

# ARTICLE 59-4. **[[EUCLIDEAN ZONE REQUIREMENTS: IN GENERAL AND STANDARD METHOD]]** DEVELOPMENT STANDARDS FOR EUCLIDEAN ZONES

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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. In the Rural Residential and Residential zones, a [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.

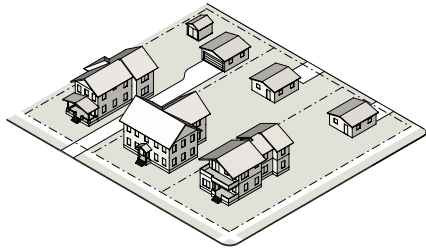
### Section 4.1.2. Compliance Required

- A. [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. Every new building must be located on a lot, except as allowed under Section 7.7.1.D.2.

- C. In the Agricultural, Rural Residential, and Residential Detached zones, only one detached house is allowed per lot, except as allowed under Section 3.1.6 for a Detached Accessory Apartment, Farm Tenant Dwelling, or Guest House, or under Section 7.7.1.A.1 for an Existing Structure on October 30, 2014.
- [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 Section 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.

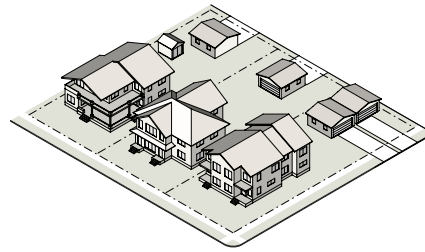


#### A. Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or Conditional Use allowed in the zone

A detached house is a [A] building containing one dwelling unit. A detached house that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. A Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone is a building that accommodates only a Cultural Institution, Religious Assembly, Public Use, or an approved conditional use allowed in the applicable zone under Article 59-3, Uses and Use Standards. This building type includes buildings used for agriculture associated with Farming. [An existing detached house building type may be used entirely for a nonresidential use if:

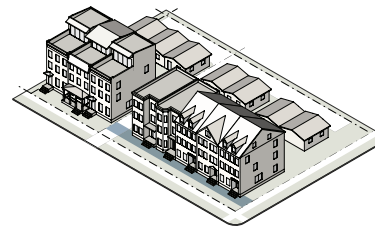
1. The detached house is a minimum of 3 years old when an applicant files for a use-and-occupancy permit for the nonresidential use;
2. Expansions of the existing detached house are limited to a maximum of 500 square feet and restricted to improvements required by the Fire Marshall or ADA regulations;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

4 – 4  
 [[December 16 [May 2], 2013]] March 4, 2014



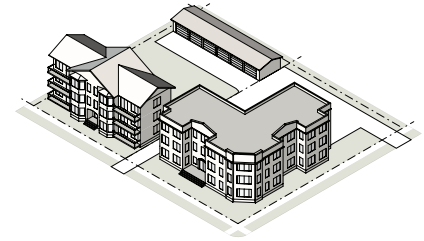
#### B. Duplex

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.



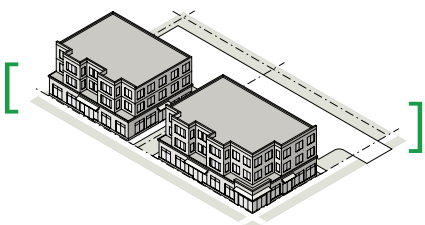
#### C. Townhouse

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.



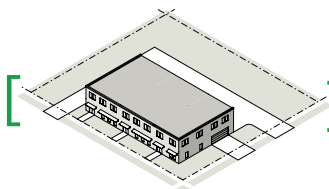
#### D. Apartment/[Condo] Building

[A] An apartment building 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.]

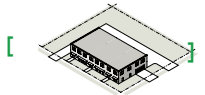
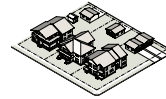
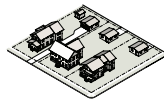


#### F. General Building

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.]

### 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:



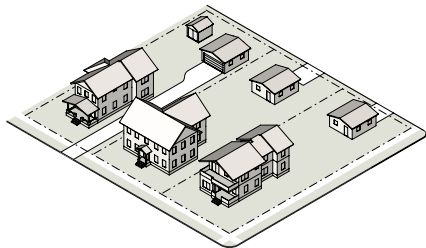
Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone

		Duplex	Townhouse	Apartment/ Condo Building	[Multi Use Building]	[General Building]
<b>Agricultural Zone</b>						
Agricultural Reserve (AR)	A	--	--	--	--	[A]
<b>Rural Residential Zones</b>						
Rural (R)	A	--	--	--	--	[A]
Rural Cluster (RC)	A	--	--	--	--	[A]
Rural Neighborhood Cluster (RNC)	A	A	A	--	--	[A]
<b>Residential Detached Zones</b>						
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]
<b>Residential Townhouse Zones</b>						
Townhouse Low Density (TLD)	A	A	A	--	--	[A]
Townhouse Medium Density (TMD)	A	A	A	--	--	[A]
Townhouse High Density (THD)	A	A	A	--	--	[A]
<b>Residential Multi-Unit Zones</b>						
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]
<b>[Commercial/Residential Zones]</b>						
[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]
<b>[Employment Zones]</b>						
[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]
<b>[Industrial Zones]</b>						
[Light Industrial (IL)]	--	--	--	--	A	[A]
[Moderate Industrial (IM)]	--	--	--	--	A	[A]
[Heavy Industrial (IH)]	--	--	--	--	A	[A]
<b>[Overlay Zone]</b>						
[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 4.9.13.B  
 Chapter 59: Zoning Code  
 Montgomery County, Maryland

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

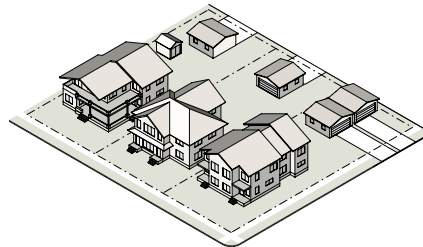
Building types regulate the form of development allowed within each zone. Uses allowed within any building type are determined by the uses allowed within the zone under Section 3.1.6; the building type does not determine use. The building type only determines the applicable development standards. All 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 that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



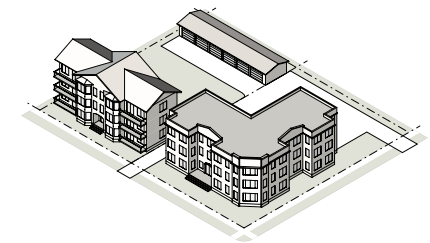
#### **B. Duplex**

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.



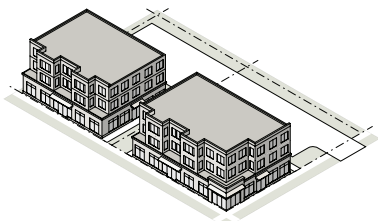
#### **C. Townhouse**

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.



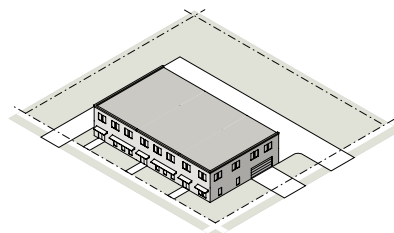
#### **D. Apartment Building**

An apartment building 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.

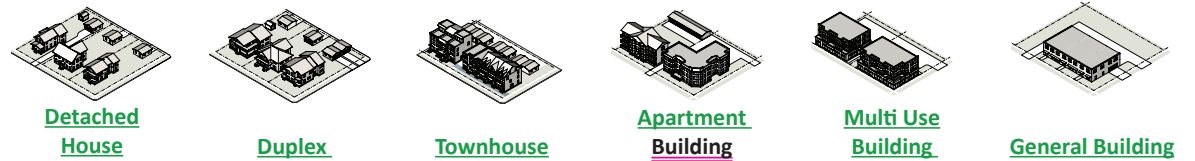


#### **F. General Building**

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 Building</u>	<u>Multi Use Building</u>	<u>General Building</u>
<b>Commercial/Residential Zones</b>						
<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
<b>Employment Zones</b>						
<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
<b>Industrial Zones</b>						
<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

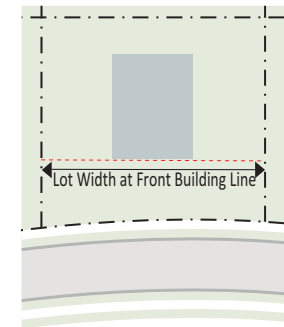
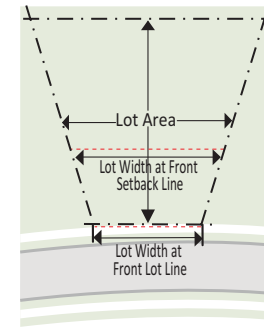
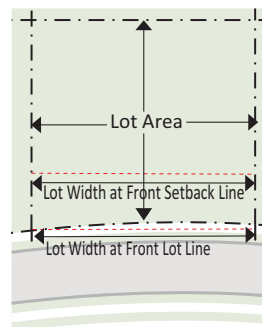
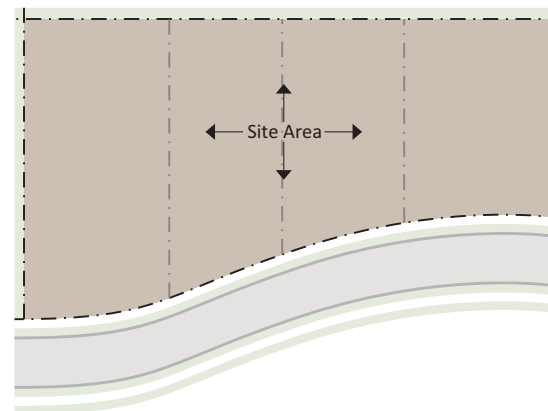
The lot width at the front lot line is measured between the side lot lines, at the front lot line, along a straight line; however, if the front lot line is curved, lot width at the front lot line is measured along the chord of the front lot line.

##### 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.



#### 6. [4.] Density

Density limits are expressed in units per acre, lots per acre, or FAR, as indicated in each zone.

##### [[a. 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. ]]

##### [[b. Floor Area Ratio (FAR)

In the Commercial/Residential, Employment, and Industrial zones, the maximum permitted density is measured as FAR.]] [For the general 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

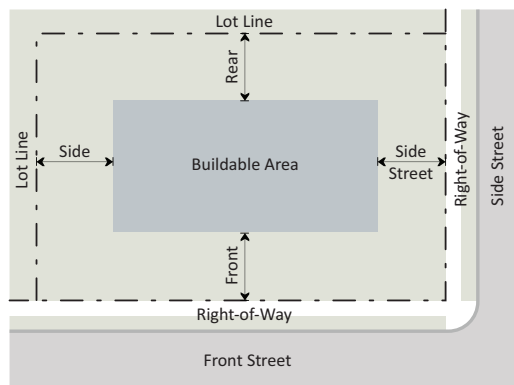
#### a. Defined

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]] satisfy 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 front or 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**

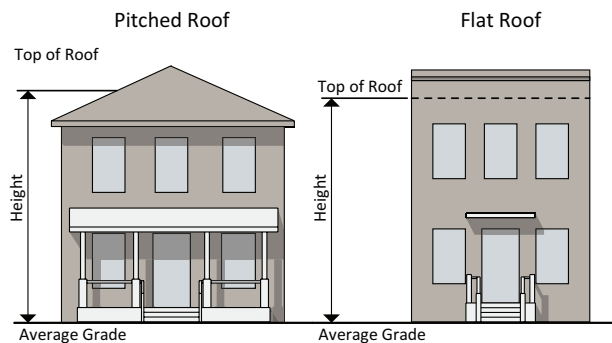
The following features may encroach into any setback:

- i. any fence or wall under [Section \[Sec.\] \[\[7.5.3.C\]\] 6.4.3.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 \[Div.\] \[\[7.7\]\] 6.7](#).

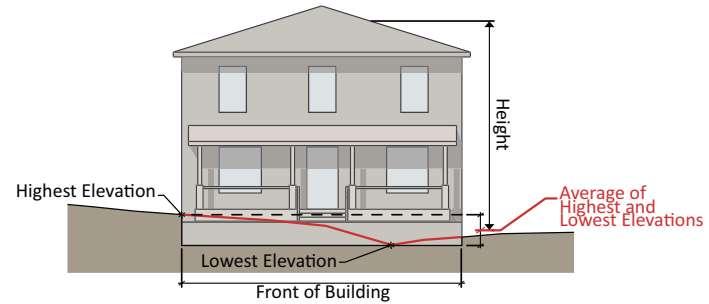
**C. [D.]Height**

**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.

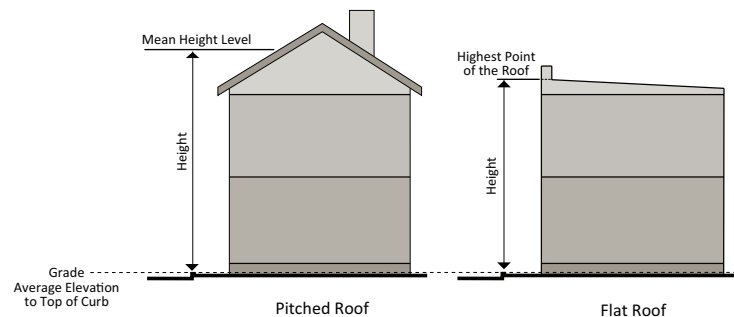


- b. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive), along the front of the building parallel to the front setback line.



**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 is 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 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]] usable 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

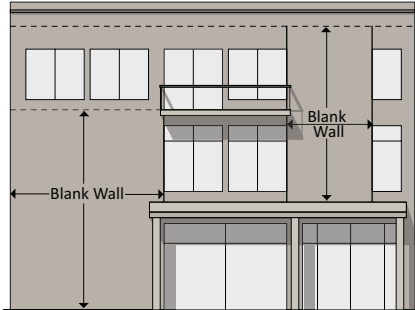
### 1. Transparency

- 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 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, 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
Residential Multi-Unit	Apartment Building	1.5	1.5	1.5	1.5	1
Commercial/Residential, Employment	Apartment Building	1.5	1.5	1.5	1.5	1
	Multi Use([.]) or General Building	1.5	1.5	1.5	1.5	1.5
Industrial	Multi Use([.]) or General Building	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]] 6.5, 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 any building type in a Commercial/Residential, Employment, Industrial, or Floating zone.

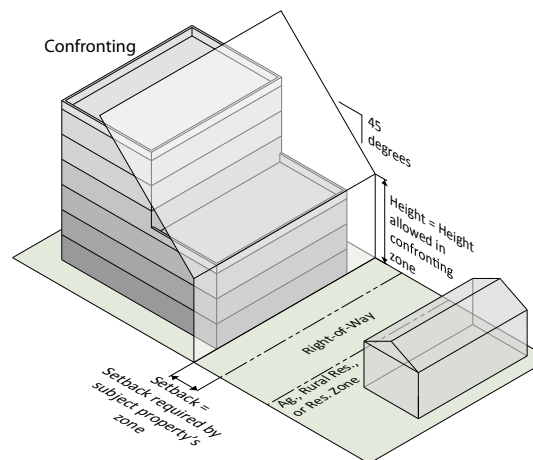
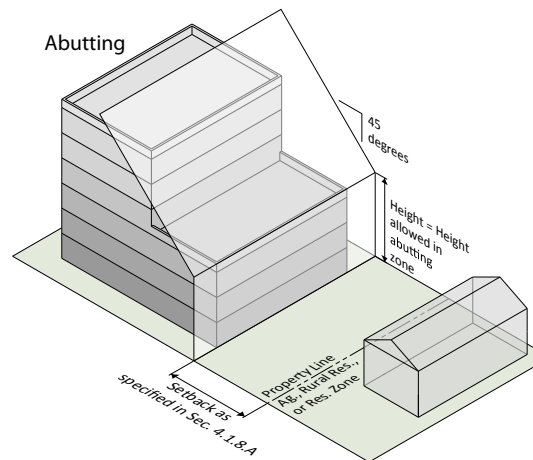
**2. Height Restrictions**

- 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. Agricultural Reserve Zone (AR)

#### A. Intent Statement

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the general plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. The AR zone accomplishes this intent by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. An agricultural use cannot be restricted on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature must satisfy additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit and to otherwise meet the purposes of the AR zone.

#### B. [[Methods of]] Standard Method 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]] 4.2.1.E. Standard method development is allowed under the development standards established in Section [Sec.] [[4.2.4]] 4.2.1.E and Section [Sec.] [[4.2.5]] 4.2.1.F.

#### C. 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.]

##### 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.

#### D. Special Requirements for the Transfer of Density

##### 1. In General

Under [[Division]] [Div.] [[6.3]] Section 4.9.13.B 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:

- a. Farm Tenant Dwelling,
- b. Attached Accessory Apartment,
- c. Detached Accessory Apartment, and
- d. 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.

##### 2. Recording of Development Right

- a. 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 October 30, 2014 all development rights previously transferred under [[Section 4.2.3.A and Division 6.3.]] Section 4.2.1.D.1 and Section 4.9.13.B the number of development rights to be transferred by the instant transaction, and the number of existing detached houses on the property.

- b. The transfer of development rights must be recorded in the land records of the County.

## E. Special Requirements for Child Lots

### 1. 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:

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

### 2. Density

- a. 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.
- b. A maximum of 3 child lots may be established for a qualifying property owner under Section [Sec.] [[4.2.4.A]] 4.2.1.E.1. The Planning Board may approve up to two additional child lots above the maximum number allowed in Section [Sec.] [[4.2.5.B.]] 4.2.1.F.2, Child Lots, if the additional child lot:
  - i. is not encumbered by a State or County Agricultural Land Preservation Easement;
  - ii. meets the applicable requirements in Section [Sec.] [[4.2.4]] 4.2.1.E;
  - iii. is on the landowner's only real property land holdings in the County; and
  - iv. 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.

- c. 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.

### 3. 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.

### 4. Building Permit

- a. 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.
- b. A building permit for a detached house on a child lot must be issued only to:
  - i. a child of the property owner;
  - ii. the spouse of a child of the property owner;
  - iii. a contractor for a child of the property owner; or
  - iv. a contractor for the spouse of a child of the property owner.

### 5. 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:

- a. The owner of the child lot may only lease the lot to an immediate family member.
- b. 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.



## 6. Penalty for Violations

The penalty and enforcement provisions in [Section \[Sec.\] \[\[8.6.3.B\]\] 7.6.3.B](#) and [Division \[Div.\] \[\[8.8\]\] 7.8](#) apply to any violation of [Section \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#). Every day a transfer restriction is violated is a new violation.

## 7. Deed Restrictions and Certificates of Compliance

- a. 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.
- b. 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 \[Sec.\] \[\[4.2.4.E\]\] 4.2.1.E.5](#).
- c. If the Planning Director determines that a child lot may be transferred under [Section \[Sec.\] \[\[4.2.4.E.2\]\] 4.2.1.E.5.b](#), 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 \[Sec.\] \[\[4.2.4.E\]\] 4.2.1.E.5](#).

## 8. Existing Child Lots and Preliminary Plan Applications

- a. 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:
  - i. one lot for every 25 acres plus one additional lot for each child lot;
  - ii. a child lot of any size; and
  - iii. no limitations on ownership.
- b. 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 \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#) and may be identified on a plat recorded among the land records of the County using the following provisions:

- i. one lot for every 25 acres plus one additional lot for each child lot; and
  - ii. a child lot of any size.
- c. 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 \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#), except it may be approved with a density of one lot for every 25 acres plus one additional lot for each child lot.
- d. 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 \[Sec.\] \[\[4.2.4\]\] 4.2.1.E](#), if the density does not exceed one lot for every 25 acres plus one additional lot for each child lot.

F. AR Zone, Standard Method Development Standards

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Site</b>		
<b>Site Area</b>		
Site (min)	25 acres	[3 acres]
[Site coverage (max)]	n/a	10%
<b>[Specification for Site Coverage]</b>		
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>2. Lot and Density</b>		
<b>Lot</b>		
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']
<b>Density (max)</b>		
Density ([units] lots/acre)	1/25	[n/a]
[[Density (units/lot)]	1]	
[Density (FAR per tract)]	n/a	0.5]
<b>Coverage (max)</b>		
[Lot up to 3 acres	15%	n/a]
Lot [greater than 3 acres]	10%	[n/a]
<b>Specification for Coverage</b>		
a.	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]] 7.3.4.	
<b>Voluntary Conservation Lot</b>		
Lot Area (max)	3 acres	
Remainder of site must be placed in a conservation or agricultural easement or land trust	yes	
Coverage (max)	15%	
<b>Specifications for Voluntary Conservation Lot</b>		
a.	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.	

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
b.	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]] 7.3.4.	
<b>Child Lots</b>		
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]
<b>Specification for Child Lots</b>		
a.	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.	
<b>3. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	15']
<b>Accessory Structure Setbacks (min)</b>		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	15'	[15']
Rear setback	15'	[15']
<b>Specification for Principal Building and Accessory Structure Setbacks</b>		
a.	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.	

Section 4.2.1.F. AR Zone, Standard Method Development Standards (cont'd)

<b>3. Placement</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	<b>[General]</b>
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- Any accessory building or structure used for the housing, shelter, or sale of animals or
- b. 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. The maximum footprint of an accessory building on a lot where the main building is a
  - c. detached house is 50% of the footprint of the main building. Buildings for an agricultural use are exempt from this size restriction.

<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']

**4. Height**

<b>Height (max)</b>		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building	no limit	no limit]

**5. Form**

<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]

**6. 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
- a. an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.2.5.D]] 4.2.1.F.4.

## 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 \[Sec.\]g](#).

#### **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 4.3.1. Standard Method Development**

The R, RC, and RNC zone allow development under the standard method.

### **Section 4.3.2. Optional Method Development**

The RC zone allows development under optional method Cluster Development. The RNC zone allows development under optional method MPDU Development.

#### **A. Optional Method MPDU Development**

This optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional

method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards.

#### **1. Development Approval Procedure**

Site plan approval under Section 7.3.4 is required.

#### **2. MPDU Development Across Different Zones**

Optional method MPDU Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

#### **3. Usable Area**

Density is calculated on usable area within the tract.

#### **4. Dedicated Land**

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.3.2.A and the optional method MPDU Development standards.

#### **B. Optional Method Cluster Development**

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units

per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

**1. Development Approval Procedure**

**a. Site Plan**

Site plan approval under Section 7.3.4 is required.

**b. Master Plan and Design Guidelines**

- i. Development must substantially conform with the recommendations of the applicable master plan.
- ii. The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

**2. Cluster Development Across Different Zones**

Optional method Cluster Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required common open space may be located in any zone.

**3. Usable Area**

Density is calculated on usable area within the tract.

**4. Dedicated Land**

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.3.2.B and the optional method Cluster Development standards.

**Section 4.3.3. Rural [[R]] Zone (R) [, Standard Method Development Standard]]**

**A. Intent Statement**

The intent of the R zone is to preserve rural areas of the County for agriculture and other natural resource development, residential uses of a rural character, extensive recreational facilities, and protection of scenic and environmentally sensitive areas.

**B. R Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>[A. Site]</b>		
<b>[Site Area]</b>		
[Site (min)]	n/a	5 acres
[Site coverage (max)]	n/a	10%
<b>[Specification for Site Coverage]</b>		
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>1. Lot and Density</b>		
<b>Lot</b>		
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']
<b>Density (max)</b>		
Density ([units][lots]/acre)	1/5	[n/a]
[[Density (units/lot)]]	1]]	
[Density (FAR per tract)]	n/a	0.5]
<b>Coverage (max)</b>		
Lot	10%	[n/a]
<b>Specification for Coverage</b>		
a. 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]] 7.3.4.		
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
Front setback	50'	[50']
Side street setback	50'	[50']
Side setback	20'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']

Section 4.3.3.B. R Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>2. Placement</b>		
<b>Accessory Structure Setbacks (min)</b>		
Front setback	80'	[50']
Side street setback	50'	[50']
Side setback	15'	[25']
Rear setback	15'	[25']
<b>Specifications for Accessory Structure Setbacks</b>		
Any accessory building or structure used for the housing, shelter, or sale of animals or		
a.	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.	
b.	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 6.4.3.C.3[[7.4.3.C.3]] [Sec. 7.5.3.C.3].	
c.	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.	
d.	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.	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']
<b>3. Height</b>		
<b>Height (max)</b>		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building	no limit	no limit]

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
A building used for agriculture associated with Farming must satisfy the standards of		
a.	an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.3.3.D]] 4.3.3.B.3.	

**Section 4.3.4. [[RC]] Rural Cluster Zone (RC) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. The RC zone permits an optional method Cluster Development alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

**B. RC Zone, Standard Method Development Standards**

[A. Site]	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
[Site Area]		
[Site (min)]	n/a	5 acres
[Site coverage (max)]	n/a	10%
<b>[Specification for Site Coverage]</b>		
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.]	

**1. 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']
<b>Density (max)</b>		
Density ([units] [[lots]]/acre)	1/5	[n/a]
[[Density (units/lot)]	<u>1</u>	
[Density (FAR per tract)]	n/a	0.5
<b>Coverage (max)</b>		
Lot	10%	[n/a]

**Specifications 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]] 7.3.4.
- a.
  - b. 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.



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

2. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	20']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
<b>Accessory Structure Setbacks (min)</b>		
Front setback	80'	[50']
Side street setback	50'	[50']
Side setback	15'	[25']
Rear setback	15'	[25']
<b>Specifications for Principal Building and Accessory Structure Setbacks (min)</b>		
a.	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.	
b.	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.	
c.	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 6.4.3.C.3</u> [[7.4.3.C.3]] [Sec. 7.5.3.C.3].	
d.	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.	
e.	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.	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']

3. Height	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>Height (max)</b>		
Principal building	50'	[50']
Accessory structure	50'	[50']
[Agricultural building]	no limit	no limit]
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
A building used for agriculture associated with Farming must satisfy the standards of		
a.	an accessory structure, except a building used for agriculture is exempt from the height requirements under Section [[4.3.4.D]] <u>4.3.4.B.3.</u>	

**C. RC Zone, Optional Method Requirements**

1. The plan of cluster development must show how scenic vistas would be preserved or enhanced, and reflect an arrangement that has considered the visual impact of the residential development on such vistas.
2. The Planning Board may deny the optional method Cluster Development if the development would:
  - a. unduly jeopardize significant farming or agricultural activity;
  - b. threaten the natural integrity of environmentally sensitive areas; or
  - c. eliminate or substantially diminish significant scenic vistas.

**D. RC Zone, Optional Method Development Standards**

	<u>Cluster Development</u>
	<u>Detached House</u>
<b>1. Site</b>	
<b><u>Density (max)</u></b>	
<u>Density (units/acre of usable area)</u>	<u>1/5</u>
<b><u>Open Space (min)</u></b>	
<u>Rural open space (% of usable area)</u> (See Section 6.3.4)	<u>60%</u>
<b><u>Specification for Open Space</u></b>	
<u>The Planning Board may approve a plan with a lower percentage of rural open space if an applicant can demonstrate that such a plan would better accomplish the purposes of the zone.</u>	
<b>2. Lot</b>	
<b><u>Dimensions (min)</u></b>	
<u>Lot area</u>	<u>40,000 SF</u>
<u>Lot width at front building line</u>	<u>125'</u>
<u>Lot width at front lot line</u>	<u>25'</u>
<u>Frontage on street or open space</u>	<u>Required</u>
<b><u>Coverage (max)</u></b>	
<u>Lot</u>	<u>10%</u>
<b><u>Specification for Coverage</u></b>	
<u>The total impervious surface area of a proposed preliminary plan must satisfy any impervious surface area limit recommended by the master plan. A project which has had a preliminary plan approved before December 24, 2012 may be built or altered without a limit on impervious surface area. 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.</u>	
<b>3. Placement</b>	
<b><u>Principal Building Setbacks (min)</u></b>	
<u>Front setback from public street</u>	<u>50'</u>
<u>Front setback from private street or open space</u>	<u>50'</u>
<u>Side street setback</u>	<u>50'</u>
<u>Side or rear setback</u>	<u>Determined at site plan</u>
<u>Side setback, abutting property not included in application</u>	<u>17'</u>
<u>Rear setback, abutting property not included in application</u>	<u>35'</u>
<u>Rear setback, alley</u>	<u>4' or 20'</u>

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

	<b><u>Cluster Development</u></b>
<b><u>3. Placement</u></b>	<b><u>Detached House</u></b>
<b><u>Accessory Structure Setbacks (min)</u></b>	
<u>Front setback</u>	<u>80'</u>
<u>Side street setback</u>	<u>Side street setback of principal building</u>
<u>Side or rear setback</u>	<u>Determined at site plan</u>
<u>Side or rear setback, abutting property not included in application</u>	<u>Equal to required setback for a detached house building type in the abutting zone under standard method</u>
<u>Rear setback, alley</u>	<u>4'</u>
<b><u>Specifications for Principal Building and Accessory Structure Setbacks</u></b>	
<u>a.</u>	<u>The front setback and side street setback must consist of any scenic setback indicated on a master plan or 50 feet, whichever is greater.</u>
<u>b.</u>	<u>In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.</u>
<u>c.</u>	<u>Accessory structures 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 6.4.3.C.3.</u>
<b><u>4. Height</u></b>	
<b><u>Height (max)</u></b>	
<u>Principal building</u>	<u>50'</u>
<u>Accessory structure</u>	<u>50'</u>
<b><u>5. Buildings used for Agriculture Associated with Farming</u></b>	
<b><u>Specification for Buildings used for Agriculture Associated with Farming</u></b>	
<u>a.</u>	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.4.D.4.</u>

**Section 4.3.5. [[RNC]] Rural Neighborhood Cluster Zone (RNC)[[ , Standard Method Development Standards]]**

**A. Intent Statement**

1. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources, and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting. A master plan must recommend the RNC zone, and must provide development guidelines and recommendations regarding density, and the location and rationale for preserving the rural open space.
2. It is also the intent of the RNC zone to implement the recommendations of the applicable master plan, such as maintaining broad vistas of open space, preserving agrarian character, or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the applicable master plan and is compatible with existing development in adjoining communities.

**B. RNC Zone, Standard Method Requirements**

Public sewer and water service is prohibited under standard method development unless recommended in the relevant master plan.

**C. RNC Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
<b>1. Site</b>					
<b>Site Area (min)</b>					
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]
<b>Open Space (min)</b>					
[[Open]] Rural open space (% of site) (See Section 6.3.4)	60%	60%	60%	60%	[60%]
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	35%	[10%]
<b>Specifications for [Open Space and] Site Coverage</b>					
In development with a townhouse [or general] building [types] type, [open space and]					
a.	site coverage [are] is calculated based on the area of the site minus any area for detached house lots.				
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
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']
<b>Density (max)</b>					
Density ([units]lots/acre)	1/5	1/5	1/5	1/5	[n/a]
[[Density (units/lot)	1	1	1	1]]	
[Density (FAR per tract)	n/a	n/a	n/a	n/a	0.5]
<b>Coverage (max)</b>					
Lot	10%	10%	10%	n/a	[n/a]
<b>Specification for Coverage</b>					
a.	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]] 7.3.4.				

Section 4.3.5.C. RNC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Principal Building Setbacks (min)</b>					
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']
Side setback	15'	15'	15'	4'	[n/a]
[Side setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	n/a	n/a	n/a	15']
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>15'</u>	[n/a]
Rear setback	35'	35'	35'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	15']
Rear[/Side] setback between lot and site boundary	n/a	n/a	n/a	[See Sec. 7.4.3] <u>15'</u>	[n/a]

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Accessory Structure Setbacks (min)</b>					
Front setback	80'	80'	80'	n/a	[50']
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']
<b>Specification for Principal Building and Accessory Structure Setbacks</b>					
a.	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.				
b.	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.				
c.	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 6.4.3.C.3</u> [[7.4.3.C.3]] [Sec. 7.5.3.C.3].				
d.	<u>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.</u>				
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>					
[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']

**4. Height**

Height (max)					
Principal building	35'	35'	35'	40'	[35']
Accessory structure	35'	35'	35'	25'	[35']
[Agricultural building	no limit	no limit	no limit	no limit	no limit]

Section 4.3.5.C. RNC Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Massing (max)</b>					
Units permitted in one row	n/a	n/a	n/a	8	[n/a]
<b>Building Orientation</b>					
Entrance facing street or open space	n/a	n/a	n/a	required	[n/a]
<b>Allowed Building Elements</b>					
Gallery/Awning	n/a	n/a	n/a	n/a	[yes]
Porch/Stoop	yes	yes	yes	yes	[yes]
Balcony	yes	yes	yes	yes	[yes]

**6. 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

- a. an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.C.4 [[4.3.5.D]] .

**D. RNC Zone, Optional Method Requirements**

1. A diversity of lot sizes is required. The Planning Board must evaluate the range of lot sizes provided and ensure that a proposed development is compatible with existing development on adjoining properties and is consistent with the purpose and intent of the zone.
2. The Planning Board must favor diversity of house sizes where such diversity would be substantially consistent with neighboring communities.
3. A lot developed under the optional method must be connected to a community water and sewerage system, unless the applicant can demonstrate in a preliminary plan application that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

**E. RNC Zone, Optional Method Development Standards**

<u>1. Site</u>	<u>MPDU Development</u>
<u>Dimensions (min)</u>	
Usable area	<u>10 acres</u>
<u>Specification for Site</u>	
The Planning Board may waive the 10 acre minimum where the property abuts an existing property developed under the provisions of optional method MPDU Development, and the resulting development is a logical extension of the existing development.	
<u>a.</u>	
<u>Density (max)</u>	
Density (units/acre of usable area)	<u>1.22</u>
<u>Open Space (min)</u>	
Rural open space (% of usable area) (See Section 6.3.4)	<u>65%</u>
Common open space (% of usable area) (See Section 6.3.5)	<u>5%</u>

<u>2. Lot</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>
<u>Dimensions (min)</u>			
Lot area	<u>4,000 SF</u>	<u>3,500 SF</u>	<u>1,500 SF</u>
Lot width at front building line	<u>Determined at site plan</u>		
Lot width at front lot line	<u>25'</u>	<u>25'</u>	<u>14'</u>
Frontage on street or open space	<u>Required</u>		
<u>Coverage (max)</u>			
Lot	<u>35%</u>	<u>35%</u>	<u>50%</u>

<u>3. Placement</u>			
<u>Principal Building Setbacks (min)</u>			
Front setback from public street	<u>15'</u>	<u>15'</u>	<u>15'</u>
Front setback from private street or open space	<u>15'</u>	<u>15'</u>	<u>15'</u>
Side street setback	<u>15'</u>	<u>15'</u>	<u>15'</u>
Side or rear setback	<u>Determined at site plan</u>		
Side or rear setback, abutting property not included in application	<u>Equal to required setback for a detached house building type in the abutting zone under standard method</u>		
Rear setback, alley	<u>4' or 20'</u>	<u>4' or 20'</u>	<u>4' or 20'</u>

Section 4.3.5.E. RNC Zone, Optional Method Development Standards (cont'd)

<b>3. Placement</b>	<b>MPDU Development</b>		
	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Accessory Structure Setbacks (min)</b>			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'

<b>4. Height</b>			
<b>Height (max)</b>			
Principal building	35'	35'	35'
Accessory structure	25'	25'	25'

**5. Buildings used for Agriculture Associated with Farming**

<b>Specification for Buildings used for Agriculture Associated with Farming</b>	
A building used for agriculture associated with Farming must satisfy the standards	
<b>a.</b>	of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.3.5.E.4.



## 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 4.4.1. 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). ]]

### Section 4.4.1. Standard Method Development

The RE-2, RE-2c, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under the standard method.

#### A. Established Building Line

1. The established building line applies only to new buildings in the R-200, R-90, or R-60 zones, and new detached house buildings in the R-40 zone 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 \[Sec.\] \[\[4.4.2.C.2\]\] 4.4.1.A.2](#) and more than 50% of the buildings described in [Section \[Sec.\] \[\[4.4.2.C.2\]\] 4.4.1.A.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 \[Sec.\] \[\[4.4.2.C.2\]\] 4.4.1.A.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 Maryland licensed engineer or surveyor.

- 4. If the established building line does not apply, the building must **[[comply with]]** satisfy 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.

**B. Residential Infill Compatibility**

**1. Applicability**

The standards [outlined] in Section [Sec.] [[4.4.3.B]] 4.4.1.B apply to the R-200, R-90, R-60, and R-40 zones where:

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

- iii. the addition of more than 50% of the floor area of the detached house.

**2. 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 4.4.2. Optional Method Development**

The RE-2C, RE-1, R-200, R-90, and R-60 zone allow development under optional method MPDU Development and optional method Cluster Development. The R-40, TLD, TMD, THD, R-30, R-20, and R-10 zone allow development under optional method MPDU Development.

**A. Optional Method MPDU Development**

This optional method of development is permitted where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, to facilitate the construction of those units. Optional method MPDU Development allows an increase in density above the total number of dwelling units allowed by the standard method of development; allows additional building types; and provides more flexibility for certain dimensional standards.

**1. Development Approval Procedure**

Site plan approval under Section 7.3.4 is required.

**2. MPDU Development Across Different Zones**

Optional method MPDU Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required open space may be located without regard to the limits in the underlying zone.

### **3. Usable Area**

Density is calculated on usable area within the tract.

### **4. Requirements for MPDU Projects with 20 or Fewer Dwelling Units**

In a Residential Detached zone, an applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method MPDU Development standards, except that:

- a. a perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must satisfy the dimensional standards under the standard method of development;
- b. the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and
- c. the maximum percentage of townhouses is 40% of the total residential dwellings in that development, unless a development in which up to 100% of the units consist of townhouses is approved by the Planning Board upon a finding that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

### **5. Dedicated Land**

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.4.2.A and the optional method MPDU Development standards.

## **B. Optional Method Cluster Development**

The cluster method of development provides an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional method Cluster Development allows flexibility in lot layout and for variety in the types of residential buildings. The density of dwelling units per acre and open space requirements are not changed. The character of the existing neighborhood is protected and open space for common use is provided. To accomplish these objectives, certain changes in lot areas and dimensions and a greater variety of building types are allowed. An applicant's use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

### **1. Development Approval Procedure**

#### **a. Site Plan**

Site plan approval under Section 7.3.4 is required.

#### **b. Master Plan and Design Guidelines**

- i. Development must substantially conform with the recommendations of the applicable master plan.
- ii. The applicant must address any design guidelines approved by the Planning Board that implement the applicable master plan.

### **2. Cluster Development Across Different Zones**

Optional method Cluster Development may occur across different zones under the following limitations:

- a. The differently zoned areas must be contiguous;
- b. Uses and building types are governed by the zone;
- c. The site requirements in the optional method tables apply; density and open space must be calculated as if each area were developed individually; and
- d. The allowed number of units and required common open space may be located in any zone.

**3. Usable Area**

Density is calculated on usable area within the tract.

**4. Dedicated Land**

Land dedicated to public use for a school or park site may be included in the calculation of the density of development if development of the remaining land satisfies Section 4.4.2.B and the optional method Cluster Development standards.

**5. Community Water and Sewer**

In the Residential Detached zones, development under this method is prohibited unless the resulting development will be connected to community water supply and sewerage systems; however, if land in the RE-2C zone is not served by community sewer, it may be developed under this method under the following conditions:

- a. A master plan specifically recommends cluster development with community water but not community sewer;
- b. The resulting development will be connected to community water; and
- c. The resulting development meets all of the requirements for individual sewerage systems in the most recent County comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79, as amended, on individual water supply and sewage disposal systems.

**Section 4.4.3. 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:

- A. the lot is located in an historic district designated on the Master Plan for Historic Preservation;
- B. the Planning Board finds in a site plan under Section 7.3.4 that the reductions serve the purpose of maintaining the historic development and building patterns as evidenced throughout the surrounding designated historic district; and
- C. the reduction is approved by the Historic Preservation Commission through the Historic Area Work Permit process Chapter 24 (24A-7).

**Section 4.4.4. [[RE-2]] Residential Estate - 2 Zone (RE-2) [[and RE-2C Zones, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the RE-2 zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

**B. RE-2 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
Lot area	2 acres	[2 acres]
Lot width at front building line	150'	[n/a]
Lot width at front lot line	25'	[150']
<b>Specification for Lot</b>		
a. Lot width at the front building line and setback requirements may be reduced under <u>Section [Sec.] [[4.4.2.B.]] 4.4.3.</u>		
<b>Density (max)</b>		
Density (units/acre)	1/2	[n/a]
[Density (FAR per tract)]	n/a	0.5]
<b>Coverage (max)</b>		
Lot	25%	[15%]
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	17']
Sum of side setbacks	35'	[35']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a'	See Sec. 7.4.3]
[Rear setback, abutting all other zones	n/a	15']
[Rear setback, alley	n/a	4']
<b>Accessory Structure Setbacks (min)</b>		
Front setback	80'	[80']
Side street setback	20'	[20']
Side setback	15'	[17']
Rear setback	10'	[35']
[Rear setback, alley	n/a	4']

Section 4.4.4.B. RE-2 Zone, Standard Method Development Standards (cont'd)

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
<b>2. Placement</b>		
<b>Specifications for Accessory Structure Setbacks</b>		
a.	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.	
b.	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 <a href="#">Section 6.4.3.C.3</a> [[7.4.3.C.3 [Sec. 7.5.3.C.3]]].	
c.	In addition to the front setback minimum, any accessory structure 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 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.</u>	
d.		
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
	[Front setback]	10'
	[Side street setback]	10'
	[Side setback]	10'
	[Rear setback]	10'
	[Rear setback, alley]	0'
<b>3. Height</b>		
<b>Height (max)</b>		
	Principal building	[50']
	Accessory structure	[50']
	[Agricultural building]	no limit

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
	Gallery/Awning	[yes]
	Porch/Stoop	[yes]
	Balcony	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
a.	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under <a href="#">Section [[4.4.4.D.] 4.4.4.B.3.</a></u>	

## Section 4.4.5. Residential Estate - 2C Zone (RE-2C)

### A. Intent Statement

The intent of the RE-2C zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

### B. RE-2C Zone, Standard Method Development Standards

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>
<b>1. Lot and Density</b>	
<b>Lot (min)</b>	
Lot area	2 acres
Lot width at front building line	150'
Lot width at front lot line	25'
<b>Specification for Lot</b>	
a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.	
<b>Density (max)</b>	
Density (units/acre)	1/2
<b>Coverage (max)</b>	
Lot	25%
<b>2. Placement</b>	
<b>Principal Building Setbacks (min)</b>	
Front setback	50'
Side street setback	20'
Side setback	17'
Sum of side setbacks	35'
Rear setback	35'
<b>Accessory Structure Setbacks (min)</b>	
Front setback	80'
Side street setback	20'
Side setback	15'
Rear setback	10'
<b>Specifications for Accessory Structure Setbacks</b>	
a. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl 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.	
b. 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 6.4.3.C.3.	
c. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
d. 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.	

Section 4.4.5.B. RE-2C Zone, Standard Method Development Standards (cont'd)

Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone

**3. Height**

<u>Height (max)</u>	
<u>Principal building</u>	<u>50'</u>
<u>Accessory structure</u>	<u>50'</u>

**4. Form**

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

**5. 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

- a. standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.5.B.3.



**C. RE-2C, Optional Method Requirements**

**1. Optional Method MPDU Development**

Optional method MPDU Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

**2. Optional Method Cluster Development**

Under optional method Cluster Development, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

- a. provides safe and adequate access;
- b. has sufficient width to accommodate the proposed dwelling units;
- c. will protect significant environmental features on- and off-site better than would a public road; and
- d. has proper drainage.

Each private cul-de-sac must satisfy Chapter 50 (Section 50-25(h)) concerning private roads. Site plan approval under Section 7.3.4 may also be required for a subdivision with lots fronting on a private cul-de-sac.

**D. RE-2C Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>	<b>Cluster Development</b>
<b>Dimensions (min)</b>		
Usable area	34 acres	50 acres
<b>Specification for Site under MPDU Development</b>		
a.	In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 30%.	
<b>Specification for Site under Cluster Development</b>		
a.	The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.	
<b>Density (max)</b>		
Density (units/acre of usable area)	0.48	0.4
<b>Open Space (min)</b>		
Common open space (% of usable area) (See Section 6.3.5)	5%	5%

<b>2. Lot</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>	<b>Detached House</b>
<b>Dimensions (min)</b>				
Lot area	12,000 SF	7,500 SF	1,500 SF	15,000 SF
Lot width at front building line	Determined at site plan			Determined at site plan
Lot width at front lot line	25'	25'	14'	25'
Frontage on street or open space	Required			Required
<b>Specification for Lot under MPDU Development and Cluster Development</b>				
a.	Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.			
<b>Coverage (max)</b>				
Lot	35%	35%	50%	15%

Section 4.4.5.D. RE-2C Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	35'	35'	35'	35'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			80'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'
<b>Specifications for Accessory Structure Setbacks under Cluster Development</b>				
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.			
b.	Accessory structures 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 6.4.3.C.3.			

4. Height	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Height (max)</b>				
Principal building	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'

**5. 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, except a building used for agriculture is exempt from the height requirements under Section 4.4.5.D.4.

**Section 4.4.6. [[RE-1]] Residential Estate - 1 Zone (RE-1) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the RE-1 zone is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house.

**B. RE-1 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
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']
<b>Specification for Lot</b>		
a. Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B.]] 4.4.3.		
<b>Density (max)</b>		
Density (units/acre)	1.09	[n/a]
[Density (FAR per tract)]	n/a	0.5
<b>Coverage (max)</b>		
Lot	15%	[15%]
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3
[Side setback, abutting all other zones]	n/a	17'
Sum of side setbacks	35'	[35']
Rear setback	35'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Rear setback, abutting all other zones]	n/a	15'
[Rear setback, alley]	n/a	4'
<b>Accessory Structure Setbacks (min)</b>		
Front setback	80'	[80']
Side street setback	20'	[20']
Side setback	15'	[17']
Rear setback	10'	[35']
[Rear setback, alley]	n/a	4'

Section 4.4.6.B. RE-1 Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>2. Placement</b>		
<b>Specifications for Accessory Structure Setbacks</b>		
a.	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.	
b.	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 6.4.3.C.3 [[7.4.3.C.3 [Sec. 7.5.3.C.3]]].	
c.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.[.]	
d.	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.	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
	[Front setback]	10'
	[Side street setback]	10'
	[Side setback]	10'
	[Rear setback]	10'
	[Rear setback, alley]	0'
<b>3. Height</b>		
<b>Height (max)</b>		
	Principal building	[50']
	Accessory structure	[50']
	[Agricultural building]	no limit

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
	Gallery/Awning	[yes]
	Porch/Stoop	[yes]
	Balcony	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.6.B.3. [[4.4.5.D.]]	

**C. RE-1 Zone, Optional Method Requirements**

Optional method MPDU Development is applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

**D. RE-1 Zone, Optional Method Development Standards**

<u>1. Site</u>	<u>MPDU Development</u>	<u>Cluster Development</u>
<b><u>Dimensions (min)</u></b>		
<u>Usable area</u>	<u>17 acres</u>	<u>50 acres</u>
<b><u>Specification for Site under MPDU Development</u></b>		
<u>a.</u>	<u>In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 30%.</u>	
<b><u>Specification for Site under Cluster Development</u></b>		
<u>a.</u>	<u>The Planning Board may allow development to proceed under the optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.</u>	
<b><u>Density (max)</u></b>		
<u>Density (units/acre of usable area)</u>	<u>1.22</u>	<u>1</u>
<b><u>Open Space (min)</u></b>		
<u>Common open space (% of usable area) (See Section 6.3.5)</u>	<u>10%</u>	<u>10%</u>

<u>2. Lot</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Detached House</u>
<b><u>Dimensions (min)</u></b>				
<u>Lot area</u>	<u>9,000 SF</u>	<u>4,500 SF</u>	<u>1,500 SF</u>	<u>12,000 SF</u>
<u>Lot width at front building line</u>	<u>Determined at site plan</u>			<u>Determined at site plan</u>
<u>Lot width at front lot line</u>	<u>25'</u>	<u>25'</u>	<u>14'</u>	<u>25'</u>
<u>Frontage on street or open space</u>	<u>Required</u>			<u>Required</u>
<b><u>Specification for Lot under MPDU Development and Cluster Development</u></b>				
<u>a.</u>	<u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>			
<b><u>Coverage (max)</u></b>				
<u>Lot</u>	<u>35%</u>	<u>35%</u>	<u>50%</u>	<u>15%</u>

Section 4.4.6.D. RE-1 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	35'	35'	35'	35'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback	20'	20'	20'	20'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			50'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			80'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'
<b>Specifications for Accessory Structure Setbacks under Cluster Development</b>				
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.			
b.	Accessory structures 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 6.4.3.C.3.			

4. Height	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Height (max)</b>				
Principal building	40'	40'	40'	40'
Accessory structure	25'	25'	25'	25'

5. Buildings used for Agriculture Associated with Farming

<b>Specification for Buildings used for Agriculture Associated with Farming</b>	
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except a building used for agriculture is exempt from the height requirements under Section 4.4.6.D.4.

**Section 4.4.7. [[R-200]] Residential - 200 Zone (R-200) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-200 zone is to provide designated areas of the County for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

**B. RE-200 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
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']
<b>Density (max)</b>		
Density (units/acre)	2.18	[n/a]
[Density (FAR per tract)]	n/a	0.5
<b>Coverage (max)</b>		
Lot	25%	[25%]
<b>Specification for Lot and Density</b>		
a.	Lot width at the front building line and setback requirements may be reduced under Section [[4.4.2.B.]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.][[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3
[Side setback, abutting all other zones]	n/a	12'
Sum of side setbacks	25'	[25']
Rear setback	30'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3
[Rear setback, abutting all other zones]	n/a	15'
[Rear setback, alley]	n/a	4']
<b>Specification for Principal Building Setbacks</b>		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	

Section 4.4.7.B. R-200 Zone, Standard Method Development Standards (cont'd)

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
<b>2. Placement</b>		
<b>Accessory Structure Setbacks (min)</b>		
Front setback	65'	[65']
Side street setback	15'	[15']
Side setback	12'	[12']
Rear setback	7'	[7']
[Rear setback, alley]	n/a	4']
<b>Specification for Accessory Structure Setbacks</b>		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
b.	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.	
c.	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl 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.	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']

	<u>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</u>	[General]
<b>3. Height</b>		
<b>Height (max)</b>		
Principal building		
Measured to highest point of any roof		
If lot is ≥ 40,000 SF	50'	[50']
If lot is ≥ 25,000 SF and <40,000 SF	45'	[45']
If lot is ≥ 15,000 SF and <25,000 SF	40'	[40']
If lot is ≥ 0 SF and <15,000 SF	35'	[35']
<u>OR</u>		
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']
If lot is ≥ 25,000 SF and <40,000 SF	40'	[40']
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']
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.	



**C. RE-200 Zone, Optional Method Development Standards**

1. Site	MPDU Development	Cluster Development
<b>Dimensions (min)</b>		
Usable area	9 acres	5 acres
<b>Specification for Site under MPDU Development</b>		
In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 40%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.		
<b>Specification for Site under Cluster Development</b>		
The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.		
<b>Density (max)</b>		
Density (units/acre of usable area)	2.44	2
<b>Open Space (min)</b>		
Common open space (% of usable area) (See Section 6.3.5)	20%	20%

2. Lot	Detached House	Duplex	Townhouse	Detached House
<b>Dimensions (min)</b>				
Lot area	6,000 SF	3,000 SF	1,200 SF	9,000 SF
Lot width at front building line	Determined at site plan			Determined at site plan
Lot width at front lot line	25'	25'	14'	25'
Frontage on street or open space	Required			Required
<b>Specification for Lot under MPDU Development and Cluster Development</b>				
Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.				
<b>Coverage (max)</b>				
Lot	35%	35%	50%	25%

3. Placement	MPDU Development			Cluster Development
	Detached House	Duplex	Townhouse	Detached House
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	25'	25'	25'	25'
Front setback from private street or open space	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			40'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			65'
Side street setback	Side street setback of principal building			Side street setback of principal building
Side or rear setback	Determined at site plan			Determined at site plan
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method
Rear setback, alley	4'	4'	4'	4'
<b>Specifications for Accessory Structure Setbacks under Cluster Development</b>				
In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.				

Section 4.4.7.C. R-200 Zone, Optional Method Development Standards (cont'd)

<b>4. Height</b>	<b><u>MPDU Development</u></b>			<b><u>Cluster Development</u></b>
	<b><u>Detached House</u></b>	<b><u>Duplex</u></b>	<b><u>Townhouse</u></b>	<b><u>Detached House</u></b>
<b><u>Height (max)</u></b>				
<u>Principal building</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Accessory structure</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>

**5. 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, except that the maximum building height is 50'.

a.

**Section 4.4.8. [[R-90]] Residential - 90 Zone (R-90) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-90 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

**B. RE-90 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
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']
<b>Density (max)</b>		
Density (units/acre)	4.84	[n/a]
[Density (FAR per tract)]	n/a	0.75]
<b>Coverage (max)</b>		
Lot	30%	30%
<b>Specification for Lot and Density</b>		
a.	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	8']
Sum of side setbacks	25'	[25']
Rear setback	25'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
[Rear setback, alley]	n/a	4']
<b>Specification for Principal Building Setbacks</b>		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	

Section 4.4.8.B. R-90 Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>2. Placement</b>		
<b>Accessory Structure Setbacks (min)</b>		
Front setback	60'	[60']
Side street setback	15'	[15']
Side setback	5'	[5']
Rear setback	5'	[5']
[Rear setback, alley]	n/a	4']
<b>Specifications for Accessory Structure Setbacks</b>		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
b.	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'.	
c.	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.	
d.	<u>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.</u>	
e.	<u>Any accessory building or structure used for the housing, shelter, or sale of animals or fowl 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.</u>	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>3. Height</b>		
<b>Height (max)</b>		
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']
<b>Specification for Height</b>		
a.	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 <a href="#">Section [Sec.] [[8.3.4]] 7.3.4.</a>	
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
a.	<u>A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.</u>	

**C. RE-90 Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>	<b>Cluster Development</b>
<b>Dimensions (min)</b>		
Usable area	5 acres	5 acres
<b>Specification for Site under MPDU Development</b>		
In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 50%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.		
a. <u>Proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.</u>		
<b>Specification for Site under Cluster Development</b>		
The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.		
a. <u>Proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.</u>		
<b>Density (max)</b>		
Density (units/acre of usable area)	4.39	3.6
<b>Open Space (min)</b>		
Common open space (% of usable area) (See Section 6.3.5)	30%	30%

<b>2. Lot</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Dimensions (min)</b>						
Lot area	4,000 SF	2,000 SF	1,200 SF	5,000 SF	2,500 SF	1,500 SF
Lot width at front building line	Determined at site plan			Determined at site plan		
Lot width at front lot line	25'	25'	14'	25'	25'	16'
Frontage on street or open space	Required			Required		
<b>Specification for Lot under MPDU Development and Cluster Development</b>						
a. <u>Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.</u>						
<b>Coverage (max)</b>						
Lot	50%	50%	60%	30%	30%	75%

Section 4.4.8.C. R-90 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
<b>Principal Building Setbacks (min)</b>						
Front setback from public street	25'	25'	25'	25'	25'	25'
Front setback from private street or open space	10'	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>						
Front setback	5' behind front building line			60'	60'	60'
Side street setback	Side street setback of principal building			Side street setback of principal building		
Side or rear setback	Determined at site plan			Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'	4'	4'	4'
<b>Specifications for Accessory Structure Setbacks under Cluster Development</b>						
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.					
b.	For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.					
c.	For accessory structures with a length along a rear or side property 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. Swimming pools are exempt from this limit.					

Section 4.4.8.C. R-90 Zone, Optional Method Development Standards (cont'd)

4. <u>Height</u>	<u>MPDU Development</u>			<u>Cluster Development</u>		
	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>
<u>Height (max)</u>						
<u>Principal building</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Accessory structure</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>

5. Form

<u>Massing (max)</u>						
<u>Number of units permitted in any one row</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>8</u>

6. Buildings used for Agriculture Associated with Farming

Specification for Buildings used for Agriculture Associated with Farming

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

**Section 4.4.9. [[R-60]] Residential - 60 Zone (R-60) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-60 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house. A limited number of other building types may be allowed under the optional method of development.

**B. R-60 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>1. Lot and Density</b>		
<b>Lot (min)</b>		
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']
<b>Density (max)</b>		
Density (units/acre)	7.26	[n/a]
[Density (FAR per tract)]	n/a	0.75]
<b>Coverage (max)</b>		
Lot	35%	[35%]
<b>Specification for Lot and Density</b>		
a.	Lot width at the front building line and setback requirements may be reduced under Section [Sec.] [[4.4.2.B]] 4.4.3.	
b.	Development with a detached house building type may have to satisfy Section [Sec.] [[4.4.3]] 4.4.1.B, Residential Infill Compatibility.	
c.	The lot coverage maximum does not apply to Religious Assembly.	
<b>2. Placement</b>		
<b>Principal Building Setbacks (min)</b>		
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	See Sec. 7.4.3]
[Side setback, abutting all other zones]	n/a	8']
Sum of side setbacks	18'	[18']
Rear setback	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones]	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	15']
[Rear setback, alley]	n/a	4']
<b>Specification for Principal Building Setbacks</b>		
a.	Development may have to satisfy Section [Sec.] [[4.4.2.C]] 4.4.1.A, Established Building Line.	



Section 4.4.9.B. R-60 Zone, Standard Method Development Standards (cont'd)

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>2. Placement</b>		
<b>Accessory Structure Setbacks (min)</b>		
Front setback	60'	[60']
Side street setback	15'	[15']
Side setback	5'	[5']
Rear setback	5'	[5']
[Rear setback, alley	n/a	4']
<b>Specifications for Accessory Structure Setbacks</b>		
a.	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.	
b.	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'.	
c.	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.	
d.	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.	
e.	Any accessory building or structure used for the housing, shelter, or sale of animals or fowl 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.	
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>		
[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']

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	[General]
<b>3. Height</b>		
<b>Height (max)</b>		
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']
<b>Specification for Height</b>		
a.	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 <a href="#">Section [Sec.] [[8.3.4.]] 7.3.4.</a>	
<b>4. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	[yes]
Porch/Stoop	yes	[yes]
Balcony	yes	[yes]
<b>5. Buildings used for Agriculture Associated with Farming</b>		
<b>Specification for Buildings used for Agriculture Associated with Farming</b>		
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.	

**C. RE-60 Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>	<b>Cluster Development</b>
<b>Dimensions (min)</b>		
Usable area	3 acres	5 acres

**Specification for Site under MPDU Development**

In an optional method MPDU Development, the maximum percentage of duplex or townhouse building types allowed is 60%. The Planning Board may allow up to 100% duplex or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development requirements in Division 4.4 for the required number of detached house dwelling units.

**Specification for Site under Cluster Development**

The Planning Board may allow development to proceed under optional method Cluster Development on a smaller site than allowed in Usable Area if the subject property is recommended for cluster development in a master plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.

<b>Density (max)</b>		
Density (units/acre of usable area)	6.1	5
<b>Open Space (min)</b>		
Common open space (% of usable area) (See Section 6.3.5)	40%	40%

<b>2. Lot</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Dimensions (min)</b>						
Lot area	3,000 SF	1,500 SF	1,200 SF	3,000 SF	1,500 SF	1,500 SF
Lot width at front building line	Determined at site plan			Determined at site plan		
Lot width at front lot line	25'	25'	14'	25'	25'	14'
Frontage on street or open space	Required			Required		

**Specification for Lot under MPDU Development and Cluster Development**

a. Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.

<b>Coverage (max)</b>						
Lot	60%	60%	60%	35%	35%	75%

Section 4.4.9.C. R-60 Zone, Optional Method Development Standards (cont'd)

3. Placement	MPDU Development			Cluster Development		
	Detached House	Duplex	Townhouse	Detached House	Duplex	Townhouse
<b>Principal Building Setbacks (min)</b>						
Front setback from public street	20'	20'	20'	20'	20'	20'
Front setback from private street or open space	10'	10'	10'	10'	10'	10'
Side street setback	15'	15'	15'	15'	15'	15'
Side or rear setback	Determined at site plan			Determined at site plan		
Side setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		30'
Rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			30'	30'	30'
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>						
Front setback	5' behind front building line			60'	60'	60'
Side street setback	Side street setback of principal building			Side street setback of principal building		
Side or rear setback	Determined at site plan			Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'	4'	4'	4'
<b>Specifications for Accessory Structure Setbacks under Cluster Development</b>						
a.	In addition to the front setback minimum, accessory structures must be located behind the rear building line of the principal building.					
b.	For accessory structures with a height greater than 15', the minimum side and rear setback must be increased by 2' for each foot of height in excess of 15'.					
c.	For accessory structures with a length along a rear or side property 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. Swimming pools are exempt from this limit.					

Section 4.4.9.C. R-60 Zone, Optional Method Development Standards (cont'd)

4. <u>Height</u>	<u>MPDU Development</u>			<u>Cluster Development</u>		
	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>
<u>Height (max)</u>						
<u>Principal building</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Accessory structure</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>

5. <u>Form</u>						
<u>Massing (max)</u>						
<u>Number of units permitted in any one row</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>

**6. Buildings used for Agriculture Associated with Farming**

**Specification for Buildings used for Agriculture Associated with Farming**

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

**Section 4.4.10. [[R-40]] Residential - 40 Zone (R-40) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-40 zone is to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed under the optional method of development.

**B. R-40 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
<b>1. Site</b>				
<b>Site Area (min)</b>				
Site	n/a	8,000 SF	8,000 SF	[n/a]
<b>2. Lot and Density</b>				
<b>Lot (min)</b>				
Lot area	6,000 SF	4,000 SF	8,000 SF	[15,000 SF]
Lot width at front building line	60'	40'	80'	[n/a]
Lot width at front lot line	25'	10'	25'	[75']
<b>Density (max)</b>				
Density (units/acre)	7.26	10.89	10.89	[n/a]
[Density (FAR per tract)]	n/a	n/a	n/a	0.75]
<b>Coverage (max)</b>				
Lot	35%	40%	40%	[40%]
<b>Specification for Lot and Density</b>				
a.	Lot width at the front building line and setback requirements may be reduced under <a href="#">Section [Sec.] [[4.4.2.B]] 4.4.3.</a>			
b.	Development with a detached house building type may have to satisfy <a href="#">Section [Sec.] [[4.4.3]] 4.4.1.B,</a> Residential Infill Compatibility.			
<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
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	n/a	n/a	See Sec. 7.4.3]
[Side setback, abutting all other zones	n/a	n/a	n/a	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	n/a	n/a	See Sec. 7.4.3]

Section 4.4.10.B. R-40 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	15'
[Rear setback, alley]	n/a	n/a	n/a	4'
<b>Specification for Principal Building Setbacks</b>				
a. Development of a detached house may have to satisfy Section 4.4.1.A, Established Building Line.				
<b>Accessory Structure Setbacks (min)</b>				
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'
<b>Specifications for Accessory Structure Setbacks</b>				
a. In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.				
b. 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'.				
c. 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.				
d. 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.				
e. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl 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.				
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>				
[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'

4. Height	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	[General]
<b>Height (max)</b>				
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'
<b>Specification for Height</b>				
a. 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]] 7.3.4.				

5. Form

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

6. Buildings used for Agriculture Associated with Farming

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

**C. R-40 Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>		
	<b>Dimensions (min)</b>		
Usable area	3 acres		
<b>Density (max)</b>			
Density (units/acre of usable area)	10.12		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	40%		
<b>2. Lot</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Dimensions (min)</b>			
Lot area	3,000 SF	1,500 SF	1,200 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	25'	25'	14'
Frontage on street or open space	Required		
<b>Specification for Lot under MPDU Development</b>			
a.	Lot width at the front building line and setback requirements may be reduced under Section 4.4.3.		
<b>Coverage (max)</b>			
Lot	60%	60%	60%

<b>3. Placement</b>	<b>MPDU Development</b>		
	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	20'	20'	20'
Front setback from private street or open space	10'	10'	10'
Side street setback	15'	15'	15'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
<b>4. Height</b>			
<b>Height (max)</b>			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

**5. Buildings used for Agriculture Associated with Farming**

<b>Specification for Buildings used for Agriculture Associated with Farming</b>	
a.	A building used for agriculture associated with Farming must satisfy the standards of an accessory structure, except that the maximum building height is 50'.

**Section 4.4.11. [[TLD]] Townhouse Low Density Zone (TLD) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the TLD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the TLD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

**B. TLD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
<b>1. Site</b>					
<b>Site Area (min)</b>					
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]
<b>Open Space (min)</b>					
[[Open]] Common open space (% of site) (See Section 6.3.5)					
	n/a	n/a	n/a	50%	[25%]
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	35%	[35%]

**Specifications for Open Space and Site Coverage**

In development with a townhouse [or general]building [types] type, open space and site

- a. coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

**2. Lot and Density**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
<b>Lot (min)</b>					
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']
<b>Density (max)</b>					
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]
<b>Coverage (max)</b>					
Lot	35%	35%	35%	n/a	[n/a]



Section 4.4.11.B. TLD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Principal Building Setbacks (min)</b>					
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]
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]
<u>Side setback between lot and site boundary</u>	n/a	n/a	n/a	8'	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	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]
<b>Accessory Structure Setbacks (min)</b>					
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']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>					
[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']

4. Height

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

5. 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]

**C. TLD Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>		
	<b>Dimensions (min)</b>		
Usable area	20,038 SF		
<b>Density (max)</b>			
Density (units/acre of usable area)	9.76		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	45%		
<b>2. Lot</b>			
	Detached House	Duplex	Townhouse
<b>Dimensions (min)</b>			
Lot area	3,000 SF	1,500 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
<b>Coverage (max)</b>			
Lot	60%	60%	60%

<b>3. Placement</b>	<b>MPDU Development</b>		
	Detached House	Duplex	Townhouse
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
<b>4. Height</b>			
<b>Height (max)</b>			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

**Section 4.4.12. [[TMD]] Townhouse Medium Density Zone (TMD) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the TMD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the TMD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

**B. TMD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
<b>1. Site</b>					
<b>Site Area (min)</b>					
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]
<b>Open Space (min)</b>					
[[Open]] <u>Common open space</u> (% of site) (See Section 6.3.5)					
	n/a	n/a	n/a	45%	[25%]
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	35%	[35%]
<b>Specifications for Open Space and Site Coverage</b>					
In development with a townhouse [or general] building [types] type, open space and site					
a.	coverage are calculated based on the area of the site minus any area for detached house and duplex lots.				
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
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']
<b>Density (max)</b>					
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]
<b>Coverage (max)</b>					
Lot	40%	40%	40%	n/a	[n/a]

Section 4.4.12.B. TMD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Principal Building Setbacks (min)</b>					
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]
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]
<u>Side setback between lot and site boundary</u>	n/a	n/a	n/a	8'	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	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]
<b>Accessory Structure Setbacks (min)</b>					
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']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>					
[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']

4. Height

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

5. 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]

**C. TMD Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>		
<b>Dimensions (min)</b>			
Usable area	20,038 SF		
<b>Density (max)</b>			
Density (units/acre of usable area)	15.25		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	45%		
<b>2. Lot</b>	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Dimensions (min)</b>			
Lot area	2,000 SF	1,000 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
<b>Coverage (max)</b>			
Lot	60%	60%	60%

<b>3. Placement</b>	<b>MPDU Development</b>		
	<b>Detached House</b>	<b>Duplex</b>	<b>Townhouse</b>
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
<b>4. Height</b>			
<b>Height (max)</b>			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'

**Section 4.4.13. [[THD]] Townhouse High Density Zone (THD) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the THD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the R-90, R-60, and R-40 zones. It is also the intent of the THD zone to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

**B. THD Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	[General]
<b>1. Site</b>					
<b>Site Area (min)</b>					
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]
<b>Open Space (min)</b>					
[[Open]] Common open space (% of site) (See Section 6.3.5)					
	n/a	n/a	n/a	40%	[25%]
<b>Site Coverage (max)</b>					
Site coverage	n/a	n/a	n/a	35%	[35%]
<b>Specifications for Open Space and Site Coverage</b>					
In development with a townhouse [or general] building [types] type, open space and site					
a.	coverage are calculated based on the area of the site minus any area for detached house and duplex lots.				
<b>2. Lot and Density</b>					
<b>Lot (min)</b>					
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']
<b>Density (max)</b>					
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]
<b>Coverage (max)</b>					
Lot	50%	50%	50%	n/a	[n/a]

Section 4.4.13.B. THD Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>Principal Building Setbacks (min)</b>					
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] <u>6'</u>	[abutting zone] <u>6'</u>	[abutting zone] <u>6'</u>	n/a	[See Sec. 7.4.3]
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>	
Rear setback	20'	20'	20'	20'	[n/a]
[Rear setback, abutting Agricultural, Rural Residential, or Residential zones]	n/a	n/a	n/a	n/a	See Sec. 7.4.3]
[Rear setback, abutting all other zones]	n/a	n/a	n/a	n/a	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] <u>25'</u>	[n/a]
<b>Accessory Structure Setbacks (min)</b>					
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']

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	[General]
<b>[Parking Setbacks for Surface Parking Lots (min)]</b>					
[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']

4. Height

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

5. 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]

**C. THD Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>		
	<b>Dimensions (min)</b>		
Usable area	39,204 SF		
<b>Density (max)</b>			
Density (units/acre of usable area)	18.30		
<b>Open Space (min)</b>			
Common open space (% of usable area) (See Section 6.3.5)	30%		
<b>2. Lot</b>			
	Detached House	Duplex	Townhouse
<b>Dimensions (min)</b>			
Lot area	1,500 SF	1,000 SF	800 SF
Lot width at front building line	Determined at site plan		
Lot width at front lot line	15'	15'	14'
Frontage on street or open space	Required		
<b>Coverage (max)</b>			
Lot	75%	75%	75%

<b>3. Placement</b>	<b>MPDU Development</b>		
	Detached House	Duplex	Townhouse
<b>Principal Building Setbacks (min)</b>			
Front setback from public street	10'	10'	10'
Front setback from private street or open space	6'	6'	6'
Side street setback	10'	10'	10'
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'
<b>Accessory Structure Setbacks (min)</b>			
Front setback	5' behind front building line		
Side street setback	Side street setback of principal building		
Side or rear setback	Determined at site plan		
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method		
Rear setback, alley	4'	4'	4'
<b>4. Height</b>			
<b>Height (max)</b>			
Principal building	40'	40'	40'
Accessory structure	25'	25'	25'



**Section 4.4.14. [[R-30]] Residential Multi-Unit Low Density - 30 Zone (R-30) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-30 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

**B. R-30 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
<b>1. Site</b>						
<b>Site Area (min)</b>						
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]
<b>Open Space (min)</b>						
<b>[[Open]] Common open space (% of site) (See Section 6.3.5)</b>						
	n/a	n/a	n/a	65%	65%	[25%]
<b>Site Coverage (max)</b>						
Site coverage	n/a	n/a	n/a	18%	18%	[18%]

**Specifications for Open Space and Site Coverage**

In a development with townhouse[,] or apartment[/condo, or general] building types, open

- a. space and site coverage are calculated based on the area of the site minus any area for detached house and duplex lots.

**2. Lot and Density**

<b>Lot (min)</b>						
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]
<b>Density (max)</b>						
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]
<b>Coverage (max)</b>						
Lot	50%	50%	50%	n/a	n/a	[n/a]

Section 4.4.14.B. R-30 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Principal Building Setbacks (min)</b>						
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]
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	
[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]
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]

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Accessory Structure Setbacks (min)</b>						
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']
<b>Parking Setbacks for Surface Parking Lots (min)</b>						
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']

**4. Height**

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

**5. Form**

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
<b>Building Orientation</b>						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
<b>Allowed Building Elements</b>						
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]

**C. R-30 Zone, Optional Method Development Standards**

<b>1. Site</b>	<b>MPDU Development</b>			
	<b>Dimensions (min)</b>			
Usable area	11,761 SF			
<b>Density (max)</b>				
Density (units/acre of usable area)	17.69			
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	35%			

<b>2. Lot</b>	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Apartment</u>
<b>Dimensions (min)</b>				
Lot area	1,500 SF	1,000 SF	800 SF	12,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
<b>Coverage (max)</b>				
Lot	75%	75%	75%	18%

<b>3. Placement</b>				
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a

<b>3. Placement</b>	<b>MPDU Development</b>			
	<u>Detached House</u>	<u>Duplex</u>	<u>Townhouse</u>	<u>Apartment</u>
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
<b>Parking Setbacks for Surface Parking Lots (min)</b>				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

<b>4. Height</b>				
<b>Height (max)</b>				
Principal building	40'	40'	40'	35'
Accessory structure	25'	25'	25'	25'

**Section 4.4.15. [[R-20]] Residential Multi-Unit Medium Density - 20 Zone (R-20) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-20 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

**B. R-20 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
<b>1. Site</b>						
<b>Site Area (min)</b>						
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]
<b>Open Space (min)</b>						
<b>[[Open]] Common open space (% of site) (See Section 6.3.5)</b>						
	n/a	n/a	n/a	60%	60%	[25%]
<b>Site Coverage (max)</b>						
Site coverage	n/a	n/a	n/a	18%	18%	[18%]

**Specifications for Open Space and Site Coverage**

- In development with townhouse[,] or apartment[/condo, or general] 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.

**2. Lot and Density**

<b>Lot (min)</b>						
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]
<b>Density (max)</b>						
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]
<b>Coverage (max)</b>						
Lot	75%	75%	75%	n/a	n/a	[n/a]

Section 4.4.15.B. R-20 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Principal Building Setbacks (min)</b>						
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]
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]
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**

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

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Accessory Structure Setbacks (min)</b>						
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']
<b>Parking Setbacks for Surface Parking Lots (min)</b>						
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']

**4. Height**

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

**5. Form**

Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
<b>Building Orientation</b>						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
<b>Allowed Building Elements</b>						
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]

**C. R-20 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	<b>Dimensions (min)</b>			
Usable area	15,682 SF			
<b>Density (max)</b>				
Density (units/acre of usable area)	26.47			
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	35%			
2. Lot	Detached House	Duplex	Townhouse	Apartment
<b>Dimensions (min)</b>				
Lot area	1,000 SF	800 SF	800 SF	16,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
<b>Coverage (max)</b>				
Lot	75%	75%	75%	18%
3. Placement				
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

3. Placement	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
<b>Parking Setbacks for Surface Parking Lots (min)</b>				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
4. Height				
<b>Height (max)</b>				
Principal building	40'	40'	40'	80'
Accessory structure	25'	25'	25'	25'

**Section 4.4.16. [[R-10]] Residential Multi-Unit High Density Zone - 10 Zone (R-10) [[, Standard Method Development Standards]]**

**A. Intent Statement**

The intent of the R-10 zone is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment building, although detached house, duplex, and townhouse building types are allowed.

**B. R-10 Zone, Standard Method Development Standards**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
<b>1. Site</b>						
<b>Site Area (min)</b>						
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]
<b>Open Space (min)</b>						
[[Open]] Common open space (% of site) (See Section 6.3.5)						
	n/a	n/a	n/a	50%	50%	[25%]
<b>Site Coverage (max)</b>						
Site coverage	n/a	n/a	n/a	12%	12%	[12%]

**Specifications for Open Space and Site Coverage**

- In a development with townhouse[,] or apartment[/condo, or general] 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.

**2. Lot and Density**

	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	[General]
<b>Lot (min)</b>						
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]
<b>Density (max)</b>						
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
<b>Coverage (max)</b>						
Lot	90%	90%	90%	n/a	n/a	[n/a]



Section 4.4.16.B. R-10 Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Principal Building Setbacks (min)</b>						
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]
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]
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]
<b>Specification for Principal Building Setbacks</b>						
Additional setbacks are required for an apartment[/condo and general buildings] building.						
a.	more than 30' in height. For each foot of height over 30', the setbacks must be increased by 0.5'.					

3. Placement	Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	[General]
<b>Accessory Structure Setbacks (min)</b>						
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']
<b>Parking Setbacks for Surface Parking Lots (min)</b>						
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']
<b>4. Height</b>						
<b>Height (max)</b>						
Principal building	40'	40'	40'	40'	100'	[100' and Sec. 7.4.4]
Accessory structure	25'	25'	25'	25'	25'	[25']
<b>5. Form</b>						
<b>Massing (max)</b>						
Units permitted in one row	n/a	n/a	n/a	12	n/a	[n/a]
<b>Building Orientation</b>						
Entrance facing street or open space	n/a	n/a	n/a	required	required	[re-quired]
Entrance spacing (max)	n/a	n/a	n/a	n/a	n/a	[100']
<b>Allowed Building Elements</b>						
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]



**C. R-10 Zone, Optional Method Development Standards**

1. Site	MPDU Development			
	<b>Dimensions (min)</b>			
Usable area	20,038 SF			
<b>Density (max)</b>				
Density (units/acre of usable area)	53.07			
<b>Open Space (min)</b>				
Common open space (% of usable area) (See Section 6.3.5)	35%			
2. Lot	Detached House	Duplex	Townhouse	Apartment
<b>Dimensions (min)</b>				
Lot area	1,000 SF	800 SF	800 SF	20,000 SF
Lot width at front building line	Determined at site plan			
Lot width at front lot line	15'	15'	14'	50'
Frontage on street or open space	Required			
<b>Coverage (max)</b>				
Lot	75%	75%	75%	12%
3. Placement				
<b>Principal Building Setbacks (min)</b>				
Front setback from public street	10'	10'	10'	Determined at site plan
Front setback from private street or open space	6'	6'	6'	Determined at site plan
Side street setback	10'	10'	10'	Determined at site plan
Side or rear setback	Determined at site plan			
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A

3. Placement	MPDU Development			
	Detached House	Duplex	Townhouse	Apartment
Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	n/a
<b>Accessory Structure Setbacks (min)</b>				
Front setback	5' behind front building line			n/a
Side street setback	Side street setback of principal building			n/a
Side or rear setback	Determined at site plan			n/a
Side or rear setback, abutting property not included in application	Equal to required setback for a detached house building type in the abutting zone under standard method			n/a
Rear setback, alley	4'	4'	4'	n/a
<b>Parking Setbacks for Surface Parking Lots (min)</b>				
Front setback	n/a	n/a	n/a	30'
Side street setback	n/a	n/a	n/a	10'
Side or rear setback	n/a	n/a	n/a	0'
Side or rear setback, abutting property not included in application	n/a	n/a	n/a	Equal to required setback for a detached house building type in the abutting zone under standard method and Section 4.1.8.A
4. Height				
<b>Height (max)</b>				
Principal building	40'	40'	40'	100' and Section 4.1.8.B
Accessory structure	25'	25'	25'	25'

## Division 4.5. Commercial/Residential Zones

### Section 4.5.1. Intent Statements

#### A. In General

The CRN, CRT, and CR zones permit a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. The application of the CRN, CRT, and CR zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services. The intent of the CRN, CRT, and CR zones is to:

1. implement the recommendations of applicable master plans;
2. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
3. encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. integrate an appropriate balance of employment and housing opportunities; and
6. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

#### B. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited to preserve community scale.

#### C. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground

floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus.

#### D. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.

### Section 4.5.2. 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:

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

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]] 4.5.2.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]] 4.5.2.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]] 4.5.4.A.2 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.

**C. Special Provisions for "T" Zones Translated from Certain Zones Existing Before October 30, 2014**

1. These special provisions apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "CR2.0 C1.5 R1.5 H75 T".

2. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
  - a. Residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units (MPDUs).
  - b. Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
  - c. In any case, to achieve a density bonus under Section 4.5.2.C.2, at least one more MPDU than would be required at 12.5% must be provided.
  - d. On a property within a designated central business district mapped at a height up to 145 feet, height may be increased above the number following the H on the zoning map by up to 1.5 times if:
    - i. the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing units divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet, or
    - ii. additional height is specifically recommended for the provision of MPDUs above 12.5% in an applicable master plan.
  - e. Property within a designated central business district and not located in a designated density transfer area, is exempt from Section 4.5.2.B.2.d.
  - f. Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. Average building height is calculated as the sum of the area of each section of the roof having a different height multiplied by that height, divided by the total roof area. Height is measured at the midpoint of each roof section along each frontage.

- g. Any density or height increases under Section 4.5.2.C requires site plan approval under Section 7.3.4.

**[[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]].

**Section 4.5.3. Standard Method Development**

[[Standard]] The CRN, CRT, and CR zone allow standard method development [[is allowed]] under the following limitations and requirements.

- A. 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.
- B. 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.](#)]]

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

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Open Space (min)</b>							
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%
<b>Specifications for all Open Space</b>							
a.	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.						
b.	Open space for the townhouse building type is common open space (see <a href="#">Section 6.3.5</a> ), and for other building types is public open space[[, under <a href="#">Division [Div.] 7.3</a> ]] (see <a href="#">Section 6.3.6</a> ).						
<b>2. Lot and Density</b>							
<b>Lot (min)</b>							
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
<b>Density (max)</b>							
CRN Density, FAR	mapped						
CRT Density, FAR	<u>The lesser of: mapped FAR or the greater of 10,000 SF or 1.0 FAR[[, whichever is less]]</u>						
CR Density, FAR	<u>The lesser of: mapped FAR or the greater of 10,000 SF or 0.5 FAR[[, whichever is less]]</u>						
<b>Specification for Density</b>							
a.	An historic resource recommended in the applicable master plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation.						
<b>Coverage (max)</b>							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

Section 4.5.3.C. CRN, CRT, CR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
<b>Principal Building Setbacks (min)</b>							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural <a href="#">Residential</a> , 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
<a href="#">Side setback between lot and site boundary</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">8'</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>
Rear setback, abutting Agricultural, Rural <a href="#">Residential</a> , 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] <a href="#">15'</a>	n/a	n/a	n/a
<b>Accessory Structure Setbacks (min)</b>							
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'
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
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 <a href="#">Section [Sec.] [[7.2.9]] 6.2.9</a>		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Section [Sec.] [[7.2.9]] 6.2.9</a>		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

Section 4.5.3.C. CRN, CRT, CR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Build-to Area (BTA, max setback and min % of lot width)</b>							
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%

**4. Height**

Height (max)							
Principal building	mapped and [Sec. 7.4.4] <a href="#">Section 4.1.8.B</a>						
Accessory structure	25'	25'	25'	25'	mapped and [Sec. 7.4.4] <a href="#">Section 4.1.8.B</a>		

**5. Form**

<b>Massing (max)</b>							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
<b>Building Orientation</b>							
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'
<b>Transparency, for Walls Facing a Street or Open Space</b>							
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'
<b>Allowed Building Elements</b>							
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 4.5.4. Optional Method Development

The CRT and CR zone allow development under the optional method.

#### A. General Requirements

##### 1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3. A site plan must be approved under Section 7.3.4. for any development on a property with an approved sketch plan.

##### 2. Public Benefit Points and Categories

a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

<u>Zone</u>	<u>Tract Size OR Max Total FAR</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>CRT</u>	<u>&lt; 10,000 SF OR</u> <u>&lt; 1.5 max FAR</u>	<u>25</u>	<u>2</u>
	<u>≥ 10,000 SF OR</u> <u>≥ 1.5 to max FAR</u>	<u>50</u>	<u>3</u>
<u>CR</u>	<u>&lt; 10,000 SF OR</u> <u>&lt; 1.5 max FAR</u>	<u>50</u>	<u>3</u>
	<u>≥ 10,000 SF OR</u> <u>≥ 1.5 to max FAR</u>	<u>100</u>	<u>4</u>

b. In the CR zone, the purchase of BLTs is required under Section 4.7.3.F.1.a.

##### 3. Building Type

All building types allowed under Section 4.1.6 are allowed in the CRT and CR zones under optional method development.

##### 4. Compatibility Standards

Development must satisfy the compatibility standards under Section 4.1.8.

#### B. Development Standards

##### 1. Open Space

a. A developer must provide open space based on the lot area and number of frontages as described in the following table:

<u>Lot Area</u>	<u># of Existing, Proposed, and Master-Planned Right-of-Way Frontages</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
<u>≤ 0.50 acres</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>
<u>0.51 to 1.00 acres</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>
<u>1.01 to 3.00 acres</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>
<u>3.01 to 6.00 acres</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<u>≥ 6.01 acres</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

- c. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- d. Open space for the townhouse building type is common open space (see Section 6.3.5) and for other buildings is public open space (see Section 6.3.6).
- e. Open space must satisfy Division 6.3.

##### 2. Lot, Density, and Height

- a. Lot standards for detached house, duplex, and townhouse building types are determined by the site plan approval process under Section 7.3.4.
- b. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.

##### 3. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process.

##### 4. Form

Form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances.



## Division 4.6. Employment Zones

### Section 4.6.1. Intent Statements

#### A. In General

The GR, NR, LSC, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights. The GR, NR, LSC, and EOF zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate. The application of the GR, NR, LSC, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total gross floor area on the subject site. The intent of the GR, NR, LSC, and EOF zones is to:

1. implement the recommendations of the applicable master plans;
2. target opportunities for employment, technology, and general commercial uses;
3. provide employment areas with supporting residential and retail uses;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
5. establish minimum requirements for the provision of public benefits.

#### B. General Retail (GR)

1. The GR zone is intended for commercial areas of a general nature, including regional shopping centers and clusters of commercial development. The GR zone provides development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options.
2. The GR zone allows flexibility in building, circulation, and parking lot layout. Retail/Service Establishment gross floor area is not restricted.

#### C. Neighborhood Retail (NR)

1. The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchas-

ing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.

2. The NR zone allows flexibility in building, circulation, and parking lot layout.

#### D. Life Sciences Center (LSC)

The LSC zone is intended primarily for research, development, education, and related activities. The primary purpose is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. It is also the purpose of the LSC zone to provide opportunities for the development of uses that support a Life Sciences Center while retaining an environment conducive to high technology research, development, and production. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

#### E. Employment Office (EOF)

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF allows flexibility in building, circulation, and parking lot layout.

### Section 4.6.2. 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:

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

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.]] 4.6.2.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;
  - 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 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]] 4.6.2.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]] 4.6.4.A.2 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.

## C. Special Provisions for "T" Zones Translated from Certain Zones Existing Before October 30, 2014

1. These special provisions apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "EOF2.0 H6o T".
2. For Employment-zoned properties designated with a T, the following provisions apply:
  - a. Residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as Moderately Priced Dwelling Units (MPDUs).
  - b. Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
  - c. In any case, to achieve a density bonus under Section 4.6.2.C.2, at least one more MPDU than would be required at 12.5% must be provided.
  - d. Any density increase under Section 4.6.2.C requires site plan approval under Section 7.3.4.

## **[[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.]]

## **Section 4.6.3. Standard Method Development**

[[Standard]] The GR, NR, LSC, and EOF zone allow standard method development [[is allowed as follows]] under the following limitations and requirements.

- A. 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.

B. 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 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)
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] Division 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. ]]

**C. GR and NR Zones, Standard Method Development Standards**

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Open Space (min)</b>							
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%
<b>Specifications for all Open Space</b>							
a.	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.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is amenity open space[, under Division [Div.] 7.3] (see Section 6.3.7).						
<b>2. Lot and Density</b>							
<b>Lot (min)</b>							
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
<b>Density (max)</b>							
Density, FAR	mapped						
<b>Coverage (max)</b>							
Lot	90%	90%	90%	90%	n/a	n/a	n/a
<b>Specification for Density</b>							
a.	Gross floor area of all Household Living uses [in an application] <u>on a site</u> [must not exceed] <u>is limited to</u> 30% of <u>the</u> [maximum allowed FAR mapped] <u>total gross floor area</u> on the subject site.						

Section 4.6.3.C. GR and NR Zones, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Principal Building Setbacks (min)</b>							
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
<b>Accessory Structure Setbacks (min)</b>							
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'
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
Front setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Side street setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Side setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

Section 4.6.3.C. GR and NR Zones, Standard Method Development Standards (cont'd)

4. Height	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	Multi Use	General
<b>Height (max)</b>							
Principal building	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>						
Accessory structure	25'	25'	25'	25'	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>		
<b>5. Form</b>							
<b>Massing (max)</b>							
Units permitted in one row <a href="#">[(max)]</a>	n/a	n/a	n/a	12	n/a	n/a	n/a
<b>Allowed Building Elements</b>							
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

**D. LSC Zone, Standard Method Development Standards**

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
<b>Open Space (min)</b>							
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%
<b>Specifications for all Open Space</b>							
a.	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.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is public open space[[, under <a href="#">Division [Div.] 7.3]] (see Section 6.3.6).</a>						
<b>2. Lot and Density</b>							
<b>Lot (min)</b>							
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
<b>Density (max)</b>							
[LSC] Density, FAR	<u>The lesser of:</u> mapped or the greater of 0.5 FAR or 10,000 SF of gross floor area[[, which-ever is less]]						
<b>Specification for Density</b>							
a.	Gross floor area of all Household Living uses [in an application must not exceed] is limited to 30% of the maximum allowed FAR <u>mapped on the subject site.</u>						
	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.						
b.	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.						
c.	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] <u>must</u> be used [for any other] <u>only 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.						
<b>Coverage (max)</b>							
Lot	90%	90%	90%	90%	n/a	n/a	n/a

Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
<b>Principal Building Setbacks (min)</b>							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural <a href="#">Residential</a> , or Residential zones	6'	6'	6'	4'	[see Sec. 7.4.3] <a href="#">See Section 4.1.8.A</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
<a href="#">Side setback between lot and site boundary</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">8'</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>
Rear setback, abutting Agricultural, Rural <a href="#">Residential</a> , or Residential zones	15'	15'	15'	10'	[see Sec. 7.4.3] <a href="#">See Section 4.1.8.A</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] <a href="#">15'</a>	n/a	n/a	n/a
<b>Accessory Structure Setbacks (min)</b>							
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'



Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
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 <a href="#">Section [Sec.]</a> <a href="#">[[7.2.9]] 6.2.9</a>		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Section [Sec.]</a> <a href="#">[[7.2.9]] 6.2.9</a>		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
<b>Build-to Area (BTA, max setback and min % of lot width)</b>							
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**

- 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.

**4. Height**

<b>Height (max)</b>							
Principal building	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>						
Accessory structure	25'	25'	25'	25'	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>		

Section 4.6.3.D. LSC Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Massing (max)</b>							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
<b>Building Orientation</b>							
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'
<b>Transparency, for Walls Facing a Street or Open Space</b>							
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'
<b>Specification for Building Orientation and Transparency</b>							
Building Orientation and Transparency requirements only apply when the development fronts on a business							
a.	district street or a build-to-line is recommended in the applicable master plan. If a site plan <a href="#">approval</a> is required, the Planning Board may waive the Building Orientation and Transparency requirements.						
<b>Allowed Building Elements</b>							
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

**E. EOF Zone, Standard Method Development Standards**

1. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [/Condo]	Multi Use	General
<b>Open Space (min)</b>							
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%
<b>Specifications for all Open Space</b>							
a.	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.						
b.	Open space for the townhouse building type is common open space (see Section 6.3.5), and for other building types is amenity open space[, under <a href="#">Division [Div.] 7.3</a> ] (see Section 6.3.7).						

**2. Lot and Density**

<b>Lot (min)</b>							
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
<b>Density (max)</b>							
Density, FAR	<u>The lesser of:</u> mapped FAR or the greater of 1.0 FAR or 10,000 SF, [[whichever is less]]						
<b>Coverage (max)</b>							
Lot	90%	90%	90%	90%	n/a	n/a	n/a
<b>Specification for Density</b>							
a.	Gross floor area of all Household Living uses [in an application] <u>on a site</u> [must not exceed] <u>is limited to</u> 30% of <u>the</u> [maximum allowed FAR mapped] <u>total gross floor area</u> on the subject site.						

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Principal Building Setbacks (min)</b>							
Front setback	5'	5'	5'	5'	0'	0'	0'
Side street setback	5'	5'	5'	5'	0'	0'	0'
Side setback, abutting Agricultural, Rural <a href="#">Residential</a> , or Residential zones	6'	6'	6'	4'	<a href="#">[see Sec. 7.4.3]</a> <a href="#">See Section 4.1.8.A</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
<a href="#">Side setback between lot and site boundary</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">8'</a>	<a href="#">n/a</a>	<a href="#">n/a</a>	<a href="#">n/a</a>
Rear setback, abutting Agricultural, Rural <a href="#">Residential</a> , or Residential zones	15'	15'	15'	10'	<a href="#">[see Sec. 7.4.3]</a> <a href="#">See Section 4.1.8.A</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	<a href="#">[see Sec. 7.4.3]</a> <a href="#">15'</a>	n/a	n/a	n/a
<b>Accessory Structure Setbacks (min)</b>							
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'

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

3. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment [Condo]	Multi Use	General
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
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 <a href="#">Section [Sec.]</a> <a href="#">[[7.2.9]] 6.2.9</a>		
Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Section [Sec.]</a> <a href="#">[[7.2.9]] 6.2.9</a>		
Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
<b>Build-to Area (BTA, max setback and min % of lot width)</b>							
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**

- 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.

**4. Height**

<b>Height (max)</b>							
Principal building	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>						
Accessory structure	25'	25'	25'	25'	mapped and <a href="#">[Sec. 7.4.4] Section 4.1.8.B</a>		

Section 4.6.3.E. EOF Zone, Standard Method Development Standards (cont'd)

5. Form	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment [Condo]	Multi Use	General
<b>Massing (max)</b>							
Units permitted in one row [(max)]	n/a	n/a	n/a	12	n/a	n/a	n/a
<b>Building Orientation</b>							
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'
<b>Transparency, for Walls Facing a Street or Open Space</b>							
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'
<b>Specification for Building Orientation and Transparency</b>							
a.	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 <a href="#">approval</a> is required, the Planning Board may waive the Building Orientation and Transparency requirements.						
<b>Allowed Building Elements</b>							
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 4.6.4. Optional Method Development

The LSC and EOF zone allow development under the optional method.

#### A. General Requirements

##### 1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

##### 2. Public Benefit Points and Categories

- a. Public benefits under Division 4.7 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

<u>Zone</u>	<u>Tract Size OR Max Total FAR</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>LSC</u>	<u>&lt; 10,000 SF OR &lt; 1.5 max FAR</u>	<u>15</u>	<u>1</u>
	<u>≥ 10,000 SF OR ≥ 1.5 max FAR</u>	<u>30</u>	<u>2</u>
<u>EOF</u>	<u>&lt; 10,000 SF OR &lt; 1.5 max FAR</u>	<u>30</u>	<u>2</u>
	<u>≥ 10,000 SF OR ≥ 1.5 max FAR</u>	<u>60</u>	<u>3</u>

- b. In the LSC zone, the purchase of BLTs is required under Section 4.7.3.F.1.b.

##### 3. Building Type

All building types allowed under Section 4.1.6. are allowed in the LSC and EOF zones under optional method development.

##### 4. Compatibility Standards

Development must satisfy the compatibility standards under Section 4.1.8.

### B. Development Standards

#### 1. Open Space

- a. A developer must provide open space based on the lot area and number of frontages as described in the following table.

<u>Lot Area</u>	<u># of Existing, Proposed, and Master-Planned Right-of-Way Frontages</u>			
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4 or more</u>
<u>% of Site Required to be Dedicated for Open Space</u>				
<u>≤ 0.50 acres</u>	<u>0%</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>
<u>0.51 to 1.00 acres</u>	<u>0%</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>
<u>1.01 to 3.00 acres</u>	<u>0%</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>
<u>3.01 to 6.00 acres</u>	<u>5%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>
<u>≥ 6.01 acres</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

- b. In a development with townhouse, apartment, multi use, or general building types, open space is calculated on the site area minus any area used for detached house and duplex unit lots.
- c. Open space for the townhouse building type is common open space (see Section 6.3.5), and for other buildings is public open space (see Section 6.3.6) in the LSC zone and amenity open space (see Section 6.3.7) in the EOF zone.
- d. Open space must satisfy Division 6.3.

#### 2. Lot, Density, and Height

- a. Lot standards for detached house, duplex, and townhouse building types are established by the site plan approval process.
- b. The maximum total, nonresidential, and residential FARs and the maximum height are established by the mapped zone.
- c. In the GR, NR, and EOF zones, gross floor area of all Household Living uses on a site is limited to 30% of the total gross floor area on the subject site.
- d. In the LSC zone:
- For tracts 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) Hospitals and the Hospital's accessory uses; and (2) educational facilities.
- (b) A maximum of 10% of the gross floor area proposed may be used for Retail/Service Establishment; however, a maximum of 15% of the gross floor area proposed may be used for a Retail/Service Establishment if the Planning Board finds unique circumstances and the development would be enhanced by additional retail activity.
- ii. Gross floor area of all Household Living uses is limited to 30% of the maximum allowed FAR mapped on the subject site.
- iii. 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 must be used only for purpose. The total area of any partial floors or stories excluded from the maximum density calculation is limited to the gross floor area of any full floor of the building.

### **3. Placement**

Setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process.

### **4. Form**

Form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances.



## Division 4.7. Optional Method Public Benefits

### Section 4.7.1. General Provisions

#### A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone among the following categories:
  - a. Major Public Facilities;
  - b. Transit Proximity;
  - c. Connectivity and Mobility;
  - d. Diversity of Uses and Activities;
  - e. Quality Building and Site Design;
  - f. Protection and Enhancement of the Natural Environment; and
  - g. Building Reuse.
2. The individual public benefits that may be accepted in each of these categories in each zone are in Section 4.7.2.

#### B. General Public Benefit Considerations

Granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations and objectives of the applicable master plan;
2. the CR Zone Incentive Density Implementation Guidelines;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

#### C. Public Benefit Implementation Guidelines

The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

1. be consistent with the objectives of Division 4.7;
2. be in addition to any standards, requirements, or rules of incentive density calculation included in Division 4.7, but must not conflict with those provisions; and
3. allow incentive FAR only for those public benefits listed in Section 4.7.3.

### Section 4.7.2. Public Benefit Overview

The Planning Board must determine the public benefit points under optional method development from the following categories:

- A. Major Public Facility
- B. Transit Proximity
- C. Connectivity and Mobility
  1. Advance Dedication
  2. Minimum Parking
  3. Neighborhood Services
  4. Public Parking
  5. Through-Block Connection
  6. Transit Access Improvement
  7. Streetscape Improvement
  8. Trip Mitigation
  9. Way Finding
- D. Diversity of Uses and Activities
  1. Adaptive Buildings
  2. Care Centers
  3. Dwelling Unit Mix

4. Enhanced Accessibility for the Disabled
5. Live/Work
6. Moderately Priced Dwelling Units
7. Small Business Opportunity
- E. Quality Building and Site Design
  1. Architectural Elevations
  2. Exceptional Design
  3. Historic Resource Protection
  4. Public Art
  5. Public Open Space
  6. Structured Parking
  7. Tower Step-Back
- F. Protection and Enhancement of the Natural Environment
  1. Building Lot Terminations
  2. Cool Roof
  3. Energy Conservation and Generation
  4. Habitat Preservation and Restoration
  5. Recycling Facility Plan
  6. Transferable Development Rights
  7. Tree Canopy
  8. Vegetated Area
  9. Vegetated Roof
  10. Vegetated Wall
- G. Building Reuse

### **Section 4.7.3. Public Benefit Descriptions and Criteria**

#### **A. Major Public Facilities**

1. Major public facilities include, but are not limited to, such facilities as a school, library, recreation center, park, County service center, bike share station, public transportation or utility upgrade, or other resource delineated in an applicable master plan. Major public facilities provide public services at a convenient location where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. If a major public facility is recommended for a property in a master plan, an applicant for a sketch plan on that property must provide the major public facility unless the Planning Board finds that the facility:
  - a. is infeasible;
  - b. would not be accepted by the government department or agency responsible for operating the facility; or
  - c. is no longer in the public interest.
3. If a proposed major public facility is not recommended in the applicable master plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
4. Due to their significance in placemaking, the Planning Board may approve incentive FAR for
  - a. the conveyance of a site or floor area,
  - b. the construction of, or
  - c. making a partial or full payment for  
a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
5. Up to the following number of points may be awarded if the requirements of Section 4.7.3.A are met:

- a. 20 points in an LSC zone;
- b. 40 points in an EOF or CRT zone; and
- c. 70 points in a CR zone.

**B. Transit Proximity**

1. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT, CR, LSC, and EOF zones.
  - a. Transit proximity is categorized in 3 levels:
    - i. Level 1 is proximity to an existing or master planned Metrorail Station.
    - ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; this excludes a site that is within one mile of an existing or master planned MARC station.
    - iii. Level 3 is proximity to an existing or master planned MARC station.

All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.
  - b. A project is abutting or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100% of the tract in a single sketch plan application is within ¼ mile of the transit portal.
  - c. For split proximity-range projects:
    - i. If at least 75% of the tract in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
    - ii. If less than 75% of the tract in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

	<u>Abutting or Confronting</u>	<u>Within 1/4 Mile</u>	<u>Between 1/4 and 1/2 Mile</u>	<u>Between 1/2 and 1 Mile</u>
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<u>Transit Service</u>	<u>1</u>			<u>2</u>			<u>3</u>			<u>1</u>			<u>2</u>			<u>3</u>		
<u>Proximity Level</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>2</u>	<u>3</u>
<u>LSC</u>	<u>10</u>	<u>5</u>	<u>2.5</u>	<u>8</u>	<u>4</u>	<u>0</u>	<u>6</u>	<u>2</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>0</u>	<u>0</u>
<u>EOF or CRT</u>	<u>25</u>	<u>15</u>	<u>5</u>	<u>20</u>	<u>12.5</u>	<u>2.5</u>	<u>15</u>	<u>10</u>	<u>0</u>	<u>10</u>	<u>7.5</u>	<u>0</u>	<u>10</u>	<u>7.5</u>	<u>0</u>	<u>10</u>	<u>7.5</u>	<u>0</u>
<u>CR</u>	<u>50</u>	<u>30</u>	<u>10</u>	<u>40</u>	<u>25</u>	<u>5</u>	<u>30</u>	<u>20</u>	<u>5</u>	<u>20</u>	<u>15</u>	<u>2.5</u>	<u>20</u>	<u>15</u>	<u>2.5</u>	<u>20</u>	<u>15</u>	<u>2.5</u>

**C. Connectivity and Mobility**

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses may achieve public benefit points.

1. Advance Dedication: Up to 8 points in the LSC zone, 15 points in the EOF zone, and 30 points in the CRT and CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.
2. Minimum Parking: Up to 10 points for providing fewer than the maximum allowed number of parking spaces, where a maximum is applicable.
3. Neighborhood Services: When fewer than 10 different basic services exist within ¼ mile, up to 15 points for providing retail bays appropriate for at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of 5,000 square feet.
4. Public Parking: Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. Through-Block Connections: Up to 20 points for safe and attractive pedestrian connections between streets.
6. Transit Access Improvement: Up to 20 points for constructing new or improving existing transit access.
7. Streetscape Improvement: Up to 20 points for construction of off-site improvements, excluding any streetscape improvements otherwise required.
8. Trip Mitigation: Up to 20 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory require-

ment; the agreement must result in a reduction of at least 50% for trips attributable to the site.

9. **Way-Finding:** Up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

#### D. Diversity of Uses and Activities

Development that increases the variety and mixture of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.

1. **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Care Centers:** Up to 20 points for constructing a child, teen, or adult day care facility accommodating at least 15 users that satisfies State standards.
3. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential market-rate unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units, and 5% three- or more bedroom units; the proportional number of MPDUs for each unit type must satisfy Chapter 25A.
4. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
5. **Live/Work:** Up to 15 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
6. **Moderately Priced Dwelling Units:** There is no limitation on the number of points for providing more than 12.5% of the residential units as MPDUs as required under Chapter 25A.
  - a. Points are calculated as follows:
    - i. 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
    - ii. An additional 2 points are granted for every 1% of 2 bedroom MPDUs not otherwise required.
    - iii. An additional 5 points are granted for every 1% of 3 bedroom MPDUs.
    - iv. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU public benefit points in any zone.
    - v. For a project providing a minimum of 15% MPDUs, one less benefit category than is required under Section 4.5.4.A.2 and Section 4.6.4.A.2 must be satisfied. A project that provides a minimum of 20% MPDUs does not have to satisfy any other benefit category under Section 4.5.4.A.2 and Section 4.6.4.A.2.
  - b. In a zone with a "T" designation, if a project exceeds 12.5% MPDUs, residential density may be increased under Section 4.5.2.C in the Commercial/Residential zones or under Section 4.6.2.C in the Employment zones.
  - c. In a zone without a "T" designation:
    - i. If a project exceeds 12.5% MPDUs, the height limit of the applicable zone and master plan does not apply to the extent required to provide the MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
    - ii. For a project providing less than 15% MPDUs, the gross floor area of any MPDUs provided above 12.5% is exempt from the calculation of FAR.
    - iii. For a project providing a minimum of 15% MPDUs, the gross floor area of all MPDUs provided is exempt from the calculation of FAR.
7. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

**E. Quality Building and Site Design**

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

1. **Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility.
2. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts exceptionally enhance the character of a setting per the purposes listed in Section 4.7.3.E.
3. **Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
4. **Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
5. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
6. **Structured Parking:** Up to 20 points for placing parking in an above or below grade parking structure.
7. **Tower Step-Back:** Up to 10 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

**F. Protection and Enhancement of the Natural Environment**

Protection and enhancement of natural systems and reduced energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

1. **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).
  - a. In the CR zone:
    - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 7.5% of the incentive density floor area under the following parameters:
      - (a) One BLT, equivalent to 9 points, must be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area;
      - (b) A private BLT easement must be purchased in whole units; or
      - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
    - ii. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 7.5%. Each BLT easement purchase or payment is equivalent to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
  - b. In the LSC zone:
    - i. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 50% of the incentive density under the following parameters:
      - (a) For any floor area above 0.50 FAR, one BLT, equivalent to 9 points, must be purchased or an equivalent payment made for:

- (1) each 31,500 square feet of floor area of residential, non-residential, and Life Sciences between 0% and 40% of the project's floor area; and
  - (2) each 60,000 square feet of Life Sciences between 40% and 50% of the project's floor area.
  - (b) Any private BLT easement must be purchased in a whole unit; or
  - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
  - ii. Floor area restricted to the following uses is subtracted from the total density before calculating the required BLTs:
    - (a) workforce housing units;
    - (b) MPDUs;
    - (c) Hospitals, including the Hospital's accessory uses, other than medical office buildings;
    - (d) educational facilities for non-life sciences; and
    - (e) Life Sciences in excess of 50% of the project's total floor area.
  - c. In the CRT and EOF zones, BLT payments are optional; each BLT easement purchase or payment is equal to 9 points, or such proportionate points represented by a fractional BLT purchase or payment.
  2. Cool Roof: Up to 10 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
  3. Energy Conservation and Generation: Up to 15 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on-site or within 1/2 mile of the site for a minimum of 2.5% of the projected energy requirement for the development.
  4. Habitat Preservation and Restoration: Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other County laws.
  5. Recycling Facility Plan: Up to 10 points for providing a recycling facility plan to be approved as part of a site plan for buildings that satisfies Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.
  6. Transferable Development Right: For a property that is in a TDR Overlay zone, up to 20 points for the purchase of TDRs under Section 4.9.13.B. Every TDR purchased is worth 1 point.
  7. Tree Canopy: Up to 15 points for protecting tree canopy coverage with at least 15 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
  8. Vegetated Area: Up to 10 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs or stormwater management facilities.
  9. Vegetated Roof: Up to 15 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
  10. Vegetated Wall: Up to 10 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.
- G. Building Reuse**  
Up to 100 points for reuse of an existing building that satisfies the following:
- a. 75% of the structural system of the building must be retained; and
  - b. An architectural deconstruction company must be used to remove reusable and recyclable materials before any demolition.
  - c. Although up to 100 points may be obtained, public benefit category minimums must be met.

## Division 4.8. Industrial Zones

### Section 4.8.1. Intent Statements

#### A. Light Industrial (IL)

The IL zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. The IL zone is appropriate as a transitional Industrial zone between a Residentially zoned area and land classified in the IM and IH zones.

#### B. Moderate Industrial (IM)

The IM zone is intended to provide land for industrial activities where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.

#### C. Heavy Industrial (IH)

The IH zone is intended to provide land for industrial activities that usually need major transportation links to highways or rail and may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.

### Section 4.8.2. 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:

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

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]] 4.8.2.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]] 4.8.2.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 4.8.3. Standard Method Development

The IL, IM, and IH zones allow development only under the standard method.



### **[[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.](#)]]



**A. IL and IM Zones, Standard Method Development Standards**

<b>1. Site</b>	<b>Multi Use</b>	<b>General</b>
<b>Open Space (min)</b>		
[[Open]] Amenity open space, site ≤ 10,000 SF (see Section 7.3.7)	5%	5%
[[Open]] Amenity open space, site > 10,000 SF (see Section 7.3.7)	10%	10%
<b>2. Lot and Density</b>		
<b>Density (max)</b>		
Density, FAR [[(FAR per tract)]]	mapped	
<b>Specification for Density</b>		
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.		
<b>3. Placement</b>		
<b>Principal Building and Accessory Structure Setbacks (min)</b>		
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'

<b>3. Placement</b>	<b>Multi Use</b>	<b>General</b>
<b>Parking Setbacks for Surface Parking Lots (min)</b>		
Front setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Side setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.] [[7.2.9]] 6.2.9	
<b>4. Height</b>		
<b>Height (max)</b>		
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	
<b>5. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

**B. IH Zone, Standard Method Development Standards**

1. Site	Multi Use	General
<b>Open Space (min)</b>		
[[Open]] Amenity open space, site ≤ 10,000 SF (see Section 7.3.7)	5%	5%
[[Open]] Amenity open space, site >10,000 SF (see Section 7.3.7)	10%	10%
<b>2. Lot and Density</b>		
<b>Density (max)</b>		
Density, FAR	mapped	
<b>Specification for Density</b>		
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 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.		
<b>3. Placement</b>		
<b>Principal Building and Accessory Structure Setbacks (min)</b>		
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'
<b>[Accessory Structure Setbacks (min)]</b>		
[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']

3. Placement	Multi Use	General
<b>Parking Setbacks for Surface Parking Lots (min)</b>		
Front setback	must accommodate landscaping required under Section [Sec.][[7.2.9]] 6.2.9	
Side street setback	must accommodate landscaping required under Section [Sec.][[7.2.9]] 6.2.9	
Side setback	must accommodate landscaping required under Section [Sec.][[7.2.9]] 6.2.9	
Rear setback	must accommodate landscaping required under Section [Sec.][[7.2.9]] 6.2.9	
Rear setback, alley	must accommodate landscaping required under Section [Sec.][[7.2.9]] 6.2.9	
<b>4. Height</b>		
<b>Height (max)</b>		
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	
<b>5. Form</b>		
<b>Allowed Building Elements</b>		
Gallery/Awning	yes	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

## Division 4.9. Overlay Zones

### Section 4.9.1. In General

#### A. Intent Statement

The intent of the Overlay zones is to provide requirements and standards that are necessary to achieve the planning goals and objectives for development or redevelopment of an area. Overlay zones are created in areas of critical public interest and provide uniform comprehensive development regulations for an area.

#### B. 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.

#### C. Standards and Requirements

Development in an Overlay zone must [must conform to] satisfy the standards and requirements of the underlying zone, except as [specifically] modified by [this] Division [[4.8]] 4.9 [(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]] 7.3.4, 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 wearing 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 buildings 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 fronting 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 4.9.2. 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]] 4.9.2.B.3;
  - 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 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.

### 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]] 7.3.4 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 4.9.3. 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]] 7.3.4 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]] 7.3.4.A.8.
2. In addition to the site plan findings under Section [[8.3.4.E]] 7.3.4.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 4.9.4. **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]] 7.3.4 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]] 7.3.4.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 4.9.5. **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 [\[\[4.8.5.C.1.c\]\] 4.9.5.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 [\[\[4.8.5.C.1.b\]\] 4.9.5.C.1.b](#) through Section [\[\[4.8.5.C.1.d\]\] 4.9.5.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 [\[\[4.8.5.C.1\]\] 4.9.5.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 [\[\[8.3.4\]\] 7.3.4](#).
- 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 [\[\[8.3.4\]\] 7.3.4](#).

#### **D. Site Plan**

Site plan approval under Section [\[\[8.3.4\]\] 7.3.4](#) 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 4.9.6. 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]] 4.9.6.D are more restrictive, in which case, Section [[4.8.6.D]] 4.9.6.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]] 7.3.4.A.8.

**Section 4.9.7. 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]] 4.7.3.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 4.9.8. 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]] 7.3.4 is required for any increase in building height under Section [[4.8.8.C.1]] 4.9.8.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]] 6.2.
- 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]] 4.9.8.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 4.9.9. 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]]7.3.4.

## **D. Site Plan**

Site plan approval under Section [[8.3.4]]7.3.4 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 4.9.10. 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]] 7.3.1.
  - b. If the underlying zone on the property is CRN, a Filling Station is allowed as a conditional use under Section [[8.3.1]] 7.3.1 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]] 6.2:
    - 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]] 4.9.10.
  - 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]] 7.3.4 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.]] 7.3.4.A.8.
2. Site plan approval is not required for a detached house exempt from subdivision.

#### **Section 4.9.11. 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]] optional method Cluster Development.
  - 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]] 7.3.4 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]] 7.3.4.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]] 7.3.4.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 4.9.12. 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]] 7.3.4 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]] 6.2;
  - e. conversion of an existing structure to residential use; or
  - f. if required under Section [[8.3.4.A.8]] 7.3.4.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]] 4.9.12.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]] 7.3.4.

### Section 4.9.13. 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]] satisfy the 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 optional method Cluster Development procedures [[of Division 6.2]] or the optional method MPDU Development 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.]]

##### 1. In General

The TDR Overlay optional method of development permits an increase in the maximum residential density, if the development satisfies the requirements for optional method development using Transferable Development Rights under Section 4.9.13.B.

##### a. Applicability

The procedures and requirements in Section 4.9.13.B apply to the transfer of development rights from land in the AR zone to land in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities up to the maximum density allowed in the applicable TDR Overlay zone and substantially conforming to the recommendations in the applicable master plan.



**b. General Provisions**

A request to use TDRs on a property under the optional method must be in the form of a preliminary subdivision plan submitted under Chapter 50.

**c. Recording of Development Right**

- i. An easement to the Montgomery County government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the County before recordation of a final record plat for a subdivision using transferred development rights.
- ii. A final record plat for a subdivision using transferred development rights must contain a statement including the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by Section 4.9.13.B.

**d. Development with Moderately Priced Dwelling Units**

- i. A property developed under Section 4.9.13.B must satisfy Chapter 25A.
- ii. A density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under Section 4.9.13.B through TDRs.
- iii. In a Rural Residential or Residential zone, development using TDRs and providing MPDUs above 12.5% must follow the requirements under optional method MPDU Development.

**e. Additional Findings**

In addition to the findings required for approval of a site plan under Section 7.3.4, for projects developed under Section 4.9.13.B the Planning Board must find that the proposed development provides an appropriate range of housing types that takes advantage of existing topography and environmental features and achieves a compatible relationship between the proposed development and adjoining land uses.

**2. Rural Residential and Residential Zones**

**a. Density Designation**

- i. Land in a TDR Overlay zone is assigned a density number, as recommended in the applicable master plan, that states the maximum number of units per acre that may be built through the purchase of TDRs, up to the following limits:

<u>Zones</u>	<u>Base Density for the Calculation of Required TDRs (max units/acre)</u>	<u>TDR Density (max units/acre)</u>
<u>RNC</u>	<u>0.2</u>	<u>1</u>
<u>RE-2</u>	<u>0.4</u>	<u>4</u>
<u>RE-2C</u>	<u>0.4</u>	<u>2</u>
<u>RE-1</u>	<u>1</u>	<u>2</u>
<u>R-200</u>	<u>2</u>	<u>11</u>
<u>R-90</u>	<u>3.6</u>	<u>28</u>
<u>R-60</u>	<u>5</u>	<u>28</u>
<u>R-30</u>	<u>14.5</u>	<u>40</u>
<u>R-20</u>	<u>21.7</u>	<u>50</u>
<u>R-10</u>	<u>43.5</u>	<u>100</u>

- ii. TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation (1 through 100, including fractions), (TDR-#).

**b. Calculation of TDRs Required in the Rural Residential or Residential Zones**

Development using TDRs must include at least 2/3 of the maximum number of development rights unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons.

- i. In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed number of units (noted in paren-

theses). In addition, the minimum amount of common open space required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Open Space (min)
		Detached House	Duplex	Town-house	Apartment	
<u>1</u>	<u>Any size</u>	100%	0%	0%	Not permitted	0%
<u>2</u>	<u>Any size</u>	100%	0%	0%	Not permitted	0%
<u>3-5</u>	<u>&lt; 800 units</u>	30%	0%	0%	Not permitted	35%
	<u>800+ units</u>	30%	0%	0%	0% (20% max)	35%
<u>6-10</u>	<u>&lt; 200 units</u>	15%	0%	0%	Not permitted	40%
	<u>200+ units</u>	15%	0%	0%	0% (35% max)	40%
<u>11-15</u>	<u>&lt; 200 units</u>	0%	0%	0%	0%	50%
	<u>200+ units</u>	0%	0%	0%	35% (60% max)	50%
<u>16-28</u>	<u>&lt; 200 units</u>	0%	0%	0%	0%	50%
	<u>200+ units</u>	0%	0%	0%	25% (60% max)	50%
<u>&gt; 28</u>	<u>Any size</u>	0%	0%	0%	25%	50%

- (a) The apartment building type is permitted only where specifically recommended in the area master plan for the receiving area. Where the minimum percentage requirement would yield a total of 150 units or fewer, no such units are required. Where the minimum percentage would yield 151 units or greater, the full number must be required unless the Planning Board finds that a lower density is more appropriate for environmental or compatibility reasons.
- (b) A duplex or townhouse building type may be substituted for all or part of the apartment requirement.

(c) An apartment building type is limited to a maximum building height of 40 feet. The height limit may be waived by the Planning Board if it finds that the proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.

- ii. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
  - (a) In a Metro Station Policy Area:
    - (1) 2 detached houses;
    - (2) 2 units in a duplex building type;
    - (3) 2 units in a townhouse building type; or
    - (4) 3 units in an apartment building type.
  - (b) In a Non-Metro Station Policy Area:
    - (1) one detached house unit;
    - (2) one unit in a duplex building type;
    - (3) one unit in a townhouse building type; or
    - (4) 2 units in an apartment building type.
- iii. The Planning Board may waive the minimum required or maximum allowed number of units of a particular building type if it finds that a different mix of building types is appropriate for environmental or compatibility reasons.

**c. Development Standards**

The following table indicates the required development standards for each TDR density designation:

TDR Density Designation	Development Standards
<u>1</u>	<u>In a Rural Residential zone, same as for a detached house building type under standard method in the RNC zone, see Division 4.3</u> <u>In a Residential zone, same as for a detached house building type under standard method in the RE-1 zone, see Division 4.4</u>

<u>TDR Density Designation</u>	<u>Development Standards</u>
<u>2</u>	<u>Same as for a detached house building type under standard method in the R-200 zone, see Division 4.4</u>
<u>3-5</u>	<u>May utilize the R-60 optional method MPDU Development standards, see Division 4.4</u>
<u>6 or more</u>	<u>Determined at site plan</u>

**3. Commercial/Residential and Employment Zones**

**a. Density Designation**

- i. Land in a TDR Overlay zone is assigned a residential density number, as recommend in the applicable master plan, that states the maximum residential FAR that may be built through the purchase of TDRs. Total density may be increased by the amount of additional residential FAR achieved through the purchase of TDRs.
- ii. TDR Overlay zones are shown on the zoning map with the symbol (TDR) followed by the TDR density designation in FAR (1 through 10, including fractions), (TDR-#).

**b. Calculation of TDRs Required in the Commercial/Residential or Employment Zones**

- i. TDRs may be purchased to achieve the maximum residential FAR indicated under the TDR Overlay zone. A fraction of a TDR cannot be purchased; any fraction of a TDR must be rounded up to the next whole number.
- ii. Each TDR purchased allows the construction of 2,400 square feet of residential density, except for in a Metro Station Policy Area, which allows the construction of 4,400 square feet of residential density. To determine the number of TDRs required per acre, subtract the residential FAR in the base zone from the requested residential FAR up to the maximum allowed under the TDR Overlay. Multiply the difference by 43,560 to get the additional number of residential square feet per acre allowed through the purchase of TDRs. Divide the residential

square feet per acre by 2,400 or 4,400, as applicable, to determine the required number of TDRs per acre that must be purchased.

- iii. For optional method development, the Planning Board may grant a maximum of 20 public benefit points for TDRs under Section 4.7.3.F.7.

**Section 4.9.14. 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]] 6.2.4.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]] 7.3.4 is required for any development with residential uses or if required under Section [[8.3.4.A.8]] 7.3.4.A.8.

### Section 4.9.15. 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]] 4.9.15:

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]] 4.9.15.C.2 and Section [[4.8.15.C.3]] 4.9.15.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]] 4.9.15.D are more restrictive, in which case Section [[4.8.15.D]] 4.9.15.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]] 4.9.15.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]] 4.9.15.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]] 4.9.15.

### **Section 4.9.16. 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]] 4.9.16:

- 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]] 4.9.16.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 afford-

able 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]] 4.9.16.