

Date of Mailing:

MONTGOMERY COUNTY PLANNING BOARD ACTION

PROJECT: Compliance Program: Clarksburg Town Center

PROJECT PLAN NO: 9-94004

SITE PLAN NO: 8-98001; 8-02014

DATE OF HEARING: June 15, 2006

RESPONDENTS: Newland Communities, LLC and NNPII-Clarksburg, LLC
Bozzuto Homes, Inc., BA Clarksburg, LLC and
BA Clarksburg Two, LLC
Craftstar Homes, Inc. and its LLC affiliates
Miller and Smith at Clarksburg, LLC
NVR, Inc., t/a NV Homes
PCI Clarksburg LLC

COMPLAINANT: Clarksburg Town Center Advisory Committee

ACTION OF THE PLANNING BOARD: APPROVAL OF THE STAFF RECOMMENDATIONS WITH MODIFICATIONS. A motion to approve with certain modifications was made by Commissioner Robinson, seconded by Commissioner Wellington, and carried by unanimous vote (4-0) in the affirmative; Chairman Berlage and Commissioners Perdue, Robinson, and Wellington voting in the affirmative, with Commissioner Bryant being absent for the vote.

§1. EFFECTIVE DATE

The effective date of this written action (the "Action") is _____ (which is the date this document is mailed to all parties of record). Any party entitled by law to make an administrative appeal must initiate the appeal within thirty days of the date of this Action according to the procedural rules for judicial review of administrative decisions under applicable law and the Maryland Rules of Court.

§2. PURPOSE AND NATURE OF ACTION: APPROVAL OF PLAN OF COMPLIANCE

The purpose of this Action is to memorialize the decision of the Montgomery County Planning Board (the "Board") to approve a certain Plan of Compliance (the "Compliance Program") in the matters heard upon and including those elements, terms and conditions as set forth herein. This Action is taken pursuant to the authority of the Board to enforce the elements, terms and conditions of its previous actions in this matter, in accordance with the enabling provisions of Article 28 of the Annotated Code of Maryland at Section 7-116(h) and the implementing provisions of Section 59-D-3.6 of the Montgomery County Zoning Ordinance.

The terms and conditions of the Compliance Program approved by this Action are intended by the Board as remedial measures that shall be legally required in order to address certain violations (such violations both found or known to be alleged as of the effective date of this Action, the "Violations") with respect to the Project Plan, various site plans and certain amendments thereto, whether or not those site plans and amendments have been approved under lawful authority to do so.

The elements, terms and conditions of the Compliance Program approved under this Action are the result of a voluntary mediation and negotiation process undertaken by or on behalf of the Complainant and Respondents; and, as expressed in this Action, such elements, terms and conditions of the Compliance Program shall be deemed and constitute the knowing and voluntary proffer of the Respondents tendered for the purpose of settling and disposing of the Violations in accordance with the lawful authority of the Board.

The Respondents have acknowledged that the Compliance Program set forth in this Action shall be given effect in lieu of any proposed amendment filed but the approval of which remains pending as of the effective date hereof (collectively, the "Pending Amendments"). The Pending Amendments are enumerated as follows:

- That certain proposed amendment to the subject Project Plan filed on May 9, 2005;
- That certain proposed amendment pertaining to Section 1A4 of Site Plan No. 8-98001 filed on June 22, 2004; and
- That certain proposed site plan pertaining to the retail area shown on Site Plan No. 8-04034 filed on June 3, 2004.

Because they are inconsistent with certain elements, terms, conditions of the Compliance Program, the Respondents have voluntarily agreed to withdraw each and every of the Pending Amendments and, upon issuance of this Action, such withdrawal of those Pending Amendments by Respondents shall be deemed approved by the Board. Hereafter, the Board shall deem the Pending Amendments withdrawn, a legal nullity and of no further force or effect with respect to the project.

§3. COMPOSITION (ELEMENTS, TERMS AND CONDITIONS) OF THE COMPLIANCE PROGRAM

For the purpose of this Action, the Compliance Program consists of the Staff Recommendations, Board Modifications, Certain Deadlines, and Certain Waivers described in this section.

A. Staff Recommendations. As set forth in the staff report issued by memorandum dated as of June 1, 2006, executed by John Carter and Rose Krasnow (the “Staff Report”), or as presented during the Board’s hearing on June 15, 2006, the Compliance Program shall include and expressly incorporate by reference each of the elements, terms, and conditions as contained in the following documents:

1. The staff report dated June 1, 2006, and labeled “Attachment Three” (“Attachment Three Staff Report”) (pages 1-16, without attachments);
2. Circle pages 17-91 of the Attachment Four Staff Report except for the deletion of the entire Section “S” on circle pages 29-30 titled “Outcome/Effect of Plan of Compliance” and the modification to Section “Q” titled “Development Standards” on circle page 29 as set forth in Attachment Five (see subsection 4 below);
3. Staff’s handout at the June 15, 2006 hearing, and labeled “Attachment Five” (“June 15, 2006 Errata”), which consists of a one-page addition of paragraph 4 (“Status of the Plan of Compliance”) to the Attachment Four Staff Report
4. Attachment Five, First Stage Development Standards Clarksburg Town Center, consisting of Table 1: Manor House Building 7 and 9 (Multi-Family Units) and Table 2: Proposed Development Standards from Exhibit R of the Plan of Compliance, June 30, 2006.
5. The following Exhibits:
 - a) Applicant’s Exhibit 1 – Units/Lots to be released at the time of Plan of Compliance approval
 - b) Applicant’s Exhibit 2 – Plan of Compliance Parking Exhibit

B. Board Modifications. The Compliance Program shall include and expressly incorporate by reference each of the following elements, terms, and conditions

1. **Future Review Process; Arbitration.** - The Compliance Program proposes certain amendments to the approved Project Plan and the certified Site Plans as indicated in the enclosed “Description of Major Elements Making Up the

Plan of Compliance,” and the “Plan of Compliance Design Concepts” (see attached Staff Report). The future approvals include the interim review of Site Plan amendments for Sections 2D, and GG and for Manor House Buildings 10, 11 and 12, to be followed by the review of the overall modified Project Plan, Preliminary Plan, the Site Plans, and a new Site Plan for the retail core, as described in the phasing.

Although other agencies have been given an opportunity to review the Compliance Program, the Planning Board recognizes that the information presented is conceptual in nature and that additional review of more detailed plans may result in certain modifications in order to comply with other regulatory requirements. At the same time, the Planning Board also recognizes the importance that the Mediation Group placed in the material elements contained at a conceptual level in the Compliance Program. The Mediation Group agreed that any material changes to the relevant document brought about as a result of the additional level of review will require binding arbitration among the participants in the mediation before a unified position is presented to the Planning Board for action.

2. **Phasing and Next Steps** – As a condition of the Compliance Program, the Board approved the following phasing of development:
 - a. **First Stage: Begin Construction** - At the current time, stop work orders are in place in certain designated areas of the community. The public interest is to have construction resume in the Town Center as quickly as possible. The initial stage of the development will lift the stop work orders on the 82 Units/Lots identified on Attachment Six. The construction of Stringtown Road and Clarksburg Road will also continue. The Planning Board has already approved these lots. They are shown on a certified Phase II Site Plan dated October 14, 2004 and as shown on Record Plats. Section 2C near Sinequa Square and along Clarksburg Square Road includes five townhouse lots. Section 2D (near the elementary school) and Manor House Building 7 are located east of Overlook Park Drive. Section GG is located south of Clarksburg Square Road near the retail core and Manor House Building 9 is located west of Overlook Park Drive to the north of Clarksburg Square Road. These lots include single-family detached units, townhouses, and multi-family buildings. Construction of Stringtown Road between MD 355 and Overlook Park Drive, and Clarksburg Road between MD 355 and Spire Street can also continue in this First Stage.
 - b. **Second Stage: Approval of a Revised Site Plan for Section 2D and GG** - The Respondents must apply for an amendment to the October 14, 2004 Certified Phase II Site Plan for the remaining portions of Section 2D

and GG, as well as the Site Plan for Manor House Buildings 10, 11 and 12. Construction of these units will only proceed after the Planning Board approves these Site Plans amendments. It is understood that the Respondents may apply for these amendments, and the Board may elect to approve them, before any other amendments to the Project Plan, Preliminary Plan, or Site Plans for the entire development are approved.

- c. **Third Stage: Approval of a Revised Project Plan, Preliminary Plan and Site Plans** - The approved overall Project Plan, Preliminary Plan, and Site Plans will need to be revised, and a new site plan for the retail core will need to be approved before the remaining development in the Clarksburg Town Center will be able to proceed. This step is intended to incorporate all of the elements of the Compliance Program into an amended overall Project Plan, Preliminary Plan, and the newly approved or amended Site Plans. A new phasing plan for the entire development will also be included as part of this third stage review.

C. Certain Deadlines. The Project Plan, Preliminary Plan, Site Plan amendments and new Site Plan to be submitted for approval must reflect the elements of this Compliance Program and must be submitted before October 26, 2006. These plans must also include an amended Phasing Plan for the entire development, including all facilities and amenities. The entire project must be completed by June 15, 2010 unless the Planning Board approves an extension.

D. Certain Waivers. Respondents and Complainant consent and concede to the jurisdiction of the Board for the purpose of the taking of this Action. Respondents and Complainant further voluntarily consent and agree to the various elements, terms and conditions expressed herein for purposes of the Compliance Program, and each signatory to this Action thereby knowingly waives any and all right to appeal or contest the Action taken by the Board hereunder, and shall thereby agree and be estopped from contesting any portion of the Compliance Program, or asserting any compensable damage or cost by way of any cause of action against the Board related in any way to the matters resolved herein. It is expressly understood, however, that the aforesaid waiver does not apply to or in any way impair, waive or otherwise affect (i) any parties' right to defend an appeal of this Action filed by persons other than Respondents or Complainant; (ii) any parties' appeal rights and/or cause(s) of action that might accrue with respect to any other action taken by the Board, other governmental agency or individual including, without limitation, any action concerning subsequent Project Plan, Preliminary Plan and/or Site Plan applications, including any amendment(s) thereto, and further including any subsequent permitting and development processes related thereto, which are intended to implement the Compliance Program.

§4. FORMAL DISPOSITION OF THE VIOLATIONS AND RELATED FINDINGS

FINDING 4.1: The Board finds that the public interest will be served by “grandfathering” (holding harmless) all dwelling units that are already constructed, under contract by, and/or occupied by innocent third-party purchasers, as of the date of this Action. The Board finds that the purpose and scope of such grandfathering by the Board is to remediate and resolve all findings of violations, including other alleged violations that have not yet been resolved by the Planning Board.

In accordance with Finding 4.1, the Board hereby orders that each of the dwelling units that was the subject of any Violation, whether found or alleged, shall be, and hereby is, deemed to be constructed and occupied in compliance with the County Zoning Ordinance notwithstanding such Violation, whether found or alleged; provided, that nothing provided under this order or Action shall operate or be construed to cure any violation of the Zoning Ordinance that either (a) is not grounded within the lawful jurisdiction of the Planning Board or (b) is not directly related to the Violations that fall within the scope of this Action.

FINDING 4.2: In accordance with the recommendations of staff, the Board finds that the public interest will be served by completion of the Compliance Program according to its terms because it provides substantial enhancements to community amenities and facilities planned for the area designated as the Clarksburg Town Center project and Montgomery County as a whole.

FINDING 4.3: In accordance with the recommendations of staff, the Board finds that, subject to its completion according to its terms and in accordance with this Action, the Compliance Program constitutes a lawful and appropriate alternative to imposing fines or monetary penalties in accordance with Section 59-D-3.6 (a)(4) of the Montgomery County Zoning Ordinance. The Board is persuaded that the Compliance Program will remediate and resolve all of the Violations whether found or alleged.

FINDING 4.4: In accordance with the recommendations of staff, the Board finds that the modifications to the street network approved by the Fire Marshal of Montgomery County for purposes of public safety are in the public interest and, therefore, incorporated into the approved Plan of Compliance.

In accordance with Findings 4.2, 4.3 and 4.4, the Board hereby orders the Respondents to comply strictly with each of the elements, terms and conditions of the Compliance Program and expressed otherwise under this Action. The Board further instructs the

Planning Staff to undertake all reasonable measures to detect and report to the Board the Respondents' compliance and non-compliance as the applicable case may be.

§5. PLANNING BOARD AUTHORITY EXPRESSLY RESERVED

Except as expressly provided in this Action, nothing provided in this Action is intended, nor shall it be construed, to cede, relinquish or otherwise impair the discretion, authority or jurisdiction of the Board to consider any future applications, plans or approvals pertaining to the project according to the terms of this Action, law and merits applicable at such time in the future. Without limiting the generality of the foregoing, it is understood that the Respondents shall be required in the future to obtain Board approval for one or more amendments to the Project Plan, Preliminary Plan, and Site Plans relating to the project. The Planning Board recognizes that the Compliance Program is conceptual in nature, and that additional review of more detailed plans may involve modifications that shall not deviate from the provisions of the Compliance Program to any material extent. Subject only to the express terms of this Action and the Compliance Program, the Board expressly reserves all lawful discretion to consider, approve, approve subject to conditions or disapprove any such future application according to the law and merits presented at the time. Further, the Board expressly retains jurisdiction to consider and act upon any violation in the future that is unrelated to the Violations resolved according to the terms of this Action, alleged on the basis of this Action, or any act or omission by the Respondents (their successors or assigns) that accrues after the effective date hereof.

CONCLUSION

The Planning Board accordingly approves this Action according to elements, terms, and conditions stated above.

[SIGNATURE BLOCK FOR PLANNING BOARD]

Attachments

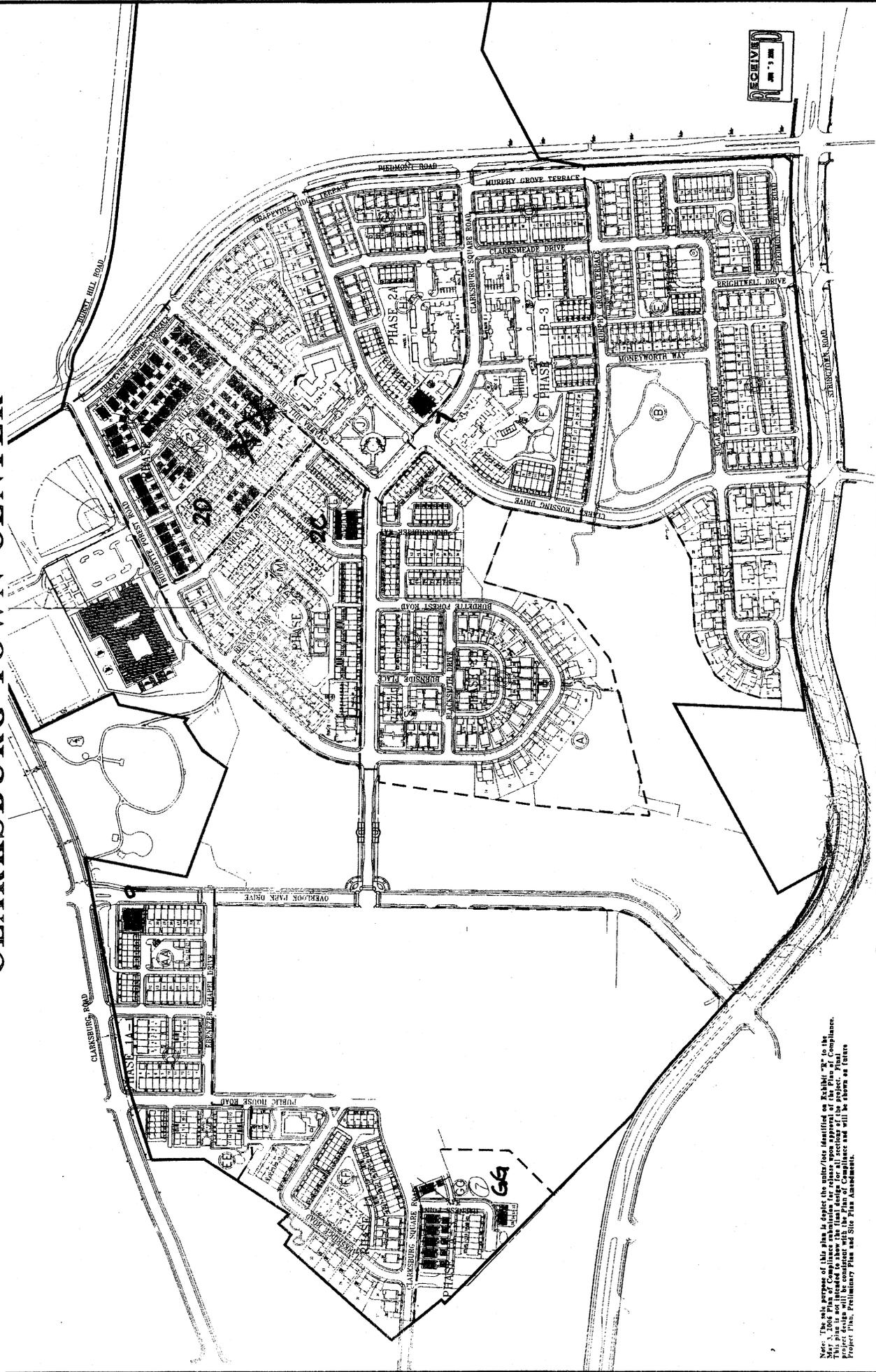
- i. Exhibit 1: Units/Lots
- ii. Exhibit 2: Parking Exhibit
- iii. Staff Report, dated June 1, 2006
- iv. June 15, 2006 Errata
- v. First Stage: Development Standards

REVIEWED AND AGREED WITHOUT EXCEPTION:

[SIGNATURE BLOCKS FOR RESPONDENTS]

[SIGNATURE BLOCK FOR COMPLAINANT]

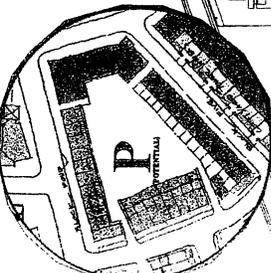
CLARKSBURG TOWN CENTER



Note: The site purpose of this plan is depict the units/lot identified on Exhibit "B" to the May 3, 2006 Plan of Compliance submitted for release upon approval of the Plan of Compliance. The units/lot shown on this plan are not intended to be constructed until the Project design will be consistent with the Plan of Compliance and will be shown as Units on the Project Plan, Preliminary Plan and Site Plan Amendment.

UNITS/LOTS TO BE RELEASED AT TIME OF PLAN OF COMPLIANCE APPROVAL

CLARKSBURG TOWN CENTER



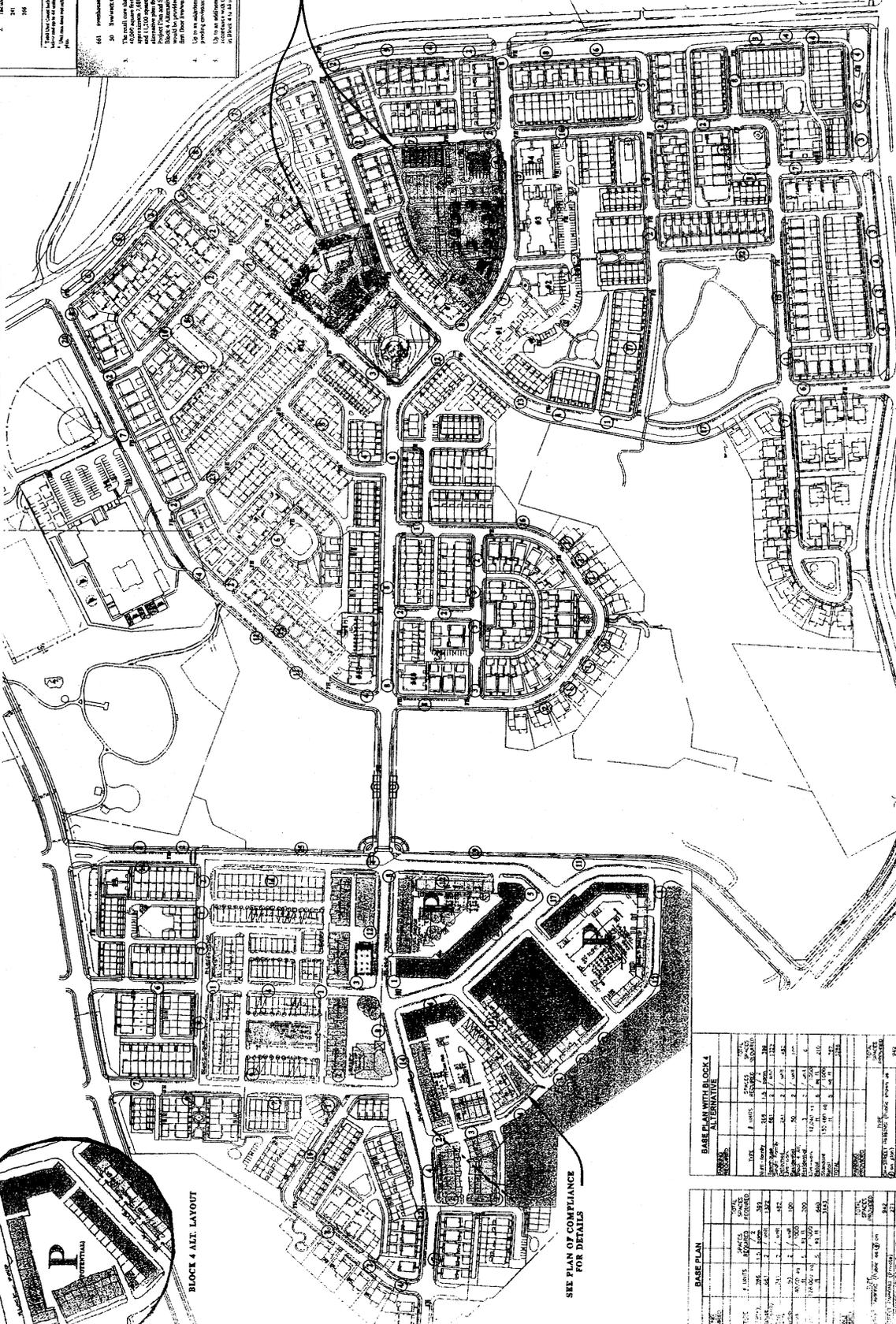
DEVELOPMENT PROGRAM

1. A minimum of 231 units shall be developed.
2. The site plan shall be prepared by the following minimum standards:
 - 201 - High density residential
 - 202 - Medium density residential

REVISIONS

1. All units shall be developed in accordance with the following minimum standards:
 - 201 - High density residential
 - 202 - Medium density residential
2. The site plan shall be prepared by the following minimum standards:
 - 201 - High density residential
 - 202 - Medium density residential

SEE PLAN OF COMPLIANCE FOR DETAILS



SEE PLAN OF COMPLIANCE FOR DETAILS

PLAN OF COMPLIANCE PARKING EXHIBIT

BASE PLAN		BASE PLAN WITH BLOCK 4 ALTERNATIVE	
TYPE	AMOUNT	TYPE	AMOUNT
TOTAL	1,000	TOTAL	1,000
RESERVED	100	RESERVED	100
AVAILABLE	900	AVAILABLE	900
REQUIRED	1,000	REQUIRED	1,000
EXCESS	0	EXCESS	0

COMMENTS: The parking exhibit shows the distribution of parking spaces throughout the site. The base plan provides 1,000 parking spaces, which meets the required amount. The alternative plan with Block 4 also provides 1,000 parking spaces, maintaining compliance with the development program.

THIS PLAN IS CONSIDERED A PRELIMINARY PLAN OF COMPLIANCE. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING THE FINAL PLAN OF COMPLIANCE FROM THE CLARKSBURG TOWN BOARD. THIS PLAN IS NOT TO BE USED FOR PERMITTING PURPOSES.

4. **Status of the Plan of Compliance** – The Plan of Compliance includes the concepts presented in the written description along with the conceptual drawings, and the comments and modifications made by staff on Page 1 and 2 of this staff report. These comments replace the entire Section “S Outcome of this Plan of Compliance.” The comments and modifications also revise Exhibit “R” to match the number and type of units shown on the enclosed Development Standards and the attached drawing of Units/Lots.

All dwelling units already built or occupied that were the subject of violations already found or alleged are “grandfathered.”

The pending amendments to the approved Project Plan, the pending amendment for the Site Plan for Section 1A4, as well as the pending site plan for the retail area, are all withdrawn.

The Project Plan, Preliminary Plan, and Site Plans that will reflect the elements of this Plan of Compliance must be submitted before October 26, 2006. These plans must include a Phasing Plan for the entire development, including all facilities and amenities. The entire project must be completed by June 15, 2010 unless the Planning Board approves an extension.

**FIRST STAGE: DEVELOPMENT STANDARDS
CLARKSBURG TOWN CENTER**

Table 1: Manor House Buildings 7 and 9 (Multi-Family Units)

Item	Required/Approved	Proposed
Residential Uses:		
- Single-Family Detached Units	0	0
- Townhouses	0	0
- Multi-Family Units	12, Each Building	12, Each Building
- Total Units	12, Each Building	12, Each Building
Minimum Lot Size (square feet):	5,000	5,000
Maximum Building Height:	45'	45'
Setbacks:		
- Front	10'	10'
- Side	5'	5'
- Back	5'	5'
Parking Spaces:		
- Off-Street	10, Each Building	10, Each Building
- On-Street	8, Each Building	8, Each Building

**Table 2: Proposed Development Standards from Exhibit R of the Plan of Compliance
June 30, 2006**

Lot	Block	Minimum Lot Area	Minimum Front Yard***	Minimum Secondary Front Yard (corner lots)	Lot Width @ Street	Min. Lot Width @ Front Bldg. line	Min Lot Width @ Alley	Principal Structure:	Minimum Rear Yard (distance to principal structure)	Minimum Side Yard (left)	Minimum Side Yard (right)	Min. space between End Bldgs. (side to side)	Min. space between End Bldgs. (side to rear)	Maximum Height *	Builder
1	K	5,951 sf	10'/12'	24'	35'	3'	3'	32'	35'	3'	3'	32'		32'	Porten Homes
2	K	4,160 sf	10'	N/A	35'	3'	3'	31'	35'	3'	3'	31'		31'	Porten Homes
3	K	4,160 sf	10'	N/A	35'	3'	3'	32'	35'	3'	3'	32'		32'	Porten Homes
4	K	4,160 sf	10'	N/A	35'	3'	3'	32'	35'	3'	3'	32'		32'	Porten Homes
5	K	5,196 sf	10'/5'	12'	35'	3'	3'	31'	35'	3'	3'	31'		31'	Porten Homes
6	K	4,992 sf	10'/7'	7'	32'	3'	3'	31'	32'	3'	3'	31'		31'	Porten Homes
7	K	3,840 sf	10'	N/A	32'	3'	3'	32'	32'	3'	3'	32'		32'	Porten Homes
8	K	3,840 sf	10'	N/A	32'	3'	3'	31'	32'	3'	3'	31'		31'	Porten Homes
9	K	3,840 sf	10'	N/A					31'	4'	4'			31'	Miller and Smith
10	K	3,840 sf	10'	N/A					31'	4'	4'			32'	Miller and Smith
11	K	5,186 sf	10'/10'	10'					31'	10'	4'			32'	Miller and Smith
12	K	5,652 sf	10'/12'	12'	37'	3'	3'	33'	37'	3'	3'	33'		33'	Porten Homes
13	K	4,004 sf	10'	N/A	37'	3'	3'	34'	37'	3'	3'	34'		34'	Porten Homes
14	K	3,874 sf	10'	N/A	38'	3'	3'	33'	38'	3'	3'	33'		33'	Porten Homes
15	K	7,932 sf	11'/11'	11'	60'	3'	3'	32'	60'	3'	3'	32'		32'	Porten Homes
16	K	5,519 sf	19'	N/A	37'	3'	3'	32'	37'	3'	3'	32'		32'	Porten Homes
17	K	4,312 sf	20'	N/A	37'	3'	3'	32'	37'	3'	3'	32'		32'	Porten Homes
18	K	4,498 sf	20'	N/A	36'	3'	3'	32'	36'	3'	3'	32'		32'	Porten Homes
19	K	4,432 sf	20'	N/A	34'	3'	3'	32'	34'	3'	3'	32'		32'	Porten Homes
20	K	5,406 sf	21'	N/A	33'	3'	3'	32'	33'	3'	3'	32'		32'	Porten Homes
21	K	5,638 sf	20'/7'	7'	35'	3'	3'	33'	35'	3'	3'	33'		33'	Porten Homes
15	N	3,880 sf	10'	N/A					31'	4'	4'			30'	Miller and Smith
16	N	3,880 sf	10'	N/A					31'	4'	4'			31'	Miller and Smith
17	N	3,880 sf	10'	N/A					31'	4'	4'			32'	Miller and Smith
26	N	5,282 sf	10'/10'	10'					34'	8'	13'			32'	Miller and Smith
27	N	4,004 sf	10'	N/A					34'	4'	4'			33'	Miller and Smith
28	N	4,004 sf	10'	N/A					34'	4'	4'			33'	Miller and Smith
29	N	4,004 sf	10'	N/A					34'	4'	4'			33'	Miller and Smith
30	N	4,004 sf	10'	N/A					34'	4'	4'			32'	Miller and Smith
31	N	4,004 sf	10'	N/A					34'	4'	4'			31'	Miller and Smith
32	N	4,004 sf	10'	N/A					34'	4'	4'			31'	Miller and Smith
33	N	4,004 sf	10'	N/A					34'	4'	4'			32'	Miller and Smith
34	N	5,440 sf	10'/13'	13'					34'	13'	9'			32'	Miller and Smith
38	N	5,543 sf	24'/9'	9'					41'	9'	4'			29'***	Miller and Smith
52	N	4,475 sf	22'	N/A					33'	4'	4'			34'	Miller and Smith
53	N	4,453 sf	22'	N/A					33'	4'	4'			33'	Miller and Smith
54	N	4,453 sf	22'	N/A					33'	4'	4'			33'	Miller and Smith
10	GG	4,512 sf	10'/6'	6'					33'	6'	4'			32'	Miller and Smith

11	GG	4,000 sf	10'	N/A					33'	4'	4'		32'	Miller and Smith
12	GG	4,000 sf	10'	N/A					33'	4'	4'		32'	Miller and Smith
13	GG	4,000 sf	10'	N/A					33'	4'	4'		32'	Miller and Smith
14	GG	5,080 sf	10'/14'	14'					33'	4'	14'		33'	Miller and Smith

1	N	4,468 sf	10'/12'	12'					19'	5'	12'		30'	Miller and Smith
2	N	3,640 sf	10'	N/A					19'	5'	5'		29'	Miller and Smith
3	N	3,640 sf	10'	N/A					19'	5'	5'		29'	Miller and Smith
35	N	4,760 sf	35'/15'	15'					0'	4'	15'		27'***	Miller and Smith
36	N	4,410 sf	40'	N/A					6'	5'	5'		27'***	Miller and Smith
37	N	4,894 sf	40'	N/A					20'	5'	5'		27'***	Miller and Smith
55	N	4,565 sf	22'/8'	8'					14'	8'	8'		33'	Miller and Smith

7	L	2,546 sf	20'	N/A					37'	0'	4'		40'***	Miller and Smith
8	L	2,154 sf	18'	N/A					39'	0'	0'		40'***	Miller and Smith
9	L	1,763 sf	20'	N/A					41'	0'	0'		33'***	Miller and Smith
10	L	2,154 sf	18'	N/A					39'	0'	0'		40'***	Miller and Smith
11	L	3,757 sf	20'/8'	8'***					37'	18'	0'		40'***	Miller and Smith

Notes:

* As measured from centerline of street to midline of roof from primary front yard. May include up to 8:12 roof pitch. A terrace credit will be applied to any unit that receives a front retaining wall due to grade. Height measurement is not applicable from side street or rear (alley).

**A 1.5'-2' retaining wall is proposed in front of Lots 7-11, Block L & Lots 35-38, Block K. The height measurement does not include a terrace credit at this time.

***When two front yard setbacks are shown on a corner lot the second number applies to the side of the house that does not contain the primary (front) door to the house. To comply with the second Front Yard Setback for Lot 11, Block L the garage will be built 20 ft. wide instead of 22 ft. wide (tapered lot).

General:

All lot sizes are based on approved record plats. Height and Setback measurements are based on the Builder's lot grading plan, which includes a composite footprint. Actual field measurements may vary based on house type selected. Height is based on grade difference from centerline of road to first floor, plus distance from proposed first floor to mid-roof based on existing architecture. While actual heights may vary based on house elevation selected, in no case will any home exceed the new height development standards.