

PLANNING BOARD DRAFT COMPANION DOCUMENT

INTRODUCTION

The comprehensive revision of the zoning ordinance was added to the Planning Department work program in 2008 with several basic goals in mind:

- Simplify and consolidate;
- Improve clarity and consistency;
- Accommodate changing markets and demographics, while protecting established neighborhoods;
- Reflect more sustainable policy goals; and
- Provide the tools necessary to shift from greenfield development to infill, mixed-use development.

To achieve these goals, the revised ordinance contains significant changes in layout, presentation, and organization and makes significant modifications to commercial, mixed-use and industrial zones regulations, but minimizes impacts to agricultural and residential zones. The most significant changes and modifications are outlined in this document.

This document (21 pages) highlights general changes followed by summaries of changes in each Article of the revised zoning code. Detailed explanations of changes in the Agricultural, Rural Residential and Residential zones are available at www.zoningmontgomery.org.

IN GENERAL

- The organization of the document is completely new:
 - Instead of organization roughly by zone group, as is the case in the current ordinance, the draft is generally organized by elements (intent statements, uses, development standards, general development requirements, etc).
 - For clarity, the draft ordinance separates out Standard Method from Optional Method Development. 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.
 - The draft also differentiates between Euclidean zones (those established by Master Plans) and Floating zones (those that may be requested by individual property owners), which are very difficult to tell apart in the existing ordinance.
- To increase the readability of the document:
 - Legalese is replaced with plain English.
 - Diagrams are included to illustrate difficult concepts.
 - A consistent outline format is employed throughout the document.
- With the exception of Article 59-9 (Zones Retained from Previous Ordinance), no footnotes are included in the draft revised zoning ordinance. Most of the information contained in existing footnotes is incorporated into the body of the draft text, typically as use, process, or development standards. Because the placement of a footnote often causes confusion and misinterpretation, the removal of footnotes greatly enhances the clarity of the document.
- The existing Rural Density Transfer (RDT) zone is renamed the Agricultural Reserve (AR) zone to better reflect the intent and use of the zone.
- Provisions regarding urban renewal areas, arts and entertainment districts, and nuisances are not retained.

ARTICLE 59-1. GENERAL ZONING CODE PROVISIONS

- The *Purpose of Chapter 59* (Sec. 1.2.1.) is modified to match the Maryland Land Use Article.
- Many more terms, including every use listed in the use table, are defined in the draft ordinance and many existing definitions are updated and modernized. A detailed description of changes in definitions is located on the website at www.zoningmontgomery.org.

ARTICLE 59-2. ZONES

Zones Established (Div 2.1)

- This Article delineates Zoning Categories, which refer to particular groups of zones. The Zoning Categories are used throughout the draft ordinance to refer to groups of zones clearly and concisely.
 - Agricultural zone = Agricultural Reserve (AR) zone
 - Rural Residential zones = Rural (R), Rural Cluster (RC), and Rural Neighborhood Cluster (RNC) zones
 - Residential Detached zones = Residential Estate zones (RE-2, RE-2C, and RE-1) and R-200, R-90, R-60 and R-40* zones
 - Residential Townhouse zones = Townhouse zones (TLD, TMD, THD)* zones
 - Residential Multi-Unit zones = R-30, R-20 and R-10* zones

*These zone groups are collectively referred to as the Residential zones

 - Commercial/Residential (C/R) zones = CRN, CRT, and CR zones
 - Employment zones = General Retail (GR), Neighborhood Retail (NR), Life Science Center (LSC) and Employment Office (EOF) zones
 - Industrial zones = Light Industrial (IL), Moderate Industrial (IM), and Heavy Industrial (IH) zones
- All zones have intent statements in the draft code, while the existing code omits intent statements for some zones (e.g. one-family residential zones).
- The statutory maximum allowed heights and FARs for C/R, Employment, and Industrial zones are established in this Article.

Zoning Map (Div 2.2.)

- A digital zoning map, maintained by the Planning Department, will replace the existing mylar based zoning maps. A digital map allows for faster updates and easier reproduction of certified copies.

ARTICLE 59-3: USES AND USE STANDARDS

In General

- Uses not specifically listed (Sec. 3.1.2.D) is new and provides parameters for DPS to use in evaluating whether a use not listed in the use table is similar to a listed use and therefore can be treated in the same manner. Currently, DPS determines how to treat a proposed use not listed in the ordinance.
- The proposed draft contains one use table for all uses across all zones (Sec. 3.1.6.)
- 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.
- There are now six categories of uses: agricultural, residential, civic and institutional, commercial, industrial and miscellaneous.
- A large number of uses have been consolidated. The draft groups similar uses together and allows them in certain zones based on the impact (measured by number of residents or GFA).
Examples:
 - Residential Care Facility includes the following current uses: group homes, adult foster care homes, domiciliary care, hospice care, life care facility, nursing home and respite care.
 - Office includes the following current uses: chancery, general office; offices, business; offices, general.
 - Recreation & Entertainment includes the following current uses: amusement centers, billiards parlors, miniature golf, commercial swimming pools.
 - Retail/Service Establishment includes the following current uses: antique shops, barber and beauty shops, department stores, grocery stores, pet shops.

Agricultural Zone

- Uses modified due to use consolidation and simplification:
 - Agricultural Processing
 - Farm Supply or Machinery Sales, Storage, and Services

- Farm Tenant Dwelling
- Day Care Facility
- Residential Care Facility
- New uses:
 - Community Garden
 - Solar Collection System
- Modification of use:
 - Seasonal Outdoor Sales
- Uses not retained:
 - Off-street Parking
 - Swimming Pool, Private

Rural Residential Zones

- Uses modified due to use consolidation and simplification:
 - Agricultural Processing
 - Farm Supply or Machinery Sales, Storage, and Service
 - Farm Airstrip, Helistop
 - Farm Tenant Dwelling
 - Day Care Facility
 - Residential Care Facility
- Modified Conditional Use Standards:
 - Animal Boarding and Care
 - Veterinary Office/ Hospital
- New uses:
 - Community Garden
 - Playground, Outdoor Area (Private)
 - Solar Collection System
- Modification of use:
 - Seasonal Outdoor Sales
- Uses not retained:
 - Off-street Parking
 - Swimming Pool, Private
- Change from Special Exception Use to a Limited Use:
 - Bed and Breakfast

Residential Detached Zones

- Uses modified due to use consolidation and simplification:
 - Farm Tenant Dwelling
 - Residential Care Facility
 - Day Care Facility

- Modified Conditional Use Standards:
 - Animal Boarding and Care
 - Veterinary Office/ Hospital
- New uses:
 - Community Garden
 - Playground, Outdoor Area (Private)
 - Solar Collection System
- Change from Special Exception Use to a Limited Use:
 - Bed and Breakfast (only in the RE-2, RE-2C, RE-1, and R-200 zones)
- Modification of use:
 - Animal Husbandry
 - Seasonal Outdoor Sales
- Uses not retained:
 - Airstrips, in the common open space
 - Boardinghouses
 - Clinic , medical or dental, for 5 or more medical practitioners
 - Guest houses in R-200, R-90, R-60 and R-40
 - Community Redevelopment Areas
 - Offices, medical practitioner, for use by other than a resident of the dwelling
 - Opportunity Housing Projects
 - Parking of Motor Vehicles, Off-street, in connection with commercial uses
 - Swimming Pool, private

Residential Townhouse Zones

These Euclidean townhouse zones are new to the code, but the uses are modeled on the existing floating Residential Townhouse (RT) zones.

Residential Multi-Unit Zones

- Uses modified due to use consolidation and simplification:
 - Residential Care Facility
 - Day Care Facility
- New uses:
 - Community Garden
 - Urban Farming
 - Agricultural Vending
 - Playground, Outdoor Area (Private)
 - Solar Collection System
- Modification of use:
 - Animal Husbandry
 - Seasonal Outdoor Sales

- Change from Special Exception Use to a Limited Use:
 - Retail/ Service Establishment (up to 5,000sf) in R-10

Commercial/ Residential & Employment Zones

- Residential Household Living uses are now allowed in the Employment zones, but they are limited to 30% of the maximum allowed FAR mapped on the subject site. In the existing code, dwellings are either permitted with drastic restrictions or allowed as special exceptions.
- A broader range of retail/service uses are now allowed in most zones because of use consolidations.
- New uses related to agriculture including Urban Farming, Community Garden, and Animal Husbandry (limited to beekeeping).
- Veterinary Office/Hospital is allowed in most Commercial/Residential and Employment zones as a limited use rather than a special exception.
- Drive-Thru facilities (such as those that are accessory to a bank or a restaurant) are allowed as a limited use with a site plan requirement rather than a special exception, which is currently required for a drive-thru restaurant in most zones translating into a Commercial/Residential or Employment zone.

Industrial Zones

The County has a limited amount of land zoned for industrial uses and the land is threatened by the encroachment of non-industrial uses and the possibility of rezoning. In the draft ordinance, the Industrial zones will allow more commercial uses, but limit their intensity. This change allows the Industrial zones to be more flexible but still preserve the ability for industrial uses to locate in the County. Some of the key use changes to the Industrial zones are detailed below.

- In the IL (existing I-4) and IM (existing I-1) zones:
 - Restaurants are allowed as a limited use, but the size is restricted to 25% of the allowed GFA. In the existing code, they are allowed only by special exception.
 - A Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) is allowed in a more liberal fashion than in the current code.
 - Office uses are now limited to 50% of GFA.
 - All retail/ service type uses are now allowed, but most establishments over 5,000 square feet are limited to 50% of GFA.
 - Residential development is no longer allowed (except in the IMU Overlay zone) to further protect the Industrially zoned land.
- In the IH (existing I-2) zone:
 - Vehicle Service uses are permitted or limited.
 - Any type of Retail/Service Establishment (up to 5,000 SF) is permitted.

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

In General

- Euclidean Townhouse zones are included (TLD, TMD, THD) to provide planners more flexibility when going through the master plan process. Current townhouse zones are floating, and a developer must go through a lengthy Local Map Amendment process to apply for one.
- The number of stories is no longer a component of measuring height. The existing requirement regarding stories adds complexity focused on interior space.
- The draft provides standards for transparency, blank wall area, and allowed building elements (porch, stoop, awning, gallery, etc.). Minimum transparency and blank wall area requirements help to create a more pedestrian-friendly environment with more active streetscapes in appropriate zones.

Building Types (Sec. 4.1.3.)

- The concept of building types are a new addition to the zoning code. Building types 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.
- Building types allow greater protections to be provided in Residentially-zoned areas that allow non-residential uses (museums, medical clinics, funeral homes, care facilities) because the setbacks, buffering, and other standards are more restrictive if a building is not a detached house. It also allows for variable treatment of apartment buildings, multi-use buildings, and general buildings in mixed use zones –some buildings, for example, may be required to meet certain additional design standards, such as minimum transparency, entrance spacing, or blank wall restrictions.
- General buildings have development standards that encourage greater neighborhood compatibility. For instance, in Residential zones, a general building abutting a lot with a house must have greater side and rear setbacks and must provide screening. Any parking for the general building would also be subject to parking setbacks.

Encroachments (Sec. 4.1.5.C.6 & Sec. 4.1.5.D.3)

- 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.
- Added permanent rainwater collection or harvesting system to setback encroachments.

Agricultural, Rural Residential & Residential Detached Zones

- Added an alternative lot area option to the AR (RDT) zone. Under this option, the maximum lot size is 3 acres, and the remainder of the 25 acres must be put into a conservation or agricultural easement. A maximum coverage of 15% is allowed for this alternative.
- 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 draft code discourages terracing in these zones 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 Residential, and Residential zones.
- Deleted sum of side setback standards in the Agricultural and Rural Residential zones because it is redundant.
- Accessory structure rear setback was changed from 10' to 15' in the Agricultural and Rural Residential zones.
- Deleted the standard pertaining to the percent of rear yard that the accessory structure is allowed to cover in the Rural Residential and Residential zones because the standard is redundant. Other standards control accessory structure coverage and are more restrictive.
- In Residential Detached zones, accessory structures used to house animals or fowl are no longer required to be setback 100' from a lot line and 25' from a neighboring dwelling. Instead, the keeping of animals or fowl (except pets) is subject to the standards for Animal Husbandry in Article 59-3 and the accessory structure associated with Animal Husbandry is subject to the same setback requirements as any other accessory structure in the zone.
- In the R-200, R-90, R-60 and R-40 zones, the residential infill compatibility applies to all houses, regardless of the number of stories because stories are no longer being used to measure height.

Multi-Unit Zones

- These zones now require neighborhood compatibility standards when certain building types abut an Agricultural, Rural Residential or Residential zone.
- Minimum lot width for corner lots or multiple group-dwellings, setback from the street center line, sum of side lot line setbacks, and minimum required distance between buildings has been

removed to simplify the development standards since more of these buildings will be subject to site plan review.

Commercial/Residential and Employment Zones

- A minimum site or lot area, often required in the existing code, is no longer required for an apartment/condo, multi-use or general building type in any Commercial/Residential or Employment zone.
- Build-to areas are required in C/R and some Employment zones. The build-to area is the area on the lot where a certain percentage of the front building facade must be located. A build-to area 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.
- Parking setbacks are required in Commercial/Residential and some Employment zones to encourage a less auto-dominated form and an improved pedestrian environment.
- Open space and setback requirements are reduced in many zones.

Industrial Zones

- Instead of providing “green space” that may not consist of any actual planting or permeable areas, amenity open space is now required in Industrial zones. The amount of amenity open space required may be less than green space required under the current ordinance, but amenity open space has minimum requirements for permeable area and tree canopy coverage.
- Setbacks are generally reduced, and replaced with neighborhood compatibility standards, allowing for more context sensitive development based on the surrounding zones and land uses.

Overlay Zones

- Several new Overlay zones have been created to account for provisions in the existing code:
 - The Commercial Preservation - Regional Shopping Center Overlay (CP-RSC) Overlay zone contains flexibility in certain uses and standards for the County’s 2 regional shopping malls.
 - The Twinbrook Industrial Mixed-Use (IMU) Overlay zone accommodates an accessory residential use currently allowed in the Twinbrook transit station development area.
 - The Transferable Development Rights (TDR) Overlay zone replaces all the zones designated in the current code with a /TDR. The TDR Overlay zone allows an increase in density with the purchase of TDRs.
 - The Germantown Transit Mixed Use (GTMU) Overlay zone establishes the priority of building lot terminations in the optional method of development for properties in the CR zone that fall within the Germantown Master Plan area.
- Two Overlay zones are not retained in the draft:

- The standards of the Retail Preservation Overlay zone for the Arlington Road District of the Bethesda Central Business District Sector Plan were captured using the density caps in the CRT zone.
- The standards of the Chevy Chase Comparison Retail Overlay zone have been captured in the height and density caps of the CR zone.

ARTICLE 59-5: FLOATING ZONES REQUIREMENTS

- Proposed Floating zones are fundamentally different in applicability, format, and organization from current Floating zones.
- There are four families of Floating zones mirroring the Euclidean zones: Residential, Commercial/Residential, Employment, and Industrial. Within these four families, a wide range of uses and densities are allowed, but both are restricted by the pre-existing Euclidean zone on the property at the time of application and by the amount of land that is assembled. As with the existing ordinance, development standards are quite flexible and determined through a lengthy public review process requiring at least two– and up to three–approvals.
- As in the existing ordinance, Floating zones may be recommended by a master plan but do not have to be. When not recommended in a master plan, a property owner may request a Floating zone but there are significantly more “hurdles” that must be cleared to qualify for rezoning:
 - A rezoning application must satisfy nine different purpose clauses focused on comprehensive planning objectives, appropriate use of land, and protection of established neighborhoods;
 - When not recommended in a master plan, a rezoning application must meet at least 4 prerequisites based on location and the circulation network;
 - The density that may be requested is limited by the pre-existing Euclidean zoning of the site that would be replaced by a Floating zone and the amount of land that is assembled;
 - Allowed uses are established by the density approved (for example, commercial uses are not allowed in the Residential Floating Zone unless the approval is for more than 250 total units);
 - Commercial uses are further restricted by density and location within the proposed development; and
 - Public benefits may be required (at the same threshold and in an equivalent quantity as Euclidean Commercial/Residential and Employment zones).

ARTICLE 59-6: OPTIONAL METHOD REQUIREMENTS

In General

- All types of optional method development standards and requirements are consolidated into this Article.
- Optional method development applies to more properties under the revised ordinance: CR, CRT, EOF and LSC zones.

MPDU and Cluster Development in Rural Residential and Residential Zones (Div. 6.1. & Div. 6.2.)

- Some modifications have been proposed to provide more flexibility in design, ensure adequate buffering and provide open space that better fits the scale of development.
- The definition of “usable area” has been modified.

Transferable Development Rights (TDR) Overlay zone (Div. 6.3.)

- 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.

Public Benefit Points (Div. 6.6)

- Very large or high-density projects have a higher point requirement.
- New public benefit options added:
 - Enhanced Visitability for Seniors or the Disabled
 - Workforce Housing
 - Transferable Development Right
- The public benefit point allocations have been modified slightly– lowering the amount of points that may be awarded in many cases.
- The calculation of public benefit points for BLTs is modified.
- The MPDU public benefit option has a provision that exempts the gross floor area of any MPDUs provided above 12.5% from the calculation of FAR.
- Added public benefit point system for optional method development in the following zones:
 - CR (translation of CBD, TMX, TSR, TSM)
 - CRT (translation of C-1, C-2, C-4, RMX, MXTC, TOMX, MXN, MXP, O-M, H-M)
 - LSC
 - EOF (translation of CO, I-3, C-P, O-M)

ARTICLE 59-7: GENERAL DEVELOPMENT REQUIREMENTS

There are some significant changes in the revised zoning ordinance related to how the general requirements (lighting, landscaping, parking, etc.) are implemented; most are based on achieving greater sustainability relating to issues such as impervious area, tree canopy, air and water quality, and public health. Some changes provide more certainty to the community and developers as to what to expect during the development review process. To this end:

- Parking requirements are generally lower and surface parking lots require more landscaping;
- Open space has minimum permeable and tree canopy requirements; and
- Landscape and lighting standards have been codified.

To protect established neighborhoods, the general requirements have been modified to include compatibility standards— establishing setback, height, and screening standards based on the abutting uses, further requirements for outdoor storage and display, and lighting restrictions.

Each Division of this Article has an alternative compliance section allowing the deciding body to approve an alternative method of compliance if the intent of the Division is satisfied, the functional results are met or exceeded and the alternative plan is in the public interest. These provisions allow flexibility for new, innovative ideas, and creative solutions to site issues.

Site Access (Div. 7.1.)

- Driveway dimensions are based on zone instead of one set of standards for all zones.
- Minimum required width of driveways has been modified.
- Added maximum width for driveway access.
- Added maximum number of driveways allowed for every 300 feet of site frontage along any street.
- Added restriction to driveways on corner or through lots.

Parking, Queuing and Loading (Div. 7.2.)

- New adjustments to vehicle parking minimums (Sec. 7.2.3.)
 - On-street spaces
 - Car-share spaces located near an entrance
 - Carpool/vanpool space
 - Unbundled residential space
 - Bike-share facility
 - Showers and lockers (beyond the minimum requirement)
 - Modified adjustments for MPDUs, workforce housing, age-restricted and senior housing
- Modified Parking Lot Districts (per impending changes to Chapter 60)
 - Parking Lot Districts rebranded as Parking Benefit Districts
 - Two types of Parking Benefit Districts – Primary and Secondary

- In Parking Benefit Districts, a property owner may provide fewer than the minimum number of required spaces if payment is provided under Chapter 60. Parking above the maximum is allowed if a payment is made under Chapter 60 **or** all the spaces provided in excess of the maximum number allowed are made available to the public (not reserved)
- Modified vehicle parking requirements based on recommendations from MCDOT's *Parking Policy Study*, the Institute of Transportation Engineers and the Urban Land Institute (Sec. 7.2.4.B).
 - The parking requirements are formatted into a table matching the land use table, so requirements are straight forward and easy to find.
 - The percentage of compact parking spaces allowed (as a percentage of total required spaces) in Parking Benefit Districts increased from 10% to 20%.
 - Added carshare space requirement for facilities with 50 or more parking spaces, and removed carshare space provision from existing Commercial/Residential zones (Sec. 7.2.3.)
- Modified bicycle parking requirements
 - Bicycle parking requirements are determined by the use, rather than as a percentage of vehicle parking requirements.
 - A percentage of bicycle parking spaces must be long-term, as determined by the use (Sec. 7.2.4.C).
 - Added location, access, security and design criteria for long-term parking and short-term bicycle parking spaces (Sec. 7.2.6).
- New design standards for queuing in drive-thru lanes (Sec. 7.2.7.).
- New requirements for off-street spaces and design standards for loading facilities (Sec. 7.2.8).
- Modification of parking lot landscaping requirements (Sec. 7.2.9.)
 - Landscaping requirements apply to 10 or more spaces (rather than 6 or more).
 - Parking islands must be a minimum of 100 contiguous square feet.
 - New requirement for a minimum tree canopy of 25% at 20 years of growth to combat heat island effect.
 - More shade trees required along street frontage (one per 30 feet instead of one per 40 feet).
 - A living green wall or public artwork is required along 50% of ground floor of any parking garage facing a street, residential property or open space.
- Parking facility plans (from existing code) replaced with requirements about site access (Div. 7.1.) or parking, queuing and loading (Div. 7.2).
- Share-a-ride provisions not retained.

Open Space (Div. 7.3.)

- Consolidated open space requirements for all zones into one division; currently they are spread throughout the code
- Changed the name of green space to amenity open space

- Added permeable area and tree canopy requirements and lighting standards

Compatibility Standards (Div. 7.4.)

- Adds new standards for setbacks, heights and screening requirements based on the building type and the abutting zone to ensure context sensitive infill development and protection of existing neighborhoods.

General Landscaping and Outdoor Lighting (Div. 7.5.)

- Prohibits use of invasive plants in any required plantings.
- Provides reference to American Standards for Nursery Stock and the Manual of Woody Landscape Plants.
- Defines types of plants materials and the size required at planting time .
- Gives new lighting standards (lighting for conditional uses abutting/ confronting detached houses is the same as existing code).

Outdoor Storage and Display (Div. 7.6.)

This is a new section that consolidates provisions about outdoor storage and display that are scattered throughout the existing code, although many of the current standards are minimal. The most comprehensive section on outdoor storage is under the current special exception requirements (59-G-2.54.3). These standards have been used for the general storage requirements in the revised code, allowing storage on a site as small as 5 acres rather than 8 acres.

ARTICLE 59-8. ADMINISTRATION AND PROCEDURES

Although this article has been greatly improved organizationally, there are few significant changes to the development review process. That said, there are several general improvements:

- Tables at the beginning of the article provide an overview of review and approval authority and the approvals required.
- All approvals are grouped according to the type of approval (District Council, Regulatory or Administrative).
- The Article has consistent, step-by-step organization under each approval section.
- Submittal requirements are revised to ensure that proper information, and not extraneous information, is given at each approval step.
- Findings are revised to be in line with the approval purpose and the iterative nature of many procedures.
- Noticing requirements are standardized and modernized, including the incorporation of internet based noticing (Div. 8.5).
- Changes to specific approval processes are detailed below.

Local Map Amendment (Sec. 8.2.1.)

- The Development Plan, Diagrammatic Plan, and Schematic Development Plan have been consolidated into the floating zone plan, which is required as part of a Local Map Amendment application for a Floating zone.
- An initial application must be submitted to the Planning Department to check for completeness before the application can be filed with the Hearing Examiner.
- New requirement that the Hearing examiner must begin a public hearing no later than 120 days after the application is accepted.
- The application no longer requires the submission of a Natural Resources inventory (NRI), Stormwater Management Concept, or a Preliminary Forest Conservation Plan (these will be required during preliminary plan 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.
- Modified findings to concentrate on “big picture” issues, allowing site plan review to cover detailed review.
- Newspaper noticing is no longer required.

Zoning Text Amendment (Sec. 8.2.4.)

- New requirement for Council to hold a public hearing no later than 60 days after the introduction of the ZTA.

Conditional Use (Sec. 8.3.1.)

- The conditional use application process replaces existing special exception process.
- Conditional use plan replaces the site plan currently required as part of a special exception application. Where a conditional use plan is required, a site plan will not be required for that portion of the site, unless the area is included in a sketch plan, it is required by Article 59-3, or it is required by the Hearing Examiner or Board of Appeals.
- An initial application must be submitted to the Planning Department to check for completeness before the application can be filed with the Board of Appeals or the Hearing Examiner.
- New requirement that the Hearing Examiner must begin a public hearing no later than 120 days after the date an application is accepted.
- Planning Board must submit report and recommendation to Hearing Examiner 10, rather than 5, days before the Hearing Examiner public hearing
- Provisions requiring assessment of neighborhood or county need are not retained because they have proven to be difficult to analyze or establish in any meaningful way.
- Modification of existing requirement for a super majority vote by the Board of Appeals. Instead, the draft requires the affirmative vote of 4 members of the Board of Appeals when 5 members are present and 3 affirmative votes when 3 or 4 members are present. For certain uses within an agricultural zone only 3 affirmative votes are currently required regardless of the number of Board members present.
- Subsequent applications may be filed after 18 months rather than the current limitation of 36 months.

Variance (Sec 8.3.2.)

- New requirement that the Board of Appeals must begin a public hearing no later than 60 days after the application is accepted.
- Modification of approval requirements to allow property owners to construct buildings and structures that maintain traditional patterns, to further protect environmentally sensitive areas, and to allow legally nonconforming or historic structures to be reused. These allowances are balanced against the existing standards regarding adverse impacts, etc. The revised code:
 - Removes language requiring that applicant demonstrate that strict application of development standards would result in exceptional or undue hardship.
 - Adds a requirement that conditions are not the result of actions by the applicant.
- Subsequent applications may be filed after 18 months rather than the current requirement of 36 months.

Sketch Plan (Sec. 8.3.3.)

- All optional method development in the Commercial/Residential and Employment zones require a sketch plan. The sketch plan replaces various other plans including concept plans, project plans, etc.

- Added requirement that if a sketch plan is approved, a site plan must be submitted within 36 months.

Site Plan (Sec. 8.3.4.)

- Site plan is required for more projects in comparison to the existing code. It is required:
 - for all optional method projects in Commercial/ Residential and Employment zones
 - based on use standards in Article 59-3
 - based on proposed intensity (units, gross floor area, or height) of the building or structure under standard method development and the zone of the abutting or confronting property. A table is included in this section to delineate the thresholds that trigger a site plan.
- An initial application must be submitted to the Planning Department to check for completeness before the final application may be filed.
- Modified requirement for Planning Board Action. Currently, the Planning Board must take final action on an application within 45 days of the submittal of the application. In the draft ordinance, the Planning Director must conduct a public hearing no later than 120 days after the date an application is accepted.
- New requirement codifies deadlines for State and County agency and utility company to submit comments about an application
- New requirement -Planning Board must find that a site plan substantially conforms with the recommendations of the applicable master plans and any guidelines that implement the applicable plan.
- Site plan expires after 24 months unless certified site plan is approved.

Building Permit (Sec. 8.4.1.)

- *Non-Issuance Pending Appeal & Rejection of Application pending Zoning Map Amendment* provisions from current code are not retained.

Administrative Zoning District Line Adjustments (Sec. 8.4.6.)

New provision allowing the Planning Director to certify an adjustment to a zoning district line under certain circumstances. Currently, most zoning line adjustments can happen only during the Sectional Map Amendment process, which occurs infrequently or a Corrective Map Amendment process. This provision allows for more timely corrective adjustments to official zoning maps.

Exemptions and Nonconformities (Div. 8.7.)

This section carries forward many specific regulations regarding certain properties, uses, and structures that are contained in the current code, but consolidates the various “grandfathering” language found in most existing zones regarding legally non-conforming properties, uses, and structures. There are allowances for expansion, which currently range from no allowance to 500 square feet to 30,000 square

feet depending on zone, and regulations on when compliance with the new code is required and what part of development is covered by the new regulations. More general language is proposed for the numerous zones that had broader “renovation, continuation, etc” language that Staff feels is the appropriate way to balance allowances for renovation and expansion against the vision of more contemporary, pedestrian-oriented, and sustainable development:

- Any existing structure, site design, or use that is conforming as of the date of adoption of the revised zoning ordinance and district map amendment may be continued, renovated or repaired and enlarged under the standards of the existing zone by 10% of the total existing gross floor area or 30,000 square feet, whichever is less.
- A property may continue to obtain required approvals or proceed with development under an approved plan and existing zoning if such plan has been approved before the revised ordinance is adopted, or if an application for a plan has been accepted within 180 days of the adoption of the revised zoning ordinance.

ARTICLE 59-9: ZONES RETAINED FROM PREVIOUS ORDINANCE

In this Article, 11 zones- 5 Residential Townhouse (RT) zones, the Multi-Unit, high-rise planned residential (R-H) zone and 5 Planned Development (PD, TS, PNZ, PRC, PCC) zones- are carried over from the previous ordinance. The zones will continue to function as they currently do and they will be mapped on the zoning map. However, these zones may not be requested by a property owner through a Local Map Amendment, nor may they be applied to any additional property through a master plan. A few minor modifications were made to these zones in the draft ordinance:

- Uses are consolidated and modified to match the use table in Article 59-3 and the definitions in Article 59-1.
- Formatting is modified to match the rest of the document.
- Language is edited for clarity and consistency.