Exhibit A
Zoning Text Amendment – Article 5, Section 15.0:
Traditional Neighborhood Development Floating Zone District (TND)

Note: New Section 15.0 to be added to Zoning Ordinance Article 5 - Provisions Governing the Residential Districts
15 November, 2010

Add the following text (Subsections A and B) and Table (Subsection C):

"Section 15.0 - Traditional Neighborhood Development Floating Zone District (TND)

A. Purpose and Intent - Traditional Neighborhood Development District (TND)

1. Purpose

The Traditional Neighborhood Development District (TND) is a floating zone which is established to encourage the development of residential neighborhoods reflecting the small town character of the Town while providing for the contemporary housing needs of its citizens. This floating zone seeks to encourage the following characteristics in these new and redeveloped neighborhoods:

a) The TND Floating Zone District shall provide for residential development built to the scale and general arrangement of Thurmont's traditional town center neighborhoods.

b) Traditional site and building design will be mandated through these regulations and those set forth in the Town's Subdivision Regulations.

c) The TND Floating Zone District shall provide for residential development at a scale and density similar to Thurmont's older neighborhoods located in and around the town center area.

d) Street sections, building arrangement, building orientation, building massing, pedestrian and vehicular ways, public spaces, streetscaping, and other neighborhood design factors shall be deployed in such a way as to reflect the best and most elemental characteristics of the community's older places.

e) An interconnected network streets, alleys, and sidewalks that provide multiple ways into, and out of, TND developments will be a required feature of new growth in the TND.

f) The development of buildings and structures that take their architectural cues from the design, massing, and arrangement of buildings traditionally constructed in Maryland's small towns prior to 1950 will be a desired feature of development in the TND.

2. Organization

The Traditional Neighborhood District Ordinance is presented in three subsections.

Subsection A - describes the purpose and organizational structure of the ordinance.

Subsection B - describes general requirements for proposals.

Subsection C - presents a table of uses, design standards, and functional requirements for proposed neighborhoods developed in the TND floating zone

B. Requirements - Traditional Neighborhood Development District (TND)

1. General Requirements

In the TND District, the existing uses of land and buildings shall not be changed, altered, or enlarged, and no new uses of land or construction of new buildings will be permitted except in conformance with the provisions of this Ordinance.

2. Applicability

a) The Traditional Neighborhood Development (TND) District shall be a floating zone which may be established on lands that are designated 'Medium Density Residential' (MDR) in Thurmont's Master Plan, and that meet the size, location, and other requirements as established in this Ordinance as follows:

1) A TND development shall be a minimum of ten (10) acres in size, and no greater than fifty (50) acres in size, and may consist of a single parcel, a portion of a single parcel, or multiple parcels, under the ownership or control of one or more owners or developers;

2) An application to apply the TND Floating Zone shall be for a single project;

3) A TND application shall demonstrate the proposed development's consistency with the goals and policies of the Thurmont Master Plan;

4) A TND development shall provide for a mix of uses - which may include residential, civic, employment, and open space - arranged in close proximity to one another within the neighborhood. Employment uses will be limited to no more than three percent (3%) of the gross amount of land in any single project in the TND Floating Zone and under no circumstances may exceed 20,000 square feet of finished interior space in a single project;

5) A TND development shall create a neighborhood that is compact, designed for the human scale, that incorporates a system of narrow, interconnected streets and sidewalks, that provides multiple routes to, from, and within the neighborhood for vehicles, bicycles, and pedestrians;

6) A TND development shall provide for the connection of its planned streets, alleyways, and sidewalks to existing and future developments;

7) A TND development shall provide for a mix of housing types and sizes;

8) A TND development shall incorporate significant natural features into its design;

9) A TND development shall retain structures with local or regional historically significant features or characteristics that enhance the visual character of the neighborhood and make every reasonable effort to maintain structures or site features of local cultural significance; and,

10) An application to apply the TND Floating Zone shall demonstrate how the proposed development will provide appropriate and adequate buffers to adjacent lands with existing or planned uses that are incompatible with those uses in the TND Floating Zone.

11) An application to apply the TND Floating Zone shall demonstrate how the TND development will be designed and constructed so that adjoining properties, as well as other non-contiguous off-site lands, do not bear any adverse environmental impacts as a result of the proposed TND development.

b) The TND Floating Zone shall be applied upon petition by a property owner or property owner representative, and after approval by the Thurmont Board of Commissioners.

3. Permitted Uses

In the TND District, all permitted uses are designated in the Table of Development Characteristics, *Section C. Uses, Design Standards, and Functional Characteristics*

4. Site Plan Review

a) Applications in the TND zoning district that are subject to Site Plan Review by the Planning & Zoning Commission include:

1) All new primary structures
2) Changes in use or changes in intensity of use
3) Major Subdivision applications

b) Submittal requirements and standards for Site Plan Review are listed in Article X, Section 7.0 of the Thurmont Zoning Ordinance.

5. Special Exceptions

a) Uses that are allowed in the TND floating zone district by Special Exception from the Board of Appeals include:

1) Public Utility Facilities
2) Recreational Clubs/Facilities, Non-Profit Public Service Facilities
3) Public Buildings
4) Assisted Living Facility
5) Extended Care Facility
6) Bed and Breakfast

b) Submittal requirements and review standards for Special Exceptions are listed in Article XI, Section 7.0 of the Thurmont Zoning Ordinance.

6. Accessory Uses

a)Accessory uses allowed within the TND Floating Zone District include:

1) Private, detached garage
2) Storage shed
3) Home Occupation (as defined in Article XIV)
4) Limited Solar Energy Array & Limited Wind Energy System
5) *RESERVED*

7. General Development Standards

General development standards applying within the Traditional Neighborhood Development (TND) Floating Zone are listed in the Table of Development Characteristics, *Section C. Uses, Design Standards, and Functional Characteristics.*

8. Special Residential Design Standards

a) A dwelling unit shall face the public street upon which the dwelling is located.

b) The front entry door of each dwelling shall be oriented toward the street upon which the dwelling faces. At least 75% of that street frontage shall be visible from

1) the front door; or
2) a street-facing ground floor window (except a garage window); or
3) a street-facing second story window (minimum 4x4 ft. window placed no higher than 3 ft-6 in. from the floor to the bottom of the window sill.

c) At least one of the following shall be provided:

1) Separate Walkway – A separate (minimum 3 ft. wide) hard-surfaced walkway directly from the public sidewalk to the front door; or'
2) Combined Walkway – A minimum 3 ft. wide, hard-surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of any garage door.

d) Existing infill parcels not meeting the minimum dimensional requirements shall develop as follows:

1) Lots less than 8,000 s.f shall meet the maximum lot coverage standard only.
2) Lots 8,000 s.f to 12,000 s.f shall meet maximum lot coverage and side yard standards only.

e) *RESERVED*

9. Parking Requirements

a) Detailed parking standards are presented in Article IX, Sections 1.0 and 2.0 of the Thurmont Zoning Ordinance.

b) Requirements for handicapped access are located in Article IX, Section 1.3 of the Thurmont Zoning Ordinance.

c) On-street parking shall be accommodated and planned in such a way as to allow for parking on only one (1) side of any local street in the TND.

10. Application Procedures and Submission Requirements

a) The applicant shall attend a pre-application conference

b) The applicant for a TND Floating Zone District shall submit fifteen (15) copies of the following information to the Zoning Administrator:

1) Completed TND Floating Zone Application Form;

2) Conceptual Site Development Plan which includes;

a. boundaries of proposed development

b. general environmental features

c. conceptual development capacity and plan

i. number/type of residential units and residential density

ii. location and size of non-commercial uses

iii. land to be set aside for civic/public spaces

iv. parkland/open space

d. identification of adjacent properties

e. conceptual layout of streets, roads, pedestrian ways, parking areas

f. conceptual street sections which illustrate the height and bulk of buildings/structures, the relationship of streets and roads to buildings/structures, and the approximate size/proportion of streets

g. an analysis of proposed site infrastructure (water, sewer, stormwater management, electric, telecommunications, street lighting, snow storage)

h. axonometric drawings or digital three dimensional modeling of typical buildings

i. design concept illustrations which highlight neighborhood design elements of proposed development

j. site photographs which document key features of site and surrounding lands

k. estimated project timetable and preliminary development phasing plan

3) Justification Statement addressing the eleven (11) items listed in B.2.a);

c) The application shall otherwise be processed in the same manner as a zoning map amendment (Article 12).

11. Failure to Progress

a) If the TND applicant has not commenced construction of the development within two (2) years of approval of the floating zone by the Board of Commissioners, the tract shall revert to its prior zoning classification.

b) The original applicant may apply to the Board of Commissioners, prior to the expiration of the TND zoning classification, for a one (1) year extension of the TND zoning on the tract. Under such application, the TND development will be reviewed by the Board of Commissioners to determine if the TND remains an appropriate use for the property. The Board of Commissioners shall act upon a TND Extension application within thirty (30) days of its receipt and acceptance by the Zoning Administrator. If no action has been taken by the Board of Commissioners within thirty (30) days as prescribed, the TND zoning extension shall be considered granted for a period of six (6) months. If the six (6) month extension is in effect, the applicant may apply to the Board of Commissioners for one additional six (6) month extension. Under no circumstances shall the TND zoning remain on a property for more than three (3) years if the project applicant has failed to commence construction of the project.

c) If the one (1) year extension is granted by the Board and construction of the project has not commenced within three (3) years of the original rezoning to TND, the zoning shall revert to its prior classification.

12. Severability

The invalidity, unconstitutionality, or illegality of any provisions of this Article shall not have any effect upon the validity constitutionality, or legality of any other provision of this Ordinance."

Article 5, Section 15.0 - Traditional Neighborhood Development (TND) Floating Zone
Subsection C. Table of Uses, Design Standards, and Functional Characteristics

	Building Characteristics	Street Characteristics	Neighborhood Characteristics
1. Land Use	a. The following uses are permitted in all areas within the TND District subject to the standards set forth in this ordinance: Single-Family Detached Dwelling, Duplex, Triplex, Townhouse, Multi-Family Dwelling, Two-Family Dwelling, Agricultural Activities permitted in A-1 District, Live-Work Unit, Day Care Facility, Neighborhood Commercial, and Personal Services	a. Primary streets shall be designed to meet the standards for a 'Local Street'. b. Streets serving as primary collectors shall meet the standards for a 'Neighborhood Boulevard'. c. The use of alleyways is encouraged to facilitate movement within the neighborhood and provide ready access to storage sheds, garages, and utility areas. d. On-street parking on 'Local Streets' shall be limited to one side of the street only.	a. A mix of uses within the neighborhood shall be arranged such that non-residential uses may serve adjoining neighborhoods and areas in Thurmont.
2. Density	a. Residential dwellings in the TND District will be developed at a rate no greater than 7.0 dwelling units/acre, consistent with the land use designation described in the Thurmont Master Plan as 'Medium Density Residential'.	a. Dedicated streets, alleys, or tracts of land created for non-dwelling unit purposes are not included in the density calculation.	a. Areas of greatest residential density within a Traditional Neighborhood Development shall be located in a way that decreases the distance needed to walk to schools, shops, and neighborhood parks and civic spaces.
3. Dimensions (General)	a. Maximum building height: 35 feet b. Maximum Building Coverage: 45% c. Maximum Lot Coverage: 60% d. Lot Area (min.): 8,000 sf for Duplex structure 8,000 sf Lot Area (max.) 12,000 sf e. Lot Width: 55 ft (min) (at front yard setback line) 65 ft (max) for Duplex structure 80 ft (min) f. Minimum Lot Depth: 100 ft g. Front Yard (min): 10 feet Front Yard (max): 20 feet Rear Yard (min): 25 feet Side Yard (min): 10 feet Alley Setback (min): 3 feet	a. Local Street Standards - See TND Provisions in Subdivision Regulations b. Neighborhood Boulevard Standards - See TND Provisions in Subdivision Regulations c. Native species street trees shall be planted on at least one side of all Local Streets and on both sides of all Neighborhood Boulevards. Alternatively, Neighborhood Boulevards may utilize a center median planting area for the purpose of planting a single row of street trees capable of establishing a broad canopy across paved areas. All street trees selections and planting characteristics shall be subject to the approval of the Planning & Zoning Commission.	a. Applicant may vary these dimensional standards with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Sect. 20. b. Applicant may increase the maximum front yard to a maximum of 150% of the requirement with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Section 20. c. Applicant must demonstrate a practical hardship as well as the unique characteristics of the specific parcel that warrant such an exception.
4. Dimensions (Townhouses/Villas)	a. Maximum building height: 42 feet b. Maximum Building Coverage: 55% c. Maximum Lot Coverage: 65% d. Lot Area per D.U.(min.): 1,800 sf Lot Area per D.U.(max.): 4,500 sf e. Maximum Dwellings per building: 4 D.U.'s f. Lot Width: 16 ft (min) (at front yard setback line) 30 ft (max) g. Minimum Lot Depth: 100 ft h. Front Yard (min): 8 feet Front Yard (max): 20 feet Rear Yard (min): 15 feet Side Yard between bldgs. (min): 10 feet Side Yard between bldgs. (max): 16 feet Alley Setback (min): 3 feet	a. Local Street Standards - See TND Provisions in Subdivision Regulations b. Neighborhood Boulevard Standards - See TND Provisions in Subdivision Regulations c. Native species street trees shall be planted on at least one side of all Local Streets and on both sides of all Neighborhood Boulevards. Alternatively, Neighborhood Boulevards may utilize a center median planting area for the purpose of planting a single row of street trees capable of establishing a broad canopy across paved areas. All street trees selections and planting characteristics shall be subject to the approval of the Planning & Zoning Commission.	a. Applicant may vary these dimensional standards with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Sect. 20. b. Applicant may increase the maximum front yard to a maximum of 150% of the requirement with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Section 20. c. Applicant must demonstrate a practical hardship as well as the unique characteristics of the specific parcel that warrant such an exception.
5. Dimensions (Multi-Family Residential)	a. Maximum building height: 42 feet b. Maximum Building Coverage: 60% c. Maximum Lot Coverage: 70% d. Lot Area (min.): 10,000 sf e. Maximum Dwellings per Structure: 6 D.U.'s f. Lot Width: 65 ft (min) (at front yard setback line) 130 ft (max) f. Minimum Lot Depth: 110 ft g. Front Yard (min): 15 feet Front Yard (max): 30 feet Rear Yard (min): 30 feet Side Yard (min): 10 feet Alley Setback (min): 3 feet	a. Local Street Standards - See TND Provisions in Subdivision Regulations b. Neighborhood Boulevard Standards - See TND Provisions in Subdivision Regulations c. Native species street trees shall be planted on at least one side of all Local Streets and on both sides of all Neighborhood Boulevards. Alternatively, Neighborhood Boulevards may utilize a center median planting area for the purpose of planting a single row of street trees capable of establishing a broad canopy across paved areas. All street trees selections and planting characteristics shall be subject to the approval of the Planning & Zoning Commission.	a. Applicant may vary these dimensional standards with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Sect. 20. b. Applicant may increase the maximum front yard to a maximum of 150% of the requirement with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Section 20. c. Applicant must demonstrate a practical hardship as well as the unique characteristics of the specific parcel that warrant such an exception.
6. Dimensions (Neighborhood Commercial/Live-Work Units)	a. Maximum building height: 45 feet (first floor must be level with sidewalk) b. Maximum Building Coverage: 70% c. Maximum Lot Coverage: 90% d. Lot Area (min.): 3,520 sf e. Maximum Dwellings per Structure: 6 D.U.'s f. Lot Width: (at front yard setback line) 32 f. Minimum Lot Depth: 110 feet g. Front Yard (min): 0 feet Front Yard (max): 10 feet Rear Yard (min): 55 feet Side Yard (min): 0 feet (attached) 7 feet (detached) Side Yard (max): 20 feet Alley Setback (min): 3 feet	a. Local Street Standards - See TND Provisions in Subdivision Regulations b. Neighborhood Boulevard Standards - See TND Provisions in Subdivision Regulations c. Native species street trees shall be planted on at least one side of all Local Streets and on both sides of all Neighborhood Boulevards. Alternatively, Neighborhood Boulevards may utilize a center median planting area for the purpose of planting a single row of street trees capable of establishing a broad canopy across paved areas. All street trees selections and planting characteristics shall be subject to the approval of the Planning & Zoning Commission. d. All on-site parking must be located in rear yards.	a. Applicant may vary these dimensional standards with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Sect. 20. b. Applicant may increase the maximum front yard to a maximum of 150% of the requirement with a Special Exception from the Board of Appeals. For criteria, refer to Article 11, Section 20. c. Applicant must demonstrate a practical hardship as well as the unique characteristics of the specific parcel that warrant such an exception.
7. Definitions	A **Live-Work Unit** shall be defined as a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. Prohibited uses in the commercial component shall include: adult entertainment uses; liquor sales; pet stores/kennels/veteranarian office/animal grooming or boarding; automotive repair/service; and amusement/recreation uses. Commercial component activities shall be limited to the primary structure and shall be considered as employment uses in this Article.		