

**REVISED**

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

**And**

**Article 59-4. Zoning District Regulations (Ag/Res Only)**

This revised draft encompasses changes made to the original ZAP drafts, Article 59-4 and Article 59-3, dated October 13, 2010 and December 8, 2010 respectively. These changes reflect comments and suggestions made by ZAP members, working groups, county staff, planning staff, and residents. However, this document is a work in progress, and all content is subject to change and discussion.

## Div. 2.2 Zones Established

### Sec. 2.2.1. Table of Established Zones

The following zones are established to carry out the provisions of this code and may be applied to property as set forth in the Zoning Map.

Current Zone		Proposed Zone	
Agricultural & Rural			
RDT	Rural Density Transfer	AC	Agricultural Conservation
R	Rural	RR	Rural Residential
RC	Rural Cluster	RC	Rural Cluster
LDRC	Low Density Rural Cluster		
RNC	Rural Neighborhood Cluster	RNC	Rural Neighborhood Cluster
Residential, Detached Unit			
RE-2	Residential, One-Family	RE-2	Residential Estate - 2 acre lot
RE-1	Residential, One-Family	RE-1	Residential Estate - 1 acre lot
R-200	Residential, One-Family	RLD-20	Residential Low Density - 20,000sf lot
RMH-200	Residential, One-Family		
R-150	Residential, One-Family		
R-90	Residential, One-Family	RMD-9	Residential Medium Density - 9,000sf lot
R-60	Residential, One-Family	RMD-6	Residential Medium Density - 6,000sf lot
R-40	Residential, One-Family		
Residential, Townhouse			
RT-6.0	Residential, Townhouse	TLD-6	Townhouse Low Density
RT-8.0	Residential, Townhouse		
RT-10.0	Residential, Townhouse	TMD-4	Townhouse Medium Density
RT-12.5	Residential, Townhouse		
RT-15.0	Residential, Townhouse	THD-3	Townhouse, High Density
Residential, Multi-Family			
R-4plex	Residential, Fourplex	RHD-3	Residential High Density
R-30	Multiple-Family, Low Density Residential		
R-20	Multiple-Family, Medium Density Residential	RHD-2	Residential High Density
R-10	Multiple-Family, High Density Residential	RHD-1	Residential High Density
R-H	Multiple-Family, High-Rise Planned Residential		

## **Div. 2.3 Intent Statements**

### **Sec. 2.3.1. Agricultural and Rural Zones**

#### **A. Agricultural Conservation (AC)**

The intent of the Agricultural Conservation (AC) zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.

Agriculture is the preferred use in the Agricultural Conservation zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to additional use standards or the conditional use approval process.

The intent of the child lot option in the Agricultural Conservation zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the AC zone.

#### **B. Rural Residential (RR)**

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

#### **C. Rural Cluster (RC)**

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

#### **D. Rural Neighborhood Cluster (RNC)**

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

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

## **Sec. 2.3.2. Residential Zones**

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

The intent of the Residential Estate zones, RE-2 and RE-1, is to provide designated areas in the county for large-lot residential purposes. The dominant use is residential in a detached house.

### **B. Residential Low Density (RLD-20)**

The intent of the Residential Low Density zone, RLD-20, is to provide designated areas of the county for residential purposes at a density of two units per acre.

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

The intent of the Residential Medium Density zones, RMD-9 and RMD-6, is to provide designated areas of the county for moderate density residential purposes. The dominant use is residential in a detached house, although a limited number of duplexes and townhouses may be allowed as part of a development containing Moderately Priced Dwelling Units.

### **D. Townhouse (TLD-6, TMD-4, THD-3)**

The intent of the Townhouse zones, TLD-6, TLD-4, and TLD-2, is to provide designated areas of the county for residential purposes at slightly higher densities than the Residential Medium Density zones. A further intent of the Townhouse zones is to provide a residential buffer or transitional uses between non-residential or high density residential uses and the Medium or Low Density Residential zones.

### **E. Residential High Density (RHD-3, RHD-2, RHD-1)**

The intent of the Residential High Density zones, RHD-3, RHD-2, and RHD-1, is to provide designated areas of the county for high density residential purposes. The predominant use is residential in an apartment/condo building, although a detached house, duplex and townhouse are allowed building types within these zones.

# ARTICLE 59-3. USES AND USE STANDARDS **(AG/RES ONLY)**

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## Div. 3.1. Use Table

### Sec. 3.1.1. Key to Use Table

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

#### A. Permitted Use (P)

Indicates that the use is permitted by right in the zone.

#### B. Limited Use (L)

Indicates that the use, while permitted by right in the zone, must meet the general use standards applicable to the use group, as well as the standards specific to the use, as set forth in Div. 3.2 through 3.8.

#### C. Conditional Use (C)

Indicates that the use requires approval by the [Review Body] as a conditional use before it is allowed. Use standards in Div. 3.2 through 3.8 may also apply (see specific use standard).

#### D. Blank Cell

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

### Sec. 3.1.2. Use Definitions

- A. The uses listed in Div. 3.2 through 3.8 match those in the Use Table. Some rows on the Use Table contain individual uses, while other rows represent a use group (a group of uses defined by a single term or phrase). Where standards are provided for a use group, these standards apply to all individual uses within the group, in addition to any standards provided for individual uses.
- B. Where a use definition in Div. 3.2 through 3.8 contains a list of included uses, these are to be considered typical or example uses, and not all-inclusive.
- C. Where a particular use is not specifically listed, the Director of Permitting Services may allow the use in accordance with the provisions of Sec. 3.1.4, Uses Not Specifically Listed.

### Sec. 3.1.3. Allowed Use Table

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

USE OR USE GROUP	DEFINITION/ STANDARDS	AGRICULTURAL, RURAL				RESIDENTIAL										
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>AGRICULTURAL</b>																
Agricultural Auction Facility	Sec. 3.2.1	C														
Agricultural Processing	Sec. 3.2.2	L	C	C												
Community Garden	Sec. 3.2.3			P	P	P	P	P	P	P	P	P	P	P	P	P
Equestrian Facility	Sec. 3.2.4	L	L	L	L	C	C	C								
Farm <u>Supply or</u> Machinery Sales, Storage, Service	Sec. 3.2.5	C		C												
<b>FARMING</b>	Sec. 3.2.6															
Farming, <u>Animal</u>	Sec. 3.2.6.A	P	P	L	L											
Farming, Produce	Sec. 3.2.6.B	P	P	L	L	L	L	L	L	L						
Farrier	Sec. 3.2.7	L	L	L	L											
<b>NURSERY</b>	Sec. 3.2.8															
Nursery, <u>Wholesale</u>	Sec. 3.2.8.A	C	C	C	C	C	C									
Nursery, Retail	Sec. 3.2.8.B	C	C	C	C	C	C	C								
<u>Slaughterhouse</u>	Sec. 3.2.9	C	C	C												
Winery	Sec. 3.2.10	L	L	L	C											
<b>ACCESSORY AGRICULTURAL USES</b>	Sec. 3.7															
Animal Husbandry	Sec. 3.7.5	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Farm Airstrip	Sec. 3.7.6	C		C												
Farm <u>Market, On-Site</u>	Sec. 3.7.7	L	L	L												
<b>TEMPORARY AGRICULTURAL USES</b>	Sec. 3.8															
<u>Agricultural Vending</u>	Sec. 3.8.3					L	L	L	L	L	L	L	L	L	L	L
Seasonal Outdoor Sales	Sec. 3.8.5	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

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



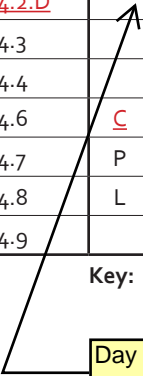
Low Impact Home Health Practitioner is an L in the RNC zone  
Major Impact Home Health practitioner is a C in the RNC zone

USE OR USE GROUP	DEFINITION/ STANDARDS	AGRICULTURAL, RURAL				RESIDENTIAL										
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>RESIDENTIAL</b>																
<b>HOUSEHOLD LIVING</b>																
	Sec. 3.3.1.A															
Single-Unit Living	Sec. 3.3.1.B	P	P	P	<u>P</u>	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P
Two-Unit Living	Sec. 3.3.1.C				<u>L</u>	L	L	L	L	<u>L</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P
Multi-Unit Living	Sec. 3.3.1.D				<u>P</u>	<u>L</u>	<u>L</u>	<u>L</u>	L	L	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P
<b>ACCESSORY HOUSEHOLD LIVING</b>																
	Sec. 3.7															
<u>Accessory Apartment, Attached (up to 800 SF)</u>	Sec. 3.7.2	L	L	L	<u>L</u>	L	L	L	L	L	<u>L</u>	<u>L</u>	<u>L</u>	L	L	L
<u>Accessory Apartment, Attached (801 to 1,200 SF)</u>	Sec. 3.7.2	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Accessory Apartment, Detached (up to 800 SF)</u>	Sec. 3.7.3					L	L	L	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	L	L	L
<u>Accessory Apartment, Detached (801 to 1,200 SF)</u>	Sec. 3.7.3					<u>L</u>	<u>L</u>	<u>L</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>
Farm Tenant Dwelling	Sec. 3.7.8	L	L	L												
<b>HOME OCCUPATION (ACCESSORY USE)</b>																
	Sec. 3.7.9.A															
No Impact <u>Home Occupation</u>	Sec. 3.7.9.B	L	L	L	<u>L</u>	L	L	L	L	L	<u>L</u>	<u>L</u>	<u>L</u>	L	L	L
Low Impact <u>Home Occupation</u>	Sec. 3.7.9.B	L	L	L	<u>L</u>	L	L	L	L	L	<u>L</u>	<u>L</u>	<u>L</u>	L	L	L
Major Impact <u>Home Occupation</u>	Sec. 3.7.9.B	C	C	C	<u>C</u>	C	C	C	C	C	<u>C</u>	<u>C</u>	<u>C</u>	C	C	C
<b>HOME HEALTH PRACTITIONER (ACCESSORY USE)</b>																
	Sec. 3.7.10															
<u>Low Impact Home Health Practitioner</u>	Sec. 3.7.10	L	L	L		L	L	L	L	L	<u>L</u>	<u>L</u>	<u>L</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Major Impact Home Health Practitioner</u>	Sec. 3.7.10	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<b>GROUP LIVING</b>																
	Sec. 3.3.2.A															
<u>Independent Living Facility for Seniors or Persons With Disabilities</u>	Sec. 3.3.2.B		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>L</u>	<u>L</u>	<u>L</u>
<u>Personal Living Quarters (up to 50 individual living units)</u>	Sec. 3.3.2.C													<u>L</u>	<u>L</u>	<u>L</u>
<u>Personal Living Quarters (over 50 individual living units)</u>	Sec. 3.3.2.C													<u>C</u>	<u>C</u>	<u>C</u>
<u>Residential Care Facility (up to 8 persons)</u>	Sec. 3.3.2.D	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Care Facility (9 to 16 persons)</u>	Sec. 3.3.2.D		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Residential Care Facility (over 16 persons)</u>	Sec. 3.3.2.D		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

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

USE OR USE GROUP	DEFINITION/ STANDARDS	AGRICULTURAL, RURAL				RESIDENTIAL										
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>CIVIC &amp; INSTITUTIONAL</b>																
Charitable, Philanthropic Institution	Sec. 3.4.1	C	C	C	C	C	C	C	C	C						
<b>DAY CARE FACILITY</b>																
Family Day Care (up to 8 Persons)	Sec. 3.4.2.B	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care (9 to 12 Persons)	Sec. 3.4.2.C	L	L	L	L	L	L	L	C	C	C	C	C	C	C	C
Day Care Center (13 to 30 Persons)	Sec. 3.4.2.D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
<u>Day Care Center (31 to 80 Persons)</u>	<u>Sec. 3.4.2.D</u>													C	C	C
Educational Institution (Private)	Sec. 3.4.3		C	C	C	C	C	C	C	C	C	C	C	C	C	C
Museum, Cultural/Art Exhibit, Library	Sec. 3.4.4			L	L	L	P	P	P	P	P	P	P	P	P	P
Private Club, Service Organization	Sec. 3.4.6	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Use (Except Utilities)	Sec. 3.4.7	P	P	L	L	P	P	P	P	P	P	P	P	P	P	P
Religious Assembly	Sec. 3.4.8	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Swimming Pool (Community)	Sec. 3.4.9		C	C	C	C	C	C	C	C	C	C	C	C	C	C

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



Day Care Center (31 to 80 persons) is a C, conditional use, in all agricultural, rural and residential zones

USE OR USE GROUP	DEFINITION/ STANDARDS	AGRICULTURAL, RURAL				RESIDENTIAL										
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>COMMERCIAL</b>																
ANIMAL SERVICES	Sec. 3.5.1.A															
Animal Care (Indoor)	Sec. 3.5.1.B	C	C	C	C	C	C	C	C	C						
Animal Care (Outdoor)	Sec. 3.5.1.C	C	C	C	C	C	C	C								
Campground	Sec. 3.5.2		C			C										
COMMUNICATION FACILITY	Sec. 3.5.3															
Cable Communications System	Sec. 3.5.3.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Freestanding <u>Wireless Communications</u> Tower	Sec. 3.5.3.B	C	C	C	C	C	C	C	C				C	C	C	
Media Broadcast Tower	Sec. 3.5.3.C	C	C	C		C	C	C	C				C	C	C	
FUNERAL AND INTERMENT SERVICES	Sec. 3.5.4															
Cemetery	Sec. 3.5.4.A	C	C	C	C	C										
<u>Funeral Home, Undertaker</u>	<u>Sec. 3.5.4.B</u>	C				C	C	C	C							
Golf Course, Country Club	Sec. 3.5.5		C	C		C	C	C	C	C	C	C	C	C	C	C
LODGING	Sec. 3.5.6.A															
Bed & Breakfast	Sec. 3.5.6.B	L	L	L	L	L	L	L	L	C						
<u>MEDICAL &amp; DENTAL</u>	<u>Sec. 3.5.7</u>															
<u>Clinic (up to 4 medical practitioners)</u>	<u>Sec. 3.5.7.B</u>							C	C	C						
<u>OFFICE</u>	<u>3.5.8</u>															
<u>Nonresident Professional</u>	<u>Sec. 3.5.8.B</u>							C	C	C						
RESTAURANT	Sec. 3.5.9															
Country Inn	Sec. 3.5.9.A			C		C	C	C								
<u>RETAIL SALES &amp; PERSONAL SERVICE</u>	<u>Sec. 3.5.10</u>															
<u>Antique Shop</u>	<u>Sec. 3.5.10.A</u>	C	C	C	C	C	C	C								
<u>Country Market</u>	<u>Sec. 3.5.10.B</u>	C	C	C	C	C	C	C								
<u>Incidental Retail Sales &amp; Personal Service</u>	<u>Sec. 3.5.10.C</u>															C
Shooting Range (Outdoor)	Sec. 3.5.11	C	C	C												
ACCESSORY COMMERCIAL USES	Sec. 3.7															
Amateur Radio Facility	Sec. 3.7.4	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Wireless on Existing Structure	Sec. 3.7.11	L	L	L	L	L	L	L	L				L	L	L	
TEMPORARY COMMERCIAL USES	Sec. 3.8															
Construction Administration or Sales Office	Sec. 3.8.4	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Transitory use	Sec. 3.8.5	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

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

USE OR USE GROUP	DEFINITION/ STANDARDS	AGRICULTURAL, RURAL				RESIDENTIAL										
		AC	RR	RC	RNC	RE-2	RE-1	RLD-20	RMD-9	RMD-6	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>INDUSTRIAL</b>																
Mining, Excavation	Sec. 3.6.1	C	C	C												
<b>UTILITIES</b>	Sec. 3.6.2															
Minor Public Utility	Sec. 3.6.2.A	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Major Public Utility	Sec. 3.6.2.B	C	C	C	C	C	C	C	C	C				C	C	C
Other Public Utility Building or Structure	Sec. 3.6.2.C	C	C	C	C	C	C	C	C	C				C	C	C
<b>ACCESSORY INDUSTRIAL USES</b>	Sec. 3.7															
Sustainable Energy Generation	Sec. 3.7.11	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

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

### Sec. 3.1.4. Uses Not Specifically Listed

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

## Div. 3.2. Agricultural Uses

### Sec. 3.2.1. Agricultural Auction Facility

#### A. Defined

A sales establishment at which merchandise is sold to the highest bidder. Merchandise to be auctioned is limited to farm-related items.

#### B. Use Standards

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

1. The minimum area of the lot must be five acres.
2. Minimum setback of the auction facility (whether enclosed within a building or not) and the parking area must be 50 feet from any property line where the adjoining property is in residential use.
3. The [Review Body] may specify the types of goods to be auctioned.
4. Evening and weekend operations may be permitted.
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. The agricultural exemption of Sec. 31B-14(c) is not applicable.
6. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

### Sec. 3.2.2. Agricultural Processing

#### A. Defined

Operations that transform, package, sort or grade farm products into goods that are used for intermediate or final consumption, including goods for non-food use. Includes grain elevator, milk plant, and mulch or compost manufacturing. Does not include slaughterhouse (see Sec. 3.2.9, Slaughterhouse).

#### B. Use Standards

1. Where agricultural processing is allowed as a limited use, it is subject to the following conditions:

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

### Sec. 3.2.3. Community Garden

#### A. Defined

Land gardened by a group of people for personal use or limited distribution and not for sale on-site. Includes cultivation of fruit, vegetables, flowers and ornamental plants.

### Sec. 3.2.4. Equestrian Facility

#### A. Defined

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

#### B. Use Standards

1. Where an equestrian facility is allowed as a limited use, it is subject to the following conditions:
  - a. The minimum number of gross acres per horse is as follows:
    - i. For 1-2 horses, 2 acres;

- ii. For 3-10 horses, 1 acre per horse; and
- iii. For more than 10 horses, an additional one-half acre per horse.
- b. Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The landowner must obtain all plans within one year after commencement of operation.
- c. Each building, show ring, paddock, outdoor area, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.
- 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, and not be illuminated after 10 PM. Any equestrian event must not be illuminated after 9 PM Sunday through Thursday.
- f. Events may be held as follows:
  - i. An event may operate only from 6 AM to 9 PM Sunday through Thursday and from 6 AM to 10 PM Friday and Saturday.
  - ii. A site that is 18 acres or more may:
    - (a) Host an event that involves 25 or fewer participants and spectators per day.
    - (b) Host an informal event with 26 to 50 participants and spectators per day on any Saturday, Sunday or holiday, and on no more than six weekdays in any calendar month.
- iii. A site that is 25 acres or more may also host up to seven minor equestrian events each year (up to 150 participants or spectators per day) each year.
- iv. A site that is 75 acres or more with direct access to a roadway with an arterial or higher classification may also host up to three major events (up to 300 participants or spectators per day) each year. Each event may be held for up to three consecutive days. A permit must be obtained from the Department of Permitting Services for each event involving more than 150 participants and spectators per day. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by the Department of Permitting Services to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by the Department.
- g. An equestrian facility conditional use application may be filed with the [Review Body] to deviate from any limited use standard regarding number of participants and spectators; number of events each year; event acreage; hours of operation; and road classification requirement. An equestrian facility conditional use must be renewed every five years, at which time the [Review Body] must evaluate the effectiveness of the terms and conditions of the original conditional use grant.
- 2. Where an equestrian facility is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, the findings established in Div 6.5, Conditional Use Approval, and the following conditions:
  - a. In the AC, RR, RC and RNC zones:
    - i. The equestrian facility will not adversely affect adjoining land uses or the surrounding road network. The applicant has the burden of producing substantial evidence that the property has adequate access to accommodate the additional traffic and that the road from which the property has access and the nearest intersections operate

at an acceptable level of service based on Local Area Transportation Review Guidelines.

- ii. In evaluating the compatibility of an equestrian facility conditional use on the surrounding land uses, the [Review Body] must consider that the impact of an agricultural conditional use on surrounding land uses in an agricultural zone does not necessarily need to be controlled as stringently as the impact of a conditional use in a residential zone.
- b. In the RE-2, RE-1 and RLD-20 zones:
  - i. Any equestrian facility on less than five acres must establish through a pasture maintenance plan, feeding plan and any other document the [Review Body] requires, that the property contains sufficient open pasture to ensure proper care of the horses and proper maintenance of the property.
  - ii. The [Review Body] may limit or regulate:
    - (a) The number of horses that may be kept or boarded.
    - (b) The number of horses that may be rented out for recreational riding or instruction.
    - (c) The number and type of equestrian events that may be held in a one-year period.
  - iii. All animal waste must be handled in accordance with state requirements for nutrient management.

### Sec. 3.2.5. Farm **Supply or Machinery Sales, Storage, Service**

#### A. **Defined**

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

#### B. **Use Standards**

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

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

### Sec. 3.2.6. Farming

#### A. Farming, **Animal**

##### 1. **Defined**

The keeping and raising of animals. Includes accessory slaughtering and agricultural processing. Does not include confined animal feeding operations.

##### 2. **Use Standards**

Where keeping and raising of animals is allowed as a limited use, it is subject to the following condition:

- a. In the RC and RNC zones, the keeping and raising of animals is permitted only where it is associated with a farm that is part of the protected open space of a cluster development.

#### B. Farming, **Produce**

##### 1. **Defined**

The growing and harvesting of produce and other plant-based agricultural products. Includes the cultivation of crops including fruit, vegetables, corn, cotton, grain, nuts, cattle food and sod. Includes accessory **agricultural** processing and storage of produce grown on-site.

## 2. Use Standards

Where produce farming is allowed as a limited use, it is subject to the following condition:

- a. In the RC and RNC zone, produce farming is permitted only where it is associated with a farm that is part of the protected open space of a cluster development.
- b. In the residential zones, no sod farms or accessory agricultural processing are allowed.

### Sec. 3.2.7. Farrier

#### A. Defined

A specialist in equine hoof care, including the trimming and balancing of a horse's hoof and the placing of shoes on the horse's foot. Includes related blacksmithing.

#### B. Use Standards

Where a farrier is allowed as a limited use, it is subject to the following conditions:

1. Minimum area of the lot must be five acres.
2. Minimum setback from the property line must be 25 feet.
3. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

### Sec. 3.2.8. Nursery

#### A. Nursery, Wholesale

##### 1. Defined

The wholesale business of selling plants and plant materials grown on- or off-site. Fertilizers, plant food and pesticides must not be produced but may be stocked and sold. Does not include landscape contracting (see Sec. XX).

##### 2. Use Standards

Where a wholesale nursery is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- a. The minimum lot area is two acres
- b. The minimum building setback from any property line is 50 feet.
- c. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

#### B. Nursery, Retail

##### 1. Defined

The wholesale or retail sales of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items. Includes garden supply stores, cut-your-own evergreen tree farms. Does not include landscape contracting (see Sec. XX).

##### 2. Use Standards

Where a retail nursery is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

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

### Sec. 3.2.9. Slaughterhouse

#### A. Defined

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



**B. Use Standards**

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

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

**Sec. 3.2.10. Winery**

**A. Defined**

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

**B. Use Standards**

1. Where a winery is allowed as a limited use, it is subject to the following conditions:
  - 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 [Review Body] finds that:
    - i. The site is in an agricultural area, not a residential area; and
    - ii. The smaller setback would be compatible with surrounding uses.
  - c. The property must front on and have access to a road built to primary or higher standards.
  - d. Up to two special events such as a wedding, festival or other similar event may be allowed each calendar year. Additional events require conditional use permit approval by the [Review Body].
2. Where a winery is allowed as a conditional use, it may be permitted by the

[Review Body] subject to all limited use standards, the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- a. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space

## Div. 3.3. Residential Uses

### Sec. 3.3.1. Household Living

#### A. Defined, In General

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

#### B. Single-Unit Living

##### 1. Defined

One dwelling unit contained in a single structure.

#### C. Two-Unit Living

##### 1. Defined

Up to two dwelling units contained in a single structure.

##### 2. Use Standards

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

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

#### D. Multi-Unit Living

##### 1. Defined

Three or more dwelling units contained in a single structure. May include an office for the purpose of management, service and maintenance of the development.

##### 2. Use Standards

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

- a. In the RE-2 and RE-1 zones, multi-unit living is permitted as part of a development including Moderately Priced Dwelling Units (see Sec. XX, Moderately Priced Dwelling Units), provided that:
  - i. It is served by public sewer service; or
  - ii. Designated for sewer service in the applicable master plan.
- b. In the RLD-20 zone, multi-unit living is permitted as part of a development including Moderately Priced Dwelling Units (see Sec. XX, Moderately Priced Dwelling Units).
- c. In the RMD-9 and RMD-6 zones, multi-unit living is permitted as part of:
  - i. A development including Moderately Priced Dwelling Units (see Sec. XX, Moderately Priced Dwelling Units);
  - ii. As part of a cluster development (see Sec. XX, Cluster Development) that is at least 10 acres in size;
  - iii. As part of a cluster development (see Sec. XX, Cluster Development) that is at least three acres or more in size when recommended in a master or sector plan.

## Sec. 3.3.2. Group Living

### A. Defined, in General

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

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

#### 1. Defined

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

#### 2. Use Standards

- a. Where an independent living facility for seniors or persons with disabilities is allowed as a limited use, it is subject to the following conditions:
  - 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 xxx;
    - (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, the 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. (In that Act, "familial status" refers to discrimination against families with children.)
- b. Where an independent living facility for seniors or persons with disabilities is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:
    - 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. The site or the proposed facility has adequate accessibility to or provides onsite public transportation, medical service, shopping areas, recreational 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.
    - iv. The [Review Body] may restrict the availability of ancillary services to nonresidents and specify the manner in which this is publicized. Retail facilities may be included to serve exclusively the residents of the building.

- v. A minimum of 15 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined in Div. 7.2 Defined Terms.

**C. Personal Living Quarters**

**1. Defined**

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

**2. Use Standards**

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

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

- i. Each individual living unit must have a minimum gross floor area of 150 sf and a maximum gross floor area of 385 sf.
- ii. Each individual living unit must not contain complete cooking facilities.
- iii. Each individual living unit may contain separate sanitation facilities.
- iv. Each individual living unit must be subject to a rental agreement with a minimum lease term of at least 30 days.
- v. The maximum number of individual living units per acre is as follows:
  - (a) RHD-3: 29 units per acre
  - (b) RHD-2: 43 units per acre
  - (c) RHD-1: 87 units per acre
- vi. If individual living units are constructed on a lot or included in a building with complete dwelling units, the density standard for

dwelling units in the zone apply to that portion of the lot that contains complete dwelling units.

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

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

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

**D. Residential Care Facility**

**1. Defined**

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. Use includes nursing home, assisted living facility, continuing care retirement community, hospice and group home. Use does not include hospitals or independent living facilities for seniors or persons with disabilities.

**2. Use Standards, In General**

- a. Facility must meet all applicable federal, state and county certificate, licensure and regulatory requirements.

- b. Resident staff necessary for operation of the facility are allowed to live on site. The number of residents includes members of the staff who reside at the facility, but does not include infants of less than two months old.
- c. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

**3. Residential Care Facility (9 to 16 Persons)**

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

- a. Any property to be used as a group home for children provides ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- b. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the [Review Body] reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

**4. Residential Care Facility (over 16 Persons)**

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

- a. The facility may provide ancillary services such as transportation, common dining room and kitchen, meeting or activity rooms, convenience commercial area or other services or facilities for the enjoyment, service or care of the residents, subject to restrictions by the [Review Body].
- b. Any property to be used as a group home for children must provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- c. Maximum residential density per gross tract area:
  - i. Per unit :

- (a) 15 units per acre of gross tract area or the maximum density allowed in the zone, whichever is greater.
- ii. Per bed:
  - (a) In the RR, RC and RNC zones, 2,000 square feet per bed or 5 acres, whichever is greater.
  - (b) In all other zones, the minimum lot area must be 2 acres or the following, whichever is greater:

District	Square Feet per Bed
RE-2, RE-1, RLD-20	1,200
RMD-6, RMD-9	800
TLD-6, TMD-4, THD-3	600
RHD-3, RHD-2	600
RHD-1	300

- d. Independent dwelling units are subject to the provisions of the residential portions of the MPDU provisions of Section 25A-5 of this Code.
- e. In a continuing care retirement community, occupancy of any independent dwelling unit is restricted to persons 62 years or older, with the following exceptions:
  - i. The spouse of a resident, regardless of age;
  - ii. Another relative of a resident, 50 years of age and older
  - iii. The resident widow, widower or other surviving relative is allowed to remain if a resident dies while residing at the life care facility, regardless of age.
- f. Height, density, coverage, green area requirements and parking standards must be compatible with surrounding uses and the [Review Body] reserves the right to modify any standards to maximize the compatibility of the building with the residential character of the surrounding neighborhood.

## Div. 3.4. Civic & Institutional Uses

### Sec. 3.4.1. Charitable, Philanthropic Institution

#### A. Defined

A private, tax-exempt organization whose primary function is to provide either health, social, recreational, religious, or benevolent services, or research or educational activities in areas of benefit to the public such as health, medicine or conservation of natural resources. Does not include an organization for the purpose of operating 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. This definition also does not include other uses specifically defined or regulated in this code such as religious assembly, public or private educational institution, library, museum, private club or service organization, or residential care facility.

#### B. Use Standards

Where a charitable or philanthropic institution is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

##### 1. AC, RR, RC and RNC Zones

- a. The charitable or philanthropic institution is the re-use of an existing building.
- b. The property fronts on and has direct access to a public road built to arterial or higher standards. Frontage on and access to an arterial or higher standard is not required where the [Review Body] finds that road access via the primary or secondary road will be safe and adequate for the anticipated traffic to be generated.
- c. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.
- d. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

##### 2. RE-2, RE-1, RLD-20, RMD-9 and RMD-6 Zones

- a. The property fronts on and has direct access to a road built to primary or higher standards.
- b. Outdoor recreation facilities are screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening.
- c. Any lighting associated with outdoor recreation facilities meets the requirements of Div 5.6, Outdoor Lighting.

### Sec. 3.4.2. Day Care Facility

#### A. Defined, in General

1. A location where care for an individual is provided for less than 24 hours a day, for which the provider is paid, to any of the following:
  - a. A child under the age of 13 years;
  - b. Any developmentally disabled person;
  - c. Any handicapped individuals; or
  - d. Elderly individuals.
2. The definition of day care facility does not include a non-public kindergarten in which an instructional program is offered or provided for children who are at least five years old; or a non-public elementary school in which an instructional program is offered or provided for children who are in grades one through eight (see Sec. 3.4.3. Educational Institution (Private)).

#### B. Family Day Care (up to 8 Persons)

##### 1. Defined

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

## C. Group Day Care (9 to 12 Persons)

### 1. Defined

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

### 2. Use Standards

- a. Where a group day care is allowed as a limited use, it is subject to the following conditions:
  - i. The facility meets all applicable State requirements for standards, licensing and inspections.
  - ii. Outdoor play areas are screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening.
  - iii. Adequate off-street area for drop-off and pick-up must be provided.
  - iv. The facility must not be located in a duplex or townhouse.
  - v. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.
  - vi. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).
- b. Where a group day care for up to 12 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, the findings established in Div. 6.5, Conditional Use Approval.

## D. Day Care Center

### 1. Defined

A day care facility for over 12 persons where staffing complies with state and local regulations.

## 2. Use Standards

### a. Exemptions

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

- i. 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;
- ii. A structure used for private parochial educational purposes which is exempted from the conditional use standards under Sec. 3-4.3 ; or
- iii. A publicly-owned building.

### b. Day Care Center (13 to 30 Persons)

Where a day care center for up to 30 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, the findings established in Div. 6.5, Conditional Use Approval.

- i. The facility meets all applicable State requirements for standards, licensing and inspections.
- ii. Adequate off-street area for drop-off and pick-up must be provided.
- iii. Outdoor play areas are screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening.
- iv. The use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity.

### c. Day Care Center (31 to 80 Persons)

Where a day care center for 31 to 80 persons is allowed as a conditional use, it may be permitted by the [Review Body] subject to all limited use standards, the findings established in Div. 6.5, Conditional Use Approval.

- i. The facility shall meet all applicable State requirements for standards, licensing and inspections.

- ii. All required parking is in the rear or side yards; however, required parking may be located between the structure and the street where the [Review Body] finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
- iii. Adequate area for the drop-off and pick-up of clients is provided.
- iv. Outdoor play areas are screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening. The [Review Body] may limit the number of children outside at any one time.
- v. In the RE-2, RE-1, RLD-20, RMD-9 and RMD-6 zones, the day care center is located on a property containing at least 500 square feet per person. The [Review Body] may reduce the area requirement to less than 500 square feet, but not less than 250 square feet, per child where it finds that:
  - (a) The facility will predominately serve children from an age range that requires limited outdoor activity space;
  - (b) The additional density will not adversely affect adjacent properties; and
  - (c) Additional traffic generated by the additional density will not adversely affect the surrounding streets.
- vi. The number of persons permitted for overnight care is limited to no more than 20% of enrollment.
- vii. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.
- viii. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).
- ix. The use is compatible with surrounding uses and will not result in a nuisance because of traffic, parking, noise or type of physical activity.

### Sec. 3.4.3. Educational Institution (Private)

#### A. Defined

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

#### B. Use Standards

1. The requirements of this section do not apply to the use of any property for any private educational institution or parochial school which is located in a building or on premises owned or leased by any church or religious organization, the government of the United States, the State of Maryland or any of its agencies, Montgomery County or any incorporated village or town within Montgomery County. This exemption does not apply to any private educational institution which received approval by the [Review Body] to operate a private educational institution conditional use in a building or on a lot, lots or tract of land that was not owned or leased by any church or religious organization at the time the decision of the [Review Body] was issued.
2. Where a private educational institution is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:
  - a. 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.
  - b. The private educational institution will be in a building compatible with the residential character of the surrounding neighborhood, and, if the private educational institution is located on a lot of two acres or less, in either an undeveloped area or an area substantially developed with single-family homes, the exterior architecture of the building must be



- similar to a single-family home design, and at least comparable to any existing homes in the immediate neighborhood.
- c. 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.
  - d. The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the [Review Body] considering the following factors:
    - i. Traffic patterns, including:
    - ii. Impact of increased traffic on residential streets;
    - iii. Proximity to arterial roads and major highways;
    - iv. Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;
    - v. Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and
    - vi. Noise or type of physical activity;
  - e. Density greater than 87 pupils per acre may be permitted only where the [Review Body] finds that:
    - i. The program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements;
    - ii. The additional density will not adversely affect adjacent properties; and
    - iii. Additional traffic generated by the additional density will not adversely affect the surrounding streets.
  - f. Outdoor recreation facilities are screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening.
  - g. Any lighting associated with outdoor recreation facilities meets the requirements of Div 5.6, Outdoor Lighting.

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

### Sec. 3.4.4. Museum, Cultural/Art Exhibit, Library

#### A. Defined

A building or place where works of art, scientific specimens, or other objects are kept and displayed. The objects are not typically offered for sale. Also a building housing books, periodicals and other material for reading, viewing, listening, study or reference.

#### B. Use Standards

Where a museum, cultural or art exhibit, library is allowed as a limited use, it is subject to the following conditions:

1. Whenever principal and accessory structures exceed an aggregate floor area of 5,000 square feet, development will be subject to site plan review

(see Sec. XX). All properties designated as resources in the Master Plan for Historic Preservation are excluded from this site plan review requirement.

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

### Sec. 3.4.5. Private Club, Service Organization

#### A. Defined

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

#### B. Use Standards

Where a private club or service organization is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. Minimum lot size required is twice the minimum required by the zone, up to a maximum of three acres.
2. Maximum building coverage allowed is 15%, up to a maximum building coverage including accessory buildings of 20,000 square feet.
3. Green area requirement is 50%.
4. 2.5 parking spaces per each 1,000 square feet of floor area are required.
5. Where development occurs under the cluster development provisions for the RC, RNC and RE-2 zones, this use is not allowed in the designated rural open space.
6. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

### Sec. 3.4.6. Public Use (Except Utilities)

#### A. Defined

A publicly-owned or publicly operated use. Includes county office buildings, maintenance facilities, public schools and parks, post office, state and federal

buildings. Does not include public utility building or structure (see Sec. 3.6.2, Utilities).

#### B. Use Standards

Where a public use is allowed as a limited use, it is subject to the following conditions:

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

### Sec. 3.4.7. Religious Assembly

#### A. Defined

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

#### B. Use Standards

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

1. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.
2. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

### Sec. 3.4.8. Swimming Pool (Community)

#### A. Defined

A private swimming pool shared by its members. Does not include swimming pools integrated into multi-unit living projects or those pools associated with individual dwelling units. Tennis courts may be allowed as an ancillary use.

#### B. Use Standards

Where a community swimming pool is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval (provisions established in Sec. 6.5.XX, General Conditions for Conditional Use Approval do not apply to this use), and the following conditions:

1. The swimming pool, including the apron and any buildings, is not closer than 75 feet from the nearest property line or closer than 125 feet from any existing residential dwelling; provided, that where the lot abuts a public right-of-way or land in a commercial or industrial zone, the pool may be constructed not less than 25 feet at any point from the public right-of-way or commercial or industrial zone. Buildings must comply with the requirements of the zone in which the pool is located.
2. Where a public water supply is available, it must be used for the pool. Use of a private supply of water for the pool is allowed only where no public water supply is available and the pool will not have an adverse affect on the private water supply for the community.
3. When the lot abuts the rear or side lot line of, or is across the street from, any land in a residential zone, other than publicly-owned land, the pool must be screened in accordance with Div. 5.5, Landscaping and Screening.
4. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

## Div. 3.5. Commercial Uses

### Sec. 3.5.1. Animal Services

#### A. Animal Services, In General

##### 1. Defined, In General

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

##### 2. Use Standards for All Animal Services

- a. For all buildings in which animals will be present, sound levels emanating from the interior of the building must comply with Chapter 31B of the Montgomery County Code, as measured at the property line.
- b. The applicant must submit the following additional information:
  - i. 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.
  - ii. Detailed floor plans that show all the interior areas, including runs and kennels.
  - iii. Site plan that show the layout of all exterior areas used to exercise, walk, or keep animals.
- c. Any accessory operation, such as the sale of pet food and supplies, must be set forth in the statement of operations and must be limited as an ancillary activity to a percentage of sales not to exceed 20%.
- d. All litter and animal waste must be contained and controlled on the site.
- e. 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.
- f. Where animal services are allowed as a conditional use, the [Review Body] may regulate hours of operation. The [Review Body] may also

regulate the number of animals that may be boarded, exercised, walked or kept in runs or similar areas, and the manner in which animals are boarded, exercised, walked or kept.

- g. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.
- h. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

#### B. Animal Care (Indoor)

##### 1. Defined

Any building or land used, designed or arranged for the care of animals without any outdoor activity. Includes indoor boarding, grooming, animal day care and veterinary service. Does not include outdoor activity or farrier.

##### 2. Use Standards

Where indoor animal care is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following condition:

- a. Exterior runs, exercise yards or other such facilities for the keeping of animals are not provided.
- b. All buildings and accessory structures must be set back 50 feet from any residential property line.
- c. In RMD-9, and RMD-6 zone:
  - i. The maximum lot size is one-half acre; and
  - ii. Animals must not be walked or exercised in outdoor areas that are off-site.
- d. In the RMD-6 zone, animal care must be located along a major highway with an existing right-of-way width of no less than 90 feet, and be adjacent to or confronting a central business district or a property zoned for commercial use.

## C. Animal Care (Outdoor)

### 1. Defined

Any building or land used, designed or arranged for the care of animals that includes outdoor activity. Includes outdoor boarding, grooming, animal day care and veterinary service. Does not include farrier.

### 2. Use Standards

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

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

## Sec. 3.5.2. Campground

### A. Defined

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

### B. Use Standards

1. Where a campground is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- a. The density of campsites does not exceed an average of 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service buildings.
- b. Each campsite, excluding parking space, provides a minimum of 900 square feet.
- c. The site is at least 10 acres and has frontage of at least 150 feet abutting a public right-of-way; provided that the [Review Body] is authorized to waive the requirement for a minimum frontage where it finds that the facilities for ingress and egress of vehicular traffic are adequate.
- d. All campsites are located at least 100 feet from any property line, and at least 125 feet from the centerline of any public right-of-way.

## Sec. 3.5.3. Communication Facility

### A. Cable Communications System

#### 1. Defined

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

#### 2. Use Standards

- a. Where a cable communications system is allowed as a conditional use, it may be allowed where the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:
  - i. Any proposed tower has a setback of one foot from all property lines for every foot of height of a tower, measured from the base of the support structure to the property line.

- ii. The location of the proposed community access centers or studios are consistent with the cable communications plan approved by the County Council.
- iii. Structures, buildings and facilities in which or on which component elements of a cable communications system are located or which otherwise support the system, and which are operated by the entity operating the cable communications system pursuant to a franchise awarded by Montgomery County, may be allowed upon approval by the [Review Body].
- iv. Offices are not permitted in residential zones as part of the cable communications system.
- v. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.
- b. The transmission and distribution lines, wires and cables that are component elements of a cable communications system are permitted uses in any zone.

## B. Freestanding Wireless Communications Tower

### 1. Defined

Any structure other than a building established for the purpose of providing wireless voice, data or image transmission within a designated service area.

Does not include amateur radio antenna (see Sec. 3.7.3, Amateur Radio Facility) or radio or TV tower (see Sec. 3.5.3.B, Media Broadcast Tower).

### 2. Use Standards

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

- a. Prior to the [Review Body] granting any conditional use for a freestanding wireless communications tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from

- the Transmission Facility Coordinating Group with the [Review Body] regarding the tower with the application. The recommendation must be no more than one year old.
- b. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.
- c. A support structure must be set back from the property line as follows:
  - i. No freestanding wireless communications tower is allowed in any scenic setback indicated on an approved and adopted master plan.
  - ii. In agricultural, rural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.
  - iii. In mixed use and industrial zones, a distance of one-half foot from property line for every foot of height of the support structure from a property line separating the subject site from properties with mixed use or industrial zoning, and one foot for every foot of height of the support structure from residential or rural properties.
  - iv. The setback from a property line is measured from the base of the support structure to the perimeter property line.
  - v. The [Review Body] may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and 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, if any, 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.
- d. A support structure must be set back from any off-site dwelling as follows:
  - i. In agricultural, rural and residential zones, a distance of 300 feet.
  - ii. In all other zones, one foot for every foot in tower height.

- iii. The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.
- iv. The [Review Body] may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and 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, if any, and visibility from the street. A reduced setback may not be approved where there is no location on the site where setback requirements can be met.
- e. The support structure and antenna must not exceed 155 feet in height, unless it can be demonstrated that additional height up to 199 feet is needed for service, collocation, or public safety communication purposes. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to the Department of Permitting Services that the height and location of the support structure is in conformance with the height and location of the support structure as authorized in the building permit.
- f. The support structure must be sited to minimize its visual impact. The [Review Body] may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.
- g. The support structure and any related equipment buildings or cabinets are screened in accordance with Div. 5.5, Landscaping and Screening.
- h. The property owner must be an applicant for the conditional use for each support structure.
- i. A modification of a conditional use is not required for a change to any use within the conditional use area not directly related to the conditional use grant.
- j. A support structure must be constructed to hold no less than three wireless communication carriers. The [Review Body] may approve a support structure holding less than three wireless communication carriers if: 1) requested by the applicant and a determination is made that collocation at the site is not essential to the public interest; and 2) the [Review Body] decides that construction of a lower support structure with fewer wireless communication carriers will promote community compatibility. The equipment compound must have sufficient area to accommodate equipment sheds or cabinets associated with all the carriers.
- k. No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- l. The support structure must be removed at the cost of the owner of the freestanding wireless communications tower when the freestanding wireless communications tower is no longer in use by any wireless communications carrier for more than 12 months.
- m. All support structures must be identified by a sign no larger than two square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the [Review Body] notified within 10 days of any change in ownership.
- n. Outdoor storage of equipment or other items is prohibited.
- o. Each owner of the freestanding wireless communications tower is responsible for maintaining the wireless communications facility in a safe condition.

## C. Media Broadcast Tower

### 1. Defined

Any facility used to transmit radio or television communications that are intended to be received by the general public. Includes radio and microwave antenna. Does not include amateur radio antenna (see Sec. 3.7.3, Amateur Radio Facility) or wireless tower (see Sec. 3.5.3.C, Wireless Freestanding Tower).

### 2. Use Standards

- a. Prior to the [Review Body] granting any conditional use for a media broadcast tower, the proposed facility must be reviewed by the County Transmission Facility Coordinating Group. The applicant for a conditional use must file a recommendation from the Transmission Facility Coordinating Group with the [Review Body] regarding the tower with the application. The recommendation must be no more than one year old.
- b. Any media broadcast tower that is collocated on an existing tower is not required to obtain a conditional use permit. A modification of a media broadcast tower conditional use permit is not required for a change to any use within the conditional use area not directly related to the conditional grant.
- c. Where a media broadcast tower is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:
  - i. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the designated rural open space.
  - ii. 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. The setback from a property line is measured from the base of the support structure to the property line. The [Review Body] may reduce the setback requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and 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, if any, 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.

- iii. Any support structures is set back from any off-site dwelling in rural and residential zones, a distance of 275 feet and in all other zones, one foot for every foot in height. The setback is measured from the base of the support structure to the base of the nearest off-site dwelling. The [Review Body] may reduce the setback requirement in the rural and residential zones to a distance of one foot from an off-site residential building for every foot of height of the support structure if the applicant requests a reduction and evidence indicates that a reduced setback will allow the support structure to be located 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 support structure may not exceed 275 feet in height, except where it can be demonstrated that the additional height is necessary to comply with the minimum requirements established by the Federal Communications Commission. At the completion of construction, before the support structure may be used to transmit any signal, and before the final inspection pursuant to the building permit, the applicant must certify to the Department of Permitting Services that the height and location of the support structure as built is in conformance with the height and location of the support structure as authorized in the building permit.
- v. The support structure has been sited to minimize its visual impact. The [Review Body] may require the support structure to be less



visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties.

- vi. The support structure and any related equipment buildings or cabinets are screened in accordance with Div. 5.5, Landscaping and Screening.
- vii. The property owner is an applicant for the conditional use for each support structure.
- viii. The equipment compound has sufficient area to accommodate equipment sheds or cabinets associated with a station or tower.
- ix. No signs or illumination are permitted on the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.
- x. The media broadcast tower will be removed at the cost of the owner when no longer in use for more than 12 months.
- xi. Any support structure is identified by a sign no larger than two square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the [Review Body] notified within 10 days of any change in ownership.
- xii. The outdoor storage of equipment or other items is prohibited.
- xiii. The owner of the facility is responsible for maintaining the facility in a safe condition.

## Sec. 3.5.4. Funeral and Interment Services

### A. Cemetery

#### 1. Defined

A place used for the permanent interment of humans or animals or their cremated remains. Does not include an accessory cemetery or memorial garden on the premises of a religious institution (see Sec. 3.4.8, Religious Assembly).

#### 2. Use Standards

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

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

- f. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

## **B. Funeral Home, Undertaker**

### **1. Defined**

A facility that holds and transports human remains to and from the premises; embalms and caskets remains; allows visits to view the remains and conduct business with the establishment; 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 [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

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

20, 2001. Further, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

## **Sec. 3.5.5. Golf Course, Country Club**

### **A. Defined**

The course and surrounding land maintained for the game of golf, including accessory maintenance facilities, putting greens and driving ranges, and club houses that may contain locker rooms, restaurants, pro shops, tennis courts and swimming pools.

### **B. Use Standards**

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

- 1. Food, refreshments, and entertainment for club or organization members and their guests may be provided.
- 2. Maximum building coverage is no more than three percent.
- 3. Minimum setback for a principal building is 50 feet.
- 4. Minimum of 200 feet of frontage on a road of arterial or higher classification in a residential zone.
- 5. Outdoor activity areas must be screened from adjacent residential properties in accordance with Div. 5.5, Landscaping and Screening.
- 6. Any lighting associated with outdoor activity areas must meet the requirements of Div 5.6, Outdoor Lighting.
- 7. All major outdoor activity areas, golf course playing surfaces and accessory uses such as tennis courts and swimming pools, must be set back at least 100 feet from property lines adjoining any residential dwelling. The [Review Body] may reduce this setback where it finds that landscaping, screening, fencing or other measures can mitigate the adverse effects on the adjoining residential use.

## Sec. 3.5.6. Lodging

### A. Defined, In General

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

### B. Bed & Breakfast

#### 1. Defined

A detached house that is owner-occupied and in which no more than five guest rooms are provided. Breakfast is customarily served to guests.

#### 2. Use Standards

- a. Where a bed & breakfast is allowed as a limited use, it is subject to the following conditions:
  - i. A bed & breakfast is allowed in an owner-occupied detached house only.
  - ii. The minimum area of the lot or parcel must be 9,000 sf but not less than the minimum lot or parcel area for the zone.
  - iii. On a lot of less than two acres, a maximum of three bedrooms may be designated as guest rooms for which compensation is charged. If located on a lot of two acres or more, up to five bedrooms may be designated as guest rooms.
  - iv. A bed & breakfast is not permitted in a dwelling unit that also provides guest rooms for roomers, or in a farm tenant dwelling, or on a property that includes an accessory apartment.
  - v. The display of a sign must include the official house number.
  - vi. Breakfast is the only meal that may be served.
  - vii. Meals must not be provided for compensation to any nonresident of the bed and breakfast.
  - viii. A visitor must not remain in a bed & breakfast for more than 30 days in any one visit.
  - ix. A record of all overnight visitors must be maintained.
  - x. The bed & breakfast must be registered with the Department of Permitting Services.

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

## Sec. 3.5.7. Medical & Dental

### A. Defined, In General

A facility occupied by medical practitioners such as a licensed physician, surgeon, dentist, osteopath, chiropractor or optometrist.

### B. Use Standards

#### 1. Clinic (up to 4 medical practitioners)

##### a. Defined

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

##### b. Use Standards

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

- i. Minimum front lot width is 100 feet.
- ii. Minimum setback from adjoining lot is 40 feet.
- iii. The property must front on and have direct access to an arterial or higher standard roadway.
- iv. Office space suitable for the practice of the profession must be unavailable in either the nearest commercial zone or the nearest medical clinic office building constructed according to a conditional use grant.
- v. No more than four additional medical practitioners may be present at any one time and only when 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.
- vi. A written record must be kept for inspection by County enforcement staff identifying the physicians on-site and their schedules for seeing patients and performing administrative work.

### **Sec. 3.5.8. Office**

#### **A. Defined, In General**

Activities conducted in an office setting and generally focusing on business, professional or financial services. Includes chancery. Does not include medical, dental or veterinarian clinic or inpatient treatment facilities.

#### **B. Use Standards**

##### **1. Nonresident Professional Office**

###### **a. Defined**

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

###### **b. Use Standards**

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

- i. 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, is not permitted.
- ii. The property must be:
  - (a) Located in a CRM zone on an approved and adopted sector plan; or
  - (b) Designated as suitable for a nonresident professional office in the RMD-6 zone on an adopted master or sector plan and located along a highway with an existing right-of-way width of at least 90 feet or along a portion of an arterial road designated as the boundary of a CRM zone; or
  - (c) Located in the RMD-9 zone in a structure formerly used for nonresidential purposes, designated as historic in the Master Plan for Historic Preservation, and located along a highway with an existing right-of-way of at least 120 feet.
  - (d) Located in the RLD-20 zone abutting a fire station, police station, ambulance squad or rescue squad on more than one lot line.
- iii. The [Review Body] must find that the property will not constitute a nuisance because of traffic or physical activity; will not adversely affect the use and development of adjacent properties; and will have at least 25 percent of lot area devoted to green area.

### **Sec. 3.5.9. Restaurant**

#### **A. Country Inn**

##### **1. Defined**

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

## 2. Use Standards

Where a country inn is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

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

### Sec. 3.5.10. Retail Sales & Personal Service

#### A. Defined, In General

Facilities involved in retail sales or providing personal services to the general public.

#### B. Use Standards

##### 1. Antique Shop

###### a. Defined

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

###### b. Use Standards

Where an antique shop is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- i. The shop must be located in an existing building or part of an existing building and the [Review Body] must find that:
  - (a) The original character of the building is maintained;
  - (b) The structure is five or more years old; and

(c) Where it is located in the RLD-20 zone, The property adjoins land in the AC zone.

- ii. Where development occurs under the cluster development provisions for the RC , RNC or RE-2 zones, this use is not allowed in the designated rural open space.
- iii. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

##### 2. Country Market

###### a. Defined

The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A 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 country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or an eating and drinking establishment (including a drive-in restaurant).

###### b. Use Standards

Where a country market is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- i. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.

##### 3. Incidental Retail Sales and Personal Service

###### a. Defined

Retail sales and personal service are those sales or services incidental to an apartment/condo building type.

**b. Use Standards**

Where incidental retail sales and personal service is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- i. The apartment/condo building type must contain at least 150 dwelling units, be at least 60 feet in height, and be on a tract of land of at least 20 acres.
- ii. Only small-scale retail sales and personal service establishments may be permitted. Small-scale retail sales and personal service establishments provide convenience goods and services typically requiring frequent purchase and a minimum of travel by occupants of the nearby commercial area and adjacent residential neighborhood.

**Sec. 3.5.11. Shooting Range (Outdoor)**

**A. Defined**

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

**B. Use Standards**

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

1. Adjacent areas are predominantly undeveloped.
2. The hours of operation are compatible with adjacent existing uses.
3. The use is established for a period of one year only, subject to renewal by the [Review Body].
4. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the designated rural open space.
5. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

## Div. 3.6. Industrial Uses

### Sec. 3.6.1. Mining, Excavation

#### A. Defined

Uses that extract minerals and other solids and liquids from land. Includes borrow pit, gravel mining.

#### B. Use Standards

Where mining or excavation is allowed as a conditional use, it may be allowed where the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. The lot area has been determined by the sum of the area to be extracted plus that area required to meet the minimum setback standards, or the area required to meet the performance standards of this zone, whichever is greater. However, in no event shall the lot area be less than 10 acres.
2. Not more than 10 percent 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.
4. Access to a public road is available.
5. No building or structure exceeds a height of 90 feet above the natural grade of the portion of the site upon which building or structure is situated, provided, however, that facilities for rail loading abutting the right-of-way of a railroad are permitted to extend to a height of 25 feet above the grade of the railroad at the property line abutting the railroad right-of-way.
6. Not less than 25 percent of the lot area designated for mineral resource development will be maintained in open space, including required buffer areas, landscaped or planted berms, forested areas or areas devoted to agriculture.
7. Access roads, security patrol roads, railroad sidings, identifications,

directional and safety warning signs, security fences and acoustical or visual screens, berms or walls are permitted within the setback area.

8. The use is valid for not more than three years, subject to renewal by the [Review Body].
9. Where development occurs under the cluster development provisions for the RC zone, this use is not allowed in the designated rural open space.
10. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

### Sec. 3.6.2. Utilities

#### A. Minor Public Utility

##### 1. Defined

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

##### 2. Use Standards

Where a minor public utility is allowed as a limited use, it is subject to the following condition:

- a. Screening of all above-ground equipment boxes is required in accordance with Div. 5.5, Landscaping and Screening.
- b. In the TLD-6, TMD-4 and THD-3 zones, minor public utility lines must be located underground.

#### B. Major Public Utility

##### 1. Defined

Any structure maintained by a public utility that is an electric power, transmission and distribution line, overhead, carrying in excess of 69,000 volts,

including accessory equipment and structures. Includes any transmission pipeline, water treatment facility and waste treatment facility.

## 2. Use Standards

Where a major public utility is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

- a. The proposed building or structure at the location selected is necessary for public convenience and service.
- b. The proposed building or structure at the location selected will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- c. The findings of paragraphs a. and b. above do not apply to electric power transmission or distribution lines carrying in excess of 69,000 volts.
- d. A public utility building allowed in any rural or residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the [Review Body].
- e. The [Review Body] may approve a major public utility exceeding the height limits of the applicable zone where, in the opinion of the [Review Body], adjacent residential uses will not be adversely affected by the proposed use.

## C. Other Public Utility Building or Structure

### 1. Defined

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

### 2. Use Standards

Where any other public utility building or structure is allowed as a conditional use, it may be permitted by the [Review Body] subject to the findings

established in Div. 6.5, Conditional Use Approval, and the following conditions:

- a. That the proposed building or structure at the location selected is necessary for public convenience and service.
- b. That 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.
- c. A public utility building or structure allowed in any rural or residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the [Review Body].
- d. The [Review Body] may approve a public utility building or structure exceeding the height limits of the applicable zone where, in the opinion of the [Review Body], adjacent residential uses will not be adversely affected by the proposed use.
- e. Where development occurs under the cluster development provisions for the RNC zone, this use is not allowed in the designated rural open space.



## Div. 3.7. Accessory Uses

### Sec. 3.7.1. Defined

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

### Sec. 3.7.2. Accessory Apartment, Attached

#### A. Defined

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

#### B. Use Standards

1. Where an attached accessory apartment is allowed as a limited use, it is subject to the following conditions:
  - a. Only one accessory apartment is permitted per lot.
  - b. The owner of the lot must occupy one of the units.
  - c. The accessory apartment must have the same street address as the principal dwelling.
  - d. Any separate entrance must not be located along the front building line.
  - e. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
  - f. In the RE-2, RE-1 and RLD-20 zones, an attached accessory apartment must not be located:
    - i. 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
    - ii. On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

- g. In the RMD-9, RMD-6, TLD-6, TMD-4, THD-3, RHD-3, RHD-2, and RHD-1 zones, an attached accessory apartment must not be located:
  - i. 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
  - ii. On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
- h. Attached Accessory Apartment (up to 800 sf):
  - i. Floor area must not exceed 50% of the principal dwelling or 800 square feet, whichever is less.
  - ii. Maximum number of occupants is three persons.
- i. Attached Accessory Apartment (801 to 1,200 sf):
  - i. Floor area must not exceed 50% of the principal dwelling or 1200 sf, whichever is less.
  - ii. Maximum number of occupants is five persons.
- j. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).
2. Where an attached accessory apartment is allowed as a conditional use, it may be permitted by the [Review Body] subject to all applicable limited use standards, and the findings established in Div. 6.5, Conditional Use Approval.

### Sec. 3.7.3. Accessory Apartment, Detached

#### A. Defined

A second dwelling unit located in a separate accessory structure on the same lot as a detached house building type. Provides for cooking, eating, sanitation and

sleeping. A detached accessory apartment is subordinate to the principal dwelling.

## **B. Use Standards**

1. Where a detached accessory apartment is allowed as a limited use, it is subject to the following conditions:
  - a. Only one accessory apartment is permitted per lot.
  - b. The owner of the lot must occupy one of the units.
  - c. The accessory apartment must have the same street address as the principal dwelling.
  - d. One off-street parking space is required for the accessory apartment in addition to any off-street parking for the principal dwelling.
  - e. In the RE-2, RE-1 and RLD-20 zones, a detached accessory apartment must not be located:
    - i. 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
    - ii. On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
  - f. In the RHD-3, RHD-2 and RHD-1 zones, a detached accessory apartment must not be located:
    - i. 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
    - ii. On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).
  - g. Detached Accessory Apartment (up to 800 sf):
    - i. Floor area must not exceed 50% of the principal dwelling or 800 square feet, whichever is less.
    - ii. Maximum number of occupants is three persons.
  - h. Detached Accessory Apartment (801 to 1,200 sf):

- i. Floor area must not exceed 50% of the principal dwelling or 1,200 square feet, whichever is less.
  - ii. Maximum number of occupants is five persons.
  - i. Any new detached accessory apartment over 800 square feet must have the same minimum side setback as the principal dwelling, and a minimum rear yard setback of 12 feet.
2. Where a detached accessory apartment is allowed as a conditional use, it may be permitted by the [Review Body] subject to all applicable limited use standards, the findings established in Div. 6.5, Conditional Use Approval and the following conditions:
    - a. In the RMD-9, RMD-6, TLD-6, TMD-4 and THD-3 zones, a detached accessory apartment must not be located:
      - i. 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
      - ii. On a lot abutting the rear lot line of any property with an accessory apartment (attached or detached).

## **Sec. 3.7.4. Amateur Radio Facility**

### **A. Defined**

Any facility used for personal, non-commercial radio communications licensed by the Federal Communications Commission.

### **B. Use Standards**

Where an amateur radio facility is allowed as a limited use, it is subject to the following conditions:

1. An amateur radio facility must not exceed 65 feet in height, unless it can be demonstrated that the additional height is the minimum needed to engage in radio communications under a license issued by the Federal Communications Commission.

### Sec. 3.7.5. Animal Husbandry

#### A. Defined

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

#### B. Use Standards

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

1. Any accessory structure used to house small animals or fowl must be located behind the rear building line and a minimum of 25 feet from the rear and side property line.
2. One small animal or fowl may be kept for every 2,000 square feet of land area. No more than a total of six small animals or fowl may be kept, unless the accessory structure is located 100 feet from the side and rear property line.
3. Roosters are not permitted.
4. All bee colonies must be registered with the Maryland Department of Agriculture, and managed according to state regulations.
5. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

### Sec. 3.7.6. Farm Airstrip

#### A. Defined

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

#### B. Use Standards

Where an airstrip or helistop is allowed as a conditional use, it may be permitted by the **[Review Body]** subject to the findings established in Div. 6.5, Conditional Use Approval, and the following conditions:

1. Only one airplane is permanently housed at the airstrip.
2. The applicant must obtain a favorable air space determination from the Federal Aviation Agency (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.

3. The aircraft using the airstrip must aid farming operations.
4. The airstrip must not be paved.
5. The airstrip must be set back from any property line a minimum of 1,000 feet.

### Sec. 3.7.7. Farm Market, On-Site

#### A. Defined

The display and retail sale from a farm of: agricultural products produced on the farm where the farm market is located, or agricultural products produced on another farm under the control of the owner or operator of the 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.

#### B. Use Standards

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

1. The sale and display area must be located at least 25 feet from the paved edge of the roadway.
2. There must be at least three off-street parking spaces.
3. Firewood sold at a farm market must be cut and split on the farm or location where the wood is harvested.
4. Up to 25 percent of the farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the farm market, the Department of Permitting Services, upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee, may allow for more than 25 percent of the farm market display

and sales area to be used for agricultural products from off the farm where the farm market is located for a limited period of time.

### Sec. 3.7.8. Farm Tenant Dwelling

#### A. Defined

A dwelling unit occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis under the control of the owner or operator of the farm on which the farm tenant dwelling is located. Includes a manufactured home or modular home.

#### B. Use Standards

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

1. A farm tenant dwelling is excluded from any density calculations, provided that it remains accessory to a farm. If the property associated with a farm tenant dwelling is separately subdivided, these provisions no longer apply.
2. 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.
3. In the RC zone, a farm tenant dwelling is permitted only where it is associated with a farm that is part of the protected open space of a cluster development.

### Sec. 3.7.9. Home Occupation

#### A. Defined

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

##### 1. **No Impact Home Occupation**

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

##### 2. **Low Impact Home Occupation**

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

##### 3. **Major Impact Home Occupation**

A home occupation that is required to register with the Department of Permitting Services and is regulated under Div. 6.5 Conditional Use Approvals. May include a home health practitioner's office where that office does not qualify for registration under with Sec. 3.7.10.

#### B. Use Standards

1. Where a home occupation is allowed as a limited use, it is subject to the following conditions:
  - a. All home occupations other than no impact home occupations must be registered with the Department of Permitting Services.
  - 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 clearly subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
    - iii. Exterior storage of goods or equipment is not permitted.
    - iv. The amount of floor area used for the home occupation must not exceed 33 percent of the total floor area of the dwelling unit plus any existing accessory building on the same lot or parcel, or 1,500 square feet, whichever is less.
    - 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 must not be used other than:
      - (a) Domestic or household 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 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 not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
- x. The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited.
- xi. A second kitchen in the home for catering or making food for off-site delivery or sales is not permitted.
- xii. The maintenance or repair of motor vehicles for compensation is not permitted.
- xiii. Visits by appointment are not required.
- 2. Where a no impact home occupation or low impact home occupation is allowed as a limited use, it is subject to the limited use standards in Sec. 3.7.9.B.1 and the following conditions:

<u>Standards</u>	<u>No Impact Home Occupation</u>	<u>Low Impact Home Occupation</u>
<u>Non-Resident Employees Per 24-Hour Period</u>	<u>None</u>	<u>One</u>
<u>Maximum Number of Visits</u>	<u>5 per week, including deliveries</u>	<u>20 per week, and no more than 5 per day (excluding deliveries) for all home occupations on site</u>
<u>Maximum Number of Deliveries</u>	<u>5 per week, including visits</u>	<u>10 per week, and no more than 2 per day for all home occupations on site</u>
<u>Person-to-Person Sale of Goods</u>	<u>Not permitted</u>	<u>Prohibited except for:</u> <u>1) Handicrafts, 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</u> <u>2) The sale of items ordered for delivery at a later date to customers at other locations (delivery of goods must occur off-site).</u>

<u>Standards</u>	<u>No Impact Home Occupation</u>	<u>Low Impact Home Occupation</u>
<u>Display or Storage of Goods</u>	Limited to samples of merchandise that may be ordered by customers for delivery at other locations. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.	Limited to: 1) Such handmade items enumerated for person-to-person sale of goods above; and 2) Samples of merchandise that may be ordered by customers for delivery at other locations. Display or storage of merchandise to be delivered must not be visible outside of residence and must be contained within the maximum floor area available for the home occupation.
<u>Number of Home Occupations Allowed in a Single Dwelling</u>	N/A	No more than two registered home occupations.
<u>Use May Not Be Permitted in AC Zone</u>	N/A	See Sec. XX, Transfer of Development Rights.

3. Where a Major Impact Home Occupation is allowed as a conditional use, it may be permitted by the [Review Body] subject to the limited use standards in Sec. 3.7.9.B.1, the findings established in Div. 6.5, Conditional Use Approval and the following conditions:

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

Standards	Major Impact Home Occupation
<p><b><u>Number of Home Occupations Allowed in a Single Dwelling</u></b></p>	<p>1) The [Review Body] may grant a conditional use for a major impact home occupation on the same property as a low impact home occupation, if it finds that both together can be operated in accordance with the provisions of this section and 59-G-1.2 "Conditions for Granting."                      2) The [Review Body] must not grant a conditional use for more than one major impact home occupation or major impact home health practitioner on the same property.                      3) The [Review Body] must not grant a conditional use for a home occupation where the property is already approved for any other conditional use in accordance with 59-G-2.</p>
<p><b><u>Use May Not Be Permitted in AC Zone</u></b></p>	<p>See Sec. XX, Transfer of Development Rights.</p>

**Sec. 3.7.10. Home Health Practitioner**

**A. Defined**

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.

**1. Low Impact Home Health Practitioner**

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

**2. Major Impact Home Health Practitioner**

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

**B. Use Standards**

1. Where a home health practitioner is allowed as a limited use, it is subject to the following conditions:
  - a. All home health practitioners must be registered with the Department of Permitting Services.
  - 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 clearly subordinate to the use of the dwelling for residential purposes and require no external modifications that detract from the residential appearance of the dwelling unit.
    - iii. Exterior storage of goods or equipment is not permitted.
    - iv. The amount of floor area used for the home health practitioner must not exceed 33 percent of the total floor area of the dwelling unit plus any

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

- 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 must not be used other than:
    - (a) Domestic or household equipment;
    - (b) Office equipment; or
    - (c) Any equipment reasonably necessary for art production, hand-crafts, or making beer or wine.
    - (d) In the case of a home health practitioner, medical equipment may also be used, subject to paragraph vii. below.
  - 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 Fire Chief; or
    - (b) Any material defined as hazardous or required to have a special handling license under State and County law, except that disposal of medical waste must be regulated by State Laws and Regulations.
  - ix. Truck deliveries are not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries.
2. Where the home health practitioner is allowed as a limited use, it is subject to the conditions in the following table for a Low Impact Home Health Practitioner.
  3. Where the home health practitioner is allowed as a conditional use, it may be permitted by the [Review Body] subject to the limited use standards in Sec.

3.7.10.B.1, the findings established in Div. 6.5, Conditional Use Approval and the following conditions for a major impact home health practitioner:

<u>Standards</u>	<u>Low Impact Home Health Practitioner</u>	<u>Major Impact Home Health Practitioner</u>
<u>Non-Resident Employees Per 24-Hour Period</u>	<u>One maximum non-resident support staff is allowed. A non-resident nurse or physician's assistant who is supervised by the resident health practitioner is considered support staff. Two maximum resident health practitioners allowed, non-resident health practitioner not allowed.</u>	<u>Two maximum non-resident support staff are allowed. A non-resident nurse or physician's assistant who is supervised by the resident health practitioner is considered support staff. The [Review Body] may allow more than two maximum. Two maximum resident health practitioners allowed, non-resident health practitioner not allowed.</u>
<u>Visits by Appointment</u>	<u>Required. Indoor waiting room must be provided. Clients, patients, or other visitors must be informed of address and parking location. Emergency patients may visit outside the specified hours or without appointment.</u>	<u>Required. Indoor waiting room must be provided. Clients, patients, or other visitors must be informed of address and parking location. Emergency patients may visit outside the specified hours or without appointment.</u>
<u>Maximum Number of Visits</u>	<u>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 at a time, but not more than 5 vehicle trips containing not more than 10 patients may arrive or leave at the same appointment time.</u>	<u>Determined by [Review Body]. Hours of operation determined by [Review Body]. Number of clients, customers, patients or other visitors during that time may also be specified by [Review Body].</u>



<u>Standards</u>	<u>Low Impact Home Health Practitioner</u>	<u>Major Impact Home Health Practitioner</u>
<u>Maximum Number of Deliveries</u>	<u>10 per week and no more than 2 per day</u>	<u>Determined by [Review Body]</u>
<u>On-Site Sale of Goods</u>	<u>Sale of goods on the premises prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source.</u>	<u>Determined by [Review Body]</u>
<u>Number of Home Health Practitioners Allowed in a Single Dwelling</u>	<u>No more than two registered home occupations or home health practitioner's facilities.</u>	<u>1) The [Review Body] may grant a conditional use for a major impact home health practitioner on the same property as a low impact home health practitioner, if it finds that both together can be operated in accordance with the provisions of this section and 59-G-1.2 "Conditions for Granting." 2) The [Review Body] must not grant a conditional use for more than one major impact home health practitioner's facility or major impact home occupation on the same property. 3) The [Review Body] must not grant a conditional use for a home health practitioner's facility where the property is already approved for any other conditional use in accordance with 59-G-2.</u>
<u>Use May Not Be Permitted in AC Zone</u>	<u>See Sec. XX, Transfer of Development Rights.</u>	<u>See Sec. XX, Transfer of Development Rights.</u>

### Sec. 3.7.11. Sustainable Energy Generation

**[Editor's Note: Sustainable energy generation is the subject of a zoning text amendment currently under review. This text will be adjusted according to the outcome of that process]**

#### A. Defined

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

#### B. Use Standards

Where sustainable energy generation is allowed as a limited use, it is subject to the following conditions:

1. A sustainable energy generation system must not be located in any required front yard setback area.
2. A sustainable energy generation system must meet the accessory structure setbacks for the applicable building type and zone.
3. A sustainable energy generation system must not exceed the district height for accessory structures without approval of a conditional use permit by the Hearing Examiner.
4. The blade tip or vane of any wind energy system must have a minimum ground clearance of 20 feet as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, driveways, or sidewalks.
5. Where a solar easement or other interest in adjacent property is required, the applicant is responsible for negotiating with other property owners.

### Sec. 3.7.12. Wireless on Existing Structure

#### A. Defined

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

#### B. Use Standards

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

1. An antenna is not permitted on a detached or attached house or associated accessory structure.
2. A structure constructed for the support of: (1) an antenna that is part of an amateur radio facility licensed by the Federal Communications Commission, or (2) an antenna to receive television imaging in the home, may not be used as a support structure for any other antenna.
3. No wireless on an existing structure is allowed in any scenic setback indicated on an approved and adopted master plan.
4. An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop when the following standards are met:
  - a. The building must be greater than 50 feet in height in any residential zone.
  - b. In any other zone, the building must be at least 30 feet in height.
5. An antenna may be mounted on the facade of the building at a height of at least 30 feet in any nonresidential zone, and at a height greater than 50 feet in a residential zone.
6. 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.
7. An equipment building located on such a structure is subject to the requirements of paragraphs below.
  - a. An unmanned equipment building or cabinet must not exceed 560 square feet and 12 feet in height or 14 feet in height for a rooftop structure, including the support structure for the equipment building, except that a single equipment building in excess of 560 square feet, located at ground level, may be used for more than one telecommunication provider, where:
    - i. The overall square footage does not exceed 1,500 square feet and 12 feet in height;
    - ii. The building is used for more than one telecommunication provider operating from the same monopole or tower; and
    - iii. The building is reviewed by the Telecommunications Transmission Facility Coordinating Group in accordance with Sec. 2-58E of the [Montgomery County Code](#).
  - b. If the equipment building or cabinet is at ground level in a residential zone, the building or cabinet must be faced with brick or other suitable material on all sides and surrounded by landscaping providing a screen of at least three feet in height, and must conform to the setback standards of the applicable zone.
  - c. 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 percent of the roof area.

## Div. 3.8. Temporary Uses

### Sec. 3.8.1. Defined

A use that is:

- A. Temporary in nature;
- B. Established for a fixed period of time with the intent to discontinue the use upon the expiration of such time; and
- C. Does not involve the construction or alteration of any permanent structure.

### Sec. 3.8.2. Temporary Uses Exempt from Permit

The following permitted temporary uses do not require a temporary use permit, provided they meet the following requirements.

#### A. Construction Dumpsters

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

#### B. Garage or Yard Sale

1. A garage sale or yard sales 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.
2. A garage sale is not a vending activity unless it exceeds the limits specified in Chapter 47.

#### C. Self Storage Containers

1. One 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.
2. The storage container must be placed completely on-site (and is not permitted to be placed in any type of public right-of-way).
3. The storage container must be placed on a paved surface.

### Sec. 3.8.3. Agricultural Vending

#### A. Defined

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

#### B. Use Standards

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

1. The sale must occur at least 100 feet from a dwelling.
2. The lot or parcel must be:
  - a. Larger than two acres in size;
  - b. Used for non-residential purposes other than agricultural vending; and
  - c. Abutting a roadway with four or more lanes.
3. The structure or vehicle used for sales must not remain in the same location for more than 24 hours.

### Sec. 3.8.4. Construction Administration or Sales Office

#### A. Defined

A temporary office for construction administration or real estate sales.

#### B. Use Standards

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

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

### Sec. 3.8.5. Seasonal Outdoor Sales

#### A. Defined

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

#### B. Use Standards

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

1. Seasonal outdoor sales requires a temporary use permit.
2. Seasonal outdoor sales may only occur on lots or parcels used for non-residential purposes.
3. 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.
4. Where development occurs under the cluster development provisions for the RC or RNC zones, this use is not allowed in the designated rural open space.

### Sec. 3.8.6. Transitory Use

#### A. Defined

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

#### B. Use Standards

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

##### 1. Temporary Use Permit

Requires a temporary use permit in accordance with Chapter 47.

##### 2. Uses Allowed

- a. A transitory use may be allowed on private property only if it would be allowed as a use permanently affixed to the land in the applicable zone. A transitory use must not be allowed unless it is:
  - i. Designated as a permitted (P) use or limited (L) use in the applicable zone; or
  - ii. Designated and approved as a conditional use (C) use in the zone.

- b. A transitory use may be located in the public right-of-way where it is in accordance with Chapter 47.
- c. A transitory use must not be located on any portion of the green area required by the zone in which the property is located.
- d. 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.
- e. In the AC zone, this use may not be permitted (see Sec. XX, Transfer of Development Rights).

#### 3. Location Restrictions

##### a. Green Area

A transitory use must not be located on any portion of the impervious area required by the zone in which the property is located.

##### b. Parking Lot

If a transitory use is located in a parking lot subject to a parking facility plan under [General Development Standards] a revised parking facility plan must be submitted for review and approval. The area occupied by the transitory use, plus an appropriate number of parking spaces as determined by the Director for the transitory use, must not also be counted as parking spaces required by [General Development Standards] for permanent uses on the property.

#### 4. Registration

A transitory use must be registered under Chapter 47.

## **Sec. XX Transferable Development Rights**

### **C. Uses Not Permitted Under Former Footnote 48:**

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

#### **1. Agricultural**

- a. Agricultural Auction Facility
- b. Farm Supply, Machinery Sales, Storage and Service

#### **2. Residential**

- a. Attached Accessory Apartment
- b. Group Living
- c. Home Health Practitioner
- d. Home Occupation, Low Impact
- e. Home Occupation, Major Impact

#### **3. Civic & Institutional**

- a. Charitable, Philanthropic Institution
- b. Day Care Facility
- c. Fire/EMS (Private or Publicly Supported)
- d. Private Club, Service Organization
- e. Religious Assembly

#### **4. Commercial**

- a. Animal Services
- b. Bed & Breakfast
- c. Cemetery
- d. Funeral Home, Undertaker
- e. Rural Antique Shop

f. Shooting Range Outdoor

g. Transitory Use

#### **5. Industrial**

a. Mining, Excavation

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# ARTICLE 59-4. ZONING DISTRICT REGULATIONS (AG/RES ONLY)

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## Div. 4.1. Rules for All Zones

### Sec. 4.1.1. Development Options

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

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

The standard method of development contains the base "by right" regulations for all zones, providing the basic framework for development.

#### B. Cluster Development (see Div. XYZ)

The cluster method of development provides for flexibility in lot layout and variety in the types of residential buildings while preserving the same limitations on density of dwelling units per acre as normally permitted in the respective zones; protecting the character of existing neighborhoods; and providing open space for common use.

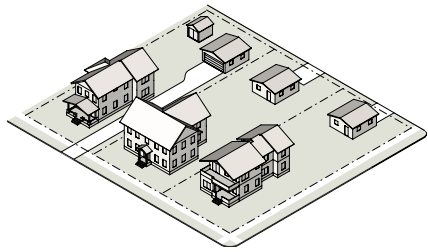
#### C. Moderately Priced Dwelling Units (see Div. XYZ)

Development that includes Moderately Priced Dwelling Units (MPDUs) that allows for increased density where units qualify for bonus density under Chapter 25A of the Montgomery County Code, or incentive density under one of the CR zones.



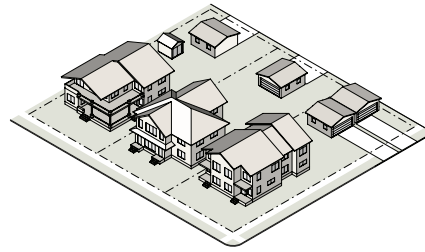
## Sec. 4.1.2. Building Type Descriptions

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



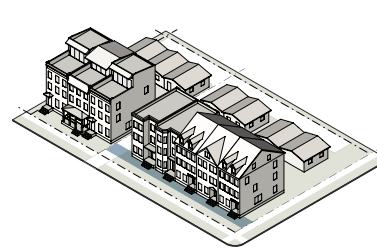
### A. Detached House

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



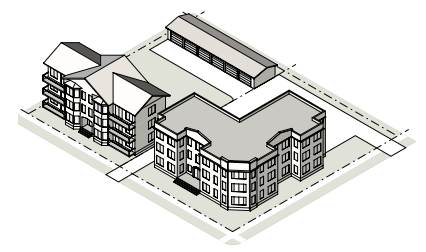
### B. Duplex

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



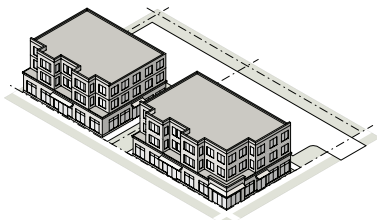
### C. Townhouse

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



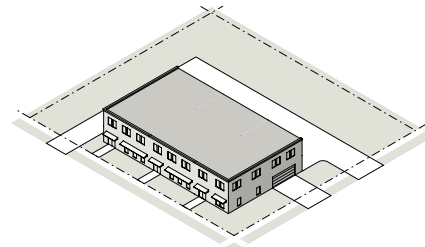
### D. Apartment/Condo

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



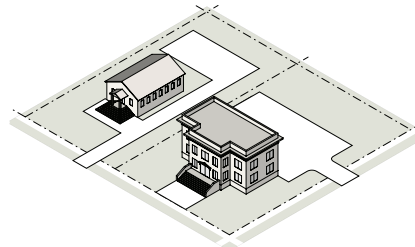
### E. Mixed Use Building

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



### F. General Building

A building intended primarily for nonresidential uses.



### G. Community Building

A building intended for civic, institutional or public uses.

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

Building types are allowed by zone as set forth below.



	Detached House	Duplex	Townhouse	Apartment/Condo	Mixed Use Building	General Building	Community Building
<b>Agricultural &amp; Rural Zones</b>							
Agricultural Conservation (AC)	A	--	--	--	--	A	A
Rural Residential (RR)	A	--	--	--	--	A	A
Rural Cluster (RC)	A	--	--	--	--	A	A
Rural Neighborhood Cluster (RNC)	A	MPDU	A	--	--	A	A
<b>Residential Detached Zones</b>							
Residential Estate - 2 (RE-2)	A	MPDU	MPDU	--	--	A	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	--	A	A
Residential Low Density - 20 (RLD-20)	A	MPDU	MPDU	--	--	A	A
Residential Medium Density - 9 (RMD-9)	A	MPDU, CD	MPDU, CD	--	--	A	A
Residential Medium Density - 6 (RMD-6)	A	MPDU, CD	MPDU, CD	--	--	A	A
<b>Residential Townhouse Zones</b>							
Townhouse Low Density - 6 (TLD-6)	A	A	A	--	--	A	A
Townhouse Medium Density - 4 (TMD-4)	A	A	A	--	--	A	A
Townhouse High Density - 3 (THD-3)	A	A	A	--	--	A	A
<b>Residential Multi-Unit Zones</b>							
Residential High Density - 3 (RHD-3)	A	A	A	A	--	A	A
Residential High Density - 2 (RHD-2)	A	A	A	A	--	A	A
Residential High Density - 1 (RHD-1)	A	A	A	A	--	A	A

**KEY:** A = Allowed to accommodate permitted, limited and conditional uses    -- = Not allowed    CD = Allowed as part of a Cluster Development  
 MPDU = Allowed as part of a development that includes MPDUs, only where there is access to public water and sewer

## Sec. 4.1.4. Measurement and Exceptions

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

### A. Site

#### 1. Defined

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

#### 2. Density

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

### B. Lot

#### 1. Defined

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

#### 2. Lot Area

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

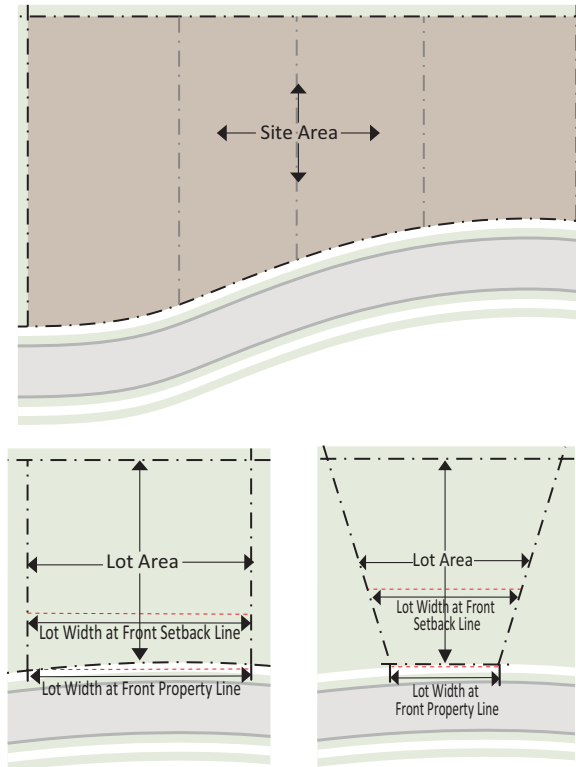
#### 3. Lot Width

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

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

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

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



## C. Placement

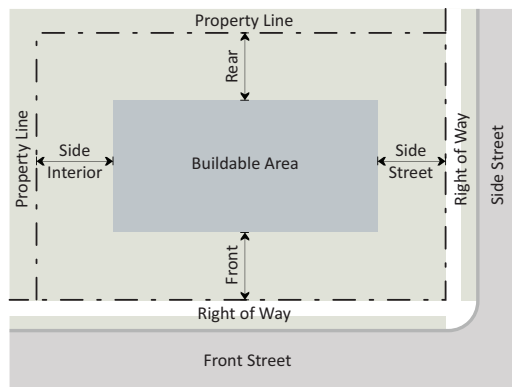
### 1. Building Setbacks

#### a. Defined

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

#### b. Measurement of Setbacks

- i. Front and side street setbacks are measured from the edge of the right-of-way.
- ii. Side interior setbacks are measured from the side property line.
- iii. Rear setbacks are measured from the rear property line or the edge of the right-of-way where there is an alley.
- iv. The front or side setback is the greater of the standards established in Sec. 4.2 and Sec. 4.3 or the established building line.



### 2. Corner Lots

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

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

## 3. Parking Setbacks

### a. Defined

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

### b. Measurement of Parking Setbacks

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

### c. Parking Not Allowed

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

## 4. Coverage

### a. Defined

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

## 5. Setback Encroachments

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

### a. Building Features

- i. Unenclosed porches, decks and terraces may project not more than three feet into any side street or side interior setback and

- may project not more than nine feet into any front or rear setback. Unenclosed porches and terraces may be roofed.
- ii. Unenclosed steps and stoops may project not more than three feet into any side street or side interior setback and may project not more than six feet into any front or rear setback. Unenclosed steps and stoops may be roofed.
  - iii. Sills, leaders, belt courses, and similar ornamental features may project not more than six inches into any front, side street, side interior or rear setback. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in **Section 50-20 of the subdivision regulations** concerning limitations on issuance of building permits.
  - iv. Chimneys or flues as part of a detached house, duplex, or townhouse may project not more than two feet into any front, side street, side interior or rear setback.
  - v. Chimneys or flues as part of an apartment/condo or general building may project not more than four feet into any front, side street, side interior or rear setback, provided such extension remains at least two feet from the vertical plane of any lot line.
  - vi. Building eaves, cornices and light shelves may project not more than 2 ½ feet into any front, side street, side interior or rear setback, provided such extension remains at least two feet from the vertical plane of any lot line. Where a wall is located on a property line, such projections may extend across a property line in accordance with provisions contained in **Section 50-20 of the subdivision regulations** concerning limitations on issuance of building permits.
  - vii. Bay windows, oriels, entrances, vestibules, or balconies, ten feet in width or less, may project not more than three feet into any front, side street, side interior or rear setback.
  - viii. Unenclosed fire escapes and outside stairways may project not more than five feet into any side street, side interior or rear setback.

#### **b. Mechanical Equipment and Utility Lines**

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

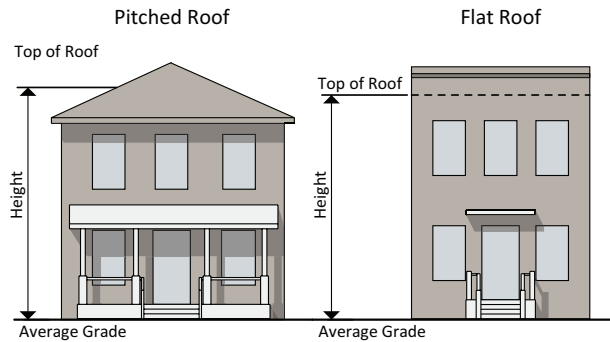
#### **c. Other Encroachments**

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

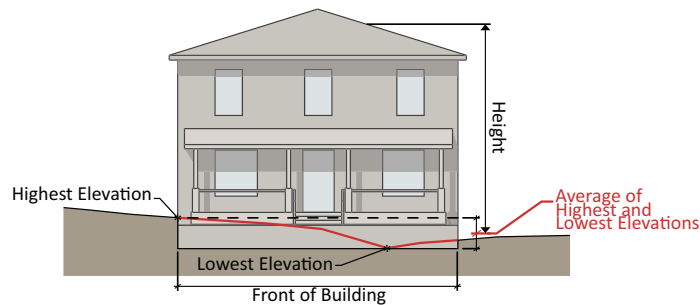
## D. Height

### 1. Building Height

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

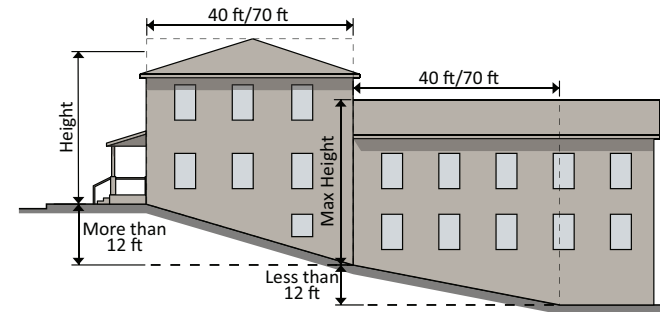


- b. Average grade is determined by calculating the average of the highest and lowest elevation along natural or finished level of ground (whichever is more restrictive) along the front of the building parallel to the front setback line.



### 2. Sloped Lots

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



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

### 3. Height Encroachments

Any height encroachment not specifically listed is expressly prohibited.

- a. The following roof structures cannot occupy more than 25% of the roof area: spires, belfries, cupolas, domes not intended for human occupancy, chimneys, flue or vent stacks, flagpoles, monuments, water tanks, television antennae or aerials, air conditioning units or similar structures or mechanical appurtenances.
- b. The maximum heights do not apply to roof structures listed in paragraph a. above, except in the TLD, TMD, THD and RHD-3 zones, air conditioning units or similar structures or mechanical appurtenances may exceed the established height limit by not more than eight feet.

- c. The following may exceed the established height limits, except when located within an airport approach area, provided they do not exceed the maximum height limit by more than eight feet:
  - i. Rooftop deck, patio, shade structure;
  - ii. Rooftop garden, landscaping;
  - iii. Parapet wall, limited to a height of four feet;
  - iv. Rooftop rainwater collection or harvesting systems; and
  - v. Rooftop sustainable energy systems, such as solar panels or wind turbines.
- d. The following may exceed the established height limits, except when located within an airport approach area, provided they do not exceed the maximum building height by more than eight feet, do not occupy more than 25% of the roof area, and are set back at least ten feet from the edge of the roof. The Planning Board may increase the percentage of occupied roof area where a site plan is reviewed and approved.
  - i. Elevator penthouse or bulkhead;
  - ii. Skylights;
  - iii. Stairway access to roof; and
  - iv. Tank designed to hold liquids.
- e. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

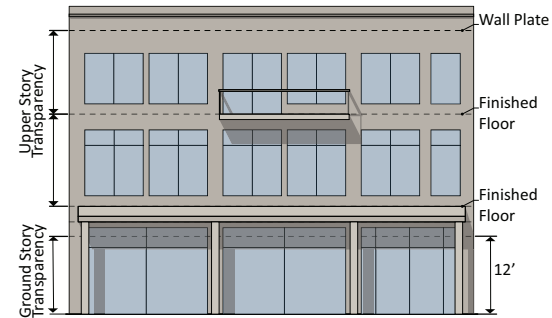
**E. Form**

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

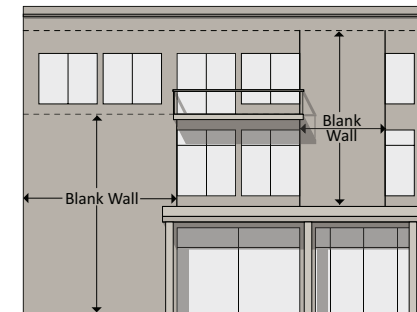
**1. Transparency**

- a. The minimum percentage of windows and doors that must cover a ground story facade is measured between 0 and 12 feet above the adjacent sidewalk.

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



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



## Sec. 4.1.5. Residential Infill Compatibility

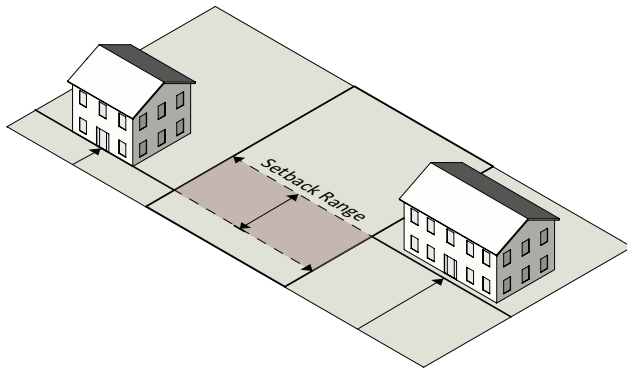
### A. Applicability

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

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

### B. Front Setback Range

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



### C. Height

#### 1. Side Setback Plane

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

#### 2. Rear Setback Plane

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

#### 3. Projections into Setback Planes

##### a. Side-Gabled Roof

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

##### b. Dormers

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

### D. Side Wall Length

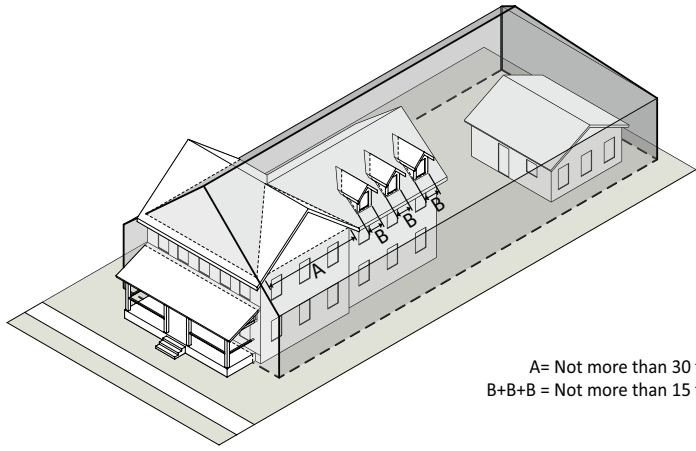
1. Articulation is required for side walls on additions or new construction that are 15 feet or taller and located within 15 feet of the side lot line. No wall may extend for more than 40 feet without a projection or recession of at least four feet in depth and ten feet in length.
2. A second story addition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

### E. Building Coverage

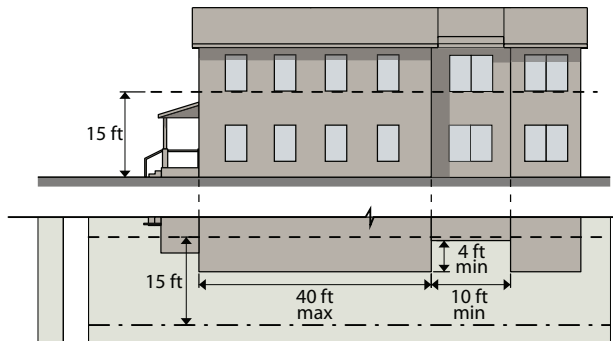
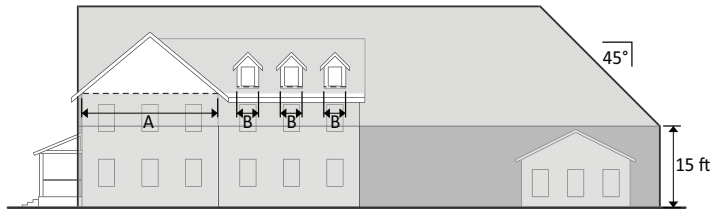
In the following zones all roofed buildings and structures may not cover more than the following percentages of lot area:

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



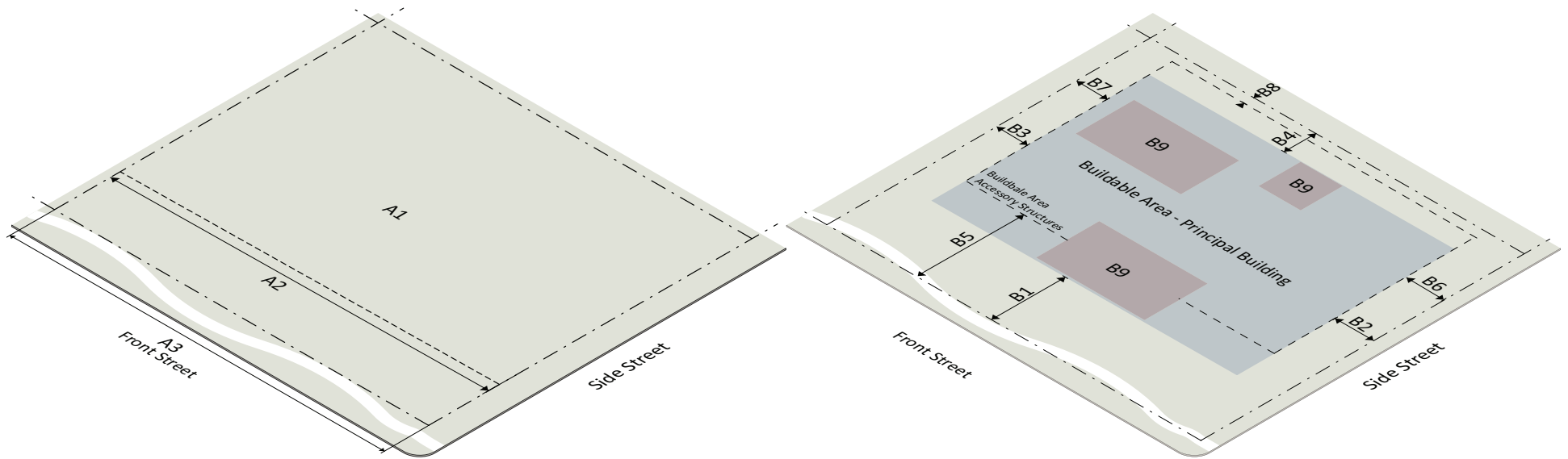


A= Not more than 30 ft  
B+B+B = Not more than 15 ft



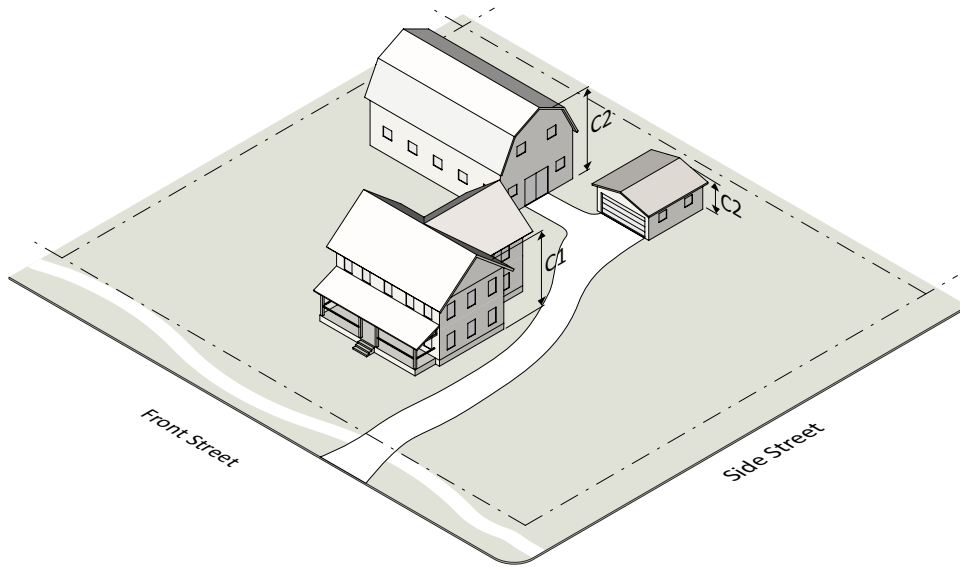
## Div. 4.2. Agricultural and Rural Zones

### Sec. 4.2.1. Detached House



A. Lot	AC	RR	RC	RNC
<b>Basic Lot Alternative</b>				
A1 Lot area (min)	25 acres	5 acres	5 acres	5 acres
A2 Lot width at front setback line (min)	125'	300'	300'	100'
A3 Lot width at front property line (min)	25'	25'	300'	25'
A4 Remainder of site placed in conservation or agricultural easement	no	no	no	no
<b>Flexible Lot Alternative</b>				
A1 Lot area (max)	3 acres	n/a	n/a	n/a
A2 Lot width at front setback line (min)	125'	n/a	n/a	n/a
A3 Lot width at front property line (min)	25'	n/a	n/a	n/a
A4 Remainder of site placed in conservation or agricultural easement such that only 1 dwelling unit exists per 25 acres	yes	n/a	n/a	n/a
<b>Cluster Alternative</b>				
A1 Lot area (min)	n/a	n/a	40,000 sf	n/a
A2 Lot width at front setback line (min)	n/a	n/a	125'	n/a
A3 Lot width at front property line (min)	n/a	n/a	25'	n/a'
A4 Percent of property reserved for open space or uses designated on the use table	n/a	n/a	60%	n/a

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



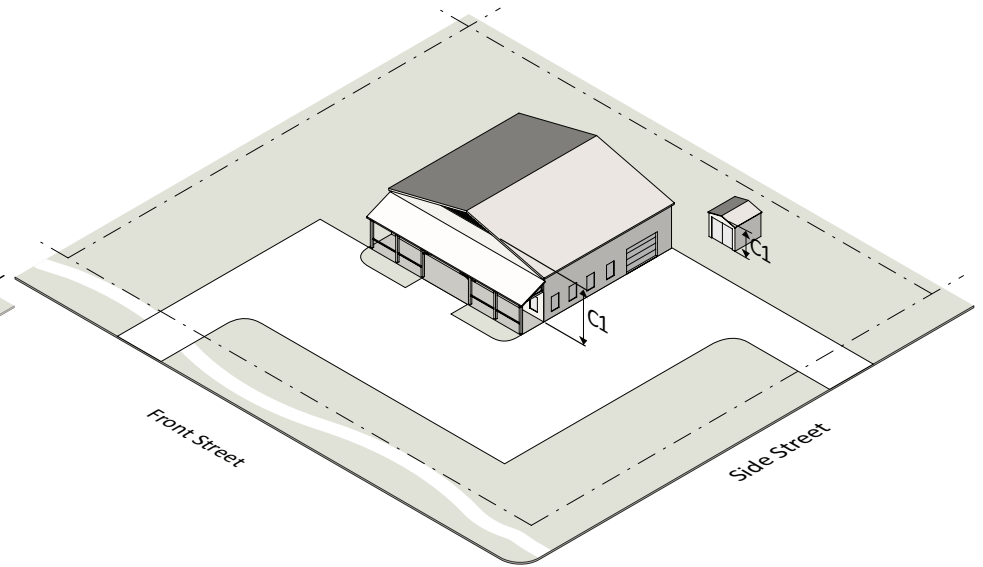
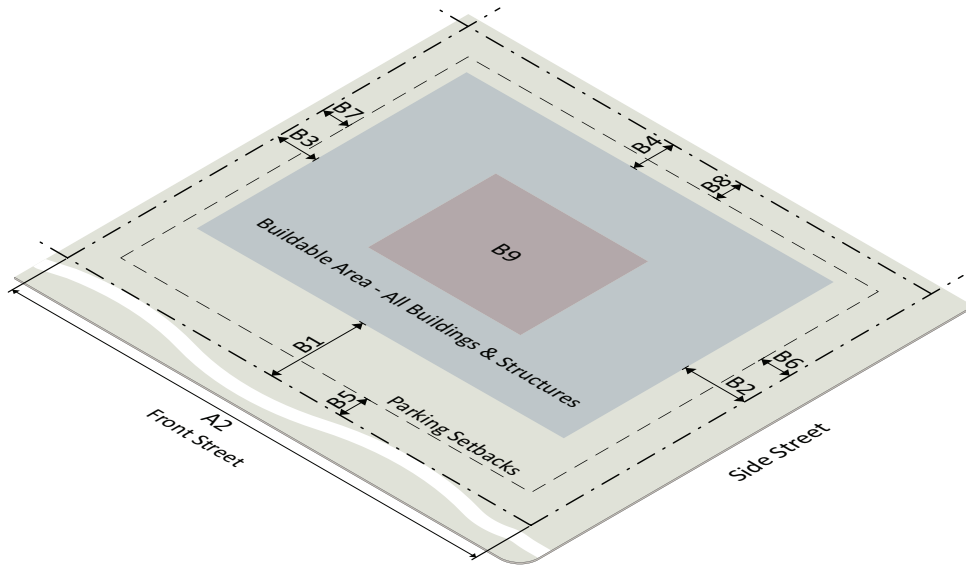
**C. Height**

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

**D. Child Lots**

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

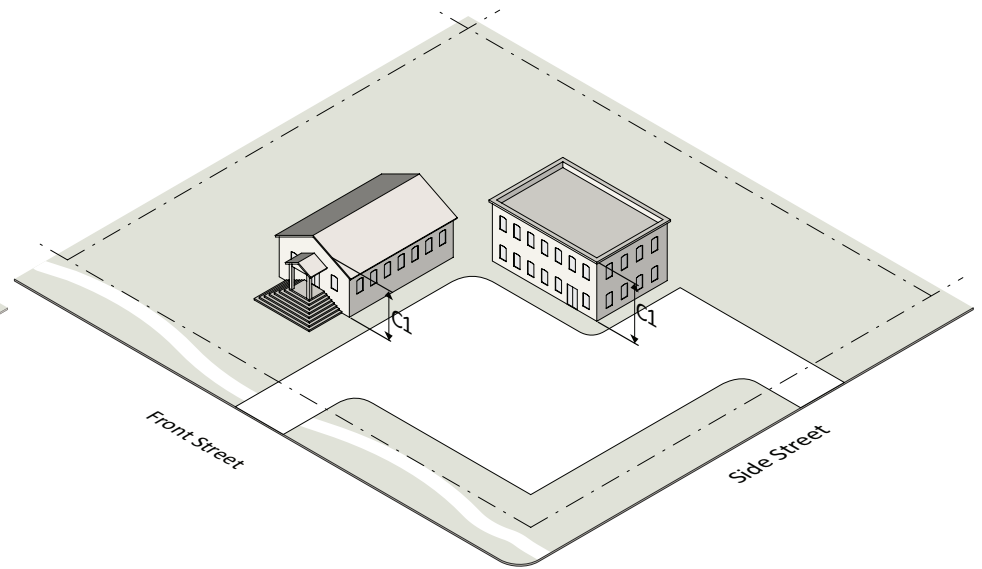
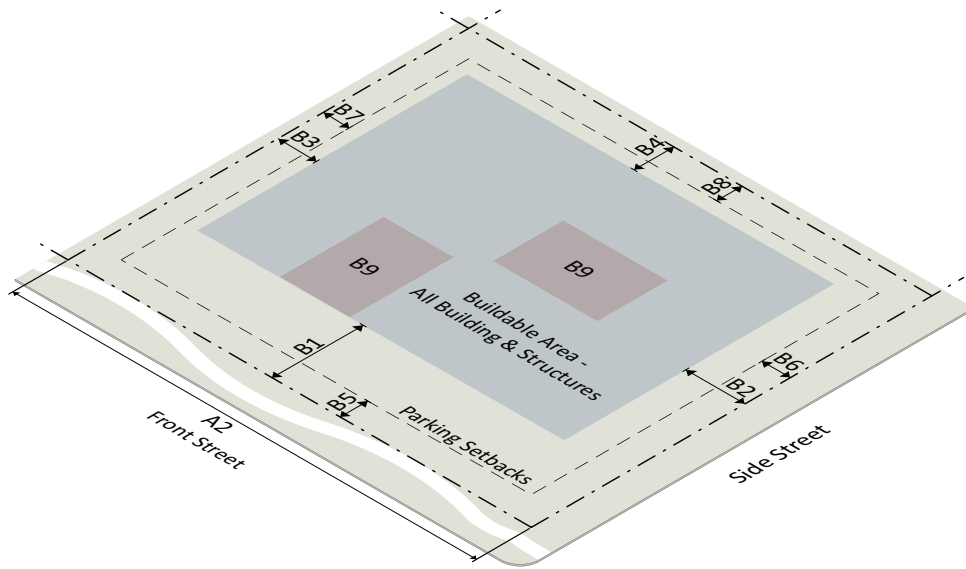
### Sec. 4.2.2. General Building



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

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

### Sec. 4.2.3. Community Building

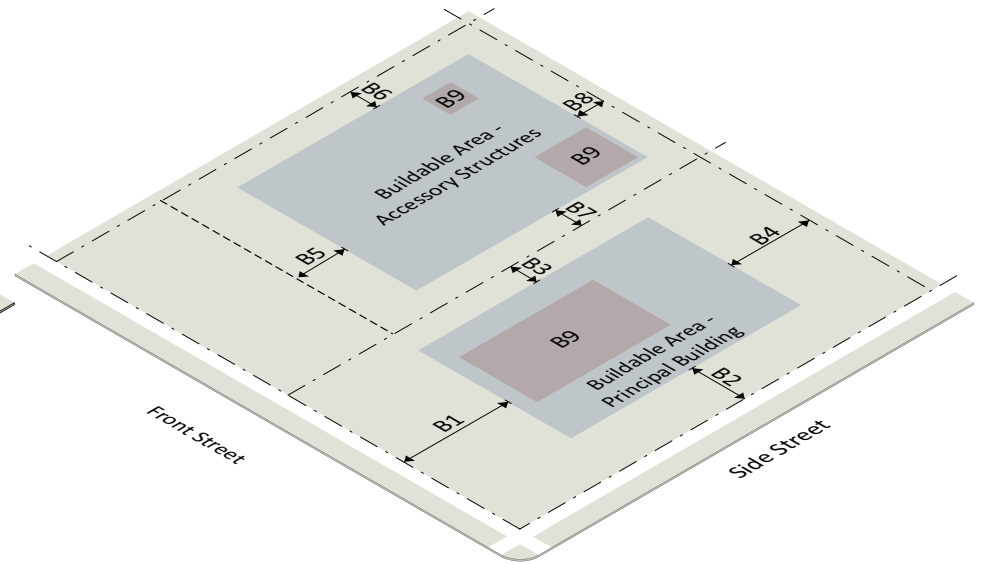
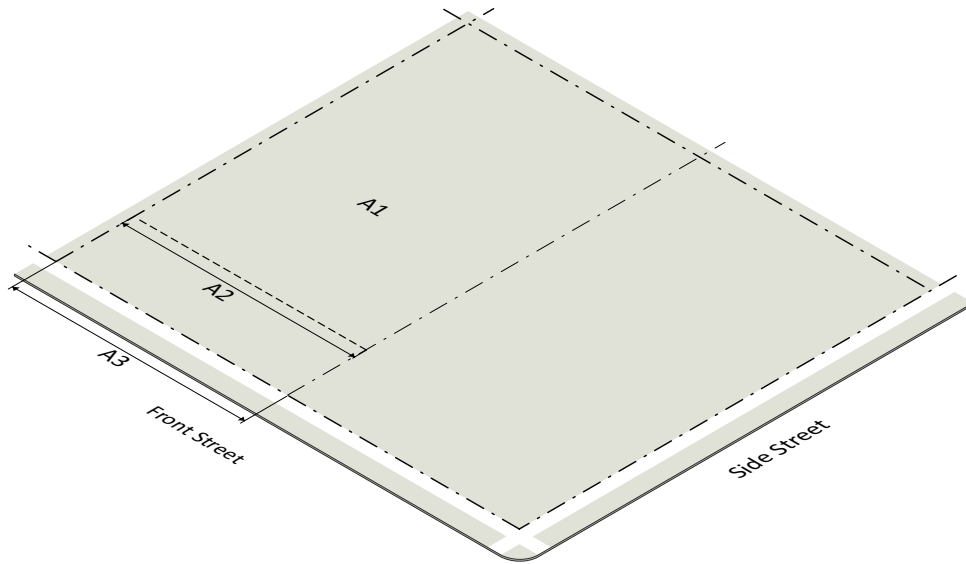


A. Lot	AC, RR, RC, RNC
<b>Dimensions (min)</b>	
A1 Lot area	5 acres
A2 Lot width at front property line	200'
<b>B. Placement</b>	
<b>Building &amp; Structure Setbacks (min)</b>	
B1 Front setback	50'
B2 Side street setback	50'
B3 Side interior setback	25'
B4 Rear setback	25'
<b>Parking Setbacks (min)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

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

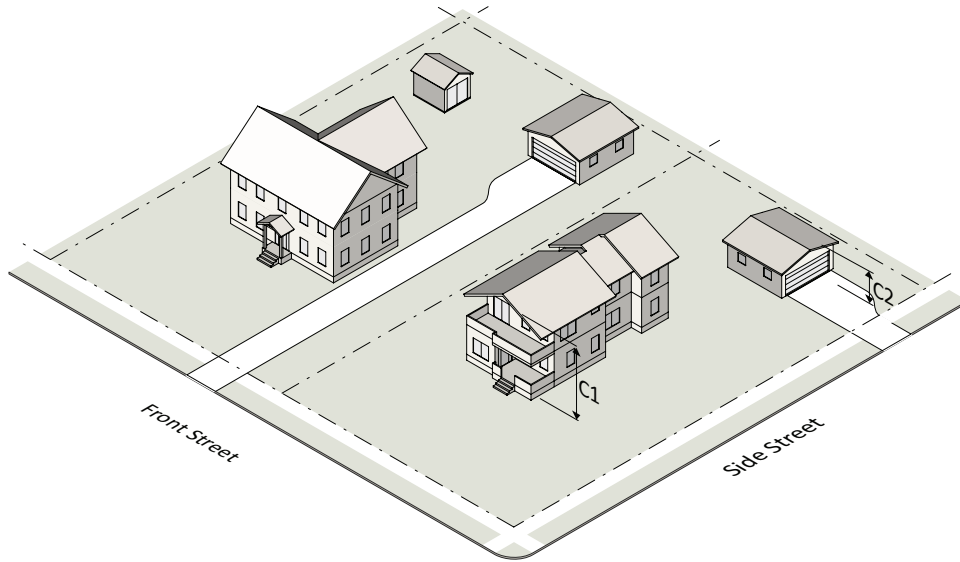
## Div. 4.3. Residential Zones

### Sec. 4.3.1. Detached House (1 of 2)



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

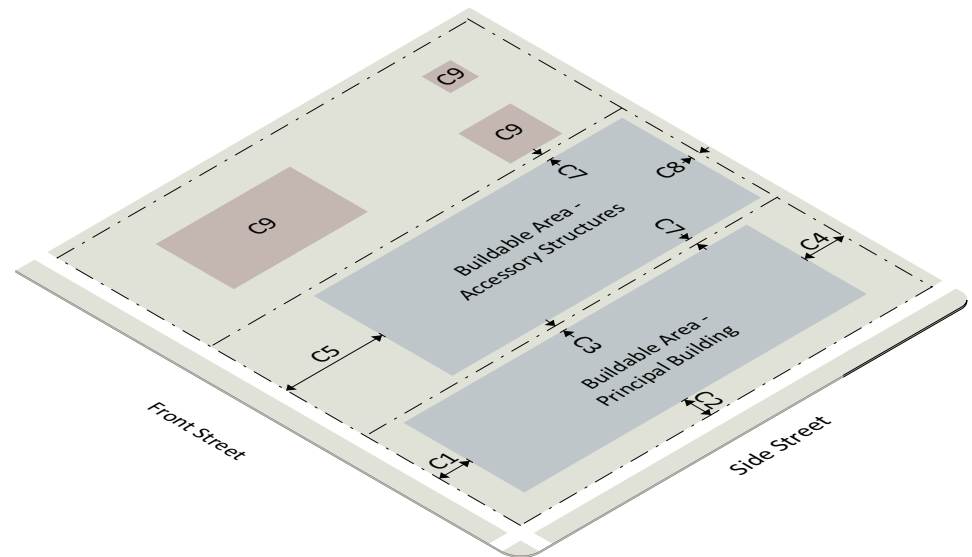
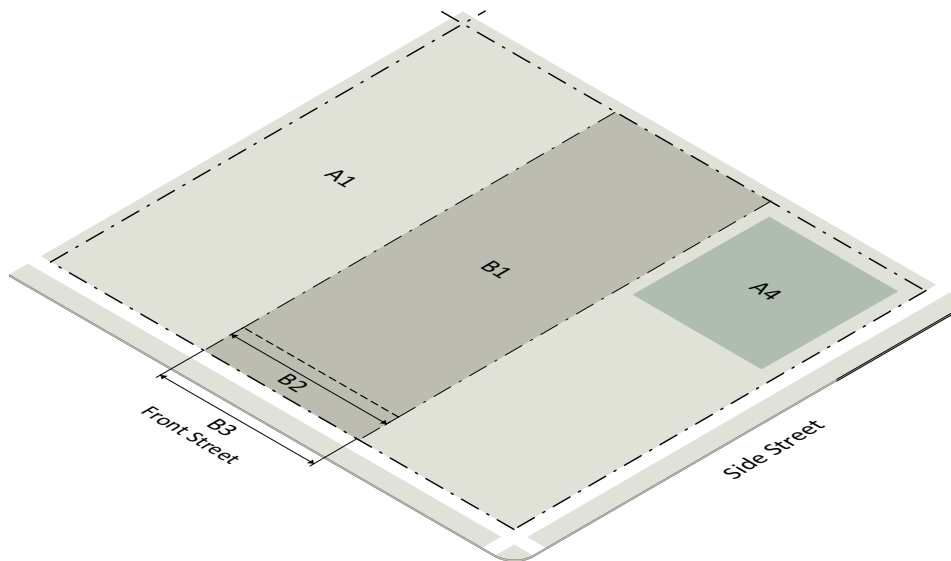
B. Placement	RE-2	RE-1	RLD-20	RMD-9	RMD-6
<b>Principal Building Setbacks (min)</b>					
B1 Front setback	50'	50'	40'	30'	25'
B2 Side street setback	20'	20'	15'	15'	15'
B3 Side interior setback	17'	17'	12'	8'	8'
B4 Rear setback	35'	35'	30'	25'	20'
<b>Accessory Structure Setbacks (min)</b>					
B5 Front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



**C. Height**

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

### Sec. 4.3.2. Detached House (2 of 2)



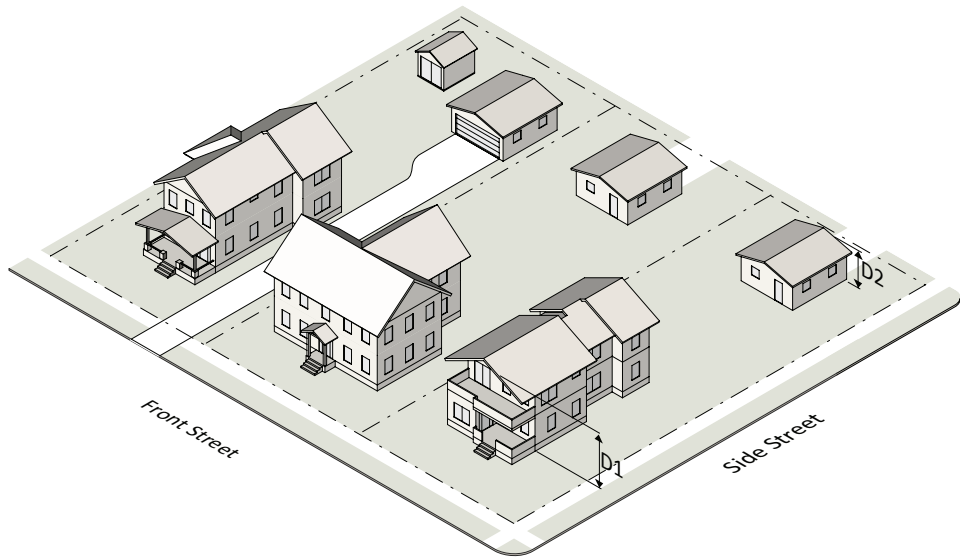
A. Site	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
A1 Site area	6,000 sf	12,000 sf	16,000 sf	12,000 sf	16,000 sf	20,000 sf
A2 Site area per unit	6,000 sf	4,300 sf	3,300 sf	3,600 sf	2,700 sf	2,100 sf
<b>Density (max)</b>						
A3 Density (units/acre)	7 u/a	10 u/a	13 u/a	12 u/a	16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

\* see Sec. 7.XX for green area specifications.

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

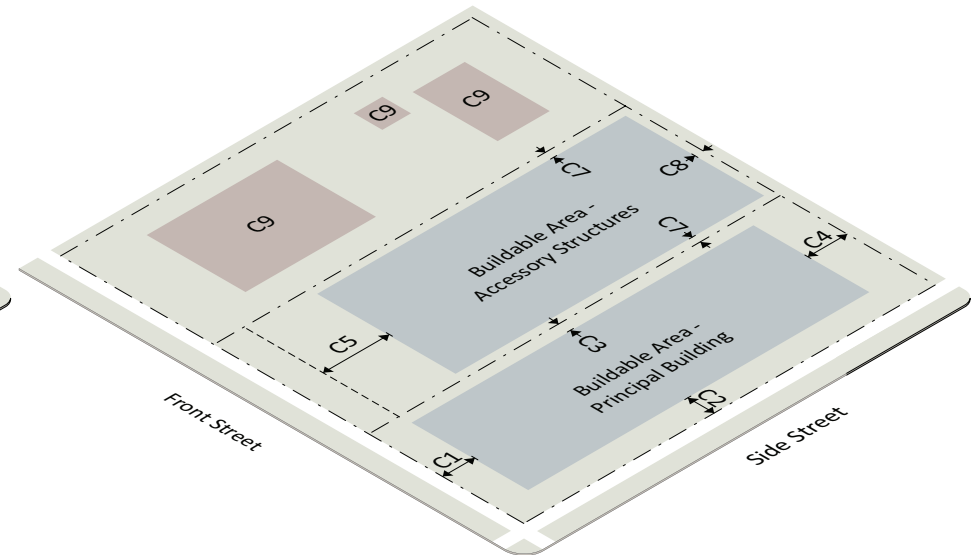
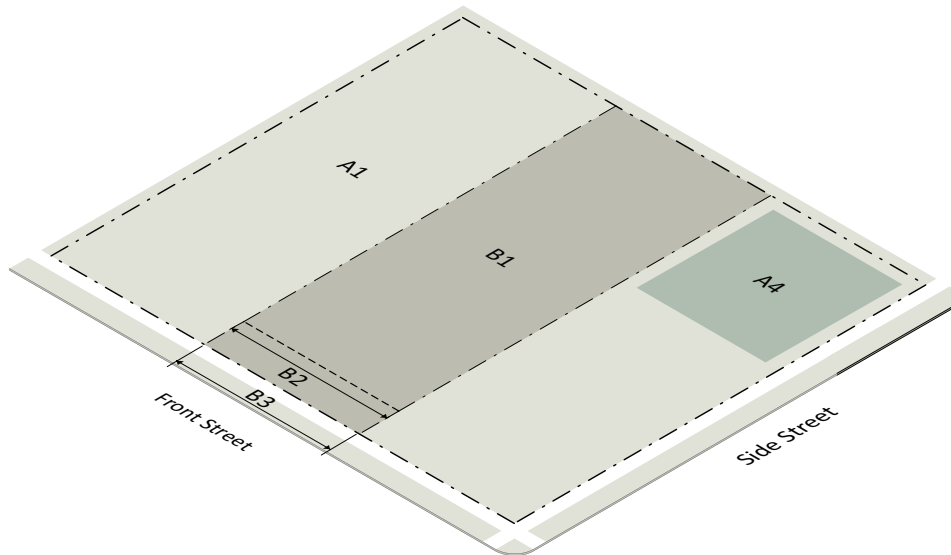
C. Placement	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>						
C1 Front setback, public street	25'	25'	20'	20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C1 Front setback, private street	25'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C2 Side street setback	15'	15'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback	20'	20'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	Greater of abutting zone or 4'	Greater of abutting zone or 4'
<b>Accessory Structure Setbacks (min)</b>						
C5 Front setback, behind front building line	10'	10'	5'	5'		
C6 Side street setback	15'	15'	15'	15'		
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min		
<b>Coverage (max)</b>						
C9 Roofed buildings & structures	35%	40%	50%	50%	75%	90%





D. Height	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Building Height (max)</b>						
D1 Principal building	35'	35'	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

### Sec. 4.3.3. Duplex

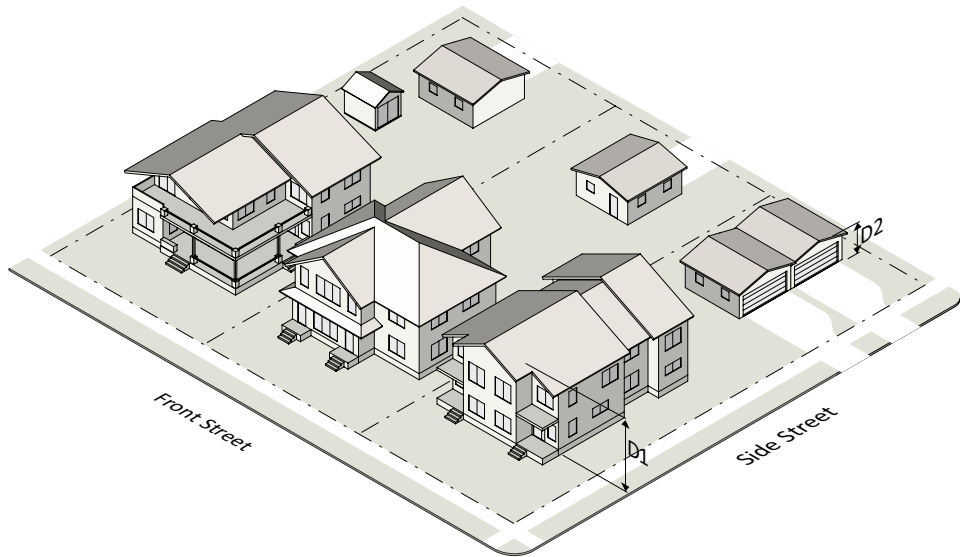


A. Site	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
A1 Site area	8,000 sf	8,000 sf	8,000 sf	8,000 sf	8,000 sf	8,000 sf
A2 Site area per unit	4,000 sf	3,000 sf	2,000 sf	2,000 sf	1,600 sf	800 sf
<b>Density (max)</b>						
A3 Density (units/acre)	8 u/a	11 u/a	14 u/a	14 u/a	20 u/a	30 u/a
<b>Coverage (min)</b>						
A4 Green area* (% of site)	0%	0%	25%	25%	25%	25%

\* see Sec. 7.XX for green area specifications.

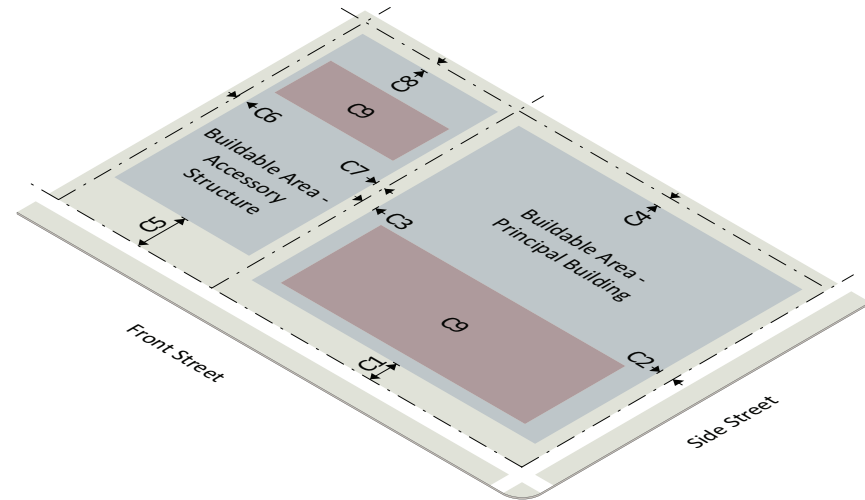
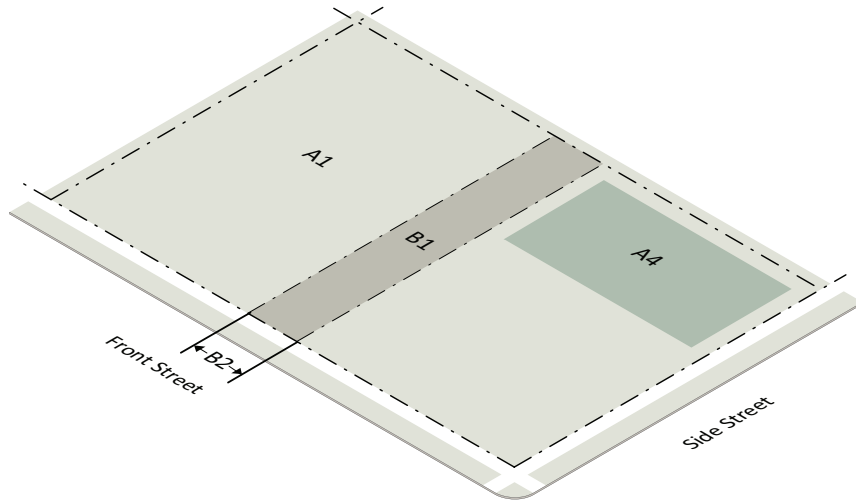
B. Lot	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
B1 Lot area	8,000 sf	6,000 sf	4,000 sf	4,000 sf	3,200 sf	1,600 sf
B2 Lot width at front setback line	75'	60'	40'	40'	40'	40'
B3 Lot width at front property line	25'	25'	25'	25'	25'	25'

C. Placement	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>						
C1 Front setback, public street	25'	25'	20'	20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C1 Front setback, private street	25'	4' or 20'	4' or 20'	4' or 20'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C2 Side street setback	15'	15'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback	20'	20'	15'	15'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	Greater of abutting zone or 4'	Greater of abutting zone or 4'
<b>Accessory Structure Setbacks (min)</b>						
C5 Front setback, behind front building line	10'	10'	5'	5'		
C6 Side street setback	15'	15'	15'	15'		
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	Greater of abutting zone or 4'	Greater of abutting zone or 4'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'		
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min		
<b>Coverage (max)</b>						
C9 Roofed buildings & structures	35%	40%	50%	50%	75%	90%



<b>D. Height</b>	<b>TLD-6</b>	<b>TMD-4</b>	<b>THD-3</b>	<b>RHD-3</b>	<b>RHD-2</b>	<b>RHD-1</b>
<b>Building Height (max)</b>						
D1 Principal building	35'	35'	35'	35'	35'	35'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

### Sec. 4.3.4. Townhouse

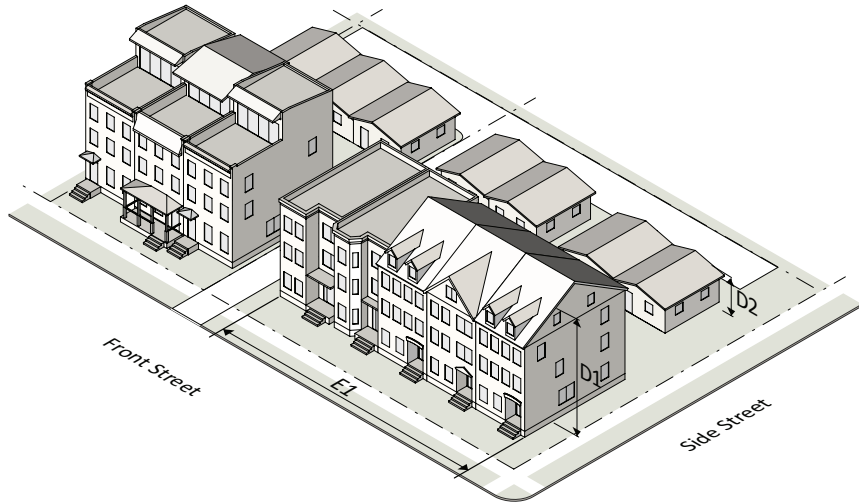


A. Site	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
A1 Site area	20,000 sf	20,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf
A2 Site area per unit	4,800 sf	3,600 sf	2,900 sf	2,700 sf	1,800 sf	1,000 sf
<b>Density (max)</b>						
A3 Density (units/acre)	9 u/a	12 u/a	15 u/a	16 u/a	24 u/a	40 u/a
<b>Coverage (min)</b>						
A4 Green area* (% of site)	50%	45%	40%	35%	35%	35%

\* see Sec. 7.XX for green area specifications.

B. Lot	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Dimensions (min)</b>						
B1 Lot area	1,400 sf	1,200 sf	1,000 sf	1,200 sf	1,000 sf	800 sf
B2 Lot width at front property line	14'	14'	14'	14'	14'	14'

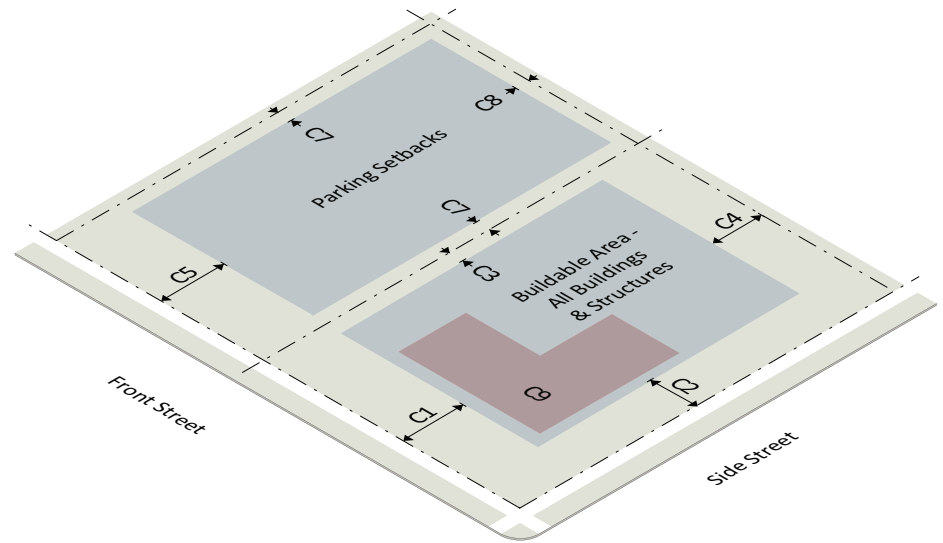
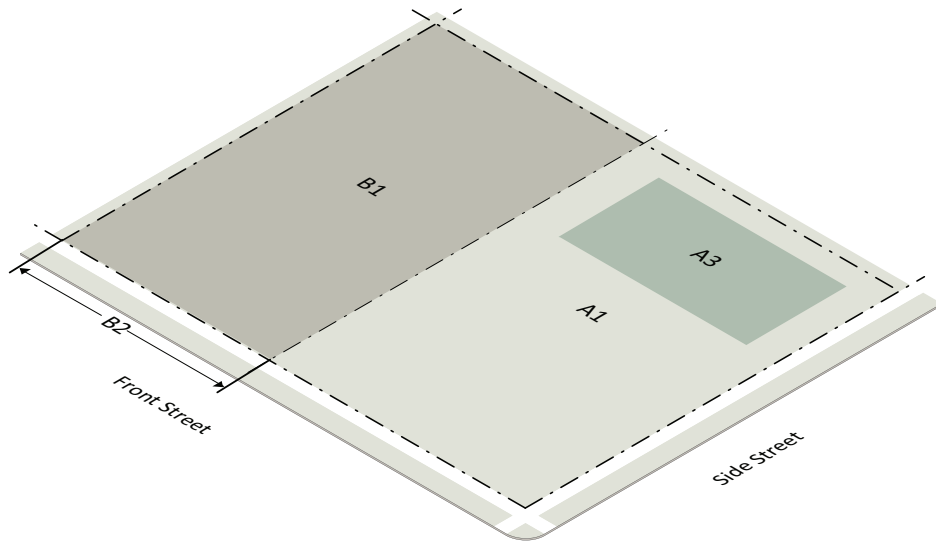
C. Placement	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Principal Building Setbacks (min)</b>						
C1 Front setback, public street	25'	25'	20'	20'	20'	20'
C1 Front setback, private street	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'	4' or 20'
C2 Side street setback	15'	15'	15'	15'	15'	15'
C3 Side interior setback, abutting a AG, RE, RLD, RMD zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone	Abutting zone
C3 Side interior setback, abutting all other zones	10'	10'	8'	8'	8'	8'
C4 Rear setback	20'	20'	20'	10'	10'	10'
C4 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
<b>Accessory Structure Setbacks (min)</b>						
C5 Front setback, behind front building line	10'	10'	5'	5'	5'	5'
C6 Side street setback	15'	15'	15'	15'	15'	15'
C7 Side interior/rear setback, abutting a AG, RE, RLD, RMD zone	5'	5'	5'	5'	5'	5'
C7 Side interior/rear setback, abutting all other zones	0' or 5'	0' or 5'	0' or 5'	0' or 5'	0' or 5'	0' or 5'
C8 Rear setback, alley	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min	4' or 20' min
<b>Coverage (min)</b>						
C9 Roofed building & structures	35%	35%	50%	50%	50%	50%



<b>D. Height</b>	TLD-6	TMD-4	THD-3	RHD-3	RHD-2	RHD-1
<b>Building Height (max)</b>						
D1 Principal building	35'	35'	35'	40'	40'	40'
D2 Accessory structure	25'	25'	25'	25'	25'	25'

<b>E. Form</b>						
<b>Massing</b>						
E1 Number of units permitted in any one row (max)	8	8	8	8	8	8

### Sec. 4.3.5. Apartment/Condo

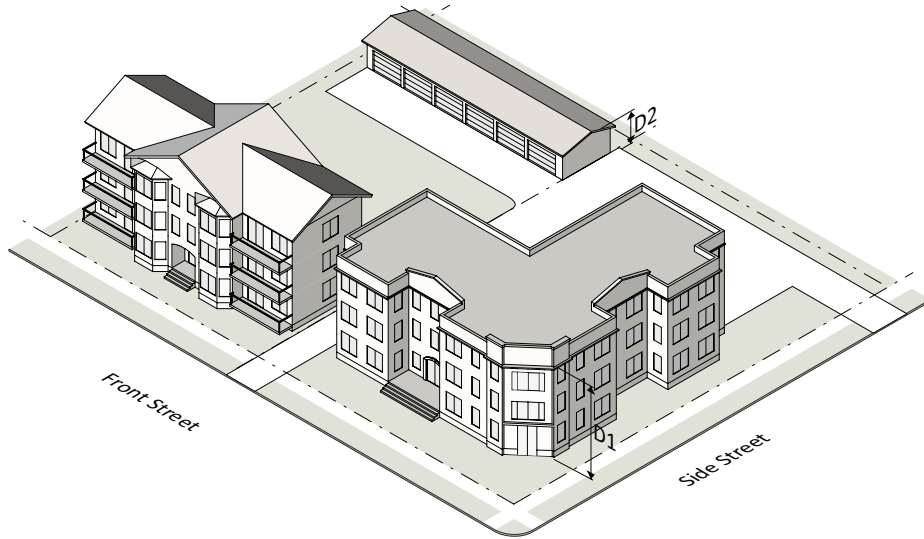


A. Site	RHD-3	RHD-2	RHD-1
<b>Site Dimensions (min)</b>			
A1 Site area per unit	3,000 sf	2,000 sf	1,000 sf
<b>Density (max)</b>			
A2 Density (units/acre)	18 u/a	27 u/a	54 u/a
<b>Coverage</b>			
A3 Green area* (% of site)	65%	60%	50%

\* see Sec. 7.XX for green area specifications.

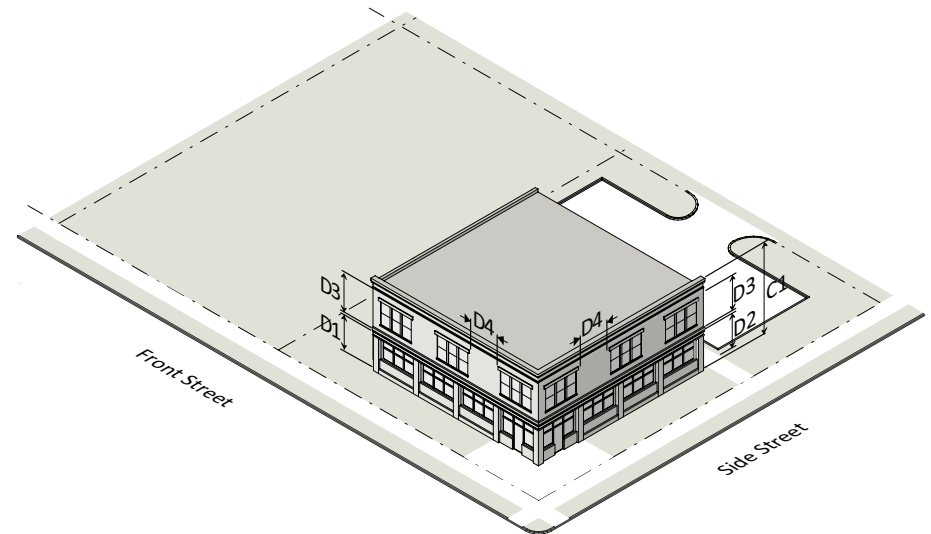
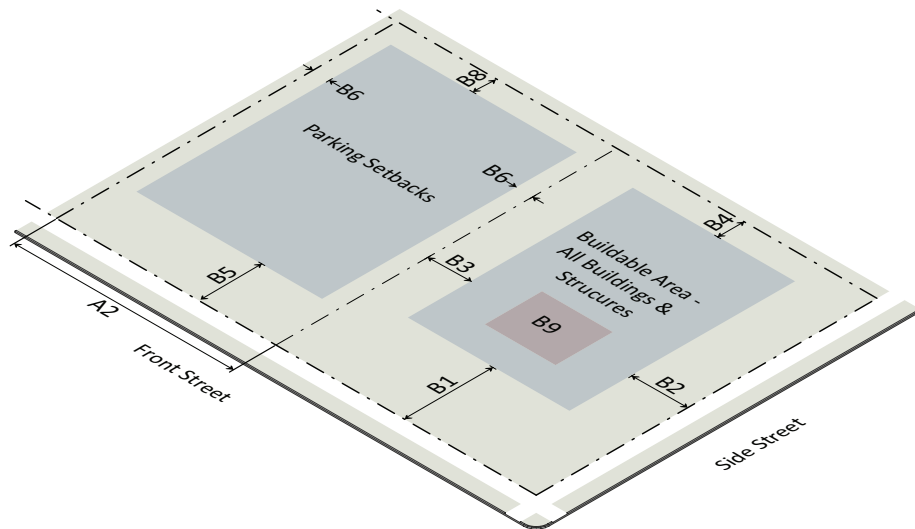
B. Lot	RHD-3	RHD-2	RHD-1
<b>Dimensions</b>			
B1 Lot area (min)	12,000 sf	16,000 sf	20,000 sf
B2 Lot width at front property line	75'	85'	100'

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



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

### Sec. 4.3.6. General Building

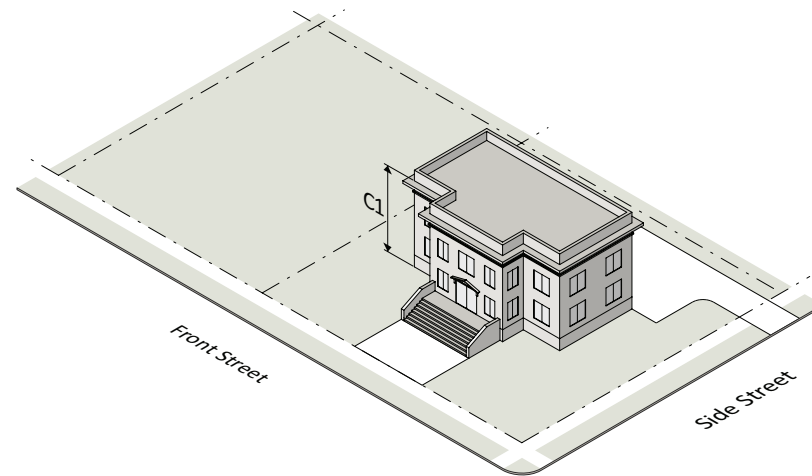
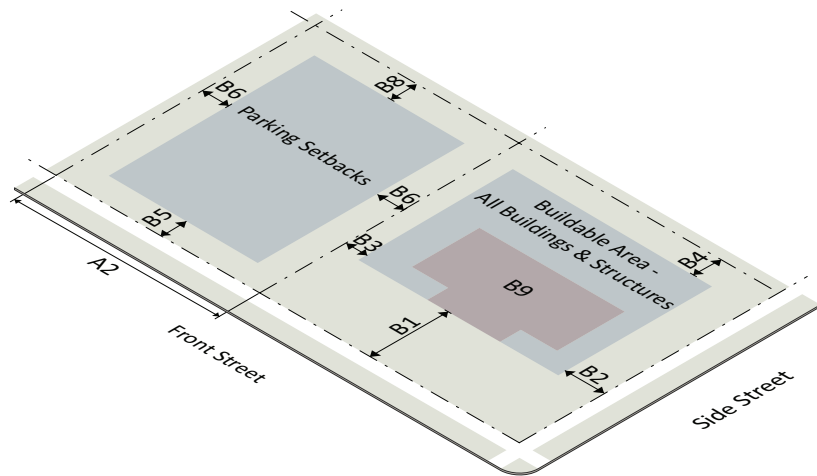


A. Lot	RE-1, -2	RLD-20	TLD-6 RMD-9, -6	RHD-3, -2, -1 TMD-4, THD-2
<b>Dimensions (min)</b>				
A1 Lot area	40,000 sf	20,000 sf	15,000 sf	10,000 sf
A2 Lot width at front property line	125'	100'	75'	75'
<b>B. Setbacks</b>				
<b>All Buildings &amp; Structures (min)</b>				
B1 Front setback	50'	40'	30'	20'
B2 Side street setback	20'	15'	15'	10'
B3 Side interior setback	17'	12'	8'	8'
B4 Rear setback	35'	30'	30'	30'
B4 Rear setback, alley	4'	4'	4'	4'
<b>Parking Setbacks (min)</b>				
B5 Front setback	10'	10'	10'	10'
B6 Side street setback	10'	10'	10'	10'
B7 Side interior setback	10'	10'	10'	10'
B8 Rear setback	10'	10'	10'	10'
B8 Rear setback, alley	0'	0'	0'	0'
<b>Coverage (max)</b>				
B9 Roofed buildings & structures	30%	40%	50%	60%

C. Height	RE-1, -2	RLD-20	TLD-6 RMD-9, -6	RHD-3, -2, -1 TMD-4, THD-2
<b>Building Height (max)</b>				
C1 All buildings & structures	50'	40'	40'	40'
<b>D. Form</b>				
<b>Transparency</b>				
D1 Ground story, primary street (min)	40%	40%	40%	40%
D2 Ground story, side street (min)	25%	25%	25%	25%
D3 Upper story primary, side street (min)	20%	20%	20%	20%
D4 Blank wall primary, side street (max)	35'	35'	35'	35'



### Sec. 4.3.7. Community Building



A. Lot	RE-1, -2	RLD-20	TLD-6 RMD-9, -6	RHD-3, -2, -1 TMD-4, THD-2
<b>Dimensions (min)</b>				
A1 Lot area	40,000 sf	20,000 sf	15,000 sf	10,000 sf
A2 Lot width at front property line	125'	100'	75'	75'

#### B. Setbacks

All Buildings & Structures (min)	RE-1, -2	RLD-20	TLD-6 RMD-9, -6	RHD-3, -2, -1 TMD-4, THD-2
B1 Front setback	50'	40'	30'	20'
B2 Side street setback	20'	15'	15'	10'
B3 Side interior setback	17'	12'	8'	8'
B4 Rear setback	35'	30'	30'	30'
B4 Rear setback, alley	4'	4'	4'	4'
<b>Parking Setbacks (min)</b>				
B5 Front setback	10'	10'	10'	10'
B6 Side street setback	10'	10'	10'	10'
B7 Side interior setback	10'	10'	10'	10'
B8 Rear setback	10'	10'	10'	10'
B8 Rear setback, alley	0'	0'	0'	0'
<b>Coverage (max)</b>				
B9 Roofed buildings & structures	30%	40%	50%	60%

C. Height	RE-1, -2	RLD-20	TLD-6 RMD-9, -6	RHD-3, -2, -1 TMD-4, THD-2
<b>Building Height (max)</b>				
C1 All buildings & structures	50'	40'	40'	40'

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