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 Amen	dment No.: <u>25-03</u>
Concerning: Expe	dited Approvals –
Com	mercial to
Resid	<u>lential</u>
Reco	nstruction
Revised: 4/8/202	25 Draft No.: <u>3</u>
Introduced: F	ebruary 4, 2025
Public Hearing: N	Iarch 11, 2025
Adopted: A	pril 8, 2025
Effective: A	pril 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]] <u>remove the gross floor</u> 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"

ORDINANCE No.: 20-17

DIVISION 1.5.	Commercial/Residential Zones
Section 4.5.2.	"Density and Height Allocation"
Section 4.5.4.	"Optional Method Development"
Division 4.6.	"Employment Zones"
Section 4.6.1.	"Intent Statements"
Section 4.6.2.	"Density and Height Allocation"
Section 4.6.3.	"Standard Method Development"
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"

"Commercial/Residential Zones"

EXPLANATION: Boldface indicates a Heading or a defined term.

Division 4.5.

<u>Underlining</u> 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.

<u>Double underlining</u> 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 No.: 20-17

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:

1	Sec. 1. DIVISION 59-1.4 is amended as follows:
2	Division 1.4. Defined Terms
3	* * *
4	Section 1.4.2. Specific Terms and Phrases Defined
5	* * *
6	Commercial to Residential Reconstruction: See Section 3.3.2.B.
7	* * *
8	Dormitory: See [Section 3.3.2.B] Section 3.3.2.C
9	* * *
10	Independent Living Facility for Seniors or Persons with Disabilities: See
11	[Section 3.3.2.C.1] Section 3.3.2.D.1
12	* * *
13	Personal Living Quarters: See [Section 3.3.2.D.1] Section 3.3.2.E.1
14	* * *
15	Residential Care Facility: See [Section 3.3.2.E.1] Section 3.3.2.F.1
16	* * *
17	Sec. 2. DIVISION 59-3.1 is amended as follows:
18	Division 3.1. Use Table
19	* * *
20	Section 3.1.6. Use Table
21	The following Use Table identifies uses allowed in each zone. Uses may be
22	modified in Overlay zones under Division 4.9.

												Resi	dentia	Ì														
	Definitions and	Ag	R	Rui esider			Residential Detached					d	Residential Townhouse			Residential Multi-Unit			Commercial/ Residential			Employment			Industrial			
USE OR USE GROUP		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	IM	IH
* * *																												
RESIDENTIAL																												
* * *																												
* * *																												
GROUP LIVING	3.3.2																											
Commercial to Residential																												
Reconstruction	3.3.2.B [3.3.2.B]																		<u>L</u>	<u>L</u>	<u>L</u>	Ē	<u>L</u>		<u>L</u>			
Dormitory	3.3.2.C																			L	L			Р				
Independent Living Facility for Seniors or Persons with Disabilities	[3.3.2.C] 3.3.2.D		С	С	С	С	С	С	С	С	С	С	С	С	С	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															С	С	С	С	С	С	С	С					
Residential Care Facility (Up to 8 Persons)	[3.3.2.E] 3.3.2.F	L	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	P	Р	Р	Р	Р					
Residential Care Facility (9 - 16 Persons)	[3.3.2.E] <u>3.3.2.F</u>	С	С	С	С	С	С	С	С	С	С	С	С	С	С	Р	Р	P	L	P	P	L	L					
Residential Care Facility (Over 16 Persons)	[3.3.2.E] 3.3.2.F	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	L	L	Р	L		Р	С			
* * *																												

25				* * *
26		Sec. 3.	. DIV	ISION 59-3.3 is amended as follows:
27	Divi	sion 3.3.	. Resi	dential Uses
28				* * *
29	Sect	ion 3.3.2	2. Gro	oup Living
30	A.	Define	ed, In	General
31	Grou	ıp Living	g mea	ans the residential occupancy of a structure by a group of people
32	that	does not	meet	the definition of any Household Living use under Section 3.3.1.
33	<u>B.</u>	Comn	nercia	al to Residential Reconstruction
34		<u>1.</u>	<u>Defin</u>	<u>ied</u>
35		Comm	nercia	l to Residential Reconstruction means a vacant [[office or retail]]
36		<u>buildir</u>	ng tha	at is at least 2 stories high and is converted to or demolished and
37		rebuilt	as a	residential building that qualifies as Townhouse Living under
38		Section	<u>n</u> 3.3	.1.D. or Multi-Unit Living under Section 3.3.1.E. [[Vacancy is
39		define	<u>d in t</u>	his Section as an Office or Retail building, as defined in Sections
40		3.5.8.E	3. <u>or</u>	3.5.11, that has no tenants in 50% of the building at the time of
41		applica	ation.]]
42			<u>a.</u>	In the EOF zone, vacancy is defined as a building that has no
43				tenants in at least 50% of the building at the time of application
44				and qualifies as an Office use under Section 3.5.8.B., which may
45				include ancillary nonresidential uses, or a Retail use under
46				<u>Section 3.5.11.</u>
47			<u>b.</u>	In the GR, NR, and Commercial/Residential zones, vacancy is
48				defined as a building that has no tenants in at least 50% of the
49				building at the time of application and qualifies as an Office use
50				under Section 3.5.8.B., which may include ancillary
51				nonresidential uses.

52		<u>c.</u>	Notwithstanding the underlying zone, in the RSC Overlay Zone,
53			vacancy is defined as a building that has no tenants in at least
54			50% of the building at the time of application and qualifies as an
55			Office use under Section 3.5.8.B., which may include ancillary
56			nonresidential uses, or a Retail use under Section 3.5.11.
57	<u>2.</u>	Exe	mptions —
58		<u>a.</u>	A sketch plan and a site plan are not required for a Commercial
59			to Residential Reconstruction if the Planning Board approves a
60			Commercial to Residential Reconstruction expedited approval
61			plan under Section 7.3.5.
62		<u>b.</u>	Development of a Commercial to Residential Reconstruction
63			should proceed under the standards of Chapter 50 and the
64			underlying zone, including any overlay zones, except as
65			modified by Section 3.3.2.B. and in conformance with the
66			hearing and review schedule in Sections 7.3.5.
67		<u>c.</u>	After [[a Commercial to Residential Reconstruction]] an
68			expedited approval plan is approved, subsequent additions or
69			expansions of the Commercial to Residential Reconstruction, in
70			any size or amount, will be processed under Section 7.3.5 as
71			amendments.
72	<u>3.</u>	<u>Use</u>	<u>Standards</u>
73		<u>a.</u>	Commercial FAR limits on the subject property may be
74			reallocated to residential FAR if the total FAR does not exceed
75			the maximum total mapped FAR of the property and the building
76			height does not exceed the maximum mapped height, including

any increases in each allowed by this Chapter.

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78	<u>b.</u>	In a red policy area, Commercial to Residential Reconstruction
79		must be in an Apartment Building type that satisfies Section
80		<u>4.1.3.D.</u>
81	<u>c.</u>	If not in a red policy area, Commercial to Residential
82		Reconstruction must be in a Townhouse building type that
83		satisfies [[Townhouse Living under]] Section 4.1.5.C.
84		[[3.3.1.D.]] or [[Multi-Unit Living under Section 3.3.1.E.]] in an
85		Apartment Building type that satisfies Section 4.1.3.D.
86	<u>d.</u>	Gross floor area of all non-residential uses is limited to 30% of
87		the gross floor area on the subject site.
88	[B] <u>C</u> . Dormito	ry
89		* * *
90	[C] D. Indepen	dent Living Facility for Seniors or Persons with Disabilities
91		* * *
92	2. Use Sta	andards
93		* * *
94	c.	Where an Independent Living Facility for Seniors or Persons
95		with Disabilities is allowed as a conditional use, it may be
96		permitted by the Hearing Examiner under all limited use
97		standards, Section 7.3.1, Conditional Use, and the following
98		standards:
99		* * *
100		iv. The maximum building height of an Independent Living
101		Facility for Seniors or Persons with Disabilities is the
102		height of the applied-for building type in the underlying
103		zone under the standard method of development, except

104		for the apartment building type which may be up to 60 feet.
105		If a particular building type is not allowed under the
106		standard method of development, the maximum height is
107		the height of a Conditional Use in the underlying zone.
108		The maximum density is determined by the Hearing
109		Examiner under the development standards of [Section
110		3.3.2.C.2.c.vi] [[Section <u>3.3.2.C.2.c.vi</u>]] <u>Section</u>
111		3.3.2.D.2.c.vi through [Section 3.3.2.C.2.c.ix] [[Section
112		3.3.2.C.2.c.ix]] Section 3.3.2.D.2.c.ix, without regard to
113		any other limitation in this Chapter.
114	v.	Height, density, coverage, and parking must be compatible
115		with surrounding uses and the Hearing Examiner may
116		modify height, density, coverage, and parking to
117		maximize the compatibility of buildings with the
118		residential character of the surrounding neighborhood.
119	vi.	The minimum front setback to the street for a lot abutting
120		a property not included in the application is equal to the
121		front setback for a detached house in the underlying zone
122		under the standard method of development. Except for an
123		access driveway, this front setback area must be
124		maintained as green area.
125	vii.	The minimum side and rear setback is 25 feet to abutting
126		lots not included in the application.
127	viii.	The minimum green area is 50%.
128	ix.	Principal building setbacks for all building types must
129		meet the minimum setbacks required under the standard

130	method of development for the subject building type in the
131	R-30 zone (see Section 4.4.14.B.3, Placement).
132	[D] <u>E</u> . Personal Living Quarters
133	* * *
134	[E] <u>F</u> . Residential Care Facility
135	1. Defined, In General
136	Residential Care Facility means a group care or similar arrangement for the
137	care of persons in need of personal services, supervision, or assistance
138	essential for sustaining the activities of daily living, or for the protection of
139	the individual, in which:
140	a. the facility must meet all applicable Federal, State, and County
141	certificate, licensure, and regulatory requirements;
142	b. resident staff necessary for operation of the facility are allowed
143	to live on-site; and
144	c. the number of residents includes members of the staff who reside
145	at the facility, but does not include infants younger than 2 months
146	old.
147	Residential Care Facility includes a nursing home, an assisted living facility,
148	a Continuing Care Retirement Community, a hospice, a group home, and a
149	Senior Care Community. Residential Care Facility does not include a Hospital
150	(see Section 3.4.6, Hospital) or Independent Living Facility for Seniors or
151	Persons with Disabilities (see [Section 3.3.2.C] Section 3.3.2.D, Independent
152	Living Facility for Seniors or Persons with Disabilities.)
153	* * *
154	Sec. 4. DIVISION 59-3.4 is amended as follows:
155	Division 3.4. Civic and Institutional Issues
156	* * *

ORDINANCE No.: 20-17

Section 3.4.2. Charitable, Philanthropic Institution

A. Defined

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- 1. Charitable, Philanthropic Institution means a private, tax-exempt [organization] 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).

183 * * *

184	Section 3.	4.6. Hospital
185	A. Def	ined
186	Hospital r	neans an institution providing health services primarily for the sick or
187	injured an	d offering inpatient medical or surgical care. Hospital includes accessory
188	facilities,	such as laboratories, medical/dental clinics, helistops, training facilities
189	classroom	s, central service facilities, and staff offices integral to the Hospital
190	Hospital o	does not include a stand-alone hospice (see [Section 3.3.2.E] Section
191	<u>3.3.2.F</u> , Ro	esidential Care Facility).
192		* * *
193	Sec	. 5. DIVISION 59-4.5 is amended as follows:
194	Division 4	5.5. Commercial/Residential Zones
195		* * *
196	Section 4.	5.2. Density and Height Allocation
197		* * *
198	B. FAI	R Averaging
199	1.	Only standard method development projects that require site plan
200		approval or optional method development projects can average FAR
201		between properties.
202	2.	FAR may be averaged over 2 or more directly abutting or confronting
203		properties in one or more Commercial/Residential zones if:
204		a. the properties are under the same site plan, sketch plan
205		[Signature Business Headquarters plan, or Biohealth Priority
206		Campus plan] or expedited approval plan; however, if a sketch
207		plan[, Signature Business Headquarters plan, or Biohealth
208		Priority Campus] or expedited approval plan is required, density
209		averaging must be shown on the applicable plan;

210		b.	the resulting properties are created by the same preliminary
211			subdivision plan or satisfy a phasing plan established by an
212			approved sketch plan[, Signature Business Headquarters plan,
213			or Biohealth Priority Campus plan] or expedited approval plan;
214		c.	the maximum total, nonresidential, and residential FAR limits
215			apply to the entire development, not to individual properties;
216		d.	the total allowed maximum density on a resulting property that
217			is abutting or confronting a property in an Agricultural, Rural
218			Residential, or Residential Detached zone that is vacant or
219			improved with an agricultural or residential use does not exceed
220			that allowed by the property's zone; and
221		e.	public benefits are required to be provided under any phasing
222			element of an approved sketch plan[, Signature Business
223			Headquarters plan, or Biohealth Priority Campus] or expedited
224			approval plan.
225	3.	Densi	ty may be averaged over 2 or more non-contiguous properties in
226		one o	r more CRT or CR zones if:
227		a.	each provision under Section 4.5.2.B.2 is satisfied;
228		b.	the properties are within 1/4 mile of each other, located in a
229			designated master-planned density transfer area, or are part of [a
230			Signature Business Headquarters plan or Biohealth Priority
231			Campus] an expedited approval plan;
232		c.	the minimum public benefit points required under
233			Section 4.5.4.A.2 must be exceeded by at least 50%; and
234		d.	the applicable master plan does not specifically prohibit the
235			averaging of density between non-contiguous properties.

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.

249 * * *

Section 4.5.4. Optional Method Development

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

A. General Requirements

4.

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.

260 * * *

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

Division 4.6. Employment Zones

263			* * *
264	Sect	ion 4.6	5.1. Intent Statements
265	A.	In G	eneral
266			* * *
267	B.	Gen	eral Retail (GR)
268		1.	The GR zone is intended for commercial areas of a general nature,
269			including regional shopping centers and clusters of commercial
270			development. The GR zone provides development opportunities
271			adjacent to the County's most auto-dominated corridors and those areas
272			with few alternative mobility options, with limited mixed-use and
273			residential uses.
274		2.	The GR zone allows flexibility in building, circulation, and parking lot
275			layout. Retail/Service Establishment gross floor area is not restricted.
276	C.	Neig	hborhood Retail (NR)
277		1.	The NR zone is intended for commercial areas that have a
278			neighborhood orientation and which supply necessities usually
279			requiring frequent purchasing and convenient automobile access. The
280			NR zone addresses development opportunities within primarily
281			residential areas with few alternative mobility options and without a
282			critical mass of density needed for pedestrian-oriented commercial
283			uses. The NR zone provides limited mixed-use and residential uses,
284			providing opportunities to live near work and amenities.
285		2.	The NR zone allows flexibility in building, circulation, and parking lot
286			layout.
287			* * *

E. Employment Office (EOF)

288

289	The E	OF zo	ne is intended for office and employment activity combined with limited
290	reside	ntial a	and neighborhood commercial uses. The EOF zone allows flexibility in
291	buildi	ng, cii	culation, and parking lot layout. The EOF zone provides limited mixed-
292	use ar	<u>id resi</u>	dential uses, providing opportunities to live near work and amenities.
293			* * *
294	Section	on 4.6.	2. Density and Height Allocation
295	A.	Dens	ity and Height Limits
296			* * *
297		[<u>[5.</u>	In the NR and EOF zones, commercial FAR limits on the subject
298			property may be reallocated to residential FAR if the total FAR does
299			not exceed the maximum total mapped FAR of the property and the
300			building height does not exceed the maximum mapped height,
301			including any increases in each allowed by this Chapter.]]
302	B.	FAR	Averaging
303		1.	Only standard method development projects that require site plan
304			approval or optional method development projects can average FAR
305			between properties.
306		2.	FAR may be averaged over 2 or more directly abutting or confronting
307			properties in one or more Employment zones if:
308			a. the properties are under the same site plan, sketch plan, or
309			[Biohealth Priority Campus] expedited approval plan; however,
310			if a sketch plan or [Biohealth Priority Campus] expedited
311			approval plan is required, density averaging must be shown on
312			the applicable plan;
313			b. the resulting properties are created by the same preliminary
314			subdivision plan or satisfy a phasing plan established by an

315		approved sketch plan or [Biohealth Priority Campus] an
316		expedited approval plan;
317		* * *
318		e. public benefits are required to be provided under the phasing
319		element of an approved sketch plan or [Biohealth Priority
320		Campus] an expedited approval plan.
321	3.	Density may be averaged over 2 or more non-contiguous properties in
322		one or more LSC or EOF zones if:
323		a. each provision under Section 4.6.2.B.2 is satisfied;
324		b. the properties are within 1/4 mile of each other or in a designated
325		master-planned density transfer area or part of [a Biohealth
326		Priority Campus] an expedited approval plan;
327		c. the minimum public benefit points required under Section
328		4.6.4.A.2 are exceeded by at least 50%; and
329		d. the applicable master plan does not specifically prohibit the
330		averaging of density between non-contiguous properties.
331	4.	If the Planning Board approves a site plan or [Biohealth Priority
332		Campus] an expedited approval plan for a development project using
333		FAR averaging across two or more lots, the maximum density on
334		certain lots in the development project will be less than or greater than
335		the zone allows, as indicated in the applicable plan. To provide
336		additional notice of the FAR averaging, before the Planning Board
337		approves a certified site plan or <u>a</u> certified [Biohealth Priority campus]
338		expedited approval plan for such a project or, if plat approval is
339		required, before plat approval, the applicant must state the gross square
340		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.
		* * *
Sect	tion 4.0	6.3. Standard Method Development
The	GR, N	JR, LSC, and EOF zones allow standard method development under the
		limitations and requirements.
		* * *
C.	GR	and NR Zones, Standard Method Development Standards
		* * *
2. I	ot and	Density * * *
110-		
		tion for Density]
		loor area of all Household Living uses is limited to 30% of the gross floor area
on t	the subj	ect site.]]
		" " "
Ε.	EOI	F Zone, Standard Method Development Standards
		•
		* * *
2. I	ot and	Density
		* * *
		tion for Density]]
		loor area of all Household Living uses is limited to 30% of the gross floor area
on t	the subj	ect site.]]
		* * *
Sect	tion 4.	6.4. Optional Method Development
Γhe	LSC a	and EOF zones allow development under the optional method.
A.	Gen	eral Requirements
	1.	Procedure for Approval
		A sketch plan must be approved under section 7.3.3 of ta biolicating
		A sketch plan must be approved under Section 7.3.3 or [a Biohealth Priority Campus] an expedited approval plan must be approved under

360			Section [7.3.6] <u>7.3.5</u> . A site plan must be approved under Section 7.3.4
361			for any development on a property with an approved sketch plan.
362			* * *
363		Sec.	7. DIVISION 59-7.3 is amended as follows:
364	Divi	sion 7	.3. Regulatory Approvals
365			* * *
366	Sect	ion 7.3	3.3. Sketch Plan
367	A.	App	licability and Description
368		1.	Development under optional method in the CRT, CR, EOF, or LSC
369			zone requires approval of a sketch plan, unless the development is
370			approved as [a Signature Business Headquarters plan under Section
371			7.3.5, a Biohealth Priority Campus plan under Section 7.3.6, or a
372			Mixed-Income Housing Community plan under Section 7.3.7] an
373			expedited approval plan under Section 7.3.5.
374			* * *
375	Sect	<u>ion</u> 7.3	3.5. Expedited Approval Plan
376	<u>A.</u>	<u>App</u>	dicability and Description
377		<u>1.</u>	An expedited approval plan provides a detailed overview of a proposed
378			expedited approval. An expedited approval plan review will be used to
379			determine if the proposed development satisfies current laws,
380			regulations, and this Chapter, and substantially conforms with the intent
381			of the applicable master plan and approved guidelines.
382		<u>2.</u>	The following uses may be approved under an expedited approval plan:
383			a. Signature Business Headquarters;
384			b. Biohealth Priority Campus;
385			c. <u>Mixed-Income Housing Community; and</u>
386			d. Commercial to Residential Reconstruction.

387		<u>3.</u>	<u>An</u> e	expedited approval plan may be phased, with each phase approved
388			sepa	rately under this section.
389		<u>4.</u>	<u>An</u> e	expedited approval plan may encompass all or part of any property
390			on w	which the applicable use will be located and must demonstrate its
391			relat	ion to and coordination with other applicable approvals or
392			subn	nittals. Any amendment to a previously approved plan may follow
393			the 1	timeframe for review under Section 7.3.5.B.3 through Section
394			7.3.5	S.B.6, Section 7.3.5.C, and Section 7.3.5.D.
395	<u>B.</u>	App]	licatio	n Requirements
396		<u>1.</u>	Own	ership
397			<u>a.</u>	An applicant must own the subject property or be authorized by
398				the owner to file the application.
399			<u>b.</u>	If any land or right-of-way encompassed by an expedited
400				approval plan application is owned or controlled by the State,
401				County, or any other entity or agency, a written agreement or
402				authorization from that entity or agency must be submitted with
403				the expedited approval plan application.
404		<u>2.</u>	<u>An</u> e	expedited approval plan application must include:
405			<u>a.</u>	a legally binding commitment or other evidence accepted by the
406				Planning Director that the expedited approval plan will meet the
407				requirements of the use;
408			<u>b.</u>	an application form and fees required by the Planning Director;
409			<u>c.</u>	a vicinity map at $1" = 200"$, and a site map showing existing
410				buildings, structures, circulation routes, significant natural
411				features, historic resources, and zoning and legal descriptions on
412				the proposed development site and within 500 feet of the
413				perimeter boundary;

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

440		<u>i.</u>	use, ground-floor layout, building footprints, massing, and
441			heights of all on-site buildings and structures, and
442			approximate footprints and height for buildings located on
443			
			abutting and confronting lots;
444		<u>ii.</u> 	any required open spaces and recreational amenities;
445		<u>iii.</u>	detailed layout and dimensions for all sidewalks, trails,
446			paths, roadways, parking, loading, and bicycle storage
447			areas;
448		<u>iv.</u>	grading;
449		<u>v.</u>	landscaping and lighting; and
450		m. a dev	relopment program and inspection schedule detailing the
451		const	truction schedule for the project.
452	<u>3.</u>	The applic	ant must submit an initial application to the Planning
453		Director fo	r approval of completeness. The Planning Director must
454		review the	application for completeness within 3 business days after
455		receipt. An	application is incomplete if any required element is missing
456		or is facially	y defective, e.g., a drawing that is not to scale or lacks proper
457		signatures.	The assessment of completeness must not address the merits
458		of the appli	cation.
459	<u>4.</u>	The applic	ant must submit any required revisions to the Planning
460		Director. Tl	he Planning Director must review the revised application for
461		completene	ss within 2 business days after receipt.
462	<u>5.</u>	Once the Pl	anning Director verifies that the application is complete, the
463		applicant m	ust file the final application with the Planning Director, who
464		will accept	the application and establish a hearing date under Section
465		7.3.5.C.	
466	6.	Public notic	ce is required under Division 7.5.

467 <u>C. Hearing Date</u>

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- 468 The Planning Board must schedule a public hearing to begin 60 to 65 days after the
- 469 <u>date an application is accepted. If the next regularly scheduled hearing date would</u>
- 470 <u>fall after the 60- or 65-day period due to a holiday or recess, then the next regularly</u>
- 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
- 473 <u>the hearing agenda with the new public hearing date indicated.</u>

474 <u>D. Review and Recommendation</u>

- 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.
- 486 <u>2. Planning Director</u>
- The Planning Director must publish a report and recommendation a minimum of 10 days before the Planning Board hearing.
- 489 <u>3. Withdrawal of an Application</u>
- 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

494	<u>1.</u>	Whe	n revie	wing an application, the approval findings apply only to the
495		site c	covered	by the application.
496	<u>2.</u>	To a	pprove	an expedited approval plan, the Planning Board must find
497		that t	the pro	posed development:
498		<u>a.</u>	satist	ies any previous approval that applies to the site, unless
499			exem	pt under the applicable use section or amended;
500		<u>b.</u>	satist	<u>ies</u> the applicable use and development standards and
501			gene	ral requirements of this Chapter;
502		<u>c.</u>	satist	ies the applicable requirements of Chapter 19 and Chapter
503			22A;	
504		<u>d.</u>	provi	des safe, well-integrated parking, circulation patterns,
505			<u>build</u>	ing massing, and site amenities;
506		<u>e.</u>	subst	antially conforms with the intent of the applicable master
507			plan,	existing and approved or pending adjacent development,
508			the re	equirements of this chapter, and any guidelines approved by
509			the P	lanning Board that implement the applicable plan;
510		<u>f.</u>	<u>if on</u>	a property in a master plan area that requires staging based
511			on N	on-Auto Driver Mode Share (NADMS), is exempt from the
512			stagi	ng requirement if:
513			<u>i.</u>	the applicant agrees to enter into a Transportation Demand
514				Management plan that provides an action plan for
515				substantial achievement of the applicable NADMS goal;
516			<u>ii.</u>	parking below the minimum required under Section 6.2.4
517				is provided; and
518			<u>iii.</u>	transit, bicycle, and pedestrian infrastructure required by
519				the applicable stage of the master plan is funded in the

520 <u>Capital Improvements Program or Consolidated</u>
521 <u>Transportation Program, or provided by the applicant; and</u>
522 <u>g. will be served by adequate public services and facilities,</u>
523 <u>including schools, police and fire protection, water, sanitary</u>
524 <u>sewer, public roads, storm drainage, and other public facilities.</u>

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

547	<u>1.</u>	An expedited approval plan expires unless a certified expedited
548		approval plan is approved by the Planning Director within 24 months
549		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

572 <u>The certified expedited approval plan and Planning Board resolution must be</u> 573 maintained in the permanent files of the Planning Department.

574	<u>J.</u>	<u>Ame</u>	endme:	<u>nts</u>	
575	Any	proper	ty owr	<u>ner may</u>	apply for an expedited approval plan amendment to change
576	a cer	tified o	expedi	ted app	proval plan.
577		<u>1.</u>	<u>Majo</u>	or Ame	<u>ndment</u>
578			<u>a.</u>	<u>A</u> ma	njor amendment includes any request to:
579				<u>i.</u>	increase density or height by more than that allowed under
580					a minor amendment under Section 7.3.5.J.2;
581				<u>ii.</u>	decrease open space;
582				<u>iii.</u>	deviate from a condition of approval; or
583				<u>iv.</u>	alter a basic element of the plan.
584			<u>b.</u>	<u>Publi</u>	c notice is required under Division 7.5.
585			<u>c.</u>	<u>A</u> ma	ajor amendment must follow the same hearing procedures
586				and s	atisfy the same necessary findings as the original expedited
587				appro	oval plan.
588		<u>2.</u>	Mino	or Ame	endment endment
589			<u>a.</u>	<u>A</u> mi	nor amendment includes any request to:
590				<u>i.</u>	increase density by up to 10% or 15,000 square feet,
591					provided the increase is less than or equal to the total
592					mapped density, including any density increases or
593					bonuses;
594				<u>ii.</u>	increase height by up to 10%, provided the height is less
595					than or equal to the height and any increases allowed under
596					the applicable use standards; or
597				<u>iii.</u>	change an ancillary use, a parking or loading area,
598					landscaping, sidewalk, recreational facility or area,
599					configuration of open space, or any other plan element that

600				will have a minimal effect on the overall design, layout,
601				quality, or intent of the plan.
602				A minor amendment also includes a reduction in approved
603				parking to satisfy Article 59-6. A minor amendment does not
604				include any change that prevents circulation on any street or path.
605			<u>b.</u>	Public notice is required under Division 7.5.
606			<u>c.</u>	A minor amendment may be approved by the Planning Director
607				without a public hearing if no objection to the application is
608				received within 15 days after the application notice is sent. If an
609				objection is received within 15 days after the application notice
610				is sent, and the objection is considered relevant, a public hearing
611				is required. A public hearing must be held under the same
612				procedures as an original application.
612	<u>K.</u>	Com	nlianc	e and Enforcement
613	<u> </u>	Com	рпанс	e and Emorcement
614	<u> </u>	<u>1.</u>		e Planning Board finds, after holding a public hearing or
	111		<u>If</u> th	
614	111		If the	e Planning Board finds, after holding a public hearing or
614 615	<u> </u>		If the designment desi	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property
614615616	<u></u>		If the designment desi	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property development is not in compliance with a certified expedited
614615616617	<u></u>		If the designment of the desig	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property redevelopment is not in compliance with a certified expedited eval plan, it may:
614615616617618			If the designment of the desig	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property redevelopment is not in compliance with a certified expedited eval plan, it may: impose a civil fine or administrative civil penalty authorized by
614615616617618619			If the designment of the desig	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property redevelopment is not in compliance with a certified expedited eval plan, it may: impose a civil fine or administrative civil penalty authorized by Chapter 50;
614615616617618619620			If the designment of the desig	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property of development is not in compliance with a certified expedited expedited eval plan, it may: impose a civil fine or administrative civil penalty authorized by Chapter 50; suspend or revoke the non-compliant portion of the expedited
614 615 616 617 618 619 620 621			If the design under approx a. b.	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property of development is not in compliance with a certified expedited expedited eval plan, it may: impose a civil fine or administrative civil penalty authorized by Chapter 50; suspend or revoke the non-compliant portion of the expedited approval plan approval;
614 615 616 617 618 619 620 621 622			If the design under approx a. b.	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property redevelopment is not in compliance with a certified expedited
 614 615 616 617 618 619 620 621 622 623 			If the design under approx a. b.	e Planning Board finds, after holding a public hearing or mating a hearing officer to hold a public hearing, that a property of development is not in compliance with a certified expedited expedite

- 627 <u>e. take any combination of these actions.</u>
- 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
- 632 <u>Section 7.3.5.K.1.e.</u>

- 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.]

653		[2.	A Sign	nature Business Headquarters plan may be phased, with each phase
654		app	roved s	eparately under this section.]
655		[3.	A Sig	nature Business Headquarters plan may encompass all or part of
656		any	proper	ty on which the Signature Business Headquarters will be located
657		and	must d	lemonstrate its relation to and coordination with other applicable
658		app	rovals o	or submittals. Any amendment to a previously approved plan may
659		foll	ow the	timeframe for review under Section 7.3.5.B.3 through Section
660		7.3.	5.B.6, S	Section 7.3.5.C and Section 7.3.5.D.]
661	[B.	Appl	lication	Requirements]
662		[1.	Own	ership
663			a.	An applicant must own the subject property or be authorized by
664				the owner to file the application.
665			b.	If any land or right-of-way encompassed by a Signature Business
666				Headquarters plan application is owned or controlled by the
667				State, County, or any other entity or agency, a written agreement
668				or authorization from that entity or agency must be submitted
669				with the Signature Business Headquarters plan application.]
670		[2.	A Si	gnature Business Headquarters plan application must include:
671			a.	a legally binding commitment or other evidence accepted by the
672				Planning Director that the Signature Business Headquarters will
673				employ at least 20,000 individuals within a single Metro Station
674				Policy Area;
675			b.	an application form and fees required by the Planning Director;
676			c.	a site map showing existing buildings, structures, circulation
677				routes, significant natural features, historic resources, and zoning
678				and legal descriptions on the proposed development site and
679				within 500 feet of the perimeter boundary;

680	d.	a list of abutting and confronting property owners in the County
681		tax records;
682	e.	a list of any civic, homeowners, and renters associations that are
683		registered with the Planning Department and located within $\frac{1}{2}$
684		mile of the site;
685	f.	documentation of interest in the proposed development site
686		under Section 7.3.5.B.1;
687	g.	a statement of justification outlining how the proposed
688		development satisfies the standards and criteria required to grant
689		the application;
690	h.	verification that the applicant has posted notice on the property,
691		notified affected properties, and held a pre-submittal community
692		meeting that followed the Planning Department's Administrative
693		Procedures for Development Review process;
694	i.	a Traffic Statement or Study accepted by the Planning Director,
695		if not submitted with a previous or concurrent application;
696	j.	environmental documentation or exemption for:
697		i. an approved Natural Resources Inventory/Forest Stand
698		Delineation;
699		ii. a Stormwater Management Concept Application or, if
700		required, a Water Quality Plan Application; and
701		iii. a final Forest Conservation Plan application;
702	k.	existing and proposed dry and wet utility plan;
703	1.	plans of proposed development showing:
704		i. use, footprints, ground-floor layout, and heights of all
705		buildings and structures;
706		ii. required open spaces and recreational amenities:

707		iii. detailed layout and dimensions for all sidewalks, trails,
708		paths, roadways, parking, loading, and bicycle storage
709		areas;
710		iv. grading;
711		v. landscaping and lighting; and
712		m. a development program and inspection schedule detailing the
713		construction schedule for the project.]
714	[3.	The applicant must submit an initial application to the Planning
715		Director for approval of completeness. The Planning Director must
716		review the application for completeness within 3 days after receipt. An
717		application is incomplete if any required element is missing or is
718		facially defective, e.g., a drawing that is not to scale or lacks proper
719		signatures. The assessment of completeness must not address the merits
720		of the application.]
721	[4.	The applicant must submit any required revisions to the Planning
722		Director. The Planning Director must review the revised application for
723		completeness within 2 days after receipt.]
724	[5.	After the Planning Director verifies that the application is complete, the
725		applicant must file the final application with the Planning Director, who
726		will accept the application and establish a hearing date under Section
727		7.3.5.C.]
728	[6.	Public notice is required under Division 7.5.]
729	[C. Hear	ing Date
730	The Plannin	g Board must schedule a public hearing to begin within 60 days after the
731	date an app	olication is accepted. The applicant may request an extension with
732	Planning Bo	oard approval. Any extension of the public hearing must be noticed on
733	the hearing	agenda with the new public hearing date indicated.]

734	[D.	Revi	ew and Recommendation]			
735		[1.	State and County Agencies			
736			a. Reviewing State and County agencies and utilities must submit			
737			comments within 15 days after the date an application is			
738			accepted.			
739			b. The applicant must submit revised drawings to address the			
740			comments a minimum of 20 days before the date of the hearing.			
741			The Planning Director may extend the deadline if the applicant			
742			submits a written request within 5 days after the revised drawings			
743			were due.]			
744		[2.	Planning Director			
745		The	Planning Director must publish a report and recommendation a minimum			
746		of 10	0 days before the Planning Board hearing.]			
747		[3.	Withdrawal of an Application			
748		The	Planning Board must send a notice to all parties entitled to notice of the			
749		hear	ing when an applicant withdraws an application for a headquarters plan.]			
750	[E.	Nece	ecessary Findings]			
751		[1.	When reviewing an application, the approval findings apply only to the			
752			site covered by the application.]			
753		[2.	To approve a Signature Business Headquarters plan, the Planning			
754			Board must find that the proposed development:			
755			a. satisfies any previous approval that applies to the site, unless			
756			exempt under Section 3.5.8.D.2 or amended;			
757			b. satisfies the applicable use and development standards and			
758			general requirements of this Chapter;			
759			c. satisfies the applicable requirements of Chapter 19 and Chapter			
760			22A;			

761			d.	prov	ides safe, well-integrated parking, circulation patterns,
762				build	ling massing, and site amenities;
763			e.	subst	tantially conforms with the intent of the applicable master
764				plan	and any guidelines approved by the Planning Board that
765				impl	ement the applicable plan;
766			f.	will 1	be located within the same Metro Station Policy Area as all
767				other	r phases of the Signature Business Headquarters;
768			g.	on a	property in a master plan area that requires staging based on
769				Non-	-Auto Driver Mode Share (NADMS), is exempt from the
770				stagi	ng requirement if:
771				i.	the applicant agrees to enter into a traffic mitigation
772					agreement that provides an action plan for substantial
773					achievement of the applicable NADMS goal;
774				ii.	parking below the minimum required under Section 6.2.4
775					is provided; and
776				iii.	transit, bicycle, and pedestrian infrastructure required by
777					the applicable stage of the master plan is funded in the
778					Capital Improvements Program or Consolidated
779					Transportation Program, or provided by the applicant; and
780			h.	will 1	be served by adequate public services and facilities,
781				inclu	iding schools, police and fire protection, water, sanitary
782				sewe	er, public roads, storm drainage, and other public facilities.]
783	[F.	Deci	sion]		
784		[1.	The	Plannii	ng Board must act upon the close of the record of the public
785			heari	ing by	majority vote of those present at the public hearing to
786			appr	ove, a	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.]
- 789 [2. Any party aggrieved by a decision of the Planning Board may file a 790 petition for judicial review of the decision within 30 days after the 791 Planning Board's action to the Circuit Court and thereafter to the Court 792 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

- 797 For any development requiring a Signature Business Headquarters plan, DPS must
- 798 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
- 801 7.3.5.K.4.]

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802 [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.]
- In 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

814			shell	of the principal building within two years of the date of the
815			Plann	ing Board's resolution. Within two years after the Department of
816			Perm	itting Services accepts the building permit application that
817			includ	des the core and shell of the principal building, the applicant must
818			obtair	n that building permit. The deadlines under this section may not
819			be ex	tended. If an applicant fails to comply with any of the deadlines
820			under	this section, the applicable phase of the Signature Business
821			Head	quarters plan approval is revoked.]
822	[I. I	Reco	rding	Procedures
823	The cer	rtifie	d Sign	ature Business Headquarters plan and Planning Board resolution
824	must be	e mai	ntaine	d in the permanent files of the Planning Department.]
825	[J. A	Amer	ıdmen	its
826	Any p	roper	ty ow	ner may apply for a Signature Business Headquarters plan
827	amendı	nent	to cha	inge a certified Signature Business Headquarters plan. There are
828	two typ	es of	famen	dments: a major and a minor amendment.]
829	[1.	Majo	r Amendment
830			a.	A major amendment includes any request to:
831				i. increase density or height by more than that allowed under
832				a minor amendment (Section 7.3.5.J.2);
833				ii. decrease open space;
834				iii. deviate from a condition of approval; or
835				iv. alter a basic element of the plan.
836			b.	Public notice is required under Division 7.5.
837			c.	A major amendment must follow the same hearing procedures
838				and satisfy the same necessary findings as the original Signature
839				Business Headquarters plan.]
840	ſ	2.	Mino	r Amendment

841			a.	A min	nor amendment includes any request to:
842				i.	increase density by up to 10% or 30,000 square feet,
843					whichever is less, provided the increase is less than or
844					equal to the total mapped density;
845				ii.	increase height by up to 10%, provided the height is less
846					than or equal to the height allowed under Section 3.5.8.D;
847					or
848				iii.	change an ancillary use, a parking or loading area,
849					landscaping, sidewalk, recreational facility or area,
850					configuration of open space, or any other plan element that
851					will have a minimal effect on the overall design, layout,
852					quality or intent of the plan.
853			A mii	nor am	endment also includes a reduction in approved parking to
854			satisf	y Artic	ele 59-6. A minor amendment does not include any change
855			that p	revent	s circulation on any street or path.
856			b.	Publi	c notice is required under Division 7.5.
857			c.	A min	nor amendment may be approved by the Planning Director
858				witho	out a public hearing if no objection to the application is
859				receiv	yed within 15 days after the application notice is sent. If an
860				objec	tion is received within 15 days after the application notice
861				is sen	t, and the objection is considered relevant, a public hearing
862				is rec	quired. A public hearing must be held under the same
863				proce	dures as an original application.]
864	[K.	Com	pliance	e and l	Enforcement]
865		[1.	If the	e Plar	nning Board finds, after holding a public hearing or
866			design	nating	a hearing officer to hold a public hearing, that a property

867		under development is not in compliance with a certified Signature
868		Business Headquarters plan, it may:
869		a. impose a civil fine or administrative civil penalty authorized by
870		Chapter 50 (Section 50-10.6.D);
871		b. suspend or revoke Signature Business Headquarters plan
872		approval;
873		c. order a compliance program that would permit the applicant to
874		take corrective action to satisfy the certified Signature Business
875		Headquarters plan;
876		d. allow the applicant to propose modifications to the certified
877		Signature Business Headquarters plan; or
878		e. take any combination of these actions.]
879	[2.	If the Planning Board or its designee finds that the applicant has failed
880		to comply with a compliance program approved under Section
881		7.3.5.K.1.c, the Planning Board may, without holding any further
882		hearing, take any of the actions identified in Section 7.3.5.K.1.a.
883		through Section 7.3.5.K.1.e.]
884	[3.	If the Planning Board suspends or revokes a Signature Business Head-
885		quarters plan, DPS must immediately suspend any applicable building
886		permit under which construction has not been completed or withhold
887		any applicable use-and-occupancy permit, until the Planning Board
888		reinstates the Signature Business Headquarters plan or approves a new
889		plan for the development.]
890	[4.	The Planning Board may require the applicant to post a commercially
891		acceptable form of surety securing compliance with and full
892		implementation of specified features of the certified Signature Business
893		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-894 occupancy permit until such surety is accepted.] 895 [Section 7.3.6. Biohealth Priority Campus Plan] 896 897 A. **Applicability and Description** 898 [1. A Biohealth Priority Campus plan provides a detailed overview of a 899 proposed Biohealth Priority Campus. A Biohealth Priority Campus plan review will be used to determine if the proposed development 900 901 satisfies current laws, regulations, and this Chapter, and substantially conforms with the intent of the applicable master plan and approved 902 903 guidelines.] [2. A Biohealth Priority Campus plan may be phased, with each phase 904 905 approved separately under this section.] A Biohealth Priority Campus plan may encompass all or part of any [3. 906 907 property on which the Biohealth Priority Campus will be located and 908 must demonstrate its relation to and coordination with other applicable approvals or submittals. Any amendment to a previously approved plan 909 910 may follow the timeframe for review under Section 7.3.6.B.3 through 911 Section 7.3.6.B.6, Section 7.3.6.C, and Section 7.3.6.D.] IB. **Application Requirements**] 912 913 [1. Ownership 914 An applicant must own the subject property or be authorized by a. 915 the owner to file the application. 916 b. If any land or right-of-way encompassed by a Biohealth Priority Campus plan application is owned or controlled by the State, 917

the Biohealth Priority Campus plan application.]

County, or any other entity or agency, a written agreement or

authorization from that entity or agency must be submitted with

918

919

920

92	.1	[2.	A Bio	ohealth Priority Campus plan application must include:
92	.2		a.	a legally binding commitment or other evidence accepted by the
92	2.3			Planning Director that the Biohealth Priority Campus will meet
92	24			the requirements of Section 3.5.8.E.1;
92	2.5		b.	an application form and fees required by the Planning Director;
92	2.6		c.	a vicinity map at 1" = 200", and a site map showing existing
92	.7			buildings, structures, circulation routes, significant natural
92	28			features, historic resources, and zoning and legal descriptions on
92	.9			the proposed development site and within 500 feet of the
93	0			perimeter boundary;
93	1		d.	a list of abutting and confronting property owners in the State tax
93	2			records;
93	3		e.	a list of any civic, homeowners, and renters associations that are
93	4			registered with the Planning Department and located within ½
93	5			mile of the site;
93	66		f.	documentation of property interest in the proposed development
93	7			site under Section 7.3.6.B.1 and, if applicant is not the property
93	8			owner, documentation from the property owner authorizing the
93	9			application;
94	0		g.	a statement of justification outlining how the proposed
94	1			development satisfies the standards and criteria required to grant
94	-2			the application;
94	43		h.	verification that the applicant has posted notice on the property,
94	4			notified affected properties, and held a pre-submittal community
94	15			meeting that followed the Planning Department's Administrative
94	46			Procedures for Development Review process;

947		1.	a Tra	Iffic Statement or Study accepted by the Planning Director,
948			if not	submitted with a previous or concurrent application;
949		j.	envir	onmental documentation or exemption for:
950			i.	an approved Natural Resources Inventory/Forest Stand
951				Delineation;
952			ii.	a Stormwater Management Concept Application or, if
953				required, a Water Quality Plan Application; and
954			iii.	a final Forest Conservation Plan application;
955		k.	existi	ing and proposed dry and wet utility plan;
956		1.	plans	of proposed development showing:
957			i.	use, ground-floor layout, building footprints, massing, and
958				heights of all on-site buildings and structures, and
959				approximate footprints and height for buildings located on
960				abutting and confronting lots;
961			ii.	required open spaces and recreational amenities;
962			iii.	detailed layout and dimensions for all sidewalks, trails,
963				paths, roadways, parking, loading, and bicycle storage
964				areas;
965			iv.	grading;
966			v.	landscaping and lighting; and
967		m.	a dev	velopment program and inspection schedule detailing the
968			const	ruction schedule for the project.]
969	[3.	The	applic	ant must submit an initial application to the Planning
970		Direc	ctor fo	r approval of completeness. The Planning Director must
971		revie	w the	application for completeness within 3 business days after
972		recei	pt. An	application is incomplete if any required element is missing
973		oris	facially	v defective, e.g., a drawing that is not to scale or lacks proper

974		signat	ures. The assessment of completeness must not address the merits		
975		of the	application.]		
976	[4.	The a	pplicant must submit any required revisions to the Planning		
977		Direct	or. The Planning Director must review the revised application for		
978		comp	eteness within 2 business days after receipt.]		
979	[5.	Once	the Planning Director verifies that the application is complete, the		
980		applic	ant must file the final application with the Planning Director, who		
981		will a	ccept the application and establish a hearing date under Section		
982		7.3.6.	C.]		
983	[6.	Public	notice is required under Division 7.5.]		
984	[C. Hear	ring Da	te		
985	The Plannin	ng Boar	d must schedule a public hearing to begin 60 to 65 days after the		
986	date an application is accepted. If the next regularly scheduled hearing date would				
987	fall after the 60- or 65-day period due to a holiday or recess, then the next regularly				
988	scheduled hearing date should be used. The applicant may request an extension with				
989	Planning D	irector	approval. Any extension of the public hearing must be noticed on		
990	the hearing	agenda	with the new public hearing date indicated.]		
991	[D. Revi	ew and	Recommendation]		
992	[1.	State	and County Agencies		
993		a.	Reviewing State and County agencies and utilities must submit		
994			comments within 15 days after the date an application is		
995			accepted. If no comments are submitted within that time, the		
996			reviewing agency or utility's portion of the application is deemed		
997			approved.		
998		b.	The applicant must submit revised drawings to address the		
999			comments a minimum of 25 days before the date of the hearing.		
1000			The Planning Director may extend the deadline if the applicant		

1001				submits a written request within 5 days after the revised drawings
1002				were due.]
1003		[2.	Plan	ning Director
1004		The	Planni	ng Director must publish a report and recommendation a minimum
1005		of 10) days	before the Planning Board hearing.]
1006		[3.	With	drawal of an Application
1007		The	Planni	ng Board must send a notice to all parties entitled to notice of the
1008		hear	ing wh	en an applicant withdraws an application for a Biohealth Priority
1009		Cam	pus pla	an.]
1010	[E.	Neco	essary	Findings]
1011		[1.	Whe	n reviewing an application, the approval findings apply only to the
1012			site o	covered by the application.]
1013		[2.	To a _j	pprove a Biohealth Priority Campus plan, the Planning Board must
1014			find	that the proposed development:
1015			a.	satisfies any previous approval that applies to the site, unless
1016				exempt under Section 3.5.8.E.2 or amended;
1017			b.	satisfies the applicable use and development standards and
1018				general requirements of this Chapter;
1019			c.	satisfies the applicable requirements of Chapter 19 and Chapter
1020				22A;
1021			d.	provides safe, well-integrated parking, circulation patterns,
1022				building massing, and site amenities;
1023			e.	substantially conforms with the intent of the applicable master
1024				plan, existing and approved or pending adjacent development,
1025				the requirements of this chapter, and any guidelines approved by
1026				the Planning Board that implement the applicable plan;

1027			I. If on a property in a master plan area that requires staging based
1028			on Non-Auto Driver Mode Share (NADMS), is exempt from the
1029			staging requirement if:
1030			i. the applicant agrees to enter into a Transportation Demand
1031			Management plan that provides an action plan for
1032			substantial achievement of the applicable NADMS goal;
1033			ii. parking below the minimum required under Section 6.2.4
1034			is provided; and
1035			iii. transit, bicycle, and pedestrian infrastructure required by
1036			the applicable stage of the master plan is funded in the
1037			Capital Improvements Program or Consolidated
1038			Transportation Program, or provided by the applicant; and
1039			g. will be served by adequate public services and facilities,
1040			including schools, police and fire protection, water, sanitary
1041			sewer, public roads, storm drainage, and other public facilities.]
1042	[F.	Deci	sion]
1043		[1.	The Planning Board must act upon the close of the record of the public
1044			hearing by majority vote of those present at the public hearing to
1045			approve, approve with modifications or conditions, or deny the
1046			application. The Planning Board must issue a resolution reflecting its
1047			decision within 7 days of the Planning Board vote.]
1048		[2.	Any party aggrieved by a decision of the Planning Board may file a
1049			petition for judicial review of the decision within 30 days after the
1050			Planning Board's action]
1051		[3.	Within 30 days of submission, the final Biohealth Priority Campus
1052			plans must be certified by the Planning Director to confirm that the

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.I

[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

1080		and sh	nell of tl	ne principal building, the applicant must obtain that
1081		buildir	ng permit	£.]
1082	[5.	The de	adlines u	under Section 7.3.6.H may be extended with approval of
1083		the Pla	nning Bo	oard by up to 18 months.]
1084	[6.	If an a	pplicant	fails to comply with any of the deadlines within this
1085		section	, the Bic	health Priority Campus plan approval shall be revoked.
1086		The ap	plicant r	nay request reinstatement of a revoked approval within
1087		30 day	s of revo	cation. After holding a hearing on the reinstatement, the
1088		Planni	ng Board	I may reinstate the approval and extend the deadline for
1089		good c	ause sho	wn.]
1090	[I. Reco	rding P	rocedur	es
1091	The certifie	d Biohe	alth Pric	ority Campus plan and Planning Board resolution must
1092	be maintain	ed in th	e perman	ent files of the Planning Department.]
1093	[J. Amer	ndment	es .	
1094	Any propert	y owne	r may ap	ply for a Biohealth Priority Campus plan amendment to
1095	change a c	ertified	Biohea	lth Priority Campus plan. There are two types of
1096	amendments	s: a maj	or and a	minor amendment.]
1097	[1.	Major	Amendn	nent
1098		a.	A major	amendment includes any request to:
1099			i. ind	crease density or height by more than that allowed under
1100			a r	ninor amendment (Section 7.3.6.J.2);
1101			ii. de	crease open space;
1102			iii. de	viate from a condition of approval; or
1103			iv. alt	er a basic element of the plan.
1104		b	Public no	otice is required under Division 7.5.

1105		c.	A major amendment must follow the same hearing procedures
1106			and satisfy the same necessary findings as the original Biohealth
1107			Priority Campus plan.]
1108	[2.	Mino	or Amendment
1109		a.	A minor amendment includes any request to:
1110			i. increase density by up to 10% or 15,000 square feet,
1111			provided the increase is less than or equal to the total
1112			mapped density, including any density increases or
1113			bonuses;
1114			ii. increase height by up to 10%, provided the height is less
1115			than or equal to the height and any increases allowed under
1116			Section 3.5.8.D; or
1117			iii. change an ancillary use, a parking or loading area,
1118			landscaping, sidewalk, recreational facility or area,
1119			configuration of open space, or any other plan element that
1120			will have a minimal effect on the overall design, layout,
1121			quality or intent of the plan.
1122			A minor amendment also includes a reduction in approved
1123			parking to satisfy Article 59-6. A minor amendment does not
1124			include any change that prevents circulation on any street or path.
1125		b.	Public notice is required under Division 7.5.
1126		c.	A minor amendment may be approved by the Planning Director
1127			without a public hearing if no objection to the application is
1128			received within 15 days after the application notice is sent. If an
1129			objection is received within 15 days after the application notice
1130			is sent, and the objection is considered relevant, a public hearing

1131			is required. A public hearing must be held under the same
1132			procedures as an original application.]
1133	[K.	Con	npliance and Enforcement]
1134		[1.	If the Planning Board finds, after holding a public hearing or
1135			designating a hearing officer to hold a public hearing, that a property
1136			under development is not in compliance with a certified Biohealth
1137			Priority Campus plan, it may:
1138			a. impose a civil fine or administrative civil penalty authorized by
1139			Chapter 50 (Section 50-10.6.D);
1140			b. suspend or revoke the non-compliant portion of the Biohealth
1141			Priority Campus plan approval;
1142			c. order a compliance program that would permit the applicant to
1143			take corrective action to satisfy the certified Biohealth Priority
1144			Campus plan;
1145			d. allow the applicant to propose modifications to the certified
1146			Biohealth Priority Campus plan; or
1147			e. take any combination of these actions.]
1148		[2.	If the Planning Board or its designee finds that the applicant has failed
1149			to comply with a compliance program approved under Section
1150			7.3.6.K.1.c, the Planning Board may, without holding any further
1151			hearing, take any of the actions identified in Section 7.3.6.K.1.a through
1152			Section 7.3.6.K.1.e.]
1153		[3.	If the Planning Board suspends or revokes all or any portion of a
1154			Biohealth Priority Campus plan, DPS must immediately suspend any
1155			applicable building permit under which construction has not been
1156			completed or withhold any applicable use-and-occupancy permit, until

1157		the F	Planning Board reinstates the applicable portion of the Biohealth
1158		Prior	ity Campus plan or approves a new plan for the development.]
1159	[4.	The	Planning Board may require the applicant to post a commercially
1160		acce	otable form of surety securing compliance with and full
1161		impl	ementation of specified features of the certified Biohealth Priority
1162		Cam	pus plan in an amount set by the Planning Board. If such surety is
1163		requi	red, DPS must not issue a building permit or use-and-occupancy
1164		perm	it until such surety is accepted.]
1165	[Section 7.	3.7. M	ixed-Income Housing Community Plan]
1166	[A. Appli	cabilit	y and Description
1167	A Mixed-I	ncome	Housing Community plan provides a detailed overview of a
1168	proposed	Mixed	-Income Housing Community. A Mixed-Income Housing
1169	Community	y plan	review will be used to determine if the proposed development
1170	satisfies cur	rrent la	ws, regulations, and this Chapter, and substantially conforms with
1171	the intent o	f the a	pplicable master plan and approved guidelines.]
1172	[B. App	licatio	n Requirements]
1173	[1.	Own	ership
1174		a.	An applicant must own the subject property or be authorized by
1175			the owner to file the application.
1176		b.	If any land or right-of-way encompassed by a Mixed-Income
1177			Housing Community plan application is owned or controlled by
1178			the State, County, or any other entity or agency, a written
1179			agreement or authorization from that entity or agency must be
1180			submitted with the Mixed-Income Housing Community plan
1181			application.]
1182	[2.	A M	ixed-Income Housing Community plan application must include:

1183	a.	a legally binding commitment or other evidence accepted by the
1184		Planning Director that the Mixed-Income Housing Community
1185		will meet the requirements of Section 3.3.4;
1186	b.	an application form and fees required by the Planning Director;
1187	c.	a vicinity map at 1" = 200", and a site map showing existing
1188		buildings, structures, circulation routes, significant natural
1189		features, historic resources, and zoning and legal descriptions on
1190		the proposed development site and within 500 feet of the
1191		perimeter boundary;
1192	d.	a list of abutting and confronting property owners in the State tax
1193		records;
1194	e.	a list of any civic, homeowners, and renters associations that are
1195		registered with the Planning Department and located within ½
1196		mile of the site;
1197	f.	documentation of property interest in the proposed development
1198		site under Section 7.3.7.B.1 and, if applicant is not the property
1199		owner, documentation from the property owner authorizing the
1200		application;
1201	g.	a statement of justification outlining how the proposed
1202		development satisfies the standards and criteria required to grant
1203		the application;
1204	h.	verification that the applicant has posted notice on the property,
1205		notified affected properties, and held a pre-submittal community
1206		meeting that followed the Planning Department's Administrative
1207		Procedures for Development Review process;
1208	i.	a Traffic Statement or Study accepted by the Planning Director,
1209		if not submitted with a previous or concurrent application:

1210		j.	envii	conmental 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.	exist	ing and proposed dry and wet utility plan;
1217		1.	plans	s 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.	lands	scaping and lighting; and
1228		m.	a de	velopment program and inspection schedule detailing the
1229			cons	truction schedule for the project.]
1230	[3.	The	applic	ant must submit an initial application to the Planning
1231		Direc	ctor fo	r approval of completeness. The Planning Director must
1232		revie	w the	application for completeness within 3 business days after
1233		recei	pt. An	application is incomplete if any required element is missing
1234		or is:	faciall	y defective, e.g., a drawing that is not to scale or lacks proper
1235		signa	itures.	The assessment of completeness must not address the merits
1236		of the	e appli	cation.]

1237		[4.	The applicant must submit any required revisions to the Planning
1238			Director. The Planning Director must review the revised application for
1239			completeness within 2 business days after receipt.]
1240		[5.	Once the Planning Director verifies that the application is complete, the
1241			applicant must file the final application with the Planning Director, who
1242			will accept the application and establish a hearing date under Section
1243			7.3.7.C.]
1244		[6.	Public notice is required under Division 7.5.]
1245	[C.	Hear	ing Date
1246	The 1	Plannii	g Board must schedule a public hearing to begin 60 to 65 days after the
1247	date	an app	ication is accepted. If the next regularly scheduled hearing date would
1248	fall a	fter th	60- or 65-day period due to a holiday or recess, then the next regularly
1249	sched	duled l	earing date should be used. The applicant may request an extension with
1250	Planı	ning D	rector approval. Any extension of the public hearing must be noticed on
1251	the h	earing	agenda with the new public hearing date indicated.]
1252	[D.	Revi	ew and Recommendation]
1253		[1.	State and County Agencies
1254			a. Reviewing State and County agencies and utilities must submit
1255			comments within 15 days after the date an application is
1256			accepted. If no comments are submitted within that time, the
1257			reviewing agency or utility's portion of the application is deemed
1258			approved.
1259			b. The applicant must submit revised drawings to address the
1260			comments a minimum of 25 days before the date of the hearing.
1261			The Planning Director may extend the deadline if the applicant
1262			submits a written request within 5 days after the revised drawings
1263			were due.]

1264		[2.	Planning Director
1265		The	Planning Director must publish a report and recommendation a minimum
1266		of 10	days before the Planning Board hearing.]
1267		[3.	Withdrawal of an Application
1268		The	Planning Board must send a notice to all parties entitled to notice of the
1269		hear	ing when an applicant withdraws an application for a Mixed-Income
1270		Hou	sing Community plan.]
1271	[E.	Nec	essary Findings]
1272	[To :	approv	e a Mixed-Income Housing Community plan, the Planning Board must
1273	find	that th	e proposed development:]
1274		[1.	satisfies any previous approval that applies to the site, unless exempt
1275			under Section 3.3.4 or amended;]
1276		[2.	satisfies the applicable use and development standards and general
1277			requirements of this Chapter;]
1278		[3.	satisfies the applicable requirements of Chapter 19 and Chapter 22A;]
1279		[4.	provides safe, well-integrated parking, circulation patterns, building
1280			massing, and site amenities;]
1281		[5.	substantially conforms with the intent of the applicable master plan,
1282			existing and approved or pending adjacent development, the
1283			requirements of this Chapter, and any guidelines approved by the
1284			Planning Board that implement the applicable plan;]
1285		[6.	if on a property in a master plan area that requires staging based on
1286			Non-Auto Driver Mode Share (NADMS), is exempt from the staging
1287			requirement if:
1288			a. the applicant agrees to enter into a Transportation Demand
1289			Management plan that provides an action plan for substantial
1290			achievement of the applicable NADMS goal;

1316	[G .	Conf	Forming Permits
1315			deemed approved and certified.]
1314			action is taken by the Planning Director within 30 days, the plan is
1313			plans will be rejected with comments for the applicant to address. If no
1312			plans do not address or comply with the Planning Board's approval, the
1311			that the drawings reflect the Planning Board's approval. If the certified
1310			Community plans must be certified by the Planning Director to confirm
1309		[3.	Within 30 days of submission, the final Mixed-Income Housing
1308			Planning Board's action.]
1307			petition for judicial review of the decision within 30 days after the
1306		[2.	Any party aggrieved by a decision of the Planning Board may file a
1305			the Planning Board vote.]
1304			Board must issue a resolution reflecting its decision within 7 days of
1303			modifications or conditions, or deny the application. The Planning
1302			hearing by majority vote of those present to approve, approve with
1301		[1.	The Planning Board must act upon the close of the record of the public
1300	[F.	Decis	sion]
1299			storm drainage, and other public facilities.]
1298			schools, police and fire protection, water, sanitary sewer, public roads,
1297		[7.	will be served by adequate public services and facilities, including
1296			Program, or provided by the applicant; and]
1295			Improvements Program or Consolidated Transportation
1294			applicable stage of the master plan is funded in the Capital
1293			c. transit, bicycle, and pedestrian infrastructure required by the
1292			provided; and
1291			b. parking below the minimum required under Section 6.2.4 is

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.]
- 1342 [6. If an applicant fails to comply with any of the deadlines within this section, the Mixed-Income Housing Community plan approval shall be

1344		revo	ked. Tl	he applicant may request reinstatement of a revoked
1345		appr	oval wi	thin 30 days of revocation. After holding a hearing on the
1346		reins	statemer	nt, the Planning Board may reinstate the approval and
1347		exte	nd the d	eadline for good cause shown.]
1348	[I. Reco	rding	Proced	lures
1349	The certifi	ied M	Iixed-In	come Housing Community plan and Planning Board
1350	resolution 1	nust b	e maint	ained in the permanent files of the Planning Department.]
1351	[J. Ame	ndme	ents	
1352	Any prope	rty ov	vner ma	y apply for a Mixed-Income Housing Community plan
1353	amendment	t to ch	nange a	certified Mixed-Income Housing Community plan. There
1354	are two typ	es of a	amendm	ents: a major and a minor amendment.]
1355	[1.	Majo	or Amer	ndment
1356		a.	A maj	jor amendment includes any request to:
1357			i.	increase density or height by more than that allowed under
1358				a minor amendment (Section 7.3.7.J.2);
1359			ii.	decrease open space;
1360			iii.	deviate from a condition of approval; or
1361			iv.	alter a basic element of the plan.
1362		b.	Public	e notice is required under Division 7.5.
1363		c.	A ma	jor amendment must follow the same hearing procedures
1364			and sa	atisfy the same necessary findings as the original Mixed-
1365			Incom	ne Housing Community plan.]
1366	[2.	Min	or Amei	ndment
1367		a.	A mir	nor amendment includes any request to:
1368			i.	increase density by up to 10% or 15,000 square feet,
1369				provided the increase is less than or equal to the total

1370					mapped density, including any density increases or
1371					bonuses;
1372				ii.	increase height by up to 10%, provided the height is less
1373					than or equal to the height and any increases allowed under
1374					Section 3.5.8.D;
1375				iii.	change an ancillary use, a parking or loading area,
1376					landscaping, sidewalk, recreational facility or area,
1377					configuration of open space, or any other plan element that
1378					will have a minimal effect on the overall design, layout,
1379					quality or intent of the plan; or
1380				iv.	a reduction in approved parking to satisfy Article 59-6, but
1381					not any change that prevents circulation on any street or
1382					path.
1383			b.	Publi	c notice is required under Division 7.5.
1384			c.	A min	nor amendment may be approved by the Planning Director
1385				witho	out a public hearing if no objection to the application is
1386				receiv	yed within 15 days after the application notice is sent. If an
1387				objec	tion is received within 15 days after the application notice
1388				is sen	t, and the objection is considered relevant, a public hearing
1389				is rec	quired. A public hearing must be held under the same
1390				proce	dures as an original application.]
1391	[K.	Com	pliance	e and	Enforcement]
1392		[1.	If the	Plar	nning Board finds, after holding a public hearing or
1393			design	nating	a hearing officer to hold a public hearing, that a property
1394			under	devel	opment is not in compliance with a certified Mixed-Income
1395			Housi	ng Co	mmunity 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	* * *

ORDINANCE No.: 20-17

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

Division 7.5. Notice Standards

1426

1427

Section 7.5.1. Notice Required

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	х	X	X	Х		X
Expedited Approval Plan		<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	S							
* * *								
Minor Site Plan Amendment				x				X
Major Expedited Approval Plan Amendment			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>

Minor Expedited Approval Plan Amendment			<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]			

KEY: x = Required

1430	* * *
1431	Sec. 9. Short title. This zoning text amendment may be cited as part of the
1432	"More Housing N.O.W. (New Options for Workers)" package.
1433	* * *
1434	Sec. 10. Effective date. This ordinance becomes effective 20 days after the
1435	date of Council adoption.

ORDINANCE No.: 20-17

This is a correct copy of Council action.

Sara R. Tenenbaum

Clerk of the Council