

ARTICLE 59-2. ZONING DISTRICTS

DIV. 2.1. ZONES ESTABLISHED

- SEC. 2.1.1. OVERVIEW OF ESTABLISHED ZONES
- SEC. 2.1.2. REGULATIONS FOR ESTABLISHMENT OF ZONES.....

DIV. 2.2. EUCLIDEAN ZONE INTENT STATEMENTS

- SEC. 2.2.1. AGRICULTURAL ZONE
- SEC. 2.2.2. RURAL RESIDENTIAL ZONES
- SEC. 2.2.3. RESIDENTIAL ZONES.....
- SEC. 2.2.4. COMMERCIAL/RESIDENTIAL ZONES.....
- SEC. 2.2.5. EMPLOYMENT ZONES
- SEC. 2.2.6. INDUSTRIAL ZONES
- SEC. 2.2.7. OVERLAY ZONES.....

DIV. 2.3. FLOATING ZONE INTENT STATEMENTS

- SEC. 2.3.1. IN GENERAL
- SEC. 2.3.2. RESIDENTIAL FLOATING ZONES
- SEC. 2.3.3. COMMERCIAL/RESIDENTIAL FLOATING ZONES.....
- SEC. 2.3.4. EMPLOYMENT FLOATING ZONES.....

DIV. 2.4. ZONING MAP

[Editor's Note: To be added]

ARTICLE 59-3. USES AND USE STANDARDS

DIV. 3.1. USE TABLE

- SEC. 3.1.1. KEY TO USE TABLE
- SEC. 3.1.2. USE DEFINITIONS
- SEC. 3.1.3. ACCESSORY USES DEFINED.....
- SEC. 3.1.4. TEMPORARY USES DEFINED.....
- SEC. 3.1.5. TRANSFERABLE DEVELOPMENT RIGHTS
- SEC. 3.1.6. USES NOT SPECIFICALLY LISTED
- SEC. 3.1.7. USE TABLE.....

DIV. 3.2. AGRICULTURAL USES

- SEC. 3.2.1. AGRICULTURAL AUCTION FACILITY.....
- SEC. 3.2.2. AGRICULTURAL PROCESSING
- SEC. 3.2.3. COMMUNITY GARDEN
- SEC. 3.2.4. EQUESTRIAN FACILITY
- SEC. 3.2.5. FARM SUPPLY OR MACHINERY SALES, STORAGE AND SERVICE
- SEC. 3.2.6. FARMING
- SEC. 3.2.7. NURSERY
- SEC. 3.2.8. SLAUGHTERHOUSE
- SEC. 3.2.9. WINERY
- SEC. 3.2.10. ACCESSORY AGRICULTURAL USES.....
- SEC. 3.2.11. TEMPORARY AGRICULTURAL USES

DIV. 3.3. RESIDENTIAL USES

- SEC. 3.3.1. HOUSEHOLD LIVING.....
- SEC. 3.3.2. GROUP LIVING.....
- SEC. 3.3.3. ACCESSORY RESIDENTIAL USES

DIV. 3.4. CIVIC AND INSTITUTIONAL USES

- SEC. 3.4.1. AMBULANCE, RESCUE SQUAD (PRIVATE).....
- SEC. 3.4.2. CHARITABLE, PHILANTHROPIC INSTITUTION
- SEC. 3.4.2. CULTURAL INSTITUTION
- SEC. 3.4.3. DAY CARE FACILITY
- SEC. 3.4.4. EDUCATIONAL INSTITUTION (PRIVATE)
- SEC. 3.4.5. HOSPITAL.....
- SEC. 3.4.7. PLAYGROUND, OUTDOOR AREA (PRIVATE)
- SEC. 3.4.8. PRIVATE CLUB, SERVICE ORGANIZATION.....
- SEC. 3.4.9. PUBLIC USE (EXCEPT UTILITIES).....
- SEC. 3.4.10. RELIGIOUS ASSEMBLY
- SEC. 3.4.11. SWIMMING POOL (COMMUNITY).....

DIV. 3.5. COMMERCIAL USES

- SEC. 3.5.1. ANIMAL SERVICES
- SEC. 3.5.2. COMMUNICATION FACILITY
- SEC. 3.5.3. EATING AND DRINKING.....
- SEC. 3.5.4. FUNERAL AND INTERMENT SERVICES.....
- SEC. 3.5.5. LANDSCAPE CONTRACTOR.....
- SEC. 3.5.6. LODGING
- SEC. 3.5.7. MEDICAL AND DENTAL
- SEC. 3.5.8. OFFICE AND PROFESSIONAL
- SEC. 3.5.9. PARKING
- SEC. 3.5.10. RECREATION AND ENTERTAINMENT
- SEC. 3.5.11. RETAIL SALES AND SERVICE
- SEC. 3.5.12. VEHICLE/EQUIPMENT SALES AND RENTAL.....
- SEC. 3.5.13. VEHICLE SERVICE.....
- SEC. 3.5.14. ACCESSORY COMMERCIAL USES
- SEC. 3.5.15. TEMPORARY COMMERCIAL USES.....

DIV. 3.6. INDUSTRIAL USES

- SEC. 3.6.1. ANIMAL RESEARCH FACILITY
- SEC. 3.6.2. CONTRACTOR STORAGE YARD
- SEC. 3.6.3. DRY CLEANING FACILITY
- SEC. 3.6.4. MANUFACTURING AND PRODUCTION
- SEC. 3.6.5. MINING, EXCAVATION
- SEC. 3.6.6. TRANSPORTATION.....
- SEC. 3.6.7. UTILITIES
- SEC. 3.6.8. WAREHOUSE
- SEC. 3.6.9. WASTE-RELATED

DIV. 3.7. MISCELLANEOUS USES

- SEC. 3.7.1. ACCESSORY BUILDINGS, STRUCTURES, AND USES

ARTICLE 59-4. EUCLIDEAN ZONING DISTRICT REGULATIONS

DIV. 4.1. RULES FOR ALL ZONES

- SEC. 4.1.1. DEVELOPMENT OPTIONS
- SEC. 4.1.2. BUILDING TYPE DESCRIPTIONS
- SEC. 4.1.3. BUILDING TYPES ALLOWED BY ZONE
- SEC. 4.1.4. MEASUREMENT AND EXCEPTIONS
- SEC. 4.1.5. RESIDENTIAL INFILL COMPATIBILITY

DIV. 4.2. AGRICULTURAL ZONE

- SEC. 4.2.1. METHODS OF DEVELOPMENT
- SEC. 4.2.2. GENERAL REQUIREMENTS
- SEC. 4.2.3. SPECIAL REGULATIONS FOR CHILD LOTS
- SEC. 4.2.4. AR ZONE, STANDARD METHOD DEVELOPMENT STANDARDS

DIV. 4.3. RURAL RESIDENTIAL ZONES

- SEC. 4.3.1. METHODS OF DEVELOPMENT
- SEC. 4.3.2. GENERAL REQUIREMENTS
- SEC. 4.3.3. SPECIAL REGULATIONS FOR SCENIC SETBACKS
- SEC. 4.3.4. R ZONE, STANDARD METHOD
- SEC. 4.3.5. RC ZONE, STANDARD METHOD
- SEC. 4.3.6. RNC ZONE, STANDARD METHOD

DIV. 4.4. RESIDENTIAL ZONES

- SEC. 4.4.1. METHODS OF DEVELOPMENT
- SEC. 4.4.2. GENERAL REQUIREMENTS
- SEC. 4.4.3. RE-2 & RE-2C ZONE, STANDARD METHOD
- SEC. 4.4.4. RE-1 ZONE, STANDARD METHOD
- SEC. 4.4.5. R-200 ZONE, STANDARD METHOD
- SEC. 4.4.6. R-90 ZONE, STANDARD METHOD

- SEC. 4.4.7. R-60 ZONE, STANDARD METHOD
- SEC. 4.4.8. R-40 ZONE, STANDARD METHOD
- SEC. 4.4.9. TLD ZONE, STANDARD METHOD
- SEC. 4.4.10. TMD ZONE, STANDARD METHOD
- SEC. 4.4.11. THD ZONE, STANDARD METHOD
- SEC. 4.4.12. R-30 ZONE, STANDARD METHOD
- SEC. 4.4.13. R-20 ZONE, STANDARD METHOD
- SEC. 4.4.4. R-10 ZONE, STANDARD METHOD

DIV. 4.5. COMMERCIAL/RESIDENTIAL ZONES

- SEC. 4.5.1. DENSITY AND HEIGHT ALLOCATION
- SEC. 4.5.2. METHODS OF DEVELOPMENT
- SEC. 4.5.3. GENERAL REQUIREMENTS
- SEC. 4.5.4. CRN, CRT, CR

DIV. 4.6. EMPLOYMENT ZONES

- SEC. 4.6.1. DENSITY AND HEIGHT ALLOCATION
- SEC. 4.6.2. METHODS OF DEVELOPMENT
- SEC. 4.6.3. GENERAL REQUIREMENTS
- SEC. 4.6.4. EGR, ENR, AND EOF
- SEC. 4.6.5. ELS



DIV. 4.7. INDUSTRIAL ZONES

- SEC. 4.7.1. METHODS OF DEVELOPMENT.....
- SEC. 4.7.2. GENERAL REQUIREMENTS
- SEC. 4.7.3. IL ZONE, STANDARD METHOD
- SEC. 4.7.4. IH ZONE, STANDARD METHOD.....

DIV. 4.8. OVERLAY ZONES

- SEC. 4.8.1. IN GENERAL
- SEC. 4.8.2. COMMERCIAL PRESERVATION (CP) OVERLAY ZONE.....
- SEC. 4.8.3. INDUSTRIAL MIXED USE (IMU) OVERLAY ZONE.....
- SEC. 4.8.4. NEIGHBORHOOD PROTECTION (NP) OVERLAY ZONE
- SEC. 4.8.5. SPECIAL PROTECTION AREA (SPA) OVERLAY ZONE.....
- SEC. 4.8.6. TRANSFERABLE DEVELOPMENT RIGHTS (TDR) OVERLAY ZONE



ARTICLE 59-5. FLOATING ZONING DISTRICT REGULATIONS

DIV. 5.1. RESIDENTIAL FLOATING ZONES

- SEC. 5.1.1. ZONES
- SEC. 5.1.2. APPLICABILITY
- SEC. 5.1.3. PURPOSES
- SEC. 5.1.4. LAND USES
- SEC. 5.1.5. BUILDING TYPES
- SEC. 5.1.6. DEVELOPMENT STANDARDS

DIV. 5.2. COMMERCIAL/RESIDENTIAL FLOATING ZONES

- SEC. 5.2.1. ZONES
- SEC. 5.2.2. APPLICABILITY
- SEC. 5.2.3. PURPOSES
- SEC. 5.2.4. LAND USES
- SEC. 5.2.5. BUILDING TYPES ALLOWED
- SEC. 5.2.6. DEVELOPMENT STANDARDS

DIV. 5.3. EMPLOYMENT FLOATING ZONES

- SEC. 5.3.1. ZONES
- SEC. 5.3.2. APPLICABILITY
- SEC. 5.3.3. PURPOSES
- SEC. 5.3.4. LAND USES
- SEC. 5.3.5. BUILDING TYPES ALLOWED
- SEC. 5.3.6. DEVELOPMENT STANDARDS

ARTICLE 59-6. OPTIONAL METHOD REGULATIONS

DIV. 6.1. MPDU DEVELOPMENT IN RURAL RESIDENTIAL AND RESIDENTIAL ZONES

- SEC. 6.1.1. GENERAL REQUIREMENTS
- SEC. 6.1.2. GENERAL SITE AND BUILDING TYPE MIX.....
- SEC. 6.1.3. DETACHED HOUSE
- SEC. 6.1.4. DUPLEX
- SEC. 6.1.5. TOWNHOUSE
- SEC. 6.1.6. APARTMENT/CONDO

- SEC. 6.6.1 GENERAL PROVISIONS
- SEC. 6.6.2 PUBLIC BENEFIT OVERVIEW.....
- SEC.6.6.3. PUBLIC BENEFIT DESCRIPTIONS AND CRITERIA

DIV. 6.2. CLUSTER DEVELOPMENT IN RURAL RESIDENTIAL AND RESIDENTIAL ZONES

- SEC. 6.2.1. GENERAL REQUIREMENTS
- SEC. 6.2.2. DEVELOPMENT STANDARDS
- SEC. 6.2.3. GENERAL SITE, BUILDING TYPE MIX AND HEIGHT STANDARDS.....
- SEC. 6.2.4. DETACHED HOUSE AND DUPLEX
- SEC. 6.2.5. TOWNHOUSE

DIV. 6.3. TRANSFERABLE DEVELOPMENT RIGHTS (TDR)

- SEC. 6.3.1. DEVELOPMENT REQUIREMENTS.....

DIV. 6.4. COMMERCIAL/RESIDENTIAL ZONES

- SEC. 6.4.1. GENERAL REQUIREMENTS
- SEC. 6.4.2. DEVELOPMENT STANDARDS

DIV. 6.5. EMPLOYMENT ZONES

- SEC.6.5.1. GENERAL REQUIREMENTS
- SEC.6.5.2. DEVELOPMENT STANDARDS

DIV.6.6. OPTIONAL METHOD PUBLIC BENEFITS



ARTICLE 59-7. GENERAL DEVELOPMENT REGULATIONS

DIV. 7.1. SITE ACCESS

SEC. 7.1.1. INTENT.....

SEC. 7.1.2. APPLICABILITY

SEC. 7.1.3. GENERAL ACCESS REQUIREMENTS

SEC. 7.1.4. DRIVEWAY ACCESS.....

SEC. 7.1.5. ALTERNATIVE COMPLIANCE.....

DIV. 7.2. PARKING, QUEUING, AND LOADING

SEC. 7.2.1. INTENT.....

SEC. 7.2.2. APPLICABILITY

SEC. 7.2.3. CALCULATION OF REQUIRED PARKING

SEC. 7.2.4. AGRICULTURAL, RURAL RESIDENTIAL, RESIDENTIAL, AND INDUSTRIAL ZONES.....

SEC. 7.2.5. COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES.....

SEC. 7.2.6. VEHICLE PARKING DESIGN STANDARDS

SEC. 7.2.7. BICYCLE PARKING DESIGN STANDARDS.....

SEC. 7.2.8. QUEUING DESIGN STANDARDS

SEC. 7.2.9. LOADING DESIGN STANDARDS.....

SEC. 7.2.10. ALTERNATIVE COMPLIANCE.....

DIV. 7.3. OPEN SPACE

SEC. 7.3.1. INTENT.....

SEC. 7.3.2. OVERVIEW OF OPEN SPACE REQUIREMENTS.....

SEC. 7.3.3. ALLOWED AND PROHIBITED FEATURES IN OPEN SPACE

SEC. 7.3.4. RURAL OPEN SPACE

SEC. 7.3.5. COMMON OPEN SPACE

SEC. 7.3.6. PUBLIC OPEN SPACE

SEC. 7.3.7. AMENITY OPEN SPACE

SEC. 7.3.8. ALTERNATIVE COMPLIANCE.....

DIV. 7.4. RECREATION FACILITIES

SEC. 7.4.1. INTENT.....

SEC. 7.4.2. APPLICABILITY

SEC. 7.4.3. DETERMINING DEMAND

SEC. 7.4.4. CALCULATING SUPPLY

SEC. 7.4.5. RECREATION FACILITY STANDARDS AND SPECIFICATIONS

SEC. 7.4.6. MAINTENANCE OF RECREATION FACILITY.....

SEC. 7.4.7. ALTERNATIVE COMPLIANCE.....

DIV. 7.5. LANDSCAPING AND OUTDOOR LIGHTING

SEC. 7.5.1. INTENT.....

SEC. 7.5.2. APPLICABILITY

SEC. 7.5.3. GENERAL LANDSCAPING REQUIREMENTS.....

SEC. 7.5.4. GENERAL OUTDOOR LIGHTING REQUIREMENTS

SEC. 7.5.5. OPEN SPACE LANDSCAPING AND OUTDOOR LIGHTING

SEC. 7.5.6. PARKING LOT LANDSCAPING AND LIGHTING.....

SEC. 7.5.7. BUFFERING AND SCREENING

SEC. 7.5.8. ALTERNATIVE COMPLIANCE.....

DIV. 7.6. OUTDOOR DISPLAY AND STORAGE

SEC. 7.6.1. INTENT

SEC. 7.6.2. APPLICABILITY

SEC. 7.6.3. DESIGN STANDARDS

SEC. 7.6.4. ALTERNATIVE COMPLIANCE.....

DIV. 7.7. SIGNS

SEC. 7.7.1. PURPOSE AND INTENT

SEC. 7.7.2. APPLICABILITY

SEC. 7.7.3. EXEMPT SIGNS.....

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

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

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

SEC. 7.7.7. AGRICULTURAL AND RURAL RESIDENTIAL ZONES7- 47

SEC. 7.7.8. RESIDENTIAL ZONES7- 47

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

SEC. 7.7.10. URBAN RENEWAL AREAS7- 50

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

SEC. 7.7.12. TEMPORARY SIGNS7- 51

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

ARTICLE 59-8. ADMINISTRATION AND PROCEDURES

DIV. 8.1. REVIEW AUTHORITY & APPROVALS REQUIRED

SEC. 8.1.1. OVERVIEW OF REVIEW AND APPROVAL AUTHORITY.....8 - 2
 SEC. 8.1.2. OVERVIEW OF APPROVALS REQUIRED.....8 - 3

DIV. 8.2. DISTRICT COUNCIL APPROVALS

SEC. 8.2.1. LOCAL MAP AMENDMENT.....8 - 4
 SEC. 8.2.2. CORRECTIVE MAP AMENDMENT.....8 - 8
 SEC. 8.2.3. SECTIONAL AND DISTRICT MAP AMENDMENT.....8 - 9
 SEC. 8.2.4. ZONING TEXT AMENDMENT.....8 - 10

DIV. 8.3. REGULATORY APPROVALS

SEC. 8.3.1. CONDITIONAL USE PLAN.....8 - 12
 SEC. 8.3.2. VARIANCE.....8 - 18
 SEC. 8.3.3. SKETCH PLAN8 - 20
 SEC. 8.3.4. SITE PLAN.....8 - 23

DIV. 8.4. ADMINISTRATIVE APPROVALS

SEC. 8.4.1. BUILDING PERMIT.....8 - 28
 SEC. 8.4.2. USE & OCCUPANCY AND TEMPORARY USE PERMITS8 - 30
 SEC. 8.4.3. HOME OCCUPATION & HOME HEALTH PRACTITIONER
 REGISTRATION.....8 - 30
 SEC. 8.4.4. SIGN PERMIT.....8 - 31
 SEC. 8.4.5. SIGN PERMIT VARIANCE.....8 - 33
 SEC. 8.4.6. SIGN INSTALLER LICENSE.....8 - 34

DIV. 8.5 NOTICE STANDARDS

SEC. 8.5.1. NOTICE REQUIRED.....8 - 36
 SEC. 8.5.2. NOTICE SPECIFICATIONS.....8 - 37

DIV. 8.6. SPECIAL PROVISIONS

SEC. 8.6.1. BOARD OF APPEALS.....8 - 39
 SEC. 8.6.2. HEARING EXAMINER.....8 - 39
 SEC. 8.6.3. PLANNING BOARD.....8 - 40
 SEC. 8.6.4. SIGN REVIEW BOARD.....8 - 40
 SEC. 8.6.5. FEES.....8 - 41

DIV. 8.7. EXEMPTIONS AND NONCONFORMITIES

SEC. 8.7.1. EXEMPTIONS.....8 - 43
 SEC. 8.7.1. NONCONFORMING USES AND STRUCTURES.....8 - 46

DIV. 8.8. VIOLATIONS, PENALTIES, AND ENFORCEMENT

SEC. 8.8.1. GENERALLY.....8 - 51

Div. 2.1. Zones Established

Sec. 2.1.1. Overview of Established Zones

A. Euclidean Zones

1. Agricultural

- a. AR: Agricultural Reserve

2. Rural Residential

- a. R: Rural
- b. RC: Rural Cluster
- c. RNC: Rural Neighborhood Cluster

3. Residential

a. Residential Detached

- i. RE-2: Residential Estate – 2
- ii. RE-2C: Residential Estate -2 Cluster
- iii. RE-1: Residential Estate – 1
- iv. R-200: Residential – 200
- v. R-90: Residential – 90
- vi. R-60: Residential – 60
- vii. R-40: Residential – 40

b. Residential Townhouse

- i. TLD: Townhouse Low Density
- ii. TMD: Townhouse Medium Density
- iii. THD: Townhouse High Density

c. Residential Multi-Unit

- i. R-30: Residential Multi-Unit Low Density – 30
- ii. R-20: Residential Multi-Unit Medium Density – 20

- iii. R-10: Residential Multi-Unit High Density – 10

4. Commercial/Residential

- a. CRN: Commercial Residential Neighborhood
- b. CRT: Commercial Residential Town
- c. CR: Commercial Residential

5. Employment

- a. EGR: Employment General Retail
- b. ENR: Employment Neighborhood Retail
- c. ELS: Employment Life Sciences
- d. EOF: Employment Office

6. Industrial

- a. IL: Light Industrial
- b. IH: Heavy Industrial

7. Overlay

a. CP: Commercial Preservation Overlay

- i. CP-BEA: Commercial Preservation - Burtonsville Employment Area
- ii. CP-CCNR: Commercial Preservation - Chevy Chase Neighborhood Retail
- iii. CP-NR: Commercial Preservation - Neighborhood Retail
- iv. CP-TPESS: Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization

b. IMU: Industrial Mixed Use Overlay

- i. IMU-TB: Industrial Mixed Use - Twinbrook

c. NP: Neighborhood Protection Overlay

- i. NP-FV: Neighborhood Protection - Fenton Village

- ii. NP-GP: Neighborhood Protection - Garrett Park
- iii. NP-RSS: Neighborhood Protection - Ripley/South Silver Spring
- iv. NP-RVC: Neighborhood Protection - Rural Village Center
- v. NP-SSA: Neighborhood Protection - Sandy Spring/Ashton Rural Village

d. SPA: Special Protection Area Overlay

- i. SPA-UPB: Special Protection Area - Upper Paint Branch
- ii. SPA-URC: Special Protection Area - Upper Rock Creek

e. TDR: Transferable Development Rights Overlay

B. Floating Zones

1. Residential Floating

- a. RDF: Residential Detached - Floating
- b. TF: Townhouse - Floating
- c. AF: Apartment - Floating

2. Commercial/Residential Floating

- a. CRNF: Commercial Residential Neighborhood - Floating
- b. CRTF: Commercial Residential Town - Floating
- c. CRF: Commercial Residential - Floating

3. Employment Floating

- a. EGRF: Employment General Retail - Floating
- b. ENRF: Employment Neighborhood Retail - Floating
- c. EOFF: Employment Office - Floating
- d. ELSF: Employment Life Sciences - Floating

Sec. 2.1.2. Regulations for Establishment of Zones

A. General Regulations for All Zones

- 1. Zones established in this Article (Article 59-2) are subject to:
 - a. Definitions under Article 1;
 - b. Use restrictions and use standards under Article 3;
 - c. Development standards under Article 4;
 - d. Optional method regulations under Article 6;
 - e. General requirements under Article 7; and
 - f. Review procedures under Article 8.
- 2. Floating zones established in this Article are also subject to Article 5.

B. Groupings of Zones

There are 11 groupings of zones used to refer to all particular zoning classifications within that group:

- 1. Agricultural (abbreviated "Ag" in the Use Table),
- 2. Rural Residential,
- 3. Residential:
 - a. Residential Detached;
 - b. Residential Townhouse; and
 - c. Residential Multi-Unit.
- 4. Commercial/Residential,
- 5. Employment,
- 6. Industrial,
- 7. Overlay, and
- 8. Floating.

C. Agricultural Zone

1. There is one Agricultural zone classification:
 - a. Agricultural Reserve (AR)
2. Density, height, and other standards and requirements vary with allowed uses and building types.
3. The zone will be applied on the Zoning Map by showing its zoning classification symbol.

D. Rural Zones

1. There are 3 Rural Residential zone classifications:
 - a. Rural (R),
 - b. Rural Cluster (RC), and
 - c. Rural Neighborhood Cluster (RNC).
2. Density, height, and other standards and requirements vary with allowed uses and building types.
3. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

E. Residential Zones

1. Residential Detached Zones

- a. There are 7 Residential Detached zone classifications:
 - i. Residential Estate – 2 (RE-2),
 - ii. Residential Estate – 2C (RE-2C),
 - iii. Residential Estate – 1 (RE-1),
 - iv. Residential – 200 (R-200),
 - v. Residential – 90 (R-90),
 - vi. Residential – 60 (R-60), and
 - vii. Residential – 40 (R-40).
- b. Density, height, and other standards and requirements vary with allowed uses and building types.

- c. The RE-2, RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones will be applied on the Zoning Map by showing their zoning classification symbols.

2. Residential Townhouse Zones

- a. There are 3 Residential Townhouse zone classifications:
 - i. Townhouse Low Density (TLD),
 - ii. Townhouse Medium Density (TMD), and
 - iii. Townhouse High Density (THD).
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

3. Residential Multi-Unit Zones

- a. There are 3 Residential Multi-Unit zone classifications:
 - i. Residential Multi-Unit Low Density – 30 (R-30),
 - ii. Residential Multi-Unit Medium Density – 20 (R-20), and
 - iii. Residential Multi-Unit High Density – 10 (R-10).
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The R-30, R-20, and R-10 zones will be applied on the Zoning Map by showing their zoning classification symbols.

F. Commercial/Residential Zones

1. There are 3 Commercial/Residential zone classifications:
 - a. Commercial Residential Neighborhood (CRN),
 - b. Commercial Residential Town (CRT), and
 - c. Commercial Residential (CR).
2. Each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:

- a. The number following the classification is the maximum total FAR allowed;
 - b. The number following the C is the maximum nonresidential FAR allowed;
 - c. The number following the R is the maximum residential FAR allowed; and
 - d. The number following the H is the maximum building height in feet allowed.
3. The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified:
- a. The classification; and
 - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).

G. Employment Zones

- 1. There are 4 Employment zone classifications:
 - a. Employment General Retail (EGR),
 - b. Employment Neighborhood Retail (ENR),
 - c. Employment Life Sciences (ELS), and
 - d. Employment Office (EOF).
- 2. Each EGR, ENR, ELS, and EOF zone classification is followed by a number and symbol: H, which is followed by another number where:
 - a. The number following the classification is the maximum total FAR allowed; and
 - b. The number following the H is the maximum building height in feet allowed.
- 3. The EGR, ENR, ELS, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
 - a. The classification; and
 - b. The 2 maximum allowances (total FAR and height).

H. Industrial Zones

- 1. There are 2 Industrial zone classifications:
 - a. Light Industrial (IL), and
 - b. Heavy Industrial (IH).
- 2. Density, height, and other standards and requirements vary with allowed uses and building types.
- 3. The IL and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.

I. Overlay Zones

1. Commercial Preservation (CP) Overlay Zones

- a. There are 4 Commercial Preservation Overlay zone classifications:
 - i. CP-BEA: Commercial Preservation - Burtonsville Employment Area,
 - ii. CP-CCNR: Commercial Preservation - Chevy Chase Neighborhood Retail,
 - iii. CP-NR: Commercial Preservation - Neighborhood Retail, and
 - iv. CP-TPESS: Commercial Preservation - Takoma Park/East Silver Spring Commercial Revitalization.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the CP Overlay zones under Div. 4.8.
- c. The CP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.

2. Industrial Mixed Use (IMU) Overlay Zones

- a. There is 1 Industrial Mixed Use Overlay zone classification:
 - i. Industrial Mixed Use - Twinbrook (IMU-TB)
- b. Building types, uses, density, height, and other standards and requirements may be modified by the IMU Overlay zone under Div. 4.8.
- c. The IMU Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.

3. Neighborhood Protection (NP) Overlay Zones

- a. There are 5 Neighborhood Protection Overlay zone classifications:
 - i. NP-FV: Neighborhood Protection - Fenton Village,
 - ii. NP-GP: Neighborhood Protection - Garrett Park,
 - iii. NP-RSS: Neighborhood Protection - Ripley/South Silver Spring,
 - iv. NP-RVC: Neighborhood Protection - Rural Village Center, and
 - v. NP-SSA: Neighborhood Protection - Sandy Spring/Ashton Rural Village.
- b. Building types, uses, density, height, and other standards and requirements may be modified by the NP Overlay zones under Div. 4.8.
- c. The NP Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.

4. Special Protection Area (SPA) Overlay Zones

- a. There are 2 Special Protection Area Overlay zone classifications:
 - i. Special Protection Area - Upper Paint Branch (SPA-UPB), and
 - ii. Special Protection Area - Upper Rock Creek (SPA-URC).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the SPA Overlay zones under Div. 4.8.
- c. The SPA Overlay zones will be applied on the Zoning Map by showing their zoning classification symbols.

5. Transferable Development Rights (TDR) Overlay Zone

- a. There is 1 Transferable Development Rights Overlay zone classification:
 - i. Transferable Development Rights (TDR).
- b. Building types, uses, density, height, and other standards and requirements may be modified by the TDR Overlay zone under Div. 4.8.
- c. The TDR Overlay zone will be applied on the Zoning Map by showing its zoning classification symbol.

J. Floating Zones

- 1. There are 10 Floating zone classifications:

- a. Residential Floating
 - i. Residential Detached - Floating (RDF),
 - ii. Townhouse - Floating (TF), and
 - iii. Apartment - Floating (AF).
- b. Commercial/Residential Floating
 - i. Commercial Residential Neighborhood - Floating (CRNF),
 - ii. Commercial Residential Town - Floating (CRTF), and
 - iii. Commercial Residential - Floating (CRF).
- c. Employment Floating
 - i. Employment General Retail - Floating (EGRF),
 - ii. Employment Neighborhood Retail - Floating (ENRF),
 - iii. Employment Office - Floating (EOFF), and
 - iv. Employment Life Sciences - Floating (ELSF).
- 2. Building types, uses, density, height, and other standards and requirements are determined per the Floating Zone Map Amendment approval by the District Council and site plan approval by the Planning Board.
- 3. The floating zones will be applied on the Zoning Map by showing their zoning classification symbols.

Div. 2.2. Euclidean Zone Intent Statements

Sec. 2.2.1. Agricultural Zone

A. Agricultural Reserve (AR)

1. The intent of the AR zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the General Plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AR zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AR zone.

Sec. 2.2.2. Rural Residential Zones

A. Rural (R)

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

B. Rural Cluster (RC)

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agriculture uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally

sensitive areas. The RC zone permits an Optional Method Cluster alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses.

C. Rural Neighborhood Cluster (RNC)

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

Sec. 2.2.3. Residential Zones

A. Residential Detached Zones

1. Residential Estate (RE-2, RE-2C, RE-1)

The intent of the RE-2, RE-2C, and RE-1 zones is to provide designated areas of the County for large-lot residential purposes. The predominant use is residential in a detached house. The RE-2C zone permits Optional Method Cluster Development.

2. Residential Low Density (R-200)

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

3. Residential Medium Density (R-90, R-60, R-40)

The intent of the R-90, R-60, and R-40 zones is to provide designated areas of the County for moderate density residential purposes. In the R-90 and R-60 zones, the predominant use is residential in a detached house. In the R-40 zone, the predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed in these zones under the Optional Method of Development.

B. Residential Townhouse Zones (TLD, TMD, THD)

The intent of the TLD, TMD, and THD zone is to provide designated areas of the County for residential purposes at slightly higher densities than the Residential Medium Density zones. A further intent of the Residential Townhouse zones is to provide a buffer or transitional uses between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

C. Residential Multi-Unit Zones (R-30, R-20, R-10)

The intent of the R-30, R-20, and R-10 zones is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment/condo building, although detached house, duplex, and townhouse building types are allowed within these zones.

Sec. 2.2.4. Commercial/Residential Zones

A. In General

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

1. implement the policy recommendations of applicable master or sector plans;
2. target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
3. reduce dependence on the automobile by encouraging development that

integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;

4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. integrate an appropriate balance of employment and housing opportunities; and
6. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

B. Commercial Residential Neighborhood (CRN)

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

C. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited in order to preserve the town center scale. Transit options may include light rail, Metro, and bus.

D. Commercial Residential (CR)

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

Sec. 2.2.5. Employment Zones

A. In General

The EGR, ENR, ELS, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying intensities and heights. The EGR, ENR, ELS, and EOF zones promote economic diversity and job creation in development patterns where people can work,

learn, and recreate while minimizing their reliance on automobile use. The application of the EGR, ENR, ELS, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total allowed density in a given area. The intent of the EGR, ENR, ELS, and EOF zones is to:

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

B. Employment General Retail (EGR)

1. The EGR zone is intended to provide for safe, active, and medium-density areas with the need for convenient automobile access. The EGR zone addresses development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options.
2. Building form standards allow flexibility in building, circulation, and parking lot layout. Retail tenant gross floor area is not restricted.

C. Employment Neighborhood Retail (ENR)

1. The ENR zone is intended to provide for safe, active, lower density areas with the need for convenient automobile access. The ENR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.
2. Building form standards allow flexibility in building, circulation, and parking lot layout.

D. Employment Life Sciences (ELS)

The ELS zone is intended primarily for research, development, education, and related activities. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone.

E. Employment Office (EOF)

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

Sec. 2.2.6. Industrial Zones

A. Light Industrial (IL)

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

B. Heavy Industrial (IH)

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

Sec. 2.2.7. Overlay Zones

A. In General

The CP, IMU, NP, SPA, and TDR Overlay zones provide regulations and standards that are necessary to achieve the planning goals and objectives for development of a particular area.

B. Commercial Preservation (CP) Overlay

1. The CP Overlay zone is intended to:
 - a. provide for a compatible mix of residential and neighborhood-serving commercial uses; and
 - b. regulate land uses, development standards, and review process over the restrictions and allowances of the underlying zone.

2. Each mapped CP Overlay zone will be given a subsection in Article 4 establishing:
 - a. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
 - b. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
 - c. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.

C. Industrial Mixed Use (IMU) Overlay

1. The IMU Overlay zone is intended to allow residential uses in the IL zone if it is located near a metro transit station.
2. Each mapped IMU Overlay zone will be given a subsection in Article 4 establishing:
 - a. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
 - b. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone; and
 - c. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone.

D. Neighborhood Preservation (NP) Overlay

1. The NP Overlay zone is intended to:
 - a. preserve the distinct character of a neighborhood regarding uses, intensity of development, and unique design attributes; and
 - b. regulate land uses, development standards, general requirements, and review process over the restrictions and allowances of the underlying zone.
2. Each mapped NP Overlay zone will be given a subsection in Article 4 establishing:

- a. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
- b. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone;
- c. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone; and
- d. The general requirements required or permitted notwithstanding the required or permitted general requirements of the underlying zone.

E. Special Protection Area (SPA) Overlay

1. The SPA Overlay zone is intended to:
 - a. protect the water quality and quantity of the applicable watershed and its tributaries, as well as the biodiversity within the area;
 - b. regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature; and
 - c. regulate land uses that could adversely affect the applicable stream system resources.
2. Land uses that are restricted in these areas and general requirements for resource protection are specified in Article 4.
3. Particular additional controls on impervious surfaces and environmental protections may be specified by the applicable master or sector plan.

F. Transferable Development Rights (TDR) Overlay

1. The TDR Overlay zone is intended to allow the purchase of development rights from the Agricultural Reserve (AR) zone in order to protect the County's agricultural and rural heritage.
2. The TDR Overlay zone is mapped on particular areas in the County that may purchase transferable development rights (TDRs) from the AR zone.
3. In any specified area, the applicable master or sector plan must specify the number of TDRs that may be purchased in exchange for increased density

and more flexible development standards intended to supersede underlying zone classification.

4. Additional residential building types may be allowed but development standards and general requirements are finalized through an approved site plan based on evaluation of compatibility and impacts on surrounding communities.
5. A minimum site area is required for development under the TDR Overlay zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

Div. 2.3. Floating Zone Intent Statements

Sec. 2.3.1. In General

The Residential Floating, Commercial/Residential Floating, and Employment Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). In exchange for flexible uses, use standards, development standards, and general requirements, a Floating zone application must file a rezoning application and Floating Zone Map Amendment that has substantial opportunities for public input and discussion to ensure compatibility with the respective setting. The intent of the Floating zones is to:

- A. implement the objectives of the General Plan and applicable master or sector plan;
- B. provide flexibility in the planning and construction of development projects by allowing a combination of uses developed under an approved Floating Zone Map Amendment that protects adjacent properties;
- C. provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
- D. encourage the preservation and enhancement of natural amenities and cultural resources and to provide a minimum amount of open space;
- E. provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
- F. encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors.

Sec. 2.3.2. Residential Floating Zones

- A. The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.
- B. Use restrictions, building types, density, building heights, development standards, and general requirements are flexible to respond to various settings, but are finalized through an approved Floating Zone Map Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.

- C. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

Sec. 2.3.3. Commercial/Residential Floating Zones

- A. The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.
- B. Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site area: for example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses to provide necessary services to a larger population.
- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.
- D. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

Sec. 2.3.4. Employment Floating Zones

- A. The Employment Floating zones (EGRF, ENRF, EOFF, and ELSF) are intended to allow development of mixed-use centers and communities primarily with office uses and supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.
- B. Uses are restricted to commercial uses with generally higher jobs-to-housing ratios, housing to support a portion of the proposed workforce, and accessory retail to provide basic services to employees and residents.
- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.
- D. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

Div. 3.1. Use Table

Sec. 3.1.1. Key to Use Table

The Use Table (Sec. 3.1.7) in this Division (Div. 3.1) identifies uses allowed in each zone. The key for this table is:

A. Permitted Use (P)

A "P" indicates that the use is permitted in the zone.

B. Limited Use (L)

A "L" indicates that the use is permitted if it meets the limited use standards in Div. 3.2 through Div. 3.7.

C. Conditional Use (C)

A "C" indicates that the use must meet the conditional use standards in Div. 3.2 through Div. 3.7 and requires approval by the Hearing Examiner or Board of Appeals, as indicated, subject to the findings in Div. 8.3.

D. Blank Cell

A blank cell indicates that a use is prohibited in that zone.

Sec. 3.1.2. Use Definitions

- A. The uses listed in Div. 3.2 through Div. 3.7 match those in the Use Table. Some rows on the Use Table contain individual uses, while other rows represent a use group (a group of uses defined by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.
- B. Where a use definition in Div. 3.2 through Div. 3.7 contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.
- C. Where a particular use is not specifically listed, DPS may allow the use under Sec. 3.1.6.

Sec. 3.1.3. Accessory Uses Defined

- A. An accessory use is a use which is customarily incidental and subordinate to the principal use of a property or the principal building, and located on the same property as the principal use or building.
- B. An accessory structure is not attached by any part of a common wall or common roof to the principal building, except for an attached accessory apartment.

Sec. 3.1.4. Temporary Uses Defined

A temporary use is a use that:

- A. is temporary in nature;
- B. is established for a fixed period of time with the intent to discontinue the use when that period of time is over;
- C. does not involve the construction or alteration of any permanent structure; and
- D. requires a temporary use permit under Div. 8.4 with the following exceptions:

1. Construction Dumpsters

One construction dumpster is permitted on-site in association with a valid building permit. The use of a dumpster past expiration of the building permit is prohibited.

2. Garage or Yard Sales

- a. A garage sale or yard sale is the sale, on residential property, of goods previously used by a resident of the property. This also includes all similar sales activities such as moving sales, estate sales and community sale.
- b. A garage sale is not a vending activity unless it exceeds the limits in Chapter 47.

3. Self-Storage Containers

- a. A storage container for household or other goods located in any yard is permitted for a maximum of 30 consecutive days twice per calendar year.
- b. The storage container must be placed completely on-site (and is not permitted to be placed in any public right-of-way).
- c. The storage container must be placed on a paved surface.

Sec. 3.1.5. Transferable Development Rights

The following uses are prohibited if the property on which the use is located is in the AR zone and is encumbered by a recorded Transfer of Development Rights easement. However, any building existing on October 2, 2007 may be repaired or reconstructed if the floor area of the building is not increased and the use is not changed.

A. Agricultural

1. Agricultural Auction Facility
2. Farm Supply, Machinery Sales, Storage and Service

B. Residential

1. Accessory Apartment
2. Residential Care Facility
3. Home Health Practitioner
4. Home Occupation (Low Impact)
5. Home Occupation (Major Impact)

C. Civic and Institutional

1. Charitable, Philanthropic Institution
2. Group Day Care (9-12 Persons)
3. Day Care Center (13 - 30 Persons)
4. Day Care Center (Over 30 Persons)
5. Fire/EMS (Private)
6. Private Club, Service Organization
7. Religious Assembly

D. Commercial

1. Veterinary Office/Hospital
2. Bed and Breakfast (if not accessory to Farming)
3. Cemetery
4. Funeral Home, Undertaker
5. Rural Antique Shop

6. Shooting Range Outdoor
7. Transitory Use

E. Industrial

1. Mining, Excavation

Sec. 3.1.6. Uses Not Specifically Listed

- A. Any use not specifically listed is prohibited unless DPS determines that the use is similar in impact, nature, function, and duration to an allowed use listed in this Division. Where the similar allowed use is subject to a limited or conditional use standard and approval, the proposed use must also be subject to such standard and approval.
- B. To determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, DPS must review relevant characteristics of the proposed use, including but not limited to the following:
 1. The size, type and volume of items or services sold and nature of inventory on the premises;
 2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 3. The amount and nature of any adverse impacts generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
 4. Any dangerous, hazardous, toxic, or explosive materials used on the premises;
 5. The nature and location of storage and display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 6. The type, size, and nature of buildings and structures;
 7. The number of employees and customers in relation to business hours and employment shifts;
 8. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;

9. Parking requirements, turnover and generation, and the potential for shared parking with other use types; and
10. Any special public infrastructure needed to serve the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions, and any significant power structures and communications towers or facilities.

Sec. 3.1.7. Use Table

The following Use Table identifies uses allowed in each zone.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential													Commercial/Residential			Employment				Industrial	
					Residential Detached								Residential Townhouse			Residential Multi-Unit										
					AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	EGR	ENR
AGRICULTURAL																										
Agricultural Auction Facility	3.2.1	C																								
Agricultural Processing	3.2.2	C	C	C																					P	P
Community Garden	3.2.3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Equestrian Facility	3.2.4	L	L	L	L	C	C	C	C																	
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	C		C																					P	
FARMING	3.2.6																									
Crop Farming	3.2.6.B	P	P	P	P	L	L	L	L	L	L	L														
Livestock Farming	3.2.6.C	P	P	P	P	L	L	L																		
Urban Farming	3.2.6.D												L	L	L	L	L	L	L	L	L	L	L	L	L	
NURSERY	3.2.7																									
Nursery (Retail)	3.2.7.A	C	C	C	C	C	C	C	C											P	P	P	P			
Nursery (Wholesale)	3.2.7.B	C	C	C	C	C	C	C	C																	
Slaughterhouse	3.2.8	C	C	C																						
Winery	3.2.9	L	L	L	C																					
ACCESSORY AGRICULTURAL USES	3.2.10																									
Agricultural Education/Tourism	3.2.10.A	L																								
Animal Husbandry	3.2.10.B	P	P	P	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Farm Airstrip	3.2.10.C	C		C																						
Farm Market, On-site	3.2.10.D	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
TEMPORARY AGRICULTURAL USES	3.2.11																									
Agricultural Vending	3.2.11.A					L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	L		L	L
Seasonal Outdoor Sales	3.2.11.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	L	L
RESIDENTIAL																										
HOUSEHOLD LIVING	3.3.1																									
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			L	
Two-Unit Living	3.3.1.C				L		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P			L	

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

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential												Commercial/Residential			Employment				Industrial		
					Residential Detached							Residential Townhouse			Residential Multi-Unit											
					AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	EGR	ENR
Townhouse Living	3.3.1.D				P		L	L	L	L	L	L	P	P	P	P	P	P	P	P	L	L	L	L		
Multi-Unit Living	3.3.1.E																	P	P	P	L	L	L	L		
GROUP LIVING	3.3.2																									
Dormitory	3.3.2.B																							P		
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C		C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L				
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D														L	L	L	L	L	L	L	L				
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D														C	C	C	C	C	C	C	C				
Residential Care Facility (Up to 8 Persons)	3.3.2.E	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P						
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	L		P	C		
ACCESSORY RESIDENTIAL USES	3.3.3																									
Attached Accessory Apartment, Small (Up to 800 SF)	3.3.3.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L				L		
Attached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.A	C	C	C	C	L	L	L	L	C	C	C	C	C	L	L	L	L	L	L				L		
Detached Accessory Apartment, Small (Up to 800 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L				L		
Detached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L				L		
Dwellings for Caretakers/ Watchkeepers	3.3.3.C																							P	P	P
Farm Tenant Dwelling	3.3.3.D	L	L	L	L	L		L	L	L	L															

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[Editor's Note: The Accessory Apartment information is based on the recommendation from the Special Exception ZAP Working Group. There is a Zoning Text Amendment (ZTA) on Accessory Apartments with modified text currently before the Council (ZTA 12-11).]

Staff Review Draft

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential		Residential													Commercial/Residential			Employment				Industrial	
					Residential Detached								Residential Townhouse			Residential Multi-Unit										
					AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	EGR	ENR
Home Health Practitioner (Low Impact)	3.3.3.E	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		
Home Health Practitioner (Major Impact)	3.3.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Home Occupation (No Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Home Occupation (Low Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Home Occupation (Major Impact)	3.3.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Live/Work Units	3.3.3.G																	P	P	P	P	P	P			
CIVIC AND INSTITUTIONAL																										
Ambulance or Rescue Squads (Private)	3.4.1.														C	C	C		L	P	P	P	P	P	P	
Charitable, Philanthropic Institution	3.4.2	C	C	C	C	C	C	C	C	C	C							P	P	P	P	C	P	P		
Cultural Institution	3.4.3			L	L	L		P	P	P	P	P	P	P	P	P	P	L	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Day Care (9 - 12 Persons)	3.4.4.D	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	P	P	P	P	P	
Educational Institution (Private)	3.4.5		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	P	P	P	P	P	
Hospital	3.4.6					C	C	C	C	C	C	C	C	C	C	C	C		P	P	C		P	C	C	
Playground, Outdoor Area (Private)	3.4.7		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Private Club, Service Organization	3.4.8	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	L	P	P	L		P	L	L	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	3.4.10	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C			C		
COMMERCIAL																										
ANIMAL SERVICES	3.5.1																									
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C									C	C	C	C	C		L		
Veterinary Office/Hospital	3.5.1.C	C	C	C	C	C	C	C	C	C	C							L	L	L	L	L	L		L	

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COMMUNICATION FACILITY	3.5.2																										
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C
Freestanding Wireless Communications Tower	3.5.2.B	L	L	L	C	C	C	C	C	C	C	C									L	C	L	L	L	L	L
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C	C			C	C	C				C		L	C	C	C	P
EATING AND DRINKING	3.5.3																										
Country Inn	3.5.3.A		C	C		C		C	C																		
Restaurant	3.5.3.B																		L	P	P	P	P	P	P	C	
FUNERAL AND INTERMENT SERVICES	3.5.4																										
Cemetery	3.5.4.A	C	C	C	C	C																					
Crematory Services	3.5.4.B																									C	
Funeral Home, Undertaker	3.5.4.C	C				C		C	C	C										C	C	P			C		
Landscape Contractor	3.5.5	C	C	C	C	C	C	C	C																	P	
LODGING	3.5.6																										
Bed and Breakfast	3.5.6.B	L	L	L	L	L	L	L	L	C	C								L	L							
Hotel, Motel	3.5.6.C																			P	P	P		P	P	L	
MEDICAL AND DENTAL	3.5.7																										
Clinic (Up to 4 Medical Practitioners)	3.5.7.A								C	C	C								P	P	P	P		P	P	P	
Clinic (More than 4 Practitioners)	3.5.7.B																		L	P	P	P		P	P	P	
Medical, Dental Laboratory	3.5.7.C																			P	P	P		P	P	P	
OFFICE AND PROFESSIONAL	3.5.8																										
Office	3.5.8.A																		P	P	P	P	P	L	P	P	
Nonresident Professional	3.5.8.B								C	C	C																
Research and Development	3.5.8.C																			P	P			P	L	P	
PARKING	3.5.9																										
Structured Parking	3.5.9.B																			P	P	P		P	P	P	
Surface Parking for Use Allowed in the Zone	3.5.9.C					P	P	P	P	P	P				P	P	P					P	P	P	P	P	P

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					AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	EGR	ENR	ELS
Surface Parking for Commercial Uses in a Historic District	3.5.9.D	L	L			L	L	L	L		C	C				C	C	C									
RECREATION AND ENTERTAINMENT	3.5.10																										
Adult Entertainment	3.5.10.A																				L				L	L	
Campground	3.5.10.B		C				C																				
Conference Center	3.5.10.C																		P	P			P				
Golf Course, Country Club	3.5.10.D		C	C		C	C	C	C	C	C	C	C	C	C	C	C				C			C			
Health Clubs and Facilities	3.5.10.E																	L	P	P	P	P	P	P	P	P	
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	3.5.10.F		C															C	P	P	P	C	C	C	C	C	
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	3.5.10.G		C				C		C									C	C	P	C	C	C		C	C	
Recreation and Entertainment Facility, Major (Capacity over 1,000)	3.5.10.H						C												C	P	C	C	C		C		
Shooting Range (Indoor)	3.5.10.I																				C				C	C	
Shooting Range (Outdoor)	3.5.10.J	C	C	C																							
RETAIL SALES AND SERVICE	3.5.11																										
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A															L		P	P	P	P	P	L	L	P	L	
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A																	L	P	P	P	P	L	L	P	L	
Retail/Service Establishment (15,001 - 49,999 SF)	3.5.11.A																		P	P	P	P	L	L	L	L	
Retail/Service Establishment (50,000 SF and Over)	3.5.11.A																		L	L	P	P			L	L	
Rural Antique Shop	3.5.11.B	C	C	C	C	C		C	C																		
Rural Country Market	3.5.11.C	C	C	C	C	C	C	C	C																		

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VEHICLE/EQUIPMENT SALES AND RENTAL	3.5.12																												
Heavy Vehicle Sales and Rental	3.5.12.A																					C					P		
Light Vehicle Sales and Rental (Indoor)	3.5.12.B																					L	P	P			P		
Light Vehicle Sales and Rental (Outdoor)	3.5.12.C																					L	P	L	C		P		
VEHICLE SERVICE	3.5.13																												
<u>Automobile Storage Lot</u>	3.5.13.A																							C					
Car Wash	3.5.13.B																					C		C			L		
Fuel Sales	3.5.13.C																					C	C	C	C	C	C		
Repair (Commercial Vehicle)	3.5.13.D																										P		
Repair (Minor)	3.5.13.E																					L	L	L	C	C	L	P	
Repair (Major)	3.5.13.F																					C	C	L		C	P		
ACCESSORY COMMERCIAL USES	3.5.14																												
Amateur Radio Facility (Up to 65 feet)	3.5.14.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Amateur Radio Facility (Over 65 feet)	3.5.14.B	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
<u>Commercial Kitchen</u>	3.5.14.C									L	L																		
Drive-Thru Facility	3.5.14.D																					L	L	L	L		L	L	
Helistop	3.5.14.E																							C		C	C	C	C
Wireless Communication on Existing Structure	3.5.14.F	L	L	L	L	L	L	L	L	L	L	L					L	L	L	L	L	L	L	L	L	L	L		
TEMPORARY COMMERCIAL USES	3.5.15																												
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Special Event Parking	3.5.15.B					L			L																				
Transitory Use	3.5.15.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		

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INDUSTRIAL																										
Animal Research Facility	3.6.1																							P		
Contractor Storage Yard	3.6.2																								L	P
Dry Cleaning Facility (Up to 3,000 SF)	3.6.3.A																		L	L	L	L	L		P	P
Dry Cleaning Facility (Over 3,000 SF)	3.6.3.B																								P	P
MANUFACTURING AND PRODUCTION	3.6.4																									
Artisan Manufacturing and Production	3.6.4.A																		P	P	P					P
Heavy Manufacturing and Production	3.6.4.B																									P
Light Manufacturing and Production	3.6.4.C																								P	P
Medical/Scientific Manufacturing and Production	3.6.4.D																		L	P			P		P	
Mining, Excavation	3.6.5	C	C	C																						P
TRANSPORTATION	3.6.6																									
Bus, Rail Terminal	3.6.6.A																		L	L	P	P	L	P	P	P
Helipad, Heliport	3.6.6.B																				C		C	C	C	C
Taxi/Limo Facility	3.6.6.C																		L	L	P	P	L	P	P	
UTILITIES	3.6.7																									
Pipeline (Above Ground)	3.6.7.A	C	C	C		C	C	C	C	C	C				C	C	C		C	C	C	P		P	P	P
Pipeline (Below Ground)	3.6.7.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Building or Structure	3.6.7.C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	C	C	P	C	C
Renewable Energy Generation	3.6.7.D																									
Transmission Lines (Above Ground)	3.6.7.E	P	P	P	P	L	L	L	L	L	L	L			P	P	P		L	L	L	P		P	L	P
Transmission Lines (Below Ground)	3.6.7.F	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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WAREHOUSE	3.6.8																										
Freight Movement	3.6.8.A																									P	P
Mineral Storage	3.6.8.B																									L	P
Self-Storage	3.6.8.C																			C	C	P				P	
Storage Facility (Up to 10,000 SF)	3.6.8.D																			L	L	L				P	P
Storage Facility (Over 10,000 SF)	3.6.8.D																					L				P	P
WASTE-RELATED	3.6.9																										
Hazardous Material Storage	3.6.9.A																										C
Landfill, Incinerator, or Transfer Station	3.6.9.B																										C
Recycling Collection and Processing	3.6.9.C																									L	P
MISCELLANEOUS																											
Accessory Buildings, Structures and Uses	3.7.1	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Noncommercial Kennel	3.7.2	P	P	P	P	P	P	P	L	L	L																
Wildlife, Game Preserve, and Other Conservation Areas	3.7.3	P	P	P																							

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Div. 3.2. Agricultural Uses

Sec. 3.2.1. Agricultural Auction Facility

A. Defined

Agricultural auction facility is a sales establishment at which farm-related merchandise is sold to the highest bidder.

B. Use Standards

Where an agricultural auction facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 5 acres.
2. The minimum setback of the auction facility (whether enclosed within a building or not) and the parking area is 50 feet from any property line where the adjoining property is in residential use.
3. The Board of Appeals may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted subject to the limits established by the Board of Appeals.
5. Where any adjoining property is in residential use, the noise level at the common property line must not exceed the requirements of [Chapter 31B](#).
6. The agricultural exemption of [Sec. 31B-14\(c\)](#) is not applicable.
7. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.2.2. Agricultural Processing

A. Defined

Agricultural processing is the operations that transform, package, sort, or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Includes milk plant, grain elevator, and mulch or compost production and manufacturing. Does not include Slaughterhouse (see [Sec. 3.2.8](#), Slaughterhouse).

B. Use Standards

Where agricultural processing is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 10 acres.
2. The minimum setback for any agricultural processing structure from any property line is 75 feet.
3. The property must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.

Sec. 3.2.3. Community Garden

A. Defined

Community garden is land gardened by a group of people for personal use or limited distribution and not for sale on-site. Includes cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping. Does not include Animal Husbandry (see [Sec. 3.2.10.B](#), Animal Husbandry) or Urban Farming (see [Sec. 3.2.6.D](#), Urban Farming).

B. Use Standards

Where a community garden is allowed as a limited use, it is subject to the following standards:

1. The total gross floor area of all structures, except greenhouses under paragraph 4 below, must not exceed 10% of the net property area dedicated to the community garden.
2. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
3. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.4. Equestrian Facility

A. Defined

Equestrian facility is any building, structure, or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. The facility may be used for events such as competitions, exhibitions, or other displays of equestrian skills.

B. Use Standards

1. Where an equestrian facility is allowed as a limited use, it is subject to the following standards:
 - a. The minimum gross acreage per horse is as follows:
 - i. for 1-2 horses, 2 acres;
 - ii. for 3-10 horses, one acre per horse; and
 - iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
 - b. Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality, and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after commencement of operations.
 - c. Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent property.
 - d. Amplified sound must meet all requirements of [Chapter 31B](#).
 - e. Any outdoor arena lighting must direct light downward using full cutoff fixtures, producing any glare or direct light onto nearby properties is pro-

hibited. Illumination is prohibited after 10:00 p.m. on Friday or Saturday, and after 9:00 p.m. on Sunday through Thursday.

f. Equestrian event restrictions

Property Re- quirements	Hours of Operation		Number of Participants and Spectators			
			Event	Informal Event	Minor Event	Major Event
	Su-Th	Fr-Sa	0-25	26-50	51-150	151-300
Up to 17.9 acres	6am- 9pm	6am- 10pm	Unlimited on any day	None	None	None
18 - 24.9 acres	6am- 9pm	6am- 10pm	Unlimited on any day	Unlimited on Sat, Sun and hol- idays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am- 9pm	6am- 10pm	Unlimited on any day	Unlimited on Sat, Sun and hol- idays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres <u>and</u> <u>direct access</u> <u>to a roadway</u> <u>with an arte-</u> <u>rial or higher</u> <u>classification</u>	6am- 9pm	6am- 10pm	Unlimited on any day	Unlimited on Sat, Sun and hol- idays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 3 per year last- ing up to 3 consecu- tive days each

- g. A temporary use permit must be obtained from DPS for each event involving between 151 and 300 participants and spectators, per day. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in

place, and any other information determined by DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

- h. An equestrian facility conditional use application may be filed with the Board of Appeals to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; or hours of operation. Such a conditional use approval must be renewed every 5 years, at which time the Board of Appeals must evaluate the effectiveness of the terms and conditions of the original approval.
2. Where an equestrian facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards; Sec. 8.3.1, Conditional Use Plan; and the following standards:
- a. In the AR, RC, and RNC zones:
 - i. The equestrian facility must not adversely affect adjoining land uses or the surrounding road network.
 - ii. In evaluating the compatibility of an equestrian facility on the surrounding land uses, the Board of Appeals must consider that the impact of an agricultural use on surrounding land uses in an Agricultural or Rural Residential zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
 - b. In the RE-2, RE-2C, RE-1, and R-200 zones:
 - i. Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the Board of Appeals requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
 - ii. The Board of Appeals may limit or regulate more stringently than limited use standards:
 - (a) the number of horses that may be kept or boarded;
 - (b) the number of horses that may be rented out for recreational riding or instruction;

(c) the number and type of equestrian events that may be held in a one-year period; and

(d) the hours of operation of any equestrian event or activity.

- iii. All animal waste must be handled in accordance with state requirements for nutrient management.

Sec. 3.2.5. Farm Supply or Machinery Sales, Storage, and Service

A. Defined

Farm supply or machinery sales, storage, and service is the use of any building, structure, or land for the sales, storage, or service of machinery used in farming for agricultural purposes. Does not include sales, storage, or service of vehicles and other machinery not associated with farming.

B. Use Standards

Where farm supply or machinery sales, storage, and service is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 5 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory.
2. The minimum setback from any property line for parking, buildings, or inventory storage is 75 feet, except that the minimum setback from the street may be reduced to 50 feet if the Board of Appeals finds that:
 - a. the confronting site is in an Agricultural or Rural Residential zone; and
 - b. the smaller setback would be compatible with surrounding uses.
3. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Sec. 3.2.6. Farming

A. Defined, In General

Farming is an operation on a tract of land, with or without associated buildings, for purposes devoted to agriculture. Uses considered accessory to farming include:

1. Accessory agricultural processing and storage of products grown on-site.

or on property owned, rented, and/or controlled within the County by the farmer.

2. The sale of products of agriculture and agricultural processing, if products are produced on-site or on property owned, rented, and/or controlled within the County by the farmer.
3. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
4. The delivery and installation of horticultural products grown on the farm.

B. Crop Farming

1. Defined

Crop farming is the growing and harvesting of produce and other plant-based agricultural products. Includes the cultivation of crops such as fruits, vegetables, cotton, grain, nuts, horticultural crops, cattle food, and sod.

2. Use Standards

Where crop farming is allowed as a limited use, sod farms and accessory agricultural processing are prohibited.

C. Livestock Farming

1. Defined

Livestock farming is the keeping and raising of fowl and livestock, including cattle, swine, sheep, donkeys, mules, and goats. Includes accessory slaughtering. Does not include Equestrian Facility (see Sec. 3.2.4, Equestrian Facility).

2. Use Standards

Where livestock farming is allowed as a limited use, it is subject to the following standards:

- a. The minimum lot size is 5 acres.
- b. Accessory agricultural processing is prohibited.

D. Urban Farming

1. Defined

Urban farming is the cultivation of fruits, vegetables, flowers, and ornamental plants, as well as the limited keeping and raising of fowl or bees and the practice of aquaculture. Plants and animals or their products may be sold off-site, or on-site under the standards of a Farm Market, On-site (see Sec.3.2.10.D, Farm Market, On-site).

2. Use Standards

Where urban farming is allowed as a limited use, it is subject to the following standards:

- a. The minimum area for an urban farm is 2,500 square feet.
- b. One fowl may be kept for every 1,000 square feet of land area; roosters are prohibited.
- c. Aquaculture is permitted in tanks or pools.
- d. The maximum total gross floor area of all structures, including aquaculture tanks or pools but excluding greenhouses, is 10% of the net property area on any urban farm.
- e. The minimum setback for accessory structures from any property line is 15 feet.
- f. The maximum height for any accessory structure, including any pitched roof, is 14 feet.
- g. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.7. Nursery

A. Nursery (Retail)

1. Defined

Retail nursery is the retail business of selling plants and plant materials grown on- or off-site, as well as garden supplies, equipment, and related items. Does not include Landscape Contractor (see Sec.3.5.5, Landscape Contractor).

2. Use Standards

Where a retail nursery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.
- c. The property must front on and have access to a road built to primary residential or higher standards. In the AR, R, and RC zones, this standard is not required if the Board of Appeals finds that:
 - i. Road access will be safe and adequate for the anticipated traffic to be generated; and
 - ii. The use at this location will not be an intrusion into an established residential neighborhood.
- d. Tools and equipment for sale must not be displayed outdoors.
- e. The incidental sale of seasonal items is allowed.
- f. The sale of general hardware or power equipment is prohibited.
- g. The manufacture or mulch, other than by composting or plant material, is prohibited.

B. Nursery (Wholesale)

1. Defined

Wholesale nursery is the wholesale business of selling plants and plant materials grown on- or off-site to other businesses, as well as garden supplies, equipment, and related items. Fertilizers, plant food, and pesticides must not be produced but may be stocked and sold. Does not include Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor).

2. Use Standards

Where a wholesale nursery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.

Sec. 3.2.8. Slaughterhouse

A. Defined

Slaughterhouse is any building, place, or establishment where livestock raised off-site are slaughtered for commercial purposes.

B. Use Standards

Where a slaughterhouse is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 20 acres.
2. The minimum setback from any property line is 75 feet.
3. The property must front on and have direct access to a road built to primary residential or higher standards.

Sec. 3.2.9. Winery

A. Defined

Winery is a facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets. A minimum of 5 acres of grapes or other fruit must be grown on the same parcel as the processing facility.

B. Use Standards

1. Where a winery is allowed as a limited use, it is subject to the following standards:
 - a. In the AR zone:
 - i. A maximum of 9 days of events that require an entrance ticket or a cover charge are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals under [Sec. 8.3.1.](#)
 - ii. The maximum lighting level at any property line is 0.1 footcandle.
 - b. In the R and RC zone, a maximum of 2 special events such as a wedding, festival, or other similar event are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals under [Sec. 8.3.1.](#)

2. Where a winery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - a. The minimum area of the lot is 10 acres.
 - b. The minimum setback for any structure from any property line is 75 feet, except that the minimum setback from the street is 50 feet if the adjacent property is in agricultural use.
 - c. The property must front on and have access to a road built to primary or higher standards.

Sec. 3.2.10. Accessory Agricultural Uses

A. Agricultural Education/Tourism

1. Defined

Agricultural Education/Tourism is agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences that foster increased knowledge of farming, including low-impact cultivation methods, humane animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, teamwork and personal responsibility, and other outdoor experiences and events on farms. Includes corn mazes, hay rides, and educational tours, classes, and workshops.

2. Use Standards

Where agricultural education/tourism is allowed as a limited use, it is subject to the following standards:

- a. The minimum property size is 50 acres.
- b. A minimum of 90% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.
- c. Impervious area is a maximum of 5% of the property.

B. Animal Husbandry

1. Defined

Animal husbandry is the accessory practice of raising hens, ducks, miniature goats, rabbits, and bees.

2. Use Standards

Where animal husbandry is allowed as a limited use, it is subject to the following standards:

- a. Any accessory structure or fence used to house hens, ducks, miniature goats, or rabbits must be located behind the rear building line and the minimum setback from any neighboring residential property line is 20 feet.
- b. One miniature goat may be kept for every 2,000 square feet of land area and one hen, duck, or rabbit may be kept for every 1,000 square feet of land area.
- c. Roosters are prohibited.
- d. In the CRN, CRT, CR, EGR, ENR, ELS, EOF, IL, and IH zones, only bees are allowed.

C. Farm Airstrip

1. Defined

Farm airstrip is an accessory take-off and landing facility for an aircraft associated with farming operations.

2. Use Standards

Where a farm airstrip is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. Only one airplane is permanently housed at the airstrip.
- b. The applicant must obtain a favorable air space determination from the Federal Aviation Administration (FAA) in response to an application filed on Form 33 FAA 7480.1 titled "Notice of Proposed Landing Area Established," or whatever form number and title the FAA may require.
- c. The minimum setback from any property line is 1,000 feet.
- d. The aircraft using the airstrip must aid farming operations.
- e. The airstrip must be unpaired.

D. Farm Market, On-site

1. Defined

On-site farm market is the display and retail sale of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. An on-site farm market may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.

2. Use Standards

Where an on-site farm market is allowed as a limited use, it is subject to the following standards:

- a. In the AR, ~~R~~ RC, RNC, RE-2, RE-2C, RE-1, and ~~R~~-200 zones:
 - i. The minimum setback from the paved edge of the roadway for the sale and display area is 25 feet.
 - ii. A minimum of 3 off-street parking spaces is required.
 - iii. Firewood sold at an on-site farm market must be cut and split on the farm ~~where~~ where the wood is harvested.
 - iv. A maximum of 25% of the on-site farm market display and sales area may be used for agricultural products not produced on a farm under the control of the owner or operator of the on-site farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the on-site farm market, DPS may, upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee and, for a limited period of time, permit more than 25% of the on-site farm market display and sales area to be used for agricultural products not produced on a farm under the control of the owner or operator of the on-site farm market.
- b. In the ~~R~~-90, ~~R~~-60, ~~R~~-40, TLD, TMD, THD, ~~R~~-30, ~~R~~-20, ~~R~~-10, CRN, CRT, CR, EGR, ENR, ELS, EOF, and IL zones:
 - i. All merchandise for sale must be produced on-site.

- ii. The minimum setback for the sale and display area from any confronting or abutting property zoned Residential is 25 feet.

Sec. 3.2.11. Temporary Agricultural Uses

A. Agricultural Vending

1. Defined

Agricultural vending is the sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47.

2. Use Standards

Where agricultural vending is allowed as a limited use, it is subject to the following standards:

- a. A temporary use permit from DPS is required.
- b. The minimum setback from any dwelling is 100 feet.
- c. The property must:
 - i. be a minimum of 2 acres;
 - ii. be used for nonresidential purposes; and
 - iii. front on a roadway with a minimum of 4 travel lanes.
3. The maximum time the structure or vehicle used for sales can remain in the same location is 24 hours.

B. Seasonal Outdoor Sales

1. Defined

Seasonal outdoor sales is the temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.

2. Use Standards

Where seasonal outdoor sales use is allowed as a limited use, it is subject to the following standards:

- a. A temporary use permit from DPS is required.
- b. The property must be used for nonresidential purposes.
- c. Except where seasonal outdoor sales occur on the site of a religious assembly use, the property must front on and have access to a road built to primary or higher standards.

Div. 3.3. Residential Uses

Sec. 3.3.1. Household Living

A. Defined, In General

Household living is the residential occupancy of a dwelling unit by a household on a monthly or longer basis.

B. Single-Unit Living

1. Defined

Single-unit living is one dwelling unit contained in a single structure.

2. Use standards

Where single-unit living is allowed as a limited use:

- a. The gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

C. Two-Unit Living

1. Defined

Two-unit living is 2 dwelling units contained in a single structure.

2. Use Standards

Where two-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the RNC, RE-2C, and RE-1 zones, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see [Div. 6.1](#), MPDU Development in Rural Residential and Residential Zones) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in the applicable master plan.
- b. In the ~~R-200~~ zone, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see [Div. 6.1](#), MPDU Development in Rural Residential and Residential Zones).
- c. In the ~~R-90~~ and ~~R-60~~ zones, two-unit living is permitted as part of:

- i. a development including Optional Method Moderately Priced Dwelling Units (see [Div. 6.1](#), MPDU Development in Rural Residential and Residential Zones); or
 - ii. a cluster development (see [Div. 6.2](#), Cluster Development in Rural Residential and Residential Zones).
- d. In the ELS zone, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

D. Townhouse Living

1. Defined

Townhouse living is 3 or more dwelling units that are separated vertically by a party wall and contained in a single structure. Does not include Multi-Unit Living (see Sec. 3.3.1.E).

2. Use Standards

Where townhouse living is allowed as a limited use, it is subject to the following standards:

- a. In the RE-2C and RE-1 zones, townhouse living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in an applicable master plan.
- b. In the R-200 and ~~R-40~~ zones, townhouse living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones).
- c. In the R-90 and R-60 zones, townhouse living is permitted as part of:
 - i. a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones); or

- ii. a cluster development (see Div. 6.2, Cluster Development in Rural Residential and Residential Zones) that is a minimum of 10 acres in size; or
- iii. a cluster development (see Div. 6.2, Cluster Development in Rural Residential and Residential Zones) that is a minimum of 3 acres or more in size and recommended in a master or sector plan.
- d. In the EGR, ENR, ELS, and EOF zones, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

E. Multi-Unit Living

1. Defined

Multi-unit living is 3 or more dwelling units that are vertically or horizontally integrated and contained in a single structure. May include ancillary offices to manage, service, and maintain the development. Does not include Townhouse Living (see Sec. 3.3.1.D).

2. Use Standards

Where multi-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the EGR, ENR, ELS, and EOF zones, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

Sec. 3.3.2. Group Living

A. Defined, in General

Group living is the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under Sec. 3.3.1. Tenancy is arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

B. Dormitory

1. Defined

Dormitory is a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

C. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

Independent living facility for seniors or persons with disabilities is a building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities. The use may include facilities for services for residents such as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of the above operations.

2. Use Standards

- a. Where an independent living facility for seniors or persons with disabilities is allowed as a limited use, it is subject to the following standards:
 - i. Facility must meet all applicable Federal, State, and County licensure, certificate and regulatory requirements.
 - ii. Resident staff necessary for the operation of the facility are allowed to live on-site.
 - iii. Occupancy of a dwelling unit is restricted to the following:
 - (a) a senior adult or person with disabilities, as defined in Article 59-9, Defined Terms;
 - (b) the spouse of a senior or disabled resident, regardless of age or disability;
 - (c) a resident care-giver, if needed to assist a senior or disabled resident; or
 - (d) in a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister, or brother of a handicapped resident, regardless of age or disability.

- (e) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto.
- b. Where an independent living facility for seniors or persons with disabilities is allowed as a conditional use, it may be permitted by the Board of Adjustment subject to all limited use standards; Sec. 8.3.1, Conditional Use Plan; and the following standards:
 - i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
 - ii. The Board of Appeals may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.
 - iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined in Article 59-9, Defined Terms.
 - iv. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

- v. Notwithstanding the provisions of Sec. 4.4.8 (R-30) and Sec. 4.4.9, the maximum height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet.

D. Personal Living Quarters

1. Defined

Personal living quarters is any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and may have shared sanitation facilities.

2. Use Standards

a. Personal Living Quarters (Up to 50 Individual Living Units)

Where personal living quarters (up to 50 individual living units) are allowed as a limited use, it is subject to the following standards:

- i. Each individual living unit must have a minimum gross floor area of 150 square feet and a maximum gross floor area of 385 square feet.
- ii. Each individual living unit is prohibited from having complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances.
- iii. Each individual living unit may contain separate sanitation facilities.
- iv. Each individual living unit is subject to a rental agreement with a minimum lease term of at least 30 days.
- v. The maximum number of individual living units per acre is as follows:
 - (a) ~~R-30~~: 29 units per acre.
 - (b) ~~R-20~~: 43 units per acre.
 - (c) ~~R-10~~: 87 units per acre.
- vi. If individual living units are constructed on a lot or included in a building with complete dwelling units, the density standard for dwelling units in the zone applies to that portion of the lot that contains complete dwelling units.

b. Personal Living Quarters (Over 50 Individual Living Units)

Where personal living quarters (over 50 individual living units) are allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards for Personal Living Quarters (up to 50 individual living units), [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. An applicant for personal living quarters must submit evidence which shows how the maintenance and management of the personal living quarters will be provided. The Board of Appeals may require on-site management and maintenance.
- ii. Common open space may be required by the Board of Appeals as follows:
 - (a) 10% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of less than 200 square feet.
 - (b) 5% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of 200 square feet or greater.

E. Residential Care Facility

1. Defined, In General

- a. Residential care facility is a group care or similar facility for medical or non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual.
- b. The facility must be licensed and meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements.
- c. Resident staff necessary for operation of the facility are allowed to live on-site.
- d. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.

- e. Includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Does not include Hospitals (see [Sec. 3.4.6](#), Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Sec. 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

2. Residential Care Facility (Up to 8 Persons)

Where a residential care facility (up to 8 persons) is allowed as a limited use it may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

3. Residential Care Facility (9 - 16 Persons)

- a. Where a residential care facility (9 - 16 persons) is allowed as a limited use, abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).
- b. Where a residential care facility (9 - 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. Any property to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
 - ii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
 - iii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

4. Residential Care Facility (Over 16 Persons)

- a. Where a residential care facility (over 16 persons) is allowed as a limited use, abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).

- b. Where a residential care facility (over 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
- i. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents, subject to restrictions by the Board of Appeals.
 - ii. Any property to be used as a group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
 - iii. Where residential units are provided, the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone, whichever is greater.
 - iv. Where facility size is based on the number of beds, not units, the following lot area is required:
 - (a) In the ~~R~~ RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.
 - (b) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:
 - (1) in RE-2, RE-2C, RE-1, and ~~R~~ 200 zone: 1,200 square feet per bed;
 - (2) in ~~R~~ 60, ~~R~~ 90, and ~~R~~ 40 zone: 800 square feet per bed;
 - (3) in TLD, TMD, THD, ~~R~~ 30, and ~~R~~ 20 zone: 600 square feet per bed; and
 - (4) in ~~R~~ 10: 300 square feet per bed.
 - v. Independent dwelling units are subject to the residential portions of the MPDU provisions of **Section 25.A-5**.
 - vi. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 55 years or older, with the following exceptions:
 - (a) the spouse of a resident, regardless of age;
 - (b) another relative of a resident, 50 years of age and older; or
 - (c) the resident widow, widower or other surviving relative is allowed to remain if a resident dies while residing at the life care facility, regardless of age.
 - vii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
 - viii. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Sec. 3.3.3. Accessory Residential Uses

A. Accessory Apartment, Attached

1. Defined

Attached accessory apartment is a second dwelling unit in a detached house building type. An attached accessory apartment has a separate entrance and is subordinate to the principal dwelling.

2. Use Standards

- a. Where an attached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment is allowed per lot.
 - ii. The owner of the lot must occupy one of the units.
 - iii. The accessory apartment must have the same street address as the principal dwelling.
 - iv. The separate entrance must not be located along the front building line.
 - v. A minimum of one off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.

- vi. In the RE-2, RE-2C, RE-1, and ~~R-200~~ zones, an accessory apartment is prohibited if located:
 - (a) within 500 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - vii. In the ~~R-90~~, ~~R-60~~, ~~R-40~~, TLD, TMD, THD, ~~R-30~~, ~~R-20~~, and ~~R-10~~ zones, an attached accessory apartment is prohibited if located:
 - (a) within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - viii. Attached Accessory Apartment, Small (up to 800 SF):
 - (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
 - (b) The maximum number of occupants is 3 persons.
 - ix. Attached Accessory Apartment, Large (801 to 1,200 SF):
 - (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
 - (b) The maximum number of occupants is 5 persons.
 - x. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).
- b. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and **Sec. 8.3.1**, Conditional Use Plan. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.

B. Accessory Apartment, Detached

1. Defined

Detached accessory apartment is a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. A detached accessory apartment is subordinate to the principal dwelling.

2. Use Standards

- a. Where a detached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment is allowed per lot.
 - ii. The owner of the lot must occupy one of the units.
 - iii. The accessory apartment must have the same street address as the principal dwelling.
 - iv. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
 - v. In the RE-2, RE-2C, and RE-1 zones, a detached accessory apartment is prohibited if located:
 - (a) within 500 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - vi. In the ~~R-30~~, ~~R-20~~, and ~~R-10~~ zones, a detached accessory apartment is prohibited if located:
 - (a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - vii. Detached Accessory Apartment, Small (up to 800 SF):

(a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.

(b) The maximum number of occupants is 3 persons.

viii. Detached Accessory Apartment, Large (801 to 1,200 SF):

(a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.

(b) The maximum number of occupants is 5 persons.

ix. Any new structure built for the purpose of occupying as a large detached accessory apartment must have the same minimum side setback as the principal dwelling and the minimum rear setback is 12 feet.

b. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals, subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

i. In the TLD, TMD, and THD zones, a detached accessory apartment is prohibited if located:

(a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and

(b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

ii. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.

iii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

C. Dwellings for Caretakers/Watchkeepers

1. Defined

Dwellings for caretakers/watchkeepers are dwelling units for caretakers or watchkeepers and their families.

D. Farm Tenant Dwelling

1. Defined

Farm tenant dwelling is a dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. [May](#) include up to 3 mobile homes. A farm tenant dwelling is not restricted by the definition of household, and may share a well and/or septic system.

2. Use Standards

Where a farm tenant dwelling is allowed as a limited use, it is subject to the following standards:

- [In the Agricultural and Rural Residential zones](#), it is excluded from any density calculations, provided that it remains accessory to a farm. If the property associated with a farm tenant dwelling is [subsequently](#) subdivided, these provisions no longer apply.
- The maximum number of tenants in a single dwelling is limited by well and septic capacity.
- [In the Agricultural, Rural Residential, RE-2, and RE-1 zones](#), a farm tenant dwelling in existence prior to June 1, 1958, may be rented to a tenant other than an agricultural worker, provided that the dwelling meets all applicable health and safety regulations.
- [In the RE-2, RE-1, and R-200 zones, only one mobile home is allowed.](#)
- [In the R-90, R-60, and R-40 zones, mobile homes are prohibited.](#)

E. Home Health Practitioner

1. Defined, In General

Home health practitioner is the office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution. A registered nurse or physician's assistant is a health practitioner only if that person has an advanced degree

in the field and practices independently. Does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

2. Use Standards for All Home Health Practitioners

- a. All home health practitioners must be registered with DPS, under **Sec. 8.4.3.**, Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.
 - iv. The maximum amount of floor area used for the home health practitioner is 33% of the eligible floor area of the dwelling unit plus any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
 - v. If an accessory building is used for any part of the home health practice, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
 - vi. Equipment or facilities are limited to:
 - (a) office equipment; or
 - (b) medical equipment.
 - vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
 - viii. Disposal of medical waste must be regulated by State Laws and Regulations.
 - ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

- x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.
- xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
- xii. Must provide valid proof of home address as established under **Method 2 of Section 2A-15.**
- xiii. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

3. Home Health Practitioner (Low Impact)

a. Defined

Low impact home health practitioner's office is a home health practitioner's office that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.

b. Use Standards

- i. Where a low impact home health practitioner is allowed as a limited use, it is subject to the following standards:
 - (a) The maximum number of visits is 20 per week and no more than 5 per day (excludes deliveries) total, including any home occupations on-site. May treat more than one patient or client at a time, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
 - (b) The maximum number of deliveries is 10 per week, and no more than 2 per day.
 - (c) The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
 - (d) A maximum of one low impact home occupation and one low impact home health practitioner is allowed.
 - (e) An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.

- ii. Where a low impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1**, Conditional Use Plan.

4. Home Health Practitioner (Major Impact)

a. Defined

Major home health practitioner's office is a home health practitioner's office limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.

b. Use Standards

Where the major impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plans, and the following standards:

- i. The hours of operation and number of clients, customers, patients or other visitors allowed during that time are determined by the Board of Appeals.
- ii. The maximum number of deliveries is determined by the Board of Appeals.
- iii. On-site sale of goods is determined by the Board of Appeals.
- iv. The Board of Appeals may grant a conditional use for a major impact home health practitioner on the same property as a low impact home health practitioner, if it finds that both together can be operated in accordance with the provisions of this section and **Sec. 8.3.1**, Conditional Use Plans.
- v. The Board of Appeals must not grant a conditional use for more than one major impact home health practitioner's facility or major impact home occupation on the same property.
- vi. The Board of Appeals must not grant a conditional use for a home health practitioner's facility where the property is already approved for any other conditional use under **Sec. 8.3.1**, Conditional Use Plan.
- vii. A conditional use for a major impact home health practitioner is granted for a 2 year period, and the conditional use may be renewed

if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.

- viii. An indoor waiting room must be provided.

F. Home Occupation

1. Defined, In General

Home occupation is any occupation that provides a service or product and is conducted within a dwelling unit. A home occupation is subordinate to the principal dwelling. Does not include Home Health Practitioner (see **Sec. 3.3.3.E**, Home Health Practitioner), Bed and Breakfast (see **Sec. 3.5.6.B**, Bed and Breakfast), Day Care (see **Sec. 3.4.3**, Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see **Sec. 3.5.5**, Landscape Contractor), or Private Educational Institution (see **Sec. 3.4.4**, Educational Institution (Private)).

2. Use Standards for all Home Occupations

- a. All home occupations, except no impact home occupations, must be registered with DPS under **Sec. 8.4.3**, Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area, except for the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than 2 single axle trailers or trucks. The use must be subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.
 - iv. The maximum amount of floor area used for the home occupation must not exceed 33% of the total eligible area of the dwelling unit

and any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.

- v. If an accessory building is used for any part of the home occupation, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
- vi. Equipment or facilities are limited to:
 - (a) domestic, household or lawn maintenance service equipment;
 - (b) office equipment; or
 - (c) any equipment reasonably necessary for art production, hand-crafts, or making beer or wine.
- vii. Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home occupation.
- viii. No home occupation is allowed to involve use, storage, or disposal of:
 - (a) a quantity of a petroleum product sufficient to require a special license or permit from The Fire Chief; or
 - (b) any material defined as hazardous or required to have a special handling license under State and County law.
- ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- x. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
- xi. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- xii. A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.
- xiii. The maintenance or repair of motor vehicles for compensation is prohibited.

3. Home Occupation (No Impact)

a. Defined

No impact home occupation is a home occupation that is not required to register with DPS. The repair and maintenance of motor vehicles for compensation is prohibited.

b. Use standards

Where a no impact home occupation is allowed as a limited use, it is subject to the following standards:

- i. Nonresident employees are prohibited.
- ii. The maximum number of visits and deliveries for all no impact home occupations on-site is 5 per week.
- iii. In-person sale of goods is prohibited.
- iv. Display or storage of goods is limited to samples of merchandise that may be ordered by customers for delivery at other locations.

4. Home Occupation (Low Impact)

a. Defined

Low impact home occupation is a home occupation that is required to register with DPS.

b. Use Standards

Where a low impact home occupation is allowed as a limited use, it is subject to the following standards:

- i. The maximum number of nonresident employees allowed per 24-hour period is one.
- ii. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on-site.
- iii. The maximum number of deliveries is 10 per week, and no more than 2 per day for all home occupations on-site.
- iv. In-person sale of goods is limited to:

- (a) handcrafts, art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry, pottery, and musical instruments, which are produced on-site by a resident of the dwelling; and
- (b) no more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
 - (a) products enumerated in [Sec. 3.3.3.F.4.b.iv.\(a\)](#); and
 - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. The maximum number of low impact home occupations allowed in a single dwelling unit is 2.
- vii. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- viii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

5. Home Occupation (Major Impact)

a. Defined

Major impact home occupation is a home occupation that is required to register with DPS and is regulated under [Sec. 8.3.1](#), Conditional Use Plan.

b. Use Standards

Where a Major Home occupation is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. The maximum number of nonresident employees allowed per 24-hour period is 2.
- ii. The maximum number of visits and deliveries is determined by the Board of Appeals.
- iii. An indoor waiting room must be provided.

- iv. In-person sale of goods is limited to:
 - (a) the products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or hand-crafts performed by a resident of the dwelling; and
 - (b) a maximum of 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
 - (a) the products enumerated in [Sec. 3.3.3.F.5.b.iv.\(a\)](#); and
 - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
- vii. The Board of Appeals may grant a conditional use for a major impact home occupation on the same property as a low impact home occupation, if it finds that both together can be operated in a manner that satisfies the provisions of this section and [Sec. 8.3.1](#), Conditional Use Plan.
- viii. The Board of Appeals must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.
- ix. The Board of Appeals must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with [Sec. 8.3.1](#), Conditional Use Plan.
- x. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- xi. A conditional use for a major impact home occupation is granted for a 2 year period, and the conditional use may be renewed if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.
- xii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

G. Live/Work Units

1. Defined

Live/work units are buildings, or spaces within buildings, that combine a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

Div. 3.4. Civic and Institutional Uses

Sec. 3.4.1. Ambulance, Rescue Squad (Private)

A. Defined

Ambulance, rescue squad (private) is a volunteer, privately supported, or non-profit facility providing emergency fire protection, rescue, and ambulance services. Does not include non-emergency ambulance transportation services.

B. Use Standards

1. Where an ambulance, rescue squad (private) is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
2. Where an ambulance, rescue squad (private) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - a. The minimum lot area is 20,000 square feet
 - b. The minimum lot width at the front property line is 100 feet.
 - c. The minimum front setback is 30 feet.
 - d. The minimum side interior setback and rear setback is 25 feet.

Sec. 3.4.2. Charitable, Philanthropic Institution

A. Defined

1. Charitable or philanthropic institution is a private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, recreation, or environmental conservation.
2. Does not include an organization whose purpose is the operation of a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Also does not include other uses specifically defined or regulated in this ordinance such as a: religious institution (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.5,

Educational Institution (Private), library or museum (See Sec. 3.4.3, Cultural Institution), private club or service organization (See Sec. 3.4.8, Private Club, Service Organization), hospital (See Sec. 3.4.6, Hospital), residential care facility (See Sec. 3.3.2.E, Residential Care Facility), or independent living facilities for senior adults or persons with disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

B. Use Standards

Where a charitable or philanthropic institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. In the AR, R, RC, and RNC:
 - i. The charitable or philanthropic institution is the re-use of an existing building.
 - ii. The property fronts on and has direct access to a public road built to arterial or higher standards. Frontage on and access to an arterial or higher standard is not required where the Board of Appeals finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.
 - iii. The minimum side setback is twice that required for a detached house.
 - iv. The minimum lot width at the front property line is twice that required for a detached house.
 - v. The minimum green area is 50%.
 - vi. The maximum coverage is half of the maximum allowed for a detached house.
 - vii. The maximum FAR is 0.2.
 - viii. In the R and RC zones, the maximum lot size is 5 acres.
 - ix. In the AR and RNC zones, the minimum lot size is twice that required for a detached house and the maximum lot size is 2 acres.
 - x. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

- b. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:
- i. The property fronts on and has direct access to a road built to primary residential road or higher standards. Access to a corner lot may be from an adjoining primary street, constructed to primary standards, if the Board finds this access to be appropriate and not detrimental to existing residential uses on that primary street.
 - ii. The minimum side setback is twice that required for a detached house.
 - iii. The minimum lot width at the front property line is twice that required for a detached house.
 - iv. The maximum FAR is 0.25.
 - v. In the R-90 and R-60 zones, the minimum green area is 50% and the maximum building height is 35 feet.
 - vi. In the R-200 zone, the minimum green area is 60% and the maximum building height is 50 feet.
 - vii. In the RE-2, RE-2C, RE-1 zones, the minimum green area is 70%.
 - viii. Outdoor recreation facilities are screened from adjacent residential properties in accordance with Div. 7.5, Landscaping and Outdoor Lighting.
 - ix. Any lighting associated with outdoor recreation facilities meets the requirements of Div 7.5, Landscaping and Outdoor Lighting.

Sec. 3.4.3. Cultural Institution

A. Defined

Cultural institution is a private facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study or reference. The objects are not typically offered for sale. Includes a museum, cultural or art exhibit, and library.

B. Use Standards

Where a cultural institution is allowed as a limited use the gross floor area is a maximum of 5,000 square feet unless it is designated in the Master Plan for Historic Preservation.

Sec. 3.4.4. Day Care Facility

A. Defined, in General

Day care facility is a location where care for an individual is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 17 years; any developmentally disabled person; any handicapped individuals; or elderly individuals. The definition of day care facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least 5 years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see Sec. 3.4.5, Educational Institution (Private)).

B. Exemptions

The requirements of this Section (Sec. 3.4.4) do not apply to a day care center operated by a nonprofit organization and located in:

1. a structure owned or leased by a religious organization and used for worship or a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;
2. a structure used for private parochial education purposes which is exempted from the conditional uses standards under Sec. 3.4.5, Educational Institution (Private); or
3. a publicly-owned building.

C. Family Day Care (Up to 8 Persons)

1. Defined

Family day care is a day care facility for a maximum of 8 persons in the dwell-ing where the registrant is the provider and a resident, or when the registrant is not a resident but more than half the children cared for are residents. The provider's own children under the age of 6 are counted within the group of 8. Staffing must comply with state and local regulations, but no more than 2 nonresident staff members can be on-site at any time. If the provider is not a resident and does not meet the requirement for a non-resident provider, the provider may file a conditional use plan for a Day Care Center (13-30 Persons) (see Sec. 3.4.3.E).

D. Group Day Care (9 - 12 Persons)

1. Defined

Group day care is a day care facility for 9 to 12 persons where staffing and facility comply with state and local regulations. The provider's own children under the age of 6 are counted towards the maximum allowed persons.

2. Use Standards

- a. Where a group day care is allowed as a limited use, it is subject to the following standards:
 - i. The facility must not be located in a townhouse or duplex building type;
 - ii. In a detached house, the registrant is the provider and a resident. If the provider is not a resident, the provider may file a conditional use plan for a Day Care Center (13-30 Persons) (see Sec. 3.4.3.E);
 - iii. In a detached house, no more than 3 non-resident staff members are on-site at any time; and
 - iv. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- b. Where a group day care for 9 to 12 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to all limited use standards and Sec. 8.3.1, Conditional Use Plan.

E. Day Care Center (13 - 30 Persons)

1. Defined

Day care center (13-30 persons) is a day care facility for 13 to 30 persons where staffing and facility comply with state and local regulations.

2. Use Standards

Where a day care center for 13 to 30 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The facility must not be located in a townhouse or duplex building type;

- b. An adequate area for the discharge and pick up of children is provided; and
- c. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

F. Day Care Center (Over 30 Persons)

1. Defined

Day care center (over 30 persons) is a day care facility for over 30 persons where staffing and facility comply with state and local regulations; prohibited in a townhouse or duplex building type.

2. Use Standards

- a. Where a day care center for over 30 persons is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
- b. Where a day care center for over 30 persons is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Board of Appeals finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
 - ii. An adequate area for the discharge and pick up of children is provided.
 - iii. The Board of Appeals may limit the number of children outside at any one time.
 - iv. In the RE-2, RE-2C, RE-1, ~~R-200~~, ~~R-90~~, ~~R-60~~, and ~~R-40~~ zones, the day care center is located on a property containing a minimum of 500 square feet per person. The Board of Appeals may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:

- (a) the facility will predominately serve children from an age range that requires limited outdoor activity space;
- (b) the additional density will not adversely affect adjacent properties; and
- (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
- v. The Board of Appeals may limit the number of persons permitted for overnight care.
- vi. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Sec. 3.4.5. Educational Institution (Private)

A. Defined

Private educational institution is a private school or educational or training institution, providing instruction or programs of learning. A private educational institution may include tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Does not include schools operated by the County Board of Education.

B. Exemptions

The requirements of this Section (Sec. 3.4.5) do not apply to the use of any property for any private educational institution or parochial school which is located in a building or on premises owned or leased by any church or religious organization. This exemption does not apply to any private educational institution which received approval by the Board of Appeals to operate a private educational institution conditional use in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the decision of the Board of Appeals was issued.

C. Use Standards

1. Where a private educational institution is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural Residential, or

Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4

2. Where a private educational institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - i. The private educational institutional will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood.
 - ii. The private educational institution will be in a building compatible with the residential character of the surrounding neighborhood, and, if the private educational institution is located on a lot of 2 acres or less, in either an undeveloped area or an area substantially developed with detached houses, the exterior architecture of the building must be similar to a detached house design, and at least comparable to any existing homes in the immediate neighborhood.
 - iii. That the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community.
 - iv. The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board of Appeals considering the following factors:
 - (a) traffic patterns, including:
 - (1) impact of increased traffic on residential streets;
 - (2) proximity to transit services, arterial roads and major highways; and
 - (3) provision of measures for Transportation Demand Management as defined in Section 42A-21.
 - (b) adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to

- effectively deter vehicle queues from spilling over onto adjacent streets; and
- (c) noise or type of physical activity.
- v. Density greater than 87 pupils per acre may be permitted only where the Board of Appeals finds that:
 - (a) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
 - (b) the additional density will not adversely affect adjacent properties; and
 - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
- vi. Outdoor recreation facilities are screened from adjacent residential properties in accordance with [Div. 7.5](#), Landscaping and Outdoor Lighting.
- vii. Any lighting associated with outdoor recreation facilities meets the requirements of [Div 7.5](#), Landscaping and Outdoor Lighting.
- viii. If a private educational institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses; (ii) art education programs; (iii) artistic performances; (iv) indoor and outdoor recreation programs; or (v) summer day camps, the Board of Appeals must find, in addition to the other required findings for the grant of a conditional use, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board of Appeals must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board of Appeals.

- ix. The Board of Appeals may limit the number of participants and frequency of events authorized in this Section ([Sec. 3.4.5](#)).
- x. A conditional use is not required for any private educational institution that is located in a building or on premises that have been used for a public school or that are owned or leased by the County.
- xi. A site plan under [Sec. 8.3.4](#) is required for construction of a private educational institution on vacant land owned or leased by the County.

Sec. 3.4.6. Hospital

A. Defined

Hospital is an institution providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care. Related facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities and staff offices integral to the facility are accessory to the hospital. Does not include a stand-alone hospice (see [Sec. 3.3.2.E](#), Residential Care Facility).

B. Use Standards

Where a hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The Board of Appeals finds that the hospital will not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the present character or future development of the surrounding residential community.
2. The minimum area of the lot is 5 acres.
3. The minimum lot width at the front property line is 200 feet.
4. Where the adjoining or nearest adjacent land is zoned Residential Detached or is used solely for detached houses, no portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, and in all other cases a minimum of 50 feet from a lot line.
5. Off-street parking shall be located so as to achieve a maximum of coordina-

tion between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas.

6. Parking shall be limited to a minimum between the front property line and the front building line.
7. Notwithstanding the provisions of Sec. 4.4.9.C, Sec. 4.6.9.D, and Sec. 4.7.4.D the maximum height of a hospital building is 145 feet.

Sec. 3.4.7. Playground, Outdoor Area (Private)

A. Defined

Playground, outdoor area is an area used for outdoor play or recreation, often containing recreational equipment such as slides or swings. Includes both passive and active facilities, trails and greenways.

Sec. 3.4.8. Private Club, Service Organization

A. Defined

Private club, service organization is an association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

B. Use Standards

1. Where a private club, service organization is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
2. Where a private club or service organization is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - a. The minimum lot size required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.
 - b. The minimum lot width at the front property line is twice that required for a detached house.

- c. The maximum building coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.
- d. The minimum open space requirement is 50%.
- e. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Sec. 3.4.9. Public Use (Except Utilities)

A. Defined

Public use, except utilities, is a publicly-owned or publicly operated use. Includes County office buildings, maintenance facilities, public schools and parks, post office, state and federal buildings. Does not include Public Utility Buildings or Structures (see Sec. 3.6.7.C, Public Utility Building or Structure).

Sec. 3.4.10. Religious Assembly

A. Defined

Religious assembly is a meeting area for religious practices. Includes church, synagogue, mosque, convent and monastery. Includes a memorial garden on the premises.

B. Use Standards

Where a religious assembly facility is allowed as a limited use in the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Sec. 3.4.11. Swimming Pool (Community)

A. Defined

Community swimming pool is a private swimming pool shared by its members. Does not include swimming pools owned by a homeowner's association, operated as part of an apartment complex, or pools that are accessory to a dwelling. Recreational facilities such as tennis courts may be allowed as an accessory use.

B. Use Standards

Where a community swimming pool is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan (excluding Sec. 8.3.1.D), and the following standards:

1. The swimming pool, including the pool deck and any buildings, is set back

a minimum of 75 feet from any property line shared with a property zoned Agricultural, Rural Residential, or Residential or at least 125 feet from any existing residential dwelling, whichever is greater.

2. The swimming pool, including the pool deck and any buildings, is set back a minimum of 25 feet from any public right-of-way or property line shared with a property zoned Commercial/Residential, Employment, or Industrial.
3. Buildings must comply with the requirements of the zone in which the pool is located.
4. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse effect on the private water supply for the community.

Div. 3.5. Commercial Uses

Sec. 3.5.1. Animal Services

A. Defined, In General

Animal services is a facility providing care for animals. Does not include any use considered accessory to farming.

B. Animal Boarding and Care

1. Defined

Animal boarding and care is any building or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for profit, not including those animals raised for agricultural purposes.

2. Use Standards

- a. Where animal boarding and care is allowed as a limited use, it is subject to the following standards:
 - i. All interior areas for the keeping of animals must be soundproofed.
- b. Where animal boarding and care is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. In the AR, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200 zones:
 - (a) The minimum lot size is 2 acres or the minimum lot size required for a detached house building type in the zone, whichever is greater.
 - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 200 feet from any property line and screened from adjacent residential properties.
 - (c) All exterior exercise areas and runs must be fenced.
 - (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.

- (e) Animals must not be walked or exercised in outdoor areas that are off-site.
- (f) The sound at the nearest property line cannot exceed 60 dBA.
- (g) All buildings and accessory structures must be set back a minimum of 50 feet from any property line.
- (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy [Chapter 31B](#) as measured at the property line.
- (i) All litter and animal waste must be contained and controlled on the site.
- (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked, or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (m) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - (2) Detailed floor plans that show all the interior areas, including runs and kennels.

- (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (n) In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- ii. In the Commercial/Residential zones:
 - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
 - (b) All interior areas for the keeping of animals must be sound-proofed.

C. Veterinary Office/Hospital

1. Defined

Veterinary office or hospital is a building or establishment where medical, surgical and other veterinary care is provided to domestic animals. Animals may stay overnight only for medical purposes. Does not include Animal Boarding and Care (see Sec. 3.5.1.B, Animal Boarding and Care)

2. Use Standards

- a. Where a veterinary office/hospital is allowed as a limited use, it is subject to the following standards:
 - i. In the Commercial/Residential and Employment zones, exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
 - ii. All interior areas for the keeping of animals must be soundproofed.
 - iii. In the CRN, CRT, and CR zones, where the use abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4
- b. Where a veterinary office/hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- i. In Agricultural, Rural Residential, and Residential Detached zones:
 - (a) In the R-90 and R-60 zones:
 - (1) The minimum lot size is one-half acre; and
 - (2) In the R-60 zone, the veterinary office/ hospital must be located on a property with frontage on a road with a minimum existing right-of-way width of 90 feet, that confronts a property zoned Commercial/Residential or Employment.
 - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any property line and screened from adjacent residential properties.
 - (c) All exterior exercise areas and runs must be fenced.
 - (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
 - (e) Animals must not be walked or exercised in outdoor areas that are off-site.
 - (f) The sound at the nearest property line cannot exceed 60 dBA.
 - (g) All buildings and accessory structures must be set back a minimum of 50 feet from any residential property line.
 - (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.
 - (i) All litter and animal waste must be contained and controlled on the site.
 - (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
 - (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.

- (l) The Board of Appeals may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.
- (m) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (n) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
 - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (o) In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- ii. In the CRN zone:
 - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
 - (b) All interior areas for the keeping of animals must be sound-proofed.

Sec. 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

Cable communications system is a system of antennas, towers, and cables operated to transmit or receive electronic signals, programs, and provide services to subscribing members of the public. The transmission and distribution lines, wires, and cables that are component elements of a cable communications system are permitted uses in all zones. Does not include any facility where the cables do not cross public rights-of-way and that serves only the occupants of a single lot or parcel of land under common ownership or management.

2. Use Standards

Where a cable communications system is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Any proposed tower must be setback one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.
- b. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
- c. Structures, buildings and facilities in which or on which component elements of a cable communications system are located or which otherwise support the system, and which are operated by the entity operating the cable communications system pursuant to a franchise awarded by Montgomery County, may be allowed upon approval by the Board of Appeals.
- d. Offices are prohibited in residential zones as part of the cable communications system.

B. Freestanding Wireless Communications Tower

1. Defined

Freestanding wireless communications tower is any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Consists of one or more antennas attached to a support structure and related equipment. Does not include amateur radio antenna (see [Sec. 3.5.14](#), Amateur Radio Facility) or radio or TV tower (see [Sec. 3.5.2.C](#), Media Broadcast Tower).

2. Use Standards

- a. Where a freestanding wireless communications tower is allowed as a limited use, it is subject to the following standards:
 - i. It must not be staffed.
 - ii. Antennas are limited to the following types and dimensions:
 - (a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
 - (b) directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
 - (c) satellite or microwave dish antennas with a maximum diameter of 8 feet.
 - iii. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
 - iv. In the AR, R, and RC zones, the tower must be located within an overhead transmission line right-of-way and is a maximum height of 199 feet. The tower must be a minimum of 300 feet from any residence. A freestanding wireless communications tower conditional use application may be filed with the Board of Appeals to deviate from this standard.
 - v. In the ELS, IL, and IH zones, the tower is a maximum height of 199 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential.
 - vi. In the EGR and EOF zones, the tower is a maximum height of 150 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential. A freestanding wireless communications tower conditional use application may be filed with the Board of Appeals to deviate from this standard.
- b. Where a freestanding wireless communications tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. Before the Board of Appeals grants any conditional use for a free-standing wireless communications tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than 90 days old.
 - ii. A communications tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - (a) Freestanding wireless communications towers are prohibited in any scenic setback indicated on an approved and adopted master plan.
 - (b) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
 - (c) In the Employment and Industrial zones, a distance of one-half foot for every foot of height when abutting Commercial/Residential, Employment, or Industrial zoned properties, and one foot for every foot of height when abutting Agricultural, Rural Residential, or Residential zoned properties.
 - (d) The Board of Appeals may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure,

whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may not be approved if there is no location on the site where the setback requirements can be met.

- iii. The maximum height of a support structure and antenna is 155 feet, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure conforms with the height and location of the support structure as authorized in the building permit.
- iv. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.
- v. The property owner must be an applicant for the conditional use for each support structure.
- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use grant.
- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Board of Appeals finds:
 - (a) that collocation at the site is not essential to the public interest; and

- (b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.
- ix. The support structure must be removed at the cost of the owner of the freestanding wireless communications tower when the wireless freestanding communications tower is no longer in use by any wireless communication carrier for more than 12 months.
- x. The support structure must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.
- xi. Each owner of the freestanding wireless communications tower is responsible for maintaining the wireless communications tower in a safe condition.

C. Media Broadcast Tower

1. Defined

Media broadcast tower is any facility used to transmit radio or television communications that are intended to be received by the general public. Includes radio and microwave antenna. Does not include amateur radio antenna (see [Sec. 3.5.14.](#), Amateur Radio Facility) or wireless tower (see [Sec. 3.5.2.B](#), Freestanding Wireless Communications Tower).

2. Use Standards

- a. Where a media broadcast tower is allowed as a limited use, it is a maximum height of 199 feet and is setback one foot for every foot of height from any property zoned Agricultural, Rural Residential, or Residential.

- b. Where a media broadcast tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
- i. Before the Board of Appeals grants any conditional use for a media broadcast tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.
 - ii. Any media broadcast tower that is collocated on an existing tower is not required to obtain a conditional use permit. A modification of a media broadcast tower conditional use permit is only required for a change to any use within the conditional use area directly related to the conditional grant.
 - iii. A media broadcast tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - (a) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 275 feet from an existing dwelling, whichever is greater.
 - (b) In the Employment and Industrial zones, a distance of one foot for every foot of height.
 - (c) The Board of Appeals may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone or to a distance of one foot from an off-site dwelling for every foot of height of the support structure, whichever is greater, if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback
 - iv. may not be approved if there is no location on the site where the setback requirements can be met.
 - iv. The maximum height of the support structure is 275 feet, except where it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure as built conforms with the height and location of the support structure as authorized in the building permit.
 - v. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.
 - vi. The property owner is an applicant for the conditional use for each support structure.
 - vii. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower. The outdoor storage of equipment or other items is prohibited.
 - viii. Signs or illumination are prohibited on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
 - ix. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
 - x. Any support structure is identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The

sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.

- xi. The owner of the facility is responsible for maintaining the facility in a safe condition.

Sec. 3.5.3. Eating and Drinking

A. Country Inn

1. Defined

Country inn is an establishment for dining in a rural area. A country inn may include a maximum of 12 overnight guest rooms.

2. Use Standards

Where a country inn is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum lot area is 2 acres.
- b. The maximum building coverage is 10%.
- c. A minimum of 50% of the lot must be open space.
- d. The minimum setback from any street is 50 feet. The minimum setback from any other property line is 75 feet.
- e. A lawfully existing structure may be used that does not meet these requirements.

B. Restaurant

1. Defined

Restaurant is an establishment that prepares and sells food or drink for on- or off-site consumption. Includes catering and banquet facilities. Does not include Drive-Thru Facilities (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

2. Use Standards

- a. Where a restaurant is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential

Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).

- b. Where a restaurant is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

Sec. 3.5.4. Funeral and Interment Services

A. Cemetery

1. Defined

Cemetery is a place used for the permanent interment of humans or animals or their cremated remains. Does not include a memorial garden on the premises of a religious institution (see [Sec. 3.4.10](#), Religious Assembly).

2. Use Standards

Where a cemetery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The proposed location is compatible with adjacent land uses, and will not adversely affect the public health, safety and welfare of the inhabitants of the area.
- b. All grave sites are sufficiently set back to establish a buffer between the site and surrounding properties. The buffer area so created must be suitably landscaped with trees and shrubs.
- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high water table.
- d. In the AR, R₁ and RC zones, a family burial site is allowed as an accessory use on a residentially developed property and may be approved on a lot or parcel that is appropriate to the circumstances and is a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any adjoining residential property and a minimum of 50 feet from any existing or master-planned street. The use of any property for a

family burial site must be recorded in the lands records of Montgomery County.

B. Crematory Services

1. Defined

Crematory services is a facility in which cremation occurs.

2. Use Standards

Where crematory services is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

C. Funeral Home, Undertaker

1. Defined

Funeral home or undertaker is a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

Where a funeral home or undertaker is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The cremation of remains is prohibited.
- b. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.
- c. The property and building must conform to the following:
 - i. In the RE-2, RE-1, ~~R-200~~, and ~~R-90~~ zones, the minimum lot area is 2 acres.
 - ii. The minimum side setback is 50 feet.
 - iii. The minimum rear setback is 50 feet.

- iv. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
- v. Frontage upon and access to a street or roadway with a minimum of 4 travel lanes.
- d. In the AR zone, this use is allowed only where operating in conjunction with a cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.5.5. Landscape Contractor

A. Defined

Landscape contractor is the business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Includes tree installation, maintenance, or removal.

B. Use Standard

Where a landscape contractor is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan and the following standards:

1. In the Agricultural, Rural Residential, and Residential Detached zones the minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory or operation.
2. Building and parking setbacks, including loading areas, are a minimum of 50 feet.
3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on-site must be limited by the Board of Appeals to avoid an adverse impact on adjoining uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
4. Sale of plant materials, garden supplies or equipment is prohibited unless the contracting business is associated with a retail or wholesale nursery.

5. The Board of Appeals may regulate hours of operation and other on-site operations to avoid adverse impact on adjoining uses.
6. In evaluating the compatibility of the landscape contractor with surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural or Rural Residential zone does not necessarily need to be controlled as stringently as the impact on a dwelling in a Residential zone.

Sec. 3.5.6. Lodging

A. Defined, In General

Lodging is a facility for short-term overnight lodging of guests for compensation.

B. Bed and Breakfast

1. Defined

Bed and breakfast is a detached house that is owner-occupied with no more than 5 guest rooms. Breakfast is customarily served to guests.

2. Use Standards

- a. Where a bed and breakfast is allowed as a limited use, it is subject to the following standards:
 - i. A bed and breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a farm tenant dwelling, or on a property that includes an accessory apartment.
 - ii. The display of a sign must include the official house number.
 - iii. Breakfast is the only meal that may be served and only to overnight guests.
 - iv. A guest must only remain in a bed and breakfast for a maximum of 14 days in any one visit.
 - v. A record of all overnight visitors must be maintained.
 - vi. The bed and breakfast must be registered with DPS.

- vii. The minimum area of the lot or parcel must be the greater of 9,000 square feet or the minimum lot size for a detached house building type in the zone.
 - viii. On a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
 - ix. Parking must be located behind the front building line unless the Board finds there is inadequate space or screening.
 - x. In the AR zone, this use may be prohibited if not accessory to Farming (see Sec. 3.1.5, Transferable Development Rights).
- b. Where a bed and breakfast is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - i. The Board of Appeals may deny a petition for bed and breakfast with frontage on and access to a road built to less than primary residential standards if it finds that road access will unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
 - ii. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Board of Appeals may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

C. Hotel, Motel

1. Defined

Hotel or motel is a facility containing guest rooms arranged for short term stays of less than 30 days for compensation. May contain one or more restaurants, meetings rooms or banquet facilities. Includes hostel.

Sec. 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

1. Defined

Clinic for up to 4 medical practitioners is any building occupied by medical practitioners (such as a licensed physician, surgeon, dentist, osteopath,

chiropractor, or optometrist) and related services to provide health services on an outpatient basis.

2. Use Standards

Where a clinic for up to 4 medical practitioners is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum front lot width is 100 feet.
- b. The minimum setback from an adjoining lot is 40 feet.
- c. The property must front on and have direct access to an arterial or higher standard roadway.
- d. Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed according to a conditional use grant.
- e. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

B. Clinic (More than 4 Practitioners)

1. Defined

Clinic for more than 4 practitioners is a facility occupied by medical or dental practitioners, and any related services, to provide health services on an outpatient basis. Does not include emergency medical care accessory to a hospital.

2. Use Standards

Where a clinic for more than 4 practitioners is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential,

or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).

C. Medical, Dental Laboratory

1. Defined

Medical or dental laboratory is a private, non-profit or research facility for the testing of blood and other clinical specimens. May conduct fabrication of medical or dental appliances. Includes blood or plasma donation center.

Sec. 3.5.8. Office and Professional

A. Office

1. Defined

Office is activities conducted in an office setting and generally focusing on business, professional or financial services. Includes chancery. Does not include Medical, Dental Laboratory (see [Sec. 3.5.7.C](#), Medical, Dental Laboratory), Medical, Dental practice (see [Sec. 3.5.7](#), Medical and Dental) or Veterinary Hospital (see [Sec. 3.5.1.C](#), Veterinary Office/Hospital).

2. Use Standards

Where an office is allowed as a limited use, it is subject to the following standards:

- a. An office for a company that is not principally engaged in health services, research and development, or high technology industrial activities is limited to 40% of the gross floor area.

B. Nonresident Professional

1. Defined

Nonresident professional office is an existing detached house structure used for professional office purposes by any member of a recognized profession, such as but not limited to psychiatrist, lawyer, architect, accountant, or engineer.

2. Use Standards

Where a nonresident professional office is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. A general business office such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank, or real estate company are prohibited.
- b. The property must be:
 - i. In the R-60 zone, designated as suitable for a nonresident professional office in an approved and adopted master or sector plan and located along a highway with an existing right-of-way with a minimum width of 90 feet;
 - ii. In the R-90 zone:
 - (a) designated as historic in the Master Plan for Historic Preservation;
 - (b) located along a highway with an existing right-of-way of at least 120 feet; and
 - (c) contain a structure formerly used for nonresidential purposes; or
 - iii. In the R-200 zone, abutting a fire station, police station, ambulance squad, or rescue squad on more than 1 lot line.
- c. The Board of Appeals must find that the nonresident professional office:
 - i. will not constitute a nuisance because of traffic or physical activity;
 - ii. will not adversely affect the use and development of adjacent properties; and
 - iii. will have a minimum of 25% of the lot area devoted to open space.

C. Research and Development

1. Defined

Research and development is study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and development also includes the development of prototypes and the marketing of resultant products. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products. Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities.

2. Use Standards

Where research and development is allowed as a limited use, it is subject to the following standards:

- a. Manufacturing, mixing, fermentation, or treatment of resultant products for marketing purposes is prohibited.
- b. A maximum of 30% of the gross floor area can be used for assembly, packaging, and servicing of resultant products.

Sec. 3.5.9. Parking

A. Defined

Parking is a facility that provides parking for motor vehicles where the facility is not accessory to a principal use. A fee may be charged.

B. Structured Parking

1. Defined

Structured parking as a principal use. A one or more level structure for parking or storing motor vehicles. A parking structure may be totally below grade as in an underground parking garage, or either partially or totally above grade with those levels being either open or enclosed and may include commercial uses along the ground floor.

C. Surface Parking for Use Allowed in the Zone

1. Defined

Surface parking as a principal use in connection with any permitted or limited use allowed in the zone.

D. Surface Parking for Commercial Uses in an Historic District

1. Defined

Surface parking for commercial uses in an historic district is the parking of motor vehicles on land zoned Agricultural, Rural, or Residential in a master plan-designated historic district. The parking must adjoin land zoned Commercial/Residential or Employment in the same master plan-designated historic district.

2. Use Standards

- a. Where surface parking for commercial uses in an historic district is allowed as a limited use, it is subject to the following standards:
 - i. The land zoned Agricultural, Rural Residential, or Residential is currently vacant. Removing or relocating structures to provide parking is prohibited;
 - ii. The amount of parking proposed is the minimum required under Div. 7.2, Parking, Queuing, and Loading for the commercial use proposed. Providing extra spaces is prohibited;
 - iii. The parking area must be located behind the front building line of the commercial structure being served by the parking except that in the case of a through lot with 2 front yards, parking must normally front on the road with the lesser classification; and
 - iv. Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process (Chapter 24A-7).
 - v. In the AR, R, RE-2, RE-2C, RE-1 and R-200 zones, it must satisfy the site plan requirements of Sec. 8.3.4.
- b. Where surface parking for commercial uses in an historic district is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and Sec. 8.3.1, Conditional Use Plan.

Sec. 3.5.10. Recreation and Entertainment

A. Adult Entertainment

1. Defined

Adult entertainment is an establishment that:

- a. Sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
- b. Features nude persons or adult entertainment performances; or
- c. Otherwise requires a County license as an adult entertainment business.

2. Use Standards

Where adult entertainment is allowed as a limited use, it is subject to the following standards:

- a. The adult entertainment materials must not be visible from outside the establishment.
- b. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- c. The adult entertainment business must be located a minimum of 750 feet from any property:
 - i. located in a Residential zone; or
 - ii. on which a school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use.
 - iii. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any property located in a Residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.
- d. An adult entertainment business may continue as a nonconforming use if a school, library, park, playground, recreational facility, day care center, place of worship, or Residential zone is established within 750 feet of the adult entertainment business after the business was established.
- e. An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- f. If adult booths are located on the premises:
 - i. The booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;
 - ii. Doors or curtains that screen the booth's interior from the common areas of the premises are prohibited;

- iii. The booths must be designed to prevent physical contact with another person;
- iv. The booths must be illuminated at all times;
- v. Holes in the partitions between the adult booths are prohibited; and
- vi. Persons under the age of 18 are prohibited from entering the premises.

B. Campground

1. Defined

Campground is a facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

2. Use Standards

Where a campground is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum density of campsites is 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings.
- b. Each campsite, excluding parking space, provides a minimum of 900 square feet.
- c. The site is a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way; unless the Board of Appeals waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.
- d. All campsites are located a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way.

C. Conference Center

1. Defined

Conference center is a facility for conducting meetings, discussions and conferences. Includes meeting rooms, auditoriums, cafeterias, dining

rooms, recreational uses, and supporting services designed to accommodate planned meetings. Does not include a hotel or motel (see [Sec. 3.5.6.C](#), Hotel, Motel).

2. Use Standards

Where a conference center is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

D. Golf Course, Country Club

1. Defined

Golf course, country club is the course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts, and pools. Food, refreshments, and entertainment for club or organization members and their guests may be provided.

2. Use Standards

Where a golf course, with or without a country club, is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum building coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.
- c. In a Residential zone, a minimum frontage of 200 feet on a road of arterial or higher classification is required.
- d. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools must be set back a minimum of 100 feet from property lines shared with a property in a Residential Detached zone. The Board of Appeals may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

E. Health Clubs and Facilities

1. Defined

Health clubs and facilities is a facility designed to enhance physical conditioning and general health. Includes dance, martial arts, and yoga studios.

2. Use Standards

Where a health club or facility is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.

F. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)

1. Defined

Indoor recreation and entertainment facility with a capacity up to 1,000 persons is commercial uses, providing daily or regularly scheduled recreation-oriented or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Does not include Indoor Shooting Range (see Sec. 3.5.10.I, Shooting Range (Indoor)). Does not include Health Clubs and Facilities (see Sec. 3.5.10.E, Health Clubs and Facilities).

2. Use Standard

Where an indoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

1. Defined

Outdoor recreation and entertainment facility with a capacity up to 1,000 persons is a commercial facility varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting. May take place wholly outdoors or within a number of outdoor structures. Includes golf driving range. Does not include Golf Course, Country Club (see Sec.

3.5.10.D, Golf Course, Country Club), or an Outdoor Shooting Range (see Sec. 3.5.10.J, Shooting Range (Outdoor)).

2. Use Standard

Where an outdoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.
 - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.
- b. In the R-200 zone:
 - i. Only an outdoor catering facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 20 feet.
 - iv. Any structure, building, or parking area must be setback from any property line a minimum of 100 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.

- vi. Other than a permanent food preparation building, permanent structures are limited to open pavilions.

H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

1. Defined

Major recreation and entertainment facility with a capacity over 1,000 persons is a private commercial facility for staging performances or cultural, sporting, or general public interest events for over 1,000 participants or attendees. May be indoors or outdoors.

2. Use Standards

Where a major recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.
 - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.

I. Shooting Range (Indoor)

1. Defined

Indoor shooting range is an indoor rifle or pistol range.

2. Use Standard

Where an indoor shooting range is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan.

J. Shooting Range (Outdoor)

1. Defined

Outdoor shooting range is an outdoor rifle, pistol, skeet or trap shooting range.

2. Use Standard

Where an outdoor shooting range is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. Adjacent areas are predominantly undeveloped.
- b. The hours of operation are compatible with adjacent existing uses.
- c. The use is established for a period of 3 years, subject to renewal by Board of Appeals.
- d. In the **RE-2C** zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

Sec. 3.5.11. Retail Sales and Service

A. Retail/Service Establishment

1. Defined

Retail/service establishment is a retailer providing personal services and sale of goods to the general public. Does not include Animal Services (see **Sec. 3.5.1**, Animal Services) or Drive-Thru Facility (see **Sec. 3.5.14.C**, Drive-Thru Facility).

2. Use Standards

Where a retail/service establishment is allowed as a limited use, it is subject to the following standards:

- a. In the R-10 zone:
 - i. The apartment/condo building type must contain a minimum of 150 dwelling units, be a minimum of 60 feet in height, and be on a tract of land of with a minimum of 5 acres.
 - ii. A maximum of 10% of the gross floor area of the building or 5,000 square feet, whichever is less, may be used for retail/service establishment use.
 - iii. Only small-scale retail sales and personal service establishments are permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.
- b. In the CRN and CRT zones, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
- c. In the CRT and CR zones, where a development is located within 1/2 mile of a Metro station entrance and has a minimum 50,000 square feet footprint or a minimum of 100,000 square feet of all gross floor area designed, for a single user it is subject to the following standards:
 - i. The maximum building footprint of the area designed for a single retail/service establishment use is 80,000 square feet.
 - ii. Additional floor area equal to at least 20% of the footprint designed for the largest retail/service establishment must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and a secondary entrance accessing the primary retail sales/service establishment use is prohibited. At least 50% of the additional tenant space(s) must be located along the facade where the primary active

customer entrance for the largest single retail/service establishment is located.

- iii. In addition to the street-facing entrance requirement, all sides of a building that front an abutting public right-of-way must have at least one active entrance.
 - iv. Full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.
 - v. There must be residential floor area and/or office floor area that is equal to or greater than the gross floor area designed for the subject retail/service establishment. At least 50% of the gross floor area of the non-retail component must be located above the street level retail footprint.
 - vi. Parking facilities, excluding access driveways, must be located below-grade or in a structure behind or within the primary building.
- d. In the ELS and EOF zones, retail sales/service establishments are limited to a maximum of 30% of the gross floor area of development approved under one application.
 - e. In the IL and IH zones, retail sales and services is limited to a building material and supply establishment, wholesale or retail.

B. Rural Antique Shop

1. Defined

Rural antique shop is the sale of items belonging to, made in, or typical of an earlier period.

2. Use Standards

Where a rural antique shop is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan subject to the following standards:

- a. The shop must be located in an existing building or part of an existing building.
- b. The original character of the building must be maintained.
- c. The structure must be 5 or more years old.

- d. If the property is located in the R-200 zone, it must abut land in the AR zone.
- e. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

C. Rural Country Market

1. Defined

Rural country market is the display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A rural country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. A rural country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishments (see Sec. 3.5.3, Eating and Drinking).

2. Use Standards

Where a rural country market is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The minimum tract area is 2 acres.
- b. The maximum height is 20 feet, unless located in an existing building.

Sec. 3.5.12. Vehicle/Equipment Sales and Rental

A. Heavy Vehicle Sales and Rental

1. Defined

Heavy vehicle sales and rental is the sales, rental, or leasing of commercial vehicles, heavy equipment, and manufactured homes. Includes 18-wheelers, commercial box trucks, high-lifts, construction and heavy earth-moving equipment.

2. Use Standards

Where heavy vehicle or equipment sales and rental is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback a minimum of 15 feet from any right-of-way, 15 feet from any property line adjoining land in a residential zone, and 3 feet from any other property line.
- b. A minimum of 20 feet between access driveways on each street is required, and all driveways must be perpendicular to the curb or street line.
- c. On a corner lot, the access driveway must be located a minimum of 20 feet from the intersection of the front and side street rights-of-way, and is a maximum of 30 feet in width.
- d. Product displays, parked vehicles and other obstructions, which would adversely affect visibility at intersections or to driveways are prohibited.

B. Light Vehicle Sales and Rental (Indoor)

1. Defined

Indoor light vehicle sales and rental is the indoor sales, rental, or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent, or lease is allowed as an incidental use.

2. Use Standards

Where indoor light vehicle or equipment sales and rental is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- a. Access to the site from a street with a residential classification is prohibited.
- b. A site plan must be filed under Sec. 8.3.4.

C. Light Vehicle Sales and Rental (Outdoor)

1. Defined

Outdoor light vehicle sales and rental is the outdoor sales, rental, or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent, or lease is allowed as an incidental use.

2. Use Standards

Where outdoor light vehicle or equipment sales and rental is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- i. Access to the site from a street with a residential classification is prohibited.
- ii. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback 15 feet from any right-of-way, 15 feet from any property line adjoining land in an Agricultural, Rural Residential, or Residential Detached zone, and 3 feet from any other property line.
- iii. There must be a minimum of 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the front and side street rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.
- vi. In the CRT zone, a site plan must be filed under Sec. 8.3.4.

Sec. 3.5.13. Vehicle Service

A. Automobile Storage Lot

1. Defined

Automobile storage lot is the storage of automobiles in connection with a towing operation. The storage of junked cars is prohibited.

2. Use Standards

Where an automobile storage lot is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

B. Car Wash

1. Defined

Car wash is a principal use of land or a structure with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

- a. Where a car wash is allowed as a limited use, it is subject to the following standards:
 - i. When a car wash occupies a corner lot, the ingress or egress driveways are located a minimum of 20 feet from the intersection of the front and side street lines of the lot.
 - ii. Obstructions which adversely affect visibility at intersections or to the car wash driveways are prohibited.
 - iii. All driveways must be perpendicular to the curb or street line.
 - iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.
 - v. Demonstrate that the vehicles using the car wash will not queue off-site.
 - vi. Where abutting or confronting a property zoned Residential that is vacant or improved with a residential use:

- (a) All buildings must be set back a minimum of 100 feet from the abutting residential property line; and
 - (b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
- b. Where a car wash is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1**, Conditional Use Plan.

C. Fuel Sales

1. Defined

Fuel sales is an area of land, including buildings and other structures that is used to primarily dispense motor vehicle fuels to the consumer. Minor repair service are allowed as an accessory use. Storage or parking offered for rent is prohibited. Includes accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles, are limited to 2 bays.

2. Use Standards

Where fuel sales is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. The minimum site area is 20,000 square feet.
- b. Access to the site from a street with a residential classification is prohibited.
- c. Site lighting is a maximum of 0.1 footcandle at the property line when adjacent to a Residential Detached zone. Site lighting is a maximum of 0.5 footcandles at the property line when adjacent to all other zones.
- d. Any fuel sales facility designed to dispense a minimum of 3.6 million gallons per year must be located at least 300 feet from the lot line of any public or private school, or any park, playground, day care center, or any outdoor use categorized as a Civic and Institutional use or a Recreation and Entertainment use.

- e. Product displays, parked vehicles and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
- f. When such use occupies a corner lot, the ingress or egress driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.
- g. Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the setback line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building.
- h. There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Board of Appeals may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.
- i. Vehicle parking that overhangs the public right-of-way is prohibited.
- j. If the fuel sales facility includes a car wash, it must:
 - i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays must be provided; and
 - ii. demonstrate that the vehicles using the car wash will not queue off-site.

D. Repair (Commercial Vehicle)

1. Defined

Commercial vehicle repair is repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Includes the sale of fuel for aircraft.

E. Repair (Minor)

1. Defined

Minor repair is a facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Does not include repair or services for

commercial vehicles or heavy equipment (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

2. Use Standards

a. Where minor vehicle repair is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- i. All buildings must be set back a minimum of 50 feet from the abutting residential property line.
- ii. All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential property line.
- iii. The minimum site area is 20,000 square feet.
- iv. Access to the site from a street with a residential classification is prohibited.
- v. In the CRT zone, a site plan must be filed under [Sec.8.3.4](#).

b. Where a minor repair facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

F. Repair (Major)

1. Defined

Major repair is a facility where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body, and paint shops. Does not include repair or services for commercial vehicles or heavy equipment (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

2. Use Standard

a. Where major vehicle repair is allowed as a limited use, if it is abutting or confronting a property zoned Residential that is vacant or improved with a residential use, it is subject the following standards:

- i. All buildings must be set back a minimum of 100 feet from the abutting residential property line.

- ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
 - iii. The minimum site area is 20,000 square feet if not fully contained in a structure.
 - iv. Access to the site from a street with a residential classification is prohibited.
- b. Where major vehicle repair is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

Sec. 3.5.14. Accessory Commercial Uses

A. Amateur Radio Facility (Up to 65 feet in Height)

1. Defined

Amateur radio facility up to 65 feet in height is any facility used for personal, noncommercial radio communications licensed by the Federal Communications Commission up to 65 feet in height.

B. Amateur Radio Facility (Over 65 feet in Height)

1. Defined

Amateur radio facility over 65 feet in height is any facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission over 65 feet in height.

2. Use Standards

Where an amateur radio facility over 65 feet in height is allowed, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and must demonstrate that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.

C. Commercial Kitchen

1. Defined

Commercial kitchen is a facility that is accessory to Religious Assembly (Sec. 3.4.10) or Public Use (Sec. 3.4.9) and satisfies the requirements of Chapter 15 for the preparation of food that could be sold to the public.

2. Use Standards

Where a commercial kitchen is allowed as a limited use, it is subject to the following standards:

- The commercial kitchen must occupy less than 5% of the floor area of the building in which it is located.
- The commercial kitchen can not be used as part of an on-site Eating and Drinking establishment (Sec. 3.5.3).
- A minimum of one parking space, on-site or off-site, per kitchen user is required.
- The commercial kitchen can be used for the preparation of food for public consumption off-site only between the hours of 6:00 AM to 9:00 PM weekdays and 8:00 AM to 9:00 PM weekends.

D. Drive-Thru Facility

1. Defined

Drive-thru facility is a facility at which the customer is served while sitting in a vehicle. Includes drive-thru restaurants, banks, and pharmacies. Does not include Fuel Sales (see Sec. 3.5.13.B, Fuel Sales).

2. Use Standards

Where a drive-thru facility is allowed as a limited use, it is subject to the following standards:

- A drive-thru facility, including the queuing area, must be located a minimum of 100 feet from any property in the Agricultural, Rural Residential, or Residential Detached zones.
- A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.

- A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 5 foot high wall or fence.
- A drive-thru facility must satisfy the site plan requirements of Sec. 8.3.4.

E. Helistop

1. Defined

Helistop is a designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. No major support facilities are allowed (see Sec. 3.6.6.B, Helipad, Heliport). Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed.

2. Use Standards

Where a helistop is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

F. Wireless Communication on Existing Structure

1. Defined

Wireless communication on existing structure is wireless communication mounted on an existing structure. Includes rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room.

2. Use Standards

Where wireless communication located on an existing structure is allowed as a limited use, it is subject to the following standards:

- An antenna is prohibited on a detached house or duplex building type or associated accessory structure.
- A structure constructed for the support of the following is prohibited for use as a support structure for any other antenna:
 - an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission; or

- ii. an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.
- c. Wireless communication on an existing structure is prohibited in any scenic setback indicated on an approved and adopted master plan.
- d. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop when the following standards are met:
 - i. The building must be a minimum of 50 feet in height in any Residential zone; or
 - ii. In any other zone, the building must be a minimum of 30 feet in height.
- e. An antenna may be mounted on the facade of the building with a minimum height of 30 feet in any non-Residential zone, and a minimum height of 50 feet in a Residential zone.
- f. An antenna may be attached to an existing structure on privately-owned land, including but not limited to a radio, television, or telephone transmission tower, a monopole, a light pole, a water tank, a silo, a barn or an overhead transmission line support structure.
- g. Any equipment building is subject to the following requirements:
 - i. An unmanned equipment building or cabinet is a maximum of 560 square feet in area and 12 feet in height or 14 feet in height for a rooftop structure, including the support structure for the equipment building, except that a single equipment building in excess of 560 square feet, located at ground level, may be used for more than one telecommunication provider, where:
 - (a) The overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
 - (b) The building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) The building is reviewed by the Telecommunications Transmission Facility Coordinating Group in accordance with [Sec. 2-58E](#).
 - ii. If the equipment building or cabinet is at ground level in a Residential zone, the building or cabinet must be faced with a compatible mate-

rial on all sides and surrounded by landscaping providing a screen of at least 3 feet in height, and must conform to the setback standards of the applicable zone.

- iii. If the equipment building is located on the roof of a building, the equipment building or cabinet and other structure, in combination with any other equipment building and structure, must not occupy more than 25% of the roof area.

Sec. 3.5.15. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

Construction administration or sales office is a temporary office for construction administration or real estate sales.

2. Use Standards

Where a construction administration or sales office is allowed as a limited use, it is subject to the following standards:

- a. Requires a temporary use permit and a use-and-occupancy permit.
- b. The use is limited to the construction, development, or sale of buildings or structures within the same site or subdivision.
- c. The use is allowed only for the duration of construction and sale of a project.
- d. A temporary outdoor storage yard for construction equipment or building materials and supplies that is located within 300 feet of any occupied residentially developed property and is to be maintained in the same general location for a minimum of one year must be effectively screened from the residential development by natural features or a solid fence with a maximum height of 6.5 feet.
- e. A temporary construction administration or sales office, including any associated trailer, building, or portable toilet, that is located within 100 feet of an occupied residentially developed property:
 - i. must be landscaped and maintained; and

- ii. can be approved for a maximum of one year. Extensions may be approved by DPS for additional one year periods. If a public hearing is held on the extension, the applicant must demonstrate to DPS that a more appropriate location for such use, farther removed from the residential development, does not exist on the site. This finding will not be required if the extension requested does not exceed 6 months.
- f. Any temporary construction administration or sales office, including an outside storage area, located a minimum of 100 feet from an occupied residentially developed property can be approved for a maximum of 3 years. Extensions may be approved by DPS for additional 2 year periods.
- g. The procedure to request an extension of a temporary use-and-occupancy permit for a temporary construction administration or sales office is as follows:
 - i. The request must be filed with DPS.
 - ii. The applicant must demonstrate compliance with the landscaping and screening requirements of the original approval.
 - iii. If the use moves more than 200 feet from the originally approved location, then the applicant must apply for a new temporary use-and-occupancy permit.
 - iv. The applicant must provide notice by certified mail to all owners of property that adjoin such use stating that an extension has been requested and that the owners, if they wish to comment, must submit their comments concerning the extension to DPS within 20 days.
 - v. If any adjoining property owner opposes continuance of the use, DPS must hold a public hearing prior to making a decision on the requested extension. A notice of such public hearing must be sent to all adjoining property owners.
 - vi. DPS must decide on the extension within 5 days of the closing of the hearing record. An approving an extension, DPS can add further reasonable conditions to the use-and-occupancy permit. DPS may deny an extension, with reasons for the denial stated in writing.

B. Special Event Parking

1. Defined

Special event parking is off-street parking of automobiles in connection with a sporting or cultural event of general public interest.

2. Use Standards

Where special event parking is allowed as a limited use, it is subject to the following standards:

- a. Limited to one event a year for a maximum of 10 days.
- b. A written permit authorizing such parking must be obtained from DPS a minimum of 10 days before the event.
- c. DPS is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected.

C. Transitory Use

1. Defined

Transitory use is a use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours. Includes a food service truck.

2. Use Standards

Where a transitory use is allowed as a limited use, it is subject to the following standards:

a. Registration

A transitory use must be registered under Chapter 47.

b. Uses Allowed

- i. A transitory use may be allowed on private property only if it would be allowed as a permanent use in the applicable zone under Sec. 3.1.7.
- ii. A transitory use may be located in the public right-of-way where it satisfies Chapter 47.

- iii. A transitory use is prohibited on any portion of the open space required by the zone in which the property is located.
- iv. If a transitory use is located in a parking lot and it reduces the number of spaces below the minimum required, a waiver must be obtained from the applicable review body.
- v. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

Div. 3.6. Industrial Uses

Sec. 3.6.1. Animal Research Facility

A. Defined

Animal research facility is a facility for the use of non-human animals in scientific experimentation.

Sec. 3.6.2. Contractor Storage Yard

A. Defined

Contractor storage yard is an outdoor storage yard for construction equipment or building materials and supplies.

B. Use Standards

Where a contractor storage yard is allowed as a limited use, if it is abutting or confronting a property zoned Residential Detached that is vacant or improved with a residential use, it is subject to the following standards:

1. The minimum site area is 20,000 square feet.
2. Access to the site from a street with a residential classification is prohibited.

Sec. 3.6.3. Dry Cleaning Facility

A. Dry Cleaning Facility (Up to 3,000 SF)

1. Defined

Dry cleaning facility up to 3,000 square feet is an establishment up to 3,000 square feet for the mechanical cleaning of garments, articles or goods of fabric for retail customers. Does not include Laundromat or Dry Cleaning and Laundry Pick-up Station, (see [Sec. 3.5.11](#), Retail/Service Establishment).

2. Use Standards

Where a dry cleaning and laundry facility is allowed as a limited use, work for other similar dry cleaning or laundering establishments is prohibited.

B. Dry Cleaning Facility (Over 3,000 SF)

1. Defined

Dry cleaning facility over 3,000 square feet is an establishment for the mechanical cleaning of garments, articles or goods of fabric. Includes a linen, diaper or uniform laundering service. May perform work on the premises for other dry cleaning and laundry services and serve retail customers.

Sec. 3.6.4. Manufacturing and Production

A. Artisan Manufacturing and Production

1. Defined

Artisan manufacturing and production is the manufacture and production of commercial goods by a skilled manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products; however, it does not include any activity which causes noise, odor, or vibration to be detectable on a neighboring property.

B. Heavy Manufacturing and Production

1. Defined

Heavy manufacturing and production is the processing, manufacturing and/or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. General manufacturing processes have greater than average impacts on the environment and/or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards. The following are prohibited: arsenals; blast furnaces; boiler works; distillation of bones; dumps; fat rendering; forge plants; incinerators, except when operated or licensed by a duly authorized public agency; ore reduction; packing houses, including meat canning or curing houses; petroleum refining, or storage in more than tank car lots; rolling mills; smelting; tanning, curing or dyeing of leather, rawhides or skins, or storage of skins; and wool pulling or scouring.

The manufacturing of the following are also prohibited: acetylene; ammonia, bleaching powder, chlorine; asphalt; celluloid or pyroxylin (or treatment thereof); disinfectants; emery cloth and/or sandpaper; explosives, fireworks or gunpowder; fertilizers; gas for illumination or heating; glue, size, or gelatin; insecticides; lampblack; leather goods; linoleum; matches; mortar, lime, plaster, cement, gypsum; oil cloth and/or oiled products; paint, oil, shellac, turpentine or varnish employing a boiling or rendering process; potash; rubber or products made therefrom; soap; shoeblacking or polish; soda or soda compound; acids or other corrosive or offensive substances; tar or tar roofing or water proofing or other tar products or distillation thereof; and yeast, except as part of medical and biotechnical research and development.

C. Light Manufacturing and Production

1. Defined

Light manufacturing and production is the manufacturing of finished products or parts from materials including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing processes are contained entirely within a building. Noise, odor, smoke, heat, glare and vibration resulting from the manufacturing processes are confined within the building.

D. Medical/Scientific Manufacturing and Production

1. Defined

Medical/scientific manufacturing or production is the manufacturing, compounding, processing, assembly, or packaging, including incidental storage, sales, and distribution of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biotechnical and biogenetic research and medical, scientific, or technical instruments, devices, and equipment.

2. Use Standards

Where medical/scientific manufacturing and production is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.

Sec. 3.6.5. Mining, Excavation

A. Defined

Mining or excavation is uses that extract minerals and other natural resources from land. Includes borrow pit, gravel mining.

B. Use Standards

Where mining or excavation is allowed as a conditional use, it may be allowed by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

1. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of this zone, whichever is greater. However, the minimum lot area is 10 acres.
2. A maximum of 10% of the net area of the lot is covered by buildings, including accessory buildings.
3. All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures will be set back from property lines an amount sufficient to achieve the performance standards established by the Board of Appeals.
4. Access to a public road must be available.
5. The maximum height of a building or structure is 90 feet above the natural grade of the portion of the site upon which building or structure is situated, provided, however, that facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.

- 6. A minimum of 25% of the lot area designated for mining and excavation will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted to agriculture.
- 7. Access roads, security patrol roads, railroad sidings, identifications, directional and safety warning signs, security fences and acoustical or visual screens, berms or walls are permitted within the setback area.
- 8. The use is valid for a maximum of 3 years, subject to renewal by the Board of Appeals.
- 9. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.6.6. Transportation

A. Bus, Rail Terminal

1. Defined

Bus or rail terminal is a facility for boarding buses or trains. Does not include bus or train maintenance (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

2. Use Standards

Where a bus or rail terminal is allowed as a limited use, bus or train storage is prohibited.

B. Helipad, Heliport

1. Defined

Helipad or heliport is a designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices, and other appropriate terminal facilities.

2. Use Standards

Where a helipad or heliport is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. All applications for heliports/helistops must provide noise analysis sufficient to make a finding of noise compatibility around the facility (the primary impact area) and along and under the principal access routes (the secondary impact area). The primary impact area includes the rotorcraft facility and the area within a 4,000-foot radius from the helipad. The secondary impact area includes all areas in the County along and under the principal access routes to the rotorcraft facility excluding the primary impact area.
- b. The heliport/helistop noise analysis must include a description of detailed operational procedures that would minimize noise levels affecting sensitive land uses in both the primary and secondary impact areas (“fly neighborly” procedures). Based on use of these procedures and worst-day noise scenario with peak usage of the facility, projected rotorcraft noise level (in terms of day-night average sound level or DNL) must be developed using models approved by the Federal Aviation Administration (see FAA Advisory Circular 150/5020-2). This worst-day operational scenario becomes the maximum allowable limit for the type, weight and noise characteristics of the rotorcraft proposed to use the facility; proposed number of operations; and approximate time of day that landings and departures could occur.
- c. Rotorcraft operations are noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft ambient noise levels) exceed pre-rotorcraft ambient DNL levels by one decibel or less. If rotorcraft operations already exist in the vicinity, the cumulative impact of all operations must be calculated to determine compliance.
- d. Instead of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as shown in the following table:
 - i. Maximum Compatible Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
---------------------------------	--

Less than or equal to 1 unit per acre	55 dBA
2 units to 15 units per acre	60 dBA
Multi-unit and high rise	65 dBA

- ii. Based on this table and the compatibility standard of allowing only a one-decibel increase in the ambient levels, the following table designates maximum rotorcraft sound levels
- iii. Maximum Rotorcraft Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	49 dBA
2 units to 15 units per acre	54 dBA
Multi-unit and high rise	59 dBA

- iv. Where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels Table, measurements or modeling may be performed to establish compatibility standards appropriate to the ambient environment. Office, commercial and industrial land uses will not be reviewed for noise impacts with the following 2 exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of LEQ1 = 75 dBA for an 8-hour period; (2) in CBD or Transit Station areas, where amenity spaces are provided, if it appears that noise impacts may be of such magnitude as to significantly reduce the usefulness or inhibit the proper function of these spaces for their intended purpose. In addition to the cumulative noise standards, the Board of Appeals may designate additional conditions for use in the public interest which may include, but not be limited to, restricting the number of rotorcraft operations, restricting the hours of operation of the facility, restricting operations of high noise generating rotorcraft during noise-sensitive hours, or any combinations thereof.
- e. With the exception of operations on the helipad, all on-ground operations are subject to the standards of Chapter 31B, "Noise Control". In

particular, heliport maintenance operations must be subject to these standards.

- f. Permission to use a site for a private use helistop/heliport may be granted by the Board of Appeals for a 5-year period or such shorter period as the Board of Appeals may specify in granting the conditional use. The conditional use may be renewed by the Board of Appeals for additional periods, not to exceed 5 years each, if the same findings required for the initial approval by the Board of Appeals can still be made.
- g. Operators of approved heliports/ helistops must maintain an accurate log of all rotorcraft operations, specifying each operation that occurs including the type of rotorcraft and the date and time of the operation. This log must be available for inspection by DPS as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to DPS as part of an inspection is a violation of the conditional use approval

C. Taxi/Limo Facility

1. Defined

Taxi or limo facility is a facility for the dispatch or storage of taxis, limousines, or other vehicles for hire.

2. Use Standards

Where a taxi/ limo facility is allowed as a limited use, vehicle storage is prohibited.

Sec. 3.6.7. Utilities

A. Pipeline (Above Ground)

1. Defined

Above ground pipeline is an above ground conduit for the distribution of water or gas.

2. Use Standards

Where an above ground pipeline is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The proposed pipeline is necessary for public convenience and service.

- b. The proposed pipeline will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

B. Pipeline (Below Ground)

1. Defined

Below ground pipeline is an underground conduit for the distribution of water or gas.

C. Public Utility Building or Structure

1. Defined

Public utility building or structure is a utility building and structure other than transmission lines or pipelines. Includes buildings or structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.

2. Use Standards

- a. Where a public utility building or structure is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
- b. Where a public utility building or structure is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - i. The proposed building or structure at the location selected is necessary for public convenience and service.
 - ii. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
 - iii. A public utility building or structure allowed in any Rural Residential or Residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscap-

ing, screen planting and fencing, wherever deemed necessary by the Board of Appeals.

- iv. The Board of Appeals may waive the height limits of the applicable zone where, in the opinion of the Board of Appeals, adjacent residential uses will not be adversely affected by the increased height.

D. Renewable Energy Generation

1. Defined

[Editor's Note: still to be added]

E. Transmission Line (Above Ground)

1. Defined

Above ground transmission line is an above ground electric distribution line (under 69,000 volts), cable line, or telephone line.

2. Use Standards

Where an above ground transmission line is allowed as a limited use, only electric distribution lines are allowed.

F. Transmission Line (Below Ground)

1. Defined

Below ground transmission line is underground electric distribution lines, cable lines, or telephone lines.

Sec. 3.6.8. Warehouse

A. Freight Movement

1. Defined

Freight movement is a facility involved in the movement of goods or equipment, including temporary storage. Goods and equipment must be delivered to other facilities or the final consumer; on-site sales activity is prohibited.

B. Mineral Storage

1. Defined

Mineral storage is a site for the off-loading, transfer, or storage of sand, gravel, or rocks.

2. Use Standards

Where mineral storage is allowed as a limited use, it must be set back at least 750 feet from the nearest property in a Residential zone.

C. Self-Storage

1. Defined

Self-storage is facilities providing separate storage areas for personal or business use designed to allow private access by the tenant.

2. Use Standards

Where a self-storage facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

D. Storage Facility

1. Defined

Storage facility is a facility for the short- or long-term storage of goods or equipment, not including self-storage (See [Sec. 3.6.8.C](#), Self Storage).

2. Use Standards

Where a storage facility is allowed as a limited use, outdoor storage is prohibited.

Sec. 3.6.9. Waste-Related

A. Hazardous Material Storage

1. Defined

Hazardous material storage is the storage of materials that the US Environmental Protection Agency (EPA) has determined are hazardous. Includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that do are not included on any of the listings above, but that generally exhibit ignitability, corrosivity, reactivity, or toxicity.

2. Use Standards

Where hazardous material storage is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

B. Landfill, Incinerator, or Transfer Station

1. Defined

Landfill is a facility that collects waste and disposes of it according to State of Maryland requirements for landfills. Includes land clearing debris landfills, rubble landfills, and industrial waste landfills. Incinerator is a facility intended to reduce waste to ash through combustion. May produce energy or heat for re-use. Includes medical incinerator. Transfer station is a facility that receives solid or liquid wastes from others for transfer to another location according to the State of Maryland requirements for transfer stations. A landfill, incinerator, or transfer station must be included in the Comprehensive Solid Waste Management Plan for Montgomery County.

2. Use Standards

Where a landfill is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The proposed use must meet all applicable requirements and conditions for State of Maryland permits.
- b. The applicant must provide a detailed plan showing the proposed truck haul route to the nearest major highway and traffic engineering studies and analyses demonstrating the effects of the proposed conditional use on present and projected levels of service, adequacy of the present and planned road system, road safety conditions, bridge capacity, and other factors related to traffic flow and safety. The detailed plan submitted by the applicant must include:
 - i. a map of the hauling route indicating the classification of all roads and the width of the respective rights-of-way, as well as the number of lanes as built.
 - ii. the load limits of all bridges which the hauling route will cross,
 - iii. the segments of the road which are "closed" by curb and gutters, and "open" to roadside swales or ditches,
 - iv. the hours and days when the property will accept vehicles, and

- v. the steps which the applicant will take to maintain the hauling route free of debris from vehicles accessing or leaving applicant's facility and control the number of vehicles accessing and leaving the site on a daily, weekly, monthly, and extraordinary basis, and
- vi. designation of on-site queuing spaces sufficient to accommodate the anticipated hauling vehicles without causing the vehicles to queue into the public right-of-way. The number of queuing spaces must be at least one-half of the number of trucks expected during the peak hours of operation.
- c. The applicant must have and adhere to an emergency notification and mitigation plan, acceptable to DPS, for instances when the presence of toxic, hazardous, or special medical wastes is discovered or suspected.
- d. To protect the public health, safety and welfare, the applicant must provide on-site and off-site monitoring of air pollution, noise, ground water, and surface waters in accordance with a plan acceptable to DPS. The applicant must describe how the transfer station operations will conform to the water quality and quantity requirements of Chapter 19, without any waiver.
- e. The site must conform to the National Fire Protection Association (NFPA) Standard 46, "Recommended Safe Practice for Storage of Forest Products". The standards are mandatory and not recommendations.
- f. Any transfer of solid waste or sorting of recyclable materials must occur only in a wholly enclosed building.
- g. The outdoor storage of solid waste or recyclable materials must be in leakproof, fly-and- rodent proof containers.
- h. Impervious surfaces must be provided for all areas where the handling, sorting, storage, or transporting of solid waste or recyclable materials occurs.
- i. Any water that comes into contact with solid waste must be discharged to the sanitary sewer system in conformance with an industrial discharge permit.
- j. Water runoff must be discharged only into the sanitary sewer system.

- k. A solid waste transfer station operation must not be located on any part of a floodplain or wetland, or within 300 feet of a stream.
- l. Each site must be accessible directly from a roadway consisting of sufficient lanes to provide separate turning lanes and through lanes for large trucks to assure safe ingress and egress and not impede through traffic.
- m. There must be at least a 200 foot buffer between the proposed sorting and storage operations and any lot line

C. Recycling Collection and Processing

1. Defined

Recycling collection and processing is any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume. Inventory stored on-site must be turned over at least once every 3 months. Includes an automobile recycling facility. Does not include a transfer station (See Sec.3.6.9.B, Landfill, Incinerator, or Transfer Station).

2. Use Standard

Where a recycling collection and processing facility is allowed as a limited use, recycling of construction and demolition debris, and recycling of automobiles is prohibited.

Div. 3.7. Miscellaneous Uses

Sec. 3.7.1. Accessory Buildings, Structures, and Uses

A. Defined

Accessory buildings, structures, and uses are permitted in connection with any lawfully established principal use unless otherwise expressly listed in the Use Table (see [Sec. 3.1.7, Use Table](#)).

B. Use Standards

Where accessory uses, buildings and structures are allowed as limited uses, they are subject to the following standards:

1. In Agricultural and Rural Residential zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings accessory to an agricultural use are exempt from this size restriction.
2. In Residential Detached zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings accessory to an agricultural use are exempt from this size restriction.

Div. 4.1. Rules for All Zones

Sec. 4.1.1. Development Options

The following types of development options are allowed.

A. Standard Method (see Div. 4.2 - Div. 4.8)

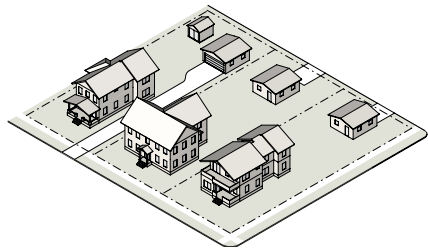
The standard method of development provides the basic framework for development. Development of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) under Chapter 25A. A project providing more than 12.5% MPDUs or a project with less than 20 units that provides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

B. Optional Method (see Div. 6.1 - Div. 6.6)

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

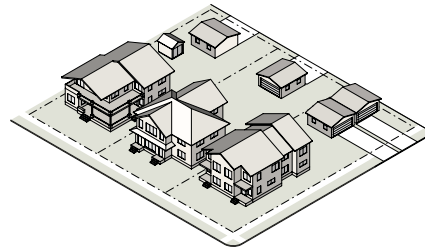
Sec. 4.1.2. Building Type Descriptions

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



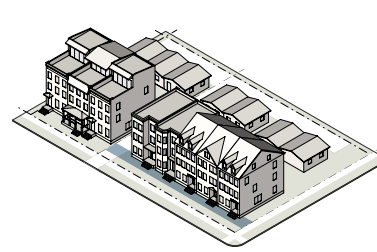
A. Detached House

A building containing one dwelling unit located on a single lot.



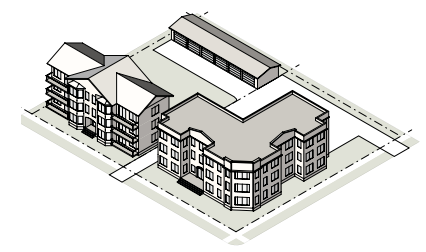
B. Duplex

A building containing 2 dwelling units.



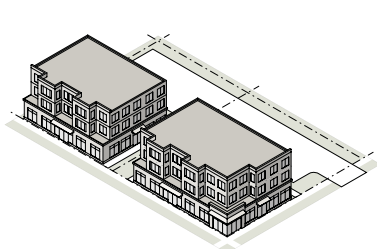
C. Townhouse

A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. Units may be on individual lots, or the entire building (or project) may be on a single lot.



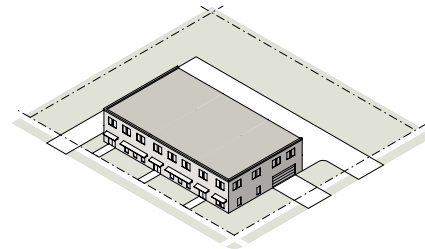
D. Apartment/Condo

A building containing 3 or more dwelling units vertically and horizontally integrated.



E. Multi Use Building

A building containing ground floor commercial uses with upper-story residential or office uses.

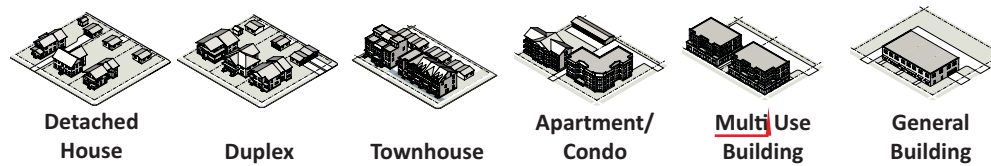


F. General Building

A building typically containing nonresidential uses including office, employment, industrial, civic, institutional, or public uses.

Sec. 4.1.3. Building Types Allowed by Zone

Building types are allowed by zone as follows:



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

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed CD = Allowed as part of an Optional Method Cluster Development
 MPDU = Allowed as part of an Optional Method MPDU Development TDR = Allowed as part of Optional Method TDR Development

Sec. 4.1.4. Measurement and Exceptions

The rules in Sec. 4.1.4 apply to all zones unless expressly stated otherwise.

A. Site

1. Defined

A site is any tract of land or contiguous tract of land owned or functionally controlled by the same person or entity, assembled for the purpose of development.

B. Lot & Density

1. Defined

A lot is a tract of land identified on a subdivision plat that is recorded in the land records. A lot may include buildings, accessory buildings and any associated open spaces.

2. Lot Area

The lot area is the area within the rear, side, and front property lines. Does not include existing or proposed public rights-of-way.

3. Lot Width

a. At the Front Property Line

Lot width at the front property line is measured between the side property lines at the front property line along a straight line. Where the front property line is curved, lot width at the front property line is measured along the chord of the lot line.

b. At the Front Setback Line

Lot width at the front setback line is measured between the side property lines at the front setback line along a straight line.

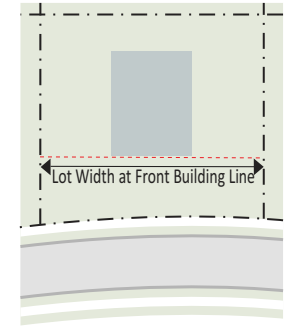
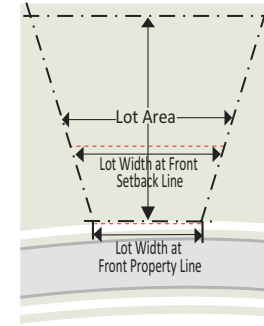
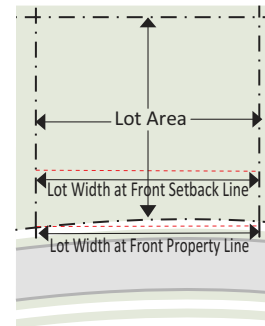
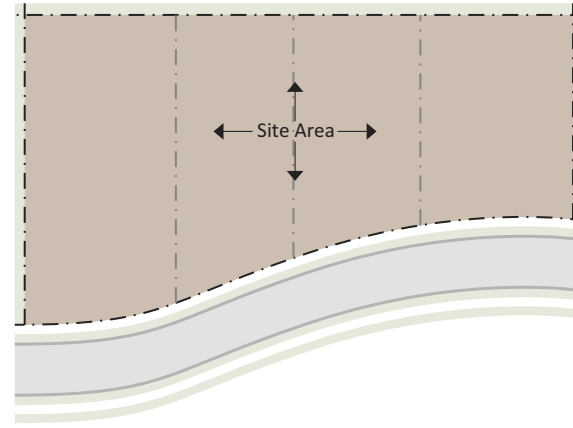
c. At the Front Building Line

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

4. Density

a. Units per Acre

In the Agricultural, Rural Residential, and Residential zones the maximum permitted density is measured by the number of dwelling units allowed per net lot area, gross tract area, or useable area.



b. Floor Area Ratio (FAR)

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

C. Placement

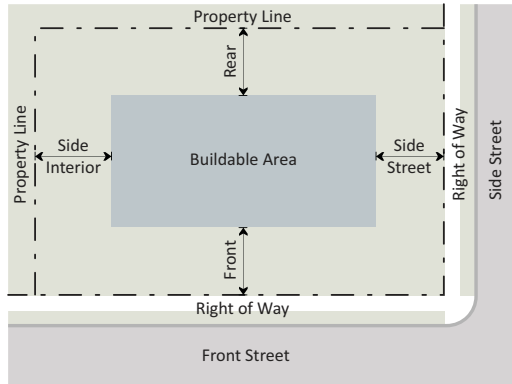
1. Building Setbacks

a. Defined

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

b. Measurement of Setbacks

- i. The front setback is measured from the front property line.
- ii. The side street setback is measured from the side street property line.
- iii. The side interior setback is measured from the side interior property line.
- iv. The rear setback is measured from the rear property line.
- v. Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).



2. Corner Lots

a. Defined

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

b. Measurement of Setbacks

- i. A corner lot has 2 front setbacks except where the adjoining lot on one of the streets either does not front on that street or is in a non-Residential zone, then the side street setback applies to both the principal building and the accessory structure.

c. Addressing

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

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

3. Build-to Area

a. Defined

- i. The build-to area is the area on the lot where a certain percentage of the front building facade must be located.
- ii. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to area.

b. Measurement of Build-to Line

The build-to-area is measured as a minimum and maximum setback range from the edge of the property line.

4. Parking Setbacks

a. Defined

- i. There are front, side street, side interior and rear parking setbacks. Through lots have 2 front parking setbacks. A lot abutting an alley is not a through lot.
- ii. Parking setbacks apply to on-site surface parking. Structured parking must comply with building setbacks.

b. Measurement of Parking Setbacks

- i. The front and side street parking setback is measured from the edge of the property line.
- ii. The side interior parking setback is measured from the side property line.
- iii. The rear parking setback is measured from the rear property line or the edge of the right-of-way if there is an alley.

5. Building Coverage

a. Defined

- i. Building coverage is the area of a lot or site that is covered by building footprints, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps.
- ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.

b. Exemptions

- i. In the Agricultural and Rural Residential zones, on a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives site plan approval under Sec. 8.3.4.
- ii. Maximum site and lot coverage do not apply to religious assembly (Sec. 3.4.10) in the R-60 zone.

6. Setback Encroachments

All buildings and structures must be located at or behind the required building setbacks lines, except as listed in Sec. 4.1.4.C.5.a to Sec. 4.1.4.C.5.c.

a. Building Features

- i. Unenclosed porches, decks, terraces, steps, and stoops, may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. This includes unenclosed roofed porches and terraces.
- ii. Roofed and unenclosed steps and stoops may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. Any roof covering unenclosed steps and stoops may project a maximum of 3 feet into any setback.

- iii. Unenclosed balconies may extend a maximum of 6 feet into a required setback, if such extension is a minimum of 2 feet from the vertical plane of any lot line.
- iv. Sills, leaders, belt courses, and similar ornamental features may project a maximum of 6 inches into any front, side street, side interior, or rear setback. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions in Section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.
- v. Chimneys or flues as part of a detached house, duplex, or townhouse may project a maximum of 2 feet into any front, side street, side interior or rear setback.
- vi. Chimneys or flues as part of an apartment/condo, multi use, or general building may project a maximum of 4 feet into any front, side street, side interior or rear setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line.
- vii. Building eaves, cornices, and light shelves may project a maximum of 2 ½ feet into any front, side street, side interior, or rear setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in Section 50-20 of the subdivision regulations concerning limitations on issuance of building permits.
- viii. Bay windows, oriels, entrances, vestibules, or balconies, 10 feet in width or less, may project a maximum of 3 feet into any front, side street, side interior, or rear setback.
- ix. Unenclosed fire escapes and outside stairways may project a maximum of 5 feet into any side street, side interior, or rear setback.

b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as HVAC units and security lighting may project a maximum of 5 feet into any rear setback.

- ii. Permanent rainwater collection or harvesting systems may project a maximum of 3 feet into any side street, side interior, or rear setback.

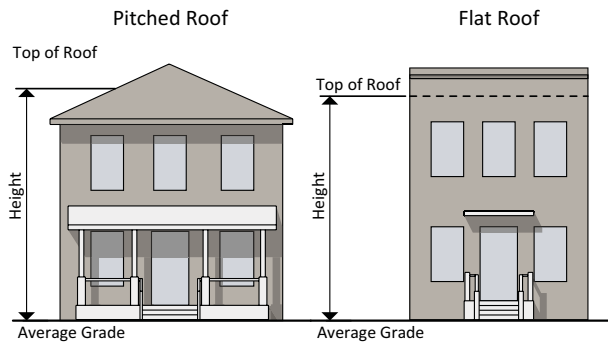
c. Other Encroachments

- i. Fences and walls under [Sec. 7.5.3.B.5.](#)
- ii. Handicap facilities to the extent necessary to meet the minimum standards of the Americans with Disabilities Act.
- iii. Signs under [Div. 7.6.](#)

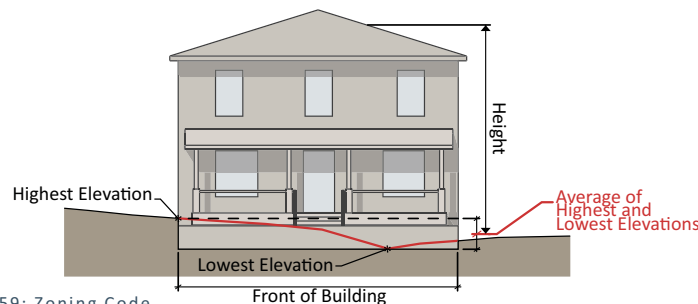
D. Height

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

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

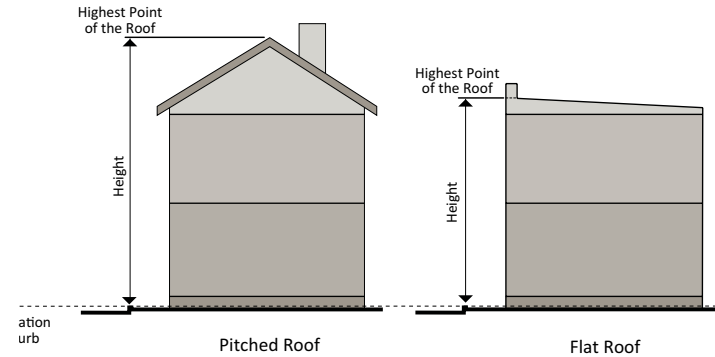


- b. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line.



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

- a. Building height is measured from grade to the highest point of the roof, excluding structures allowed under [Sec. 4.1.4.D.4.](#)



- b. Grade is measured as the average elevation of the top of the curb adjacent to the front of the building. In a lot with more than one frontage, grade is measured as the average elevation of the curb along each frontage.

3. Height Encroachments

Any height encroachment not specifically listed is prohibited.

- a. The following roof structures can occupy a maximum of 25% of the roof area: spires, belfries, cupolas, domes not intended for human occupancy, chimneys, flue or vent stacks, flagpoles, monuments, water tanks, television antennae or aerials, air conditioning units, or similar structures or mechanical appurtenances. A larger area may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones
- b. The maximum heights do not apply to roof structures listed in [Sec. 4.1.4.D.3.a](#) (above), except in the TLD, TMD, THD, and R-30 zones, air conditioning units or similar structures or mechanical appurtenances may exceed the established height limit by a maximum of 8 feet.

- c. The following may exceed the established height limits, except when located within an airport approach area, if they do not exceed the maximum height limit by more than 8 feet:
 - i. Rooftop deck, patio, shade structure;
 - ii. Rooftop garden, landscaping;
 - iii. Parapet wall;
 - iv. Rooftop rainwater collection or harvesting systems; and
 - v. Rooftop renewable energy systems, such as solar panels or wind turbines.
- d. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.
- e. The maximum heights do not apply to agricultural buildings in the AR, R, RC, and RNC zones.

E. Form

The building form requirements are intended to enhance the pedestrian area along building frontages.

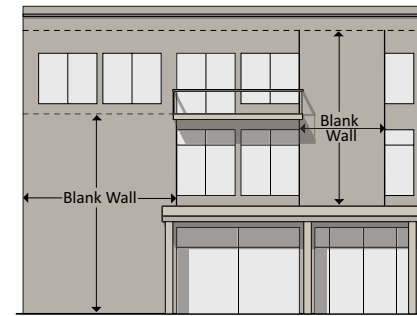
1. Transparency

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



2. Blank Wall

- a. Blank wall is the area of the exterior facade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters, or other articulation greater than 8 inches in depth.
- b. Blank wall applies in both a vertical and horizontal direction.
- c. Blank wall applies only to street facing facades.



3. Building Elements

a. Porch

A porch is a raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed and can be enclosed or unenclosed.

b. Stoop

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

c. Balcony

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

d. Gallery

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

e. Awning

An awning is a wall-mounted, cantilevered structure providing shade and cover from the weather over a sidewalk. An awning must have a minimum height of 10 feet above the sidewalk.

Sec. 4.1.5. Residential Infill Compatibility

A. Applicability

The standards outlined in Sec. 4.1.5.B through Sec. 4.1.5.C apply to the R-200, R-90, R-60, and R-40 zones where:

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

B. Established Building Line

1. The established building line applies only to new buildings and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must all be:
 - a. within 300 feet of the side property line of the proposed construction site measured along the street frontage;
 - b. along the same side of the street;
 - c. between intersecting streets or to the point where public thoroughfare is denied;
 - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
 - e. legally constructed; and
 - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.

3. The established building line is the minimum front setback for the zone, unless there are at least 2 buildings as described in Sec. 4.1.5.B.2 and more than 50 percent of the buildings described in Sec. 4.1.5.B.2 are set back greater than the minimum, in which case the average front setback of all the buildings described in Sec. 4.1.5.B.2, excluding those buildings:
 - a. in the R-200 zone that are or were ever served by well or septic;
 - b. on the subject property;
 - c. in a different zone than the subject property;
 - d. on a through lot that fronts on a street different than the subject property;
 - e. located on any pipestem, wedge-shaped, or flag-shaped lot; or
 - f. approved by permit for demolition, except if a building permit was also approved with the same setback,
 is the established building line, unless the applicant chooses to calculate the front setback as the average front setback of the two adjoining lots or the applicant chooses to use the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor. Any building excluded from the established building line restriction must comply with the minimum front setback requirement of the zone.
4. Corner lots have two front setbacks and are subject to established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the adjoining buildings on both sides of the corner lot.

C. Building Coverage

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

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

Div. 4.2. Agricultural Zone

Sec. 4.2.1. Methods of Development

The AR zone allows development only under the standard method. A child lot above the density of one dwelling unit per 25 acres is allowed in the AR zone under standard method according to [Sec. 4.2.3](#).

A. Standard Method

Standard method development is allowed under the development standards established in [Sec. 4.2.4](#) to [Sec. 4.2.6](#).

Sec. 4.2.2. General Requirements

A. Building Types

Building types are allowed by zone under [Sec. 4.1.3](#). Dimensional standards for allowed building types are under [Sec. 4.2.6](#).

Sec. 4.2.3. Special Regulations for the Transfer of Density

Under [Div. 6.3](#) and in conformance with an approved and adopted general, master, sector, or functional plan, residential density may be transferred at the rate of one development right per 5 acres minus one development right for each existing dwelling unit, from the AR zone to a duly designated TDR Overlay zone, under [Div. 6.3](#). The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the AR zone. Dwelling units on land in the AR zone are excluded from this calculation, provided that the following uses remain accessory to a farm:

- A. Farm Tenant Dwelling,
- B. Attached Accessory Apartment,
- C. Detached Accessory Apartment, or
- D. Bed and Breakfast.

Once the property is subdivided, dwellings associated with these uses are not excluded.

Sec. 4.2.4. Special Regulations for Child Lots

A. Applicability

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

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

B. Density

1. The Planning Board must only approve one child lot for each child of the property owner, regardless of the number of properties owned.
2. A maximum of 3 child lots can be established for a qualifying property owner under [Sec. 4.2.5.B.1](#). The Planning Board may approve up to two additional child lots above the maximum number allowed in [Sec. 4.2.5.B.1](#) if the additional child lot:
 - a. is not encumbered by a State or County Agricultural Land Preservation Easement;
 - b. meets the applicable requirements in [Sec. 4.2.3.A](#);
 - c. is on the landowner's only real property holdings in the County; and
 - d. the tract of land for 4 child lots is at least 170 acres and the tract of land for 5 total child lots is at least 220 acres.
3. In determining whether to approve the additional child lots, the Planning Board must consider any recommendation from the Agricultural Preservation Advisory Board (APAB) about whether the additional lot will promote the continuation of the family farm unit or otherwise meet the purposes of the AR zone.

C. Lot Area

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

D. Building Permit

1. When a building permit application is initially filed, the child for whom the lot is created must be the listed owner of the lot in the County land records.

2. A building permit for a detached house on a child lot must be issued only to:
 - a. a child of the property owner;
 - b. the spouse of a child of the property owner;
 - c. a contractor for a child of the property owner; or
 - d. a contractor for the spouse of a child of the property owner.

E. Ownership Transfer

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

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

F. Penalty for Violations

Any violation of [Sec. 4.2.3](#) is subject to the penalty and enforcement provisions in [Sec. XYZ \[Editor's note: Section reference to be added\]](#). Every day a transfer restriction is violated is a new violation.

G. Deed Restrictions and Certificates of Compliance

1. Any deed or other instrument conveying title from the owner of the property to a child must be signed by both the grantor and the grantee.
2. In any deed or other instrument conveying title from the owner of the property to a child, the grantor must clearly and conspicuously state, and the grantee must clearly and conspicuously acknowledge, that the conveyed property is a child lot subject to the requirements of [Sec. 4.2.3.E](#).
3. If the Planning Director determines that a child lot may be transferred under [Sec. 4.2.3.E.2](#), the Planning Director must issue a certificate of compliance to the owner of the child lot in a form appropriate for recordation in the land records. The certificate is conclusive evidence of the owner's compliance with [Sec. 4.2.3.E](#).

H. Existing Child Lots and Preliminary Plan Applications

1. A child lot is permitted on a tract of land of any size where the child lot has an existing dwelling unit and is either identified on a plat recorded before October 1, 2010 or held pursuant to a deed that indicates conveyance from parent to child and was recorded before October 1, 2010, subject to the following provisions:
 - a. one lot for every 25 acres plus one additional lot for each child lot;
 - b. a child lot of any size; and
 - c. no limitations on ownership.
2. A child lot is permitted on a tract of land of any size with a preliminary plan approved before October 1, 2010, subject to the ownership and transfer provisions of [Sec. 4.2.3](#) and may be identified on a plat recorded among the land records of the County using the following provisions:
 - a. one lot for every 25 acres plus one additional lot for each child lot; and
 - b. a child lot of any size.
3. A child lot is permitted on a tract of land of any size with a preliminary plan application filed, but not approved, before October 1, 2010 and must satisfy all of the provisions of [Sec. 4.2.3](#), except it may be approved with a density of one lot for every 25 acres plus one additional lot for each child lot.
4. A child lot previously recorded by plat is exempt from the limit on number of child lots and the lot area, and size limits of [Sec. 4.2.3](#), provided that the density does not exceed one lot for every 25 acres plus one additional lot for each child lot.

Sec. 4.2.5. Special Regulations for Scenic Setbacks

In the AR₂ zone, the front setbacks and side street setbacks must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

Sec. 4.2.6. AR Zone, Standard Method Development Standards

A. Site		Detached House	General
Site Area			
A	Net site area (min)	25 acres	3 acres
A	Site coverage (max)	n/a	10%
Specification for Site Coverage			
In development with a general building type, site coverage is calculated on the net site area minus any area for detached unit lots.			

B. Lot & Density			
Lot			
B	Lot area (min)	40,000 SF	40,000 SF
B	Alternative lot area (max)	3 acres	3 acres
	If B1* applies, remainder of site must be placed in a conservation or agricultural easement or land trust	yes	yes
B	Lot width at front building line (min)	125'	n/a
B	Lot width at front property line (min)	25'	200'
Density (max)			
B	Density (units/net acre)	1/25	n/a
B	Density (FAR per gross tract area)	n/a	0.5
Coverage (max)			
B	Lot up to 3 acres	15%	n/a
B	Lot greater than 3 acres	10%	<u>n/a</u>

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

Child Lots			
B	Lot area, excluding driveway stem on flag lot (max)	3 acres	n/a
B	Number of child lots allowed (max):		
	<u>On a site at least 25 acres up to 69 acres</u>	1	n/a
	On a site at least 70 acres up to 120 acres	2	n/a
	On a site at least 121 acres	3	n/a

Specification for Child Lots
 The Planning Board may approve a lot larger than 3 acres only if an on-site well and septic system is not feasible on such a sized lot and the lot cannot be served by a septic easement.

Graphics for Agricultural, Rural Residential, Residential, and Industrial zones to be added

C. Placement		Detached House	General
Principal Building Setbacks (min)			
C	Front setback	50'	50'
C	Side street setback	50'	50'
C	Side interior setback	25'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	n/a	25'
C	Rear setback	35'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	15'
Accessory Structure Setbacks (min)			
C	Front setback	50'	50'
C	Side street setback	50'	50'
C	Side interior setback	15'	15'
C	Rear setback	15'	15'
Parking Setbacks for Surface Parking Lots (min)			
C	Front setback	n/a	25'
C	Side street setback	n/a	25'
C	Side interior setback	n/a	25'
C	Rear setback	n/a	25'
C	Rear setback, alley	n/a	0'

D. Height		Detached House	General
Height (max)			
D	Principal building	50'	50'
D	Accessory structure	50'	50'
D	Agricultural buildings	no limit	no limit

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

Div. 4.3. Rural Residential Zones

Sec. 4.3.1. Methods of Development

The R~~z~~ zone allows development only under the standard method. The RC and RNC zones allow development under the standard method and may allow development under the optional method, subject to the approval of a site plan (Sec. 8.3.4).

A. Standard Method

Standard method development is allowed under the development standards established in Sec. 4.3.3 to Sec. 4.3.5.

B. Optional Method

Optional method development is allowed under Div. 6.1 and Div. 6.2.

Sec. 4.3.2. General Requirements

A. Building Types

Building types are allowed by zone under Sec. 4.1.3. Dimensional standards for allowed building types are in Sec. 4.3.4 to Sec. 4.3.6.

B. Setbacks

In Sec. 4.3.3 to Sec. 4.3.5, where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

C. Public Sewer and Water

In the RNC zone, standard method development is prohibited to be served by public sewer and water unless recommended in the relevant master plan.

Sec. 4.3.3. Special Regulations for Scenic Setbacks

A. RC Zone

In the RC zone, the front setback and side street setback must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

B. RNC Zone

In the RNC zone, the side street setback must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

Sec. 4.3.4. R Zone, Standard Method Development Standards

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

B. Lot & Density

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

C. Placement	Detached House	General
Principal Building Setbacks (min)		
C Front setback	50'	50'
C Side street setback	50'	50'
C Side interior setback	20'	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
c Side interior setback, abutting all other zones	n/a	25'
C Rear setback	35'	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Rear setback, abutting all other zones	n/a	15'
Accessory Structure Setbacks (min)		
C Front setback	80'	50'
C Side street setback	50'	50'
C Side interior setback	15'	25'
C Rear setback	15'	25'
Specifications for Accessory Structure Setbacks		
<p><u>Accessory structures on a lot or tract adjoining a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Sec.7.5.3.B.5, Fences and Walls.</u></p> <p><u>In addition to the front setback minimum, accessory structures on a residential lot must be located behind the rear building line.</u></p>		

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

D. Height		
Height (max)		
D Principal building	50'	50'
D Accessory structure	50'	50'
D Agricultural buildings	no limit	no limit

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

Sec. 4.3.5. RC Zone, Standard Method Development Standards

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

B. Lot & Density

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

C. Placement	Detached House	General
Principal Building Setbacks (min)		
C Front setback	50'	50'
C Side street setback	50'	50'
C Side interior setback	20'	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Side interior setback, abutting all other zones	n/a	25'
C Rear setback	35'	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Rear setback, abutting all other zones	n/a	15'
Accessory Structure Setbacks (min)		
C Front setback	80'	50'
C Side street setback	50'	50'
C Side interior setback	15'	25'
C Rear setback	15'	25'
Specifications for Accessory Structure Setbacks (min)		
<p><u>Accessory structures on a lot or tract adjoining a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Sec.7.5.3.B.5, Fences and Walls.</u></p> <p><u>In addition to the front setback minimum, accessory structures on a residential lot must be located behind the rear building line.</u></p>		

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

D. Height			
Height (max)			
D	Principal building	50'	50'
D	Accessory structure	50'	50'
D	Agricultural buildings	no limit	no limit

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

Sec. 4.3.6. RNC Zone, Standard Method Development Standards

A. Site	Detached House	Townhouse	General
Site Area (min)			
A Net site area	5 acres	5 acres	5 acres
A Net site area per unit	n/a	4,800 SF	n/a
Open Space (min)			
A Open space (% of net site area)	60%	60%	60%
Site Coverage (max)			
A Site coverage	n/a	35%	10%
Specifications Open Space and Site Coverage			
In development with townhouse or general building types, all open space is calculated on the net site area minus any area for detached unit lots.			
In development with townhouse or general building types, site coverage is calculated on the net site area minus any area for detached unit lots.			

B. Lot & Density

Lot (min)			
B Lot area	25,000 SF	1,400 SF	25,000 SF
B Lot width at front building line	100'	n/a	n/a
B Lot width at front property line	25'	n/a	200'
Density (max)			
B Density (units/net acre)	1/5	1/5	n/a
B Density (FAR per gross tract area)	n/a	n/a	0.5
Coverage (max)			
B Lot	10%	n/a	n/a
Specification for Coverage			
On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is permitted if: (1) any increase above 10% consists entirely of greenhouses; and (2) the plan receives site plan approval under Sec. 8.3.4 .			

C. Placement		Detached House	Townhouse	General
Principal Building Setbacks (min)				
C	Front setback, public street	40'	25'	50'
c	Front setback, private street or open space	40'	4' or 20'	50'
C	Side street setback	50'	15'	50'
C	Side interior setback	15'	4'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
c	Side interior setback, abutting all other zones	n/a	n/a	25'
C	Side interior setback, end unit	n/a	5'	n/a
C	Rear setback	35'	20'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	n/a	15'
c	Rear/Side setback between lot and site boundary	n/a	abutting zone plus buffer width under Sec. 7.5.7	n/a
Accessory Structure Setbacks (min)				
C	Front setback, property line	80'	n/a	50'
c	Front setback, behind rear building line	n/a	5'	n/a
C	Side street setback	50'	15'	50'
C	Side interior setback	15'	4'	25'
C	Rear setback	15'	0'	25'
Specification for Accessory Structure Setbacks				
1	Accessory structures on a lot or tract adjoining a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under Sec.7.5.3.B.5, Fences and Walls.			

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

D. Height				
Height (max)				
D	Principal building	35'	35'	35'
D	Accessory structure	35'	25'	35'
D	Agricultural buildings	no limit	no limit	no limit

E. Form				
Massing (max)				
	Units permitted in one row	n/a	8	n/a
Building Orientation				
	Entrance facing street or open space	n/a	required	n/a
Allowed Building Elements				
	Gallery/Awning	n/a	n/a	yes
	Porch/Stoop	yes	yes	yes
	Balcony	yes	yes	yes

Div. 4.4. Residential Zones

Sec. 4.4.1. Methods of Development

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

A. Standard Method

Standard method development is allowed under the development standards established in Sec. 4.4.3 to Sec. 4.4.9. Standard method development of a detached house in the R-200, R-90, R-60, and R-40 may also have to satisfy Sec. 4.1.5.

B. Optional Method

Optional method development is allowed under Div. 6.1 and Div. 6.2.

Sec. 4.4.2. General Requirements

A. Building Types

Building types are allowed by zone under Sec. 4.1.3. Dimensional standards for allowed building types are in Sec. 4.4.3 to Sec. 4.4.9.

B. Setbacks

In Sec. 4.4.3. to Sec. 4.4.9, where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

Sec. 4.4.3. RE-2 and RE-2C Zones, Standard Method Development Standards

B. Lot & Density	Detached House	General
Lot (min)		
B Lot area	2 acres	2 acres
B Lot width at front building line	150'	n/a
B Lot width at front property line	25'	150'
Density (max)		
B Density (units/net acre)	1/2	n/a
B Density (FAR per gross tract area)	n/a	0.5
Coverage (max)		
B Lot	15%	15%

C. Placement

Principal Building Setbacks (min)		
C Front setback	50'	50'
C Side street setback	20'	20'
C Side interior setback	17'	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Side interior setback, abutting all other zones	n/a	17'
C Rear setback	35'	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Rear setback, abutting all other zones	n/a	15'
C Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)		
C Front setback, property line	80'	80'
C Side street setback	20'	20'
C Side interior setback	15'	17'
C Rear setback	10'	35'
C Rear setback, alley	n/a	4'

Specifications for Accessory Structure Setbacks

Accessory structures on a lot or tract adjoining a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under [Sec.7.5.3.B.5, Fences and Walls.](#)

In addition to the front setback minimum, accessory structures must be located behind the rear building line.

C. Placement	Detached House	General
Parking Setbacks for Surface Parking Lots (min)		
C Front setback	n/a	10'
C Side street setback	n/a	10'
C Side interior setback	n/a	10'
C Rear setback	n/a	10'
C Rear setback, alley	n/a	0'

D. Height

Height (max)		
D Principal building	50'	50'
D Accessory structure	50'	50'
D Agricultural buildings	50'	50'

E. Form

Transparency, for Walls Facing a Street or Open Space		
Ground story, front (min)	n/a	40%
Ground story, side/rear (min)	n/a	25%
Upper story (min)	n/a	20%
Blank wall, front (max)	n/a	35'
Blank wall, side/rear (max)	n/a	35'
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

Sec. 4.4.4. RE-1 Zone, Standard Method Development Standards

B. Lot & Density		Detached House	General
Lot (min)			
B	Lot area	40,000 SF	40,000 SF
B	Lot width at front building line	125'	n/a
B	Lot width at front property line	25'	125'
Density (max)			
B	Density (units/net acre)	1.09	n/a
B	Density (FAR per gross tract area)	n/a	0.5
Coverage (max)			
B	Lot	15%	15%

C. Placement

Principal Building Setbacks (min)			
C	Front setback	50'	50'
C	Side street setback	20'	20'
C	Side interior setback	17'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	n/a	17'
C	Rear setback	35'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	15'
C	Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)			
C	Front setback, property line	80'	80'
C	Side street setback	20'	20'
C	Side interior setback	15'	17'
C	Rear setback	10'	35'
C	Rear setback, alley	n/a	4'

Specifications for Accessory Structure Setbacks

Accessory structures on a lot or tract adjoining a national historical park must be set back a minimum of 200' from the national historical park unless the accessory structure is exempted under [Sec.7.5.3.B.5, Fences and Walls](#).

In addition to the front setback minimum, accessory structures must be located behind the rear building line.

C. Placement		Detached House	General
Parking Setbacks for Surface Parking Lots (min)			
C	Front setback	n/a	10'
C	Side street setback	n/a	10'
C	Side interior setback	n/a	10'
C	Rear setback	n/a	10'
C	Rear setback, alley	n/a	0'

D. Height			
Height (max)			
D	Principal building	50'	50'
D	Accessory structure	50'	50'
D	Agricultural buildings	50'	50'

E. Form			
Transparency, for Walls Facing a Street or Open Space			
	Ground story, front (min)	n/a	40%
	Ground story, side/rear (min)	n/a	25%
	Upper story (min)	n/a	20%
	Blank wall, front (max)	n/a	35'
	Blank wall, side/rear (max)	n/a	35'
Allowed Building Elements			
	Gallery/Awning	n/a	yes
	Porch/Stoop	yes	yes
	Balcony	yes	yes

Sec. 4.4.5. R-200 Zone, Standard Method Development Standards

B. Lot & Density		Detached House	General
Lot (min)			
B	Lot area	20,000 SF	20,000 SF
B	Lot width at front building line	100'	n/a
B	Lot width at front property line	25'	100'
Density (max)			
B	Density (units/net acre)	2.18	n/a
B	Density (FAR per gross tract area)	n/a	0.5
Coverage (max)			
B	Lot	25%	25%
Specification for Lot and Density			
Development with detached house building types may also have to satisfy Sec. 4.1.5 , Residential Infill Compatibility.			

C. Placement

Principal Building Setbacks (min)			
C	Front setback	40'	40'
C	Side street setback	15'	15'
C	Side interior setback	12'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	n/a	12'
C	Rear setback	30'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	15'
C	Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)			
C	Front setback, property line	65'	65'
C	Side street setback	15'	15'
C	Side interior setback	12'	12'
C	Rear setback	7'	7'
C	Rear setback, alley	n/a	4'

Specification for Accessory Structure Setbacks

In addition to the front setback minimum, accessory structures must be located behind the rear building line.

C. Placement		Detached House	General
Parking Setbacks for Surface Parking Lots (min)			
C	Front setback	n/a	10'
C	Side street setback	n/a	10'
C	Side interior setback	n/a	10'
C	Rear setback	n/a	10'
C	Rear setback, alley	n/a	0'

D. Height			
Height (max)			
D	Principal building, measured to highest point of a flat roof	40'	40'
D	Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	35'	35'
D	Accessory structure	35'	35'
D	Agricultural buildings	35'	35'

E. Form			
Transparency, for Walls Facing a Street or Open Space			
	Ground story, front (min)	n/a	40%
	Ground story, side/rear (min)	n/a	25%
	Upper story (min)	n/a	20%
	Blank wall, front (max)	n/a	35'
	Blank wall, side/rear (max)	n/a	35'
Allowed Building Elements			
	Gallery/Awning	n/a	yes
	Porch/Stoop	yes	yes
	Balcony	yes	yes

Sec. 4.4.6. R-90 Zone, Standard Method Development Standards

B. Lot & Density	Detached House	General
Lot (min)		
B Lot area	9,000 SF	15,000 SF
B Lot width at front building line	75'	n/a
B Lot width at front property line	25'	75'
Density (max)		
B Density (units/net acre)	4.84	n/a
B Density (FAR per gross tract area)	n/a	<u>0.75</u>
Coverage (max)		
B Lot	30%	30%
Specification for Lot & Density		
Development with detached house building types may also have to satisfy <u>Sec. 4.1.5</u> , Residential Infill Compatibility.		

C. Placement

Principal Building Setbacks (min)		
C Front setback	30'	30'
C Side street setback	15'	15'
C Side interior setback	8'	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under <u>Sec. 7.5.7</u>
C Side interior setback, abutting all other zones	n/a	8'
C Rear setback	25'	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under <u>Sec. 7.5.7</u>
C Rear setback, abutting all other zones	n/a	15'
C Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)		
C Front setback, property line	60'	60'
C Side street setback	15'	15'
C Side interior setback	5'	5'
C Rear setback	5'	5'
C Rear setback, alley	n/a	4'

Specifications for Accessory Structure Setbacks

In addition to the front setback minimum, accessory structures must be located behind the rear building line.

For accessory structures with a height greater than 15', the minimum side interior and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.

C. Placement

Detached House General

Specifications for Accessory Structure Setbacks (continued)

For accessory structures with a length along a rear or side property line which has a linear dimension greater than 24', the minimum side interior or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this specification.

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

D. Height

Height (max)			
D	Principal building, measured to highest point of a flat roof	35'	35'
D	Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'
D	Accessory structure	25'	25'
D	Agricultural buildings	25'	25'

Specification for Height

In development with detached house building types height can be increased to 40' if approved by the Planning Board in a site plan (Sec. 8.3.4).

E. Form

Transparency, for Walls Facing a Street or Open Space			
	Ground story, front (min)	n/a	40%
	Ground story, side/rear (min)	n/a	25%
	Upper story (min)	n/a	20%
	Blank wall, front (max)	n/a	35'
	Blank wall, side/rear (max)	n/a	35'
Allowed Building Elements			
	Gallery/Awning	n/a	yes
	Porch/Stoop	yes	yes
	Balcony	yes	yes

Sec. 4.4.7. R-60 Zone, Standard Method Development Standards

B. Lot & Density		Detached House	General
Lot (min)			
B	Lot area	6,000 SF	15,000 SF
B	Lot width at front building line	60'	n/a
B	Lot width at front property line	25'	75'
Density (max)			
B	Density (units/net acre)	7.26	n/a
B	Density (FAR per gross tract area)	n/a	<u>0.75</u>
Coverage (max)			
B	Lot	35%	35%
Specification			
Development with detached house building types may also have to satisfy Sec. 4.1.5, Residential Infill Compatibility.			

C. Placement

Principal Building Setbacks (min)			
C	Front setback	25'	30'
C	Side street setback	15'	15'
C	Side interior setback	8'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	n/a	8'
C	Rear setback	25'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	15'
C	Rear setback, alley	n/a	4'
Accessory Structure Setbacks (min)			
C	Front setback, property line	60'	60'
C	Side street setback	15'	15'
C	Side interior setback	5'	5'
C	Rear setback	5'	5'
C	Rear setback, alley	n/a	4'

Specifications for Accessory Structure Setbacks

In addition to the front setback minimum, accessory structures must be located behind the rear building line.

For accessory structures with a height greater than 15', the minimum side interior and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.

C. Placement

	Detached House	General
Specifications for Accessory Structure Setbacks (continued)		
For accessory structures with a length along a rear or side property line which has a linear dimension greater than 24', the minimum side interior or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this specification.		
Parking Setbacks for Surface Parking Lots (min)		
C Front setback	n/a	10'
C Side street setback	n/a	10'
C Side interior setback	n/a	10'
C Rear setback	n/a	10'
C Rear setback, alley	n/a	0'

D. Height

Height (max)		
D Principal building, measured to highest point of a flat roof	35'	35'
D Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'
D Accessory structure	25'	25'
D Agricultural buildings	25'	25'
Specification for Height		
In development with detached house building types height can be increased to 40' if approved by the Planning Board in a site plan (Sec. 8.3.4).		

E. Form

Transparency, for Walls Facing a Street or Open Space		
Ground story, front (min)	n/a	40%
Ground story, side/rear (min)	n/a	25%
Upper story (min)	n/a	20%
Blank wall, front (max)	n/a	35'
Blank wall, side/rear (max)	n/a	35'
Allowed Building Elements		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

Sec. 4.4.8. R-40 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	General
Site Area (min)				
A Net site area	n/a	8,000 SF	8,000 SF	n/a

B. Lot & Density

Lot (min)				
B Lot area	6,000 SF	4,000 SF	8,000 SF	15,000 SF
B Lot width at front building line	60'	40'	80'	n/a
B Lot width at front property line	25'	10'	25'	75'
Density (max)				
B Density (units/net acre)	7.26	10.89	10.89	n/a
B Density (FAR per gross tract area)	n/a	n/a	n/a	0.75
Coverage (max)				
B Lot	35%	40%	40%	40%

Specification

Development with detached house building types may also have to satisfy [Sec. 4.1.5, Residential Infill Compatibility](#).

C. Placement

Principal Building Setbacks (min)				
C Front setback	25'	25'	25'	30'
C Side street setback	15'	15'	15'	15'
C Side interior setback	8'	10'	10'	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Side interior setback, abutting all other zones	n/a	n/a	n/a	25'
C Rear setback	20'	20'	20'	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
C Rear setback, abutting all other zones	n/a	n/a	n/a	15'
C Rear setback, alley	n/a	n/a	n/a	4'

C. Placement		Detached House	Duplex - Side	Duplex - Over	General
Accessory Structure Setbacks (min)					
C	Front setback, property line	60'	60'	60'	60'
C	Side street setback	15'	15'	15'	15'
C	Side interior setback	5'	5'	5'	5'
C	Rear setback	5'	5'	5'	5'
C	Rear setback, alley	n/a	n/a	n/a	4'
Specifications for Accessory Structure Setbacks					
<u>1</u>	<u>In addition to the front setback minimum, accessory structures must be located behind the rear building line.</u>				
<u>2</u>	<u>For accessory structures with a height greater than 15', the minimum side interior and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.</u>				
<u>3</u>	<u>For accessory structures with a length along a rear or side property line which has a linear dimension greater than 24', the minimum side interior or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. Swimming pools are exempt from this specification.</u>				
Parking Setbacks for Surface Parking Lots (min)					
C	Front setback	n/a	n/a	n/a	10'
C	Side street setback	n/a	n/a	n/a	10'
C	Side interior setback	n/a	n/a	n/a	10'
C	Rear setback	n/a	n/a	n/a	10'
C	Rear setback, alley	n/a	n/a	n/a	0'

D. Height		Detached House	Duplex - Side	Duplex - Over	General
Height (max)					
D	Principal building, measured to highest point of a flat roof	35'	35'	35'	35'
D	Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'	30'	30'
D	Accessory Structure	25'	25'	25'	25'
D	Agricultural Buildings	25'	25'	25'	25'

Specification for Height
 In development with detached house building types height can be increased to 40' if approved by the Planning Board in a site plan (Sec. 8.3.4).

E. Form

Transparency, for Walls Facing a Street or Open Space					
	Ground story, front (min)	n/a	n/a	n/a	40%
	Ground story, side/rear (min)	n/a	n/a	n/a	25%
	Upper story (min)	n/a	n/a	n/a	20%
	Blank wall, front (max)	n/a	n/a	n/a	35'
	Blank wall, side/rear (max)	n/a	n/a	n/a	35'
Allowed Building Elements					
	Gallery/Awning	n/a	n/a	n/a	yes
	Porch/Stoop	yes	yes	yes	yes
	Balcony	yes	yes	yes	yes

Sec. 4.4.9. TLD Zone, Standard Method Development Standards

A. Site		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Site Area (min)						
A	Net site area (min)	4,800 SF	4,800 SF	4,800 SF	n/a	n/a
A	Net site area per unit (min)	n/a	n/a	n/a	4,800 SF	n/a
Open Space (min)						
A	Open space (% of net site area)	n/a	n/a	n/a	50%	25%
Site Coverage (max)						
A	Site coverage	n/a	n/a	n/a	35%	35%
Specifications for Open Space and Site Coverage						
In development with townhouse or general building types, all open space is calculated on the net site area minus any area for detached and duplex unit lots.						
In development with townhouse or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.						

B. Lot & Density

Lot (min)						
B	Lot area	4,800 SF	2,400 SF	4,800 SF	1,600 SF	n/a
B	Lot width at front building line	30'	15'	30'	n/a	n/a
B	Lot width at front property line	10'	10'	10'	n/a	75'
Density (max)						
B	Density (units/net acre)	9.07	9.07	9.07	9.07	n/a
B	Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	0.75
Coverage (max)						
B	Lot	35%	35%	35%	n/a	n/a

C. Placement		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Principal Building Setbacks (min)						
C	Front setback, public street	20'	20'	20'	20'	30'
c	Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	n/a	n/a	n/a	4'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.5.7
c	Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'
C	Side interior setback, end unit	n/a	n/a	n/a	4'	n/a
C	Rear setback	20'	20'	20'	20'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
c	Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	15'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
C	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7	n/a
Accessory Structure Setbacks (min)						
C	Front setback, behind front building line	10'	10'	10'	10'	10'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	4'	4'	4'	4'	5'
C	Rear setback	4'	4'	4'	0'	5'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Parking Setbacks for Surface Parking Lots (min)						
C	Front setback	n/a	n/a	n/a	n/a	10'
C	Side street setback	n/a	n/a	n/a	n/a	10'
C	Side interior setback	n/a	n/a	n/a	n/a	10'
C	Rear setback	n/a	n/a	n/a	n/a	10'
C	Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height	Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Height (max)					
D Principal building	35'	35'	35'	40'	40''
D Accessory Structure	25'	25'	25'	25'	25'
D Agricultural Buildings	25'	25'	25'	25'	25'

E. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
Transparency, for Walls Facing a Street or Open Space					
Ground story, front (min)	n/a	n/a	n/a	n/a	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%
Blank wall, front (max)	n/a	n/a	n/a	n/a	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	35'
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

Sec. 4.4.10. TMD Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Site Area (min)					
A Net site area	3,600 SF	3,600 SF	3,600 SF	n/a	n/a
A Net site area per unit	n/a	n/a	n/a	3,600 SF	n/a
Open Space (min)					
A Open space (% of net site area)	n/a	n/a	n/a	45%	25%
Site Coverage (max)					
A Site coverage	n/a	n/a	n/a	35%	35%
Specifications for Open Space and Site Coverage					
In development with townhouse or general building types, all open space is calculated on the net site area minus any area for detached and duplex unit lots.					
In development with townhouse or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.					

B. Lot & Density

Lot (min)					
B Lot area	3,600 SF	1,800 SF	3,600 SF	1,400 SF	n/a
B Lot width at front building line	30'	15'	30'	n/a	n/a
B Lot width at front property line	10'	10'	10'	n/a	75'
Density (max)					
B Density (units/net acre)	12.10	12.10	12.10	12.10	n/a
B Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	1.0
Coverage (max)					
B Lot	40%	40%	40%	n/a	n/a

C. Placement		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Principal Building Setbacks (min)						
C	Front setback, public street	20'	20'	20'	20'	30'
C	Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	n/a	n/a	n/a	4'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'
C	Side interior setback, end unit	n/a	n/a	n/a	4'	n/a
C	Rear setback	20'	20'	20'	20'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	15'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
C	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7	n/a
Accessory Structure Setbacks (min)						
C	Front setback, behind front building line	10'	10'	10'	10'	10'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	4'	4'	4'	4'	5'
C	Rear setback	4'	4'	4'	0'	5'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Parking Setbacks for Surface Parking Lots (min)						
C	Front setback	n/a	n/a	n/a	n/a	10'
C	Side street setback	n/a	n/a	n/a	n/a	10'
C	Side interior setback	n/a	n/a	n/a	n/a	10'
C	Rear setback	n/a	n/a	n/a	n/a	10'
C	Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height	Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Height (max)					
D Principal building	35'	35'	35'	40'	40''
D Accessory Structure	25'	25'	25'	25'	25'
D Agricultural Buildings	25'	25'	25'	25'	25'

E. Form

Massing (max)					
Units permitted in one row	n/a	n/a	n/a	10	n/a
Building Orientation					
Entrance facing street or open space	n/a	n/a	n/a	required	required
Transparency, for Walls Facing a Street or Open Space					
Ground story, front (min)	n/a	n/a	n/a	n/a	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	25%
Upper story (min)	n/a	n/a	n/a	n/a	20%
Blank wall, front (max)	n/a	n/a	n/a	n/a	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	35'
Allowed Building Elements					
Gallery/Awning	n/a	n/a	n/a	n/a	yes
Porch/Stoop	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes

Sec. 4.4.11. THD Zone, Standard Method Development Standards

A. Site		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Site Area (min)						
A	Net site area	2,900 SF	2,900 SF	2,900 SF	n/a	n/a
A	Net site area per unit	n/a	n/a	n/a	2,900 SF	n/a
Open Space (min)						
A	Open space (% of net site area)	n/a	n/a	n/a	40%	25%
Site Coverage (max)						
A	Site coverage	n/a	n/a	n/a	35%	35%
Specifications for Open Space and Site Coverage						
In development with townhouse or general building types, all open space is calculated on the net site area minus any area for detached and duplex unit lots.						
In development with townhouse or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.						

B. Lot & Density

Lot (min)						
B	Lot area	2,900 SF	1,450 SF	2,900 SF	1,200 SF	n/a
B	Lot width at front building line	30'	15'	30'	n/a	n/a
B	Lot width at front property line	10'	10'	10'	n/a	75'
Density (max)						
B	Density (units/net acre)	15.02	15.02	15.02	15.02	15.02
B	Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	1.0
Coverage (max)						
B	Lot	50%	50%	50%	n/a	n/a

C. Placement		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Principal Building Setbacks (min)						
C	Front setback, public street	20'	20'	20'	20'	30'
c	Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	15'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	n/a	n/a	n/a	4'	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.5.7
C	Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'
C	Side interior setback, end unit	n/a	n/a	n/a	5'	n/a
C	Rear setback	20'	20'	20'	20'	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7
c	Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	15'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
C	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.5.7	n/a
Accessory Structure Setbacks (min)						
C	Front setback, behind front building line	10'	10'	10'	10'	10'
C	Side street setback	15'	15'	15'	15'	15'
C	Side interior setback	4'	4'	4'	4'	5'
C	Rear setback	4'	4'	4'	0'	5'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'
Parking Setbacks for Surface Parking Lots (min)						
C	Front setback	n/a	n/a	n/a	n/a	10'
C	Side street setback	n/a	n/a	n/a	n/a	10'
C	Side interior setback	n/a	n/a	n/a	n/a	10'
C	Rear setback	n/a	n/a	n/a	n/a	10'
C	Rear setback, alley	n/a	n/a	n/a	n/a	0'

D. Height		Detached House	Duplex - Side	Duplex - Over	Townhouse	General
Height (max)						
D	Principal building	35'	35'	35'	40'	40''
D	Accessory Structure	25'	25'	25'	25'	25'
D	Agricultural Buildings	25'	25'	25'	25'	25'
E. Form						
Massing (max)						
	Units permitted in one row	n/a	n/a	n/a	12	n/a
Building Orientation						
	Entrance facing street or open space	n/a	n/a	n/a	required	required
Transparency, for Walls Facing a Street or Open Space						
	Ground story, front (min)	n/a	n/a	n/a	n/a	40%
	Ground story, side/rear (min)	n/a	n/a	n/a	n/a	25%
	Upper story (min)	n/a	n/a	n/a	n/a	20%
	Blank wall, front (max)	n/a	n/a	n/a	n/a	35'
	Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	35'
Allowed Building Elements						
	Gallery/Awning	n/a	n/a	n/a	n/a	yes
	Porch/Stoop	yes	yes	yes	yes	yes
	Balcony	yes	yes	yes	yes	yes

Sec. 4.4.12. R-30 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Site Area (min)						
A Net site area	3,000 SF	3,000 SF	3,000 SF	n/a	n/a	n/a
A Net site area per unit	n/a	n/a	n/a	3,000 SF	3,000 SF	n/a
Open Space (min)						
A Open space (% of net site area)	n/a	n/a	n/a	65%	65%	25%
Site Coverage (max)						
A Site coverage	n/a	n/a	n/a	18%	18%	18%

Specifications for Open Space and Site Coverage

In a development with townhouse, apartment/condo, or general building types, all open space is calculated on the net site area minus any area used for detached house and duplex unit lots.

In development with townhouse, apartment/condo, or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.

B. Lot & Density

Lot (min)						
B Lot area	3,000 SF	1,500 SF	3,000 SF	1,200 SF	12,000 SF	n/a
B Lot width at front building line	30'	15'	30'	n/a	n/a	n/a
B Lot width at front property line	10'	10'	10'	n/a	75'	75'
Density (max)						
B Density (units/net acre)	14.50	14.50	14.50	14.50	14.50	n/a
B Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	n/a	1.50
Coverage (max)						
B Lot	50%	50%	50%	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General	
Principal Building Setbacks (min)							
C	Front setback, public street	20'	20'	20'	20'	30'	30'
C	Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	20'
C	Side street setback	15'	15'	15'	15'	10'	10'
C	Side interior setback	n/a	n/a	n/a	4'	n/a	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C	Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'	8'
C	Side interior setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
C	Rear setback	20'	20'	20'	20'	n/a	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C	Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	30'	15'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
C	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Accessory Structure Setbacks (min)						
C Front setback, behind front building line	10'	10'	10'	10'	10'	10'
C Side street setback	15'	15'	15'	15'	15'	15'
C Side interior setback	4'	4'	4'	4'	5'	5'
C Rear setback	4'	4'	4'	0'	5'	5'
C Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Parking Setbacks for Surface Parking Lots (min)						
C Front setback	n/a	n/a	n/a	n/a	30'	10'
C Side street setback	n/a	n/a	n/a	n/a	10'	10'
C Side interior setback	n/a	n/a	n/a	n/a	10'	10'
C Rear setback	n/a	n/a	n/a	n/a	10'	10'
C Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'
D. Height						
Height (max)						
D Principal building	35'	35'	35'	35'	35'	35'
D Accessory structure	25'	25'	25'	25'	25'	25'
D Agricultural Buildings	25'	25'	25'	25'	25'	25'

E. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	required
Transparency, for Walls Facing a Street or Open Space						
Ground story, front (min)	n/a	n/a	n/a	n/a	n/a	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	25%
Upper story (min)	n/a	n/a	n/a	n/a	n/a	20%
Blank wall, front (max)	n/a	n/a	n/a	n/a	n/a	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	n/a	35'
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes

Sec. 4.4.13. R-20 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Site Area (min)						
A Net site area	2,000 SF	2,000 SF	2,000 SF	n/a	n/a	n/a
A Net site area per unit	n/a	n/a	n/a	2,000 SF	2,000 SF	n/a
Open Space (min)						
A Open space (% of net site area)	n/a	n/a	n/a	60%	60%	25%
Site Coverage (max)						
A Site coverage	n/a	n/a	n/a	18%	18%	18%
Specifications for Open Space and Site Coverage						
In a development with townhouse, apartment/condo, or general building types, all open space is calculated on the net site area minus any area used for detached house and duplex unit lots.						
In development with townhouse, apartment/condo, or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.						

B. Lot & Density

Lot (min)						
B Lot area	2,000 SF	1,000 SF	2,000 SF	1,000 SF	16,000 SF	n/a
B Lot width at front building line	25'	12.5'	25'	n/a	n/a	n/a
B Lot width at front property line	10'	10'	10'	n/a	85'	75'
Density (max)						
B Density (units/net acre)	21.70	21.70	21.70	21.70	21.70	n/a
B Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	n/a	1.75
Coverage (max)						
B Lot	75%	75%	75%	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Principal Building Setbacks (min)						
C Front setback, public street	20'	20'	20'	20'	30'	30'
C Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	4' or 20'	20'	20'
C Side street setback	15'	15'	15'	15'	10'	10'
C Side interior setback	n/a	n/a	n/a	4'	n/a	n/a
C Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'	8'
C Side interior setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
C Rear setback	20'	20'	20'	10'	n/a	n/a
C Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	30'	15'
C Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
C Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	n/a	n/a

C. Placement		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Accessory Structure Setbacks (min)							
C	Front setback, behind front building line	10'	10'	10'	10'	10'	10'
C	Side street setback	15'	15'	15'	15'	15'	15'
C	Side interior setback	4'	4'	4'	4'	5'	5'
C	Rear setback	4'	4'	4'	0'	5'	5'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
C	Front setback	n/a	n/a	n/a	n/a	30'	10'
C	Side street setback	n/a	n/a	n/a	n/a	10'	10'
C	Side interior setback	n/a	n/a	n/a	n/a	10'	10'
C	Rear setback	n/a	n/a	n/a	n/a	10'	10'
C	Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'
D. Height							
Height (max)							
D	Principal building	40'	40'	40'	40'	80'	80'
D	Accessory structure	25'	25'	25'	25'	25'	25'
D	Agricultural Buildings	25'	25'	25'	25'	25'	25'

E. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	General
Massing (max)						
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a
Building Orientation						
Entrance facing street or open space	n/a	n/a	n/a	required	required	required
Transparency, for Walls Facing a Street or Open Space						
Ground story, front (min)	n/a	n/a	n/a	n/a	n/a	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	25%
Upper story (min)	n/a	n/a	n/a	n/a	n/a	20%
Blank wall, front (max)	n/a	n/a	n/a	n/a	n/a	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	n/a	35'
Allowed Building Elements						
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes

Sec. 4.4.14. R-10 Zone, Standard Method Development Standards

A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Site Area (min)							
A Net site area	1,000 SF	1,000 SF	1,000 SF	n/a	n/a	n/a	n/a
A Net site area per unit	n/a	n/a	n/a	1,000 SF	1,000 SF	1,000 SF	n/a
Open Space (min)							
A Open space (% of net site area)	n/a	n/a	n/a	60%	60%	60%	25%
Site Coverage (max)							
A Site coverage	n/a	n/a	n/a	12%	12%	12%	12%

Specifications for Open Space and Site Coverage

In a development with townhouse, apartment/condo, multi use, or general building types, all open space is calculated on the net site area minus any area used for detached house and duplex unit lots.

In development with townhouse, apartment/condo, multi use, or general building types, site coverage is calculated on the net site area minus any area for detached and duplex unit lots.

B. Lot & Density

Lot (min)							
B Lot area	2,000 SF	1,000 SF	2,000 SF	800 SF	20,000 SF	20,000 SF	n/a
B Lot width at front building line	25'	12.5'	25'	n/a	n/a	n/a	n/a
B Lot width at front property line	10'	10'	10'	n/a	100'	100'	75'
Density (max)							
B Density (units/net acre)	43.50	43.50	43.50	43.50	243.50	43.50	n/a
B Density (FAR per gross tract area)	n/a	n/a	n/a	n/a	n/a	n/a	2.00
Coverage (max)							
B Lot	90%	90%	90%	n/a	n/a	n/a	n/a

C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Principal Building Setbacks (min)							
C	Front setback, public street	20'	20'	20'	30'	30'	30'
C	Front setback, private street or open space	4' or 20'	4' or 20'	4' or 20'	20'	20'	20'
C	Side street setback	15'	15'	15'	10'	10'	10'
C	Side interior setback	n/a	n/a	n/a	4'	n/a	n/a
C	Side interior setback, abutting Agricultural, Rural Residential, or Residential Detached zones	abutting zone	abutting zone	abutting zone	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C	Side interior setback, abutting all other zones	4'	4'	4'	n/a	8'	8'
C	Side interior setback, end unit	n/a	n/a	n/a	5'	n/a	n/a
C	Rear setback	20'	20'	20'	10'	n/a	n/a
C	Rear setback, abutting Agricultural, Rural Residential, or Residential Detached zones	n/a	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	abutting zone plus buffer width under Sec. 7.537
C	Rear setback, abutting all other zones	n/a	n/a	n/a	n/a	30'	30'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
C	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	abutting zone plus buffer width under Sec. 7.537	n/a	n/a

C. Placement		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Accessory Structure Setbacks (min)								
C	Front setback, behind front building line	10'	10'	10'	10'	10'	10'	10'
C	Side street setback	15'	15'	15'	15'	15'	15'	15'
C	Side interior setback	4'	4'	4'	4'	5'	5'	5'
C	Rear setback	4'	4'	4'	0'	5'	5'	5'
C	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)								
C	Front setback	n/a	n/a	n/a	n/a	30'	30'	10'
C	Side street setback	n/a	n/a	n/a	n/a	10'	10'	10'
C	Side interior setback	n/a	n/a	n/a	n/a	10'	10'	10'
C	Rear setback	n/a	n/a	n/a	n/a	10'	10'	10'
C	Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'

D. Height

Height (max)								
D	Principal building	40'	40'	40'	40'	100'	100'	100'
D	Accessory structure	25'	25'	25'	25'	25'	25'	25'
D	Agricultural Buildings	25'	25'	25'	25'	25'	25'	25'

E. Form	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Massing (max)							
Units permitted in one row	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation							
Entrance facing street or open space	n/a	n/a	n/a	required	required	required	required
Entrance spacing (max)	n/a	n/a	n/a	n/a	n/a	100'	100'
Transparency, for Walls Facing a Street or Open Space							
Ground story, front (min)	n/a	n/a	n/a	n/a	n/a	n/a	40%
Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	n/a	25%
Upper story (min)	n/a	n/a	n/a	n/a	n/a	n/a	20%
Blank wall, front (max)	n/a	n/a	n/a	n/a	n/a	n/a	35'
Blank wall, side/rear (max)	n/a	n/a	n/a	n/a	n/a	n/a	35'
Allowed Building Elements							
Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
Balcony	yes	yes	yes	yes	yes	yes	yes

Div. 4.5. Commercial/Residential Zones

Sec. 4.5.1. Density and Height Allocation

A. Density and Height Limits

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

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

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of 5 feet up to the maximums indicated in [Sec. 4.5.1.A.1](#).

B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:

- the properties are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
- the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
- the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- a building cannot exceed the maximum height set by the zone;
- uses are subject to the provisions of the zone category;
- the total allowed maximum density on a resulting property that is adjacent to or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use, does not exceed that allowed by the property's zone; and
- public benefits must be provided under the phasing element of an approved sketch plan.

Sec. 4.5.2. Methods of Development

The CRN zone allows development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method, subject to approval of a sketch plan (see [Sec. 8.3.3](#)).

A. Standard Method

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

- In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the following table, whichever is less:

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

B. Optional Method

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

Sec. 4.5.3. General Requirements

Development in all Commercial/Residential zones must comply with the requirements of [Sec. 4.5.3.A](#) to [Sec. 4.5.3.D](#).

A. Master Plan and Design Guidelines

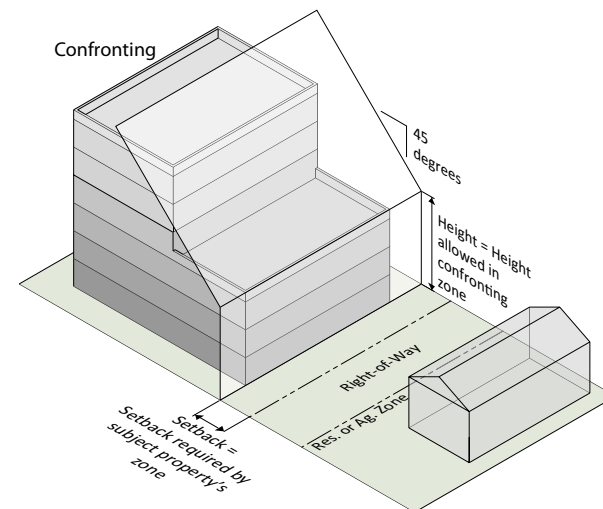
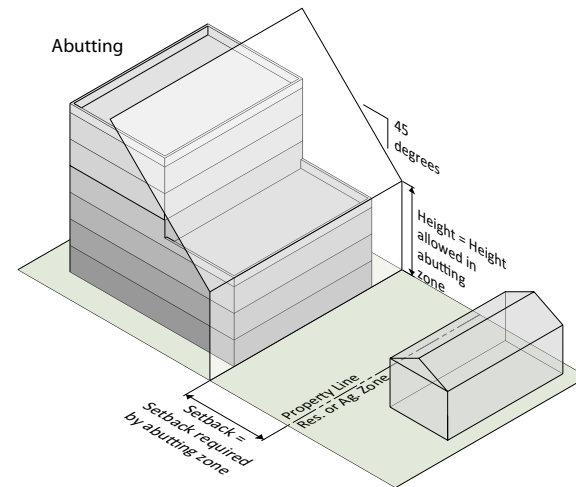
- Development that requires a site plan must be consistent with the applicable master or sector plan.
- Development that requires a site plan must address any design guidelines

approved by the Planning Board that implement the applicable master or sector plan.

B. Neighborhood Compatibility

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7; and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
 - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under Sec. 7.5.7, whichever is greater; and
 - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4., or
2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7 across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
 - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4.

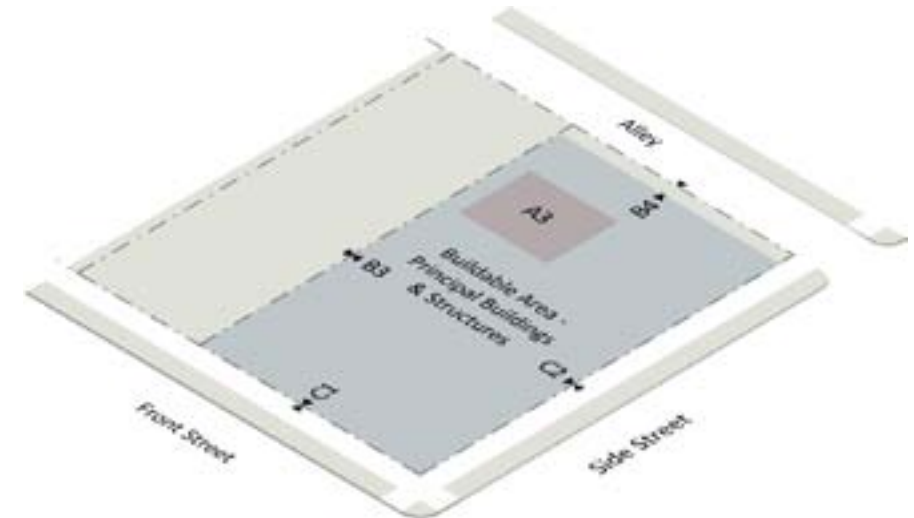
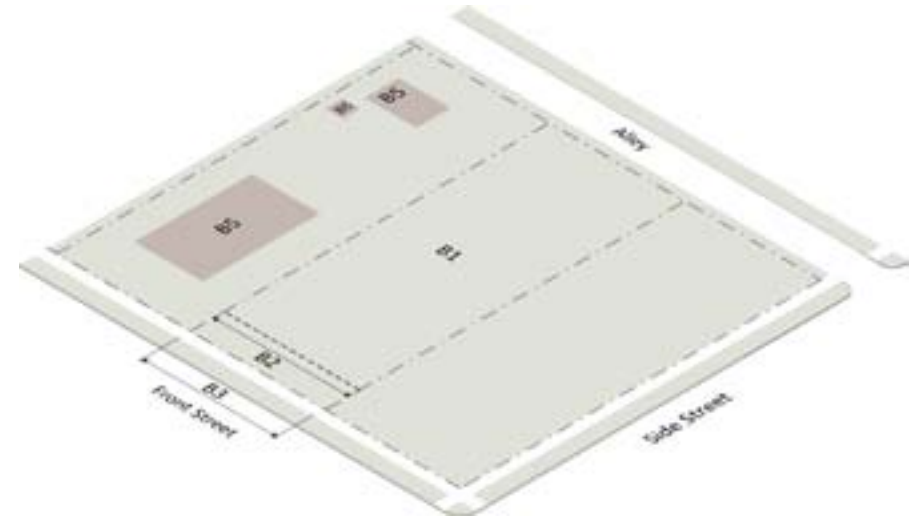


Sec. 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards

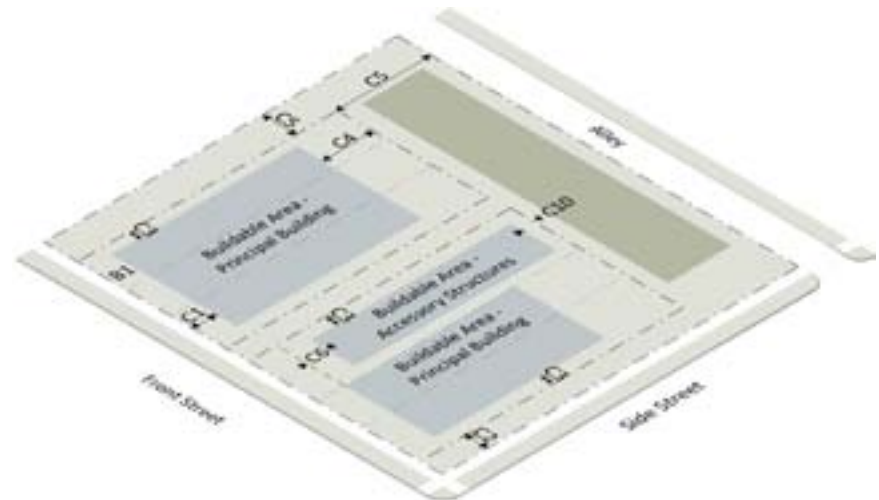
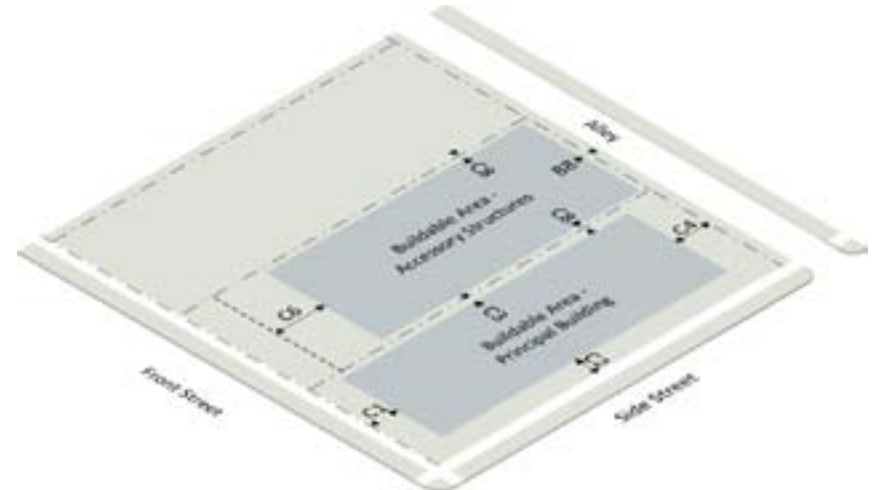
A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Open Space (min)							
A3 Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
A3 Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
In a development with townhouse, apartment/condo, multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.							
1							
space is calculated on the net site area minus any area used for detached house and duplex unit lots.							
2							
Open space for the townhouse building type is common outdoor area and for other building types is public use space, under Div. 7.3 .							

B. Lot & Density

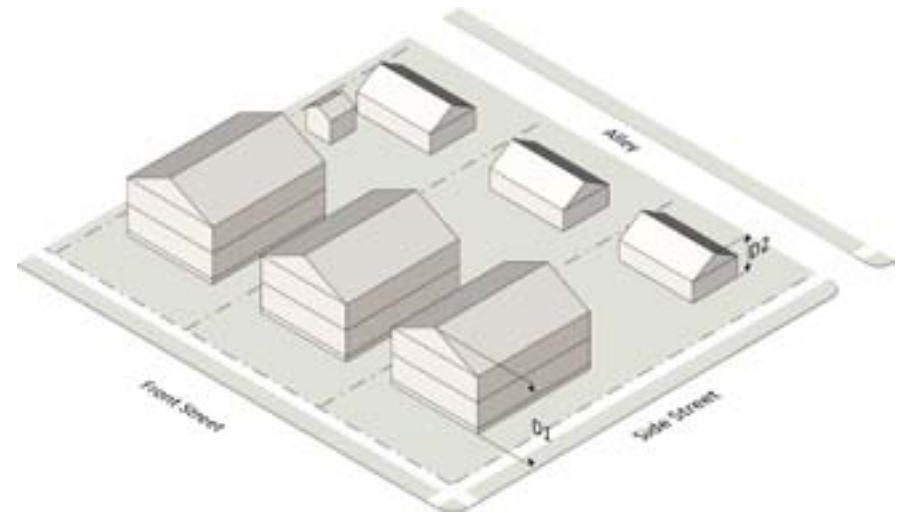
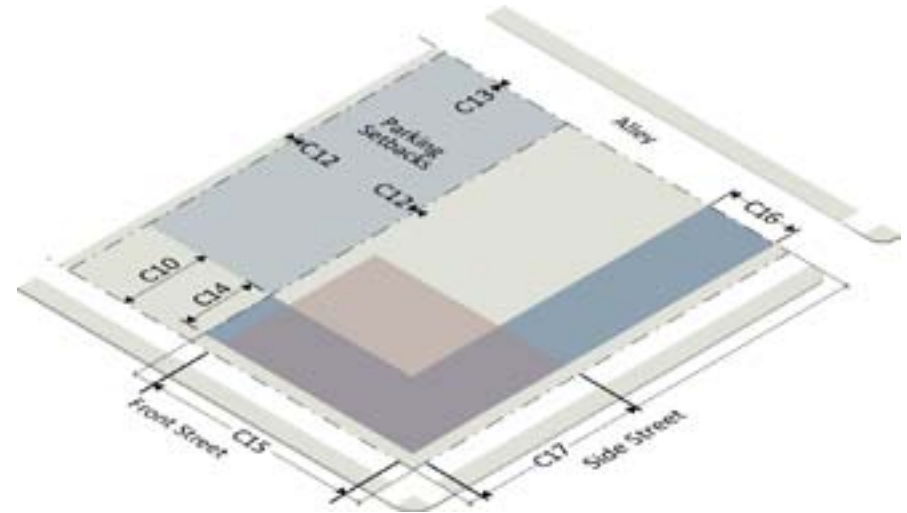
Lot (min)							
B1 Net lot area	1,000 SF	1,000 SF	500 SF	800 SF	n/a	n/a	n/a
B2 Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
B3 Lot width at front property line	10'	10'	10'	n/a	n/a <td n/a	n/a	
Density (max)							
B4 CRN Density, FAR	mapped						
B4 CRT Density, FAR	mapped FAR or the greater of 10,000 SF or 1.0 FAR, whichever is less						
B4 CR Density, FAR	mapped FAR or the greater of 10,000 SF or 0.5 FAR, whichever is less						
Coverage (max)							
B5 Lot	90%	90%	90%	90%	n/a	n/a	n/a



C. Placement		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Principal Building Setbacks (min)								
C1	Front setback	5'	5'	5'	5'	0'	0'	0'
C2	Side street setback	5'	5'	5'	5'	0'	0'	0'
C3	Side interior setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	6'	6'	6'	4'	see Sec. 4.5.3.B		
C3	Side interior setback, abutting all other <u>zones</u>	4'	4'	4'	n/a	0'	0'	0'
C3	Side interior setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
C4	Rear setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	15'	15'	15'	10'	see Sec. 4.5.3.B		
C4	Rear setback, abutting all other <u>zones</u>	15'	15'	15'	10'	0'	0'	0'
C4	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
C5	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	see Sec. 4.5.3.B	n/a	n/a	n/a



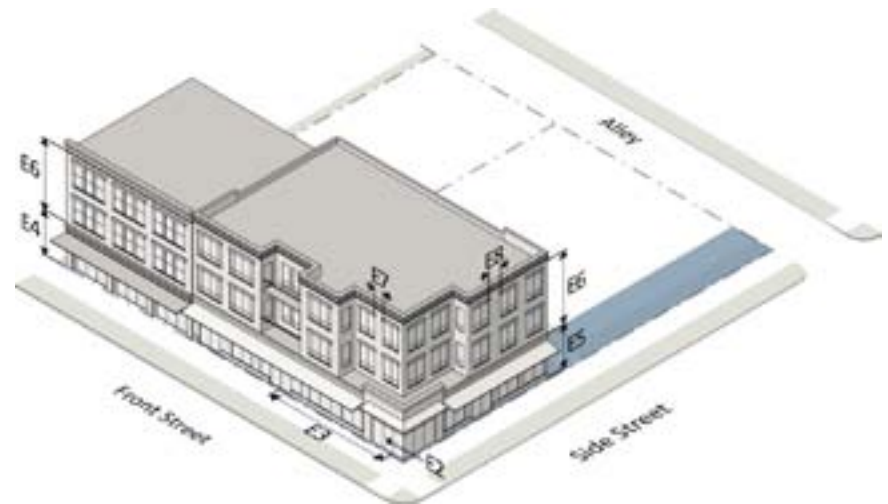
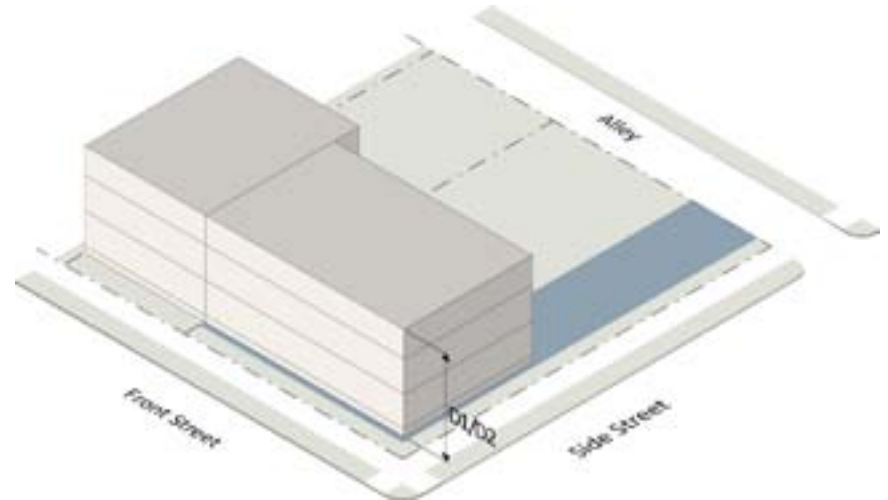
C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Accessory Structure Setbacks (min)							
C6	Front setback, behind front building line	5'	5'	5'	5'	0'	0'
C7	Side street setback	15'	15'	15'	15'	0'	0'
C8	Side interior setback	4'	4'	4'	4'	equal to Principal Building Setback	
C9	Rear setback	4'	4'	4'	4'	equal to Principal Building Setback	
C9	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
C10	Front setback	n/a	n/a	n/a	n/a	must be behind front building line	
C11	Side street setback	n/a	n/a	n/a	n/a	must be behind front building line	
C12	Side interior setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Sec. 7.5.6	
C13	Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Sec. 7.5.6	
C13	Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'
Build-to-Zone (BTZ, max setback & min % of lot width)							
C14	Front setback	n/a	n/a	n/a	15'	30'	15'
C15	Building in front street BTZ	n/a	n/a	n/a	70%	70%	70%
C16	Side street setback	n/a	n/a	n/a	n/a	30'	15'
C17	Building in side street BTZ	n/a	n/a	n/a	n/a	35%	35%



D. Height		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
D1	Principal building	mapped and Sec. 4.5.3.B						
D2	Accessory structure	25'	25'	25'	25'	mapped and Sec. 4.5.3.B	mapped and Sec. 4.5.3.B	mapped and Sec. 4.5.3.B

E. Form

Massing								
E1	Units permitted in one row (max)	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation								
E2	Entrance facing street or open space	required	required	required	required	required	required	required
E3	Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space								
E4	Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
E6	Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
E7	Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements								
E9	Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes	yes	yes	yes



Div. 4.6. Employment Zones

Sec. 4.6.1. Density and Height Allocation

A. Density and Height Limits

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

Zone	Total FAR (max)	Height (max)
EGR	0.5 to 2.5	25' to 85'
ENR	0.25 to 1.5	25' to 50'
ELS	0.5 to 2.5	35' to 200'
EOF	0.5 to 4.0	35' to 200'

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of 5 feet up to the maximums indicated in [Sec. 4.6.1.A.1](#).

B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones, if:

- the properties are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
- the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
- the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- a building cannot exceed the maximum height set by the zone;
- uses are subject to the provisions of the zone category;
- the total allowed maximum density on a resulting property that is adjacent to or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and

- public benefits must be provided under the phasing element of an approved sketch plan.

Sec. 4.6.2. Methods of Development

The EGR and ENR zone allows development only under the standard method. The ELS and EOF zones allow development under the standard method and may allow development under the optional method, subject to approval of a sketch plan.

A. Standard Method

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

- In the EGR and ENR zone, the maximum total FAR and maximum height for any property is set by the zone shown on the zoning map.
- In the ELS and EOF zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the following table, whichever is less:

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

B. Optional Method

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

Sec. 4.6.3. General Requirements

Development in all Employment zones must comply with the requirements of [Sec. 4.6.3.A](#) to [Sec. 4.6.3.D](#).

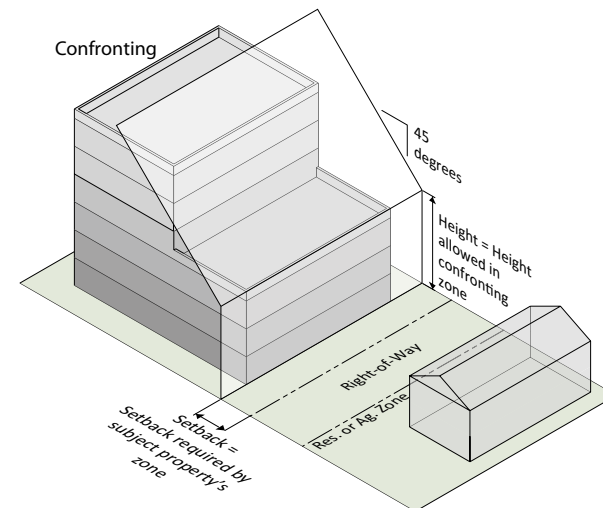
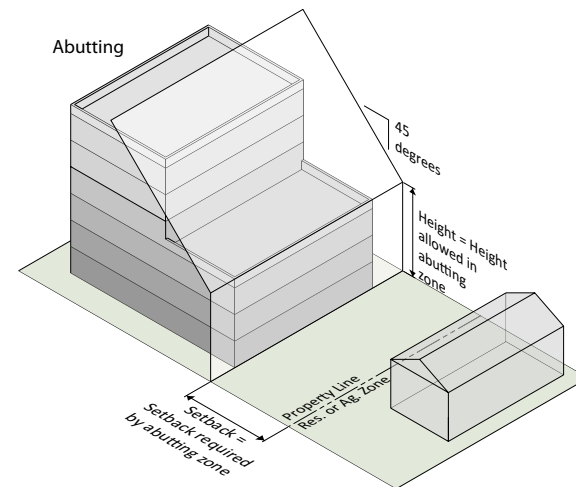
A. Master Plan and Design Guidelines

- Development that requires a site plan must be consistent with the applicable master or sector plan.
- Development that requires a site plan must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Neighborhood Compatibility

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7; and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
 - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under Sec. 7.5.7, whichever is greater; and
 - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4., or
2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7 across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
 - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4.

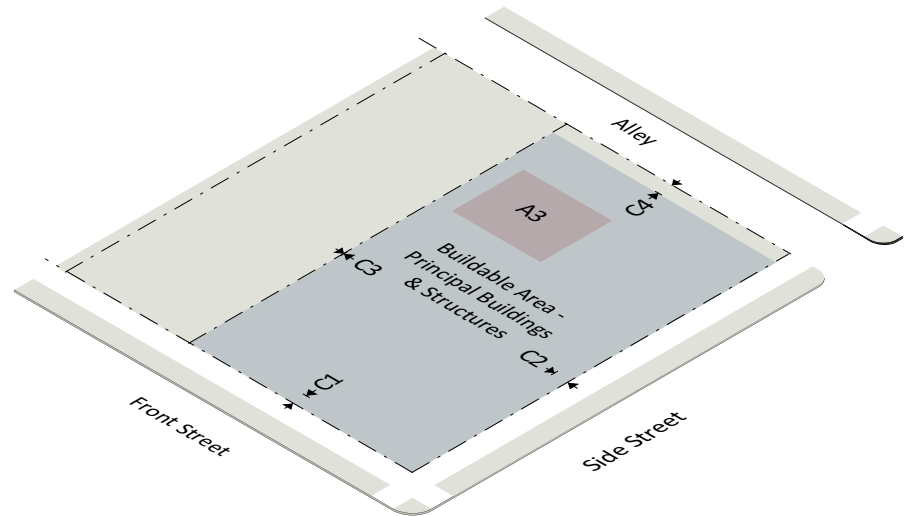
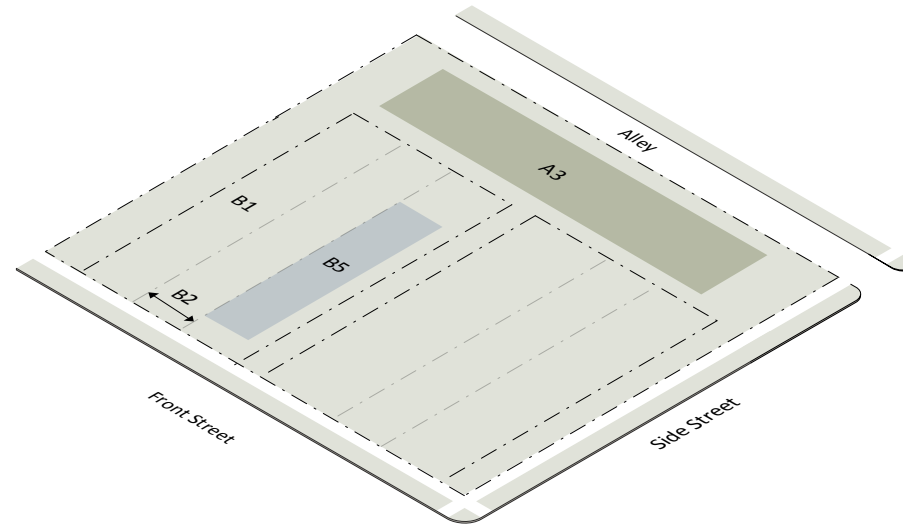


Sec. 4.6.4. EGR, ENR and EOF Zones, Standard Method Development Standards

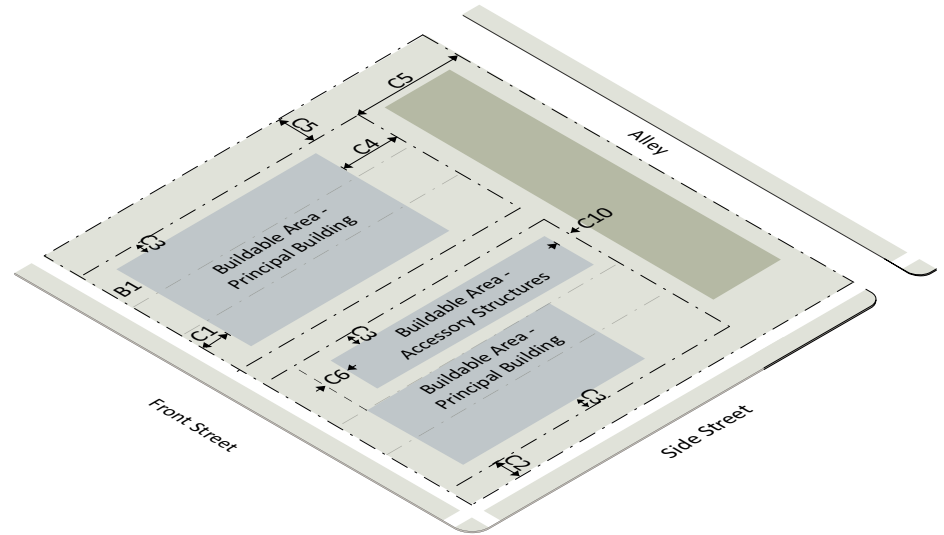
A. Site	Townhouse	Apartment / Condo	Multi Use	General
Open Space (min)				
A3 Open space, site ≤ 10,000 SF	20%	0%	0%	0%
A3 Open space, site >10,000 SF	20%	10%	10%	10%
Specifications for all Open Space				
1	Open space for the townhouse building type is common outdoor area and for other building types is public use space, under Div. 7.3 .			

B. Lot & Density

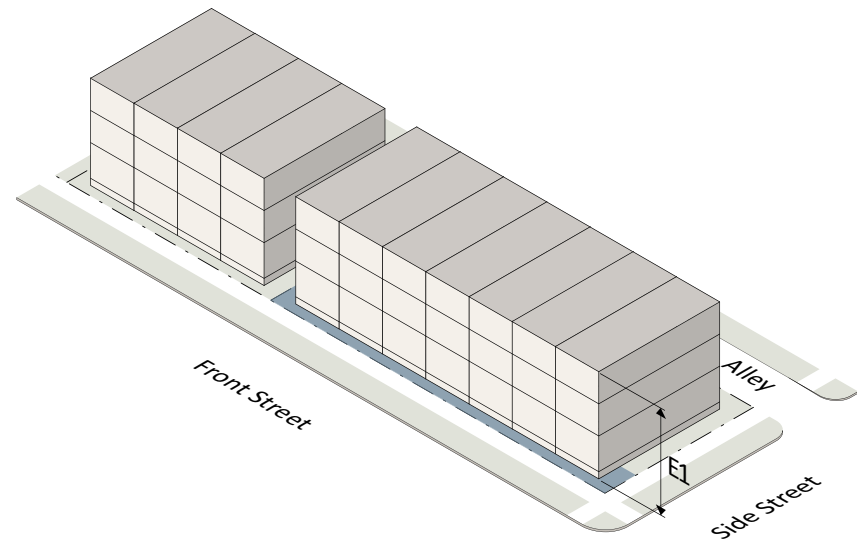
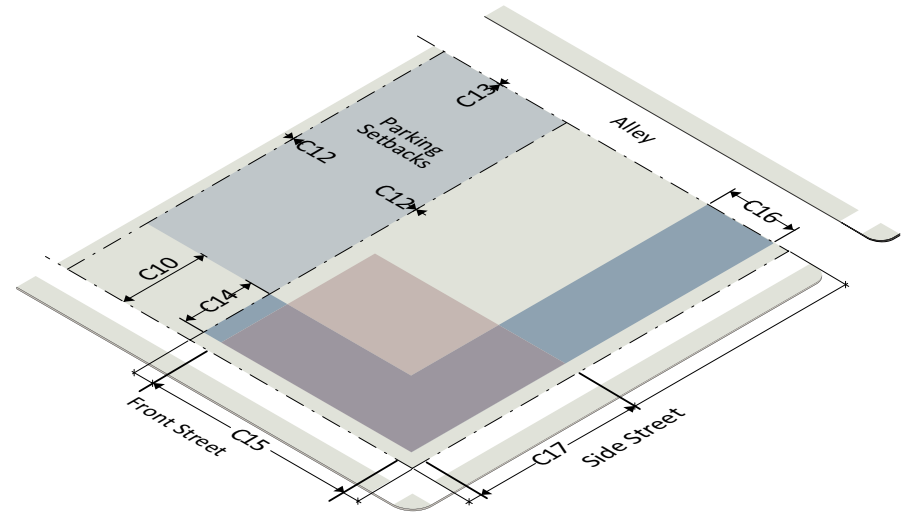
Lot (min)	Townhouse	Apartment / Condo	Multi Use	General
B1 Net lot area	900 SF	n/a	n/a	n/a
B2 Lot width at front building line	12'	n/a	n/a	n/a
Density (max)				
B4 EGR and ENR Density, FAR	mapped			
B4 EOF Density, FAR	mapped FAR or the greater of 1.0 FAR or 10,000 SF, whichever is less			
Coverage (max)				
B5 Lot	90%	n/a	n/a	n/a
Specification				
1	Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.			



C. Placement		Townhouse	Apartment / Condo	Multi Use	General
Principal Building Setbacks (min)					
C1	Front setback	5'	0'	0'	0'
C2	Side street setback	5'	0'	0'	0'
C3	Side interior setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	4'		see Sec. 4.6.3.B	
C3	Side interior setback, abutting all other zones	n/a	0'	0'	0'
C3	Side interior setback, end unit	4'	n/a	n/a	n/a
C4	Rear setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	10'		see Sec. 4.6.3.B	
C4	Rear setback, abutting all other zones	10'	0'	0'	0'
C4	Rear setback, alley	4' or 20'	4'	4'	4'
C5	Rear/Side setback between lot and site boundary	see Sec. 4.6.3.B	n/a	n/a	n/a
Accessory Structure Setbacks (min)					
C6	Front setback, behind front building line	5'	0'	0'	0'
C7	Side street setback	15'	0'	0'	0'
C8	Side interior setback	4'	equal to Principal Building Setback		
C9	Rear setback	4'	equal to Principal Building Setback		
C9	Rear setback, alley	4' or 20'	4'	4'	4'



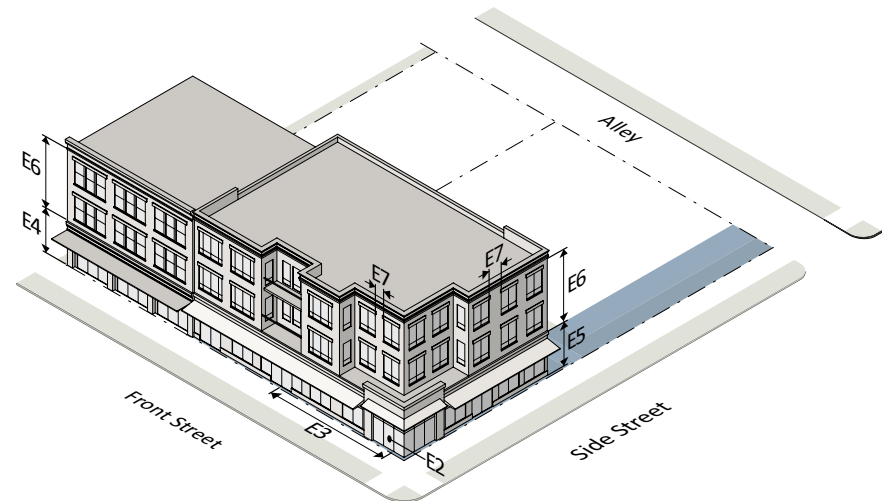
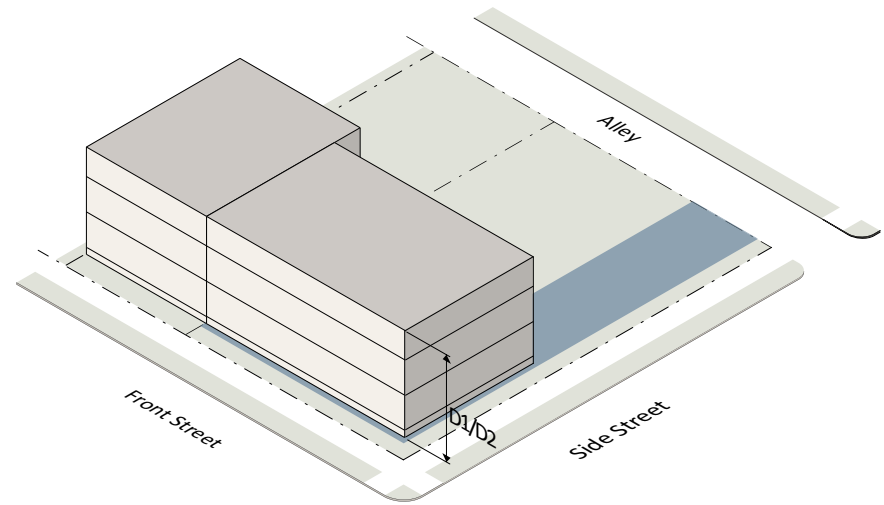
C. Placement	Townhouse	Apartment / Condo	Multi Use	General
Parking Setbacks for Surface Parking Lots (min) in EGR and ENR Zones				
C10 Front setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C11 Side street setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C12 Side interior setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback, alley	n/a	0'	0'	0'
Parking Setbacks for Surface Parking Lots (min) in Employment Office (EO) Zone				
C10 Front setback	n/a	must be behind front building line		
C11 Side street setback	n/a	must be behind front building line		
C12 Side interior setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback, alley	n/a	0'	0'	0'
Build-to-Zone (BTZ, max setback & min % of lot width)				
C14 Front setback	15'	30'	15'	20'
C15 Building in front street BTZ	70%	70%	70%	70%
C16 Side street setback	n/a	30'	15'	20'
C17 Building in side street BTZ	n/a	35%	35%	35%



D. Height		Townhouse	Apartment / Condo	Multi Use	General
D1	Principal building		mapped and Sec. 4.6.3.B		
D2	Accessory structure	25'	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B

E. Form

Massing					
E1	Units permitted in one row (max)	12	n/a	n/a	n/a
Building Orientation					
E2	Entrance facing street or open space	required	required	required	required
E3	Entrance spacing (max)	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space					
E4	Ground story, front (min)	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	20%	30%	25%
E6	Upper story (min)	n/a	20%	20%	20%
E7	Blank wall, front (max)	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	35'	35'	35'	35'
Allowed Building Elements					
E9	Gallery/Awning	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes

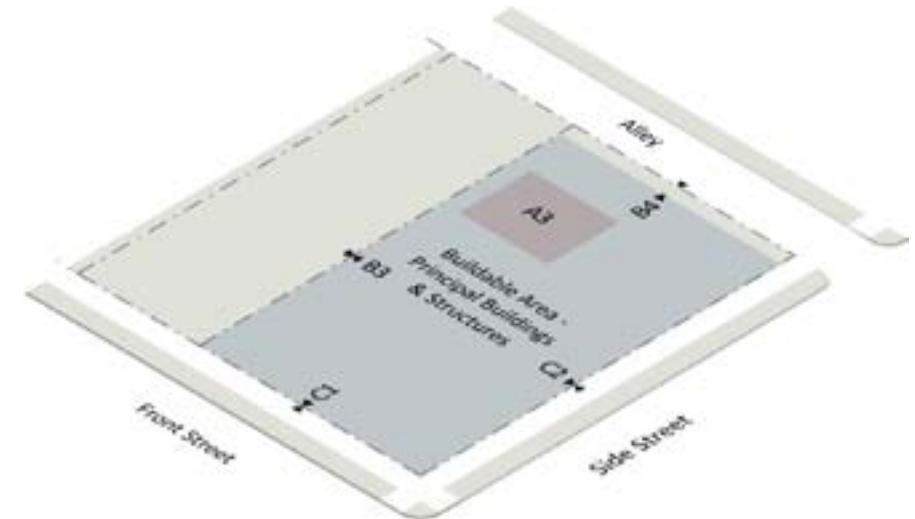
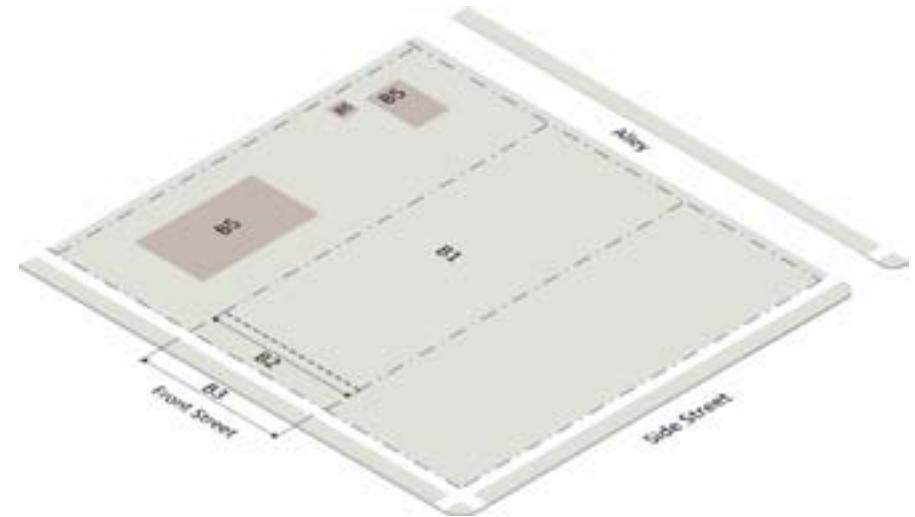


Sec. 4.6.5. ELS Zone, Standard Method Development Standards

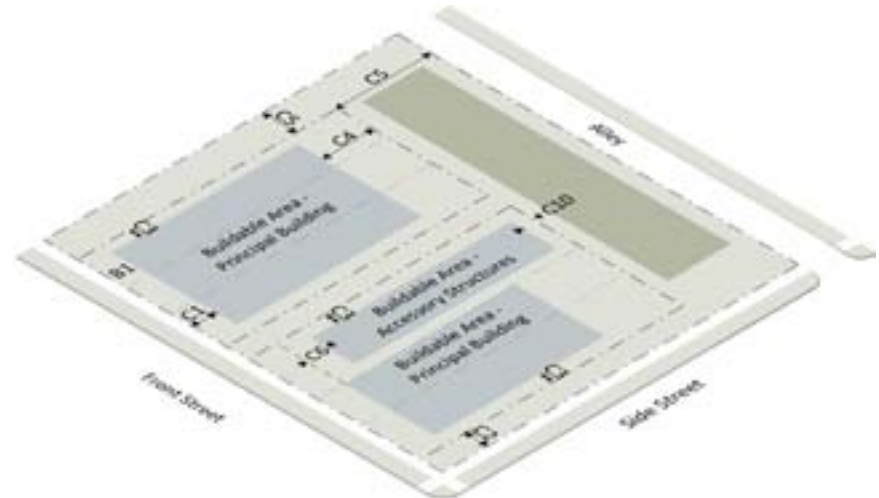
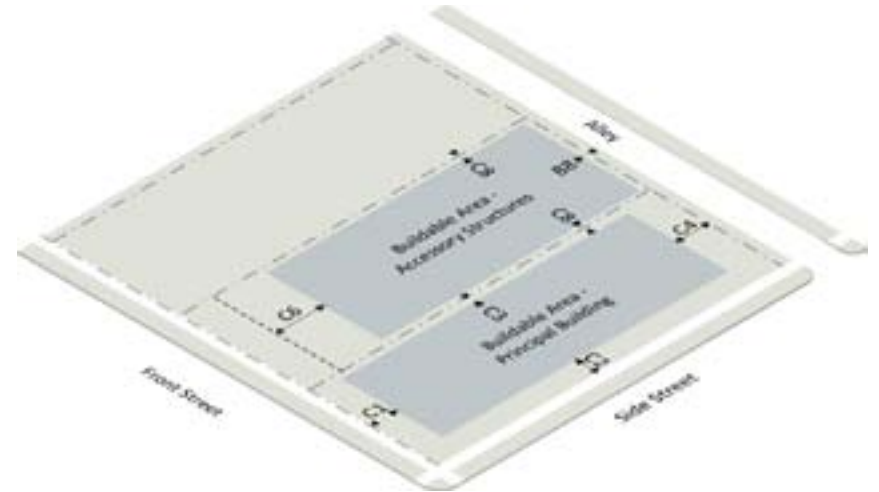
A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Open Space (min)							
A3 Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
A3 Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
Specifications for all Open Space							
In a development with townhouse, apartment/condo, multi use, or general building types, open							
1	space is calculated on the net site area minus any area used for detached house and duplex unit lots.						
2	Open space for the townhouse building type is common outdoor area and for other building types is public use space, under Div. 7.3 .						

B. Lot & Density

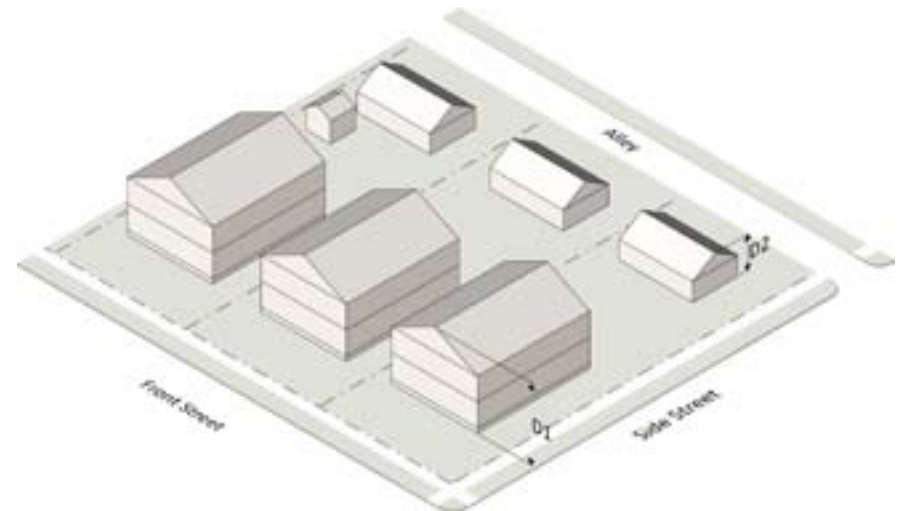
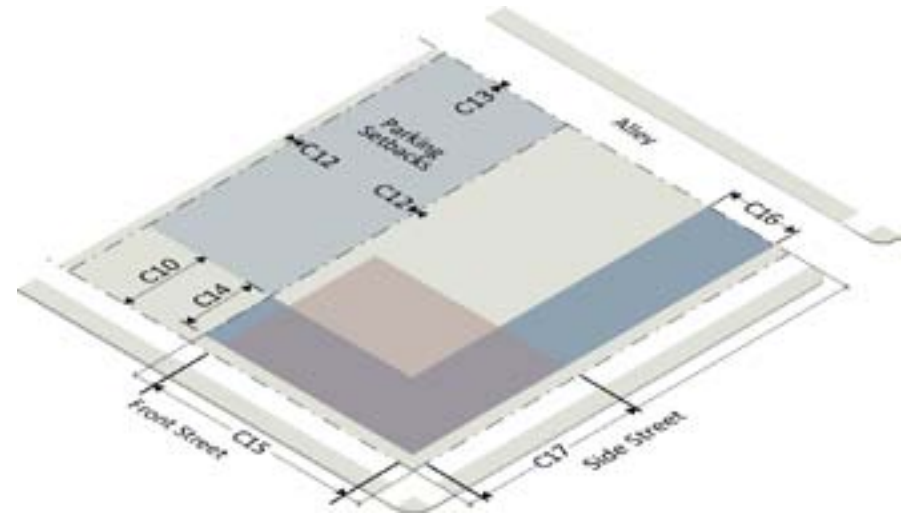
Lot (min)							
B1 Net lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
B2 Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
B3 Lot width at front property line	10'	10'	10'	n/a	n/a	n/a	n/a
Density (max)							
B4 ELS Density, FAR	mapped						
Coverage (max)							
B5 Lot	90%	90%	90%	90%	n/a	n/a	n/a
Specification							
1	<u>Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.</u>						



C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Principal Building Setbacks (min)							
C1 Front setback	5'	5'	5'	5'	0'	0'	0'
C2 Side street setback	5'	5'	5'	5'	0'	0'	0'
C3 Side interior setback, abutting Agricultural, Rural, or Residential Detached zones	6'	6'	6'	4'	see Sec. 4.6.3.B.		
C3 Side interior setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
C3 Side interior setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
C4 Rear setback, abutting Agricultural, Rural, or Residential Detached zones	15'	15'	15'	10'	see Sec. 4.6.3.B.		
C4 Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
C4 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
C5 Rear/Side setback between lot and site boundary	n/a	n/a	n/a	see Sec. 4.6.3.B.	n/a	n/a	n/a



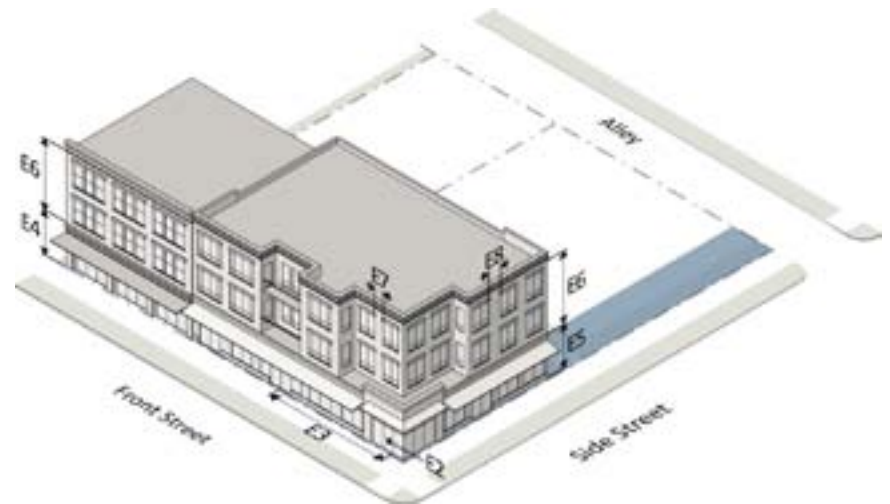
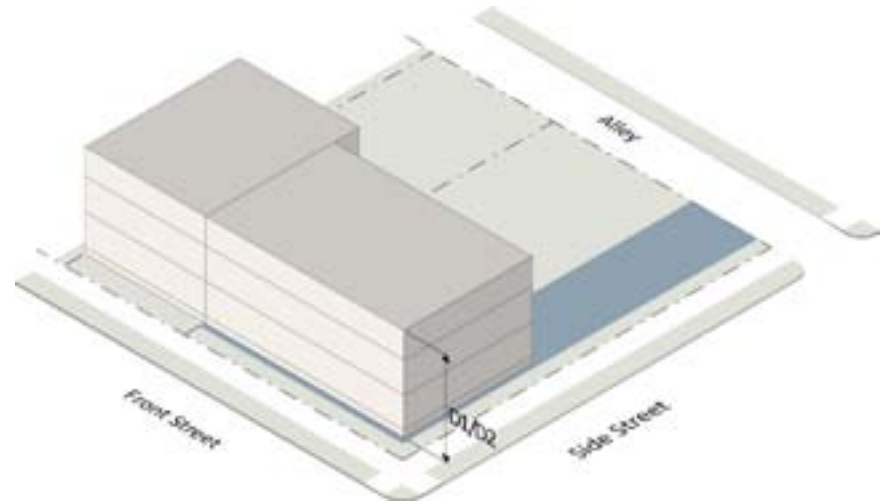
C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
Accessory Structure Setbacks (min)							
C6 Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
C7 Side street setback	15'	15'	15'	15'	0'	0'	0'
C8 Side interior setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9 Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
Parking Setbacks for Surface Parking Lots (min)							
C10 Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
C11 Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
C12 Side interior setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
Build-to-Zone (BTZ, max setback & min % of lot width)							
C14 Front setback	n/a	n/a	n/a	15'	30'	15'	20'
C15 Building in front street BTZ	n/a	n/a	n/a	70%	70%	70%	70%
C16 Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
C17 Building in side street BTZ	n/a	n/a	n/a	n/a	35%	35%	35%



D. Height	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
D1 Principal building	mapped and Sec. 4.6.3.B						
D2 Accessory structure	25'	25'	25'	25'	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B

E. Form

Massing								
E1	Units permitted in one row (max)	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation								
E2	Entrance facing street or open space	not required	not required	not required	required	required	required	required
E3	Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space								
E4	Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	30%	25%
E6	Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
E7	Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements								
E9	Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes	yes	yes	yes



Div. 4.7. Industrial Zones

Sec. 4.7.1. Methods of Development

The IL and IH zones allow development only under the standard method. A site plan may be required in the IL and IH zones under [Sec. 8.3.4.](#)

Sec. 4.7.2. General Requirements

Development in all Industrial zones must comply with the requirements in [Sec. 4.7.2.A](#) to [Sec. 4.7.2.C.](#)

A. Master Plan and Design Guidelines

1. Development that requires a site plan must be consistent with the applicable master or sector plan.
2. Development that requires a site plan must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Building Types

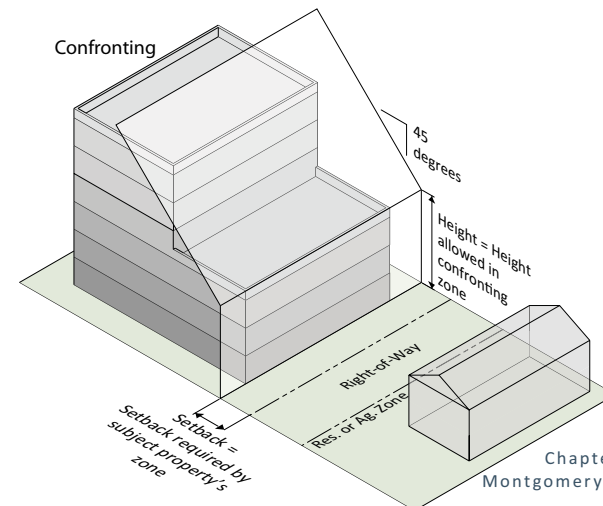
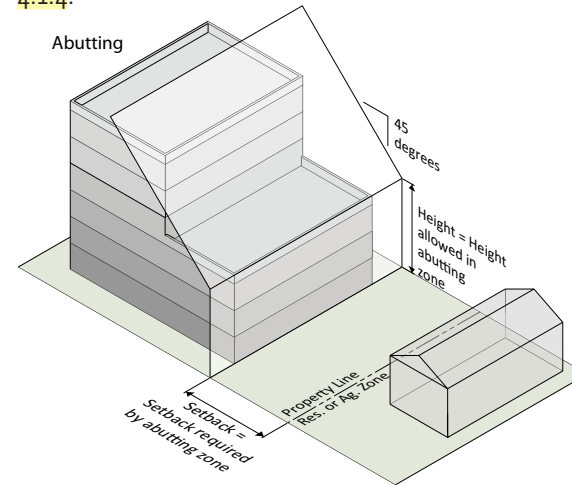
Building types are allowed by zone under [Sec. 4.1.3.](#) Dimensional standards for allowed building types are under [Sec. 4.7.3](#) to [Sec. 4.7.4.](#)

C. Neighborhood Compatibility

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7.](#); and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
 - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under [Sec. 7.5.7.](#), whichever is greater; and
 - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.4.](#), or

2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under [Sec. 3.1.7](#) across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
 - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.4.](#)



Sec. 4.7.3. IL Zone, Standard Method Development Standards

A. Site	Multi Use	General
Open Space (min)		
A Open space, site ≤ 10,000 SF	0%	0%
A Open space, site >10,000 SF	10%	10%

B. Lot & Density

Density (max)		
B Density (FAR per gross tract area)	n/a	n/a

C. Placement

Principal Building Setbacks (min)		
C Front setback	10'	10'
C Side street setback	10'	10'
C Side interior setback, abutting Agricultural, Rural, or Residential Detached zones	see Sec. 4.7.2.C	see Sec. 4.7.2.C
C Side interior setback, abutting all other zones	10'	10'
C Rear setback, abutting Agricultural, Rural, or Residential Detached zones	see Sec. 4.7.2.C	see Sec. 4.7.2.C
C Rear setback, abutting all other zones	10'	10'
C Rear setback, alley	4'	4'
Accessory Structure Setbacks (min)		
C Front setback, behind front building line	10'	10'
C Side street setback	10'	10'
C Side interior setback	10'	10'
C Rear setback	10'	10'
C Rear setback, alley	4'	4'
Parking Setbacks for Surface Parking Lots (min)		
C Front setback	10'	10'
C Side street setback	10'	10'
C Side interior setback	10'	10'
C Rear setback	10'	10'
C Rear setback, alley	0'	0'

D. Height		Multi Use	General
Height (max)			
D	Principal building	120' and Sec. 4.7.2.C	120' and Sec. 4.7.2.C
D	Accessory structure	120' and Sec. 4.7.2.C	120' and Sec. 4.7.2.C

E. Form

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

Sec. 4.7.4. IH Zone, Standard Method Development Standards

A. Site	Multi Use	General
Open Space (min)		
A Open space, site ≤ 10,000 SF	0%	0%
A Open space, site >10,000 SF	10%	10%

B. Lot & Density

Density (max)		
B Density	n/a	n/a

C. Placement

Principal Building Setbacks (min)		
C Front setback	10'	10'
C Side street setback	10'	10'
C Side interior setback, abutting Agricultural, Rural, or Residential Detached zones	see Sec. 4.7.2.C	see Sec. 4.7.2.C
C Side interior setback, abutting all other zones	10'	10'
C Rear setback, abutting Agricultural, Rural, or Residential Detached zones	see Sec. 4.7.2.C	see Sec. 4.7.2.C
C Rear setback, abutting all other zones	10'	10'
C Rear setback, alley	4'	4'
Accessory Structure Setbacks (min)		
C Front setback, behind front building line	10'	10'
C Side street setback	10'	10'
C Side interior setback	10'	10'
C Rear setback	10'	10'
C Rear setback, alley	4'	4'
Parking Setbacks for Surface Parking Lots (min)		
C Front setback	10'	10'
C Side street setback	10'	10'
C Side interior setback	10'	10'
C Rear setback	10'	10'
C Rear setback, alley	0'	0'

D. Height		Multi Use	General
Height (max)			
D	Principal building	70' and Sec. 4.7.2.C	70' and Sec. 4.7.2.C
D	Accessory structure	70' and Sec. 4.7.2.C	70' and Sec. 4.7.2.C

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

Div. 4.8. Overlay Zones

Sec. 4.8.1. In General

A. Applicability

Land must only be designated within an Overlay zone when approved as part of a Sectional or District Map Amendment.

B. Standards and Requirements

Development in an Overlay zone must conform to the standards and requirements of the underlying zone, except as specifically modified by this Division (Div. 4.8). Where there is an ambiguity as to whether the regulations of the underlying zone or Overlay zone apply, the regulations of the Overlay zone apply. A site plan must be submitted under Sec. 8.3.4 except where specifically exempted in the development standards of each Overlay zone.

Sec. 4.8.2. Commercial Preservation (CP) Overlay Zone

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

1. Purpose

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

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

2. Land Uses

- a. All permitted uses in the IL and EOF zones are permitted for any tract of land with a preliminary plan approved by the Planning Board after October 27, 2006 but before October 27, 2009.

b. The following uses are prohibited:

- i. Adult Entertainment;
- ii. Agricultural Processing;
- iii. Animal Husbandry;
- iv. Artisan Manufacturing and Production;
- v. Community Garden;
- vi. Contractor Storage Yard;
- vii. Dry Cleaning Facility;
- viii. Farm Market, On-Site;
- ix. Freight Movement;
- x. Fuel Sales;
- xi. Light Manufacturing and Production, except as noted in Sec. 4.8.2.A.2.d;
- xii. Light Vehicle Sales and Rental (Indoor);
- xiii. Light Vehicle Sales and Rental (Outdoor);
- xiv. Medical/Scientific Manufacturing and Production;
- xv. Mineral Storage;
- xvi. Recycling Collection and Processing;
- xvii. Repair (Commercial Vehicle);
- xviii. Repair (Major);
- xix. Repair (Minor);
- xx. The following Retail/Service Establishments: building materials and supplies (wholesale and retail) and wholesale trades limited to sale or rental of products intended for industrial or commercial users;
- xxi. Self-Storage Facility;
- xxii. Shooting Range (Indoor);
- xxiii. Storage Facility; and
- xxiv. Urban Farming.

- c. The following Retail/Service Establishments are allowed: antique shops, handicrafts, or art sales; barber or beauty shop; banks; bookstores; drugstore; express or mailing offices; florist; food and beverage store; newsstand; photographic and art supply stores; and shoe repair shops.
- d. The following Light Manufacturing and Production uses are allowed: manufacturing and assembly of electronic components, instruments, and devices; manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment; manufacturing and assembly of semi-conductors, microchips, circuits, and circuit boards; manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development; and printing and publishing.

3. Development Standards

- a. When abutting a lot that is not located in the CP-BEA Overlay zone, all buildings must be set back as follows:
 - i. 100 feet from any Residential zone developed with or proposed for residential uses in an approved and adopted master or sector plan, or from a major highway separating the Overlay zone from such residential uses;
 - ii. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
 - iii. 50 feet from a limited-access freeway or parkway;
 - iv. 50 feet from property recommended in a master or sector plan for a non-residential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;
 - v. 25 feet from an arterial road that separates the employment area from a Commercial/Residential or Employment zone;
 - vi. 10 feet from any Commercial/Residential, Employment, or Industrial zone outside the Overlay zone; and
 - vii. a building containing principally retail (50% or more of the gross floor area) commercial uses must be located at least 200 feet from any adjacent Residential zone.

- b. All parking and maneuvering areas must be set back at least 100 feet from any adjacent Residential zone, and 50 feet from a major highway with a right-of-way of 120 feet or greater that separates the Overlay zone from any Residential zone.
- c. Where property in the Overlay zone adjoins Residentially zoned land that is recommended in a master or sector plan for a non-residential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility or similar use, the setback for parking and maneuvering areas is 50 feet.
- d. A building containing principally retail commercial uses must not exceed 20,000 gross square feet.
- e. The cumulative square footage of retail commercial uses permitted in the Overlay zone must not exceed a total of 50,000 gross square feet.

4. Site Plan

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

5. Existing Buildings and Uses

- a. Any tract of land with a use-and-occupancy permit issued before October 27, 2009 that otherwise would have been made non-conforming because of ZTA 09-05 is a conforming use, and may be modified, repaired, or reconstructed.
- b. Any structure lawfully existing as of the date of application of the CP-BEA Overlay zone that does not conform to the standards of the Overlay zone may be rebuilt, repaired, and/or reconstructed under the standards of the underlying zone as long as the degree of non-conformity is not increased. However, any expansion must comply with the standards of the Overlay zone.
- c. Any lawfully existing use allowed as of the effective date of application of the CP-BEA Overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the Overlay zone may be continued as a lawful use under the standards of the underlying zone.

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

1. Purpose

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

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

2. Land Uses

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

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

3. Development Standards

- a. The maximum floor area for a grocery store is 25,000 square feet.

- b. The maximum floor area of any restaurant operating on May 4, 1998 is 8,500 square feet.

4. Site Plan

A site plan is required for:

- a. construction of new buildings; and
- b. additions and other exterior improvements to existing buildings that change the amount of floor area on a site.

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

1. Purpose

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

2. Land Uses

Retail/Service Establishment uses are allowed in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the allowed Retail/Service Establishment uses: banks or savings and loan offices; barber and beauty shops; book stores; drug stores; dry cleaning and laundry pick-up stations; florists; food and beverage stores; gift shops; jewelry stores; laundromats; newsstands; offices, banking; restaurants; and variety and dry goods stores.

3. Development Standards

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

4. Site Plan

- a. Where Retail/Service Establishment uses are proposed in a Multi-Unit zone, the development is subject to approval of a site plan under Sec. 8.3.4.

- b. The Planning Board may waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will accomplish the goals of the master plan and provide for a form of development that allows better pedestrian circulation and encourages use of transit.

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

1. Purpose

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

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

2. Land Uses

- a. Multi-unit living is only allowed in a multi use building type, unless this requirement is waived by the Planning Board.
- b. In the CRN and CRT zones, the following additional uses are allowed by right:
 - i. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000);
 - ii. Retail/Service Establishment; and
 - iii. Surface Parking for Use Allowed in the Zone.
- c. In the CRN and CRT zones, the following uses, as allowed in the underlying zones, are allowed in the Overlay zone only if the use does not adjoin or confront land in a Residential Detached zone:
 - i. Car Wash;
 - ii. Fuel Sales;
 - iii. Funeral Home, Undertaker;

- iv. Light Vehicle Sales and Rental (Indoor);
- v. Light Vehicle Sales and Rental (Outdoor); and
- vi. Repair (Minor) and Repair (Major).

3. Development Standards

The maximum building height is 30 feet. However, the Planning Board may allow a building height:

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

4. Site Plan

- a. A site plan is required for:
 - i. new construction;
 - ii. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;
 - iii. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the overlay zone;
 - iv. a waiver of more than 50% of the off-street parking requirements under Div. 7.1.; and
 - v. conversion of an existing structure to residential use.
- b. During site plan review, the Planning Board may:
 - i. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF zone; and
 - ii. reduce building setbacks to accomplish master plan objectives.
- c. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that is not subject to site plan review under Sec. 4.8.2.C.4.a.iii, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master

plan recommendations and the provisions of this Overlay zone. If existing buildings are located on the site or on an adjacent property, then the minimum setback of the zone may be reduced by the applicant to conform to the existing setback on the site or on the adjacent property.

5. Existing Buildings and Uses

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

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

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

1. Purpose

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

2. Land Uses

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

3. Development Standards

- a. One main building and one accessory building may be located on a lot that is smaller than one acre but at least 5,000 square feet. However, more than one main building and accessory building may be located on such a lot if the Planning Board finds this to result in a better design for the lot.
- b. The minimum setback from any Commercial/Residential, Employment, or Residential zone is 50 feet. The Planning Board may approve a lesser setback if it finds a lesser setback would not have an adverse impact

on adjoining property zoned Residential, Commercial/Residential, or Employment.

- c. The Planning Board may approve any building to be set back a minimum of 10 feet from:
 - i. an arterial road that separates the industrial area from a Commercial/Residential or Employment zone; or
 - ii. an arterial road, local street, or private right-of-way within the industrial area.
- d. The Planning Board may waive the minimum parking setback requirement to achieve a better development design.
- e. The Planning Board may approve a reduction of the green area requirement to a minimum of 10% of the gross tract area. A maximum of 50% of the required green area may be located off-site within the IMU-TB Overlay zone.
- f. The parking standards for multi-unit living in Sec. 7.2.4.E apply. A parking space for any dwelling unit must be located behind the front building line.
- g. Before issuance of a building permit, the property owner must sign a declaration of use, including all the standards for the use as approved, to provide notice to future owners of the property of its status as a limited residential use subject to the conditions of the approval.

4. Site Plan

A site plan is required for any development with residential uses.

Sec. 4.8.4. Neighborhood Protection (NP) Overlay Zone

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

1. Purpose

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

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.

- c. Provide flexibility of development standards to encourage innovative design solutions.
- d. Allow for the transfer of the public use space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 15,000 square feet; and catering facility.

3. Development Standards

a. Building Height

- i. Maximum building height is 90 feet along a major highway;
- ii. Maximum building height is 60 feet along any street confronting any block that includes property in a Residential Detached zone;
- iii. Within the area between a major highway and a street that confronts a block that includes property in a Residential Detached zone, maximum building height is 60 feet but may increase to a maximum of 90 feet if at least 33% of a project's floor area is residential; however, if additional building height is necessary to accommodate workforce housing units and at least 33% of the project's floor area is residential, maximum building height is 110 feet where the additional height is placed near a major highway and decreases in the direction of the closest property in a Residential Detached zone;
- iv. For property located in a block that includes property in a Residential Detached zone maximum building height is 45 feet for all uses, except maximum building height is 60 feet for:
 - (a) residential use; or
 - (b) mixed-use optional method project, if at least 33% of the project's floor area is residential and the project includes a hotel;

- v. For properties with frontage on both Wayne Avenue and Fenton Street, notwithstanding the height limitations in Sec. 4.8.4.A.3.a.ii-iv (above), maximum building height can be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan. However, any building using additional height must be set back from adjoining Residentially zoned land no less than the setback required in the adjacent Residential zone or the height of the building, whichever is greater.
- vi. Building heights may be approved under the standards of this Section without regard to the building height recommendations of the sector plan.

- b. Any project plan approved before August 18, 2008 may be constructed under the conditions of its approval and any site plan thereafter that implements the previously approved project plan. Any site plan approved before August 18, 2008 may be constructed under the conditions of its approval. Any building constructed under this Section is conforming and may be maintained and reconstructed under the conditions of their approval.
- c. Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.
- d. Costs associated with meeting the public use space off-site may be shared by multiple property owners.
- e. In the CR zone, under the standard method of development the maximum FAR is 2 if approved by site plan under Sec. 8.3.4.
- f. Under standard method development, the public use space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Sec. 8.3.4.

4. Site Plan

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

5. Existing Buildings

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

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

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

1. Purpose

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

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

2. Exemptions

The NP-GP Overlay zone applies to alterations, renovations, and enlargements of existing detached houses and new construction, unless exempt as noted below:

- a. Any lot that was legally recorded by deed or subdivision plat before June 1, 1958, and that was a buildable lot under the law in effect immediately

before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential Detached zone.

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

3. Land Uses

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

4. Development Standards

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

- a. The minimum front setback for a main building is 30 feet, and if the adjoining lots are occupied by buildings with a front setback greater than this requirement, no building hereafter erected or any addition to an existing building can project beyond the line previously established by the buildings on the adjoining lots.
- b. A front porch added to a main building existing as of February 15, 2000 may project a maximum of 8 feet into the front setback and may be covered, but not enclosed.

- c. In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a non-Residential zone, the setback from that street must be a minimum of 15 feet.
- d. The minimum side interior setback for a principal building is 10 feet. The minimum sum of both side interior setbacks is: 25 feet for lots with over 60 feet in width at the building line, and 20 feet for lots with 60 feet or less in width at the building line.
- e. The minimum rear setback is 25 feet for lots over 90 feet in depth and 15 feet for lots with 90 feet or less in depth.
- f. The maximum building coverage is 20%.
- g. The maximum FAR for all buildings on a lot is 0.375.
- h. An accessory building or structure must be located behind the rear building line and can occupy:
 - i. a maximum of 25% of the property behind the rear building line on lots with a total lot area smaller than 8,600 square feet; or,
 - ii. a maximum of 20% of the property behind the rear building line on lots with a total lot area 8,600 square feet or larger.

5. Site Plan

A site plan is not required in the NP-GP Overlay zone except as provided in Sec. 4.4.3.C.

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

1. Purpose

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

- a. Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.
- b. Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.
- c. Provide flexibility of development standards to encourage innovative design solutions.

- d. Allow for the transfer of the public use space requirement to other properties within the Overlay zone.
- e. Allow new uses.

2. Land Uses

The following additional uses are permitted:

- a. The following Light Manufacturing and Production use: assembly of computer components; and
- b. The following Retail/Service Establishment uses: bakery, if less than 15,000 square feet; and catering facility.

3. Development Standards

a. Building Height

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

4. Site Plan

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

5. Existing Buildings

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

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

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

1. Purpose

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

- a. Create attractive, cohesive, and pedestrian-friendly rural village centers, consisting of a mix of uses.
- b. Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
- c. Maintain and enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
- d. Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming, and trail networks.
- e. Encourage a variety of uses that serve the needs of the local community, including mixed-use buildings that provide housing and commercial uses to the extent allowed in the underlying zone.

- f. Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

2. Land Uses

- a. Where a lot is either partially or totally in a Commercial/Residential or Employment zone:
 - i. Dry Cleaning Facility (up to 3,000 SF) is allowed only as a conditional use under Sec. 8.3.1.
 - ii. If the underlying zone on the property is CRN, Fuel Sales is allowed as a conditional use under Sec. 8.3.1. and the following standards:
 - (a) A car wash is prohibited;
 - (b) The maximum height for pump canopies is 35 feet; and
 - (c) Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.
 - iii. Multi-unit living is allowed only in a multi use building type.
 - iv. The following uses are prohibited:
 - (a) Animal Boarding and Care;
 - (b) Drive -Thru Facility in connection with a Restaurant;
 - (c) Helipad, Heliport;
 - (d) Helistop;
 - (e) The following Light Manufacturing and Production: newspaper, printing and publishing;
 - (f) Recreation and Entertainment Facility;
 - (g) Repair (Minor);
 - (h) The following Retail/Service Establishments: appliance store; appliance repair shop; and building materials and supplies;
 - (i) Shooting Range (Indoor); and
 - (j) Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced under provisions of the zone in effect at the time the use was established.

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

3. Development Standards

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

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

4. Site Plan

- a. A site plan is required for:
 - i. construction of a new building; and
 - ii. additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site.

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

1. Purpose

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

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

2. Sewer

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

3. Land Uses

- a. Where a lot is either partially or totally in a Commercial/Residential or Employment zone:
 - i. Multi-unit living is allowed only in a multi use building type.
 - ii. The following uses are prohibited:
 - (a) Adult Entertainment;
 - (b) Animal Research Facility;

- (c) Car Wash;
- (d) Drive -Thru Facility in connection with a Restaurant;
- (e) Dry Cleaning Facility (up to 3,000 SF);
- (f) Fuel Sales, except that any lawful Fuel Sales use in existence as of the date of application of the Overlay zone is a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established;
- (g) Helipad, Heliport;
- (h) Helistop;
- (i) The following Light Manufacturing and Production use: Newspaper, printing, and publishing.
- (j) Media Broadcast Tower;
- (k) Medical/Dental Laboratory;
- (l) Pipelines (Above Ground);
- (m) Recreation and Entertainment Facility;
- (n) Repair (Minor) and Repair (Major);
- (o) Research and Development;
- (p) Retail/Service Establishment (50,000 SF and Over);
- (q) The following Retail/Service Establishments: building materials and supplies; furniture stores, carpet, or related furnishing sales or service; and pawnshops;
- (r) Self-Storage Facility;
- (s) Shooting Range (Indoor);
- (t) Storage Facility;
- (u) Structured Parking;
- (v) Surface Parking for Use Allowed in the Zone;
- (w) Surface Parking for Commercial Uses in a Historic District; and
- (x) Vehicle/Equipment Sales and Rental, except any automobile rental business in existence on October 13, 1998 may continue

as a conforming use, and may be altered, repaired, or replaced under the provisions of the zone in effect at the time the use was established.

4. Development Standards

- a. Where a lot is in a Commercial/Residential or Employment zone:
 - i. The maximum height for all buildings is 24 feet, except that during site plan review the Planning Board may allow additional height up to 30 feet if the Planning Board finds that the additional height is compatible with the adjoining uses and is consistent with the intent of the master plan.
 - ii. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.
 - iii. Where a minimum area is required for a conditional use, the minimum area may be waived where recommended as appropriate in the master plan.
 - iv. In areas recommended in the master plan for mixed use development, development should be consistent with the recommendations of the master plan. In the residential portions of the mixed-use areas, off-street parking for commercial uses is allowed without a requirement for approval of a conditional use.
- b. Where a lot is in a Residential zone:
 - i. The density of development cannot exceed the standards for the underlying zone under the cluster provisions under Div. 6.2.
 - ii. The Planning Board can approve lot sizes down to 3,000 square feet, including a minimum of zero feet for side interior setbacks on one side, upon a showing that the resulting development will be consistent with the guidelines of the master plan. Site plan is required and the additional findings must be made:
 - (a) All retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space; and

(b) Each structure and use is compatible with surrounding structures and uses and other site plans for both existing and proposed adjacent development.

iii. The maximum height for all buildings is 35 feet.

5. Site Plan

- a. A site plan is not required for development of a detached house that proceeds under standard method development.
- b. A site plan is required for:
 - i. construction of a new building; and
 - ii. additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site.

6. Parking

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

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

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

1. Purpose

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

- a. Protect the water quality and quantity and biodiversity of the Upper Paint Branch Watershed and its tributaries, including but not limited to

the headwater tributary areas of Good Hope, Gum Springs, Right Fork and Left Fork, and the segment of the Paint Branch mainstem north of Fairland Road.

- b. Regulate the amount and location of impervious surfaces to maintain levels of infiltration, control erosion, and allow natural processes to filter water and control temperature.
- c. Regulate land uses that could adversely affect the high quality, cold water stream resource. This resource is afforded the highest order of protection through its designation by the State of Maryland as Use III Waters.

2. Exemptions

The following are exempt from this Section (Sec. 4.8.5.A):

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

3. Land Uses

- a. Except as delineated in Sec. 4.8.5.A.3.b-c (below), the land uses of the underlying zone are applicable. The use standards of the underlying zone are applicable unless the development standards in Sec.4.8.5.A are more restrictive, in which case Sec. 4.8.5.A must be followed.
- b. The following uses are restricted in the SPA-UPB Overlay zone:
 - i. Landscape contractors and nurseries must be certified as an organic grower by the State of Maryland or another approved certifying body;
 - ii. Golf courses and country clubs must have an Integrated Pest Management program; and
 - iii. Equestrian facilities must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.

- c. If validly existing on July 1, 1997, the uses in Sec. 4.8.5.A.3.b. (above) may be continued under the regulations in effect at the time the use was established. Any expansion requires compliance with the provisions of the SPA-UPB Overlay zone.
- d. The following uses are prohibited in the SPA-UPB Overlay zone:
 - i. Farm Airstrip, Helistop;
 - ii. Helipad, Heliport;
 - iii. Pipelines used for interstate transmission of petroleum products; and
 - iv. Vehicle Services.

4. Development Standards

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

5. Waiver

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

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant;
- b. The application otherwise complies with all applicable Federal, State, and County water quality regulations;
- c. The relief sought is the minimum needed to prevent the undue hardship; and

- d. Alternative water quality and control techniques are used to meet the purposes of this Section (Sec. 4.8.5.A).

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

1. Purpose

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

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

2. Exemptions

The following are exempt from this Section (Sec. 4.8.5.B):

- a. Any impervious surface lawfully existing pursuant to a building permit or sediment control permit issued before November 15, 2004 or subject to a building permit or sediment control permit application filed on or before November 15, 2004 may be continued, renovated, repaired, or reconstructed to the same size and configuration.
- b. Any property expressly exempted by the applicable master or sector plan.
- c. Any addition, allowed under the development standards of the underlying zone, to an detached house.
- d. Any accessory structure, allowed under the development standards of the underlying zone, on the lot of an existing detached house.
- e. Any private institutional facility developed according to an approved preliminary plan dated on or before November 15, 2004, provided every effort is made to minimize imperviousness and/or mitigate the impacts of runoff. Further, additions to such plans that increase impervious area a maximum of 5% above the amount approved are allowed.

- f. All public projects are subject to the provisions of the SPA-URC Overlay zone, however, these provisions are not intended to preclude the development of public facilities. Such facilities must conform to the water quality plan submission and review requirements established in Chapter 19, Article V, and keep imperviousness to the minimum needed to accomplish the public purpose intended.
- g. Development in any Industrial, Commercial/Residential, or Employment zone.

3. Development Standards

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

4. Waiver

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

- a. The 8% impervious surface limit would cause an undue hardship on the applicant because of events or circumstances not caused or facilitated by the applicant or the applicant can demonstrate that the impervious surface limit would prevent the applicant from building the maximum number of affordable housing units otherwise allowed by the zone;
 - i. If the applicable review body grants a waiver from the 8% impervious surface limit for affordable housing, it must approve the minimum increase necessary to allow the affordable housing. In no event may the waiver result in development with more than 10% impervious surface area.
- b. The application otherwise complies with all applicable Federal, State, and County water quality regulations;
- c. The relief sought is the minimum needed to prevent the undue hardship; and
- d. Alternative water quality and quantity control techniques are used to meet the purposes of this Section (Sec. 4.8.5.B).

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

A. Standard Method

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

B. Optional Method

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

Div. 5.1. Residential Floating Zones

Sec. 5.1.1. Zones

- A. There are three categories of Residential Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Residential Floating zones are mapped using the zone’s initials followed by a number indicating the maximum allowed units per acre approved by a Floating Zone Map Amendment under Article 59-8:
 1. Residential Detached – Floating (RDF-#);
 2. Townhouse – Floating (TF-#); and
 3. Apartment – Floating (AF-#).

Sec. 5.1.2. Applicability

An application for a Residential Floating zone may be made only if the subject property has been recommended in an approved master or sector plan for the particular floating zone requested or under the limits, standards, and requirements of this Division (Div. 5.1)

Sec. 5.1.3. Purposes

The purpose of the Residential Floating zones is to:

- A. Provide comprehensively planned residential neighborhoods.
- B. Establish compatible relationships between new development and existing neighborhoods.
- C. Provide flexibility for various residential building types and development standards.
- D. Allow limited neighborhood-serving commercial uses at higher densities.

Sec. 5.1.4. Land Uses

A. Allowed Uses

Land uses are allowed in the Residential Floating zones as depicted in the following table:

<u>Floating Zone Category</u>	<u>Approved Density</u>	<u>Residential Uses Allowed</u>	<u>Commercial Uses Allowed</u>
<u>RDF</u>	<u>< 3 units/acre & < 150 total units</u>	<u>R-200</u>	<u>None</u>
	<u>< 3 units/acre & ≥ 150 total units</u>	<u>R-200</u>	<u>CRN</u>
	<u>≥ 3 units/acre & < 150 total units</u>	<u>R-90, R-60, R-40</u>	<u>None</u>
	<u>≥ 3 units/acre & ≥ 150 total units</u>	<u>R-90, R-60, R-40</u>	<u>CRT</u>
<u>TF</u>	<u>< 12 units/acre & < 150 total units</u>	<u>TLD</u>	<u>None</u>
	<u>< 12 units/acre & ≥ 150 total units</u>	<u>TLD</u>	<u>CRN</u>
	<u>≥ 12 units/acre & < 150 total units</u>	<u>TMD, THD</u>	<u>None</u>
	<u>≥ 12 units/acre & ≥ 150 total units</u>	<u>TMD, THD</u>	<u>CRT</u>
<u>AF</u>	<u>< 20 units/acre & < 150 total units</u>	<u>R-30</u>	<u>CRN</u>
	<u>< 20 units/acre & ≥ 150 total units</u>	<u>R-30</u>	<u>CRT</u>
	<u>≥ 20 units/acre & < 150 total units</u>	<u>R-20, R-10</u>	<u>CRN</u>
	<u>≥ 20 units/acre & ≥ 150 total units</u>	<u>R-20, R-10</u>	<u>CR</u>

B. Use Regulations

1. In the Residential Floating zones the maximum commercial density that can be approved by the Floating Zone Map Amendment is 0.5 FAR of the total gross tract area.
2. The lot(s) on which any approved commercial uses are located must be separated from the boundary of the gross tract area included in the Floating

Zone Map Amendment by residential lots or open space and may not share a property line with any properties in a Residential zone not included in the Floating Zone Map Amendment.

3. Individual uses or use categories may be restricted, prohibited, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under [Article 59-8](#).

Sec. 5.1.5. Building Types

- A. Building types are allowed under the following parameters:
 1. A detached house is allowed in any Residential Floating zone.
 2. A duplex or townhouse unit is only allowed in the TF and AF zones.
 3. An apartment/condo building is allowed only in the AF zones.
 4. A multi-use building is allowed only when commercial density is approved by the Floating Zone Map Amendment.
 5. A general building is allowed for any permitted uses in the underlying zone.
- B. The Floating Zone Map Amendment may restrict, disallow, or establish binding elements on any building type in order to make the necessary findings of approval under [Article 59-8](#).

Sec. 5.1.6. Development Standards

A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable master or sector plan.
2. Development must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Density

1. Residential Density
 - a. Residential density may not exceed the recommendations of an approved master or sector plan.

- b. When there is no recommendation for density for the subject property, the following limits apply:

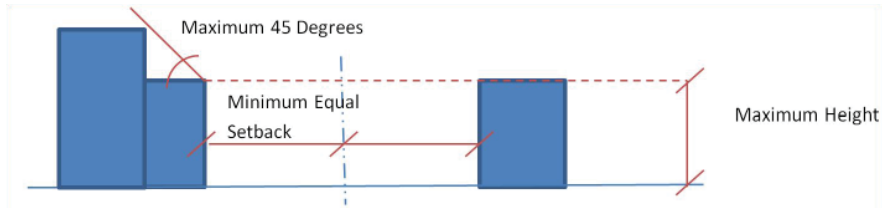
Allowed Residential Density				
Pre-Existing Euclidean Zone	Base Lot Size	Allowed Density in Units per Acre Based on Size of Gross Tract Area for Proposed Floating Zone		
		Up to 2 times the base lot size	2 to 4 times the base lot size	At least 4 times the base lot size
RE-2	2 acres	0.75 units /acre	1 units/acre	1.5 units/acre
RE-2C	2 acres	0.75	1	1.5
RE-1	40,000 SF	1.63	2.18	3.27
R-200	20,000 SF	3.27	4.36	6.44
R-90	9,000 SF	7.26	12	18
R-60	6,000 SF	10.89	14.52	21.78
R-40	4,000 SF	16.33	21.78	32.67
TLD	<u>20,000 SF</u>	13.5	18	27
TMD	<u>20,000 SF</u>	18	24	36
THD	<u>40,000 SF</u>	22.5	30	45
R-30	12,000 SF	21.75	29	43.50
R-20	16,000 SF	32.55	43.40	65.10
R-10	20,000 SF	65.25	87	130.50

2. Commercial Density
Commercial density, if allowed under [Sec. 5.1.4](#) is limited to 0.5 FAR of the gross tract area.
3. The Floating Zone Map Amendment may establish lower densities than allowed by this Section (Sec. 5.1.6) in order to make the necessary findings of approval under [Article 59-8](#).

C. Height

1. A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the abutting or confronting zone at a setback line equal to at least the

setback required by the abutting or confronting zone or a greater setback established by the Floating Zone Map Amendment.



2. Maximum heights are established by the Floating Zone Map Amendment or site plan(s), subject to the restriction above.

D. Lot Size

Minimum lot sizes are established by the Floating Zone Map Amendment or site plan(s).

E. Coverage

Minimum open space must be provided as a percentage of net tract area as determined by the most intense building type approved and density in units per acre.

Open Space Required

Building Type	Minimum Open Space Required Based on Units per Acre			
	1-19 units/acre	20-49 units/acre	50-79 units/acre	80+ units/acre
Detached House	0%	10%	10%	15%
Duplex	0%	10%	15%	20%
Townhouse	10%	15%	20%	25%
Apartment/Condo, Multi-Use, or General Building	15%	20%	25%	30%

F. Setbacks

1. Setbacks are established by the Floating Zone Map Amendment or site plan(s).
2. A building or accessory structure is prohibited from being set back closer to a property line than that required in the abutting zone.

3. The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under [Article 59-8](#).

G. General Regulations

1. Parking, open space, recreation facilities, buffering, and landscaping must be provided under [Article 59-7](#) according to the Euclidean zone that was approved for uses under [Section 5.1.4](#). for each applicable residential or commercial area.
2. The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, buffering, or landscaping or further restrict lighting in order to make the necessary findings of approval under [Article 59-8](#).

Div. 5.2. Commercial/Residential Floating Zones

Sec. 5.2.1. Zones

- A. There are 3 families of Commercial/Residential Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Commercial/Residential Floating zones are mapped using the zone's initials followed by the maximum allowed total, commercial, and residential densities and maximum allowed height as limited by this Division (Div. 5.2).
 - 1. Commercial Residential Neighborhood – Floating (CRNF# C# R# H#)
 - 2. Commercial Residential Town – Floating (CRTF# C# R# H#)
 - 3. Commercial Residential – Floating (CRF# C# R# H#)

Sec. 5.2.2. Applicability

An application for a Commercial/Residential Floating zone may be made only if the subject property has been recommended in an approved master or sector plan for the particular Floating zone requested or under the limits, standards, and requirements of this Division (Div. 5.2).

Sec. 5.2.3. Purposes

The purpose of the Commercial/Residential Floating zone is to:

- A. Provide comprehensively planned mixed-use neighborhoods.
- B. Establish compatible relationships between new development and existing neighborhoods.
- C. Provide flexibility for various uses, building types, and development standards.
- D. Respond to changing economic and demographic pressures.

Sec. 5.2.4. Land Uses

- A. The following land uses are allowed in the Commercial/Residential Floating zones:
 - 1. In the CRNF zones, only the uses allowed in the CRN zone are allowed.

- 2. In the CRTF zones, only the uses allowed in the CRT zone are allowed.
- 3. In the CRF zones, only the uses allowed in the CR zone are allowed.
- B. Uses allowed may be restricted, prohibited, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under [Article 59-8](#).

Sec. 5.2.5. Building Types Allowed

- A. Any building type is allowed in the Commercial/Residential Floating zones.
- B. The Floating Zone Map Amendment may restrict, prohibit, or establish binding elements on any building type in order to make the necessary findings of approval under [Article 59-8](#).

Sec. 5.2.6. Development Standards

A. Density

1. Density may not exceed the recommendations of an approved master or sector plan.
2. When there is no recommendation for density for the subject property in the master plan, the Floating Zone Map Amendment may establish density up to the following limits:

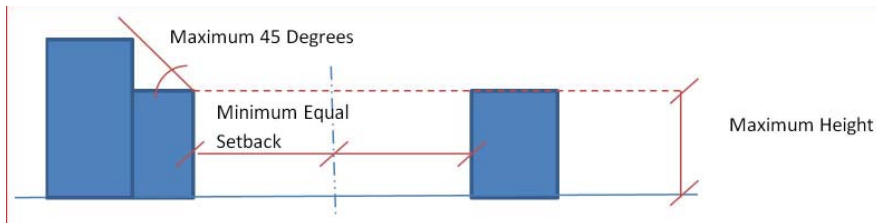
Density Allowed

Pre-Existing Euclidean Zone	Maximum Density Allowed in FAR Based on Size of Gross Tract Area in Acres					
	Less than 0.5 acres		0.51 acres – 3.00 acres		Greater than 3.01 acres	
	Total Density	C or R Density	Total Density	C or R Density	Total Density	C or R Density
RE-2, RE-2c, RE-1, & R-20d	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
R-90, R-60, R-40, TLD, TMD, & THD	1.0	0.75	1.25	1.0	1.5	1.25
R-30, R-20, R-10	1.25	1.0	1.5	1.25	1.75	1.5
CRN	1.0	0.75	1.25	1.0	1.5	1.25
CRT	2.0	1.5	3.0	2.0	4.0	3.0
CR	4.0	3.0	6.0	4.5	8.0	6.0
Employment	2.0	1.5	3.0	2.0	4.0	3.0
IL	0.75	0.5	1.0	0.75	1.5	1.25

3. The Floating Zone Map Amendment may establish lower densities than allowed by this Section (Sec. 5.2.6) in order to make the necessary findings of approval under [Article 59-8](#).

B. Height

1. Height may not exceed the recommendations of an approved master or sector plan.
2. A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the abutting or confronting zone at a setback line equal to at least the setback required by the abutting or confronting zone or a greater setback established by the Floating Zone Map Amendment.



3. Maximum heights are established by the Floating Zone Map Amendment or site plan(s), subject to the restriction above.

C. Lot Size

Minimum lot sizes are established by the Floating Zone Map Amendment or site plan(s).

D. Coverage

Minimum public use space must be provided as required under Division 4.4 for development equivalent to standard method or Division 6.3 for development equivalent to optional method, as applicable.

E. Setbacks

1. Setbacks are established by the Floating Zone Map Amendment or site plan(s).
2. In no case may a building or accessory structure be setback closer to a property line than that required in the abutting zone.
3. The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under Article 59-8.

F. General Regulations

1. Parking, recreation facilities, and landscaping must be provided under Article 59-7 according to the Euclidean zone that was approved for uses under Section 5.2.4.
2. Public use space must be provided under Article 59-4 (for standard method) and Article 59-6 (for optional method) according to the Euclidean zone that was approved for uses under Section 5.2.4.
3. The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, or landscaping or further restrict lighting in order to make the necessary findings of approval under Article 59-8.

G. Public Benefits

1. Public Benefits Required
 - a. Development above 1.0 FAR in the CRTF zone requires public benefits.
 - b. Development above 0.5 FAR in the CRF zone requires public benefits.
2. Public Benefit Points and Categories Required

Public benefit points under Div. 6.6 must be provided as follows:

<u>Zone</u>	<u>Site Size</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>CRTF</u>	<u>< 10,000 SF of gross tract area</u> <u>OR with < 1.5 max FAR</u>	<u>25</u>	<u>2</u>
	<u>≥ 10,000 SF of gross tract area</u> <u>OR with ≥ 1.5 max FAR</u>	<u>50</u>	<u>3</u>
<u>CRF</u>	<u>< 10,000 SF of gross tract area</u> <u>OR with < 1.5 max FAR</u>	<u>50</u>	<u>3</u>
	<u>≥ 10,000 SF of gross tract area</u> <u>OR with ≥ 1.5 max FAR</u>	<u>100</u>	<u>4</u>

3. When public benefits are required by development in the Commercial/Residential Floating zones, they must be submitted as part of the site plan required for Floating Zone Map Amendments under Article 59-8.

Div. 5.3. Employment Floating Zones

Sec. 5.3.1. Zones

- A. There are 4 families of Employment Floating zones comprising individual zones allowing various land uses, building types, and development standards.
- B. Employment Floating zones are mapped using the zones’ initials followed by the maximum allowed total density and maximum allowed height as limited by this Division (Div. 5.3)
 - 1. EMPLOYMENT GENERAL RETAIL – FLOATING (EGRF# H#)
 - 2. EMPLOYMENT NEIGHBORHOOD RETAIL - FLOATING (ENRF# H#)
 - 3. EMPLOYMENT OFFICE – FLOATING (EOFF# H#)
 - 4. EMPLOYMENT LIFE SCIENCES – FLOATING (ELSF# H#)

Sec. 5.3.2. Applicability

An application for an Employment Floating zone may be made only if the subject property has been recommended in an approved master or sector plan for the particular Floating zone requested or under the limits, standards, and requirements of this Division (Div. 5.3).

Sec. 5.3.3. Purposes

The purpose of the Employment Floating zones is to:

- A. Provide comprehensively planned employment nodes.
- B. Establish compatible relationships between new development and existing neighborhoods.
- C. Allow for limited residential uses and supporting retail services.
- D. Respond to changing economic and demographic pressures.

Sec. 5.3.4. Land Uses

- A. The following land uses are allowed in the Employment Floating zones:
 - 1. In the EGRF zones, only the uses allowed in the EGR zone are allowed.
 - 2. In the ENRF zones, only the uses allowed in the ENR zone are allowed.
 - 3. In the EOFF zones, only the uses allowed in the EOF zone are allowed.

- 4. In the ELSF zones, only the uses allowed in the ELS zone are allowed.
- B. Uses allowed may be restricted, disallowed, or subject to binding elements under the Floating Zone Map Amendment in order to make the necessary findings of approval under Article 59-8.

Sec. 5.3.5. Building Types Allowed

- A. Any building type is allowed in the Employment Floating zones.
- B. The Floating Zone Map Amendment may restrict, disallow, or establish binding elements on any building type in order to make the necessary findings of approval under Article 59-8.

Sec. 5.3.6. Development Standards

A. Density

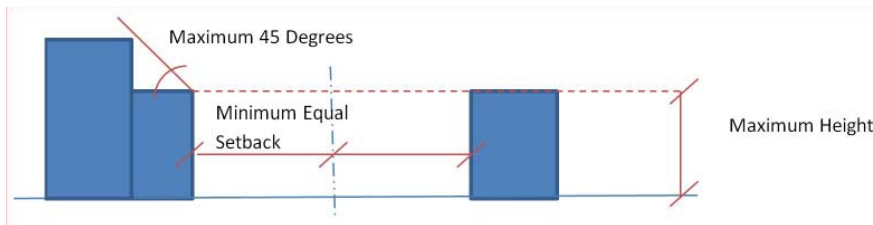
- 1. Density may not exceed the recommendations of an approved master or sector plan.
- 2. When there is no recommendation for density for the subject property in the master plan, the Floating Zone Map Amendment may establish density up to the following limits:

Pre-Existing Euclidean Zone	Density Allowed		
	Maximum Total Density Allowed in FAR Based on Size of Gross Tract Area in Acres		
	Less than 0.5 Acres	0.51 – 3.00 Acres	Greater than 3.01 Acres
<u>RE-2, RE-2C, RE-1, & R-200</u>	0.75 FAR	1.0 FAR	1.25 FAR
<u>R-90, R-60, R40, TLD, TMD, & THD</u>	1.0	1.25	1.5
<u>R-30, R-20, R-10</u>	1.25	1.5	1.75
CRN	1.0	1.25	1.5
CRT	2.0	3.0	4.0
CR	4.0	6.0	8.0
Employment	2.0	3.0	4.0
IL	0.75	1.0	1.5

3. In no case may residential uses exceed 30% of the allowed total density.
4. The Floating Zone Map Amendment may establish lower densities than allowed by this Section (Sec. 5.3.6) in order to make the necessary findings of approval under [Article 59-8](#).

B. Height

1. Height may not exceed the recommendations of an approved master or sector plan.
2. A building is prohibited from projecting beyond a 45 degree angular plane projecting over the subject property measured from the allowed height of the abutting or confronting zone at a setback line equal to at least the setback required by the abutting or confronting zone or a greater setback established by the Floating Zone Map Amendment.



3. Maximum heights are established by the Floating Zone Map Amendment or site plan(s), subject to the restriction above.

C. Lot Size

Minimum lot sizes are established by the Floating Zone Map Amendment or site plan(s).

D. Coverage

Minimum public use space must be provided as required under [Div. 4.5](#) or [Div. 6.4](#), as applicable.

E. Setbacks

1. Setbacks are established by the Floating Zone Map Amendment or site plan(s).
2. A building or accessory structure is prohibited from being set back closer to a property line than that required in the adjoining zone.

3. The Floating Zone Map Amendment may establish greater setbacks in order to make the necessary findings of approval under [Article 59-8](#).

F. General Regulations

1. Parking, recreation facilities, and landscaping must be provided under [Article 59-7](#) according to the Euclidean zone that was approved for uses under [Sec. 5.2.4](#).
2. Public use space must be provided under [Article. 59-4](#) (for standard method) and [Article 59-6](#) (for optional method) according to the Euclidean zone that was approved for uses under [Sec. 5.2.4](#).
3. The Floating Zone Map Amendment may require additional parking, open space, recreation facilities, or landscaping or further restrict lighting in order to make the necessary findings of approval under [Article 59-8](#).

G. Public Benefits

1. Public Benefits Required
 - a. Development above 1.0 FAR in the EOFF zone requires public benefits.
 - b. Development above 0.5 FAR in the ELSF zone requires public benefits.
2. Public Benefit Points and Categories Required

Public benefit points under [Div. 6.6](#) must be provided as follows:

<u>Zone</u>	<u>Site Size</u>	<u>Public Benefit Points (min)</u>	<u>Number of Benefit Categories (min)</u>
<u>ELSF</u>	<u>< 10,000 SF of gross tract area</u> <u>OR with < 1.5 max FAR</u>	<u>15</u>	<u>1</u>
	<u>≥ 10,000 SF of gross tract area</u> <u>OR with ≥ 1.5 max FAR</u>	<u>30</u>	<u>2</u>
<u>EOFF</u>	<u>< 10,000 SF of gross tract area</u> <u>OR with < 1.5 max FAR</u>	<u>30</u>	<u>2</u>
	<u>≥ 10,000 SF of gross tract area</u> <u>OR with ≥ 1.5 max FAR</u>	<u>60</u>	<u>3</u>

3. When public benefits are required by development in the Employment Floating zones, they must be submitted as part of the site plan required for Floating Zone Map Amendments under [Article 59-8](#).

Div. 6.1. MPDU Development in Rural Residential and Residential Zones

Sec. 6.1.1. General Requirements

Where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A, as amended, this optional method of development is permitted in order to facilitate the construction of those units.

A. Development Approval Procedure

A site plan must be submitted under Sec. 8.3.4.

B. MPDU Development Across Different Zones

MPDU Optional Method Development may occur across different zones, each of which has provisions for MPDU development, under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and open space must be calculated for each area under Sec. 6.1.2, but must not exceed the maximum density or provide less than the minimum open space if the variously zoned areas were developed individually; and
4. The allowed number of units and required open space may be distributed across the variously zoned areas.

C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

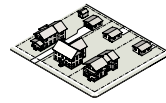
D. Requirements for MPDU Projects with 20 or Fewer Dwelling Units

An applicant who voluntarily provides at least 12.5% MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 6.1.2, except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing detached house dwellings must conform to

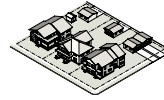
the dimensional standards under the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development; and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100% of the units consist of townhouses, if the Planning Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

E. Building Types Allowed by Zone

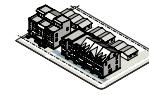
Building types are allowed in Optional Method MPDU Development as follows:



Detached House



Duplex



Townhouse



Apartment/Condo

	Detached House	Duplex	Townhouse	Apartment/Condo
Rural Residential Zones				
Rural Neighborhood Cluster (RNC)	A	A	A	--
Residential Detached Zones				
Residential Estate - 2C (RE-2C)	A	A	A	--
Residential Estate - 1 (RE-1)	A	A	A	--
Residential - 200 (R-200)	A	A	A	--
Residential - 90 (R-90)	A	A	A	--
Residential - 60 (R-60)	A	A	A	--
Residential - 40 (R-40)	A	A	A	--
Residential Townhouse Zones				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
Residential Multi-Unit Zones				
Residential Multi-Unit Low Density - 3 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 2 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 1 (R-10)	A	A	A	A

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

Sec. 6.1.2. General Site and Building Type Mix

Optional Method MPDU Development permits an increase in density above the total number of dwelling units permitted by the standard method of development; permits additional building types; and provides more flexibility for certain dimensional standards as indicated in [Section 6.1.2 - Section 6.1.6](#).

A. Site	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
A1 Usable area	10 acres	34 acres	17 acres	9 acres	5 acres	3 acres	3 acres	0.46 acres	0.46 acres	0.90 acres	0.27 acres	0.36 acres	0.46 acres
Density (max)													
A2 Density (units/acres)	1.22/1	0.48/1	1.22/1	2.44/1	4.39/1	6.1/1	10.12/1	9.76/1	15.25/1	18.30/1	17.69/1	26.47/1	53.07/1
Coverage (min)													
A3 Rural open space (% of usable area)	65%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
A4 Common outdoor area (% of usable area)	5%	5%	10%	20%	30%	40%	40%	45%	45%	30%	35%	35%	35%

B. Building Type

Building Type (max % of building type)													
B1 Detached House	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
B2 Duplex	30%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
B3 Townhouse	100%	30%	30%	40%	50%	60%	100%	100%	100%	100%	100%	100%	100%
B4 Apartment/Condo	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	100%	100%

B5 In the R-200, R-90, and R-60 zones, the Planning Board may allow up to 100% duplex and/or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development regulations in this Division ([Div. 6.1](#)) for the required number of detached house dwelling units.

B6 MPDU development standards for the RE-2C and RE-1 zones are applicable only for development that is served by public sewer service and where designated for sewer service in the applicable master or sector plan.

Sec. 6.1.3. Detached House

A. Lot	RNC	RE-2C	RE-1	<u>R-200</u>	<u>R-90</u>	<u>R-60</u>	<u>R-40</u>	TLD	TMD	THD	<u>R-30</u>	<u>R-20</u>	<u>R-10</u>
Dimensions (min)													
A1 Lot area	4,000 SF	12,000 SF	9,000 SF	6,000 SF	4,000 SF	3,000 SF	3,000 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF
A2 Lot width at front setback line (feet)	Established at site plan												
A3 Lot width at property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at site plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at site plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.1.4. Duplex

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
A1 Lot area	3,500 SF	7,500 SF	4,500 SF	3,000 SF	2,000 SF	1,500 SF	1,500 SF	1,500 SF	1,000 SF	1,000 SF	1,000 SF	800 SF	800 SF
A2 Lot width at front building line	Established at site plan												
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'	25'	15'	15'	15'	15'	15'	15'
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at site plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at site plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
B11 Roofed buildings and structures	35%	35%	35%	35%	50%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
C1 Principal building	35'	40'	40'	40'	40''	40''	40''	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.1.5. Townhouse

A. Lot	RNC	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10
Dimensions (min)													
A1 Lot area	1,500 SF	1,500 SF	1,500 SF	1,200 SF	1,000 SF	1,000 SF	1,000 SF	800 SF	800 SF	800 SF	800 SF	800 SF	800 SF
A2 Lot width at front building line	Established at site plan												
A3 Lot width at front property line	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'	14'
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street	15'	35'	35'	25'	25'	20'	20'	10'	10'	10'	10'	10'	10'
B1 Front setback from private street or open space	15'	10'	10'	10'	10'	10'	10'	6'	6'	6'	6'	6'	6'
B2 Side street setback	15'	20'	20'	15'	15'	15'	15'	10'	10'	10'	10'	10'	10'
B3 Side or rear setback, interior	Established at site plan												
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B5 Rear setback, alley	4' or 20'												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
B7 Side street setback	Side street setback for principal building plus 5'												
B8 Side or rear setback, interior	Established at site plan												
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot												
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'	4'
Coverage (max)													
B11 Roofed buildings and structures	50%	50%	50%	50%	60%	60%	60%	60%	60%	75%	75%	75%	75%
C. Height													
Building Height (max)													
C1 Principal building	35'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'	40'
C2 Accessory structure	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

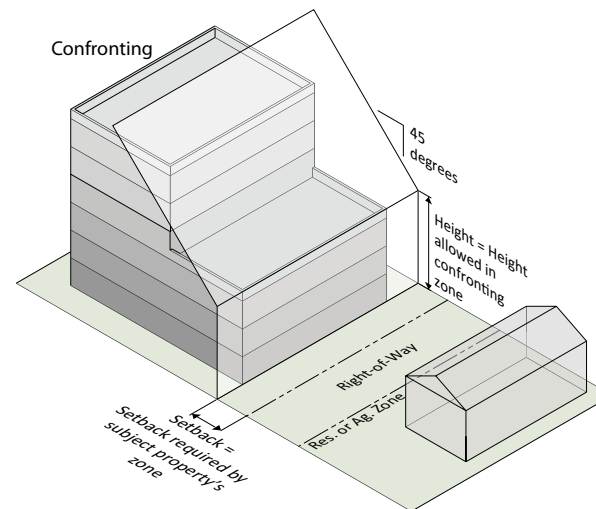
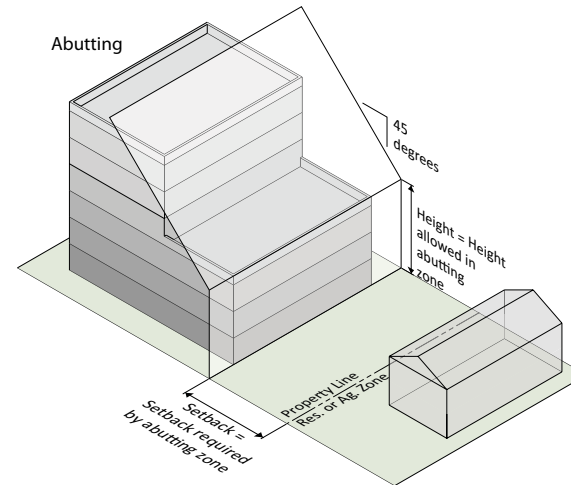
Sec. 6.1.6. Apartment/Condo

A. Lot	R-30	R-20	R-10
Dimensions (min)			
A1 Lot area	12,000 SF	16,000 SF	20,000 SF
A2 Lot width at front property line	50'	50'	50'
B. Placement			
Principal Building Setbacks (min)			
B1 Front setback from public street	Established at site plan		
B2 Side street setback	Established at site plan		
B3 Side or rear setback, interior	Established at site plan		
B4 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
Parking Setbacks (min)			
B5 Front setback	30'	30'	30'
B6 Side street setback	10'	10'	10'
B7 Side or rear setback, interior	0'	0'	0'
B8 Side or rear setback, abutting property not included in application	Equal to required setback of abutting zone		
Coverage (max)			
B9 Roofed buildings and structures	18%	18%	12%
C. Height			
Building Height (max)			
C1 Principal building	35'	80'	100'
C2 Accessory structure	25'	25'	25'

D. Neighborhood Compatibility

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7; and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
 - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under Sec. 7.5.7, whichever is greater; and
 - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4., or
2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7 across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
 - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4.



Div. 6.2. Cluster Development in Rural Residential and Residential Zones

Sec. 6.2.1. General Requirements

The purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. Optional Method Cluster Development provides for flexibility in lot layout and for variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use. In order to accomplish this purpose, certain changes in lot areas and dimensions are permitted and a greater variety of building types are allowed. The use of this method of development, and site plan approval for portions of such development, are subject to approval by the Planning Board.

A. Development Approval Procedure

A site plan must be submitted under [Sec. 8.3.4](#) for any development on a property with an approved sketch plan.

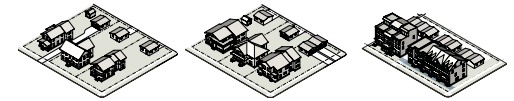
B. Community Water and Sewer

Land in the Residential Detached zones is prohibited from developing under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems, except that land in the RE-2C zone that is not served by community sewer may be developed under this method if it meets all of the following conditions:

1. An approved and adopted master or sector plan specifically recommends cluster development with community water but not community sewer;
2. The resulting development will be connected to community water; and
3. The resulting development meets all of the requirements for individual sewerage systems outlined in the most recent County comprehensive water supply and sewerage systems plan and [Executive Regulation No. 5-79](#), as amended, on individual water supply and sewage disposal systems.

C. Building Types Allowed by Zone

Building types are allowed in Optional Method MPDU Development as follows:



Detached House Duplex Townhouse

Rural Residential Zones			
Rural Cluster (RC)	A	--	--
Residential Detached Zones			
Residential Estate - 2C (RE-2C)	A	--	--
Residential Estate - 1 (RE-1)	A	--	--
Residential - 200 (R-200)	A	--	--
Residential - 90 (R-90)	A	A	A
Residential - 60 (R-60)	A	A	A

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

Sec. 6.2.2. Development Standards

Optional method cluster development must comply with the requirements of [Sec. 6.2.2.A.](#) to [Sec. 6.2.2.E](#) (below).

A. Master Plan and Design Guidelines

1. Development must be consistent with the applicable master or sector plan.
2. Development must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Cluster Development Across Different Zones

Optional method cluster development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common outdoor area must be calculated for each area under [Sec. 6.2.3](#), but must not exceed the maximum density or provide less than the minimum common outdoor area if the variously zoned areas were developed individually; and

4. The allowed number of units and required common outdoor area may be distributed across the variously zoned areas.

C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. all land indicated on the master plan of highways as a right-of-way of 100 feet in width or more; and
2. all land within areas within environmental buffers exceeding 50% of the site.

D. Dedicated Land

Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided that development of the remaining land can be accomplished in compliance with the requirements of this Section (Sec. 6.2.2).

E. Lots Fronting on Private Cul-de-Sacs in RE-2C Zone

In the RE-2C zone, lots may front on a private cul-de-sac if the Planning Board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

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

Each private cul-de-sac must comply with the requirements of Section 50-25(h) of the subdivision regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with site plan under Sec. 8.3.4.

Sec. 6.2.3. General Site, Building Type Mix, and Height Standards

Optional Method Cluster Development permits additional building types and provides more flexibility for certain dimensional standards as indicated in Sections 6.2.3 - 6.2.5.

A. Site	RC	RE-2C	RE-1	R-200	R-90	R-60
Dimensions (min)						
A1 Usable area	n/a	50 acres	50 acres	5 acres	5 acres	5 acres
A1 The Planning Board may allow development to proceed under the Optional Method Cluster Development on sites less than stated above if the subject property is recommended for cluster development in an approved and adopted master or sector plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.						
Density (max)						
A2 Density (units/acres of usable area)	1/5	0.4/1	1/1	2/1	3.6/1	5/1
Coverage (min)						
A3 Rural open space (% of property)	60%	n/a	n/a	n/a	n/a	n/a
A3 Common outdoor area (% of usable area)	n/a	5%	10%	20%	30%	40%

B. Building Type

Building Type (max. % of building type)	RC	RE-2C	RE-1	R-200	R-90	R-60
B1 Detached House	100%	100%	100%	100%	100%	100%
B2 Duplex and/or Townhouse	0%	0%	0%	0%	100%	100%

C. Height

Building Height (max.)	RC	RE-2C	RE-1	R-200	R-90	R-60
C1 Principal Building	50'	40'	40'	40'	35'	35'
C2 Accessory Structure	50'	25'	25'	25'	25'	25'

Height restrictions do not apply to agricultural buildings. See Sec. 4.1.4.D.4.f

Sec. 6.2.4. Detached House and Duplex

A. Lot	RC	RE-2C	RE-1	R-200	R-90	R-60
Dimensions (min)						
A1 Lot area for detached house	40,000 SF	15,000 SF	12,000 SF	9,000 SF	5,000 SF	3,000 SF
A1 Lot area for duplex	n/a	7,500 SF	6,000 SF	4,500 SF	2,500 SF	1,500 SF
A2 Lot width at front building line	125'	n/a	n/a	n/a	n/a	n/a
A3 Lot width at front property line	25'	25'	25'	25'	25'	25'
A4 Frontage on street or open space	Required					
B. Placement						
Principal Building Setbacks (min)						
B1 Front setback from public street	50'	35'	35'	25'	25'	20'
B1 Front setback from private street or open space	50'	10'	10'	10'	10'	10'
B2 Side street setback	50'	20'	20'	15'	15'	15'
B3 Side or rear setback, interior	Established at site plan					
B4 Side setback, abutting property not included in application	17'	Equal to required setback of abutting lot				
B5 Rear setback, abutting property not included in application	35'	50'	50'	40'	30'	30'
B5 Rear setback, alley	4' or 20'					
Accessory Structure Setbacks (min)						
B5 Front setback, behind front building line	30'	20'	20'	10'	10'	10'
B6 Side street setback	Side street setback for principal building plus 5'					
B8 Side or rear setback, interior	Established at site plan					
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot					
B10 Rear setback, alley	4'	4'	4'	4'	4'	4'
Coverage (max)						
B11 Roofed buildings and structures	10%	15%	15%	25%	30%	35%

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

Sec. 6.2.5. Townhouse

A. Lot	R-90	R-60
Dimensions (min)		
A1 Lot area for detached house	1,400 SF	1,200 SF
A2 Lot width at front property line	16'	14'
A3 Average frontage of a group of attached townhouses	Established at site plan	
B. Placement		
Principal Building Setbacks (min)		
B1 Front setback from public street	25'	20'
B1 Front setback from private street or open space	10'	10'
B2 Side street setback	15'	15'
B3 Side or rear setback, interior	Established at site plan	
B4 Side or rear setback, abutting property not included in application	30'	30'
B5 Rear setback, alley	4' or 20'	
Accessory Structure Setbacks (min)		
B5 Front setback, behind front building line	5'	5'
B6 Side street setback	Side street setback for principal building plus 5'	
B8 Side or rear setback, interior	Established at site plan	
B9 Side or rear setback, abutting property not included in application	Equal to required setback of abutting lot	
B10 Rear setback, alley	4'	4'
C. Form		
Massing (max)		
C1 Number of units permitted in any one row	8	10

Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).

Div. 6.3. Transferable Development Rights (TDR) Overlay

Sec. 6.3.1. In General

The purpose of the TDR Overlay optional method of development is to permit an increase in the maximum density of development established in Article 59-4, provided the development conforms to the regulations for optional method development using Transferable Development Rights under this Section (Sec. 6.3.1).

A. Applicability

The procedures and regulations in Sec. 6.3.1. apply to the transfer of development rights from land classified in the AR zone to land classified in a Transferable Development Rights (TDR) Overlay zone. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TDR Overlay zone and conforming to the guidelines contained in the applicable master plan.

B. General Provisions

1. The development density of a property under the TDR Overlay optional method may not be increased above the maximum density permitted in the TDR Overlay zone or beyond the density or number of dwelling units recommended for such property by the applicable master plan.
2. A property developed with the transfer of development rights must conform to the requirements of Chapter 25A requiring MPDU's. The applicability of Chapter 25A and the MPDU density increase provided by Sec. 6.1.2.A must be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by Sec. 6.1.2.A may be made without the acquisition of additional development rights.

C. Recording of Development Right

1. A development right must be created, transferred, and extinguished only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. The easement must limit the future construction of detached houses on a property in the AR zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred under this Section (Sec.6.3.1), the number of development rights to be transferred by

the instant transaction, and the number of existing detached houses on the property.

2. The transfer of development rights must be recorded in the land records of the County.
3. Prior to recordation of a final record plat for a subdivision using transferred development rights, an easement to the Montgomery County Government limiting future construction of dwellings on a property in the AR zone by the number of development rights received must be recorded among the land records of the County.
4. A final record plat for a subdivision using transferred development rights must contain a statement including the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance as required by Sec. 6.3.1.

D. Density Designation

1. Rural Residential and Residential Zones:

- a. Land designated in a TDR Overlay zone is assigned a number, as recommended in the applicable master or sector plan, that delineates the maximum number of units per acre that may be built through the purchase of TDRs up to the following limit:

Zones	Density without TDRs (max units/acre)	TDR Density (max units/acre)
RNC	0.2	1
RE-2	0.5	4
RE-2C	0.5	2
RE-1	1.09	2
R-200	2.18	11
R-90	4.84	28
R-60	7.26	28
R-30	14.5	40
R-20	21.7	50
R-10	43.5	100

- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) followed by the TDR density designation (1 through 100, including fractions) on the zoning map, [TDR-#].

2. Commercial/Residential and Employment Zones:

- a. Land designated in a TDR Overlay zone must use TDRs under the optional method of development. TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 public benefit points must be provided through the purchase of TDRs, under Div. 6.6.
- b. TDR Overlay zones are delineated as the overlay zone symbol (TDR) on the zoning map.

E. Calculation of TDRs Required in the Rural Residential or Residential Zones

Development using TDRs must include at least two-thirds of the number of development rights designated unless the Planning Board finds that for environmental or compatibility reasons a lower density is more appropriate.

- 1. In the Rural Residential and Residential zones, the following building types require a minimum percent of total units indicated, and where applicable a maximum allowed (noted in parentheses). In addition, the minimum amount of common outdoor area required is indicated:

TDR Density Designation	Size of Development	Building Type (minimum required as a percentage of total units)				Common Outdoor Area (min)
		Detached House	Duplex	Townhouse	Apartment/Condo	
1	Any size	100%	0%	0%	Not permitted	0%
2	Any size	100%	0%	0%	Not permitted	0%
3-5	< 800 units	30%	0%	0%	Not permitted	35%
	800+ units	30%	0%	0%	0% (20% max)	35%
6-10	< 200 units	15%	0%	0%	Not permitted	40%
	200+ units	15%	0%	0%	0% (35% max)	40%
11-15	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	35% (60% max)	50%

16-28	< 200 units	0%	0%	0%	0%	50%
	200+ units	0%	0%	0%	25% (60% max)	50%
> 28	Any size	0%	0%	0%	25%	50%

- a. The apartment/condo building type is permitted only where specifically recommended in the area master or sector plan for the receiving area. In any instance where the minimum percentage requirement would yield a total of 150 units or less, this requirement does not apply, and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number must be required except where the Planning Board finds otherwise, see Sec. 6.3.1.B.3.c.
- b. A duplex or townhouse building type may be substituted for all or part of the apartment/condo requirement.
- c. An apartment/condo building type is limited to a maximum building height of 40 feet. The height limit may be waived upon a finding by the Planning Board that a proposed development can achieve greater compatibility with adjacent development than would result from adherence to the standards.
- 2. Each single TDR purchased allows the construction of the following number of units up to the TDR density designation:
 - a. In a Metro Station Policy Area:
 - i. 2 detached houses;
 - ii. 2 units in a duplex building type;
 - iii. 2 units in a townhouse building type; or
 - iv. 3 units in an apartment/condo building type.
 - b. In a Non-Metro Station Policy Area:
 - i. one detached house unit;
 - ii. one unit in a duplex building type;
 - iii. one unit in a townhouse building type; or
 - iv. 2 units in an apartment/condo building type.

3. The Planning Board may waive the minimum required or maximum allowed number of units if it finds that for environmental or compatibility reasons a different mix of building types is appropriate.

3. Achieves a mutually compatible relationship between the proposed development and adjoining land uses.

F. Development Standards

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

TDR Density Designation	Development Standards
1	<p><u>In a Rural Residential zone, same as for a detached house building type under standard method in the RNC zone, see Div. 4.3</u></p> <p><u>In a Residential zone, same as for a detached house building type under standard method in the RE-1 zone, see Div. 4.4</u></p>
2	Same as for a detached house building type under standard method in the R-200, see Div. 4.4
3-5	May utilize the R-60 Optional Method MPDU Development standards, see Div. 6.1
6 or more	Determined at site plan

G. Development with Moderately Priced Dwelling Units

1. Any property developed under this Section (Sec. 6.3.1) must conform to the requirements of Chapter 25A.
2. Any density bonus allowed under Chapter 25A is calculated after the base density of the property has been increased under this Section (Sec. 6.3.1) through acquisition of TDRs. The increase in density attributed to Optional Method MPDU Development must not exceed 22% of the TDR density.
3. Development using TDRs and providing MPDUs above 12.5% must be under Div. 6.1., MPDU Development in Rural Residential and Residential zones.

H. Additional Findings

In addition to the findings required under Sec. 8.3.4., site plan, for projects developed under this Division (Div. 6.3), the Planning Board must find that the proposed development:

1. Provides the appropriate range of housing types;
2. Takes advantage of existing topography and environmental features; and

Div. 6.4. Commercial/Residential Zones

Sec. 6.4.1. General Requirements

A. Procedure for Approval

A sketch plan must be submitted under Sec. 8.3.3. A site plan must be submitted under Sec. 8.3.4, for any development on a property with an approved sketch plan.

B. Public Benefit Points and Categories

Public benefits under Div. 6.6 must be provided as follows:

Zone	Site Size	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF of gross tract area OR with < 1.5 max FAR	25	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	50	3
CR	< 10,000 SF of gross tract area OR with < 1.5 max FAR	50	3
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	100	4

C. Master Plan and Design Guidelines

- Development must be consistent with the applicable master or sector plan.
- Development must comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

D. Building Type

All building types allowed under Div. 4.5 are allowed in the CRT and CR zones under optional method development.

E. Neighborhood Compatibility

Where a property abuts or confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under Sec. 4.5.3.B.

F. General Regulations

The general regulations under Article 59-7 must be satisfied.

Sec. 6.4.2. Development Standards

A. Open Space

- Open space must be provided based on the lot size and number of frontages as described in the table below. The required open space must meet the criteria established under Div. 7.3.
- In a development with townhouse, apartment/condo, multi use or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common outdoor area and for other buildings is public use space under Div. 7.3.

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

B. Lot and Density

- Lot standards for detached House, duplex and townhouse building types are established by the site plan.
- The maximum total, nonresidential, and residential FARs are established by the mapped zone.

C. Placement

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

D. Height

Height is established by the mapped zone.

E. Form

Form standards are established by the site plan and must address, at least, transparency, blank walls, and active entrances.

Div. 6.5. Employment Zones

Sec. 6.5.1. General Requirements

A. Procedure for Approval

A sketch plan must be submitted under Sec. 8.3.3. A site plan must be submitted under Sec. 8.3.4, for any development on a property with an approved sketch plan.

B. Public Benefit Points and Categories

Public benefits under Div. 6.6 must be provided as follows:

Zone	Site Size	Public Benefit Points (min)	Number of Benefit Categories (min)
ELS	< 10,000 SF of gross tract area OR with < 1.5 max FAR	15	1
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	30	2
EOF	< 10,000 SF of gross tract area OR with < 1.5 max FAR	30	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	60	3

C. Master Plan and Design Guidelines

1. Development must be consistent with the applicable master or sector plan.
2. Development must comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

D. Building Type

All building types allowed under Div. 4.6 are allowed in the ELS and EOF zones under optional method development.

E. Neighborhood Compatibility

Where a property abuts or confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under Sec. 4.6.3.B. **Development Standards**

F. General Regulations

The general regulations under Article 59-7 must be satisfied.

Sec. 6.5.2. Development Standards

A. Open Space

1. Open space must be provided based on the lot size and number of frontages as described below. The required open space must meet the criteria established under Div. 7.3.
2. In a development with townhouse, apartment/condo, multi use or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
3. Open space for the townhouse building type is common outdoor area and for other buildings is public use space under Div. 7.3.

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Open Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

B. Lot and Density

1. Lot standards for detached House, duplex and townhouse building types are established by the site plan.
2. The maximum density is established by the mapped zone.

C. Placement

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

D. Height

Height is established by the mapped zone.

E. Form

Form standards are established by the site plan and must address, at least, transparency, blank walls, and active entrances.

Div. 6.6. Optional Method Public Benefits

Sec. 6.6.1. General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:
 - a. Major Public Facilities;
 - b. Transit Proximity;
 - c. Connectivity and Mobility;
 - d. Diversity of Uses and Activities;
 - e. Quality Building and Site Design; and
 - f. Protection and Enhancement of the Natural Environment.
2. Section 6.6.2. indicates the individual public benefits that may be accepted in each of these categories in each zone.

B. General Public Benefit Considerations

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

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

C. Public Benefit Implementation Guidelines

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

1. be consistent with the objectives of this Division (Div. 6.6);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in this Division (Div. 6.6), but may not conflict with those provisions; and
3. only allow incentive FAR for those public benefits listed in Sec. 6.6.3.

Sec. 6.6.2. **Public Benefit Overview**

The following public benefits may be accepted under optional method development:

- A. Major Public Facility
- B. Transit Proximity
- C. Connectivity & Mobility
 - 1. Advance Dedication
 - 2. Minimum Parking
 - 3. Neighborhood Services
 - 4. Public Parking
 - 5. Through-Block Connection
 - 6. Transit Access or Streetscape Improvement
 - 7. Trip Mitigation
 - 8. Way Finding
- D. Diversity of Uses & Activities
 - 1. Adaptive Buildings
 - 2. Affordable Housing
 - 3. Care Centers
 - 4. Dwelling Unit Mix
 - 5. Enhanced Accessibility for the Disabled
 - 6. Enhanced Visitability for Seniors/Disabled
 - 7. Live/Work
 - 8. Small Business Opportunity
 - 9. Workforce Housing
- E. Quality Building and Site Design
 - 1. Architectural Elevations
 - 2. Enhanced Recreation Facilities
 - 3. Exceptional Design

- 4. Historic Resource Protection
- 5. Public Art
- 6. Public Open Space
- 7. Structured Parking
- 8. Tower Step-Back
- F. Protection and Enhancement of the Natural Environment
 - 1. Building Lot Terminations
 - 2. Building Reuse
 - 3. Cool Roof
 - 4. Energy Conservation
 - 5. Energy Generation
 - 6. Habitat Preservation and Restoration
 - 7. Recycling Facility Plan
 - 8. Transferable Development Rights
 - 9. Tree Canopy
 - 10. Vegetated Area
 - 11. Vegetated Roof
 - 12. Vegetated Wall

Sec. 6.6.3. **Public Benefit Descriptions and Criteria**

A. Major Public Facilities

- 1. Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, County service centers, bike share stations, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan. Major public facilities provide public services at convenient locations where increased density creates a greater need for civic uses and greater demands on public infrastructure.

2. Where a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association, or nonprofit organization.
 - a. The following number of points may be awarded provided the requirements of Sec. 6.6.3.A.3 (above) are met:
 - i. 20 points in an ELS zone;
 - ii. 40 points in an EOF or CRT zone; and
 - iii. 70 points in a CR zone.

B. Transit Proximity

1. Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density.
2. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones.
 - a. Transit proximity is categorized in 2 levels:
 - i. Level 1 is proximity to an existing or master planned Metrorail Station.
 - ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility.

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

Proximity	Adjacent or confronting		Within 1/4 mile		Between 1/4 and 1/2 mile		Between 1/2 and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Proximity Level								
ELS	10	5	8	4	6	2	4	0
EOF or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

C. Connectivity and Mobility

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

1. **Advance Dedication:** Up to 8 points in the ELS zone, 15 points in the EOF and CRT zones, and 30 points in the CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

2. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **Neighborhood Services:** When fewer than 10 different basic services are within ¼ mile, up to 10 points for providing retail bays resulting in at least 10 different basic services on-site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.
4. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
6. **Transit Access or Streetscape Improvement:** Up to 20 points for creating new or improving existing transit access or for construction of off-site improvements, excluding any streetscape improvements otherwise required.
7. **Trip Mitigation:** Up to 15 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.
8. **Way-Finding:** Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

D. Diversity of Uses and Activities

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

1. **Adaptive Buildings:** Up to 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Affordable Housing**
 - a. If providing no more than 12.5% Moderately Priced Dwelling Units (MPDUs), all development must comply with the applicable requirements of **Chapter 25A**.
 - b. If providing more than 12.5% MPDUs in an ELS, EOF, CRT, or CR zone, 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
 - c. Above 15% of MPDUs, each 1% of additional MPDUs entitles the applicant to an additional 2 benefit points. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 2 points.
 - d. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.
3. **Care Centers:** Up to 20 points for constructing a child, teen, or adult day care facility accommodating at least 15 users in accordance with state standards.
4. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units and 5% three- or more bedroom units.
5. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy **American National Standards Institute A117.1 Residential Type A** standards or an equivalent County standard.
6. **Enhanced Visitability for Seniors or the Disabled:** Up to 20 points for constructing dwelling units in accordance with **ANSI A117.1, Type C, Visitable Unit**, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level.
7. **Live/Work:** Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least 3 units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
8. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

9. **Workforce Housing:** Up to 30 points for providing workforce housing at a rate of 2 points for each percentage of the total units, excluding MPDUs.

E. Quality Building and Site Design

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

1. **Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of this Division, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort or enhance neighborhood compatibility.
2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the supply required by [Div. 7.4](#).
3. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Division (Div. 6.6).
4. **Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
5. **Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
6. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.

7. **Structured Parking:** Up to 20 points for placing parking within, above or below grade parking structures.
8. **Tower Step-Back:** Up to 5 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

F. Protection and Enhancement of the Natural Environment

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

1. **Building Lot Termination (BLT):** Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF).
 - a. In the CR zone:
 - i. The first 5 points are mandatory for all optional method developments; up to 25 additional points are allowed as an option.
 - ii. An applicant must purchase BLT easements, or make payments to the ALPF, in an amount equal to 5% of the incentive density floor area under the following parameters:
 - (a) One BLT must be purchased or equivalent payment made for every 20,000 square feet of gross floor area to qualify for the first 5% incentive density floor area;
 - (b) Any private BLT easement must be purchased in whole units; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
 - iii. Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 5%. Each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented

by a fractional BLT purchase or payment. This is converted into points by dividing the incentive density floor area covered by the purchase or payment by the total square feet of the incentive density area.

b. In the ELS Zone:

- i. BLTs are mandatory for all optional method developments in the ELS zone and each percent of incentive density achieved is equal to one point. For those projects that don't achieve 30 points under the mandatory calculation, additional BLTs may be purchased or payments made for up to 30 total points.
- ii. An applicant must purchase BLT easements, or make payments to the ALPF, under the following parameters:
 - (a) One BLT must be purchased for each 66,000 square feet of gross floor area above 0.5 FAR;
 - (b) Any private BLT easement must be purchased in whole units; or
 - (c) BLT payments must be made to the ALPF, based on the amount established by Executive Regulations under Chapter 2B; if a fraction of a BLT easement is needed, a payment based on the gross square footage of incentive density must be made for at least the fraction of the BLT easement.
- iii. Floor area restricted to the following uses is subtracted from the total density prior to calculating the required BLTs:
 - (a) Workforce housing units;
 - (b) MPDUs;
 - (c) hospitals, including the hospital's accessory uses, other than medical office buildings;
 - (d) Educational facilities for non-life sciences; and
 - (e) Research and Development; Animal Research Facility; and Medical/Scientific Manufacturing and Production in excess of 50% of the project's total floor area.

c. In the CRT & EOF zones:

- i. BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment.
2. **Building Reuse:** Up to 100 points for reuse of an existing building subject to the following:
 - a. 75% of the structural system of the building must be retained; and
 - b. An architectural deconstruction company must be used to remove reusable and recyclable materials prior to any demolition.
 - c. Although 100 points may be obtained, public benefit category minimums must be met.
 3. **Cool Roof:** Up to 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
 4. **Energy Conservation:** Up to 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings.
 5. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
 6. **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other County laws.
 7. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that complies with **Montgomery County Executive Regulation 15-04AM** or **Montgomery County Executive Regulation 18-04**.
 8. **Transferable Development Right:** Up to 20 points for the purchase of or payment towards TDRs. Every TDR purchased is worth 1 point and allows 3,500 square feet of development above the density allowed under the stan-

standard method of development. If a site is within a TDR Overlay zone, TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 points must be provided through the purchase of or payment towards TDRs.

9. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at least 20 years of growth per Trees Technical Manual approved by the Planning Board, as amended, on at least 25% of the on-site open space.
10. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. No individual area can be less than 500 square feet. This does not include vegetated roofs or storm-water management facilities.
11. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
12. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.

Div. 7.1. Site Access

Sec. 7.1.1. Intent

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

Sec. 7.1.2. Applicability

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

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

Sec. 7.1.3. General Access Requirements

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

Sec. 7.1.4. Driveway Access

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

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

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

Sec. 7.1.5. Alternative Compliance

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

Div. 7.2. Parking, Queuing, and Loading

Sec. 7.2.1. Intent

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

Sec. 7.2.2. Applicability

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

Sec. 7.2.3. Calculation of Required Parking

A. In General

1. Vehicle Parking

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

2. Bicycle Parking

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

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

A. Required Vehicle Parking

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

B. Required Bicycle Parking

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

C. Adjustments to Vehicle Parking

1. Shared Parking

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

2. On-Street Space

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

3. Car-Share Space

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

4. Affordable Housing or Workforce Housing Units

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

5. Religious Assembly

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

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

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

D. Using the Parking Table

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

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

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

KEY: GFA = Gross Floor Area

USE or USE GROUP	VEHICLE PARKING SPACES		BICYCLE PARKING SPACES		
	Metric	Baseline Minimum	Metric	Min (Max)	% Long-Term
Commercial					
Animal Services					
Animal Boarding and Care	1,000 SF of GFA	3.50	10,000 SF of GFA	1.0	15%
Veterinary Office/Hospital	1,000 SF of GFA	5.00			
Eating and Drinking	1,000 SF for Patron Use	10.00	10,000 SF of GFA	1.0	15%
Funeral and Interment Services	Each Seat	0.25	10,000 SF of GFA	1.0	15%
Landscape Contractor	1,000 SF of GFA	5.00	--	--	--
Lodging					
Bed and Breakfast (in addition to residential spaces)	Guest Room	1.00			
Hotel, Motel	Guest Room, plus 1,000 SF of Meeting Room, Dining	0.70 10.00	--	--	--
Medical and Dental	1,000 SF of GFA	3.50	10,000 SF of GFA	2.0	85%
Office and Professional	1,000 SF of GFA	2.80	10,000 SF of GFA	2.0	85%
	1,000 SF of GFA or Outdoor Recreational Space	-- 5.00			
Recreation and Entertainment	OR: Every 6 seats/guest spaces OR: Each "rentable" space	1.00 1.00	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%
Commercial Kitchen (Accessory)	Each Kitchen User	1.00	--	--	--
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 Collection and Processing	1,000 SF of GFA	1.50	10,000 SF of GFA	1.0	85%
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.50	--	--	--

KEY: GFA = Gross Floor Area

Sec. 7.2.5. Commercial/Residential and Employment Zones

A. Required Vehicle Parking

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

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

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

B. Required Bicycle Parking

The minimum bicycle parking requirements reflect a multi use environment.

C. Adjustments to Vehicle Parking

1. NADMS Factor

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

2. On-Street Space

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

3. Carpool/Vanpool Space

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

4. Car-Share Space

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

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

5. Unbundled Residential Space

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

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

6. Affordable Housing or Workforce Housing Units

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

7. Bike-Share Facility

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

8. Religious Assembly

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

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

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

D. Parking Below the Minimum or Above the Maximum

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

E. Using the Parking Table

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

F. Commercial/Residential and Employment Zones

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

GFA = Gross Floor Area

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

GFA = Gross Floor Area

Sec. 7.2.6. Vehicle Parking Design Standards

A. Location

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

B. Access

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

C. Marking

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

D. Size of Spaces

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

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

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

E. Drive Aisles

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

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

F. Handicapped Spaces

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

G. Motorcycle/Scooter Parking

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

H. Car-Share Spaces

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

I. Parking Separation

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

J. Walkways

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

K. Drainage

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

L. Landscaping and Lighting

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

M. Facilities for Conditional Uses in Residential Zones

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

1. Location

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

2. Setbacks

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

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

N. Commercial Vehicle Parking for Properties with a Residential Use

1. In General

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

2. AR, R, RC, and RNC Zones

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

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

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

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

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

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

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

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

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

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

Sec. 7.2.7. Bicycle Parking Design Standards

A. Long-Term Spaces

1. Location, Access, and Security

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

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

2. Space Dimensions

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

3. Signs

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

4. Changing Facilities – Showers and Lockers

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

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

B. Short-Term Spaces

1. Location, Access, and Security

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

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

2. Racks

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

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

Sec. 7.2.8. Queuing Design Standards

A. Spaces Required

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

B. Design

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

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

Sec. 7.2.9. Loading Design Standards

A. Applicability

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

B. Required Off-Street Loading Spaces

1. Multi-Unit Living Uses

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

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

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

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

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

C. Shared Loading Spaces

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

D. Location and Design

1. Location

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

2. Screening

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

3. Dimensions

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

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

4. Maneuvering

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

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

5. Surfacing

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

6. Drainage and Maintenance

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

7. Safe Design

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

Sec. 7.2.10. Alternative Compliance

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

Div. 7.3. Open Space

Sec. 7.3.1. Intent

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

Sec. 7.3.2. Overview of Open Space Requirements

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

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

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

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

Sec. 7.3.3. Allowed and Prohibited Features in Open Space

A. Allowed Facilities

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

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

KEY: A = Allowed x = Not allowed

B. Prohibited Features

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

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

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

Sec. 7.3.4. Rural Open Space

A. General Regulations

1. Applicability

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

2. Definition

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

3. Amount of Rural Open Space

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

4. Uses Prohibited in the Rural Open Space:

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

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

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

KEY: x = Not allowed in the Rural Open Space

Blank cell = May be allowed under Article 59-3

B. Design Regulations

1. Guidelines for Development

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

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

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

2. Open Space Allocation

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

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

3. Configuration of Rural Open Space

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

Sec. 7.3.5. Common Open Space

A. General Regulations

1. Applicability

Common open space is required for the following:

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

2. Definition

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

3. Amount of Common Open Space

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

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

B. Design Regulations

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

Sec. 7.3.6. Public Open Space

A. General Regulations

1. Applicability

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

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

2. Definition

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

3. Amount of Public Open Space

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

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

B. Design Regulations

1. Standard Method Development

Public open space must:

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

2. Optional Method Development

Public open space:

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

C. Off-Site Options

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

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

Sec. 7.3.7. Amenity Open Space

A. General Regulations

1. Applicability

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

2. Defined

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

3. Amount of Amenity Open Space

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

B. Design Regulations

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

Sec. 7.3.8. Alternative Compliance

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

Div. 7.4. Recreation Facilities

Sec. 7.4.1. Intent

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

Sec. 7.4.2. Applicability

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

Sec. 7.4.3. Determining Demand

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

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

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

Sec. 7.4.4. Calculating Supply

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

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

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

Sec. 7.4.5. Recreation Facility Standards and Specifications

A. In General

Any recreation space located outdoors must:

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

B. Athletic Court

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

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

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

C. Athletic Field

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

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

D. Bicycle Path, Bicycle Lane, Shared Use Path

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

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

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

E. Civic Green or Urban Plaza

A public gathering space.

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

F. Community Garden

A garden plot for the use of residents.

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

G. Community Gym/Health Facility, Small

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

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

H. Community Gym/Health Facility, Large

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

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

I. Community Room(s)

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

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

J. Dog Park, Small

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

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

K. Dog Park, Large

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

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

L. Lawn Area, Small

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

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

M. Lawn Area, Large

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

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

N. Natural Areas

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

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

O. Natural Surface Trail

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

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

P. Picnic Area

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

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

Q. Playground

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

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

R. Sidewalk Network

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

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

S. Sitting Area

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

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

T. Swimming, Aquatic Facility (Public)

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

1. In Residential Zones:

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

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

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

U. Tot Lot

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

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

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

V. Other Recreational Facility

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

Sec. 7.4.6. Maintenance of Recreation Facilities

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

Sec. 7.4.7. Alternative Compliance

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

Div. 7.5. Landscaping and Outdoor Lighting

Sec. 7.5.1. Intent

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

Sec. 7.5.2. Applicability

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

Sec. 7.5.3. General Landscaping Requirements

A. General

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

B. Landscaping Elements

1. Plant Material

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

2. Canopy Trees

a. Defined

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

b. Size at Time of Planting

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

3. Understory Trees

a. Defined

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

b. Size at Time of Planting

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

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

4. Evergreen Trees

a. Defined

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

b. Size at Time of Planting

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

5. Shrubs

a. Defined

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

b. Size at Time of Planting

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

C. Fences and Walls

1. Defined

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

2. Height and Placement

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

3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

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

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

D. Landscaping Maintenance

1. Responsibility

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

2. Maintenance

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

3. Failure to Maintain

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

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

Sec. 7.5.4. General Outdoor Lighting Requirements

A. Applicability

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

B. Design Requirements

1. Fixture (Luminaire)

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

2. Fixture Height

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



3. Light Source (Lamp)

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

4. Limit Lighting to Periods of Activity

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

C. Lighting Types

1. Security Lighting

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

2. Accent Lighting

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

3. Canopy Area Lighting

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

4. Residential Entrances

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

5. Outdoor Recreation Lighting

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

6. Commercial Businesses

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

7. Excessive Illumination

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

Sec. 7.5.5. Open Space Landscaping and Outdoor Lighting

A. Overview of Required Open Space Landscaping

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

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

B. Open Space Landscaping Requirements

1. General

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

2. Farming

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

3. Ornamental Planting

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

4. Permeable Area

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

5. Tree Canopy

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

6. Plant Distance from Paved Surface

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

C. Overview of Open Space Lighting

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

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

fc = footcandle

Sec. 7.5.6. Parking Lot Landscaping and Lighting

A. Applicability

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

B. Surface Parking Area Requirements

1. Landscaped Area

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

2. Tree Canopy

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

3. Perimeter Planting

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

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

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

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

4. Lighting

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

C. Structured Parking Requirements

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

D. Interim Conditions

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

Sec. 7.5.7. Buffering and Screening

A. Applicability

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

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

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

B. Buffering and Screening Specifications

1. Location

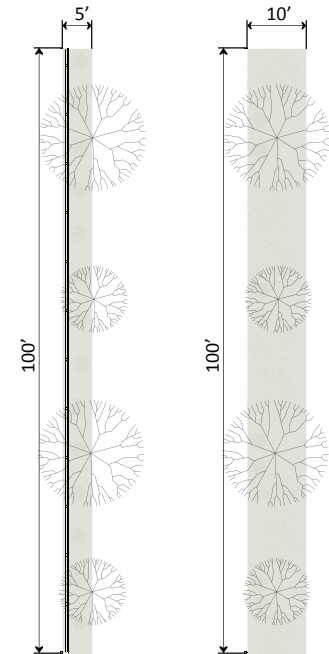
Buffering and screening may be placed within any setback required in **Article 59-4**. Where the required setback is less than the dimensions established for the building types in Sec. 7.5.7.C (below), the required width in this Section (Sec. 7.5.7) controls.

2. Berms

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

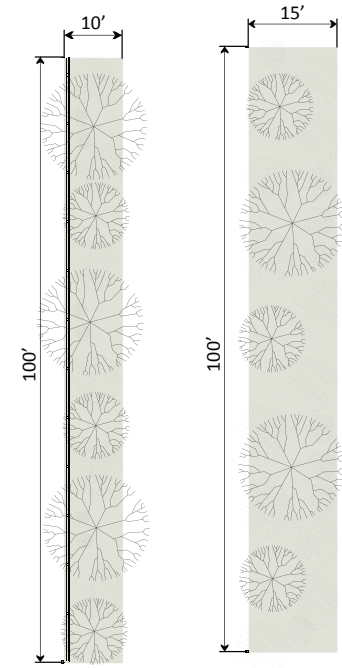
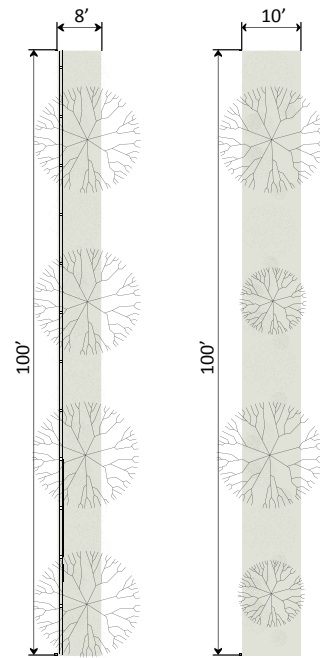
C. Buffering and Screening Requirements by Building Type

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



4. Townhouse

	Option A	Option B
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 (min)	4' fence or wall	--

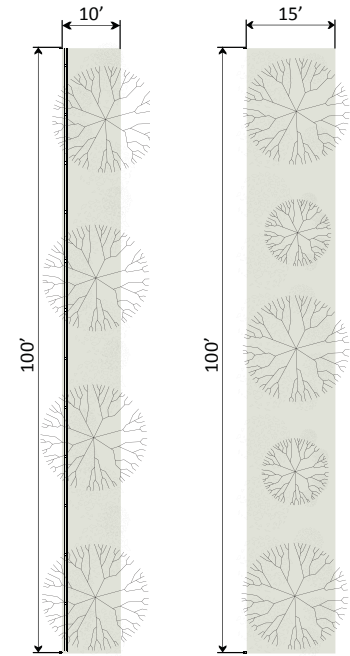
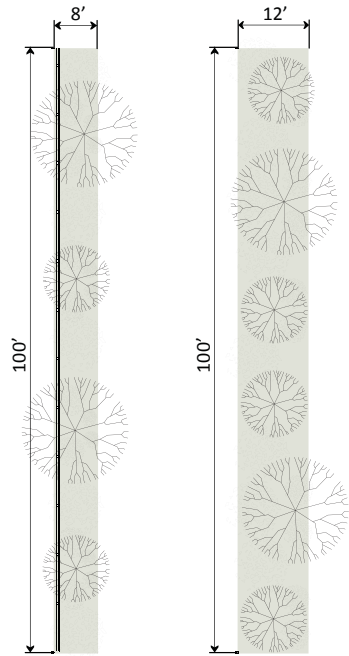


5. Apartment/Condo Up to 60 Feet in Height

	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 <u>(min)</u>	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 <u>(min)</u>	4' fence or wall	--

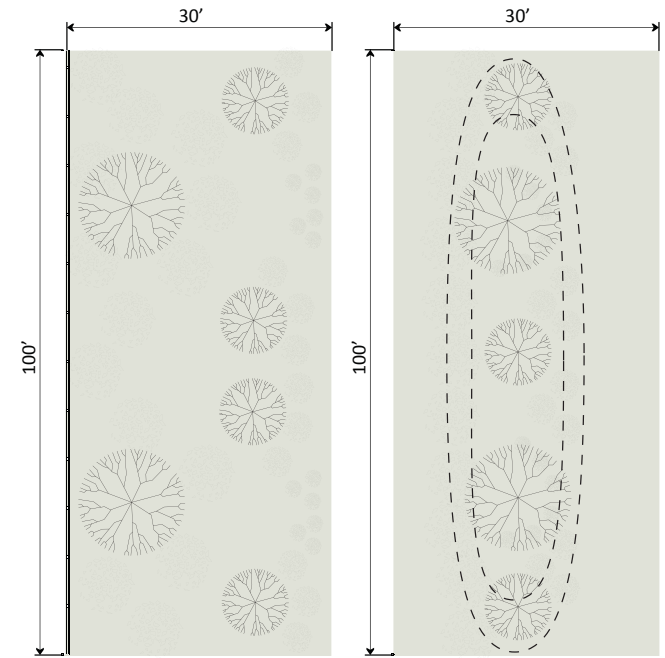


7. Multi Use Building Up to 40 Feet in Height

	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 <u>(min)</u>	4' fence or wall	--

8. Multi 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 <u>(min)</u>	6' fence or wall	--



9. General Building with Non-Industrial Use or Conditional 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 <u>(min)</u>	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 <u>(min)</u>	6' fence or wall	6' berm

Sec. 7.5.8. Alternative Compliance

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

Div. 7.6. Outdoor Display and Storage

Sec. 7.6.1. Intent

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

Sec. 7.6.2. Applicability

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

Sec. 7.6.3. Design Standards

A. Outdoor Display

1. Defined

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

2. Standards

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

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

B. Outdoor Storage

1. Limited Outdoor Storage

a. Defined

Limited outdoor storage includes, but is not limited to:

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

b. Standards

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

2. General Outdoor Storage

a. Defined

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

b. Standards

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

i. In the Industrial Zones:

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

ii. In all Other Zones:

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

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

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

Sec. 7.6.4. Alternative Compliance

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

Div. 7.7. Signs

Sec. 7.7.1. Purpose and Intent

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

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

Sec. 7.7.2. Applicability

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

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

Sec. 7.7.3. Exempt Signs

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

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

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

Sec. 7.7.4. Prohibited Signs

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

A. Obscene Sign

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

B. Roof Sign

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

C. Obstructive Sign

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

D. Unsafe Sign

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

E. Moved by the Wind

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

F. Sign in the Public Right-of-Way

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

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

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

G. Sign Attached to the Property of Others

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

H. Abandoned or Obsolete Sign

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

I. Off-Site Sign

Off-site signs are prohibited.

Sec. 7.7.5. Measurements

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

A. Generally

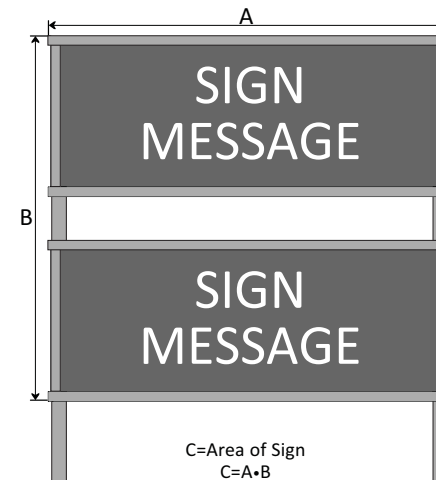
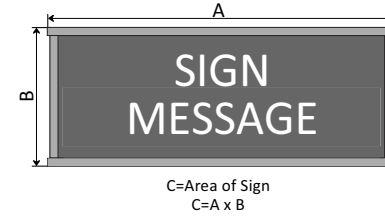
The sign area is the entire portion of the sign that can be enclosed within a single continuous rectangle. The area includes the extreme limits of the letters, figures, designs and illumination, together with any material or color forming an integral part of the background of the display or used to differentiate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

B. Supports

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

C. Multiple Sections

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



D. Multiple Planes

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

1. Generally

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

2. Parallel Faces

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

3. "V" Shaped

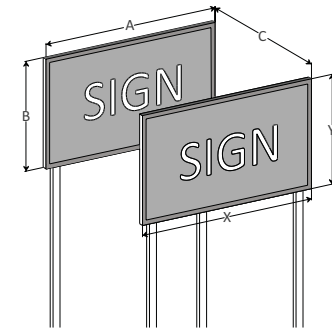
The area of a 2 sided sign constructed in the form of a "V" is calculated by the same method as parallel faces if the angle of the "V" is less than 30 degrees and the distance between the sides does not exceed 5 feet at any point. If the angle is equal to or greater than 30 degrees or the distance between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

4. 3 Dimensional

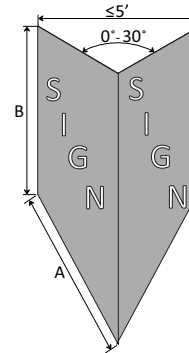
Where 3 dimensional signs are used, the area of the sign is the total surface area of the sides that can be seen from a single vantage point outside the property lines of the site where the sign is located.



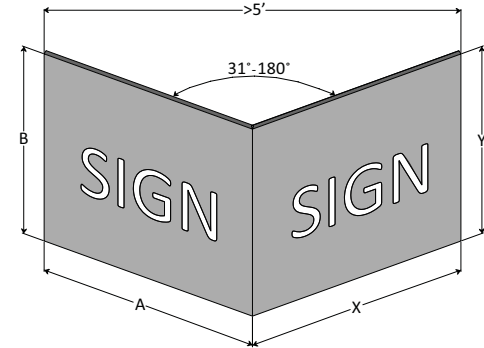
Sign Area = (X•Y) + (A•B)



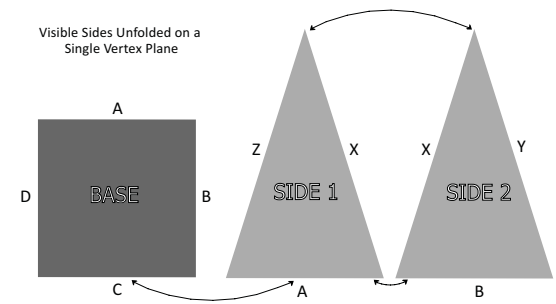
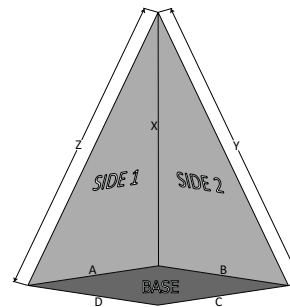
Sign Area = A•B if C < 2'
Sign Area = (A•B) + (X•Y) if C ≥ 2'



Sign Area = One Face
Sign Area = A•B



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



Sign Area = Side 1 + Side 2 + Base Area

Sec. 7.7.6. Permanent Signs, In General

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

A. Sign Area

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

B. Sign Placement

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

C. Building and Electrical Permits

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

D. Color

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

E. Illumination

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

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

F. Structural Limitations

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

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

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

G. Historic Preservation Area

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

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

H. Permanent Sign Standards By Zone

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

Sec. 7.7.7. Agricultural and Rural Residential Zones

A. Base Sign Area

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

1. Freestanding Sign

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

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

2. Wall Sign

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

B. Additional Sign Area

1. Entrance Sign

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

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

Sec. 7.7.8. Residential Zones

A. Base Sign Area

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

1. Freestanding Sign

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

2. Wall Sign

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

B. Additional Sign Area

1. Subdivision and Multifamily Development Location Sign

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

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

2. Place of Assembly Location Sign

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

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

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

A. Base Sign Area

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

1. Freestanding Sign

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

2. Wall Sign

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

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

3. Canopy Sign

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

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

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

B. Additional Sign Area

1. Location Sign

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

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

2. Freestanding Sign for Sites Larger than 5 Acres

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

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

- c. A sign must be set back at least ¼ of the distance required for the building restriction setback as determined by the Zoning ordinance for the zone.
- d. A sign may not exceed 26 feet in height.
- e. Each sign or pair of signs must be placed at least 200 feet from another sign or pair of signs.
- f. The sign may be illuminated (see **Sec. 7.7.6.E.**)

Sec. 7.7.10. Urban Renewal Areas

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

Sec. 7.7.11. Limited Duration Signs

A. Permit Requirements

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

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

B. Permit Applications

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

C. General Requirements for Limited Duration Signs on Private Property

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

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

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

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

Sec. 7.7.12. Temporary Signs

A. Generally

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

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

B. Requirements by Zone

The following requirements apply in the zones specified:

1. Agricultural and Rural Residential Zones

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

2. Residential Zones

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

3. Commercial/Residential, Employment, and Industrial Zones

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

Sec. 7.7.13. Alternative Compliance

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

ARTICLE 59-8. ADMINISTRATION AND PROCEDURES

DIV. 8.1. REVIEW AUTHORITY & APPROVALS REQUIRED

SEC. 8.1.1. OVERVIEW OF REVIEW AND APPROVAL AUTHORITY.....8 - 2
 SEC. 8.1.2. OVERVIEW OF APPROVALS REQUIRED.....8 - 3

DIV. 8.2. DISTRICT COUNCIL APPROVALS

SEC. 8.2.1. LOCAL MAP AMENDMENT.....8 - 4
 SEC. 8.2.2. CORRECTIVE MAP AMENDMENT.....8 - 8
 SEC. 8.2.3. SECTIONAL AND DISTRICT MAP AMENDMENT.....8 - 9
 SEC. 8.2.4. ZONING TEXT AMENDMENT.....8 - 10

DIV. 8.3. REGULATORY APPROVALS

SEC. 8.3.1. CONDITIONAL USE PLAN.....8 - 12
 SEC. 8.3.2. VARIANCE.....8 - 18
 SEC. 8.3.3. SKETCH PLAN8 - 20
 SEC. 8.3.4. SITE PLAN.....8 - 23

DIV. 8.4. ADMINISTRATIVE APPROVALS

SEC. 8.4.1. BUILDING PERMIT.....8 - 28
 SEC. 8.4.2. USE & OCCUPANCY AND TEMPORARY USE PERMITS8 - 30
 SEC. 8.4.3. HOME OCCUPATION & HOME HEALTH PRACTITIONER
 REGISTRATION.....8 - 30
 SEC. 8.4.4. SIGN PERMIT.....8 - 31
 SEC. 8.4.5. SIGN PERMIT VARIANCE.....8 - 33
 SEC. 8.4.6. SIGN INSTALLER LICENSE.....8 - 34

DIV. 8.5 NOTICE STANDARDS

SEC. 8.5.1. NOTICE REQUIRED.....8 - 36
 SEC. 8.5.2. NOTICE SPECIFICATIONS.....8 - 37

DIV. 8.6. SPECIAL PROVISIONS

SEC. 8.6.1. BOARD OF APPEALS.....8 - 39
 SEC. 8.6.2. HEARING EXAMINER.....8 - 39
 SEC. 8.6.3. PLANNING BOARD.....8 - 40
 SEC. 8.6.4. SIGN REVIEW BOARD.....8 - 40
 SEC. 8.6.5. FEES.....8 - 41

DIV. 8.7. EXEMPTIONS AND NONCONFORMITIES

SEC. 8.7.1. EXEMPTIONS.....8 - 43
 SEC. 8.7.1. NONCONFORMING USES AND STRUCTURES.....8 - 46

DIV. 8.8. VIOLATIONS, PENALTIES, AND ENFORCEMENT

SEC. 8.8.1. GENERALLY.....8 - 51

Div. 8.1. Review Authority & Approvals Required

Sec. 8.1.1. Overview of Review & Approval Authority

The following table provides an overview of the authority granted the various bodies under this Chapter; additional authority may be granted elsewhere in the Montgomery County Code. This table does not define legal responsibilities and is only provided for the convenience of the reader.

Approval Requested	Section Reference	Authority							
		Sign Review Board	DPS Director and/or Staff	Development Review Committee	Planning Director and/or Staff	Planning Board	Hearing Examiner	Board of Appeals	District Council
District Council Approvals									
Local Map Amendment	8.2.1			I	R	R	R		D
Corrective Map Amendment	8.2.2				R	R			D
Sectional or District Map Amendment	8.2.3				R	R			D
Zoning Text Amendment	8.2.4		R		R	R			D
Regulatory Approvals									
Conditional Use Plan	8.3.1			I	R	I	R/D	D	
Variance	8.3.2				I	I	I	D	
Sketch Plan	8.3.3			R	R	D			
Site Plan	8.3.4			R	R	D			
Administrative Approvals									
Building Permit	8.4.1		D				I	A	
Use & Occupancy and Temporary Use Permit	8.4.2		D				I	A	
Home Occupation and Home Health Practitioner Registration	8.4.3		D						
Sign Permit	8.4.4		D				I	A	
Sign Permit Variance	8.4.5	R	D				I	A	
Sign Installer License	8.4.6		D						

KEY: A = Appeal D = Decision I = If requested by a reviewing, deciding, or appellate body R = Review and recommendation

Sec. 8.1.2. Overview of Approvals Required

The following table provides an overview of the approvals required under this Article (Article 59-8). Details of the required submittal requirements and necessary criteria for approval are discussed in the Sections referenced. These explanations are not legal definitions and are only provided for the convenience of the reader.

Application	Section Reference	Applicability
District Council Approvals		
Local Map Amendment	8.2.1	A local zoning change to apply a Floating or Euclidean zone to a specific property.
Corrective Map Amendment	8.2.2	Correction of an error in the application or mapping of a comprehensive rezoning.
Sectional or District Map Amendment	8.2.3	A comprehensive rezoning of an area or areas of the County implementing a master sector plan, functional, or comprehensive plan.
Zoning Text Amendment	8.2.4	A change in the text of this Code.
Regulatory Approvals		
Conditional Use Plan	8.3.1	Use of any property for a conditional use, as designated by Article 59-3.
Variance	8.3.2	A request for modification of any requirement of this Code.
Sketch Plan	8.3.3	Development under the optional method.
Site Plan	8.3.4	Development under optional method requires approval of a site plan after approval of a sketch plan; development under a Floating zone requires approval of a site plan after approval of a Floating Zone Map Amendment. Development under standard method requires site plan approval as indicated in Section 8.3.4.
Administrative Approvals		
Building Permit	8.4.1	Required before any building or structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started. See exemptions in Section 8.4.1.
Use & Occupancy and Temporary Use Permits	8.4.2	Required before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another. See exemptions in Section 8.4.2.
Home Occupation and Home Health Practitioner Registration	8.4.3	All low impact and major impact home occupations and low impact and major impact home health practitioners must register with the DPS.
Sign Permit	8.4.4	A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan, does not require a permit. See exemptions in Section 7.6.3.
Sign Permit Variance	8.4.5	Any sign not listed in Div 7.6, or which does not conform to the requirements in Div 7.6, may apply for a sign permit variance from DPS.
Sign Installer License	8.4.6	The provisions of the sign installer license apply to a business which chooses to provide certification as a licensed sign installer.

Div. 8.2. District Council Approvals

Sec. 8.2.1. Local Map Amendment

A. Applicability & Description

1. A local map change to apply a Floating or Euclidean zone to a specific property requires approval of a Local Map Amendment.
2. A Local Map Amendment is intended to apply to a specific property.
 - a. A Floating zone is intended to implement comprehensively planned developments through specific land uses and building types.
 - b. A Euclidean zone is based on a change in the character of a neighborhood or a mistake in the facts and trends used to justify a Sectional or District Map Amendment.
3. The Local Map Amendment is a written and drawn description of a specific property and the rationale in support of the application intended to provide sufficient information to allow the District Council to make the necessary findings for approval.
4. An applicant may propose binding elements with a Local Map Amendment when requesting a Floating zone.

B. Application Requirements

1. The Hearing Examiner accepts the application for all Local Map Amendment applications. Within 5 days after acceptance for filing, the District Council must forward the application to the Planning Board.
2. Applicant
 - a. The applicant must be a government agency, own the subject property, or be authorized by the owner to file the application. If any land or right-of-way is owned or controlled by the State, County, or any other entity or agency, written authorization from that entity or agency must be submitted with the application.
 - b. An application must specify the names of all persons having a substantial interest in the property subject to the application including all persons with a share in the property amounting to 5% or more (whether held in

an individual or corporate capacity) of the full cash value of the property after subtracting all mortgages, deeds of trusts, liens, and encumbrances. The application must also contain the names of all contract purchasers and all persons holding a mortgage, deed of trust, or option to purchase the property. The application must include a statement disclosing political contributions to the treasurer or political committees of candidates for County Council and County Executive or slates which contribute to candidates for County Council or County Executive as required by state law. The disclosure statement must be submitted on a form approved by the District Council.

3. A pre-application meeting with Planning Department Staff is recommended.
4. Public notice is required under Div. 8.5.
5. The applicant must submit the following for review:
 - a. Application form and fees approved by the District Council;
 - b. Statement explaining how the proposed development satisfies the criteria to grant the application;
 - c. For a Floating zone application, exhibits showing:
 - i. current zone and proposed zone;
 - ii. existing site conditions and vicinity;
 - iii. existing or approved adjacent land uses, buildings, and rights-of-way;
 - iv. building densities, massing, heights, and the anticipated uses;
 - v. locations of open spaces and preliminary stormwater management strategy;
 - vi. pedestrian, bicycle, and vehicular circulation, parking, and loading;
 - vii. estimated range of the maximum peak hour trips;
 - viii. general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, and future preliminary and site plan applications;
 - ix. any binding elements on the application; and

- x. if binding elements are proposed, an unexecuted covenant suitable for filing in the land records reflecting any restricted development standards, development program, or limitations on uses that will be applicable to the property if the District Council approves the application.
- d. For a Euclidean zone application, exhibits showing:
 - i. the subject property and the proposed neighborhood showing uses and zoning; and
 - ii. an explanation of the changes that have occurred in the neighborhood since the original zoning or previous comprehensive rezoning or evidence of the alleged mistake made by the District Council in support of the requested Euclidean zone.
- 6. Applications may not be modified to increase the area proposed to be reclassified or to change the zoning classification without providing revised public notice and
- 7. Applications must be available to public inspection during regular office hours but must not be removed from the Hearing Examiner's office except by court order.

C. Review and Recommendation

1. Planning Director Review

The Planning Director must issue a report and recommendation a minimum of 10 days before the Planning Board public meeting. The report and recommendation must be made available to the applicant and public.

2. Planning Board Review

- a. The Planning Board must hold a public meeting on the application.
- b. The Planning Board must provide a recommendation on the application to the Hearing Examiner no later than 15 days before the Hearing Examiner's public hearing.

3. Hearing Examiner Review

- a. The Hearing Examiner must hold a public hearing on a Local Map Amendment application within 90 days of the date the application is accepted.
- b. The Hearing Examiner may postpone the public hearing if done at least 5 days before the scheduled date and must provide notice of the new hearing date.
 - i. The Hearing Examiner may issue subpoenas to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.
 - ii. Within 45 days after the close of the record of the public hearing, the Hearing Examiner must forward a report and recommendation to the District Council. The report must also be made available to the applicant and public.
 - iii. The Hearing Examiner may extend the time to forward the report and recommendation once by up to 45 days without the District Council's approval and again by up to 45 days with the District Council's approval.
 - iv. Within 10 days after transmittal of the Hearing Examiner's report and recommendation any party of record or any aggrieved party may file a written request for an opportunity to present oral argument before the District Council.
 - (a) A copy of the request must be sent to the Hearing Examiner and each party of record as listed by the Hearing Examiner.
 - (b) The request must state the matters desired to be presented at the oral argument and, if oral argument is granted, the argument must be limited to matters contained in the record compiled by the Hearing Examiner. The District Council may grant the request, deny the request, or remand the request to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.

- (c) Within 5 days after a request for oral argument is filed with the Hearing Examiner's office, any interested party may rebut, in writing, a request for oral argument or request to participate in oral argument if oral argument is allowed. Any rebuttal must be concise and limited to matters raised by the party who requested oral argument. Any rebuttal to a request for oral argument must be sent to the Hearing Examiner and each party who participated at the hearing, as listed by the Hearing Examiner.

D. Approval Criteria

1. For a Floating zone application, the District Council must find that the Local Map Amendment will:
 - a. substantially conform to the objectives of the general plan and other applicable County plans;
 - b. be in the public interest by supporting Council approved policies or regulations;
 - c. meet the intent of the proposed zone and requirements of this Chapter;
 - d. be compatible with existing and approved adjacent development;
 - e. demonstrate a capability to provide adequate and safe internal infrastructure, open space, public amenities, and pedestrian and/or transportation circulation; and
 - f. provide a development phasing program that is sufficient to ensure a continued balance of development and public improvements.
2. For a Euclidean zone application, the District Council must find that:
 - a. the applicant has proved a substantial change in the character of the neighborhood since the original zoning or comprehensive rezoning or that a mistake was made by the District Council; and
 - b. for this reason, the result of the change is that the current zoning classification is not in the public interest or that the result of the mistake made by the District Council is that a different zone should have been applied to the property.

E. Decision

1. The District Council must make its decision on the record.
2. An affirmative vote of 5 members of the District Council is required to adopt the Hearing Examiner's recommendation, except in the case of a Floating zone application, when the Floating zone is not recommended by the applicable master or sector plan and the Planning Board or applicable municipality does not recommend approval of the application, a vote of 6 members is required. If the required number of affirmative votes is not obtained, the application is disapproved.
3. The District Council must issue a resolution and opinion reflecting its decision on the application within 60 days of the Hearing Examiner's transmittal to the District Council, unless such time is extended by the District Council, or remand the application to the Hearing Examiner for further consideration.
4. Any party of record or any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within 30 days of the District Council's action under the Maryland Rules of Procedure.
5. The decision of the District Council on any application for a Local Map Amendment is final; except, that the District Council on its own motion may, within 30 days thereafter, reconsider its decision on any application. The adoption of a resolution on such motion to reconsider must stay the time within which an appeal may be filed in the Circuit Court pursuant to State law.
6. The District Council may dismiss an application for Local Map Amendment in the following circumstances unless the applicant shows good cause that the application should not be dismissed:
 - a. The application has been pending for 2 years or longer;
 - b. The application has not been actively pursued by the applicant; and
 - c. The Hearing Examiner, after giving the applicant 30 days' notice of intention to do so, recommends dismissal of the application.

F. Subsequent Applications

1. Subsequent applications are subject to the following:

- a. Filing a subsequent application is prohibited for land that was in whole or in part the subject of a previous zoning application approved or denied on its merits within the last 18 months.
 - b. Filing a subsequent application is prohibited for land that was in whole or in part the subject of a previous zoning application for the same zoning classification filed within the last 36 months and decided on its merits.
 - c. The time limitations in Sec. 8.2.1.F.1.a and Sec. 8.2.1.F.1.b (above) do not apply when the previous application(s), which would bar the filing of a new application, was filed by a governmental agency not at the owner's request.
 - d. The time limitations in Sec. 8.2.1.F.1.a and Sec. 8.2.1.F.1.b (above) do not apply when the previous application(s), was denied due to a lack of the required number of affirmative votes.
 - e. An application by the District Council may be accepted at any time without regard to the time limitation in Sec. 8.2.1.F.1.a and Sec. 8.2.1.F.1.b (above).
 - f. The time limitation in this Section (Sec. 8.2.1.F.1) may be waived by the District Council after consideration of a new petition by the applicant showing substantial new facts which would warrant reapplication or if the application is withdrawn following public notice.
2. All subsequent actions required by the applicant or an agency are measured from the date of the District Council's resolution or the final court action, as applicable.
 3. If a Local Map Amendment for a Floating zone is approved, the applicant or successor must submit a site plan(s) under this Article (Article 59-8) prior to any development under the newly approved zoning classification.

G. Scope of Approval

1. Approval of a Local Map Amendment entitles the applicant or successor to develop under the requirements of this Chapter.
2. In the case a Floating zone is approved, the binding elements or conditions approved by the District Council are binding upon the applicant, successors, and assigns.

H. Recording Procedures

1. For a Local Map Amendment approved for a Floating zone with binding elements, an executed covenant reflecting the binding elements must be filed in the land records. Certification of the filing must be provided to the Planning Board with any subsequent site plan(s) applications. Covenants must remain in effect until the property is rezoned, an amendment to the Local Map Amendment is approved, or the covenant is amended.
2. The Local Map Amendment, revised in accord with the District Council's resolution in the case of approval of a Floating zone, must be provided to the Hearing Examiner for certification.
3. The certified Local Map Amendment must be maintained in the permanent files of the Hearing Examiner.
4. The District Council must send a copy of the resolution, opinion, and certified Local Map Amendment to the Planning Board to update the zoning map. A copy of the District Council's resolution must also be sent to the applicant and all parties of record. DPS must send a copy of the resolution and opinion to the Supervisor of Assessments for Montgomery County; the Department of Finance; the Department of Environmental Protection; and the Board of Appeals.

I. Amendments

1. A Local Map Amendment to a Euclidean zone is only amended through the approval of a Local, Sectional, or District Map Amendment.
2. A Local Map Amendment to a Floating zone may be approved under one of the following methods:
 - a. Major amendments to an approved Local Map Amendment follow the same procedures as an original application. Major amendments include any requests to increase density or height, add a previously disallowed use, decrease setbacks, or make changes to any binding elements or conditions of approval.
 - b. Minor amendments to an approved Local Map Amendment may be approved administratively by the Hearing Examiner. Minor amendments include any changes that do not increase density or height; decrease setbacks; or alter the approved binding elements.

- i. Public notice is required under Div. 8.5.
- ii. A public hearing is not required if no objection to the application is received within 15 days of the mailed notice of the filed application. If an objection to the application is received within 15 days of the mailed notice of the filed application, a public hearing must be held under the same procedures as an original application.

Sec. 8.2.2. Corrective Map Amendment

A. Applicability & Description

1. Correction of an administrative or technical error or in the findings of fact in the application of a Sectional or District Map Amendment requires approval of a Corrective Map Amendment.
2. A Corrective Map Amendment may cover one or more properties.
3. The purpose of a Corrective Map Amendment is to enable the District Council to correct depictions of a zoning boundary line(s) resulting from administrative or technical errors or from an error or omission in the findings of fact during the District Council's proceedings regarding a prior Map Amendment.
4. A Corrective Map Amendment is not a basis for determining change in the character of the neighborhood.

B. Application Requirements

1. The District Council accepts the application for all Corrective Map Amendments.
2. Only the Planning Board can apply for a Corrective Map Amendment.

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must issue a report and recommendation at least 7 days before the Planning Board meeting. The report and recommendation must be made available to the public.
- b. The Planning Director's report and recommendation must include:
 - i. A description of each subject area of land proposed for rezoning;

- ii. A map depicting the existing and proposed zoning for each subject area of land; and
- iii. A statement describing the rationale in support of the zoning change.

2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda or hold a public meeting.
- b. The Planning Board must file a recommendation on the application to the District Council.

D. Approval Criteria

The Planning Board must show that there are errors or inaccurate depictions of the zoning boundary line(s) on an adopted map.

E. Decision

1. The District Council must conduct a public hearing and make its decision on the record.
2. An affirmative vote of 5 members of the District Council is required to adopt or modify the Planning Board's recommendation. If the required number of affirmative votes is not obtained, the application is disapproved.
3. The District Council must issue a resolution and opinion on the application within 60 days of the close of record, unless such time is extended by the District Council, or remand the application to the Planning Board for further consideration.
4. Any party of record or any part aggrieved by a decision of the District Council may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure.
5. A public hearing may be adjourned, continued, suspended, deferred, or postponed either to a time certain or for a reasonable period of time by the District Council on public announcement. The District Council on its own or at the suggestion of the Planning Board, may determine that some or all of the proposed adjustments should be considered comprehensively as part of a future master plan review and therefore dismiss the application, in full or in part, as appropriate.

F. Subsequent Applications

All subsequent actions are measured from the date of the District Council's resolution or the final court action, as applicable.

G. Scope of Approval

Approval of a Corrective Map Amendment entitles any affected property owner to develop under the requirements of this Chapter.

H. Recording Procedures

1. The District Council's resolution on the Corrective Map Amendment must be maintained in the permanent files of the Planning Board.
2. The District Council must send a copy of the resolution and opinion to the Planning Board to update the zoning map and all property owners included in the application.

I. Amendments

A Corrective Map Amendment is only amended through the approval of a Local, Sectional, or District Map Amendment.

Sec. 8.2.3. Sectional and District Map Amendment

A. Applicability and Description

1. The approval of a Sectional Map Amendment is required for the rezoning of an area of the County implementing a master or sector plan.
2. The approval of a District Map Amendment is required for the rezoning of an area, areas, or the entire County implementing a comprehensive or functional plan.

B. Application Requirements

1. The District Council accepts the application for all Sectional or District Map Amendments. Within 5 days after acceptance for filing, the District Council must forward the application to the Planning Board.
2. Only the Planning Board or District Council may apply for a Sectional or District Map Amendment.
3. Public notice is required under Div. 8.5.

4. For a Sectional Map Amendment, the applicant must submit the following for review:

- a. The designation or description of the area sufficient to identify:
 - i. the boundaries of each area proposed for the same zoning classification together with indications where such classification, if adopted, would result in changes of classification, the nature of the changes and the boundaries of the land covered by such changes.
 - ii. all roads, streets, alleys, governmental parks or other public areas in public ownership or on public rights-of-way and all streams and railroad rights-of-way within the area covered by the map, and the names thereof.
- b. A map or map series of the area prepared by a civil engineer, surveyor, or the Planning Board and certified to be correct and in conformity with this Section (Sec. 8.2.3.B.3).
- c. A statement describing the rationale in support of the proposed zoning changes or adjustments. The application must include the total acres in the application, and the acres proposed for rezoning and the acres proposed for reconfirmation of existing zoning.

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must issue a report and recommendation at least 10 days before the Planning Board public meeting. The report and recommendation must be made available to the applicant and public.
- b. The Planning Director's report and recommendation must include:
 - i. A description of the subject area proposed for comprehensive rezoning;
 - ii. Maps depicting the proposed zoning for each subject area; and
 - iii. In the case of a District Map Amendment, an analysis of the policy issue that is the subject of the comprehensive or functional plan.

2. Planning Board Review

- a. The Planning Board must hold a public meeting on the Planning Director's report and recommendation.
- b. The Planning Board must file a recommendation on the application to the District Council.

D. Approval Criteria

Approval of a Sectional or District Map Amendment must be based on an approved master, sector, comprehensive, or functional plan.

E. Decision

1. The District Council must conduct a public hearing and make its decision on the record.
2. An affirmative vote of 5 members of the District Council is required to adopt the applicable recommendation, except in the case when an applicable municipality does not recommend approval of the application a vote of 6 members is required. If the required number of affirmative votes is not obtained, the application is disapproved.
3. The District Council must issue a resolution and opinion reflecting its decision on the application within 60 days of the close of record, unless such time is extended by the District Council, or remand the application to the Planning Board for further consideration.
4. Any party of record or any party aggrieved by a decision of the District Council may file a petition for judicial review of the decision within 30 days of the District Council's action under the Maryland Rules of Procedure.
5. The decision of the District Council on any application for a Sectional or District Map Amendment is final; except, that the District Council on its own motion may, within 30 days thereafter, reconsider its decision on any application. The adoption of a resolution on such motion to reconsider must stay the time within which an appeal may be filed in the Circuit Court pursuant to State law.

F. Subsequent Applications

All subsequent actions are measured from the date of the District Council's resolution or the final court action, as applicable.

G. Scope of Approval

Approval of a Sectional or District Map Amendment entitles any affected property owner to develop under the requirements of this Chapter.

H. Recording Procedures

1. The District Council's resolution on the Sectional or District Map Amendment must be maintained in the permanent files of the Planning Board.
2. The District Council must send a copy of the resolution and opinion to the Planning Board to update the zoning map. A copy of the District Council's resolution must also be sent to the applicant and all parties of record. DPS must send a copy of the resolution an opinion to the Supervisor of Assessments for Montgomery County; the Department of Finance; the Department of Environmental Protection; and the Board of Appeals.

I. Amendments

Amendments to a Sectional or District Map Amendment are made by subsequent Map Amendments.

Sec. 8.2.4. Zoning Text Amendment

A. Applicability and Description

A change in the text of this Code requires approval of a Zoning Text Amendment.

B. Application Requirements

1. Any individual or government agency may request that a Zoning Text Amendment be introduced.
2. Only the District Council or any individual member(s) may introduce a Zoning Text Amendment.
3. When a Zoning Text Amendment is introduced:
 - a. The District Council must hold a public hearing no later than 60 days after introduction, unless the District Council extends the hearing date.

- b. The District Council must transmit the Zoning Text Amendments to the Planning Director, the County Executive, the Board of Appeals, and the Hearing Examiner within 5 days of introduction by the District Council and notify them of the hearing date.
- 4. Public notice is required under Div. 8.5.

C. Review and Recommendation

1. Planning Director Review

The Planning Director must issue a report and recommendation at least 7 days before the Planning Board public meeting. The report and recommendation must be made available to the public.

2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda.
- b. The Planning Board must file a recommendation on the application to the District Council at least 5 days prior to the District Council Hearing. The recommendation(s) must also be made available to the public.

3. Other Agency Review

If the County Executive, the Board of Appeals, or the Hearing Examiner make a recommendation on the Zoning Text Amendment to the District Council it must be filed at least 5 days before the District Council hearing. The recommendation must also be made available to the public in general.

D. Approval Criteria

The approval of a zoning text amendment must be in the public interest.

E. Decision

- 1. The District Council must conduct a public hearing; a quorum of the District Council is not required to conduct a public hearing on a Zoning Text Amendment. The District Council must make its decision on the record.
- 2. An affirmative vote of 5 members of the District Council is required to adopt the introduced Zoning Text Amendment; with or without modifications. If the required number of affirmative votes is not obtained, the application is

disapproved. Any District Council member who was not present at the hearing must review the record and sign a statement that the member reviewed the record before voting on the amendment.

- 3. The vote on final adoption of a Zoning Text Amendment must be a roll call vote.
- 4. Each Zoning Text Amendment takes effect 20 days after the District Council adopts it, unless the ordinance adopting it specifies a different date.
- 5. Any Zoning Text Amendment not acted upon within 2 years of the date of its public hearing, or within the term of office of the Council that conducted the public hearing, whichever expires first, must not be considered or acted upon unless it is again introduced and set for public hearing.

F. Scope of Approval

Approval of a Zoning Text Amendment entitles any affected property owner to develop under the requirements of this Chapter.

G. Recording Procedures

- 1. All adopted Zoning Text Amendments must be accompanied by an opinion of the District Council stating its conclusions and reasons, which must be maintained in the permanent files of the County Attorney.
- 2. The District Council must promptly send a copy of the opinion and Zoning Text Amendment to the Chapter to the County Executive, the Planning Board, the Hearing Examiner, the Board of Appeals, the Supervisor of Assessments, DPS, the Department of Finance, and all parties of record.
- 3. This Chapter must be updated within 45 days of approval of any Zoning Text Amendment.

H. Amendments

Amendments to a Zoning Text Amendment are made by subsequent Zoning Text Amendments.

Div. 8.3. Regulatory Approvals

Sec. 8.3.1. Conditional Use Plan

A. Applicability and Description

1. Use of any property for a conditional use, as designated by Article 59-3, requires approval of a conditional use plan.
2. The conditional use plan will be used to determine if the proposed development is in compliance with this Chapter.
3. Conditional use plan applications may encompass all or any part of a property, but when the application does not encompass the entire area included in any previous approval, the application must demonstrate its relation to and coordination with other approvals.
4. Conditional use plan applications must satisfy the conditions and/or binding elements and be consistent with any and all previous approvals that encumber the subject property unless amended.
5. A site plan is not required for a property, or any portion thereof, subject to a conditional use plan except when it is a condition of approval by the Hearing Examiner or the Board of Appeals.

B. Application Requirements

1. The Board of Appeals or Hearing Examiner accepts the conditional use plan applications as determined by which body is authorized to make the final decision under Article 59-3.
2. The Board of Appeals or Hearing Examiner must hold a public hearing on a conditional use plan within 120 days of the date an application is accepted.
3. Ownership:
 - a. An applicant must own the subject property or be authorized by the owner to file the application.
 - b. If any land or right-of-way is owned or controlled by the State, County, or any other entity or agency, written authorization from that entity or agency must be submitted with the application.

- c. An application must specify the names of all persons having a substantial interest in the property subject to the application including all persons with a share in the property amounting to 5 percent or more (whether held in an individual or corporate capacity) of the full cash value of the property after subtracting all mortgages, deeds of trusts, liens, and encumbrances. The application must also contain the names of all contract purchasers and all persons holding a mortgage, deed of trust, or option to purchase the property. The application must include a statement disclosing political contributions to the treasurer or political committees of candidates for County Council and County Executive or slates which contribute to candidates for County Council or County Executive as required by state law. The disclosure statement must be submitted on a form approved by the District Council.
4. A pre-application meeting with Planning Department Staff is recommended.
5. Public notice is required under Div. 8.5.
6. The applicant must submit the following for review:
 - a. application form and fees as approved by the District Council;
 - b. statement explaining how the proposed development satisfies the criteria to grant the application; and
 - c. additional submittal requirements:
 - i. certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
 - ii. list of abutting and confronting property owners in the County tax records and any citizen's association(s) within 1/4 mile;
 - iii. approved Natural Resources Inventory/Forest Stand Delineation;
 - iv. Forest Conservation Plan application, if required under Chapter 22A, or an approved preliminary forest conservation plan or exemption for telecommunication tower applications;
 - v. Stormwater Management Concept or Water Quality Plan application, if required under Chapter 19 ;

- vi. Traffic Statement or Study, accepted for review by the Planning Director;
- vii. inventory map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
- viii. existing and proposed dry and wet utility plan if changes to these facilities are proposed;
- ix. written description of operational features of the proposed use;
- x. plans of proposed development showing:
 - (a) footprints, ground-floor layout, and heights of all buildings and structures;
 - (b) required open spaces and recreational amenities;
 - (c) layout of all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - (d) rough grading;
 - (e) landscaping and lighting; and
 - (f) supplementary documentation showing or describing the application's conformance to previous approvals and/or applicable requirements.
- xi. development program and inspection schedule detailing the construction phasing for the project;
- xii. for a telecommunication tower application, photographic simulations of the tower and site seen from at least 3 directions, including from every abutting and confronting properties; and
- xiii. if a sketch plan was approved for the property, a table of proposed public benefits and the incentive density points requested for each.

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director has the discretion to provide a report and recommendation for review by the Planning Board at a public meeting or to issue a report and recommendation directly to the Hearing Examiner, except that a Planning Director's report and recommendation on a telecommunication tower application must be sent directly to the Hearing Examiner.
- b. If the Planning Director provides a report and recommendation to the Planning Board, they must issue the report and recommendation a minimum of 10 days before the Planning Board public meeting. The report and recommendation must be made available to the applicant and the public.
- c. If the Planning Director provides a report and recommendation to the Hearing Examiner, they must issue the report and recommendation a minimum of 10 days before the Hearing Examiner's public hearing.

2. Planning Board Review

- a. The Planning Board may adopt the Planning Director's report and recommendation as a consent item on its agenda.
- b. The Planning Board must provide a recommendation on the application to the Hearing Examiner a minimum of 10 days before the Hearing Examiner's public hearing.

3. Hearing Examiner Review if the Board of Appeals is the Deciding Body

- a. The Hearing Examiner must conduct a public hearing under the Board of Appeals' rules of procedure, as approved by the District Council.
- b. The Hearing Examiner may postpone the public hearing and must provide mailed notice to all parties of record of the new hearing date.

- c. The Hearing Examiner may issue subpoenas to compel the attendance of witnesses and production of documents at any public hearing and administer an oath to any witness.
- d. Within 30 days of the close of the record of the public hearing, the Hearing Examiner must forward a report and recommendation to the Board of Appeals. The report and recommendation must be sent to the applicant and all parties of record and made available to the public.
- e. The Hearing Examiner may extend the time to forward the report and recommendation once by up to 30 days without the Board of Appeals' approval and again by up to 30 days with the Board of Appeals' approval.
- f. Within 10 days after transmittal of the Hearing Examiner's report any party of record or any aggrieved party may file a written request for an opportunity to present oral argument before the Board of Appeals.
 - i. The written request must be filed with the Hearing Examiner and must concisely identify the matters desired to be presented at the oral argument.
 - ii. Within 5 days after a request for oral argument is filed, any interested party may rebut, in writing, a request for oral argument or request to participate in oral argument if oral argument is allowed. Any rebuttal to a request for oral argument must be sent to the Hearing Examiner and each party who participated at the hearing, as listed by the Hearing Examiner, and must be concise and limited to matters raised by the party who requested oral argument.
 - iii. The Board of Appeals may, in its discretion, grant or deny an oral argument request. If the Board of Appeals grants a request for oral argument, a public hearing must be held and the argument must be limited to matters contained in the record compiled by the Hearing Examiner.
 - iv. Thereafter, the matter must be decided either as provided in Sec. 8.3.1.E, (below), or remanded to the Hearing Examiner for clarification or the taking of additional evidence, if appropriate.

4. Withdrawal of an Application

- a. When an application for a conditional use is withdrawn, notice must be sent to all parties entitled to notice of the filing of the application.
- b. When a case is withdrawn at least 30 days before the initial hearing the Board of Appeals may allow the application to be withdrawn without prejudice to the limitations on refiling specified in Sec 8.3.1.F.1.
- c. When a case is withdrawn 30 days or less from the date of the hearing, withdrawal must be with prejudice.

D. Approval Criteria

- 1. To approve a conditional use plan, the Hearing Examiner or Board of Appeals must find that the proposed development:
 - a. satisfies and is consistent with any previous approval(s) that encumbers the subject site or, if not, that the previous approval(s) be amended;
 - b. satisfies all applicable use standards, development standards, and general requirements required by the zone;
 - c. is consistent with the recommendations of the applicable master or sector plan and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan;
 - d. directs, shields, or screens outdoor lighting to ensure the maximum illumination level at any property line abutting a detached house building type in a Rural Residential or Residential zone, is no greater than 0.1 footcandle;
 - e. satisfies the requirements of Sec. 7.2.6.M, Facilities for Conditional Uses in Residential Zones and Sec. 7.5.7, Buffering and Screening.
 - f. will not have significant non-inherent adverse impacts in the following categories:
 - i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties;
 - ii. a lack of parking, traffic, noise, odors, dust, or illumination; or
 - iii. the health, safety, or welfare of neighboring residents, visitors, or employees.

- iv. A conditional use plan may be denied if it has non-inherent adverse effects in any of the above categories and the overall assessment of both inherent and non-inherent adverse impacts warrants denial to avoid undue harm to the general neighborhood.
 - g. will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity, or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Conditional use plans that are consistent with the recommendations of a master plan do not alter the nature of an area.
 - h. In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Board of Appeals must consider that the impact does not necessarily need to be controlled as stringently as if it were adjacent to a Residential zone.
2. If adequate public facilities are being tested:
- a. and a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner or Board of Appeals must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage; or
 - b. and a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage.

E. Decision

1. If the Hearing Examiner is deciding the application, the Hearing Examiner must issue a decision on the application within 30 days of the close of the record to:
 - a. approve;
 - b. approve with conditions; or
 - c. disapprove the application.

2. If the Board of Appeals is deciding the application:
 - a. An affirmative vote of 3 members of the Board of Appeals is required to adopt the Hearing Examiner's recommendation with or without modifications. If the required number of affirmative votes is not obtained, the application is disapproved. Any Board of Appeals member who votes on a conditional use and was not present for any portion of the hearing must read and sign the transcript of that portion of the testimony and must review all exhibits introduced at the hearing.
 - b. The Board of Appeals must issue a resolution reflecting the Board of Appeals' decision within 30 days of the close of the record unless such time is extended by the Board of Appeals.
3. The Hearing Examiner or Board of Appeals may add or modify conditions of approval, such as operational restrictions, parking, and/or landscape and lighting regulations.
4. Any party of record or any party aggrieved by a decision of the Hearing Examiner or Board of Appeals may file a petition for judicial review of the decision within the time and manner prescribed within the Maryland Rules of Procedure.

F. Subsequent Applications

1. If the conditional use plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Hearing Examiner or Board of Appeals finds that the applicant provides relevant new facts that warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured from the date the Hearing Examiner's or Board of Appeals' resolution was issued or a final court action, as applicable.

3. Conforming Permits

On any property where a conditional use is requested, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement:

- a. until the Hearing Examiner or Board of Appeals approves a conditional use plan; and
- b. unless any building, structure, or improvement conforms to the approved conditional use plan.

4. Permits Exempt from Conformance to Approved Conditional Use Plans

- a. On any property where a conditional use plan was approved, DPS may, without finding of conformance to the approved conditional use plan, issue a sediment control permit or building permit to:
 - i. construct an accessibility improvement;
 - ii. repair an existing structure; or
 - iii. replace an existing structure to no more than the same footprint and height approved.
- b. On a property where a conditional use plan was approved, any owner or owners' association may, without finding of conformance to the approved conditional use plan, change landscaping that was not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets all applicable standards and requirements of the applicable zone, and does not conflict with any conditions of approval.
- c. On a residential lot created under the approval of a conditional use plan and sold to a private homeowner, that owner may, without finding of conformance to the approved conditional use plan, obtain a permit for improvements to landscaping and site elements that were not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets all applicable standards and requirements of the applicable zone, and does not conflict with any conditions of approval.
- d. DPS must submit a copy of any permit issued under this Section (Sec. 8.3.1.F.4) to the Hearing Examiner or Board of Appeals for inclusion in the record of the conditional use plan.
- e. Any modification or improvement allowed under this Section (Sec. 8.3.1.F.4) does not require an amendment to the conditional use plan.

G. Scope of Approval

- 1. A conditional use plan expires within 24 months from the date of the issuance of the decision or resolution, unless a longer period is established by the decision or resolution, if the use is not established or a building permit has not been obtained for the applicable use.
- 2. Development activities under this Section (Sec. 8.3.1) must conform to the approved conditional use plan and any conditions, including operational restrictions.
- 3. It is the conditional use holder's responsibility to notify the Board of Appeals of any change in land ownership or change in circumstances or conditions affecting the conditional use.

H. Recording Procedures

- 1. The approved conditional use plan and Hearing Examiner decision or Board of Appeals resolution must be maintained in the permanent files of the Hearing Examiner or the Board of Appeals, as applicable.
- 2. A copy of the decision of the Board of Appeals or Hearing Examiner on each conditional use application must be sent to the applicant, the Planning Board, DPS, the Department of Finance, all parties entitled to notice of filing, and any other parties of record.
- 3. The decision must be indicated on the official zoning maps of the Planning Department by use of an appropriate code number or symbol.

I. Amendments

- 1. Major amendments to an approved conditional use plan follow the same procedures, must meet the same criteria, and are subject to the same requirements as the original conditional use plan, except as indicated in Sec. 8.3.1.1.1.a (below). Major amendments include, without limitation, any requests to increase density or height, to make changes to any conditions of approval, or to increase the intensity of the use.
 - a. The public hearing must be limited to consideration of the proposed modifications noted in the Board of Appeal's notice of public hearing and to:

- i. discussion of those aspects of the conditional use that are directly related to those proposals, and
 - ii. the general landscape, streetscape, pedestrian circulation, noise, and screening requirements for a conditional use in a Rural Residential or Residential zone if the modification proposes an expansion of the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less,
- b. The Board of Appeals must make a determination on the issues presented. The Board of Appeals may reaffirm, amend, add to, delete or modify the existing terms and/or conditions of the conditional use. The Board of Appeals may require the underlying conditional use to be brought into compliance with the general landscape, streetscape, pedestrian circulation, noise, and screening requirements for a Rural Residential or Residential zone if:
- i. the proposed modification expands the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less, and
 - ii. the expansion, when considered in combination with the underlying conditional use, changes the nature or character of the conditional use to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected.
2. Minor amendments to an approved conditional use plan may be approved administratively by the Hearing Examiner or Board of Appeals, as applicable. Minor amendments include any changes that do not increase density or height; decrease setbacks where abutting detached residential uses; increase intensity of use; or alter the conditions of approval imposed by the Hearing Examiner or Board of Appeals.
- a. Public notice is required under Div. 8.5.
 - b. Public Hearing
 - i. A public hearing is not required if no objection to the application is received within 15 days of the mailed notice of the filed application.

- ii. If an objection to the application is received within 15 days of the mailed notice of the filed application a public hearing must be held under the same procedures as an original application.

J. Compliance and Enforcement

1. DPS and the Board of Appeals must establish a regular inspection program for conditional uses. DPS must perform the inspections according to the established schedule and must perform inspections if a complaint alleging failure to comply with the terms or conditions of a conditional use plan is filed with DPS or the Board of Appeals. If a complaint is filed, DPS must inspect the premises of the within 21 days of receiving the complaint, or more promptly if requested by the Board of Appeals, to determine the validity of the complaint.
2. If the inspection finds a violation of the terms and/or conditions of the conditional use plan, DPS must direct the conditional use plan holder to correct the violation within a given time frame to be no less than 15 days from the date of inspection. When the time to correct the violation expires, DPS must reinspect the premises. If the violation has not been corrected, DPS must file a report with the Board of Appeals describing the nature of the violation, the corrective action ordered by DPS, and the time allowed to correct the violations.
3. If the inspection finds that no violations exist, written findings must state that the conditional use complies with the terms and conditions of the conditional use approval.
4. If, under this Article (Article 59-8), the Board of Appeals receives a written notice from DPS that the terms or conditions of a conditional use plan or that the terms, conditions, or restrictions attached to the grant of any permit issued under this Article (Article 59-8) are not being complied with, the Board of Appeals may order the conditional use plan holder and the property owner to appear before the Board of Appeals at a date, time, and place specified to show cause why the conditional use should not be revoked.
5. If the inspection finds that the conditional use has been abandoned, DPS must forward written notice of its findings to the last recorded holder of the conditional use and to the property owner. The conditional use holder

- and property owner have 60 days from the date of mailing of the notice, to submit a written statement confirming or challenging the abandonment and requesting that conditional use be continued.
- a. If the conditional use holder and the property owner acknowledge that the conditional use has been abandoned, DPS must notify the Board of Appeals. The Board of Appeals must adopt and issue a written resolution finding the conditional use to have been abandoned and ordering the conditional use revoked.
 - b. If either the conditional use holder or the property owner challenge the abandonment and request that the conditional use be continued, DPS must notify the Board of Appeals, and the Board of Appeals must convene a public show cause hearing to determine whether or not the conditional use was abandoned and whether it should be revoked.
 - c. If either the conditional use holder or property owner does not respond DPS must notify the Board of Appeals of its findings, and the Board of Appeals must issue to the conditional use holder and the property owner an order to appear before the Board of Appeals to show cause why the conditional use should not be revoked.
 - d. If either the conditional use holder or the property owner appear before the Board of Appeals to show cause why the conditional use should not be revoked, the Board of Appeals must adopt and issue a resolution finding the conditional use to have been abandoned and ordering the conditional use revoked.
6. The notice of a show cause hearing must be issued to the conditional use plan holder and the property owner by certified mail, return receipt requested. Notification must also be sent to DPS, and to all parties who have submitted written complaints concerning the conditional use and must:
 - a. include the nature of the alleged violations;
 - b. state that the hearing is limited to a consideration and a determination of the validity of the allegations; and
 - c. advise the conditional use plan holder and the property owner that failure to attend and participate in the hearing may result in issuance of an order revoking the conditional use.
 7. The Board of Appeals must conduct a show cause hearing limited to consideration of the issues noted in the order and notice of hearing. The Board of Appeals may reaffirm or revoke the conditional use or amend, add to, delete or modify the existing terms or conditions of the conditional use. The decision of the Board of Appeals must be by the adoption of a written resolution within 15 days of the close of record and copies of the resolution transmitted to the conditional use plan holder, the property owner, DPS, the Planning Director, and other relevant parties.
 8. Revocation by the Board of Appeals of any conditional use must be so noted in the official zoning maps of DPS and the Planning Department.

Sec. 8.3.2. Variance

A. Applicability and Description

1. A modification from the standards or requirements of this Chapter, not subject to a waiver or alternative compliance plan by the applicable deciding body, requires approval of a variance.
2. If an applicant requests a modification that is subject to a waiver or alternative compliance plan by the applicable deciding body and that waiver is denied, the applicant can apply for a variance.

B. Application Requirements

1. The Board of Appeals accepts all variance applications.
2. An application for a variance may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed property.
3. Public notice is required under Div. 8.5.
4. The applicant must submit the following for review:
 - a. application form and fees as required by the Board of Appeals.
 - b. documentation of interest in the proposed development site under Sec. 8.3.2.B.2.
 - c. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application.
 - d. additional submittal requirements:

- i. survey plat or scaled drawing showing boundaries, frontage, and topography;
- ii. certified copy of official zoning vicinity map showing the area within at least 1,000 feet surrounding the subject property;
- iii. list of abutting and confronting property owners in the County tax records and any citizen's association(s) within 1/4 mile;
- iv. scale plans, illustrations, sections, elevations, and/or specifications showing all existing and proposed buildings and structures; and
- v. supplementary documentation to be introduced in support of the application.

C. Review and Recommendation

- 1. The Board of Appeals may request review by the Planning Director, Planning Board, and/or Hearing Examiner.
- 2. If a review by the Planning Director, Planning Board, and/or Hearing Examiner is requested, the review follows the same procedure as a conditional use plan.

D. Approval Criteria

To approve a variance, the Board of Appeals must find that:

- 1. Special circumstances or conditions exist that are peculiar to the property or structure(s) for which the variance is sought and do not apply generally to properties or structures in the same zone. Special circumstances or conditions include, but are not limited to, the following situations:
 - a. Exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary spatial conditions peculiar to a specific property;
 - b. The proposed development involves utilization of an existing legal non-conforming property or structure;
 - c. The proposed development contains areas subject to environmentally sensitive features and/or buffers;
 - d. The proposed development involves property or structures of historical significance; and/or

- e. The proposed development promotes the established historic or traditional development standards of a street or neighborhood.
- 2. The special circumstances or conditions are not the result of actions by the applicant;
 - 3. The requested variance is the minimum necessary to overcome the practical difficulties imposed by the unusual or extraordinary situations or conditions;
 - 4. The variance can be granted without substantial impairment to the intent and integrity of the General Plan or the applicable master or sector plan; and
 - 5. Granting the variance will not be adverse to the use and enjoyment of adjoining properties.

E. Decision

- 1. The Board of Appeals must conduct a public hearing within 60 days of the date an application is accepted.
- 2. Within 30 days after the close of the record of the public hearing, the Board of Appeals must act by a majority of those present at the public hearing to approve, approve with conditions, or disapprove the application. If the required number of affirmative votes is not obtained, the application is disapproved.
- 3. Any party of record or any party aggrieved by a decision of the Board of Appeals may file a petition for judicial review of the decision within the time and manner prescribed by the Maryland Rules of Procedure.

F. Subsequent Applications

- 1. If a variance is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a resolution is adopted unless the Board of Appeals finds that the applicant provides relevant new facts that warrant reapplication.
- 2. All subsequent actions required by the applicant or an agency are measured from the date of the Board of Appeals' resolution or the final court action, as applicable.

G. Scope of Approval

1. A variance is valid for 12 months, during which time a building permit must be obtained for the applicable building, structure, or use.
2. Approval of a variance entitles the applicant or successor to obtain a building permit or file a site plan or conditional use plan to the standard(s) granted by the variance.
3. The conditions approved by the Board of Appeals are binding upon the applicant, successors, and assigns.

H. Recording Procedures

The Board of Appeals' resolution must be maintained in the land records and permanent files of the Board of Appeals.

I. Amendment

There are no amendments to a variance.

Sec. 8.3.3. Sketch Plan

A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan.
2. A sketch plan provides the opportunity for the Planning Board to consider the appropriate balance of public benefits and development rights.

B. Application Requirements

1. The Planning Director accepts applications for all sketch plans.
2. An application for a sketch plan may be made only by an entity or person with a financial, contractual, or proprietary interest in the proposed development site.
3. If any land or right-of-way encompassed by a sketch plan application is owned or controlled by the State, County, or any other private or public entity, a written agreement or authorization from that entity or agency must be submitted with the sketch plan application.
4. Disclosure of ownership must satisfy the Land Use Article of the Annotated Code of Maryland.

5. A pre-application meeting with Planning Department Staff is recommended.
6. Public notice is required under Div. 8.5.
7. The applicant must submit the following for review:
 - a. application form and fees as required by the Planning Director;
 - b. vicinity map at 1" = 200';
 - c. site inventory map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - d. list of abutting and confronting property owners in the County tax records and any citizen's association(s) within 1/2 mile;
 - e. documentation of interest in the proposed development site under Sec. 8.3.3.B.2. and Sec.8.3.3.B.3;
 - f. statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application; and
 - g. illustrative plans showing:
 - i. building densities, massing, heights, and the anticipated mix of uses;
 - ii. locations of public use and other open spaces;
 - iii. pedestrian, bicycle, and vehicular circulation, parking, and loading;
 - iv. estimated range of the maximum peak hour trips; and
 - v. relationships between existing or proposed adjacent buildings and rights-of-way;
 - h. a table of proposed public benefits and the incentive density points requested for each; and
 - i. a general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must issue a report and recommendation a minimum of 10 days before the Planning Board public hearing. The report and recommendation must be made available to the applicant and public.
- b. The Planning Director may postpone the public hearing by up to 30 days once without Planning Board approval and by up to 30 days once again if the extension is approved by the Planning Board. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

D. Approval Criteria

To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:

1. meet the objectives, general requirements, and standards of this Chapter;
2. further the recommendations and objectives of the applicable master or sector plan;
3. achieve compatible internal and external relationships between existing and pending nearby development;
4. provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;
5. propose an outline of public benefits that supports the requested incentive density; and
6. establish a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

E. Decision

1. The Planning Board must conduct a public hearing within 90 days of the date an application is accepted.
2. Within 30 days after the close of the record of the public hearing, the Plan-

ning Board must act by majority vote of those present at the public hearing to:

- a. approve;
 - b. approve subject to modifications, conditions, or binding elements; or
 - c. disapprove the application.
3. Any party of record or any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within the time and manner prescribed by the Maryland Rules of Procedure.

F. Subsequent Applications

1. If a sketch plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Planning Board finds that the applicant provides relevant new facts that warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured from the date of the Planning Board's resolution or the final court action, as applicable.
3. If a sketch plan is approved, a site plan(s) must be submitted under this Article (Article 59-8) within 36 months of date of the mailing of the resolution, unless a longer period is established by the resolution.

G. Scope of Approval

1. Approval of a sketch plan entitles the applicant or successor to file a site plan(s) under the optional method development standards and requirements and according to the conditions and binding elements approved with the sketch plan.
2. The conditions or binding elements approved by the Planning Board are binding upon the applicant, successors, and assigns.

H. Recording Procedures

The Planning Board resolution must be maintained in the permanent files of the Planning Department.

I. Amendments

During site plan review, the Planning Board may approve amendments to the binding elements or conditions of an approved sketch plan.

1. Amendments to the binding elements or conditions of an approved sketch plan may be approved if such amendments are:
 - a. requested by the applicant;
 - b. recommended by the Planning Board staff and agreed to by the applicant; or
 - c. made by the Planning Board, based on a staff recommendation or on its own initiative, if the Planning Board finds that a change in relevant facts and circumstances since sketch plan approval demonstrates that the binding element or condition is not consistent with the applicable master or sector plan or does not meet the requirements of this Chapter.
2. Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant, or in the final notice of the site plan hearing if recommended by Planning Board staff and agreed to by the applicant.
3. For any amendments to the binding elements or conditions, the Planning Board must make the applicable sketch plan findings in addition to the findings necessary to approve a site plan under this Article (Article 59-8).

Sec. 8.3.4. Site Plan

A. Applicability and Description

1. Development under the optional method requires approval of a site plan after approval of a sketch plan.
2. Development under a Floating zone requires approval of a site plan after approval of a Local Map Amendment.
3. Development under the standard method requires site plan approval as indicated in the following table:

Determining when a site plan is required:

Subject Property's Zone	Proposed Use	Proposed Intensity (gross floor area in SF, units, or building height in feet)	Abutting or Confronting Property's Zone	Site Plan Required
Agricultural, Rural <u>Residential</u> , or Residential Detached	Any	Any	Any	No
Residential Townhouse or Residential Multi-Unit	Any	< 20 units <u>and</u> ≤ 40'	Any	No
		≥ 20 units or > 40'	Any	Yes
Commercial/Residential or Employment	Permitted	≤ 10,000 SF, ≤ 10 units, <u>and</u> ≤ 40'	Any	No
		> 10,000 SF, > 10 units, or > 40'	Agricultural, Rural <u>Residential</u> , Residential, or Floating	Yes
	Limited	Any	Agricultural, Rural <u>Residential</u> , Residential, or Floating	If required under <u>Article 59-3</u> ; if not required under Article 59-3, applicability is determined under the Permitted use thresholds in this table
			<u>Commercial/Residential, Employment, or Industrial</u>	<u>No</u>
Industrial	Any	≤ 40'	Agricultural, Rural <u>Residential</u> , Residential, or Floating	Yes
			Commercial/Residential, Employment, or Industrial	No
		> 40'	Any	Yes
Overlay	Any	Any	Any	If required by the applicable Overlay zone under <u>Article 59-4</u> or if required by the underlying zone.

4. A site plan provides a detailed overview of the applicant's development. Site plan will be used to determine if the proposed development is in compliance with current laws, regulations, this Code; and is substantially consistent with the applicable master or sector plan and approved guidelines.
 5. Site plan applications may encompass all or any part of a property, but when not inclusive of any previous approval that encompasses the entire property, the application must demonstrate its relation to and coordination with other approvals or submittals.
 6. Site plan applications must satisfy the conditions and/or binding elements and be consistent with any and all previous approvals that apply to the subject property.
 7. A site plan is not required for any property or area within a property that is subject to a conditional use plan, unless the Hearing Examiner or Board of Appeals requires one.
- c. site inventory map showing existing buildings, structures, circulation routes, significant natural features, historic resources, zoning, and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
 - d. list of abutting and confronting property owners in the County tax records and any citizen's association(s) within 1/2 mile;
 - e. documentation of interest in the proposed development site under Sec.8.3.4.B.2. and Sec.8.3.4.B.3;
 - f. statement of justification outlining how the proposed development satisfies the standards and criteria for the granting of the application;
 - g. verification that the applicant has posted notice on the property, notified affected parties, and held a pre-submittal meeting with the public, as required by Planning Board regulations;
 - h. additional submittal requirements:
 - i. approved Natural Resources Inventory/Forest Stand Delineation plan;
 - ii. Stormwater Management Concept Application or, if required, a Water Quality Plan Application;
 - iii. Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
 - iv. existing and proposed dry and wet utility plan;
 - v. plans of proposed development showing:
 - (a) footprints, ground-floor layout, and heights of all building and structures;
 - (b) required open spaces and recreational amenities;
 - (c) detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - (d) grading;
 - (e) landscaping and lighting; and
 - (f) supplementary documentation showing or describing the application's conformance to previous approvals and/or applicable requirements.

B. Application Requirements

1. The Planning Director accepts the application for all site plans.
2. An application for a site plan may be made only by an entity or a person with a financial, contractual, or proprietary interest in the proposed development site.
3. If any land or right-of-way encompassed by a site plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the site plan application.
4. Disclosure of ownership must conform to the Land Use Article of the Annotated Code of Maryland.
5. A pre-application meeting with Planning Department Staff is recommended.
6. Public notice is required under Div. 8.5
7. The applicant must submit the following for review:
 - a. application form and fees as required by the Planning Director;
 - b. vicinity map at 1" = 200';

- i. a development program and inspection schedule detailing the construction phasing for the project;
- j. a final Forest Conservation Plan application; and
- k. if a sketch plan was approved for the property, a table of proposed public benefits and the incentive density points requested for each.

C. Review and Recommendation

1. Planning Director Review

- a. The Planning Director must issue a report and recommendation a minimum of 10 days before the Planning Board hearing. The report and recommendation must be made available to the applicant and public.
- b. The Planning Director may postpone the public hearing by up to 30 days once without Planning Board approval and by up to 30 days once again if the extension is approved by the Planning Board. Any extension of the public hearing must be noticed by mail and on the hearing agenda with the new public hearing date indicated.

D. Approval Criteria

To approve a Site Plan, the Planning Board must find that the proposed development:

1. satisfies and is consistent with any previous approval(s) that apply to the subject site;
2. satisfies all applicable use standards, development standards, and general requirements required by this Chapter;
3. is substantially consistent with the recommendations of the applicable master or sector plan and any guidelines approved by the Planning Board that implement the applicable plan;
4. is compatible with existing and approved adjacent development;
5. provides safe, well-integrated circulation patterns and building massing and, where required, open spaces and site amenities; and
6. meets the requirements of other applicable sections of the Montgomery County Code under jurisdiction of the Planning Board, including:

- a. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and
- b. Chapter 22A, Forest Conservation.

E. Decision

1. The Planning Board must conduct a public hearing within 120 days of the date an application is accepted.
2. Within 30 days after the close of the record of the public hearing, the Planning Board must act by majority vote of those present at the public hearing to:
 - a. approve;
 - b. approve subject to modifications or conditions; or
 - c. disapprove the application.
3. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within the time and manner prescribed by the Maryland Rules of Procedure.

F. Subsequent Applications

1. If the site plan is denied, a new application proposing substantially the same development for the same property may not be filed within 18 months after a final decision, unless the Planning Board finds that the applicant has provided relevant new facts that warrant reapplication.
2. All subsequent actions required by the applicant or an agency are measured from the date of the Planning Board's resolution or the final court action, as applicable.

3. Conforming Permits

On any property where a site plan approval is requested, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement:

- a. until the Planning Board approves a site plan; and
- b. a bond has been approved under Sec. 8.3.4.J; and

- c. unless any building, structure, or improvement conforms to the approved site plan as certified by the Planning Department.

4. Permits Exempt from Conformance to Approved Site Plans

- a. On any property where a site plan was approved DPS may, without finding of conformance to the approved site plan, issue a sediment control permit or building permit to:
 - i. construct an accessibility improvement;
 - ii. repair an existing structure; or
 - iii. replace an existing structure to no more than the same footprint and height approved.
- b. On a property where a site plan was approved, any owner or owners' association may, without finding of conformance to the approved site plan, change landscaping that was not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets all applicable standards and requirements of the applicable zone does not conflict with any conditions of approval.
- c. On a residential lot created under the approval of a site plan and sold to a private homeowner, that owner may, without finding of conformance to the approved site plan, obtain a permit for improvements to landscaping and site elements that were not required as a condition of approval for screening or buffering and/or install a site element or construct a paved surface or structure that meets all applicable standards and requirements of the applicable zone and does not conflict with any conditions of approval.
- d. DPS must submit a copy of any building or site permit approved under this Section (Sec. 8.3.4) to the Planning Director for inclusion in the record of the site plan.
- e. Any modification to an improvement shown on an approved site plan that is identified in this Section (Sec. 8.3.4) does not require an amendment to the site plan.

G. Scope of Approval

1. A site plan expires unless a certified site plan, as defined and reviewed by the Planning Director, is approved within 24 months of Planning Board approval, measured from the date of the resolution.
2. A site plan does not become effective until the final record plat is recorded for any approved subdivision plan underlying the subject property.
3. A certified site plan does not expire unless the underlying subdivision plan's adequate public facilities review, as determined by Section 50-35(d) of the Montgomery County Code, expires or changes to the applicable zoning map, text, or other applicable laws or regulations require the certified site plan to be modified.
4. Development activities under this Section (Sec. 8.3.4) must satisfy the approved site plan and any conditions or restrictions.

H. Recording Procedures

The certified site plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

I. Amendments

1. Major amendments to an approved site plan follow the same procedures, must meet the same criteria, and are subject to the same requirements as the original site plan.
 - a. Major amendments include any requests to increase density or height or to make changes to any conditions of approval.
 - b. Uncontested major amendments may be approved on the Planning Board's consent agenda.
2. Minor amendments to an approved site plan may be approved administratively by the Planning Director. Minor amendments include any changes that do not increase density or height; decrease setbacks where abutting detached residential uses; or alter the intent, objectives, or requirements expressed or imposed by the Planning Board.
 - a. Public notice is required under Div. 8.5,
 - b. Public Hearing

- i. A public hearing is not required if no relevant objection to the application is received within 15 days of the mailed notice of the filed application.
- ii. If a relevant objection to the application is received within 15 days of the mailed notice of the filed application a public hearing must be held under the same procedures as an original application.

J. Compliance and Enforcement

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified site plan, it may:
 - a. impose a civil fine or administrative civil penalty authorized by Section 50-41;
 - b. suspend or revoke the site plan;
 - c. approve a compliance program which would permit the applicant to take corrective action to comply with the certified site plan;
 - d. allow the applicant to propose modifications to the certified site plan; or
 - e. take any combination of these actions.
2. If the Planning Board suspends or revokes a site plan, DPS must immediately suspend any applicable building permit under which construction has not been completed, or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the site plan or approves a new site plan for the development.
3. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified site plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit until such surety is accepted.

Div. 8.4. Administrative Approvals

Sec. 8.4.1. Building Permit

A. Applicability

1. A building permit is required before any building or structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started.
2. Exemptions from building permit requirement:
 - a. Any building or structure used exclusively for agricultural purposes on land used exclusively for agriculture, except for:
 - i. a building or structure used for a purpose that is not exclusively agricultural, including conditional uses, even though located on otherwise agricultural land; or
 - ii. an equestrian facility, building, or structure intended for use by participants or spectators at an equestrian event.
 - b. The following public utility equipment:
 - i. any structure and its attached cross arms carrying overhead electric power and energy transmission and distribution lines that carry 69,000 volts or less;
 - ii. equipment installed and maintained by a public utility subject to regulation by the State Public Service Commission; or
 - iii. poles or structures used for street lights, fire alarm boxes, traffic signals, or similar municipal equipment installed by the state or a local municipality.

B. Application Requirements

Each application for a building permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers, and subdivision name, if any;
2. the name and width of abutting streets;

3. the location, dimensions, and use of existing buildings and other structures on the lot;
4. the location, dimensions, and proposed use of buildings and other structures for which a permit is requested;
5. front and rear yard widths; and
6. north point, date, and scale of plan.

C. Approval Process

DPS accepts the applications for all building permits.

D. Approval Criteria

1. DPS must determine that proposed work conforms to the uses and amount of development authorized under this Chapter or other applicable law and for which the adequacy of public facilities is determined after:
 - a. review of a preliminary plan of subdivision or site plan if required under this Chapter or Chapter 50; or
 - b. building permit review if required under Chapter 8.
2. For a conditional use plan, variance, or site plan:
 - a. Proposed work must comply with all terms and conditions set by the deciding body in the resolution or decision granting the approval, including any exhibits referred to in the decision.
 - b. DPS, in its exercise of reasonable discretion, may allow minor adjustments during construction that do not substantially alter the size, location, or external appearance of any approved building(s), structure(s) or use(s). DPS must immediately notify the deciding body of any deviations from the approval of the deciding body.
 - c. Any change proposed during construction that would substantially alter the location or external appearance of any approved building(s), structure(s), or use(s) requires an amendment under this Article (Article 59-8).

- d. The County may suspend or revoke any building permit for construction if the construction does not comply with all terms and conditions set by the deciding body.
- 3. A building permit must not be issued during the time permitted by law or rule of court to file an appeal from:
 - a. Any decision or resolution by a deciding body under this Article (Article 59-8).
 - b. A decision of judgment of a court in a proceeding which seeks to affirm, reverse, modify, or nullify a decision of a deciding body or to remand the same to the deciding body. DPS is prohibited from issuing a building permit during the pendency of such court proceedings or a proceeding before the Board of Appeals; provided, that nothing herein shall be construed to prohibit the issuance of a building permit for any use which would have been permitted under this Chapter for the subject property immediately prior to a decision under Sec. 8.4.1.D.3.a hereof unless such use will not be permitted under the requested change in classification or grant which was the subject of such decision.
 - i. A building permit may be issued, however, while an appeal from the grant of a Sectional Map Amendment by the District Council may be filed or is pending if the permit is for development and use under the zoning classification imposed on the property by the Sectional Map Amendment. Such a building permit must contain a condition that the development must comply with all the requirements of the zoning classification imposed by the Sectional Map Amendment and any sketch plans and site plans that may have been approved by the Planning Board under the optional method of development. The development pursuant to such building permit (i.e., the construction of footings on the site) has a vested interest to continue and be used under the zoning classification imposed by the Sectional Map Amendment.
 - ii. In order to facilitate the orderly coordination of the issuance of building permits with the County zoning procedures, in this Chapter,

applications for building permits must be rejected if all or any part of such application lies within the boundaries of an application for an amendment to the zoning map, filed under the applicable provisions of this Chapter. However, no such application can be rejected under the provisions of this subsection if such application would otherwise satisfy the requirements of both the existing zoning classification and the proposed zoning classifications of the application for an amendment to the zoning map. Any application rejected under the provisions of the subsection may be resubmitted without an additional fee and shall be acted upon following the final disposition by the District Council of the amendment to the zoning map; provided, that whenever action by the District Council on any such zoning map amendment is still pending, on the whole or any part of the land covered by a building permit application, after the passage of 6 months from the date of the original submission of the building permit application, an application for a building permit rejected under this subsection may be refiled without an additional fee and must not be rejected again under the provisions of this subsection.

- 4. Until the application has been submitted to the Planning Director for review for conformity with this Chapter, a building permit must not be issued for:
 - a. construction of a new principal structure;
 - b. construction that increases the gross floor area of an existing commercial structure; or
 - c. construction that increases the gross floor area of any residential structure by more than 500 feet.

E. Appeal

Any party of record or any party aggrieved by the decision of DPS may file an appeal for review of the decision within the time and manner prescribed by the Maryland Rules of Procedure.

Sec. 8.4.2. Use & Occupancy and Temporary Use Permits

A. Applicability

1. A use-and-occupancy permit is required before any building, structure, or land can be used or can be converted, wholly or in part, from one use to another.
2. Exemptions from use-and-occupancy permit requirement:
 - a. land or buildings used exclusively for agricultural purposes;
 - b. a use for which a valid occupancy permit was issued and not revoked before June 1, 1958;
 - c. a family day care facility (up to 8 persons); and
 - d. a transitory use.

B. Application Requirements

Each application for a use-and-occupancy permit must be accompanied by 2 copies of a plan drawn to scale showing:

1. the lot on which a use is proposed; lot dimensions, lot and block numbers and subdivision name, if any;
2. the location, extent, and layout for the proposed use and any other pertinent information; and
3. north point, date and scale of plan.

C. Approval Process

DPS accepts the application for all use-and-occupancy and temporary use permits.

D. Approval Criteria

1. DPS must certify compliance with this Chapter.
2. Any building, structure, or land to be used must comply with the requirements, representations, plans, and conditions contained in the decision or resolution of the deciding body.
3. On the basis of a thorough final inspection, DPS must verify that construction or alteration has been completed, according to the decision or resolution.

4. A temporary use-and-occupancy permit may be issued subject to any restrictions in Article 59-3.

E. Appeals

Any party of record or any party aggrieved by the decision of DPS may file an appeal for review of the decision within the time and manner prescribed by the Maryland Rules of Procedure.

Sec. 8.4.3. Home Occupation and Home Health Practitioner Registration

A. Applicability

All low impact and major impact home occupations and low impact and major impact home health practitioners must register with DPS.

B. Application Requirements

An application for registration must include the following:

1. a signed affidavit of compliance that affirms that the applicant:
 - a. complies with the applicable standards in Sec. 3.3.3.E or Sec. 3.3.3.F;
 - b. will take whatever action is required by DPS to bring the home occupation or home health practitioner's office into compliance if complaints of noncompliance are received and verified.
2. the manner in which the operation of the home occupation or home health practitioner satisfies the use standards in Sec. 3.3.3.E or Sec. 3.3.3.F;
3. the location of the lot or parcel by street address and either lot and block number or liber and folio;
4. the zone in which the lot or parcel is located;
5. area of the lot or parcel, in square feet or acres;
6. the total floor area of the dwelling unit and the amount of floor area to be used for the home occupation or home health practitioner as well as the floor area of any existing accessory building to be used for the home occupation or home health practitioner;
7. the location and number of off-street parking spaces;
8. proof of home address; and

9. other pertinent information required by DPS.
10. For a home health practitioner's office:
 - a. a copy of the use- and-occupancy permit required under [Section 8.4.2](#); and
 - b. the location of any indoor waiting room for patients, if more than one patient will be on the premises at the same type.

C. Approval Process

DPS accepts the application for all home occupation and home health practitioner registrations.

D. Approval Criteria

DPS issues a Certificate of Registration if the applicant:

- a. satisfies [Section 3.3.3.E](#) or [Section 3.3.3.F](#); and
- b. has an approved on-site inspection, as required by DPS.

E. Recording Procedures

DPS must maintain the Home Occupation and Health Practitioner Registry that is readily available for public inspection.

F. Compliance and Enforcement

1. If DPS receives a complaint about a home occupation or home health practitioner's office, an inspector must inspect the property and determine, within 90 days after receipt of the complaint, whether there is a violation of the provisions of this Section (Sec. 8.4.3) or [Section 3.3.3.E](#) or [Section 3.3.3.F](#).
2. If DPS determines that there is a violation, DPS may issue a warning notice, and the violation must be corrected within 30 days after the warning notice is issued. In the case of any violation that could be remedied with a conditional use plan, a petition must be filed within 60 business days for a conditional use plan for a major home occupation or home health practitioner under [Section 3.3.3.E](#) or [Section 3.3.3.F](#). Operation of the low impact home occupation or home health practitioner's office may continue until the Board of Appeals has acted on the petition if the violation is corrected before the application for conditional use is filed. If the Board of Appeals denies the conditional use plan, the home occupation or home health practitioner's

office must cease immediately or operate under the requirements for a low impact home occupation or home health practitioner's office.

3. DPS may issue a citation under [Div 8.8](#):
 - a. immediately, instead of a warning notice under [Sec 8.4.3.F.2](#); or
 - b. 30 days or more after the warning notice was issued under [Sec 8.4.3.F.2](#).

Sec. 8.4.4. Sign Permit

A. Applicability

1. A sign permit is required when a sign is constructed, erected, moved, enlarged, illuminated, or substantially altered. Routine maintenance, including painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign concept plan, does not require a permit.
2. Signs listed in [Sec. 7.6.3](#) are exempt from the sign permit requirement.

B. Application Requirements

1. The property owner and the sign installer must file a joint application for the sign permit on forms provided by DPS. If the property owner has an agent or lessee, the agent and the lessee must also sign each permit form. The application must be accompanied by all required fees and the following:
 - a. a scale drawing of the sign showing all dimensions and visual characteristics, including structural and architectural supports;
 - b. a scale drawing of the site showing:
 - i. the proposed location of the sign, including setbacks;
 - ii. the location and size of all other signs on the property;
 - iii. the location, dimensions, and distance from property lines of all buildings on the site;
 - iv. the location, and name of all streets which abut the property;
 - v. the frontage dimensions of the site along each street which abuts the property;
 - vi. the existing elevation and grade of the site and the proposed contour lines;

- c. a valid electrical permit or a completed application for an electrical permit under **Chapter 17**, if the application is for an illuminated sign;
- d. a completed building permit application pursuant to **Chapter 8** for a sign requiring structural support;
- e. payment of the sign permit fee as adopted by District Council Resolution;
- f. other information that may be required by DPS to insure compliance with **Div 7.6** or other Sections of the Code; and
- g. a sign concept plan if:
 - i. the lot or parcel is in a Commercial/Residential, Employment, or Industrial zone and is requesting more than 800 square feet of total sign area;
 - ii. the development consists of more than one lot or parcel in a Commercial/Residential, Employment, or Industrial zone developed under a management control plan where one or more individual lots or parcels is requesting more than 800 square feet of total sign area. When used for such development, a sign concept plan may include one or more individual sites or parcels whose total sign area does not exceed 800 square feet; or
 - iii. the development uses optional method within an urban renewal area.
- 2. DPS must waive all required fees if:
 - a. the primary applicant is a non-profit organization that is on the Planning Board's list of civic and homeowners associations; and
 - b. the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director of DPS under **method (2)**.
- 3. DPS may waive or reduce all required fees if:
 - a. the primary applicant is a non-profit organization that by law is exempt from federal income taxes and demonstrates that its annual revenue during its most recent fiscal year was less than an amount set by a regulation adopted by the Director of DPS under **method (2)**; and

- b. the size of the proposed sign is smaller than a maximum size set by a regulation adopted by the Director of DPS under **method (2)**.

C. Approval Process

DPS accepts all sign permit applications.

D. Approval Criteria

1. A sign permit must be issued by DPS as follows:
 - a. upon review of the application, DPS determines that the proposed sign or sign concept plan meets the requirements of **Div 7.6**; or
 - b. upon submission of the application packet and a written certification by a licensed sign installer that the proposed sign meets the requirements of **Div 7.6**.
2. DPS has the authority to resolve any dispute or to interpret any ambiguity in this Section (**Sec. 8.4.4**).

E. Validity

A sign permit becomes invalid when:

1. the sign for which the permit was issued is not erected within 6 months from the date of issuance;
2. the sign for which the permit was issued is moved or substantially altered;
3. DPS revokes the permit for failure to comply with an order issued by DPS stipulating corrective action for improper maintenance;
4. the application for a sign permit contained inaccurate information; or
5. the terms of the permit have not been satisfied.

F. Appeal

Any party may appeal to the Board of Appeals under **Sec 8.6.1** for the following:

1. any final action of DPS related to permits and licenses within 30 days of the action;
2. any final action of DPS with respect to Sign Review Board recommendations within 30 days of the action; and
3. any final decision of the Sign Review Board.

G. Compliance and Enforcement

1. The sign permit must be displayed in a location on or near the sign that permits a person to read the permit while standing on the ground, including on the sign itself, on its supporting structure, or other reasonable and visible location.
2. Compliance is the responsibility of the joint applicants for a sign permit, including the property owner or agent of the property where the sign is erected, along with the lessee, if any, and the sign installer. DPS may initiate enforcement proceedings against one or all of these individuals, jointly or severally.
3. Upon identification and presentation of proper credentials, DPS may enter a site during normal business hours to inspect a sign displayed on a building, structure, lot or parcel in the County to determine compliance with this Code.
4. DPS may order the removal of any sign that violates this Code, or interferes with traffic or public safety. The removal must be performed at the expense of the responsible party.
5. DPS may revoke, suspend, refuse to issue, or refuse to reissue any permit or license under this Code.

Sec. 8.4.5. Sign Permit Variance

A. Applicability

Any sign not listed in **Div 7.6**, or which does not conform to the requirements in **Div 7.6**, may apply for a sign permit variance from DPS.

B. Application Requirements

1. DPS accepts all sign variance applications and a hearing date is schedule with the Sign Review Board.
2. A list of the persons and organizations notified 15 days prior to the hearing including:
 - a. the owner and all residents of each property that is contiguous or opposite to the proposed location of the sign. A condominium's council of

unit owners may be notified instead of the owner and residents of each individual condominium;

- b. the head officer of any citizens association on file with the Planning Board that represents the area where the sign would be located;
- c. any municipality or special taxing district in which the proposed sign would be located;
- d. the technical staff of the Planning Board if the sign would be located on property subject to a site plan; and
- e. any other person or organization that expressed an interest in writing to DPS or the applicant before the notice is sent.

C. Approval Criteria

1. For all sign permit variances, DPS must consider:
 - a. the sign's size, shape, color, design elements, location, or cost;
 - b. compatibility of the proposed sign with the surrounding property, the proximity of other signs, and the characteristics of the area; and
 - c. any recommendation of the Planning Board or its technical staff.
2. DPS, after a hearing, may approve an application for a sign permit variance from the sign requirements of **Div 7.6** if:
 - a. the strict application of the sign requirements of **Div 7.6** would result in a particular or unusual practical difficulty, exceptional or undue hardship, or significant economic burden on an applicant;
 - b. the sign permit variance is the minimum reasonably necessary to overcome any exceptional conditions; and
 - c. the sign permit variance can be granted without substantial impairment of the purpose of **Div 7.6**.
3. After a hearing, DPS or designee may revoke a previously granted sign permit variance if:
 - a. the applicant supplied inaccurate information, or
 - b. the terms of a variance have not been met.

4. DPS is prohibited from varying any requirement of [Sec. 8.4.5](#) and from approving a sign permit variance for any sign prohibited under [Sec. 7.6.4](#).
5. DPS may approve a sign permit variance without a Sign Review Board hearing if:
 - a. after receiving notice under [Sec. 8.4.5.B.2.](#), no person has expressed an intention by a specified deadline to oppose the application or otherwise appear at the hearing; and
 - b. DPS concludes that approval of a sign permit variance would not create any negative impact on the area where the sign is or would be located.
6. DPS may approve a variance for a sign on property subject to a conditional use if the Board of Appeals has approved the sign. Nothing in this Section ([Sec. 8.4.5](#)) prevents DPS or designee from imposing more restrictive conditions than the Board of Appeals, but DPS or designee must not approve a sign permit variance which is less restrictive than any condition set by the Board of Appeals.
7. DPS or designee may impose conditions and terms when approving a sign permit variance.
8. DPS or designee must notify each party of record of the sign permit variance decision when it is issued.

D. Appeal

Any party may appeal to the Board of Appeals under [Sec. 8.6.1](#) for the following:

1. any final action of DPS related to permits and licenses within 30 days of the action;
2. any final action of DPS with respect to Sign Review Board recommendations within 30 days of the action; or
3. any final decision of the Sign Review Board.

Sec. 8.4.6. Sign Installer License

A. Applicability

The provisions of the sign installer license apply to a business which chooses to provide certification as a licensed sign installer.

B. Application Requirements

1. The joint applicants for a sign installer license must submit a complete application on a form approved by DPS, indicating:
 - a. the complete business identification including the address and telephone number of the business, the names of the principals, partners, and officers, and any affiliates of the business;
 - b. a statement of the experience, education, and training of the principal employee in the sign related activity;
 - c. other information which DPS may require.
2. A certificate of current general liability insurance, from an insurance company qualified to do business in the State of Maryland, of at least \$500,000 single limit for bodily injury and property damage per occurrence including contractual liability, personal injury, and independent contractors must accompany the application form.
3. A check in the amount of the application fee, examination fee, and license fee.

C. Approval Process

1. The applicant must establish and DPS may verify the minimum eligibility requirements of an applicant to be examined for a license as follows:
 - a. The applicant must have been regularly and principally employed in sign related activity for 2 years immediately preceding the application. DPS may credit the 2 years of experience upon certification of relevant education at a trade school or other educational institution which DPS deems to be comparable. One year (30 semester hours or Continuing Education Units) of relevant education may be considered as one year of experience. DPS may credit up to the maximum of 2 years of experience with education.
 - b. The applicant must be of good character. DPS may ascertain the character of the applicant from the references provided by the applicant and from independent sources, including the office of consumer affairs, the State of Maryland Office of the Attorney General, and the records of the department.

2. Upon the applicants satisfying the minimum requirements and filing a complete application for a license, DPS must provide the applicant with access to the sign ordinance and other related regulations and must schedule the applicant for an examination.
3. The applicant must receive a passing grade on an examination based upon the standards of this Article (Article 59-8) and administered by DPS.
 - a. DPS must grade the examination within 20 days of the examination date and notify the applicant, in writing, within 10 days of determining the results of the examination.
 - b. An applicant who fails to pass the examination is entitled to one reexamination, without resubmitting the license application. An applicant who fails to pass the reexamination must submit a new application for a license.
4. A license must be issued jointly to the business and to a person who is principally employed by the business and responsible for supervising the sign related activity. A business may obtain licenses for multiple employees.

D. Validity

1. A license is valid for one year from the date of issuance, and may be renewed by applying in person at DPS. Applicants for renewal must provide to DPS:
 - a. certification that the insurance requirements of [Sec. 8.4.6.B .2](#) remain in compliance;
 - b. a check in the amount of the renewal fee; and
 - c. other information which DPS may require.
2. A license is not transferable. If the person and the business holding a license terminate their association, the license becomes invalid and a new license must be obtained.
3. A license is issued based upon the information submitted at the time of application. Any changes in the information must be submitted to DPS promptly.

E. Denial, Suspension or Revocation

1. DPS may suspend, revoke, refuse to issue, or deny renewal of a license if the applicant or licensee:
 - a. has secured the license through misrepresentation;
 - b. has failed to correct without additional charge, violations of any provisions of this Article (Article 59-8);
 - c. has been found by a court or the Board of Appeals to have violated the same provision of this Article (Article 59-8) more than 2 times;
 - d. has been found guilty of deceptive business practices;
 - e. has committed an act of gross negligence; or
 - f. has failed to notify DPS of changes to the information required on the license application.
2. DPS must provide written notice to the applicant or licensee of any action taken under [Sec. 8.4.6.E.1](#). The notice must:
 - a. contain a statement of the reasons for the action taken and the right of appeal to the Board of Appeals; and
 - b. be delivered personally to the applicant, licensee, or authorized business representative or sent by certified mail to the local address in the license application.
3. A license may be suspended for up to 120 days upon a finding by DPS that a violation of [Sec. 8.4.6.E.1](#) has occurred.
4. Following a revocation or refusal to renew, a licensee may request reinstatement after one year has elapsed.

F. Appeal

The suspension, revocation, denial or refusal to issue or renew a sign installer's license may be appealed to the Board of Appeals under [Sec 8.6.1.C](#).

Div. 8.5. Notice Standards

Sec. 8.5.1. Notice Required

Notice is required for each application according to the following table:

<u>Application</u>	<u>Newspaper</u>	<u>Pre-Submittal Meeting</u>	<u>Application Sign</u>	<u>Mailed Application Notice</u>	<u>Mailed Hearing Notice</u>	<u>Permit Sign</u>	<u>Internet Posting</u>
<u>District Council Approvals</u>							
<u>Local Map Amendment</u>			<u>x</u>	<u>x</u>	<u>x</u>		<u>TBD</u>
<u>Corrective Map Amendment</u>							<u>TBD</u>
<u>Sectional or District Map Amendment</u>	<u>x</u>						<u>TBD</u>
<u>Zoning Text Amendment</u>	<u>x</u>						<u>TBD</u>
<u>Regulatory Approvals</u>							
<u>Conditional Use Plan</u>			<u>x</u>	<u>x</u>	<u>x</u>		<u>TBD</u>
<u>Sketch Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>TBD</u>
<u>Site Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>TBD</u>
<u>Administrative Approvals</u>							
<u>Building Permit</u>						<u>x</u>	<u>TBD</u>
<u>Use & Occupancy and Temporary Use Permit</u>							<u>TBD</u>
<u>Home Occupation and Home Health Practitioner Registration</u>							<u>TBD</u>
<u>Sign Permit</u>							<u>TBD</u>
<u>Sign Permit Variance</u>				<u>x</u>			<u>TBD</u>
<u>Sign Installer License</u>							<u>TBD</u>

KEY: x = Required

Sec. 8.5.2. Notice Specifications

The following notice requirements are the minimum necessary to ensure appropriate notice for communities impacted by a particular application. Further notice specifications may be required by the applicable intake or deciding body, as allowed by law.

A. Newspaper Notice

1. When an application is accepted, the intake body must publish a notice of the public hearing in at least 2 newspapers of general circulation in the county at least 30 days prior to the hearing date.
2. The notice must include the date and place of hearing, applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), requested use and/or density of development, and phone and website for the applicable intake agency.

B. Pre-Submittal Meeting

1. Before an application may be accepted, the applicant must hold a public meeting to present the proposed application and respond to questions and comments.
2. A list of attendees and a record of the pre-submittal meeting must be provided with the application.
3. The applicant must post a sign advertising the pre-submittal meeting, equivalent to the requirement for an application sign, at least 15 days before the meeting, but no more than 90 days before filing the application.
4. The applicant must mail notice advertising the pre-submittal meeting to the same recipients required under mailed application notice at least 15 days before the meeting.
5. The notices must include the date and place of meeting, applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), requested use and/or density of development, and phone and website for the applicable intake agency.

C. Application Sign

1. Before an application may be accepted, the applicant must post at least one sign along every frontage; if the frontage is more than 500 feet, a sign must be posted at least every 500 feet.
2. The sign must be a minimum of 24 inches tall by 36 inches wide; white or yellow in background color; with black lettering and characters at least 2 inches in height.
3. The sign must include the date of filing; application number and name; location of property; property size; zone (and requested zone, if applicable); requested use, density, or structure description; and phone and website for the applicable intake agency.

D. Mailed Application Notice

1. Before an application may be accepted, the applicant must provide mailed notice of the application to all abutting and confronting property owners, community associations, and parties of record within the required radius.
2. The mailing must include the date and place of meeting, applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), requested use and/or density of development, and phone and website for the applicable intake agency.

E. Mailed Hearing Notice

1. At least 10 days before a hearing may be held, the deciding body must provide mailed notice of the hearing to all abutting and confronting property owners, community associations, and parties of record within the required radius.
2. The mailing must include the date and place of meeting, applicant, application number and name, location of property, property size, zone (and requested zone, if applicable), requested use and/or density of development, and phone and website for the applicable intake agency.

F. Permit Sign Notice

1. After a permit is approved, the applicant must post a minimum of one sign along every frontage; if the frontage is more than 500 feet, a sign must be posted at least every 500 feet.
2. The sign must be a minimum of 24 inches tall by 36 inches wide; white or yellow in background color; with black lettering and characters at least 2 inches in height.
3. The sign must include the date of approval; application number and name; location of property; property size; zone; approved use, density, or structure description; and phone and website for the applicable approval agency.

G. Internet Posting

To be determined.

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Div. 8.6. Special Provisions

Sec. 8.6.1. Board of Appeals

A. Powers

1. In addition to any other power described in this Division (Div. 8.6), the Board of Appeals may compel the attendance of witnesses at hearings or meetings, and the chair or another member may administer oaths.
2. Nothing in this Chapter authorizes the Board of Appeals to reverse or modify any refusal of permit or any other order, requirement, decision or determination which conforms to this Chapter and which, therefore, is not erroneous, or to validate, ratify, or legalize any violation of law or regulation. The Board of Appeals must not amend any provision of this Chapter or the zoning map.

B. Duties

In addition to any other duties described in this Division (Div. 8.6), the Board of Appeals must:

1. ensure that a minimum of 3 members of the Board of Appeals are present when hearing or deciding any matter under this Chapter;
2. keep minutes of its proceedings, meetings and hearings; and
3. take each final action under this Chapter by written resolution. Each resolution must contain a statement of the grounds and findings forming the basis for each decision, and the full text of the resolution and the record of the members' votes must be incorporated into the Board of Appeals minutes. Any action or decision of the Board of Appeals under this Chapter requires the affirmative vote of at least 3 members.

C. Filing of Appeals

1. Appeals to the Board of Appeals may be made by any person, board, association, corporation, or official allegedly aggrieved by the grant or refusal of a building or use-and-occupancy permit or by any other administrative decision based or claimed to be based, in whole or in part, upon this Chapter, including the zoning map.
2. Any appeal relative to a variance or any administrative appeal may be filed

with the Board of Appeals only after refusal of issuance or revocation of a building or use-and-occupancy permit by DPS or after the issuance of a permit in cases where it is alleged that such permit has been issued erroneously.

3. Appeals must be made on forms provided for that purpose, and all information required on such forms must be furnished by the appellant. Forms must be filed with the clerk to the Board of Appeals, and the appellant must pay the clerk for expenses incidental to the appeal. No form will be accepted by the clerk unless it contains all pertinent information and is accompanied by the required fee to defray expenses.
4. Except as otherwise specifically provided by statute, any administrative appeals to the Board of Appeals from any action, inaction, decision or order of a department of the County government must be considered de novo.

Sec. 8.6.2. Hearing Examiner

A. Assignment of Hearing Examiner

1. The County Council, sitting as the District Council, may assign one or more Hearing Examiners in the Office of Zoning and Administrative Hearings to conduct hearings for Local Map Amendments.
2. Any Hearing Examiner assigned to conduct hearings for Local Map Amendments must not, within one year after serving as a Hearing Examiner, act as agent or attorney in any proceeding or other matter before any County agency or officer involving property which was the subject of a Local Map Amendment pending during the Hearing Examiner's service as Hearing Examiner.

B. Duties

1. The Hearing Examiner must recommend rules and regulations to the District Council to govern the conduct of public hearings and of other functions of the Hearing Examiner's office and must perform such other tasks and duties as the District Council from time to time may assign.
2. The Hearing Examiner's office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommenda-

tions to the Board of Appeals under this Chapter and upon request of the Board of Appeals and with approval of 3 of its members, any other matter pending before the Board of Appeals.

3. The Hearing Examiner's office has the functions and duties of scheduling and conducting public hearings and rendering written reports and recommendations to the District Council for Local Map Amendments. The Hearing Examiner may:
 - a. postpone or continue a public hearing to a time certain or for a reasonable time if:
 - i. the Hearing Examiner finds that the pendency of any proposed master plan, sector plan, plan amendment, highway plan, capital improvement program, zoning or planning study, zoning text amendment, pending court case, or other relevant matter may substantially affect the application under consideration; or
 - ii. the applicant or another party for good cause requests a postponement or continuance.
 - b. extend the time for closing the record, either to a time certain or for a reasonable time, if:
 - i. the Hearing Examiner finds additional information or government action is necessary on any relevant issue; or
 - ii. the applicant or another party requests a delay for good cause.
 - c. allow an applicant to withdraw an application for a Local Map Amendment at any time. If a request for withdrawal is filed after the notice of hearing is published, an application to reclassify all or any part of the land in the previous application must not be filed within the time limit in Sec. 8.2.1.F, unless the District Council specifies that the time limits will not apply to a future application.
 - d. The District Council may, by resolution, order the Hearing Examiner to postpone or continue a public hearing or the issuance of a report and recommendation on a Local Map Amendment application, either to a time certain or for a reasonable time, when a delay is necessary to allow sufficient time for the District Council to approve any master plan, sec-

tor plan, plan amendment, zoning or planning study, highway plan or project, zoning text amendment, sewer, water, or other capital improvements project, which may have a substantial effect on any local map amendment application before the Hearing Examiner.

- e. The district council may by resolution, and for good cause shown, cancel, negate, void or suspend any order of the hearing examiner suspending, postponing, deferring, or continuing any public hearing.

Sec. 8.6.3. Planning Board

A. Certification of Plans

1. The Planning Board may adopt regulations that allow an applicant to submit engineered drawings after the Planning Board acts on an application. These plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval.
2. A sediment control permit, building permit, or use-and-occupancy permit must not be issued unless each strictly complies with a certified site plan.

B. Powers

1. In addition to any other remedy provided by law, any violation of a Planning Board action, as defined in Section 50-41, may be enforced under Div 8.6 or under Section 50-41, at the discretion of the Planning Board.
2. The Planning Board may assign a hearing officer designated by the Planning Board, including a Hearing Examiner from the Office of Zoning and Administrative Hearings, to conduct a public hearing and submit a report and recommendation on any alleged violation of this Chapter or any other Planning Board action as defined in Section 50-41. The hearing officer must submit the required report and recommendation to the Planning Board a maximum of 60 days after the hearing record closes, but the hearing officer may by order extend the time to file the report .

Sec. 8.6.4. Sign Review Board

A. Composition

1. The Sign Review Board consists of 5 members:

- a. appointed by the County Executive and confirmed by the District Council, and subject to **Section 2-148**;
 - b. who are residents of the County;
 - c. one of whom must operate a business in the County; and
 - d. one of whom must be an architect licensed in Maryland. The Executive must request from the Potomac Valley Chapter of Maryland, American Institute of Architects, recommendations of architects who are qualified to serve on the Board, but the Executive is not limited to the Chapter's recommendation.
2. One member must be designated as chair by the County Executive, subject to confirmation by the District Council.
 3. Each member serves a 3-year term, except that an appointment to fill a vacancy occurring before a term expires is for the remainder of the unexpired term.

B. Duties

1. The Sign Review Board must:
 - a. meet at least once a month at the call of the chair;
 - b. exercise its powers and duties only when a minimum of 3 members are present;
 - c. provide written decisions and actions of the within 10 days of the decision or action in a format as required DPS;
 - d. approve the examination for the sign installer license administered by DPS under **Sec. 8.4.6**; and
 - e. exercise its powers and duties according to the procedures adopted by Council Resolution. These procedures must include:
 - i. the keeping of records of meetings and hearings;
 - ii. the establishment of requirements for hearing notification;
 - iii. the orientation and training of new members;
 - iv. the issuance of an annual report of activities and accomplishments;
 - v. standards of conduct regarding conflict of interest;

- vi. standards of ethics; and
- vii. the procedure for admission of evidence and testimony.

C. Powers

The Sign Review Board may:

1. advise DPS whether an application for a permit complies with this Chapter or needs a variance;
2. order the appearance of a person or evidence at a hearing before them; and
3. approve a right-of-way sign under **Sec. 7.6.4.F.3**. after receiving a recommendation from the appropriate transportation jurisdiction.

Sec. 8.6.5. Fees

A. Establishing Fees

1. DPS, the Hearing Examiner, and the Board of Appeals may establish fees, approved by Council resolution, to cover the cost of administration of this Chapter.
2. The Planning Board must establish its own fees for processing applications where the Planning Board is the deciding body by resolution of the Commission.
3. The District Council may set and amend by resolution differential filing fees for Local Map Amendments. The fees should be based on the costs of processing a zoning application. A resolution to establish or amend the filing fees may only be adopted after the District Council has held a public hearing on reasonable notice. No filing fee is required for any application filed by the District Council or another government agency, unless the application is filed at the request of a person with a financial, contractual, or proprietary interest in the property.

B. Waiving or Refunding of Fees for Local Map Amendment

1. The District Council may waive any Local Map Amendment required filing fee, in whole or in part, if:
 - a. the application has not been advertised for public hearing;

- b. the application has been advertised for public hearing but the applicant files a request to withdraw it within 90 days after a master plan, sector plan, sectional map amendment, or zoning text amendment which materially affects the property is approved, or condemnation proceedings or public acquisition of the subject property has been initiated; or
 - c. the applicant shows that undue hardship will result if the refund is not approved.
2. The Hearing Examiner may refund a Local Map Amendment filing fee of less than \$25,000, if any condition of Sec 8.6.5.B.1 (above) is satisfied.

Div. 8.7. Exemptions and Nonconformities

Sec. 8.7.1. Exemptions

A. Exemptions from Revised Zoning Code and District Map Amendment of 2013

1. Existing Structure, Site Design, or Use Conforming as of [date of adoption minus one]

A structure, site design, or use that is lawfully existing and conforms to the zoning code on [date of adoption minus one] but not on [date of adoption] is deemed to be conforming and may, at the option of the owner, be continued, renovated, repaired, reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet, subject to the full requirements of zoning in effect on [date of adoption minus one] and any applicable approved plans. An enlargement above the limitations of this Section (Sec. 8.7.1.A.1) must comply with current zoning requirements. A use located in a building or structure deemed conforming under this Section (Sec. 8.7.1.A.1) may be converted to any permitted non-residential or residential use up to the density limits for the land use established by the zoning in effect on [date of adoption].

2. Existing Structure, Site Design, or Use Conforming as of [date of District Map Amendment minus one]

A structure, site design, or use that is lawfully existing and conforms to the zoning code on [date of district map amendment minus one] but not on [date of district map amendment] is deemed to be conforming and may, at the option of the owner, be continued, renovated, repaired, reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet, subject to the full requirements of zoning in effect on [date of adoption minus one] and any applicable approved plans. An enlargement above the limitations of this Section (Sec. 8.7.1.A.2) must comply with current zoning requirements. A use located in a building or structure deemed conforming under this Section (Sec. 8.7.1.A.2) may be converted to any permitted non-residential or resi-

dential use up to the density limits for the land use established by the zoning in effect on [date of adoption].

3. Previously Buildable Lot

Any lot that was recorded by subdivision plat prior to [date of district map amendment], or for which a preliminary plan of subdivision is pending or approved no later than [180 days from date of district map amendment] is buildable even though it may not meet the area and dimensional requirements of the zone in which it is located. Any such lot may be developed under the zoning development standards in effect when the lot was recorded.

4. Plans Pending as of [date of adoption]

A property subject to an approved development plan, schematic development plan, diagrammatic plan, project plan, sketch plan, preliminary plan, site plan, or special exception on [date of adoption], or for which a complete application for approval of such a plan or special exception has been accepted no later than [180 days after date of adoption], may continue to obtain required approvals or be built at any time subject to the zoning in effect and the plans approved or accepted for filing on [date of adoption minus one]. If approved and built, a structure, site design, or use subject to such a plan is deemed to be conforming and may be reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet subject to the full requirements of the zoning in effect on [date of adoption minus one] and any applicable approved plans. An enlargement above the limitations of this Section (Sec. 8.7.1.A.4) must comply with current zoning requirements.

5. Plans Pending as of [date of District Map Amendment]

A property subject to an approved development plan, schematic development plan, diagrammatic plan, project plan, sketch plan, preliminary plan, site plan, or special exception on [date of district map amendment], or for which a complete application for approval of such a plan or special exception has been accepted no later than [180 days after date of district map amendment], may continue to obtain required approvals or be built at any time subject to the zoning in effect and the plans approved or accepted for filing on [date of district map amendment minus one]. If approved and built, a

structure, site design, or use subject to such a plan is deemed to be conforming and may be reconstructed to the same size and footprint, or enlarged by no more than the lesser of 10% of the total existing gross floor area on site or 30,000 square feet subject to the full requirements of the zoning in effect on [date of adoption minus one] and any applicable approved plans. An enlargement above the limitations of this Section (Sec. 8.7.1.A.5) must comply with current zoning requirements.

6. Special Provisions for a Property Deemed Conforming under Sec. 8.7.1.A.2 or Sec. 8.7.1.A.5 that is Subject to a Special Exception or Development Plan

- a. If a property is subject to a development plan or schematic development plan, the structures, site design, and uses may be continued, renovated, repaired, reconstructed to the same size and configuration, or enlarged only as long as and to the extent that the property fully complies with the development plan or schematic development plan and all associated binding elements or covenants.
- b. If a property is subject to a special exception, the structures, site design, and uses may be continued, renovated, repaired, reconstructed to the same size and configuration, or enlarged only as long as and to the extent that they fully comply with the terms and conditions of their approval.
- c. If a property was subject to an approved development plan or special exception on [date of adoption minus one], the Planning Board in approving any sketch plan, preliminary plan, or site plan must consider the terms and conditions of the approved development plan or special exception.
- d. If a development plan application that was accepted and pending on [date of district map amendment] or accepted no later than [180 days after date of district map amendment] is approved, once rezoned under the development plan the property to which the development plan applies is subject to the requirements of the approved zoning classification as stated in the zoning code as of [date of adoption minus one].

7. Existing Nonconformities

A structure, use, or site design that was nonconforming on [date of adoption minus one] may be continued, renovated, repaired, or reconstructed only as permitted under the zoning code as of [date of adoption minus one] and any applicable approved plans.

B. Special Provisions for Conditions Predating 1958

1. Buildable Lot under Previous Ordinance

Any lot that was recorded by subdivision plat prior to June 1, 1958, or any lot recorded by deed prior to June 1, 1958 that does not include parts of previously platted properties, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a detached house only, even though the lot may have less than the minimum area for any Residential zone. Any such lot may be developed under the zoning development standards in effect when the lot was recorded except that:

- a. a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District must meet the development standards in the 1928 Zoning Ordinance;
- b. any new detached house on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the standards in Sec. 8.7.1.B.3.b;
- c. the maximum building height and maximum building coverage for any building or structure must comply with the current standard of the zone in which the lot is now classified. In addition to compliance with the maximum building height and the maximum building coverage standards, any building or structure constructed under a building permit issued after August 24, 1998 that conforms to the lot area and width standards of the zone in which the lot is classified must comply with the current yard requirements of the zone in which the lot is classified, and
- d. an established building line setback must conform to the standards for determining the established building line in effect for the lot when construction occurs. Any building permit issued before November 23, 1997

must conform to the development standards in effect when the lot was recorded.

2. Resubdivision of R-60 Lots

Any lot in the R-60 zone that had frontage of less than 180 feet or an area of less than 18,000 square feet before June 1, 1958, may be resubdivided into lots with frontage of not less than 50 feet and an area of not less than 5,000 square feet if the majority of the recorded lots in the same block have frontages of less than 60 feet or areas of less than 6,000 square feet. These resubdivided lots (except outlots) are buildable lots.

3. One-Family Dwelling

Any one-family dwelling in an Agricultural, Rural Residential, or Residential zone that was built on a lot legally recorded by deed or subdivision plat before June 1, 1958, is not a nonconforming building. The dwelling may be altered, renovated, or enlarged, or replaced by a new dwelling, under the zoning development standards in effect when the lot was recorded, except that:

- a. a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District, must meet the development standards in the 1928 Zoning Ordinance;
- b. one-family dwellings and accessory structures on a lot legally recorded by deed or subdivision plat before June 1, 1958, in the Upper Montgomery County Planning District must comply with the setback, yard, and area coverage standards applicable to the lot in the 1956 Zoning Ordinances for the Upper Montgomery Planning District;
- c. the maximum building height and maximum building coverage in effect when the building is altered, renovated, enlarged, or replaced by a new dwelling applies to the building; and
- d. an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, enlargement, or replacement by a new dwelling occurs. Any building permit issued before November 23, 1997 must conform to the development standards in effect when the lot was recorded.

4. Resubdivision of Lots, Parts of Lots, or Parcels with Dwellings

- a. Any 2 or more tracts of land created by deed or plat before June 1, 1958 may be consolidated by record plat into one buildable lot, even if the new lot does not meet the width and size requirements of the underlying zone, if:
 - i. the tracts of land are under common ownership;
 - ii. a habitable one-family dwelling located on the tracts, before July 20, 2009, crossed a property line created by deed or plat documented by a professionally certified house location plan, previously issued demolition permit, or similar substantial evidence; and
 - iii. all the tracts of land on which the dwelling is, or was, located are included in the newly created lot.
- b. The dwelling on any lot created under Sec. 8.7.1.B.4.a (above) may be altered, renovated, enlarged, or replaced by a new dwelling under the zoning development standards in effect when the application is approved, even if the lot's width and size standards are not satisfied.

C. Special Provisions for the Area of the City of Takoma Park Annexed into Montgomery County on July 1, 1997

1. Existing Buildings and Structures

Any building or structure which was lawful under the Prince George's County Zoning Ordinance in effect on June 30, 1997, and was constructed within the Annexation Area under a building permit issued prior to February 10, 1998, is a conforming building or structure in Montgomery County and may be:

- a. altered, renovated, or enlarged under the Montgomery County Zoning Ordinance, or
- b. reconstructed after a fire, flood, or similar event under the building permit for the property in effect prior to unification, if the property had a valid use-and-occupancy permit issued by Prince George's County prior to July 1, 1997.

2. Existing Uses

Any use existing within the Annexation Area that had a valid use-and-occupancy permit from Prince George's County on June 30, 1997 may continue as a conforming use.

3. Buildable Lot

- a. A building permit may be issued for a detached house on property:
 - i. recorded by a deed prior to January 1, 1982, whether or not the property has been previously platted, as long as it remains otherwise buildable under the Prince George's County Zoning and Subdivision regulations in effect on June 30, 1997 and
 - ii. meeting the exception to platting requirements in Chapter 50 of this Code.
- b. A lot recorded by plat prior to November 29, 1949, which meets the requirements of the 1928 Zoning Ordinance, is a buildable lot under the provisions of Sec. 8.7.1.B.1.

D. Exemptions for Unplatted Parcels Containing Detached House Dwelling Units

A parcel, created by deed, that contains a lawfully constructed detached house, excluding a farm tenant dwelling, is exempt from the area and dimensional requirements of its current zone, and may be recorded under Chapter 50 if the resulting lot meets the requirements of the zone in place when the dwelling was constructed.

Sec. 8.7.2. Nonconforming Uses and Structures

A. Continuation

A nonconforming use may be continued, subject to the following limits:

1. Extension

A nonconforming use of a building, structure, or lot must not be extended in any way. However, a nonconforming use may be initiated or extended throughout those parts of a building or structure that were designed or arranged for the use if the building or structure was substantially completed before:

- a. June 1, 1958; or
- b. the effective date of the zoning text or map amendment that made it nonconforming.

2. Structural Alterations

Except as otherwise provided in this Chapter, a nonconforming building or structure may be altered, renovated, or enlarged only if the construction will conform the building or structure to the requirements for the zone in effect when construction begins.

3. Change of Use

A building in which a nonconforming use has been changed in whole or in part to a more restricted use must not be converted to a less restricted use.

4. Abandonment of Use

If a nonconforming use is abandoned, it must not be reestablished, subject to Sec. 8.7.2.A.6(below). A nonconforming use is abandoned if the nonconforming use stops for at least 6 months.

5. Reconstruction

If a building or structure devoted to a nonconforming use is destroyed or seriously damaged, it must not be repaired or reconstructed to continue the nonconforming use. Serious damage means damage that reduces the value of the building or structure by more than half its value immediately before the damage occurs.

6. Historic Resources

Any nonconforming use that has ceased operations for more than 6 months may be reestablished if the use is:

- a. located in a historic structure or on a historic site identified in the Master Plan for Historic Preservation; and
- b. consistent with the historic use of the property as documented in the Locational Atlas of Historic Sites, the Master Plan for Historic Preservation, or the land records.

7. Nonconforming Use Certification

The owner of property who wishes to establish that the use of the property is nonconforming, under the provision of this Code, must submit an application in a form prescribed by DPS. A nonconforming use certification must be issued by DPS if DPS determines that the use of the property is a nonconforming use as defined herein.

B. Exceptions

1. Housing Projects Constructed before 1945

Repairs, structural alterations, and additions may be made to any housing project constructed before January 1, 1945, with 3 or more one-family detached dwelling units, that was owned by any government agency when originally constructed, except that:

- a. the number of dwelling units in the housing project must not be increased;
- b. a subdivision of land must not be affected by the repairs, alterations, or additions;
- c. repairs, structural alterations, or additions must not reduce any front yard to less than the average of all front yards on the same side of the right-of-way. The average is computed from the centerline of the right-of-way on which the dwelling fronts to the existing front building line of the dwelling. This average must not be reduced below the average on March 1, 1959;
- d. repairs, structural alterations, or additions must not reduce any side yard between dwellings to less than 18 feet;
- e. repairs, structural alterations, or additions must not decrease any rear yard to less than 20 feet or decrease the sum of the rear yards between any 2 dwellings to less than 40 feet; and
- f. buildings and structures must not cover more than 25% of the net area of the lot.

2. Opportunity Housing Project

A housing project developed under Chapter 2, Article IX is not a nonconforming use.

3. Swimming Pools for Motels

One swimming pool may be constructed on land adjoining a motel if the land was used before June 1, 1958 for a nonconforming motel use. However, the swimming pool must be used only by the guests or occupants of that motel.

4. Repair of Dwellings on Flood Plains

If a detached house existing on September 1, 1971, that is located within a 100-year flood plain and abuts a creek or other recess, cove, bay, or inlet in the shore of a river, is damaged or destroyed by flood to the extent of not more than 75% of the reconstruction value of the building, the dwelling may be repaired or reconstructed to preexisting dimensions.

5. Nonconformity through Public Taking

A building or structure is not a nonconforming building or structure if:

- a. the building or structure:
 - i. was otherwise lawful on:
 - (a) June 1, 1958; or
 - (b) the date of an amendment to this Chapter; or
 - ii. is on an otherwise lawful lot; and
- b. the lot on which the building or structure is located is reduced in area by a taking under eminent domain or another government action that would otherwise make the building or structure nonconforming because a dimension of the building or structure, or the location on the lot, is deficient.

The building or structure may be repaired, altered, or reconstructed, if it is an otherwise lawful use, except that the construction must not change any dimension of the building or structure that is deficient.

6. Alteration, Renovation, Enlargement, and Reconstruction of a

Nonconforming Detached House

A detached house built on a lot recorded on or after June 1, 1958, that is a nonconforming building, may be:

- a. altered, renovated, or enlarged under the zoning development standards in effect for the zone when the dwelling was originally constructed; or
- b. reconstructed after a fire, flood, or similar event, under the zoning development standards in effect for the zone when the dwelling was originally constructed, except that the maximum building height for the zone in effect when the dwelling is reconstructed applies to the reconstruction.

7. Residential Lots Reclassified from R-60 to R-90 Zone

A lot in the R-90 zone that was recorded by deed or subdivision plat in the R-60 zone before June 26, 1990, may be developed with a detached house and accessory structures under the development standards of the R-60 zone that were in effect when the lot was recorded.

C. Noncomplying Multi-Unit Dwellings**1. Legislative Purpose**

The District Council for Montgomery County, Maryland, hereby finds that since March 6, 1928, the effective date of the first Montgomery County Zoning Ordinance, and continuing to date, there has existed within the county the practice of converting single family residences located in single family zones to use as multi-family residential uses; that during World War II and immediately thereafter there existed a severe housing shortage in the Washington, D.C. metropolitan area, including Montgomery County, Maryland; that during the above-referenced period the housing shortage was appreciably abated and remedied by the acts of owners of single family residences, many of which were located in single family zones, in converting said single family residences to multi-family residential uses; that while it is established that conversions from single to multi-family residential use were conducted throughout the County, it is further established that the majority of the structures converted were located in Takoma Park, Maryland; and that the conversions of single to multi-family residential use were encouraged by and conducted with the knowledge and tacit approval of the City of Takoma

Park and the Maryland- National Capital Park and Planning Commission, the state agency and body corporate which until October 1951, was vested with the power, duty and responsibility for the enforcement of the zoning laws in Montgomery County, Maryland and the City of Takoma Park. The County Council further finds that in February 9, 1953, because of its inability to ascertain which residences located in a single-family zone were lawful uses, nonconforming uses or unlawful uses, the City of Takoma Park passed Ordinance No. 1166 which implied in part, that single family residences converted to multi-family use in contravention of the zoning ordinance would be deemed lawful if the owners of said residences registered them with the City of Takoma Park; that the original owners and the transferees of the owners of the single family residences converted to multi-family residential use have continued to operate such use in reliance upon the representations of the City of Takoma Park that such uses were lawful, if registered; that purchasers who have paid the higher market value and taxes incident thereto for income producing property have relied upon representations by the City of Takoma Park that such uses were lawful, if registered. The County Council further finds that there continues to exist a serious shortage of dwelling units in Montgomery County; that the past conversions of single family residences to multi-family residential use have provided and continue to provide a source of low and moderate income dwelling units in the county; that some of the single family residences converted to multi-family residential uses are owned by senior adults whose livelihood is largely dependent upon income from the rental units. The District Council recognizes that because the records concerning zoning enforcement prior to October 1951 transferred to the County from the Maryland-National Capital Park and Planning Commission do not provide data sufficient to determine the scope of the problem of conversions to unlawful multi-family uses and because the data offered by the City of Takoma Park merely reflects the number of owners who voluntarily registered with the city and excludes all other possible conversions, there exists no adequate means of determining which residences have been unlawfully converted to multi-family residential use subject to prosecution under the zoning ordinance. Moreover, the County Council recognizes that equitable principles argue for the protection of owners of properties and their transferees located in Takoma Park who relied upon representations

from city administrators that the conversions to multi-family residential use were lawful, and for protection of owners of properties located in Takoma Park and elsewhere in the County who, absent evidence of enforcement by the Maryland-National Capital Park and Planning Commission or by the County, assumed that theirs was a lawful use. Therefore, the County Council enacts this text amendment as a means of establishing uniform standards and criteria for remedying the problem of unlawful conversions from single family to multi-family residential uses and, in so doing, incorporates the concepts of equity necessary to protect those who should be deemed faultless. Further, the County Council finds that the date of January 1, 1954 represents the demarcation ending the period of encouragement and endorsement by government officials for conversion of single family residences to multi-family residential uses and that owners who converted prior to that date did so under color of law and should be held harmless. The Council also recognizes that enactment of this text amendment requiring phase-out of all post-1954 conversions, and phase-out no later than 10 years from the effective date of this text amendment of pre-1954 conversions, may create practical difficulties or unusual hardships. It is the Council's intention to develop and consider a legislative mechanism such as a special exception or use variance for those properties so affected to be considered for continuation. Such a mechanism to continue such uses would include a public hearing and a determination that such continuation would not be detrimental to the use of surrounding properties or the neighborhood.

2. Termination of Multi-Family Dwellings

Any building or structure located in a Residential Detached zone which, subsequent to December 31, 1953, has been used or converted to use as a multi-family dwelling and any building or structure, located in a Residential Detached zone, which at any time prior to January 1, 1954, has been used or converted to use as a multi-family dwelling must register and meet the requirements provided for registration as a noncomplying use in Section 8.7.2.C.4 (below) no later than September 1, 1979. If not registered, the noncomplying use must be discontinued and the number of dwelling units within the building or structure must be reduced to the number permitted in the zone in which the building or structure is located.

3. Temporary Continuation of Multi-Family Uses

As of March 23, 1978, any building or structure converted to multi-family use in a single family residential zone may be continued until September 1, 1979.

4. Continuation of Noncomplying Multi-Family Dwellings Existing before January 1, 1954

Any building or structure located in a single family residential zone which has been converted and used continuously as a multi-family dwelling from before January 1, 1954, to March 23, 1978, may continue the use for a period not to exceed 10 years even though the buildings, structures or uses do not comply with the regulations applicable to the zone in which the building, structure or use is located, under this Section (Sec. 8.7.2.C). Buildings or structures located in a single family residential zone which were originally constructed as multi-family dwellings are exempt from the 10-year phase-out if they meet all other requirements of this Section (Sec. 8.7.2.C).

- a. All noncomplying multi-family dwellings in existence before January 1, 1954, and converted and used continuously from before January 1, 1954, to March 23, 1978, must be registered with DPS under the following procedure:
 - i. Applications for registration must be filed on forms provided by DPS;
 - ii. Each application for registration must be accompanied by notarized affidavits or such other evidence as may be appropriate to establish that the multi-family dwelling use existed prior to January 1, 1954, and has existed continuously since then;
 - iii. Each application for registration must be accompanied by evidence of a use-and-occupancy certificate and a rental facility license, if required;
 - iv. Each application for registration must be accompanied by a registration fee.
- b. DPS must publish, in a newspaper of local distribution, notice of all applications for registrations and must allow 30 days after publication for the filing of comments by the public, other agencies, municipalities and concerned parties. DPS may hold a public hearing on any application for registration for which objections are received.

- c. DPS must make an inspection of each property for which an application for registration has been submitted and each such property must be brought into compliance with all applicable codes and regulations of both the County and municipal jurisdictions within 180 days after notification of violation or deficiencies.
 - d. DPS must deny any application or revoke or suspend any registration upon failure to comply with the provisions of this Section (Sec. 8.7.2.C) or upon conversion to other use. Any decision of DPS hereunder may be appealed to the Board of Appeals.
 - e. Structural alterations of a building or structure which do not conform to the provisions of the zoning district in which it is located may be made only if the building is being altered to conform to the provisions of this section or to conform with other applicable codes or regulations.
 - f. No registered noncomplying multi-family dwelling is allowed to be extended, expanded or increased in intensity of use in any way.
 - g. No registered noncomplying multi-family dwelling which has been changed in whole or in part to a less intensive use is allowed to revert to a more intensive use, except that the owner of noncomplying multi-family dwelling that was originally constructed as a multi-family dwelling may temporarily reduce the number of units, provided that the reason for the temporary reduction is to provide a larger unit for the property owner's own use. No noncomplying use, once abandoned, is allowed to be re-established. For the purpose of this Section (Sec. 8.7.2.C), "abandoned" is defined as the cessation of use as a multi-family dwelling for a period of 6 months or more.
 - h. In the event of destruction or serious damage by fire, flood or similar cause, no registered noncomplying multi-family dwelling is allowed to be reconstructed for the purpose of carrying on the noncomplying use. "Serious damage" shall be defined as damage which reduces the market value of any structure by more than one-half.
 - i. Each registered multi-family dwelling must be maintained in good condition and in compliance with all applicable federal, state, County and municipal laws and regulations. DPS must establish a regular schedule of inspections to be made of each registered multi-family dwelling, said inspection to coincide with the biennial rental facility licensing inspection, where applicable.
 - j. The County Executive, by written regulation, must establish administrative procedures, exterior maintenance standards necessary to protect the public health, safety and welfare, off-street parking requirements, registration fees in an amount sufficient to pay the costs to the County to administer this Section (Sec. 8.7.2.C), and an inspection schedule applicable to buildings, structures, and lands registered under this Section (Sec. 8.7.2.C). The County Executive, by written regulation, may establish an administrative procedure to allow the City of Takoma Park to administer the registration procedure for properties located in the City if the City adopts the procedures in Sec. 8.7.2.C.4. The regulation must allow the Director to vary the specific requirements for off-street parking upon a finding that the strict imposition of those requirements would be physically impossible for a noncomplying multi-family dwelling use to achieve due to lot/house configuration or other extenuating circumstances.
- 5. Special Provisions for Properties in the City of Takoma Park Annexed into Montgomery County on July 1, 1997**
- a. Any building or structure located in a single-family residential zone which has been converted and used continuously as a multi-family dwelling and has a valid use-and-occupancy permit as of January 1, 2001 may continue, provided that the use is registered with DPS. A registered multi-family use is subject to the provisions of Sections 8.7.2.C.4.b,c,d,e,f,g,i, and j. Any such multi-family use which does not register becomes noncomplying and must terminate the noncomplying use by July 1, 2001.
 - b. In the event of destruction or serious damage by fire, flood or similar cause, a registered multi-family dwelling is allowed to be reconstructed for the purpose of continuing the multi-family use. However, the use cannot be expanded beyond what is in existence at the time the use is registered. If reconstruction or repair brings the use into compliance with the provisions of the zone in which the use is located, the multi-family use cannot be reestablished.

Div. 8.8. Violations, Penalties, and Enforcement

Sec. 8.8.1. Generally

- A. Any violation of this Code may be punished as provided in state law.
- B. In addition to all other remedies provided by law, any violation of this Code may, as an alternative, be punished by a civil fine equal to the maximum allowed by the Land Use Article of the Maryland Code as amended and any penalty allowed by regulation adopted under method (2). Each day a violation continues is a separate offense.