

Key

Red underlined text provides either the section reference or a use name change in the draft

Text highlighted in yellow is language that staff intends to add to the next draft

Text highlighted in turquoise deals with grandfathering language. All grandfathering provisions are located in Sec. 8.7.1 of draft.

Text with ~~red strikethrough~~ has not been included in the draft Zoning Code

3/29/13

Division 59-A-6. Uses Permitted In More Than One Class of Zone.

Sec. 59-A-6.1. A no-impact home occupation, registered home occupation, or home health practitioner's office. Sec 3.3.3.G (home health practitioner) & Sec 3.3.3.H (home occupation)

(a) The following provisions apply to a no-impact home occupation, a registered home occupation, and a home health practitioner's office:

(1) Each home occupation operator or home health practitioner must show proof of home address. Sec 3.3.3.F.2.b.xii: Use standard for all home health practitioners & Sec 3.3.3.G.4.b.vii: Limited use standard for Home Occupation (Low Impact) & Sec 3.3.3.G.5.b.x: Limited use standard for Home Occupation (Major Impact)

(2) The amount of floor area used for the home occupation or home health practitioner's office must not exceed 33 percent of the eligible area of any existing building on the same lot or parcel Sec 3.3.3.F.2.b.iv: Use standard for all home health practitioners & Sec 3.3.3.G.2.b.iv: Use standards for all Home Occupations

(3) Any equipment or process that creates a nuisance or violates any law is not allowed in connection with the operation of a home occupation or home health practitioner's office, nor is this operation allowed to involve use, storage, or disposal of:

(A) A quantity of a petroleum product sufficient to require a special license or permit from the Fire Chief; or Sec 3.3.3.G.2.b.viii(a): Use standards for all Home Occupations

(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. Sec 3.3.3.F.2.viii: Use standard for all home health practitioners & Sec 3.3.3.G.2.b.viii(b): Use standards for all Home Occupations

(4) Truck deliveries are not permitted, except for parcels delivered by public or private parcel services that customarily make residential deliveries. Sec 3.3.3.F.2.ix: Use standard for all home health practitioners & Sec 3.3.3.G.2.b.ix: Use standards for all Home Occupations

(5) A home occupation or home health practitioner's office found to be in violation of Section 59-A-6.1 is subject to the enforcement procedures under Section 59-A-3.43(c), (d), and (e). Sec 8.4.3.F. Compliance and Enforcement for Home Occupation and Home Health Practitioner

(b) A no-impact home occupation must comply with the following standards:

(1) It must be conducted by a member or members of the family residing in the dwelling unit. [3.3.3.G.1: Definition of Home Occupation](#) No non-resident employees are permitted. [Sec. 3.3.3.G.3.b.i: Limited use Standard for Home Occupation \(No Impact\)](#)

(2) A maximum of 5 visits per week, including deliveries, is allowed in connection with no impact home occupations on one lot or parcel. [Sec. 3.3.3.G.3.b.ii: Limited use Standard for Home Occupation \(No Impact\)](#)

(3) The sale of goods on the premises is not allowed. [Sec. 3.3.3.G.3.b.iii: Limited use Standard for Home Occupation \(No Impact\)](#)

(4) Display or storage of goods is limited to samples of merchandise that may be ordered by customers to whom the merchandise will be delivered at off-site locations, or merchandise awaiting such delivery, ~~but the storage of merchandise awaiting delivery must not exceed 30 square feet of floor area.~~ [\(Must occur within limitations of home occupation area\) Sec. 3.3.3.G.3.b.iv: Limited use Standard for Home Occupation \(No Impact\)](#)

(5) 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, handicrafts, or making beer or wine.. [Sec 3.3.3.G.2.b.vi: Use standards for all Home Occupations](#)

(6) If an accessory building is used for any part of the no-impact home occupation, there must be no external evidence of such use. Only one accessory building may be used for this purpose. A new accessory building must not be constructed to conduct the home occupation. For the purpose of this Section, an accessory building must be an eligible area. [Sec 3.3.3.G.2.c.v: Use standards for all Home Occupations](#)

(7) In the residential one-family zones regulated by Section [59-C-1.3](#) and in recorded residential subdivisions in the agricultural zones regulated by Division [59-C-9](#), any commercial vehicle that is parked or garaged on-site in connection with the no-impact home occupation must satisfy the requirements for commercial vehicles in Section [59-C-1.3](#). [Sec 7.2.6.P: Commercial Vehicle Parking for Properties with a Residential Use](#) In townhouse and multiple family dwellings in zones other than residential one-family or agricultural, one light commercial vehicle may be parked on-site in connection with this use if the vehicle is parked in a garage.

(8) The display of a sign must satisfy [Article 59-F](#). [Sec. 7.7.2. Signs- Applicability](#)

(9) A no-impact home occupation must have no discernible impact on the surrounding neighborhood and must be accessory to the residential use of the dwelling unit in which it occurs. [Sec 3.3.3.G.2.b.ii: Use standards for all Home Occupations](#)

(10) In the R-60 and R-90 zones, not more than two motor vehicles visiting a no- impact home occupation may be parked at the same time on a lot or parcel where a home occupation is conducted. [Sec. 3.3.3.H.3.b.i](#)

(c) A registered home occupation in a residential or agricultural zone, as allowed under Section [59-C-1.31](#), [59-C-1.71](#), [59-C-2.3](#), or [59-C-9.3](#), must satisfy the following standards:

(1) No more than 2 registered home occupations are allowed in any dwelling unit. [Sec 3.3.3.G.4.b.vi: Limited Use standard for Home occupation \(low impact\)](#)

(2) The home occupation must be conducted by a member or members of the family residing in the dwelling unit, and may employ no more than one nonresident assistant or business associate. For the purposes of

this Section, no more than one employee may visit the dwelling unit within any 24 hour period. The arrival and departure of the nonresident assistant or associate are not counted in Paragraph (3). [Sec 3.3.3.G.4.b.i: Limited Use standard for Home occupation \(low impact\)](#)

(3) No more than 20 visits per week, and no more than 5 per day, excluding deliveries, are allowed in connection with one or both registered home occupations on one lot or parcel. [Sec 3.3.3.G.4.b.ii: Limited Use standard for Home occupation \(low impact\)](#) Trips to the home occupation by employees or business associates for ~~the purpose of picking up paychecks or work orders~~, or collecting equipment or merchandise for use, sale or delivery at off-site locations are not permitted. [Sec. 3.3.3.F.2.b.xi](#)

(4) The sale of goods on the premises is limited to:

(A) Handicrafts or art products or similar hand-made products or services such as dressmaking, hand-weaving, block-printing, jewelry, pottery, and musical instruments, which are produced on site by a resident of the dwelling; or

(B) The sale of items customarily ordered on the premises of the registered home occupation for delivery at a later date, to customers at other locations. However, the delivery of the goods to the customer must occur off-site. [Sec 3.3.3.G.4.b.iv: Limited Use standard for Home occupation \(low impact\)](#)

(5) Display or storage of goods is prohibited except for:

(A) Such handmade items as enumerated in paragraph (4)(A) above; or

(B) Samples of merchandise that may be ordered by customers to whom it will be delivered at off-site locations, or merchandise awaiting such delivery.

[Sec 3.3.3.G.4.b.iv: Limited Use standard for Home occupation \(low impact\)](#)

The storage of equipment or merchandise for collection by employees who will use or deliver it at off-site locations is prohibited. [Sec 3.3.3.G.2.b.xi](#)

(6) Only the following equipment or facilities may be used:

(A) Domestic, household, or lawn maintenance service equipment;

(B) Office equipment; or

(C) Any equipment reasonably necessary for art production, handicrafts, or making wine or beer.

[Sec 3.3.3.G.2.b.vi: Use standards for all Home Occupations](#)

(7) If an existing accessory building is used for any part of the registered home occupation, there must be no external evidence of such use. Only one existing accessory building may be used for this purpose. -An accessory building must be located in an eligible area. [Sec 3.3.3.G.2.b.v: Use standards for all Home Occupations](#)

(8) A registered home occupation must not require construction of any off-street parking area other than that required by the residential use, except that any lot, including one recorded before June 1, 1958, with less than the minimum area required by the zone, must have 2 off-street parking spaces. [Sec. 7.2.4 \(modified\)](#) ~~.If there is a common parking area serving more than one dwelling unit, as in the case of multiple-family or other attached dwelling units, parking in connection with the registered home occupation must not encroach on parking serving neighboring dwelling units.~~

(9) In the R-60 and R-90 zones:

(A) Not more than two motor vehicles of anyone visiting a registered home occupation may be parked at the same time on a lot or parcel where a registered home occupation is conducted. [Sec. 3.3.3.H.4.b.i](#)

The following section is replaced with Sec. 7.2.6.O. Surface Parking in R-200, R-90, R-60

~~————(B) A registered home occupation must have a residential parking area on the lot or parcel on which the registered home occupation is conducted that is no greater than that which will accommodate two parked motor vehicles, each with a maximum dimension of 8.5' x 18', except that the following driveways are deemed to accommodate two parked motor vehicles regardless of the size of the driveways:~~

~~————(i) a driveway 12 feet or less in width that provides direct access for a motor vehicle to a public or private right of way, to a garage, carport, or a home occupation residential parking area for one car; or~~

~~————(ii) a driveway 20 feet or less in width that provides direct access for a motor vehicle to a garage, carport, or home occupation residential parking area for more than one car.~~

~~————(C) Before a Certificate of Registration may be issued, the operator of the home occupation must submit evidence acceptable to the Department that the drainage of the home occupation residential parking area will not damage any nearby property or public street.~~

~~————(D) A home occupation residential parking area, regardless of when created, must not be established, maintained or used for parking of any motor vehicle on a parcel or lot on which a registered home occupation is conducted under a registration certificate issued after November 18, 2002, except under the requirements of this Section.~~

~~————(E) For a registered home occupation with a registration certificate issued before November 18, 2002, a home occupation residential parking area for more than two parked motor vehicles may continue to be used and maintained, if such area has been used for parking for a registered home occupation for not less than three years before November 18, 2002.~~

~~(F) Except for a driveway covered in subparagraph (B)(i) or (ii), or as otherwise provided in this Section, each home occupation residential parking area must be set back from a lot line no less than:~~

| - | R-90 | R-60 |
|------------------------|---------|---------|
| (1) Front ¹ | 30 feet | 25 feet |
| (2) Side ² | 16 feet | 16 feet |
| (3) Rear ³ | 25 feet | 20 feet |

¹ The setback may be reduced up to 50 percent if a four foot high solid wood fence, masonry wall, berm, evergreen landscaping six feet high when planted, or a combination, effectively screens from view from the ground of adjoining or confronting lots or parcels, vehicles parked in the home occupation residential parking area.

² The setback may be reduced up to 50 percent if a six foot high solid wood fence, masonry wall, berm, evergreen landscaping six feet high when planted, or a combination, effectively screens from view from adjoining or confronting lots or parcels, vehicles parked in the home occupation residential parking area.

³ For a corner lot, the side yard adjoining a public right of way must be considered as a front yard and the front yard setbacks apply.

(10) In the Residential One-Family Zones regulated by Section 59-C-1.3 and in recorded residential subdivisions in the Agricultural Zones regulated by Division 59-C-9, any light commercial vehicle that is parked or garaged on-site in connection with the registered home occupation must satisfy the requirements for light commercial vehicles in Section 59-C-1.31. Sec 7.2.6.P: Commercial Vehicle Parking for Properties with a Residential Use In the Townhouse and Multiple-Family Zones regulated by Sections 59-C-1.7 and 59-C-2.3, respectively, one light commercial vehicle may be parked on-site in connection with this use if parked in a garage.

(11) The display of a sign must satisfy Article 59-F, Sec. 7.7.2. Signs- Applicability

(d) A home health practitioner's office, in those agricultural or residential zones where it is allowed as a registered use under Section 59-C-1.31, 59-C-2.3, or 59-C-9.3, must satisfy the following requirements, except as provided in Paragraph (d)(9):

(1) A use-and-occupancy permit is required under Section 59-A-3.2. Sec. 3.3.3.F.2.a & Sec. 3.3.3.G.2,

(2) No more than 2 resident health practitioners are allowed; a nonresident health practitioner is not allowed, but nonresident support staff is allowed. Sec 3.3.3.F.3.a: Definition of Home Health Practitioner (Low Impact) A nurse or physician's assistant who is supervised by the resident health practitioner is support staff. Sec. 3.3.3.E.1

(3) The home health practitioner may treat more than one patient or client at a time, but not more than 5 vehicle trips containing not more than 10 patients may come or leave at the same appointment time. Sec 3.3.3.F.3.b.i(a) Limited use standard for Home Health Practitioner (Low Impact)

(4) Clients, patients, or other visitors must visit by appointment only and must be informed of the correct address and parking location. Emergency patients may visit without appointment Sec 3.3.3.F.2.b.x&xi Limited use standards for Home Health Practitioner (Low Impact); ~~abuse of this exemption may lead to revocation of the Certificate of Registration.~~

(5) An indoor waiting room is required if more than one patient or client will be on the premises at the same time. Sec 3.3.3.F.3.b.i(e) Limited use standard for Home Health Practitioner (Low Impact)

(6) The sale of goods on the premises is prohibited, except for medication prescribed by the health practitioner or a prescribed remedial device that cannot be obtained from a commercial source. Sec 3.3.3.F.3.b.i(c) Limited use standard for Home Health Practitioner (Low Impact)

(7) Off-street parking must be provided under the requirement for a medical practitioner's office, as stated in Section 59-E-3.7. If the lot is in any one-family zone regulated by Section 59-C-1.3, the parking must be screened ; the screening must be equivalent to that required by Section 59-E-2.92, and newly constructed parking must be located at the side or rear yard. Sec. 3.3.3.G.2.c.xii ~~If there is a common parking area serving more than one dwelling unit, as in the case of multiple family dwelling units, parking in connection with the home health practitioner's office must not encroach on parking serving neighboring dwelling units.~~

(8) The display of a sign must satisfy Article 59-F, Sec. 7.7.2. Signs- Applicability

(9) A home health practitioner who was in practice at the registered location before February 5, 1990 is exempt from the requirements to:

(A) obtain a use-and-occupancy permit under Paragraph (1);

(B) provide an indoor waiting room under Paragraph (5); and

(C) satisfy the off-street parking requirements of Paragraph (7).

These exemptions do not apply to any home health practitioner who begins to practice at the registered location on or after February 5, 1990, nor do they apply if the practitioner moves to another location. No other exemptions from the requirements of this Section apply to any home health practitioner.

Sec. 59-A-6.2. Historic sites; historic districts. These section was written prior the adoption of the Historic preservation ordinance and has only been used once.

Purpose. ~~The purpose of this section is to provide additional flexibility in the treatment of individual historic sites and historic properties in historic district which are designated on the Master Plan for Historic Preservation. The focus is on providing incentives for individual owners to renovate existing historic structures and to make these properties economically viable in a way which contributes to and does not detract from the overall historic character of sites and districts designated in the Master Plan for Historic Preservation.~~

~~—59-A-6.21. Density transfer.~~

~~Where any tract of land classified in more than one residential zone contains a site, structure, or area of historic significance suitable for preservation, the Planning Board may permit the transfer of dwelling units from one zone to another in excess of the number of dwelling units otherwise permitted in the zone to which the dwelling units are transferred, for the purpose of preserving the historic site, structure or area if all of the following requirements are met:~~

~~—(a)—**Generally.** The site, structure or area to be preserved is deemed by the Planning Board to be of such historical value as to warrant preservation. The Planning Board shall base their determination of historic significance upon an assessment of the age and condition of the structure; historic events involving the site, structure or area; personages involved in the history of the site, structure or area; and the historic uniqueness of the site, structure or area. The applicant requesting a transfer of density under these provisions shall submit such information as the Planning Board may require regarding the historic significance of the site, structure or area;~~

~~—(b)—**Density-Generally.** The density to be transferred shall not exceed the density that would otherwise have been permitted on the historic site;~~

~~—(c)—**Same-Low to high only.** The transfer of dwelling units shall only be from tracts in a lower density zoning classification to tracts in a higher density zoning classification;~~

~~—(d)—**Uses permitted.** No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for one or more of the following uses:~~

~~—All those permitted uses set forth in the applicable zones.~~

~~—Gifts and antique shops, offices, professional and business, including banks and financial institutions, in existing structures and accessory facilities; provided, that the Planning Board finds that such uses and facilities are consistent with the purposes of this section.~~

~~—(e)—**Special exceptions.** The following uses may be permitted as special exceptions in accordance with the provisions of Division 59-G:~~

~~—All those special exception uses set forth in the applicable zones.~~

~~—(f)—**Compliance with other requirements, variances.** All requirements of the applicable zones shall be met except as provided above, and except that the Planning Board may allow such dimensional variations as the Planning Board may find to be essential in order to preserve the historic site or structure;~~

~~—(g)—**Size.** The historic site or area from which dwelling units are to be transferred shall not exceed 3 acres;~~

~~—(h) **Maximum number of units.** The total number of units in the combined tracts shall not exceed the total number of units otherwise permitted on the separate tracts;~~

~~—(i) **Compatibility with area.** The Planning Board finds that the transfer of density will not produce land use configurations detrimental to or incompatible with existing or planned development in the surrounding area;~~

~~—(j) **Dedications, site restoration, etc.** Any applicant under these provisions shall submit such information as the Planning Board may require indicating the method, including but not limited to, dedication to public use, by which the subject site, structure or area is to be preserved. The Planning Board shall not approve the use of these provisions unless it is satisfied that adequate guarantees have been or can be made for the preservation, and restoration if necessary, of the historic site, structure or area;~~

~~—(k) **Prohibited cases.** No use shall be permitted within any site, structure or area designated by the Planning Board as being of historic significance where the operational characteristics of such use would tend to encroach upon or destroy its historic value or adversely impact the surrounding area; and~~

~~—(l) **Site plan review.** Development on the combined tracts is subject to site plan review by the Planning Board under the following procedure:~~

~~—(1) A building permit or certificate of occupancy must not be issued for the construction or use of any structures on the combined tracts, except in compliance with a detailed site plan of development approved by the Planning Board under Division 59-D-3. That detailed site plan must also be treated as a preliminary plan of subdivision and all relevant subdivision regulations apply to its review and approval.~~

~~—(2) Building permits and use and occupancy permits for the construction and use of all structures under this provision are issued by the Department under Division 59-A-3. All construction and development under any building permit must comply with the approved detailed site plan. Any departure from the plan is cause to deny or revoke the building permit or deny a use and occupancy permit.~~

59-A-6.22. Parking in conjunction with historic districts. Sec. 3.5.9

(a) Parking of motor vehicles to support commercially-zoned land in a master plan-designated historic district may be provided by right on adjoining agriculturally or residentially-zoned land located in the same historic district if the site meets all of the following conditions:

(1) The agriculturally or residentially-zoned land is currently vacant. No existing structures are to be removed or relocated to provide parking; Sec 3.5.9.D.2.a.(i) Limited use standard for ‘Surface parking for commercial uses in an historic district

(2) The amount of parking proposed is the minimum required under Article 59-E for the commercial use proposed. No extra spaces are to be provided; Sec 3.5.9.D.2.a.(ii) Limited use standard for ‘Surface parking for commercial uses in an historic district

~~(3) The land allows a density no greater than 2 dwelling units per acre;~~

(4) No portion of the parking area will be located forward of the front building line of the commercial structure being served by the parking except that in the case of a through lot with two front yards, parking must normally front on the road with the lesser classification; Sec 3.5.9.D.2.a.(iii) Limited use standard for ‘Surface parking for commercial uses in an historic district

(5) Review and approval of the proposed parking must be obtained from the Historic Preservation Commission through the Historic Area Work Permit process (Chapter 24A-7); Sec 3.5.9.D.2.a.(iv) Limited use standard for ‘Surface parking for commercial uses in an historic district

(6) Site plan review under Division 59-D-3 will be required. Sec. 3.5.9.D.2.a.v.

(b) In accordance with the provisions of sections 59-E-2.81 and 59-E-4.5, at the time of site plan review the Planning Board may waive the number of spaces required, and setbacks from adjoining agriculturally or residentially-zone properties, as long as the reductions are also approved by the Historic Preservation Commission through the Historic Area Work Permit process (Chapter 24A-7) if the waiver is found to be compatible with the character of the designated historic district. The Board may also allow joint use of a nearby parking facility in lieu of providing the required number of parking spaces on-site. Sec. 7.2.10. Alternative Compliance

59-A-6.23. Lot width and setbacks. Sec. 4.4.2.B

In a historic district designated on the Master Plan for Historic Preservation the minimum lot width at the building line and setback requirements for a main building and for an accessory building or structure as set forth in Article 59-C may be reduced by the Planning Board in the course of site plan review under Division 59-D-3, as long as the reduction is also approved by the Historic Preservation Commission through the Historic Area Work Permit process (Chapter 24A-7). Such reductions in lot widths and setbacks must serve the purpose of maintaining the historic development and building patterns as evidenced throughout the surrounding designated historic district.

Sec. 59-A-6.3. Home show.

~~(a) Application for home shows or parade of homes must be filed in duplicate at the Department.~~

~~—(b) Each application must be accompanied by duplicate copies of a plat, drawn to scale, which must indicate the items required in subsection 59-A-3.33 and also must designate the area reserved for sanitation facilities, off-street parking, refreshments, exhibits and related activities which are accessory uses.~~

~~—(c) The uses permitted under this Section include home shows, parade of homes, exhibits and related activities, and permits the collection of an admission fee and the sale of food or beverages in conjunction with the home show.~~

~~—(d) The Department must approve the off-street parking facilities, and the Department may waive all other parking requirements under Article 59-E.~~

~~—(e) The minimum area requirement for such an application shall be 25 acres.~~

~~—(f) No single application shall be for a time in excess of 30 days, although construction of homes in accordance with the requirements of Section 59-A-3.1 may be for such time as is required and is consistent with the requirements of section 59-A-3.1.~~

~~—(g) Approval of the application must be obtained from the Department. The approval must take the form of a temporary permit not to exceed the time specified in subsection (f). The permit must specify all applicable conditions, including the daily opening and closing time of the exhibit, location, parking, traffic access, temporary use of street areas, temporary sanitary sewerage facilities, refreshment facilities, and any other conditions necessary to protect the public health and safety, to protect adjoining property from any adverse effects of the activity, and which would otherwise be appropriate to protect the neighborhood.~~

~~—(h) The display of a sign must comply with the requirements established in Article 59-F of this chapter.~~

Sec. 59-A-6.4. Fallout or emergency shelter.

~~A fallout or emergency shelter is permitted as principal or accessory use and structure in any zone, subject to the yard and lot coverage regulations of the zone. Such shelter may contain or be contained in other structures, or may be constructed separately, and in addition to shelter use, may be used for any principal or accessory use permitted in the zone, subject to the zoning regulations for such zone, but shall not be used for principal or accessory uses~~

~~prohibited expressly or by implication in the zone; provided, that except in time of emergency, a shelter shall not be used as a residence or dwelling for the principal or only use. The shelter may also be used for other purposes permissible as special exception in the district in which the shelter is located; provided, that the board of appeals finds that all of the general requirements of this chapter concerning such special exceptions are satisfied and, in addition, that the following is established:~~

~~—(a)— That the use other than as a shelter is compatible with the shelter proposed.~~

~~—(b)— That the function as a shelter would not be materially impaired by the proposed use.~~

~~—(c)— That the special exception as to use would have been granted regardless of whether the shelter was involved.~~

~~A joint shelter or community shelter may be permitted by the board of appeals as a special exception even though the shelter is proposed to cross property lines. In granting a special exception for such joint shelter, the board may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction; provided, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or joins property not included in the proposal.~~

Sec. 59-A-6.5. Benefit performance. Sec. 3.1.4.B

(a) A benefit performance permitted under Section 30-4 may be conducted in any zone, including on property regulated by special exception without requiring a modification of the special exception.

(b) A benefit performance must not be:

(1) conducted in any residential, C-O, or C-1 zone for a period exceeding 15 days for any one performance, or

(2) located within 600 feet of any dwelling, measured from the perimeter of the performance area, as delineated in the license application, to the nearest dwelling, unless at least 75 percent of the occupants of the dwellings within 600 feet consent to the performance in writing.

(c) The restrictions of subsection (b) do not apply to a benefit performance conducted on property which is occupied by a private club operating in compliance with this Chapter, a church, a fire department, a public school, or a nationally chartered service or veterans organization, not organized for gain or profit of any individual member of such groups.

Sec. 59-A-6.6. Landing of rotorcraft. Sec. 3.1.4.B

(a) Notwithstanding any other provision of this Chapter, nothing in this section prevents the landing and use of air ambulances and other emergency rotorcraft in any zone during any emergency. Emergency helipads for hospitals are a permitted use in any zone.

(b) In addition, the landing of rotorcraft is permitted in any zone for special events, such as athletic contests, holiday celebrations, parades, political campaigning, advertising promotions, fairs or carnivals or similar activities, if the person or organization intending to use a rotorcraft has received prior approval from the Federal Aviation Administration and the Chief of Police.

(c) The Chief must refer each application to the Department of Fire and Rescue Services, the Department of Permitting Services, and the Department of Environmental Protection for review and recommendations before approving the time and place of the use.

(d) Any person or organization receiving approval must follow any recommendations or conditions of approval for landing area, crowd control, safety or any other factors the approving authorities impose.

Sec. 59-A-6.7. Temporary helistop.

The landing and takeoff areas for temporary helistops must be designed in accordance with the heliport surface dimensions recommended in the most recent Federal Aviation Administration Heliport Design Guide. A student pilot must not use any temporary helistop unless the student is accompanied by a licensed instructor pilot in a helicopter equipped with dual controls. An application for a temporary helistop is subject to approval by the Chief of Police, who must refer the application to the, Department of Fire and Rescue Services, Department of Environmental Protection, and the Department of Permitting Services for review and recommendations before any decision on the application. Sec. 3.1.4.C.4

~~Sec. 59-A-6.8. Opportunity housing projects.~~

~~—(a)—Approval by the district council under the provisions of this section of housing projects owned, operated and/or under sponsorship approved by the county housing opportunities commission and encompassed in a public facility area development plan shall waive any other requirements of this chapter for the zone in which the project is developed.~~

~~—(b)—Such housing projects owned, operated and/or under sponsorship approved by the county housing opportunities commission shall be reviewed and then approved or disapproved by the district council, after public hearing, concurrent with or following the approval by the county council of the public facility area plan pursuant to the provisions of chapter 2, article IX of this Code, as amended.~~

~~—(c)—Decision by the district council of housing projects pursuant to this section shall:~~

~~—(1)—Follow the receipt of the recommendation of the planning board, which board shall receive the public facilities area plan at least 60 days prior to the public hearing before the district council;~~

~~—(2)—Be based upon a determination of the appropriateness of the proposed land use and the compatibility of the housing project with existing and planned development in the neighborhood;~~

~~—(3)—Contain such conditions as the district council shall determine are necessary to ensure compatibility of the housing project with existing and planned development in the neighborhood, to provide for orderly development and to promote the general welfare;~~

~~—(4)—Specify such covenants regulating future use of the land as shall be required to be recorded in the land records of the county.~~

~~—(d)—Housing projects approved pursuant to this section shall be subject to detailed site plan provisions of division 59-D-3 of this chapter.~~

Sec. 59-A-6.9. Cable communications system.

The transmission and distribution lines, wires and cables which are component elements of a cable communications system are permitted uses in any zone. All other components of a cable communications system are subject to the special exception provisions of section 59-G-2.10.1. Sec. 3.5.2.A.2.f. Cable Communication System

Sec. 59-A-6.10. Registered living unit--Standards and requirements. **This use has been consolidated with the attached accessory apartment and registration requirements are located in another Chapter of the County Code.**

~~A registered living unit, permitted in, agricultural, one family residential and planned unit development zones, must:~~

~~—(a)—be registered with and inspected by the Director, in which process:~~

~~——(1)——The owner must affirm, in an affidavit of compliance provided by the Director, that the registered living unit will be maintained, occupied and removed or converted to accessory apartment use, as provided by the requirements of this section.~~

~~——(2)——The Director may designate another County agency or department to administer and enforce the registration and inspection requirements.~~

~~——(3)——The Director is authorized to adopt Executive Regulations by Method 2 which may:~~

~~——(i)——provide for periodic inspections, including access by inspectors at reasonable times, and compliance with applicable codes;~~

~~——(ii)——establish procedures for initial and continuing registration of a registered living unit including provisions for removal when it is no longer being used for purposes set forth in the definition;~~

~~——(iii)——include such other regulations as may be necessary to carry out the intent of this Section; and~~

~~——(iv)——establish fees as necessary to cover the cost of administration.~~

~~—(b)—comply with the Housing and Building Maintenance Standards of Chapter 26 of this Code as amended;~~

~~—(c)—have at least one party wall in common with the main dwelling;~~

~~—(d)—be subordinate to the main dwelling;~~

~~—(e)—use the same street address as the main dwelling;~~

~~—(f)—have any separate entrance located so that the appearance of a one family dwelling is preserved;~~

~~—(g)—not be rented for financial remuneration, except that the services of household employees or expenses shared by family members are not deemed to be rent;~~

~~—(h)—not be operated on the same lot or parcel as another registered living unit, an accessory apartment, a family of unrelated persons, or any other residential use for which rent is charged, except an accessory dwelling in an agricultural zone; and~~

~~—(i)—be removed whenever it is no longer occupied as a registered living unit unless the owner applies for and is granted a special exception for an accessory apartment in accordance with Section 59-G-2.00, or whenever the one-family detached dwelling unit in which it is located is no longer occupied by the owner.~~

Sec. 59-A-6.11. Temporary construction administration or sales office. Sec 3.5.15: Construction Administration or Sales Office

(a) A temporary office for construction administration or real estate sales, which may include an outside storage yard that is limited to the construction, development or sale of buildings or structures within the same site or subdivision is permitted as an accessory use in any zone upon the approval of a conditional use-and-occupancy permit issued under section 59-A-3.23. Such temporary use is allowed only for the duration of construction and sale of a project or in accordance with the approval periods specified in section 59-A-3.23, whichever occurs first.

Extensions may be approved by the director only in accordance with provisions of section 59-A-3.23. Sec 3.5.15: Construction Administration or Sales Office

~~—(b)— Any temporary office for construction administration or real estate sales previously issued a use and occupancy permit prior to October 14, 1986, shall be required to apply for an extension of its previously issued use and occupancy permit at such time as the permit is more than 3 years old. Extensions must meet the requirements of section 59-A-3.23. The director shall revoke the use and occupancy permit for any previously approved construction administration or sales office over 3 years old that is not brought into compliance within 3 months after October 14, 1986.~~

Sec. 59-A-6.12. Private telecommunication facility attached to a publicly owned structure or located on publicly owned land. Sec 3.5.14.C: Antenna on Existing Structure

(a) A private telecommunication antenna may be attached as a matter of right to an existing structure owned or operated by a County, bi-county, state or federal agency. Allowed as a limited use in all zones (except Residential Townhouse zones)

~~(b)— Any land or structure owned by an independent fire department or rescue squad approved under Chapter 21 is not owned or controlled by a County agency for purposes of this section and requires a special exception. Any telecommunication facility constructed as of November 21, 1995 on any land or structure owned by an independent fire department or rescue squad is not a nonconforming use.~~

(c) An unmanned equipment building or cabinet associated with a telecommunication facility located on publicly owned land or attached to a publicly owned structure must not exceed 560 square feet and 12 feet in height, except a single equipment building in excess of 560 square feet may be used for more than one telecommunication provider, if: Sec. 3.5.14.C.2.c

- (i) The overall square footage does not exceed 1500 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 County Code.

If the nearest adjoining property is classified in a residential zone, the equipment building or cabinet must be faced with brick or other suitable material on all sides and landscaped to a height of at least 3 feet.

~~—(d)— Any private telecommunication facility on publicly owned land that is not permitted under subsections (a), or (c) must obtain a special exception from the Board of Appeals.~~

Sec. 59-A-6.13. Transitory use.

A transitory use may be allowed in any zone, subject to the following restrictions and regulations:

(a) Uses allowed.

(1) A transitory use may be allowed on private property only if it would be allowed as a use permanently affixed to the land under the land use regulations of the zone in which the transitory use will be placed. Sec 3.5.15.C.2.b.i: Limited use standard for ‘Transitory Use’. A transitory use must not be allowed unless it is:

- (A) designated as a permitted (P) use in the applicable land use section; or

(B) designated as a special exception (SE) use in the applicable land use section and is approved under Divisions 59-G-1 and 59-G-2. [3.5.15.C.2.b.i: Limited use standard for 'Transitory Use'](#)

(2) A transitory use may be located in the public right-of-way if it is in accordance with Chapter 47. [Sec 3.5.15.C.2.b.ii: Limited use standard for 'Transitory Use'](#)

(b) Requirements for green area and automobile parking facility.

(1) A transitory use must not be located on any portion of the green area required by the zone in which the property is located. [Sec 3.5.15.C.2.b.iii: Limited use standard for 'Transitory Use'](#)

~~(2) If a transitory use is located in a parking lot (automobile parking facility) subject to a parking facility plan under Article 59 E 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 Section 59 E 3 for permanent uses on the property.~~

(c) **Registration.** A transitory use must be registered under Chapter 47. [3.5.15.C.2.a: Limited use standard for 'Transitory Use'](#)

Sec. 59-A-6.14. Antenna for a private telecommunication facility mounted on a rooftop or structure located on privately owned land. [Sec 3.5.14.C: 'Antenna on Existing Structure'](#)

(a) An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop as a matter of right if the following standards are met.

(1) The building must be at least 30 feet in height in any multi-family, commercial or industrial zone. [Sec 3.5.14.C.2.d.ii](#)

(2) The building must be greater than 50 feet in height in any one-family residential zone. [Sec 3.5.14.C.2.d.ii: Limited Use Standard for 'Wireless Communication on Existing Structure'](#) However, a rooftop telecommunication antenna is not permitted on a one-family residence or a building or structure accessory to a one-family residence. [Sec 3.5.14.C.2.d.i:](#)

(3) An antenna may be mounted on the facade of the building at a height of at least 30 feet in a multi-family, commercial, or industrial zone, and at a height greater than 50 feet in a one-family residential zone. [Sec 3.5.14.C.2.d.iii](#) However, a telecommunication antenna must not be mounted on the facade of a one-family residence or a building or structure accessory to a one-family residence. [Sec 3.5.14.C.2.d.i:](#)

(4) An unmanned equipment building or cabinet must not exceed 560 square feet and 12 feet in height or 14 feet in height for a roof top structure, including the support structure for the equipment building, except a single equipment building in excess of 560 square feet, located at ground level, may be used for more than one telecommunication provider, if: [Sec 3.5.14.C.c](#)

(i) the overall square footage does not exceed 1500 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 County Code.

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 3 feet in height, and must conform to the setback standards of the applicable zone. [Sec 3.5.14.C.iii](#)

(5) If the equipment building is located on the roof of a building, the equipment building or cabinet and other structure, in combination with any other equipment building and structure, must not occupy more than 25% of the roof area. [Sec. 4.1.5.D.3.a](#)

(b) In addition to a rooftop, an antenna may be attached as a matter of right 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, or an overhead transmission line support structure. [Sec 3.5.14.C.1](#) An equipment building located on such a structure is subject to the requirements of subsection (a)(4). A structure constructed for the support of: (1) an antenna that is part of an amateur radio station 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. [Sec 3.5.14.C.2.d.iv](#)

Sec. 59-A-6.15. Personal living quarters (PLQ).

In the zones where it is permitted a personal living quarters must comply with the following regulations:

(a) The personal living quarters (PLQ) must:

- (1) contain at least 6 individual living units;
- (2) have facilities for sanitation, which may be shared among ILU residents; and
- (3) have facilities for cooking, which must be shared among ILU residents.

Sec 3.3.2.D.1: Definition for 'Personal Living Quarters'

~~—(b)—The Director is authorized to establish procedures and standards which may provide for periodic inspections, including access by inspectors at reasonable times, and compliance with applicable codes. The Director may designate another County agency or department to administer and enforce the inspection requirements. (In another section of County Code)~~

(c) An individual living unit in a PLQ:

(1) must have a minimum gross floor area of 150 square feet and a maximum gross floor area of ~~350 square feet, except in the case of a personal living quarters developed through conversion of an existing building previously devoted to another use. In that case, a personal living quarters may contain individual living units with a maximum gross floor area per unit of~~ 385 square feet; [Sec 3.3.2.D.2.a.i: Limited Use Standards for 'Personal Living Quarters'](#)

(2) must not contain complete cooking facilities such as a stove, oven, or similar device, but may contain equipment for incidental food preparation, such as small portable kitchen appliances; [Sec 3.3.2.D.2.a.ii: Limited Use Standards for 'Personal Living Quarters'](#)

(3) may contain separate sanitation facilities; [Sec 3.3.2.D.2.a.iii: Limited Use Standards for 'Personal Living Quarters'](#)

(4) must be subject to a rental agreement with a minimum lease term of at least 30 days. Copies of the rental agreement must be available for inspection by, and provided upon demand to the County. [Sec 3.3.2.D.2.a.iv: Limited Use Standards for 'Personal Living Quarters'](#)

(d) Development standards are as follows:

(1) In the zones where a personal living quarters is permitted, the personal living quarters must comply with the development standards of the zone in which the personal living quarters is located, except as provided in Paragraph (2) below.

(2) In the following zones, the maximum number of individual living units per acre in a personal living quarters building is as follows, subject to the maximum FAR of the zone for residential uses, if any:

| Zone | Individual Living Units per Acre |
|--|----------------------------------|
| R-30 | 29 |
| R-20 | 43 |
| R-10 | 87 |
| R-H | 87 |
| <u>Sec 3.3.2.D.2.a.v: Limited Use Standards for 'Personal Living Quarters'</u> | |
| CBD Standard Method | |
| CBD-0.5 | 70 |
| CBD-R1 | 86 |
| CBD-1 | 86 |
| CBD-2 | 160 |
| CBD-3 | 240 |
| CBD-R2 | 160 |

(3) If a personal living quarters is constructed on a lot that also includes a residential building containing complete dwelling units, or if personal living quarters individual living units are included in a building with complete dwelling units, the density standards for dwelling units in the zone apply to that portion of the lot that contains complete dwellings units. Sec 3.3.2.D.2.a.vi: Limited Use Standards for 'Personal Living Quarters'

(e) Parking must be provided in accordance with the provisions of Article 59-E. Sec. 7.2.2

(f) (1) If a use qualifies as a PLQ, the use does not constitute a multiple family dwelling, hotel, motel, inn, apartment hotel, or other use as defined in this chapter. Sec. 3.3.3.D.1

(2) If a use qualifies as an ILU, the use does not constitute a dwelling unit as defined in this chapter. Sec. 3.3.2.D.2.a.ii.

~~—(g)—The number of ILUs in each policy area is limited to 12.5 percent of the units allotted by the gross ceiling for housing for the policy area in the adopted Annual Growth Policy, or 500, whichever is less. No longer relevant under Subdivision Staging Policy~~

Sec. 59-A-6.16. Adult Entertainment Businesses. Sec 3.5.10.A. 'Adult Entertainment'

(a) An adult entertainment business is permitted in certain zones, subject to the following restrictions and regulations:

- (1) The adult entertainment materials must not be visible from outside the establishment.
- (2) Access to the adult entertainment materials must be prohibited to any person under the age of 18 years.

(3) The adult entertainment business must be located at least 750 feet from any property: (A) located in a residential zone, or (B) on which a school, library, park, playground, recreational facility, day care center, place of worship, or other adult entertainment business is located as a principal use. The distance must be measured in a straight line from the nearest property line of the property used for the adult entertainment business to the nearest point of the boundary line of any property located in a residential zone, or on which a school, library, park, playground, recreational facility, day care center, place of worship or other adult entertainment business is located.

(4) An adult entertainment business may continue as a non-conforming use if a school, library, park, playground, recreational facility, day care center, place of worship, or residential zone is established within 750 feet of the adult entertainment business after the business was established.

(5) An adult entertainment business may operate only between the hours of 9:00 a.m. and 11:00 p.m.

(6) If adult booths are located on the premises:

(A) the booths must be physically arranged so that the entire interior portion of the booth is visible from the common areas of the premises;

(B) the booths must not be equipped with a door or curtain that would screen the booth's interior from the common areas of the premises;

(C) the booths must be designed to prevent physical contact with another person.

(D) the booths must be illuminated at all times;

(E) the booths must not allow any holes in the partitions between the adult booths; and

(F) no person under the age of 18 years is permitted to enter the premises.

Sec 3.5.10.A.2. Every provision above is included as a limited use standard for 'Adult Entertainment'

~~—(b)—To provide for a reasonable period of amortization and to prevent unreasonable economic loss, any adult entertainment business existing on May 1, 2000 which does not conform to the requirements of this section, may continue to operate for 18 months following the effective date of the amendment. On or after that date, an adult entertainment business may continue in operation only if it meets the requirements of Section 59-A-6.16.~~

Sec. 59-A-6.17. Security pavilion. Sec. 3.7.3.B.2. Use Standards for Security Pavilion

A security pavilion is permitted in the RE-2, RE-1, R-200 and the Agricultural zones if it:

(a) is located on a lot or parcel within a minimum lot size of 2 acres;

(b) does not exceed 196 square feet of total floor area, with maximum linear dimensions that do not exceed 14 feet per side;

- (c) does not exceed 12 feet in height;
- (d) is set back a minimum distance of 30 feet from the front lot line and 15 feet from any side lot line; and
- (e) is placed within 5 feet of the main driveway that provides access to the main dwelling located on the same lot.

Sec. 59-A-6.18. Workforce housing.

~~**59-A-6.18.1. Generally.**~~

~~—The workforce housing program complements the Moderately Priced Dwelling Unit MPDU Program, the Productivity Housing Program, and other County programs designed to promote affordable housing. Under Chapter 25B, a developer may build the number of workforce housing units allowed in any zone under this Chapter. All workforce housing units must be constructed in the area regulated by a single project plan, preliminary plan, or lot that uses the FAR and building height flexibility under this Section.~~

~~**59-A-6.18.2. Allowances.**~~

~~—(a) Any subdivision that would contain 35 or more market dwelling units, and that would be located in a zone with a maximum permitted residential density at or above 40 dwelling units per acre and in a Metro Station Policy Area, may include a number of workforce housing units under Chapter 25B.~~

~~—(b) A site plan is required under Division 59-D-3 for any project that includes a workforce housing unit.~~

~~—(c) To allow the construction of workforce housing units on site, the Planning Board must permit:~~

~~—(1) any residential density or residential FAR limit of the applicable zone to be exceeded to the extent required for the number of workforce housing units that are constructed, but not by more than 10 percent of the total FAR or number of dwelling units;~~

~~—(2) any residential density or residential FAR limit established in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum density and FAR of the zone, except as provided in paragraph (1); and~~

~~—(3) any building height limit established in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum height of the zone.~~

~~**59-A-6.18.3. Amendments.**~~

~~—An application to amend a project plan or preliminary plan approved before April 26, 2010, may be made concurrently with an application for a site plan or a site plan amendment, for the purpose of removing the previously required workforce housing units.~~