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Div. 3.1. Use Table

Sec. 3.1.1. Key to Use Table

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

A. Permitted Use (P)

Indicates that the use is permitted in the zone.

B. Limited Use (L)

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

C. Conditional Use (C)

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

D. Blank Cell

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

Sec. 3.1.2. Use Definitions

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

Sec. 3.1.3. Allowed Use Table

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

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

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

ZAP Review Draft

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

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

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Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C										
COMMERCIAL																									
ANIMAL SERVICES	3.5.1																								
Animal Care (Indoor)	3.5.1.C	C	C	C	C	C	C	C	C	C						L	L	L	L	L	L	L	L	L	
Animal Care (Outdoor)	3.5.1.D	C	C	C	C	C	C	C								C	C	C	C			P	P		
COMMUNICATION FACILITY	3.5.2																								
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P
Freestanding Wireless Communications Tower	3.5.2.B	C	C	C	C	C	C	C	C				C	C	C	C	C	C	C	C	C	C	P	P	
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	
EATING & DRINKING	3.5.3																								
Country Inn	3.5.3.A		C	C		C	C	C																	
Restaurant	3.5.3.B															L	P	P	P	P	P	P	P		
FUNERAL AND INTERMENT SERVICES	3.5.4																								
Cemetery	3.5.4.A	C	C	C	C	C																			
Crematory Services	3.5.4.B																						P	P	
Funeral Home, Undertaker	3.5.4.C	C				C	C	C	C								C	C	P				P		
Landscape Contractor	3.5.5	C	C	C	C	C	C	C															P	P	
LODGING	3.5.6																								
Bed & Breakfast	3.5.6.B	L	L	L	L	L	L	L	C	C						L	L	L	L	L	L	L			
Hotel, Motel	3.5.6.C																P	P	P	P	P	P	C		
MEDICAL & DENTAL	3.5.7																								
Clinic (Up to 4 medical practitioners)	3.5.7.A							C	C	C						P	P	P	P	P	P				
Clinic (more than 4 practitioners)	3.5.7.B															L	P	P	P	P	P				
Medical, Dental Laboratory	3.5.7.C																P	P	P	P	P	P	P		
OFFICE AND PROFESSIONAL	3.5.8																								
Office	3.5.8.A															P	P	P	P	P	P	P			
Nonresident Professional	3.5.8.B							C	C	C															

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Research and Development	3.5.8.C																P	P	P	P	P	P	P	P
PARKING	3.5.9																							
Structured	3.5.9.B																P	P	P	P	P	P	P	
Surface for use allowed in the zone	3.5.9.C					L	L	L	L	L				L	L	L				P			P	P
Surface for commercial uses in a historic district	3.5.9.D					L	L	L	C	C				C	C	C								
RECREATION & ENTERTAINMENT	3.5.10																							
Adult Entertainment	3.5.10.A																		L			L	L	
Campground	3.5.10.B		C			C																		
Conference Center	3.5.10.C																P	P	P	P	P	P	C	
Golf Course, Country Club	3.5.10.D		C	C		C	C	C	C	C	C	C	C	C	C									
Health Clubs and Facilities	3.5.10.E															L	P	P	P	P	P	P	P	
Recreation and Entertainment Facility, Major (capacity up to 1,000)	3.5.10.F																C	P	C		C	C		
Recreation and Entertainment Facility, Indoor (capacity up to 1,000)	3.5.10.G															C	P	P	P		C	P	C	
Recreation and Entertainment Facility, Outdoor (capacity up to 1,000)	3.5.10.H					C		C								C	C	P	C			P	C	
Shooting Range, Indoor	3.5.10.I																						C	C
Shooting Range, Outdoor	3.5.10.J	C	C	C																				
RETAIL SALES & SERVICE	3.5.11																							
Rural Antique Shop	3.5.11.A	C	C	C	C	C	C	C																
Rural Country Market	3.5.11.B	C	C	C	C	C	C	C																
Tenants up to 5,000 SF	3.5.11.C														L	P	P	P	P	L	L	P		
Tenants 5,001 - 15,000 SF	3.5.11.C															L	P	P	P	L	L	P		
Tenants 15,000 - 60,000 SF	3.5.11.C																P	P	P		L			
Tenants over 60,000 SF	3.5.11.C																L	L	L					
VEHICLE/EQUIPMENT SALES & RENTAL	3.5.12																							
Heavy Vehicle/Equipment	3.5.12.A																		C			C	P	
Light Vehicle/Equipment (Indoor)	3.5.12.B																L	P	L		L	L		

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

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

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

Sec. 3.1.4. Accessory Uses Defined

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

Sec. 3.1.5. Temporary Uses Defined

A use that is:

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

1. Construction Dumpsters

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

2. Garage or Yard Sale

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

3. Self Storage Containers

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

Sec. 3.1.6. Transferable Development Rights

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

A. Agricultural

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

B. Residential

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

C. Civic & Institutional

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

D. Commercial

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

E. Industrial

1. Mining, Excavation

Sec. 3.1.7. Uses Not Specifically Listed

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

Div. 3.2. Agricultural Uses

Sec. 3.2.1. Agricultural Auction Facility

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.2. Agricultural Processing

A. Defined

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

B. Use Standards

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

Sec. 3.2.3. Community Garden

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.4. Equestrian Facility

A. Defined

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

B. Use Standards

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

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

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

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

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

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

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

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

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.6. Farming

A. Crop Farming

1. Defined

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

2. Use Standards

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

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

B. Livestock Farming

1. Defined

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

2. Use Standards

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

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

C. Urban Farming

1. Defined

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

2. Use Standards

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

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

Sec. 3.2.7. Nursery

A. Nursery, Retail

1. Defined

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

2. Use Standards

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

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

B. Nursery, Wholesale

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.2.8. Slaughterhouse

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.9. Winery

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.10. Accessory Agricultural Uses

A. Animal Husbandry

1. Defined

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

2. Use Standards

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

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

B. Farm Airstrip

1. Defined

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

2. Use Standards

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

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

C. Farm Market, On-Site

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.2.11. Temporary Agricultural Uses

A. Agricultural Vending

1. Defined

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

2. Use Standards

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

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

B. Seasonal Outdoor Sales

1. Defined

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

2. Use Standards

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

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

Div. 3.3. Residential Uses

Sec. 3.3.1. Household Living

A. Defined, In General

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

B. Single-Unit Living

1. Defined

One dwelling unit contained in a single structure.

C. Two-Unit Living

1. Defined

Two dwelling units contained in a single structure.

2. Use Standards

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

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

D. Multi-Unit Living

1. Defined

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

2. Use Standards

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

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

Sec. 3.3.2. Accessory Household Living

A. Accessory Apartment, Attached

1. Defined

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

2. Use Standards

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

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

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

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

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

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

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

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

B. Accessory Apartment, Detached

1. Defined

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

2. Use Standards

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

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

C. Farm Tenant Dwelling

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.3.3. Home Occupations

A. Defined, In General

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

B. Use Standards for all Home Occupations

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

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

C. No Impact Home Occupation

1. Defined

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

2. Use standards

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

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

D. Low Impact Home Occupation

1. Defined

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

2. Use Standards

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

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

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

E. Major Impact Home Occupation

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.3.4. Home Health Practitioner

A. Defined, In General

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

B. Use Standards for All Home Health Practitioners

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

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

C. Low Impact Home Health Practitioner

1. Defined

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

2. Use Standards

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

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

D. Major Impact Home Health Practitioner

1. Defined

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

2. Use Standards

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

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

Sec. 3.3.5. Group Living

A. Defined, in General

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

B. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

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

2. Use Standards

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

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

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

C. Overnight Shelter

1. Defined

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

2. Use Standards

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

D. Personal Living Quarters

1. Defined

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

2. Use Standards

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

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

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

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

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

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

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

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

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

E. Residential Care Facility

1. Defined, In General

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

2. Use Standards, for all Residential Care Facilities

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

3. Residential Care Facility (9 to 16 Persons)

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

4. Residential Care Facility (Over 16 Persons)

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

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

Sec. 3.3.6. Accessory Residential Living

A. Live/Work

1. Defined

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

B. Caretaker Unit

1. Defined

Dwelling units for caretakers or watch keepers and their families.

Div. 3.4. Civic & Institutional Uses

Sec. 3.4.1. Charitable, Philanthropic Institution

A. Defined

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

B. Use Standards

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

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

Sec. 3.4.2. Cultural Institution

A. Defined

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

B. Use Standards

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

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

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

Sec. 3.4.3. Day Care Facility

A. Defined, in General

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

B. Exemptions

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

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

C. Family Day Care (Up to 8 Persons)

1. Defined

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

D. Group Day Care (9 to 12 Persons)

1. Defined

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

2. Use Standards

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

E. Day Care Center (13 to 30 Persons)

1. Defined

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

2. Use Standards

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

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

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

F. Day Care Center (Over 30 Persons)

1. Defined

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

2. Use Standards

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

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

Sec. 3.4.4. Educational Institution (Private)

A. Defined

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

B. Exemptions

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

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

C. Use Standards

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

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

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

Sec. 3.4.5. Fire/EMS Service (Private)

A. Defined

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

B. Use Standards

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

Sec. 3.4.6. Hospital

A. Defined

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

B. Use Standards

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

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

Sec. 3.4.7. Park, Playground (Private)

A. Defined

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

Sec. 3.4.8. Private Club, Service Organization

A. Defined

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

B. Use Standards

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

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

Sec. 3.4.9. Public Use (Except Utilities)

A. Defined

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

B. Use Standards

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

Sec. 3.4.10. Religious Assembly

A. Defined

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

B. Use Standards

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

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

Sec. 3.4.11. Swimming Pool (Community)

A. Defined

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

B. Use Standards

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

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

Div. 3.5. Commercial Uses

Sec. 3.5.1. Animal Services

A. Defined, In General

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

B. Use Standards for All Animal Services

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

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

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

C. Animal Care (Indoor)

1. Defined

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

2. Use Standards

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

D. Animal Care (Outdoor)

1. Defined

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

2. Use Standards

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

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

Sec. 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

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

2. Use Standards

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

B. Freestanding Wireless Communications Tower

1. Defined

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

2. Use Standards

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

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

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

C. Media Broadcast Tower

1. Defined

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

2. Use Standards

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

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

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

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

Sec. 3.5.3. Eating & Drinking

A. Country Inn

1. Defined

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

2. Use Standards

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

- a. The minimum lot area is two acres.

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

B. Restaurant

1. Defined

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

2. Use Standards

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

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

Sec. 3.5.4. Funeral and Interment Services

A. Cemetery

1. Defined

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

2. Use Standards

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

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

B. Crematory Services

1. Defined

A facility in which cremation occurs.

C. Funeral Home, Undertaker

1. Defined

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

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

2. Use Standards

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

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

Sec. 3.5.5. Landscape Contractor

A. Defined

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

B. Use Standard

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

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

Sec. 3.5.6. Lodging

A. Defined, In General

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

B. Bed & Breakfast

1. Defined

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

2. Use Standards

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

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

C. Hotel, Motel

1. Defined

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

2. Use Standards

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

Sec. 3.5.7. Medical & Dental

A. Clinic (up to 4 medical practitioners)

1. Defined

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

2. Use Standards

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

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

B. Clinic (more than 4 practitioners)

1. Defined

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

2. Use Standards

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

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

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

C. Medical, Dental Laboratory

1. Defined

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

Sec. 3.5.8. Office & Professional

A. Office

1. Defined

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

B. Nonresident Professional Office

1. Defined

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

2. Use Standards

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

- a. A general business office such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank, or real estate company are not permitted.
- b. The property must be:

- i. Designated as suitable for a nonresidential professional office in an approved and adopted master or sector plan and located along a road with an existing right-of-way width of at least 90 feet;
 - ii. Located on a property designated as a historic resource in the Master Plan for Historic Preservation, and located along a road with an existing right-of-way of at least 120 feet and containing structures formerly used for non-residential purposes; or
 - iii. Located on a property that abuts a fire station, police station, ambulance squad or rescue squad.
- c. The [Review Body] must find that the professional office:
- i. Will not constitute a nuisance because of traffic or physical activity;
 - ii. Will not adversely affect the use and development of adjacent properties; and
 - iii. Will have at least 25% of lot area devoted to green area.

C. Research & Development

1. Defined

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

Sec. 3.5.9. Parking

A. Defined

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

B. Structured Parking

1. Defined

Structured parking as a principal use.

C. Surface Parking for any Use Allowed in the Zone

1. Defined

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

2. Use Standards

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

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

D. Surface Parking for Commercial Uses in an Historic District

1. Defined

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

2. Use Standards

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

Sec. 3.5.10. Recreation & Entertainment

A. Adult Entertainment

1. Defined

An establishment that:

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

2. Use Standards

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

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

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

B. Campground

1. Defined

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

2. Use Standards

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

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

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

C. Conference Center

1. Defined

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

2. Use Standards

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

D. Golf Course, Country Club

1. Defined

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

2. Use Standards

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

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

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

E. Health Clubs and Facilities

1. Defined

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

2. Use Standards

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

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

1. Defined

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

2. Use Standards

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

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

1. Defined

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

2. Use Standard

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

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

1. Defined

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

2. Use Standard

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

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

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

- b. In the RLD-20 zone:

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

I. Shooting Range, Indoor

1. Defined

An indoor rifle or pistol range.

2. Use Standard

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

J. Shooting Range, Outdoor

1. Defined

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

2. Use Standard

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

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

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

Sec. 3.5.11. Retail Sales & Service

A. Rural Antique Shop

1. Defined

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

2. Use Standards

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

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

B. Rural Country Market

1. Defined

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

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

2. Use Standards

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

C. Tenants

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.5.12. Vehicle/Equipment Sales & Rental

A. Heavy Vehicle/Equipment

1. Defined

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

2. Use Standards

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

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

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

B. Light Vehicle/Equipment, Indoor

1. Defined

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

2. Use Standards

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

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

C. Light Vehicle/Equipment, Outdoor

1. Defined

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

2. Use Standards

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

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

Sec. 3.5.13. Vehicle Service

A. Car Wash

1. Defined

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

2. Use Standards

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

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

B. Fuel Sales

1. Defined

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

2. Use Standards

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

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

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

C. Repair (Commercial Vehicle)

1. Defined

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

D. Repair (Major)

1. Defined

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

2. Use Standard

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

E. Repair (Minor)

1. Defined

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

2. Use Standards

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

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

Sec. 3.5.14. Accessory Commercial Uses

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

1. Defined

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

B. Amateur Radio Facility, over 65 feet in height

1. Defined

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

2. Use Standards

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

C. Drive-Thru Facility

1. Defined

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

2. Use Standards

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

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

D. Helistop

1. Defined

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

2. Use Standards

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

E. Wireless Communication Structure on Existing Building

1. Defined

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

2. Use Standards

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

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

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

Sec. 3.5.15. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

A temporary office for construction administration or real estate sales.

2. Use Standards

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

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

B. Special Event Parking

1. Defined

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

2. Use Standards

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

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

C. Transitory Use

1. Defined

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

2. Use Standards

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

a. Temporary Use Permit

Requires a temporary use permit in accordance with Chapter 47.

b. Uses Allowed

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

Div. 3.6. Industrial Uses

Sec. 3.6.1. Contractor Storage Yard

A. Defined

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

B. Use Standards

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

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

Sec. 3.6.2. Dry Cleaning Facility

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

1. Defined

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

2. Use Standards

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

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

1. Defined

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

Sec. 3.6.3. Manufacturing & Production

A. Artisan Manufacturing & Production

1. Defined

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

B. Light Manufacturing & Production

1. Defined

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

2. Use Standards

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

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

C. Heavy Manufacturing & Production

1. Defined

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

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

Sec. 3.6.4. Mining, Excavation

A. Defined

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

B. Use Standards

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

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

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

Sec. 3.6.5. Transportation

A. Bus, Rail Terminal

1. Defined

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

B. Helipad, Heliport

1. Defined

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

2. Use Standards

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

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

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

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

i. Maximum Compatible Sound Levels

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

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

iii. Maximum Rotorcraft Sound Levels

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

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

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

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

C. Taxi/Limo Facility

1. Defined

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

Sec. 3.6.6. Utilities

A. Minor Public Utility

1. Defined

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

2. Use Standards

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

B. Major Public Utility

1. Defined

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

2. Use Standards

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

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

C. Other Public Utility Building or Structure

1. Defined

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

2. Use Standards

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

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

D. Sustainable Energy Generation

[\[Under review\]](#)

Sec. 3.6.7. Warehouse

A. Freight Movement

1. Defined

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

B. Self-Storage

1. Defined

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

2. Use Standards

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

C. Storage Facility

1. Defined

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

Sec. 3.6.8. Waste-Related

A. Hazardous Material Storage

1. Defined

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

2. Use Standards

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

B. Incinerator

1. Defined

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

2. Use Standards

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

C. Landfill**1. Defined**

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

2. Use Standards

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

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

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

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

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

F. Transfer Station**1. Defined**

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

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

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

2. Use Standards

[\[Under review\]](#)