

# ARTICLE 59-8. ZONES RETAINED FROM PREVIOUS ORDINANCE

## Division 8.1. In General

### Section 8.1.1. Applicability

The zones in Article 59-8 were applied by Local Map Amendment before this Zoning Ordinance was adopted. These zones may appear on the digital zoning map, but they cannot be requested by any property owner under a Local Map Amendment or applied to any additional property under a Sectional Map Amendment adopted after October 30, 2014.

### Section 8.1.2. Modification of Zones

#### A. Amending a Development Plan

An amendment to an approved development plan or schematic development plan in any zone in Article 59-8 must follow

1. the procedures for amending a floating zone plan under [Section 7.2.1.1](#);
2. the parking, queuing, and loading standards in [Division 6.2](#); and
3. the signage standards in [Division 6.7](#).

#### B. Requesting a New Floating Zone

Unless prohibited by a specific provision of the zone, a property owner of land under any zone in Article 59-8 may request a new Floating zone under [Article 59-5](#).

## Division 8.2. Residential Floating Zones

### Section 8.2.1. Zones Established

The residential floating zones under Article 59-8 and their identifying symbols are:

- A. Residential Townhouse -6.0 (RT-6.0),
- B. Residential Townhouse- 8.0 (RT-8.0),
- C. Residential Townhouse- 10.0 (RT-10.0),
- D. Residential Townhouse- 12.5 (RT- 12.5),
- E. Residential Townhouse- 15.0 (RT-15.0), and
- F. Multiple-Unit, high-rise planned residential (R-H).

### Section 8.2.2. Purpose and Intent

#### A. RT Zone

1. The RT zones provide suitable sites for townhouses in sections of the County:
  - a. that are appropriate for residential development at densities allowed in the RT zones; or
  - b. where a buffer or transitional use is needed between commercial, industrial, or high-density Multi-Unit Living uses and low-density Single-Unit Living uses.
2. The RT zones should:
  - a. provide maximum freedom in the design of townhouses, including grouping and layout within the areas classified in that zone;
  - b. provide the amenities normally associated with less dense zoning categories;
  - c. permit different types of ownership of townhouses and townhouse developments;
  - d. prevent detrimental effects on adjacent properties or the neighborhood; and
  - e. promote the health, safety, and welfare of the current and future inhabitants of the district and the County.

#### B. R-H Zone

1. The R-H zone should:
  - a. provide suitable sites for relatively high density residential development;
  - b. create economies in the construction and operation of public services such as transportation, retail shopping facilities, and other community facilities that depend upon convenient access by residents of the area;
  - c. prevent undue congestion in sections of the County where such public services are not currently available or cannot be conveniently and economically provided;
  - d. provide maximum freedom in the design of residential structures, including grouping and layout within the areas classified in that zone;
  - e. prevent detrimental effects on adjacent properties or the general neighborhood; and
  - f. promote the health, safety, and welfare of the current and future inhabitants of the district and the County.
2. A development in the R-H zone must provide the maximum possible light, air, and open space for the benefit of the residents and the surrounding area.

**Section 8.2.3. Use Table for the RT and R-H Zones**

- A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.
- B. The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
<b>AGRICULTURAL</b>							
Community Garden	3.2.3						P
Farming	3.2.6						P
Urban Farming	3.2.9						P
<b>TEMPORARY AGRICULTURAL USES</b>							
Seasonal Outdoor Sales	3.2.12.B	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>	
<b>RESIDENTIAL</b>							
<b>HOUSEHOLD LIVING</b>							
Single-Unit Living	3.3.1.B	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	P
Two-Unit Living	3.3.1.C	P	P	P	P	P	
Townhouse Living	3.3.1.D	P	P	P	P	P	
Multi-Unit Living	3.3.1.E	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>3,4</sup>	p <sup>5</sup>
<b>GROUP LIVING</b>							
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C	C	C	C	C	C	P
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D						L
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D						C
Residential Care Facility (Up to 8 Persons)	3.3.2.E	P	P	P	P	P	P
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	P
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C
<b>ACCESSORY RESIDENTIAL USES</b>							
Home Health Practitioner (Low Impact)	3.3.3.G	C	C	C	C	C	
Home Health Practitioner (Major Impact)	3.3.3.G	C	C	C	C	C	

**Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

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USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
Home Occupation (No Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Low Impact)	3.3.3.H	L	L	L	L	L	L
Home Occupation (Major Impact)	3.3.3.H	C	C	C	C	C	C
<b>CIVIC AND INSTITUTIONAL</b>							
Cultural Institution	3.4.3	P	P	P	P	P	P
DAY CARE FACILITY	3.4.4						
Family Day Care (Up to 8 Persons)	3.4.4.C	P	P	P	P	P	P
Group Day Care (9 - 12 Persons) <sup>6</sup>	3.4.4.D	C	C	C	C	C	C
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C
Educational Institution (Private)	3.4.5	C	C	C	C	C	
Hospital	3.4.6	C	C	C	C	C	C
Private Club, Service Organization	3.4.8	C	C	C	C	C	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P
Religious Assembly	3.4.10	P	P	P	P	P	P
Swimming Pool (Community)	3.4.11	C	C	C	C	C	
<b>COMMERCIAL</b>							
COMMUNICATION FACILITY	3.5.2						
Cable Communications System	3.5.2.A	C	C	C	C	C	C
EATING AND DRINKING	3.5.3						
Restaurant	3.5.3.B						C <sup>7</sup>
OFFICE AND PROFESSIONAL	3.5.8						
Office	3.5.8.B	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>	p <sup>9</sup>
PARKING	3.5.9						
Structured Parking	3.5.9.B						P
Surface Parking for Use Allowed in the Zone	3.5.9.C						P
RECREATION AND ENTERTAINMENT	3.5.10						
Golf Course, Country Club	3.5.10.D	C	C	C	C	C	
RETAIL SALES AND SERVICE	3.5.11						
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.B						C <sup>7</sup>
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.B						C <sup>7</sup>
Retail/Service Establishment (15,001 - 50,000 SF)	3.5.11.B						C <sup>7</sup>

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
<b>ACCESSORY COMMERCIAL USES</b>	<b>3.5.14</b>						
Amateur Radio Facility (Up to 65 Feet in Height)	3.5.14.A	L	L	L	L	L	L
Amateur Radio Facility (Over 65 Feet in Height)	3.5.14.B	C	C	C	C	C	C
Antenna on Existing Structure	3.5.14.C						L
Lawn Maintenance Service	3.5.14.G	L	L	L	L	L	L
<b>TEMPORARY COMMERCIAL USES</b>	<b>3.5.15</b>						
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L
Transitory Use	3.5.15.C	L	L	L	L	L	L
<b>INDUSTRIAL UTILITIES</b>	<b>3.6.7</b>						
Distribution Line (Below Ground)	3.6.7.B	P	P	P	P	P	P
Pipeline (Below Ground)	3.6.7.D	P	P	P	P	P	P
Public Utility Structure	3.6.7.E	C	C	C	C	C	C
<b>ACCESSORY MISCELLANEOUS USES</b>	<b>3.7.4</b>						
Accessory Structures	3.7.4.A	P	P	P	P	P	P
Accessory Use	3.7.4.B	P	P	P	P	P	P

**Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

- 1 Limited to the sale of Christmas trees between December 5 and December 25.
- 2 Must satisfy the requirements of the R-60 zone.
- 3 Multi-Unit Living must occur in a one-household attached dwelling unit that is in a structure consisting entirely of dwelling units, each of which:
  - a. is attached to one or more other dwelling units;
  - b. has at least one direct entrance from the outside, and
  - c. has an abutting ground level outdoor area for the exclusive use of its occupants.
- 4 These units must satisfy the special requirements for a development with MPDUs in Chapter 25A.
- 5 A maximum of 40% of the dwelling units may be one-household attached dwelling units, as defined in footnote 3 of Section 8.2.3.B, except under the MPDU optional method requirements of Section 8.2.4.C.
- 6 Prohibited in a townhouse and duplex building type.
- 7 A Restaurant and Retail/ Service Establishment may be permitted in the R-H zone by the Hearing Examiner under Section 7.3.1, Conditional Use if:
  - a. the Restaurant or Retail/ Service Establishment:
    - i. primarily serves the residents of the building or complex in which it is located and does not deliver to non-residents;
    - ii. is located on the ground-level, except that a restaurant may locate on the top floor or penthouse; and
    - iii. is located and constructed to protect tenants of the building from noise, traffic, odors, and interference with privacy; and

- b. there are no entrances to the Restaurant or Retail/Service Establishment directly from the exterior.
- c. A Retail/Service Establishment must be a:
  - i. bank or savings and loan office;
  - ii. barber and beauty shop;
  - iii. book store;
  - iv. drug store;
  - v. dry cleaning and laundry pick-up station;
  - vi. florist;
  - vii. food and beverage store;
  - viii. gift shop;
  - ix. jewelry store;
  - x. laundromat;
  - xi. newsstand;
  - xii. office; or
  - xiii variety and dry goods store.
- 8 For business connected with the management, service, and maintenance of the development.
- 9 In an apartment building or group of buildings occupying a parcel of land in one ownership, containing at least 24 dwelling units, for business connected with the rental, operation, service, and maintenance of the building.

## Section 8.2.4. RT Zone General Requirements and Development Standards

### A. RT Zone, In General

#### 1. Combined Tracts

A tract in the RT zone may be combined with a tract in another Residential zone, with site plan approval under [Section 7.3.4](#), if:

- a. the RT portion of the combined tracts is only used for uses allowed in the RT zone;
- b. the number of dwelling units in the combined tract does not exceed the total number permitted on the separate tracts;
- c. the amount of common open space in the combined tract is, at a minimum, the total required for the separate tracts;
- d. the number of parking spaces in the combined tract is, at a minimum, the total number required for the separate tracts; and
- e. the 2 or more tracts to be developed share a common boundary with one another.

#### 2. Existing Structures

An apartment building that existed before the application of an RT zone is a conforming structure. The apartment building may be repaired, reconstructed, or structurally altered under the provisions of its previous zone if the gross floor area of those dwellings is not increased above the gross floor area that existed on the date that the lot was rezoned. Any reconstruction or alteration must satisfy the conditions of a covenant that was recorded under an approved schematic development plan.

- 3. Site plan approval is required under [Section 7.3.4](#).

**B. RT Zone Standard Method**

<b>1. Tract and Density</b>	<b>RT-6.0</b>	<b>RT-8.0</b>	<b>RT-10.0</b>	<b>RT-12.5</b>	<b>RT-15.0</b>
<b>Tract (min)</b>					
Tract area	20,000 SF	20,000 SF	20,000 SF	20,000 SF	40,000 SF
<b>Open Space (min)</b>					
Common open space (% of tract)	50%	50%	50%	50%	30%
<b>Density (max)</b>					
Dwelling units per acre of usable area as defined in the Specification for Density in this table.	6	8	10	12.5	15
<b>Coverage (max)</b>					
Site coverage (% of tract)	35%	35%	35%	35%	n/a
<b>Specification for Density</b>					
The usable area upon which the density of development for RT zones is calculated is determined by deducting from the gross area of the tract:					
<ul style="list-style-type: none"> <li>i. all land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and</li> </ul>					
<ul style="list-style-type: none"> <li>a.                             <ul style="list-style-type: none"> <li>ii. all 100-year flood plain areas which, in the opinion of the Planning Board, would constitute an excessively high percentage of the total area of the tract.</li> </ul> </li> </ul>					

**2. Placement**

<b>Principal Building Setbacks (min)</b>					
From any dwelling unit in a detached house or land classified in a Residential Detached zone	30'	30'	30'	30'	30'
From any public street	25'	25'	25'	25'	20'
From an abutting lot:					
Side (end unit)	10'	10'	10'	10'	8'
Rear	20'	20'	20'	20'	20'

**Specifications for Principal Building Setbacks**

- a. The setback from a detached house or land classified in a Residential Detached zone may be decreased by the Planning Board if the applicant demonstrates that a more desirable form of development can be achieved using the street, side, and rear lot line setbacks in this table.
- b. Where the side lot of an end unit abuts a public street, the side setback must equal the required front setback.

<b>3. Building Height</b>	<b>RT-6.0</b>	<b>RT-8.0</b>	<b>RT-10.0</b>	<b>RT-12.5</b>	<b>RT-15.0</b>
<b>Height (max)</b>					
Principal building	35'	35'	35'	35'	35'
Accessory structure	25'	25'	25'	25'	25'
<b>Specification for Height</b>					
<ul style="list-style-type: none"> <li>a. A building used for agriculture associated with Farming and the height encroachments allowed under <a href="#">Section 4.1.7.C.3</a> may exceed the height limits.</li> </ul>					

**4. Form**

- Massing (max)**
- 8 townhouses is the maximum number permitted in any one attached row.
- 3 continuous, attached townhouses is the maximum number allowed with the same front building line. The variations in building line must be a minimum of 2 feet.
- For one-household attached dwelling units, as defined in footnote 3 in [Section 8.2.3.B](#), 12 units is the maximum number allowed in one row.

**C. RT Zone Development Including MPDUs**

A development that includes MPDUs under Chapter 25A may follow the optional method standards that permit an increase over the total number of dwelling units otherwise permitted, an additional housing type, and modification of some area and dimensional requirements.

**1. Development Standards**

- a. The development standards in Section 8.2.4.B may be modified as follows:

	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0
<b>Open Space (min)</b>					
Common open space (% of tract)	45%	45%	45%	45%	30%
<b>Density (max)</b>					
Dwelling units per acre of usable area as defined in Section 8.2.4.B.1	7.32	9.76	12.20	15.25	18.30
<b>Coverage (max)</b>					
Site coverage (% of tract)	40%	40%	40%	40%	n/a

- b. The form standards under Section 8.2.4.B.4 may be waived.

**2. Dwelling Unit Mix**

In the RT-6.0, RT-8.0, RT-10.0 and RT-12.5, one-household attached dwelling units, as defined in footnote 3 of Section 8.2.3.B, may be a maximum of 40% of the total number of dwelling units.

**Section 8.2.5. R-H Zone General Requirements and Development Standards**

**A. R-H Zone, In General**

1. An outdoor lighting fixture located on a parking lot may be a maximum of 10 feet above ground level and must not shine in apartment windows or reflect or cause glare into abutting or facing premises.
2. An interior road may be private or public. A private road must:
  - a. have a minimum width of 20 feet for two-way traffic;
  - b. have a minimum width of 10 feet for one-way traffic; and
  - c. be paved and maintained in good repair.

3. The R-H zone prohibits a development with an inner court. The width of an outer court must be calculated as the distance between buildings under Section 8.2.5.B.2.
4. Site plan approval is required under Section 7.3.4.

**B. R-H Zone Standard Method Development Standards**

1. Lot	R-H
<b>Lot (min)</b>	
Lot area for any development	40,000 SF
Lot area per dwelling unit, where the percentage of the lot covered by apartment buildings is:	
More than 11	1,400 SF
More than 10	1,300 SF
More than 9	1,200 SF
More than 8	1,100 SF
8 or less	1,000 SF
Lot width at front building line	200'
<b>Coverage (max)</b>	
Lot	12%
<b>Common Open Space (min)</b>	
Common open space	55%

<b>2. Placement</b>	<b>R-H</b>
<b>Setbacks for Buildings up to 30' in Height (min)</b>	
From street (whichever is greater):	
From street line	30'
From center line	70'
From adjoining lot:	
One side	10'
Sum of both sides	30'
Rear	30'
<b>Specifications for Setbacks</b>	
For buildings up to 30' in height, accessory buildings, parking, or access roads are prohibited within the setbacks. Entrance and exit drives may cross the setbacks in as direct a manner as possible.	
For buildings over 30' in height, all of the setbacks shown in <b>Section 8.2.5.B.2</b> must be increased by 1' for each foot of height over 30'. This additional setback may be used for parking, access drives, accessory buildings, and the terracing of buildings, if a building or structure does not penetrate the setback line requirement in <b>Section 8.2.5.B.2</b> (for buildings up to 30' in height).	
<b>Distance Between Buildings on the Same Lot (min)</b>	
For buildings up to 30' in height	50'
For buildings over 30' in height	For each foot a building exceeds 30', an additional 1' is required between buildings

**C. R-H Zone Special Regulations for a Development with MPDUs**

A development in the R-H zone may use the following optional standards to achieve MPDUs, including any bonus density under **Chapter 25A**:

1. The common open space may be reduced to a minimum of 35%, if required to accommodate the construction of all workforce housing units on-site.
2. The requirements for setbacks and distances between apartment buildings may be reduced if an applicant can demonstrate during site plan review that such reductions are necessary to accommodate the increased density.

## Division 8.3. Planned Unit Development Zones

### Section 8.3.1. Zones Established

The planned unit development zones and their identifying symbols are:

- A. Planned Development (PD),
- B. Town Sector (T-S),
- C. Planned Neighborhood (PNZ),
- D. Planned Retirement Community (PRC), and
- E. Planned Cultural Center (PCC).

### Section 8.3.2. PD Zone

#### A. Purpose

1. The PD zone should implement the general plan for the Maryland-Washington Regional District and the area master plans by permitting unified development consistent with densities proposed by master plans. This zone provides a flexibility of design that better integrates mutually compatible uses and optimum land planning with greater efficiency, convenience and amenity than conventional zoning categories. The PD zone should be used to implement the general plan, area master plans, and other pertinent county policies in a manner and to a degree that is more compatible with these county plans and policies than under other zoning categories.
2. A development in the PD zone should be designed and constructed to encourage social and community interaction and activity among those who live and work within an area and to encourage the creation of a distinctive visual character and identity for each development. A development in this zone should have a balanced and coordinated mixture of residential and convenience commercial uses, other commercial and industrial uses shown on the area master plan, and related public and private facilities.
3. This zone should also:
  - a. encourage a broad range of housing types, including owner and rental occupancy units, one-family, multiple-family, and other structural types;
  - b. preserve trees by minimizing the amount of grading necessary for construction of a development;

- c. encourage open space:
    - i. for use as setbacks and yards surrounding structures and related walkways;
    - ii. for use as places for relaxation, recreation, and social activity for the general benefit of the community and the public conveniently located near residential and commercial concentration;
    - iii. as part of the plan and design of each development to achieve the physical and aesthetic integration of the uses and activities within each development;
  - d. encourage and provide for the development of comprehensive pedestrian circulation networks, separated from vehicular roadways, which link residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities, and thereby minimize reliance upon the automobile; and
  - e. encourage developments on a large area of land with a large number of dwelling units that offer opportunities for a wider range of related residential and nonresidential uses.
4. A development in the PD zone should also maximize the safety, convenience, and amenities for both the residents of the development and the residents of neighboring areas while remaining compatible with existing and proposed surrounding land uses.

#### B. Uses

##### 1. Residential Uses

- a. All types of Residential Uses, including Accessory Residential Uses, listed in [Section 3.1.6](#) are allowed. All Group Living uses must be shown on the Development Plan. Residential Care Facilities (Over 16 persons) are subject to the standards in [Section 3.3.2.E.2.c.ii](#) and conditional use approval by the Hearing Examiner under [Section 7.3.1](#).
- b. The various dwelling unit types must be planned and constructed according to the following table. The table establishes, by density category

and size of development, the minimum percentage required for each dwelling unit type within a planned development. All remaining dwelling units not included in the minimum requirements may be of any type or combination of types permitted in the applicable density category and development size, provided the maximum percentage is not exceeded in any instance.

Density Category	Total number of dwelling units planned	Minimum (Maximum) Percentage <sup>1</sup> of Building Types Allowed			
		Detached House	Townhouse, Duplex, and One-Household Attached <sup>5</sup>	Apartment Less than 40' <sup>2,3</sup>	Apartment Greater than 40' <sup>2,4</sup>
Low: PD-2 & PD-3	Less than 200	35	35	NP	NP
	200-800	30	20	10(40)	NP
	More than 800	20	20	20	P(20)
Medium Low: PD-4, PD-5 & PD-7	Less than 200	10	40	15(30)	NP
	200-800	10	25	25(40)	NP
	More than 800	10	20	25	P(20)
Medium: PD-9, PD-11 & PD-13	Less than 200	P	25	25	NP
	200-800	P	20	35	NP
	More than 800	P	20	35(60)	P(30)
Medium High: PD-15, PD-18, PD-22 & PD-25	Less than 200	P	P	50	NP
	200-800	P	10	25 (75)	P(30)
	More than 800	P	10	35	25(40)
High: PD-28, PD-35 & PD-44	Less than 200	P	P	P	50
	200 or more	P	P	25	50
Urban High: PD-60, PD-68, PD-75, PD-88 & PD-100		NP	P	P	P

**Key:** NP = Not permitted P = Permitted but not required ( ) = Maximum percentage permitted.

- 1 County Council may waive the percentage requirements for detached houses and apartment units, if it finds that a proposed development (a) is more desirable for stated environmental reasons than development under these limits, or (b) achieves goals, policies, or recommendations stated in a master or sector plan.
- 2 If the minimum percentage would yield fewer than 150 apartment dwelling units, this requirement does not apply and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number is required, unless it is waived under the provisions of footnote 1 in Section 8.3.2.B.1.b.
- 3 One-household attached units, as defined in footnote 3 of Section 8.2.3, may be substituted for all or part of this requirement.
- 4 The 40' height limit may be waived for a building designated and approved as an Independent Living Facility for Seniors or Persons with Disabilities if (a) such housing satisfies both the purposes of the zone and County policies and goals concerning the need for such housing; and (b) appropriately located with respect to the special needs of senior adults or persons with disabilities.
- 5 As defined in footnote 3 of Section 8.2.3.B.

## 2. Commercial Uses

- a. The District Council may approve a pedestrian-oriented local commercial facility that is not indicated on the master plan for the area in which the proposed development is located if the Council finds the proposed facility is compatible with the development, and necessary to serve the residents of the proposed development and adjacent residential developments; and
  - i. if the number of dwelling units shown on the development plan is greater than 500, any Retail/Service Establishment or Office may be allowed up to a maximum of 10 square feet of gross floor area per dwelling unit; or
  - ii. if the number of dwelling units shown on the development plan is greater than 1,000, any Retail/Service Establishment or Office may be allowed up to a maximum of 20 square feet of gross floor area per dwelling unit.
- b. A commercial or industrial use may be allowed in addition to a local commercial facility under [Section 8.3.2.B.2.a](#), if:
  - i. the use is proposed by the appropriate master plan and located within the area covered by the PD zone; and
  - ii. the use is designed and located to achieve the purposes of the PD zone and to be compatible with other uses within and adjacent to the development.
- c. A Transitory Use is allowed and must satisfy the limited use standards under [Section 3.5.15.C.2](#).

## 3. Other Uses

Property located in a PD zone may also be used for:

- a. a noncommercial community recreational facility for the exclusive use of the residents of the development and their guests;
- b. a nonresidential, noncommercial use if the District Council finds that it is compatible with the planned development and satisfies the compatibility requirements of [Section 8.3.2.D](#).

- c. a Cable Communications System as a conditional use under [Section 3.5.2.A](#); or
- d. any conditional use allowed in the R-90 zone, as shown in the use table in [Section 3.1.6](#) if the District Council finds that the use meets any applicable use standard in [Article 59-3](#) and satisfies the findings for conditional use approval under [Section 7.3.1.E](#). If the use is proposed after the District Council has approved the development plan, a petition for a conditional use must be filed with the Hearing Examiner. The Hearing Examiner may approve the conditional use if it finds the use is:
  - i. consistent with the design standards of the development plan; and
  - ii. satisfies the applicable use standards in Article 59-3 and the requirements of [Section 7.3.1.E](#); or
  - iii. not consistent with the design standards of the development plan, but the approval is contingent on the District Council's approval of an amendment to the development plan that incorporates the conditional use.
- e. an Antenna on an Existing Structure and related unmanned equipment building, equipment cabinet, or equipment room under [Section 3.5.14.C](#).

**C. Development Standards**

1. The maximum density allowed, and minimum open space required for the PD zone are indicated in the following table:

Density Category	Maximum Density (Dwelling Units per Acre)	Open Space (Percent of Gross Area)
<b>Low</b>		
PD-2	2	30
PD-3	3	30
<b>Medium low</b>		
PD-4	4	40
PD-5	5	40
PD-7	7	40
<b>Medium</b>		
PD-9	9	40
PD-11	11	50
PD-13	13	50
<b>Medium high</b>		
PD-15	15	50
PD-18	18	50
PD-22	22	50
PD-25	25	50
<b>High</b>		
PD-28	28	50
PD-35	35	50
PD-44	44	50
<b>Urban High</b>		
PD-60	60	30
PD-68	68	30
PD-75	75	30
PD-88	88	30
PD-100	100	30
<b>Specification for Open Space</b>		
In residential areas, common open space is required. In commercial areas, public open space is required. Open space may be reduced to 35% for “Medium High” and “High” densities and to 20% for “Urban High” densities to allow the construction of all workforce housing units on site.		

**2. Density of Residential Development**

- a. The density of development must not exceed the density permitted by the density category granted except:
  - i. the maximum density allowed under Section 8.3.2.C.1 may be increased to accommodate the construction of MPDUs if:
    - (a) the number of MPDUs for a project with a residential density of less than 28 dwelling units per acre is at least the number of bonus density units or 12.5% of the total number of dwelling units, whichever is greater; or
    - (b) the number of MPDUs for a project with a residential density of more than 28 dwelling units per acre must be at least 12.5% of the total number of dwelling units under Chapter 25A;
  - ii. the maximum density allowed under Section 8.3.2.C.1 may be increased for any project with a residential density at or above 40 dwelling units per acre that includes workforce housing units under Chapter 25B;
  - iii. the District Council may approve a density bonus of up to 10% above the maximum density specified in the approved and adopted master plan for the provision of TDRs, if the use of TDRs is recommended for the site;
  - iv. the District Council may approve an increase in density for Independent Living Facilities for Seniors or Persons with Disabilities, as defined in Section 3.3.2.C.1, within a planned development if:
    - (a) the total number of dwelling units within that portion of the site proposed for such housing is a maximum of 3 times the density permitted under the density category requested and a minimum of 20% of such dwelling units are MPDUs under Chapter 25A;
    - (b) the density for the remainder of the property does not exceed the density permitted under the density category requested;
    - (c) the total area of the planned development is a minimum of 3 acres;

- (d) the site is accessible to public or private transportation, medical services, shopping areas, and recreational and other community services frequently required by senior adults and persons with disabilities;
  - (e) the Independent Living Facilities for Seniors or Persons with Disabilities will be situated on a maximum of one-third of the total site;
  - (f) the development satisfies the compatibility requirements of **Section 8.3.2.D**; and
  - (g) the increased density to accommodate such housing is in the public interest, taking into account the increased size and bulk of buildings and the impact on public facilities.
- b. For a zoning application requesting increased density for an Independent Living Facility for Seniors or Persons with Disabilities:
- i. the Hearing Examiner must transmit the zoning application to the Department of Health and Human Services and to the Department of Housing and Community Affairs within 5 days after the zoning application is filed for their recommendation to the Hearing Examiner;
  - ii. the table in **Section 8.3.2.B.1.b**, containing the minimum requirements for the mixture of residential housing types within a planned development, does not apply to any Independent Living Facility for Seniors or Persons with Disabilities approved under Section 8.3.2; and
  - iii. the parking requirements of **Division 6.2** applicable to Independent Living Facility for Seniors or Persons with Disabilities may be increased if the development plan proposes a project primarily concerned with providing facilities for independent living.

**D. Compatibility**

- 1. All uses must:
  - a. achieve the purposes under **Section 8.3.2.A**;
  - b. be compatible with the other uses proposed for the planned development; and

- c. be compatible with other uses existing or proposed adjacent to or in the vicinity of the area covered by the proposed planned development.
- 2. If a site in a PD zone adjoins land for which the area master plan recommends a Residential Detached zone, the property owner may:
  - a. only construct a detached house building type within 100 feet of such adjoining land; and
  - b. not construct any building at a height greater than its distance from such adjoining land.
- 3. **Section 8.3.2.D.2.a** may be waived by the Planning Board if the:
  - a. area master plan recommends a use other than Single-Unit Living for the property immediately adjoining the area where the waiver is to occur; and
  - b. present or future use of the immediately adjoining property would not be adversely affected by the waiver.
- 4. The Planning Board may waive **Section 8.3.2.D.2** for a site located within or in close proximity to a central business district or transit station development area if it finds that:
  - a. the master or sector plan recommends reduced setbacks;
  - b. the reduced setbacks are compatible with existing or proposed development in the adjoining or confronting Residential Detached zones; and
  - c. the maximum building height is 50 feet.
- 5. The Planning Board may waive **Section 8.3.2.D.2** for a site located within or in close proximity to a historic district if it finds that:
  - a. reduced setbacks or increased building height would facilitate the preservation, reuse, or redevelopment of a designated historic district;
  - b. the immediately adjoining property would not be adversely affected by the waiver; and
  - c. the maximum building height is 50 feet.
- 6. Compliance with these requirements does not, by itself, create a presumption of compatibility.

**E. Dedication of Land for Public Use**

A property owner must dedicate land for public streets, parks, schools, and other public uses as required by Chapter 50, the general plan, master plans, and other applicable plans. The lands to be dedicated must be identified on any development or site plan required under Section 7.3.4.

**F. Procedure for Development**

Site plan approval is required under Section 7.3.4, however, the installation of a fence, not including a deer fence, on the property of a Private Educational Institution is permitted without a site plan or a site plan amendment, if the fence does not cross a public trail, path, or roadway.

**Section 8.3.3. T-S Zone**

**A. Purpose**

1. The T-S zone is designed to permit development of or additions to planned new towns or additions to existing urban developments. Such towns must contain, to the extent possible, all of the residential, commercial, civic and institutional, and industrial facilities needed to make a town reasonably self-sufficient for all purposes, except major employment and central business district shopping. A development in the T-S zone must:
  - a. provide for the maintenance of open space;
  - b. locate streets and highways to assure orderly traffic circulation;
  - c. include housing for families of low and moderate incomes; and place a wide variety of types of housing accommodations in an efficient and orderly design.
2. A new town located on a substantially undeveloped site must:
  - a. be self-sufficient and contain, as nearly as possible, all of the commercial, employment, cultural, and recreational facilities desirable and necessary for the satisfaction of the needs of its residents;
  - b. include a wide variety of residential facilities to offer a wide range of structural types, site planning layouts and arrangements, and rental and purchase prices;
  - c. have an urban rather than rural density that would:

- i. facilitate travel between residential, commercial, employment, and other types of areas;
- ii. make the most efficient use of public utilities;
- iii. permit the incorporation of large amounts of open land within the town for recreational and scenic purposes;
- iv. have or plan for the construction of transportation facilities adequate to serve the anticipated total population; and
- v. have public sewer and water available at the site or planned for construction.

3. The T-S zone is designed to:
  - a. eliminate some of the specific restrictions which regulate, in other zoning categories, the height, bulk, and arrangement of buildings and the location of the various land uses;
  - b. provide for more flexibility in development;
  - c. achieve flexibility of design, integration of mutually compatible uses, and optimum land planning with greater efficiency, convenience, and amenity than the standards permitted by right and required in conventional zoning categories; and
  - d. preserve and take the greatest possible aesthetic advantage of trees by minimizing the amount of grading necessary for construction of a development.

**B. Land Uses**

1. A use described on the approved development plan is allowed by right in the T-S zone.
2. All uses authorized in any zone, by right or as conditional uses, may also be authorized in the T-S zone if the use is shown on the approved site plan or the site plan is first amended under Section 7.3.4.J.
3. An amendment to the site plan is not required for construction of accessory buildings and additions or modifications to existing detached houses, town-houses, and accessory buildings if:

- a. the Planning Board has approved homeowners association documents establishing a procedure to review such development prior to construction; and
  - b. the development is approved under this procedure.
4. No use may occupy a location other than indicated on the approved site plan.
  5. An area designated as residential on the development plan must only include the residential portion of the T-S zone and accompanying facilities such as local retail areas, public school sites, local recreational and open space areas, and public roads. A residential area must only include:
    - a. a detached house used for:
      - i. Single-Unit Living;
      - ii. a professional office for use by not more than one member of a recognized profession who is a resident of the dwelling and by not more than one nonresident assistant. Recognized professions include medicine, dentistry, law, accounting, and architecture; they do not include businesses such as insurance, real estate, etc. A professional office must be incidental to the principal use of the building as a dwelling and must not include a medical, dental, or veterinary clinic or in-patient treatment facility;
      - iii. any other permitted or limited use allowed in the R-90 zone under [Article 59-3](#);
      - iv. any conditional use allowed in the R-90 zone under [Article 59-3](#), subject to the grant of a conditional use permit under [Section 7.3.1](#);
    - b. an apartment building used for:
      - i. Household Living up to the maximum number of dwelling units indicated on the site plan;
      - ii. an office for the rental, operation, service, and maintenance of an apartment building or group of buildings;
      - iii. any other permitted or limited use in the R-30 zone under [Article 59-3](#);
    - c. an Independent Living Facility for Seniors or Persons with Disabilities.
  6. An Antenna on an Existing Structure that satisfies the limited use standards in [Section. 3.5.14.C](#) is allowed.
  7. Privately owned roads and community open spaces may be held in perpetuity by the developer or by an approved home owners association with substantial membership and duration if the Planning Board approves easements for such uses granted to the County and recorded in the land records of the County.
  8. All utility lines in the T-S zone must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines under [Section 50-40\(c\)](#). The developer must provide street lighting satisfying the standards contained in the approved site plan. A use-and-occupancy permit must not be issued for any building which is not served by an approved sewer and water supply.

## C. Development Standards

### 1. Area Requirements

- a. Each development in the T-S zone must have a minimum area of 1,500 acres unless a sectional map amendment reduces the area zoned T-S to less than 1,500 acres.
- b. A maximum of 10% of the total area of the town sector may be devoted to commercial purposes. All required parking for commercial purposes must be included within the 10% calculation.
- c. A maximum of 6% of the total area of the T-S zone may be devoted to industrial purposes and other major employment facilities.

- d. A minimum of 10% of the total area of the T-S zone must be devoted to open space. This open space may include publicly owned, community-wide, or common open space and facilities, but must not include streets and parking areas.

**2. Density**

- a. The population of the T-S zone must be planned for a maximum of 15 persons per acre based upon the total area within the T-S zone. However, the planned population may be increased by an amount equal to the population to be housed in MPDUs included in the development plan under Chapter 25A if the total increase in population does not exceed 22% of the population that would otherwise be permitted.
- b. To calculate density:
  - i. dwelling units in detached houses must be assumed to have an average occupancy of 3.7 persons;
  - ii. dwelling units in townhouses must be assumed to have an average occupancy of 3 persons;
  - iii. apartment buildings less than 50' in height must be assumed to have an average occupancy of 3 persons per dwelling unit; and
  - iv. apartment buildings 50' in height or higher must be assumed to have an average occupancy of 2 persons per dwelling unit.

**3. Height**

The height of any building in the T-S zone must be consistent with the limits set in other zoning classifications for areas of similar density or similar use.

**D. Procedures for Development**

- 1. A development in the T-S zone requires site plan approval under Section 7.3.4. The site plan approval must establish standards for width and area of lots, side and rear yards, setbacks, lot coverage, height and grouping of buildings, and similar requirements.
- 2. In applying Section 8.3.3.D.1, the Planning Board may waive the substantive requirements of Chapter 50 and certain requirements of Division 6.2 (including the number of parking spaces described in Division 6.2) if it finds that the

waiver would allow greater flexibility of development consistent with the purposes of the zone and promote more attractive and more efficient overall planning and design. However, the Planning Board must not waive:

- a. the adequate public facilities requirements of Chapter 50 (Section 50-35(k)); or
  - b. the provisions of Section 7.3.4.D through Section 7.3.4.K.
3. Record plats must indicate that the land is in the T-S zone and include a notation with a statement:
- a. describing all of the land which is designated for common or quasi-public use, but not to be in public ownership. This statement must grant to the public, on such land, easements covering all rights of development, construction or use other than the recreational or other quasi-public uses indicated in the approved site plan, except that, at the time of site plan approval, utilities easements may be excluded from specified areas; and
  - b. that the plat satisfies the approved site plan, that development of the land is permitted only if it satisfies the approved site plan, the accompanying agreements concerning the ownership and maintenance of common land are on file at the offices of the Planning Board, and that application for reclassification is prohibited until 50 years after the grant of the T-S zone.

**Section 8.3.4. Planned Neighborhood Zone**

**A. Purpose**

The Planned Neighborhood Zone should facilitate the construction of residential neighborhoods in the County assuming that a neighborhood is an urban area within which the residents may all conveniently share common services and facilities. A development in this zone should:

- 1. be large enough to provide a child population sufficient to use at least one public elementary school of optimum size and location for convenient and economic operation;
- 2. have adequate retail shopping facilities to provide for the day-to-day needs of the residents of the neighborhood; and
- 3. to the extent possible, locate all major transportation arteries at the perim-

eter of the site. Where this is not possible, a grade-separated pedestrian walkway system must be constructed to provide for safe pedestrian crossing of such heavily traveled roadways. In addition, each planned neighborhood must include bikeways, sidewalks, and other appropriate walkways to provide for safe, direct, and convenient movement of pedestrians to local schools, shopping, and recreation areas.

4. Moderately priced housing should be available within the neighborhood.

## B. Land Uses

Each use, except any transitory use, must be shown on the development plan for the PNZ zone. A development in the PNZ zone may include:

1. a detached house used for:
  - a. Single-Unit Living;
  - b. professional office for the practice of medicine, dentistry, law, accounting, or architecture by a resident of the dwelling, incidental to its principal use as a dwelling, and with the assistance of only one non-resident;
  - c. any other permitted or limited use allowed in the R-90 zone under [Article 59-3](#); or
  - d. any conditional use allowed in the R-90 zone under [Article 59-3](#), which must also satisfy [Section 7.3.1](#);
2. an apartment used for:
  - a. Household Living, up to the maximum number of units indicated on the site plan;
  - b. an office for the rental, operation, service, and maintenance of an apartment building or group of buildings;
  - c. any other permitted or limited use in the R-30 zone under [Article 59-3](#); or
  - d. any conditional use allowed in the R-30 zone under [Article 59-3](#), which must also satisfy [Section 7.3.1](#);
3. any commercial use allowed in the NR zone [under Article 59-3](#), except a Recreational and Entertainment Facility, located on a property of no more than 15 acres at any one location if:

- a. a market analysis of the local trade area, filed as a part of the development plan, indicates a need for the amount of commercial use proposed; and
  - b. the adopted master plan recommends commercial use within the area covered by the application; or
  - c. there are inadequate local shopping areas, either existing or proposed on a master plan, within a reasonable distance and with reasonable access from the site;
4. an Antenna on an Existing Structure that satisfies the limited use standards in [Section 3.5.14.C](#);
  5. a Transitory Use that satisfies the limited use standards in [Section 3.5.15.C](#);
  6. an Independent Living Facility for Seniors or Persons with Disabilities; or
  7. utility lines, which must be placed underground. The developer or subdivider must ensure final and proper completion and installation of utility lines as provided in [Chapter 50 \(Section 50-40\(c\)\)](#). The developer must provide street light standards that satisfy the approved site plan.

## C. Development Standards

### 1. Size and Density of Development

- a. The number of dwelling units in a planned neighborhood must be planned to house no more than 15 persons per acre calculated by multiplying the number of each type of dwelling unit by the appropriate estimated number of persons in each unit shown on the table in [Section 8.3.4.C.1.c](#).
- b. The maximum density of the development may be increased by 112% of the population to be housed in MPDUs provided under [Chapter 25A](#), provided that the total increase in density is increased by no more than 22% of the population which would otherwise be permitted.

c. Estimated Number of Persons Per Unit

Building Type	Persons
For each detached house	3.9 persons
For each townhouse	3.9 persons
For each dwelling unit in an apartment building less than 50' in height	3 persons
For each dwelling unit in an apartment building 50' or more in height	2 persons

**2. Height**

The heights of all buildings in the PNZ zone must be consistent with the limitations set in other zoning classifications for areas of similar density or similar use.

**D. Reservation of Land**

1. In addition to land that must be dedicated for public use under Chapter 50, land must be reserved for:
  - a. streets as required by the Planning Board and DPS;
  - b. public schools as required by the Planning Board and the appropriate staff of the Board of Education;
  - c. playgrounds and local parks as required by the Planning Board; and
  - d. minor stream valley and other conservation areas as required by the Planning Board in accordance with the character of the site.
2. All land area which is dedicated for the public purposes in Section 8.3.4.D.1 may be included in the computation of the allowable population density under Section 8.3.4.C.1.
3. Final decisions concerning the public facility land requirements in Section 8.3.4.D and standards for properties proposed for the PNZ zone must be made at the time the plan is approved.

**E. Procedure for Development**

Site plan approval is required under Section 7.3.4.

**Section 8.3.5. Planned Retirement Community Zone**

**A. Purpose**

1. The PRC zone permits the establishment of a planned retirement community that:
  - a. is accessible to or providing within it most of the day-to-day recreational, medical, retail, commercial, and similar services required by the residents;
  - b. satisfies the comprehensive development plan approved by the Planning Board; and
  - c. is coordinated with the surrounding uses, including a maximum of safety, convenience, and amenity for the residents of the development.
2. A development in the PRC zone must have adequate highway access, public water and sewer, and public services based upon the size of the development (in acres) and the use of the site. A development in the PRC zone should:
  - a. have a minimum of impact upon surrounding land;
  - b. have adequate open spaces adjacent to its boundaries;
  - c. take the greatest possible aesthetic advantage of existing trees; and
  - d. minimize the amount of grading necessary for construction.

**B. Land Uses**

The only development allowed in this zone is a planned retirement community.

**1. Required Uses**

- a. A PRC development of 750 acres or more must have:
  - i. dwelling units;
  - ii. a retail commercial center, limited to the uses permitted in the NR zone under Article 59-3, and occupying a maximum of 1.5% of the gross area, including off- street parking;
  - iii. necessary accessory buildings and uses, including facilities for maintenance, administration, fire prevention and safety, streets and off-street parking facilities; and

- iv. one or more of the following recreational, educational, and cultural facilities:
  - (a) a golf course, 18 holes;
  - (b) a lake;
  - (c) a clubhouse;
  - (d) a swimming pool;
  - (e) a auditorium or meeting hall or both;
  - (f) a bowling green;
  - (g) a shuffleboard court; or
  - (h) a medical facility, including an out-patient clinic.
- b. A PRC development of less than 750 acres must include:
  - i. dwelling units;
  - ii. meeting rooms; and
  - iii. recreational facilities, such as a swimming pool, shuffleboard court, golf course, or similar facilities, designed to meet the passive and active recreation requirements of the planned retirement community residents, consistent with the size of the project.

## 2. Permitted Uses

- a. A PRC development may also include:
  - i. a Hotel, Motel located in the age-restricted community for use predominantly by guests of permanent residents, occupying a maximum of 5 acres of land;
  - ii. a Home Occupation in the age-restricted section subject to the regulations of:
    - (a) the R-6o zone for a dwelling unit in a detached house;
    - (b) the RT-6.o zone for a dwelling unit in a townhouse or duplex; or
    - (c) the R-3o zone for a dwelling unit in an apartment building;
  - iii. a Day Care Facility;
  - iv. a Hospital;

- v. a Residential Care Facility;
- vi. a recreational, educational, and cultural facility not otherwise required by this section which is consistent with the purposes of this zone;
- vii. a Public Utility Structure;
- viii. an Antenna on Existing Structure that satisfies the limited use standards in [Section 3.5.14.C](#);
- ix. a Helistop (temporary);
- x. a Transitory Use that satisfies the limited use standards in [Section 3.5.15.C](#);
- xi. a retail commercial use allowed in the NR zone under [Article 59-3](#), which mainly serve the residents of the development;
- xii. a Religious Assembly; and
- xiii. one or more of the following recreational and medical facilities available on a reasonable basis for the exclusive use of the residents and others designated by any party holding title to such facilities, in trust or otherwise:
  - (a) a golf course;
  - (b) a clubhouse;
  - (c) a swimming pool; and
  - (d) a medical facility, including an out-patient clinic.
- b. In the age-unrestricted area of the development, other permitted and limited uses are allowed based on the following zones:
  - i. in an area designated by the approved development plan for detached house dwelling units, the R-6o zone, under [Article 59-3](#);
  - ii. in an area designated by the approved development plan for townhouse or duplex dwelling units, the RT-6.o zone, under [Section 8.2.3](#); or
  - iii. in an area designated by the approved development plan for dwelling units in apartment buildings, the R-3o zone, under [Article 59-3](#).

### 3. Conditional Uses

- a. In the age-unrestricted area, conditional uses may be allowed under Article 59-3 and Section 7.3.1 based on the following zones:
  - i. in areas designated by the approved development plan for detached house dwelling units, the R-6o zone, under Article 59-3; or
  - ii. in areas designated by the approved development plan for duplex or townhouse dwelling units, the RT-6.o zone, under Section 8.2.3; or
  - iii. in areas designated by the approved development plan for dwelling units in apartment buildings, the R-3o zone, under Article 59-3.
- 4. The property owner must obtain a floating zone plan amendment under Section 7.2.1 for any use that is not shown on an approved development plan unless the use is located in a dwelling unit and is subordinate to the residential use of that unit.

### C. Development Standards

#### 1. Tract Area

Each PRC zone must be at least 25 acres.

#### 2. Age of Residents, Residential Densities, and MPDUs

- a. A planned retirement community of less than 750 acres must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. Restrictions on residency in a planned retirement community are subject to the Fair Housing Amendments Act of 1988, as amended. There must be no more than 10 dwelling units per acre, except as allowed under Section 8.3.5.C.2.c.
- b. A planned retirement community of 750 acres or more may include a section in which there is no restriction on the age of residents. The facilities listed in Section 8.3.5.B.1.a are not required in this age-unrestricted section and land must be dedicated for public school sites.
  - i. In the age-restricted section, an area containing a minimum of 60% of the total number of dwelling units must be restricted to permanent residents 50 years of age or over, except that a disabled relative may reside with a permanent resident. Restrictions on residency are

subject to the Fair Housing Amendments Act of 1988 as amended. The age-restricted part of the planned retirement community must not have more than 10 dwelling units per acre, including the retail commercial center and the associated off-street parking, except as allowed under Section 8.3.5.C.2.c.

- ii. The age-unrestricted section must have less than 7 dwelling units per acre, except as allowed under Section 8.3.5.C.2.c.
- c. MPDUs must be included in each section (age-restricted and unrestricted) under Chapter 25A, including provisions for density bonus. The requirement to provide MPDUs does not apply to the age-restricted section of a planned retirement community for which construction was initiated prior to the adoption in 1974 of Chapter 25A. (Laws of Montgomery County, 1974, ch. 17, sec. 1, et seq.) All development on any property added to the age-restricted area after April 4, 1994 will be subject to the provisions of Chapter 25A.

#### 3. Setbacks

- a. In a development of 750 acres or more, all buildings and structures must be set back:
  - i. a minimum of 50 feet along a maximum of 40% of the length of the tract boundary; and
  - ii. a minimum of 100 feet along the remainder of the tract boundary.
  - iii. In spite of the above:
    - (a) there is no minimum setback requirement for an entrance gate house; and
    - (b) the setback may be reduced to a minimum of 10 feet along any portion of the tract boundary adjoining land owned or occupied by a public utility.
- b. In a development of less than 750 acres, all buildings and structures must be set back:
  - i. the minimum setback of the adjacent zone; and

- ii. an additional setback of at least 2 feet for each foot of building height above 35 feet must be provided from an adjacent detached house residential development.

**4. Coverage and Common Open Space**

- a. In a development of 750 acres or more:
  - i. a maximum of 15% of the gross area may be covered by residential buildings; and
  - ii. a minimum of 65% of the gross area must be devoted to common open space.
- b. In a development of less than 750 acres, a minimum of 50% of the gross area must be devoted to common open space.

**5. Height**

- a. The maximum height of any building is 100 feet, except a church tower.
- b. In a development of 750 acres or more:
  - i. a minimum of 65% of the total number of dwelling units must be contained in buildings that are a maximum height of 35 feet; and
  - ii. a residential building over 39 feet in height must be set back a minimum of 500 feet from any boundary line of the planned retirement community.

**6. Roads, Parking and School sites**

- a. Off-street parking must be provided under **Division 6.2.**
- b. Interior roads not dedicated to public use must have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic and must be paved and maintained in good repair.
- c. Land required for sites for public schools in any age-unrestricted section must be dedicated under the requirements of the subdivision regulations.

**D. Procedure for Development**

- 1. Site plan approval is required under **Section 7.3.4.**

- 2. An application to reclassify land in the PRC zone within 50 years after the land was classified in this zone must not be approved.

**Section 8.3.6. Planned Cultural Center Zone**

**A. Purpose**

- 1. The PCC zone creates appropriate locations for the development of planned cultural centers within the county. A development in the PCC zone should accommodate cultural arts facilities along with a variety of supplemental uses that relate to the cultural arts in a manner that achieves both physical and aesthetic integration of all uses and activities, including significant open space features and appropriate public use space. The zone uses a more flexible approach to the comprehensive design and development of cultural centers than the procedures and regulations applicable under more traditional zoning categories and other PD zones.
- 2. A development in the zone should protect nearby properties and minimize the impacts of cultural centers on the surrounding area, such as visual effects, noise, and traffic. A development that meets the specific standards and requirements of the zone must not be presumed to be compatible with surrounding land uses and, in itself, does not require the District Council to approve the application.
- 3. The supplemental uses in **Section 8.3.6.B.2** are appropriate only when provided in conjunction with a specific cultural use that is permitted in the zone which would operate on a year-round basis.

**B. Uses**

- 1. The planned cultural center may include:
  - a. an artist studio;
  - b. an auditorium for performing arts;
  - c. a concert hall;
  - d. an educational facility devoted to the arts;
  - e. an indoor theater; and
  - f. a museum.

2. If the District Council finds that a specific supplemental use would be compatible with the cultural uses proposed on the site and will not adversely affect surrounding uses because of traffic or other factors, the development may include:
  - a. an accessory building and use;
  - b. a caretaker's residence or apartment;
  - c. a child day care facility, limited to children of persons employed by or using the cultural arts facilities;
  - d. a community activities building;
  - e. a detached house constructed prior to property being classified in the zone;
  - f. a restaurant;
  - g. a hotel/motel with no more than 30 guest rooms or suites;
  - h. a meeting room and conference facility for the arts;
  - i. a publicly owned or publicly operated use;
  - j. a residence hall for persons associated with cultural arts uses on the site;
  - k. an antenna on an existing structure under [Section 3.5.14.C](#);
  - l. a retail establishment for the sale of materials or works of art produced on the premises; and
  - m. a workshop used for the construction of scenery and props for use on site or for sale to other theatrical productions.
3. All uses must meet the purposes of the PCC zone and must be compatible with all uses, existing or proposed, within the site and in the surrounding area.

## C. Development Standards

### 1. Setbacks and Screening

- a. Unless the District Council finds that existing topographical features would permit a lesser setback, a building must be set back a minimum of 100 feet from confronting or abutting property that is recommended on

the applicable master plan for Residential Detached zoning and development.

- b. A building must be set back a minimum of 30 feet from any boundary line of the site as shown on the development plan.
- c. The maximum building height is 50 feet. However, the building height may be increased 1 foot for every 2 feet of additional setback beyond the minimum required setback, up to a total building height of 75 feet.
- d. Adequate setbacks and screening must be provided for outdoor meeting facilities to ensure against any adverse noise or visual impacts from these facilities on abutting properties.

### 2. Coverage

A minimum of 30% of the total site area included in the development plan must be maintained as public open space; however, the District Council may reduce this requirement if it finds that comparable amenities or facilities provided in lieu of open space are sufficient to accomplish the purposes of the zone and would be more beneficial to the proposed development than strict adherence to the specific public open space requirements.

### 3. Parking

Off-street parking must be provided under [Division 6.2](#).

## D. Procedure for Development

Site plan approval is required under [Section 7.3.4](#).

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