

# ARTICLE 59-2. ZONING DISTRICTS

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[Editor's Note: To be added]

## 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, Retail,
  - ii. CP-CCNR: Commercial Preservation - Chevy Chase Neighborhood
  - 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.

## 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.

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

### **Sec. 2.3.3. 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.

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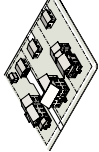
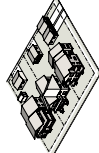


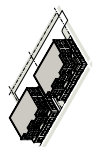
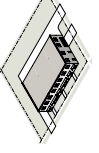
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### Sec. 4.1.3. Building Types Allowed by Zone

Building types are allowed by zone as follows:

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

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

## 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:

- Develop a compatible mix of office, commercial, light industrial, and non-residential uses within a designated employment area.
- Establish a uniform set of development standards for the Overlay zone.
- Allow a limited amount of retail and service uses that will primarily serve the employees of the industrial area.
- Encourage the use of traffic-limiting measures such as car pools and use of mass transit.
- Eliminate uses not considered compatible with the intent of this Overlay zone.

##### 2. Land Uses

- 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:

- Adult Entertainment;
- Agricultural Processing;
- Animal Husbandry;
- Artisan Manufacturing and Production;
- Community Garden;
- Contractor Storage Yard;
- Dry Cleaning Facility;
- Farm Market, On-Site;
- Freight Movement;
- Fuel Sales;
- Light Manufacturing and Production, except as noted in Sec. 4.8.2.A.2.d;
- Light Vehicle Sales and Rental (Indoor);
- Light Vehicle Sales and Rental (Outdoor);
- Medical/Scientific Manufacturing and Production;
- Mineral Storage;
- Recycling Collection and Processing;
- Repair (Commercial Vehicle);
- Repair (Major);
- Repair (Minor);
- 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;
- Self-Storage Facility;
- Shooting Range (Indoor);
- Storage Facility; and
- 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, handicraft, 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 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.

# ARTICLE 59-5. FLOATING ZONING DISTRICT REGULATIONS

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## 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:

Floating Zone Category	Approved Density	Residential Uses Allowed	Commercial Uses Allowed
<b>RDF</b>	< 3 units/acre & < 150 total units	R-200	None
	< 3 units/acre & ≥ 150 total units	R-200	CRN
	≥ 3 units/acre & < 150 total units	R-90, R-60, R-40	None
	≥ 3 units/acre & ≥ 150 total units	R-90, R-60, R-40	CRT
	< 12 units/acre & < 150 total units	TLD	None
	< 12 units/acre & ≥ 150 total units	TLD	CRN
<b>TF</b>	≥ 12 units/acre & < 150 total units	TMD, THD	None
	≥ 12 units/acre & ≥ 150 total units	TMD, THD	CRT
	< 20 units/acre & < 150 total units	R-30	CRN
	< 20 units/acre & ≥ 150 total units	R-30	CRT
<b>AF</b>	≥ 20 units/acre & < 150 total units	R-20, R-10	CRN
	≥ 20 units/acre & ≥ 150 total units	R-20, R-10	CR

#### 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:
 

Pre-Existing Euclidean Zone	Base Lot Size	Allowed Residential Density		
		Size of Gross Tract Area for Proposed Floating Zone	Allowed Density in Units per Acre Based on	At least 4 times the base lot size
RE-2	2 acres	Up to 2 times the base lot size	0.75 units/acre	1 units/acre
RE-2C	2 acres	1 to 4 times the base lot size	0.75 units/acre	1 units/acre
RE-1	40,000 SF	2 to 4 times the base lot size	1.63	2.18
R-200	20,000 SF	2 to 4 times the base lot size	3.27	4.36
R-90	9,000 SF	2 to 4 times the base lot size	7.26	12
R-60	6,000 SF	2 to 4 times the base lot size	10.89	14.52
R-40	4,000 SF	2 to 4 times the base lot size	16.33	21.78
TLD	20,000 SF	2 to 4 times the base lot size	13.5	18
TMD	20,000 SF	2 to 4 times the base lot size	18	24
THD	40,000 SF	2 to 4 times the base lot size	22.5	30
R-30	12,000 SF	2 to 4 times the base lot size	21.75	29
R-20	16,000 SF	2 to 4 times the base lot size	32.55	43.40
R-10	20,000 SF	2 to 4 times the base lot size	65.25	87

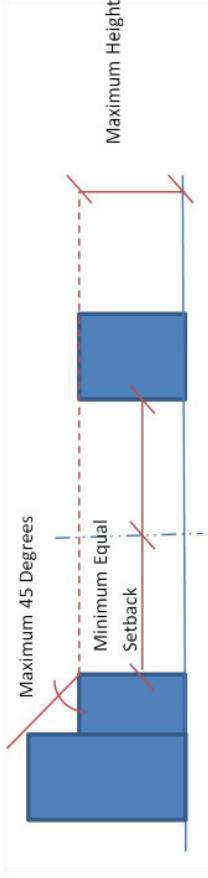
2. Commercial Density
 

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.

Building Type	Open Space Required			
	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

- Density may not exceed the recommendations of an approved master or sector plan.
- 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:

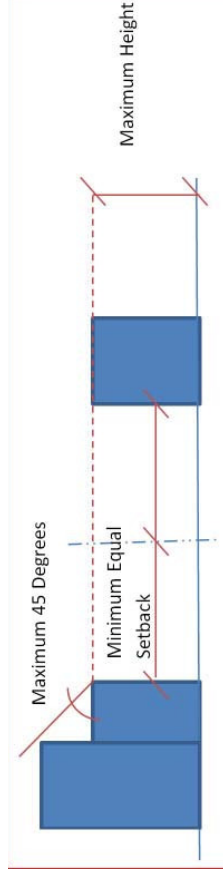
#### Density Allowed

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-200	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
R-90, R-60, R40, 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

- 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>	< 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
<u>CRF</u>	< 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

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

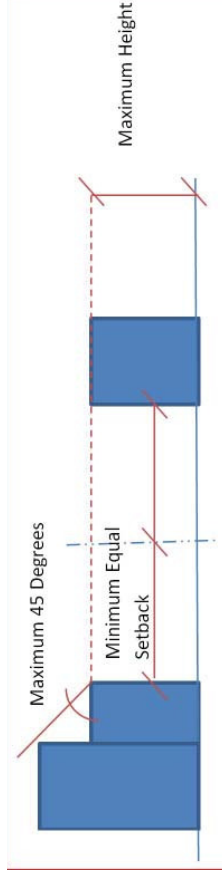
- 1. Density may not exceed the recommendations of an approved master or sector plan.
- 2. When there is no recommendation for density for the subject property in the master plan, the Floating Zone Map Amendment may establish density up to the following limits:

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
RE-2, RE-2C, RE-1, & R-200	0.75 FAR	1.0 FAR	1.25 FAR
R-90, R-60, R40, TLD, TMD, & THD	1.0	1.25	1.5
R-30, R-20, R-10	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>	< 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
<u>EOFF</u>	< 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

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.



# ARTICLE 59-6. OPTIONAL METHOD REGULATIONS

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## DIV.6.6. OPTIONAL METHOD PUBLIC BENEFITS

## 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				Common Outdoor Area (min)
		Building Type (minimum required as a percentage of total units)		Building Type		
		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%

	< 200 units	0%	0%	0%	0%	50%
16-28	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. Achieves a mutually compatible relationship between the proposed development and adjoining land uses.

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.

**F. Development Standards**

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

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