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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

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Div. 7.1. Site Access

Sec. 7.1.1. Intent

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

Sec. 7.1.2. Applicability

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

- A. in the CR, CRT, CRN, EOF, ELS, EG, IL, IH, RHD, and Floating zones where an apartment/condo, mixed use, or general building type is proposed; and
- B. a Site Plan or Conditional Use Plan is required.

Sec. 7.1.3. General Access Requirements

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

Sec. 7.1.4. Driveway Access

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

Zone	Width (min)	Width (max)	Radius (max)
RHD			
One-way	12'	16'	10'
Two-way	20'	24'	10'
CR, CRT, CRN, EOF, ELS, EG			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IH	30'	40'	30'

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

Sec. 7.1.5. Alternative Compliance

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

Div. 7.2. Parking, Queuing, and Loading

Sec. 7.2.1. Intent

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

Sec. 7.2.2. Applicability

- A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity. The following are exempt from the required parking ratios of this Division (Div. 7.2):
 1. Any structure on the National Register of Historic Places;
 2. Any structure with less than 5,000 square feet of gross floor area located in a CR, CRT, CRN, EOF, ELS, or EG zone; and
 3. Any expansion of less than 500 square feet in floor area or impervious cover.
- B. All off-street parking facilities provided, whether required or in addition to minimum requirements, must conform to all standards contained in this Division (Div. 7.2).
- C. Reducing the area of an off-street parking facility or encroachment of the facility by buildings, vehicle storage, or any other use where such reductions or encroachments will reduce the number of parking spaces to fewer than the minimum required by this Division (Div. 7.2) is prohibited. This does not include parking allowed within the right-of-way.

Sec. 7.2.3. Calculation of Required Parking

A. In General

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

2. In determining the required number of parking spaces, fractional spaces are rounded up to the nearest whole number.
3. Where spaces are calculated based on employees, the largest shift must be used.

B. Conditional Uses

The applicable review body may make adjustments to the minimum and maximum baseline parking requirements using the following guidelines:

1. Provision of ample parking for residents, employees, and visitors, taking into consideration the number of employees on the maximum shift, the method of operation, including the number of appointments and deliveries, type of clientele expected, and type of service provided.
2. Parking requirements may be increased or decreased from those in [Sec. 7.2.4.E](#) or [Sec. 7.2.5.E](#) based on available on-street parking and the availability of nearby public or private parking facilities.

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

A. Required Vehicle Parking

The minimum parking requirements of the Agricultural, Rural, Residential, and Industrial zones reflect a non-shared parking environment. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.4.E](#), , except under [Sec. 7.2.4.C](#), Adjustments.

B. Required Bicycle Parking

The minimum bicycle parking requirements of the Agricultural, Rural, Residential, and Industrial zones reflect a non-shared parking environment. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the following table. Long-term bicycle parking spaces are intended to be used for resident and employee parking. Short-term bicycle parking spaces are intended to be used for patrons and visitors.

C. Adjustments

1. Shared Parking

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

2. On-Street Space

One on-street parking space located in public or private right-of-way abutting the subject property may be substituted for any required parking space, as determined by the applicable review body.

3. Car-Share Space

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

4. Affordable Housing or Workforce Housing Units

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

D. Using the Parking Table

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

E. Agricultural, Rural, Residential and Industrial Zones

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Spaces Required	% Long-Term
Agricultural					
Agricultural Auction Facility	1,000 SF of GFA	5.00	--	--	--
Agricultural Processing	1,000 SF of GFA	1.50	--	--	--
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5.00	--	--	--
Farm Tenant Dwelling	Dwelling Unit	1.00			
Nursery, Retail	1,000 SF of Sales Area	3.00	--	--	--
Nursery, Wholesale	1,000 SF of Sales Area	1.50	--	--	--
Slaughterhouse	1,000 SF of GFA	1.50	--	--	--
Winery	1,000 SF of GFA	5.00	--	--	--
Residential					
Single-Unit Living, Two-Unit Living	Dwelling Unit	2.00	--	--	--
Multi-Unit Living	Efficiency Dwelling Unit	1.00	Dwelling Unit (20+ Units Only)	0.5 100 max	95%
	1 Bedroom Dwelling Unit	1.25			
	2 Bedroom Dwelling Unit	1.50			
	3+ Bedroom Dwelling Unit	2.00			
Accessory Apartment, Attached or Detached	Accessory Dwelling Unit	1.00	--	--	--
Home Occupation, Low Impact	Home Occupation	1.00	--	--	--
Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	--	--	--
Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	--	--	--
Group Living	Bed, plus	0.25	Dwelling Unit (20+ Units Only)	0.25 50 max	95%
	Employee	0.50			
	OR: Dwelling Unit or PLQ	1.00			
Civic and Institutional					
Charitable, Philanthropic Institution	1,000 SF of GFA	2.50	10,000 SF of GFA	2.0	85%
Cultural Institution	1,000 SF of GFA	1.25	10,000 SF of GFA	1.0	15%
Day Care Facility					
Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	--	--	--
Group Day Care, Day Care Center	1,000 SF of GFA	3.00	10,000 SF of GFA	2.0	85%
Educational Institution (Private)	Student (Grade K-8)	0.25	10,000 SF of GFA	2.0	85%
	Student (Grade 9-12)	0.50			
Fire/EMS (Private)	Employee	1.0	10,000 SF of GFA	2.0	85%
Hospital	1,000 SF of GFA	2.5	10,000 SF of GFA	2.0	85%
Private Club, Service Organization	1,000 SF of GFA	2.50	10,000 SF of GFA	1.0	15%
Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.25 20.00	10,000 SF of GFA	1.0	15%

KEY: GFA = Gross Floor Area

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USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Spaces Required	% Long-Term
Commercial					
Animal Services	1,000 SF of GFA	3.50	10,000 SF of GFA	1.0	15%
Eating and Drinking	1,000 SF for Patron Use	10.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.25	10,000 SF of GFA	1.0	15%
Landscape Contractor	1,000 SF of GFA	5.00	--	--	--
Lodging, Bed and Breakfast	Guest Room	1.00	--	--	--
Lodging, Hotel, Motel	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.70 10.00	10 Guest Rooms	1.0	100%
Medical and Dental	1,000 SF of GFA	3.50	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.80	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA	5.00	10,000 SF of GFA	1.0	15%
Retail Sales and Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	4.00	10,000 SF of GFA	1.0	15%
Industrial					
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Dry Cleaning Facility over 3,000 SF	1,000 SF of GFA	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	100%
Recycling Drop-off Center	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
Recycling Collection and Processing	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	--	--	--

KEY: GFA = Gross Floor Area

Sec. 7.2.5. Commercial/Residential and Employment Zones

A. Required Vehicle Parking

1. The minimum parking requirements of the CR, CRN, CRT, EOF, ELS, and EG zones reflect an environment that typically includes a mix of uses, is in close proximity to transit or contains shared parking resources. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.5.E](#).
 - a. Parking must be provided in Parking Benefit Districts, as defined by [Chapter 60](#), such that the amount provided is between a baseline minimum and a baseline maximum, which may be adjusted in this Section. Parking in all other locations must be provided for at least the baseline minimum, as adjusted; no maximum is established for these locations.
 - b. In a Parking Benefit District, when a building is constructed, parking spaces may be reserved for specific tenants or units, if the baseline minimum is met and the baseline maximum is not exceeded, as adjusted under [Sec. 7.2.5.C](#). For any parking spaces provided beyond the maximum, a fee per space will be assessed or the space must be made available to the general public under [Chapter 60](#).
 - c. In a Primary Parking Benefit District, minimum parking requirements may be met through payment of an annual fee to the appropriate district under [Chapter 60](#).
2. Off-site parking spaces associated with an allowed use may be approved by the applicable review body to fulfill parking requirements if the property proposed to be used for required parking is plat-restricted, deed-restricted, or is under a joint use agreement. The restrictions must specify that the property provides the required parking spaces for a use on another property. The restrictions may be lifted if substitute off-site parking or leased property is found, or if the use ceases to exist. The following conditions apply to a joint use agreement:
 - a. Properties under a joint use parking agreement will be under the unified control of the involved parties concerned. A written joint use agreement must be submitted with a Conditional Use Plan or Site Plan. The minimum term for the joint use agreement is 5 years.

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

B. Required Bicycle Parking

The following minimum bicycle parking requirements reflect a mixed use environment. The total number of spaces required for any site is the sum of the spaces required for each applicable category of land use in the table in [Sec. 7.2.5.E](#). Long-term bicycle parking spaces are focused on resident and employee parking. Short-term bicycle parking spaces are focused on patrons and visitors.

C. Adjustments

1. NADMS Factor

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

2. On-Street Space

One on-street parking space located in public or private right-of-way abutting the subject property may be substituted for any required parking space, as determined by DPS.

3. Carpool/Vanpool Space

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

4. Car-Share Space

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

5. Unbundled Residential Space

Where residential parking for Single-Unit Living, Two-Unit Living, and Multi-Unit Living is unbundled (parking spaces are offered at market rates as an option distinct from the purchase or lease of a residential unit), the applicable baseline minimum parking requirement may be reduced by two-thirds.

6. Affordable Housing or Workforce Housing Units

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

D. Using the Parking Table

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

E. Commercial/Residential and Employment Zones

USE or USE GROUP	Required Parking	Metric	VEHICLE PARKING SPACES			BICYCLE PARKING SPACES		
			Primary/Secondary Parking Benefit Districts		All Other Locations	All Locations		
			Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Spaces Required	% Long-Term
Agricultural								
	Nursery, Retail	1,000 SF of Sales Area	0.25	1.25	1.25	10,000 SF of GFA	1.0	15%
Residential								
	Single-Unit Living, Two-Unit Living	Dwelling Unit	1.00	2.00	2.00	--	--	--
	Multi-Unit Living							
	Efficiency	Dwelling Unit	0.50	1.00	1.00	Dwelling Units (20+ Units Only)	0.5 100 max	95%
	1 Bedroom	Dwelling Unit	0.50	1.25	1.25			
	2 Bedroom	Dwelling Unit	0.75	1.50	1.50			
	3+ Bedroom	Dwelling Unit	1.00	2.00	2.00			
	Accessory Apartment, Attached or Detached	Dwelling Unit	1.00	2.00	1.00	--	--	--
	Home Occupation, Low Impact	Home Occupation	1.00	1.00	1.00	--	--	--
	Home Occupation, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
	Home Health Practitioner, Low Impact	Home Health Practitioner	2.00	2.00	2.00	--	--	--
	Home Health Practitioner, Major Impact (in addition to residential spaces)	Non-Resident Employee, plus Each Client Allowed per Hour	1.00 1.00	1.00 1.00	1.00 1.00	--	--	--
	Group Living	Each Bed, plus Each Employee OR: Each Dwelling Unit or PLQ	0.25 0.50 0.50	0.25 0.50 1.00	0.25 0.50 1.00	Dwelling Units (20+ Units Only)	0.25 50 max	95%
Civic and Institutional								
	Charitable, Philanthropic Institution	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	2.0	85%
	Cultural Institution	1,000 SF of GFA	0.50	1.25	1.25	10,000 SF of GFA	1.0	15%
	Day Care Facility							
	Family Day Care (in addition to residential spaces)	Non-Resident Employee	1.00	1.00	1.00	--	--	--
	Group Day Care, Day Care Center	1,000 SF of GFA	3.00	3.00	3.00	10,000 SF of GFA	2.0	85%
	Educational Institution (Private)	Each Student (Grade K-8) Each Student (Grade 9-12)	0.15 0.25	0.25 0.50	0.25 0.50	10,000 SF of GFA	2.0	85%
	Fire/EMS (Private)	Each Employee	0.50	1.00	1.00	10,000 SF of GFA	2.0	85%
	Hospital	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	2.0	85%
	Private Club, Service Organization	1,000 SF of GFA	1.50	2.25	2.25	10,000 SF of GFA	1.0	15%
	Religious Assembly	Fixed Seat OR: 1,000 SF of Assembly Area	0.15 10.00	0.25 14.00	0.25 14.00	10,000 SF of GFA	1.0	15%

GFA = Gross Floor Area

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USE or USE GROUP	Metric	VEHICLE PARKING SPACES			BICYCLE PARKING SPACES		
		Primary/Secondary Parking Benefit Districts		All Other Locations	All Locations		
		Baseline Minimum	Baseline Maximum	Baseline Minimum	Metric	Spaces Required	% Long-Term
Commercial							
Animal Services	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Eating and Drinking	1,000 SF for Patron Area, excluding outdoor seating area	2.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.15	0.50	0.50	10,000 SF of GFA	1.0	15%
Lodging	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.33 2.00	0.66 4.00	0.50 4.00	10 Guest Rooms	1.0	100%
Medical and Dental	1,000 SF of GFA	2.00	3.00	2.25	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.00	2.70	2.25	10,000 SF of GFA	2.0	85%
Recreation and Entertainment	1,000 SF of GFA	1.00	3.50	3.50	10,000 SF of GFA	1.0	15%
Retail Sales and Service	1,000 SF of GFA	1.00	4.00	4.00	10,000 SF of GFA	1.0	15%
Vehicle/Equipment Sales and Rental	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Vehicle Service	1,000 SF of GFA	1.00	2.50	2.50	10,000 SF of GFA	1.0	15%
Industrial							
Dry Cleaning Facility up to 3,000 SF	1,000 SF of GFA	1.00	3.00	1.50	2,000 SF of GFA	1.0	100%
Manufacturing and Production	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	3.0	100%
Bus, Rail Terminal	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	5.0	85%
Warehouse	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	100%
Recycling Drop-off Center	1,000 SF of GFA	1.00	3.00	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.00	3.00	1.50	--	--	--

GFA = Gross Floor Area

Sec. 7.2.6. Parking Design Standards

A. Location

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

B. Access

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

C. Marking

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

D. Size of Spaces

1. Parking spaces must meet the following dimensional requirements:

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

2. Up to 15% of all required spaces may be compact spaces.

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

E. Drive Aisles

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

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

F. Handicapped Spaces

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

G. Motorcycle/Scooter Parking

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

H. Car-Share Spaces

1. One car-share parking space is required for every 50 reserved parking spaces.
2. If no car-share organization can be found to make use of the spaces, the property owner may use the spaces for publicly-available parking. However, upon 90 days advance written notification of interest, the property owner must make the space available to any county recognized car share organization.

I. Electric Plug-In Spaces

1. All parking facilities containing more than 50 parking spaces must provide one electric plug-in parking space for every 50 reserved parking spaces.
2. An electric plug-in space may count for 0.5 spaces in the calculation for minimum parking requirements.
3. An electric vehicle charging station must be provided adjacent to the designated electric plug-in space and must be a Level 3 charging level or higher.
4. Electric plug-in spaces must include:
 - a. Signage indicating the space is reserved for parking and charging electric vehicles only. Signage must include days and hours of operations if time limits or tow away provisions are to be enforced.
 - b. Adequate site-lighting for the charging station equipment, unless charging is for daytime purposes only.
5. Charging station equipment provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, must adhere to state and federal accessibility requirements.

J. Parking Separation

1. All parking spaces must be separated from sidewalks, roads, streets, or alleys by curbing or wheel stops.
2. All roads, streets, alleys, sidewalks, and other public rights-of-way must be

protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

K. Walkways

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

L. Drainage

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

M. Landscaping and Lighting

Landscaping and lighting in parking lots must follow the regulations in [Div. 7.5](#).

N. Parking Setbacks

1. Where a parking facility adjoins an existing or planned public right-of-way that is 120 feet or more in width, the provision for a landscaped strip applies to the property line abutting that right-of-way in lieu of the residential setback.
2. Where a parking facility is located on land zoned Agricultural, Rural, or Residential in a designated historic district in conjunction with a commercial use also located in the historic district, the applicable setbacks for parking surfaces, spaces and driveways may be waived by the applicable review body at the time of Site Plan or Conditional Use Plan review.

O. Facilities for Conditional Uses in Residential Zones

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

1. Location

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

2. Setbacks

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

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

P. Commercial Vehicle Parking for Properties with a Residential Use

1. In General

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

2. AC, RR, RC, and RNC Zones

- a. On any lot or parcel up to 0.5 acre, one light commercial vehicle and one unoccupied recreational vehicle may be parked at any one time.
- b. On any lot or parcel over 0.5 and under 2 acres, up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.
- c. On any lot or parcel over 2 acres, there are no restrictions on commercial and recreational vehicle parking.

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

- a. Up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational

vehicle may be used for dwelling purposes for not more than 3 days in any month.

- b. Any property zoned RE-1 that does not meet the minimum lot size of 40,000 square feet, must meet the requirements set in **Sec. 7.2.8.P.3.**

4. RLD-20, RMD-9, RMD-6, and RMD-4 Zones

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

Q. Surface Parking in RLD-20, RMD-9, and RMD-6

- 1. Parking for any vehicle or trailer in the area between the property line and the front building line must be on a surfaced area.
- 2. Temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.
- 3. The maximum percentage of the area between the property line and the front building line that can be covered by surfaced area, excluding the surfaced area in a driveway on a pipestem or flag shaped lot is as follows:

a. RLD-20	30%
b. RMD-9	30%
c. RMD-6	35%
- 4. Any surfaced area existing before October 26, 2010 is not limited by this provision if the existing surface area is not increased.
- 5. For properties with primary access from a primary residential street, minor arterial road, major highway or arterial, or any state road, the surfaced area may be a maximum of 50% of the area between the property line and the front building line.
 - a. Surfaced area consisting of 2 parking spaces can exceed the limits of this provision if it is no larger than 320 square feet in total area.
 - b. No more than one vehicle may be parked for every 160 square feet of surfaced area.

- c. The limit on surfaced area does not apply to stone or rock quarries in the RLD-20 zone.
 - d. The Department of Permitting Services may grant a waiver to these surfaced area limits as necessary to protect public safety.
6. Parking in the area between the property line and front building line on a non-surfaced area or parking on less than 160 square feet of surfaced area for each vehicle must cease after October 24, 2011.

Sec. 7.2.7. Bicycle Parking Design Standards

A. Long-Term Spaces

1. Location, Access, and Security

- a. Long-term bicycle parking spaces may be provided within a building or covered parking garage, or in bicycle lockers. Access to spaces must be convenient from the building or structure and the street or other bicycle right-of-way.
- b. Spaces must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, spaces must be accessible 24 hours a day, 7 days a week.
- c. When provided in a garage, spaces must be clearly marked as such and should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car.
- d. Spaces must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade.
- e. Spaces must be independently accessible by means of an aisle with a minimum width of 48 inches and a minimum vertical clearance of 75 inches.
- f. When provided in an enclosed area, must not be accessible to anyone without authorized access.
- g. When provided in lockers, the lockers must be securely anchored.
- h. All facilities must be well-maintained and monitored.

- i. All facilities must be well lit.

2. Space Dimensions

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

3. Signs

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

4. Changing Facilities – Showers and Lockers

- a. Any individual tenant space over 50,000 square feet of nonresidential gross floor area (excluding retail), must provide one shower for each gender, unless provided in the development in a common area. An additional one shower per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 showers per gender.
- b. Where long term bicycle storage is required for a nonresidential use, a minimum number of clothing lockers equal to 0.3 times the minimum number of required long term storage spaces must be provided for each gender, and must be a minimum of 12 inches wide, 18 inches deep, 36

inches high, and must be available for use on a 24 hour basis. Lockers must be installed adjacent to the showers in a safe and secured area.

B. Short-Term Spaces

1. Location, Access, and Security

- a. Short-term spaces must be available to the public.
- b. Spaces must be provided in a convenient, well-lit location that is clearly visible to both the occupants of the building for which the spaces are built, as well as the sidewalk that accesses the building's main entrance.
- c. Spaces must be placed no more than 50 feet from:
 - i. the main entrance of the building;
 - ii. at least one main entrance of a building with more than one main entrance;
 - iii. the main entrance of each building on a site with more than one building;
 - iv. And if a Site Plan or Conditional Use Plan is required, the applicable review body may approve an alternative.
- d. Parking racks must be placed to avoid obstructing pedestrian traffic, bus stops, trees, and other features located in the pedestrian area.
- e. Sidewalk racks that are parallel to the curb must be located 2 feet from the curb face.
- f. Sidewalk racks aligned perpendicular to the curb must be placed so that the nearest vertical component of the rack is at least 4 feet from the curb.
- g. Sidewalk racks must be at least 14 feet from any stand-alone fire hydrant.
- h. Each parked bicycle must be accessible without moving another bicycle.
- i. An aisle of at least 5 feet in width must be maintained behind all occupied parking racks to allow room for bicycle maneuvering.

2. Racks

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

- a. the bicycle frame and one wheel can be locked to the rack with a high security lock;
- b. a bicycle can be securely held with its frame supported in at least 2 places;
- c. racks must be offset a minimum of 30 inches on center;
- d. the rack must be durable and securely anchored; and
- e. the locking surface of the rack should be thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters.

Sec. 7.2.8. Queuing Design Standards

A. In General

Adequate space must be made available on-site for the storage and queuing of vehicles. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets and sidewalks.

B. Drive-Thru Facility Design

1. No part of a drive-thru facility, including the queuing area, may be located within 100 feet of a property line shared with land zoned RE-1, RE-2, RE-2C, RLD-20, RMD-9, RMD-6, or RMD-4.
2. No drive-thru service window, drive aisle, or queuing area may be located between the street and the front wall of the principal building.
3. No drive-thru service window, drive aisle, or queuing area may be located between the street and the side wall of the principal building on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.

Sec. 7.2.9. Loading Design Standards

A. Applicability

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

B. Required Off-Street Loading Spaces

1. Multi-Unit Living Uses

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

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

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

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

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

C. Shared Loading Spaces

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

D. Location and Design

1. Location

- a. All off-street loading spaces must be located on the same lot as the building or use served unless the applicant has an approved shared loading space agreement.
- b. Off-street loading spaces are prohibited from projecting into a public right-of-way.
- c. Off-street loading spaces are prohibited from being located between the front building line and property line.
- d. Off-street loading spaces must be at least 100 feet from the nearest property line of lots zoned RE-2, RE-2C, RE-1, RMD-9, RMD-6, or RMD-4.

2. Screening

All off-street loading spaces must adhere to the parking lot landscaping and lighting requirements in [Div. 7.5.](#)

3. Dimensions

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

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

4. Maneuvering

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

- a. 30': Spaces serving single-unit trucks and similar delivery vehicles.

- b. 50': Spaces serving larger freight vehicles.

5. Surfacing

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

6. Drainage and Maintenance

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

7. Safe Design

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

Sec. 7.2.10. Alternative Compliance

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

Div. 7.3. Open Space

Sec. 7.3.1. Intent

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

Sec. 7.3.2. Overview of Open Space Requirements

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

Zone	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
AC, RR				
RC	CD			
RNC	A	MPDU		
RE, RLD, RMD		MPDU, CD		
RHD, TLD, TMD, THD		A		
CRN, CRT, CR, EG, ELS, EOF		T	U, B	
IL, IH				A
Floating Zones		R	B	

KEY:

- A = Required for all development
- B = Required for apartment/condo, mixed use building, or general building under Optional Method Development
- CD = Required as part of an Optional Method Cluster Development
- MPDU = Required as part of an Optional Method MPDU Development
- R = Required for detached house, duplex, or townhouse of more than 6 units
- T = Required for townhouse development
- U = Required for all standard method development as indicated under Article 59-3
- Blank Cell = Not required

Sec. 7.3.3. Allowed and Prohibited Uses in Open Space

A. Allowed Uses

The following table provides a summary of the allowed uses in each type of open space. Detailed applicability is included with each open space type in [Sec. 7.3.4](#) through [Sec. 7.3.7](#):

Use	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
Community garden or farming, if all applicable best management practices are used to minimize environmental impacts	A			
Community gardens or urban farms, if all applicable best management practices are used to minimize environmental impacts		A		
Conservation areas or land trusts for natural, archeological or historical resources	A	A		
Open spaces such as lawns, gardens, plazas, walks, pathways, promenades, arcades, urban parks, or town squares			A	
Open spaces such as lawns, gardens, ornamental planting areas, or natural habitat				A
Wildlife corridors, game preserves, and similar conservation-oriented areas	A	A		
Pedestrian or multipurpose trails	A	A	A	A
Passive recreation areas and facilities	A	A	A	A
Active recreation areas and facilities		A	A	
Community swimming pools		A		
Public parks, playground			A	A
Private parks, playground				A
Public space or amenities recommended by an approved urban renewal system			A	
Above-ground utility rights-of-way	A	A	A	A
Water bodies, such as lakes, ponds, and floodways	A	A		
Non-structural, natural, and ESD stormwater management facilities	A	A	A	A
Utilities	A	A	A	A
Other conservation-oriented uses compatible with the purpose of this sections	A	A		

KEY: A = Allowed Use Blank Cell = Use is not Allowed

B. Prohibited Uses

The following table provides a summary of the uses expressly prohibited in each type of open space. Detailed applicability is included with each open space type in [Sec. 7.3.4](#) through [Sec. 7.3.7](#):

Use	Rural Open Space	Common Outdoor Area	Public Use Space	Green Area
Streets and impervious parking areas	N	N		
Parking or maneuvering areas for vehicles			N	N
Public streets			N	N
Individual wastewater disposal areas, or drain fields for community systems		N	N	N
Transitory Use	N	N	N	N
Activities prohibited by the applicable review body and recorded on the legal instrument providing for permanent protections. Any changes to the management plan must be approved by the applicable review body.	N	N	N	N
Any use prohibited in rural open space under Sec. 7.3.4.A.4	N			

KEY: N = Use Expressly Prohibited Blank Cell = Use is not Allowed

Sec. 7.3.4. Rural Open Space

A. General Regulations

1. Applicability

- a. All optional method development in the RC zone is required to provide rural open space.
- b. All development in the RNC zone is required to provide rural open space.

2. Definition

Rural open space is land that is managed as farmland or is returning to its natural state without human intervention. Rural open space is typically contiguous and shares an extended boundary with the subject development. Rural open space should preserve sensitive agricultural soils, natural resources, sensitive areas, and associated habitats.

3. Amount of Rural Open Space

- a. The amount of required rural open space in the RC zone is identified in [Div. 4.3](#). The amount of required rural open space in the RNC zone is identified in [Div. 4.3](#) for standard method development and [Sec. 6.1.2](#) for optional method development.
- b. The Planning Board may approve a minor variation in the Master Plan recommended rural open space if the Planning Board finds that the variation would retain or enhance both the quality and character of the rural open space as set forth in the intent of this Section (Sec. 7.3.4).

4. Guidelines for Development

[\[Editor's note: Info on how to record open space and site design to be added\]](#)

5. Uses Prohibited in the Rural Open Space:

- a. In the RC and RNC zones, the following uses are prohibited

Use	RNC	RC
Agricultural Processing		x
Equestrian Facility (3+ horses)	x	
Farm Supply, Machinery Sales, Storage and Service		x
Accessory Agricultural Processing		x
Nursery (Retail)	x	x
Nursery (Wholesale)	x	x
Slaughterhouse		x
Winery	x	
Farm Market, On-Site	x	
Seasonal Outdoor Sales	x	x
Multi-Unit Living	x	
Farm Tenant Dwelling (not associated with a farm in the rural open space)		x

Use	RNC	RC
Independent Living Facility for Seniors or Persons with Disabilities	x	x
Residential Care Facility	x	x
Charitable, Philanthropic Institution	x	x
Cultural Institution	x	
Group Day Care (9 - 12 Persons)	x	x
Day Care Center (13 or more Persons)	x	x
Educational Institution (Private)	x	
Private Club, Service Organization	x	x
Public Use (except Utilities)	x	x
Religious Assembly	x	x
Swimming Pool (Community)	x	
Animal Boarding and Care	x	x
Veterinary Office/Hospital	x	x
Cable Communications System	x	
Freestanding Wireless Communications Tower	x	
Media Broadcast Tower		x
Country Inn		x
Cemetery	x	x
Landscape Contractor	x	x
Shooting Range (Outdoor)		x
Rural Antique Shop	x	x
Country Market	x	
Mining, Excavation		x
Public Utility Building or Structure	x	

KEY: x = Prohibited

B. Design Regulations

1. Open Space Allocation

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

- a. floodplains;
- b. stream buffer areas;

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

2. Configuration of Rural Open Space

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

Sec. 7.3.5. Common Outdoor Area

A. General Regulations

1. Applicability

Common outdoor area is required for the following:

- a. All optional method development in the RNC, RE, RLD, and RMD zones;

- b. All standard and optional method development in the RHD, TLD, TMD, and THD zones;
- c. All townhouse development in the CRN, CRT, CR, EG, ELS, and EOF zones; and
- d. All detached house, duplex, and townhouse development of more than 6 units in the Floating zones.

2. Definition

Common outdoor area is the area not included in individual building lots or dedicated to public use. Common outdoor area may be public or private.

3. Amount of Common Outdoor Area

The amount of common outdoor area is calculated as outlined below:

- a. For Optional Method MPDU development in Rural and Residential zones, the required percentage is identified in [Sec. 6.1.2](#), General Site and Building Type Mix.
- b. For Optional Method Cluster Development in the Residential zones, the required percentage is identified in [Sec. 6.2.3](#), General Site, Building Type Mix, and Height Standards.
- c. For townhouse building type in the CRN zone, the required percentage is identified in [Sec. 4.5.6](#), Townhouse, Standard Method Development Standards.
- d. For detached house, duplex, or townhouse building type in the Floating zones, the required percentage is identified in [Sec. 5.1.6.D](#), Development Standards.

B. Design Regulations

- 1. Common outdoor area is intended for common use by the residents of the neighborhood and must be located in a central position or central positions in the neighborhood bordered by streets or building lots. Common outdoor area may also be placed in a location taking advantage of an important adjacent natural feature or open space
- 2. The minimum width for any required common outdoor area is 50 feet. Exceptions may be granted for items such as trail easements, mid-block crossings, and linear parks, when their purpose meets the intent of this section.

- 3. A minimum of 50% of the required common outdoor area must be in a contiguous lot or site or series of lots and sites. For the purposes of this section, contiguous includes any common outdoor area bisected by a street.

Sec. 7.3.6. Public Use Space

A. General Regulations

1. Applicability

- a. All development of an apartment/condo building, mixed use building, or general building type in the CRN, CRT, CR, EG, ELS, EOF, and Floating zones must provide public use space on any site greater than 10,000 square feet in area.

2. Definition

Public use space is space devoted to public enjoyment and must be easily and visibly accessible and open.

3. Amount of Public Use Space

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

- a. For standard method development in the CRN, CRT, and CR zones, the required percentage is identified by building type in [Div. 4.5](#). Commercial/Residential zones.
- b. For optional method development in the CR and CRT zones, the required percentage is identified in [Sec. 6.4.2.B](#), Public Use Space.
- c. For standard method development in the Employment zones, the required percentage is identified by building type in [Div. 4.6](#). Employment zones.
- d. For optional method development in the Employment zones, the required percentage is identified in [Sec. 6.5.2.B](#), Public Use Space.
- e. For Floating zones, the required percentage is identified in [Div. 59-4](#) (for standard method) and [59-6](#) (for optional method) according to the euclidean zone that was approved for uses under [Section 5.2.4](#).

B. Design Regulations

The standards and amenities contained within public use space are determined under the findings required by Site Plan or Conditional Use Plan review (see [Div. 8.3](#), Regulatory Approvals).

C. Off-Site Options

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

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

Sec. 7.3.7. Green Area**A. General Regulations****1. Applicability**

Any development in the IL or IH zones is required to provide green area under this section.

2. Definition

An area associated with a major building or group of buildings, or a prescribed portion of the area designated on a Site Plan or Conditional Use Plan, that provides access to active or passive recreation areas and natural features for the use and enjoyment of employees and visitors.

3. Amount of Green Area

- a. The amount of public use space is calculated as a percentage of the gross project area as outlined below.
 - i. For standard method development in the IL or IH zones, the required percentage is identified by building type in [Div. 4.7](#).
 - ii. For optional method development in the IL or IH zones, the required percentage is identified in [Sec. 6.5.2.B](#), Green Area.
- b. A minimum of 50% of any green area must be permeable.
- c. The green area required under this section may be alternatively met by public use space under, [Sec. 7.3.6](#), Public Use Space.

B. Design Regulations

1. The minimum width for any required public use space is 25 feet.
2. A minimum of 75% of the required green area must be contiguous.

Sec. 7.3.8. Alternative Compliance

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

Div. 7.4. Recreation Facilities

Sec. 7.4.1. Intent

The intent of this Division (Div. 7.4) is to provide access to recreation facilities and amenities to ensure the health, safety, and welfare of county residents. Such facilities provide an important supplement to the public park and recreation system, but in no way diminish the need for parks as estimated in the **Parks, Recreation and Open Space Master Plan**.

Sec. 7.4.2. Applicability

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

Sec. 7.4.3. Determining Demand

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

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

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

Sec. 7.4.4. Calculating Supply

A. After the required number of points for each age group has been determined, the applicant must determine the type of recreation facilities that must be provided. The following table establishes the supply credit for each type of recreation facility. Credit may be given for on-site facilities and for off-site facilities that are within close proximity to the project.

Facility Type	On-Site Credits					Off-Site Credits		
	Tots Age 0-4	Kids 5-11	Teens 12-17	Adults 18-64	Seniors 65+	1/4 Mile	1/2 Mile	1 Mile
Tot lot	10			2	2			
Playground	10	15		2	2			
Sitting area	2	2	10	5	10			
Picnic area	2	2	5	10	10			
Small lawn area	5	10	10	5	5			
Large lawn area	2	5	15	10				
Sport court		10	15	10				
Sport field		10	15	10				
Sidewalk network		5	10	15	10			
Bicycle path / shared use trail		5	10	15	10			
Swimming, aquatic facility	2	10	15	15	15	X 0.75	X 0.5	X 0.25
Natural trail / path	2	10	15	20	15			
Public park	5	10	10	10	15			
Cultural facility		5	10	20	20			
Urban plaza		10	20	20	15			
Community gym / health facility			5	20	10			
Community room	2	5	10	20	20			
Community garden	2	5	5	10	10			
Small dog park	2	5	10	10	10			
Large dog park	5	10	15	15	15			

The supply credit calculated must equal or exceed the number of points for each unit type and age group in the project.

Sec. 7.4.5. Recreation Facility Standards and Specifications

A. In General

Any recreation space located outdoors must:

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

B. Tot Lot

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

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

C. Playground

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

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

2. Setbacks must be 30 feet from the boundary of the development or any street, except where fencing or landscaping is provided to ensure compatibility and safety.
3. Shade trees must be provided, along with planting to define the area and low shrubs to separate the facility from any street. Not applicable for playgrounds located on rooftops.
4. Adjacent seating and a trash receptacle must be provided.
5. Where tot equipment is provided, it should be physically separated.

D. Sitting Area

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

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. A trash receptacle must be provided.

E. Picnic Area

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

1. Trees must be planted or a shelter provided to provide protection from sun and wind.
2. A trash receptacle must be provided.

F. Small Lawn Area

An open grass area to accommodate play activities.

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

G. Large Lawn Area

An open grass area to accommodate play activities.

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

H. Sport Court

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

1. Area dimensions must satisfy the standard and accepted dimensions of the intended sports.
2. When a sport court is provided outside, the following standards apply:
 - a. Setbacks must be 20 feet from any building and any street, except where fencing or landscaping is provided to ensure compatibility.
 - b. Positive drainage with a slope of 2% to 5% must be provided.
 - c. A north-south orientation is preferred.
3. Skate parks must be a minimum of 1,200 square feet and provide at least 5 ramps or obstacles.

I. Sport Field

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

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

J. Internal Sidewalk Network

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

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

K. Bicycle Path, Bicycle Lane, Shared Use Trail

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

1. A minimum length of one mile must be provided if the proposed on-site system does not connect to or complete an existing network of bike paths, bike lanes, or shared use trails.
2. Minimum facility widths:
 - a. Bike path (one way) must be a minimum of 6 feet.
 - b. Bike path (2 way) must be a minimum of 8 feet.
 - c. Bike lane must be a minimum of 4 feet.
 - d. Shared use trail must be a minimum of 10 feet.
3. Linkages to neighborhood destinations must be provided, including to public transportation and public facilities.
4. Facilities must comply with the Master Plan for Bikeways, and with county path and trail specifications.
5. Resting areas should be provided.

L. Swimming, Aquatic Facility

An indoor or outdoor swimming pool or other aquatic facility that allows for recreational swimming.

1. In Residential Zones:

- a. Outdoor pool deck must be 50 feet from any residential building and 30 feet from any street.

- b. Shade and evergreen trees must be used to define any outdoor pool area.
- c. Pool must conform to Montgomery County Health Department standards.

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

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

M. Natural Trail/Path

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

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

N. Nature Park

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

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

O. Cultural Facility

A museum, library, art gallery, civic center, nature education center, amphitheater, or indoor theater.

P. Urban Plaza

A public use or open space.

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

Q. Community Gym/Health Facility

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

1. Area must be a minimum of 50 feet by 80 feet.

R. Community Room

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

1. Area must be a minimum of 1,200 square feet for up to 200 dwelling units. An additional 500 square feet must be provided for every additional 100 dwelling units up to a maximum of 2,200 square feet.
2. May include a meeting room, game room, craft /club room or party room.

S. Community Garden

A garden plot for the use of residents.

1. Area must be a minimum of 1,000 square feet and at least 25 square feet per residential unit must be provided if the community garden is located on ground level. Area must be a minimum of 750 square feet if the community garden is located on a roof-top in the Commercial/Residential or Employment zones.
2. Setbacks must be 10 feet from any building and 20 feet from any street if the community garden is located on ground level.
3. Full sun should be provided.
4. A water connection must be provided.
5. A tool shed should be considered for large plots.

T. Other Recreational Facility

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

Sec. 7.4.6. Fee in Lieu of Recreation Space

When a proposed development is located within 1,000 feet of an existing or proposed public recreation facility, a voluntary agreement with the county is allowed. The county acceptance of this payment is discretionary, and may be permitted if the recreation facility provided on public land will be of greater benefit to the prospective residents of the development.

Sec. 7.4.7. Maintenance of Recreation Space

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

Sec. 7.4.8. Alternative Compliance

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

Div. 7.5. Landscaping and Outdoor Lighting

Sec. 7.5.1. Intent

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

Sec. 7.5.2. Applicability

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

Sec. 7.5.3. General Landscaping Requirements

A. General

1. DPS may not issue a permanent certificate of occupancy until all trees and plant material have been placed under the requirements of this Division (Div. 7.5), except under Sec. 7.5.3.A.2 (below).
2. A temporary certificate of occupancy may be issued for a period of up to 6 months under circumstances that would affect the planting of the site, or until the proper planting season is reached to complete the landscaping requirements.
3. All landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
4. Plant material must be true to name, variety and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
5. All mature plant sizes must be based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

B. Landscaping Elements

1. Canopy Trees

a. Defined

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

b. Size at Time of Planting

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

2. Understory Trees

a. Defined

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

b. Size at Time of Planting

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

3. Evergreen Trees

a. Defined

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

b. Size at Time of Planting

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

4. Shrubs

a. Defined

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

b. Size at Time of Planting

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

5. Fences and Walls

a. Defined

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

b. Height and Placement

- i. A fence or wall can be a maximum of 6.5 feet in height within a rear or side setback. A fence or wall in any front setback must not exceed 4 feet in height.
- ii. On a corner lot, no fence or wall may exceed 3 feet in height from curb level within the necessary sight distance at an intersection.
- iii. On a corner lot in any Residential zone, a deer fence must not be located closer to the street than the face of the building.

- iv. No wall or fence may be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

c. Exemptions from Height Restrictions

Fencing and walls are exempt from height restrictions in the following instances:

- i. Deer fencing:
 - (a) In all Agricultural and Rural zones; and
 - (b) In the rear and side yards of all non-Agricultural and non-Rural zones unless the lot or tract adjoins a national historical park.
- ii. Retaining walls where changes in street grade, width, or alignment have made such structures necessary.
- iii. Rustic fences on a lot or tract adjoining a national historical park;
- iv. Boundary fences on the rear and side yards if the lot or tract is located within 100 feet of a parking lot in a national historical park; and
- v. Deer fencing and other fences not over 8 feet in height if the property is farmed and agriculturally assessed.

C. Landscaping Maintenance

1. Responsibility

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

2. Maintenance

- a. All plant materials must be maintained in an attractive and healthy condition. Maintenance includes, but is not limited to, watering, mulching, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
- b. Necessary pruning and trimming must occur under the American National Standards for Tree Care Operations: Tree Shrub and Other Woody

Plant Maintenance – Standards Practices (Pruning), and must not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures that cause irreparable harm to the natural form of the tree.

- c. Dead or diseased plant materials must be removed. Replacement plant materials must be provided for any required plants that die or are removed for any reason.
- d. Landscape structural features such as walls, fences, berms or water features must be maintained in a structurally safe and attractive condition.

3. Failure to Maintain

- a. In the event that the owner of a landscaped area fails to maintain the area according to the standards of this Section, the County may recover the cost of enforcement, including reasonable attorney fees.
- b. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance will be charged to the party having the primary responsibility for maintenance of the landscaped area.

Sec. 7.5.4. General Outdoor Lighting Requirements

A. Applicability

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

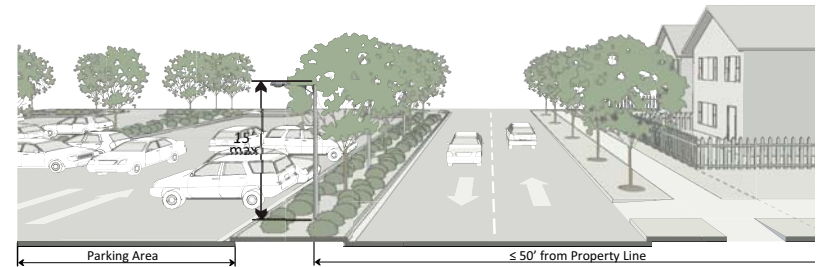
B. Design Requirements

1. Fixture (Luminaire)

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

2. Fixture Height

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



3. Light Source (Lamp)

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

4. Limit Lighting to Periods of Activity

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

C. Lighting Types

1. Security Lighting

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

2. Accent Lighting

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

3. Canopy Area Lighting

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

4. Residential Entrances

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

5. Outdoor Recreation Lighting

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

6. Excessive Illumination

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

Sec. 7.5.5. Open Space Landscaping and Outdoor Lighting

A. Overview of Required Open Space Landscaping

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

Open Space Type	Farm Crops	Ornamental Planting	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Not Allowed	90%	50% when not used for agriculture
Common Outdoor Area	Allowed	Allowed for community and recreation facilities	80%	20%
Public Use Space	Allowed in publicly accessible community garden	Allowed	10%	10%
Green Area		Allowed	50%	25%

B. Open Space Landscaping Requirements

1. General

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

2. Farm Crops

Farm crops allowed in open space include all crop farming uses defined in **Sec. 3.2.6.** and under the applicable use standards for each zone.

3. Ornamental Planting

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

4. Permeable Area

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

5. Tree Canopy

Tree canopy in rural open space is intended to mimic the natural environment once present on the site. In other types of open space, tree canopy is intended to provide shade and relief from the heat island effect of paved areas. Tree canopy size is determined at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

6. Plant Distance from Paved Surface

All shrubs and trees must be located a minimum of 30 inches from center to any paved surface, except for street trees planted along sidewalks.

C. Overview of Open Space Lighting

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

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

fc = footcandle

Sec. 7.5.6. Parking Lot Landscaping and Lighting

A. Applicability

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

B. Surface Parking Area Requirements

1. Landscaped Area

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

2. Tree Canopy

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

3. Perimeter Planting

a. Abutting AC, RR, RC, RNC, RE, RLD, RMD Zoned Property that is Vacant or Improved with an Agricultural or Residential Use

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

b. Abutting Any Other Zoned Property or Right-of-Way

- i. A perimeter planting area abutting nonresidential property must be a minimum of 6 feet wide.
- ii. Each perimeter planting area must contain a hedge or low wall a minimum of 3 feet high.
- iii. Canopy trees planted must be planted every 30 feet on center in the perimeter planting area.

4. Lighting

Surface parking lot lighting must meet the standards of [Sec. 7.5.4.](#), General Lighting Requirements.

C. Structured Parking Requirements

1. Green (living) walls are required along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
2. Illumination of top deck (roof) must meet the standards of [Sec. 7.5.4.](#), General Lighting Requirements, except that lighting fixtures within 30 feet of the

deck perimeter must not exceed 15 feet in height and no fixture located on structured parking may exceed 30 feet in height.

Sec. 7.5.7. Buffering and Screening

A. Applicability

This Section (Sec. 7.5.7) applies to construction of any townhouse, apartment/condo, mixed use building, or general building type on a property abutting an AC, RR, RC, RNC, RE, RLD, or RMD zone that is vacant or improved with an agricultural or residential use.

B. Buffering and Screening Specifications

1. Location

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

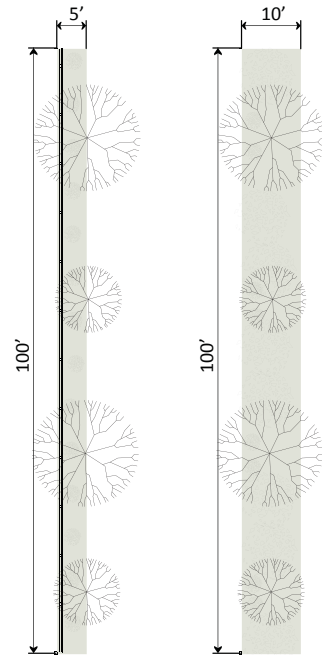
2. Berms

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

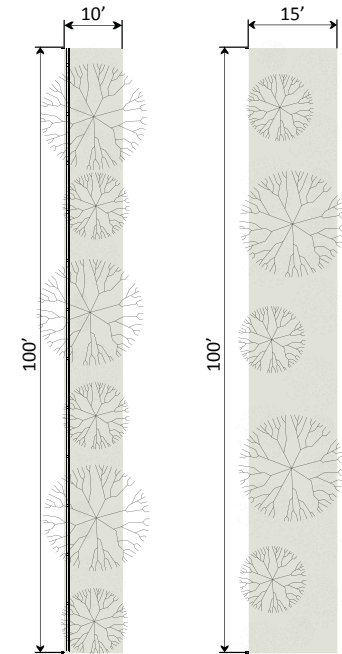
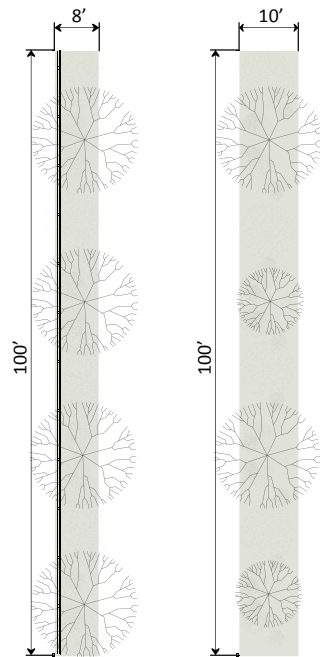
C. Buffering and Screening Requirements by Building Type

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

4. Townhouse



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

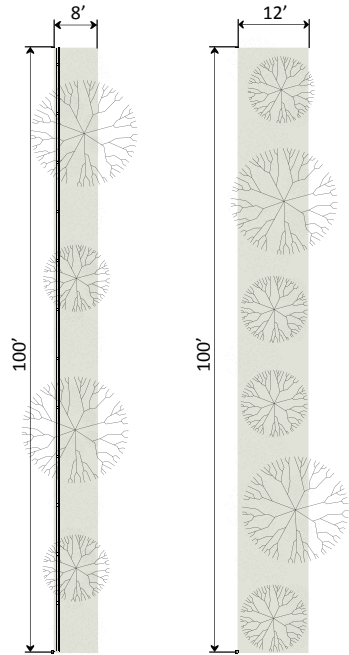


5. Apartment/Condo Up to 60 Feet in Height

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

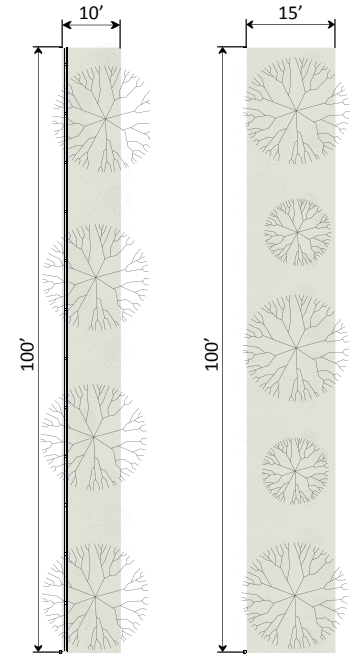
6. Apartment/Condo Over 60 Feet in Height

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



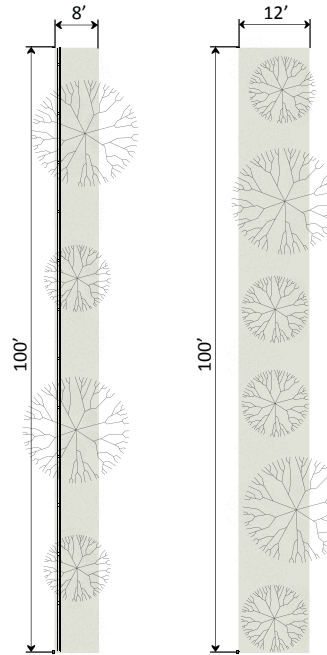
7. Mixed Use Building Up to 40 Feet in Height

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



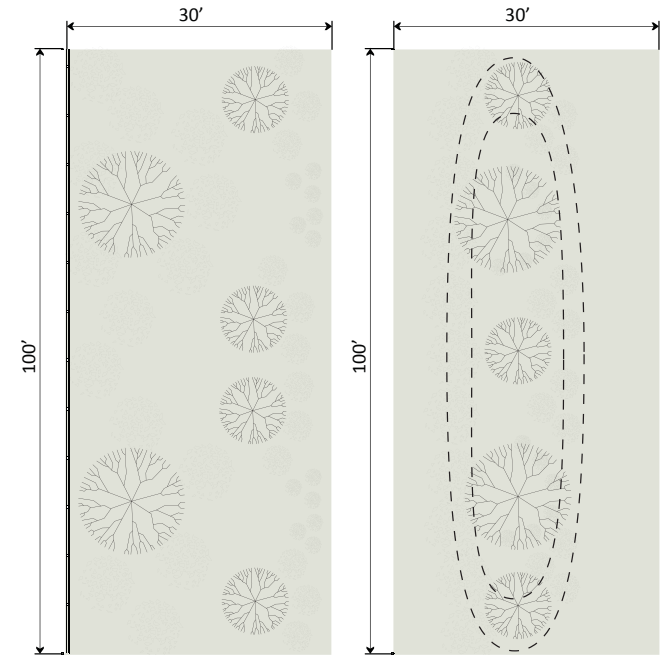
8. Mixed Use Building Over 40 Feet in Height

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



9. General Building with Non-Industrial Use

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



10. General Building with Industrial Use

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

Sec. 7.5.8. Alternative Compliance

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

Div. 7.6. Signs

Sec. 7.6.1. Purpose and Intent

The purpose of this Division (Div. 7.6) is to regulate the size, location, height, and construction of all signs placed for public view. The regulations are intended to protect the public safety, health, morals, comfort, and welfare; to preserve the value of property; to preserve and strengthen the ambiance and character of the various communities; and, where applicable, to implement the recommendations of an urban renewal plan adopted under [Chapter 56](#). It is the intent of this Division (Div. 7.6) to:

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

Sec. 7.6.2. Applicability

- A. A permit must be obtained under this Division when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered, except for signs covered by [Sec. 7.6.12.](#), Temporary Signs, [Sec. 7.6.11.](#), Limited Duration Signs and [Sec. 7.6.3.](#), Exempt Signs.
- B. A sign must be maintained in good repair and in a safe condition. Routine maintenance does not require a permit. Routine maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan.

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

Sec. 7.6.3. Exempt Signs

The following signs are exempt from the requirements of this Division:

- A. The following signs on private property do not require a permit and are exempt from the requirements of this Division when the area of the sign is 2 square feet or less:
 1. A sign on private property customarily associated with residential living or decoration.
 2. A sign that is part of a mailbox or newspaper tube and conforms with government regulations.
 3. A sign warning the public about trespass, danger, or safety considerations.
- B. A sign legally affixed to a bus shelter or transit center information kiosk pursuant to an approved franchise agreement.
- C. The following signs do not require a permit and are exempt from the size, placement and number requirements of this Division, but must comply with the prohibitions contained in [Sec. 7.6.4.](#), Prohibited Signs.
 1. A sign which is not visible beyond the property lines of the property where the sign is located.
 2. A sign used by a government agency or utility company erected by, or on the order of, a public officer or utility official in the performance of its official duties such as controlling traffic, identifying streets, warning of danger or providing information.
 3. Any sign required to be displayed by law or regulation.
 4. A flag which is displayed on a flagpole.
 5. A sign that is cut into the masonry surface or constructed of bronze or other durable material and made an integral part of the structure like a cornerstone, memorial, plaque, or historical marker.
 6. A sign that is an integral part of a dispensing mechanism, like a beverage machine, newspaper rack, or gasoline pump.

7. Any adornments or seasonal decorations.
- D. A sign or inflatable device that is located in an urban renewal area that is within an arts and entertainment district; promotes an entertainment event conducted by an entity located within the urban renewal area of an arts and entertainment district; is erected for no longer than thirty days; and includes more than 1,500 square feet of surface area, is exempt from the following:
1. The prohibition on animal forms in [Sec. 7.7.4.](#), Prohibited Signs;
 2. The size, height and area limitations in this Division (Div. 7.6);
 3. The prohibition on roof signs in [Sec. 7.7.4.](#), Prohibited Signs; and
 4. The prohibition on signs in the public right-of-way in [Sec. 7.7.4.](#), Prohibited Signs, if constructed 20 feet or more above the public right-of-way.

Sec. 7.6.4. Prohibited Signs

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

A. Obscene Sign

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

B. Roof Sign

Except if approved as part of a sign concept plan for an optional method development project within an urban renewal area, a sign may not be painted on the roof of a building, or supported by poles, uprights or braces extending from or attached to the roof of a building, or project above the roof of a building. A wall sign is not a roof sign, and for the purposes of this Division (Div. 7.6) a roof surface constructed at an angle of within 15 degrees of vertical is regarded as wall space. Screening that encloses equipment like heating, ventilating and air conditioning units, elevator shafts, and stairs located on a roof also are considered wall space.

C. Obstructive Sign

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

D. Unsafe Sign

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

E. Moved by the Wind

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

F. Sign in the Public Right-of-Way

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

1. Any sign erected by a government agency or utility company in the performance of its public duties.
2. Any sign erected by the appropriate transportation jurisdiction in its right-of-way.
3. Any permanent sign expressly allowed to be located in the public right-of-way in this Division (Div. 7.6), where:
 - a. The sign is approved by the Sign Review Board; and
 - b. The appropriate transportation jurisdiction issues a permit after approving the structural adequacy, physical location, sight distance, pedestrian access, and other safety characteristics of the sign.
4. A limited duration sign that satisfies the requirements of this Division (Div. 7.6).

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

G. Sign Attached to the Property of Others

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

H. Abandoned or Obsolete Sign

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

I. Off-Site Sign

Off-site signs are prohibited.

Sec. 7.6.5. Measurements

The following standards are used to measure the area of a sign regulated by this Division (Div. 7.6).

A. Generally

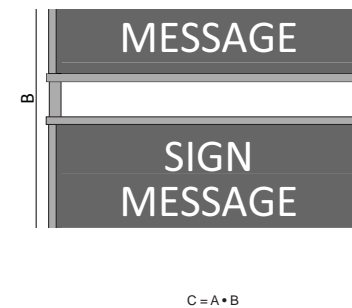
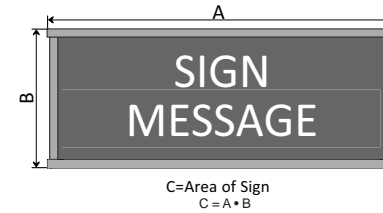
The sign area is the entire portion of the sign that can be enclosed within a single continuous rectangle. The area includes the extreme limits of the letters, figures, designs and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate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

B. Supports

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

C. Multiple Sections

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



D. Multiple Planes

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

1. Generally

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

2. Parallel Faces

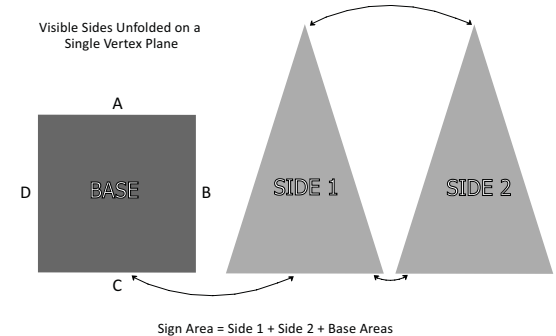
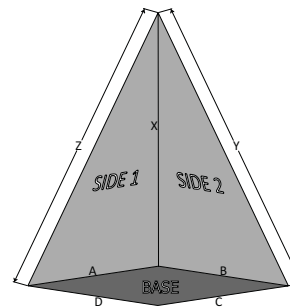
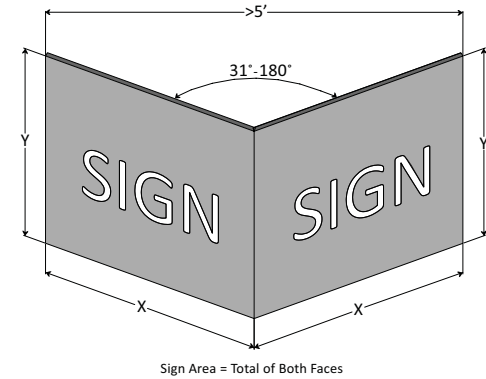
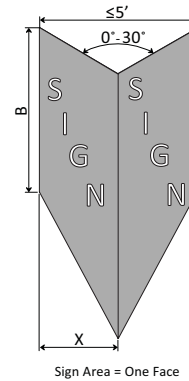
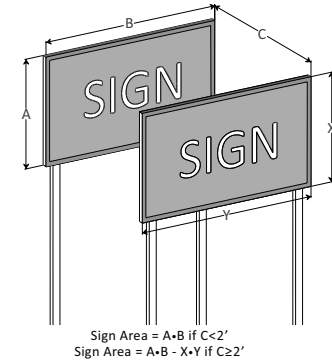
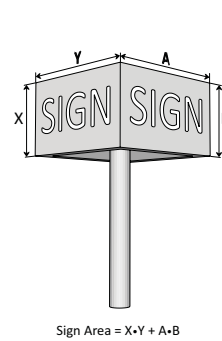
Only the larger of 2 sides is measured if the sides are double faced or back to back. The 2 planes must be parallel and less than 2 feet apart. For parallel signs 2 feet or greater apart, the sum of all the planes or sides will be used in the computation of the sign area.

3. "V" Shaped

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

4. 3 Dimensional

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



Sec. 7.6.6. Permanent Signs, In General

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

A. Sign Area

1. Unless otherwise provided in this Division (Div. 7.6), the total sign area of all permanent signs on any lot or parcel must not exceed the maximum sign area allocated for the zone in which the sign is located.
2. Any sign on a lot or parcel within 150 feet of a residential use must not exceed a sign area of 100 square feet.

B. Sign Placement

1. Setbacks are measured from the portion of the sign nearest to the property line.
2. Height is measured from the portion of the sign which is vertically the farthest from the ground.
3. Unless otherwise provided in this Division (Div. 7.6), no portion of a sign must:
 - a. Be erected in a manner that places the top of the sign more than 26 feet above the ground, except for a location sign erected that satisfies the standards in [Sec. 7.6.3.D](#);
 - b. Extend outside the property upon which it is erected, except for properties with no building setback, or satisfying the standards in [Sec. 7.6.9.A.3](#) for canopy signs; and
 - c. Obstruct any building aperture, such as a window, door, ventilation opening, or fire prevention device.

C. Building and Electrical Permits

A permanent sign erected under this Division (Div. 7.6) must comply with the building and construction requirements of [Chapter 8](#) and the electrical requirements of [Chapter 17](#).

D. Color

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

E. Illumination

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

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

F. Structural Limitations

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

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

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

G. Historic Preservation Area

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

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

H. Permanent Sign Standards By Zone

In addition to the general design elements and limitations, the following requirements apply in the zones specified. Any permanent sign not listed as allowed in a specific zone or which does not conform to the requirements listed in this Section (Sec. 7.6.6) or the applicable zone must obtain a variance from DPS.

Sec. 7.6.7. Agricultural and Rural Zones

A. Base Sign Area

The total area of all permanent signs in the Agricultural and Rural zones must not exceed 200 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.6).

1. Freestanding Sign

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

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

2. Wall Sign

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

B. Additional Sign Area

1. Entrance Sign

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

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

Sec. 7.6.8. Residential Zones

A. Base Sign Area

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

1. Freestanding Sign

- a. One freestanding sign is allowed.
- b. The sign must be set back a minimum of 5 feet from the property line.
- c. The sign must not exceed 5 feet in height.
- d. Illumination is prohibited.

2. Wall Sign

- a. One wall sign is allowed.
- b. The sign must not be placed more than 5 feet above the ground.
- c. Illumination is prohibited.

B. Additional Sign Area

1. Subdivision and Multifamily Development Location Sign

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

- a. 2 signs are allowed for each entrance.
- b. The sign area must not exceed 40 square feet per sign.
- c. If the driveway entrance to the subdivision or development is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
- d. The sign must not exceed 26 feet in height.
- e. The sign may be illuminated (see [Sec. 7.6.6.E.](#)).

2. Place of Assembly Location Sign

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

- a. 2 signs are allowed at each entrance.
- b. The sign area must not exceed 40 square feet.
- c. The sign must be set back a minimum of 5 feet from the property line, or, if the driveway entrance to the subdivision is located in the right-of-way, a revocable permit issued jointly by the Sign Review Board and the appropriate transportation jurisdiction must be obtained to erect the sign.
 - i. The sign must not exceed 26 feet in height.
 - ii. The sign may be illuminated (see [Sec. 7.6.6.E.](#)).

Sec. 7.6.9. Commercial/Residential, Employment, and Industrial Zones

A. Base Sign Area

The total area of all permanent signs in a Commercial/Residential, Employment, or Industrial zone must not exceed 800 square feet, excluding the additional area allowed by other provisions of this Division (Div. 7.6), without submitting a sign concept plan to DPS. The maximum sign area for an individual sign in these zones is 200 square feet.

1. Freestanding Sign

- a. One sign is allowed at each customer entrance to the building or driveway.
- b. The maximum sign area for a lot or parcel is 2 square feet for each linear foot of frontage.
 - i. Where a lot or parcel has frontage on more than one street, signs may be erected facing each street, or may be erected at a location which allows it to be seen along each street on which the site has frontage.

- ii. For a lot that has less than 50 feet of frontage, the sign area is based on the length of the lot line closest to the street toward which the sign is to be oriented. The applicant is restricted to using only one street and the property line closest to that street.
- c. A sign must be set back at least $\frac{1}{4}$ of the distance required for the building restriction setback as determined by the Code for the zone.
- d. The sign must not exceed the height of the tallest building on the same premises as a the sign, and must not exceed 26 feet above the ground.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

2. Wall Sign

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

- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

3. Canopy Sign

- a. The maximum canopy sign area is 2 square feet for each linear foot of building frontage, not to exceed 200 square feet. Excluding lighting internal to the canopy which has the sole purpose of lighting the customer area for service or safety, the sign area of an illuminated canopy sign is calculated as a the total illuminated surface area that can be seen at any one time from one vantage point outside the property lines of the property where the sign is located.
- b. The location of a canopy sign is determined by the building permit requirements for the canopy. If no building permit is required, the location requirements are the same as that of a freestanding sign.
- c. The height of the sign is determined by the building permit requirements for the canopy and must not exceed 26 feet in height. If no building permit is required, the height limits are the same as those of a projecting wall sign.
- d. A canopy sign that includes only the name of the business, the address or the official logo of the occupant is a location sign.
- e. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

B. Additional Sign Area

1. Location Sign

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

- a. A sign may be placed on each face of the building that has building frontage and at each customer entrance to the building and parking area.
- b. The sign area may not exceed 100 square feet for each sign.
- c. The location is the same as provided generally for the zone based on the type of sign. A location sign erected as a ground sign must meet the

setback restrictions for a freestanding sign, and a location sign erected as a wall sign must comply with the requirements for a wall sign.

- d. The sign may be placed on a wall more than 26 feet from the ground provided that it is at least 10 feet below the eave or parapet and at least 10 feet from the corner of the building.
- e. An entrance sign that is a freestanding location sign must not be placed within 100 feet of another freestanding sign. A wall location sign at an entrance must not be placed within 30 feet of another wall sign.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#)).

2. Freestanding Sign for Sites Larger than 5 Acres

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

- a. 2 signs per customer entrance are allowed.
- b. The sign area must not exceed 200 square feet per sign.
- c. A sign must be set back at least $\frac{1}{4}$ of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.
- d. A sign may not exceed 26 feet in height.
- e. Each sign or pair of signs must be placed at least 200 feet from another sign or pair of signs.
- f. The sign may be illuminated (see [Sec. 7.7.6.E.](#))

Sec. 7.6.10. Urban Renewal Areas

- A. Any permanent sign located in an approved urban renewal area as part of an optional method development project need not conform to the Design Elements and Limitations of this Division (Div. 7.6) where the Sign Review Board approves the sign as part of a sign concept plan.
- B. Before approving any sign concept plan under this Section, the Sign Review Board must hold a public hearing on the sign concept plan in the Urban Renewal Area, after giving 30 days notice and verifying that the applicant has complied with all applicable variance notice requirements.

Sec. 7.6.11. Limited Duration Signs

A. Permit Requirements

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

B. Permit Applications

1. One sign is allowed per permit up to a maximum of 4 permits per applicant. The Director may consider each business location as a separate applicant, however the sign placement may not create a proliferation of signs in that right-of-way, and the applicant may not have the ability to use a permanent sign in lieu of a limited duration sign. Multiple signs that are similar will not receive a permit for the same location within the right-of-way.
2. An application for a limitation duration sign permit must include:
 - a. A description of the sign indicating the number, size, shape, dimensions, and colors of the signs, and the time and day of the week during which the sign will be displayed;
 - b. A drawing of the site or a schematic of the area showing the proposed location of the sign in relation to nearby buildings and streets; and
 - c. Other information required by the DPS to ensure compliance with this Division (Div. 7.6) and other Sections of the Code.

C. General Requirements for Limited Duration Signs on Private Property

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

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

1. The sign area for each sign may not exceed 5 square feet.
2. No sign may be placed on a paved section of the right-of-way, such as a sidewalk, bikeway, driveway apron, emergency lane, or any part of the roadway.
3. The sign must be placed at least 50 feet from any driveway, entrance, or traffic control signal, and at least 5 feet from any other limited duration sign within the public right-of-way.
4. The sign must be placed at least 100 feet from a street intersection.
5. The nearest edge of a sign must be a minimum of 2 feet from a curb or, if no curb exists, a minimum of 6 feet from the edge of the roadway or street.
6. The sign may not be placed on a median strip or highway divider. If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.
7. The maximum height of the sign is 30 inches above the ground.
8. The sign must have its own means of support which is affixed to the ground. The sign installer or permit holder is responsible for complying with utility restrictions for excavating or driving a support into the ground.
9. The signs must be erected either only on weekends and National Holidays; or for no more than 14 consecutive days during any 6-month period.

Sec. 7.6.12. Temporary Signs

A. Generally

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

1. The sign area of a temporary sign is determined by the zone in which the sign is placed, and is in addition to the area allowed for a permanent sign or a limited duration sign. All other aspects of the sign, such as location and height, must conform to the standards for a permanent sign in the zone.
2. The date of erection of a temporary sign must be written in indelible ink on the lower right corner of the sign. The absence of this information makes the sign a permanent or limited duration sign and subject to the applicable provisions of this Division (Div. 7.6).

B. Requirements by Zone

The following requirements apply in the zones specified:

1. Agricultural and Rural Zones

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

2. Residential Zones

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

3. Commercial/Residential, Employment, and Industrial Zones

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

Sec. 7.6.13. Alternative Compliance

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

Div. 7.7. Outdoor Storage and Display

Sec. 7.7.1. Intent

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

Sec. 7.7.2. Applicability

- A. The requirements of this Division (Div. 7.7) apply to any site where merchandise, material or equipment is stored outside of a completely enclosed building.
- B. Where merchandise, material, or equipment is stored outside of a completely enclosed building in an Agricultural or Rural zone and the storage area lies more than 100 feet from any street right-of-way or property line, the provisions of this Division (Div. 7.7) do not apply.
- C. Where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted use are not subject to the provisions of this Division (Div. 7.7).

Sec. 7.7.3. Design Standards

A. Outdoor Display

1. Defined

- a. Outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink, or similar vending machines is considered outdoor display.
- b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).

2. Standards

Outdoor display is permitted with any nonresidential use following approval of a Site Plan or Conditional Use Plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the standards below.

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

B. Outdoor Storage

1. Limited Outdoor Storage

a. Defined

Limited outdoor storage includes, but is not limited to:

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

b. Standards

Limited outdoor storage is permitted where an industrial use is allowed, and following approval of a Site Plan or Conditional Use Plan illustrating the extent of the permitted area for limited outdoor storage.

2. General Outdoor Storage

a. Defined

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

b. Standards

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

i. In the Industrial Zones:

- (a) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.9**.

ii. In all Other Zones:

- (a) Approval of a Site Plan or Conditional Use Plan illustrating the extent of the permitted area for general outdoor storage.
- (b) The property must front on and have direct access to a road built to primary or higher standards.
- (c) The minimum area of the property must be 5 acres if abutting a Residential zone.
- (d) The minimum setback from any property line must be 50 feet.
- (e) Screening of inventory and equipment except where the use abuts or confronts Industrially-zoned property must follow the buffering and screening requirements of **Sec. 7.5.9**.

Sec. 7.7.4. Alternative Compliance

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

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