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Text Edit Key

Green text indicates changes made by the PHED committee

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Division 4.1. Rules for All Zones

Section 4.1.1. Development Options

[There are 2 types of development options: standard method and optional method. Standard method development is governed by standards that are set by the Chapter.] An applicant may always choose to develop under the standard method of development; in some zones and under certain circumstances, an applicant may choose the optional method of development. Optional method development may allow more density and greater flexibility than is allowed under the standard method and generally requires more discretionary review.

A. Standard Method (see Division [Div.] 4.2 through Division [Div.] 4.8)

The standard method of development [provides the basic framework for development. Development] of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) under Chapter 25A. A project providing more than 12.5% MPDUs or a project with less than 20 units that provides 12.5% MPDUs is an optional method of development project.

B. Optional Method (see Division [Div.] 6.1 through Division [Div.] 6.6)

The optional methods of development [contain alternative] include requirements for the zones in which the method is allowed. [The following zones provide an] An optional method of development is allowed in the following zones: RC, RNC, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRT, CR, LSC, and EOF.

Section 4.1.2. Compliance Required

[A.] Land may be used and a structure may be erected, moved, structurally altered, added to, enlarged, or used, only as allowed under the uses, use standards, and development standards [prescribed by] in the zone in which the land or structure is located. [This] Section 4.1.2 does not, however, prohibit the use of any land for exclusively agricultural purposes.

[B. Unless otherwise specified, every new building must be located on a lot; and, except as allowed in this Chapter or Chapter 50, only one detached house is allowed per lot.]

Section 4.1.3. Building Types in the Agricultural, Rural Residential, and Residential Zones

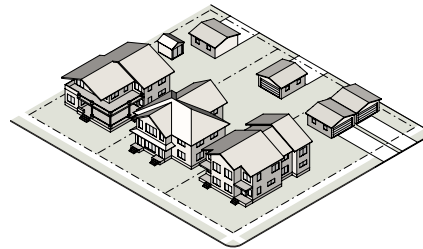
Building types [are established to] regulate the form of development allowed within each zone. [Uses allowed within any building type are determined by the uses allowed within the zone under Sec. 3.1.6; the building type does not determine use,] The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



A. Detached House

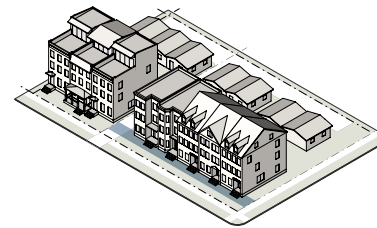
A [detached house](#) is a building containing one dwelling unit [. A detached house] [that](#) may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. An existing detached house building type may be used entirely for a nonresidential use if:

1. The detached house is a minimum of 3 years old when an applicant files for a use-and-occupancy permit for the nonresidential use;
2. Expansions of the existing detached house are limited to a maximum of 500 square feet and restricted to improvements required by the Fire Marshall or ADA regulations; and
3. The building and site retain the exterior appearance of a detached house;
4. Parking and parking setbacks are accommodated on-site.



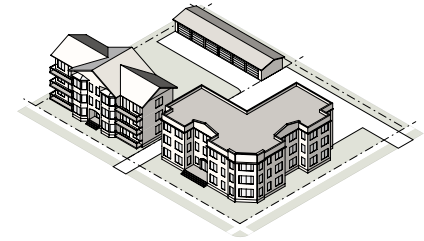
B. Duplex

A [duplex](#) is a building containing 2 principal dwelling units[. A duplex] [that](#) may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



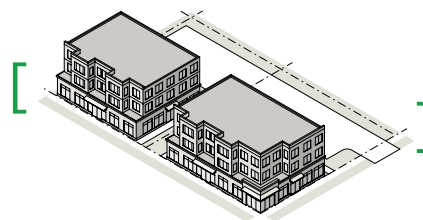
C. Townhouse

A [townhouse](#) is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



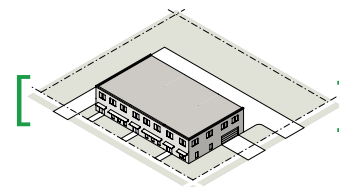
D. Apartment[Condo]

[A] An [Apartment](#) is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment[Condo] may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



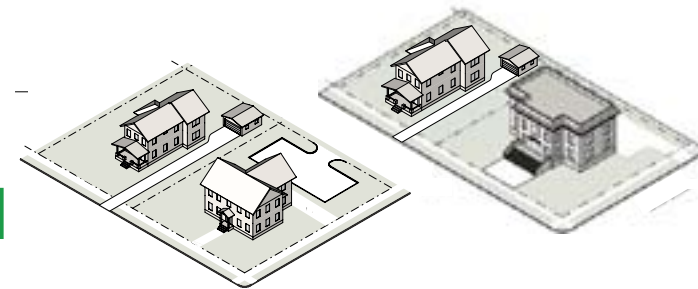
E. Multi Use Building

A building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.]



F. General Building

A building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses. When a general building is approved for a limited or conditional use in a Residential Detached zone, the building and site design must, to the maximum extent practicable, have the exterior appearance of a detached house.]



E. Nonresidential Building

A nonresidential building is a building that accommodates only the permitted, limited, and conditional uses allowed in the applicable zone under Article 59-3, Uses and Use Standards. A nonresidential building has limits on FAR, larger setbacks, parking restrictions, and may have additional screening requirements.

Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones

In the Agricultural, Rural Residential, and Residential zones, [Building] building types are allowed by zone as follows:

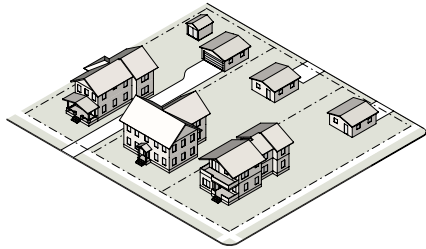


	Detached House	Duplex	Townhouse	Apartment/[Condo]	[Multi Use Building]	[General] Nonresidential Building
Agricultural Zone						
Agricultural Reserve (AR)	A	--	--	--	[--]	A
Rural Residential Zones						
Rural (R)	A	--	--	--	[--]	A
Rural Cluster (RC)	A	--	--	--	[--]	A
Rural Neighborhood Cluster (RNC)	A	A	A	--	[--]	A
Residential Detached Zones						
Residential Estate - 2 (RE-2)	A	[--] TDR	[--] TDR	[--] TDR	[--]	A
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--	[--]	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	[--]	A
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	[--] TDR	[--]	A
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	[--] TDR	[--]	A
Residential - 60 (R-60)	A	MPDU, CD, TDR	MPDU, CD, TDR	[--] TDR	[--]	A
Residential - 40 (R-40)	A	A	MPDU	--	[--]	A
Residential Townhouse Zones						
Townhouse Low Density (TLD)	A	A	A	--	[--]	A
Townhouse Medium Density (TMD)	A	A	A	--	[--]	A
Townhouse High Density (THD)	A	A	A	--	[--]	A
Residential Multi-Unit Zones						
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A	[--]	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A	[--]	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A	[--]	A
[Commercial/Residential Zones]						
[CR Neighborhood (CRN)]	A	A	A	A	A	A
[CR Town (CRT)]	A	A	A	A	A	A
[CR (CR)]	A	A	A	A	A	A
[Employment Zones]						
[General Retail (GR)]	A	A	A	A	A	A
[Neighborhood Retail (NR)]	A	A	A	A	A	A
[Life Science Center (LSC)]	A	A	A	A	A	A
[Employment Office (EOF)]	A	A	A	A	A	A
[Industrial Zones]						
[Light Industrial (IL)]	--	--	--	--	A	A
[Moderate Industrial (IM)]	--	--	--	--	A	A
[Heavy Industrial (IH)]	--	--	--	--	A	A
[Overlay Zone]						
[Transferable Development Rights (TDR)]	TDR	TDR	TDR	TDR	--	[--]

KEY : A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an optional method Cluster Development [under Division 6.2](#)
 MPDU = Allowed as part of an optional method MPDU Development [under Division 6.1](#) TDR = Allowed [in a TDR Overlay zone](#) as part of optional method TDR Development [under Division 6.3](#)

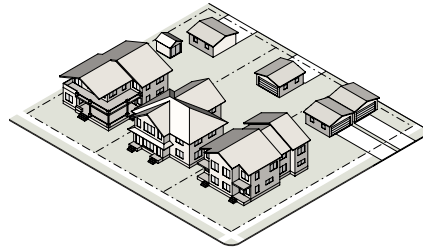
Section 4.1.5. **Building Types in the Commercial/Residential, Employment, and Industrial Zones**

Building types regulate the form of development allowed within each zone. The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



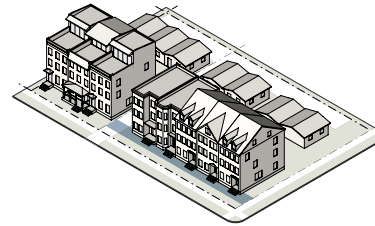
A. Detached House

A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



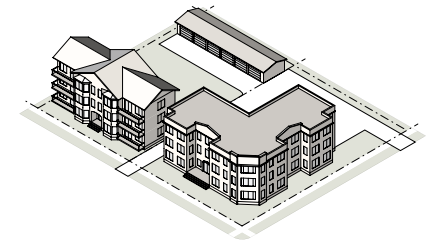
B. Duplex

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



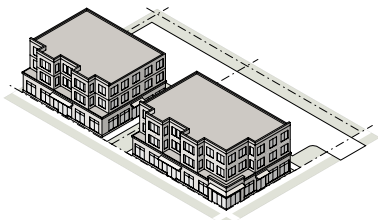
C. Townhouse

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



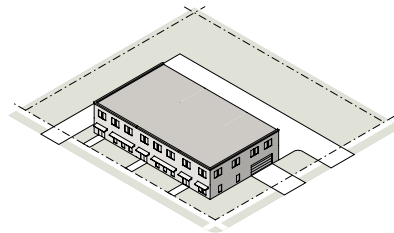
D. Apartment

An apartment is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



E. Multi Use Building

A multi use building is a building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.

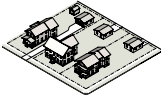
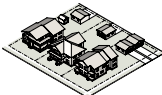


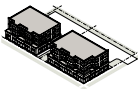
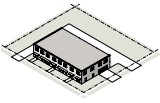


F. General Building

A general building is a building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses.

Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones

In the Commercial/Residential, Employment, and Industrial zones, building types are allowed by zone as follows:

	 <u>Detached House</u>	 <u>Duplex</u>	 <u>Townhouse</u>	 <u>Apartment</u>	 <u>Multi Use Building</u>	 <u>General Building</u>
Commercial/Residential Zones						
<u>CR Neighborhood (CRN)</u>	A	A	A	A	A	A
<u>CR Town (CRT)</u>	A	A	A	A	A	A
<u>CR (CR)</u>	A	A	A	A	A	A
Employment Zones						
<u>General Retail (GR)</u>	A	A	A	A	A	A
<u>Neighborhood Retail (NR)</u>	A	A	A	A	A	A
<u>Life Science Center (LSC)</u>	A	A	A	A	A	A
<u>Employment Office (EOF)</u>	A	A	A	A	A	A
Industrial Zones						
<u>Light Industrial (IL)</u>	--	--	--	--	A	A
<u>Moderate Industrial (IM)</u>	--	--	--	--	A	A
<u>Heavy Industrial (IH)</u>	--	--	--	--	A	A

KEY : A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

Section 4.1.7. [4.1.5] Measurement and Exceptions

The rules in [Section 4.1.7 \[Sec. 4.1.5\]](#) apply to all zones unless [\[expressly\]](#) stated otherwise.

A. Area, Lot, and Density

1. Tract

A tract is a contiguous area of land, including all proposed and existing rights-of-way, lots, parcels, and other land dedicated by the owner or a predecessor in title. A tract does not include land conveyed for consideration.

2. Site

A site is an area of land including all existing and proposed lots and parcels in one application, except proposed and previous dedications and rights-of-way.

[B. Lot and Density]

3. [1.] Lot

A lot is a contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.

4. [2.] Lot Area

The lot area is the geographic extent defined by lot boundaries

5. [3.] Lot Width

a. At the Front Lot Line

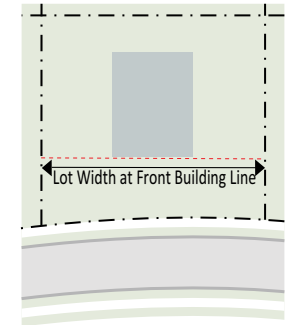
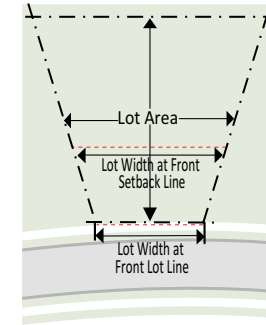
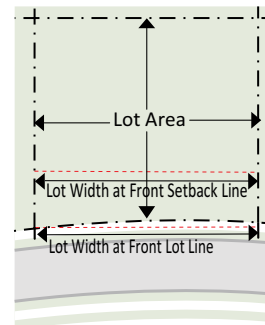
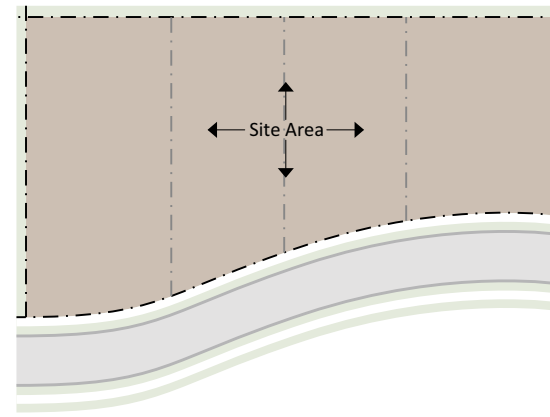
The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line.

b. At the Front Setback Line

The lot width at the front setback line is measured between the side lot lines, at the front setback line, along a straight line.

c. At the Front Building Line

The lot width at the front building line is measured between the side lot lines, at the front edge of the building, along a straight line.



[4.] Density

d. Units per Acre

For the detached house, duplex, townhouse, and apartment/[condo] building types in the Agricultural, Rural Residential, and Residential zones, the maximum permitted density is measured by the number of dwelling units allowed per lot area, site, or usable area.

e. Floor Area Ratio (FAR)

In the Commercial/Residential, Employment, and Industrial zones, the maximum permitted density is measured as FAR. For the [general] nonresidential building type in the Agricultural, Rural Residential, and Residential zones, the maximum permitted density is measured as FAR.

B. [C.] Placement

1. [Building] Structure Setbacks

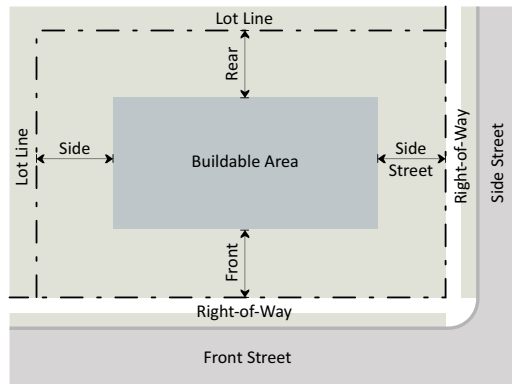
a. Defined

A [building] structure setback is the minimum distance that a [principal building](#) or [accessory structure](#) must be [set back] [located](#) from a specified lot line or right-of-way.

b. Measurement of Setbacks

There are front, side street, side, and rear setbacks. Through lots have 2 front setbacks. A lot abutting an alley is not a through lot.

- i. The front setback is measured from the front lot line [to a structure](#).
- ii. The side street setback is measured from the side street lot line [to a structure](#).
- iii. The side setback is measured from the side interior lot line [to a structure](#).
- iv. The rear setback is measured from the rear lot line [to a structure](#).
- v. Where a setback is expressed as 2 numbers separated by "or" (such as 4' or 20'), a property owner may build either to the lesser setback, or no closer to the lot line than the greater setback. A setback between the 2 numbers is prohibited.



2. Corner Lots

a. Defined

A corner lot is a lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

b. Measurement of Setbacks

A corner lot has 2 front setbacks; however, where the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, then along that street the side street setback applies.

[c. Addressing

In determining the address, the following conditions must be considered:

- i. the street with the highest street classification;
- ii. the established orientation of the block;
- iii. the street abutting the longest face of the lot; and
- iv. the street parallel to an alley within the block.]

3. Build-to Area

Defined

- a. The build-to area is the area on the lot where a certain percentage of the front building façade must be located, measured as a range from the edge of the lot line.
- b. [With the exception of parking areas, all] [All](#) structures and uses customarily allowed on the lot are allowed in the build-to area [except a surface parking lot](#).

4. Parking Setbacks

a. Defined

A parking setback is the minimum distance that a [parking area] [surface parking lot](#) must be [set back] [located](#) from a specified lot line or right-of-way. [Parking setbacks apply to on-site surface parking.] Structured parking must comply with [principal](#) building setbacks.

b. Measurement of Parking Setbacks

There are front, side street, side and rear parking setbacks. Through lots have 2 front parking setbacks. A lot abutting an alley is not a through lot.

- i. The front and side street parking setback is measured from the edge of the lot line [to a surface parking lot](#).
- ii. The side parking setback is measured from the side lot line [to a surface parking lot](#).
- iii. The rear parking setback is measured from the rear lot line or the edge of the right-of-way if there is an alley [to a surface parking lot](#).

5. Coverage

a. Defined

- i. Coverage is the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or steps.
- ii. Coverage does not include paved areas such as a driveway, a pedestrian walkway, a bay window, an uncovered porch or patio, deck, a swimming pool, or roof overhang.

b. Exemptions

- [i. In the Agricultural and Rural Residential zones, on a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) a site plan is approved under Sec. 8.3.4.
- ii. Maximum coverage does not apply to Religious Assembly (Sec. 3.4.10) in the R-60 zone.]
- [iii.] Handicap facilities are exempt from coverage if the size of the accessibility improvement does not exceed the minimum design specifications in the Maryland Accessibility Code and Montgomery County Building Code.

6. Setback Encroachments

Any building or structure must be located at or behind the required building setback line, except: [as listed in Sec. 4.1.5.D.6.a through Sec. 4.1.5.D.6.c.]

a. Building Features

- i. Any unenclosed porch, deck, terrace, steps, or stoop may project a maximum of 3 feet into any side street or side setback and may project a maximum of 9 feet into any front or rear setback. This [encroachment](#) includes an unenclosed roofed porch or terrace.
- ii. Any roofed and unenclosed steps or stoop may project a maximum of 3 feet into any side street or side setback and may project a maximum of 9 feet into any front or rear setback. Any roof covering unenclosed steps or a stoop may project a maximum of 3 feet into any setback.
- iii. An unenclosed balcony may [extend](#) [project](#) a maximum of 6 feet into a required setback, if such [extension](#) [projection](#) is a minimum of 2 feet from the vertical plane of any lot line.
- iv. A sill, leader, belt course, or similar ornamental feature may project a maximum of 6 inches into any setback. Where a wall is located on a lot line, any such projection may extend across a lot line under [Chapter 50 \(Section \[Sec.\] 50-20\)](#).
- v. A chimney or flue as part of a detached house, duplex, or townhouse may project a maximum of 2 feet into any setback.
- vi. A chimney or flue as part of an apartment[/[condo](#)][, [multi use](#), or [general building](#)] may project a maximum of 4 feet into any setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line.
- vii. Any building eave, cornice, or light shelf may project a maximum of 2 ½ feet into any setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line. Where a wall is located on a lot line, any such projection may extend across a lot line under [Chapter 50 \(Section \[Sec.\] 50-20\)](#).

- viii. Any bay window, oriel, entrance, vestibule, or balcony, 10 feet in width or less, may project a maximum of 3 feet into any setback.
- ix. Any unenclosed fire escape or outside stairway may project a maximum of 5 feet into any side street, side, or rear setback.

b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as an HVAC unit or security lighting, may project a maximum of 5 feet into any rear setback.
- ii. A permanent rainwater collection or harvesting system may project a maximum of 3 feet into any side street, side, or rear setback.

c. Other Encroachments

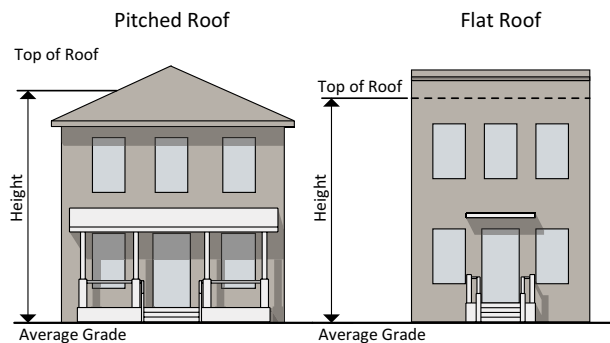
The following features may encroach into any setback:

- i. any fence or wall under [Section \[Sec.\] 7.5.3.C;](#)
- ii. a handicap facility to the extent necessary to meet the minimum standards of the Americans with Disabilities Act; and
- iii. any sign under [Division \[Div.\] 7.7.](#)

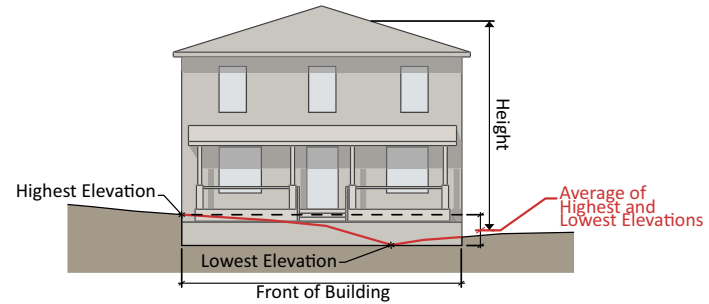
C. [D.]Height

1. Building Height in Agricultural, Rural Residential, and Residential Zones

- a. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

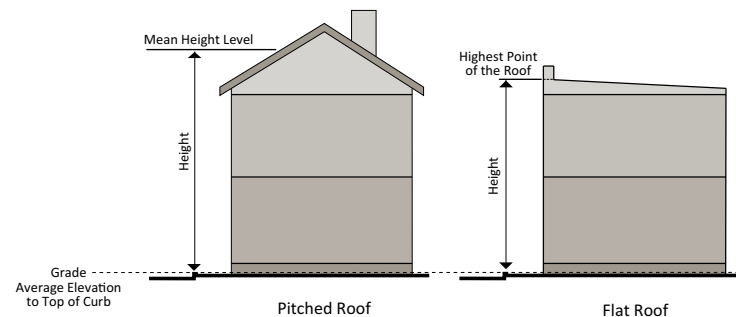


- b. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive), along the front of the building parallel to the front setback line.



2. Building Height in Commercial/Residential, Employment, and Industrial Zones

- a. Building height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.



- b. [In the case of] If a building set back from the street line 35 feet or more, then the building height is measured from the average elevation of finished ground surface along the front of the building.

3. Height Encroachments

Any height encroachment not specifically listed is prohibited.

- a. The following roof structures may occupy a maximum of 25% of the roof area: a spire, belfry, cupola, dome not intended for human occupancy, chimney, flue or vent stack, flagpole, monument, water tank, television antenna or aerial, air conditioning unit, or similar structure or mechanical appurtenance (not including a rooftop renewable energy system). A larger area may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones
- b. The maximum height does not apply to any roof structure listed in [Sec. 4.1.5.D.3.a] Section 4.1.7.C.3.a, except that in the TLD, TMD, THD, and R-30 zones, an air conditioning unit or similar structure or mechanical appurtenance may exceed the established height limit by a maximum of 8 feet.
- c. In the CRT, CR, Employment, and Industrial zones, the following may exceed the established height limit by up to 8 feet, except when located within an airport approach area:
 - i. rooftop deck, patio, shade structure;
 - ii. rooftop garden, landscaping;
 - iii. parapet wall;
 - iv. rooftop rainwater collection or harvesting system; and
 - v. rooftop renewable energy system, such as a solar panel or wind turbine.
- d. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.
- [e. The maximum height in the AR, R, RC, RNC, RE-2, RE-2C, and RE-1 zones does not apply to an agricultural building.]

- e. [f.] A public building may be a maximum of 120 feet; but the minimum front, rear, and side setbacks must be increased 1 foot for each foot above the maximum height for a general building or nonresidential building type allowed in the zone.

4. Height in Airport Approach Areas

[In an airport approach area, any height limit, as provided in this Chapter, does not apply.] The height [limit] of any building or structure, including any structure regulated under [Sec. 4.1.5.D.3] Section 4.1.7.C.3, must be limited to provide a clear glide path from the end of the useable landing strip. The glide path is a plane surface laid out according to the operating characteristics of the aircraft for which the airport is designed, and under the criteria in the airport's conditional use approval. The first 500 feet of such glide path must be wholly within the airport.

D. [E.] Form

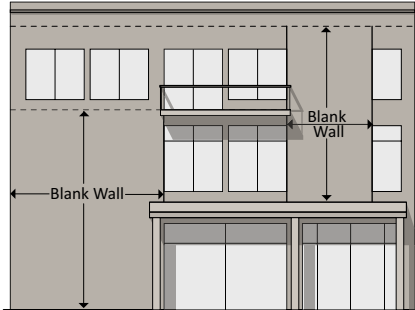
1. Transparency

- a. The minimum percentage of windows and doors that must cover a ground story façade is measured based on façade wall area between 0 and 12 feet above the adjacent sidewalk.
- b. The minimum percentage of windows and doors that must cover an upper story façade is measured based on façade wall area from the top of the finished floor to the top of the finished floor above. When there is no floor above it is measured from the top of the finished floor to the top of the wall plate.



2. Blank Wall

- a. Blank wall is the area of the exterior street facing façade of a building that does not include windows or doors, or columns, pilasters, or other articulation greater than 8 inches in depth.
- b. Blank wall is measured vertically and horizontally.



3. Building Elements

a. Porch

A porch is a raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed.

b. Stoop

A stoop is a small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

c. Balcony

A balcony is a platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony is not fully enclosed.

d. Gallery

A gallery is a covered passage extending along the outside wall of a building, supported by arches or columns, that is open on one side. A gallery must be a minimum height of 10 feet above the sidewalk. A gallery is contiguous and must extend over a minimum of 50% of the width of the building façade from which it projects.

e. Awning

An awning is a wall-mounted, cantilevered structure that provides shade and cover from the weather. An awning must be a minimum height of 10 feet above the sidewalk or stoop.]

Section 4.1.8. Compatibility Requirements

A. Setback Compatibility

1. Applicability

Section 4.1.8.A applies to a property in a R-90, R-60, R-40, Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone that:

- a. abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- b. proposes development of an apartment, multi use, nonresidential, or general building type.

2. Setback Required along Side or Rear Lot Line

- a. The minimum side and rear setbacks equal either 1.5 times the minimum side and rear setback required for a detached house on the abutting property or the minimum side and rear setback required for a detached house on the abutting property as follows:

Zone	Building Type	Abutting Zone				
		Agricultural	Rural Residential	Residential Detached	Residential Townhouse	Residential Multi-Unit
R-90, R-60, R-40, Residential Townhouse	Nonresidential	1.5	1.5	1.5	1.5	1.5
Residential Multi-Unit	Apartment, Nonresidential	1.5	1.5	1.5	1.5	1
Commercial/Residential, Employment	Apartment, Multi Use, General	1.5	1.5	1.5	1.5	1
Industrial	Multi Use, General	1.5	1.5	1.5	1.5	1.5

KEY: 1.5 = setback is equal to 1.5 times the minimum required for a detached house on abutting property

1 = setback is equal to the minimum required for a detached house on abutting property

- b. When screening is required under Division 7.5, if the screening width is greater than the minimum setback under Section 4.1.8.A.2, the minimum setback equals the required screening width.
- c. Front and side street setbacks are not modified by Section 4.1.8.A.2.

B. Height Compatibility

1. Applicability

Section 4.1.8.B applies to a property that:

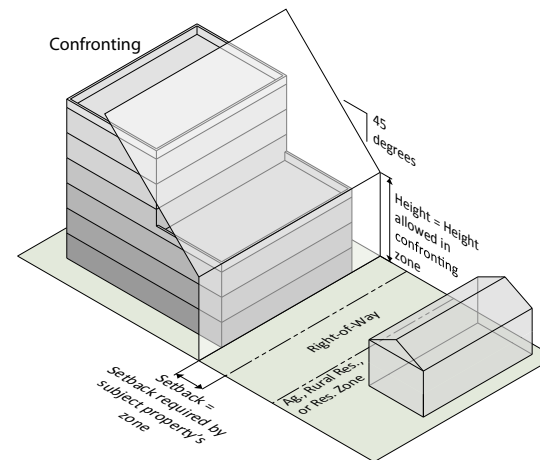
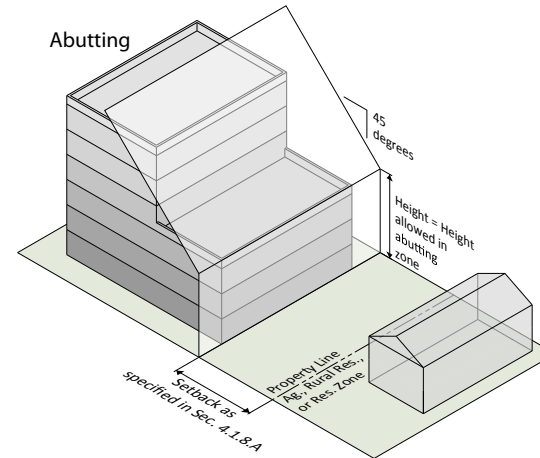
- a. abuts or confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- b. proposes development of a nonresidential building type in an Agricultural, Rural Residential, RE-2, RE-2C, RE-1, R-200, Residential Townhouse, or Residential Multi-Unit zone; or proposes any building type in a Commercial/Residential, Employment, Industrial, or Floating zone.

2. Height Restrictions

- a. When the subject property abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line determined by Section 4.1.8.A.
- b. When the subject property confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the confronting zone at the front or side street setback line determined under Article 59-4.
- c. If not applicable under Section 4.1.8.B.1, the maximum height in the zone is not modified by Section 4.1.8.B.2.

3. Height Measurements

The height limit for compatibility standards under Section 4.1.8.B is measured the same as under Section 4.1.7.C, except that the measurement is taken from the average grade along the building facing the applicable abutting or confronting property.



Division 4.2. Agricultural Zone

Section 4.2.1. Methods of Development

The AR zone allows development only under the standard method. A child lot above the density of one dwelling unit per 25 acres is allowed in the AR zone under standard method [according to] under Section [Sec.] 4.2.4. Standard method development is allowed under the development standards established in Section [Sec.] 4.2.4 and Section [Sec.] 4.2.5.

Section 4.2.2. General Requirements

A. Building Types

[Building types are allowed by zone under Sec. 4.1.4.] The allowed building types are in Section 4.1.4. Dimensional standards for allowed building types are under Section [Sec.] 4.2.5.

B. Location of Residential Uses

Residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area.

Section 4.2.3. Special Requirements for the Transfer of Density

A. In General

Under Division [Div.] 6.3 and in conformance with a general plan, master plan, or functional master plan, residential density may be transferred at the rate of one development right per 5 acres minus one development right for each existing dwelling unit, from the AR zone to a duly designated TDR Overlay zone. [The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the AR zone. The] A development right is not required for the following dwelling units on land in the AR zone [are excluded from this calculation if] as long as the dwelling unit remains accessory to [a] Farming:

1. Farm Tenant Dwelling,
2. Attached Accessory Apartment,
3. Detached Accessory Apartment, and
4. Bed and Breakfast.

[Once the] If a property is subdivided, dwellings associated with these uses are not excluded from the calculation of density. The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the AR zone.

B. Recording of Development Right

1. A development right may be created, transferred, and extinguished only by an easement and appropriate release, in a recordable form approved by the Planning Board. Any easement must limit the future construction of detached houses on land zoned AR to the total number of development rights allowed by zoning minus all development rights recorded prior to {date of adoption}, all development rights previously transferred under Section 4.2.3.A and Section 6.3.1, the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.
2. The transfer of development rights must be recorded in the land records of the County.

Section 4.2.4. Special Requirements for Child Lots

A. Applicability

A child lot above the density of one detached house per 25 acres is allowed in the AR zone only if the property owner has:

1. a recorded title to the property before January 7, 1981;
2. personally applied for and obtained approval to create the lot; and
3. retained a development right for each lot.

B. Density

1. The Planning Board may approve no more than one child lot for each child of the property owner, regardless of the number of properties owned.
2. A maximum of 3 child lots may be established for a qualifying property owner under Section [Sec.] 4.2.4.A. The Planning Board may approve up to

two additional child lots above the maximum number allowed in [Section \[Sec.\] 4.2.5.B. Child Lots](#), if the additional child lot:

- a. is not encumbered by a State or County Agricultural Land Preservation Easement;
 - b. meets the applicable requirements in [Section \[Sec.\] 4.2.4](#);
 - c. is on the landowner's only [\[real property\] land](#) holdings in the County; and
 - d. the area of the site for 4 child lots is at least 170 acres and the area of the site for 5 total child lots is at least 220 acres.
3. In determining whether to approve any additional child lot, the Planning Board must consider any recommendation from the Agricultural Preservation Advisory Board (APAB) about whether the additional lot will promote the continuation of the family farm unit or otherwise meet the purposes of the AR zone.

C. Lot Area

A lot created for a child must be no larger than the minimum area necessary for approval of well and septic. The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible and the lot cannot be served by a septic easement. The area of the driveway stem on a flag lot is not included in the maximum area limit.

D. Building Permit

1. When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.
2. A building permit for a detached house on a child lot must be issued only to:
 - a. a child of the property owner;
 - b. the spouse of a child of the property owner;
 - c. a contractor for a child of the property owner; or
 - d. a contractor for the spouse of a child of the property owner.

E. Ownership Transfer

Ownership of a child lot cannot be transferred or leased within 5 years of the date of DPS' final inspection of the dwelling unit, with the exception that:

1. The owner of the child lot may only lease the lot to an immediate family member.
2. Ownership of a child lot may be transferred if the Planning Board finds a hardship after the date of final inspection, such as a death of the child or a bona fide foreclosure of the mortgage or deed of trust.

F. Penalty for Violations

The penalty and enforcement provisions in [Section \[Sec.\] 8.6.3.B](#) and [Division \[Div.\] 8.8](#) apply to any violation of [Section \[Sec.\] 4.2.4](#). Every day a transfer restriction is violated is a new violation.

G. Deed Restrictions and Certificates of Compliance

1. Any deed or other instrument conveying title from the owner of the property to a child must be signed by both the grantor and the grantee.
2. In any deed or other instrument conveying title from the owner of the property to a child, the grantor must clearly and conspicuously state, and the grantee must clearly and conspicuously acknowledge, that the conveyed property is a child lot under [Section \[Sec.\] 4.2.4.E](#).
3. If the Planning Director determines that a child lot may be transferred under [Section \[Sec.\] 4.2.4.E.2](#), the Planning Director must issue a certificate of compliance to the owner of the child lot in a form appropriate for recordation in the land records. The certificate is conclusive evidence of the owner's compliance with [Section \[Sec.\] 4.2.4.E](#).

H. Existing Child Lots and Preliminary Plan Applications

1. A child lot is permitted on an area of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held under a deed that indicates conveyance from parent to child and was recorded before October 1, 2010, under the following provisions:
 - a. one lot for every 25 acres plus one additional lot for each child lot;
 - b. a child lot of any size; and
 - c. no limitations on ownership.
2. A child lot is permitted on an area of land of any size with a preliminary plan

approved before October 1, 2010, under the ownership and transfer provisions of [Section \[Sec.\] 4.2.4](#) and may be identified on a plat recorded among the land records of the County using the following provisions:

- a. one lot for every 25 acres plus one additional lot for each child lot; and
 - b. a child lot of any size.
3. A child lot is permitted on an area of land of any size with a preliminary plan application filed, but not approved, before October 1, 2010 and must satisfy [Section \[Sec.\] 4.2.4](#), except it may be approved with a density of one lot for every 25 acres plus one additional lot for each child lot.
 4. A child lot previously recorded by plat is exempt from the limit on number of child lots and the lot area, and size limits of [Section \[Sec.\] 4.2.4](#), if the density does not exceed one lot for every 25 acres plus one additional lot for each child lot.

Section 4.2.5. AR Zone, Standard Method Development Standards

A. Site	Detached House	[General] Nonresidential
Site Area		
Site (min)	25 acres	[3] 25 acres
[Site coverage (max)]	n/a	10%
[Specification for Site Coverage]		
1 In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]		
B. Lot and Density		
Lot		
Lot area (min)	40,000 SF	40,000 SF
[Alternative lot area (max)]	3 acres	3 acres]
[If using alternative lot area, remainder of site must be placed in a conservation or agricultural easement or land trust	yes	yes]
Lot width at front building line (min)	125'	n/a
Lot width at front lot line (min)	25'	200'
Density (max)		
Density ([units] lots/acre)	1/25	[n/a] 1/25
Density (units/lot)	1	n/a
Density (FAR [per tract])	n/a	0.5
Coverage (max)		
[Lot up to 3 acres	15%	n/a]
Lot [greater than 3 acres]	10%	[n/a] 5%
Specification for Coverage		
1 On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] 8.3.4		
Voluntary Conservation Lot		
Lot Area (max)	3 acres	3 acres
Remainder of site must be placed in a conservation or agricultural easement or land trust	yes	yes
Coverage (max)	15%	10%
Specifications for Voluntary Conservation Lot		
1 The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible on a lot of 3 acres or less and the lot cannot be served by a septic easement.		
2 On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section 8.3.4.		

	Detached House	[General] Nonresidential
Child Lots		
Lot area, excluding driveway stem on flag lot (max)	3 acres	n/a
Number of child lots allowed (max):		
On a site at least 25 acres up to 69 acres	1	n/a
On a site at least 70 acres up to 120 acres	2	n/a
On a site at least 121 acres	3	n/a
Specification for Child Lots		
1 The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible on [such a sized lot] a lot of 3 acres or less and the lot cannot be served by a septic easement.		
C. Placement		
Principal Building Setbacks (min)		
Front setback	50'	50'
Side street setback	50'	50'
[Side setback	20'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 20'	[See Sec. 7.4.3] 30'
Side setback, abutting all other zones	[n/a] 20'	20'
[Rear setback	35'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 35'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	15'
Accessory Structure Setbacks (min)		
Front setback	50'	50'
Side street setback	50'	50'
Side setback	15'	15'
Rear setback	15'	15'
Specification for Principal Building and Accessory Structure Setbacks		
1 The front setback and side street setback must consist of any scenic setback [indicated on] recommended by a master plan or 50 feet, whichever is greater.		
2 Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.		
3 The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.		

[Sec.] Section 4.2.5. AR Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	[General] Nonresidential
Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	25'
Side street setback	n/a	25'
Side setback	n/a	25'
Rear setback	n/a	25'
Rear setback, alley	n/a	0'

D. Height		
Height (max)		
Principal building	50'	50' and Section 4.1.8.B
Accessory structure	50'	50' and Section 4.1.8.B
[Agricultural building]	no limit	no limit]

E. Form		
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming
<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.2.5.D.</u>

Division 4.3. Rural Residential Zones

Section 4.3.1. Methods of Development

The R zone allows development only under the standard method. The RC and RNC zones allow development under the standard method and may allow development under the optional method, which requires [a] site plan [approval](#) under [Section \[Sec.\] 8.3.4](#).

A. Standard Method

Standard method development is allowed under the development standards established in [Section \[Sec.\] 4.3.3](#) through [Section \[Sec.\] 4.3.5](#).

B. Optional Method

Optional method development is allowed under [Division \[Div.\] 6.1](#) and [Division \[Div.\] 6.2](#).

Section 4.3.2. General Requirements

A. Building Types

The allowed building types are [specified by zone] in [Section \[Sec.\] 4.1.4](#). Dimensional standards for allowed building types are in [Section \[Sec.\] 4.3.3](#) through [Section \[Sec.\] 4.3.5](#).

B. Public Sewer and Water

In the RNC zone, public sewer and water service is prohibited under standard method development unless recommended in the relevant master plan.

Section 4.3.3. R Zone, Standard Method Development Standard

A. Site	Detached House	[General] Nonresidential
Site Area		
Site (min)	n/a	5 acres
[Site coverage (max)]	n/a	10%
[Specification for Site Coverage]		
1 In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]		

B. Lot and Density

Lot		
Lot area (min)	5 acres	40,000 SF
Lot width at front building line (min)	300'	n/a
Lot width at front lot line (min)	25'	200'
Density (max)		
Density ([units] lots/acre)	1/5	[n/a] 1/5
Density (units/lot)	1	n/a
Density (FAR [per tract])	n/a	0.5
Coverage (max)		
Lot	10%	[n/a] 10%
Specification for Coverage		
1 On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] 8.3.4.		

C. Placement

Principal Building Setbacks (min)		
Front setback	50'	50'
Side street setback	50'	50'
[Side setback]	20'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 20'	[See Sec. 7.4.3] 30'
Side setback, abutting all other zones	[n/a] 20'	20'
[Rear setback]	35'	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 35'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	15'
Accessory Structure Setbacks (min)		
Front setback	80'	[50'] 80'
Side street setback	50'	50'
Side setback	15'	25'

C. Placement

	Detached House	[General] Nonresidential
Rear setback	15'	25'

Specifications for Accessory Structure Setbacks

- Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.
- Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 7.4.3.C.3 [Sec. 7.5.3.C.3].
- In addition to the front setback minimum, any accessory structure on a residential lot must be located behind the rear building line of the principal building. The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.

Parking Setbacks for Surface Parking Lots (min)

Front setback	n/a	25'
Side street setback	n/a	25'
Side setback	n/a	25'
Rear setback	n/a	25'
Rear setback, alley	n/a	0'

D. Height

Height (max)		
Principal building	50'	50' and Section 4.1.8.B
Accessory structure	50'	50' and Section 4.1.8.B
[Agricultural building]	no limit	no limit]

E. Form

Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.3.3.D.

Section 4.3.4. RC Zone, Standard Method Development Standards

A. Site	Detached House	[General] Nonresidential
Site Area		
Site (min)	n/a	5 acres
[Site coverage (max)]	n/a	10%
[Specification for Site Coverage]		
1	In development with a general building type, site coverage is calculated on the area of the site minus any area for detached house lots.]	
B. Lot and Density		
Lot		
Lot area (min)	5 acres	40,000 SF
Lot width at front building line (min)	300'	n/a
Lot width at front lot line (min)	300'	200'
Density (max)		
Density ([units] lots/acre)	1/5	[n/a] 1/5
<u>Density (units/lot)</u>	<u>1</u>	<u>n/a</u>
Density (FAR [per tract])	n/a	0.5
Coverage (max)		
Lot	10%	[n/a] 10%
Specifications for Coverage		
1	On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% <u>lot coverage</u> consists entirely of greenhouses; and (2) a site plan is approved under <u>Section [Sec.] 8.3.4.</u>	
2	The total impervious surface area of any proposed preliminary plan must not exceed any impervious surface area limits recommended by the master plan. A preliminary plan approved before December 24, 2012 may be built or altered if the coverage of any lot is 10% of the lot or less, without a limit on total impervious surface area.	

C. Placement	Detached House	[General] Nonresidential
Principal Building Setbacks (min)		
Front setback	50'	50'
Side street setback	50'	50'
[Side setback]	20'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 20'	[See Sec. 7.4.3] 30'
Side setback, abutting all other zones	[n/a] 20'	20'
[Rear setback]	35'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 35'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	15'
Accessory Structure Setbacks (min)		
Front setback	80'	[50'] 80'
Side street setback	50'	50'
Side setback	15'	25'
Rear setback	15'	25'
Specifications for Principal Building and Accessory Structure Setbacks (min)		
1	The front setback and side street setback must consist of any scenic setback [indicated on] <u>recommended by</u> a master plan or 50 feet, whichever is greater.	
2	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] <u>other than a household pet</u> must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.	
3	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under <u>Section 7.4.3.C.3 [Sec. 7.5.3.C.3]</u> .	
4	In addition to the front setback minimum, any accessory structure on a residential lot must be located behind the rear building line of the principal building. <u>The maximum footprint of an accessory building on a lot where the main building</u>	
5	<u>is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.</u>	
Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	25'
Side street setback	n/a	25'
Side setback	n/a	25'
Rear setback	n/a	25'
Rear setback, alley	n/a	0'

Section 4.3.4. RC Zone, Standard Method Development Standards (cont'd)

D. Height	Detached House	[General] Nonresidential
Height (max)		
Principal building	50'	50' and Section 4.1.8.B
Accessory structure	50'	50' and Section 4.1.8.B
[Agricultural building]	no limit	no limit

E. Form

Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.3.4.D.

Section 4.3.5. RNC Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	[General] Non-residential
Site Area (min)					
Site	5 acres	5 acres	5 acres	5 acres	5 acres
Site per unit	n/a	n/a	n/a	4,800 SF	n/a
Open Space (min)					
Open space (% of site)	60%	60%	60%	60%	60%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	[10%]

Specifications for [Open Space and] Site Coverage

In development with townhouse or [general] nonresidential building types, [open space and] site coverage [are] is calculated based on the area of the site minus any area for detached house lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Townhouse	[General] Non-residential
Lot area					
Lot area	25,000 SF	12,500 SF	25,000 SF	1,400 SF	25,000 SF
Lot width at front building line	100'	50'	100'	n/a	n/a
Lot width at front lot line	25'	12'	25'	n/a	200'
Density (max)					
Density ([units]lots/acre)	1/5	1/5	1/5	1/5	[n/a] 1/5
<u>Density (units/lot)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>n/a</u>
Density (FAR [per tract])	n/a	n/a	n/a	n/a	0.5
Coverage (max)					
Lot	10%	10%	10%	n/a	[n/a] 10%

Specification for Coverage

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% lot coverage consists entirely of greenhouses; and (2) a site plan is approved under Section [Sec.] 8.3.4.

C. Placement	Detached House	Duplex - Side	Duplex - Over	Townhouse	[General] Non-residential
Principal Building Setbacks (min)					
Front setback, public street	40'	40'	40'	25'	50'
Front setback, private street or open space	40'	40'	40'	4' or 20'	50'
Side street setback	50'	50'	50'	15'	50'
<u>[Side setback]</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>4'</u>	<u>n/a]</u>
Side setback, abutting Agricultural, Rural Residential, or Residential <u>[Detached]</u> zones	[n/a] 15'	[n/a] 15'	[n/a] 15'	n/a	[See Sec. 7.4.3] 30'
Side setback, abutting all other zones	[n/a] 15'	[n/a] 15'	[n/a] 15'	n/a	15'
Side setback, end unit <u>[Side setback between lot and site boundary]</u>	n/a	n/a	n/a	5'	n/a
<u>[Rear setback]</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>	<u>20'</u>	<u>n/a]</u>
Rear setback, abutting Agricultural, Rural Residential, or Residential <u>[Detached]</u> zones	[n/a] 35'	[n/a] 35'	[n/a] 35'	[n/a] 20'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	[n/a] 35'	[n/a] 35'	[n/a] 15'	15'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 15'	n/a

[Sec.] Section 4.3.5. RNC Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Townhouse	[General] Non-residential
Accessory Structure Setbacks (min)					
Front setback	80'	80'	80'	n/a	[50'] 80'
Front setback, behind rear building line	n/a	n/a	n/a	5'	n/a
Side street setback	50'	50'	50'	15'	50'
Side setback	15'	15'	15'	4'	25'
Rear setback	15'	15'	15'	0'	25'
Specification for Principal Building and Accessory Structure Setbacks					
1	The front setback and side street setback must consist of any scenic setback [indicated on] recommended by a master plan or 50 feet, whichever is greater.				
2	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl associated with the farming of livestock other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.				
3	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 7.4.3.C.3 [Sec. 7.5.3.C.3].				
4	The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.				
Parking Setbacks for Surface Parking Lots (min)					
Front setback	n/a	n/a	n/a	n/a	25'
Side street setback	n/a	n/a	n/a	n/a	25'
Side setback	n/a	n/a	n/a	n/a	25'
Rear setback	n/a	n/a	n/a	n/a	25'
Rear setback, alley	n/a	n/a	n/a	n/a	0'
D. Height					
Height (max)					
Principal building	35'	35'	35'	40' and Section 4.1.8.B	35'
Accessory structure	35'	35'	35'	25'	35'
[Agricultural building]	no limit	no limit	no limit	no limit	no limit

E. Form	Detached House	Duplex - Side	Duplex - Over	Townhouse	[General] Non-residential
Massing (max)					
Units permitted in one row	n/a	n/a	n/a	8	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	n/a
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming					
A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.D.					
1					

Division 4.4. Residential Zones

Section 4.4.1. Methods of Development

The RE-2 zone allows development only under the standard method. The RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zones allow development under the standard method and may allow development under the optional method, which requires [a] site plan [approval](#) under [Section \[Sec.\] 8.3.4](#).

A. Standard Method

Standard method development is allowed under the development standards [\[established\]](#) in [Section \[Sec.\] 4.4.4](#) through [Section \[Sec.\] 4.4.15](#). Standard method development of a detached house in the R-200, R-90, R-60, or R-40 zone may also have to satisfy the residential infill compatibility standards under [Section \[Sec.\] 4.4.3](#).

B. Optional Method

Optional method development is allowed under [Division \[Div.\] 6.1](#) and [Division \[Div.\] 6.2](#).

Section 4.4.2. General Requirements

A. Building Types

[\[Building types are allowed by zone under Sec. 4.1.4.\] The allowed building types are in Section 4.1.4.](#) Dimensional standards for allowed building types are in [Section \[Sec.\] 4.4.4](#) to [Section \[Sec.\] 4.4.15](#).

B. Historic Districts

In the Residential Detached zones, the minimum lot width at the front building line and setback requirements for a principal building or an accessory building or structure may be reduced if:

1. the lot is located in an historic district designated on the Master Plan for Historic Preservation;
2. the Planning Board finds in a site plan under [Section \[Sec.\] 8.3.4](#) that the reductions serve the purpose of maintaining the historic development and building patterns as evidenced throughout the surrounding designated historic district; and

3. the reduction is approved by the Historic Preservation Commission through the Historic Area Work Permit process [Chapter 24 \(24A-7\)](#).

C. Established Building Line

1. The established building line applies only to new buildings in the R-200, R-90, or R-60 zones and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must be:
 - a. within 300 feet of the side lot line of the proposed construction site measured along the street frontage;
 - b. along the same side of the street;
 - c. between intersecting streets or to the point where the street terminates;
 - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
 - e. legally constructed; and
 - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.
3. The established building line applies if at least 2 buildings described in [Section \[Sec.\] 4.4.2.C.2](#) and more than 50% of the buildings described in [Section \[Sec.\] 4.4.2.C.2](#) are set back more than the minimum required by the zone. The established building line is equal to the average front setback of all the buildings described in [Section \[Sec.\] 4.4.2.C.2](#), excluding those buildings:
 - a. in the R-200 zone that are or were ever served by well or septic;
 - b. on the subject property;
 - c. in a different zone than the subject property;
 - d. on a through lot that fronts on a street different than the subject property;
 - e. located on any pipestem, wedge-shaped, or flag-shaped lot; or

- f. approved by permit for demolition, except if a building permit was also approved with the same setback.

Instead of using the established building line, the applicant may choose to calculate as a front setback the average front setback of the two abutting lots, or the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor.

- 4. If the established building line does not apply, the building must comply with the minimum front setback of the zone.
- 5. Corner lots have two front setbacks and must satisfy established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the abutting buildings on both sides of the corner lot.

Section 4.4.3. Residential Infill Compatibility

A. Applicability

The standards [outlined] in [Section \[Sec.\] 4.4.3.B](#) apply to the R-200, R-90, R-60, and R-40 zones where:

- 1. the lot was created:
 - a. by a plat recorded before January 1, 1978; or
 - b. by a plat of resubdivision that created fewer than 6 lots from a lot previously created by a plat recorded before January 1, 1978;
- 2. the lot is less than 25,000 square feet in area; and
- 3. the construction proposed is:
 - a. a new detached house;
 - b. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
 - c. the addition of more than 50% of the floor area of the detached house.

B. Coverage

The maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than 20 feet in height, must vary with the lot area as follows:

Lot Area	Maximum Coverage
Lot area less than 6,000 SF:	30% of lot area
Lot area equal to or greater than 6,000 SF but less than 16,000 SF:	30%, less .001% per square foot of lot area exceeding 6,000 SF
Lot area equal to or greater than 16,000 SF:	20% of the lot area

Section 4.4.4. RE-2 and RE-2C Zones, Standard Method Development Standards

B. Lot and Density	Detached House	[General] Nonresidential
Lot (min)		
Lot area	2 acres	2 acres
Lot width at front building line	150'	n/a
Lot width at front lot line	25'	150'
Specification for Lot		
1	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B.	
2	For a nonresidential building, the lot width at the front lot line may be decreased by a ratio of 2.5' for every additional 1' that the building is set back from the minimum front setback, to a minimum lot width at the front lot line of 25'.	
Density (max)		
Density (units/acre)	1/2	n/a
Density (FAR [per tract])	n/a	0.5
Coverage (max)		
Lot	25%	15%
C. Placement		
Principal Building Setbacks (min)		
Front setback	50'	50'
Side street setback	20'	20'
[Side setback	17'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 17'	[See Sec. 7.4.3] 25'
Side setback, abutting all other zones	[n/a] 17'	17'
Sum of side setbacks	35'	35'
[Rear setback	35'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 35'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	15'
Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)		
Front setback	80'	80'
Side street setback	20'	20'
Side setback	15'	17'
Rear setback	10'	35'
Rear setback, alley	n/a	4'

C. Placement	Detached House	[General] Nonresidential
Specifications for Accessory Structure Setbacks		
1	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.	
2	Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 7.4.3.C.3 [Sec. 7.5.3.C.3] .	
3	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
4	The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.	
Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'
D. Height		
Height (max)		
Principal building	50'	50' and Section 4.1.8.B
Accessory structure	50'	50' and Section 4.1.8.B
[Agricultural building	no limit	no limit]
E. Form		
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes
F. Buildings used for Agriculture Associated with Farming		
Specification for Buildings used for Agriculture Associated with Farming		
1	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.4.4.D.	

Section 4.4.5. RE-1 Zone, Standard Method Development Standards

B. Lot and Density	Detached House	[General] Nonresidential
Lot (min)		
Lot area	40,000 SF	40,000 SF
Lot width at front building line	125'	n/a
Lot width at front lot line	25'	125'
Specification for Lot		
1 Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B.		
2 For a nonresidential building, the lot width at the front lot line may be decreased by a ratio of 2.5' for every additional 1' that the building is set back from the minimum front setback, to a minimum lot width at the front lot line of 25'.		
Density (max)		
Density (units/acre)	1.09	n/a
Density (FAR per tract)	n/a	0.5
Coverage (max)		
Lot	15%	15%

C. Placement

Principal Building Setbacks (min)		
Front setback	50'	50'
Side street setback	20'	20'
[Side setback]	17'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 17'	[See Sec. 7.4.3] 25'
Side setback, abutting all other zones	[n/a] 17'	17'
Sum of side setbacks	35'	35'
[Rear setback]	35'	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 35'	[See Sec. 7.4.3] 40'
Rear setback, abutting all other zones	[n/a] 35'	15'
Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)		
Front setback	80'	80'
Side street setback	20'	20'
Side setback	15'	17'
Rear setback	10'	35'
Rear setback, alley	n/a	4'

C. Placement

	Detached House	[General] Nonresidential
Specifications for Accessory Structure Setbacks		
1 Any accessory building or structure used for the housing, shelter, or sale of animals or fowl [associated with the farming of livestock] other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.		
2 Any accessory structure on a lot or parcel abutting a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Section 7.4.3.C.3 [Sec. 7.5.3.C.3] .		
3 In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.		
4 The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.		
Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'

D. Height

Height (max)		
Principal building	50'	50' and Section 4.1.8.B
Accessory structure	50'	50' and Section 4.1.8.B
[Agricultural building]	no limit	no limit

E. Form

Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming
1 A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except a building used for agriculture is exempt from the height requirements under Section 4.4.5.D.

Section 4.4.6. R-200 Zone, Standard Method Development Standards

B. Lot and Density	Detached House	[General] Nonresidential
Lot (min)		
Lot area	20,000 SF	20,000 SF
Lot width at front building line	100'	n/a
Lot width at front lot line	25'	100'
Density (max)		
Density (units/acre)	2.18	n/a
Density (FAR per tract)	n/a	0.5
Coverage (max)		
Lot	25%	25%
Specification for Lot and Density		
1	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B .	
2	Development with a detached house building type may have to satisfy Section [Sec.] 4.4.3 , Residential Infill Compatibility.	
C. Placement		
Principal Building Setbacks (min)		
Front setback	40'	40'
Side street setback	15'	15'
[Side setback	12'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 12'	[See Sec. 7.4.3] 15'
Side setback, abutting all other zones	[n/a] 12'	12'
Sum of side setbacks	25'	25'
[Rear setback	30'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 30'	[See Sec. 7.4.3] 35'
Rear setback, abutting all other zones	[n/a] 30'	15'
Rear setback, alley	n/a	4'
Specification for Principal Building Setbacks		
1	Development may have to satisfy Section [Sec.] 4.4.2.C , Established Building Line.	

C. Placement	Detached House	[General] Nonresidential
Accessory Structure Setbacks (min)		
Front setback	65'	65'
Side street setback	15'	15'
Side setback	12'	12'
Rear setback	7'	7'
Rear setback, alley	n/a	4'
Specification for Accessory Structure Setbacks		
1	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building. The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.	
2		
Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'
D. Height		
Height (max)		
Principal building, measured to highest point of any roof		
If lot is ≥ 40,000 SF	50'	50' and Section 4.1.8.B
If lot is ≥ 25,000 SF and <40,000 SF	45'	45' and Section 4.1.8.B
If lot is ≥ 15,000 SF and <25,000 SF	40'	40' and Section 4.1.8.B
If lot is ≥ 0 SF and <15,000 SF	35'	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof		
If lot is ≥ 40,000 SF	50'	50' and Section 4.1.8.B
If lot is ≥ 25,000 SF and <40,000 SF	40'	40' and Section 4.1.8.B
If lot is ≥ 15,000 SF and <25,000 SF	35'	35'
If lot is ≥ 0 SF and <15,000 SF	30'	30'
Accessory structure	35'	35'
[Agricultural building	50'	50']

Section 4.4.6. R-200 Zone, Standard Method Development Standards (cont'd)

E. Form	Detached House	[General] Nonresidential
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except that the maximum building height is 50'.

Section 4.4.7. R-90 Zone, Standard Method Development Standards

B. Lot and Density	Detached House	[General] Nonresidential
Lot (min)		
Lot area	9,000 SF	9,000 SF
Lot width at front building line	75'	n/a
Lot width at front lot line	25'	75'
Density (max)		
Density (units/acre)	4.84	n/a
Density (FAR per tract)	n/a	0.75
Coverage (max)		
Lot	30%	30%
Specification for Lot and Density		
1	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B.	
2	Development with a detached house building type may have to satisfy Section [Sec.] 4.4.3, Residential Infill Compatibility.	

C. Placement

Principal Building Setbacks (min)		
Front setback	30'	30'
Side street setback	15'	15'
[Side setback]	8'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 8'	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	[n/a] 8'	8'
Sum of side setbacks	25'	25'
[Rear setback]	25'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 25'	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 25'	15'
Rear setback, alley	n/a	4'

Specification for Principal Building Setbacks
 1 Development may have to satisfy [Section \[Sec.\] 4.4.2.C, Established Building Line.](#)

Accessory Structure Setbacks (min)		
Front setback	60'	60'
Side street setback	15'	15'
Side setback	5'	5'
Rear setback	5'	5'
Rear setback, alley	n/a	4'

C. Placement	Detached House	[General] Nonresidential
Specifications for Accessory Structure Setbacks		
1	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
2	For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.	
3	For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.	
4	The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.	

Parking Setbacks for Surface Parking Lots (min)		
Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'

D. Height

Height (max)		
Principal building, measured to highest point of a flat roof	35'	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'
Accessory structure	20'	20'
[Agricultural building]	50'	50']

Specification for Height
 1 In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under [Section \[Sec.\] 8.3.4.](#)

E. Form

Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming
 1 [A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except that the maximum building height is 50'.](#)

Section 4.4.8. R-60 Zone, Standard Method Development Standards

B. Lot and Density	Detached House	[General] Nonresidential
Lot (min)		
Lot area	6,000 SF	6,000 SF
Lot width at front building line	60'	n/a
Lot width at front lot line	25'	60'
Density (max)		
Density (units/acre)	7.26	n/a
Density (FAR per tract)	n/a	0.75
Coverage (max)		
Lot	35%	35%
Specification for Lot and Density		
1	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B.	
2	Development with a detached house building type may have to satisfy Section [Sec.] 4.4.3, Residential Infill Compatibility.	
3	The lot coverage maximum does not apply to Religious Assembly.	

C. Placement

Principal Building Setbacks (min)	Detached House	[General] Nonresidential
Front setback	25'	30'
Side street setback	15'	15'
[Side setback	8'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 8'	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	[n/a] 8'	8'
Sum of side setbacks	18'	18'
[Rear setback	20'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	15'
Rear setback, alley	n/a	4'
Specification for Principal Building Setbacks		
1	Development may have to satisfy Section [Sec.] 4.4.2.C, Established Building Line.	

C. Placement

Accessory Structure Setbacks (min)	Detached House	[General] Nonresidential
Front setback	60'	60'
Side street setback	15'	15'
Side setback	5'	5'
Rear setback	5'	5'
Rear setback, alley	n/a	4'

Specifications for Accessory Structure Setbacks

- 1 In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.
- 2 For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.
- 3 For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.
- 4 [The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.](#)

Parking Setbacks for Surface Parking Lots (min)

Parking Setbacks for Surface Parking Lots (min)	Detached House	[General] Nonresidential
Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'

D. Height

Height (max)	Detached House	[General] Nonresidential
Principal building, measured to highest point of a flat roof	35'	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'
Accessory structure	20'	20'
[Agricultural building	50'	50']

Specification for Height

- 1 In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under [Section \[Sec.\] 8.3.4.](#)

Section 4.4.8. R-60 Zone, Standard Method Development Standards (cont'd)

E. Form	Detached House	[General] Nonresidential
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

- A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except that the maximum building height is 50'.

Section 4.4.9. R-40 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	[General] Nonresidential
Site Area (min)				
Site	n/a	8,000 SF	8,000 SF	n/a
B. Lot and Density				
Lot (min)				
Lot area	6,000 SF	4,000 SF	8,000 SF	[15,000] 8,000 SF
Lot width at front building line	60'	40'	80'	n/a
Lot width at front lot line	25'	10'	25'	75'
Density (max)				
Density (units/acre)	7.26	10.89	10.89	n/a
Density (FAR per tract)	n/a	n/a	n/a	0.75
Coverage (max)				
Lot	35%	40%	40%	40%
Specification for Lot and Density				
1	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] 4.4.2.B.			
2	Development with a detached house building type may have to satisfy Section [Sec.] 4.4.3, Residential Infill Compatibility.			

C. Placement

Principal Building Setbacks (min)				
Front setback	25'	25'	25'	30'
Side street setback	15'	15'	15'	15'
[Side setback	8'	10'	10'	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 8'	[n/a] 10'	[n/a] 10'	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	[n/a] 8'	[n/a] 10'	[n/a] 10'	8'
Sum of side setbacks	18'	n/a	n/a	18'
[Rear setback	20'	20'	20'	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential [Detached] zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A

C. Placement	Detached House	Duplex - Side	Duplex - Over	[General] Nonresidential
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	15'
Rear setback, alley	n/a	n/a	n/a	4'
Accessory Structure Setbacks (min)				
Front setback	60'	60'	60'	60'
Side street setback	15'	15'	15'	15'
Side setback	5'	5'	5'	5'
Rear setback	5'	5'	5'	5'
Rear setback, alley	n/a	n/a	n/a	4'

Specifications for Accessory Structure Setbacks

- 1 In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.
For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.
- 2 For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.

- 3 The maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings for an agricultural use are exempt from this size restriction.

- 4

Parking Setbacks for Surface Parking Lots (min)				
Front setback	n/a	n/a	n/a	10'
Side street setback	n/a	n/a	n/a	10'
Side setback	n/a	n/a	n/a	10'
Rear setback	n/a	n/a	n/a	10'
Rear setback, alley	n/a	n/a	n/a	0'

[Sec.] Section 4.4.9. R-40 Zone, Standard Method Development Standards (cont'd)

D. Height	Detached House	Duplex - Side	Duplex - Over	[General] Nonresidential
Height (max)				
Principal building, measured to highest point of a flat roof	35'	35'	35'	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	35'	35'	35'
Accessory Structure	20'	20'	20'	20'
[Agricultural Building	50'	50'	50'	50']

Specification for Height

1 In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under [Section \[Sec.\] 8.3.4.](#)

E. Form	Detached House	Duplex - Side	Duplex - Over	[General] Nonresidential
Allowed Building Elements				
Gallery/Awning	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes
Balcony	yes	yes	yes	yes

F. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

1 A building used for agriculture associated with Farming must satisfy the standards of an accessory structure for a nonresidential building, except that the maximum building height is 50'.

Section 4.4.10. TLD Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Site Area (min)					
Site (min)	4,800 SF	4,800 SF	4,800 SF	n/a	n/a
Site per unit (min)	n/a	n/a	n/a	4,800 SF	n/a
Open Space (min)					
Open space (% of site)	n/a	n/a	n/a	50%	25%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	35%

Specifications for Open Space and Site Coverage
 In development with townhouse or [general] nonresidential building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Lot (min)					
Lot area	4,800 SF	2,400 SF	4,800 SF	1,600 SF	n/a
Lot width at front building line	30'	15'	30'	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	75'
Density (max)					
Density (units/acre)	9.07	9.07	9.07	9.07	n/a
Density (FAR per tract)	n/a	n/a	n/a	n/a	0.75
Coverage (max)					
Lot	35%	35%	35%	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
Side street setback	15'	15'	15'	15'	15'
[Side setback]	n/a	n/a	n/a	4'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	8'
Side setback, end unit	n/a	n/a	n/a	4'	n/a
[Side setback between lot and site boundary]	n/a	n/a	n/a	8'	n/a
[Rear setback]	20'	20'	20'	20'	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 20'	n/a
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'
Rear setback	4'	4'	4'	0'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'

[Sec.] Section 4.4.10. TLD Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Parking Setbacks for Surface Parking Lots (min)					
Front setback	n/a	n/a	n/a	n/a	10'
Side street setback	n/a	n/a	n/a	n/a	10'
Side setback	n/a	n/a	n/a	n/a	10'
Rear setback	n/a	n/a	n/a	n/a	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height

Height (max)					
Principal building	35'	35'	35'	40'	40' and [Sec. 7.4.4] Section 4.1.8.B
Accessory Structure	25'	25'	25'	25'	25'

E. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

Section 4.4.11. TMD Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Site Area (min)					
Site	3,600 SF	3,600 SF	3,600 SF	n/a	n/a
Site per unit	n/a	n/a	n/a	3,600 SF	n/a
Open Space (min)					
Open space (% of site)	n/a	n/a	n/a	45%	25%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	35%

Specifications for Open Space and Site Coverage
 In development with townhouse or [general] nonresidential building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Lot (min)					
Lot area	3,600 SF	1,800 SF	3,600 SF	1,400 SF	n/a
Lot width at front building line	30'	15'	30'	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	75'
Density (max)					
Density (units/acre)	12.10	12.10	12.10	12.10	n/a
Density (FAR per tract)	n/a	n/a	n/a	n/a	1.0
Coverage (max)					
Lot	40%	40%	40%	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
Side street setback	15'	15'	15'	15'	15'
[Side setback]	n/a	n/a	n/a	4'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	8'
Side setback, end unit	n/a	n/a	n/a	4'	n/a
[Side setback between lot and site boundary]	n/a	n/a	n/a	8'	n/a
[Rear setback]	20'	20'	20'	20'	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 20'	n/a
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'
Rear setback	4'	4'	4'	0'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'

[Sec.] Section 4.4.11. TMD Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Parking Setbacks for Surface Parking Lots (min)					
Front setback	n/a	n/a	n/a	n/a	10'
Side street setback	n/a	n/a	n/a	n/a	10'
Side setback	n/a	n/a	n/a	n/a	10'
Rear setback	n/a	n/a	n/a	n/a	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height

Height (max)					
Principal building	35'	35'	35'	40'	40' and [Sec. 7.4.4] Section 4.1.8.B
Accessory Structure	25'	25'	25'	25'	25'

E. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

Section 4.4.12. THD Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Site Area (min)					
Site	2,900 SF	2,900 SF	2,900 SF	n/a	n/a
Site per unit	n/a	n/a	n/a	2,900 SF	n/a
Open Space (min)					
Open space (% of site)	n/a	n/a	n/a	40%	25%
Site Coverage (max)					
Site coverage	n/a	n/a	n/a	35%	35%

Specifications for Open Space and Site Coverage

In development with townhouse or [general] nonresidential building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Lot (min)					
Lot area	2,900 SF	1,450 SF	2,900 SF	1,200 SF	n/a
Lot width at front building line	30'	15'	30'	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	75'
Density (max)					
Density (units/acre)	15.02	15.02	15.02	15.02	15.02
Density (FAR per tract)	n/a	n/a	n/a	n/a	1.0
Coverage (max)					
Lot	50%	50%	50%	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Principal Building Setbacks (min)					
Front setback, public street	20'	20'	20'	20'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
Side street setback	15'	15'	15'	15'	15'
[Side setback]	n/a	n/a	n/a	4'	n/a
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	8'
Side setback, end unit	n/a	n/a	n/a	5'	n/a
<u>Side setback between lot and site boundary</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>10'</u>	<u>n/a</u>
[Rear setback]	20'	20'	20'	20'	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 25'	n/a
Accessory Structure Setbacks (min)					
Front setback, behind front building line	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'
Rear setback	4'	4'	4'	0'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'

[Sec.] Section 4.4.12. THD Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	[General] Non-residential
Parking Setbacks for Surface Parking Lots (min)					
Front setback	n/a	n/a	n/a	n/a	10'
Side street setback	n/a	n/a	n/a	n/a	10'
Side setback	n/a	n/a	n/a	n/a	10'
Rear setback	n/a	n/a	n/a	n/a	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height

Height (max)					
Principal building	35'	35'	35'	40'	40' and [Sec. 7.4.4] Section 4.1.8.B
Accessory Structure	25'	25'	25'	25'	25'

E. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	12	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

Section 4.4.13. R-30 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	[General] Non-residential
Site Area (min)						
Site	3,000 SF	3,000 SF	3,000 SF	n/a	n/a	n/a
Site per unit	n/a	n/a	n/a	3,000 SF	3,000 SF	n/a
Open Space (min)						
Open space (% of site)	n/a	n/a	n/a	65%	65%	25%
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	18%	18%	18%
Specifications for Open Space and Site Coverage						
In a development with townhouse, apartment[condo], or [general] nonresidential						
1 building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.						
B. Lot and Density						
Lot (min)						
Lot area	3,000 SF	1,500 SF	3,000 SF	1,200 SF	12,000 SF	n/a
Lot width at front building line	30'	15'	30'	n/a	75'	75'
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a
Density (max)						
Density (units/acre)	14.50	14.50	14.50	14.50	14.50	n/a
Density (FAR per tract)	n/a	n/a	n/a	n/a	n/a	1.50
Coverage (max)						
Lot	50%	50%	50%	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	[General] Non-residential
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	20'
Side street setback	15'	15'	15'	15'	10'	10'
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	10'
Side setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	n/a]
[Rear setback	20'	20'	20'	20'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 20'	30'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec 7.4.3] 10'	n/a	n/a
Accessory Structure Setbacks (min)						
Front setback, behind front building line	10'	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'	5'
Rear setback	4'	4'	4'	0'	5'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'

[Sec.] Section 4.4.13. R-30 Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	[General Non-residential]
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	10'
Side street setback	n/a	n/a	n/a	n/a	10'	10'
Side setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'

D. Height

Height (max)						
Principal building	35'	35'	35'	35'	35'	35' [and Sec. 7.4.4]
Accessory structure	25'	25'	25'	25'	25'	25'

E. Form

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	required
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes

Section 4.4.14. R-20 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Site Area (min)						
Site	2,000 SF	2,000 SF	2,000 SF	n/a	n/a	n/a
Site per unit	n/a	n/a	n/a	2,000 SF	2,000 SF	n/a
Open Space (min)						
Open space (% of site)	n/a	n/a	n/a	60%	60%	25%
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	18%	18%	18%

Specifications for Open Space and Site Coverage

In development with townhouse, apartment[/condo], or [general] nonresidential building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Lot area	2,000 SF	1,000 SF	2,000 SF	1,000 SF	16,000 SF	n/a
Lot width at front building line	25'	12.5'	25'	n/a	85'	75'
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a
Density (max)						
Density (units/acre)	21.70	21.70	21.70	21.70	21.70	n/a
Density (FAR per tract)	n/a	n/a	n/a	n/a	n/a	1.75
Coverage (max)						
Lot	75%	75%	75%	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	20'
Side street setback	15'	15'	15'	15'	10'	10'
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	10'
Side setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	n/a]
[Rear setback	20'	20'	20'	10'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	30'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 10'	n/a	n/a

Specification for Principal Building Setbacks

Additional setbacks are required for apartment[/condo] and [general] nonresidential buildings more than 30' in height. For each foot of height over 30', the setbacks must be increased by 3'.

Accessory Structure Setbacks (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Front setback, behind front building line	10'	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'	5'
Rear setback	4'	4'	4'	0'	5'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'

[Sec.] Section 4.4.14. R-20 Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [// Condo]	[General Non-residential]
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	10'
Side street setback	n/a	n/a	n/a	n/a	10'	10'
Side setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'

D. Height

Height (max)						
Principal building	40'	40'	40'	40'	80'	80' and [Sec. 7.4.4] Section 4.1.8.B
Accessory structure	25'	25'	25'	25'	25'	25'

E. Form

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	required
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes

Section 4.4.15. R-10 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Site Area (min)						
Site	2,000 SF	2,000 SF	2,000 SF	n/a	n/a	n/a
Site per unit	n/a	n/a	n/a	1,000 SF	1,000 SF	n/a
Open Space (min)						
Open space (% of site)	n/a	n/a	n/a	50%	50%	25%
Site Coverage (max)						
Site coverage	n/a	n/a	n/a	12%	12%	12%

Specifications for Open Space and Site Coverage

In a development with townhouse, apartment[/condo], or [general] nonresidential building types, open space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

B. Lot and Density

Lot (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF	n/a
Lot width at front building line	25'	12.5'	25'	n/a	100'	75'
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a
Density (max)						
Density (units/ acre)	43.50	43.50	43.50	43.50	43.50	n/a
Density (FAR per tract)	n/a	n/a	n/a	n/a	n/a	2.00
Coverage (max)						
Lot	90%	90%	90%	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Principal Building Setbacks (min)						
Front setback, public street	20'	20'	20'	20'	30'	30'
Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	20'
Side street setback	15'	15'	15'	15'	10'	10'
[Side setback	n/a	n/a	n/a	4'	n/a	n/a]
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[abutting zone] 6'	[abutting zone] 6'	[abutting zone] 6'	n/a	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Side setback, abutting all other zones	4'	4'	4'	n/a	10'	10'
Side setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
[Side setback between lot and site boundary	n/a	n/a	n/a	5'	n/a	n/a]
[Rear setback	20'	20'	20'	10'	n/a	n/a]
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	See [Sec. 7.4.3] Section 4.1.8.A	See [Sec. 7.4.3] Section 4.1.8.A
Rear setback, abutting all other zones	[n/a] 20'	[n/a] 20'	[n/a] 20'	[n/a] 10'	30'	15'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] 10'	n/a	n/a

Specification for Principal Building Setbacks

Additional setbacks are required for apartment[/condo] and [general] nonresidential buildings more than 30' in height. For each foot of height over 30', the setbacks must be increased by 0.5'.

Accessory Structure Setbacks (min)	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General] Non-residential
Front setback, behind front building line	10'	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'	15'
Side setback	4'	4'	4'	4'	5'	5'
Rear setback	4'	4'	4'	0'	5'	5'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'

[Sec.] Section 4.4.15. R-10 Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	[General Non-residential]
Parking Setbacks for Surface Parking Lots (min)						
Front setback	n/a	n/a	n/a	n/a	30'	10'
Side street setback	n/a	n/a	n/a	n/a	10'	10'
Side setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback	n/a	n/a	n/a	n/a	10'	10'
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'

D. Height

Height (max)						
Principal building	40'	40'	40'	40'	100'	100' and [Sec. 7.4.4] Section 4.1.8.B
Accessory structure	25'	25'	25'	25'	25'	25'

E. Form

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	n/a	100'
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes

Division 4.5. Commercial/Residential Zones

Section 4.5.1. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Commercial/Residential zone are established on the zoning map under Sec. 2.1.6.A.4.]

1. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

2. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 4.5.1.A.1.

B. FAR Averaging

1. Only standard method development projects that require [a] site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:
 - a. the properties are under the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - d. a building cannot exceed the maximum height set by the zone;

- e. uses must satisfy the provisions of the zone category;
 - d. [f.] the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and
 - e. [g.] public benefits are required to be provided under any phasing element of an approved sketch plan.
3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones, if:
 - a. Each provision under Section [Sec.] 4.5.1.B.2 is satisfied;
 - b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area;
 - c. The minimum public benefit points required under Section [Sec.] 6.4.1.B must be exceeded by at least 50%; and
 - d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

Section 4.5.2. Methods of Development

The CRN zone allows development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method. Approval of a sketch plan is required under Section [Sec.] 8.3.3 for optional method development.

A. Standard Method

Standard method development is allowed under the following limitations and requirements.

1. In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
2. In the CRT and CR zones, the maximum standard method height for any

property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:

Zone	Total Density (max)
CRT	The greater of 1.0 FAR or 10,000 SF of gross floor area
CR	The greater of 0.5 FAR or 10,000 SF of gross floor area

B. Optional Method

Optional method development is allowed under [Division \[Div.\] 6.4](#).

Section 4.5.3. Building Types

The allowed building types are [\[specified by zone\]](#) in [Section 4.1.6. \[Sec. 4.1.4.\]](#)

Dimensional standards for allowed building types are in [Section \[Sec.\] 4.5.4](#).

Section 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
1	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
2	Open space for the townhouse building type is common open space and for other building types is public open space, under Division [Div.] 7.3 .						
B. Lot and Density							
Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	800 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
CRN Density, FAR	mapped						
CRT Density, FAR	mapped FAR or the greater of 10,000 SF or 1.0 FAR, whichever is less						
CR Density, FAR	mapped FAR or the greater of 10,000 SF or 0.5 FAR, whichever is less						
Specification for Density							
1	An historic resource recommended in the applicable master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation.						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

[Sec.] Section 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear/[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

[Sec.] Section 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%

D. Height

Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

E. Form

Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	required	required	required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Division 4.6. Employment Zones

Section 4.6.1. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Employment zone are established on the zoning map under Sec. 2.1.7.A.4.]

1. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
GR	0.5 to 2.5	25' to 120'
NR	0.25 to 1.5	25' to 50'
LSC	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

2. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums in Section 4.6.1.A.1.

B. FAR Averaging

1. Only standard method development projects that require [a] site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones, if:
 - a. the properties are under the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - d. a building cannot exceed the maximum height set by the zone;

- e. uses must satisfy the provisions of the zone category;
 - f. the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and
 - g. public benefits are required to be provided under the phasing element of an approved sketch plan.
3. Density may be averaged over 2 or more non-contiguous properties in one or more LSC or EOF zones, if:
 - a. Each provision under Section [Sec.] 4.6.1.B.2 is satisfied;
 - b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area;
 - c. The minimum public benefit points required under Section [Sec.] 6.4.1.B must be exceeded by at least 50%; and
 - d. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

Section 4.6.2. Methods of Development

The GR and NR zones allow development only under the standard method. The LSC and EOF zones allow development under the standard method and may allow development under the optional method. Approval of a sketch plan is required under Section [Sec.] 8.3.3 for optional method development.

A. Standard Method

Standard method development is allowed as follows.

1. In the GR and NR zone, the maximum total FAR and maximum height for any property is set by the zone shown on the zoning map.
2. In the LSC and EOF zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maxi-

imum total standard method FAR for any property is the limit indicated in the following table, unless shown as lower on the zoning map:

Zone	Total Density (max)
LSC	The greater of 0.5 FAR or 10,000 SF of gross floor area
EOF	The greater of 1.0 FAR or 10,000 SF of gross floor area

B. Optional Method

Optional method development is allowed under [Div 6.5](#).

Section 4.6.3. Building Types

The allowed building types are [\[specified by zone\]](#) in [Section 4.1.6](#). [\[Sec. 4.1.4.\]](#) Dimensional standards for allowed building types are in [Section \[Sec.\] 4.6.4](#) to [Section \[Sec.\] 4.6.6](#).

Section 4.6.4. GR and NR Zones, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
1	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
2	Open space for the townhouse building type is common open space and for other building types is amenity open space, under Division [Div.] 7.3 .						

B. Lot and Density

Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
Density, FAR	mapped						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a
Specification for Density							
1	Gross floor area of all Household Living uses [in an application] on a site [must not exceed] is limited to 30% of the [maximum allowed FAR mapped] total gross floor area on the subject site.						

[Sec.] Section 4.6.4. GR and NR Zones, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Side street setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

[Sec.] Section 4.6.4. GR and NR Zones, Standard Method Development Standards (cont'd)

D. Height	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [/Condo]	Multi Use	General
Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

E. Form

Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Section 4.6.5. LSC Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
1	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
2	Open space for the townhouse building type is common open space and for other building types is public open space, under Division [Div.] 7.3 .						
B. Lot and Density							
Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
[LSC] Density, FAR	mapped or the greater of 0.5 FAR or 10,000 SF of gross floor area, whichever is less						
Specification for Density							
1	Gross floor area of all Household Living uses [in an application must not exceed] is limited to 30% of the maximum allowed FAR mapped on the subject site .						
	For a tract larger than 5 acres:						
	A) A minimum of 40% of the gross floor area proposed must be for Life Sciences and related uses. The proposed gross floor area used for the purpose of calculating the minimum percentage of Life Sciences uses excludes: (1) a Hospital and the Hospital's accessory uses; and (2) educational facilities.						
2	B) A maximum of 10% of the gross floor area proposed may be for Retail/Service Establishment; however, if the Planning Board finds that unique circumstances are present and the area would be enhanced by additional retail activity, then a maximum of 15% of the gross floor area proposed may be used for Retail/Service Establishment.						
3	Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone [may not] must be used [for any other] only for this purpose. The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

[Sec.] Section 4.6.5. LSC Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'

[Sec.] Section 4.6.5. LSC Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
1	Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Parking Setbacks for Surface Parking Lots and Build-to Area requirements.						
D. Height							
Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

[Sec.] Section 4.6.5. LSC Zone, Standard Method Development Standards (cont'd)

E. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	not required	not required	not required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Specification for Building Orientation and Transparency							
1	Building Orientation and Transparency requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Building Orientation and Transparency requirements.						
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Section 4.6.6. EOF Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
Open Space (min)							
Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
1	In a development with townhouse, apartment[/condo], multi use, or general building types, open space is calculated on the area of the site minus any area for detached house and duplex lots.						
2	Open space for the townhouse building type is common open space and for other building types is amenity open space, under Division [Div.] 7.3 .						

B. Lot and Density

Lot (min)							
Lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
Lot width at front lot line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
Density, FAR	mapped FAR or the greater of 1.0 FAR or 10,000 SF, whichever is less						
Coverage (max)							
Lot	90%	90%	90%	90%	n/a	n/a	n/a
Specification for Density							
1	Gross floor area of all Household Living uses [in an application] on a site [must not exceed] is limited to 30% of the [maximum allowed FAR mapped] total gross floor area on the subject site.						

[Sec.] Section 4.6.6. EOF Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Principal Building Setbacks (min)							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural Residential , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] See Section 4.1.8.A		
Side setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
Side setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
Side setback between lot and site boundary	n/a	n/a	n/a	8'	n/a	n/a	n/a
Rear setback, abutting Agricultural, Rural Residential , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] See Section 4.1.8.A		
Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Rear[Side] setback between lot and site boundary	n/a	n/a	n/a	[see Sec. 7.4.3] 15'	n/a	n/a	n/a
Accessory Structure Setbacks (min)							
Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
Side street setback	15'	15'	15'	15'	0'	0'	0'
Side setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'

[Sec.] Section 4.6.6. EOF Zone, Standard Method Development Standards (cont'd)

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)							
Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] 7.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to Area (BTA, max setback and min % of lot width)							
Front setback	n/a	n/a	n/a	15'	30'	15'	20'
Building in front street BTA	n/a	n/a	n/a	70%	70%	70%	70%
Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
Building in side street BTA	n/a	n/a	n/a	n/a	35%	35%	35%
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							
1	Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a business district street or a build-to-line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Parking Setbacks for Surface Parking Lots and Build-to Area requirements.						
D. Height							
Height (max)							
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] Section 4.1.8.B		

[Sec.] Section 4.6.6. EOF Zone, Standard Method Development Standards (cont'd)

E. Form	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	Multi Use	General
Massing (max)							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	required	required	required	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Specification for Building Orientation and Transparency							
1 Building Orientation and Transparency requirements only apply when the development fronts on a business district street or a build-to line is recommended in the applicable master plan. If a site plan approval is required, the Planning Board may waive the Building Orientation and Transparency requirements.							
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Division 4.7. Industrial Zones

Section 4.7.1. Density and Height Allocation

A. Density and Height Limits

[Density and height limits for any specific Industrial zone are established on the zoning map under Sec. 2.1.8.A.3.]

1. Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and maximum height (H) is a zone under the following limits:

Zone	Total FAR (max)	Height (max)
IL	0.25 to 1.5	25' to 50'
IM	0.25 to 2.5	25' to 120'
IH	0.5 to 4.0	35' to 200'

2. Zones are established at density increments of 0.25 FAR and height increments of 5 feet up to the maximums indicated in Section 4.7.1.A.1.

B. FAR Averaging

1. Only standard method development projects that require [a] site plan approval can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Industrial zones, if:
 - a. the properties are under the same site plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved site plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties; and
 - [d. a building cannot exceed the maximum height set by the zone;
 - e. uses must satisfy the provisions of the zone category; and]
 - d. [f.] the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or

Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone.

3. Density may be averaged over 2 or more non-contiguous properties in one or more IL or IM zones, if:
 - a. Each of the provisions under Section [Sec.] 4.7.1.B.2 is satisfied;
 - b. The properties are within ¼ mile of each other or in a designated master-planned density transfer area; and
 - c. The applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

Section 4.7.2. Methods of Development

- A. The Industrial zones allow development only under the standard method.
- B. In the Industrial zones, the maximum total FAR and maximum height are set by the zone shown on the zoning map.

Section 4.7.3. Building Types

The allowed building types are [specified by zone] in Section 4.1.6. [Sec. 4.1.4.] Dimensional standards for allowed building types are in Section [Sec.] 4.7.4 and Section [Sec.] 4.7.5.

Section 4.7.4. IL and IM Zones, Standard Method Development Standards

A. Site	Multi Use	General
Open Space (min)		
Open space, site ≤ 10,000 SF	5%	5%
Open space, site >10,000 SF	10%	10%
B. Lot and Density		
Density (max)		
Density (FAR per tract)	mapped	
Specification for Density		
1	Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone [may not] must be used [for any other] only for this purpose . The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.	

C. Placement

Principal Building and Accessory Structure Setbacks (min)		
Front setback	10'	10'
Side street setback	10'	10'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Side setback, abutting Industrial zones	0'	0'
Side setback, abutting all other zones	10'	10'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Rear setback, abutting Industrial zones	0'	0'
Rear setback, abutting all other zones	10'	10'
Rear setback, alley	0'	0'
Parking Setbacks for Surface Parking Lots (min)		
Front setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Side setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.] 7.2.9	

D. Height	Multi Use	General
Height (max)		
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B	
Accessory structure	mapped and [Sec. 7.4.4] Section 4.1.8.B	
E. Form		
Allowed Building Elements		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

Section 4.7.5. IH Zone, Standard Method Development Standards

A. Site	Multi Use	General
Open Space (min)		
Open space, site ≤ 10,000 SF	5%	5%
Open space, site >10,000 SF	10%	10%
B. Lot and Density		
Density (max)		
Density	mapped	
Specification for Density		
Any area used exclusively for mechanical equipment is excluded from the maximum density calculation, and any area excluded from this calculation that exceeds the FAR of the zone <u>may not</u> <u>must</u> be used <u>for any other</u> <u>only</u> <u>for this</u> purpose. The total area of any partial floors or stories excluded from the maximum density calculation must not exceed the gross floor area of any full floor of the building.		
C. Placement		
Principal Building and Accessory Structure Setbacks (min)		
Front setback	10'	10'
Side street setback	10'	10'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Side setback, abutting Industrial zones	0'	0'
Side setback, abutting all other zones	10'	10'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	[see Sec. 7.4.3] See Section 4.1.8.A	[see Sec. 7.4.3] See Section 4.1.8.A
Rear setback, abutting Industrial zones	0'	0'
Rear setback, abutting all other zones	10'	10'
Rear setback, alley	4'	4'
[Accessory Structure Setbacks (min)]		
[Front setback, behind front building line	10'	10']
[Side street setback	10'	10']
[Side setback	10'	10']
[Rear setback	10'	10']
[Rear setback, alley	4'	4']

C. Placement	Multi Use	General
Parking Setbacks for Surface Parking Lots (min)		
Front setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Side setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.] 7.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.] 7.2.9	
D. Height		
Height (max)		
Principal building	mapped and [Sec. 7.4.4] Section 4.1.8.B	
Accessory structure	mapped and [Sec. 7.4.4] Section 4.1.8.B	
E. Form		
Allowed Building Elements		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

Division 4.8. Overlay Zones

Section 4.8.1. In General

A. Applicability

Land must only be designated within an Overlay zone when recommended by a master plan and approved [as part of] by a Sectional Map Amendment, or when approved by a District Map Amendment.

B. Standards and Requirements

Development in an Overlay zone [must conform to] satisfy the standards and requirements of the underlying zone, except as [specifically] modified by [this] Division 4.8 [(Div. 4.8)]. [Where] if there is an ambiguity as to whether the requirements of the underlying zone or Overlay zone apply, the requirements of the Overlay zone apply. [A site plan must be submitted] Site plan approval is required under Section [Sec.] 8.3.4, except where [specifically] exempted by the applicable Overlay zone.

[Sec. 4.8.2. Commercial Preservation (CP) Overlay Zone

A. Commercial Preservation - Burtonsville Employment Area (CP-BEA) Overlay Zone

1. Purpose

The purpose of the CP-BEA Overlay zone is to:

- a. Develop a compatible mix of office, commercial, light industrial, and nonresidential uses within a designated employment area.
- b. Establish a uniform set of development standards for the Overlay zone.
- c. Allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area.
- d. Encourage the use of traffic-limiting measures such as car pools and use of mass transit.
- e. Eliminate uses not considered compatible with the intent of this Overlay zone.

2. Land Uses

- a. All permitted uses in the IM and EOF zones are permitted for any area of land with a preliminary plan approved by the Planning Board after October 27, 2006 but before October 27, 2009.
- b. The following uses are prohibited:
 - i. Adult Entertainment;
 - ii. Agricultural Processing;
 - iii. Animal Husbandry;
 - iv. Artisan Manufacturing and Production;
 - v. Community Garden;
 - vi. Contractor Storage Yard;
 - vii. Dry Cleaning Facility;
 - viii. Farm Market, On-site;
 - ix. Filling Station;
 - x. Freight Movement;
 - xi. Light Manufacturing and Production, except as noted in Sec. 4.8.2.A.2.d;
 - xii. Light Vehicle Sales and Rental (Indoor);
 - xiii. Light Vehicle Sales and Rental (Outdoor);
 - xiv. Medical/Scientific Manufacturing and Production;
 - xv. Mineral Storage;
 - xvi. Recycling Collection and Processing;
 - xvii. Repair (Commercial Vehicle);
 - xviii. Repair (Major);
 - xix. Repair (Minor);

- xx. The following Retail/Service Establishments: building materials and supplies (wholesale and retail) and wholesale trades limited to sale or rental of products intended for industrial or commercial users;
 - xxi. Self-Storage;
 - xxii. Shooting Range (Indoor);
 - xxiii. Storage Facility; and
 - xxiv. Urban Farming.
- c. The following Retail/Service Establishments are permitted: an antique shop, handicraft, or art sales; barber or beauty shop; bank; bookstore; drugstore; express or mailing office; florist; food and beverage store; newsstand; photographic and art supply store; and shoe repair shop.
- d. The following Light Manufacturing and Production uses are permitted: manufacturing and assembly of electronic components, instruments, and devices; manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment; manufacturing and assembly of semi-conductors, microchips, circuits, and circuit boards; manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development; and printing and publishing.

3. Development Standards

- a. When abutting a property that is not located in the CP-BEA Overlay zone, all buildings must be set back as follows:
- i. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a major highway separating the Overlay zone from such residential uses;
 - ii. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
 - iii. 50 feet from a limited-access freeway or parkway;
 - iv. 50 feet from property recommended in a master plan for a non-residential public use including, but not limited to such uses as a

public park, stormwater management facility, maintenance facility, or similar use;

- v. 25 feet from an arterial road that separates the employment area from a Commercial/Residential or Employment zone;
 - vi. 10 feet from any Commercial/Residential, Employment, or Industrial zone outside the Overlay zone; and
 - vii. a building containing principally retail (50% or more of the gross floor area) commercial uses must be located at least 200 feet from any adjacent Residential zone.
- b. All parking and maneuvering areas must be set back at least 100 feet from any adjacent Residential zone, and 50 feet from a major highway with a right-of-way of 120 feet or greater that separates the Overlay zone from any Residential zone.
- c. Where property in the Overlay zone abuts Residentially zoned land that is recommended in a master plan for a nonresidential public use including, but not limited to, such uses as a public park, stormwater management facility, maintenance facility or similar use, the setback for parking and maneuvering areas is 50 feet.
- d. A building containing principally retail commercial uses must not exceed 20,000 gross square feet.
- e. The cumulative square footage of retail commercial uses permitted in the Overlay zone must not exceed a total of 50,000 gross square feet.

4. Site Plan

Any development in the CP-BEA Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings and Uses

- a. Any use legally existing before October 27, 2009 that otherwise would have been made non-conforming because of ZTA 09-05 is a conforming use, and may be modified, repaired, or reconstructed.

- b. Any structure lawfully existing as of the date of application of the CP-BEA Overlay zone that does not conform to the standards of the Overlay zone may be rebuilt, repaired, or reconstructed under the standards of the underlying zone as long as the degree of non-conformity is not increased; however, any expansion must comply with the standards of the Overlay zone.
- c. Any lawfully existing use allowed as of the effective date of application of the CP-BEA Overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the Overlay zone may be continued as a lawful use under the standards of the underlying zone.

B. Commercial Preservation - Chevy Chase Neighborhood Retail (CP-CCNR) Overlay Zone.

1. Purpose

The purpose of the CP-CCNR Overlay zone is to:

- a. Retain the existing mix of neighborhood-oriented retail and service uses while allowing a reasonable expansion and modernization of retail space.
- b. Ensure that the retail and service uses are accessible to pedestrians.
- c. Encourage pedestrian-oriented retail and reinforce a sense of community.

2. Land Uses

The following uses are permitted at the ground floor, including entrance lobbies and common areas:

- a. Cultural Institution;
- b. Day Care Facility;
- c. The following Office uses: personal service office uses such as travel agency, real estate office, optician, and similar neighborhood-serving office uses;
- d. Playground, Outdoor Area (Private);
- e. Restaurant; and
- f. The following Retail/Service Establishment uses: an antique shop, handi-craft, or art sale; appliance repair shop; bank and financial institution;

barber and beauty shop; book store; drug store; dry cleaning and laundry pickup station; duplicating service; florist; food and beverage store; gift shop; grocery store; hardware store; newsstand; pet shop; photographic studio; photographic and art supply store; shoe repair shop; specialty shop, such as jewelry store; variety and dry goods store, including wear-ing apparel; and tailoring or dressmaking shop.

3. Development Standards

- a. The maximum floor area for a grocery store is 25,000 square feet.
- b. The maximum floor area of any restaurant operating on May 4, 1998 is 8,500 square feet.
- c. The maximum floor area for all other uses permitted at ground floor level is 5,000 square feet.
- d. The Planning Board may grant a waiver to increase the maximum floor area limit for any use permitted at the ground floor level during sketch plan or site plan review, if the Planning Board finds that an increased floor area substantially conforms with the commercial and development objectives for the area as established in the master plan. The waiver must be reapproved by an amendment to the sketch plan or site plan if the use changes; however, a replacement tenant for the same use or a similar use may be approved by the Planning Board without formal sketch plan or site plan amendment. The 5,000 square foot area limit on uses permitted at ground level, does not apply to any use that occupied more than 5,000 square feet of floor area on May 4, 1998.

4. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to existing buildings that change the amount of floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8.
- b. In addition to the site plan findings under Sec. 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated build-

ings must be directly accessible from a sidewalk, plaza, or other public space before approving a site plan for the CP-CCNR Overlay zone.

C. Commercial Preservation - Neighborhood Retail (CP-NR) Overlay Zone

1. Purpose

The purpose of the CP-NR Overlay zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

2. Land Uses

Retail/Service Establishment uses are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry cleaning and laundry pick-up station; florist; food and beverage store; gift shop; jewelry store; laundromat; newsstand; office, banking; restaurant; and variety and dry goods store.

3. Development Standards

If the Retail/Service Establishment use is proposed to be free-standing, the scale and character of development must substantially conform with the recommendations of the master plan. If the Retail/Service Establishment use is proposed to be provided in an apartment/[condo] building type, the use must have direct access to the street.

4. Site Plan

- a. Site plan approval is required under Sec. 8.3.4 if:
 - i. Retail/Service Establishment uses are proposed in a Multi-Unit zone; or
 - ii. required under Sec. 8.3.4.A.8.
- b. The Planning Board may waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will substantially conform with the goals of the master plan, allow better pedestrian circulation, and encourages use of transit.

D. Commercial Preservation - Regional Shopping Center (CP-RSC) Overlay Zone

1. Purpose

The purpose of the CP-RSC Overlay zone is to:

- a. Provide flexibility of development standards to facilitate certain uses compatible with a regional shopping center.
- b. Provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers.

2. Land Uses

The following uses are permitted as part of a Regional Shopping Center:

- a. Hotel, Motel
- b. The following Recreation and Entertainment Facility use: theater complex
- c. Combination Retail

3. Development Standards

- a. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:
 - i. 90 feet for a building that includes a theater complex, and
 - ii. 130 feet for a Hotel, Motel.
- b. [For any increase in building height, that portion of the building] Any portion of a building over 45 feet in height must be set back from [the nearest] an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each 1 foot of building height over 45 feet.

4. Site Plan

A site plan is required for any increase in building height under Sec. 4.8.2.D.3.a.

5. Parking

a. Requirement

- i. The parking requirement for a regional shopping center is [5.5] 4 parking spaces for each 1,000 square feet of gross leasable area [and may be reduced by 15% if an entrance to a regional shopping center is within 1,600 feet of a Metrorail station entrance, defined as the straight-line distance between a main pedestrian entrance of a building for which the parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. A station entrance is defined as the street-level entrance of any escalator or the gate or similar barrier of any station entrance that has no escalator].
- ii. The parking requirement for separate standing office and professional buildings is under Div. 7.2.
- iii. All storage space that exceeds 35% of the total gross leasable area shall be excluded in calculating the number of required parking spaces. The owner must submit an annual report specifying the amount of storage space that is greater than 35% of the gross leasable area.

b. Pedestrian Access

The major point of pedestrian access for an off-street parking facility that occupies contiguous land area integral to the regional shopping center property may extend more than 500 feet walking distance from an entrance to the center to satisfy the number of spaces required under Sec. 4.8.2.D.5.a.i.

c. Parking Space Size

DPS or the Planning Board may approve smaller than standard size parking spaces for up to 20% of the total parking spaces at the regional shopping center. Any modified standard size space must be for employee use only. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only. Any modified standard size space must have the following minimum dimensions:

Angle of Parking Space to Drive Aisle	Width	Length
0° (parallel)	6.5'	20.5'
45° - 59°	11'	22.5'
60° - 75°	9'	22'
90° (perpendicular)	8'	17.5'

d. Off-site Parking

Off-site parking spaces may be allowed under the following circumstances:

- i. The off-site parking facility will be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.
- ii. The off-site parking facility will contain a maximum of 20% of the total parking spaces provided for the regional shopping center.
- iii. DPS or the Planning Board must find that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center.
- iv. DPS or the Planning Board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.

E. Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization (CP-TPESS) Overlay Zone

1. Purpose

The purpose of the CP-TPESS Overlay zone is to:

- a. Foster economic vitality and attractive community character in areas needing revitalization.
- b. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
- c. Substantially conform with the master plan vision for specific existing commercial areas.

- d. Provide for the combination of residential with commercial uses.

2. Land Uses

- a. Multi-unit living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
- b. In the CRT zone, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.
- c. In the CRT zone, the following uses, as allowed in the underlying zone, are allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:
 - i. Car Wash;
 - ii. Filling Station;
 - iii. Funeral Home, Undertaker;
 - iv. Light Vehicle Sales and Rental (Indoor);
 - v. Light Vehicle Sales and Rental (Outdoor);
 - vi. Repair (Major); and
 - vii. Repair (Minor).

3. Development Standards

The maximum building height is 30 feet; however, the Planning Board may allow a building height:

- a. up to 42 feet for commercial development, and
- b. up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

4. Site Plan

- a. A site plan is required for:
 - i. new construction;
 - ii. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;

- iii. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the overlay zone;
- iv. a waiver of more than 50% of the off-street parking requirements under Div. 7.2.;
- v. conversion of an existing structure to residential use; or
- vi. if required under Sec. 8.3.4.A.8.

- b. During site plan review, the Planning Board may:

- i. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
- ii. reduce building setbacks to accomplish master plan objectives.

- c. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Sec. 4.8.2.E.4.a.iii, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

5. Existing Buildings and Uses

- a. Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the overlay zone, may continue as a conforming use or building and may be rebuilt, repaired, or reconstructed. A maximum expansion of 1,000 square feet is allowed with site plan approval under Sec. 8.3.4.
- b. Any building or use as identified in Sec. 4.8.2.E.5.a may expand up to 1,000 square feet with site plan approval under Sec. 8.3.4.

Sec. 4.8.3. Industrial Mixed Use (IMU) Overlay Zone

A. Industrial Mixed Use - Twinbrook (IMU-TB) Overlay Zone

1. Purpose

The purpose of the IMU-TB Overlay zone is to allow residential uses in the IL zone in areas near the Twinbrook Metro Station.

2. Land Uses

Multi-Unit Living is permitted in the IMU-TB Overlay zone. All residential uses must be located above the first floor and must be less than 40% of the total floor area of the building.

3. Development Standards

- a. [One main building and one accessory building may be located on a lot that is smaller than one acre but at least 5,000 square feet; however, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.
- b. The minimum setback from any Commercial/Residential, Employment, or Residential zone is 50 feet. The Planning Board may approve a lesser setback if it finds a lesser setback would not have an adverse impact on abutting property zoned Residential, Commercial/Residential, or Employment.
- c. The Planning Board may approve any building to be set back a minimum of 10 feet from:
 - i. an arterial road that separates the industrial area from a Commercial/Residential or Employment zone; or
 - ii. an arterial road, local street, or private right-of-way within the industrial area.
- d. Any site that includes residential uses must have a minimum of 10% common open space.
- e. The Planning Board may waive the minimum parking setback requirement to achieve a better design.

- f. The Planning Board may approve a reduction of the amenity open space requirement to a minimum of 10% of the site.] A maximum of 50% of the required amenity open space may be located off-site within the IMU-TB Overlay zone.
- g. The parking standards for multi-unit living in Sec. 7.2.4.B apply. A parking space for any dwelling unit must be located behind the front building line.
- h. Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use under the conditions of the approval.

4. Site Plan

A site plan is required for any development with residential uses or if required under Sec. 8.3.4.A.8.

Sec. 4.8.4. Neighborhood Protection (NP) Overlay Zone

A. Neighborhood Protection - Fenton Village (NP-FV) Overlay Zone

1. Purpose

The purpose of the NP-FV Overlay zone is to:

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- c. Provide flexibility of development standards to encourage innovative design solutions.
- d. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet; and catering facility.

3. Development Standards

a. Building Height

- i. Maximum building height is 90 feet along a major highway;
- ii. Maximum building height is 60 feet along any street confronting any block that includes property in a Residential Detached zone;
- iii. Within the area between a major highway and a street that confronts a block that includes property in a Residential Detached zone, maximum building height is
 - (a) 60 feet but may increase to a maximum of 90 feet if at least 33% of a project's floor area is residential;
 - (b) 110 feet if additional building height is necessary to accommodate workforce housing units, at least 33% of the project's floor area is residential, and the additional height is placed near a major highway and decreases in the direction of the closest property in a Residential Detached zone;
- iv. For property located in a block that includes property in a Residential Detached zone maximum building height is 45 feet for all uses, except maximum building height is 60 feet for:
 - (a) residential use; or
 - (b) mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;
- v. For properties with frontage on both Wayne Avenue and Fenton Street, notwithstanding the height limitations in Sec. 4.8.4.A.3.a.ii through Sec. 4.8.4.A.3.a.iv, maximum building height may be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street

as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan. However, any building using additional height must be set back from abutting Residentially zoned land no less than the setback required in the adjacent Residential zone or the height of the building, whichever is greater.

- vi. Building heights may be approved under the standards of this Section without regard to the building height recommendations of the master plan.
- b. Any project plan approved before August 18, 2008 may be constructed under the conditions of its approval and any site plan thereafter that implements the previously approved project plan. Any site plan approved before August 18, 2008 may be constructed under the conditions of its approval. Any building constructed under this Section is conforming and may be maintained and reconstructed under the conditions of their approval.
- c. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
- d. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
- e. In the CR zone, under the standard method of development the maximum FAR is 2.0 if approved by site plan under Sec. 8.3.4.
- f. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Sec. 8.3.4.

4. Site Plan

Any development in the NP-FV Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings

Any building for which a valid building permit was issued before approval of the Fenton Village Overlay Zone Sectional Map Amendment, is a conforming building and may be altered, repaired or reconstructed under the standards of the zone in effect at the time the building was constructed, except:

- a. If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed as of the date of application of the Fenton Village Overlay zone; or
- b. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must conform to the standards of the underlying zone, except as may be further regulated by the NP-FV Overlay zone.

B. Neighborhood Protection – Garrett Park (NP-GP) Overlay Zone

1. Purpose

The purpose of the NP-GP Overlay zone is to:

- a. Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
- b. Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
- c. Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
- d. Create a uniform set of development standards to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

2. Exemptions

The NP-GP Overlay zone applies to any alteration, renovation, or enlargement of an existing detached house or new construction, unless exempt as follows:

- a. Any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.

- b. Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.
- c. Any detached house in an Agricultural, Rural Residential, or Residential Detached zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958 is not a nonconforming building.
- d. Any detached house in the NP-GP Overlay zone that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.
- e. Reconstruction of a detached house may not exceed the footprint or floor area of the previous dwelling unless reconstruction fully conforms with the standards of the NP-GP Overlay zone.

3. Land Uses

The land uses and use standards of the underlying zone are applicable unless the development standards in Sec. 4.8.4.B.4 are more restrictive, in which case, Sec. 4.8.4.B.4 must be followed.

4. Development Standards

The development standards in the NP-GP Overlay zone are the same as those in the R-90, except as follows:

- a. The minimum front setback for a main building is 30 feet, and if the abutting lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an existing building may project beyond the line previously established by the buildings on the abutting lots.
- b. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.
- c. In the case of a corner lot, if the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.

- d. The minimum side setback for a principal building is 10 feet. The minimum sum of both side setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
- e. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.
- f. The maximum building coverage is 20%.
- g. The maximum FAR for all buildings on a lot is 0.375.
- h. An accessory building or structure must be located behind the rear building line and may occupy:
 - i. a maximum of 25% of the lot behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
 - ii. a maximum of 20% of the lot behind the rear building line on lots with a total lot area 8,600 square feet or larger.

5. Site Plan

A site plan is not required in the NP-GP Overlay zone except as required by Div. 4.4 or Sec. 8.3.4.A.8.

C. Neighborhood Protection - Ripley/South Silver Spring (NP-RSS) Overlay Zone

1. Purpose

The purpose of the NP-RSS Overlay zone is to:

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- c. Provide flexibility of development standards to encourage innovative design solutions.
- d. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet; and catering facility.

3. Development Standards

a. Building Height

- i. The maximum building height is 45 feet along Newell Street and Eastern Avenue that confronts a Residential zone in the District of Columbia; however, this building height may be increased to:
 - (a) a maximum of 90 feet for any building or portion of a building that is set back a minimum of 60 feet from the street; or
 - (b) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street and includes a public parking garage constructed under a General Development Agreement with the County.
 - ii. The Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground floor retail. Any structure or device used to collect or radiate electromagnetic waves, including a satellite dish, must not be included in calculating building height under this paragraph.
- b. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
 - c. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
 - d. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Sec. 8.3.4

4. Site Plan

Any development in the NP-RSS Overlay zone must submit a site plan under Sec. 8.3.4.

5. Existing Buildings

Any building for which a valid building permit was issued before February 1, 2000 is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect when the building was constructed, except:

- a. If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed on February 1, 2000; or
- b. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must satisfy the standards of the underlying zone, except as may be further modified by the NP-RSS Overlay zone.

D. Neighborhood Protection - Rural Village Center (NP-RVC) Overlay Zone

1. Purpose

The purpose of the NP-RVC Overlay zone is to:

- a. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.
- b. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
- c. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
- d. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.

- e. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.
- f. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

2. Land Uses

- a. Where a lot is either partially or totally in a Commercial/Residential zone:
 - i. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Sec. 8.3.1.
 - ii. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Sec. 8.3.1. and the following standards:
 - (a) A car wash is prohibited;
 - (b) The maximum height for pump canopies is 35 feet; and
 - (c) Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.
 - iii. Multi-unit living, as allowed in the underlying zone, must be in a multi use building type.
 - iv. The following uses are prohibited:
 - (a) Animal Boarding and Care;
 - (b) Drive -Thru in connection with a Restaurant;
 - (c) Helipad, Heliport;
 - (d) Helistop;
 - (e) The following Light Manufacturing and Production: newspaper, printing and publishing;
 - (f) Recreation and Entertainment Facility;
 - (g) Repair (Minor);
 - (h) The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - (i) Shooting Range (Indoor); and

(j) Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.

b. Where a lot is in a Residential zone:

- i. It may provide septic capacity for an adjacent commercial use, or adjacent residential property, if it substantially conforms with the recommendations of the applicable master plan.
- ii. The following uses are prohibited:
 - (a) Day Care Center (13-30 Persons);
 - (b) Day Care Center (Over 30 Persons);
 - (c) Golf Course, Country Club;
 - (d) Hospital; and
 - (e) Residential Care Facility (Over 16 Persons).

3. Development Standards

a. Where a lot is either partially or totally in a Commercial/Residential zone:

- i. When abutting an Agricultural, Rural Residential, or Residential zone, the minimum setbacks for all buildings, off-street parking, and loading and maneuvering areas is that of the abutting zone; however, the Planning Board may authorize alternative setbacks that replicate existing development patterns if recommended in a master plan. All other setbacks will be determined at site plan.
- ii. The maximum density for commercial uses is 0.2 FAR and is computed only on the area of the underlying Commercial/Residential zoned portion of the lot.
 - (a) Any project that received preliminary plan approval before November 4, 2002 for commercial development at an FAR greater than 0.2, is not required to satisfy the FAR limitation of this Section and may be developed, as a conforming use, under the approved preliminary plan.

(b) The Planning Board may recommend density above 0.2 FAR, up to the maximum allowed in the underlying zone, if authorized in a master plan, if the Planning Board determines that the higher density is compatible with surrounding uses and will better replicate existing development patterns in a village.

- iii. Notwithstanding the amount of open space required by the underlying zone, the minimum open space is 35% of the tract. The Planning Board may authorize less open space if recommended in a master plan if the Planning Board determines that reduced open space will better replicate existing development patterns in a village.
- iv. The maximum height for all buildings is 35 feet.
- v. In addition to the parking requirements in Div. 7.2:
 - (a) Parking facilities must be located to maintain a pedestrian-friendly street orientation.
 - (b) Trees must be planted and maintained throughout the parking facility to assure that at least 30% of the area is shaded. Shading must be calculated using the area of the tree crown at 15 years after the parking facility is built.
 - (c) For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before November 4, 2002 the entire off-street parking facility must be brought into conformance with this Section.
- vi. Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.
- vii. All outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.

- b. Where a lot is in a Residential zone, if recommended in a master plan, the Planning Board may authorize alternative setbacks that replicate existing development patterns at the time of site plan review.

4. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8..
- b. A site plan is not required for a detached house exempt from subdivision.

E. Neighborhood Protection - Sandy Spring/Ashton Rural Village (NP - SSA) Overlay Zone

1. Purpose

The purpose of the NP-SSA Overlay zone is to:

- a. Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.
- b. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

2. Sewer

Lots developed under the NP-SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.

3. Land Uses

Where a lot is either partially or totally in a Commercial/Residential or Employment zone:

- a. Multi-unit living, as allowed in the underlying zone, must be in a multi use building type.
- b. The following uses are prohibited:
 - i. Adult Entertainment;
 - ii. Animal Research Facility;
 - iii. Car Wash;
 - iv. Drive -Thru in connection with a Restaurant;
 - v. Dry Cleaning Facility (Up to 3,000 SF);
 - vi. Filling Station, except that any lawful Filling Station use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
 - vii. Helipad, Heliport;
 - viii. Helistop;
 - ix. The following Light Manufacturing and Production use: Newspaper, printing, and publishing;
 - x. Media Broadcast Tower;
 - xi. Medical/Dental Laboratory;
 - xii. Pipelines (Above Ground);
 - xiii. Recreation and Entertainment Facility;
 - xiv. Repair (Major);
 - xv. Repair (Minor);
 - xvi. Research and Development;
 - xvii. Retail/Service Establishment (50,000 SF and Over);

- xviii. The following Retail/Service Establishments: building materials and supplies; furniture store, carpet, or related furnishing sales or service; and pawnshop;
- xix. Self-Storage;
- xx. Shooting Range (Indoor);
- xxi. Storage Facility;
- xxii. Structured Parking;
- xxiii. Surface Parking for Use Allowed in the Zone;
- xxiv. Surface Parking for Commercial Uses in an Historic District; and
- xxv. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established.

4. Development Standards

- a. Where a lot is in a Commercial/Residential or Employment zone:
 - i. The maximum height for all buildings is 24 feet, except that during site plan review the Planning Board may allow additional height up to 30 feet if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.
 - ii. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
 - iii. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
 - iv. In areas recommended in the master plan for mixed use development, development should substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a conditional use.

- b. Where a lot is in a Residential zone:
 - i. The density of development cannot exceed the standards for the underlying zone under the cluster provisions under Div. 6.2.
 - ii. The Planning Board may approve lot sizes down to 3,000 square feet, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.
 - iii. The maximum height for all buildings is 35 feet.

5. Site Plan

- a. A site plan is required for:
 - i. construction of a new building;
 - ii. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - iii. if required under Sec. 8.3.4.A.8.
- b. A site plan is not required for development of a detached house that proceeds under standard method development.
- c. In addition to the site plan findings under Sec. 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.

6. Parking

- a. The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.
- b. Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be utilized for off-street parking in connection with commercial uses.
- c. The NP-SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.

Sec. 4.8.5. Special Protection Area (SPA) Overlay Zone

A. Special Protection Area - Upper Paint Branch (SPA-UPB) Overlay Zone

1. Purpose

The purpose of the SPA-UPB Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including but not limited to the headwater tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch mainstem north of Fairland Road.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
- c. Regulate land uses that could adversely affect the high quality, cold water stream resource. This resource is afforded the highest order of protection through its designation by the State of Maryland as Use III Waters.

2. Exemptions

The following are exempt from Sec. 4.8.5.A:

- a. Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 2007 may continue or be reconstructed under the development standards in effect when the building permit was issued.
- b. Any impervious surface which results from construction under a building permit may be constructed or reconstructed under the development standards in effect on July 31, 2007 if:
 - i. the building permit application was pending before DPS on July 31, 2007; or
 - ii. the building permit is for a lot in a subdivision approved before July 31, 2007, if the subdivision was approved for fewer than 20 housing units.
- c. Any impervious surface resulting from an addition or accessory structure to an existing detached house must not be counted against any calculation of the 8% impervious surface restriction.

3. Land Uses

- a. Except as delineated in Sec. 4.8.5.A.3.b and Sec. 4.8.5.A.3.c, the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Sec. 4.8.5.A.4 are more restrictive, in which case Sec. 4.8.5.A.4 must be followed.
- b. The following uses are restricted in the SPA-UPB Overlay zone:
 - i. Any Landscape Contractor or Nursery must be certified as an organic grower by the State of Maryland or another approved certifying body;
 - ii. Any Golf Course, Country Club or golf driving range must have an Integrated Pest Management program; and
 - iii. Any Equestrian Facility must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
- c. If validly existing on July 1, 1997, the uses in Sec. 4.8.5.A.3.b. may be continued under the requirements in effect at the time the use was established. Any expansion requires compliance with the SPA-UPB Overlay zone.
- d. The following uses are prohibited in the SPA-UPB Overlay zone:
 - i. Farm Airstrip, Helistop;
 - ii. Helipad, Heliport;
 - iii. Pipelines used for interstate transmission of petroleum products; and
 - iv. Vehicle Services.

4. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

5. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.5.A.4 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
- b. The application otherwise complies with all applicable Federal, State, and County water quality provisions;
- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and control techniques are used to meet the purposes of Sec. 4.8.5.A.

B. Special Protection Area - Upper Rock Creek (SPA-URC) Overlay Zone

1. Purpose

The purpose of the SPA-URC Overlay zone is to:

- a. Protect the water quality and quantity and biodiversity of the Upper Rock Creek watershed north of Muncaster Mill Road, including Rock Creek mainstem and its tributaries.
- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

2. Exemptions

- a. The following are exempt from Sec. 4.8.5.B:
 - i. Any impervious surface lawfully existing under a building permit or sediment control permit issued before November 15, 2004 or under a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.
 - ii. Any property expressly exempted by the applicable master plan.
 - iii. Any addition, allowed under the development standards of the underlying zone, to a detached house.
 - iv. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.

- v. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, if every effort is made to minimize imperviousness or mitigate the impacts of runoff. Also, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.

- vi. Development in any Industrial or Commercial/Residential zone.

- b. All public projects must satisfy the provisions of the SPA-URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.

3. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

4. Waiver

The applicable review body may grant a waiver of the development standards in Sec. 4.8.5.B.3 if it finds that:

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area;
- b. The application otherwise complies with all applicable Federal, State, and County water quality regulations;
- c. The relief sought is the minimum needed to prevent the undue hardship; and

- d. Alternative water quality and quantity control techniques are used to meet the purposes of Sec. 4.8.5.B.

Sec. 4.8.6. Transferable Development Rights (TDR) Overlay Zone

A. Standard Method

Development in the TDR Overlay zone is allowed under the standard method of development without the use of Transferable Development Rights and must comply with the requirements for development and density limitations contained in the underlying zone (see Div. 4.3 - Div. 4.6). In addition, standard method development in the TDR Overlay zone may be approved under the cluster development procedures of Div. 6.2 or the procedures for development including moderately priced dwelling units as contained in Div. 6.1, if the property satisfies the minimum requirements for these development options per the underlying zone.

B. Optional Method

Optional method development is allowed in the TDR Overlay zone under Div. 6.3.

Sec. 4.8.7. Germantown Transit Mixed Use (GTMU) Overlay Zone

A. Purpose

The purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.

B. Land Uses

The land uses and use standards of the underlying zone apply.

C. Development Standards

The development standards of the underlying zone apply.

D. Optional Method

Optional method development under the CR zone and the GTMU Overlay zone must provide public benefits under Sec. 6.6.3.F.1.a except that the applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.]

Section 4.8.2. Burtonsville Employment Area (BEA) Overlay Zone

A. Purpose

The purpose of the BEA Overlay zone is to:

1. Allow the development of a compatible mix of office, commercial, light industrial, and nonresidential uses within a designated employment area.
2. Establish a uniform set of development standards for the Overlay zone.
3. Allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area.
4. Encourage the use of traffic-limiting measures such as car pools and use of mass transit.
5. Eliminate uses not considered compatible with the intent of this Overlay zone.

B. Land Uses

- [1. All permitted uses in the IM and EOF zones are permitted for any area of land with a preliminary plan approved by the Planning Board after October 27, 2006 but before October 27, 2009.]
1. [2.]The following uses are prohibited:
 - a. Adult Entertainment;
 - b. Agricultural Processing;
 - c. Animal Husbandry;
 - d. Artisan Manufacturing and Production;
 - e. Community Garden;
 - f. Contractor Storage Yard;
 - g. Dry Cleaning Facility;
 - h. Farm Market, On-site;
 - i. Filling Station;
 - j. Freight Movement;

- k. Light Manufacturing and Production, except as noted in Section 4.8.2.B.4;
 - l. Light Vehicle Sales and Rental (Indoor);
 - m. Light Vehicle Sales and Rental (Outdoor);
 - n. Medical/Scientific Manufacturing and Production;
 - o. Mineral Storage;
 - p. Recycling Collection and Processing;
 - q. Repair (Commercial Vehicle);
 - r. Repair (Major);
 - s. Repair (Minor);
 - t. The following Retail/Service Establishments: building materials and supplies (wholesale and retail) and wholesale trades limited to sale or rental of products intended for industrial or commercial users;
 - u. Self-Storage;
 - v. Shooting Range (Indoor);
 - w. Storage Facility; and
 - x. Urban Farming.
2. [3.]The following Retail/Service Establishments are permitted: an antique shop, handicraft, or art sales; barber or beauty shop; bank; bookstore; drug-store; express or mailing office; florist; food and beverage store; newsstand; photographic and art supply store; and shoe repair shop.
3. [4.]The following Light Manufacturing and Production uses are permitted: manufacturing and assembly of electronic components, instruments, and devices; manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment; manufacturing and assembly of semiconductors, microchips, circuits, and circuit boards; manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development; and printing and publishing.

C. **Development Standards**

1. When property in the Overlay zone abuts a property that is not located in the BEA Overlay zone, all buildings in the Overlay zone must be set back as follows:
 - a. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a major highway separating the Overlay zone from such residential uses;
 - b. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
 - c. 50 feet from a limited-access freeway or parkway;
 - d. 50 feet from property recommended in a master plan for a non-residential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;
 - e. 25 feet from an arterial road that separates the employment area from a Commercial/Residential or Employment zone;
 - f. 10 feet from any Commercial/Residential, Employment, or Industrial zone outside the Overlay zone; and
 - g. a building containing principally retail uses (50% or more of the gross floor area) must be located at least 200 feet from any abutting or confronting Residential zone.
2. All parking and maneuvering areas must be set back at least 100 feet from any abutting or confronting Residential zone, and 50 feet from a major highway with a right-of-way of 120 feet or greater that separates the Overlay zone from any Residential zone.
3. Where property in the Overlay zone abuts Residentially zoned land that is recommended in a master plan for a nonresidential public use including, but not limited to, such uses as a public park, stormwater management facility, maintenance facility or similar use, the setback for parking and maneuvering areas is 50 feet.
4. A building containing principally retail commercial uses must not exceed 20,000 gross square feet of floor area.
5. The cumulative square footage of retail commercial uses permitted in the

Overlay zone must not exceed a total of 50,000 gross square feet of floor area.

D. Site Plan

Site plan approval under Section 8.3.4 is required for any development in the BEA Overlay zone.

E. Existing Buildings and Uses

[1. Any use legally existing before October 27, 2009 that otherwise would have been made non-conforming because of ZTA 09-05 is a conforming use, and may be modified, repaired, or reconstructed.]

[2.] Any structure lawfully existing as of the date of application of the BEA Overlay zone that does not conform to the standards of the Overlay zone may be rebuilt, repaired, or reconstructed under the standards of the underlying zone as long as the degree of non-conformity is not increased; however, any expansion must satisfy the standards of the Overlay zone.

[3. Any lawfully existing use allowed as of the effective date of application of the BEA Overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the Overlay zone may be continued as a lawful use under the standards of the underlying zone.]

Section 4.8.3. Chevy Chase Neighborhood Retail (CCNR) Overlay Zone

A. Purpose

The purpose of the CCNR Overlay zone is to:

1. Retain the existing mix of neighborhood-oriented retail and service uses while allowing a reasonable expansion and modernization of retail space.
2. Ensure that the retail and service uses are accessible to pedestrians.
3. Encourage pedestrian-oriented retail and reinforce a sense of community.

B. Land Uses

The following uses are permitted at the ground floor, including entrance lobbies and common areas:

1. Cultural Institution;

2. Day Care Facility;
3. The following Office uses: personal service office uses such as travel agency, real estate office, optician, and similar neighborhood-serving office uses;
4. Playground, Outdoor Area (Private);
5. Restaurant; and
6. The following Retail/Service Establishment uses: an antique shop, handi-craft, or art sale; appliance repair shop; bank and financial institution; barber and beauty shop; book store; drug store; dry cleaning and laundry pickup station; duplicating service; florist; food and beverage store; gift shop; grocery store; hardware store; newsstand; pet shop; photographic studio; photographic and art supply store; shoe repair shop; specialty shop, such as jewelry store; variety and dry goods store, including wearing apparel; and tailoring or dressmaking shop.

C. Development Standards

1. The maximum floor area for a grocery store is 25,000 square feet.
2. The maximum floor area of any restaurant operating on May 4, 1998 is 8,500 square feet.
3. The maximum floor area for all other uses permitted at ground floor level is 5,000 square feet.
4. The Planning Board may grant a waiver to increase the maximum floor area limit for any use permitted at the ground floor level during sketch plan or site plan review, if the Planning Board finds that an increased floor area substantially conforms with the commercial and development objectives for the area as established in the master plan. The waiver must be reapproved by an amendment to the sketch plan or site plan if the use changes; however, a replacement tenant for the same use or a similar use may be approved by the Planning Board without formal sketch plan or site plan amendment. The 5,000 square foot area limit on uses permitted at ground level, does not apply to any use that occupied more than 5,000 square feet of floor area on May 4, 1998.

D. Site Plan

1. Site plan approval under Section 8.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to existing buildings that change the amount of floor area on a site; or
 - c. if required under Section 8.3.4.A.8.
2. In addition to the site plan findings under Section 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings must be directly accessible from a sidewalk, plaza, or other public space before approving a site plan for the CCNR Overlay zone.

Section 4.8.4. Community-serving Retail (CSR) Overlay Zone

A. Purpose

The purpose of the CSR Overlay zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

B. Land Uses

Retail/Service Establishment uses and Restaurants are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry cleaning and laundry pick-up station; florist; food and beverage store; gift shop; jewelry store; laundromat; newsstand; and variety and dry goods store.

C. Development Standards

If the Retail/Service Establishment use is proposed to be free-standing, the scale and character of development must substantially conform with the recommendations of the master plan. If the Retail/Service Establishment use is proposed to be provided in an apartment building type, the use must have direct access to the street.

D. Site Plan

1. Site plan approval under Section 8.3.4 is required if:

- a. Retail/Service Establishment uses are proposed in a Multi-Unit zone; or
 - b. required under Section 8.3.4.A.8.
2. The Planning Board may waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will substantially conform with the goals of the master plan, allow better pedestrian circulation, and encourages use of transit.

Section 4.8.5. Fenton Village (FV) Overlay Zone

A. Purpose

The purpose of the FV Overlay zone is to:

1. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
2. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
3. Provide flexibility of development standards to encourage innovative design solutions.
4. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
5. Allow new uses.

B. Land Uses

The following uses are permitted in addition to the uses allowed in the underlying zone:

1. The following Light Manufacturing and Production use: assembly of computer components; and
2. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet of gross floor area; and catering facility.

C. Development Standards

1. Building Height
 - a. Maximum building height is 90 feet along a major highway;
 - b. Maximum building height is 60 feet along any street confronting any block that includes property in a Residential Detached zone and, when

a building is allowed to be higher than 60 feet under Section 4.8.5.C.1.c each additional foot in building height above 60 feet requires at least an additional one foot setback from the front of the building along Fenton Street;

- c. Within the area between a major highway and a street that confronts a block that includes property in a Residential Detached zone, maximum building height is
 - i. 60 feet but may increase to a maximum of 90 feet if at least 33% of a project's floor area is residential;
 - ii. 110 feet if additional building height is necessary to accommodate workforce housing units, at least 33% of the project's floor area is residential, and the additional height is placed near a major highway and decreases in the direction of the closest property in a Residential Detached zone;
- d. For property located in a block that includes property in a Residential Detached zone maximum building height is 45 feet for all uses, except maximum building height is 60 feet for:
 - i. residential use; or
 - ii. mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;
- e. For properties with frontage on both Wayne Avenue and Fenton Street, in spite of the height limitations in Section 4.8.5.C.1.b through Section 4.8.5.C.1.d, maximum building height may be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan; however, any building using additional height must be set back from abutting Residentially zoned land no less than the setback required in the abutting Residential zone or the height of the building, whichever is greater.
- f. Building heights may be approved under the standards of Section 4.8.5.C.1 without regard to the building height recommendations of the master plan.

[2. Any project plan approved before September 24, 2013 may be constructed under the conditions of its approval and any preliminary plan or site plan thereafter that implements the previously approved project plan. Any site plan approved before September 24, 2013 may be constructed under the conditions of its approval. Any building constructed under Section 4.8.5.C.2 is conforming and may be maintained and reconstructed under the conditions of their approval.]

2. [3.]Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.

3. [4.]Costs associated with meeting the public open space off-site may be shared by multiple property owners.

4. [5.]In the CR zone, under the standard method of development the maximum FAR is 2.0 if approved by site plan under Section 8.3.4.

5. [6.]Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Section 8.3.4.

D. Site Plan

Site plan approval under Section 8.3.4 is required for any development in the FV Overlay zone.

E. Existing Buildings

Any building for which a valid building permit was issued before approval of the FV Overlay zone Sectional Map Amendment, is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect at the time the building was constructed, except:

1. If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed as of the date of application of the FV Overlay zone.

[2. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must conform to the standards of the underlying zone, except as may be further regulated by the FV Overlay zone.]

Section 4.8.6. Garrett Park (GP) Overlay Zone

A. Purpose

The purpose of the GP Overlay zone is to:

1. Preserve the unique park-like setting of the 19th century garden suburb, maintain the prevailing pattern of houses and open spaces, and retain the maximum amount of green area surrounding new or expanded houses.
2. Encourage a compatible relationship between new or expanded houses and neighboring structures in scale, siting, and orientation on the lot.
3. Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space.
4. Create a uniform set of development standards to resolve the multiplicity of standards that currently apply to lots in Garrett Park.

B. Exemptions

1. Buildable Lot under Previous Ordinance

- a. For lots within the GP Overlay zone, the language of the Overlay zone supersedes, except for any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential zone.
- b. Any lot that was legally recorded by deed or subdivision plat between June 1, 1958 and August 4, 1964 and that was a buildable lot under the law in effect during that period is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any residential zone.

2. Detached House

- a. The development standards of the GP Overlay zone apply to alterations, renovations and enlargements of existing detached houses as well as to new construction. For structures within the Overlay zone, the language of the overlay zone supersedes, except for any detached house in a Residential zone or Agricultural zone that was built on a lot legally recorded

by deed or subdivision plat before June 1, 1958 is not a nonconforming building.

- b. Any detached house in the Overlay district that was built on a lot legally recorded by deed or subdivision plat between June 1, 1958 and March 29, 1993 is not a nonconforming building.
- c. Reconstruction of such a building may not exceed the footprint or floor area of the prior dwelling unless reconstruction fully conforms with the standards of the Overlay zone.

C. Land Uses

The land uses and use standards of the underlying zone are applicable unless the development standards in Section 4.8.6.D are more restrictive, in which case, Section 4.8.6.D must be followed.

D. Development Standards

The development standards in the GP Overlay zone are the same as those in the R-90, except as follows:

1. The minimum front setback for a main building is 30 feet, and if the abutting lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an existing building may project beyond the line previously established by the buildings on the abutting lots.
2. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.
3. In the case of a corner lot, if the abutting lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.
4. The minimum side setback for a principal building is 10 feet. The minimum sum of both side setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
5. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.

6. The maximum building coverage is 20%.
7. The maximum FAR for all buildings on a lot is 0.375.
8. An accessory building or structure must be located behind the rear building line and may occupy:
 - a. a maximum of 25% of the lot behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
 - b. a maximum of 20% of the lot behind the rear building line on lots with a total lot area 8,600 square feet or larger.

E. Site Plan

Site plan approval is not required in the GP Overlay zone except as required by Division 4.4 or Section 8.3.4.A.8.

Section 4.8.7. Germantown Transit Mixed Use (GTMU) Overlay Zone

A. Purpose

The purpose of the GTMU Overlay zone is to establish the priority of Building Lot Terminations in the optional method of development for properties in the CR zone under the Germantown Master Plan.

B. Land Uses

The land uses and use standards of the underlying zone apply.

C. Development Standards

The development standards of the underlying zone apply.

D. Optional Method

Optional method development under the CR zone and the GTMU Overlay zone must provide public benefits under Section 6.6.3.F.1.a except that the applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density floor area.

Section 4.8.8. Regional Shopping Center (RSC) Overlay Zone

A. Purpose

The purpose of the RSC Overlay zone is to:

1. Provide flexibility of development standards to facilitate certain uses compatible with a regional shopping center.
2. Provide parking design standards and requirements compatible with the function and circulation needs of regional shopping centers.

B. Land Uses

The following uses are permitted as part of a regional shopping center:

1. Hotel, Motel
2. The following Recreation and Entertainment Facility use: theater complex
3. Combination Retail
4. Retail/Service Establishment (85,001 - 120,000 SF)
5. Retail/Service Establishment (120,001 SF and Over)

C. Development Standards

1. To accommodate development at a regional shopping center with a gross leasable area that is greater than or will be greater than (if approved by site plan) 1,200,000 square feet, building height may be increased to:
 - a. 90 feet for a building that includes a theater complex, and
 - b. 130 feet for a Hotel, Motel.
2. Any portion of a building over 45 feet in height must be set back from an abutting property in an Agricultural, Rural Residential, or Residential zone a minimum of 3 feet for each 1 foot of building height over 45 feet.

D. Site Plan

Site plan approval under Section 8.3.4 is required for any increase in building height under Section 4.8.8.C.1.

E. Parking

1. Requirement

- a. The parking requirement for a regional shopping center is [5.5] 4 parking spaces for each 1,000 square feet of gross leasable area [and may be reduced by 15% if an entrance to a regional shopping center is within 1,600 feet of a Metrorail station entrance, defined as the straight-line distance between a main pedestrian entrance of a building for which the

parking reduction is to be granted and a station entrance controlled by the W.M.A.T.A. A station entrance is defined as the street-level entrance of any escalator or the gate or similar barrier of any station entrance that has no escalator].

- b. The parking requirement for separate standing office and professional buildings is under Division 7.2.
- c. All storage space that exceeds 35% of the total gross leasable area must be excluded in calculating the number of required parking spaces. The owner must submit an annual report specifying the amount of storage space that is greater than 35% of the gross leasable area.

2. Pedestrian Access

The major point of pedestrian access for an off-street parking facility that occupies contiguous land area integral to the regional shopping center property may extend more than 500 feet walking distance from an entrance to the center to satisfy the number of spaces required under Section 4.8.8.E.1.a.

3. Parking Space Size

DPS or the Planning Board may approve smaller than standard size parking spaces for up to 20% of the total parking spaces at the regional shopping center. Any modified standard size space must be for employee use only. Such spaces may be allowed in addition to small car spaces and must be located in a separate area marked for employee parking only. Any modified standard size space must have the following minimum dimensions:

<u>Angle of Parking Space to Drive Aisle</u>	<u>Width</u>	<u>Length</u>
<u>0° (parallel)</u>	<u>6.5'</u>	<u>20.5'</u>
<u>45° - 59°</u>	<u>11'</u>	<u>22.5'</u>
<u>60° - 75°</u>	<u>9'</u>	<u>22'</u>
<u>90° (perpendicular)</u>	<u>8'</u>	<u>17.5'</u>

4. Off-site Parking

Off-site parking spaces may be allowed under the following circumstances:

- a. The off-site parking facility will be used only by employees of the regional shopping center during seasonal peak periods to help satisfy peak parking requirements.

- b. The off-site parking facility will contain a maximum of 20% of the total parking spaces provided for the regional shopping center.
- c. DPS or the Planning Board must find that there are appropriate contractual or lease agreements guaranteeing the continued availability, for specified peak shopping periods, of such off-site parking spaces for the regional shopping center.
- d. DPS or the Planning Board must find that appropriate administrative mechanisms exist to ensure that employees will be required to use the off-site parking facility during specified peak shopping periods.

Section 4.8.9. Ripley/South Silver Spring (RSS) Overlay Zone

A. Purpose

The purpose of the RSS Overlay zone is to:

- 1. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- 2. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- 3. Provide flexibility of development standards to encourage innovative design solutions.
- 4. Allow for the transfer of the public open space requirement to other properties within the Overlay zone.
- 5. Allow new uses.

B. Land Uses

The following uses are permitted in addition to the uses allowed in the underlying zone:

- 1. The following Light Manufacturing and Production use: assembly of computer components; and
- 2. The following Retail/Service Establishment uses: bakery, if less than 1,500 square feet of gross floor area; and catering facility.

C. Development Standards

- 1. Building Height

- a. The maximum building height is 45 feet along Newell Street and Eastern Avenue that confronts a Residential zone in the District of Columbia; however, this building height may be increased to:
 - i. a maximum of 90 feet for any building or portion of a building that is set back a minimum of 60 feet from the street; or
 - ii. a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street and includes a public parking garage constructed under a General Development Agreement with the County.
- b. The Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground floor retail. Any structure or device used to collect or radiate electromagnetic waves, including a satellite dish, must not be included in calculating building height under this paragraph.
2. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
3. Costs associated with meeting the public open space off-site may be shared by multiple property owners.
4. Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Section 8.3.4

D. Site Plan

Site plan approval under Section 8.3.4 is required for any development in the RSS Overlay zone.

E. Existing Buildings

Any building for which a valid building permit was issued before February 1, 2000 is a conforming building and may be altered, repaired, or reconstructed under the standards of the zone in effect when the building was constructed, except:

[1.] If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed on February 1, 2000.[] or]

- [2. If the building does not exceed the standards of the underlying zone, any alteration, repair, or reconstruction of the building must satisfy the standards of the underlying zone, except as may be further modified by the RSS Overlay zone.]

Section 4.8.10. Rural Village Center (RVC) Overlay Zone

A. Purpose

The purpose of the RVC Overlay zone is to:

1. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.
2. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
3. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
4. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.
5. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.
6. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

B. Land Uses

1. Where a lot is either partially or totally in a Commercial/Residential zone:
 - a. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Section 8.3.1.
 - b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section 8.3.1. and the following standards:
 - i. A car wash is prohibited;
 - ii. The maximum height for pump canopies is 35 feet; and
 - iii. Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.

- c. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.
- d. The following uses are prohibited:
 - i. Animal Boarding and Care;
 - ii. Drive -Thru in connection with a Restaurant;
 - iii. Helipad, Heliport;
 - iv. Helistop;
 - v. The following Light Manufacturing and Production: newspaper, printing and publishing;
 - vi. Recreation and Entertainment Facility;
 - vii. Repair (Minor);
 - viii. The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - ix. Shooting Range (Indoor); and
 - x. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.
- 2. Where a lot is in a Residential zone:
 - a. The lot may provide septic capacity for an adjacent commercial use, or adjacent residential property, if the use substantially conforms with the recommendations of the applicable master plan.
 - b. The following uses are prohibited:
 - i. Day Care Center (13-30 Persons);
 - ii. Day Care Center (Over 30 Persons);
 - iii. Golf Course, Country Club;
 - iv. Hospital; and
 - v. Residential Care Facility (Over 16 Persons).

C. Development Standards

- 1. Where a lot is either partially or totally in a Commercial/Residential zone:
 - a. When the lot abuts an Agricultural, Rural Residential, or Residential zone, the minimum setbacks for all buildings, off-street parking, and loading and maneuvering areas is that of the abutting zone; however, the Planning Board may allow alternative setbacks that replicate existing development patterns if recommended in a master plan. All other setbacks will be determined through the site plan approval process.
 - b. The maximum density for commercial uses is 0.2 FAR and is computed only on the area of the underlying Commercial/Residential zoned portion of the lot.
 - [i. Any project that received preliminary plan approval before November 4, 2002 for commercial development at an FAR greater than 0.2, is not required to satisfy the FAR limitation of Section 4.8.10.C.1.b and may be developed, as a conforming use, under the approved preliminary plan.]
 - [ii.] The Planning Board may recommend density above 0.2 FAR, up to the maximum allowed in the underlying zone, if authorized in a master plan, if the Planning Board determines that the higher density is compatible with surrounding uses and will better replicate existing development patterns in a village.
 - c. In spite of the amount of open space required by the underlying zone, the minimum open space is 35% of the tract. The Planning Board may allow less open space if recommended in a master plan if the Planning Board determines that reduced open space will better replicate existing development patterns in a village.
 - d. The maximum height for all buildings is 35 feet.
 - e. In addition to the parking requirements in Division 7.2:
 - i. Parking facilities must be located to maintain a pedestrian-friendly street orientation.
 - ii. Trees must be planted and maintained throughout the parking facility to assure that at least 30% of the area is shaded. Shading must

be calculated using the area of the tree crown at 15 years after the parking facility is built.

- iii. For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before November 4, 2002 the entire off-street parking facility must be brought into conformance with Section 4.8.10.
- f. Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.
- g. All outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.
2. Where a lot is in a Residential zone, if recommended in a master plan, the Planning Board may allow alternative setbacks that replicate existing development patterns at the time of site plan review.

D. Site Plan

1. Site plan approval under Section 8.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - c. if required under Section 8.3.4.A.8.
2. Site plan approval is not required for a detached house exempt from subdivision.

Section 4.8.11. Sandy Spring/Ashton Rural Village (SSA) Overlay Zone

A. Purpose

The purpose of the SSA Overlay zone is to:

1. Preserve and enhance the rural village character of the Sandy Spring and

Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.

2. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

B. Sewer

Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.

C. Land Uses

Where a lot is either partially or totally in a Commercial/Residential or Employment zone:

1. Multi-Unit Living, as allowed in the underlying zone, must be in a multi use building type.
2. The following uses are prohibited:
 - a. Adult Entertainment;
 - b. Animal Research Facility;
 - c. Car Wash;
 - d. Combination Retail;
 - e. Drive -Thru in connection with a Restaurant;
 - f. Dry Cleaning Facility (Up to 3,000 SF);
 - g. Filling Station, except that any lawful Filling Station use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
 - h. Helipad, Heliport;
 - i. Helistop;

- j. The following Light Manufacturing and Production use: newspaper, printing, and publishing;
- k. Media Broadcast Tower;
- l. Medical/Dental Laboratory;
- m. Pipelines (Above Ground);
- n. Recreation and Entertainment Facility;
- o. Repair (Major);
- p. Repair (Minor);
- q. Research and Development;
- r. Retail/Service Establishment (50,000 SF and Over);
- s. The following Retail/Service Establishments: building materials and supplies; furniture store, carpet, or related furnishing sales or service; and pawnshop;
- t. Self-Storage;
- u. Shooting Range (Indoor);
- v. Storage Facility;
- w. Structured Parking;
- x. Surface Parking for Use Allowed in the Zone;
- y. Surface Parking for Commercial Uses in an Historic District; and
- z. Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established.

D. Development Standards

1. Where a lot is in a Commercial/Residential or Employment zone:
 - a. The maximum height for all buildings is 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.

- b. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
 - c. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
 - d. In areas recommended in the master plan for mixed use development, development must substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a conditional use.
2. Where a lot is in a Residential zone:
 - a. The density of development must not exceed the standards for the underlying zone under the cluster provisions under Division 6.2.
 - b. The Planning Board may approve lot sizes as small as 3,000 square feet, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.
 - c. The maximum height for all buildings is 35 feet.

E. Site Plan

1. Site plan approval under Section 8.3.4 is required for:
 - a. construction of a new building;
 - b. any addition or other exterior improvement to an existing building that increases the amount of gross floor area on a site; or
 - c. if required under Section 8.3.4.A.8.
2. Site plan approval is not required for development of a detached house that proceeds under standard method development.
3. In addition to the site plan findings under Section 8.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.

F. Parking

1. The Planning Board may allow some on-street parking to fulfill the requirement for off-street parking to enhance compatibility, provide additional open space and reduce impervious coverage.
2. Properties in a Residential zone that are designated in the master plan as suitable for mixed use or nonresidential use may be used for off-street parking in connection with commercial uses.
3. The SSA Overlay zone encourages the parking of vehicles behind the front building line. In addition, to reduce access points and thereby enhance safety, abutting parking facilities may be required to provide internal connections. In exceptional circumstances, limited parking may be allowed between the front lot line and the front building line.

Section 4.8.12. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone

A. Purpose

The purpose of the TPESS Overlay zone is to:

1. Foster economic vitality and attractive community character in areas needing revitalization.
2. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
3. Substantially conform with the master plan vision for specific existing commercial areas.
4. Provide for the combination of residential with commercial uses.

B. Land Uses

1. Multi-Unit Living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
2. In the CRT zone, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.
3. In the CRT zone, the following uses, as allowed in the underlying zone, are

allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:

- a. Car Wash;
- b. Filling Station;
- c. Funeral Home, Undertaker;
- d. Light Vehicle Sales and Rental (Indoor);
- e. Light Vehicle Sales and Rental (Outdoor);
- f. Repair (Major); and
- g. Repair (Minor).

C. Development Standards

The maximum building height is 30 feet; however, the Planning Board may allow a building height:

1. up to 42 feet for commercial development, and
2. up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

D. Site Plan

1. Site plan approval under Section 8.3.4 is required for:
 - a. new construction;
 - b. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;
 - c. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the overlay zone;
 - d. a waiver of more than 50% of the off-street parking requirements under Division 7.2.;
 - e. conversion of an existing structure to residential use; or
 - f. if required under Section 8.3.4.A.8.

2. During site plan review, the Planning Board may:
 - a. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
 - b. reduce building setbacks to accomplish master plan objectives.
3. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Section 4.8.12.D.1.c, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

E. Existing Buildings and Uses

Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the Overlay zone, may continue as a conforming use or building and may be rebuilt, repaired, or reconstructed. Any such building or use may expand up to 1,000 square feet with site plan approval under Section 8.3.4.

Section 4.8.13. Transferable Development Rights (TDR) Overlay Zone

A. Standard Method

Development in the TDR Overlay zone is allowed under the standard method of development without the use of Transferable Development Rights and must comply with the requirements for development and density limitations in the underlying zone (see Division 4.3 through Division 4.6). In addition, standard method development in the TDR Overlay zone may be approved under the cluster development procedures of Division 6.2 or the procedures for development including moderately priced dwelling units in Division 6.1, if the property satisfies the minimum requirements for these development options in the underlying zone.

B. Optional Method

Optional method development is allowed in the TDR Overlay zone under Division 6.3.

Section 4.8.14. Twinbrook (TB) Overlay Zone

A. Purpose

The purpose of the TB Overlay zone is to allow residential uses in the IL zone in areas near the Twinbrook Metro Station.

B. Land Uses

Multi-Unit Living is permitted in the TB Overlay zone. All residential uses must be located above the first floor and must be less than 40% of the total floor area of the building.

C. Development Standards

1. One main building and one accessory building may be located on a lot that is smaller than one acre but at least 5,000 square feet; however, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.
2. The minimum setback from any Commercial/Residential, Employment, or Residential zone is 50 feet. The Planning Board may approve a lesser setback if it finds a lesser setback would not have an adverse impact on abutting property zoned Residential, Commercial/Residential, or Employment.
3. The Planning Board may approve any building to be set back a minimum of 10 feet from:
 - a. an arterial road that separates the industrial area from a Commercial/Residential or Employment zone; or
 - b. an arterial road, local street, or private right-of-way within the industrial area.
4. Any site that includes residential uses must have a minimum of 10% common open space.
5. The Planning Board may waive the minimum parking setback requirement to achieve a better design.

6. The Planning Board may approve a reduction of the amenity open space requirement to a minimum of 10% of the site.]
1. A maximum of 50% of the required amenity open space may be located off-site within the TB Overlay zone.
2. [7]The parking standards for Multi-Unit Living in Section 7.2.4.B apply. A parking space for any dwelling unit must be located behind the front building line.
3. [8] Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use under the conditions of the approval.

D. Site Plan

Site plan approval under Section 8.3.4 is required for any development with residential uses or if required under Section 8.3.4.A.8.

Section 4.8.15. Upper Paint Branch (UPB) Overlay Zone

A. Purpose

The purpose of the UPB Overlay zone is to:

1. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including but not limited to the head-water tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch mainstem north of Fairland Road.
2. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
3. Regulate land uses that could adversely affect the high quality, cold water stream resource. This resource is afforded the highest order of protection through its designation by the State of Maryland as Use III Waters.

B. Exemptions

The following are exempt from Section 4.8.15:

1. Any impervious surface lawfully existing allowed by a building permit issued

before July 1, 2007 may continue or be reconstructed under the development standards in effect when the building permit was issued.

2. Any impervious surface that results from construction under a building permit may be constructed or reconstructed under the development standards in effect on July 31, 2007 if:
 - a. the building permit application was pending before DPS on July 31, 2007; or
 - b. the building permit is for a lot in a subdivision approved before July 31, 2007, if the subdivision was approved for fewer than 20 housing units.
3. Any impervious surface resulting from an addition or accessory structure to an existing detached house must not be counted against any calculation of the 8% impervious surface restriction.

C. Land Uses

1. Except as listed in Section 4.8.15.C.2 and Section 4.8.15.C.3, the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Section 4.8.15.D are more restrictive, in which case Section 4.8.15.D must be followed.
2. The following uses are restricted in the UPB Overlay zone:
 - i. Any Landscape Contractor or Nursery must be certified as an organic grower by the State of Maryland or another approved certifying body;
 - ii. Any Golf Course, Country Club or golf driving range must have an Integrated Pest Management program; and
 - iii. Any Equestrian Facility must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
3. If validly existing on July 1, 1997, the uses in Section 4.8.15.C.2 may be continued under the requirements in effect at the time the use was established. Any expansion requires compliance with the UPB Overlay zone.
4. The following uses are prohibited in the UPB Overlay zone:
 - a. Farm Airstrip, Helistop;

- b. Helipad, Heliport;
- c. Pipelines used for interstate transmission of petroleum products; and
- d. Vehicle Services.

D. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

E. Waiver

The applicable review body may grant a waiver of the development standards in Section 4.8.15.D if it finds that:

- 1. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
- 2. The application otherwise complies with all applicable Federal, State, and County water quality provisions;
- 3. The relief sought is the minimum needed to prevent the undue hardship; and
- 4. Alternative water quality and control techniques are used to meet the purposes of Section 4.8.15.

Section 4.8.16. Upper Rock Creek (URC) Overlay Zone

A. Purpose

The purpose of the URC Overlay zone is to:

- 1. Protect the water quality and quantity and biodiversity of the Upper Rock Creek watershed north of Muncaster Mill Road, including Rock Creek mainstem and its tributaries.
- 2. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature, and control the volume of stormwater runoff.

B. Exemptions

- 1. The following are exempt from Section 4.8.16:
 - a. Any impervious surface lawfully existing under a building permit or sediment control permit issued before November 15, 2004 or under a

building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.

- b. Any property expressly exempted by the applicable master plan.
- c. Any addition, allowed under the development standards of the underlying zone, to a detached house.
- d. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.
- e. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, if every effort is made to minimize imperviousness or mitigate the impacts of runoff. Also, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.
- f. Development in any Industrial or Commercial/Residential zone.

- 2. All public projects must satisfy the provisions of the URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.

C. Development Standards

Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.

D. Waiver

The applicable review body may grant a waiver of the development standards in Section 4.8.16.C if it finds that:

- 1. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable

housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area;

2. The application otherwise complies with all applicable Federal, State, and County water quality regulations;
3. The relief sought is the minimum needed to prevent the undue hardship; and
4. Alternative water quality and quantity control techniques are used to meet the purposes of Section 4.8.16.