



Zoning Code Rewrite Presentation



Pamela Dunn, Planner Coordinator, Pamela.Dunn@montgomeryplanning.org, 301-650-5649

Completed: 01-04-12

Description

Staff will provide an update on the code drafting phase of the Zoning Rewrite project. Staff will brief the Board on the second module, as well as report on sessions with the Zoning Advisory Panel and other internal stakeholder groups.

Summary

Attached are five drafts that comprise Module 2 of the Zoning Code Rewrite.

Article 59-2 Zoning Districts (Zone Intent Statements)

Article 59-3 Uses and Use Standards

Article 59-4 Zoning District Regulations

Article 59-6 Optional Method Regulations

Article 59-9 Definition of Terms

These drafts were presented to the Zoning Advisory Panel on November 30, 2011. Zoning Rewrite staff are soliciting comments on these drafts from a variety of stakeholders such as the Zoning Advisory Panel, county agency representatives, planning staff and county residents.

ARTICLE 59-2. ZONING DISTRICTS

DIV. 2.1. ZONES ESTABLISHED

SEC. 2.1.1. SUMMARY OF ESTABLISHED ZONES..... 2 – 2

SEC. 2.1.2. REGULATIONS FOR ESTABLISHMENT OF ZONES..... 2 – 2

DIV. 2.2. INTENT STATEMENTS

SEC. 2.2.1. AGRICULTURAL AND RURAL ZONES 2 – 6

SEC. 2.2.2. RESIDENTIAL DETACHED UNIT ZONES..... 2 – 6

SEC. 2.2.3. RESIDENTIAL TOWNHOUSE ZONES (TLD, TMD, THD)..... 2 – 6

SEC. 2.2.4. RESIDENTIAL MULTI-FAMILY ZONES (RHD-3, RHD-2, RHD-1) 2 – 7

SEC. 2.2.5. COMMERCIAL RESIDENTIAL ZONES 2 – 7

SEC. 2.2.6. EMPLOYMENT ZONES 2 – 8

SEC. 2.2.7. INDUSTRIAL ZONES..... 2 – 8

SEC. 2.2.8. PLANNED DEVELOPMENT ZONES 2 – 8

SEC. 2.2.9. OVERLAY ZONES 2 – 10

DIV. 2.3. ZONING MAP

[To be completed]

Div. 2.1. Zones Established

Sec. 2.1.1. Summary of Established Zones

Agricultural & Rural

AC	Agricultural Conservation
RR	Rural Residential
RC	Rural Cluster
RNC	Rural Neighborhood Cluster

Residential Detached Unit

RE-1	Residential Estate – 2
RE-2	Residential Estate – 1
RLD-20	Residential Low Density – 20
RMD-9	Residential Medium Density – 9
RMD-6	Residential Medium Density – 6

Residential Townhouse

TLD	Townhouse Low Density
TMD	Townhouse Medium Density
THD	Townhouse High Density

Residential Multi-Family

RHD-3	Residential High Density – 3
RHD-2	Residential High Density – 2
RHD-1	Residential High Density – 1

Commercial Residential

CRN	Commercial Residential Neighborhood
CRT	Commercial Residential Town
CR	Commercial Residential

Employment

EG	Employment General
ELS	Employment Life Sciences
EOF	Employment Office

Industrial

IL	Industrial Light
IH	Industrial Heavy

Planned Development

PDR	Planned Development Residential
PDT	Planned Development Townhouse
PDCR	Planned Development Commercial Residential
PDE	Planned Development Employment

Overlay

TDR	Transferable Development Rights
SPA	Special Protection Area
NP	Neighborhood Preservation

Sec. 2.1.2. Regulations for Establishment of Zones

A. General Regulations for All Zones

Zones established in this Article are subject to:

1. Use restrictions and use standards under [Article 3](#);
2. Development standards under [Article 4](#);
3. Review procedures under [Article 5](#); and
4. General requirements under [Article 6](#);
5. As well as other applicable regulations under this Code.

B. Groupings of Zones

There are nine Groupings of Zones that may be used to refer to all particular zoning classifications within that group:

1. Agricultural and Rural;
2. Residential Detached Unit;
3. Residential Townhouse;
4. Residential Multi-Family;
5. Commercial Residential;
6. Employment;
7. Industrial;
8. Planned Development; and
9. Overlay.

C. Agricultural and Rural Zones

1. There are four Agricultural and Rural Zone classifications named to impart their primary development purpose:
 - a. Agricultural Conservation (AC);
 - b. Rural Residential (RR);
 - c. Rural Cluster (RC); and
 - d. Rural Neighborhood Cluster (RNC).

2. Density, height, and other standards and requirements are based on allowed uses and building types.
3. The AC, RR, RC, and RNC Zones will be applied on the Zoning Map that will show their zoning classification symbol.

D. Residential Detached Unit Zones

1. There are five Residential Detached Unit Zone classifications named to impart their relative density and the minimum lot size required for a detached unit house in the zone:
 - a. Residential Estate – 2 (RE-2), which requires a minimum lot size for a detached unit house of 2 acres;
 - b. Residential Estate – 1 (RE-1), which requires a minimum lot size for a detached unit house of 1 acre;
 - c. Residential Low Density – 20 (RLD-20), which requires a minimum lot size for a detached unit house of 20,000sf;
 - d. Residential Medium Density – 9 (RMD-9), which requires a minimum lot size for a detached unit house of 9,000sf; and
 - e. Residential Medium Density – 6 (RMD-6), which requires a minimum lot size for a detached unit house of 6,000sf.
2. Density, height, and other standards and requirements are based on allowed uses and building types.
3. The RE-2, RE-1, RLD-20, RMD-9, and RMD-6 Zones will be applied on the Zoning Map that will show their zoning classification symbol.

E. Residential Townhouse Zones

1. There are three Residential Townhouse Zone classifications named to impart their relative density:
 - a. Townhouse Low Density (TLD), which allows townhouses at a density up to 9 units per acre;

- b. Townhouse Medium Density (TMD), which allows townhouses at a density up to 12 units per acre; and
- c. Townhouse High Density (THD), which allows townhouses at a density up to 15 units per acre.

2. Density, height, and other standards and requirements are based on allowed uses and building types.
3. The TLD, TMD, and THD Zones will be applied on the Zoning Map that will show their zoning classification symbol.

F. Residential Multi-Family Zones

1. There are three Residential Multi-Family Zone classifications named to impart their relative density and the minimum site area required to develop apartment/condominium buildings:
 - a. Residential High Density – 3 (RHD-3), which allows apartment/condominium buildings on a minimum site of 12,000sf, requiring land area equivalent to 3,000sf per unit, for up to 14 units per acre.
 - b. Residential High Density – 2 (RHD-2), which allows apartment/condominium buildings on a minimum site of 16,000sf, requiring land area equivalent to 2,000sf per unit, for up to 22 units per acre.
 - c. Residential High Density – 1 (RHD-1), which allows apartment/condominium buildings on a minimum site of 20,000sf, requiring land area equivalent to 1,000sf per unit, for up to 44 units per acre.
2. Density, height, and other standards and requirements are based on allowed uses and building types.
3. The RHD-3, RHD-2, and RHD-1 Zones will be applied on the Zoning Map that will show their zoning classification symbol.

G. Commercial Residential Zones

1. There are three Commercial Residential Zone classifications with variable uses, density and height limits, development standards, and public benefit requirements to respond to different settings. These classifications are:

- a. Commercial/Residential Neighborhood (CRN);
 - b. Commercial/Residential Town (CRT); and
 - c. Commercial/Residential (CR).
2. Each CRN, CRT, and CR Zone classification is followed by a number and a sequence of three additional symbols: C, R, and H, each followed by a number where:
 - a. The number following the classification is the maximum total FAR allowed;
 - b. The number following the C is the maximum nonresidential FAR allowed;
 - c. The number following the R is the maximum residential FAR allowed ; and
 - d. The number following the H is the maximum building height in feet allowed.
 3. The CRN, CRT, and CR Zones will be applied on the Zoning Map that will show, for each property classified:
 - a. The classification; and
 - b. The four maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).

H. Employment Zones

1. There are three Employment Zone classifications with variable uses, density and height limits, development standards, and public benefit requirements to respond to different settings. These classifications are:
 - a. Employment General (EG);
 - b. Employment Life Sciences (ELS); and
 - c. Employment Office (EOF).
2. Each EG, ELS, and EOF Zone classification is followed by a number and symbol: H, which is followed by a number where:
 - a. The number following the classification is the maximum total FAR allowed; and

- b. The number following the H is the maximum building height in feet allowed.
3. The EG, ELS, and EOF Zones will be applied on the Zoning Map that will show, for each property classified:
 - a. The classification; and
 - b. The two maximum allowances (total FAR and height).

I. Industrial Zones

1. There are two Industrial Zone classifications named to impart their primary development purpose:
 - a. Industrial Light (IL); and
 - b. Industrial Heavy (IH).
2. Density, height, and other standards and requirements are based on allowed uses and building types.
3. The IL and IH Zones will be applied on the Zoning Map that will show their zoning classification symbol.

J. Planned Development Zones

1. There are four Planned Development Zone classifications with variable uses, density and height limits, development standards, and public benefit requirements to respond to different settings. These classifications are:
 - a. Planned Development Residential (PDR);
 - b. Planned Development Townhouse (PDT);
 - c. Planned Development Commercial Residential (PDCR); and
 - d. Planned Development Employment (PDE).
2. Building types, uses, density, height, and other standards and requirements are determined by the Development Plan approval by the District Council and Site Plan approval by the Planning Board within the parameters established in Articles 3, 4, and 5.
3. The PDR, PDT, PDCR, and PDE Zones will be applied on the Zoning Map that will show their zoning classification symbol.

K. Overlay Zones

1. There are three Overlay Zone classifications named to impart their primary development purpose:
 - a. Transferable Development Rights (TDR);
 - b. Special Protection Area (SPA); and
 - c. Neighborhood Preservation (NP).
2. Building types, uses, density, height, and other standards and requirements are modified by the overlay zones under Articles 3, 4, and 5.
3. The TDR, SPA and NP Zones will be applied on the Zoning Map that will show their zoning classification symbol appended to the underlying zoning symbol.

Div. 2.2. Intent Statements

Sec. 2.2.1. Agricultural and Rural Zones

A. Agricultural Conservation (AC)

1. The intent of the AC Zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.
2. Agriculture is the preferred use in the AC Zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to additional use standards or the conditional use approval process.
3. The intent of the child lot option in the AC Zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AC Zone.

B. Rural Residential (RR)

The intent of the RR Zone is to preserve rural areas of the county for agriculture and other natural resource development, residential uses of a rural character, extensive recreational facilities, and protection of scenic and environmentally sensitive areas.

C. Rural Cluster (RC)

The intent of the RC Zone is to provide designated areas in the county for a compatible mixture of agriculture uses and very low density residential development, and to protect scenic and environmentally sensitive areas.

D. Rural Neighborhood Cluster (RNC)

1. The intent of the RNC Zone is to preserve open land, environmentally sensitive natural resources and rural community character through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting.

2. It is further the intent of this zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan and is compatible with existing development in adjoining communities.

Sec. 2.2.2. Residential Detached Unit Zones

A. Residential Estate (RE-2, RE-1)

The intent of the RE-2 and RE-1 Zones is to provide designated areas in the county for large-lot residential purposes. The predominant use is residential in a detached house.

B. Residential Low Density (RLD-20)

The intent of the RLD-20 Zone is to provide designated areas of the county for residential purposes at a density of two units per acre. The predominant use is residential in a detached house.

C. Residential Medium Density (RMD-9, RMD-6)

The intent of the RMD-9 and RMD-6 Zones is to provide designated areas of the county for moderate density residential purposes. The predominant use is residential in a detached house, although a limited number of other building types may be allowed under the Optional Method of Development.

Sec. 2.2.3. Residential Townhouse Zones (TLD, TMD, THD)

The intent of the Townhouse zones, TLD, TMD, and THD, is to provide designated areas of the county for residential purposes at slightly higher densities than the Residential Medium Density zones. A further intent of the Townhouse Zones is to provide a residential buffer or transitional uses between non-residential or high-density residential uses and the Medium- or Low-Density Residential Zones.

Sec. 2.2.4. Residential Multi-Family Zones (RHD-3, RHD-2, RHD-1)

The intent of the RHD-3, RHD-2, and RHD-1 Zones is to provide designated areas of the county for higher-density, multi-family residential uses. The predominant use is residential in an apartment/condominium building, although detached house, duplex, and townhouse building types are allowed within these zones.

Sec. 2.2.5. Commercial Residential Zones

A. In General

The CRN, CRT, and CR Zones permit a mix of residential and nonresidential uses at varying intensities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities while minimizing their reliance on automobile use. The application of the CRN, CRT, and CR Zones is appropriate where impacts can be mitigated by co-locating housing, jobs, and services. The objectives of the CRN, CRT, and CR Zones are to:

1. Implement the policy recommendations of applicable master or sector plans;
2. Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
3. Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
4. Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;
5. Integrate an appropriate balance of employment and housing opportunities; and
6. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

B. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed use centers and transitional edges. Retail tenant ground floor footprints are limited in order to preserve community scale. No parking is located between the building and the street.

C. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed use, pedestrian-oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited in order to preserve the town center scale. No parking is located between the building and the street. Transit options may include light rail, Metro, MARC, and bus.

D. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant ground floor footprints are not limited. No parking is located between the building and the street.

Sec. 2.2.6. Employment Zones

A. In General

The Employment Zones permit nonresidential uses focused on office, technology, and general commercial uses with limited residential use at varying intensities and heights. The Zones promote economic diversity and job creation in development patterns where people can work, learn, and recreate while minimizing their reliance on automobile use. The application of the Employment Zones is appropriate where impacts can be mitigated by targeting jobs and services co-located near diverse housing options. The objectives of the Employment Zones are to:

1. Implement the policy recommendations of the applicable master and sector plans.
2. Target opportunities for employment, technology, and general commercial uses.
3. Reduce dependence on the automobile by providing employment areas with supporting residential and retail uses.
4. Allow a flexible mix of uses, intensities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.
5. Establish minimum requirements for the provision of public benefits.

B. Employment General (EG)

1. The EG Zone is intended to balance the need for safe, active, and pedestrian-scaled areas with the need for convenient automobile access. The EG Zone addresses development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options. Building form standards allow flexibility in building, circulation, and parking lot layout. A maximum of two bays of parking (with one drive aisle) is allowed to be located between the building and the street. Retail tenant ground floor footprints are not limited.

C. Employment Life Sciences (ELS)

The ELS Zone is intended primarily for research, development, education, and related activities. Retail sales and personal services are allowed but are intended for the convenience of employees and residents in the zone. Residential uses are generally limited to 30% of the total allowed density in a given area. Transit options may include light rail and bus.

D. Employment Office (EOF)

The EOF Zone is intended for office and employment activity combined with limited residential and neighborhood commercial uses. Building form standards allow flexibility in building, circulation, and parking lot layout. Transit options often include light rail and bus.

Sec. 2.2.7. Industrial Zones

A. Industrial Light (IL)

The IL Zone is intended to provide land for industrial activities of a small to medium scale where major transportation links are not typically necessary and noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal.

B. Industrial Heavy (IH)

The IH Zone is intended to provide land for industrial activities of a larger scale that usually need major transportation links to highways or rail and may create significant noise, dust, vibration, glare, odors, and other adverse environmental impacts.

Sec. 2.2.8. Planned Development Zones

A. In General

Planned Development Zones are intended to provide an alternative to development under the restrictions of the conventional zones mapped by Sectional Map Amendment (the Agricultural and Rural, Residential Detached Unit, Residential Townhouse, Residential Multi-Family, Commercial Residential, Employment, Industrial, and Overlay Zones). In exchange for flexible uses, use standards, development standards, and general requirements, a Planned Development

application must file a rezoning application and Development Plan that has substantial opportunities for public input and discussion to ensure compatibility with the respective setting. The objectives of the Planned Development Zones are to:

1. Implement the objectives of the General Plan and applicable master or sector plan;
2. Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved Development Plan that protects adjacent properties;
3. Provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
4. Encourage the preservation and enhancement of natural amenities and cultural resources and to provide a minimum amount of open space;
5. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
6. Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors.

B. Planned Development Residential (PDR)

The PDR Zone is intended to allow development of primarily residential uses with limited ancillary commercial uses allowed to provide for daily needs of the community. Use restrictions, density, building heights, development standards, and general requirements are flexible to respond to various settings, but are finalized through approved Development and Site Plans based on evaluation of compatibility and impacts on surrounding communities. A minimum site area is required for application of a PDR Zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

C. Planned Development Townhouse (PDT)

The PDT Zone is intended to allow development of townhouse communities with limited ancillary commercial uses allowed to provide for daily needs of the community. Use restrictions, density, building heights, development standards, and general requirements are flexible to respond to various settings, but are

finalized through approved Development and Site Plans based on evaluation of compatibility and impacts on surrounding communities. A minimum site area is required for application of a PDT Zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

D. Planned Development Commercial Residential (PDCR)

The PDCR Zone is intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings. Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site area: for example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses to provide necessary services to a larger population. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through approved Development and Site Plans based on evaluation of compatibility and impacts on surrounding communities. A minimum site area is required for application of a PDCR Zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

E. Planned Development Employment (PDE)

The PDCR Zone is intended to allow development of mixed-use centers and communities primarily with office uses and supporting housing, and ancillary retail at a range of densities and heights flexible enough to respond to various settings. Uses are restricted to commercial uses with generally higher jobs-to-density ratios, housing to support a portion of the proposed workforce, and ancillary retail to provide basic services to employees and residents. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through approved Development and Site Plans based on evaluation of compatibility and impacts on surrounding communities. A minimum site area is required for application of a PDE Zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

Sec. 2.2.9. Overlay Zones

A. In General

Overlay Zones are created in areas of critical public interest. An overlay zone provides regulations and standards that are necessary to achieve the planning goals and objectives for development of a particular area

B. Transferable Development Rights (TDR)

The TDR Overlay Zone is intended to allow the purchase of development rights from the Agricultural Reserve in order to protect the County's agricultural and rural heritage. The TDR Overlay Zone is mapped on particular areas in the County that may purchase transferable development rights (TDRs) from the Agricultural Conservation (AC) Zone. In any specified area, the applicable master or sector plan must specify the number of TDRs that may be purchased in exchange for increased density and more flexible development standards based on the underlying zone classification. Additional residential building types may be allowed but development standards and general requirements are finalized through an approved Site Plan based on evaluation of compatibility and impacts on surrounding communities. A minimum site area is required for development under the TDR Overlay Zone; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

C. Special Protection Area (SPA)

1. The SPA Overlay Zone is intended to:
 - a. Protect the water quality and quantity of the applicable watershed and its tributaries, as well as the biodiversity within the area;
 - b. Regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature; and
 - c. Regulate land uses that could adversely affect the applicable stream system resources.
2. Land uses that are restricted in these areas and general requirements for resource protection are specified in [Articles 3, 4, and 5](#).

3. Particular additional controls on impervious surfaces and environmental protections may be specified by the applicable master or sector plan.

D. Neighborhood Preservation (NP)

1. The NP Overlay Zone is intended to:
 - a. Preserve the distinct character of a neighborhood regarding uses, intensity of development, and unique design attributes;
 - b. Regulate land uses, development standards, general requirements, and review process over the restrictions and allowances of the underlying zone;
 - c. Establish a format and process for recommending NP Overlay Zones through a master or sector plan and a means to codify the further restrictions and allowances governing a particular NP Overlay Zone.
2. Each mapped NP Zone will be given a subsection in Articles 3, 4, and 5 establishing:
 - a. The area within the applicable master plan subject to the NP Zone;
 - b. The uses allowed or restricted notwithstanding the allowances and restrictions of the underlying zone;
 - c. The development standards required or permitted notwithstanding the required or permitted development standards of the underlying zone;
 - d. The review process that must be followed notwithstanding the review process required by any applicable criteria in the underlying zone; and
 - e. The general requirements required or permitted notwithstanding the required or permitted general requirements of the underlying zone.

Div. 2.3. Zoning Map

[To be completed]

ARTICLE 59-3. USES AND USE STANDARDS

DIV. 3.1. USE TABLE

SEC. 3.1.1. KEY TO USE TABLE3 – 3

SEC. 3.1.2. USE DEFINITIONS3 – 3

SEC. 3.1.3. ALLOWED USE TABLE 3 – 4

SEC. 3.1.4. ACCESSORY USES DEFINED 3 – 11

SEC. 3.1.5. TEMPORARY USES DEFINED 3 – 11

SEC. 3.1.6. TRANSFERABLE DEVELOPMENT RIGHTS 3 – 11

SEC. 3.1.7. USES NOT SPECIFICALLY LISTED 3 – 12

DIV. 3.2. AGRICULTURAL USES

SEC. 3.2.1. AGRICULTURAL AUCTION FACILITY 3 – 13

SEC. 3.2.2. AGRICULTURAL PROCESSING 3 – 13

SEC. 3.2.3. COMMUNITY GARDEN 3 – 13

SEC. 3.2.4. EQUESTRIAN FACILITY 3 – 14

SEC. 3.2.5. FARM SUPPLY OR MACHINERY SALES, STORAGE & SERVICE 3 – 15

SEC. 3.2.6. FARMING 3 – 16

SEC. 3.2.7. NURSERY 3 – 17

SEC. 3.2.8. SLAUGHTERHOUSE 3 – 17

SEC. 3.2.9. WINERY 3 – 17

SEC. 3.2.10. ACCESSORY AGRICULTURAL USES 3 – 18

SEC. 3.2.11. TEMPORARY AGRICULTURAL USES 3 – 19

DIV. 3.3. RESIDENTIAL USES

SEC. 3.3.1. HOUSEHOLD LIVING 3 – 20

SEC. 3.3.2. ACCESSORY HOUSEHOLD LIVING 3 – 21

SEC. 3.3.3. HOME OCCUPATIONS 3 – 23

SEC. 3.3.4. HOME HEALTH PRACTITIONER 3 – 25

SEC. 3.3.5. GROUP LIVING 3 – 27

SEC. 3.3.6. ACCESSORY RESIDENTIAL LIVING 3 – 30

DIV. 3.4. CIVIC & INSTITUTIONAL USES

SEC. 3.4.1. CHARITABLE, PHILANTHROPIC INSTITUTION 3 – 31

SEC. 3.4.2. CULTURAL INSTITUTION 3 – 31

SEC. 3.4.3. DAY CARE FACILITY 3 – 32

SEC. 3.4.4. EDUCATIONAL INSTITUTION (PRIVATE) 3 – 33

SEC. 3.4.5. FIRE/EMS SERVICE (PRIVATE) 3 – 35

SEC. 3.4.6. HOSPITAL 3 – 35

SEC. 3.4.7. PARK, PLAYGROUND (PRIVATE) 3 – 36

SEC. 3.4.8. PRIVATE CLUB, SERVICE ORGANIZATION 3 – 36

SEC. 3.4.9. PUBLIC USE (EXCEPT UTILITIES) 3 – 36

SEC. 3.4.10. RELIGIOUS ASSEMBLY 3 – 36

SEC. 3.4.11. SWIMMING POOL (COMMUNITY) 3 – 36

DIV. 3.5. COMMERCIAL USES

SEC. 3.5.1. ANIMAL SERVICES 3 – 38

SEC. 3.5.2. COMMUNICATION FACILITY 3 – 39

SEC. 3.5.3. EATING & DRINKING 3 – 42

SEC. 3.5.4. FUNERAL AND INTERMENT SERVICES 3 – 42

SEC. 3.5.5. LANDSCAPE CONTRACTOR 3 – 44

SEC. 3.5.6. LODGING 3 – 44

SEC. 3.5.7. MEDICAL & DENTAL 3 – 45

SEC. 3.5.8. OFFICE & PROFESSIONAL 3 – 46

SEC. 3.5.9. PARKING 3 – 46

SEC. 3.5.10. RECREATION & ENTERTAINMENT 3 – 48

SEC. 3.5.11. RETAIL SALES & SERVICE 3 – 51

SEC. 3.5.12. VEHICLE/EQUIPMENT SALES & RENTAL 3 – 52

SEC. 3.5.13. VEHICLE SERVICE 3 – 53

SEC. 3.5.14. ACCESSORY COMMERCIAL USES 3 – 55

SEC. 3.5.15. TEMPORARY COMMERCIAL USES 3 – 56

DIV. 3.6. INDUSTRIAL USES

SEC. 3.6.1. CONTRACTOR STORAGE YARD 3 – 58

SEC. 3.6.2. DRY CLEANING FACILITY 3 – 58

SEC. 3.6.3. MANUFACTURING & PRODUCTION 3 – 58

SEC. 3.6.4. MINING, EXCAVATION 3 – 59

SEC. 3.6.5. TRANSPORTATION..... 3 – 59

SEC. 3.6.6. UTILITIES3 – 61

SEC. 3.6.7. WAREHOUSE 3 – 62

SEC. 3.6.8. WASTE-RELATED 3 – 62

SEC. 3.6.9. ACCESSORY INDUSTRIAL USES.....3 – 63

Div. 3.1. Use Table

Sec. 3.1.1. Key to Use Table

The allowed use table in this Division identifies uses allowed in each zone. The key for this table is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted in the zone.

B. Limited Use (L)

Indicates that the use, while permitted in the zone, must meet the general limited use standards applicable to the use group, as well as the standards specific to the limited use, as set forth in Div. 3.2 through 3.6.

C. Conditional Use (C)

Indicates that the use, while permitted in the zone, must meet the conditional use standards as set forth in Div. 3.2 through 3.6 and requires approval by the Hearing Examiner or Board of Appeals, as indicated, subject to the findings established in Div. 6.5.

D. Blank Cell

A blank cell indicates that a use is not permitted in that zone.

Sec. 3.1.2. Use Definitions

- A. The uses listed in Div. 3.2 through 3.6 match those in the Use Table. Some rows on the Use Table contain individual uses, while other rows represent a use group (a group of uses defined by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.
- B. Where a use definition in Div. 3.2 through 3.6 contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.
- C. Where a particular use is not specifically listed, the Director of Permitting Services may allow the use in accordance with the provisions of Sec. 3.1.7.

Sec. 3.1.3. Allowed Use Table

The following allowed use table identifies uses allowed in each zone.

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial		
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH	
AGRICULTURAL																									
Agricultural Auction Facility	3.2.1	C																							
Agricultural Processing	3.2.2	L	C	C																					
Community Garden	3.2.3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Equestrian Facility	3.2.4	L	L	L	L	C	C	C																	
Farm Supply, Machinery Sales, Storage, Service	3.2.5	C		C																			P	P	
FARMING	3.2.6																								
Crop Farm	3.2.6.A	P	P	L	P	L	L	L	L	L															
Livestock Farm	3.2.6.B	P	P	L	P																				
Urban Farm	3.2.6.C										L	L	L	L	L	L	L	L	L	L	L	L	L		
NURSERY	3.2.7																								
Nursery, Retail	3.2.7.A	C	C	C	C	C	C	C										P	P	P				P	
Nursery, Wholesale	3.2.6.B	C	C	C	C	C	C	C																P	P
Slaughterhouse	3.2.8	C	C	C																					
Winery	3.2.9	L	L	L	C																				
ACCESSORY AGRICULTURAL USES	3.2.10																								
Animal Husbandry	3.2.10.A	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Farm Airstrip	3.2.10.B	C		C																					
Farm Market, On-site	3.2.10.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
TEMPORARY AGRICULTURAL USES	3.2.11																								
Agricultural Vending	3.2.11.A					L	L	L	L	L	L	L	L	L	L	L	L	P	P	L	L	L	L		
Seasonal Outdoor Sales	3.2.11.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	L	L	L	P		

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial		
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH	
RESIDENTIAL																									
HOUSEHOLD LIVING	3.3.1																								
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P				
Two-Unit Living	3.3.1.C				L	L	L	L	L	L	P	P	P	P	P	P	P	P	P		P				
Multi-Unit Living	3.3.1.D				L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	P		
ACCESSORY HOUSEHOLD LIVING	3.3.2																								
Attached Accessory Apartment, Small (Up to 800 SF)	3.3.2.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Attached Accessory Apartment, Large (Up to 1,200 SF)	3.3.2.A	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L			
Detached Accessory Apartment, Small (Up to 800 SF)	3.3.2.B	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L			
Detached Accessory Apartment, Large (Up to 1,200 SF)	3.3.2.B	C	C	C	C	L	L	L	C	C	C	C	C	L	L	L	L	L	L	L	L	L			
Farm Tenant Dwelling	3.3.2.C	L	L	L																					
HOME OCCUPATION (ACCESSORY USE)	3.3.3																								
No Impact Home Occupation	3.3.3.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Low Impact Home Occupation	3.3.3.D	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Major Impact Home Occupation	3.3.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
HOME HEALTH PRACTITIONER (ACCESSORY USE)	3.3.4																								
Low Impact Home Health Practitioner	3.3.4.C	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C	C			
Major Impact Home Health Practitioner	3.3.4.D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
GROUP LIVING	3.3.5																								
Independent Living Facility for Seniors or Persons with Disabilities	3.3.5.B		C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L	L	L	L			
Overnight Shelter	3.3.5.C																	C	C	C					
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.5.D													L	L	L	L	L	L	L	L				
Personal Living Quarters (Over to 50 Individual Living Units)	3.3.5.D												C	C	C	C	C	C	C	C	C				
Residential Care Facility (Up to 8 Persons)	3.3.5.E	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial	
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH
Residential Care Facility (9 to 16 Persons)	3.3.5.E		C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	L	P	P		
Residential Care Facility (Over 16 Persons)	3.3.5.E		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P		
ACCESSORY RESIDENTIAL LIVING	3.3.6																							
Live/Work Units	3.3.6.A																P	P	P	P	P	P		
Dwellings for Caretakers/Watchkeepers	3.3.6.B																						P	P
CIVIC & INSTITUTIONAL																								
Charitable, Philanthropic Institution	3.4.1	C	C	C	C	C	C	C	C	C							L	P	P	L	P	P		
Cultural Institution	3.4.2			L	L	L	P	P	P	P	P	P	P	P	P	L	P	P	L	P	P	P		
DAY CARE FACILITY	3.4.3																							
Family Day Care (Up to 8 Persons)	3.4.3.C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care (9 to 12 Persons)	3.4.3.D	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	
Day Care Center (13 - 30 Persons)	3.4.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	
Day Care Center (Over 30 Persons)	3.4.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	P	P	P	P	
Educational Institution (Private)	3.4.3		C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	P	P	P	P	
Fire/EMS (Private)	3.4.5												C	C	C		L	P	P	P	P	P	P	P
Hospital	3.4.6					C	C	C	C	C	C	C	C	C	C		P	P	C	P	C	C		
Park, Playground (Private)	3.4.7		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Private Club, Service Organization	3.4.8	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	L	P	C	P		
Public Use (Except Utilities)	3.4.9	P	P	L	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	3.4.10	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial	
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH
Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C									
COMMERCIAL																								
ANIMAL SERVICES	3.5.1																							
Animal Care (Indoor)	3.5.1.C	C	C	C	C	C	C	C	C	C						L	L	L	L	L	L	L	L	L
Animal Care (Outdoor)	3.5.1.D	C	C	C	C	C	C	C								C	C	C	C			P	P	
COMMUNICATION FACILITY	3.5.2																							
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Freestanding Wireless Communications Tower	3.5.2.B	C	C	C	C	C	C	C	C				C	C	C	C	C	C	C	C	C	C	P	P
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
EATING & DRINKING	3.5.3																							
Country Inn	3.5.3.A		C	C		C	C	C																
Restaurant	3.5.3.B															L	P	P	P	P	P	P	P	
FUNERAL AND INTERMENT SERVICES	3.5.4																							
Cemetery	3.5.4.A	C	C	C	C	C																		
Crematory Services	3.5.4.B																					P	P	
Funeral Home, Undertaker	3.5.4.C	C				C	C	C	C								C	C	P			P		
Landscape Contractor	3.5.5	C	C	C	C	C	C	C														P	P	
LODGING	3.5.6																							
Bed & Breakfast	3.5.6.B	L	L	L	L	L	L	L	C	C						L	L	L	L	L	L			
Hotel, Motel	3.5.6.C																P	P	P	P	P	P	C	
MEDICAL & DENTAL	3.5.7																							
Clinic (Up to 4 medical practitioners)	3.5.7.A							C	C	C						P	P	P	P	P	P			
Clinic (more than 4 practitioners)	3.5.7.B															L	P	P	P	P	P			
Medical, Dental Laboratory	3.5.7.C																P	P	P	P	P	P		
OFFICE AND PROFESSIONAL	3.5.8																							
Office	3.5.8.A															P	P	P	P	P	P	P		
Nonresident Professional	3.5.8.B							C	C	C														

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential									Commercial/Residential			Employment			Industrial			
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH
Research and Development	3.5.8.C																P	P		P	P	P	P	P
PARKING	3.5.9																							
Structured	3.5.9.B																P	P		P	P	P	P	
Surface for use allowed in the zone	3.5.9.C					L	L	L	L	L				L	L	L				P			P	P
Surface for commercial uses in a historic district	3.5.9.D					L	L	L	C	C				C	C	C								
RECREATION & ENTERTAINMENT	3.5.10																							
Adult Entertainment	3.5.10.A																			L			L	L
Campground	3.5.10.B		C			C																		
Conference Center	3.5.10.C																P	P		P	P	P	C	
Golf Course, Country Club	3.5.10.D		C	C		C	C	C	C	C	C	C	C	C	C									
Health Clubs and Facilities	3.5.10.E															L	P	P		P	P	P	P	
Recreation and Entertainment Facility, Major (capacity up to 1,000)	3.5.10.F																C	P		C		C	C	
Recreation and Entertainment Facility, Indoor (capacity up to 1,000)	3.5.10.G															C	P	P		P		C	P	C
Recreation and Entertainment Facility, Outdoor (capacity up to 1,000)	3.5.10.H					C		C								C	C	P		C			P	C
Shooting Range, Indoor	3.5.10.I																						C	C
Shooting Range, Outdoor	3.5.10.J	C	C	C																				
RETAIL SALES & SERVICE	3.5.11																							
Rural Antique Shop	3.5.11.A	C	C	C	C	C	C	C																
Rural Country Market	3.5.11.B	C	C	C	C	C	C	C																
Tenants up to 5,000 SF	3.5.11.C														L	P	P	P		P	L	L	P	
Tenants 5,001 - 15,000 SF	3.5.11.C															L	P	P		P	L	L	P	
Tenants 15,000 - 60,000 SF	3.5.11.C																P	P		P		L		
Tenants over 60,000 SF	3.5.11.C																L	L		L				
VEHICLE/EQUIPMENT SALES & RENTAL	3.5.12																							
Heavy Vehicle/Equipment	3.5.12.A																			C			C	P
Light Vehicle/Equipment (Indoor)	3.5.12.B																L	P		L		L	L	

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial	
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH
Light Vehicle/Equipment (Outdoor)	3.5.12.C																L	P	L		L	L		
VEHICLE SERVICE	3.5.13																							
Car Wash	3.5.13.A																C	C	L			L	P	
Fuel Sales	3.5.13.B																C	C	C		C	C	C	
Repair (Commercial Vehicle)	3.5.13.C																					P	P	
Repair (Major)	3.5.13.D																C	C	L			P	P	
Repair (Minor)	3.5.13.E																L	L	L	L	L	L	P	
ACCESSORY COMMERCIAL USES	3.5.14																							
Amateur Radio Facility, up to 65 feet	3.5.14.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Amateur Radio Facility, over 65 feet	3.5.14.B	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Drive-Thru Facility	3.5.14.C																L	L	L		L	P		
Helistop	3.5.14.D																C	C	C	C	C	C	C	C
Wireless on Existing Structure	3.5.14.E	L	L	L	L	L	L	L	L	L			L	L	L	L	L	L	L	L	L	L	L	L
TEMPORARY COMMERCIAL USES	3.5.15																							
Construction Administration or Sales Office	3.5.15.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Special Event Parking	3.5.15.B					L	L	L																
Transitory use	3.5.15.C	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
INDUSTRIAL																								
Contractor Storage Yard	3.6.1																						L	P
Dry Cleaning Facility up to 3,000 SF	3.6.2.A																L	L	L	L	L	P	P	
Dry Cleaning Facility over 3,000 SF	3.6.2.B																					P	P	
MANUFACTURING & PRODUCTION	3.6.3																							
Artisan Manufacturing & Production	3.6.3.A	P														P	P	P	P	P	P	P	P	P
Light Manufacturing & Production	3.6.3.B																L	P	L	L	L	P	P	
Heavy Manufacturing & Production	3.6.3.C																						P	
Mining, Excavation	3.6.4	C	C	C																				C
TRANSPORTATION	3.6.5																							
Bus, Rail Terminal	3.6.5.A																P	P	P	P	P	P	P	P
Helipad, Heliport	3.6.5.B																	C	C	C	C	C	C	C

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

ZAP Review Draft

USE OR USE GROUP	Defs & Standards	Agricultural & Rural				Residential											Commercial/Residential			Employment			Industrial	
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CR-N	CR-T	CR	EG	ELS	EOF	IL	IH
Taxi/Limo Facility	3.6.5.C																P	P		P	P	P	P	P
UTILITIES	3.6.6																							
Minor Public Utility	3.6.6.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Major Public Utility	3.6.6.B	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Other Public Utility Building or Structure	3.6.6.C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Sustainable Energy Generation	3.6.6.D																							
WAREHOUSE	3.6.7																							
Freight Movement	3.6.7.A																						P	P
Self-Storage	3.6.7.B																C	C		C	C	C	P	P
Storage Facility up to 10,000 SF	3.6.7.C																P	P		P	P	P	P	P
Storage Facility over 10,000 SF	3.6.7.C																		P				P	P
WASTE-RELATED	3.6.8																							
Hazardous Material Storage	3.6.8.A																							C
Incinerator	3.6.8.B																							C
Landfill	3.6.8.C																							C
Recycling Drop-off Center	3.6.8.D																P	P		P	P	P	P	P
Recycling Collection and Processing	3.6.8.E																							P
Transfer Station	3.6.8.F																							C
ACCESSORY INDUSTRIAL USES	3.6.9																							
Sustainable Energy Generation	3.6.9.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Permitted

Sec. 3.1.4. Accessory Uses Defined

- A. A use which is customarily incidental and subordinate to the principal use of a property or the principal building, and located on the same property as the principal use or building.
- B. An accessory structure is not attached by any part of a common wall or common roof to the principal building, except for an attached accessory apartment.
- C. In addition to any other meaning the word "subordinate" may have in this definition, on a property where the principal building is a detached house subordinate means that the footprint of the accessory structure (and any accessory use) is less than 50% of the footprint of the principal building, except for an accessory agricultural building.

Sec. 3.1.5. Temporary Uses Defined

A use that is:

- A. Temporary in nature;
- B. Established for a fixed period of time with the intent to discontinue the use upon the expiration of such time;
- C. Does not involve the construction or alteration of any permanent structure; and
- D. Requires a temporary use permit under **Div. ##** with the following exceptions:

1. Construction Dumpsters

One construction dumpster is permitted on-site in association with a valid building permit. The use of such a dumpster must be strictly limited to the time actively underway. In no event must the use of dumpster continue past expiration of the building permit.

2. Garage or Yard Sale

- a. A garage sale or yard sale is the sale, on residential property, of goods previously used by a resident of the property. This also includes all similar sales activities such as moving sales, estate sales and community sale.
- b. A garage sale is not a vending activity unless it exceeds the limits specified in Chapter 47 of the Montgomery County Code.

3. Self Storage Containers

- a. The storage container for off-site storage of household or other goods located in any yard is permitted for a maximum of 30 consecutive days twice per calendar year.
- b. The storage container must be placed completely on-site (and is not permitted to be placed in any type of public right-of-way).
- c. The storage container must be placed on a paved surface.

Sec. 3.1.6. Transferable Development Rights

The following uses are not permitted if the lot on which the use is located is in the AC zone and has a recorded Transfer of Development Right easement. However, any building existing on October 2, 2007 may be repaired or reconstructed if the floor area of the building is not increased and the use is not changed.

A. Agricultural

- 1. Agricultural Auction Facility
- 2. Farm Supply, Machinery Sales, Storage and Service

B. Residential

- 1. Attached Accessory Apartment
- 2. Group Living
- 3. Home Health Practitioner
- 4. Home Occupation, Low Impact
- 5. Home Occupation, Major Impact

C. Civic & Institutional

- 1. Charitable Institution
- 2. Day Care Facility
- 3. Fire/EMS (Private or Publicly Supported)
- 4. Private Club, Service Organization
- 5. Religious Assembly

D. Commercial

1. Animal Services
2. Bed & Breakfast
3. Cemetery
4. Funeral Home, Undertaker
5. Rural Antique Shop
6. Shooting Range Outdoor
7. Transitory Use

E. Industrial

1. Mining, Excavation

Sec. 3.1.7. Uses Not Specifically Listed

- A. Any use not specifically listed is expressly prohibited unless the Director of Permitting Services determines that the use is similar to an allowed use listed in this Division. Where the similar allowed use is subject to a limited or conditional use standard and approval, the proposed use must also be subject to such standard and approval.
- B. In order to determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, the Director of Permitting Services must review relevant characteristics of the proposed use, including but not limited to the following:
 1. The size, type and volume of items or services sold and nature of inventory on the premises;
 2. The signage requirements and how the use advertises itself;
 3. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 4. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
5. Any dangerous, hazardous, toxic, or explosive materials used on the premises;
6. The nature and location of storage and display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
7. The type, size, and nature of buildings and structures;
8. The number of employees and customers in relation to business hours and employment shifts;
9. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;
10. Parking requirements, turnover and generation, ratio of the number of spaces required, and the potential for shared parking with other use types; and
11. Any special public infrastructure requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.

Div. 3.2. Agricultural Uses

Sec. 3.2.1. Agricultural Auction Facility

A. Defined

A sales establishment at which farm-related merchandise is sold to the highest bidder.

B. Use Standards

Where an agricultural auction facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

1. The minimum area of the lot must be five acres.
2. The minimum setback of the auction facility (whether enclosed within a building or not) and the parking area must be 50 feet from any property line where the adjoining property is in residential use.
3. The [Review Body] may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted subject to the limits established by the [Review Body].
5. Where any adjoining property is in residential use, the noise level at the common property line must not exceed the requirements of Chapter 31B of the Montgomery County Code.
6. The agricultural exemption of Sec. 31B-14(c) is not applicable.
7. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.2.2. Agricultural Processing

A. Defined

Operations that transform, package, sort or grade farm products, into goods that are used for intermediate or final consumption, including goods for non-food use. Includes milk plant, grain elevator and mulch or compost manufacturing. Does not include slaughterhouse (see [Sec. 3.2.8](#), Slaughterhouse).

B. Use Standards

1. Where agricultural processing is allowed as a limited use, it is subject to the following standards:
 - a. The minimum area of the lot must be 10 acres.
 - b. The minimum setback for any agricultural processing structure from any property line must be 75 feet.
 - c. The property must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.
2. Where agricultural processing is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - a. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the designated rural open space.

Sec. 3.2.3. Community Garden

A. Defined

Land gardened by a group of people for personal use or limited distribution and not for sale on-site. Includes cultivation of fruit, vegetables, flowers, ornamental plants and apiculture. Does not include Animal Husbandry, except for bees. (see [Sec 3.2.10.A](#), Animal Husbandry) or Urban Farm (see [Sec. 3.2.6.C](#), Urban Farm).

B. Use Standards

Where a community garden is allowed as a limited use, it is subject to the following standards:

1. The total gross floor area of all structures, except greenhouses, must not exceed 10% of the net property area dedicated to the community garden.
2. Accessory structures are limited to 12 feet in height, including any pitched roof.
3. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.4. Equestrian Facility

A. Defined

Any building, structure, or land area that is used primarily for the care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills. May include events such as competitions, exhibitions, or other displays of equestrian skills.

B. Use Standards

1. Where an equestrian facility is allowed as a limited use, it is subject to the following standards:
 - a. The minimum gross acreage per horse is as follows:
 - i. For 1-2 horses, two acres
 - ii. For 3-10 horses, one acre per horse
 - iii. For more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
 - iv. In the RNC zone, an equestrian facility for three or more horses is not allowed in the designated rural open space.
 - b. Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations.
 - c. Each building, show ring, paddock, outdoor area, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent property.
 - d. Amplified sound must meet all requirements of Chapter 31B of the Montgomery County Code.

- e. Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday.
- f. Equestrian event restrictions

Property Acreage	Hours of Operation		Number of Participants & Spectators			
			Event	Informal Event	Minor Event	Major Event
	Su-Th	Fr-Sa	0-25	26-50	51-150	151-300
0-17.9	6am-9pm	6am-10pm	Unlimited on any day.	None	None	None
18-24.9	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun & holidays; no more than 6 weekdays per month.	None	None
25-74.9	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun & holidays; no more than 6 weekdays per month.	No more than 7 per year.	None
75+	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun & holidays; no more than 6 weekdays per month.	No more than 7 per year.	No more than 3 per year lasting up to 3 consecutive days each.

- g. A temporary use permit must be obtained from DPS for each event involving more than 150 participants and spectators, per day. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by the Department of Permitting Services

to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by the Department.

- h. An equestrian facility conditional use application may be filed with the [Review Body] to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; hours of operation; and a road classification requirement. Such a conditional use approval must be renewed every five years at which time the [Review Body] must evaluate the effectiveness of the terms and conditions of the original approval.
2. Where an equestrian facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, [Div 6.5](#), Conditional Use Approval, and the following standards:
 - a. In the AC, RR, RC and RNC zones:
 - i. The equestrian facility must not adversely affect adjoining land uses or the surrounding road network. The applicant has the burden of producing substantial evidence that the property has adequate access to accommodate the additional traffic and that the road from which the property has access and the nearest intersections operate at an acceptable level of service based on Local Area Transportation Review Guidelines.
 - ii. In evaluating the compatibility of an equestrian facility on the surrounding land uses, the [Review Body] must consider that the impact on surrounding land uses in an agricultural zone does not necessarily need to be controlled as stringently as the impact in a residential zone.
 - b. In the RE-2, RE-1 and RLD-20 zones:
 - i. Any equestrian facility on less than five acres must establish through a pasture maintenance plan, feeding plan and any other documentation the [Review Body] requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
 - ii. The [Review Body] may limit or regulate more stringently than limited use standards:

- (a) The number of horses that may be kept or boarded.
 - (b) The number of horses that may be rented out for recreational riding or instruction.
 - (c) The number and type of equestrian events that may be held in a one-year period.
- iii. All animal waste must be handled in accordance with state requirements for nutrient management.

Sec. 3.2.5. Farm Supply or Machinery Sales, Storage & Service

A. Defined

A farm supply facility including the sales, storage or service of machinery used in farming for agricultural purposes. Does not include sales, storage or service of passenger vehicles and other machinery not associated with farming.

B. Use Standards

Where farm supply or machinery, sales, storage & service is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

1. The minimum area of the lot must be two acres. The [Review Body] may require a larger area if warranted by the size and characteristics of the inventory.
2. The minimum setback from any property line for parking, buildings, or inventory storage must be 50 feet, except that the minimum setback from the street may be reduced to 25 feet if the [Review Body] finds that:
 - a. The confronting site is in an agricultural rather than a residential zone; and
 - b. The smaller setback would be compatible with surrounding uses.
3. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the designated reserve area.
4. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.2.6. Farming

A. Crop Farming

1. Defined

The growing and harvesting of produce and other plant-based agricultural products. Includes the cultivation of crops such as fruits, vegetables, cotton, grain, nuts, horticultural crops, cattle food and sod. Includes accessory agricultural processing and storage of produce grown on-site.

2. Use Standards

Where crop farming is allowed as a limited use it is subject to the following standards:

- a. In the RE-2, RE-1, RLD-20, RMD-9, and RMD6 zones, no sod farms or accessory agricultural processing are allowed.
- b. Where development occurs under the cluster provisions for the RC zone, accessory agricultural processing is not allowed in the reserved area.

B. Livestock Farming

1. Defined

The keeping and raising of livestock. Includes accessory slaughtering and accessory agricultural processing. Does not include Equestrian Facility (see [Sec. 3.2.4](#), Equestrian Facility).

2. Use Standards

Where livestock farming is allowed as a limited use it is subject to the following standards:

- a. In the RE-2, RE-1, RLD-20, RMD-9, and RMD6 zones, accessory agricultural processing is not allowed.
- b. Where development occurs under the cluster provisions for the RC zone, accessory agricultural processing is not allowed in the reserved area.

C. Urban Farming

1. Defined

The cultivation of fruits, vegetables, flowers and ornamental plants as well as the limited keeping and raising of fowl, or bees and the practice of aquaculture. Plants and animals or their products may be sold off-site or on-site under the standards of a Farm Market, On-Site (see [Sec. 3.2.10.C](#), Farm Market, On-Site)

2. Use Standards

Where urban farming is allowed as a limited use, it is subject to the following standards:

- a. Minimum land area for an urban farm is 4,000 square feet, or the minimum lot area required by a detached house building type in the zone, whichever is greater.
- b. One fowl may be kept for every 1,000 square feet of land area; roosters are not permitted.
- c. Aquaculture is permitted in tanks or pools that meet the restrictions for accessory structures in this section.
- d. The total gross floor area of all structures, excluding greenhouses, may not exceed 10% of the net property area on any urban farm.
- e. Accessory structures must be located a minimum of 25 feet from any property line.
- f. Accessory structures are limited to 12 feet in height, including any pitched roof.
- g. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.7. Nursery

A. Nursery, Retail

1. Defined

The retail sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items. Does not include Landscape Contractor (see [Sec.3.5.5](#), Landscape Contractor).

2. Use Standards

Where a retail nursery is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The minimum area of the lot is two acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.
- c. The property must front on and have access to a road built to primary residential or higher standards.
- d. Tools and equipment for sale must not be displayed outdoors.
- e. Where development occurs under the cluster development provisions for the RC or RNC zone, this use is not allowed in the reserved area, or the designated rural open space.

B. Nursery, Wholesale

1. Defined

The wholesale business of selling plants and plant materials grown on- or off-site to other businesses. Fertilizers, plant food and pesticides must not be produced but may be stocked and sold. Does not include Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor).

2. Use Standards

Where a wholesale nursery is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The minimum area of the lot is two acres.

- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.
- c. Where development occurs under the cluster development provisions for the RC or RNC zone, this use is not allowed in the reserved area or the designated rural open space.

Sec. 3.2.8. Slaughterhouse

A. Defined

Any building, place, or establishment where livestock raised off-site, are slaughtered for commercial purposes.

B. Use Standards

Where a slaughterhouse is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

1. The minimum area of the lot must be 20 acres.
2. The minimum setback from any property line must be 75 feet.
3. The property must front on and have direct access to a road built to primary residential or higher standards.
4. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the reserved area.

Sec. 3.2.9. Winery

A. Defined

A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

B. Use Standards

1. Where a winery is allowed as a limited use, it is subject to the following standards:
 - a. The minimum area of the lot is 10 acres.
 - b. The minimum setback for any structure from any property line is 75 feet, except that the minimum setback from the street may be reduced to 50 feet if the adjacent property is improved with an agricultural use.

- c. The property must front on and have access to a road built to primary or higher standards.
 - d. Up to two special events such as a wedding, festival or other similar event may be allowed each calendar year. Additional events require conditional use permit approval by the [Review Body].
2. Where a winery is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, **Div. 6.5**, Conditional Use Approval, and where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.

Sec. 3.2.10. Accessory Agricultural Uses

A. Animal Husbandry

1. Defined

Animal husbandry is the accessory practice of breeding and raising small animals, fowl and bees.

2. Use Standards

Where animal husbandry is allowed as a limited use, it is subject to the following standards:

- a. Any accessory structure used to house small animals or fowl must be located behind the rear building line and a minimum of 25 feet from the rear and side property line.
- b. One small animal or fowl may be kept for every 2,000 square feet of land area. No more than a total of six small animals or fowl may be kept, unless the accessory structure is located 100 feet from the rear and side property line.
- c. Roosters are not permitted.
- d. In the CRN, CRT,CR,EG,ELS, EOF and IL zones, small animals and fowl are not allowed.

B. Farm Airstrip

1. Defined

An accessory take-off and landing facility for an airplane associated with farming operations.

2. Use Standards

Where a farm airstrip is allowed as a conditional use, it may be permitted by the [Review Body] subject to **Div. 6.5**, Conditional Use Approval, and the following standards:

- a. Only one airplane is permanently housed at the airstrip
- b. The applicant must obtain a favorable air space determination from the Federal Aviation Administration (FAA) in response to an application filed on Form 33 FAA 7480.1 titled "Notice of Proposed Landing Area Established," or whatever form number and title the FAA may require.
- c. The airstrip must be set back from any property line a minimum of 1,000 feet.
- d. The aircraft using the airstrip must aid farming operations.
- e. The airstrip must be unpaved.

C. Farm Market, On-Site

1. Defined

The display and retail sale from a farm of agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of that farm market. A limited portion of the sales may include agricultural products produced on another farm. An on-site farm market may include farm food products certified as non-potentially hazardous by the Department of Health and Human Services.

2. Use Standards

Where an on-site farm market is allowed as a limited use, it is subject to the following standards:

- a. In the AC, RR, RC, RNC, RE-2, RE-1, and RLD-20 zones:

- i. The sale and display area must be located at least 25 feet from the paved edge of the roadway.
 - ii. There must be at least three off-street parking spaces.
 - iii. Firewood sold at a farm market must be cut and split on the farm or location where the wood is harvested.
 - iv. Up to 25% of the farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the farm market, the Department of Permitting Services upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee may allow for more than 25% of the farm market display and sales area to be used for agricultural products from off the farm where the farm market is located for a limited period of time.
- b. In the RMD-9, RMD-6, TLD, TMD, THD, RHD-3, RHD-2, RHD-1, CRN, CRT, CR, EG, ELS, EOF and IL zones:
 - i. All merchandise for sale must be produced on-site.
 - ii. The sale and display area must be located at least 25 feet from any confronting or abutting residentially zoned property.
 - c. In the RNC zone, where development occurs under the cluster development provisions, this use is not allowed in the designated rural open space.

Sec. 3.2.11. Temporary Agricultural Uses

A. Agricultural Vending

1. Defined

The sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47 of the Montgomery County Code.

2. Use Standards

Where agricultural vending is allowed as a limited use, it is subject to the following standards:

- a. Requires a temporary use permit.
- b. Sales must occur at least 100 feet from a dwelling.
- c. The property must be:
 - i. Be at least two acres;
 - ii. Be used for non-residential purposes; and
 - iii. Front on a roadway with at least four travel lanes.
- d. The structure or vehicle used for sales must not remain in the same location for more than 24 hours.

B. Seasonal Outdoor Sales

1. Defined

The temporary sales of seasonal farm products offered annually for a limited period of time, such as the sale of pumpkins and evergreen trees.

2. Use Standards

Where seasonal outdoor sales use is allowed as a limited use, it is subject to the following standards:

- a. Requires a temporary use permit.
- b. Seasonal outdoor sales may only occur on property used for non-residential purposes.
- c. Except where seasonal outdoor sales occur on the site of a religious assembly use, the property must front on and have access to a road built to primary or higher standards.
- d. Where development occurs under the cluster development provisions for the RC and RNC zones, this use is not allowed in the reserved area or designated rural open space.

Div. 3.3. Residential Uses

Sec. 3.3.1. Household Living

A. Defined, In General

Residential occupancy of a dwelling unit by a household on a monthly or longer basis.

B. Single-Unit Living

1. Defined

One dwelling unit contained in a single structure.

C. Two-Unit Living

1. Defined

Two dwelling units contained in a single structure.

2. Use Standards

Where two-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the RNC, RE-2 and RE-1 zones, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones) provided that:
 - i. It is served by public sewer service; or
 - ii. Designated for sewer service in the applicable master plan.
- b. In the RLD-20 zone, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones).
- c. In RMD-9 and RMD-6 zones, two-unit living is permitted as part of:
 - i. A development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones); or
 - ii. As part of a cluster development (see Div. 6.2, Cluster Development in Rural and Residential Zones).

D. Multi-Unit Living

1. Defined

Three or more dwelling units contained in a single structure. May include ancillary offices for the purposes of management, service and maintenance of the development.

2. Use Standards

Where multi-unit living is allowed as a limited use, it is subject to the following standards:

- a. In the RNC zone, this use is not allowed in the designated rural open space.
- b. In the RE-2 and RE-1 zones, multi-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones) provided that:
 - i. It is served by public sewer service; or
 - ii. Designated for sewer service in an applicable master plan.
- c. In the RLD-20 zone, multi-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones).
- d. In the RMD-9 and RMD-6 zones, multi-unit living is permitted as part of:
 - i. A development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones);
 - ii. As part of a cluster development (see Div. 6.2, Cluster Development in Rural and Residential Zones) that is at least 10 acres in size; or
 - iii. As part of a cluster development (see Div. 6.2, Cluster Development in Rural and Residential Zones) that is at least three acres or more in size when recommended in a master or sector plan.

Sec. 3.3.2. Accessory Household Living

A. Accessory Apartment, Attached

1. Defined

A second dwelling unit that is part of the principal structure of a detached house building type. An accessory apartment has a separate entrance and is subordinate to the principal dwelling.

2. Use Standards

- a. Where an attached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment per lot.
 - ii. The owner of the lot must occupy one of the units.
 - iii. The accessory apartment must have the same street address as the principal dwelling.
 - iv. Separate entrance must not be located along the front building line.
 - v. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
 - vi. In the RE-2, RE-1 and RLD-20 zones, an attached accessory apartment must not be located:
 - (a) Within 500 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property along the same block face; and
 - (b) On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - vii. In the RMD-9, RMD-6, TLD, TMD, THD and RHD-3, RHD-2, and RHD-1 zones, an attached accessory apartment must not be located:
 - (a) Within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property along the same block face; and

- (b) On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

viii. Attached Accessory Apartment, Small (up to 800 square feet):

- (a) Floor area must not exceed 50% of the principal dwelling or 800 square feet, whichever is less.
- (b) Maximum number of occupants is three persons.

ix. Attached Accessory Apartment, Large (801 to 1,200 square feet):

- (a) Floor area must not exceed 50% of the principal dwelling or 1,200 square feet, whichever is less.
- (b) Maximum number of occupants is five persons.

x. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

- b. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the [Review Body] subject to all applicable limited use standards and the findings established in [Div. 6.5](#), Conditional Use Approval.

B. Accessory Apartment, Detached

1. Defined

A second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. Provides for cooking, eating, sanitation and sleeping. A detached accessory apartment is subordinate to the principal dwelling.

2. Use Standards

- a. Where a detached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment per lot.
 - ii. The owner of the lot must occupy one of the units.

- iii. The accessory apartment must have the same street address as the principal dwelling.
- iv. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
- v. In the RE-2, RE-1 and RLD-20 zones, a detached accessory apartment must not be located:
 - (a) Within 500 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vi. In the RHD-3, RHD-2, and RHD-1 zones, a detached accessory apartment must not be located:
 - (a) Within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vii. Detached Accessory Apartment, Small (up to 800 square feet):
 - (a) Floor area must not exceed 50% of the principal dwelling or 800 square feet, whichever is less.
 - (b) Maximum number of occupants is three persons.
- viii. Detached Accessory Apartment, Large (801 to 1,200 square feet):
 - (a) Floor area must not exceed 50% of the principal dwelling or 1,200 square feet, whichever is less.
 - (b) Maximum number of occupants is five persons.
- ix. Any new structure built for the purpose of occupying as a large detached accessory apartment must have the same minimum side yard setback as the principal dwelling and a minimum rear yard setback of 12 feet.
- b. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the [Review Body] subject to all applicable limited use standards, the findings established in **Div. 6.5**, Conditional Use Approval and the following standards:
 - i. In the RMD-9, RMD-6, TLD, TMD, and THD zones, a detached accessory apartment must not be located:
 - (a) Within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property along the same block face; and
 - (b) On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - ii. In the AC zone, this use may not be permitted (see **Sec. 3.1.6** Transferable Development Rights).

C. Farm Tenant Dwelling

1. Defined

A dwelling unit occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis under the control of the owner or operator of the farm on which the farm tenant dwelling is located. Includes a mobile home. A farm tenant dwelling is not restricted by the definition of household.

2. Use Standards

Where a farm tenant dwelling is allowed as a limited use, it is subject to the following standards:

- a. A farm tenant dwelling is excluded from any density calculations, provided that it remains accessory to a farm. If the property associated with a farm tenant dwelling is separately subdivided, these provisions no longer apply.
- b. The maximum number of tenants in a single dwelling is limited by well and septic capacity.

- c. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a tenant other than an agricultural worker, provided that the dwelling meets all applicable health and safety regulations.
- d. In the RC zone, a farm tenant dwelling is permitted only where it is associated with a farm that is part of the reserved area of a cluster development.

Sec. 3.3.3. Home Occupations

A. Defined, In General

Any occupation that provides a service or product and is conducted within a dwelling unit. A home occupation is subordinate to the principal dwelling. Does not include the following: home health practitioner, bed-and-breakfast establishment, day care facility, display of furniture not made in the home for sale in the home or at an offsite location, landscape contractor, or private educational institution.

B. Use Standards for all Home Occupations

1. All home occupations other than no impact home occupations must be registered with the Department of Permitting Services.
2. To maintain the residential character of the dwelling:
 - a. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - b. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area, except for the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than two single axle trailers or trucks. The use must be clearly subordinate to the use of the dwelling for residential purposes and requires no external modifications that detract from the residential appearance of the dwelling unit.
 - c. Exterior storage of goods or equipment is not permitted.
 - d. The amount of floor area used for the home occupation must not exceed 33% of the total floor area of the dwelling unit and any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.

- e. If an accessory building is used for any part of the home occupation, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
- f. Equipment or facilities must not be used other than:
 - i. Domestic, household or lawn maintenance service equipment;
 - ii. Office equipment; or
 - iii. Any equipment reasonably necessary for art production, handcrafts, or making beer or wine.
- g. Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home occupation.
- h. No home occupation is allowed to involve use, storage, or disposal of:
 - i. A quantity of a petroleum product sufficient to require a special license or permit from Fire Chief; or
 - ii. Any material defined as hazardous or required to have a special handling license under State and County law.
- i. Truck deliveries are not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- j. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- k. A second kitchen in the home for catering or making food for off-site delivery or sales is not permitted.
- l. The maintenance or repair of motor vehicles for compensation is not permitted.

C. No Impact Home Occupation

1. Defined

A home occupation that is not required to register with the Department of Permitting Services.

2. Use standards

Where a no impact home occupation is allowed as a limited use, it is subject to the following standards:

Standards	No Impact Home Occupation
Non-Resident Employees Per 24-Hour Period	None
Maximum Number of Visits and Deliveries	5 per week
In-Person Sale of Goods	Not permitted
Display or Storage of Goods	Limited to samples of merchandise that may be ordered by customers for delivery at other locations. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
Number of No Impact Home Occupations Allowed in a Single Dwelling	N/A

D. Low Impact Home Occupation

1. Defined

A home occupation that is required to register with the Department of Permitting Services.

2. Use Standards

Where a low impact home occupation is allowed as a limited use, it is subject to the following standards:

Standards	Low Impact Home Occupation
Non-Resident Employees Per 24-Hour Period	One
Maximum Number of Visits	20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on site.
Maximum Number of Deliveries	10 per week, and no more than 2 per day for all home occupations on site.

Standards	Low Impact Home Occupation
In-Person Sale of Goods	Limited to: 1) Handcrafts or art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry, pottery, and musical instruments, which are produced on site by a resident of the dwelling; and 2) No more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
Display or Storage of Goods	Limited to: 1) Such handmade items enumerated for person-to-person sale of goods above; and 2) Samples of merchandise that may be ordered by customers for delivery at other locations. Display or storage of goods to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
Number of Low Impact Home Occupations Allowed in a Single Dwelling	No more than two.
Use May Not Be Permitted in AC Zone	See Sec. 3.1.6 , Transferable Development Rights.

E. Major Impact Home Occupation

1. Defined

A home occupation that is required to register with the Department of Permitting Services and is regulated under [Div. 6.5](#), Conditional Use Approvals. May include a home health practitioner's office where that office does not qualify for registration under with [Sec. 3.3.4](#).

2. Use Standards

Where a Major Home occupation is allowed as a conditional use, it may be permitted by the [Review Body] subject to **Div. 6.5** Conditional Use Approvals, and the following standards:

Standards	Major Impact Home Occupation
Visits by Appointment	Required. Indoor waiting room must be provided.
Non-Resident Employees Per 24-Hour Period	Two
Maximum Number of Visits	Determined by [Review Body]
Maximum Number of Deliveries	Determined by [Review Body]
In-Person Sale of Goods	Limited to: 1) The products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or hand-crafts performed by a resident of the dwelling; and 2) No more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
Display or Storage of Goods	Limited to: 1) Such handmade items enumerated for person-to-person sale of goods above; and 2) Samples of merchandise that may be ordered by customers for delivery at other locations. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.

Standards	Major Impact Home Occupation
Number of Home Occupations Allowed in a Single Dwelling	1) The [Review Body] may grant a conditional use for a major impact home occupation on the same property as a low impact home occupation, if it finds that both together can be operated in accordance with the provisions of this section and Div. 6.5 Conditional Use Approvals.
	2) The [Review Body] must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.
	3) The [Review Body] must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with Div. 6.5 Conditional Use Approvals.
Use May Not Be Permitted in AC Zone	See Sec. 3.1.6 , Transferable Development Rights.

Sec. 3.3.4. Home Health Practitioner

A. Defined, In General

The office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution. A registered nurse or physician's assistant is a health practitioner only if that person has an advanced degree in the field and practices independently. Does not include an electrologist, mortician, nursing home administrator, pharmacist or veterinarian.

B. Use Standards for All Home Health Practitioners

1. All home health practitioners must be registered with the Department of Permitting Services.
2. To maintain the residential character of the dwelling:

- a. The use must be conducted by an individual or individuals residing in the dwelling unit.
- b. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be clearly subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
- c. Exterior storage of goods or equipment is not permitted.
- d. The amount of floor area used for the home health practitioner must not exceed 33% of the total floor area of the dwelling unit plus any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
- e. If an accessory building is used for any part of the home health practice, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
- f. Equipment or facilities must not be used other than:
 - i. Office equipment; or
 - ii. Medical equipment, subject to paragraph vii. below.
- g. Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home health practice.
- h. Disposal of medical waste must be regulated by State Laws and Regulations.
- i. Truck deliveries are not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

C. Low Impact Home Health Practitioner

1. Defined

A home health practitioner’s office limited to two resident health practitioners and one non-resident support person in a 24-hour period.

2. Use Standards

Where a low impact home health practitioner is allowed as a limited use, it is subject to the following standards:

Standards	Low Impact Home Health Practitioner
Visits by Appointment	Required. Indoor waiting room must be provided. Clients, patients, or other visitors must be informed of the correct address and parking location. Emergency patients may visit outside the specified hours or without appointment.
Maximum Number of Visits	20 per week and no more than 5 per day (excludes deliveries) total, including any home occupations on site. May treat more than one patient or client at a time, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
Maximum Number of Deliveries	10 per week, and no more than 2 per day.
On-site Sale of Goods	Sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
Number of Low Impact Home Health Practitioners Allowed in a Single Dwelling	No more than two registered home occupations or home health practitioner’s facilities.
Use May Not Be Permitted in AC Zone	See 3.1.6 Transferable Development Rights.

D. Major Impact Home Health Practitioner

1. Defined

A home health practitioner’s office limited to two resident health practitioners and two or more non-resident support persons in a 24-hour period.

2. Use Standards

Where the major impact home health practitioner is allowed as a conditional use, it may be permitted by the [Review Body] subject to Div. 6.5 Conditional Use Approvals, and the following standards:

Standards	Major Impact Home Health Practitioner
Visits by Appointment	Required. An indoor waiting room must be provided. Clients, patients, or other visitors must be informed of the correct address and parking location. Emergency patients may visit outside the specified hours or without appointment.
Maximum Number of Visits	Determined by [Review Body]. Hours of operation determined by [Review Body]. Number of clients, customers, patients or other visitors during that time may also be specified by the [Review Body].
Maximum Number of Deliveries	Determined by [Review Body]
On-site Sale of Goods	Determined by [Review Body]
Number of Major Impact Home Health Practitioners Allowed in a Single Dwelling	<p>1) The [Review Body] may grant a conditional use for a major impact home health practitioner on the same property as a low impact home health practitioner, if it finds that both together can be operated in accordance with the provisions of this section and Div. 6.5 Conditional Use Approvals</p> <p>2) The [Review Body] must not grant a conditional use for more than one major impact home health practitioner’s facility or major impact home occupation on the same property.</p> <p>3) The [Review Body] must not grant a conditional use for a home health practitioner’s facility where the property is already approved for any other conditional use in accordance with Div. 6.5 Conditional Use Approval.</p>
Use May Not Be Permitted in AC Zone	See Sec. 3.1.6 , Transferable Development Rights.

Sec. 3.3.5. Group Living

A. Defined, in General

Residential occupancy of a structure by a group of people that does not meet the definition of any household living use under **Sec. 3.3.1**. Tenancy is arranged on a monthly or longer basis. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

B. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

A building or buildings containing dwelling units and related service facilities for senior adults or persons with disabilities. The use may include facilities for services for residents such as meal preparation and service, day care, personal care, nursing, or therapy, or any service to the senior adult or disabled population of the community that is an ancillary part of one of the above operations.

2. Use Standards

- a. Where an independent living facility for seniors or persons with disabilities is allowed as a limited use, it is subject to the following standards:
 - i. Facility must meet all applicable federal, state and county licensure, certificate and regulatory requirements.
 - ii. Resident staff necessary for the operation of the facility are allowed to live on-site.
 - iii. Where development occurs under the cluster development provisions for the RC or RNC zone, this use is not allowed in the reserved area, or designated rural open space.
 - iv. Occupancy of a dwelling unit is restricted to the following:
 - (a) A senior adult or person with disabilities, as defined in **Sec ##**;
 - (b) The spouse of a senior or disabled resident, regardless of age or disability;
 - (c) A resident care-giver, if needed to assist a senior or disabled resident; or

- (d) In a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister or brother of a handicapped resident, regardless of age or disability.
 - (e) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto.
- b. Where an independent living facility for seniors or persons with disabilities is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, [Div. 6.5](#) Conditional use Approval, and the following standards:
- i. The site or the proposed facility has adequate accessibility to or provides onsite public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
 - ii. The [Review Body] may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included for the exclusive use of the residents of the building.
 - iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined in [Div. 7.2](#), Defined Terms.
 - iv. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the [Review Body] reserves the right to modify any standards to maximize the

compatibility of the building(s) with the residential character of the surrounding neighborhood.

C. Overnight Shelter

1. Defined

A facility providing temporary sleep-in facilities for displaced persons. May provide other services, such as meals, job seeking skills training, job training, job placement, and support groups. Includes homeless shelter, and battered women's shelter. Does not include drug treatment or rehabilitation.

2. Use Standards

Where an overnight shelter is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

D. Personal Living Quarters

1. Defined

Any building or portion of a building containing more than five individual living units, which must have shared cooking facilities and shared sanitation facilities.

2. Use Standards

a. Personal Living Quarters (up to 50 Individual Living Units)

Where personal living quarters (up to 50 individual living units) are allowed as a limited use, it is subject to the following standards:

- i. Each individual living unit must have a minimum gross floor area of 150 square feet and a maximum gross floor area of 385 square feet.
- ii. Each individual living unit must not contain complete cooking facilities.
- iii. Each individual living unit may contain separate sanitation facilities.
- iv. Each individual living unit must be subject to a rental agreement with a minimum lease term of at least 30 days.
- v. The maximum number of individual living units per acre is as follows:
 - (a) RHD-3: 29 units per acre.

(b) RHD-2: 43 units per acre.

(c) RHD-1: 87 units per acre.

- vi. If individual living units are constructed on a lot or included in a building with complete dwelling units, the density standard for dwelling units in the zone applies to that portion of the lot that contains complete dwelling units.

b. Personal Living Quarters (over 50 Individual Living Units)

Where personal living quarters (over 50 individual living units) are allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- i. An applicant for personal living quarters must submit documentary evidence which shows how the maintenance and management of the personal living quarters will be provided. The [Review Body] may require onsite management and maintenance.
- ii. Common open space may be required by the [Review Body] as follows:
 - (a) 10% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of less than 200 square feet.
 - (b) 5% of the gross floor area of the personal living quarters if the smallest individual living unit has a gross floor area of 200 square feet or greater.

E. Residential Care Facility

1. Defined, In General

A group care or similar facility for 24-hour medical or non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. Includes nursing home, assisted living facility, continuing care retirement community, hospice and group home. Does not include hospitals or independent living facilities for seniors or persons with disabilities.

2. Use Standards, for all Residential Care Facilities

- a. Facility must meet all applicable federal, state and county certificate, licensure and regulatory requirements.
- b. Resident staff necessary for operation of the facility are allowed to live on site. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than two months old.
- c. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the reserved area, or the designated rural open space.

3. Residential Care Facility (9 to 16 Persons)

- a. Where a residential care facility, 9 to 16 persons, is allowed as a limited use, it is subject to the following standards:
 - i. Where abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the gross floor area of the residential care facility must not exceed 5,000 square feet.
- b. Where a residential care facility, 9 to 16 persons, is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - i. Any property to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
 - ii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the [Review Body] reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

4. Residential Care Facility (Over 16 Persons)

Where a residential care facility (over 16 persons) is allowed as a conditional use, it may be permitted by the [Review Body] subject to **Div. 6.5**, Conditional Use Approval, and the following standards:

- a. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents, subject to restrictions by the [Review Body].
- b. Any property to be used as a group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- c. Where residential units are provided, the maximum residential density per lot area is 15 units per acre or the maximum density allowed in the zone whichever is greater.
- d. Where facility size is based on the number of beds, not units, the following lot area is required:
 - i. In the RR, RC and RNC zones, 2,000 square feet per bed or five acres, whichever is greater.
 - ii. In all other zones, the minimum lot area must be two acres or the following, whichever is greater:
 - (a) In RE-2, RE-1 and RLD-20: 1,200 square feet per bed.
 - (b) In RMD-6 and RMD-9: 800 square feet per bed
 - (c) In TLD, TMD, and THD: 600 square feet per bed
 - (d) In RHD-3 and RHD-2: 600 square feet per bed
 - (e) In RHD-1: 300 square feet per bed
- e. Independent dwelling units are subject to the provisions of the residential portions of the MPDU provisions of Section 25A-5 of the Montgomery County Code.
- f. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 55 years or older, with the following exceptions:
 - i. The spouse of a resident, regardless of age;
 - ii. Another relative of a resident, 50 years of age and older
 - iii. The resident widow, widower or other surviving relative is allowed to remain if a resident dies while residing at the life care facility, regardless of age.
- g. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the [Review Body] reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

Sec. 3.3.6. Accessory Residential Living

A. Live/Work

1. Defined

Buildings, or spaces within buildings, that are used jointly for non-residential and residential purposes.

B. Caretaker Unit

1. Defined

Dwelling units for caretakers or watch keepers and their families.

Div. 3.4. Civic & Institutional Uses

Sec. 3.4.1. Charitable, Philanthropic Institution

A. Defined

A private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, or environmental conservation. Does not include an organization whose purpose is the operation of a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union.

B. Use Standards

1. Where a charitable or philanthropic institution is allowed as a limited use, it is subject to the following standards:
 - a. Where abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the gross floor area of the use must not exceed 5,000 square feet.
 - b. Where not abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, a charitable or philanthropic institution is a permitted use.
2. Where a charitable or philanthropic institution is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - a. In the AC, RR, RC, and RNC Zones:
 - i. The charitable or philanthropic institution is the re-use of an existing building.
 - ii. The property fronts on and has direct access to a public road built to arterial or higher standards. Frontage on and access to an arterial or higher standard is not required where the [Review Body] finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.

- iii. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the reserved area, or the designated rural open space.
 - iv. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).
- b. In the RE-2, RE-1, RLD-20, RMD-9, and RMD-6 Zones:
- i. The property fronts on and has direct access to a road built to primary residential road or higher standards.
 - ii. Outdoor recreation facilities are screened from adjacent residential properties in accordance with [Div. 5.5](#), Landscaping and Screening.
 - iii. Any lighting associated with outdoor recreation facilities meets the requirements of [Div 5.6](#), Outdoor Lighting.

Sec. 3.4.2. Cultural Institution

A. Defined

A private facility where works of art or other objects are kept and displayed, or where books, periodicals, and other reading material is offered for reading, viewing, listening, study or reference. The objects are not typically offered for sale. Includes a museum, cultural or art exhibit, and library.

B. Use Standards

Where a cultural institution is allowed as a limited use, it is subject to the following standards:

1. Where development occurs under the cluster development provisions for the RNC and RE-2 zones, this use is not allowed in the designated rural open space.

2. A cultural institution may not exceed 5,000 square feet in gross floor area unless it is designated in the Master Plan for Historic Preservation.

Sec. 3.4.3. Day Care Facility

A. Defined, in General

A location where care for an individual is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 13 years; any developmentally disabled person; any handicapped individuals; or elderly individuals. The definition of day care facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least five years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see [Sec. 3.4.4](#), Educational Institution (Private)).

B. Exemptions

The requirements of this section do not apply to a day care center operated by a nonprofit organization and located in:

1. A structure owned or leased by a religious organization and used for worship or a structure located on premises owned or leased by a religious organization that is adjacent to premises regularly used as a place of worship;
2. A structure used for private parochial education purposes which is exempted from the conditional uses standards under [Sec. 3.4.4](#); or
3. A publicly-owned building.

C. Family Day Care (Up to 8 Persons)

1. Defined

A day care facility for a maximum of eight persons in the residence of the provider where staffing complies with state and local regulations, but no more than two nonresident staff members are on site at any time. The provider's own children under the age of six are counted within the group of eight.

D. Group Day Care (9 to 12 Persons)

1. Defined

A day care facility for 9 to 12 persons where staffing and facility comply with state and local regulations. The provider's own children under the age of six are counted within the group of 12.

2. Use Standards

- a. Where a group day care is allowed as a limited use, it is subject to the following standards:
 - i. The facility must not be located in a townhouse or attached house;
 - ii. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the reserved area, or the designated rural open space; and
 - iii. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).
- b. Where a group day care for 9 to 12 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards and [Div. 6.5](#), Conditional Use Approval.

E. Day Care Center (13 to 30 Persons)

1. Defined

A day care facility for 13 to 30 persons where staffing and facility comply with state and local regulations.

2. Use Standards

Where a day care center for 13 to 30 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div 6.5](#), Conditional Use Approval and the following standards:

- a. The facility must not be located in a townhouse or attached house;
- b. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space; and

- c. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

F. Day Care Center (Over 30 Persons)

1. Defined

A day care facility for over 30 persons where staffing and facility comply with state and local regulations.

2. Use Standards

- a. Where a day care center is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the following standards apply:
 - (a) The gross floor area of the use must not exceed 10,000 square feet;
 - (b) Minimum lot size of one acre; and
 - (c) The facility must not be located in a townhouse or attached house.
- b. Where a day care center for over 30 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, [Div 6.5](#), Conditional Use Approval and the following standards:
 - i. All required parking is in the rear or side yards; however, required parking may be located between the structure and the street where the [Review Body] finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
 - ii. The [Review Body] may limit the number of children outside at any one time.
 - iii. In the RE-2, RE-1, RLD-20, RMD-9 and RMD-6 zones, the day care center is located on a property containing at least 500 square feet per person. The [Review Body] may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per child where it finds that:

- (a) The facility will predominately serve children from an age range that requires limited outdoor activity space;
 - (b) The additional density will not adversely affect adjacent properties; and
 - (c) Additional traffic generated by the additional density will not adversely affect the surrounding streets.
- iv. The number of persons permitted for overnight care is limited to 20% of enrollment.
 - v. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the reserved area, or the designated rural open space.
 - vi. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.4.4. Educational Institution (Private)

A. Defined

A private school or educational or training institution, providing instruction or programs of learning. A private educational institution may include tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are not enrolled as students in the institution's academic program. Does not include schools operated by the County Board of Education.

B. Exemptions

The requirements of this section do not apply to the use of any property for any private educational institution or parochial school which is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any of its agencies, Montgomery County or any incorporated village or town within Montgomery County. This exemption does not apply to any private educational institution which received approval by the [Review Body] to operate a private educational institution conditional use in a building or on a lot, lots or tract of land that was

not owned or leased by any church or religious organization at the time the decision of the [Review Body] was issued.

C. Use Standards

1. Where a private educational institution is allowed as a limited use, it is subject to the following standards:
 - a. Where abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use:
 - i. The gross floor area of the use must not exceed 10,000 square feet;
 - ii. Minimum lot size of one acre; and
 - iii. No more than 30 students.
 - b. Where a private educational institution is allowed as a conditional use, it may be permitted by the [Review Body] subject **Div. 6.5**, Conditional Use Approval, and the following standards:
 - i. The private educational institutional will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood.
 - ii. The private educational institution will be in a building compatible with the residential character of the surrounding neighborhood, and, if the private educational institution is located on a lot of two acres or less, in either an undeveloped area or an area substantially developed with single-family homes, the exterior architecture of the building must be similar to a single-family home design, and at least comparable to any existing homes in the immediate neighborhood.
 - iii. That the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community.
 - iv. The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the [Review Body] considering the following factors:
 - (a) Traffic patterns, including:
 - (i) Impact of increased traffic on residential streets;
 - (ii) Proximity to transit services, arterial roads and major highways; and
 - (iii) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code.
 - (b) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and
 - (c) Noise or type of physical activity.
- v. Density greater than 87 pupils per acre may be permitted only where the [Review Body] finds that:
 - (a) The program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
 - (b) The additional density will not adversely affect adjacent properties; and
 - (c) Additional traffic generated by the additional density will not adversely affect the surrounding streets.
- vi. Outdoor recreation facilities are screened from adjacent residential properties in accordance with **Div. 5.5**, Landscaping and Screening.
- vii. Any lighting associated with outdoor recreation facilities meets the requirements of **Div 5.6**, Outdoor Lighting.
- viii. If a private educational institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses; (ii) art education programs; (iii) artistic performances; (iv) indoor and outdoor recreation programs; or (v) summer day camps, the [Review Body] must find, in addition to the other required findings for the grant of a conditional use, that the activities in combination with other activities of the institution,

will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the [Review Body] must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board.

- ix. The [Review Body] may limit the number of participants and frequency of events authorized in this section.
- x. Where development occurs under the cluster development provisions for the RNC zones, this use is not allowed in the designated rural open space.

Sec. 3.4.5. Fire/EMS Service (Private)

A. Defined

Volunteer, privately supported or non-profit facilities providing fire protection, rescue and ambulance services.

B. Use Standards

1. Where a private fire/EMS service is allowed as a limited use, it is subject to the following standards:
 - a. The total site area must be 20,000 square feet or the minimum area lot size for a detached house building type in the zone, whichever is greater.
 - b. The minimum frontage must be 100 feet or the minimum frontage for a detached house building type in the zone, whichever is greater.
2. Where a private fire/EMS is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards and Div. 6.5, Conditional Use Approval.

Sec. 3.4.6. Hospital

A. Defined

An institution providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care. Related facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities and staff offices integral to the facility are accessory to the hospital. Does not include a stand-alone hospice (see Sec. 3.3.5.E, Residential Care Facility).

B. Use Standards

Where a hospital is allowed as a conditional use, it may be permitted by the [Review Body] subject to Div. 6.5, Conditional Use Approval and the following standards:

1. The [Review Body] finds that the hospital will not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the present character or future development of the surrounding residential community.
2. The minimum area of the lot is five acres;
3. The minimum front street building setback is 200 feet.
4. No portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, where the adjoining or nearest adjacent land is zoned single-family detached residential or is used solely for single-family detached residences, and in all other cases not less than 50 feet from a lot line.
5. Off-street parking shall be located so as to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas.
6. Parking shall be limited to a minimum in the front yard.
7. The maximum building height is 145 feet.

Sec. 3.4.7. Park, Playground (Private)

A. Defined

An area used for outdoor play or recreation, often containing recreational equipment such as slides or swings. Includes both passive and active facilities, trails and greenways.

Sec. 3.4.8. Private Club, Service Organization

A. Defined

An association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

B. Use Standards

1. Where a private club or service organization is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the gross floor area of the use must not exceed 10,000 square feet.
2. Where a private club or service organization is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - a. The minimum lot size required is twice the minimum required for a detached house building type in the zone, up to a maximum of three acres.
 - b. The maximum building coverage allowed is 15%, up to a maximum building coverage including accessory buildings of 20,000 square feet whichever is less.
 - c. The minimum green area requirement is 50%.
 - d. For each 1,000 square feet of floor area 2.5 parking spaces must be provided on site.
 - e. Where development occurs under the cluster development provisions for the RC, RNC and RE-2 zones, this use is not allowed in the designated rural open space.

- f. In the AC zone, this use may not be permitted (See [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.4.9. Public Use (Except Utilities)

A. Defined

A publicly-owned or publicly operated use. Includes county office buildings, maintenance facilities, public schools and parks, post office, state and federal buildings. Does not include public utility buildings or structures (see [Sec. 3.6.6](#), Utilities).

B. Use Standards

Where a public use is allowed as a limited use, under the cluster development provisions for the RC and RNC zones, this use is not allowed in the reserved area or designated rural open space.

Sec. 3.4.10. Religious Assembly

A. Defined

A meeting area for religious practices. Includes church, synagogue and mosque. Includes a memorial garden on the premises.

B. Use Standards

Where a religious assembly facility is allowed as a limited use, it is subject to the following standards:

1. Where development occurs under the cluster development provisions for the RC and RNC zones, this use is not allowed in the reserved area, or the designated rural open space.
2. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.4.11. Swimming Pool (Community)

A. Defined

A private swimming pool shared by its members. Does not include swimming pools integrated into residential communities and owned by a homeowner's association or pools on individual detached house lots. Tennis courts may be allowed as an ancillary use.

B. Use Standards

Where a community swimming pool is allowed as a conditional use, it may be permitted by the [Review Body] subject to **Div. 6.5**, Conditional Use Approval, and the following standards:

1. The swimming pool, including the pool deck and any buildings, must be setback at least 75 feet from any property line shared with a property in a residential or agricultural zone or at least 125 feet from any existing residential dwelling, whichever is greater.
2. The swimming pool, including the pool deck and any buildings, must be setback at least 25 feet from any public right-of-way or property line shared with a property in a commercial or industrial zone.
3. Buildings must comply with the requirements of the zone in which the pool is located.
4. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse affect on the private water supply for the community.
5. Where development occurs under the cluster development provisions for the RNC zones, this use is not allowed in the designated rural open space.

Div. 3.5. Commercial Uses

Sec. 3.5.1. Animal Services

A. Defined, In General

Facility providing care for animals. Does not include any use considered accessory to farming.

B. Use Standards for All Animal Services

1. For all buildings in which animals will be present, sound levels emanating from the interior of the building must comply with Chapter 31B of the Montgomery County Code as measured at the property line.
2. The applicant must submit the following additional information:
 - a. Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - b. Detailed floor plans that show all the interior areas, including runs and kennels.
3. Any accessory operation, such as the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an accessory activity to a percentage of sales not to exceed 20%.
4. All litter and animal waste must be contained and controlled on the site.
5. If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
6. Where animal services are allowed as a conditional use, the [Review Body] may regulate hours of operation. The [Review Body] may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked or kept.
7. Where development occurs under the cluster development provisions for

the RC and RNC zones, this use is not allowed in the reserved area, or the designated rural open space.

8. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

C. Animal Care (Indoor)

1. Defined

Any building used, designed or arranged for the care of animals with limited outdoor on-leash activity. Outdoor runs, exercise yards or other such facilities are not allowed. Includes indoor boarding, grooming, animal day care and veterinary service.

2. Use Standards

- a. Where indoor animal care is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, it may be allowed provided the gross floor area of the use does not exceed 5,000 square feet.
- b. Where indoor animal care is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - i. All buildings and accessory structures must be set back 50 feet from any residential property line; and
 - ii. In RMD-9, and RMD-6 zone:
 - (a) The maximum lot size is one-half acre; and
 - (b) Animals must not be walked or exercised in outdoor areas that are off-site.
 - iii. In the RMD-6 zone, animal care must be located on a property with frontage on a road with an existing right-of-way width of no less than 90 feet, that confronts a mixed-use or employment zoned property.

D. Animal Care (Outdoor)

1. Defined

Any building or land used, designed or arranged for the care of animals including outdoor activity areas such as runs or exercise yards. Includes grooming, animal day care, veterinary service, and outdoor boarding.

2. Use Standards

Where outdoor animal care is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The minimum lot size is two acres or the minimum lot size required for a detached house building type in the zone, whichever is greater.
- b. Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any property line.
- c. All exterior exercise areas and runs must be fenced for the safe confinement of animals.
- d. No animal may be outdoors between 9:00 p.m. and 7:00 a.m.
- e. Animals must not be walked or exercised in outdoor areas that are off-site.
- f. The sound at the nearest property line cannot exceed 60 dBA.

Sec. 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

A system of antennas, towers, and cables operated with the purpose of transmitting or receiving electronic signals, programs and services in which the signals are distributed to subscribing members of the public. Does not include any facility where the cables do not cross public rights-of-way and that serves only the occupants of a single parcel of land under common ownership or management.

2. Use Standards

- a. Where a cable communications system is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:
 - i. Any proposed tower must be setback one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.
 - ii. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
 - iii. Structures, buildings and facilities in which or on which component elements of a cable communications system are located or which otherwise support the system, and which are operated by the entity operating the cable communications system pursuant to a franchise awarded by Montgomery County, may be allowed upon approval by the [Review Body].
 - iv. Offices are not permitted in residential zones as part of the cable communications system.
 - v. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.
- b. The transmission and distribution lines, wires and cables that are component elements of a cable communications system are permitted uses in any zone.

B. Freestanding Wireless Communications Tower

1. Defined

Any structure other than a building established for the purpose of providing wireless voice, data or image transmission within a designated service area. Does not include amateur radio antenna (see [Sec. 3.5.14.A](#), Amateur Radio Facility) or radio or TV tower (see [Sec. 3.5.2.C](#), Media Broadcast Tower).

2. Use Standards

Where a freestanding wireless communications tower is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. Prior to the [Review Body] granting any conditional use for a freestanding wireless communications tower the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the [Review Body] regarding the tower with the application. The recommendation must be no more than one year old.
- b. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.
- c. A communications tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - i. No freestanding wireless communications tower is allowed in any scenic setback indicated on an approved and adopted master plan.
 - ii. In the AC, RR, RC, RNC, RE-2, RE-1, RLD-20, RMD-9, RMD-6, TLD, TMD, THD, RHD-3, RHD-2, and RHD-1 zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
 - iii. In the CRN, CRT, CR, EG, ELS, EOF, IL and IH zones, a distance of one-half foot for every foot of height.
 - iv. The [Review Body] may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, and visibility from the street. A reduced setback may not be approved if there is no location on the site where setback requirements can be met.
- d. The support structure and antenna must not exceed 155 feet in height, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to the Department of Permitting Services that the height and location of the support structure is in conformance with the height and location of the support structure as authorized in the building permit.
- e. The support structure must be sited to minimize its visual impact. The [Review Body] may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.
- f. The property owner must be an applicant for the conditional use for each support structure.
- g. A modification of a conditional use is not required for a change to any use within the conditional use area not directly related to the conditional use grant.
- h. A support structure must be constructed to hold no less than three wireless communication carriers unless the [Review Body] finds:
 - i. That collocation at the site is not essential to the public interest; and
 - ii. That construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- i. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.
- j. No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

- k. The support structure must be removed at the cost of the owner of the freestanding wireless communications tower when the wireless free-standing communications tower is no longer in use by any wireless communication carrier for more than 12 months.
- l. The support structure must be identified by a sign no larger than two square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the [Review Body] notified within 10 days of any change in ownership.
- m. Each owner of the freestanding wireless communications tower is responsible for maintaining the wireless communications tower in a safe condition.

C. Media Broadcast Tower

1. Defined

Any facility used to transmit radio or television communications that are intended to be received by the general public. Includes radio and microwave antenna. Does not include amateur radio antenna (see [Sec. 3.5.14.A](#), Amateur Radio Facility) or wireless tower (see [Sec. 3.5.2.B](#), Freestanding Wireless Communications Tower).

2. Use Standards

Where a media broadcast tower is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. Prior to the [Review Body] granting any conditional use for a media broadcast tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the [Review Body] regarding the tower with the application. The recommendation must be no more than one year old.
- b. Any media broadcast tower that is collocated on an existing tower is not required to obtain a conditional use permit. A modification of a media broadcast tower conditional use permit is not required for a change to any use within the conditional use area not directly related to the conditional grant.
- c. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the reserved area.
- d. Any support structure is set back from the property line a distance of one foot from the property line for every foot of height of the support structure or 275 feet from any off-site dwelling in a residential or agricultural zone, whichever is greater, measured from the base of the support structure. The [Review Body] may reduce the setback requirement to not less than the building setback for a general building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on the site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties and visibility from the street. A reduced setback may not be approved where there is no location on the site where setback requirements can be met.
- e. The support structure may not exceed 275 feet in height, except where it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to the Department of Permitting Services that the height and location of the support structure as built is in conformance with the height and location of the support structure as authorized in the building permit.
- f. The support structure has been sited to minimize its visual impact. The [Review Body] may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topog-

raphy, existing vegetation and environmental features, and adjoining and nearby residential properties.

- g. The property owner is an applicant for the conditional use for each support structure.
- h. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower. The outdoor storage of equipment or other items is prohibited.
- i. No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- j. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- k. Any support structure is identified by a sign no larger than two square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the [Review Body] notified within 10 days of any change in ownership.
- l. The owner of the facility is responsible for maintaining the facility in a safe condition.

Sec. 3.5.3. Eating & Drinking

A. Country Inn

1. Defined

An establishment for dining in a rural area. A country inn may include a maximum of 12 overnight guest rooms.

2. Use Standards

Where a country inn is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The minimum lot area is two acres.

- b. The maximum building coverage is 10%.
- c. At least 50% of the lot must be devoted to green area.
- d. The minimum setback from any street is 50 feet. Minimum setback from any other boundary of the lot is 75 feet.
- e. A lawfully existing structure may be used that does not meet these requirements.
- f. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the reserved area.

B. Restaurant

1. Defined

Establishments that prepare and sell food or drink for on- or off-site consumption. Includes catering and banquet facilities. Does not include drive-through facilities (see [Sec. 3.5.14.C](#), Drive Through Facilities).

2. Use Standards

Where a restaurant is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the following standards apply:

- a. The gross floor area of the use must not exceed 5,000 square feet.
- b. 100 square feet of outdoor seating is allowed for every restaurant. An additional 33 square feet of outdoor seating is allowed for every 1,000 square feet over 3,000 square feet of restaurant gross floor area.
- c. All required parking must be accommodated on the site itself.

Sec. 3.5.4. Funeral and Interment Services

A. Cemetery

1. Defined

A place used for the permanent interment of humans or animals or their cremated remains. Does not include a memorial garden on the premises of a religious institution (see [Sec. 3.4.10](#), Religious Assembly).

2. Use Standards

Where a cemetery is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The proposed location is compatible with adjacent land uses, and will not adversely affect the public health, safety and welfare of the inhabitants of the area.
- b. All grave sites are sufficiently set back to establish a buffer between the site and surrounding properties. The buffer area so created must be suitably landscaped with trees and shrubs.
- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there is adequate filtration of drainage between burial depth and the level of high water table.
- d. In the AC, RR and RC zones, a family burial site is allowed as an accessory use on a residentially developed property and may be approved on a lot or parcel that is appropriate to the circumstances and is at least 25 acres in size. A family burial site must be set back at least 100 feet from any adjoining residential property and at least 50 feet from any existing or master-planned street. The use of any property for a family burial site must be recorded in the lands records of Montgomery County.
- e. Where development occurs under the cluster development provisions for the RC, RNC and RE-2 zone, this use is not allowed in the reserved area or the designated rural open space.

B. Crematory Services

1. Defined

A facility in which cremation occurs.

C. Funeral Home, Undertaker

1. Defined

A facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and

conduct business with the establishment; conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

Where a funeral home or undertaker is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The cremation of remains is prohibited.
- b. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.
- c. The property and building must conform to the following:
 - i. In the RE-2, RE-1, RLD-20, and RMD-9 zones, the minimum lot area is two acres.
 - ii. Minimum side setback is 50 feet.
 - iii. Minimum rear setback is 50 feet.
 - iv. Public water and sewer are available and must be used for the operation of the facility. Where public water and sewer are not available, no chemicals may be used in the burial preparation.
 - v. Frontage upon and access to a street or roadway at least four travel lanes.
- d. Where development occurs under the cluster development provisions for the RE-2 zone, this use is not allowed in the designated rural open space.
- e. In the AC zone, this use is allowed only where operating in conjunction with a cemetery established by conditional use approval before August 20, 2001. Further, this use may not be permitted (see [Sec. 3.1.6](#) Transferable Development Rights).

Sec. 3.5.5. Landscape Contractor

A. Defined

The business of designing, installing, planting, or maintaining lawns, gardens, or other landscaping and snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location. Includes tree installation, maintenance or removal.

B. Use Standard

Where a landscape contractor is allowed as a conditional use, it may be permitted by the [Review Body] subject to the following standards:

1. In the agricultural, rural and residential zones the minimum area of the lot must be two acres. The [Review Body] may require a larger area if warranted by the size and characteristics of the inventory or operation.
2. Building and parking setbacks must be a minimum of 50 feet.
3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on site may be limited by the [Review Body] so as to preclude an adverse impact on adjoining uses. Adequate parking must be provided on site for the total number of vehicles and trailers permitted.
4. No sale of plant materials, garden supplies, or equipment is permitted unless the contracting business is associated with a retail or wholesale nursery.
5. The [Review Body] may regulate hours of operation and other on-site operations so as to prevent adverse impact on adjoining uses.
6. Where development occurs under the cluster development provisions for the RC and RNC zone, this use is not allowed in the reserved area or the designated rural open space.
7. In evaluating the compatibility of the landscape contractor with surrounding land uses, the [Review Body] must consider that the impact on surrounding land uses in an agricultural zone does not necessarily need to be controlled as stringently as the impact on a dwelling in a residential zone.

Sec. 3.5.6. Lodging

A. Defined, In General

A facility for short-term overnight lodging of guests for compensation.

B. Bed & Breakfast

1. Defined

A detached house that is owner-occupied with no more than five guest rooms. Breakfast is customarily served to guests.

2. Use Standards

- a. Where a bed & breakfast is allowed as a limited use, it is subject to the following standards:
 - i. A bed & breakfast is not permitted in a dwelling unit that also provides guest rooms for roomers, or in a farm tenant dwelling, or on a property that includes an accessory apartment.
 - ii. The display of a sign must include the official house number.
 - iii. Breakfast is the only meal that may be served.
 - iv. Meals must not be provided for compensation to any nonresident of the bed and breakfast.
 - v. A visitor must not remain in a bed & breakfast for more than 30 days in any one visit.
 - vi. A record of all overnight visitors must be maintained.
 - vii. The bed & breakfast must be registered with the Department of Permitting Services.
 - viii. The minimum area of the lot or parcel must be the greater of 9,000 square feet or the minimum lot size for a detached house building type in the zone.
 - ix. On a lot of less than two acres, a maximum of three bedrooms may be designated as guest rooms for which compensation is charged.
 - x. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

- b. Where a bed and breakfast is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, Div. 6.5, Conditional Use Approval and the following standards:
 - i. The [Review Body] may deny a petition for bed & breakfast lodging with frontage on and access to a road built to less than primary residential standards if it finds that road access will not be safe and adequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
 - ii. In order to preclude adverse neighborhood impact and assure that the residential use remains predominant, the [Review Body] may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

C. Hotel, Motel

1. Defined

A facility containing guest rooms arranged for short term stays of less than 30 days for compensation. May contain one or more restaurants, meetings rooms or banquet facilities. Includes hostel.

2. Use Standards

Where a hotel, motel is allowed as a conditional use, it may be permitted by the [Review Body] subject to Div. 6.5, Conditional Use Approval and the following standards:

Sec. 3.5.7. Medical & Dental

A. Clinic (up to 4 medical practitioners)

1. Defined

Any building occupied by medical practitioners (such as a licensed physician, surgeon, dentist, osteopath, chiropractor or optometrist) and related services for the purpose of providing health services to people on an outpatient basis.

2. Use Standards

Where a clinic for up to 4 medical practitioners is allowed as a conditional use, it may be permitted by the [Review Body] subject to Div. 6.5, Conditional Use Approval, and the following standards:

- a. Minimum front lot width is 100 feet.
- b. Minimum setback from adjoining lot is 40 feet.
- c. The property must front on and have direct access to an arterial or higher standard roadway.
- d. Office space suitable for the practice of the profession must be unavailable in either the nearest commercial zone or the nearest medical clinic office building constructed according to a conditional use grant.
- e. No more than four additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

B. Clinic (more than 4 practitioners)

1. Defined

A facility occupied by medical or dental practitioners, and any related services, for the purpose of providing health services to people on an outpatient basis. Does not include emergency medical care accessory to a hospital.

2. Use Standards

Where a clinic for more than four practitioners is allowed as a limited use, and where abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use the following standards apply:

- a. The gross floor area of the use must not exceed 10,000 square feet;

- b. Minimum lot size must be one-half acre; and
- c. All required parking must be accommodated on the site itself.

C. Medical, Dental Laboratory

1. Defined

A private, non-profit or research facility for the testing of blood and other clinical specimens. May conduct fabrication of medical or dental appliances. Includes blood or plasma donation center.

Sec. 3.5.8. Office & Professional

A. Office

1. Defined

Activities conducted in an office setting and generally focusing on business, professional or financial services. Includes chancery. Does not include medical, dental laboratory (see [Sec. 3.5.7.C](#), Medical, Dental Laboratory), medical, dental practice (see [Sec. 3.5.7](#), Medical & Dental) or veterinary hospital (See [Sec. 3.5.1.A](#), Animal Care, Indoor).

B. Nonresident Professional Office

1. Defined

An existing single-family structure used for professional office purposes by any member of a recognized profession, such as but not limited to psychiatrist, lawyer, architect, accountant, or engineer.

2. Use Standards

Where a nonresident professional office is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. A general business office such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank, or real estate company are not permitted.
- b. The property must be:
 - i. Designated as suitable for a nonresidential professional office in an approved and adopted master or sector plan and located along a road with an existing right-of-way width of at least 90 feet;
 - ii. Located on a property designated as a historic resource in the Master Plan for Historic Preservation, and located along a road with an existing right-of-way of at least 120 feet and containing structures formerly used for non-residential purposes; or
 - iii. Located on a property that abuts a fire station, police station, ambulance squad or rescue squad.

- c. The [Review Body] must find that the professional office:
 - i. Will not constitute a nuisance because of traffic or physical activity;
 - ii. Will not adversely affect the use and development of adjacent properties; and
 - iii. Will have at least 25% of lot area devoted to green area.

C. Research & Development

1. Defined

Study, research, and experimentation in one or more scientific fields such as life sciences, biomedical research, communications, chemistry, computer science, electronics, medicine, and physics. Research and development also includes the development of prototypes and the marketing of resultant products. Related activities include the manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of products. Supporting services such as administrative offices, educational facilities, libraries, and data services are other examples of related activities.

Sec. 3.5.9. Parking

A. Defined

A facility that provides parking for motor vehicles where the facility is not accessory to a principal use. A fee may be charged.

B. Structured Parking

1. Defined

Structured parking as a principal use.

C. Surface Parking for any Use Allowed in the Zone

1. Defined

Surface parking as a principal use in connection with any Permitted or Limited use allowed in the zone.

2. Use Standards

Where surface parking for any permitted or limited use allowed in the zone is allowed as a limited use, it is subject to the following standards:

- a. In the RE-2 and RE-1 zones:
 - i. Not more than three light commercial vehicles.
 - ii. Not more than one unoccupied recreation vehicle may be parked on any lot at any time. One additional recreation vehicle may be used on a lot for dwelling purposes for not more than three days in any month.
 - iii. A tow truck is not permitted to park with a vehicle attached.
- b. In the RLD-20, RMD-9 and RMD-6 zones:
 - i. One light commercial vehicle may be parked on any lot or parcel.
 - ii. A tow truck is not permitted to park with a vehicle attached.
 - iii. One recreation vehicle may be parked on a lot or parcel, however it must not be used for dwelling purposes for more than three days in any month.
 - iv. Parking for any vehicle or trailer in a front yard must be on a surfaced area; however, temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year.

D. Surface Parking for Commercial Uses in an Historic District

1. Defined

Surface parking of motor vehicles on land zoned agricultural, rural or residential adjacent to land zoned commercial or mixed-use in a master plan-designated historic district.

2. Use Standards

- a. Where surface parking for commercial uses in an historic district is allowed as a limited use, it is subject to the following standards:
 - i. The land zoned agricultural, rural or residential is currently vacant. No existing structures are to be removed or relocated to provide parking;
 - ii. The amount of parking proposed is the minimum required under **Div. ##** for the commercial use proposed. No extra spaces are to be provided;
 - iii. No portion of the parking area will be located forward of the front building line of the commercial structure being served by the parking except that in the case of a through lot with two front yards, parking must normally front on the road with the lesser classification; and
 - iv. Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process (**Chapter 24A-7**).
- b. Where surface parking for any use not allowed in the zone is allowed as a conditional use, it may be permitted by the [Review Body] subject to **Div. 6.5**, Conditional Use Approval.

Sec. 3.5.10. Recreation & Entertainment

A. Adult Entertainment

1. Defined

An establishment that:

- a. Sells, rents, exhibits, or displays adult entertainment materials using a floor area that is more than 10% of the total floor area for selling, renting, exhibiting, or displaying all materials;
- b. Features nude persons or adult entertainment performances; or
- c. Otherwise requires a County license as an adult entertainment business.

2. Use Standards

Where adult entertainment is allowed as a limited use, it is subject to the following standards:

- a. The adult entertainment materials must not be visible from outside the establishment.
- b. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- c. The adult entertainment business must be located at least 750 feet from any property: (A) located in a residential zone, or (B) on which a school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any property located in a residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.
- d. An adult entertainment business may continue as a non-conforming use if a school, library, park, playground, recreational facility, day care center, place of worship, or residential zone is established within 750 feet of the adult entertainment business after the business was established.

- e. An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- f. If adult booths are located on the premises:
 - i. The booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;
 - ii. The booths must not be equipped with a door or curtain that would screen the booth's interior from the common areas of the premises;
 - iii. The booths must be designed to prevent physical contact with another person;
 - iv. The booths must be illuminated at all times;
 - v. The booths must not allow any holes in the partitions between the adult booths; and
 - vi. No person under the age of 18 years is permitted to enter the premises.

B. Campground

1. Defined

A facility used for two or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

2. Use Standards

Where a campground is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The density of campsites does not exceed an average of 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings.
- b. Each campsite, excluding parking space, provides a minimum of 900 square feet.
- c. The site is at least 10 acres and has frontage of at least 150 feet abutting a public right-of-way; unless the [Review Body] waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.

- d. All campsites are located at least 100 feet from any property line, and at least 50 feet from any public right-of-way.

C. Conference Center

1. Defined

Facilities for conducting meetings, discussions and conferences. Includes meeting rooms, auditoriums, cafeterias, dining rooms, recreational uses, and supporting services designed to accommodate planned meetings. Does not include hotel, or motel (see [Sec. 3.5.6.C](#), Hotel, Motel).

2. Use Standards

Where a conference center is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

D. Golf Course, Country Club

1. Defined

The course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts and pools. Food, refreshments, and entertainment for club or organization members and their guests may be provided.

2. Use Standards

Where a golf course, with or without a country club, is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The maximum building coverage is no more than three percent.
- b. The minimum setback for a principal building is 50 feet.
- c. Minimum of 200 feet of frontage on a road of arterial or higher classification in a residential zone.
- d. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools must be set back at least 100 feet from property lines shared with a property in an agricultural or residential zone. The [Review Body] may reduce this setback

where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

E. Health Clubs and Facilities

1. Defined

A facility designed to enhance physical conditioning and general health. Includes dance, martial arts, and yoga studios.

2. Use Standards

Where a health club or health facility is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the gross floor area of the use must not exceed 5,000 square feet.

F. Recreation & Entertainment Facilities, Major (Capacity Over 1,000 people)

1. Defined

A private commercial facility for staging performances or cultural, sporting, or general public interest events for over 1,000 participants or attendees. May be enclosed or outdoors.

2. Use Standards

Where a major recreation or entertainment facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

G. Recreation & Entertainment Facility, Indoor (Capacity Up to 1,000 people)

1. Defined

Commercial uses, providing daily or regularly scheduled recreation-oriented or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Does not include indoor shooting range (see [Sec. 3.5.10.I](#), Shooting Range, Indoor).

2. Use Standard

Where an indoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

H. Recreation & Entertainment Facility, Outdoor (Capacity Up to 1,000 people)

1. Defined

A commercial facility varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting. May take place wholly outdoors or within a number of outdoor structures. Includes golf driving range. Does not include golf course, country club (see [Sec. 3.5.10.D](#), Golf Course, County Club), or shooting range (outdoor) (see [Sec. 3.5.10.J](#), Shooting Range, Outdoor).

2. Use Standard

Where an outdoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval and the following standards:

- a. In the RE-2 zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be at least 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.

- vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened

- b. In the RLD-20 zone:

- i. Only an outdoor catering facility is allowed.
- ii. The site must be 80 acres or more in size.
- iii. The maximum building height is 20 feet.
- iv. Any structure, building, or parking area must be setback from any property line a minimum of 100 feet.
- v. The site must have direct access to a public road that is built to primary or higher standards.
- vi. Other than a permanent food preparation building, permanent structures are limited to open pavilions.

I. Shooting Range, Indoor

1. Defined

An indoor rifle or pistol range.

2. Use Standard

Where an indoor shooting range is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

J. Shooting Range, Outdoor

1. Defined

An outdoor rifle, pistol, skeet or trap shooting range.

2. Use Standard

Where an outdoor shooting range is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. Adjacent areas are predominantly undeveloped.
- b. The hours of operation are compatible with adjacent existing uses.

- c. The use is established for a period of three years, subject to renewal by [Review Body].
- d. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the reserved area.
- e. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.5.11. Retail Sales & Service

A. Rural Antique Shop

1. Defined

The sale of items belonging to, made in, or typical of an earlier period.

2. Use Standards

Where a rural antique shop is allowed as a conditional use, it may be permitted by the [Review Body].subject to the following standards:

- a. The shop must be located in an existing building or part of an existing building.
- b. The original character of the building must be maintained.
- c. The structure must be five or more years old.
- d. If the property is located in the RLD-20 zone, it must abut land in the AC zone.
- e. Where development occurs under the cluster development provisions for the RC and RNC zone, this use is not allowed in the reserved area, or designated rural open space.
- f. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

B. Rural Country Market

1. Defined

The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A rural country market includes the display and sale of

non-edible farm products only if the products are grown and processed on farms in the State of Maryland. A rural country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishment (including a drive-in restaurant).

2. Use Standards

Where a rural country market is allowed as a conditional use, it may be permitted by the [Review Body] provided that when development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.

C. Tenants

1. Defined

A retailer providing personal services and/or sale of goods to the general public. Does not include animal services (see [Sec. 3.5.1](#), Animal Services) or drive-through facilities (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

2. Use Standards

Where tenants providing retail sales and service are allowed as a limited use, they are subject to the following standards:

- a. In the RHD-1 zone:
 - i. The apartment/condo building type must contain at least 150 dwelling units, be at least 60 feet in height, and be on a tract of land of at least five acres.
 - ii. No more than 10% of the gross floor area of the building(s) may be used for incidental retail sales and personal service.
 - iii. Only small-scale retail sales and personal service establishments may be permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.

- b. In the CRN zone, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, the minimum lot size is 20,000 square feet and all required parking must be provided on site.
- c. In the ELS and EOF zones, retail sales and services are limited to a maximum of 30% of the gross floor area of development approved under one application.
- d. In the CRT, CR, and EG zones, retail sales and service [commentary: coordinate with "big box" ZTA.]

Sec. 3.5.12. Vehicle/Equipment Sales & Rental

A. Heavy Vehicle/Equipment

1. Defined

Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes 18-wheelers, commercial box trucks, high-lifts, construction and heavy earthmoving equipment.

2. Use Standards

Where heavy vehicle or equipment sales and rental is allowed as a conditional use, it may be permitted by the [Review Body] subject to the following standards:

- a. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback 15 feet from any right-of-way, 15 feet from any property line adjoining land in a residential zone, and 3 feet from any other property line.
- b. There must be at least 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- c. When such use occupies a corner lot, no access driveway must be located less than 20 feet from the intersection of the front and side street rights-of-way, and may not exceed 30 feet in width.

- d. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.

B. Light Vehicle/Equipment, Indoor

1. Defined

Indoor sales, rental or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent or lease is allowed as an incidental use.

2. Use Standards

Where indoor light vehicle or equipment sales and rental is allowed as a limited use, it is subject to the following standards:

- a. Minimum site area of one acre.
- b. Access to the site must be taken from a Business or higher street classification.

C. Light Vehicle/Equipment, Outdoor

1. Defined

Outdoor sales, rental or leasing of light equipment and vehicles. The minor repair of vehicles and equipment for sale, rent or lease is allowed as an incidental use.

2. Use Standards

- a. Where outdoor light vehicle or equipment sales and rental is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, it is subject to the following standards:
 - i. Minimum site area of one acre; and
 - ii. Access to the site must be taken from a Business or higher street classification.
- b. Where outdoor light vehicle or equipment sales & rental is allowed as a conditional use, it may be permitted by the [Review Body] subject to the following standards:

- i. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback 15 feet from any right-of-way, 15 feet from any property line adjoining land in a residential zone, and 3 feet from any other property line.
- ii. There must be at least 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- iii. When such use occupies a corner lot, no access driveway must be located less than 20 feet from the intersection of the front and side street rights-of-way, and exceed 30 feet in width.
- iv. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.

Sec. 3.5.13. Vehicle Service

A. Car Wash

1. Defined

A principal use of land or a structure with mechanical or hand-operated facilities used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

- a. Where a car wash is allowed as a limited use, it is subject to the following standards:
 - i. When a car wash occupies a corner lot, the ingress or egress driveways are located at least 20 feet from the intersection of the front and side street lines of the lot.
 - ii. There must be no obstructions which adversely affect visibility at intersections or to the car wash driveways.
 - iii. All driveways must be perpendicular to the curb or street line.

- iv. One parking space for each employee and vehicle stacking space equivalent to five times the vehicle capacity of the automatic car wash and three times the vehicle capacity of the manual car wash bays, is provided.
- v. The applicant must demonstrate that the vehicles using the car wash will not queue off-site.
- vi. Where abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use:
 - (a) All buildings must be set back at least 100 feet from the abutting residential property line; and
 - (b) All parking and drive aisles for vehicles must be set back at least 50 feet from the abutting residential property line.
- b. Where a car wash is allowed as a conditional use, it may be permitted subject to all limited use standards and [Div. 6.5](#), Conditional Use Approval.

B. Fuel Sales

1. Defined

An area of land, including buildings and other structures that is used to primarily dispense motor vehicle fuels to the consumer. Major repair service (excluding body work and paint) and minor repair service are allowed as an incidental use. No storage or parking is offered for rent. Includes accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles, are limited to two bays.

2. Use Standards

Where fuel sale is allowed as a conditional use, it is subject to [Div. 6.5](#), Conditional Use Approval and the following standards:

- a. Minimum site area of 20,000 square feet.
- b. Access to the site must be taken from a business or higher street classification.
- c. Site lighting may be no brighter than 0.5 foot candles at the property line.

- d. Product displays, parked vehicles and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
- e. When such use occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.
- f. Each gasoline pump or other service appliance must be located on the lot at least 10 feet behind the building line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building. There must be at least 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line.
- g. Vehicles shall not be parked so as to overhang the public right-of-way.
- h. One parking space for each employee and vehicle stacking space equivalent to five times the vehicle capacity of the automatic car wash and three times the vehicle capacity of the manual car wash bays must be provided.
- i. The applicant must demonstrate that the vehicles using the car wash will not queue off-site.

C. Repair (Commercial Vehicle)

1. Defined

Repair, service or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction and other heavy equipment.

D. Repair (Major)

1. Defined

A facility where general vehicle repair and service is conducted, including engine and transmission replacement or rebuild, body and paint shops. Does not include repair or services for commercial vehicles or heavy equipment (See [Sec. 3.5.13.C](#), Repair, Commercial Vehicle).

2. Use Standard

- a. Where major vehicle repair is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, it is subject the following standards:
 - i. All buildings must be set back at least 100 feet from the abutting residential property line.
 - ii. All parking and storage for vehicles must be set back at least 50 feet from the abutting residential property line.
 - iii. Minimum site area of 20,000 square feet.
 - iv. Access to the site must be from a Business or higher street classification.
- b. Where major vehicle repair is allowed as a conditional use, it is subject to all limited use standards and [Div. 6.5](#), Conditional Use Approval.

E. Repair (Minor)

1. Defined

A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation, tires, brakes, mufflers, and glass repair or replacement. Does not include repair or services for commercial vehicles or heavy equipment.

2. Use Standards

Where minor vehicle repair is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, it is subject to the following standards:

- a. All buildings must be set back at least 50 feet from the abutting residential property line.
- b. All parking and storage for vehicles must be set back at least 25 feet from the abutting residential property line.
- c. Minimum site area of 20,000 square feet.
- d. Access to the site must be from a Business or higher street classification.

Sec. 3.5.14. Accessory Commercial Uses

A. Amateur Radio Facility, up to 65 feet in height

1. Defined

Any facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission up to 65 feet in height.

B. Amateur Radio Facility, over 65 feet in height

1. Defined

Any facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission over 65 feet in height.

2. Use Standards

Where an amateur radio facility over 65 feet in height is allowed as a conditional use, it is subject to [Div. 6.5](#), Conditional Use Approval, and must demonstrate that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.

C. Drive-Thru Facility

1. Defined

A facility at which the customer is served while sitting in a vehicle.

2. Use Standards

Where a drive-thru facility is allowed as a limited use, it is subject to the following standards:

- a. No part of the drive-thru facility, including the stacking area, may be located within 100 feet of property in the AC, RR, RC, RNC, RE-2, RE-1, RLD-20, RMD-9 and RMD-6 zones.
- b. No drive-thru service window, drive aisle, or stacking area may be located between the street and the front main wall of the main building.
- c. No drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot unless permanently screened from any street by a five-foot or higher wall or fence.

D. Helistop

1. Defined

A designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. No major support facilities are allowed (see [Sec. 3.6.5.B](#), Helipad, Heliport). Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed.

2. Use Standards

Where a helistop is allowed as a conditional use, it is subject to [Div. 6.5](#), Conditional Use Approval.

E. Wireless Communication Structure on Existing Building

1. Defined

A wireless transmission structure mounted on an existing structure. Includes roof-top mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room.

2. Use Standards

Where a wireless facility located on an existing structure is allowed as a limited use, it is subject to the following standards:

- a. An antenna is not permitted on a detached or attached house or associated accessory structure.
- b. A structure constructed for the support of: (1) an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission, or (2) an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.
- c. No wireless on an existing structure is allowed in any scenic setback indicated on an approved and adopted master plan.
- d. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop when the following standards are met:
 - i. The building must be greater than 50 feet in height in any residential zone; or

- ii. In any other zone, the building must be at least 30 feet in height.
- e. An antenna may be mounted on the facade of the building at a height of at least 30 feet in any nonresidential zone, and at a height greater than 50 feet in a residential zone.
- f. An antenna may be attached to an existing structure on privately-owned land, including but not limited to a radio, television, or telephone transmission tower, a monopole, a light pole, a water tank, a silo, a barn or an over-head transmission line support structure.
- g. Any equipment building is subject to the following requirements:
 - i. An unmanned equipment building or cabinet must not exceed 560 square feet and 12 feet in height or 14 feet in height for a rooftop structure, including the support structure for the equipment building, except that a single equipment building in excess of 560 square feet, located at ground level, may be used for more than one telecommunication provider, where:
 - (a) The overall square footage does not exceed 1,500 square feet and 12 feet in height;
 - (b) The building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) The building is reviewed by the Telecommunications Transmission Facility Coordinating Group in accordance with Sec. 2-58E of the Montgomery County Code.
 - ii. If the equipment building or cabinet is at ground level in a residential zone, the building or cabinet must be faced with a compatible material on all sides and surrounded by landscaping providing a screen of at least three feet in height, and must conform to the setback standards of the applicable zone.
 - iii. If the equipment building is located on the roof of a building, the equipment building or cabinet and other structure, in combination with any other equipment building and structure, must not occupy more than 25% of the roof area.

Sec. 3.5.15. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

A temporary office for construction administration or real estate sales.

2. Use Standards

Where a construction administration or sales office is allowed as a limited use, it is subject to the following standards:

- a. Requires a temporary use permit.
- b. The use is limited to the construction, development or sale of buildings or structures within the same site or subdivision.
- c. The use is allowed only for the duration of construction and sale of a project.

B. Special Event Parking

1. Defined

Off-street parking of automobiles in connection with a sporting or cultural event of general public interest.

2. Use Standards

Where special event parking is allowed as a limited use, it is subject to the following standards:

- a. Limited to one event a year, not to exceed 10 days.
- b. A written permit authorizing such parking must be obtained from the director at least 10 days prior to the event.
- c. DPS is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected.

C. Transitory Use

1. Defined

A use on private property or the public right-of-way conducted from a vehicle or from a movable structure that remains in the same location for less than 24 hours.

2. Use Standards

Where a transitory use is allowed as a limited use, it is subject to the following standards:

a. Temporary Use Permit

Requires a temporary use permit in accordance with Chapter 47.

b. Uses Allowed

- i. A transitory use may be allowed on private property only if it would be allowed as a permanent use in the applicable zone under Sec. 3.1.3.
- ii. A transitory use may be located in the public right-of-way where it is in accordance with Chapter 47.
- iii. A transitory use must not be located on any portion of the open space or reserved area required by the zone in which the property is located.
- iv. If a transitory use is located in a parking lot subject to a parking facility plan, a revised parking facility plan must be submitted for review and approval.
- v. In the AC zone, this use may not be permitted (see Sec. 3.1.6, Transferable Development Rights).

Div. 3.6. Industrial Uses

Sec. 3.6.1. Contractor Storage Yard

A. Defined

An outdoor storage yard for construction equipment or building materials and supplies.

B. Use Standards

Where a contractor storage yard is allowed as a limited use, abutting or confronting a residentially zoned property that is not improved with a commercial, industrial or utility use, it is subject to the following standards:

1. Minimum site area of 20,000 square feet.
2. Access to the site must be from a Business or higher street classification.

Sec. 3.6.2. Dry Cleaning Facility

A. Dry Cleaning Facility, up to 3,000 square feet

1. Defined

An establishment up to 3,000 square feet for the mechanical cleaning of garments, articles or goods of fabric for retail customers. Does not include Laundromat or Dry Cleaning and Laundry Pick-up Station, (See Sec. 3.5.11.c, Tenants).

2. Use Standards

Where a dry cleaning and laundry facility is allowed as a limited use, work for other similar dry cleaning or laundering establishments is not allowed.

B. Dry Cleaning Facility, over 3,000 square feet

1. Defined

An establishment for the mechanical cleaning of garments, articles or goods of fabric. Includes a linen, diaper or uniform laundering service. A dry cleaning plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers.

Sec. 3.6.3. Manufacturing & Production

A. Artisan Manufacturing & Production

1. Defined

Artisanal production involving the use of hand tools and small-scale, light mechanical equipment. Manufacturing or production by hand. Includes welding, glass-blowing, screen printing and firing of pottery. May include display and sale of artisanal products produced on-site.

B. Light Manufacturing & Production

1. Defined

The manufacturing of finished products or parts from previously prepared materials including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing processes are contained entirely within a building. Noise, odor, smoke, heat, glare and vibration resulting from the manufacturing processes are confined within the building.

2. Use Standards

Where light manufacturing is allowed as a limited use, it is subject to the following standards:

- a. Minimum site area of 20,000 square feet.
- b. Access to the site must be from a Business or higher street classification.

C. Heavy Manufacturing & Production

1. Defined

The processing, manufacturing and/or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. General manufacturing processes have greater than average impacts on the environment and/ or significant impacts on the use and enjoyment

of adjacent property in terms of noise, smoke, fumes, odors, glare or health and safety hazards.

Sec. 3.6.4. Mining, Excavation

A. Defined

Uses that extract minerals and other natural resources from land. Includes borrow pit, gravel mining.

B. Use Standards

Where mining or excavation is allowed as a conditional use, it may be allowed by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

1. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of this zone, whichever is greater. However, in no event shall the lot area be less than 10 acres.
2. Not more than 10% of the net area of the lot is covered by buildings, including accessory buildings.
3. All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures will be set back from property lines an amount sufficient to achieve the performance standards established by the [Review Body].
4. Access to a public road must be available.
5. No building or structure exceeds a height of 90 feet above the natural grade of the portion of the site upon which building or structure is situated, provided, however, that facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.
6. Not less than 25% of the lot area designated for mining and excavation will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted to agriculture.

7. Access roads, security patrol roads, railroad sidings, identifications, directional and safety warning signs, security fences and acoustical or visual screens, berms or walls are permitted within the setback area.
8. The use is valid for not more than three years, subject to renewal by the [Review Body].
9. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the reserved area.
10. In the AC zone, this use may not be permitted (see [Sec. 3.1.6](#), Transferable Development Rights).

Sec. 3.6.5. Transportation

A. Bus, Rail Terminal

1. Defined

A facility for boarding buses or trains. Does not include bus or train maintenance (see [Sec. 3.5.13.C](#), Repair (Commercial Vehicle)).

B. Helipad, Heliport

1. Defined

A designated area, either at ground level or elevated on a structure, that is used on a regular basis for the landing and takeoff of rotorcraft. Includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices and other appropriate terminal facilities.

2. Use Standards

Where a helipad or heliport is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. All applications for heliports/helistops must provide noise analysis sufficient to make a finding of noise compatibility around the facility (the primary impact area) and along and under the principal access routes (the secondary impact area). The primary impact area includes the rotorcraft facility and the

area with-in a 4,000-foot radius from the helipad. The secondary impact area includes all areas in the county along and under the principal access routes to the rotorcraft facility excluding the primary impact area.

- b. The heliport/helistop noise analysis must include a description of detailed operational procedures to minimize noise levels affecting sensitive land uses in both the primary and secondary impact areas (“fly neighborly” procedures). Based on use of these procedures and worst-day noise scenario with peak usage of the facility, projected rotorcraft noise level (in terms of day-night average sound level or DNL) must be developed using models approved for use by the Federal Aviation Administration (see FAA Advisory Circular 150/5020-2). This worst-day operational scenario becomes the maximum allowable limit for the type, weight and noise characteristics of the rotorcraft proposed to use the facility; proposed number of operations; and approximate time of day that landings and departures could occur.
- c. Rotorcraft operations are considered noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft ambient noise levels) exceed pre-rotorcraft ambient DNL levels by one decibel or less. If rotorcraft operations already exist in the vicinity, the cumulative impact of all operations must be calculated to determine compliance.
- d. In lieu of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as generally shown in the following table:

i. Maximum Compatible Sound Levels

Land Use/Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Rural (less than or equal to 1 unit per acre)	55 dBA
Suburban (2 units to 15 units per acre)	60 dBA
Urban (multi-family and high rise)	65 dBA

- ii. Based on this table and the compatibility standard of allowing only a one-decibel increase in the ambient levels, the following table designates maximum rotorcraft sound levels

iii. Maximum Rotorcraft Sound Levels

Land Use/Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Rural (less than or equal to 1 unit per acre)	49 dBA
Suburban (2 units to 15 units per acre)	54 dBA
Urban (multi-family and high rise)	59 dBA

- iv. In cases where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels Table, measurements or modeling may be performed for the purposes of establishing compatibility standards appropriate to the ambient environment. Office, commercial and industrial land uses are generally considered to be noise-compatible land uses and will not be reviewed for noise impacts with the following two exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of LEQ₁ = 75 dBA for an 8-hour period; (2) in CBD or Transit Station areas, where amenity spaces are provided, if it appears that noise impacts may be of such magnitude as to significantly reduce the usefulness or inhibit the proper function of these spaces for their intended purpose. In addition to the cumulative noise standards, the [Review Body] may designate additional conditions for use in the public interest which may include, but not be limited to, restricting the number of rotorcraft operations, restricting the hours of operation of the facility, restricting operations of high noise generating rotorcraft during noise-sensitive hours, or any combinations thereof.
- e. All on-ground operations, with the exception of operations on the helipad, are subject to the standards of the Montgomery County Noise Control Ordinance, Chapter 31B, “Noise Control,” Montgomery County

Code, as amended. In particular, heliport maintenance operations must be subject to these standards.

- f. Permission to use a site for a private use helistop/heliport may be granted by the [Review Body] for a five-year period or such shorter period as the [Review Body] may specify in granting the special exception. The special exception may be renewed by the [Review Body] for additional periods, not to exceed five years each, upon the same findings required for the initial approval by the [Review Body].
- g. Operators of approved heliports/ helistops must maintain an accurate log of all rotorcraft operations, specifying each operation that occurs including the type of rotorcraft and the date and time of the operation. This log must be available for inspection by the Department as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to the Department as part of an inspection is a violation of the conditional use approval.

C. Taxi/Limo Facility

1. Defined

Facilities for the dispatch or storage of taxis, limousines or other vehicles for hire.

Sec. 3.6.6. Utilities

A. Minor Public Utility

1. Defined

Any structure maintained by a public utility that is: an electric power, transmission and distribution line, overhead, carrying 69,000 volts or less; an electric power, transmission, and distribution line underground; an underground pipeline; or an underground telephone line. Also includes structures used for streetlights, fire alarm boxes, traffic signals or similar equipment.

2. Use Standards

Where a minor public utility is allowed as a limited use, in the TLD, TMD, and THD zones, minor public utilities must be underground.

B. Major Public Utility

1. Defined

Any structure maintained by a public utility that is an electric power, transmission and distribution line, overhead, carrying in excess of 69,000 volts, including accessory equipment and structures. Includes any transmission pipeline, water treatment facility, and waste treatment facility.

2. Use Standards

Where a major public utility is allowed as a conditional use, it may be permitted by the [Review Body] subject [Div. 6.5](#), Conditional Use Approval, and the following standards:

- a. The proposed building or structure at the location selected is necessary for public convenience and service excluding power transmission or distribution lines.
- b. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties excluding power transmission or distribution lines.
- c. A public utility building allowed in any rural or residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the [Review Body].
- d. The [Review Body] waive the height limits of the applicable zone where, in the opinion of the [Review Body]., adjacent residential uses will not be adversely affected by the increased height.

C. Other Public Utility Building or Structure

1. Defined

Any public utility building or structure not considered minor or major public utilities.

2. Use Standards

Where any other public utility building or structure is allowed as a conditional use, it may be permitted by the [Review Body] subject to Div. 6.5, Conditional Use Approval, and the following standards:

- a. In the RNC zone, if development occurs under cluster development this use is not allowed in the designated rural open space.
- b. The proposed building or structure at the location selected is necessary for public convenience and service.
- c. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- d. A public utility building or structure allowed in any rural or residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the [Review Body].
- e. The [Review Body] waive the height limits of the applicable zone where, in the opinion of the [Review Body], adjacent residential uses will not be adversely affected by the increased height.

D. Sustainable Energy Generation

[Under review]

Sec. 3.6.7. Warehouse

A. Freight Movement

1. Defined

Facilities involved in the movement of goods or equipment, including temporary storage. Goods and equipment must be delivered to other facilities or the final consumer with no on-site sales activity.

B. Self-Storage

1. Defined

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant.

2. Use Standards

Where a self-storage facility is allowed as a conditional use, it may be permitted by the [Review Body].subject to Div. 6.5, Conditional Use Approval.

C. Storage Facility

1. Defined

Facilities for the short or long-term storage of goods or equipment, not including self-storage (See Sec. 3.6.7.B, Self Storage).

Sec. 3.6.8. Waste-Related

A. Hazardous Material Storage

1. Defined

The storage of materials that the US Environmental Protection Agency (EPA) has determined are hazardous. Includes materials on the F-list (wastes from common manufacturing processes), K-list (wastes from specific industries), and P- and U-lists (wastes from commercial chemical products) as well as characteristic wastes that do are not included on any of the listings above, but that generally exhibit ignitability, corrosivity, reactivity or toxicity.

2. Use Standards

Where hazardous material storage is allowed as a conditional use, it may be permitted by the [Review Body]subject to Div. 6.5, Conditional Use Approval.

B. Incinerator

1. Defined

A facility intended to reduce waste to ash through combustion. May produce energy or heat for re-use. Includes medical incinerator.

2. Use Standards

Where an incinerator is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

C. Landfill**1. Defined**

A facility that collects waste and disposes of it in accordance with the requirements of the State of Maryland for landfills. Includes municipal landfills, land clearing debris landfills, rubble landfills and industrial waste landfills.

2. Use Standards

Where a landfill is allowed as a conditional use, it may be permitted by the [Review Body] subject to [Div. 6.5](#), Conditional Use Approval.

D. Recycling Drop-off Center**1. Defined**

A facility for the collection, short-term storage, and transference of recyclable materials including paper, cans, aluminum scrap, non-ferrous metal, glass bottles and plastics. At such facilities no mechanical processing or shredding is done on-site.

E. Recycling Collection and Processing**1. Defined**

Any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume. Inventory stored on-site must be turned over at least once every three months. Does not include a Transfer Station (See [Sec.3.6.8.F](#), Transfer Station).

F. Transfer Station**1. Defined**

A facility that receives solid or liquid wastes from others for transfer to another location in accordance with the requirements of the State of Maryland for transfer stations.

Sec. 3.6.9. Accessory Industrial Uses**A. Sustainable Energy Generation****1. Defined**

On-site renewable energy generation technologies such as a solar array, solar collection system, wind energy system, or geothermal energy system.

2. Use Standards

[\[Under review\]](#)

PAGE LEFT INTENTIONALLY BLANK

ARTICLE 59-4. ZONING DISTRICT REGULATIONS

DIV. 4.1. RULES FOR ALL ZONES

SEC. 4.1.1. DEVELOPMENT OPTIONS 4 – 3

SEC. 4.1.2. BUILDING TYPE DESCRIPTIONS 4 – 4

SEC. 4.1.3. BUILDING TYPES ALLOWED BY ZONE 4 – 5

SEC. 4.1.4. MEASUREMENT AND EXCEPTIONS 4 – 6

SEC. 4.1.5. RESIDENTIAL INFILL COMPATIBILITY 4 – 12

DIV. 4.2. AGRICULTURAL AND RURAL ZONES

SEC. 4.2.1. DETACHED HOUSE 4 – 14

SEC. 4.2.2. GENERAL BUILDING 4 – 16

SEC. 4.2.3. COMMUNITY BUILDING 4 – 17

DIV. 4.3. RESIDENTIAL ZONES

SEC. 4.3.1. DETACHED HOUSE (1 OF 2) 4 – 18

SEC. 4.3.2. DETACHED HOUSE (2 OF 2) 4 – 20

SEC. 4.3.3. DUPLEX 4 – 22

SEC. 4.3.4. TOWNHOUSE 4 – 24

SEC. 4.3.5. APARTMENT/CONDO 4 – 26

SEC. 4.3.6. GENERAL BUILDING 4 – 28

SEC. 4.3.7. COMMUNITY BUILDING 4 – 29

DIV. 4.4. COMMERCIAL/RESIDENTIAL ZONES

SEC. 4.4.1. DENSITY AND HEIGHT ALLOCATION 4 – 30

SEC. 4.4.2. METHODS OF DEVELOPMENT 4 – 30

SEC. 4.4.3. DEVELOPMENT STANDARDS 4 – 30

SEC. 4.4.4. DETACHED HOUSE 4 – 32

SEC. 4.4.5. DUPLEX 4 – 34

SEC. 4.4.6. TOWNHOUSE 4 – 36

SEC. 4.4.7. APARTMENT/CONDO 4 – 38

SEC. 4.4.8. MIXED USE BUILDING 4 – 40

SEC. 4.4.9. GENERAL BUILDING 4 – 42

SEC. 4.4.10. COMMUNITY BUILDING 4 – 44

DIV. 4.5. EMPLOYMENT ZONES

SEC. 4.5.1. DENSITY AND HEIGHT ALLOCATION 4 – 46

SEC. 4.5.2. METHODS OF DEVELOPMENT 4 – 46

SEC. 4.5.3. DEVELOPMENT STANDARDS 4 – 46

SEC. 4.5.4. DETACHED HOUSE 4 – 48

SEC. 4.5.5. DUPLEX 4 – 50

SEC. 4.5.6. TOWNHOUSE 4 – 52

SEC. 4.5.7. APARTMENT/CONDO 4 – 54

SEC. 4.5.8. MIXED USE BUILDING 4 – 56

SEC. 4.5.9. GENERAL BUILDING 4 – 58

SEC. 4.5.10. COMMUNITY BUILDING 4 – 60

DIV. 4.6. INDUSTRIAL ZONES

SEC. 4.6.1. METHODS OF DEVELOPMENT 4 – 63

SEC. 4.6.2. DEVELOPMENT STANDARDS 4 – 63

SEC. 4.6.3. MIXED USE BUILDING 4 – 64

SEC. 4.6.4. GENERAL BUILDING 4 – 66

SEC. 4.6.5. COMMUNITY BUILDING 4 – 68

PAGE LEFT INTENTIONALLY BLANK

Div. 4.1. Rules for All Zones

Sec. 4.1.1. Development Options

To encourage variety and design innovation and provide flexibility, the following types of development options are allowed.

A. Standard Method (see Div. 4.2 and Div. 4.3)

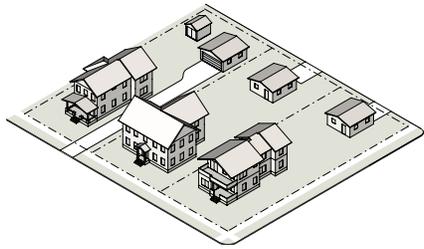
The standard method of development contains the base regulations for all zones, providing the basic framework for development. Development of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) in accordance with chapter 25A of the Montgomery County Code. Provision of more than 12.5% MPDUs or provision of MPDUs for less than 20 units of development, is an optional method of development.

B. Optional Method (see Div. 6.1 - 6.6)

The optional methods of development contain alternative regulations for the zones in which the method is allowed.

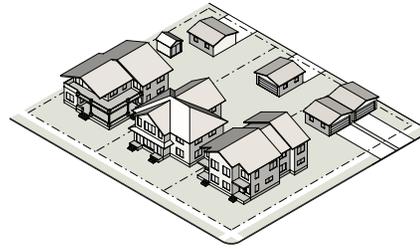
Sec. 4.1.2. Building Type Descriptions

The following building types have been established to allow for detailed regulation of form applicable to development within each zone. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



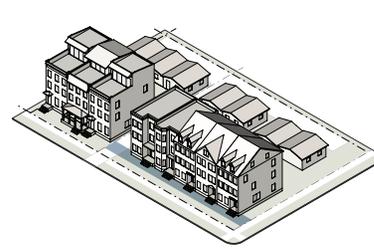
A. Detached House

A building typically containing one dwelling unit located on a single lot.



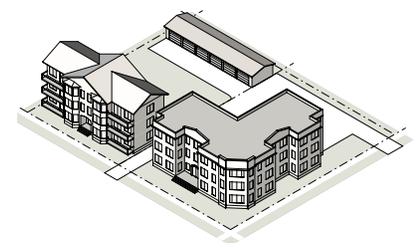
B. Duplex

A building containing two dwelling units arranged one above the other, side by side, or back to back.



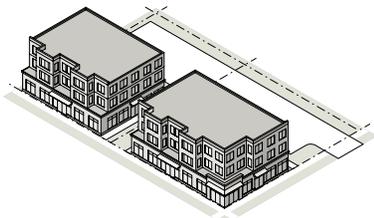
C. Townhouse

A building containing three or more dwelling units where each dwelling unit is separated vertically by a party wall. Units may be placed on individual lots, or the entire building (or project) may be placed on a single lot.



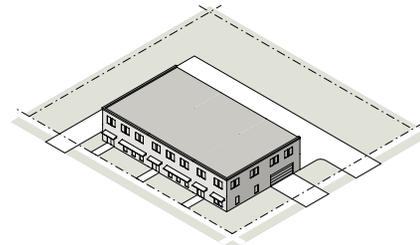
D. Apartment/Condo

A building containing three or more dwelling units vertically and horizontally integrated.



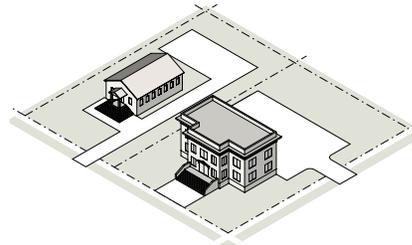
E. Mixed Use Building

A building containing ground floor commercial uses with upper-story residential or office uses.



F. General Building

A building intended primarily for nonresidential uses.

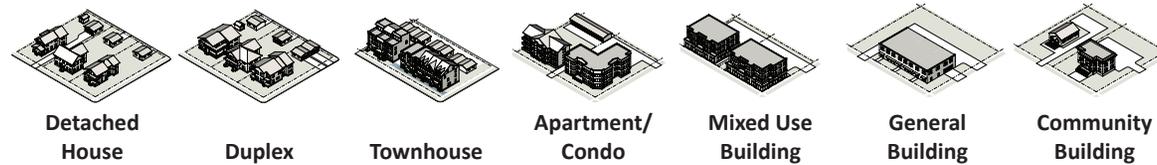


G. Community Building

A building intended for civic, institutional or public uses.

Sec. 4.1.3. Building Types Allowed by Zone

Building types are allowed by zone as set forth below.



	Detached House	Duplex	Townhouse	Apartment/Condo	Mixed Use Building	General Building	Community Building
Agricultural & Rural Zones							
Agricultural Conservation (AC)	A	--	--	--	--	A	A
Rural Residential (RR)	A	--	--	--	--	A	A
Rural Cluster (RC)	A	--	--	--	--	A	A
Rural Neighborhood Cluster (RNC)	A	MPDU	A	--	--	A	A
Residential Detached Zones							
Residential Estate - 2 (RE-2)	A	MPDU	MPDU	--	--	A	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	--	A	A
Residential Low Density - 20 (RLD-20)	A	MPDU	MPDU	--	--	A	A
Residential Medium Density - 9 (RMD-9)	A	MPDU, CD	MPDU, CD	--	--	A	A
Residential Medium Density - 6 (RMD-6)	A	MPDU, CD	MPDU, CD	--	--	A	A
Residential Townhouse Zones							
Townhouse Low Density (TLD)	A	A	A	--	--	A	A
Townhouse Medium Density (TMD)	A	A	A	--	--	A	A
Townhouse High Density (THD)	A	A	A	--	--	A	A
Residential Multi-Unit Zones							
Residential High Density - 3 (RHD-3)	A	A	A	A	--	A	A
Residential High Density - 2 (RHD-2)	A	A	A	A	--	A	A
Residential High Density - 1 (RHD-1)	A	A	A	A	--	A	A
Commercial/Residential Zones							
CR Neighborhood (CRN)	A	A	A	A	A	A	A
CR Town (CRT)	A	A	A	A	A	A	A
CR (CR)	A	A	A	A	A	A	A
Employment Zones							
Employment General (EG)	--	--	A	A	A	A	A
Employment Life Science (ELS)	A	A	A	A	A	A	A
Employment Office (EOF)	--	--	A	A	A	A	A
Industrial Zones							
Light Industrial (IL)	--	--	--	--	A	A	A
Heavy Industrial (IH)	--	--	--	--	A	A	A

KEY: A = Allowed to accommodate permitted, limited and conditional uses -- = Not allowed CD = Allowed as part of an Optional Method Cluster Development
 MPDU = Allowed as part of an Optional Method MPDU Development, only where there is access to public water and sewer

Sec. 4.1.4. Measurement and Exceptions

The following rules apply to all zones unless expressly stated otherwise.

A. Site

1. Defined

Any tract of land or contiguous tract of land owned or functionally controlled by the same person or entity, assembled for the purpose of development.

2. Density

- a. The maximum permitted density is measured by the number of dwelling units allowed per building type, per gross acre of land.
- b. Gross land area is the total of the site area or lot area and any existing or proposed streets, highways, or other land required for public use that is attributable to the site dedicated by the owner or a predecessor in title.

B. Lot

1. Defined

A subdivided tract of land including any buildings, accessory buildings and any associated open spaces.

2. Lot Area

The area included within the rear, side and front property lines. Does not include existing or proposed public or private right-of-way, whether dedicated or not dedicated to public use.

3. Lot Width

a. At the Front Property Line

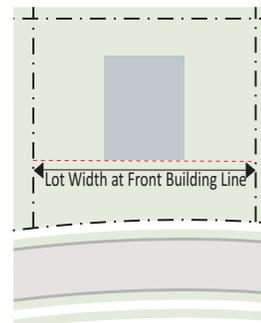
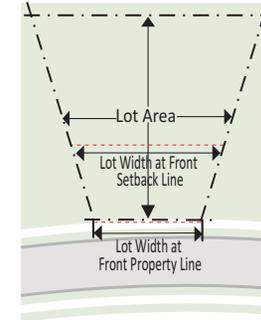
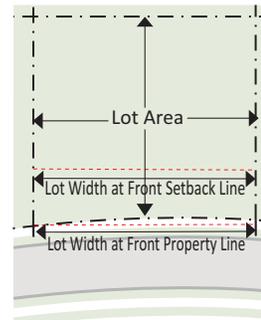
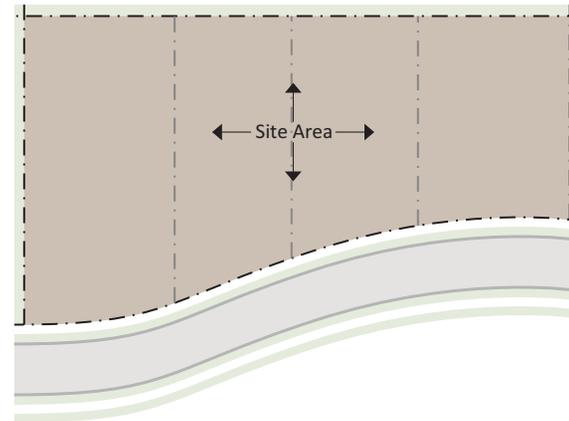
Measured between the side property lines at the front property line along a straight line. Where the front property line is curved, measured along the chord of the lot line.

b. At the Front Setback Line

Measured between the side property lines at the front setback line along a straight line.

c. At the Front Building Line

Measured between the side property lines at the front edge of the building, along a straight line.



C. Placement

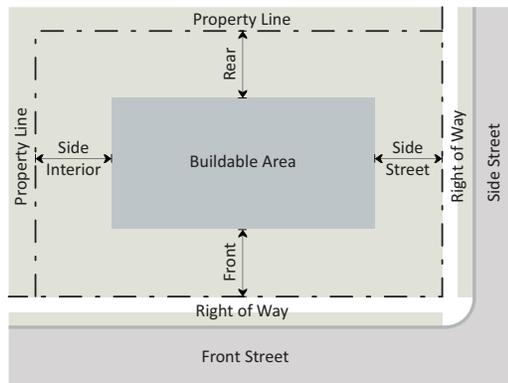
1. Building Setbacks

a. Defined

There are four types of setbacks – front, side street, side interior and rear. Through lots are considered to have two front setbacks.

b. Measurement of Setbacks

- i. Front and side street setbacks are measured from the edge of the right-of-way.
- ii. Side interior setbacks are measured from the side property line.
- iii. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
- iv. On a corner lot, the front or side setback is the greater of the standards established in [Sec. 4.2](#) and [Sec. 4.3](#) or the established building line.



2. Corner Lots

In determining the address, the following conditions must be considered:

- a. The street with the highest street classification;
- b. The established orientation of the block;
- c. The street abutting the longest face of the lot; and
- d. The street parallel to an alley within the block.

3. Parking Setbacks

a. Defined

There are four types of parking setbacks – front, side street, side interior and rear parking setbacks. Through lots are considered to have two front parking setbacks.

b. Measurement of Parking Setbacks

- i. Front and side street parking setbacks are measured from the edge of the right-of-way.
- ii. Side interior parking setbacks are measured from the side property line.
- iii. Rear parking setbacks are measured from the rear property line or the edge of the right-of-way if there is an alley.

c. Parking Not Allowed

On-site surface and structured parking must be located behind the parking setback line. The parking setback applies to the ground story only.

4. Coverage

a. Defined

- i. The area of a lot or site that is permitted to be covered by buildings, including accessory buildings, structured parking, roofed porches, patios, decks and steps.
- ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, uncovered porches or patios, decks, swimming pools or roof overhangs.

b. Maximum Coverage for Greenhouses

On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40% is allowed, subject to the following:

- i. Any increase above 10% must consist entirely of greenhouses,
- ii. The plan receives site plan approval under [Div. ##](#).

5. Setback Encroachments

All buildings and structures must be located at or behind the required building setbacks lines, except as listed below.

a. Building Features

- i. Unenclosed porches, decks and terraces may project not more than three feet into any side street or side interior setback and may project not more than nine feet into any front or rear setback. Unenclosed porches and terraces may be roofed.
- ii. Unenclosed steps and stoops may project not more than three feet into any side street or side interior setback and may project not more than six feet into any front or rear setback. Unenclosed steps and stoops may be roofed.
- iii. Unenclosed balconies may extend up to six feet into a required setback, provided that such extension is at least two feet from the vertical plane of any lot line.
- iv. Sills, leaders, belt courses, and similar ornamental features may project not more than six inches into any front, side street, side interior or rear setback. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in [Section 50-20 of the subdivision regulations](#) concerning limitations on issuance of building permits.
- v. Chimneys or flues as part of a detached house, duplex, or townhouse may project not more than two feet into any front, side street, side interior or rear setback.
- vi. Chimneys or flues as part of an apartment/condo, mixed use or general building may project not more than four feet into any front, side street, side interior or rear setback, provided such extension remains at least two feet from the vertical plane of any lot line.

- vii. Building eaves, cornices and light shelves may project not more than 2 ½ feet into any front, side street, side interior or rear setback, provided such extension remains at least two feet from the vertical plane of any lot line. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in [Section 50-20 of the subdivision regulations](#) concerning limitations on issuance of building permits.
- viii. Bay windows, oriels, entrances, vestibules, or balconies, ten feet in width or less, may project not more than three feet into any front, side street, side interior or rear setback.
- ix. Unenclosed fire escapes and outside stairways may project not more than five feet into any side street, side interior or rear setback.

b. Mechanical Equipment and Utility Lines

- i. Mechanical equipment associated with residential uses, such as HVAC units and security lighting may project not more than five feet into any rear setback.
- ii. Sustainable energy systems may not project more than three feet into any side street, side interior or rear setback.
- iii. Permanent rainwater collection or harvesting systems may not project more than three feet into any side street, side interior or rear setback.

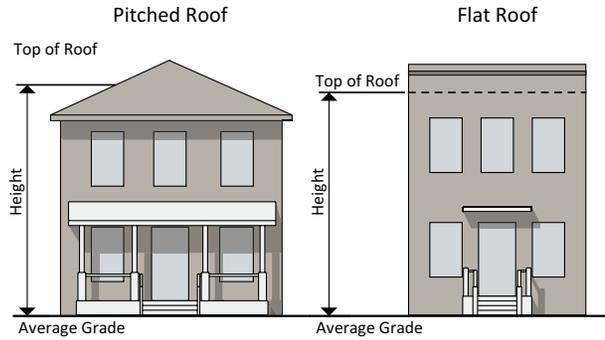
c. Other Encroachments

- i. Fences and walls as set forth in [Section 59-6 \(General Development Standards\)](#).
- ii. Handicap ramps to the extent necessary to perform their proper function.

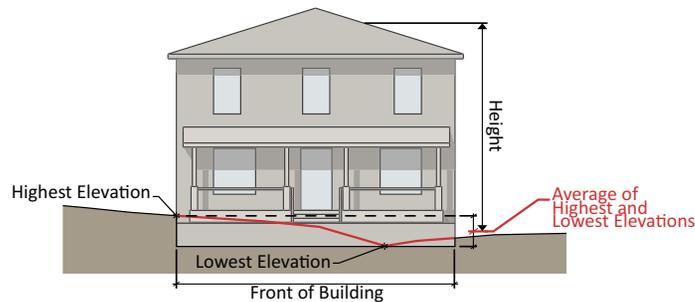
D. Height

1. Building Height in Agricultural, Rural and Residential Zones

- a. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

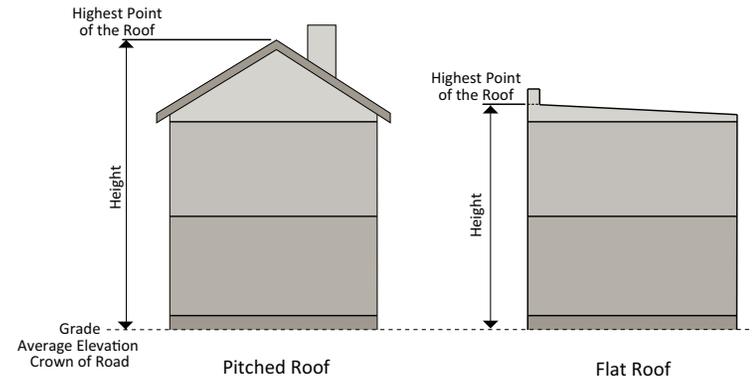


- b. Average grade is determined by calculating the average of the highest and lowest elevation along natural or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line.



2. Building Height in Commercial/Residential, Employment and Industrial Zones

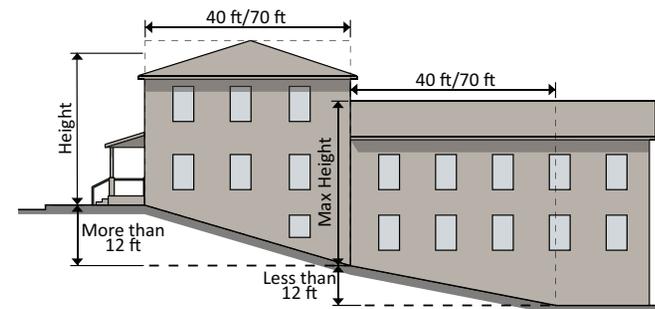
- a. Building height is measured from grade to the highest point of the roof.



- b. Grade is measured as the average elevation of the crown of the public road opposite the front of the building. In a lot with more than one frontage, grade is measured as the average elevation of the crown along each frontage.

3. Sloped Lots

- a. For detached house, duplex and townhouse building types, where a lot slopes downward from the front property line more than 12 feet along the side of the first 40 feet of the principal building, the height of the building past that point must be reduced by at least the drop in grade in the first 40 feet of the building, and for each successive 40-foot increment after that.



- b. For all other building types, where a lot slopes downward from the front property line more than 12 feet along the side of the first 70 feet of the principal building, the height of the building past that point must be reduced by at least the drop in grade in the first 70 feet of the building, and for each successive 70-foot increment after that.

4. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited.

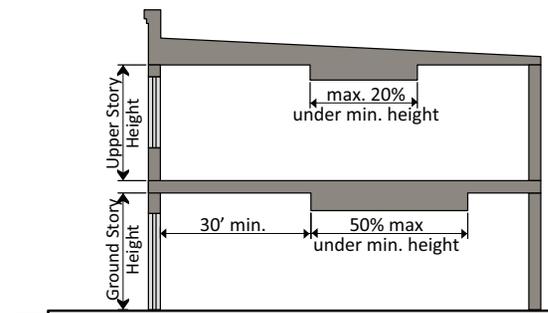
- a. The following roof structures cannot occupy more than 25% of the roof area: spires, belfries, cupolas, domes not intended for human occupancy, chimneys, flue or vent stacks, flagpoles, monuments, water tanks, television antennae or aerials, air conditioning units or similar structures or mechanical appurtenances.
- b. The maximum heights do not apply to roof structures listed in paragraph a. above, except in the TLD, TMD, THD and RHD-3 zones, air conditioning units or similar structures or mechanical appurtenances may exceed the established height limit by not more than eight feet.
- c. The following may exceed the established height limits, except when located within an airport approach area, provided they do not exceed the maximum height limit by more than eight feet:
 - i. Rooftop deck, patio, shade structure;
 - ii. Rooftop garden, landscaping;
 - iii. Parapet wall, limited to a height of four feet;
 - iv. Rooftop rainwater collection or harvesting systems; and
 - v. Rooftop sustainable energy systems, such as solar panels or wind turbines.
- d. The following may exceed the established height limits, except when located within an airport approach area, provided they do not exceed the maximum building height by more than eight feet, do not occupy more than 25% of the roof area, and are set back at least ten feet from

the edge of the roof. The Planning Board may increase the percentage of occupied roof area where a site plan is reviewed and approved.

- i. Elevator penthouse or bulkhead;
- ii. Skylights;
- iii. Stairway access to roof; and
- iv. Tank designed to hold liquids.
- e. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.
- f. The maximum heights do not apply to agricultural buildings in the AC, RR, RC and RNC zones.

E. Story Height

1. Story height is measured from the top of the finished floor to the ceiling above.
2. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum height provisions.
3. Where applicable, at least 80% of each upper story must meet the required minimum upper story height provisions.



F. Form

The building form requirements are intended to enhance the pedestrian area along commercial building frontages.

1. Transparency

- a. The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the adjacent sidewalk.
- b. The minimum percentage of windows and doors that must cover an upper story facade is measured from top of the finished floor to the top of the finished floor above. When there is no floor above it is measured from the top of the finished floor to the top of the wall plate.

2. Blank Wall

- a. Blank wall means a portion of the exterior facade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than eight inches in depth.
- b. Blank wall applies in both a vertical and horizontal direction.
- c. Blank wall applies only to street facing facades.

G. Building Elements

1. Porch

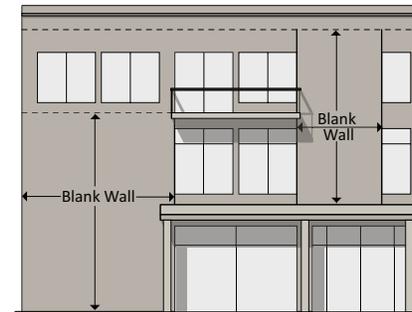
A raised structure attached to a building, forming a covered entrance to a doorway. A porch must be roofed but cannot be fully enclosed.

2. Stoop

A small raised platform that serves as an entrance to a building. A stoop may be covered but cannot be fully enclosed.

3. Balcony

A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window. A balcony may be covered but cannot be fully enclosed.



4. Gallery

A covered passage extending along the outside wall of a building supported by arches or columns that is open on one side. A gallery must have a clear height above the sidewalk of at least ten feet. A gallery must be contiguous and extend over at least 50% of the width of the building facade from which it projects.

5. Awning

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk. An awning must be a minimum of ten feet clear height above the sidewalk.

Sec. 4.1.5. Residential Infill Compatibility

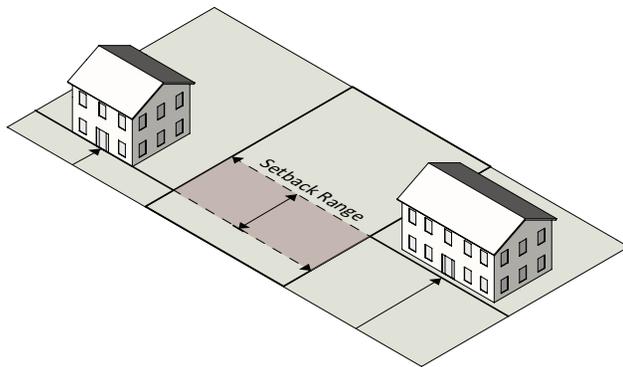
A. Applicability

The standards outlined in [Sec. 4.1.5.B](#) through [Sec. 4.1.5.E](#) apply to any building or construction in a RLD-20, RMD-9 or RMD-6 zone where:

1. The lot was created:
 - a. By a plat recorded before January 1, 1978; or
 - b. By a plat of resubdivision that created fewer than six lots from a lot previously created by a plat recorded before January 1, 1978; and
2. The lot is less than 25,000 square feet in area.

B. Front Setback Range

1. The front setback range is measured on the basis of the lots immediately adjacent to the subject lot (the closest lot in either direction along the block).
2. The front wall of the building must be located within the front setback range (no closer than the narrowest setback and no further than the deepest setback).
3. Where the calculation of the front setback range is not practicable, the front setback must meet the front setback for the zone.



C. Height

1. Side Setback Plane

Any building is subject to a side setback plane starting at 15 feet in height at the side setback line, and extending inward and upward at a 45 degree angle.

2. Rear Setback Plane

Any building is subject to a rear setback plane starting at 15 feet in height at the rear setback line, and extending inward and upward at a 45 degree angle.

3. Projections into Setback Planes

a. Side-Gabled Roof

A side-gabled roof structure may project beyond the side setback plane on each side of the building, for a total length of not more than 30 feet

b. Dormers

Dormers may project beyond the side setback plane for a total length of not more than 15 feet on each side of the building.

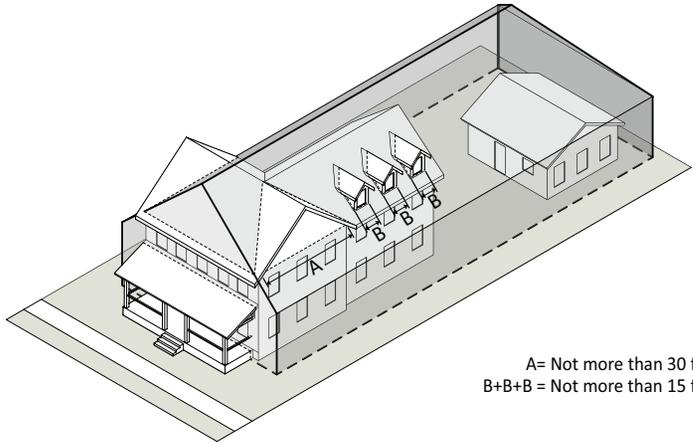
D. Side Wall Length

1. Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 15 feet of the side lot line. No wall may extend for more than 40 feet without a projection or recession of at least four feet in depth and ten feet in length.
2. A second story addition is not required to meet the articulation requirements if the existing first floor does not meet the articulation requirements of paragraph 1. above.

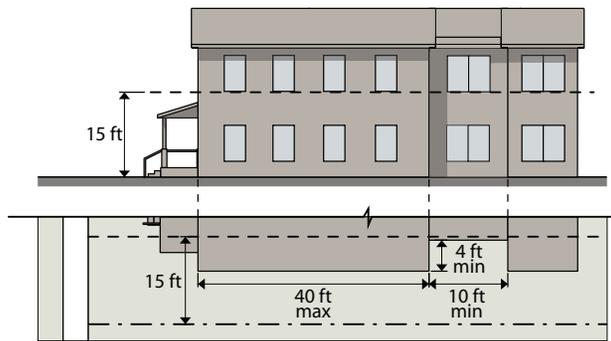
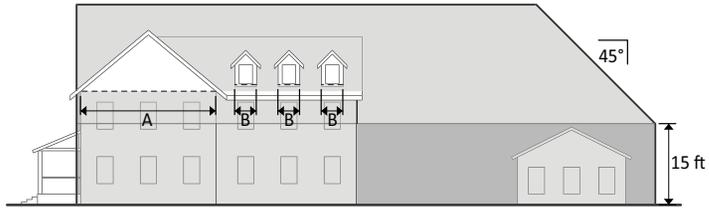
E. Building Coverage

In the following zones all roofed buildings and structures may not cover more than the following percentages of lot area:

1. RLD-20: 20%
2. RMD-9: 30%
3. RMD-6: 30%

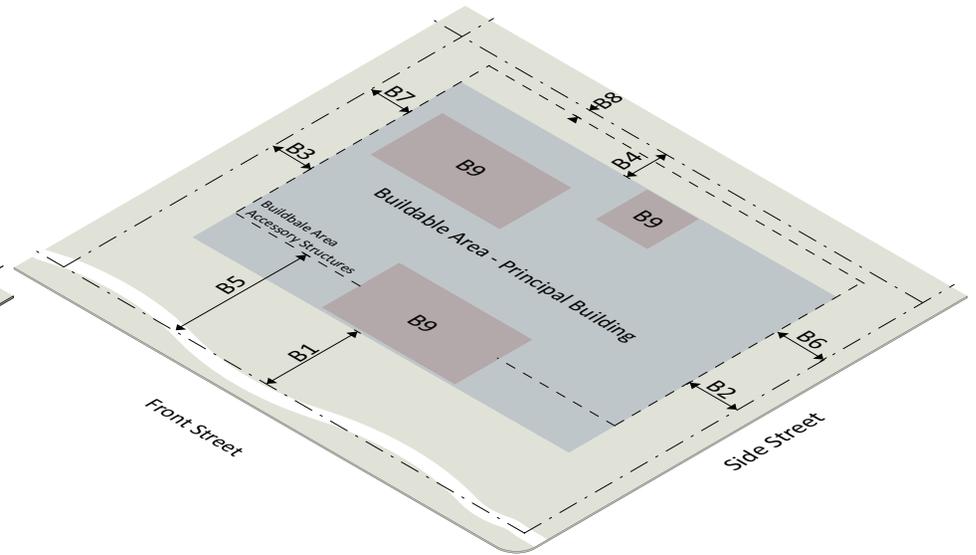
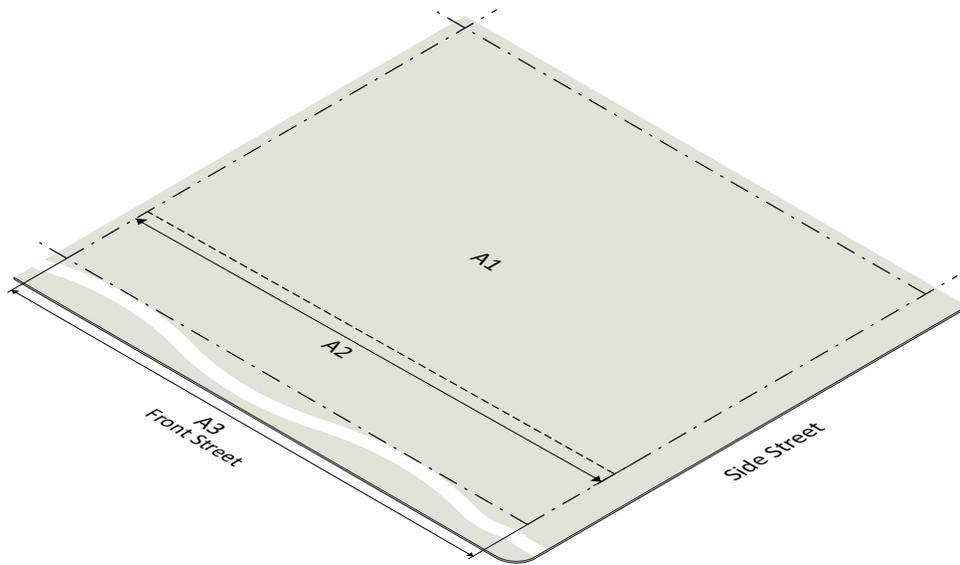


A= Not more than 30 ft
B+B+B = Not more than 15 ft



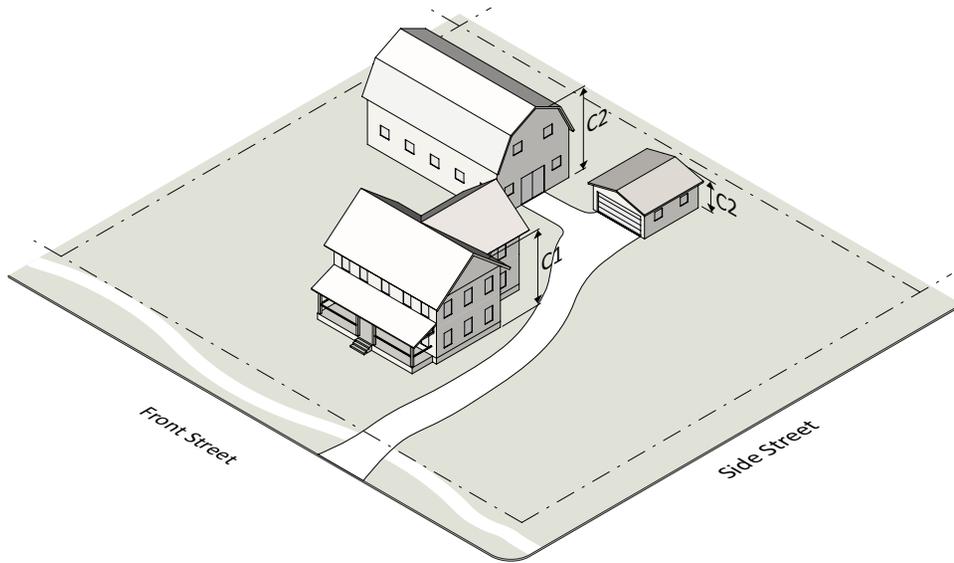
Div. 4.2. Agricultural and Rural Zones

Sec. 4.2.1. Detached House



A. Lot	AC	RR	RC	RNC
Basic Lot Alternative				
A1 Lot area (min)	40,000 sf	5 acres	5 acres	n/a
A2 Lot width at front building line (min)	125'	300'	300'	n/a
A3 Lot width at front property line (min)	25'	25'	300'	n/a
A4 Density (units/acre)	1/25	1/5	1/5	n/a
Flexible Lot Alternative				
A1 Lot area (max)	3 acres	n/a	n/a	n/a
A2 Lot width at front building line (min)	125'	n/a	n/a	n/a
A3 Lot width at front property line (min)	25'	n/a	n/a	n/a
A4 Remainder of site placed in conservation or agricultural easement such that only 1 dwelling unit exists per 25 acres	yes	n/a	n/a	n/a
Cluster Alternative				
A1 Lot area (min)	n/a	n/a	40,000 sf	25,000 sf
A2 Lot width at front building line (min)	n/a	n/a	125'	100'
A3 Lot width at front property line (min)	n/a	n/a	25'	25'
A4 Density (units/acre)	n/a	n/a	1/5	1/5
A5 Percent of property reserved for open space or uses designated on the use table	n/a	n/a	60%	60%

B. Placement	AC	RR	RC	RNC
Principal Building Setbacks (min)				
B1 Front setback	50'	50'	50'	40'
B2 Side street setback	50'	50'	50'	50'
B3 Side interior setback	20'	20'	20'	15'
B4 Rear setback	35'	35'	35'	35'
Accessory Structure Setbacks (min)				
B5 Front setback	50'	80'	80'	80'
B6 Side street setback	50'	50'	50'	50'
B7 Side interior setback	15'	15'	15'	15'
B8 Rear setback	15'	15'	15'	15'
Coverage (max)				
B9 Basic lot: roofed buildings & structures	10%	10%	10%	n/a
B9 Flexible lot: roofed buildings & structures	20%	n/a	n/a	n/a
B9 Cluster lot: roofed buildings & structures	n/a	n/a	10%	10%



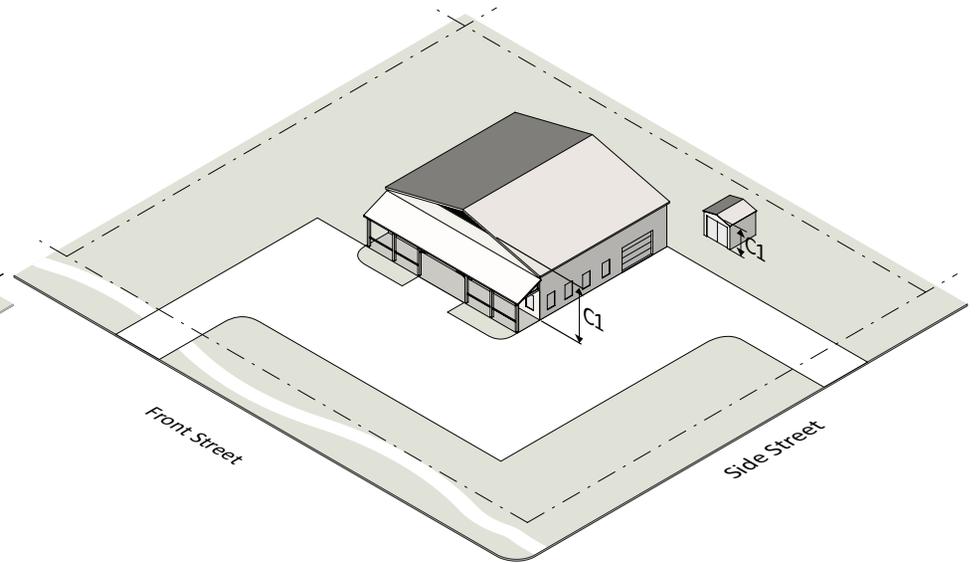
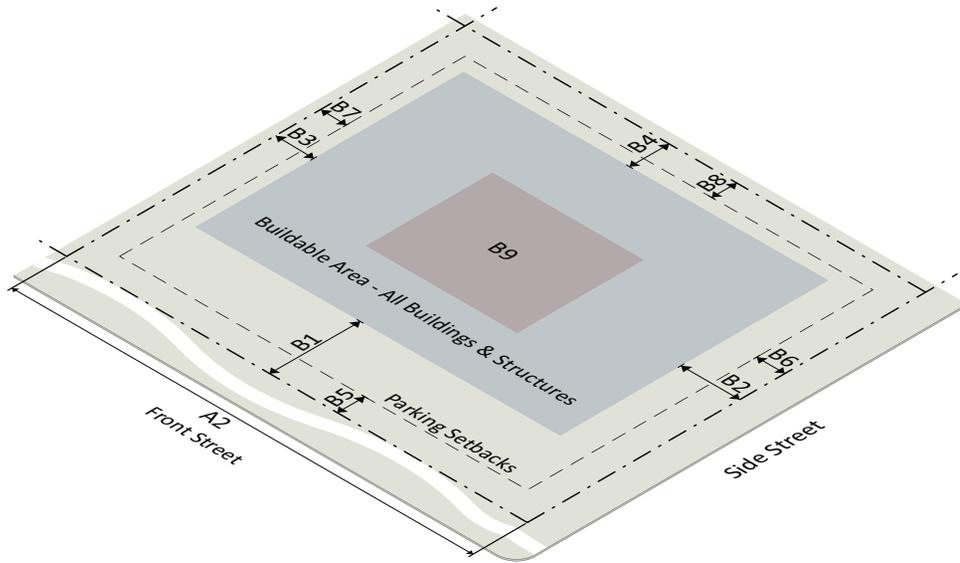
C. Height

	AC	RR	RC	RNC
Building Height (max)				
C1 Principal building	50'	50'	50'	35'
C2 Accessory structures	50'	50'	50'	35'

D. Child Lots

	AC	RR	RC	RNC
Qualification				
D1 Proof required	yes	n/a	n/a	n/a
Density (max)				
D2 Child lots allowed up to 25 acres	1	n/a	n/a	n/a
D3 Child lots allowed 70 to 120 acres	2	n/a	n/a	n/a
D4 Child lots allowed on more than 120 acres	3	n/a	n/a	n/a
D5 Lot size (max)	3 acres	n/a	n/a	n/a
Placement & Height				
D6 Sec. 4.2.1B and C. applies	yes	n/a	n/a	n/a

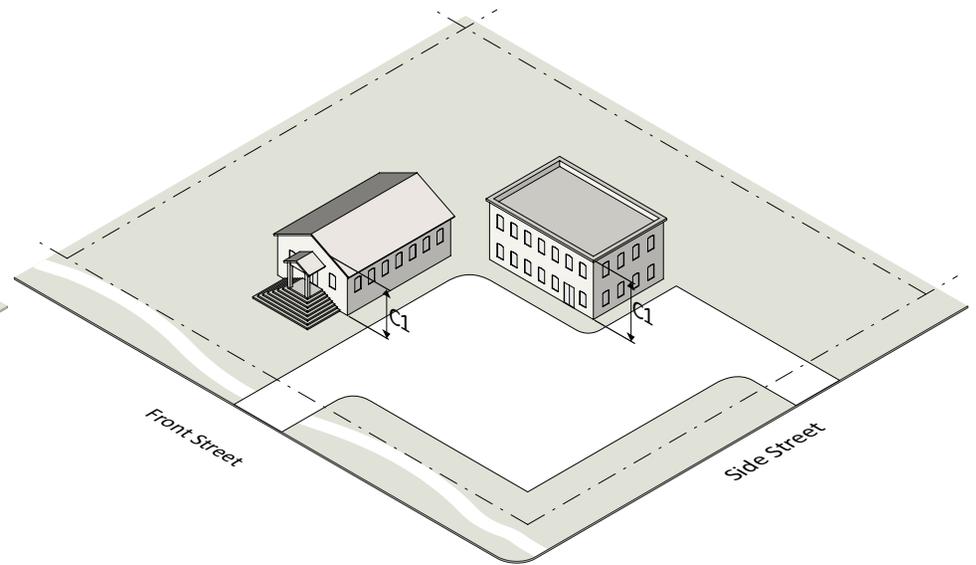
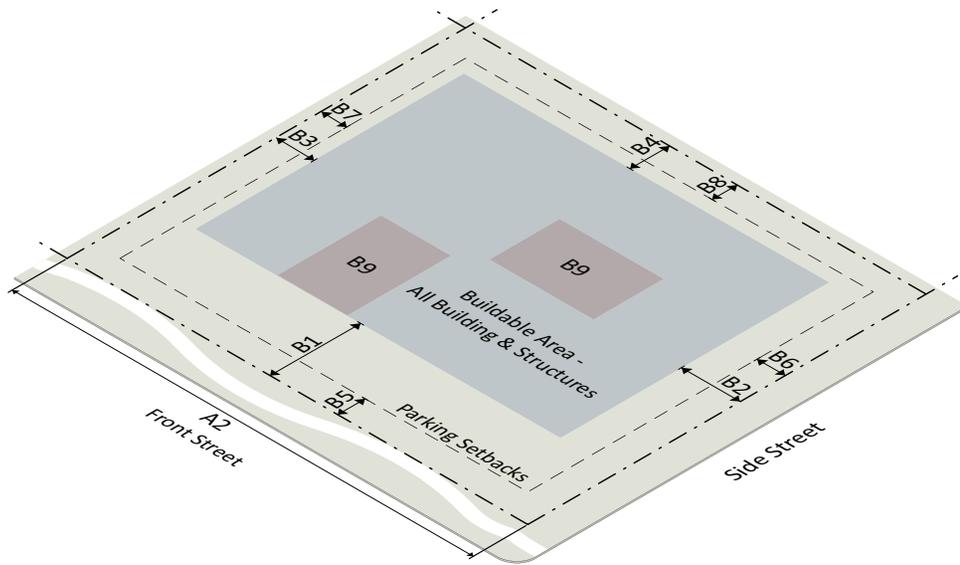
Sec. 4.2.2. General Building



A. Lot	AC, RR, RC, RNC
Dimensions (min)	
A1 Lot area	5 acres
A2 Lot width at front property line	200'
B. Placement	
Building & Structure Setbacks (min)	
B1 Front setback	50'
B2 Side street setback	50'
B3 Side interior setback	25'
B4 Rear setback	25'
Parking Setbacks (min)	
B5 Front setback	25'
B6 Side street setback	25'
B7 Side interior setback	25'
B8 Rear setback	25'
Coverage (max)	
B9 Roofed buildings & structures	10%

C. Height	AC, RR, RC	RNC
Building Height (max)		
C1 All buildings & structures	50'	35'

Sec. 4.2.3. Community Building

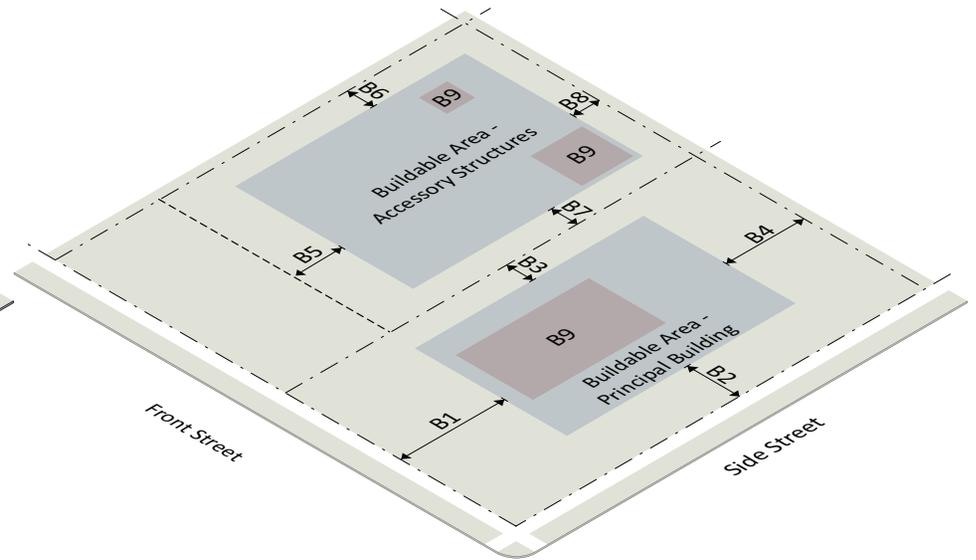
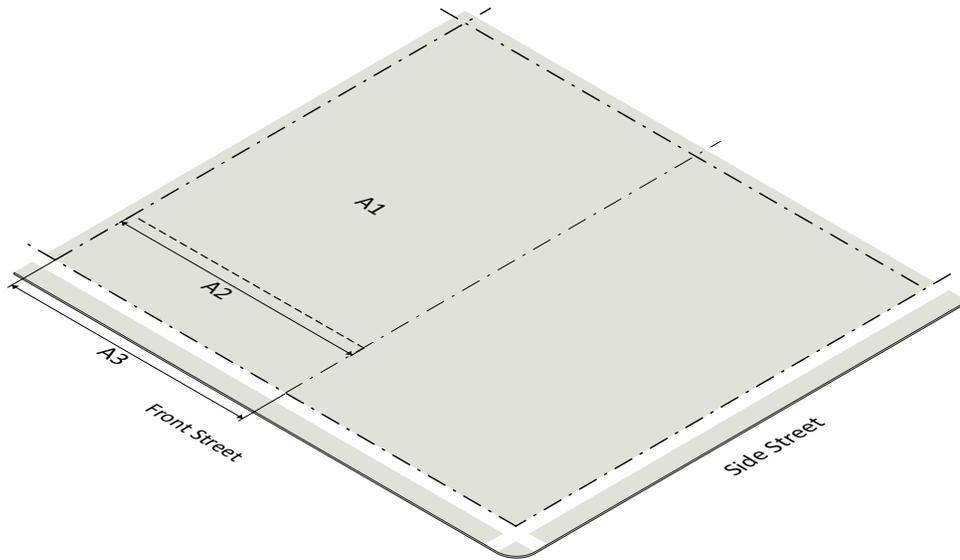


A. Lot	AC, RR, RC, RNC
Dimensions (min)	
A1 Lot area	5 acres
A2 Lot width at front property line	200'
B. Placement	
Building & Structure Setbacks (min)	
B1 Front setback	50'
B2 Side street setback	50'
B3 Side interior setback	25'
B4 Rear setback	25'
Parking Setbacks (min)	
B5 Front setback	25'
B6 Side street setback	25'
B7 Side interior setback	25'
B8 Rear setback	25'
Coverage (max)	
B9 Roofed buildings & structures	10%

C. Height	AC, RR, RC	RNC
Building Height (max)		
C1 All buildings & structures	50'	35'

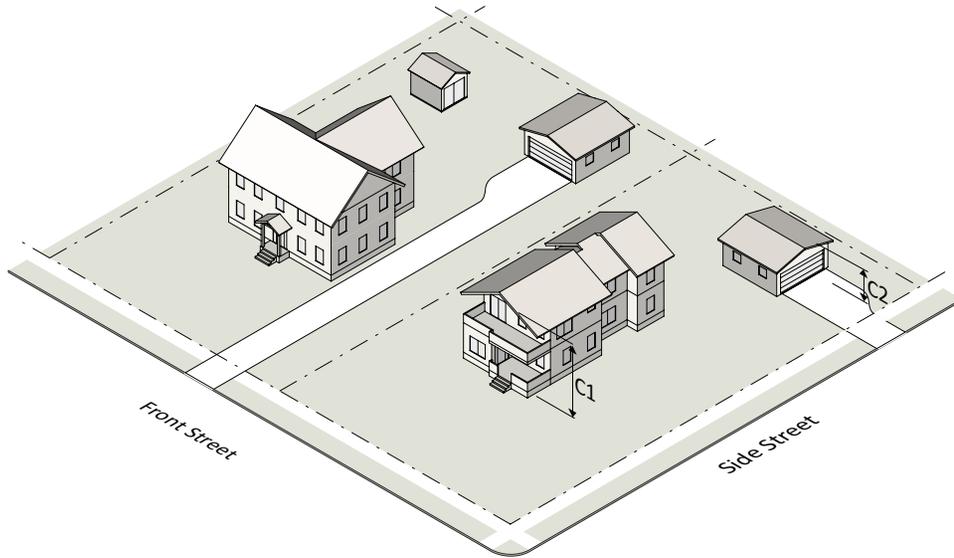
Div. 4.3. Residential Zones

Sec. 4.3.1. Detached House (1 of 2)



A. Lot	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Dimensions (min)					
A1 Lot area	87,120 sf	40,000 sf	20,000 sf	9,000 sf	6,000 sf
A2 Lot width at front building line	150'	125'	100'	75'	60'
A3 Lot width at front property line	25'	25'	25'	25'	25'

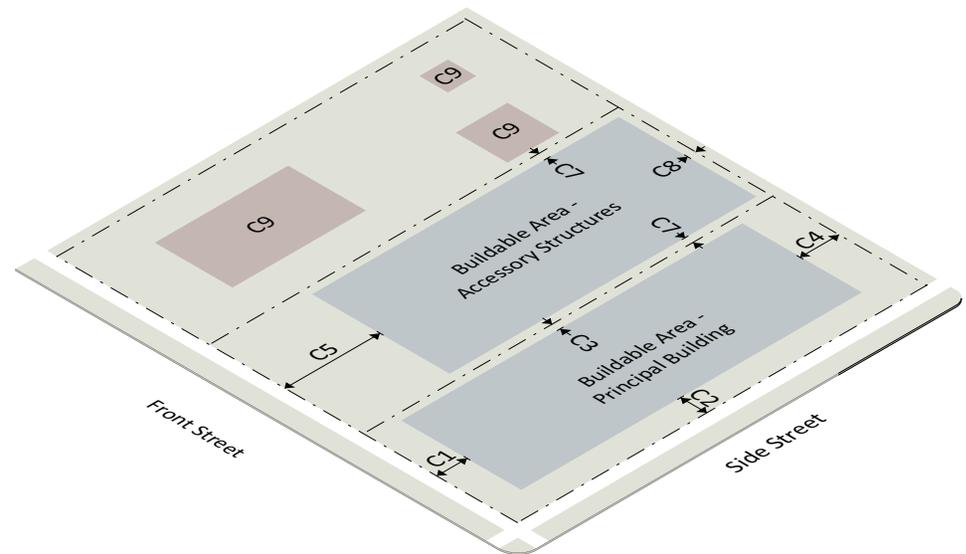
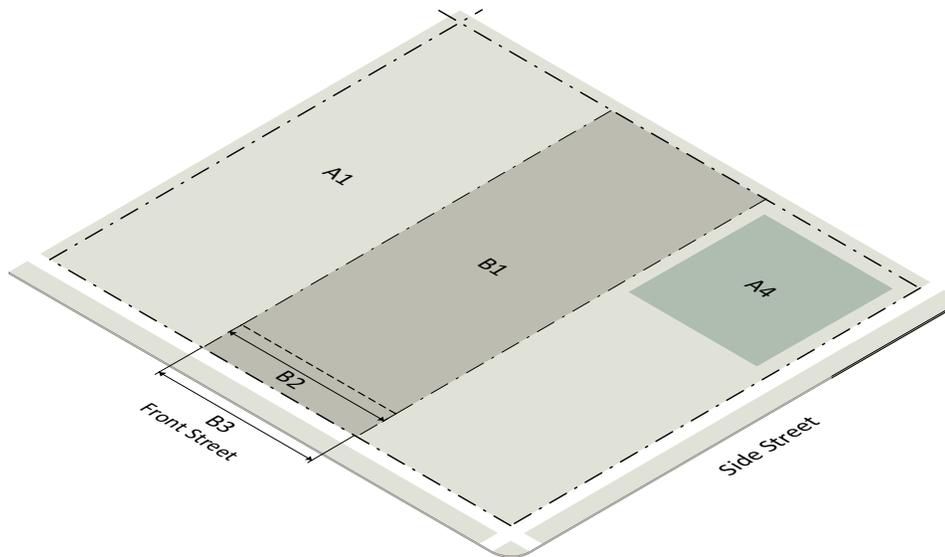
B. Placement	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Principal Building Setbacks (min)					
B1 Front setback	50'	50'	40'	30'	25'
B2 Side street setback	20'	20'	15'	15'	15'
B3 Side interior setback	17'	17'	12'	8'	8'
B4 Rear setback	35'	35'	30'	25'	20'
Accessory Structure Setbacks (min)					
B5 Front setback, behind front building line	20'	20'	10'	10'	10'
B6 Side street setback	20'	20'	15'	15'	15'
B7 Side interior setback	15'	15'	12'	5'	5'
B8 Rear setback	10'	10'	7'	5'	5'
B8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
Coverage (max)					
B9 Roofed buildings & structures	15%	15%	25%	30%	35%



C. Height

	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Building Height (max)					
C1 Principal building	50'	50'	40'	35'	35'
C2 Accessory structure	50'	50'	35'	25'	25'

Sec. 4.3.2. Detached House (2 of 2)

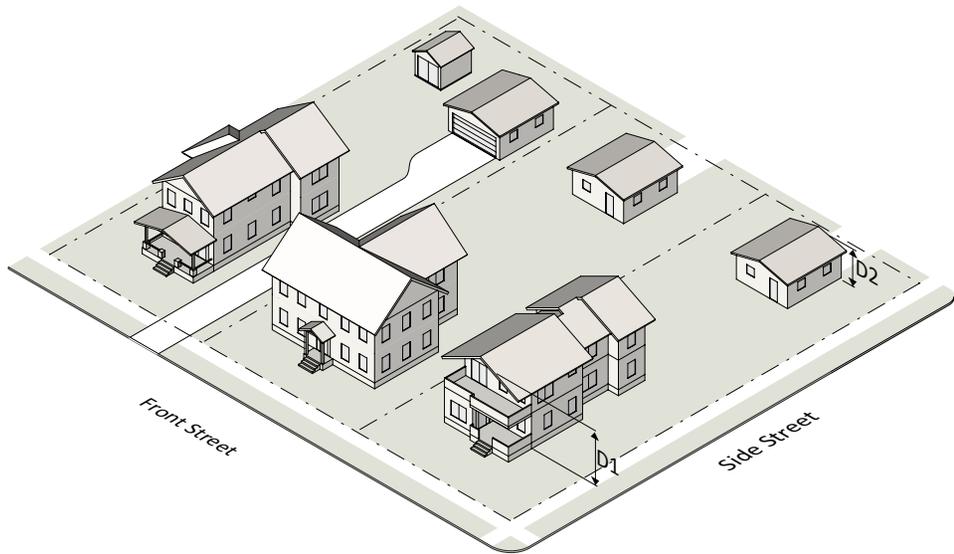


A. Site	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
A1 Site area	6,000 sf	12,000 sf	16,000 sf	12,000 sf	16,000 sf	20,000 sf
A2 Site area per unit	6,000 sf	4,300 sf	3,300 sf	3,600 sf	2,700 sf	2,100 sf
Density (max)						
A3 Density (units/acre)	7 u/a	10 u/a	13 u/a	12 u/a	16 u/a	20 u/a
Coverage (min)						
A4 Green area (% of site)	0%	10%	15%	15%	20%	25%

See Sec. ## for green area specifications.

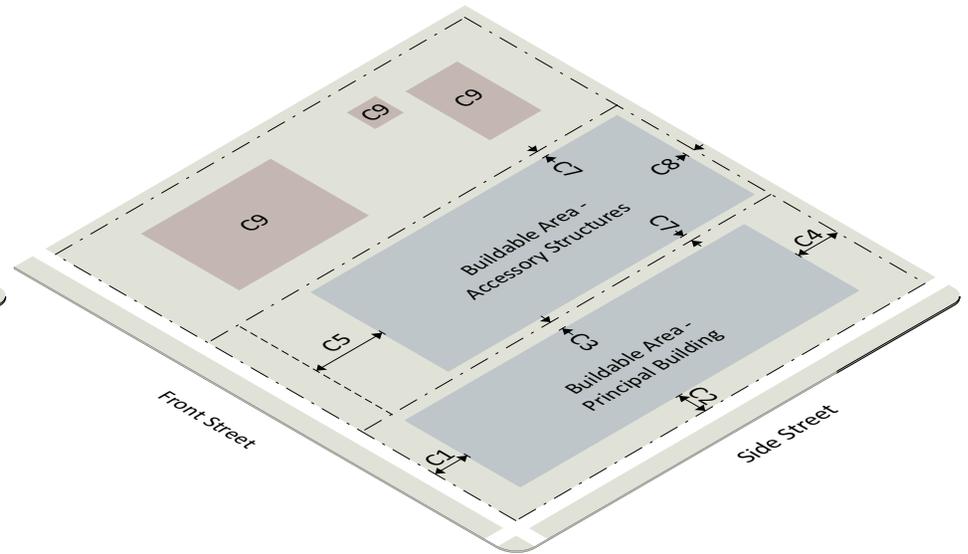
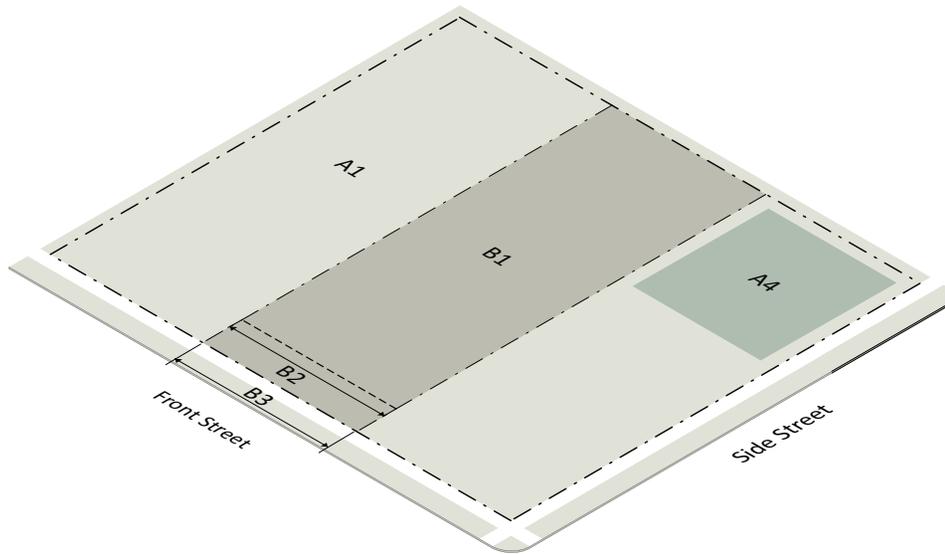
B. Lot	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
B1 Lot area	6,000 sf	4,000 sf	3,000 sf	3,000 sf	2,000 sf	1,000 sf
B2 Lot width at front building line	50'	40'	25'	25'	25'	25'
B3 Lot width at front property line	25'	25'	25'	25'	25'	25'

C. Placement	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Principal Building Setbacks (min)						
C1 Front setback, public street	25'	25'	20'	20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C1 Front setback, private street	25'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C2 Side street setback	15'	15'	15'	15'	Abutting zone	Abutting zone
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback	20'	20'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	Greater of abutting zone or 4'	Greater of abutting zone or 4'
Accessory Structure Setbacks (min)						
C5 Front setback, behind front building line	10'	10'	5'	5'		
C6 Side street setback	15'	15'	15'	15'		
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min		
Coverage (max)						
C9 Roofed buildings & structures	35%	40%	50%	50%	75%	90%



D. Height	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Building Height (max)						
D1 Principal building	35'	35'	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

Sec. 4.3.3. Duplex

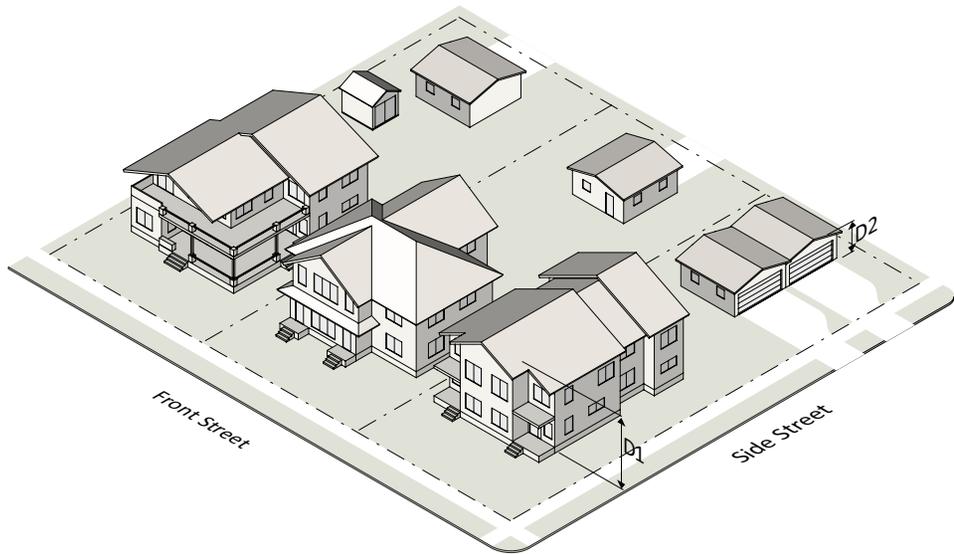


A. Site	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
A1 Site area	8,000 sf	8,000 sf	8,000 sf	8,000 sf	8,000 sf	8,000 sf
A2 Site area per unit	4,000 sf	3,000 sf	2,000 sf	2,000 sf	1,600 sf	800 sf
Density (max)						
A3 Density (units/acre)	8 u/a	11 u/a	14 u/a	14 u/a	20 u/a	30 u/a
Coverage (min)						
A4 Green area (% of site)	0%	0%	25%	25%	25%	25%

See **Sec. ##** for green area specifications.

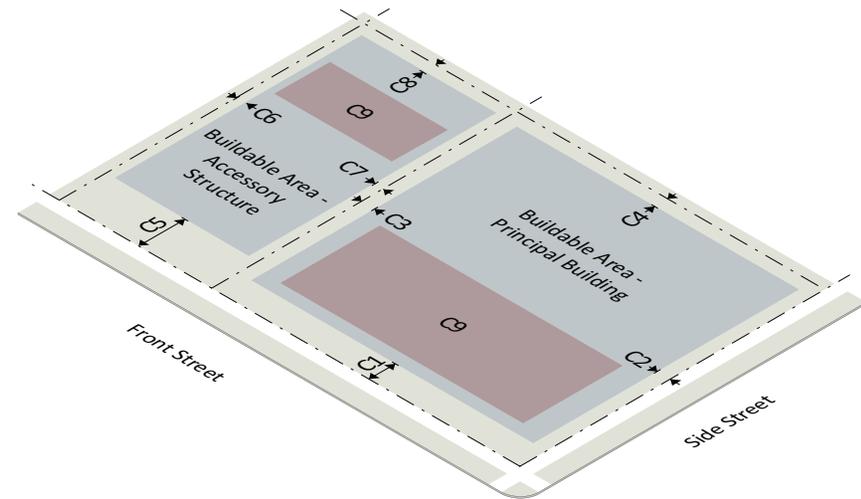
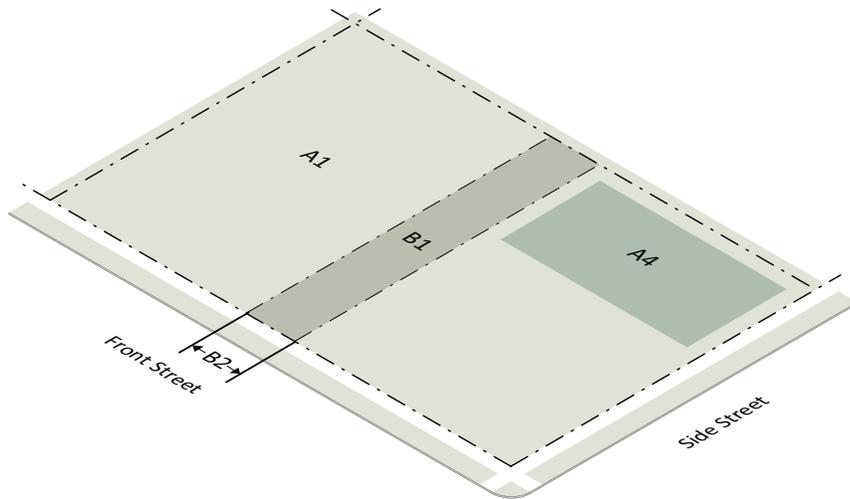
B. Lot	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
B1 Lot area	8,000 sf	6,000 sf	4,000 sf	4,000 sf	3,200 sf	1,600 sf
B2 Lot width at front building line	75'	60'	40'	40'	40'	40'
B3 Lot width at front property line	25'	25'	25'	25'	25'	25'

C. Placement	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Principal Building Setbacks (min)						
C1 Front setback, public street	25'	25'	20'	20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C1 Front setback, private street	25'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C2 Side street setback	15'	15'	15'	15'	Abutting zone	Abutting zone
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback	20'	20'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min		
Accessory Structure Setbacks (min)						
C5 Front setback, behind front building line	10'	10'	5'	5'		
C6 Side street setback	15'	15'	15'	15'		
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'		
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min		
Coverage (max)						
C9 Roofed buildings & structures	35%	40%	50%	50%	75%	90%



D. Height	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Building Height (max)						
D1 Principal building	35'	35'	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

Sec. 4.3.4. Townhouse

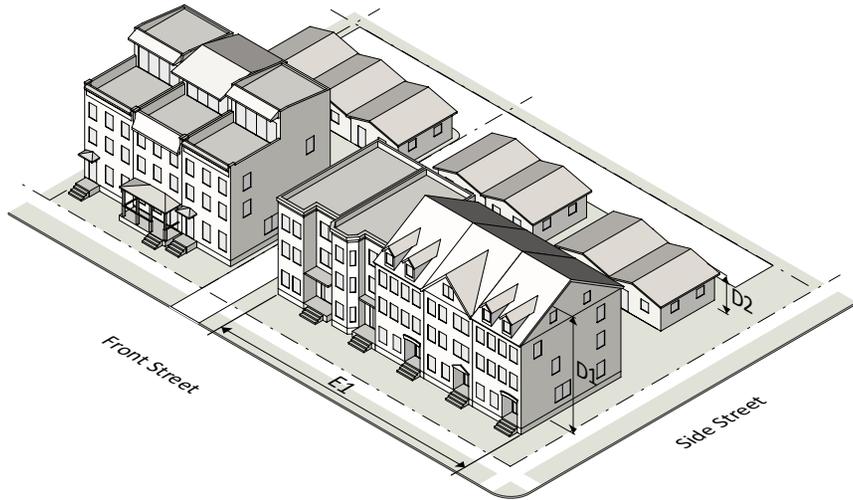


A. Site	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
A1 Site area	20,000 sf	20,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf
A2 Site area per unit	4,800 sf	3,600 sf	2,900 sf	2,700 sf	1,800 sf	1,000 sf
Density (max)						
A3 Density (units/acre)	9 u/a	12 u/a	15 u/a	16 u/a	24 u/a	40 u/a
Coverage (min)						
A4 Green area (% of site)	50%	45%	40%	35%	35%	35%

See **Sec. ##** for green area specifications.

B. Lot	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Dimensions (min)						
B1 Lot area	1,400 sf	1,200 sf	1,000 sf	1,200 sf	1,000 sf	800 sf
B2 Lot width at front property line	14'	14'	14'	14'	14'	14'

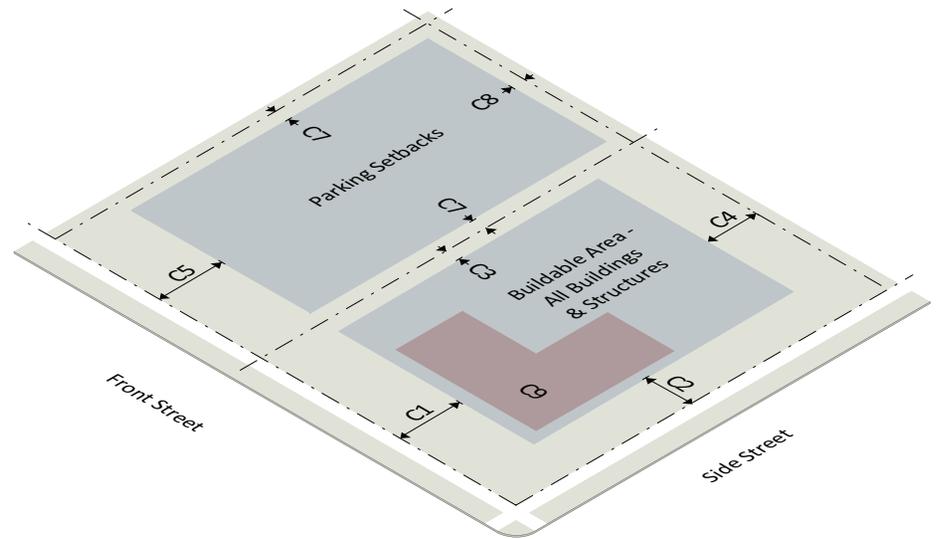
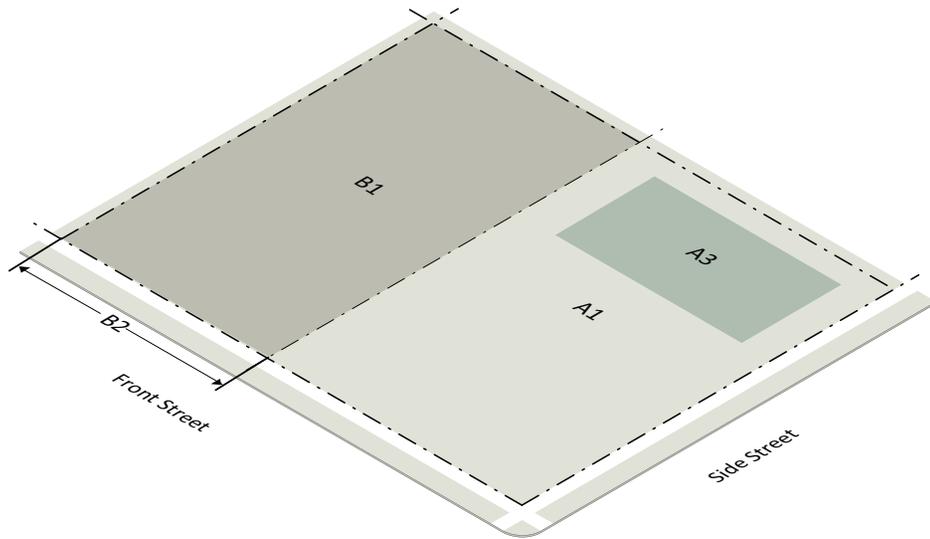
C. Placement	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Principal Building Setbacks (min)						
C1 Front setback, public street	25'	25'	20'	20'	20'	20'
C1 Front setback, private street	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
C2 Side street setback	15'	15'	15'	15'	15'	15'
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior setback, abutting all other zones	10'	10'	8'	8'	8'	8'
C4 Rear setback	20'	20'	20'	10'	10'	10'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
Accessory Structure Setbacks (min)						
C5 Front setback, behind front building line	10'	10'	5'	5'	5'	5'
C6 Side street setback	15'	15'	15'	15'	15'	15'
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	5'	5'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	0' or 5'	0' or 5'
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
Coverage (min)						
C9 Roofed building & structures	35%	35%	50%	50%	50%	50%



D. Height	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Building Height (max)						
D1 Principal building	35'	35'	35'	40'	40'	40'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

E. Form	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Massing						
E1 Number of units permitted in any one row (max)	8	8	8	8	8	8

Sec. 4.3.5. Apartment/Condo

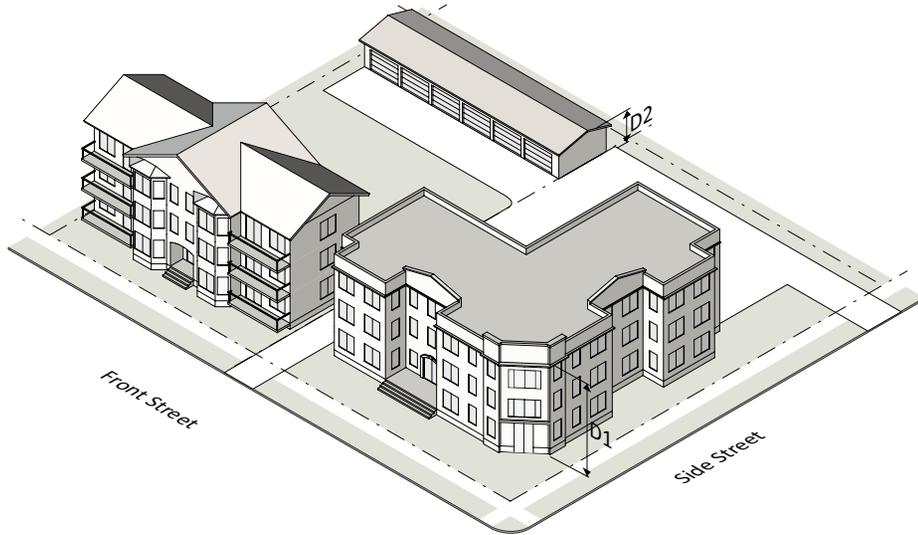


A. Site	RHD-3	RHD-2	RHD-1
Site Dimensions (min)			
A1 Site area per unit	3,000 sf	2,000 sf	1,000 sf
Density (max)			
A2 Density (units/acre)	14.5 u/a	21.7 u/a	43.5 u/a
Coverage			
A3 Green area (% of site)	65%	60%	50%

See Sec. ## for green area specifications.

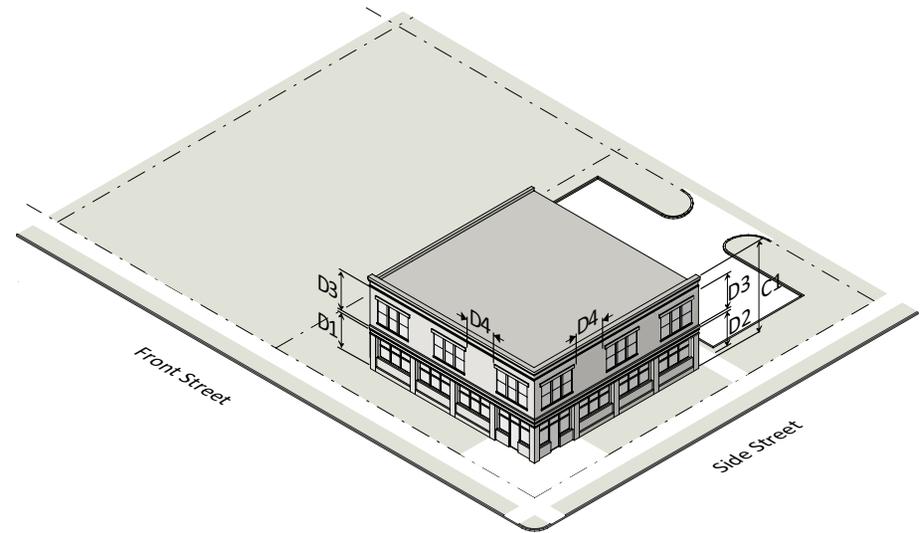
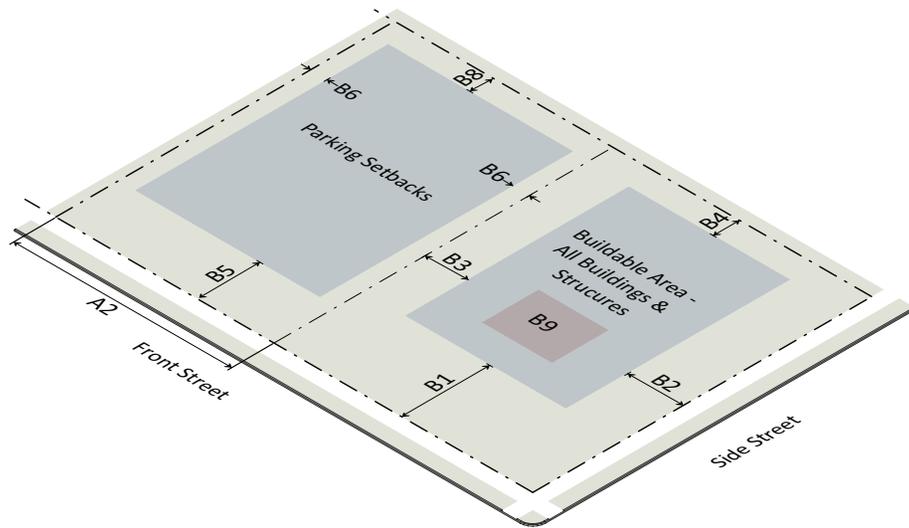
B. Lot	RHD-3	RHD-2	RHD-1
Dimensions			
B1 Lot area (min)	12,000 sf	16,000 sf	20,000 sf
B2 Lot width at front property line	75'	85'	100'

C. Placement	RHD-3	RHD-2	RHD-1
Building & Structure Setbacks (min)			
C1 Front setback	30'	30'	30'
C2 Side street setback	30'	30'	30'
C3 Side interior setback	10'	10'	10'
C4 Rear setback	30'	30'	30'
C4 Rear setback, alley	4'	4'	4'
Parking Setbacks (min)			
C5 Front setback	30'	30'	30'
C6 Side street setback	10'	10'	10'
C7 Side interior setback	10'	10'	10'
C8 Rear setback	10'	10'	10'
C8 Rear setback, alley	0'	0'	0'
Coverage			
A9 Roofed buildings & structures (max)	18%	18%	12%



D. Height	RHD-3	RHD-2	RHD-1
Building Height (max)			
D1 Principal building	35'	80'	100'
D2 Accessory structure	25'	25'	25'

Sec. 4.3.6. General Building



A. Lot	RE-2	RE-1	RLD-20	TLD RMD-9, -6	RHD-3, -2, -1 TMD, THD
Dimensions (min)					
A1 Lot area	87,120 sf	40,000 sf	20,000 sf	15,000 sf	10,000 sf
A2 Lot width at front property line	150'	125'	100'	75'	75'

B. Setbacks

All Buildings & Structures (min)					
B1 Front setback	50'	50'	40'	30'	20'
B2 Side street setback	20'	20'	15'	15'	10'
B3 Side interior setback	17'	17'	12'	8'	8'
B4 Rear setback	35'	35'	30'	30'	30'
B4 Rear setback, alley	4'	4'	4'	4'	4'
Parking Setbacks (min)					
B5 Front setback	10'	10'	10'	10'	10'
B6 Side street setback	10'	10'	10'	10'	10'
B7 Side interior setback	10'	10'	10'	10'	10'
B8 Rear setback	10'	10'	10'	10'	10'
B8 Rear setback, alley	0'	0'	0'	0'	0'
Coverage (max)					
B9 Roofed buildings & structures	30%	30%	40%	50%	60%

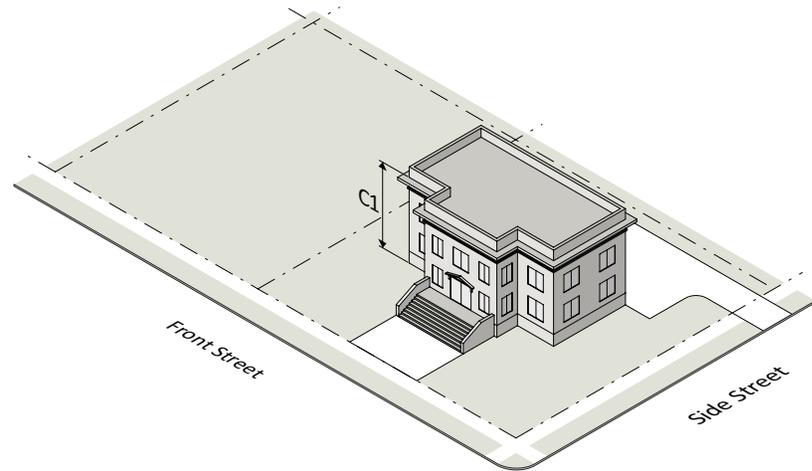
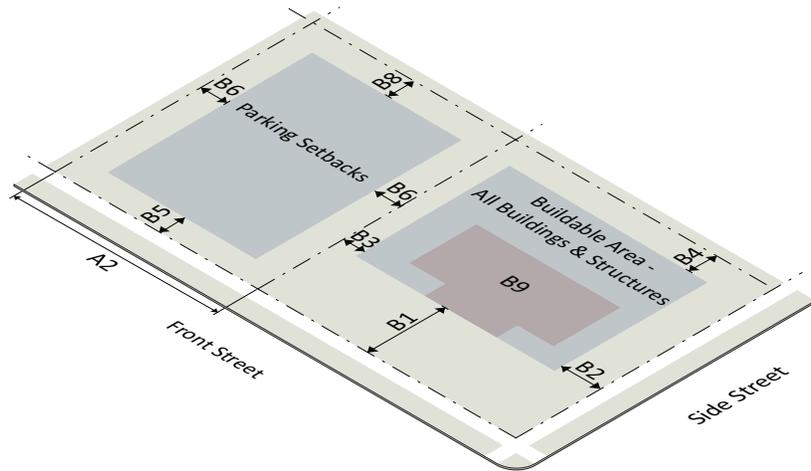
C. Height

Building Height (max)	RE-1, -2	RLD-20	TLD RMD-9, -6	RHD-3, -2, -1 TMD, THD
C1 All buildings & structures	50'	40'	40'	40'

D. Form

Transparency				
D1 Ground story, primary street (min)	40%	40%	40%	40%
D2 Ground story, side street (min)	25%	25%	25%	25%
D3 Upper story primary, side street (min)	20%	20%	20%	20%
D4 Blank wall primary, side street (max)	35'	35'	35'	35'

Sec. 4.3.7. Community Building



A. Lot	RE-2	RE-1	RLD-20	TLD RMD-9, -6	RHD-3, -2, -1 TMD, THD
Dimensions (min)					
A1 Lot area	87,120 sf	40,000 sf	20,000 sf	15,000 sf	10,000 sf
A2 Lot width at front property line	150'	125'	100'	75'	75'

B. Setbacks

All Buildings & Structures (min)					
B1 Front setback	50'	50'	40'	30'	20'
B2 Side street setback	20'	20'	15'	15'	10'
B3 Side interior setback	17'	17'	12'	8'	8'
B4 Rear setback	35'	35'	30'	30'	30'
B4 Rear setback, alley	4'	4'	4'	4'	4'
Parking Setbacks (min)					
B5 Front setback	10'	10'	10'	10'	10'
B6 Side street setback	10'	10'	10'	10'	10'
B7 Side interior setback	10'	10'	10'	10'	10'
B8 Rear setback	10'	10'	10'	10'	10'
B8 Rear setback, alley	0'	0'	0'	0'	0'
Coverage (max)					
B9 Roofed buildings & structures	30%	30%	40%	50%	60%

C. Height	RE-1, -2	RLD-20	TLD RMD-9, -6	RHD-3, -2, -1 TMD, THD
Building Height (max)				
C1 All buildings & structures	50'	40'	40'	40'

Div. 4.4. Commercial/Residential Zones

Sec. 4.4.1. Density and Height Allocation

A. Density and Height Limits

- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and height (H) is established as a zone subject to the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CR Neighborhood (CRN)	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CR Town (CRT)	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR (CR)	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of five feet up to the maximums indicated in the table above.

B. FAR Averaging

Permitted FAR may be averaged over two or more directly abutting or confronting properties in one or more mixed use zone, provided that:

- The properties are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;
- The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
- The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- No building exceeds the maximum height set by the zone;
- Uses are subject to the provisions of the zone category;
- The total allowed maximum density on a resulting property that is adjacent to or confronting a property in an AC, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zone that is not improved with a commercial, industrial, or utility use does not exceed that allowed by the property's zone; and
- Public benefits must be provided under the phasing element of an approved sketch plan.

Sec. 4.4.2. Methods of Development

The CRN zone allows development only under the standard method. The CRT and CR zones allow development under the standard method and may allow development under the optional method, subject to approval of a sketch plan.

A. Standard Method

Standard method development is allowed under the following limitations and requirements.

- In the CRN zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- In the CRT and CR zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the table below, whichever is less:

Zone	Total Density (max)
CR Town (CRT)	The greater of 1.0 FAR or 10,000 sf of gross floor area
CR (CR)	The greater of 0.5 FAR or 10,000 sf of gross floor area

- A layout plan under **Sec. ##** or site plan under **Sec. ##** may be required.

B. Optional Method

Optional method development is allowed under **Div. 6.3**.

Sec. 4.4.3. Development Standards

Development in all CRN, CRT, and CR zones must comply with the following requirements.

A. Master Plan and Design Guidelines

- Development that requires a site plan must be substantially consistent with the applicable master or sector plan.
- Development that requires a site plan must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

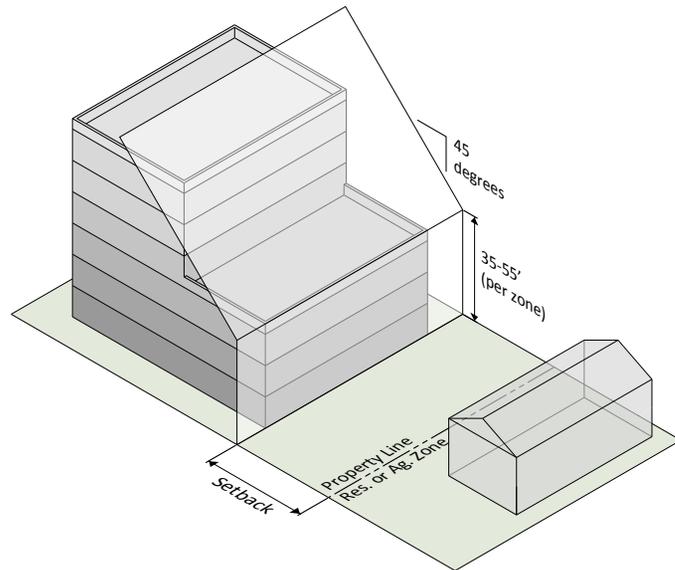
B. Building Types

Dimensional standards for allowed building types are provided under [Sec. 4.4.4.](#) to [Sec. 4.4.10.](#) Building types are allowed by zone under [Sec. 4.1.3.](#)

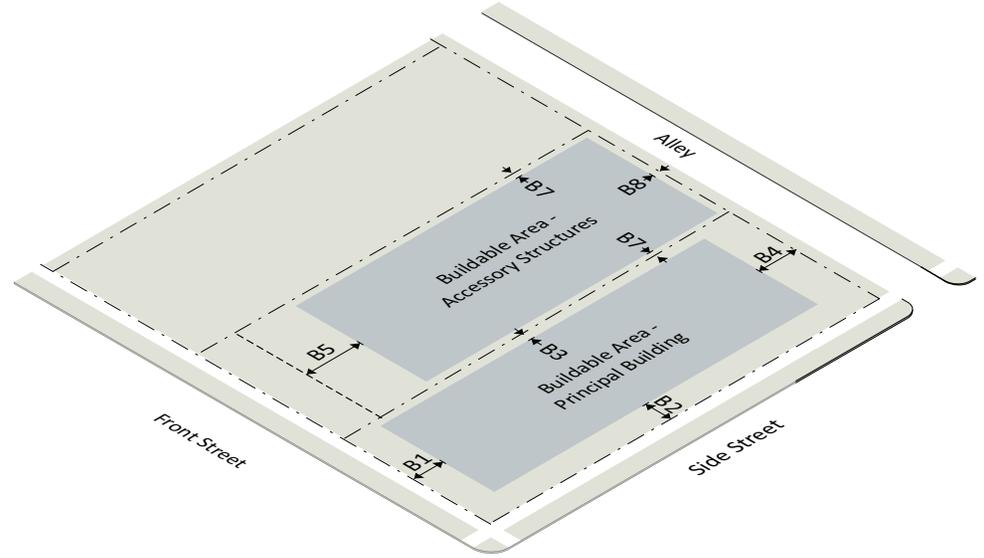
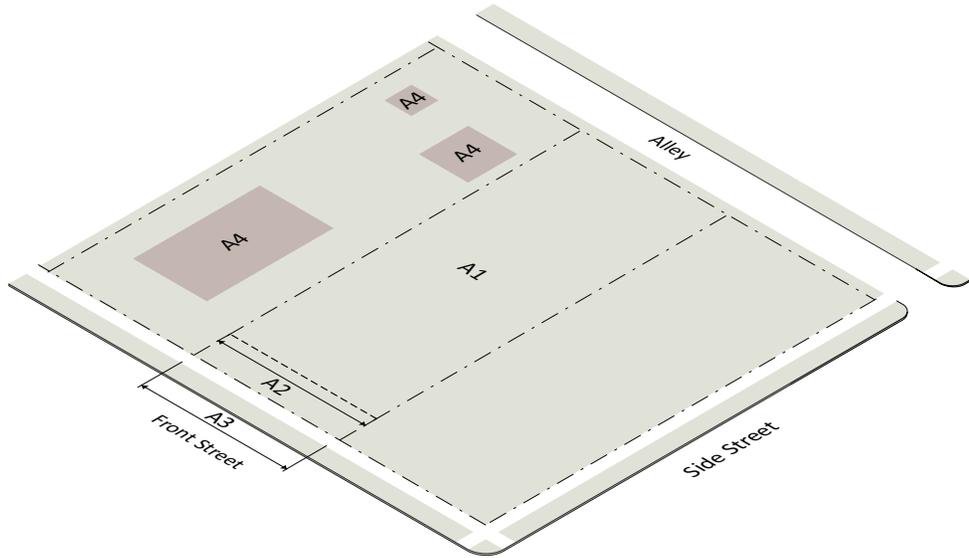
C. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must:

1. Have a minimum setback of 25 feet or the setback required by the adjacent property; and
2. Must not project beyond a 45 degree angular plan projecting over the subject property measured from a height of 55 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.14.](#)

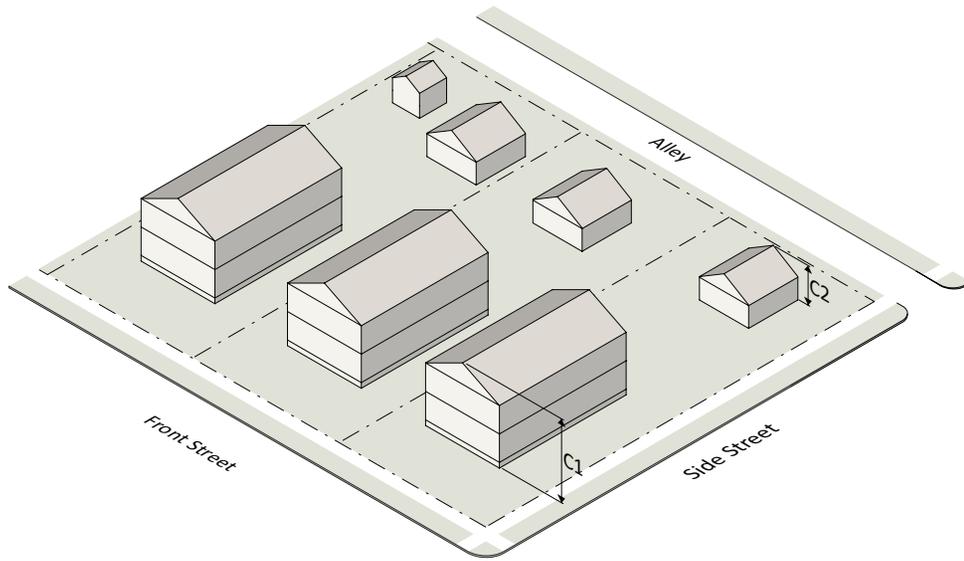


Sec. 4.4.4. Detached House



A. Lot	CRN, CRT, CR
Dimensions (min)	
A1 Lot area	1,000 sf
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
Coverage (max)	
A4 Roofed buildings & structures	90%

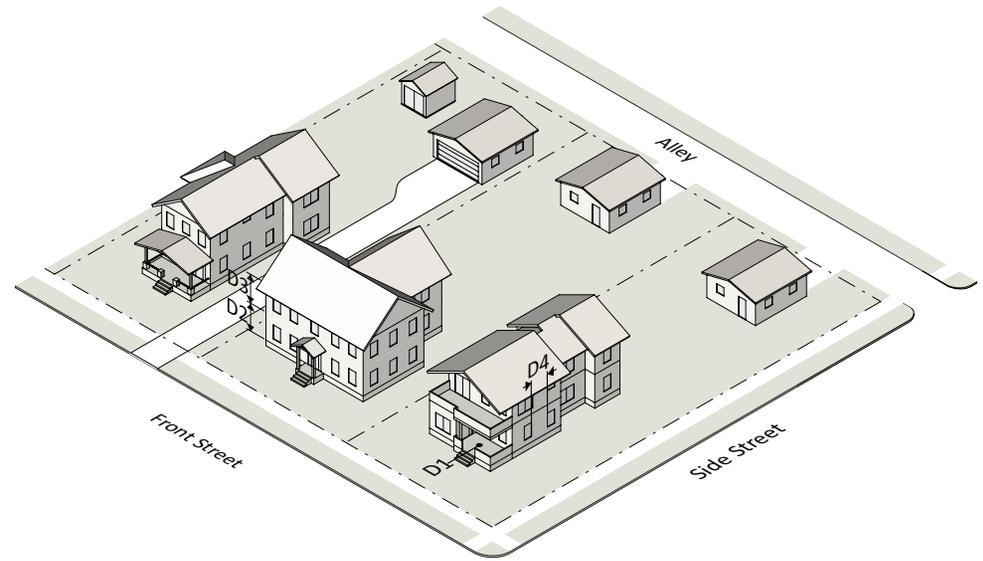
B. Setbacks	CRN, CRT, CR
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min



C. Height

CRN, CRT, CR

Building Height (max)	
C1 Principal building	35'
C2 Accessory structure	25'



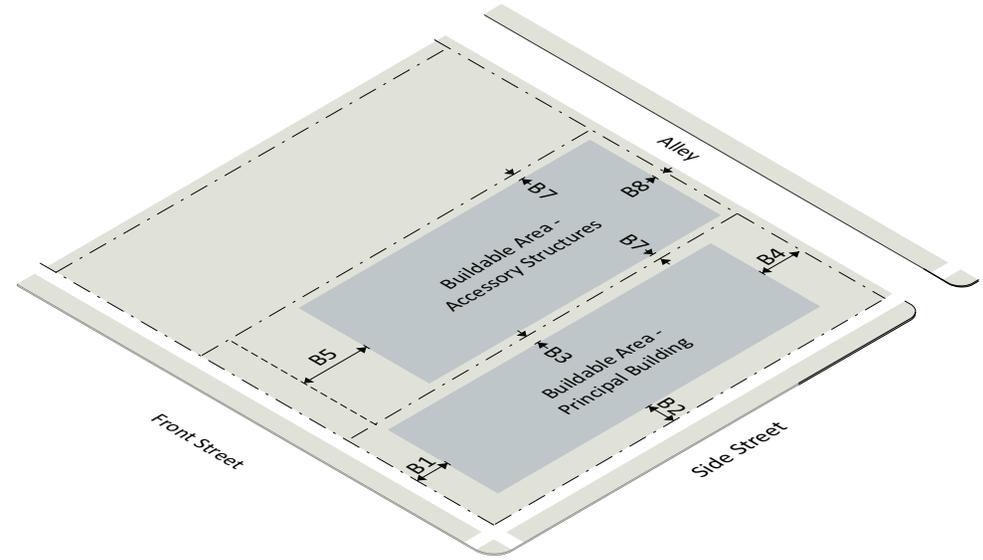
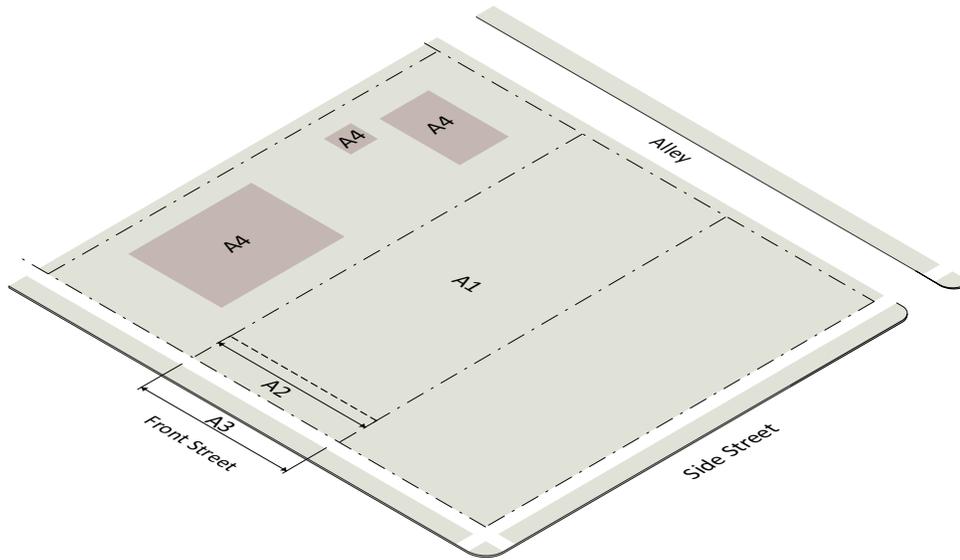
D. Form

CRN, CRT, CR

Building Orientation	
D1 Street or common open space facing entrance	Required
Transparency: Primary or Side Street	
D2 Ground story (min)	20%
D3 Upper story (min)	20%
D4 Blank wall (max)	35'
D5 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

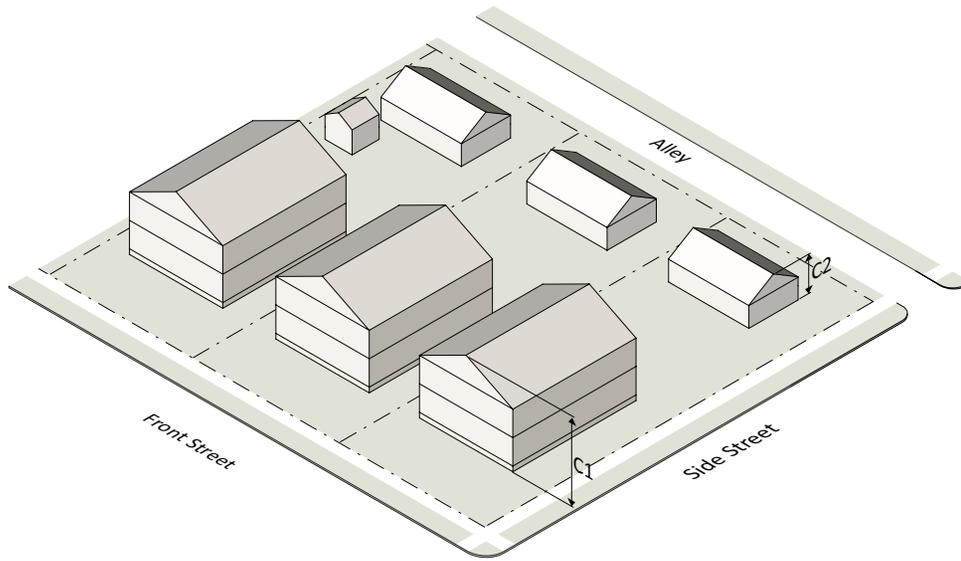
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.5. Duplex



A. Lot	CRN, CRT, CR
Dimensions (min)	
A1 Lot area	1,600 sf
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
Coverage (max)	
A4 Roofed buildings & structures	90%

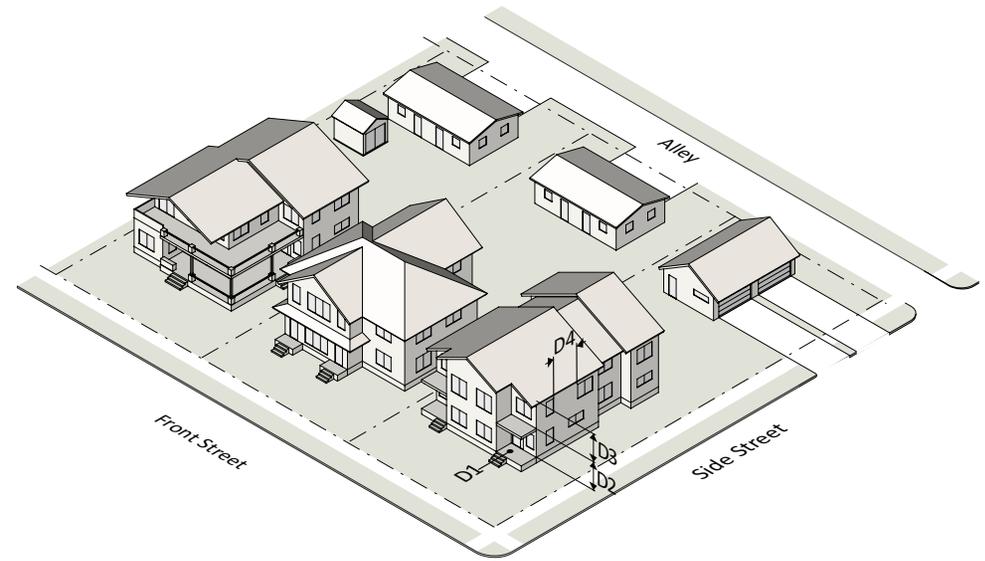
B. Setbacks	CRN, CRT, CR
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min



C. Height

CRN, CRT, CR

Building Height (max)	
C1 Principal building	35'
C2 Accessory structure	25'



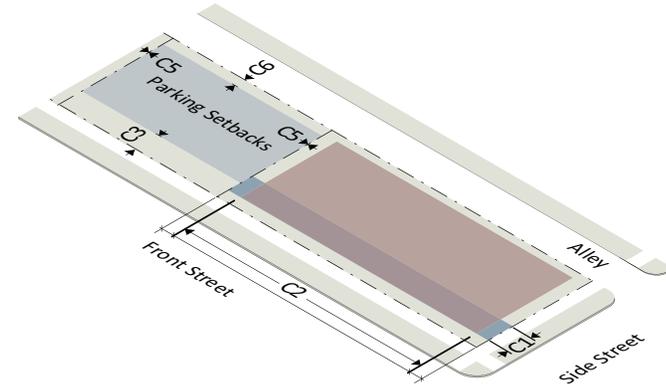
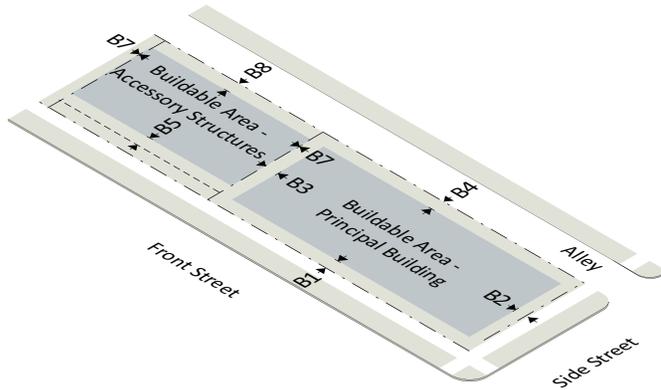
D. Form

CRN, CRT, CR

Building Orientation	
D1 Street or common open space facing entrance	Required
Transparency: Primary or Side Street	
D2 Ground story (min)	20%
D3 Upper story (min)	20%
D4 Blank wall (max)	35'
D5 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

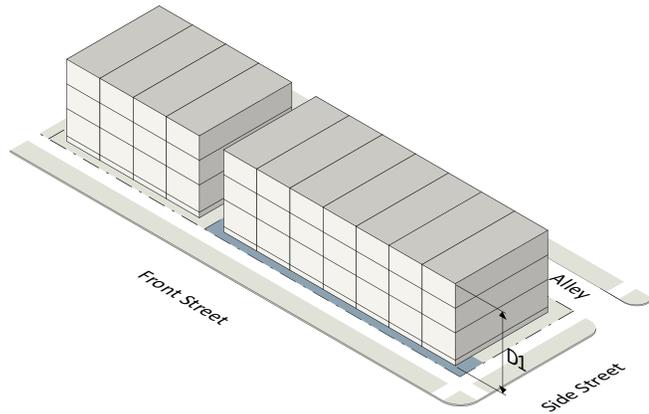
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.6. Townhouse

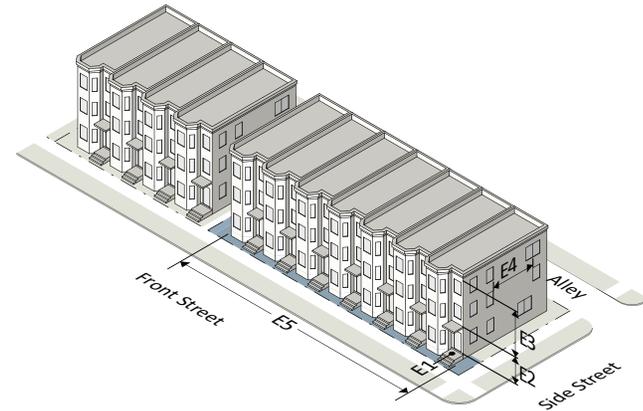


A. Lot	CRN, CRT, CR
Dimensions (min)	
A1 Lot area	900 sf
Coverage (max)	
A2 Roofed buildings & structures	90%
B. Setbacks	
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback	20'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback, abutting Agricultural, Rural or Residential zone	5'
B7 Side interior setback, abutting all other zones	0' or 5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min

C. Placement	CRN, CRT, CR
Build-to Zone (BTZ)	
C1 Front street build-to (min/max)	5'/15'
C2 Building in BTZ (min % of lot width)	70%
Parking Setbacks (min)	
C3 Front street setback	10'
C4 Side street setback	10'
C5 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C5 Side interior setback, abutting all other zones	0' or 5'
C6 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C6 Rear setback, abutting all other zones	0' or 5'
C6 Rear setback, alley	4' or 20' min



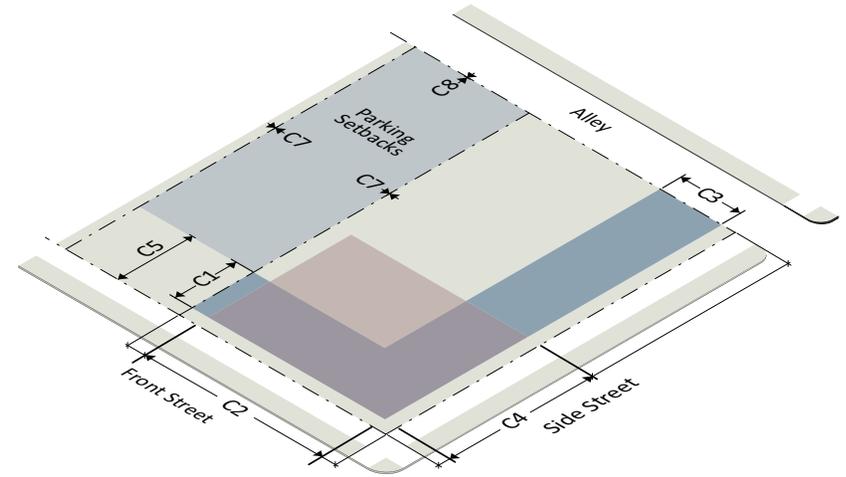
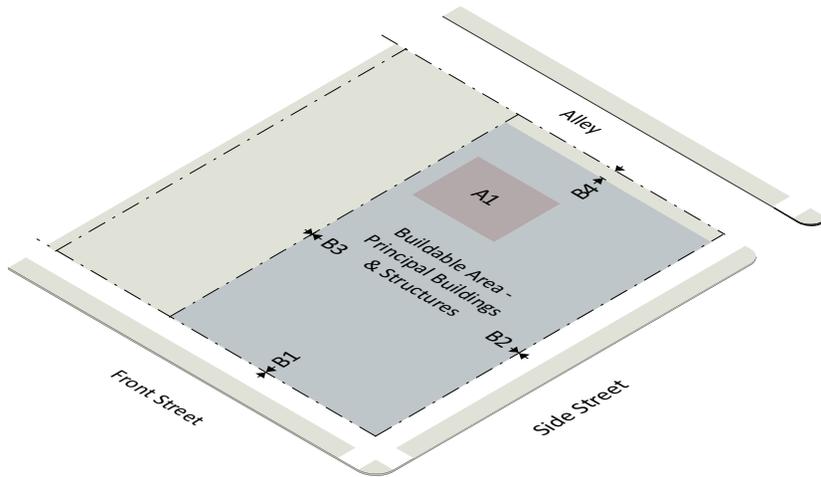
D. Height	CRN, CRT, CR
Building Height (max)	
D1 Principal building	40' unless zone height limit is less
D2 Accessory structure	25'



E. Form	CRN, CRT, CR
Building Orientation	
E1 Street-facing entrance	Required
Transparency: Primary or Side Street	
E2 Ground story (min)	20%
E3 Upper story (min)	20%
E4 Blank wall (max)	35'
Massing	
E5 Number of units permitted in any one row	8
E6 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.7. Apartment/Condo



A. Lot CRN, CRT, CR

A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%

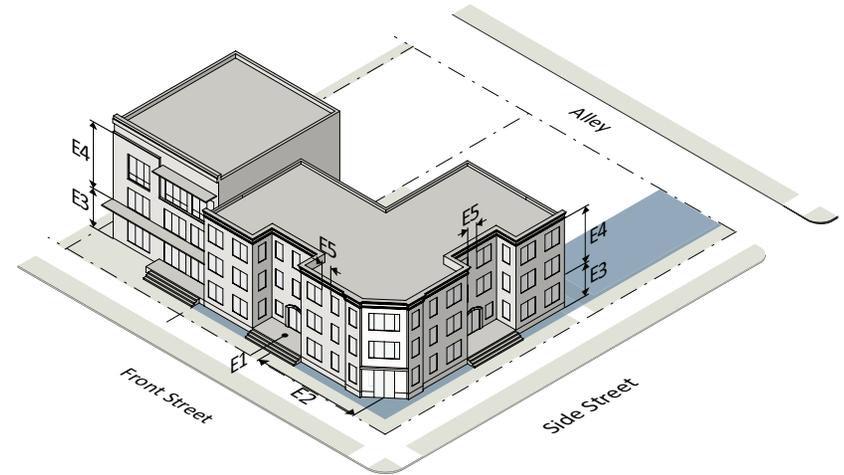
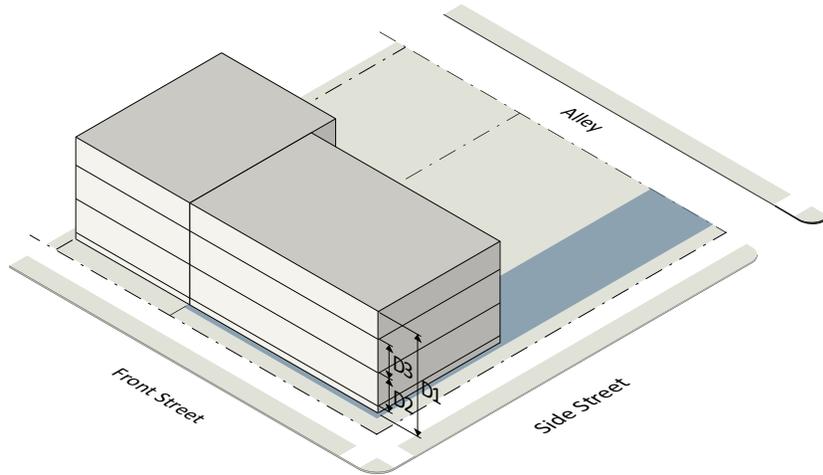
See Sec. ## for public use space specifications.

B. Setbacks

Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement CRN, CRT, CR

Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/30'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/30'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'



D. Height

CRN, CRT, CR

Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300'
Story Heights (min)	
D2 Ground story, floor to ceiling	10'
D3 Upper story, floor to ceiling	9'

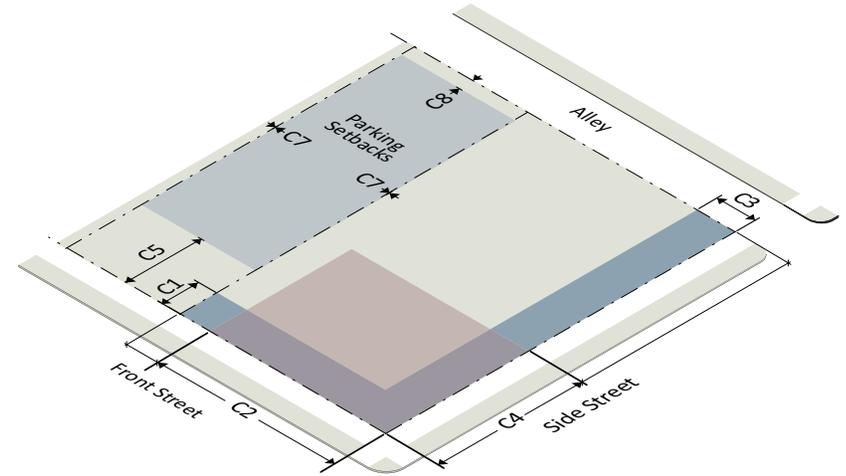
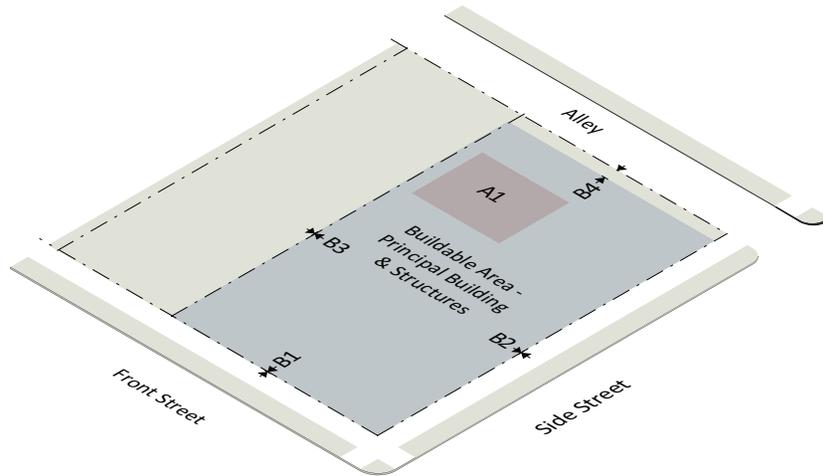
E. Form

CRN, CRT, CR

Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency: Primary, Side Street, Public Open Space	
E3 Ground story (min)	20%
E4 Upper story (min)	20%
E5 Blank wall (max)	35'
E6 Allowed Building Element	
Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

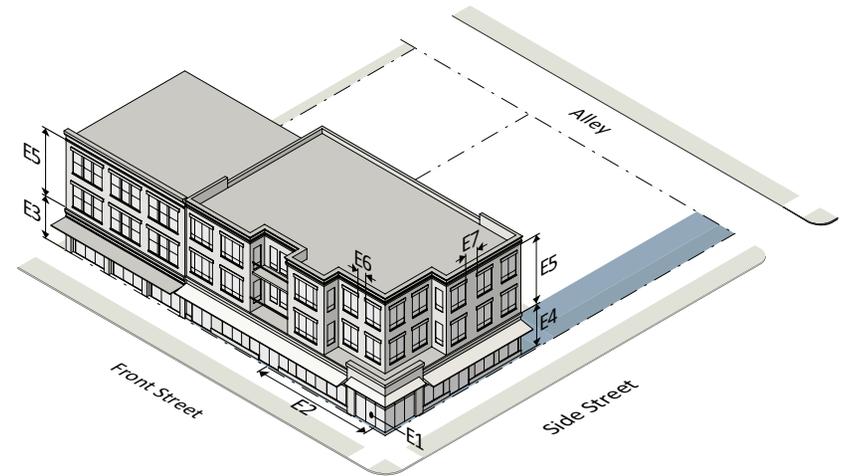
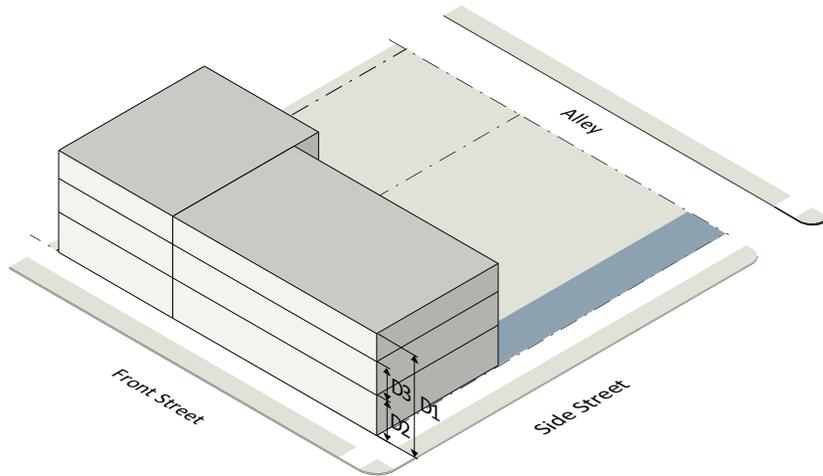
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.8. Mixed Use Building



A. Lot	CRN, CRT, CR
A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	CRN, CRT, CR
Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/15'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/15'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'



D. Height

CRN, CRT, CR

Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300'
Story Heights (min)	
D2 Ground story, floor to ceiling	13'
D3 Upper story, floor to ceiling	9'

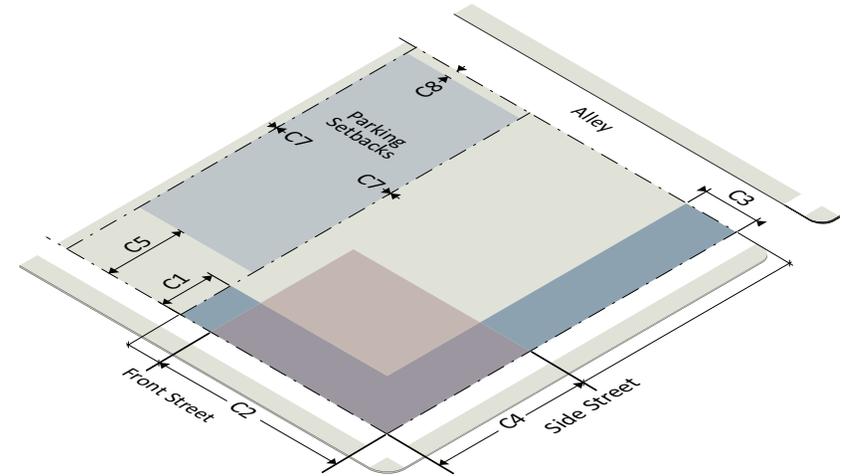
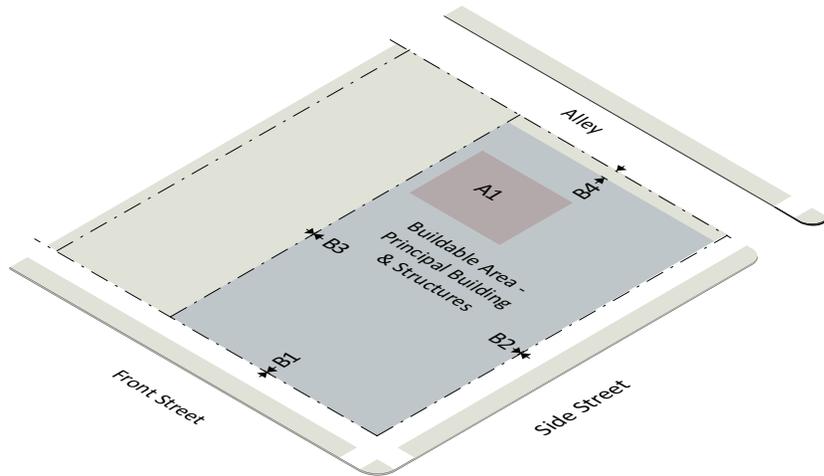
E. Form

CRN, CRT, CR

Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	75'
Transparency	
E3 Ground story front street (min)	60%
E4 Ground story side street, public open space (min)	30%
E5 Upper story front, side street, public open space (min)	20%
E6 Blank wall front street (max)	25'
E7 Blank wall side street, public open space (max)	35'
E8 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

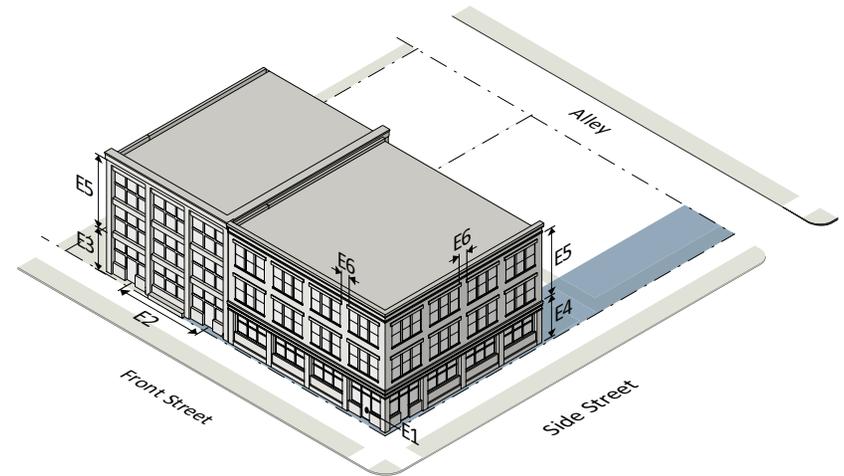
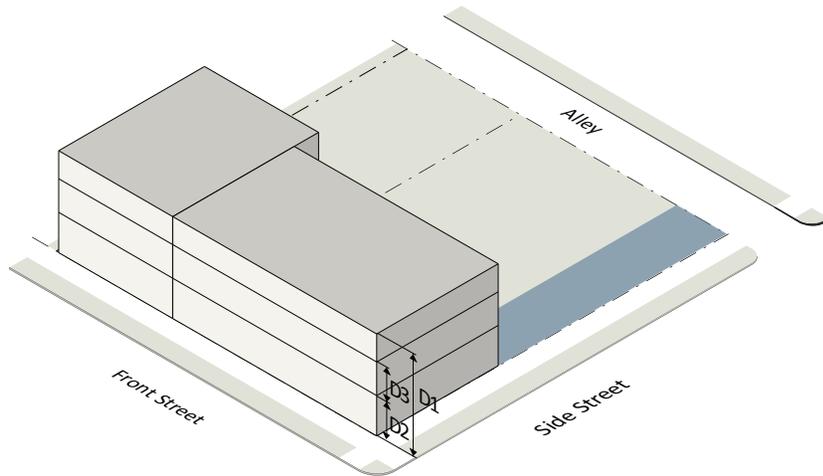
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.9. General Building



A. Lot	CRN, CRT, CR
A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	CRN, CRT, CR
Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/20'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/20'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'



D. Height

CRN, CRT, CR

Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300'
Story Heights (min)	
D2 Ground story, floor to ceiling	11'
D3 Upper story, floor to ceiling	9'

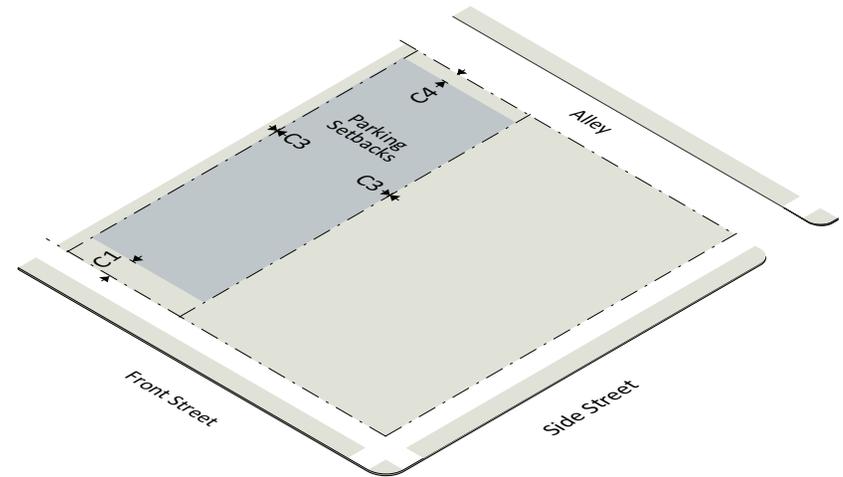
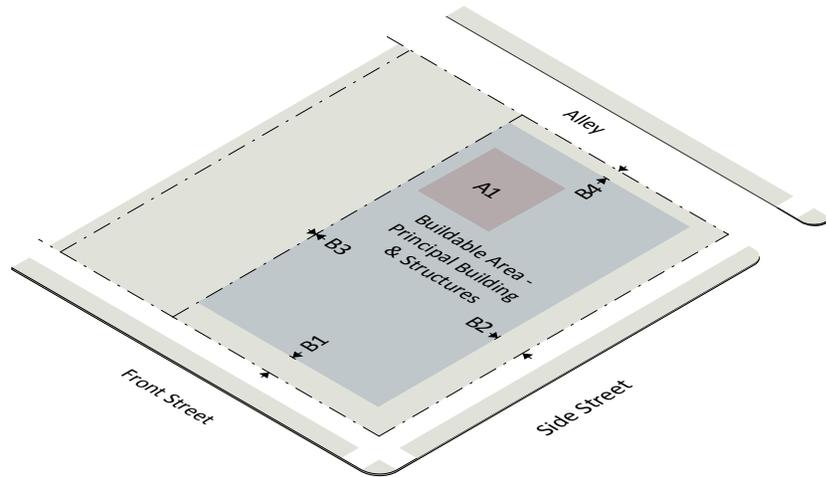
E. Form

CRN, CRT, CR

Building Orientation	
E1 Street -facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency	
E3 Ground story front street (min)	40%
E4 Ground story side street, public open space (min)	25%
E5 Upper story front, side street, public open space (min)	20%
E6 Blank wall front, side street, public open space (max)	35'
E7 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.4.10. Community Building



A. Lot CRN, CRT, CR

A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%

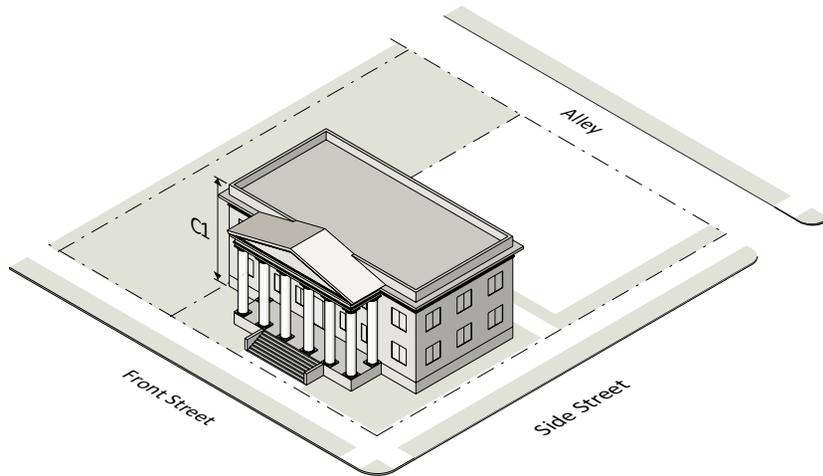
See [Sec. ##](#) for public use space specifications.

B. Setbacks

Building & Structure Setbacks (min)	
B1 Front street setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.4.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement

CRN, CRT, CR	
Parking Setbacks (min)	
C1 Front street setback	10'
C2 Side street setback	10'
C3 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C3 Side interior setback, abutting all other zones	0' or 5'
C4 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C4 Rear setback, abutting all other zones	0' or 5'
C4 Rear setback, alley	0' or 5'



D. Height

CRN, CRT, CR

Building Height (max)

D1 All buildings & structures

Specific to mapped zone:
25' to 300'

E. Form

E1 Allowed Building Elements

Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

See [Sec. 4.1.4.G](#) for specific building element requirements.

Div. 4.5. Employment Zones

Sec. 4.5.1. Density and Height Allocation

A. Density and Height Limits

- Density is calculated as an allowed floor area ratio (FAR). Each unique sequence of maximum total FAR and height (H) is established as a zone subject to the following limits:

Zone	Total FAR (max)	Height (max)
Employment General (EG)	0.5 to 2.5	25' to 85'
Employment Life Science (ELS)	0.5 to 2.5	35' to 200'
Employment Office (EOF)	0.5 to 4.0	35' to 200'

- Zones are only established at densities in increments of 0.25 FAR and heights in increments of five feet up to the maximums indicated in the table above.

B. FAR Averaging

Permitted FAR may be averaged over two or more directly abutting or confronting properties in one or more mixed use zone, provided that:

- The properties are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan
- The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;
- The maximum total, nonresidential, and residential FAR limits apply to the entire development, not to individual properties;
- No building exceeds the maximum height set by the zone;
- Uses are subject to the provisions of the zone category;
- The total allowed maximum density on a resulting property that is adjacent to or confronting a property in an AC, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zone that is not improved with a commercial, industrial, or utility use does not exceed that allowed by the property's zone; and
- Public benefits must be provided under the phasing element of an approved sketch plan.

Sec. 4.5.2. Methods of Development

The EG Zone allows development only under the standard method. The ELS and EOF Zones allow development under the standard method and may allow development under the optional method, subject to approval of a sketch plan.

A. Standard Method

Standard method development is allowed under the following limitations and requirements.

- In the EG Zone, the maximum total, nonresidential, and residential FARs and maximum height for any property is set by the zone shown on the zoning map.
- In the ELS and EOF Zones, the maximum standard method height for any property is the height set by the zone shown on the zoning map; the maximum total standard method FAR for any property is the density set by the zone shown on the zoning map or the limit indicated in the table below, whichever is less:

Zone	Total Density (max)
Employment Life Science (ELS)	The greater of 0.5 FAR or 10,000 sf of gross floor area
Employment Office (EOF)	The greater of 1.0 FAR or 10,000 sf of gross floor area

- A layout plan under **Sec. ##** or a site plan under **Sec. ##** may be required.

B. Optional Method

Optional method development is allowed under **Div 6.4.**

Sec. 4.5.3. Development Standards

Development in all EG, ELS, and EOF zones must comply with the following requirements.

A. Master Plan and Design Guidelines

- Development that requires a site plan must be substantially consistent with the applicable master or sector plan.
- Development that requires a site plan must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

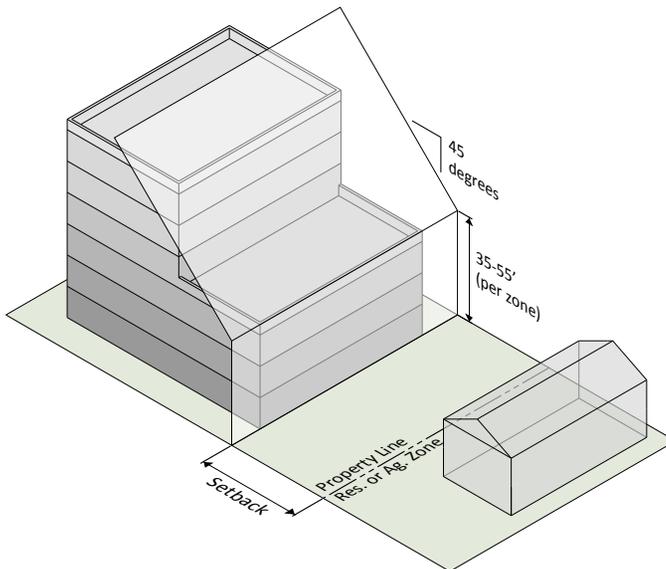
B. Building Types

Dimensional standards for allowed building types are provided under [Sec. 4.5.4.](#) to [Sec. 4.5.10.](#) Building types are allowed by zone under [Sec. 4.1.3.](#)

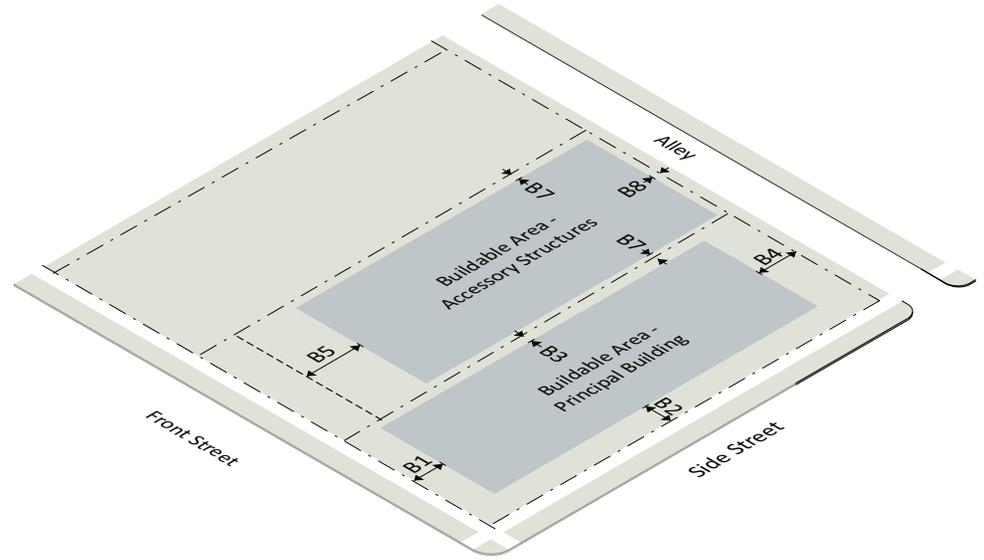
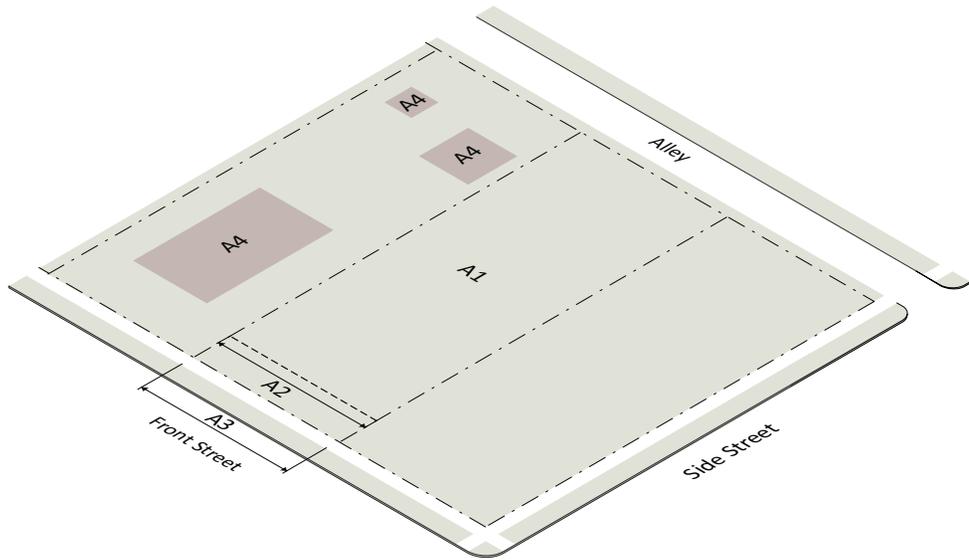
C. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must

1. Have a minimum setback of 25 feet or the setback required by the adjacent property; and
2. Must not project beyond a 45 degree angular plan projecting over the subject property measured from a height of 55 feet in the EOF Zones, 45 feet in the ELS Zones, or 35 feet in the EG Zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.14.](#)

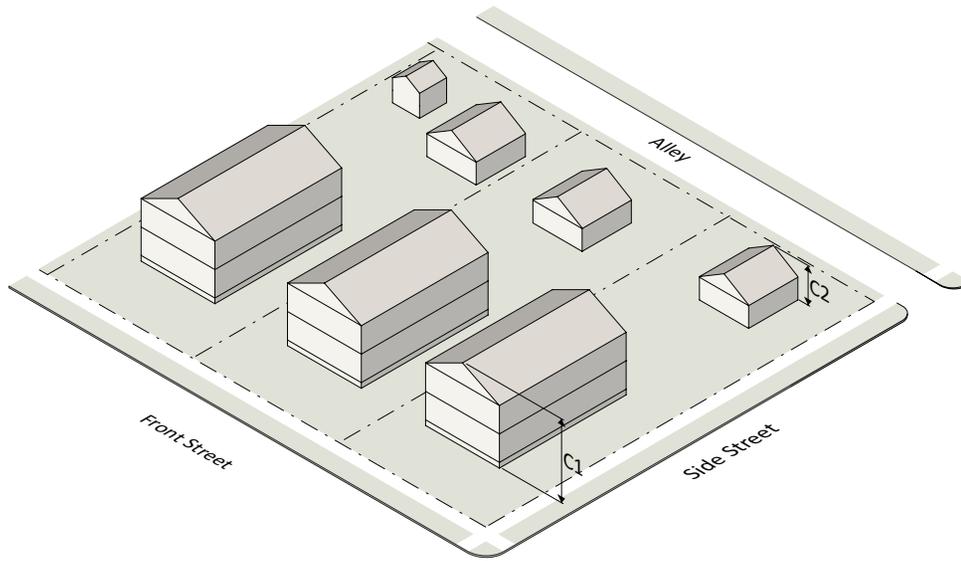


Sec. 4.5.4. Detached House



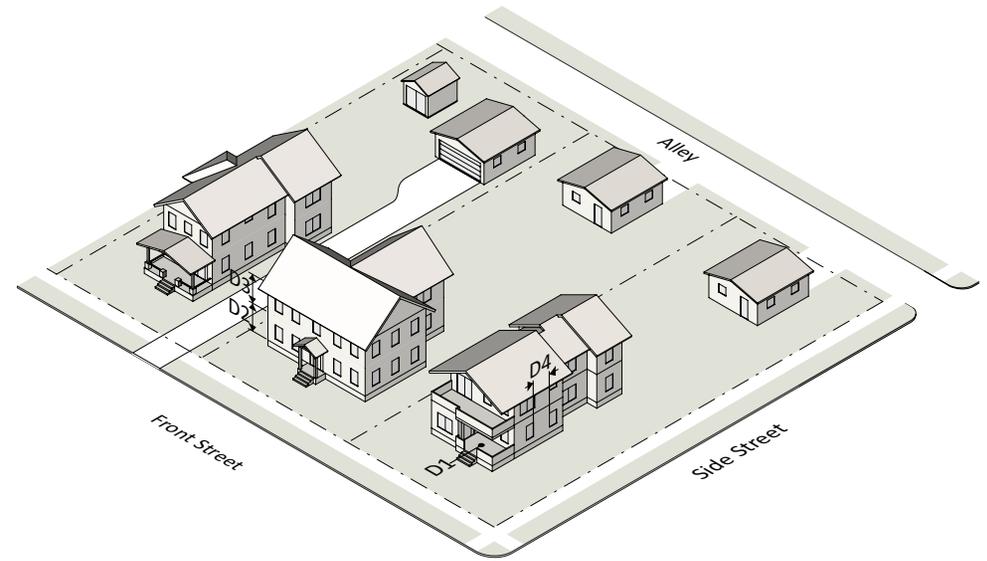
A. Lot	ELS
Dimensions (min)	
A1 Lot area	1,000 sf
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
Coverage (max)	
A4 Roofed buildings & structures	90%
A5 Residential Density	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	

B. Setbacks	ELS
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min



C. Height

Building Height (max)	ELS
C1 Principal building	35'
C2 Accessory structure	25'

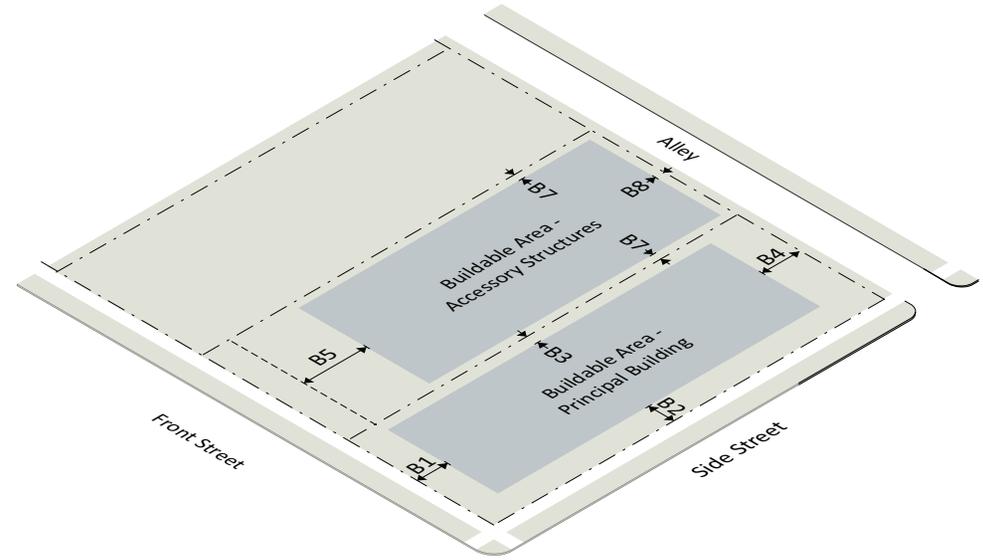
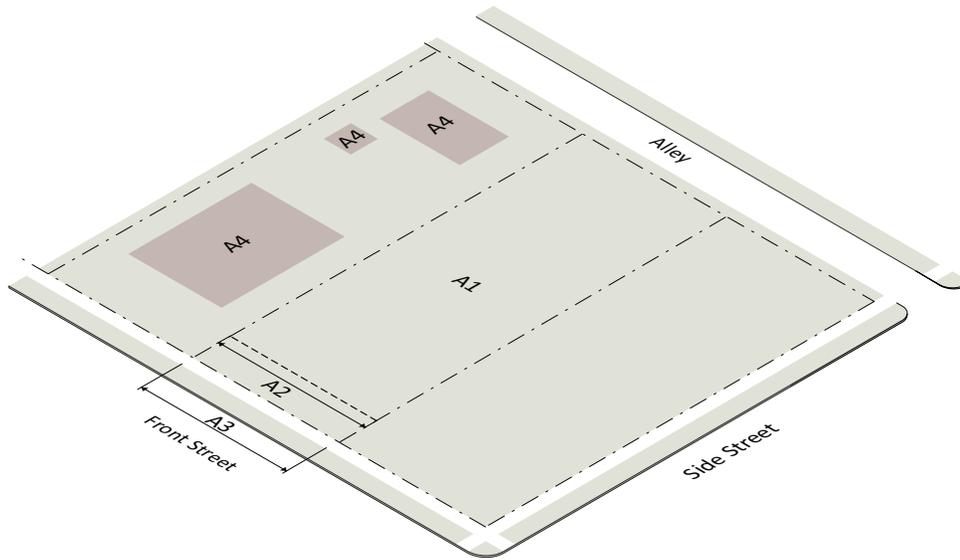


D. Form

Building Orientation	ELS
D1 Street or common open space facing entrance	Required
Transparency: Primary or Side Street	
D2 Ground story (min)	20%
D3 Upper story (min)	20%
D4 Blank wall (max)	35'
D5 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

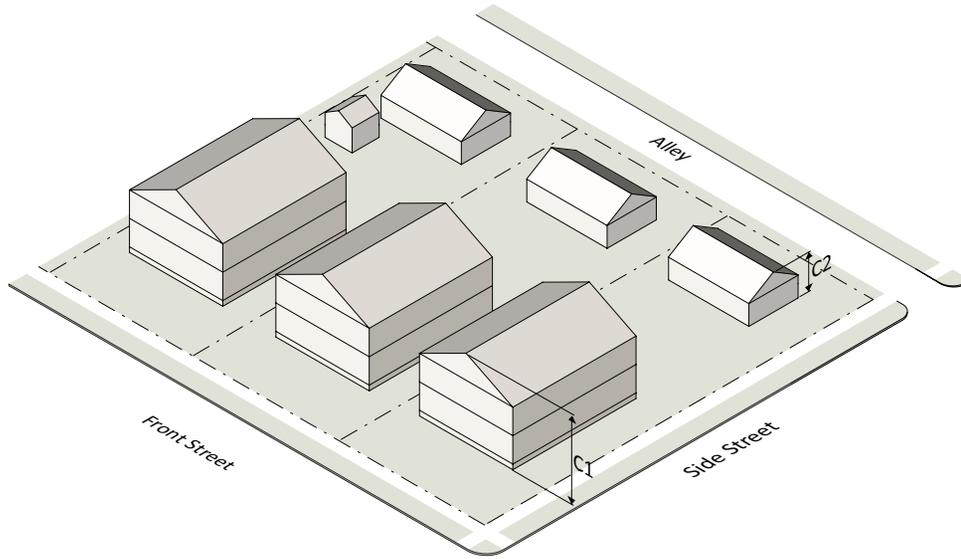
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.5. Duplex



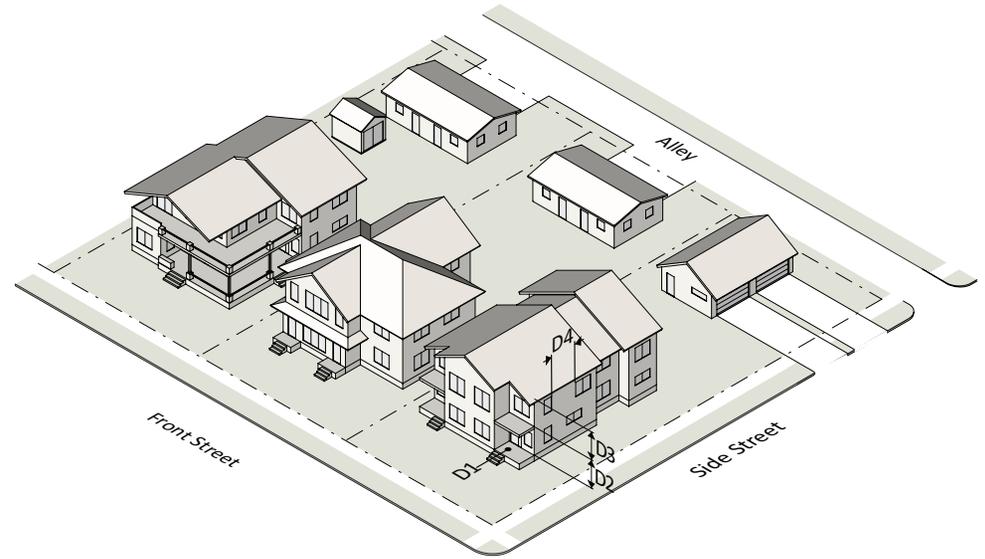
A. Lot	ELS
Dimensions (min)	
A1 Lot area	1,600 sf
A2 Lot width at front setback line	25'
A3 Lot width at front property line	25'
Coverage (max)	
A4 Roofed buildings & structures	90%
A5 Residential Density (max)	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	

B. Setbacks	ELS
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback	5'
B4 Rear setback	15'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback	5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min



C. Height

Building Height (max)	ELS
C1 Principal building	35'
C2 Accessory structure	25'

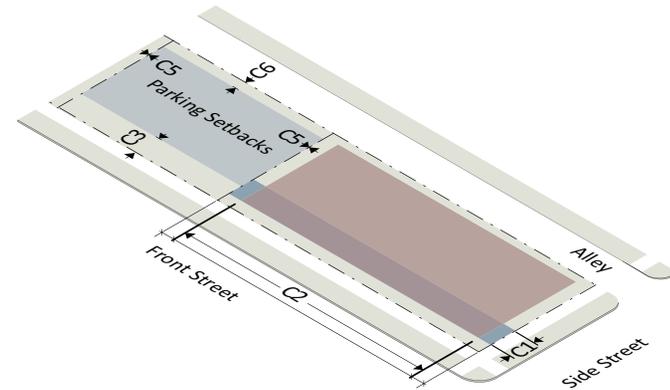
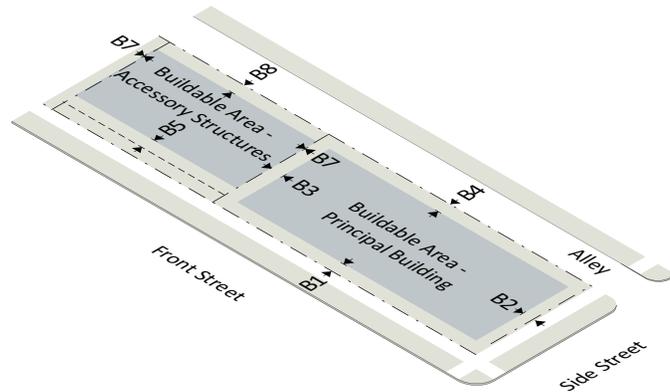


D. Form

Building Orientation	ELS
D1 Street or common open space facing entrance	Required
Transparency: Primary or Side Street	
D2 Ground story (min)	20%
D3 Upper story (min)	20%
D4 Blank wall (max)	35'
D5 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

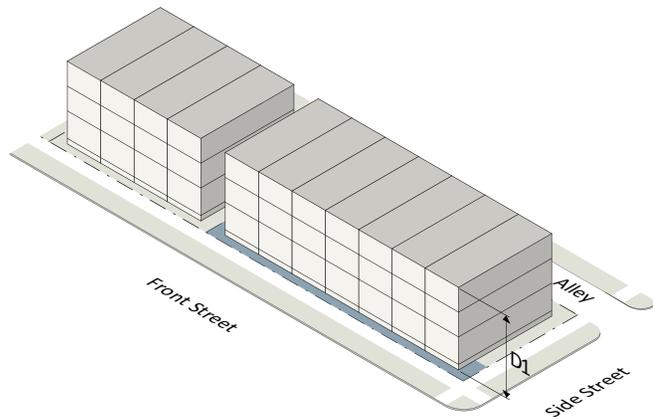
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.6. Townhouse

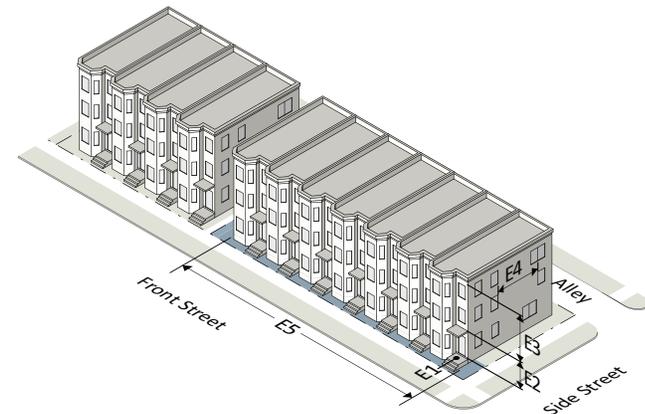


A. Lot	EG, ELS, EOF
Dimensions (min)	
A1 Lot area	900 sf
Coverage (max)	
A2 Roofed buildings & structures	90%
A3 Residential Density	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	
B. Setbacks	
Principal Building Setbacks (min)	
B1 Front street setback	5'
B2 Side street setback	5'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback	20'
B4 Rear setback, alley	4' or 20' min
Accessory Structure Setbacks (min)	
B5 Front street setback, behind front building line	5'
B6 Side street setback	5'
B7 Side interior setback, abutting Agricultural, Rural or Residential zone	5'
B7 Side interior setback, abutting all other zones	0' or 5'
B8 Rear setback	5'
B8 Rear setback, alley	4' or 20' min

C. Placement	EG, ELS, EOF
Build-to Zone (BTZ)	
C1 Front street build-to (min/max)	5'/15'
C2 Building in BTZ (min % of lot width)	70%
Parking Setbacks (min)	
C3 Front street setback	10'
C4 Side street setback	10'
C5 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C5 Side interior setback, abutting all other zones	0' or 5'
C6 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C6 Rear setback, abutting all other zones	0' or 5'
C6 Rear setback, alley	4' or 20' min



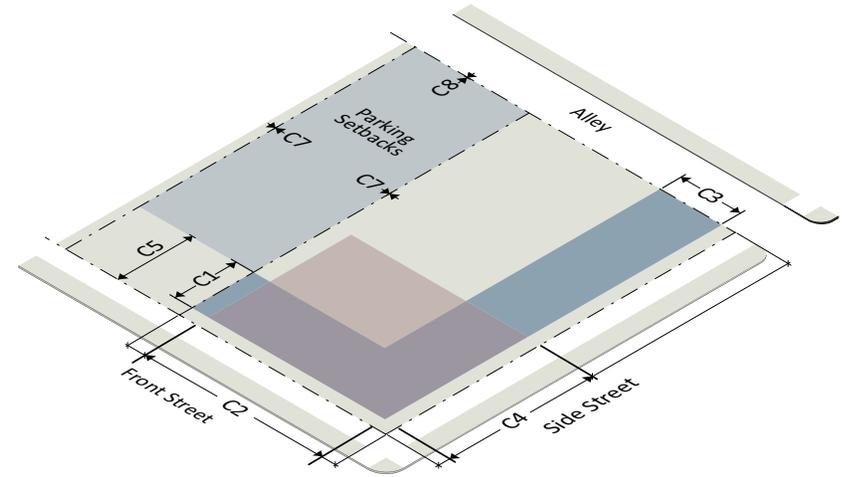
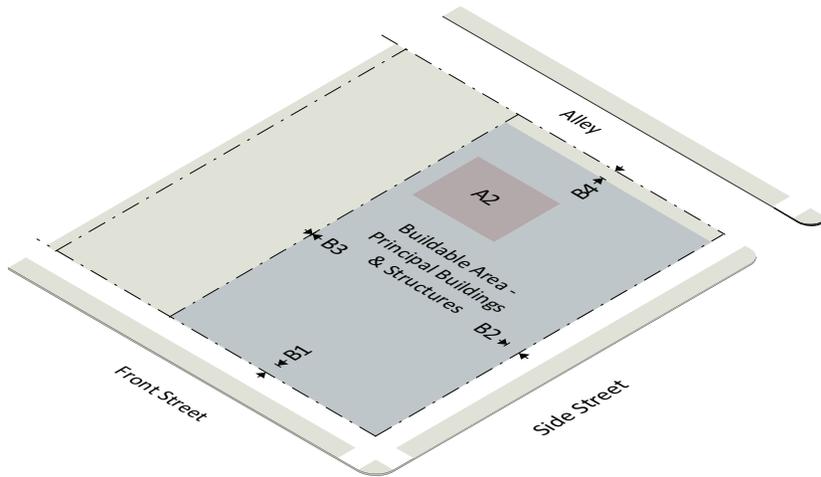
D. Height	EG, ELS, EOF
Building Height (max)	
D1 Principal building	40' unless zone height limit is less
D2 Accessory structure	25'



E. Form	EG, ELS, EOF
Building Orientation	
E1 Street-facing entrance	Required
Transparency: Primary or Side Street	
E2 Ground story (min)	20%
E3 Upper story (min)	20%
E4 Blank wall (max)	35'
Massing	
E5 Number of units permitted in any one row	8
E6 Allowed Building Elements	
Gallery, awning	no
Porch, stoop	yes
Balcony	yes

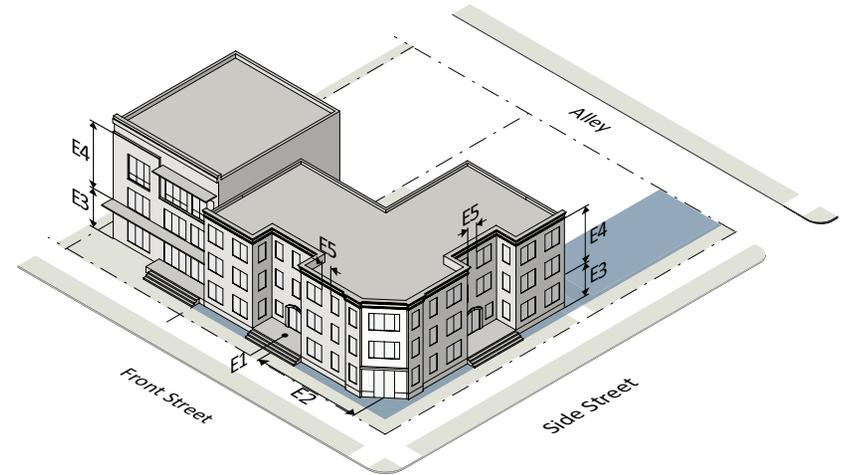
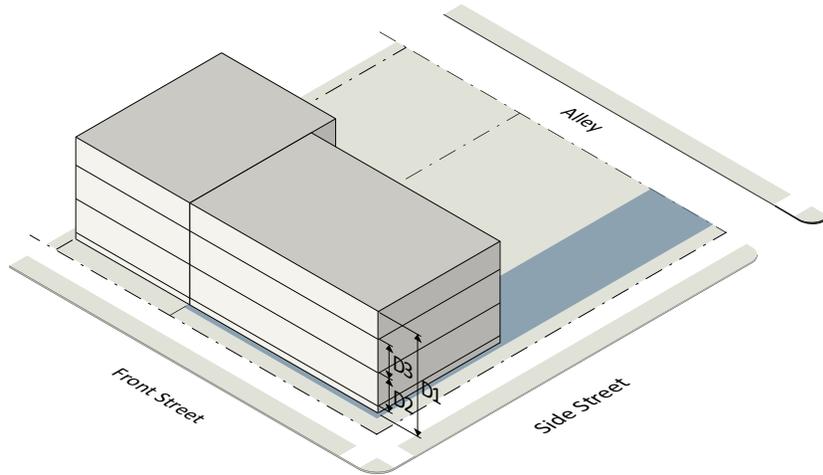
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.7. Apartment/Condo



A. Lot	EG, ELS, EOF
A1 Residential Density	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	
A2 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/30'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/30'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'



D. Height

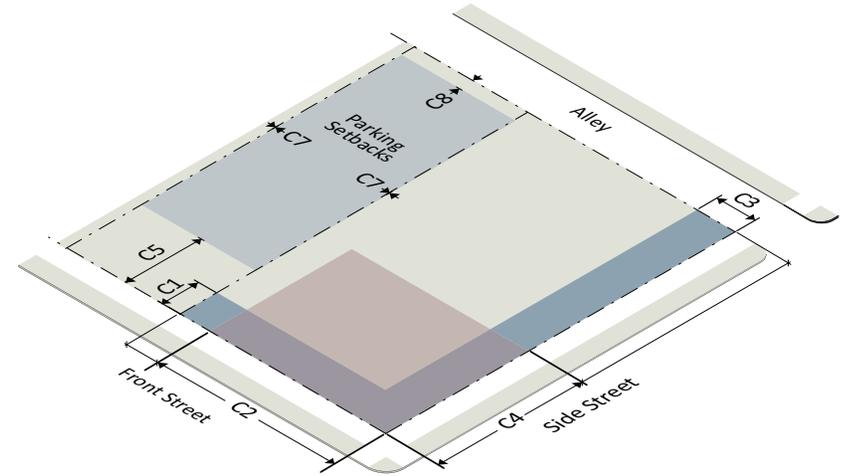
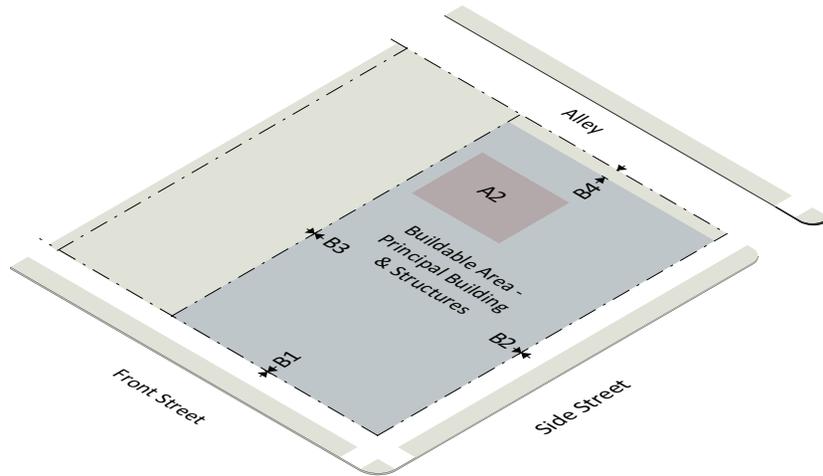
	EG, ELS, EOF
Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300'
Story Heights (min)	
D2 Ground story, floor to ceiling	10'
D3 Upper story, floor to ceiling	9'

E. Form

	EG, ELS, EOF
Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency: Primary, Side Street, Public Open Space	
E3 Ground story (min)	20%
E4 Upper story (min)	20%
E5 Blank wall (max)	35'
E6 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

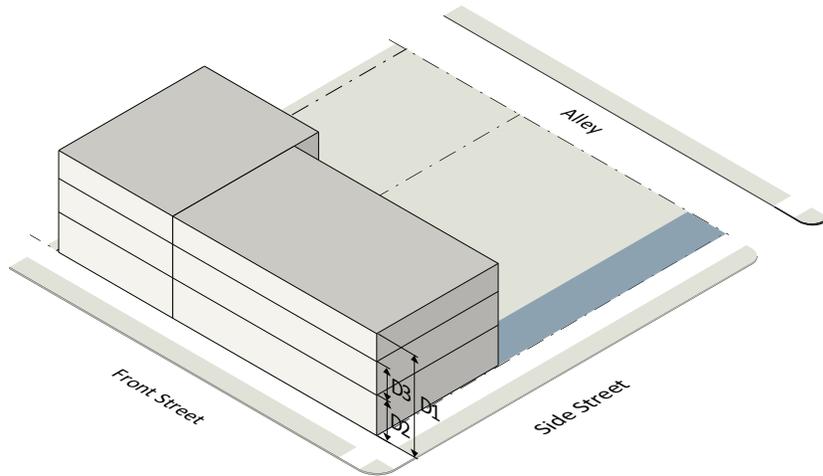
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.8. Mixed Use Building

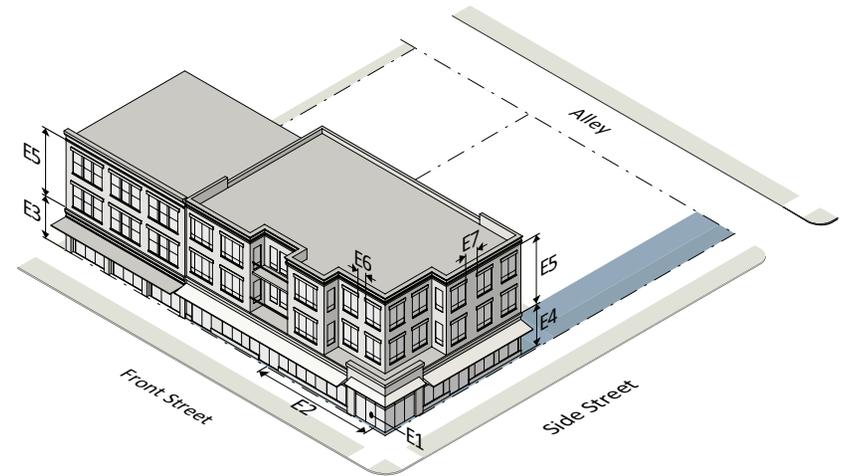


A. Lot	EG, ELS, EOF
A1 Residential Density	
Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site	
A2 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/15'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/15'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'



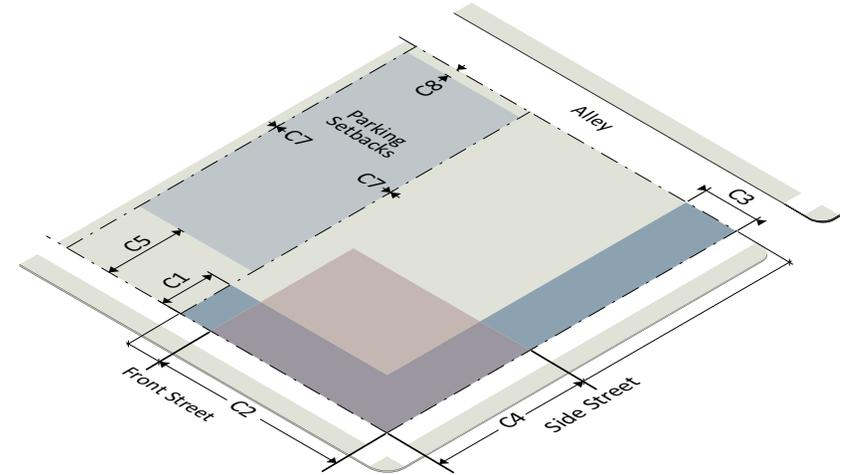
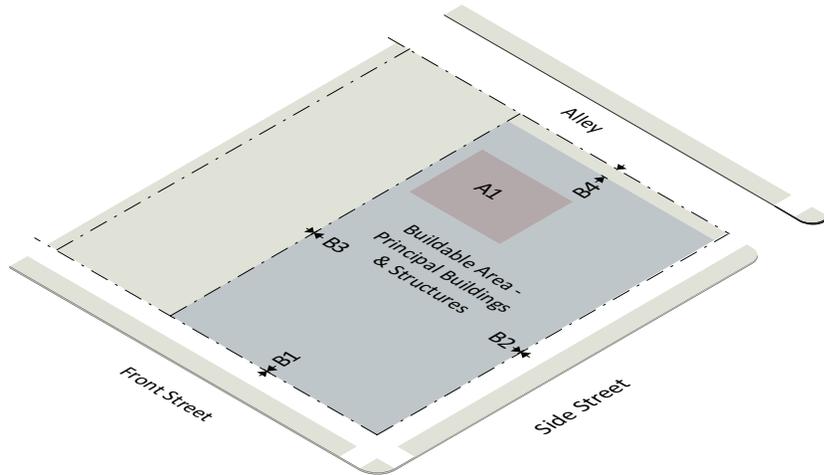
D. Height	EG, ELS, EOF
Building Height (max)	Specific to mapped zone: 25' to 300'
D1 All buildings & structures	
Story Heights (min)	
D2 Ground story, floor to ceiling	13'
D3 Upper story, floor to ceiling	9'



E. Form	EG, ELS, EOF
Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	75'
Transparency	
E3 Ground story front street (min)	60%
E4 Ground story side street, public open space (min)	30%
E5 Upper story front, side street, public open space (min)	20%
E6 Blank wall front street (max)	25'
E7 Blank wall side street, public open space (max)	35'
E8 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

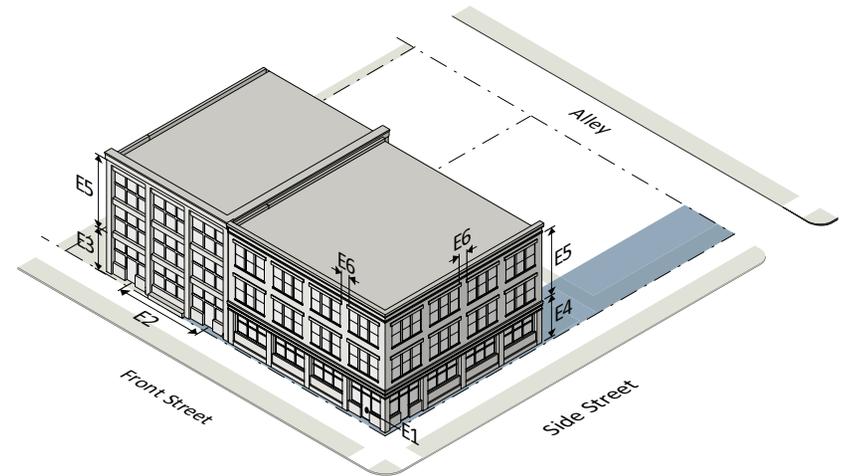
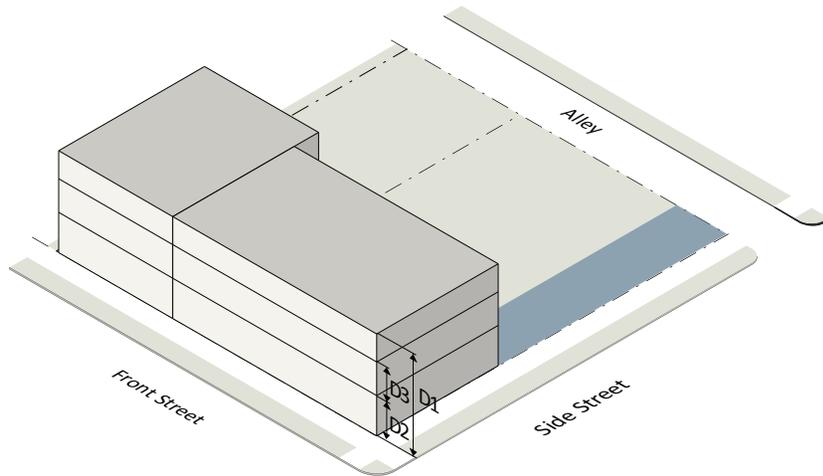
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.9. General Building



A. Lot	EG, ELS, EOF
A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	0'
B2 Side street setback	0'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
Build-to Zone (BTZ)	
C1 Front street (min/max)	0'/20'
C2 Building in front street BTZ (min % of lot width)	70%
C3 Side street (min/max)	0'/20'
C4 Building in side street BTZ (min % of lot width)	35%
Parking Setbacks (min)	
C5 Front street setback	30'
C6 Side street setback	10'
C7 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C7 Side interior setback, abutting all other zones	0' or 5'
C8 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C8 Rear setback, abutting all other zones	0' or 5'
C8 Rear setback, alley	0' or 5'

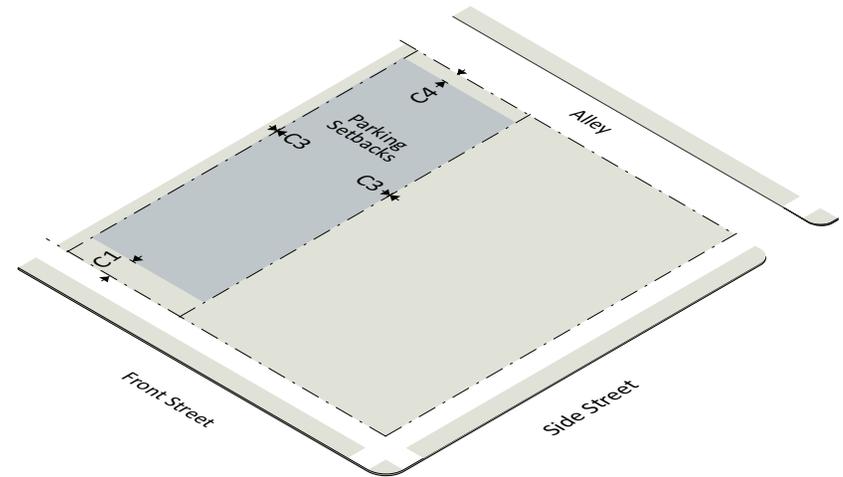
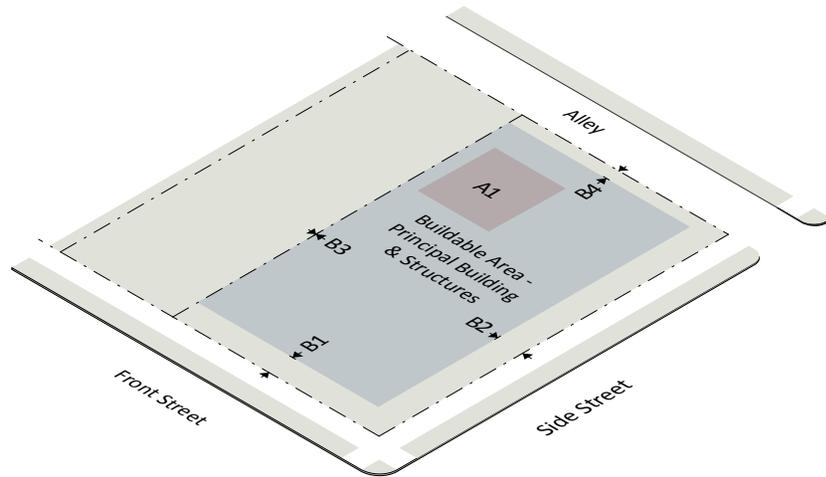


D. Height	EG, ELS, EOF
Building Height (max)	Specific to mapped zone: 25' to 300'
D1 All buildings & structures	
Story Heights (min)	
D2 Ground story, floor to ceiling	11'
D3 Upper story, floor to ceiling	9'

E. Form	EG, ELS, EOF
Building Orientation	
E1 Street-facing entrance	Required
E2 Entrance spacing (max)	100'
Transparency	
E3 Ground story front street (min)	40%
E4 Ground story side street, public open space (min)	25%
E5 Upper story front, side street, public open space (min)	20%
E6 Blank wall front, side street, public open space (max)	35'
E7 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

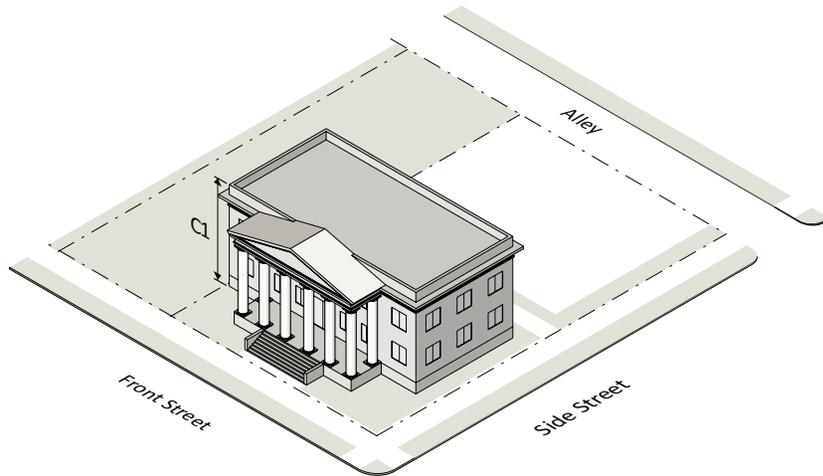
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.5.10. Community Building



A. Lot	EG, ELS, EOF
A1 Public Use Space	
Lot area ≤ 10,000 sf (% of site required to be dedicated)	0%
Lot area > 10,000 sf (% of site required to be dedicated)	10%
See Sec. ## for public use space specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B3 Side interior setback, abutting all other zones	0' or 5'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.5.3C
B4 Rear setback, abutting all other zones	0' or 5'
B4 Rear setback, alley	4'

C. Placement	EG, ELS, EOF
Parking Setbacks (min)	
C1 Front street setback	10'
C2 Side street setback	10'
C3 Side interior setback, abutting Agricultural, Rural or Residential zone	10'
C3 Side interior setback, abutting all other zones	0' or 5'
C4 Rear setback, abutting Agricultural, Rural or Residential zone	10'
C4 Rear setback, abutting all other zones	0' or 5'
C4 Rear setback, alley	0' or 5'



D. Height	EG, ELS, EOF
Building Height (max)	
D1 All buildings & structures	Specific to mapped zone: 25' to 300'
E. Form	
E1 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	yes
Balcony	yes

See [Sec. 4.1.4.G](#) for specific building element requirements.

PAGE LEFT INTENTIONALLY BLANK

Div. 4.6. Industrial Zones

Sec. 4.6.1. Methods of Development

The IH Zone allows development only under the standard method. The IL Zone allows development under the standard method and may allow development under the optional method, subject to approval of a sketch plan.

A. Standard Method

1. Standard method development is allowed under the development standards established in [Sec. 4.6.3](#).
2. A layout plan under [Sec. ##](#) or a site plan under [Sec. ##](#) may be required.

B. Optional Method

Optional method development is allowed under [Div. 6.5](#).

Sec. 4.6.2. Development Standards

Development in all Industrial Zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development that requires a site plan must be substantially consistent with the applicable master or sector plan.
2. Development that requires a site plan must address any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. FAR Averaging

Permitted FAR may be averaged over two or more directly abutting or confronting properties in one or more industrial zones, provided that:

1. The properties are subject to the same preliminary or site plan;
2. The resulting properties are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved site plan;
3. The maximum FAR limits apply to the entire development, not to individual properties;
4. No building exceeds the maximum height set by the zone;
5. Uses are subject to the provisions of the zone classification; and

6. The total allowed maximum density on a resulting property that is adjacent to or confronting a property in an AC, RR, RC, RNC, RE, RLD, RMD, TLD, TMD, or THD zone that is not improved with a commercial, industrial, or utility use does not exceed that allowed by the property's zone.

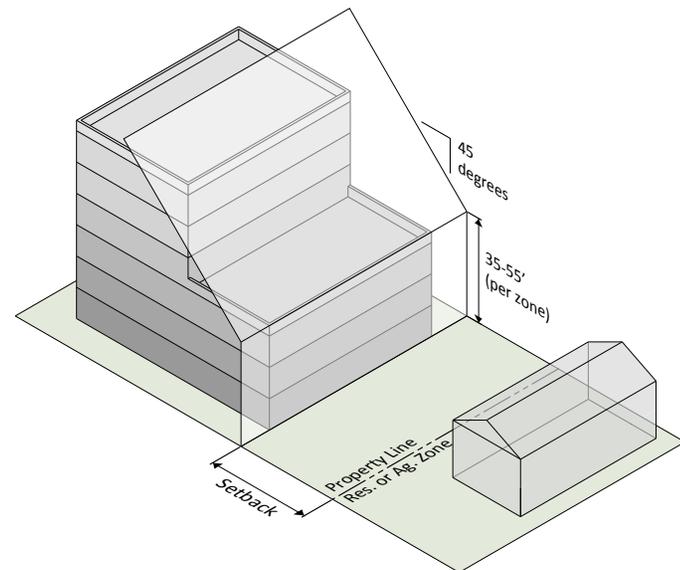
C. Building Types

Dimensional standards for allowed building types are provided under [Sec. 4.6.4](#) to [Sec. 4.6.7](#). Building types are allowed by zone under [Sec. 4.1.3](#).

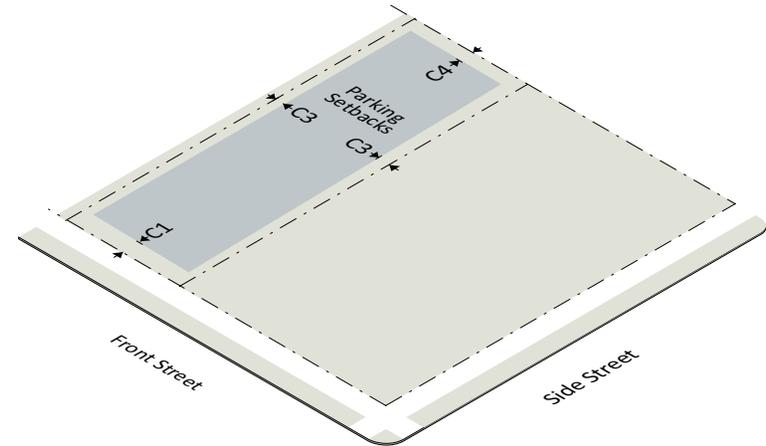
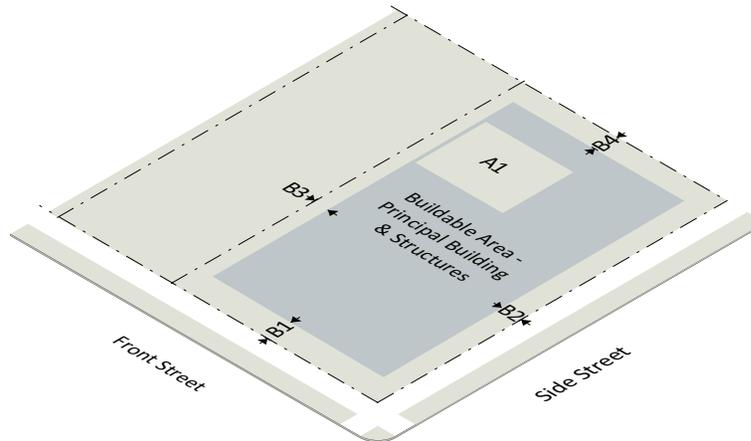
D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must:

1. Have a minimum setback of 25 feet or the setback required by the adjacent property; and
2. Must not project beyond a 45 degree angular plan projecting over the subject property measured from a height of 35 feet at the setback line determined above, with the exception of those features exempt from height and setback restrictions under [Sec. 4.1.14](#).

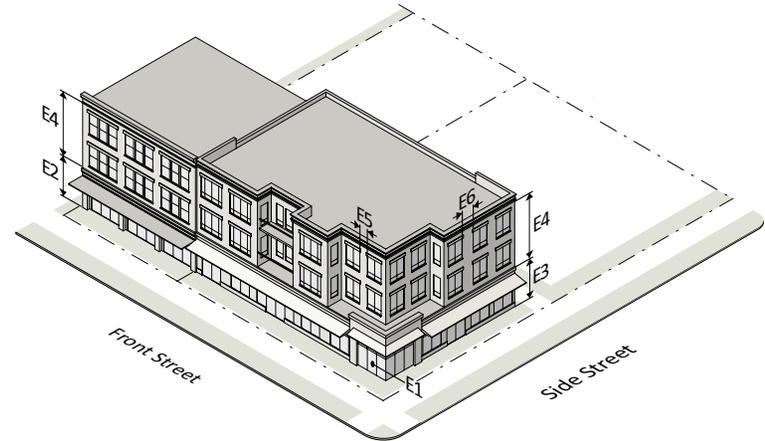
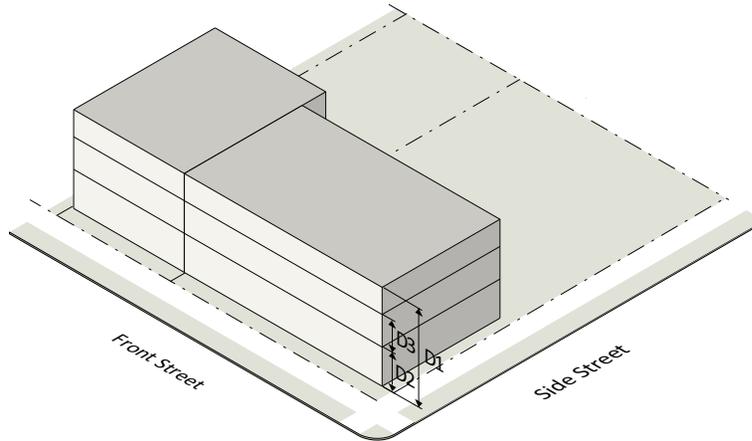


Sec. 4.6.3. Mixed Use Building



A. Lot	IL, IH
A1 Green Area	
Lot area ≤ 10,000 sf (% of site area)	0%
Lot area > 10,000 sf (% of site area)	10%
See Sec. ## for green area specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural, Residential zone	See Sec. 4.6.2D
B3 Side interior setback, abutting all other zones	10'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.6.2D
B4 Rear setback, abutting all other zones	30'
B4 Rear setback, alley	4'

C. Placement	IL, IH
Parking Setbacks (min)	
C1 Front street setback	10'
C2 Side street setback	10'
C3 Side interior setback	10'
C4 Rear setback	10'
C4 Rear setback, alley	0'



D. Height

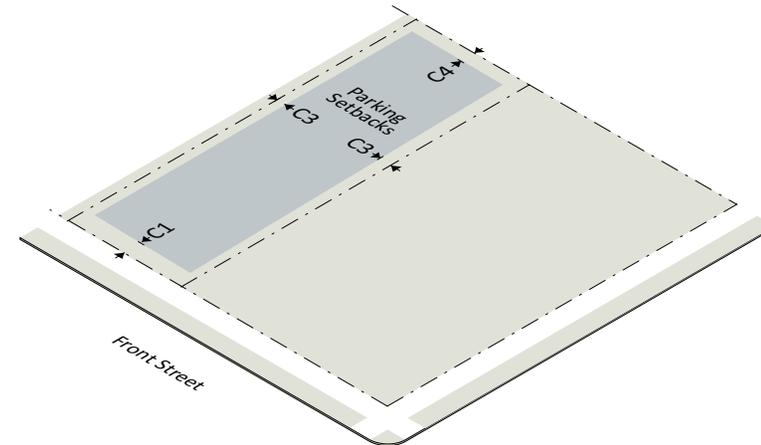
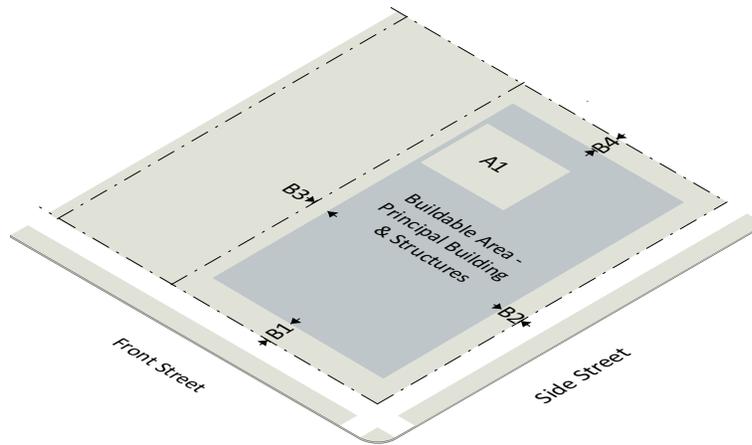
	IL	IH
Building Height (max)		
D1 All buildings & structures	45'	70'
Story Heights (min)		
D2 Ground story, floor to ceiling	13'	13'
D3 Upper story, floor to ceiling	9'	9'

E. Form

	IL, IH
Building Orientation	
E1 Street-facing entrance	Required
Transparency	
E2 Ground story front street (min)	60%
E3 Ground story side street (min)	30%
E4 Upper story front, side street (min)	20%
E5 Blank wall front street (max)	25'
E6 Blank wall side street (max)	35'
E7 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

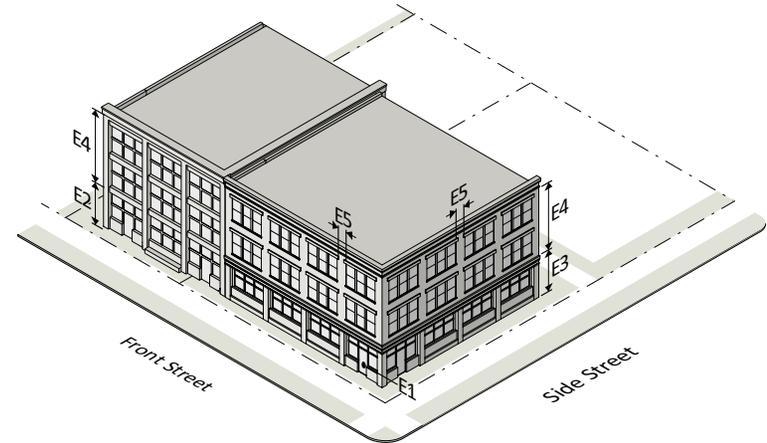
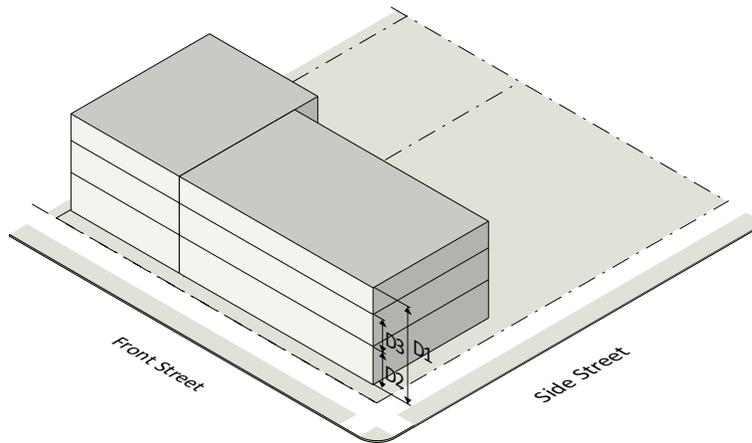
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.6.4. General Building



A. Lot	IL, IH
A1 Green Area	
Lot area ≤ 10,000 sf (% of site area)	0%
Lot area > 10,000 sf (% of site area)	10%
See Sec. ## for green area specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.6.2D
B3 Side interior setback, abutting all other zones	10'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.6.2D
B4 Rear setback, abutting all other zones	30'
B4 Rear setback, alley	4'

C. Placement	IL, IH
Parking Setbacks (min)	
C1 Front street setback	10'
C2 Side street setback	10'
C3 Side interior setback	10'
C3 Rear setback	10'
C4 Rear setback, alley	0'



D. Height

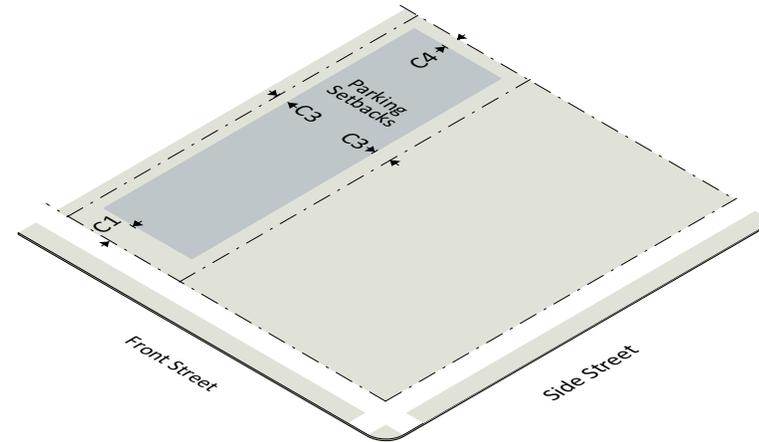
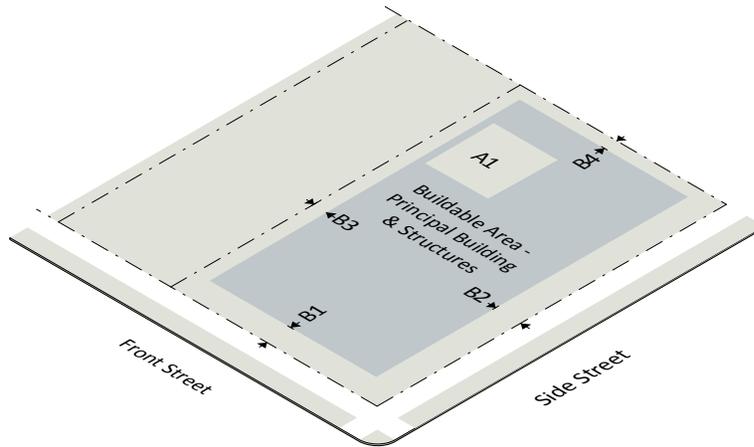
	IL	IH
Building Height (max)		
D1 All buildings & structures	45'	70'
Story Heights (min)		
D2 Ground story, floor to ceiling	11'	11'
D3 Upper story, floor to ceiling	9'	9'

E. Form

	IL, IH
Building Orientation	
E1 Street-facing entrance	Required
Transparency	
E2 Ground story front street (min)	30%
E3 Ground story side street, public open space (min)	25%
E4 Upper story front, side street, public open space (min)	20%
E5 Blank wall front, side street, public open space (max)	50'
E6 Allowed Building Elements	
Gallery, awning	yes
Porch, stoop	no
Balcony	yes

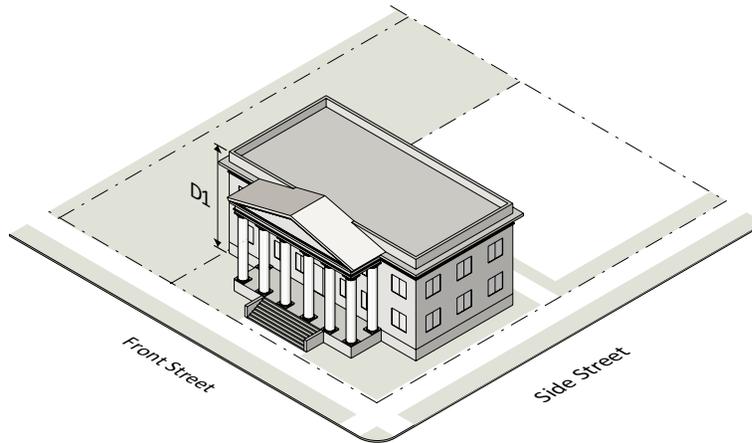
See [Sec. 4.1.4.G](#) for specific building element requirements.

Sec. 4.6.5. Community Building



A. Lot	IL, IH
A1 Green Area	
Lot area ≤ 10,000 sf (% of site area)	0%
Lot area > 10,000 sf (% of site area)	10%
See Sec. ## for green area specifications.	
B. Setbacks	
Building & Structure Setbacks (min)	
B1 Front street setback	10'
B2 Side street setback	10'
B3 Side interior setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.6.2D
B3 Side interior setback, abutting all other zones	10'
B4 Rear setback, abutting Agricultural, Rural or Residential zone	See Sec. 4.6.2D
B4 Rear setback, abutting all other zones	30'
B4 Rear setback, alley	4'

C. Placement	IL, IH
Parking Setbacks (min)	
C1 Front street setback	10'
C2 Side street setback	10'
C3 Side interior setback	10'
C4 Rear setback	10'
C4 Rear setback, alley	0'



D. Height

Building Height (max)	IL	IH
D1 All buildings & structures	45'	70'

E. Form

E1 Allowed Building Elements	IL	IH
Gallery, awning	yes	yes
Porch, stoop	yes	yes
Balcony	yes	yes

See [Sec. 4.1.4.G](#) for specific building element requirements.

PAGE LEFT INTENTIONALLY BLANK

Article 59-6. Optional Method Regulations

DIV. 6.1. MPDU DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.1.1. Development Requirements

Sec. 6.1.2. Development Standards

Sec. 6.1.3. General Site, Building Type Mix, and Height Standards for MPDU Optional Method Development

Sec. 6.1.3. Detached House

Sec. 6.1.4. Duplex

Sec. 6.1.5. Townhouse

Sec. 6.1.6. Apartment/Condo

DIV. 6.2. CLUSTER DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.2.1. Development Requirements

Sec. 6.2.2. Development Standards

Sec. 6.2.3. General Site, Building Type Mix, and Height Standards for Cluster Optional Method Development

Sec. 6.1.3. Detached & Duplex House

Sec. 6.1.4. Townhouse

DIV. 6.3. COMMERCIAL/RESIDENTIAL ZONES

Sec. 6.3.1. Development Requirements

Sec. 6.3.2. Development Standards

DIV. 6.4. EMPLOYMENT ZONES

Sec.6.4.1. Development Requirements

Sec.6.4.2. Development Standards

DIV. 6.5. INDUSTRIAL ZONES

Sec.6.5.1. Development Requirements

Sec.6.5.2. Development Standards

DIV.6.6. OPTIONAL METHOD PUBLIC BENEFITS

Sec. 6.6.1 General Provisions

Sec.6.6.2. Public Benefit Descriptions and Criteria

DIV. 6.1. MPDU DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.1.1. Development Requirements

MPDU optional method development must comply with the limitations and requirements of this division.

Commentary: Intent statement is based on existing language from ordinance with extraneous language removed.

A. Intent

Where moderately priced dwelling units (MPDUs) are included in a development above the minimum required by Chapter 25A of this Code, as amended, this optional method of development is permitted in order to facilitate the construction of those units. The method permits an increase in density above the total number of dwelling units permitted by the standard method of development; permits additional building types; and provides more flexibility for certain dimensional requirements.

B. Development Approval Procedure

A site plan must be submitted under Sec. #.#.#.

[Commentary: existing text to be replaced: For approval of townhouses and one-family attached dwelling units, the procedure is as set forth in division 59-D-3. For approval of one-family detached and one-family semidetached dwelling units, there are 2 alternative procedures, as follows:

(a) Where one-family detached and one-family semidetached dwelling units are proposed in accordance with the setback, yard and minimum lot size requirements for moderately priced dwelling unit development of sections [59-C-1.623](#), [59-C-1.624](#) and [59-C-1.625](#), the procedure for approval is as set forth in division 59-D-3.

(b) Where one-family detached dwelling units are proposed in accordance with both the minimum lot size provisions for moderately priced dwelling units of section [59-C-1.625](#) and the cluster development setback and yard requirements of sections [59-C-1.534](#) and [59-C-1.535](#), the procedure for development is as set forth in section 50-39. The provisions for public posting set forth in section 50-39(c)(1)a do not apply. At the time of approval of the preliminary plan of subdivision, the Planning Board may require that, in order to resolve specific environmental or compatibility issues, certain of the detached dwelling units are subject to site plan approval, as set forth in division 59-D-3. Such dwelling lots must not be included in an application for record plat until a site plan is approved for those portions of the proposed development.]

Commentary: Rather than several different approval methods depending on x, y, or z, we suggest that all optional method development be reviewed through site plan to get better development and have a chance to ensure compatibility in various contexts.

Sec. 6.1.2. Development Standards

MPDU optional method development must comply with the following requirements.

A. MPDU Development Across Different Zones

MPDU optional method development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common open space must be calculated for each area under Sec. 6.1.3, but must not exceed the maximum density or provide less than the minimum common open space if the variously zoned areas were developed individually; and
4. The allowed number of units and required open space may be distributed across the variously zoned areas.

B. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. All dedications for public roads with rights-of-way of 100 feet in width or more; and
2. All land within environmental buffers.

Commentary: Usable area is more strictly defined to better protect environmental buffers. Why shouldn't dedications be allowed, though?

Commentary: Specific common open space requirements are proposed based on site area rather than number of units resulting in more protection of open space. This is offset by the allowance of smaller lot sizes, and greater buffers that encourage better transitions and integration of development.

[Commentary: existing text to be replaced: (generally covered in new sections, no need for tree preservation – it's in the code; shouldn't need separate section for MPDU projects under 20 units, calcs are built in to new framework):

- (a) **Usable area.** The usable area upon which the density of development is calculated, as set forth in section 59-C-1.622, is determined by deducting from the gross area of the tract the following
 - (1) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more; and
 - (2) All ultimate 100-year floodplain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.
- (b) **Townhouse frontage.** Each townhouse must front on a public street, a private street or a common open space.
- (c) **Common open space.** The preliminary or site plan must include a description of the procedure and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.

- (d) **Dedicated land.** Land dedicated to public use for school and park sites may be included in the calculation of the density of development, provided that development of the remaining land can be accomplished in compliance with the purposes of this section.
- (e) **Development in different zones.** The planning board may permit a combined MPDU development in 2 or more zones, each of which has provisions for MPDU development, provided that each of the following conditions is complied with:
 - (1) The tracts to be combined for development must share a common boundary with one another sufficient to provide a unified development which will achieve the purposes of MPDU development.
 - (2) No uses are permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified.
 - (3) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.
 - (4) The amount of green area in the combined development is not less than the total amount that would be required if the component areas of the combined tracts were developed separately.
- (f) **Preservation of trees.** The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain.]

Special Optional Method of Development Requirements for MPDU Projects with 20 or fewer dwelling units.

An applicant who voluntarily builds at least 12.5 percent MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 29-C-1.62, except: (1) any perimeter lot that is adjacent, abutting, or confronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.]

C. Building Types

Zone	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
Detached Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Duplex	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Townhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Apartment/Condominium										Y	Y	Y

Sec. 6.1.3. General Site and Building Type Mix for MPDU Optional Method Development

	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD	TMD	THD	RHD-3	RHD-2	RHD-1
A. Site												
Usable area (min)												
A1 Usable area (acres)	10	34	17	9	5	3	0.46	0.46	0.90	0.27	0.36	0.46
Density (max)												
A2 Units/acre of usable area	1.22	0.48	1.22	2.44	4.39	6.1	9.76	15.25	18.30	17.69	26.47	53.07
Open Space (min percent of usable area)												
A3 Rural Open Space	65											
A4 Common Open Space		5	10	20	30	40	45	45	30	35	35	35
B. Building Type												
Percent of Unit Type (max)												
B1 Detached Unit	100	100	100	100	100	100	100	100	100	100	100	100
B2 Duplex and/or Townhouse	30	30	30	40	50	60	100	100	100	100	100	100
B3 Apartment/ Condominium	0	0	0	0	0	0	0	0	0	100	100	100
B4 In the RE-2, RE-1, RLD and RMD zones, the Planning Board may allow up to 100% duplex and/or townhouse units if it finds that the proposed development is more desirable from an environmental perspective or that, because of site constraints, the proposed number of MPDUs could not be achieved under the development regulations in this Division for the required number of detached dwelling units.												

Sec. 6.1.4. One-Family Detached Dwelling

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	4,000	12,000	9,000	6,000	4,000	3,000	3,000	2,000	1,500	1,500	1,000	1,000	
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	25	25	25	25	25	25	15	15	15	15	15	15	15
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	35	35	35	35	50	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

C. Height												
Building Height (max)												
C1 Principal Building (ft)	35	40	40	35	35	35	35	35	35	35	35	35
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.5. Duplex Dwelling

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	3,500	7,500	4,500	3,000	2,000	1,500	1,500	1,000	1,000	1,000	800	800	
One-over-one duplex units require same minimum lot as a detached dwelling unit; side-by-side duplex units require lot size stated in A1.													
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	10	10	10	10	10	10	10	10	10	10	10	10	10
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	35	35	35	35	50	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

A. Height												
Building Height (max)												
C1 Principal Building (ft)	35	40	40	35	35	35	35	35	35	35	35	35
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.6. Townhouse

RNC RE-2 RE-1 RLD- RMD- RMD- TLD TMD THD RHD- RHD- RHD-
 20 9 6 3 2 1

A. Lot													
Dimensions (min)													
A1 Lot area (sq ft)	1,500	1,500	1,500	1,200	1,000	1,000	800	800	800	800	800	800	800
A2 Lot width at setback line (ft)	Established at site plan												
A3 Lot width at front property line (ft)	14	14	14	14	14	14	14	14	14	14	14	14	14
A4 Frontage on street or open space	Required												
B. Placement													
Principal Building Setbacks (min)													
B1 Front setback from public street (ft)	15	35	35	25	25	20	10	10	10	10	10	10	10
B1 Front setback from private street or open space (ft)	15	10	10	10	10	10	6	6	6	6	6	6	6
B2 Side setback from a street (ft)	15	20	20	15	15	15	10	10	10	10	10	10	10
B3 Side or rear setback, interior (ft)	Established at site plan												
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B5 Rear setback, alley (ft)	4 or 20												
Accessory Structure Setbacks (min)													
B6 Front setback, behind front building line (ft)	5	5	5	5	5	5	5	5	5	5	5	5	5
B7 Side street setback (ft)	Equal to B2 plus 5 feet												
B8 Side or rear setback, interior (ft)	Established at site plan												
B9 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot												
B10 Rear setback, alley (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4
Coverage (max percent of lot area)													
B11 Roofed buildings and structures (%)	50	50	50	50	60	60	60	60	75	75	75	75	75

RNC RE-2 RE-1 RLD-20 RMD-9 RMD-6 TLD TMD THD RHD-3 RHD-2 RHD-1

A. Height												
Building Height (max)												
C1 Principal Building (ft)	35	35	35	35	35	35	35	35	35	40	40	40
C2 Accessory Structure (ft)	25	25	25	25	25	25	25	25	25	25	25	25

Sec. 6.1.7. Apartment/Condominium

RHD-3 RHD-2 RHD-1

A. Lot			
Dimensions (min)			
A1 Lot area (sq ft)	12,000	16,000	20,000
A3 Lot width at front property line (ft)	50	50	50
B. Placement			
Building Setbacks (min)			
B1 Front setback from public street (ft)	Determined at site plan		
B2 Side setback from a street (ft)	Determined at site plan		
B3 Side or rear setback, interior (ft)	Determined at site plan		
B4 Side or rear setback, abutting adjacent property (ft)	Equal to required setback of abutting lot		
Parking Setbacks (min)			
B5 Front Setback (ft)	30	30	30
B6 Side setback from a street (ft)	10	10	10
B7 Side or rear setback (ft)	10	10	10
B8 Rear setback, alley (ft)	0	0	0
Open Space (min percent of lot area)			
B9 Common Open Space (%)	35	35	35
C. Height			
Building Height (max)			

ZAP Review Draft

Principal Building (ft)	50	120	120
Accessory Structures (ft)	25	25	25

Div. 6.2. CLUSTER DEVELOPMENT IN RURAL AND RESIDENTIAL ZONES

Sec. 6.1.1. Development Requirements

Cluster optional method development must comply with the limitations and requirements of this division.

A. Intent

The purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation and enhancement of natural resources. The cluster method provides for flexibility in lot layout and for variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use. In order to accomplish this purpose certain changes in lot areas and dimensions are permitted, a greater variety of building types is introduced in certain zones, and the use of this method of development and site plan approval for portions of such development are subject to approval by the Planning Board.

B. Development Approval Procedure

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

[[Commentary: existing text to be replaced: The procedure for approval of one- family detached dwellings and one-family semi-detached dwellings shall be as set forth in section 50-39 of the Subdivision Regulations, being chapter 50 of the Montgomery County Code. At the time of preliminary subdivision plan approval, the planning board may require that, in order to resolve specific environmental, transportation or compatibility issues, certain of the detached and semi-detached dwellings shall be subject to site plan approval as set forth in division 59-D-3 and shall not be included in an application for record plat until a site plan is approved for those portions of the proposed development. The procedure for the approval of townhouses and one-family attached dwellings shall be as set forth in division 59-D-3 of this ordinance and section 50-39 of the subdivision regulations.]

C. Public Benefits under Div. 6.6 must be provided as follows:

Building Types Provided	# of Units Proposed			
	Up to 50 units		50 or more Units	
	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
Detached Only	25	2	50	3
Detached and Duplex and/or Townhouse	50	3	75	4
Duplex and Townhouse Only	75	4	100	4

Commentary: Should the requirement of the provision of public benefits be offset by slight increases in density per acre equivalent to 1 acre/minimum lot size requirement of the zone in square feet? For example (43,560/6,000) = 7.26

D. Community Water and Sewer

No land may be developed under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems, except that land in the RE-2 zone that is not served by community sewer may be developed under this method if it meets all of the following conditions:

1. An approved and adopted master plan or sector plan specifically recommends cluster development with community water but not community sewer.
2. The resulting development will be connected to community water.
3. The resulting development meets all of the requirements for individual sewerage systems outlines in the most recent county comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79, as amended, on individual water supply and sewage disposal systems.

E. Building Types

Zone	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Detached Dwelling	Y	Y	Y	Y	Y
Duplex				Y	Y
Townhouse				Y	Y

Sec. 6.2.2. Development Standards

Cluster optional method development must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Cluster Development Across Different Zones

Cluster optional method development may occur across different zones under the following limitations:

1. The variously zoned areas must share a common boundary;
2. Uses and building types are governed by the zone; and
3. Total density and common open space must be calculated for each area under Sec. 6.2.3, but must not exceed the maximum density or provide less than the minimum common open space if the variously zoned areas were developed individually; and

4. The allowed number of units and required open space may be distributed across the variously zoned areas.

C. Usable Area

The usable area upon which the density of development is calculated is determined by deducting from the gross tract area the following:

1. All dedications for public roads with rights-of-way of 100 feet in width or more; and
2. All land within a 100-year floodplain over 25% of the gross tract area.

[Commentary: existing text to be replaced:

- (1) **Usable Area.** The usable area upon which the density of development is calculated, as set forth in subsection ~~59-C-1.533~~, shall be determined by deducting from the gross area of the tract the following:
 - (a) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and
 - (b) All one-hundred-year flood plain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.
- (2) **Common Open Space.** The preliminary or site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan.
- (3) **Dedicated Land.** Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided, that development of the remaining land can be accomplished in compliance with the purpose of this section.
- (4) **Lots Fronting on Private Cul-de-Sacs in RE-2C Zone.** In the RE-2C zone, lots may front on a private cul-de-sac if the planning board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:
 - (1) Provides safe and adequate access;
 - (2) Has sufficient width to accommodate the dwelling units proposed;
 - (3) Will better protect significant environmental features on and off site than would a public road; and
 - (4) Has proper drainage.Each private cul-de-sac must comply with the requirements of subsection 59-C-7.235 of the zoning ordinance and section 50-25(h) of the subdivision regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with the site plan review provisions of division 59-D-3.
- (5) **Preservation of Trees.** The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain.]

Commentary: Specific common open space requirements are proposed based on site area rather than number of units resulting in more protection of open space. This is offset by the allowance of smaller lot sizes, and greater buffers that encourage better transitions and integration of development.

Sec. 6.2.3. General Site, Building Type Mix, and Height Standards for Cluster Optional Method Development

A. Site	RE-2	RE-1	RLD-20	RMD-9	RMD-6
Usable Area (min)					
A1 Usable area (acres)	50	50	5	5	5
A1 The Planning Board may allow development to proceed under the Cluster Optional Method on sites less than stated above if the subject property is recommended for Cluster Development in an approved and adopted master or sector plan or if it finds that cluster development on a smaller site would be more suitable than standard method development for environmental reasons.					
Density (max)					
A2 Units/acre of usable area [<i>Commentary: suggested change in density due to public benefit requirement</i>]	0.4 [0.5]	1.0	2.0 [2.1]	3.6 [4.8]	5.0 [7.26]
Common Open Space (min)					
A3 Percent of usable area	5	10	20	30	40
[<i>Commentary: existing text to be replaced: green area (sf per unit)</i>]	[0	2,000	2,000	2,000	1,500]
B. Building Type (max % of total units)					
B1 Detached Unit	100	100	100	100	100
B2 Duplex and/or Townhouse	0	0	0	100	100
C. Height					
Building Height (max)					
C1 Principal building (feet)	40	40	40	35	35
C2 Accessory Structure (feet)	25	25	25	25	25

Sec. 6.2.4. One-Family Detached and Duplex Dwellings

A. Lot	RE-2	RE-1	RLD-20	RMD -9	RMD-6
Dimensions (min)					
A1 Lot Area (sq feet) <i>[Commentary: existing text to be replaced in brackets]</i>	15,000 [25,000]	12,000 [15,000]	9,000 [10,000]	5,000	3,000 [4,000]
One-over-one duplex units require same minimum lot as a detached dwelling unit; side-by-side duplex units require ½ lot size stated in A1.					
A2 Lot width at existing or proposed street line	25	25	25	25	25
A3 Lot width at front property line	Determined at site plan				
A4 Frontage on Street or Common Open Space	Req				
C. Placement					
Principal Building Setbacks (min)					
B1 Front Setback from Public Street	35	35	25	25	20
B1 Front setback from Private Street or Common Open Space	10	10	10	10	10
B2 Setback, any interior lot line	Determined at site plan				
<i>[Commentary: existing text to be replaced in brackets]</i>	[15	15	10	0	0]
B3 Rear or side setback from any boundary line of subdivision	50	50	40	30	30
B4 Rear setback, alley	4 or 20	4 or 20	4 or 20	4 or 20	4 or 20
Accessory Structure Setbacks (min)					
B5 Front setback, behind front building line	5	5	5	5	5
B6 Side street setback	B1 plus 5 feet				
B7 Side or rear setback, interior	Established at site plan				
B8 Side or rear setback, abutting all other zones	Equal to required setback of abutting lot				
B9 Rear setback, alley	4	4	4	4	4

Sec. 6.2.5. Townhouse

A. Lot	RMD-9	RMD-6
Dimensions (min)		
A1 Lot Area (Sq feet) [<i>Commentary: existing text to be replaced in brackets</i>]	1,400 [2,000]	1,200 [2,000]
A2 Lot width (ft) [<i>Commentary: existing text to be replaced in brackets</i>]	16 [18]	14 [18]
A3 Average frontage of a group of attached townhouses	Determined at site plan	
[<i>Commentary: existing text to be replaced in brackets</i>]	[20	20]
B. Placement		
Principal Building Setbacks (min)		
B1 Front Setback from Public Street	25	20
B1 Front setback from Private Street or Common Open Space	10	10
B2 Setback, any interior lot line	Determined at site plan	
B3 Rear or side setback from any boundary line of subdivision [<i>Commentary: existing text to be replaced in brackets</i>]	30 [50]	30 [50]
B4 Rear setback, alley	4 or 20	4 or 20
Accessory Structure Setbacks (min)		
B5 Front setback, behind front building line	5	5
B6 Side street setback	B1 plus 5 feet	
B7 Side or rear setback, interior	Established at site plan	
B8 Side or rear setback, abutting all other zones	Equal to required setback of abutting lot	
B9 Rear setback, alley	4	4
C. Form		
Massing		
C1 Number of units permitted in any one row (max)	8	10

DIV. 6.3. COMMERCIAL/RESIDENTIAL ZONES

Sec. 6.3.1. Optional Method of Development Requirements

Optional method development in the CRT and CR zones must comply with the limitations and requirements of this Division.

A. Density, Mix, and Height

In the CRT and CR zones, the maximum total, nonresidential, and residential FARs and height for any property is set by the zone as shown on the zoning map.

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

	Sites < 10,000sf of gross tract area or with <1.5 maximum allowed FAR		Sites ≥ 10,000sf of gross tract area or with ≥ 1.5 or more maximum allowed FAR	
Zone	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	25	2	50	3
CR	50	3	100	4

Sec. 6.3.2. Development Standards

Optional Method development in all CRT and CR zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Public Use Space

Public Use Space must be provided based on the lot size and number of frontages as described below. The required public use space must meet the criteria established under Sec. 7.#.#.

Lot Size (net tract area)	Number of existing, proposed, and Master-Planned right-of-way frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Public Use Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.4 are allowed in the CRT and CR zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.4.3.D.

DIV. 6.4. EMPLOYMENT ZONES

Sec. 6.4.1. Optional Method of Development Requirements

Optional method development in the ELS and EOF zones must comply with the limitations and requirements of this Division.

A. Density and Height

In the ELS and EOF zones, the maximum total FAR and height for any property is set by the zone as shown on the zoning map.

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

	Sites < 10,000sf of gross tract area or with <1.5 maximum allowed FAR		Sites ≥ 10,000sf of gross tract area or with ≥ 1.5 or more maximum allowed FAR	
Zone	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
ELS	15	1	30	2
EOF	30	2	60	3

Sec. 6.4.2. Development Standards

Optional Method development in all ELS and EOF zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Public Use Space

Public Use Space must be provided based on the lot size and number of frontages as described below. The required public use space must meet the criteria established under Sec. #.#.#.

Lot Size (net tract area)	Number of existing, proposed, and Master-Planned right-of-way frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Public Use Space			
≤ 0.50 acres	0%	0%	0%	5%
0.51 to 1.00 acres	0%	0%	5%	10%
1.01 to 3.00 acres	0%	5%	10%	10%
3.01 to 6.00 acres	5%	10%	10%	10%
≥ 6.01 acres	10%	10%	10%	10%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.5 are allowed in the ELS and EOF zones under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.5.3.D.

DIV. 6.5. INDUSTRIAL ZONES

Sec. 6.5.1. Optional Method of Development Requirements

Optional method development in the IL zone must comply with the limitations and requirements of this Division.

A. Density and Height

1. The maximum allowed total FAR is 1.5.
2. The maximum allowed height is 110 feet.

B. Procedure for Approval

A sketch plan must be submitted under Sec. #.#.#. A site plan must be submitted under Sec. #.#.# for any development on a property with an approved sketch plan.

C. Public Benefits under Div. 6.6 must be provided as follows:

Zone	Sites < 0.5 acres of gross tract area		Sites ≥ 0.5 acres of gross tract area	
	Public Benefit Points (min)	Number of Benefit Categories (min)	Public Benefit Points (min)	Number of Benefit Categories (min)
IL	15	1	30	2

Sec. 6.5.2. Development Standards

Optional Method development in all IL zones must comply with the following requirements.

A. Master Plan and Design Guidelines

1. Development must be substantially consistent with the applicable master or sector plan.
2. Development must substantially comply with any design guidelines approved by the Planning Board that implement the applicable master or sector plan.

B. Green Area

Green Area must be provided based on the lot size and whether residential uses are provided as described below. The required Green Area must meet the criteria established under Sec. #.#.#.

Lot Size (net tract area)	Residential Uses Provided	
	N	Y
≤ 0.50 acres	0%	5%
0.51 to 3.00 acres	5%	10%
≥ 3.01 acres	10%	20%

C. Building Type

All building types and the respective dimensional standards allowed under Div. 4.56 are allowed in the IL zone under optional method development.

D. Neighborhood Compatibility

Where a property abuts an AC, RR, RC, RNC, RE, RLD, or RMD zoned property that is not improved with a commercial, industrial, or utility use, any building must comply with the setback and angular plane restrictions under Sec. 4.6.3.D.

DIV.6.6. OPTIONAL METHOD PUBLIC BENEFITS

This section establishes incentives for optional method development to provide public benefits in return for increases in FAR above the standard method maximums up to the maximum density permitted by the zone.

Sec. 6.6.1 General Provisions

A. Public Benefit Categories

1. Public benefits must be provided that enhance or contribute to the objectives of the zone in some or all of the following categories:
 - a. Major public facilities;
 - b. Transit Proximity
 - c. Connectivity and mobility;
 - d. Diversity of uses and activities;
 - e. Quality building and site design; and
 - f. Protection and enhancement of the natural environment.
2. Sec. 6.6.2 indicates the individual public benefits that may be accepted in each of these categories in each zone.

B. General Public Benefit Considerations

No points may be granted for the provision of any benefit otherwise required by law. In approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. The recommendations and objectives of the applicable master or sector plan;
2. The CR Zone Incentive Density Implementation Guidelines;
3. Any design guidelines adopted for the applicable master plan area;
4. The size and configuration of the tract;
5. The relationship of the site to adjacent properties;
6. The presence or lack of similar public benefits nearby; and
7. Enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

C. Public Benefit Implementation Guidelines

The Planning Board must adopt, publish and maintain guidelines that detail the standards and requirements for public benefits. The guidelines must:

1. Be consistent with the objectives of this Division;

2. Be in addition to any standards, requirements or rules of incentive density calculation included in this Division, but may not conflict with those provisions; and
3. Only allow incentive FAR for those public benefits listed in Sec. 6.5.3.

Sec. 6.6.2. Public Benefit Applicability

Various public benefits may be accepted in each zone according to the following table.

Benefit	Zone or Optional Method Type					
	Cluster	CRT	CR	ELS	EOF	IL
Major Public Facility	Y	Y	Y	Y	Y	Y
Transit Proximity	Y	Y	Y	Y	Y	Y
Connectivity & Mobility						
Advance Dedication		Y	Y	Y	Y	Y
Existing Water & Sewer Services	Y					
Minimum Parking		Y	Y	Y	Y	Y
Neighborhood Services		Y	Y			
Networked Street Pattern	Y					
Public Parking		Y	Y	Y	Y	Y
School Proximity	Y					
Through-Block Connection		Y	Y	Y	Y	Y
Transit Access or Streetscape Improvement	Y	Y	Y	Y	Y	Y
Trip Mitigation		Y	Y	Y	Y	Y
Way-Finding		Y	Y	Y	Y	Y
Diversity of Uses & Activities						
Adaptive Buildings		Y	Y	Y	Y	Y
Affordable Housing	Y	Y	Y	Y	Y	Y
Care Centers	Y	Y	Y	Y	Y	Y
Dwelling Unit Mix	Y	Y	Y	Y	Y	Y
Enhanced Accessibility for the Disabled	Y	Y	Y	Y	Y	Y
Enhanced Visibility for Seniors/Disabled	Y	Y	Y	Y	Y	Y
Live/Work		Y	Y	Y	Y	Y
Small Business Opportunities		Y	Y	Y	Y	Y

ZAP Review Draft

Benefit	Zone or Optional Method Type						
	Cluster	CRT	CR	ELS	EOF	IL	
Quality Building and Site Design							
Architectural Elevations		Y	Y	Y	Y	Y	
Enhanced Recreation Facilities	Y			Y			
Exceptional Design		Y	Y	Y	Y	Y	
Historic Resource Protection	Y	Y	Y	Y	Y	Y	
Neighborhood Pattern Compatibility	Y						
Public Art		Y	Y	Y	Y	Y	
Public Open Space	Y	Y	Y	Y	Y	Y	
Rural Viewshed Protection	Y						
Structured Parking		Y	Y	Y	Y	Y	
Tower Step-Back		Y	Y	Y	Y	Y	
Protection and Enhancement of the Natural Environment							
Agricultural Land Preservation	Y						
Building Lot Terminations	Y	Y	Y	Y	Y	Y	
Building Reuse		Y	Y	Y	Y	Y	
Cool Roof	Y	Y	Y	Y	Y	Y	
Energy Conservation		Y	Y	Y	Y	Y	
Energy Generation	Y	Y	Y	Y	Y	Y	
Habitat Preservation and Restoration	Y	Y	Y	Y	Y	Y	
Passive Solar Orientation	Y						
Recycling Facility Plan		Y	Y	Y	Y	Y	
Tree Canopy	Y	Y	Y	Y	Y	Y	
Vegetated Area		Y	Y	Y	Y	Y	
Vegetated Roof		Y	Y	Y	Y	Y	
Vegetated Wall		Y	Y	Y	Y	Y	

Sec.6.6.3. Public Benefit Descriptions and Criteria

A. Major Public Facilities

1. Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan. Major public facilities provide public services at convenient locations where increased density creates a greater need for civic uses and greater demands on public infrastructure.
2. Where a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major public facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgrade may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
3. Due to their significance in placemaking, the Planning Board may approve incentive FAR for the conveyance of a site or floor area for the construction of or making a payment for a major public facility that is accepted for use or operation by an appropriate public agency, community association or nonprofit organization.
 1. The following number of points may be awarded provided the requirements of paragraph 3. above are met:
 - a. 70% or total required points in MPDU or Cluster optional method development;
 - b. 20 points in an ELS or IL zone;
 - c. 40 points in an EOF or CRT zone; and
 - d. 70 points in a CR zone.

B. Transit Proximity

1. Development near transit facilities encourages greater use of transit, controls sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density.
2. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones as follows:

Proximity	Adjacent or confronting		Within ¼ mile		Between ¼ and ½ mile		Between ½ and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Level	1	2	1	2	1	2	1	2
MPDU or Cluster Development	50% of required points	25% of required points	30% of required points	15% of required points	18% of required points	9% of required points	12% of required points	6% of required points
ELS or IL	10	5	8	4	6	2	4	0
EO or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

- a. A project is adjacent to or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100 percent of the gross tract area in a single sketch plan application is within ¼ mile of the transit portal.
- b. For split proximity-range projects:
 - If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
 - If less than 75 percent of the gross tract area in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

C. Connectivity and Mobility

Development that enhances connectivity between uses and amenities; increases mobility options; encourages walking, cycling and transit; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses.

1. **Advance Dedication:** Up to 8 points in the ELS and IL zones, 15 points in the EO and CRT zones, and 30 points in the CR zones for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.
2. **Existing Water & Sewer Services:** Up to 10 points for development on a site with existing public water and sewer available within the property or along an abutting right-of-way.
3. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
4. **Neighborhood Services:** When fewer than 10 different basic services are within ¼ mile, up to 10 points for providing retail bays resulting in at least 10 different basic services on-site or within ¼ mile, of which at least four have a retail bay floor area of no greater than 5,000 square feet.
5. **Networked Street Pattern:** Up to 15 points for locating or designing the project such that a through-street and/or non-motorized right-of-way intersects or terminates at the project boundary at least every 400 feet or at existing abutting street intervals and intersections, whichever is the shorter distance. Include a pedestrian or bicycle through-connection in at least 90% of any new culs-de-sac. This does not apply to portions of the boundary where connections cannot be made because of physical obstacles, such as prior platting of property, construction of existing buildings or other barriers, slopes over 15%, wetlands and water bodies, railroad and utility rights-of-way, existing limited-access motor vehicle rights-of-way, and parks and dedicated open space.
6. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
7. **School Proximity:** Up to 15 points for locating or designing the project such that at least 50% of the dwelling units are within a 1/2-mile walking distance of an existing or new elementary or middle school building entrance or within a 1-mile walk distance of an existing or new high school building entrance.
8. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
9. **Transit Access or Streetscape Improvement:** Up to 20 points for creating new or improving existing transit access or for construction of off-site improvements, excluding any streetscape improvements otherwise required.
10. **Trip Mitigation:** Up to 15 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a reduction of at least 50% for trips attributable to the site.

11. **Way-Finding:** Up to 5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities.

D. Diversity of Uses and Activities

Development that increases the variety and mixture of land uses, types of housing, economic variety and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction.

1. **Adaptive Buildings:** Up to 10 points for constructing commercial or mixed use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.
2. **Affordable Housing**
 - a. If providing no more than 12.5% Moderately Priced Dwelling Units (MPDUs), all development must comply with the applicable requirements of Chapter 25A.
 - b. If providing more than 12.5% MPDUs in a residential zone, a density bonus in units per acre is granted according to Chapter 25A. In addition, 12 points are granted for every 1% of MPDUs greater than 12.5%, up to 30 points.
 - c. If providing more than 12.5% MPDUs in an ELS, EOF, CRT, CR, or IL zone, 12 points are granted for every 1% of MPDUs greater than 12.5%.
 - d. In any case, for density and points to be awarded, at least one more MPDU than would be required at 12.5% must be provided to take advantage of the MPDU optional method or points in any zone.
3. **Care Centers:** Up to 20 points for constructing a child or adult day care facility accommodating at least 15 users in accordance with state standards.
4. **Dwelling Unit Mix:** Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% one- and two-bedroom units and 5% three or more bedroom units.
5. **Enhanced Accessibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units with interiors that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
6. **Enhanced Visibility for Seniors or the Disabled:** Up to 20 points for constructing dwelling units in accordance with ANSI A117.1, Type C, VISIBLE Unit, each of which has a kitchen, dining area, living area, full bathroom, and bedroom on the accessible level.
7. **Live/Work:** Up to 10 points for developments of up to 2.0 FAR total allowed density that provide at least three units or, for developments allowed greater than 2.0 FAR, 10% of the total unit count as live/work units.
8. **Small Business Opportunities:** Up to 20 points for providing on-site space for small, neighborhood-oriented businesses.

E. Quality Building and Site Design

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. Location, height, massing, façade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property.

1. **Architectural Elevations:** Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that exceed the requirements of this Division, such as minimum amount of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass, pedestrian comfort or enhance neighborhood compatibility.
2. **Enhanced Recreation Facilities:** Up to 10 points for providing on-site recreation facilities above the supply required by Div. 8.#.
3. **Exceptional Design:** Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting per the purposes delineated in this Division.
4. **Historic Resource Protection:** Up to 20 points for the preservation or enhancement of, or payment towards preservation or enhancement of, a historic resource or a contributing element within an historic district designated in the Master Plan for Historic Preservation.
5. **Neighborhood Pattern Compatibility:** Up to 20 points for providing lot, frontage, massing, and height standards along rights-of-way or open spaces contiguous with an existing neighborhood that are analogous to the existing neighborhood patterns. Internal, non-contiguous development may vary within the standards set by this Article.
6. **Open Space:** Up to 20 points for providing, or making a payment for, the applicable type of open space in excess of any open space requirement of the zone.
7. **Public Art:** Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
8. **Rural Viewshed Protection:** Up to 15 points for locating or designing the project such that buildings are at least 100 feet from any rustic or rural road and set on slopes or valleys within the site, maintaining peaks and ridges free from development.
9. **Structured Parking:** Up to 20 points for placing parking within, above or below grade parking structures.
10. **Tower Step-Back:** Up to 5 points for stepping back a building's upper floors by a minimum of six feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

F. Protection and Enhancement of the Natural Environment

Protection and enhancement of natural systems and decreases in energy consumption help mitigate or reverse environmental impacts such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile.

1. **Agricultural Land Preservation:** Up to 10 points for designing or locating the project development footprint such that it does not disturb prime agricultural soil or existing farmland.
2. **Building Lot Termination (BLT):** *[Commentary: Rewrite to conform to approved CR, CRT, and existing LSC zones.]*
3. **Building Reuse:** up to 100 points for reuse of an existing building subject to the following:
 - a. 75% of the structural system of the building must be retained; and
 - b. An architectural deconstruction company must be used to remove reusable and recyclable materials prior to any demolition.
 - c. Although 100 points may be obtained, public benefit category minimums must be met.
4. **Cool Roof:** Up to 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
5. **Energy Conservation:** Up to 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings.
6. **Energy Generation:** Up to 15 points for providing renewable energy generation facilities on-site or within 2,640 feet of the site for a minimum of 2.5% of the projected energy requirement for the development.
7. **Habitat Preservation and Restoration:** Up to 20 points for protection, restoration or enhancement of natural habitats, on-site or within the same local watershed, which are in addition to requirements of the Forest Conservation Law or other county laws.
8. **Passive Solar Orientation:** Design and orient 75% or more of the project's total building square footage (excluding existing buildings) such that one axis of each qualifying building is at least 1.5 times longer than the other, and the longer axis is within 15 degrees of geographical east-west. The length-to-width ratio applies only to walls enclosing conditioned spaces; walls enclosing unconditioned spaces, such as garages, arcades, or porches, cannot contribute to calculation. The surface area of equator-facing vertical surfaces and slopes of roofs of buildings counting toward credit achievement must not be more than 25% shaded at the time of initial occupancy, measured at noon on the winter solstice.
9. **Recycling Facility Plan:** Up to 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that complies with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

10. **Tree Canopy:** Up to 10 points for protecting tree canopy coverage with at least 15 years of growth on at least 25% of the on-site open space.
11. **Vegetated Area:** Up to 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. No individual area can be less than 500 square feet. This does not include vegetated roofs or stormwater management facilities.
12. **Vegetated Roof:** Up to 10 points for installation of a vegetated roof with a soil depth of at least four inches covering at least 33% of a building's roof, excluding space for mechanical equipment.
13. **Vegetated Wall:** Up to 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.

Article 59-9. Definitions

Div. 9.1. In General

Sec. 9.1.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

A. How to Compute Periods Measured in Months

If a period of time is measured in months, the period begins and ends at 12:01 a.m. on the same number day of a month. However, if there are not enough days in the final month for this to be possible, the period ends on the final day of the final month.

B. How to Compute Deadlines

If this Chapter requires or allows a person to perform an act within a specific time period measured in days, the person must compute the deadline in the following manner:

1. Count the day after the event as the first day of the period, if the period follows an event.
2. Count the remaining number of days in the period. However, if the period is 7 days or less, omit Saturdays, Sundays, and legal holidays.
3. Do not count the last day if it is a Saturday, Sunday, or legal holiday or if the office where the person must file a paper or perform an act is not open during the regular hours of that office.

C. Requirements to Act by a Specific Date

If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.

D. Signatures

The signature of a person may be the actual signature of the person or a mark that the person has authorized.

E. Singular and Plural

The singular includes the plural and the plural includes the singular.

F. Tense

The present tense includes the future tense.

G. Title of Sections

Titles and captions are not part of the law of the County. They only advise the reader of the content of each section.

Div. 9.2. Defined Terms

Sec. 9.2.1. Specific Terms and Phrases Defined

In this Chapter, the following words and phrases have the meanings indicated.

A.

Accessory apartment, attached: See Sec 3.3.2A

Accessory apartment, detached: See Sec 3.3.2.B

Accessory use: See 3.1.4

Adult entertainment: See Sec 3.5.10.A

Adult entertainment material or performance: Material that is a book, magazine, periodical, or other printed matter; photograph, film, motion picture, video cassette, slide, or other visual representation; sculpture or 3- dimensional representation; recording or other sound representation; or sexual paraphernalia that depicts or describes, or a live performance that depicts, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in State law (Section 416A of Article 27 of the Annotated Code of Maryland).

Agriculture: The business, science and art of cultivating and managing the soil, composting, growing, harvesting, and selling crops and livestock, and the products of forestry, horticulture and hydroponics; breeding, raising, or managing livestock, including horses, poultry, fish, game, and fur-bearing animals, dairying, beekeeping and similar activities, and equestrian events and activities. Agriculture includes processing on the farm of an agricultural product in the course of preparing the product for market and may or may not cause a change in the natural form or state of the product.

Agricultural processing: See Sec. 3.2.2.

Agricultural vending: See Sec 3.2.11.A

Alley: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

AM: Ante Merideum, the period between midnight and noon

Amateur radio facility: See Sec. 3.5.14

Animal care/ services : See Sec. 3.5.1.

Animal husbandry: See 3.2.10.A

Antique shop (rural): See Sec 3.5.10.B

Apartment/condominium: See Sec. 4.1.2., Building Type Descriptions

Assisted living: See Sec . 3.3.5.D., Residential Care Facility

Auction facility, agricultural: See Sec. 3.2.1.

B.

Bed & breakfast: See Sec. 3.5.6.A

Blank wall: A portion of the exterior façade of the building that does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than eight inches in depth.

Board: The Montgomery County Board of Appeals.

Building: A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building coverage: See Sec. 4.1.4.C.4, Measurement and Exceptions.

Building height: See Sec. 4.1.4.D-1 Measurement and Exceptions.

Building Lot Termination (BLT): A transferable development right (TDR) created from land that:

- (a) consists of at least 25 acres;
- (b) is capable of being served by an individual sewage treatment unit which meets the requirements of Chapter 27A and applicable regulations issued under that Chapter;
- (c) is located in the Rural Density Transfer (RDT) zone; and
- (d) could be transferred by a BLT Easement under this Chapter.

When a BLT easement is recorded in the land records, the easement extinguishes the right to build a dwelling unit in the RDT zone; this attribute distinguishes a BLT from other TDRs.

Buildable Lot Termination Easement. A form of an agricultural easement that runs with the land in perpetuity and extinguishes the right to construct a residential dwelling unit on land located in the Agricultural Reserve and zoned Rural Density Transfer.

Building Type: See Sec. 4.1.2.

Bus/ Rail Terminal: See Sec 3.6.5.A

C.

Cable communications system: See Sec. 3.5.2.A.

Campground: See Sec. 3.5.10.B

Car share space: A parking space that serves as the location of an in-service vehicle used by a vehicle-sharing service

Car wash: See Sec 3.5.13.A

Catering facility, outdoor: A facility, which may include an enclosed food preparation building but all catering parties are held under pavilions, or in the open, and may include various recreational activities.

Cemetery: See Sec. 3.5.4.A.

Chancery: The principal offices of a foreign mission used for diplomatic and related purposes and any annex to the principal offices (including ancillary offices and support facilities), including the site and any building used for diplomatic and related purposes.

Charitable, philanthropic institution: See Sec. 3.4.1.

Clinic, Medical & Dental: See Sec 3.5.7

Cluster Development: An optional development technique under zoning and subdivision regulations that allows residential dwellings to be placed on smaller than usual lots that have been grouped or clustered in order to leave some land undivided and available as common area or open space.

Commission: The Maryland-National Capital Park and Planning Commission.

Common Open Space or Open Space, Common: TBD (Module 4)

Community Building: See Sec. 4.1.2., Building Type Descriptions

Community Garden: See Sec. 3.2.3.

Conditional Use: See Sec 3.1.1.C

Conference Center: See Sec 3.5.10.C

Construction Administration or Sales Office: See Sec 3.5.15.A

Construction Dumpster: A large trash receptacle used for the disposal of building and construction materials.

Contractor Storage Yard: See Sec 3.6.1

Council or District Council: The Montgomery County Council, sitting as the district council for the portion of the Maryland-Washington Regional District. Located in Montgomery County

Coverage: See Sec. 4.1.4.C.4, Measurement and Exceptions

Country inn: See Sec. 3.5.3.A

Country market (rural): See Sec 3.5.11.B

County: Montgomery County, Maryland.

County Telecommunications Transmission Facility Coordinating Group: The body convened by the Director of the Department of Information Services and Telecommunications as prescribed in Section 2-58E (d) to review, comment and facilitate communications between member agencies on telecommunications transmission facility policy and siting issues.

Crematory Services: See Sec 3.5.4.B

Cultural Institution: See Sec 3.4.6

D.

Day care facility: See Sec. 3.4.2

dB(A): A-weighted decibels measured as defined in Chapter 31B of the Montgomery County Code

Density: See Sec. 4.1.4.A.2, Measurement and Exceptions

Detached House: See Sec 4.1.2, Building Type Descriptions

District: That portion of the Maryland-Washington Regional District in Montgomery County.

Drive-Thru Facility: See Sec 3.5.14.C

Dry Cleaning Facility: See Sec 3.6.2

Duplex: See Sec. 4.1.2., Building Type Descriptions

Dwelling: A building or portion of a building arranged or designed to contain one or more dwelling units.

Dwellings for Caretakers/ Watchkeepers: See Sec 3.3.3.B

Dwelling unit: A building or portion of a building providing complete living facilities for not more than one family, including, at a minimum, facilities for cooking, sanitation and

sleeping.

E.

Educational institution (private): See Sec. 3.4.3.

Encroachment: Building features that are located beyond the required setback lines and above height limits.

Equestrian facility: See Sec. 3.2.4.

Examiner: The Hearing Examiner appointed by the County Council to conduct certain zoning hearings and make recommendations to the Council.

F.

Family: See Household

Family burial site: A place used for the permanent interment of dead human bodies and ashes related to the property owner by blood, marriage or adoption.

Farm Airstrip: See Sec 3.2.10.B

Family Day Care: See Sec. 3.4.2.A

FAR: see Floor area ratio

Farm market, On-site: See Sec. 3.2.10.C

Farm Supply, Machinery Sales, Storage, Service See Sec 3.2.5

Farm tenant dwelling: See Sec. 3.3.2.C

Farming, crop: See Sec. 3.2.6.A.

Farming, livestock: See Sec. 3.2.7.B.

Fire/ EMS (Private): See Sec 3.4.5

Floor area of building, total: The total number of square feet of floor area in a building, including the area of a basement and any accessory building on the same lot but excluding the area of a cellar, uncovered steps and uncovered porches. All horizontal measurements must be made between interior faces of walls.

Floor area ratio (FAR): A figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Freight Movement: See Sec 3.6.7.A

Frontage: A property line shared with an existing or master-planned public or private road, street, highway, or alley right-of-way or easement boundary.

Fuel Sales: See Sec 3.5.13.B

Funeral Home, Undertaker: See Sec 3.5.4.C

G.

Garage, private: An accessory structure or portion of a principal structure designed, arranged or used for the housing of private motor vehicles. A private garage having any part of a wall or roof in common with a dwelling shall be considered a part of the principal building and not an accessory structure.

General Building: See Sec. 4.1.2., Building Type Descriptions

GFA: see **Gross floor area**

Golf course, country club: See Sec. 3.5.10.D

Green area: TBD Module 4

Gross floor area (GFA): The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls and from the center line of walls separating 2 buildings. The term "gross floor area" shall include basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment (with structural headroom of 6 feet, 6 inches or more) penthouses, attic space (whether or not a floor has actually been laid, providing structural headroom of 6 feet, 6 inches or more), interior balconies and mezzanines. The term "gross floor area" shall not include cellars, outside balconies which do not exceed a projection of 6 feet beyond the exterior walls of the building, parking or rooftop mechanical structures.

Gross land area: See Sec. 4.1.4., Measurement and Exceptions

Group day care: See Sec. 3.4.2.B

Group home: See Sec. 3.3.2.D., Residential Care Facility

Group living: See Sec. 3.3.5

Group picnic, catering and recreation facility: A facility for company and group picnics, casual banquets, meetings and parties, and on-site and off-site food preparation for buffet service.

H.

Hazardous Material Storage: See Sec 3.6.8.A

Health Clubs and Facilities: See Sec 3.5.10.E

Helipad/ Heliport: See Sec 3.6.5.B

Helistop: See Sec 3.5.14.D

Home health practitioner: See Sec. 3.3.4

Home occupation: See Sec. 3.3.3

Hospice: See Sec. 3.3.2.D., Residential Care Facility

Hospital: See Sec. 3.4.4

Hotel, Motel: See Sec. 3.5.6.B

Household: A person living alone, or any of the following groups living together as a single, housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
2. Up to five unrelated people;
3. Two unrelated people and any children, parents, siblings, or other persons related to either of them by blood, adoption, guardianship, or other duly-authorized custodial relationship; or
4. Not more than eight unrelated people who are "handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h). This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
5. Exceptions. The definition of a family does not include any society, club, fraternity, sorority, association, lodge, federation or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

Household living: See Sec. 3.3.1.

I.

Incinerator: See Sec 3.6.8.B

Independent Living Facility for Seniors or Persons with Disabilities: See Sec. 3.3.5.A

Infill development: Development that takes place on vacant or underutilized parcels within an area that is already developed and has access to existing urban services.

J.

K.

L.

Landfill: See Sec 3.6.8.C

Landscape Contractor: See Sec 3.5.5

Lawn maintenance service: The business of cutting grass, raking leaves, snow removal and other activities associated with maintaining a yard run as a Home Occupation (See Sec 3.3.3).

Limits of Disturbance: An area on a certified site plan within which all construction work must occur

Live/Work Unit: See Sec 3.3.6.A

Local Area Transportation Review Guidelines: Guiding limits established by the Adequate Public Facilities (APF) test used to determine if a proposed development will produce detrimental traffic impacts that go beyond the capacity of existing and programmed roadways and intersections in the vicinity of the site.

Lodging: See Sec. 3.5.6

Lot: See Sec. 4.1.4., Measurement and Exceptions

Lot area: See Sec. 4.1.4., Measurement and Exceptions

Lot, child: A lot created for use for a one-family dwelling unit by a child, or the spouse of a child, of a property owner.

Lot, corner: Any lot at the intersection of two thoroughfares

Lot interior: Any lot other than a corner lot, including a through lot.

Lot, through: An interior lot, fronting on two parallel or approximately parallel streets.

Lot width: See Sec. 4.1.4., Measurement and Exceptions

M.

Manufactured home: A structure intended for residential use and transportable in one or more sections, which is eight feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, manufactured in accord with standards that are (1) promulgated by the U.S. Department of Housing and Urban Development (HUD), and (2) stated in the Code of Maryland Regulations 05.01.01, revised January 1, 1984, as they may be amended from time to time. Such a structure must carry the HUD label. A recreational vehicle is not a manufactured home.

Manufacturing and Production: See Sec. 3.6.3

Media broadcast tower: See Sec. 3.5.2.C.

Medical, Dental Laboratory: See Sec 3.5.7.C

Medical practitioner: A licensed physician, surgeon, dentist, osteopath, chiropractor or optometrist.

Mining, excavation: See Sec. 3.6.4.

Mixed Use Building: See Sec. 4.1.2., Building Type Descriptions

Moderately Priced Dwelling Units (MPDU): Any dwelling unit that meets the requirements for a moderately priced dwelling unit as set forth in chapter 25A of this Code, titled "Housing, Moderately Priced".

MPDU: See **Moderately Priced Dwelling Units**

Modular home: A structure intended for residential use and manufactured off-site in accord with the BOCA Basic Building Code as defined in Chapter 8.

Multi-unit living: See Sec. 3.3.1.C.

N.

Nonconforming building or structure: A building or structure that was lawful when constructed and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

Nonconforming use: A use that was lawful when established and continues to be lawful, even though it no longer conforms to the requirements of the zone in which it is located because of the adoption or amendment of the zoning ordinance or the zoning map.

Nursery, Retail: See Sec. 3.2.7.A.

Nursery, Wholesale: See Sec. 3.2.7.B.

Nursing home: See Sec. 3.3.2.D., Residential Care Facility

O.

Office: See Sec 3.5.8

Overlay zone: A geographic area that constitutes a mapped district superimposed over the underlying base zone on the official zoning map. An overlay zone includes development regulations and standards that either add to or modify the requirements of the underlying zone

Overnight Shelter: See Sec. 3.3.5.B

P.

Parking, Structured: see Sec 3.5.9.A

Parking, Surface: see Sec. 3.5.9.B & C

Park, playground (private): See Sec. 3.4.7.

Person: Any individual, corporation, association, firm, partnership or the like, singular or plural.

Personal Living Quarters: See Sec. 3.3.5

Planning Board: The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission.

Planning Director: The staff member in the Department of Park and Planning who is in charge of all planning, zoning, and land development approval activities of that Department,

and who reports directly to the Planning Board.

Plan, master: A comprehensive plan of any portion of the general plan which may consist of maps, data and other descriptive matter, as a guide for the physical development of the district or any portion thereof, including any amendments, extensions or additions thereto adopted by the commission, indicating the general locations for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

PM: Post Merideum, the period between noon and midnight

Private club, service organization: See Sec. 3.4.8.

Public Arts Trust Steering Committee: A committee of the Arts and Humanities Council that allocates funds from the Public Arts Trust.

Public Benefit: See Div. 6.6.

Public use: See Sec. 3.4.9.

Q.

R.

Receiving Area: An area designated on an approved and adopted general, master, sector or functional plan appropriate for development beyond its base density through the transfer of development rights.

Recreation and Entertainment Facility: See Sec 3.5.10.E & F & G

Reconstruction: Building the same or less floor area on or within the footprint of a demolished or partially demolished building.

Recycling Drop –off Center: See Sec 3.6.8.D

Recycling Collection and Processing: See Sec 3.6.8.E

Religious assembly: See Sec. 3.4.10.

Renovation: An interior or exterior alteration that does not affect a building's footprint.

Research and Development: See Sec 3.5.8.C

Residential Care Facility: See Sec 3.3.5.D

Restaurant: See Sec 3.5.3.B

Retail Sales and Service: See Sec 3.5.11

Right-of-way: A strip of land occupied or intended to be occupied by a road, crosswalk, railroad, electronic transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for other special use. Must be shown on a record plat as separate and distinct from the adjoining lots or parcels and not be included within their dimensions. Rights-of-way maintained by a public agency are shown as dedicated to public use on the record plat.

Road, arterial: A road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.

Road, business: A road meant for circulation in commercial and mixed-use zones.

Road, residential primary: A road meant primarily for circulation in residential zones, although some through traffic is expected.

S.

Seasonal outdoor sales: See Sec. 3.2.12.B

Self-Storage: See Sec. 3.6.7.B

Setback: The minimum distance that a building or parking area must be set back from a specified lot line. Minimum setbacks are specified in some zones, while other zones allow the Planning Board to establish the setbacks, thereby allowing greater flexibility for development.

SF: Square Feet

Shooting range, indoor: See Sec. 3.5.10.I

Shooting range, outdoor: See Sec. 3.5.10.J

Single room occupancy: See Sec. 3.3.2.G.

Site: See Sec. 4.1.4.A, Measurement and Exceptions

Slaughterhouse: See Sec 3.2.8

Small animal:

Special Event Parking: See Sec 3.5.15.B

Special Exception: See Conditional Use.

Storage Facility: See Sec 3.6.7.C

Structure: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio and television broadcasting towers, telecommunications facilities, water tanks, trestles, open sheds, shelters, fences, walls, signs, power line towers, pipelines, railroad tracks and poles.

Sustainable energy generation: See Sec. 3.6.6.D & 3.6.9.A

Swimming pool (community): See Sec. 3.4.11.

T.

Taxi/ Limo Facility: See Sec 3.6.5.C

Teen Center: A supervised building, or a supervised area of a building, which provides a facility for the social, recreational, or educational use of children between the ages of 12 and 18. At least 80 percent of the facility's hours of operation must be for the use of teenagers.

Temporary use: See Sec 3.1.5

Tenant Footprint: The horizontal area measured within the exterior walls for the ground floor of the main structure allocated to each non-residential tenant or owner-occupant.

Tower: A structure, other than a building, with guyed or freestanding supporting antennas used for radio or television broadcasting, telecommunications, or wireless transmission.

Townhouse: See Sec. 4.1.2., Building Type Descriptions

Transparency: Percentage of windows and doors on an exterior wall of a building.

Transportation Demand Management: Sec 42A-21

Transportation management plan: Actions designed to alleviate traffic congestion by reducing dependence on the single-occupancy vehicle through transit, carpooling, and other alternatives.

Transit Proximity: Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Stations; 2. Proximity to an existing or master planned

station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

Transfer of Development Rights: The conveyance of development rights, as authorized by local law, to another parcel of land and the recordation of that conveyance among the land records of Montgomery County.

Transfer Station: See Sec 3.6.8.F

Transitory use: See Sec. 3.5.15.C

Two-unit living: See Sec. 3.3.1.B.

U.

Unenclosed porch: A roofed structure abutting an exterior building wall with no obstruction on any other sides at the perimeter with the exception of a railing as required in the Building Code.

Urban farm: See Sec 3.2.6.C

Usable Area: Sec 6.1.2.B

Use: Except as otherwise provided, the principal purpose for which a property or the principal building on that property is designed, arranged, or intended, and for which it is or may be used, occupied or maintained.

Utility, public: See Sec. 3.6.6

V.

Vehicle/ Equipment Sales & Rentals: See Sec 3.5.12

Vehicle Service: See Sec 3.5.13

Vehicle, light commercial: Any motor vehicle or trailer used for carrying freight or merchandise, or used in furtherance of any commercial enterprise that is less than ___ tons.

Vehicle, recreational: A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. Includes motor homes, travel trailers, campers or non-freight trailers used to transport other leisure equipment such as a boat, hose, motorcycle, show car, race, snowmobile, or bicycle.

W.

Winery: See Sec. 3.2.9.

Wireless Communications Tower, Freestanding: See Sec 3.5.2.B

Wireless Antennae on Existing Structure: See Sec. 3.5.14.F.

X.

Y.

Z.

Zone: An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height

ZAP Review Draft

limits and other requirements are established, and all of the foregoing are identical for the zone in which they apply.

Zoning map: The zoning map of the Maryland-Washington Regional District in the county, dated May 31, 1958, together with all amendments to the zoning map subsequently adopted.