

Clerks Note: Lines 344-352 have been updated to reflect the Council amendment to the 30% cap on residential development.

CORRECTED COPY

Ordinance No.: 20-17
Zoning Text Amendment No.: 25-03
Concerning: Expedited Approvals –
Commercial to
Residential
Reconstruction
Revised: 4/8/2025 Draft No.: 3
Introduced: February 4, 2025
Public Hearing: March 11, 2025
Adopted: April 8, 2025
Effective: April 28, 2025

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmembers Friedson and Fani-González
Co-Sponsors: Councilmember Luedtke, Council President Stewart and
Councilmembers Balcombe and Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) create a Commercial to Residential Reconstruction use;
- (2) provide an expedited approval process for the Commercial to Residential Reconstruction use;
- (3) consolidate existing expedited regulatory approvals;
- (4) ~~[[allow reallocation of FAR in certain Employment zones]]~~ remove the gross floor area cap on household living in certain zones; and
- (5) generally amend expedited regulatory approvals.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 3.4.	“Civic and Institutional Uses”
Section 3.4.2.	“Charitable, Philanthropic Institution”
Section 3.4.6.	“Hospital”

Division 4.5.	“Commercial/Residential Zones”
Section 4.5.2.	“Density and Height Allocation”
Section 4.5.4.	“Optional Method Development”
Division 4.6.	“Employment Zones”
<u>Section 4.6.1.</u>	<u>“Intent Statements”</u>
Section 4.6.2.	“Density and Height Allocation”
<u>Section 4.6.3.</u>	<u>“Standard Method Development”</u>
Section 4.6.4.	“Optional Method Development”
Division 7.3.	“Regulatory Approvals”
Section 7.3.3.	“Sketch Plan”
Section 7.3.5.	“Signature Business Headquarters Plan”
Section 7.3.6.	“Biohealth Priority Campus Plan”
Section 7.3.7.	“Mixed-Income Housing Community Plan”
Division 7.5.	“Notice Standards”
Section 7.5.1.	“Noticed Required”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms

✿ ✿ ✿

Section 1.4.2. Specific Terms and Phrases Defined

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Commercial to Residential Reconstruction: See Section 3.3.2.B.

* * *

Dormitory: See [Section 3.3.2.B] Section 3.3.2.C

* * *

Independent Living Facility for Seniors or Persons with Disabilities: See

[Section 3.3.2.C.1] Section 3.3.2.D.1

* * *

Personal Living Quarters: See [Section 3.3.2.D.1] Section 3.3.2.E.1

* * *

Residential Care Facility: See [Section 3.3.2.E.1] Section 3.3.2.F.1

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

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USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential			Residential												Commercial/ Residential			Employment				Industrial		
						Residential Detached								Residential Townhouse			Residential Multi-Unit										
			AR	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL
* * *																											
RESIDENTIAL																											
* * *																											
GROUP LIVING	3.3.2																										
Commercial to Residential Reconstruction	3.3.2.B																		L	L	L	L	L		L		
Dormitory	[3.3.2.B] 3.3.2.C																			L	L		P				
Independent Living Facility for Seniors or Persons with Disabilities	[3.3.2.C] 3.3.2.D			C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L				
Personal Living Quarters (Up to 50 Individual Living Units)	[3.3.2.D] 3.3.2.E															L	L	L	L	L	L	L	L				
Personal Living Quarters (Over 50 Individual Living Units)	[3.3.2.D] 3.3.2.E															C	C	C	C	C	C	C	C				
Residential Care Facility (Up to 8 Persons)	[3.3.2.E] 3.3.2.F	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Residential Care Facility (9 - 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P	L	L				
Residential Care Facility (Over 16 Persons)	[3.3.2.E] 3.3.2.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	L		P	C		
* * *																											

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Sec. 3. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.2. Group Living

A. Defined, In General

Group Living means the residential occupancy of a structure by a group of people that does not meet the definition of any Household Living use under Section 3.3.1.

B. Commercial to Residential Reconstruction

1. Defined

Commercial to Residential Reconstruction means a vacant [[office or retail]] building that is at least 2 stories high and is converted to or demolished and rebuilt as a residential building that qualifies as Townhouse Living under Section 3.3.1.D. or Multi-Unit Living under Section 3.3.1.E. [[Vacancy is defined in this Section as an Office or Retail building, as defined in Sections 3.5.8.B. or 3.5.11, that has no tenants in 50% of the building at the time of application.]]

a. In the EOF zone, vacancy is defined as a building that has no tenants in at least 50% of the building at the time of application and qualifies as an Office use under Section 3.5.8.B., which may include ancillary nonresidential uses, or a Retail use under Section 3.5.11.

b. In the GR, NR, and Commercial/Residential zones, vacancy is defined as a building that has no tenants in at least 50% of the building at the time of application and qualifies as an Office use under Section 3.5.8.B., which may include ancillary nonresidential uses.

- c. Notwithstanding the underlying zone, in the RSC Overlay Zone, vacancy is defined as a building that has no tenants in at least 50% of the building at the time of application and qualifies as an Office use under Section 3.5.8.B., which may include ancillary nonresidential uses, or a Retail use under Section 3.5.11.

2. Exemptions

- a. A sketch plan and a site plan are not required for a Commercial to Residential Reconstruction if the Planning Board approves a Commercial to Residential Reconstruction expedited approval plan under Section 7.3.5.
- b. Development of a Commercial to Residential Reconstruction should proceed under the standards of Chapter 50 and the underlying zone, including any overlay zones, except as modified by Section 3.3.2.B. and in conformance with the hearing and review schedule in Sections 7.3.5.
- c. After [[a Commercial to Residential Reconstruction]] an expedited approval plan is approved, subsequent additions or expansions of the Commercial to Residential Reconstruction, in any size or amount, will be processed under Section 7.3.5 as amendments.

3. Use Standards

- a. Commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.

- b. In a red policy area, Commercial to Residential Reconstruction must be in an Apartment Building type that satisfies Section 4.1.3.D.
- c. If not in a red policy area, Commercial to Residential Reconstruction must be in a Townhouse building type that satisfies [[Townhouse Living under]] Section 4.1.5.C. [[3.3.1.D.]] or [[Multi-Unit Living under Section 3.3.1.E.]] in an Apartment Building type that satisfies Section 4.1.3.D.
- d. Gross floor area of all non-residential uses is limited to 30% of the gross floor area on the subject site.

[B] C. Dormitory

* * *

[C] D. Independent Living Facility for Seniors or Persons with Disabilities

* * *

2. Use Standards

* * *

- c. Where an Independent Living Facility for Seniors or Persons with Disabilities is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:

* * *

- iv. The maximum building height of an Independent Living Facility for Seniors or Persons with Disabilities is the height of the applied-for building type in the underlying zone under the standard method of development, except

for the apartment building type which may be up to 60 feet. If a particular building type is not allowed under the standard method of development, the maximum height is the height of a Conditional Use in the underlying zone. The maximum density is determined by the Hearing Examiner under the development standards of [Section 3.3.2.C.2.c.vi] [[Section 3.3.2.C.2.c.vi]] Section 3.3.2.D.2.c.vi through [Section 3.3.2.C.2.c.ix] [[Section 3.3.2.C.2.c.ix]] Section 3.3.2.D.2.c.ix, without regard to any other limitation in this Chapter.

- v. Height, density, coverage, and parking must be compatible with surrounding uses and the Hearing Examiner may modify height, density, coverage, and parking to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.
- vi. The minimum front setback to the street for a lot abutting a property not included in the application is equal to the front setback for a detached house in the underlying zone under the standard method of development. Except for an access driveway, this front setback area must be maintained as green area.
- vii. The minimum side and rear setback is 25 feet to abutting lots not included in the application.
- viii. The minimum green area is 50%.
- ix. Principal building setbacks for all building types must meet the minimum setbacks required under the standard

method of development for the subject building type in the
R-30 zone (see Section 4.4.14.B.3, Placement).

[D] E. Personal Living Quarters

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[E] F. Residential Care Facility

1. Defined, In General

Residential Care Facility means a group care or similar arrangement for the care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual, in which:

- a. the facility must meet all applicable Federal, State, and County certificate, licensure, and regulatory requirements;
- b. resident staff necessary for operation of the facility are allowed to live on-site; and
- c. the number of residents includes members of the staff who reside at the facility, but does not include infants younger than 2 months old.

Residential Care Facility includes a nursing home, an assisted living facility, a Continuing Care Retirement Community, a hospice, a group home, and a Senior Care Community. Residential Care Facility does not include a Hospital (see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Section 3.3.2.C] Section 3.3.2.D, Independent Living Facility for Seniors or Persons with Disabilities.)

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Sec. 4. DIVISION 59-3.4 is amended as follows:

Division 3.4. Civic and Institutional Issues

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Section 3.4.2. Charitable, Philanthropic Institution

A. Defined

1. Charitable, Philanthropic Institution means a private, tax-exempt [organiza-tion] organization whose primary function is to provide:
 - a. services, research, or educational activities in areas such as health and social services;
 - b. housing and support services for persons who are present as a result of treatment or care being provided to a member of their household by a federal treatment facility or a Hospital;
 - c. recreation; or
 - d. environmental conservation.
2. Charitable, Philanthropic Institution does not include a trade or business whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Charitable, Philanthropic Institution also does not include other uses specifically defined or regulated in this Chapter such as a: Religious Assembly (See Section 3.4.10, Religious Assembly), public or private educational institution (See Section 3.4.5, Educational Institution (Private) and Section 3.4.9, Public Use (Except Utilities)), library or museum (See Section 3.4.3, Cultural Institution), Private Club, Service Organization (See Section 3.4.8, Private Club, Service Organization), Hospital (See Section 3.4.6, Hospital), Residential Care Facility (See [Section 3.3.2.E] Section 3.3.2.F, Residential Care Facility), or Independent Living Facility for Senior Adults or Persons with Disabilities (See [Section 3.3.2.C] Section 3.3.2.D, Independent Living Facility for Seniors or Persons with Disabilities).

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Section 3.4.6. Hospital

A. Defined

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

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Sec. 5. DIVISION 59-4.5 is amended as follows:

Division 4.5. Commercial/Residential Zones

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Section 4.5.2. Density and Height Allocation

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B. FAR Averaging

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones if:
 - a. the properties are under the same site plan, sketch plan, [Signature Business Headquarters plan, or Biohealth Priority Campus plan] or expedited approval plan; however, if a sketch plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan is required, density averaging must be shown on the applicable plan;

- b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan[, Signature Business Headquarters plan, or Biohealth Priority Campus plan] or expedited approval plan;
 - c. the maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
 - d. the total allowed maximum density on a resulting property that is abutting or confronting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use does not exceed that allowed by the property's zone; and
 - e. public benefits are required to be provided under any phasing element of an approved sketch plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan.
- 3. Density may be averaged over 2 or more non-contiguous properties in one or more CRT or CR zones if:
 - a. each provision under Section 4.5.2.B.2 is satisfied;
 - b. the properties are within ¼ mile of each other, located in a designated master-planned density transfer area, or are part of [a Signature Business Headquarters plan or Biohealth Priority Campus] an expedited approval plan;
 - c. the minimum public benefit points required under Section 4.5.4.A.2 must be exceeded by at least 50%; and
 - d. the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan[, Signature Business Headquarters plan, or Biohealth Priority Campus] or expedited approval plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan[, certified Signature Business Headquarters plan, or Biohealth Priority Campus] or certified expedited approval plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument approved by the Planning Board and must record the instrument in the Montgomery County land records.

* * *

Section 4.5.4. Optional Method Development

The CRT and CR zones allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3, unless [a Signature Business Headquarters plan is approved under Section 7.3.5 or a Biohealth Priority Campus plan is approved under Section 7.3.6] an expedited approval plan is approved under Section 7.3.5. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

* * *

Sec. 6. DIVISION 59-4.6 is amended as follows:

Division 4.6. Employment Zones

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Section 4.6.1. Intent Statements

A. In General

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B. General Retail (GR)

1. The GR zone is intended for commercial areas of a general nature, including regional shopping centers and clusters of commercial development. The GR zone provides development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options, with limited mixed-use and residential uses.
2. The GR zone allows flexibility in building, circulation, and parking lot layout. Retail/Service Establishment gross floor area is not restricted.

C. Neighborhood Retail (NR)

1. The NR zone is intended for commercial areas that have a neighborhood orientation and which supply necessities usually requiring frequent purchasing and convenient automobile access. The NR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses. The NR zone provides limited mixed-use and residential uses, providing opportunities to live near work and amenities.
2. The NR zone allows flexibility in building, circulation, and parking lot layout.

* * *

E. Employment Office (EOF)

The EOF zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. The EOF zone allows flexibility in building, circulation, and parking lot layout. The EOF zone provides limited mixed-use and residential uses, providing opportunities to live near work and amenities.

* * *

Section 4.6.2. Density and Height Allocation

A. Density and Height Limits

* * *

[[5. In the NR and EOF zones, commercial FAR limits on the subject property may be reallocated to residential FAR if the total FAR does not exceed the maximum total mapped FAR of the property and the building height does not exceed the maximum mapped height, including any increases in each allowed by this Chapter.]]

B. FAR Averaging

1. Only standard method development projects that require site plan approval or optional method development projects can average FAR between properties.
2. FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones if:
 - a. the properties are under the same site plan, sketch plan, or [Biohealth Priority Campus] expedited approval plan; however, if a sketch plan or [Biohealth Priority Campus] expedited approval plan is required, density averaging must be shown on the applicable plan;
 - b. the resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an

approved sketch plan or [Biohealth Priority Campus] an expedited approval plan;

* * *

- e. public benefits are required to be provided under the phasing element of an approved sketch plan or [Biohealth Priority Campus] an expedited approval plan.

3. Density may be averaged over 2 or more non-contiguous properties in one or more LSC or EOF zones if:

- a. each provision under Section 4.6.2.B.2 is satisfied;
- b. the properties are within ¼ mile of each other or in a designated master-planned density transfer area or part of [a Biohealth Priority Campus] an expedited approval plan;
- c. the minimum public benefit points required under Section 4.6.4.A.2 are exceeded by at least 50%; and
- d. the applicable master plan does not specifically prohibit the averaging of density between non-contiguous properties.

4. If the Planning Board approves a site plan or [Biohealth Priority Campus] an expedited approval plan for a development project using FAR averaging across two or more lots, the maximum density on certain lots in the development project will be less than or greater than the zone allows, as indicated in the applicable plan. To provide additional notice of the FAR averaging, before the Planning Board approves a certified site plan or a certified [Biohealth Priority campus] expedited approval plan for such a project or, if plat approval is required, before plat approval, the applicant must state the gross square footage taken from any lot with reduced density in an instrument

approved by the Planning Board and must record the instrument in the Montgomery County land records.

* * *

Section 4.6.3. Standard Method Development

The GR, NR, LSC, and EOF zones allow standard method development under the following limitations and requirements.

* * *

C. GR and NR Zones, Standard Method Development Standards

* * *
2. Lot and Density
* * *
[[Specification for Density]]
[[a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.]]

* * *

E. EOF Zone, Standard Method Development Standards

* * *
2. Lot and Density
* * *
[[Specification for Density]]
[[a. Gross floor area of all Household Living uses is limited to 30% of the gross floor area on the subject site.]]

* * *

Section 4.6.4. Optional Method Development

The LSC and EOF zones allow development under the optional method.

A. General Requirements

1. Procedure for Approval

A sketch plan must be approved under Section 7.3.3 or [a Biohealth Priority Campus] an expedited approval plan must be approved under

Section [7.3.6] 7.3.5. A site plan must be approved under Section 7.3.4 for any development on a property with an approved sketch plan.

* * *

Sec. 7. DIVISION 59-7.3 is amended as follows:

Division 7.3. Regulatory Approvals

* * *

Section 7.3.3. Sketch Plan

A. Applicability and Description

1. Development under optional method in the CRT, CR, EOF, or LSC zone requires approval of a sketch plan, unless the development is approved as [a Signature Business Headquarters plan under Section 7.3.5, a Biohealth Priority Campus plan under Section 7.3.6, or a Mixed-Income Housing Community plan under Section 7.3.7] an expedited approval plan under Section 7.3.5.

* * *

Section 7.3.5. Expedited Approval Plan

A. Applicability and Description

1. An expedited approval plan provides a detailed overview of a proposed expedited approval. An expedited approval plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.
2. The following uses may be approved under an expedited approval plan:
 - a. Signature Business Headquarters;
 - b. Biohealth Priority Campus;
 - c. Mixed-Income Housing Community; and
 - d. Commercial to Residential Reconstruction.

3. An expedited approval plan may be phased, with each phase approved separately under this section.

4. An expedited approval plan may encompass all or part of any property on which the applicable use will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C, and Section 7.3.5.D.

B. Application Requirements

1. Ownership

a. An applicant must own the subject property or be authorized by the owner to file the application.

b. If any land or right-of-way encompassed by an expedited approval plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the expedited approval plan application.

2. An expedited approval plan application must include:

a. a legally binding commitment or other evidence accepted by the Planning Director that the expedited approval plan will meet the requirements of the use;

b. an application form and fees required by the Planning Director;

c. a vicinity map at 1" = 200", and a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;

- d. a list of abutting and confronting property owners in the State tax records;
- e. a list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
- f. documentation of property interest in the proposed development site under Section 7.3.5.B.1 and, if applicant is not the property owner, documentation from the property owner authorizing the application;
- g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department's Administrative Procedures for Development Review process;
- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;
 - ii. a Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
- k. existing and proposed dry and wet utility plan;
- l. plans of proposed development showing:

- i. use, ground-floor layout, building footprints, massing, and heights of all on-site buildings and structures, and approximate footprints and height for buildings located on abutting and confronting lots;
 - ii. any required open spaces and recreational amenities;
 - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and
 - m. a development program and inspection schedule detailing the construction schedule for the project.
3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 business days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.
4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.
5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.5.C.
6. Public notice is required under Division 7.5.

C. Hearing Date

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.

D. Review and Recommendation

1. State and County Agencies

a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.

b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.

2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.

3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for an expedited approval plan.

E. Necessary Findings

1. When reviewing an application, the approval findings apply only to the site covered by the application.
2. To approve an expedited approval plan, the Planning Board must find that the proposed development:
 - a. satisfies any previous approval that applies to the site, unless exempt under the applicable use section or amended;
 - b. satisfies the applicable use and development standards and general requirements of this Chapter;
 - c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;
 - d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;
 - e. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this chapter, and any guidelines approved by the Planning Board that implement the applicable plan;
 - f. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
 - i. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;
 - ii. parking below the minimum required under Section 6.2.4 is provided; and
 - iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the

Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and

g. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

F. Decision

1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.

2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action.

3. Within 30 days of submission, the final expedited approval plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.

G. Conforming Permits

For any development requiring an expedited approval plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved an expedited approval plan and a bond has been approved under Section 7.3.5.K.4.

H. Duration of Approval

1. An expedited approval plan expires unless a certified expedited approval plan is approved by the Planning Director within 24 months after the date the resolution is mailed.
2. An expedited approval plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the expedited approval plan becomes effective upon certification under Section 7.3.5.F.3.
3. Development activities under Section 7.3.5 must satisfy the certified expedited approval plan and any conditions of approval.
4. If the Planning Board approves an expedited approval plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within 2 years of the date of the Planning Board's resolution. Within 2 years after DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.
5. The deadlines under Section 7.3.5.H may be extended with approval of the Planning Board by up to 18 months.
6. If an applicant fails to comply with any of the deadlines within this section, the expedited approval plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.

I. Recording Procedures

The certified expedited approval plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.

J. Amendments

Any property owner may apply for an expedited approval plan amendment to change a certified expedited approval plan.

1. Major Amendment

a. A major amendment includes any request to:

- i. increase density or height by more than that allowed under a minor amendment under Section 7.3.5.J.2;
- ii. decrease open space;
- iii. deviate from a condition of approval; or
- iv. alter a basic element of the plan.

b. Public notice is required under Division 7.5.

c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original expedited approval plan.

2. Minor Amendment

a. A minor amendment includes any request to:

- i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;
- ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under the applicable use standards; or
- iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that

will have a minimal effect on the overall design, layout, quality, or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

b. Public notice is required under Division 7.5.

c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.

K. Compliance and Enforcement

1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified expedited approval plan, it may:

a. impose a civil fine or administrative civil penalty authorized by Chapter 50;

b. suspend or revoke the non-compliant portion of the expedited approval plan approval;

c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified expedited approval plan;

d. allow the applicant to propose modifications to the certified expedited approval plan; or

e. take any combination of these actions.

2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.5.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.5.K.1.a through Section 7.3.5.K.1.e.

3. If the Planning Board suspends or revokes all or any portion of an expedited approval plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the applicable portion of the expedited approval plan or approves a new plan for the development.

4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified expedited approval plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.

[Section 7.3.5. Signature Business Headquarters Plan]

[A. Applicability and Description]

[1. A Signature Business Headquarters plan provides a detailed overview of a proposed Signature Business Headquarters. A Signature Business Headquarters plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]

[2. A Signature Business Headquarters plan may be phased, with each phase approved separately under this section.]

[3. A Signature Business Headquarters plan may encompass all or part of any property on which the Signature Business Headquarters will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.5.B.3 through Section 7.3.5.B.6, Section 7.3.5.C and Section 7.3.5.D.]

[B. Application Requirements]

[1. Ownership

a. An applicant must own the subject property or be authorized by the owner to file the application.

b. If any land or right-of-way encompassed by a Signature Business Headquarters plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Signature Business Headquarters plan application.]

[2. A Signature Business Headquarters plan application must include:

a. a legally binding commitment or other evidence accepted by the Planning Director that the Signature Business Headquarters will employ at least 20,000 individuals within a single Metro Station Policy Area;

b. an application form and fees required by the Planning Director;

c. a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;

- d. a list of abutting and confronting property owners in the County tax records;
- e. a list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
- f. documentation of interest in the proposed development site under Section 7.3.5.B.1;
- g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department's Administrative Procedures for Development Review process;
- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;
 - ii. a Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
- k. existing and proposed dry and wet utility plan;
- l. plans of proposed development showing:
 - i. use, footprints, ground-floor layout, and heights of all buildings and structures;
 - ii. required open spaces and recreational amenities;

- iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and
 - m. a development program and inspection schedule detailing the construction schedule for the project.]
- [3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper signatures. The assessment of completeness must not address the merits of the application.]
 - [4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 days after receipt.]
 - [5. After the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.5.C.]
 - [6. Public notice is required under Division 7.5.]

[C. Hearing Date

The Planning Board must schedule a public hearing to begin within 60 days after the date an application is accepted. The applicant may request an extension with Planning Board approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

[1. State and County Agencies]

- a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted.
- b. The applicant must submit revised drawings to address the comments a minimum of 20 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director]

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application]

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a headquarters plan.]

[E. Necessary Findings]

[1. When reviewing an application, the approval findings apply only to the site covered by the application.]

[2. To approve a Signature Business Headquarters plan, the Planning Board must find that the proposed development:

- a. satisfies any previous approval that applies to the site, unless exempt under Section 3.5.8.D.2 or amended;
- b. satisfies the applicable use and development standards and general requirements of this Chapter;
- c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;

- d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;
- e. substantially conforms with the intent of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;
- f. will be located within the same Metro Station Policy Area as all other phases of the Signature Business Headquarters;
- g. on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
 - i. the applicant agrees to enter into a traffic mitigation agreement that provides an action plan for substantial achievement of the applicable NADMS goal;
 - ii. parking below the minimum required under Section 6.2.4 is provided; and
 - iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and
- h. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

- [1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the

application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]

[2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action to the Circuit Court and thereafter to the Court of Special Appeals.]

[3. Final Signature Business Headquarters plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval.]

[G. Conforming Permits]

For any development requiring a Signature Business Headquarters plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved a Signature Business Headquarters plan and a bond has been approved under Section 7.3.5.K.4.]

[H. Duration of Approval]

[1. A Signature Business Headquarters plan expires unless a certified Signature Business Headquarters plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]

[2. A Signature Business Headquarters plan does not become effective until a record plat is recorded that satisfies any approved subdivision plan for the subject property.]

[3. Development activities under Section 7.3.5 must satisfy the certified Signature Business Headquarters plan and any conditions of approval.]

[4. If the Planning Board approves a Signature Business Headquarters plan, the applicant must have a building permit application, accepted by the Department of Permitting Services, that includes the core and

shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after the Department of Permitting Services accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit. The deadlines under this section may not be extended. If an applicant fails to comply with any of the deadlines under this section, the applicable phase of the Signature Business Headquarters plan approval is revoked.]

[I. Recording Procedures

The certified Signature Business Headquarters plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Signature Business Headquarters plan amendment to change a certified Signature Business Headquarters plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

- a. A major amendment includes any request to:
 - i. increase density or height by more than that allowed under a minor amendment (Section 7.3.5.J.2);
 - ii. decrease open space;
 - iii. deviate from a condition of approval; or
 - iv. alter a basic element of the plan.
- b. Public notice is required under Division 7.5.
- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Signature Business Headquarters plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 30,000 square feet, whichever is less, provided the increase is less than or equal to the total mapped density;
 - ii. increase height by up to 10%, provided the height is less than or equal to the height allowed under Section 3.5.8.D; or
 - iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

- b. Public notice is required under Division 7.5.
- c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

- [1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property

under development is not in compliance with a certified Signature Business Headquarters plan, it may:

- a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Section 50-10.6.D);
- b. suspend or revoke Signature Business Headquarters plan approval;
- c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Signature Business Headquarters plan;
- d. allow the applicant to propose modifications to the certified Signature Business Headquarters plan; or
- e. take any combination of these actions.]

[2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.5.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.5.K.1.a. through Section 7.3.5.K.1.e.]

[3. If the Planning Board suspends or revokes a Signature Business Headquarters plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until the Planning Board reinstates the Signature Business Headquarters plan or approves a new plan for the development.]

[4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Signature Business Headquarters plan in an amount set by the Planning Board. If such

surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.]

[Section 7.3.6. Biohealth Priority Campus Plan]

[A. Applicability and Description]

- [1. A Biohealth Priority Campus plan provides a detailed overview of a proposed Biohealth Priority Campus. A Biohealth Priority Campus plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]
- [2. A Biohealth Priority Campus plan may be phased, with each phase approved separately under this section.]
- [3. A Biohealth Priority Campus plan may encompass all or part of any property on which the Biohealth Priority Campus will be located and must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan may follow the timeframe for review under Section 7.3.6.B.3 through Section 7.3.6.B.6, Section 7.3.6.C, and Section 7.3.6.D.]

[B. Application Requirements]

- [1. Ownership
 - a. An applicant must own the subject property or be authorized by the owner to file the application.
 - b. If any land or right-of-way encompassed by a Biohealth Priority Campus plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Biohealth Priority Campus plan application.]

- 921 [2. A Biohealth Priority Campus plan application must include:
- 922 a. a legally binding commitment or other evidence accepted by the
- 923 Planning Director that the Biohealth Priority Campus will meet
- 924 the requirements of Section 3.5.8.E.1;
- 925 b. an application form and fees required by the Planning Director;
- 926 c. a vicinity map at 1" = 200", and a site map showing existing
- 927 buildings, structures, circulation routes, significant natural
- 928 features, historic resources, and zoning and legal descriptions on
- 929 the proposed development site and within 500 feet of the
- 930 perimeter boundary;
- 931 d. a list of abutting and confronting property owners in the State tax
- 932 records;
- 933 e. a list of any civic, homeowners, and renters associations that are
- 934 registered with the Planning Department and located within ½
- 935 mile of the site;
- 936 f. documentation of property interest in the proposed development
- 937 site under Section 7.3.6.B.1 and, if applicant is not the property
- 938 owner, documentation from the property owner authorizing the
- 939 application;
- 940 g. a statement of justification outlining how the proposed
- 941 development satisfies the standards and criteria required to grant
- 942 the application;
- 943 h. verification that the applicant has posted notice on the property,
- 944 notified affected properties, and held a pre-submittal community
- 945 meeting that followed the Planning Department's Administrative
- 946 Procedures for Development Review process;

- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;
- j. environmental documentation or exemption for:
 - i. an approved Natural Resources Inventory/Forest Stand Delineation;
 - ii. a Stormwater Management Concept Application or, if required, a Water Quality Plan Application; and
 - iii. a final Forest Conservation Plan application;
- k. existing and proposed dry and wet utility plan;
- l. plans of proposed development showing:
 - i. use, ground-floor layout, building footprints, massing, and heights of all on-site buildings and structures, and approximate footprints and height for buildings located on abutting and confronting lots;
 - ii. required open spaces and recreational amenities;
 - iii. detailed layout and dimensions for all sidewalks, trails, paths, roadways, parking, loading, and bicycle storage areas;
 - iv. grading;
 - v. landscaping and lighting; and
- m. a development program and inspection schedule detailing the construction schedule for the project.]

- [3. The applicant must submit an initial application to the Planning Director for approval of completeness. The Planning Director must review the application for completeness within 3 business days after receipt. An application is incomplete if any required element is missing or is facially defective, e.g., a drawing that is not to scale or lacks proper

signatures. The assessment of completeness must not address the merits of the application.]

[4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.]

[5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.6.C.]

[6. Public notice is required under Division 7.5.]

[C. Hearing Date]

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

[1. State and County Agencies

a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.

b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant

submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a Biohealth Priority Campus plan.]

[E. Necessary Findings]

[1. When reviewing an application, the approval findings apply only to the site covered by the application.]

[2. To approve a Biohealth Priority Campus plan, the Planning Board must find that the proposed development:

- a. satisfies any previous approval that applies to the site, unless exempt under Section 3.5.8.E.2 or amended;
- b. satisfies the applicable use and development standards and general requirements of this Chapter;
- c. satisfies the applicable requirements of Chapter 19 and Chapter 22A;
- d. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;
- e. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this chapter, and any guidelines approved by the Planning Board that implement the applicable plan;

- f. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:
 - i. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;
 - ii. parking below the minimum required under Section 6.2.4 is provided; and
 - iii. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and
- g. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

- [1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present at the public hearing to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]
- [2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action]
- [3. Within 30 days of submission, the final Biohealth Priority Campus plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans

do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.]

[G. Conforming Permits]

For any development requiring a Biohealth Priority Campus plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit for any building, structure, or improvement unless the Planning Board has approved a Biohealth Priority Campus plan and a bond has been approved under Section 7.3.6.K.4.]

[H. Duration of Approval]

- [1. A Biohealth Priority Campus plan expires unless a certified Biohealth Priority Campus plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]
- [2. A Biohealth Priority Campus plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the Biohealth Priority Campus plan becomes effective upon certification under Section 7.3.6.F.3.]
- [3. Development activities under Section 7.3.6 must satisfy the certified Biohealth Priority Campus plan and any conditions of approval.]
- [4. If the Planning Board approves a Biohealth Priority Campus plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within two years of the date of the Planning Board's resolution. Within two years after DPS accepts the building permit application that includes the core

and shell of the principal building, the applicant must obtain that building permit.]

[5. The deadlines under Section 7.3.6.H may be extended with approval of the Planning Board by up to 18 months.]

[6. If an applicant fails to comply with any of the deadlines within this section, the Biohealth Priority Campus plan approval shall be revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.]

[I. Recording Procedures

The certified Biohealth Priority Campus plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Biohealth Priority Campus plan amendment to change a certified Biohealth Priority Campus plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

a. A major amendment includes any request to:

- i. increase density or height by more than that allowed under a minor amendment (Section 7.3.6.J.2);
- ii. decrease open space;
- iii. deviate from a condition of approval; or
- iv. alter a basic element of the plan.

b. Public notice is required under Division 7.5.

- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Biohealth Priority Campus plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total mapped density, including any density increases or bonuses;
 - ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under Section 3.5.8.D; or
 - iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan.

A minor amendment also includes a reduction in approved parking to satisfy Article 59-6. A minor amendment does not include any change that prevents circulation on any street or path.

- b. Public notice is required under Division 7.5.
- c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing

is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

[1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Biohealth Priority Campus plan, it may:

- a. impose a civil fine or administrative civil penalty authorized by Chapter 50 (Section 50-10.6.D);
- b. suspend or revoke the non-compliant portion of the Biohealth Priority Campus plan approval;
- c. order a compliance program that would permit the applicant to take corrective action to satisfy the certified Biohealth Priority Campus plan;
- d. allow the applicant to propose modifications to the certified Biohealth Priority Campus plan; or
- e. take any combination of these actions.]

[2. If the Planning Board or its designee finds that the applicant has failed to comply with a compliance program approved under Section 7.3.6.K.1.c, the Planning Board may, without holding any further hearing, take any of the actions identified in Section 7.3.6.K.1.a through Section 7.3.6.K.1.e.]

[3. If the Planning Board suspends or revokes all or any portion of a Biohealth Priority Campus plan, DPS must immediately suspend any applicable building permit under which construction has not been completed or withhold any applicable use-and-occupancy permit, until

the Planning Board reinstates the applicable portion of the Biohealth Priority Campus plan or approves a new plan for the development.]

- [4. The Planning Board may require the applicant to post a commercially acceptable form of surety securing compliance with and full implementation of specified features of the certified Biohealth Priority Campus plan in an amount set by the Planning Board. If such surety is required, DPS must not issue a building permit or use-and-occupancy permit until such surety is accepted.]

[Section 7.3.7. Mixed-Income Housing Community Plan]

[A. Applicability and Description]

A Mixed-Income Housing Community plan provides a detailed overview of a proposed Mixed-Income Housing Community. A Mixed-Income Housing Community plan review will be used to determine if the proposed development satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved guidelines.]

[B. Application Requirements]

[1. Ownership]

- a. An applicant must own the subject property or be authorized by the owner to file the application.
- b. If any land or right-of-way encompassed by a Mixed-Income Housing Community plan application is owned or controlled by the State, County, or any other entity or agency, a written agreement or authorization from that entity or agency must be submitted with the Mixed-Income Housing Community plan application.]

[2. A Mixed-Income Housing Community plan application must include:

- a. a legally binding commitment or other evidence accepted by the Planning Director that the Mixed-Income Housing Community will meet the requirements of Section 3.3.4;
- b. an application form and fees required by the Planning Director;
- c. a vicinity map at 1" = 200", and a site map showing existing buildings, structures, circulation routes, significant natural features, historic resources, and zoning and legal descriptions on the proposed development site and within 500 feet of the perimeter boundary;
- d. a list of abutting and confronting property owners in the State tax records;
- e. a list of any civic, homeowners, and renters associations that are registered with the Planning Department and located within ½ mile of the site;
- f. documentation of property interest in the proposed development site under Section 7.3.7.B.1 and, if applicant is not the property owner, documentation from the property owner authorizing the application;
- g. a statement of justification outlining how the proposed development satisfies the standards and criteria required to grant the application;
- h. verification that the applicant has posted notice on the property, notified affected properties, and held a pre-submittal community meeting that followed the Planning Department's Administrative Procedures for Development Review process;
- i. a Traffic Statement or Study accepted by the Planning Director, if not submitted with a previous or concurrent application;

- 1210 j. environmental documentation or exemption for:
- 1211 i. an approved Natural Resources Inventory/Forest Stand
- 1212 Delineation;
- 1213 ii. a Stormwater Management Concept Plan application or, if
- 1214 required, a Water Quality Plan application; and
- 1215 iii. a final Forest Conservation Plan application;
- 1216 k. existing and proposed dry and wet utility plan;
- 1217 l. plans of proposed development showing:
- 1218 i. use, ground-floor layout, building footprints, massing, and
- 1219 heights of all on-site buildings and structures, and
- 1220 approximate footprints and height for buildings located on
- 1221 abutting and confronting lots;
- 1222 ii. required open spaces and recreational amenities;
- 1223 iii. detailed layout and dimensions for all sidewalks, trails,
- 1224 paths, roadways, parking, loading, and bicycle storage
- 1225 areas;
- 1226 iv. grading;
- 1227 v. landscaping and lighting; and
- 1228 m. a development program and inspection schedule detailing the
- 1229 construction schedule for the project.]
- 1230 [3. The applicant must submit an initial application to the Planning
- 1231 Director for approval of completeness. The Planning Director must
- 1232 review the application for completeness within 3 business days after
- 1233 receipt. An application is incomplete if any required element is missing
- 1234 or is facially defective, e.g., a drawing that is not to scale or lacks proper
- 1235 signatures. The assessment of completeness must not address the merits
- 1236 of the application.]

[4. The applicant must submit any required revisions to the Planning Director. The Planning Director must review the revised application for completeness within 2 business days after receipt.]

[5. Once the Planning Director verifies that the application is complete, the applicant must file the final application with the Planning Director, who will accept the application and establish a hearing date under Section 7.3.7.C.]

[6. Public notice is required under Division 7.5.]

[C. Hearing Date]

The Planning Board must schedule a public hearing to begin 60 to 65 days after the date an application is accepted. If the next regularly scheduled hearing date would fall after the 60- or 65-day period due to a holiday or recess, then the next regularly scheduled hearing date should be used. The applicant may request an extension with Planning Director approval. Any extension of the public hearing must be noticed on the hearing agenda with the new public hearing date indicated.]

[D. Review and Recommendation]

[1. State and County Agencies

a. Reviewing State and County agencies and utilities must submit comments within 15 days after the date an application is accepted. If no comments are submitted within that time, the reviewing agency or utility's portion of the application is deemed approved.

b. The applicant must submit revised drawings to address the comments a minimum of 25 days before the date of the hearing. The Planning Director may extend the deadline if the applicant submits a written request within 5 days after the revised drawings were due.]

[2. Planning Director

The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.]

[3. Withdrawal of an Application

The Planning Board must send a notice to all parties entitled to notice of the hearing when an applicant withdraws an application for a Mixed-Income Housing Community plan.]

[E. Necessary Findings]

[To approve a Mixed-Income Housing Community plan, the Planning Board must find that the proposed development:]

[1. satisfies any previous approval that applies to the site, unless exempt under Section 3.3.4 or amended;]

[2. satisfies the applicable use and development standards and general requirements of this Chapter;]

[3. satisfies the applicable requirements of Chapter 19 and Chapter 22A;]

[4. provides safe, well-integrated parking, circulation patterns, building massing, and site amenities;]

[5. substantially conforms with the intent of the applicable master plan, existing and approved or pending adjacent development, the requirements of this Chapter, and any guidelines approved by the Planning Board that implement the applicable plan;]

[6. if on a property in a master plan area that requires staging based on Non-Auto Driver Mode Share (NADMS), is exempt from the staging requirement if:

- a. the applicant agrees to enter into a Transportation Demand Management plan that provides an action plan for substantial achievement of the applicable NADMS goal;

b. parking below the minimum required under Section 6.2.4 is provided; and

c. transit, bicycle, and pedestrian infrastructure required by the applicable stage of the master plan is funded in the Capital Improvements Program or Consolidated Transportation Program, or provided by the applicant; and]

[7. will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.]

[F. Decision]

[1. The Planning Board must act upon the close of the record of the public hearing by majority vote of those present to approve, approve with modifications or conditions, or deny the application. The Planning Board must issue a resolution reflecting its decision within 7 days of the Planning Board vote.]

[2. Any party aggrieved by a decision of the Planning Board may file a petition for judicial review of the decision within 30 days after the Planning Board's action.]

[3. Within 30 days of submission, the final Mixed-Income Housing Community plans must be certified by the Planning Director to confirm that the drawings reflect the Planning Board's approval. If the certified plans do not address or comply with the Planning Board's approval, the plans will be rejected with comments for the applicant to address. If no action is taken by the Planning Director within 30 days, the plan is deemed approved and certified.]

[G. Conforming Permits]

For any development requiring a Mixed-Income Housing Community plan, DPS must not issue a sediment control permit, building permit, or use-and-occupancy permit unless the Planning Board has approved a Mixed-Income Housing Community plan and a bond has been approved under Section 7.3.7.K.4.]

[H. Duration of Approval]

- [1. A Mixed-Income Housing Community plan expires unless a certified Mixed-Income Housing Community plan is approved by the Planning Director within 24 months after the date the resolution is mailed.]
- [2. A Mixed-Income Housing Community plan does not become effective until a record plat, if required, is recorded that satisfies any approved subdivision plan for the subject property. If no record plat is required, then the Mixed-Income Housing Community plan becomes effective upon certification under Section 7.3.7.F.3.]
- [3. Development activities under Section 7.3.7 must satisfy the certified Mixed-Income Housing Community plan and any conditions of approval.]
- [4. If the Planning Board approves a Mixed-Income Housing Community plan, the applicant must have a building permit application, accepted by DPS, that includes the core and shell of the principal building within 24 months of the date of the Planning Board's resolution. Within 24 months after DPS accepts the building permit application that includes the core and shell of the principal building, the applicant must obtain that building permit.]
- [5. The deadlines under Section 7.3.7.H may be extended with approval of the Planning Board by up to 18 months.]
- [6. If an applicant fails to comply with any of the deadlines within this section, the Mixed-Income Housing Community plan approval shall be

revoked. The applicant may request reinstatement of a revoked approval within 30 days of revocation. After holding a hearing on the reinstatement, the Planning Board may reinstate the approval and extend the deadline for good cause shown.]

[I. Recording Procedures

The certified Mixed-Income Housing Community plan and Planning Board resolution must be maintained in the permanent files of the Planning Department.]

[J. Amendments

Any property owner may apply for a Mixed-Income Housing Community plan amendment to change a certified Mixed-Income Housing Community plan. There are two types of amendments: a major and a minor amendment.]

[1. Major Amendment

- a. A major amendment includes any request to:
 - i. increase density or height by more than that allowed under a minor amendment (Section 7.3.7.J.2);
 - ii. decrease open space;
 - iii. deviate from a condition of approval; or
 - iv. alter a basic element of the plan.
- b. Public notice is required under Division 7.5.
- c. A major amendment must follow the same hearing procedures and satisfy the same necessary findings as the original Mixed-Income Housing Community plan.]

[2. Minor Amendment

- a. A minor amendment includes any request to:
 - i. increase density by up to 10% or 15,000 square feet, provided the increase is less than or equal to the total

mapped density, including any density increases or bonuses;

ii. increase height by up to 10%, provided the height is less than or equal to the height and any increases allowed under Section 3.5.8.D;

iii. change an ancillary use, a parking or loading area, landscaping, sidewalk, recreational facility or area, configuration of open space, or any other plan element that will have a minimal effect on the overall design, layout, quality or intent of the plan; or

iv. a reduction in approved parking to satisfy Article 59-6, but not any change that prevents circulation on any street or path.

b. Public notice is required under Division 7.5.

c. A minor amendment may be approved by the Planning Director without a public hearing if no objection to the application is received within 15 days after the application notice is sent. If an objection is received within 15 days after the application notice is sent, and the objection is considered relevant, a public hearing is required. A public hearing must be held under the same procedures as an original application.]

[K. Compliance and Enforcement]

[1. If the Planning Board finds, after holding a public hearing or designating a hearing officer to hold a public hearing, that a property under development is not in compliance with a certified Mixed-Income Housing Community plan, it may:

- 1396 a. impose a civil fine or administrative civil penalty authorized by
1397 Chapter 50 (Division 50-10.6.D);
- 1398 b. suspend or revoke the non-compliant portion of the Mixed-
1399 Income Housing Community plan approval;
- 1400 c. order a compliance program that would permit the applicant to
1401 take corrective action to satisfy the certified Mixed-Income
1402 Housing Community plan;
- 1403 d. allow the applicant to propose modifications to the certified
1404 Mixed-Income Housing Community plan; or
- 1405 e. take any combination of these actions.]
- 1406 [2. If the Planning Board or its designee finds that the applicant has failed
1407 to comply with a compliance program approved under Section
1408 7.3.7.K.1.c, the Planning Board may, without holding any further
1409 hearing, take any of the actions identified in Section 7.3.7.K.1.a through
1410 Section 7.3.7.K.1.e.]
- 1411 [3. If the Planning Board suspends or revokes all or any portion of a Mixed-
1412 Income Housing Community plan, DPS must immediately suspend any
1413 applicable building permit under which construction has not been
1414 completed or withhold any applicable use-and-occupancy permit, until
1415 the Planning Board reinstates the applicable portion of the Mixed-
1416 Income Housing Community plan or approves a new plan for the
1417 development.]
- 1418 [4. The Planning Board may require the applicant to post a commercially
1419 acceptable form of surety securing compliance with and full
1420 implementation of specified features of the certified Mixed-Income
1421 Housing Community plan in an amount set by the Planning Board. If

1422 such surety is required, DPS must not issue a building permit or use-
1423 and-occupancy permit until such surety is accepted.]

1424 * * *

1425 **Sec. 8. DIVISION 59-7.5 is amended as follows:**

1426 **Division 7.5. Notice Standards**

1427 **Section 7.5.1. Notice Required**

1428 Notice is required for each application according to the following table:

Application	Newspaper	Pre-Submittal Meeting	Application Sign	Application Notice	Hearing Notice	Resolution Notice	Building Permit Sign Notice	Website Posting
* * *								
Regulatory Approvals								
* * *								
Site Plan		x	x	x	x	x		x
<u>Expedited Approval Plan</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>
[Signature Business Headquarters Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Biohealth Priority Campus Plan]		[x]	[x]	[x]	[x]	[x]		[x]
[Mixed-Income Housing Community]		[x]	[x]	[x]	[x]	[x]		[x]
* * *								
Amendments to Approvals								
* * *								
Minor Site Plan Amendment				x				x
<u>Major Expedited Approval Plan Amendment</u>			<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>		<u>x</u>

<u>Minor Expedited Approval Plan Amendment</u>				<u>x</u>				
[Major Signature Business Headquarters Plan Amendment]			[x]	[x]	[x]	[x]		[x]
[Minor Signature Business Headquarters Plan Amendment]				[x]				
[Major Biohealth Priority Campus Plan]			[x]	[x]	[x]	[x]		[x]
[Minor Biohealth Priority Campus Plan]				[x]				

1429 **KEY:** x = Required

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Sec. 9. Short title. This zoning text amendment may be cited as part of the
“More Housing N.O.W. (New Options for Workers)” package.

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* * *

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Sec. 10. Effective date. This ordinance becomes effective 20 days after the
date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', is written above a horizontal line.

Sara R. Tenenbaum
Clerk of the Council