

PHED Committee Changes to the May 2, 2013 Planning Board Draft of Chapter 59

As of October 11, 2013

ARTICLE 59-1 GENERAL ZONING ORDINANCE PROVISIONS

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 1.4.2	Sec. 1.4.2	Replaced all the definitions for uses that appear in Article 59-3 with the appropriate 59-3 Section reference	Worksession 1 - June 14
n/a	Sec. 1.4.2.A	Added a definition for Age-Restricted per section of PHED Committee packet on 59-7 titled "Planning Staff Reply to DOT Comments"	Worksession 7 – July 30 (in packet)
n/a	Sec. 1.4.2.C	Added definition for Camp Retreat, Nonprofit, since this use is now specifically listed in the new Sec. 3.1.2.D regarding certain grandfathered uses that are allowed to expand	Worksession 3 – June 26
n/a	Sec. 1.4.2.C	Added Combination Retail with a section reference	Worksession 4 – July 1
n/a	Sec. 1.4.2.N	Added definition for Nonresidential Building with appropriate section reference per PHED Committee's changes to a general building in the Agricultural, Rural Residential, and Residential zones	Worksession 9 – Sept. 13
Sec. 1.4.2.P	Sec. 1.4.2.P	Deleted definitions for Parking Benefit District; Parking Benefit District, Primary; and Parking Benefit District, Secondary and replaced with following new terms and definitions: Parking Lot District and Reduced Parking Area	Worksession 11 – Sept. 27
Sec. 1.4.2.T	Sec. 1.4.2.T	Deleted "and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility" to match current definition (this change is accidentally not marked, it should be bracketed in the Oct. 11 draft)	Worksession 4 – July 2

ARTICLE 59-2 ZONES

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 2.1.2.G	Sec. 2.1.2.G	Deleted categorizations in 1. through 6. under G. Overlay as no longer categorizing Overlay zones into Commercial Preservation, Industrial Mixed Use, Neighborhood Protection, etc.; Overlay zones will be alphabetized instead.	Worksession 5 – July 12
Sec. 2.1.3.B.1	Sec. 2.1.3.B.1	Deleted the last line in B.1 of the Agricultural zone Intent statement (“Residential uses should be located....”); moved to Article 59-4	Worksession 1 – June 14
Sec. 2.1.6.A.6.a	Sec. 2.1.6.A.6.a	Deleted “are temporary and” in the description of special provisions for “T” in Commercial/Residential zones	Worksession 3 – June 28
Sec. 2.1.6.A.6.b	Sec. 2.1.6.A.6.b	Amended the “T” language regarding treatment of MPDU density to clarify language; per meeting with Council Staff, language is further modified from what was provided in the analyst packet	Worksession 3 – June 28
Sec. 2.1.6.B	Sec. 2.1.6.B	Amended the intent statement of the Commercial/Residential zones: intensities changed to densities; deleted “while minimizing their reliance on automobile use”; deleted policy from “policy recommendations”; changed “reduce dependence on the automobile by encouraging” to “encourage”	Worksession 3 – June 28
Sec. 2.1.7.A.6.a	Sec. 2.1.7.A.6.a	Deleted “are temporary and” in the description of special provisions for “T” in Employment zones	Worksession 3 – June 28
Sec. 2.1.7.A.6.b	Sec. 2.1.7.A.6.b	Amended the “T” language regarding treatment of MPDU density to clarify language; per meeting with Council Staff, language is further modified from what was provided in	Worksession 3 – June 28

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
		the analyst packet	
Sec. 2.1.7.B.	Sec. 2.1.7.B	Amended the intent statement of the Employment zones: intensities changed to densities; deleted “while minimizing their reliance on automobile use”; deleted policy from “policy recommendations”; changed “reduce dependence on the automobile by providing” to “provide”; deleted “urban commercial areas”	Worksession 3 – June 28 Worksession 4 – July 2
Sec. 2.1.9.A	Sec. 2.1.9.A	For Overlay zones, deleted all of A. Zones Established and replaced with new language that includes organizing Overlay zones by alphabetical order	Worksession 5 – July 12
Sec. 2.1.9.A.5.c	Sec. 2.1.9.A.3	Amended language for TDR Overlay zones to include the density designation as part of the establishment of the zone	Worksession 5 – July 12
Sec. 2.1.9.B	Sec. 2.1.9.B	For Overlay zones, deleted all of B. Intent Statements and replaced it with a single intent statement for the Overlay zones (each Overlay zone has its own purpose statement in 59-4)	Worksession 5 – July 12
Sec. 2.1.10.B	Sec. 2.1.10.B	Retained the first paragraph under “In General” and replaced 1.a-f and 2.-5. with the Floating zone purpose statement that had been in Article 59-5 (each Floating zone category will now have its own purpose statement in Article 59-5)	Worksession 11 – Sept. 27
Sec. 2.2.1.B.5	Sec. 2.1.1.B	Deleted “5. administrative zoning district line adjustments...”	Worksession 8 – Sept. 13

ARTICLE 59-3 USES AND USE STANDARDS

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
n/a	n/a	Amended “Board of Appeals” to “Hearing Examiner” in all mentions of conditional use approval	Worksession 8 – Sept. 13
n/a	Sec. 3.1.2.D	Added a new section “Grandfathered Uses Not Indicated with a P, L, or C in Sec. 3.1.6” to account for Educational Institution (Private) in the AR zone and Camp Retreat, Nonprofit in the RC zone	Worksession 1 – June 14 Worksession 3 – June 26
Sec. 3.1.2.D	Sec. 3.1.2.E	Amended “Uses not Specifically Listed” as recommended by DPS, including flexibility in the sentence concerning prohibited land uses	Worksession 5 – July 12
Sec. 3.1.6	Sec. 3.1.6	Amended the Use Table including: <ul style="list-style-type: none"> - indicating L/C where appropriate (Equestrian Facility, Winery, Attached and Detached Accessory Apartment, Telecommunications Tower, Country Inn, Rec and Entertainment Facility, Indoor, Mining Excavation); - adding Agricultural Education/Tourism to the AR zone as an “L”; adding Combination Retail as a “C” to the CRT, CR, GR, NR zones; - deleting Farm Tenant Dwelling from R-90 thru R-40; deleting Campground from the RC zone, which is now covered by the new Sec. 3.1.2.D; and - changing Educational Institution (Private) from “P” to “L” in IL and IM 	Worksession 1 – June 14 Worksession 2 – June 21 Worksession 4 – July 2 Worksession 11 – Sept. 27
Sec. 3.2.6.A.1 Sec. 3.2.6.A.2	Sec. 3.2.6.A.1 Sec. 3.2.6.A.2	Deleted “within/in Montgomery or adjacent counties” from Farming definition	Worksession 2 – June 21
Sec.	Sec.	Amended Nursery (Retail) limited use standard (for Industrial zones) from “allowed GFA” to “mapped FAR” to align with changes made during PHED to other uses in the	Worksession 5 – July 12

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
3.2.7.A.2.a	3.2.7.A.2.a	Industrial zones	
n/a	Sec. 3.2.11.A	Added Agricultural Education/Tourism definition and limited use standards	Worksession 11 – Sept. 27
Sec. 3.2.11.A	Sec. 3.2.11.B.2	Amended the standards for Animal Husbandry to have 25’ setback from the lot line and 100’ setback from a dwelling on another lot for animals other than a household pet; added the requirement for a solid roof for the structure and a fenced backyard; changed “land area” to “lot area”	Worksession 2 – June 21 Worksession 11 – Sept. 27
Sec. 3.2.12.B.2	Sec. 3.2.12.B.2	Added limited use standards to Seasonal Outdoor Sales: limit the temporary permit to a maximum of 45 days and a maximum of 2 permits per site annually; require a plan demonstrating adequate circulation, etc; and prohibit obstructions that adversely affect visibility	Worksession 5 – July 12
Sec. 3.3.3.E.2.f	Sec. 3.3.3.E.2	Deleted the use Farm Tenant Dwelling use standards pertaining to R-90, R-60, and R-40 since no longer allowing this use in these zones	Worksession 2 – June 21
Sec. 3.4.5.C.1	Sec. 3.4.5.C.1	Added a limited use standard for Educational Institution (Private) in the IL and IM zone: limited to trade, artistic, technical instruction	Worksession 4 – July 2
Sec. 3.4.6.B.2	Sec. 3.4.6.B.2.h	For hospitals, added a conditional use standard that says in the Residential and Industrial zones, the maximum FAR is established by the conditional use approval	Worksession 11 – Sept. 27
Sec. 3.4.10.B	Sec. 3.4.10.B.2	Added a use standard for Religious Assembly for grandfathering parcels of a certain size	Worksession 11 – Sept. 27
Sec. 3.5.1.B.2.b.i(g)	Sec. 3.5.1.B.2.b.i(g)	For Animal Boarding and Care, amended 50 feet setback from any lot line for all buildings and accessory structures to 75 feet setback (incorrectly marked as a	Worksession 2 – June 21

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
))	blue/non-PHED change)	
Sec. 3.5.3.A.2	Sec. 3.5.3.A.2	Deleted the limited use standards iii – vi; Added language for a Country Inn as a conditional use, including some of the limited use standards that were deleted	Worksession 2 – June 21
Sec. 3.5.3.B.2.a.ii	Sec. 3.5.3.B.2.a.ii	Amended the maximum % of FAR for a Restaurant or combination of office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	Worksession 5 – July 12
Sec. 3.5.8.B.2.a.ii	Sec. 3.5.8.B.2.a.ii	Amended the maximum of FAR for an Office or combination of office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	Worksession 5 – July 12
Sec. 3.5.10.B.2.a	Sec. 3.5.10.B.2	Deleted the limited use standard for campground. This was in there to accommodate the Camp Retreat, Nonprofit, which is now accounted for in the new Sec. 3.1.2.D	Worksession 3 – June 26
n/a	Sec. 3.5.11.A	Added Combination Retail as a use with definition and use standards	Worksession 4 – July 2
Sec. 3.5.11.A.2.a.vi i	Sec. 3.5.11.B.2.a.vi i	Amended the maximum of FAR for a Retail/Service Establishment or combination of office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	Worksession 5 – July 12
Sec. 3.5.11.A.2.b	Sec. 3.5.11.B.2.b	For Retail/Service Establishment, deleted conditional use standards ii through iv as these were there to accommodate Combination Retail, which has now been pulled out as a separate use	Worksession 5 – July 12
Sec. 3.5.13.C	Sec. 3.5.13.C	Amended the definition of Filing Station to include any type of energy source for a vehicle. Amended the use standards by removing the minimum site size requirement; clarifying access from a residential street; allowing for a care share space; and requiring	Worksession 4 – July 2 Worksession 6 – July 19

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
		that the Board of Appeals must find that there is adequate parking for all accessory uses; correcting the 0.1 footcandles maximum so that it applies when abutting all Residential zones, not just Residential Detached zones	
Sec. 3.7.4.B	Sec. 3.7.4.B	Amended definition of Accessory Use to clarify that any permitted or limited use in a zone may be an accessory use to any other use in the same zone as noted during the Filing Station conversation	Worksession 4 – July 2

ARTICLE 59-4 EUCLIDEAN ZONE REQUIREMENTS: IN GENERAL AND STANDARD METHOD

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
n/a	n/a	Amended “apartment/condo” building type to “apartment” throughout entire Chapter	Worksession 4 – July 2
Sec. 4.1.3	Sec. 4.1.3	Amended the Building Types so that the ones in this Section only apply to Agricultural, Rural Residential, and Residential zones (as a result, removed the multi use building from this Section). Delete the general building picture and definition and replace with nonresidential building, including a new definition and pictures. As a result, changed “general” building to “nonresidential” building in relation to Agricultural, Rural Residential, and Residential zones throughout entire Chapter	Worksession 9 – Sept. 17
Sec. 4.1.4	Sec. 4.1.4	Amended the Building Types Allowed by Zone so that the table only applies to Agricultural, Rural Residential, and Residential zones (as a result, removed the multi use building from this Section). Delete the general building and picture and replace with nonresidential building, including a new picture. Clarified which building types are	Worksession 9 – Sept. 17

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
		allowed in which zones in the TDR Overlay zone	
n/a	Sec. 4.1.5	Added a section for Building Types in the Commercial/Residential, Employment, and Industrial zones (text that was previously in Sec. 4.1.3)	Worksession 9 – Sept. 17
n/a	Sec. 4.1.6	Added a section for Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial zones (text that was previously in Sec. 4.1.4)	Worksession 9 – Sept. 17
n/a	Sec. 4.1.8	Amended setback and height compatibility standards (from Section 7.4.3 and Section 7.4.4 in the May 2 draft) to be more clear, to clarify applicability and how height is measured when the height compatibility applies to side or rear of building, and to remove the ability for alternative compliance	Worksession 9 – Sept. 17
n/a	Sec. 4.2.2.B	Added B. Location of Residential Uses with the last line from B.1 of the Agricultural zone Intent statement	Worksession 1 – June 14
Sec. 4.2.5	Sec. 4.2.5	Amended the development standards table for the AR zone. Deleted site coverage and specification for site coverage; reorganized B. Lot and Density to include Voluntary Conservation Lots and related specifications; added a row for Density (units/lot; clarified that nonresidential buildings require a 25 acre site and can only have one lot per 25 acres; amended nonresidential building coverage for a lot to be 5%);	Worksession 6 – July 19
Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Amended Specification for an accessory building or structure for animal or fowl to exclude a household pet, as is currently allowed	Worksession 11 – Sept. 27

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Clarified that a building used for agriculture is not a nonresidential building, by adding F. Buildings used for Agriculture Associated with Farming, and stating that such a building must satisfy the standards of an accessory structure for a nonresidential building, except that it is exempt from the height limits; deleted the line for Agricultural buildings under D. Height	Worksession 1 – June 14
Sec. 4.4.6, Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9	Sec. 4.4.6, Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9	Clarified that a building used for agriculture is not a nonresidential building, by adding F. Buildings used for Agriculture Associated with Farming, and stating that such a building must satisfy the standards of an accessory structure for a nonresidential building, except that the maximum height is 50 feet; deleted the line for Agricultural buildings under D. Height	Worksession 1 – June 14
Sec. 4.5.1.A	Sec. 4.5.1.A	Replaced the paragraph directing readers to Sec. 2.1.6.A.4 with the text from that section reference, indicating the density and height ranges allowed for the Commercial/Residential zones and the increments in which the zone can be established	Worksession 4 – July 2
Sec. 4.6.1.A	Sec. 4.6.1.A	Replaced the paragraph directing readers to Sec. 2.1.7.A.4 with the text from that section reference, indicating the density and height ranges allowed for the Employment zones and the increments in which the zone can be established	Worksession 4 – July 2
Sec. 4.7.1.A	Sec. 4.7.1.A	Replaced the paragraph directing readers to Sec. 2.1.8.A.3 with the text from that section reference, indicating the density and height ranges allowed for the Industrial zones and the increments in which the zone can be established	Worksession 4 – July 2
Sec. 4.8.1.A	Sec. 4.8.1.A	Amended applicability so that Overlays are tied to master plans when approved by a Sectional Map Amendment	Worksession 11 – Sept. 27
Sec. 4.8.2	Sec. 4.8.2	Deleted Sec. 4.8.2 through Sec. 4.8.7 and replaced it with Sec. 4.8.2 through Sec. 4.8.6,	Worksession 5 – July 12

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
through Sec. 4.8.7	through Sec. Sec. 4.8.16	effectively getting rid of the categorization of the Overlays (CP, NP, IMU, SPA, etc.) and just alphabetizing them by name. As a result, changes throughout these Sections include changing Overlay names by deleting the preface (for example, CP-BEA is now just BEA)	
Sec. 4.8.2.A	Sec. 4.8.2	Deleted some grandfathering provisions for uses and existing buildings in the Burtonsville Employment Area Overlay as they are covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.2.D.2	Sec. 4.8.8.B	Added Combination Retail to the list of permitted uses for the Regional Shopping Center Overlay	Worksession 4 – July 2
Sec. 4.8.2.D.5	Sec. 4.8.8.E	Amended parking requirement for Regional Shopping Center from 5.5 to 4 and deleted the paragraph about 15% reduction if the entrance is within 1,600 feet of a Metrorail station	Worksession 5 – July 12
Sec. 4.8.4.A.3 and Sec. 4.8.4.A.5	Sec. 4.8.5.C and Sec. 4.8.5.E	Deleted the grandfathering language in the Fenton Village Overlay pertaining to project plan paragraph under development standards and some existing building language as it is covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.4.C.5	Sec. 4.8.9.E	Deleted some grandfathering in the Ripley/South Silver Spring Overlay pertaining to existing buildings as it is covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.4.D.3	Sec. 4.8.10.C	Deleted some grandfathering in the Rural Village Center Overlay pertaining to development standards as it is covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.4.E.3	Sec. 4.8.11.C	Added Combination Retail to the list of prohibited uses in the Sandy Spring/Ashton Rural Village Overlay	Worksession 4 – July 2

ARTICLE 59-5 FLOATING ZONE REQUIREMENTS

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 5.1.2	Div. 5.1	Deleted the entire Purposes section as this was moved to Article 59-2 to serve as the intent statement for Floating zones in general	Worksession 11 – Sept. 27
Sec. 5.1.3	Sec. 5.1.2	Amended Floating zone Applicability, including requiring that the subject property front on a nonresidential street or abut or confront property not in an Agricultural, Rural Residential, or Residential Detached zone when applying for certain Floating zones on a Residential base zone; also amended Prerequisites	Worksession 11 – Sept. 27
n/a	Sec. 5.1.3.B	Added paragraph B. about amendments to a Floating zone	Worksession 11 – Sept. 27
Sec. 5.1.3.E	Sec. 5.1.3	Deleted “E. A Floating zone application that meets the prerequisites and requirements of Article 59-5 may not be sufficient to require approval of the application” as it will now be placed in Article 59-8 under Necessary Findings for a Local Map Amendment	Worksession 8 – Sept. 13
n/a	Sec. 5.2.2	Added a purpose clause specific to the Residential Floating zones	Worksession 11 – Sept. 27
Sec. 5.2.2.A	Sec. 5.2.3.A	Amended some of the allowed uses in the higher density residential floating zones (from CRT to CRN and from CR to CRT)	Worksession 11 – Sept. 27
Sec. 5.2.4.A.1	Sec. 5.2.5.A.1	Added language about the base zone to clarify when certain residential density limits apply and added density limits if the base zone isn’t a Residential zone	Worksession 11 – Sept. 27
n/a	Sec. 5.3.2	Added a purpose clause specific to the Commercial/Residential Floating zones	Worksession 11 – Sept. 27
Sec. 5.3.4.D and Sec. 5.3.4.E	Sec. 5.3.5.D	Deleted section on coverage and incorporated it into General Requirements and clarified the provisions of open space	Worksession 11 – Sept. 27

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 5.4.4.F.2	Sec. 5.3.5.E.2	In the table for public benefit points for CRF and CRTF zones, changed 3.25 in the second and fifth row to 3.5	Worksession 4 – July 2
n/a	Sec. 5.4.2	Added a purpose clause specific to the Employment Floating zones	Worksession 11 – Sept. 27
Sec. 5.4.4.D and Sec. 5.4.4.E	Sec. 5.4.5.D	Deleted section on coverage and incorporated it into General Requirements and clarified the provisions of open space	Worksession 11 – Sept. 27
Sec. 5.4.4.F.2	Sec. 5.4.5.E.2	In the table for public benefit points for EOFF zone, changed 3.25 in the second and fifth row to 3.5	Worksession 4 – July 2
n/a	Sec. 5.5.2	Added a purpose clause specific to the Industrial Floating zones	Worksession 11 – Sept. 27
Sec. 5.5.4.D	Sec. 5.5.5.D	Deleted section on coverage as it is already covered under General Requirements	Worksession 11 – Sept. 27

ARTICLE 59-6 OPTIONAL METHOD REQUIREMENTS

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 6.4.1.B.1	Sec. 6.4.1.B.1	In the table for public benefit points for CR and CRT, changed 3.25 in the second and fifth row to 3.5	Worksession 4 – July 2
Sec. 6.4.2.B	Sec. 6.2.4.B	Added the FAR and height ranges allowed and the increments in which a zone can be established (CRN row is not included as CRN does not have optional method). As a	Worksession 4 – July 2

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
		result, changed the title from “B. Lot and Density” to “B. Lot, Density, and Height”. Deleted section “D. Height” as it is now incorporated in B.	
Sec. 6.5.1.B.1	Sec. 6.5.1.B.1	In the table for public benefit points, for EOF changed 3.25 in the fifth row to 3.5	Worksession 4 – July 2
Sec. 6.5.2.B	Sec. 6.5.2.B	Added the FAR and height ranges allowed and the increments in which a zone can be established (CRN row is not included as CRN does not have optional method). As a result, changed the title from “B. Lot and Density” to “B. Lot, Density, and Height”. Deleted section “D. Height” as it is now incorporated in B.	Worksession 4 – July 2
Sec. 6.6.2 and Sec. 6.6.3	Sec. 6.6.2 and Sec. 6.6.3	Amended the public benefits available and their points to match PHED Committee’s 2011 recommendation (from Sept. 27, 2011 analyst packet for County Council starting on page ©52); retained the TDR public benefit	Worksession 11 – Sept. 27 Worksession 3 – June 28
Sec. 6.6.3.B.1.a	Sec. 6.6.3.B.1.a	Added sentence to transit proximity description: “All distances for transit proximity are measured from...” (incorrectly not underlined in the Oct. 11 draft)	Worksession 4 – July 2
Sec. 6.6.3.F.1.b.i	Sec. 6.6.3.F.1.b.	Delete the first paragraph under “in the LSC zone” for BLTs as it is redundant (Paragraph begins: “BLTs are mandatory for all optional method developments in LSC...”)	Worksession 5 – July 12
Sec. 6.6.3.F.1.b.ii	Sec. 6.6.3.F.1.b.i	Added “in an amount equal to 50% of the incentive density” and “or an equivalent payment made” to BLTs language in the LSC zone	Worksession 4 – July 2
Sec. 6.6.3.F.8	Sec. 6.6.3.F.3	Clarified that purchasing TDRs is only mandatory in a TDR Overlay zone	Worksession 5 – July 12

ARTICLE 59-7 GENERAL DEVELOPMENT REQUIREMENTS

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 7.1.5, Sec. 7.2.10, Sec. 7.3.10, Sec. 7.5.5, Sec. 7.6.4	Div. 7.8	Deleted alternative compliance sections in each Division and added a new Division at the end of Article 59-7 for Alternative Compliance with language that still excludes signs from alternative compliance	Worksession 7 – July 30
Sec. 7.2.2.A	Sec. 7.2.2.A	Amended applicability based on Planning Staffs Response to DOT Comments in PHED packet	Worksession 7 – July 30
Sec. 7.2.3, Sec. 7.2.4, Sec. 7.2.5	Sec. 7.2.3 and Sec. 7.2.4	Amended Parking Benefit District (including primary and secondary) to Parking Lot District and Reduced Parking Area; made this change throughout entire Chapter	Worksession 11 – Sept. 27
Sec. 7.2.3.C	Sec. 7.2.3.C	Added language that only 10 motorcycle/scooter spaces count toward the minimum; any motorcycle/scooter spaces above 10 don't go toward the meeting the minimum required	Worksession 7 – July 30
Sec. 7.2.3.G	Sec. 7.2.3.G	Amended Parking Below the Minimum or Maximum so that in the Parking Lot District, maximums are hard and an applicant can pay to go below minimums; in a Reduced Parking Area, parking below the minimum is possible with alternative compliance and parking above the maximum is allowed if the spaces are made available to the public or through alternative compliance	Worksession 11 – Sept. 27
Sec. 7.2.3.H.1.a	Sec. 7.2.3.A.5.d	Amended on-street parking space so that only on-street spaces constructed outside a Parking Lot District and for Retail/Service Establishment, Restaurant, or as a car-share space count toward the minimum number of required spaces	Worksession 7 – July 30

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
n/a	Sec. 7.2.3.H.2.C	Added language that prohibits additional adjustments if an applicant takes a parking adjustment reduction for certain housing types (MPDU, WFHU, age-restricted, senior housing) or religious assembly	Worksession 7 – July 30 Worksession 11 – Sept. 27
Sec. 7.2.3.H.3.a	Sec. 7.2.3.H.6.a	Amended NADMS adjustment to limit the reduction that can be taken to a maximum of 20%	Worksession 7 – July 30
Sec. 7.2.3.H.3.d	Sec. 7.2.3.H.6.c	Amended the bike-sharing facility adjustment so that it can only be used if the facility is part of a DOT-approved comprehensive plan of bike-sharing stations	Worksession 7 – July 30
Sec. 7.2.4.B	Sec. 7.2.4.B	Amended vehicle parking numbers for Group Day Care (lump with Family Day Care and allow required spaces to be on street abutting the site); Hospital (decrease minimum); Animal Boarding and Care (decrease minimum, increase maximum); Vet Office/Hospital (made changes similar to Animal Boarding and Care, reducing minimum); Landscape Contractor (reduce minimum); Self-Storage (modified metric)	Worksession 7 – July 30
Sec. 7.2.4.B	Sec. 7.2.4.B	Added Combination Retail to the parking table under Retail Sales and Service	Worksession 4 – July 1
n/a	Sec. 7.3.4.A.4.b	Added Playground, Outdoor Area (Private) to the list of uses prohibited in the rural open space in the RNC zone	Worksession 2 – June 21
Sec. 7.3.6.A.2	Sec. 7.3.6.A.2	Amended the definition of public open space, changing “enhances the public realm” in to “attracts public appreciation due to its location and amenities”	Worksession 7 – July 30
Div. 7.4	n/a	Deleted all of Div. 7.4 Compatibility standards as height and setback compatibility standards were moved to Article 59-4 and screening requirements are now their own Division (Division 7.5)	Worksession 7 – July 30

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 7.5.3.C.1	Sec. 7.4.3.C.1	Amended title for Fences and Walls from “Defined” to “Measurement of Height” and amended language regarding where fence or wall height is measured from	Worksession 7 – July 30
n/a	Div. 7.5	Added a Division for screening requirements, which were previously incorporated in the compatibility standards	Worksession 7 – July 30
Sec. 7.7.6.E.2	Sec. 7.7.6.E.2	For sign illumination, replaced “in a manner that prevents glare from beyond the property line” to “and be 0.5 footcandles or less at the property line” and then added “if the subject property abuts a property that is improved with a residential use in any zone or is vacant in a Residential zone.”	Worksession 9 – Sept. 17 Worksession 10 – Sept. 20
Sec. 7.7.6.F.5	Sec. 7.7.6.F.5	Added: “A sign that displays the number of available parking spaces is exempt from this requirement.”	Worksession 7 – July 30
Sec. 7.7.11.D.6	Sec. 7.7.11.D.6	Deleted second sentence: “If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.”	Worksession 7 – July 30
n/a	Div. 7.8	Added a new Division at the end of Article 59-7 for Alternative Compliance with language that still excludes signs from alternative compliance	Worksession 7 – July 30

ARTICLE 59-8 ADMINISTRATION AND PROCEDURES

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 8.1.2 and Sec. 8.1.3	Sec. 8.1.2 and Sec. 8.1.3	Deleted Sign Installer License and Administrative Zoning District Line Adjustment from table; also, in Sec. 8.1.2 modified conditional use so that the Hearing Examiner has a “D” (decision) in the table and the Board of Appeals has an “A” (appeal)	Worksession 8 – Sept. 13
Sec. 8.2.1.D.3.c.ii	Sec. 8.2.1.D.3.c.ii through Sec. 8.2.1.D.3.c.iv	Deleted the last sentence of 8.2.1.D.3.c.ii for oral argument for a LMA and replaced with language from current code (59-H-6.5(b)); added a new iii. and iv. with language from current code (59-H-6.5(c), and (d)).	Worksession 8 – Sept. 13
n/a	Sec. 8.2.1.E.1	Added language from Article 59-5 that says a floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.	Worksession 8 – Sept. 13
Sec. 8.2.1.E.1.e	Sec. 8.2.1.E.2.e	Deleted language in e. and replaced finding with language about traffic tied to LATR Guidelines	Worksession 11 – Sept. 27
Sec. 8.2.2.A.1	Sec. 8.2.2.A.1	Deleted “or an error or omission in the findings of fact” and “the application of” for Corrective Map Amendments,	Worksession 8 – Sept. 13
Sec. 8.2.3.D.4	Sec. 8.2.3.D	Deleted entire paragraph 4 regarding petition for judicial review as the Land Use Article and case law dictates the manner of appeal vs. judicial review	Worksession 8 – Sept. 13
Sec. 8.2.4.F	Sec. 8.2.4	Deleted whole subsection for Recording Procedures	Worksession 8 – Sept. 13
Sec. 8.3.1	Sec. 8.3.1	Amended conditional use language so that the Hearing Examiner is now the deciding body (made this change throughout entire Chapter) and the Board of Appeals does the appeal/oral argument (includes deleting Sec. 8.3.1.D.3 and Sec. 8.3.1.F.2 and adding Sec. 8.3.1.G)	Worksession 10 – Sept. 20

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
Sec. 8.3.1.E.1.g	Sec. 8.3.1.E.1.g	Amended the language about non-inherent adverse impact to include combination of inherent and non-inherent adverse impact (incorrectly marked in blue)	Worksession 11 – Sept. 27
Sec. 8.3.1.E.2	Sec. 8.3.1.E.2	Amended the language about a conditional use in a Residential Detached zone having to, whenever practicable, have the appearance of a detached house to “be compatible with the character of the residential neighborhood.”	Worksession 5 - July 12
Sec. 8.3.1.E.5	Sec. 8.3.1.E	Deleted all of paragraph 5. as this concept was incorporated in E.1.g (incorrectly marked in blue)	Worksession 11 – Sept. 27
n/a	Sec. 8.3.1.E.5 and Sec. 8.3.1.E.6	Added language about county and neighborhood need as mentioned in the current code to conditional use findings	Worksession 9 – Sept. 17
Sec. 8.3.1.F.3	Sec. 8.3.1.F.2	Amended “may impose conditions of approval regarding operations...general neighborhood” with language from G-1.22(a): “supplement the specific requirements of this Chapter with...general neighborhood.”	Worksession 11 – Sept. 27
Sec. 8.3.3.F.2	Sec. 8.3.3.F	Deleted paragraph about right to petition for judicial review	Worksession 9 – Sept. 17
Sec. 8.3.4.E.4	Sec. 8.3.4.E.2.d	Added parking to site plan findings: “provides safe, well integrated parking, circulation patterns, building massing....” As a result of discussion about 4.0 parking spaces in Regional Shopping Center overlay and wanting to clarify that parking was a finding needed to be made during site plan	Worksession 5 – July 12
Sec. 8.3.4.E.6	Sec. 8.3.4.E.2.g and Sec.	Amended finding for compatibility with adjacent development to distinguish between compatibility for a property in a Rural Residential or Residential zone and property in all other zones	Worksession 5 – July 12

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
	8.3.4.E.2.h		
Sec. 8.3.4.E	Sec. 8.3.4.E.3	Added a finding about County need to site plan for a restaurant with a drive-thru to cover the current finding of need for special exception drive-in restaurants.	Worksession 9 – Sept. 17
Sec. 8.4.1.B.1 through Sec. 8.4.1.B.6	Sec. 8.4.1.B	Deleted first sentence in Application Requirements as well as the requirements in B.1 through B.6 as they are covered by Chapter 8	Worksession 9 – Sept. 17
Sec. 8.4.1.E.1 and Sec. 8.4.1.E.2	Sec. 8.4.1.E	Deleted paragraph 1. and 2. Under Necessary Findings as they are covered in Chapter 8. (Retained paragraph 3 as it is not covered in Chapter 8)	Worksession 9 – Sept. 17
Sec. 8.4.1.F	Sec. 8.4.1	Deleted entire Appeal section	Worksession 9 – Sept. 17
Sec. 8.4.3.D.1.b	Sec. 8.4.3.D.1.b	Deleted “licensed” since Licensed Sign Installer section was deleted	Worksession 9 – Sept. 17
Sec. 8.4.5	n/a	Deleted all of Sec. 8.4.5 Sign Installer License	Worksession 9 – Sept. 17
Sec. 8.4.6	n/a	Delete all of Sec. 8.4.6 Administrative Zoning District Line Adjustment	Worksession 9 – Sept. 17
Sec. 8.5.1	Sec. 8.5.1	Deleted “Individual Application Notice” from every application that also has a hearing notice; deleted the row “Sign Installer License”	Worksession 9 – Sept. 17
Sec. 8.5.2	Sec. 8.5.2	Amended notice distance for municipality to be the same as the homeowners and civic association	Worksession 9 – Sept. 17
Sec. 8.5.2.D	Sec. 8.5.2.D	Deleted specific language for applications no longer getting Individual Application Notice (deleted last sentence in D.1 about sign permit variance; and deleted all of	Worksession 9 – Sept. 17

May 2 Draft Section Reference	Oct. 11 Draft Section Reference	Change	Worksession when Change was Made
		D.3 for conditional use and variance); only retained application notice for those applications that don't also have a hearing notice.	
Sec. 8.6.2.C	Sec. 8.6.2	Deleted section about select conditional uses decided by Hearing Examiner as all conditional uses are now decided by Hearing Examiner	Worksession 8 – Sept. 13
Sec. 8.6.4.B.4	Sec. 8.6.4.B	Deleted language about approving examination for sign license installer since the section about Sign Installer License was deleted	Worksession 9 – Sept. 17
Sec. 8.7.1	Sec. 8.7.1	Deleted the Exemptions grandfathering language and added in new language from Council Staff	Worksession 8 – Sept. 13
Sec. 8.7.2	Sec. 8.7.2	Amended Sec. 8.7.2.A to match new language from Council Staff; deleted Sec. 8.7.2.B and C.	Worksession 9 – Sept. 17