

# Consolidated Review Draft: Companion Document

An Article by Article Summary of Changes - Current Code to the  
Proposed Consolidated Draft

July 2012

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## **59-1 Consolidated Draft Companion Document**

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This document is a companion document for the consolidated draft version of Article 59-1, Purpose, Applicability, and the Use of the Code. The purpose of this document is to highlight changes between the Current Code and Proposed Code in the context of Article 59-1.

### **Div. 1.1 In General**

- This is a new Division that describes the terms used to refer to the Zoning Ordinance, notes the effective date of the Code, and includes a section about repeal of the Current Code, where the authority for the Code comes from, and severability.

### **Div. 1.2 Purpose**

- Added paragraph B. about interpretation and application of this Code.

### **Div. 1.3 Applicability**

- Added a section on the applicability of the Code.
- Deleted a paragraph regarding the July 1, 1997 annexation of Takoma Park that included provisions about how to apply for zoning under Montgomery County regulations during the transition period of March 31, 1997 to July 1, 1997.

### **Div. 1.4 Use of the Code**

- This section is new and describes how to use the Code. It includes sections on Code Approach; Coordination with Other Regulations; Tables, Illustrations, and Examples; Code Organization; and Step-by-Step Use of the Code.

## **59-2 Consolidated Draft Companion Document**

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This document is a companion document for the consolidated draft version of Article 59-2, Zoning Districts. The purpose of this document is to highlight changes between the Current Code and Proposed Code in the context of Article 59-2, which includes the zones established and their intent statements.

### **Div. 2.1. Zones Established**

- Renamed several zones and converted other zones. A zone conversion document, currently in production, explains how and why zones have been renamed and converted.

### **Div. 2.2. Euclidean Zone Intent Statements**

- Added new intent statements for new zones that do not currently exist, such as the EOF and EG zones.

### **Div. 2.3. Floating Zone Intent Statements**

- Consolidated several zones into three families of floating zones, and created new intent statements for these zones.

### **Div. 2.4. Zoning Map**

- The Zoning Map will change in accordance with the zone conversion. The map has not been finalized.

## **59-3 Consolidated Draft Companion Document**

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This document is a companion document for the consolidated draft version of Article 59-3, Uses and Use Standards. The purpose of this document is to highlight changes between the Current Code and Proposed Code in the context of Article 59-3.

### **Summary of Changes in General**

- The proposed draft contains one use table for all uses across all zones.
- There are three levels of use approval: Permitted (P), Limited (L), and Conditional (C).
  - A permitted use is the same as in the current code. These uses are allowed by right in the use table by the letter P.
  - A limited use is a new term; it indicates a use that while allowed by right requires the applicant to meet specific, objective use standards as indicated in this Article. Many of the uses indicated as a limited use represent permitted uses in the current code that reference footnotes regarding specific use standards.
  - A conditional use is also a new term, it replaces the current term “Special Exception” and the approval process still requires review by either the Hearing Examiner or Board of Appeals.
- The use table provides a reference to the definition of each use and any applicable use standards. This information is now consolidated in one Article.
- A large number of uses have been consolidated under one term.
- There are now six categories of uses: agricultural, residential, civic, commercial, industrial and miscellaneous.
- For detailed information regarding uses changed within each zone, either as a new use, a deleted use or how the use is approved (P, L, or C), see Appendix A: Uses Changes Across All Zones.

## 59-4 Consolidated Draft Companion Document

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This document is a companion document for the July 16, 2012 Consolidated Draft, specifically Article 59-4, Euclidean Zoning District Regulations. The purpose of this document is to highlight the changes between the Current Code and Proposed Code in the context of Article 59-4, which includes development standards (lot size, coverage, setback requirements, etc.), infill compatibility, and overlay zones.

### Summary of General Changes

- Added Building Types

Building types are a new addition to the zoning code. They regulate the form applicable to development within each zone. For instance, in a Residential zone a general building (which may be used for a library) should be sited on a lot differently than a house would be. Instead of having just one set of development standards for all building types within a zone (as is currently the case), the proposed code provides development standards for each building type allowed within the zone. It is important to recognize that building type does not determine uses allowed within the structure. Illustrations and tables related to building types have been added as well.

- Separated out Standard Method from Optional Method and Euclidean Zones from Floating Zones

While Article 59-4 provides the overall rules on measurement and exceptions (site, lot, placement, coverage, setbacks, encroachments, etc.) it only contains the development standards for Euclidean zones under the standard method of development. Development standards for development in Euclidean zones under Optional Method are now in Article 59-6, Optional Method Development. Development standards and requirements for Floating zones are now in Article 59-5, Floating Zoning District Regulations.

- Added Build-to-Zone (BTZ) and Other Form Standards

The proposed code has added the concept of a build-to-zone, which is the area on the lot where a certain percentage of the front building facade must be located. It applies only to the Commercial/Residential and Employment zones. A Build-to-Zone helps to ensure that buildings are properly sited on a lot and located within a certain distance of the street to achieve more active streetscapes.

The proposed code also provides standards for transparency, blank wall area, and allowed building elements (porch, stoop, awning, gallery, etc.) for the Commercial/Residential, Employment, and Industrial zones. Like a Build-to-Zone, providing minimum transparency and blank wall area requirements helps to create a more pedestrian-friendly environment with more active streetscapes.

- Changed the Measurement of Height

1. In General

The number of stories is no longer a component of measuring height. The current requirement regarding stories adds complexity focused on interior space.

2. In the Agricultural, Rural, and Residential Zones

Currently height is measured differently in the existing R-60 and R-90 zones than it is in the rest of the Agricultural, Rural, and Residential zones. The proposed code takes the measurement of height in the R-60 and R-90 zones and applies it to all the Agricultural, Rural, and Residential zones. Height is still measured 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, but it is now measured from average grade—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—regardless of how far set back from the street the building is. The proposed code also discourages terracing as it does not allow for a building's height to be increased by the height of the terrace. The Department of Permitting Services and other stakeholders noted that the many variations in how we currently measure height made it difficult to apply consistently and thought these changes would make measuring height easier and ensure better consistency of measurement while maintaining certain safeguards for the Agricultural, Rural, and Residential zones.

3. In the Commercial/Residential, Employment, and Industrial Zones

In the Commercial/Residential, Employment, and Industrial zones, height is now measured to the highest point of the roof as opposed 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. Another difference is that the current code measures height from the level of approved street grade opposite the middle of the front of a building, or, in the case of a building set back from the street line 35' or more, it is measured from the average elevation of finished ground surface along the front of the building. The proposed code only measures height from grade, which is measured as the average elevation of the top of the curb adjacent to the front of the building.

Also, because stories are no longer used in measuring height, the restrictions for height on a sloped lot had to be modified to maintain the intent of the sloped lot provision while fitting it into the proposed method for measuring height.

- Added rooftop renewable energy systems (such as solar panels) to height encroachments section to modernize the code and be flexible in allowing for other energy sources.

- Deleted the following from the definition of Infill Development: the construction proposed is more than one story, excluding any basement if the average elevation of the finished grade is higher along the front of the dwelling than the average elevation along the rear of the dwelling. This language was removed because stories are no longer being used to determine height therefore infill compatibility standards are proposed to apply to all houses regardless of the number of stories.
- Added story height as a dimensional standard in the Commercial/Residential, Employment, and Industrial zones to ensure flexibility for mixed-use development.
- Deleted the standard pertaining to the percent of rear yard that the accessory structure is allowed to cover in the Rural and Residential zones and are allowing accessory structures within the side yard in Residential zones, although the accessory structures need to be a certain distance behind the front building line. This was a consultant recommendation to add flexibility to Residential zones, upon further review accessory structure regulations may be retained requiring structures to be in the rear yard only. If so, the percentage of rear yard coverage will also be retained.
- Deleted the sum of side yards requirement in the Agricultural, Rural, and Residential zones in order to simplify the dimensional standards, retaining currently required minimum side yard setbacks.
- Deleted the standard for Accessory, Setback, National Historic Park Boundary from the Rural zones and the RE zones. This was a consultant recommendation to simplify the standards. Upon further review this provision may be retained under the special provision language containing regulations on scenic setbacks.
- Created Euclidean Townhouse zones to provide planners more flexibility when going through the master plan process.
- Moved the regulations regarding accessory structures housing animals or fowl to the use standards under Animal Husbandry.
- Setbacks and from standards have been modernized in the commercial, mixed use zones.
- Introduced parking setbacks in the Commercial/Residential, and Employment, zones to encourage a less auto-dominated form and improved pedestrian environment.

### **Residential Zone-Specific Changes**

- In the RDT zone (proposed to be the AR zone):
  - Added a “flexible lot alternative.” This alternative maintains the density of one dwelling unit per 25 acres, but caps the lot size at 3 acres, and requires the remainder of the 25-

acre site to be placed in conservation or an agricultural easement. This change was made to codify common alternative, which is a way of preserving more agricultural land.

- Increased the rear setback for accessory structures from 10' to 15' to provide added protection for neighboring properties given accessory structures can be 50' in height or any height if they're an agricultural structure.
- In the Rural zone (proposed to be the RR zone):
  - Increased the rear setback for accessory structures from 10' to 15' to provide added protection for neighboring properties given accessory structures can be 50' in height or any height if they're an agricultural structure.
- In the RC zone:
  - Increased the rear setback for accessory structures from 10' to 15' to provide added protection for neighboring properties given accessory structures can be 50' in height or any height if they're an agricultural structure.
- In the RNC zone:
  - Created development standards for the townhouse building type. The current code allows townhouses by right in the RNC but does not provide development standards specific to a townhouse.
  - Increased the rear setback for accessory structures from 10' to 15' to provide added protection for neighboring properties given accessory structures can be the same height as a house or any height if they're an agricultural structure.
- In the RE-2 zone:
  - Decreased coverage from 25% to 15% to be consistent with other large lot Rural and Residential zones.
- In the RE-2C zone:
  - Decreased coverage from 25% to 15% to be consistent with other large lot Rural and Residential zones.
- In the R-200, R-150, and RMH-200 zone (proposed to be the RLD-20 zone):
  - Changed the building height from 50' (for non-Infill Development) and anywhere from 30' to 45' for Infill Development depending on lot size to 40' for a flat roof and 35' for a pitched roof. The 50' building height in the dimensional standards table for these zones is no longer relevant due to footnote 11 which changed the height for any lot that was the site of a building permit application filed after April 28, 2008. The height of 40' for a flat roof or 35' for a pitched roof is derived from the current infill standard for a lot size between 15,000 – 25,000 square feet. In addition, this is a simplification designed to



make the code clearer and easier to use and to make development by zone more transparent.

- Decreased the height of accessory structures from 50' to 35' for better compatibility and neighbor protection and to prevent an accessory structure in this residential area from being the same scale as a house.
- In the R-90 zone (proposed to be the RMD-9 zone):
  - Deleted the requirement that increased the side setback and rear setback of an accessory structure if it was greater than 15' in height or had a length along a rear or side property line which has a linear dimension greater than 24'. This requirement was deleted to simplify the development standards.
  - Increased the height of an accessory structure from 20' to 25'. Early draft recommendation by consultant, upon further review height may be retained at 20'.
- In the R-60 zone (proposed to be the RMD-6 zone):
  - Deleted the requirement that increased the side setback and rear setback an accessory structure if it was greater than 15' in height or had a length along a rear or side property line which has a linear dimension greater than 24'. This requirement was deleted to simplify the development standards.
  - Increased the height of an accessory structure from 20' to 25'. Early draft recommendation by consultant, upon further review height may be retained at 20'.
- In the R-40 zone (proposed to be the RMD-4 zone):
  - For a detached house, deleted the requirement that increased the side setback and rear setback an accessory structure if it was greater than 15' in height or had a length along a rear or side property line which has a linear dimension greater than 24'. This requirement was deleted to simplify the development standards.
  - For a detached house, increased the height of an accessory structure from 20' to 25'. Early draft recommendation by consultant, upon further review height may be retained at 20'.
  - For a duplex, changed the side interior setback from 10' to the same as the abutting zone if abutting Agricultural, Rural, and Residential zone or 0' or 5' abutting all other zones. Early draft recommendation by consultant, upon further review this standard may be retained at 10'.
- In the R-30, R-20, and R-10 zones (proposed to be the RHD-3, RHD-2, and RHD-1 zones, respectively):
  - Deleted the standard for the minimum lot width at front building line for a corner lot and for any lot used for multiple-group dwellings. This requirement was deleted to simplify the development standards.

- Deleted the standard for the setback from the street center line. This requirement was deleted for simplification and consistency with setback measure for other zones.
  - Deleted the standard for distance between buildings. Early draft recommendation by consultant, upon further review this standard may be retained.
  - Deleted the standard for maximum building height on a lot of less than 5 acres. Early draft recommendation by consultant, upon further review this standard may be retained.
  - Added height maximums to the R-10 zone (proposed to be the RHD-1 zone) because none existed.
- In the I-4 zone (proposed to be the IL zone):
    - Reduced the green area requirement to 10% due to the consolidation of I-1 and I-4 into IL.
- Overlay zones
    - Four overlays zones have been retained from the current code: Neighborhood Protection Overlay -Garrett Park, Special Protection Area Overlay -Upper Paint Branch, Special Protection Area Overlay - Upper Rock Creek, and TDR Overlay zone. Several of the current overlay zones were created to limit height and/or uses, thus, where possible these limitations have been incorporated into the zone conversion through new zones which specify height and commercial/residential mix. A further review of the current overlay zones and conversion is ongoing and the retention of additional current overlay zones is possible.
    - The following is a brief, preliminary overview of the current overlay zones not retained, and why:
      - The Retail Preservation Overlay zone for the Wheaton CBD was removed by the recent sector plan.
      - The Retail Preservation Overlay zone for the Arlington Road District of the Bethesda CBD sector plan may no longer be necessary as the recommended 0.5 FAR is captured by new zoning limit in the C/R zones. The requirement of a site plan will be captured for all development above a threshold of 10,000sf, 10 units or 40' in height. Under further review.
      - The US 29/Cherry Hill Road Employment Area Overlay zone of the Fairland Master Plan is being revisited in the pending White Oak Science Gateway Master Plan.
      - The overlay zone for the Burtonsville Employment Area of the Fairland Master Plan may be unnecessary as the predominant I-3 land is being converted to the more permissive EOF zone that allows the expanded mix of uses allowed by the overlay zone and does not allow most intense manufacturing that the overlay restricted in addition EOF also restricts retail sales & service to smaller businesses. Development standards are modernized and subject to compatibility standards with more flexible

process-driven standards (site plan) if intensity exceeds certain thresholds. Further review of the underlying zones and uses is underway.

- Chevy Chase Comparison Retail Overlay zone may no longer be necessary for the following reasons: the purposes of the overlay zone are directly related to the recommendations of the master plan, which is now a consideration of every site plan, standard method development through zone conversion will result in a lower maximum square footage than that established in the overlay zone, and the mix of development, as indicated in the overlay, will be set by the C, R, and H elements in the new zone. In addition, a site plan is now required at a low threshold (required of projects greater than 10,000sf, 10 units or 40' in height) and the findings required by the overlay zone are now findings required of all site plans.
- Chevy Chase Neighborhood Retail Preservation Overlay zone may be unnecessary as the site is developed per the master plan and now has a site plan controlling redevelopment.
- Sandy Spring/Ashton Rural Village Overlay zone may be reconsidered as part of the minor master plan amendment process being proposed for the Sandy Spring Village Center. However, may need to retain the restrictions on the residential zones. This overlay is under further review.
- Fenton Village Overlay zone may be unnecessary as fine-tuned height requirements, form standards (parking behind buildings), review process, and transfer of public use space is substantially captured by zoning and proposed development regulations.
- Ripley/South Silver Spring Overlay zone may be unnecessary because fine-tuned height requirements, form standards (parking behind buildings), review process, and transfer of public use space is substantially captured by zoning and proposed development regulations.
- Takoma Park/East Silver Spring Commercial Revitalization Overlay zone may no longer be necessary with the revised use tables for CRN and CRT zones; updated development standards that remove setback barriers as recommended in the overlay zone; the allowance of dwelling units; the restriction of height on the zoning map; the procedure for site plan at low thresholds of intensity will capture all projects greater than 10,000sf, 10 units or 40' in height; and the findings for master plan conformance required for all site plans. Existing buildings and uses will be generally grandfathered. Further review of use compatibility is underway.
- Neighborhood Retail Overlay zone may be unnecessary as the allowance for neighborhood-serving retail is allowed as a limited use in the RHD-1 zone in accordance with the purpose of the overlay zone and site plan approval with a finding of master plan conformance is required. This overlay is under review and may be retained.
- Rural Village Center Overlay zone may be unnecessary as density and height are set by zone (FAR of 0.25 and a height of 35'); land uses are restricted by CRN zone;

setbacks for context are established by zone; green area has been modernized to appropriate type and scale and new stormwater and buffering regulations will dictate open space; parking standards have been modernized for more green area and better siting; the procedure for site plan is set at low thresholds of intensity; and the findings for master plan conformance is required for all site plans. Further review of use compatibility is underway.

## **59-5 Consolidated Draft Companion Document**

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This document is a companion document for the consolidated draft version of Article 59-5, Floating Zoning District Regulations. The purpose of this document is to highlight changes between the Current Code and Proposed Code in the context of Article 59-5.

### **Summary of General Changes**

- 59-5 is considered a new section since its approach to Floating zones is distinct from the Current Code.
- There are 3 categories of Floating zones, and three zones within each category:
  - Residential Floating zones: Residential Detached Floating; Residential Townhouse Floating; Apartment Floating
  - Commercial/Residential Floating zones: CRN Floating; CRT Floating; CR Floating
  - Employment Floating zones: EG Floating; EOF Floating; ELS Floating

## 59-6 Consolidated Draft Companion Document

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This document is a companion document for the July 16, 2012 Consolidated Draft, specifically Article 59-6, Optional Method Regulations. The purpose of this document is to highlight the changes between the Current Code and Proposed Code in the context of Article 59-6, which includes Optional Method MPDU Development in Rural and Residential Zones, Optional Method Cluster Development in Rural and Residential Zones, and regulations for optional method development in the Commercial/Residential and Employment zones including public benefits, and Optional Method TDR Overlay development.

### Summary of General Changes

- All types of optional method development standards and requirements are consolidated in one place in the code.
- Added public benefit point system for optional method development in the following zones:
  - CR (CBD, TMX)
  - CRT (C-1, C-2, C-4, RMX, MXTC, TOMX)
  - ELS (LSC, R&D)
  - EOF (CO)
- Modified usable area definition – received a request from one ZAP member to eliminate the deductions from usable area for certain roadway dedications and floodplains. Retained the deduction related to master planned right-of-ways, modified the floodplain deduction to refer instead to environmental buffers and clarified deduction based on a percentage of tract within the buffer rather than the subjective standard in the current code.
- Changed the requirement for green area for Optional Method MPDU Development in the Residential zones from a set minimum square footage to a minimum percentage of usable area. These modifications have been proposed to provide more flexibility in design and provide a green area that better fits the scale of development.
- Removed the different lot size and setback requirements for MPDU units, which are captured in footnote 7. Instead, the proposed draft recommends slight reductions in lot sizes for all units under MPDU optional method development. These modifications have been proposed to provide more flexibility in design and provide common outdoor area that better fits the scale of development.
- Deleted the provision in Optional Method MPDU Development, that said if the abutting lot is not developed under the provisions of this section (MPDU Optional Method), the yard abutting that lot must be increased by one foot for each 2 feet of height above 35 feet. The maximum allowed height is 40' so for simplification of development standards this requirement has been removed.

- Modified the setback from a public street in optional method cluster development (decreased it by 5' for RE-2C and RE-1 and increased it by 5' in the RMD-6).
- Modified minimum lot sizes (reducing them all, except for detached house in RMD-9), reduced minimum lot width for townhouses and required open space (increasing this since a specific amount is not currently required) for optional method cluster development in the Residential Detached zones. These modifications have been proposed to provide more flexibility in design and placement while also ensuring adequate buffering.
- Addition of public benefit points for development in commercial and mixed-use zones and the neighborhood compatibility provision (angular plan and setback restrictions based on confronting or abutting Agricultural, Rural, or Residential Detached zones).

### **Zone-Specific Changes**

- In the RNC zone:
  - Removed the provision in optional method MPDU development that allows for the Planning Board to waive the 10 acres minimum useable area requirement where the property abuts an existing property developed under the provisions of this section, and the resulting development is a logical extension of the existing development. Early draft recommendation by consultant, upon further review this provision may be retained
  - Removed the provision about lots developed in the RNC under optional method must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental and compatibility reasons. Early draft recommendation by consultant, upon further review this provision may be retained.
  - Added an actual minimum (5%) for the required common outdoor area. The current code says that common outdoor area is required in addition to rural open space, but it doesn't say provide a minimum requirement.
  - Added development standards for detached house, duplex, and townhouse in optional method development.
- In the RE-2C zone:
  - Allowing up to 100% duplex and/or townhouse units in Optional Method MPDU Development if Planning Board 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 for the required number of detached house units. In the current code, this allowance is only for the R-200, R-90, and R-60 zones. Staff believes this change is an oversight that will be corrected in the next draft.

- In the RE-1 zone:
  - Allowing up to 100% duplex and/or townhouse units in Optional Method MPDU Development if Planning Board 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 for the required number of detached house units. In the current code, this allowance is only for the R-200, R-90, and R-60 zones. Staff believes this change is an oversight that will be corrected in the next draft.
  
- In the R-90 zone (proposed to be the RMD-9 zone):
  - Deleted the provision attached to townhouses in cluster development that says they are not permitted in clusters less than 10 acres in size. In clusters of 3 acres or more, permitted when recommended on a master or sector plan approved and adopted after October 30, 1978. Early draft recommendation, upon further review this provision may be retained.
  
- In the R-60 zone (proposed to be the RMD-6 zone):
  - Deleted the provision attached to townhouses in cluster development that says they are not permitted in clusters less than 10 acres in size. In clusters of 3 acres or more, permitted when recommended on a master or sector plan approved and adopted after October 30, 1978. Early draft recommendation by consultant, upon further review this provision may be retained.
  
- In the IL zone:
  - IL no longer has an optional method of development because in the current code, all you can achieve through optional method is additional height. Proposed code requires a site plan for any development over 40' in height in this zone; one of the findings for a site plan is compatibility with the master plan and neighborhood, thus site plan review under standard method for projects over 40' achieves the same goal.
  
- In the TDR Overlay zone:
  - Standardized the ratio of dwelling units for each TDR so that one TDR gets you one detached house unit, 2 units in a duplex or townhouse building type, or 3 units in an apartment/condo building type. This standardization creates consistency across zones.



## 59-7 Consolidated Draft Companion Document

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This document is a companion document for the consolidated draft version of Article 59-7, General Development Regulations. The purpose of this document is to highlight substantive changes between the Current Code and Proposed Code in the context of Article 59-7.

### Div. 7.1. Site Access

- Included alternative compliance section
- Added maximum width for driveway access
- Added maximum number of driveways allowed along the property frontage of the street

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

- Formatted parking requirements into a table
- Overhauled vehicle parking requirements (see *59-7 Parking Requirement Comparison Table*) based off of recommendations from MCDOT's *Parking Policy Study*
  - Modified Parking Lot Districts (per impending changes to Chapter 60)
    - PLDs rebranded as Parking Benefit Districts
    - Two types of Parking Benefit Districts – Primary and Secondary
    - Overhauled minimum vehicle parking requirements
    - Established maximum vehicle parking requirements
    - Created new adjustments for applicants seeking to create less parking than requirement to lower vehicle parking requirements
- Overhauled bicycle parking requirements in all zones
  - Bicycle parking requirements are determined by the use, rather than as a percentage of vehicle parking requirements.
  - Percentage of bicycle parking requirements must be long-term, as determined by the use
- Overhauled vehicle parking design standards
  - Increased maximum percentage of compact spaces allowed (as a % of total # of spaces) from 10% to 15%
  - Deleted special parking design standards for regional shopping centers
  - Added new standards for electric plug-in spaces
  - Added carshare space requirement for facilities with 50 or more reserved parking space, and removed carshare space provision from existing C/R zones
- Overhauled bicycle parking design standards
  - Added additional standards for long-term parking and short-term parking
- Moved landscaping and lighting standards for parking to Div. 7.5., Landscaping and Outdoor Lighting standards
- Added new design standards for loading facilities
- Included alternative compliance section

### Div. 7.3. Open Space

- Consolidated open space requirements for all zones into one table
- Renamed “green area” requirements for residential development to “common outdoor area”
- Modified open space requirements to be determined by building type

- Included alternative compliance section

#### **Div. 7.4. Recreation Facilities**

- Codified guidelines for recreation facilities into standards
  - Adjusted demand calculations for recreation facilities based on building type
  - Adjusted supply calculation for recreation facility type
  - Deleted and added new recreation facility types
  - Modified recreation facility standards and specifications to be more flexible for mixed-use and infill development
- Included alternative compliance section

#### **Div. 7.5. Landscaping and Outdoor Lighting**

- Consolidated landscaping and outdoor lighting standards into one place
- Codified guidelines for buffering, landscaping, and lighting standards in zones other than C/R
- Prohibited invasive species in required ornamental planting areas
- Referenced specific landscape design manuals for standards
- Incorporated landscaping and lighting standards for parking
- Included alternative compliance section

#### **Div. 7.6. Signs**

- Added illustrations for sign ordinance section
- Included alternative compliance section

#### **Div. 7.7. Outdoor Storage and Display**

- Included alternative compliance section

## **59-8 Consolidated Draft Companion Document**

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This document is a companion document for the July 16, 2012 Consolidated Draft, specifically Article 59-8, Administration and Procedures. The purpose of this document is to highlight the changes between the Current Code and Proposed Code in the context of Article 59-8, which includes the District Council, regulatory, and administrative approval processes. This article is still under review; a few sections remain to be completed, including noticing, and nonconformities.

### **Summary of General Changes**

- Added two overview tables indicating the authority granted to the various bodies under this chapter and an overview of the approvals required.
- Approvals are formatted to contain identical section headers identifying steps in the application process from applicability to recording procedures.
- Plans are designed to contain cumulative submittal requirements and findings to reduce redundancy.
- Hearing dates are set upon acceptance of application.

### **District Council Approvals:**

- The Development Plan, Diagrammatic Plan, and Schematic Development Plan have been consolidated into one application: the Floating Zone Map Amendment.
  - A Floating Zone Map Amendment is intended to clarify the submittal requirements necessary for approval of rezoning. The Floating Zone Map Amendment does not require the submission a Natural Resources inventory (NRI), Stormwater Management Concept, or a Preliminary Forest Conservation Plan (these will be required during preliminary and site plan review). In addition, other retained submission requirements have been modified to include only those elements necessary to determine the appropriateness of the requested rezoning.
- Created a Change or Mistake Map Amendment to clarify the distinction between it and a request for rezoning to apply a floating zone.
- Modified the time frame for the Hearing Examiner hearing on a Floating Zone Map Amendment or a Change or Mistake Map Amendment to within 90 days.
- Clarified two levels of corrective map amendments, a Minor Corrective Map Amendment and a Major Corrective map Amendment.
- Simplified language regarding Sectional Map Amendment submittal requirements. Modified findings to concentrate on “big picture” issues, allowing site plan review to cover detailed review.

- Expanded language on District Map Amendments to tie the process to implementation of a comprehensive plan or functional master plan.
- Introduced a deadline for holding the public hearing associated with the introduction of a Zoning Text Amendment.
- Introduced a deadline for the issuance of the resolution following the close of record for all amendments.

## **Regulatory Approvals:**

### **Conditional Use Plan**

- Introduced a Conditional Use Plan to replace the site plan required as part of a Special Exception application.
- Submittal requirements include concurrent review of forest conservation, stormwater management, and traffic issues rather than requiring pre-approval.
- General findings for all conditional uses have been modified.
- Where a Conditional Use Plan is required, a site plan will not be required for that portion of the site, unless required by the Hearing Examiner or Board of Appeals.
- Modified the time frame for the Conditional Use Plan hearing to within 120 days instead of 75 days.

### **Variance**

- Made minor changes to Variance language for clarity.

### **Sketch Plan**

- The Project Plan has been replaced by the Sketch Plan.
- Sketch Plan is substantially similar to existing Sketch Plan in 59-C-15.

### **Site Plan**

- Requirement for a Site Plan is determined by threshold instead of by zone. The thresholds are based on adjacent zoning, gross floor area, number of units, and/or building height. In some cases, a limited use may require a site plan. Submittal requirements include concurrent review of forest conservation, stormwater management, and traffic issues rather than requiring pre-approval .
- Modified findings to include requirement for master plan consistency.

- Added a Site Plan Applicability Table to delineate the thresholds that trigger a Site Plan.
- Codified the Development Review Committee deadlines.

**Administrative Approvals:**

- Cleaned up language; edited for conciseness. This section is still under review.