

Council Changes to the May 2, 2013 Planning Board Draft of Chapter 59

The following list details the changes made to ZTA 13-04 by the PHED Committee and then the Council. The Council approved all of the changes made by the PHED Committee as noted in this document, unless otherwise marked. In the “Worksession when Change was Made” column, the worksession number and date refers to the 2013 PHED Committee worksessions, unless otherwise noted. Changes that were made by Staff for clarification, retaining the current rights of property owners, and correcting errors can be found in the resolution. The mark-up of ZTA 13-04 also contains editorial changes (plain English, grammar, and punctuation), which Council directed Staff to edit as needed.

ARTICLE 59-1 GENERAL ZONING ORDINANCE PROVISIONS

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change (Changes noted below reflect modifications between the May 2, 2013 and Dec. 16, 2013 drafts, unless otherwise noted as a Council change reflected in the March 4, 2013 draft)	Worksession when Change was Made
Sec. 1.4.2	Sec. 1.4.2	Sec. 1.4.2	Sec. 1.4.2	Replaced all the definitions for uses that appear in Article 59-3 with the appropriate 59-3 Section reference	Worksession 1 - June 14
n/a	Sec. 1.4.2.A	Sec. 1.4.2.A	Sec. 1.4.2.A	Added a definition for Age-Restricted per section of PHED Committee packet on 59-7 titled “Planning Staff Reply to DOT Comments”	Worksession 7 – July 30 (in packet)
n/a	Sec. 1.4.2.C	Sec. 1.4.2.C	Sec. 1.4.2.C	Added definition for Camp Retreat, Nonprofit, since this use is now specifically listed in the new Sec. 3.1.2.D regarding certain grandfathered uses that are allowed to expand	Worksession 3 – June 26
n/a	Sec. 1.4.2.C	Sec. 1.4.2.C	Sec. 1.4.2.C	Added Combination Retail with a section reference	Worksession 4 – July 1
Sec. 1.4.2.C	Sec. 1.4.2.C	Sec. 1.4.2.C	Sec. 1.4.2.C	Amended the definition of confronting so it applies only to properties fronting on streets with a master planned width of less than <u>80</u> feet	Worksession 13- Dec. 9

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change (Changes noted below reflect modifications between the May 2, 2013 and Dec. 16, 2013 drafts, unless otherwise noted as a Council change reflected in the March 4, 2013 draft)	Worksession when Change was Made
n/a	Sec. 1.4.2.D	Sec. 1.4.2.D	Sec. 1.4.2.D	Added definition for <i>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone</i> with appropriate section reference per PHED Committee's decision to remove the general building from the Agricultural, Rural Residential, and Residential zones	Worksession 12- Dec. 2
n/a	Sec. 1.4.2.G	Sec. 1.4.2.G	Sec. 1.4.2.G	Add language to clarify that a grocery store is not Combination Retail	Worksession 12- Dec. 2
n/a	n/a	Sec. 1.4.2.H	Sec. 1.4.2.H	Added "Height" to the definition section, with the appropriate cross-reference	Council Worksession – January 2014
n/a	n/a	Sec. 1.4.2.O	Sec. 1.4.2.O	Added "Open Space" to the definition section, with the appropriate cross-reference	Council Worksession – January 2014
Sec. 1.4.2.P	Sec. 1.4.2.P	Sec. 1.4.2.P	Sec. 1.4.2.P	Deleted definitions for Parking Benefit District; Parking Benefit District, Primary; and Parking Benefit District, Secondary and replaced with following new terms and definitions: Parking Lot District and Reduced Parking Area	Worksession 11 – Sept. 27
Sec. 1.4.2.P	Sec. 1.4.2.P	Sec. 1.4.2.P	Sec. 1.4.2.P	Replaced definition of Person with Disability with the federal definition	Worksession 12- Dec. 2
Sec. 1.4.2.T	Sec. 1.4.2.T	Sec. 1.4.2.T	Sec. 1.4.2.T	Deleted "and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility" to match current definition (this change is	Worksession 4 – July 2

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change (Changes noted below reflect modifications between the May 2, 2013 and Dec. 16, 2013 drafts, unless otherwise noted as a Council change reflected in the March 4, 2013 draft)	Worksession when Change was Made
				accidentally not marked, it should be bracketed in the Oct. 11 draft)	

ARTICLE 59-2 ZONES

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	n/a	n/a	n/a	Reorganized Article 59-2 so that it contains only the establishment of zones and zoning categories and zoning map language; intent statements and other zone-centric language was moved to Article 59-4	Council Worksession – January 2014
Sec. 2.1.2.G	Sec. 2.1.2.G	Sec. 2.1.2.A.7	Sec. 2.1.2.A.7	Deleted categorizations in 1. through 6. under G. Overlay as no longer categorizing Overlay zones into Commercial Preservation, Industrial Mixed Use, Neighborhood Protection, etc.; Overlay zones will be alphabetized by name instead.	Worksession 5 – July 12
n/a	n/a	n/a	Sec. 2.1.3.D.2	Added language stating that that the number following the classification of the zone is the maximum unless additional FAR or height is allowed under “T” language or MPDU public benefit	March 4 Council Action
n/a	n/a	n/a	Sec. 2.1.3.E.2	Added language stating that that the number following the classification of the zone is the maximum unless additional FAR or height is allowed under “T” language or MPDU	March 4 Council

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				public benefit	Action
Sec. 2.1.3.B.1	Sec. 2.1.3.B.1	Sec. 4.2.1.C	Sec. 4.2.1.C	Deleted the last line in B.1 of the Agricultural zone Intent statement (“Residential uses should be located....”); moved to Article 59-4	Worksession 1 – June 14
Sec. 2.1.6.A.6.a	Sec. 2.1.6.A.6.a	Sec. 4.5.2.C.1	Sec. 4.5.2.C.1	Deleted “are temporary and” in the description of special provisions for “T” in Commercial/Residential zones	Worksession 3 – June 28
Sec. 2.1.6.A.6.b	Sec. 2.1.6.A.6.b	Sec. 4.5.2.C.2	Sec. 4.5.2.C.2	Amended the “T” language regarding treatment of MPDU density to clarify language; per meeting with Council Staff, language is further modified from what was provided in the analyst packet for PHED Committee Staff further modified the “T” language to make it compatible with the Council’s amendment to MPDU public benefits and retain how the “T” zones currently function under Chapter 25A	Worksession 3 – June 28 Council Worksession – January 2014 (result of)
n/a	Section 2.1.6.A.6. b.iii	Sec. 4.5.2.C.2	Sec. 4.5.2.C.2	Exempt certain properties currently zoned CBD from one of the FAR Averaging provisions	Worksession 13- Dec. 9
n/a	Sec.2.1.6. A.6.b.iv	Sec. 4.5.2.C.2.f	Sec. 4.5.2.C.2.f	Added language to allow the Planning Board to approve a higher height on one portion of a building as long as the average height of the building does not exceed the maximum height of the mapped C/R zone with a T designation	Worksession 13- Dec. 9

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 2.1.6.B	Sec. 2.1.6.B	Sec. 4.5.1	Sec. 4.5.1	Amended the intent statement of the Commercial/Residential zones: intensities changed to densities; deleted “while minimizing their reliance on automobile use”; deleted policy from “policy recommendations”; changed “reduce dependence on the automobile by encouraging” to “encourage”	Worksession 3 – June 28
Sec. 2.1.7.A.6.a	Sec. 2.1.7.A.6.a	Sec. 4.6.2.C.1	Sec. 4.6.2.C.1	Deleted “are temporary and” in the description of special provisions for “T” in Employment zones	Worksession 3 – June 28
Sec. 2.1.7.A.6.b	Sec. 2.1.7.A.6.b	Sec. 4.6.2.C.2	Sec. 4.6.2.C.2	Amended the “T” language regarding treatment of MPDU density to clarify language; per meeting with Council Staff, language is further modified from what was provided in the analyst packet Staff further modified the “T” language to make it compatible with the Council’s amendment to MPDU public benefits and retain how the “T” zones currently function under Chapter 25A	Worksession 3 – June 28 Council Worksession – January 2014 (result of)
Sec. 2.1.7.B.	Sec. 2.1.7.B	Sec. 4.6.1	Sec. 4.6.1	Amended the intent statement of the Employment zones: intensities changed to densities; deleted “while minimizing their reliance on automobile use”; deleted policy from “policy recommendations”; changed “reduce dependence on the automobile by providing” to “provide”; deleted “urban commercial areas”	Worksession 3 – June 28 Worksession 4 – July 2
Sec. 2.1.9.A	Sec. 2.1.9.A	Sec. 2.1.3.G	Sec. 2.1.3.G	For Overlay zones, deleted all of A. Zones Established and replaced with new language that includes organizing Overlay zones by alphabetical order	Worksession 5 – July 12

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 2.1.9.A.5.c	Sec. 2.1.9.A.3	Sec. 2.1.3.G.3	Sec. 2.1.3.G.3	Amended language for TDR Overlay zones to include the density designation as part of the establishment of the zone	Worksession 5 – July 12
Sec. 2.1.9.B	Sec. 2.1.9.B	Sec. 4.9.1.A	Sec. 4.9.1.A	For Overlay zones, deleted all of B. Intent Statements and replaced it with a single intent statement for the Overlay zones (each Overlay zone has its own purpose statement in 59-4)	Worksession 5 – July 12
Sec. 2.1.10.B	Sec. 2.1.10.B	Sec. 5.1.2	Sec. 5.1.2	Retained the first paragraph under “In General” and replaced 1.a-f and 2-5. with the Floating zone purpose statement that had been in Article 59-5 (each Floating zone category will now have its own purpose statement in Article 59-5) When Council reorganized Chapter 59, the Floating zone intent Statement moved to Division 5.1	Worksession 11 – Sept. 27 Council Worksession – January 2014
Sec. 2.2.1.B.5	Sec. 2.2.1.B	Sec. 2.2.1.B	Sec. 2.2.1.B	Deleted “5. administrative zoning district line adjustments...”	Worksession 8 – Sept. 13
n/a	Sec. 2.2.1	Sec. 2.2.1.A	Sec. 2.2.1.A	Added the requirement for physical copies of the electronic map for DPS, BoA, Planning Staff when it is first approved and for every Council-approved zoning change thereafter, to allow detection of any tampering with online maps.	Worksession 12- Dec. 2

ARTICLE 59-3 USES AND USE STANDARDS

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	n/a	n/a	n/a	Amended “Board of Appeals” to “Hearing Examiner” in all mentions of conditional use approval	Worksession 8 – Sept. 13
n/a	Sec. 3.1.2.D	Sec. 3.1.2.D	Sec. 3.1.2.D	Added a new section “Grandfathered Uses Not Indicated with a P, L, or C in Sec. 3.1.6” to account for Educational Institution (Private) in the AR zone and Camp Retreat, Nonprofit in the RC zone	Worksession 1 – June 14 Worksession 3 – June 26
Sec. 3.1.2.D	Sec. 3.1.2.E	Sec. 3.1.2.E	Sec. 3.1.2.E	Amended “Uses not Specifically Listed” as recommended by DPS, including flexibility in the sentence concerning prohibited land uses	Worksession 5 – July 12
Sec. 3.1.6	Sec. 3.1.6	Sec. 3.1.6	Sec. 3.1.6	Amended the Use Table including: <ul style="list-style-type: none"> - indicating L/C where appropriate (Equestrian Facility, Winery, Attached and Detached Accessory Apartment, Drive-thru, Telecommunications Tower, Country Inn, Rec and Entertainment Facility, Indoor, Mining Excavation); - adding Agricultural Education/Tourism to the AR zone as an “L”; Council then removed Agricultural Education/Tourism as use from the use table, and incorporated it in the definition of Farming - adding Combination Retail as a “C” to the CRT, CR, GR, NR zones; - deleting Farm Tenant Dwelling from R-90 thru R-40; deleting Campground from the RC zone, which is now covered by the new Sec. 3.1.2.D; and 	Worksession 1 – June 14 Worksession 2 – June 21 Worksession 4 – July 2 Worksession 11 – Sept. 27 Worksession 12- Dec. 2 Worksession 13- Dec. 9 Council

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				<ul style="list-style-type: none"> - changing Educational Institution (Private) from “P” to “L” in IL and IM - added Lawn Maintenance Service as an ‘L’ in Ag, Rural Res, Res, C/R and Employment zones - remove Animal Husbandry Use - change Farming from a ‘L’ to an ‘P’ in R-200, R-90, R-60 and R-40 zones - Council added Urban Farming to the IH zone as an “L” 	Worksession – January 2014
Sec. 3.2.6.A.1 Sec. 3.2.6.A.2	Sec. 3.2.6.A.1 Sec. 3.2.6.A.2	Sec. 3.2.6.A and Sec. 3.2.6.B	Sec. 3.2.6.A and Sec. 3.2.6.B	Deleted “within/in Montgomery or adjacent counties” from Farming definition	Worksession 2 – June 21
Sec. 3.2.6	Sec. 3.2.6	Sec. 3.2.6	Sec. 3.2.6	<p>Added a provision in the definition of Farming addressing agricultural education/tourism as an accessory use to Farming, limiting the footprint of structures that can be constructed primarily for the use of education and tourism</p> <p>Added a provision for composting as an accessory use to Farming allowing up to 20% of the materials used in accessory processing of mulch/compost to come from off-site sources</p>	Council Worksession – January 2014
Sec. 3.2.7.A.2.a	Sec. 3.2.7.A.2.a	Sec. 3.2.7.A.2.a	Sec. 3.2.7.A.2.a	Amended Nursery (Retail) limited use standard (for Industrial zones) from “allowed GFA” to “mapped FAR” to align with changes made during PHED to other uses in the	Worksession 5 – July 12

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				Industrial zones	
Sec. 3.2.9.B.1	Sec. 3.2.9.B.1	Sec. 3.2.9.B.1	Sec. 3.2.9.B.1	Modified the provision requiring a 2,500 square foot property for Urban Farming so that it doesn't apply to the keeping of bees.	
n/a	Sec. 3.2.11.A	n/a	n/a	Added Agricultural Education/Tourism definition and limited use standards; Council then deleted this section as it removed Agricultural Education/Tourism as use, and incorporated it in the definition of Farming	Worksession 11 – Sept. 27 Worksession 12- Dec. 2 Council Worksession – January 2014
Sec. 3.2.11.A	Sec. 3.2.11	Sec. 3.2.11	Sec. 3.2.11	Removed Animal husbandry use and standards	Worksession 12- Dec. 2
Sec. 3.2.12.A.2	Sec. 3.2.12.A.2	Sec. 3.2.12.A.2	Sec. 3.2.12.A.2	Modified Agricultural Vending so that frontage is now required on a 2-lane road instead of a 4-lane road	Council Worksession – January 2014
Sec. 3.2.12.B.2	Sec. 3.2.12.B.2	Sec. 3.2.12.B.2	Sec. 3.2.12.B.2	Added limited use standards to Seasonal Outdoor Sales: limit the temporary permit to a maximum of 45 days and a maximum of 2 permits per site annually; require a plan demonstrating adequate circulation, etc; prohibit obstructions that adversely affect visibility; restrict evergreen tree sales to the first Saturday following Thanksgiving day thru Dec. 24; and exempt evergreen tree sales from some other limited use standards	Worksession 5 – July 12 Worksession 12- Dec. 2

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 3.3.3.E.2.f	Sec. 3.3.3.E.2	Sec. 3.3.3.E.2	Sec. 3.3.3.E.2	Deleted the use Farm Tenant Dwelling use standards pertaining to R-90, R-60, and R-40 since no longer allowing this use in these zones	Worksession 2 – June 21
Sec. 3.4.5.C.1	Sec. 3.4.5.C.1	Sec. 3.4.5.C.1	Sec. 3.4.5.C.1	Added a limited use standard for Educational Institution (Private) in the IL and IM zone: limited to trade, artistic, technical instruction	Worksession 4 – July 2
Sec. 3.4.6.B.2	Sec. 3.4.6.B.2.h	Sec. 3.4.6.B.2.h	Sec. 3.4.6.B.2.h	For hospitals, added a conditional use standard that says in the Residential and Industrial zones, the maximum FAR is established by the conditional use approval; During Council sessions, Staff removed the reference to the Residential zones (this was an accidental holdover; once PHED deleted the General Building, the residential zones should have been removed from the above condition.)	Worksession 11 – Sept. 27 Council Worksession – January 2014
Sec. 3.4.10.B	Sec. 3.4.10.B.2	Sec. 3.4.10.B.2	Sec. 3.4.10.B.2	Added a use standard for Religious Assembly for grandfathering parcels of a certain size	Worksession 11 – Sept. 27
Sec. 3.5.1.B.2.b .i.(g)	Sec. 3.5.1.B.2.b .i.(g)	Sec. 3.5.1.B.2.b .i.(g)	Sec. 3.5.1.B.2.b .i.(g)	For Animal Boarding and Care, amended 50 feet setback from any lot line for all buildings and accessory structures to 75 feet setback (incorrectly marked as a blue/non-PHED change)	Worksession 2 – June 21
Sec. 3.5.3.A.2	Sec. 3.5.3.A.2	Sec. 3.5.3.A.2	Sec. 3.5.3.A.2	Deleted the limited use standards iii – vi; Added language for a Country Inn as a conditional use, including some of the limited use standards that were deleted	Worksession 2 – June 21

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 3.5.3.A.2	Sec. 3.5.3.A.2.a .i	Sec. 3.5.3.A.2.a .i	Sec. 3.5.3.A.2.a .i	Amended the limited use standards to ensure development plan amendments for existing Country Inns are also grandfathered	Worksession 12- Dec. 2
Sec. 3.5.3.B.2.a .ii	Sec. 3.5.3.B.2.a .ii	Sec. 3.5.3.B.2.a .ii	Sec. 3.5.3.B.2.a .ii	Amended the maximum % of FAR for a Restaurant or combination of office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	Worksession 5 – July 12
Sec. 3.5.8.B.2.a .ii	Sec. 3.5.8.B.2.a .ii	Sec. 3.5.8.B.2.a .ii	Sec. 3.5.8.B.2.a .ii	Amended the maximum of FAR for an Office or combination of office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	Worksession 5 – July 12
Sec. 3.5.10.B.2. a	Sec. 3.5.10.B.2	Sec. 3.5.10.B.2	Sec. 3.5.10.B.2	Deleted the limited use standard for campground. This was in there to accommodate the Camp Retreat, Nonprofit, which is now accounted for in the new Sec. 3.1.2.D	Worksession 3 – June 26
n/a	Sec. 3.5.11.A	Sec. 3.5.11.A	Sec. 3.5.11.A	Added Combination Retail as a use with definition and use standards	Worksession 4 – July 2
n/a	Sec. 3.5.11.A.1	Sec. 3.5.11.A.1	Sec. 3.5.11.A.1	Added language to clarify that Combination Retail is not a grocery store	Worksession 12- Dec. 2
Sec.	Sec.	Sec.	Sec.	Amended the maximum of FAR for a Retail/Service Establishment or combination of	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
3.5.11.A.2. a. vii	3.5.11.B.2. a. vii	3.5.11.B.2. a. vii	3.5.11.B.2. a. vii	office, retail, restaurant in the IL and IM zones to 35% of the mapped FAR	5 – July 12
Sec. 3.5.11.A.2. a.iv	Sec. 3.5.11.B.2. b.vii	Sec. 3.5.11.B.2. b.vii	Sec. 3.5.11.B.2. b.vii	Added a provision that allows the Planning Board to modify certain limited use standards for a development in the CRT, CR, GR and NR zones that is within ½ mile of metro with a footprint of 50,000 sf or more or with 100,000 sf or more designed for a single user if the total project is greater than 500,000 sf.	Worksession 13- Dec. 9
Sec. 3.5.11.A.2. b	Sec. 3.5.11.B.2. b	Sec. 3.5.11.B.2. b	Sec. 3.5.11.B.2. b	For Retail/Service Establishment, deleted conditional use standards ii through iv as these were there to accommodate Combination Retail, which has now been pulled out as a separate use	Worksession 5 – July 12
Sec. 3.5.12.B.1	Sec. 3.5.12.B.1	Sec. 3.5.12.B.1	Sec. 3.5.12.B.1	Amended the definition of Light Vehicle Sales and Rental (Indoor) to allow major vehicle repair and indoor storage of vehicles for sale	Worksession 12- Dec. 2
Sec. 3.5.12.C.1	Sec. 3.5.12.C.1	Sec. 3.5.12.C.1	Sec. 3.5.12.C.1	Amended the definition of Light Vehicle Sales and Rental (Outdoor) to allow major vehicle repair and outdoor storage of vehicles for sale	Worksession 12- Dec. 2
Sec. 3.5.13.C	Sec. 3.5.13.C	Sec. 3.5.13.C	Sec. 3.5.13.C	Amended the definition of Filing Station to include any type of energy source for a vehicle. Amended the use standards by removing the minimum site size requirement; clarifying access from a residential street; allowing for a care share space; and requiring that the Board of Appeals must find that there is adequate parking for all accessory uses; correcting the 0.1 footcandles maximum so that it applies when abutting all Residential zones, not just Residential Detached zones	Worksession 4 – July Worksession 6 – July 19

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	Sec. 3.5.14.E.2. b	Sec. 3.5.14.E.2. b	Sec. 3.5.14.E.2. b	<p>Added a limited use standard for a Restaurant with a Drive-Thru prohibiting access to the site from a street with a residential classification. Amend the provision for a 5 foot wall or fence to be 3 feet. Added the option for a Drive-Thru to go through the conditional use process if the use cannot satisfy limited use standards. Added conditional use standards based on the current code.</p> <p>The change in the wall or fence from 5 feet to 3 feet, the option for Drive-Thru to go through conditional use process. The conditional use standards were accidentally left out of the December 16 PHED draft and thus have been added to the Council draft</p>	<p>Worksession 12- Dec. 2 Worksession 13- Dec. 9 Council Worksession – January 2014</p>
n/a	Sec. 3.5.14.G	Sec. 3.5.14.G	Sec. 3.5.14.G	Added a Lawn Maintenance Service use with limited use standards based on current code. Currently, Lawn Maintenance Service is allowed under Home Occupation.	Worksession 12- Dec. 2
n/a	Sec. 3.6.9.B.2	Sec. 3.6.9.B.2	Sec. 3.6.9.B.2	Added limited use standard to allow an existing resource recovery businesses to continue	Worksession 12- Dec. 2
Sec. 3.7.4.B	Sec. 3.7.4.B	Sec. 3.7.4.B	Sec. 3.7.4.B	Amended definition of Accessory Use to clarify that any permitted or limited use in a zone may be an accessory use to any other use in the same zone as noted during the Filing Station conversation	Worksession 4 – July 2

ARTICLE 59-4 DEVELOPMENT STANDARDS FOR EUCLIDEAN ZONES (*PREVIOUSLY - EUCLIDEAN ZONE REQUIREMENTS: IN GENERAL AND STANDARD METHOD*)

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	n/a	n/a	n/a	Reorganized all of Article 59-4 to be more zone-centric (both standard and optional method is now in Article 59-4; intent statements are now with their respective zones in Article 59-4)	Council Worksession – January 2014
n/a	n/a	n/a	n/a	Amended “apartment/condo” building type to “apartment” throughout entire Chapter	Worksession 4 – July 2
Sec. 4.1.3	Sec. 4.1.3	Sec. 4.1.3	Sec. 4.1.3	Amended the Building Types so that the ones in this Section only apply to Agricultural, Rural Residential, and Residential zones (as a result, removed the multi use building from this Section). Deleted the general building and changed the name of the detached house to <i>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone</i> . As a result, removed “general” building in relation to Agricultural, Rural Residential, and Residential zones throughout entire Chapter	Worksession 12- Dec. 2
Sec. 4.1.4	Sec. 4.1.4	Sec. 4.1.4	Sec. 4.1.4	Amended the Building Types Allowed by Zone so that the table only applies to Agricultural, Rural Residential, and Residential zones (as a result, removed the multi use building from this Section). Deleted the general building and changed the name of the detached house to <i>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use or conditional use allowed in the zone</i> Clarified	Worksession 12- Dec. 2

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				which building types are allowed in which zones in the TDR Overlay zone	
n/a	Sec. 4.1.5	Sec. 4.1.5	Sec. 4.1.5	Added a section for Building Types in the Commercial/Residential, Employment, and Industrial zones (text that was previously in Sec. 4.1.3)	Worksession 9 – Sept. 17 Worksession 12- Dec. 2
n/a	Sec. 4.1.6	Sec. 4.1.6	Sec. 4.1.6	Added a section for Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial zones (text that was previously in Sec. 4.1.4)	Worksession 9 – Sept. 17 Worksession 12- Dec. 2
Sec. 4.1.5.A.1	Sec. 4.1.7.A.1	Sec. 4.1.7.A.1	Sec. 4.1.7.A.1	Amended language to allow land purchased by a government for a nominal value to be included in the tract area	March 4 Council Action
Sec. 4.1.5.C.2	Sec. 4.1.7.B.2	Sec. 4.1.7.B.2	Sec. 4.1.7.B	Deleted the language regarding corner lots as it was no longer needed once development standard tables were amended to retain the current setback provision for accessory buildings along the side street of a corner lot. (The definition was already in the definitions section)	March 4 Council Action
Sec. 4.1.5.D.1.b	Sec. 4.1.7.C.1.b	Sec. 4.1.7.C.1.b	Sec. 4.1.7.C.1.b	Amended the language about height to retain the current method of averaging to determine the height of a building	March 4 Council Action
n/a	Sec. 4.1.8	Sec. 4.1.8	Sec. 4.1.8	Amended setback and height compatibility standards (from Section 7.4.3 and Section 7.4.4 in the May 2 draft) to be more clear, to clarify applicability and how height is measured when the height compatibility applies to side or rear of building, and to	Worksession 9 – Sept. 17

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				remove the ability for alternative compliance	
n/a	Sec. 4.2.2.B	Sec. 4.2.1.C	Sec. 4.2.1.C	Added B. Location of Residential Uses with the last line from B.1 of the Agricultural zone Intent statement	Worksession 1 – June 14
Sec. 4.2.5	Sec. 4.2.5	Sec. 4.2.1.F	Sec. 4.2.1.F	Amended the development standards table for the AR zone. Deleted site coverage and specification for site coverage; reorganized B. Lot and Density to include Voluntary Conservation Lots and related specifications; added a row for Density (units/lot; clarified that nonresidential buildings require a 25 acre site and can only have one lot per 25 acres; amended nonresidential building coverage for a lot to be 5%); in the Council draft, Staff removed the units/lot density retaining only the lots/acre as necessary for the density requirement	Worksession 6 – July 19 Council Worksession – January 2014
Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.1.F, Sec. 4.3.3.B, Sec. 4.3.4.B, Sec. 4.3.5.C, Sec. 4.4.4.B, Sec. 4.4.5.B,	Sec. 4.2.1.F, Sec. 4.3.3.B, Sec. 4.3.4.B, Sec. 4.3.5.C, Sec. 4.4.4.B, Sec. 4.4.5.B,	Amended Specification for an accessory building or structure for animal or fowl to exclude a household pet, as is currently allowed	Worksession 11 – Sept. 27

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
		Sec. 4.4.6.B	Sec. 4.4.6.B		
Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.5, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5	Sec. 4.2.1, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5, Sec. 4.4.6	Sec. 4.2.1, Sec. 4.3.3, Sec. 4.3.4, Sec. 4.3.5, Sec. 4.4.4, Sec. 4.4.5, Sec. 4.4.6	Added Buildings used for Agriculture Associated with Farming must satisfy the standards of an accessory structure, except that it is exempt from the height limits; Deleted the line for Agricultural buildings under D. Height	Worksession 1 – June 14
Sec. 4.4.6, Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9	Sec. 4.4.6, Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9	Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9, Sec. 4.4.10	Sec. 4.4.7, Sec. 4.4.8, Sec. 4.4.9, Sec. 4.4.10	Added Buildings used for Agriculture Associated with Farming must satisfy the standards of an accessory structure, except that the maximum height is 50 feet; deleted the line for Agricultural buildings under D. Height	Worksession 1 – June 14
Sec. 4.4.4 thru Sec. 4.4.9 and Sec. 6.1.3 thru Sec. 6.1.5 and Sec. 6.2.3 thru Sec. 6.2.5	Sec. 4.4.4 thru Sec. 4.4.9 and Sec. 6.1.3 thru Sec. 6.1.5 and Sec. 6.2.3 thru Sec. 6.2.5	Sec. 4.4.4 thru Sec. 4.4.10	Sec. 4.4.4 thru Sec. 4.4.10	Amended development standard tables to retain the current setback provisions for corner lots	March 4 Council Action

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 4.5.1.A	Sec. 4.5.1.A	Sec. 4.5.2	Sec. 4.5.2	Replaced the paragraph directing readers to Sec. 2.1.6.A.4 with the text from that section reference, indicating the density and height ranges allowed for the Commercial/Residential zones and the increments in which the zone can be established Council then added language stating that that the number following the classification of the zone is the maximum unless additional FAR or height is allowed under “T” language or MPDU public benefit	Worksession 4 – July 2 March 4 Council Action
Sec. 4.6.1.A	Sec. 4.6.1.A	Sec. 4.6.2	Sec. 4.6.2	Replaced the paragraph directing readers to Sec. 2.1.7.A.4 with the text from that section reference, indicating the density and height ranges allowed for the Employment zones and the increments in which the zone can be established Council then added language stating that that the number following the classification of the zone is the maximum unless additional FAR or height is allowed under “T” language or MPDU public benefit	Worksession 4 – July 2 March 4 Council Action
Div. 6.6	Div. 6.6	Div. 4.7	Div. 4.7	Amended the public benefits to retain the number of categories, points required and maximum points achievable per benefit as they currently exist in Chapter 59, with the exception that Council retained the PHED changes to MPDU public benefits, and TDRs remain a public benefit point for projects in a TDR Overlay zone. Additionally, the provisions for the public benefit Major Public Facility were amended to clarify the Planning Board’s discretion to approve major public facilities that are not specifically recommended in a master plan.	Council Worksession – January 2014
Sec. 4.7.1.A	Sec. 4.7.1.A	Sec. 4.8.2	Sec. 4.8.2	Replaced the paragraph directing readers to Sec. 2.1.8.A.3 with the text from that section reference, indicating the density and height ranges allowed for the Industrial zones and the increments in which the zone can be established	Worksession 4 – July 2

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 4.8.1.A	Sec. 4.8.1.A	Sec. 4.9.1.B	Sec. 4.9.1.B	Amended applicability so that Overlays are tied to master plans when approved by a Sectional Map Amendment	Worksession 11 – Sept. 27
Sec. 4.8.2 through Sec. 4.8.7	Sec. 4.8.2 through Sec. Sec. 4.8.16	Sec. 4.9.2 through Sec. 4.9.16	Sec. 4.9.2 through Sec. 4.9.16	Deleted Sec. 4.8.2 through Sec. 4.8.7 and replaced it with Sec. 4.8.2 through Sec. 4.8.16, effectively getting rid of the categorization of the Overlays (CP, NP, IMU, SPA, etc.) and alphabetizing them by name. As a result, changes throughout these Sections include changing Overlay zone names by deleting the preface (for example, CP-BEA is now just BEA)	Worksession 5 – July 12
Sec. 4.8.2.A	Sec. 4.8.2	Sec. 4.9.2	Sec. 4.9.2	Deleted some grandfathering provisions for uses and existing buildings in the Burtonsville Employment Area Overlay as they are covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.2.D.2	Sec. 4.8.8.B	Sec. 4.9.8.B	Sec. 4.9.8.B	Added Combination Retail to the list of permitted uses for the Regional Shopping Center Overlay	Worksession 4 – July 2
Sec. 4.8.2.D.5	Sec. 4.8.8.E	Sec. 4.9.8.E	Sec. 4.9.8.E	Amended the parking requirement for Regional Shopping Center from 5.5 to 4 spaces per 1,000 SF of Gross Leasable Area and deleted the paragraph about 15% reduction if the entrance is within 1,600 feet of a Metrorail station	Worksession 5 – July 12
Sec. 4.8.4.A.3 and Sec. 4.8.4.A.5	Sec. 4.8.5.C and Sec. 4.8.5.E	Sec. 4.9.5.C and Sec. 4.9.5.E	Sec. 4.9.5.C and Sec. 4.9.5.E	Deleted the grandfathering language in the Fenton Village Overlay pertaining to a project plan under development standards and some existing building language as it is covered by the general grandfathering section	Worksession 5 – July 12
Sec.	Sec.	Sec.	Sec.	Deleted some grandfathering language in the Ripley/South Silver Spring Overlay	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
4.8.4.C.5	4.8.9.E	4.9.9.E	4.9.9.E	pertaining to existing buildings as it is covered by the general grandfathering section	5 – July 12
Sec. 4.8.4.D.3	Sec. 4.8.10.C	Sec. 4.9.10.C	Sec. 4.9.10.C	Deleted some grandfathering language in the Rural Village Center Overlay pertaining to development standards as it is covered by the general grandfathering section	Worksession 5 – July 12
Sec. 4.8.4.E.3	Sec. 4.8.11.C	Sec. 4.9.11.C	Sec. 4.9.11.C	Added Combination Retail to the list of prohibited uses in the Sandy Spring/Ashton Rural Village Overlay	Worksession 4 – July 2

ARTICLE 59-5 FLOATING ZONE REQUIREMENTS

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 5.1.2	Div. 5.1	Sec. 5.1.2	Sec. 5.1.2	Deleted the entire Purposes section as this was moved to Article 59-2 to serve as the intent statement for Floating zones in general When Council reorganized Chapter 59 to make it more zone-centric, the intent statement moved back to Div. 5.1	Worksession 11 – Sept. 27 Council Worksession – January 2014
Sec. 5.1.3	Sec. 5.1.2	Sec. 5.1.3	Sec. 5.1.3	Amended Floating zone Applicability, including requiring that the subject property front on a nonresidential street or abut or confront property not in an Agricultural, Rural	Worksession 11 – Sept. 27

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				Residential, or Residential Detached zone when applying for certain Floating zones, including Residential Townhouse Floating (TF) zones on a Residential base zone; also amended Prerequisites	Worksession 13- Dec. 9
n/a	Sec. 5.1.3.B	Sec. 5.1.4.B	Sec. 5.1.4.B	Added paragraph B. about amendments to a Floating zone	Worksession 11 – Sept. 27
Sec. 5.1.3.E	Sec. 5.1.3	Sec. 5.1.4	Sec. 5.1.4	Deleted “E. A Floating zone application that meets the prerequisites and requirements of Article 59-5 may not be sufficient to require approval of the application” as it will now be placed in Article 59-8 under Necessary Findings for a Local Map Amendment	Worksession 8 – Sept. 13
n/a	Sec. 5.2.2	Sec. 5.2.2	Sec. 5.2.2	Added a purpose clause specific to the Residential Floating zones	Worksession 11 – Sept. 27
Sec. 5.2.2.A	Sec. 5.2.3.A	Sec. 5.2.3.A	Sec. 5.2.3.A	Amended some of the allowed uses in the higher density residential floating zones (from CRT to CRN and from CR to CRT)	Worksession 11 – Sept. 27
Sec. 5.2.4.A.1	Sec. 5.2.5.A.1	Sec. 5.2.5.A.1	Sec. 5.2.5.A.1	Added language about the base zone to clarify when certain residential density limits apply and added density limits if the base zone isn’t a Residential zone	Worksession 11 – Sept. 27
n/a	Sec. 5.3.2	Sec. 5.3.2	Sec. 5.3.2	Added a purpose clause specific to the Commercial/Residential Floating zones	Worksession 11 – Sept. 27
Sec. 5.3.4.D and Sec.	Sec. 5.3.5.D	Sec. 5.3.5.D	Sec. 5.3.5.D	Deleted section on coverage and incorporated it into General Requirements and clarified the provisions of open space	Worksession 11 – Sept. 27

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
5.3.4.E					
Sec. 5.3.4.F.1	Sec. 5.3.5.E.1	Sec. 5.3.5.E.1	Sec. 5.3.5.E.1	Modified C/R Floating zone public benefit point language so that the requirement for public benefit points is triggered by the greater of FAR or square feet (the square feet had been accidentally left out)	March 4 Council Action
Sec. 5.4.4.F.2	Sec. 5.3.5.E.2	Sec. 5.3.5.E.2	Sec. 5.3.5.E.2	In the table for public benefit points for CRF and CRTF zones, changed 3.25 in the second and fifth row to 3.5 Council amended the public benefit points required to match the current code, so these rows were deleted	Worksession 4 – July 2 Council Worksession – January 2014
n/a	Sec. 5.4.2	Sec. 5.4.2	Sec. 5.4.2	Added a purpose clause specific to the Employment Floating zones	Worksession 11 – Sept. 27
Sec. 5.4.4.D and Sec. 5.4.4.E	Sec. 5.4.5.D	Sec. 5.4.5.D	Sec. 5.4.5.D	Deleted section on coverage and incorporated it into General Requirements and clarified the provisions of open space	Worksession 11 – Sept. 27
Sec. 5.4.4.F.1	Sec. 5.4.5.E.1	Sec. 5.4.5.E.1	Sec. 5.4.5.E.1	Modified Employment Floating zone public benefit point language so that the requirement for public benefit points is triggered by the greater of FAR or square feet (the square feet had been accidentally left out)	March 4 Council Action
Sec.	Sec.	Sec.	Sec.	In the table for public benefit points for EOFF zone, changed 3.25 in the second and fifth	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
5.4.4.F.2	5.4.5.E.2	5.4.5.E.2	5.4.5.E.2	row to 3.5 Council amended the public benefit points required to match the current code, so these rows were deleted	4 – July 2 Council Worksession – January 2014
n/a	Sec. 5.5.2	Sec. 5.5.2	Sec. 5.5.2	Added a purpose clause specific to the Industrial Floating zones	Worksession 11 – Sept. 27
Sec. 5.5.4.D	Sec. 5.5.5.D	Sec. 5.5.5.D	Sec. 5.5.5.D	Deleted section on coverage as it is already covered under General Requirements	Worksession 11 – Sept. 27

ARTICLE 59-6 OPTIONAL METHOD REQUIREMENTS (THIS ARTICLE WAS DELETED IN THE FEBRUARY 15, 2014 COUNCIL DRAFT; ALL LANGUAGE FROM OPTIONAL METHOD REQUIREMENTS IS NOW INCORPORATED IN ARTICLE 59-4)

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 6.3.1.D.2	Sec. 6.3.3	Sec. 4.9.13.B	Sec. 4.9.13.B	Revised and clarified the TDR designation, and how to calculate TDRs in the C/R and Employment zones	Worksession 13: Dec. 9

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 6.4.1.B.1	Sec. 6.4.1.B.1	Sec. 4.5.4.A.2	Sec. 4.5.4.A.2	<p>In the table for public benefit points for CR and CRT, changed 3.25 in the second and fifth row to 3.5</p> <p>Council amended the public benefit points required to match the current code, so these rows were deleted</p>	<p>Worksession 4 – July 2</p> <p>Council Worksession – January 2014</p>
Sec. 6.4.2.B	Sec. 6.4.2.B	Div. 4.5.4.B.2	Div. 4.5.4.B.2	<p>Added the FAR and height ranges allowed and the increments in which a zone can be established (CRN row is not included as CRN does not have optional method). As a result, changed the title from “B. Lot and Density” to “B. Lot, Density, and Height”. Deleted section “D. Height” as it is now incorporated in B.</p> <p>When Council reorganized Chapter 59, the table showing the FAR and height ranges became redundant and was deleted from this section.</p>	<p>Worksession 4 – July 2</p> <p>Council Worksession – January 2014</p>
Sec. 6.5.1.B.1	Sec. 6.5.1.B.1	Sec. 4.6.4.A.2	Sec. 4.6.4.A.2	<p>In the table for public benefit points, for EOF changed 3.25 in the fifth row to 3.5</p> <p>Council amended the public benefit points required to match the current code, so this row was deleted</p>	<p>Worksession 4 – July 2</p> <p>Council Worksession – January 2014</p>
Sec. 6.5.2.B	Sec. 6.5.2.B	Sec. 4.6.4.B.2	Sec. 4.6.4.B.2	<p>Added the FAR and height ranges allowed and the increments in which a zone can be established (CRN row is not included as CRN does not have optional method). As a result, changed the title from “B. Lot and Density” to “B. Lot, Density, and Height”.</p>	<p>Worksession 4 – July 2</p> <p>Council</p>

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				Deleted section "D. Height" as it is now incorporated in B. When Council reorganized Chapter 59, this language became redundant and was deleted.	Worksession – January 2014
Sec. 6.6.2 and Sec. 6.6.3	Sec. 6.6.2 and Sec. 6.6.3	Div. 4.7	Div. 4.7	Amended the public benefits available and their points to match PHED Committee's 2011 recommendation (from Sept. 27, 2011 analyst packet for County Council starting on page ©52); retained the TDR public benefit; Council amended the public benefits (see Article 59-4 changes)	Worksession 11 – Sept. 27 Worksession 3 – June 28
Sec. 6.6.3.B.1.a	Sec. 6.6.3.B.1.a	Sec. 4.7.3.B	Sec. 4.7.3.B	Added sentence to transit proximity description: "All distances for transit proximity are measured from..." (incorrectly not underlined in the Oct. 11 draft)	Worksession 4 – July 2
Sec. 6.6.3.D.2	Sec. 6.6.3.D.4	Sec. 4.7.3.D.6	Sec. 4.7.3.D.6	Revised the treatment of bonus MPDUs (over 12.5%) with regard to public benefit points, FAR calculations, and height limit	Worksession 13: Dec. 9
Sec. 6.6.3.F.1.b.i	Sec. 6.6.3.F.1.b.	Sec. 4.7.3.F.1	Sec. 4.7.3.F.1	Delete the first paragraph under "in the LSC zone" for BLTs as it is redundant (Paragraph begins: "BLTs are mandatory for all optional method developments in LSC...")	Worksession 5 – July 12
Sec. 6.6.3.F.1.b.ii	Sec. 6.6.3.F.1.b.i	Sec. 4.7.3.F.1	Sec. 4.7.3.F.1	Added "in an amount equal to 50% of the incentive density" and "or an equivalent payment made" to BLTs language in the LSC zone	Worksession 4 – July 2
Sec. 6.6.3.F.8	Sec. 6.6.3.F.3	Sec. 4.7.3.F.6	Sec. 4.7.3.F.6	Amended language about TDR public benefit points. Council further amended this language so that a project can only get public benefits for purchasing TDRs if it is in a	Worksession 13- Dec. 9

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
				TDR Overlay zone	Council Worksession – January 2014

ARTICLE 59-6 GENERAL DEVELOPMENT REQUIREMENTS (PREVIOUSLY ARTICLE 59-7)

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 7.1.5, Sec. 7.2.10, Sec. 7.3.10, Sec. 7.5.5, Sec. 7.6.4	Div. 7.8	Div. 6.8	Div. 6.8	Deleted alternative compliance sections in each Division and added a new Division at the end of Article 59-7 for Alternative Compliance with language that still excludes signs from alternative compliance	Worksession 7 – July 30
Sec. 7.2.2.A	Sec. 7.2.2.A	Sec. 6.2.2.A	Sec. 6.2.2.A	Amended applicability based on Planning Staffs Response to DOT Comments in PHED packet	Worksession 7 – July 30
Sec. 7.2.3,	Sec. 7.2.3	Sec. 6.2.3	Sec. 6.2.3	Amended Parking Benefit District (including primary and secondary) to Parking Lot	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 7.2.4, Sec. 7.2.5	and Sec. 7.2.4	and Sec. 6.2.4	and Sec. 6.2.4	District and Reduced Parking Area; made this change throughout entire Chapter	11 – Sept. 27
Sec. 7.2.3.C	Sec. 7.2.3.C	Sec. 6.2.3.C	Sec. 6.2.3.C	Added language that only 10 motorcycle/scooter spaces count toward the minimum; any motorcycle/scooter spaces above 10 don't go toward the meeting the minimum required	Worksession 7 – July 30
Sec. 7.2.3.G	Sec. 7.2.3.G	Sec. 6.2.3.G	Sec. 6.2.3.G	Amended Parking Below the Minimum or above the Maximum so that in the Parking Lot District, maximums are absolute and an applicant can pay to go below minimums; in a Reduced Parking Area, parking below the minimum is possible with alternative compliance and parking above the maximum is allowed if the spaces are made available to the public or through alternative compliance	Worksession 11 – Sept. 27
Sec. 7.2.3.H.1.a	Sec. 7.2.3.A.5.d	Sec. 6.2.3.A.5.d	Sec. 6.2.3.A.5.d	Amended on-street parking space so that only on-street spaces constructed outside a Parking Lot District and for Retail/Service Establishment, Restaurant, or as a car-share space count toward the minimum number of required spaces	Worksession 7 – July 30
n/a	Sec. 7.2.3.H.2.c	Sec. 6.2.3.H.2.a	Sec. 6.2.3.H.2.a	Added language that prohibits additional adjustments if an applicant takes a parking adjustment reduction for certain housing types (MPDU, WFHU, age-restricted, senior housing) or religious assembly	Worksession 7 – July 30 Worksession 11 – Sept. 27
Sec. 7.2.3.H.2	Sec. 7.2.3.H.3	Sec. 6.2.3.H.3	Sec. 6.2.3.H.3	Amended the shared parking provision to avoid a delegation to future ULI Models	Worksession 13- Dec. 9
Sec. 7.2.3.H.3.a	Sec. 7.2.3.H.6.a	Sec. 6.2.3.H.6.a	Sec. 6.2.3.H.6.a	Amended NADMS adjustment to limit the reduction that can be taken to a maximum of 20%	Worksession 7 – July 30

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 7.2.3.H.3.d	Sec. 7.2.3.H.6.c	Sec. 6.2.3.H.6.c	Sec. 6.2.3.H.6.c	Amended the bike-sharing facility adjustment so that it can only be used if the facility is part of a DOT-approved comprehensive plan of bike-sharing stations	Worksession 7 – July 30
n/a	Sec. 7.2.3.H.6	Sec. 6.2.3.H.6	Sec. 6.2.3.H.6	Establish a minimum parking for office space used by government tenants under a long-term lease to 1.5 spaces per 1,000 square feet of office gross floor area	Worksession 13- Dec. 9
Sec. 7.2.4.B	Sec. 7.2.4.B	Sec. 6.2.4.B	Sec. 6.2.4.B	Amended vehicle parking numbers: Group Day Care (listed with Family Day Care) - allow required spaces to be on street abutting the site; Hospital - decrease minimum; Animal Boarding and Care - decrease minimum, increase maximum; Vet Office/Hospital - made changes similar to Animal Boarding and Care, reducing minimum; Landscape Contractor - reduce minimum; Self-Storage -modified metric During Council worksessions, Staff further amended self-storage metric to correct an error	Worksession 7 – July 30 Council Worksession – January 2014
Sec. 7.2.4.B	Sec. 7.2.4.B	Sec. 6.2.4.B	Sec. 6.2.4.B	Added Combination Retail to the parking table under Retail Sales and Service	Worksession 4 – July 1
Sec. 7.2.5.K.3	Sec. 7.2.5.L.6 & Sec. 7.2.5.L.7	Sec. 6.2.5.L.6 & Sec. 6.2.5.L.7	Sec. 6.2.5.L.6 & Sec. 6.2.5.L.7	Amend standards to clarify that cleaning and servicing heavy commercial vehicles is prohibited	Worksession 13- Dec.9
n/a	Sec. 7.3.4.A.4.b	Sec. 6.3.4.A.4.b	Sec. 6.3.4.A.4.b	Added Playground, Outdoor Area (Private) to the list of uses prohibited in the rural open space in the RNC zone	Worksession 2 – June 21
Sec.	Sec.	Sec.	Sec.	Amended the definition of public open space, changing “enhances the public realm”	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
7.3.6.A.2	7.3.6.A.2	6.3.6.A.2	6.3.6.A.2	to “attracts public appreciation due to its location and amenities”	7 – July 30
Div. 7.4	n/a	n/a	n/a	Deleted all of Div. 7.4 Compatibility standards as height and setback compatibility standards were moved to Article 59-4 and screening requirements are now their own Division (Division 7.5)	Worksession 7 – July 30
Sec. 7.5.3.C.1	Sec. 7.4.3.C.1	Sec. 6.4.3.C.1	Sec. 6.4.3.C.1	Amended title for Fences and Walls from “Defined” to “Measurement of Height” and amended language regarding where fence or wall height is measured from	Worksession 7 – July 30
n/a	Div. 7.5	Div. 6.5	Div. 6.5	Added a Division for screening requirements, which were previously incorporated in the compatibility standards	Worksession 7 – July 30
Sec. 7.7.6.E.2	Sec. 7.7.6.E.2	Sec. 6.7.6.E.2	Sec. 6.7.6.E.2	For sign illumination, replaced “in a manner that prevents glare from beyond the property line” to “and be 0.5 footcandles or less at the property line” and then added “if the subject property abuts a property that is improved with a residential use in any zone or is vacant in a Residential zone.”	Worksession 9 – Sept. 17 Worksession 10 – Sept. 20
Sec. 7.7.6.F.5	Sec. 7.7.6.F.5	Sec. 6.7.6.F.5	Sec. 6.7.6.F.5	Added: “A sign that displays the number of available parking spaces is exempt from this requirement.”	Worksession 7 – July 30
Sec. 7.7.11.D.6	Sec. 7.7.11.D.6	Sec. 6.7.11.D.6	Sec. 6.7.11.D.6	Deleted second sentence: “If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.”	Worksession 7 – July 30
n/a	Div. 7.8	Div. 6.8	Div. 6.8	Added a new Division at the end of Article 59-7 for Alternative Compliance with language that still excludes signs from alternative compliance	Worksession 7 – July 30

ARTICLE 59-7 ADMINISTRATION AND PROCEDURES (PREVIOUSLY ARTICLE 59-8)

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	n/a	n/a	n/a	Restate development process action deadlines as “within X days” instead of “actions not later than X days”. Replaced throughout other articles as well.	Worksession 13- Dec. 9
Sec. 8.1.2 and Sec. 8.1.3	Sec. 8.1.2 and Sec. 8.1.3	Sec. 7.1.2 and Sec. 7.1.3	Sec. 7.1.2 and Sec. 7.1.3	Deleted Sign Installer License and Administrative Zoning District Line Adjustment from table; also, in Sec. 8.1.2 modified conditional use so that the Hearing Examiner has a “D” (decision) in the table and the Board of Appeals has an “A” (appeal)	Worksession 8 – Sept. 13
Sec. 8.2.1.D.3.c.ii	Sec. 8.2.1.D.3.c.ii through Sec. 8.2.1.D.3.c.iv	Sec. 7.2.1.D.3.c.ii through Sec. 7.2.1.D.3.c.iv	Sec. 7.2.1.D.3.c.ii through Sec. 7.2.1.D.3.c.iv	Deleted the last sentence of 8.2.1.D.3.c.ii for oral argument for an LMA and replaced with language from current code (59-H-6.5(b)); added a new iii. and iv. with language from current code (59-H-6.5(c), and (d)).	Worksession 8 – Sept. 13
n/a	Sec. 8.2.1.E.1	Sec. 7.2.1.E.1	Sec. 7.2.1.E.1	Added language from Article 59-5 that says a floating zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.	Worksession 8 – Sept. 13
Sec. 8.2.1.E.1.e	Sec. 8.2.1.E.2.e	Sec. 7.2.1.E.2.e	Sec. 7.2.1.E.2.e	Deleted language in e. and replaced finding with language about traffic tied to LATR Guidelines	Worksession 11 – Sept. 27
Sec. 8.2.2.A.1	Sec. 8.2.2.A.1	Sec. 7.2.2.A.1	Sec. 7.2.2.A.1	Deleted “or an error or omission in the findings of fact” and “the application of” for Corrective Map Amendments,	Worksession 8 – Sept. 13
Sec.	Sec.	Sec.	Sec.	Deleted entire paragraph 4 regarding petition for judicial review as the Land Use	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
8.2.3.D.4	8.2.3.D	7.2.3.D	7.2.3.D	Article and case law dictates the manner of appeal versus judicial review	8 – Sept. 13
Sec. 8.2.4.F	Sec. 8.2.4	Sec. 7.2.4	Sec. 7.2.4	Deleted whole subsection for Recording Procedures	Worksession 8 – Sept. 13
Sec. 8.3.1	Sec. 8.3.1	Sec. 7.3.1	Sec. 7.3.1	Amended conditional use language so that the Hearing Examiner is now the deciding body (made this change throughout entire Chapter) and the Board of Appeals does the appeal/oral argument (includes deleting Sec. 8.3.1.D.3 and Sec. 8.3.1.F.2 and adding Sec. 8.3.1.G)	Worksession 10 – Sept. 20
Sec. 8.3.1.E.1.g	Sec. 8.3.1.E.1.g	Sec. 7.3.1.E.1.g	Sec. 7.3.1.E.1.g	Amended the language about non-inherent adverse impact to include combination of inherent and non-inherent adverse impact (incorrectly marked in blue)	Worksession 11 – Sept. 27
Sec. 8.3.1.E.2	Sec. 8.3.1.E.2	Sec. 7.3.1.E.2	Sec. 7.3.1.E.2	Amended the language about a conditional use in a Residential Detached zone having to, whenever practicable, have the appearance of a detached house to “be compatible with the character of the residential neighborhood.”	Worksession 5 - July 12
Sec. 8.3.1.E.5	Sec. 8.3.1.E	Sec. 7.3.1.E	Sec. 7.3.1.E	Deleted all of paragraph 5. as this concept was incorporated in E.1.g (incorrectly marked in blue)	Worksession 11 – Sept. 27
n/a	Sec. 8.3.1.E.5 and Sec. 8.3.1.E.6	Sec. 7.3.1.E.5 and Sec. 7.3.1.E.6	Sec. 7.3.1.E.5 and Sec. 7.3.1.E.6	Added language about county and neighborhood need to conditional use findings as stated in the current code	Worksession 9 – Sept. 17
Sec.	Sec.	Sec.	Sec.	Amended “may impose conditions of approval regarding operations....general neighborhood” with language from G-1.22(a): “supplement the specific	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
8.3.1.F.3	8.3.1.F.2	7.3.1.F.2	7.3.1.F.2	requirements of this Chapter with...general neighborhood.”	11 – Sept. 27
Sec. 8.3.3.F.2	Sec. 8.3.3.F	Sec. 7.3.3.F	Sec. 7.3.3.F	Deleted paragraph about right to petition for judicial review	Worksession 9 – Sept. 17
Sec. 8.3.4.E.4	Sec. 8.3.4.E.2.d	Sec. 7.3.4.E.2.d	Sec. 7.3.4.E.2.d	Added parking to site plan findings: “provides safe, well integrated parking, circulation patterns, building massing....” As a result of discussion about 4.0 parking spaces in Regional Shopping Center overlay and wanting to clarify that parking was a finding needed to be made during site plan	Worksession 5 – July 12
Sec. 8.3.4.E.6	Sec. 8.3.4.E.2.g and Sec. 8.3.4.E.2.h	Sec. 7.3.4.E.2.g and Sec. 7.3.4.E.2.h	Sec. 7.3.4.E.2.g and Sec. 7.3.4.E.2.h	Amended finding of compatibility with adjacent development to distinguish between compatibility for a property in a Rural Residential or Residential zone and property in all other zones	Worksession 5 – July 12
Sec. 8.3.4.E	Sec. 8.3.4.E.3	Sec. 7.3.4.E.3	Sec. 7.3.4.E.3	Added a finding about County need to site plan for a restaurant with a drive-thru to cover the current finding of need for special exception drive-in restaurants.	Worksession 9 – Sept. 17
Sec. 8.3.4.E	Sec. 8.3.4.E	Sec. 7.3.4.E.4	Sec. 7.3.4.E.4	Added a finding for site plan approval that requires the Planning Board to take into consideration the availability of any ground floor retail space in any redevelopment of property previously zoned C-1 and C-2	Council Worksession – January 2014
Sec. 8.4.1.B.1 through	Sec. 8.4.1.B	Sec. 7.4.1.B	Sec. 7.4.1.B	Deleted first sentence in Application Requirements as well as the requirements in B.1 through B.6 as they are covered by Chapter 8	Worksession 9 – Sept. 17

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
Sec. 8.4.1.B.6					
Sec. 8.4.1.E.1 and Sec. 8.4.1.E.2	Sec. 8.4.1.E	Sec. 7.4.1.E	Sec. 7.4.1.E	Deleted paragraph 1. and 2. Under Necessary Findings as they are covered in Chapter 8. (Retained paragraph 3 as it is not covered in Chapter 8)	Worksession 9 – Sept. 17
Sec. 8.4.1.F	Sec. 8.4.1	Sec. 7.4.1	Sec. 7.4.1	Deleted entire Appeal section	Worksession 9 – Sept. 17
Sec. 8.4.3.D.1.b	Sec. 8.4.3.D.1.b	Sec. 7.4.3.D.1.b	Sec. 7.4.3.D.1.b	Deleted “licensed” since Licensed Sign Installer section was deleted	Worksession 9 – Sept. 17
Sec. 8.4.5	n/a	n/a	n/a	Deleted all of Sec. 8.4.5 Sign Installer License	Worksession 9 – Sept. 17
Sec. 8.4.6	n/a	n/a	n/a	Delete all of Sec. 8.4.6 Administrative Zoning District Line Adjustment	Worksession 9 – Sept. 17
Sec. 8.5.1	Sec. 8.5.1	Sec. 7.5.1	Sec. 7.5.1	Deleted “Individual Application Notice” from every application that also has a hearing notice; deleted the row “Sign Installer License”	Worksession 9 – Sept. 17
Sec. 8.5.2	Sec. 8.5.2	Sec. 7.5.2	Sec. 7.5.2	Amended notice distance for municipality to be the same as the distance for homeowner and civic associations	Worksession 9 – Sept. 17

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
n/a	Sec. 8.5.2.A	Sec. 7.5.2.A	Sec. 7.5.2.A	Added requirement that newspaper notice must include a summary of the proposed ZTA	Worksession 12- Dec. 2
Sec. 8.5.2.D	Sec. 8.5.2.D	Sec. 7.5.2.D	Sec. 7.5.2.D	Deleted specific language for applications no longer getting Individual Application Notice (deleted last sentence in D.1 about sign permit variance; and deleted all of D.3 for conditional use and variance); only retained application notice for those applications that don't also have a hearing notice.	Worksession 9 – Sept. 17
Sec. 8.6.2.C	Sec. 8.6.2	Sec. 7.6.2	Sec. 7.6.2	Deleted section about select conditional uses decided by Hearing Examiner as all conditional uses are now decided by Hearing Examiner	Worksession 8 – Sept. 13
Sec. 8.6.3	Sec. 8.6.3	Sec. 7.6.3.C	Sec. 7.6.3.C	Added a requirement that the Planning Board must adopt a development review schedule on a yearly basis for the timeframes given under sketch plan and site plan	Council Worksession – January 2014
Sec. 8.6.4.B.4	Sec. 8.6.4.B	Sec. 7.6.4.B	Sec. 7.6.4.B	Deleted language about approving examination for sign license installer since the section about Sign Installer License was deleted	Worksession 9 – Sept. 17
Sec. 8.7.1	Sec. 8.7.1	Sec. 7.7.1	Sec. 7.7.1	Deleted the Exemptions under grandfathering language and added in new language from Council Staff; During Council worksessions, clarified language regarding grandfathering provisions to allow at least all current grandfathered rights.	Worksession 8 – Sept. 13 Council Worksession – January 2014
Sec.	Sec.	Sec.	Sec.	Revised the time period in which amendments are allowed to 25 years after	Worksession

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksession when Change was Made
8.7.1.B & Sec. 8.7.1.C	8.7.1.B & Sec. 8.7.1.C	7.7.1.B & Sec. 7.7.1.C	7.7.1.B & Sec. 7.7.1.C	the effective date of the new code	13- Dec. 9
n/a	Sec. 8.7.1.B.1	Sec. 7.7.1.B.1	Sec. 7.7.1.B.1	Added language that LMA applications submitted before May 1, 2014 will proceed under the existing code. Council reaffirmed this change; Staff slightly modified language for clarity, replacing “the equivalent in Chapter 59” with “the equivalent zone as translated under DMA G-956”	Worksession 13- Dec. 9 March 4 Council Action
n/a	Sec. 8.7.1.B.5	Sec. 7.7.1.B.5	Sec. 7.7.1.B.5	Added language requiring that binding elements be satisfied unless land is rezoned by an SMA or LMA or revised by a major development plan amendment	Worksession 12- Dec.2
n/a	Sec. 8.7.1.B.6	Sec. 7.7.1.B.6	Sec. 7.7.1.B.6	Added language to clarify that existing density transfers will be recognized under the new code.	Worksession 13- Dec. 9
Sec. 8.7.1.C.1	Sec. 8.7.1.C.1	Sec. 7.7.1.C.1	Sec. 7.7.1.C.1	For lots with 2,000 square feet of existing floor area or less, revised the amount of floor area that may be added to existing floor area to 30 percent of the existing floor area.	Worksession 13- Dec. 9
n/a	Sec. 8.7.1.D.1	Sec. 7.7.1.D.1	Sec. 7.7.1.D.1	Added language to respect the Remes decision.	Worksession 13- Dec.9
Sec. 8.7.1.D.3	Sec. 8.7.1.D.3	Sec. 7.7.1.D.3	Sec. 7.7.1.D.3	For single-family zones, allowed development on land that was created as part of a lot before 1958 and has a footprint that satisfies the new zone	Worksession 13- Dec. 9

May 2, 2013 Draft Section Reference	Dec. 16, 2013 Draft Section Reference	March 4, 2014 Draft Section Reference	March 5, 2014 Section Reference	Change	Worksessio n when Change was Made
Sec. 8.7.2	Sec. 8.7.2	Sec. 7.7.2	Sec. 7.7.2	Amended Sec. 8.7.2.A to match new language from Council Staff; deleted Sec. 8.7.2.B and C.	Worksession 9 – Sept. 17