



**Zoning Ordinance Revision: Staff Draft of Commercial/Residential and Employment Zones**

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**Completed: 9-7-12**

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**Description**

- Staff Report and Staff Draft for Public Session on 9/20/12 and Worksessions on 9/27/12 and 10/1/12.
- Zoning Ordinance Revision
- Fall 2012 Planning Board Review

**Summary:**

This report will evaluate changes to our current zoning ordinance that are proposed in the attached Staff Draft. The Staff Draft, itself, is a redline version of the Consolidated Draft published July 2012, incorporating comments and suggestions received since its release. A new Staff Draft will accompany each staff report and will cumulatively update sections of the Consolidated Draft corresponding to the review schedule.

As the title suggests, this report will cover the Commercial/Residential (C/R) and Employment zones. The C/R and Employment zones were first published in the Module 2 draft released November 22, 2011. The Staff Draft proposes three Commercial/Residential (C/R) zones and four Employment zones for use in areas that currently have general commercial, commercial office, CBD, and mixed-use Euclidean zoning.

## **Introduction**

In evaluating the types of zones contained in our current code, it is safe to say that we need zones that accommodate mixed-use, life science, general commercial/retail, and office oriented development. However, it is also safe to say we do not need 21 commercial and mixed-use zones. The C/R zones offer three mixed-use zones that cover a wide range of uses and intensities. These three zones were adopted by the County Council in October 2011. Some aspects of the C/R zones have been modified during the rewrite process:

- revising the allowable uses in light of the consolidation of the use table and zones,
- creating development requirements for standard method development, and
- adjusting the public benefit point allocations.

The Employment zones offer two general commercial zones, one commercial office zone, and one life sciences zone. Modeled on the C/R family of zones, the Employment zones have dimensional standards for standard method development and the optional method of development requires public benefit points, although fewer total points, from fewer categories, are needed.

## **Review Organization**

The public will be invited to comment at a session scheduled for September 20<sup>th</sup> on the contents of this report and the corresponding sections of the Staff Draft (see Attachment A) covering the CRN, CRT, CR, EGR, ENR, EOF and ELS zones. The worksessions scheduled for September 27<sup>th</sup> and October 1<sup>st</sup> will provide an opportunity for the Planning Board to discuss the recommendations in the Staff Draft and the public comments received. The intent statements and uses for the C/R and Employment zones will be covered during the first worksession. The development requirements and optional method development for these zones will be discussed during the second worksession.

## **Report Organization**

The report, unlike the worksessions, is organized by zone family. The intent statements for each group of zones are followed by an explanation of the proposed changes in uses, development requirements, and the optional method of development.

## Commercial/Residential Zones

### Article 59-2: Zoning Districts

Section 2.1.2.F establishes three Commercial/Residential (C/R) zones: Commercial Residential Neighborhood (CRN), Commercial Residential Town (CRT), and Commercial Residential (CR).

#### F. Commercial/Residential Zones

1. *There are 3 Commercial/Residential zone classifications:*
  - 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 3 additional symbols: C, R, and H, each followed by another 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 by showing, for each property classified:*
  - a. *The classification, and*
  - b. *The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).*

#### Section 2.1.2.F Changes from Current Code

Staff is not recommending any substantive changes to the language establishing the C/R zones; only minor modifications have been made to the text for consistency in writing style.

Section 2.2.4.A. provides the general intent statement for the C/R family of zones, followed by individual intent statements for each zone.

#### 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 intent of the CRN, CRT, and CR zones is 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, where parking is prohibited between the building and the street;*

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.*

#### Section 2.2.4.A. Changes from Current Code

The general intent statement regarding the C/R zones is almost identical to the Description and Objectives of the CR zones found in the current ordinance. Under Section 2.2.4.A., the third objective has been modified to include the phrase, “where parking is prohibited between the building and the street”. The individual intent statements are new.

#### Changes to Article 59-2 from Consolidated Draft

There are no changes to Section 2.1.2.F. Staff did not receive comments or recommendations regarding this section. Under Section 2.2.4.A, the term “limited” has been changed to “restricted” because a limited use now has specific meaning and “ground floor footprint” should be changed to “gross floor area”. To be clear, however, although the CR zones do not restrict gross floor area, there are limited use standards for large single-tenant uses based on ZTA 12-01.

*B. Commercial Residential Neighborhood (CRN)*

*The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant gross floor areas are restricted in order to preserve community scale.*

*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 gross floor areas are restricted in order to preserve the town center scale. Transit options may include light rail, Metro, and bus.*

*D. Commercial Residential (CR)*

*The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas that are in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor areas are not restricted.*

### **Article 59-3: Uses and Use Standards**

Article 59-3 is significantly different in format from the current ordinance. It contains one use table comprising all the zones and uses. Next to each use in the table is a section reference to the use definition and any use standards. Also new is the concept of the limited use. Currently uses are either permitted by-right, “P” in the use table, or require a special exception, denoted “SE”. The proposed draft specifies uses as “P”, permitted by-right, or “L”, permitted by-right but limited by particular use standards, or “C”, permitted conditioned on approval by the Board of Appeals and/or the Hearing Examiner. In the current C/R zones, limited uses are applied a bit differently.

Article 59-3 Changes from Current Code with respect to the C/R zones

The Staff Draft proposes several new uses for the CRN, CRT, and CR zones. The rationale for proposing these new uses can be grouped into the following categories: access to local food production, flexible housing options, zone consolidation, use clarification/modernization, and consultant recommendation.

For CRN, CRT, and CR zones the following uses are new:

Use Category	CRN	CRT	CR
<b>Access to Local Food Production</b>			
Animal Husbandry	L	L	L
Community Garden	L	L	L
Urban Farming	L	L	L
<b>Flexible Housing Options</b>			
Accessory Apartments	L	L	L
<b>Zone Consolidation</b>			
Amateur Radio Facility (up to 65 ft)	P	P	P
Amateur Radio Facility (65 ft and over)	C	C	C
Cable Communication System	C	C	C
Personal Living Quarters (over 50 Individual Living Units)	C	C	C
Transitory Use	L	L	L
<b>Use Modernization/Clarification</b>			
Pipeline (above ground)	C	C	C
Pipeline (below ground)	P	P	P
Transmission line (above ground)	L	L	L
Transmission line (below ground)	P	P	P

**Access to Local Food Production**

In the current ordinance almost all of the commercial and mixed-use zones prohibit agricultural uses. The current C/R zones are more progressive in this area allowing *Farming, limited to crops, vegetables, herbs, and ornamental plants* and *Farm and Country Markets*. *Urban Farming* expands the current *Farming* use to include the limited keeping and raising of fowl and bees, and the practice of aquaculture. A *Community Garden* is also designed to provide greater access to local food production by allowing for the cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping by a group. Limitations are placed on the total gross floor area and height of accessory structures and on equipment used for gardening. *Animal Husbandry* also promotes local food production through beekeeping.

**Flexible Housing Options**

*Attached Accessory Apartments* and *Detached Accessory Apartments*, limited to a detached house building type, are proposed new uses for the C/R zones. Building Types are a new feature of the rewritten ordinance. Specifying development standards by building type, and allowing less dense building types in every zone – provides for flexibility in the provision of housing. Given that all residential building types and almost all residential uses are allowed in the C/R zones (as proposed), allowing *Accessory Apartments* as an accessory residential use is a logical extension of these provisions.

**Zone Consolidation**

Zone conversion will be the focus of further discussions with the Planning Board following the delivery of the draft Ordinance to the County Council this winter. However, the consolidation of zones from multiple general commercial zones, six CBD zones, and several mixed-use zones into three C/R zones requires the comparison of uses currently allowed in all of these zones to the uses allowed under the proposed conversion.

Staff recommends that 5 uses be added to the C/R zones based on a comparison of uses in the C/R zones to uses allowed in the zones that will potentially convert to CRN, CRT or CR. These uses are: *Amateur Radio Facilities (up to 65 feet in height and 65 feet and over)*, *Cable Communication Facilities*, *Personal Living Quarters (over 50 Living Units)*, and *Transitory Uses*. Three of these uses are not listed in the use table for the C/R zones – *Amateur Radio Facility*, *Cable Communication Facility*, and *Transitory Uses*.

With respect to the *Personal Living Quarters (PLQ)* use, the current C/R use table does not distinguish between up to 50 and more than 50 living units. However, several other zones do, allowing the 50+ unit PLQ only as a special exception. To retain the ability to review this use at two levels, the distinction in size is proposed for the C/R zones. *Amateur Radio Facility*, *Cable Communication Facility*, and *Transitory Use*, are uses currently allowed in almost every CBD and mixed-use zone.

**Use Modernization/Clarification**

*Pipelines, above and below ground* and *Transmissions Lines, above and below ground*, are a combination of uses currently allowed in general commercial, CBD and mixed-use zones. The classification of *above ground* and *below ground* attempts to clarify how these uses are currently treated throughout multiple zones.

The following tables show new uses that have been added to either the CRN, CRT, or CR zone, but not all three.

For the CRN zone the following uses are new:

Zone Consolidation	
Public Utility Building and Structure	C
Consultant Recommendation	
Bed and Breakfast	L

**Zone Consolidation**

Currently *Public Utility Building and Structure* is a special exception use in all residential and commercial zones. In the recently passed C/R zones, this use is permitted (P) in the CRT and CR zones. It is not allowed in the CRN zone. For consistency, staff recommends that this use be a conditional use in the CRN zone.

**Consultant Recommendation**

A *Bed and Breakfast* is only allowed in a detached house building type. Now that all less dense building types are permitted in higher density zones, allowance of this use is consistent with other uses in the CRN given limitations on its size and occupancy.

For the CRT zone, the following uses are new:

Zone Consolidation	
Car Wash	C
Use Modernization/Clarification	
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	C
Recreation and Entertainment Facility, Major (Capacity over 1,000)	C
Consultant Recommendation	
Bed and Breakfast	L

**Zone Consolidation**

In reviewing zone conversion for the CRT zone, several current commercial and mixed-use zones allow a *Car Wash* as a special exception use. Some of these zones will convert to CR while others convert to CRT. In the draft, a *Car Wash* has been retained as a conditional use in the CRT zone.

**Use Modernization/Clarification**

Three recreational uses are proposed in the Staff Draft, *Recreation and Entertainment Facility, Indoor (capacity up to 1,000)*, *Recreation and Entertainment Facility, Outdoor (capacity up to 1,000)*, and *Recreation and Entertainment Facility, Major (capacity over 1,000)*. These three categories differentiate the use based on size and location. Currently, there is only one recreational use in the CRT zone, *Recreational Facilities, Participatory* which is allowed as a permitted use. *Recreation and Entertainment Facility, Indoor (capacity up to 1,000)* is the equivalent, also permitted by-right. Thus the other two recreational uses can be considered new to the CRT zone, and are proposed as conditional uses.

**Consultant Recommendation**

A *Bed and Breakfast* is only allowed in a detached house building type. Now that all less dense building types are permitted in higher density zones, allowance of this use is consistent with other uses in the CRT given limitations on its size and occupancy.

For the CRT and CR zones the following uses are new:

Zone Consolidation	
Funeral Home, Undertaker	C
Taxi/Limo Facility	L

**Zone Consolidation**

A *Funeral Home* is currently allowed as a permitted use in the C-2 zone, and as a special exception in the CBD-1 and CBD-2 zones. A *Taxicab Stand* is currently allowed in all of the zones converting to CRT and almost all of the zones converting to CR with the exception of the current CRT and CR zones. A *Taxi/Limo Facility* is recommended as a limited use prohibiting the storage of vehicles at the site.

**Zone Consolidation, New Uses Added to Converting Zones**

The sections above on Zone Consolidation focus on uses added to the CRN, CRT, and/or CR zones. Another outcome of zone consolidation is the introduction of new uses to current zones converting to CRN, CRT, or CR.

For the CBD zones some uses are new to only one or two of the CBDs. Uses being proposed that are new to all of the CBDs include: *Charitable and Philanthropic Institution, Artisan Manufacturing and Production, Medical/Scientific Manufacturing and Production, Self-Storage, and Storage, up to 10,000 sf* – in addition to the new uses for access to local food, and increase housing flexibility listed above.

Like the CBDs, some uses are new to only a few of the mixed-use zones while a handful of uses are new to all the mixed-use zones (with the exception of the current C/R zones). This includes *Hospital, Funeral Home, Undertaker, and Artisan Manufacturing and Production*.

Following the delivery of the “Planning Board Draft” Zoning Code to the County Council, Staff will begin discussions with the Planning Board on implementation of the new Ordinance, including zone conversion. A thorough review of use changes resulting from conversion will occur at that time. However, recognition of the scope of proposed changes to uses allowed in certain zones either by introduction of new uses, or the deletion of a current use, is informative in determining whether the zones proposed in the Staff Draft comprise a sufficient toolkit.

#### Changes from the Consolidated Draft

The following is a list of changes of the redline changes that appear in the Staff Draft.

- *Urban Farming* - The minimum area required for an urban farm has been reduced from 4,000 square feet to 2,500 square feet, and the minimum setback for accessory structures from any property line has been decreased to 15 feet (from 25 feet).
- *Car Wash* – *Car Wash* has been removed as a use in the CR zone.
- *Farm Supply, Machinery Sales, Storage, Service* – This use has been added to the EGR zone as a permitted use given *Farm Implements, Storage and Sales* is a permitted use in C-2.
- *Townhouse Living* – *Townhouse Living* has been added to those zones where it is currently allowed. Limitations regarding MPDU and cluster development have been retained. In the previous drafts this use was consolidated with Multi-Unit Living, causing some confusion over use versus building type.
- *Day Care Facility* – The age limit designation for a child in day care has been changed from 13 to 17, in conformance with State regulations.
- *Family Day Care* – The definition of *Family Day Care* has been revised for consistency with the current ordinance.
- *Group Day Care* – Use standards for *Group Day Care* have been revised for consistency with the current ordinance.
- *Veterinary Office/Hospital* – *Veterinary Office/Hospital* has been changed from a conditional use in the CRN zone, to a limited use requiring site plan if abutting or confronting properties are in an agricultural, rural residential, or residential zone that are vacant or improved with an agricultural or residential use.
- *Private Clubs, Service Organization* – A site plan requirement has been added to the limited use standards if abutting or confronting properties are in an agricultural, rural

residential, or residential zone that are vacant or improved with an agricultural or residential use.

- *Retail/Service Establishment (50,000 sf and over)* – Use standards have been modified based on ZTA 12-01
- *Fuel Sales* – Use standards have been modified based on ZTA 12-07
- *Construction Administration and Sales Office* – Use standards have been added for consistency with the current ordinance.
- *Medical/Scientific Manufacturing and Production* – The definition of *Medical/Scientific Manufacturing and Production* has been modified to include “*incidental storage, sale and distribution.*”

#### **Article 59-4: Euclidean Zoning District Regulations**

Proposed *Article 59-4. Euclidean Zoning District Regulations* begins with a general division that applies to all zones. *Div. 4.1. Rules for All Zones* covers development options, building types, and measurements and exceptions. *Div. 4.2 through Div. 4.6 cover development requirements and standards for all zones.*

##### Div. 4.1 Changes from Current Code

*Div. 4.1* replaces sections of the current ordinance from various Articles, including *59-A-2. Definitions* and *59-B. Exemptions from Controls*. Building types are a new tool in the proposed ordinance.

##### *Section 4.1.1. Development Options*

This section is a new section stating what development options are allowed and in which zones. This is a general statement that provides an overview and cross-references for all zones; in the current ordinance, development options are scattered throughout Article 59-C under various titles such as, *59-C-4.358. C-2 zone – Special Development Procedure for Transit-Oriented Mixed Use Development* or *59-C-5.44. Special regulations – I-4 zone (e) Optional method of development*. The development options, standard method and optional method development, remain the same for the Agricultural, Rural Residential, and Residential zones. Optional method development in the Commercial/Residential zones is triggered at the same densities and allowed in the same zoning categories as in the current ordinance. The Employment zones allow optional method development and, based on the conversion of existing commercial, office, and industrial zones may have significant changes in process and requirements, although densities and heights are still limited to their current maximums.

##### *Section 4.1.2. Building Type Descriptions*

This is an entirely new section establishing building types and describing their basic attributes.

##### *Section 4.1.3. Building Types Allowed by Zone*

This is an entirely new section establishing which building types are allowed in which zones.

##### *Section 4.1.4. Measurement and Exceptions*

This section replaces several definitions from Section 59-A-2 and Article 59-B. This section is organized to parallel the development standard tables for each of the zones:

- A. Site;

- B. Lot and Density;
- C. Placement;
- D. Height; and
- E. Form.

Site is a new defined term: *Sec. 4.1.4.A.1. A site is 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.*

Lot has been redefined from: *Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this chapter, having a least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public street or public way, to: Sec.4.1.4.B.1. A lot is a tract of land identified on a subdivision plat that is recorded in the land records. A lot may include buildings, accessory buildings and any associated open spaces.* This change addresses issues of private street and open space frontage and removes unnecessary language about development standards that area addressed by the dimensional standards in the zone and provisions for nonconformities.

Lot area has been simplified with no substantive change in intent.

Lot width, with various qualifiers (at the front property line, at the front setback line, and at the front building line) has replaced the definition for lot frontage with no substantive change in intent. *Lot Width at the Front Setback Line* is a new measurement.

A new section on the definition of building setbacks and their measurement has been added. Corner lots remain defined as they currently are; the proposed language for the measurement of setbacks on corner lots is similar, but the proposed addressing language for corner lots is new. An entirely new concept – a “Build-to Zone” is proposed for use in mixed-use, higher density zones. Surface parking setbacks are defined and their measurement is established.

Building coverage has been redefined to include parking structures but remains otherwise similar. A new section has been added that clarifies which structures are not included in building coverage: *Sec. 4.1.4.B.5.a.ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.*

Setback encroachments have been separated into three sections: Building Features, Mechanical Equipment and Utility Lines, and Other Encroachments. This section generally replaces Divisions 59-B-2 and 59-B-3. The only significant change in building feature encroachments is the removal of the requirement that an unenclosed balcony be less than 10 feet wide to project into a required setback; the requirements that it maintain at least a 2-foot setback is retained. This change encourages building forms that provide more outdoor space and more flexible building forms that decrease the sense of mass and scale.

Several requests from designers and developers have been received to allow balconies and awnings to project into rights-of way because of the small setbacks. This is done in numerous jurisdictions, and is especially important in tight, historic situations and where urbanization and pedestrian-oriented sidewalk life is encouraged. At this point, Staff has not proposed such a change – there are small (6”) allowances for sills and cornices in keeping with the existing ordinance.

A provision to allow for conservation and environmental site design facilities has been added: *Sec. 4.1.4.B.5.a.ii. Permanent rainwater collection or harvesting systems may project a maximum of 3 feet into any side street, side interior, or rear setback.*

Staff is proposing a simplification of height measurement. There are a number of footnotes and table descriptions in the current ordinance for most zones. The current ordinance provides two definitions of height:

***Height of building:*** *The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a gable, hip, mansard, or gambrel roof. However, if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade.*

***Height of residential building in the R-60 and R-90 zones:*** *For any one-family detached residential building in the R-60 or R-90 zone, building height is the vertical distance measured from the average elevation of the finished grades along the front of the building to either: (1) the highest point of roof surface regardless of roof type, or (2) the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof. However, for the purposes of determining building height and story, at no point must the finished grade be higher than the pre-development grade. In all cases where this Chapter provides for height limitations by reference to a specified height and a specified number of stories, building height is limited to the specified maximum footage and the number of stories within the specified maximum footage.*

Staff has proposed that height be measured according to the latter for the Agricultural, Rural Residential, and Residential zones because it provides the most accurate way of determining the perception of mass and bulk. The measurement from curb is retained for the C/R, Employment, and Industrial zones. Further, all references to stories have been removed. The proposed language and graphics are on page 4-9 of the attached draft revision.

Form standards are entirely new and apply mostly to multi-use and general buildings in mixed-use zones, and reflects that fact that only minor changes that been proposed for these residential changes.

#### Changes from Consolidated Draft

The zone names for the residential zones have reverted to their current names: R-200, R-90, R-60, R-40, R-30, R-20, and R-10. This was done to ease the mapping process when the proposed

ordinance is adopted and to reflect the fact that only modest changes have been suggested related to these residential zones.

The “Mixed-Use” building type has been renamed “Multi-Use” to reflect that it may be office or residential over retail and service commercial uses. The term “mixed-use” has come to mean a development containing both commercial and residential development. The building type descriptions have been slightly modified to keep them parallel with residential uses in Article 59-3.

Density has been added to Sec. 4.1.4. Measurement and Exceptions, laying out where units per acre is used and where floor area ratio (FAR) is used, based on citizen comments and for clarification.

All references to “right-of-way” for setback measurements have been changed to “property line”. Further, a section on “either/or” setbacks that reappeared in each of the divisions for groups of zones has been moved to this general section because it applies across numerous zones.

The illustration for average height measurement has been relabeled. The allowance under the current ordinance for certain height encroachments to exceed a maximum area of a roof has been reinstated: *“A larger area [than the maximum of 25% of the roof area that can be occupied by roof structures such as mechanical equipment] may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones”*.

Building elements under the Form standards have been renumbered.

#### Div. 4.5 Changes from Current Code

In the existing ordinance, the establishment of the C/R zones (59-C-15.1), applicability of the zones (59-C-15.13), and the description and objectives of the C/R zones (59-C-15.2) have moved to Article 59-2. The specific changes to these sections are dealt with under different sections of this Report. The definitions in the existing C/R zones have been incorporated into use definitions, covered elsewhere, and the definitions section.

*Sec. 4.5.1. Density and Height Allocation* is the same for each of the zoning categories, CRN, CRT, and CR as are the provisions for FAR averaging. Likewise, the triggers for optional method, under proposed Sec. 4.5.2, are the same in the proposed draft as the current ordinance. Site plan triggers for standard method are different and will be reviewed in later worksessions on process, but many concepts developed in the original C/R zones still apply – reviews are based on uses, intensity, abutting properties, etc. Similarly, the sketch plan provisions (59-C-15.43) have been moved to *Article 59-8. Administration and Procedures*.

*Sec. 4.5.3. General Requirements* is the proposed replacement of *Sec. 59-C-15.6. General requirements*. There are similarities – the master plan and design guideline consistency language is the same, for example – and differences – the parking requirements and standards have been moved to *Article 59-7. General Development Regulations*, which will be discussed in later review worksessions. The neighborhood compatibility requirement that establishes an angular plane restricting height when C/R-zoned property is next to Agricultural, Rural

Residential, or Residential Detached zones has been modified to include confronting property situations.

The current ordinance has few development standards. Density and height remain specified by the zone itself. Setbacks, however, only applied under the “neighborhood compatibility” requirement discussed above. In the proposed ordinance, development standards are established for standard method development in several categories: site (open space); lot and density; placement; height; and form. Public use space for standard method projects remains the same, except no open space is required for detached or duplex lots and townhouse developments must provide common open area for their residents rather than public use space. Staff recommends removing residential amenity space as a development standard, instead relying on the recreation requirements under Article 59-7.

Minimum lot sizes, widths, and coverage apply to detached, duplex, and townhouse development. Setbacks apply to all building types with new restrictions on maximum setbacks in some cases. Form standards are entirely new and apply to Apartment/Cond, Multi-Use, and General building types.

#### Changes from Consolidated Draft

Section 4.5.3. has been renamed “General Requirements” because “Development Standards” is more applicable to the sections on dimensional standards in the following section. It also parallels our existing language use in the current ordinance. Under this section, *B. Building Types* has been removed because it is redundant – the language is covered under the table in the beginning of the article – and *C. Setbacks* has been moved to *Div. 4.1. Rules for All Zones*.

Neighborhood compatibility has been entirely rewritten to address problems with modeling on small lots and to be directly responsive to context. This section now calculates the angular plane restriction based on abutting lot setbacks and heights and rationalizes the confronting lot situation to maintain a sensitive height restriction within the building type’s build-to-zone. Page 4-41 of the attachment details the proposed changes.

The development standards have been completely reorganized and edited. *Sec. 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards* now compiles all building types across the top row and provides the applicable development standards for each. There is now a systematic outline for development standards; for example, B1 will always be Net Lot Area and C9 will always be the Rear Setback for accessory structures – across all zones. The standards within the C/R zones have been modified generally (see pages 4-42 through 4-45 of the attachment) based on feedback from citizens and property owners. These are still more restrictive and more prescriptive than the existing development standards, but it is clearer now that these standards apply to standard method development; optional method development is more flexible and allows setbacks and form standards, for example, to be decided during the review process, as discussed below.

### **Article 59-6: Optional Method Regulations**

#### Article 59-6 Changes from Current Code with respect to the C/R zones

Optional method development in the C/R zones is based on the current code. The procedures for approval, public benefit point and category requirements, master plan and design guideline

conformance, open space, and neighborhood compatibility regulations are all the same. The building types allowed are new to the ordinance, generally, but development standards are flexible and established during the approval process as they currently are; density and height are, of course, set by the mapped zone.

All of the existing categories for public benefits have been retained except for the “building reuse” category, which is proposed as a separate benefit under the *Protection and Enhancement of the Natural Environment* category. The general public benefit considerations and implementation guidelines language remains. In general, points are proposed for the zones that will now require public benefits, i.e., the EOF and ELS zones.

*Major Public Facilities* and *Transit Proximity* are not substantively changed.

Under *Connectivity and Mobility*, “transit access” and “streetscape” have been combined; “advance dedication”, “neighborhood services”, “through-block connections”, “trip mitigation”, and “way-finding” are all proposed with lower maximum points than currently allowed. The criteria have not, however, changed; this proposal is based on discussion and criticism regarding the ease of providing these public benefits when compared to benefits such as affordable housing.

Likewise, “adaptive buildings” and “live/work” units” in the *Diversity of Uses and Activities* category are proposed with reduced maximum points. Also within this category, a new public benefit worth up to 20 points is recommended: “enhanced visitability for seniors or the disabled”. Finally, “workforce housing”, which was approved with the original C/R zones, has been reintroduced.

Under the *Quality Building and Site Design* category, the only change proposed is a reduction of the maximum points allowed for the “tower step-back” public benefit. “Enhanced recreation facilities” is a new proposed public benefit.

The *Protection and Enhancement of the Natural Environment* category is proposed with numerous changes. First, several public benefits are proposed with lower maximum points (for the same reasons as those changed under *Connectivity and Mobility*): “cool roof”, “energy conservation”, “recycling facility plan”, “tree canopy”, “vegetated area”, “vegetated roof”, and “vegetated wall”. Second, “BLTs” have been revised to incorporate the ELS zone – with the same calculation method as the current LSC zone. Last, “TDRs” have been added to accommodate mixed-use zones that are within TDR overlay zones. When a development in a TDR overlay zone is under the optional method, TDRs are required. The formula for TDRs is based on the cost per point for a BLT (based on square footage of incentive density) and the equivalent cost of a TDR. This equates to 1 point per 2,500 square feet of development above the density allowed under the standard method of development, which is about 3 multi-family units per TDR. Although mandatory for optional method in the TDR overlay zone, it is recommended that they be optional for any C/R or Employment zone optional method development.

#### Changes from Consolidated Draft

*Div. 6.4. C/R Zones* has been reorganized into two sections: *Sec.6.4.1. General Requirements* and *Sec. 6.4.2. Development Standards*.

The first section incorporates the master plan, building type, and neighborhood compatibility sections; a section requiring satisfaction of the general regulations under Article 59-9 was also added. The density, mix, and establishment of height was moved to the development standards section.

The second section removed the language requiring conformance to the development standards under Article 59-4, which only apply to standard method development, and now has separate subsections on Site, Lot and Density, Placement, Height, and Form. Except for open space, development standards are established either by the mapped zone or by the approved site plan.

The table that showed which public benefits were allowed in which zones has been removed, it is recommended that all of the public benefits be allowed in each zone, making the table unnecessary. The “workforce housing” public benefit was added, as was the language for “BLTs” in the ELS zone

## Employment Zones

### Article 59-2: Zoning Districts

Section 2.1.2.G establishes the four Employment (E) zones: Employment General Retail (EGR), Employment Neighborhood Retail (ENR), Employment Life Sciences (ELS), and Employment Office (EOF).

#### F. Employment Zones

1. There are 4 Employment zone classifications:
  - a. Employment General Retail (EGR);
  - b. Employment Neighborhood Retail (ENR);
  - c. Employment Life Sciences (ELS); and
  - d. Employment Office (EOF).
2. Each EGR, ENR, ELS, and EOF zone classification is followed by a number and symbol: H, which is followed by another 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 EGR, ENR, ELS, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification, and
  - b. The 2 maximum allowances (total FAR and height).

Section 2.2.5.A. provides the general intent statement for the Employment family of zones, formatted in the same fashion as the C/R zone. The general intent statement is followed by individual intent statements for each zone.

#### A. In General

*The EGR, ENR, ELS, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying intensities and heights. The EGR, ENR, ELS, and EOF 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 EGR, ENR, ELS, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total allowed density in a given area. The intent of the EGR, ENR, ELS, and EOF zones is to:*

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

- B. *Employment General Retail (EGR)*
  - 1. *The EGR zone is intended to provide for safe, active, and medium-density areas with the need for convenient automobile access. The EGR zone addresses development opportunities adjacent to the county's most auto-dominated corridors and those areas with few alternative mobility options.*
  - 2. *Building form standards allow flexibility in building, circulation, and parking lot layout. Retail tenant gross floor area is not restricted.*
- C. *Employment Neighborhood Retail (ENR)*
  - 1. *The ENR zone is intended to provide areas for safe, active, lower density areas with the need for convenient automobile access. The ENR zone addresses development opportunities within primarily residential areas with few alternative mobility options, and without a critical mass of density needed for pedestrian oriented commercial uses.*
  - 2. *Building form standards allow flexibility in building, circulation, and parking lot layout.*
- D. *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.*
- E. *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.*

Section 2.1.2.G and Section 2.2.5.A. Changes from Current Code

These sections represent completely new format for the commercial, office, and Life Science Center zones.

Changes from the Consolidated Draft

One significant change from earlier drafts is the addition of another Employment zone; the Employment General zone has been split into Employment General Retail (EGR), and Employment Neighborhood Retail (ENR), based on further analysis of potential use conversion noted below. Staff has not received comments or recommendations regarding this section.

**Article 59-3: Uses and Use Standards**

The Staff Draft proposes uses for the EGR zone based on the uses allowed in the C-2 zone because the potential zone conversion recommends that certain properties zoned C-2 be converted to EGR. Proposed uses for the ENR zone are based on uses allowed in the C-1 zone because the potential zone conversion recommends that certain properties zoned C-1 be converted to ENR. Uses for the ELS zone are based on uses allowed in the LSC zone. And, the uses allowed in the C-O zone are the basis for the uses proposed in the EOF zone.

Article 59-3 Changes from Current Code with respect to the Employment zones

The rationale for proposing the following uses can be grouped into the following categories: access to local food production, flexible housing options/modernization of general commercial zones, zone consolidation, and use modernization/clarification.

For the EGR zone, the following uses are new (when compared to the C-2 zone):

Use Category	
<b>Access to Local Food Production</b>	
Agricultural Vending	L
Animal Husbandry	L
Community Garden	L
Farm Market, On-Site	L
Urban Farming	L
<b>Flexible Housing Options</b>	
Home Health Practitioner (Low Impact)	C
Home Health Practitioner (Major Impact)	C
Home Occupation (No Impact)	L
Home Occupation (Low Impact)	L
Home Occupation (Major Impact)	C
Independent Living Facility Seniors, Persons with Disabilities	L
Live/Work Units	P
<b>Use Modernization/Clarification:</b>	
Animal Boarding and Care	L
Bus, Rail Terminal	P
Park, Playground (Private)	P
Seasonal Outdoor Sales	P
Transmission line (below ground)	P

#### Access to Food Production

In the current ordinance almost all of the commercial zones prohibit agricultural uses. To increase access to food produced locally, several new uses are recommended, including: *Agricultural Vending, Animal Husbandry, Community Garden, Farm Market, On-Site, and Urban Farming*. These uses provide for small scale produce farming and the limited keeping and raising of fowl and bees, either by an individual or a group. The sale of foodstuffs produced on site is permitted.

#### Flexible Housing Options

*Home Occupations, Independent Living Facilities, and Live/Work Units* are all related to residential living. Currently, residential development is very limited in the C-2 zone. So, while residential living uses are not technically new to the C-2 zone, accessory residential uses and independent living are new.

#### Use Modernization/Clarification

A few new uses are recommended to provide clarity to existing uses (*Pipelines, and Transmission Lines*), or to modernize uses within a zone (*Bus/Rail Terminals, Parks, Playgrounds, and Private, Seasonal Outdoor Sales*). For the EGR zone, *Animal Boarding and Care* is recommended as a conditional use. *Animal Care and Boarding* is currently a special exception use in the C-1 zone (a smaller scale version of C-2).

For the ENR zone, the following uses are new (when compared to the C-1 zone):

Use Category	
<b>Access to Food Production</b>	
Agricultural Vending	L
Animal Husbandry	L
Community Garden	L
Urban Farming	L
On-Site Farm Market	L
<b>Flexible Housing Options</b>	
Home Health Practitioner (Low Impact)	C
Home Health Practitioner (Major Impact)	C
Home Occupation (No Impact)	L
Home Occupation (Low Impact)	L
Home Occupation (Major Impact)	C
Independent Living Facility Seniors, Persons with Disabilities	L
Live/Work Units	P
<b>Use Modernization/Clarification:</b>	
Bus, Rail Terminal	P
Light Vehicle Sales and Rental, Indoor	C
Park, Playground (Private)	P
Pipeline (Below Ground)	P
Seasonal Outdoor Sales	P
Transmission Line (Below Ground)	P

Similar to the C-2 zone, several new uses are recommended to provide access to local food production, flexible housing options, and modernization or clarification of existing uses. Almost all of the uses new to C-2 are also new to C-1, added under the same rationale. Just one exception is *Light Vehicle Sales and Rental, Indoor*. This use is proposed for the ENR zone as a conditional use as a similar use, *Light Vehicle Sales and Rental, Outdoor* is currently a special exception in the C-1 zone.

For the ELS zone, the following uses are new (when compared to the LSC zone):

Use Category	LSC
<b>Access to Local Food Production</b>	
Agricultural Vending	L
Animal Husbandry	L
Community Garden	L
Farm Market, On-Site	L
Urban Farming	L
<b>Flexible Housing Options</b>	
Accessory Apartment (Attached and Detached)	L
Live/Work Units	P
<b>Use Modernization/Clarification:</b>	
Bus, Rail Terminal	P
Charitable and Philanthropic Institution	P
Hotel, Motel (without Conference Center)	P
Seasonal Outdoor Sales	P
Transitory Use	L

Like the other zones – uses have been added to improve access to local produce and provide additional housing choices. The uses added to modernize or clarify current uses is fairly short. Both a *Hotel, Motel* and a *Charitable and Philanthropic Institution* seem complimentary to uses in a zone intended primarily for technology and science-oriented enterprises.

For the EOF zone, the following uses are new (when compared to the C-O zone):

Use Category	C-O
Access to Local Food Production	
Agricultural Vending	L
Animal Husbandry	L
Community Garden	L
Farm Market, On-Site	L
Urban Farming	L
Flexible Housing Options/Modernization of General Commercial Zones	
Home Health Practitioner (Low Impact)	C
Home Occupation (No Impact)	L
Home Occupation (Low Impact)	L
Live/Work Units	P
Use Modernization/Clarification:	
Bus, Rail Terminal	P
Drive-Thru Facility	L
Medical, Dental Laboratory	P
Park, Playground (Private)	P
Seasonal Outdoor Sales	P
Taxi/Limo Facility	P
Vehicle Repair (Minor)	L

Changes from the Consolidated Draft

- *Farm Supply, Machinery Sales, Storage, Service* –is a permitted use in EGR, it is a permitted use in C-2 currently.
- *Automobile Storage Lot*- Has been added to the EGR zone as a conditional use; this use is currently a special exception in the C-2 zone.

**Article 59-4: Euclidean Zoning District Regulations**

Article 59-4 Changes from Current Code with respect to the Employment zones

These zones are a completely new group of zoning districts and comparison to existing code standards will only become readily apparent during conversion discussions. That said, initial thoughts on the conversion link some of the existing zones more closely with the Employment Office (EOF) and Employment Life Sciences (ELS). The Employment General Retail (EGR) and Employment Neighborhood Retail (ENR) zones were crafted as a replacement zone for more auto-centric areas that have neither the urban form nor the density to support pedestrian-oriented development.

*Sec. 4.6.1. Density and Height Allocation* establish a range of densities and heights that may be assigned to a zone – each combination is, technically, its own zone similar to the way the C/R zones are established. The Employment zones, however, do not specific a mix of uses allowed –

only total FAR and maximum height – because, as noted in the uses, residential and some commercial uses are limited to 30% of total density. FAR averaging is similar to the C/R zones.

The ranges for density and height capture the maximum densities and heights allowed in our existing commercial and office zones. Specifically:

- The EGR zones set the FAR limit at 2.5 and the height limit at 85 feet accommodating C-2 zone standards under optional method;
- The ERN zones set the FAR limit at 1.5 and the height limit at 50 feet accommodating C-1 standards with flexibility for future master plans applications of the zone;
- The ELS zones allow up to 2.5 FAR and 200 feet accommodating the 2.0 FAR and 200 feet allowed under the current LSC zone with some room for flexibility for future master plan applications of the zone; and
- The EOF zones allow up to 4.0 FAR and up to 200 feet in height to accommodate a wider range of densities and heights than the comparable C-O zone, which allows up to 3.0 FAR and up to 139 feet in height, because it is expected that this zone could be used in future master plans and the flexibility may be necessary.

*Sec. 4.6.2. Methods of Development* establishes the thresholds at which optional method applies. Again, like the C/R families of zones, there are variable triggers based on the intent of the zones. In the EGR and ENR zones no optional method is available. In the ELS zones, standard method is allowed up to the greater of 0.5 FAR (where the current threshold for the LSC zone is set before BLTs must be purchased) or 10,000 square feet. In the EOF zones, standard method is allowed up to the greater of 1.0 FAR or 10,000 square feet; the current C-O zone allows up to 1.5 FAR before a site plan is required, but Staff feels the trade-off for more flexible uses and optional method development standards balances the lower standard method threshold.

Like the C/R zones, general requirements for master plan and design guideline consistency and neighborhood compatibility, under Sec. 4.6.3., must be met; these are generally new requirements for most office-park and commercial-only zones.

*Sec. 4.6.4. EGR, ENR, and EOF Zones, Standard Method Development Standards* provides the dimensional standards for all building types allowed in these zones.

- Open space: The allowance of the townhouse building type is new and a requirement for 20% common open area has no precedent in the existing office zones. The 10% public use space requirement for the other building types is comparable to many of the commercial zones that require 10% green area; the current C-O zone has no minimum open space requirement.
- Lot & density: As noted, density is set by the zone and can track the densities allowed in all the existing commercial and office zones. Lot standards for townhouses are new because the building types are new.
- Building placement: Setbacks for townhouses, like lot standards are new. The setbacks for other building types (apartment/condo, multi-use, and general), are subject to the neighborhood compatibility requirements that impose a setback and angular plane restriction on height. The current C-O zone has variable setbacks that range between 0 feet and a setback equal to 1/4<sup>th</sup> a building's height, and are based on the abutting lot.

But few buildings will be built over heights allowed in adjacent zones because standard method development is restricted to 1.0 FAR.

- Build-to-zone and form requirements are entirely new.
- Parking setbacks: Setbacks for the EGR and ENR zones are flexible and must only meet buffering requirements under Article 59-7. Setbacks in the EOF zone are more restrictive and do not allow parking between the front of buildings and the street so as to encourage pedestrian and bike activity and discourage vehicular trips.

*Sec. 4.6.5. ELS Zones, Standard Method Development Standards* are generally the same as those for the EOF zones discussed above but provide standards for additional building types allowed in the zone – detached and duplex units. Open space requirements are less restrictive: the existing LSC zone requires 20% public use space, the proposed ELS zones require 10% minimum public use space in standard method development. There are no minimum building setbacks in the LSC zone and none proposed in the ELS zones except under the neighborhood compatibility requirements; parking setbacks are more restrictive, requiring parking to be to the side or behind buildings.

#### Changes from Consolidated Draft

The employment general (EG) zone was split into two zones, Employment General Retail (EGR) and Employment Neighborhood Retail (ENR), to address use issues revealed in further detailed analysis of the use table and possible conversions for a new zoning map. The dimensional standards are similar, but the range of allowed densities and heights are lower for the ENR zones.

Section 4.6.3. was renamed “General Requirements” and, as with the C/R zones, the building type and setback subsections were removed or moved. The neighborhood compatibility section was completely revised as detailed in the C/R discussion, above.

Just as with the C/R division, the development standards were entirely reformatted so that the development standards for every building type allowed by a zone (or group of zones) are displayed in one table. The standards themselves were updated to reflect the new layout and address concerns about density and built form allowed in the zones.

Generally, references to zones were cleaned up to reflect changes proposed to the naming framework of agricultural, rural residential, and residential zones.

### **Article 59-6: Optional Method Regulations**

#### Article 59-6 Changes from Current Code with respect to the Employment zones

Optional method for the current zone(s) that may become EOF zones are entirely new. The current LSC zone has requirements that BLTs must be purchased to obtain a certain percentage of density above 0.5 FAR, but has no other specific public amenity requirements; the requirement for public benefit points – from BLTs and other amenities – is a significant change, but is in keeping with the expectations of the master plans and design guidelines that have recommended the zone. Other changes are discussed under the C/R Optional Method discussion above.

Changes from Consolidated Draft

*Div. 6.5. Employment Zones* has been reorganized into two sections: *Sec.6.5.1. General Requirements* and *Sec. 6.5.2. Development Standards*.

The first section incorporates the master plan, building type, and neighborhood compatibility sections; a section requiring satisfaction of the general regulations under Article 59-9 was also added. The density, mix, and establishment of height was moved to the development standards section.

The second section removed the language requiring conformance to the development standards under Article 59-4, which only apply to standard method development, and now has separate subsections on Site, Lot and Density, Placement, Height, and Form. Except for open space, development standards are established either by the mapped zone or by the approved site plan.

# COMMERCIAL/RESIDENTIAL AND EMPLOYMENT ZONES

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## DIV. 2.4. ZONING MAP

[Editor's Note: To be added]



## Div. 2.1. Zones Established

### Sec. 2.1.1. Overview of Established Zones

#### A. Euclidean Zones

##### 1. Agricultural

- a. ~~RDT~~ Rural Density Transfer

##### 2. Rural Residential

- a. ~~R~~ Rural
- b. ~~RC~~: Rural Cluster
- c. RNC: Rural Neighborhood Cluster

##### 3. Residential

###### a. Residential Detached

- i. RE-2: Residential Estate – 2
- ii. RE-2C: Residential Estate -2 Cluster
- iii. RE-1: Residential Estate – 1
- iv. ~~R-200~~: Residential | - 200
- v. ~~R-90~~: Residential | - 90
- vi. ~~R-60~~: Residential | - 60
- vii. ~~R-40~~: Residential | - 40

###### b. Residential Townhouse

- i. TLD: Townhouse Low Density
- ii. TMD: Townhouse Medium Density
- iii. THD: Townhouse High Density

###### c. Residential Multi-Unit

- i. ~~R-30~~: Residential Multi-Unit Low Density | - 30
- ii. ~~R-20~~: Residential Multi-Unit Medium Density | - 20

- iii. ~~R-10~~: Residential Multi-Unit High Density – 10

#### 4. Commercial/Residential

- a. CRN: Commercial Residential Neighborhood
- b. CRT: Commercial Residential Town
- c. CR: Commercial Residential

#### 5. Employment

- a. ~~EGR~~: Employment General Retail
- b. ~~ENR~~: Employment Neighborhood Retail
- c. ELS: Employment Life Sciences
- d. EOF: Employment Office

#### 6. Industrial

- a. IL: Light Industrial
- b. IH: Heavy Industrial

#### 7. Overlay

- a. NP: Neighborhood Preservation Overlay
- b. SPA: Special Protection Area Overlay
- c. TDR: Transferable Development Rights Overlay

#### B. Floating Zones

##### 1. Residential Floating

- a. RDF: Residential Detached - Floating
- b. TF: Townhouse - Floating
- c. AF: Apartment - Floating

##### 2. Commercial/Residential Floating

- a. CRNF: Commercial Residential Neighborhood - Floating
- b. CRTF: Commercial Residential Town - Floating

- c. CRF: Commercial Residential - Floating

**3. Employment Floating**

- a. EGF: Employment General - Floating
- b. EOFF: Employment Office - Floating
- c. ELSF: Employment Life Sciences - Floating

**Sec. 2.1.2. Regulations for Establishment of Zones**

**A. General Regulations for All Zones**

- 1. Zones established in this Article (Article 59-2) are subject to:
  - a. Definitions under Article 1;
  - b. Use restrictions and use standards under Article 3;
  - c. Development standards under Article 4;
  - d. Optional method regulations under Article 6;
  - e. General requirements under Article 7; and
  - f. Review procedures under Article 8.
- 2. Floating zones established in this Article are also subject to Article 5.

**B. Groupings of Zones**

There are 11 groupings of zones used to refer to all particular zoning classifications within that group:

- 1. Agricultural (abbreviated "Ag" in the Use Table);
- 2. Rural Residential,
- 3. Residential:
  - a. Residential Detached;
  - b. Residential Townhouse; and
  - c. Residential Multi-Unit.
- 4. Commercial/Residential,

- 5. Employment,
- 6. Industrial,
- 7. Overlay, and
- 8. Floating.

**C. Agricultural Zone**

- 1. There is one Agricultural zone classification:
  - a. Rural Density Transfer (RDT)
- 2. Density, height, and other standards and requirements vary with allowed uses and building types.
- 3. The RDT zone will be applied on the Zoning Map by showing its zoning classification symbol.

**D. Rural Residential Zones**

- 1. There are 3 Rural Residential zone classifications:
  - a. Rural (R),
  - b. Rural Cluster (RC), and
  - c. Rural Neighborhood Cluster (RNC)
- 2. Density, height, and other standards and requirements vary with allowed uses and building types.
- 3. The R, RC, and RNC zones will be applied on the Zoning Map by showing their zoning classification symbols.

**E. Residential Zones**

**1. Residential Detached Zones**

- a. There are 7 Residential Detached zone classifications:
  - i. Residential Estate – 2 (RE-2)
  - ii. Residential Estate – 2C (RE-2C)
  - iii. Residential Estate – 1 (RE-1)

- iv. Residential ~~1-200 (R-200)~~
  - v. Residential ~~1-90 (R-90)~~,
  - vi. Residential ~~1-60 (R-60)~~, and
  - vii. Residential ~~1-40 (R-40)~~
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
  - c. The RE-2, RE-2C, RE-1, ~~R-200~~, ~~R-90~~, ~~R-60~~, and ~~R-40~~ zones will be applied on the Zoning Map by showing their zoning classification symbols.

**2. Residential Townhouse Zones**

- a. There are 3 Residential Townhouse zone classifications:
  - i. Townhouse Low Density (TLD),
  - ii. Townhouse Medium Density (TMD), and
  - iii. Townhouse High Density (THD)
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The TLD, TMD, and THD zones will be applied on the Zoning Map by showing their zoning classification symbols.

**3. Residential Multi-Unit Zones**

- a. There are 3 Residential Multi-Unit zone classifications:
  - i. Residential Multi-Unit Low Density – 30 (R-30),
  - ii. Residential Multi-Unit Medium Density – 20 (R-20), and
  - iii. Residential Multi-Unit High Density – 10 (R-10)
- b. Density, height, and other standards and requirements vary with allowed uses and building types.
- c. The ~~R-30~~, ~~R-20~~, and ~~R-10~~ zones will be applied on the Zoning Map by showing their zoning classification symbols.

**F. Commercial/Residential Zones**

- 1. There are 3 Commercial/Residential zone classifications:

- 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 3 additional symbols: C, R, and H, each followed by another 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 by showing, for each property classified:
    - a. The classification; and
    - b. The 4 maximum allowances (total FAR, nonresidential FAR, residential FAR, and height).

**G. Employment Zones**

- 1. There are 4 Employment zone classifications:
  - a. Employment General Retail (EGR),
  - b. Employment Neighborhood Retail (ENR),
  - c. Employment Life Sciences (ELS), and
  - d. Employment Office (EOF).
- 2. Each EGR, ENR, ELS, and EOF zone classification is followed by a number and symbol: H, which is followed by another 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 EGR, ERN, ELS, and EOF zones will be applied on the Zoning Map by showing, for each property classified:
  - a. The classification; and
  - b. The 2 maximum allowances (total FAR and height).

## H. Industrial Zones

- 1. There are 2 Industrial zone classifications:
  - a. Light Industrial (IL), and
  - b. Heavy Industrial (IH).
- 2. Density, height, and other standards and requirements vary with allowed uses and building types.
- 3. The IL and IH zones will be applied on the Zoning Map by showing their zoning classification symbols.

## I. Overlay Zones

- 1. There are 3 Overlay zone classifications :
  - a. Neighborhood Preservation (NP) Overlay,
  - b. Special Protection Area (SPA) Overlay, and
  - c. Transferable Development Rights (TDR) Overlay.
- 2. Building types, uses, density, height, and other standards and requirements are modified by the Overlay zones under Div. 4.8. The NP, SPA, and TDR Overlay zones will be applied on the Zoning Map by showing their zoning classification symbol appended to the underlying zoning symbol.

## J. Floating Zones

- 1. There are 13 Floating zone classifications:
  - a. Residential Floating
    - i. Residential Detached - Floating (RDF),
    - ii. Townhouse - Floating (TF), and
    - iii. Apartment - Floating (AF).

- b. Commercial/Residential Floating
  - i. Commercial Residential Neighborhood - Floating (CRNF),
  - ii. Commercial Residential Town - Floating (CRTF), and
  - iii. Commercial Residential - Floating (CRF).
- c. Employment Floating
  - i. Employment General Retail - Floating (EGRF),
  - ii. Employment Neighborhood Retail - Floating (ENRF),
  - iii. Employment Office - Floating (EOFF), and
  - iv. Employment Life Sciences - Floating (ELSF).
- 2. Building types, uses, density, height, and other standards and requirements are determined per the Floating Zone Map Amendment approval by the District Council and site plan approval by the Planning Board.
- 3. The floating zones will be applied on the Zoning Map by showing their zoning classification symbols.

## Div. 2.2. Euclidean Zone Intent Statements

### Sec. 2.2.1. Agricultural Zone

#### A. Rural Density Transfer (RDT)

1. The intent of the RDT zone is to promote agriculture as the primary land use in areas of the County designated for agricultural preservation in the General Plan, the currently applicable master plan for the preservation of agriculture and 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 RDT 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 RDT zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AR zone.

### Sec. 2.2.2. Rural Residential Zones

#### A. Rural (R)

The intent of the R 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.

#### B. Rural Cluster (RC)

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

permits an Optional Method Cluster alternative so as to preserve open space, environmentally sensitive natural resources, and rural community character.

#### C. 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 the RNC 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. 2.2.3. Residential Zones

#### A. Residential Detached Zones

##### 1. Residential Estate (RE-2, RE-2C, RE-1)

The intent of the RE-2, RE-2C, and RE-1 zones is to provide designated areas of the County for large-lot residential purposes. The predominant use is residential in a detached house. The RE-2C zone permits Optional Method Cluster Development.

##### 2. Residential Low Density (R-200)

The intent of the R-200 zone is to provide designated areas of the County for residential purposes with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

##### 3. Residential Medium Density (R-90, R-60, R-40)

The intent of the R-90, R-60, and R-40 zones is to provide designated areas of the County for moderate density residential purposes. In the R-90 and R-60 zones, the predominant use is residential in a detached house. In the

R-40 zone, the predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed in these zones under the Optional Method of Development.

**B. Residential Townhouse Zones (TLD, TMD, THD)**

The intent of the TLD, TMD, and THD zone 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 Residential Townhouse zones is to provide a buffer or transitional uses between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

**C. Residential Multi-Unit Zones (R-30, R-20, R-10)**

The intent of the R-30, R-20, and R-10 zones is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment/condo building, although detached house, duplex, and townhouse building types are allowed within these zones.

**Sec. 2.2.4. 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 intent of the CRN, CRT, and CR zones is to:

1. implement the policy recommendations of applicable master or sector plans;
2. target opportunities for redevelopment of single-use commercial 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, where parking is prohibited between the building and the street;

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.

**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. Transit options may include light rail, Metro, 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 gross floor area is not restricted

## Sec. 2.2.5. Employment Zones

### A. In General

The EG, ELS, and EOF zones permit nonresidential uses including office, technology, and general commercial uses with limited residential use at varying intensities and heights. The EG, ELS, and EOF 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 EG, ELS, and EOF zones is appropriate for targeting jobs and services co-located near diverse housing options. In the Employment zones, residential uses are generally limited to 30% of the total allowed density in a given area. The intent of the EG, ELS, and EOF zones is 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; and
5. establish minimum requirements for the provision of public benefits.

### B. Employment General Retail (EGR)

1. The EGR zone is intended to provide for safe, active, and medium-density areas with the need for convenient automobile access. The EGR zone addresses development opportunities adjacent to the County's most auto-dominated corridors and those areas with few alternative mobility options.
2. Building form standards allow flexibility in building, circulation, and parking lot layout. Retail tenant gross floor area is not restricted.

### C. Employment Neighborhood Retail (ENR)

1. The ENR zone is intended to provide for safe, active, lower density areas with the need for convenient automobile access. The ENR zone addresses development opportunities within primarily residential areas with few alternative mobility options and without a critical mass of density needed for pedestrian-oriented commercial uses.
2. Building form standards allow flexibility in building, circulation, and parking lot layout.

### D. 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.

### E. 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.

## Sec. 2.2.6. Industrial Zones

### A. Light Industrial (IL)

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

### B. Heavy Industrial (IH)

The IH zone is intended to provide land for industrial activities 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. 2.2.7. Overlay Zones

### A. In General

The NP, SPA and TDR Overlay zones provide regulations and standards that are necessary to achieve the planning goals and objectives for development of a particular area.

### B. Neighborhood Preservation (NP) Overlay

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; and
  - 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 Overlay zone will be given a subsection in **Article 4** establishing:
  - a. The area within the applicable master plan subject to the NP Overlay 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.

### C. Special Protection Area (SPA) Overlay

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 **Article 4**.
  3. Particular additional controls on impervious surfaces and environmental protections may be specified by the applicable master or sector plan.

### D. Transferable Development Rights (TDR) Overlay

1. The TDR Overlay zone is intended to allow the purchase of development rights from the Agricultural Reserve (AR) zone in order to protect the County's agricultural and rural heritage.
2. The TDR Overlay zone is mapped on particular areas in the County that may purchase transferable development rights (TDRs) from the AR zone.
3. 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 intended to supersede underlying zone classification.
4. 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.
5. 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.

## Div. 2.3. Floating Zone Intent Statements

### Sec. 2.3.1. In General

The Residential Floating, Commercial/Residential Floating, and Employment Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). In exchange for flexible uses, use standards, development standards, and general requirements, a Floating zone application must file a rezoning application and Floating Zone Map Amendment that has substantial opportunities for public input and discussion to ensure compatibility with the respective setting. The intent of the Floating zones is to:

- A. implement the objectives of the General Plan and applicable master or sector plan;
- B. provide flexibility in the planning and construction of development projects by allowing a combination of uses developed under an approved Floating Zone Map Amendment that protects adjacent properties;
- C. provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;
- D. encourage the preservation and enhancement of natural amenities and cultural resources and to provide a minimum amount of open space;
- E. provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
- F. 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.

### Sec. 2.3.2. Residential Floating Zones

- A. The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.
- B. Use restrictions, building types, density, building heights, development standards, and general requirements are flexible to respond to various settings, but

are finalized through an approved Floating Zone Map Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.

- C. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

### Sec. 2.3.3. Commercial/Residential Floating Zones

- A. The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.
- B. 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.
- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.
- D. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

### Sec. 2.3.4. Employment Floating Zones

- A. The Employment Floating zones (EGRF, ENRE, EOFF, and ELSF) are intended to allow development of mixed-use centers and communities primarily with office uses and supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.
- B. Uses are restricted to commercial uses with generally higher jobs-to-housing ratios, housing to support a portion of the proposed workforce, and accessory retail to provide basic services to employees and residents.
- C. Use restrictions, density, building heights, development standards, and general requirements, however, are finalized through an approved Floating Zone Map

Amendment and site plans based on evaluation of compatibility and impacts on surrounding communities.

- D. Site area determines maximum density; other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.

## Div. 2.4. Zoning Map

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## Div. 3.1. Use Table

### Sec. 3.1.1. Key to Use Table

The Use Table (Sec. 3.1.7) in this Division (Div. 3.1) identifies uses allowed in each zone. The key for this table is:

#### A. Permitted Use (P)

A "P" indicates that the use is permitted in the zone.

#### B. Limited Use (L)

A "L" indicates that the use is permitted if it meets the limited use standards in Div. 3.2 through Div. 3.7.

#### C. Conditional Use (C)

A "C" indicates that the use must meet the conditional use standards in Div. 3.2 through Div. 3.7 and requires approval by the Hearing Examiner or Board of Appeals, as indicated, subject to the findings in Div. 8.3.

#### D. Blank Cell

A blank cell indicates that a use is prohibited in that zone.

### Sec. 3.1.2. Use Definitions

- A. The uses listed in Div. 3.2 through Div. 3.7 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 Div. 3.7 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, DPS may allow the use under Sec. 3.1.6.

### Sec. 3.1.3. Accessory Uses Defined

- A. An accessory use is 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.

### Sec. 3.1.4. Temporary Uses Defined

A temporary use is a use that:

- A. is temporary in nature;
- B. is established for a fixed period of time with the intent to discontinue the use when that period of time is over;
- C. does not involve the construction or alteration of any permanent structure; and
- D. requires a temporary use permit under Div. 8.4 with the following exceptions:

#### 1. Construction Dumpsters

One construction dumpster is permitted on-site in association with a valid building permit. The use of a dumpster past expiration of the building permit is prohibited.

#### 2. Garage or Yard Sales

- 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 in Chapter 47.

#### 3. Self-Storage Containers

- a. A storage container for 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 public right-of-way).
- c. The storage container must be placed on a paved surface.

### Sec. 3.1.5. Transferable Development Rights

The following uses are prohibited if the property on which the use is located is in the RDT zone and is encumbered by a recorded Transfer of Development Rights 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. Accessory Apartment
2. Group Living
3. Home Health Practitioner
4. Home Occupation (Low Impact)
5. Home Occupation (Major Impact )

#### C. Civic and Institutional

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

#### D. Commercial

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

#### E. Industrial

1. Mining, Excavation

### Sec. 3.1.6. Uses Not Specifically Listed

- A. Any use not specifically listed is prohibited unless DPS determines that the use is similar in impact, nature, function, and duration 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. To determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, DPS 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. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
  3. The amount and nature of any adverse impacts generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
  4. Any dangerous, hazardous, toxic, or explosive materials used on the premises;
  5. 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);
  6. The type, size, and nature of buildings and structures;
  7. The number of employees and customers in relation to business hours and employment shifts;
  8. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;
  9. Parking requirements, turnover and generation, and the potential for shared parking with other use types; and

10. Any special public infrastructure needed to serve the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions, and any significant power structures and communications towers or facilities.

### Sec. 3.1.7. Use Table

The following Use Table identifies uses allowed in each zone.

USE OR USE GROUP	Definitions and Standards	Ag	Rural Residential				Residential											Commercial/Residential			Employment				Industrial	
							Residential Detached						Residential Townhouse			Residential Multi-Unit										
			RDT	R	RC	RNC	RE-2	RE-2C	RE-1	R-200	R-90	R-60	R-40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	EGR	ENR	ELS	EOF
<b>AGRICULTURAL</b>																										
Agricultural Auction Facility	3.2.1	C																								
Agricultural Processing	3.2.2	C	C	C																					P	P
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	L	L	
Equestrian Facility	3.2.4	L	L	L	L	C	C	C	C																	
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	C		C																		P				P
<b>FARMING</b>	3.2.6																									
Crop Farming	3.2.6.B	P	P	P	P	L	L	L	L	L	L	L														
Livestock Farming	3.2.6.C	P	P	P	P	L																				
Urban Farming	3.2.6.D											L	L	L	L	L	L	L	L	L	L	L	L	L	L	
<b>NURSERY</b>	3.2.7																									
Nursery (Retail)	3.2.7.A	C	C	C	C	C	C	C	C											P	P	P	P			
Nursery (Wholesale)	3.2.7.B	C	C	C	C	C	C	C	C																	
Slaughterhouse	3.2.8	C	C	C																						
Winery	3.2.9	L	L	L	C																					
<b>ACCESSORY AGRICULTURAL USES</b>	3.2.10																									
Agricultural Education/Tourism	3.2.10.A	L																								
Animal Husbandry	3.2.10.B	P	P	P	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.C	C		C																						
Farm Market, On-site	3.2.10.D	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
<b>TEMPORARY AGRICULTURAL USES</b>	3.2.11																									
Agricultural Vending	3.2.11.A					L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	L		L	L
Seasonal Outdoor Sales	3.2.11.B	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P		L	L
<b>RESIDENTIAL</b>																										
<b>HOUSEHOLD LIVING</b>	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	P	P			L	
Two-Unit Living	3.3.1.C				L		L	L	L	L	L	P	P	P	P	P	P	P	P	P	P			L		

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Townhouse Living	3.3.1.D				P		L	L	L		L	L	P	P	P	P	P	P	P	P	L	L	L	L			
Multi-Unit Living	3.3.1.E																	P	P	P	L	L	L	L			
GROUP LIVING	3.3.2																										
Dormitory	3.3.2.B																							P			
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C		C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L					
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D														L	L	L	L	L	L	L	L					
Personal Living Quarters (Over 50 Individual Living Units)	3.3.2.D														C	C	C	C	C	C	C	C					
Residential Care Facility (Up to 8 Persons)	3.3.2.E	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							
Residential Care Facility (9 - 16 Persons)	3.3.2.E	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P							
Residential Care Facility (Over 16 Persons)	3.3.2.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	L		P	C			
ACCESSORY RESIDENTIAL USES	3.3.3																										
Attached Accessory Apartment, Small (Up to 800 SF)	3.3.3.A	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)	3.3.3.A	C	C	C	C	L	L	L	L	C	C	C	C	C	L	L	L	L	L	L				L			
Detached Accessory Apartment, Small (Up to 800 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L				L			
Detached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L				L			
Dwellings for Caretakers/ Watchkeepers	3.3.3.C																							P		P	P
Farm Tenant Dwelling	3.3.3.D	L	L	L	L	L		L	L	L	L																

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[Editor's Note: The Accessory Apartment information is based on the recommendation from the Special Exception ZAP Working Group. There is a Zoning Text Amendment (ZTA) on Accessory Apartments with modified text currently before the Council (ZTA 12-11).]

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Home Health Practitioner (Low Impact)	3.3.3.E	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C		
Home Health Practitioner (Major Impact)	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	C	C		
Home Occupation (No Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Home Occupation (Low Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Home Occupation (Major Impact)	3.3.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Live/Work Units	3.3.3.G																	P	P	P	P	P	P	P		
<b>CIVIC AND INSTITUTIONAL</b>																										
Ambulance or Rescue Squads (Private)	3.4.1.																	C	C	C		L	P	P	P	P
Charitable, Philanthropic Institution	3.4.2	C	C	C	C	C	C	C	C	C	C							P	P	P	P	C	P	P		
Cultural Institution	3.4.3			L	L	L		P	P	P	P	P	P	P	P	P	P	L	P	P	P		P	P	P	
DAY CARE FACILITY	3.4.4																									
Family Day Care (Up to 8 Persons)	3.4.4.C	P	P	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 - 12 Persons)	3.4.4.D	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Day Care Center (13 - 30 Persons)	3.4.4.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Day Care Center (Over 30 Persons)	3.4.4.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	P	P	P	P	P	P	P
Educational Institution (Private)	3.4.5		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	P	P	P	P	P	P	P
Hospital	3.4.6					C	C	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	P		
Private Club, Service Organization	3.4.8	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	L	P	P	L		P	L	L	
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C			C		
<b>COMMERCIAL</b>																										
ANIMAL SERVICES	3.5.1																									
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C									C	C	C	C	C			L	
Veterinary Office/Hospital	3.5.1.C	C	C	C	C	C	C	C	C	C								L	L	L	L	L	L		L	

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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	C	C	C	C	C
Freestanding Wireless Communications Tower	3.5.2.B	C	C	C	C	C	C	C	C	C	C	C									C	C	L	L	L	L	L
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C	C				C	C	C			C		L	C	C	C	P
EATING AND 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	C	
FUNERAL AND INTERMENT SERVICES	3.5.4																										
Cemetery	3.5.4.A	C	C	C	C	C																					
Crematory Services	3.5.4.B																									C	
Funeral Home, Undertaker	3.5.4.C	C				C		C	C	C										C	C	P			C		
Landscape Contractor	3.5.5	C	C	C	C	C	C	C	C																	P	
LODGING	3.5.6																										
Bed and Breakfast	3.5.6.B	L	L	L	L	L	L	L	L	C	C								L	L							
Hotel, Motel	3.5.6.C																			P	P	P		P	P	C	
MEDICAL AND DENTAL	3.5.7																										
Clinic (Up to 4 Medical Practitioners)	3.5.7.A								C	C	C								P	P	P	P		P	P	P	
Clinic (More than 4 Practitioners)	3.5.7.B																		L	P	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	L	P	P	
Nonresident Professional	3.5.8.B								C	C	C																
Research and Development	3.5.8.C																			P	P			P	L	P	
PARKING	3.5.9																										
Structured Parking	3.5.9.B																			P	P	P		P	P	P	
Surface Parking for Use Allowed in the Zone	3.5.9.C					P	P	P	P	P	P					P	P	P				P	P	P	P	P	P

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Surface Parking for Commercial Uses in a Historic District	3.5.9.D	L	L			L	L	L	L		C	C				C	C	C								
RECREATION AND ENTERTAINMENT	3.5.10																									
Adult Entertainment	3.5.10.A																				L				L	L
Campground	3.5.10.B		C				C																P		C	
Conference Center	3.5.10.C																		P	P			P		C	
Golf Course, Country Club	3.5.10.D		C	C		C	C	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	P	
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	3.5.10.F																	C	P	P	P	C	C	C	C	C
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	3.5.10.G						C		C									C	C	P	C	C	C		C	C
Recreation and Entertainment Facility, Major (Capacity over 1,000)	3.5.10.H						C												C	P	C	C	C		C	
Shooting Range (Indoor)	3.5.10.I																				C				C	C
Shooting Range (Outdoor)	3.5.10.J	C	C	C																						
RETAIL SALES AND SERVICE	3.5.11																									
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A															L		P	P	P	P	P	L	L	P	L
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A																	L	P	P	P	P	L	L	P	L
Retail/Service Establishment (15,001 - 49,999 SF)	3.5.11.A																		P	P	P	P	L	L	L	L
Retail/Service Establishment (50,000 SF and Over)	3.5.11.A																		L	L	P	P			L	L
Rural Antique Shop	3.5.11.B	C	C	C	C	C		C	C																	
Rural Country Market	3.5.11.C	C	C	C	C	C	C	C	C																	

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<b>INDUSTRIAL</b>																											
Animal Research Facility	3.6.1																							P			
Contractor Storage Yard	3.6.2																								L	P	
Dry Cleaning Facility (Up to 3,000 SF)	3.6.3.A																			L	L	L	L	L	P	P	
Dry Cleaning Facility (Over 3,000 SF)	3.6.3.B																								P	P	
<b>MANUFACTURING AND PRODUCTION</b>	3.6.4																										
Artisan Manufacturing and Production	3.6.4.A																		P	P	P					P	
Heavy Manufacturing and Production	3.6.4.B																									P	
Light Manufacturing and Production	3.6.4.C																								P	P	
Medical/Scientific Manufacturing and Production	3.6.4.D																			L	P		P		P		
Mining, Excavation	3.6.5	C	C	C																						P	
<b>TRANSPORTATION</b>	3.6.6																										
Bus, Rail Terminal	3.6.6.A																			L	L	P	P	L	P	P	P
Helipad, Heliport	3.6.6.B																				C		C	C	C	C	
Taxi/Limo Facility	3.6.6.C																			L	L	P	P	L	P	P	
<b>UTILITIES</b>	3.6.7																										
Pipeline (Above Ground)	3.6.7.A	C	C	C		C	C	C	C	C	C				C	C	C		C	C	C	P		P	P	P	P
Pipeline (Below Ground)	3.6.7.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P
Public Utility Building or Structure	3.6.7.C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	L	L	C	C	P	C	C	C
Renewable Energy Generation	3.6.7.D																										
Transmission Lines (Above Ground)	3.6.7.E	P	P	P	P	L	L	L	L	L	L	L			P	P	P		L	L	L	P		P	L	P	P
Transmission Lines (Below Ground)	3.6.7.F	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P

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WAREHOUSE	3.6.8																										
Freight Movement	3.6.8.A																									P	P
Mineral Storage	3.6.8.B																								L	P	
Self-Storage	3.6.8.C																		C	C	P				P		
Storage Facility (Up to 10,000 SF)	3.6.8.D																		L	L	L				P	P	
Storage Facility (Over 10,000 SF)	3.6.8.D																				L				P	P	
WASTE-RELATED	3.6.9																										
Hazardous Material Storage	3.6.9.A																									C	
Incinerator	3.6.9.B																									C	
Landfill	3.6.9.C																									C	
Recycling Collection and Processing	3.6.9.D																									P	
Transfer Station	3.6.9.F																									C	
<b>MISCELLANEOUS</b>																											
Accessory Buildings, Structures and Uses	3.7.1	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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## Div. 3.2. Agricultural Uses

### Sec. 3.2.1. Agricultural Auction Facility

#### A. Defined

Agricultural auction facility is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 5 acres.
2. The minimum setback of the auction facility (whether enclosed within a building or not) and the parking area is 50 feet from any property line where the adjoining property is in residential use.
3. The Board of Appeals may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted subject to the limits established by the Board of Appeals.
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](#).
6. The agricultural exemption of [Sec. 31B-14\(c\)](#) is not applicable.
7. In the [RDT](#) zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.2.2. Agricultural Processing

#### A. Defined

Agricultural processing is the 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, such as the products of forestry. Includes milk plant, grain elevator, and mulch or compost production and manufacturing. Does not include Slaughterhouse (see [Sec. 3.2.8](#), Slaughterhouse).

#### B. Use Standards

Where agricultural processing is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 10 acres.
2. The minimum setback for any agricultural processing structure from any property line is 75 feet.
3. 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.

### Sec. 3.2.3. Community Garden

#### A. Defined

Community garden is land gardened by a group of people for personal use or limited distribution and not for sale on-site. Includes cultivation of fruits, vegetables, flowers, ornamental plants, and beekeeping. Does not include Animal Husbandry (see [Sec. 3.2.10.B](#), Animal Husbandry) or Urban Farming (see [Sec. 3.2.6.D](#), Urban Farming).

#### 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 under paragraph 4 below, must not exceed 10% of the net property area dedicated to the community garden.
2. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
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

Equestrian facility is 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. The facility may be used for 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, 2 acres;
    - ii. for 3-10 horses, one acre per horse; and
    - iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
  - 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 DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after commencement of operations.
  - c. Each building, show ring, paddock, outdoor arena, 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](#).
  - e. Any outdoor arena lighting must direct light downward using full cutoff fixtures, producing any glare or direct light onto nearby properties is pro-

hibited. Illumination is prohibited after 10:00 p.m. on Friday or Saturday, and after 9:00 p.m. on Sunday through Thursday.

#### f. Equestrian event restrictions

Property Acreage	Hours of Operation		Number of Participants and Spectators			
			Event	Informal Event	Minor Event	Major Event
	Su-Th	Fr-Sa	0-25	26-50	51-150	151-300
Up to 17.9 acres	6am-9pm	6am-10pm	Unlimited on any day	None	None	None
18 - 24.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 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 DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

- h. An equestrian facility conditional use application may be filed with the Board of Appeals to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; or hours of operation. Such a conditional use approval must be renewed every 5 years, at which time the Board of Appeals 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 Board of Appeals subject to all applicable limited use standards; Sec. 8.3.1, Conditional Use Plan; and the following standards:
  - a. In the RDT, R, RC, and RNC zones:
    - i. The equestrian facility must not adversely affect adjoining land uses or the surrounding road network.
    - ii. In evaluating the compatibility of an equestrian facility on the surrounding land uses, the Board of Appeals must consider that the impact of an agricultural use on surrounding land uses in an Agricultural or Rural Residential zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
  - b. In the RE-2, RE-2C, RE-1, and R-200 zones:
    - i. Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the Board of Appeals requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
    - ii. The Board of Appeals 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; and

(d) the hours of operation of any equestrian event or activity.

- 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, and Service

#### A. Defined

Farm supply or machinery sales, storage, and service is the use of any building, structure, or land for 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, and service is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 2 acres. The Board of Appeals 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 is 50 feet, except that the minimum setback from the street may be reduced to 25 feet if the Board of Appeals finds that:
  - a. the confronting site is in an Agricultural or Rural Residential zone; and
  - b. the smaller setback would be compatible with surrounding uses.
3. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

### Sec. 3.2.6. Farming

#### A. Defined, In General

Farming is the use of a tract of land, with or without associated buildings, for purposes devoted to agriculture. Uses considered accessory to farming include:

1. Accessory agricultural processing and storage of products grown on-site.
2. The sale of products of agriculture and agricultural processing, if products are produced on-site.

3. The sale of horticultural products grown off-site, but kept on the farm temporarily on a maximum of 2 acres or 20% of the site, whichever is less.
4. The delivery and installation of horticultural products grown on the farm.

## B. Crop Farming

### 1. Defined

Crop farming is 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.

### 2. Use Standards

Where crop farming is allowed as a limited use, sod farms and accessory agricultural processing are prohibited.

## C. Livestock Farming

### 1. Defined

Livestock farming is the keeping and raising of fowl and livestock, including cattle, swine, sheep, asses, mules, and goats. Includes accessory slaughtering. 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. The minimum lot size is 5 acres.
- b. Accessory agricultural processing is prohibited.

## D. Urban Farming

### 1. Defined

Urban farming is 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.D](#), Farm Market, On-site).

### 2. Use Standards

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

- a. The minimum area for an urban farm is 2,500 square feet.
- b. One fowl may be kept for every 1,000 square feet of land area; roosters are prohibited.
- c. Aquaculture is permitted in tanks or pools.
- d. The maximum total gross floor area of all structures, including aquaculture tanks or pools but excluding greenhouses, is 10% of the net property area on any urban farm.
- e. The minimum setback for accessory structures from any property line is 15 feet.
- f. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
- 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

Retail nursery is the retail business of selling 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 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.

## B. Nursery (Wholesale)

### 1. Defined

Wholesale nursery is the wholesale business of selling plants and plant materials grown on- or off-site to other businesses, as well as garden supplies, equipment, and related items. 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The minimum area of the lot is 2 acres.
- b. The minimum building setback from any property line is 50 feet; the minimum parking and outdoor storage setback is 25 feet.

## Sec. 3.2.8. Slaughterhouse

### A. Defined

Slaughterhouse is 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- 1. The minimum area of the lot is 20 acres.
- 2. The minimum setback from any property line is 75 feet.
- 3. The property must front on and have direct access to a road built to primary residential or higher standards.

## Sec. 3.2.9. Winery

### A. Defined

Winery is a facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets. A minimum of 5 acres of grapes or other fruit must be grown on the same parcel as the processing facility.

### B. Use Standards

- 1. Where a winery is allowed as a limited use, it is subject to the following standards:
  - a. In the RDT zone:
    - i. A maximum of 9 days of events that require an entrance ticket or a cover charge are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals under Sec. 8.3.1.
    - ii. The maximum lighting level at any property line is 0.1 footcandle.
  - b. In the R and RC zone, a maximum of 2 special events such as a wedding, festival, or other similar event are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals under Sec. 8.3.1.
- 2. Where a winery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and 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 is 50 feet if the adjacent property is in agricultural use.
  - c. The property must front on and have access to a road built to primary or higher standards.

## Sec. 3.2.10. Accessory Agricultural Uses

### A. Agricultural Education/Tourism

#### 1. Defined

Agricultural Education/Tourism is agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences that foster increased knowledge of farming, including low-impact cultivation methods, humane animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, teamwork and personal responsibility, and other outdoor experiences and events on farms. Includes corn mazes, hay rides, and educational tours, classes, and workshops.

#### 2. Use Standards

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

- a. The minimum property size is 50 acres.
- b. A minimum of 60% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.

### B. Animal Husbandry

#### 1. Defined

Animal husbandry is the accessory practice of raising hens, ducks, pygmy goats, rabbits, 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 hens, ducks, pygmy goats, or rabbits must be located behind the rear building line and the minimum setback from any neighboring residential property line is 15 feet.
- b. One pygmy goat may be kept for every 2,000 square feet of land area and one hen, duck, or rabbit may be kept for every 1,000 square feet of land area.
- c. Roosters are prohibited.

- d. In the CRN, CRT, CR, EGR, ENR, ELS, EOF, IL, and IH zones, only bees are allowed.

### C. Farm Airstrip

#### 1. Defined

Farm airstrip is an accessory take-off and landing facility for an aircraft associated with farming operations.

#### 2. Use Standards

Where a farm airstrip is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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 minimum setback from any property line is 1,000 feet.
- d. The aircraft using the airstrip must aid farming operations.
- e. The airstrip must be unpaved.

### D. Farm Market, On-site

#### 1. Defined

On-site farm market is the display and retail sale 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 RDT, R, RC, RNC, RE-2, RE-2C, RE-1, and R-200 zones:
  - i. The minimum setback from the paved edge of the roadway for the sale and display area is 25 feet.
  - ii. A minimum of 3 off-street parking spaces is required.
  - iii. Firewood sold at an on-site farm market must be cut and split on the farm or location where the wood is harvested.
  - iv. A maximum of 25% of the on-site farm market display and sales area may be used for agricultural products not produced on a farm under the control of the owner or operator of the on-site 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 on-site farm market, DPS may, upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee and, for a limited period of time, permit more than 25% of the on-site farm market display and sales area to be used for agricultural products not produced on a farm under the control of the owner or operator of the on-site farm market.
- b. In the R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRN, CRT, CR, EGR, ENR, ELS, EOF, and IL zones:
  - i. All merchandise for sale must be produced on-site.
  - ii. The minimum setback for the sale and display area from any confronting or abutting property zoned Residential is 25 feet.

- a. A temporary use permit from DPS is required.
- b. The minimum setback from any dwelling is 100 feet.
- c. The property must:
  - i. be a minimum of 2 acres;
  - ii. be used for nonresidential purposes; and
  - iii. front on a roadway with a minimum of 4 travel lanes.
- 3. The maximum time the structure or vehicle used for sales can remain in the same location is 24 hours.

## B. Seasonal Outdoor Sales

### 1. Defined

Seasonal outdoor sales is 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. A temporary use permit from DPS is required.
- b. The property must be used for nonresidential 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.

## Sec. 3.2.11. Temporary Agricultural Uses

### A. Agricultural Vending

#### 1. Defined

Agricultural vending is the sale of produce by a vendor who is a certified agricultural producer as defined in Chapter 47.

#### 2. Use Standards

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

## Div. 3.3. Residential Uses

### Sec. 3.3.1. Household Living

#### A. Defined, In General

Household living is the residential occupancy of a dwelling unit by a household on a monthly or longer basis.

#### B. Single-Unit Living

##### 1. Defined

Single-unit living is one dwelling unit contained in a single structure.

##### 2. Use standards

Where single-unit living is allowed as a limited use, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

#### C. Two-Unit Living

##### 1. Defined

Two-unit living is 2 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-2C, 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 Residential and Residential Zones) if it is:
  - i. served by public sewer service; or
  - ii. designated for sewer service in the applicable master plan.
- b. In the R-200 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 Residential and Residential Zones).
- c. In the R-90 and R-60 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 Residential and Residential Zones); or
  - ii. a cluster development (see Div. 6.2, Cluster Development in Rural Residential and Residential Zones).
- d. In the ELS zone, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

#### D. Townhouse Living

##### 1. Defined

Townhouse living is 3 or more dwelling units that are separated vertically by a party wall and contained in a single structure. Does not include Multi-Unit Living (see Sec. 3.3.1.E).

##### 2. Use Standards

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

- a. In the RE-2C and RE-1 zones, townhouse living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones) if it is:
  - i. served by public sewer service; or
  - ii. designated for sewer service in an applicable master plan.
- b. In the R-200 and R-40 zones, townhouse living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones).
- c. In the R-90 and R-60 zones, townhouse living is permitted as part of:

- i. a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural Residential and Residential Zones); or
- ii. a cluster development (see Div. 6.2, Cluster Development in Rural Residential and Residential Zones) that is a minimum of 10 acres in size; or
- iii. a cluster development (see Div. 6.2, Cluster Development in Rural Residential and Residential Zones) that is a minimum of 3 acres or more in size and recommended in a master or sector plan.
- d. In the EGR, ENR, ELS, and EOF zones, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

## E. Multi-Unit Living

### 1. Defined

Multi-unit living is 3 or more dwelling units that are vertically or horizontally integrated and contained in a single structure. May include ancillary offices to manage, service, and maintain the development. Does not include Townhouse Living (see Sec. 3.3.1.D).

### 2. Use Standards

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

- a. In the EGR, ENR, ELS, and EOF zones, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

## Sec. 3.3.2. Group Living

### A. Defined, in General

Group living is the 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. Dormitory

### 1. Defined

Dormitory is a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

## C. Independent Living Facility for Seniors or Persons with Disabilities

### 1. Defined

Independent living facility for seniors or persons with disabilities is 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. Occupancy of a dwelling unit is restricted to the following:
    - (a) a senior adult or person with disabilities, as defined in Article 59-9, Defined Terms;
    - (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 Board of Adjustment subject to all limited use standards; Sec. 8.3.1, Conditional Use Plan; and the following standards:
  - i. The site or the proposed facility has adequate accessibility to or provides on-site 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 Board of Appeals 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 Article 59-9, Defined Terms.
  - iv. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

- v. Notwithstanding the provisions of Sec. 4.4.8 (R-30) and Sec. 4.4.9, the maximum height of an Independent Living Facility for Seniors or Persons with Disabilities is 60 feet.

## D. Personal Living Quarters

### 1. Defined

Personal living quarters is any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and may have 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 is prohibited from having complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances.
- iii. Each individual living unit may contain separate sanitation facilities.
- iv. Each individual living unit is 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) ~~R-30~~: 29 units per acre.
  - (b) ~~R-20~~: 43 units per acre.
  - (c) ~~R-10~~: 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 Board of Appeals subject to all limited use standards for Personal Living Quarters (up to 50 individual living units), [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. An applicant for personal living quarters must submit evidence which shows how the maintenance and management of the personal living quarters will be provided. The Board of Appeals may require on-site management and maintenance.
- ii. Common open space may be required by the Board of Appeals 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. Residential care facility is 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.
- b. The facility must meet all applicable Federal, State, and County certificate, licensure and regulatory requirements.
- c. Resident staff necessary for operation of the facility are allowed to live on-site.
- d. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.

- e. Includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Does not include Hospitals (see [Sec. 3.4.6](#), Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Sec. 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

### 2. Residential Care Facility (Up to 8 Persons)

Where a residential care facility (up to 8 persons) is allowed as a limited use it may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### 3. Residential Care Facility (9 - 16 Persons)

- a. Where a residential care facility (9 - 16 persons) is allowed as a limited use, abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).
- b. Where a residential care facility (9 - 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, 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 Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
  - iii. In the RDT zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### 4. Residential Care Facility (Over 16 Persons)

- a. Where a residential care facility (over 16 persons) is allowed as a limited use, abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).

- b. Where a residential care facility (over 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
- i. 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 Board of Appeals.
  - ii. 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.
  - iii. 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.
  - iv. Where facility size is based on the number of beds, not units, the following lot area is required:
    - (a) In the ~~R~~ RC, and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.
    - (b) In all other zones, the minimum lot area is 2 acres or the following, whichever is greater:
      - (1) in RE-2, RE-2C, RE-1, and ~~R~~ 200 zone: 1,200 square feet per bed;
      - (2) in ~~R~~ 60, ~~R~~ 90, and ~~R~~ 40 zone: 800 square feet per bed;
      - (3) in TLD, TMD, THD, ~~R~~ 30, and ~~R~~ 20 zone: 600 square feet per bed; and
      - (4) in ~~R~~ 10: 300 square feet per bed.
  - v. Independent dwelling units are subject to the residential portions of the MPDU provisions of **Section 25.A-5**.
  - vi. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 55 years or older, with the following exceptions:

- (a) the spouse of a resident, regardless of age;
  - (b) another relative of a resident, 50 years of age and older; or
  - (c) 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.
- vii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
- viii. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

### Sec. 3.3.3. Accessory Residential Uses

#### A. Accessory Apartment, Attached

##### 1. Defined

Attached accessory apartment is a second dwelling unit in a detached house building type. An attached 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 is allowed 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. The separate entrance must not be located along the front building line.
  - v. A minimum of 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-2C, RE-1, and R-200 zones, an accessory apartment is prohibited if 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).
  - vii. In the R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, and R-10 zones, an attached accessory apartment is prohibited if 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).
  - viii. Attached Accessory Apartment, Small (up to 800 SF):
    - (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
    - (b) The maximum number of occupants is 3 persons.
  - ix. Attached Accessory Apartment, Large (801 to 1,200 SF):
    - (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
    - (b) The maximum number of occupants is 5 persons.
  - x. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- b. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and Sec. 8.3.1, Conditional Use Plan. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.

## B. Accessory Apartment, Detached

### 1. Defined

Detached accessory apartment is a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. 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 is allowed 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-2C, and RE-1 zones, a detached accessory apartment is prohibited if 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 R-30, R-20, and R-10 zones, a detached accessory apartment is prohibited if 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 SF):

(a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.

(b) The maximum number of occupants is 3 persons.

viii. Detached Accessory Apartment, Large (801 to 1,200 SF):

(a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.

(b) The maximum number of occupants is 5 persons.

ix. Any new structure built for the purpose of occupying as a large detached accessory apartment must have the same minimum side setback as the principal dwelling and the minimum rear setback is 12 feet.

b. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals, subject to all applicable limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

i. In the TLD, TMD, and THD zones, a detached accessory apartment is prohibited if 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).

ii. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.

iii. In the **RDT** zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

## C. Dwellings for Caretakers/Watchkeepers

### 1. Defined

Dwellings for caretakers/watchkeepers are dwelling units for caretakers or watchkeepers and their families.

## D. Farm Tenant Dwelling

### 1. Defined

Farm tenant dwelling is a dwelling unit under the control of the owner or operator of the farm on which the dwelling unit is located and occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis. Includes up to 3 mobile homes. A farm tenant dwelling is not restricted by the definition of household, and may share a well and/or septic system.

### 2. Use Standards

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

- a. In the Agricultural and Rural Residential zones, it 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. In the Agricultural, Rural Residential, RE-2, and RE-1 zones, 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.

## E. Home Health Practitioner

### 1. Defined, In General

Home health practitioner is 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.

**2. Use Standards for All Home Health Practitioners**

- a. All home health practitioners must be registered with DPS, under **Sec. 8.4.3,** Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
  - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
  - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
  - iii. Exterior storage of goods or equipment is prohibited.
  - iv. The maximum amount of floor area used for the home health practitioner is 33% of the eligible 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.
  - v. 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.
  - vi. Equipment or facilities are limited to:
    - (a) office equipment; or
    - (b) medical equipment.
  - vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
  - viii. Disposal of medical waste must be regulated by State Laws and Regulations.
  - ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
  - x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.

- xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
- xii. Must provide valid proof of home address as established under **Method 2 of Section 2A-15.**
- xiii. In the **RDT** zone, this use may be prohibited (see **Sec. 3.1.5,** Transferable Development Rights).

**3. Home Health Practitioner (Low Impact)**

**a. Defined**

Low impact home health practitioner's office is a home health practitioner's office that is limited to 2 resident health practitioners and one nonresident support person in a 24-hour period.

**b. Use Standards**

- i. Where a low impact home health practitioner is allowed as a limited use, it is subject to the following standards:
  - (a) The maximum number of visits is 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.
  - (b) The maximum number of deliveries is 10 per week, and no more than 2 per day.
  - (c) The 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.
  - (d) A maximum of one low impact home occupation and one low impact home health practitioner is allowed.
  - (e) An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.
- ii. Where a low impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1,** Conditional Use Plan.

#### 4. Home Health Practitioner (Major Impact)

##### a. Defined

Major home health practitioner's office is a home health practitioner's office limited to 2 resident health practitioners and 2 or more non-resident support persons in a 24-hour period.

##### b. Use Standards

Where the major impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plans, and the following standards:

- i. The hours of operation and number of clients, customers, patients or other visitors allowed during that time are determined by the Board of Appeals.
- ii. The maximum number of deliveries is determined by the Board of Appeals.
- iii. On-site sale of goods is determined by the Board of Appeals.
- iv. The Board of Appeals 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 [Sec. 8.3.1](#), Conditional Use Plans.
- v. The Board of Appeals 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.
- vi. The Board of Appeals must not grant a conditional use for a home health practitioner's facility where the property is already approved for any other conditional use under [Sec. 8.3.1](#), Conditional Use Plan.
- vii. A conditional use for a major impact home health practitioner is granted for a 2 year period, and the conditional use may be renewed if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.
- viii. An indoor waiting room must be provided.

#### F. Home Occupation

##### 1. Defined, In General

Home occupation is 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 Home Health Practitioner (see [Sec. 3.3.3.E](#), Home Health Practitioner), Bed and Breakfast (see [Sec. 3.5.6.B](#), Bed and Breakfast), Day Care (see [Sec. 3.4.3](#), Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor), or Private Educational Institution (see [Sec. 3.4.4](#), Educational Institution (Private)).

##### 2. Use Standards for all Home Occupations

- a. All home occupations, except no impact home occupations, must be registered with DPS under [Sec. 8.4.3](#), Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
  - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
  - ii. 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 2 single axle trailers or trucks. The use must be 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.
  - iii. Exterior storage of goods or equipment is prohibited.
  - iv. The maximum amount of floor area used for the home occupation must not exceed 33% of the total eligible area of the dwelling unit and any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
  - v. 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.

- vi. Equipment or facilities are limited to:
  - (a) domestic, household or lawn maintenance service equipment;
  - (b) office equipment; or
  - (c) any equipment reasonably necessary for art production, hand-crafts, or making beer or wine.
- vii. Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home occupation.
- viii. No home occupation is allowed to involve use, storage, or disposal of:
  - (a) a quantity of a petroleum product sufficient to require a special license or permit from The Fire Chief; or
  - (b) any material defined as hazardous or required to have a special handling license under State and County law.
- ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- x. 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.
- xi. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- xii. A second kitchen in the home for catering or making food for off-site delivery or sales is prohibited.
- xiii. The maintenance or repair of motor vehicles for compensation is prohibited.

### 3. Home Occupation (No Impact)

#### a. Defined

No impact home occupation is a home occupation that is not required to register with DPS. The repair and maintenance of motor vehicles for compensation is prohibited.

#### b. Use standards

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

- i. Nonresident employees are prohibited.
- ii. The maximum number of visits and deliveries for all no impact home occupations on-site is 5 per week.
- iii. In-person sale of goods is prohibited.
- iv. Display or storage of goods is limited to samples of merchandise that may be ordered by customers for delivery at other locations.

### 4. Home Occupation (Low Impact)

#### a. Defined

Low impact home occupation is a home occupation that is required to register with DPS.

#### b. Use Standards

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

- i. The maximum number of nonresident employees allowed per 24-hour period is one.
- ii. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on-site.
- iii. The maximum number of deliveries is 10 per week, and no more than 2 per day for all home occupations on-site.
- iv. In-person sale of goods is limited to:
  - (a) handcrafts, 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
  - (b) 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).

- v. Display or storage of goods is limited to:
  - (a) products enumerated in [Sec. 3.3.3.F.4.b.iv.\(a\)](#); and
  - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. The maximum number of low impact home occupations allowed in a single dwelling unit is 2.
- vii. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- viii. In the [RDT](#) zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## 5. Home Occupation (Major Impact)

### a. Defined

Major impact home occupation is a home occupation that is required to register with DPS and is regulated under [Sec. 8.3.1](#), Conditional Use Plan.

### b. Use Standards

Where a Major Home occupation is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- i. The maximum number of nonresident employees allowed per 24-hour period is 2.
- ii. The maximum number of visits and deliveries is determined by the Board of Appeals.
- iii. An indoor waiting room must be provided.
- iv. In-person sale of goods is limited to:
  - (a) 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

- (b) a maximum of 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).
- v. Display or storage of goods is limited to:
  - (a) the products enumerated in [Sec. 3.3.3.F.5.b.iv.\(a\)](#); and
  - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. 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.
- vii. The Board of Appeals 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 a manner that satisfies the provisions of this section and [Sec. 8.3.1](#), Conditional Use Plan.
- viii. The Board of Appeals must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.
- ix. The Board of Appeals must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with [Sec. 8.3.1](#), Conditional Use Plan.
- x. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- xi. A conditional use for a major impact home occupation is granted for a 2 year period, and the conditional use may be renewed if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.
- xii. In the [RDT](#) zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## G. Live/Work Units

### 1. Defined

Live/work units are buildings, or spaces within buildings, that combine a commercial or manufacturing activity that is allowed in the zone with a dwelling unit for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

## Div. 3.4. Civic and Institutional Uses

### Sec. 3.4.1. Ambulance, Rescue Squad (Private)

#### A. Defined

Ambulance, rescue squad (private) is volunteer, privately supported, or non-profit facilities providing emergency fire protection, rescue, and ambulance services. Does not include non-emergency ambulance transportation services.

#### B. Use Standards

1. Where an ambulance, rescue squad (private) is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).
2. Where an ambulance, rescue squad (private) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

### Sec. 3.4.2. Charitable, Philanthropic Institution

#### A. Defined

1. Charitable or philanthropic institution is 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.
2. 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. Also does not include other uses specifically defined or regulated in this ordinance such as a: religious institution (See [Sec. 3.4.10](#), Religious Assembly), public or private educational institution (See [Sec. 3.4.5](#), Educational Institution (Private), library or museum (See [Sec. 3.4.3](#), Cultural Institution), private club or service organization (See [Sec. 3.4.8](#), Private Club, Service Organization), hospital (See [Sec. 3.4.6](#), Hospital), residential care facility (See [Sec. 3.3.2.E](#), Residential Care Facility), or independent living

facilities for senior adults or persons with disabilities (See [Sec. 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

#### B. Use Standards

Where a charitable or philanthropic institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. In the [RDT, R, 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 Board of Appeals finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.
  - iii. In the [RDT](#) zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- b. In the [RE-2, RE-2C, RE-1, R-200, R-90, and R-60](#) 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. 7.5](#), Landscaping and Outdoor Lighting.
  - iii. Any lighting associated with outdoor recreation facilities meets the requirements of [Div 7.5](#), Landscaping and Outdoor Lighting.

### Sec. 3.4.3. Cultural Institution

#### A. Defined

Cultural institution is 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 the gross floor area is a maximum of 5,000 square feet unless it is designated in the Master Plan for Historic Preservation.

### Sec. 3.4.4. Day Care Facility

#### A. Defined, in General

Day care facility is 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 17 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 5 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. 3.4.5. Educational Institution (Private)).

#### B. Exemptions

The requirements of this Section (Sec. 3.4.4) 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. 3.4.5, Educational Institution (Private); or
3. a publicly-owned building.

#### C. Family Day Care (Up to 8 Persons)

##### 1. Defined

Family day care is a day care facility for a maximum of 8 persons in the dwelling where the registrant is the provider and a resident, or when the registrant is not a resident but more than half the children cared for are residents.

The provider's own children under the age of 6 are counted within the group of 8. Staffing must comply with state and local regulations, but no more than 2 nonresident staff members can be on-site at any time. If the provider is not a resident and does not meet the requirement for a non-resident provider, the provider may file a conditional use plan for a Day Care Center (13-30 Persons) (see Sec. 3.4.3.E).

#### D. Group Day Care (9 - 12 Persons)

##### 1. Defined

Group day care is 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 6 are counted towards the maximum allowed persons.

##### 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 duplex building type;
  - ii. In a detached house, the registrant is the provider and a resident. If the provider is not a resident, the provider may file a conditional use plan for a Day Care Center (13-30 Persons) (see Sec. 3.4.3.E);
  - iii. In a detached house, no more than 3 non-resident staff members are on-site at any time; and
  - iv. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, 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 Hearing Examiner subject to all limited use standards and Sec. 8.3.1, Conditional Use Plan.

#### E. Day Care Center (13 - 30 Persons)

##### 1. Defined

Day care center (13-30 persons) is 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 Hearing Examiner subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. The facility must not be located in a townhouse or duplex building type; and
- b. In the **RDT** zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

**F. Day Care Center (Over 30 Persons)**

**1. Defined**

Day care center (over 30 persons) is a day care facility for over 30 persons where staffing and facility comply with state and local regulations; prohibited in a townhouse or duplex building type.

**2. Use Standards**

- a. Where a day care center for over 30 persons is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under **Sec. 8.3.4**.
- b. Where a day care center for over 30 persons is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
  - i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Board of Appeals finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
  - ii. The Board of Appeals may limit the number of children outside at any one time.
  - iii. In the RE-2, RE-2C, RE-1, ~~R-200~~, ~~R-90~~, ~~R-60~~, and ~~R-40~~ zones, the day care center is located on a property containing a minimum of 500 square feet per person. The Board of Appeals may reduce the area

requirement to less than 500 square feet, but not less than 250 square feet, per person 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 Board of Appeals may limit the number of persons permitted for overnight care.
  - v. In the **RDT** zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

**Sec. 3.4.5. Educational Institution (Private)**

**A. Defined**

Private educational institution is 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 (**Sec. 3.4.5**) 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. This exemption does not apply to any private educational institution which received approval by the Board of Appeals 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 Board of Appeals was issued.

### C. Use Standards

1. Where a private educational institution is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4
2. Where a private educational institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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 2 acres or less, in either an undeveloped area or an area substantially developed with detached houses, the exterior architecture of the building must be similar to a detached house 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 Board of Appeals considering the following factors:
    - (a) traffic patterns, including:
      - (1) impact of increased traffic on residential streets;
      - (2) proximity to transit services, arterial roads and major highways; and
      - (3) provision of measures for Transportation Demand Management as defined in Section 42A-21.
    - (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 vehicle queues 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 Board of Appeals 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. 7.5, Landscaping and Outdoor Lighting.
  - vii. Any lighting associated with outdoor recreation facilities meets the requirements of Div 7.5, Landscaping and 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 Board of Appeals 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 Board of Appeals 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 man-

agement plan that identifies measures for reducing demand for road capacity must be approved by the Board of Appeals.

- ix. The Board of Appeals may limit the number of participants and frequency of events authorized in this Section (Sec. 3.4.5).

### Sec. 3.4.6. Hospital

#### A. Defined

Hospital is 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. 3.3.2.E, Residential Care Facility).

#### B. Use Standards

Where a hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

1. The Board of Appeals 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 5 acres.
3. The minimum lot width at the front property line is 200 feet.
4. Where the adjoining or nearest adjacent land is zoned Residential Detached or is used solely for detached houses, 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, and in all other cases a minimum of 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 between the front property line and the front building line.
7. Notwithstanding the provisions of Sec. 4.4.9.C, Sec. 4.6.9.D, and Sec. 4.7.4.D the maximum height of a hospital building is 145 feet.

### Sec. 3.4.7. Park, Playground (Private)

#### A. Defined

Private park, playground is 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

Private club, service organization is 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, service organization is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.
2. Where a private club or service organization is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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 3 acres.
  - b. The maximum building coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.
  - c. The minimum open space requirement is 50%.
  - d. In the RDT zone this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

### Sec. 3.4.9. Public Use (Except Utilities)

#### A. Defined

Public use, except utilities, is 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. 3.6.7.C](#), Public Utility Building or Structure).

### Sec. 3.4.10. Religious Assembly

#### A. Defined

Religious assembly is 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 in the [RDT zone](#), this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

### Sec. 3.4.11. Swimming Pool (Community)

#### A. Defined

Community swimming pool is a private swimming pool shared by its members. Does not include swimming pools owned by a homeowner's association, operated as part of an apartment complex, or pools that are accessory to a dwelling. Tennis courts may be allowed as an accessory use.

#### B. Use Standards

Where a community swimming pool is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan (excluding [Sec. 8.3.1.D](#)), and the following standards:

1. The swimming pool, including the pool deck and any buildings, is set back a minimum of 75 feet from any property line shared with a property zoned Agricultural, Rural [Residential](#), or Residential or at least 125 feet from any existing residential dwelling, whichever is greater.
2. The swimming pool, including the pool deck and any buildings, is set back a minimum of 25 feet from any public right-of-way or property line shared with a property zoned Commercial/Residential, Employment, or Industrial.

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 effect on the private water supply for the community.

## Div. 3.5. Commercial Uses

### Sec. 3.5.1. Animal Services

#### A. Defined, In General

Animal services is a facility providing care for animals. Does not include any use considered accessory to farming.

#### B. Animal Boarding and Care

##### 1. Defined

Animal boarding and care is any building or land, other than a veterinary hospital, used, designated or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, or other domestic animals for profit, not including those animals raised for agricultural purposes.

##### 2. Use Standards

- a. Where animal boarding and care is allowed as a limited use, it is subject to the following standards:
  - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - ii. All interior areas for the keeping of animals must be soundproofed.
- b. Where animal boarding and care is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. In the [RDT](#), [R](#), [RC](#), [RNC](#), [RE-2](#), [RE-2C](#), [RE-1](#), and [R-200](#) zones:
    - (a) The minimum lot size is 2 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 200 feet from any property line and screened from adjacent residential properties.
    - (c) All exterior exercise areas and runs must be fenced.

- (d) Animals are prohibited from being 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.
- (g) All buildings and accessory structures must be set back a minimum of 50 feet from any property line.
- (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy [Chapter 31B](#) as measured at the property line.
- (i) All litter and animal waste must be contained and controlled on the site.
- (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) 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.
- (m) The applicant must submit the following:
  - (1) 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.

- (2) Detailed floor plans that show all the interior areas, including runs and kennels.
- (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (n) In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- ii. In the Commercial/Residential zones:
  - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - (b) All interior areas for the keeping of animals must be sound-proofed.

## C. Veterinary Office/Hospital

### 1. Defined

Veterinary office or hospital is a building or establishment where medical, surgical and other veterinary care is provided to domestic animals. Animals may stay overnight only for medical purposes. Does not include Animal Boarding and Care (see Sec. 3.5.1.B, Animal Boarding and Care)

### 2. Use Standards

- a. Where a veterinary office/hospital is allowed as a limited use, it is subject to the following standards:
  - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - ii. All interior areas for the keeping of animals must be soundproofed.
  - iii. In the CRN, CRT, and CR zones, where the use abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4
- b. Where a veterinary office/hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- i. In Agricultural, Rural Residential, and Residential Detached zones:
  - (a) In the R-90 and R-60 zones:
    - (1) The minimum lot size is one-half acre; and
    - (2) In the R-60 zone, the veterinary office/ hospital must be located on a property with frontage on a road with a minimum existing right-of-way width of 90 feet, that confronts a property zoned Commercial/Residential or Employment.
  - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any property line and screened from adjacent residential properties.
  - (c) All exterior exercise areas and runs must be fenced.
  - (d) Animals are prohibited from being 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.
  - (g) All buildings and accessory structures must be set back a minimum of 50 feet from any residential property line.
  - (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.
  - (i) All litter and animal waste must be contained and controlled on the site.
  - (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
  - (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.

- (l) The Board of Appeals may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by County authorities.
- (m) 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.
- (n) The applicant must submit the following:
  - (1) 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.
  - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
  - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (o) In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- ii. In the CRN zone:
  - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
  - (b) All interior areas for the keeping of animals must be sound-proofed.

## Sec. 3.5.2. Communication Facility

### A. Cable Communications System

#### 1. Defined

Cable communications system is a system of antennas, towers, and cables operated to transmit or receive electronic signals, programs, and provide services 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 lot or parcel of land under common ownership or management.

#### 2. Use Standards

Where a cable communications system is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. 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.
- b. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
- c. 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 Board of Appeals.
- d. Offices are prohibited in residential zones as part of the cable communications system.

### B. Freestanding Wireless Communications Tower

#### 1. Defined

Freestanding wireless communications tower is any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Consists of one or more antennas attached to a

support structure and related equipment. Does not include amateur radio antenna (see [Sec. 3.5.14](#), Amateur Radio Facility) or radio or TV tower (see [Sec. 3.5.2.C](#), Media Broadcast Tower).

## 2. Use Standards

- a. Where a freestanding wireless communications tower is allowed as a limited use, it is subject to the following standards:
  - i. It must not be staffed.
  - ii. Antennas are limited to the following types and dimensions:
    - (a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
    - (b) directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
    - (c) satellite or microwave dish antennas with a maximum diameter of 8 feet.
  - iii. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
  - iv. In the ELS, IL, and IH zones, the tower is a maximum height of 199 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential.
  - v. In the EOF zone, the tower is a maximum height of 150 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural Residential, or Residential.
- b. Where a freestanding wireless communications tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. Before the Board of Appeals grants 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 Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.

- ii. A communications tower must be set back from the property line, as measured from the base of the support structure, as follows:
  - (a) Freestanding wireless communications towers are prohibited in any scenic setback indicated on an approved and adopted master plan.
  - (b) In the Agricultural, Rural Residential, and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
  - (c) In the EG and EOF zones, a distance of one-half foot for every foot of height.
  - (d) The Board of Appeals 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, nearby residential properties, and visibility from the street. A reduced setback may not be approved if there is no location on the site where the setback requirements can be met.
- iii. The maximum height of a support structure and antenna is 155 feet, 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 DPS that the height and location of the support structure conforms with the height and location of the support structure as authorized in the building permit.

- iv. The support structure must be sited to minimize its visual impact. The Board of Appeals 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 nearby residential properties.
- v. The property owner must be an applicant for the conditional use for each support structure.
- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use grant.
- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Board of Appeals finds:
  - (a) that collocation at the site is not essential to the public interest; and
  - (b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- viii. 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.
- ix. 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.
- x. The support structure must be identified by a sign no larger than 2 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 Board of Appeals notified within 10 days of any change in ownership.

- xi. 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

Media broadcast tower is 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.](#), Amateur Radio Facility) or wireless tower (see [Sec. 3.5.2.B](#), Freestanding Wireless Communications Tower).

### 2. Use Standards

- a. Where a media broadcast tower is allowed as a limited use, it is a maximum height of 199 feet and is setback one foot for every foot of height from any property zoned Agricultural, Rural Residential, or Residential.
- b. Where a media broadcast tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
  - i. Before the Board of Appeals grants 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 Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.
  - ii. 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 only required for a change to any use within the conditional use area directly related to the conditional grant.
  - iii. 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 an Agricultural,

Rural Residential, or Residential zone, whichever is greater, measured from the base of the support structure. The Board of Appeals 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.

- iv. The maximum height of the support structure is 275 feet, 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 DPS that the height and location of the support structure as built conforms with the height and location of the support structure as authorized in the building permit.
- v. The support structure must be sited to minimize its visual impact. The Board of Appeals 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.
- vi. The property owner is an applicant for the conditional use for each support structure.
- vii. 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.
- viii. Signs or illumination are prohibited on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- ix. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- x. Any support structure is identified by a sign no larger than 2 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 Board of Appeals notified within 10 days of any change in ownership.
- xi. The owner of the facility is responsible for maintaining the facility in a safe condition.

### Sec. 3.5.3. Eating and Drinking

#### A. Country Inn

##### 1. Defined

Country inn is 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 Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. The minimum lot area is 2 acres.
- b. The maximum building coverage is 10%.
- c. A minimum of 50% of the lot must be open space.
- d. The minimum setback from any street is 50 feet. The minimum setback from any other property line is 75 feet.
- e. A lawfully existing structure may be used that does not meet these requirements.

## B. Restaurant

### 1. Defined

Restaurant is an establishment that prepares and sells food or drink for on- or off-site consumption. Includes catering and banquet facilities. Does not include Drive-Thru Facilities (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

### 2. Use Standards

- a. Where a restaurant is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).
- b. Where a restaurant is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.5.4. Funeral and Interment Services

### A. Cemetery

#### 1. Defined

Cemetery is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, 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 RDT, R, 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 a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any adjoining residential property and a minimum of 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.

### B. Crematory Services

#### 1. Defined

Crematory services is a facility in which cremation occurs.

#### 2. Use Standards

Where crematory services is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

### C. Funeral Home, Undertaker

#### 1. Defined

Funeral home or undertaker is 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; and 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, 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, R-200, and R-90 zones, the minimum lot area is 2 acres.
  - ii. The minimum side setback is 50 feet.
  - iii. The minimum rear setback is 50 feet.
  - iv. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
  - v. Frontage upon and access to a street or roadway with a minimum of 4 travel lanes.
- d. In the RDT zone, this use is allowed only where operating in conjunction with a cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

### Sec. 3.5.5. Landscape Contractor

#### A. Defined

Landscape contractor is 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan and the following standards:

1. In the Agricultural, Rural Residential, and Residential Detached zones the minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory or operation.
2. Building and parking setbacks are 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 Board of Appeals to avoid an adverse impact on adjoining uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.

4. Sale of plant materials, garden supplies or equipment is prohibited unless the contracting business is associated with a retail or wholesale nursery.
5. The Board of Appeals may regulate hours of operation and other on-site operations to avoid adverse impact on adjoining uses.
6. In evaluating the compatibility of the landscape contractor with surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural or Rural Residential 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

Lodging is a facility for short-term overnight lodging of guests for compensation.

#### B. Bed and Breakfast

##### 1. Defined

Bed and breakfast is a detached house that is owner-occupied with no more than 5 guest rooms. Breakfast is customarily served to guests.

##### 2. Use Standards

- a. Where a bed and breakfast is allowed as a limited use, it is subject to the following standards:
  - i. A bed and breakfast is prohibited 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 and only to overnight guests.

- iv. A guest must only remain in a bed and breakfast for a maximum of 30 days in any one visit.
  - v. A record of all overnight visitors must be maintained.
  - vi. The bed and breakfast must be registered with DPS.
  - vii. 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.
  - viii. On a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
  - ix. In the **RDT zone**, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).
- b. Where a bed and breakfast is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
- i. The Board of Appeals may deny a petition for bed and breakfast with frontage on and access to a road built to less than primary residential standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
  - ii. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Board of Appeals 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

Hotel or motel is 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 or motel is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan.

### Sec. 3.5.7. Medical and Dental

#### A. Clinic (Up to 4 Medical Practitioners)

##### 1. Defined

Clinic for up to 4 medical practitioners is any building occupied by medical practitioners (such as a licensed physician, surgeon, dentist, osteopath, chiropractor, or optometrist) and related services to provide health services 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 Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

- a. The minimum front lot width is 100 feet.
- b. The minimum setback from an 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/Residential or Employment zone or the nearest medical clinic office building constructed according to a conditional use grant.
- e. A maximum of 4 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

Clinic for more than 4 practitioners is a facility occupied by medical or dental practitioners, and any related services, to provide health services on an

outpatient basis. Does not include emergency medical care accessory to a hospital.

**2. Use Standards**

Where a clinic for more than 4 practitioners is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.

**C. Medical, Dental Laboratory**

**1. Defined**

Medical or dental laboratory is 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 and Professional**

**A. Office**

**1. Defined**

Office is 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 and Dental) or Veterinary Hospital (see Sec. 3.5.1.C, Veterinary Office/Hospital).

**2. Use Standards**

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

- a. An office for a company that is not principally engaged in health services, research and development, or high technology industrial activities is limited to 40% of the gross floor area.

**B. Nonresident Professional**

**1. Defined**

Nonresident professional is an existing detached house 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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 prohibited.
- b. The property must be:
  - i. designated as suitable for a nonresident 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 nonresidential purposes; or
  - iii. located on a property that abuts a fire station, police station, ambulance squad, or rescue squad.
- c. The Board of Appeals must find that the nonresident 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 a minimum of 25% of the lot area devoted to open space.

## C. Research and Development

### 1. Defined

Research and development is 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.

### 2. Use Standards

Where research and development is allowed as a limited use, it is subject to the following standards:

- a. Manufacturing, mixing, fermentation, or treatment of resultant products for marketing purposes is prohibited.
- b. A maximum of 30% of the gross floor area can be used for assembly, packaging, and servicing of resultant products.

## Sec. 3.5.9. Parking

### A. Defined

Parking is 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. A one or more level structure for parking or storing motor vehicles. A parking structure may be totally below grade as in an underground parking garage, or either partially or totally above grade with those levels being either open or enclosed and may include commercial uses along the ground floor.

## C. Surface Parking for 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.

## D. Surface Parking for Commercial Uses in an Historic District

### 1. Defined

Surface parking for commercial uses in an historic district is surface parking of motor vehicles on land zoned Agricultural, Rural Residential, or Residential adjacent to land zoned Commercial/Residential or Employment 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 Residential, or Residential is currently vacant. Removing or relocating structures to provide parking is prohibited;
  - ii. The amount of parking proposed is the minimum required under Div. 7.2, Parking, Queuing, and Loading for the commercial use proposed. Providing extra spaces is prohibited;
  - iii. The parking area must be located behind the front building line of the commercial structure being served by the parking except that in the case of a through lot with 2 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 commercial uses in an historic district is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and Sec. 8.3.1, Conditional Use Plan.

## Sec. 3.5.10. Recreation and Entertainment

### A. Adult Entertainment

#### 1. Defined

Adult entertainment is 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 a minimum of 750 feet from any property:
  - i. located in a Residential zone; or
  - ii. 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.
  - iii. 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 nonconforming 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. Doors or curtains that screen the booth's interior from the common areas of the premises are prohibited;
  - iii. The booths must be designed to prevent physical contact with another person;
  - iv. The booths must be illuminated at all times;
  - v. Holes in the partitions between the adult booths are prohibited; and
  - vi. Persons under the age of 18 are prohibited from entering the premises.

### B. Campground

#### 1. Defined

Campground is a facility used for 2 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum density of campsites is 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 a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way; unless the Board of Appeals waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate.
- d. All campsites are located a minimum of 100 feet from any property line, and a minimum of 50 feet from any public right-of-way.

**C. Conference Center**

**1. Defined**

Conference center is a facility 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 a 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

**D. Golf Course, Country Club**

**1. Defined**

Golf course , country club is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The maximum building coverage is no more than 3%.
- b. The minimum setback for a principal building is 50 feet.

- c. In a Residential zone, a minimum frontage of 200 feet on a road of arterial or higher classification is required.
- d. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools must be set back a minimum of 100 feet from property lines shared with a property in a Residential Detached zone. The Board of Appeals 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**

Health clubs and facilities is 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 facility is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).

**F. Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons)**

**1. Defined**

Indoor recreation and entertainment facility with a capacity up to 1,000 persons is 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)). Does not include Health Clubs and Facilities (see [Sec. 3.5.10.E](#), Health Clubs and Facilities).

**2. Use Standard**

Where an indoor recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

### 1. Defined

Outdoor recreation and entertainment facility with a capacity up to 1,000 persons is 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, Country Club), or an Outdoor Shooting Range (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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan and the following standards:

- a. In the RE-2C zone:
  - i. Only a group picnic, catering and recreation facility is allowed.
  - ii. The site must be a minimum of 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 R-200 zone:

- i. Only an outdoor catering facility is allowed.
- ii. The site must be a minimum of 80 acres.
- 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.

## H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

### 1. Defined

Major recreation and entertainment facility with a capacity over 1,000 persons is a private commercial facility for staging performances or cultural, sporting, or general public interest events for over 1,000 participants or attendees. May be indoors or outdoors.

### 2. Use Standards

Where a major recreation or entertainment facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. In the RE-2C zone:
  - i. Only a group picnic, catering and recreation facility is allowed.
  - ii. The site must be a minimum of 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.

## I. Shooting Range (Indoor)

### 1. Defined

Indoor shooting range is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## J. Shooting Range (Outdoor)

### 1. Defined

Outdoor shooting range is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, 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 3 years, subject to renewal by Board of Appeals.
- d. In the RDT zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## Sec. 3.5.11. Retail Sales and Service

### A. Retail/Service Establishment

#### 1. Defined

Retail/service establishment is a retailer providing personal services and sale of goods to the general public. Does not include Animal Services (see [Sec. 3.5.1](#), Animal Services) or Drive-Thru Facility (see [Sec. 3.5.14.C](#), Drive-Thru Facility).

#### 2. Use Standards

Where a retail/service establishment is allowed as a limited use, it is subject to the following standards:

- a. In the R-10 zone:
  - i. The apartment/condo building type must contain a minimum of 150 dwelling units, be a minimum of 60 feet in height, and be on a tract of land of with a minimum of 5 acres.
  - ii. A maximum of 10% of the gross floor area of the building or 5,000 square feet, whichever is less, may be used for retail/service establishment use.
  - iii. Only small-scale retail sales and personal service establishments are 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 and CRT zones, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under [Sec. 8.3.4](#).
- c. In the CRT and CR zones, where a development is located within 1/2 mile of a Metro station entrance and has a minimum 50,000 square feet footprint or a minimum of 100,000 square feet of all gross floor area designed, for a single user it is subject to the following standards:

- i. The maximum building footprint of the area designed for a single retail/service establishment use is 80,000 square feet.
  - ii. Additional floor area equal to at least 20% of the footprint designed for the largest retail/service establishment must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and a secondary entrance accessing the primary retail sales/service establishment use is prohibited. At least 50% of the additional tenant space(s) must be located along the facade where the primary active customer entrance for the largest single retail/service establishment is located.
  - iii. In addition to the street-facing entrance requirement, all sides of a building that front an abutting public right-of-way must have at least one active entrance.
  - iv. Full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.
  - v. There must be residential floor area and/or office floor area that is equal to or greater than the gross floor area designed for the subject retail/service establishment. At least 50% of the gross floor area of the non-retail component must be located above the street level retail footprint.
  - vi. Parking facilities, excluding access driveways, must be located below-grade or in a structure behind or within the primary building.
- d. In the ELS and EOF zones, retail sales/service establishments are limited to a maximum of 30% of the gross floor area of development approved under one application.
  - e. In the IL and IH zones, retail sales and services is limited to a building material and supply establishment, wholesale or retail.

## B. Rural Antique Shop

### 1. Defined

Rural antique shop is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan 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 5 or more years old.
- d. If the property is located in the R-200 zone, it must abut land in the RDT zone.
- e. In the RDT zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

## C. Rural Country Market

### 1. Defined

Rural country market is 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 establishments (see [Sec. 3.5.3](#), Eating and Drinking).

### 2. Use Standards

Where a rural country market is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Sec. 3.5.12. Vehicle/Equipment Sales and Rental

### A. Heavy Vehicle Sales and Rental

#### 1. Defined

Heavy vehicle sales and rental is the sales, rental, or leasing of commercial vehicles, heavy equipment, and manufactured homes. Includes 18-wheel-

ers, commercial box trucks, high-lifts, construction and heavy earth-moving equipment.

## 2. Use Standards

Where heavy vehicle or equipment sales and rental is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and 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 a minimum of 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. A minimum of 20 feet between access driveways on each street is required, and all driveways must be perpendicular to the curb or street line.
- c. On a corner lot, the access driveway must be located a minimum of 20 feet from the intersection of the front and side street rights-of-way, and is a maximum of 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 Sales and Rental (Indoor)

### 1. Defined

Indoor light vehicle sales and rental is the 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, if it is abutting or confronting a property zoned Agricultural, Rural [Residential](#), or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- a. [Access to the site from a street with a residential classification is prohibited.](#)

- b. [A site plan must be filed under](#) [Sec. 8.3.4](#).

## C. Light Vehicle Sales and Rental (Outdoor)

### 1. Defined

Outdoor light vehicle sales and rental is the 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

Where outdoor light vehicle or equipment sales and rental is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural [Residential](#), or Residential Detached that is vacant or improved with an agricultural or residential use, it is subject to the following standards:

- i. [Access to the site from a street with a residential classification is prohibited.](#)
- ii. 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 an Agricultural, Rural [Residential](#), or Residential Detached zone, and 3 feet from any other property line.
- iii. There must be a minimum of 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the front and side street rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.
- vi. In the CRT zone, [a site plan must be filed under](#) [Sec. 8.3.4](#).

### Sec. 3.5.13. Vehicle Service

#### A. Automobile Storage Lot

##### 1. Defined

Automobile storage lot is the storage of automobiles in connection with a towing operation. The storage of junked cars is prohibited.

##### 2. Use Standards

Where an automobile storage lot is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

#### B. Car Wash

##### 1. Defined

Car wash is 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 a minimum of 20 feet from the intersection of the front and side street lines of the lot.
  - ii. Obstructions which adversely affect visibility at intersections or to the car wash driveways are prohibited.
  - iii. All driveways must be perpendicular to the curb or street line.
  - iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.
  - v. Demonstrate that the vehicles using the car wash will not queue off-site.
  - vi. Where abutting or confronting a property zoned Residential that is vacant or improved with a residential use:
    - (a) All buildings must be set back a minimum of 100 feet from the abutting residential property line; and
    - (b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential property line.

#### C. Fuel Sales

##### 1. Defined

Fuel sales is an area of land, including buildings and other structures that is used to primarily dispense motor vehicle fuels to the consumer. Minor repair service are allowed as an accessory use. Storage or parking offered for rent is prohibited. Includes accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles, are limited to 2 bays.

##### 2. Use Standards

Where fuel sales is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The minimum site area is 20,000 square feet.
- b. Access to the site from a street with a residential classification is prohibited.
- c. Site lighting is a maximum of 0.1 footcandle at the property line when adjacent to a Residential Detached zone. Site lighting is a maximum of 0.5 footcandles at the property line when adjacent to all other zones.
- d. Any fuel sales facility designed to dispense a minimum of 3.6 million gallons per year must be located at least 300 feet from the lot line of any public or private school, or any park, playground, day care center, or any outdoor use categorized as a Civic and Institutional use or a Recreation and Entertainment use.

- e. Product displays, parked vehicles and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
- f. When such use occupies a corner lot, the ingress or egress driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.
- g. Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the setback line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building.
- h. There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Board of Appeals may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.
- i. Vehicle parking that overhangs the public right-of-way is prohibited.
- j. If the fuel sales facility includes a car wash, it must:
  - i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays must be provided; and
  - ii. demonstrate that the vehicles using the car wash will not queue off-site.

**D. Repair (Commercial Vehicle)**

**1. Defined**

Commercial vehicle repair is repair, service, or accessory installation for aircraft or commercial vehicles, including box trucks, 18-wheelers, and construction and other heavy equipment. Includes the sale of fuel for aircraft.

**E. Repair (Minor)**

**1. Defined**

Minor repair is a facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, 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 (see Sec. 3.5.13.C, Repair (Commercial Vehicle)).

**2. Use Standards**

- a. Where minor vehicle repair is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential that is vacant or improved with an agricultural or residential use, it is subject to the following standards:
  - i. All buildings must be set back a minimum of 50 feet from the abutting residential property line.
  - ii. All parking and storage for vehicles must be set back a minimum of 25 feet from the abutting residential property line.
  - iii. The minimum site area is 20,000 square feet.
  - iv. Access to the site from a street with a residential classification is prohibited.
  - v. In the CRT zone, a site plan must be filed under Sec.8.3.4.
- b. Where a minor repair facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and Sec. 8.3.1, Conditional Use Plan.

**F. Repair (Major)**

**1. Defined**

Major repair is 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, if it is abutting or confronting a property zoned Residential that is vacant or improved with a residential use, it is subject the following standards:
  - i. All buildings must be set back a minimum of 100 feet from the abutting residential property line.

- ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
  - iii. The minimum site area is 20,000 square feet if not fully contained in a structure.
  - iv. Access to the site from a street with a residential classification is prohibited.
- b. Where major vehicle repair is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and Sec. 8.3.1, Conditional Use Plan.

### Sec. 3.5.14. Accessory Commercial Uses

#### A. Amateur Radio Facility (Up to 65 feet in Height)

##### 1. Defined

Amateur radio facility up to 65 feet in height is any facility used for personal, noncommercial 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

Amateur radio facility over 65 feet in height is 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, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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. Commercial Kitchen

##### 1. Defined

Commercial kitchen is a facility that is accessory to Religious Assembly (Sec. 3.4.10) or Public Use (Sec. 3.4.9) and satisfies the requirements of Chapter 15 for the preparation of food that could be sold to the public.

##### 2. Use Standards

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

- a. The commercial kitchen must occupy less than 5% of the floor area of the building in which it is located.
- b. The commercial kitchen can not be used as part of an on-site Eating and Drinking establishment (Sec. 3.5.3).
- c. A minimum of one parking space, on-site or off-site, per kitchen user is required.
- d. The commercial kitchen can be used for the preparation of food for public consumption off-site only between the hours of 6:00 AM to 9:00 PM weekdays and 8:00 AM to 9:00 PM weekends.

#### D. Drive-Thru Facility

##### 1. Defined

Drive-thru facility is a facility at which the customer is served while sitting in a vehicle. Includes drive-thru restaurants, banks, and pharmacies. Does not include Fuel Sales (see Sec. 3.5.13.B, Fuel Sales).

##### 2. Use Standards

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

- a. A drive-thru facility, including the queuing area, must be located a minimum of 100 feet from any property in the Agricultural, Rural Residential, or Residential Detached zones.
- b. A drive-thru service window, drive aisle, or queuing area located between the street and the front main wall of the main building is prohibited.

- c. A 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 if permanently screened from any street by a minimum 5 foot high wall or fence.

## E. Helistop

### 1. Defined

Helistop is 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. 3.6.6.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 may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## F. Wireless Communication on Existing Structure

### 1. Defined

Wireless communication on existing structure is wireless communication mounted on an existing structure. Includes rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room.

### 2. Use Standards

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

- a. An antenna is prohibited on a detached house or duplex building type or associated accessory structure.
- b. A structure constructed for the support of the following is prohibited for use as a support structure for any other antenna:
  - i. an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission; or

- ii. an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.

- c. Wireless communication on an existing structure is prohibited 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 a minimum of 50 feet in height in any Residential zone; or
  - ii. In any other zone, the building must be a minimum of 30 feet in height.
- e. An antenna may be mounted on the facade of the building with a minimum height of 30 feet in any non-Residential zone, and a minimum height of 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 overhead transmission line support structure.
- g. Any equipment building is subject to the following requirements:
  - i. An unmanned equipment building or cabinet is a maximum of 560 square feet in area 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 maximum square footage is 1,500 square feet and the maximum height is 12 feet;
    - (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](#).

- 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 3 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

Construction administration or sales office is 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 and a use-and-occupancy 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.
- d. A temporary outdoor storage yard for construction equipment or building materials and supplies that is located within 300 feet of any occupied residentially developed property and is to be maintained in the same general location for a minimum of one year must be effectively screened from the residential development by natural features or a solid fence with a maximum height of 6.5 feet.
- e. A temporary construction administration or sales office, including any associated trailer, building, or portable toilet, that is located within 100 feet of an occupied residentially developed property:
  - i. must be landscaped and maintained; and
  - ii. can be approved for a maximum of one year. Extensions may be approved by DPS for additional one year periods. If a public hearing is held on the extension, the applicant must demonstrate to DPS that a more appropriate location for such use, farther removed from the residential development, does not exist on the site. This finding will not be required if the extension requested does not exceed 6 months.
- f. Any temporary construction administration or sales office, including an outside storage area, located a minimum of 100 feet from an occupied residentially developed property can be approved for a maximum of 3 years. Extensions may be approved by DPS for additional 2 year periods.
- g. The procedure to request an extension of a temporary use-and-occupancy permit for a temporary construction administration or sales office is as follows:
  - i. The request must be filed with DPS.
  - ii. The applicant must demonstrate compliance with the landscaping and screening requirements of the original approval.
  - iii. If the use moves more than 200 feet from the originally approved location, then the applicant must apply for a new temporary use-and-occupancy permit.
  - iv. The applicant must provide notice by certified mail to all owners of property that adjoin such use stating that an extension has been requested and that the owners, if they wish to comment, must submit their comments concerning the extension to DPS within 20 days.
  - v. If any adjoining property owner opposes continuance of the use, DPS must hold a public hearing prior to making a decision on the requested extension. A notice of such public hearing must be sent to all adjoining property owners.
  - vi. DPS must decide on the extension within 5 days of the closing of the hearing record. An approving an extension, DPS can add further rea-

sonable conditions to the use-and-occupancy permit. DPS may deny an extension, with reasons for the denial stated in writing.

## B. Special Event Parking

### 1. Defined

Special event parking is 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 for a maximum of 10 days.
- b. A written permit authorizing such parking must be obtained from DPS a minimum of 10 days before 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

Transitory use is 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. Includes a food service truck.

### 2. Use Standards

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

#### a. Registration

A transitory use must be registered under 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. 3.1.7.

- ii. A transitory use may be located in the public right-of-way where it satisfies Chapter 47.
- iii. A transitory use is prohibited on any portion of the open space required by the zone in which the property is located.
- iv. If a transitory use is located in a parking lot and it reduces the number of spaces below the minimum required, a waiver must be obtained from the applicable review body.
- v. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

## Div. 3.6. Industrial Uses

### Sec. 3.6.1. Animal Research Facility

#### A. Defined

Animal research facility is a facility for the use of non-human animals in scientific experimentation.

### Sec. 3.6.2. Contractor Storage Yard

#### A. Defined

Contractor storage yard is 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, if it is abutting or confronting a property zoned Residential Detached that is vacant or improved with a residential use, it is subject to the following standards:

1. The minimum site area is 20,000 square feet.
2. Access to the site from a street with a residential classification is prohibited.

### Sec. 3.6.3. Dry Cleaning Facility

#### A. Dry Cleaning Facility (Up to 3,000 SF)

##### 1. Defined

Dry cleaning facility up to 3,000 square feet is 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](#), Retail/Service Establishment).

##### 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 prohibited.

#### B. Dry Cleaning Facility (Over 3,000 SF)

##### 1. Defined

Dry cleaning facility over 3,000 square feet is an establishment for the mechanical cleaning of garments, articles or goods of fabric. Includes a linen, diaper or uniform laundering service. May perform work on the premises for other dry cleaning and laundry services and serve retail customers.

### Sec. 3.6.4. Manufacturing and Production

#### A. Artisan Manufacturing and Production

##### 1. Defined

Artisan manufacturing and production is the manufacture and production of commercial goods by a skilled manual worker or craftsman, such as jewelry, metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food products; however, it does not include any activity which causes noise, odor, or vibration to be detectable on a neighboring property.

#### B. Heavy Manufacturing and Production

##### 1. Defined

Heavy manufacturing and production is 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.

#### C. Light Manufacturing and Production

##### 1. Defined

Light manufacturing and production is the manufacturing of finished products or parts from 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.

#### D. Medical/Scientific Manufacturing and Production

##### 1. Defined

Medical/scientific manufacturing or production is the manufacturing, compounding, processing, assembly, or packaging, including incidental storage, sales, and distribution of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, products resulting from biotechnical and biogenetic research and medical, scientific, or technical instruments, devices, and equipment.

##### 2. Use Standards

Where medical/scientific manufacturing and production is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, a site plan must be filed under Sec. 8.3.4.

#### Sec. 3.6.5. Mining, Excavation

##### A. Defined

Mining or excavation is 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, 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, the minimum lot area is 10 acres.
2. A maximum of 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 Board of Appeals.

4. Access to a public road must be available.
5. The maximum height of a building or structure is 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. A minimum of 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 a maximum of 3 years, subject to renewal by the Board of Appeals.
9. In the RDT zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

#### Sec. 3.6.6. Transportation

##### A. Bus, Rail Terminal

##### 1. Defined

Bus or rail terminal is a facility for boarding buses or trains. Does not include bus or train maintenance (see Sec. 3.5.13.C, Repair (Commercial Vehicle)).

##### 2. Use Standards

Where a bus or rail terminal is allowed as a limited use, bus or train storage is prohibited.

**B. Helipad, Heliport**

**1. Defined**

Helipad or heliport is 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 Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, 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 within 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 that would 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 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 noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft ambi-

ent 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. Instead of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as shown in the following table:
  - i. Maximum Compatible Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	55 dBA
2 units to 15 units per acre	60 dBA
Multi-unit 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

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	49 dBA
2 units to 15 units per acre	54 dBA
Multi-unit and high rise	59 dBA

- iv. Where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels Table, measurements or modeling may be performed to establish compatibility standards appropriate to the ambient environment. Office, commercial and industrial land uses will not be reviewed for noise impacts with the following 2 exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of LEQ<sub>1</sub> = 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 Board of Appeals 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. With the exception of operations on the helipad, all on-ground operations are subject to the standards of Chapter 31B, "Noise Control". 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 Board of Appeals for a 5-year period or such shorter period as the Board of Appeals may specify in granting the conditional use. The conditional use may be renewed by the Board of Appeals for additional periods, not to exceed 5 years each, if the same findings required for the initial approval by the Board of Appeals can still be made.
- 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 DPS as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to DPS as part of an inspection is a violation of the conditional use approval

**C. Taxi/Limo Facility**

**1. Defined**

Taxi or limo facility is a facility for the dispatch or storage of taxis, limousines, or other vehicles for hire.

**2. Use Standards**

Where a taxi/ limo facility is allowed as a limited use, vehicle storage is prohibited.

**Sec. 3.6.7. Utilities**

**A. Pipeline (Above Ground)**

**1. Defined**

Above ground pipeline is an above ground conduit for the distribution of water or gas.

**2. Use Standards**

Where an above ground pipeline is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:

- a. The proposed pipeline is necessary for public convenience and service.
- b. The proposed pipeline 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.

**B. Pipeline (Below Ground)**

**1. Defined**

Below ground pipeline is an underground conduit for the distribution of water or gas.

**C. Public Utility Building or Structure**

**1. Defined**

Public utility building or structure is a utility building and structure other than transmission lines or pipelines. Includes buildings or structures for the occupancy, use, support or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.

**2. Use Standards**

- a. Where a public utility building or structure is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural Residen-

tial, or Residential Detached that is vacant or improved with an agricultural or residential use, ia site plan must be filed under Sec. 8.3.4.

- b. Where a public utility building or structure is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
  - i. The proposed building or structure at the location selected is necessary for public convenience and service.
  - ii. 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.
  - iii. A public utility building or structure allowed in any Rural Residential 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 Board of Appeals.
  - iv. The Board of Appeals may waive the height limits of the applicable zone where, in the opinion of the Board of Appeals, adjacent residential uses will not be adversely affected by the increased height.

#### D. Renewable Energy Generation

##### 1. Defined

[Editor's Note: still to be added]

#### E. Transmission Line (Above Ground)

##### 1. Defined

Above ground transmission line is an above ground electric distribution line (under 69,000 volts), cable line, or telephone line.

##### 2. Use Standards

Where an above ground transmission line is allowed as a limited use, only electric distribution lines are allowed.

#### F. Transmission Line (Below Ground)

##### 1. Defined

Below ground transmission line is underground electric distribution lines, cable lines, or telephone lines.

#### Sec. 3.6.8. Warehouse

##### A. Freight Movement

##### 1. Defined

Freight movement is 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; on-site sales activity is prohibited.

##### B. Mineral Storage

##### 1. Defined

Mineral storage is a site for the off-loading, transfer, or storage of sand, gravel, or rocks.

##### 2. Use Standards

Where mineral storage is allowed as a limited use, it must be set back at least 750 feet from the nearest property in a Residential zone.

##### C. Self-Storage

##### 1. Defined

Self-storage is 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 Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan.

##### D. Storage Facility

##### 1. Defined

Storage facility is a facility for the short- or long-term storage of goods or equipment, not including self-storage (See Sec. 3.6.8.C, Self Storage).

## 2. Use Standards

Where a storage facility is allowed as a limited use, outdoor storage is prohibited.

### Sec. 3.6.9. Waste-Related

#### A. Hazardous Material Storage

##### 1. Defined

Hazardous material storage is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

#### B. Incinerator

##### 1. Defined

Incinerator is 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

#### C. Landfill

##### 1. Defined

Landfill is a facility that collects waste and disposes of it according to State of Maryland requirements 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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

#### D. Recycling Collection and Processing

##### 1. Defined

Recycling collection and processing is 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 3 months. Does not include a transfer station (See [Sec.3.6.9.F](#), Transfer Station).

#### E. Transfer Station

##### 1. Defined

Transfer station is a facility that receives solid or liquid wastes from others for transfer to another location according to the State of Maryland requirements for transfer stations.

##### 2. Use Standards

Where a transfer station is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan.

## Div. 3.7. Miscellaneous Uses

### Sec. 3.7.1. Accessory Buildings, Structures, and Uses

#### A. Defined

Accessory buildings, structures, and uses are permitted in connection with any lawfully established principal use unless otherwise expressly listed in the Use Table (see [Sec. 3.1.7, Use Table](#)).

#### B. Use Standards

Where accessory uses, buildings and structures are allowed as limited uses, they are subject to the following standards:

1. In Agricultural and Rural Residential zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building. Buildings accessory to an agricultural use are exempt from this size restriction.
2. In Residential Detached zones, the maximum footprint of an accessory building on a lot where the main building is a detached house is 50% of the footprint of the main building or 600 square feet, whichever is greater. Buildings accessory to an agricultural use are exempt from this size restriction.

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**DIV. 4.8. OVERLAY ZONES**

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## Div. 4.1. Rules for All Zones

### Sec. 4.1.1. Development Options

The following types of development options are allowed.

#### A. Standard Method (see Div. 4.2 - Div. 4.8)

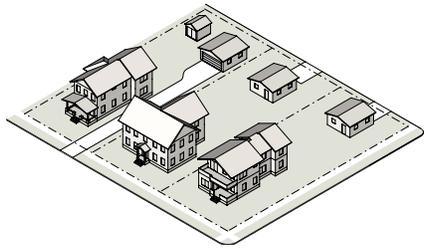
The standard method of development provides the basic framework for development. Development of more than 20 residential units must provide a minimum 12.5% Moderately Priced Dwelling Units (MPDU) under Chapter 25A. A project providing more than 12.5% MPDUs or a project with less than 20 units that provides 12.5% MPDUs is an optional method of development.

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

The optional methods of development contain alternative regulations for the zones in which the method is allowed. The following zones provide an optional method of development: RNC, RE-2C, RE-1, R-200, R-90, R-60, R-40, TLD, TMD, THD, R-30, R-20, R-10, CRT, CR, ELS, and EOF.

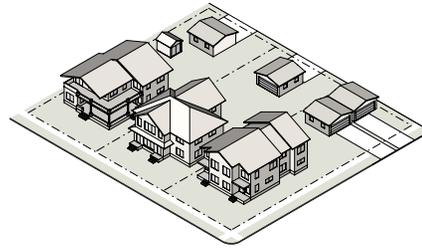
### Sec. 4.1.2. Building Type Descriptions

Building types are established to regulate the form applicable to development within each zone. The building type does not determine uses allowed within the structure. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



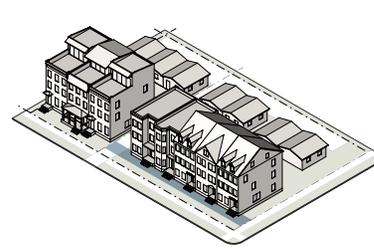
#### A. Detached House

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



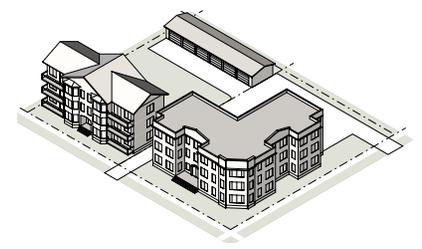
#### B. Duplex

A building containing 2 dwelling units.



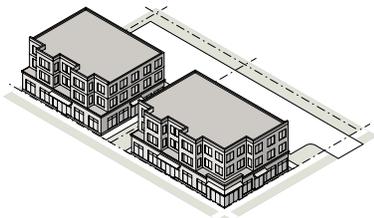
#### C. Townhouse

A building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. Units may be on individual lots, or the entire building (or project) may be on a single lot.



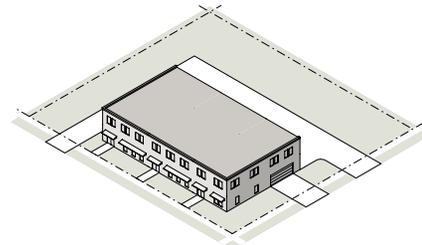
#### D. Apartment/Condo

A building containing 3 or more dwelling units vertically and horizontally integrated.



#### E. Multi Use Building

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

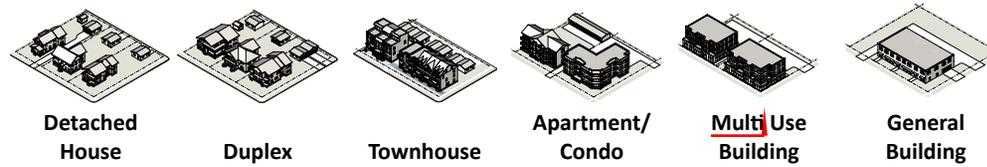


#### F. General Building

A building typically containing nonresidential uses including office, employment, industrial, civic, institutional, or public uses.

### Sec. 4.1.3. Building Types Allowed by Zone

Building types are allowed by zone as follows:



	Detached House	Duplex	Townhouse	Apartment/Condo	Multi-Use Building	General Building
<b>Agricultural Zone</b>						
Rural Density Transfer (RDT)	A	--	--	--	--	A
<b>Rural Residential Zones</b>						
Rural (R)	A	--	--	--	--	A
Rural Cluster (RC)	A	--	--	--	--	A
Rural Neighborhood Cluster (RNC)	A	MPDU	A	--	--	A
<b>Residential Detached Zones</b>						
Residential Estate - 2 (RE-2)	A	--	--	--	--	A
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--	--	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	--	A
Residential - 200 (R-200)	A	MPDU	MPDU	--	--	A
Residential - 90 (R-90)	A	MPDU, CD	MPDU, CD	--	--	A
Residential - 60 (R-60)	A	MPDU, CD	MPDU, CD	--	--	A
Residential - 40 (R-40)	A	A	MPDU	--	--	A
<b>Residential Townhouse Zones</b>						
Townhouse Low Density (TLD)	A	A	A	--	--	A
Townhouse Medium Density (TMD)	A	A	A	--	--	A
Townhouse High Density (THD)	A	A	A	--	--	A
<b>Residential Multi-Unit Zones</b>						
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A	--	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A	--	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A	--	A
<b>Commercial/Residential Zones</b>						
CR Neighborhood (CRN)	A	A	A	A	A	A
CR Town (CRT)	A	A	A	A	A	A
CR (CR)	A	A	A	A	A	A
<b>Employment Zones</b>						
Employment General Retail (EGR)	--	--	A	A	A	A
Employment Neighborhood Retail (ENR)	--	--	A	A	A	A
Employment Life Science (ELS)	A	A	A	A	A	A
Employment Office (EOF)	--	--	A	A	A	A
<b>Industrial Zones</b>						
Light Industrial (IL)	--	--	--	--	A	A
Heavy Industrial (IH)	--	--	--	--	A	A
<b>Overlay Zone</b>						
Transferable Development Rights (TDR)	TDR	TDR	TDR	TDR	--	--

**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 TDR = Allowed as part of Optional Method TDR Development

### Sec. 4.1.4. Measurement and Exceptions

The rules in Sec. 4.1.4 apply to all zones unless expressly stated otherwise.

#### A. Site

##### 1. Defined

A site is 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.

#### B. Lot & Density

##### 1. Defined

A lot is a tract of land identified on a subdivision plat that is recorded in the land records. A lot may include buildings, accessory buildings and any associated open spaces.

##### 2. Lot Area

The lot area is the area within the rear, side, and front property lines. Does not include existing or proposed public rights-of-way.

##### 3. Lot Width

###### a. At the Front Property Line

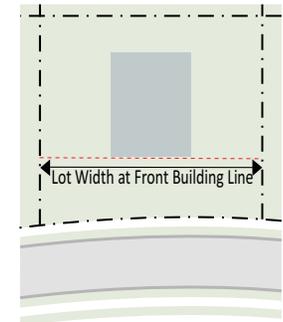
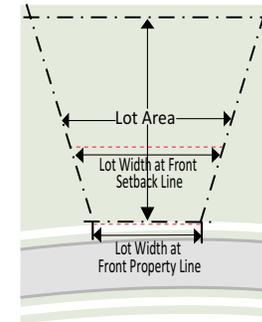
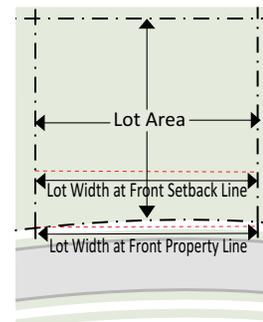
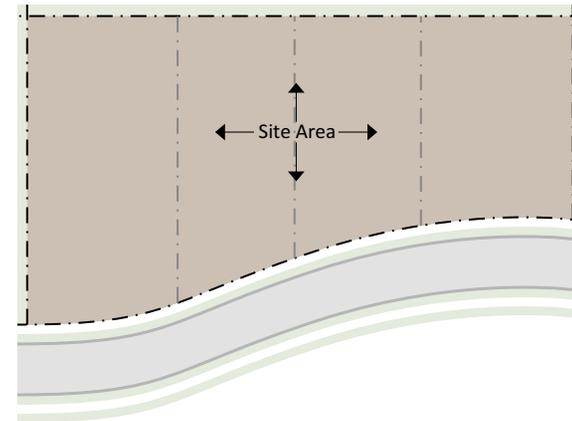
Lot width at the front property line is measured between the side property lines at the front property line along a straight line. Where the front property line is curved, lot width at the front property line is measured along the chord of the lot line.

###### b. At the Front Setback Line

Lot width at the front setback line is measured between the side property lines at the front setback line along a straight line.

###### c. At the Front Building Line

Lot width at the front building line is measured between the side property lines at the front edge of the building, along a straight line.



##### 4. Density

###### a. Units per Acre

In the Agricultural, Rural Residential, and Residential zones the maximum permitted density is measured by the number of dwelling units allowed per net lot area, gross tract area, or useable area.

###### b. Floor Area Ratio (FAR)

In the Commercial/Residential, Employment, and Industrial zones, the maximum permitted density is measured as FAR.

## C. Placement

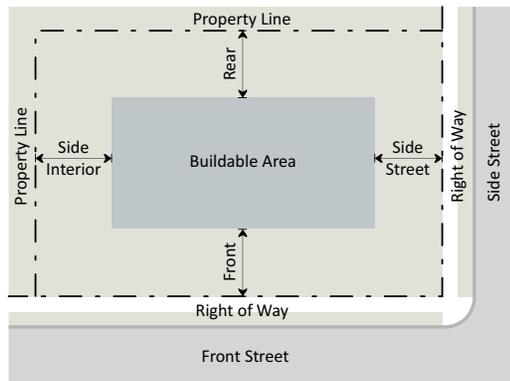
### 1. Building Setbacks

#### a. Defined

There are front, side street, side interior, and rear setbacks. Through lots have 2 front setbacks. A lot abutting an alley is not a through lot.

#### b. Measurement of Setbacks

- i. The front setback is measured from the front property line.
- ii. The side street setback is measured from the side street property line.
- iii. The side interior setback is measured from the side interior property line.
- iv. The rear setback is measured from the rear property line.
- v. Where a setback is represented as one of two numbers separated by "or" (such as 4' or 20'), this represents a build-to line (first number mentioned), or a minimum (second number mentioned).



### 2. Corner Lots

#### a. Defined

A corner lot is a lot abutting 2 or more streets at their intersection where the interior angle of the intersection does not exceed 135 degrees.

### b. Measurement of Setbacks

- i. A corner lot has 2 front setbacks except where the adjoining lot on one of the streets either does not front on that street or is in a non-Residential zone, then the side street setback applies to both the principal building and the accessory structure.

### c. Addressing

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

- i. the street with the highest street classification;
- ii. the established orientation of the block;
- iii. the street abutting the longest face of the lot; and
- iv. the street parallel to an alley within the block.

### 3. Build-to Zone

#### a. Defined

- i. The build-to zone is the area on the lot where a certain percentage of the front building facade must be located.
- ii. With the exception of parking areas, all structures and uses customarily allowed on the lot are permitted in the build-to zone.

#### b. Measurement of Build-to Line

The build-to-zone is measured as a minimum and maximum setback range from the edge of the property line.

### 4. Parking Setbacks

#### a. Defined

- i. There are front, side street, side interior and rear parking setbacks. Through lots have 2 front parking setbacks. A lot abutting an alley is not a through lot.
- ii. Parking setbacks apply to on-site surface parking. Structured parking must comply with building setbacks.

### b. Measurement of Parking Setbacks

- i. The front and side street parking setback is measured from the edge of the property line.
- ii. The side interior parking setback is measured from the side property line.
- iii. The rear parking setback is measured from the rear property line or the edge of the right-of-way if there is an alley.

## 5. Building Coverage

### a. Defined

- i. Building coverage is the area of a lot or site that is covered by building footprints, including accessory buildings, structured parking, or other roofed structures such as porches, patios, decks, and steps.
- ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.

## 6. Setback Encroachments

All buildings and structures must be located at or behind the required building setbacks lines, except as listed in Sec. 4.1.4.C.5.a to Sec. 4.1.4.C.5.c.

### a. Building Features

- i. Unenclosed porches, decks, terraces, steps, and stoops, may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. This includes unenclosed roofed porches and terraces.
- ii. Roofed and unenclosed steps and stoops may project a maximum of 3 feet into any side street or side interior setback and may project a maximum of 9 feet into any front or rear setback. Any roof covering unenclosed steps and stoops may project a maximum of 3 feet into any setback.

- iii. Unenclosed balconies may extend a maximum of 6 feet into a required setback, if such extension is a minimum of 2 feet from the vertical plane of any lot line.
- iv. Sills, leaders, belt courses, and similar ornamental features may project a maximum of 6 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 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 a maximum of 2 feet into any front, side street, side interior or rear setback.
- vi. Chimneys or flues as part of an apartment/condo, multi use, or general building may project a maximum of 4 feet into any front, side street, side interior or rear setback, if such extension remains a minimum of 2 feet from the vertical plane of any lot line.
- vii. Building eaves, cornices, and light shelves may project a maximum of 2 ½ feet into any front, side street, side interior, or rear setback, if such extension remains a minimum of 2 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, 10 feet in width or less, may project a maximum of 3 feet into any front, side street, side interior, or rear setback.
- ix. Unenclosed fire escapes and outside stairways may project a maximum of 5 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 a maximum of 5 feet into any rear setback.

- ii. Permanent rainwater collection or harvesting systems may project a maximum of 3 feet into any side street, side interior, or rear setback.

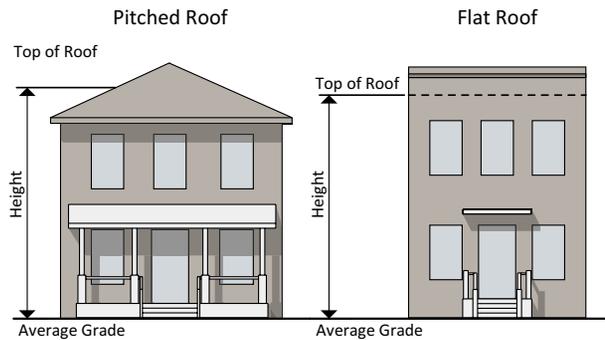
**c. Other Encroachments**

- i. Fences and walls under Sec. 7.5.3.B.5.
- ii. Handicap facilities to the extent necessary to meet the minimum standards of the Americans with Disabilities Act.
- iii. Signs under Div. 7.6.

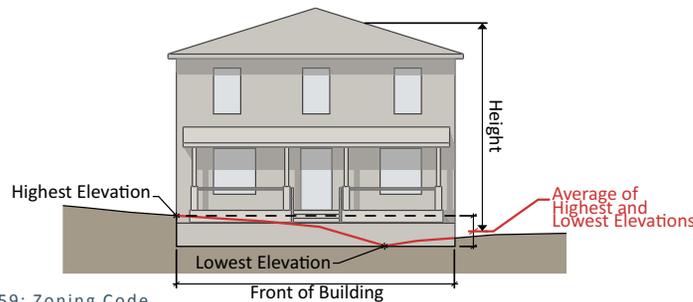
**D. Height**

**1. Building Height in Agricultural, Rural Residential, 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.

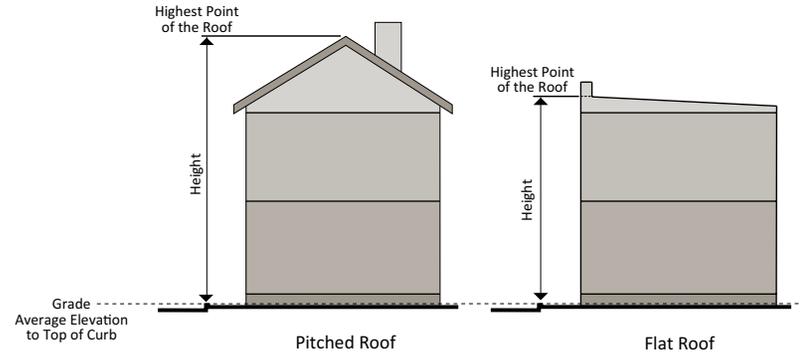


- b. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line.



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

- a. Building height is measured from grade to the highest point of the roof, excluding structures allowed under Sec. 4.1.4.D.4.



- b. Grade is measured as the average elevation of the top of the curb adjacent to the front of the building. In a lot with more than one frontage, grade is measured as the average elevation of the curb along each frontage.

**3. Height Encroachments**

Any height encroachment not specifically listed is prohibited.

- a. The following roof structures can occupy a maximum of 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. A larger area may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones
- b. The maximum heights do not apply to roof structures listed in Sec. 4.1.4.D.3 a (above), except in the TLD, TMD, THD, and R-30 zones, air conditioning units or similar structures or mechanical appurtenances may exceed the established height limit by a maximum of 8 feet.

- c. The following may exceed the established height limits, except when located within an airport approach area, if they do not exceed the maximum height limit by more than 8 feet:
  - i. Rooftop deck, patio, shade structure;
  - ii. Rooftop garden, landscaping;
  - iii. Parapet wall;
  - iv. Rooftop rainwater collection or harvesting systems; and
  - v. Rooftop renewable energy systems, such as solar panels or wind turbines.
- d. 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.
- e. The maximum heights do not apply to agricultural buildings in the RDT, RC, and RNC zones.

**E. Form**

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

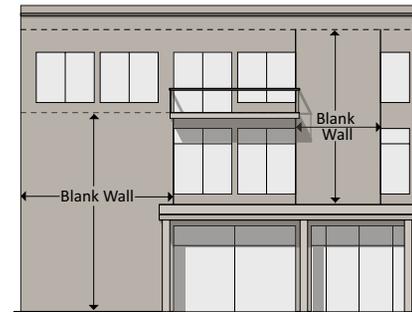
**1. Transparency**

- a. The minimum percentage of windows and doors that must cover a ground story facade is measured based on facade wall area 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 based on facade wall area from the 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 is the area 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 8 inches in depth.
- b. Blank wall applies in both a vertical and horizontal direction.
- c. Blank wall applies only to street facing facades.



**3. Building Elements**

**a. Porch**

A porch is a raised structure attached to a building, forming a covered entrance to a doorway. A porch is roofed and can be enclosed or unenclosed.

**b. Stoop**

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

**c. Balcony**

A balcony is 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.

**d. Gallery**

A gallery is 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 minimum height of 10 feet above the sidewalk. A gallery is contiguous and must extend over a minimum of 50% of the width of the building facade from which it projects.

**e. Awning**

An awning is a wall-mounted, cantilevered structure providing shade and cover from the weather over a sidewalk. An awning must have a minimum height of 10 feet 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.C apply to the R-200, R-90, R-60, and R-40 zones 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 6 lots from a lot previously created by a plat recorded before January 1, 1978;
2. the lot is less than 25,000 square feet in area; and
3. the construction proposed is:
  - a. a new detached house;
  - b. the demolition and reconstruction of more than 50% of the floor area of an existing detached house; or
  - c. the addition of more than 50% of the floor area of the detached house.

### B. Established Building Line

1. The established building line applies only to new buildings and does not apply to an alteration or addition to an existing building.
2. The 2 or more detached houses considered in determining the established building line must all be:
  - a. within 300 feet of the side property line of the proposed construction site measured along the street frontage;
  - b. along the same side of the street;
  - c. between intersecting streets or to the point where public thoroughfare is denied;
  - d. in existence or approved by a building permit when the building permit application on the subject property is filed;
  - e. legally constructed; and
  - f. not on a through lot if the building on the through lot fronts on a street other than the street fronting the subject property.

3. The established building line is the minimum front setback for the zone, unless there are at least 2 buildings as described in Sec. 4.1.5.B.2 and more than 50 percent of the buildings described in Sec. 4.1.5.B.2 are set back greater than the minimum, in which case the average front setback of all the buildings described in Sec. 4.1.5.B.2, excluding those buildings:
  - a. in the R-200 zone that are or were ever served by well or septic;
  - b. on the subject property;
  - c. in a different zone than the subject property;
  - d. on a through lot that fronts on a street different than the subject property;
  - e. located on any pipestem, wedge-shaped, or flag-shaped lot; or
  - f. approved by permit for demolition, except if a building permit was also approved with the same setback,
 is the established building line, unless the applicant chooses to calculate the front setback as the average front setback of the two adjoining lots or the applicant chooses to use the front setback of the existing detached house that was established before demolition, excluding any approved variance, if the existing building meets the minimum front setback of the zone. All calculations must be based on a survey that is signed and sealed by a licensed engineer or surveyor. Any building excluded from the established building line restriction must comply with the minimum front setback requirement of the zone.
4. Corner lots have two front setbacks and are subject to established building line standards on both streets. At the option of the applicant, a corner lot may use front setbacks of the adjoining buildings on both sides of the corner lot.

### C. Building Coverage

The maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than 20 feet in height, must vary with the lot area as follows:

Lot area less than 6,000 SF:	30% of lot area
Lot area equal to or greater than 6,000 SF but less than 16,000 SF:	30%, less .001% for every square foot of lot area exceeding 6,000 SF
Lot area equal to or greater than 16,000 SF:	20% of the lot area

## Div. 4.5. Commercial/Residential 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, 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)
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
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 5 feet up to the maximums indicated in [Sec. 4.5.1.A.1](#).

#### B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Commercial/Residential zones, if:

- 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;
- a building cannot exceed 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 Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential 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 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 (see [Sec. 8.3.3](#)).

#### 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 following table, whichever is less:

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

#### B. Optional Method

Optional method development is allowed under [Div. 6.4](#).

### Sec. 4.5.3. General Requirements

Development in all Commercial/Residential zones must comply with the requirements of [Sec. 4.5.3.A](#) to [Sec. 4.5.3.D](#).

#### A. Master Plan and Design Guidelines

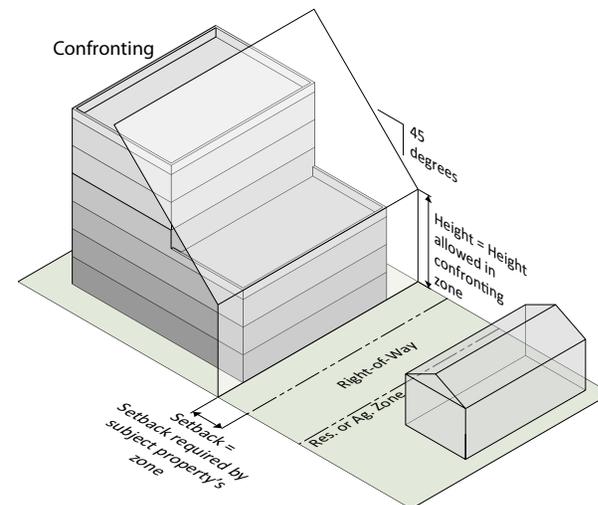
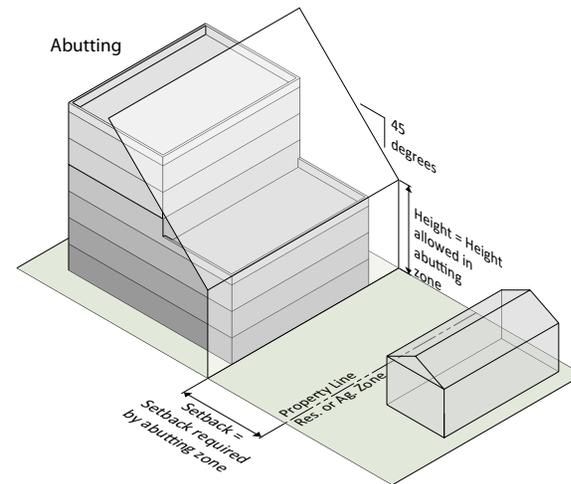
- Development that requires a site plan must be consistent with the applicable master or sector plan.
- Development that requires a site plan must address any design guidelines

approved by the Planning Board that implement the applicable master or sector plan.

**B. Neighborhood Compatibility**

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7; and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
  - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under Sec. 7.5.7, whichever is greater; and
  - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4, or
2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7 across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
  - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4.

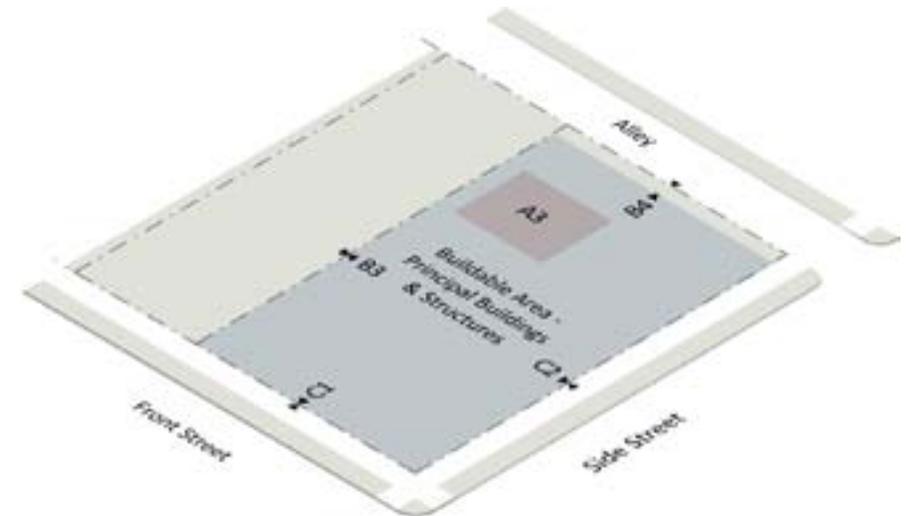
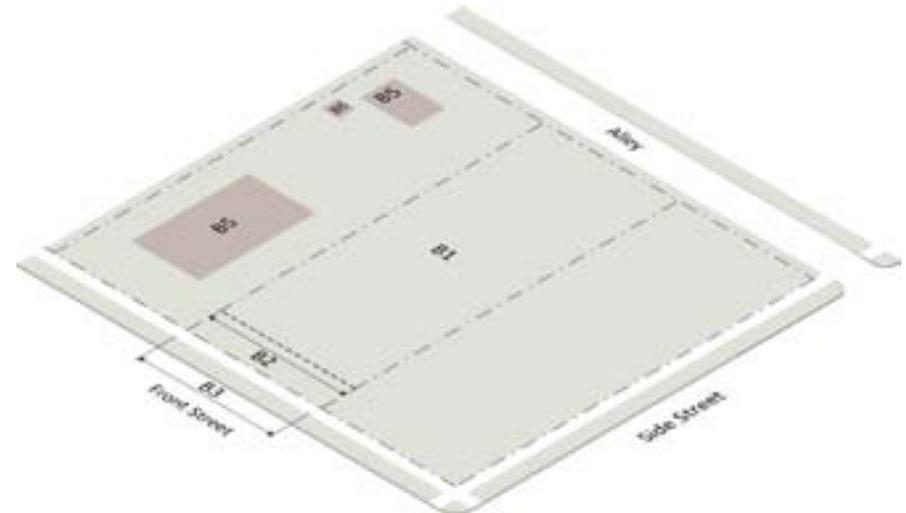


### Sec. 4.5.4. CRN, CRT, and CR Zones, Standard Method Development Standards

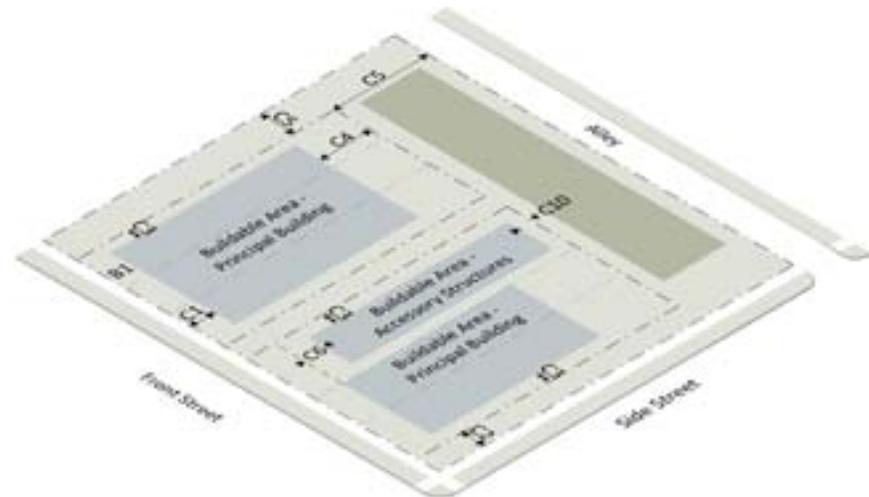
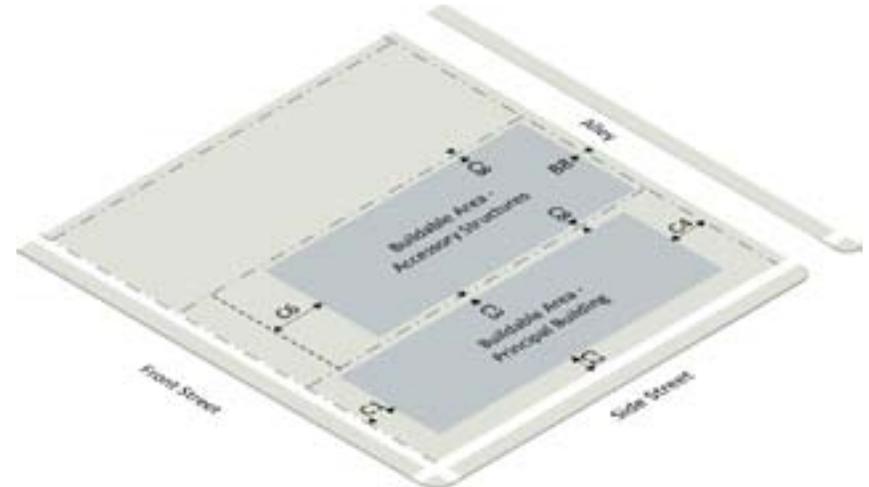
A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
<b>Open Space (min)</b>							
A3 Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
A3 Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
<b>Specifications for all Open Space</b>							
In a development with townhouse, apartment/condo, multi use, or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.							
1							
space is calculated on the net site area minus any area used for detached house and duplex unit lots.							
2							
Open space for the townhouse building type is common outdoor area and for other building types is public use space, under <a href="#">Div. 7.3</a> .							

### B. Lot & Density

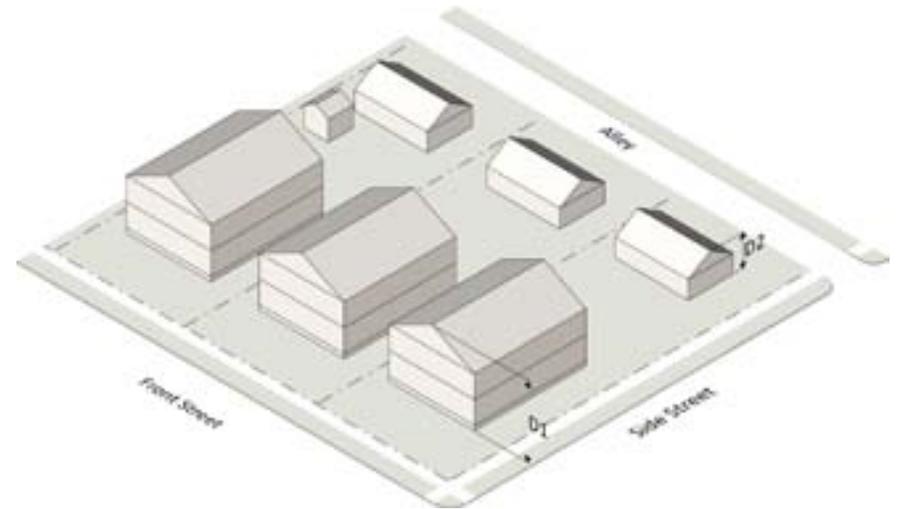
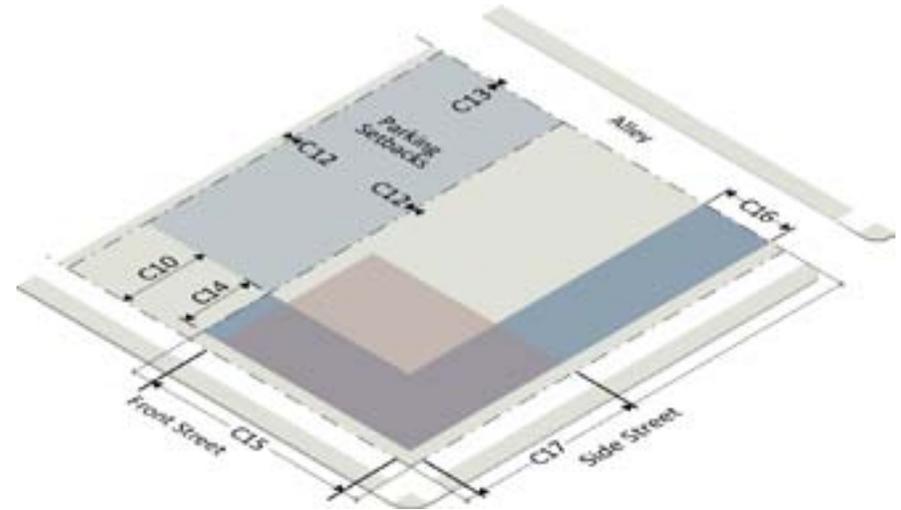
<b>Lot (min)</b>							
B1 Net lot area	1,000 SF	1,000 SF	500 SF	800 SF	n/a	n/a	n/a
B2 Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
B3 Lot width at front property line	10'	10'	10'	n/a	n/a	n/a	n/a
<b>Density (max)</b>							
B4 CRN Density, FAR	mapped						
B4 CRT Density, FAR	mapped FAR or the greater of 10,000 SF or 1.0 FAR, whichever is less						
B4 CR Density, FAR	mapped FAR or the greater of 10,000 SF or 0.5 FAR, whichever is less						
<b>Coverage (max)</b>							
B5 Lot	90%	90%	90%	90%	n/a	n/a	n/a



C. Placement		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
<b>Principal Building Setbacks (min)</b>								
C1	Front setback	5'	5'	5'	5'	0'	0'	0'
C2	Side street setback	5'	5'	5'	5'	0'	0'	0'
C3	Side interior setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	6'	6'	6'	4'	see <a href="#">Sec. 4.5.3.B</a>		
C3	Side interior setback, abutting all other <u>zones</u>	4'	4'	4'	n/a	0'	0'	0'
C3	Side interior setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
C4	Rear setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	15'	15'	15'	10'	see <a href="#">Sec. 4.5.3.B</a>		
C4	Rear setback, abutting all other <u>zones</u>	15'	15'	15'	10'	0'	0'	0'
C4	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
C5	Rear/Side setback between lot and site boundary	n/a	n/a	n/a	see <a href="#">Sec. 4.5.3.B</a>	n/a	n/a	n/a



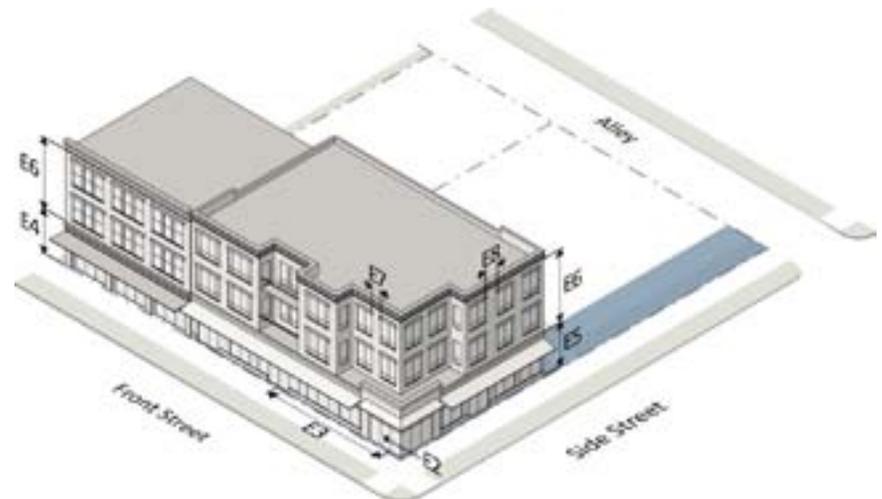
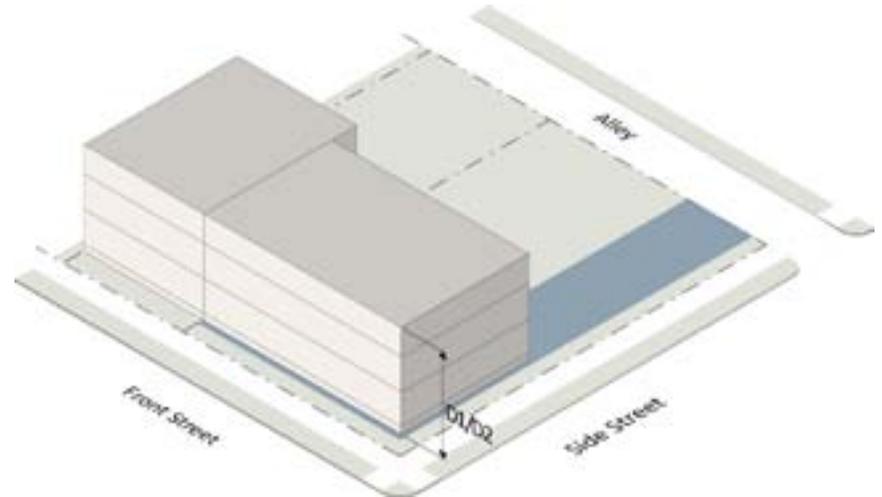
C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General	
<b>Accessory Structure Setbacks (min)</b>								
C6	Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
C7	Side street setback	15'	15'	15'	15'	0'	0'	0'
C8	Side interior setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9	Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9	Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
<b>Parking Setbacks for Surface Parking Lots (min)</b>								
C10	Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
C11	Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
C12	Side interior setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Sec. 7.5.6</a>		
C13	Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Sec. 7.5.6</a>		
C13	Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
<b>Build-to-Zone (BTZ, max setback &amp; min % of lot width)</b>								
C14	Front setback	n/a	n/a	n/a	15'	30'	15'	20'
C15	Building in front street BTZ	n/a	n/a	n/a	70%	70%	70%	70%
C16	Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
C17	Building in side street BTZ	n/a	n/a	n/a	n/a	35%	35%	35%



D. Height		Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
D1	Principal building	mapped and Sec. 4.5.3.B						
D2	Accessory structure	25'	25'	25'	25'	mapped and Sec. 4.5.3.B	mapped and Sec. 4.5.3.B	mapped and Sec. 4.5.3.B

**E. Form**

Massing								
E1	Units permitted in one row (max)	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation								
E2	Entrance facing street or open space	required	required	required	required	required	required	required
E3	Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space								
E4	Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	n/a	n/a	n/a	20%	30%	25%
E6	Upper story (min)	n/a	n/a	n/a <td n/a	20%	20%	20%	
E7	Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements								
E9	Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes	yes	yes	yes



## Div. 4.6. Employment Zones

### Sec. 4.6.1. 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)
EGR	0.5 to 2.5	25' to 85'
ENR	0.25 to 1.5	25' to 50'
ELS	0.5 to 2.5	35' to 200'
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 5 feet up to the maximums indicated in [Sec. 4.6.1.A.1](#).

#### B. FAR Averaging

Permitted FAR may be averaged over 2 or more directly abutting or confronting properties in one or more Employment zones, if:

- 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;
- a building cannot exceed 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 Agricultural, Rural Residential, or Residential Detached zone that is vacant or improved with an agricultural or residential 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. 4.6.2. Methods of Development

The EGR and ENR 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 EGR and ENR zone, the maximum total FAR 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 following table, whichever is less:

Zone	Total Density (max)
ELS	The greater of 0.5 FAR or 10,000 SF of gross floor area
EOF	The greater of 1.0 FAR or 10,000 SF of gross floor area

#### B. Optional Method

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

### Sec. 4.6.3. General Requirements

Development in all Employment zones must comply with the requirements of [Sec. 4.6.3.A](#) to [Sec. 4.6.3.D](#).

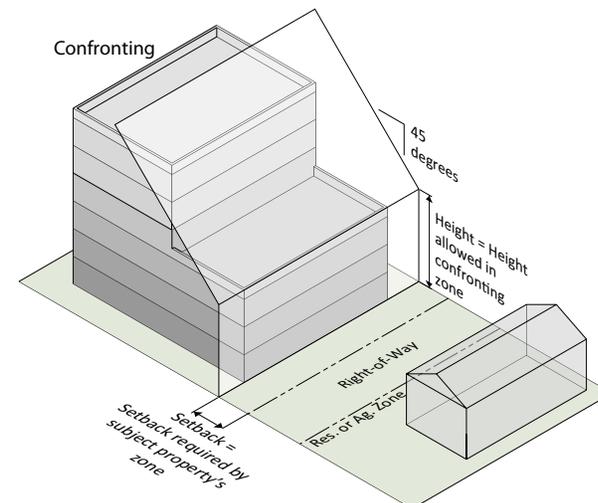
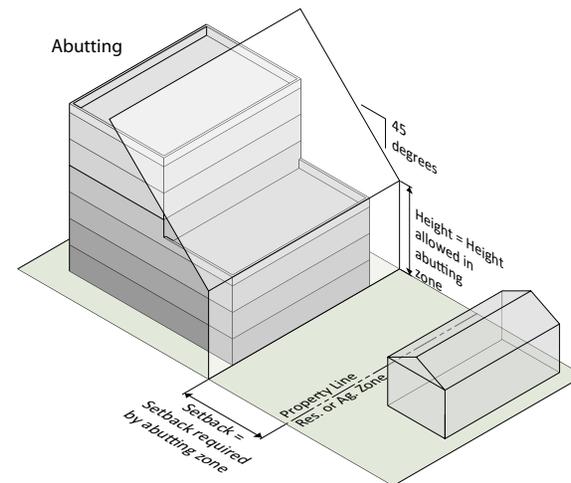
#### A. Master Plan and Design Guidelines

- Development that requires a site plan must be 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. Neighborhood Compatibility

Where a property:

1. abuts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7; and proposes a building height greater than the height allowed in the applicable abutting zone, any building:
  - a. must have a setback at least equal to the setback required by the abutting zone or the buffer width required for the applicable building type under Sec. 7.5.7, whichever is greater; and
  - b. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the abutting zone at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4., or
2. confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use under Sec. 3.1.7 across a right-of-way recommended for less than 70 feet; and proposes a building height over the height allowed in the applicable confronting zone, any building:
  - a. must not project beyond a 45 degree angular plane projecting over the subject property measured from a height equal to the height allowed in the confronting zone at the required front setback, with the exception of those features exempt from height and setback restrictions under Sec. 4.1.4.

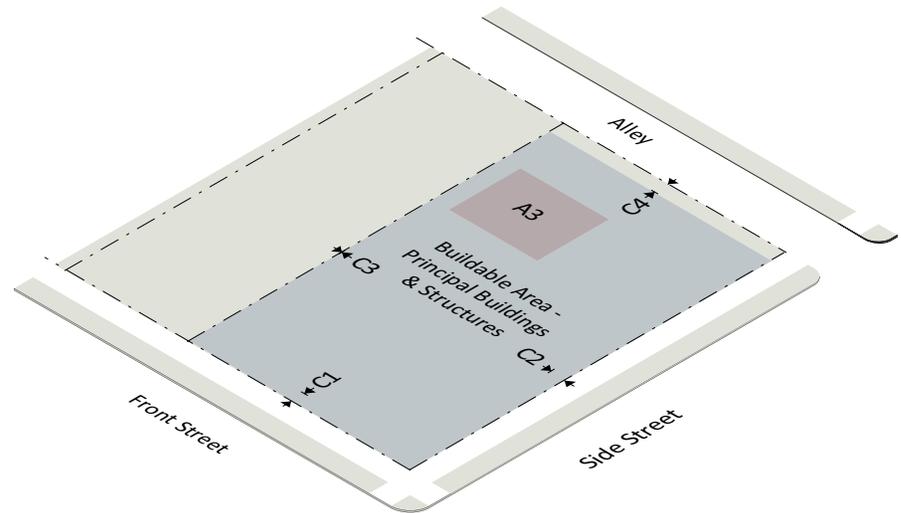
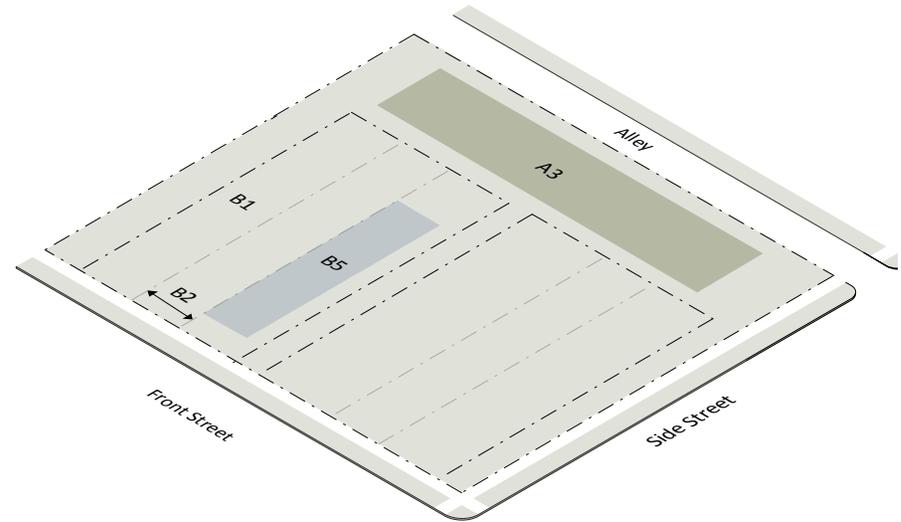


**Sec. 4.6.4. EGR, ENR and EOF Zones, Standard Method Development Standards**

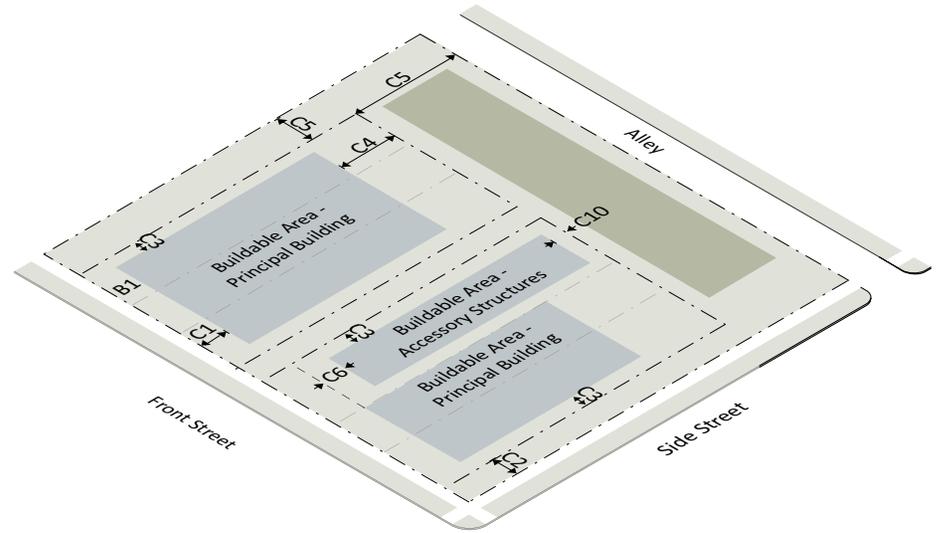
A. Site	Townhouse	Apartment / Condo	Multi Use	General
<b>Open Space (min)</b>				
A3 Open space, site ≤ 10,000 SF	20%	0%	0%	0%
A3 Open space, site >10,000 SF	20%	10%	10%	10%
<b>Specifications for all Open Space</b>				
1 Open space for the townhouse building type is common outdoor area and for other building types is public use space, under <a href="#">Div. 7.3</a> .				

**B. Lot & Density**

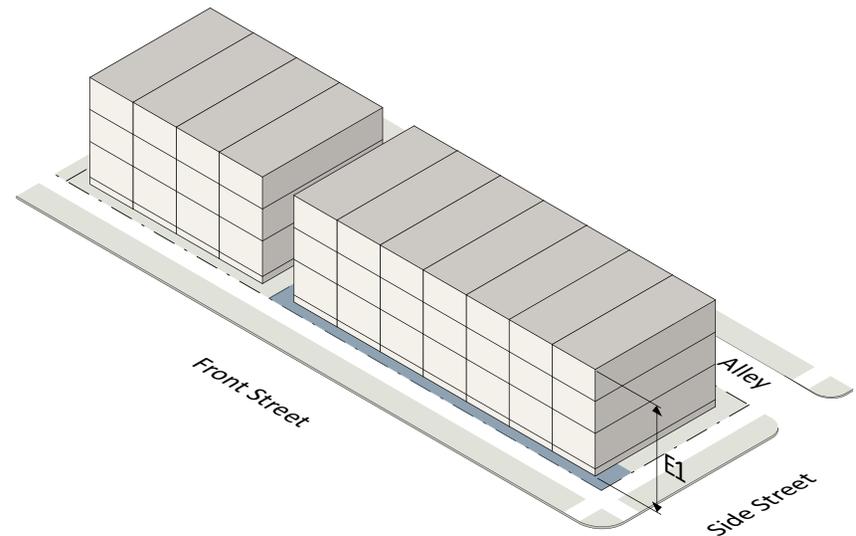
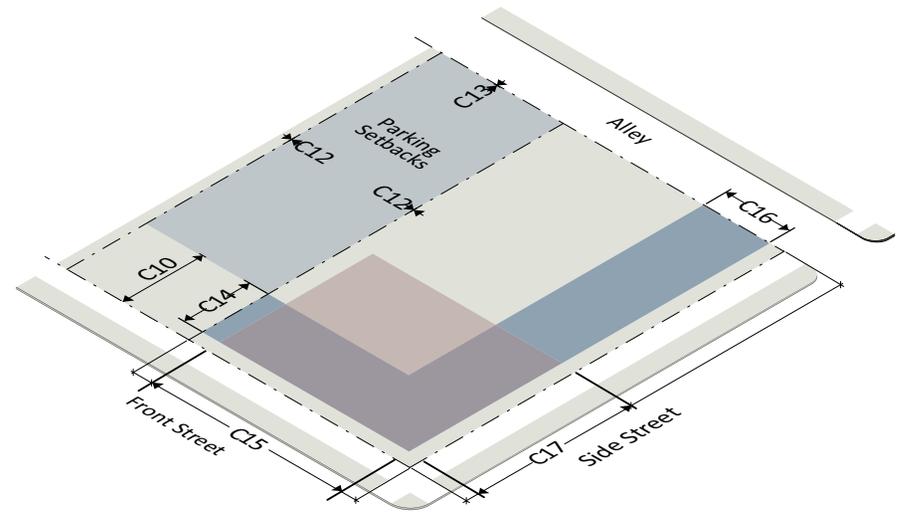
Lot (min)				
B1 Net lot area	900 SF	n/a	n/a	n/a
B2 Lot width at front building line	12'	n/a	n/a	n/a
<b>Density (max)</b>				
B4 EGR and ENR Density, FAR	mapped			
B4 EOF Density, FAR	mapped FAR or the greater of 1.0 FAR or 10,000 SF, whichever is less			
<b>Coverage (max)</b>				
B5 Lot	90%	n/a	n/a	n/a
<b>Specification</b>				
1 Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.				



C. Placement		Townhouse	Apartment / Condo	Multi Use	General
<b>Principal Building Setbacks (min)</b>					
C1	Front setback	5'	0'	0'	0'
C2	Side street setback	5'	0'	0'	0'
C3	Side interior setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	4'		see <a href="#">Sec. 4.6.3.B</a>	
C3	Side interior setback, abutting all other zones	n/a	0'	0'	0'
C3	Side interior setback, end unit	4'	n/a	n/a	n/a
C4	Rear setback, abutting <u>Agricultural, Rural, or Residential Detached zones</u>	10'		see <a href="#">Sec. 4.6.3.B</a>	
C4	Rear setback, abutting all other zones	10'	0'	0'	0'
C4	Rear setback, alley	4' or 20'	4'	4'	4'
C5	Rear/Side setback between lot and site boundary	see <a href="#">Sec. 4.6.3.B</a>	n/a	n/a	n/a
<b>Accessory Structure Setbacks (min)</b>					
C6	Front setback, behind front building line	5'	0'	0'	0'
C7	Side street setback	15'	0'	0'	0'
C8	Side interior setback	4'	equal to Principal Building Setback		
C9	Rear setback	4'	equal to Principal Building Setback		
C9	Rear setback, alley	4' or 20'	4'	4'	4'



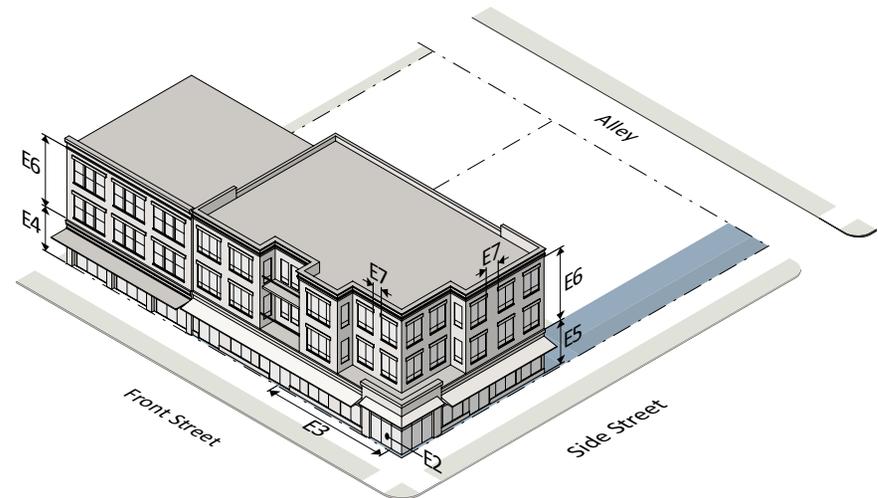
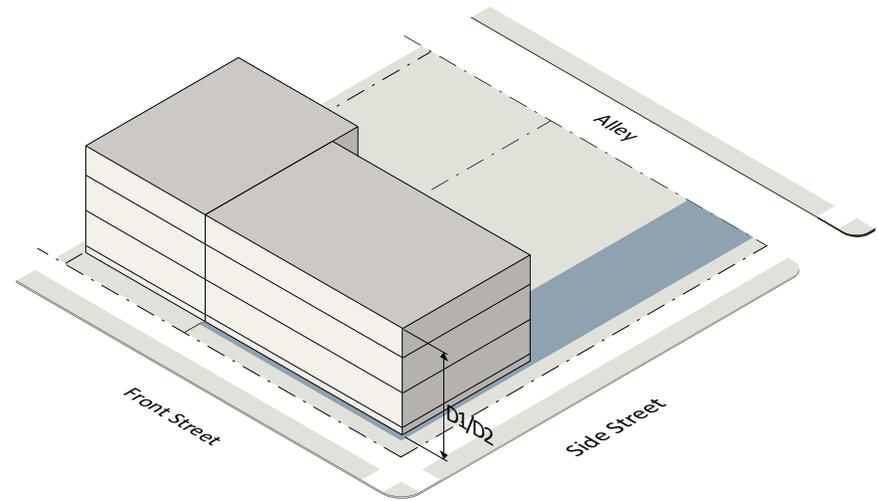
C. Placement	Townhouse	Apartment / Condo	Multi Use	General
<b>Parking Setbacks for Surface Parking Lots (min) in EGR and ENR Zones</b>				
C10 Front setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C11 Side street setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C12 Side interior setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback, alley	n/a	0'	0'	0'
<b>Parking Setbacks for Surface Parking Lots (min) in Employment Office (EO) Zone</b>				
C10 Front setback	n/a	must be behind front building line		
C11 Side street setback	n/a	must be behind front building line		
C12 Side interior setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback	n/a	must accommodate landscaping required under Sec. 7.5.6		
C13 Rear setback, alley	n/a	0'	0'	0'
<b>Build-to-Zone (BTZ, max setback &amp; min % of lot width)</b>				
C14 Front setback	15'	30'	15'	20'
C15 Building in front street BTZ	70%	70%	70%	70%
C16 Side street setback	n/a	30'	15'	20'
C17 Building in side street BTZ	n/a	35%	35%	35%



<b>D. Height</b>		Townhouse	Apartment / Condo	Multi Use	General
D1	Principal building		mapped and Sec. 4.6.3.B		
D2	Accessory structure	25'	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B

**E. Form**

<b>Massing</b>					
E1	Units permitted in one row (max)	12	n/a	n/a	n/a
<b>Building Orientation</b>					
E2	Entrance facing street or open space	required	required	required	required
E3	Entrance spacing (max)	n/a	100'	75'	100'
<b>Transparency, for Walls Facing a Street or Open Space</b>					
E4	Ground story, front (min)	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	20%	30%	25%
E6	Upper story (min)	n/a	20%	20%	20%
E7	Blank wall, front (max)	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	35'	35'	35'	35'
<b>Allowed Building Elements</b>					
E9	Gallery/Awning	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes

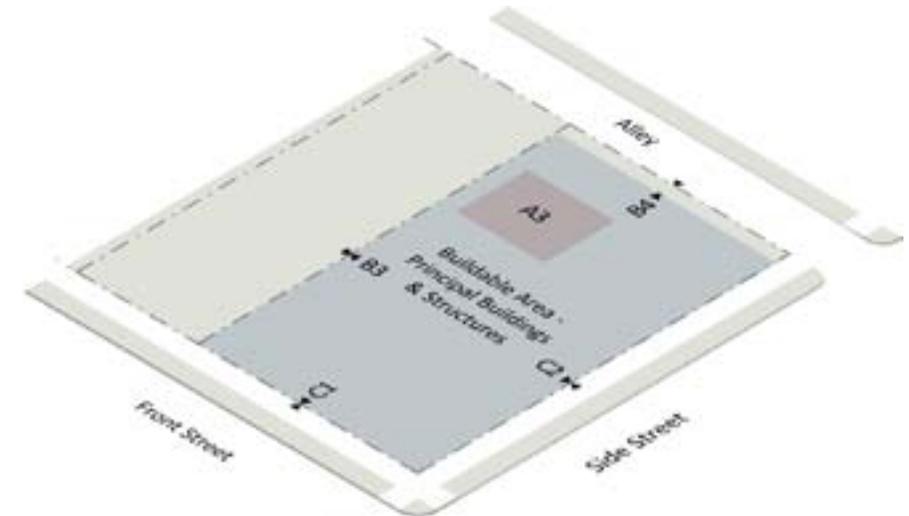
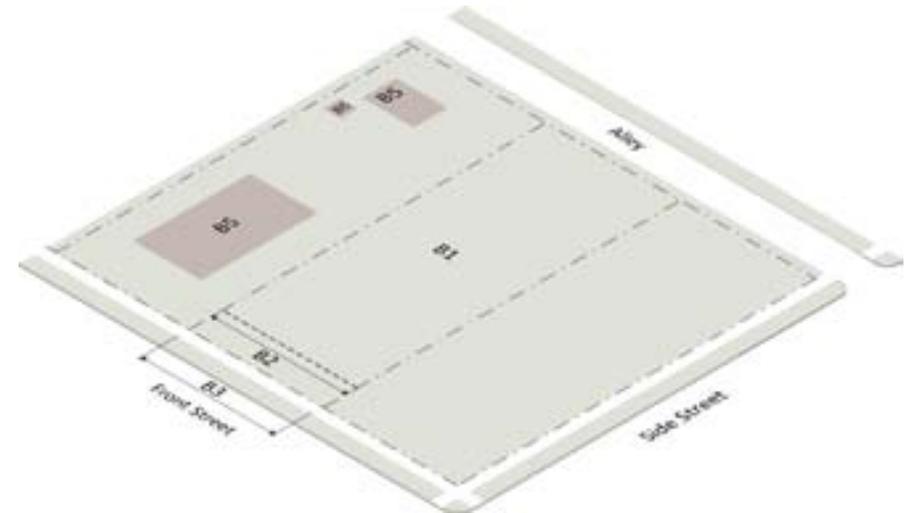


### Sec. 4.6.5. ELS Zone, Standard Method Development Standards

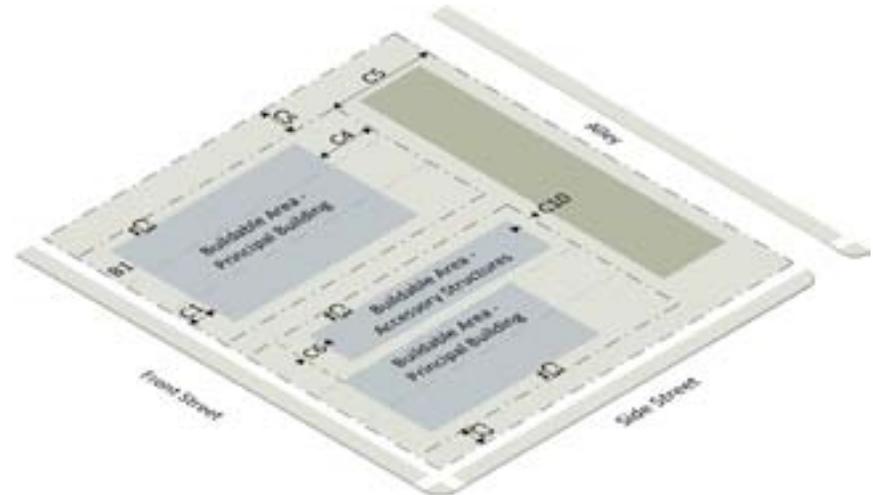
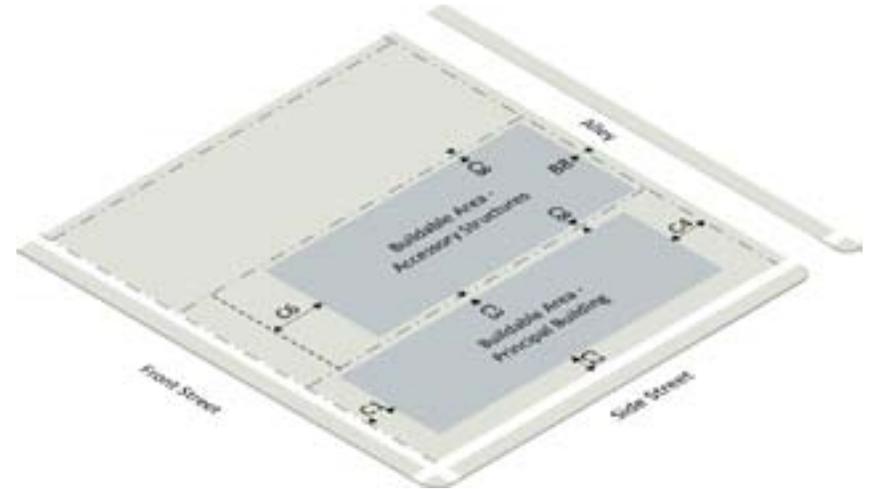
A. Site	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
<b>Open Space (min)</b>							
A3 Open space, site ≤ 10,000 SF	n/a	n/a	n/a	20%	0%	0%	0%
A3 Open space, site >10,000 SF	n/a	n/a	n/a	20%	10%	10%	10%
<b>Specifications for all Open Space</b>							
In a development with townhouse, apartment/condo, multi use, or general building types, open							
1	space is calculated on the net site area minus any area used for detached house and duplex unit lots.						
2	Open space for the townhouse building type is common outdoor area and for other building types is public use space, under <a href="#">Div. 7.3</a> .						

### B. Lot & Density

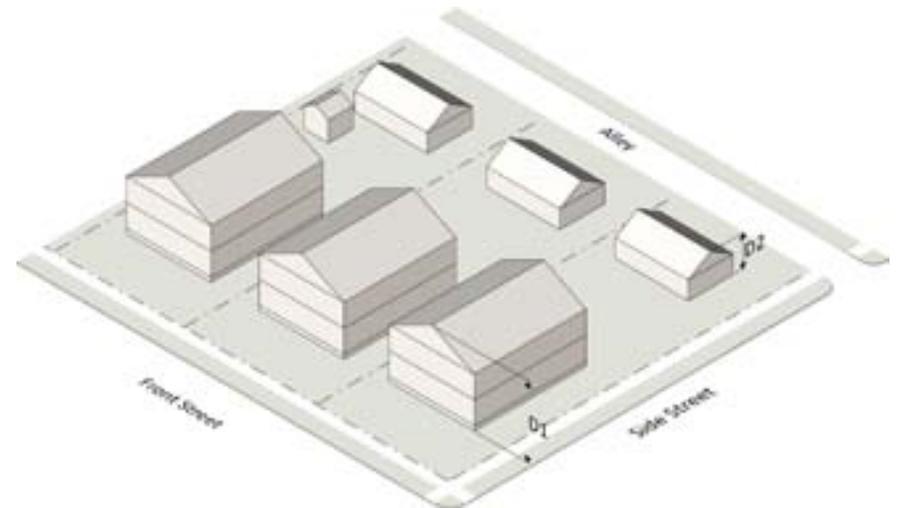
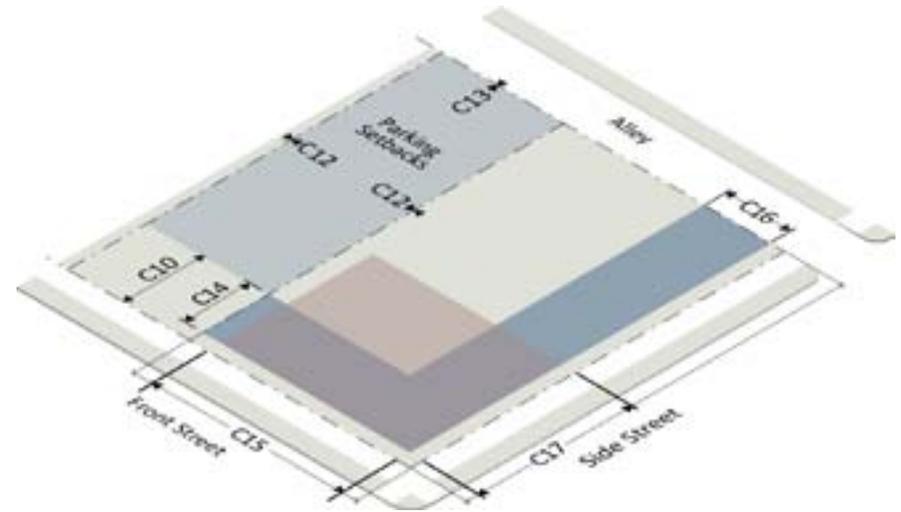
<b>Lot (min)</b>							
B1 Net lot area	1,000 SF	1,000 SF	500 SF	900 SF	n/a	n/a	n/a
B2 Lot width at front building line	25'	25'	12.5'	12'	n/a	n/a	n/a
B3 Lot width at front property line	10'	10'	10'	n/a	n/a	n/a	n/a
<b>Density (max)</b>							
B4 ELS Density, FAR	mapped						
<b>Coverage (max)</b>							
B5 Lot	90%	90%	90%	90%	n/a	n/a	n/a
<b>Specification</b>							
1	<u>Gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.</u>						



C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
<b>Principal Building Setbacks (min)</b>							
C1 Front setback	5'	5'	5'	5'	0'	0'	0'
C2 Side street setback	5'	5'	5'	5'	0'	0'	0'
C3 Side interior setback, abutting Agricultural, Rural, or Residential Detached zones	6'	6'	6'	4'	see Sec. 4.6.3.B.		
C3 Side interior setback, abutting all other zones	4'	4'	4'	n/a	0'	0'	0'
C3 Side interior setback, end unit	n/a	n/a	n/a	4'	n/a	n/a	n/a
C4 Rear setback, abutting Agricultural, Rural, or Residential Detached zones	15'	15'	15'	10'	see Sec. 4.6.3.B.		
C4 Rear setback, abutting all other zones	15'	15'	15'	10'	0'	0'	0'
C4 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
C5 Rear/Side setback between lot and site boundary	n/a	n/a	n/a	see Sec. 4.6.3.B.	n/a	n/a	n/a



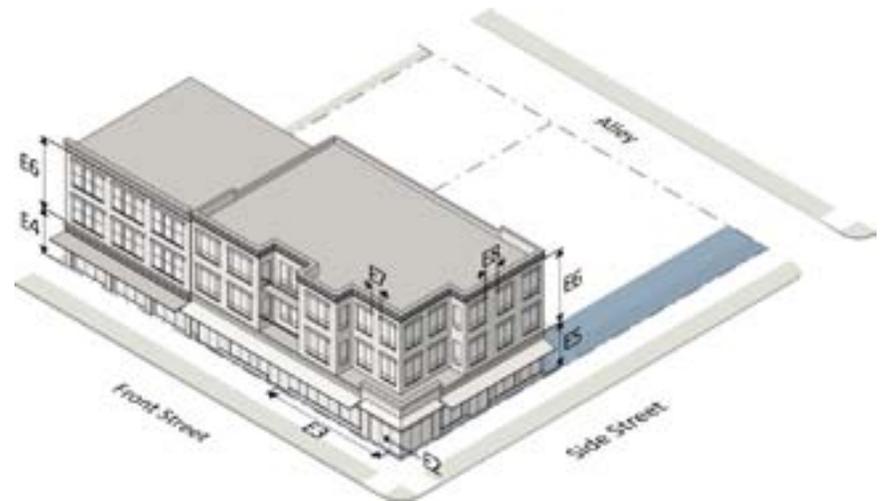
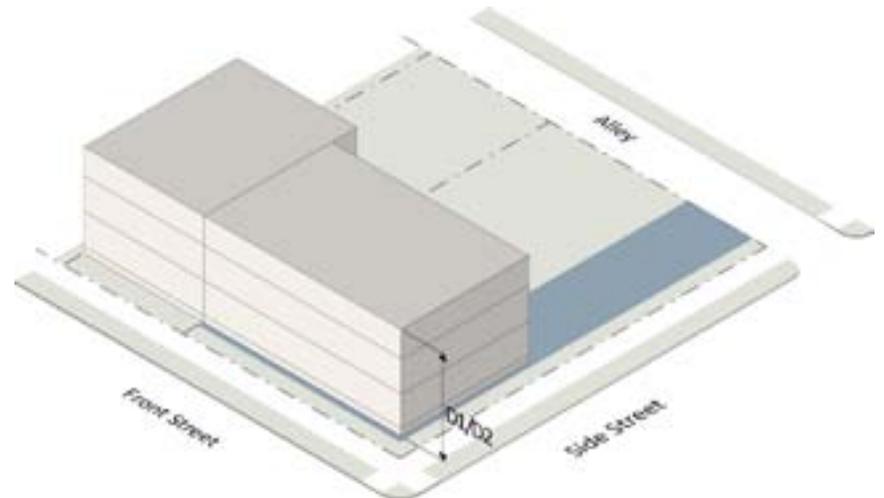
C. Placement	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
<b>Accessory Structure Setbacks (min)</b>							
C6 Front setback, behind front building line	5'	5'	5'	5'	0'	0'	0'
C7 Side street setback	15'	15'	15'	15'	0'	0'	0'
C8 Side interior setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9 Rear setback	4'	4'	4'	4'	equal to Principal Building Setback		
C9 Rear setback, alley	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4'	4'	4'
<b>Parking Setbacks for Surface Parking Lots (min)</b>							
C10 Front setback	n/a	n/a	n/a	n/a	must be behind front building line		
C11 Side street setback	n/a	n/a	n/a	n/a	must be behind front building line		
C12 Side interior setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Sec. 7.5.6</a>		
C13 Rear setback	n/a	n/a	n/a	n/a	must accommodate landscaping required under <a href="#">Sec. 7.5.6</a>		
C13 Rear setback, alley	n/a	n/a	n/a	n/a	0'	0'	0'
<b>Build-to-Zone (BTZ, max setback &amp; min % of lot width)</b>							
C14 Front setback	n/a	n/a	n/a	15'	30'	15'	20'
C15 Building in front street BTZ	n/a	n/a	n/a	70%	70%	70%	70%
C16 Side street setback	n/a	n/a	n/a	n/a	30'	15'	20'
C17 Building in side street BTZ	n/a	n/a	n/a	n/a	35%	35%	35%



D. Height	Detached House	Duplex - Side	Duplex - Over	Town-house	Apartment /Condo	Multi Use	General
D1 Principal building	mapped and Sec. 4.6.3.B						
D2 Accessory structure	25'	25'	25'	25'	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B	mapped and Sec. 4.6.3.B

**E. Form**

Massing								
E1	Units permitted in one row (max)	n/a	n/a	n/a	12	n/a	n/a	n/a
Building Orientation								
E2	Entrance facing street or open space	not required	not required	not required	required	required	required	required
E3	Entrance spacing (max)	n/a	n/a	n/a	n/a	100'	75'	100'
Transparency, for Walls Facing a Street or Open Space								
E4	Ground story, front (min)	n/a	n/a	n/a	n/a	20%	60%	40%
E5	Ground story, side/rear (min)	n/a	n/a	n/a	n/a	n/a	30%	25%
E6	Upper story (min)	n/a	n/a	n/a	n/a	20%	20%	20%
E7	Blank wall, front (max)	n/a	n/a	n/a	35'	35'	25'	35'
E8	Blank wall, side/rear (max)	n/a	n/a	n/a	35'	35'	35'	35'
Allowed Building Elements								
E9	Gallery/Awning	n/a	n/a	n/a	n/a	yes	yes	yes
E10	Porch/Stoop	yes	yes	yes	yes	yes	yes	yes
E11	Balcony	yes	yes	yes	yes	yes	yes	yes



# ARTICLE 59-6. OPTIONAL METHOD REGULATIONS

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## Div. 6.4. Commercial/Residential Zones

### Sec. 6.4.1. General Requirements

#### A. Procedure for Approval

A sketch plan must be submitted under Sec. 8.3.3. A site plan must be submitted under Sec. 8.3.4, for any development on a property with an approved sketch plan.

#### B. Public Benefit Points and Categories

Public benefits under Div. 6.6 must be provided as follows:

Zone	Site Size	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF of gross tract area OR with < 1.5 max FAR	25	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	50	3
CR	< 10,000 SF of gross tract area OR with < 1.5 max FAR	50	3
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	100	4

#### C. Master Plan and Design Guidelines

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

#### D. Building Type

All building types allowed under Div. 4.5 are allowed in the CRT and CR zones under optional method development.

#### E. Neighborhood Compatibility

Where a property abuts or confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under Sec. 4.5.3.B.

### F. General Regulations

The general regulations under Article 59-7 must be satisfied.

### Sec. 6.4.2. Development Standards

#### A. Open Space

- Open space must be provided based on the lot size and number of frontages as described in the table below. The required open space must meet the criteria established under Div. 7.3.
- In a development with townhouse, apartment/condo, multi use or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
- Open space for the townhouse building type is common outdoor area and for other buildings is public use space under Div. 7.3.

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for <u>Open Space</u>			
≤ 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%

#### B. Lot and Density

- Lot standards for detached House, duplex and townhouse building types are established by the site plan.
- The maximum total, nonresidential, and residential FARs are established by the mapped zone.

#### C. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan.

**D. Height**

Height is established by the mapped zone.

**E. Form**

Form standards are established by the site plan and must address, at least, transparency, blank walls, and active entrances.

## Div. 6.5. Employment Zones

### Sec. 6.5.1. General Requirements

#### A. Procedure for Approval

A sketch plan must be submitted under Sec. 8.3.3. A site plan must be submitted under Sec. 8.3.4, for any development on a property with an approved sketch plan.

#### B. Public Benefit Points and Categories

Public benefits under Div. 6.6 must be provided as follows:

Zone	Site Size	Public Benefit Points (min)	Number of Benefit Categories (min)
ELS	< 10,000 SF of gross tract area OR with < 1.5 max FAR	15	1
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	30	2
EOF	< 10,000 SF of gross tract area OR with < 1.5 max FAR	30	2
	≥ 10,000 SF of gross tract area OR with ≥ 1.5 max FAR	60	3

#### C. Master Plan and Design Guidelines

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

#### D. Building Type

All building types allowed under Div. 4.6 are allowed in the ELS and EOF zones under optional method development.

#### E. Neighborhood Compatibility

Where a property abuts or confronts an Agricultural, Rural Residential, or Residential Detached zoned property that is vacant or improved with an agricultural or residential use, any building must comply with the setback and angular plane restrictions under Sec. 4.6.3.B.

#### F. General Regulations

The general regulations under Article 59-7 must be satisfied.

### Sec. 6.5.2. Development Standards

#### A. Open Space

1. Open space must be provided based on the lot size and number of frontages as described below. The required open space must meet the criteria established under Div. 7.3.
2. In a development with townhouse, apartment/condo, multi use or general building types, open space is calculated on the net site area minus any area used for detached house and duplex unit lots.
3. Open space for the townhouse building type is common outdoor area and for other buildings is public use space under Div. 7.3.

Lot Size (net tract area)	# of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4 or more
	% of Site Required to be Dedicated for Open 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%

#### B. Lot and Density

1. Lot standards for detached House, duplex and townhouse building types are established by the site plan.
2. The maximum density is established by the mapped zone.

#### C. Placement

Setbacks for principal buildings, accessory structures, and parking are established by the site plan.

**D. Height**

Height is established by the mapped zone.

**E. Form**

Form standards are established by the site plan and must address, at least, transparency, blank walls, and active entrances.

## Div. 6.6. Optional Method Public Benefits

### 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. Section 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

Granting points for the provision of any benefit otherwise required by law is prohibited. 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 (Div. 6.6);
2. be in addition to any standards, requirements, or rules of incentive density calculation included in this Division (Div. 6.6), but may not conflict with those provisions; and
3. only allow incentive FAR for those public benefits listed in Sec. 6.6.3.

### Sec. 6.6.2. **Public Benefit Overview**

The following public benefits may be accepted under optional method development:

- A. Major Public Facility
- B. Transit Proximity
- C. Connectivity & Mobility
  - 1. Advance Dedication
  - 2. Minimum Parking
  - 3. Neighborhood Services
  - 4. Public Parking
  - 5. Through-Block Connection
  - 6. Transit Access or Streetscape Improvement
  - 7. Trip Mitigation
  - 8. Way Finding
- D. Diversity of Uses & Activities
  - 1. Adaptive Buildings
  - 2. Affordable Housing
  - 3. Care Centers
  - 4. Dwelling Unit Mix
  - 5. Enhanced Accessibility for the Disabled
  - 6. Enhanced Visitability for Seniors/Disabled
  - 7. Live/Work
  - 8. Small Business Opportunity
  - 9. Workforce Housing
- E. Quality Building and Site Design
  - 1. Architectural Elevations
  - 2. Enhanced Recreation Facilities
  - 3. Exceptional Design

- 4. Historic Resource Protection
- 5. Public Art
- 6. Public Open Space
- 7. Structured Parking
- 8. Tower Step-Back
- F. Protection and Enhancement of the Natural Environment
  - 1. Building Lot Terminations
  - 2. Building Reuse
  - 3. Cool Roof
  - 4. Energy Conservation
  - 5. Energy Generation
  - 6. Habitat Preservation and Restoration
  - 7. Recycling Facility Plan
  - 8. Transferable Development Rights
  - 9. Tree Canopy
  - 10. Vegetated Area
  - 11. Vegetated Roof
  - 12. Vegetated Wall

### 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, bike share stations, 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.
  - a. The following number of points may be awarded provided the requirements of Sec. 6.6.3.A.3 (above) are met:
    - i. 20 points in an ELS zone;
    - ii. 40 points in an EOF or CRT zone; and
    - iii. 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.
  - a. Transit proximity is categorized in 2 levels:
    - i. Level 1 is proximity to an existing or master planned Metrorail Station.
    - ii. Level 2 is proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility.

- b. 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.
- c. For split proximity-range projects:
  - i. 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;
  - ii. 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.

Proximity	Adjacent or confronting		Within 1/4 mile		Between 1/4 and 1/2 mile		Between 1/2 and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Proximity Level	1	2	1	2	1	2	1	2
ELS	10	5	8	4	6	2	4	0
EOF or CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

**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 zone, 15 points in the EOF and CRT zones, and 30 points in the CR zone for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

2. **Minimum Parking:** Up to 10 points for providing less than the maximum allowed number of parking spaces, where a maximum is applicable.
3. **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 4 have a retail bay floor area of no greater than 5,000 square feet.
4. **Public Parking:** Up to 25 points for providing up to the maximum number of parking spaces allowed in the zone as public parking.
5. **Through-Block Connections:** Up to 10 points for safe and attractive pedestrian connections between streets.
6. **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.
7. **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.
8. **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 an ELS, EOF, CRT, or CR zone, 12 points are granted for every 1% of MPDUs greater than 12.5%. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 12 points.
  - c. Above 15% of MPDUs, each 1% of additional MPDUs entitles the applicant to an additional 2 benefit points. Any fraction of 1% increase in MPDUs entitles the applicant to an equal fraction of 2 points.
  - 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, teen, 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 Visitability for Seniors or the Disabled:** Up to 20 points for constructing dwelling units in accordance with **ANSI A117.1, Type C, Visitable 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 3 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.

9. **Workforce Housing:** Up to 30 points for providing workforce housing at a rate of 2 points for each percentage of the total units, excluding MPDUs.

## 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. 7.4**.
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 (Div. 6.6).
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. **Public Open Space:** Up to 20 points for providing, or making a payment for, public open space in excess of the minimum open space requirement of the zone.
6. **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.

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