

MEMORANDUM

July 26, 2013

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, ^{JD} Legislative Attorney

SUBJECT: Worksession #7 – Parking, Signs, and General Development Requirements
Zoning Text Amendment 13-04, Zoning Ordinance - Revised
District Map Amendment G-956

Alert: The future schedule for the Committee worksessions are as follows:

September 13 – Administration and Procedures
September 20 – Wrap-up, including any outstanding implementation issues

The Committee's directions for staff from the July 22 worksession (only changes in the Committee's directions are noted) are as follows:

- 1) Revise the standards for a filling station to describe how access off of a residential street should be considered.
 - a. Access to the site from a street with a residential classification is prohibited if:
 - it is the only access to the filling station, or
 - it is the primary entrance to a filling station with more than 1 entrance.The Board of Appeals may allow a filling station with access on a residential street as a secondary entrance if it finds that the access will not have an adverse impact on neighboring residential houses.
- 2) Use the proposed table to resolve this issue of lot sizes for general buildings; the table modifies the site area, density, lot coverage, and voluntary conservation lot standards for a general building in the AR zone.
- 3) Review the current code concerning lot area minimums or street classification to determine if those provisions should apply to some or all floating zones and make a recommendation concerning the addition of those limits to the proposed floating zone provisions.

The Committee requested that the following items come back to the Committee:

- 1) Draft amendments to the floating zone provision to limit the applicability of CRF, and CRTF zones on R-90 and R-60 zoned property.
- 2) Revise or delete the description of non-residential buildings (currently described as general buildings) in residential zones.
- 3) Evaluate the cost per public benefit point for CR and CRT zones.

Parking

With the exception of CR, CRT, and CRN zones, parking requirements are found in Chapter E of the current code. The current code is intended to provide adequate parking (except for retail parking in the peak of the Christmas season). The proposed code would provide parking consistent with achieving transit ridership goals in areas designated as parking benefit districts (Current Primary districts-Silver Spring, Bethesda, Montgomery Hills, and Wheaton; Proposed secondary districts – White Flint and Great Seneca Science Corridor Secondary). If parking demands start to exceed supply, the Parking Districts would want to regulate demand by increasing the price of parking.

The approval of the Zoning Rewrite as proposed would trigger the need to approve amendments to parking district legislation (Chapter 60). The County Executive has not yet transmitted his recommendations on any such changes.

The parking provisions in section 7.1 and 7.2 are the subject of the memo from Glenn Orlin (pages 8-9). Al Roshdieh (Department of Transportation) and Rick Siebert (Parking Lot District) will also attend the Committee's worksession. Staff considered and rejected the idea of no minimum parking. The failure of the private sector to provide parking will create demands for the County to provide parking. The Montgomery Hills Parking District was created when private parking was inadequate.

Open Space and Recreation

The proposed code would create 4 open space classifications; rural, common, public, and amenity. Rural Open space is only applicable to the RNC zone and when doing optional method cluster development in the RC zone.

Common Open Space

Common open space is intended for the use of residents and their visitors; it is required in:

Any optional method development in any RNC and Residential Detached zone;

Any development with a townhouse, apartment, or general building type in any Residential Townhouse and Residential Multi-Unit zone;

Any townhouse development in any Commercial/Residential or Employment zones; and

Any Floating zone, as required under the equivalent Euclidean zone that determines uses.

Public Open Space

Public Open Space must be devoted to public use or enjoyment “that enhances the public realm”. (Staff recommends deleting the phrase in quotes as it lacks any objective standards – aside from being planning jargon. Even if it somehow has legal clarity, by having the phrase in one type of open space but not others, it implies that other open spaces- which do not require public access - need not enhance the public realm.) Public Open spaces are required for any development with an apartment, multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zones.

Public Open Space is the only open space category that has a separate provision for an off- site option.

Amenity Open Space

Amenity Open space is an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors. Amenity space must be provided in:

Any development in the Industrial zones and development of any apartment, multi use, or general building type in the GR, NR, EOF, GRF, NRF, or EOFF zones

The difference between public open space and amenity open space is in the zones where it is located, the off-site option for Public Open Space, and that the general public is not required to be welcomed on amenity space.

There are a variety of prohibited uses in open space. Even in the table with a heading of “allowed feature” are prohibited open space uses in some types of open space. It is unusual to list both allowed and prohibited uses. (Generally a list of allowed uses would prohibit all other uses.) If those beginning lists were insufficient, there is an additional table in §7.3.8 that describes allowed or required planting. At least 2 columns of table 7.3.8 can be deleted (farming is allowed by §7.3.8.B.2 and native species is only required in a single category). The landscaping provisions (§7.3.8 - minimum permeable area, minimum tree canopy, and minimum planting distance) are new additions to the code as are specific lighting standards (§7.3.8.C.1 -01 footcandle spill over under certain circumstances).

The proposed code would explicitly allow recreation guidelines issued by the Planning Board. Planning Board approves and uses such guidelines currently (applicable to development with 20 or more units) but without explicit authority to do so in County law. Section 22-104(b) of the Land Use Article allows County zoning to locate and allow the use of buildings and structures for recreation.

Alternative compliance 7.3.10 would give the Board the authority to approve “alternate methods of compliance, based on their conclusion that the intent of the division is satisfied.¹ Staff can not determine how the intent of a .1 footcandle light limit can be satisfied without having a .1 footcandle light limit.

¹ Sec. 7.3.1. Intent

Open space provides adequate light, air, circulation, and recreation and encourages preservation and enhancement of natural resources, including improvement of water and air quality.

Compatibility Standards

The proposed code is sensitive to the building height, setbacks, and screening for development abutting a property in an Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential use. The totality of these provisions codifies the minimum requirement for compatibility; it is a valuable addition to the code.

Building height is generally measured from the front of a building. The compatibility standards refer to the height of a building along the side and rear of the building. **Planning Staff should clarify that how to measure a building's height for the purpose of the compatibility standards.**

Having made this effort, the proposed code would allow "alternative compliance" if the Planning Board finds that the intent of the requirements can be met.² The intent of the compatibility provision would be to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses. It would be hard to imagine when lesser standards should apply.

Landscaping

This Division (Div. 7.5) applies to landscaping required under this Chapter and to installation of any new outdoor lighting fixture or the replacement of any existing outdoor fixture. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture.

The landscaping provisions would prohibit DPS from issuing a final a certificate of occupancy in the absence of required landscaping. Landscaping plans must be prepared by a licensed landscape architect. It describes planting method by reference to the American Standard for Nursery Stock", minimum size at planting for trees and understory, evergreen and shrubs. The failure to maintain landscaping 7.5.3.D.1 would be a violation whenever it occurs.

Under a subsection mislabeled as "Fences and Walls Defined" (7.5.3.C.1), the proposed code retains the following description of height:

Fence or wall height is measured from the lowest level of the ground immediately under the fence or wall.

This was recently an issue at the Board of Appeals because in all cases the ground allows under a wall, but the lowest level of ground could be bedrock. **The following amendment is recommended by staff:**

Fence or wall height is measured from the lowest level of the [ground] grade immediately under the fence or abutting a wall.

² Sec. 7.4.1. Intent

The compatibility standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses. Additional setbacks, height restrictions, and screening may be required by an Overlay zone, use standards, or by another Section of this Chapter.

Lighting

The lighting provisions of the proposed code apply to installation of any new outdoor lighting fixture or the replacement of any existing outdoor fixture. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture.

Routine lighting fixture maintenance, such as changing a lamp or light bulb, ballast, starter, photo control, housing, lenses, and other similar component, does not constitute replacement and would be permitted if such changes do not result in a higher lumen output.

The provision establishes the maximum height for parking lot lighting (40 feet, but 15 feet if within 35 feet of a detached house), allowable lamps, requires full or partial cutoff fixtures, and has standards for excessive illumination. Except where specifically allowed, on-site illumination is limited to 0.5 footcandles at the lot line, excluding street lights in the right-of-way. Having established these standards, the proposed code would again allow alternative compliance that meets the intent of the provision.³ Will the Planning Board really determine if more lighting reduces property values? **What is an alternate method of compliance for lighting standards?** Other provisions in §7.5 may be appropriate for alternatives (landscaping) but not lighting.

Outdoor display and storage

This Division 7.6 would apply to any site where merchandise, material, or equipment is displayed or stored outside of a completely enclosed building. Merchandise, material, or equipment for agricultural uses in an Agricultural or Rural Residential zone would be exempt.

Outdoor display is permitted with any nonresidential use following approval of the applicable plan illustrating the extent of the permitted area for outdoor display. Any outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. Any propane gas storage rack, ice storage bin, soft drink or similar vending machine may remain outside overnight. Any outdoor display must not impede pedestrian use of the sidewalk or parking areas.

Limited outdoor storage is allowed when it is accessory to an allowed use following approval of the applicable plan illustrating the extent of the permitted area for limited outdoor storage. Limited outdoor storage must satisfy the standards of the zone or the use. General outdoor storage includes, but is not limited to, any material associated with industrial uses such as equipment, lumber, pipe, steel, salvage, or recycled materials. General storage would only be allowed on a site of at least 5 acres and with frontage on primary or higher standard roads. **Once again alternative compliance would be allowed if it meets the intent of the outdoor storage provision.**⁴

³ Sec. 7.5.1. Intent

This Division (Div. 7.5) regulates minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The requirements are intended to preserve property values; to preserve and strengthen the character of communities; and to improve water and air quality.

⁴ Sec. 7.6.1. Intent

The intent of this Division (Div. 7.6) is to regulate the size, location, height, and screening of all outdoor storage and display. The requirements are intended to protect public safety, health, and welfare; to preserve and enhance property values; and to preserve and strengthen the character of communities.

Signs

The proposed sign provisions replicate the current code. The sign permit provisions are located in §8.4.3.- §8.4.5. There are 2 issues to note.

Illumination (§7.7.6.E.2)

The proposed code requires illuminated signs to use an enclosed lamp design or indirect lighting from a shielded source “in a manner that prevents glare from beyond the property line”. This is a slight improvement over the current code:

Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source in a manner that prevents glare from beyond the property line. Glare is a direct or reflected light source creating a harsh brilliance that causes the observer to squint, shield or avert the eyes.⁵

The brilliance that would cause an observer to “squint, shield, or avert the eyes” is an unenforceable subjective standard. **Staff recommends defining glare in footcandle terms so that it may be enforced (no more than 0.1 footcandle on residentially used property.)**

Electronic Variable message signs (7.7.6.F.5)

Signs that have characters that are changed manually or electronically must not be changed more than once each day.⁶ This includes a sign that gives the appearance or illusion of movement for a written or printed message. The intent is to avoid excessively distracting drivers.

The appearance of electronic signs at high schools has given rise to a phenomenon that Freud might characterize as “sign envy”. These signs are not subject to County zoning laws and may change their message continually, while electronic signs at most other establishments may be changed only once each day. New county facilities, which are also exempt from zoning, are adding variable message signs. Voluntary fire departments have been early adopters of electronic variable message signs. **At least the fire houses would want to have more latitude on how often a message can change.** (White Flint Mall and Montgomery Mall have grandfathered electronic signs.) **Staff recommends allowing variable message signs to be changed no more than once per minute.**

DOT recommends adding the following sentence: “Signage that displays the number of available parking spaces are exempt from the limitation on the number of messages during any given period of time.”

Limited Duration Signs (7.7.11. C.2)

A sign permit used to be required for a Limited Duration Sign on private property and duration of display was set at one year. However, previous legislative action eliminated the need for a limited

⁵ §59-F-4.1(e).

⁶ §59-F-4.1(f)(5).

duration sign permit and the duration of display limit has been dropped. **Staff agrees with DPS' recommendation to add the following language added as #3. "The date of erection of a limited duration sign must be written in indelible ink on the lower right corner of the sign."**

Section 7.7.11. D., Requirements for Limited Duration sign in the public right of way, reads as follows:

The sign must not be placed on a median strip or highway divider. If DPS determines that a previously approved location could be a safety risk, DPS may provide assistance in finding a replacement site.

Staff agrees with DPS' recommendation to delete the second sentence. It is not DPS' responsibility to find a site to erect a sign.

Attachments

Circle number

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Planning Staff reply to DOT comments	6 – 9
Comparison of current parking requirement with proposed	10 - 24
Changes to Chapter 7 in the Planning Board Draft	25 – 62

MEMORANDUM

July 26, 2013

TO: Planning, Housing, and Economic Development Committee
FROM: Glenn Orlin, ^{GD}Deputy Council Staff Director
SUBJECT: Zoning Ordinance re-write: parking provisions

The new parking provisions are found in Sections 7.2.1-7.2.10 of the ordinance. The proposed vehicle parking ratios are in the table that comprises Section 7.2.4.B. Perhaps more useful for the Committee's review is a table prepared by Planning staff that compares the current and proposed ratios (©10-14).¹ In this table, please note the right-hand column, which displays—in only five instances—where the Planning staff is recommended revisions it is recommending subsequent to the Board's Draft. **Staff agrees the changes recommended by Planning Staff.**

The primary comments on this section of the ordinance have come from the Departments of Transportation (DOT) and Permitting Services (DPS). DOT's comments are on © 4-5. Planning staff were asked for its response to DOT's comments, and they are shown on ©6-9. In most cases Council staff concurs with the Planning staff's response and resulting suggested changes. Most of these suggested changes fix the problems cited by DOT, or provide requested necessary clarifications. A few issues are more substantive, however:

Parking Benefit Districts. Two years ago DOT and M-NCPPC completed its joint Parking Policy Study, which proposes restructuring existing parking lot districts into Primary Benefit Districts, like the existing PLDs, would be owned and operated by the County, and Secondary Benefit Districts, in which the parking would be privately owned and operated, but with financial incentives to provide shared parking. The PHED Committee was briefed on this proposed construct on April 4, 2011, and the collective response was neutral (see the packet's cover memo on ©1-3). The Executive Branch is working on a bill that would comprehensively change Chapter 60 (parking administration).

Council staff recommendation: As Planning staff suggests on © 8, **redefine Parking Benefit District in Chapter 59 as “a Parking Lot District or any other are as defined under Chapter 60 in which a parking minimum and parking maximum apply and developers have the option to pay a fee in lieu of providing off-street parking.”** In that way, when the Council ultimately makes its decisions about Chapter 60, it will then translate to the changed requirements in Chapter 59.

Parking reductions. The minimum parking requirements in Section 7.2.4.B can be adjusted downward if any or a combination of a number of other actions listed in Section 7.2.3.H. These include

¹ The largest change is for indoor eating and drinking establishments which go from 25 spaces per 1,000 square feet to between 4 and 12 spaces.

discounts for age-restricted and senior housing, the non-auto-driver mode share (NADMS) provision of car-share spaces, carpool/vanpool spaces, provision of bike-sharing facilities, showers and lockers, among others.

DOT is concerned about the cumulative effect of multiple actions, and so it recommends limiting the cumulative reduction to 10% below required parking minimum. Planning staff does not agree, arguing that such a limitation would significantly crimp the policies it is trying to encourage.

Council staff believes the answer lies between these two perspectives. If several of the actions are taken, it is plausible that the minimum parking requirement would be 0, or even negative. But limiting the reduction to only 10% the minimum obviates some of the proposed reductions entirely, such as those associated with age-restricted and senior housing, or the NADMS factor.

Council staff recommendations:

- **If a reduction is taken for a special housing type, then that it should be the only reduction that can be taken.** The proposed ordinance already allows workforce, age-restricted, or senior housing to get a 50%, 75%, and 50% reduction, respectively.
- **Set the NADMS reduction of the baseline minimum parking spaces at 20%.** All areas, including those with only rudimentary transit service, have a NADMS which is above 0%, since there will be some carpoolers, a few transit riders, and some biking, walking, or telecommuting. Several of the other potential reductions (car-share spaces, bike-sharing stations, showers and lockers) would likely be provided towards meeting the NADMS goals, so this would amount to double-counting. A 20% reduction across the board for areas that have NADMS goals would take these points into account, and would be easier to administer.
- **Limit the one-on-street parking space allowance to retail/service establishments, restaurant uses, or the provision of car-share spaces.** The Planning Board's proposal would allow this allowance for any use within ¼-mile of the subject property. The Planning Staff agrees with restricting the allowance to these uses.
- **Note that the bike-sharing facility allowance in 7.2.3.H.2.d could be used only if the facility is part of a DOT-approved comprehensive plan of bike-sharing stations.** This would prevent a property owner from erecting a station adjacent to an existing one, simply to reduce his or her parking requirement. The same caveat was included in the recent approved bill allowing an impact tax credit for bike-sharing stations.

Motorcycle/scooter parking. Section 7.2.3.C would require facilities with more than 50 spaces to provide at least 2% of them for motorcycles or scooters. These spaces would count towards the minimum parking requirement. DPS would not count these spaces towards meeting the minimum requirement. **Staff agrees with DPS.**

MEMORANDUM

March 31, 2011

TO: Planning, Housing, and Economic Development Committee
Transportation, Infrastructure, Energy and Environment Committee

FROM: Glenn Orlin, Deputy Council Staff Director

SUBJECT: Briefing—Parking Policies Study

In the FY10 Operating Budget the Council approved \$150,000 for a consultant study to re-evaluate the parking space requirements in the Zoning Ordinance regarding commercial and mixed-use developments (especially in Metro Station Policy Areas) as well as to explore alternative models of providing for, and funding of, the construction, operation, and maintenance of public parking facilities. The study was jointly managed by Maryland-National Capital Park and Planning Commission and the Department of Transportation; the consultant they selected was Nelson\Nygaard Consulting Associates.

The study is virtually complete, and a summary report is attached. This worksession is an opportunity to review the study's findings and recommendations, and to provide feedback to the Planning Board and Executive staffs before they begin to prepare legislation to amend County Code Chapters 59 and 60, respectively. After a brief introduction, Tom Brown, Senior Planner with Nelson\Nygaard, will present the briefing. Planning staff and DOT staff will also be on hand to comment and answer questions.

Council staff comments. The consultant and staffs have comprehensively surveyed the landscape of public parking supply and cost models from around the country, and have developed a recommended new approach that has some positive features. One good recommendation is to move to market-based pricing for on-street meters and County-operated lots and garages. Currently spaces are differentially priced only by parking lot district (PLD) and by whether they have long-term or short-term meters. The proposed approach would allow for different prices within the same parking district, according to the relative demand. Allowing this would present a more complex set of choices for the parking customer, but such a pricing regime would recognize that some locations—and some types of spaces—within a district are more valued than others. For the Council resolution that establishes parking fees, this would likely mean that the Council would set fee ranges rather than single fees by district for its long- and short-term meters.

Another good recommendation is to replace the ad valorem parking district tax with a set of parking benefit charges. The funding of PLDs by the ad valorem tax hinders the expansion of current PLD programs and the establishment of new PLDs because of the property tax limitation in the Charter, which was approved in 1990 in response to the rise in the *general* property tax rate. To address this problem Council staff had recommended a Charter amendment exempting the PLD tax (and Urban District and Noise Abatement District taxes, and any other small-area ad valorem tax) from the Charter's property tax limitation, but the Council decided not to place it on the ballot. Replacing the PLD tax with a series of parking benefit charges or, alternatively, an annual excise tax based on use and square footage, would achieve the same result.

However, Council staff has concerns about the recommended approach on how to create more shared parking, especially in emerging urban areas like White Flint, Shady Grove, and the Great Seneca Science Corridor (GSSC). The approach relies upon incentives and disincentives for developers to provide either less parking, a higher proportion of shared parking (i.e., parking that can be used by the general public, not just employees and customers in a particular building), or both through varying Parking Benefit Charges.

The worry is that an incentive/disincentive regime will not produce the supply, price, and quality control of parking that will produce the mode share goals that must be met before the White Flint, Shady Grove, and GSSC areas can proceed from one stage of their master-planned development to the next. In Bethesda and Silver Spring the mode share goals of each stage have been met because the County directly controls enough of the parking market—about half—to heavily influence the price of parking: both public and private. Under the Parking Policy Study's proposed regime, none of the shared parking would be publicly owned. If shared parking spaces were not County-controlled (whether fees simple or an easement), several questions arise:

- What is the guarantee that the shared spaces would have market-based pricing? Wouldn't there be a powerful incentive for one developer to charge less than his neighbor, in order to draw retail business or office space lessees? Shouldn't the County retain sole control over the fee of shared spaces, the hours during which fee is assessed, and the duration of each meter (long- or short-term)?
- Even with the disincentives on developers against providing too much reserved parking, what is the guarantee that there still won't be too much reserved parking and/or too much shared parking? Shouldn't the Planning Board control the total supply of spaces provided by development by placing a limit on the total amount of reserved and shared parking?
- The shared parking would be correctly interpreted by the customer as public parking. But then they would reach the logical (but incorrect) conclusion that the County Department of Transportation is responsible for its operation, maintenance, and pricing, and so complaints will naturally go to DOT. Shouldn't DOT have the total control over the operation, maintenance, and revenue collection of the shared spaces? Otherwise, it will be like streetlights outages on PEPCO poles: the County gets the complaints, pass the complaints on to PEPCO, and then PEPCO addresses the problem according to its own maintenance priorities.

If shared parking is to be provided, it should be done in such a way as for the County to have total control over its supply, pricing, operation and maintenance. The County does not have to own the underlying fee-simple interest in the land for that to happen. There are at least four examples of joint tenancy of a public garage where the County has retained these controls: Garage 36 (with Imagination Stage), Garage 42 (with the Whitney Apartments), Garage 49 (with the Metropolitan Building), and Garage 58 (with NOAA). Soon there will be a fifth: Garage 31 in the Bethesda Row area. Although in each case there were extended negotiations before reaching an agreement, the outcome is that the County maintains the control it has to have to assure that the facilities are well operated and maintained, appropriately and consistently priced, and not overbuilt. Council staff recommends that as work continues to prepare changes to County Code Chapters 59 and 60, that these principles be at the heart of that work.

Finally, it should be noted that there are County-owned parcels outside the PLDs where County-owned shared parking could be built. Much of the land around the Shady Grove Metro Station is in County ownership; once the existing depots are relocated (as per the Smart Growth Initiative), the County should retain the right to construct, operate and maintain shared parking lots/garages there. The same should hold for the current PSTA site, as well as some other still County-owned parcels in the GSSC area. The Planning Board should also explore the possibility of exacting what would become County-controlled shared parking from development as conditions of site plan approval.

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DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

MEMORANDUM

July 23, 2013

TO: Jeffery L. Zyontz, Legislative Attorney
Montgomery County Council

FROM: *for* Arthur Holmes, Jr., Director
Department of Transportation

SUBJECT: Comments Regarding Planning Board Draft of Article 59-7, dated May 2, 2013

The following is a listing of specific concerns and comments regarding the Planning Board Draft of Article 59-7, dated May 2, 2013, to be reviewed by the Planning, Housing & Economic Development committee on July 30, 2013. Please include these comments in your committee packet and I look forward to discussing the issues raised at the committee meeting.

Page specific comments:

- Page 7-3
 - Sec7.1.2: Applicability:
 - Add language that states “any building that is currently occupied will be bound by 59-E unless its use is modified by site plan or conditional use approval”
- Page 7-4
 - 7.2.3.A.2: General Access Requirements:
 - In what table is the number of parking spaces required by employment numbers defined?
- Page 7-4
 - Sec7.2.3.D: Car-Sharing Spaces:
 - Define what enforcement agency will over see the changes that occur with Car-Sharing Spaces
- Page 7-5
 - Sec7.2.3.F.1: Offsite Parking by Agreement:
 - Define deciding body and who will be the enforcement agency
 - 7.2.3.G.2: Parking Below the Minimum or Above the Maximum in a Parking Benefit District:
 - Add language that states “ the maximum number allowed are made available to the general public and are not reserved for visitors to the building”

(4)
Office of the Director

- 7.2.3.H: Adjustments to Vehicle Parking:
 - Add language that states “ cumulative reduction shall not exceed 10% of the base required parking minimum”
 - Add language that states “In a Parking Benefit District, any change to the parking space use and or land use will result in a recalculation of the parking requirement and will be subject to payment under chapter 60”
- 7.2.3.H.1.a: On-street Spaces:
 - Paragraph should read “one-on-street parking space constructed by an applicant that is located within ¼ mile of the subject property and in private right-of-way may be substituted for one required parking space, as determined by the applicable deciding party.”
 - Define applicable deciding body
- 7.2.3.H.1.c: Special Housing Type
 - Define Age-restricted and senior housing
- Page 7-7
 - Section 7.2.4.B: Vehicle Parking Spaces:
 - Change language in chart to “ Within a Primary or Secondary Parking Benefit District”
- Page 7-12
 - Section 7.2.5.D : Size of Spaces
 - Add language that states “In a Parking Benefit District, any change to the parking space size and or parking space use will result in a recalculation of the parking requirement and may be subject to payment under chapter 60”
 - Section 7.2.5.D.6b: Size of Spaces:
 - Define who will be the enforcement agency?
- Page 7-41
 - Sec 7.7.6.F.5- Structural Limitations
 - Add language that states an exception will be made for signage displaying the number of available parking spaces”

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PLANNING STAFF REPLY TO DOT COMMENTS

DOT comments and recommendations:

1. Page 7-3 Sec 7.1.2: Applicability

Add language that states "any building that is currently occupied will be bound by 59-E unless its use is modified by site plan or conditional use approval"

Do not want to reference the old code. Language that "All parking requirements apply until a new application is approved" could be added to Chapter 60.

2. Page 7-4 Sec. 7.2.3.A.2: General Access Requirements:

In what table is the number of parking spaces required by employment numbers defined?

Sec. 7.2.4.B. Vehicle Parking Spaces provides the metrics by which parking is required.

There are several uses that require parking based on the number of employees:

Dormitory, Independent Living Facility for Seniors or Persons with Disabilities, Personal Living Quarters, and Residential Care Facility, Home Occupation, Home Health Practitioner, Ambulance, Rescue Squad (Private), Charitable, Philanthropic Institution, Family Day Care, Group Day Care, Educational Institution (Private), Animal Boarding and Care, Veterinary Office/Hospital, Cemetery, Crematory, Funeral Home, and Landscape Contractor.

3. Page 7-4 Sec7.2.3.D: Car-Sharing Spaces:

Define what enforcement agency will oversee the changes that occur with Car-Sharing Spaces.

Enforcement is predicated on the deciding body.

4. Page 7-5 Sec7.2.3.F.1: Offsite Parking by Agreement:

Define deciding body and who will be the enforcement agency.

Deciding body will vary based on type of development approval; enforcement will vary according to the deciding body.

5. Page 7-5 Sec 7.2.3.G.2: Parking Below the Minimum or Above the Maximum in a Parking Benefit District:

Add language that states "the maximum number allowed are made available to the general public and are not reserved for visitors to the building".

Staff suggested change:

2. In a Parking Benefit District, parking above the maximum number of allowed parking spaces may be provided if a payment is made under Chapter 60 or if all of the spaces provided in excess of the maximum number allowed are made available to the general public and are not reserved [for any particular tenant].

6. Page 7-5 Sec. 7.2.3.H: Adjustments to Vehicle Parking:

Add language that states "cumulative reduction shall not exceed 10% of the base required parking minimum".

Planning staff does not agree with the limitation on parking reductions to 10%.

7. Page 7-5 Sec. 7.2.3.H: Adjustments to Vehicle Parking:

Add language that states "In a Parking Benefit District, any change to the parking space use and or land use will result in a recalculation of the parking requirement and will be subject to payment under chapter 60".

Sec. 7.2.2. Applicability

A. Off-street parking spaces with adequate provision for ingress and egress by vehicles must be provided for any use under this Division (Div. 7.2) [for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity]. Any change in floor area, capacity, use, or parking design requires recalculation of the parking requirement under this Division (Div. 7.2), and may be subject to a payment under Chapter 60. The following are exempt from the required parking ratios of this Division (Div. 7.2):

1. Any structure on the National Register of Historic Places; and

2. Any expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.

8. Page 7-5 Sec. 7.2.3.H.1.a: On-street Spaces:

Paragraph should read "one-on-street parking space constructed by an applicant that is located within 1/4 mile of the subject property and in private right-of-way may be substituted for one required parking space, as determined by the applicable deciding party." Define applicable deciding body.

Planning staff do not agree with the removal of "public" from the language in Sec. 7.2.3.H.1.a. Consider limiting this adjustment to Retail/Service Establishments, and Restaurants uses, or the provision of Car-Share spaces.

9. 7.2.3.H.1.c: Special Housing Type

Define Age-restricted and senior housing.

Age-restricted – 55 years of age or older – will add definition to the code.

Senior Adult - 62 years of age or older – already defined.

10. Page 7-7 Sec. 7.2.4.B: Vehicle Parking Spaces:

Change language in chart to "Within a Primary or Secondary Parking Benefit District"

Modifying the definition of Parking Benefit District as follows:

Parking Benefit District (PBD): A [designated] Parking Lot District or any other area as defined under Chapter 60 in which a parking minimum and parking maximum apply and developers have the option to pay a fee in lieu of providing off-street parking.

11. Page 7-12 Sec. 7.2.5.D: Size of Spaces

Add language that states "In a Parking Benefit District, any change to the parking space size and/or parking space use will result in a recalculation of the parking requirement and may be subject to payment under chapter 60".

Covered under change to Sec. 7.2.2. Applicability.

12. Page 7-12 Sec 7.2.5.D.6.b: Size of Spaces:

Define who will be the enforcement agency?

Depends on deciding body.

13. Page 7-41 Sec 7.7.6.F.5- Structural Limitations

Add language that states an exception will be made for signage displaying the number of available parking spaces.

F. Structural Limitations...

5. Signs that have characters that are changed manually or electronically must not be changed more than once each day. This includes a sign that gives the appearance or illusion of movement for a written or printed message. Signage that displays the number of available parking spaces are exempt from this requirement.

Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
AGRICULTURAL											
Agricultural Auction Facility	1,000 SF of GFA	5	--	--	--	Retail, general (SE/E-3.7)	1,000 gross leasable sf	5		n/a	
Agricultural Processing	1,000 SF of GFA	1.5	--	--	--	Industrial, manufacturing or warehouse (SE/E-3.7)	1,000 square feet of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Farm Supply, Machinery Sales, Storage, and Service	1,000 SF of GFA, excluding storage area	5	1	2	2	Farm machinery and supply (E-3.7)	1,000 square feet of sales area	2-5	If solely storage and service of farm machinery and supply- 1.5 spaces per 1,000 sf	n/a	
Nursery											
Nursery (Retail)	1,000 SF of Sales Area	6	3	6	6	Retail, general (SE/E-3.7)	1,000 square feet of gross leasable sf	5		ITE rate	
Nursery (Wholesale)	1,000 SF of Total Floor Area	1.5	--	--	--	Industrial, manufacturing, warehouse (SE/E-3.7)	1,000 square feet of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Slaughterhouse	1,000 SF of GFA	1.5	--	--	--	Industrial, manufacturing, warehouse (SE/E-3.7)	1,000 square feet of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Winery	1,000 SF of GFA	1.5	--	--	--	Industrial, manufacturing, warehouse (SE/E-3.7)	1,000 square feet of total floor area	1.5	There must be a minimum of 10 additional visitors' spaces if the winery conducts public tours.	n/a	
	If winery conducts public tours	10									
Accessory Agricultural Uses											
Farm Market, On-site	Market	3	0	0	3	Footnote in use table C-9.3	Market	3		n/a	

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
RESIDENTIAL											
Household Living											
Single-Unit Living	Dwelling Unit					Dwelling, one-family, semi-detached or two-family (E-3.7)				No change except in PBDs where rates were rationalized based on current CR parking standards and proposed parking adjustments	
Two-Unit Living		2	1	2	2		Dwelling Unit	2			
Townhouse Living											
Multi-Unit Living	Efficiency	1	1	1	1	Dwelling, multiple-family (E-3.7)	Efficiency	1	The base requirement may be reduced under Section 59-E-3.33. For MPDUs, only 1/2 amount of spaces required		
	1 Bedroom	1.25	1	1.25	1.25		1 Bedroom	1.25			
	2 Bedroom	1.5	1	1.5	1.5		2 Bedroom	1.5			
	3+ Bedroom	2	1	2	2		3+ Bedroom	2			
Group Living											
Dormitory, Independent Living Facility for Seniors or Persons with Disabilities, Personal Living Quarters, Residential Care Facility	Bed	0.25	0.25	0.25	0.25	Housing and related facilities for senior adults... (E-3.7)	Determined according to the Parking Policy Areas	See table in E-3.7	Based on use consolidation		
	OR: Dwelling Unit or PLQ	1	0.5	1	1	Hospice (E-3.7)	Per bed + per two employees on the largest shift	1		Plus a space large enough to accommodate an ambulance or delivery vehicle ... Also see E-3.7	
	plus, Employee						Nursing home or domiciliary care home (E-3.7)	Per 4 beds + per 2 employees on the largest work shift		1	
			0.5	0.5	0.5	0.5	Personal Living Quarters (E-3.7)	Individual living unit		1	Parking for any complete dwelling unit in a must comply with the standards for a dwelling, multiple-family

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Accessory Residential Uses											
Attached/ Detached Accessory Apartment	Accessory Dwelling Unit (In addition to residential spaces)	1	--	--	--	Accessory Apartment (A-20)	Accessory Dwelling Unit	1 (in additional to spaces for house)	If a new driveway must be constructed, then 2 on-site parking spaces must be provided	n/a	
Dwellings for Caretakers/ Watchkeepers	Accessory Dwelling Unit	1	1	1	1	n/a	n/a	n/a	n/a	n/a	
Farm Tenant Dwelling	Dwelling Unit	1	--	--	--	n/a	n/a	n/a	n/a	n/a	
Home Occupation (Low or Major Impact)	<i>In addition to residential spaces:</i> Non-Resident Employee	1	1	1	1	Registered home occupation (A-6.1)	Registered home occupation	Minimum for zone or 2	Must not require construction of any off-street parking area other than that required by the residential use...	More clearly defines parking in terms of intensity of use	
	plus, Each Client Allowed per hour	1	1	1	1	Home occupation, major (G-2.29)	Nonresident Employee Plus Client/ customer allowed per hour	1 1	These spaces must be in addition to the number of spaces required for the residential use of the property.		
Home Health Practitioner (Low or Major Impact)	<i>In addition to residential spaces:</i> Non-Resident Employee	1	1	1	1	Office, medical practitioner's (A-6.1 & E.7)	Practitioner	4	n/a		
	plus, Each Client Allowed per hour	1	1	1	1						
Live/Work Units	Accessory Dwelling Unit	--	1	1	1	n/a	n/a	n/a	n/a	n/a	

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
CIVIC AND INSTITUTIONAL											
Ambulance, Rescue Squad (Private)	Employee	1	.5	1	1	Ambulance service or rescue squad (E-3.7)	Adequate parking to accommodate all motor vehicles operated in connection with the use and 2 additional for each vehicle			Modification based on employees plus vehicles for use	
	plus, Each Vehicle Operated in Connected w/ the Use	1	1	1	1						
Charitable, Philanthropic Institution	Resident and Employee	1	.5	1	1	Charitable or Philanthropic Institution (G.2.21)	Residential: For every 2 residents, and for every 2 employees on the largest work shift	1		Based on consolidation of uses	
	OR: 1,000 SF of Recreational GFA	5	1	3.5	3.5	Charitable or Philanthropic Institution (G.2.21)	Rec & Environ.: total # of required spaces for each component of development under Section E-3.7 for auditorium, health club, etc	varies			
	OR: 1,000 SF of Office GFA	4	2	4	4	Charitable or Philanthropic Institution (G.2.21)	Office: same as general office under Section E-3.7.	Chart in E-3.2 : parking reqs based on Policy Area			

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Cultural Institution	1,000 SF of GFA	1.25	.5	2	1.25	Community center, library, museum ... (E-3.7)	1,000 sf of total floor area	2.5		ITE rate	
Day Care Facility											
Family Day Care	Non-Resident Employee (in addition to residential spaces)	1	.5	1.5	1	Child day care facility (E-3.7 family day care home)	Non-resident staff member	1 (in addition to residential parking requirement)	The required number of spaces may be allowed on the street abutting the site.	Consolidation of senior daycare with child day care	
						Day care facility for senior adults and persons with disabilities (E-3.7)	4 non-resident senior adults or persons with disabilities	1			
Group Day Care, Day Care Center	1,000 SF of GFA	3	3	4	3	Child day care facility (G-2.13.1 & E-3.7 group day care home)	Non-resident staff member	1 (in addition to residential requirement)	The required number of spaces may be allowed on the street abutting the site.	ITE rate	Planning Staff recommend placing Group Day Care with Family Day Care and adding "required spaces may be allowed on the street abutting the site".
						Child day care facility (G-2.13.1 & E-3.7 child day care center)	Non-resident staff member	1			
						Day care facility for senior adults... (E-3.7)	4 non-resident senior adults or persons with disabilities	1 (for drop-off and pick-up)	1		

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
			Baseline Minimum	Baseline Minimum	Baseline Maximum						
Educational Institution (Private)	Student (grades 9-12)	0.25	.15	.25	.25	Educational institution, private (E-3.7)	Employee	1	Spaces for the safe and convenient loading and unloading of students, plus facilities for student parking.	n/a	
	Employee	1	0.25	0.5	0.5						
Hospital	1,000 SF of GFA	2.5	2.5	5	2.5	Hospital (E-3.7)	1,000 SF of total floor area	1	Plus adequate reserved space for visiting staff doctors	ITE rate	Planning staff recommend modifying 2.5 spaces per 1,000 SF of GFA to 1.75 spaces per 1,000 SF of GFA
							Resident doctor	1			
							3 employees on the major shift	1			
Private Club, Service Organization	1,000 SF of GFA	2.5	1.5	2.25	2.25	Community center, library, museum, civic club, private club... (E-3.7)	1,000 square feet of total floor area	2.5		n/a	
Religious Assembly	Fixed Seat	.25	.15	.25	.25	Church, synagogue or other place of worship (E-3.7)	Per 4 persons for whom seating is provided in the main auditorium	1	See E-3.7 for provisions about providing fewer spaces	Modernized	
	OR: 1,000 SF of GFA	20	10	14	14						
Swimming Pool (Community)	Every 7 persons legally permitted to occupy pool	1	.5	1	1	Swimming pool, community (E-3.7)	Every 7 persons lawfully permitted in the pool at one time	1	See E-3.7	n/a	

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
COMMERCIAL											
Animal Services											
Animal Boarding and Care	Employee	2.5 (per employee) + 3	1	2.5	2.5	Animal Boarding Place (G-2.02)	Employee	1 per employee + 3	The required number of parking spaces must in no case be less than 3		Error in the table. Planning Staff recommend retaining 1 per employee + 3
Veterinary Office/ Hospital	Employee	2.5	1	2.5	1	Hospital, veterinary (G-2.32)	BOA specifies	At least 5		n/a	
	plus, Each Doctor Practicing Simultaneously	2.5	2	3.5	2.5						
		Min of 5	Min of 5		Min of 5						
Eating and Drinking											
Country Inn Restaurant	1,000 SF for Patron Use, (excluding outdoor seating area in the Commercial-Residential and Employment zones)	10	4	12	4	Country Inn (C-4.397 & E-3.7)	Restaurant and/ or Retail: 1,000 gross leasable sf	Restau- rant (see below) Retail: 5		Existing CR zone requires 4, no spaces for outdoor	
						Restaurant or similar place dispensing food, drink or refreshments. (E-3.7)	1,000 SF of floor area for patron use inside/ per 1,000 SF for patron use outside	25/ 15			

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Funeral and Intermment Services											
Cemetery Crematory Funeral Home, Undertaker	Capacity of Assembly Area	0.33	0.25	1	0.33	Funeral parlor (E-3.7)	Per 25 gross SF of space in the public rooms	1		ITE rate	
	Employee	1	1	1	1		Employee on the major shift	1			
	plus, Each Vehicle Operated in Connection with the Use	1	1	1	1		Each vehicle used in connection with the business	1			
Landscape Contractor	Employee	1	--	--	--	Landscape Contractor (G-2.30.00)	Adequate parking for the total number of vehicles and trailers permitted.		To ensure adequate parking	Planning staff recommend modifying the per employee requirement to .5 spaces per employee	
	plus, Each Vehicle Operated in Connection with the Use	1	--	--	--						

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
			Baseline Minimum	Baseline Minimum	Baseline Maximum						
Office and Professional											
Life Sciences Office Research and Development	1,000 SF of GFA	2.8	2	3	2.25	Office, general office, and professional buildings or similar uses	1,000 GSF	1.9-3 depending on transit proximity and & Parking Policy	ULI: 2.80-3.80		
						Office, professional, other than medical practitioner	Each professional person occupying office.	2			

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Recreation and Entertainment											
<div style="position: absolute; left: -100px; top: 50%; transform: translateY(-50%); border: 1px solid black; border-radius: 50%; padding: 5px; font-weight: bold;">20</div> Adult Entertainment Campground Conference Center Golf Course, Country Club, Health Club & Facilities Recreation and Entertainment Shooting Range	1,000 SF of GFA	10	1	5	2.5	Auditorium or stadium (E-3.7)	Every 4 seats or similar vantage accommodations provided.	1		ULI: (2.89-10 / 1,000 SF)	
	OR: Every seat/ Guest Space	0.25	0.25	1.25	0.25	Health Club (E-3.7)	1,000 SF of floor area devoted to patron use	5	3.5 parking spaces per 1,000 SF required when located within an office building		
	OR: Each Campsite	1	1	5	1	Meeting Center (E-3.7)	1,000 SF of net floor area used for ballrooms and meeting rooms	10			
	OR: Each Court	2	2	5	2	Recreational establishment, commercial (E-3.7)	1,000 SF of net floor area used for foyers and other space	2.5			
						Swimming pool, commercial (E-3.7)	1,000 SF of floor area	12.5			
						Theaters, indoor or legitimate(E-3.7)	Every 4 persons lawfully permitted in the pool at one time	1			
							Each 4 seats or similar vantage accommodations	1			

Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Retail Sales and Service											
<div style="position: absolute; left: -100px; top: 50%; transform: translateY(-50%); border: 1px solid black; border-radius: 50%; padding: 5px;">12</div> Retail/ Service Establishment Rural Antique Shop Rural Country Market	1,000 SF of Gross Leasable Area	5	3.5	6	5	Furniture store	1,000 SF of gross floor area, plus	2	Does not apply to the furniture section of a department store or furniture store located in a regional shopping center	Followed current standard for general retail, consolidation of uses	
							Each employee	1			
						Regional shopping centers	1,000 SF of gross leasable square feet.	5.5			
						Retail establishments, auxiliary	1,000 square feet of gross leasable space.	3.5			
						Retail, general	1,000 gross leasable square feet.	5			
Vehicle/ Equipment Sales and Rental											
Heavy Vehicle Sales and Rental Light Vehicle Sales and Rental	1,000 SF of Gross Leasable Area	4	1	2.5	2.5	Retail, general	1,000 gross leasable square feet.	5	Storage space over 35% of the total gross leasable area excluded in calculating the number of required parking	Modernized, removed exclusions for storage	

Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
			Baseline Minimum	Baseline Minimum	Baseline Maximum						
Vehicle Service											
Automobile Storage Lot, Car Wash, Filling Station, Repair	1,000 SF of GFA	4	1	2.5	2.5	Automobile filling station (E-3.7)	Each car wash, grease bay or similar service area	2		Consolidation of uses	
							Each Employee	1			
						Automobile repair and service station	1,000 SF of total floor area	3.33			
							Each employee	1			
Accessory Commercial Uses											
Commercial Kitchen	Each Kitchen User	1	--	--	--	Commercial Kitchen (C-1.31)	n/a	n/a	Submit a parking plan acceptable to the DPS that provides adequate on-site or off-site parking for the users of the commercial kitchen during hours of operation	n/a	
INDUSTRIAL											
Animal Research Facility	1,000 SF of GFA	--	1	3	1.5	new				new	
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.5	1	3	1.5	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Dry Cleaning Facility (Up to 3,000 SF)	1,000 SF of GFA	1.5	--	--	--	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
			Baseline Minimum	Baseline Minimum	Baseline Maximum						
Artisan Man. and Production Heavy Man. and Production Light Man. and Production Med/ Scientific Man. And Transportation	1,000 SF of GFA	1.5	1	3	1.5	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Bus, Rail Terminal/ Station	1,000 SF of GFA	1.5	1	3	1.5	Railroad station, bus depot or other passenger terminal facilities (E-3.7)	Per terminal or station	100		Modernized	
Warehouse											
Freight Movement Mineral Storage Storage, Facility	1,000 SF of GFA	1.5	1	3	1.5	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
Self-Storage	1,000 SF of GFA	3	1	3	1.5	Self-storage facility (E-3.7)	1000 SF of GFA of office space associated with use	3	Width of travel aisles for vehicular access and loading and unloading will be subject to the approval of the director	Consolidation	Planning Staff recommend 1,000 SF of GFA for Storage Units without Driveway Access; 1,000 SF of Office Space GFA for Storage Units with Driveway Access
	plus, Employee	1	1	1	1		Per Employee	1			

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Comparison of Parking Requirements

DRAFT CODE						CURRENT CODE					
Use or Use Group	Metric	Agricultural, Rural Residential and Industrial Zones	Commercial/ Residential and Employment Zones			Use	Metric	Spaces Required	Additional Language/ Comments	Rationale for change	Recommended Change to Planning Board Draft
			Within a Parking Benefit District		Outside a Parking Benefit District						
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum						
Waste-Related											
Recycling Collection and Processing	1,000 SF of GFA	1.5	--	--	--	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	
All Other Industrial Uses Not Specifically Listed, Except Utilities	1,000 SF of GFA	1.5	1	3	1.5	Industrial, manufacturing or warehouse (E-3.7)	1,000 SF of total floor area	1.5	And sufficient area to provide for loading and unloading of trucks	n/a	

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Changes to General Development Requirements in the Planning Board Draft

Division 7.1. Site Access

Summary of Division 7.1

The intent of the regulations in this Division is to ensure safe access to and between sites for vehicles, bicyclists, and pedestrians and to decrease traffic congestion.

Sec. 7.1.1. Intent

The site access requirements are intended to ensure safe and convenient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to lessen traffic congestion.

This section applies to development in the C/R, Employment, Industrial, Residential Multi-Unit, and Floating zones that proposes an apartment/condo, multi-use, or general building type and only when a site plan or conditional use plan is required.

Sec. 7.1.2. Applicability

The requirements of this Division (Div. 7.1) apply to development in the Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating zones where:

- A. an apartment/condo, multi-use, or general building type is proposed; and
- B. a site plan or conditional use approval is required.

There are general access requirements and restrictions, such as ingress/egress must be in a forward motion and restrictions on the use of residentially-zoned land for access. Driveway access standards are proposed with minimum widths and radii.

Sec. 7.1.3. General Access Requirements

- A. Any development must provide safe and efficient means of vehicular, pedestrian, and bicycle ingress and egress to and from a street or an abutting site. Vehicle access across primary pedestrian, bicycle, or transit routes must be limited wherever feasible.
- B. Any on-site parking area must be designed to allow vehicles to enter and exit the parking area in a forward motion.
- C. Any pad site must take vehicular access from within the site.
- D. Land that is located in a Residential Detached zone must not be used for driveway or vehicular access to any land that is not in a Residential Detached zone, except:
 - 1. in a Historic District; or
 - 2. where the Residential Detached-zoned land has a legally existing nonresidential use, and any previous approval allows such access.

Sec. 7.1.4. Driveway Access

- A. Driveway dimensions must satisfy the following table:

Zone	Width (min)	Width (max)	Radius (max)
R-30, R-20, R-10			
One-way	12'	16'	10'
Two-way	20'	24'	10'
CR, CRT, CRN, EOF, LSC, GR, NR			
One-way	12'	18'	10'
Two-way	20'	32'	15'
IL, IH	30'	40'	30'

- B. The applicable deciding body may require a wider driveway where unusual traffic, grade, or site conditions exist.
- C. Where on-site parking is accessible from an improved alley with a right-of-way of at least 20 feet in width, access must be from the alley and new curb cuts along the public right-of-way must be limited, to the extent practicable.
- D. For every 300 feet of site frontage along any street, no more than 2 driveways are allowed.
- E. On corner lots where there is only one driveway and on through lots, vehicular access must be taken from the street with the lower roadway classification unless the road is classified as a residential road.

As with all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body – in this case, either the Planning Board or the Board of Appeals. This allows an applicant to present a site access plan that differs from the delineated standards under the conditions outlined.

Sec. 7.1.5. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.1) if the applicant submits documentation illustrating how:
 1. the intent of the Division is satisfied;
 2. the functional results or performance standards of the requirements are met or exceeded; and
 3. it is in the public interest.

In the current code, driveway access and circulation is governed by Sec. 59-E-2.4. Access to a street or alley for each parking space via a driveway aisle is required; aisle widths are established by the type of movement the driveway aisle allows:

- One-way driveway entrance/exit: 10’ wide, entrance and exit driveways should be separated; and
- Two-way driveway entrance/exit: 20’ wide (Sec. 59-E-2.41).

The proposed code recommends dividing driveway access requirements by zone and establishing maximum widths and turning radii to minimize paving and allow for Environmental Site Design (ESD) and tree canopy in parking lots. The sub-sections on walkways (59-E-2.42) and separation of parking spaces (59-E2.43) are now subsumed under Divisions 7.2 and 7.5.

Division 7.2. Parking, Queuing, and Loading

This Division covers all aspects of parking, queuing, and loading calculations. The intent of the regulations in this Division “is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner.”

Sec. 7.2.1. Intent

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure adequate and appropriate levels of parking are provided in a safe and efficient manner.

These regulations apply to all development except:

- Structures on the National Register of Historic Places; and
- Any expansion or cumulative expansions of less than 500 SF in gross floor area or impervious cover.

Detached houses, duplexes and townhouses on individual lots are exempt from the vehicle parking design standards.

Sec. 7.2.2. Applicability

A. Off -street parking spaces with adequate provision for ingress and egress by vehicles must be provided under this Division (Div. 7.2) for any principal building or structure at the time of construction and when any principal building or structure is enlarged or increased in capacity. The following are exempt from the required parking ratios of this Division (Div. 7.2):

1. Any structure on the National Register of Historic Places; and
2. Any expansion or cumulative expansions of less than 500 square feet in gross floor area or impervious cover.

B. An approved alternative compliance plan is required to reduce the area of an existing off -street parking facility if the reduction results in fewer than the minimum required under this Division (Div. 7.2).

C. The following building types are exempt from the vehicle parking design standards under Sec. 7.2.5.C and Sec. 7.2.5.E through Sec. 7.2.5.G:

1. Detached house;
2. Duplex; and
3. Townhouse that provides parking on individual lots.

Sec. 7.2.3 provides the general rules for parking calculations: requirements are cumulative for each use, fractions are rounded up, when parking is based on employees, the largest shift must be used and spaces that provide an electric charging station count toward the minimum parking requirement.

The number of parking spaces required reflects a non-shared parking environment. Applicants may submit a shared parking analysis using the Urban Land Institute shared parking model. There are several other allowed adjustments to the minimum parking requirement:

- On-street spaces (constructed by the applicant);
- Car-share spaces;
- Affordable housing reductions; and
- Religious assembly.

For the C/R and Employment zones parking may also be adjusted based on a Non-Auto Driver Mode Share (NADMS) factor, provision of carpool/vanpool spaces, unbundled residential spaces, provision of a bike-share facility, or provision of a changing facility. In addition, off-site parking spaces may be provided under a plat- or deed restricted arrangement or a joint use agreement. The proposed sections on adjustments are significant changes from the credits and calculations allowed under the current code, as is the removal of the mixed use table (Secs. 59-E-3.1, 59-E-3.2, and 59-E-3.3). These changes are based fundamentally on the Parking Study conducted by Nelson/Nygaard.

Sec. 7.2.3. Calculation of Required Parking

The minimum vehicle and bicycle parking requirement in all zones is the sum of the spaces required for each applicable land use in the tables in Sec. 7.2.4.B and Sec. 7.2.4.C, unless reduced under Sec. 7.2.3.H.

A. In General

1. In determining the required number of vehicle and bicycle parking spaces, fractional spaces are rounded up to the nearest whole number.
2. Where spaces are calculated based on employees, the time when the maximum number of employees is present must be used.
3. Spaces that provide an electric charging station count toward the minimum parking requirement.

B. Handicapped Spaces

Parking spaces for handicapped persons must be provided as required by State law. Handicapped spaces count toward the minimum parking requirement.

C. Motorcycle/Scooter Parking

Any parking facility containing more than 50 parking spaces must provide motorcycle/scooter stalls equal to at least 2% of the number of vehicle spaces up to a maximum of 10; additional spaces may be provided. Motorcycle/scooter spaces count toward the minimum parking requirement.

D. Car-Share Spaces

1. One car share parking space is required for parking facilities with 50 – 149 parking spaces up to a maximum of 5; additional spaces may be provided. One additional car-share parking space is required for each 100 additional parking spaces.
2. If no car-share organization can be found to make use of the spaces, the property owner may use the spaces for publicly-available parking; however, upon 90 days advance written notification of interest, the property owner must make the space available to any County recognized car-share organization.
3. Car-share parking spaces count toward the minimum parking requirement but are not counted against the parking maximum.

E. Bicycle Parking

1. Long-term bicycle parking spaces are intended for resident and employee parking. Short-term bicycle parking spaces are intended for patrons and visitors.
2. Long-term bicycle parking spaces under Sec. 7.2.4.C are indicated as a percent of total spaces; the balance must be provided as short-term spaces.

F. Off -Site Parking by Agreement

The vehicular parking requirement may be met off -site if the property proposed to be used for parking is within 1/4 mile of the subject property and is plat restricted, deed-restricted, or is under a joint use agreement. The plat or deed restrictions must specify that the property provides the required parking spaces for a use on another property. The plat or deed restrictions may be lifted if substitute off -site parking is provided, or if the use requiring the parking ceases to exist. The following conditions apply to a joint use agreement:

1. A property under a joint use parking agreement must be under the control of the involved parties. A joint use agreement must be submitted to the deciding body. The minimum term for the joint use agreement is 5 years.
2. The parties must agree to notify DPS no later than 3 days after any changes to the joint use arrangement and provide DPS with a minimum of one month notification of any pending termination of the agreement.
3. If the parking available under a joint use agreement is reduced, or if the agreement is terminated, the use-and-occupancy permit for the development approved in reliance on the joint use agreement must be amended, or, if necessary, revoked, to reflect the reduced parking; or an alternative compliance plan must be approved.
4. A change in use or in the joint use agreement requires a new use-and- occupancy permit and proof that sufficient parking will be available.

G. Parking Below the Minimum or Above the Maximum in a Parking Benefit District

1. In a Parking Benefit District, parking below the minimum number of required parking spaces, after all adjustments are made under Sec. 7.2.3.H, may be allowed if payment is provided under Chapter 60.
2. In a Parking Benefit District, parking above the maximum number of allowed parking spaces may be provided if a payment is made under Chapter 60 or if all of the spaces provided in excess of the maximum number allowed are made available to the public and are not reserved for any particular tenant.

H. Adjustments to Vehicle Parking

1. All Zones

In all zones, the vehicle parking requirement may be adjusted as follows:

a. On-Street Space

One on-street parking space constructed by an applicant that is located within a 1/4 mile of the subject property and in public or private right-of-way may be substituted for one required parking space, as determined by the applicable deciding body. Any such space removed by a public agency at a later date is not required to be replaced on-site.

b. Car-Share Space

A car-share space located near an entrance is equal to 2 required parking spaces for residential uses or 3 required parking spaces for commercial uses.

c. Special Housing Types

- i. Parking for all MPDUs and workforce housing units may be reduced by 50% from the baseline rate for the specific unit type.
- ii. Age-restricted housing units may be reduced by 75% from the baseline rate for the specific unit type.
- iii. Senior housing units may be reduced by 50% from the baseline rate for the specific unit type.

d. Religious Assembly

- i. The required number of parking spaces may be reduced to 0.15 spaces per fixed seat if the church, synagogue, or other place of worship is located within 500 feet of any commercial or industrial parking lot where sufficient spaces are available during the time of services to make up the additional spaces required.
- ii. Any place of worship used by a congregation whose religious beliefs prohibit the use of motor vehicles in traveling to or from religious services conducted on their Sabbath and principal holidays is only required to provide 0.125 spaces per fixed seat; however, the required parking spaces do not have to be provided on-site if such place of worship is located in a Parking Benefit District or within 500 feet of any commercial parking lot where sufficient spaces are available during the time of services or other proposed use of the building.
- iii. The parking space requirement does not apply to any existing building or structure located in a Commercial/Residential, Employment, or Industrial zone which is used for religious purposes, if the existing parking meets or otherwise exceeds the requirements for any commercial or industrial uses allowed in the zone.

~~2. Agricultural, Rural Residential, Residential, and Industrial Zones~~

e. Shared Parking

~~In addition to the adjustments in Sec. 7.2.3.H.1, in the Agricultural, Rural Residential, Residential, and Industrial zones, a~~ An application with more than one use may submit a shared parking analysis using the Urban Land Institute Shared Parking Model (latest edition) rather than using the parking table in Sec. 7.2.4.B.

~~3. 2. Commercial/Residential and Employment Zones~~

In addition to the adjustments in Sec. 7.2.3.H.1, in the Commercial/Residential and Employment zones, vehicle parking may be adjusted as follows:

a. NADMS Factor

Any applicable Non-Auto Driver Mode Share (NADMS) factor as recommended in the master plan is multiplied against the baseline minimum vehicle parking standard to determine a new minimum vehicle parking standard. The baseline maximum vehicle parking standard remains unaffected by the NADMS factor.

b. Carpool/Vanpool Space

One carpool or vanpool space located near an entrance is equal to 3 required parking spaces. A sign may indicate that after 9:30 a.m. an unoccupied carpool or vanpool space may be available to all vehicles.

c. Unbundled Residential Space

In a Parking Benefit District, where residential parking for Townhouse Living and Multi-Unit Living is sold or rented separately from the purchase or lease of a residential unit, the baseline minimum parking requirement is:

Use	Baseline Minimum
Townhouse Living	0.75
Multi-Unit Living	
Efficiency	0.50
1 Bedroom	0.50
2 Bedroom	0.75
3+ Bedroom	0.75

d. Bike-Share Facility

Provision of a bike-share facility with a minimum of 10 spaces may be substituted for 3 vehicle parking spaces.

e. Changing Facilities - Showers and Lockers

For every changing facility provided above the minimum required under Sec. 7.2.6.A.4, the vehicle parking requirement may be reduced by 3 spaces. A changing facility must include a shower and lockers provided separately for each gender.

The parking table is based on the uses delineated in Article 59-3, Uses and Use Standards. For each use or use group, a metric is provided that indicates whether parking is based on gross floor area, units, employees, or another factor. For the Agricultural, Rural Residential, Residential, and Industrial zones, after the metric, the baseline minimum is provided, which indicates the required minimum number of spaces that must be provided per metric. The parking table provided in Sec. 7.2.4. Parking Requirements is attached to the end of this summary of Article 59-7.

For the C/R and Employment zone, like the current C/R zone in Parking Benefit Districts, there is a minimum and a maximum number of parking spaces required and allowed, respectively. These Parking Benefit Districts are established and governed under Chapter 60, which will be revised by the Department of Transportation in concert with the Zoning Ordinance Rewrite. In C/R- or Employment-zoned areas that are not in a Parking Benefit District, there is no maximum allowed number of parking spaces.

In a Parking Benefit District (PBD), parking may be provided below the minimum or above the maximum only if certain terms are met, see Sec. 7.2.3.G. above.

For example, for Multi-unit Living in a C/R zone, within a PBD, with 50 efficiencies, 50 1-bedroom units, and 50 2-bedroom units, the table indicates:

Use or Use Group	Vehicle Parking Spaces				
	Metric	Agricultural, Rural Residential, Residential, and Industrial zones	Commercial/Residential and Employment zones		
			Within Parking Benefits District		All Other Locations
		Baseline Minimum	Baseline Minimum	Baseline Maximum	Baseline Minimum
Multi-Unit Living	Efficiency Unit	1.00	1.00	1.00	1.00
	1 Bdrm Unit	1.25	1.00	1.25	1.25
	2 Bdrm Unit	1.50	1.00	1.50	1.50
	3+ Bdrm Unit	2.00	1.00	2.00	2.00

a minimum, $(50 \times 1.00) + (50 \times 1.00) + (50 \times 1.00) = 150$ spaces, but no more than 188 parking spaces may be provided. The parking requirement for C/R zoned properties, not under the Parking Benefit District, as well as the baseline minimum in Agricultural, Rural Residential, Residential, and Industrial zones is the same, and equal to the baseline maximum under the PBD.

Bicycle parking is based on the use and is split between long-term (for residents and employees) and short-term (for visitors). A separate metric, minimum, and % long-term calculation is then established for bicycle parking spaces; some maximum caps are also established.

Under Sec. 7.2.5 Vehicle Parking Design Standards, parking must be provided within a ¼ mile of an entrance to the establishment served by such facilities; each parking space must have access to a street or alley open to the public and must limit crossing primary pedestrian, bicycle, or transit routes when feasible. Marking of spaces and aisles is required for maximum safety, and compact spaces must be clearly marked.

Parking space and interior drive aisle dimensions are specified. These specifications are based on current code and industry standards. The proposed code maintains the same dimensional standards for standard and compact spaces, but moves the "modified standard space for regional shopping malls" to the Regional Shopping Center Overlay zone. Up to 15% of the required spaces may be compact in non-PBDs and 25% in PBDs (current maximum is 10%). Drive aisle dimensions are the same.

This section also details the basic requirements for parking safety, pedestrian circulation through parking areas, and drainage. Special sections are devoted to conditional uses, and commercial vehicle parking on properties in Agricultural, Rural Residential, and Residential zones. This section also addresses surface parking coverage limits within the front yard in the R-90, R-60, and R-40 zones.

Sec. 7.2.5. Vehicle Parking Design Standards

A. Location

Each required parking space must be within 1/4 mile of an entrance to the establishment served by such facilities.

B. Access

Each parking space must have access to a street or alley open to use by the public. Vehicle access crossing primary pedestrian, bicycle, or transit routes must be limited wherever feasible.

C. Marking

1. Any off -street parking area must be arranged and marked to provide for orderly and safe loading, unloading, parking, and storage of vehicles.

2. Each individual parking space must be clearly defined, and directional arrows and traffic signs must be provided as necessary for traffic control.
3. Each space or area for compact parking must be clearly marked to indicate the intended use.

D. Size of Spaces

1. Each parking space must meet the following minimum dimensional requirements:

Parking Angle	Standard Space		Compact Space	
	Width	Length	Width	Length
Perpendicular	8.5'	18'	7.5'	16.5'
60 to 75 degrees	10'	23'	8.5'	21'
45 to 59 degrees	12'	26.5'	not allowed	not allowed
Parallel	7'	21'	6'	19.5'

2. A parking space may be reduced by 2 feet in length where the overhang will not conflict with pedestrian, bicycle, or vehicular circulation.
3. Within a Parking Benefit District, up to 20% of all required spaces may be compact spaces. Outside of a Parking Benefit District, up to 10% of all required spaces may be compact spaces.
4. If a column or other obstruction would interfere with opening a car door, then the minimum stall width of the affected space must be increased by one foot.
5. Tandem parking is allowed for dwelling units. Two parking spaces in tandem must have a combined minimum dimension of 8.5 feet in width by 36 feet in length. When used for residential purposes, both tandem parking spaces must be assigned to the same dwelling unit.
6. Valet parking is allowed as a means of satisfying required parking where:
 - a. An attendant or mechanized system is provided to park vehicles during all business hours of the associated use.
 - b. An equivalent number of valet spaces is available to substitute for the required parking spaces. Valet spaces do not require individual striping, and may take into account tandem parking and the mass parking of vehicles.

E. Drive Aisles

1. Interior drive aisles have parking stalls along the sides. Entrance and exit drive aisles have no parking stalls along the sides.
2. A drive aisle must have the following minimum width based on the configuration of the adjacent parking spaces and travel direction:

Parking Type	One Way	Two Way
Perpendicular	20'	20'
60 to 75 degrees	18'	20'
45 to 59 degrees	16'	20'
Parallel	10'	20'
None	10'	20'

F. Parking Separation

1. Each parking space must be separated from any road, street, alley, or sidewalk by curbing or wheel stops.
2. Any road, street, alley, sidewalk, or other public right-of-way must be protected from vehicular overhang by wheel stops, curbs, spacing between the right-of-way line and the parking area, or other method approved by DPS.

G. Walkways

Pedestrian walkways or sidewalks must be provided in off-street parking facilities as needed for pedestrian safety. Such walkways and sidewalks must be distinguished by stripes, wheel stops, curbs, or other methods approved by the applicable deciding body.

H. Drainage

Any off -street parking facility must be drained to prevent damage to abutting properties and public streets, and must be constructed of material that will assure a surface resistant to erosion. All drainage must satisfy the principles of Environmental Site Design (ESD) as specified in the Stormwater Management Manual adopted by the County.

I. Facilities for Conditional Uses in Residential Detached Zones

Any off-street parking facility for a conditional use that is located in a Residential Detached zone where 3 or more parking spaces are provided must satisfy the following standards:

1. Location

Each parking facility must be located to maintain a residential character and a pedestrian-friendly street.

2. Setbacks

a. For a general building, parking setbacks are established in Article 59-4.

b. For a detached house:

i. The minimum rear parking setback equals the minimum rear setback that is required for the detached house.

ii. The minimum side parking setback equals 2 times the minimum setback that is required for the detached house.

c. The following additional setbacks must be provided for each parking facility:

i. Where 150 to 199 parking spaces are provided, the required side and rear parking setbacks must be increased by 5 feet.

ii. Where 200 or more parking spaces are provided, the required side and rear parking setbacks must be increased by 10 feet.

J. Commercial Vehicle Parking for Properties with a Residential Use

1. In General

a. Vehicles and machinery for Farming may be parked without restriction.

b. Parking of a tow truck with a vehicle attached is prohibited.

c. Commercial vehicles under this Section (Sec. 7.2.5.J) refer to vehicles owned or used by an occupant of the dwelling.

2. AR, R, RC, and RNC Zones

a. On any lot or parcel up to 0.5 acre, one light commercial vehicle and one unoccupied recreational vehicle may be parked at any one time.

b. On any lot or parcel over 0.5 and under 2 acres, up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.

c. On any lot or parcel over 2 acres, there are no restrictions on commercial and recreational vehicle parking.

3. RE-2, RE-2C, and RE-1 Zones

a. Up to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked at any one time. One additional recreational vehicle may be used for dwelling purposes for not more than 3 days in any month.

b. Any property zoned RE-1 that does not meet the minimum lot area of 40,000 square feet, must meet the requirements in Sec. 7.2.5.K, Surface Parking in R-200, R-90, and R-60.

4. R-200, R-90, R-60, and R-40 Zones

One light commercial vehicle may be parked on any lot or parcel. One recreational vehicle may be parked on a lot or parcel, however, it must not be used for dwelling purposes for more than 3 days in any month.

5. TLD, TMD, THD, R-30, R-20, and R-10 Zones

One light commercial vehicle may be parked on any lot or parcel if the vehicle is parked in a garage.

K. Surface Parking in R-200, R-90, R-60, and R-40 Zones

1. Parking for any vehicle or trailer in the area between the lot line and the front building line must be on a surfaced parking area.
2. The following provisions apply to the surfaced parking area:
 - a. The maximum area between the lot line and the front building line that can be covered by a surfaced parking area, excluding the surfaced parking area in a driveway on a pipestem or flag-shaped lot is:
 - i. in the R-200 and R-90 zones, 30% or 320 square feet, whichever is greater; and
 - ii. in the R-60 and R-40 zones, 35% or 320 square feet, whichever is greater; except that
 - iii. DPS may grant a waiver to these limits as necessary to protect public safety; and
 - iv. any surfaced parking area existing before October 26, 2010 is not limited by this provision if it is not increased.
 - b. For properties with primary access from a primary residential street, minor arterial road, major highway, arterial, or any state road, the surfaced parking area may be a maximum of 50% of the area between the lot line and the front building line.
 - c. Parking in the area between the lot line and front building line on a non-surfaced parking area or parking on less than 160 square feet of surfaced parking area for each vehicle is prohibited.
 - d. One vehicle may be parked for every 160 square feet of surfaced parking area.
 - e. The limit on surfaced parking area does not apply to stone or rock quarries in the R-200 zone.
3. Temporary parking for visitors, loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.

The bicycle parking section is entirely new and based on use metrics rather than abstracted from parking requirements. There is a greater degree of detail for bicycle parking standards, reflecting current practice and policy goals to encourage reductions in vehicle miles traveled and support cycling. This section covers the location, access, security, dimensional standards, and signage required for long-term and short-term bicycle parking spaces. Shower and locker requirements are also detailed.

Sec. 7.2.6. Bicycle Parking Design Standards

A. Long-Term Spaces

1. Location, Access, and Security

- a. Each space must be provided within a building, covered parking garage, or in bicycle lockers. Access to each space must be convenient from the building or structure and the street or other bicycle right-of-way.
- b. Each space must be available and accessible for all building tenants during the building's hours of operations. For residential tenants, each space must be accessible 24 hours a day, 7 days a week.
- c. When provided in a garage:
 - i. Each space must be clearly marked as such and should be separated from vehicle parking by a barrier that minimizes the possibility of a parked bicycle being hit by a car;
 - ii. Each space must be located no lower than the first complete parking level below grade, and no higher than the first complete parking level above grade; and
 - iii. Each space must be in a well-lit, visible location near the main entrance or elevators.

- d. When provided in an enclosed area, the facility must not be accessible to anyone without authorized access.
- e. When a locker is provided, the locker must be securely anchored.
- f. Each facility must be well-maintained.
- g. Each facility must be well lit.

2. Space Dimensions

- a. Each bicycle parking space must have:
 - i. A minimum vertical clearance of 75 inches, for spaces other than lockers, and 48 inches for lockers.
 - ii. A minimum length of 72 inches and width of 24 inches where bicycles are to be placed horizontally.
 - iii. A minimum length of 40 inches and width of 24 inches where bicycles are to be placed vertically.
- b. An aisle 4 feet in width must be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- c. Where a room or common locker not divided into individual spaces is used to meet these requirements, each 12 square feet of floor area is counted as one bicycle parking space.
- d. Where a manufactured metal locker or stall is provided, each locker or stall devoted to bicycle parking is counted as one bicycle parking space.

3. Signs

Where a long-term bicycle parking facility is not visible from the street or main building entrance, a sign in a lobby or common area indicating the location of the parking must be posted for bicyclists.

4. Changing Facilities – Showers and Lockers

- a. Any individual tenant space over 50,000 square feet of nonresidential gross floor area (excluding retail or uses with less than 50 employees during the largest shift), must provide one shower and changing facility for each gender, unless provided in the development in a common area available to all tenants. An additional one shower and changing facility per gender must be installed for every 50,000 square feet of nonresidential gross floor area (excluding retail), up to a maximum of 3 for each gender.
- b. Where long term bicycle storage is required for a nonresidential use, a minimum number of clothing lockers equal to 0.3 times the minimum number of required long term storage spaces must be provided for each gender, and must be a minimum of 12 inches wide, 18 inches deep, 36 inches high, and must be available for use during all hours that employees are on-site. Lockers must be installed adjacent to the showers and
- c. Public parking facilities are exempt from the requirements of Sec. 7.2.6.A.4.

B. Short-Term Spaces

1. Location, Access, and Security

- a. Each short-term space must be available to the public.
- b. Each space must be provided in a convenient, well-lit location that is clearly visible to both the visitor to the building for which the space is built, as well as the sidewalk that accesses the building's main entrance.
- c. A space must be placed no more than 90 feet from:
 - i. the main entrance of any building;
 - ii. at least one main entrance of a building with more than one main entrance; and
 - iii. if a site plan or conditional use is required, the applicable deciding body may approve an alternative.
- d. Each parking facility must be placed to avoid obstructing pedestrian traffic or use of other features located in the pedestrian area.
- e. Any sidewalk rack that is parallel to the curb must be located 2 feet from the curb face.

- f. Any sidewalk rack aligned perpendicular to the curb must be placed so that the nearest vertical component of the rack is at least 4 feet from the curb.
- g. Each sidewalk rack must be at least 14 feet from any stand-alone fire hydrant.
- h. Each parked bicycle must be accessible without moving another bicycle.
- i. An aisle of at least 4 feet in width must be maintained behind all occupied parking racks to allow room for bicycle maneuvering.

2. Racks

Where required bicycle parking is provided via a rack, the rack must meet the following design and dimension standards:

- a. the bicycle frame and one wheel can be locked to the rack with a high security lock;
- b. a bicycle can be securely held with its frame supported in at least 2 places;
- c. racks must be off set a minimum of 30 inches on center;
- d. the rack must be durable and securely anchored;
- e. the locking surface of the rack must be thin enough to allow standard u-locks to be used, but thick enough so the rack cannot be cut with bolt cutters;
- f. aisles between racks must have a minimum width of 48 inches;
- g. a minimum depth of 72 inches should be allowed for each row of parked bicycles; and
- h. the rack must perform at least as well as an inverted u-rack.

Sec. 7.2.7 Queuing Design Standards provides the basic requirements for queuing facilities:

Sec. 7.2.7. Queuing Design Standards

A. Spaces Required

- 1. A minimum of 5 queuing spaces must be provided for each drive-thru lane for a restaurant.
- 2. A minimum of 3 queuing spaces must be provided for each drive-thru lane for any non-restaurant use.

B. Design

- 1. A queuing space must be equal in size to a standard parallel parking space under this Division (Div. 7.2)
- 2. Vehicles using drive-thru facilities must not encroach on or interfere with the public use of streets and sidewalks.
- 3. Any aisle to accommodate queuing must be clearly marked or physically separated from driveway aisles, parking spaces, and pedestrian walkways.
- 4. Each queuing space must satisfy the parking lot landscaping and lighting requirements in Sec. 7.2.9.

Sec. 7.2.8. Loading Design Standards provides the details on applicability, number of spaces, sharing, and location and design for loading spaces.

Sec. 7.2.8. Loading Design Standards

A. Applicability

The required number of off-street loading spaces is determined by the number of dwelling units, gross floor area of the use, and the type of use. The table in Sec. 7.2.8.B. designates the number of loading spaces required. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed via trucks. The off-street loading space requirement for a development with 2 or more uses is the highest number of spaces required of any one use.

B. Required Off-Street Loading Spaces

1. Multi-Unit Living Uses

Metric	Required Number of Spaces (min)
Under 50 dwelling units	None
50 dwelling units and above	1

2. Office and Professional, Group Living, Hospital, Educational Institution (Private), and Hotel and Motel Uses

Metric	Required Number of Spaces (min)
Up to 25,000 SF of GFA	None
25,001 to 250,000 SF of GFA	1
250,001 to 500,000 SF of GFA	2
500,001 to 750,000 SF of GFA	3
750,000 SF of GFA and above	4

3. Retail Sales and Services, Manufacturing and Production, and Warehouse Uses

Metric	Required Number of Spaces (min)
Up to 15,000 SF of GFA	None
15,001 to 50,000 SF of GFA	1
50,001 to 200,000 SF of GFA	2
200,001 to 350,000 SF of GFA	3
350,001 SF of GFA and above	4

C. Location and Design

1. Location

- a. Each off -street loading space must be located within the same development as the building or use served.
- b. Each off -street loading space is prohibited from projecting into a sidewalk, street, or public right-of-way.
- c. Each off -street loading space is prohibited from being located between the front building line and lot line.

2. Dimensions

Required loading space dimensions depend upon the size of delivery vehicles serving the site.

Minimum sizes are:

- a. For spaces serving single-unit trucks and similar delivery vehicles: 10 feet wide, 30 feet long, 14 feet high; and
- b. For spaces serving larger freight vehicles: 12 feet wide, 55 feet long, 15 feet high.

3. Maneuvering

Minimum required maneuvering areas depend upon the size of delivery vehicles serving the site. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering must be contained on-site. The minimum size of maneuvering areas is:

- a. For spaces serving single-unit trucks and similar delivery vehicles: 30 feet; and
- b. For spaces serving larger freight vehicles: 50 feet.

4. Surfacing

Each off -street loading space must be paved with a durable, all-weather material, such as concrete or asphalt.

5. Safe Design

Loading spaces must be designed and located to minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

Sec. 7.2.9. Parking Lot Landscaping and Outdoor Lighting applies to any conditional use requiring 3 to 9 spaces, or any surface parking lot with more than 10 spaces. There are minimum standards for landscaped area, tree canopy, and perimeter planting; exceptions for interim conditions are allowed. The parking lot landscaping requirements have been modernized based on the adoption of the C/R zones. Green wall and lighting standards for the top deck of parking structures are specified.

Sec. 7.2.9. Parking Lot Landscaping and Outdoor Lighting

A. Applicability

This Section (Sec. 7.2.9) applies to any surface parking lot with 10 or more spaces, any structured parking facility, or any property with a conditional use requiring 3 to 9 spaces abutting an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use.

B. Parking Lot Requirements for Conditional Uses Requiring 3 to 9 Spaces

1. If a conditional use requiring 3 to 9 parking spaces is abutting Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use:

- a. the perimeter planting area must satisfy the minimum specified parking setback under Article 59-4 or, if not specified, it must be 8 feet wide;
- b. each perimeter planting area must contain a hedge, fence, or wall a minimum of 4 feet high; and
- c. 1 understory or evergreen tree must be planted every 30 feet on center.

2. The Board of Appeals may increase the perimeter planting requirements for a conditional use application under Sec. 8.3.1.

C. Parking Lot Requirements for 10 or More Spaces

1. Landscaped Area

- a. A landscaped area comprising a minimum of 5% of the total area of the surface parking lot must be provided in islands that are a minimum of 100 contiguous square feet each. Where possible, any existing tree must be protected and incorporated into the design of the parking lot.
- b. A maximum of 20 parking spaces may be located between islands.
- c. Landscaped area may be used for a stormwater management ESD facility.

2. Tree Canopy

Each parking lot must maintain a minimum tree canopy of 25% at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

3. Perimeter Planting

a. If abutting an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use:

- i. the perimeter planting area must be a minimum of 10 feet wide;
- ii. each perimeter planting area must contain a hedge, fence, or wall a minimum of 6 feet high;
- iii. a canopy tree must be planted every 30 feet on center in the perimeter planting area; and
- iv. 2 understory trees must be planted for every canopy tree in the perimeter planting area.

b. If abutting any other zoned property, right-of-way, or an Agricultural, Rural Residential, or Residential Detached zoned property that is improved with a civic and institutional, commercial, industrial, or miscellaneous use:

- i. the perimeter planting area must be a minimum of 6 feet wide;
- ii. each perimeter planting area must contain a hedge or low wall a minimum of 3 feet high;
- iii. a canopy tree must be planted every 30 feet on center in the perimeter planting area; and
- iv. where a parking lot abuts another parking lot, perimeter planting is not required.

4. Lighting

Parking lot lighting must meet the standards of Sec. 7.5.4, General Outdoor Lighting Requirements.

D. Structured Parking Requirements

- 1. A living green wall or public artwork is required along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.
- 2. Roof illumination must meet the standards of Sec. 7.5.4, General Outdoor Lighting Requirements, except that any lighting fixture within 30 feet of the deck perimeter must be 15 feet or less in height and any fixture located elsewhere on the deck must be 30 feet or less in height.

E. Interim Conditions

Any parking lot that is constructed as an interim use under a sketch plan or site plan application with an approved phasing plan may deviate from this Section (Sec. 7.2.9) if the Planning Board finds that a compatible, safe, and efficient alternative is provided.

As noted before for all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards.

Sec. 7.2.10. Alternative Compliance

A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.2) if the applicant submits documentation illustrating how:

- 1. the intent of the Division is satisfied;
- 2. the functional results or performance standards of the requirements are met or exceeded; and
- 3. it is in the public interest.

B. A plan approved with an alternative method of compliance must pay any applicable tax under Chapter 60.

Division 7.3. Open Space and Recreation

Summary of Division 7.3

Open space is required for most development except standard method, single-unit, detached housing developments. This Division provides the regulations for open space use, applicability, and design; this Division does not detail the amount of open space that is required, which is covered under development standards for each zone. This Division is generally new and consolidates several disparate regulations about open space into one comprehensive section. It mostly clarifies and focuses on the regulations that will enhance open space for numerous applications.

In the proposed code, “Open Space” serves to refer to the four different types of open space that may be required:

- Rural Open Space
- Common Open Space

- Public Open Space
- Amenity Open Space

As the intent statement indicates, open space provides adequate light, air, circulation, and recreation, and encourages preservation and enhancement of natural resources, including improvement of water and air quality.

Sec. 7.3.1. Intent

Open space provides adequate light, air, circulation, and recreation and encourages preservation and enhancement of natural resources, including improvement of water and air quality.

Sec. 7.3.2. Applicability

The following table summarizes the types of open space that are required by zone, development method, and building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in Sec. 7.3.4 to Sec. 7.3.7; open space area requirements are provided in the Section references in the following table:

Zone	Section References	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	6.2.3.A	CD			
RNC	4.3.5.A and/or 6.1.2.A	All	MPDU		
RE-2C, RE-1, R-200, R-90, R-60, R-40	6.1.2.A and/ or 6.2.3.A		MPDU or CD		
TLD, TMD, THD	4.4.10.A, 4.4.11.A, 4.4.12.A, and/or 6.1.2.A		T, G, or MPDU		
R-30, R-20, R-10	4.4.13.A, 4.4.14.A, 4.4.15.A, and/or 6.1.2.A		T, A/C, G, or MPDU		
C/R, LSC	4.5.4.A, 4.6.5.A, 6.4.2.A, and/or 6.5.2.A		T	A/C, MU, or G	
GR, NR, EOF, I	4.6.4.A, 4.6.6.A, 4.7.4.A, 4.7.5.A, and/or 6.5.2.A		T		A/C, MU, or G

For floating zones, open space is required under the equivalent approved Euclidian zone for uses.

Key:

All = All development
 CD = Cluster Development
 T = Townhouse Building Type
 MPDU = Moderately Priced Dwelling Unit Development

G= General Building Type
 A/C = Apartment/Condo Building Type
 MU = Multi-Use Building Type
 Blank Cell = not required

Sec. 7.3.3. Allowed and Prohibited Features in Open Space

A. Allowed Features

The following table summarizes the allowed features in each type of open space:

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	x	x
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A	A	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x	A	A
Pedestrian or non-motorized multipurpose trail	A	A	A	A
Natural resource-based recreation	A	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenity recommended by an approved urban renewal plan	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water body, such as a lake, pond, and floodway	A	A	x	x
Non-structural, natural, and ESD stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation-oriented use compatible with the purpose of this Division	A	A	A	A

KEY: A = Allowed x = Not allowed

B. Prohibited Features

The following features are prohibited in an open space;

1. A street;
2. Parking or maneuvering area for vehicles;
3. Individual wastewater disposal area, or drain field for community systems;
4. Transitory Use;
5. Activity prohibited by the applicable deciding body and recorded on the legal instrument providing for permanent protection; and
6. Any use prohibited in rural open space under Sec. 7.3.4.A.4

In addition to the general intent and applicability of open space, there are sub-sections on applicability, definition, amount of space required, and design regulations for the four specific types of open space. The rural open space regulations are cobbled together from several disparate sections in the current code, but no substantive changes are intended. All cluster development in the RC zone and all development in the RNC zone is required to provide rural open space.

Sec. 7.3.4. Rural Open Space

A. General Requirements

1. Applicability

- a. All Optional Method Cluster Development in the RC zone must provide rural open space.
- b. All development in the RNC zone must provide rural open space.

2. Defined

Rural open space is land that is managed as farmland or in a natural state as allowed under Sec. 7.3.4.B.1.f.

3. Amount of Rural Open Space

The Planning Board may approve a minor variation in the master plan recommended rural open space if it finds that the variation would retain or enhance both the quality and character of the rural open space, but must not allow less than the zone requires.

There are numerous uses that are not allowed in rural open space delineated in the following list.

4. Uses in Rural Open Space:

a. In the RC zone, the following uses allowed under Article 59-3 are prohibited in any rural open space area:

- i. Agricultural Processing
- ii. Farm Supply, Machinery Sales, Storage, and Service
- iii. Nursery (Retail)
- iv. Nursery (Wholesale)
- v. Slaughterhouse
- vi. Seasonal Outdoor Sales
- vii. Farm Tenant Dwelling not associated with a farm in the rural open space
- viii. space
- ix. Independent Living Facility for Seniors or Persons with Disabilities
- x. Residential Care Facility (Up to 8 Persons)
- xi. Residential Care Facility (9 - 16 Persons)
- xii. Residential Care Facility (Over 16 Persons)
- xiii. Charitable, Philanthropic Institution
- xiv. Group Day Care (9 - 12 Persons)
- xv. Day Care Center (13 - 30 Persons)
- xvi. Day Care Center (Over 30 Persons)
- xvii. Private Club, Service Organization
- xviii. Public Use (Except Utilities)
- xix. Religious Assembly
- xx. Animal Boarding and Care
- xxi. Veterinary Office/Hospital
- xxii. Media Broadcast Tower
- xxiii. Country Inn
- xxiv. Cemetery
- xxv. Landscape Contractor
- xxvi. Shooting Range (Outdoor)
- xxvii. Rural Antique Shop
- xxviii. Mining, Excavation

b. In the RNC zone, the following uses allowed under Article 59-3 zone are prohibited in any rural open space area:

- i. Equestrian Facility (3+ horses)
- ii. Farm Supply, Machinery Sales, Storage, and Service
- iii. Nursery (Retail)
- iv. Nursery (Wholesale)
- v. Winery
- vi. Farm Market, On-site
- vii. Seasonal Outdoor Sales
- viii. Townhouse Living
- ix. Independent Living Facility for Seniors or Persons with Disabilities
- x. Residential Care Facility (Up to 8 Persons)

- xi. Residential Care Facility (9 - 16 Persons)
- xii. Residential Care Facility (Over 16 Persons)
- xiii. Charitable, Philanthropic Institution
- xiv. Cultural Institution
- xv. Group Day Care (9 - 12 Persons)
- xvi. Day Care Center (13 - 30 Persons)
- xvii. Day Care Center (Over 30 Persons)
- xviii. Educational Institution (Private)
- xix. Playground, Outdoor Area (Private)
- xx. Private Club, Service Organization
- xxi. Public Use (Except Utilities)
- xxii. Religious Assembly
- xxiii. Swimming Pool (Community)
- xxiv. Animal Boarding and Care
- xxv. Veterinary Office/Hospital
- xxvi. Cable Communications System
- xxvii. Telecommunications Tower
- xxviii. Cemetery
- xxix. Landscape Contractor
- xxx. Rural Antique Shop
- xxxi. Rural Country Market
- xxxii. Public Utility Structure

The design regulations for rural open space are focused on guidelines, allocation, and configuration. In the first case, several guidelines for development are outlined (Sec. 7.3.4.B.1):

B. Design Requirements

1. Guidelines for Development

In addition to any other requirements of this Division (Div. 7.3) and Chapter 50 (Sec. 50-39), rural open should be developed as follows:

- a. Rural open space must be used to minimize any potential nuisance or conflict and maximize compatibility between residential and agricultural uses within the proposed development and between the proposed and existing development;
- b. Disturbance of the area to become rural open space must be limited to the maximum extent possible during construction of residential lots and associated infrastructure;
- c. Rural open space must be recorded within a separate lot or parcel with a protective easement or covenant recorded in the land records;
- d. In the RNC zone, all publicly or privately held land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must:
 - i. restrict uses in the rural open space under Article 59-3 and Sec. 7.3.4.A.4;
 - ii. provide for the management of any natural or agricultural features under the approved site plan; and
 - iii. prohibit any development or subdivision within the rural open space area not expressly allowed.
- e. Rural open space used for a farm in the RC zone must be a minimum of 25 acres in size, unless the Planning Board finds that a smaller farm will implement the intent of this Division (Div. 7.3) and the zone; and
- f. Rural open space may be managed under one or more of the following
 - i. reforestation;
 - ii. woodland, meadow, wetland, or agricultural management;

- iii. streambank or floodplain protection; or
- iv. non-structural stormwater management; however, in the RNC zone, the Planning Board may allow a structural stormwater management facility in the rural open space if the location and appearance of the facility is consistent with the general intent of the RNC zone, and substantially conforms with the recommendations of the applicable master plan for use of the open space.

There are also priority areas and features to consider when rural open space is allocated and how the space must be configured with regard to contiguous area, minimum widths, and adjoining other open spaces.

2. Open Space Allocation

The following land area must be included in rural open space before other land areas:

- a. floodplain;
- b. stream buffer area;
- c. jurisdictional wetland under federal law (Sec. 404) that meet the definition applied by the Army Corps of Engineers;
- d. habitat for state- or federally-listed endangered or threatened species;
- e. historic, archaeological and cultural site, cemetery and burial ground;
- f. agricultural land containing prime farmland soil or other soil of statewide importance;
- g. area containing existing healthy trees greater than 12 inches DBH;
- h. area that connects the site to neighboring rural open space, trails, or greenways;
- i. areas containing highly erodible soils or soils with severe limitations for development due to drainage problems;
- j. forest areas not included in the environmental buffer; and
- k. viewsheds recommended for preservation by the applicable master plan.

3. Configuration of Rural Open Space

- a. The minimum width for any rural open space is 75 feet. The Planning Board may grant an exception for items such as a trail easement or linear park when their purpose meets the intent of this Section (Sec. 7.3.4).
- b. A minimum of 60% of the rural open space must be contiguous or separated only by a residential street.
- c. Where feasible, the rural open space must adjoin any neighboring area of open space, other protected area, and non-protected natural area that would be a candidate for inclusion as part of a future area of protected rural open space.

Common open space has been redefined to focus on recreational uses; this requirement also takes the place of green area and public use space in certain zones where it is more appropriate to focus on outdoor areas for residents and visitors. Common open space is generally required for optional method development in the rural and residential zones and for townhouse and apartment/condominium development in other zones. It is defined as “the outdoor area not included in individual building lots or dedicated to public use that is intended for passive and active recreational use by residents and visitors.” Common open space may be public or private.

Sec. 7.3.5. Common Open Space

A. General Requirements

1. Applicability

Common open space is required for:

- a. Any optional method development in any RNC and Residential Detached zone;

- b. Any development with a townhouse, apartment/condo, or general building type in any Residential Townhouse and Residential Multi-Unit zone;
- c. Any townhouse development in any Commercial/Residential and Employment zone; and
- d. Any Floating zone, as required under the equivalent Euclidean zone that determines uses.

2. Defined

Common open space is an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.

There are few design regulations regarding common open space, but they include requirements for placement, minimum widths, and contiguous area.

B. Design Requirements

- 1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.
- 2. The minimum width for any required common open space is 50 feet. The deciding body may grant an exception for items such as a trail easement, a mid-block crossing, or a linear park, when their purpose meets the intent of this Division (Div. 7.3).
- 3. A minimum of 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

Public use space has been renamed as “Public Open Space” to diffuse confusion and to maintain consistency. Further, the fact is that much of the area is not “usable” but enhances the public realm; this is not a change in how the space is developed, but a reflection of what has traditionally been accepted.

Public open space is required for certain sized lots or lots with numerous street frontages in the C/R and LSC zones. It is defined as “space devoted to public enjoyment and use or that enhances the public realm that must be physically and/or visibly accessible.”

Sec. 7.3.6. Public Open Space

A. General Requirements

1. Applicability

Any development with an apartment/condo, multi-use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zones must provide the required public open space under the applicable development standards.

2. Defined

Public open space is space devoted to public use or enjoyment that enhances the public realm.

3. Public Open Space Alternatives

- a. Development with a civic and institutional use in the LSC zone may provide up to 50% of the required public open space as amenity open space under Sec. 7.3.7, if the Planning Board determines that the amenity open space better serves the public interest due to health and safety concerns.
- b. Up to 5% of public open space may be used for outdoor café areas.

Public open space has several design regulations and allows for off-site options or a payment. Regarding the design regulations, public open space must satisfy several performance standards.

B. Design Requirements

1. Standard Method Development

Public open space must:

- a. abut a public sidewalk or other public pedestrian route;
- b. be a minimum of 15 feet wide;
- c. provide seating and shade; and
- d. be provided in a contiguous space.

2. Optional Method Development

Public open space must:

- a. abut a public sidewalk or other public pedestrian route;
- b. provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation space; and
- c. be provided in a contiguous space or spaces that are abutting other public open space or sidewalks or pedestrian routes and are not so fragmented and disconnected that they do not fulfill the intent of this Division (Div. 7.3).

C. Off -Site Options

The Planning Board may find that the requirement for public open space is satisfied in whole or in part by:

1. Implementing public park or public open space improvements of an equal or greater size within or near the applicable master plan area; or

2. Making a payment in part or in full for design, construction, renovation, restoration, installation, or operation within or near the applicable master plan area if the payment is:

- a. Equal to the cost of constructing an equal amount of public open space and any associated amenity on-site per square foot plus the fair market value of the land per square foot;
- b. Used to implement the open space, recreation, and cultural goals of the applicable master plan; and
- c. Made no later than 30 days after the release of any building permit for the subject application.

“Amenity Open Space” takes the place of “green area” and applies to most Employment and Industrial zones. Amenity open space is defined as the “area associated with a major building or group of buildings that provides access to active or passive recreation areas and natural amenities for the use and enjoyment of employees and visitors.” Design regulations are minimal, requiring minimum width and contiguous area. Redefining “green area” as “amenity open space” changes the focus from “green”, which was not necessarily appropriate or accurate, to the amenity aspect of open space for the applicable zones. This focus is appropriate and reflects the use of this area for circulation, landscaping, and (usually) passive recreation; the practical effects are minimal.

Sec. 7.3.7. Amenity Open Space

A. General Requirements

1. Applicability

Any development in the Industrial zones and development of any apartment/condo, multi-use, or general building type in the GR, NR, EOF, GRF, NRF, or EOFF zones must provide amenity open space under this Section (Sec. 7.3.7)

2. Defined

Amenity open space is an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.

B. Design Requirements

1. The minimum width for any required amenity open space is 15 feet except for a sidewalk, pathway, or trail.
2. Amenity open space must provide space for pedestrian circulation, landscaping, seating, shade, water features, artwork, or recreation space.

Following the sections on intent, applicability and design requirements for each type of open space is a section that defines the requirements for landscaping and outdoor lighting of open space. These standards provide some explicit allowances and minimum requirements for plantings, permeable area, tree canopy, and lighting.

Sec. 7.3.8. Open Space Landscaping and Outdoor Lighting

A. Overview of Required Open Space Landscaping

The following table summarizes the open space landscaping requirements:

Open Space Type	Farming	Native Species	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Required	90%	No Minimum
Common Open Space	Allowed	Preferred	80%	20%
Public Open Space	Allowed in Community Garden	Preferred	10%	10%
Amenity Open Space	Allowed	Preferred	10%	10%

B. Open Space Landscaping Requirements

1. General

Open space landscaping and lighting must protect environmentally sensitive areas and address the recreation needs of the proposed community.

2. Farming

Farming allowed in open space includes any Farming or Urban Farming use under the applicable use standards for each zone in Sec. 3.2.6., and Sec. 3.2.9.

3. Native Species

Rural open space must contain native species only.

4. Permeable Area

Permeable area provides some portion of each open space type with landscaping, carbon sequestration, rainwater infiltration, and heat island mitigation. Any permeable area must be pervious, open to the sky, and covered with live plant material or mulch. Permeable area includes any water body, bioretention area, or other ESD stormwater facility.

5. Tree Canopy

Tree canopy provides shade, carbon sequestration, and heat island mitigation. Tree canopy size is determined at 20 years of growth, as defined by the Trees Technical Manual approved by the Planning Board, as amended.

6. Plant Distance from Paved Surface

Any shrub or tree must be located a minimum of 24 inches from center to any paved surface, except for any street tree planted along a sidewalk.

C. Open Space Lighting

1. In rural open space and common open space, illumination at the property line must be 0.1 footcandles or less.

2. In public open space and amenity open space, illumination at the property line must 0.1 footcandles or less abutting a property that is in an Agricultural,

Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; illumination at the property line for any other property must be 0.5 footcandles or less, excluding street lights within the right-of-way.

Sec. 7.3.9 Recreation Facilities references the recreation guidelines establishes by the Planning board, and the requirement for development of 20 or more residential units to provide recreational facilities.

Sec. 7.3.9. Recreation Facilities

The Planning Board must adopt guidelines that detail the standards and requirements for recreation facilities. The guidelines must:

- A. be consistent with the purposes of this Chapter;
- B. be in addition to any standards, requirements, or rules in this Chapter; and
- C. establish minimum standards for development that provides 20 or more residential units.

As noted before for all sections in this Article, “Alternative Compliance” is allowed under the purview of the deciding body. This allows an applicant to present a parking, queuing, and loading plan that differs from the delineated standards “where site conditions or design criteria prove extensively limiting to the success of the project and the alternative method meets or exceeds the level of access required under this Division [7.3.]”

Sec. 7.3.10. Alternative Compliance

- A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.3) if the applicant submits documentation illustrating how:
 - 1. the intent of the Division is satisfied;
 - 2. the functional results or performance standards of the requirements are met or exceeded; and
 - 3. it is in the public interest.

Division 7.4 Compatibility Standards

Summary of Division 7.4.

Under the current code, a neighborhood compatibility requirement establishes an angular plane restricting height when a C/R-zoned property is next to a property in an Agricultural or Residential zone. This requirement has been expanded and modified in Division 7.4.

The proposed compatibility standards apply in varying degree based on use, building type and abutting zone. The proposed standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses.

In an Agricultural, Rural Residential, or Residential Detached zone, all conditional uses (unless otherwise specified under 59-3) must provide screening if abutting property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use. Any building for non-residential uses in an Agricultural, Rural Residential, or Residential Detached zone that abuts property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use must satisfy screening and specific setback standards.

In Residential Townhouse, Residential Multi-unit, C/R, Employment, Industrial and Floating zones, any use in a townhouse, apartment/condo, multi-use, or general building type must satisfy specific screening, setback, and height standards based on the abutting zone.

Sec. 7.4.1. Intent

The compatibility standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses. Additional setbacks, height restrictions, and screening may be required by an Overlay zone, use standards, or by another Section of this Chapter.

Sec. 7.4.2. Applicability

A. Method of Development

This Division (Div. 7.4) only applies to standard method development. Compatibility standards for optional method development are determined at site plan under Sec. 8.3.4.

B. Development in the Agricultural, Rural Residential, and Residential Detached Zones

1. A conditional use in any building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.

b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.

2. Any use in a general building must satisfy the setback and screening standards in this Division (Div. 7.4) if an abutting property is in an Agricultural, Rural Residential, or Residential Detached zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

C. Development in the Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, Industrial, and Floating Zones

1. A conditional use in a detached house or duplex building type must provide screening under Sec. 7.4.5 if an abutting property is in an Agricultural, Rural Residential, or Residential zone and is vacant or improved with an agricultural or residential use under Sec. 3.1.6.

a. The use standards for a conditional use under Article 59-3 may exempt the development from this requirement.

b. The Board of Appeals may increase the amount of screening for a conditional use application under Sec. 8.3.1.

2. Any use in a townhouse, apartment/condo, multi-use, or general building type must satisfy the applicable setback, height, and screening standards in this Division (Div. 7.4) as indicated in the following table:

Building Type	Abutting Zone		
	Agricultural, Rural Residential, Residential Detached	Residential Townhouse	Residential Multi-Unit
Townhouse	Sc	N	N
Apartment/condo in a Residential Multi Unit zone	Sc, Sb	N	N
Apartment/condo or Multi Use Building in a Commercial/Residential, Employment, or Industrial zone	Sc, Sb, H	Sc, Sb, H	N
General Building, with a non-Industrial use	Sc, Sb, H	Sc, Sb, H	N
General Building, with an Industrial use	Sc, Sb, H	Sc, Sb, H	Sc, Sb, H

KEY: Sc = Screening required H = Height Required
 Sb = Setback required N = Compatibility standards not required

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Sec. 7.4.3. Setback Standards

A. Abutting Property

1. If the abutting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, the minimum setback equals 1.5 times the minimum setback required for a detached house on the abutting property;
2. If the abutting property is improved with a civic and institutional, commercial, industrial, or miscellaneous use under Sec. 3.1.6, the minimum setback equals the minimum setback required for a detached house on the abutting property; and
3. When screening is required under Sec. 7.4.5 if the screening width is greater than the minimum setback established by this Section (Sec. 7.4.2.A), the minimum setback equals the required screening width.

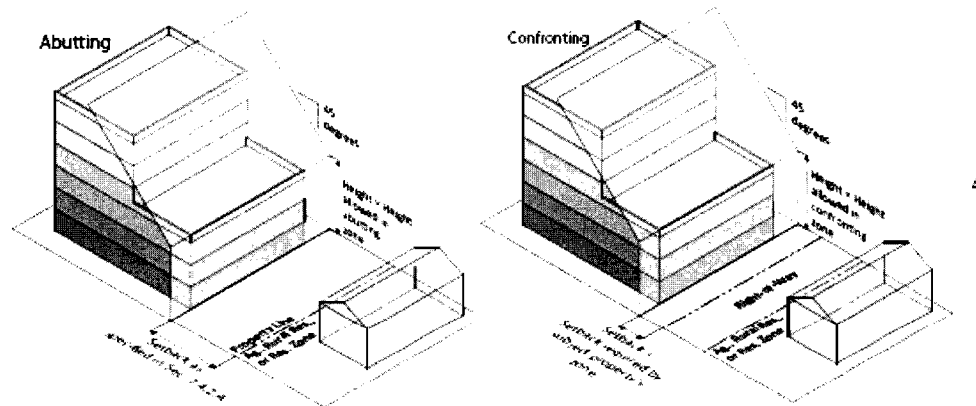
B. Confronting Property

Front and side street setbacks are not modified by this Section (Sec. 7.4.3).

Sec. 7.4.4. Height Restrictions

A. If the abutting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, and the applicant proposes a building height greater than the height allowed in the abutting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the abutting zone at the setback line determined by Sec. 7.4.2.A.

B. If the confronting property is vacant or improved with an agricultural or residential use under Sec. 3.1.6, and the applicant proposes a building height greater than the height allowed in the confronting zone, any structure must not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed in the confronting zone at the subject lot's front or side street setback line determined by Article 59-4.



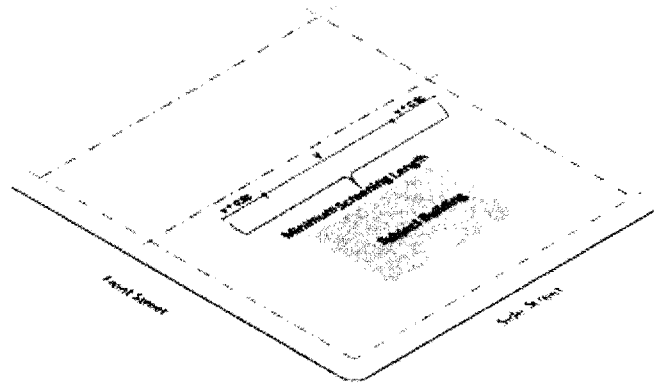
C. Where the abutting or confronting property is improved with a civic and institutional, commercial, industrial, or miscellaneous use under Sec. 3.1.6, the maximum height is not modified by this Section (Sec. 7.4.4).

Sec. 7.4.5. Screening Requirements

A. Location

1. Screening is required along a lot line shared with an abutting property that is vacant or improved with an agricultural or residential use under Sec. 3.1.6.
2. Screening may be placed within any required setback. If the required setback is less than the screening width established for the building type in this Section (Sec. 7.4.5), the required screening width in Sec. 7.4.5 must be provided.

3. Screening must be placed between the lot line and the subject structure or use and extend along the lot line a length equal to the length of the subject structure or use plus an additional 50% in length in each direction or to the end of the shared lot line, whichever is less.



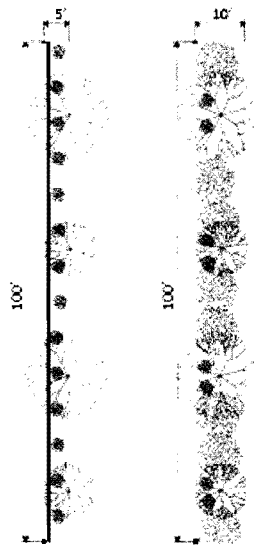
4. Screening is not required between a lot line and the subject structure or use if separated from the lot line by a surface parking lot. Instead, landscaping must be provided under Sec. 7.2.9.

B. Berms

Berms must have a rounded crown suitable for planting, and a stabilized side slope of 40% or less. Berms may meander and be discontinuous if the screening intent of this Division (Div. 7.4) is met.

C. Screening Requirements by Building Type

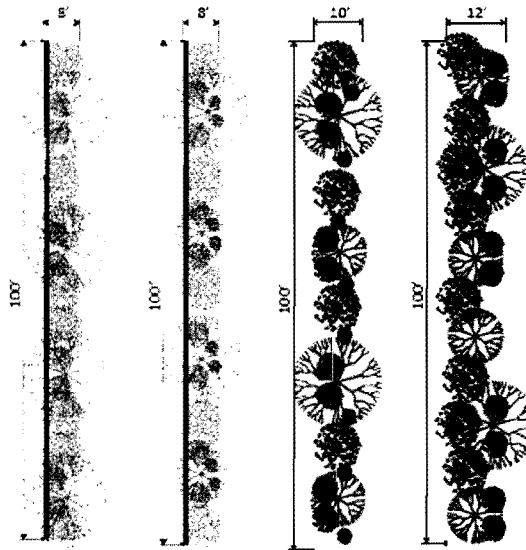
1. Screening is based on the proposed building type, unless otherwise stated. The minimum requirements for each building type are in Sec. 7.4.5.C.4 through Sec. 7.4.5.C.8; however, additional planting is allowed.
2. Plant materials are specified for each 100 linear feet of screening area. Any fractional requirement must be rounded up to the next higher whole number.
3. The applicant may choose between any option for the applicable building type or use.



4. Townhouse

	Option A	Option B
Dimensions (min)		
Width	5'	10'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	2
Shrubs (minimum per 100')		
Large	--	8
Medium	--	--
Small	16	8
Wall, Fence or Berm (min)	4' fence or wall	--

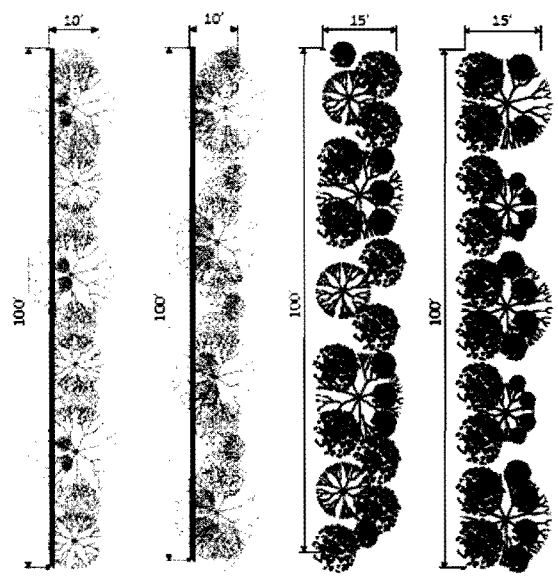
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5. Apartment/Condo Up to 60 Feet in Height or Multi Use Building Up to 40 Feet in Height

	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	8'	8'	10'	12'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	4	2	2	2
Understory or Evergreen	--	2	2	4
Shrubs (minimum per 100')				
Large	8	6	4	8
Medium	8	8	8	12
Small	--	8	8	--
Wall, Fence or Berm (min)	4' fence or wall	4' fence or wall	--	--

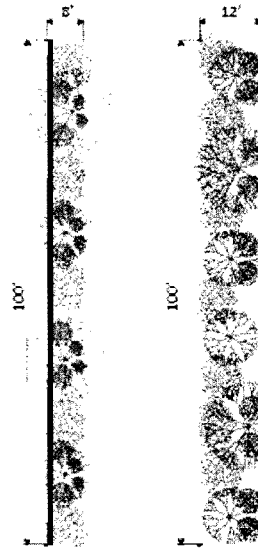
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6. Apartment/Condo Over 60 Feet in Height or Multi Use Building Over 40 Feet in Height

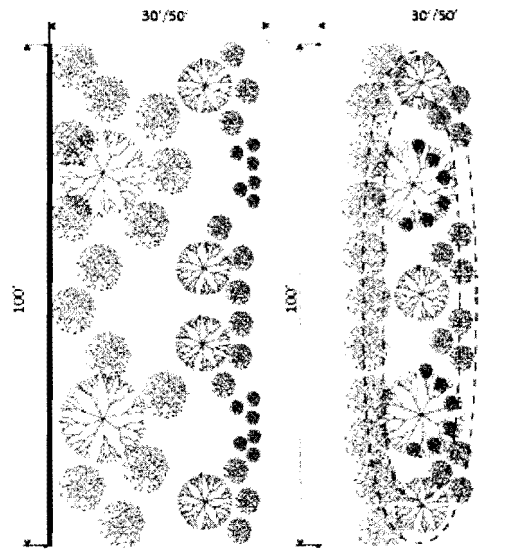
	Option A	Option B	Option C	Option D
Dimensions (min)				
Depth	10'	10'	15'	15'
Planting and Screening Requirements				
Trees (minimum per 100')				
Canopy	3	4	2	3
Understory or Evergreen	3	--	3	2
Shrubs (minimum per 100')				
Large	6	8	11	10
Medium	--	12	8	10
Small	6	--	--	12
Wall, Fence or Berm (min)	4' fence or wall	6' fence or wall	--	--

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7. General Building with a Non-Industrial Use; Conditional Use in the Agricultural, Rural Residential, or Residential Zones; and Conditional Use in a Detached House or Duplex in Any Other Zone

	Option A	Option B
Dimensions (min)		
Depth	8'	12'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	2	4
Shrubs (minimum per 100')		
Large	6	8
Medium	8	12
Small	8	--
Wall, Fence or Berm (min)	4' fence or wall	--



8. General Building with an Industrial Use

	Option A	Option B
Dimensions (min)		
Depth for all zones except IH zone	30'	30'
Depth for IH zone	50'	50'
Planting and Screening Requirements		
Trees (minimum per 100')		
Canopy	2	2
Understory or Evergreen	4	3
Shrubs (minimum per 100')		
Large	14	11
Medium	12	12
Small	12	12
Wall, Fence or Berm (min)	6' fence or wall	6' berm

Division 7.5. General Landscaping and Outdoor Lighting

Summary of Division 7.5.

This division establishes baseline standards for landscaping and outdoor lighting. It consolidates fence and wall regulations, basic landscaping requirements, and general outdoor lighting standards.

In general, these standards are meant to be used as minimum requirements to ensure that development is landscaped and lighted to “to preserve property values; to preserve and strengthen the character of communities; and to improve water and air quality.”

Required landscaping must be installed prior to release of a final use-and-occupancy (U&O) permit; a temporary U&O permit may be released to accommodate the consideration of growing seasons. Because some design guidelines and master plans have further requirements or streetscape standards, compliance with those documents have been referenced. To satisfy the requirements of this division, planting material must not be in an easement for utilities, stormwater management, or other facility that may result in its removal. Planting plans and related documents must be prepared by a licensed landscape architect.

There are various base requirements for plant material and the required landscape elements are defined. Individual species, design considerations, etc. are left to the discretion of the applicant. Fence and wall heights are stipulated and basic maintenance regulations are delineated.

There are basic requirements for all luminaires, lighting fixture heights, and lamps to ensure safety but also minimize light pollution and off-site glare. Specific limits on security, accent, canopy area, residential entrance, outdoor recreation, and commercial lighting are provided to ensure safety and minimize excessive illumination or glare in these particular cases. These are based on industry standards and precedents used in most site plan and conditional use applications.

Sec. 7.5.1. Intent

This Division (Div. 7.5) regulates minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The requirements are intended to preserve property values; to preserve and strengthen the character of communities; and to improve water and air quality.

Sec. 7.5.2. Applicability

This Division (Div. 7.5) applies to landscaping required under this Chapter and to installation of any new outdoor lighting fixture or the replacement of any existing outdoor fixture. Replacement of a fixture refers to a change of fixture type or change to the mounting height or location of the fixture.

Sec. 7.5.3. General Landscaping Requirements

A. General

1. DPS must not issue a final certificate of occupancy until all trees and plant material have been installed under the requirements of this Division (Div. 7.5).
2. A temporary certificate of occupancy may be issued for a period of up to 6 months due to circumstances that make the planting of the site impractical, or until the proper planting season is reached to complete the landscaping requirements.
3. Landscaping and lighting must satisfy any applicable design guidelines or streetscape standards.
4. To satisfy the requirements of this Division (Div. 7.5), plant material must not be placed in any utility, stormwater management, or other easement that may result in removal of the plantings, except as explicitly allowed under this Division (Div. 7.5).
5. All landscape plans and related documentation must be prepared by a licensed landscape architect.
6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants are prohibited.

B. Landscaping Elements

1. Plant Material

- a. Any landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must satisfy all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. Mature plant size is based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.

2. Canopy Trees

a. Defined

A canopy tree is a large deciduous tree, typically 40 to 70 feet tall at maturity, with a minimum spread (canopy) of 30 feet. A canopy tree typically has only a single trunk.

b. Size at Time of Planting

Any canopy tree within an open space area, screening area, or surface parking lot must have a minimum caliper of 2 inches or a minimum height of 14 feet when planted.

3. Understory Trees

a. Defined

An understory tree is a small deciduous tree, typically less than 30 feet tall at maturity. Many understory trees have multiple trunks.

b. Size at Time of Planting

i. Any single trunk understory tree within an open space area, screening area, or surface parking lot must have a minimum caliper of 1.5 inches or a minimum height of 10 feet when planted.

ii. Any multi-trunk understory tree within an open space area, screening area, or surface parking lot must have a minimum of 3 main stems, each with a minimum caliper of 1.5 inches per stem, or a minimum height of 10 feet, when planted.

4. Evergreen Trees

a. Defined

An evergreen tree, typically more than 40 feet tall at maturity.

b. Size at Time of Planting

Any evergreen tree within an open space area, screening area, or surface parking lot must be a minimum of 8 feet in height when planted, measured from the top of the root ball to the tip of the highest branch.

5. Shrubs

a. Defined

i. A large shrub must be of a species that will reach a minimum height of 8 feet.

ii. A medium shrub must be of a species that will reach a minimum height of 4 feet.

iii. A small shrub must be of a species that will reach a minimum height of 2 feet.

b. Size at Time of Planting

i. A large shrub within an open space area, screening area, or surface parking lot must be a minimum of 5 gallon container or balled and burlapped.

ii. A medium shrub within an open space area, screening area, or surface parking lot must be a minimum of 3 gallon container or balled and burlapped.

iii. A small shrub within an open space area, screening area, or surface parking lot must be a minimum of one gallon container.

C. Fences and Walls

1. Defined

Fence or wall height is measured from the lowest level of the ground immediately under the fence or wall.

2. Height and Placement

a. The maximum height of a fence or wall in any front setback in a Residential zone is 4 feet.

b. On a corner lot in any Residential zone, a fence, wall other than retaining wall, terrace, structure, shrubbery, planting, or other visual obstruction can be a maximum height of 3 feet above the curb level for a distance of 15 feet from the intersection of the front and side street lines.

c. On a corner lot in any Residential zone, a deer fence must not be located closer to the street than the face of the building.

d. A wall or fence must not be located within any required drainage, utility or similar easement, unless approved by the agency with jurisdiction over the easement.

3. Exemptions from Building Line and Setbacks

Building line and setback requirements do not apply to:

a. Deer fencing:

- i. In all Agricultural and Rural Residential zones; and
- ii. Behind the front building line for property in all non-Agricultural and non-Rural Residential zones unless the property adjoins a national historical park.
- b. Any retaining wall where changes in street grade, width, or alignment have made such structures necessary;
- c. Any other wall or fence that is 6.5 feet or less in height, is behind the front building line, and is not on a property abutting a national historic park;
- d. Any rustic fence on a property abutting a national historical park;
- e. Any boundary fence behind the front building line if the property is located within 100 feet of a parking lot in a national historical park; and
- f. Deer fencing and any other fence that 8 feet or less in height if the property is farmed and agriculturally assessed.

D. Failure to Maintain Landscaping

1. If the owner of a landscaped area fails to maintain the area according to the standards of this Section (Sec. 7.5.3) the County must provide reasonable notice and allow a property owner 90 days to correct the deficiency. Refer to Div. 8.8, Violations, Penalties, and Enforcement for additional procedures.
2. The County may recover the cost of enforcement, including reasonable attorney fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the landscaped area to take maintenance action. The cost of such maintenance will be charged to the party having the primary responsibility for maintenance of the landscaped area.

Sec. 7.5.4. General Outdoor Lighting Requirements

A. Exemptions

Routine lighting fixture maintenance, such as changing a lamp or light bulb, ballast, starter, photo control, housing, lense, and other similar component, does not constitute replacement and is permitted if such changes do not result in a higher lumen output.

B. Design Requirements

1. Fixture (Luminaire)

In order to direct light downward and minimize the amount of light spill, any outdoor lighting fixture must be a full or partial cutoff fixture.

2. Fixture Height

A freestanding lighting fixture may be a maximum height of 40 feet in a parking lot with a minimum of 100 spaces, otherwise a freestanding lighting fixture may be a maximum height of 30 feet within a surface parking area and may be a maximum height of 15 feet within a non-vehicular pedestrian area. A freestanding light fixture located within 35 feet of the lot line of any detached house building type not located in a Commercial/Residential or Employment zone may be a maximum height of 15 feet. Any height measure must be made from finished grade.



3. Light Source (Lamp)

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Only incandescent, fluorescent, light-emitting diode (LED), metal halide, or color-corrected high-pressure sodium may be used. The applicable deciding body may approve alternate light sources based on new technology.

C. Lighting Types

1. Security Lighting

- a. Any building-mounted security light fixture such as a wall pack must not project above the fascia or roof line of the building and must be shielded.
- b. Any security fixture, including but not limited to a floodlight or wall pack, must not face ground floor residential uses.
- c. Any security fixture must not be substituted for parking area or walkway lighting and must be restricted to loading, storage, service, and similar locations.

2. Accent Lighting

Only lighting used to accent an architectural feature, landscaping, or art may be directed upward. The accent lighting fixture must be located, aimed, or shielded to minimize light spill and glare.

3. Canopy Area Lighting

All development that incorporates a canopy area over a Filling Station, automated teller machine, or a similar facility must use a full cutoff fixture with a lens cover flush with the bottom surface of the canopy or recessed within the canopy. Canopy area lighting must be 30 footcandles or less under the canopy as measured horizontally at grade.

4. Residential Entrances

Any entrance to a residential building or multi use building with a residential-component housing more than 4 units must be adequately lighted to ensure the safety of persons and the security of the building.

5. Outdoor Recreation Lighting

Lighting for any outdoor recreation field must be arranged to prevent direct glare onto any public or private property or street. All outdoor playing field/court lighting is prohibited between the hours of 11:00 p.m. and 7:00 a.m., unless other hours are specifically approved by the applicable deciding body.

6. Commercial Businesses

Lighting for commercial uses placed on or within a building is not restricted by this Section (Sec. 7.5.4) except that the provisions of Sec. 7.5.4.C.7 must be satisfied.

D. Excessive Illumination

Except where otherwise stated in this Chapter, on-site illumination is limited to 0.5 footcandles at the lot line, excluding street lights within the right-of-way.

E. Conditional Uses

Outdoor lighting provided for a conditional use must be directed, shielded, or screened to ensure the maximum illumination level at any lot line abutting a detached house building type, not located in a Commercial/Residential or Employment zone, is 0.1 footcandles or less.

Sec. 7.5.5. Alternative Compliance

A. The applicable deciding body may approve an alternative method of compliance with this Division (Div. 7.5) if the applicant submits documentation illustrating how:

1. the intent of the Division is satisfied;
2. the functional results or performance standards of the requirements are met or exceeded; and
3. it is in the public interest.

Division 7.6. Outdoor Display and Storage

Summary of Division 7.6.

There are numerous uses in the current code that provide for outdoor display and storage, but the provisions are scattered throughout the code and the standards are minimal. These have been consolidated in one section for any use that may display or store products or equipment. The most comprehensive section on outdoor storage is under the special exception regulations (59-G-2.45.3). These standards have been used for the general storage requirements in the proposed code, allowing storage on a site as small as 5 acres rather than 8 acres.

The intent of the outdoor display and storage regulations is to set certain basic allowances and limits on the size, location, height, and screening of these items. These regulations apply to any site where merchandise, materials, or equipment is stored outside (with a couple of exceptions for agricultural and auto/machinery sales). The display area for products for sale must be illustrated on the applicable plan. Except for certain listed products (such as outdoor seasonal sales, propane tanks, and ice), products must be moved inside overnight and may not impede pedestrian circulation.

The storage of merchandise, materials, or equipment is allowed with few standards for commercial uses and more generally for industrial uses. For industrial uses, the requirements are limited to lot size, setbacks, road frontage, and screening.

As noted before for all sections in this Article, "Alternative Compliance" is allowed under the purview of the deciding body.

Sec. 7.6.1. Intent

The intent of this Division (Div. 7.6) is to regulate the size, location, height, and screening of all outdoor storage and display. The requirements are intended to protect public safety, health, and welfare; to preserve and enhance property values; and to preserve and strengthen the character of communities.

Sec. 7.6.2. Applicability

A. This Division (Div. 7.6) applies to any site where merchandise, material, or equipment is displayed or stored outside of a completely enclosed building.

B. Merchandise, material, or equipment for agricultural uses in an Agricultural or Rural Residential zone are exempt from this Division (Div. 7.6).

C. Where allowed, the outdoor sale, lease, or rental of motor vehicles and heavy equipment as part of a properly permitted use is exempt from this Division (Div. 7.6).

Sec. 7.6.3. Design Standards

A. Outdoor Display

1. Defined

a. Outdoor display of products actively available for sale. The outdoor placement of any propane gas storage rack, ice storage bin, soft drink, or similar vending machine is considered outdoor display.

b. Outdoor display does not include merchandise or material in boxes, in crates, on pallets, or other kinds of shipping containers (see outdoor storage).

c. Seasonal Outdoor Sales, under Article 59-3, is exempt from this Section (Sec. 7.6.3).

2. Standards

Outdoor display is permitted with any nonresidential use following approval of the applicable plan illustrating the extent of the permitted area for outdoor display. The area for outdoor display must meet the following standards:

- a. Any outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day. Any propane gas storage rack, ice storage bin, soft drink or similar vending machine may remain outside overnight.
 - b. Any outdoor display must not impede pedestrian use of the sidewalk or parking areas.
- B. Outdoor Storage
- 1. Limited Outdoor Storage
 - a. Defined

Limited outdoor storage includes, but is not limited to:

 - i. Overnight outdoor storage of any vehicle awaiting repair;
 - ii. Outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
 - iii. Outdoor sales area for building supplies, garden supplies, or plants;
 - iv. Outdoor storage of fleet vehicles; and
 - v. Outdoor storage of any vehicle, boat, recreational vehicle, or other similar vehicle at a storage facility.
 - b. Standards

Limited outdoor storage is allowed when it is accessory to an allowed use following approval of the applicable plan illustrating the extent of the permitted area for limited outdoor storage. Limited outdoor storage must satisfy the standards of the zone or the use.
 - 2. General Outdoor Storage
 - a. Defined

General outdoor storage includes, but is not limited to, any material associated with industrial uses such as equipment, lumber, pipe, steel, salvage, or recycled materials.
 - b. Standards

General outdoor storage is permitted if it meets the following standards:

 - i. In the Industrial zones screening of inventory and equipment must follow the screening requirements of Sec. 7.4.5, unless the use abuts or confronts property in an Industrial zone.
 - ii. In all other zones:
 - (a) Approval of the applicable plan illustrating the extent of the permitted area for general outdoor storage.
 - (b) The property must front on and have direct access to a road built to primary or higher standards.
 - (c) The minimum area of the property is 5 acres if abutting an Agricultural, Rural Residential, or Residential zone.
 - (d) The minimum setback from any lot line is 50 feet.
 - (e) Screening of inventory and equipment must follow the screening requirements of Sec. 7.4.5 unless the use abuts or confronts property in an Industrial zone.

Division 7.7. Signs

Summary of Division 7.7

The purpose of this division is to regulate the size, location, height, and construction of all signs placed for public view. In general, almost no changes were made to the Sign section of the current code. The Planning Board believes that this section would benefit from a review aimed at modernization and hopes to consider this at a future date. Illustrations were added to this division to provide clarity to the standards, and an alternative compliance section was also added.