existing zoning ordinance entitled, “Montgomery County Code Zoning Ordinance: Chapter 59”, as adopted on January 18, 2005 and as subsequently amended is repealed as of the effective date of this Code. The adoption of the revised Code, however, does not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of prior regulations.

### Sec. 1.1.4. Authority

The provisions of this Chapter are adopted in accordance with the zoning and planning authority enumerated in the [Annotated Code of Maryland, Articles 28 and 66B](#), as amended, and other applicable county and state enabling authority.

### Sec. 1.1.5. Severability

- A. All provisions of this Chapter are severable.
- B. All provisions of any ordinance enacted in the future that amend or add any provision to the Code are severable unless such ordinance specifically provides that its provisions are not severable.
- C. The finding by a court that some provision of the Code or any subsequent amendment is unconstitutional and void does not affect the validity of the remaining portions of the Code unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent of the District Council.
- D. Additional severability provisions may be contained elsewhere in the Code.

## Div. 1.2. Purpose

### Sec. 1.2.1. Purpose of Chapter 59

- A. The zoning regulations set out in this Chapter are hereby adopted for the purpose of protecting and promoting the health, safety, morals, comfort, and welfare of the present and future inhabitants of the District and constitute the zoning ordinance text.
- B. Interpretation and application of this Chapter are the basic and minimum requirements for the protection of public health, safety, morals, comfort, and welfare. This Chapter will be liberally interpreted in order to further its underlying purpose.

## Div. 1.3. Applicability

### Sec. 1.3.1. Applicability

This Chapter applies to that portion of the Maryland-Washington Regional District in Montgomery County, except for certain municipalities as stated in [Sec. 1.3.2.](#), and applies to all buildings, structures, lands, and uses over which the County has jurisdiction under the constitution and the laws of the State of Maryland and of the United States.

### Sec. 1.3.2. Nonapplicability to Certain Municipalities

This Chapter does not apply to the municipal corporations of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove.

### Sec. 1.3.3. Annexations

#### A. Annexation of Additional Area to the Regional District

Any area annexed to the Maryland-Washington Regional District after the effective date of this Ordinance on [Xxxx, #, #####](#) will immediately upon annexation be automatically classified in the most nearly comparable zone until a sectional map amendment for such area has been adopted by the District Council. The Commission must recommend to the District Council zoning for the annexed area within 6 months after the effective date of such annexation.

#### B. Annexation of the Area of the City of Takoma Park (“Annexation Area”) on July 1, 1997

Approval of an application under this Chapter for an area within the Annexation Area may be based on an approval made before July 1, 1997 under the zoning and development standards of Prince George’s County if the approving body finds that the earlier approval fulfills substantially the same purpose as and offers substantially the same protection as the zone assigned to the property by the District Council of Montgomery County.

## Div. 1.4. Use of the Code

### Sec. 1.4.1. Code Approach

- A. The Code is designed to implement and be consistent with the goals, objectives, policies, and strategies of the General Plan, Functional Plans, Master and Sector Plans, and supporting adopted or approved Guidelines and Regulations. This is achieved by providing complete, integrated, effective, and concise zoning regulations.
- B. The various zoning districts allow different uses, development standards, methods of development, and regulations as a toolkit to effect diverse land use policies across the county.
- C. Whenever there is a requirement in this Chapter that a finding be made that an application conforms to or is consistent with the applicable Master or Sector Plan and/or guidelines, such finding need not be made where the deciding body finds that events have occurred or circumstances exist to render such compliance inappropriate with respect to such application.

### Sec. 1.4.2. Coordination with Other Regulations

- A. The use of buildings and land within Montgomery County is subject to all other regulations as well as the Code, whether or not such other provisions are specifically referenced in the Code. Reference to other regulations or provisions of the Code is for the convenience of the reader. The lack of a cross-reference does not exempt a property, building, structure, or use from other regulations.
- B. If a regulation adopted by the Code imposes a higher standard than those required under another statute or regulation, the regulation adopted under the Code controls. If the other statute or regulation imposes a higher standard, that statute or regulation controls.

### Sec. 1.4.3. Tables, Illustrations, and Examples

The Code contains numerous tables, illustrations, and examples in order to assist the reader in understanding and applying the Code. To the extent that there is any inconsistency between the text of the Code and any such table, illustration, or example, the text controls unless otherwise provided in the specific section.

### Sec. 1.4.4. Code Organization

- A. **Article 59-1.** Purpose, Applicability, and Use of the Code establishes the purpose of the Code; describes what properties and land use elements are controlled by the Code; and provides for how annexed properties are treated, how coordination with other regulations is governed, and how tables, illustrations, and examples are to be interpreted.
- B. **Article 59-2.** Zoning Districts establishes the various zoning districts used by the County to implement land use policy; the intent of each zoning district; and how zoning maps are completed and interpreted.
- C. **Article 59-3.** Uses and Use Standards provides an Allowed Use Table for all zoning districts; defines the use; and provides any use-specific standards that must be complied with in addition to the zoning district and general regulations.
- D. **Article 59-4.** Euclidean Zoning District Regulations establishes the types of development methods; defines how standards are measured and what exceptions are allowed; and establishes the development regulations and standards for all buildings, structures, and lands for each allowed building type in each Euclidean zoning district.
- E. **Article 59-5.** Floating Zoning District Regulations establishes the development regulations and standards for all buildings, structures, and lands for each allowed building type in each Floating Zoning District.
- F. **Article 59-6.** Optional Method Regulations establishes the development regulations and standards for all optional method development, including development with Moderately Priced Dwelling Units, Cluster Development, and development requiring public amenities and benefits in the Commercial/Residential, Employment, and Industrial zones.
- G. **Article 59-7.** General Development Regulations establishes the applicability, standards, and regulations for site access; parking, queuing, and loading; open space; recreation facilities; landscaping and lighting; signs; and outdoor storage and display.
- H. **Article 59-8.** Administration and Procedures establishes the necessary applications and review and approval authorities to administer this Code; the specific

rules and requirements required to submit and make a decision on the applications; how nonconforming sites, uses, and structures are treated; and how enforcement is provided.

- I. **Article 59-9.** Definitions establishes the definitions of words, phrases, and terms used for specific meanings in this Code.

### Sec. 1.4.5. Step-By-Step Use of the Code

In order to most effectively use this Code, the following guide is provided. This guide is for ease of use by the reader and may not be interpreted to contain all the steps, information, or references necessary to make or assess an application or interpret or implement the Code.

#### A. Determine the Zone District

1. Obtain a copy of a property's zoning from the Montgomery County Planning Department. A scaled, certified zoning map obtained from the Planning Department will ensure the information is accurate and reliable. Take note of any Overlay zones that apply.
2. Take note of zoning for adjacent properties because this may affect land use classifications, development standards, and other regulations. In particular, if a property is in a Commercial/Residential, Employment, Industrial, or Floating zone and is adjacent to property in an Agricultural, Rural, or Residential zone, limits on use, increases in setbacks, height restrictions, and other limits may be imposed.
3. Refer to **Article 59-2** to find the intent of the zone because some approvals may require that an applicant show that the application meets the intent of the zone.

#### B. Identify Allowable Uses and Applicable Use Standards

1. Refer to the Allowed Use Table in **Article 59-3** to determine which uses are allowed in the zone and ensure that the proposed use meets the definition in the Article (Article 59-3).
2. If the use the applicant is interested in proposing is not allowed in the zone, they may wish to pursue a Floating Zone Map Amendment that allows the use. In this case, the regulations under **Article 59-5** will apply and the procedures of **Section 8.2.1** must be followed.

3. In the case where a use is identified as limited ("L") or conditional ("C") for the particular zone, use standards will be imposed and the application process will be indicated. All conditional uses must be approved by the Hearing Examiner or Board of Appeals, as indicated. Some limited uses will require a Site Plan based on the criteria set forth.

#### C. Review Building Type Allowed by Zone

1. There are several building types enumerated in the Code: Detached House, Duplex, Townhouse, Apartment/Condo, Mixed Use, and General Building. Refer to **Section 4.1.3** to determine which building types are allowed in the zone.
2. Only uses allowed in the zone may be approved for any given building type: the building type name does not imply any particular use as defined by this Chapter.
3. If the building type the applicant is interested in proposing is not allowed in the zone, they may wish to pursue a Floating Zone Map Amendment that allows the building type. In this case, the regulations under **Article 59-5** will apply and the procedures of **Section 8.2.1** must be followed.

#### D. Determine the Development Method

1. There are 2 types of development allowed by this Code: standard method and optional method. In most cases, standard method development allows a base density and has very prescriptive standards and regulations. Optional method typically allows more flexibility in building types, density, height, and standards and regulations but requires the provision of public amenities and benefits and entails additional public review.
2. Refer to the applicable division in **Article 59-4** for the zone's group to determine what thresholds exist for standard and optional method development.

#### E. Determine Applicable Zoning District Regulations

1. If standard method development is being pursued, the zoning district regulations, including lot size, lot width, setbacks, coverage, height, etc., are enumerated in **Article 59-4**.
2. If optional method development is being pursued, the zoning district regula-

tions and additional requirements, including public amenity and benefit requirements, are enumerated in [Article 59-6](#).

3. If a Floating zone is being pursued, the zoning district regulations are enumerated in [Article 59-5](#).

## F. Identify General Development Regulations

1. All development must comply with the general development regulations established in [Article 59-7](#).
2. General development regulations include standards for site access; parking, queuing, and loading; open space; recreation facilities; landscaping and lighting; signage; and outdoor storage and display. Each Division of [Article 59-7](#) includes the intent and applicability of the provisions and should be reviewed to ensure compliance.
3. If any particular provision in [Article 59-7](#) cannot be complied with, or the applicant wishes to pursue an alternative, the mechanism for pursuing alternative compliance through public review is indicated.

## G. Review Procedures for Approval

1. [Article 59-8](#) establishes when certain applications are required and who the reviewing and deciding bodies are.
2. First, check the overview tables that are provided for reference in [Div. 8.1](#); then review each approval section, which has a dedicated “Applicability” section that enumerates under what circumstances the approval is required.
3. When the applicable approval is found, the application requirements, submittal requirements, necessary findings, and other pertinent information is provided. Most importantly, the intake and review bodies are enumerated—these agencies should be your first point of contact to ensure you have correctly interpreted the steps required and can comply with the regulations for development of any building, structure, or land in the county.

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# ARTICLE 59-2. ZONING DISTRICTS

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[Editor's Note: To be added]

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## Div. 2.1. Zones Established

### Sec. 2.1.1. Summary of Established Zones

#### A. Euclidean Zones

##### 1. Agricultural

- a. AR: Agricultural Reserve

##### 2. Rural

- a. RR: Rural Residential
- b. RC: Rural Cluster
- c. RNC: Rural Neighborhood Cluster

##### 3. Residential

###### a. Residential Detached

- i. RE-2: Residential Estate – 2
- ii. RE-2C: Residential Estate -2 Cluster
- iii. RE-1: Residential Estate – 1
- iv. RLD-20: Residential Low Density – 20
- v. RMD-9: Residential Medium Density – 9
- vi. RMD-6: Residential Medium Density – 6
- vii. RMD-4: Residential Medium Density – 4

###### b. Residential Townhouse

- i. TLD: Townhouse Low Density
- ii. TMD: Townhouse Medium Density
- iii. THD: Townhouse High Density

###### c. Residential Multi-Unit

- i. RHD-3: Residential High Density – 3
- ii. RHD-2: Residential High Density – 2

- iii. RHD-1: Residential High Density – 1

#### 4. Commercial/Residential

- a. CRN: Commercial Residential Neighborhood
- b. CRT: Commercial Residential Town
- c. CR: Commercial Residential

#### 5. Employment

- a. EG: Employment General
- b. ELS: Employment Life Sciences
- c. EOF: Employment Office

#### 6. Industrial

- a. IL: Light Industrial
- b. IH: Heavy Industrial

#### 7. Overlay

- a. NP: Neighborhood Preservation Overlay
- b. SPA: Special Protection Area Overlay
- c. TDR: Transferable Development Rights Overlay

#### B. Floating Zones

##### 1. Residential Floating

- a. RDF - Residential Detached - Floating
- b. TF - Townhouse - Floating
- c. AF - Apartment - Floating

##### 2. Commercial/Residential Floating

- a. CRNF - Commercial Residential Neighborhood - Floating
- b. CRTF - Commercial Residential Town - Floating
- c. CRF - Commercial Residential - Floating

### 3. Employment Floating

- a. EGF - Employment General - Floating
- b. EOFF - Employment Office - Floating
- c. ELSF - Employment Life Sciences - Floating

## Sec. 2.1.2. Regulations for Establishment of Zones

### A. General Regulations for All Zones

1. Zones established in this Article are subject to:
  - a. Use restrictions and use standards under Article 3;
  - b. Development standards under Article 4;
  - c. Optional method of development under Article 6;
  - d. General requirements under Article 7; and
  - e. Review procedures under Article 8;
2. Floating zones established in this Article are also subject to Article 5.

### B. Groupings of Zones

There are 11 groupings of zones that may be used to refer to all particular zoning classifications within that group:

1. Agricultural;
2. Rural;
3. Residential:
  - a. Residential Detached;
  - b. Residential Townhouse; and
  - c. Residential Multi-Unit.
4. Commercial/Residential;
5. Employment;
6. Industrial;

7. Overlay; and

8. Floating.

### C. Agricultural Zone

1. There is one Agricultural zone classification:
  - a. Agricultural Reserve (AR)
2. Density, height, and other standards and requirements vary with allowed uses and building types.
3. The AR zone will be applied on the Zoning Map by showing its zoning classification symbol.

### D. Rural Zones

1. There are 3 Rural zone classifications:
  - a. Rural Residential (RR), requires a minimum lot size for a detached house of 5 acres;
  - b. Rural Cluster (RC), requires a minimum lot size for a detached house of 5 acres, and allows for Optional Method Cluster Development;
  - c. Rural Neighborhood Cluster (RNC), requires a minimum lot size of 25,000 square feet and a maximum density of one dwelling unit per 5 acres.
2. Density, height, and other standards and requirements vary with allowed uses and building types.
3. The RR, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

### E. Residential Zones

#### 1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
  - i. Residential Estate – 2 (RE-2), requires a minimum lot size for a detached house of 2 acres;

- ii. Residential Estate – 2C (RE-2C), requires a minimum lot size for a detached house of 2 acres, and allows for Optional Method Cluster Development;
  - iii. Residential Estate – 1 (RE-1), requires a minimum lot size for a detached house of one acre;
  - iv. Residential Low Density – 20 (RLD-20), requires a minimum lot size for a detached house of 20,000 square feet;
  - v. Residential Medium Density – 9 (RMD-9), requires a minimum lot size for a detached house of 9,000 square feet;
  - vi. Residential Medium Density – 6 (RMD-6), requires a minimum lot size for a detached house of 6,000 square feet;
  - vii. Residential Medium Density – 4 (RMD-4), requires a minimum lot size for a detached house of 6,000 square feet and a minimum lot size for a duplex of 4,000 square feet per unit.
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
  - c. The RE-2, RE-2C, RE-1, RLD-20, RMD-9, RMD-6, and RMD-4 zones will be applied on the Zoning Map by showing their zoning classification symbols.

## 2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:
  - i. Townhouse Low Density (TLD), allows townhouses at a density up to 9 dwelling units per acre;
  - ii. Townhouse Medium Density (TMD), allows townhouses at a density up to 12 dwelling units per acre; and
  - iii. Townhouse High Density (THD), allows townhouses at a density up to 15 dwelling units per acre.
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

## 3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
  - i. Residential High Density – 3 (RHD-3), allows apartment/condo buildings on a minimum site of 12,000 square feet, requiring land area equivalent to 3,000 square feet per unit, for up to 14 units per acre.
  - ii. Residential High Density – 2 (RHD-2), allows apartment/condo buildings on a minimum site of 16,000 square feet, requiring land area equivalent to 2,000 square feet per unit, for up to 22 units per acre.
  - iii. Residential High Density – 1 (RHD-1), allows apartment/condo buildings on a minimum site of 20,000 square feet, requiring land area equivalent to 1,000 square feet per unit, for up to 44 units per acre.
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The RHD-3, RHD-2, and RHD-1 zones will be applied on the Zoning Map by showing their zoning classification symbols.

## F. Commercial/Residential Zones

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

3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).

## G. Employment Zones

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

## H. Industrial Zones

1. There are 2 Industrial zone classifications:
  - a. Light Industrial (IL); and
  - b. Heavy Industrial (IH).
2. Density, height, and other standards and requirements vary with allowed uses and building types.
3. The IL and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.

## I. Overlay Zones

1. There are 3 Overlay zone classifications :
  - a. Neighborhood Preservation (NP) Overlay;
  - b. Special Protection Area (SPA) Overlay; and
  - c. Transferable Development Rights (TDR) Overlay.
2. Building types, uses, density, height, and other standards and requirements are modified by the overlay zones under Div. 4.8. The NP, SPA, and TDR zones will be applied on the Zoning Map by showing their zoning classification symbol appended to the underlying zoning symbol.

## J. Floating Zones

1. There are 12 Floating zone classifications:
  - a. Residential Floating;
    - i. Residential Detached - Floating (RDF);
    - ii. Townhouse - Floating (TF); and
    - iii. Apartment - Floating (AF).
  - b. Commercial/Residential Floating;
    - i. Commercial Residential Neighborhood - Floating (CRNF);
    - ii. Commercial Residential Town - Floating (CRTF); and
    - iii. Commercial Residential - Floating (CRF).
  - c. Employment Floating;
    - i. Employment General - Floating (EGF);
    - ii. Employment Office - Floating (EOFF); and
    - iii. Employment Life Sciences - Floating (ELSF).
2. Building types, uses, density, height, and other standards and requirements are determined per the Floating Zone Map Amendment approval by the District Council and Site Plan approval by the Planning Board.
3. The floating zones will be applied on the Zoning Map by showing their zoning classification symbols.

## Div. 2.2. Euclidean Zone Intent Statements

### Sec. 2.2.1. Agricultural Zone

#### A. Agricultural Reserve (AR)

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the county designated for agricultural preservation in the General Plan, the currently applicable master plan for the preservation of agriculture and open space, and other master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AR zone.

### Sec. 2.2.2. Rural Zones

#### A. Rural Residential (RR)

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

#### B. Rural Cluster (RC)

The intent of the RC zone is to provide designated areas of the county for a compatible mixture of agriculture uses and very low-density residential development, and to protect scenic and environmentally sensitive areas. The RC zone

permits an Optional Method Cluster alternative so as to preserve open space, environmentally sensitive natural resources, and rural community character.

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

1. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting.
2. It is further the intent of the RNC zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan and is compatible with existing development in adjoining communities.

### Sec. 2.2.3. Residential Zones

#### A. Residential Detached Zones

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

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

##### 2. Residential Low Density (RLD-20)

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

##### 3. Residential Medium Density (RMD-9, RMD-6, RMD-4)

The intent of the RMD-9, RMD-6, and RMD-4 zones is to provide designated areas of the county for moderate density residential purposes. In the RMD-9 and RMD-6 zones, the predominant use is residential in a detached house. In

the RMD-4 zone, the predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed in these zones under the Optional Method of Development.

### **B. Residential Townhouse Zones (TLD, TMD, THD)**

The intent of the TLD, TMD, and THD zone is to provide designated areas of the county for residential purposes at slightly higher densities than the Residential Medium Density zones. A further intent of the Residential Townhouse zones is to provide a buffer or transitional uses between nonresidential or high-density residential uses and the Medium- or Low-Density Residential zones.

### **C. Residential Multi-Unit Zones (RHD-3, RHD-2, RHD-1)**

The intent of the RHD-3, RHD-2, and RHD-1 zones is to provide designated areas of the county for higher-density, multi-unit residential uses. The predominant use is residential in an apartment/condo building, although detached house, duplex, and townhouse building types are allowed within these zones.

## **Sec. 2.2.4. Commercial/Residential Zones**

### **A. In General**

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

1. implement the policy recommendations of applicable master or sector plans;
2. target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
3. reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial

services, and public facilities and amenities, where parking is prohibited between the building and the street;

4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. integrate an appropriate balance of employment and housing opportunities; and
6. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

### **B. Commercial Residential Neighborhood (CRN)**

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

### **C. Commercial Residential Town (CRT)**

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

### **D. Commercial Residential (CR)**

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

## Sec. 2.2.5. Employment Zones

### A. In General

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

1. implement the policy recommendations of the applicable master and sector plans;
2. target opportunities for employment, technology, and general commercial uses;
3. reduce dependence on the automobile by providing employment areas with supporting residential and retail uses;
4. allow a flexible mix of uses, intensities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
5. establish minimum requirements for the provision of public benefits.

### B. Employment General (EG)

1. The EG zone is intended to provide areas for safe, active, and pedestrian-scaled areas with the need for convenient automobile access. The EG zone addresses development opportunities adjacent to the county's most auto-dominated corridors and those areas with few alternative mobility options.
2. Building form standards allow flexibility in building, circulation, and parking lot layout. A maximum of 2 bays of parking (with one drive aisle) is allowed to be located between the building and the street. Retail tenant ground floor footprints are not limited.

### C. Employment Life Sciences (ELS)

The ELS zone is intended primarily for research, development, education, and related activities. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

### D. Employment Office (EOF)

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

## Sec. 2.2.6. Industrial Zones

### A. Light Industrial (IL)

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

### B. Heavy Industrial (IH)

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

## Sec. 2.2.7. Overlay Zones

### A. In General

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

### B. Neighborhood Preservation (NP) Overlay

1. The NP Overlay zone is intended to:
  - a. preserve the distinct character of a neighborhood regarding uses, intensity of development, and unique design attributes;
  - b. regulate land uses, development standards, general requirements, and review process over the restrictions and allowances of the underlying zone; and

- c. establish a format and process for recommending NP Overlay zones through a master or sector plan and a means to codify the further restrictions and allowances governing a particular NP Overlay zone.
- 2. Each mapped NP zone will be given a subsection in Article 4 establishing:
  - a. The area within the applicable master plan subject to the NP Overlay zone;
  - b. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
  - c. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone;
  - d. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone; and
  - e. The general requirements required or permitted notwithstanding the required or permitted general requirements of the underlying zone.

### C. Special Protection Area (SPA) Overlay

- 1. The SPA Overlay zone is intended to:
  - a. protect the water quality and quantity of the applicable watershed and its tributaries, as well as the biodiversity within the area;
  - b. regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature; and
  - c. regulate land uses that could adversely affect the applicable stream system resources.
- 2. Land uses that are restricted in these areas and general requirements for resource protection are specified in Article 4.
- 3. Particular additional controls on impervious surfaces and environmental protections may be specified by the applicable master or sector plan.

### D. Transferable Development Rights (TDR) Overlay

- 1. The TDR Overlay zone is intended to allow the purchase of development rights from the Agricultural Reserve (AR) zone in order to protect the county's agricultural and rural heritage.
- 2. The TDR Overlay zone is mapped on particular areas in the county that may purchase transferable development rights (TDRs) from the AR zone.
- 3. In any specified area, the applicable master or sector plan must specify the number of TDRs that may be purchased in exchange for increased density and more flexible development standards intended to supersede underlying zone classification.
- 4. Additional residential building types may be allowed but development standards and general requirements are finalized through an approved Site Plan based on evaluation of compatibility and impacts on surrounding communities.
- 5. A minimum site area is required for development under the TDR Overlay zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

## Div. 2.3. Floating Zone Intent Statements

### Sec. 2.3.1. In General

The Residential Floating, Commercial/Residential Floating, and Employment Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). In exchange for flexible uses, use standards, development standards, and general requirements, a Floating zone application must file a rezoning application and Floating Zone Map Amendment that has substantial opportunities for public input and discussion to ensure compatibility with the respective setting. The intent of the Floating zones is to:

- A. implement the objectives of the General Plan and applicable Master or Sector Plan;
- B. provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved Floating Zone Map Amendment that protects adjacent properties;
- C. provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
- D. encourage the preservation and enhancement of natural amenities and cultural resources and to provide a minimum amount of open space;
- E. provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
- F. encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors.

### Sec. 2.3.2. Residential Floating

- A. The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.
- B. Use restrictions, building types, density, building heights, development standards, and general requirements are flexible to respond to various settings, but are finalized through an approved Floating Zone Map Amendment and Site

Plans based on evaluation of compatibility and impacts on surrounding communities.

- C. A minimum site area is required for application of a Residential Floating zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

### Sec. 2.3.3. Commercial/Residential Floating

- A. The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.
- B. Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site area: for example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses to provide necessary services to a larger population.
- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map Amendment and Site Plans based on evaluation of compatibility and impacts on surrounding communities.
- D. A minimum site area is required for application of a Commercial/Residential Floating zones; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

### Sec. 2.3.4. Employment Floating

- A. The Employment Floating zones (EGF, EOFF, and ELSF) are intended to allow development of mixed-use centers and communities primarily with office uses and supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.
- B. Uses are restricted to commercial uses with generally higher jobs-to-housing ratios, housing to support a portion of the proposed workforce, and accessory retail to provide basic services to employees and residents.

- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map Amendment and Site Plans based on evaluation of compatibility and impacts on surrounding communities.
- D. A minimum site area is required for application of a Employment Floating zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

## Div. 2.4. Zoning Map

[To be completed]

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

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## Div. 3.1. Use Table

### Sec. 3.1.1. Key to Use Table

The Allowed Use Table (Sec. 3.1.7) in this Division (Div. 3.1) identifies uses allowed in each zone. The key for this table is:

#### A. Permitted Use (P)

A "P" indicates that the use is permitted in the zone.

#### B. Limited Use (L)

A "L" indicates that the use is permitted if it meets the limited use standards in Div. 3.2 through Div. 3.7.

#### C. Conditional Use (C)

A "C" indicates that the use must meet the conditional use standards in Div. 3.2 through Div. 3.7 and requires approval by the Hearing Examiner or Board of Appeals, as indicated, subject to the findings in Div. 8.3.

#### D. Blank Cell

A blank cell indicates that a use is prohibited in that zone.

### Sec. 3.1.2. Use Definitions

- A. The uses listed in Div. 3.2 through Div. 3.7 match those in the Allowed Use Table. Some rows on the Allowed Use Table contain individual uses, while other rows represent a use group (a group of uses defined by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.
- B. Where a use definition in Div. 3.2 through Div. 3.7 contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.
- C. Where a particular use is not specifically listed, DPS may allow the use under Sec. 3.1.6.

### Sec. 3.1.3. Accessory Uses Defined

- A. An accessory use is a use which is customarily incidental and subordinate to the principal use of a property or the principal building, and located on the same property as the principal use or building.
- B. An accessory structure is not attached by any part of a common wall or common roof to the principal building, except for an attached accessory apartment.

### Sec. 3.1.4. Temporary Uses Defined

A temporary use is a use that is:

- A. temporary in nature;
- B. established for a fixed period of time with the intent to discontinue the use when that period of time is over;
- C. does not involve the construction or alteration of any permanent structure; and
- D. requires a temporary use permit under Div. 8.4 with the following exceptions:

#### 1. Construction Dumpsters

One construction dumpster is permitted on-site in association with a valid building permit. The use of a dumpster past expiration of the building permit is prohibited.

#### 2. Garage or Yard Sales

- a. A garage sale or yard sale is the sale, on residential property, of goods previously used by a resident of the property. This also includes all similar sales activities such as moving sales, estate sales and community sale.
- b. A garage sale is not a vending activity unless it exceeds the limits in Chapter 47.

#### 3. Self-Storage Containers

- a. The storage container for off-site storage of household or other goods located in any yard is permitted for a maximum of 30 consecutive days twice per calendar year.

- b. The storage container must be placed completely on-site (and is not permitted to be placed in any public right-of-way).
- c. The storage container must be placed on a paved surface.

### Sec. 3.1.5. Transferable Development Rights

The following uses are prohibited if the property on which the use is located is in the AR zone and has a recorded Transfer of Development Right easement. However, any building existing on October 2, 2007 may be repaired or reconstructed if the floor area of the building is not increased and the use is not changed.

#### A. Agricultural

- 1. Agricultural Auction Facility
- 2. Farm Supply, Machinery Sales, Storage and Service

#### B. Residential

- 1. Accessory Apartment
- 2. Group Living
- 3. Home Health Practitioner
- 4. Home Occupation (Low Impact)
- 5. Home Occupation (Major Impact)

#### C. Civic and Institutional

- 1. Charitable, Philanthropic Institution
- 2. Day Care Facility
- 3. Fire/EMS (Private)
- 4. Private Club, Service Organization
- 5. Religious Assembly

#### D. Commercial

- 1. Animal Services
- 2. Bed and Breakfast
- 3. Cemetery
- 4. Funeral Home, Undertaker

- 5. Rural Antique Shop
- 6. Shooting Range Outdoor
- 7. Transitory Use

#### E. Industrial

- 1. Mining, Excavation

### Sec. 3.1.6. Uses Not Specifically Listed

- A. Any use not specifically listed is prohibited unless DPS determines that the use is similar to an allowed use listed in this Division. Where the similar allowed use is subject to a limited or conditional use standard and approval, the proposed use must also be subject to such standard and approval.
- B. To determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, DPS must review relevant characteristics of the proposed use, including but not limited to the following:
  - 1. The size, type and volume of items or services sold and nature of inventory on the premises;
  - 2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
  - 3. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
  - 4. Any dangerous, hazardous, toxic, or explosive materials used on the premises;
  - 5. The nature and location of storage and display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
  - 6. The type, size, and nature of buildings and structures;
  - 7. The number of employees and customers in relation to business hours and employment shifts;
  - 8. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;

9. Parking requirements, turnover and generation, ratio of the number of spaces required, and the potential for shared parking with other use types; and
10. Any special public infrastructure requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions, and any significant power structures and communications towers or facilities.



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USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached RE-2 RE-2C RE-1 RLD-20 RMD-9 RMD-6 RMD-4						Residential Townhouse TLD TMD THD			Residential Multi-Unit RHD-3 RHD-2 RHD-1										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH			
Multi-Unit Living	3.3.1.D				P		L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	L	L	L		
GROUP LIVING	3.3.2																									
Dormitory	3.3.2.B																						P			
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C		C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L				
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D															L	L	L	L	L	L	L				
Personal Living Quarters (Over to 50 Individual Living Units)	3.3.2.D															C	C	C	C	C	C	C				
Residential Care Facility (Up to 8 Persons)	3.3.2.E	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Residential Care Facility (9 - 16 Persons)	3.3.2.E		C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P					
Residential Care Facility (Over 16 Persons)	3.3.2.E		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	
ACCESSORY RESIDENTIAL USES	3.3.3																									
Attached Accessory Apartment, Small (Up to 800 SF)	3.3.3.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		L			
Attached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.A	C	C	C	C	L	L	L	L	C	C	C	C	C	C	L	L	L	L	L	L		L			
Detached Accessory Apartment, Small (Up to 800 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L	L		L			
Detached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L	L		L			
Dwellings for Caretakers/ Watchkeepers	3.3.3.C																						P		P	P
Farm Tenant Dwelling	3.3.3.D	L	L	L																						
Home Health Practitioner (Low Impact)	3.3.3.E	L	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C	C	

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

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USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached RE-2 RE-2C RE-1 RLD-20 RMD-9 RMD-6 RMD-4						Residential Townhouse TLD TMD THD			Residential Multi-Unit RHD-3 RHD-2 RHD-1										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH			
Home Health Practitioner (Major Impact)	3.3.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Home Occupation (No Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Home Occupation (Low Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Home Occupation (Major Impact)	3.3.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Live/Work Units	3.3.3.G																			P	P	P	P	P	P	
<b>CIVIC AND INSTITUTIONAL</b>																										
Charitable, Philanthropic Institution	3.4.1	C	C	C	C	C	C	C	C	C	C									P	P	P	P	P	P	
Cultural Institution	3.4.2			L	L	L		P	P	P	P	P	P	P	P	P	P	P	P	L	P	P	P	P	P	P
DAY CARE FACILITY	3.4.3																									
Family Day Care (Up to 8 Persons)	3.4.3.C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care (9 - 12 Persons)	3.4.3.D	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P
Day Care Center (13 - 30 Persons)	3.4.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P
Day Care Center (Over 30 Persons)	3.4.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	P	P	P	P
Educational Institution (Private)	3.4.4		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	P	P	P	P
Fire/EMS (Private)	3.4.5																				L	P	P	P	P	P
Hospital	3.4.6					C	C	C	C	C	C	C	C	C	C	C	C	C	C		P	P	C	P	C	C
Park, Playground (Private)	3.4.7		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Private Club, Service Organization	3.4.8	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	L	P	L	L
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	3.4.10	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C		C	
<b>COMMERCIAL</b>																										
ANIMAL SERVICES	3.5.1																									
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C											C	C	C	L			L
Veterinary Office/Hospital	3.5.1.C	C	C	C	C	C	C	C	C	C	C									C	L	L	L	L		L
COMMUNICATION FACILITY	3.5.2																									
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C

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

Consolidated Review Draft

USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached						Residential Townhouse			Residential Multi-Unit										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1											
Freestanding Wireless Communications Tower	3.5.2.B	C	C	C	C	C	C	C	C	C	C	C								C	L	C	L	L		
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C	C				C	C	C		C	L	C	C	P		
<b>EATING AND DRINKING</b>	<b>3.5.3</b>																									
Country Inn	3.5.3.A		C	C		C		C	C																	
Restaurant	3.5.3.B																	L	P	P	P	P	P	C		
<b>FUNERAL AND INTERMENT SERVICES</b>	<b>3.5.4</b>																									
Cemetery	3.5.4.A	C	C	C	C	C																				
Crematory Services	3.5.4.B																							C		
Funeral Home, Undertaker	3.5.4.C	C				C		C	C	C									C	C	P					
Landscape Contractor	3.5.5	C	C	C	C	C	C	C	C														P			
<b>LODGING</b>	<b>3.5.6</b>																									
Bed and Breakfast	3.5.6.B	L	L	L	L	L	L	L	L	C	C							L	L							
Hotel, Motel	3.5.6.C																		P	P	P	P	P	C		
<b>MEDICAL AND DENTAL</b>	<b>3.5.7</b>																									
Clinic (Up to 4 Medical Practitioners)	3.5.7.A								C	C	C							P	P	P	P	P	P	P		
Clinic (More than 4 Practitioners)	3.5.7.B																	L	P	P	P	P	P	P		
Medical, Dental Laboratory	3.5.7.C																		P	P	P	P	P	P		
<b>OFFICE AND PROFESSIONAL</b>	<b>3.5.8</b>																									
Office	3.5.8.A																	P	P	P	P	L	P	P		
Nonresident Professional	3.5.8.B								C	C	C															
Research and Development	3.5.8.C																		P	P		P	L	P		
<b>PARKING</b>	<b>3.5.9</b>																									
Structured Parking	3.5.9.B																		P	P	P	P	P	P		
Surface Parking for Use Allowed in the Zone	3.5.9.C					P	P	P	P	P	P					P	P	P				P		P		

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Surface Parking for Commercial Uses in a Historic District	3.5.9.D	L	L			L	L	L	L		C	C				C	C	C									
RECREATION AND ENTERTAINMENT	3.5.10																										
Adult Entertainment	3.5.10.A																				L				L	L	
Campground	3.5.10.B		C				C																				
Conference Center	3.5.10.C																			P	P		P		C		
Golf Course, Country Club	3.5.10.D		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C				C		C			
Health Clubs and Facilities	3.5.10.E																		L	P	P	P	P	P	P		
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	3.5.10.F																		C	P	P	P	C	C	C	C	
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	3.5.10.G						C		C										C	C	P	C	C		C	C	
Recreation and Entertainment Facility, Major (Capacity over 1,000)	3.5.10.H						C													C	P	C	C		C		
Shooting Range (Indoor)	3.5.10.I																					C			C	C	
Shooting Range (Outdoor)	3.5.10.J	C	C	C																							
RETAIL SALES AND SERVICE	3.5.11																										
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A																	L	P	P	P	P	L	L	P	L	
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A																		L	P	P	P	L	L	P	L	
Retail/Service Establishment (15,001 - 60,000 SF)	3.5.11.A																			P	P	P	L	L	L	L	
Retail/Service Establishment (Over 60,000 SF)	3.5.11.A																			L	L	P			L	L	
Rural Antique Shop	3.5.11.B	C	C	C	C	C		C	C																		
Rural Country Market	3.5.11.C	C	C	C	C	C	C	C	C																		
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Dry Cleaning Facility (Over 3,000 SF)	3.6.3.B																								P	P	
MANUFACTURING AND PRODUCTION	3.6.4																										
Artisan Manufacturing and Production	3.6.4.A																		P	P	P				P		
Heavy Manufacturing and Production	3.6.4.B																								P		
Light Manufacturing and Production	3.6.4.C																								P	P	
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Mining, Excavation	3.6.5	C	C	C																						P	
TRANSPORTATION	3.6.6																										
Bus, Rail Terminal	3.6.6.A																			L	L	P	L	P	P	P	
Helipad, Heliport	3.6.6.B																					C	C	C	C	C	
Taxi/Limo Facility	3.6.6.C																			L	L	P	L	P	P		
UTILITIES	3.6.7																										
Pipeline (Above Ground)	3.6.7.A	C	C	C		C		C	C	C	C					C	C	C	C	C	C	C	P	P	P	P	
Pipeline (Below Ground)	3.6.7.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Building or Structure	3.6.7.C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	C	P	C	C	C	
Renewable Energy Generation	3.6.7.D																										
Transmission Lines (Above Ground)	3.6.7.E	P	P	P	P	L	L	L	L	L	L	L				P	P	P	L	L	L	L	P	L	P	P	
Transmission Lines (Below Ground)	3.6.7.F	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
WAREHOUSE	3.6.8																										
Freight Movement	3.6.8.A																									P	P
Mineral Storage	3.6.8.B																									L	P
Self-Storage	3.6.8.C																			C	C	P				P	

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Storage Facility (Up to 10,000 SF)	3.6.8.D																		L	L	L			P	P	
Storage Facility (Over 10,000 SF)	3.6.8.D																				L			P	P	
WASTE-RELATED	3.6.9																									
Hazardous Material Storage	3.6.9.A																								C	
Incinerator	3.6.9.B																								C	
Landfill	3.6.9.C																								C	
Recycling Collection and Processing	3.6.9.D																								P	
Recycling Drop-off Center	3.6.9.E																		P	P	P	P	P	P	P	
Transfer Station	3.6.9.F																								C	
<b>MISCELLANEOUS</b>																										
Accessory Buildings, Structures and Uses	3.7.1	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	

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## Div. 3.2. Agricultural Uses

### Sec. 3.2.1. Agricultural Auction Facility

#### A. Defined

Agricultural auction facility is a sales establishment at which farm-related merchandise is sold to the highest bidder.

#### B. Use Standards

Where an agricultural auction facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 5 acres.
2. The minimum setback of the auction facility (whether enclosed within a building or not) and the parking area must be 50 feet from any property line where the adjoining property is in residential use.
3. The Board of Appeals may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted subject to the limits established by the Board of Appeals.
5. Where any adjoining property is in residential use, the noise level at the common property line must not exceed the requirements of [Chapter 31B](#).
6. The agricultural exemption of [Sec. 31B-14\(c\)](#) is not applicable.
7. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.2.2. Agricultural Processing

#### A. Defined

Agricultural processing is the operations that transform, package, sort, or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Includes milk plant, grain elevator, and mulch or compost production and manufacturing. Does not include Slaughterhouse (see [Sec. 3.2.8](#), Slaughterhouse).

#### B. Use Standards

Where agricultural processing is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 10 acres.
2. The minimum setback for any agricultural processing structure from any property line is 75 feet.
3. The property must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.

### Sec. 3.2.3. Community Garden

#### A. Defined

Community garden is land gardened by a group of people for personal use or limited distribution and not for sale on-site. Includes cultivation of fruit, vegetables, flowers, ornamental plants, and beekeeping. Does not include Animal Husbandry (see [Sec. 3.2.10.B](#), Animal Husbandry) or Urban Farming (see [Sec. 3.2.6.D](#), Urban Farming).

#### B. Use Standards

Where a community garden is allowed as a limited use, it is subject to the following standards:

1. The total gross floor area of all structures, except greenhouses under paragraph 4 below, must not exceed 10% of the net property area dedicated to the community garden.
2. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
3. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

### Sec. 3.2.4. Equestrian Facility

#### A. Defined

Equestrian facility is any building, structure, or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. The facility may be used for events such as competitions, exhibitions, or other displays of equestrian skills.

#### B. Use Standards

1. Where an equestrian facility is allowed as a limited use, it is subject to the following standards:
  - a. The minimum gross acreage per horse is as follows:
    - i. for 1-2 horses, 2 acres;
    - ii. for 3-10 horses, one acre per horse; and
    - iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
  - b. Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality, and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after commencement of operations.
  - c. Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent property.
  - d. Amplified sound must meet all requirements of [Chapter 31B](#).
  - e. Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties. Il-

lumination is prohibited after 10:00 p.m. on Friday or Saturday, and after 9:00 p.m. on Sunday through Thursday.

#### f. Equestrian event restrictions

Property Acreage	Hours of Operation		Number of Participants and Spectators			
			Event	Informal Event	Minor Event	Major Event
	Su-Th	Fr-Sa	0-25	26-50	51-150	151-300
up to 17.9	6am-9pm	6am-10pm	Unlimited on any day.	None	None	None
18-24.9	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month.	None	None
25-74.9	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month.	Maximum of 7 per year.	None
75+	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month.	Maximum of 7 per year.	Maximum of 3 per year lasting up to 3 consecutive days each.

- g. A temporary use permit must be obtained from DPS for each event involving more than 150 participants and spectators, per day. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any

other information determined by DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

- h. An equestrian facility conditional use application may be filed with the Board of Appeals to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; hours of operation; and a road classification requirement. Such a conditional use approval must be renewed every 5 years at which time the Board of Appeals must evaluate the effectiveness of the terms and conditions of the original approval.
2. Where an equestrian facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
- a. In the AR, RR, RC, and RNC zones:
    - i. The equestrian facility must not adversely affect adjoining land uses or the surrounding road network.
    - ii. In evaluating the compatibility of an equestrian facility on the surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural and Rural zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
  - b. In the RE-2, RE-2C, RE-1, and RLD-20 zones:
    - i. Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the Board of Appeals requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
    - ii. The Board of Appeals may limit or regulate more stringently than limited use standards:
      - (a) the number of horses that may be kept or boarded.
      - (b) the number of horses that may be rented out for recreational riding or instruction.
      - (c) the number and type of equestrian events that may be held in a one-year period.

- iii. All animal waste must be handled in accordance with state requirements for nutrient management.

### Sec. 3.2.5. Farm Supply or Machinery Sales, Storage, and Service

#### A. Defined

Farm supply or machinery sales, storage and service is any building, structure, or land for the sales, storage, or service of machinery used in farming for agricultural purposes. Does not include sales, storage, or service of passenger vehicles and other machinery not associated with farming.

#### B. Use Standards

Where farm supply or machinery, sales, storage, and service is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory.
2. The minimum setback from any property line for parking, buildings, or inventory storage is 50 feet, except that the minimum setback from the street may be reduced to 25 feet if the Board of Appeals finds that:
  - a. the confronting site is in an Agricultural or Rural zone; and
  - b. the smaller setback would be compatible with surrounding uses.
3. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

### Sec. 3.2.6. Farming

#### A. Defined, In General

Farming is a tract of land, with or without associated buildings, that is devoted to agriculture. Uses considered accessory to farming include:

1. Accessory agricultural processing and storage of products grown on-site.
2. The sale of products of agriculture and agricultural processing, if products are produced on-site.

3. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
4. The delivery and installation of horticultural products grown on the farm.

## B. Crop Farming

### 1. Defined

Crop farming is the growing and harvesting of produce and other plant-based agricultural products. Includes the cultivation of crops such as fruits, vegetables, cotton, grain, nuts, horticultural crops, cattle food, and sod.

### 2. Use Standards

Where crop farming is allowed as a limited use, sod farms and accessory agricultural processing are prohibited.

## C. Livestock Farming

### 1. Defined

Livestock farming is the keeping and raising of fowl and livestock, including cattle, swine, sheep, asses, mules, and goats. Includes accessory slaughtering. Does not include Equestrian Facility (see [Sec. 3.2.4](#), Equestrian Facility).

### 2. Use Standards

Where livestock farming is allowed as a limited use, it is subject to the following standards:

- a. The minimum lot size is 5 acres.
- b. Accessory agricultural processing is prohibited.

## D. Urban Farming

### 1. Defined

Urban farming is the cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture. Plants and animals or their products may be sold off-site, or on-site under the standards of a Farm Market, On-site (see [Sec.3.2.10.D](#), Farm Market, On-site).

### 2. Use Standards

Where urban farming is allowed as a limited use, it is subject to the following standards:

- a. The minimum area for an urban farm is 4,000 square feet.
- b. One fowl may be kept for every 1,000 square feet of land area; roosters are prohibited.
- c. Aquaculture is permitted in tanks or pools that meet the standards for accessory structures [Sec. 3.2.6.D](#) (below).
- d. The maximum total gross floor area of all structures, excluding greenhouses, is 10% of the net property area on any urban farm.
- e. The minimum setback for accessory structures from any property line is 25 feet.
- f. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
- g. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

## Sec. 3.2.7. Nursery

### A. Nursery (Retail)

#### 1. Defined

Retail nursery is the retail sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment, and related items. Does not include Landscape Contractor (see [Sec.3.5.5](#), Landscape Contractor).

#### 2. Use Standards

Where a retail nursery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.

- c. The property must front on and have access to a road built to primary residential or higher standards.
- d. Tools and equipment for sale must not be displayed outdoors.

## B. Nursery (Wholesale)

### 1. Defined

Wholesale nursery is the wholesale business of selling plants and plant materials grown on- or off-site to other businesses. Fertilizers, plant food, and pesticides must not be produced but may be stocked and sold. Does not include Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor).

### 2. Use Standards

Where a wholesale nursery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.

## Sec. 3.2.8. Slaughterhouse

### A. Defined

Slaughterhouse is any building, place, or establishment where livestock raised off-site, are slaughtered for commercial purposes.

### B. Use Standards

Where a slaughterhouse is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- 1. The minimum area of the lot is 20 acres.
- 2. The minimum setback from any property line is 75 feet.
- 3. The property must front on and have direct access to a road built to primary residential or higher standards.

## Sec. 3.2.9. Winery

### A. Defined

Winery is a facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

### B. Use Standards

- 1. Where a winery is allowed as a limited use, it is subject to the following standards:
  - a. The minimum area of the lot is 10 acres.
  - b. The minimum setback for any structure from any property line is 75 feet, except that the minimum setback from the street may be reduced to 50 feet if the adjacent property is in agricultural use.
  - c. The property must front on and have access to a road built to primary or higher standards.
  - d. Up to 2 special events such as a wedding, festival or other similar event are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals.
- 2. Where a winery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.2.10. Accessory Agricultural Uses

### A. Agricultural Education/Tourism

#### 1. Defined

Agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences that foster increased knowledge of farming including low-impact cultivation methods, humane animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, teamwork and personal responsibility, and other outdoor experiences and events on farms. Includes corn mazes, hay rides, and educational tours, classes, and workshops.

## 2. Use Standards

Where agricultural education/tourism is allowed as a limited use, it is subject to the following standards:

- a. The minimum property size is 50 acres.
- b. A minimum of 60% of the property must be maintained in agricultural cultivation, pastureland, woodland, or natural features.

## B. Animal Husbandry

### 1. Defined

Animal husbandry is the accessory practice of raising hens, ducks, pygmy goats, rabbits, and bees.

### 2. Use Standards

Where animal husbandry is allowed as a limited use, it is subject to the following standards:

- a. Any accessory structure used to house hens, ducks, pygmy goats, and rabbits must be located behind the rear building line and the minimum setback from any neighboring dwelling is 25 feet.
- b. One pygmy goat may be kept for every 2,000 square feet of land area and one hen, duck, or rabbit may be kept for every 1,000 square feet of land area.
- c. Roosters are prohibited.
- d. In the CRN, CRT, CR, EG, ELS, EOF, IL, and IH zones, only bees are allowed.

## C. Farm Airstrip

### 1. Defined

Farm airstrip is an accessory take-off and landing facility for an aircraft associated with farming operations.

### 2. Use Standards

Where a farm airstrip is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Only one airplane is permanently housed at the airstrip.

- b. The applicant must obtain a favorable air space determination from the Federal Aviation Administration (FAA) in response to an application filed on [Form 33 FAA 7480.1](#) titled "Notice of Proposed Landing Area Established," or whatever form number and title the FAA may require.
- c. The minimum setback from any property line is 1,000 feet.
- d. The aircraft using the airstrip must aid farming operations.
- e. The airstrip must be unpaved.

## D. Farm Market, On-site

### 1. Defined

On-site farm market is the display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. An on-site farm market may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.

### 2. Use Standards

Where an on-site farm market is allowed as a limited use, it is subject to the following standards:

- a. In the AR, RR, RC, RNC, RE-2, RE-2C, RE-1, and RLD-20 zones:
  - i. The sale and display area must be setback a minimum of 25 feet from the paved edge of the roadway.
  - ii. A minimum of 3 off-street parking spaces is required.
  - iii. Firewood sold at an on-site farm market must be cut and split on the farm or location where the wood is harvested.
  - iv. A maximum of 25% of the on-site farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the on-site farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the on-site farm market, DPS upon the recommendation of the Department of Economic Development and the Montgomery

County Agricultural Advisory Committee may, for a limited period of time, allow for more than 25% of the on-site farm market display and sales area to be used for agricultural products from off the farm where the on-site farm market is located.

- b. In the RMD-9, RMD-6, RMD-4, TLD, TMD, THD, RHD-3, RHD-2, RHD-1, CRN, CRT, CR, EG, ELS, EOF, and IL zones:
  - i. All merchandise for sale must be produced on-site.
  - ii. The minimum setback for the sale and display area from any confronting or abutting property zoned Residential is 25 feet.

### Sec. 3.2.11. Temporary Agricultural Uses

#### A. Agricultural Vending

##### 1. Defined

Agricultural vending is the sale of produce by a vendor who is a certified agricultural producer as defined in [Chapter 47](#).

##### 2. Use Standards

Where agricultural vending is allowed as a limited use, it is subject to the following standards:

- a. A temporary use permit from DPS is required.
- b. The minimum setback from any dwelling is 100 feet.
- c. The property must:
  - i. be a minimum of 2 acres;
  - ii. be used for nonresidential purposes; and
  - iii. front on a roadway with a minimum of 4 travel lanes.
3. The maximum time the structure or vehicle used for sales can remain in the same location is 24 hours.

#### B. Seasonal Outdoor Sales

##### 1. Defined

Seasonal outdoor sales is the temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.

##### 2. Use Standards

Where seasonal outdoor sales use is allowed as a limited use, it is subject to the following standards:

- a. A temporary use permit from DPS is required.
- b. The property must be used for nonresidential purposes.
- c. Except where seasonal outdoor sales occur on the site of a religious assembly use, the property must front on and have access to a road built to primary or higher standards.

## Div. 3.3. Residential Uses

### Sec. 3.3.1. Household Living

#### A. Defined, In General

Household living is the residential occupancy of a dwelling unit by a household on a monthly or longer basis.

#### B. Single-Unit Living

##### 1. Defined

Single-unit living is one dwelling unit contained in a single structure.

##### 2. Use standards

Where single-unit living is allowed as a limited use, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

#### C. Two-Unit Living

##### 1. Defined

Two-unit living is 2 dwelling units contained in a single structure.

##### 2. Use Standards

Where two-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the RNC, RE-2C, and RE-1 zones, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones) if it is:
  - i. served by public sewer service; or
  - ii. designated for sewer service in the applicable master plan.
- b. In the RLD-20 zone, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones).
- c. In the RMD-9 and RMD-6 zones, two-unit living is permitted as part of:

- i. a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones); or
  - ii. a cluster development (see Div. 6.2, Cluster Development in Rural and Residential Zones).
- d. In the ELS zone, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

#### D. Multi-Unit Living

##### 1. Defined

Multi-unit living is 3 or more dwelling units contained in a single structure. May include ancillary offices to manage, service, and maintain the development.

##### 2. Use Standards

Where multi-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the RE-2C and RE-1 zones, multi-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones) if it is:
  - i. served by public sewer service; or
  - ii. designated for sewer service in an applicable master plan.
- b. In the RLD-20 and RMD-4 zones, multi-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones).
- c. In the RMD-9 and RMD-6 zones, multi-unit living is permitted as part of:
  - i. a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones); or

- ii. a cluster development (see **Div. 6.2**, Cluster Development in Rural and Residential Zones) that is a minimum of 10 acres in size; or
  - iii. a cluster development (see **Div. 6.2**, Cluster Development in Rural and Residential Zones) that is a minimum of 3 acres or more in size and recommended in a master or sector plan.
- d. In the EG, ELS, and EOF zones, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

### Sec. 3.3.2. Group Living

#### A. Defined, in General

Group living is the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under **Sec. 3.3.1**. Tenancy is arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

#### B. Dormitory

##### 1. Defined

Dormitory is a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

#### C. Independent Living Facility for Seniors or Persons with Disabilities

##### 1. Defined

Independent living facility for seniors or persons with disabilities is a building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities. The use may include facilities for services for residents such as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of the above operations.

##### 2. Use Standards

- a. Where an independent living facility for seniors or persons with disabilities is allowed as a limited use, it is subject to the following standards:

- i. Facility must meet all applicable federal, state, and county licensure, certificate and regulatory requirements.
- ii. Resident staff necessary for the operation of the facility are allowed to live on-site.
- iii. Occupancy of a dwelling unit is restricted to the following:
  - (a) a senior adult or person with disabilities, as defined in **Article 59-9**, Defined Terms;
  - (b) the spouse of a senior or disabled resident, regardless of age or disability;
  - (c) a resident care-giver, if needed to assist a senior or disabled resident; or
  - (d) in a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister, or brother of a handicapped resident, regardless of age or disability.
  - (e) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "**Fair Housing Act**," Title VIII of the **Civil Rights Act of 1968**, and subsequent amendments thereto.
- b. Where an independent living facility for seniors or persons with disabilities is allowed as a conditional use, it may be permitted by the Board of Adjustment subject to all limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
  - i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
  - ii. The Board of Appeals may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized.

Retail facilities may be included for the exclusive use of the residents of the building.

- iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined in [Article 59-9](#), Defined Terms.
- iv. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

## D. Personal Living Quarters

### 1. Defined

Personal living quarters is any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and shared sanitation facilities.

### 2. Use Standards

#### a. Personal Living Quarters (Up to 50 Individual Living Units)

Where personal living quarters (up to 50 individual living units) are allowed as a limited use, it is subject to the following standards:

- i. Each individual living unit must have a minimum gross floor area of 150 square feet and a maximum gross floor area of 385 square feet.
- ii. Each individual living unit is prohibited from having complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances.
- iii. Each individual living unit may contain separate sanitation facilities.

- iv. Each individual living unit must be subject to a rental agreement with a minimum lease term of at least 30 days.
- v. The maximum number of individual living units per acre is as follows:
  - (a) RHD-3: 29 units per acre.
  - (b) RHD-2: 43 units per acre.
  - (c) RHD-1: 87 units per acre.
- vi. If individual living units are constructed on a lot or included in a building with complete dwelling units, the density standard for dwelling units in the zone applies to that portion of the lot that contains complete dwelling units.

#### b. Personal Living Quarters (Over 50 Individual Living Units)

Where personal living quarters (over 50 individual living units) are allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards for Personal Living Quarters (up to 50 individual living units), [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. An applicant for personal living quarters must submit evidence which shows how the maintenance and management of the personal living quarters will be provided. The Board of Appeals may require on-site management and maintenance.
- ii. Common open space may be required by the Board of Appeals as follows:
  - (a) 10% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of less than 200 square feet.
  - (b) 5% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of 200 square feet or greater.

## E. Residential Care Facility

### 1. Defined, In General

- a. Residential care facility is a group care or similar facility for 24-hour medical or non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual.
- b. The facility must meet all applicable federal, state, and county certificate, licensure and regulatory requirements.
- c. Resident staff necessary for operation of the facility are allowed to live on-site.
- d. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.
- e. Includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Does not include Hospitals (see [Sec. 3.4.6](#), Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Sec. 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

### 2. Residential Care Facility (Up to 8 Persons)

Where a residential care facility (up to 8 persons) is allowed as a limited use it may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### 3. Residential Care Facility (9 - 16 Persons)

- a. Where a residential care facility (9 - 16 persons) is allowed as a limited use, abutting or confronting a [property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use](#), it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
- b. Where a residential care facility (9 - 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. Any property to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

- ii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

### 4. Residential Care Facility (Over 16 Persons)

Where a residential care facility (over 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents, subject to restrictions by the Board of Appeals.
- b. Any property to be used as a group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- c. Where residential units are provided, the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater.
- d. Where facility size is based on the number of beds, not units, the following lot area is required:
  - i. In the RR, RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.
  - ii. In all other zones, the minimum lot area must be 2 acres or the following, whichever is greater:
    - (a) in RE-2, RE-2C, RE-1, and RLD-20 zone: 1,200 square feet per bed;
    - (b) in RMD-6, RMD-9, and RMD-4 zone: 800 square feet per bed;
    - (c) in TLD, TMD, THD, RHD-3, and RHD-2 zone: 600 square feet per bed; and
    - (d) in RHD-1: 300 square feet per bed.

- e. Independent dwelling units are subject to the residential portions of the MPDU provisions of [Section 25.A-5](#).
- f. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 55 years or older, with the following exceptions:
  - i. the spouse of a resident, regardless of age;
  - ii. another relative of a resident, 50 years of age and older; or
  - iii. the resident widow, widower or other surviving relative is allowed to remain if a resident dies while residing at the life care facility, regardless of age.
- g. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
- v. A minimum of one off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
- vi. In the RE-2, RE-2c, RE-1, and RLD-20 zones, an accessory apartment is prohibited if located:
  - (a) within 500 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
  - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vii. In the RMD-9, RMD-6, RMD-4, TLD, TMD, THD, RHD-3, RHD-2, and RHD-1 zones, an attached accessory apartment is prohibited if located:
  - (a) within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
  - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

### Sec. 3.3.3. Accessory Residential Uses

#### A. Accessory Apartment, Attached

##### 1. Defined

Attached accessory apartment is a second dwelling unit in a detached house building type. An attached accessory apartment has a separate entrance and is subordinate to the principal dwelling.

##### 2. Use Standards

- a. Where an attached accessory apartment is allowed as a limited use, it is subject to the following standards:
  - i. Only one accessory apartment is allowed per lot.
  - ii. The owner of the lot must occupy one of the units.
  - iii. The accessory apartment must have the same street address as the principal dwelling.
  - iv. The separate entrance must not be located along the front building line.

##### viii. Attached Accessory Apartment, Small (up to 800 SF):

- (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
- (b) The maximum number of occupants is 3 persons.

##### ix. Attached Accessory Apartment, Large (801 to 1,200 SF):

- (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
- (b) The maximum number of occupants is 5 persons.

##### x. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

- b. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and [Sec. 8.3.1](#), Conditional Use Plan. The parking

requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.

## B. Accessory Apartment, Detached

### 1. Defined

Detached accessory apartment is a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. A detached accessory apartment is subordinate to the principal dwelling.

### 2. Use Standards

- a. Where a detached accessory apartment is allowed as a limited use, it is subject to the following standards:
  - i. Only one accessory apartment is allowed per lot.
  - ii. The owner of the lot must occupy one of the units.
  - iii. The accessory apartment must have the same street address as the principal dwelling.
  - iv. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
  - v. In the RE-2, RE-2C, and RE-1 zones, a detached accessory apartment is prohibited if located:
    - (a) within 500 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
    - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
  - vi. In the RHD-3, RHD-2, and RHD-1 zones, a detached accessory apartment is prohibited if located:
    - (a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
    - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vii. Detached Accessory Apartment, Small (up to 800 SF):
  - (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
  - (b) The maximum number of occupants is 3 persons.
- viii. Detached Accessory Apartment, Large (801 to 1,200 SF):
  - (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
  - (b) The maximum number of occupants is 5 persons.
- ix. Any new structure built for the purpose of occupying as a large detached accessory apartment must have the same minimum side setback as the principal dwelling and the minimum rear setback is 12 feet.
- b. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals, subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. In the TLD, TMD, and THD zones, a detached accessory apartment is prohibited if located:
    - (a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
    - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
  - ii. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.
  - iii. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

## C. Dwellings for Caretakers/Watchkeepers

### 1. Defined

Dwellings for caretakers/watchkeepers are dwelling units for caretakers or watchkeepers and their families.

## D. Farm Tenant Dwelling

### 1. Defined

Farm tenant dwelling is a dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Includes up to 3 mobile homes. A farm tenant dwelling is not restricted by the definition of household, and may share a well and/or septic system.

### 2. Use Standards

Where a farm tenant dwelling is allowed as a limited use, it is subject to the following standards:

- a. It is excluded from any density calculations, provided that it remains accessory to a farm. If the property associated with a farm tenant dwelling is separately subdivided, these provisions no longer apply.
- b. The maximum number of tenants in a single dwelling is limited by well and septic capacity.
- c. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a tenant other than an agricultural worker, provided that the dwelling meets all applicable health and safety regulations.

## E. Home Health Practitioner

### 1. Defined, In General

Home health practitioner is the office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution. A registered nurse or physician's assistant is a health practitioner only if that person has an advanced degree

in the field and practices independently. Does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

### 2. Use Standards for All Home Health Practitioners

- a. All home health practitioners must be registered with DPS, under **Sec. 8.4.3.**, Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
  - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
  - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
  - iii. Exterior storage of goods or equipment is prohibited.
  - iv. The maximum amount of floor area used for the home health practitioner is 33% of the eligible floor area of the dwelling unit plus any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
  - v. If an accessory building is used for any part of the home health practice, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
  - vi. Equipment or facilities are limited to:
    - (a) office equipment; or
    - (b) medical equipment.
  - vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
  - viii. Disposal of medical waste must be regulated by State Laws and Regulations.
  - ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

- x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.
- xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
- xii. Must provide valid proof of home address as established under **Method 2 of Section 2A-15**.
- xiii. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

### 3. Home Health Practitioner (Low Impact)

#### a. Defined

Low impact home health practitioner's office is a home health practitioner's office that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.

#### b. Use Standards

- i. Where a low impact home health practitioner is allowed as a limited use, it is subject to the following standards:
  - (a) The maximum number of visits is 20 per week and no more than 5 per day (excludes deliveries) total, including any home occupations on-site. May treat more than one patient or client at a time, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
  - (b) The maximum number of deliveries is 10 per week, and no more than 2 per day.
  - (c) The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
  - (d) A maximum of one low impact home occupation and one low impact home health practitioner is allowed.
  - (e) An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.

- ii. Where a low impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1**, Conditional Use Plan.

### 4. Home Health Practitioner (Major Impact)

#### a. Defined

Major home health practitioner's office is a home health practitioner's office limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.

#### b. Use Standards

Where the major impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plans, and the following standards:

- i. The hours of operation and number of clients, customers, patients or other visitors allowed during that time are determined by the Board of Appeals.
- ii. The maximum number of deliveries is determined by the Board of Appeals.
- iii. On-site sale of goods is determined by the Board of Appeals.
- iv. The Board of Appeals may grant a conditional use for a major impact home health practitioner on the same property as a low impact home health practitioner, if it finds that both together can be operated in accordance with the provisions of this section and **Sec. 8.3.1**, Conditional Use Plans.
- v. The Board of Appeals must not grant a conditional use for more than one major impact home health practitioner's facility or major impact home occupation on the same property.
- vi. The Board of Appeals must not grant a conditional use for a home health practitioner's facility where the property is already approved for any other conditional use under **Sec. 8.3.1**, Conditional Use Plan.
- vii. A conditional use for a major impact home health practitioner is granted for a 2 year period, and the conditional use may be renewed

if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.

viii. An indoor waiting room must be provided.

## F. Home Occupation

### 1. Defined, In General

Home occupation is any occupation that provides a service or product and is conducted within a dwelling unit. A home occupation is subordinate to the principal dwelling. Does not include Home Health Practitioner (see [Sec. 3.3.3.E](#), Home Health Practitioner), Bed and Breakfast (see [Sec. 3.5.6.B](#), Bed and Breakfast), Day Care (see [Sec. 3.4.3](#), Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor), or Private Educational Institution (see [Sec. 3.4.4](#), Educational Institution (Private)).

### 2. Use Standards for all Home Occupations

- a. All home occupations, except no impact home occupations, must be registered with DPS under [Sec. 8.4.3](#), Home Occupation and Home Health Practitioner Registration
- b. To maintain the residential character of the dwelling:
  - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
  - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area, except for the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than 2 single axle trailers or trucks. The use must be subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
  - iii. Exterior storage of goods or equipment is prohibited.
  - iv. The maximum amount of floor area used for the home occupation must not exceed 33% of the total eligible area of the dwelling unit

and any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.

- v. If an accessory building is used for any part of the home occupation, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
- vi. Equipment or facilities are limited to:
  - (a) domestic, household or lawn maintenance service equipment;
  - (b) office equipment; or
  - (c) any equipment reasonably necessary for art production, hand-crafts, or making beer or wine.
- vii. Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home occupation.
- viii. No home occupation is allowed to involve use, storage, or disposal of:
  - (a) a quantity of a petroleum product sufficient to require a special license or permit from The Fire Chief; or
  - (b) any material defined as hazardous or required to have a special handling license under State and County law.
- ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- x. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
- xi. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- xii. A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.
- xiii. The maintenance or repair of motor vehicles for compensation is prohibited.

### 3. Home Occupation (No Impact)

#### a. Defined

No impact home occupation is a home occupation that is not required to register with DPS.

#### b. Use standards

Where a no impact home occupation is allowed as a limited use, it is subject to the following standards:

- i. Nonresident employees are prohibited.
- ii. The maximum number of visits and deliveries for all no impact home occupations on-site is 5 per week.
- iii. In-person sale of goods is prohibited.
- iv. Display or storage of goods is limited to samples of merchandise that may be ordered by customers for delivery at other locations.

### 4. Home Occupation (Low Impact)

#### a. Defined

Low impact home occupation is a home occupation that is required to register with DPS.

#### b. Use Standards

Where a low impact home occupation is allowed as a limited use, it is subject to the following standards:

- i. The maximum number of nonresident employees allowed per 24-hour period is one.
- ii. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on-site.
- iii. The maximum number of deliveries is 10 per week, and no more than 2 per day for all home occupations on-site.
- iv. In-person sale of goods is limited to:
  - (a) handcrafts, art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry,

pottery, and musical instruments, which are produced on-site by a resident of the dwelling; and

- (b) no more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
  - (a) products enumerated in [Sec. 3.3.3.F.4.b.iv.\(a\)](#); and
  - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. The maximum number of low impact home occupations allowed in a single dwelling unit is 2.
- vii. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- viii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### 5. Home Occupation (Major Impact)

#### a. Defined

Major impact home occupation is a home occupation that is required to register with DPS and is regulated under [Sec. 8.3.1](#), Conditional Use Plan.

#### b. Use Standards

Where a Major Home occupation is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. The maximum number of nonresident employees allowed per 24-hour period is 2.
- ii. The maximum number of visits and deliveries is determined by the Board of Appeals.
- iii. An indoor waiting room must be provided.
- iv. In-person sale of goods is limited to:

- (a) the products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or hand-crafts performed by a resident of the dwelling; and
- (b) a maximum of 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
  - (a) the products enumerated in [Sec. 3.3.3.F.5.b.iv.\(a\)](#); and
  - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
- vii. The Board of Appeals may grant a conditional use for a major impact home occupation on the same property as a low impact home occupation, if it finds that both together can be operated in a manner that satisfies the provisions of this section and [Sec. 8.3.1](#), Conditional Use Plan.
- viii. The Board of Appeals must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.
- ix. The Board of Appeals must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with [Sec. 8.3.1](#), Conditional Use Plan.
- x. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- xi. A conditional use for a major impact home occupation is granted for a 2 year period, and the conditional use may be renewed if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.

- xii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## G. Live/Work Units

### 1. Defined

Live/work units are buildings, or spaces within buildings, that combine a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

## Div. 3.4. Civic and Institutional Uses

### Sec. 3.4.1. Charitable, Philanthropic Institution

#### A. Defined

1. Charitable or philanthropic institution is a private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, or environmental conservation.
2. Does not include an organization whose purpose is the operation of a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Also does not include other uses specifically defined or regulated in this ordinance such as a: religious institution (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.4, Educational Institution (Private), library or museum (See Sec. 3.4.2, Cultural Institution), private club or service organization (See Sec. 3.4.8, Private Club, Service Organization), hospital (See Sec. 3.4.6, Hospital), residential care facility (See Sec. 3.3.2.E, Residential Care Facility), or independent living facilities for senior adults or persons with disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

#### B. Use Standards

Where a charitable or philanthropic institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. In the AR, RR, RC, and RNC Zones:
  - i. The charitable or philanthropic institution is the re-use of an existing building.
  - ii. The property fronts on and has direct access to a public road built to arterial or higher standards. Frontage on and access to an arterial or higher standard is not required where the Board of Appeals finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.

- iii. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- b. In the RE-2, RE-2C, RE-1, RLD-20, RMD-9, and RMD-6 zones:
  - i. The property fronts on and has direct access to a road built to primary residential road or higher standards.
  - ii. Outdoor recreation facilities are screened from adjacent residential properties in accordance with Div. 7.5, Landscaping and Outdoor Lighting.
  - iii. Any lighting associated with outdoor recreation facilities meets the requirements of Div 7.5, Landscaping and Outdoor Lighting.

### Sec. 3.4.2. Cultural Institution

#### A. Defined

Cultural institution is a private facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study or reference. The objects are not typically offered for sale. Includes a museum, cultural or art exhibit, and library.

#### B. Use Standards

Where a cultural institution is allowed as a limited use the gross floor area is a maximum of 5,000 square feet unless it is designated in the Master Plan for Historic Preservation.

### Sec. 3.4.3. Day Care Facility

#### A. Defined, in General

Day care facility is a location where care for an individual is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 13 years; any developmentally disabled person; any handicapped individuals; or elderly individuals. The definition of day care facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least 5 years old; or a non-public elementary

school in which an instructional program is offered or provided for children who are in grades one through eight (see [Sec. 3.4.4](#), Educational Institution (Private)).

## B. Exemptions

The requirements of this Section ([Sec. 3.4.3](#)) do not apply to a day care center operated by a nonprofit organization and located in:

1. a structure owned or leased by a religious organization and used for worship or a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;
2. a structure used for private parochial education purposes which is exempted from the conditional uses standards under [Sec. 3.4.4](#), Educational Institution (Private); or
3. a publicly-owned building.

## C. Family Day Care (Up to 8 Persons)

### 1. Defined

Family day care is a day care facility for a maximum of 8 persons in the residence of the provider where staffing complies with state and local regulations, but no more than 2 nonresident staff members are on-site at any time. The provider's own children under the age of 6 are counted within the group of 8.

## D. Group Day Care (9 - 12 Persons)

### 1. Defined

Group day care is a day care facility for 9 to 12 persons where staffing and facility comply with state and local regulations. The provider's own children under the age of 6 are counted towards the maximum allowed persons.

### 2. Use Standards

- a. Where a group day care is allowed as a limited use, it is subject to the following standards:
  - i. The facility must not be located in a townhouse or duplex building type; and

- ii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- b. Where a group day care for 9 to 12 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

## E. Day Care Center (13 - 30 Persons)

### 1. Defined

Day care center (13-30 persons) is a day care facility for 13 to 30 persons where staffing and facility comply with state and local regulations.

### 2. Use Standards

Where a day care center for 13 to 30 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The facility must not be located in a townhouse or duplex building type; and
- b. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## F. Day Care Center (Over 30 Persons)

### 1. Defined

Day care center (over 30 persons) is a day care facility for over 30 persons where staffing and facility comply with state and local regulations; prohibited in a townhouse or duplex building type.

### 2. Use Standards

- a. Where a day care center for over 30 persons is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, the facility must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

- b. Where a day care center for over 30 persons is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
- i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Board of Appeals finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
  - ii. The Board of Appeals may limit the number of children outside at any one time.
  - iii. In the RE-2, RE-2C, RE-1, RLD-20, RMD-9, RMD-6, and RMD-4 zones, the day care center is located on a property containing a minimum of 500 square feet per person. The Board of Appeals may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:
    - (a) the facility will predominately serve children from an age range that requires limited outdoor activity space;
    - (b) the additional density will not adversely affect adjacent properties; and
    - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
  - iv. The number of persons permitted for overnight care is limited to 20% of enrollment.
  - v. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.4.4. Educational Institution (Private)

#### A. Defined

Private educational institution is a private school or educational or training institution, providing instruction or programs of learning. A private educational institution may include tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are

not enrolled as students in the institution's academic program. Does not include schools operated by the County Board of Education.

#### B. Exemptions

The requirements of this Section ([Sec. 3.4.4](#)) do not apply to the use of any property for any private educational institution or parochial school which is located in a building or on premises owned or leased by any church or religious organization. This exemption does not apply to any private educational institution which received approval by the Board of Appeals to operate a private educational institution conditional use in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the decision of the Board of Appeals was issued.

#### C. Use Standards

1. Where a private educational institution is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#)
2. Where a private educational institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. The private educational institutional will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood.
  - ii. The private educational institution will be in a building compatible with the residential character of the surrounding neighborhood, and, if the private educational institution is located on a lot of 2 acres or less, in either an undeveloped area or an area substantially developed with detached houses, the exterior architecture of the building must be similar to a detached house design, and at least comparable to any existing homes in the immediate neighborhood.
  - iii. That the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the

- present character or future development of the surrounding residential community.
- iv. The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board of Appeals considering the following factors:
    - (a) traffic patterns, including:
      - (1) impact of increased traffic on residential streets;
      - (2) proximity to transit services, arterial roads and major highways; and
      - (3) provision of measures for Transportation Demand Management as defined in [Section 42A-21](#).
    - (b) adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter vehicle queues from spilling over onto adjacent streets; and
    - (c) noise or type of physical activity.
  - v. Density greater than 87 pupils per acre may be permitted only where the Board of Appeals finds that:
    - (a) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
    - (b) the additional density will not adversely affect adjacent properties; and
    - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
  - vi. Outdoor recreation facilities are screened from adjacent residential properties in accordance with [Div. 7.5](#), Landscaping and Outdoor Lighting.
  - vii. Any lighting associated with outdoor recreation facilities meets the requirements of [Div 7.5](#), Landscaping and Outdoor Lighting.

- viii. If a private educational institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses; (ii) art education programs; (iii) artistic performances; (iv) indoor and outdoor recreation programs; or (v) summer day camps, the Board of Appeals must find, in addition to the other required findings for the grant of a conditional use, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board of Appeals must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board of Appeals.
- ix. The Board of Appeals may limit the number of participants and frequency of events authorized in this Section ([Sec. 3.4.4](#)).

### Sec. 3.4.5. Fire/EMS Service (Private)

#### A. Defined

Private Fire/EMS service is volunteer, privately supported, or non-profit facilities providing emergency fire protection, rescue, and ambulance services. Does not include non-emergency ambulance transportation services.

#### B. Use Standards

1. Where a private fire/ EMS service is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
2. Where a private fire/EMS is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

### Sec. 3.4.6. Hospital

#### A. Defined

Hospital is an institution providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care. Related facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities and staff offices integral to the facility are accessory to the hospital. Does not include a stand-alone hospice (see [Sec. 3.3.2.E](#), Residential Care Facility).

#### B. Use Standards

Where a hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The Board of Appeals finds that the hospital will not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the present character or future development of the surrounding residential community.
2. The minimum area of the lot is 5 acres.
3. The minimum lot width at the front property line is 200 feet.
4. Where the adjoining or nearest adjacent land is zoned Residential Detached or is used solely for detached houses, no portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, and in all other cases a minimum of 50 feet from a lot line.
5. Off-street parking shall be located so as to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas.
6. Parking shall be limited to a minimum between the front property line and the front building line.
7. Notwithstanding the provisions of [Sec. 4.3.5.C](#), the maximum height of a hospital building is 145 feet.

### Sec. 3.4.7. Park, Playground (Private)

#### A. Defined

Private park, playground is an area used for outdoor play or recreation, often containing recreational equipment such as slides or swings. Includes both passive and active facilities, trails and greenways.

### Sec. 3.4.8. Private Club, Service Organization

#### A. Defined

Private club, service organization is an association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

#### B. Use Standards

1. Where a private club, service organization is allowed as a limited use it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
2. Where a private club or service organization is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - a. The minimum lot size required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.
  - b. The maximum building coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.
  - c. The minimum open space requirement is 50%.
  - d. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.4.9. Public Use (Except Utilities)

#### A. Defined

Public use, except utilities, is a publicly-owned or publicly operated use. Includes county office buildings, maintenance facilities, public schools and parks, post office, state and federal buildings. Does not include Public Utility Buildings or Structures (see [Sec. 3.6.7.C](#), Public Utility Building or Structure).

### Sec. 3.4.10. Religious Assembly

#### A. Defined

Religious assembly is a meeting area for religious practices. Includes church, synagogue, and mosque. Includes a memorial garden on the premises.

#### B. Use Standards

Where a religious assembly facility is allowed as a limited use in the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.4.11. Swimming Pool (Community)

#### A. Defined

Community swimming pool is a private swimming pool shared by its members. Does not include swimming pools integrated into residential communities and owned by a homeowner's association or pools on individual detached house lots. Tennis courts may be allowed as an accessory use.

#### B. Use Standards

Where a community swimming pool is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan (excluding [Sec. 8.3.1.D](#)), and the following standards:

1. The swimming pool, including the pool deck and any buildings, must be setback a minimum of 75 feet from any property line shared with a property zoned Agricultural, Rural, or Residential or at least 125 feet from any existing residential dwelling, whichever is greater.
2. The swimming pool, including the pool deck and any buildings, must be setback a minimum of 25 feet from any public right-of-way or property line shared with a property zoned Commercial/Residential, Employment, or Industrial.
3. Buildings must comply with the requirements of the zone in which the pool is located.
4. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse effect on the private water supply for the community.

## Div. 3.5. Commercial Uses

### Sec. 3.5.1. Animal Services

#### A. Defined, In General

Animal services is a facility providing care for animals. Does not include any use considered accessory to farming.

#### B. Animal Boarding and Care

##### 1. Defined

Animal boarding and care is any building or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for profit, not including those animals raised for agricultural purposes.

##### 2. Use Standards

- a. Where animal boarding and care is allowed as a limited use, it is subject to the following standards:
  - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - ii. All interior areas for the keeping of animals must be soundproofed.
- b. Where animal boarding and care is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. In the AR, RR, RC, RNC, RE-2, RE-2C, RE-1, and RLD-20 zones:
    - (a) The minimum lot size is 2 acres or the minimum lot size required for a detached house building type in the zone, whichever is greater.
    - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 200 feet from any property line and screened from adjacent residential properties.
    - (c) All exterior exercise areas and runs must be fenced.

- (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
- (e) Animals must not be walked or exercised in outdoor areas that are off-site.
- (f) The sound at the nearest property line cannot exceed 60 dBA.
- (g) All buildings and accessory structures must be set back a minimum of 50 feet from any property line.
- (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy [Chapter 31B](#) as measured at the property line.
- (i) All litter and animal waste must be contained and controlled on the site.
- (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (m) The applicant must submit the following:
  - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.

- (2) Detailed floor plans that show all the interior areas, including runs and kennels.
- (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (n) In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- ii. In the Commercial/Residential zones:
  - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - (b) All interior areas for the keeping of animals must be sound-proofed.

## C. Veterinary Office/Hospital

### 1. Defined

Veterinary office or hospital is a building or establishment where medical, surgical and other veterinary care is provided to domestic animals. Animals may stay overnight only for medical purposes. Does not include Animal Boarding and Care (see Sec. 3.5.1.B, Animal Boarding and Care)

### 2. Use Standards

- a. Where a veterinary office/hospital is allowed as a limited use, it is subject to the following standards:
  - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - ii. All interior areas for the keeping of animals must be soundproofed.
  - iii. In the CRT and CR zones, where the use abuts or confronts a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of Sec. 8.3.4
- b. Where a veterinary office/hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
  - i. In Agricultural, Rural and Residential Detached zones:
    - (a) In the RMD-9 and RMD-6 zones:
      - (1) The minimum lot size is one-half acre; and
      - (2) In the RMD-6 zone, the veterinary office/ hospital must be located on a property with frontage on a road with a minimum existing right-of-way width of 90 feet, that confronts a property zoned Commercial/Residential or Employment.
    - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any property line and screened from adjacent residential properties.
    - (c) All exterior exercise areas and runs must be fenced.
    - (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
    - (e) Animals must not be walked or exercised in outdoor areas that are off-site.
    - (f) The sound at the nearest property line cannot exceed 60 dBA.
    - (g) All buildings and accessory structures must be set back a minimum of 50 feet from any residential property line.
    - (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.
    - (i) All litter and animal waste must be contained and controlled on the site.
    - (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.

- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) The Board of Appeals may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by county authorities.
- (m) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (n) The applicant must submit the following:
  - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
  - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
  - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (o) In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- ii. In the CRN zone:
  - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.

- (b) All interior areas for the keeping of animals must be sound-proofed.

## Sec. 3.5.2. Communication Facility

### A. Cable Communications System

#### 1. Defined

Cable communications system is a system of antennas, towers, and cables operated to transmit or receive electronic signals, programs, and provide services to subscribing members of the public. Does not include any facility where the cables do not cross public rights-of-way and that serves only the occupants of a single lot or parcel of land under common ownership or management.

#### 2. Use Standards

Where a cable communications system is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Any proposed tower must be setback one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.
- b. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
- c. Structures, buildings and facilities in which or on which component elements of a cable communications system are located or which otherwise support the system, and which are operated by the entity operating the cable communications system pursuant to a franchise awarded by Montgomery County, may be allowed upon approval by the Board of Appeals.
- d. Offices are prohibited in residential zones as part of the cable communications system.

## B. Freestanding Wireless Communications Tower

### 1. Defined

Freestanding wireless communications tower is any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Consists of one or more antennas attached to a support structure and related equipment. Does not include amateur radio antenna (see [Sec. 3.5.14](#), Amateur Radio Facility) or radio or TV tower (see [Sec. 3.5.2.C](#), Media Broadcast Tower).

### 2. Use Standards

- a. Where a freestanding wireless communications tower is allowed as a limited use, it is subject to the following standards:
  - i. It must not be staffed.
  - ii. Antennas are limited to the following types and dimensions:
    - (a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
    - (b) directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
    - (c) satellite or microwave dish antennas with a maximum diameter of 8 feet.
  - iii. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the county.
  - iv. In the ELS, IL, and IH zones, the tower is a maximum height of 199 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural, or Residential.
- b. Where a freestanding wireless communications tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. Before the Board of Appeals grants any conditional use for a free-standing wireless communications tower, the proposed facility must

be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.

- ii. A communications tower must be set back from the property line, as measured from the base of the support structure, as follows:
  - (a) Freestanding wireless communications towers are prohibited in any scenic setback indicated on an approved and adopted master plan.
  - (b) In the Agricultural, Rural and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
  - (c) In the EG and EOF zones, a distance of one-half foot for every foot of height.
  - (d) The Board of Appeals may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may not be approved if there is no location on the site where the setback requirements can be met.
- iii. The maximum height of a support structure and antenna is 155 feet, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure conforms

with the height and location of the support structure as authorized in the building permit.

- iv. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.
- v. The property owner must be an applicant for the conditional use for each support structure.
- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use grant.
- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Board of Appeals finds:
  - (a) that collocation at the site is not essential to the public interest; and
  - (b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.
- ix. The support structure must be removed at the cost of the owner of the freestanding wireless communications tower when the wireless free-standing communications tower is no longer in use by any wireless communication carrier for more than 12 months.
- x. The support structure must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the tele-phone number of a person to contact regarding the

structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.

- xi. Each owner of the freestanding wireless communications tower is responsible for maintaining the wireless communications tower in a safe condition.

## C. Media Broadcast Tower

### 1. Defined

Media broadcast tower is any facility used to transmit radio or television communications that are intended to be received by the general public. Includes radio and microwave antenna. Does not include amateur radio antenna (see [Sec. 3.5.14.](#), Amateur Radio Facility) or wireless tower (see [Sec. 3.5.2.B](#), Freestanding Wireless Communications Tower).

### 2. Use Standards

- a. Where a media broadcast tower is allowed as a limited use, it is a maximum height of 199 feet and is setback one foot for every foot of height from any property zoned Agricultural, Rural, or Residential.
- b. Where a media broadcast tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. Before the Board of Appeals grants any conditional use for a media broadcast tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.
  - ii. Any media broadcast tower that is collocated on an existing tower is not required to obtain a conditional use permit. A modification of a media broadcast tower conditional use permit is only required for a change to any use within the conditional use area directly related to the conditional grant.

- iii. Any support structure is set back from the property line a distance of one foot from the property line for every foot of height of the support structure or 275 feet from any off-site dwelling in an Agricultural, Rural, or Residential zone, whichever is greater, measured from the base of the support structure. The Board of Appeals may reduce the setback requirement to not less than the building setback for a general building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on the site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties and visibility from the street. A reduced setback may not be approved where there is no location on the site where setback requirements can be met.
- iv. The maximum height of the support structure is 275 feet, except where it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure as built conforms with the height and location of the support structure as authorized in the building permit.
- v. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.
- vi. The property owner is an applicant for the conditional use for each support structure.
- vii. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower. The outdoor storage of equipment or other items is prohibited.
- viii. Signs or illumination are prohibited on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the county.
- ix. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- x. Any support structure is identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.
- xi. The owner of the facility is responsible for maintaining the facility in a safe condition.

### Sec. 3.5.3. Eating and Drinking

#### A. Country Inn

##### 1. Defined

Country inn is an establishment for dining in a rural area. A country inn may include a maximum of 12 overnight guest rooms.

##### 2. Use Standards

Where a country inn is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. The minimum lot area is 2 acres.
- b. The maximum building coverage is 10%.
- c. A minimum of 50% of the lot must be open space.
- d. The minimum setback from any street is 50 feet. The minimum setback from any other property line is 75 feet.
- e. A lawfully existing structure may be used that does not meet these requirements.

## B. Restaurant

### 1. Defined

Restaurant is an establishment that prepares and sells food or drink for on- or off-site consumption. Includes catering and banquet facilities. Does not include Drive-Thru Facilities (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

### 2. Use Standards

- a. Where a restaurant is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
- b. Where a restaurant is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.5.4. Funeral and Interment Services

### A. Cemetery

#### 1. Defined

Cemetery is a place used for the permanent interment of humans or animals or their cremated remains. Does not include a memorial garden on the premises of a religious institution (see [Sec. 3.4.10](#), Religious Assembly).

#### 2. Use Standards

Where a cemetery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The proposed location is compatible with adjacent land uses, and will not adversely affect the public health, safety and welfare of the inhabitants of the area.
- b. All grave sites are sufficiently set back to establish a buffer between the site and surrounding properties. The buffer area so created must be suitably landscaped with trees and shrubs.
- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there

is adequate filtration of drainage between burial depth and the level of high water table.

- d. In the AR, RR, and RC zones, a family burial site is allowed as an accessory use on a residentially developed property and may be approved on a lot or parcel that is appropriate to the circumstances and is a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any adjoining residential property and a minimum of 50 feet from any existing or master-planned street. The use of any property for a family burial site must be recorded in the lands records of Montgomery County.

### B. Crematory Services

#### 1. Defined

Crematory services is a facility in which cremation occurs.

#### 2. Use Standards

Where crematory services is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

### C. Funeral Home, Undertaker

#### 1. Defined

Funeral home or undertaker is a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

#### 2. Use Standards

Where a funeral home or undertaker is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The cremation of remains is prohibited.
- b. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.

- c. The property and building must conform to the following:
  - i. In the RE-2, RE-1, RLD-20, and RMD-9 zones, the minimum lot area is 2 acres.
  - ii. The minimum side setback is 50 feet.
  - iii. The minimum rear setback is 50 feet.
  - iv. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
  - v. Frontage upon and access to a street or roadway with a minimum of 4 travel lanes.
- d. In the AR zone, this use is allowed only where operating in conjunction with a cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.5.5. Landscape Contractor

#### A. Defined

Landscape contractor is the business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Includes tree installation, maintenance, or removal.

#### B. Use Standard

Where a landscape contractor is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan and the following standards:

1. In the Agricultural, Rural, and Residential Detached zones the minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory or operation.
2. Building and parking setbacks are a minimum of 50 feet.
3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on-site may be limited by the Board of Appeals to avoid an adverse impact on adjoining

uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.

4. Sale of plant materials, garden supplies or equipment is prohibited unless the contracting business is associated with a retail or wholesale nursery.
5. The Board of Appeals may regulate hours of operation and other on-site operations to avoid adverse impact on adjoining uses.
6. In evaluating the compatibility of the landscape contractor with surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural or Rural zone does not necessarily need to be controlled as stringently as the impact on a dwelling in a Residential zone.

### Sec. 3.5.6. Lodging

#### A. Defined, In General

Lodging is a facility for short-term overnight lodging of guests for compensation.

#### B. Bed and Breakfast

##### 1. Defined

Bed and breakfast is a detached house that is owner-occupied with no more than 5 guest rooms. Breakfast is customarily served to guests.

##### 2. Use Standards

- a. Where a bed and breakfast is allowed as a limited use, it is subject to the following standards:
  - i. A bed and breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a farm tenant dwelling, or on a property that includes an accessory apartment.
  - ii. The display of a sign must include the official house number.
  - iii. Breakfast is the only meal that may be served and only to overnight guests.
  - iv. A guest must only remain in a bed and breakfast for a maximum of 30 days in any one visit.
  - v. A record of all overnight visitors must be maintained.

- vi. The bed and breakfast must be registered with DPS.
  - vii. The minimum area of the lot or parcel must be the greater of 9,000 square feet or the minimum lot size for a detached house building type in the zone.
  - viii. On a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
  - ix. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- b. Where a bed and breakfast is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
- i. The Board of Appeals may deny a petition for bed and breakfast with frontage on and access to a road built to less than primary residential standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
  - ii. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Board of Appeals may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

### C. Hotel, Motel

#### 1. Defined

Hotel or motel is a facility containing guest rooms arranged for short term stays of less than 30 days for compensation. May contain one or more restaurants, meetings rooms or banquet facilities. Includes hostel.

#### 2. Use Standards

Where a hotel or motel is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

### Sec. 3.5.7. Medical and Dental

#### A. Clinic (Up to 4 Medical Practitioners)

##### 1. Defined

Clinic for up to 4 medical practitioners is any building occupied by medical practitioners (such as a licensed physician, surgeon, dentist, osteopath, chiropractor, or optometrist) and related services to provide health services on an outpatient basis.

##### 2. Use Standards

Where a clinic for up to 4 medical practitioners is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum front lot width is 100 feet.
- b. The minimum setback from an adjoining lot is 40 feet.
- c. The property must front on and have direct access to an arterial or higher standard roadway.
- d. Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed according to a conditional use grant.
- e. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

#### B. Clinic (More than 4 Practitioners)

##### 1. Defined

Clinic for more than 4 practitioners is a facility occupied by medical or dental practitioners, and any related services, to provide health services on an

outpatient basis. Does not include emergency medical care accessory to a hospital.

**2. Use Standards**

Where a clinic for more than 4 practitioners is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

**C. Medical, Dental Laboratory**

**1. Defined**

Medical or dental laboratory is a private, non-profit or research facility for the testing of blood and other clinical specimens. May conduct fabrication of medical or dental appliances. Includes blood or plasma donation center.

**Sec. 3.5.8. Office and Professional**

**A. Office**

**1. Defined**

Office is activities conducted in an office setting and generally focusing on business, professional or financial services. Includes chancery. Does not include Medical, Dental Laboratory (see [Sec. 3.5.7.C](#), Medical, Dental Laboratory), Medical, Dental practice (see [Sec. 3.5.7](#), Medical and Dental) or Veterinary Hospital (see [Sec. 3.5.1.C](#), Veterinary Office/Hospital).

**2. Use Standards**

Where an office is allowed as a limited use, it is subject to the following standards:

- a. An office for a company that is not principally engaged in health services, research and development, or high technology industrial activities is limited to 40% of the gross floor area.

**B. Nonresident Professional**

**1. Defined**

Nonresident professional is an existing detached house structure used for professional office purposes by any member of a recognized profession, such as but not limited to psychiatrist, lawyer, architect, accountant, or engineer.

**2. Use Standards**

Where a nonresident professional office is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. A general business office such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank, or real estate company are prohibited.
- b. The property must be:
  - i. designated as suitable for a nonresident professional office in an approved and adopted master or sector plan and located along a road with an existing right-of-way width of at least 90 feet;
  - ii. located on a property designated as a historic resource in the Master Plan for Historic Preservation, and located along a road with an existing right-of-way of at least 120 feet and containing structures formerly used for nonresidential purposes; or
  - iii. located on a property that abuts a fire station, police station, ambulance squad, or rescue squad.
- c. The Board of Appeals must find that the nonresident professional office:
  - i. will not constitute a nuisance because of traffic or physical activity;
  - ii. will not adversely affect the use and development of adjacent properties; and
  - iii. will have a minimum of 25% of the lot area devoted to open space.

## C. Research and Development

### 1. Defined

Research and development is study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and development also includes the development of prototypes and the marketing of resultant products. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products. Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities.

### 2. Use Standards

Where research and development is allowed as a limited use, it is subject to the following standards:

- a. Manufacturing, mixing, fermentation, or treatment of resultant products for marketing purposes is prohibited.
- b. A maximum of 30% of the gross floor area can be used for assembly, packaging, and servicing of resultant products.

## Sec. 3.5.9. Parking

### A. Defined

Parking is a facility that provides parking for motor vehicles where the facility is not accessory to a principal use. A fee may be charged.

### B. Structured Parking

#### 1. Defined

Structured parking as a principal use. A one or more level structure for parking or storing motor vehicles. A parking structure may be totally below grade as in an underground parking garage, or either partially or totally above grade with those levels being either open or enclosed and may include commercial uses along the ground floor.

## C. Surface Parking for Use Allowed Zone

### 1. Defined

Surface parking as a principal use in connection with any permitted or limited use allowed in the zone.

## D. Surface Parking for Commercial Uses in an Historic District

### 1. Defined

Surface parking for commercial uses in an historic district is surface parking of motor vehicles on land zoned Agricultural, Rural, or Residential adjacent to land zoned Commercial/Residential or Employment in a Master Plan-designated historic district.

### 2. Use Standards

- a. Where surface parking for commercial uses in an historic district is allowed as a limited use, it is subject to the following standards:
  - i. The land zoned Agricultural, Rural, or Residential is currently vacant. Removing or relocating structures to provide parking is prohibited;
  - ii. The amount of parking proposed is the minimum required under **Div. 7.2, Parking, Queuing, and Loading** for the commercial use proposed. Providing extra spaces is prohibited;
  - iii. The parking area must be located behind the front building line of the commercial structure being served by the parking except that in the case of a through lot with 2 front yards, parking must normally front on the road with the lesser classification; and
  - iv. Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process (**Chapter 24A-7**).
- b. Where surface parking for commercial uses in an historic district is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1, Conditional Use Plan**.

## Sec. 3.5.10. Recreation and Entertainment

### A. Adult Entertainment

#### 1. Defined

Adult entertainment is an establishment that:

- a. Sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
- b. Features nude persons or adult entertainment performances; or
- c. Otherwise requires a county license as an adult entertainment business.

#### 2. Use Standards

Where adult entertainment is allowed as a limited use, it is subject to the following standards:

- a. The adult entertainment materials must not be visible from outside the establishment.
- b. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- c. The adult entertainment business must be located a minimum of 750 feet from any property:
  - i. located in a Residential zone; or
  - ii. on which a school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use.
  - iii. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any property located in a Residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.
- d. An adult entertainment business may continue as a nonconforming use if a school, library, park, playground, recreational facility, day care center,

place of worship, or Residential zone is established within 750 feet of the adult entertainment business after the business was established.

- e. An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- f. If adult booths are located on the premises:
  - i. The booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;
  - ii. Doors or curtains that screen the booth's interior from the common areas of the premises are prohibited;
  - iii. The booths must be designed to prevent physical contact with another person;
  - iv. The booths must be illuminated at all times;
  - v. Holes in the partitions between the adult booths are prohibited; and
  - vi. Persons under the age of 18 are prohibited from entering the premises.

### B. Campground

#### 1. Defined

Campground is a facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

#### 2. Use Standards

Where a campground is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum density of campsites is 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings.
- b. Each campsite, excluding parking space, provides a minimum of 900 square feet.

- c. The site is a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way; unless the Board of Appeals waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.
- d. All campsites are located a minimum of 100 feet from any property line, and a minimum of 50 feet from any public right-of-way.

### C. Conference Center

#### 1. Defined

Conference center is a facility for conducting meetings, discussions and conferences. Includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Does not include a hotel or motel (see [Sec. 3.5.6.C](#), Hotel, Motel).

#### 2. Use Standards

Where a conference center is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

### D. Golf Course, Country Club

#### 1. Defined

Golf course , country club is the course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts, and pools. Food, refreshments, and entertainment for club or organization members and their guests may be provided.

#### 2. Use Standards

Where a golf course, with or without a country club, is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum building coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.

- c. In a Residential zone, a minimum frontage of 200 feet on a road of arterial or higher classification is required.
- d. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools must be set back a minimum of 100 feet from property lines shared with a property in a Residential Detached zone. The Board of Appeals may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

### E. Health Clubs and Facilities

#### 1. Defined

Health clubs and facilities is a facility designed to enhance physical conditioning and general health. Includes dance, martial arts, and yoga studios.

#### 2. Use Standards

Where a health club or facility is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

### F. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)

#### 1. Defined

Indoor recreation and entertainment facility with a capacity up to 1,000 persons is commercial uses, providing daily or regularly scheduled recreation-oriented or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Does not include Indoor Shooting Range (see [Sec. 3.5.10.I](#), Shooting Range (Indoor)). Does not include Health Clubs and Facilities (see [Sec. 3.5.10.E](#), Health Clubs and Facilities).

#### 2. Use Standard

Where an indoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

### 1. Defined

Outdoor recreation and entertainment facility with a capacity up to 1,000 persons is a commercial facility varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting. May take place wholly outdoors or within a number of outdoor structures. Includes golf driving range. Does not include Golf Course, Country Club (see [Sec. 3.5.10.D](#), Golf Course, County Club), or an Outdoor Shooting Range (see [Sec. 3.5.10.J](#), Shooting Range (Outdoor)).

### 2. Use Standard

Where an outdoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan and the following standards:

- a. In the RE-2C zone:
  - i. Only a group picnic, catering and recreation facility is allowed.
  - ii. The site must be a minimum of 80 acres.
  - iii. The maximum building height is 50 feet.
  - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
  - v. The site must have direct access to a public road that is built to primary or higher standards.
  - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.
  - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.
- b. In the RLD-20 zone:

- i. Only an outdoor catering facility is allowed.
- ii. The site must be a minimum of 80 acres.
- iii. The maximum building height is 20 feet.
- iv. Any structure, building, or parking area must be setback from any property line a minimum of 100 feet.
- v. The site must have direct access to a public road that is built to primary or higher standards.
- vi. Other than a permanent food preparation building, permanent structures are limited to open pavilions.

## H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

### 1. Defined

Major recreation and entertainment facility with a capacity over 1,000 persons is a private commercial facility for staging performances or cultural, sporting, or general public interest events for over 1,000 participants or attendees. May be indoors or outdoors.

### 2. Use Standards

Where a major recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. In the RE-2C zone:
  - i. Only a group picnic, catering and recreation facility is allowed.
  - ii. The site must be a minimum of 80 acres.
  - iii. The maximum building height is 50 feet.
  - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
  - v. The site must have direct access to a public road that is built to primary or higher standards.
  - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with

the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.

- vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.

## I. Shooting Range (Indoor)

### 1. Defined

Indoor shooting range is an indoor rifle or pistol range.

### 2. Use Standard

Where an indoor shooting range is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## J. Shooting Range (Outdoor)

### 1. Defined

Outdoor shooting range is an outdoor rifle, pistol, skeet or trap shooting range.

### 2. Use Standard

Where an outdoor shooting range is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Adjacent areas are predominantly undeveloped.
- b. The hours of operation are compatible with adjacent existing uses.
- c. The use is established for a period of 3 years, subject to renewal by Board of Appeals.
- d. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## Sec. 3.5.11. Retail Sales and Service

### A. Retail/Service Establishment

#### 1. Defined

Retail/service establishment is a retailer providing personal services and sale of goods to the general public. Does not include Animal Services (see [Sec. 3.5.1](#), Animal Services) or Drive-Thru Facility (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

#### 2. Use Standards

Where a retail/service establishment is allowed as a limited use, it is subject to the following standards:

- a. In the RHD-1 zone:
  - i. The apartment/condo building type must contain a minimum of 150 dwelling units, be a minimum of 60 feet in height, and be on a tract of land of with a minimum of 5 acres.
  - ii. A maximum of 10% of the gross floor area of the building or 5,000 square feet, whichever is less, may be used for retail/service establishment use.
  - iii. Only small-scale retail sales and personal service establishments are permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.
- b. In the CRN and CRT zones, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
- c. In the CRT and CR zones, retail sales and service [[Editor's note: Still to insert; to incorporate the "big box" ZTA.](#)]
- d. In the ELS and EOF zones, retail sales and services are limited to a maximum of 30% of the gross floor area of development approved under one application.

- e. In the IL and IH zones, retail sales and services is limited to a building material and supply establishment, wholesale or retail.

## B. Rural Antique Shop

### 1. Defined

Rural antique shop is the sale of items belonging to, made in, or typical of an earlier period.

### 2. Use Standards

Where a rural antique shop is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan subject to the following standards:

- a. The shop must be located in an existing building or part of an existing building.
- b. The original character of the building must be maintained.
- c. The structure must be 5 or more years old.
- d. If the property is located in the RLD-20 zone, it must abut land in the AR zone.
- e. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## C. Rural Country Market

### 1. Defined

Rural country market is the display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A rural country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. A rural country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishments (see [Sec. 3.5.3](#), Eating and Drinking).

### 2. Use Standards

Where a rural country market is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.5.12. Vehicle/Equipment Sales and Rental

### A. Heavy Vehicle Sales and Rental

#### 1. Defined

Heavy vehicle sales and rental is the sales, rental, or leasing of commercial vehicles, heavy equipment, and manufactured homes. Includes 18-wheelers, commercial box trucks, high-lifts, construction and heavy earthmoving equipment.

#### 2. Use Standards

Where heavy vehicle or equipment sales and rental is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback a minimum of 15 feet from any right-of-way, 15 feet from any property line adjoining land in a residential zone, and 3 feet from any other property line.
- b. A minimum of 20 feet between access driveways on each street is required, and all driveways must be perpendicular to the curb or street line
- c. On a corner lot, the access driveway must be located a minimum of 20 feet from the intersection of the front and side street rights-of-way, and is a maximum of 30 feet in width.
- d. Product displays, parked vehicles and other obstructions, which would adversely affect visibility at intersections or to driveways are prohibited.

## B. Light Vehicle Sales and Rental (Indoor)

### 1. Defined

Indoor light vehicle sales and rental is the indoor sales, rental, or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent, or lease is allowed as an incidental use.

### 2. Use Standards

Where indoor light vehicle or equipment sales and rental is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- a. Access to the site must be taken from a business or higher street classification.
- b. It must satisfy the Site Plan requirements of [Sec. 8.3.4.](#)

## C. Light Vehicle Sales and Rental (Outdoor)

### 1. Defined

Outdoor light vehicle sales and rental is the outdoor sales, rental, or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent, or lease is allowed as an incidental use.

### 2. Use Standards

Where outdoor light vehicle or equipment sales and rental is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- i. Access to the site must be taken from a business or higher street classification.
- ii. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback 15 feet from any right-of-way, 15 feet from any property line adjoining land in an Agricultural, Rural, or Residential Detached zone, and 3 feet from any other property line.

- iii. There must be a minimum of 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the front and side street rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.
- vi. In the CRT zone, it must satisfy the Site Plan requirements of [Sec. 8.3.4.](#)

## Sec. 3.5.13. Vehicle Service

### A. Car Wash

#### 1. Defined

Car wash is a principal use of land or a structure with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.

#### 2. Use Standards

- a. Where a car wash is allowed as a limited use, it is subject to the following standards:
  - i. When a car wash occupies a corner lot, the ingress or egress driveways are located a minimum of 20 feet from the intersection of the front and side street lines of the lot.
  - ii. Obstructions which adversely affect visibility at intersections or to the car wash driveways are prohibited.
  - iii. All driveways must be perpendicular to the curb or street line.
  - iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.

- v. Demonstrate that the vehicles using the car wash will not queue off-site.
- vi. Where abutting or confronting a property zoned Residential that is vacant or improved with a residential use:
  - (a) All buildings must be set back a minimum of 100 feet from the abutting residential property line; and
  - (b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
- b. Where a car wash is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

## B. Fuel Sales

### 1. Defined

Fuel sales is an area of land, including buildings and other structures that is used to primarily dispense motor vehicle fuels to the consumer. Major repair service (excluding body work and paint) and minor repair service are allowed as an accessory use. Storage or parking offered for rent is prohibited. Includes accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles, are limited to 2 bays.

### 2. Use Standards

Where fuel sales is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum site area is 20,000 square feet.
- b. Access to the site must be from a business or higher street classification
- c. Site lighting is a maximum of 0.5 foot candles at the property line.
- d. Product displays, parked vehicles and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.

- e. When such use occupies a corner lot, the ingress or egress driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.
- f. Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the building line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building.
- g. There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Board of Appeals may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.
- h. Vehicle parking that overhangs the public right-of-way is prohibited.
- i. If the fuel sales facility includes a car wash, it must:
  - i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays must be provided; and
  - ii. demonstrate that the vehicles using the car wash will not queue off-site.

## C. Repair (Commercial Vehicle)

### 1. Defined

Commercial vehicle repair is repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Includes the sale of fuel for aircraft.

## D. Repair (Minor)

### 1. Defined

Minor repair is a facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Does not include repair or services for commercial vehicles or heavy equipment (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

## 2. Use Standards

- a. Where minor vehicle repair is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential that is vacant or improved with an agricultural or residential use, it is subject to the following standards:
  - i. All buildings must be set back a minimum of 50 feet from the abutting residential property line.
  - ii. All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential property line.
  - iii. The minimum site area is 20,000 square feet.
  - iv. Access to the site must be from a business or higher street classification
  - v. In the CRT zone, it must satisfy the Site Plan requirements of [Sec.8.3.4.](#)
- b. Where a minor repair facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

## E. Repair (Major)

### 1. Defined

Major repair is a facility where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Does not include repair or services for commercial vehicles or heavy equipment (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

### 2. Use Standard

- a. Where major vehicle repair is allowed as a limited use, if it is abutting or confronting a property zoned Residential that is vacant or improved with a residential use, it is subject the following standards:
  - i. All buildings must be set back a minimum of 100 feet from the abutting residential property line.

- ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
  - iii. The minimum site area is 20,000 square feet.
  - iv. Access to the site must be from a business or higher street classification.
- b. Where major vehicle repair is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.5.14. Accessory Commercial Uses

### A. Amateur Radio Facility (Up to 65 feet in Height)

#### 1. Defined

Amateur radio facility up to 65 feet in height is any facility used for personal, noncommercial radio communications licensed by the Federal Communications Commission up to 65 feet in height.

### B. Amateur Radio Facility (Over 65 feet in Height)

#### 1. Defined

Amateur radio facility over 65 feet in height is any facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission over 65 feet in height.

#### 2. Use Standards

Where an amateur radio facility over 65 feet in height is allowed, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and must demonstrate that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.

### C. Drive-Thru Facility

#### 1. Defined

Drive-thru facility is a facility at which the customer is served while sitting in a vehicle. Includes drive-thru restaurants, banks, and pharmacies. Does not include Fuel Sales (see [Sec. 3.5.13.B](#), Fuel Sales).

## 2. Use Standards

Where a drive-thru facility is allowed as a limited use, it is subject to the following standards:

- a. A drive-thru facility, including the stacking area, must be located a minimum of 100 feet from any property in the Agricultural, Rural, or Residential Detached zones.
- b. A drive-thru service window, drive aisle, or stacking area located between the street and the front main wall of the main building is prohibited.
- c. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 5 foot high wall or fence.

## D. Helistop

### 1. Defined

Helistop is a designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. No major support facilities are allowed (see [Sec. 3.6.6.B](#), Helipad, Heliport). Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed.

### 2. Use Standards

Where a helistop is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## E. Wireless Communication on Existing Structure

### 1. Defined

Wireless communication on existing structure is wireless communication mounted on an existing structure. Includes rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room.

## 2. Use Standards

Where wireless communication located on an existing structure is allowed as a limited use, it is subject to the following standards:

- a. An antenna is prohibited on a detached house or duplex building type or associated accessory structure.
- b. A structure constructed for the support of the following is prohibited for use as a support structure for any other antenna:
  - i. an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission; or
  - ii. an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.
- c. Wireless communication on an existing structure is prohibited in any scenic setback indicated on an approved and adopted master plan.
- d. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop when the following standards are met:
  - i. The building must be a minimum of 50 feet in height in any Residential zone; or
  - ii. In any other zone, the building must be a minimum of 30 feet in height.
- e. An antenna may be mounted on the facade of the building with a minimum height of 30 feet in any non-Residential zone, and a minimum height of 50 feet in a Residential zone.
- f. An antenna may be attached to an existing structure on privately-owned land, including but not limited to a radio, television, or telephone transmission tower, a monopole, a light pole, a water tank, a silo, a barn or an overhead transmission line support structure.
- g. Any equipment building is subject to the following requirements:
  - i. An unmanned equipment building or cabinet is a maximum of 560 square feet in area and 12 feet in height or 14 feet in height for a rooftop structure, including the support structure for the equipment building, except that a single equipment building in excess of 560

square feet, located at ground level, may be used for more than one telecommunication provider, where:

- (a) The overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
  - (b) The building is used for more than one telecommunication provider operating from the same monopole or tower; and
  - (c) The building is reviewed by the Telecommunications Transmission Facility Coordinating Group in accordance with [Sec. 2-58E](#).
- ii. If the equipment building or cabinet is at ground level in a Residential zone, the building or cabinet must be faced with a compatible material on all sides and surrounded by landscaping providing a screen of at least 3 feet in height, and must conform to the setback standards of the applicable zone.
  - iii. If the equipment building is located on the roof of a building, the equipment building or cabinet and other structure, in combination with any other equipment building and structure, must not occupy more than 25% of the roof area.

### Sec. 3.5.15. Temporary Commercial Uses

#### A. Construction Administration or Sales Office

##### 1. Defined

Construction administration or sales office is a temporary office for construction administration or real estate sales.

##### 2. Use Standards

Where a construction administration or sales office is allowed as a limited use, it is subject to the following standards:

- a. Requires a temporary use permit.
- b. The use is limited to the construction, development or sale of buildings or structures within the same site or subdivision.
- c. The use is allowed only for the duration of construction and sale of a project.

#### B. Special Event Parking

##### 1. Defined

Special event parking is off-street parking of automobiles in connection with a sporting or cultural event of general public interest.

##### 2. Use Standards

Where special event parking is allowed as a limited use, it is subject to the following standards:

- a. Limited to one event a year for a maximum of 10 days.
- b. A written permit authorizing such parking must be obtained from DPS a minimum of 10 days before the event.
- c. DPS is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected.

#### C. Transitory Use

##### 1. Defined

Transitory use is a use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Includes a food service truck.

##### 2. Use Standards

Where a transitory use is allowed as a limited use, it is subject to the following standards:

##### a. Temporary Use Permit

Requires a temporary use permit under [Chapter 47](#).

##### b. Uses Allowed

- i. A transitory use may be allowed on private property only if it would be allowed as a permanent use in the applicable zone under [Sec. 3.1.7](#).
- ii. A transitory use may be located in the public right-of-way where it satisfies [Chapter 47](#).

- iii. A transitory use is prohibited on any portion of the open space required by the zone in which the property is located.
- iv. If a transitory use is located in a parking lot subject to a parking facility plan, a revised parking facility plan must be submitted for review and approval.
- v. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

## Div. 3.6. Industrial Uses

### Sec. 3.6.1. Animal Research Facility

#### A. Defined

Animal research facility is a facility for the use of non-human animals in scientific experimentation.

### Sec. 3.6.2. Contractor Storage Yard

#### A. Defined

Contractor storage yard is an outdoor storage yard for construction equipment or building materials and supplies.

#### B. Use Standards

Where a contractor storage yard is allowed as a limited use, if it is abutting or confronting a property zoned Residential Detached that is vacant or improved with a residential use, it is subject to the following standards:

1. The minimum site area is 20,000 square feet.
2. Access to the site must be from a business or higher street classification.

### Sec. 3.6.3. Dry Cleaning Facility

#### A. Dry Cleaning Facility (Up to 3,000 SF)

##### 1. Defined

Dry cleaning facility up to 3,000 square feet is an establishment up to 3,000 square feet for the mechanical cleaning of garments, articles or goods of fabric for retail customers. Does not include Laundromat or Dry Cleaning and Laundry Pick-up Station, (see [Sec. 3.5.11](#), Retail/Service Establishment).

##### 2. Use Standards

Where a dry cleaning and laundry facility is allowed as a limited use, work for other similar dry cleaning or laundering establishments is prohibited.

#### B. Dry Cleaning Facility (Over 3,000 SF)

##### 1. Defined

Dry cleaning facility over 3,000 square feet is an establishment for the mechanical cleaning of garments, articles or goods of fabric. Includes a linen, diaper or uniform laundering service. May perform work on the premises for other dry cleaning and laundry services and serve retail customers.

### Sec. 3.6.4. Manufacturing and Production

#### A. Artisan Manufacturing and Production

##### 1. Defined

Artisan manufacturing and production is the manufacture and production of commercial goods by a skilled manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products; however, it does not include any activity which causes noise, odor, or vibration to be detectable on a neighboring property.

#### B. Heavy Manufacturing and Production

##### 1. Defined

Heavy manufacturing and production is the processing, manufacturing and/or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. General manufacturing processes have greater than average impacts on the environment and/or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

#### C. Light Manufacturing and Production

##### 1. Defined

Light manufacturing and production is the manufacturing of finished products or parts from materials including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales,

and distribution of such products, provided all manufacturing processes are contained entirely within a building. Noise, odor, smoke, heat, glare and vibration resulting from the manufacturing processes are confined within the building.

## D. Medical/Scientific Manufacturing and Production

### 1. Defined

Medical/scientific manufacturing or production is the manufacturing, compounding, processing, assembly or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, projects resulting from biotechnical and biogenetic research and medical, scientific, or technical instruments, devices, and equipment.

### 2. Use Standards

Where medical/scientific manufacturing and production is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

## Sec. 3.6.5. Mining, Excavation

### A. Defined

Mining or excavation is uses that extract minerals and other natural resources from land. Includes borrow pit, gravel mining.

### B. Use Standards

Where mining or excavation is allowed as a conditional use, it may be allowed by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of this zone, whichever is greater. However, the minimum lot area is 10 acres.

2. A maximum of 10% of the net area of the lot is covered by buildings, including accessory buildings.
3. All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures will be set back from property lines an amount sufficient to achieve the performance standards established by the Board of Appeals.
4. Access to a public road must be available.
5. The maximum height of a building or structure is 90 feet above the natural grade of the portion of the site upon which building or structure is situated, provided, however, that facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.
6. A minimum of 25% of the lot area designated for mining and excavation will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted to agriculture.
7. Access roads, security patrol roads, railroad sidings, identifications, directional and safety warning signs, security fences and acoustical or visual screens, berms or walls are permitted within the setback area.
8. The use is valid for a maximum of 3 years, subject to renewal by the Board of Appeals.
9. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## Sec. 3.6.6. Transportation

### A. Bus, Rail Terminal

#### 1. Defined

Bus or rail terminal is a facility for boarding buses or trains. Does not include bus or train maintenance (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

**2. Use Standards**

Where a bus or rail terminal is allowed as a limited use, bus or train storage is prohibited.

**B. Helipad, Heliport**

**1. Defined**

Helipad or heliport is a designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices, and other appropriate terminal facilities.

**2. Use Standards**

Where a helipad or heliport is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. All applications for heliports/helistops must provide noise analysis sufficient to make a finding of noise compatibility around the facility (the primary impact area) and along and under the principal access routes (the secondary impact area). The primary impact area includes the rotorcraft facility and the area within a 4,000-foot radius from the helipad. The secondary impact area includes all areas in the county along and under the principal access routes to the rotorcraft facility excluding the primary impact area.
- b. The heliport/helistop noise analysis must include a description of detailed operational procedures that would minimize noise levels affecting sensitive land uses in both the primary and secondary impact areas ("fly neighborly" procedures). Based on use of these procedures and worst-day noise scenario with peak usage of the facility, projected rotorcraft noise level (in terms of day-night average sound level or DNL) must be developed using models approved by the Federal Aviation Administration (see FAA Advisory Circular 150/5020-2). This worst-day operational scenario becomes the maximum allowable limit for the type, weight and noise characteristics of the rotorcraft proposed to use the facility; pro-

posed number of operations; and approximate time of day that landings and departures could occur.

- c. Rotorcraft operations are noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft ambient noise levels) exceed pre-rotorcraft ambient DNL levels by one decibel or less. If rotorcraft operations already exist in the vicinity, the cumulative impact of all operations must be calculated to determine compliance.
- d. Instead of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as shown in the following table:

i. Maximum Compatible Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	55 dBA
2 units to 15 units per acre	60 dBA
Multi-unit and high rise	65 dBA

- ii. Based on this table and the compatibility standard of allowing only a one-decibel increase in the ambient levels, the following table designates maximum rotorcraft sound levels

iii. Maximum Rotorcraft Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	49 dBA
2 units to 15 units per acre	54 dBA
Multi-unit and high rise	59 dBA

- iv. Where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels Table, measurements or modeling may be performed to establish compatibility standards appropriate to the ambient environment. Office, commercial and industrial

land uses will not be reviewed for noise impacts with the following 2 exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of LEQ<sub>1</sub> = 75 dBA for an 8-hour period; (2) in CBD or Transit Station areas, where amenity spaces are provided, if it appears that noise impacts may be of such magnitude as to significantly reduce the usefulness or inhibit the proper function of these spaces for their intended purpose. In addition to the cumulative noise standards, the Board of Appeals may designate additional conditions for use in the public interest which may include, but not be limited to, restricting the number of rotorcraft operations, restricting the hours of operation of the facility, restricting operations of high noise generating rotorcraft during noise-sensitive hours, or any combinations thereof.

- e. With the exception of operations on the helipad, all on-ground operations are subject to the standards of [Chapter 31B](#), "Noise Control". In particular, heliport maintenance operations must be subject to these standards.
- f. Permission to use a site for a private use helistop/heliport may be granted by the Board of Appeals for a 5-year period or such shorter period as the Board of Appeals may specify in granting the conditional use. The conditional use may be renewed by the Board of Appeals for additional periods, not to exceed 5 years each, if the same findings required for the initial approval by the Board of Appeals can still be made.
- g. Operators of approved heliports/ helistops must maintain an accurate log of all rotorcraft operations, specifying each operation that occurs including the type of rotorcraft and the date and time of the operation. This log must be available for inspection by DPS as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to DPS as part of an inspection is a violation of the conditional use approval

### C. Taxi/Limo Facility

#### 1. Defined

Taxi or limo facility is a facility for the dispatch or storage of taxis, limousines, or other vehicles for hire.

#### 2. Use Standards

Where a taxi/ limo facility is allowed as a limited use, vehicle storage is prohibited.

### Sec. 3.6.7. Utilities

#### A. Pipeline (Above Ground)

##### 1. Defined

Above ground pipeline is an above ground conduit for the distribution of water or gas.

##### 2. Use Standards

Where an above ground pipeline is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The proposed pipeline is necessary for public convenience and service.
- b. The proposed pipeline will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

#### B. Pipeline (Below Ground)

##### 1. Defined

Below ground pipeline is an underground conduit for the distribution of water or gas.

#### C. Public Utility Building or Structure

##### 1. Defined

Public utility building or structure is a utility building and structure other than transmission lines or pipelines. Includes buildings or structures for the occu-

pancy, use, support or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.

## 2. Use Standards

- a. Where a public utility building or structure is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of Sec. 8.3.4.
- b. Where a public utility building or structure is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
  - i. The proposed building or structure at the location selected is necessary for public convenience and service.
  - ii. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
  - iii. A public utility building or structure allowed in any Rural or Residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board of Appeals.
  - iv. The Board of Appeals may waive the height limits of the applicable zone where, in the opinion of the Board of Appeals, adjacent residential uses will not be adversely affected by the increased height.

## D. Renewable Energy Generation

### 1. Defined

[Editor's Note: still to be added]

## E. Transmission Line (Above Ground)

### 1. Defined

Above ground transmission line is an above ground electric distribution line (under 69,000 volts), cable line, or telephone line.

### 2. Use Standards

Where an above ground transmission line is allowed as a limited use, only electric distribution lines are allowed.

## F. Transmission Line (Below Ground)

### 1. Defined

Below ground transmission line is underground electric distribution lines, cable lines, or telephone lines.

## Sec. 3.6.8. Warehouse

### A. Freight Movement

#### 1. Defined

Freight movement is facilities involved in the movement of goods or equipment, including temporary storage. Goods and equipment must be delivered to other facilities or the final consumer; on-site sales activity is prohibited.

### B. Mineral Storage

#### 1. Defined

Mineral storage is a site for the off-loading, transfer, or storage of sand, gravel, or rocks.

#### 2. Use Standards

Where mineral storage is allowed as a limited use, it must be set back at least 750 feet from the nearest property in a Residential zone.

### C. Self-Storage

#### 1. Defined

Self-storage is facilities providing separate storage areas for personal or business use designed to allow private access by the tenant.

#### 2. Use Standards

Where a self-storage facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

## D. Storage Facility

### 1. Defined

Storage facility is a facility for the short- or long-term storage of goods or equipment, not including self-storage (See [Sec. 3.6.8.C](#), Self Storage).

### 2. Use Standards

Where a storage facility is allowed as a limited use, outdoor storage is prohibited.

## Sec. 3.6.9. Waste-Related

### A. Hazardous Material Storage

#### 1. Defined

Hazardous material storage is the storage of materials that the US Environmental Protection Agency (EPA) has determined are hazardous. Includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that do are not included on any of the listings above, but that generally exhibit ignitability, corrosivity, reactivity, or toxicity.

#### 2. Use Standards

Where hazardous material storage is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

### B. Incinerator

#### 1. Defined

Incinerator is a facility intended to reduce waste to ash through combustion. May produce energy or heat for re-use. Includes medical incinerator.

#### 2. Use Standards

Where an incinerator is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## C. Landfill

### 1. Defined

Landfill is a facility that collects waste and disposes of it according to State of Maryland requirements for landfills. Includes municipal landfills, land clearing debris landfills, rubble landfills, and industrial waste landfills.

### 2. Use Standards

Where a landfill is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## D. Recycling Collection and Processing

### 1. Defined

Recycling collection and processing is any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume. Inventory stored on-site must be turned over at least once every 3 months. Does not include a transfer station (See [Sec.3.6.9.F](#), Transfer Station).

## E. Recycling Drop-off Center

### 1. Defined

Recycling drop-off center is a facility for the collection, short-term storage, and transference of recyclable materials including paper, cans, aluminum scrap, non-ferrous metal, glass bottles, and plastics. On-site mechanical processing or shredding is prohibited.

## F. Transfer Station

### 1. Defined

Transfer station is a facility that receives solid or liquid wastes from others for transfer to another location according to the State of Maryland requirements for transfer stations.

## 2. Use Standards

Where a transfer station is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Div. 3.7. Miscellaneous Uses

### Sec. 3.7.1. Accessory Buildings, Structures and Uses

#### A. Defined

Accessory buildings, structures, and uses are permitted in connection with any lawfully established principal use unless otherwise expressly listed in the Allowed Use Table (see [Sec. 3.1.7, Allowed Use Table](#)).

#### B. Use Standards

Where accessory uses, buildings and structures are allowed as limited uses, they are subject to the following standards:

1. In Agricultural and Rural zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings accessory to an agricultural use are exempt from this size restriction.
2. In Residential Detached zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings accessory to an agricultural use are exempt from this size restriction.

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# ARTICLE 59-4. EUCLIDEAN ZONING DISTRICT REGULATIONS

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

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## Div. 4.1. Rules for All Zones

### Sec. 4.1.1. Development Options

The following types of development options are allowed.

#### A. Standard Method (see Div. 4.2 - Div. 4.8)

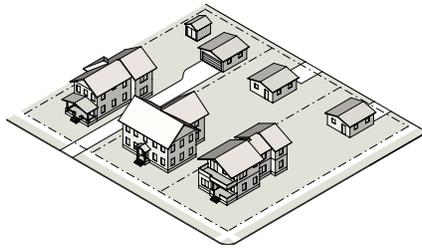
The standard method of development provides the basic framework for development. Development of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) under Chapter 25A. A project providing more than 12.5% MPDUs or a project with less than 20 units that provides 12.5% MPDUs is an optional method of development.

#### B. Optional Method (see Div. 6.1 - Div. 6.6)

The optional methods of development contain alternative regulations for the zones in which the method is allowed. The following zones provide an optional method of development: RNC, RE-2C, RE-1, RLD-20, RMD-9, RMD-6, RMD-4, TLD, TMD, THD, RHD-3, RHD-2, RHD-1, CRT, CR, ELS, EOF, and IL.

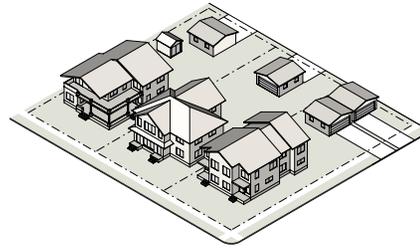
### Sec. 4.1.2. Building Type Descriptions

Building types are established to regulate the form applicable to development within each zone. The building type does not determine uses allowed within the structure. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



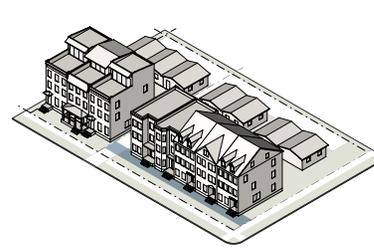
#### A. Detached House

A building typically containing one dwelling unit located on a single lot.



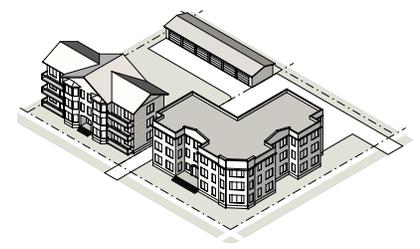
#### B. Duplex

A building containing 2 dwelling units arranged side by side.



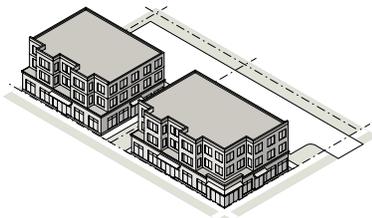
#### C. Townhouse

A building typically containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. Units may be on individual lots, or the entire building (or project) may be on a single lot.



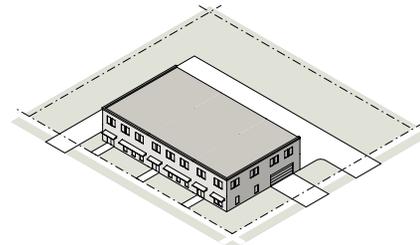
#### D. Apartment/Condo

A building containing 3 or more dwelling units vertically and horizontally integrated.



#### E. Mixed Use Building

A building containing ground floor commercial uses with upper-story residential or office uses.

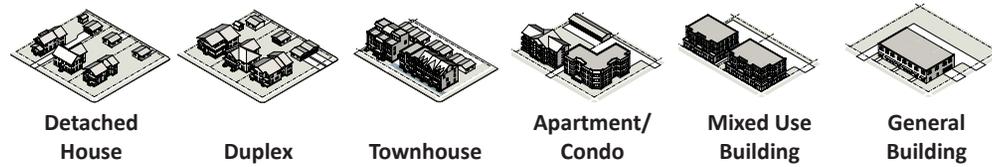


#### F. General Building

A building typically containing nonresidential uses including office, employment, industrial, civic, institutional, or public uses.

### Sec. 4.1.3. Building Types Allowed by Zone

Building types are allowed by zone as follows:



	Detached House	Duplex	Townhouse	Apartment/Condo	Mixed Use Building	General Building
<b>Agricultural Zone</b>						
Agricultural Reserve (AR)	A	--	--	--	--	A
<b>Rural Zones</b>						
Rural Residential (RR)	A	--	--	--	--	A
Rural Cluster (RC)	A	--	--	--	--	A
Rural Neighborhood Cluster (RNC)	A	MPDU	A	--	--	A
<b>Residential Detached Zones</b>						
Residential Estate - 2 (RE-2)	A	--	--	--	--	A
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--	--	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	--	A
Residential Low Density - 20 (RLD-20)	A	MPDU	MPDU	--	--	A
Residential Medium Density - 9 (RMD-9)	A	MPDU, CD	MPDU, CD	--	--	A
Residential Medium Density - 6 (RMD-6)	A	MPDU, CD	MPDU, CD	--	--	A
Residential Medium Density - 4 (RMD-4)	A	A	MPDU	--	--	A
<b>Residential Townhouse Zones</b>						
Townhouse Low Density (TLD)	A	A	A	--	--	A
Townhouse Medium Density (TMD)	A	A	A	--	--	A
Townhouse High Density (THD)	A	A	A	--	--	A
<b>Residential Multi-Unit Zones</b>						
Residential High Density - 3 (RHD-3)	A	A	A	A	--	A
Residential High Density - 2 (RHD-2)	A	A	A	A	--	A
Residential High Density - 1 (RHD-1)	A	A	A	A	--	A
<b>Commercial/Residential Zones</b>						
CR Neighborhood (CRN)	A	A	A	A	A	A
CR Town (CRT)	A	A	A	A	A	A
CR (CR)	A	A	A	A	A	A
<b>Employment Zones</b>						
Employment General (EG)	--	--	A	A	A	A
Employment Life Science (ELS)	A	A	A	A	A	A
Employment Office (EOF)	--	--	A	A	A	A
<b>Industrial Zones</b>						
Light Industrial (IL)	--	--	--	--	A	A
Heavy Industrial (IH)	--	--	--	--	A	A
<b>Overlay Zone</b>						
Transferable Development Rights (TDR)	TDR	TDR	TDR	TDR	--	--

**KEY:** A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an Optional Method Cluster Development  
 MPDU = Allowed as part of an Optional Method MPDU Development TDR = Allowed as part of Optional Method TDR Development

## Sec. 4.1.4. Measurement and Exceptions

The rules in Sec. 4.1.4 apply to all zones unless expressly stated otherwise.

### A. Site

#### 1. Defined

A site is any tract of land or contiguous tract of land owned or functionally controlled by the same person or entity, assembled for the purpose of development.

#### 2. Density

- a. The maximum permitted density is measured by the number of dwelling units allowed per gross acre of land.
- b. Gross tract area is the total of the site area or lot area and any existing or proposed streets, highways, or other land required for public use that is attributable to the site dedicated by the current or previous owner.
- c. Floor Area Ratio (FAR) is a figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

### B. Lot

#### 1. Defined

A lot is a tract of land identified on a subdivision plat that is recorded in the land records. A lot may include buildings, accessory buildings and any associated open spaces.

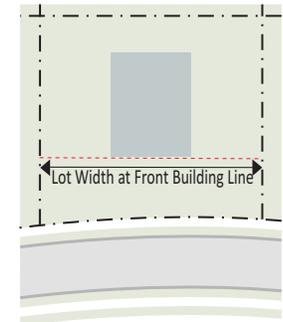
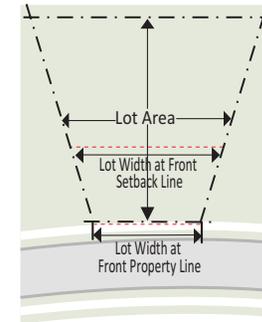
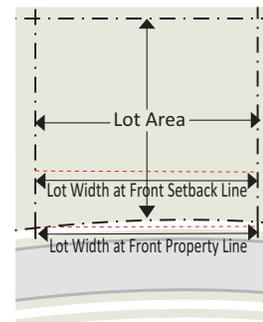
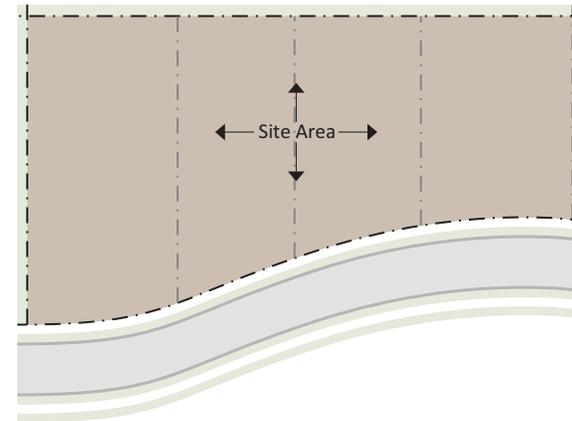
#### 2. Lot Area

The lot area is the area within the rear, side, and front property lines. Does not include existing or proposed public rights-of-way.

#### 3. Lot Width

##### a. At the Front Property Line

Lot width at the front property line is measured between the side property lines at the front property line along a straight line. Where the front property line is curved, lot width at the front property line is measured along the chord of the lot line.



##### b. At the Front Setback Line

Lot width at the front setback line is measured between the side property lines at the front setback line along a straight line.

##### c. At the Front Building Line

Lot width at the front building line is measured between the side property lines at the front edge of the building, along a straight line.

## C. Placement

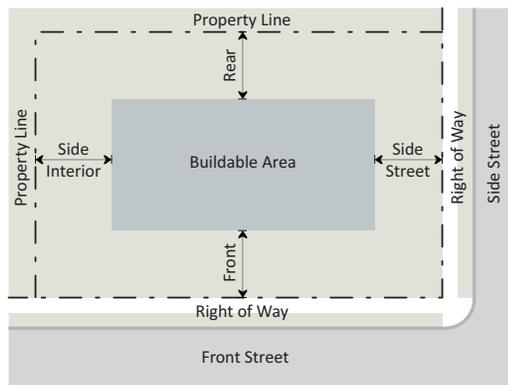
### 1. Building Setbacks

#### a. Defined

There are front, side street, side interior, and rear setbacks. Through lots have 2 front setbacks. A lot abutting an alley is not a through lot.

#### b. Measurement of Setbacks

- i. The front setback and side street setback are measured from the edge of the right-of-way.
- ii. The side interior setback is measured from the side property line.
- iii. The rear setback is measured from the rear property line or the edge of the right-of-way where there is an alley.



### 2. Corner Lots

#### a. Defined

A corner lot is a lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

#### b. Measurement of Setbacks

- i. A corner lot has 2 front setbacks except where the adjoining lot on one of the streets either does not front on that street or is in a non-

Residential zone, then the side street setback applies to both the principal building and the accessory structure.

- ii. On a corner lot, the front setback is the greater of the front setback established in [Div. 4.2](#) to [Div 4.8](#) or the established building line.

### c. Addressing

In determining the address, the following conditions must be considered:

- i. the street with the highest street classification;
- ii. the established orientation of the block;
- iii. the street abutting the longest face of the lot; and
- iv. the street parallel to an alley within the block.

### 3. Build-to-Zone

#### a. Defined

- i. The build-to-zone is the area on the lot where a certain percentage of the front building facade must be located.
- ii. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to-zone.

#### b. Measurement of Build-to-Line

The build-to-zone is measured as a minimum and maximum setback range from the edge of the right-of-way.

### 4. Parking Setbacks

#### a. Defined

- i. There are front, side street, side interior and rear parking setbacks. Through lots have 2 front parking setbacks. A lot abutting an alley is not a through lot.
- ii. Parking setbacks apply to on-site surface parking. Structured parking must comply with building setbacks.

### b. Measurement of Parking Setbacks

- i. The front and side street parking setback is measured from the edge of the right-of-way.
- ii. The side interior parking setback is measured from the side property line.
- iii. The rear parking setback is measured from the rear property line or the edge of the right-of-way if there is an alley.

## 5. Building Coverage

### a. Defined

- i. Building coverage is the area of a lot or site that is covered by buildings, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps.
- ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.

## 6. Setback Encroachments

All buildings and structures must be located at or behind the required building setbacks lines, except as listed in [Sec. 4.1.4.C.5.a](#) to [Sec. 4.1.4.C.5.c](#).

### a. Building Features

- i. Unenclosed porches, decks, terraces, steps, and stoops, may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. This includes unenclosed roofed porches and terraces.
- ii. Roofed and unenclosed steps and stoops may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. Any roof covering unenclosed steps and stoops may project a maximum of 3 feet into any setback.

- iii. Unenclosed balconies may extend a maximum of 6 feet into a required setback, if such extension is a minimum of 2 feet from the vertical plane of any lot line.
- iv. Sills, leaders, belt courses, and similar ornamental features may project a maximum of 6 inches into any front, side street, side interior, or rear setback. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions in [Section 50-20 of the subdivision regulations](#) concerning limitations on issuance of building permits.
- v. Chimneys or flues as part of a detached house, duplex, or townhouse may project a maximum of 2 feet into any front, side street, side interior or rear setback.
- vi. Chimneys or flues as part of an apartment/condo, mixed use, or general building may project a maximum of 4 feet into any front, side street, side interior or rear setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line.
- vii. Building eaves, cornices, and light shelves may project a maximum of 2 ½ feet into any front, side street, side interior, or rear setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in [Section 50-20 of the subdivision regulations](#) concerning limitations on issuance of building permits.
- viii. Bay windows, oriels, entrances, vestibules, or balconies, 10 feet in width or less, may project a maximum of 3 feet into any front, side street, side interior, or rear setback.
- ix. Unenclosed fire escapes and outside stairways may project a maximum of 5 feet into any side street, side interior, or rear setback.

### b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as HVAC units and security lighting may project a maximum of 5 feet into any rear setback.

- ii. Permanent rainwater collection or harvesting systems may project a maximum of 3 feet into any side street, side interior, or rear setback.

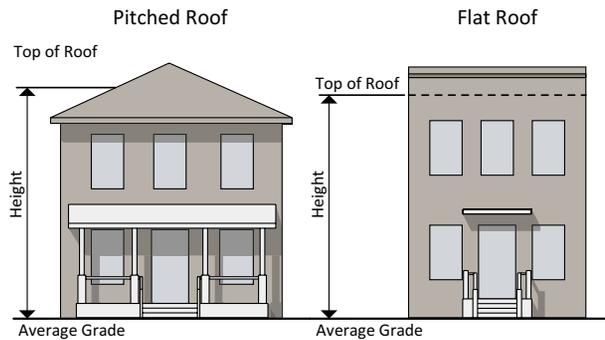
**c. Other Encroachments**

- i. Fences and walls under **Sec. 7.5.3.B.5.**
- ii. Handicap facilities to the extent necessary to meet the minimum standards of the Americans with Disabilities Act.
- iii. Signs under **Div. 7.6.**

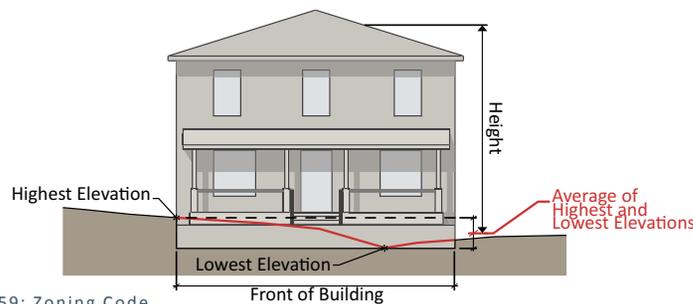
**D. Height**

**1. Building Height in Agricultural, Rural, and Residential Zones**

- a. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

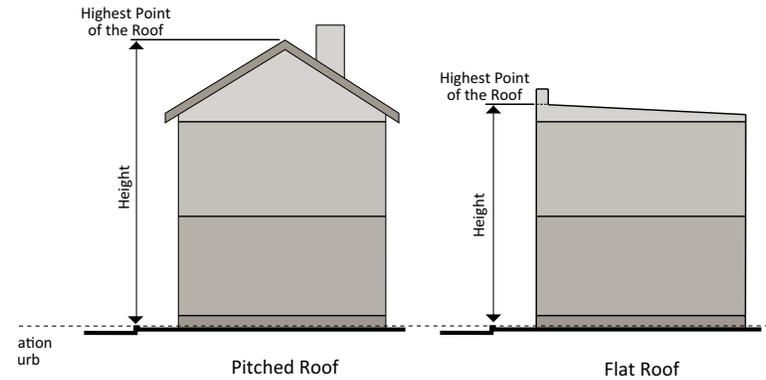


- b. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line.



**2. Building Height in Commercial/Residential, Employment, and Industrial Zones**

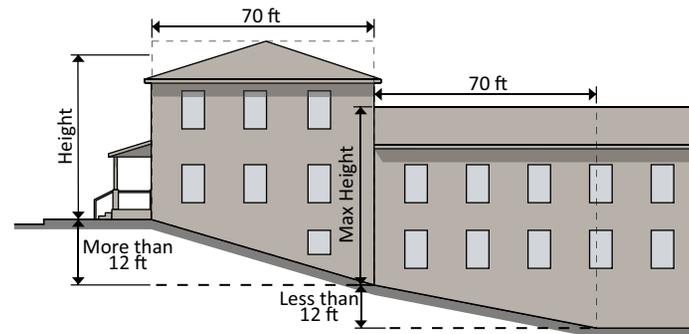
- a. Building height is measured from grade to the highest point of the roof.



- b. Grade is measured as the average elevation of the top of the curb adjacent to the front of the building. In a lot with more than one frontage, grade is measured as the average elevation of the curb along each frontage.

**3. Sloped Lots**

For the apartment/condo, mixed use and general building types, where a lot slopes downward from the front property line more than 12 feet along the side of the first 70 feet of the principal building, the height of the building past that point must be reduced by at least the drop in grade in the first 70 feet of the building, and for each successive 70-foot increment after that.



#### 4. Height Encroachments

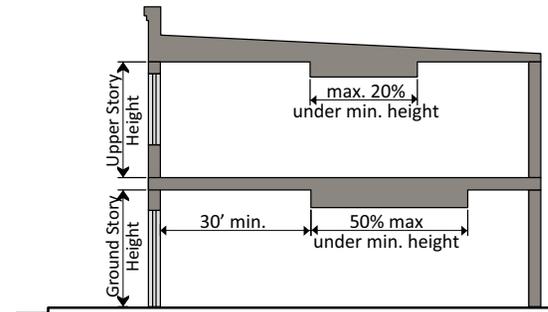
Any height encroachment not specifically listed is expressly prohibited.

- a. The following roof structures can occupy a maximum of 25% of the roof area: spires, belfries, cupolas, domes not intended for human occupancy, chimneys, flue or vent stacks, flagpoles, monuments, water tanks, television antennae or aerials, air conditioning units, or similar structures or mechanical appurtenances.
- b. The maximum heights do not apply to roof structures listed in Sec. 4.1.4.D.4.a (above), except in the TLD, TMD, THD, and RHD-3 zones, air conditioning units or similar structures or mechanical appurtenances may exceed the established height limit by a maximum of 8 feet.
- c. The following may exceed the established height limits, except when located within an airport approach area, if they do not exceed the maximum height limit by more than 8 feet:
  - i. Rooftop deck, patio, shade structure;
  - ii. Rooftop garden, landscaping;
  - iii. Parapet wall, limited to a height of 4 feet;
  - iv. Rooftop rainwater collection or harvesting systems; and
  - v. Rooftop renewable energy systems, such as solar panels or wind turbines.
- d. The following may exceed the established height limits, except when located within an airport approach area, if they do not exceed the maximum building height by more than 8 feet, occupy a maximum of 25% of the roof area, and are set back a minimum of 10 feet from the edge of the roof. The Planning Board may increase the percentage of occupied roof area where a site plan is reviewed and approved.
  - i. Elevator penthouse or bulkhead;
  - ii. Skylights;
  - iii. Stairway access to roof; and
  - iv. Tank designed to hold liquids.
- e. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

- f. The maximum heights do not apply to agricultural buildings in the AR, RR, RC, and RNC zones.

#### E. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. A minimum of 50% of the ground story must meet the minimum height provisions.
3. Where applicable, a minimum of 80% of each upper story must meet the required minimum upper story height provisions.



#### F. Form

The building form requirements are intended to enhance the pedestrian area along building frontages.

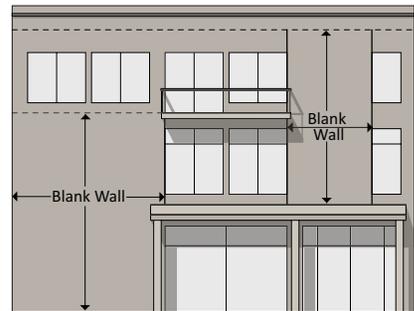
##### 1. Transparency

- a. The minimum percentage of windows and doors that must cover a ground story facade is measured based on facade wall area between 0 and 12 feet above the adjacent sidewalk.
- b. The minimum percentage of windows and doors that must cover an upper story facade is measured based on facade wall area from the top of the finished floor to the top of the finished floor above. When there is no floor above it is measured from the top of the finished floor to the top of the wall plate.



## 2. Blank Wall

- a. Blank wall is the area of the exterior facade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters, or other articulation greater than 8 inches in depth.
- b. Blank wall applies in both a vertical and horizontal direction.
- c. Blank wall applies only to street facing facades.



## G. Building Elements

### 1. Porch

A porch is a raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed and can be enclosed or unenclosed.

### 2. Stoop

A stoop is a small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

### 3. Balcony

A balcony is a platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony may be covered but cannot be fully enclosed.

### 4. Gallery

A gallery is a covered passage extending along the outside wall of a building supported by arches or columns that is open on one side. A gallery must have a minimum height of 10 feet above the sidewalk. A gallery is contiguous and must extend over a minimum of 50% of the width of the building facade from which it projects.

### 5. Awning

An awning is a wall-mounted, cantilevered structure providing shade and cover from the weather over a sidewalk. An awning must have a minimum height of 10 feet above the sidewalk.

## Sec. 4.1.5. Residential Infill Compatibility

### A. Applicability

The standards outlined in Sec. 4.1.5.B through Sec. 4.1.5.C apply to the RLD-20, RMD-9, RMD-6, and RMD-4 zones where:

1. the lot was created:
  - a. by a plat recorded before January 1, 1978; or
  - b. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
2. the lot is less than 25,000 square feet in area; and
3. the construction proposed is:
  - a. a new detached house;
  - b. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
  - c. the addition of more than 50% of the floor area of the detached house.

### B. Established Building Line

1. The established building line applies only to new buildings and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must all be:
  - a. within 300 feet of the side property line of the proposed construction site measured along the street frontage;
  - b. along the same side of the street;
  - c. between intersecting streets or to the point where public thoroughfare is denied;
  - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
  - e. legally constructed; and
  - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.

3. The established building line is the minimum front setback for the zone, unless there are at least 2 buildings as described in Sec. 4.1.5.B.2 and more than 50 percent of the buildings described in Sec. 4.1.5.B.2 are set back greater than the minimum, in which case the average front setback of all the buildings described in Sec. 4.1.5.B.2, excluding those buildings:
  - a. in the RLD-20 zone that are or were ever served by well or septic;
  - b. on the subject property;
  - c. in a different zone than the subject property;
  - d. on a through lot that fronts on a street different than the subject property;
  - e. located on any pipestem, wedge-shaped, or flag-shaped lot; or
  - f. approved by permit for demolition, except if a building permit was also approved with the same setback,
 is the established building line, unless the applicant chooses to calculate the front setback as the average front setback of the two adjoining lots or the applicant chooses to use the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor. Any building excluded from the established building line restriction must comply with the minimum front setback requirement of the zone.
4. Corner lots have two front setbacks and are subject to established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the adjoining buildings on both sides of the corner lot.

### C. Building Coverage

The maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than 20 feet in height, must vary with the lot area as follows:

Lot area less than 6,000 SF:	30 percent of lot area
Lot area equal to or greater than 6,000 SF but less than 16,000 SF:	30 percent, less .001 percent for every square foot of lot area exceeding 6,000 SF
Lot area equal to or greater than 16,000 SF:	20 percent of the lot area

## Div. 4.2. Agricultural Zone

### Sec. 4.2.1. Methods of Development

The AR zone allows development only under the standard method. A child lot above the density of one dwelling unit per 25 acres is allowed in the AR zone under standard method according to [Sec. 4.2.3](#).

#### A. Standard Method

Standard method development is allowed under the development standards established in [Sec. 4.2.4](#) to [Sec. 4.2.6](#).

### Sec. 4.2.2. Development Standards

#### A. Building Types

Building types are allowed by zone under [Sec. 4.1.3](#). Dimensional standards for allowed building types are under [Sec. 4.2.4](#) to [Sec. 4.2.6](#).

### Sec. 4.2.3. Special Regulations for Child Lots

#### A. Applicability

A child lot above the density of one detached house per 25 acres is allowed in the AR zone only if the property owner has:

1. a recorded title to the property before January 7, 1981;
2. personally applied for approval to create the lot; and
3. retained a development right for each lot.

#### B. Density

1. The Planning Board must only approve one child lot for each child of the property owner, regardless of the number of properties owned.
2. A maximum of 3 child lots can be established for a qualifying property owner under [Sec. 4.2.5.B.1](#). The Planning Board may approve up to two additional child lots above the maximum number allowed in [Sec. 4.2.5.B.1](#) if the additional child lot:
  - a. is not encumbered by a State or County Agricultural Land Preservation Easement;
  - b. meets the applicable requirements in [Sec. 4.2.3.A](#);

- c. is on the landowner's only real property holdings in the County; and
- d. the tract of land for 4 child lots is at least 170 acres and the tract of land for 5 total child lots is at least 220 acres.

3. In determining whether to approve the additional child lots, the Planning Board must consider any recommendation from the Agricultural Preservation Advisory Board (APAB) about whether the additional lot will promote the continuation of the family farm unit or otherwise meet the purposes of the AR zone.

#### C. Lot Area

A lot created for a child must be no larger than the minimum area necessary for approval of well and septic. The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible and the lot cannot be served by a septic easement. The area of the driveway stem on a flag lot is not included in the maximum area limit.

#### D. Building Permit

1. When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.
2. A building permit for a detached house on a child lot must be issued only to:
  - a. a child of the property owner;
  - b. the spouse of a child of the property owner;
  - c. a contractor for a child of the property owner; or
  - d. a contractor for the spouse of a child of the property owner.

#### E. Ownership Transfer

Ownership of a child lot cannot be transferred or leased within 5 years of the date of the Department of Permitting Services' final inspection of the dwelling unit, with the exception that:

1. The owner of the child lot may only lease the lot to an immediate family member.
2. Ownership of a child lot may be transferred if the Planning Board finds a

hardship after the date of final inspection, such as a death of the child or a bona fide foreclosure of the mortgage or deed of trust.

#### F. Penalty for Violations

Any violation of [Sec. 4.2.3](#) is subject to the penalty and enforcement provisions in [Sec. XYZ \[Editor's note: Section reference to be added\]](#). Every day a transfer restriction is violated is a new violation.

#### G. Deed Restrictions and Certificates of Compliance

1. Any deed or other instrument conveying title from the owner of the property to a child must be signed by both the grantor and the grantee.
2. In any deed or other instrument conveying title from the owner of the property to a child, the grantor must clearly and conspicuously state, and the grantee must clearly and conspicuously acknowledge, that the conveyed property is a child lot subject to the requirements of [Sec. 4.2.3.E](#).
3. If the Planning Director determines that a child lot may be transferred under [Sec. 4.2.3.E.2](#), the Planning Director must issue a certificate of compliance to the owner of the child lot in a form appropriate for recordation in the land records. The certificate is conclusive evidence of the owner's compliance with [Sec. 4.2.3.E](#).

#### H. Existing Child Lots and Preliminary Plan Applications

1. A child lot is permitted on a tract of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held pursuant to a deed that indicates conveyance from parent to child and was recorded before October 1, 2010, subject to the following provisions:
  - a. one lot for every 25 acres plus one additional lot for each child lot;
  - b. a child lot of any size; and
  - c. no limitations on ownership.
2. A child lot is permitted on a tract of land of any size with a preliminary plan approved before October 1, 2010, subject to the ownership and transfer

provisions of [Sec. 4.2.3](#) and may be identified on a plat recorded among the land records of the County using the following provisions:

- a. one lot for every 25 acres plus one additional lot for each child lot; and
  - b. a child lot of any size.
3. A child lot is permitted on a tract of land of any size with a preliminary plan application filed, but not approved, before October 1, 2010 and must satisfy all of the provisions of [Sec. 4.2.3](#), except it may be approved with a density of one lot for every 25 acres plus one additional lot for each child lot.
  4. A child lot previously recorded by plat is exempt from the limit on number of child lots and the lot area, and size limits of [Sec. 4.2.3](#), provided that the density does not exceed one lot for every 25 acres plus one additional lot for each child lot.

#### Sec. 4.2.4. Special Regulations for Scenic Setbacks

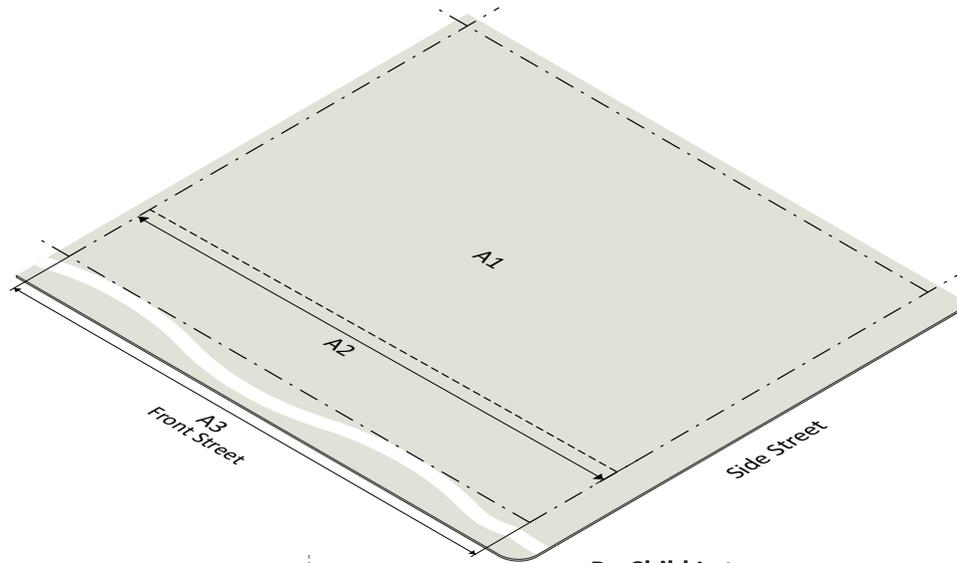
##### A. AR and RC Zones

In the AR and RC zone, the front setback and side street setback must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

##### B. RNC Zone

In the RNC zone, the side street setback must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

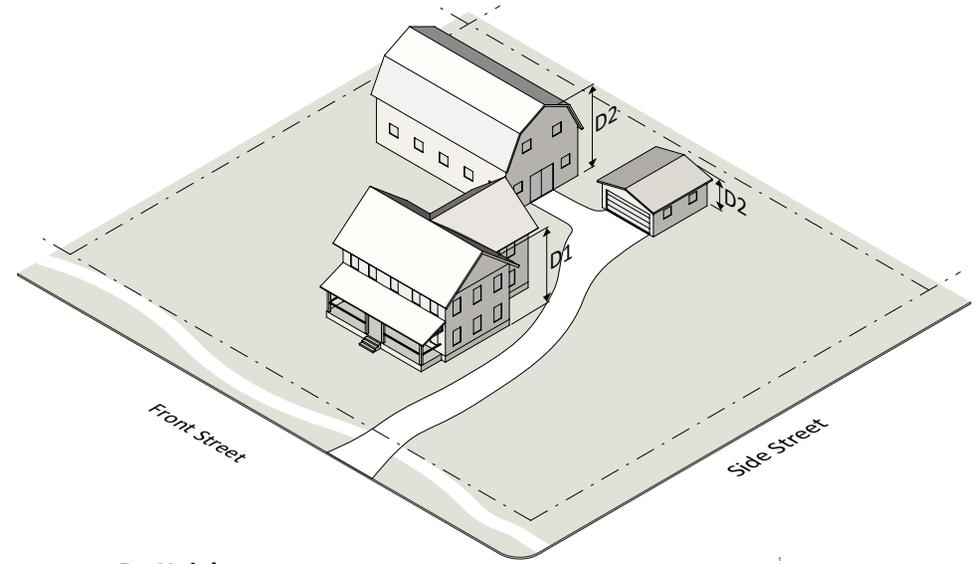
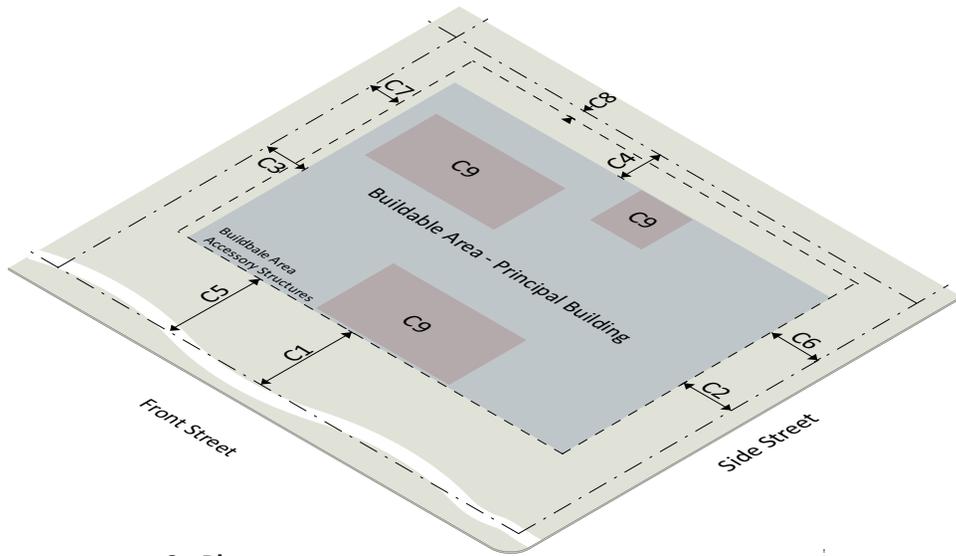
Sec. 4.2.5. Detached House, Standard Method Development Standards



A. Lot	AR
<b>Basic Lot Alternative</b>	
A1 Lot area (min)	40,000 SF
A2 Lot width at front building line (min)	125'
A3 Lot width at front property line (min)	25'
A4 Density (units/acre)	1/25
<b>Flexible Lot Alternative</b>	
A1 Lot area (max)	3 acres
A2 Lot width at front building line (min)	125'
A3 Lot width at front property line (min)	25'
A4 Remainder of site placed in conservation or agricultural easement such that only 1 dwelling unit exists per 25 acres	yes

B. Child Lots	AR
<b>B1 Density (max)</b>	
Child lots allowed up to 25 acres	1
Child lots allowed 70 to 120 acres	2
Child lots allowed on more than 120 acres	3
B2 Lot size, excluding driveway stem on a flag lot (max)	3 acres

The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible and the lot cannot be served by a septic easement, see [Sec. 4.2.3](#), Special Regulations for Child Lots

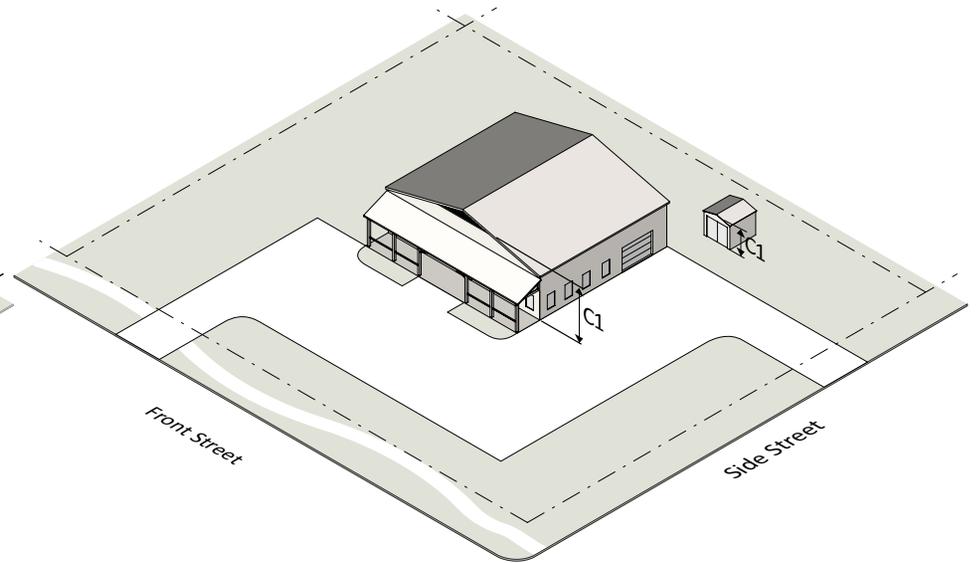
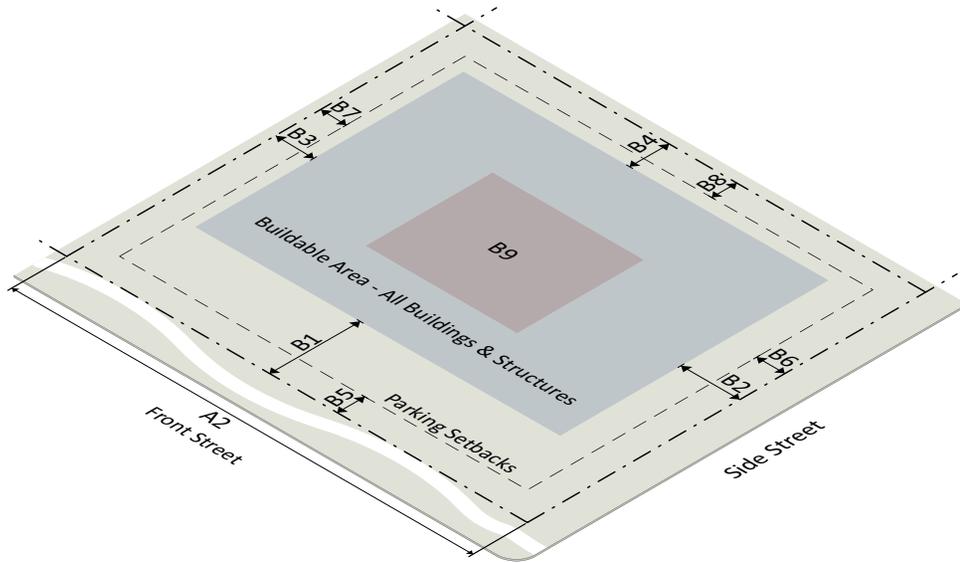


C. Placement	AR
<b>Principal Building Setbacks (min)</b>	
C1 Front setback	50'
C2 Side street setback	50'
C3 Side interior setback	20'
C4 Rear setback	35'
<b>Accessory Structure Setbacks (min)</b>	
C5 Front setback	50'
C6 Side street setback	50'
C7 Side interior setback	15'
C8 Rear setback	15'
<b>Coverage (max)</b>	
C9 Basic lot: roofed buildings & structures	10%
C9 Flexible lot: roofed buildings & structures	20%

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives Site Plan approval under [Sec. 8.3.4](#).

D. Height	AR
<b>Building Height (max)</b>	
D1 Principal building	50'
D2 Accessory structures	50'
Height restrictions do not apply to agricultural buildings. See <a href="#">Sec.4.1.4.D.4.f</a>	

### Sec. 4.2.6. General Building



A. Lot	AR
<b>Dimensions (min)</b>	
A1 Lot area	3 acres
A2 Lot width at front property line	200'

B. Placement	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	50'
B2 Side street setback	50'
B3 Side interior setback	25'
B4 Rear setback	25'
<b>Parking Setbacks (min)</b>	
B5 Front setback	25'
B6 Side street setback	25'
B7 Side interior setback	25'
B8 Rear setback	25'
<b>Coverage (max)</b>	
B9 Roofed buildings & structures	10%

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives Site Plan approval under [Sec. 8.3.4.](#)

C. Height	AR
<b>Building Height (max)</b>	
C1 All buildings & structures	50'

Height restrictions do not apply to agricultural buildings. See [Sec.4.1.4.D.4.f](#)

## Div. 4.3. Rural Zones

### Sec. 4.3.1. Methods of Development

The RR zone allows development only under the standard method. The RC and RNC zones allow development under the standard method and may allow development under the optional method, subject to the approval of a Site Plan (Sec. 8.3.4).

#### A. Standard Method

Standard method development is allowed under the development standards established in Sec. 4.3.3 to Sec. 4.3.5.

#### B. Optional Method

Optional method development is allowed under Div. 6.1 and Div. 6.2.

### Sec. 4.3.2. Development Standards

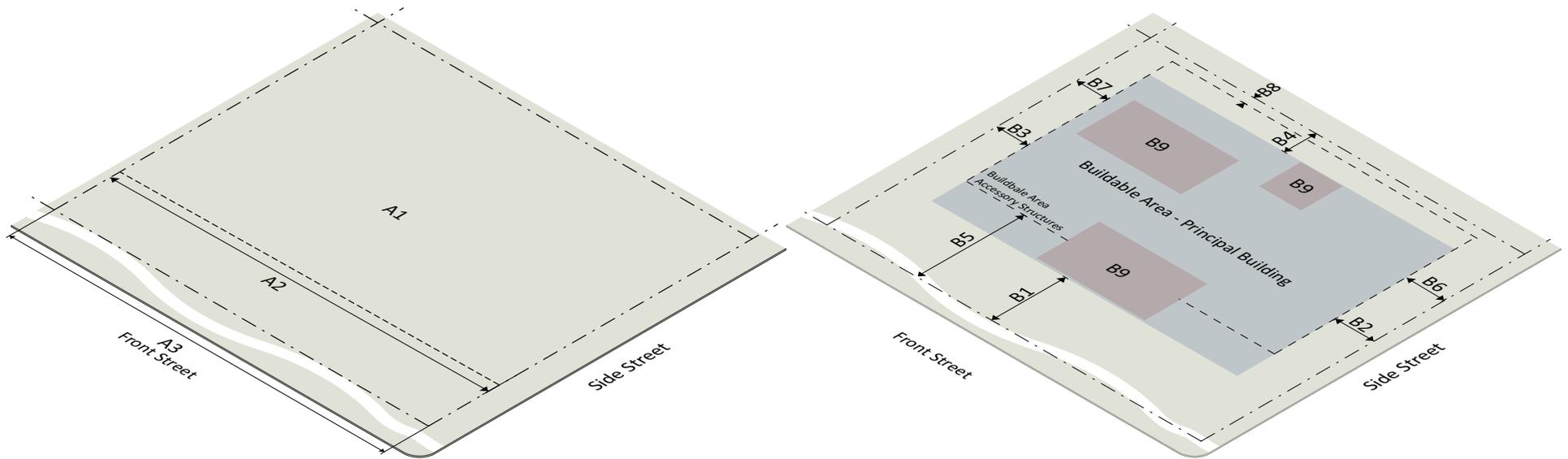
#### A. Building Types

Building types are allowed by zone under Sec. 4.1.3. Dimensional standards for allowed building types are in Sec. 4.3.3 to Sec. 4.3.5.

#### B. Setbacks

In Sec. 4.3.3 to Sec. 4.3.5, where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

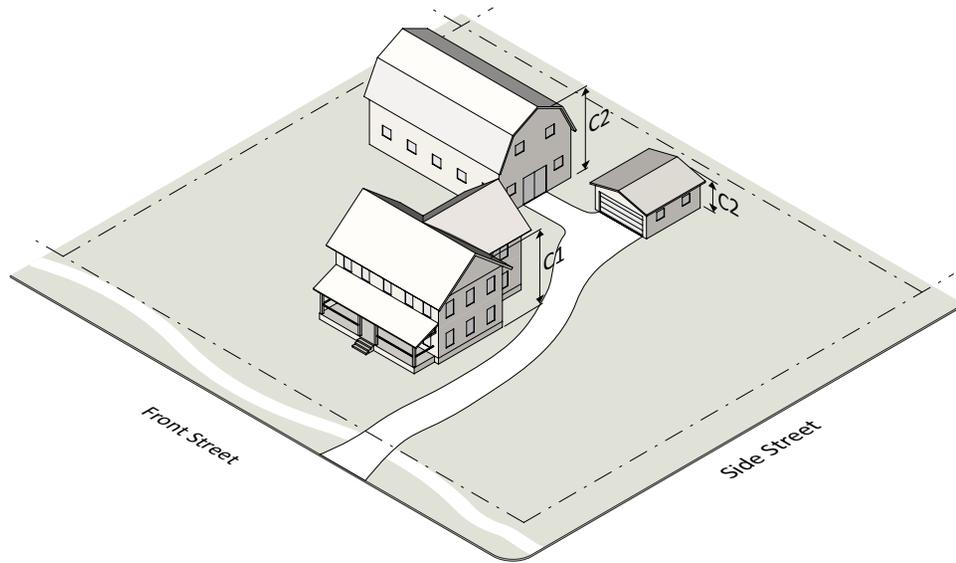
Sec. 4.3.3. Detached House, Standard Method Development Standards



A. Lot	RR	RC	RNC
<b>Dimensions (min)</b>			
A1 Lot area (min)	5 acres	5 acres	25,000 SF
A2 Lot width at front building line (min)	300'	300'	100'
A3 Lot width at front property line (min)	25'	300'	25'
A4 Density (units/acre)	1/5	1/5	1/5
A5 Percent of property reserved for rural open space	n/a	n/a	60%

B. Placement	RR	RC	RNC
<b>Principal Building Setbacks (min)</b>			
B1 Front setback	50'	50'	40'
B2 Side street setback	50'	50'	50'
B3 Side interior setback	20'	20'	15'
B4 Rear setback	35'	35'	35'
<b>Accessory Structure Setbacks (min)</b>			
B5 Front setback	80'	80'	80'
B6 Side street setback	50'	50'	50'
B7 Side interior setback	15'	15'	15'
B8 Rear setback	15'	15'	15'
<b>Coverage (max)</b>			
B9 Roofed buildings & structures	10%	10%	10%

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives Site Plan approval under [Sec. 8.3.4.](#)

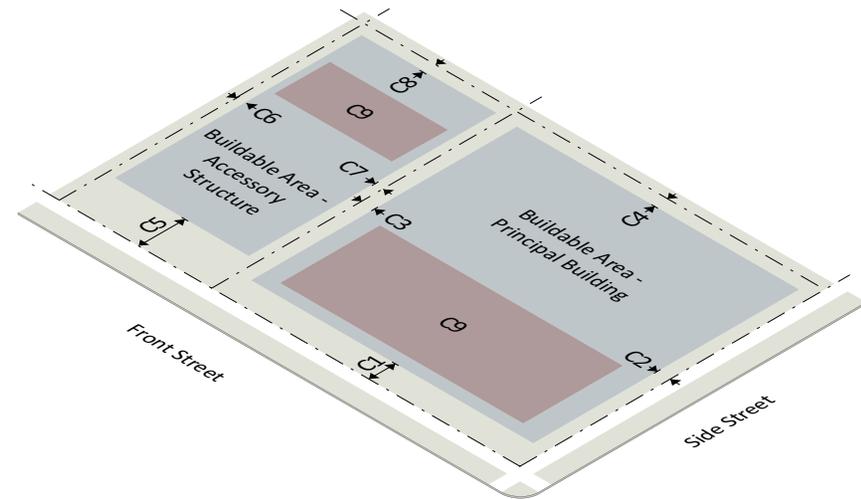
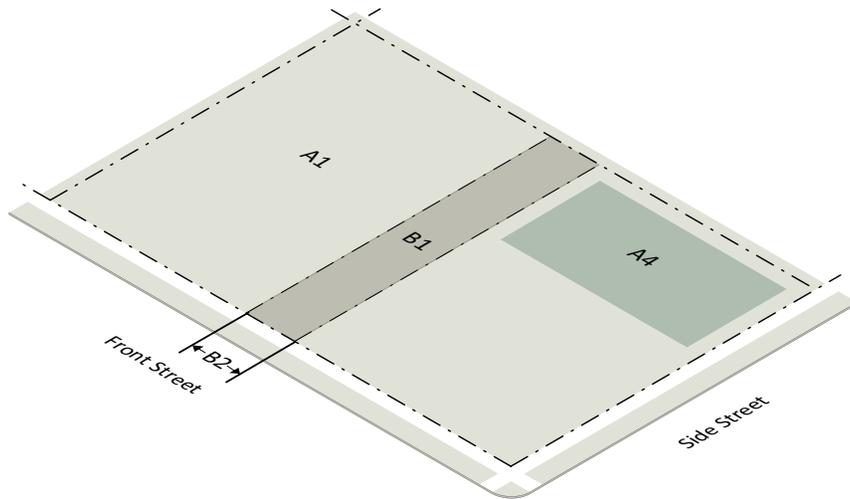


**C. Height**

	RR	RC	RNC
<b>Building Height (max)</b>			
C1 Principal building	50'	50'	35'
C2 Accessory structures	50'	50'	35'

Height restrictions do not apply to agricultural buildings. See [Sec.4.1.4.D.4.f](#)

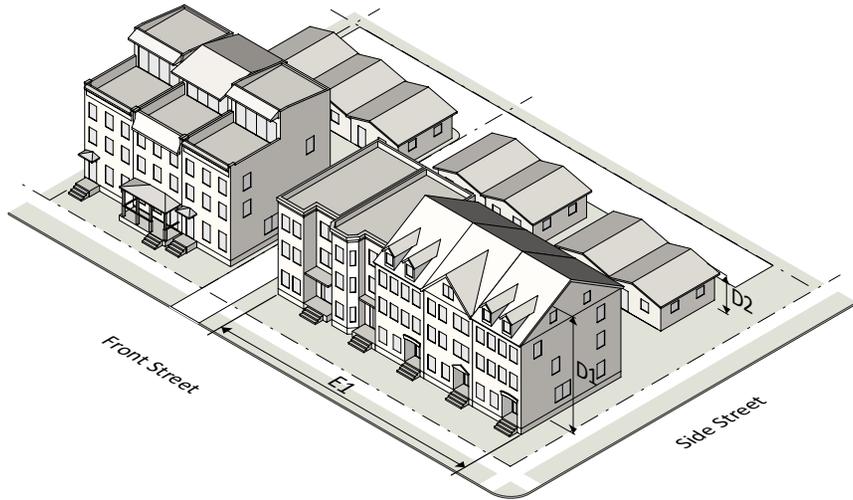
Sec. 4.3.4. Townhouse, Standard Method Development Standards



A. Site	RNC
<b>Dimensions (min)</b>	
A1 Site area	20,000 SF
A2 Site area per unit	4,800 SF
<b>Density (max)</b>	
A3 Density (units/acre)	9/1
<b>Coverage (min)</b>	
A4 Common outdoor area (% of site)	50%
See Sec. 7.3.5 for common outdoor area requirements.	
<b>B. Lot</b>	
<b>Dimensions (min)</b>	
B1 Lot area	1,400 SF
B2 Lot width at front property line	14'

C. Placement	RNC
<b>Principal Building Setbacks (min)</b>	
C1 Front setback, public street	25'
C1 Front setback, private street	4' or 20'
C2 Side street setback	15'
C3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	Abutting zone
C3 Side interior setback, abutting all other zones	10'
C3 End unit setback, interior to the site	5'
C4 Rear setback	20'
C4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
C5 Front setback, behind front building line	10'
C6 Side street setback	15'
C7 Side interior/rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	5'
C7 Side interior/rear setback, abutting all other zones	0'
C8 Rear setback, alley	4' or 20'
<b>Coverage (min)</b>	
C9 Roofed building & structures	35%

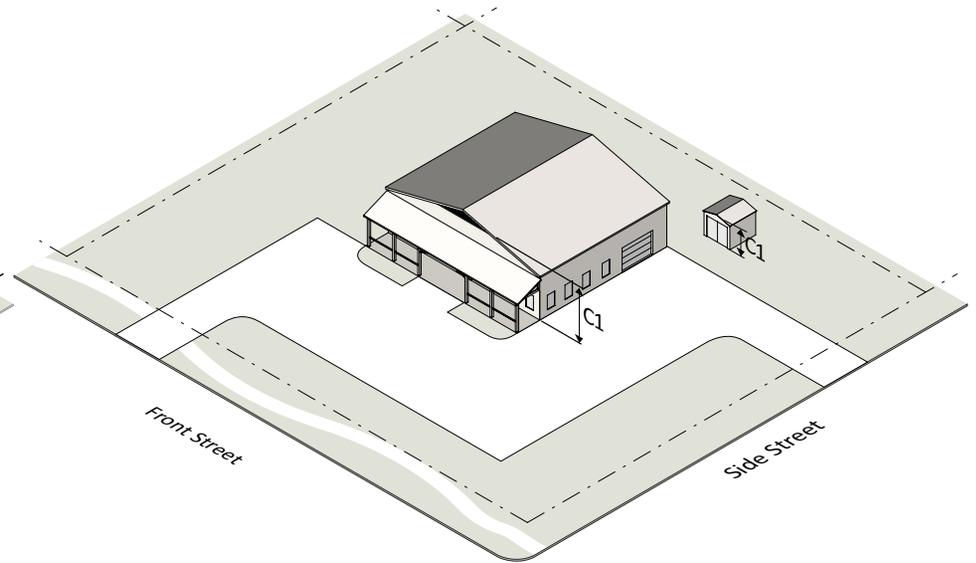
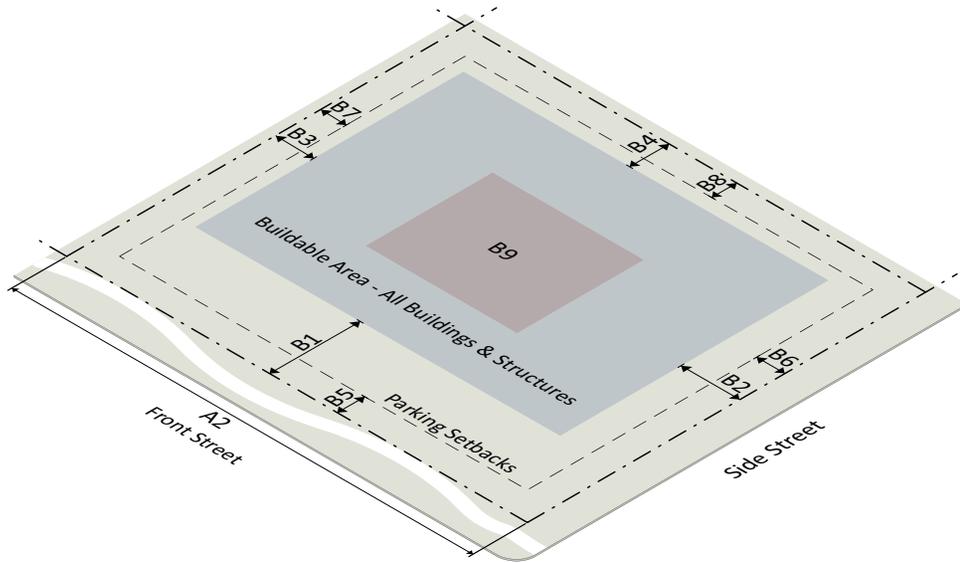
On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives Site Plan approval under Sec. 8.3.4.



<b>D. Height</b>		<b>RNC</b>
<b>Building Height (max)</b>		
D1 Principal building		35'
D2 Accessory structure		25'

<b>E. Form</b>	
<b>Massing</b>	
E1 Number of units permitted in any one row (max)	8

Sec. 4.3.5. General Building, Standard Method Development Standards



A. Lot	RR, RC, RNC
<b>Dimensions (min)</b>	
A1 Lot area	5 acres
A2 Lot width at front property line	200'

B. Placement	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	50'
B2 Side street setback	50'
B3 Side interior setback	25'
B4 Rear setback	25'
<b>Parking Setbacks (min)</b>	
B5 Front setback	25'
B6 Side street setback	25'
B7 Side interior setback	25'
B8 Rear setback	25'
<b>Coverage (max)</b>	
B9 Roofed buildings & structures	10%

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives Site Plan approval under [Sec. 8.3.4.](#)

C. Height	RR, RC	RNC
<b>Building Height (max)</b>		
C1 All buildings & structures	50'	35'

Height restrictions do not apply to agricultural buildings. [See Sec.4.1.4.D.4.f](#)

## Div. 4.4. Residential Zones

### Sec. 4.4.1. Methods of Development

The RE-2 zone allows development only under the standard method. The RE-2C, RE-1, RLD-20, RMD-9, RMD-6, RMD-4, TLD, TMD, THD, RHD-3, RHD-2, and RHD-1 zones allow development under the standard method and may allow development under the optional method, subject to the approval of a Site Plan (Sec. 8.3.4).

#### A. Standard Method

Standard method development is allowed under the development standards established in Sec. 4.4.3 to Sec. 4.4.9. Standard method development of a detached house in the RLD-20, RMD-9, RMD-6, and RMD-4 may also have to satisfy Sec. 4.1.5.

#### B. Optional Method

Optional method development is allowed under Div. 6.1 and Div. 6.2.

### Sec. 4.4.2. Development Standards

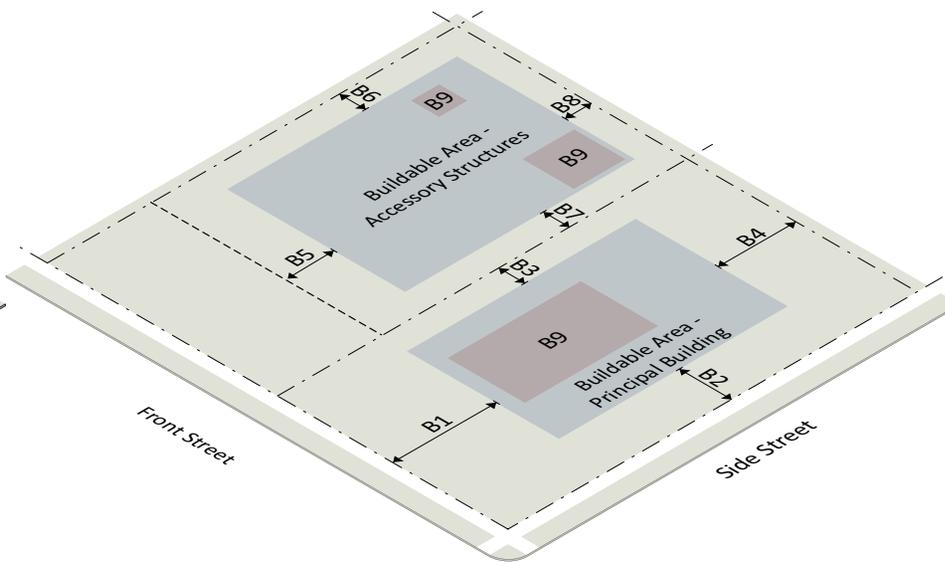
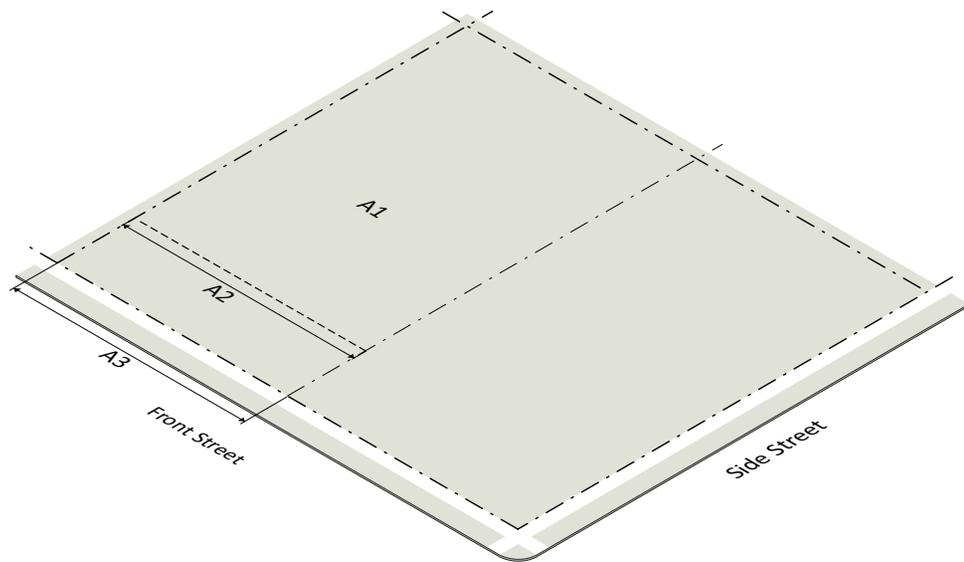
#### A. Building Types

Building types are allowed by zone under Sec. 4.1.3. Dimensional standards for allowed building types are in Sec. 4.4.3 to Sec. 4.4.9.

#### B. Setbacks

In Sec. 4.4.3 to Sec. 4.4.9, where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

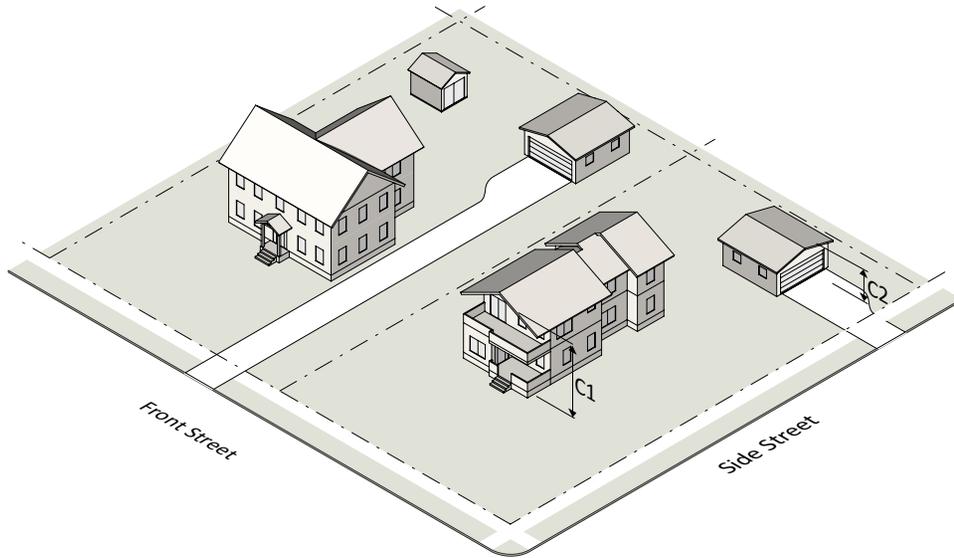
Sec. 4.4.3. Detached House, Standard Method Development Standards (1 of 2)



A. Lot	RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4
<b>Dimensions (min)</b>							
A1 Lot area	2 acres	2 acres	40,000 SF	20,000 SF	9,000 SF	6,000 SF	6,000 SF
A2 Lot width at front building line	150'	150'	125'	100'	75'	60'	60'
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'	25'

B. Placement	RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4
<b>Principal Building Setbacks (min)</b>							
B1 Front setback	50'	50'	50'	40'	30'	25'	25'
B2 Side street setback	20'	20'	20'	15'	15'	15'	15'
B3 Side interior setback	17'	17'	17'	12'	8'	8'	8'
B4 Rear setback	35'	35'	35'	30'	25'	20'	20'
<b>Accessory Structure Setbacks (min)</b>							
B5 Front setback, behind front building line	20'	20'	20'	10'	10'	10'	10'
B6 Side street setback	20'	20'	20'	15'	15'	15'	15'
B7 Side interior setback	15'	15'	15'	12'	5'	5'	5'
B8 Rear setback	10'	10'	10'	7'	5'	5'	5'
B8 Rear setback, alley	4' or 20'						
<b>Coverage (max)</b>							
B9 Roofed buildings & structures	15%	15%	15%	25%	30%	35%	35%

Development in the RLD-20, RMD-9, RMD-6, and RMD-4 may also have to satisfy [Sec. 4.1.5](#), Residential Infill Compatibility

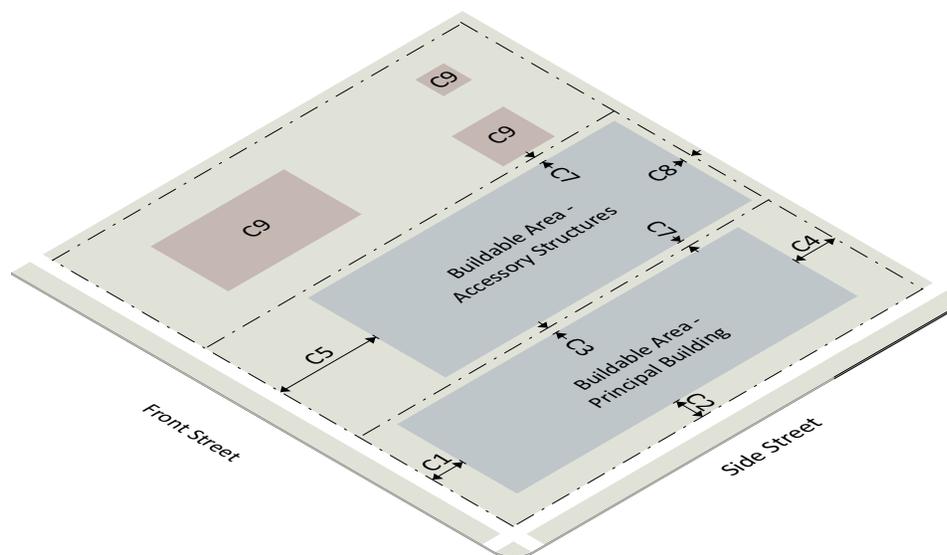
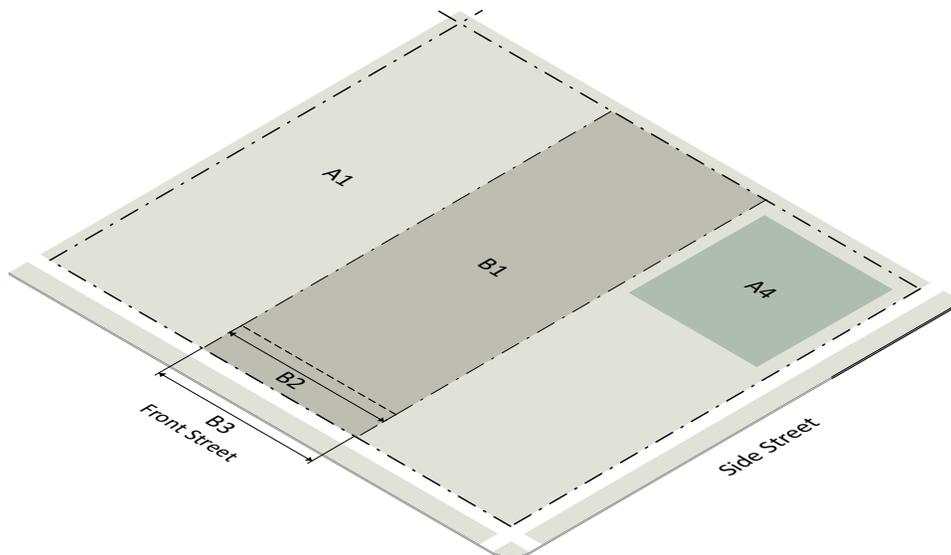


**C. Height**

	RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4
<b>Building Height (max)</b>							
C1 Principal building when measured to the highest point of a flat roof	50'	50'	50'	40'	35'	35'	35'
C1 Principal building when measured to mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof	50'	50'	50'	35'	30'	30'	30'
C2 Accessory structure	50'	50'	50'	35'	25'	25'	25'

In the RMD-9, RMD-6, and RMD-4 zones, height can be increased to 40 feet if approved by the Planing Board in a Site Plan (see Sec. 8.3.4)

### Sec. 4.4.4. Detached House, Standard Method Development Standards (2 of 2)

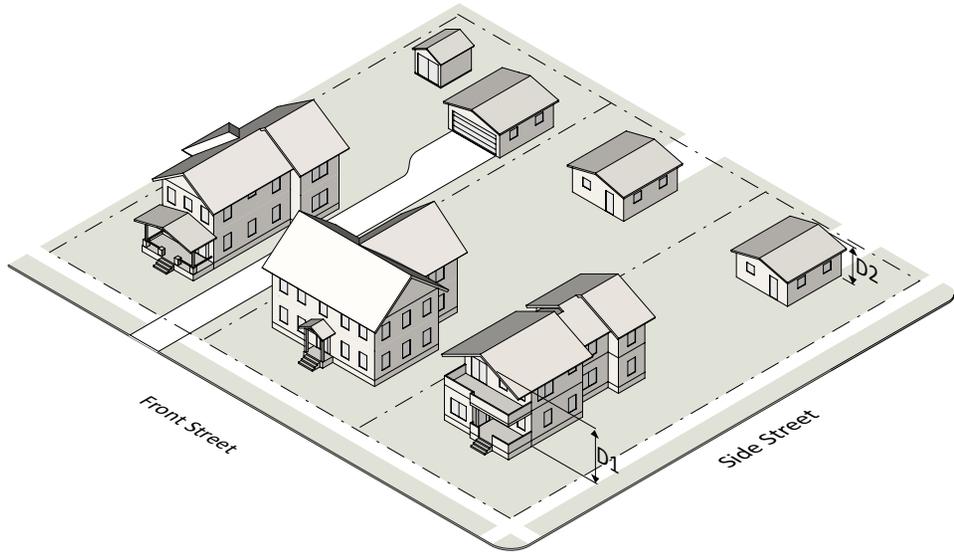


A. Site	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
A1 Site area	6,000 SF	12,000 SF	16,000 SF	12,000 SF	16,000 SF	20,000 SF
A2 Site area per unit	6,000 SF	4,300 SF	3,300 SF	3,600 SF	2,700 SF	2,100 SF
<b>Density (max)</b>						
A3 Density (units/acre)	7/1	10/1	13/1	12/1	16/1	20/1
<b>Coverage (min)</b>						
A4 Common outdoor area (% of site)	0%	10%	15%	15%	20%	25%

See Sec. 7.3.5 for common outdoor area requirements.

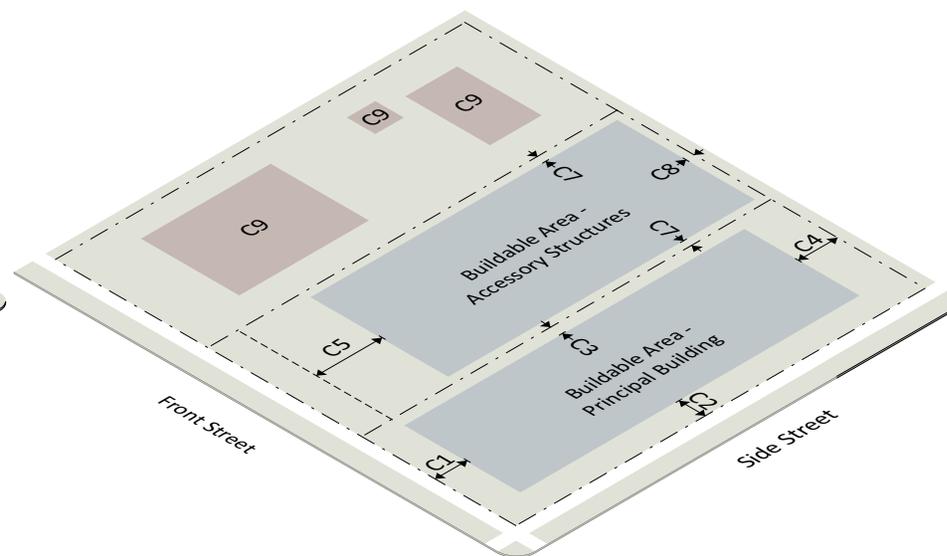
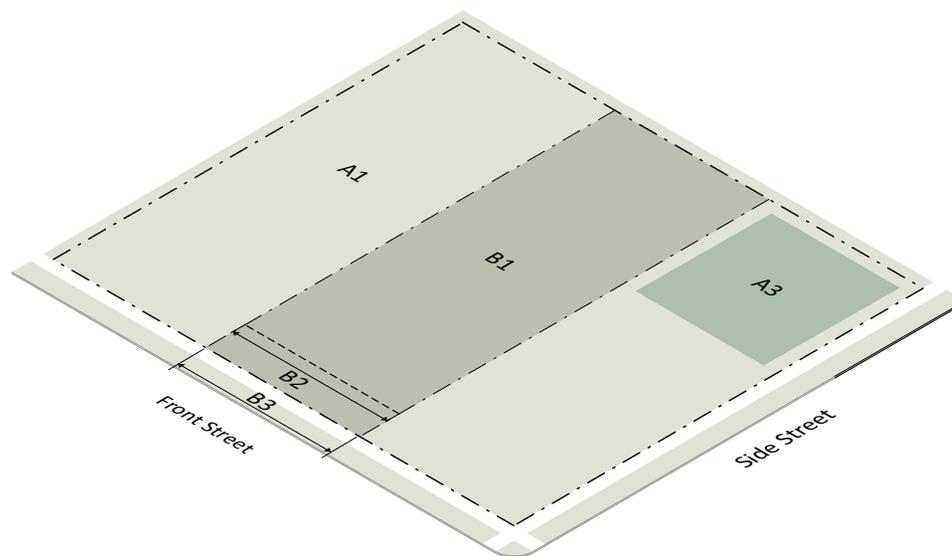
B. Lot	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
B1 Lot area	6,000 SF	4,000 SF	3,000 SF	3,000 SF	2,000 SF	1,000 SF
B2 Lot width at front building line	50'	40'	25'	25'	25'	25'
B3 Lot width at front property line	25'	25'	25'	25'	25'	25'

C. Placement	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>						
C1 Front setback, public street	25'	25'	20'	20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C1 Front setback, private street	25'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C2 Side street setback	15'	15'	15'	15'	Abutting zone	Abutting zone
C3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback	20'	20'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
<b>Accessory Structure Setbacks (min)</b>						
C5 Front setback, behind front building line	10'	10'	5'	5'		
C6 Side street setback	15'	15'	15'	15'		
C7 Side interior/rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	5'	5'	5'	5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'		
C8 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'		
<b>Coverage (max)</b>						
C9 Roofed buildings & structures	35%	40%	50%	50%	75%	90%



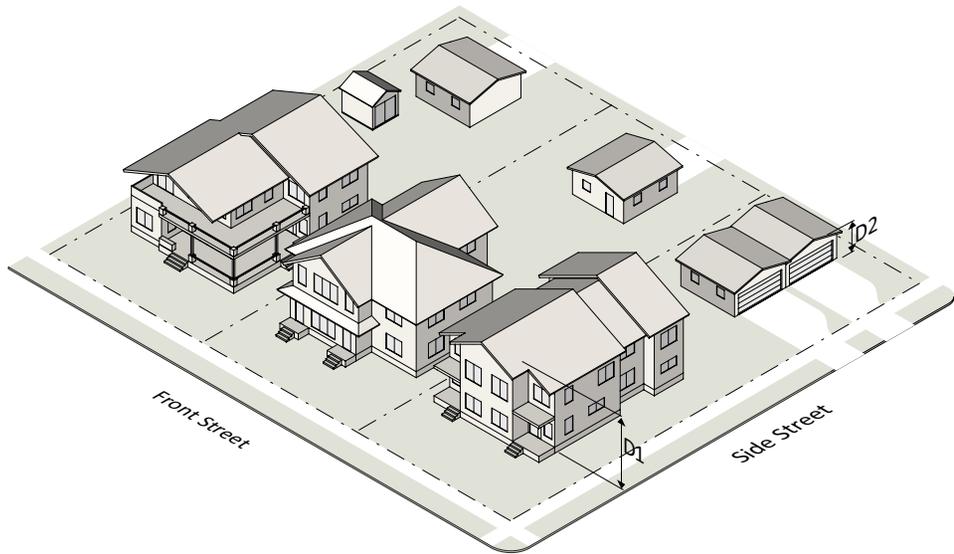
<b>D. Height</b>	<b>TLD</b>	<b>TMD</b>	<b>THD</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Building Height (max)</b>						
D1 Principal building	35'	35'	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

Sec. 4.4.5. Duplex, Standard Method Development Standards (1 of 2)



A. Site	RMD-4	TLD	TMD	THD
<b>Dimensions (min)</b>				
A1 Site area	8,000 SF	8,000 SF	8,000 SF	8,000 SF
<b>Density (max)</b>				
A2 Density (units/acre)	10/1	8/1	11/1	14/1
<b>Coverage (min)</b>				
A3 Common outdoor area (% of site)	0%	0%	0%	25%
See Sec. 7.3.5 for common outdoor area requirements.				
<b>B. Lot</b>				
<b>Dimensions (min)</b>				
B1 Lot area	4,000 SF	4,000 SF	3,000 SF	2,000 SF
B2 Lot width at front building line	40'	40'	40'	30'
B3 Lot width at front property line	n/a	25'	25'	25'

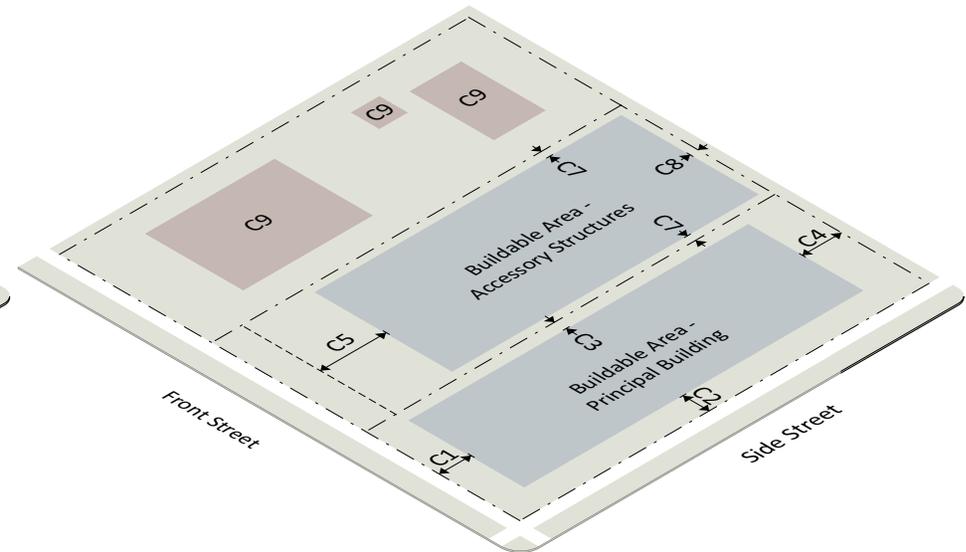
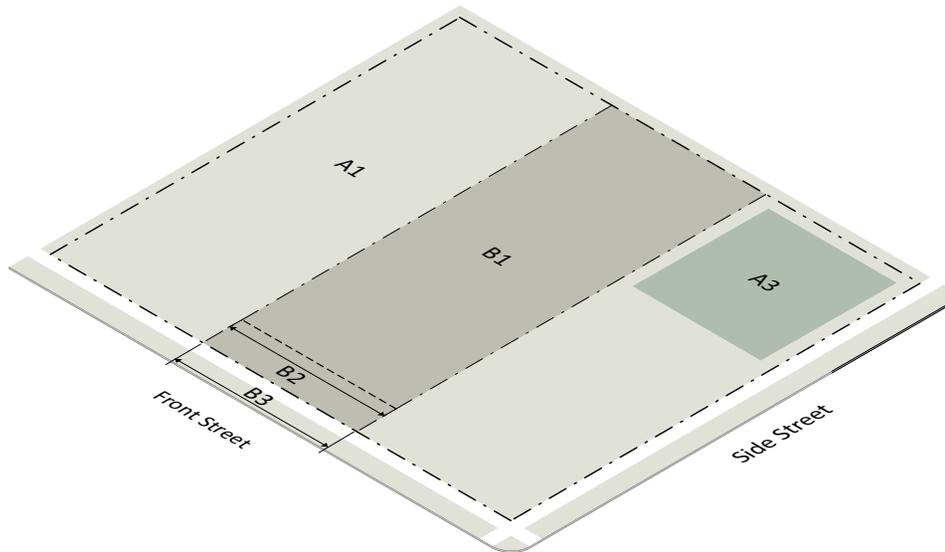
C. Placement	RMD-4	TLD	TMD	THD
<b>Principal Building Setbacks (min)</b>				
C1 Front setback, public street	25'	25'	25'	20'
C1 Front setback, private street	25'	25'	4' or 20'	4' or 20'
C2 Side street setback	15'	15'	15'	15'
C3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'
C4 Rear setback	20'	20'	20'	15'
C4 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>				
C5 Front setback, behind front building line	10'	10'	10'	5'
C6 Side street setback	15'	15'	15'	15'
C7 Side interior/rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	5'	5'	5'	5'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'
C8 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Coverage (max)</b>				
C9 Roofed buildings & structures	40%	35%	40%	50%



<b>D. Height</b>	<b>RMD-4</b>	<b>TLD</b>	<b>TMD</b>	<b>THD</b>
<b>Building Height (max)</b>				
D1 Principal building	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'

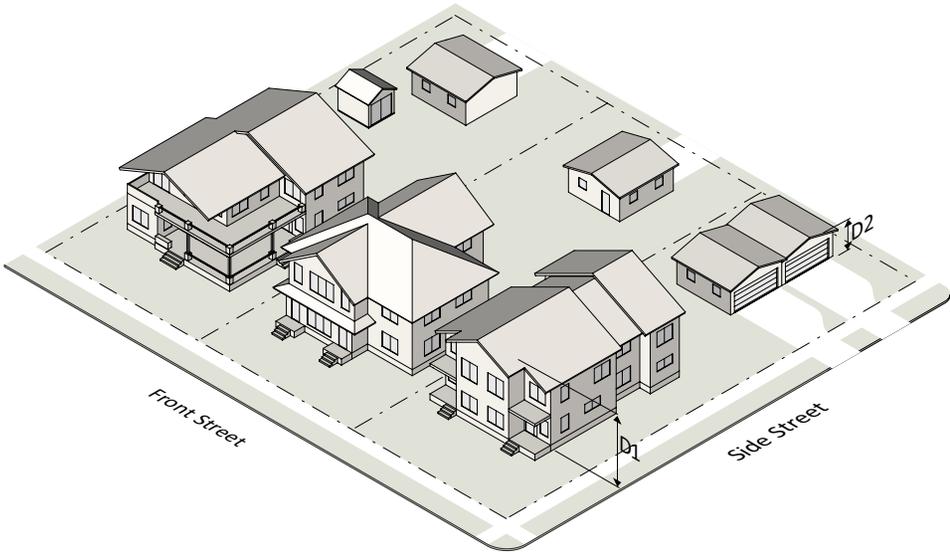
In the RMD-4 zone height can be increased to 40 feet if approved by the Planning Board in a Site Plan (see Sec. 8.3.4)

Sec. 4.4.6. Duplex, Standard Method Development Standards (2 of 2)



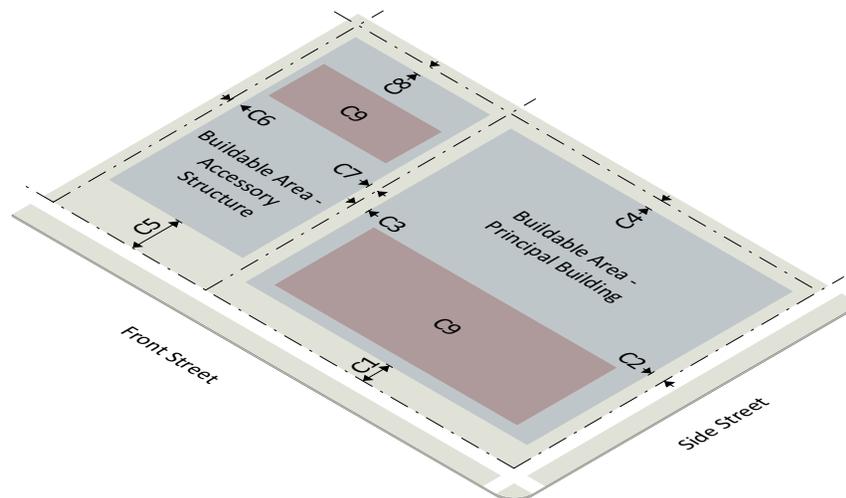
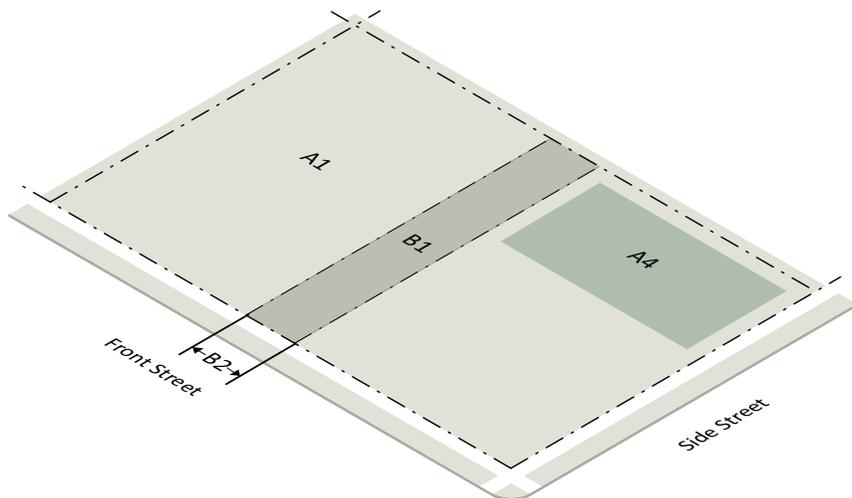
A. Site	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>			
A1 Site area	8,000 SF	8,000 SF	8,000 SF
<b>Density (max)</b>			
A2 Density (units/acre)	14/1	20/1	30/1
<b>Coverage (min)</b>			
A3 Common outdoor area (% of site)	25%	25%	25%
See <a href="#">Sec. 7.3.5</a> for common outdoor area requirements.			
<b>B. Lot</b>			
<b>Dimensions (min)</b>			
B1 Lot area	2,000 SF	1,600 SF	800 SF
B2 Lot width at front building line	30'	30'	20'
B3 Lot width at front property line	25'	25'	25'

C. Placement	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>			
C1 Front setback, public street	20'	Greater of	Greater of
C1 Front setback, private street	4' or 20'	abutting	abutting
C2 Side street setback	15'	zone or 4'	zone or 4'
C3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	Greater of	Greater of
C4 Rear setback	15'	abutting	abutting
C4 Rear setback, alley	4' or 20'	zone or 4'	zone or 4'
<b>Accessory Structure Setbacks (min)</b>			
C5 Front setback, behind front building line	5'		
C6 Side street setback	15'		
C7 Side interior/rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	5'	Greater of	Greater of
C7 Side interior/rear setback, abutting all other zones	0' or 5'	abutting	abutting
C8 Rear setback, alley	4' or 20'	zone or 4'	zone or 4'
<b>Coverage (max)</b>			
C9 Roofed buildings & structures	50%	75%	90%



<b>D. Height</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Building Height (max)</b>			
D1 Principal building	35'	35'	35'
D2 Accessory structure	25'	25'	25'

### Sec. 4.4.7. Townhouse, Standard Method Development Standards

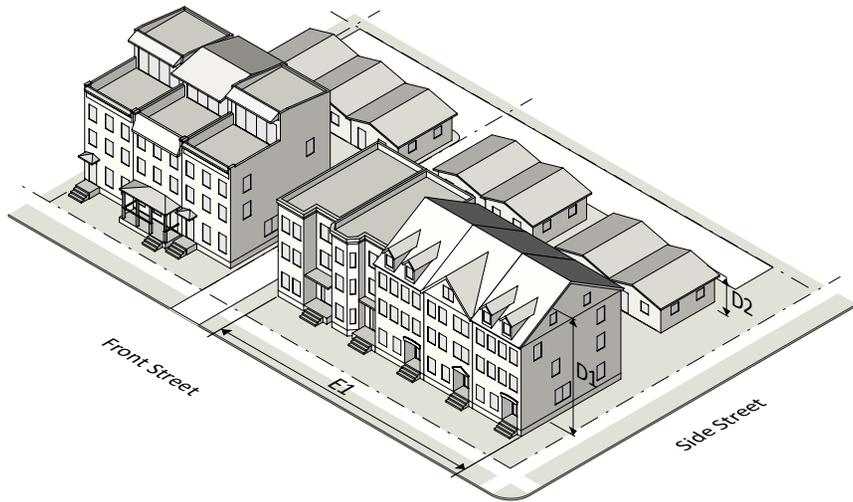


A. Site	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
A1 Site area	20,000 SF	20,000 SF	40,000 SF	40,000 SF	40,000 SF	40,000 SF
A2 Site area per unit	4,800 SF	3,600 SF	2,900 SF	2,700 SF	1,800 SF	1,000 SF
<b>Density (max)</b>						
A3 Density (units/acre)	9/1	12/1	15/1	16/1	24/1	40/1
<b>Coverage (min)</b>						
A4 Common outdoor area (% of site)	50%	45%	40%	35%	35%	35%

See Sec. 7.3.5 for common outdoor area requirements.

B. Lot	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
B1 Lot area	1,400 SF	1,200 SF	1,000 SF	1,200 SF	1,000 SF	800 SF
B2 Lot width at front property line	14'	14'	14'	14'	14'	14'

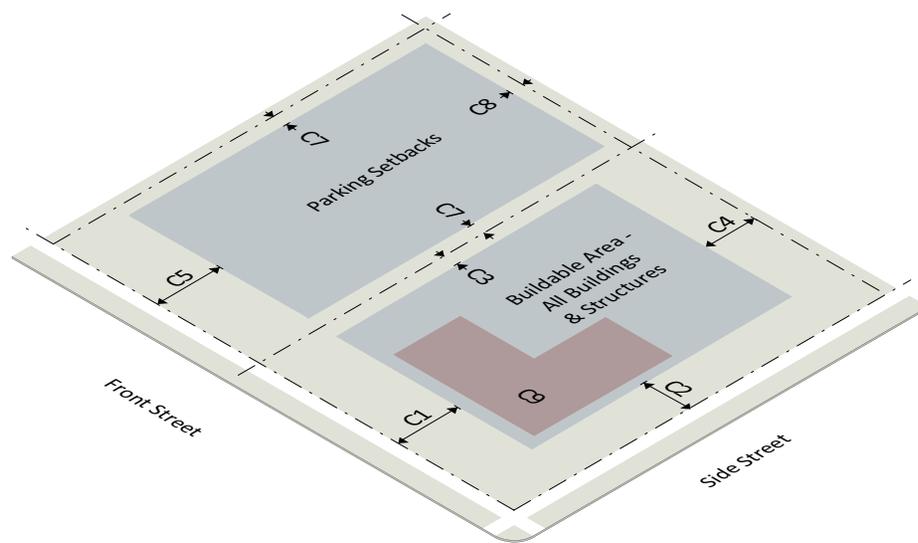
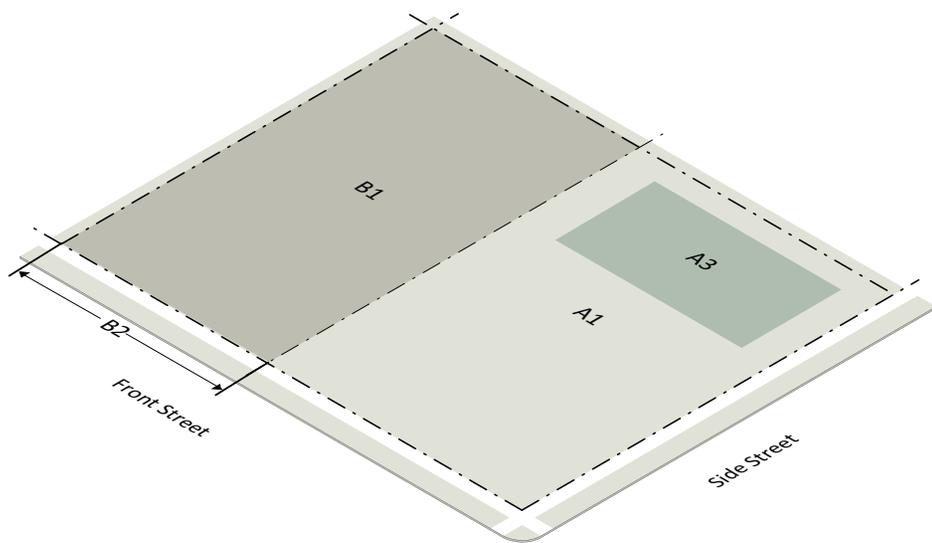
C. Placement	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>						
C1 Front setback, public street	25'	25'	20'	20'	20'	20'
C1 Front setback, private street	4' or 20'					
C2 Side street setback	15'	15'	15'	15'	15'	15'
C3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior setback, abutting all other zones	10'	10'	8'	8'	8'	8'
C? End unit setback, interior to the site	5'	5'	5'	5'	5'	5'
C4 Rear setback	20'	20'	20'	10'	10'	10'
C4 Rear setback, alley	4' or 20'					
<b>Accessory Structure Setbacks (min)</b>						
C5 Front setback, behind front building line	10'	10'	5'	5'	5'	5'
C6 Side street setback	15'	15'	15'	15'	15'	15'
C7 Side interior/rear setback abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	5'	5'	5'	5'	5'	5'
C7 Side interior/rear setback, abutting all other zones	0' or 5'					
C8 Rear setback, alley	4' or 20'					
<b>Coverage (min)</b>						
C9 Roofed building & structures	35%	35%	50%	50%	50%	50%



<b>D. Height</b>	<b>TLD</b>	<b>TMD</b>	<b>THD</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Building Height (max)</b>						
D1 Principal building	40'	40'	40'	40'	40'	40'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

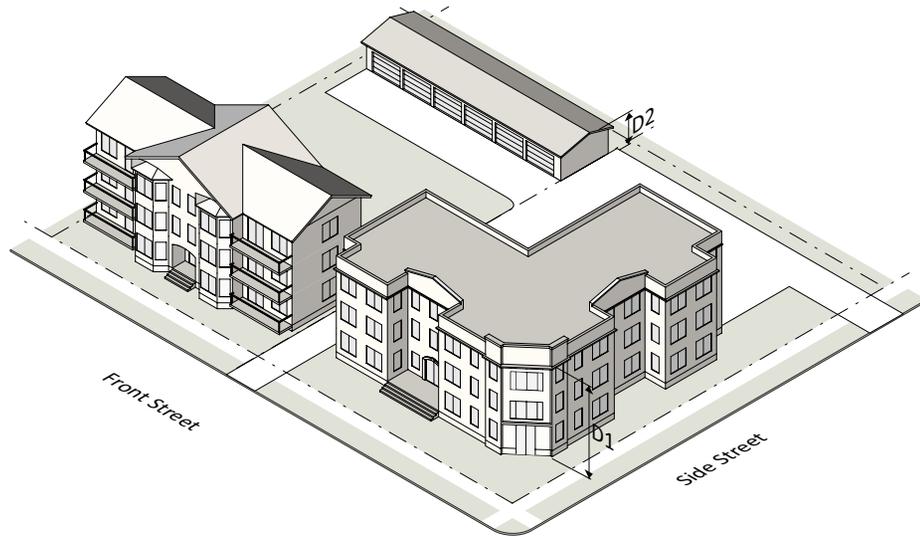
<b>E. Form</b>						
<b>Massing</b>						
E1 Number of units permitted in any one row (max)	10	10	10	10	10	10

Sec. 4.4.8. Apartment/Condo, Standard Method Development Standards



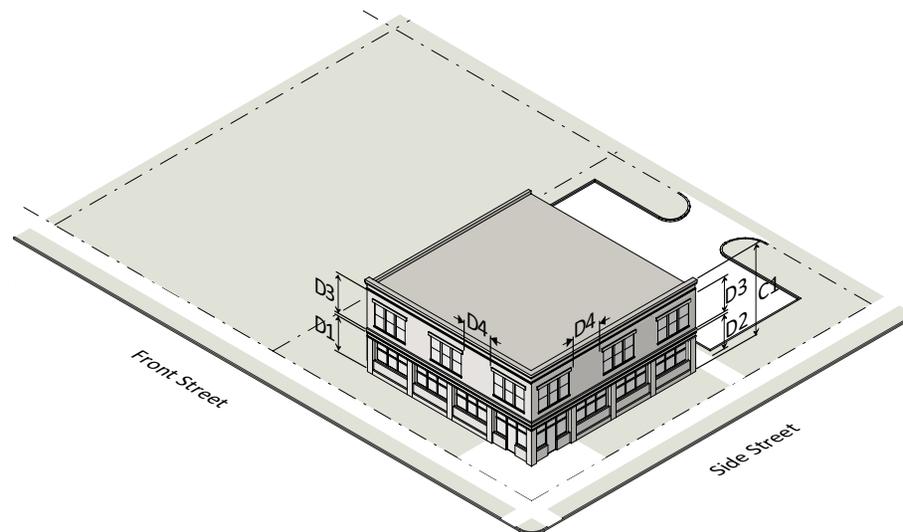
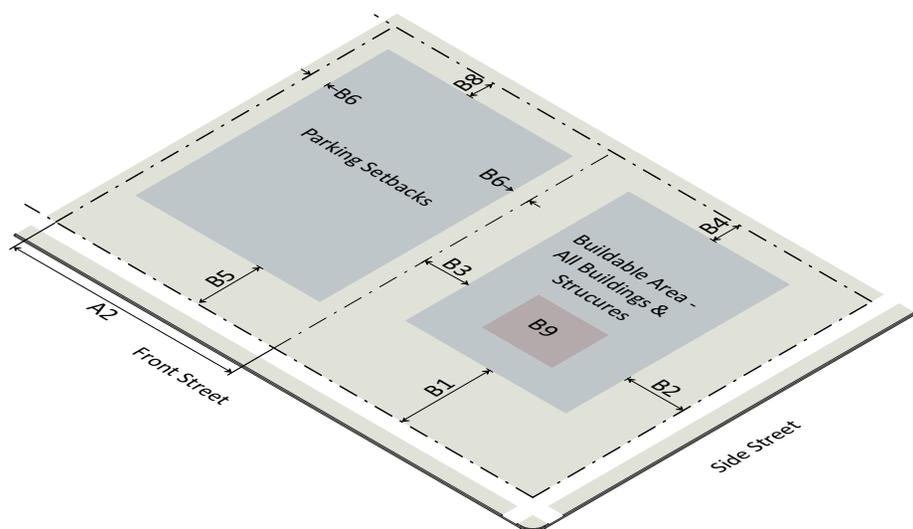
A. Site	RHD-3	RHD-2	RHD-1
<b>Site Dimensions (min)</b>			
A1 Site area per unit	3,000 SF	2,000 SF	1,000 SF
<b>Density (max)</b>			
A2 Density (units/acre)	14.5/1	21.7/1	43.5/1
<b>Coverage</b>			
A3 Common outdoor area (% of site)	65%	60%	50%
See Sec. 7.3.5 for common outdoor area requirements.			
<b>B. Lot</b>			
<b>Dimensions</b>			
B1 Lot area (min)	12,000 SF	16,000 SF	20,000 SF
B2 Lot width at front property line	75'	85'	100'

C. Placement	RHD-3	RHD-2	RHD-1
<b>Building &amp; Structure Setbacks (min)</b>			
C1 Front setback	30'	30'	30'
C2 Side street setback	30'	30'	30'
C3 Side interior setback	10'	10'	10'
C4 Rear setback	30'	30'	30'
C4 Rear setback, alley	4'	4'	4'
Additional setback required for buildings greater than 30' in height. For each foot of height over 30', setbacks must be increased by:	n/a	3'	0.5'
<b>Parking Setbacks (min)</b>			
C5 Front setback	30'	30'	30'
C6 Side street setback	10'	10'	10'
C7 Side interior setback	10'	10'	10'
C8 Rear setback	10'	10'	10'
C8 Rear setback, alley	0'	0'	0'
<b>Coverage (max)</b>			
C9 Roofed buildings & structures	18%	18%	12%



<b>D. Height</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Building Height (max)</b>			
D1 Principal building	35'	80'	100'
D2 Accessory structure	25'	25'	25'

### Sec. 4.4.9. General Building, Standard Method Development Standards



A. Lot	RE-2 RE-2C	RE-1	RLD-20	TLD, RMD-9 RMD-6, -4	RHD-3, -2, -1 TMD, THD
<b>Dimensions (min)</b>					
A1 Lot area	2 acres	40,000 SF	20,000 SF	15,000 SF	10,000 SF
A2 Lot width at front property line	150'	125'	100'	75'	75'
<b>B. Setbacks</b>					
<b>All Buildings &amp; Structures (min)</b>					
B1 Front setback	50'	50'	40'	30'	20'
B2 Side street setback	20'	20'	15'	15'	10'
B3 Side interior setback	17'	17'	12'	8'	8'
B4 Rear setback	35'	35'	30'	30'	30'
B4 Rear setback, alley	4'	4'	4'	4'	4'
<b>Parking Setbacks (min)</b>					
B5 Front setback	10'	10'	10'	10'	10'
B6 Side street setback	10'	10'	10'	10'	10'
B7 Side interior setback	10'	10'	10'	10'	10'
B8 Rear setback	10'	10'	10'	10'	10'
B8 Rear setback, alley	0'	0'	0'	0'	0'
<b>Coverage (max)</b>					
B9 Roofed buildings & structures	30%	30%	40%	50%	60%

C. Height	RE-2, -2C RE-1	RLD-20	TLD, RMD-9 RMD-6, -4	RHD-3, -2, -1 TMD, THD
<b>Building Height (max)</b>				
C1 All buildings & structures	50'	40'	40'	40'
<b>D. Form</b>				
<b>Transparency</b>				
D1 Ground story, primary street (min)	40%	40%	40%	40%
D2 Ground story, side street (min)	25%	25%	25%	25%
D3 Upper story primary, side street (min)	20%	20%	20%	20%
D4 Blank wall primary, side street (max)	35'	35'	35'	35'

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## Div. 4.5. Commercial/Residential Zones

### Sec. 4.5.1. Density and Height Allocation

#### A. Density and Height Limits

- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and height (H) is established as a zone subject to the following limits:

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

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of 5 feet up to the maximums indicated in [Sec. 4.5.1.A.1.](#)

#### B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:

- the properties are subject to the same Site Plan or Sketch Plan; however, if a Sketch Plan is required, density averaging must be shown on the Sketch Plan;
- the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved Sketch Plan;
- the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- a building cannot exceed the maximum height set by the zone;
- uses are subject to the provisions of the zone category;
- the total allowed maximum density on a resulting property that is adjacent to or confronting a property in an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and

- public benefits must be provided under the phasing element of an approved Sketch Plan.

### Sec. 4.5.2. Methods of Development

The CRN zone allows development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method, subject to approval of a Sketch Plan (see [Sec. 8.3.3](#)).

#### A. Standard Method

Standard method development is allowed under the following limitations and requirements.

- In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the following table, whichever is less:

Zone	Total Density (max)
CRT	The greater of 1.0 FAR or 10,000 SF of gross floor area
CR	The greater of 0.5 FAR or 10,000 SF of gross floor area

#### B. Optional Method

Optional method development is allowed under [Div. 6.4](#).

### Sec. 4.5.3. Development Standards

Development in all Commercial/Residential zones must comply with the requirements of [Sec. 4.5.3.A](#) to [Sec. 4.5.3.D](#).

### A. Master Plan and Design Guidelines

1. Development that requires a Site Plan must be consistent with the applicable Master or Sector Plan.
2. Development that requires a Site Plan must address any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

### B. Building Types

Building types are allowed by zone under [Sec. 4.1.3](#). Dimensional standards for allowed building types are under [Sec. 4.5.4](#) to [Sec. 4.5.9](#).

### C. Setbacks

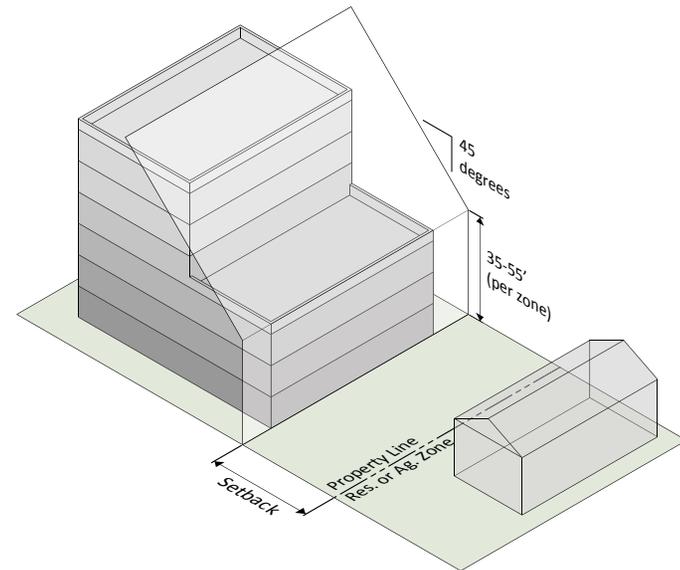
In [Sec. 4.5.4](#) to [Sec. 4.5.9](#), where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

### D. Neighborhood Compatibility

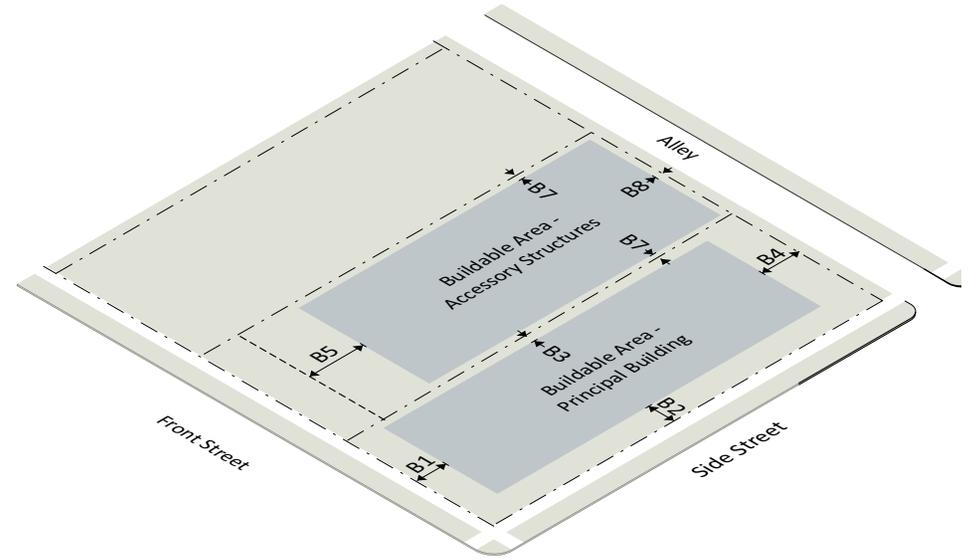
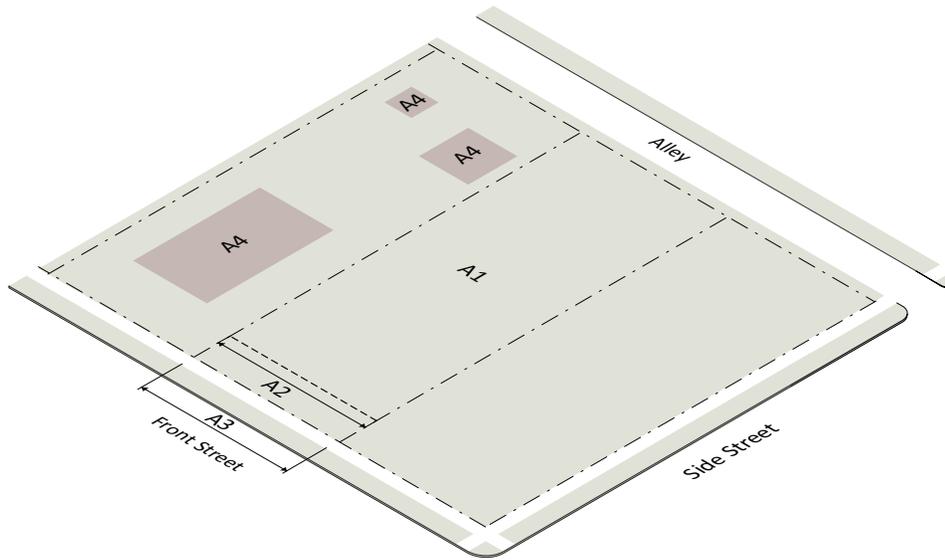
Where an apartment/condo, mixed use, or general building type are on a property that:

1. abuts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#); or
2. confronts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#) across a right-of-way recommended for less than 70 feet; and
3. proposes a building height over the height allowed in the applicable abutting or confronting zone, any building must:
  - a. have a minimum setback of 25 feet or the setback required by the abutting or confronting property, whichever is greater; and
  - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height of 55 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN zones at the setback line

determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.4](#).

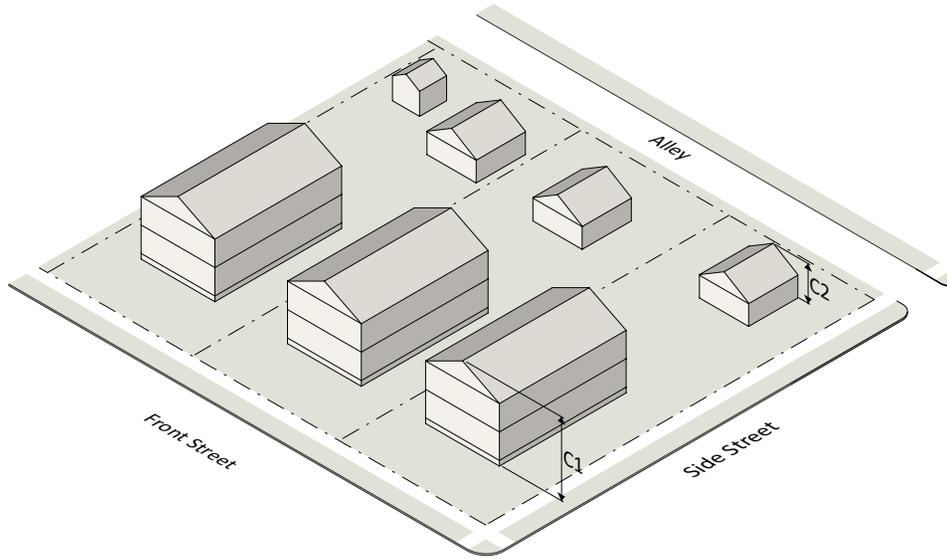


Sec. 4.5.4. Detached House, Standard Method Development Standards

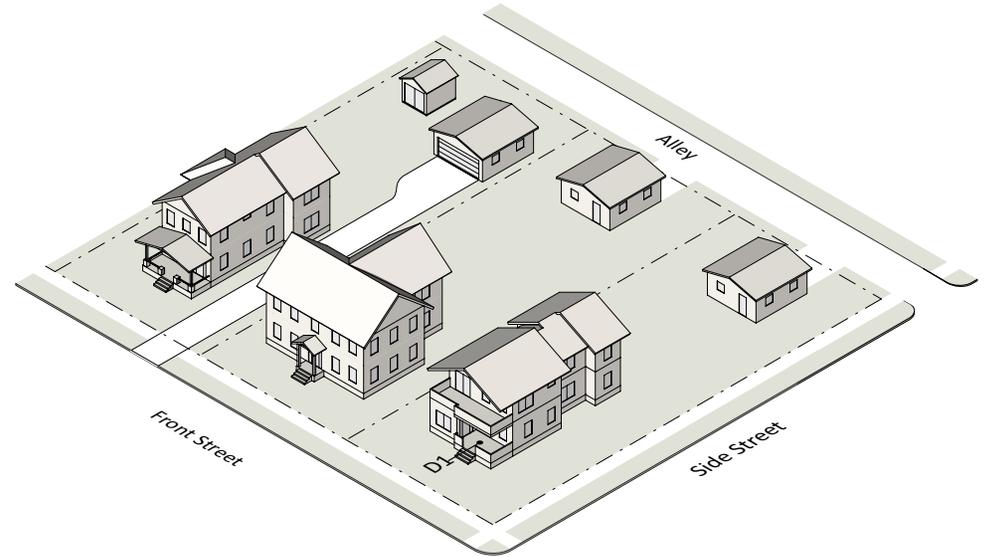


A. Lot	CRN, CRT, CR
<b>Dimensions (min)</b>	
A1 Lot area	1,000 SF
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
<b>Coverage (max)</b>	
A4 Roofed buildings & structures	90%

B. Setbacks	CRN, CRT, CR
<b>Principal Building Setbacks (min)</b>	
B1 Front setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
B5 Front setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20'



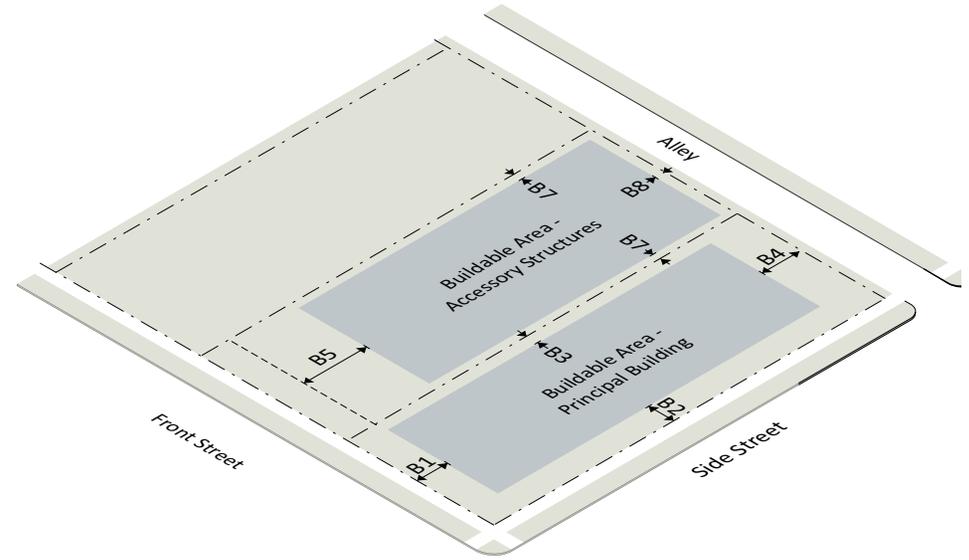
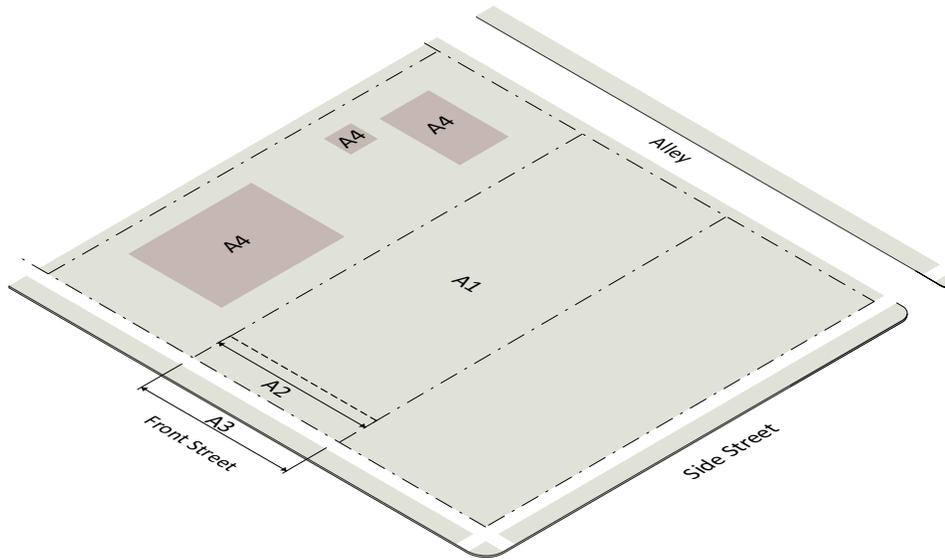
<b>C. Height</b>	<b>CRN, CRT, CR</b>
<b>Building Height (max)</b>	
C1 Principal building	40'
C2 Accessory structure	25'



<b>D. Form</b>	<b>CRN, CRT, CR</b>
<b>Building Orientation</b>	
D1 Street or common open space facing entrance	Required
<b>D2 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

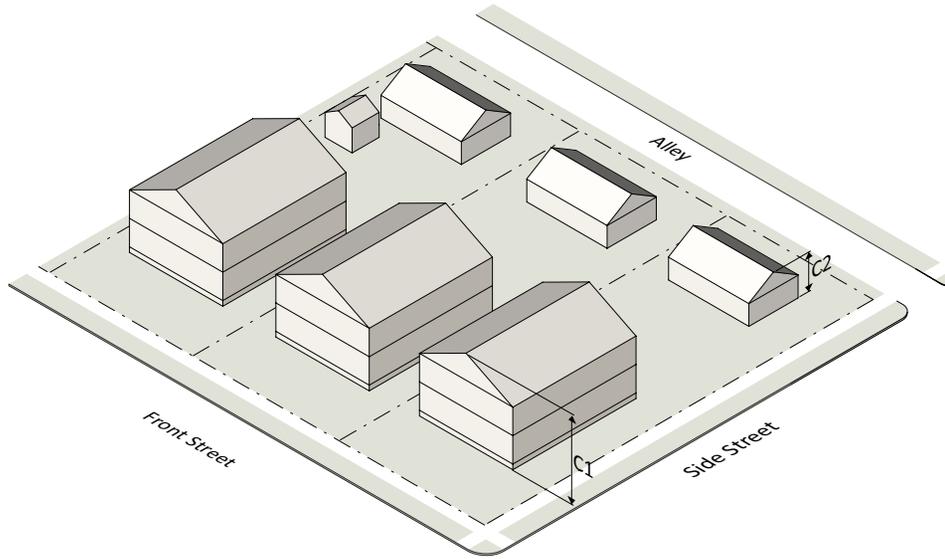
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.5.5. Duplex, Standard Method Development Standards

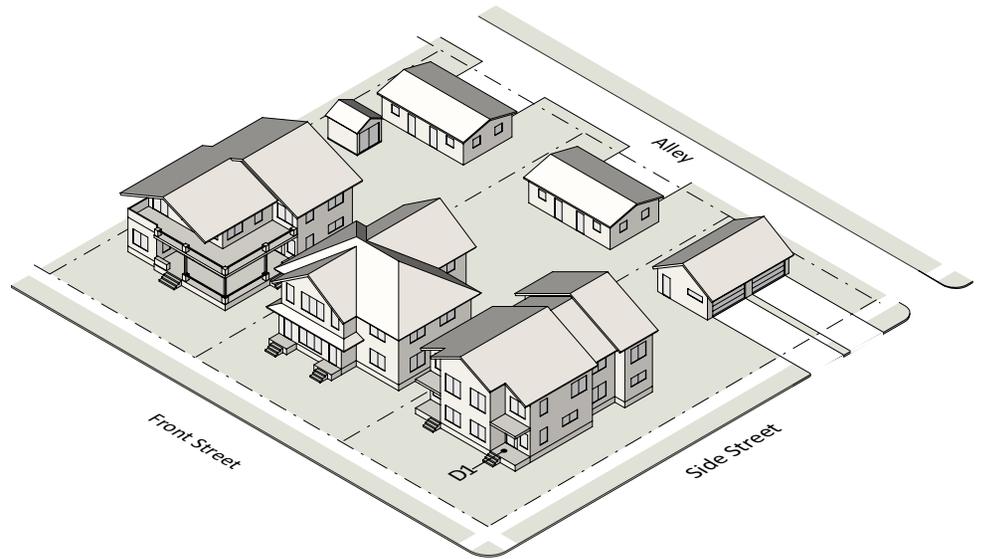


A. Lot	CRN, CRT, CR
<b>Dimensions (min)</b>	
A1 Lot area	1,600 SF
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
<b>Coverage (max)</b>	
A4 Roofed buildings & structures	90%

B. Setbacks	CRN, CRT, CR
<b>Principal Building Setbacks (min)</b>	
B1 Front setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
B5 Front setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20'



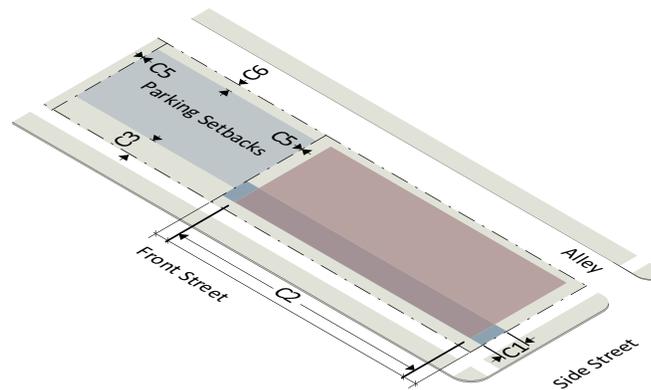
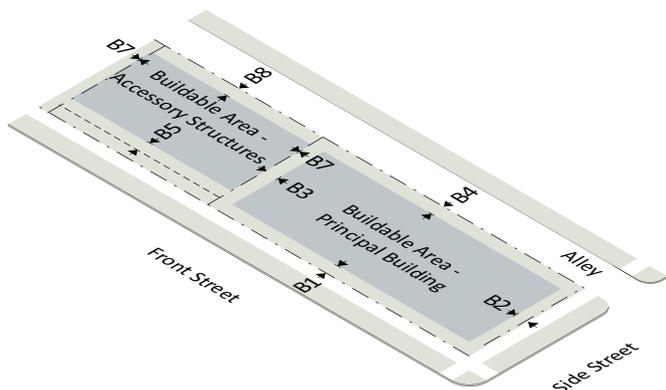
<b>C. Height</b>	<b>CRN, CRT, CR</b>
<b>Building Height (max)</b>	
C1 Principal building	40'
C2 Accessory structure	25'



<b>D. Form</b>	<b>CRN, CRT, CR</b>
<b>Building Orientation</b>	
D1 Street or common open space facing entrance	Required
<b>D2 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

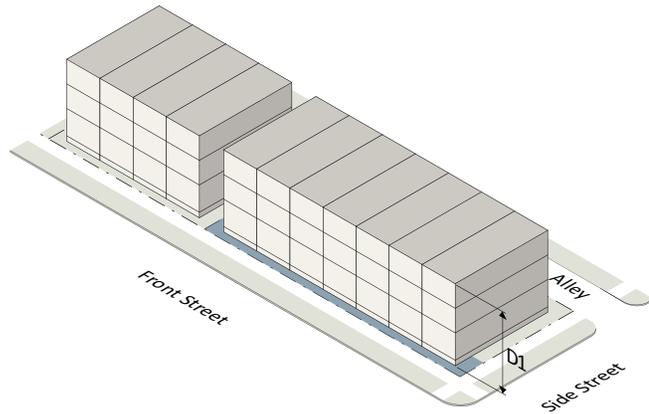
See [Sec. 4.1.4.G](#) for building element requirements.

### Sec. 4.5.6. Townhouse, Standard Method Development Standards

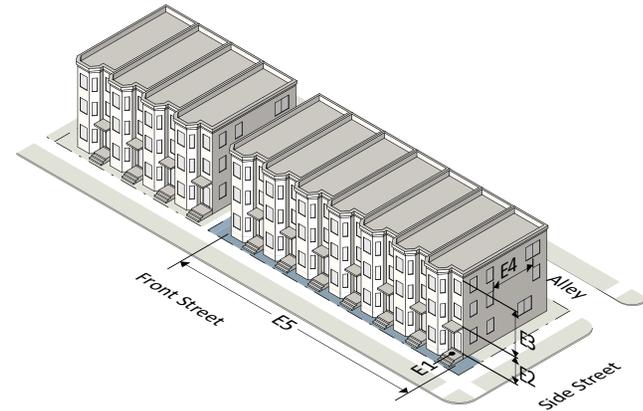


A. Lot	CRN	CRT, CR
<b>Dimensions (min)</b>		
A1 Lot area	900 SF	900 SF
<b>Coverage (min)</b>		
A2 Common outdoor area (% of site)	20%	n/a
<b>B. Setbacks</b>		
<b>Principal Building Setbacks (min)</b>		
B1 Front setback	5'	5'
B2 Side street setback	5'	5'
B3 Side interior setback	10'	10'
B3 End unit setback, interior to the site	5'	5'
B4 Rear setback	20'	20'
B4 Rear setback, alley	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>		
B5 Front setback, behind front building line	5'	5'
B6 Side street setback	5'	5'
B7 Side interior setback	5'	5'
B7 End unit setback, interior to the site	5'	5'
B8 Rear setback	5'	5'
B8 Rear setback, alley	4' or 20'	4' or 20'

C. Placement	CRN, CRT, CR
<b>Build-to Zone (BTZ)</b>	
C1 Front street build-to (min/max)	5'/15'
C2 Building in BTZ (min % of lot width)	70%
<b>Parking Setbacks (min)</b>	
C3 Front setback	10'
C4 Side street setback	10'
C5 Side interior setback	10'
C6 Rear setback	10'
C6 Rear setback, alley	4' or 20'
<b>Coverage (max)</b>	
A2 Roofed buildings & structures	90%



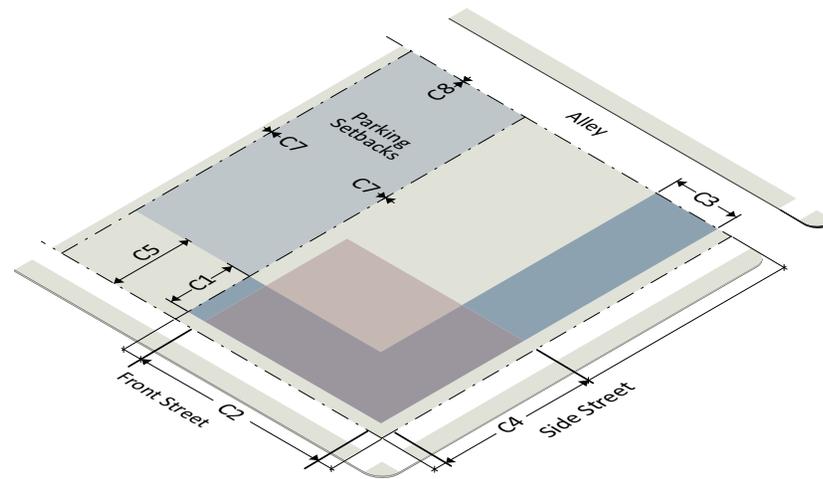
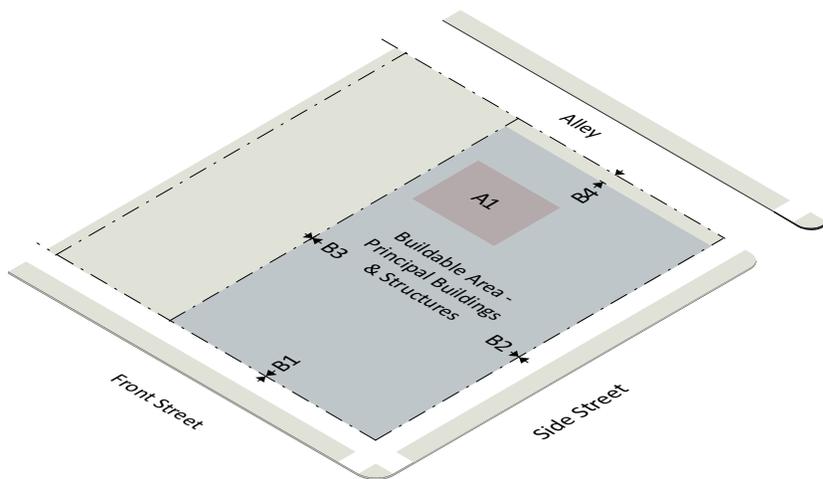
D. Height	CRN, CRT, CR
<b>Building Height (max)</b>	
D1 Principal building	40' unless zone height limit is less
D2 Accessory structure	25'



E. Form	CRN, CRT, CR
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
<b>Transparency: Primary &amp; Side Street</b>	
E2 Ground story (min)	20%
E3 Upper story (min)	20%
E4 Blank wall (max)	35'
<b>Massing</b>	
E5 Number of units permitted in any one row	12
<b>E6 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

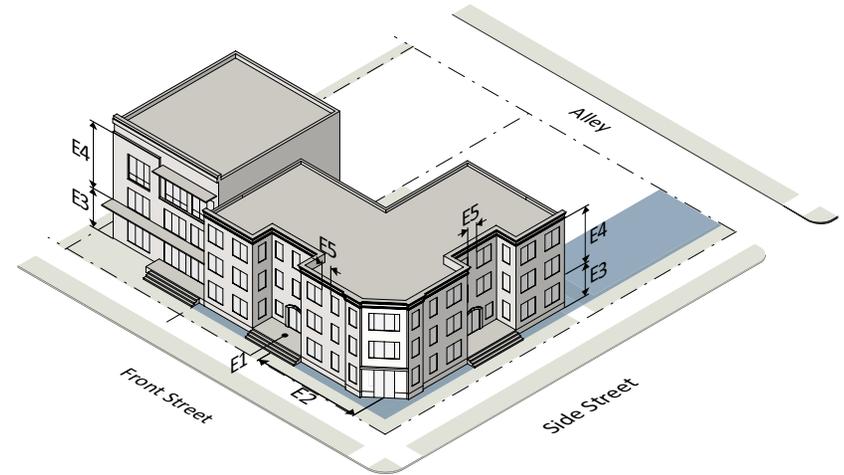
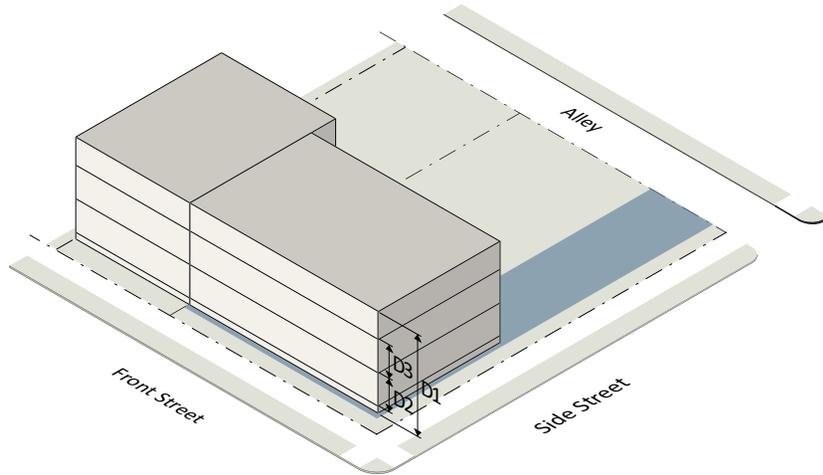
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.5.7. Apartment/Condo, Standard Method Development Standards



A. Lot	CRN, CRT, CR
<b>A1 Public Use Space</b>	
Lot area ≤ 10,000 SF (% of site)	0%
Lot area > 10,000 SF (% of site)	10%
See Sec. 7.3.6 for public use space requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.5.3.D
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.5.3.D
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	CRN, CRT, CR
<b>Build-to Zone (BTZ)</b>	
C1 Front street (min/max)	0'/30'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/30'
C4 Building in side street BTZ (min % of lot width)	35%
<b>Parking Setbacks (min)</b>	
C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'

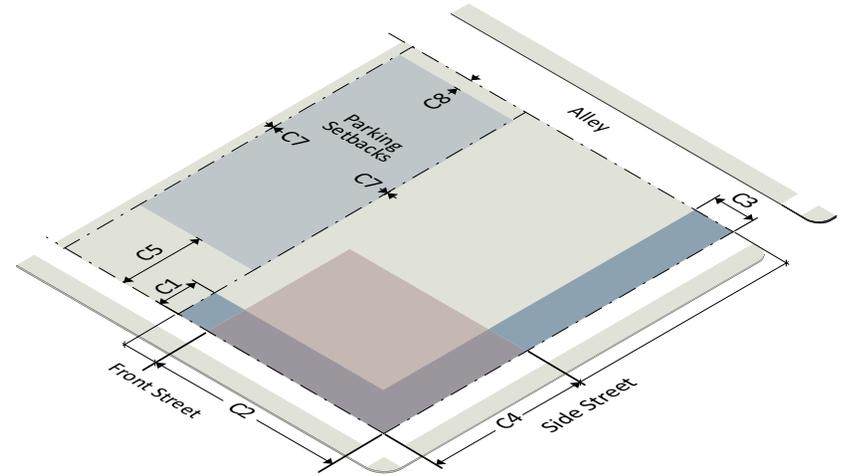
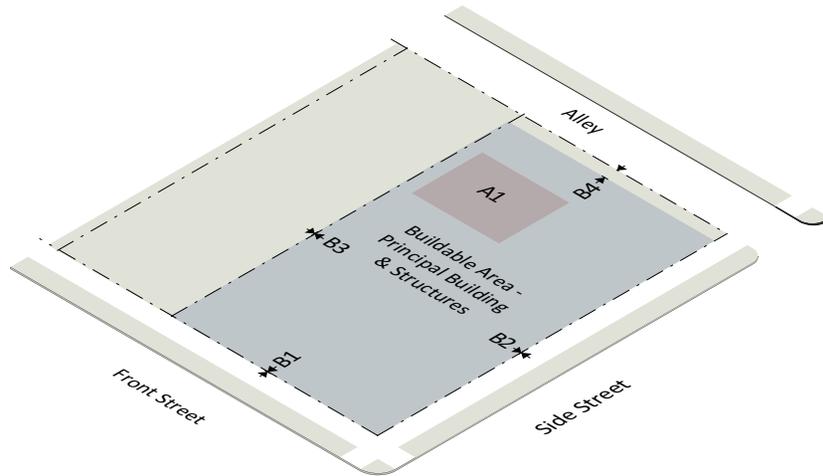


D. Height	CRN, CRT, CR
<b>Building Height (max)</b>	
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and Sec. 4.5.3.D
<b>Story Heights (min)</b>	
D2 Ground story, floor to ceiling	10'
D3 Upper story, floor to ceiling	9'

E. Form	CRN, CRT, CR
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
<b>Transparency: Primary, Side Street &amp; Public Open Space</b>	
E3 Ground story (min)	20%
E4 Upper story (min)	20%
E5 Blank wall (max)	35'
<b>E6 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

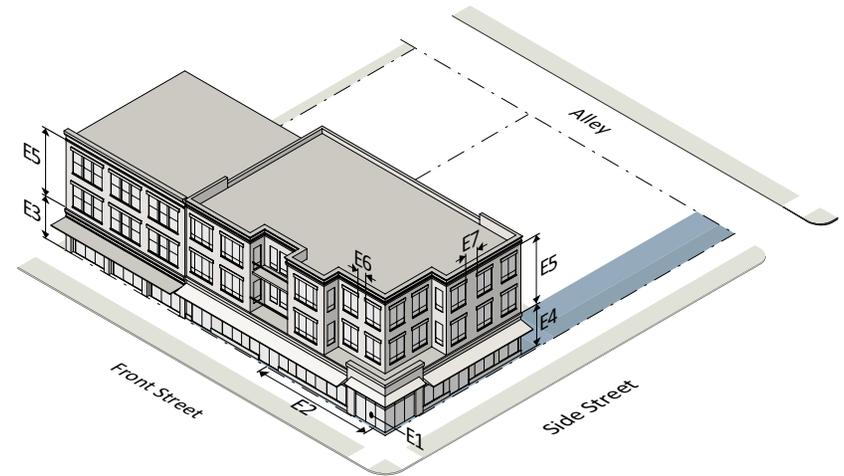
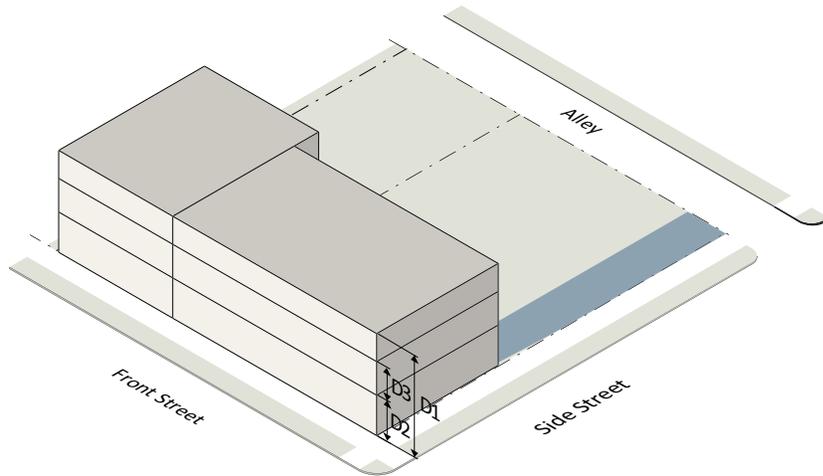
See Sec. 4.1.4.G for building element requirements.

Sec. 4.5.8. Mixed Use Building, Standard Method Development Standards



A. Lot	CRN, CRT, CR
<b>A1 Public Use Space</b>	
Lot area ≤ 10,000 SF (% of site)	0%
Lot area > 10,000 SF (% of site)	10%
See Sec. 7.3.6 for public use space requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.5.3.D
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.5.3.D
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	CRN, CRT, CR
<b>Build-to Zone (BTZ)</b>	
C1 Front street (min/max)	0'/15'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/15'
C4 Building in side street BTZ (min % of lot width)	35%
<b>Parking Setbacks (min)</b>	
C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'

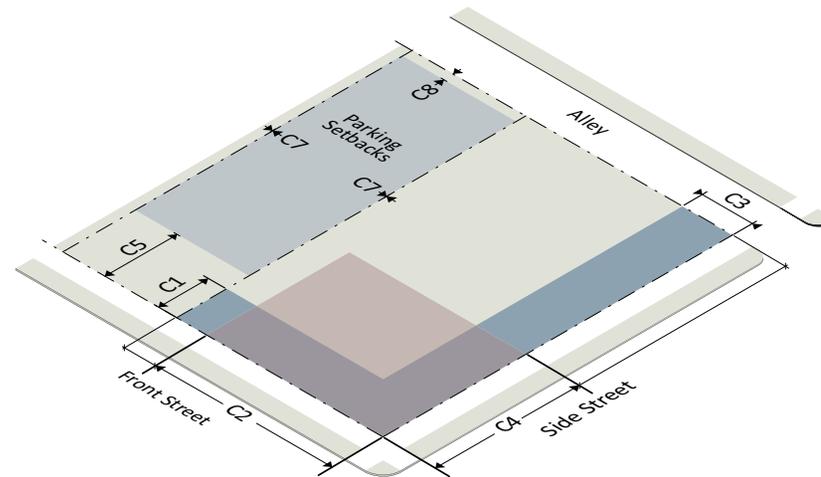
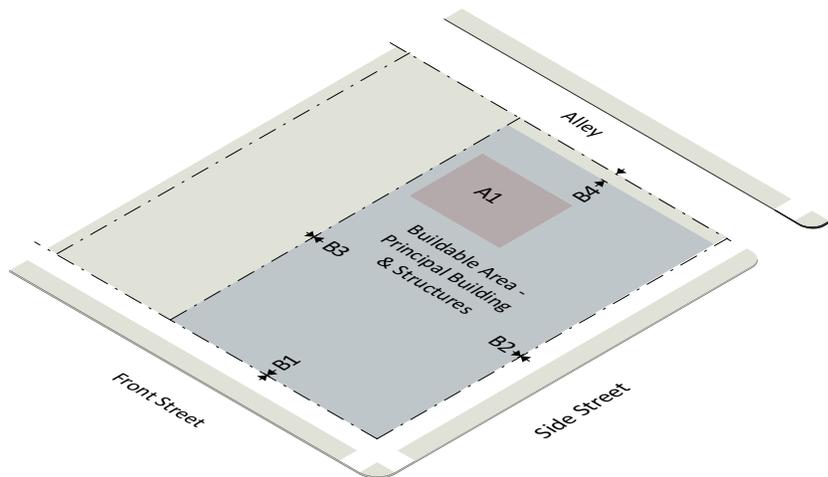


D. Height	CRN, CRT, CR
<b>Building Height (max)</b>	
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and <a href="#">Sec. 4.5.3.D</a>
<b>Story Heights (min)</b>	
D2 Ground story, floor to ceiling	13'
D3 Upper story, floor to ceiling	9'

E. Form	CRN, CRT, CR
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	75'
<b>Transparency</b>	
E3 Ground story, front street (min)	60%
E4 Ground story, side street, and public open space (min)	30%
E5 Upper story, front, side street, and public open space (min)	20%
E6 Blank wall, front street (max)	25'
E7 Blank wall, side street, and public open space (max)	35'
<b>E8 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

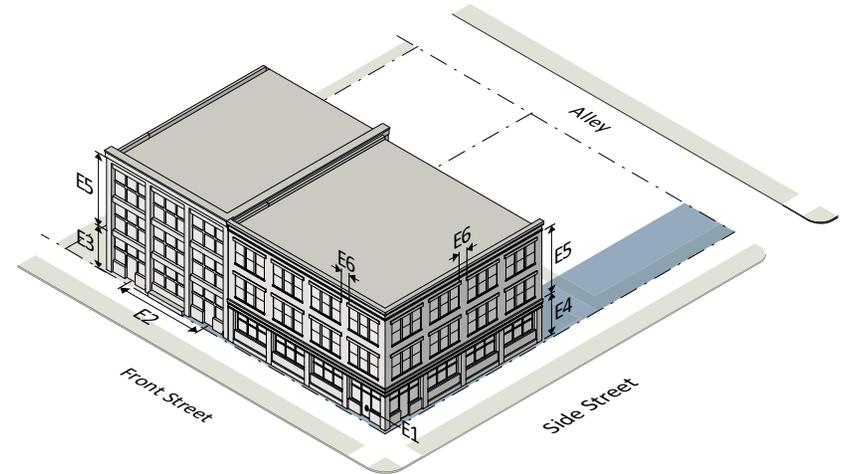
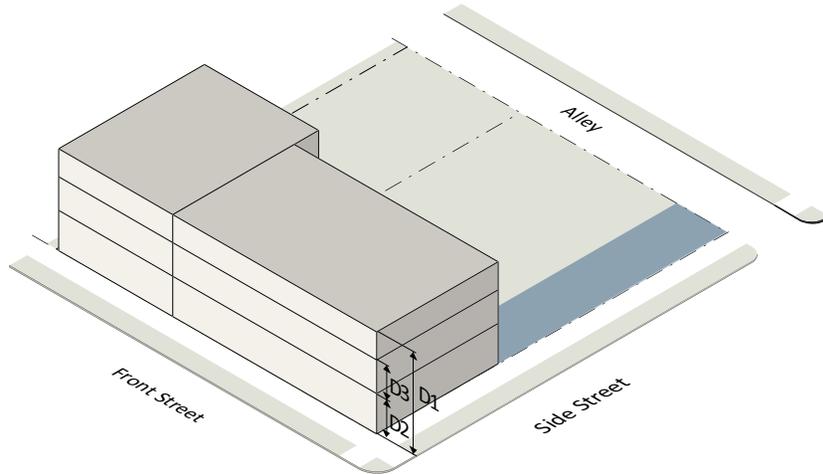
See [Sec. 4.1.4.G](#) for building element requirements.

### Sec. 4.5.9. General Building, Standard Method Development Standards



A. Lot	CRN, CRT, CR
<b>A1 Public Use Space</b>	
Lot area ≤ 10,000 SF (% of site)	0%
Lot area > 10,000 SF (% of site)	10%
See <a href="#">Sec. 7.3.6</a> for public use space requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See <a href="#">Sec. 4.5.3.D</a>
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See <a href="#">Sec. 4.5.3.D</a>
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	CRN, CRT, CR
<b>Build-to Zone (BTZ)</b>	
C1 Front street (min/max)	0'/20'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/20'
C4 Building in side street BTZ (min % of lot width)	35%
<b>Parking Setbacks (min)</b>	
C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'



D. Height	CRN, CRT, CR
<b>Building Height (max)</b>	
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and <a href="#">Sec. 4.5.3.D</a>
<b>Story Heights (min)</b>	
D2 Ground story, floor to ceiling	11'
D3 Upper story, floor to ceiling	9'

E. Form	CRN, CRT, CR
<b>Building Orientation</b>	
E1 Street -facing entrance	Required
E2 Entrance spacing (max)	100'
<b>Transparency</b>	
E3 Ground story front street (min)	40%
E4 Ground story, side street, and public open space (min)	25%
E5 Upper story, front, side street, and public open space (min)	20%
E6 Blank wall, front, side street, and public open space (max)	35'
<b>E7 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

See [Sec. 4.1.4.G](#) for building element requirements.

## Div. 4.6. Employment Zones

### Sec. 4.6.1. Density and Height Allocation

#### A. Density and Height Limits

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

Zone	Total FAR (max)	Height (max)
EG	0.5 to 2.5	25' to 85'
ELS	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of 5 feet up to the maximums indicated in [Sec. 4.6.1.A.1](#).

#### B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones, if:

- the properties are subject to the same Site Plan or Sketch Plan; however, if a Sketch Plan is required, density averaging must be shown on the Sketch Plan;
- the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved Sketch Plan;
- the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- a building cannot exceed the maximum height set by the zone;
- uses are subject to the provisions of the zone category;
- the total allowed maximum density on a resulting property that is adjacent to or confronting a property in an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and

- public benefits must be provided under the phasing element of an approved Sketch Plan.

### Sec. 4.6.2. Methods of Development

The EG zone allows development only under the standard method. The ELS and EOF zones allow development under the standard method and may allow development under the optional method, subject to approval of a Sketch Plan.

#### A. Standard Method

Standard method development is allowed under the following limitations and requirements.

- In the EG zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- In the ELS and EOF zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the following table, whichever is less:

Zone	Total Density (max)
ELS	The greater of 0.5 FAR or 10,000 sf of gross floor area
EOF	The greater of 1.0 FAR or 10,000 sf of gross floor area

#### B. Optional Method

Optional method development is allowed under [Div 6.5](#).

### Sec. 4.6.3. Development Standards

Development in all Employment zones must comply with the requirements of [Sec. 4.6.3.A](#) to [Sec. 4.6.3.D](#).

#### A. Master Plan and Design Guidelines

- Development that requires a site plan must be consistent with the applicable Master or Sector Plan.

2. Development that requires a Site Plan must address any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

## B. Building Types

Building types are allowed by zone under [Sec. 4.1.3](#). Dimensional standards for allowed building types are under [Sec. 4.6.4.](#) to [Sec. 4.6.9.](#)

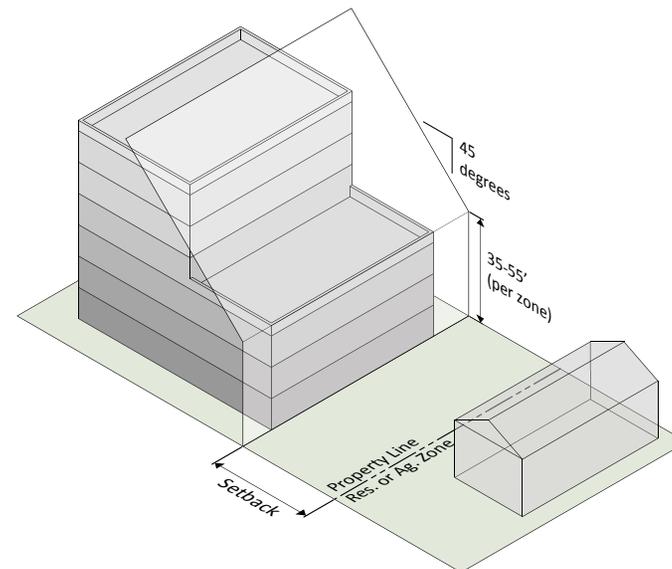
## C. Setback

In [Sec. 4.6.4.](#) to [Sec. 4.6.9.](#), where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

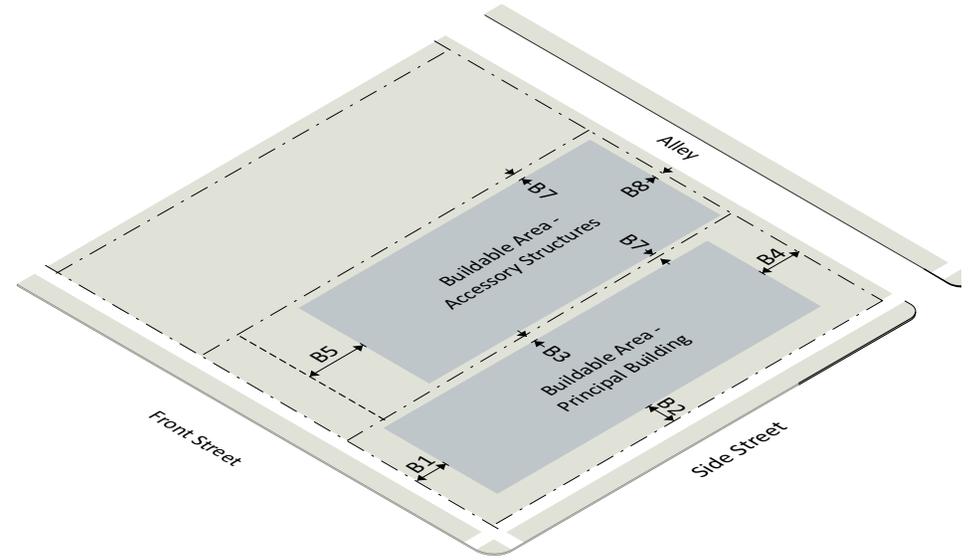
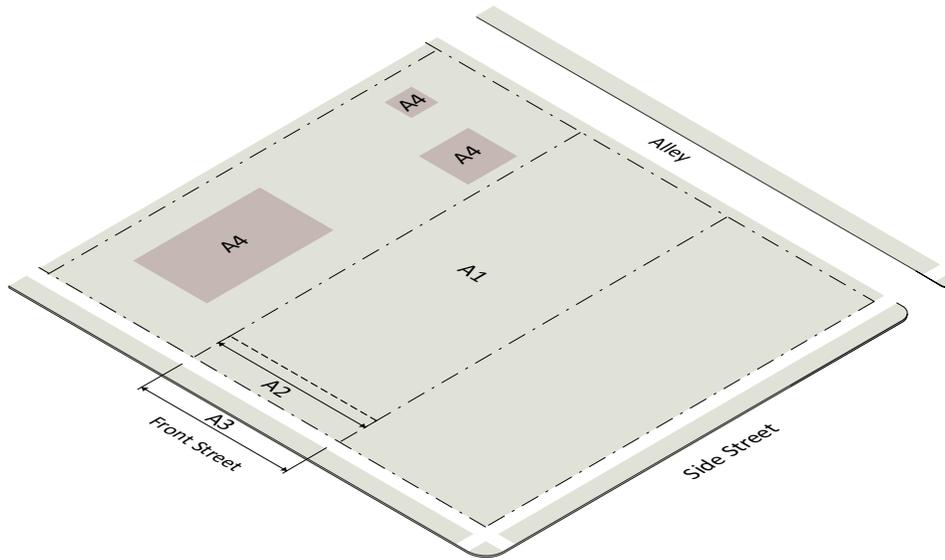
## D. Neighborhood Compatibility

Where an apartment/condo, mixed use, or general building type are on a property that:

1. abuts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#); or
2. confronts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#) across a right-of-way recommended for less than 70 feet; and
3. proposes a building height over the height allowed in the applicable abutting or confronting zone, any building must:
  - a. have a minimum setback of 25 feet or the setback required by the abutting or confronting property, whichever is greater; and
  - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height of 55 feet in the EOF zones, 45 feet in the ELS zones, or 35 feet in the EG zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.4.](#)

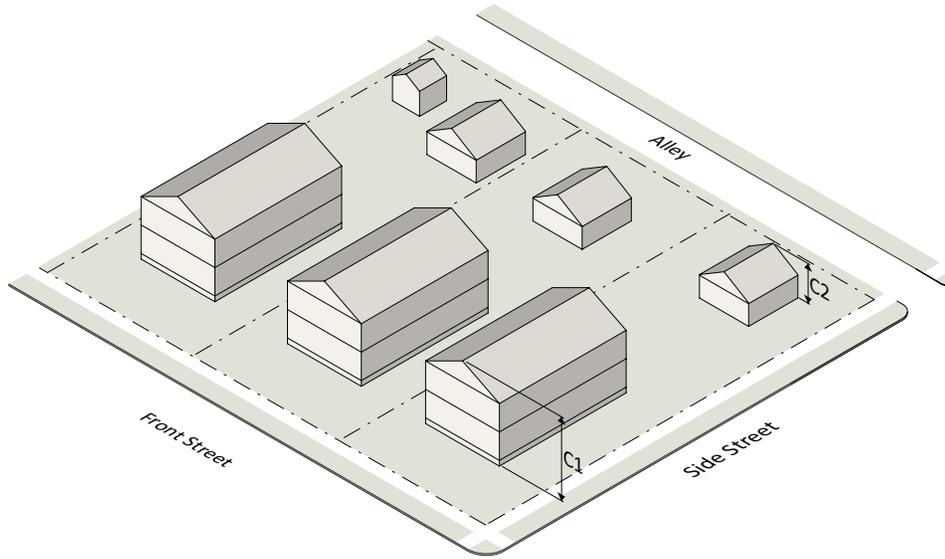


Sec. 4.6.4. Detached House, Standard Method Development Standards



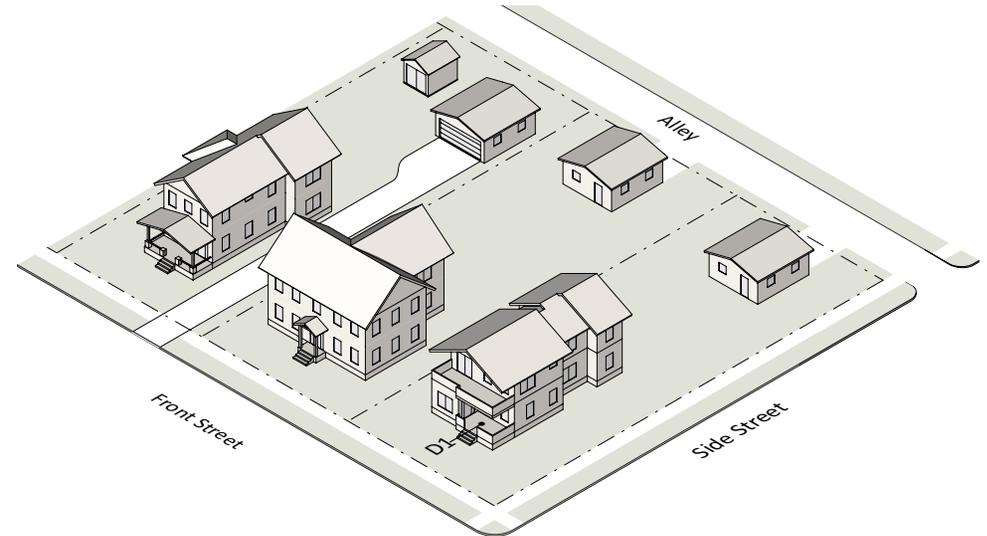
A. Lot	ELS
<b>Dimensions (min)</b>	
A1 Lot area	1,000 SF
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
<b>Coverage (max)</b>	
A4 Roofed buildings & structures	90%
<b>A5 Residential Density</b>	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	

B. Setbacks	ELS
<b>Principal Building Setbacks (min)</b>	
B1 Front setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
B5 Front setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20'



**C. Height**

Building Height (max)	ELS
C1 Principal building	35'
C2 Accessory structure	25'

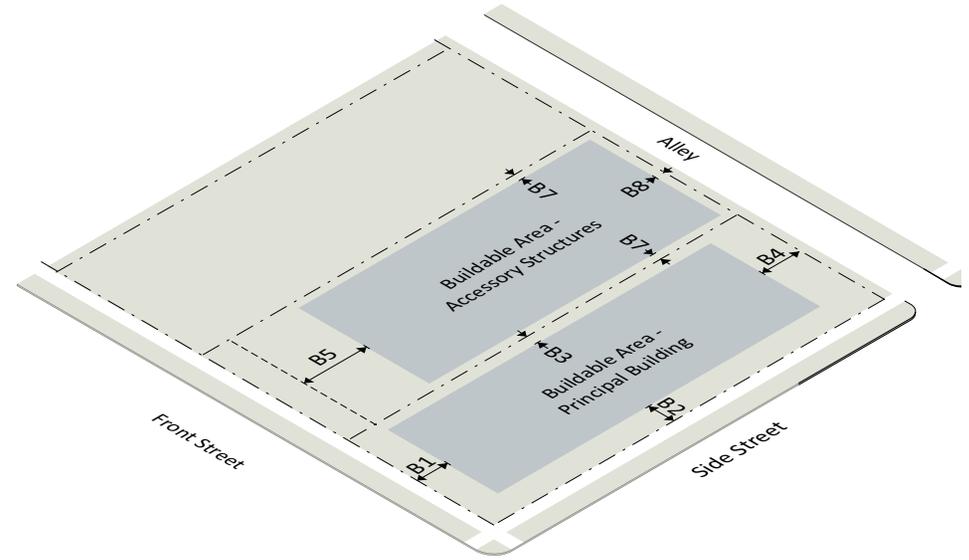
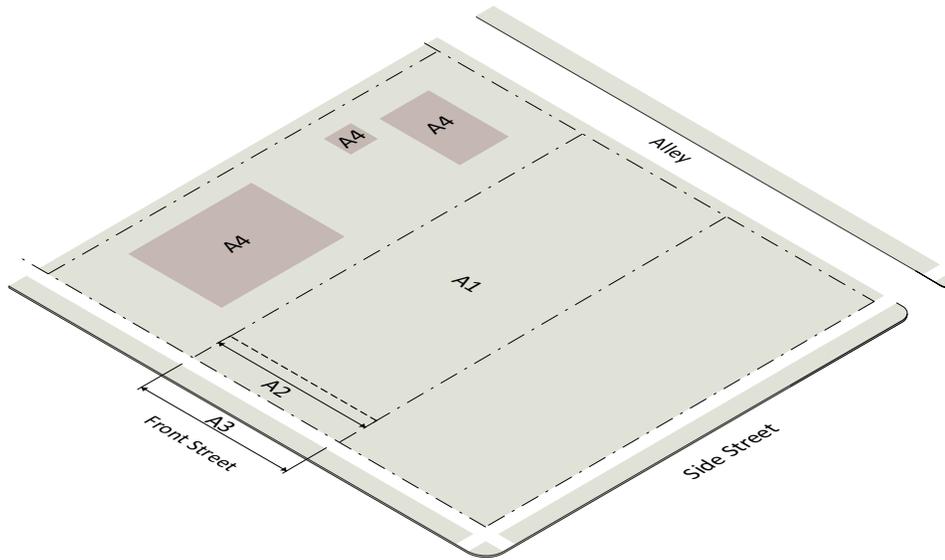


**D. Form**

Building Orientation	ELS
D1 Street or common open space facing entrance	Required
<b>D2 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

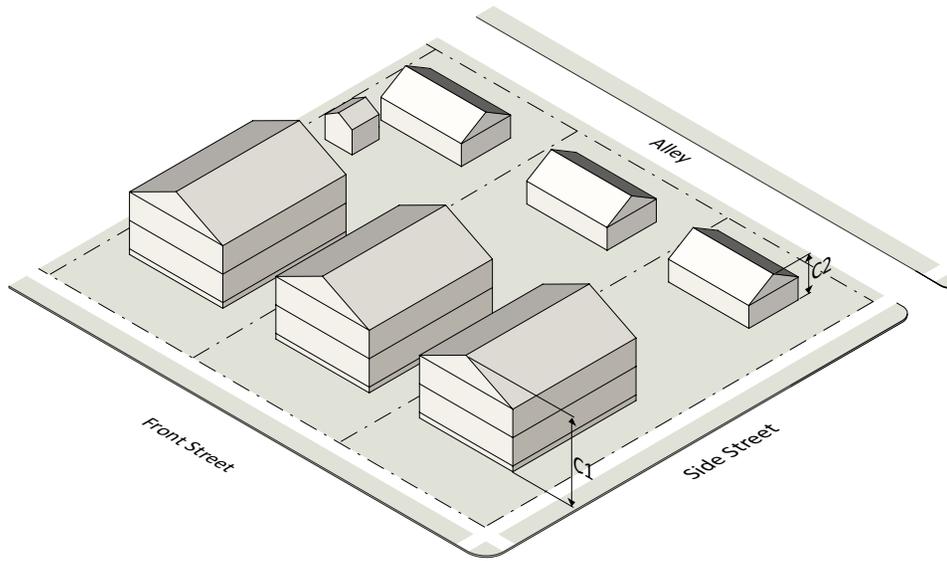
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.6.5. Duplex, Standard Method Development Standards



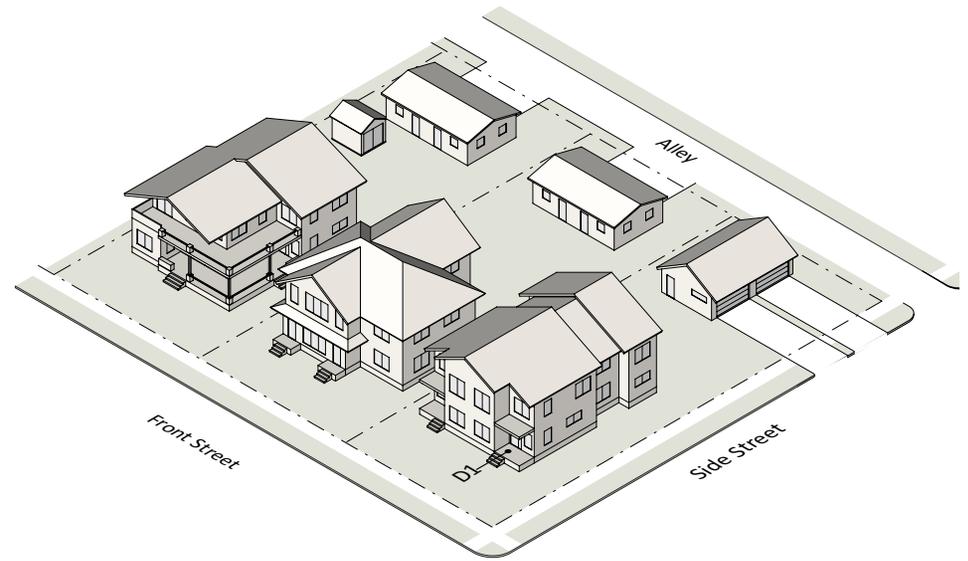
A. Lot	ELS
<b>Dimensions (min)</b>	
A1 Lot area	1,600 SF
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
<b>Coverage (max)</b>	
A4 Roofed buildings & structures	90%
<b>A5 Residential Density (max)</b>	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	

B. Setbacks	ELS
<b>Principal Building Setbacks (min)</b>	
B1 Front setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
B5 Front setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20'



**C. Height**

Building Height (max)	ELS
C1 Principal building	35'
C2 Accessory structure	25'

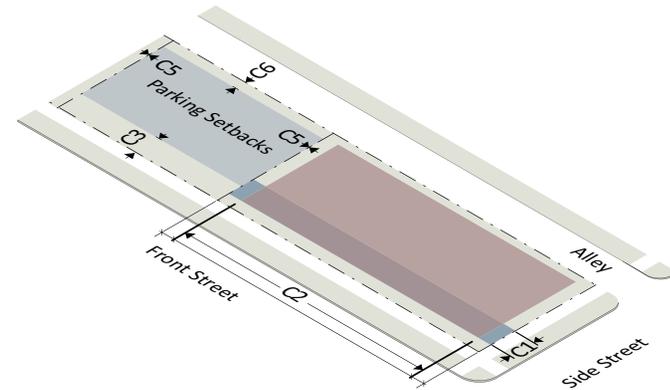
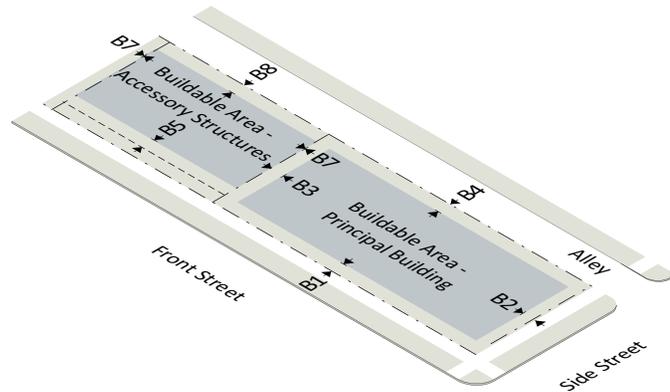


**D. Form**

Building Orientation	ELS
D1 Street or common open space facing entrance	Required
<b>D2 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

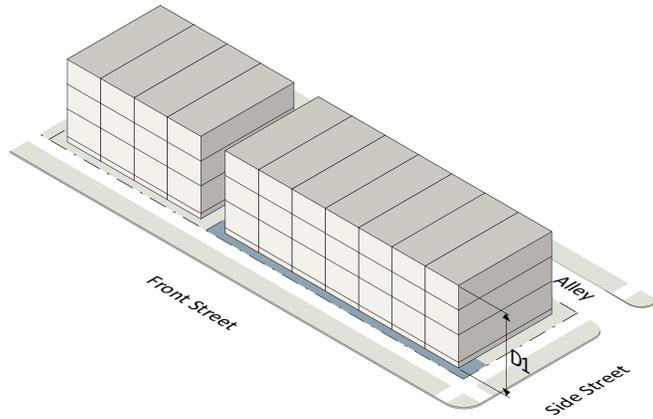
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.6.6. Townhouse, Standard Method Development Standards

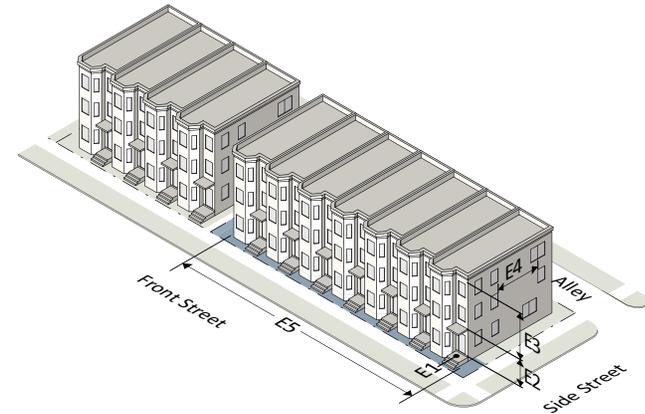


A. Lot	EG, ELS, EOF
<b>Dimensions (min)</b>	
A1 Lot area	900 SF
<b>Coverage (max)</b>	
A2 Roofed buildings & structures	90%
<b>B. Setbacks</b>	
<b>Principal Building Setbacks (min)</b>	
B1 Front setback	5'
B2 Side street setback	5'
B3 Side interior setback	10'
B3 End unit setback, interior to the site	5'
B4 Rear setback	20'
B4 Rear setback, alley	4' or 20'
<b>Accessory Structure Setbacks (min)</b>	
B5 Front setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B7 End unit setback, interior to the site	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20'

C. Placement	EG, ELS, EOF
<b>Build-to Zone (BTZ)</b>	
C1 Front street build-to (min/max)	5'/15'
C2 Building in BTZ (min % of lot width)	70%
<b>Parking Setbacks (min)</b>	
C3 Front setback	10'
C4 Side street setback	10'
C5 Side interior setback	10'
C6 Rear setback	10'
C6 Rear setback, alley	4' or 20'



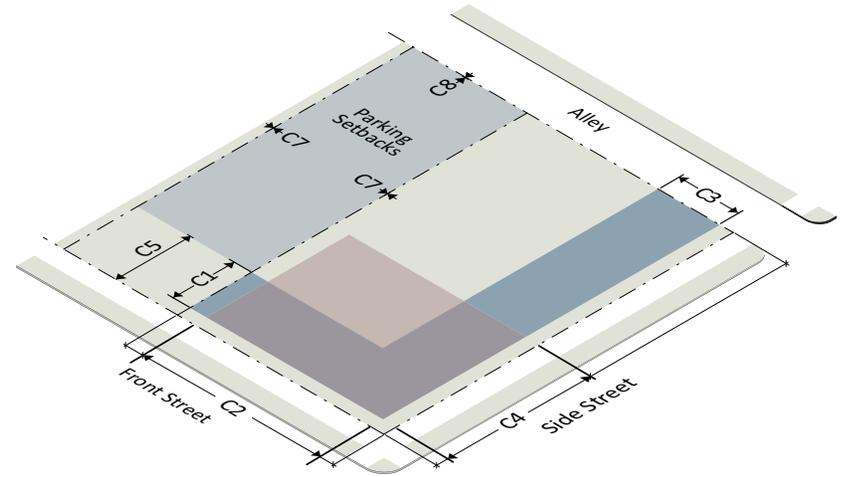
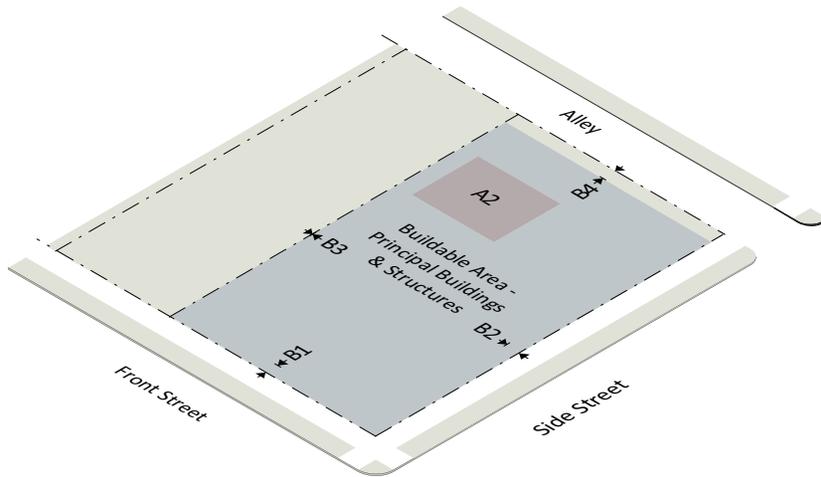
D. Height	EG, ELS, EOF
<b>Building Height (max)</b>	
D1 Principal building	40' unless zone height limit is less
D2 Accessory structure	25'



E. Form	EG, ELS, EOF
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
<b>Transparency: Primary &amp; Side Street</b>	
E2 Ground story (min)	20%
E3 Upper story (min)	20%
E4 Blank wall (max)	35'
<b>Massing</b>	
E5 Number of units permitted in any one row	12
<b>E6 Allowed Building Elements</b>	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.6.7. Apartment/Condo, Standard Method Development Standards



**A. Lot** EG, ELS, EOF

**A1 Residential Density**

Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site

**A2 Public Use Space**

Lot area ≤ 10,000 sf (% of site)	0%
Lot area > 10,000 sf (% of site)	10%

See Sec. 7.3.6 for public use space requirements.

**B. Setbacks**

**Building & Structure Setbacks (min)**

B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.6.3.D
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.6.3.D
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

**C. Placement**

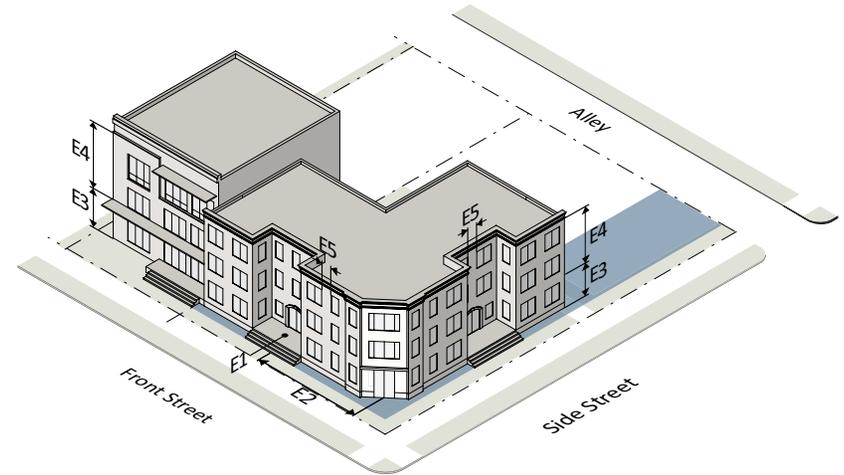
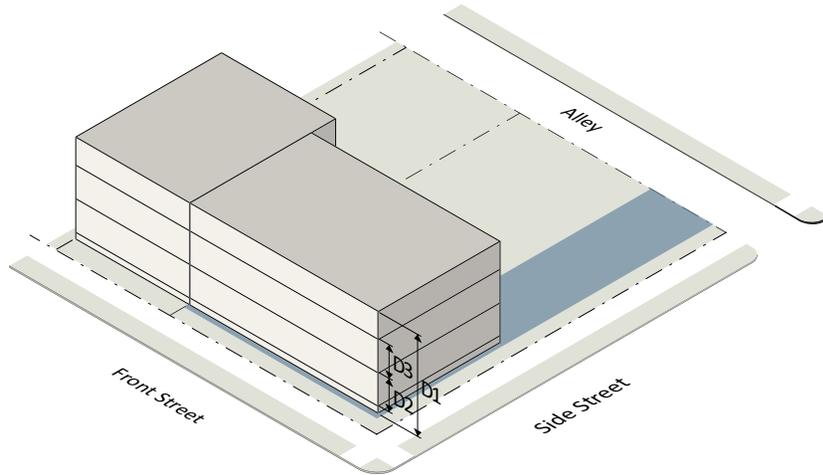
EG, ELS, EOF

**Build-to Zone (BTZ)**

C1 Front street (min/max)	0'/30'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/30'
C4 Building in side street BTZ (min % of lot width)	35%

**Parking Setbacks (min)**

C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'



**D. Height**

EG, ELS, EOF

Building Height (max)	EG, ELS, EOF
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and <a href="#">Sec. 4.6.3.D</a>
Story Heights (min)	
D2 Ground story, floor to ceiling	10'
D3 Upper story, floor to ceiling	9'

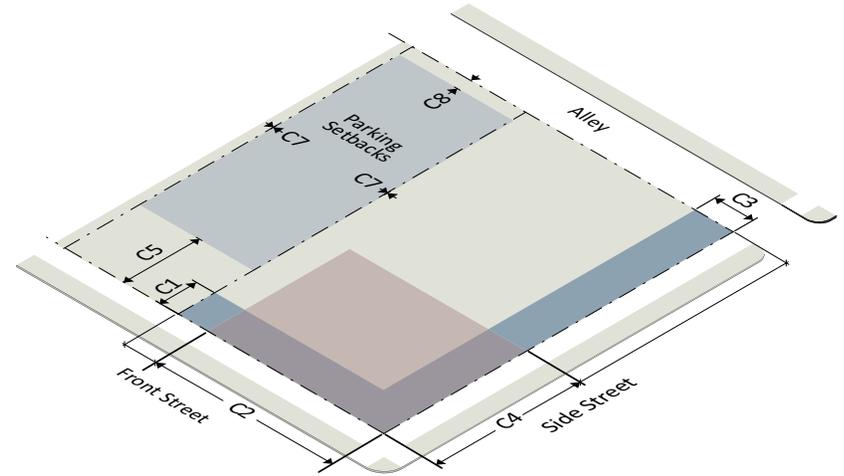
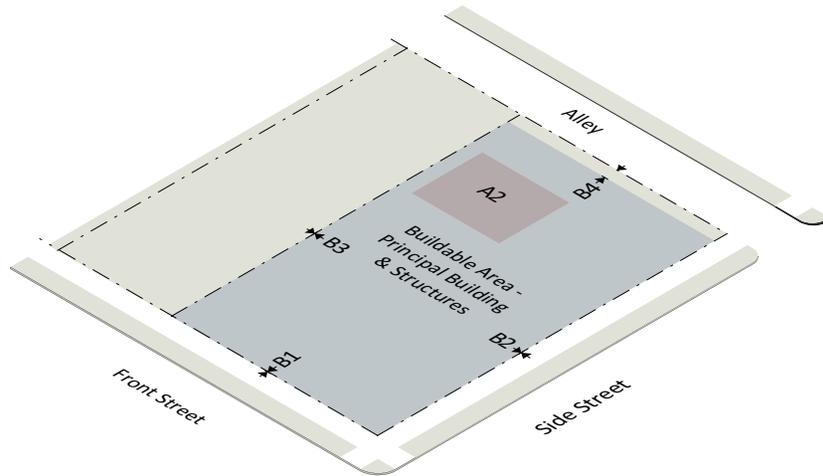
**E. Form**

EG, ELS, EOF

Building Orientation	EG, ELS, EOF
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency: Primary, Side Street & Public Open Space	
E3 Ground story (min)	20%
E4 Upper story (min)	20%
E5 Blank wall (max)	35'
E6 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

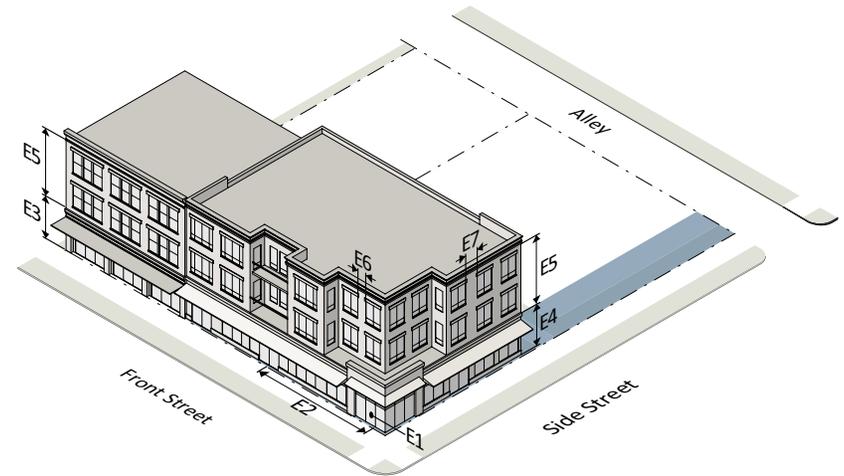
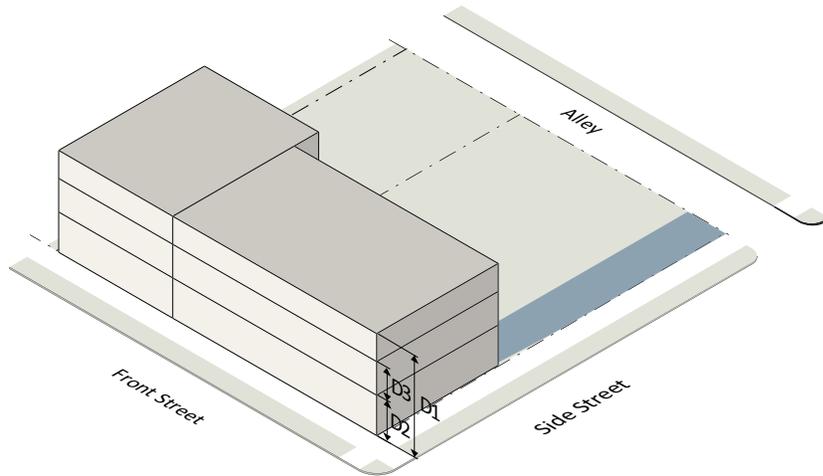
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.6.8. Mixed Use Building, Standard Method Development Standards



A. Lot	EG, ELS, EOF
<b>A1 Residential Density</b>	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	
<b>A2 Public Use Space</b>	
Lot area ≤ 10,000 SF (% of site)	0%
Lot area > 10,000 SF (% of site)	10%
See <a href="#">Sec. 7.3.6</a> for public use space requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See <a href="#">Sec. 4.6.3.D</a>
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See <a href="#">Sec. 4.6.3.D</a>
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
<b>Build-to Zone (BTZ)</b>	
C1 Front street (min/max)	0'/15'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/15'
C4 Building in side street BTZ (min % of lot width)	35%
<b>Parking Setbacks (min)</b>	
C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'

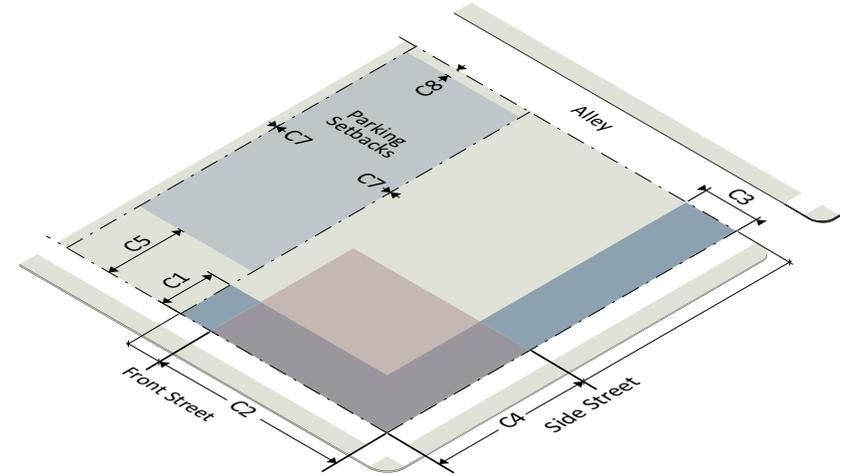
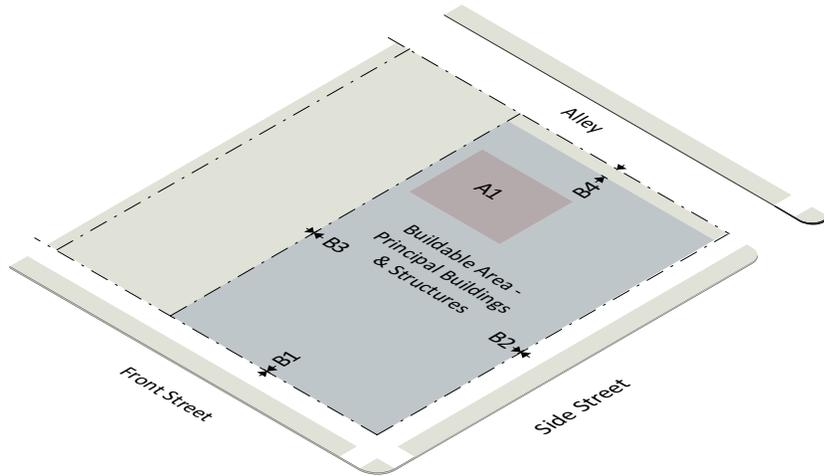


D. Height	EG, ELS, EOF
<b>Building Height (max)</b>	
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and <a href="#">Sec. 4.6.3.D</a>
<b>Story Heights (min)</b>	
D2 Ground story, floor to ceiling	13'
D3 Upper story, floor to ceiling	9'

E. Form	EG, ELS, EOF
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	75'
<b>Transparency</b>	
E3 Ground story front street (min)	60%
E4 Ground story side street & public open space (min)	30%
E5 Upper story front, side street & public open space (min)	20%
E6 Blank wall front street (max)	25'
E7 Blank wall side street & public open space (max)	35'
<b>E8 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

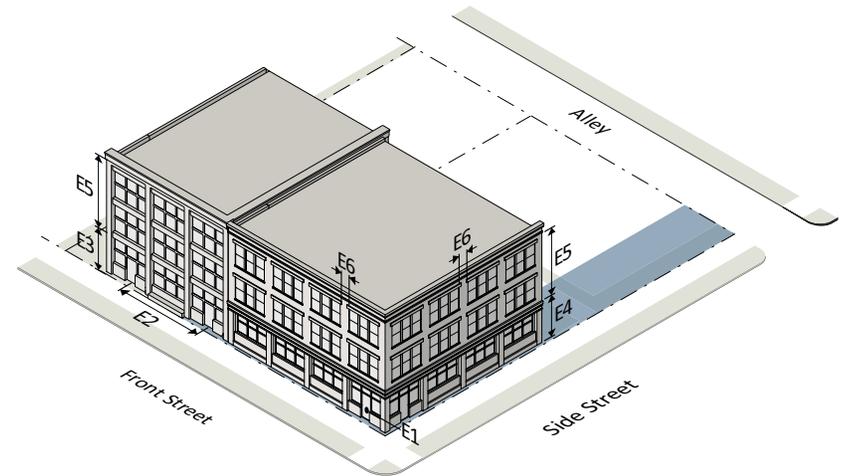
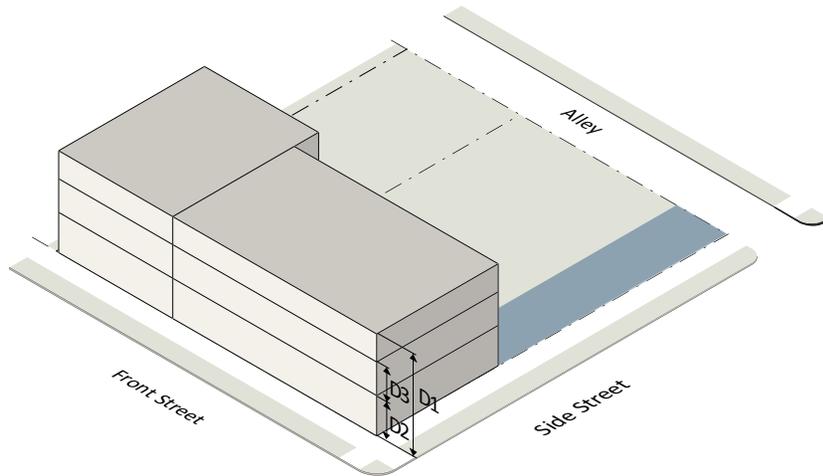
See [Sec. 4.1.4.G](#) for building element requirements.

Sec. 4.6.9. General Building, Standard Method Development Standards



A. Lot	EG, ELS, EOF
<b>A1 Public Use Space</b>	
Lot area ≤ 10,000 SF (% of site)	0%
Lot area > 10,000 SF (% of site)	10%
See Sec. 7.3.6 for public use space requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.6.3.D
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.6.3.D
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
<b>Build-to Zone (BTZ)</b>	
C1 Front street (min/max)	0'/20'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/20'
C4 Building in side street BTZ (min % of lot width)	35%
<b>Parking Setbacks (min)</b>	
C5 Front setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C7 Side interior setback, abutting all other zones	0' or 6'
C8 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	10'
C8 Rear setback, abutting all other zones	0' or 6'
C8 Rear setback, alley	0' or 6'



**D. Height**

EG, ELS, EOF

Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300' and <a href="#">Sec. 4.6.3.D</a>
Story Heights (min)	
D2 Ground story, floor to ceiling	11'
D3 Upper story, floor to ceiling	9'

**E. Form**

EG, ELS, EOF

Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency	
E3 Ground story front street (min)	40%
E4 Ground story side street & public open space (min)	25%
E5 Upper story front, side street & public open space (min)	20%
E6 Blank wall front, side street & public open space (max)	35'
E7 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

See [Sec. 4.1.4.G](#) for building element requirements.

## Div. 4.7. Industrial Zones

### Sec. 4.7.1. Methods of Development

The IL and IH zones allow development only under the standard method. A Site Plan may be required in the IL and IH zones under [Sec. 8.3.4.](#)

### Sec. 4.7.2. Development Standards

Development in all Industrial zones must comply with the requirements in [Sec. 4.7.2.A](#) to [Sec. 4.7.2.C.](#)

#### A. Master Plan and Design Guidelines

1. Development that requires a Site Plan must be consistent with the applicable Master or Sector Plan.
2. Development that requires a Site Plan must address any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

#### B. Building Types

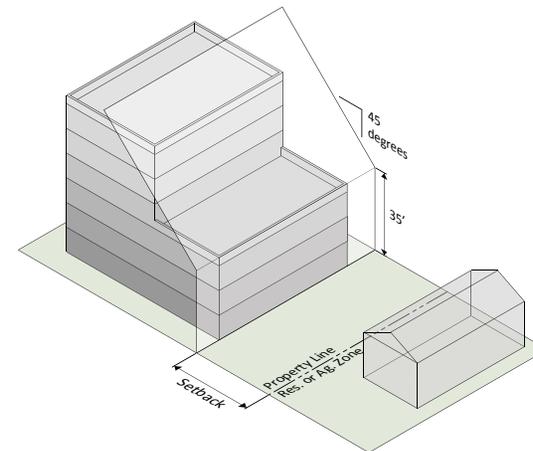
Building types are allowed by zone under [Sec. 4.1.3.](#) Dimensional standards for allowed building types are under [Sec. 4.7.3](#) to [Sec. 4.7.4.](#)

#### C. Neighborhood Compatibility

Where a mixed use, or general building type are on a property that:

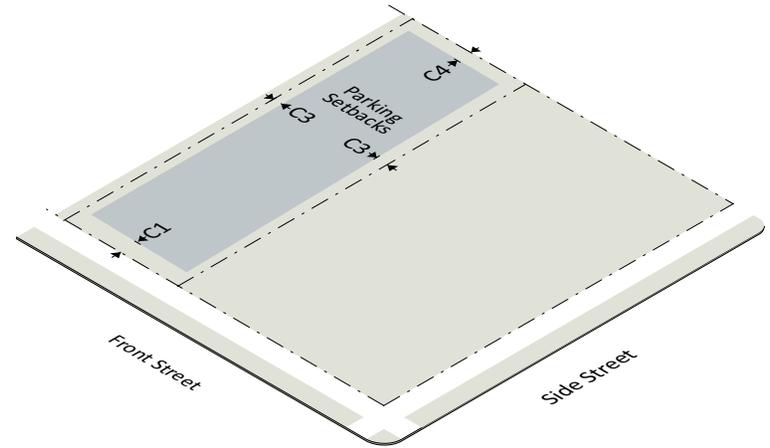
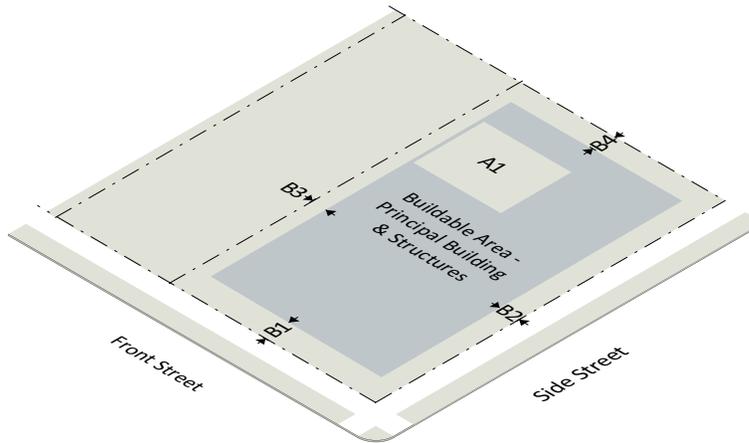
1. abuts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#); or
2. confronts an AR, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#) across a right-of-way recommended for less than 70 feet; and
3. proposes a building height over the height allowed in the applicable abutting or confronting zone, any building must:
  - a. have a minimum setback of 25 feet or the setback required by the abutting or confronting property, whichever is greater; and
  - b. must not project beyond a 45 degree angular plan projecting over the subject property measured from a height of 35 feet at the setback line

determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.4.](#)



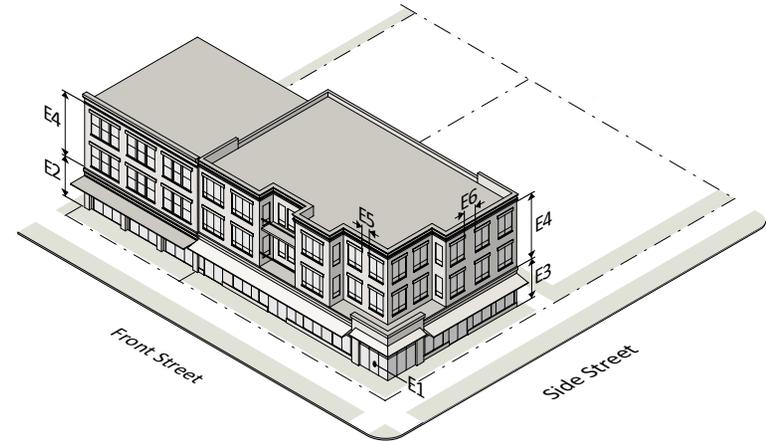
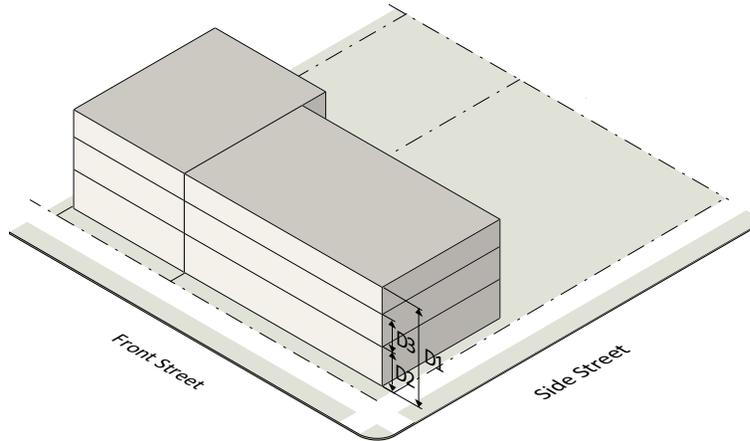
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Sec. 4.7.3. Mixed Use Building, Standard Method Development Standards



A. Lot	IL, IH
<b>A1 Green Area</b>	
Lot area ≤ 10,000 SF (% of lot)	0%
Lot area > 10,000 SF (% of lot)	10%
See Sec. 7.3.7 for green area requirements.	
<b>B. Setbacks</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.7.2.C
B3 Side interior setback, abutting all other zones	10'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.7.2.C
B4 Rear setback, abutting all other zones	10'
B4 Rear setback, alley	4'

C. Placement	IL, IH
<b>Parking Setbacks (min)</b>	
C1 Front setback	10'
C2 Side street setback	10'
C3 Side interior setback	10'
C4 Rear setback	10'
C4 Rear setback, alley	0'



**D. Height**

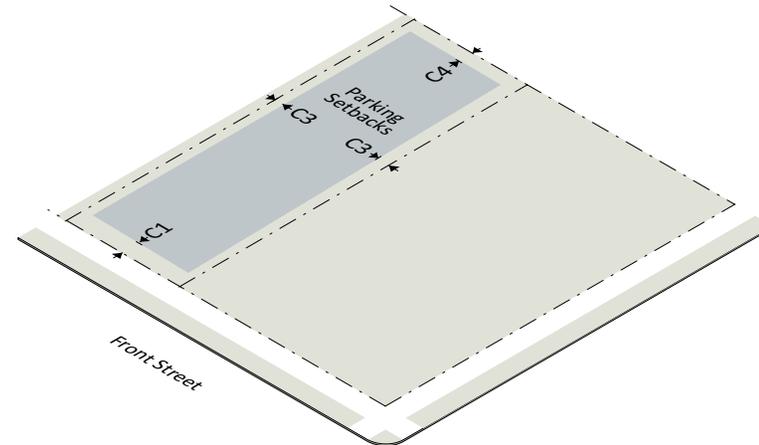
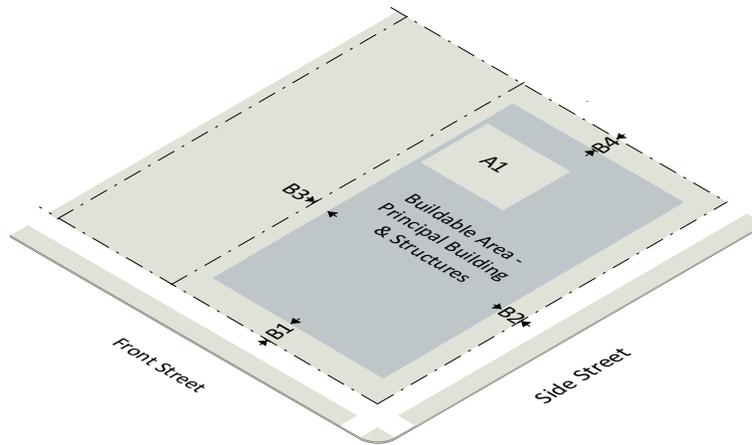
	IL	IH
<b>Building Height (max)</b>		
D1 All buildings & structures	120' and Sec. 4.7.2.C	70' and Sec. 4.7.2.C
<b>Story Heights (min)</b>		
D2 Ground story, floor to ceiling	13'	13'
D3 Upper story, floor to ceiling	9'	9'

**E. Form**

	IL, IH
<b>Building Orientation</b>	
E1 Street-facing entrance	Required
<b>Transparency</b>	
E2 Ground story front street (min)	60%
E3 Ground story side street (min)	30%
E4 Upper story front, side street (min)	20%
E5 Blank wall front street (max)	25'
E6 Blank wall side street (max)	35'
<b>E7 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

See Sec. 4.1.4.G for building element requirements.

Sec. 4.7.4. General Building, Standard Method Development Standards



**A. Lot**

IL, IH

A1 Green Area	
Lot area ≤ 10,000 SF (% of lot)	0%
Lot area > 10,000 SF (% of lot)	10%

See Sec. 7.3.7 for green area requirements.

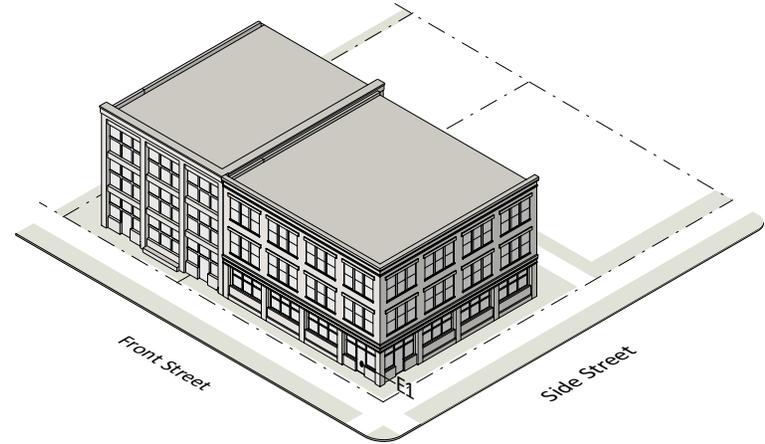
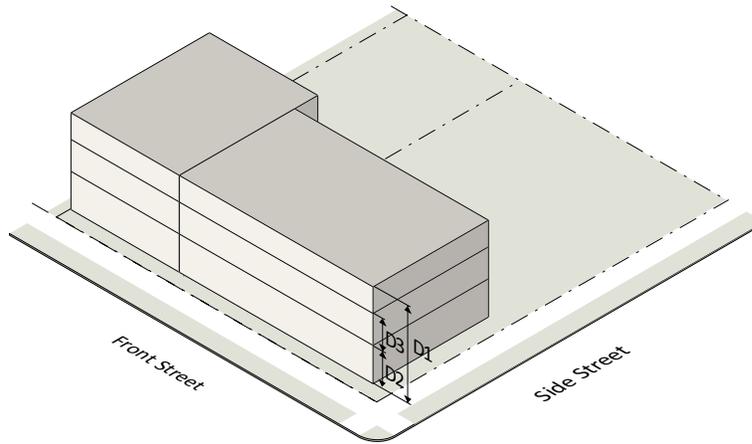
**B. Setbacks**

Building & Structure Setbacks (min)	
B1 Front setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.7.2.C
B3 Side interior setback, abutting all other zones	10'
B4 Rear setback, abutting Agricultural, Rural, Residential Detached, Residential Townhouse zone	See Sec. 4.7.2.C
B4 Rear setback, abutting all other zones	10'
B4 Rear setback, alley	4'

**C. Placement**

IL, IH

Parking Setbacks (min)	
C1 Front setback	10'
C2 Side street setback	10'
C3 Side interior setback	10'
C3 Rear setback	10'
C4 Rear setback, alley	0'



**D. Height**

	IL	IH
<b>Building Height (max)</b>		
D1 All buildings & structures	120' and Sec. 4.7.2.C	70' and Sec. 4.7.2.C
<b>Story Heights (min)</b>		
D2 Ground story, floor to ceiling	11'	11'
D3 Upper story, floor to ceiling	9'	9'

**E. Form**

	IL, IH
<b>E1 Allowed Building Elements</b>	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

See Sec. 4.1.4.G for building element requirements.

## Div. 4.8. Overlay Zones

### Sec. 4.8.1. In General

#### A. Applicability

Land must only be designated within an overlay when approved as part of a Sectional or District Map Amendment.

#### B. Standards and Requirements

Development in an Overlay zone must conform to the standards and requirements of the underlying zone, except as specifically modified by this Division (Div. 4.8). Where there is an ambiguity as to whether the regulations of the underlying zone or Overlay zone apply, the regulations of the Overlay zone apply. A Site Plan must be submitted under [Sec. 8.3.4](#) except where specifically exempted in the development standards of each Overlay zone.

### Sec. 4.8.2. Neighborhood Protection (NP) Overlay Zone

#### A. Neighborhood Protection – Garrett Park (NP-GP) Overlay Zone

##### 1. Purpose

The purpose of the NP-GP Overlay zone is to:

- a. Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
- b. Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
- c. Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
- d. Create a uniform set of development standards in order to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

##### 2. Exemptions

The following are exempt from this Section (Sec. 4.8.2.A):

- a. Any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.
- b. Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.
- c. Any detached house in a Residential Detached zone or Agricultural zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building.
- d. Any detached house in the NP-GP Overlay zone that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.
- e. Reconstruction of a detached house may not exceed the footprint or floor area of the prior dwelling unless reconstruction fully conforms with the standards of the NP-GP Overlay zone.

##### 3. Land uses

The land uses and use standards of the underlying zone are applicable unless the development standards in Sec. 4.8.2. are more restrictive, in which case, Sec. 4.8.2. must be followed.

##### 4. Development Standards

The development standards in the NP-GP Overlay zone are the same as those in the RMD-9, except as follows:

- a. The minimum front setback for a main building is 30 feet, and if the adjoining lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an

existing building can project beyond the line previously established by the buildings on the adjoining lots;

- b. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.
- c. In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.
- d. The minimum side interior setback for a principal building is 10 feet. The minimum sum of both side interior setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
- e. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.
- f. The maximum building coverage is 20%.
- g. The maximum FAR for all buildings on a lot is 0.375.
- h. An accessory building or structure must be located behind the rear building line and can occupy:
  - i. a maximum of 25% of the property behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
  - ii. a maximum of 20% of the property behind the rear building line on lots with a total lot area 8,600 square feet or larger.

## 5. Site Plan

A Site Plan is not required in the NP-GP Overlay zone except as provided in [Sec. 4.4.3.C](#).

## Sec. 4.8.3. Special Protection Area (SPA) Overlay Zone

### A. Special Protection Area - Upper Paint Branch (SPA-UPB) Overlay Zone

#### 1. Purpose

The purpose of the SPA-UPB Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including the headwater tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch north of Fairland Road.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
- c. Regulate land uses that could adversely affect the high quality, cold water stream Use III Waters system resources.

#### 2. Exemptions

The following are exempt from this Section (Sec. 4.8.3.A):

- a. Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 2007 may continue or be reconstructed under the development standards in effect when the building permit was issued.
- b. Any impervious surface which results from construction pursuant to a building permit may be constructed or reconstructed under the development standards in effect on July 31, 2007 if:
  - i. the building permit application was pending before DPS on July 31, 2007, or
  - ii. the building permit is for a lot in a subdivision approved before July 31, 2007, if the subdivision was approved for fewer than 20 housing units,
- c. Any impervious surface resulting from an addition or accessory structure to an existing detached house must not be counted against any calculation of the 8% impervious surface restriction.

### 3. Land Uses

- a. Except as delineated in Sec. 4.8.3.A.3.b-c (below), the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Sec.4.8.3.A are more restrictive, in which case Sec. 4.8.3.A must be followed.
- b. The following uses are restricted in the SPA-UPB Overlay zone:
  - i. Landscape contractors and nurseries must be certified as an organic grower by the State of Maryland or another approved certifying body;
  - ii. Golf courses and country clubs must have an Integrated Pest Management program; and
  - iii. Equestrian facilities must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
- c. If validly existing on July 1, 1997, the uses in Sec. 4.8.3.A.3.b. (above) may be continued under the regulations in effect at the time the use was established. Any expansion requires compliance with the provisions of the SPA-UPB Overlay zone.
- d. The following uses are prohibited in the SPA-UPB Overlay zone:
  - i. Farm airstrip;
  - ii. Helipad, Heliport;
  - iii. Pipelines used for interstate transmission of petroleum products; and
  - iv. Vehicle services.

### 4. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the gross tract area of any application for development.

### 5. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.3.A.4 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
- b. The application otherwise complies with all applicable federal, state, and county water quality regulations;
- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and control techniques are used to meet the purposes of this Section (Sec. 4.8.3.A).

## B. Special Protection Area - Upper Rock Creek (SPA-URC) Overlay Zone

### 1. Purpose

The purpose of the SPA-URC Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Rock Creek and its tributaries, including Rock Creek and the North Branch of Rock Creek north of Muncaster Mill Road.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

### 2. Exemptions

The following are exempt from this Section (Sec. 4.8.3.B):

- a. Any impervious surface lawfully existing pursuant to a building permit or sediment control permit issued before November 15, 2004 or subject to a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.
- b. Any property expressly exempted by the applicable Master or Sector Plan.
- c. Any addition, allowed under the development standards of the underlying zone, to an detached house.

- d. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.
- e. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, provided every effort is made to minimize imperviousness and/or mitigate the impacts of runoff. Further, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.
- f. All public projects are subject to the provisions of the SPA-URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.
- g. Development in any Industrial, Commercial/Residential, or Employment zone.

### 3. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the gross tract area of any application for development.

### 4. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.3.B.3 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone;
  - i. If the applicable review body grants a waiver for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area.
- b. The application otherwise complies with all applicable federal, state, and county water quality regulations;

- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and quantity control techniques are used to meet the purposes of this Section (Sec. 4.8.3.B).

## Sec. 4.8.4. Transferable Development Rights (TDR) Overlay Zone

### A. Standard Method

Development in the TDR Overlay zone can occur under the standard method of development without the use of Transferable Development Rights and must comply with the requirements for development and density limitations contained in the underlying zone (see Div. 4.3 - Div. 4.6). In addition, standard method development in the TDR Overlay zone may be approved under the cluster development procedures of Div. 6.2 or the procedures for development including moderately priced dwelling units as contained in Div. 6.1, if the property satisfies the minimum requirements for these development options per the underlying zone.

### B. Optional Method

Optional method development is allowed in the TDR Overlay zone under Div. 6.3.

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# ARTICLE 59-5. FLOATING ZONING DISTRICT REGULATIONS

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

## Div. 5.1. Residential Floating Zones

### Sec. 5.1.1. Zones

- A. There are three categories of Residential Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Residential Floating zones are mapped using the zone's initials followed by a number indicating the maximum allowed units per acre approved by a Floating Zone Map Amendment under **Article 59-8**:
  - 1. Residential Detached – Floating (RDF-#);
  - 2. Townhouse – Floating (TF-#); and
  - 3. Apartment – Floating (AF-#).

### Sec. 5.1.2. Applicability

An application for a Residential Floating zone may be made only if the subject property has been recommended in an approved master or sector plan for the particular floating zone requested or under the limits, standards, and requirements of this Division.

### Sec. 5.1.3. Purposes

- A. Provision of comprehensively planned residential neighborhoods.
- B. Establishment of compatible relationships between new development and existing neighborhoods.
- C. Flexibility for various residential building types and development standards.
- D. Allowance of limited neighborhood-serving commercial uses at higher densities.

### Sec. 5.1.4. Land Uses

The following land uses are allowed in the Residential Floating zones.

#### 1. Residential Uses

- a. In the RDF zones, when residential densities are approved for less than 3 units per acre, only the uses allowed in the RLD zone are allowed.

- b. In the RDF zones, when residential densities are approved for 3 or more units per acre, only the uses allowed in any of the RMD zones (RMD-9, -6, and -4) are allowed.
- c. In the TF zones, the uses allowed in any of the Townhouse zones (TLD, TMD, and THD) are allowed.
- d. In the AF zones, the uses allowed in any of the RHD zones (RHD-1, -2, and -3) are allowed.

#### 2. Commercial Uses

- a. Limits
  - i. In the Residential Floating zones, when residential densities are approved for less than 150 total units or less than 20 units per acre, no uses from the CRN, CRT, or CR zones are allowed.
  - ii. In the Residential Floating zones, when residential densities are approved for a minimum of 150 total units or for a minimum of 20 units per acre, in no case may the commercial density approved by the Floating Zone Map Amendment be allowed to exceed 0.5 FAR of the total gross tract area.
  - iii. The lot(s) on which any approved commercial uses are located must be separated from the boundary of the gross tract area included in the Floating Zone Map Amendment by residential lots or open space and may not share a property line with any properties in a Residential zone not included in the Floating Zone Map Amendment.
- b. Allowances
  - i. In the RDF zones, if residential densities are approved for a minimum of 150 total units or for a minimum of 20 units per acre, only the uses allowed in the CRN zones are allowed, but commercial density may not exceed 0.5 FAR of the total gross tract area .
  - ii. In the TF or AF zones, if residential densities are approved for a minimum of 150 units or for a minimum of 20 units per acre, the uses allowed in the CRN zones are allowed if the Floating Zone Map

Amendment approves up to 0.25 FAR of commercial density and the uses allowed in the CRN zone and CRT zones are allowed if the Floating Zone Map Amendment approves more than 0.25 FAR of commercial density (up to 0.5 FAR ) of the total gross tract area.

3. Individual uses or use categories may be restricted, prohibited, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under [Article 59-8](#).

### Sec. 5.1.5. Building Types

- A. Building types are allowed under the following parameters.
  1. A detached house is allowed in any Residential Floating zone.
  2. A duplex or townhouse unit is only allowed in the TF and AF zones.
  3. An apartment/condo building is allowed only in the AF zones.
  4. A mixed use building is allowed only when commercial density is approved by the Floating Zone Map Amendment.
  5. A general building is allowed for any permitted uses in the underlying zone.
- B. The Floating Zone Map Amendment may restrict, disallow, or establish binding elements on any building type in order to make the necessary findings of approval under [Article 59-8](#).

### Sec. 5.1.6. Development Standards

#### A. Density

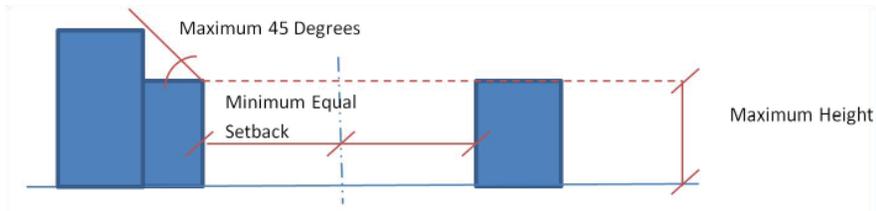
1. Residential Density  
Residential density is allowed as units per acre up to the maximum density recommended in an approved master or sector plan for the subject property or, when if there is no recommendation for density for the subject property, the following limits:

Allowed Density in Units per Acre				
Pre-Existing Euclidean Zone	Base Lot Size	Size of Gross Tract for Proposed Floating Zone		
		Up to 2 times the base lot size	2 to 4 times the base lot size	At least 4 times the base lot size
RE-2	2 acres	0.75 units /acre	1 units/acre	2 units/acre
RE-2C	2 acres	0.75 units /acre	1 units/acre	2 units/acre
RE-1	40,000 SF	1.63	2.18	4.36
RLD-20	20,000 SF	3.27	4.36	8.72
RMD-9	9,000 SF	7.26	12	14
RMD-6	6,000 SF	10.89	14.52	29.04
RMD-4	4,000 SF	16.33	21.78	43.56
TLD	1 acre	13.5	18	36
TMD	1 acre	18	24	48
THD	1 acre	22.5	30	60
RHD-3	12,000 SF	21.75	29	58
RHD-2	16,000 SF	32.55	43.40	86.80
RHD-1	20,000 SF	65.25	87	174

2. Commercial Density  
Commercial density is limited to 0.5 FAR of the gross tract area.
3. The Floating Zone Map Amendment may establish lower densities than allowed by this Section (Sec. 5.1.6) in order to make the necessary findings of approval under [Article 59-8](#).

#### B. Height

1. A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the adjacent or confronting zone at a setback line equal to at least the setback required by the adjacent or confronting zone or a greater setback established by the Floating Zone Map Amendment.



2. Maximum heights are established by the Floating Zone Map Amendment or Site Plan(s), subject to the restriction above.

**C. Lot Size**

Minimum lot sizes are established by the Floating Zone Map Amendment or Site Plan(s).

**D. Coverage**

Minimum open space must be provided as a percentage of net tract area as determined by the most intense building type approved and density in units per acre.

Open Space Required (min.)				
Building Type	Units per Acre			
	1-19	20-49	50-79	80+
Detached House	0%	10%	10%	15%
Duplex	0%	10%	15%	20%
Townhouse	10%	15%	20%	25%
Apartment/Condo, Mixed Use, or General Building	15%	20%	25%	30%

**E. Setbacks**

1. Setbacks are established by the Floating Zone Map Amendment or Site Plan(s).
2. In no case may a building or accessory structure be setback closer to a property line than that required in the abutting zone.
3. The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under Article 59-8.

**F. General Regulations**

1. Parking, open space, recreation facilities, buffering, and landscaping must be provided under Article 59-7 according to the Euclidean Zone that was approved for uses under Section 5.1.4. for each applicable residential or commercial area.
2. The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, buffering, or landscaping or further restrict lighting in order to make the necessary findings of approval under Article 59-8.

## Div. 5.2. Commercial/Residential Floating Zones

### Sec. 5.2.1. Zones

- A. There are 3 families of Commercial/Residential Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Commercial/Residential Floating zones are mapped using the zone's initials followed by the maximum allowed total, commercial, and residential densities and maximum allowed height as limited by this Division (Div. 5.2).
  1. Commercial Residential Neighborhood – Floating (CRNF# C# R# H#)
  2. Commercial Residential Town – Floating (CRTF# C# R# H#)
  3. Commercial Residential – Floating (CRF# C# R# H#)

### Sec. 5.2.2. Applicability

An application for a Commercial/Residential Floating zone may be made only if the subject property has been recommended in an approved Master or Sector Plan for the particular floating zone requested or under the limits, standards, and requirements of this Division (Div. 5.2).

### Sec. 5.2.3. Purposes

- A. Provision of comprehensively planned mixed-use neighborhoods.
- B. Establishment of compatible relationships between new development and existing neighborhoods.
- C. Flexibility for various uses, building types, and development standards.
- D. Responsiveness to changing economic and demographic pressures.

### Sec. 5.2.4. Land Uses

- A. The following land uses are allowed in the Commercial/Residential Floating zones:
  1. In the CRNF zones, only the uses allowed in the CRN zone are allowed.
  2. In the CRTF zones, only the uses allowed in the CRT zone are allowed.

3. In the CRF zones, only the uses allowed in the CR zone are allowed.
- B. Uses allowed may be restricted, prohibited, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under Article 59-8.

### Sec. 5.2.5. Building Types Allowed

- A. Any building type is allowed in the Commercial/Residential Floating zones.
- B. The Floating Zone Map Amendment may restrict, prohibit, or establish binding elements on any building type in order to make the necessary findings of approval under Article 59-8.

## Sec. 5.2.6. Development Standards

### A. Density

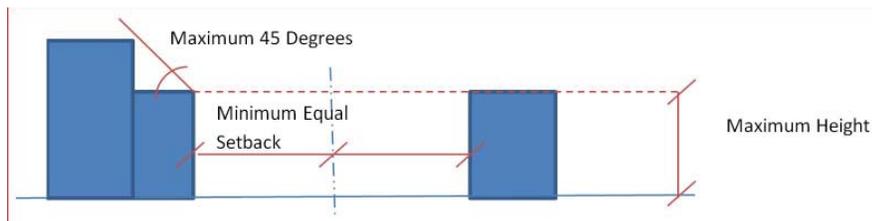
1. Density may not exceed the recommendations of an approved Master or Sector Plan.
2. When there is no recommendation for density for the subject property in the Master Plan, the Floating Zone Map Amendment may establish density up to the following limits.

Density Allowed in Floor Area Ratio (FAR)						
Pre-Existing Euclidean Zone	Size of Gross Tract					
	<0.5 Acres		0.51 Acres – 3.00 Acres		Greater than 3.01 Acres	
	Maximum Total Density	Maximum C or R Density	Maximum Total Density	Maximum C or R Density	Maximum Total Density	Maximum C or R Density
RE & RLD	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
RMD & Townhouse	1.0	0.75	1.25	1.0	1.5 FAR	1.25
RHD	1.25	1.0	1.5	1.25	1.75	1.5
CRN	1.0	0.75	1.25	1.0	1.5	1.25
CRT	2.0	1.5	3.0	2.0	4.0	3.0
CR	4.0	3.0	6.0	4.5	8.0	6.0
Employment	2.0	1.5	3.0	2.0	4.0	3.0
IL	0.75	0.5	1.0	0.75	1.5	1.25

3. The Floating Zone Map Amendment may establish lower densities than allowed by this Section (Sec. 5.2.6) in order to make the necessary findings of approval under [Article 59-8](#).

## B. Height

1. Height may not exceed the recommendations of an approved Master or Sector Plan.
2. A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the adjacent or confronting zone at a setback line equal to at least the setback required by the adjacent or confronting zone or a greater setback established by the Floating Zone Map Amendment.



3. Maximum heights are established by the Floating Zone Map Amendment or Site Plan(s), subject to the restriction above.

## C. Lot Size

Minimum lot sizes are established by the Floating Zone Map Amendment or Site Plan(s).

## D. Coverage

Minimum public use space must be provided as required under [Division 4.4](#) for development equivalent to standard method or [Division 6.3](#) for development equivalent to optional method, as applicable.

## E. Setbacks

1. Setbacks are established by the Floating Zone Map Amendment or Site Plan(s).
2. In no case may a building or accessory structure be setback closer to a property line than that required in the abutting zone.
3. The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under [Article 59-8](#).

## F. General Regulations

1. Parking, recreation facilities, and landscaping must be provided under [Article 59-7](#) according to the euclidean zone that was approved for uses under [Section 5.2.4](#).
2. Public use space must be provided under [Article 59-4](#) (for standard method) and [Article 59-6](#) (for optional method) according to the euclidean zone that was approved for uses under [Section 5.2.4](#).
3. The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, or landscaping or further restrict lighting in order to make the necessary findings of approval under [Article 59-8](#).

## G. Public Benefits

1. Development above 1.0 FAR in the CRTF requires public benefits under [Article 59-6](#).
2. Development above 0.5 FAR in the CRF zone requires public benefits under [Article 59-6](#).

## Div. 5.3. Employment Floating Zones

### Sec. 5.3.1. Zones

- A. There are 3 families of Employment Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Employment Floating zones are mapped using the zones’ initials followed by the maximum allowed total density and maximum allowed height as limited by this Division (Div. 5.3)
  - 1. EMPLOYMENT GENERAL – FLOATING (EGF# H#)
  - 2. EMPLOYMENT OFFICE – FLOATING (EOFF# H#)
  - 3. EMPLOYMENT LIFE SCIENCES – FLOATING (ELSF# H#)

### Sec. 5.3.2. Applicability

An application for an employment floating zone may be made only if the subject property has been recommended in an approved Master or Sector Plan for the particular floating zone requested or under the limits, standards, and requirements of this Division (Div. 5.3).

### Sec. 5.3.3. Purposes

- A. Provision of comprehensively planned employment nodes.
- B. Establishment of compatible relationships between new development and existing neighborhoods.
- C. Allowance for limited residential uses and supporting retail services.
- D. Responsiveness to changing economic and demographic pressures.

### Sec. 5.3.4. Land Uses

- A. The following land uses are allowed in the Employment Floating zones:
  - 1. In the EGF zones, only the uses allowed in the EG zone are allowed.
  - 2. In the EOFF zones, only the uses allowed in the EOF zone are allowed.
  - 3. In the ELSF zones, only the uses allowed in the ELS zone are allowed.

- B. Uses allowed may be restricted, disallowed, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under [Article 59-8](#).

### Sec. 5.3.5. Building Types Allowed

- A. Any building type is allowed in the Employment Floating zones.
- B. The Floating Zone Map Amendment may restrict, disallow, or establish binding elements on any building type in order to make the necessary findings of approval under [Article 59-8](#).

### Sec. 5.3.6. Development Standards

#### A. Density

- 1. Density may not exceed the recommendations of an approved Master or Sector Plan.
- 2. When there is no recommendation for density for the subject property in the master plan, the Floating Zone Map Amendment may establish density up to the following limits.

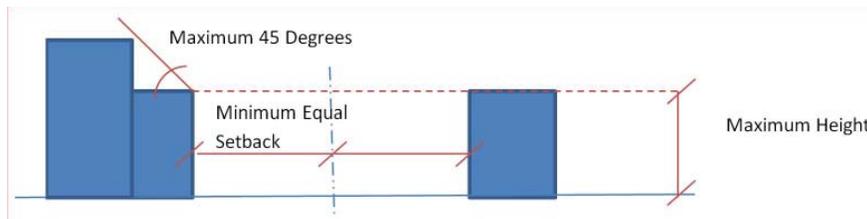
Density Allowed in Floor Area Ratio (FAR)			
Pre-Existing Euclidean Zone	Size of Gross Tract		
	Less than 0.5 Acres	0.51 Acres – 3.00 Acres	Greater than 3.01 Acres
	Maximum Total Density	Maximum Total Density	Maximum Total Density
RE & RLD	0.75 FAR	1.0 FAR	1.25 FAR
RMD & Townhouse	1.0	1.25	1.5 FAR
RHD	1.25	1.5	1.75
CRN	1.0	1.25	1.5
CRT	2.0	3.0	4.0
CR	4.0	6.0	8.0
Employment	2.0	3.0	4.0

Density Allowed in Floor Area Ratio (FAR)			
Pre-Existing Euclidean Zone	Size of Gross Tract		
	Less than 0.5 Acres	0.51 Acres – 3.00 Acres	Greater than 3.01 Acres
	Maximum Total Density	Maximum Total Density	Maximum Total Density
IL	0.75	1.0	1.5

- In no case may residential uses exceed 30% of the allowed total density.
- The Floating Zone Map Amendment may establish lower densities than allowed by this section in order to make the necessary findings of approval under [Article 59-8](#).

**B. Height**

- Height may not exceed the recommendations of an approved Master or Sector Plan.
- A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the adjacent or confronting zone at a setback line equal to at least the setback required by the adjacent or confronting zone or a greater setback established by the Floating Zone Map Amendment.



- Maximum heights are established by the Floating Zone Map Amendment or Site Plan(s), subject to the restriction above.

**C. Lot Size**

Minimum lot sizes are established by the Floating Zone Map Amendment or Site Plan(s).

**D. Coverage**

Minimum public use space must be provided as required under [Div. 4.5](#) or [Div. 6.4](#), as applicable.

**E. Setbacks**

- Setbacks are established by the Floating Zone Map Amendment or Site Plan(s).
- In no case may a building or accessory structure be setback closer to a property line than that required in the adjoining zone.
- The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under [Article 59-8](#).

**F. General Regulations**

- Parking, recreation facilities, and landscaping must be provided under [Article 59-7](#) according to the euclidean zone that was approved for uses under [Sec. 5.2.4](#).
- Public use space must be provided under [Article 59-4](#) (for standard method) and [Article 59-6](#) (for optional method) according to the euclidean zone that was approved for uses under [Sec. 5.2.4](#).
- The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, or landscaping or further restrict lighting in order to make the necessary findings of approval under [Article 59-8](#).

**G. Public Benefits**

- Development above 1.0 FAR in the CRTF requires public benefits under [Article 59-6](#).
- Development above 0.5 FAR in the CRF zone requires public benefits under [Article 59-6](#).

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# ARTICLE 59-6. OPTIONAL METHOD REGULATIONS

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

## Div. 6.1. MPDU Development in Rural and Residential Zones

### Sec. 6.1.1. In General

Where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by [Chapter 25A](#), as amended, this optional method of development is permitted in order to facilitate the construction of those units.

#### A. Development Approval Procedure

A Site Plan must be submitted under [Sec. 8.3.4](#).

#### B. MPDU Development Across Different Zones

MPDU Optional Method Development may occur across different zones, each of which has provisions for MPDU development, under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and open space must be calculated for each area under [Sec. 6.1.2](#), but must not exceed the maximum density or provide less than the minimum open space if the variously zoned areas were developed individually; and
4. The allowed number of units and required open space may be distributed across the variously zoned areas.

#### C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

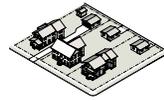
#### D. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

An applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of [Sec. 6.1.2](#), except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must conform to

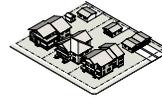
the dimensional standards under the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100% of the units consist of townhouses, if the Planning Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

### E. Building Types Allowed by Zone

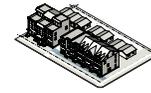
Building types are allowed in Optional Method MPDU Development as follows:



**Detached House**



**Duplex**



**Townhouse**



**Apartment/Condo**

	Detached House	Duplex	Townhouse	Apartment/Condo
<b>Rural Zones</b>				
Rural Neighborhood Cluster (RNC)	A	A	A	--
<b>Residential Detached Zones</b>				
Residential Estate - 2C (RE-2C)	A	A	A	--
Residential Estate - 1 (RE-1)	A	A	A	--
Residential Low Density - 20 (RLD-20)	A	A	A	--
Residential Medium Density - 9 (RMD-9)	A	A	A	--
Residential Medium Density - 6 (RMD-6)	A	A	A	--
Residential Medium Density - 4 (RMD-4)	A	A	A	--
<b>Residential Townhouse Zones</b>				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
<b>Residential Multi-Unit Zones</b>				
Residential High Density - 3 (RHD-3)	A	A	A	A
Residential High Density - 2 (RHD-2)	A	A	A	A
Residential High Density - 1 (RHD-1)	A	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

### Sec. 6.1.2. General Site and Building Type Mix

Optional Method MPDU Development permits an increase in density above the total number of dwelling units permitted by the standard method of development; permits additional building types; and provides more flexibility for certain dimensional standards as indicated in Sections 6.1.2 - 6.1.6.

A. Site	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min.)</b>													
A1 Usable area	10 acres	34 acres	17 acres	9 acres	5 acres	3 acres	3 acres	0.46 acres	0.46 acres	0.90 acres	0.27 acres	0.36 acres	0.46 acres
<b>Density (max.)</b>													
A2 Density (units/acres)	1.22/1	0.48/1	1.22/1	2.44/1	4.39/1	6.1/1	10.12/1	9.76/1	15.25/1	18.30/1	17.69/1	26.47/1	53.07/1
<b>Coverage (min.)</b>													
A3 Rural open space (% of usable area)	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
A4 Common outdoor area (% of usable area)	5%	5%	10%	20%	30%	40%	40%	45%	45%	30%	35%	35%	35%

### B. Building Type

Building Type (max. % of building type)													
B1 Detached House	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
B2 Duplex and/or Townhouse	30%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
B3 Apartment/Condo	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	100%	100%

B4 In the RE-2C, RE-1, RLD-20, RMD-9, and RMD-6 zones, the Planning Board may allow up to 100% duplex and/or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development regulations in this Division (Div. 6.1) for the required number of detached house dwelling units.

B5 MPDU development standards for the RE-2C and RE-1 zones are applicable only for development that is served by public sewer service and where designated for sewer service in the applicable Master or Sector Plan.

### Sec. 6.1.3. Detached House

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min.)</b>													
A1 Lot area	4,000 SF	12,000 SF	9,000 SF	6,000 SF	4,000 SF	3,000 SF	3,000 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF
A2 Lot width at front setback line (feet)	Established at Site Plan												
A3 Lot width at property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												

### B. Placement

<b>Principal Building Setbacks (min.)</b>													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min.)</b>													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max.)</b>													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%

### C. Height

<b>Building Height (max.)</b>													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

## Sec. 6.1.4. Duplex

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min.)</b>													
A1 Lot area	3,500 SF	7,500 SF	4,500 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF	1,000 SF	800SF	800 SF
A2 Lot width at front building line	Established at Site Plan												
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												

## B. Placement

<b>Principal Building Setbacks (min.)</b>													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min.)</b>													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max.)</b>													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%

## C. Height

<b>Building Height (max.)</b>													
C1 Principal building	35'	40'	40'	40'	40''	40''	40''	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

## Sec. 6.1.5. Townhouse

A. Lot	RNC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
<b>Dimensions (min.)</b>													
A1 Lot area	1,500 SF	1,500 SF	1,500 SF	1,200 SF	1,000 SF	1,000 SF	1,000 SF	800 SF					
A2 Lot width at front building line	Established at Site Plan												
A3 Lot width at front property line	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
A4 Frontage on street or open space	Required												

### B. Placement

<b>Principal Building Setbacks (min.)</b>													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at Site Plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
<b>Accessory Structure Setbacks (min.)</b>													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at Site Plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
<b>Coverage (max.)</b>													
B11 Roofed buildings and structures	50%	50%	50%	50%	60%	60%	60%	60%	60%	75%	75%	75%	75%

### C. Height

<b>Building Height (max.)</b>													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

## Sec. 6.1.6. Apartment/Condo

<b>A. Lot</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Dimensions (min.)</b>			
A1 Lot area	12,000 SF	16,000 SF	20,000 SF
A2 Lot width at front property line	50'	50'	50'
<b>B. Placement</b>			
<b>Principal Building Setbacks (min.)</b>			
B1 Front setback from public street	Established at Site Plan		
B2 Side street setback	Established at Site Plan		
B3 Side or rear setback, interior	Established at Site Plan		
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
<b>Parking Setbacks (min.)</b>			
B5 Front setback	30'	30'	30'
B6 Side street setback	10'	10'	10'
B7 Side or rear setback, interior	0'	0'	0'
B8 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
<b>Coverage (max.)</b>			
B9 Roofed buildings and structures	18%	18%	12%
<b>C. Height</b>			
<b>Building Height (max.)</b>			
C1 Principal building	35'	80'	100'
C2 Accessory structure	25'	25'	25'

## Div. 6.2. Cluster Development in Rural and Residential Zones

### Sec. 6.2.1. In General

The purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional Method Cluster Development provides for flexibility in lot layout and for variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use. In order to accomplish this purpose, certain changes in lot areas and dimensions are permitted and a greater variety of building types are allowed. The use of this method of development, and Site Plan approval for portions of such development, are subject to approval by the Planning Board.

#### A. Development Approval Procedure

A Site Plan must be submitted under [Sec. 8.3.4](#) for any development on a property with an approved Sketch Plan.

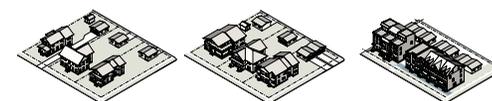
#### B. Community Water and Sewer

Land in the Residential Detached zones is prohibited from developing under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems, except that land in the RE-2C zone that is not served by community sewer may be developed under this method if it meets all of the following conditions:

1. An approved and adopted Master or Sector Plan specifically recommends cluster development with community water but not community sewer;
2. The resulting development will be connected to community water; and
3. The resulting development meets all of the requirements for individual sewerage systems outlined in the most recent county comprehensive water supply and sewerage systems plan and [Executive Regulation No. 5-79](#), as amended, on individual water supply and sewage disposal systems.

### C. Building Types Allowed by Zone

Building types are allowed in Optional Method MPDU Development as follows:



**Detached House      Duplex      Townhouse**

	Detached House	Duplex	Townhouse
<b>Rural Zones</b>			
Rural Cluster (RC)	A	--	--
<b>Residential Detached Zones</b>			
Residential Estate - 2C (RE-2C)	A	--	--
Residential Estate - 1 (RE-1)	A	--	--
Residential Low Density - 20 (RLD-20)	A	--	--
Residential Medium Density - 9 (RMD-9)	A	A	A
Residential Medium Density - 6 (RMD-6)	A	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses    -- = Not allowed

### Sec. 6.2.2. Development Standards

Optional method cluster development must comply with the requirements of [Sec. 6.2.2.A.](#) to [Sec. 6.2.2.E](#) (below).

#### A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable master or sector plan.
2. Development must address any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

#### B. Cluster Development Across Different Zones

Optional method cluster development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common outdoor area must be calculated for each area under [Sec. 6.2.3](#), but must not exceed the maximum density or provide less than the minimum common outdoor area if the variously zoned areas were developed individually; and
4. The allowed number of units and required common outdoor area may be distributed across the variously zoned areas.

**C. Usable Area**

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

**D. Dedicated Land**

Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided that development of the remaining land can be accomplished in compliance with the requirements of this Section (Sec. 6.2.2).

**E. Lots Fronting on Private Cul-de-Sacs in RE-2C Zone**

In the RE-2C zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

1. provides safe and adequate access;
2. has sufficient width to accommodate the dwelling units proposed;
3. will better protect significant environmental features on- and off-site than would a public road; and
4. has proper drainage.

Each private cul-de-sac must comply with the requirements of Section 50-25(h) of the subdivision regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with Site Plan under Sec. 8.3.4.

**Sec. 6.2.3. General Site, Building Type Mix, and Height Standards**

Optional Method Cluster Development permits permits additional building types and provides more flexibility for certain dimensional standards as indicated in Sections 6.2.3 - 6.2.5.

A. Site	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
<b>Dimensions (min.)</b>						
A1 Usable area	n/a	50 acres	50 acres	5 acres	5 acres	5 acres
A1 The Planning Board may allow development to proceed under the Optional Method Cluster Development on sites less than stated above if the subject property is recommended for cluster development in an approved and adopted Master or Sector Plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.						
<b>Density (max.)</b>						
A2 Density (units/acres of usable area)	1/5	0.4/1	1/1	2/1	3.6/1	5/1
<b>Coverage (min.)</b>						
A3 Rural open space (% of property)	60%	n/a	n/a	n/a	n/a	n/a
A3 Common outdoor area (% of usable area)	n/a	5%	10%	20%	30%	40%

**B. Building Type**

Building Type (max. % of building type)	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
B1 Detached House	100%	100%	100%	100%	100%	100%
B2 Duplex and/or Townhouse	0%	0%	0%	0%	100%	100%

**C. Height**

Building Height (max.)	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
C1 Principal Building	50'	40'	40'	40'	35'	35'
C2 Accessory Structure	50'	25'	25'	25'	25'	25'

## Sec. 6.2.4. Detached House and Duplex

A. Lot	RC	RE-2C	RE-1	RLD-20	RMD-9	RMD-6
<b>Dimensions (min.)</b>						
A1 Lot area for detached house	40,000 SF	15,000 SF	12,000 SF	9,000 SF	5,000 SF	3,000 SF
A1 Lot area for duplex	n/a	7,500 SF	6,000 SF	4,500 SF	2,500 SF	1,500 SF
A2 Lot width at front building line	125'	n/a	n/a	n/a	n/a	n/a
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'
A4 Frontage on street or open space	Required					

### B. Placement

<b>Principal Building Setbacks (min.)</b>						
B1 Front setback from public street	50'	35'	35'	25'	25'	20'
B1 Front setback from private street or open space	50'	10'	10'	10'	10'	10'
B2 Side street setback	50'	20'	20'	15'	15'	15'
B3 Side or rear setback, interior	Established at Site Plan					
B4 Side setback, abutting property not included in application	17'	Equal to required setback of abutting lot				
B5 Rear setback, abutting property not included in application	35'	50'	50'	40'	30'	30'
B5 Rear setback, alley	4' or 20'					
<b>Accessory Structure Setbacks (min.)</b>						
B5 Front setback, behind front building line	30'	20'	20'	10'	10'	10'
B6 Side street setback	Side street setback for principal building plus 5'					
B8 Side or rear setback, interior	Established at Site Plan					
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot					
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'
<b>Coverage (max.)</b>						
B11 Roofed buildings and structures	10%	15%	15%	25%	30%	35%

Development in the RLD-20, RMD-9, and RMD-6 may also have to satisfy the coverage restrictions of [Sec. 4.1.5.C](#), Residential Infill Compatibility

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

## Sec. 6.2.5. Townhouse

<b>A. Lot</b>	<b>RMD-9</b>	<b>RMD-6</b>
<b>Dimensions (min.)</b>		
<b>A1</b> Lot area for detached house	1,400 SF	1,200 SF
<b>A2</b> Lot width at front property line	16'	14'
<b>A3</b> Average frontage of a group of attached townhouses	Established at Site Plan	
<b>B. Placement</b>		
<b>Principal Building Setbacks (min.)</b>		
<b>B1</b> Front setback from public street	25'	20'
<b>B1</b> Front setback from private street or open space	10'	10'
<b>B2</b> Side street setback	15'	15'
<b>B3</b> Side or rear setback, interior	Established at Site Plan	
<b>B4</b> Side or rear setback, abutting property not included in application	30'	30'
<b>B5</b> Rear setback, alley	4' or 20'	
<b>Accessory Structure Setbacks (min.)</b>		
<b>B5</b> Front setback, behind front building line	5'	5'
<b>B6</b> Side street setback	Side street setback for principal building plus 5'	
<b>B8</b> Side or rear setback, interior	Established at Site Plan	
<b>B9</b> Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot	
<b>B10</b> Rear setback, alley	4'	4'
<b>C. Form</b>		
<b>Massing (max.)</b>		
<b>C1</b> Number of units permitted in any one row	8	10

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build to line (first number mentioned), or a minimum (second number mentioned).

## Div. 6.3. Transferable Development Rights (TDR) Overlay

### Sec. 6.3.1. In General

The purpose of the TDR Overlay optional method of development is to permit an increase in the maximum density of development established in [Sec. 4.8.4.](#), Transferable Development Rights Overlay, provided the development conforms to the regulations for optional method development using Transferable Development Rights this Section (Sec. 6.3.1).

#### A. Applicability

The procedures and regulations in Sec. 6.3.1. apply to the transfer of development rights from land classified in the AR zone to land classified in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TDR Overlay zone and conforming to the guidelines contained in the applicable Master Plan.

#### B. General Provisions

1. The development density of a property under the TDR Overlay optional method may not be increased above the maximum density permitted in the zone nor beyond the density or number of dwelling units recommended for such property by the applicable Master Plan.
2. A property developed with the transfer of development rights must conform to the requirements of [Chapter 25A](#) requiring MPDU's. The applicability of [Chapter 25A](#) and the MPDU density increase provided by [Sec. 6.1.2.A](#) must be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by [Sec. 6.1.2.A](#) may be made without the acquisition of additional development rights.

#### C. Recording of Development Right

1. A development right must be created, transferred, and extinguished by means of an easement that limits the future construction of detached houses on a property in the AR zone to the total number of development rights allowed under the standards of the AR zone minus all development rights

previously transferred under this Section (Sec. 6.3.1), the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.

2. The transfer of development rights must be recorded in the land records of the county.
3. Prior to recordation of a final record plat for a subdivision using transferred development rights, an easement to the Montgomery County Government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the county.
4. A final record plat for a subdivision using transferred development rights must contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by [Sec. 6.3.1.](#)

#### D. Density Designation

##### 1. Residential Detached and Residential Multi-Unit Zones:

- a. Land designated in a TDR Overlay zone is assigned a number, as recommended in the applicable Master or Sector Plan, that delineates the maximum number of units per acre that may be built through the purchase of TDRs up to the following limits:

Zones	TDR Density (max. units/acre)
RE-2	4
RE-2C	2
RE-1	2
RLD-20	11
RMD-9	28
RMD-6	28
RHD-3	40
RHD-2	50
RHD-1	100

- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) followed by the TDR density designation (1 through 100) on the zoning map, [TDR-#].

**2. Commercial/Residential and Employment Zones:**

- a. Land designated in a TDR Overlay zone may use TDRs under the optional method of development under **Div. 6.4.**
- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) on the zoning map.

**E. Calculation of TDRs Required in the Residential Detached or Residential Multi-Unit Zones**

Development using TDRs must include at least two-thirds of the number of development rights designated unless the Planning Board finds that for environmental or compatibility reasons a lower density is more appropriate.

- 1. In the Residential Detached and Residential Multi-Unit zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed (noted in parentheses). In addition, the minimum amount of common outdoor area required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Outdoor Area (min.)
		Detached House	Duplex	Townhouse	Apartment/Condo	
1	Any size	100%	0%	0%	Not permitted	0%
2	Any size	100%	0%	0%	Not permitted	0%
3-5	< 800 units	30%	0%	0%	Not permitted	35%
	800+ units	30%	0%	0%	0% (20% max.)	35%
6-10	< 200 units	15%	0%	0%	Not permitted	40%
	200+ units	15%	0%	0%	0% (35% max.)	40%
11-15	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	35% (60% max.)	50%
16-28	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	25% (60% max.)	50%
> 28	Any size	0%	0%	0%	25%	50%

- a. The apartment/condo building type is permitted only where specifically recommended in the area Master or Sector Plan for the receiving area. In any instance where the minimum percentage requirement would yield a total of 150 units or less, this requirement does not apply, and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number must be required except where the Planning Board finds otherwise, see **Sec. 6.3.1.B.3.c.**
  - b. A duplex or townhouse building type may be substituted for all or part of the apartment/condo requirement.
  - c. An apartment/condo building type is limited to a maximum building height of 40'. The height limit may be waived upon a finding by the Planning Board that a proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.
- 2. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
    - a. one detached house unit;
    - b. 2 units in a duplex or townhouse building type; or
    - c. 3 units in an apartment/condo building type.
  - 3. The Planning Board may waive the minimum required or maximum allowed number of units if it finds that for environmental or compatibility reasons a different mix of building types is appropriate.

**F. Development Standards**

The following table indicates the required development standards for each TDR density designation:

TDR Density Designation	Development Standards
1	Same as for a detached house building type under standard method in the RE-1 zone, see <b>Div. 4.4</b>
2	Same as for a detached house building type under standard method in the RLD-20, see <b>Div. 4.4</b>
3-5	May utilize the RMD-6 Optional Method MPDU standards, see <b>Div. 6.1</b>
6 or more	Determined at Site Plan

### G. Development with Moderately Priced Dwelling Units

1. Any property developed under this Section (Sec. 6.3.1) must conform to the requirements of Chapter 25A.
2. Any density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under this Section (Sec. 6.3.1) through acquisition of TDRs. The increase in density attributed to Optional Method MPDU Development must not exceed 22% of the TDR density.
3. Development using TDRs and providing MPDUs above 12.5% must be under Div. 6.1., MPDU Development in Rural and Residential zones.

### H. Additional Findings

In addition to the findings required under Sec. 8.3.4., Site Plan, for projects developed under this Division (Div. 6.3), the Planning Board must find that the proposed development:

1. Provides the appropriate range of housing types;
2. Takes advantage of existing topography and environmental features; and
3. Achieves a mutually compatible relationship between the proposed development and adjoining land uses.

## Div. 6.4. Commercial/Residential Zones

### Sec. 6.4.1. Requirements

#### A. Density, Mix, and Height

In the CRT and CR zones, the maximum total, nonresidential, and residential FARs and height for any property is set by the zone as shown on the zoning map.

#### B. Procedure for Approval

A Sketch Plan must be submitted under [Sec. 8.3.3](#). A Site Plan must be submitted under [Sec. 8.3.4](#), for any development on a property with an approved Sketch Plan.

#### C. Public Benefit Points and Categories

Public benefits under [Div. 6.6](#) must be provided as follows:

Zone	Site Size	Public Benefit Points (min.)	Number of Benefit Categories (min.)
CRT	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	25	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	50	3
CR	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	50	3
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	100	4

### Sec. 6.4.2. Development Standards

Optional Method development in all CRT and CR zones must comply with the requirements of [Section 6.4.2.A](#) through [Section 6.4.2.D](#).

#### A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable Master or Sector Plan.
2. Development must comply with any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

#### B. Public Use Space

Public use space must be provided based on the lot size and number of frontages as described in the table below. The required public use space must meet the criteria established under [Div. 7.3](#).

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
% of Site Required to be Dedicated for Public Use Space				
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

#### C. Building Type

All building types and the respective dimensional standards allowed under [Div. 4.5](#) are allowed in the CRT and CR zones under optional method development.

#### D. Neighborhood Compatibility

Where a property abuts or confronts an AR, RR, RC, RNC, RE, RLD, or RMD zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under [Sec. 4.5.3.D](#).

## Div. 6.5. Employment Zones

### Sec. 6.5.1. Requirements

#### A. Density and Height

In the ELS and EOF zones, the maximum total FAR and height for any property is set by the zone as shown on the zoning map.

#### B. Procedure for Approval

A Sketch Plan must be submitted under [Sec. 8.3.3](#). A Site Plan must be submitted under [Sec. 8.3.4](#), for any development on a property with an approved Sketch Plan.

#### C. Public Benefit Points and Categories

Public benefits under [Div. 6.6](#), must be provided as follows:

Zone	Site Size	Public Benefit Points (min.)	Number of Benefit Categories (min.)
ELS	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	15	1
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	30	2
EOF	< 10,000 SF of gross tract area OR with < 1.5 max. FAR	30	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max. FAR	60	3

### Sec. 6.5.2. Development Standards

Optional Method development in all ELS and EOF zones must comply with the requirements of [Section 6.5.2.A](#) through [Section 6.5.2.D](#).

#### A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable Master or Sector Plan.
2. Development must comply with any design guidelines approved by the Planning Board that implement the applicable Master or Sector Plan.

#### B. Public Use Space

Public use space must be provided based on the lot size and number of frontages as described below. The required public use space must meet the criteria established under [Div. 7.3](#).

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
% of Site Required to be Dedicated for Public Use Space				
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

#### C. Building Type

All building types and the respective dimensional standards allowed under [Div. 4.6](#), are allowed in the ELS and EOF zones under optional method development.

#### D. Neighborhood Compatibility

Where a property abuts or confronts an AR, RR, RC, RNC, RE, RLD, or RMD zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under [Sec. 4.6.3.D](#).

## Div. 6.6. Optional Method Public Benefits

### Sec. 6.6.1. General Provisions

#### A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:
  - a. Major Public Facilities;
  - b. Transit Proximity;
  - c. Connectivity and Mobility;
  - d. Diversity of Uses and Activities;
  - e. Quality Building and Site Design; and
  - f. Protection and Enhancement of the Natural Environment.
2. [Section 6.6.2.](#) indicates the individual public benefits that may be accepted in each of these categories in each zone.

#### B. General Public Benefit Considerations

Granting points for the provision of any benefit otherwise required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations and objectives of the applicable Master or Sector Plan;
2. the CR Zone Incentive Density Implementation Guidelines;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the tract;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

#### C. Public Benefit Implementation Guidelines

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

1. be consistent with the objectives of this Division (Div. 6.6);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in this Division (Div. 6.6), but may not conflict with those provisions; and
3. only allow incentive FAR for those public benefits listed in [Sec. 6.6.3.](#)

### Sec. 6.6.2. Public Benefit Applicability

Various public benefits may be accepted in each zone according to the following table:

Benefit	Zone or Optional Method Type			
	CRT	CR	ELS	EOF
Major Public Facility	Y	Y	Y	Y
Transit Proximity	Y	Y	Y	Y
<b>Connectivity &amp; Mobility</b>				
Advance Dedication	Y	Y	Y	Y
Minimum Parking	Y	Y	Y	Y
Neighborhood Services	Y	Y		
Public Parking	Y	Y	Y	Y
Through-Block Connection	Y	Y	Y	Y
Transit Access or Streetscape Improvement	Y	Y	Y	Y
Trip Mitigation	Y	Y	Y	Y
Way-Finding	Y	Y	Y	Y
<b>Diversity of Uses &amp; Activities</b>				
Adaptive Buildings	Y	Y	Y	Y
Affordable Housing	Y	Y	Y	Y
Care Centers	Y	Y	Y	Y
Dwelling Unit Mix	Y	Y	Y	Y
Enhanced Accessibility for the Disabled	Y	Y	Y	Y
Enhanced Visibility for Seniors/Disabled	Y	Y	Y	Y
Live/Work	Y	Y	Y	Y
Small Business Opportunity	Y	Y	Y	Y
<b>Quality Building and Site Design</b>				
Architectural Elevations	Y	Y	Y	Y
Enhanced Recreation Facilities			Y	

Benefit	Zone or Optional Method Type			
	CRT	CR	ELS	EOF
Exceptional Design	Y	Y	Y	Y
Historic Resource Protection	Y	Y	Y	Y
Public Art	Y	Y	Y	Y
Public Open Space	Y	Y	Y	Y
Structured Parking	Y	Y	Y	Y
Tower Step-Back	Y	Y	Y	Y
<b>Protection and Enhancement of the Natural Environment</b>				
Building Lot Terminations	Y	Y	Y	Y
Building Reuse	Y	Y	Y	Y
Cool Roof	Y	Y	Y	Y
Energy Conservation	Y	Y	Y	Y
Energy Generation	Y	Y	Y	Y
Habitat Preservation and Restoration	Y	Y	Y	Y
Recycling Facility Plan	Y	Y	Y	Y
Transferable Development Right	Y	Y	Y	Y
Tree Canopy	Y	Y	Y	Y
Vegetated Area	Y	Y	Y	Y
Vegetated Roof	Y	Y	Y	Y
Vegetated Wall	Y	Y	Y	Y

KEY: Y = Acceptable Public Benefit

### Sec. 6.6.3. Public Benefit Descriptions and Criteria

#### A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan. Major public facilities provide public services at convenient locations where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where a major public facility is not recommended in the applicable Master or Sector Plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable Master or Sector Plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
  - a. The following number of points may be awarded provided the requirements of Sec. 6.6.3.A.3 (above) are met:
    - i. 20 points in an ELS zone;
    - ii. 40 points in an EOF or CRT zone; and
    - iii. 70 points in a CR zone.

#### B. Transit Proximity

1. Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density.
2. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones.

- a. Transit proximity is categorized in 2 levels:
  - i. Level 1 is proximity to an existing or master planned Metrorail Station.
  - ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility.
- b. A project is adjacent to or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100 percent of the gross tract area in a single sketch plan application is within ¼ mile of the transit portal.
- c. For split proximity-range projects:
  - i. If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
  - ii. If less than 75 percent of the gross tract area in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

Proximity	Adjacent or confronting		Within 1/4 mile		Between 1/4 and 1/2 mile		Between 1/2 and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Proximity Level								
ELS	10	5	8	4	6	2	4	0
EOF or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

### C. Connectivity and Mobility

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses.

1. **Advance Dedication:** Up to 8 points in the ELS zone, 15 points in the EOF and CRT zones, and 30 points in the CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or Site Plan application.
2. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **Neighborhood Services:** When fewer than 10 different basic services are within ¼ mile, up to 10 points for providing retail bays resulting in at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.
4. **Networked Street Pattern:** Up to 15 points for locating or designing the project such that a through-street and/or non-motorized right of way intersects or terminates at the project boundary at least every 400 feet or at existing abutting street intervals and intersections, whichever is the shorter distance. Includes a pedestrian or bicycle through-connection in at least 90% of any new culs-de-sac. This does not apply to portions of the boundary where connections cannot be made because of physical obstacles, such as prior platting of property, construction of existing buildings or other barriers, slopes over 15%, wetlands and water bodies, railroad and utility rights-of-way, existing limited-access motor vehicle rights-of-way, and parks and dedicated open space.
5. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
6. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
7. **Transit Access or Streetscape Improvement:** Up to 20 points for creating new or improving existing transit access or for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. **Trip Mitigation:** Up to 15 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.
9. **Way-Finding:** Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

### D. Diversity of Uses and Activities

Development that increases the variety and mixture of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.

1. **Adaptive Buildings:** Up to 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Affordable Housing**
  - a. If providing no more than 12.5% Moderately Priced Dwelling Units (MPDUs), all development must comply with the applicable requirements of [Chapter 25A](#).
  - b. If providing more than 12.5% MPDUs in an ELS, EOF, CRT, or CR zone, 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
  - c. Above 15% of MPDUs, each 1% of additional MPDUs entitles the applicant to an additional 2 benefit points. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 2 points.
  - d. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.

3. **Care Centers:** Up to 20 points for constructing a child or adult day care facility accommodating at least 15 users in accordance with state standards.
4. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units and 5% three- or more bedroom units.
5. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy **American National Standards Institute A117.1 Residential Type A** standards or an equivalent county standard.
6. **Enhanced Visitability for Seniors or the Disabled:** Up to 20 points for constructing dwelling units in accordance with **ANSI A117.1, Type C, Visitable Unit**, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level.
7. **Live/Work:** Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
8. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

## E. Quality Building and Site Design

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

1. **Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of this Division, such as minimum amount of transparency, maximum separation between doors, awning provisions,

sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort or enhance neighborhood compatibility.

2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the supply required by **Div. 7.4**.
3. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Division (Div. 6.6).
4. **Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
5. **Open Space:** Up to 20 points for providing, or making a payment for, the applicable type of open space in excess of any open space requirement of the zone.
6. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
7. **Structured Parking:** Up to 20 points for placing parking within, above or below grade parking structures.
8. **Tower Step-Back:** Up to 5 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

## F. Protection and Enhancement of the Natural Environment

Protection and enhancement of natural systems and decreases in energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

1. **Agricultural Land Preservation:** Up to 10 points for designing or locating the project development footprint such that it does not disturb prime agricultural soil or existing farmland.
2. **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).

The first 5 points are mandatory for all developments in the CRT and CR zone; up to 25 additional points are allowed as an option.

- a. In the CR zone, an applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 5% of the incentive density floor area under the following parameters:
    - i. One BLT must be purchased or equivalent payment made for every 20,000 square feet of gross floor area to qualify for the first 5% incentive density floor area;
    - ii. Any private BLT easement must be purchased in whole units; or
    - iii. BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under **Chapter 2B**; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
  - b. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 5%. Each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment. This is converted into points by dividing the incentive density floor area covered by the purchase or payment by the total square feet of the incentive density area.
  - c. In the CRT zones, BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment.
- [Editor's note: BLT requirements specific to ELS zone to be added]**
3. **Building Reuse:** up to 100 points for reuse of an existing building subject to the following:
    - a. 75% of the structural system of the building must be retained; and
    - b. An architectural deconstruction company must be used to remove reusable and recyclable materials prior to any demolition.
  - c. Although 100 points may be obtained, public benefit category minimums must be met.
  4. **Cool Roof:** Up to 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
  5. **Energy Conservation:** Up to 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings.
  6. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
  7. **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.
  8. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that complies with **Montgomery County Executive Regulation 15-04AM** or **Montgomery County Executive Regulation 18-04**.
  9. **Transferable Development Right:** Up to 20 points for the purchase of or payment towards TDRs. Every TDR purchased is worth 1 point and allows 3,500 square feet of development above the density allowed under the standard method of development. If a site is within a TDR Overlay zone, TDRs must be purchased as recommended by the Master Plan or, if no recommendation is made, at least 5 points must be provided through the purchase of or payment towards TDRs.
  10. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at least 20 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
  11. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. No individual area can

be less than 500 square feet. This does not include vegetated roofs or storm-water management facilities.

12. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
13. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

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## Div. 7.1. Site Access

### Sec. 7.1.1. Intent

- A. The intent of the site access regulations is to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to lessen traffic congestion.
- B. Adjustments may be appropriate where topographic changes are too steep; where adjoining uses are incompatible; or where strict compliance with this Division (Div. 7.1) would pose a safety hazard, as determined by the applicable review body.

### Sec. 7.1.2. Applicability

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

- A. in the CR, CRT, CRN, EOF, ELS, EG, IL, IH, RHD, and Floating zones where an apartment/condo, mixed use, or general building type is proposed; and
- B. a Site Plan or Conditional Use Plan is required.

### Sec. 7.1.3. General Access Requirements

- A. All development and redevelopment must provide a satisfactory means of vehicular, pedestrian, and bicycle ingress and egress to and from a street or an abutting site. Vehicle access across primary pedestrian, bicycle, or transit routes must be limited wherever feasible.
- B. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion.
- C. All pad sites must take vehicular access from within the site.
- D. No land that is located in a Residential zone may be used for driveway or vehicular access purposes to any land that is not Residentially zoned, except in a Historic District or if the land has an existing commercial, industrial, or utility use.

### Sec. 7.1.4. Driveway Access

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

Zone	Width (min)	Width (max)	Radius (max)
RHD			
One-way	12'	16'	10'
Two-way	20'	24'	10'
CR, CRT, CRN, EOF, ELS, EG			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IH	30'	40'	30'

- B. The applicable review body may require wider driveways where unusual traffic, grade or site conditions exist.
- C. Where on-site parking areas can be accessed from an improved alley with a right-of-way of at least 20 feet in width, access from the alley is required and new curb cuts along the public right-of-way are prohibited.
- D. No more than 2 driveways are allowed along the property frontage of any street.
- E. On corner lots, where there is only one driveway, vehicular access must be taken from the street with the lower roadway classification. 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 review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.1) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division.
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings; or
  4. environmental or historic features.
- C. Justification for the alternative method must be submitted to illustrate how the intent of the regulations will be satisfied and access will be enhanced.



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

### Sec. 7.2.1. Intent

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

### Sec. 7.2.2. Applicability

- A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity. The following are exempt from the required parking ratios of this Division (Div. 7.2):
  1. Any structure on the National Register of Historic Places;
  2. Any structure with less than 5,000 square feet of gross floor area located in a CR, CRT, CRN, EOF, ELS, or EG zone; and
  3. Any expansion of less than 500 square feet in floor area or impervious cover.
- B. All off-street parking facilities provided, whether required or in addition to minimum requirements, must conform to all standards contained in this Division (Div. 7.2).
- C. Reducing the area of an off-street parking facility or encroachment of the facility by buildings, vehicle storage, or any other use where such reductions or encroachments will reduce the number of parking spaces to fewer than the minimum required by this Division (Div. 7.2) is prohibited. This does not include parking allowed within the right-of-way.

### Sec. 7.2.3. Calculation of Required Parking

#### A. In General

1. When a lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use can be included in the calculation of parking requirements for any other use, except as expressly allowed in this Division (see [Sec. 7.2.4.C](#) and [Sec. 7.2.5.C](#)).

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

#### B. Conditional Uses

The applicable review body may make adjustments to the minimum and maximum baseline parking requirements using the following guidelines:

1. Provision of ample parking for residents, employees, and visitors, taking into consideration the number of employees on the maximum shift, the method of operation, including the number of appointments and deliveries, type of clientele expected, and type of service provided.
2. Parking requirements may be increased or decreased from those in [Sec. 7.2.4.E](#) or [Sec. 7.2.5.E](#) based on available on-street parking and the availability of nearby public or private parking facilities.

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

#### A. Required Vehicle Parking

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

#### B. Required Bicycle Parking

The minimum bicycle parking requirements of the Agricultural, Rural, Residential, and Industrial zones reflect a non-shared parking environment. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the following table. Long-term bicycle parking spaces are intended to be used for resident and employee parking. Short-term bicycle parking spaces are intended to be used for patrons and visitors.

## C. Adjustments

### 1. Shared Parking

- a. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
- b. The analysis must be provided in a form established by the applicable review body.
- c. Reductions in the total number of required spaces for shared parking are not permitted unless the applicable review body determines a reduction is appropriate on a case-by-case basis.
- d. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The applicable review body will determine whether hours of operation are compatibly overlapping.

### 2. On-Street Space

One on-street parking space located in public or private right-of-way abutting the subject property may be substituted for any required parking space, as determined by the applicable review body.

### 3. Car-Share Space

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

### 4. Affordable Housing or Workforce Housing Units

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

## D. Using the Parking Table

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

E. Agricultural, Rural, Residential and Industrial Zones

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Spaces Required	% Long-Term
<b>Agricultural</b>					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	--	--	--
Farm Tenant Dwelling	Dwelling Unit	1.00			
Nursery, Retail	1,000 SF of Sales Area	3.00	--	--	--
Nursery, Wholesale	1,000 SF of Sales Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA	5.00	--	--	--
<b>Residential</b>					
Single-Unit Living, Two-Unit Living	Dwelling Unit	2.00	--	--	--
Multi-Unit Living	Efficiency Dwelling Unit	1.00	Dwelling Unit (20+ Units Only)	0.5 100 max	95%
	1 Bedroom Dwelling Unit	1.25			
	2 Bedroom Dwelling Unit	1.50			
	3+ Bedroom Dwelling Unit	2.00			
Accessory Apartment, Attached or Detached	Accessory Dwelling Unit	1.00	--	--	--
Home Occupation, Low Impact	Home Occupation	1.00	--	--	--
Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	--	--	--
Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
Group Living	Bed, plus	0.25	Dwelling Unit (20+ Units Only)	0.25 50 max	95%
	Employee	0.50			
	OR: Dwelling Unit or PLQ	1.00			
<b>Civic and Institutional</b>					
Charitable, Philanthropic Institution	1,000 SF of GFA	2.50	10,000 SF of GFA	2.0	85%
Cultural Institution	1,000 SF of GFA	1.25	10,000 SF of GFA	1.0	15%
Day Care Facility					
Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Student (Grade K-8)	0.25	10,000 SF of GFA	2.0	85%
	Student (Grade 9-12)	0.50			
Fire/EMS (Private)	Employee	1.0	10,000 SF of GFA	2.0	85%
Hospital	1,000 SF of GFA	2.5	10,000 SF of GFA	2.0	85%
Private Club, Service Organization	1,000 SF of GFA	2.50	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.25 20.00	10,000 SF of GFA	1.0	15%

KEY: GFA = Gross Floor Area

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USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Spaces Required	% Long-Term
<b>Commercial</b>					
Animal Services	1,000 SF of GFA	3.50	10,000 SF of GFA	1.0	15%
Eating and Drinking	1,000 SF for Patron Use	10.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.25	10,000 SF of GFA	1.0	15%
Landscape Contractor	1,000 SF of GFA	5.00	--	--	--
Lodging, Bed and Breakfast	Guest Room	1.00	--	--	--
Lodging, Hotel, Motel	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.70 10.00	10 Guest Rooms	1.0	100%
Medical and Dental	1,000 SF of GFA	3.50	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.80	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA	5.00	10,000 SF of GFA	1.0	15%
Retail Sales and Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
<b>Industrial</b>					
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Dry Cleaning Facility over 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	100%
Recycling Drop-off Center	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
Recycling Collection and Processing	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	--	--	--

KEY: GFA = Gross Floor Area

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

### A. Required Vehicle Parking

1. The minimum parking requirements of the CR, CRN, CRT, EOF, ELS, and EG zones reflect an environment that typically includes a mix of uses, is in close proximity to transit or contains shared parking resources. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.5.E](#).
  - a. Parking must be provided in Parking Benefit Districts, as defined by [Chapter 60](#), such that the amount provided is between a baseline minimum and a baseline maximum, which may be adjusted in this Section. Parking in all other locations must be provided for at least the baseline minimum, as adjusted; no maximum is established for these locations.
  - b. In a Parking Benefit District, when a building is constructed, parking spaces may be reserved for specific tenants or units, if the baseline minimum is met and the baseline maximum is not exceeded, as adjusted under [Sec. 7.2.5.C](#). For any parking spaces provided beyond the maximum, a fee per space will be assessed or the space must be made available to the general public under [Chapter 60](#).
  - c. In a Primary Parking Benefit District, minimum parking requirements may be met through payment of an annual fee to the appropriate district under [Chapter 60](#).
2. Off-site parking spaces associated with an allowed use may be approved by the applicable review body to fulfill parking requirements if the property proposed to be used for required parking is plat-restricted, deed-restricted, or is under a joint use agreement. The restrictions must specify that the property provides the required parking spaces for a use on another property. The restrictions may be lifted if substitute off-site parking or leased property is found, or if the use ceases to exist. The following conditions apply to a joint use agreement:
  - a. Properties under a joint use parking agreement will be under the unified control of the involved parties concerned. A written joint use agreement must be submitted with a Conditional Use Plan or Site Plan. The minimum term for the joint use agreement is 5 years.

- b. Agreement by both parties in a joint use arrangement to immediately notify DPS of any changes to the joint use arrangement and provide DPS with a minimum of one month notification of any pending termination of the agreement.
- c. Agreement by any applicant under such a joint use arrangement to immediately cease or limit his or her use, as required, should the joint use arrangement be nullified and sufficient alternate parking not be found before the end of the one month notification period.
- d. A subsequent change in use or in the joint use agreement requires a new use and occupancy permit and proof that sufficient parking will be available.

### B. Required Bicycle Parking

The following minimum bicycle parking requirements reflect a mixed use environment. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.5.E](#). Long-term bicycle parking spaces are focused on resident and employee parking. Short-term bicycle parking spaces are focused on patrons and visitors.

### C. Adjustments

#### 1. NADMS Factor

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

#### 2. On-Street Space

One on-street parking space located in public or private right-of-way abutting the subject property may be substituted for any required parking space, as determined by DPS.

#### 3. Carpool/Vanpool Space

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

**4. Car-Share Space**

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

**5. Unbundled Residential Space**

Where residential parking for Single-Unit Living, Two-Unit Living, and Multi-Unit Living is unbundled (parking spaces are offered at market rates as an option distinct from the purchase or lease of a residential unit), the applicable baseline minimum parking requirement may be reduced by two-thirds.

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

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

**D. Using the Parking Table**

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

E. Commercial/Residential and Employment Zones

USE or USE GROUP	Required Parking	Metric	VEHICLE PARKING SPACES			BICYCLE PARKING SPACES		
			Primary/Secondary Parking Benefit Districts		All Other Locations	All Locations		
			Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Spaces Required	% Long-Term
<b>Agricultural</b>								
	Nursery, Retail	1,000 SF of Sales Area	0.25	1.25	1.25	10,000 SF of GFA	1.0	15%
<b>Residential</b>								
	Single-Unit Living, Two-Unit Living	Dwelling Unit	1.00	2.00	2.00	--	--	--
	Multi-Unit Living							
	Efficiency	Dwelling Unit	0.50	1.00	1.00	Dwelling Units (20+ Units Only)	0.5 100 max	95%
	1 Bedroom	Dwelling Unit	0.50	1.25	1.25			
	2 Bedroom	Dwelling Unit	0.75	1.50	1.50			
	3+ Bedroom	Dwelling Unit	1.00	2.00	2.00			
	Accessory Apartment, Attached or Detached	Dwelling Unit	1.00	2.00	1.00	--	--	--
	Home Occupation, Low Impact	Home Occupation	1.00	1.00	1.00	--	--	--
	Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
	Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	2.00	2.00	--	--	--
	Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
	Group Living	Each Bed, plus Each Employee OR: Each Dwelling Unit or PLQ	0.25 0.50 0.50	0.25 0.50 1.00	0.25 0.50 1.00	Dwelling Units (20+ Units Only)	0.25 50 max	95%
<b>Civic and Institutional</b>								
	Charitable, Philanthropic Institution	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	2.0	85%
	Cultural Institution	1,000 SF of GFA	0.50	1.25	1.25	10,000 SF of GFA	1.0	15%
	Day Care Facility							
	Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	1.00	1.00	--	--	--
	Group Day Care, Day Care Center	1,000 SF of GFA	3.00	3.00	3.00	10,000 SF of GFA	2.0	85%
	Educational Institution (Private)	Each Student (Grade K-8) Each Student (Grade 9-12)	0.15 0.25	0.25 0.50	0.25 0.50	10,000 SF of GFA	2.0	85%
	Fire/EMS (Private)	Each Employee	0.50	1.00	1.00	10,000 SF of GFA	2.0	85%
	Hospital	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	2.0	85%
	Private Club, Service Organization	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	1.0	15%
	Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.15 10.00	0.25 14.00	0.25 14.00	10,000 SF of GFA	1.0	15%

GFA = Gross Floor Area

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USE or USE GROUP	Metric	VEHICLE PARKING SPACES			BICYCLE PARKING SPACES		
		Primary/Secondary Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Spaces Required	% Long-Term
<b>Commercial</b>							
Animal Services	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Eating and Drinking	1,000 SF for Patron Area, excluding outdoor seating area	2.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.15	0.50	0.50	10,000 SF of GFA	1.0	15%
Lodging	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.33 2.00	0.66 4.00	0.50 4.00	10 Guest Rooms	1.0	100%
Medical and Dental	1,000 SF of GFA	2.00	3.00	2.25	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.00	2.70	2.25	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA	1.00	3.50	3.50	10,000 SF of GFA	1.0	15%
Retail Sales and Service	1,000 SF of GFA	1.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
<b>Industrial</b>							
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.00	3.00	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	100%
Recycling Drop-off Center	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.00	3.00	1.50	--	--	--

GFA = Gross Floor Area

## Sec. 7.2.6. Parking Design Standards

### A. Location

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

### B. Access

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

### C. Marking

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

### D. Size of Spaces

1. Parking spaces must meet the following dimensional requirements:

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

2. Up to 15% of all required spaces may be compact spaces.

3. If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the minimum stall width of that space must be increased by one foot.
4. Tandem parking is allowed for dwelling units and valet parking. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length. When used for residential purposes, both parking spaces in tandem must be assigned to the same dwelling unit.
5. Valet parking is allowed as a means of satisfying required parking where:
  - a. An attendant is provided to park vehicles during all business hours of the benefitting use.
  - b. An equivalent number of valet spaces are available to substitute for the required parking spaces. Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

### E. Drive Aisles

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

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

### F. Handicapped Spaces

Parking spaces for handicapped persons must be provided under the standards specified in the Maryland Building Code for the Handicapped as contained in the Code of Maryland Regulations 05.02.02, dated February 1, 1995.

**G. Motorcycle/Scooter Parking**

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

**H. Car-Share Spaces**

1. One car-share parking space is required for every 50 reserved 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.

**I. Electric Plug-In Spaces**

1. All parking facilities containing more than 50 parking spaces must provide one electric plug-in parking space for every 50 reserved parking spaces.
2. An electric plug-in space may count for 0.5 spaces in the calculation for minimum parking requirements.
3. An electric vehicle charging station must be provided adjacent to the designated electric plug-in space and must be a Level 3 charging level or higher.
4. Electric plug-in spaces must include:
  - a. Signage indicating the space is reserved for parking and charging electric vehicles only. Signage must include days and hours of operations if time limits or tow away provisions are to be enforced.
  - b. Adequate site-lighting for the charging station equipment, unless charging is for daytime purposes only.
5. Charging station equipment provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, must adhere to state and federal accessibility requirements.

**J. Parking Separation**

1. All parking spaces must be separated from sidewalks, roads, streets, or alleys by curbing or wheel stops.
2. All roads, streets, alleys, sidewalks, and other public rights-of-way must be

protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

**K. Walkways**

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

**L. Drainage**

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

**M. Landscaping and Lighting**

Landscaping and lighting in parking lots must follow the regulations in [Div. 7.5](#).

**N. Parking Setbacks**

1. Where a parking facility adjoins an existing or planned public right-of-way that is 120 feet or more in width, the provision for a landscaped strip applies to the property line abutting that right-of-way in lieu of the residential setback.
2. Where a parking facility is located on land zoned Agricultural, Rural, or Residential in a designated historic district in conjunction with a commercial use also located in the historic district, the applicable setbacks for parking surfaces, spaces and driveways may be waived by the applicable review body at the time of Site Plan or Conditional Use Plan review.

**O. Facilities for Conditional Uses in Residential Zones**

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

**1. Location**

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

**2. Setbacks**

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

- a. Where 150 to 199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet;
- b. Where 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.

**P. Commercial Vehicle Parking for Properties with a Residential Use**

**1. In General**

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

**2. AC, RR, 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 size of 40,000 square feet, must meet the requirements set in **Sec. 7.2.8.P.3.**

**4. RLD-20, RMD-9, RMD-6, and RMD-4 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.

**Q. Surface Parking in RLD-20, RMD-9, and RMD-6**

- 1. Parking for any vehicle or trailer in the area between the property line and the front building line must be on a surfaced area.
- 2. Temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.
- 3. The maximum percentage of the area between the property line and the front building line that can be covered by surfaced area, excluding the surfaced area in a driveway on a pipestem or flag shaped lot is as follows:
 

a. RLD-20	30%
b. RMD-9	30%
c. RMD-6	35%
- 4. Any surfaced area existing before October 26, 2010 is not limited by this provision if the existing surface area is not increased.
- 5. For properties with primary access from a primary residential street, minor arterial road, major highway or arterial, or any state road, the surfaced area may be a maximum of 50% of the area between the property line and the front building line.
  - a. Surfaced area consisting of 2 parking spaces can exceed the limits of this provision if it is no larger than 320 square feet in total area.
  - b. No more than one vehicle may be parked for every 160 square feet of surfaced area.

- c. The limit on surfaced area does not apply to stone or rock quarries in the RLD-20 zone.
  - d. The Department of Permitting Services may grant a waiver to these surfaced area limits as necessary to protect public safety.
6. Parking in the area between the property line and front building line on a non-surfaced area or parking on less than 160 square feet of surfaced area for each vehicle must cease after October 24, 2011.

### Sec. 7.2.7. Bicycle Parking Design Standards

#### A. Long-Term Spaces

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

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

- i. All facilities must be well lit.

##### 2. Space Dimensions

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

##### 3. Signs

Where a long-term bicycle parking facility is not visible from the street or main building entrance, a sign indicating the location of the parking must be posted on the street at eye level 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), must provide one shower for each gender, unless provided in the development in a common area. An additional one shower per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 showers per gender.
- b. Where long term bicycle storage is required for a nonresidential use, a minimum number of clothing lockers equal to 0.3 times the minimum number of required long term storage spaces must be provided for each gender, and must be a minimum of 12 inches wide, 18 inches deep, 36

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

## B. Short-Term Spaces

### 1. Location, Access, and Security

- a. Short-term spaces must be available to the public.
- b. Spaces must be provided in a convenient, well-lit location that is clearly visible to both the occupants of the building for which the spaces are built, as well as the sidewalk that accesses the building's main entrance.
- c. Spaces must be placed no more than 50 feet from:
  - i. the main entrance of the building;
  - ii. at least one main entrance of a building with more than one main entrance;
  - iii. the main entrance of each building on a site with more than one building;
  - iv. And if a Site Plan or Conditional Use Plan is required, the applicable review body may approve an alternative.
- d. Parking racks must be placed to avoid obstructing pedestrian traffic, bus stops, trees, and other features located in the pedestrian area.
- e. Sidewalk racks that are parallel to the curb must be located 2 feet from the curb face.
- f. Sidewalk racks aligned perpendicular to the curb must be placed so that the nearest vertical component of the rack is at least 4 feet from the curb.
- g. Sidewalk racks must be at least 14 feet from any stand-alone fire hydrant.
- h. Each parked bicycle must be accessible without moving another bicycle.
- i. An aisle of at least 5 feet in width must be maintained behind all occupied parking racks to allow room for bicycle maneuvering.

### 2. Racks

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

- a. the bicycle frame and one wheel can be locked to the rack with a high security lock;
- b. a bicycle can be securely held with its frame supported in at least 2 places;
- c. racks must be offset a minimum of 30 inches on center;
- d. the rack must be durable and securely anchored; and
- e. the locking surface of the rack should be thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters.

## Sec. 7.2.8. Queuing Design Standards

### A. In General

Adequate space must be made available on-site for the storage and queuing of vehicles. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks.

### B. Drive-Thru Facility Design

1. No part of a drive-thru facility, including the queuing area, may be located within 100 feet of a property line shared with land zoned RE-1, RE-2, RE-2C, RLD-20, RMD-9, RMD-6, or RMD-4.
2. No drive-thru service window, drive aisle, or queuing area may be located between the street and the front wall of the principal building.
3. No drive-thru service window, drive aisle, or queuing area may be located between the street and the side wall of the principal building on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.

## Sec. 7.2.9. Loading Design Standards

### A. Applicability

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

### B. Required Off-Street Loading Spaces

#### 1. Multi-Unit Living Uses

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

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

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

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

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

### C. Shared Loading Spaces

Applicants wishing to use shared loading spaces must submit a shared loading space agreement for approval by the applicable review body.

### D. Location and Design

#### 1. Location

- All off-street loading spaces must be located on the same lot as the building or use served unless the applicant has an approved shared loading space agreement.
- Off-street loading spaces are prohibited from projecting into a public right-of-way.
- Off-street loading spaces are prohibited from being located between the front building line and property line.
- Off-street loading spaces must be at least 100 feet from the nearest property line of lots zoned RE-2, RE-2C, RE-1, RMD-9, RMD-6, or RMD-4.

#### 2. Screening

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

#### 3. Dimensions

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

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

#### 4. Maneuvering

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

- 30': Spaces serving single-unit trucks and similar delivery vehicles.

- b. 50': Spaces serving larger freight vehicles.

#### **5. Surfacing**

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

#### **6. Drainage and Maintenance**

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

#### **7. Safe Design**

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

### **Sec. 7.2.10. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this **Div. 7.2** where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the provision of parking and loading required under this Division.
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. Irregularly-shaped sites;
  - 2. Properties abutting major roadways on multiple frontages; or
  - 3. Retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

## Div. 7.3. Open Space

### Sec. 7.3.1. Intent

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

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

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

Zone	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
AC, RR				
RC	CD			
RNC	A	MPDU		
RE, RLD, RMD		MPDU, CD		
RHD, TLD, TMD, THD		A		
CRN, CRT, CR, EG, ELS, EOF		T	U, B	
IL, IH				A
Floating Zones		R	B	

**KEY:**

- A = Required for all development
- B = Required for apartment/condo, mixed use building, or general building under Optional Method Development
- CD = Required as part of an Optional Method Cluster Development
- MPDU = Required as part of an Optional Method MPDU Development
- R = Required for detached house, duplex, or townhouse of more than 6 units
- T = Required for townhouse development
- U = Required for all standard method development as indicated under Article 59-3
- Blank Cell = Not required

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

#### A. Allowed Uses

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

Use	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
Community garden or farming, if all applicable best management practices are used to minimize environmental impacts	A			
Community gardens or urban farms, if all applicable best management practices are used to minimize environmental impacts		A		
Conservation areas or land trusts for natural, archeological or historical resources	A	A		
Open spaces such as lawns, gardens, plazas, walks, pathways, promenades, arcades, urban parks, or town squares			A	
Open spaces such as lawns, gardens, ornamental planting areas, or natural habitat				A
Wildlife corridors, game preserves, and similar conservation-oriented areas	A	A		
Pedestrian or multipurpose trails	A	A	A	A
Passive recreation areas and facilities	A	A	A	A
Active recreation areas and facilities		A	A	
Community swimming pools		A		
Public parks, playground			A	A
Private parks, playground				A
Public space or amenities recommended by an approved urban renewal system			A	
Above-ground utility rights-of-way	A	A	A	A
Water bodies, such as lakes, ponds, and floodways	A	A		
Non-structural, natural, and ESD stormwater management facilities	A	A	A	A
Utilities	A	A	A	A
Other conservation-oriented uses compatible with the purpose of this sections	A	A		

KEY: A = Allowed Use    Blank Cell = Use is not Allowed

**B. Prohibited Uses**

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

Use	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
Streets and impervious parking areas	N	N		
Parking or maneuvering areas for vehicles			N	N
Public streets			N	N
Individual wastewater disposal areas, or drain fields for community systems		N	N	N
Transitory Use	N	N	N	N
Activities prohibited by the applicable review body and recorded on the legal instrument providing for permanent protections. Any changes to the management plan must be approved by the applicable review body.	N	N	N	N
Any use prohibited in rural open space under Sec. 7.3.4.A.4	N			

KEY: N = Use Expressly Prohibited    Blank Cell = Use is not Allowed

**Sec. 7.3.4. Rural Open Space**

**A. General Regulations**

**1. Applicability**

- a. All optional method development in the RC zone is required to provide rural open space.
- b. All development in the RNC zone is required to provide rural open space.

**2. Definition**

Rural open space is land that is managed as farmland or is returning to its natural state without human intervention. Rural open space is typically contiguous and shares an extended boundary with the subject development. Rural open space should preserve sensitive agricultural soils, natural resources, sensitive areas, and associated habitats.

**3. Amount of Rural Open Space**

- a. The amount of required rural open space in the RC zone is identified in [Div. 4.3](#). The amount of required rural open space in the RNC zone is identified in [Div. 4.3](#) for standard method development and [Sec. 6.1.2](#) for optional method development.
- b. The Planning Board may approve a minor variation in the Master Plan recommended rural open space if the Planning Board finds that the variation would retain or enhance both the quality and character of the rural open space as set forth in the intent of this Section (Sec. 7.3.4).

**4. Guidelines for Development**

[\[Editor's note: Info on how to record open space and site design to be added\]](#)

**5. Uses Prohibited in the Rural Open Space:**

- a. In the RC and RNC zones, the following uses are prohibited

Use	RNC	RC
Agricultural Processing		x
Equestrian Facility (3+ horses)	x	
Farm Supply, Machinery Sales, Storage and Service		x
Accessory Agricultural Processing		x
Nursery (Retail)	x	x
Nursery (Wholesale)	x	x
Slaughterhouse		x
Winery	x	
Farm Market, On-Site	x	
Seasonal Outdoor Sales	x	x
Multi-Unit Living	x	
Farm Tenant Dwelling (not associated with a farm in the rural open space)		x

Use	RNC	RC
Independent Living Facility for Seniors or Persons with Disabilities	x	x
Residential Care Facility	x	x
Charitable, Philanthropic Institution	x	x
Cultural Institution	x	
Group Day Care (9 - 12 Persons)	x	x
Day Care Center (13 or more Persons)	x	x
Educational Institution (Private)	x	
Private Club, Service Organization	x	x
Public Use (except Utilities)	x	x
Religious Assembly	x	x
Swimming Pool (Community)	x	
Animal Boarding and Care	x	x
Veterinary Office/Hospital	x	x
Cable Communications System	x	
Freestanding Wireless Communications Tower	x	
Media Broadcast Tower		x
Country Inn		x
Cemetery	x	x
Landscape Contractor	x	x
Shooting Range (Outdoor)		x
Rural Antique Shop	x	x
Country Market	x	
Mining, Excavation		x
Public Utility Building or Structure	x	

KEY: x = Prohibited

## B. Design Regulations

### 1. Open Space Allocation

In allocating land for required rural open space, the following are considered of primary importance:

- a. floodplains;
- b. stream buffer areas;

- c. jurisdictional wetlands under federal law (Sec. 404) that meet the definition applied by the Army Corps of Engineers;
- d. habitat for federally-listed endangered or threatened species;
- e. historic, archaeological and cultural sites, cemeteries and burial grounds;
- f. agricultural lands containing prime farmland soils or other soils of state-wide importance;
- g. individual existing healthy trees greater than 12 inches DBH;
- h. areas that connect the site to neighboring rural open space, trails, or greenways;
- i. 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 or Sector Plan.

### 2. Configuration of Rural Open Space

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

## Sec. 7.3.5. Common Outdoor Area

### A. General Regulations

#### 1. Applicability

Common outdoor area is required for the following:

- a. All optional method development in the RNC, RE, RLD, and RMD zones;

- b. All standard and optional method development in the RHD, TLD, TMD, and THD zones;
- c. All townhouse development in the CRN, CRT, CR, EG, ELS, and EOF zones; and
- d. All detached house, duplex, and townhouse development of more than 6 units in the Floating zones.

## 2. Definition

Common outdoor area is the area not included in individual building lots or dedicated to public use. Common outdoor area may be public or private.

## 3. Amount of Common Outdoor Area

The amount of common outdoor area is calculated as outlined below:

- a. For Optional Method MPDU development in Rural and Residential zones, the required percentage is identified in [Sec. 6.1.2](#), General Site and Building Type Mix.
- b. For Optional Method Cluster Development in the Residential zones, the required percentage is identified in [Sec. 6.2.3](#), General Site, Building Type Mix, and Height Standards.
- c. For townhouse building type in the CRN zone, the required percentage is identified in [Sec. 4.5.6](#), Townhouse, Standard Method Development Standards.
- d. For detached house, duplex, or townhouse building type in the Floating zones, the required percentage is identified in [Sec. 5.1.6.D](#), Development Standards.

## B. Design Regulations

- 1. Common outdoor area is intended for common use by the residents of the neighborhood and must be located in a central position or central positions in the neighborhood bordered by streets or building lots. Common outdoor area 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 outdoor area is 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this section.

- 3. A minimum of 50% of the required common outdoor area must be in a contiguous lot or site or series of lots and sites. For the purposes of this section, contiguous includes any common outdoor area bisected by a street.

## Sec. 7.3.6. Public Use Space

### A. General Regulations

#### 1. Applicability

- a. All development of an apartment/condo building, mixed use building, or general building type in the CRN, CRT, CR, EG, ELS, EOF, and Floating zones must provide public use space on any site greater than 10,000 square feet in area.

#### 2. Definition

Public use space is space devoted to public enjoyment and must be easily and visibly accessible and open.

#### 3. Amount of Public Use Space

The amount of public use space is calculated as a percentage of the net tract area as outlined below:

- a. For standard method development in the CRN, CRT, and CR zones, the required percentage is identified by building type in [Div. 4.5](#). Commercial/Residential zones.
- b. For optional method development in the CR and CRT zones, the required percentage is identified in [Sec. 6.4.2.B](#), Public Use Space.
- c. For standard method development in the Employment zones, the required percentage is identified by building type in [Div. 4.6](#). Employment zones.
- d. For optional method development in the Employment zones, the required percentage is identified in [Sec. 6.5.2.B](#), Public Use Space.
- e. For Floating zones, the required percentage is identified in [Div. 59-4](#) (for standard method) and [59-6](#) (for optional method) according to the euclidean zone that was approved for uses under [Section 5.2.4](#).

**B. Design Regulations**

The standards and amenities contained within public use space are determined under the findings required by Site Plan or Conditional Use Plan review (see [Div. 8.3](#), Regulatory Approvals).

**C. Off-Site Options**

Instead of providing on-site public use space, an applicant may satisfy all or part of the requirement by one or more of the following means (subject to Planning Board approval):

1. Implementing public park or public use space improvements of an equal or greater size within or near the applicable Master or Sector 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 or sector plan area if the payment is:
  - a. Equal to the cost of constructing an equal amount of public use space and associated amenities on-site per square foot plus the fair market value of the applicable tract of land per square foot;
  - b. Used to implement the open space, recreation, and cultural goals of the applicable Master or Sector Plan; and
  - c. Made within 30 days of the release of any building permit for the subject application.

**Sec. 7.3.7. Green Area****A. General Regulations****1. Applicability**

Any development in the IL or IH zones is required to provide green area under this section.

**2. Definition**

An area associated with a major building or group of buildings, or a prescribed portion of the area designated on a Site Plan or Conditional Use Plan, that provides access to active or passive recreation areas and natural features for the use and enjoyment of employees and visitors.

**3. Amount of Green Area**

- a. The amount of public use space is calculated as a percentage of the gross project area as outlined below.
  - i. For standard method development in the IL or IH zones, the required percentage is identified by building type in [Div. 4.7](#).
  - ii. For optional method development in the IL or IH zones, the required percentage is identified in [Sec. 6.5.2.B](#), Green Area.
- b. A minimum of 50% of any green area must be permeable.
- c. The green area required under this section may be alternatively met by public use space under, [Sec. 7.3.6](#), Public Use Space.

**B. Design Regulations**

1. The minimum width for any required public use space is 25 feet.
2. A minimum of 75% of the required green area must be contiguous.

**Sec. 7.3.8. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division ([Div. 7.3](#)) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of open space required under this Division.
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings or other site elements; or
  4. historic or environmental factors.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied and open space will be enhanced.

## Div. 7.4. Recreation Facilities

### Sec. 7.4.1. Intent

The intent of this Division (Div. 7.4) is to provide access to recreation facilities and amenities to ensure the health, safety, and welfare of county residents. Such facilities provide an important supplement to the public park and recreation system, but in no way diminish the need for parks as estimated in the **Parks, Recreation and Open Space Master Plan**.

### Sec. 7.4.2. Applicability

Any development project that provides 20 or more residential units in any zone must provide recreational facilities that meet the standards of this Division (Div. 7.4).

### Sec. 7.4.3. Determining Demand

A. The extent of recreation facilities that must be provided is determined by the points required for the mix of building types in the project. The following table provides the assessed point value for each project based on unit type and age group.

Building Type	Points Required Per Unit				
	Tots	Kids	Teens	Adults	Seniors
Detached House/Duplex ≥ 20,000 SF lots	.10	.20	.20	.80	.10
Detached House/Duplex < 20,000 SF lots	.15	.25	.25	1.00	.10
Townhouse	.20	.20	.20	1.20	.10
Apartment/Condo, Mixed Use < 5 stories	.10	.15	.10	1.20	.10
Apartment/Condo, Mixed Use ≥ 5 stories	.05	.05	.05	.80	.50
Senior/Age-Restricted Housing	.05	.05	.05	.05	1.00

- B. The required amount and type of recreation facilities is determined by calculating the sum of the points by building type for each age group.
- C. When a project combines building types, the recreation facilities requirements are the sum of the requirements for each building type.

### Sec. 7.4.4. Calculating Supply

A. After the required number of points for each age group has been determined, the applicant must determine the type of recreation facilities that must be provided. The following table establishes the supply credit for each type of recreation facility. Credit may be given for on-site facilities and for off-site facilities that are within close proximity to the project.

Facility Type	On-Site Credits					Off-Site Credits		
	Tots Age 0-4	Kids 5-11	Teens 12-17	Adults 18-64	Seniors 65+	1/4 Mile	1/2 Mile	1 Mile
Tot lot	10			2	2			
Playground	10	15		2	2			
Sitting area	2	2	10	5	10			
Picnic area	2	2	5	10	10			
Small lawn area	5	10	10	5	5			
Large lawn area	2	5	15	10				
Sport court		10	15	10				
Sport field		10	15	10				
Sidewalk network		5	10	15	10			
Bicycle path / shared use trail		5	10	15	10			
Swimming, aquatic facility	2	10	15	15	15	X 0.75	X 0.5	X 0.25
Natural trail / path	2	10	15	20	15			
Public park	5	10	10	10	15			
Cultural facility		5	10	20	20			
Urban plaza		10	20	20	15			
Community gym / health facility			5	20	10			
Community room	2	5	10	20	20			
Community garden	2	5	5	10	10			
Small dog park	2	5	10	10	10			
Large dog park	5	10	15	15	15			

The supply credit calculated must equal or exceed the number of points for each unit type and age group in the project.

## Sec. 7.4.5. Recreation Facility Standards and Specifications

### A. In General

Any recreation space located outdoors must:

1. be on the site of the proposed development, unless reduced off-site credit is taken;
2. be located in one designated area on the site, unless the applicable review body determines that residents of the development would be better served by multiple areas with recreational facilities decentralized;
3. be accessible and convenient to all residents within the development;
4. be located adjacent to, and be accessible by, sidewalks or trails and be connected to any existing or planned park, public open space, or trail system located on adjoining property; and
5. contain fixed recreational equipment that satisfies the county design specifications and consumer product safety standards.

### B. Tot Lot

A facility with play features to support 5 activities for tots, including climbing, balancing, and sliding activities.

1. Area must be a minimum of 1,000 square feet.
2. Area must be setback a minimum of 30 feet from the boundary of the development or any street, except where fencing or landscaping is provided to ensure compatibility and safety
3. Shade trees must be provided, along with planting to define the area and low shrubs to separate the facility from any street. Not applicable for tot lots located on rooftops.
4. Adjacent seating and a trash receptacle must be provided.

### C. Playground

A facility with play features to support 10 activities for tots and kids, including climbing, balancing, and sliding activities.

1. Area must be a minimum of 2,500 square feet.

2. Setbacks must be 30 feet from the boundary of the development or any street, except where fencing or landscaping is provided to ensure compatibility and safety.
3. Shade trees must be provided, along with planting to define the area and low shrubs to separate the facility from any street. Not applicable for playgrounds located on rooftops.
4. Adjacent seating and a trash receptacle must be provided.
5. Where tot equipment is provided, it should be physically separated.

### D. Sitting Area

A facility with at least 2 benches that accommodate a minimum of 6 people.

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. A trash receptacle must be provided.

### E. Picnic Area

A facility with at least one picnic table that accommodates a minimum of 6 people.

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. A trash receptacle must be provided.

### F. Small Lawn Area

An open grass area to accommodate play activities.

1. Area must be a minimum of 5,000 square feet.
2. Must be of grade suitable for play activities.
3. Minimum dimension must be 45 feet (width or depth).
4. Setbacks must be 30 feet from any building or street, except where fencing or landscaping is provided to ensure safety.
5. Landscaping must be used to define the area.
6. Positive drainage with a slope of 2% to 5% must be provided.

**G. Large Lawn Area**

An open grass area to accommodate play activities.

1. Area must be a minimum of 10,000 square feet.
2. Must be of grade suitable for play activities.
3. Minimum dimension must be 60 feet (width or depth).
4. Setbacks must be 20 feet from any building or street, except where fencing or landscaping is provided to ensure safety.
5. Landscaping must be used to define the area.
6. Positive drainage with a slope of 2% to 5% must be provided.

**H. Sport Court**

An indoor or outdoor-area that serves as a court for basketball, volleyball, racquet sports, or similar activities.

1. Area dimensions must satisfy the standard and accepted dimensions of the intended sports.
2. When a sport court is provided outside, the following standards apply:
  - a. Setbacks must be 20 feet from any building and any street, except where fencing or landscaping is provided to ensure compatibility.
  - b. Positive drainage with a slope of 2% to 5% must be provided.
  - c. A north-south orientation is preferred.
3. Skate parks must be a minimum of 1,200 square feet and provide at least 5 ramps or obstacles.

**I. Sport Field**

A turf grass field for soccer, lacrosse, football, and similar sports.

1. The area dimensions must satisfy the standard and accepted dimensions of the intended sports.
2. Setbacks must be 100 feet from any building and 40 feet from any street, except where fencing or landscaping is provided to ensure compatibility.
3. Shade must be provided for any spectator seating area.
4. Positive drainage must be provided, with a central longitudinal crown and 1.5% slope to sidelines.
5. A northwest-southeast orientation is preferred.

**J. Internal Sidewalk Network**

A safe, coherent, and continuous system of sidewalks and pedestrian paths.

1. A minimum length of one mile must be provided.
2. Minimum width must be 5 feet.
3. Linkages to neighborhood destinations must be provided, including to public transportation and public facilities.
4. Facilities must comply with county specifications, including those for handi-capped accessibility.
5. Resting areas should be provided.

**K. Bicycle Path, Bicycle Lane, Shared Use Trail**

A safe, coherent, and continuous system of bicycle paths, lanes, or routes.

1. A minimum length of one mile must be provided if the proposed on-site system does not connect to or complete an existing network of bike paths, bike lanes, or shared use trails.
2. Minimum facility widths:
  - a. Bike path (one way) must be a minimum of 6 feet.
  - b. Bike path (2 way) must be a minimum of 8 feet.
  - c. Bike lane must be a minimum of 4 feet.
  - d. Shared use trail must be a minimum of 10 feet.
3. Linkages to neighborhood destinations must be provided, including to public transportation and public facilities.
4. Facilities must comply with the Master Plan for Bikeways, and with county path and trail specifications.
5. Resting areas should be provided.

**L. Swimming, Aquatic Facility**

An indoor or outdoor swimming pool or other aquatic facility that allows for recreational swimming.

**1. In Residential Zones:**

- a. Outdoor pool deck must be 50 feet from any residential building and 30 feet from any street.

- b. Shade and evergreen trees must be used to define any outdoor pool area.
- c. Pool must conform to Montgomery County Health Department standards.

**2. In Commercial/Residential, Employment, and Floating Zones:**

- a. Pool may be constructed on a rooftop or raised terrace.
- b. Pool must conform to Montgomery County Health Department standards.

**M. Natural Trail/Path**

A path that provides access and opportunities to interact with nature such as woodlands, wetlands, ponds, and creeks.

- 1. A minimum length of one mile must be provided.
- 2. Minimum width must be 5 feet.
- 3. Trail should be designed to minimize erosion.
- 4. Pervious surfaces such as crushed stone are encouraged.
- 5. Must conform to Department of Environmental Protection guidelines for environmental management and must be designed to maximize protection and function of the natural features.
- 6. Resting areas should be provided.

**N. Nature Park**

A substantial area primarily comprising natural reserve such as a woodland, wetland, or pond.

- 1. Area must be a minimum of 200 square feet per residential unit.
- 2. Minimum width must be 50 feet.
- 3. Must be accessible from a public street or common land.
- 4. Must be cleared of man-made debris.
- 5. Portions of the area must be passable and walkable.

**O. Cultural Facility**

A museum, library, art gallery, civic center, nature education center, amphitheater, or indoor theater.

**P. Urban Plaza**

A public use or open space.

- 1. Area must be a minimum of 2,500 square feet.
- 2. Minimum width must be 25 feet.

**Q. Community Gym/Health Facility**

A small gymnasium and health facility, including weight training and aerobic stations.

- 1. Area must be a minimum of 50 feet by 80 feet.

**R. Community Room**

A multipurpose facility serving recreational and/or social needs of the community.

- 1. Area must be a minimum of 1,200 square feet for up to 200 dwelling units. An additional 500 square feet must be provided for every additional 100 dwelling units up to a maximum of 2,200 square feet.
- 2. May include a meeting room, game room, craft /club room or party room.

**S. Community Garden**

A garden plot for the use of residents.

- 1. Area must be a minimum of 1,000 square feet and at least 25 square feet per residential unit must be provided if the community garden is located on ground level. Area must be a minimum of 750 square feet if the community garden is located on a roof-top in the Commercial/Residential or Employment zones.
- 2. Setbacks must be 10 feet from any building and 20 feet from any street if the community garden is located on ground level.
- 3. Full sun should be provided.
- 4. A water connection must be provided.
- 5. A tool shed should be considered for large plots.

## **T. Other Recreational Facility**

Any recreation facility not listed that is determined by the applicable review body to be appropriate for the site. Points per age group will be determined by the applicable review body.

### **Sec. 7.4.6. Fee in Lieu of Recreation Space**

When a proposed development is located within 1,000 feet of an existing or proposed public recreation facility, a voluntary agreement with the county is allowed. The county acceptance of this payment is discretionary, and may be permitted if the recreation facility provided on public land will be of greater benefit to the prospective residents of the development.

### **Sec. 7.4.7. Maintenance of Recreation Space**

Maintenance of any recreation facility retained in private ownership is the responsibility of the owner or other separate entity capable of long-term maintenance and operation ensuring that the facilities remain in safe working condition for the residents.

### **Sec. 7.4.8. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this **Div. 7.4** where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of recreation facilities required under this Division (Div. 7.4).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings or other site elements; or
  4. historic or environmental features.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

## Div. 7.5. Landscaping and Outdoor Lighting

### Sec. 7.5.1. Intent

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

### Sec. 7.5.2. Applicability

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

### Sec. 7.5.3. General Landscaping Requirements

#### A. General

1. DPS may not issue a permanent certificate of occupancy until all trees and plant material have been placed under the requirements of this Division (Div. 7.5), except under Sec. 7.5.3.A.2 (below).
2. A temporary certificate of occupancy may be issued for a period of up to 6 months under circumstances that would affect the planting of the site, or until the proper planting season is reached to complete the landscaping requirements.
3. All landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
4. Plant material must be true to name, variety and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
5. All mature plant sizes must be based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

#### B. Landscaping Elements

##### 1. Canopy Trees

###### a. Defined

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

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

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

##### 2. Understory Trees

###### a. Defined

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

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

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

##### 3. Evergreen Trees

###### a. Defined

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

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

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

**4. Shrubs**

**a. Defined**

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

**b. Size at Time of Planting**

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

**5. Fences and Walls**

**a. Defined**

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

**b. Height and Placement**

- i. A fence or wall can be a maximum of 6.5 feet in height within a rear or side setback. A fence or wall in any front setback must not exceed 4 feet in height.
- ii. On a corner lot, no fence or wall may exceed 3 feet in height from curb level within the necessary sight distance at an intersection.
- iii. 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.

- iv. No wall or fence may be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

**c. Exemptions from Height Restrictions**

Fencing and walls are exempt from height restrictions in the following instances:

- i. Deer fencing:
  - (a) In all Agricultural and Rural zones; and
  - (b) In the rear and side yards of all non-Agricultural and non-Rural zones unless the lot or tract adjoins a national historical park.
- ii. Retaining walls where changes in street grade, width, or alignment have made such structures necessary.
- iii. Rustic fences on a lot or tract adjoining a national historical park;
- iv. Boundary fences on the rear and side yards if the lot or tract is located within 100 feet of a parking lot in a national historical park; and
- v. Deer fencing and other fences not over 8 feet in height if the property is farmed and agriculturally assessed.

**C. Landscaping Maintenance**

**1. Responsibility**

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

**2. Maintenance**

- a. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming must occur under the American National Standards for Tree Care Operations: Tree Shrub and Other Woody

Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.

- c. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
- d. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

**3. Failure to Maintain**

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

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

**A. Applicability**

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

**B. Design Requirements**

**1. Fixture (Luminaire)**

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

**2. Fixture Height**

Freestanding lighting fixtures may be a maximum of 30 feet in height within surface parking areas and may be a maximum of 15 feet in height within non-vehicular pedestrian areas measured from finished grade. Freestanding light fixtures located within 50 feet of the property line of any detached house building type, not located in a Commercial/Residential or Employment zone, may not exceed 15 feet in height.



**3. Light Source (Lamp)**

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

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

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

### C. Lighting Types

#### 1. Security Lighting

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

#### 2. Accent Lighting

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

#### 3. Canopy Area Lighting

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

#### 4. Residential Entrances

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

#### 5. Outdoor Recreation Lighting

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

### 6. Excessive Illumination

- a. Lighting may not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers, bicyclists, and pedestrians.
- b. Outdoor lighting provided for a conditional use must be directed, shielded, or screened to ensure the maximum illumination level at any property line abutting a detached house building type, not located in a Commercial/Residential or Employment zone, is no greater than 0.1 footcandle. Where this provision is in conflict with any other provision of this Code allowing greater light trespass, this provision will control.

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

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

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

Open Space Type	Farm Crops	Ornamental Planting	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Not Allowed	90%	50% when not used for agriculture
Common Outdoor Area	Allowed	Allowed for community and recreation facilities	80%	20%
Public Use Space	Allowed in publicly accessible community garden	Allowed	10%	10%
Green Area		Allowed	50%	25%

**B. Open Space Landscaping Requirements**

**1. General**

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

**2. Farm Crops**

Farm crops allowed in open space include all crop farming uses defined in **Sec. 3.2.6.** and under the applicable use standards for each zone.

**3. Ornamental Planting**

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

**4. Permeable Area**

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

**5. Tree Canopy**

Tree canopy in rural open space is intended to mimic the natural environment once present on the site. In other types of open space, tree canopy is intended to provide shade and relief from the heat island effect of paved areas. Tree canopy size is determined at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

**6. Plant Distance from Paved Surface**

All shrubs and trees must be located a minimum of 30 inches from center to any paved surface, except for street trees planted along sidewalks.

**C. Overview of Open Space Lighting**

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

Open Space Type	Fixture Type	Use Restriction	Illumination at Property Line (max)
Rural Open Space	Not allowed	--	--
Common Outdoor Area	Full or Partial Cut-Off	Allowed only for recreation facilities	0.1 fc
Public Use Space	Full or Partial Cut-Off	None	0.5 fc abutting nonresidential 0.1 fc abutting residential
Green Area	Full or Partial Cut-Off	None	0.5 fc abutting nonresidential 0.1 fc abutting residential

fc = footcandle

**Sec. 7.5.6. Parking Lot Landscaping and Lighting**

**A. Applicability**

This section applies to any surface parking lot with 10 or more spaces and to any structured parking facility.

**B. Surface Parking Area Requirements**

**1. Landscaped Area**

- a. A landscaped area of comprising a minimum of 5% of the total area of the surface parking lot must be provided in islands of not less than 100 contiguous square feet each. Where possible, existing trees should be protected and incorporated into the design of surface parking areas.
- b. A maximum of 20 parking spaces may be designed between islands.
- c. Landscaped area may be used for stormwater management ESD facilities.

## 2. Tree Canopy

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

## 3. Perimeter Planting

### a. Abutting AC, RR, RC, RNC, RE, RLD, RMD Zoned Property that is Vacant or Improved with an Agricultural or Residential Use

- i. A perimeter planting area abutting residential property 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. Canopy trees planted must be planted every 30 feet on center in the perimeter planting area.
- iv. 2 understory trees must be planted for every canopy tree in the perimeter planting area.

### b. Abutting Any Other Zoned Property or Right-of-Way

- i. A perimeter planting area abutting nonresidential property 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. Canopy trees planted must be planted every 30 feet on center in the perimeter planting area.

## 4. Lighting

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

## C. Structured Parking Requirements

1. Green (living) walls are required along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
2. Illumination of top deck (roof) must meet the standards of [Sec. 7.5.4.](#), General Lighting Requirements, except that lighting fixtures within 30 feet of the

deck perimeter must not exceed 15 feet in height and no fixture located on structured parking may exceed 30 feet in height.

## Sec. 7.5.7. Buffering and Screening

### A. Applicability

This Section (Sec. 7.5.7) applies to construction of any townhouse, apartment/condo, mixed use building, or general building type on a property abutting an AC, RR, RC, RNC, RE, RLD, or RMD zone that is vacant or improved with an agricultural or residential use.

### B. Buffering and Screening Specifications

#### 1. Location

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

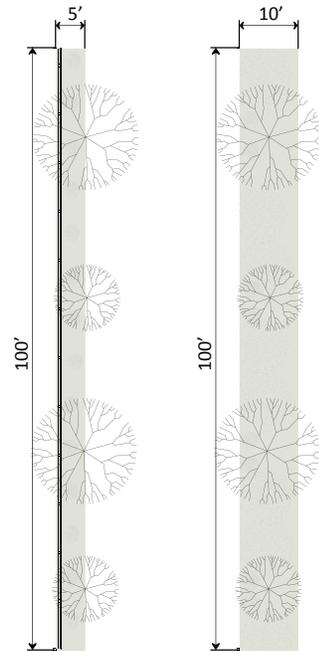
#### 2. Berms

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

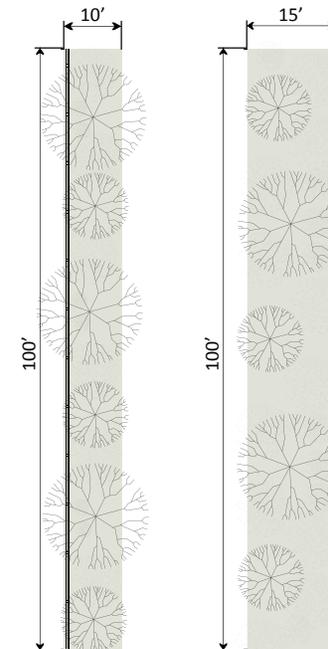
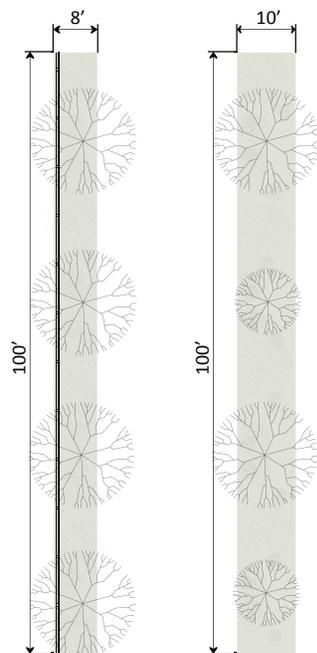
### C. Buffering and Screening Requirements by Building Type

1. Buffering and screening is based on the proposed building type. The minimum requirements for each building type are set out below; however, additional planting is allowed.
2. Plant materials are specified per 100 linear feet of buffer. Any fractional requirements must be rounded up to the next higher whole number.
3. The applicant may choose between Option A and Option B depending on site characteristics.

4. Townhouse



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

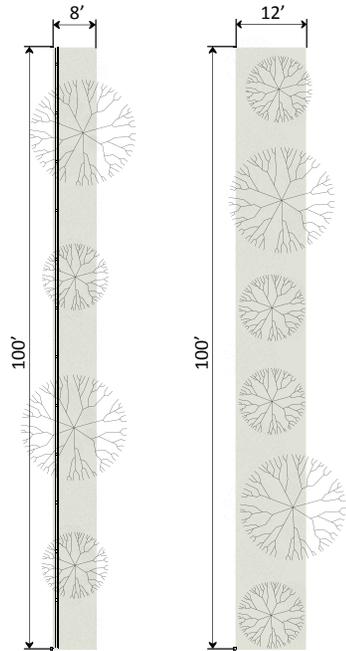


5. Apartment/Condo Up to 60 Feet in Height

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

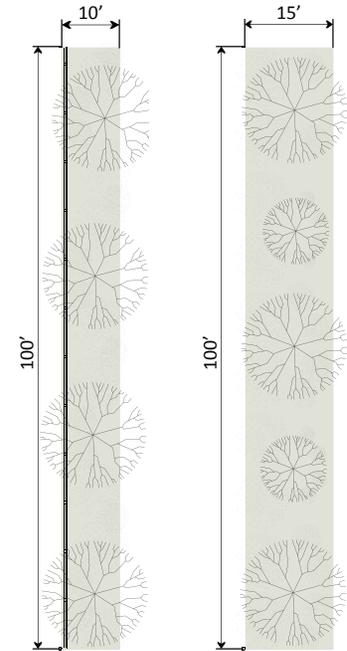
6. Apartment/Condo Over 60 Feet in Height

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



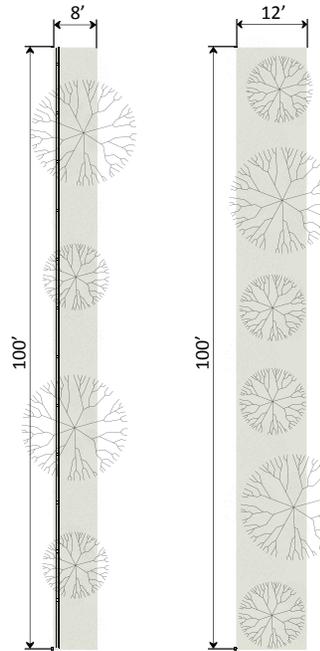
**7. Mixed Use Building Up to 40 Feet in Height**

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



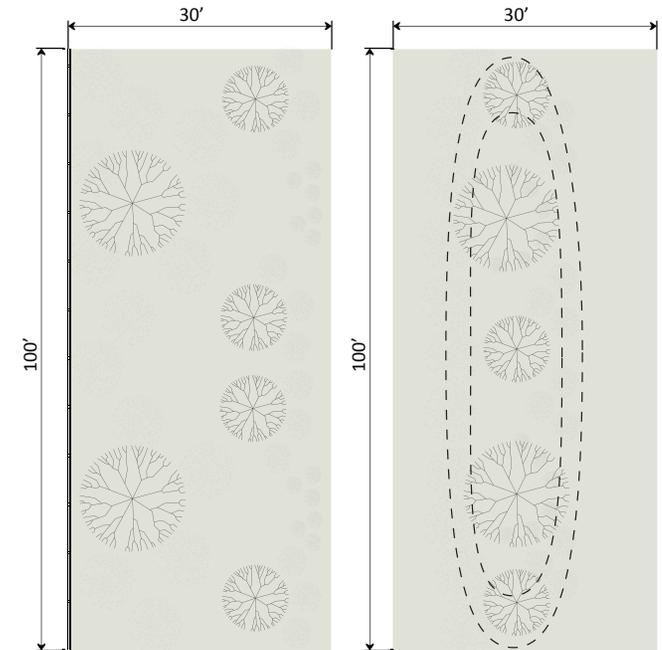
**8. Mixed Use Building Over 40 Feet in Height**

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



9. General Building with Non-Industrial Use

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



10. General Building with Industrial Use

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

### Sec. 7.5.8. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.5) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of the landscaping and lighting required under this Division (Div. 7.5).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. irregularly-shaped or sloped sites;
  - 2. properties abutting major roadways on multiple frontages;
  - 3. retained buildings or other site elements; or
  - 4. historic or environmental features.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied and environmental quality will be enhanced.

## Div. 7.6. Signs

### Sec. 7.6.1. Purpose and Intent

The purpose of this Division (Div. 7.6) is to regulate the size, location, height, and construction of all signs placed for public view. The regulations are intended to protect the public safety, health, morals, comfort, and welfare; to preserve the value of property; to preserve and strengthen the ambiance and character of the various communities; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56. It is the intent of this Division (Div. 7.6) 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. 7.6.2. Applicability

- A. A permit must be obtained under this Division when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by Sec. 7.6.12., Temporary Signs, Sec. 7.6.11., Limited Duration Signs and Sec. 7.6.3., Exempt 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 or which does not conform to the requirements in this Article must obtain a variance from DPS.

### Sec. 7.6.3. Exempt Signs

The following signs are exempt from the requirements of this Division:

- A. The following signs on private property do not require a permit and are exempt from the requirements of this Division when the area of the sign is 2 square feet or less:
  1. A sign on private property customarily associated with residential living or decoration.
  2. A sign that is part of a mailbox or newspaper tube and conforms with government regulations.
  3. A sign warning the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk pursuant to an approved franchise agreement.
- C. The following signs do not require a permit and are exempt from the size, placement and number requirements of this Division, but must comply with the prohibitions contained in Sec. 7.6.4., Prohibited Signs.
  1. A sign which is not visible beyond the property lines of the property where the sign is located.
  2. A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.
  3. Any sign required to be displayed by law or regulation.
  4. A flag which is displayed on a flagpole.
  5. A sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure like a cornerstone, memorial, plaque, or historical marker.
  6. A sign that is an integral part of a dispensing mechanism, like a beverage machine, newspaper rack, or gasoline pump.

7. Any adornments or seasonal decorations.
- D. A sign or inflatable device that is located in an urban renewal area that is within an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for no longer than thirty days; and includes more than 1,500 square feet of surface area, is exempt from the following:
1. The prohibition on animal forms in [Sec. 7.7.4.](#), Prohibited Signs;
  2. The size, height and area limitations in this Division (Div. 7.6);
  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. 7.6.4. Prohibited Signs**

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

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

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

##### **B. Roof Sign**

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign may not be painted on the roof of a building, or supported by poles, uprights or braces extending from or attached to the roof of a building, or project above the roof of a building. A wall sign is not a roof sign, and for the purposes of this Division (Div. 7.6) a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment like heating, ventilating and air conditioning units, elevator shafts, and stairs located on a roof also are considered wall space.

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

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

##### **D. Unsafe Sign**

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

##### **E. Moved by the Wind**

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

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

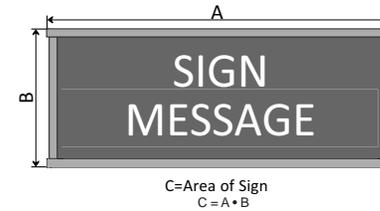
Signs in the right-of-way are prohibited, except for the following:

1. Any sign erected by a government agency or utility company in the performance of its public duties.
2. Any sign erected by the appropriate transportation jurisdiction in its right-of-way.
3. Any permanent sign expressly allowed to be located in the public right-of-way in this Division (Div. 7.6), where:
  - a. The sign is approved by the Sign Review Board; and
  - b. The appropriate transportation jurisdiction issues a permit after approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.
4. A limited duration sign that satisfies the requirements of this Division (Div. 7.6).

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

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

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



**H. Abandoned or Obsolete Sign**

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



**I. Off-Site Sign**

Off-site signs are prohibited.

**Sec. 7.6.5. Measurements**

The following standards are used to measure the area of a sign regulated by this Division (Div. 7.6).

**A. Generally**

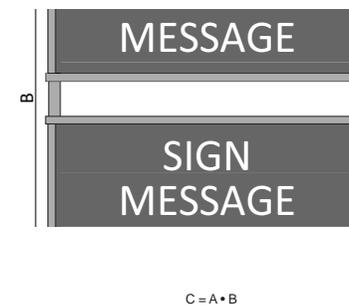
The sign area is the entire portion of the sign that can be enclosed within a single continuous rectangle. The area includes the extreme limits of the letters, figures, designs and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate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

**B. Supports**

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

**C. Multiple Sections**

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



**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.

**2. Parallel Faces**

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

**3. "V" Shaped**

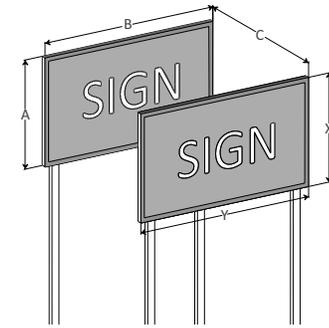
The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between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

**4. 3 Dimensional**

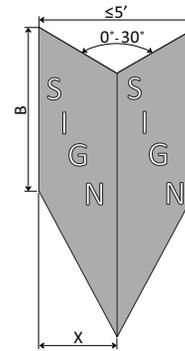
Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located.



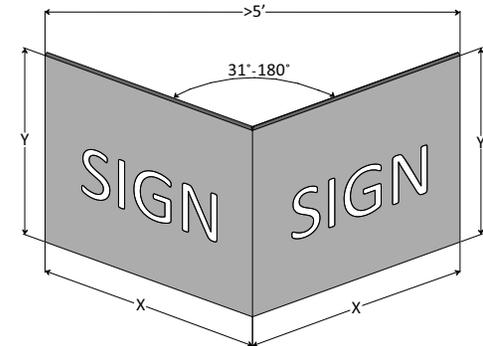
Sign Area =  $X \cdot Y + A \cdot B$



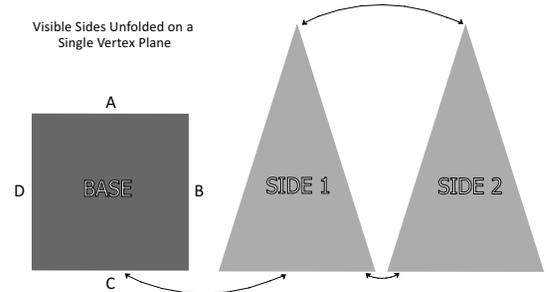
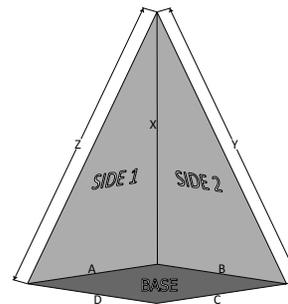
Sign Area =  $A \cdot B$  if  $C < 2'$   
Sign Area =  $A \cdot B + X \cdot Y$  if  $C \geq 2'$



Sign Area = One Face



Sign Area = Total of Both Faces



Sign Area = Side 1 + Side 2 + Base Areas

### Sec. 7.6.6. Permanent Signs, In General

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

#### A. Sign Area

1. Unless otherwise provided in this Division (Div. 7.6), the total sign area of all permanent signs on any lot or parcel must not exceed the maximum sign area allocated for the zone in which the sign is located.
2. Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet.

#### B. Sign Placement

1. Setbacks are measured from the portion of the sign nearest to the property line.
2. Height is measured from the portion of the sign which is vertically the farthest from the ground.
3. Unless otherwise provided in this Division (Div. 7.6), 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. 7.6.3.D.](#);
  - b. Extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in [Sec. 7.6.9.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. 7.6) must comply with the building and construction requirements of [Chapter 8](#) and the electrical requirements of [Chapter 17](#).

#### D. Color

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

#### E. Illumination

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

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

#### F. Structural Limitations

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

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

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

### G. Historic Preservation Area

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

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

### H. Permanent Sign Standards By Zone

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed as allowed in a specific zone or which does not conform to the requirements listed in this Section (Sec. 7.6.6) or the applicable zone must obtain a variance from DPS.

## Sec. 7.6.7. Agricultural and Rural Zones

### A. Base Sign Area

The total area of all permanent signs in the Agricultural and Rural zones must not exceed 200 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.6).

#### 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

#### 1. 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:

- a. One entrance sign is allowed at each entrance to the lot or parcel.
- 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 26 feet in height.
- e. The sign may be illuminated (see **Sec. 7.7.6.E.**).

## Sec. 7.6.8. 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 pursuant to 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 sign must not exceed 5 feet in height.
- d. Illumination is prohibited.

#### 2. Wall Sign

- a. One wall sign is allowed.
- b. The sign must not be placed more than 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. 7.6.6.E.](#)).

### 2. Place of Assembly Location Sign

Additional sign area is allowed for a permanent location sign for any place of assembly. 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. 7.6.6.E.](#)).

## Sec. 7.6.9. 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. 7.6), 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 Code for the zone.
- d. The sign must not exceed the height of the tallest building on the same premises as a 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. A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. A dimension must not be counted more than once as a building frontage.
- c. No sign or supporting structure of a flat wall sign may extend more than 12 inches from the wall.
- d. A projecting wall sign may project 42 inches from the building, but not closer than 8 feet to a curb line. The sign may not project over a public right-of-way except where there is no building setback.
- e. The sign may not exceed 26 feet in height and must meet the following standards:
  - i. The sign may not extend above any portion of the roof or be placed upon any roof surface;
  - ii. A sign that projects over a public right-of-way or public ingress or egress must have a minimum clearance above the ground of 10 feet for a sign that projects over a pedestrian walkway and 18 feet for a sign that projects over a street or driveway.

- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## 3. Canopy Sign

- a. The maximum canopy sign area is 2 square feet for each linear foot of building frontage, not to exceed 200 square feet. Excluding lighting internal to the canopy which has the sole purpose of lighting the customer area for service or safety, the sign area of an illuminated canopy sign is calculated as a the total illuminated surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located.
- b. The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.
- c. The height of the sign is determined by the building permit requirements for the canopy and must not exceed 26 feet in height. If no building permit is required, the height limits are the same as those of a projecting wall sign.
- d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## B. Additional Sign Area

### 1. Location Sign

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

- a. A sign may be placed on each face of the building that has building frontage and at each customer entrance to the building and parking area.
- b. The sign area may not exceed 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A location sign erected as a ground sign must meet the

setback restrictions for a freestanding sign, and a location sign erected as a wall sign must comply with the requirements for a wall sign.

- d. The sign may be placed on a wall more than 26 feet from the ground provided that it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.
- e. An entrance sign that is a freestanding location sign must not be placed within 100 feet of another freestanding sign. A wall location sign at an entrance must not be placed within 30 feet of another wall sign.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

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

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

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

## Sec. 7.6.10. Urban Renewal Areas

- A. Any permanent sign located in an approved urban renewal area as part of an optional method development project need not conform to the Design Elements and Limitations of this Division (Div. 7.6) 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. 7.6.11. Limited Duration Signs

### A. Permit Requirements

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

### B. Permit Applications

1. One sign is allowed per permit up to a maximum of 4 permits per applicant. The Director may consider each business location as a separate applicant, however the sign placement may not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
2. An application for a limitation duration sign permit must include:
  - a. A description of the sign indicating the number, size, shape, dimensions, and colors of the signs, and the time and day of the week during which the sign will be displayed;
  - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets; and
  - c. Other information required by the DPS to ensure compliance with this Division (Div. 7.6) and other Sections of the Code.

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

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

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

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

## Sec. 7.6.12. Temporary Signs

### A. Generally

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

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must conform to the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. The absence of this information makes the sign a permanent or limited duration sign and subject to the applicable provisions of this Division (Div. 7.6).

### B. Requirements by Zone

The following requirements apply in the zones specified:

#### 1. Agricultural and Rural Zones

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

#### 2. Residential Zones

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

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

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

### Sec. 7.6.13. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.6) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of signage required under this Division (Div. 7.6).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. irregularly-shaped sites;
  - 2. properties abutting major roadways on multiple frontages; or
  - 3. retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

## Div. 7.7. Outdoor Storage and Display

### Sec. 7.7.1. Intent

The intent of this Division is to regulate the size, location, height, and screening of all outdoor storage and display. The regulations are intended to protect the public safety, health, and welfare; to preserve the value of property; and to preserve and strengthen the ambiance and character of the various communities.

### Sec. 7.7.2. Applicability

- A. The requirements of this Division (Div. 7.7) apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.
- B. Where merchandise, material, or equipment is stored outside of a completely enclosed building in an Agricultural or Rural zone and the storage area lies more than 100 feet from any street right-of-way or property line, the provisions of this Division (Div. 7.7) do not apply.
- C. Where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted use are not subject to the provisions of this Division (Div. 7.7).

### Sec. 7.7.3. Design Standards

#### A. Outdoor Display

##### 1. Defined

- a. Outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, or similar vending machines is considered outdoor display.
- b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).

##### 2. Standards

Outdoor display is permitted with any nonresidential use following approval of a Site Plan or Conditional Use Plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.

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

#### B. Outdoor Storage

##### 1. Limited Outdoor Storage

###### a. Defined

Limited outdoor storage includes, but is not limited to:

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

###### b. Standards

Limited outdoor storage is permitted where an industrial use is allowed, and following approval of a Site Plan or Conditional Use Plan illustrating the extent of the permitted area for limited outdoor storage.

##### 2. General Outdoor Storage

###### a. Defined

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

###### b. Standards

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

**i. In the Industrial Zones:**

- (a) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.9**.

**ii. In all Other Zones:**

- (a) Approval of a Site Plan or Conditional Use 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 must be 5 acres if abutting a Residential zone.
- (d) The minimum setback from any property line must be 50 feet.
- (e) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.9**.

**Sec. 7.7.4. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (**Div. 7.7**) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of outdoor storage and display required under this Division (**Div. 7.7**).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. irregularly-shaped sites;
  - 2. properties abutting major roadways on multiple frontages; or
  - 3. retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

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# ARTICLE 59-8. ADMINISTRATION AND PROCEDURES

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[Editor's Note: To be added]

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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

## Div. 8.1. Review Authority & Approvals Required

### Sec. 8.1.1. Overview of Review & Approval Authority

The various applications must be reviewed and approved by the established reviewing bodies. The following table provides an overview of the authority granted the various bodies under this Chapter; additional authority may be granted elsewhere in the Montgomery County Code. Details of the required applications, noticing, meetings, hearings, and post-decision processes are discussed in subsequent Divisions. This table does not define legal responsibilities and is only provided for the convenience of the reader.

Approval Requested	Section Reference	Authority							
		Sign Review Board	DPS Director and/or Staff	Development Review Committee	Planning Director and/or Staff	Planning Board	Hearing Examiner	Board of Appeals	District Council
<b>District Council Approvals</b>									
Floating Zone Map Amendment	8.2.1.			I	R	R	R		D
Change or Mistake Map Amendment	8.2.2.				R	R	R		D
Minor Corrective Map Amendment	8.2.3.				R	R			D
Major Corrective Map Amendment	8.2.4.				R	R	R		D
Sectional Map Amendment	8.2.5.				R	R			D
District Map Amendment	8.2.6				R	R			D
Zoning Text Amendment	8.2.7.		R		R	R			D
<b>Regulatory Approvals</b>									
Conditional Use Plan	8.3.1.			I	R	I	R/D	D	
Variance	8.3.2.				I	I	I	D	
Sketch Plan	8.3.3.			R	R	D			
Site Plan	8.3.4.			R	R	D			
<b>Administrative Approvals</b>									
Building Permit	8.4.1		D				I	A	
Use & Occupancy and Temporary Use Permit	8.4.2		D				I	A	
Home Occupation and Home Health Practitioner Registration	8.4.3		D						
Sign Permit	8.4.4		D				I	A	
Sign Permit Variance	8.4.5	R	D				I	A	
Sign Installer License	8.4.6		D						
Written Interpretation	8.4.7		D		R	R			

**KEY:** A = Appeal D = Decision I = If requested by a reviewing, deciding, or appellate body R = Review and recommendation

### Sec. 8.1.2. Overview of Approvals Required

Required approvals will depend on the development method, the zone of the property, use, density, height, and/or zone of the adjacent property. The following table provides an overview of the approvals required under this Article. Details of the required submittal requirements and necessary criteria for approval are discussed in the Sections referenced. These explanations are not legal definitions and are only provided for the convenience of the reader.

Application	Section Reference	Applicability
<b>District Council Approvals</b>		
Floating Zone Map Amendment	8.2.1.	A local zoning change to apply a Floating Zone to a specific tract of land.
Change or Mistake Map Amendment	8.2.2.	A local zoning change to apply a “Euclidean” zone to a specific tract of land based on a change in the character of a neighborhood or a mistake in a comprehensive rezoning.
Minor Corrective Map Amendment	8.2.3.	Correction of an administrative or technical error in the application of a comprehensive rezoning.
Major Corrective Map Amendment	8.2.4.	Correction of an error in the findings of fact in the application of a comprehensive rezoning.
Sectional Map Amendment	8.2.5.	A comprehensive rezoning of an area of the county implementing a Master or Sector Plan.
District Map Amendment	8.2.6	A comprehensive rezoning of an area, areas, or the entire county implementing a comprehensive report or Functional Master Plan.
Zoning Text Amendment	8.2.7.	A change in the text of this Code.
<b>Regulatory Approvals</b>		
Conditional Use Plan	8.3.1.	Use of any property for a conditional use, as designated by Article 59-3.
Variance	8.3.2.	A request for modification of any requirement of the this Code.
Sketch Plan	8.3.3.	Development under the optional method.
Site Plan	8.3.4.	Development under optional method requires approval of a Site Plan after approval of a Sketch Plan; development under a Floating Zone requires approval of a Site Plan after approval of a Floating Zone Map Amendment. Development under standard method requires Site Plan approval as indicated in Section 8.3.4.
<b>Administrative Approvals</b>		
Building Permit	8.4.1	Required before any building or structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started. See exemptions in Section 8.4.1
Use & Occupancy and Temporary Use Permits	8.4.2	Required before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another. See exemptions in Section 8.4.2
Home Occupation and Home Health Practitioner Registration	8.4.3	All low impact and major impact home occupations and low impact and major impact home health practitioners must register with the DPS.
Sign Permit	8.4.4	A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan, does not require a permit. See exemptions in Section 7.6.3.

Application	Section Reference	Applicability
<b>Administrative Approvals (continued)</b>		
Sign Permit Variance	8.4.5	Any sign not listed in Div 7.6, or which does not conform to the requirements in Div 7.6, may apply for a sign permit variance from DPS.
Sign Installer License	8.4.6	The provisions of the sign installer license apply to a business which chooses to provide certification as a licensed sign installer.
Written Interpretation	8.4.7	[Editor's note: text to be added]

## Div. 8.2. District Council Approvals

### Sec. 8.2.1. Floating Zone Map Amendment

#### A. Applicability & Description

1. A local zoning change to apply a Floating Zone to a specific tract of land requires approval of a Floating Zone Map Amendment.
2. A Floating Zone Map Amendment is the written and drawn description of a development using a Floating Zone under **Article 59-5**, which is intended to implement comprehensively planned and integrated developments with specific land uses and building types.
3. The Floating Zone Map Amendment is intended to provide sufficient information on the applicant's projected land development in order to allow the District Council to make the necessary findings. In this context, the application must comply with the General Plan, the applicable Master or Sector Plan, this Code, and approval of the Floating Zone Map Amendment must be in the public interest.

#### B. Application Requirements

1. The Hearing Examiner provides the intake procedures for all Floating Zone Map Amendment applications.
2. The date of the Hearing Examiner's public hearing on a Floating Zone Map Amendment is held within 90 days of the date an application is accepted.
3. An application for a Floating Zone Map Amendment may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. If any land or right-of-way encompassed by a site plan application is owned or controlled by the state, county, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the site plan application.
5. Disclosure of ownership must conform to **Article 28** of the Annotated Code of Maryland.
6. A pre-application meeting with Planning Department Staff is recommended.

7. The following public notice is required under Div. 8.6:
  - a. posting of site with signage;
  - b. mailed notice of the filed application; and
  - c. mailed notice of the public hearing date.
8. The applicant must submit the following:
  - a. application form and fees approved by the District Council;
  - b. documentation of interest in the proposed development site under **Sec. 8.2.1.B.1.**;
  - c. statement of justification outlining how the proposed development satisfies the standards and criteria for the granting of the application;
  - d. exhibits showing:
    - i. existing site conditions and vicinity;
    - ii. building densities, massing, heights, and the anticipated mix of uses;
    - iii. locations of open spaces and environmental site design strategy;
    - iv. pedestrian, bicycle, and vehicular circulation, parking, and loading; and
    - v. relationships between existing or approved adjacent land uses, buildings, and rights-of-way;
    - vi. a general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, and future preliminary and site plan applications; and
    - vii. textual stipulations of the binding elements on the application.
  - e. an unexecuted covenant suitable for filing in the land records reflecting any restricted development standards, development program, or limited uses that will be applicable to the property if the District Council approves the application;
  - f. supporting plans and documentation as required by the reviewing agencies;

- g. Applications may not be modified to increase the area proposed to be reclassified or as to the zone requested without providing revised signage and additional mailed notice; and
- h. Applications must be available to public inspection during regular office hours but must not be removed from the custody of the reviewing agency except pursuant to court order or by a member of the District Council, the County Attorney, or the Hearing Examiner.

## C. Review and Recommendation

### 1. Planning Director Review

- a. Review by the Development Review Committee may be completed at the discretion of the Planning Director.
- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general a minimum of 10 days before the Planning Board hearing.

### 2. Planning Board Review

- a. A public hearing on the Planning Director's report and recommendation must be held by the Planning Board.
- b. The Planning Board must provide a recommendation on the application to the Hearing Examiner a minimum of 15 days before the Hearing Examiner's public hearing.

### 3. Hearing Examiner Review

- a. A public hearing must be held by the Hearing Examiner.
- b. The Hearing Examiner may postpone the public hearing at any time at least 10 days before the scheduled date and must provide mailed notice of the new hearing date.
- c. The Hearing Examiner may issue subpoenas to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.
- d. Within 45 days of the close of the record of the public hearing, the Hearing Examiner must forward a report and recommendation to the District

Council that must also be made available to the applicant and public in general.

- e. The Hearing Examiner may extend the time to forward the report and recommendation once by 45 days without the District Council's approval and again by 45 days with the District Council's approval.
- f. Within 10 days after transmittal of the Hearing Examiner's report and recommendation any aggrieved party may file a written request for an opportunity to present oral argument before the District Council. The request must state the matters desired to be presented at the oral argument and, if oral argument is granted, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. The District Council may grant or deny an oral argument request. Thereafter, the matter must be decided either as provided in [Sec. 8.2.1](#), or remanded to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.
  - i. Within 5 days after a request for oral argument is filed with the Hearing Examiner's office, any interested party may rebut, in writing, a request for oral argument or request to participate in oral argument if oral argument is allowed. Any rebuttal must be concise and limited to matters raised by the party who requested oral argument. Any rebuttal to a request for oral argument must be sent to the Hearing Examiner and each party who participated at the hearing, as listed by the Hearing Examiner.

## D. Approval Criteria

To approve a Floating Zone Map Amendment, the District Council must find that the Floating Zone Map Amendment will:

1. Further the objectives of the general plan and other applicable county plans and policies and not conflict with the objectives and recommendations of the applicable Master or Sector Plan;
2. Be in the public interest by supporting legally adopted policies or regulations;
3. Meet the standards, requirements, and purposes of the zone;

4. Be integrated and compatible with existing and approved adjacent development;
5. Propose adequate and safe internal infrastructure, circulation, open space, public amenity, and pedestrian and/or transportation opportunities; and
6. Provide a development phasing program that is sufficient to ensure a continued balance of development and public improvements.

#### **E. Decision**

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Hearing Examiner's recommendation with modifications, conditions, or binding elements, except when the Floating Zone is not recommended by the applicable Master or Sector Plan and the Planning Board does not recommend approval of the application, in which case a vote of 6 members is required. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Hearing Examiner for further consideration.
4. The District Council must issue a resolution reflecting its decision on the application within 60 days of the close of the record, unless such time is extended by the District Council.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

#### **F. Subsequent Applications**

1. If a Floating Zone Map Amendment is denied, a new application proposing substantially the same development for the same property may not be filed within 36 months after the date of the resolution unless the District Council finds that the applicant has shown substantive new facts that would warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured

from the date of the District Council's resolution or the final court action, as applicable.

3. If a Floating Zone Map Amendment is approved, a Site Plan(s) must be submitted under this Article within 36 months of date of the Resolution or the application becomes invalid and the subject property reverts to the previous zone(s).

#### **G. Scope of Approval**

1. Approval of a Floating Zone Map Amendment entitles the applicant or successor to file a Site Plan(s) for the subject site.
2. The binding elements or conditions approved by the District Council are binding upon the applicant, successors, and assigns.

#### **H. Recording Procedures**

1. An executed covenant reflecting any restrictions on the development standards, development program, or uses contained in the approved Floating Zone Map Amendment must be filed in the land records. Certification of the filing must be provided to the Planning Board for any subsequent Site Plan(s). Covenants must remain in effect until the property is rezoned or an amendment to the Floating Zone Map Amendment is approved and the covenant is amended.
2. The Floating Zone Map Amendment revised in accord with the District Council's resolution must be provided to the Hearing Examiner for certification.
3. The certified Floating Zone Map Amendment must be maintained in the permanent files of the Hearing Examiner.
4. A copy of the District Council's resolution and certified Floating Zone Map Amendment must be sent to the Planning Director to update the zoning map.

#### **I. Amendments**

1. Major amendments to an approved Floating Zone Map Amendment follow the same procedures as an original application. Major amendments include any requests to increase density or height, add a previously disallowed use, or make changes to any binding elements or conditions of approval.

2. Minor amendments to an approved Floating Zone Map Amendment may be approved administratively by the Hearing Examiner. Minor amendments include any changes that do not increase density or height; decrease setbacks where abutting detached residential uses; or alter the approved binding elements.
  - a. The following public notice is required under Div. 8.6:
    - i. posting of site with signage; and
    - ii. mailed notice of the filed application.
  - b. Public Hearing
    - i. A public hearing is not required if no objection to the application is received within 15 days of the mailed notice of the filed application.
    - ii. If an objection to the application is received within 15 days of the mailed notice of the filed application a public hearing must be held under the same procedures as an original application.

## Sec. 8.2.2. Change or Mistake Map Amendment

### A. Applicability & Description

1. A local zoning change to apply a Euclidean zone to a specific tract of land based on a change in the character of a neighborhood or a mistake in a comprehensive rezoning requires approval of a Change or Mistake Map Amendment.
2. A Change or Mistake Map Amendment is the written and drawn description of a specific tract of land and the rationale in support of the application.
3. The Change or Mistake Map Amendment is intended to provide a detailed rationale of the applicant's case that a change in the character of a neighborhood has occurred since the previous comprehensive rezoning or that a mistake was made during that rezoning. In this context, the application will be used to determine if evidence has been produced in support of the applicant's case.

### B. Application Requirements

1. The Hearing Examiner provides the intake procedures for all Change or Mistake Map Amendment applications.

2. The date of the Hearing Examiner's public hearing on a Change or Mistake Map Amendment is held within 90 calendar days of the date an application is accepted.
3. An application for a Change or Mistake Map Amendment may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. Disclosure of ownership must conform to Article 28 of the Annotated Code of Maryland.
5. A pre-application meeting with Planning Department Staff is recommended.
6. The following public notice is required under Div. 8.6:
  - a. posting of site with signage
  - b. mailed notice of the filed application; and
  - c. mailed notice of the Hearing Examiner public hearing.
7. The applicant must submit the following:
  - a. application form and fees approved by the District Council;
  - b. documentation of interest in the proposed development site under Sec. 8.2.2.B.1.;
  - c. statement of justification and illustrative exhibits showing:
    - i. the subject property and the proposed neighborhood showing uses and zoning;
    - ii. a description of the changes that have occurred in the neighborhood since the original zoning or previous comprehensive rezoning or evidence of the alleged mistake made by the District Council; and
    - iii. a description of how the changes in the neighborhood have rendered the property without reasonable use under the current zoning; or
    - iv. a description of why the result of the mistake made by the District Council is that a different zone should have been applied to the property.
  - d. supporting plans and documentation as required by the reviewing agencies.

## C. Review and Recommendation

### 1. Planning Director Review

- a. Review by the Development Review Committee may be completed at the discretion of the Planning Director.
- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general.

### 2. Planning Board Review

- a. A public hearing on the Planning Director's report and recommendation must be held by the Planning Board.
- b. The Planning Board must file a recommendation on the application to the Hearing Examiner no later than 15 days before the public hearing.

### 3. Hearing Examiner Review

- a. A public hearing must be held by the Hearing Examiner.
- b. The Hearing Examiner may postpone the public hearing at any time at least 10 days before the scheduled date and must provide mailed notice of the new hearing date.
- c. The Hearing Examiner may issue subpoenas to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.
- d. Within 45 days of the close of the record of the public hearing, the Hearing Examiner must forward a report and recommendation to the District Council that also must be made available to the applicant and public in general.
- e. The Hearing Examiner may extend the time to forward the report and recommendation once by 45 days without the District Council's approval and again by 45 days with the District Council's approval.
- f. Within 10 days after transmittal of the Hearing Examiner's report any aggrieved party may file a written request for an opportunity to present oral argument before the District Council. The request must explicitly state the matters desired to be presented at the oral argument and,

if oral argument is granted, the argument must be limited to matters contained in the record compiled by the hearing examiner. The District Council may, in its discretion, grant or deny an oral argument request. Thereafter, the matter must be decided either as provided in [Sec. 8.2.2.E](#), or remanded to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.

- i. Within 5 days after a request for oral argument is filed with the Hearing Examiner's office, any interested party may rebut, in writing, a request for oral argument or request to participate in oral argument if oral argument is allowed. Any rebuttal must be concise and limited to matters raised by the party who requested oral argument. Any rebuttal to a request for oral argument must be sent to the Hearing Examiner and each party who participated at the hearing, as listed by the Hearing Examiner.

## D. Approval Criteria

To approve a Change or Mistake Map Amendment, the District Council must find that, although the zoning established by the original zoning and/or comprehensive rezoning is presumed correct,:

1. Evidence has been produced by the applicant of a substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning or that a mistake was made by the District Council; and
2. That for this reason, the result of the change is that no reasonable use can be made of the property in its current zoning classification or the result of the mistake made by the District Council is that a different zone should have been applied to the property.

## E. Decision

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Hearing Examiner's recommendation and issue a resolution reflecting the District Council's decision. If the required number affirmative votes are not obtained, the application is disapproved.
3. The District Council must issue a resolution on the application within 60

days of the close of the record, unless such time is extended by the District Council.

4. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

#### **F. Subsequent Applications**

1. If a Change or Mistake Map Amendment is denied, a new application proposing substantially the same development for the same property may not be filed within 36 months after a final decision unless the District Council finds that the applicant has shown substantial new facts that would warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

#### **G. Scope of Approval**

Approval of a Change or Mistake Map Amendment entitles the applicant or successor to develop under the approved zone per the requirements of this Chapter.

#### **H. Recording Procedures**

1. A copy of the Change or Mistake Map Amendment revised in accord with the District Council's resolution must be provided to the Hearing Examiner for certification.
2. The District Council's resolution on the Change or Mistake Map Amendment application must be maintained in the permanent files of the Hearing Examiner.
3. A copy of the District Council's resolution must be sent to the Planning Director to update the zoning map.

#### **I. Amendments**

There are no amendments to a Change or Mistake Map Amendment.

### **Sec. 8.2.3. Minor Corrective Map Amendment**

#### **A. Applicability & Description**

1. Correction of an administrative or technical error in the application of a Sectional or District Map Amendment requires approval of a Minor Corrective Map Amendment.
2. A Minor Corrective Map Amendment may cover one or more tracts of land.
3. The purpose of a Minor Corrective Map Amendment is to enable the District Council, in lieu of a Sectional or District Map Amendment, to correct technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as the result of mapping, surveying, or other technical information.
4. A Minor Corrective Map Amendment does not alter the prior comprehensive zoning as the basis for determining change in the character of the neighborhood.

#### **B. Application Requirements**

An application for a Minor Corrective Map Amendment may be made only by the Planning Board.

#### **C. Review and Recommendation**

There are no time limitations on Minor Corrective Map Amendment decisions.

##### **1. Planning Director Review**

- a. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 7 days before the Planning Board hearing.
- b. The Planning Director's report and recommendation must include:
  - i. A description of each subject area of land proposed for correction;
  - ii. A map depicting the existing and proposed zoning for each subject area of land; and
  - iii. A statement describing the rationale in support of the zoning corrections.

## 2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public hearing.
- b. The Planning Board must file a recommendation on the application to the District Council.

## D. Approval Criteria

The applicant must show by a preponderance of the evidence that there are technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as the result of mapping, surveying, or other technical information.

## E. Decision

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Planning Board's recommendation in whole or in part; with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Planning Board for further consideration.
4. The District Council must issue a resolution on the application within 60 days of the close of the record, unless such time is extended by the District Council.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

## F. Subsequent Applications

All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

## G. Scope of Approval

Approval of a Minor Corrective Map Amendment entitles any affected property owner to develop under the approved zone per the requirements of this Chapter.

## H. Recording Procedures

1. The District Council's resolution on the Minor Corrective Map Amendment must be maintained in the permanent files of the Planning Director.
2. A copy of the District Council's resolution must be sent to the Planning Director to update the zoning map.

## I. Amendments

Amendments to a Minor Corrective Map Amendment are made by subsequent Map Amendments under this Chapter.

## Sec. 8.2.4. Major Corrective Map Amendment

### A. Applicability & Description

1. Correction of an error in the findings of fact in the application of a Sectional or District Map Amendment requires approval of a Major Corrective Map Amendment.
2. A Major Corrective Map Amendment may cover one or more tracts of land.
3. The purpose of a Major Corrective Map Amendment is to enable the District Council, in lieu of a Sectional or District Map Amendment, to correct errors or inaccurate depictions of zoning boundary lines or zoning designations on an adopted map that are known as the result an error or omission in the findings of fact during the District Council's proceedings for a Sectional or District Map Amendment.
4. A Major Corrective Map Amendment does not alter the prior comprehensive zoning as the basis for determining change in the character of the neighborhood.

### B. Application Requirements

An application for a Major Corrective Map Amendment may be made only by the Planning Board.

### C. Review and Recommendation

There are no time limitations on Major Corrective Map Amendment decisions.

#### 1. Planning Director Review

- a. Review the Development Review Committee may be completed at the discretion of the Planning Director.
- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.
- c. The Planning Director's report and recommendation must include:
  - i. A description of each subject area of land proposed for correction;
  - ii. A map depicting the existing and proposed zoning for each subject area of land; and
  - iii. A statement describing the rationale in support of the zoning corrections.

#### 2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public hearing.
- b. The Planning Board must file a recommendation on the application to the District Council.

#### 3. Hearing Examiner Review

- a. Except for the associated time limits, the Hearing Examiner review process of a Major Corrective Map Amendment is the same as for a Floating Zone Map Amendment.

### D. Approval Criteria

The applicant must show by a preponderance of the evidence that there are errors or inaccurate depictions of zoning boundary lines or zoning designations on an adopted map that are known as the result of an error or omission in the findings of fact during the District Council's proceedings for a Sectional or District Map Amendment.

### E. Decision

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Hearing Examiner's recommendation in whole or in part; with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Hearing Examiner for further consideration.
4. The District Council must issue a resolution on the application within 60 days of the close of the record, unless such time is extended by the District Council.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

### F. Subsequent Applications

All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

### G. Scope of Approval

Approval of a Major Corrective Map Amendment entitles any affected property owner to develop under the approved zone per the requirements of this Chapter.

### H. Recording Procedures

1. The District Council's resolution on the Major Corrective Map Amendment must be maintained in the permanent files of the Planning Director.
2. A copy of the District Council's resolution must be sent to the Planning Director to update the zoning map.

### I. Amendments

Amendments to a Major Corrective Map Amendment are made by subsequent Map Amendments under this Chapter.

## Sec. 8.2.5. Sectional Map Amendment

### A. Applicability & Description

A comprehensive rezoning of an area of the county implementing a Master or Sector Plan requires approval of a Sectional Map Amendment.

### B. Application Requirements

1. An application for a Sectional Map Amendment may be made only by the Planning Board or District Council.
2. The following public notice is required under Div. 8.6:
  - a. newspaper advertisement of the District Council public hearing in at least 2 local papers.

### C. Review and Recommendation

There are no time limitations on Sectional Map Amendment decisions.

#### 1. Planning Director Review

- a. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.
- b. The Planning Director's report and recommendation must include:
  - i. A description of the subject area of land proposed for comprehensive rezoning; and
  - ii. Maps depicting the proposed zoning for each subject area of land.

#### 2. Planning Board Review

- a. A public hearing on the Planning Director's report and recommendation must be held by the Planning Board.
- b. The Planning Board must file a recommendation on the application to the District Council.

### D. Approval Criteria

The Applicant must show that the Sectional Map Amendment implements a Master or Sector Plan.

### E. Decision

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Planning Board's recommendation in whole or in part; with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Planning Board for further consideration.
4. The District Council must issue a resolution on the application within 60 days of the close of the record, unless such time is extended by the District Council.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

### F. Subsequent Applications

All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

### G. Scope of Approval

Approval of a Sectional Map Amendment entitles any affected property owner to develop under the approved zone per the requirements of this Chapter.

### H. Recording Procedures

1. The District Council's resolution on the Sectional Map Amendment must be maintained in the permanent files of the Planning Director.
2. A copy of the District Council's resolution must be sent to the Planning Director to update the zoning map. A copy of the District Council's resolution must also be sent to the applicant; all persons entering their appearance at the hearing as shown by the hearing transcript; the Commission; the Supervisor of Assessments for Montgomery County; the Department of Finance; the Department of Environmental Protection; and the Board of Appeals.

**I. Amendments**

Amendments to a Sectional Map Amendment are made by subsequent Map Amendments under this Chapter.

**Sec. 8.2.6. District Map Amendment****A. Applicability & Description**

A comprehensive rezoning of an area, areas, or the entire County implementing a Comprehensive Plan or Functional Master Plan requires approval of a District Map Amendment.

**B. Application Requirements**

1. An application for a District Map Amendment may be made only by the Planning Board or District Council.
2. The following public notice is required under Div. 8.6:
  - a. newspaper advertisement of the District Council public hearing in at least 2 local newspapers.

**C. Review and Recommendation**

There are no time limitations on District Map Amendment decisions.

**1. Planning Director Review**

- a. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.
- b. The Planning Director's report and recommendation must include:
  - i. Analysis of the policy issue that is the subject of the Comprehensive Plan or Functional Master Plan;
  - ii. A description of each subject area of land proposed for comprehensive rezoning; and
  - iii. Maps depicting the proposed zoning for each subject area of land.

**2. Planning Board Review**

- a. A public hearing on the Planning Director's report and recommendation must be held by the Planning Board.

- b. The Planning Board must file a recommendation on the application to the District Council.

**D. Approval Criteria**

The Applicant must show that the District Map Amendment implements a Comprehensive Plan or Functional Master Plan.

**E. Decision**

1. A public hearing must be held by the District Council.
2. An affirmative vote of a majority of the District Council is required to adopt the Planning Board's recommendation in whole or in part; with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Planning Board for further consideration.
4. The District Council must issue a resolution on the application within 60 days of the close of the record, unless such time is extended by the District Council.
5. Any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

**F. Subsequent Applications**

All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

**G. Scope of Approval**

Approval of a District Map Amendment entitles any affected property owner to develop under the approved zone per the requirements of this Chapter.

**H. Recording Procedures**

1. The District Council's resolution on the District Map Amendment must be maintained in the permanent files of the Planning Director.

2. A copy of the District Council's resolution must be sent to the Planning Director to update the zoning map.

## I. Amendments

Amendments to a District Map Amendment are made by subsequent Map Amendments under this Chapter.

### Sec. 8.2.7. Zoning Text Amendment

#### A. Applicability and Description

A change in the text of this Code requires approval of a Zoning Text Amendment.

#### B. Application Requirements

1. A request to introduce a Zoning Text Amendment may be made by any entity or person.
2. Only the District Council or any individual member(s) may introduce a Zoning Text Amendment.
3. Introduced Zoning Text Amendment
  - a. The District Council public hearing date is held within 60 days of introduction, unless the time is extended or postponed indefinitely.
  - b. Proposed Zoning Text Amendments must be transmitted to the Planning Director, DPS Director, Board of Appeals, and Hearing Examiner within 5 days of introduction by the District Council.
4. The following public notice is required under Div. 8.6:
  - a. Newspaper advertisement of the District Council public hearing in at least one local newspaper a minimum of 30 days and a maximum of 45 days before the hearing.

#### C. Review and Recommendation

##### 1. Planning Director Review

- a. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.

#### 2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public hearing.
- b. The Planning Board must file a recommendation on the application to the District Council at least 5 days prior to the District Council Hearing. The recommendation must also be made available to the public in general.

#### 3. Other Agency Review

- a. The DPS Director, Board of Appeals, and Hearing Examiner must file a recommendation on the Zoning Text Amendment to the District Council at least 5 days before the District Council Hearing. The recommendation must also be made available to the public in general.

#### D. Approval Criteria

There are no specific approval criteria for a zoning text amendment.

#### E. Decision

1. A public hearing must be held by the District Council. **[Editor's note: Conduct of meetings/hearings recommended to be in Rules of Procedure]**
2. An affirmative vote of a majority of the District Council is required to adopt the introduced Zoning Text Amendment; with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.
3. The District Council may remand the application to the Planning Board for further consideration.
4. The District Council must issue a resolution on the application within 60 days of the close of the record, unless such time is extended by the District Council.

#### F. Subsequent Applications

All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.

### **G. Scope of Approval**

Approval of a Zoning Text Amendment entitles any affected property owner to develop under the Code per the requirements of this Chapter.

### **H. Recording Procedures**

1. The District Council's resolution on the Zoning Text Amendment must be maintained in the permanent files of the Planning Director.
2. A copy of the District Council's resolution must be sent to the Planning Director, Planning Board, DPS Director, Board of Appeals, Hearing Examiner, the Supervisor of Assessments, the Department of Finance, and all persons entering their appearance at the hearing as shown by the hearing transcript.

### **I. Amendments**

Amendments to a Zoning Text Amendment are made by subsequent Zoning Text Amendments.

## Div. 8.3. Regulatory Approvals

### Sec. 8.3.1. Conditional Use Plan

#### A. Applicability & Description

1. Use of any property for a conditional use, as designated by Article 59-3, requires approval of a Conditional Use Plan.
2. In this context, the Conditional Use Plan will be used to determine if the proposed development is in compliance with this Chapter.
3. Conditional Use Plan applications may encompass all or any part of a lot or tract but when not inclusive of any previous approval that encompasses the entire lot or tract, the application must demonstrate its relation to and coordination with other approvals.
4. Conditional Use Plan applications must conform to the conditions and/or binding elements and be consistent with any and all previous approvals that encumber the subject property unless amended.
5. A site plan is not required for the lot or tract, or any portion thereof, encompassed by a Conditional Use Plan except as imposed as a condition of approval by the Hearing Examiner or the Board of Appeals.

#### B. Application Requirements

1. The Board of Appeals or Hearing Examiner provides the intake procedures for Conditional Use Plan applications as determined by which body is authorized to make the final decision.
2. The date of the public hearing on a Conditional Use Plan is held within 120 calendar days of the date an application is accepted.
3. An application for a Conditional Use Plan may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. If any land or right-of-way encompassed by a conditional plan application is owned or controlled by the State, County, or any other private or public entity, a written agreement or authorization from that entity or agency must be submitted with the Conditional Use Plan application.

5. Disclosure of ownership must conform to Article 28 of the Annotated Code of Maryland.
6. A pre-application meeting with Planning Department Staff is recommended.
7. The following public notice is required under Div. 8.6:
  - a. posting of site with signage;
  - b. mailed notice of the filed application; and
  - c. mailed notice of the Hearing Examiner public hearing.
8. The applicant must submit the following:
  - a. application form and fees as approved by the District Council.
  - b. documentation of interest in the proposed development site under Sec. 8.3.1. B.3. and Sec.8.3.1.B.4.
  - c. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application.
  - d. additional Submittal Requirements
    - i. certified copy of official zoning vicinity map showing the area within at least 1000 feet surrounding the subject property;
    - ii. list of adjacent and confronting property owners in the county tax records and any citizen's association(s) within 1/4 mile;
    - iii. Natural Resources Inventory/Forest Stand Delineation application;
    - iv. Stormwater Management Concept or Water Quality Plan application, if required under Chapter 19 ;
    - v. accepted Traffic Statement or Study, as determined by Planning Director;
    - vi. inventory map showing existing buildings, structures, circulation routes, significant natural features, historic features, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;





- vii. existing and proposed dry and wet utility plan if changes to these facilities are proposed;
- viii. written description of operational features of the proposed use;
- ix. plans of proposed development showing:
  - (a) footprints, ground-floor layout, and heights of all buildings and structures;
  - (b) required open spaces and recreational amenities;
  - (c) layout of all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
  - (d) rough grading;
  - (e) landscaping and lighting; and
  - (f) supplementary documentation showing or describing the application's conformance to previous approvals and/or applicable requirements.
- x. development program and inspection schedule detailing the construction phasing for the project;
- xi. preliminary forest conservation plan application, if required under Chapter 22, or an approved preliminary forest conservation plan or exemption for telecommunication tower applications;
- xii. for telecommunication tower applications, photographic simulations of the tower and site seen from at least 3 directions, including from adjacent and confronting properties; and
- xiii. if a sketch plan was approved for the property, a table of proposed public benefits and the incentive density points requested for each.

## C. Review and Recommendation

### 1. Planning Director Review

- a. Review by the Development Review Committee may be completed at the discretion of the Planning Director.

- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.

### 2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public hearing.
- b. The Planning Board must file a recommendation on the application to the Hearing Examiner a minimum of 10 days before the Hearing Examiner's public hearing.

### 3. Hearing Examiner Review if the Board of Appeals is the Deciding Body

- a. A public hearing must be held by the Hearing Examiner in accordance with the Board of Appeal's rules of procedure, as approved by the District Council.
- b. The Hearing Examiner may postpone the public hearing and must provide mailed notice of the new hearing date.
- c. The Hearing Examiner may issue subpoenas to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.
- d. Within 30 calendar days of the close of the record of the public hearing, the Hearing Examiner must forward a report and recommendation to the Board of Appeals. The report and recommendation must also be made available to the applicant and public in general.
- e. The Hearing Examiner may extend the time to forward the report and recommendation once by 30 days without the Board of Appeal's approval and again by 30 days with the Board of Appeal's approval.
- f. Within 10 days after transmittal of the Hearing Examiner's report any aggrieved party may file a written request for an opportunity to present oral argument before the Board of Appeals. The request must explicitly state the matters desired to be presented at the oral argument and, if oral argument is granted, the argument must be limited to matters contained in the record compiled by the hearing examiner. The Board of Appeals may, in its discretion, grant or deny an oral argument request.

Thereafter, the matter must be decided either as provided below or remanded to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.

- i. Within 5 days after a request for oral argument is filed with the Hearing Examiner's office, any interested party may rebut, in writing, a request for oral argument or request to participate in oral argument if oral argument is allowed. Any rebuttal must be concise and limited to matters raised by the party who requested oral argument. Any rebuttal to a request for oral argument must be sent to the Hearing Examiner and each party who participated at the hearing, as listed by the Hearing Examiner.

#### D. Approval Criteria

1. To approve a Conditional Use Plan, the Hearing Examiner or Board of Appeals must find that the proposed development:
  - a. conforms to and is consistent with any previous approval(s) that encumbers the subject site or, if not, that the previous approval(s) be amended;
  - b. conforms to all applicable use standards, development standards, and general requirements required by this Code;
  - c. is consistent with the recommendations of the applicable master or sector plan and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan; and
  - d. will not have significant adverse effects in the following categories beyond those that are inherent in the use:
    - i. adverse effects on the use, peaceful enjoyment, economic value or development potential of adjacent and confronting properties;
    - ii. adverse impacts due to a lack of parking, traffic, noise, odors, dust or illumination; or
    - iii. adverse effects on the health, safety, or welfare of neighboring residents, visitors, or employees.
  - e. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the

area adversely or alter the predominantly residential nature of the area. Conditional Use Plans that are consistent with the recommendations of a Master Plan do not alter the nature of an area.

- f. A Conditional Use Plan may be denied if it has non-inherent adverse effects in any of the above categories and the overall assessment of both inherent and non-inherent adverse impacts warrants denial to avoid undue harm to the general neighborhood.
2. If adequate public facilities are being tested:
  - a. and a Preliminary Subdivision Plan is not filed concurrently or required subsequently, the Hearing Examiner or Board of Appeals must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or
  - b. and a Preliminary Subdivision Plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

#### E. Decision

1. If the Hearing Examiner is deciding the application, he or she must issue a decision on the application within 30 days of the close of the record to:
  - a. approve;
  - b. approve with conditions; or
  - c. disapprove the application.
2. If the Board of Appeals is deciding the application:
  - a. An affirmative vote of a majority of the Board of Appeals is required to adopt the Hearing Examiner's recommendation with or without modifications. If the required number of affirmative votes are not obtained, the application is disapproved.

- b. The Board of Appeals must issue a resolution reflecting the Board of Appeals' decision within 30 days of the close of the record unless such time is extended by the Board of Appeals.
- 3. The Hearing Examiner or Board of Appeals may supplement the specific requirements of this Article (Article 59-8) with any other requirements necessary to protect nearby properties and the general neighborhood.
- 4. Any party aggrieved by a decision of the Hearing Examiner or Board of Appeals may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

#### F. Subsequent Applications

- 1. If the Conditional Use Plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Hearing Examiner or Board of Appeals finds that the applicant has shown substantial new facts that would warrant re-application.
- 2. All subsequent actions required by the applicant or an agency are measured from the date the Hearing Examiner's or Board of Appeal's resolution was issued or a final court action, as applicable.
- 3. Conforming Permits  
On any property where a conditional use is requested, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement:
  - a. until the Hearing Examiner or Board of Appeals approves a Conditional Use Plan; and
  - b. unless any building, structure, or improvement conforms to the approved Conditional Use Plan.
- 4. Permits Exempt from Conformance to Approved Conditional Use Plans
  - a. On any property where a Conditional Use Plan was approved, DPS may, without finding of conformance to the approved Conditional Use Plan, issue a sediment control permit or building permit to:

- i. construct an accessibility improvement;
  - ii. repair an existing structure; or
  - iii. replace an existing structure to no more than the same footprint and height approved.
- b. On a property where a Conditional Use Plan was approved, any owner or owners' association may, without finding of conformance to the approved Conditional Use Plan, change landscaping that was not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets the required setbacks, coverage limitations, other applicable standards and requirements, and does not conflict with any conditions of approval.
- c. On a residential lot created under the approval of a Conditional Use Plan and sold to a private homeowner, that owner may, without finding of conformance to the approved Conditional Use Plan, obtain a permit for improvements to landscaping and site elements that were not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets the required setbacks, coverage limitations, other applicable standards and requirements, and does not conflict with any conditions of approval.
- d. DPS must submit a copy of any permit issued under this Section (Sec. 8.3.1) to the Hearing Examiner or Board of Appeals for inclusion in the record of the Conditional Use Plan.
- e. Any modification to an improvement shown on an approved Conditional Use Plan that is allowed under this Section (Sec. 8.3.1) does not require an amendment to the Conditional Use Plan.

#### G. Scope of Approval

- 1. A Conditional Use Plan expires within 24 months from the date of the issuance of the decision or resolution, unless a longer period is established by the decision or resolution, if the use is not established or a building permit has not been obtained for the applicable use.
- 2. Development activities under this Section (Sec. 8.3.1) must conform to the

approved Conditional Use Plan and any conditions or operational restrictions.

## H. Recording Procedures

The approved Conditional Use Plan and Hearing Examiner decision or Board of Appeals resolution must be maintained in the permanent files of the Hearing Examiner or the Board of Appeals, as applicable.

## I. Amendments

1. Major amendments to an approved Conditional Use Plan follow the same procedures, must meet the same criteria, and are subject to the same requirements as the original Conditional Use Plan. Major amendments include, without limitation, any requests to increase density or height, to make changes to any conditions of approval, or to increase the intensity of the use.
2. Minor amendments to an approved Conditional Use Plan may be approved administratively by the Hearing Examiner or Board of Appeals, as applicable. Minor amendments include any changes that do not increase density or height; decrease setbacks where abutting detached residential uses; increase intensity of use; or alter the conditions of approval imposed by the Hearing Examiner or Board of Appeals.
  - a. The following public notice is required under Div. 8.6:
    - i. posting of site with signage; and
    - ii. mailed notice of the filed application.
  - b. Public Hearing
    - i. A public hearing is not required if no objection to the application is received within 15 days of the mailed notice of the filed application.
    - ii. If an objection to the application is received within 15 days of the mailed notice of the filed application a public hearing must be held under the same procedures as an original application.

## J. Compliance and Enforcement

1. DPS and the Board of Appeals must establish a regular inspection program for conditional uses. DPS must perform the inspections according to the established schedule and must perform inspections if a complaint alleging

failure to comply with the terms or conditions of a Conditional Use Plan is filed with DPS or the Board of Appeals.

2. If the inspection reveals a violation of the terms and/or conditions of the Conditional Use Plan, DPS must direct the Conditional Use Plan holder to correct the violation within a given time frame. When the time to correct the violation expires, DPS must reinspect the premises. If the violation has not been corrected, DPS must file a report with the Board of Appeals.
3. If, under this Article (Article 59-8), the Board of Appeals receives a written notice from DPS that the terms or conditions of a Conditional Use Plan or that the terms, conditions, or restrictions attached to the grant of any permit issued under this Article (Article 59-8) are not being complied with, the Board of Appeals may order the Conditional Use Plan holder and the property owner to appear before the Board of Appeals at a date, time, and place specified to show cause why the conditional use should not be revoked.
4. The notice of a show cause hearing must be issued to the Conditional Use Plan holder, the property owner, DPS, and to all parties who have submitted written complaints concerning the conditional use and must:
  - a. include the nature of the alleged violations;
  - b. state that the hearing is limited to a consideration and a determination of the validity of the allegations; and
  - c. advise the Conditional Use Plan holder and the property owner that failure to attend and participate in the hearing may result in issuance of an order revoking the conditional use.
5. The Board of Appeals must conduct a show cause hearing limited to consideration of the issues noted in the order and notice of hearing. The Board of Appeals may reaffirm or revoke the conditional use or amend, add to, delete or modify the existing terms or conditions of the conditional use. The decision of the Board of Appeals must be by the adoption of a written resolution and copies of the resolution transmitted to the Conditional Use Plan holder, the property owner, DPS, the Planning Director and other relevant parties.
6. Revocation by the Board of Appeals of any conditional use must be so noted in the official zoning maps of DPS and the Planning Department.

## Sec. 8.3.2. Variance

### A. Applicability & Description

1. A modification from the standards or requirements of this Code, not subject to a waiver by the applicable deciding body, requires approval of a Variance.
2. If an applicant requests a modification that is subject to a waiver by the applicable deciding body and that waiver is denied, the applicant can apply for a Variance.

### B. Application Requirements

1. The Board of Appeals provides the intake procedures for all Variance applications.
2. The date of the public hearing on a Variance application is held within 60 days of the date an application is accepted.
3. An application for a variance may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. The following public notice is required under Div. 8.6:
  - a. posting of site with signage;
  - b. mailed notice of the filed application; and
  - c. mailed notice of the Board of Appeals public hearing.
5. The applicant must submit the following:
  - a. application form and fees as required by the Board of Appeals.
  - b. documentation of interest in the proposed development site under **Sec. 8.3.2.B.3.**
  - c. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application.
  - d. additional submittal requirements:
    - i. survey plat or scaled drawing showing boundaries, frontage, and topography;

- ii. certified copy of official zoning vicinity map showing the area within at least 1000 feet surrounding the subject property;
- iii. list of adjacent and confronting property owners in the county tax records and any citizen's association(s) within 1/4 mile;
- iv. scale plans, illustrations, sections, elevations, and/or specifications showing all existing and proposed buildings and structures; and
- v. supplementary documentation to be introduced in support of the application.

### C. Review and Recommendation

Review by the Planning Director, Planning Board, and/or Hearing Examiner may be completed, if requested by the Board of Appeals.

### D. Approval Criteria

To approve a Variance, the Board of Appeals must find that:

1. By reason of unusual lot shape, topographical conditions, or other extraordinary situations or conditions peculiar to the specific site the strict application of the standards in this Chapter would impose unusual practical difficulties on the applicant;
2. The requested variance is the minimum necessary to overcome the practical difficulties imposed by the unusual or extraordinary situations or conditions;
3. The Variance can be granted without substantial impairment to the intent and integrity of the General Plan or the applicable Master or Sector Plan; and
4. Granting the Variance will not be detrimental to the use and enjoyment of adjoining properties.

### E. Decision

1. A public hearing must be held by the Board of Appeals.
2. Within 30 days after the close of the record of the public hearing, the Board of Appeals must act by a majority of those present at the public hearing to approve, approve with conditions, or disapprove the application. If the required number of affirmative votes are not obtained, the application is disapproved.
3. Any party aggrieved by a decision of the Board of Appeals may file a petition

for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

#### F. Subsequent Applications

1. If a Variance is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a resolution is adopted unless the Board of Appeals finds that the applicant has shown substantial new facts that would warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured from the date of the Board of Appeals' resolution or the final court action, as applicable.

#### G. Scope of Approval

1. A Variance is valid for 12 months, during which time a building permit must be obtained for the applicable building, structure, or use.
2. Approval of a Variance entitles the applicant or successor to obtain a building permit or file a Site Plan or Conditional Use Plan to the standard(s) granted by the Variance.
3. The conditions approved by the Board of Appeals are binding upon the applicant, successors, and assigns.

#### H. Recording Procedures

The Board of Appeals' resolution must be maintained in the land records and permanent files of the Board of Appeals.

#### I. Amendment

There are no amendments to a Variance.

### Sec. 8.3.3. Sketch Plan

#### A. Applicability & Description

1. Development under optional method in the CRT, CR, EOF, or ELS zone requires approval of a Sketch Plan.
2. In this context, a Sketch Plan provides the opportunity for the Planning

Board to consider the appropriate balance of public benefits and development rights.

#### B. Application Requirements

1. The Planning Director provides the intake procedures for all Sketch Plan applications.
2. The date of the public hearing on a sketch plan is held within 90 calendar days of the date an application is accepted.
3. An application for a Sketch Plan may be made only by a governmental agency or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. If any land or right-of-way encompassed by a Sketch Plan application is owned or controlled by the state, county, or any other private or public entity, a written agreement or authorization from that entity or agency must be submitted with the Sketch Plan application.
5. Disclosure of ownership must conform to **Article 28 of the Annotated Code of Maryland**.
6. A pre-application meeting with Planning Department Staff is recommended.
7. The following public notice is required under Div. 8.6:
  - a. pre-submittal public meeting;
  - b. posting of site with signage;
  - c. mailed notice of filed application; and
  - d. mailed notice of the Planning Board public hearing.
8. The applicant must submit the following:
  - a. application form and fees as required by the Planning Director;
  - b. vicinity map at 1" = 200';
  - c. site inventory map showing existing buildings, structures, circulation routes, significant natural features, historic features, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;

- d. list of adjacent and confronting property owners in the county tax records and any citizen's association(s) within 1/2 mile;
- e. documentation of interest in the proposed development site under **Sec. 8.3.3.B.3.** and **Sec.8.3.3.B.4.**;
- f. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application; and
- g. illustrative plans showing:
  - i. building densities, massing, heights, and the anticipated mix of uses;
  - ii. locations of public use and other open spaces;
  - iii. pedestrian, bicycle, and vehicular circulation, parking, and loading; and
  - iv. relationships between existing or proposed adjacent buildings and rights-of-way;
  - v. a table of proposed public benefits and the incentive density points requested for each; and
  - vi. a general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

## C. Review and Recommendation

### 1. Planning Director Review

- a. Review by the Development Review Committee must be completed within 45 days of the date an application is accepted.
- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and public in general at least 10 days before the Planning Board hearing.
- c. The Planning Director may postpone the public hearing by 30 days once without Planning Board approval and by 30 days once again if the extension is approved by the Planning Board. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

## D. Approval Criteria

To approve a Sketch Plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:

- 1. meet the objectives, general requirements, and standards of this Chapter;
- 2. further the recommendations and objectives of the applicable Master or Sector Plan;
- 3. achieve compatible internal and external relationships between existing and pending nearby development;
- 4. provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;
- 5. propose an outline of public benefits that supports the requested incentive density; and
- 6. establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future Preliminary and Site Plan applications.

## E. Decision

- 1. A public hearing must be held by the Planning Board.
- 2. Within 30 days after the close of the record of the public hearing, the Planning Board must act by majority vote of those present at the public hearing to:
  - a. approve;
  - b. approve subject to modifications, conditions, or binding elements; or
  - c. disapprove the application.
- 3. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

## F. Subsequent Applications

1. If a Sketch Plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Planning Board finds that the applicant has shown substantial new facts that would warrant re-application.
2. All subsequent actions required by the applicant or an agency are measured from the date of the Planning Board's resolution or the final court action, as applicable.
3. If a Sketch Plan is approved, a Site Plan(s) must be submitted under this Article (Article 59-8) within 36 months of date of the mailing of the resolution, unless a longer period is established by the resolution.

## G. Scope of Approval

1. Approval of a Sketch Plan entitles the applicant or successor to file a Site Plan(s) under the optional method development standards and requirements and according to the conditions and binding elements approved with the Sketch Plan.
2. The conditions or binding elements approved by the Planning Board are binding upon the applicant, successors, and assigns.

## H. Recording Procedures

The Planning Board resolution must be maintained in the permanent files of the Planning Department.

## I. Amendments

During Site Plan review, the Planning Board may approve amendments to the binding elements or conditions of an approved Sketch Plan.

1. Amendments to the binding elements or conditions of an approved Sketch Plan may be approved if such amendments are:
  - a. requested by the applicant;
  - b. recommended by the Planning Board staff and agreed to by the applicant; or
  - c. made by the Planning Board, based on a staff recommendation or on its own initiative, if the Planning Board finds that a change in relevant facts

and circumstances since Sketch Plan approval demonstrates that the binding element or condition is not consistent with the applicable Master or Sector Plan or does not meet the requirements of this Code.

2. Notice of proposed amendments to the binding elements must be identified in the Site Plan application if requested by the applicant, or in the final notice of the Site Plan hearing if recommended by Planning Board staff and agreed to by the applicant.
3. For any amendments to the binding elements or conditions, the Planning Board must make the applicable Sketch Plan findings in addition to the findings necessary to approve a Site Plan under this Article (Article 59-8).

## Sec. 8.3.4. Site Plan

### A. Applicability & Description

1. Development under the optional method requires approval of a Site Plan, in some cases, after approval of a Sketch Plan; development under a Floating zone requires approval of a Site Plan after approval of a Floating Zone Map Amendment.
2. Development under the standard method requires Site Plan approval as indicated in the following table:

**Determining when a Site Plan is required:**

Subject Property's Zone	Proposed Use	Proposed Intensity (gross floor area in SF, units, or building height in feet)	Abutting or Confronting Property's Zone	Site Plan Required
Agricultural, Rural, or Residential Detached	Any	Any	Any	No
Residential Townhouse or Residential Multi-Unit	Any	< 20 units or ≤ 40'	Any	No
		≥ 20 units or > 40'	Any	Yes
Commercial/Residential or Employment	Permitted	≤ 10,000 SF, ≤ 10 units, or ≤ 40'	Any	No
		> 10,000 SF, > 10 units, or > 40'	Agricultural, Rural, Residential, or Floating	Yes
	Limited	Any	Commercial/Residential, Employment, or Industrial	No
Industrial	Any	≤ 40'	Agricultural, Rural, Residential, or Floating	Yes
			Commercial/Residential, Employment, or Industrial	No
	> 40'	Any	Yes	
Overlay	Any	Any	Any	If required by the applicable Overlay zone under <a href="#">Article 59-4</a> or if required by the underlying zone.

3. A Site Plan provides a detailed overview of the applicant's development. In this context, the Site Plan will be used to determine if the proposed development is in compliance with current laws, regulations, this Code, and applicable Master or Sector Plan and approved guidelines.
4. Site Plan applications may encompass all or any part of a lot or tract but when not inclusive of any previous approval that encompasses the entire lot or tract, the application must demonstrate its relation to and coordination with other approvals or submittals.
5. Site Plan applications must conform to the conditions and/or binding elements and be consistent with any and all previous approvals that encumber the subject property.
6. A site Plan is not required for any site or area within a site subject to a Conditional Use Plan, unless as conditioned by the Hearing Examiner or Board of Appeals.

## B. Application Requirements

1. The Planning Director provides the intake procedures for all Site Plan applications.
2. The date of the Planning Board's public hearing on a Site Plan is held within 120 days of the date an application is accepted.
3. An application for a Site Plan may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
4. If any land or right-of-way encompassed by a Site Plan application is owned or controlled by the state, county, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Site Plan application.
5. Disclosure of ownership must conform to Article 28 of the Annotated Code of Maryland.
6. A pre-application meeting with Planning Department Staff is recommended.
7. The following public notice is required under Div. 8.6:
  - a. pre-submittal public meeting;
  - b. posting of site with signage;
  - c. mailed notice of filed application; and
  - d. mailed notice of the Planning Board public hearing.
8. The applicant must submit the following:
  - a. application form and fees as required by the Planning Director;
  - b. vicinity map at 1" = 200';
  - c. site inventory map showing existing buildings, structures, circulation routes, significant natural features, historic features, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
  - d. list of adjacent and confronting property owners in the county tax records and any citizen's association(s) within 1/2 mile;
  - e. documentation of interest in the proposed development site under **Sec.8.3.4.B.3.** and **Sec.8.3.4.B.4;**
  - f. statement of justification outlining how the proposed development satisfies the standards and criteria for the granting of the application;
  - g. verification that the applicant has posted notice on the property, notified affected parties, and held a pre-submittal meeting with the public, as required by Planning Board regulations;
  - h. additional submittal requirements:
    - i. approved Natural Resources Inventory/Forest Stand Delineation plan;
    - ii. Stormwater Management Concept Application or, if required, a Water Quality Plan Application;
    - iii. accepted Traffic Statement or Study, as required by the Planning Director;
    - iv. existing and proposed dry and wet utility plan;
    - v. plans of proposed development showing:
      - (a) footprints, ground-floor layout, and heights of all building and structures;
      - (b) required open spaces and recreational amenities;

- (c) detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
  - (d) grading;
  - (e) landscaping and lighting; and
  - (f) supplementary documentation showing or describing the application's conformance to previous approvals and/or applicable requirements.
- i. a development program and inspection schedule detailing the construction phasing for the project;
  - j. a final forest conservation plan application; and
  - k. if a Sketch Plan was approved for the property, a table of proposed public benefits and the incentive density points requested for each.

### C. Review and Recommendation

#### 1. Planning Director Review

- a. Review by the Development Review Committee must be completed within 45 days of the date an application is accepted.
- b. A report and recommendation must be issued by the Planning Director and made available to the applicant and general in public a minimum of 10 days before the Planning Board hearing.
- c. The Planning Director may postpone the public hearing by 30 days once without Planning Board approval and by 30 days once again if the extension is approved by the Planning Board. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

### D. Approval Criteria

To approve a Site Plan, the Planning Board must find that the proposed development:

- 1. conforms to and is consistent with any previous approval(s) that encumbers the subject site or, if not, that the previous approval(s) be amended;

- 2. conforms to all applicable use standards, development standards, and general requirements required by this Code;
- 3. is substantially consistent with the recommendations of the applicable master or sector plan and any guidelines approved by the Planning Board that implement the applicable plan;
- 4. is compatible with existing and approved adjacent development;
- 5. provides safe, well-integrated circulation patterns and building massing and, where required, open spaces and site amenities; and
- 6. meets the requirements of other applicable sections of the Montgomery County Code under jurisdiction of the Planning Board, including:
  - a. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and
  - b. Chapter 22A, Forest Conservation.

### E. Decision

- 1. A public hearing must be held by the Planning Board.
- 2. Within 30 days after the close of the record of the public hearing, the Planning Board must act by majority vote of those present at the public hearing to:
  - a. approve;
  - b. approve subject to modifications or conditions; or
  - c. disapprove the application.
- 3. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to Circuit Court and thereafter to the Court of Special Appeals.

### F. Subsequent Applications

- 1. If the Site Plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Planning Board finds that the applicant has shown substantial new facts that would warrant re-application.

2. All subsequent actions required by the applicant or an agency are measured from the date of the Planning Board’s resolution or the final court action, as applicable.
3. Conforming Permits  
On any property where a site plan approval is requested, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement:
  - a. until the Planning Board approves a Site Plan; and
  - b. unless any building, structure, or improvement conforms to the approved Site Plan as certified by the Planning Department.
4. Permits Exempt from Conformance to Approved Site Plans
  - a. On any property where a Site Plan was approved DPS may, without finding of conformance to the approved Site Plan, issue a sediment control permit or building permit to:
    - i. construct an accessibility improvement;
    - ii. repair an existing structure; or
    - iii. replace an existing structure to no more than the same footprint and height approved.
  - b. On a property where a Site Plan was approved, any owner or owners’ association may, without finding of conformance to the approved Site Plan, change landscaping that was not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets the required setbacks, coverage limitations, other applicable standards and requirements, and does not conflict with any conditions of approval.
  - c. On a residential lot created under the approval of a Site Plan and sold to a private homeowner, that owner may, without finding of conformance to the approved Site Plan, obtain a permit for improvements to landscaping and site elements that were not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets the required setbacks, coverage

limitations, other applicable standards and requirements and does not conflict with any conditions of approval.

- d. DPS must submit a copy of any building or site permit approved under this section to the Planning Director for inclusion in the record of the Site Plan.
- e. Any modification to an improvement shown on an approved Site Plan that is identified in this Section (Sec. 8.3.4) does not require an amendment to the Site Plan.

#### **G. Scope of Approval**

1. A Site Plan expires unless a certified Site Plan is approved within 24 months of Planning Board approval, measured from the date of the resolution.
2. A Site Plan does not become effective until the final record plat is recorded for any approved subdivision plan underlying the subject property.
3. A certified Site Plan does not expire unless the underlying subdivision plan’s adequate public facilities review, as determined by Section 50-35(d) of the Montgomery County Code, expires or changes to the applicable zoning map, text, or other applicable laws or regulations require the certified Site Plan to be modified.
4. Development activities under this Section (Sec. 8.3.4) must conform to the approved Site Plan and any conditions or restrictions.

#### **H. Recording Procedures**

The certified Site Plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

#### **I. Amendments**

1. Major amendments to an approved Site Plan follow the same procedures, must meet the same criteria, and are subject to the same requirements as the original Site Plan.
  - a. Major amendments include any requests to increase density or height or to make changes to any conditions of approval.
  - b. Uncontested major amendments may be approved on the Planning Board’s consent agenda.

2. Minor amendments to an approved Site Plan may be approved administratively by the Planning Director. Minor amendments include any changes that do not increase density or height; decrease setbacks where abutting detached residential uses; or alter the intent, objectives, or requirements expressed or imposed by the Planning Board.
  - a. The following public notice is required under Div. 8.6:
    - i. posting of site with signage; and
    - ii. mailed notice of the filed application.
  - b. Public Hearing
    - i. A public hearing is not required if no objection to the application is received within 15 days of the mailed notice of the filed application.
    - ii. If an objection to the application is received within 15 days of the mailed notice of the filed application a public hearing must be held under the same procedures as an original application.

## J. Compliance and Enforcement

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Site Plan, it may:
  - a. impose a civil fine or administrative civil penalty authorized by Section 50-41;
  - b. suspend or revoke the Site Plan;
  - c. approve a compliance program which would permit the applicant to take corrective action to comply with the certified Site Plan;
  - d. allow the applicant to propose modifications to the certified Site Plan; or
  - e. take any combination of these actions.
2. If the Planning Board suspends or revokes a Site Plan, DPS must immediately suspend any applicable building permit under which construction has not been completed, or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the Site Plan or approves a new Site Plan for the development.

## Div. 8.4. Administrative Approvals

### Sec. 8.4.1. Building Permit

#### A. Applicability

1. A building permit is required before any building or structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started.
2. Exemptions from building permit requirement:
  - a. Any building or structure used exclusively for agricultural purposes on land used exclusively for agriculture, except for:
    - i. a building or structure used for a purpose that is not exclusively agricultural, including conditional uses, even though located on otherwise agricultural land; or
    - ii. an equestrian facility, building, or structure intended for use by participants or spectators at an equestrian event.
  - b. The following public utility equipment:
    - i. any structure and its attached cross arms carrying overhead electric power and energy transmission and distribution lines that carry 69,000 volts or less;
    - ii. equipment installed and maintained by a public utility subject to regulation by the State Public Service Commission; or
    - iii. poles or structures used for street lights, fire alarm boxes, traffic signals, or similar municipal equipment installed by the state or a local municipality.

#### B. Application Requirements

Each application for a building permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision name, if any;
2. the name and width of abutting streets;

3. the location, dimensions, and use of existing buildings and other structures on the lot;
4. the location, dimensions, and proposed use of buildings and other structures for which a permit is requested;
5. front and rear yard widths; and
6. north point, date, and scale of plan.

#### C. Approval Process

DPS provides the intake procedures for building permits.

#### D. Approval Criteria

1. DPS must determine that proposed work conforms to the uses and amount of development authorized under this Code or other applicable law and for which the adequacy of public facilities is determined after:
  - a. review of a preliminary plan of subdivision or Site Plan if required under this Code or chapter 50; or
  - b. building permit review if required under **Chapter 8**.
2. For a Conditional Use Plan, Variance, or Site Plan:
  - a. Proposed work must comply with all terms and conditions set by the deciding body in the resolution or decision granting the approval, including any exhibits referred to in the decision.
  - b. DPS, in its exercise of reasonable discretion, may allow minor adjustments during construction that do not substantially alter the size, location or external appearance of any approved building(s), structure(s) or use(s). DPS must immediately notify the deciding body of any deviations from the approval of the deciding body.
  - c. Any change proposed during construction that would substantially alter the location or external appearance of any approved building(s), structure(s), or use(s) requires an amendment under this Division (Div. 8.4).

- d. The County may suspend or revoke any building permit for construction if the construction does not comply with all terms and conditions set by the deciding body.
- 3. A building permit must not be issued during the time permitted by law or rule of court to file an appeal from:
  - a. Any decision or resolution by a deciding body under this Division (Div. 8.4).
  - b. A decision of judgment of a court in a proceeding which seeks to affirm, reverse, modify, or nullify a decision of a deciding body or to remand the same to the deciding body. DPS is prohibited from issuing a building permit during the pendency of such court proceedings or a proceeding before the Board of Appeals; provided, that nothing herein shall be construed to prohibit the issuance of a building permit for any use which would have been permitted under this Code for the subject property immediately prior to a decision under **Sec. 8.4.1.D.3.1** hereof unless such use will not be permitted under the requested change in classification or grant which was the subject of such decision.
    - i. A building permit may be issued, however, while an appeal from the grant of a Sectional Map Amendment by the District Council may be filed or is pending if the permit is for development and use in accordance with the zoning classification imposed on the property by the Sectional Map Amendment. Such a building permit shall contain a condition that the development shall comply with all the requirements of the zoning classification imposed by the Sectional Map Amendment and any Sketch Plans and Site Plans that may have been approved by the Planning Board under the optional method of development. The development pursuant to such building permit (i.e., the construction of footings on the site) shall be deemed to have a vested interest to continue and be used under the zoning classification imposed by the Sectional Map Amendment.
    - ii. In order to facilitate the orderly coordination of the issuance of building permits with the county zoning procedures, in this Code, applications for building permits shall be rejected if all or any part of

such application lies within the boundaries of an application for an amendment to the zoning map, filed under the applicable provisions of this Code. However, no such application shall be rejected under the provisions of this subsection if such application would otherwise satisfy the requirements of both the existing zoning classification and the proposed zoning classifications of the application for an amendment to the zoning map. Any application rejected under the provisions of the subsection may be resubmitted without an additional fee and shall be acted upon following the final disposition by the District Council of the amendment to the zoning map; provided, that whenever action by the District Council on any such zoning map amendment is still pending, on the whole or any part of the land covered by a building permit application, after the passage of 6 months from the date of the original submission of the building permit application, an application for a building permit rejected under this subsection may be refiled without an additional fee and must not be rejected again under the provisions of this subsection.

- 4. Until the application has been submitted to the Planning Director for review for conformity with this Code, a building permit must not be issued for:
  - a. construction of a new principal structure;
  - b. construction that increases the gross floor area of an existing commercial structure; or
  - c. construction that increases the gross floor area of any residential structure by more than 500 feet.

#### **E. Appeal**

Any party aggrieved by the decision of DPS may file an appeal for review of the decision within the time and manner prescribed with in the Maryland Rules of Procedure relating to administrative appeals to the Board of Appeals under **Sec 8.8.1** and thereafter to the Circuit Court and Court of Special Appeals.

## Sec. 8.4.2. Use & Occupancy and Temporary Use Permits

### A. Applicability

1. A use-and-occupancy permit is required before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another.
2. Exemptions from use-and-occupancy permit requirement:
  - a. land or buildings used exclusively for agricultural purposes;
  - b. a use for which a valid occupancy permit was issued and not revoked before June 1, 1958;
  - c. a family day care facility (up to 8 persons); and
  - d. a transitory use.

### B. Application Requirements

Each application for a use-and-occupancy permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot on which a use is proposed; lot dimensions, lot and block numbers and subdivision name, if any;
2. the location, extent, and layout for the proposed use and any other pertinent information; and
3. north point, date and scale of plan.

### C. Approval Procedures

DPS provides the intake and procedures for use-and-occupancy and temporary use permits.

### D. Approval Criteria

1. DPS must certify compliance with this Code.
2. Any building, structure, or land to be used must comply with the requirements, representations, plans, and conditions contained in the decision or resolution of the deciding body.
3. On the basis of a thorough final inspection, DPS must verify that construction or alteration has been completed, according to the decision or resolution.

4. A temporary use-and-occupancy permit may be issued subject to any restrictions in Article 59-3.

### E. Appeals

Any party aggrieved by the decision DPS may file an appeal for review of the decision within the time and manner prescribed within the Maryland Rules of Procedure relating to administrative appeals to the Board of Appeals under Sec. 8.8.1. and thereafter to the Circuit Court and Court of Special Appeals

## Sec. 8.4.3. Home Occupation and Home Health Practitioner Registration

### A. Applicability

All low impact and major impact home occupations and low impact and major impact home health practitioners must register with DPS.

### B. Application Requirements

An application for registration must include the following:

1. a signed affidavit of compliance that affirms that the applicant:
  - a. complies with the applicable standards in Sec. 3.3.3.E or Sec. 3.3.3.F;
  - b. will take whatever action is required by DPS to bring the home occupation or home health practitioner's office into compliance if complaints of noncompliance are received and verified.
2. the manner in which the operation of the home occupation or home health practitioner satisfies the use standards in Sec. 3.3.3.E or Sec. 3.3.3.F;
3. the location of the lot or parcel by street address and either lot and block number or liber and folio;
4. the zone in which the lot or parcel is located;
5. area of the lot or parcel, in square feet or acres;
6. the total floor area of the dwelling unit and the amount of floor area to be used for the home occupation or home health practitioner as well as the floor area of any existing accessory building to be used for the home occupation or home health practitioner;
7. the location and number of off-street parking spaces;

8. proof of home address; and
9. other pertinent information required by DPS.
10. For a home health practitioner's office:
  - a. a copy of the use- and-occupancy permit required under [Section 8.4.2](#); and
  - b. the location of any indoor waiting room for patients, if more than one patient will be on the premises at the same type.

### C. Approval Procedures

DPS provides the intake procedures for the home occupation and home health practitioner registration.

### D. Approval Criteria

DPS issues a Certificate of Registration if the applicant:

- a. satisfies [Section 3.3.3.E](#) or [Section 3.3.3.F](#); and
- b. has an approved on-site inspection, as required by DPS.

### E. Recording Procedures

DPS must maintain the Home Occupation and Health Practitioner Registry that is readily available for public inspection.

### F. Compliance and Enforcement

1. If DPS receives a complaint about a home occupation or home health practitioner's office, an inspector must inspect the property and determine, within 90 days after receipt of the complaint, whether there is a violation of the provisions of this Section (Sec. 8.4.3) or [Section 3.3.3.E](#) or [Section 3.3.3.F](#).
2. If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected within 30 days after the warning notice is issued. In the case of any violation that could be remedied with a Conditional Use Plan, a petition must be filed within 60 business days for a Conditional Use Plan for a major home occupation or home health practitioner under [Section 3.3.3.E](#) or [Section 3.3.3.F](#). Operation of the low impact home occupation or home health practitioner's office may continue until the Board of Appeals has acted on the petition if the violation is corrected before the application for conditional use is filed. If the Board of Appeals denies the

Conditional Use Plan, the home occupation or home health practitioner's office must cease immediately or operate under the requirements for a low impact home occupation or home health practitioner's office.

3. DPS may issue a citation under [Div 8.6](#):
  - a. immediately, instead of a warning notice under [Sec 8.4.3.F.1](#); or
  - b. 30 days or more after the warning notice was issued under [Sec 8.4.3.F.1](#).

## Sec. 8.4.4. Sign Permit

### A. Applicability

1. A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan, does not require a permit.
2. Signs listed in [Sec. 7.6.3](#) are exempt from sign permit requirement.

### B. Application Requirements

1. The property owner and the sign installer must file a joint application for the sign permit on forms provided by DPS. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required fees and the following:
  - a. a scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports;
  - b. a scale drawing of the site showing:
    - i. the proposed location of the sign, including setbacks;
    - ii. the location and size of all other signs on the property;
    - iii. the location, dimensions, and distance from property lines of all buildings on the site;
    - iv. the location, and name of all streets which abut the property;
    - v. the frontage dimensions of the site along each street which abuts the property;
    - vi. the existing elevation and grade of the site and the proposed contour lines;

- c. a valid electrical permit or a completed application for an electrical permit under **Chapter 17**, if the application is for an illuminated sign;
- d. a completed building permit application pursuant to **Chapter 8** for a sign requiring structural support;
- e. payment of the sign permit fee as adopted by District Council Resolution;
- f. other information that may be required by DPS to insure compliance with **Div 7.6** or other Sections of the Code; and
- g. a sign concept plan if:
  - i. the lot or parcel is in a Commercial/Residential, Employment, or Industrial zone and is requesting more than 800 square feet of total sign area;
  - ii. the development consists of more than one lot or parcel in a Commercial/Residential, Employment, or Industrial zone zone developed under a management control plan where one or more individual lots or parcels is requesting more than 800 square feet of total sign area. When used for such development, a sign concept plan may include one or more individual sites or parcels whose total sign area does not exceed 800 square feet; or
  - iii. the development uses optional method within an urban renewal area.
- 2. DPS must waive all required fees if:
  - a. the primary applicant is a non-profit organization that is on the Planning Board’s list of civic and homeowners associations; and
  - b. the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director of DPS under **method (2)**.
- 3. DPS may waive or reduce all required fees if:
  - a. the primary applicant is a non-profit organization that by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by a regulation adopted by the Director of DPS under **method (2)**; and

- b. the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director of DPS under **method (2)**.

**C. Approval Process**

DPS provides the intake procedures for sign permit applications.

**D. Approval Criteria**

- 1. A sign permit must be issued by DPS as follows:
  - a. upon review of the application, DPS determines that the proposed sign or sign concept plan meets the requirements of **Div 7.6**; or
  - b. upon submission of the application packet and a written certification by a licensed sign installer that the proposed sign meets the requirements of **Div 7.6**.
- 2. DPS has the authority to resolve any dispute or to interpret any ambiguity in this Section (**Sec. 8.4.4**).

**E. Validity**

A sign permit becomes invalid when:

- 1. the sign for which the permit was issued is not erected within 6 months from the date of issuance;
- 2. the sign for which the permit was issued is moved or substantially altered;
- 3. DPS revokes the permit for failure to comply with an order issued by DPS stipulating corrective action for improper maintenance;
- 4. the application for a sign permit contained inaccurate information; or
- 5. the terms of the permit have not been satisfied.

**F. Appeal**

Any party may appeal to the Board of Appeals under **Sec 8.8.1** for the following:

- 1. any final action of DPS related to permits and licenses within 30 days of the action;
- 2. any final action of DPS with respect to Sign Review Board recommendations within 30 days of the action; and
- 3. any final decision of the Sign Review Board.

## G. Compliance and Enforcement

1. The sign permit must be displayed in a location on or near the sign that permits a person to read the permit while standing on the ground, including on the sign itself, on its supporting structure, or other reasonable and visible location.
2. Compliance is the responsibility of the joint applicants for a sign permit, including the property owner or agent of the property where the sign is erected, along with the lessee, if any, and the sign installer. DPS may initiate enforcement proceedings against one or all of these individuals, jointly or severally.
3. Upon identification and presentation of proper credentials, DPS may enter a site during normal business hours to inspect a sign displayed on a building, structure, lot or parcel in the county to determine compliance with this Code.
4. DPS may order the removal of any sign that violates this Code, or interferes with traffic or public safety. The removal must be performed at the expense of the responsible party.
5. DPS may revoke, suspend, refuse to issue, or refuse to reissue any permit or license in accordance with this Code.

## Sec. 8.4.5. Sign Permit Variance

### A. Applicability

Any sign not listed in [Div 7.6](#), or which does not conform to the requirements in [Div 7.6](#), may apply for a sign permit variance from DPS.

### B. Application Requirements

1. A sign variance application; and
2. A list of the persons and organizations notified 15 days prior to the hearing including:
  - a. the owner and all residents of each property that is contiguous or opposite to the proposed location of the sign. A condominium's council of unit owners may be notified instead of the owner and residents of each individual condominium;

- b. the head officer of any citizens association on file with the Planning Board that represents the area where the sign would be located;
- c. any municipality or special taxing district in which the proposed sign would be located;
- d. the technical staff of the Planning Board if the sign would be located on property subject to a Site Plan agreement; and
- e. any other person or organization that expressed an interest in writing to DPS or the applicant before the notice is sent.

### C. Approval Process

The application is filed with DPS and a hearing date is schedule with the Sign Review Board.

### D. Approval Criteria

1. For all sign permit variances, DPS must consider:
  - a. the sign's size, shape, color, design elements, location, or cost;
  - b. compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; and
  - c. any recommendation of the Planning Board or its technical staff.
2. DPS, after a hearing, may approve an application for a sign permit variance from the sign requirements of [Div 7.6](#) if:
  - a. the strict application of the sign requirements of [Div 7.6](#) would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on an applicant;
  - b. the sign permit variance is the minimum reasonably necessary to overcome any exceptional conditions; and
  - c. the sign permit variance can be granted without substantial impairment of the purpose of [Div 7.6](#).
3. After hearing, DPS or designee may revoke a previously granted sign permit variance if:
  - a. the applicant supplied inaccurate information, or
  - b. the terms of a variance have not been met.

4. DPS is prohibited from varying any requirement of Sec. 8.4.6 and from approving a sign permit variance for any sign prohibited under Sec. 7.6.4.
5. DPS may approve a sign permit variance without a Sign Review Board hearing if:
  - a. after receiving notice under Sec. 8.4.5.B.2., no person has expressed an intention by a specified deadline to oppose the application or otherwise appear at the hearing; and
  - b. DPS concludes that approval of a sign permit variance would not create any negative impact on the area where the sign is or would be located.
6. DPS may approve a variance for a sign on property subject to a conditional use if the Board of Appeals has approved the sign. Nothing in this Section (Sec. 8.4.5) prevents DPS or designee from imposing more restrictive conditions than the Board of Appeals, but DPS or designee must not approve a sign permit variance which is less restrictive than any condition set by the Board of Appeals.
7. DPS or designee may impose conditions and terms when approving a sign permit variance.
8. DPS or designee must notify each party of record of the sign permit variance decision when it is issued.

### E. Appeal

Any party may appeal to the Board of Appeals under Sec. 8.8.1. for the following:

1. any final action of DPS related to permits and licenses within 30 days of the action;
2. any final action of DPS with respect to Sign Review Board recommendations within 30 days of the action; or
3. any final decision of the Sign Review Board.

## Sec. 8.4.6. Sign Installer License

### A. Applicability

The provisions of the sign installer license apply to a business which chooses to provide certification as a licensed sign installer.

### B. Application Requirements

1. The joint applicants for a sign installer license must submit a complete application on a form approved by DPS, indicating:
  - a. the complete business identification including the address and telephone number of the business, the names of the principals, partners, and officers, and any affiliates of the business;
  - b. a statement of the experience, education, and training of the principal employee in the sign related activity;
  - c. other information which DPS may require.
2. A certificate of current general liability insurance, from an insurance company qualified to do business in the State of Maryland, of at least \$500,000 single limit for bodily injury and property damage per occurrence including contractual liability, personal injury, and independent contractors must accompany the application form.
3. A check in the amount of the application fee, examination fee, and license fee.

### C. Approval Process

1. The applicant must establish and DPS may verify the minimum eligibility requirements of an applicant to be examined for a license as follows:
  - a. The applicant must have been regularly and principally employed in sign related activity for 2 years immediately preceding the application. DPS may credit the 2 years of experience upon certification of relevant education at a trade school or other educational institution which DPS deems to be comparable. One year (30 semester hours or Continuing Education Units) of relevant education may be considered as one year of experience. DPS may credit up to the maximum of 2 years of experience with education.
  - b. The applicant must be of good character. DPS may ascertain the character of the applicant from the references provided by the applicant and from independent sources, including the office of consumer affairs, the State of Maryland Office of the Attorney General, and the records of the department.

2. Upon the applicants satisfying the minimum requirements and filing a complete application for a license, DPS must provide the applicant with access to the sign ordinance and other related regulations and must schedule the applicant for an examination.
3. The applicant must receive a passing grade on an examination based upon the standards of this Article (Article 59-8) and administered by DPS.
  - a. DPS must grade the examination within 20 days of the examination date and notify the applicant, in writing, within 10 days of determining the results of the examination.
  - b. An applicant who fails to pass the examination is entitled to one reexamination, without resubmitting the license application. An applicant who fails to pass the reexamination must submit a new application for a license.
4. A license must be issued jointly to the business and to a person who is principally employed by the business and responsible for supervising the sign related activity. A business may obtain licenses for multiple employees.

#### D. Validity

1. A license is valid for one year from the date of issuance, and may be renewed by applying in person at DPS. Applicants for renewal must provide to DPS:
  - a. certification that the insurance requirements of Sec. 4.6.B .2 remain in compliance;
  - b. a check in the amount of the renewal fee; and
  - c. other information which DPS may require.
2. A license is not transferable. If the person and the business holding a license terminate their association, the license becomes invalid and a new license must be obtained.
3. A license is issued based upon the information submitted at the time of application. Any changes in the information must be submitted to DPS promptly.

#### E. Denial, Suspension or Revocation

1. DPS may suspend, revoke, refuse to issue, or deny renewal of a license if the applicant or licensee:
  - a. has secured the license through misrepresentation;
  - b. has failed to correct without additional charge, violations of any provisions of this Article (Article 59-8);
  - c. has been found by a court or the Board of Appeals to have violated the same provision of this Article (Article 59-8) more than 2 times;
  - d. has been found guilty of deceptive business practices;
  - e. has committed an act of gross negligence; or
  - f. has failed to notify DPS of changes to the information required on the license application.
2. DPS must provide written notice to the applicant or licensee of any action taken under Sec. 8.4.6.E.1. The notice must:
  - a. contain a statement of the reasons for the action taken and the right of appeal to the Board of Appeals; and
  - b. be delivered personally to the applicant, licensee, or authorized business representative or sent by certified mail to the local address in the license application.
3. A license may be suspended for up to 120 days upon a finding by DPS that a violation of Sec. 8.4.6.E.1. has occurred.
4. Following a revocation or refusal to renew, a licensee may request reinstatement after one year has elapsed.

#### F. Appeal

The suspension, revocation, denial or refusal to issue or renew a sign installer's license may be appealed to the Board of Appeals under Sec 8.8.1.C.

#### Sec. 8.4.7. Written Interpretation

[Editor's Note: To be added]

## Div. 8.5. Nonconformities

[Editor's Note: The following language is a general outline of the structure for grandfathering provisions in the new Code. More detailed language will be forthcoming.]

Will include grandfathering provisions that provide for:

### Sec. 8.5.1. New Grandfathering of Existing Structures and Uses as Conforming

Continuing and reconstructing existing uses and structures made non-conforming by the Rewrite.

### Sec. 8.5.2. Existing Grandfathering

Continuing of existing grandfathering for a use or structure that is deemed to be conforming or lawfully non-conforming under the existing code.

### Sec. 8.5.3. Continuing Existing Exemptions for Sub-standard Recorded Lots

Certain zones currently allow new development on a sub-standard lot recorded prior to a certain date. These provisions will continue existing exemptions.

### Sec. 8.5.4. Allowing Expansions under Existing Zoning

The extent to which expansions should be allowed under existing zoning should be considered zone-by-zone. In certain zones, it may be appropriate to allow expansions under existing zoning in a manner that increases non-conformance with the new zoning, while in others it may not.

### Sec. 8.5.5. Transitioning to New Zoning

The zoning code should contain some grace period during which a proposed development may obtain approvals and move forward under existing zoning. Such a grace period will ensure that projects in the pipeline will not have to be altered to comply with the new zoning code. The time period should be sufficient to protect projects that may be on the boards, but not so long as to unduly delay implementation of the new Code.

## Div. 8.6. Violations, Penalties, and Enforcement

- A. Any violation of this Code may be punished as provided in state law.
- B. In addition to all other remedies provided by law, any violation of this Code may, as an alternative, be punished by a civil fine equal to the maximum allowed by [Article 28 § 7-116\(h\)](#) of the Maryland Code as amended and any penalty allowed by regulation adopted under [method \(2\)](#). Each day a violation continues is a separate offense.
- C. In addition to any other remedy provided by law, any violation of a Planning Board action, as defined in [Section 50-41](#), may be enforced under [Div 8.6.B.](#) or under [Section 50-41](#), at the discretion of the Planning Board.
- D. The Planning Board may assign a hearing officer designated by the Planning Board, including a Hearing Examiner from the Office of Zoning and Administrative Hearings, to conduct a public hearing and submit a report and recommendation on any alleged violation of this Code or any other Planning Board action as defined in [Section 50-41](#). The hearing officer must submit the required report and recommendation to the Planning Board a maximum of 60 days after the hearing record closes, but the hearing officer may by order extend the time to file the report .

## Div. 8.7. Notice Standards

[Editor's Note: To be added]

## Div. 8.8. Special Provisions

### Sec. 8.8.1. Board of Appeals

#### A. Powers

In addition to any other power described in this Division (Div. 8.8), the Board of Appeals may compel the attendance of witnesses at hearings or meetings, and the chair or another member may administer oaths.

#### B. Duties

In addition to any other duties described in this Division (Div. 8.8), the Board of Appeals must:

1. ensure that a minimum of 3 members of the Board of Appeals are present when hearing or deciding any matter under this Code;
2. keep minutes of its proceedings, meetings and hearings; and
3. take each final action under this Code by written resolution. Each resolution must contain a statement of the grounds and findings forming the basis for each decision, and the full text of the resolution and the record of the members' votes must be incorporated into the Board of Appeals minutes.

#### C. Filing of Appeals

1. Appeals to the Board of Appeals may be made by any person, board, association, corporation or official allegedly aggrieved by the grant or refusal of a building or use-and-occupancy permit or by any other administrative decision based or claimed to be based, in whole or in part, upon this Code, including the zoning map.
2. Any appeal relative to a Variance or any administrative appeal may be filed with the Board of Appeals only after refusal of issuance or revocation of a building or use-and-occupancy permit by DPS or after the issuance of a permit in cases where it is alleged that such permit has been issued erroneously.
3. Appeals must be made on forms provided for that purpose, and all information required on such forms must be furnished by the appellant. Forms must be filed with the clerk to the Board of Appeals, and the appellant must pay the clerk for expenses incidental to the appeal. No form will be accepted by

the clerk unless it contains all pertinent information and is accompanied by the required fee to defray expenses.

4. Except as otherwise specifically provided by statute, any administrative appeals to the Board of Appeals from any action, inaction, decision or order of a department of the county government must be considered de novo.

### Sec. 8.8.2. Sign Review Board

#### A. Composition

1. The Sign Review Board consists of 5 members:
  - a. appointed by the County Executive and confirmed by the District Council, and subject to [Section 2-148](#);
  - b. who are residents of the county;
  - c. one of whom must operate a business in the county; and
  - d. one of whom must be an architect licensed in Maryland. The Executive must request from the Potomac Valley Chapter of Maryland, American Institute of Architects, recommendations of architects who are qualified to serve on the Board, but the Executive is not limited to the Chapter's recommendation.
2. One member must be designated as chair by the County Executive, subject to confirmation by the District Council.
3. Each member serves a 3-year term, except that an appointment to fill a vacancy occurring before a term expires is for the remainder of the unexpired term.

#### B. Duties

1. The Sign Review Board must:
  - a. meet at least once a month at the call of the chair;
  - b. exercise its powers and duties only when a minimum of 3 members are present;
  - c. provide written decisions and actions of the within 10 days of the decision or action in a format as required DPS;

- d. approve the examination for the sign installer license administered by DPS under [Sec. 8.4.6](#); and
- e. exercise its powers and duties according to the procedures adopted by Council Resolution. These procedures must include:
  - i. the keeping of records of meetings and hearings;
  - ii. the establishment of requirements for hearing notification;
  - iii. the orientation and training of new members;
  - iv. the issuance of an annual report of activities and accomplishments;
  - v. standards of conduct regarding conflict of interest;
  - vi. standards of ethics; and
  - vii. the procedure for admission of evidence and testimony.

### **C. Powers**

The Sign Review Board may:

1. advise DPS whether an application for a permit complies with this Code or needs a Variance;
2. order the appearance of a person or evidence at a hearing before them; and
3. approve a right-of-way sign under [Sec. 7.6.4.F.3](#) after receiving a recommendation from the appropriate transportation jurisdiction.

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# ARTICLE 59-9. DEFINITIONS

## DIV. 9.1. IN GENERAL

SEC. 9.1.1. RULES OF INTERPRETATION .....9 – 1

## DIV. 9.2. DEFINED TERMS

SEC. 9.2.1. SPECIFIC TERMS AND PHRASES DEFINED ..... 9 – 2

The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

## Div. 9.1. In General

### Sec. 9.1.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

#### A. How to Compute Periods Measured in Months

If a period of time is measured in months, the period begins and ends at 12:01 a.m. on the same number day of a month. However, if there are not enough days in the final month for this to be possible, the period ends on the final day of the final month.

#### B. How to Compute Deadlines

If this Chapter requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

1. Count the day after the event as the first day of the period, if the period follows an event.
2. Count the remaining number of days in the period. However, if the period is 7 days or less, omit Saturdays, Sundays, and legal holidays.
3. Do not count the last day if it is a Saturday, Sunday, or legal holiday or if the office where the person must file a paper or perform an act is not open during the regular hours of that office.

#### C. Requirements to Act by a Specific Date

If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.

#### D. Signatures

The signature of a person may be the actual signature of the person or a mark that the person has authorized.

#### E. Singular and Plural

The singular includes the plural and the plural includes the singular.

#### F. Tense

The present tense includes the future tense.

#### G. Title of Sections

Titles and captions are not part of the law of the County. They only advise the reader of the content of each section.

## Div. 9.2. Defined Terms

### Sec. 9.2.1. Specific Terms and Phrases Defined

In this Chapter, the following words and phrases have the meanings indicated.

#### A.

**Accessory Apartment, Attached:** See Sec. 3.#.#.

**Accessory Apartment, Detached:** See Sec. 3.#.#.

**Accessory Buildings, Structures and Uses:** See Sec. 3.#.#.

**Accessory Structure:** A building subordinate to and located on the same lot with, a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building. In addition to any other meaning the word “subordinate” may have in this definition, on a lot where the main building is a one-family detached residential dwelling, except for an accessory agricultural building, subordinate means that the footprint of the accessory building is smaller than the footprint of the main building.

**Adult Entertainment:** See Sec. 3.#.#.

**Adult Entertainment Material or Performance:** Material that is a book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3-dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in State law (Section 416A of Article 27 of the Annotated Code of Maryland).

**Agriculture:** The business, science and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and, equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.

**Agricultural Processing:** Sec. 3.#.#.

**Agricultural Education/Tourism:** Sec.3.#.#.

**Agricultural Vending:** Sec. 3.#.#.

**Alley:** A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

**A.M.:** Ante Merideum, the period between midnight and noon

**Amateur Radio Facility:** See Sec. 3.#.#.

**Animal Boarding and Care:** See Sec. 3.#.#.

**Animal Husbandry:** See Sec. 3.#.#.

**Animal Research Facility:** See Sec. 3.#.#.

**Antique Shop (Rural):** See Sec. 3.#.#.

**Apartment/Condominium:** See Sec. 4.1.2., Building Type Descriptions

**Artisan Manufacturing & Production:** See Sec. 3.#.#.

**Assisted Living:** See Sec. 3.#.#.

**Auction Facility, Agricultural:** See Sec. 3.#.#.

**Awning:** See Sec. 4.1.4.G.5.

#### B.

**Balcony:** See Sec. 4.1.4.G.3.

**Bed & Breakfast:** See Sec. 3.#.#.

**Belt Courses:** A continuous course of brick, shingles, stone or tile most commonly used in Romanesque architecture

**Berms:** A continuous linear earthen mound of varying height designed and placed to screen the view of and reduce the noise from adjacent, incompatible uses, such as highways.

**Bicycle Parking, Long-Term:** Indoor bike rooms, lockers or bike cages intended for use by residents and employees of a building.

## B - C

**Bicycle Parking, Short-Term:** Spaces for bicycle parking intended for use by visitors to a building.

**Blank Wall:** A portion of the exterior façade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than eight inches in depth.

**Board:** The Montgomery County Board of Appeals. [If we are using Board of Appeals throughout the code to differentiate it from the Planning Board, is this necessary?]

**Build-to-Zone (BTZ):** The area on the lot where a certain percentage of the front building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way.

**Building:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

**Building Coverage:** See Sec. 4.1.4.C.4., Measurement and Exceptions.

**Building Height:** See Sec. 4.1.4.D., Measurement and Exceptions.

**Building Lot Termination (BLT):** A transferable development right (TDR) created from land that:

1. consists of at least 25 acres;
2. is capable of being served by an individual sewage treatment unit which meets the requirements of Chapter 27A and applicable regulations issued under that Chapter;
3. is located in the Agricultural Reserve (AR) zone; and
4. could be transferred by a BLT Easement under this Chapter.
5. When a BLT easement is recorded in the land records, the easement extinguishes the right to build a dwelling unit in the AR zone; this attribute distinguishes a BLT from other TDRs.

**Buildable Lot Termination Easement.** A form of an agricultural easement that runs with the land in perpetuity and extinguishes the right to construct a residential dwelling unit on land located in the Agricultural Reserve and zoned AR.

**Building Type:** See Sec. 4.1.2.

**Bus, Rail Terminal:** See Sec. 3.#.#.

## C.

**Cable Communications System:** See Sec. 3.#.#.

**Campground:** See Sec. 3.#.#.

**Car Share Space:** A parking space that serves as the location of an in-service vehicle used by a vehicle-sharing service

**Car Wash:** See Sec. 3.#.#.

**Catering Facility, Outdoor:** A facility, which may include an enclosed food preparation building but all catering parties are held under pavilions, or in the open, and may include various recreational activities.

**Cemetery:** See Sec. 3.#.#.

**Charitable, Philanthropic Institution:** See Sec. 3.#.#.

**Clinic, Medical & Dental:** See Sec. 3.#.#.

**Cluster Development:** An optional development technique under zoning and subdivision regulations that allows residential dwellings to be placed on smaller than usual lots that have been grouped or clustered in order to leave some land undivided and available as common area or open space.

**Code:** See definition for "Zoning Code"

**Commercial Vehicle, Heavy:** Any motor vehicle, tandem axle trailer, or semi-trailer used for carrying freight or merchandise, or used in the furtherance of any commercial enterprise that is:

1. greater than 10,000 pounds gross vehicle weight;
2. rated by the manufacturer with a load capacity of more than one ton;

3. 21 feet long or longer, measured from the extremes of the vehicle, including any object on the vehicle; or
4. more than 8 feet high, with properly inflated tires, measured from the ground to the highest part of the vehicle, including any racks but excluding any antennas.

A recreational vehicle, a motor vehicle owned by the County or other government agency, or a machine or a vehicle for agricultural use is not a heavy commercial vehicle. A tow truck that is less than 10,000 pounds gross vehicle weight, shorter than 21 feet in length as measured under subsection (c), and less than 8 feet high as measured under subsection (d) is also not a heavy commercial vehicle.

**Commercial Vehicle, Light:** Any motor vehicle or trailer used for carrying freight or merchandise, or used in furtherance of any commercial enterprise that is not a heavy commercial vehicle. A light commercial vehicle must not be used as an office or have any entry for transactions. A recreational vehicle, a motor vehicle owned by the County or other government agency, or a machine or vehicle for agricultural use is not a light commercial vehicle.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Common Outdoor Area:** See [Sec. 3.#.#.](#)

**Community Garden:** See [Sec. 3.#.#.](#)

**Conditional Use:** A use that must meet the conditional use standards in Div 3.2 through 3.6 and requires approval by the Board of Appeals or Hearing Examiner, subject to the findings in [Div 6.5.](#)

**Conference Center:** See [Sec. 3.#.#.](#)

**Construction Administration or Sales Office:** See [Sec. 3.#.#.](#)

**Construction Dumpster:** A large trash receptacle used for the disposal of building and construction materials.

**Contractor Storage Yard:** See [Sec. 3.#.#.](#)

**Council or District Council:** The Montgomery County Council, sitting as the district council for the portion of the Maryland-Washington Regional District. Located in Montgomery County

**Coverage:** See [Sec. 4.1.4.C.4, Measurement and Exceptions.](#)

**Country Inn:** See [Sec. 3.#.#.](#)

**Country Market (Rural):** See [Sec. 3.#.#.](#)

**County:** Montgomery County, Maryland.

**County Telecommunications Transmission Facility Coordinating Group:** The body convened by the Director of the Department of Information Services and Telecommunications as prescribed in [Section 2-58E \(d\)](#) to review, comment and facilitate communications between member agencies on telecommunications transmission facility policy and siting issues.

**Crematory Services:** See [Sec. 3.#.#.](#)

**Crop Farm:** See [Sec. 3.#.#.](#)

**Cultural Institution:** See [Sec. 3.#.#.](#)

## D.

**Day Care Facility:** See [Sec. 3.#.#.](#)

**dBA:** A-weighted decibels measured as defined in [Chapter 31B.](#)

**DBH:** Diameter at breast height.

**Density:** See [Sec. 4.1.4.A.2, Measurement and Exceptions.](#)

**Detached House:** See [Sec 4.1.2, Building Type Descriptions.](#)

**Director:** [Director of the Planning Department?](#)

**District:** That portion of the Maryland-Washington Regional District in Montgomery County.

**Dormitory:** See [Sec. 3.#.#.](#)

**DPS:** Department of Permitting Services.

**Drive-Thru Facility:** See [Sec. 3.#.#.](#)

## D - F

**Dry Cleaning Facility:** See Sec. 3.#.#.

**Duplex:** See Sec. 4.1.2., Building Type Descriptions.

**Dwellings for Caretakers/ Watchkeepers:** See Sec. 3.#.#.

**Dwelling Unit:** A building or portion of a building providing complete living facilities for not more than one family, including, at a minimum, facilities for cooking, sanitation and sleeping.

## E.

**Educational Institution (Private):** See Sec. 3.#.#.

**Encroachment:** Building features that are located beyond the required setback lines and above height limits.

**Environmental Site Design:** Small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydro-logic runoff characteristics and minimize the impact of development on water resources. Methods are specified in the Maryland Design Manual.

**Equestrian Facility:** See Sec. 3.#.#.

**ESD:** See "Environmental Site Design."

**Euclidean Zone:** A zone that is applied to a specific geographic area on the zoning map. Certain uses are permitted in the zone, subject to requirements for dimensional standards. Euclidean zones may be applied by the government through the sectional map amendment process or by a property owner through a local map amendment. A local map amendment is permissible only if there has been a change in the character of the neighborhood since the last rezoning or a mistake in the application of original zoning by the government authority.

## F.

**Family:** See Household.

**Family Burial Site:** A place used for the permanent interment of dead human bodies and ashes related to the property owner by blood, marriage or adoption.

**Farm Airstrip:** See Sec. 3.#.#.

**Family Day Care:** See Sec. 3.#.#.

**FAR:** See Floor area ratio

**Farm Market, On-Site:** See Sec. 3.#.#.

**Farm Supply, Machinery Sales, Storage, Service:** See Sec. 3.#.#.

**Farm Tenant Dwelling:** See Sec. 3.#.#.

**Farming, Crop:** See Sec. 3.#.#.

**Farming, Livestock:** See Sec. 3.#.#.

**Fire/ EMS (Private):** See Sec. 3.#.#.

**Flag Lot:** [See Pam]

**Floating Zone:** A flexible zone that is to be used for a designated purpose and that is approved as to particular characteristics, but whose location is to be determined in the future. To approve a floating zone, the District Council must find the proposed rezoning to be compatible with surrounding uses and in accord with the expressed purposes and other requirements of the zone, as well as the General Plan. The traditional finding of change or mistake required for the grant of a Euclidian zone is not required for a floating zone.

**Floor Area of Building, Total:** The total number of square feet of floor area in a building, including the area of a basement and any accessory building on the same lot but excluding the area of a cellar, uncovered steps and uncovered porches. All horizontal measurements must be made between interior faces of walls.

**Floor Area Ratio (FAR):** A figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

**Food Service Truck:** A mobile food service facility where food or drink is prepared, served or sold.

**Freight Movement:** See Sec. 3.#.#.

**Frontage:** A property line shared with an existing or master-planned public or private road, street, highway, or alley right-of way or easement boundary.

**Fuel Sales:** See Sec. 3.#.#.

**Funeral Home, Undertaker:** See Sec. 3.#.#.

## G.

**Garage, Private:** An accessory structure or portion of a principal structure designed, arranged or used for the housing of private motor vehicles. A private garage having any part of a wall or roof in common with a dwelling must be considered a part of the principal building and not an accessory structure.

**Gallery:** See Sec. 4.1.4.G.4.

**General Building:** See Sec. 4.1.2., Building Type Descriptions.

**GFA:** See "Gross floor area".

**Golf Course, Country Club:** See Sec. 3.#.#.

**Grain Elevator:** A facility for elevating, drying, storing, and discharging grain.

**Green Area:** See Sec.7.3.#.

**Gross Floor Area (GFA):** The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating 2 buildings. The term "gross floor area" shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of 6 feet, 6 inches or more) penthouses, attic space (whether or not a floor has actually been laid, providing structural headroom of 6 feet, 6 inches or more), interior balconies and mezzanines. The term "gross floor area" shall not include cellars, outside balconies which do not exceed a projection of 6 feet beyond the exterior walls of the building, parking or rooftop mechanical structures.

**Gross Tract Area:** See Sec. 4.1.4.A.2b.

**Group Day Care:** See Sec. 3.#.#.

**Group Home:** See Sec. 3.#.#.

**Group Picnic, Catering and Recreation Facility:** A facility for company and group picnics, casual banquets, meetings and parties, and on-site and off-site food preparation for buffet service.

## H.

**Hazardous Material Storage:** See Sec. 3.#.#.

**Health Clubs and Facilities:** See Sec. 3.#.#.

**Heavy Manufacturing and Production:** See Sec. 3.#.#.

**Heavy Vehicle/Equipment Sales and Rental:** See Sec. 3.#.#.

**Helipad/ Heliport:** See Sec. 3.#.#.

**Helistop:** See Sec. 3.#.#.

**Home Address, Proof of:** Any valid document showing where a person lives as established by regulations under Method 2 of Section 2A-15.

**Home Health Practitioner:** See Sec. 3.#.#.

**Home Occupation:** See Sec. 3.#.#.

**Home Occupation and Home Health Practitioner, Eligible Area:** The total number of square feet of floor area in any building on a lot or parcel, including the area of a basement and any accessory building on the same lot but excluding the area of any cellar, uncovered steps, and uncovered porches. All horizontal measurements must be made between interior faces of walls. Eligible area does not include any addition to any building and any accessory building that was constructed within 18 months after the Department approved a home occupation on the lot or parcel.

**Hospice:** See Sec. 3.#.#.

**Hospital:** See Sec. 3.#.#.

**Hotel, Motel:** See Sec. 3.#.#.

**Household:** A person living alone, or any of the following groups living together as a single, housekeeping unit and sharing common living, sleeping, cook-ing, and eating facilities:

## H - L

1. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
2. Up to five unrelated people;
3. Two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, guardianship, or other duly-authorized custodial relationship; or
4. Not more than eight unrelated people who are "handicapped" as defined in the **Fair Housing Act, 42 U.S.C. Section 3602 (h)**. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the **Controlled Substances Act, 21 U.S.C. Section 802 (6)**.
5. The definition of a family does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

**Household living:** See **Sec. 3.#.#.**

## I.

**Incinerator:** See **Sec. 3.#.#.**

**Independent Living Facility for Seniors or Persons with Disabilities:** See **Sec. 3.#.#.**

**Infill Development:** Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

## J.

**Jurisdictional Wetland:** Wetlands subject to regulation under **Section 404 of the Clean Water Act.**

## K.

## L.

**Landfill:** See **Sec. 3.#.#.**

**Landscape Contractor:** See **Sec. 3.#.#.**

**Lawn Maintenance Service:** The business, run as a home occupation (see **Sec. 3.#.#.**), of cutting grass, raking leaves, snow removal and other activities associated with maintaining a yard.

**Leader:** A downspout or a duct for conducting hot air to an outlet in a hot-air heating system.

**Life Sciences:** Research, development, and manufacturing activities concerning one or more of the following scientific fields: biology, biophysics, biochemistry, bioelectronics, biotechnology, biomedical engineering, bioinformatics, medicine, immunology, embryology, clinical engineering, diagnostics, therapeutics, nutraceuticals, pharmacogenomics, drug production, genetic testing, or gene therapy activities.

**Lighting Fixture (Luminaire):** A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and ballast (where applicable), and to connect the lamp to the power supply.

**Light Shelves:** A horizontal device positioned (usually above eye level) to reflect daylight onto the ceiling and to shield direct sunlight from the area immediately adjacent to the window. The light shelf may project into the room, beyond the exterior wall plane, or both.

**Light Manufacturing and Production:** See **Sec. 3.#.#.**

**Light Vehicle/Equipment Sales and Rental:** See **Sec. 3.#.#.**

**Limits of Disturbance:** An area on a certified site plan within which all construction work must occur.

**Live/Work Unit:** See [Sec. 3.#.#.](#)

**Livestock Farm:** See [Sec. 3.#.#.](#)

**Local Area Transportation Review Guidelines (LATR):** Guiding limits established by the Adequate Public Facilities Ordinance (APFO) test used to determine if a proposed development will produce detrimental traffic impacts that go beyond the capacity of existing and programmed roadways and intersections in the vicinity of the site.

**Lodging:** See [Sec. 3.#.#.](#)

**Lot:** See [Sec. 4.1.4.B.1., Measurement and Exceptions.](#)

**Lot Area:** See [Sec. 4.1.4.B.2, Measurement and Exceptions.](#)

**Lot, Child:** A lot created for use for a one-family dwelling unit by a child, or the spouse of a child, of a property owner.

**Lot, Corner:** Any lot at the intersection of two thoroughfares.

**Lot, Flag:** A lot accessible only by a long narrow strip of land that leads to a public or private right-of-way.

**Lot, Interior:** Any lot other than a corner lot, including a through lot.

**Lot, Through:** An interior lot, fronting on two parallel or approximately parallel streets.

**Lot Width:** See [Sec. 4.1.4.B.3, Measurement and Exceptions.](#)

**Low Impact Home Health Practitioner:** See [Sec. 3.#.#.](#)

**Low-Impact Home Occupation:** See [Sec. 3.#.#.](#)

**Low Income:** At or below 60 percent of the area median income (as determined annually by the U.S. Department of Housing and Urban Development) adjusted for household size.

## M.

**Major Impact Home Health Practitioner:** See [Sec. 3.#.#.](#)

**Major Impact Home Occupation:** See [Sec. 3.#.#.](#)

**Manufactured Home:** A structure intended for residential use and transportable in one or more sections, which is eight feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with standards that are (1) promulgated by the U.S. Department of Housing and Urban Development (HUD), and (2) stated in the [Code of Maryland Regulations 05.01.01](#), revised January 1, 1984, as they may be amended from time to time. Such a structure must carry the HUD label. A recreational vehicle is not a manufactured home.

**Master Plan:** A comprehensive plan of any portion of the general plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments, extensions or additions thereto adopted by the commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

**Media Broadcast Tower:** See [Sec. 3.#.#.](#)

**Medical, Dental Laboratory:** See [Sec. 3.#.#.](#)

**Medical Practitioner:** A licensed physician, surgeon, dentist, osteopath, chiropractor or optometrist.

**Medical/Scientific Manufacturing and Production:** See [Sec. 3.#.#.](#)

**Memorial Garden:** A place located on the premises of a church where ashes of deceased persons may be scattered or placed. Such areas may be set apart by formal plantings, but no individual monuments or headstones are included; a single identifying monument, sign or marker may be provided for the garden. An individual marker may be used to identify the location where the ashes of the deceased person are interred.

**Mineral Storage:** See [Sec. 3.#.#.](#)

**Mining, Excavation:** See [Sec. 3.#.#.](#)

**Mixed Use Building:** See [Sec. 4.1.2., Building Type Descriptions.](#)

## M - P

**Modal Split:** The percent of persons arriving at a destination by one of the available transportation modes. For example, the percent of persons who arrive at a destination by private automobiles is called the “auto mode split” and includes both drivers and passengers.

**Moderately Priced Dwelling Units (MPDU):** Any dwelling unit that meets the requirements for a moderately priced dwelling unit as set forth in [chapter 25A of this Code](#), titled “Housing, Moderately Priced”.

**MPDU:** See [Moderately Priced Dwelling Units](#).

**MPDU Income:** The income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program under [Chapter 25A](#).

**Modular Home:** A structure intended for residential use and manufactured off-site in accord with the [BOCA Basic Building Code](#) as defined in [Chapter 8](#).

**Multi-Unit Living:** See [Sec. 3.#.#](#).

## N.

**Non-Auto Driver Mode Share (NADMS):** The percentage of commuters who travel to their worksite by means other than single-occupant vehicle. The NADMS calculation for an area is based on the results of an Annual Commuter Survey administered by the area’s Transportation Management District (TMD).

**Non-Auto Driver Mode Share (NADMS) factor:** Established during the master planning process based on a Department of Transportation calculation.

**Nonconforming Building or Structure:** A building or structure that was lawful when constructed and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

**Nonconforming Use:** A use that was lawful when established and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

**Nonresident Professional Office:** See [Sec. 3.#.#](#).

**No-Impact Home Occupation:** See [Sec. 3.#.#](#).

**Nursery, Retail:** See [Sec. 3.#.#](#).

**Nursery, Wholesale:** See [Sec. 3.#.#](#).

**Nursing Home:** See [Sec. 3.#.#](#), Residential Care Facility.

## O.

**Office:** See [Sec. 3.#.#](#).

**Open Space:** See [Sec. 3.#.#](#).

**Optional Method Development:** A process in which a developer provides certain amenities or public benefits in exchange for increased flexibility in certain development standards.

**Outparcel/Out Lot:** A parcel of land which is shown on a record plat but which is not to be occupied by a building or otherwise considered as a buildable lot within the meaning of this chapter. A building permit must not be issued on any land so designated. An out lot may be converted to a lot in accordance with the procedures contained in [Chapter 50](#).

**Overlay Zone:** A geographic area that constitutes a mapped district superimposed over the underlying base zone on the official zoning map. An overlay zone includes development regulations and standards that either add to or modify the requirements of the underlying zone.

## P.

**Parking, Shared:** Parking that is available as public parking during specified periods of time.

**Parking, Structured:** See [Sec. 3.#.#](#).

**Parking, Surface:** See [Sec. 3.#.#](#).

**Parking, Tandem:** The arrangement of parking spaces where 2 vehicles park nose-to-end and one space is directly in front of another space. One vehicle must be moved in order to access the other.

**Parking Benefit Districts:** Areas designated (in Bethesda, Silver Spring, Wheaton, and Montgomery Hills) in which businesses have the option to pay a fee in lieu of providing off-street parking requirements. The funds are administered by the Department of Transportation and used to provide public parking facilities in the district. See [Chapter 60](#).

**Parking Benefit Districts, Primary:** See [Chapter 60](#).

**Parking Benefit Districts, Secondary:** See [Chapter 60](#).

**Parking Space, Electric Plug-In:** A space reserved for parking and charging electric vehicles.

**Park, Playground (Private):** See [Sec. 3.#.#](#).

**Permeable Area:** Any surface that allows the infiltration of water into the underlying soil. Does not include any structure, building, patio, deck, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, artificial turf, or any area used by or for motor vehicles or heavy commercial equipment, regardless of surface type or material, including any road, road shoulder, driveway, or parking area.

**Person:** Any individual, corporation, association, firm, partnership or the like, singular or plural.

**Person with Disability (Adult):** A person who is 18 years of age or older and who is determined by a qualified medical authority to have physical or mental impairments that:

1. are expected to be of long continued and indefinite duration;
2. substantially impede the ability to live independently; or
3. are of such a nature that the ability to live independently could be improved by more suitable housing conditions.

**Personal Living Quarters:** See [Sec. 3.#.#](#).

**Pipeline:** See [Sec. 3.#.#](#).

**Planning Board:** The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

**Planning Director:** The staff member in the Planning Department who is in charge of all planning, zoning, and land development approval activities of that Department, and who reports directly to the Planning Board.

**Plan, Master:** A comprehensive plan of any portion of the general plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments, extensions or additions thereto adopted by the commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

**P.M.:** Post Merideum, the period between noon and midnight.

**Porch:** See [Sec. 4.1.4.G.1](#)

**Porch, Enclosed:** A roofed structure abutting an exterior dwelling wall with any kind of vertical or horizontal obstruction at the perimeter with the exception of a column, guardrail, or pillar as required in the Building Code.

**Porch, Unenclosed:** A roofed structure abutting an exterior dwelling wall with no obstruction on any other sides at the perimeter with the exception of a guardrail as required in the Building Code.

**Pre-Development Level of Ground:** The grade that existed at the time of application for a building or demolition permit, or the grade necessary to implement an approved subdivision plan.

**Private Club, Service Organization:** See [Sec. 3.#.#](#).

**Public Arts Trust Steering Committee:** A committee of the Arts and Humanities Council that allocates funds from the Public Arts Trust.

**Public Benefit:** See Div. 6.6.

**Public Use:** See [Sec. 3.#.#](#).

**Public Use Space:** See [Sec. 3.#.#](#).

**Public Utility Building or Structure:** See [Sec. 3.#.#](#).

Q.

## R - S

## R.

**Rainwater Collection or Harvesting System:** A system designed to redirect and store water for both potable and non-potable uses including drinking, irrigation, laundry, hygiene and toilets. May include gutters, downspouts, storage tanks, cisterns, pumps and filtration systems.

**Receiving Area:** An area designated on an approved and adopted general, master, sector or functional plan appropriate for development beyond its base density through the transfer of development rights.

**Recreation and Entertainment Facility:** See Sec. 3.#.#.

**Recreational Vehicle:** A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. For the purpose of this Chapter the following are recreation vehicles:

1. motor homes;
2. travel trailers;
3. campers or camping trailers including truck inserts and collapsible units; or
4. non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

**Reconstruction:** Building the same or less floor area on or within the footprint of a demolished or partially demolished building.

**Recycling Drop –Off Center:** See Sec. 3.#.#.

**Recycling Collection and Processing:** See Sec. 3.#.#.

**Religious Assembly:** See Sec. 3.#.#.

**Renewable Energy Generation:** See Sec. 3.#.#.

**Renovation:** An interior or exterior alteration that does not affect a building's footprint.

**Research and Development:** See Sec. 3.#.#.

**Residential Care Facility:** See Sec. 3.#.#.

**Restaurant:** See Sec. 3.#.#.

**Retail / Service Establishment:** See Sec. 3.#.#.

**Right-of-Way:** A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electronic transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use. Must be shown on a record plat as separate and distinct from the adjoining lots or parcels and not be included within their dimensions. Rights-of-way maintained by a public agency are shown as dedicated to public use on the record plat.

**Road, Arterial:** A road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

**Road, Business:** A road meant for circulation in commercial and mixed-use zones.

**Road, Residential Primary:** A road meant primarily for circulation in residential zones, although some through traffic is expected.

**Rural Open Space:** See Sec. 3.#.#.

## S.

**Seasonal Outdoor Sales:** See Sec. 3.#.#.

**Self-Storage:** See Sec. 3.#.#.

**Senior Adult:** A person who is 62 years of age or older.

**Setback:** The minimum distance that a building or parking area must be set back from a specified lot line or right-of-way. Minimum setbacks are specified in some zones, while other zones allow the Planning Board to establish the setbacks, thereby allowing greater flexibility for development.

**Setback, Front:** The setback measured from the front street right-of-way.

**Setback, Rear:** The setback measured from the rear property line.

**Setback, Side Interior:** The setback measured from the side property line.

**Setback, Side Street:** The setback measured from the side street right-of-way.

**SF:** Square Feet

**Shared Parking:** Parking that is available as public parking during specified periods of time.

**Shooting Range, Indoor:** See [Sec. 3.#.#](#).

**Shooting Range, Outdoor:** See [Sec. 3.#.#](#).

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to attract attention or to communicate information.

**Sign Area:** The surface measurement of a sign as set forth in [Sec. 7.#.#](#).

**Sign, Canopy:** A sign which forms an integral part of a permanent or semi-permanent shelter for sidewalks, driveways, windows, doors, seating areas, or other customer convenience areas, like awnings or umbrellas.

**Sign Concept Plan:** A plan required before the Director of DPS can issue a permit, (i) for certain commercial or industrial zoned sites where the total area of signs is greater than 800 square feet; or (ii) for more than one commercial or industrial zoned site developed under a Management Control Plan, if the total area of signs on one or more of the sites is greater than 800 square feet, or (iii) for optional method development projects within an approved urban renewal area. The plan consists of scale drawings of the site delineating the location, dimensions, colors, shape, and architectural characteristics of all signs.

**Sign, Freestanding:** Any sign that is not attached in whole or in part to a building. There are two types of freestanding signs:

1. **Sign, Ground:** A sign erected on the ground or with its bottom edge within 12 inches of the ground, that has its support structure as an integral part of the sign, and where the dimension closest to the ground is greater than the height.
2. **Sign, Supported:** A sign that is attached to a structure like a pole, column, frame, or brace, as its sole means of support, and is not a ground sign.

**Sign, Inflatable Device:** A sign that is cold air inflated made of flexible fabric, resting on the ground or attached to a structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices may be restrained, attached, or held in place by a cord, rope, cable or similar method. An inflatable device is not an object that contains helium, hot air or lighter-than-air substance.

**Sign Installer:** A business or person engaged in a sign related activity, such as installation, maintenance, alteration, and modification of a sign intended for use by a person other than the business or person.

**Sign, Limited Duration:** A non-permanent sign that is:

1. displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period; or
2. within the public right-of-way.

**Sign, Location:** A sign which portrays a logo, symbol, name, or address to identify the location of the building or use.

**Signs, Permanent:** sign that is constructed in a manner and of materials that will withstand long-term display and is intended to be displayed for an indefinite period of time. A permit must be obtained from the Director of DPS for a permanent sign.

**Sign, Portable:** A sign installed on a support or structure that permits removal or relocation of the sign by pulling, carrying, rolling, or driving, such as a sign with wheels; a menu or sandwich board sign; an inflatable sign; an umbrella, but not a canopy sign, may be a temporary sign or a limited duration sign, but not a permanent sign. A sign attached or painted on a vehicle parked and visible from the public right-of-way is also bound by [Div. 7.5](#), unless it is a currently licensed and registered vehicle used in the daily operation of the business. This does not include a sign on any light or heavy commercial vehicle as defined in this Article, which is operated within the public right-of-way.

**Signs, Temporary:** A sign that is displayed on private property for less than 30 days. A temporary sign is usually made of a non-permanent material like canvas, cardboard, paper, or wood.

## S - U

**Sign, Wall:** Any sign that is attached to the wall of a building. There are two types of wall signs:

1. **Flat Wall Sign:** A sign that is parallel to the wall of a building to which it is attached, but does not extend more than 12 inches from the building face.
2. **Projecting Wall Sign:** A sign that is attached to a wall of a building and extends more than 12 inches from the building face.

**Sign, Window:** A sign that is attached to a window, or which is visible through a window. A show window or three-dimensional display is not a window sign.

**Sill:** The framing that forms the lower side of a window or door.

**Site:** See [Sec. 4.1.4.A, Measurement and Exceptions](#).

**Slaughterhouse:** See [Sec. 3.#.#](#).

**Special Event Parking:** See [Sec. 3.#.#](#).

**Special Exception:** See [Conditional Use](#).

**Storage Facility:** See [Sec. 3.#.#](#).

**Stream Buffer Area (Stream Alley Buffer):** The outermost limits of a wetland, wetland buffer, 100-year floodplain, and a perennial or intermittent stream and stream buffer. An environmental buffer may also include hydraulically connected steep slopes and erodible soils.

**Structure:** An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio and television broadcasting towers, telecommunications facilities, water tanks, trestles, open sheds, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

**Swimming Pool (Community):** See [Sec. 3.#.#](#).

**Teen Center:** A supervised building, or a supervised area of a building, which provides a facility for the social, recreational, or educational use of children between the ages of 12 and 18. At least 80 percent of the facility's hours of operation must be for the use of teenagers.

**Temporary Use:** See [Sec. 3.#.#](#).

**Tower:** A structure, other than a building, with guyed or freestanding supporting antennas used for radio or television broadcasting, telecommunications, or wire-less transmission.

**Townhouse:** See [Sec. 4.1.2., Building Type Descriptions](#).

**Transparency:** Percentage of windows and doors on an exterior wall of a building.

**Transportation Demand Management:** See [Sec. 42.A-21.\[?\]](#)

**Transportation Management Plan:** Actions designed to alleviate traffic congestion by reducing dependence on the single-occupancy vehicle through transit, carpooling, and other alternatives.

**Transit Proximity:** Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Stations; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

**Transfer of Development Rights:** The conveyance of development rights, as authorized by local law, to another parcel of land and the recordation of that conveyance among the land records of Montgomery County.

**Transfer Station:** See [Sec. 3.#.#](#).

**Transitory Use:** See [Sec. 3.#.#](#).

**Transmission Line:** See [Sec. 3.#.#](#).

**Two-Unit living:** See [Sec. 3.#.#](#).

## T.

**Taxi / Limo Facility:** See [Sec. 3.#.#](#).

## U.

**Unenclosed Porch:** A roofed structure abutting an exterior building wall with no obstruction on any other sides at the perimeter with the exception of a railing as required in the **Building Code**.

**Urban Farm:** See **Sec. 3.#.#**.

**Usable Area:** See **Sec 6.1.2.B**.

**Use:** Except as otherwise provided, the principal purpose for which a property or the principal building on that property is designed, arranged, or intended, and for which it is or may be used, occupied or maintained.

## V.

**Vehicle/ Equipment Sales & Rentals:** See **Sec. 3.#.#**.

**Vehicle, Recreational:** A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. Includes motor homes, travel trailers, campers or non-freight trailers used to transport other leisure equipment such as a boat, hose, motorcycle, show car, race, snowmobile, or bicycle.

**Very Low Income:** Income is at or below 50 percent of the area median income (as determined annually by the U.S. Department of Housing and Urban Development) adjusted for household size.

**Veterinary Office/ Hospital:** See **Sec. 3.#.#**.

## W.

**Winery:** See **Sec. 3.#.#**.

**Wireless Communications Tower, Freestanding:** See **Sec. 3.#.#**.

**Wireless Antennae on Existing Structure:** See **Sec. 3.#.#**.

## X.

## Y.

## Z.

**Zone:** An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits and other requirements are established; and all of the foregoing are identical for the zone in which they apply.

**Zoning Code:** Also referred to as the code, this chapter and zoning ordinance. Chapter 59 of the Montgomery County Code.

**Zoning Map:** The zoning map of the Maryland-Washington Regional District in the county, together with all amendments to the zoning map subsequently adopted.

## #.

**100-year Flood Plain:** The area along a stream or drainage course, lake, or pond, which, after total development of the watershed, would experience inundation by stormwater runoff equivalent to that which would occur on the average of once every 100 years.

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