Zoning Code Training
Highlights

- New code was adopted on March 5 & DMA was adopted on July 15. Both become effective on October 30.
- ZTA 14-09 was approved Sept 30 and updates, clarifies, and corrects errors in the new code.
- Key changes after October 30:
  - C/R zones replace all mixed-use zones, H-M, some commercial zones.
  - Employment zones replace most commercial and office zones, I-3.
  - Industrial zones replace most industrial zones, RS.
  - Official zoning map in GIS.
Organization

Article 59-1: Definitions
Article 59-2: Zones Established
Article 59-3: Uses and Use Standards
Article 59-4: Development Standards
Article 59-5: Floating Zones
Article 59-6: Parking, Loading, Lighting, Landscaping
Article 59-7: Administration and Procedures
Article 59-8: R-T, RH, PD, T-S, PNZ, PRC, PCC zones

* See Use of the Zoning Ordinance for a step-by-step guide
Article 59-1. Definitions

• Definitions for **all uses** are referenced in this Article, but defined in Article 59-3.

• Definitions for many **measurements** are also referenced here, but defined in Article 59-4.

• **New or modified** definitions of note
  
  – Abutting: properties that share a property line or easement
  – Adjacent: properties that are close/ nearby, but not required to share a common boundary
  – Confronting: properties across right-of-way with m.p. width of less than 80’
  – Household: replaces ‘family’ from old code
  – Impervious Surface: identical to Chapter 19
  – Parcel: a contiguous area of land that is described by deed or plat recorded in the land records.
  – Permeable Area: opposite of Impervious Surface
  – Property: one or more tracts that are under common control, operation, or ownership
Article 59-2. Zones and Zoning Map

Zone Categories

- **Agricultural zone:** AR
- **Rural Residential zones:** R, RC, RNC
- **Residential zones**
  - Residential **Detached** zones: RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40
  - **NEW** Residential **Townhouse** zones: TLD, TMD, THD
  - Residential **Multi-Unit** zones: R-30, R-20, R-10
- **Commercial/ Residential zones:** CRN, CRT, CR
- **Employment zones:** GR, NR, LSC, EOF
- **Industrial zones:** IL, IM, IH
- **Overlay zones**
- **Floating zones**
Article 59-3. Uses and Use Standards

Highlights

• One use table

• Permitted (P), Limited (L), and Conditional (C) Uses

• Major use consolidation & simplification (refer to use translation tables on the web to see how an old use has been classified in the new code)

• Agricultural and Residential zones are substantially the same

• Employment zones allow up to 30% residential development

• Industrial zones no longer allow residential uses, but they do allow some retail/service, restaurant, and recreation/entertainment uses
# Article 59-3. Uses and Use Standards

## Use Table

<table>
<thead>
<tr>
<th>USE OR USE GROUP</th>
<th>Definitions and Standards</th>
<th>Ag</th>
<th>Rural Residential</th>
<th>Residential Detached</th>
<th>Residential Townhouse</th>
<th>Residential Multi-Unit</th>
<th>Commercial/Residential</th>
<th>Employment</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day Care Facility</td>
<td>3.4.4</td>
<td>AR</td>
<td>R</td>
<td>RC</td>
<td>RNC</td>
<td>R-2</td>
<td>R-5</td>
<td>CRN</td>
<td>CR</td>
</tr>
<tr>
<td>Family Day Care (Up to 8 Persons)</td>
<td>3.4.4.C</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Day Care (9 - 12 Persons)</td>
<td>3.4.4.D</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>L</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Center (12 - 30 Persons)</td>
<td>3.4.4.E</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day Care Center (Over 30 Persons)</td>
<td>3.4.4.F</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
<td>L</td>
</tr>
<tr>
<td>Educational Institution (Private)</td>
<td>3.4.5</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
<td>P</td>
</tr>
<tr>
<td>Hospital</td>
<td>3.4.6</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
<td>P</td>
</tr>
<tr>
<td>Playground, Outdoor Area (Private)</td>
<td>3.4.7</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Private Club, Service Organization</td>
<td>3.4.8</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>L</td>
<td>P</td>
</tr>
<tr>
<td>Public Use (Except Utilities)</td>
<td>3.4.9</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Religious Assembly</td>
<td>3.4.10</td>
<td>L</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Swimming Pool (Community)</td>
<td>3.4.11</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
</tbody>
</table>

## COMMERCIAL

### ANIMAL SERVICES
3.5.1

- Animal Boarding and Care 3.5.1.B
- Veterinary Office/Hospital 3.5.1.C

### COMMUNICATION FACILITY
3.5.2

- Cable Communications System 3.5.2.A
Article 59-3. Uses and Use Standards

- **Permitted** use (P) = allowed by right
- **Limited** use (L) = permitted subject to *use standards*
  - Footnotes from old code
  - Change from limited use in old code (C/R zones)
  - Use standards may include *site plan* requirement (often based on abutting and/or confronting zone)
- **Conditional** use (C) = special exception
  - Approval = Conditional use standards in 59-3 + general development requirements from Article 59-6 + standards for all conditional uses 59-7 (more restrictive standards trump)
Article 59-4. Development Standards (Euclidean zones)

Highlights

• Building Types
• Measurements/ Form Standards
• Height and Setback Compatibility Provisions
• Mapped Height and Density for C/R, Employment and Industrial zones
• FAR Averaging in C/R, Employment and Industrial zones
• More incentives for MPDUs in Optional Method CRT, CR, EOF and LSC
### Article 59-4. Development Standards (Euclidean zones)

#### Building Types

C. CRN, CRT, and CR Zones, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Site</th>
<th>Detached House</th>
<th>Duplex - Side</th>
<th>Duplex - Over</th>
<th>Townhouse</th>
<th>Apartment</th>
<th>Multi Use</th>
<th>General</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space (min)</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Open space, site ≤ 10,000 SF</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>20%</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
</tr>
</tbody>
</table>

**Specifications for all Open Space**

a. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.

b. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space (see Section 6.3.6).

---

### 2. Lot and Density

#### Lot (min)

<table>
<thead>
<tr>
<th>Lot area</th>
<th>1,000 SF</th>
<th>1,000 SF</th>
<th>500 SF</th>
<th>800 SF</th>
<th>n/a</th>
<th>n/a</th>
<th>n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot width at front building line</td>
<td>25'</td>
<td>25'</td>
<td>12.5'</td>
<td>12'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Lot width at front lot line</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

**Density (max)**

<table>
<thead>
<tr>
<th>CRN Density, FAR</th>
<th>mapped</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRT Density, FAR</td>
<td>The lesser of mapped FAR or the greater of 10,000 SF or 1.0 FAR</td>
</tr>
<tr>
<td>CR Density, FAR</td>
<td>The lesser of mapped FAR or the greater of 10,000 SF or 0.5 FAR</td>
</tr>
</tbody>
</table>

**Specification for Density**

a. An historic resource recommended in the applicable master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation.

#### Coverage (max)

| Lot | 90% | 90% | 90% | 90% | n/a | n/a | n/a |
Article 59-4. Development Standards (Euclidean zones)

Measurements

Tract
Includes proposed and existing rights-of-way, lots, parcels, and other dedications. Doesn’t include land conveyed to gov’t for more than nominal consideration.

Site
Includes all existing and proposed lots and parcels. Does not include proposed/previous dedications and rights-of-way.

Lot
Described by a plat recorded in land records & can be issued a building permit.
Article 59-4. Development Standards (Euclidean zones)

Measurements

**Building Height**

*Ag, Rural Res & Res zones*

---

*Flat Roof*

In all Ag, Rural Res, and Res zones, height is now measured from average grade, regardless of how far the building is setback from the street. Building height may not be increased by terrace height.

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*C/R, Emp. & Indus. zones*

Height measured from the level of approved curb grade, instead of the level of approved street grade opposite the middle of the front of the building.

**Stories are no longer a component of height measurement**
Article 59-4. Development Standards (Euclidean zones)

Measurements
Build-to Area (Example in CR zone)

- Maximum front setback 20'
- Maximum side setback 20'

- 70% of building facade
- 35% of building facade
- Front Street Build-to Area
- Side Street Build-to Area
- General Building
- Front Street
Article 59-4. Development Standards (Euclidean zones)

Measurements

Forms standards* for standard method C/R, LSC, and EOF zones

• Building orientation
  – Entrance must face street or open space
  – Maximum spacing of entrances for certain building types

• Transparency, for Walls Facing a Street or Open Space
  – Minimum percentage of windows and doors that must cover façade
  – Maximum area of blank wall allowed

* Always required for C/R standard method, only required for LSC and EOF when development fronts on a business street or a build-to line is recommended in the m.p.
Article 59-4. Development Standards (Euclidean zones)

Compatibility Requirements

Setback Compatibility

Applies to properties in:
Res. Multi-Unit, C/R, Emp. & Indus. zones

with an apartment, multi use, or general building

that abuts property in an Ag., Rural Res., or Res. zone that is vacant, or has an ag. or res. use

Height Compatibility

Applies to properties in:
C/R, Emp., Indus. & Floating zones

with any building type

that abuts or confronts property in an Ag., Rural Res. or Res. Townhouse or Res. Detached zone that is vacant, or has an ag. or res. use

Sec. 4.1.8.
Article 59-4. Development Standards (Euclidean zones)

Compatibility Requirements – abutting vs confronting

**Abutting Ag, Rural Res, or Res zone**

- **Height**: Same height (at setback line) as detached house in abutting zone. May be increased 1ft in height for every 1ft in setback.
- **Side/ Rear Setback**: Usually 1.5 x detached house setback in abutting zone

**Confronting Ag, Rural Res, or Res zone**

- **Height**: Same height (at front or side street setback line) as detached house in confronting zone. May be increased 1ft in height for every 1ft in setback.
- **Setback**: Not modified by the Compatibility Requirements

Note: This slide is generalized; it works in conjunction with the previous slide on applicability of Compatibility Requirements.
Article 59-4. Development Standards (Euclidean zones)

Mapped Height and Density for C/R, Employment, and Industrial zones

Each zone has a specified height and density range

<table>
<thead>
<tr>
<th>Zone</th>
<th>Total FAR (max)</th>
<th>C FAR (max)</th>
<th>R FAR (max)</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRN</td>
<td>0.25 to 1.5</td>
<td>0.00 to 1.5</td>
<td>0.00 to 1.5</td>
<td>25' to 65'</td>
</tr>
<tr>
<td>CRT</td>
<td>0.25 to 4.0</td>
<td>0.25 to 3.5</td>
<td>0.25 to 3.5</td>
<td>35' to 150'</td>
</tr>
<tr>
<td>CR</td>
<td>0.5 to 8.0</td>
<td>0.25 to 7.5</td>
<td>0.25 to 7.5</td>
<td>35' to 300'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Total FAR (max)</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GR</td>
<td>0.5 to 2.5</td>
<td>25' to 120'</td>
</tr>
<tr>
<td>NR</td>
<td>0.25 to 1.5</td>
<td>25' to 50'</td>
</tr>
<tr>
<td>LSC</td>
<td>0.5 to 2.5</td>
<td>35' to 200'</td>
</tr>
<tr>
<td>EOF</td>
<td>0.5 to 4.0</td>
<td>35' to 200'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Total FAR (max)</th>
<th>Height (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IL</td>
<td>0.25 to 1.5</td>
<td>25' to 50'</td>
</tr>
<tr>
<td>IM</td>
<td>0.25 to 2.5</td>
<td>25' to 120'</td>
</tr>
<tr>
<td>IH</td>
<td>0.5 to 4.0</td>
<td>35' to 200'</td>
</tr>
</tbody>
</table>
Article 59-4. Development Standards (Euclidean zones)

“T” Provisions

• Zones remapped through the DMA to CR, CRT, LSC, and EOF zones may be mapped with “T” following zone formula (CR- 1.5 C-1.0 R-1.5 H-60 T)

• “T” designation preserves certain provisions from the old code*:
  – MPDU density bonus allowed under Chapter 25A
  – Height bonuses in CBD zones for workforce housing and MPDUs above 12.5%
  – Height and density bonus in LSC zones for workforce housing
  – Ability to transfer density to a property that abuts or confronts a Residential zone in a designated CBD, as allowed in CBD zones (except density transfer areas)

• “T” also allows properties in C/R zones to increase the height on a portion of the building if the average height is at or below the maximum height allowed

• Utilizing the “T” provisions requires site plan approval

Sec. 4.5.2.C & Sec. 4.6.2.C
Article 59-4. Development Standards (Euclidean zones)

MPDU Public Benefit Points + Bonuses

- **12 points** for every 1% of MPDUs > 12.5%
- **2 extra points** for every 1% of 2 bedroom MPDUs not otherwise required
- **5 extra points** for every 1% of 3 bedroom MPDUs
- Projects providing ≥ 15% MPDUs may satisfy fewer benefit categories

Zones with “T”

- Density bonus for projects with > 12.5% MPDUs under Chapter 25A

Zones without “T”

- Projects with > 12.5% MDPUs may exceed height limit to provide MPDUs
- For projects with > 12.5% and < 15% MPDUs, the GFA for MPDUs above 12.5% is exempt from FAR calculation
- For projects with ≥ 15% MPDUs, GFA for all MPDUs is exempt from FAR calculation

Sec. 4.7.3.D.6
Article 59-4. Development Standards (Euclidean zones)

Standard & Optional Method in C/R and Employment zones

- CRN, NR, and GR allow **only standard method** (site plan may be required)
- Unless mapped at a lower density, CRT and CR zones allow **standard method** up to:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Total Density (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRT</td>
<td>The greater of 1.0 FAR or 10,000 SF of gross floor area</td>
</tr>
<tr>
<td>CR</td>
<td>The greater of 0.5 FAR or 10,000 SF of gross floor area</td>
</tr>
</tbody>
</table>

**Examples**

**CRT Zone**
- 0.75 FAR and 11,000 SF = standard method
- 1.25 FAR and 9,000 SF = standard method
- 1.25 FAR and 11,000 SF = **optional** method

**CR Zone**
- 0.25 FAR and 11,000 sf = standard method
- 0.6 FAR and 9,000 sf = standard method
- 0.6 FAR and 11,000 SF = **optional** method

Sec. 4.5.3. & Sec. 4.6.3.
Article 59-4. Development Standards (Euclidean zones)

FAR Averaging

- Similar to **density averaging** in CBD zones
- Allowed in **C/R, Employment, and Industrial** zones
- Site plan approval/ Optional method required
- Must be recorded in the land records
- Density cannot be transferred to a property that abuts or confronts an Ag, Rural Res. Or Res. zone that is vacant or has an agricultural or residential use
- **Non-contiguous** properties may FAR Average if:
  - they are in a **CRT, CR, LSC, EOF, IL or IM** zone
  - the properties are within ¼ mile of each other, or in a designated m.p. density transfer area
  - Public benefit points are **exceeded by 50%** in projects in the CRT, CR, LSC or EOF zone

Sec. 4.5.2.B., Sec. 4.6.2.B. & Sec.4.8.2.B
Article 59-4. Development Standards (Euclidean zones)

Overlay Zones

- Most Overlays from old code were retained
- Changed the name of the Neighborhood Retail Overlay zone to the Community-serving Retail (CSR) Overlay
- New Overlays retain provisions from old code
  - Transferable Development Rights (TDR)
  - Germantown Transit Mixed Use (GTMU)
  - Regional Shopping Center (RSC)
  - Twinbrook (TB)
Article 59-4. Development Standards (Euclidean zones)

Transferable Development Rights (TDRs)

- Old TDR zones are now in a TDR Overlay zone
- The maximum residential density allowed on each lot, with the purchase of TDRs, is shown on the zoning map.
- In Commercial/Residential zones within a TDR Overlay zone, each TDR purchased equals 1 public benefit point. Up to 20 points are available.

Example of TDR calculation

- Applicant requests 1.20 Residential FAR
- 1.20 - 0.25 = 0.95 (Residential FAR purchased with TDRs)
- 0.95 x 43,560 = 41,382 (Residential sq ft purchased with TDRs)
- 41,382 / 2,400 = 17.24 (# TDRs required per acre to achieve 1.20 res. FAR)
Article 59-4. Development Standards (Euclidean zones)

Building Lot Termination (BLTs)

- A BLT is an easement that helps preserves land in the AR zone for agriculture
- Purchase is required for all optional method projects in CR and LSC; optional public benefit in CRT and EOF
- The purchase of 1 BLT equals 9 public benefit points
Article 59-5. Floating Zones

Highlights

- Floating zones are completely new
- 4 categories
  - Residential (Detached, Townhouse, Apartment)
  - Commercial/Residential (CRN, CRT, CR)
  - Employment (General Retail, Neighborhood Retail, Employment Office, and LSC)
  - Industrial (Light, Moderate)
- Designed for flexibility and context sensitivity
- Will be mapped with an ‘F’ following zone name (e.g. **CRTF**-1.0 C-0.25 R-0.75 H-50)
Article 59-5. Floating Zones

Context Sensitive Floating Zones

Applicability based on existing zone, location and (sometimes) prerequisites

Does property have a m.p. rec.* for the floating zone?

* refer to master plan equivalency table for old master plans

Is base zone Residential?

No prereqs.
Density limits based on base zone and size of tract

No prereqs. Does applicant wish to increase density or add commercial uses?

Property must meet locational criteria and must satisfy prerequisites.

No prereqs., but property must meet locational criteria (RDF zone is excluded). Density limits based on base zone and size of tract.

Sec. 5.1.3
### Article 59-5. Floating Zones

#### Density- C/R Floating Zones

<table>
<thead>
<tr>
<th>Pre-Existing Euclidean Zone</th>
<th>Maximum Density Allowed in FAR Based on Size of Tract in Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Up to 0.5 acres</td>
</tr>
<tr>
<td></td>
<td>Total Density</td>
</tr>
<tr>
<td>RE-2, RE-2c, RE-1, R-200</td>
<td>0.75 FAR</td>
</tr>
<tr>
<td>R-90, R-60, R-40, TLD, TMD, THD</td>
<td>1.0</td>
</tr>
<tr>
<td>R-30, R-20, R-10</td>
<td>1.25</td>
</tr>
<tr>
<td>CRN</td>
<td>1.0</td>
</tr>
<tr>
<td>CRT</td>
<td>2.0</td>
</tr>
<tr>
<td>CR</td>
<td>4.0</td>
</tr>
<tr>
<td>Employment</td>
<td>2.0</td>
</tr>
<tr>
<td>IL, IM</td>
<td>0.75</td>
</tr>
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<table>
<thead>
<tr>
<th></th>
<th>0.51 acres - 3.00 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Density</td>
</tr>
<tr>
<td>RE-2, RE-2c, RE-1, R-200</td>
<td>1.0 FAR</td>
</tr>
<tr>
<td>R-90, R-60, R-40, TLD, TMD, THD</td>
<td>1.25</td>
</tr>
<tr>
<td>R-30, R-20, R-10</td>
<td>1.5</td>
</tr>
<tr>
<td>CRN</td>
<td>1.5</td>
</tr>
<tr>
<td>CRT</td>
<td>4.0</td>
</tr>
<tr>
<td>CR</td>
<td>8.0</td>
</tr>
<tr>
<td>Employment</td>
<td>4.0</td>
</tr>
<tr>
<td>IL, IM</td>
<td>1.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Greater than 3 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Density</td>
</tr>
<tr>
<td>RE-2, RE-2c, RE-1, R-200</td>
<td>1.25 FAR</td>
</tr>
<tr>
<td>R-90, R-60, R-40, TLD, TMD, THD</td>
<td>1.5</td>
</tr>
<tr>
<td>R-30, R-20, R-10</td>
<td>1.75</td>
</tr>
<tr>
<td>CRN</td>
<td>1.5</td>
</tr>
<tr>
<td>CRT</td>
<td>4.0</td>
</tr>
<tr>
<td>CR</td>
<td>8.0</td>
</tr>
<tr>
<td>Employment</td>
<td>4.0</td>
</tr>
<tr>
<td>IL, IM</td>
<td>1.5</td>
</tr>
</tbody>
</table>

**Sec. 5.3.5.**
Article 59-6. General Development Requirements

Highlights

- Revamped parking (vehicle and bicycle) requirements
- Modified landscaping and screening requirements
- Clarified open space requirements
- Alternative compliance
Article 59-6. General Development Requirements

Calculation of Required Vehicle Parking

- **On-street parking spaces** in a right-of-way can count towards the minimum number of required spaces in some circumstances
- **Car-share spaces** must be provided for parking facilities with 50+ spaces
- **Parking lot districts (PLDs)**
  - Have a maximum number of spaces allowed
  - Applicants can still pay into PLD in lieu of minimum space requirement
- **Reduced parking areas** are areas outside of PLDs that are:
  - In CR, CRT, LSC, EOF or equivalent Floating zone **or**
  - In CRN, NR, GR, or equivalent Floating zone within 1 mile of a transit station/stop.
  - May exceed maximum if parking is shared
  - May **not** buy out of minimum requirement

Sec. 6.2.3.
## Article 59-6. General Development Requirements

### Vehicle Parking Requirements

<table>
<thead>
<tr>
<th>USE or USE GROUP</th>
<th>Metric</th>
<th>Agricultural, Rural Residential, Residential, and Industrial Zones</th>
<th>Commercial/Residential and Employment Zones Within a Parking Lot District or Reduced Parking Area</th>
<th>Outside a Parking Lot District or Reduced Parking Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Baseline Minimum</td>
<td>Baseline Minimum</td>
<td>Baseline Maximum</td>
</tr>
<tr>
<td>LODGING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>Guest Room (in addition to any residential spaces) plus,</td>
<td>1.00</td>
<td>0.33</td>
<td>1.00</td>
</tr>
<tr>
<td>Hotel, Motel</td>
<td>1,000 SF of Meeting Room, Dining</td>
<td>--</td>
<td>2.00</td>
<td>10.00</td>
</tr>
<tr>
<td>MEDICAL AND DENTAL</td>
<td>1,000 SF of GFA</td>
<td>4.00</td>
<td>In CRN, NR zones: 2.00</td>
<td>4.00</td>
</tr>
<tr>
<td>Clinic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical, Dental Laboratory</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OFFICE AND PROFESSIONAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Life Sciences</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>1,000 SF of GFA</td>
<td>2.80</td>
<td>2.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Research and Development</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RECREATION AND ENTERTAINMENT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Entertainment</td>
<td>1,000 SF of GFA</td>
<td>10.00</td>
<td>1.00</td>
<td>5.00</td>
</tr>
<tr>
<td>Campground</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conference Center</td>
<td>OR: Every Seat/Guest Space</td>
<td>0.25</td>
<td>0.25</td>
<td>1.25</td>
</tr>
<tr>
<td>Golf Course, Country Club</td>
<td>OR: Each Campsite</td>
<td>1.00</td>
<td>1.00</td>
<td>5.00</td>
</tr>
<tr>
<td>Health Clubs and Facilities</td>
<td>OR: Each Court</td>
<td>2.00</td>
<td>2.00</td>
<td>5.00</td>
</tr>
<tr>
<td>Recreation and Entertainment Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shooting Range</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RETAIL SALES AND SERVICE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combination Retail</td>
<td>1,000 SF of Gross Leasable Area</td>
<td>5.00</td>
<td>3.50</td>
<td>6.00</td>
</tr>
<tr>
<td>Retail/Service Establishment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Antique Shop</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural Country Market</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Parking maximum cannot be exceeded in PLD, may be exceeded in Reduced Parking Area if shared.

Sec. 6.2.4.
Article 59-6. General Development Requirements

Adjustments to Vehicle Parking Requirements

• Modified adjustments for restricted housing types (MPDUS, Senior housing)
• New adjustments for:
  – car share spaces located near an entrance
  – unbundled residential spaces
  – federal tenants
  – NADMS percentage goals
  – carpool/ vanpool spaces
  – bike share facilities
  – changing facilities in excess of requirement
• Adjustments may reduce parking requirements by 50%

Sec. 6.2.3.H
### Article 59-6. General Development Requirements

#### Bicycle Parking Requirements

**C. Bicycle Parking Spaces**

<table>
<thead>
<tr>
<th>USE or USE GROUP</th>
<th>Metric</th>
<th>AGRUCULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES</th>
<th>COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum (Maximum)</td>
<td>% Long-Term</td>
<td>Minimum (Maximum)</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Living (20+ Units Only)</td>
<td>0.35 (100 max)</td>
<td>95%</td>
<td>0.50 (100 max)</td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dormitory</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Independent Living Facility for Seniors or Persons with Disabilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Living Quarters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Care Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civic and Institutional</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charitable, Philanthropic Institution</td>
<td>5,000 SF of GFA</td>
<td>1.00 (5 max)</td>
<td>1.00 (5 max)</td>
</tr>
<tr>
<td>Cultural Institution</td>
<td>10,000 SF of GFA</td>
<td>0.50 (10 max)</td>
<td>1.00 (10 max)</td>
</tr>
<tr>
<td>Day Care Facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Day Care</td>
<td>5,000 SF of GFA</td>
<td>1.00 (5 max)</td>
<td>1.00 (5 max)</td>
</tr>
<tr>
<td>Day Care Center</td>
<td>5,000 SF of GFA</td>
<td>1.00 (5 max)</td>
<td>1.00 (5 max)</td>
</tr>
<tr>
<td>Educational Institution (Private)</td>
<td>5,000 SF of GFA</td>
<td>1.00 (50 max)</td>
<td>1.00 (50 max)</td>
</tr>
<tr>
<td>Hospital</td>
<td>25,000 SF of GFA</td>
<td>1.00 (50 max)</td>
<td>1.00 (50 max)</td>
</tr>
<tr>
<td>Private Club, Service Organization</td>
<td>10,000 SF of GFA</td>
<td>0.50 (10 max)</td>
<td>1.00 (10 max)</td>
</tr>
<tr>
<td>Swimming Pool (Community)</td>
<td>5,000 SF of GFA</td>
<td>1.00 (25 max)</td>
<td>0.50 (25 max)</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eating and Drinking</td>
<td>10,000 SF of GFA</td>
<td>1.00 (10 max)</td>
<td>1.00 (10 max)</td>
</tr>
<tr>
<td>Lodging</td>
<td>10 Guest Rooms</td>
<td>--</td>
<td>1.00 (25 max)</td>
</tr>
<tr>
<td>Medical and Dental</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinic</td>
<td>5,000 SF of GFA</td>
<td>0.50 (25 max)</td>
<td>1.00 (25 max)</td>
</tr>
</tbody>
</table>

Sec. 6.2.4.C
Article 59-6. General Development Requirements

Parking lot landscaping

- **Conditional uses** requiring 3-9 spaces and property abuts Ag, Rural Res, or Res (vacant/ res use)
  - Perimeter planting

- **Surface parking lot with 10 or more spaces**
  - Landscaped islands must be 100’ each and cover 5% of lot
  - 25% tree canopy coverage (after 20 years)
  - Perimeter planting

- **Structured parking**
  - **Green wall or public art** along 50% of ground floor when facing r.o.w, residential property, or open space
Article 59-6. General Development Requirements

Open space

Rural Open Space: Land managed as farmland or in a natural state.

Common Open Space: Outdoor area intended for recreational use by residents and their visitors.

Public Open Space: Space devoted to public use or enjoyment that attracts public appreciation due to its location and amenities.

Amenity Open Space: Outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.
### Article 59-6. General Development Requirements

**Screening**

- Only required for *standard method* development
- Applicability based on zone, abutting zone & building type:

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Agricultural, Rural Residential, Residential Detached</th>
<th>Residential Townhouse</th>
<th>Residential Multi-Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>Apartment or Multi Use Building</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>General Building, with a non-Industrial use</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>General Building, with an Industrial use</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>

**KEY:** Y = Screening required  
N = Screening not required

- Screening may also be required for *conditional uses* in other building types

### 5. Apartment Building Up to 60 Feet in Height or Multi Use Building Up to 40 Feet in Height

<table>
<thead>
<tr>
<th>Dimensions (min)</th>
<th>Option A</th>
<th>Option B</th>
<th>Option C</th>
<th>Option D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth</td>
<td>8'</td>
<td>8'</td>
<td>10'</td>
<td>12'</td>
</tr>
</tbody>
</table>

**Planting and Screening Requirements**

<table>
<thead>
<tr>
<th>Trees (minimum per 100')</th>
<th>Canopy</th>
<th>Understory or Evergreen</th>
<th>Shrubs (minimum per 100')</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wall, Fence or Berm (min)</th>
<th>4' fence or wall</th>
<th>4' fence or wall</th>
<th>--</th>
<th>--</th>
</tr>
</thead>
</table>
Article 59-6. General Development Requirements

Alternative Compliance

• Deciding body can approve an alternative to any requirement of Article 59-6 (except Div. 6.7. Signs) if it finds that unique site or development constraints exist

• The alternative design must:
  – Satisfy the intent of the applicable Division
  – Modify the functional results the minimum amount necessary
  – Provide necessary mitigation
  – Be in the public interest

vs. Variance

• Must be approved by BOA
Article 59-7. Administration and Procedures

Highlights

- Clear deadlines and timeframes
- Opportunities for public testimony are the same
- Plans are designed to contain cumulative submittal requirements and findings to reduce redundancy
Article 59-7. Administration and Procedures

Local Map Amendment

- Application checked for completeness at Planning Department before final submission to H.E.
- Modified application requirements & findings for approval to focus on bigger picture issues
- Amendment to a floating zone plan that increases density or height, adds uses, decreases a setback, or changes a binding element requires the same approval process as an original application
- Other types of amendments may be approved by P.B. at site plan
- For floating zones mapped prior to DMA, binding elements still apply, but development plan amendments are allowed under the old code
Article 59-7. Administration and Procedures

Conditional Use

• Application checked for completeness at Planning Department before final submission to H.E.

• Site plan not required for that portion of the site covered by conditional use plan (unless it is part of an optional method development with a sketch plan, it is required by the use standards, or if required by the H.E. or B.O.A.)

• Decision by H.E.; BOA may grant request for oral arguments after H.E. decision

Variance

• Modified approval criteria to:
  – Allow property owners to construct buildings and structures that maintain traditional patterns
  – Further protect environmentally sensitive areas
  – Allow legally nonconforming or historic structures to be reused

Sec. 7.3.1. & 7.3.2.
Article 59-7. Administration and Procedures

Sketch Plan

• Required for optional method in CRT, CR, EOF and LSC zones
• Additional application requirements, including a site map showing existing buildings, structures, circulation routes, etc. within 500 ft of perimeter boundary
• Valid for 36 months after the date of sending of resolution (longer validity period may be established by resolution).
Article 59-7. Administration and Procedures

Site Plan

• Required for optional method in all zones
• May be required for standard method depending on use standards, adjacent zoning, gross floor area, number of units, and/or building height (see chart)
• Submittal requirements include concurrent review of forest conservation, stormwater management, and traffic issues rather than requiring pre-approval.
• PB hearing within 120 days after application is accepted.
• Findings include requirements for substantial conformance with master plans and applicable guidelines.
• Certified site plan must be approved within 24 months after P.B. approval.
### Article 59-7. Administration and Procedures

**Site Plan- standard method**

<table>
<thead>
<tr>
<th>Subject Property's Zone</th>
<th>Proposed Use</th>
<th>Proposed Intensity (units, gross floor area in SF, or building height in feet)</th>
<th>Abutting or Confronting Property's Zone (determined by base zone, not Overlay zone)</th>
<th>Site Plan Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural, Rural Residential, or Residential Detached</td>
<td>Permitted</td>
<td>Any</td>
<td>Any</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Limited</td>
<td>Any</td>
<td>Any</td>
<td>Yes, if required for the use under Article 59-3; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.</td>
</tr>
<tr>
<td></td>
<td>Residential Townhouse or Residential Multi-Unit</td>
<td>Permitted</td>
<td>&lt; 20 units and ≤ 40'</td>
<td>Any</td>
</tr>
<tr>
<td></td>
<td></td>
<td>≥ 20 units or &gt; 40'</td>
<td>Any</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Limited</td>
<td>&lt; 20 units and ≤ 40'</td>
<td>Any</td>
<td>Yes, if required for the use under Article 59-3; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>≥ 20 units or &gt; 40'</td>
<td>Any</td>
<td>Yes</td>
</tr>
<tr>
<td>Commercial/Residential or Employment</td>
<td>Permitted</td>
<td>&lt; 10,000 SF and ≤ 40'</td>
<td>Any</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td>≥ 10,000 SF or &gt; 40'</td>
<td>Agricultural, Rural Residential, Residential, or Residential Floating All other zones</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Limited</td>
<td>Any</td>
<td>Any</td>
<td>Yes, if required for the use under Article 59-3; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.</td>
</tr>
<tr>
<td>Industrial</td>
<td>Permitted</td>
<td>Any</td>
<td>Agricultural, Rural Residential, Residential, or Residential Floating</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&gt; 40'</td>
<td>Commercial/Residential, Employment, Commercial/Residential Floating, or Employment Floating</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any</td>
<td>Industrial or Industrial Floating</td>
<td>No</td>
</tr>
<tr>
<td>Limited</td>
<td>Any</td>
<td>Any</td>
<td>Yes, if required for the use under Article 59-3; otherwise, site plan requirement follows the Permitted use requirement for same zone in this table.</td>
<td></td>
</tr>
<tr>
<td>Overlay</td>
<td>Any</td>
<td>Any</td>
<td>Any</td>
<td>If required by the applicable Overlay zone under Article 59-4 or if required by the underlying zone.</td>
</tr>
</tbody>
</table>

Sec. 7.3.4.A.8
Article 59-7. Administration and Procedures

Plan Review Schedule - Sketch Plan & Site Plan

- Planning Board must adopt one annually
- Schedule sets dates for:
  - Application distribution to DRC
  - Initial staff and agency comments
  - DRC meeting
  - Resubmittal of plans addressing DRC comments
  - Final staff and agency recommendations and conditions
  - Public Hearing
Article 59-7. Administration and Procedures

Grandfathering

• Structure or site design deemed “conforming” (Sec. 7.7.1.A.1)
  – May be continued, renovated, repaired, or reconstructed
  – Structure or site design must have been lawful to be grandfathered

• 25 years to amend grandfathered plans (Sec. 7.7.1.C.1)
  – In CR, employment, and industrial zones, expansions limited to the lesser of 10% or 30,000 square feet
  – Only Δ required to comply with current zoning (Sec. 7.7.1.C.2)

• Existing uses deemed “conforming” (Sec. 7.7.1.A.2)
  – May not expand
  – Abandoned if ceased for six months -- ZTA 14-09 puts a finer point on it (Sec. 7.7.1.A.10)
  – Use proposed in pending application is protected (Sec. 7.7.1.A.1)
Article 59-7. Administration and Procedures

Grandfathering

• Residential lots and parcels – largely unchanged
  – Existing platted residential lot is buildable even if it doesn’t meet street frontage and lot size requirements
  – Pre-1958 parcel that is unchanged qualifies for a building permit

• Great grandfathering

• Securing grandfathered treatment
  – Plan acceptance before October 30, 2014 and timely pursuit required
Article 59-8. Zones Retained From Previous Ordinance

Highlights

- RT, RH, PD, T-S, PNZ, PRC & PCC zones
- Zones still mapped, but **may not be used in future** master plans or LMAs
- Equivalency table for floating zones recommended in existing master plans
Helpful Documents

Use 1st Link in Quick Links

- Use of the Zoning Ordinance
- Old Code to New Code Section Cross Reference
- Old Code to New Code Parking Comparison Spreadsheet
- Old Code to New Code Comparison Document
- Use Comparison Spreadsheets
- Fact Sheets

Staff is updating:

- CR Incentive Density Guidelines
New Zoning Map

www.zoningmontgomery.org
Questions?