



## Zoning Ordinance Revision: Staff Draft of the General Development Regulations

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### Description

Staff Report and Staff Draft for Public Session on December 6, 2012  
Worksession on December 13<sup>th</sup> and December 14<sup>th</sup>  
Zoning Ordinance Revision  
Fall 2012 Planning Board Review

### Summary:

This report will evaluate changes to our current zoning ordinance that are proposed in the attached Staff Draft. The Staff Draft, itself, is a redline version of the Consolidated Draft published July 2012, incorporating comments and suggestions received since its release. A new Staff Draft will accompany each staff report and will cumulatively update sections of the Consolidated Draft corresponding to the review schedule. As the title suggests, this report will cover General Development Regulations.

# Discussion of the Staff Draft of Article 59-7 General Development Regulations

## Introduction

This report will evaluate changes to our current zoning ordinance that are proposed in the attached Staff Draft. The Staff Draft, itself, is a redline version of the Consolidated Draft, incorporating comments and suggestions received since its release in July. A new Staff Draft will accompany each staff report and will update sections of the Consolidated Draft corresponding to the review schedule.

As the title suggests, this report will cover the General Development Regulations. The General Development Regulations were initially released in draft form to the Zoning Advisory Panel in the spring of this year. Staff received comments and feedback on the draft text, made revisions and incorporated the General Development Regulations into the Consolidated Draft released in July. Since the release of the Consolidated Draft, Staff has continued to receive comments and feedback. In light of these comments and further review of this article, additional revisions have been made to the Consolidated Draft represented by the attached Staff Draft. Below is a summary, by section, of changes from the current code that are proposed in the Staff Draft. In addition, changes made to the Consolidated Draft are also highlighted.

## Division 7.1. Site Access

### Summary of Division 7.1.

The intent of the regulations in this Division is to ensure safe access to and between sites for vehicles, bicyclists, and pedestrians and to decrease traffic congestion (Sec. 7.1.1). This section applies to development in the C/R, Employment, Industrial, Residential Multi-Unit, and Floating zones that proposes an apartment/condo, multi-use, or general building type and only when a site plan or conditional use plan is required (Sec. 7.1.2).

There are general access requirements and restrictions, such as ingress/egress must be in a forward motion and restrictions on the use of residentially-zoned land for access (Sec. 7.1.3). Driveway access standards are proposed with minimum widths and radii; driveway locations are prioritized by the road classification along each frontage (Sec. 7.1.4).

As with all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body – in this case, either the Planning Board or the Board of Appeals. This allows an applicant to present a site access plan that differs from the delineated standards “where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.1.]” (Sec. 7.1.5).

### Summary of Changes from Current Code

In the current code, driveway access and circulation is governed by Sec. 59-E-2.4. Access to a street or alley for each parking space via a driveway aisle is required; aisle widths are established by the type of movement the driveway aisle allows:

- One-way driveway entrance/exit: 10’ wide, entrance and exit driveways should be separated; and
- Two-way driveway entrance/exit: 20’ wide (Sec. 59-E-2.41).

The proposed code recommends dividing driveway access requirements by zone and establishing maximum widths and turning radii to minimize paving and allow for Environmental Site Design (ESD) and tree canopy in parking lots. The sub-sections on walkways (59-E-2.42) and separation of parking spaces (59-E2.43) are now subsumed under Divisions 7.2 and 7.5.

#### Summary of Changes from Consolidated Draft

The Staff Draft does not propose substantive changes to the Consolidated Review Draft.

### **Division 7.2. Parking, Queuing, and Loading**

#### Summary of Division 7.2.

This Division covers all aspects of parking, queuing, and loading calculations. The intent of the regulations in this Division “is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner in both shared and non-shared parking environments” (Sec. 7.2.1). These regulations apply to all development except:

- Structures on the National Register of Historic Places;
- Any structure or structures on an individually owned property with less than 5,000sf of gfa located in a C/R or Employment zone;
- Any expansion or cumulative expansions of less than 5,000sf in gfa or impervious cover (Sec. 7.2.2).

Sec. 7.2.3 provides the general rules for parking calculations: requirements are cumulative for each use, fractions are rounded up, and when parking is based on employees, the largest shift must be used.

#### *Sec. 7.2.4. Agricultural, Rural, Residential, and Industrial Zones*

In the Agricultural, Rural, Residential, and Industrial zones, the number of parking spaces required reflects a non-shared parking environment (Sec. 7.2.4.A). That is, it is assumed that each use must provide its own parking compliment and that users will not be visiting multiple sites after they park once. Bicycle parking is based on the use and is split between long-term (for residents and employees) and short-term (for visitors).

There are several allowed adjustments to the minimum parking requirement (Sec. 7.2.4.C):

- Shared parking calculation under the ULI Shared Parking Model;
- On-street spaces (constructed by the applicant);
- Car-share spaces;
- Affordable housing reductions; and
- Religious assembly.

The parking table for the Agricultural, Rural, Residential, and Industrial zones (Sec. 7.2.4.E) is based on the uses delineated in Article 59-3, Uses and Use Standards. For each use or use group, a metric is provided that indicates whether parking is based on gross floor area, units, employees, or other factor. After the metric, the baseline minimum is provided, which indicates the required minimum number of spaces that must be provided per metric; the resulting total may be adjusted under Sec. 7.2.4.C. A separate metric, minimum, and % long-term calculation is then established for bicycle parking spaces; some maximum caps are also established.

For example, for a multi-unit living residential use with 50 efficiencies, 50 1-bedroom units, and 50 2-bedroom units, the table indicates:

Use or Use Group	Vehicle Parking Spaces		Bicycle Parking Spaces		
	Metric	Baseline Minimum	Metric	Minimum (Maximum)	% Long Term
Multi-Unit Living	Efficiency Unit	1.00	Dwelling Unit (20+ Units Only)	0.35 (100)	95%
	1 Bdrm Unit	1.25			
	2 Bdrm Unit	1.50			
	3+ Bdrm Unit	2.00			

This use requires at least  $(50 \times 1.0) + (50 \times 1.25) + (50 \times 1.5) = 187.5$ , which rounds up to 188, vehicle parking spaces and  $(150 \times 0.35) = 53$  bicycle parking spaces, 51 of which must be secured spaces for residents and 2 of which must be for visitors. There is no maximum limit. This example assumes no adjustments.

*Sec. 7.2.5. Commercial/Residential and Employment Zones*

Unlike the Ag, Rural, Res, and Industrial zones, the C/R and Employment zones are based on a shared parking environment where one may park once to visit various sites. Also, off-site parking spaces may be provided under a plat- or deed restricted arrangement or a joint use agreement (Sec. 7.2.5.A.2). This section is based on the 2011 Montgomery County Parking Study completed by Nelson/Nygaard in conjunction with the Planning Department and the Department of Transportation.

Like the current C/R zone, in Parking Benefit Districts, there is a minimum and a maximum number of parking spaces required and allowed, respectively. These Parking Benefit Districts are established and governed under Chapter 60, which will be revised by the Department of Transportation in concert with the Zoning Ordinance Rewrite. In CR- or Employment-zoned areas that are not in a Parking Benefit District, there is no maximum allowed number of parking spaces. Bicycle parking is based on the use and is split between long-term (for residents and employees) and short-term (for visitors).

There are several allowed adjustments to the minimum parking requirement (Sec. 7.2.5.C):

- Non-Auto Driver Mode Share (NADMS) factors – as determined by the applicable master or sector plan (example a NADMS goal of 10% would allow the minimum parking requirement to be 10% less than otherwise calculated to encourage a reduction in trips);
- On-street spaces (constructed by the applicant);
- Carpool/vanpool spaces;
- Car-share spaces;
- Unbundled residential spaces (residential parking that is bought/leased separately from the dwelling unit);
- Affordable housing reductions;
- Bike share facilities; and
- Religious assembly.

In a Parking Benefit District (PBD), parking may be provided below the minimum or above the maximum only if certain terms are met (Sec. 7.2.5.D):

- D. Parking Below the Minimum or Above the Maximum
- 1. Parking below the minimum number of required parking spaces, after all adjustments are made under Sec. 7.2.5.C may be provided, if a payment to the Parking Benefits District is made as required by Chapter 60.

2. Parking above the maximum number of allowed parking spaces may be provided, if a payment to the Parking Benefits District is made as required by Chapter 60 or if all of the spaces provided in excess of the maximum number allowed are made available to the public and not reserved for any particular tenant(s).

The parking table for the C/R and Employment zones (Sec. 7.2.5.F) is based on the uses delineated in Article 59-3, Uses and Use Standards. For each use or use group, a metric is provided that indicates whether parking is based on gross floor area, units, employees, or other factor. After the metric, the baseline minimum is provided, which indicates the required minimum number of spaces that must be provided per metric; the resulting total may be adjusted under Sec. 7.2.5.C. A separate metric, minimum, and % long-term calculation is then established for bicycle parking spaces; some maximum caps are also established.

For example, for a multi-unit living residential use in a PBD with 50 efficiencies, 50 1-bedroom units, and 50 2-bedroom units, the table indicates:

Use or Use Group	Vehicle Parking Spaces				Bicycle Parking Spaces		
	Metric	Within Parking Benefits District		All Other Locations	Metric	Minimum (Maximum)	% Long Term
		Baseline Minimum	Baseline Maximum	Baseline Minimum			
Multi-Unit Living	Efficiency Unit	<u>1.00</u>	1.00	1.00	Dwelling Unit (20+ Units Only)	0.5 (100)	95%
	1 Bdrm Unit	<u>1.00</u>	1.25	1.25			
	2 Bdrm Unit	<u>1.00</u>	1.50	1.50			
	3+ Bdrm Unit	1.00	2.00	2.00			

This use requires at least  $(50 \times 1.00) + (50 \times 1.00) + (50 \times 1.00) = 150$  and no more than 188 spaces may be provided. This use also requires  $(150 \times 0.5) = 75$  bicycle parking spaces, 72 of which must be secured spaces for residents and 3 of which must be for visitors. This example assumes no adjustments, but if the spaces were “unbundled”, the requirement would be reduced to 88 spaces under Sec. 7.2.5.C.

*Sec. 7.2.6. Vehicle Parking Design Standards*

Parking must be provided within 500 feet of the main pedestrian entrance for any use if the site is not within a PBD or within ¼ mile if the site is within a PBD (Sec. 7.2.6.A); each parking space must have access to a street or alley open to the public and must limit crossing pedestrian, bicycle, or transit routes when feasible (Sec. 7.2.6.B). Marking of spaces and aisles is required for maximum safety, and compact spaces must be clearly marked (Sec. 7.2.6.C).

Parking space and interior drive aisle dimensions are specified in Sec’s. 7.2.6.D and E, respectively. These are based on current code and industry standards. As is the case now, handicapped spaces must be provided under the Code of Maryland Regulations 05.02.02. Two percent of the required number of parking spaces must be provided as motorcycle/scooter spaces, and a car-share space is required for every 50 spaces.

Most of this section details the basic requirements for parking safety, pedestrian circulation through parking areas, and drainage. Special sections are devoted to conditional uses in Ag, Rural, and Res zones; commercial vehicle parking on properties in Ag, Rural, and Res zones, and surface parking coverage in front yards in Res zones.

*Sec. 7.2.7. Bicycle Parking Design Standards*

There is a greater degree of detail for bicycle parking standards, reflecting current practice and the policy goals to reduce vehicle miles traveled and encourage cycling. This section covers the location, access, security, dimensional standards, and signage required for long-term and short-term bicycle parking spaces. Shower and locker requirements are also detailed.

*Sec. 7.2.8. Queuing Design Standards*

This section provides the basic requirements for queuing facilities:

A. Spaces Required

1. At least 5 spaces must be provided for each drive-thru lane for a restaurant.
2. At least 3 spaces must be provided for each drive-thru lane for any non-restaurant use.

B. Design

1. Spaces must be equal in size to a standard parallel parking space under this division
2. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks.
3. Aisles to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.
4. All queuing spaces must adhere to the parking lot landscaping and lighting requirements in Div. 7.5.

*Sec. 7.2.9. Loading Design Standards*

This section provides the details on applicability, number of spaces, sharing, and location and design for loading spaces.

*Sec. 7.2.10. Alternative Compliance*

As noted before for all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards “where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.2.]” (Sec. 7.2.10).

Summary of Changes from Current Code

A summary of the changes in the number of parking spaces required is attached to this staff report. The bicycle parking section is entirely new and based on use metrics rather than abstracted from parking requirements. The proposed sections on adjustments are significant changes from the credits and calculations allowed under the current code as is the removal of the mixed use table (Secs. 59-E-3.1, 59-E-3.2, and 59-E-3.3). These changes are based fundamentally on the Parking Study mentioned above.

Regarding dimensional standards, in the current code, parking space dimensions are governed by Sec. 59-E-2.2 and interior circulation is governed by Sec. 59-E-2.4. The proposed code maintains the same dimensional standards for standard and compact spaces, but removes the “modified standard space for regional shopping malls” and allows that up to 15% of the required spaces may be compact in non-PBDs and 25% in PBDs (current maximum is 10%). Drive aisle dimensions are the same.

Sections on off-site spaces, motorcycles, handicapped parking, markings, walkways, separation, drainage, and conditional use parking are largely similar to those in the existing code. Lighting and landscaping have been moved to Div. 7.5, Lighting and Landscaping. Setbacks are covered in Article 59-4.

Rather than leave the loading requirements to regulation under other means, the proposed code provides specific queuing and loading requirements (compare current Sec. 59-E-1.4 to proposed Secs. 7.2.8 and 7.2.9).

#### Summary of Changes from Consolidated Draft

Some changes to the proposed Consolidated Draft have been noted in red in the summary above. Other significant changes are noted below; editing changes that do not affect intent or implementation are noted in the attached redline.

Sec. 7.2.2.C has been modified to allow a reduction in the number of parking spaces under the minimum required under Sec. 7.3.8 Alternative Compliance.

Sec. 7.2.3.B has been removed because the adjustments for special exceptions should be made under Sec. 7.3.8 Alternative Compliance.

Sections for parking adjustments for religious assembly have been added (Sec's. 7.2.4.C.5 and 7.2.5.C.8).

The bicycle parking requirement for dwelling units has been reduced in non-PBDs from 0.5/unit to .35/unit under Sec. 7.2.4.E. and Sec. 7.2.5.F.

Sec. 7.2.6.I has been removed pending further research on how and when electric plug-in-spaces may be required.

Sec. 7.2.6.N has been removed because setbacks are detailed in Article 59-4.

An exception for public parking facilities has been made explicit in Sec. 7.2.7.A.4, Changing Facilities.

Sec. 7.2.8.B. has been removed because drive-through facility standards are covered in Article 59-3, Uses and Use Standards.

### **Division 7.3. Open Space**

#### Summary of Division 7.3.

Open space is required for most development except standard method, single-unit, detached housing developments. This Division provides the regulations for open space use, applicability, and design; this Division does not detail the amount of open space that is required, which is covered under development standards for each zone.

In the proposed code, "Open Space" serves to refer to the four different types of open space that may be required:

- Rural Open Space
- Common Open Space

- Public Open Space
- Amenity Open Space

The intent of the provisions of this Division are to ensure public health, safety, and welfare; to improve the appearance of the community; safeguard property values; and encourage the preservation and enhancement of natural resources (Sec. 7.3.1). After the intent of this Division is described, three informational tables provide an overview of when open space is required and what facilities are allowed and prohibited in the applicable open space (Secs. 7.3.2, 7.3.3, and 7.3.4).

Open Space is required in the following zones under the variously listed development methods or for the variously listed building types (Sec. 7.3.2):

Zone	Section References	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	<a href="#">6.2.3.A</a>	<a href="#">CD</a>			
RNC	<a href="#">4.3.6.A</a> and/or <a href="#">6.1.2.A</a>	<a href="#">All</a>	<a href="#">MPDU</a>		
<a href="#">RE, R-200, R-90, R-60, R-40</a>	<a href="#">6.1.2.A</a> and/or <a href="#">6.2.3.A</a>		<a href="#">MPDU or CD</a>		
<a href="#">TLD, TMD, THD</a>	<a href="#">4.4.9.A,</a> <a href="#">4.4.10.A,</a> <a href="#">4.4.11.A,</a> and/or <a href="#">6.1.2.A</a>		<a href="#">T, G, or MPDU</a>		
<a href="#">R-30, R-20, R-10</a>	<a href="#">4.4.12.A,</a> <a href="#">4.4.13.A,</a> <a href="#">4.4.14.A,</a> and/or <a href="#">6.1.2.A</a>		<a href="#">T, A/C, G, or MPDU</a>		
<a href="#">C/R, LSC</a>	<a href="#">4.5.4.A,</a> <a href="#">4.6.5.A,</a> <a href="#">6.4.2.A,</a> and/or <a href="#">6.5.2.A</a>		<a href="#">I</a>	<a href="#">A/C, MU, or G</a>	
<a href="#">GR, NR, EOF, I</a>	<a href="#">4.6.4.A,</a> <a href="#">4.7.3.A,</a> <a href="#">4.7.4.A,</a> and/or <a href="#">6.5.2.A</a>		<a href="#">I</a>		<a href="#">A/C, MU, or G</a>

For floating zones, open space is required under the equivalent approved Euclidian zone for uses.

- Key: [CD](#) = Cluster Development  
[MPDU](#) = Moderately Priced Dwelling Unit Development  
[T](#) = Townhouse Building Type  
[G](#) = General Building Type  
[A/C](#) = Apartment/Condominium Building Type  
[MU](#) = Multi-Use Building Type



Blank Cell = not required

#### *Sec. 7.3.4. Rural Open Space*

As with all the sections on the particular types of open space, there are sub-sections on applicability, definition, amount of space required, and design regulations. All cluster development in the RC zone and all development in the RNC zone is required to provide rural open space (Sec. 7.3.4.A.1).

Rural open space is defined as “land that is managed as farmland or is returning to its natural state without human intervention” (Sec. 7.3.4.A.2). Section references are provided for the reader to find where the required amount of rural open space is enumerated (Sec. 7.3.4.A.3).

There are numerous uses that are not allowed in rural open space delineated in table (Sec. 7.3.4.A.4).

The design regulations for rural open space are focused on guidelines, allocation, and configuration. In the first case, several guidelines for development are outlined (Sec. 7.3.4.B.1):

##### 1. Guidelines for Development

In addition to any other requirements of this Division and Sec. 50-39 of the subdivision regulations, rural open space should be developed according to the following guidelines:

- a. Rural open space should be used to minimize any potential nuisance or conflict and maximize compatibility between residential and agricultural uses within the proposed development and between the proposed and existing development;
- b. Disturbance of the area to become rural open space should be limited to the maximum extent possible during construction of residential lots and associated infrastructure;
- c. Rural open space should be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records;
  - i. In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:
    - (a) restrict uses in the rural open space under Article 59-3 and Sec. 7.3.4.A.5;
    - (b) provide for the management of any natural or agricultural features under the approved site plan; and
    - (c) prohibit any development or subdivision within the rural open space area not expressly authorized.
- d. Rural open space used for a farm should be at least 25 acres in size, unless the Planning Board finds that a smaller farm will implement the intent of this Division; and
- e. Rural open space may be managed under one or more of the following techniques:
  - i. Reforestation;
  - ii. Woodland, Meadow, Wetland, or Agricultural Management;
  - iii. Streambank or Floodplain Protection; or
  - iv. Non-structural stormwater management.

There are also priority areas and features to consider when rural open space is allocated (Sec. 7.3.4.B.2) and how the space must be configured with regard to contiguous area, minimum widths, and adjoining other open spaces (Sec. 7.3.4.B.3).

*Sec. 7.3.5. Common Open Space*

Common open space is generally required for optional method development in the rural and residential zones and for townhouse and apartment/condominium development in other zones (Sec. 7.3.5.A.1). It is defined as “the outdoor area not included in individual building lots or dedicated to public use that is intended for passive and active recreational use by residents and visitors. Common open space may be public or private. (Sec. 7.3.5.A.2)

There are few design regulations regarding common open space, but they include requirements for placement, minimum widths, and contiguous area (Sec. 7.3.5.B).

*Sec. 7.3.6. Public Open Space*

Public use space has been renamed as “Public Open Space” to diffuse confusion and to maintain consistency. Further, the fact is that much of the area is not “usable” but enhances the public realm; this is not a change in how the space is developed, but a reflection of what has traditionally been accepted.

Public open space is required for certain sized lots or lots with numerous street frontages in the C/R and LSC zones (Sec. 7.3.6.A.1). It is defined as “space devoted to public enjoyment and use or that enhances the public realm that must be physically and/or visibly accessible.” (Sec. 7.3.6.A.2) References to the sections that enumerate the required amount of public open space are provided in Sec. 7.3.6.A.3.

Public open space has several design regulations and allows for off-site options or a payment (Secs. 7.3.6.B and 7.3.6.C). Regarding the design regulations, public open space must satisfy several performance standards.

B. Design Regulations

1. Standard Method Development

- a. Must abut a public sidewalk or other public pedestrian route;
- b. Must be a minimum of 15 feet wide;
- c. Must provide seating and shade; and
- d. Must be provided in a contiguous space.

2. Optional Method Development

- a. Must abut a public sidewalk or other public pedestrian route;
- b. Should provide space for pedestrian circulation, landscaped areas, seating, shade, water features, artwork, and recreation space; and
- c. Must be provided in a contiguous space or spaces that are adjacent to other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not contribute to the intent of this Section.

*Sec. 7.3.7. Amenity Open Space*

This requirement takes the place of “green area” and applies to most Employment and Industrial zones (Sec. 7.3.7.A.1). Amenity open space is defined as the “area associated with a major building or group of buildings that provides access to active or passive recreation areas and natural amenities for the use and enjoyment of employees and visitors.” (Sec. 7.3.7.A.2) Reference to the sections enumerating the amount of amenity open space required is provided in Sec. 7.3.7.A.3. Design regulations are minimal, requiring minimum width and contiguous area.

#### *Sec. 7.3.8. Alternative Compliance*

As noted before for all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards “where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.3.]” (Sec. 7.3.8).

#### Summary of Changes from Current Code

This section is generally new and consolidates several disparate regulations about open space into one comprehensive section. There are current definitions for open space and some notes on what may or may not be in the applicable open space. This section provides regulations for the quantitative and qualitative aspects of open space but does not determine how much open space is required. In this respect, there is not much substantive change from the current code – it mostly clarifies and focuses on the regulations that will enhance open space for numerous applications.

The rural open space regulations are cobbled together from several disparate sections in the current code, but no substantive changes are intended.

Common open space has been redefined to focus on recreational uses; this requirement also takes the place of green area and public use space in certain zones where it is more appropriate to focus on outdoor areas for residents and visitors.

Public open space has been renamed and redefined. The intent is largely the same, but because the requirement for public open space has been reduced in many cases, the design regulations have been buttressed.

Redefining “green area” as “amenity open space” changes the focus from “green”, which was not necessarily appropriate, to the amenity aspect of open space for the applicable zones. This focus is appropriate and reflects the use of this area for circulation, landscaping, and (usually) passive recreation; the practical effects are minimal.

#### Summary of Changes from Consolidated Draft

The names of the various open spaces have been revised so the ordinance refers only to four types: “rural open space, common open space, public open space, and amenity open space”. This is reflected throughout the redline. Some changes are noted above in red underline, other changes are noted below.

The table under Sec. 7.3.2, Overview of Open Space Requirements, has been entirely rewritten as shown above. The tables under Sec. 7.3.3 have been renamed and all references to uses that are delineated in the Use Table, under Article 59-3, have been removed; these tables have also been revised for clarity.

A number of the section references under the various “amount” sections have been revised and definitions have been refined. Other changes are primarily focused on order, clarity, and minor edits.

## **Division 7.4. Recreation Facilities**

### Summary of Division 7.4.

This division establishes minimum standards for the provision of recreation facilities. These standards are based on the current Montgomery County Recreation Guidelines, 1992. The intent of this division is to ensure that the site plan finding regarding adequate recreation is based on codified standards. In short, the number of units and the associated building types determines the demand for recreation facilities for 5 age groups. There are nineteen recreation facilities with basic standards and specifications, each worth a certain number of points per age group. The supply of recreation facilities must meet the calculated demand for each age group.

### Summary of Changes from Current Code

The following components have been modified:

#### *Sec. 7.4.3. Determining Demand*

- Required points by building type and age group have been adjusted based on plan review experience.
- A building type category for senior age-restricted housing has been added.

#### *Sec. 7.4.4. Calculating Supply*

- Credits for facilities have been adjusted based on plan review experience.
- *Dog Parks, small and large, and Civic Green/Urban Plaza* have been added based on the PROS Plan.
- *Athletic Court* and *Athletic Field* represent a consolidation of several individual sport courts and fields.
- Off-site credits are given based on proximity rather than as a percentage of the total supply.

#### *Sec.7.4.5. Recreation Facility Standards and Specifications*

- Recreation facility standards and specifications have been modified to be more flexible for mixed-use and infill development.

#### *Sec.7.4.6. Maintenance of Recreation Facilities*

- Basic requirements for upkeep have been added.

#### *Sec. 7.4.7. Alternative Compliance*

- Included alternative compliance section

### Summary of Changes from Consolidated Draft

*Dog Parks, Small and Large* have been added as a recreation facility type. *Community Gym/Health Facility* has been split into a small and large category. Standards for *Community Room(s)* have been modified to indicate that the facility space may be provided as more than one room and square footage requirements have been adjusted.

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

### Summary of Division 7.5.

This division establishes baseline standards for landscaping and lighting. It consolidates:

- Parking lot landscaping,
- Fence and wall regulations,
- Basic outdoor lighting standards,
- Open space landscape standards, and
- Screening and buffering requirements.

In general, these standards are meant to be used as minimum requirements to ensure that development is landscaped to “protect the public safety, health, comfort, and welfare; to preserve the value of property; to preserve and strengthen the character of communities; to improve water and air quality; to obstruct objectionable views and noise; to encourage energy conservation; and to reduce light pollution and glare.” (Sec. 7.5.1.)

The requirements apply to all development that must provide either more than 10 parking spaces, open space, and/or screening and buffering (Sec. 7.5.2).

#### *Sec. 7.5.3. General Landscaping Requirements*

Required landscaping must be installed prior to release of a final use-and-occupancy (U&O) permit; a temporary U&O permit may be released to accommodate the consideration of growing seasons.

Because some design guidelines and master plans have further requirements or streetscape standards, compliance with those documents have been referenced. To satisfy the requirements of this division, planting material must not be in an easement for utilities, stormwater management, or other facility that may result in its removal. Planting plans and related documents must be prepared by a licensed landscape architect.

There are various base requirements for plant material and the required landscape elements are defined. Individual species, design considerations, etc. are left to the discretion of the applicant. Fence and wall heights are stipulated and basic maintenance regulations are delineated.

#### *Sec. 7.5.4. General Outdoor Lighting Requirements*

There are basic requirements for all luminaires, lighting fixture heights, and lamps to ensure safety but also minimize light pollution and off-site glare. Specific limits on security, accent, canopy area, residential entrance, outdoor recreation, and commercial lighting are provided to ensure safety and minimize excessive illumination or glare in these particular cases. These are based on industry standards and precedents used in most site plan and conditional use applications.

#### *Sec. 7.5.5. Open Space Landscaping and Outdoor Lighting*

There are general standards for open space, many of which are now consolidated in Div. 7.3. These standards, however, provide some explicit allowances and minimum requirements for plantings, permeable area, tree canopy, and lighting.

#### *Sec. 7.5.6. Parking Lot Landscaping and Lighting*

This section applies to any surface parking lot with more than 10 spaces. There are minimum standards for landscaped area, tree canopy, and perimeter planting; exceptions for interim conditions are allowed. Green wall and lighting standards for the top deck of parking structures are specified.

### *Sec. 7.5.7. Buffering and Screening*

When conditional uses (on an Ag, Rural, or Res-zoned property) or certain building types (regardless of the property's zone) abut Ag, Rural, or Res-zoned land that is vacant or improved with an agricultural or residential use, a landscape buffer must be provided. The basic requirements for screening with plants or fences within this buffer are established, but the species and ultimate design are left to the discretion of the applicant. In each case, two options are provided to accommodate different scenarios; these are usually a narrow buffer with a wall or fence or a wider buffer with increased plantings.

### *Sec. 7.5.8. Alternative Compliance*

As noted before for all sections in this Article, "Alternative Compliance" is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards "where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.5.]" (Sec. 7.5.8).

### Summary of Changes from Current Code

This section is largely new but picks up many fragments on landscaping, screening, lighting, and open space regulations in the current code. The proposed regulations are based on site plan and conditional use conditions typically applied to all applications and on industry standards.

The parking landscaping requirements have been modernized based on the adoption of the C/R zones.

A buffering and screening standard has been established for conditional uses in residential areas; but this is a basic minimum and may be enhanced by the Board of Appeals during the review process.

It is recommended that fences in the front yard of a residential lot be limited to 4 feet in height.

### Summary of Changes from Consolidated Draft

Under Sec. 7.5.3.A, three additional general regulations have been written:

3. Landscaping and lighting must comply with any design guidelines or streetscape standards used to implement an approved master or sector plan.
4. To satisfy the requirements of this Division (Div. 7.5), plant material may not be placed in any utility, stormwater management, or other easement that may result in removal of the plantings, except as explicitly allowed under this Division (Div. 7.5).
5. All landscape plans and related documentation must be prepared by a licensed landscape architect.

Under Sec. 7.5.3.D.3, Failure to Maintain, a period of time from notice of a deficiency of maintenance to correct the issue has been added with a reference to Div. 8.6, Violations, Penalties, and Enforcement.

A new provision for commercial lighting has been added to allow businesses to adequately light their establishments under the control of the excessive illumination standards (Sec. 7.5.4.C.6).

A new section for minimum buffering and screening of conditional uses abutting Ag, Rural, or Res-zoned land has been added (Sec. 7.5.7.A.2):

2. A conditional use on Agricultural, Rural, or Residential-zoned land must provide a buffer under Sec. 7.5.7.C.9 along each property line abutting an Agricultural, Rural, or Residential-zoned

property that is vacant or improved with an agricultural or residential use. The Board of Appeals may increase the buffer width or amount of screening to make the findings required for a conditional use application under Sec. 8.3.1.

## **Division 7.6. Outdoor Display and Storage**

### Summary of Division 7.6.

The intent of the outdoor display and storage regulations is to set certain basic allowances and limits on the size, location, height, and screening of these items (Sec. 7.6.1.A). These regulations apply to any site where merchandise, materials, or equipment is stored outside (with a couple of exceptions for agricultural and auto/machinery sales).

### *Sec. 7.6.3. Design Standards*

The display area for products for sale must be illustrated on the applicable plan. Except for certain listed products (such as outdoor seasonal sales, propane tanks, and ice), products must be moved inside overnight and may not impede pedestrian circulation (Sec. 7.6.3).

The storage of merchandise, materials, or equipment is allowed with few standards for commercial uses and more generally for industrial uses. For industrial uses, the requirements are limited to lot size, setbacks, road frontage, and screening.

### *Sec. 7.6.4. Alternative Compliance*

As noted before for all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards “where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.5.]” (Sec. 7.5.8).

### Summary of Changes from Current Code

There are numerous uses in the current code that provide for outdoor display and storage, but the provisions are scattered throughout the code and the standards are minimal. These have been consolidated in one section for any use that may display or store products or equipment. The most comprehensive section on outdoor storage is under the special exception regulations (59-G-2.45.3). These standards have been used for the general storage requirements in the proposed code, allowing storage on a site as small as 5 acres rather than 8 acres.

### Summary of Changes from Consolidated Draft

No substantive changes are recommended in the Staff Review Draft, but it has moved to Div. 7.6 and sign regulations have moved to Div. 7.7.

## **Div. 7.7. Signs**

### Summary of Division 7.7

The purpose of this division is to regulate the size, location, height, and construction of all signs placed for public view.

### Summary of Changes from Current Code

In general, almost no changes were made to the Sign section of the current code. Staff believes that this section would benefit from a review aimed at modernization and hopes to consider this at a future date. Illustrations were added to this division to provide clarity to the standards, and an alternative compliance section was also added.

### Summary of Changes from Consolidated Draft

Only very minor editorial changes were made to this section following the release of the Consolidated Draft.



# ARTICLE 59-7. GENERAL DEVELOPMENT REGULATIONS

## DIV. 7.1. SITE ACCESS

SEC. 7.1.1. INTENT.....7-3

SEC. 7.1.2. APPLICABILITY .....7-3

SEC. 7.1.3. GENERAL ACCESS REQUIREMENTS .....7-3

SEC. 7.1.4. DRIVEWAY ACCESS.....7-3

SEC. 7.1.5. ALTERNATIVE COMPLIANCE.....7-3

## DIV. 7.2. PARKING, QUEUING, AND LOADING

SEC. 7.2.1. INTENT.....7-4

SEC. 7.2.2. APPLICABILITY .....7-4

SEC. 7.2.3. CALCULATION OF REQUIRED PARKING .....7-4

SEC. 7.2.4. AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES.....7-4

SEC. 7.2.5. COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES.....7-8

SEC. 7.2.6. VEHICLE PARKING DESIGN STANDARDS .....7-12

SEC. 7.2.7. BICYCLE PARKING DESIGN STANDARDS.....7-14

SEC. 7.2.8. QUEUING DESIGN STANDARDS .....7-16

SEC. 7.2.9. LOADING DESIGN STANDARDS.....7-16

SEC. 7.2.10. ALTERNATIVE COMPLIANCE .....7-17

## DIV. 7.3. OPEN SPACE

SEC. 7.3.1. INTENT.....7-18

SEC. 7.3.2. OVERVIEW OF OPEN SPACE REQUIREMENTS.....7-18

SEC. 7.3.3. ALLOWED AND PROHIBITED FEATURES IN OPEN SPACE .....7-18

SEC. 7.3.4. RURAL OPEN SPACE .....7-19

SEC. 7.3.5. COMMON OPEN SPACE .....7-21

SEC. 7.3.6. PUBLIC OPEN SPACE .....7-21

SEC. 7.3.7. AMENITY OPEN SPACE .....7-22

SEC. 7.3.8. ALTERNATIVE COMPLIANCE.....7-23

## DIV. 7.4. RECREATION FACILITIES

SEC. 7.4.1. INTENT.....7-24

SEC. 7.4.2. APPLICABILITY .....7-24

SEC. 7.4.3. DETERMINING DEMAND .....7-24

SEC. 7.4.4. CALCULATING SUPPLY .....7-24

SEC. 7.4.5. RECREATION FACILITY STANDARDS AND SPECIFICATIONS .....7-25

SEC. 7.4.6. MAINTENANCE OF RECREATION FACILITY.....7-28

SEC. 7.4.7. ALTERNATIVE COMPLIANCE .....7-28

## DIV. 7.5. LANDSCAPING AND OUTDOOR LIGHTING

SEC. 7.5.1. INTENT.....7-29

SEC. 7.5.2. APPLICABILITY .....7-29

SEC. 7.5.3. GENERAL LANDSCAPING REQUIREMENTS.....7-29

SEC. 7.5.4. GENERAL OUTDOOR LIGHTING REQUIREMENTS .....7-31

SEC. 7.5.5. OPEN SPACE LANDSCAPING AND OUTDOOR LIGHTING .....7-32

SEC. 7.5.6. PARKING LOT LANDSCAPING AND LIGHTING.....7-33

SEC. 7.5.7. BUFFERING AND SCREENING .....7-34

SEC. 7.5.8. ALTERNATIVE COMPLIANCE.....7-39

## DIV. 7.6. OUTDOOR DISPLAY AND STORAGE

SEC. 7.6.1. INTENT .....7-40

SEC. 7.6.2. APPLICABILITY .....7-40

SEC. 7.6.3. DESIGN STANDARDS .....7-40

SEC. 7.6.4. ALTERNATIVE COMPLIANCE.....7-41

## DIV. 7.7. SIGNS

SEC. 7.7.1. PURPOSE AND INTENT .....7-42

SEC. 7.7.2. APPLICABILITY .....7-42

SEC. 7.7.3. EXEMPT SIGNS .....7-42

SEC. 7.7.4. PROHIBITED SIGNS.....7- 43

SEC. 7.7.5. MEASUREMENTS..... 7- 44

SEC. 7.7.6. PERMANENT SIGNS, IN GENERAL ..... 7- 46

SEC. 7.7.7. AGRICULTURAL AND RURAL RESIDENTIAL ZONES.....7- 47

SEC. 7.7.8. RESIDENTIAL ZONES .....7- 47

SEC. 7.7.9. COMMERCIAL/RESIDENTIAL, EMPLOYMENT, AND INDUSTRIAL  
ZONES ..... 7- 48

SEC. 7.7.10. URBAN RENEWAL AREAS .....7- 50

SEC. 7.7.11. LIMITED DURATION SIGNS.....7- 50

SEC. 7.7.12. TEMPORARY SIGNS .....7- 51

SEC. 7.7.13. ALTERNATIVE COMPLIANCE.....7- 51

## Div. 7.1. Site Access

### Sec. 7.1.1. Intent

- A. The intent of the site access regulations is to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to lessen traffic congestion.
- B. Adjustments may be appropriate where topographic changes are too steep; where adjoining uses are incompatible; or where strict compliance with this Division (Div. 7.1) would pose a safety hazard, as determined by the applicable review body.

### Sec. 7.1.2. Applicability

The requirements of this Division (Div. 7.1) apply to development:

- A. in the Commercial/Residential, Employment, Industrial, Residential Multi-Unit, and Floating zones where an apartment/condo, multi use, or general building type is proposed; and
- B. a site plan or conditional use plan is required.

### Sec. 7.1.3. General Access Requirements

- A. All development and redevelopment must provide a satisfactory means of vehicular, pedestrian, and bicycle ingress and egress to and from a street or an abutting site. Vehicle access across primary pedestrian, bicycle, or transit routes must be limited wherever feasible.
- B. All on-site parking areas must be designed to allow vehicles to enter and exit the parking area in a forward motion.
- C. All pad sites must take vehicular access from within the site.
- D. No land that is located in a Residential zone may be used for driveway or vehicular access purposes to any land that is not Residentially zoned, except in a Historic District or if the land has an existing commercial, industrial, or utility use.

### Sec. 7.1.4. Driveway Access

- A. Driveway dimensions must be in accordance with the following table:

Zone	Width (min)	Width (max)	Radius (max)
R-30, R-20, R-10			
One-way	12'	16'	10'
Two-way	20'	24'	10'
CR, CRT, CRN, EOF, <u>LSC</u> , <u>GR</u> , <u>NR</u>			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IH	30'	40'	30'

- B. The applicable review body may require wider driveways where unusual traffic, grade, or site conditions exist.
- C. Where on-site parking areas can be accessed from an improved alley with a right-of-way of at least 20 feet in width, access from the alley is required and new curb cuts along the public right-of-way are prohibited.
- D. No more than 2 driveways are allowed along the property frontage of any street.
- E. On corner lots, where there is only one driveway, vehicular access must be taken from the street with the lower roadway classification. On through lots, vehicular access must be taken from the street with the lower roadway classification unless the road is classified as a residential road.

### Sec. 7.1.5. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.1) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division.
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings; or
  4. environmental or historic features.
- C. Justification for the alternative method must be submitted to illustrate how the intent of the regulations will be satisfied and access will be enhanced.

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

### Sec. 7.2.1. Intent

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner in both shared (Parking Benefit Districts) and non-shared parking environments.

### Sec. 7.2.2. Applicability

- A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity. The following are exempt from the required parking ratios of this Division (Div. 7.2):
1. Any structure on the National Register of Historic Places;
  2. Any structure or structures on an individually owned property with less than 5,000 square feet of gross floor area located in a Commercial/Residential or Employment zone; and
  3. Any expansion or cumulative expansions of less than 500 square feet in floor area or impervious cover.
- B. All off-street parking facilities provided, whether required or in addition to minimum requirements, must conform to all standards contained in this Division (Div. 7.2).
- C. Reducing the area of an off-street parking facility or encroachment of the facility by buildings, vehicle storage, or any other use where such reductions or encroachments will reduce the number of parking spaces to fewer than the minimum required by this Division (Div. 7.2) is prohibited without an alternative compliance plan approved by the applicable review body. This does not include parking allowed within the right-of-way.

### Sec. 7.2.3. Calculation of Required Parking

#### A. In General

##### 1. Vehicle Parking

When a lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use can be included in the calculation of parking requirements for any other use, except as expressly allowed in this Division (see Sec. 7.2.4.C and Sec. 7.2.5.C).

##### 2. Bicycle Parking

- The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use. Long-term bicycle parking spaces are intended to be used for resident and employee parking. Short-term bicycle parking spaces are intended to be used for patrons and visitors.
3. In determining the required number of parking spaces, fractional spaces are rounded up to the nearest whole number.
  4. Where spaces are calculated based on employees, the largest shift must be used.

### Sec. 7.2.4. Agricultural, Rural Residential, Residential, and Industrial Zones

#### A. Required Vehicle Parking

The minimum parking requirements in the Agricultural, Rural Residential, Residential, and Industrial zones is the sum of the spaces required for each applicable category of land use in the table in Sec. 7.2.4.E, , except under Sec. 7.2.4.C, Adjustments, and reflects a non-shared parking environment.

#### B. Required Bicycle Parking

The minimum bicycle parking requirements of the Agricultural, Rural Residential, Residential, and Industrial zones reflect a non-shared parking environment.

## C. Adjustments to Vehicle Parking

### 1. Shared Parking

- Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
- The analysis must be provided in a form established by the applicable review body.
- Reductions in the total number of required spaces for shared parking are not permitted unless the applicable review body determines a reduction is appropriate on a case-by-case basis.
- Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The applicable review body will determine whether hours of operation are compatibly overlapping.

### 2. On-Street Space

One on-street parking space constructed by an Applicant that is located in public or private right-of-way may be substituted for any required parking space, as determined by the applicable review body.

### 3. Car-Share Space

Preferential location of one car-share space may be substituted for 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses. Car-share parking spaces are not counted against the parking maximum.

### 4. Affordable Housing or Workforce Housing Units

Parking for all affordable housing and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.

### 5. Religious Assembly

- The required number of parking spaces may be reduced to 0.15 spaces per fixed seat if the church, synagogue, or other place of worship is

located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.

- Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays are only required to provide 0.125 spaces per fixed seat; however, the required parking spaces do not have to be provided on-site if such place of worship is located in a Parking Benefit District or within 500 feet of any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building.
- The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone.

## D. Using the Parking Table

Uses on the parking table match the allowed uses and use groups in [Article 59-3](#). There are columns on the table for both required vehicle parking and required bicycle parking (if any). The number of required spaces is based on a metric specific to each use, such as 1,000 square feet of gross floor area (GFA).

E. Agricultural, Rural Residential, Residential, and Industrial Zones

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Agricultural</b>					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	--	--	--
Nursery, Retail	1,000 SF of Sales Area	3.00	--	--	--
Nursery, Wholesale	1,000 SF of Sales Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA	5.00	--	--	--
Farm Market, On-Site (Accessory)	Market	3.00	--	--	--
<b>Residential</b>					
Single-Unit Living, Two-Unit Living, <u>Townhouse Living</u>	Dwelling Unit	2.00	--	--	--
Multi-Unit Living	Efficiency Dwelling Unit	1.00	Dwelling Unit (20+ Units Only)	0.35 (100 max)	95%
	1 Bedroom Dwelling Unit	1.25			
	2 Bedroom Dwelling Unit	1.50			
	3+ Bedroom Dwelling Unit	2.00			
Group Living	Bed, plus	0.25	Dwelling Unit (20+ Units Only)	0.25 (50 max)	95%
	Employee	0.50			
	OR: Dwelling Unit or PLQ	1.00			
Accessory Apartment, Attached or Detached	Accessory Dwelling Unit	1.00	--	--	--
Farm Tenant Dwelling	Dwelling Unit	1.00	--	--	--
Home Occupation, Low Impact	Home Occupation	1.00	--	--	--
Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	--	--	--
Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
<b>Civic and Institutional</b>					
Charitable, Philanthropic Institution	Resident and Employee	0.50	10,000 SF of GFA	2.0	85%
	OR: 1,000 SF of Recreational GFA	5.00			
	OR: 1,000 SF of Office GFA	2.80			
Cultural Institution	1,000 SF of GFA	1.25	10,000 SF of GFA	1.0	15%
Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Student (Grade K-8)	0.25	10,000 SF of GFA	2.0	85%
	Student (Grade 9-12)	0.50			
Fire/EMS (Private)	Employee	1.0	10,000 SF of GFA	2.0	85%
Hospital	1,000 SF of GFA	2.5	10,000 SF of GFA	2.0	85%
Private Club, Service Organization	1,000 SF of GFA	2.50	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat	0.25	10,000 SF of GFA	1.0	15%
	OR: 1,000 SF of Assembly Area	20.00			
<u>Swimming Pool (Community)</u>	<u>Every 7 Persons Legally Permitted to Occupy Pool</u>	1.00	<u>10,000 SF of GFA</u>	<u>2.0</u>	<u>15%</u>

KEY: GFA = Gross Floor Area

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Commercial</b>					
Animal Services					
Animal Boarding and Care	1,000 SF of GFA	3.50	10,000 SF of GFA	1.0	15%
Veterinary Office/Hospital	1,000 SF of GFA	5.00			
Eating and Drinking	1,000 SF for Patron Use	10.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.25	10,000 SF of GFA	1.0	15%
Landscape Contractor	1,000 SF of GFA	5.00	--	--	--
Lodging					
Bed and Breakfast (in addition to residential spaces)	Guest Room	1.00			
Hotel, Motel	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.70 10.00	--	--	--
Medical and Dental	1,000 SF of GFA	3.50	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.80	10,000 SF of GFA	2.0	85%
	1,000 SF of GFA or Outdoor Recreational Space	-- 5.00			
Recreation and Entertainment	OR: Every 6 seats/guest spaces	1.00	10,000 SF of GFA	1.0	15%
	OR: Each "rentable" space	1.00			
Retail Sales and Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Commercial Kitchen (Accessory)	Each Kitchen User	1.00	--	--	--
<b>Industrial</b>					
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Dry Cleaning Facility over 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	100%
Recycling Collection and Processing	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	--	--	--

KEY: GFA = Gross Floor Area

## Sec. 7.2.5. Commercial/Residential and Employment Zones

### A. Required Vehicle Parking

1. The minimum parking requirements in the Commercial/Residential and Employment zones is the sum of the spaces required for each applicable category of land use in the table in Sec. 7.2.5.E, except under 7.2.5.C, Adjustments, and reflects an environment that typically includes a mix of uses, is in close proximity to transit or contains shared parking resources.
  - a. Parking must be provided in Parking Benefit Districts, as defined by Chapter 60, such that the amount provided is between a baseline minimum and a baseline maximum, which may be adjusted under Sec. 7.2.5.C. Parking in all other locations must be provided for at least the baseline minimum, as adjusted; no maximum is established for these locations.
  - b. In a Parking Benefit District, when a building is constructed, parking spaces may be reserved for specific tenants or units, if the baseline minimum is met and the baseline maximum is not exceeded, as adjusted under Sec. 7.2.5.C.
    - i. For any parking spaces provided beyond the maximum, a fee per space will be assessed or the space must be made available to the general public under Chapter 60.
    - ii. In a Primary Parking Benefit District, minimum parking requirements may be met through payment of an annual fee to the appropriate district under Chapter 60.
2. Off-site parking spaces associated with an allowed use may be approved by the applicable review body to fulfill parking requirements if the property proposed to be used for required parking is plat-restricted, deed-restricted, or is under a joint use agreement. The restrictions must specify that the property provides the required parking spaces for a use on another property. The restrictions may be lifted if substitute off-site parking or leased property is found, or if the use ceases to exist. The following conditions apply to a joint use agreement:
  - a. Properties under a joint use parking agreement will be under the unified control of the involved parties concerned. A written joint use agreement

must be submitted with a conditional use plan or site plan. The minimum term for the joint use agreement is 5 years.

- b. Agreement by both parties in a joint use arrangement to immediately notify DPS of any changes to the joint use arrangement and provide DPS with a minimum of one month notification of any pending termination of the agreement.
- c. Agreement by any applicant under such a joint use arrangement to immediately cease or limit his or her use, as required, should the joint use arrangement be nullified and sufficient alternate parking not be found before the end of the one month notification period.
- d. A subsequent change in use or in the joint use agreement requires a new use and occupancy permit and proof that sufficient parking will be available.

### B. Required Bicycle Parking

The minimum bicycle parking requirements reflect a multi use environment.

### C. Adjustments to Vehicle Parking

#### 1. NADMS Factor

Any applicable Non-Auto Driver Mode Share (NADMS) factor is multiplied against the baseline minimum vehicle parking standard to determine a new minimum vehicle parking standard. The baseline maximum vehicle parking standard remains unaffected by the NADMS factor.

#### 2. On-Street Space

One on-street parking space constructed by an Applicant that is located in public or private right-of-way may be substituted for any required parking space, as determined by the applicable review body.

#### 3. Carpool/Vanpool Space

Preferential location of one carpool or vanpool space may be substituted for 3 required parking spaces.

#### 4. Car-Share Space

Preferential location of one car-share space may be substituted for 2 required parking spaces for residential uses, and 3 spaces for commercial



uses. Car-share parking spaces are not counted against the parking maximum.

**5. Unbundled Residential Space**

Where residential parking for Townhouse Living and Multi-Unit Living is unbundled (parking spaces are offered at market rates as an option distinct from the purchase or lease of a residential unit), the applicable baseline minimum parking requirement is:

Use	Baseline Minimum
<u>Townhouse Living</u>	<u>0.75</u>
<u>Multi-Unit Living</u>	
<u>Efficiency</u>	<u>0.50</u>
<u>1 Bedroom</u>	<u>0.50</u>
<u>2 Bedroom</u>	<u>0.75</u>
<u>3+ Bedroom</u>	<u>0.75</u>

**6. Affordable Housing or Workforce Housing Units**

Parking for all multi-unit affordable housing and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.

**7. Bike-Share Facility**

Provision of a bike-share facility with a minimum of 10 spaces may be substituted for 3 vehicle parking spaces.

**8. Religious Assembly**

- a. The required number of parking spaces may be reduced to 0.15 spaces per fixed seat if the church, synagogue, or other place of worship is located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.
- b. Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays are only required to provide 0.125 spaces per fixed seat; however, the required parking spaces do not have to be provided on-site if such place of worship is located in a Parking Benefit District or within 500 feet of any commercial parking lot

where sufficient spaces are available during the time of services or other proposed use of the building.

- c. The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone.

**D. Parking Below the Minimum or Above the Maximum**

- 1. Parking below the minimum number of required parking spaces, after all adjustments are made under Sec. 7.2.5.C, may be provided if a payment to the Parking Benefit District is made as required by Chapter 60.
- 2. Parking above the maximum number of allowed parking spaces may be provided if a payment to the Parking Benefit District is made as required by Chapter 60 or if all of the spaces provided in excess of the maximum number allowed are made available to the public and are not reserved for any particular tenant(s).

**E. Using the Parking Table**

Uses on the parking table match the allowed uses and use groups in Article 59-3. There are columns on the table for both required vehicle parking and required bicycle parking (if any). The number of required spaces is based on a metric specific to each use, such as 1,000 square feet of gross floor area (GFA). Vehicle parking is also differentiated by site location in or outside of a Parking Benefit District.

F. Commercial/Residential and Employment Zones

USE or USE GROUP	VEHICLE PARKING SPACES				BICYCLE PARKING SPACES		
	Metric	Within Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Agricultural</b>							
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	1.00	2.00	2.00			
Nursery, Retail	1,000 SF of Sales Area	0.25	1.25	1.25	10,000 SF of GFA	1.0	15%
<b>Residential</b>							
Single-Unit Living, Two-Unit Living, Townhouse Living	Dwelling Unit	1.00	2.00	2.00	--	--	--
Multi-Unit Living							
Efficiency	Dwelling Unit	1.00	1.00	1.00	Dwelling Units (20+ Units Only)	0.5 (PBD) 0.35 (other) (100 max)	95%
1 Bedroom	Dwelling Unit	1.00	1.25	1.25			
2 Bedroom	Dwelling Unit	1.00	1.50	1.50			
3+ Bedroom	Dwelling Unit	1.00	2.00	2.00			
Group Living	Each Bed, plus Each Employee OR: Each Dwelling Unit or PLQ	0.25 0.50 0.50	0.25 0.50 1.00	0.25 0.50 1.00	Dwelling Units (20+ Units Only)	0.25 (50 max)	95%
Accessory Apartment, Attached or Detached	Dwelling Unit	1.00	2.00	1.00	--	--	--
Home Occupation, Low Impact	Home Occupation	1.00	1.00	1.00	--	--	--
Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	2.00	2.00	--	--	--
Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
<b>Civic and Institutional</b>							
Charitable, Philanthropic Institution	Resident and Employee OR: 1,000 SF of Recreational GFA OR: 1,000 SF of Office GFA	0.50 1.00 2.00	0.50 3.50 2.70	0.50 3.50 2.25	10,000 SF of GFA	2.0	85%
Cultural Institution	1,000 SF of GFA	0.50	1.25	1.25	10,000 SF of GFA	1.0	15%
Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	1.00	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	3.00	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Each Student (Grade K-8) Each Student (Grade 9-12)	0.15 0.25	0.25 0.50	0.25 0.50	10,000 SF of GFA	2.0	85%
Fire/EMS (Private)	Each Employee	0.50	1.00	1.00	10,000 SF of GFA	2.0	85%
Hospital	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	2.0	85%
Private Club, Service Organization	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.15 10.00	0.25 14.00	0.25 14.00	10,000 SF of GFA	1.0	15%
Swimming Pool (Community)	Every 7 Persons Legally Permitted to Occupy Pool	0.5	1.00	1.00	10,000 SF of GFA	1.0	15%

GFA = Gross Floor Area

USE or USE GROUP	VEHICLE PARKING SPACES			BICYCLE PARKING SPACES			
	Metric	Within Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Min (Max)	% Long-Term
<b>Commercial</b>							
Animal Services							
Animal Boarding and Care	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Veterinary Office/Hospital	1,000 SF of GFA	2.00	3.50	3.50			
Eating and Drinking	1,000 SF for Patron Area, excluding outdoor seating area	2.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.15	0.50	0.50	10,000 SF of GFA	1.0	15%
Lodging	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.33 2.00	0.66 4.00	0.50 4.00	10 Guest Rooms	1.0	100%
Medical and Dental	1,000 SF of GFA	2.00	3.00	2.25	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.00	2.70	2.25	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA or Outdoor Recreational Space OR: Every 6 seats/guest spaces OR: Each "rentable" space	1.00 1.00 1.00	3.50	3.50	10,000 SF of GFA	1.0	15%
Retail Sales and Service	1,000 SF of GFA	1.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
<b>Industrial</b>							
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.00	3.00	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	100%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.00	3.00	1.50	--	--	--

GFA = Gross Floor Area

## Sec. 7.2.6. Vehicle Parking Design Standards

### A. Location

1. All off-street parking spaces provided for uses outside of a Parking Benefit District must be located so that the major point of pedestrian access to a parking facility is within a 500-foot walking distance of the entrance to the establishment to be served by such facilities.
2. All off-street parking spaces provided in a Parking Benefit District must be located so that the major point of pedestrian access to a parking facility is within a ¼-mile walking distance of the entrance to the establishment to be served by such facilities.

### B. Access

Each parking space must have access to a street or alley open to use by the public via adequate interior aisles and entrance and exit driveways. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

### C. Marking

1. All off-street parking areas must be arranged and marked so as to provide for orderly and safe loading, unloading, parking, and storage of vehicles.
2. Individual parking spaces must be clearly defined, and directional arrows and traffic signs must be provided as necessary for traffic control.
3. Each space or area for compact parking must be clearly marked to indicate the intended use.

### D. Size of Spaces

1. Parking spaces must meet the following minimum dimensional requirements:

Parking Angle	Standard Space		Compact Space	
	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	not allowed	not allowed
Parallel	7'	21'	6'	19.5'

2. Within a Parking Benefit District, up to 25% of all required spaces may be compact spaces. Outside of a Parking Benefit District, up to 15% of all required spaces may be compact spaces.
3. If a column or other obstruction is adjacent to a parking space and would interfere with car door openings, then the minimum stall width of that space must be increased by one foot.
4. Tandem parking is allowed for dwelling units and valet parking. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length. When used for residential purposes, both parking spaces in tandem must be assigned to the same dwelling unit.
5. Valet parking is allowed as a means of satisfying required parking where:
  - a. An attendant, including mechanized systems, is provided to park vehicles during all business hours of the benefitting use.
  - b. An equivalent number of valet spaces are available to substitute for the required parking spaces. Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

### E. Drive Aisles

1. Interior drive aisles have parking stalls along the sides. Entrance and exit drive aisles have no parking stalls along the sides.
2. Drive aisles designed to accommodate one-way and two-way movements must have the following minimum widths based on the configuration of the adjacent parking spaces:

Parking Type	One Way	Two Way
Perpendicular	20'	20'
60 to 75 degrees	18'	20'
45 to 59 degrees	16'	20'
Parallel	10'	20'
None	10'	20'

### F. Handicapped Spaces

Parking spaces for handicapped persons must be provided under the standards specified in the Maryland Building Code for the Handicapped as contained in the Code of Maryland Regulations 05.02.02, dated February 1, 1995. Handicapped spaces count towards the provision of required parking.

### G. Motorcycle/Scooter Parking

All parking facilities containing more than 50 parking spaces must provide motorcycle/scooter stalls equal to at least 2% of the number of vehicle spaces. Not more than 10 motorcycle/scooter stalls are required on any one lot.

### H. Car-Share Spaces

1. One car-share parking space is required for every 50 publicly accessible parking spaces.
2. If no car-share organization can be found to make use of the spaces, the property owner may use the spaces for publicly-available parking. However, upon 90 days advance written notification of interest, the property owner must make the space available to any County recognized car share organization.
3. The property owner must pay the annual fee if the car-share spaces are not used by a recognized car share organization.

### I. Parking Separation

1. All parking spaces must be separated from sidewalks, roads, streets, or alleys by curbing or wheel stops.
2. All roads, streets, alleys, sidewalks, and other public rights-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

### J. Walkways

Pedestrian walkways or sidewalks must be provided in all off-street parking facilities where necessary for pedestrian safety. Such walkways and sidewalks must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable review body.

### K. Drainage

All off-street parking facilities must be drained so as to prevent damage to abutting properties and public streets, and must be constructed of material which will assure a surface resistant to erosion. All drainage must comply with the principles of Environmental Site Design as specified in the Stormwater Management Manual adopted by the County.

### L. Landscaping and Lighting

Landscaping and lighting in parking lots must follow the regulations in Div. 7.5.

### M. Facilities for Conditional Uses in Residential Zones

This paragraph applies to any off-street parking facility for a conditional use that is located in an Agricultural, Rural Residential, or Residential zone where 3 or more parking spaces are provided.

#### 1. Location

Parking facilities must be located to maintain a residential character and a pedestrian-friendly street orientation.

#### 2. Setbacks

Each parking facility, including each entrance and exit driveway, must be set back a distance not less than the applicable building front and rear yard and twice the building side yard required in the zone. The following additional setbacks must be provided for each parking facility:

- a. Where 150 to 199 parking spaces are provided, the required side and rear parking facility setbacks must be increased by 5 feet;
- b. Where 200 or more parking spaces are provided, the required side and rear parking facility setbacks must be increased by 10 feet.

### N. Commercial Vehicle Parking for Properties with a Residential Use

#### 1. In General

- a. Vehicles and machinery for farming uses may be parked without restriction.
- b. Parking of a tow truck with a vehicle attached is prohibited on any size lot or parcel.

#### 2. AR, R, RC, and RNC Zones

- a. On any lot or parcel up to 0.5 acre, one light commercial vehicle and one unoccupied recreational vehicle may be parked at any one time.
- b. On any lot or parcel over 0.5 and under 2 acres, up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.

- c. On any lot or parcel over 2 acres, there are no restrictions on commercial and recreational vehicle parking.

**3. RE-2, RE-2C, and RE-1 Zones**

- a. Up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.
- b. Any property zoned RE-1 that does not meet the minimum lot size of 40,000 square feet, must meet the requirements set in Sec. 7.2.8.P.3. Surface Parking in R-200, R-90, and R-60.

**4. R-200, R90, R-60, and R-40 Zones**

One light commercial vehicle may be parked on any lot or parcel. One recreational vehicle may be parked on a lot or parcel, however, it must not be used for dwelling purposes for more than 3 days in any month.

**O. Surface Parking in R-200, R-90, and R-60**

- 1. Parking for any vehicle or trailer in the area between the property line and the front building line must be on a surfaced area.
- 2. Temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.
- 3. The maximum percentage of the area between the property line and the front building line that can be covered by surfaced area for parking, excluding the surfaced area in a driveway on a pipestem or flag shaped lot is as follows:
  - a. R-200                    30%
  - b. R-90                      30%
  - c. R-60                      35%
- 4. Any surfaced area existing before October 26, 2010 is not limited by this provision if the existing surface area is not increased.
- 5. For properties with primary access from a primary residential street, minor arterial road, major highway or arterial, or any state road, the surfaced area

may be a maximum of 50% of the area between the property line and the front building line.

- a. Surfaced area consisting of 2 parking spaces can exceed the limits of this provision if it is no larger than 320 square feet in total area.
- b. No more than one vehicle may be parked for every 160 square feet of surfaced area.
- c. The limit on surfaced area does not apply to stone or rock quarries in the R-200 zone.
- d. DPS may grant a waiver to these surfaced area limits as necessary to protect public safety.
- 6. Parking in the area between the property line and front building line on a non-surfaced area or parking on less than 160 square feet of surfaced area for each vehicle is prohibited.

**Sec. 7.2.7. Bicycle Parking Design Standards**

**A. Long-Term Spaces**

**1. Location, Access, and Security**

- a. Long-term bicycle parking spaces may be provided within a building or covered parking garage, or in bicycle lockers. Access to spaces must be convenient from the building or structure and the street or other bicycle right-of-way.
- b. Spaces must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, spaces must be accessible 24 hours a day, 7 days a week.
- c. When provided in a garage, spaces must be clearly marked as such and should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car.
- d. Spaces must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade. Spaces must be in a well-lit visible location near the main entrance or elevators.
- e. Spaces must be independently accessible by means of an aisle with a minimum width of 48 inches and a minimum vertical clearance of 75 inches.

- f. When provided in an enclosed area, must not be accessible to anyone without authorized access.
- g. When lockers are provided, the lockers must be securely anchored.
- h. All facilities must be well-maintained.
- i. All facilities must be well lit.

**2. Space Dimensions**

- a. Bicycle parking spaces must have:
  - i. A minimum vertical clearance of 75 inches, for spaces other than lockers, and 48 inches for lockers.
  - ii. A minimum length of 72 inches and width of 24 inches where bicycles are to be placed horizontally.
  - iii. A minimum length of 40 inches and width of 24 inches where bicycles are to be placed vertically.
- b. An aisle 5 feet in width must be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- c. Where a room or common locker not divided into individual spaces is used to meet these requirements, each 12 square feet of floor area is counted as one bicycle parking space.
- d. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking is counted as one bicycle parking space.

**3. Signs**

Where a long-term bicycle parking facility is not visible from the street or main building entrance, a sign indicating the location of the parking must be posted on the street at eye level for bicyclists.

**4. Changing Facilities – Showers and Lockers**

- a. Any individual tenant space over 50,000 square feet of nonresidential gross floor area (excluding retail), must provide one shower for each gender, unless provided in the development in a common area. An additional one shower per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 showers per gender.

- b. Where long term bicycle storage is required for a nonresidential use, a minimum number of clothing lockers equal to 0.3 times the minimum number of required long term storage spaces must be provided for each gender, and must be a minimum of 12 inches wide, 18 inches deep, 36 inches high, and must be available for use on a 24 hour basis. Lockers must be installed adjacent to the showers in a safe and secured area.
- c. Public parking facilities are exempt from the requirements of Sec. 7.2.7.A.4 (above).

**B. Short-Term Spaces**

**1. Location, Access, and Security**

- a. Short-term spaces must be available to the public.
- b. Spaces must be provided in a convenient, well-lit location that is clearly visible to both the occupants of the building for which the spaces are built, as well as the sidewalk that accesses the building’s main entrance.
- c. Spaces must be placed no more than 50 feet from:
  - i. the main entrance of the building;
  - ii. at least one main entrance of a building with more than one main entrance;
  - iii. the main entrance of each building on a site with more than one building;
  - iv. And if a site plan or conditional use plan is required, the applicable review body may approve an alternative.
- d. Parking racks must be placed to avoid obstructing pedestrian traffic, bus stops, trees, and other features located in the pedestrian area.
- e. Sidewalk racks that are parallel to the curb must be located 2 feet from the curb face.
- f. Sidewalk racks aligned perpendicular to the curb must be placed so that the nearest vertical component of the rack is at least 4 feet from the curb.
- g. Sidewalk racks must be at least 14 feet from any stand-alone fire hydrant.
- h. Each parked bicycle must be accessible without moving another bicycle.

- i. An aisle of at least 5 feet in width must be maintained behind all occupied parking racks to allow room for bicycle maneuvering.

**2. Racks**

Where required bicycle parking is provided via racks, the racks must meet the following design and dimension standards:

- a. the bicycle frame and one wheel can be locked to the rack with a high security lock;
- b. a bicycle can be securely held with its frame supported in at least 2 places;
- c. racks must be offset a minimum of 30 inches on center;
- d. the rack must be durable and securely anchored;
- e. the locking surface of the rack should be thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters;
- f. aisles between racks must have a minimum width of 48 inches;
- g. a minimum depth of 72 inches should be allowed for each row of parked bicycles; and
- h. must perform at least as well as an inverted u-rack.

**Sec. 7.2.8. Queuing Design Standards**

**A. Spaces Required**

- 1. A minimum of 5 spaces must be provided for each drive-thru lane for a restaurant.
- 2. A minimum of 3 spaces must be provided for each drive-thru lane for any non-restaurant use.

**B. Design**

- 1. Spaces must be equal in size to a standard parallel parking space under this Division (Div. 7.2)
- 2. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks.
- 3. Aisles to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.

- 4. All queuing spaces must adhere to the parking lot landscaping and lighting requirements in Div. 7.5.

**Sec. 7.2.9. Loading Design Standards**

**A. Applicability**

The required number of off-street loading spaces depends upon the number of dwelling units, gross floor area of the use, and the type of use. The table in **Sec. 7.2.11.B.** designates the number of loading spaces required. Outdoor storage, sales, or display areas are included as part of the calculation of gross floor area if these areas contain materials that are received or distributed via trucks. The off-street loading space requirement for a site with two or more uses is the highest number of spaces required of one use.

**B. Required Off-Street Loading Spaces**

**1. Multi-Unit Living Uses**

Metric	Required Number of Spaces (min)
Under 50 dwelling units	None
50 dwelling unit and above	1

**2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses**

Metric	Required Number of Spaces (min)
Up to 25,000 SF of GFA	None
25,001 to 250,000 SF of GFA	1
250,001 to 500,000 SF of GFA	2
500,001 to 750,000 SF of GFA	3
750,000 SF of GFA and above	4

**3. Retail Sales and Services, Manufacturing and Production, and Warehouse Uses**

Metric	Required Number of Spaces (min)
Up to 15,000 SF of GFA	None
15,001 to 50,000 SF of GFA	1
50,001 to 200,000 SF of GFA	2
200,001 to 350,000 SF of GFA	3
350,001 SF of GFA and above	4



### C. Shared Loading Spaces

Applicants wishing to use shared loading spaces must submit a shared loading space agreement for approval by the applicable review body.

### D. Location and Design

#### 1. Location

- a. All off-street loading spaces must be located on the same lot as the building or use served unless the applicant has an approved shared loading space agreement.
- b. Off-street loading spaces are prohibited from projecting into a public right-of-way.
- c. Off-street loading spaces are prohibited from being located between the front building line and property line.
- d. Off-street loading spaces must be at least 100 feet from the nearest property line of lots zoned RE-2, RE-2C, RE-1, R-200, R-90, R-60, or R-40.

#### 2. Screening

All outdoor off-street loading spaces must adhere to the parking lot landscaping and lighting requirements in Div. 7.5.

#### 3. Dimensions

Required loading space dimensions depend upon the size of delivery vehicles serving the site. Minimum sizes are as follows:

- a. 10 feet wide, 30 feet long, 14 feet high: Spaces serving single-unit trucks and similar delivery vehicles.
- b. 12 feet wide, 55 feet long, 15 feet high: Spaces serving larger freight vehicles.

#### 4. Maneuvering

Minimum required maneuvering areas depend upon the size of delivery vehicles serving the site. Maneuvering areas for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering must be contained on-site. Minimum size of maneuvering areas are as follows:

- a. 30': Spaces serving single-unit trucks and similar delivery vehicles.
- b. 50': Spaces serving larger freight vehicles.

#### 5. Surfacing

All off-street loading spaces must be paved with a durable, all-weather material, such as concrete or asphalt. Semi-pervious materials may also be used, subject to the approval of the County Department of Transportation and verification that the materials can support the weight of vehicles and their loads.

#### 6. Drainage and Maintenance

Off-street loading facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion-resistant material in accordance with applicable County specifications. Off-street loading areas must be maintained in a clean, orderly, and dust-free condition.

#### 7. Safe Design

Loading spaces must be designed and located to minimize intermixing of truck traffic with other vehicular, bicycle, and pedestrian traffic on site.

### Sec. 7.2.10. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.2) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the provision of parking and loading required under this Division (Div. 7.2).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. Irregularly-shaped sites;
  2. Properties abutting major roadways on multiple frontages; or
  3. Retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.
- D. Must comply with the annual fee regulations under Chapter 60.

## Div. 7.3. Open Space

### Sec. 7.3.1. Intent

Open spaces serve to protect the health, safety, and welfare of the public; improve the appearance of the community; safeguard and enhance property values; and encourage preservation and enhancement of natural resources, including improvement of water and air quality.

### Sec. 7.3.2. Overview of Open Space Requirements

The following table provides a summary of the types of open space that are required by zone and/or building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in Sec. 7.3.4 to Sec. 7.3.7:

Zone	Section References	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	<u>6.2.3.A</u>	CD			
RNC	<u>4.3.6.A and/or 6.1.2.A</u>	All	MPDU		
<u>RE-2C, RE-1, R-200, R-90, R-60, R-40</u>	<u>6.1.2.A and/or 6.2.3.A</u>		MPDU or CD		
<u>TLD, TMD, THD</u>	<u>4.4.9.A, 4.4.10.A, 4.4.11.A, and/or 6.1.2.A</u>		<u>T, G, or MPDU</u>		
<u>R-30, R-20, R-10</u>	<u>4.4.12.A, 4.4.13.A, 4.4.14.A, and/or 6.1.2.A</u>		<u>T, A/C, G, or MPDU</u>		
<u>CRN, CRT, CR, LSC</u>	<u>4.5.4.A, 4.6.5.A, 6.4.2.A, and/or 6.5.2.A</u>		T	<u>A/C, MU, or G</u>	
<u>GR, NR, EOF, IL, IMH, IH</u>	<u>4.6.4.A, 4.7.3.A, 4.7.4.A, and/or 6.5.2.A</u>		T		<u>A/C, MU, or G</u>

For Floating zones, open space is required under the equivalent approved euclidean zone for uses.

<b>KEY:</b> All = All development	CD = Cluster Development
MPDU = MPDU Development	T = Townhouse Building Type
A/C = Apartment/Condo Building Type	MU = Multi Use Building Type
G = General Building Type	Blank Cell = Not required

### Sec. 7.3.3. Allowed and Prohibited Features in Open Space

#### A. Allowed Facilities

The following table provides a summary of the allowed features in each type of open space. Detailed applicability is included with each open space type in Sec. 7.3.4 through Sec. 7.3.7:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation areas or land trusts for natural, archeological or historical resources	A	A	x	x
Open spaces such as lawns, gardens, ornamental planting areas, plazas, walks, pathways, promenades, arcades, urban parks, or town squares	x	x	A	A
Pedestrian or non-motorized multipurpose trails	A	A	A	A
Passive recreation areas and facilities	A	A	A	A
Active recreation areas and facilities	x	A	A	A
Public space or amenities recommended by an approved urban renewal system	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water bodies, such as lakes, ponds, and floodways	A	A	x	x
Non-structural, natural, and ESD stormwater management facilities	A	A	A	A
Utilities	A	A	A	A
Other conservation-oriented uses compatible with the purpose of this Division	A	A	A	A

KEY: A = Allowed x = Not allowed

#### B. Prohibited Features

The following list provides a summary of the features expressly prohibited. Detailed applicability is included with each open space type in Sec. 7.3.4 through Sec. 7.3.7:

- Streets and impervious parking areas
- Parking or maneuvering areas for vehicles
- Public streets

- 4. Individual wastewater disposal areas, or drain fields for community systems
- 5. Transitory Use
- 6. Activities prohibited by the applicable review body and recorded on the legal instrument providing for permanent protections. Any changes to the management plan must be approved by the applicable review body.
- 7. Any use prohibited in rural open space under Sec. 7.3.4.A.4

## Sec. 7.3.4. Rural Open Space

### A. General Regulations

#### 1. Applicability

- a. All Optional Method Cluster Development in the RC zone is required to provide rural open space.
- b. All development in the RNC zone is required to provide rural open space.

#### 2. Definition

Rural open space is land that is managed as farmland or is returning to its natural state without human intervention.

#### 3. Amount of Rural Open Space

- a. The amount of required rural open space in the RC zone is identified in Sec. 6.2.3.A. The amount of required rural open space in the RNC zone is identified in Sec. 4.3.6.A for standard method development and Sec. 6.1.2.A for optional method development.
- b. The Planning Board may approve a minor variation in the master plan recommended rural open space but not less than required by the zone, if the Planning Board finds that the variation would retain or enhance both the quality and character of the rural open space as set forth in the intent of this Section (Sec. 7.3.4).

#### 4. Uses Prohibited in the Rural Open Space:

- a. In the RC and RNC zones, the following uses are prohibited in the rural open space:

Use	RNC	RC
Agricultural Processing		x
Equestrian Facility (3+ horses)	x	
Farm Supply, Machinery Sales, Storage and Service		x
Accessory Agricultural Processing		x
Nursery (Retail)	x	x
Nursery (Wholesale)	x	x
Slaughterhouse		x
Winery	x	
Farm Market, On-Site	x	
Seasonal Outdoor Sales	x	x
Multi-Unit Living	x	
Farm Tenant Dwelling (not associated with a farm in the rural open space)		x
Independent Living Facility for Seniors or Persons with Disabilities	x	x
Residential Care Facility	x	x
Charitable, Philanthropic Institution	x	x
Cultural Institution	x	
Group Day Care (9 - 12 Persons)	x	x
Day Care Center (13 or more Persons)	x	x
Educational Institution (Private)	x	
Private Club, Service Organization	x	x
Public Use (except Utilities)	x	x
Religious Assembly	x	x
Swimming Pool (Community)	x	
Animal Boarding and Care	x	x
Veterinary Office/Hospital	x	x
Cable Communications System	x	
Freestanding Wireless Communications Tower	x	
Media Broadcast Tower		x
Country Inn		x
Cemetery	x	x

Use	RNC	RC
Landscape Contractor	x	x
Shooting Range (Outdoor)		x
Rural Antique Shop	x	x
Country Market	x	
Mining, Excavation		x
Public Utility Building or Structure	x	

KEY: x = Not allowed in the Rural Open Space

Blank cell = May be allowed under Article 59-3

## B. Design Regulations

### 1. Guidelines for Development

In addition to any other requirements of this Division (Div. 7.3) and Sec. 50-39 of the subdivision regulations, rural open should be developed according to the following guidelines:

- a. Rural open space should be used to minimize any potential nuisance or conflict and maximize compatibility between residential and agricultural uses within the proposed development and between the proposed and existing development;
- b. Disturbance of the area to become rural open space should be limited to the maximum extent possible during construction of residential lots and associated infrastructure;
- c. Rural open space should be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records;
  - i. In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:
    - (a) restrict uses in the rural open space under Article 59-3 and Sec. 7.3.4.A.5;
    - (b) provide for the management of any natural or agricultural features under the approved site plan; and

- (c) prohibit any development or subdivision within the rural open space area not expressly authorized.
- d. Rural open space used for a farm should be a minimum of 25 acres in size, unless the Planning Board finds that a smaller farm will implement the intent of this Division; and
- e. Rural open space may be managed under one or more of the following techniques:
  - i. reforestation;
  - ii. woodland, meadow, wetland, or agricultural management;
  - iii. streambank or floodplain protection; or
  - iv. non-structural stormwater management.

### 2. Open Space Allocation

In allocating land for required rural open space, the following are considered of primary importance:

- a. floodplains;
- b. stream buffer areas;
- c. jurisdictional wetlands under federal law (Sec. 404) that meet the definition applied by the Army Corps of Engineers;
- d. habitat for state- or federally-listed endangered or threatened species;
- e. historic, archaeological and cultural sites, cemeteries and burial grounds;
- f. agricultural lands containing prime farmland soils or other soils of state-wide importance;
- g. individual existing healthy trees greater than 12 inches DBH;
- h. areas that connect the site to neighboring rural open space, trails, or greenways;
- i. highly erodible soils or soils with severe limitations for development due to drainage problems;
- j. forest areas not included in the environmental buffer; and
- k. viewsheds recommended for preservation by the applicable master or sector plan.

### 3. Configuration of Rural Open Space

- a. The minimum width for any required rural open space is 75 feet. Exceptions may be granted for items such as trail easements and linear parks when their purpose meets the intent of this section.
- b. A minimum of 60% of the required rural open space must be contiguous. For the purposes of this Section (Sec. 7.3.4), contiguous includes any rural open space bisected by a residential street.
- c. Where feasible, the rural open space must adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected rural open space.

## Sec. 7.3.5. Common Open Space

### A. General Regulations

#### 1. Applicability

Common open space is required for the following:

- a. All optional method development in the RNC and Residential Detached zones;
- b. All standard method development with townhouse, apartment/condo, or general building types and optional method development in the Residential Townhouse and Residential Multi-Unit zones;
- c. All townhouse development in the Commercial/Residential and Employment zones; and
- d. Floating zones, as required under the equivalent approved euclidean zone for uses.

#### 2. Definition

Common open space is the outdoor area not included in individual building lots or delineated as public open space that is intended for passive and active recreational use by residents and visitors. Common open space may be public or private.

### 3. Amount of Common Open Space

The amount of common open space is calculated as outlined below:

- a. For Optional Method MPDU development in Rural Residential and Residential zones, the required percentage is identified in Sec. 6.1.2.A, General Site and Building Type Mix.
- b. For Optional Method Cluster Development in the Residential zones, the required percentage is identified in Sec. 6.2.3.A, General Site, Building Type Mix, and Height Standards.
- c. For townhouse building type in the CRN zone, the required percentage is identified in Sec. 4.5.4, CRN, CRT, & CR Zones Standard Method Development Standards.
- d. For detached house, duplex, or townhouse building type in the Floating zones, the required percentage is identified in Sec. 5.1.6.E, Coverage.

### B. Design Regulations

1. Common open space is intended for common use by the residents of the neighborhood and must be located in a central position or central positions in the neighborhood bordered by streets or building lots. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
2. The minimum width for any required common open space is 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this Section (Sec. 7.3.5).
3. A minimum of 50% of the required common open space must be in a contiguous lot or site or series of lots and sites. For the purposes of this Section, contiguous includes any common open space bisected by a street.

## Sec. 7.3.6. Public Open Space

### A. General Regulations

#### 1. Applicability

All development of an apartment/condo building, multi use building, or general building type in the Commercial/Residential, LSC, and some

Floating zones must provide public open space as required under the applicable development standards

**2. Definition**

Public open space is space devoted to public enjoyment and use or that enhances the public realm that must be physically and/or visibly accessible.

**3. Amount of Public Open Space**

The amount of public open space is calculated as a percentage of the net tract area as outlined below:

- a. For standard method development in the CRN, CRT, and CR zones, the required percentage is identified by building type in Sec. 4.5.4, CRN, CRT, & CR Zones Standard Method Development Standards.
- b. For optional method development in the CR and CRT zones, the required percentage is identified in Sec. 6.4.2.A, Open Space.
- c. For standard method development in the Employment zones, the required percentage is identified by building type in Sec. 4.6.4, GR, NR, & EOF Zones Standard Method Development and Sec. 4.6.5, LSC Zone Standard Method Development
- d. For optional method development in the Employment zones, the required percentage is identified in Sec. 6.5.2.A, Open Space.
- e. For Floating zones, the required percentage is identified in Div. 59-4 (for standard method) and Div. 59-6 (for optional method) according to the euclidean zone that was approved for uses under Section 5.2.4, Land Uses and Sec. 5.3.4, Land Uses.

**B. Design Regulations**

**1. Standard Method Development**

Public open space must:

- a. abut a public sidewalk or other public pedestrian route;
- b. be a minimum of 15 feet wide;
- c. provide seating and shade;and
- d. must be provided in a contiguous space.

**2. Optional Method Development**

Public open space:

- a. must abut a public sidewalk or other public pedestrian route;
- b. should provide space for pedestrian circulation, landscaped areas, seating, shade, water features, artwork, and recreation space; and
- c. must be provided in a contiguous space or spaces that are adjacent to other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not contribute to the intent of this Section (Sec. 7.3.6).

**C. Off-Site Options**

Instead of providing on-site public open space, an applicant may satisfy all or part of the requirement by one or more of the following means (subject to Planning Board approval):

- 1. Implementing public park or public open space improvements of an equal or greater size within or near the applicable master or sector plan area; or
- 2. Making a payment in part or in full for design, construction, renovation, restoration, installation, or operation within or near the applicable master or sector plan area if the payment is:
  - a. Equal to the cost of constructing an equal amount of public open space and associated amenities on-site per square foot plus the fair market value of the applicable tract of land per square foot;
  - b. Used to implement the open space, recreation, and cultural goals of the applicable master or sector plan; and
  - c. Made within 30 days of the release of any building permit for the subject application.

**Sec. 7.3.7. Amenity Open Space**

**A. General Regulations**

**1. Applicability**

Any development in the Industrial zones is required to provide amenity open space under this Section (Sec. 7.3.7)

## 2. Defined

Amenity open space is an area associated with a major building or group of buildings that provides access to active or passive recreation areas and natural amenities for the use and enjoyment of employees and visitors.

## 3. Amount of Amenity Open Space

- a. The amount of amenity open space is calculated as a percentage of the gross project area as outlined below.
  - i. For standard method development in the Industrial zones, the required percentage is identified by building type in Div. 4.7.
- b. A minimum of 50% of any amenity open space must be permeable.
- c. The amenity open space required under this Section (Sec. 7.3.7) may be alternatively met by public open space under, Sec. 7.3.6, Public Open Space.

## B. Design Regulations

1. The minimum width for any required amenity open space is 25 feet.
2. A minimum of 75% of the required amenity open space must be contiguous.

### Sec. 7.3.8. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.3) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of open space required under this Division.
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings or other site elements; or
  4. historic or environmental factors.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied and open space will be enhanced.

## Div. 7.4. Recreation Facilities

### Sec. 7.4.1. Intent

The intent of this Division (Div. 7.4) is to provide access to recreation facilities and amenities to ensure the health, safety, and welfare of County residents. Such facilities provide an important supplement to the public park and recreation system, but in no way diminish the need for parks as estimated in the Parks, Recreation and Open Space Master Plan. These facilities may be private, and are not required to be open to the public.

### Sec. 7.4.2. Applicability

Any development project that provides 20 or more residential units in any zone must provide recreational facilities that meet the standards of this Division (Div. 7.4).

### Sec. 7.4.3. Determining Demand

A. The extent of recreation facilities that must be provided is determined by the points required for the mix of building types in the project. The following table provides the assessed point value for each project based on unit type and age group.

Building Type	Points Required Per Unit				
	Tots	Kids	Teens	Adults	Seniors
Detached House/Duplex ≥ 20,000 SF lots	.10	.20	.20	.80	.10
Detached House/Duplex < 20,000 SF lots	.15	.25	.25	1.00	.10
Townhouse	.20	.20	.20	1.20	.10
Apartment/Condo, Multi Use < 5 stories	.10	.15	.10	1.20	.10
Apartment/Condo, Multi Use ≥ 5 stories	.05	.05	.05	.80	.50
Senior/Age-Restricted Housing	.05	.05	.05	.05	1.00

- B. The required amount and type of recreation facilities is determined by calculating the sum of the points by building type for each age group.
- C. When a project combines building types, the recreation facilities requirements are the sum of the requirements for each building type.

### Sec. 7.4.4. Calculating Supply

A. After the required number of points for each age group has been determined, the applicant must determine the type of recreation facilities that must be provided. The following table establishes the supply credit for each type of recreation facility. The supply credit calculated must equal or exceed the number of points for each unit type and age group in the project. Credit may be given for on-site facilities that are private (for the use of residents only) and for public off-site facilities that are within close proximity to the project. Credit for on-site facilities is as follows:

Facility Type	On-Site Credits				
	Tots Age 0-4	Kids 5-11	Teens 12-17	Adults 18-64	Seniors 65+
Athletic court		10	15	10	
Athletic field		10	15	10	
Bicycle path / shared use path		5	10	15	10
Civic green or urban plaza		10	20	20	15
Community garden	2	5	5	10	10
Community gym / health facility, small			5	10	5
Community gym / health facility, large			5	20	10
Community room(s)	2	5	10	20	20
Dog park, small	2	5	10	10	10
Dog park, large	5	10	15	15	15
Lawn area, small	5	10	10	5	5
Lawn area, large	2	5	15	10	
Natural Areas	2	5	15	20	15
Natural surface trail	2	10	15	20	15
Picnic area	2	2	5	10	10
Playground	10	15		2	2
Sidewalk network		5	10	15	10
Sitting area	2	2	10	5	10
Swimming, aquatic facility (public)	2	10	15	15	15
Tot lot	10	-	-	2	2



- B. Off-site credits are awarded based on proximity to a public recreation facility.
1. If the proposed development is within 1/4 mile of a recreation facility 75% of on-site credits can be achieved.
  2. If the proposed development is between 1/4 and up to 1/2 mile of a recreation facility 50% of on-site credits can be achieved.
  3. If the proposed development is between 1/2 and up to 1 mile of a recreation facility 25% of on-site credits can be achieved.

### Sec. 7.4.5. Recreation Facility Standards and Specifications

#### A. In General

Any recreation space located outdoors must:

1. be on the site of the proposed development, unless reduced off-site credit is taken;
2. be located in one designated area on the site, unless the applicable review body determines that residents of the development would be better served by multiple areas with recreational facilities decentralized;
3. be accessible and convenient to all residents within the development;
4. be located adjacent to, and be accessible by, sidewalks or trails and be connected to any existing or planned park, public open space, or trail system located on adjoining property; and
5. contain fixed recreational equipment that satisfies the County design specifications and consumer product safety standards; and
6. provide a combination of active and passive recreation facilities when possible.

#### B. Athletic Court

An indoor or outdoor-area that serves as a court for basketball, volleyball, racquet sports, or similar activities.

1. Area dimensions must satisfy the standard and accepted dimensions of the intended sports.

2. When an athletic court is provided outside, the following standards apply:
  - a. When on grade, setbacks must be 20 feet from any building and any street, except where fencing or landscaping is provided to ensure compatibility.
  - b. Positive drainage with a slope of 2% to 5% must be provided.
  - c. A north-south orientation is preferred.
3. Skate parks must be a minimum of 1,200 square feet and provide at least 5 ramps or obstacles.
4. Athletic courts for different sports count as individual facilities.

#### C. Athletic Field

A turf grass field for soccer, lacrosse, football, and similar sports.

1. The area dimensions must satisfy the standard and accepted dimensions of the intended sports.
2. Setbacks must be 100 feet from any building and 40 feet from any street, except where fencing or landscaping is provided to ensure compatibility.
3. Shade should be provided for any spectator seating area.
4. Positive drainage must be provided, with a central longitudinal crown and 1.5% slope to sidelines.
5. A northwest-southeast orientation is preferred.
6. Athletic fields for different sports count as individual facilities.

#### D. Bicycle Path, Bicycle Lane, Shared Use Path

A safe, coherent, and continuous system of bicycle paths, lanes, or routes.

1. A minimum length of one mile must be provided if the proposed on-site system does not connect to or complete an existing network of bike paths, bike lanes, or shared use paths.
2. Minimum facility widths:
  - a. Bike path (one way) must be a minimum of 6 feet.
  - b. Bike path (2 way) must be a minimum of 8 feet.

- c. Bike lane must be a minimum of 4 feet.
- d. Shared use path must be a minimum of 10 feet.
3. Linkages to neighborhood destinations must be provided, including to public transportation and public facilities.
4. Facilities must comply with the Master Plan for Bikeways, and with County path and trail specifications.
5. Resting areas should be provided.

**E. Civic Green or Urban Plaza**

A public gathering space.

1. Area must be a minimum of 2,500 square feet.
2. Minimum width must be 25 feet.

**F. Community Garden**

A garden plot for the use of residents.

1. Area must be a minimum of 1,000 square feet and at least 25 square feet per residential unit must be provided if the community garden is located on ground level. Area must be a minimum of 500 square feet if the community garden is located on a roof-top in the Commercial/Residential or Employment zones.
2. Full to partial sun should be provided.
3. A water connection must be provided.
4. A tool shed should be considered for large plots.

**G. Community Gym/Health Facility, Small**

A small gymnasium and health facility, including weight training and aerobic stations.

1. Area must be a minimum of 750 square feet.
2. Area must provide equipment for at least 10 users at a time.

**H. Community Gym/Health Facility, Large**

A gymnasium and health facility, including weight training and aerobic stations.

1. Area must be a minimum of 1,500 square feet.
2. Area must provide equipment for at least 20 users at a time.

**I. Community Room(s)**

A multipurpose facility or rooms serving recreational and/or social needs of the community.

1. Combined area must be a minimum of 300 square feet for each 50 dwelling units, up to a maximum of 2,200 square feet.
2. May include some or all of the following: a meeting room, game room, craft/club room or party room.

**J. Dog Park, Small**

A fenced area for dogs to exercise and play off-leash.

1. A minimum area of 5,000 square feet.
2. A source of drinking water is preferred.
3. Trash receptacles and disposable waste bags must be provided.

**K. Dog Park, Large**

A fenced area for dogs to exercise and play off-leash.

1. A minimum area of 2 acres, with separate fenced area for small dogs (30 lbs and under).
2. A source of drinking water is required.
3. Trash receptacles and disposable waste bags must be provided.

**L. Lawn Area, Small**

An open grass area to accommodate play activities, also known as Community Open Space under the 2012 PROS Plan.

1. Area must be a minimum of 5,000 square feet.
2. The maximum grade suitable for play activities is 2%.
3. Minimum dimension must be 45 feet (width or depth).
4. Setbacks must be 30 feet from any building or street, except where fencing or landscaping is provided to ensure safety.
5. Landscaping must be used to define the area.
6. Positive drainage with a slope of 2% to 5% must be provided.

**M. Lawn Area, Large**

An open grass area to accommodate play activities, also known as Community Open Space under the 2012 PROS Plan.

1. Area must be a minimum of 10,000 square feet.
2. The maximum grade suitable for play activities is 2%.
3. Minimum dimension must be 60 feet (width or depth).
4. Setbacks must be 20 feet from any building or street, except where fencing or landscaping is provided to ensure safety.
5. Landscaping must be used to define the area.
6. Positive drainage with a slope of 2% to 5% must be provided.

**N. Natural Areas**

A substantial area primarily comprising natural reserve such as a woodland, wetland, or pond.

1. Area must be a minimum of 200 square feet per residential unit.
2. Minimum width must be 50 feet.
3. Must be accessible from a public street or common land.
4. Must be cleared of man-made debris.
5. Portions of the area must be passable and walkable.

**O. Natural Surface Trail**

A trail that provides access and opportunities to interact with nature such as woodlands, wetlands, ponds, and creeks.

1. The minimum length is one mile.
2. The minimum width is 5 feet.
3. Trail should be designed to minimize erosion.
4. Pervious surfaces such as crushed stone or wood chips are encouraged.
5. Must conform to Department of Environmental Protection guidelines for environmental management and must be designed to maximize protection and function of the natural features.
6. Resting areas should be provided.

**P. Picnic Area**

A facility with at least one picnic table that accommodates a minimum of 6 people.

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. Trash and recycling receptacles must be provided.

**Q. Playground**

A facility with play features to support 10 activities for children, including climbing, balancing, and sliding activities.

1. Area must be a minimum of 2,500 square feet.
2. Setbacks must be 30 feet from the boundary of the development or any street, except where fencing or landscaping is provided to ensure compatibility and safety.
3. Shade trees must be provided, along with planting to define the area and low shrubs to separate the facility from any street. Not applicable for playgrounds located on rooftops.
4. Adjacent seating and trash and recycling receptacles must be provided.
5. This facility is equivalent to National Recreation Standards for a playground suitable for children ages 5 and above.

**R. Sidewalk Network**

A safe, coherent, and continuous internal system of sidewalks and pedestrian paths.

1. A minimum length of one mile must be provided.
2. Minimum width must be 5 feet.
3. Linkages to neighborhood destinations must be provided, including to public transportation and public facilities.
4. Facilities must comply with County specifications, including those for handicapped accessibility.
5. Resting areas should be provided.

**S. Sitting Area**

A facility with at least 2 benches that accommodate a minimum of 6 people.

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. Trash and recycling receptacles must be provided.

**T. Swimming, Aquatic Facility (Public)**

A public indoor or outdoor swimming pool or other aquatic facility that allows for recreational swimming. May be restricted to residents of a community or COA/HOA.

**1. In Residential Zones:**

- a. Outdoor pool deck must be 50 feet from any residential building and 30 feet from any street.
- b. Shade and evergreen trees must be used to define any outdoor pool area.
- c. Pool must conform to Montgomery County Health Department standards.

**2. In Commercial/Residential, Employment, and Floating Zones:**

- a. Pool may be constructed on a rooftop or raised terrace.
- b. Pool must conform to Montgomery County Health Department standards.

**U. Tot Lot**

A facility with play features to support 5 activities for tots, including climbing, balancing, and sliding activities.

1. Area must be a minimum of 1,000 square feet.
2. When on grade, area must be setback a minimum of 30 feet from the boundary of the development site or any street, except where fencing or landscaping is provided to ensure compatibility and safety.
3. Shade trees must be provided, along with planting to define the area and low shrubs to separate the facility from any street. Not applicable for tot lots located on rooftops.

4. Adjacent seating and trash and recycling receptacles must be provided.
5. This facility is equivalent to National Recreation Standards for a playground suitable for children ages 0-5.

**V. Other Recreational Facility**

Any recreation facility not listed that is determined by the applicable review body to be appropriate for the site. Points per age group will be determined by the applicable review body.

**Sec. 7.4.6. Maintenance of Recreation Facilities**

Maintenance of any recreation facility retained in private ownership is the responsibility of the owner or other separate entity capable of long-term maintenance and operation ensuring that the facilities remain in safe working condition for the residents.

**Sec. 7.4.7. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.4) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of recreation facilities required under this Division (Div. 7.4).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped or sloped sites;
  2. properties abutting major roadways on multiple frontages;
  3. retained buildings or other site elements; or
  4. historic or environmental features.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

## Div. 7.5. Landscaping and Outdoor Lighting

### Sec. 7.5.1. Intent

The purpose of this Division (Div. 7.5) is to regulate minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The regulations are intended to protect the public safety, health, comfort, and welfare; to preserve the value of property; to preserve and strengthen the character of communities; to improve water and air quality; to obstruct objectionable views and noise; to encourage energy conservation; and to reduce light pollution and glare.

### Sec. 7.5.2. Applicability

The requirements of this Section (Sec. 7.5.2) apply where open space is required under Div. 7.3, where parking facilities provide 10 or more parking spaces (see Div. 7.2), and where screening and buffering are required.

### Sec. 7.5.3. General Landscaping Requirements

#### A. General

1. DPS may not issue a final certificate of occupancy until all trees and plant material have been installed under the requirements of this Division (Div. 7.5).
2. A temporary certificate of occupancy may be issued for a period of up to 6 months under circumstances that would affect the planting of the site, or until the proper planting season is reached to complete the landscaping requirements.
3. Landscaping and lighting must comply with any design guidelines or streetscape standards used to implement an approved master or sector plan.
4. To satisfy the requirements of this Division (Div. 7.5), plant material may not be placed in any utility, stormwater management, or other easement that may result in removal of the plantings, except as explicitly allowed under this Division (Div. 7.5).
5. All landscape plans and related documentation must be prepared by a licensed landscape architect.

#### B. Landscaping Elements

##### 1. Plant Material

- a. All landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. All mature plant sizes are based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

##### 2. Canopy Trees

###### a. Defined

A large deciduous tree, typically 40 to 70 feet tall at maturity, with a spread (canopy) of at least 30 feet. Canopy trees typically have only a single trunk.

###### b. Size at Time of Planting

All canopy trees within open space areas, buffers, and surface parking lots must have a minimum caliper of 2 inches or a minimum height of 14 feet at the time of planting.

##### 3. Understory Trees

###### a. Defined

A small deciduous tree, typically less than 30 feet tall at maturity. Many understory trees have multiple trunks.

###### b. Size at Time of Planting

- i. All single trunk understory trees within open space areas, buffers, and surface parking lots must have a minimum caliper of 1.5 inches or a minimum height of 10 feet at the time of planting.

- ii. All multi-trunk understory trees within open space areas, buffers, and surface parking lots must have a minimum of 3 main stems, each with a minimum caliper of 1.5 inches per stem, or a minimum height of 10 feet, at the time of planting.

#### 4. Evergreen Trees

##### a. Defined

An evergreen tree, typically more than 40 feet tall at maturity.

##### b. Size at Time of Planting

All evergreen trees within open space areas, buffers, and surface parking lots must be a minimum of 8 feet in height at the time of planting, measured from the top of the root ball to the tip of the highest branch.

#### 5. Shrubs

##### a. Defined

- i. Large shrubs must be of a species that will reach a minimum height of 8 feet.
- ii. Medium shrubs must be of a species that will reach a minimum height of 4 feet.
- iii. Small shrubs must be of a species that will reach a minimum height of 2 feet.

##### b. Size at Time of Planting

- i. Large shrubs within open space areas, buffers, and surface parking lots must be a minimum of 5 gallon container or balled and burlapped.
- ii. Medium shrubs within open space areas, buffers, and surface parking lots must be a minimum of 3 gallon container or balled and burlapped.
- iii. Small shrubs within open space areas, buffers, and surface parking lots must be a minimum of one gallon container.

### C. Fences and Walls

#### 1. Defined

Fence or wall height is measured from the lowest level of the ground immediately under the fence or wall.

#### 2. Height and Placement

- a. The maximum height of a fence or wall in any front setback in a Residential zone is 4 feet.
- b. On a corner lot in any Residential zone, a fence, wall other than retaining wall, terrace, structure, shrubbery, planting, or other obstruction to vision can be a maximum of 3 feet in height above the curb level for a distance of 15 feet from the intersection of the front and side street lines.
- c. On a corner lot in any Residential zone, a deer fence must not be located closer to the street than the face of the building.
- d. No wall or fence may be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

#### 3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

- a. Deer fencing:
  - i. In all Agricultural and Rural Residential zones; and
  - ii. Behind the front building line for property in all non-Agricultural and non-Rural Residential zones unless the lot or tract adjoins a national historical park.
- b. Retaining walls where changes in street grade, width, or alignment have made such structures necessary;
- c. Other walls or fences that are a maximum of 6.5 feet in height, are behind the front building line, and are not on a lot or tract adjoining a national historic park;
- d. Rustic fences on a lot or tract adjoining a national historical park;
- e. Boundary fences behind the front building line if the lot or tract is located within 100 feet of a parking lot in a national historical park; and

- f. Deer fencing and other fences that are a maximum of 8 feet in height if the property is farmed and agriculturally assessed.

**D. Landscaping Maintenance**

**1. Responsibility**

The responsibility for maintenance of all landscape and planting areas remains with the owner, his or her successors, heirs, assignees, home owner associations, or any consenting grantee.

**2. Maintenance**

- a. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming must occur under the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.
- c. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
- d. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

**3. Failure to Maintain**

- a. If a deficiency of maintenance is determined the County must provide reasonable notice and allow a property owner 90 days to correct the deficiency. Refer to Div. 8.6, Violations, Penalties, and Enforcement for further procedures.
- b. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this Section, the County may recover the cost of enforcement, including reasonable attorney fees.

- c. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance will be charged to the party having the primary responsibility for maintenance of the landscaped area.

**Sec. 7.5.4. General Outdoor Lighting Requirements**

**A. Applicability**

This section applies to any installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture. Routine lighting fixture maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing, lenses, and other similar components, does not constitute replacement and is permitted provided such changes do not result in a higher lumen output.

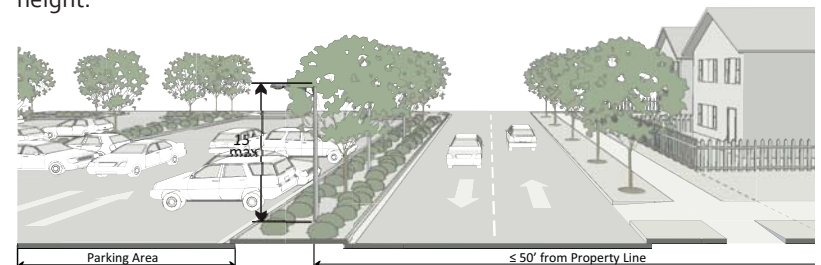
**B. Design Requirements**

**1. Fixture (Luminaire)**

In order to direct light downward and minimize the amount of light spill, all outdoor lighting fixtures must be full or partial cutoff fixtures.

**2. Fixture Height**

Freestanding lighting fixtures may be a maximum of 40 feet in parking lots with at least 100 spaces, otherwise freestanding lighting fixtures may be a maximum of 30 feet in height within surface parking areas and may be a maximum of 15 feet in height within non-vehicular pedestrian areas measured from finished grade. Freestanding light fixtures located within 50 feet of the property line of any detached house building type, not located in a Commercial/Residential or Employment zone, may not exceed 15 feet in height.



**3. Light Source (Lamp)**

Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. DPS may approve alternate light sources based on new technology.

**4. Limit Lighting to Periods of Activity**

The use of sensor technologies, timers, or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety, and promote compatibility between different land uses.

**C. Lighting Types**

**1. Security Lighting**

- a. Building-mounted security light fixtures such as wall packs may not project above the fascia or roof line of the building and must be shielded.
- b. Security fixtures, including but not limited to floodlights and wall packs, may not face ground floor residential uses.
- c. Security fixtures may not be substituted for parking area or walkway lighting and must be restricted to loading, storage, service, and similar locations.

**2. Accent Lighting**

Only lighting used to accent architectural features, landscaping, or art may be directed upward. The accent lighting fixture must be located, aimed, or shielded to minimize light spill and glare.

**3. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, automated teller machines, or similar facilities must use a full cutoff fixture with a lens cover flush with the bottom surface of the canopy or recessed within the canopy. Canopy area lighting area must be no greater than 30 footcandles under the canopy as measured horizontally at grade.

**4. Residential Entrances**

All entrances to residential buildings or multi use buildings with a residential component housing more than 4 units must be adequately lighted to ensure the safety of persons and the security of the building.

**5. Outdoor Recreation Lighting**

Lighting for outdoor recreation fields must be arranged to prevent direct glare onto any public or private property or streets. All outdoor playing field/court lighting is prohibited between the hours of 11:00 PM and 7:00 AM, unless other hours are specifically approved by the applicable review body.

**6. Commercial Businesses**

Lighting for commercial uses placed on or within a building is not restricted by this Section (Sec. 7.5.4) except that the provisions of Sec. 7.5.4.C.7 (below) must be satisfied.

**7. Excessive Illumination**

- a. Lighting may not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers, bicyclists, and pedestrians.
- b. Outdoor lighting provided for a conditional use must be directed, shielded, or screened to ensure the maximum illumination level at any property line abutting a detached house building type, not located in a Commercial/Residential or Employment zone, is no greater than 0.1 footcandle. Where this provision is in conflict with any other provision of this Code allowing greater light trespass, this provision will control.

**Sec. 7.5.5. Open Space Landscaping and Outdoor Lighting**

**A. Overview of Required Open Space Landscaping**

The following table provides an overview of the open space landscaping requirements.

Open Space Type	Farm Crops	Ornamental Planting	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Not Allowed	90%	<u>Allowed</u>
Common <u>Open Space</u>	Allowed	Allowed for community and recreation facilities	80%	20%
Public <u>Open</u> Space	Allowed in publicly accessible community garden	Allowed	10%	10%
<u>Amenity Open Space</u>	<u>Allowed</u>	Allowed	<u>10%</u>	<u>10%</u>



## B. Open Space Landscaping Requirements

### 1. General

Open space landscaping and lighting should be programmed into the site design in order to protect environmentally sensitive areas and address the needs of the proposed community for passive and active recreation.

### 2. Farming

Farming allowed in open space includes all farming uses defined in Sec. 3.2.6. and Sec. 3.2.9 and under the applicable use standards for each zone.

### 3. Ornamental Planting

While all landscaping is encouraged to contain native species only, ornamental planting with non-native plants is allowed in some open space types. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants are prohibited.

### 4. Permeable Area

The intent of permeable area is to provide some portion of each open space type that is not covered with impervious surfaces. All permeable area must be pervious, open to the sky, and covered with live plant materials or mulch. Permeable area also includes water bodies, bioretention areas, and other ESD stormwater facilities.

### 5. Tree Canopy

Tree canopy is intended to provide shade and relief from the heat island effect of paved areas. Tree canopy size is determined at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

### 6. Plant Distance from Paved Surface

All shrubs and trees must be located a minimum of 24 inches from center to any paved surface, except for street trees planted along sidewalks.

## C. Overview of Open Space Lighting

The following table provides an overview of the open space lighting requirements.

Open Space Type	Fixture Type	Use Restriction	Illumination at Property Line (max)
Rural Open Space	Not allowed	--	--
Common Open Space	Full or Partial Cut-Off	Allowed only for recreation facilities	0.1 fc
Public Open Space	Full or Partial Cut-Off	None	0.5 fc abutting nonresidential 0.1 fc abutting residential
Amenity Open Space	Full or Partial Cut-Off	None	0.5 fc abutting nonresidential 0.1 fc abutting residential

fc = footcandle

## Sec. 7.5.6. Parking Lot Landscaping and Lighting

### A. Applicability

This section applies to any surface parking lot with 10 or more spaces and to any structured parking facility.

### B. Surface Parking Area Requirements

#### 1. Landscaped Area

- a. A landscaped area of comprising a minimum of 5% of the total area of the surface parking lot must be provided in islands of not less than 100 contiguous square feet each. Where possible, existing trees should be protected and incorporated into the design of surface parking areas.
- b. A maximum of 20 parking spaces may be designed between islands.
- c. Landscaped area may be used for stormwater management ESD facilities.

## 2. Tree Canopy

Surface parking areas must maintain a minimum tree canopy of 25% at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended. Native species should be used.

## 3. Perimeter Planting

### a. Abutting Agricultural, Rural Residential, or Residential Detached Zoned Property that is Vacant or Improved with an Agricultural or Residential Use

- i. A perimeter planting area abutting residential property must be a minimum of 10 feet wide.
- ii. Each perimeter planting area must contain a hedge, fence, or wall a minimum of 6 feet high.
- iii. Canopy trees planted must be planted every 30 feet on center in the perimeter planting area.
- iv. 2 understory trees must be planted for every canopy tree in the perimeter planting area.
- v. Native species should be used.

### b. Abutting Any Other Zoned Property, Right-of-Way, or an Agricultural, Rural Residential, or Residential Detached Zoned Property not Subject to Sec. 7.5.6.B.3.a (above).

- i. A perimeter planting area abutting nonresidential property must be a minimum of 6 feet wide.
- ii. Each perimeter planting area must contain a hedge or low wall a minimum of 3 feet high.
- iii. Canopy trees planted must be planted every 30 feet on center in the perimeter planting area.
- iv. Native species should be used.
- v. Where a parking lot abuts another parking lot, no perimeter planting is required.

## 4. Lighting

Surface parking lot lighting must meet the standards of Sec. 7.5.4., General Lighting Requirements.

## C. Structured Parking Requirements

1. Green (living) walls are required along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
2. Illumination of top deck (roof) must meet the standards of Sec. 7.5.4., General Lighting Requirements, except that lighting fixtures within 30 feet of the deck perimeter must not exceed 15 feet in height and no fixture located on structured parking may exceed 30 feet in height.

## D. Interim Conditions

Parking lots that are constructed as an interim condition under an application with an approved phasing plan may deviate from this Section (Sec. 7.5.6) if the applicable review body finds that a compatible, safe, and efficient alternative is provided.

## Sec. 7.5.7. Buffering and Screening

### A. Applicability

1. Development for a permitted or limited use must provide a buffer under this Section (Sec. 7.5.7) for construction of any:
  - a. apartment/condo, multi use building, or general building type on a property abutting an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use;
  - b. any townhouse on a property abutting an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use; or
  - c. any multi use building over 40 feet in height or general building on a property abutting a Residential Multi-Unit zone that is vacant or improved with an agricultural or residential use.
2. Development for a conditional use on Agricultural, Rural Residential, or Residential Detached zoned land must provide a buffer under Sec. 7.5.7.C.9 along

each property line abutting an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use.

- a. This requirement may be exempted by the use standards for any particular conditional use.
- b. The Board of Appeals may increase the buffer width or amount of screening for a conditional use application under Sec. 8.3.1.

**B. Buffering and Screening Specifications**

**1. Location**

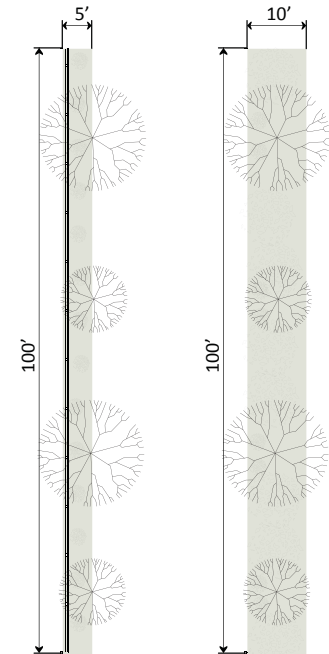
Buffering and screening may be placed within any setback required in **Article 59-4**. Where the required setback is less than the dimensions established for the building types in Sec. 7.5.7.C (below), the required width in this Section (Sec. 7.5.7) controls.

**2. Berms**

Berms must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 40%. Berms may meander and be discontinuous if the screening intent of this Section (Sec. 7.5.7) is met.

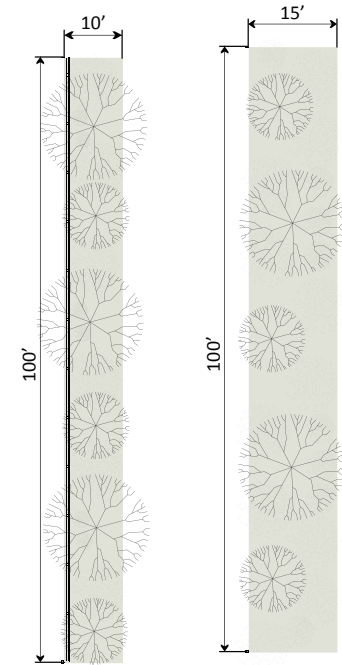
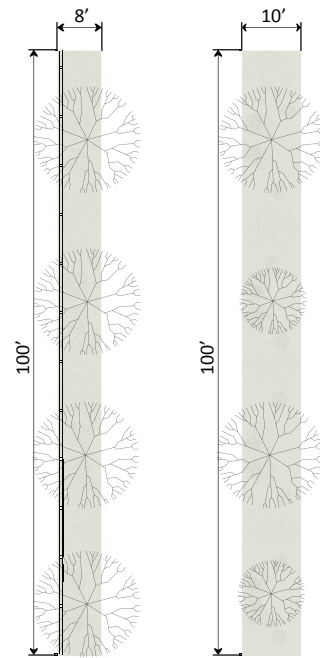
**C. Buffering and Screening Requirements by Building Type**

- 1. Buffering and screening is based on the proposed building type. The minimum requirements for each building type are set out below; however, additional planting is allowed.
- 2. Plant materials are specified per 100 linear feet of buffer. Any fractional requirements must be rounded up to the next higher whole number.
- 3. The applicant may choose between Option A and Option B depending on site characteristics.



**4. Townhouse**

	Option A	Option B
<b>Dimensions</b>		
Width (min)	5'	10'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	2
Shrubs (minimum per 100')		
Large	--	8
Medium	--	--
Small	16	8
Wall, Fence or Berm (min)	4' fence or wall	--

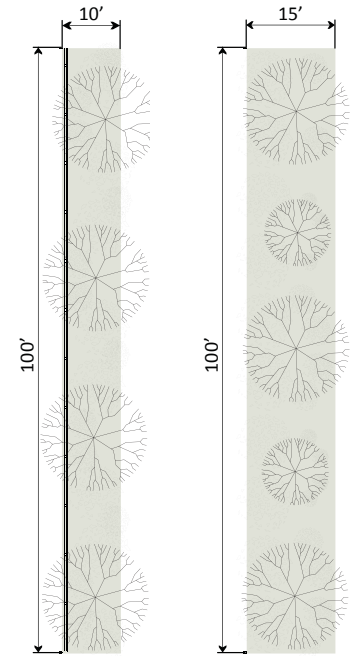
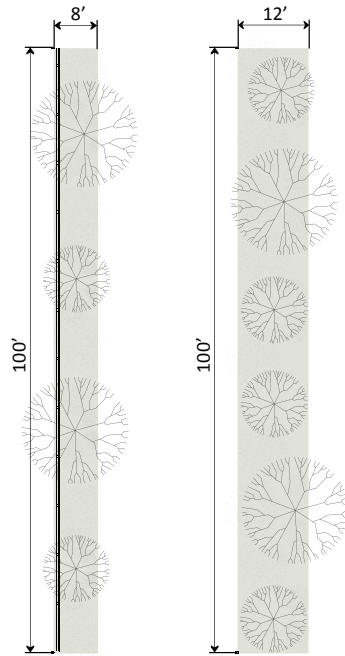


5. Apartment/Condo Up to 60 Feet in Height

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	10'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	4	2
Understory or Evergreen	--	2
Shrubs (minimum per 100')		
Large	8	4
Medium	8	8
Small	--	8
Wall, Fence or Berm <u>(min)</u>	4' fence or wall	--

6. Apartment/Condo Over 60 Feet in Height

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	10'	15'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	3	2
Understory or Evergreen	3	3
Shrubs (minimum per 100')		
Large	6	11
Medium	--	8
Small	6	--
Wall, Fence or Berm <u>(min)</u>	4' fence or wall	--

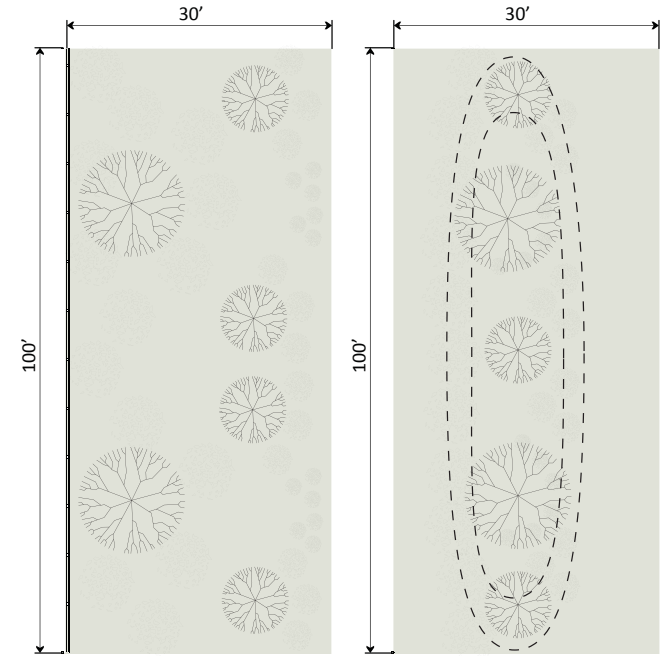
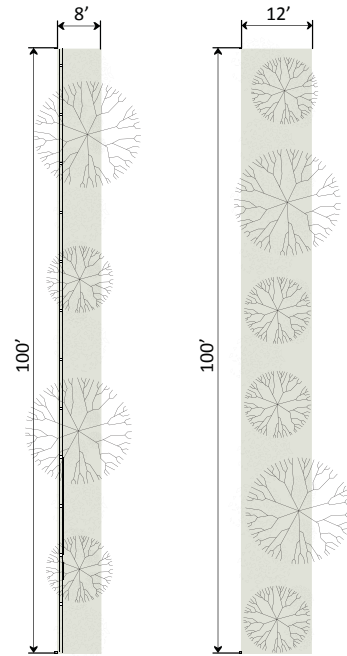


**7. Multi Use Building Up to 40 Feet in Height**

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm <u>(min)</u>	4' fence or wall	--

**8. Multi Use Building Over 40 Feet in Height**

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	10'	15'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	4	3
Understory or Evergreen	--	2
Shrubs (minimum per 100')		
Large	8	10
Medium	12	10
Small	--	12
Wall, Fence or Berm <u>(min)</u>	6' fence or wall	--



9. General Building with Non-Industrial Use or Conditional Use

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	8'	12'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm <u>(min)</u>	4' fence or wall	--

10. General Building with Industrial Use

	Option A	Option B
<b>Dimensions</b>		
Depth (min)	30'	30'
<b>Planting and Screening Requirements</b>		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	4	3
Shrubs (minimum per 100')		
Large	14	11
Medium	12	12
Small	12	12
Wall, Fence or Berm <u>(min)</u>	6' fence or wall	6' berm

### Sec. 7.5.8. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (Div. 7.5) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of the landscaping and lighting required under this Division (Div. 7.5).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. irregularly-shaped or sloped sites;
  - 2. properties abutting major roadways on multiple frontages;
  - 3. retained buildings or other site elements; or
  - 4. historic or environmental features.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied and environmental quality will be enhanced.

## Div. 7.6. Outdoor Display and Storage

### Sec. 7.6.1. Intent

The intent of this Division (Div. 7.6) is to regulate the size, location, height, and screening of all outdoor storage and display. The regulations are intended to protect the public safety, health, and welfare; to preserve the value of property; and to preserve and strengthen the character of communities.

### Sec. 7.6.2. Applicability

- A. The requirements of this Division (Div. 7.6) apply to any site where merchandise, materials, or equipment is stored outside of a completely enclosed building.
- B. Where merchandise, material, or equipment is stored outside of a completely enclosed building in an Agricultural or Rural Residential zone and the storage area lies more than 100 feet from any street right-of-way or property line, the provisions of this Division (Div. 7.6) do not apply.
- C. Where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted use are not subject to the provisions of this Division (Div. 7.6).

### Sec. 7.6.3. Design Standards

#### A. Outdoor Display

##### 1. Defined

- a. Outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, or similar vending machines is considered outdoor display.
- b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).
- c. Seasonal outdoor sales, as allowed under Article 59-3, is exempt from this Section (Sec. 7.6.3).

#### 2. Standards

Outdoor display is permitted with any nonresidential use following approval of the applicable plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.

- a. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. Propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight.
- b. Outdoor display may not impair the ability of pedestrians to use the sidewalk or parking areas.

#### B. Outdoor Storage

##### 1. Limited Outdoor Storage

##### a. Defined

Limited outdoor storage includes, but is not limited to:

- i. Overnight outdoor storage of vehicles awaiting repair;
- ii. Outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
- iii. Outdoor sales area for building supplies, garden supplies, or plants;
- iv. Outdoor storage of fleet vehicles; and
- v. Outdoor storage of vehicles, boats, recreational vehicles, or other similar vehicles at a storage facility.

##### b. Standards

Limited outdoor storage is allowed when it is accessory to an allowed use following approval of the applicable plan illustrating the extent of the permitted area for limited outdoor storage.



**2. General Outdoor Storage**

**a. Defined**

General outdoor storage includes, but is not limited to, materials associated with industrial uses such as equipment, lumber, pipe, steel, salvage, or recycled materials.

**b. Standards**

General outdoor storage is permitted provided it meets the following standards:

**i. In the Industrial Zones:**

- (a) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.7.C.10.**

**ii. In all Other Zones:**

- (a) Approval of the applicable plan illustrating the extent of the permitted area for general outdoor storage.
- (b) The property must front on and have direct access to a road built to primary or higher standards.
- (c) The minimum area of the property must be 5 acres if abutting a Residential zone.
- (d) The minimum setback from any property line must be 50 feet.
- (e) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.7.C.10.**

alternative method meets or exceeds the quality of outdoor storage and display required under this Division (Div. 7.7).

- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  - 1. irregularly-shaped sites;
  - 2. properties abutting major roadways on multiple frontages; or
  - 3. retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.

**Sec. 7.6.4. Alternative Compliance**

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (**Div. 7.6**) where site conditions or design criteria prove extensively limiting to the success of the project and the

## Div. 7.7. Signs

### Sec. 7.7.1. Purpose and Intent

The purpose of this Division (Div. 7.7) is to regulate the size, location, height, and construction of all signs placed for public view. The regulations are intended to protect the public safety, health, comfort, and welfare; to preserve the value of property; to preserve and strengthen the ambiance and character of the various communities; and, where applicable, to implement the recommendations of an urban renewal plan adopted under Chapter 56. It is the intent of this Division (Div. 7.7) to:

- A. encourage the effective use of signs;
- B. maintain and enhance the aesthetic environment of the County while avoiding visual clutter;
- C. promote the use of signs to identify buildings and geographic areas;
- D. improve pedestrian and vehicle traffic safety;
- E. promote the compatibility of signs with the surrounding land uses;
- F. promote the economic development and marketing of businesses located within an approved urban renewal area;
- G. provide increased flexibility in the number, size, location, design, and operating characteristics of signs for optional method development in an approved urban renewal area; and
- H. implement the recommendations of an approved urban renewal plan.

### Sec. 7.7.2. Applicability

- A. A permit must be obtained under this Division when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by Sec. 7.7.3, Exempt Signs, Sec. 7.7.11, Limited Duration signs, and Sec. 7.7.12, Temporary Signs.
- B. A sign must be maintained in good repair and in a safe condition. Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan.

- C. Any sign not listed in this Article (Article 59-7) or which does not conform to the requirements in this Article must obtain a variance from DPS.

### Sec. 7.7.3. Exempt Signs

The following signs are exempt from the requirements of this Division (Div. 7.7):

- A. The following signs on private property do not require a permit and are exempt from the requirements of this Division when the area of the sign is 2 square feet or less:
  1. A sign on private property customarily associated with residential living or decoration.
  2. A sign that is part of a mailbox or newspaper tube and conforms with government regulations.
  3. A sign warning the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk pursuant to an approved franchise agreement.
- C. The following signs do not require a permit and are exempt from the size, placement and number requirements of this Division, but must comply with the prohibitions contained in Sec. 7.7.4., Prohibited Signs.
  1. A sign which is not visible beyond the property lines of the property where the sign is located.
  2. A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.
  3. Any sign required to be displayed by law or regulation.
  4. A flag which is displayed on a flagpole.
  5. A sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure like a cornerstone, memorial, plaque, or historical marker.
  6. A sign that is an integral part of a dispensing mechanism, like a beverage machine, newspaper rack, or gasoline pump.

7. Any adornments or seasonal decorations.
- D. A sign or inflatable device that is located in an urban renewal area that is within an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for no longer than thirty days; and includes more than 1,500 square feet of surface area, is exempt from the following:
1. The prohibition on animal forms in [Sec. 7.7.4.](#), Prohibited Signs;
  2. The size, height and area limitations in this Division (Div. 7.7);
  3. The prohibition on roof signs in [Sec. 7.7.4.](#), Prohibited Signs; and
  4. The prohibition on signs in the public right-of-way in [Sec. 7.7.4.](#), Prohibited Signs, if constructed 20 feet or more above the public right-of-way.

#### **Sec. 7.7.4. Prohibited Signs**

Any sign not authorized in this Division (Div. 7.7) is prohibited. The following signs are specifically prohibited and may not be erected or retained. The Sign Review Board may not grant a variance permitting their erection, installation, or maintenance. A prohibited sign erected after December 8, 1997, must be removed within 24 hours of notification by DPS that the sign must be removed.

##### **A. Obscene Sign**

A sign may not contain obscene statements, words, or depictions that are construed to offend public morals or decency.

##### **B. Roof Sign**

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign may not be painted on the roof of a building, or supported by poles, uprights or braces extending from or attached to the roof of a building, or project above the roof of a building. A wall sign is not a roof sign, and for the purposes of this Division (Div. 7.7) a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment like heating, ventilating and air conditioning units, elevator shafts, and stairs located on a roof also are considered wall space.

##### **C. Obstructive Sign**

A sign may not be placed in a location that obstructs the view of traffic signs, traffic signals, oncoming traffic, pedestrians, or in any way interferes with the placement or function of any traffic control device as determined by the appropriate transportation jurisdiction.

##### **D. Unsafe Sign**

Any sign determined by DPS to create a safety hazard due to structural or electrical conditions, or by reason of inadequate maintenance, may not be erected or retained. A sign that has become unsafe after erection must be repaired to meet safety requirements or removed within 30 days of notice of the unsafe condition.

##### **E. Moved by the Wind**

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign in the form of a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device that will move in the wind or moved manually may not be placed on a lot or parcel, except if the sign satisfies [Sec. 7.7.3.](#), Exempt Signs.

##### **F. Sign in the Public Right-of-Way**

Signs in the right-of-way are prohibited, except for the following:

1. Any sign erected by a government agency or utility company in the performance of its public duties.
2. Any sign erected by the appropriate transportation jurisdiction in its right-of-way.
3. Any permanent sign expressly allowed to be located in the public right-of-way in this Division (Div. 7.7), where:
  - a. The sign is approved by the Sign Review Board; and
  - b. The appropriate transportation jurisdiction issues a permit after approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.
4. A limited duration sign that satisfies the requirements of this Division (Div. 7.7).

- 5. A sign approved as part of a sign concept plan for an optional method development project within an urban renewal area.

**G. Sign Attached to the Property of Others**

A sign may not be attached or affixed to a structure or property such as a fence, wall, antenna, other sign, tree or other vegetation, or to any public structure such as a utility pole, without permission of the owner.

**H. Abandoned or Obsolete Sign**

A permanent sign, including the structural supports and electrical connections, that was legally erected as a location sign, but the building has not been used for 6 months or more, is considered abandoned. A sign at a seasonal site is considered abandoned or obsolete only if the site remains unused for 12 months.

**I. Off-Site Sign**

Off-site signs are prohibited.

**Sec. 7.7.5. Measurements**

The following standards are used to measure the area of a sign regulated by this Division (Div. 7.7).

**A. Generally**

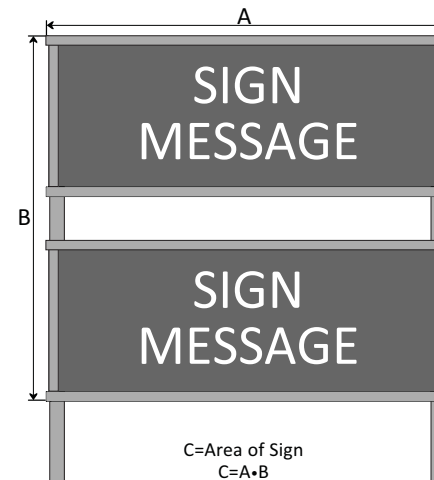
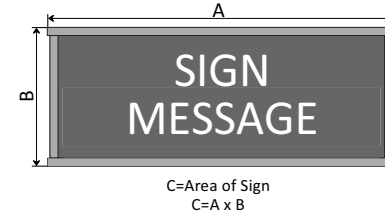
The sign area is the entire portion of the sign that can be enclosed within a single continuous rectangle. The area includes the extreme limits of the letters, figures, designs and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

**B. Supports**

The structure which supports a sign is not included in measuring the sign area unless the structure is designated and used as an integral part of the display. A support having a perimeter larger than 4 feet at the widest point, is an integral part of the display.

**C. Multiple Sections**

The area of a sign that consists of more than one section includes the space between the sections, plus the measurement of the sections of the sign.



**D. Multiple Planes**

The area of a sign with more than one face or plane, including a 3 dimensional sign, is measured as follows:

**1. Generally**

All sides of a sign that can be seen at any one time from one vantage point outside the property line of the site where the sign is located are included in the computation of sign area.

**2. Parallel Faces**

Only the larger of 2 sides is measured if the sides are double faced or back to back. The 2 planes must be parallel and less than 2 feet apart. For parallel signs 2 feet or greater apart, the sum of all the planes or sides will be used in the computation of the sign area.

**3. "V" Shaped**

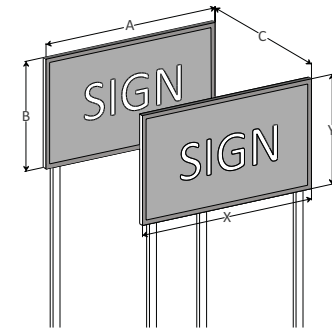
The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between the sides is greater than 5 feet, the sum of all the planes will be used in the computation of the sign area unless the applicant demonstrates that only one side of the sign will be visible from any single vantage point outside the property line of the site.

**4. 3 Dimensional**

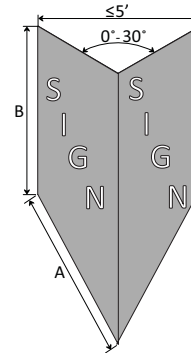
Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located.



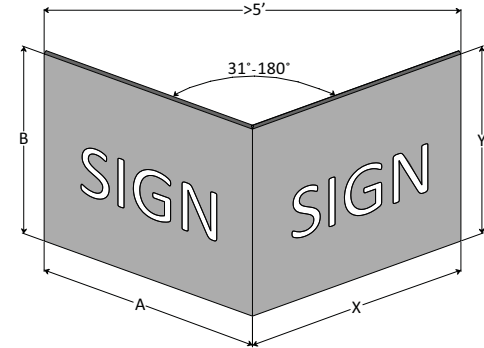
Sign Area = (X•Y) + (A•B)



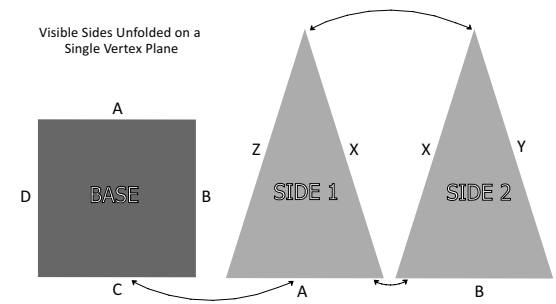
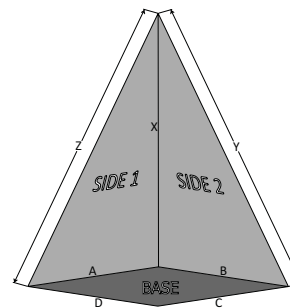
Sign Area = A•B if C < 2'  
Sign Area = (A•B) + (X•Y) if C ≥ 2'



Sign Area = One Face  
Sign Area = A•B



Sign Area = Total of Both Faces  
Sign Area = (A•B) + (X•Y)



Sign Area = Side 1 + Side 2 + Base Area

### Sec. 7.7.6. Permanent Signs, In General

Permanent signs are those which are intended to remain posted indefinitely. A permanent sign must obtain a permit and may require a building permit or electrical permit due to its physical characteristics.

#### A. Sign Area

1. Unless otherwise provided in this Division (Div. 7.7), the total sign area of all permanent signs on any lot or parcel must not exceed the maximum sign area allocated for the zone in which the sign is located.
2. Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet.

#### B. Sign Placement

1. Setbacks are measured from the portion of the sign nearest to the property line.
2. Height is measured from the portion of the sign which is vertically the farthest from the ground.
3. Unless otherwise provided in this Division (Div. 7.7), no portion of a sign must:
  - a. Be erected in a manner that places the top of the sign more than 26 feet above the ground, except for a location sign erected that satisfies the standards in [Sec. 7.7.3.D](#);
  - b. Extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in [Sec. 7.7.9.A.3](#) for canopy signs; and
  - c. Obstruct any building aperture, such as a window, door, ventilation opening, or fire prevention device.

#### C. Building and Electrical Permits

A permanent sign erected under this Division (Div. 7.7) must comply with the building and construction requirements of [Chapter 8](#) and the electrical requirements of [Chapter 17](#).

#### D. Color

1. A sign must not use any color combination that may be confused with a traffic sign or signal.
2. In order for the sign back or non-display side of a sign to be excluded from consideration as sign area, it must be a single neutral color where visible from outside the property lines of the site.

#### E. Illumination

When illumination of a sign is permitted, it must comply with each of the following restrictions:

1. An electrical permit must be obtained under [Chapter 17](#);
2. Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line;
3. A sign must not be illuminated in a pattern or lighting combination that resembles a traffic signal;
4. A sign must not contain or be illuminated by flashing, revolving or intermittent lights, or lights of changing intensity; and
5. Any sign on a lot or parcel within 150 feet of a residential use must be illuminated only during the hours the entity is open for public business, unless the applicant demonstrates that the sign is located so that no adverse impact will affect the residential use.

#### F. Structural Limitations

A sign must comply with each of the following structural requirements.

1. A sign must not be shaped like a traffic sign or traffic signal, or use wording similar to traffic signals, or interfere with traffic safety.
2. A sign must not be shaped to resemble any human or animal form, but must conform to a geometric shape.
3. A sign must not be wind activated.
4. A sign must not have moving parts.
5. Signs that have characters which are changed manually or electronically must not be changed more than once each day. This includes a sign that

gives the appearance or illusion of movement for a written or printed message.

## G. Historic Preservation Area

A sign erected in an historic preservation area must comply with the following criteria:

1. DPS must verify that the historic site or area is designated in the Montgomery County Master Plan for Historic Preservation.
2. Before considering a sign permit application, DPS must verify that the applicant has received a historic area work permit under the provisions of **Chapter 24A**.
3. DPS must consider the following information in issuing a sign permit:
  - a. Size, shape, color, lettering, and location of the sign;
  - b. Compatibility of the sign with the surrounding property, other signs in the area, and the historic nature of the area; and,
  - c. the approval of the Historic Preservation Commission. No sign permit may be issued unless the applicant has received a historic area work permit from the Historic Preservation Commission.

## H. Permanent Sign Standards By Zone

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed as allowed in a specific zone or which does not conform to the requirements listed in this Section (Sec. 7.7.6) or the applicable zone must obtain a variance from DPS.

### Sec. 7.7.7. Agricultural and Rural Residential Zones

#### A. Base Sign Area

The total area of all permanent signs in the Agricultural and Rural Residential zones must not exceed 200 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.7).

##### 1. Freestanding Sign

- a. One freestanding sign may be erected at each building or driveway entrance.

- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 10 feet from the property line.
- d. The sign must not exceed 10 feet in height.
- e. Illumination is prohibited.

##### 2. Wall Sign

- a. One wall sign is allowed.
- b. The sign area must not exceed 40 square feet.
- c. The sign must not be placed more than 26 feet above the ground.
- d. Illumination is prohibited.

## B. Additional Sign Area

### 1. Entrance Sign

In addition to the 200 square feet of total sign area, an additional location sign is allowed for a lot or parcel larger than 5 acres, if it meets the following requirements:

- a. One entrance sign is allowed at each entrance to the lot or parcel.
- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 10 feet from the property line.
- d. The sign must not exceed 26 feet in height.
- e. The sign may be illuminated (see **Sec. 7.7.6.E.**).

### Sec. 7.7.8. Residential Zones

#### A. Base Sign Area

The total area of all permanent signs in a Residential zone must not exceed 2 square feet, unless additional area is permitted under this Division.

##### 1. Freestanding Sign

- a. One freestanding sign is allowed.
- b. The sign must be set back a minimum of 5 feet from the property line.
- c. The maximum height of the sign is 5 feet.
- d. Illumination is prohibited.

## 2. Wall Sign

- a. One wall sign is allowed.
- b. The sign can be placed a maximum of 5 feet above the ground.
- c. Illumination is prohibited.

## B. Additional Sign Area

### 1. Subdivision and Multifamily Development Location Sign

Additional sign area is allowed for a permanent location sign erected at any entrance to a subdivision or multifamily development if the sign is a ground sign or wall sign located at an entrance to the subdivision or building.

- a. 2 signs are allowed for each entrance.
- b. The sign area must not exceed 40 square feet per sign.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. The sign must not exceed 26 feet in height.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

### 2. Place of Assembly Location Sign

Additional sign area is allowed for a permanent location sign for any place of assembly. The sign must be a ground sign or a wall sign located at an entrance to the building or driveway.

- a. 2 signs are allowed at each entrance.
- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
  - i. The sign must not exceed 26 feet in height.
  - ii. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## Sec. 7.7.9. Commercial/Residential, Employment, and Industrial Zones

### A. Base Sign Area

The total area of all permanent signs in a Commercial/Residential, Employment, or Industrial zone must not exceed 800 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.7), without submitting a sign concept plan to DPS. The maximum sign area for an individual sign in these zones is 200 square feet.

#### 1. Freestanding Sign

- a. One sign is allowed at each customer entrance to the building or driveway.
- b. The maximum sign area for a lot or parcel is 2 square feet for each linear foot of frontage.
  - i. Where a lot or parcel has frontage on more than one street, signs may be erected facing each street, or may be erected at a location which allows it to be seen along each street on which the site has frontage.
  - ii. For a lot that has less than 50 feet of frontage, the sign area is based on the length of the lot line closest to the street toward which the sign is to be oriented. The applicant is restricted to using only one street and the property line closest to that street.
- c. A sign must be set back at least  $\frac{1}{4}$  of the distance required for the building restriction setback as determined by the Code for the zone.
- d. The sign must not exceed the height of the tallest building on the same premises as the sign, and must not exceed 26 feet above the ground.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

#### 2. Wall Sign

- a. One sign is allowed for each customer entrance. A customer entrance includes, but is not limited to, a direct outside entrance to a shop or store, and a direct outside entrance to an enclosed mall or shopping center.



- b. The maximum sign area is 2 square feet for each linear foot of building frontage. A shop or store with an outside entrance is considered to have its own building frontage, which is the front width of the portion of the building occupied for that use. A dimension must not be counted more than once as a building frontage.
- c. No sign or supporting structure of a flat wall sign may extend more than 12 inches from the wall.
- d. A projecting wall sign may project 42 inches from the building, but not closer than 8 feet to a curb line. The sign may not project over a public right-of-way except where there is no building setback.
- e. The sign may not exceed 26 feet in height and must meet the following standards:
  - i. The sign may not extend above any portion of the roof or be placed upon any roof surface;
  - ii. A sign that projects over a public right-of-way or public ingress or egress must have a minimum clearance above the ground of 10 feet for a sign that projects over a pedestrian walkway and 18 feet for a sign that projects over a street or driveway.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

### 3. Canopy Sign

- a. The maximum canopy sign area is 2 square feet for each linear foot of building frontage, not to exceed 200 square feet. Excluding lighting internal to the canopy which has the sole purpose of lighting the customer area for service or safety, the sign area of an illuminated canopy sign is calculated as the total illuminated surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located.
- b. The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.
- c. The height of the sign is determined by the building permit requirements for the canopy and must not exceed 26 feet in height. If no building

permit is required, the height limits are the same as those of a projecting wall sign.

- d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

## B. Additional Sign Area

### 1. Location Sign

Additional sign area is allowed for a permanent location sign erected at an entrance to a building or a development provided that the sign is a ground sign or flat wall sign located at the entrance. The sign must meet the following requirements:

- a. A sign may be placed on each face of the building that has building frontage and at each customer entrance to the building and parking area.
- b. The sign area may not exceed 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A location sign erected as a ground sign must meet the setback restrictions for a freestanding sign, and a location sign erected as a wall sign must comply with the requirements for a wall sign.
- d. The sign may be placed on a wall more than 26 feet from the ground provided that it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.
- e. An entrance sign that is a freestanding location sign must not be placed within 100 feet of another freestanding sign. A wall location sign at an entrance must not be placed within 30 feet of another wall sign.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

### 2. Freestanding Sign for Sites Larger than 5 Acres

Additional sign area is allowed for a freestanding sign erected at any driveway entrance to an industrial or commercial center that is larger than 5 acres. The sign must meet the following requirements:

- a. 2 signs per customer entrance are allowed.
- b. The sign area must not exceed 200 square feet per sign.

- c. A sign must be set back at least  $\frac{1}{4}$  of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.
- d. A sign may not exceed 26 feet in height.
- e. Each sign or pair of signs must be placed at least 200 feet from another sign or pair of signs.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#))

### Sec. 7.7.10. Urban Renewal Areas

- A. Any permanent sign located in an approved urban renewal area as part of an optional method development project need not conform to the Design Elements and Limitations of this Division (Div. 7.7) where the Sign Review Board approves the sign as part of a sign concept plan.
- B. Before approving any sign concept plan under this Section, the Sign Review Board must hold a public hearing on the sign concept plan in the Urban Renewal Area, after giving 30 days notice and verifying that the applicant has complied with all applicable variance notice requirements.

### Sec. 7.7.11. Limited Duration Signs

#### A. Permit Requirements

- 1. A permit is not required for a limited duration sign on private property. A permit application must be filed for each sign to be placed in the public right-of-way.
- 2. When a permit is required, a limited duration sign is subject to the following provisions:
  - a. The sign must not be constructed in a manner that requires a building or electrical permit.
  - b. Each sign approved by a permit must display and have affixed to the sign information in a format as required by DPS, including the date of expiration of the permit.
  - c. A permit is issued for one year and may be renewed annually.
  - d. A limited duration sign is allowed in any zone.

- e. A limited duration sign may be relocated upon approval by the DPS.

#### B. Permit Applications

- 1. One sign is allowed per permit up to a maximum of 4 permits per applicant. DPS may consider each business location as a separate applicant, however the sign placement may not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
- 2. An application for a limitation duration sign permit must include:
  - a. A description of the sign indicating the number, size, shape, dimensions, and colors of the signs, and the time and day of the week during which the sign will be displayed;
  - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets; and
  - c. Other information required by the DPS to ensure compliance with this Division (Div. 7.7) and other Sections of the Code.

#### C. General Requirements for Limited Duration Signs on Private Property

- 1. The number of signs, area and placement restrictions allowed are the same as for a temporary sign in the zone in which the sign is erected. However, in residential zones, the total sign area of limited duration signs must not exceed 10 square feet.
- 2. Any sign erected on private property must have the written permission of the property owner.

#### D. Requirements for Limited Duration Sign in the Public Right-of-Way

- 1. The sign area for each sign may not exceed 5 square feet.
- 2. No sign may be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
- 3. The sign must be placed at least 50 feet from any driveway, entrance, or traffic control signal, and at least 5 feet from any other limited duration sign within the public right-of-way.
- 4. The sign must be placed at least 100 feet from a street intersection.

5. The nearest edge of a sign must be a minimum of 2 feet from a curb or, if no curb exists, a minimum of 6 feet from the edge of the roadway or street.
6. The sign may not be placed on a median strip or highway divider. If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.
7. The maximum height of the sign is 30 inches above the ground.
8. The sign must have its own means of support which is affixed to the ground. The sign installer or permit holder is responsible for complying with utility restrictions for excavating or driving a support into the ground.
9. The signs must be erected either only on weekends and National Holidays; or for no more than 14 consecutive days during any 6-month period.

### Sec. 7.7.12. Temporary Signs

#### A. Generally

A permit is not required for a temporary sign and there is no limit to the number of temporary signs that may be displayed.

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must conform to the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. The absence of this information makes the sign a permanent or limited duration sign and subject to the applicable provisions of this Division (Div. 7.7).

#### B. Requirements by Zone

The following requirements apply in the zones specified:

##### 1. Agricultural and Rural Residential Zones

The area of each temporary sign may not exceed 40 square feet and the total sign area must not exceed 100 square feet.

##### 2. Residential Zones

Total sign area may not exceed 10 square feet. However, the total sign area at any place of assembly may not exceed 50 square feet.

### 3. Commercial/Residential, Employment, and Industrial Zones

- a. The maximum sign area of each sign is 50 square feet and the total sign area may not exceed 100 square feet.
- b. Temporary window signs are subject to the following additional requirements:
  - i. The total area of temporary window signs may not exceed 20% of the window glass area for each side of the building, minus the area of any permanent window signs.
  - ii. Signs may be placed in any window provided they are in conformance with the general rules of sign placement stated in **Sec. 7.7.6.B.**
  - iii. The sign may be illuminated.

### Sec. 7.7.13. Alternative Compliance

- A. The applicable review body may approve an alternative method of compliance with the requirements of this Division (**Div. 7.7**) where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the quality of signage required under this Division (Div. 7.6).
- B. Site conditions that may be considered extensively limiting include, but are not limited to:
  1. irregularly-shaped sites;
  2. properties abutting major roadways on multiple frontages; or
  3. retained buildings or other site elements.
- C. Justification for the alternative method must be submitted to illustrate the intent of the regulations will be satisfied.