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The following Article is part of the Consolidated Draft. Please be advised that it is in draft form; all references to Divisions and Sections have not been cross-checked in this draft. Editor's notes in red text and highlighted in yellow, [Editor's Note], appear throughout the draft to inform the reader of areas that may require additional research and editing.

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Div. 3.1. Use Table

Sec. 3.1.1. Key to Use Table

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

A. Permitted Use (P)

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

B. Limited Use (L)

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

C. Conditional Use (C)

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

D. Blank Cell

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

Sec. 3.1.2. Use Definitions

- A. The uses listed in [Div. 3.2 through Div. 3.7](#) match those in the Allowed Use Table. Some rows on the Allowed Use Table contain individual uses, while other rows represent a use group (a group of uses defined by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.
- B. Where a use definition in [Div. 3.2 through Div. 3.7](#) contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.
- C. Where a particular use is not specifically listed, DPS may allow the use under [Sec. 3.1.6](#).

Sec. 3.1.3. Accessory Uses Defined

- A. An accessory use is a use which is customarily incidental and subordinate to the principal use of a property or the principal building, and located on the same property as the principal use or building.
- B. An accessory structure is not attached by any part of a common wall or common roof to the principal building, except for an attached accessory apartment.

Sec. 3.1.4. Temporary Uses Defined

A temporary use is a use that is:

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

1. Construction Dumpsters

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

2. Garage or Yard Sales

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

3. Self-Storage Containers

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

Sec. 3.1.5. Transferable Development Rights

The following uses are prohibited if the property on which the use is located is in the AR 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. Accessory Apartment
- 2. Group Living
- 3. Home Health Practitioner
- 4. Home Occupation (Low Impact)
- 5. Home Occupation (Major Impact)

C. Civic and Institutional

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

D. Commercial

- 1. Animal Services
- 2. Bed and Breakfast
- 3. Cemetery
- 4. Funeral Home, Undertaker

- 5. Rural Antique Shop
- 6. Shooting Range Outdoor
- 7. Transitory Use

E. Industrial

- 1. Mining, Excavation

Sec. 3.1.6. Uses Not Specifically Listed

- A. Any use not specifically listed is prohibited unless DPS determines that the use is similar to an allowed use listed in this Division. Where the similar allowed use is subject to a limited or conditional use standard and approval, the proposed use must also be subject to such standard and approval.
- B. To determine if the proposed use is similar in impact, nature, function, and duration to the other use types allowed in a specific zone, DPS must review relevant characteristics of the proposed use, including but not limited to the following:
 - 1. The size, type and volume of items or services sold and nature of inventory on the premises;
 - 2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 - 3. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, illumination, glare, vibration, radiation, and fumes;
 - 4. Any dangerous, hazardous, toxic, or explosive materials used on the premises;
 - 5. The nature and location of storage and display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 - 6. The type, size, and nature of buildings and structures;
 - 7. The number of employees and customers in relation to business hours and employment shifts;
 - 8. Transportation requirements, including the modal split for people and freight, by volume and type of traffic generation to and from the site;

9. Parking requirements, turnover and generation, ratio of the number of spaces required, and the potential for shared parking with other use types; and
10. 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, and any significant power structures and communications towers or facilities.

Sec. 3.1.7. Allowed Use Table

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

USE OR USE GROUP	Definitions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH			
							Residential Detached						Residential Townhouse			Residential Multi-Unit												
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH					
AGRICULTURAL																												
Agricultural Auction Facility	3.2.1	C																										
Agricultural Processing	3.2.2	C	C	C																						P	P	
Community Garden	3.2.3	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Equestrian Facility	3.2.4	L	L	L	L	C	C	C	C																			
Farm Supply, Machinery Sales, Storage, and Service	3.2.5	C		C																						P		
FARMING	3.2.6																											
Crop Farming	3.2.6.B	P	P	P	P	L	L	L	L	L	L	L																
Livestock Farming	3.2.6.C	P	P	P	P	L																						
Urban Farming	3.2.6.D												L	L	L	L	L	L	L	L	L	L	L	L	L			
NURSERY	3.2.7																											
Nursery (Retail)	3.2.7.A	C	C	C	C	C	C	C	C												P	P	P					
Nursery (Wholesale)	3.2.7.B	C	C	C	C	C	C	C	C																			
Slaughterhouse	3.2.8	C	C	C																								
Winery	3.2.9	L	L	L	C																							
ACCESSORY AGRICULTURAL USES	3.2.10																											
Agricultural Education/Tourism	3.2.10.A	L																										
Animal Husbandry	3.2.10.B	P	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Farm Airstrip	3.2.10.C	C		C																								
Farm Market, On-site	3.2.10.D	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	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	L	L	L	P	P	L	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	L	L	L	P	P	P	P	L	L	P		
RESIDENTIAL																												
HOUSEHOLD LIVING	3.3.1																											
Single-Unit Living	3.3.1.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		L				
Two-Unit Living	3.3.1.C				L		L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P		L				

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

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USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached RE-2 RE-2C RE-1 RLD-20 RMD-9 RMD-6 RMD-4						Residential Townhouse TLD TMD THD			Residential Multi-Unit RHD-3 RHD-2 RHD-1										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH			
Multi-Unit Living	3.3.1.D				P		L	L	L	L	L	L	P	P	P	P	P	P	P	P	L	L	L			
GROUP LIVING	3.3.2																									
Dormitory	3.3.2.B																						P			
Independent Living Facility for Seniors or Persons with Disabilities	3.3.2.C		C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	L	L	L	L				
Personal Living Quarters (Up to 50 Individual Living Units)	3.3.2.D															L	L	L	L	L	L	L				
Personal Living Quarters (Over to 50 Individual Living Units)	3.3.2.D															C	C	C	C	C	C	C				
Residential Care Facility (Up to 8 Persons)	3.3.2.E	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Residential Care Facility (9 - 16 Persons)	3.3.2.E		C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	L	P	P					
Residential Care Facility (Over 16 Persons)	3.3.2.E		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	
ACCESSORY RESIDENTIAL USES	3.3.3																									
Attached Accessory Apartment, Small (Up to 800 SF)	3.3.3.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Attached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.A	C	C	C	C	L	L	L	L	C	C	C	C	C	C	L	L	L	L	L	L	L	L			
Detached Accessory Apartment, Small (Up to 800 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L	L	L	L			
Detached Accessory Apartment, Large (Up to 1,200 SF)	3.3.3.B	C	C	C	C	L	L	L					C	C	C	L	L	L	L	L	L	L	L			
Dwellings for Caretakers/ Watchkeepers	3.3.3.C																						P		P	
Farm Tenant Dwelling	3.3.3.D	L	L	L																						
Home Health Practitioner (Low Impact)	3.3.3.E	L	L	L	L	L	L	L	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C	C		

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

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							Residential Detached RE-2 RE-2C RE-1 RLD-20 RMD-9 RMD-6 RMD-4						Residential Townhouse TLD TMD THD			Residential Multi-Unit RHD-3 RHD-2 RHD-1										
			AR	RR	RC	RNC	RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL
Home Health Practitioner (Major Impact)	3.3.3.E	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
Home Occupation (No Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Home Occupation (Low Impact)	3.3.3.F	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L			
Home Occupation (Major Impact)	3.3.3.F	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				
Live/Work Units	3.3.3.G																	P	P	P	P	P	P			
CIVIC AND INSTITUTIONAL																										
Charitable, Philanthropic Institution	3.4.1	C	C	C	C	C	C	C	C	C	C							P	P	P	P	P	P			
Cultural Institution	3.4.2			L	L	L		P	P	P	P	P	P	P	P	P	P	L	P	P	P	P	P	P		
DAY CARE FACILITY	3.4.3																									
Family Day Care (Up to 8 Persons)	3.4.3.C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Day Care (9 - 12 Persons)	3.4.3.D	L	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	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	C	L	L	P	P	P	P	P		
Educational Institution (Private)	3.4.4		C	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		
Hospital	3.4.6					C	C	C	C	C	C	C	C	C	C	C	C		P	P	C	P	C	C		
Park, Playground (Private)	3.4.7		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Private Club, Service Organization	3.4.8	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	L	P	P	L	P	L	L		
Public Use (Except Utilities)	3.4.9	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly	3.4.10	L	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Swimming Pool (Community)	3.4.11		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C		C			
COMMERCIAL																										
ANIMAL SERVICES	3.5.1																									
Animal Boarding and Care	3.5.1.B	C	C	C	C	C	C	C	C									C	C	C	L			L		
Veterinary Office/Hospital	3.5.1.C	C	C	C	C	C	C	C	C	C								C	L	L	L	L		L		
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	P	C	C	C	

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							Residential Detached						Residential Townhouse			Residential Multi-Unit										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1											
Freestanding Wireless Communications Tower	3.5.2.B	C	C	C	C	C	C	C	C	C	C	C								C	L	C	L	L		
Media Broadcast Tower	3.5.2.C	C	C	C		C	C	C	C	C	C				C	C	C			C	L	C	C	P		
EATING AND DRINKING	3.5.3																									
Country Inn	3.5.3.A		C	C		C		C	C																	
Restaurant	3.5.3.B																	L	P	P	P	P	P	C		
FUNERAL AND INTERMENT SERVICES	3.5.4																									
Cemetery	3.5.4.A	C	C	C	C	C																				
Crematory Services	3.5.4.B																							C		
Funeral Home, Undertaker	3.5.4.C	C				C		C	C	C									C	C	P					
Landscape Contractor	3.5.5	C	C	C	C	C	C	C	C															P		
LODGING	3.5.6																									
Bed and Breakfast	3.5.6.B	L	L	L	L	L	L	L	L	C	C							L	L							
Hotel, Motel	3.5.6.C																		P	P	P	P	P	C		
MEDICAL AND DENTAL	3.5.7																									
Clinic (Up to 4 Medical Practitioners)	3.5.7.A								C	C	C							P	P	P	P	P	P	P		
Clinic (More than 4 Practitioners)	3.5.7.B																	L	P	P	P	P	P	P		
Medical, Dental Laboratory	3.5.7.C																		P	P	P	P	P	P		
OFFICE AND PROFESSIONAL	3.5.8																									
Office	3.5.8.A																	P	P	P	P	L	P	P		
Nonresident Professional	3.5.8.B								C	C	C															
Research and Development	3.5.8.C																		P	P		P	L	P		
PARKING	3.5.9																									
Structured Parking	3.5.9.B																		P	P	P	P	P	P		
Surface Parking for Use Allowed in the Zone	3.5.9.C					P	P	P	P	P	P							P	P	P			P	P		

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							Residential Detached						Residential Townhouse			Residential Multi-Unit												
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH					
Surface Parking for Commercial Uses in a Historic District	3.5.9.D	L	L			L	L	L	L		C	C				C	C	C										
RECREATION AND ENTERTAINMENT	3.5.10																											
Adult Entertainment	3.5.10.A																				L				L	L		
Campground	3.5.10.B		C				C																					
Conference Center	3.5.10.C																			P	P		P		C			
Golf Course, Country Club	3.5.10.D		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C				C		C				
Health Clubs and Facilities	3.5.10.E																		L	P	P	P	P	P	P			
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	3.5.10.F																		C	P	P	P	C	C	C	C		
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	3.5.10.G						C		C										C	C	P	C	C		C	C		
Recreation and Entertainment Facility, Major (Capacity over 1,000)	3.5.10.H						C													C	P	C	C		C			
Shooting Range (Indoor)	3.5.10.I																					C			C	C		
Shooting Range (Outdoor)	3.5.10.J	C	C	C																								
RETAIL SALES AND SERVICE	3.5.11																											
Retail/Service Establishment (Up to 5,000 SF)	3.5.11.A																	L	P	P	P	P	L	L	P	L		
Retail/Service Establishment (5,001 - 15,000 SF)	3.5.11.A																		L	P	P	P	L	L	P	L		
Retail/Service Establishment (15,001 - 60,000 SF)	3.5.11.A																			P	P	P	L	L	L	L		
Retail/Service Establishment (Over 60,000 SF)	3.5.11.A																			L	L	P			L	L		
Rural Antique Shop	3.5.11.B	C	C	C	C	C		C	C																			
Rural Country Market	3.5.11.C	C	C	C	C	C	C	C	C																			
VEHICLE/EQUIPMENT SALES AND RENTAL	3.5.12																											

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USE OR USE GROUP	Defini-tions and Standards	Ag AR	Rural RR RC RNC		Residential													Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH					
					Residential Detached RE-2 RE-2C RE-1 RLD-20 RMD-9 RMD-6 RMD-4								Residential Townhouse TLD TMD THD			Residential Multi-Unit RHD-3 RHD-2 RHD-1													
					RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1	CRN	CRT	CR	EG	ELS	EOF	IL	IH				
Heavy Vehicle Sales and Rental	3.5.12.A																				C						P		
Light Vehicle Sales and Rental (Indoor)	3.5.12.B																					L	P	P			P		
Light Vehicle Sales and Rental (Outdoor)	3.5.12.C																					L	P	L			P		
VEHICLE SERVICE	3.5.13																												
Car Wash	3.5.13.A																					C	C	C			L		
Fuel Sales	3.5.13.B																					C	C	C	C	C	C		
Repair (Commercial Vehicle)	3.5.13.C																										P		
Repair (Minor)	3.5.13.D																					L	L	L	C	L	P		
Repair (Major)	3.5.13.E																					C	C	L	C		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	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	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
Wireless Communication 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	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	L	L	L	L	
Special Event Parking	3.5.15.B					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	L	L	L	L	
INDUSTRIAL																													
Animal Research Facility	3.6.1																									P			
Contractor Storage Yard	3.6.2																										L	P	
Dry Cleaning Facility (Up to 3,000 SF)	3.6.3.A																					L	L	L	L		P	P	

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USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached						Residential Townhouse			Residential Multi-Unit										
			RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1											
Dry Cleaning Facility (Over 3,000 SF)	3.6.3.B																							P	P	
MANUFACTURING AND PRODUCTION	3.6.4																									
Artisan Manufacturing and Production	3.6.4.A																	P	P	P				P		
Heavy Manufacturing and Production	3.6.4.B																								P	
Light Manufacturing and Production	3.6.4.C																							P	P	
Medical/Scientific Manufacturing and Production	3.6.4.D																		L	P		P		P		
Mining, Excavation	3.6.5	C	C	C																					P	
TRANSPORTATION	3.6.6																									
Bus, Rail Terminal	3.6.6.A																		L	L	P	L	P	P	P	
Helipad, Heliport	3.6.6.B																				C	C	C	C	C	
Taxi/Limo Facility	3.6.6.C																		L	L	P	L	P	P		
UTILITIES	3.6.7																									
Pipeline (Above Ground)	3.6.7.A	C	C	C		C		C	C	C	C					C	C	C	C	C	C	C	P	P	P	P
Pipeline (Below Ground)	3.6.7.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public Utility Building or Structure	3.6.7.C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	L	C	P	C	C	C
Renewable Energy Generation	3.6.7.D																									
Transmission Lines (Above Ground)	3.6.7.E	P	P	P	P	L	L	L	L	L	L	L				P	P	P	L	L	L	L	P	L	P	P
Transmission Lines (Below Ground)	3.6.7.F	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
WAREHOUSE	3.6.8																									
Freight Movement	3.6.8.A																								P	P
Mineral Storage	3.6.8.B																								L	P
Self-Storage	3.6.8.C																		C	C	P				P	

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USE OR USE GROUP	Defini- tions and Standards	Ag AR	Rural RR RC RNC				Residential												Commercial/Residential CRN CRT CR			Employment EG ELS EOF			Industrial IL IH	
							Residential Detached							Residential Townhouse			Residential Multi-Unit									
							RE-2	RE-2C	RE-1	RLD-20	RMD-9	RMD-6	RMD-4	TLD	TMD	THD	RHD-3	RHD-2	RHD-1							
Storage Facility (Up to 10,000 SF)	3.6.8.D																		L	L	L			P	P	
Storage Facility (Over 10,000 SF)	3.6.8.D																				L			P	P	
WASTE-RELATED	3.6.9																									
Hazardous Material Storage	3.6.9.A																								C	
Incinerator	3.6.9.B																								C	
Landfill	3.6.9.C																								C	
Recycling Collection and Processing	3.6.9.D																								P	
Recycling Drop-off Center	3.6.9.E																		P	P	P	P	P	P	P	
Transfer Station	3.6.9.F																								C	
MISCELLANEOUS																										
Accessory Buildings, Structures and Uses	3.7.1	L	L	L	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	P	

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Div. 3.2. Agricultural Uses

Sec. 3.2.1. Agricultural Auction Facility

A. Defined

Agricultural auction facility is a sales establishment at which farm-related merchandise is sold to the highest bidder.

B. Use Standards

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

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

Sec. 3.2.2. Agricultural Processing

A. Defined

Agricultural processing is the operations that transform, package, sort, or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Includes milk plant, grain elevator, and mulch or compost production and manufacturing. Does not include Slaughterhouse (see [Sec. 3.2.8](#), Slaughterhouse).

B. Use Standards

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

1. The minimum area of the lot is 10 acres.
2. The minimum setback for any agricultural processing structure from any property line is 75 feet.
3. The property must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.

Sec. 3.2.3. Community Garden

A. Defined

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

B. Use Standards

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

1. The total gross floor area of all structures, except greenhouses under paragraph 4 below, must not exceed 10% of the net property area dedicated to the community garden.
2. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
3. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.4. Equestrian Facility

A. Defined

Equestrian facility is any building, structure, or land area that is used primarily for the care, breeding, boarding, rental, riding, or training of horses or the teaching of equestrian skills. The facility may be used for events such as competitions, exhibitions, or other displays of equestrian skills.

B. Use Standards

1. Where an equestrian facility is allowed as a limited use, it is subject to the following standards:
 - a. The minimum gross acreage per horse is as follows:
 - i. for 1-2 horses, 2 acres;
 - ii. for 3-10 horses, one acre per horse; and
 - iii. for more than 10 horses, 10 acres plus an additional one-half acre for each horse over 10.
 - b. Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality, and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to DPS, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after commencement of operations.
 - c. Each building, show ring, paddock, outdoor arena, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent property.
 - d. Amplified sound must meet all requirements of [Chapter 31B](#).
 - e. Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties. Il-

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

f. Equestrian event restrictions

Property Acreage	Hours of Operation		Number of Participants and Spectators			
			Event	Informal Event	Minor Event	Major Event
	Su-Th	Fr-Sa	0-25	26-50	51-150	151-300
up to 17.9	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 and holidays; maximum of 6 weekdays per month.	None	None
25-74.9	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month.	Maximum of 7 per year.	None
75+	6am-9pm	6am-10pm	Unlimited on any day.	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month.	Maximum of 7 per year.	Maximum of 3 per year lasting up to 3 consecutive days each.

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

other information determined by DPS to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by DPS.

- h. An equestrian facility conditional use application may be filed with the Board of Appeals to deviate from any limited use standard regarding: number of participants and spectators; number of events each year; event acreage; hours of operation; and a road classification requirement. Such a conditional use approval must be renewed every 5 years at which time the Board of Appeals must evaluate the effectiveness of the terms and conditions of the original approval.
2. Where an equestrian facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
- a. In the AR, RR, RC, and RNC zones:
 - i. The equestrian facility must not adversely affect adjoining land uses or the surrounding road network.
 - ii. In evaluating the compatibility of an equestrian facility on the surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural and Rural zone does not necessarily need to be controlled as stringently as the impact in a Residential zone.
 - b. In the RE-2, RE-2C, RE-1, and RLD-20 zones:
 - i. Any equestrian facility on less than 5 acres must establish through a pasture maintenance plan, feeding plan, and any other documentation the Board of Appeals requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
 - ii. The Board of Appeals may limit or regulate more stringently than limited use standards:
 - (a) the number of horses that may be kept or boarded.
 - (b) the number of horses that may be rented out for recreational riding or instruction.
 - (c) the number and type of equestrian events that may be held in a one-year period.

- iii. All animal waste must be handled in accordance with state requirements for nutrient management.

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

A. Defined

Farm supply or machinery sales, storage and service is any building, structure, or land for the sales, storage, or service of machinery used in farming for agricultural purposes. Does not include sales, storage, or service of passenger vehicles and other machinery not associated with farming.

B. Use Standards

Where farm supply or machinery, sales, storage, and service is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:

1. The minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory.
2. The minimum setback from any property line for parking, buildings, or inventory storage is 50 feet, except that the minimum setback from the street may be reduced to 25 feet if the Board of Appeals finds that:
 - a. the confronting site is in an Agricultural or Rural zone; and
 - b. the smaller setback would be compatible with surrounding uses.
3. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

Sec. 3.2.6. Farming

A. Defined, In General

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

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

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

B. Crop Farming

1. Defined

Crop farming is the growing and harvesting of produce and other plant-based agricultural products. Includes the cultivation of crops such as fruits, vegetables, cotton, grain, nuts, horticultural crops, cattle food, and sod.

2. Use Standards

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

C. Livestock Farming

1. Defined

Livestock farming is the keeping and raising of fowl and livestock, including cattle, swine, sheep, asses, mules, and goats. Includes accessory slaughtering. Does not include Equestrian Facility (see [Sec. 3.2.4](#), Equestrian Facility).

2. Use Standards

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

- a. The minimum lot size is 5 acres.
- b. Accessory agricultural processing is prohibited.

D. Urban Farming

1. Defined

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

2. Use Standards

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

- a. The minimum area for an urban farm is 4,000 square feet.
- b. One fowl may be kept for every 1,000 square feet of land area; roosters are prohibited.
- c. Aquaculture is permitted in tanks or pools that meet the standards for accessory structures [Sec. 3.2.6.D](#) (below).
- d. The maximum total gross floor area of all structures, excluding greenhouses, is 10% of the net property area on any urban farm.
- e. The minimum setback for accessory structures from any property line is 25 feet.
- f. The maximum height for any accessory structure, including any pitched roof, is 12 feet.
- g. Only manual or walk-behind mechanical equipment and practices commonly used in residential gardening may be used.

Sec. 3.2.7. Nursery

A. Nursery (Retail)

1. Defined

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

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

- c. The property must front on and have access to a road built to primary residential or higher standards.
- d. Tools and equipment for sale must not be displayed outdoors.

B. Nursery (Wholesale)

1. Defined

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

2. Use Standards

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

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

Sec. 3.2.8. Slaughterhouse

A. Defined

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

B. Use Standards

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

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

Sec. 3.2.9. Winery

A. Defined

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

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 in agricultural use.
 - c. The property must front on and have access to a road built to primary or higher standards.
 - d. Up to 2 special events such as a wedding, festival or other similar event are allowed each calendar year. Additional events require conditional use approval by the Board of Appeals.
- 2. Where a winery is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

Sec. 3.2.10. Accessory Agricultural Uses

A. Agricultural Education/Tourism

1. Defined

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

2. Use Standards

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

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

B. Animal Husbandry

1. Defined

Animal husbandry is the accessory practice of raising hens, ducks, pygmy goats, rabbits, and bees.

2. Use Standards

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

- a. Any accessory structure used to house hens, ducks, pygmy goats, and rabbits must be located behind the rear building line and the minimum setback from any neighboring dwelling is 25 feet.
- b. One pygmy goat may be kept for every 2,000 square feet of land area and one hen, duck, or rabbit may be kept for every 1,000 square feet of land area.
- c. Roosters are prohibited.
- d. In the CRN, CRT, CR, EG, ELS, EOF, IL, and IH zones, only bees are allowed.

C. Farm Airstrip

1. Defined

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

2. Use Standards

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

- a. Only one airplane is permanently housed at the airstrip.

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

D. Farm Market, On-site

1. Defined

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

2. Use Standards

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

- a. In the AR, RR, RC, RNC, RE-2, RE-2C, RE-1, and RLD-20 zones:
 - i. The sale and display area must be setback a minimum of 25 feet from the paved edge of the roadway.
 - ii. A minimum of 3 off-street parking spaces is required.
 - iii. Firewood sold at an on-site farm market must be cut and split on the farm or location where the wood is harvested.
 - iv. A maximum of 25% of the on-site farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the on-site farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the on-site farm market, DPS upon the recommendation of the Department of Economic Development and the Montgomery

County Agricultural Advisory Committee may, for a limited period of time, allow for more than 25% of the on-site farm market display and sales area to be used for agricultural products from off the farm where the on-site farm market is located.

- b. In the RMD-9, RMD-6, RMD-4, 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 minimum setback for the sale and display area from any confronting or abutting property zoned Residential is 25 feet.

Sec. 3.2.11. Temporary Agricultural Uses

A. Agricultural Vending

1. Defined

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

2. Use Standards

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

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

B. Seasonal Outdoor Sales

1. Defined

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

2. Use Standards

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

- a. A temporary use permit from DPS is required.
- b. The property must be used for nonresidential purposes.
- c. Except where seasonal outdoor sales occur on the site of a religious assembly use, the property must front on and have access to a road built to primary or higher standards.

Div. 3.3. Residential Uses

Sec. 3.3.1. Household Living

A. Defined, In General

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

B. Single-Unit Living

1. Defined

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

2. Use standards

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

C. Two-Unit Living

1. Defined

Two-unit living is 2 dwelling units contained in a single structure.

2. Use Standards

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

- a. In the RNC, RE-2C, and RE-1 zones, two-unit living is permitted as part of a development including Optional Method Moderately Priced Dwelling Units (see Div. 6.1, MPDU Development in Rural and Residential Zones) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in the applicable master plan.
- b. In the 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 the 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. a cluster development (see Div. 6.2, Cluster Development in Rural and Residential Zones).
- d. In the ELS zone, the gross floor area of all residential uses in an application must not exceed 30% of maximum allowed FAR mapped on subject site.

D. Multi-Unit Living

1. Defined

Multi-unit living is 3 or more dwelling units contained in a single structure. May include ancillary offices to manage, service, and maintain 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 RE-2C 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) if it is:
 - i. served by public sewer service; or
 - ii. designated for sewer service in an applicable master plan.
- b. In the RLD-20 and RMD-4 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).
- c. 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); or

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

Sec. 3.3.2. Group Living

A. Defined, in General

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

B. Dormitory

1. Defined

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

C. Independent Living Facility for Seniors or Persons with Disabilities

1. Defined

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

2. Use Standards

- a. Where an independent living facility for seniors or persons with disabilities is allowed as a limited use, it is subject to the following standards:

- i. Facility must meet all applicable federal, state, and county licensure, certificate and regulatory requirements.
- ii. Resident staff necessary for the operation of the facility are allowed to live on-site.
- iii. Occupancy of a dwelling unit is restricted to the following:
 - (a) a senior adult or person with disabilities, as defined in **Article 59-9**, Defined Terms;
 - (b) the spouse of a senior or disabled resident, regardless of age or disability;
 - (c) a resident care-giver, if needed to assist a senior or disabled resident; or
 - (d) in a development designed primarily for persons with disabilities rather than senior adults, one parent, daughter, son, sister, or brother of a handicapped resident, regardless of age or disability.
 - (e) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "**Fair Housing Act**," Title VIII of the **Civil Rights Act of 1968**, and subsequent amendments thereto.
- b. Where an independent living facility for seniors or persons with disabilities is allowed as a conditional use, it may be permitted by the Board of Adjustment subject to all limited use standards, **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
 - i. The site or the proposed facility has adequate accessibility to or provides on-site public transportation, medical service, shopping areas, recreation and other community services frequently desired by senior adults or persons with disabilities. The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical and public services within a one-mile radius of the proposed facility.
 - ii. The Board of Appeals may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized.

Retail facilities may be included for the exclusive use of the residents of the building.

- iii. A minimum of 15% of the dwelling units is permanently reserved for households of very low income, or 20% for households of low income, or 30% for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined in [Article 59-9](#), Defined Terms.
- iv. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of buildings with the residential character of the surrounding neighborhood.

D. Personal Living Quarters

1. Defined

Personal living quarters is any building or portion of a building containing more than 5 individual living units, which must have shared cooking facilities and shared sanitation facilities.

2. Use Standards

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

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

- i. Each individual living unit must have a minimum gross floor area of 150 square feet and a maximum gross floor area of 385 square feet.
- ii. Each individual living unit is prohibited from having complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances.
- iii. Each individual living unit may contain separate sanitation facilities.

- iv. Each individual living unit 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 Board of Appeals subject to all limited use standards for Personal Living Quarters (up to 50 individual living units), [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

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

E. Residential Care Facility

1. Defined, In General

- a. Residential care facility is a group care or similar facility for 24-hour medical or non-medical care for persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual.
- b. The facility must meet all applicable federal, state, and county certificate, licensure and regulatory requirements.
- c. Resident staff necessary for operation of the facility are allowed to live on-site.
- d. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than 2 months old.
- e. Includes nursing home, assisted living facility, continuing care retirement community, hospice, and group home. Does not include Hospitals (see [Sec. 3.4.6](#), Hospital) or Independent Living Facility for Seniors or Persons with Disabilities (see [Sec. 3.3.2.C](#), Independent Living Facility for Seniors or Persons with Disabilities).

2. Residential Care Facility (Up to 8 Persons)

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

3. Residential Care Facility (9 - 16 Persons)

- a. Where a residential care facility (9 - 16 persons) is allowed as a limited use, abutting or confronting a [property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use](#), it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
- b. Where a residential care facility (9 - 16 persons) is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. Any property to be used as a group home for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.

- ii. Height, density, coverage, green area requirements, and parking standards must be compatible with surrounding uses and the Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, 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 Board of Appeals.
- 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 5 acres, whichever is greater.
 - ii. In all other zones, the minimum lot area must be 2 acres or the following, whichever is greater:
 - (a) in RE-2, RE-2C, RE-1, and RLD-20 zone: 1,200 square feet per bed;
 - (b) in RMD-6, RMD-9, and RMD-4 zone: 800 square feet per bed;
 - (c) in TLD, TMD, THD, RHD-3, and RHD-2 zone: 600 square feet per bed; and
 - (d) in RHD-1: 300 square feet per bed.

- e. Independent dwelling units are subject to the residential portions of the MPDU provisions of [Section 25.A-5](#).
- 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; or
 - 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 Board of Appeals reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.
- v. A minimum of one off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
- vi. In the RE-2, RE-2c, RE-1, and RLD-20 zones, an accessory apartment is prohibited if located:
 - (a) within 500 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vii. In the RMD-9, RMD-6, RMD-4, TLD, TMD, THD, RHD-3, RHD-2, and RHD-1 zones, an attached accessory apartment is prohibited if located:
 - (a) within 300 feet of another accessory apartment (attached or detached) measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

Sec. 3.3.3. Accessory Residential Uses

A. Accessory Apartment, Attached

1. Defined

Attached accessory apartment is a second dwelling unit in a detached house building type. An attached accessory apartment has a separate entrance and is subordinate to the principal dwelling.

2. Use Standards

- a. Where an attached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment is allowed per lot.
 - ii. The owner of the lot must occupy one of the units.
 - iii. The accessory apartment must have the same street address as the principal dwelling.
 - iv. The separate entrance must not be located along the front building line.

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

- (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
- (b) The maximum number of occupants is 3 persons.

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

- (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
- (b) The maximum number of occupants is 5 persons.

x. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

- b. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards and [Sec. 8.3.1](#), Conditional Use Plan. The parking

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

B. Accessory Apartment, Detached

1. Defined

Detached accessory apartment is a second dwelling unit that is located in a separate accessory structure on the same lot as a detached house building type. A detached accessory apartment is subordinate to the principal dwelling.

2. Use Standards

- a. Where a detached accessory apartment is allowed as a limited use, it is subject to the following standards:
 - i. Only one accessory apartment is allowed per lot.
 - ii. The owner of the lot must occupy one of the units.
 - iii. The accessory apartment must have the same street address as the principal dwelling.
 - iv. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
 - v. In the RE-2, RE-2C, and RE-1 zones, a detached accessory apartment is prohibited if located:
 - (a) within 500 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - vi. In the RHD-3, RHD-2, and RHD-1 zones, a detached accessory apartment is prohibited if located:
 - (a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- vii. Detached Accessory Apartment, Small (up to 800 SF):
 - (a) The maximum floor area is 50% of the principal dwelling or 800 square feet, whichever is less.
 - (b) The maximum number of occupants is 3 persons.
- viii. Detached Accessory Apartment, Large (801 to 1,200 SF):
 - (a) The maximum floor area is 50% of the principal dwelling or 1,200 square feet, whichever is less.
 - (b) The maximum number of occupants is 5 persons.
- ix. Any new structure built for the purpose of occupying as a large detached accessory apartment must have the same minimum side setback as the principal dwelling and the minimum rear setback is 12 feet.
- b. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the Board of Appeals, subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. In the TLD, TMD, and THD zones, a detached accessory apartment is prohibited if located:
 - (a) within 300 feet of another accessory apartment (attached or detached), measured in a straight line from side property line to side property line along the same block face; and
 - (b) on a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
 - ii. The parking requirements may be waived if the Board of Appeals finds that adequate on-street parking is available.
 - iii. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).

C. Dwellings for Caretakers/Watchkeepers

1. Defined

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

D. Farm Tenant Dwelling

1. Defined

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

2. Use Standards

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

- a. It is excluded from any density calculations, provided that it remains accessory to a farm. If the property associated with a farm tenant dwelling is separately subdivided, these provisions no longer apply.
- b. The maximum number of tenants in a single dwelling is limited by well and septic capacity.
- c. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a tenant other than an agricultural worker, provided that the dwelling meets all applicable health and safety regulations.

E. Home Health Practitioner

1. Defined, In General

Home health practitioner is the office of a health practitioner who resides in the dwelling unit in which the office is located. For this purpose, a health practitioner is licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and has an advanced degree in the field from an accredited educational institution. A registered nurse or physician's assistant is a health practitioner only if that person has an advanced degree

in the field and practices independently. Does not include an electrologist, mortician, nursing home administrator, pharmacist, or veterinarian.

2. Use Standards for All Home Health Practitioners

- a. All home health practitioners must be registered with DPS, under **Sec. 8.4.3.**, Home Occupation and Home Health Practitioner Registration.
- b. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area. The use must be subordinate to the use of the dwelling for residential purposes and any external modifications must be consistent with the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.
 - iv. The maximum amount of floor area used for the home health practitioner is 33% of the eligible floor area of the dwelling unit plus any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
 - v. If an accessory building is used for any part of the home health practice, there must be no external evidence of such use. Only one accessory building may be used for this purpose.
 - vi. Equipment or facilities are limited to:
 - (a) office equipment; or
 - (b) medical equipment.
 - vii. Any equipment or process that creates a nuisance or violates any law is prohibited in connection with the operation of a home health practice.
 - viii. Disposal of medical waste must be regulated by State Laws and Regulations.
 - ix. Truck deliveries are prohibited, except for parcels delivered by public or private parcel services that customarily make residential deliveries.

- x. Appointments are required for visits, but emergency patients may visit outside the specified hours or without appointment.
- xi. Clients, patients, or other visitors must be informed of the correct address and parking location.
- xii. Must provide valid proof of home address as established under **Method 2 of Section 2A-15**.
- xiii. In the AR zone, this use may be prohibited (see **Sec. 3.1.5**, Transferable Development Rights).

3. Home Health Practitioner (Low Impact)

a. Defined

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

b. Use Standards

- i. Where a low impact home health practitioner is allowed as a limited use, it is subject to the following standards:
 - (a) The maximum number of visits is 20 per week and no more than 5 per day (excludes deliveries) total, including any home occupations on-site. May treat more than one patient or client at a time, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time.
 - (b) The maximum number of deliveries is 10 per week, and no more than 2 per day.
 - (c) The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.
 - (d) A maximum of one low impact home occupation and one low impact home health practitioner is allowed.
 - (e) An indoor waiting room must be provided if more than one patient or client will be on the premises at the same time.

- ii. Where a low impact home health practitioner is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1**, Conditional Use Plan.

4. Home Health Practitioner (Major Impact)

a. Defined

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

b. Use Standards

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

- i. The hours of operation and number of clients, customers, patients or other visitors allowed during that time are determined by the Board of Appeals.
- ii. The maximum number of deliveries is determined by the Board of Appeals.
- iii. On-site sale of goods is determined by the Board of Appeals.
- iv. The Board of Appeals may grant a conditional use for a major impact home health practitioner on the same property as a low impact home health practitioner, if it finds that both together can be operated in accordance with the provisions of this section and **Sec. 8.3.1**, Conditional Use Plans.
- v. The Board of Appeals must not grant a conditional use for more than one major impact home health practitioner's facility or major impact home occupation on the same property.
- vi. The Board of Appeals must not grant a conditional use for a home health practitioner's facility where the property is already approved for any other conditional use under **Sec. 8.3.1**, Conditional Use Plan.
- vii. A conditional use for a major impact home health practitioner is granted for a 2 year period, and the conditional use may be renewed

if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.

viii. An indoor waiting room must be provided.

F. Home Occupation

1. Defined, In General

Home occupation is any occupation that provides a service or product and is conducted within a dwelling unit. A home occupation is subordinate to the principal dwelling. Does not include Home Health Practitioner (see [Sec. 3.3.3.E](#), Home Health Practitioner), Bed and Breakfast (see [Sec. 3.5.6.B](#), Bed and Breakfast), Day Care (see [Sec. 3.4.3](#), Day Care Facility), display of furniture not made in the home for sale in the home or at an off-site location, Landscape Contractor (see [Sec. 3.5.5](#), Landscape Contractor), or Private Educational Institution (see [Sec. 3.4.4](#), Educational Institution (Private)).

2. Use Standards for all Home Occupations

- a. All home occupations, except no impact home occupations, must be registered with DPS under [Sec. 8.4.3](#), Home Occupation and Home Health Practitioner Registration
- b. To maintain the residential character of the dwelling:
 - i. The use must be conducted by an individual or individuals residing in the dwelling unit.
 - ii. The use must be conducted within the dwelling unit or any accessory building and not in any open yard area, except for the loading and unloading of tools and equipment associated with a lawn maintenance service from not more than 2 single axle trailers or trucks. The use must be subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
 - iii. Exterior storage of goods or equipment is prohibited.
 - iv. The maximum amount of floor area used for the home occupation must not exceed 33% of the total eligible area of the dwelling unit

and any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.

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

3. Home Occupation (No Impact)

a. Defined

No impact home occupation is a home occupation that is not required to register with DPS.

b. Use standards

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

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

4. Home Occupation (Low Impact)

a. Defined

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

b. Use Standards

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

- i. The maximum number of nonresident employees allowed per 24-hour period is one.
- ii. The maximum number of visits is 20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on-site.
- iii. The maximum number of deliveries is 10 per week, and no more than 2 per day for all home occupations on-site.
- iv. In-person sale of goods is limited to:
 - (a) handcrafts, art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry,

pottery, and musical instruments, which are produced on-site by a resident of the dwelling; and

- (b) no more than 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
 - (a) products enumerated in [Sec. 3.3.3.F.4.b.iv.\(a\)](#); and
 - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. The maximum number of low impact home occupations allowed in a single dwelling unit is 2.
- vii. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- viii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

5. Home Occupation (Major Impact)

a. Defined

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

b. Use Standards

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

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

- (a) the products of dressmaking, hand-weaving, block-printing, the making of jewelry, pottery or musical instruments by hand, or similar arts or hand-crafts performed by a resident of the dwelling; and
- (b) a maximum of 5 sales per month of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).
- v. Display or storage of goods is limited to:
 - (a) the products enumerated in [Sec. 3.3.3.F.5.b.iv.\(a\)](#); and
 - (b) samples of merchandise that may be ordered by customers for delivery at other locations.
- vi. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
- vii. The Board of Appeals may grant a conditional use for a major impact home occupation on the same property as a low impact home occupation, if it finds that both together can be operated in a manner that satisfies the provisions of this section and [Sec. 8.3.1](#), Conditional Use Plan.
- viii. The Board of Appeals must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.
- ix. The Board of Appeals must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with [Sec. 8.3.1](#), Conditional Use Plan.
- x. Must provide valid proof of home address as established under [Method 2 of Section 2A-15](#).
- xi. A conditional use for a major impact home occupation is granted for a 2 year period, and the conditional use may be renewed if it is operated in compliance with the findings and conditions of the Board of Appeals in the initial grant.

- xii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

G. Live/Work Units

1. Defined

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

Div. 3.4. Civic and Institutional Uses

Sec. 3.4.1. Charitable, Philanthropic Institution

A. Defined

1. Charitable or philanthropic institution is a private, tax-exempt organization whose primary function is to provide services, research, or educational activities in areas such as health, social service, or environmental conservation.
2. Does not include an organization whose purpose is the operation of a trade or business or whose primary purpose or function is promoting the economic advancement of its members, such as a professional or trade association or a labor union. Also does not include other uses specifically defined or regulated in this ordinance such as a: religious institution (See Sec. 3.4.10, Religious Assembly), public or private educational institution (See Sec. 3.4.4, Educational Institution (Private), library or museum (See Sec. 3.4.2, Cultural Institution), private club or service organization (See Sec. 3.4.8, Private Club, Service Organization), hospital (See Sec. 3.4.6, Hospital), residential care facility (See Sec. 3.3.2.E, Residential Care Facility), or independent living facilities for senior adults or persons with disabilities (See Sec. 3.3.2.C, Independent Living Facility for Seniors or Persons with Disabilities).

B. Use Standards

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

- a. In the AR, 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 Board of Appeals finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.

- iii. In the AR zone, this use may be prohibited (see Sec. 3.1.5, Transferable Development Rights).
- b. In the RE-2, RE-2C, 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. 7.5, Landscaping and Outdoor Lighting.
 - iii. Any lighting associated with outdoor recreation facilities meets the requirements of Div 7.5, Landscaping and Outdoor Lighting.

Sec. 3.4.2. Cultural Institution

A. Defined

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

B. Use Standards

Where a cultural institution is allowed as a limited use the gross floor area is a maximum of 5,000 square feet unless it is designated in the Master Plan for Historic Preservation.

Sec. 3.4.3. Day Care Facility

A. Defined, in General

Day care facility is a location where care for an individual is provided for less than 24 hours a day, for which the provider is paid, for any of the following: a child under the age of 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 5 years old; or a non-public elementary

school in which an instructional program is offered or provided for children who are in grades one through eight (see [Sec. 3.4.4](#), Educational Institution (Private)).

B. Exemptions

The requirements of this Section ([Sec. 3.4.3](#)) 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](#), Educational Institution (Private); or
3. a publicly-owned building.

C. Family Day Care (Up to 8 Persons)

1. Defined

Family day care is a day care facility for a maximum of 8 persons in the residence of the provider where staffing complies with state and local regulations, but no more than 2 nonresident staff members are on-site at any time. The provider's own children under the age of 6 are counted within the group of 8.

D. Group Day Care (9 - 12 Persons)

1. Defined

Group day care is a day care facility for 9 to 12 persons where staffing and facility comply with state and local regulations. The provider's own children under the age of 6 are counted towards the maximum allowed persons.

2. Use Standards

- a. Where a group day care is allowed as a limited use, it is subject to the following standards:
 - i. The facility must not be located in a townhouse or duplex building type; and

- ii. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- b. Where a group day care for 9 to 12 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

E. Day Care Center (13 - 30 Persons)

1. Defined

Day care center (13-30 persons) is a day care facility for 13 to 30 persons where staffing and facility comply with state and local regulations.

2. Use Standards

Where a day care center for 13 to 30 persons is allowed as a conditional use, it may be permitted by the Hearing Examiner subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

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

F. Day Care Center (Over 30 Persons)

1. Defined

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

2. Use Standards

- a. Where a day care center for over 30 persons is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, the facility must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

- b. Where a day care center for over 30 persons is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
- i. All required parking must be behind the front building line; however, required parking may be located between the structure and the street where the Board of Appeals finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
 - ii. The Board of Appeals may limit the number of children outside at any one time.
 - iii. In the RE-2, RE-2C, RE-1, RLD-20, RMD-9, RMD-6, and RMD-4 zones, the day care center is located on a property containing a minimum of 500 square feet per person. The Board of Appeals may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per person where it finds that:
 - (a) the facility will predominately serve children from an age range that requires limited outdoor activity space;
 - (b) the additional density will not adversely affect adjacent properties; and
 - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
 - iv. The number of persons permitted for overnight care is limited to 20% of enrollment.
 - v. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.4.4. Educational Institution (Private)

A. Defined

Private educational institution is a private school or educational or training institution, providing instruction or programs of learning. A private educational institution may include tutoring and college entrance exam preparatory courses, art education programs, artistic performances, indoor and outdoor recreation programs and summer day camps, any of which may serve individuals who are

not enrolled as students in the institution's academic program. Does not include schools operated by the County Board of Education.

B. Exemptions

The requirements of this Section ([Sec. 3.4.4](#)) do not apply to the use of any property for any private educational institution or parochial school which is located in a building or on premises owned or leased by any church or religious organization. This exemption does not apply to any private educational institution which received approval by the Board of Appeals to operate a private educational institution conditional use in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the decision of the Board of Appeals was issued.

C. Use Standards

1. Where a private educational institution is allowed as a limited use, if it is abutting or confronting property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#)
2. Where a private educational institution is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. The private educational institutional will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood.
 - ii. The private educational institution will be in a building compatible with the residential character of the surrounding neighborhood, and, if the private educational institution is located on a lot of 2 acres or less, in either an undeveloped area or an area substantially developed with detached houses, the exterior architecture of the building must be similar to a detached house design, and at least comparable to any existing homes in the immediate neighborhood.
 - iii. That the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the

- present character or future development of the surrounding residential community.
- iv. The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board of Appeals considering the following factors:
 - (a) traffic patterns, including:
 - (1) impact of increased traffic on residential streets;
 - (2) proximity to transit services, arterial roads and major highways; and
 - (3) provision of measures for Transportation Demand Management as defined in [Section 42A-21](#).
 - (b) adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter vehicle queues from spilling over onto adjacent streets; and
 - (c) noise or type of physical activity.
 - v. Density greater than 87 pupils per acre may be permitted only where the Board of Appeals finds that:
 - (a) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
 - (b) the additional density will not adversely affect adjacent properties; and
 - (c) additional traffic generated by the additional density will not adversely affect the surrounding streets.
 - vi. Outdoor recreation facilities are screened from adjacent residential properties in accordance with [Div. 7.5](#), Landscaping and Outdoor Lighting.
 - vii. Any lighting associated with outdoor recreation facilities meets the requirements of [Div 7.5](#), Landscaping and Outdoor Lighting.

- viii. If a private educational institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses; (ii) art education programs; (iii) artistic performances; (iv) indoor and outdoor recreation programs; or (v) summer day camps, the Board of Appeals must find, in addition to the other required findings for the grant of a conditional use, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board of Appeals must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board of Appeals.
- ix. The Board of Appeals may limit the number of participants and frequency of events authorized in this Section ([Sec. 3.4.4](#)).

Sec. 3.4.5. Fire/EMS Service (Private)

A. Defined

Private Fire/EMS service is volunteer, privately supported, or non-profit facilities providing emergency fire protection, rescue, and ambulance services. Does not include non-emergency ambulance transportation services.

B. Use Standards

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

Sec. 3.4.6. Hospital

A. Defined

Hospital is an institution providing health services primarily for the sick or injured and offering inpatient medical and/or surgical care. Related facilities, such as laboratories, medical/dental clinics, helistops, training facilities, classrooms, central service facilities and staff offices integral to the facility are accessory to the hospital. Does not include a stand-alone hospice (see [Sec. 3.3.2.E](#), Residential Care Facility).

B. Use Standards

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

1. The Board of Appeals finds that the hospital will not create a nuisance because of traffic, noise, or the number of patients or persons cared for; that it will not affect adversely the present character or future development of the surrounding residential community.
2. The minimum area of the lot is 5 acres.
3. The minimum lot width at the front property line is 200 feet.
4. Where the adjoining or nearest adjacent land is zoned Residential Detached or is used solely for detached houses, no portion of a building shall be nearer to the lot line than a distance equal to the height of that portion of the building, and in all other cases a minimum of 50 feet from a lot line.
5. Off-street parking shall be located so as to achieve a maximum of coordination between the proposed development and the surrounding uses and a maximum of safety, convenience and amenity for the residents of neighboring areas.
6. Parking shall be limited to a minimum between the front property line and the front building line.
7. Notwithstanding the provisions of [Sec. 4.3.5.C](#), the maximum height of a hospital building is 145 feet.

Sec. 3.4.7. Park, Playground (Private)

A. Defined

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

Sec. 3.4.8. Private Club, Service Organization

A. Defined

Private club, service organization is an association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

B. Use Standards

1. Where a private club, service organization is allowed as a limited use it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
2. Where a private club or service organization is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - a. The minimum lot size required is twice the minimum required for a detached house building type in the zone, up to a maximum of 3 acres.
 - b. The maximum building coverage allowed is 15%, including accessory buildings, or 20,000 square feet, whichever is less.
 - c. The minimum open space requirement is 50%.
 - d. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.4.9. Public Use (Except Utilities)

A. Defined

Public use, except utilities, is a publicly-owned or publicly operated use. Includes county office buildings, maintenance facilities, public schools and parks, post office, state and federal buildings. Does not include Public Utility Buildings or Structures (see [Sec. 3.6.7.C](#), Public Utility Building or Structure).

Sec. 3.4.10. Religious Assembly

A. Defined

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

B. Use Standards

Where a religious assembly facility is allowed as a limited use in the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.4.11. Swimming Pool (Community)

A. Defined

Community swimming pool is a private swimming pool shared by its members. Does not include swimming pools 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 accessory use.

B. Use Standards

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

1. The swimming pool, including the pool deck and any buildings, must be setback a minimum of 75 feet from any property line shared with a property zoned Agricultural, Rural, or Residential or at least 125 feet from any existing residential dwelling, whichever is greater.
2. The swimming pool, including the pool deck and any buildings, must be setback a minimum of 25 feet from any public right-of-way or property line shared with a property zoned Commercial/Residential, Employment, or Industrial.
3. Buildings must comply with the requirements of the zone in which the pool is located.
4. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse effect on the private water supply for the community.

Div. 3.5. Commercial Uses

Sec. 3.5.1. Animal Services

A. Defined, In General

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

B. Animal Boarding and Care

1. Defined

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

2. Use Standards

- a. Where animal boarding and care is allowed as a limited use, it is subject to the following standards:
 - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
 - ii. All interior areas for the keeping of animals must be soundproofed.
- b. Where animal boarding and care is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1**, Conditional Use Plan, and the following standards:
 - i. In the AR, RR, RC, RNC, RE-2, RE-2C, RE-1, and RLD-20 zones:
 - (a) The minimum lot size is 2 acres or the minimum lot size required for a detached house building type in the zone, whichever is greater.
 - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 200 feet from any property line and screened from adjacent residential properties.
 - (c) All exterior exercise areas and runs must be fenced.

- (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
- (e) Animals must not be walked or exercised in outdoor areas that are off-site.
- (f) The sound at the nearest property line cannot exceed 60 dBA.
- (g) All buildings and accessory structures must be set back a minimum of 50 feet from any property line.
- (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy **Chapter 31B** as measured at the property line.
- (i) All litter and animal waste must be contained and controlled on the site.
- (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.
- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (m) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.

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

C. Veterinary Office/Hospital

1. Defined

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

2. Use Standards

- a. Where a veterinary office/hospital is allowed as a limited use, it is subject to the following standards:
 - i. Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.
 - ii. All interior areas for the keeping of animals must be soundproofed.
 - iii. In the CRT and CR zones, where the use abuts or confronts a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of Sec. 8.3.4
- b. Where a veterinary office/hospital is allowed as a conditional use, it may be permitted by the Board of Appeals subject to Sec. 8.3.1, Conditional Use Plan, and the following standards:
 - i. In Agricultural, Rural and Residential Detached zones:
 - (a) In the RMD-9 and RMD-6 zones:
 - (1) The minimum lot size is one-half acre; and
 - (2) In the RMD-6 zone, the veterinary office/ hospital must be located on a property with frontage on a road with a minimum existing right-of-way width of 90 feet, that confronts a property zoned Commercial/Residential or Employment.
 - (b) Exterior areas used to exercise, walk, or keep animals must be set back a minimum of 75 feet from any property line and screened from adjacent residential properties.
 - (c) All exterior exercise areas and runs must be fenced.
 - (d) Animals are prohibited from being outdoors between 9:00 p.m. and 7:00 a.m.
 - (e) Animals must not be walked or exercised in outdoor areas that are off-site.
 - (f) The sound at the nearest property line cannot exceed 60 dBA.
 - (g) All buildings and accessory structures must be set back a minimum of 50 feet from any residential property line.
 - (h) For all buildings in which animals will be contained, sound levels emanating from the interior of the building must satisfy Chapter 31B as measured at the property line.
 - (i) All litter and animal waste must be contained and controlled on the site.
 - (j) Any accessory operation, such as the sale of pet food and supplies, must be in the statement of operations and must be limited as an accessory activity to a maximum of 20% of sales.

- (k) The Board of Appeals may regulate hours of operation. The Board of Appeals may also regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and how the animals are boarded, exercised, walked or kept.
- (l) The Board of Appeals may regulate the number of appointments. Animals may be seen by appointment only. Emergency patients and visits to pick up prescriptions and pet-related items may also occur, within office hours only and without prior scheduling; abuse of this exemption may lead to revocation of the conditional use. A written log of all appointments and drop-in and emergency client activities must be kept, to be available for inspection by county authorities.
- (m) If the proposed use is located in an area that uses well water and septic facilities, the applicant must prove that the use will not have any negative effect on groundwater or septic systems.
- (n) The applicant must submit the following:
 - (1) Acoustical engineering studies that demonstrate that the proposed use will meet required noise levels. The studies must show the worst case scenario sound level (for example, full occupancy). The statement of operations must be sufficiently detailed to allow determination of how often the worst case scenario sound level occurs.
 - (2) Detailed floor plans that show all the interior areas, including runs and kennels.
 - (3) Site plans that show the layout of all exterior areas used to exercise, walk, or keep animals.
- (o) In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- ii. In the CRN zone:
 - (a) Exterior runs, exercise yards, or other such facilities for the keeping of animals are prohibited.

- (b) All interior areas for the keeping of animals must be sound-proofed.

Sec. 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

Cable communications system is a system of antennas, towers, and cables operated to transmit or receive electronic signals, programs, and provide services to subscribing members of the public. Does not include any facility where the cables do not cross public rights-of-way and that serves only the occupants of a single lot or parcel of land under common ownership or management.

2. Use Standards

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

- a. Any proposed tower must be setback one foot for every foot of height of a tower from all property lines, measured from the base of the support structure.
- b. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
- c. Structures, buildings and facilities in which or on which component elements of a cable communications system are located or which otherwise support the system, and which are operated by the entity operating the cable communications system pursuant to a franchise awarded by Montgomery County, may be allowed upon approval by the Board of Appeals.
- d. Offices are prohibited in residential zones as part of the cable communications system.

B. Freestanding Wireless Communications Tower

1. Defined

Freestanding wireless communications tower is any structure other than a building, providing wireless voice, data or image transmission within a designated service area. Consists of one or more antennas attached to a support structure and related equipment. Does not include amateur radio antenna (see [Sec. 3.5.14](#), Amateur Radio Facility) or radio or TV tower (see [Sec. 3.5.2.C](#), Media Broadcast Tower).

2. Use Standards

- a. Where a freestanding wireless communications tower is allowed as a limited use, it is subject to the following standards:
 - i. It must not be staffed.
 - ii. Antennas are limited to the following types and dimensions:
 - (a) omni-directional (whip) antennas with a maximum height of 15 feet and a maximum diameter of 3 inches ;
 - (b) directional or panel antennas with a maximum height of 8 feet and a maximum width of 2 feet; and
 - (c) satellite or microwave dish antennas with a maximum diameter of 8 feet.
 - iii. Signs or illumination on the antennas or support structure are prohibited unless required by the Federal Communications Commission, the Federal Aviation Administration, or the county.
 - iv. In the ELS, IL, and IH zones, the tower is a maximum height of 199 feet with a setback of one foot for every foot of height from all properties zoned Agricultural, Rural, or Residential.
- b. Where a freestanding wireless communications tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all applicable limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. Before the Board of Appeals grants any conditional use for a free-standing wireless communications tower, the proposed facility must

be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.

- ii. A communications tower must be set back from the property line, as measured from the base of the support structure, as follows:
 - (a) Freestanding wireless communications towers are prohibited in any scenic setback indicated on an approved and adopted master plan.
 - (b) In the Agricultural, Rural and Residential Detached zones, a distance of one foot for every foot of height or 300 feet from an existing dwelling, whichever is greater.
 - (c) In the EG and EOF zones, a distance of one-half foot for every foot of height.
 - (d) The Board of Appeals may reduce the setback requirement to not less than the building setback for a detached house building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on-site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, nearby residential properties, and visibility from the street. A reduced setback may not be approved if there is no location on the site where the setback requirements can be met.
- iii. The maximum height of a support structure and antenna is 155 feet, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure conforms

with the height and location of the support structure as authorized in the building permit.

- iv. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and nearby residential properties.
- v. The property owner must be an applicant for the conditional use for each support structure.
- vi. A modification of a conditional use is only required for a change to any use within the conditional use area directly related to the conditional use grant.
- vii. A support structure must be constructed to hold a minimum of 3 wireless communication carriers unless the Board of Appeals finds:
 - (a) that collocation at the site is not essential to the public interest; and
 - (b) that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility.
- viii. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers. Outdoor storage of equipment or other items is prohibited.
- ix. The support structure must be removed at the cost of the owner of the freestanding wireless communications tower when the wireless free-standing communications tower is no longer in use by any wireless communication carrier for more than 12 months.
- x. The support structure must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the tele-phone number of a person to contact regarding the

structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.

- xi. Each owner of the freestanding wireless communications tower is responsible for maintaining the wireless communications tower in a safe condition.

C. Media Broadcast Tower

1. Defined

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

2. Use Standards

- a. Where a media broadcast tower is allowed as a limited use, it is a maximum height of 199 feet and is setback one foot for every foot of height from any property zoned Agricultural, Rural, or Residential.
- b. Where a media broadcast tower is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
 - i. Before the Board of Appeals grants any conditional use for a media broadcast tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the Board of Appeals regarding the tower with the application. The recommendation must be no more than one year old.
 - ii. Any media broadcast tower that is collocated on an existing tower is not required to obtain a conditional use permit. A modification of a media broadcast tower conditional use permit is only required for a change to any use within the conditional use area directly related to the conditional grant.

- iii. Any support structure is set back from the property line a distance of one foot from the property line for every foot of height of the support structure or 275 feet from any off-site dwelling in an Agricultural, Rural, or Residential zone, whichever is greater, measured from the base of the support structure. The Board of Appeals may reduce the setback requirement to not less than the building setback for a general building type in the applicable zone if evidence indicates that a reduced setback will allow the support structure to be located on the property in a less visually obtrusive location than locations on the site where all setback requirements can be met after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties and visibility from the street. A reduced setback may not be approved where there is no location on the site where setback requirements can be met.
- iv. The maximum height of the support structure is 275 feet, except where it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to DPS that the height and location of the support structure as built conforms with the height and location of the support structure as authorized in the building permit.
- v. The support structure must be sited to minimize its visual impact. The Board of Appeals may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.
- vi. The property owner is an applicant for the conditional use for each support structure.
- vii. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower. The outdoor storage of equipment or other items is prohibited.
- viii. Signs or illumination are prohibited on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the county.
- ix. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- x. Any support structure is identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.
- xi. The owner of the facility is responsible for maintaining the facility in a safe condition.

Sec. 3.5.3. Eating and Drinking

A. Country Inn

1. Defined

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

2. Use Standards

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

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

B. Restaurant

1. Defined

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

2. Use Standards

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

Sec. 3.5.4. Funeral and Interment Services

A. Cemetery

1. Defined

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

2. Use Standards

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

- a. The proposed location is compatible with adjacent land uses, and will not adversely affect the public health, safety and welfare of the inhabitants of the area.
- b. All grave sites are sufficiently set back to establish a buffer between the site and surrounding properties. The buffer area so created must be suitably landscaped with trees and shrubs.
- c. Where the subject property is located in an area not served by public water and sewer, water table tests must be conducted to assure that there

is adequate filtration of drainage between burial depth and the level of high water table.

- d. In the AR, 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 a minimum of 25 acres in size. A family burial site must be set back a minimum of 100 feet from any adjoining residential property and a minimum of 50 feet from any existing or master-planned street. The use of any property for a family burial site must be recorded in the lands records of Montgomery County.

B. Crematory Services

1. Defined

Crematory services is a facility in which cremation occurs.

2. Use Standards

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

C. Funeral Home, Undertaker

1. Defined

Funeral home or undertaker is a facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; and conducts funeral and memorial services, including organization of funeral processions.

2. Use Standards

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

- a. The cremation of remains is prohibited.
- b. The funeral home may include a dwelling or sleeping facilities either as a separate building or a portion of the main building to be occupied by the owner or an employee of the establishment.

- c. The property and building must conform to the following:
 - i. In the RE-2, RE-1, RLD-20, and RMD-9 zones, the minimum lot area is 2 acres.
 - ii. The minimum side setback is 50 feet.
 - iii. The minimum rear setback is 50 feet.
 - iv. If public water and sewer are available they must be used for the operation of the facility. Where public water and sewer are not available, chemicals used for burial preparation are prohibited.
 - v. Frontage upon and access to a street or roadway with a minimum of 4 travel lanes.
- d. In the AR zone, this use is allowed only where operating in conjunction with a cemetery established by conditional use approval before August 20, 2001. Also, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.5.5. Landscape Contractor

A. Defined

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

B. Use Standard

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

1. In the Agricultural, Rural, and Residential Detached zones the minimum area of the lot is 2 acres. The Board of Appeals may require a larger area if warranted by the size and characteristics of the inventory or operation.
2. Building and parking setbacks are a minimum of 50 feet.
3. The number of motor vehicles and trailers for equipment and supplies operated in connection with the contracting business or parked on-site may be limited by the Board of Appeals to avoid an adverse impact on adjoining uses. Adequate parking must be provided on-site for the total number of vehicles and trailers permitted.
4. Sale of plant materials, garden supplies or equipment is prohibited unless the contracting business is associated with a retail or wholesale nursery.
5. The Board of Appeals may regulate hours of operation and other on-site operations to avoid adverse impact on adjoining uses.
6. In evaluating the compatibility of the landscape contractor with surrounding land uses, the Board of Appeals must consider that the impact on surrounding land uses in an Agricultural or Rural zone does not necessarily need to be controlled as stringently as the impact on a dwelling in a Residential zone.

Sec. 3.5.6. Lodging

A. Defined, In General

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

B. Bed and Breakfast

1. Defined

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

2. Use Standards

- a. Where a bed and breakfast is allowed as a limited use, it is subject to the following standards:
 - i. A bed and breakfast is prohibited in a dwelling unit that also provides guest rooms for roomers, or in a farm tenant dwelling, or on a property that includes an accessory apartment.
 - ii. The display of a sign must include the official house number.
 - iii. Breakfast is the only meal that may be served and only to overnight guests.
 - iv. A guest must only remain in a bed and breakfast for a maximum of 30 days in any one visit.
 - v. A record of all overnight visitors must be maintained.

- vi. The bed and breakfast must be registered with DPS.
 - vii. The minimum area of the lot or parcel must be the greater of 9,000 square feet or the minimum lot size for a detached house building type in the zone.
 - viii. On a lot of less than 2 acres, a maximum of 3 bedrooms may be designated as guest rooms for which compensation is charged.
 - ix. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).
- b. Where a bed and breakfast is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards, [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:
- i. The Board of Appeals may deny a petition for bed and breakfast with frontage on and access to a road built to less than primary residential standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.
 - ii. To avoid an adverse neighborhood impact and assure that the residential use remains predominant, the Board of Appeals may limit the number of transient visitors who may be accommodated at one time or the number of visits in any 30-day period.

C. Hotel, Motel

1. Defined

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

2. Use Standards

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

Sec. 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

1. Defined

Clinic for up to 4 medical practitioners is any building occupied by medical practitioners (such as a licensed physician, surgeon, dentist, osteopath, chiropractor, or optometrist) and related services to provide health services on an outpatient basis.

2. Use Standards

Where a clinic for up to 4 medical practitioners is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. The minimum front lot width is 100 feet.
- b. The minimum setback from an adjoining lot is 40 feet.
- c. The property must front on and have direct access to an arterial or higher standard roadway.
- d. Office space suitable for the practice of the profession must be unavailable in either the nearest Commercial/Residential or Employment zone or the nearest medical clinic office building constructed according to a conditional use grant.
- e. A maximum of 4 additional medical practitioners may be present at any one time, and only if the presence of the additional practitioners will not generate additional patient-related traffic. The additional practitioners are only allowed to assist a practitioner in a specific surgical or diagnostic procedure or perform administrative work related to the treatment of patients on-site the same day. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules of seeing patients and performing administrative work.

B. Clinic (More than 4 Practitioners)

1. Defined

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

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

2. Use Standards

Where a clinic for more than 4 practitioners is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

C. Medical, Dental Laboratory

1. Defined

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

Sec. 3.5.8. Office and Professional

A. Office

1. Defined

Office is activities conducted in an office setting and generally focusing on business, professional or financial services. Includes chancery. Does not include Medical, Dental Laboratory (see [Sec. 3.5.7.C](#), Medical, Dental Laboratory), Medical, Dental practice (see [Sec. 3.5.7](#), Medical and Dental) or Veterinary Hospital (see [Sec. 3.5.1.C](#), Veterinary Office/Hospital).

2. Use Standards

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

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

B. Nonresident Professional

1. Defined

Nonresident professional is an existing detached house structure used for professional office purposes by any member of a recognized profession, such as but not limited to psychiatrist, lawyer, architect, accountant, or engineer.

2. Use Standards

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

- a. A general business office such as an insurance company office, a trade association, a manufacturing company, an investment company, a bank, or real estate company are prohibited.
- b. The property must be:
 - i. designated as suitable for a nonresident professional office in an approved and adopted master or sector plan and located along a road with an existing right-of-way width of at least 90 feet;
 - ii. located on a property designated as a historic resource in the Master Plan for Historic Preservation, and located along a road with an existing right-of-way of at least 120 feet and containing structures formerly used for nonresidential purposes; or
 - iii. located on a property that abuts a fire station, police station, ambulance squad, or rescue squad.
- c. The Board of Appeals must find that the nonresident professional office:
 - i. will not constitute a nuisance because of traffic or physical activity;
 - ii. will not adversely affect the use and development of adjacent properties; and
 - iii. will have a minimum of 25% of the lot area devoted to open space.

C. Research and Development

1. Defined

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

2. Use Standards

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

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

Sec. 3.5.9. Parking

A. Defined

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

B. Structured Parking

1. Defined

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

C. Surface Parking for Use Allowed Zone

1. Defined

Surface parking as a principal use in connection with any permitted or limited use allowed in the zone.

D. Surface Parking for Commercial Uses in an Historic District

1. Defined

Surface parking for commercial uses in an historic district is surface parking of motor vehicles on land zoned Agricultural, Rural, or Residential adjacent to land zoned Commercial/Residential or Employment in a Master Plan-designated historic district.

2. Use Standards

- a. Where surface parking for commercial uses in an historic district is allowed as a limited use, it is subject to the following standards:
 - i. The land zoned Agricultural, Rural, or Residential is currently vacant. Removing or relocating structures to provide parking is prohibited;
 - ii. The amount of parking proposed is the minimum required under **Div. 7.2, Parking, Queuing, and Loading** for the commercial use proposed. Providing extra spaces is prohibited;
 - iii. The parking area must be located behind the front building line of the commercial structure being served by the parking except that in the case of a through lot with 2 front yards, parking must normally front on the road with the lesser classification; and
 - iv. Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process (**Chapter 24A-7**).
- b. Where surface parking for commercial uses in an historic district is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and **Sec. 8.3.1, Conditional Use Plan**.

Sec. 3.5.10. Recreation and Entertainment

A. Adult Entertainment

1. Defined

Adult entertainment is an establishment that:

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

2. Use Standards

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

- a. The adult entertainment materials must not be visible from outside the establishment.
- b. Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.
- c. The adult entertainment business must be located a minimum of 750 feet from any property:
 - i. located in a Residential zone; or
 - ii. on which a school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use.
 - iii. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any property located in a Residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.
- d. An adult entertainment business may continue as a nonconforming use if a school, library, park, playground, recreational facility, day care center,

place of worship, or Residential zone is established within 750 feet of the adult entertainment business after the business was established.

- e. An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.
- f. If adult booths are located on the premises:
 - i. The booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;
 - ii. Doors or curtains that screen the booth's interior from the common areas of the premises are prohibited;
 - iii. The booths must be designed to prevent physical contact with another person;
 - iv. The booths must be illuminated at all times;
 - v. Holes in the partitions between the adult booths are prohibited; and
 - vi. Persons under the age of 18 are prohibited from entering the premises.

B. Campground

1. Defined

Campground is a facility used for 2 or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.

2. Use Standards

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

- a. The maximum density of campsites is 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings.
- b. Each campsite, excluding parking space, provides a minimum of 900 square feet.

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

C. Conference Center

1. Defined

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

2. Use Standards

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

D. Golf Course, Country Club

1. Defined

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

2. Use Standards

Where a golf course, with or without a country club, is allowed as a conditional use, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

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

- c. In a Residential zone, a minimum frontage of 200 feet on a road of arterial or higher classification is required.
- d. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools must be set back a minimum of 100 feet from property lines shared with a property in a Residential Detached zone. The Board of Appeals may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

E. Health Clubs and Facilities

1. Defined

Health clubs and facilities is a facility designed to enhance physical conditioning and general health. Includes dance, martial arts, and yoga studios.

2. Use Standards

Where a health club or facility is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

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

1. Defined

Indoor recreation and entertainment facility with a capacity up to 1,000 persons is commercial uses, providing daily or regularly scheduled recreation-oriented or entertainment activities in an indoor setting, such as sport facilities, theaters, and dance clubs. Does not include Indoor Shooting Range (see [Sec. 3.5.10.I](#), Shooting Range (Indoor)). Does not include Health Clubs and Facilities (see [Sec. 3.5.10.E](#), Health Clubs and Facilities).

2. Use Standard

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

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

1. Defined

Outdoor recreation and entertainment facility with a capacity up to 1,000 persons is a commercial facility varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting. May take place wholly outdoors or within a number of outdoor structures. Includes golf driving range. Does not include Golf Course, Country Club (see [Sec. 3.5.10.D](#), Golf Course, County Club), or an Outdoor Shooting Range (see [Sec. 3.5.10.J](#), Shooting Range (Outdoor)).

2. Use Standard

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

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.
 - vii. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.
- b. In the RLD-20 zone:

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

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

1. Defined

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

2. Use Standards

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

- a. In the RE-2C zone:
 - i. Only a group picnic, catering and recreation facility is allowed.
 - ii. The site must be a minimum of 80 acres.
 - iii. The maximum building height is 50 feet.
 - iv. Any structure or building must be set back from any property line a minimum of 50 feet.
 - v. The site must have direct access to a public road that is built to primary or higher standards.
 - vi. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with

the facilities will not constitute an intrusion into adjacent residential properties. The facilities must be designed and sited to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.

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

I. Shooting Range (Indoor)

1. Defined

Indoor shooting range is an indoor rifle or pistol range.

2. Use Standard

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

J. Shooting Range (Outdoor)

1. Defined

Outdoor shooting range is an outdoor rifle, pistol, skeet or trap shooting range.

2. Use Standard

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

- a. Adjacent areas are predominantly undeveloped.
- b. The hours of operation are compatible with adjacent existing uses.
- c. The use is established for a period of 3 years, subject to renewal by Board of Appeals.
- d. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.5.11. Retail Sales and Service

A. Retail/Service Establishment

1. Defined

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

2. Use Standards

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

- a. In the RHD-1 zone:
 - i. The apartment/condo building type must contain a minimum of 150 dwelling units, be a minimum of 60 feet in height, and be on a tract of land of with a minimum of 5 acres.
 - ii. A maximum of 10% of the gross floor area of the building or 5,000 square feet, whichever is less, may be used for retail/service establishment use.
 - iii. Only small-scale retail sales and personal service establishments are permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.
- b. In the CRN and CRT zones, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).
- c. In the CRT and CR zones, retail sales and service [[Editor's note: Still to insert; to incorporate the "big box" ZTA.](#)]
- d. 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.

- e. In the IL and IH zones, retail sales and services is limited to a building material and supply establishment, wholesale or retail.

B. Rural Antique Shop

1. Defined

Rural antique shop is the sale of items belonging to, made in, or typical of an earlier period.

2. Use Standards

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

- a. The shop must be located in an existing building or part of an existing building.
- b. The original character of the building must be maintained.
- c. The structure must be 5 or more years old.
- d. If the property is located in the RLD-20 zone, it must abut land in the AR zone.
- e. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

C. Rural Country Market

1. Defined

Rural country market is the display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A rural country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland. A rural country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishments (see [Sec. 3.5.3](#), Eating and Drinking).

2. Use Standards

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

Sec. 3.5.12. Vehicle/Equipment Sales and Rental

A. Heavy Vehicle Sales and Rental

1. Defined

Heavy vehicle sales and rental is the sales, rental, or leasing of commercial vehicles, heavy equipment, and manufactured homes. Includes 18-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 Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and the following standards:

- a. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback a minimum of 15 feet from any right-of-way, 15 feet from any property line adjoining land in a residential zone, and 3 feet from any other property line.
- b. A minimum of 20 feet between access driveways on each street is required, and all driveways must be perpendicular to the curb or street line
- c. On a corner lot, the access driveway must be located a minimum of 20 feet from the intersection of the front and side street rights-of-way, and is a maximum of 30 feet in width.
- d. Product displays, parked vehicles and other obstructions, which would adversely affect visibility at intersections or to driveways are prohibited.

B. Light Vehicle Sales and Rental (Indoor)

1. Defined

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

2. Use Standards

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

- a. Access to the site must be taken from a business or higher street classification.
- b. It must satisfy the Site Plan requirements of [Sec. 8.3.4.](#)

C. Light Vehicle Sales and Rental (Outdoor)

1. Defined

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

2. Use Standards

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

- i. Access to the site must be taken from a business or higher street classification.
- ii. Vehicles must be stored or parked only on a hard surface that is constructed of material resistant to erosion, is adequately treated to prevent dust emission, and is surrounded by a raised curb. The parking and storage area must be setback 15 feet from any right-of-way, 15 feet from any property line adjoining land in an Agricultural, Rural, or Residential Detached zone, and 3 feet from any other property line.

- iii. There must be a minimum of 20 feet between access driveways on each street, and all driveways must be perpendicular to the curb or street line.
- iv. When such use occupies a corner lot, an access driveway is prohibited within 20 feet from the intersection of the front and side street rights-of-way, and cannot exceed 30 feet in width.
- v. Product displays, parked vehicles and other obstructions which would adversely affect visibility at intersections or to driveways are prohibited.
- vi. In the CRT zone, it must satisfy the Site Plan requirements of [Sec. 8.3.4.](#)

Sec. 3.5.13. Vehicle Service

A. Car Wash

1. Defined

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

2. Use Standards

- a. Where a car wash is allowed as a limited use, it is subject to the following standards:
 - i. When a car wash occupies a corner lot, the ingress or egress driveways are located a minimum of 20 feet from the intersection of the front and side street lines of the lot.
 - ii. Obstructions which adversely affect visibility at intersections or to the car wash driveways are prohibited.
 - iii. All driveways must be perpendicular to the curb or street line.
 - iv. Vehicle stacking space must be equivalent to 5 times the vehicle capacity of the automatic car wash or 3 times the vehicle capacity of the manual car wash bays.

- v. Demonstrate that the vehicles using the car wash will not queue off-site.
- vi. Where abutting or confronting a property zoned Residential that is vacant or improved with a residential use:
 - (a) All buildings must be set back a minimum of 100 feet from the abutting residential property line; and
 - (b) All parking and drive aisles for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
- b. Where a car wash is allowed as a conditional use, it may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

B. Fuel Sales

1. Defined

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

2. Use Standards

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

- a. The minimum site area is 20,000 square feet.
- b. Access to the site must be from a business or higher street classification
- c. Site lighting is a maximum of 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 must be located a minimum of 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 a minimum of 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.
- g. There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Board of Appeals may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.
- h. Vehicle parking that overhangs the public right-of-way is prohibited.
- i. If the fuel sales facility includes a car wash, it must:
 - i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays must be provided; and
 - ii. demonstrate that the vehicles using the car wash will not queue off-site.

C. Repair (Commercial Vehicle)

1. Defined

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

D. Repair (Minor)

1. Defined

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

2. Use Standards

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

E. Repair (Major)

1. Defined

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

2. Use Standard

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

- ii. All parking and storage for vehicles must be set back a minimum of 50 feet from the abutting residential property line.
- iii. The minimum site area is 20,000 square feet.
- 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 may be permitted by the Board of Appeals subject to all limited use standards and [Sec. 8.3.1](#), Conditional Use Plan.

Sec. 3.5.14. Accessory Commercial Uses

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

1. Defined

Amateur radio facility up to 65 feet in height is any facility used for personal, noncommercial radio communications licensed by the Federal Communications Commission up to 65 feet in height.

B. Amateur Radio Facility (Over 65 feet in Height)

1. Defined

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

2. Use Standards

Where an amateur radio facility over 65 feet in height is allowed, it may be permitted by the Board of Appeals subject to [Sec. 8.3.1](#), Conditional Use Plan, and must demonstrate that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.

C. Drive-Thru Facility

1. Defined

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

2. Use Standards

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

- a. A drive-thru facility, including the stacking area, must be located a minimum of 100 feet from any property in the Agricultural, Rural, or Residential Detached zones.
- b. A drive-thru service window, drive aisle, or stacking area located between the street and the front main wall of the main building is prohibited.
- c. A drive-thru service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot if permanently screened from any street by a minimum 5 foot high wall or fence.

D. Helistop

1. Defined

Helistop is a designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. No major support facilities are allowed (see [Sec. 3.6.6.B](#), Helipad, Heliport). Minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space are allowed. A small fuel tank for a ground level facility is allowed.

2. Use Standards

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

E. Wireless Communication on Existing Structure

1. Defined

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

2. Use Standards

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

- a. An antenna is prohibited on a detached house or duplex building type or associated accessory structure.
- b. A structure constructed for the support of the following is prohibited for use as a support structure for any other antenna:
 - i. an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission; or
 - ii. an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.
- c. Wireless communication on an existing structure is prohibited in any scenic setback indicated on an approved and adopted master plan.
- d. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop when the following standards are met:
 - i. The building must be a minimum of 50 feet in height in any Residential zone; or
 - ii. In any other zone, the building must be a minimum of 30 feet in height.
- e. An antenna may be mounted on the facade of the building with a minimum height of 30 feet in any non-Residential zone, and a minimum height of 50 feet in a Residential zone.
- f. An antenna may be attached to an existing structure on privately-owned land, including but not limited to a radio, television, or telephone transmission tower, a monopole, a light pole, a water tank, a silo, a barn or an overhead transmission line support structure.
- g. Any equipment building is subject to the following requirements:
 - i. An unmanned equipment building or cabinet is a maximum of 560 square feet in area and 12 feet in height or 14 feet in height for a rooftop structure, including the support structure for the equipment building, except that a single equipment building in excess of 560

square feet, located at ground level, may be used for more than one telecommunication provider, where:

- (a) The overall maximum square footage is 1,500 square feet and the maximum height is 12 feet;
 - (b) The building is used for more than one telecommunication provider operating from the same monopole or tower; and
 - (c) The building is reviewed by the Telecommunications Transmission Facility Coordinating Group in accordance with [Sec. 2-58E](#).
- ii. If the equipment building or cabinet is at ground level in a Residential zone, the building or cabinet must be faced with a compatible material on all sides and surrounded by landscaping providing a screen of at least 3 feet in height, and must conform to the setback standards of the applicable zone.
 - iii. If the equipment building is located on the roof of a building, the equipment building or cabinet and other structure, in combination with any other equipment building and structure, must not occupy more than 25% of the roof area.

Sec. 3.5.15. Temporary Commercial Uses

A. Construction Administration or Sales Office

1. Defined

Construction administration or sales office is a temporary office for construction administration or real estate sales.

2. Use Standards

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

- a. Requires a temporary use permit.
- 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

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

2. Use Standards

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

- a. Limited to one event a year for a maximum of 10 days.
- b. A written permit authorizing such parking must be obtained from DPS a minimum of 10 days before the event.
- c. DPS is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected.

C. Transitory Use

1. Defined

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

2. Use Standards

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

a. Temporary Use Permit

Requires a temporary use permit under [Chapter 47](#).

b. Uses Allowed

- i. A transitory use may be allowed on private property only if it would be allowed as a permanent use in the applicable zone under [Sec. 3.1.7](#).
- ii. A transitory use may be located in the public right-of-way where it satisfies [Chapter 47](#).

- iii. A transitory use is prohibited on any portion of the open space required by the zone in which the property is located.
- iv. If a transitory use is located in a parking lot subject to a parking facility plan, a revised parking facility plan must be submitted for review and approval.
- v. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Div. 3.6. Industrial Uses

Sec. 3.6.1. Animal Research Facility

A. Defined

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

Sec. 3.6.2. Contractor Storage Yard

A. Defined

Contractor storage yard is an outdoor storage yard for construction equipment or building materials and supplies.

B. Use Standards

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

1. The minimum site area is 20,000 square feet.
2. Access to the site must be from a business or higher street classification.

Sec. 3.6.3. Dry Cleaning Facility

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

1. Defined

Dry cleaning facility up to 3,000 square feet is an establishment up to 3,000 square feet for the mechanical cleaning of garments, articles or goods of fabric for retail customers. Does not include Laundromat or Dry Cleaning and Laundry Pick-up Station, (see [Sec. 3.5.11](#), Retail/Service Establishment).

2. Use Standards

Where a dry cleaning and laundry facility is allowed as a limited use, work for other similar dry cleaning or laundering establishments is prohibited.

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

1. Defined

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

Sec. 3.6.4. Manufacturing and Production

A. Artisan Manufacturing and Production

1. Defined

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

B. Heavy Manufacturing and Production

1. Defined

Heavy manufacturing and production is the processing, manufacturing and/or compounding of materials or products predominately from raw materials, which may include the storage of large volumes of highly flammable, toxic matter or explosive. This manufacturing may involve outdoor operations as part of their manufacturing process. General manufacturing processes have greater than average impacts on the environment and/or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

C. Light Manufacturing and Production

1. Defined

Light manufacturing and production is the manufacturing of finished products or parts from materials including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales,

and distribution of such products, provided all manufacturing processes are contained entirely within a building. Noise, odor, smoke, heat, glare and vibration resulting from the manufacturing processes are confined within the building.

D. Medical/Scientific Manufacturing and Production

1. Defined

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

2. Use Standards

Where medical/scientific manufacturing and production is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of [Sec. 8.3.4](#).

Sec. 3.6.5. Mining, Excavation

A. Defined

Mining or excavation is uses that extract minerals and other natural resources from land. Includes borrow pit, gravel mining.

B. Use Standards

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

1. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of this zone, whichever is greater. However, the minimum lot area is 10 acres.

2. A maximum of 10% of the net area of the lot is covered by buildings, including accessory buildings.
3. All quarries, pits, open mines, processing plants, screening, sorting, storage, stoneworks, stone cutting, stone polishing, loading, batching, mixing, maintenance, service and repair equipment, facilities and structures will be set back from property lines an amount sufficient to achieve the performance standards established by the Board of Appeals.
4. Access to a public road must be available.
5. The maximum height of a building or structure is 90 feet above the natural grade of the portion of the site upon which building or structure is situated, provided, however, that facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.
6. A minimum of 25% of the lot area designated for mining and excavation will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted to agriculture.
7. Access roads, security patrol roads, railroad sidings, identifications, directional and safety warning signs, security fences and acoustical or visual screens, berms or walls are permitted within the setback area.
8. The use is valid for a maximum of 3 years, subject to renewal by the Board of Appeals.
9. In the AR zone, this use may be prohibited (see [Sec. 3.1.5](#), Transferable Development Rights).

Sec. 3.6.6. Transportation

A. Bus, Rail Terminal

1. Defined

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

2. Use Standards

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

B. Helipad, Heliport

1. Defined

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

2. Use Standards

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

- a. All applications for heliports/helistops must provide noise analysis sufficient to make a finding of noise compatibility around the facility (the primary impact area) and along and under the principal access routes (the secondary impact area). The primary impact area includes the rotorcraft facility and the area within a 4,000-foot radius from the helipad. The secondary impact area includes all areas in the county along and under the principal access routes to the rotorcraft facility excluding the primary impact area.
- b. The heliport/helistop noise analysis must include a description of detailed operational procedures that would minimize noise levels affecting sensitive land uses in both the primary and secondary impact areas ("fly neighborly" procedures). Based on use of these procedures and worst-day noise scenario with peak usage of the facility, projected rotorcraft noise level (in terms of day-night average sound level or DNL) must be developed using models approved by the Federal Aviation Administration (see FAA Advisory Circular 150/5020-2). This worst-day operational scenario becomes the maximum allowable limit for the type, weight and noise characteristics of the rotorcraft proposed to use the facility; pro-

posed number of operations; and approximate time of day that landings and departures could occur.

- c. Rotorcraft operations are noise compatible if ambient DNL noise levels at noise sensitive areas with rotorcraft operations (post-rotorcraft 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. Instead of monitoring ambient conditions, the following noise-compatible land use planning goals for various land use types and densities must be used, as shown in the following table:
 - i. Maximum Compatible Sound Levels

Approximate Density Residential	Day/Night Average Sound Level (DNL) in A-Weighted Decibels
Less than or equal to 1 unit per acre	55 dBA
2 units to 15 units per acre	60 dBA
Multi-unit and high rise	65 dBA

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

iii. Maximum Rotorcraft Sound Levels

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

- iv. Where ambient noise levels significantly differ from those in the Maximum Compatible Sound Levels Table, measurements or modeling may be performed to establish compatibility standards appropriate to the ambient environment. Office, commercial and industrial

land uses will not be reviewed for noise impacts with the following 2 exceptions: (1) situations where it appears likely that workers will be subjected to noise levels in excess of 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 Board of Appeals may designate additional conditions for use in the public interest which may include, but not be limited to, restricting the number of rotorcraft operations, restricting the hours of operation of the facility, restricting operations of high noise generating rotorcraft during noise-sensitive hours, or any combinations thereof.

- e. With the exception of operations on the helipad, all on-ground operations are subject to the standards of [Chapter 31B](#), "Noise Control". In particular, heliport maintenance operations must be subject to these standards.
- f. Permission to use a site for a private use helistop/heliport may be granted by the Board of Appeals for a 5-year period or such shorter period as the Board of Appeals may specify in granting the conditional use. The conditional use may be renewed by the Board of Appeals for additional periods, not to exceed 5 years each, if the same findings required for the initial approval by the Board of Appeals can still be made.
- g. Operators of approved heliports/ helistops must maintain an accurate log of all rotorcraft operations, specifying each operation that occurs including the type of rotorcraft and the date and time of the operation. This log must be available for inspection by DPS as part of any inspection of operations for conditional uses. Failure to maintain the log or failure to make the log available to DPS as part of an inspection is a violation of the conditional use approval

C. Taxi/Limo Facility

1. Defined

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

2. Use Standards

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

Sec. 3.6.7. Utilities

A. Pipeline (Above Ground)

1. Defined

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

2. Use Standards

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

- a. The proposed pipeline is necessary for public convenience and service.
- b. The proposed pipeline will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.

B. Pipeline (Below Ground)

1. Defined

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

C. Public Utility Building or Structure

1. Defined

Public utility building or structure is a utility building and structure other than transmission lines or pipelines. Includes buildings or structures for the occu-

pancy, use, support or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service.

2. Use Standards

- a. Where a public utility building or structure is allowed as a limited use, if it is abutting or confronting a property zoned Agricultural, Rural, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the Site Plan requirements of **Sec. 8.3.4.**
- b. Where a public utility building or structure is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1,** Conditional Use Plan, and the following standards:
 - i. The proposed building or structure at the location selected is necessary for public convenience and service.
 - ii. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
 - iii. A public utility building or structure allowed in any Rural or Residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board of Appeals.
 - iv. The Board of Appeals may waive the height limits of the applicable zone where, in the opinion of the Board of Appeals, adjacent residential uses will not be adversely affected by the increased height.

D. Renewable Energy Generation

1. Defined

[Editor's Note: still to be added]

E. Transmission Line (Above Ground)

1. Defined

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

2. Use Standards

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

F. Transmission Line (Below Ground)

1. Defined

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

Sec. 3.6.8. Warehouse

A. Freight Movement

1. Defined

Freight movement is facilities involved in the movement of goods or equipment, including temporary storage. Goods and equipment must be delivered to other facilities or the final consumer; on-site sales activity is prohibited.

B. Mineral Storage

1. Defined

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

2. Use Standards

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

C. Self-Storage

1. Defined

Self-storage is facilities providing separate storage areas for personal or business use designed to allow private access by the tenant.

2. Use Standards

Where a self-storage facility is allowed as a conditional use, it may be permitted by the Board of Appeals subject to **Sec. 8.3.1,** Conditional Use Plan.

D. Storage Facility

1. Defined

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

2. Use Standards

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

Sec. 3.6.9. Waste-Related

A. Hazardous Material Storage

1. Defined

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

2. Use Standards

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

B. Incinerator

1. Defined

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

2. Use Standards

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

C. Landfill

1. Defined

Landfill is a facility that collects waste and disposes of it according to State of Maryland requirements for landfills. Includes municipal landfills, land clearing debris landfills, rubble landfills, and industrial waste landfills.

2. Use Standards

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

D. Recycling Collection and Processing

1. Defined

Recycling collection and processing is any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials are separated, collected, processed, or marketed in the form of raw materials or products and result in less than 10% non-marketable waste by volume. Inventory stored on-site must be turned over at least once every 3 months. Does not include a transfer station (See [Sec.3.6.9.F](#), Transfer Station).

E. Recycling Drop-off Center

1. Defined

Recycling drop-off center is 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. On-site mechanical processing or shredding is prohibited.

F. Transfer Station

1. Defined

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

2. Use Standards

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

Div. 3.7. Miscellaneous Uses

Sec. 3.7.1. Accessory Buildings, Structures and Uses

A. Defined

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

B. Use Standards

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

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

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