

Key

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

Text highlighted in bright green deals with floating zones that will be retained in the new code

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

2/20/2013

Division 59-C-1. Residential Zones, One-Family.

Sec. 59-C-1.1. Zones established. Sec. 2.2 (Euclidean Zone Intent Statements)

The following are the one-family residential zones and their identifying symbols. Some of these zones were formerly identified by other symbols, as indicated. In each such case the former symbol, wherever it appears on maps or in text, shall represent the same zone as the present symbol.

RE-2-Residential, one-family (formerly R-A) RE-2

RE-2C-Residential, one-family (formerly RA-C) RE-2C

RE-1-Residential, one-family (formerly R-E) RE-1

R-200-Residential, one-family (formerly R-R) R-200

R-150-Residential, one-family R-200

R-90-Residential, one-family R-90

R-60-Residential, one-family R-60

RE-2/TDR-Residential, transferable development rights RE-2 with TDR Overlay

RE-2C/TDR-Residential, transferable development rights RE-2C with TDR Overlay

RE-1/TDR-Residential, transferable development rights RE-1 with TDR Overlay

R-200/TDR-Residential, transferable development rights R-200 with TDR Overlay

R-150/TDR-Residential, transferable development rights R-200 with TDR Overlay

R-90/TDR-Residential, transferable development rights R-90 with TDR Overlay

R-60/TDR-Residential, transferable development rights R-60 with TDR Overlay

R-40-Residential, one-family R-40

RMH-200-Residential, one-family R-200

RT-6.0-Residential, townhouse

RT-8.0-Residential, townhouse

RT-10.0-Residential, townhouse

RT-12.5-Residential, townhouse

~~R-4 plex Residential, fourplex~~

Residences are also permitted in certain other zones, including the central district zones, the planned unit development zone and the rural zone.

Sec. 59-C-1.2. Methods of development.

Four alternative methods are available for development in certain of these zones, each in accordance with appropriate regulations as set forth in the sections indicated, as follows:

- (a) **Standard development.** (section 59-C-1.3) Sec. 4.4.1.A Standard Method (Residential Zones)

(b) **Density control development.** Permits averaging of lot sizes. (section 59-C-1.4) This type of development has been discontinued (per 59-C-1.44. Discontinuance)

(c) **Cluster development.** Permits development on smaller lots with common open space. (section 59-C-1.5) Div 6.2 Cluster Development in Rural and Residential Zones

(d) **Development including moderately priced dwelling units.** Permits increased density where such units are included in accordance with chapter 25A of the County Code. (section 59-C-1.6) Div 6.1 MPDU Development in Rural and Residential Zones

Sec. 59-C-1.3. Standard development.

The procedure for approval is specified in Chapter 50.

59-C-1.31. Land uses.

No use is allowed except as indicated in the following table:

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under Article 59-G. These Become Conditional Uses (3.1.1)

	RE-2	RE-2C	RE-1	R-200	R-150 R-200	R-90	R-60	R-40	R-4 plex	RMH 200 R-200
(a) Residential										
Accessory apartment. ⁴ <u>Attached or Detached Accessory Apartment (Residential)</u>	SE <u>L or C</u>	SE <u>L or C</u>	SE <u>L or C</u>	SE <u>L or C</u>	SE <u>L or C</u>	SE <u>L or C</u>	SE <u>L or C</u>	<u>L or C</u>		SE <u>L or C</u>
Bed-and-breakfast lodging with one or 2 guest rooms. ⁶ <u>Bed and Breakfast</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>C</u>	SE <u>C</u>			P <u>L</u>
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ⁶ <u>Bed and Breakfast</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	SE <u>C</u>	SE <u>C</u>			SE <u>C</u>
Boardinghouses.					SE	SE	SE	SE	SE	
Dwellings, one-family detached. <u>Single-Unit Living</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P ¹ <u>P</u>	P ¹	P <u>P</u>
Dwellings, one-family semi-detached. <u>Two-Unit Living</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	P ² <u>P</u>	P ²	<u>L</u>
Dwellings, two-family detached. ⁵ <u>Two-Unit Living</u>		<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	P <u>P</u>	P ²	<u>L</u>
Dwellings, triplex.									P	
Dwellings, fourplex.									P	
Embassy. ³⁵ <u>Single-Unit Living</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P	P <u>P</u>
Farm tenant dwelling.	P ³⁷ <u>L</u>		P ³⁷ <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P	P <u>L</u>

	RE-2	RE-2C	RE-1	R-200	R-150 <u>R-200</u>	R-90	R-60	R-40	<u>R-4plex</u>	RMH 200 <u>R-200</u>
Farm tenant mobile home, one only. <u>Farm Tenant Dwelling</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>L</u>					<u>P_L</u>
Farm tenant mobile homes for more than one but less than 4.⁴⁰										
Group home, small. <u>Residential Care Facility (up to 8 persons)</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Group home, large. ²³ <u>Residential Care Facility (9-16 persons)</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE</u>	<u>SE_C</u>
Guest houses, as accessory uses.	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Guest rooms, for not more than 2 roomers in any dwelling unit. <u>Single-Unit Living</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Housing and related facilities for elderly or handicapped persons. <u>Independent Living Facility for Seniors or Persons with Disabilities</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>		<u>SE_C</u>
Life care facility. <u>Residential Care Facility</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>	<u>SE_P (under 8) or C</u>		<u>SE_P (under 8) or C</u>
Mobile homes, double wide. <u>Single-Unit Living</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P⁷P</u>	<u>P</u>		<u>P_P</u>
Mobile homes, single-wide.										<u>SE</u>
Motels.⁸										
Registered living unit. ^{4, 10} <u>Attached Accessory Apartment</u>	<u>P_L or C</u>	<u>P_L or C</u>	<u>P_L or C</u>	<u>P_L or C</u>	<u>P_L or C</u>	<u>P_C</u>	<u>P_C</u>	<u>C</u>		<u>P</u>
Tourist cabin camps.⁸										
(b) Transportation, communication and utilities.										
Airstrips, in the common open space.		<u>P</u>								
Amateur radio facility.	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE P or C</u>	<u>P⁵¹/SE</u>	<u>P⁵¹/SE P or C</u>
Cable communications system.	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹C</u>	<u>SE⁹</u>	<u>SE⁹C</u>
Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less. <u>Transmission Lines (Above Ground)</u>	<u>P_L</u>	<u>L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P</u>	<u>P_L</u>
Electric power transmission and distribution lines, underground. <u>Transmission Lines (Below Ground)</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Helistop.⁴⁶										

	RE-2	RE-2C	RE-1	R-200	R-150 <u>R-200</u>	R-90	R-60	R-40	<u>R-4plex</u>	RMH 200 <u>R-200</u>
Parking of automobiles, off-street, in connection with commercial uses <u>Surface Parking for Commercial Uses in a Historic District</u>	P ³⁹ <u>L</u>	P ³⁹ <u>L</u>	P ³⁹ <u>L</u>	P ^{39, 43} <u>L</u>	42 <u>L</u>	42	SE <u>C</u>	SE <u>C</u>		SE <u>L</u>
Parking of motor vehicles, other than heavy commercial vehicles, off-street, in connection with any use permitted in the zone. <u>Surface Parking for Use Allowed in the Zone</u> Vehicles and machinery for agricultural use may be parked without restrictions. <u>Sec. 7.2.6.N-Commercial Vehicle Parking for Properties with a Residential Use</u>	P ^{11,13} <u>P</u>	P ¹¹ <u>P</u>	P ¹¹ <u>P</u>	P ^{12,13} <u>P</u>	P ¹² <u>P</u>	P ¹² <u>P</u>	P ¹² <u>P</u>	P ¹² <u>P</u>	P ¹² <u>P</u>	P ⁵⁴ <u>P</u>
Pipelines, aboveground. <u>Pipeline (Above Ground)</u>	SE <u>C</u>		SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE	SE <u>C</u>
Pipelines, underground. <u>Pipeline (Below Ground)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P	P <u>P</u>
Public utility buildings and structures.	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE	SE <u>C</u>
Radio and television broadcasting stations and towers. <u>Media Broadcast Tower</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE	SE <u>C</u>
Railroad tracks.	P		P	P	P	P	P	P	P	P
Telecommunications facility. <u>Freestanding Telecommunications Tower or Antenna on Existing Structure</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ / SE <u>C or L</u>	P ¹⁸ /SE	P ¹⁸ / SE <u>C or L</u>
Telephone and telegraph lines. ¹⁴ <u>Transmission Lines (Above Ground)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P	P <u>L</u>
(c) Commercial.										
Antique shops. <u>Rural Antique Shop</u>	SE <u>C</u>		SE <u>C</u>	SE <u>C</u>	<u>C</u>					SE <u>C</u>
Christmas trees, sale of between December 5 and December 25. <u>Seasonal Outdoor Sales</u>	P <u>L</u>	<u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P	P <u>L</u>
Landscape contractor. ¹⁶	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	<u>C</u>					<u>C</u>
Retail nursery or garden center. ¹⁶ <u>Nursery (Retail)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	<u>C</u>					<u>C</u>
Transitory use. ³⁸	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/ SE <u>L</u>	P/SE	P/ SE <u>L</u>
Wholesale nursery or greenhouse. ¹⁶ <u>Nursery, Wholesale</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	<u>C</u>					<u>C</u>
(d) Services.										
Adult foster care home. <u>Residential Care Facility</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>	P <u>P (up to 8) or C</u>

	RE-2	RE-2C	RE-1	R-200	R-150 R-200	R-90	R-60	R-40	R-4plex	RMH 200 R-200
Ambulances or rescue squads, privately supported, nonprofit.										
Ambulance or rescue squads, publicly supported. <u>Public Use (Except Utilities)</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Animal boarding places. ¹⁵ <u>Animal Boarding and Care</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>C</u>					
Catering facility, outdoors <u>Recreation and Entertainment Facility, Outdoor (Capacity up to 1000)</u>		<u>C</u>		<u>SE_C</u>	<u>C</u>					<u>C</u>
Cemetery.	<u>SE_C</u>									
<u>Chancery.</u> ²⁶	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>			<u>SE</u>
Charitable or philanthropic institution. <u>Charitable, Philanthropic Institution</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>			<u>SE_C</u>
Child day care facility:										
—Family day care home. <u>Family Day Care (Up to 8 persons)</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
—Group day care home. ²⁰ <u>Group Day Care (9 to 12 persons)</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>P_L</u>	<u>SE¹⁹_C</u>	<u>SE¹⁹_C</u>	<u>SE_C</u>	<u>SE</u>	<u>SE_L</u>
—Child day care center. ²⁰ <u>Day Care Center</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE</u>	<u>SE_C</u>
Churches, memorial gardens, convents, monasteries and other places of worship. <u>Religious Assembly</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Clinic, medical or dental for no more than 4 medical practitioners. <u>Clinic (up to 4 medical practitioners)</u>				<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>			<u>SE_C</u>
<u>Clinic, medical or dental for 5 or more medical practitioners.</u> ²⁴				<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>			<u>SE</u>
<u>Community redevelopment areas.</u> ²³	<u>SE</u>		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
Day care facility for not more than 4 senior adults and persons with disabilities. ²² <u>Family Day Care (Up to 8 persons)</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P_P</u>	<u>P</u>	<u>P_P</u>
Day care facility for more than 4 senior adults and persons with disabilities. ²² <u>Family/ Group/ Day Care Center</u>	<u>SE_P,L or C</u>	<u>SE_P,L or C</u>	<u>SE_P,L or C</u>	<u>SE_P,L or C</u>	<u>SE_P,L or C</u>	<u>SE_P or C</u>	<u>SE_P or C</u>	<u>SE_P or C</u>	<u>SE</u>	<u>SE_P,L or C</u>
Domiciliary care home for more than 16 residents. ¹⁷ <u>Residential Care Facility (Over 16 persons)</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE_C</u>	<u>SE</u>	<u>SE_C</u>

	RE-2	RE-2C	RE-1	R-200	R-150 R-200	R-90	R-60	R-40	R-4plex	RMH 200 R-200
Educational institutions, private. <u>Educational Institution (Private)</u>	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE	SE_C
Family burial sites. ³³ <u>Cemetery</u>	SE_C	SE	SE	SE						
Fire stations, publicly supported. <u>Public Use (Except Utilities)</u>	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P	P_P
Funeral parlor or undertaking establishments. <u>Funeral Home, Undertaker</u>	SE_C		SE_C	SE_C	SE_C	SE_C				SE_C
Group picnic, catering and recreation facility. <u>Recreation & Entertainment Facility, Outdoor (Capacity up to 1000) Capacity over 1000</u>		SE_C		C	C					
Home health practitioner's office. <u>Home Health Practitioner (Low Impact) or (Major Impact)</u>	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵ L or C	P ²⁶ /SE ²⁵	P ²⁶ /SE ²⁵ L or C
Home occupation, major. ²⁵ <u>Home Occupation (Major Impact)</u>	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE	SE_C
Home occupation, registered. ²⁶ <u>Home Occupation (Low Impact)</u>	P_L	P_L	P_L	P_L	P_L	P_L	P_L	P_L	P	P_L
Home occupation, no impact. ²⁷ <u>Home Occupation (No Impact)</u>	P_L	P_L	P_L	P_L	P_L	P_L	P_L	P_L	P	P_L
Hospice care facility. <u>Residential Care Facility</u>	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE	SE_P (up to 8) or C
Hospitals. <u>Hospital</u>	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE	SE_C
Hospitals, veterinary. <u>Veterinary Office/Hospital</u>	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C	SE_C			C
<u>Life sciences center.</u>				p ²⁸						
Nursing home. ¹⁷ <u>Residential Care Facility</u>	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE_P (up to 8) or C	SE	SE_P (up to 8) or C
<u>Offices, medical practitioner, for use by other than a resident of the dwelling.</u>	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Offices, professional, nonresidential. ⁴⁴ <u>Office</u>				SE_C	C	SE_C	SE_C			C
<u>Opportunity housing projects.</u>	P		P	P	P	P	P			P
Publicly owned or publicly operated uses. <u>Public Use (Except Utilities)</u>	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P	P_P
Respite care home. <u>Residential Care Facility (Up to 8 Persons)</u>	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P_P	P	P

	RE-2	RE-2C	RE-1	R-200	R-150 R-200	R-90	R-60	R-40	R-4plex	RMH 200 R-200
(e) Cultural, entertainment and recreational.										
Camp grounds. <u>Campground</u>		SE <u>C</u>								
Golf courses and country clubs. <u>Golf Course, Country Club</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>		SE <u>C</u>
<u>Golf driving range.</u> ⁴⁴										
Libraries and museums. <u>Cultural Institution</u>	P <u>L</u>		P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P	P <u>P</u>
Parks and playgrounds, publicly owned. <u>Public Use (Except Utilities)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P	P <u>P</u>
Private clubs and service organizations. <u>Private Club, Service Organization</u>	SE <u>C</u>	<u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>		SE <u>C</u>
Swimming pools, community. <u>Swimming Pool (Community)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE	SE <u>C</u>
<u>Swimming pools, private.</u> ³²	P	P	P	P	P	P	P	P	P	P
<u>Theatre, legitimate.</u> ⁴⁵										
(f) Resource production extraction and Agricultural.										
Agricultural uses.	See use comparison table.								P	
Country market. <u>Rural Country Market</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	<u>C</u>					SE
Equestrian facility. ⁴² <u>Equestrian Facility</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>					SE
Farm market. ²⁹ <u>Farm Market, On-site</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>		<u>L</u>
<u>Stone or rock quarries</u> ⁴⁷				P ⁴⁸ /SE ⁴⁹						
(g) Miscellaneous.										
Accessory buildings or structures for housing animals or fowl. <u>Animal Husbandry</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	<u>L</u>		<u>L</u>
Accessory buildings, structures, and uses. ⁵²	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P	P <u>L</u>
Agricultural vending. ⁵³	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	<u>L</u>		<u>L</u>
Commercial Kitchen ⁵⁵						P	P			
Kennels, noncommercial. ³¹ <u>Noncommercial Kennel</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P ³⁰ <u>P</u>	P ³⁰ <u>L</u>	P ³⁰ <u>L</u>	P ³⁰ <u>L</u>	P ³⁰	P ³⁰
Security pavilion	P ⁵⁰ <u>L</u>		P ⁵⁰ <u>L</u>	P ⁵⁰ <u>L</u>						<u>L</u>
Signs, in accordance with <u>Accessory Buildings, Structures and Uses</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>		P <u>L</u>

- ¹ Subject to the requirements of the R-60 zone. [Sec. 4.4.8: R-40 Zone, Standard Method Development Standards \(see “detached house\). Detached House Building Type in R-60 \(Attached to “Dwellings, one-family detached” in the R-40 zone\)](#)
- ² Subject to the requirements of the R-40 zone. [Sec. 4.4.8: R-40 Zone, Standard Method Development Standards \(see “Duplex-over”\). \(Attached to “Dwellings, one-family semi-detached” in the R-40 zone\)](#)
- ³ ~~Both of an adjoining pair must be erected at the same time. (Not attached to any use)~~
- ⁴ ~~Not permitted in a mobile home.~~
- ⁵ [Two-family detached dwellings approved by the board of appeals as of June 17, 1986, are not subject to the nonconforming use limitations of division 59-G-4, and may continue under the terms of the special exception grant. \(Attached to “Dwellings, two-family detached”\)](#)
- ⁶ Not permitted in a mobile home. The owner must maintain a record of transient visitors and register the lodging with the department. Minimum lot size for a lodging with more than 3 guest rooms is 2 acres. [See Sec 3.5.6.B -Bed and Breakfast \(Attached to “Bed and Breakfast”\)](#)
- ⁷ ~~Provided that such a dwelling has minimum dimensions of 24 feet by 40 feet, a gable roof and is permanently affixed to a foundation supporting the load-bearing framework of the mobile home and a foundation wall enclosing its entire perimeter, in compliance with the provisions of chapter 8 of this Code. Such a mobile home shall have its wheels, axles, transportation light and removable towing apparatus removed. (Attached to “Mobile homes, double-wide)~~
- ⁸ [Any tourist cabin camp or motel lawfully existing on October 24, 1972, shall not be regarded as a nonconforming use and may continue to exist in accordance with the provisions of this chapter in effect prior to October 24, 1972.](#)
- ⁹ Except as provided in sections 59-A-6.9 and [59-G-2.10.1. See Sec 3.5.2.A- Cable Communications System \(Attached to “Cable Communications System”\)](#)
- ¹⁰ In accordance with Executive Regulations and subject to the requirements enumerated in section [59-A-6.10. Registered Living Unit use rolled into Sec 3.3.3.A-Accessory Apt. Some of the standards in 59-A-6.10 \(current\) rolled into use standards for Accessory Apartment \(proposed\) \(Attached to “Registered Living Unit”\)](#)
- ¹¹ Not more than 3 light commercial vehicles and not more than one unoccupied recreation vehicle may be parked on any lot at any time. One additional recreation vehicle may be used on a lot for dwelling purposes for not more than 3 days in any month. A tow truck is not permitted to park with a vehicle attached. [See Sec 7.2.6.P- Commercial Vehicle Parking Design Standards](#) The provision for parking motor vehicles off-street in connection with any use permitted in the RE-1 zone does not apply to a lot reclassified from the R-200 to the RE-1 zone that does not meet the minimum lot size requirement of the RE-1 zone. A lot reclassified from the R-200 to the RE-1 zone that does not meet the minimum lot size requirement of the RE-1 zone is subject to the motor vehicle off-street parking provision in effect for the lot before the lot was reclassified from the R-200 to the RE-1 zone. To provide for a reasonable period of amortization, the use of a lot reclassified from the R-200 to the RE-1 zone that does not conform to this provision may continue to operate for one year following May 22, 2006. After that date, the use of the lot must satisfy this provision or cease to operate. [\(Attached to “Parking of motor vehicles, other than heavy commercial vehicles, off street, in connection with any use permitted in the zone”\)](#)
- ¹² One light commercial vehicle may be parked on any lot or parcel. A tow truck is not permitted to park with a vehicle attached. One recreation vehicle may be parked on a lot or parcel, however it must not be used for dwelling purposes for more than 3 days in any month. Parking for any vehicle or trailer in a front yard must be on a surfaced area; however, temporary parking for visitors, and loading, unloading, or cleaning vehicles or trailers is permitted on any area. Temporary parking is infrequent; not more than 12 days per year. [See Sec 7.2.6.P- Commercial Vehicle](#)

Parking Design Standards (Attached to “Parking of motor vehicles, other than heavy commercial vehicles, off street, in connection with any use permitted in the zone”)

¹³ Notwithstanding any other provisions of this ordinance, paid off-street parking of automobiles may be permitted in connection with a sporting or cultural event of general public interest. This parking shall be of a temporary nature and is limited to one event a year, not to exceed 10 days. A written permit authorizing such parking must be obtained from the director at least 10 days prior to the event. The director is authorized to impose a reasonable fee and other requirements on the permittee to assure that the parking is safe and free from hazard, and the community interest and welfare are protected. See Sec 3.5.15.B- Special Event Parking (Commercial Use) (Attached to “Parking of motor vehicles, other than heavy commercial vehicles, off street, in connection with any use permitted in the zone”)

¹⁴ Underground only. See Sec 3.6.7 – Utilities. -- Underground only telephone lines would fall under this use (Attached to “Telephone and Telegraph Lines”)

¹⁵ See “Animal boarding places,” section 59-G-2.02. Sec 3.5.1.B - Animal Boarding and Care - Use Standards (Attached to “Animal Boarding Places”)

¹⁶ Any horticultural nursery and related use established by special exception in the R-150, R-90, R-60, R-40, R-4plex or RMH-200 zones before May 6, 2002 is a conforming use, and may be modified, repaired or reconstructed, or enlarged a maximum of 5% of the total floor area in accordance with the special exception standards in effect before May 6, 2002.

¹⁷ Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-2.37. Sec 3.3.2.E- Residential Care Facilities- Use Standards (Attached to “Domiciliary Care Home for more than 16 residents”)

¹⁸ Subject to Section 59-A-6.12 and 59-A-6.14. See Sec 3.5.2- Communication Facility- Use Standards (Attached to “Telecommunications Facility”)

¹⁹ Group day care homes lawfully operating as of February 5, 1996 are not nonconforming and may continue under the provision of this chapter in effect as of February 5, 1996.

²⁰ Not to be located in a townhouse unit or an attached unit. Included as limited use standard for group day care and day care center (Sec 3.4.4). (Attached to “Group Day Care Home” and “Child Day Care Center”)

²¹ For business connected with the management, service and maintenance of the development. (Not attached to any use)

²² Definition and special exception standards located under “Day Care Facility for Senior Adults and Persons with Disabilities” [section 59-G-2.13]. Sec 3.4.4 Day Care Facility- definition and Use Standards (Attached to “Day care facility for not more than 4 senior adults and persons with disabilities” and “Day care facility for more than 4 senior adults and persons with disabilities”)

²³ Subject to the special exception standards for group home, section 59-G-2.26. Sec 3.3.2.E.3- Residential Care Facilities (9-16 persons) Use Standards (Attached to “Group Home, Large”)

²⁴ Provided that a petition was approved prior to February 20, 1989, as provided in section 59-G-2.14.

²⁵ In accordance with Section 59-G-2.29, title “Home Occupation, Major.” A professional office for a resident of a dwelling for which a use-and-occupancy permit was issued prior to February 5, 1990, may be continued as a nonconforming use, as provided in Division 59-G-4. Alternatively, an existing resident professional may register a home occupation or home health practitioner's office, in accordance with Sections 59-A-3.4 and 59-A-6.1, or apply

for a special exception, in accordance with Section 59-G-2.29. Sec 3.3.3.E – Home Health Practitioner - Use Standards and Sec 3.3.3.F – Home Occupation – Use Standards. (Attached to “home health practitioner’s office” and home occupation, major)

²⁶ In accordance with Sections 59-A-3.4 and 59-A-6.1. See Sec 3.3.3.E.- Home Health Practitioner and Sec 3.3.3.F – Home Occupation. (Attached to “home health practitioner’s office” and “home occupation, registered”)

²⁷ There must be no more than 5 visits per week, no nonresident employees and no discernible adverse impact on the neighborhood. See Sec 3.3.3.F.3 – Home Occupation (No Impact) (Attached to “home occupation, no impact”)

²⁸ ~~In accordance with the special regulations of section 59-C-1.37.1.~~ (Attached to “Life sciences center”)

²⁹ The sale and display area must be located at least 25 feet from the paved edge of the roadway and there must be at least 3 off-street parking spaces. Firewood sold at a farm market must be cut and split on the farm or location where the wood is harvested. See Sec 3.2.10.D - Farm market, On-Site (Attached to “farm market”)

³⁰ Provided that no accessory buildings, enclosures or runs may be constructed or used for these dogs. (Attached to “kennels, noncommercial”) Sec. 3.7.1.B

³¹ Operator must obtain a kennel license from the county. (Attached to “kennels, noncommercial”) Included in definition of ‘Noncommercial Kennel’ Sec. 3.7.1.A.

³² ~~When located on the same lot as a residential use, it is subject to the regulations for an accessory use.~~ (Attached to “swimming pools, private”)

³³ If in existence as of July 22, 1991.

³⁴ ~~If recommended for TS M zone on an approved and adopted master or sector plan.~~ (Not attached to any use)

³⁵ ~~Must comply with all County building and related codes. Application for a building permit must be accompanied by a letter or other communication indicating that the State Department has been notified of the proposed location.~~ (Attached to “Embassy) – use not carried forward in proposed code.

³⁶ ~~When located on the same site as an embassy.~~ (Attached to “Chancery”) -- use not carried forward in proposed code.

³⁷ A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a non-farm family without obtaining a special exception as an accessory dwelling, provided that the dwelling meets all applicable health and safety regulations. Sec. 3.3.3.D.2.d

³⁸ In accordance with section 59-A-6.13. See Sec 3.5.15.C- Transitory Use (Attached to “transitory use”)

³⁹ Parking of motor vehicles is permitted in a historic district under Section 59-A-6.22. ~~Parking of heavy commercial vehicles in connection with a stone or rock quarry is not limited.~~ See Sec 3.5.9.D Surface for commercial uses in a historic district. (Attached to “parking of automobiles, off-street, in connection with commercial uses”)

⁴⁰ Any farm tenant mobile home established by special exception before May 6, 2002 is a conforming use, and may be modified, repaired, or reconstructed, in accordance with the special exception standards in effect before May 6, 2002.

⁴¹ Any golf driving range established by special exception before May 6, 2002 is a conforming use, and may be modified, repaired or reconstructed, or enlarged a maximum of 5% of the gross floor area in accordance with the special exception standards in effect before May 6, 2002.

⁴² Any riding stable established by special exception in the R-90 zone before May 6, 2002 is a conforming use and may be modified, repaired, reconstructed, or enlarged a maximum of 5% of the total floor area in accordance with the special exception standards in effect before May 6, 2002. Any riding stable, including buildings, show rings, paddocks, activities and events established by special exception in the RE-2, RE-2C, RE-1, R-200, R-150 or RMH-200 zones before April 5, 2004 is a conforming use and may be modified, reconstructed, or enlarged in accordance with the special exception standards in effect after April 5, 2004 except that any riding stable existing in the RE-2, RE-2C, RE-1, R-200, R-150 or RMH 200 zones before April 5, 2004 must be in compliance with the nutrient management, water quality, and soil conservation standards of 59-G-2.49(f) no later than March 2, 2005.

⁴³ Any off-street parking of automobiles in a residential zone in connection with a commercial use, established by special exception before May 6, 2002, is a conforming use and may be modified, repaired or reconstructed, or enlarged a maximum of 5% of the total parking spaces, in accordance with the special exception standards in effect before May 6, 2002. The lighting in connection with any off-street parking of automobiles in a residential zone, established by special exception before May 6, 2002 may be modified in accordance with 59-E-2.6.

⁴⁴ If designated as being suitable for nonresidential professional offices in an approved and adopted master or sector plan or classified in the R-90 zone and designated as historic in the Master Plan for Historic Preservation; or classified in the R-200 zone and abuts a fire station, police station, ambulance squad, or rescue squad on more than 1 lot line. See Sec 3.5.8.B Nonresident Professional Office (Attached to “offices, professional, non-residential”)

⁴⁵ Any legitimate theater established by special exception before May 6, 2002, is a conforming use and may be modified, repaired or reconstructed, or enlarged a maximum of 5% of the total floor area, in accordance with the special exception standards in effect before May 6, 2002.

⁴⁶ Any helistop established by special exception in the RE-2 or RE-1 zones before May 6, 2002 is a conforming use and may be modified, repaired or reconstructed, or enlarged a maximum of 5%, in accordance with the special exception standards in effect before May 6, 2002.

⁴⁷ Includes the extraction, processing, storage and sale of mineral resources and products (which may include incidental sales of mineral resources not extracted on the premises), including, as accessory uses, storage yards, facilities for the maintenance and repair of equipment, loading facilities, crushing, mixing, washing and screening of stone quarried on-site, stone works for the cutting and polishing of dimensional stone, and sale of equipment and building supplies associated with the installation of mineral products. ‘Stone or Rock Quarries’ use has not been carried over into new code in residential zones. Grandfather current use in R-200?

⁴⁸ If recommended as appropriate in the applicable Master Plan, in existence prior to 1958 and having no more than 4,000 square feet of enclosed structures in the aggregate. ‘Stone or Rock Quarries’ use has not been carried over into new code in residential zones

⁴⁹ If recommended as appropriate in the applicable Master Plan, in existence prior to 1958 and having 4,000 square feet or more, but not to exceed 7,500 square feet, in the aggregate of enclosed structures. ‘Stone or Rock Quarries’ use has not been carried over into new code in residential zones

⁵⁰ In accordance with Section 59-A-6.17 (Attached to “security pavilion”) Sec. 3.7.4.B.

⁵¹ Must not exceed 65 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that the additional height is the minimum needed to engage in amateur

radio communications under a license issued by the Federal Communications Commission. [Any amateur radio facility existing before December 26, 2005 that exceeds 65 feet in height is a conforming structure. See sec. 3.5.14.A – Amateur Radio Facility \(Up to 65 Feet in Height\) and Sec. 3.5.14.B – Amateur Radio Facility \(Over 65 Feet in Height\) \(Attached to “amateur radio facility”\).](#)

⁵² Except for a building accessory to an agricultural use, the footprint of an accessory building on a lot where the main building is a one-family detached residential dwelling must not exceed the greater of 50 percent of the footprint of the main building or 600 square feet. [Any accessory building for which a building permit was issued before July 11, 2006 may continue as a conforming building under the standards in effect when the building permit was issued; however, if a building permit that was issued before July 11, 2006 is revoked, but later approved, the accessory building must comply with the standards in effect at the time of the later approval. Any replacement or reconstruction of an accessory building constructed under a building permit issued before July 11, 2006 must comply with the standards in effect when the building is replaced or reconstructed. See Sec. 3.1.3 – Accessory Uses Defined. \(Attached to “Accessory buildings, structures, and uses”\).](#)

⁵³ At least 100 feet from a dwelling, a vendor who is a Certified Agricultural Producer under Chapter 47 regulations is permitted to sell produce on a lot or parcel: [See Sec 3.2.11 A- Agricultural Vending \(Attached to “Agricultural Vending”\).](#)

- 1) used for non-residential purposes other than agricultural vending;
- 2) larger than 2 acres in size;
- 3) abutting a roadway with 4 or more lanes; and
- 4) if the structure or vehicle used for sales remains in the same location for less than 24 hours.

⁵⁴ One light commercial vehicle may be parked on any lot or parcel. A tow truck is not permitted to park with a vehicle attached. One recreational vehicle may be parked on a lot or parcel; however, it must not be used for dwelling purposes for more than 3 days in any month. [See Sec 7.2.8.O- Commercial Vehicle Parking Design Standards](#) Not more than three heavy commercial vehicles may be parked on any lot or parcel in the RMH-200 zone at any time, provided: (1) the lot or parcel used to park heavy commercial vehicles is at least one acre in size; (2) the heavy commercial vehicles are parked in the rear yard of the lot or parcel; (3) use of the lot or parcel to park heavy commercial vehicles was established before October 23, 2000; and (4) the resident of the lot or parcel is the owner or operator of the vehicles.

⁵⁵ A commercial kitchen is permitted only as an accessory to a service use that is permitted without a special exception; however, it is prohibited as an accessory use for home occupations, day care facilities, and adult foster care homes. Where a commercial kitchen is allowed, it must: [Sec 3.5.14.C Commercial Kitchen](#)

- (1) occupy less than 5% of the floor area of the building in which it is located;
- (2) not be used as part of an on-site eating and drinking establishment;
- (3) submit a parking plan acceptable to the Director that provides adequate on-site or off-site parking for the users of the commercial kitchen during hours of operation in subsection (4); and
- (4) be used for the preparation of food for public consumption off site only between the hours of 6:00 AM and 9:00 PM weekdays; and 8:00 AM and 9:00 PM weekends.

59-C-1.32. Development standards. Div 4.4 Contains Standard Method Development Standards

In addition to the following, the regulations in sections 59-C-1.34, 59-C-1.35 and 59-C-1.36 shall apply:

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³ <u>R-200</u>	R-90	R-60	R-40 ²	R-4 plex	RMH-200 <u>R-200</u>
59-C-1.321. Tract Area and Density.	<u>Sec. 4.4.4</u>	<u>Sec. 4.4.4</u>	<u>Sec. 4.4.5</u>	<u>Sec. 4.4.6</u>	<u>Sec. 4.4.6</u>	<u>Sec. 4.4.7</u>	<u>Sec. 4.4.8</u>	<u>Sec. 4.4.9</u>		<u>Sec. 4.4.6</u>
(a) Minimum tract area (square feet). No development shall be located on a tract containing less than:									20,000	
(b) Maximum density of development (dwelling units per acre of useable area as defined in section 59-C-1.523.									12.5	
59-C-1.322. Lot Area and Width.										
(a) Minimum net lot area for a main building together with its accessory buildings (in square feet).										
-For one-family detached dwelling:	87,120 <u>2 acres</u> <u>(87120 SF)</u>	87,120 <u>2 acres</u> <u>(87120 SF)</u>	40,000 <u>40,000 SF</u>	20,000 <u>20,000 SF</u>	20,000 <u>20,000 SF</u>	9,000 <u>9,000 SF</u>	6,000 <u>6,000 SF</u>	6,000 <u>6,000 SF</u>		20,000 <u>20,000 SF</u>
-For one-family semi-detached: <u>Duplex - Side</u>								4,000 <u>4,000 SF</u>		
-For two-family detached dwelling: <u>Duplex - Over</u>								8,000 <u>8,000 SF</u>		
(b) Minimum lot width (in feet).										
At front building line,										
-For one-family detached dwelling ⁷ :	150 <u>150'</u>	150 <u>150'</u>	125 <u>125'</u>	100 <u>100'</u>	100 <u>100'</u>	75 <u>75'</u>	60 <u>60'</u>	60 <u>60'</u>		100 <u>100'</u>
-For one-family semi-detached dwelling: <u>Duplex - Side</u>								40 <u>40'</u>		
-For two-family detached dwelling: <u>Duplex -- Over</u>								80 <u>80'</u>		

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³ <u>R-200</u>	R-90	R-60	R-40 ²	<u>R-4plex</u>	RMH-200 <u>R-200</u>
At existing or proposed street line: <u>Lot width at front property line</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25' <u>(10' for Duplex-Side)</u>		25 <u>25'</u>
59-C-1.323. Yard Requirements for a Main Building, except R-fourplex zone -(in feet) ⁷ :	<u>Sec. 4.4.4</u>	<u>Sec. 4.4.4</u>	<u>Sec. 4.4.4</u>	<u>Sec. 4.4.5</u>	<u>Sec. 4.4.5</u>	<u>Sec. 4.4.6</u>	<u>Sec. 4.4.7</u>	<u>Sec. 4.4.8</u>		
Each lot must have building lines parallel to each of its boundaries and so located as to provide front, side and rear yards as specified in this section.										
(a) Minimum Setback from street. A main building must not be nearer to any street line than the distance shown: <u>Front setback</u>	50 <u>50'</u>	50 <u>50'</u>	50 <u>50'</u>	40 ⁶ <u>40'</u>	40 ⁶ <u>40'</u>	30 ⁶ <u>30'</u>	25 ⁶ <u>25'</u>	25 <u>25'</u>		40 <u>40'</u>
In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone, the setback from that street line must be at least: <u>Side street setback</u>	20 <u>20'</u>	20 <u>20'</u>	20 <u>20'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>		15 <u>15'</u>
(b) Setback from adjoining lot. A main building must not be nearer to any lot line than the following:										
(1) Side:										
-One side: <u>Side interior setback</u>	17 <u>17'</u>	17 <u>17'</u>	17 <u>17'</u>	12 <u>12'</u>	12 <u>12'</u>	8 <u>8'</u>	8 <u>8'</u>	10 ⁴ <u>10' 8' for detached</u>		12 <u>12'</u>
-Sum of both sides:	35 <u>35'</u>	35 <u>35'</u>	35 <u>35'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	18 <u>18'</u>			25 <u>25'</u>
(2) Rear:	35 <u>35'</u>	35 <u>35'</u>	35 <u>35'</u>	30 <u>30'</u>	30 <u>30'</u>	25 <u>25'</u>	20 <u>20'</u>	20 <u>20'</u>		30 <u>30'</u>
59-C-1.324. Building Setbacks, R-4plex zone (minimum, in-feet).										
-From tract boundary:									*	
-From any street:									*	
-From adjoining lot:									*	
—Side:									*	
—Rear:									*	
-Between buildings:									50	

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³ <u>R-200</u>	R-90	R-60	R-40 ²	<u>R-4</u> <u>plex</u>	RMH-200 <u>R-200</u>
<i>*(As required in adjoining zone.)</i>										
59-C-1.325. Maximum Distance of Lot From a public Street (in Feet):									200	
59-C-1.326. Yard Requirements for an Accessory Building or Structure (in Feet)⁷.										
(a) For all lots.										
(1) Except as provided for in subsections (2), an accessory building or structure must be located in a rear yard and must not occupy more than 20 percent of the rear yard.										
(2) If the main building is setback no less than 70 feet from a side lot line, an accessory structure used to generate electricity from solar energy may be located within that 70 foot setback if the structure is: <u>Sec. 3.7.2.B.5</u>										
(A) located no less than 50 feet from a side lot line; <u>Sec. 3.7.2.B.5</u>										
(B) less than 20 feet in height; and <u>Sec. 3.7.2.B.5</u>										
(C) the structure satisfies the street line and rear lot line setbacks under subsection (3). <u>Sec. 3.7.2.B.5</u>										
(3) An accessory building or structure must be set back from the lot lines with a minimum setback as follows:										
(A) From the street line: <u>Front setback, property line</u>	80 <u>80'</u>	80 <u>80'</u>	80 <u>80'</u>	65 <u>65'</u>	65 <u>65'</u>	60 <u>60'</u>	60 <u>60'</u>	60 <u>60'</u>		65 <u>65'</u>
(B) From a rear lot line:	10 <u>10'</u>	10 <u>10'</u>	10 <u>10'</u>	7 <u>7'</u>	7 <u>7'</u>	5 <u>5'</u>	5 <u>5'</u>	5 <u>5'</u>		7 <u>7'</u>
(C) From a side lot line: <u>Side interior setback</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	12 <u>12'</u>	12 <u>12'</u>	5 <u>5'</u>	5 <u>5'</u>	5 <u>5'</u>		12 <u>12'</u>

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³ <u>R-200</u>	R-90	R-60	R-40 ²	<u>R-4</u> <u>plex</u>	RMH-200 <u>R-200</u>
(D) From a national historical park boundary line unless the accessory structure on the lot or tract is exempted under Sec. 59-B-2.1 ¹⁰ .	200 <u>200'</u>	200 <u>200'</u>	200 <u>200'</u>							
(4) For any accessory building or structure in the zones indicated thus (*) with a height greater than 15 feet, the side yard and rear yard minimum setback must be increased from the requirements in (3) above at a ratio of 2 feet of additional setback for each foot of height in excess of 15 feet.						* <u>Sec.</u> <u>4.4.7.C.</u> <u>2</u>	* <u>Sec.</u> <u>4.4.8.C.</u> <u>2</u>	* <u>Sec.</u> <u>4.4.9.C.</u> <u>2</u>		
(5) For any accessory building or structure, except a swimming pool, as defined in 59-A-2.1, in the zones indicated thus (*) with a length along a rear or side property line which has a linear dimension greater than 24 feet, the minimum setback from that rear or side property line must be increased from the requirement in (3) above at a ratio of 2 feet for every 2 feet that the dimension exceeds 24 linear feet.						* <u>Sec.</u> <u>4.4.7.C.</u> <u>3</u>	* <u>Sec.</u> <u>4.4.8.C.</u> <u>3</u>	* <u>Sec.</u> <u>4.4.9.C.</u> <u>3</u>		
(b) Set back from streets for Corner lots. (1) An accessory building or structure must not be closer to a street line than a main building as established in <u>59-C-1.323</u> and as listed below.										
(2) If the adjoining lot on a side street is in a residential zone and has frontage on the side street, the setback from the side street line is: <u>Same as front setback for principal building.</u> <u>See Sec. 4.1.4.C.2.</u>	50 <u>50'</u>	50 <u>50'</u>	50 <u>50'</u>	40 <u>40'</u>	40 <u>40'</u>	30 <u>30'</u>	25 <u>25'</u>	25 <u>25'</u>		40 <u>40'</u>
<u>and the setback from the rear lot line is:</u>	12	12	12	12	12	10	10	10		12
(3) If there is no residentially zoned lot on the side street with frontage on the side street in the same block and on the same side of the street, the setback from the side street line is: <u>Side street setback</u>	20 <u>20'</u>	20 <u>20'</u>	20 <u>20'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>		15 <u>15'</u>

	RE-2 ¹ RE-2	RE-2C ¹ RE-2C	RE-1 ¹ RE-1	R-200 R-200	R-150 ³ R-200	R-90 R-90	R-60 R-60	R-40 ² R-40	R-4 plex	RMH-200 R-200
(c) Accessory building or structure for housing animals or fowl. Any accessory building or structure used for the housing, shelter or sale of animals or fowl other than a household pet must be located in a rear yard with the following setbacks: <u>Also See Sec 3.2.10.B-Animal Husbandry for new standards</u>										
(1) from a lot line:	25 25'	25 25'	25 25'	25	25	25	25			
(2) from a dwelling on another lot or parcel :	100 100'	100 100'	100 100'	100	100	100	100			
59-C-1.327. Maximum Building Height (in Feet).										
Except for agricultural buildings, and except as provided in Division 59-B-1, the maximum height of any building or structure must be:								-		
For any building in these zones:	50 50'	50 50'	50 50'	50 ¹¹ 35'-50'	50 35'-50'			35 35' - 30'		50 35'-50'
For a main building in these zones:									35	
For a main building in the zones indicated (*):						* 4.4.7.D	* 4.4.8.D			
The height must not exceed: (1) 35 feet when measured to the highest point of roof surface regardless of roof type, or (2) 30 feet to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof, subject to the following:										
(a) The height must not exceed 2 ½ stories⁵ or 30 or 35 feet, depending on the method of measurement, if other lots on the same side of the street and in the same block are occupied by buildings with a building height the same or less than this requirement.										

	RE-2 ¹	RE-2C ¹	RE-1 ¹	R-200	R-150 ³ <u>R-200</u>	R-90	R-60	R-40 ²	<u>R-4plex</u>	RMH-200 <u>R-200</u>
(b) The height may be increased to either 3 stories or 40 feet if approved by the Planning Board in a site plan.						* <u>4.4.6.D</u>	* <u>4.4.7.D</u>	*		
An accessory building in these zones must not exceed:									<u>20⁹</u>	
An accessory building in these zones, <u>must not exceed 2-stories</u> , and the height from existing grade to the highest point of roof surface must not exceed:						20 ⁹ <u>20'</u>	20 ⁹ <u>20'</u>	20 ⁹ <u>20'</u>		
59-C-1.328. Coverage.										
-Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	25 <u>15%</u>	25 <u>15%</u>	15 <u>15%</u>	25 ¹² <u>25%</u>	25 <u>25%</u>	30 ¹² <u>30%</u>	35 ¹² <u>35%</u>	40 <u>40%</u> or <u>35%</u>		25 <u>25%</u>
-Maximum percentage of tract that may be covered by buildings:									<u>35</u>	
-Maximum percentage of tract devoted to green areas:									<u>50</u>	
—In the zones indicated, the maximum percentage of the area of the front yard that can be covered by surfaced area, excluding the surfaced area in a driveway on a pipestem or flag shaped lot: <u>Sec 7.2.6.Q– Parking Design Standards– surface parking in R-200, R-90, R-60</u>				30 ¹³ <u>30%</u>	30 ¹³ <u>30%</u>	30 ¹³ <u>30%</u>	35 ¹³ <u>35%</u>	35 ¹³ <u>35%</u>		
59-C-1.329. Additional Development Requirements.										
(a) In the zones indicated thus (*), cluster development is permitted in accordance with the provisions of section <u>59-C-1.5. Sec. 6.2 – Cluster Development in Rural Residential and Residential Zones</u>		*	*	*	*	*	*			*
(b) In the zones indicated thus (*), moderately priced dwelling units are required in accordance with chapter 25A and section <u>59-C-1.6. Sec. 6.1 – MPDU Development in Rural Residential and Residential Zones</u>		* ⁸	* ⁸	*	*	*	*	*	*	*

(c) Application and development plan approval shall be in accordance with the provisions of division:									59-D-1	
(d) Site plans shall be submitted and approved in accordance with the provisions of division:									59-D-3	

¹ The following lots shall have the area and dimensional requirements of the zone applicable to them prior to their classification in the RE-2, RE-2C, and RE-1 zones: (1) A record lot approved for recordation by the planning board prior to the approval date of the most recent sectional map amendment that included the lot; and (2) A lot created by deed on or before the approval date of the most recent sectional map amendment that included the lot, and (3) In the RE-2C zone, a lot created as a one-family residence by a child of the property owner or the spouse of a child or by the parents of the property owner, provided the property owner can establish that he/she had title on or before March 16, 1982. This provision permits the creation of only one lot for each child, whether created for the child or the spouse of the child, and only one lot for the parents, whether created for one or both parents. The overall density of the property shall not exceed 1.1 dwelling units per acre in any subdivision recorded.

2 A one-family detached dwelling in the R-40 zone shall comply with all of the requirements of the R-60 zone.

See Sec. 4.4.8 – R-40 Zone, building type Detached House.

3 Development by the standard method is permitted under the regulations applicable to the R-200 zone.

R-150 and R-200 will be combined and have the same dimensional standards for all building types

4 For each one-family semidetached dwelling unit, one side yard a minimum of 10 feet wide. For each two-family detached dwelling, 2 side yards, each a minimum of 10 feet wide.

See Sec. 4.4.8.C – R-40 Zone, Standard Method Development Standards (Placement)

~~5 The top floor of a building may qualify as a half-story only if the wall plates on at least 2 opposite walls are no more than 2 feet above the floor and if the amount of floor area with headroom of 5 feet or more does not exceed 60 percent of the total floor area of the story directly beneath.~~

6 Subject to an established building line in accordance with Section 59-A-5.33, if applicable.

See Sec. 4.1.5 – Residential Infill Compatibility

~~7 The minimum lot width at the building line and yard requirements for a main building or an accessory building or structure may be reduced when the lot is located in an historic district in accordance with the provisions of Sec. 59-A-6.23.~~

8 Required only for development that is served by public sewer service and where designated for sewer service in the applicable master plan. Any residential development that does not meet the requirements of Chapter 25A for which a preliminary plan of subdivision was approved before April 1, 2005 is a conforming use and may continue in accordance with the standards in effect before April 1, 2005.

See Sec. 6.1.2.B6 – MPDU development standards for the RE-2C and RE-1 zones...

9 Any accessory building in the R-90, R-60, R-40, or R-4plex zone lawfully existing before October 9, 2006 is conforming building and may continue under the standards in effect when the accessory building was constructed. However, any replacement or reconstruction of an accessory building must conform to the standards in effect at the time of replacement or reconstruction.

¹⁰ Any accessory structure lawfully existing before July 3, 2007 and located less than 200 feet from a national historical park is a conforming structure and may be repaired or reconstructed under the standards in effect before July 3, 2007.

¹¹ If the lot is the site of a building permit application filed after April 28, 2008, then the maximum allowable building height is determined by either of two methods and varies with the lot area as follows:

LOT AREA IN SQUARE FEET		HEIGHT IN FEET		
Equal to or greater than	And less than	Height to the highest point of any roof		The mean height in feet between the eaves and ridge of a gable, hip, mansard, or gambrel roof
25,000	40,000	45	or	40
15,000	25,000	40	or	35
0	15,000	35	or	30

Sec. 4.4.1.D.1. Standard Method Development- Height in R-200 Zone

Any building constructed or proposed under a building permit filed before April 28, 2009 is conforming. Any such building may be continued, maintained, repaired, and, if demolished by accidental or natural forces, rebuilt to the same building height, three dimensional shape, and lot coverage allowed under any building permit filed anytime before April 28, 2009.

¹² If the building on a lot is infill development, then the maximum area that may be covered by any building, including any accessory building and any weatherproofed floor area above a porch, but not including any bay window, chimney, porch, or up to 240 square feet of a detached garage, if the garage is less than 350 square feet of floor area and less than 20 feet in height, must vary with the lot area as follows:

See Sec. 4.1.5.C – Residential Infill Compatibility (Building Coverage)

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

Any building constructed or proposed under a building permit filed before April 28, 2009 and any infill development may be continued, maintained, repaired, and, if demolished by accident or natural forces, rebuilt to the same building height, three dimensional shape, and lot coverage allowed under any building permit.

¹³ See Sec. 7.2.6.Q – Parking Design Standards (Surface Parking in R-200, R-90, R-60, and R-40)

(a) Any surfaced area existing before October 26, 2010 is not limited by this provision if it is not increased in area.

(b) Surfaced area may be a maximum of 50 percent of the front yard of a tract that has its primary access from a primary residential street, minor arterial road, major highway or arterial, or any State road.

(c) Surfaced area consisting of 2 parking spaces can exceed the limits of this provision if it is no larger than 320 square feet in total area.

(d) No more than one vehicle may be parked for every 160 square feet of surfaced area.

- (e) The limit on surfaced area does not apply to stone or rock quarries in the R-200 zone.
- (f) The Department of Permitting Services may grant a waiver to these surfaced area limits as necessary to protect public safety.
- (g) Parking in a front yard on a non-surfaced area or parking on less than 160 square feet of surfaced area for each vehicle must cease after October 24, 2011.

59-C-1.33. Transferable development rights zones. [See Sec. 59-6.3 – Transferable Development Rights \(TDR\) Overlay](#)

- (a) **Location.** No land shall be classified in any of the transferable development rights zones unless recommended on an approved and adopted master plan or sector plan. [Sec. 2.2.7.D – Overlay Zones – TDR Overlay](#)

59-C-1.331. Methods of Development. The following 2 methods of development are possible in each of the TDR zones: [Note: The Standard Method is captured in Sec. 59-C-4.4 – Residential Zones.](#)

- (a) **Standard method of development.** Development under the standard method for TDR zones must comply with the requirements for development and density limitations contained in the corresponding zones as identified in section 59-C-1.332. In addition, standard method development may be approved under either the cluster development procedures of section 59-C-1.5 or the procedures for development including moderately priced dwelling units, as contained in section 59-C-1.6, if the property satisfies the minimum requirements for these development options.

[See Sec. 59-C-4.4 – Residential Zones for Standard Method.](#)

[See Sec. 59-C-4.8.4 – TDR Overlay Zone for discussion of standard/optional methods](#)

[See Sec. 59-C-6.1 – MPDU Development in Rural and Residential Zones for MPDU standards.](#)

[See Sec. 59-C-6.2 – Cluster Development in Rural and Residential Zones for cluster standards.](#)

(b) **Optional method of development.** Under the optional method of development for the TDR zones, greater densities may be permitted up to the maximum density established in the development standards of section 59-C-1.332 of the zone, but development must also conform to the special regulations for optional method developments using transferable development rights as contained in section 59-C-1.39. The special regulations require compliance with the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the district council.

[See Sec. 59-C-6.3.1 – Transferable Development Rights \(TDR\) Overlay – In General](#)

	RE-2/TDR	RE-2C/TDR	RE-1/TDR	R-200/TDR	R-150/TDR	R-90/TDR	R-60/TDR
59-C-1.332. Development Standards-Transferable Development Rights Zone:							
(a) Land uses. Uses allowed in the TDR zones are those uses allowed in the following zones: Note: These zones will now be the same as their derivative zones, except with a TDR overlay. So RE-2/TDR will now be RE-2 with a TDR Overlay.	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60
The optional method of development allows more residential uses. See subsection 59-C-1.395 , chart. This chart is at 59-C-6.3.1.E.1							
(b) Development standards-Standard method:							
Density limitations for cluster development (section 59-C-1.5) or MPDU development (section 59-C-1.6), applicable to the following zones, apply to similar development in the standard method TDR zones: Note: MPDU Development: 59-C-6.1 Note: Cluster Development: 59-C-6.2	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60
All other development standards must be in accord with the development standards applicable to the following zones: Note: Standard method for these zones is in Sec. 59-C-4.4	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60
(c) Development standards-Optional method:							
-Maximum density of development (maximum number of dwellings per acre) See Sec. 6.3.1.D.1.a.	4	2	2	11	6	28	28
-All other development standards as specified in the special regulation provision of section 59-C-1.39 . See this section below.							

59-C-1.34. Existing buildings and building permits.

(a) Any building or structure for which a building permit was issued, and any lawful use which was instituted on property reclassified to the RE-2, RE-2C or RE-1 zone prior to the date of enactment of the last approved sectional zoning map amendment, where such lot was rezoned to the RE-2, RE-2C or RE-1 zone by sectional map amendment, shall not be regarded as a nonconforming use. Such building or use may be structurally altered,

replaced or repaired, or may be enlarged in conformance with the requirements of the previous zone, so long as it remains an otherwise lawful use as previously allowed.

(b) Construction pursuant to a building permit validly issued and subsisting at the time of reclassification of the property to which it applies to the RE-2, RE-2C or RE-1 zone shall be permitted, provided all necessary excavation and piers and/or footings of one or more buildings covered by the permit are completed not more than 6 months subsequent to such reclassification. Buildings and structures so constructed shall not be considered nonconforming.

59-C-1.34.1. Lots fronting on private cul-de-sacs in RE-2 zone. —See Sec. 6.2.2.E – Lots Fronting on Private Cul-de-Sacs in RE-2C Zone

In the RE-2 zone, lots may front on a private cul-de-sac if the planning board finds, as part of the subdivision plan approval process, that the private cul-de-sac:

1. Provides safe and adequate access;
2. Has sufficient width to accommodate the dwelling units proposed;
3. Will better protect significant environmental features on and off site than would a public road; and
4. Has proper drainage.

Each private cul-de-sac must comply with the requirements of section 59-C-7.235 of the Zoning Ordinance and section 50-25(h) of the Subdivision Regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with the site plan review provisions of division 59-D-3.

~~—59-C-1.35. Special regulations R fourplex zone.~~

~~—59-C-1.351. Intent and Purpose. The purpose of the R fourplex zone is to provide a better method of utilization of land for housing in all price ranges within reasonable walking distance of employment, shopping centers and public transportation while providing for compatibility with existing residential neighborhoods. In order to provide for compatibility with existing residential neighborhoods, the site plan review procedure shall include consideration of the degree to which fourplex development is harmonious in style, similarity, bulk and height with residential buildings on adjoining land. It is also the intent that fourplexes not be arranged in a row, facing in the same direction. In order to enable the council to evaluate the accomplishment of the purposes set forth herein, a special set of plans is required for each fourplex zone, and the district council is empowered to approve such plans if they find them to be capable of accomplishing the above purposes and in compliance with the requirements of this zone.~~

~~—59-C-1.352. Location. No application for the R fourplex zone shall be granted unless the following conditions are satisfied:~~

~~—(a) At least 50 percent of the land lies within 1,500 feet of:~~

~~—(1) land zoned C-0, C-1, C-2, C-3, I-1, I-2, or R-CBD; or~~

~~—(2) a central business district; or~~

~~—(3) a subway station of the approved regional metro system or a bus route of a system established by the Washington Metropolitan Area Transit Authority or the county.~~

~~—(b) The land is served by public water and sewer.~~

~~—(c) The land has a frontage of more than 100 feet on a road of arterial or higher classification.~~

~~—59-C-1.353. Streets. Interior streets which are not publicly dedicated shall be improved to the same standards as public streets.~~

59-C-1.36. Special regulations-RE-2 zone.

In addition to the special exception uses listed in subsection 59-C-1.31 the board of appeals may authorize, subject to the requirements of article 59-G, the continuation and expansion, including expansion on adjacent land, of any special exception that was lawfully existing in the RE-2 zone prior to October 2, 1973, except that airports, airparks, and airfields shall not be permitted to expand.

59-C-1.37. Special regulations-Mobile homes.

59-C-1.371. Intent and Purpose. The purpose of this section is to provide for the continued use of mobile homes, under certain conditions, which have hitherto existed in violation of existing zoning provisions. Continued use of such mobile homes is necessary and in the public interest and welfare due to the scarcity of low and moderate cost housing.

59-C-1.372. Continuation in Present Locations. One-family mobile homes certified by the Department of Permitting Services or the Department of Housing and Community Affairs to have been installed on their sites as of August 15, 1978, may legally be retained on their sites as long as they conform to all County housing and building codes. The units may be repaired, reconstructed or replaced as needed to conform to these codes. The units may continue to be located on sites not in conformance with the minimum lot size and density of the zones in which they are located only while the land remains in the same ownership as on August 15, 1978. After August 15, 1978 a lot in a one-family zone or in the rural zone must not contain more than one dwelling unit per lot of the appropriate minimum size after the owner of record on August 15, 1978 sells or otherwise transfers ownership of the lot unless a lot of less than the minimum size for the zone has been created for use as a one-family residence for a person for whom the property owner is legal guardian, or the parent, child or the spouse of a child of the property owner of record on August 15, 1978, in the following manner:

(a) Such lot is recorded on or before July 1, 1981; and

(b) One lot only has been created for each mobile home certified by the Department of Permitting Services or the Department of Housing and Community Affairs to have been in place on the property on August 15, 1978; and

(c) Such lot shall have a minimum area of 10,000 square feet. A lot created for a one-family residence or a single residence thereon, pursuant to this section, shall not be deemed to be a nonconforming use. Nothing in this section shall be held to contradict Section 59-C-9.3.

~~—59-C-1.37.1 Special regulations-Life sciences center.~~

~~—(a) All uses shown on the development plan for the life sciences center are permitted in the R-200 zone subject to the approval of a site plan by the planning board in accordance with the procedures contained in division 59-D-3. At the time of site plan review, the following additional requirements must be met:~~

~~—(1) An adequate public facilities test, as specified in section 50-35 of the subdivision regulations, is be required to demonstrate that existing and/or planned facilities are adequate to support and service a proposed use. The adequate public facilities test may occur prior to site plan review under either of the following circumstances:~~

~~—A. If a preliminary subdivision plan is submitted prior to submission of a site plan; or~~

~~— B. — If the county executive submits a concept plan for a site to the planning board for review. The planning board must specify a time limit for the submission of a site plan without additional adequate public facilities test.~~

(b) The special regulations of this section do not apply to life sciences center uses that have a signed lease agreement or a memorandum of understanding with the county dated prior to June 30, 1984.

~~— (c) — For property that does not require the submission and approval of a preliminary plan and/or record plat, a site plan approved for the property will be valid for 36 months from the initiation date of the site plan. Commencement of construction must occur within the validity period.~~

~~59-C-1.38. RMH-200 zone.~~

~~— 59-C-1.381. Purpose. The purpose of the residential mobile home option zone is to provide for the coordinated development of residential mobile home areas at appropriate locations in the regional district by permitting the residential use of mobile homes or conventionally constructed homes. Concentrated development of mobile homes or the development of mobile homes on individual parcels in excess of 5 acres would be inconsistent with the purpose of this zone. Parcels in excess of 5 acres would only be appropriate for development in the RMH-200 zone if such use is recommended on an approved and adopted master or sector plan or other form of comprehensive study approved or otherwise deemed sufficient by the district council.~~

~~— 59-C-1.382. Reclassification. Map amendment applications for rezoning to the RMH-200 zone are limited to parcels of 5 acres or less in size unless such parcels are recommended for the RMH-200 zone in an approved and adopted master or sector plan or other form of comprehensive study approved or otherwise deemed sufficient by the district council.~~

59-C-1.39. Special regulations for optional method development using transferable development rights.

59-C-1.391. Applicability. The following procedures and regulations apply to the transfer of development rights from land classified in the rural density transfer zone (RDT) to land classified in the transferable development rights (TDR) zones. The planning board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TDR zone and conforming to the guidelines contained in the applicable master plan approved by the district council. Sec. 6.3.1.A. Any increase in density above the density applicable to the standard method of development must be based on a ratio of one single-family dwelling unit for each transferable development right (TDR), and 2 multi-family dwelling units for each transferable development right (TDR). Sec. 6.3.1.E.2

59-C-1.392. General Provisions.

(a) A development right shall be created, transferred and extinguished only by means of documents, including an easement and appropriate releases, in a recordable form approved by the planning board. The easement shall limit the future construction of one-family dwellings on a property in the RDT zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred in accordance with this section, the number of development rights to be transferred by the instant transaction, and the number of existing one-family detached dwellings on the property.
See Sec. 6.3.1.C.1 – Recording of Development Right

(b) The transfer of development rights shall be recorded among the land records of Montgomery County, Maryland.
See Sec. 6.3.1.C.2 – Recording of Development Right

(c) The development density of a property under the TDR optional method may not be increased above the maximum density permitted in the zone (section 59-C-1.332(c)) nor beyond the density or number of dwelling units

recommended for such property by the land use plan of the applicable master plan approved by the district council.
[See Sec. 6.3.1.B.1 – General Provisions \(TDR Overlay\)](#)

(d) A property developed with the transfer of development rights shall conform to the requirements of chapter 25A of the Montgomery County Code requiring MPDU's. The applicability of chapter 25A and the MPDU density increase provided by section [59-C-1.6](#) shall be calculated after the base density of a property has been increased by a transfer of development rights. The density increase provided by section [59-C-1.6](#) may be made without the acquisition of additional development rights.

[See Sec. 59-C-6.3.1.G – Development with MPDUs](#)

59-C-1.393. Development Approval Procedures Under the Optional Method of Development.

[See Sec. 6.3.1 – Transferable Development Rights \(TDR\) Overlay](#)

~~— (a) A request to utilize development rights on a property under the optional method must be in the form of a preliminary subdivision plan submitted in accordance with the subdivision regulations contained in chapter 50 of the County Code.~~

(b) Such a preliminary plan must include at least two-thirds of the number of development rights permitted to be transferred to the property under the provisions of the applicable master plan approved by the district council. However, upon a finding by the planning board that for environmental or compatibility reasons it would be desirable to permit a lower density, the two-thirds requirement may be waived.

[See Sec. 6.3.1.E.1 – Calculation of TDRs Required](#)

(c) A site plan shall be submitted and approved in accordance with the provisions of division 59-D-3.

[See Sec. 6.3.1.H – Additional Findings](#)

(d) The planning board must approve a request to utilize development rights if the request:

(1) Does not exceed the limitation on the density or number of dwelling units permitted in the zone and in the applicable master plan approved by the district council;

(2) Is in accordance with the provisions of this chapter;

(3) Is in accordance with chapter 50, title "Subdivision of Land;"

(4) Is consistent with other recommendations of the master plan approved by the district council; and

(5) Achieves a desirable development compatible with both site conditions and surrounding existing and future development. [Sec. 6.3.1.H](#)

(e) Prior to recordation of a final record plat for a subdivision using transferred development rights, an easement to the Montgomery County Government in the form required by Section [59-C-1.392\(a\)](#) limiting future construction of dwellings on a property in the RDT zone by the number of development rights received must be recorded among the land records of Montgomery County, Maryland.

[See Sec. 6.3.1.C.3 – Recording of Development Right](#)

(f) A final record plat for a subdivision using transferred development rights shall contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of the conveyance required by Section [59-C-1.392\(b\)](#).

[See Sec. 6.3.1.C.4 – Recording of Development Right](#)

59-C-1.394. Development Standards Applicable to the Optional Method of Development. Div. 6.3

(a) Development under the TDR optional method density provisions of section 59-C-1.332(c) must conform to the development standards and permitted residential uses as indicated in section 59-C-1.395.

(b) For TDR densities of 3 or more per acre, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance with applicable master plan guidelines and in accordance with the purposes and provisions of the PD zone, except as may be specified in section 59-C-1.395.

(c) The compatibility requirements of Section 59-C-7.15(b) may be waived by the Planning Board upon a finding that: 1) the immediately adjoining property is recommended for institutional use on the approved and adopted master or sector plan; and 2) the immediately adjoining property will not be adversely affected by the waiver for present or future use. Under the waiver, the Board may not permit any building other than a one-family detached residence to be constructed within 25 feet of adjoining land for which the area master plan recommends a one-family detached zone.

(d) The final density achieved for any property located in a TDR receiving area developed under the optional method procedures must be determined by the planning board at site plan and/or subdivision review and must conform to the site plan provisions (division 59-D-3 of the zoning ordinance) and subdivision regulations (chapter 50 of the Montgomery County Code).

(e) In making this determination as to the final density, the planning board will consider whether a proposed plan has the flexibility in design to provide an appropriate range of housing types, taking advantage of existing topography and other natural features, to achieve a mutually compatible relationship between the proposed residential development and adjoining land uses, while implementing the area master plan approved by the district council.

59-C-1.395. Special provisions for TDR developments. The following development standards for the development of a property under the optional method apply to the TDR density shown on the master plan for that area. Where moderately priced dwelling units are included in accordance with the requirements of chapter 25A of this Code, as amended, the MPDU development standards apply. The increase in density must not exceed 22 percent of the TDR density.

Table below: See Sec. 6.3.1.F – Development Standards (TDR Overlay)

TDR Density per Acre Shown on Master Plan	Development Standards and Permitted Residential Uses	
	Without MPDU's	With MPDU's
1	RE-1, RE-1 cluster	Not applicable
2	R-200, R-200 cluster, R-150	R-200 MPDU

Table: See Sec. 6.3.1.E – Calculation of TDRs Required		Minimum (Maximum) percentage required ¹			
TDR Density per Acre Shown on Master Plan	Size of Development ³	One-Family Detached	One-Family Townhouse and Attached	Multiple Family ² Four-Story or Less ⁴	Green Area
3-5	Less than 800 dwelling units	30 ⁶	P	NP	35
3-5	800 dwelling units or more	30 ⁶	P	P(20)	35
6-10		15	P	P(35)	40
11-15	Less than 200 dwelling units	P	P	P	50
11-15	200 dwelling units or more	P	P	35(60)	50
16-28	less than 200 units	P	P	P ⁵	50
16-28	200 dwelling units or more	P	P	25 ⁵	50

P Permitted but not required.

() Maximum percentage permitted.

¹ Upon a finding by the planning board that a proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standards, the percentage requirements for one-family and multiple-family stated herein may be waived.
[See Sec. 6.3.1.E.3](#)

² Permitted only where specifically recommended as a unit type in the area master or sector plan for the receiving area. In any instance where the minimum percentage requirement would yield a total of 150 multiple-family dwelling units or less, this requirement does not apply, and no such units are required. Whenever the minimum percentage would yield 151 units or more, the full number must be required except in cases covered by footnote number 1.
[See Sec. 6.3.1.E.1.a](#)

³ Total number of dwelling units planned.
[Table in Sec. 6.3.1.E obviates the need for this footnote.](#)

⁴ One-family attached may be substituted for all or part of this requirement.
[See Sec. 6.3.1.E.1.a](#)

⁵ The four-story height limit may be waived upon a finding by the Planning Board that a proposed development can achieve greater compatibility with adjacent development than which would result from adherence to the standards.
[See Sec. 6.3.1.E.1.c](#)

⁶ Development may utilize the R-60/MPDU standards as set forth in Sec. [59-C-1.625\(a\)\(1\)](#).
[See Sec. 6.3.1.F – Development Standards \(TDR Overlay\)](#)

59-C-1.396. Special Provisions for TDR Developments Approved Prior to April 1, 1987. Any property in the RE-2C, RE-2, RE-1, R-200, R-150, R-90 or R-60 zones which, prior to April 1, 1987, received preliminary plan of subdivision approval, and which contained lots attributable to the TDR regulations as they existed in this chapter prior to April 1, 1987, may continue to be developed in accordance with the requirements of the corresponding TDR zones at a density not to exceed the maximum densities set forth in section 59-C-1.332. Governmental approvals granted prior to April 1, 1987, for developments utilizing TDR's on property zoned in those zones shall remain and be in full force and effect at all times notwithstanding such property's subsequent rezoning to the RE-2C/TDR, RE-2/TDR, RE-1/TDR, R-200/TDR, R-150/TDR, R-90/TDR or R-60/TDR zones respectively. In addition, any building or structure constructed or to be constructed on a building lot in accordance with a TDR preliminary plan of subdivision approved for such property prior to April 1, 1987, shall not be considered nonconforming. Preliminary plan applications duly filed with and accepted as a completed filing by the Maryland-National Capital Park and Planning Commission on or before April 1, 1987, are deemed duly filed.

Sec. 59-C-1.4. Density control development. This method of development is discontinued (See 59-C-1.44. Discontinuance)

—59-C-1.41. Purpose and description.

The purpose of this method of development is to encourage subdivisions which will allow home buyers a choice of lot sizes according to their needs; to preserve open space, tree cover, scenic vistas and outstanding natural topography; to provide recreational areas and to prevent soil erosion. This purpose is accomplished by permitting variations in lot size without an increase in the overall density of development within a subdivision. As of September 23, 1986, no additional record plats may be approved for recordation by the planning board within the provisions of this section 59-C-1.4, subject to the exception stated in 59-C-1.44, below.

—59-C-1.42. Special requirements.

In addition to the development standards set forth in section 59-C-1.43, the following regulations shall apply:

—59-C-1.421. Development Approval Procedure. The procedure for approval shall be as set forth in the subdivision regulations, being chapter 50 of the County Code.

—59-C-1.422. Community Water and Sewer. No land shall be subdivided under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems.

—59-C-1.423. Unsuitable Lots. To control what may be included on a plat for the purposes of the average net lot area requirement, the planning board, at its discretion, may exclude from such average any lot or lots which by reason of size, shape, location or for other good cause, are not reasonably suitable for single family residential development, or the planning board may require replatting of such lots.

—59-C-1.424. Limitation on Size of Certain Lots. The planning board may require that lots have an area no smaller than the average net lot area required for the zone, if they adjoin any of the following:

- (a) Major highways;**
- (b) Limited access highways;**
- (c) Railways;**
- (d) Land zoned for multiple family, commercial or industrial use; or**
- (e) Lots developed within the standard development provisions of section 59-C-1.32.**

~~—59-C-1.425. Land Dedicated to Public Use.~~ Land to be dedicated on the subdivision record plat for recreation, parks, school sites or other public use and approved by the planning board, may be included in the calculation of the average net lot area.

~~—59-C-1.426. Public Rights of Way.~~ Areas dedicated for public roads, streets, sidewalks, crosswalks, utility and storm drainage rights of way and for the location of other necessary facilities appurtenant thereto, shall not be included in the calculation of the average net lot area.

~~—59-C-1.427. Maintenance of Average Area.~~ The average net area of all of the lots in any record plat, together with all record plats previously recorded in the same subdivision, shall at no time be less than the average required for the zone.

~~—59-C-1.428. Transfer of Excess Area.~~ The planning board may approve the transfer of area from a subdivision to an adjoining subdivision in the same zone if both are subdivided under this method and the combined development will have an average lot area no smaller than required for the zone.

~~—59-C-1.429. Resubdivision Controlled.~~ Resubdivision of land subdivided under this method is prohibited if it would result in a reduction in the average net lot areas, except for any land which has been reclassified to a different zone. Record plats shall bear the notice "Density Control Development Resubdivision Strictly Controlled," and an indication of the zone in which the land is classified.

~~—59-C-1.43. Development standards.~~

All requirements of the standard method of development in the respective zones, as set forth in subsections 59-C-1.31 and 59-C-1.32, shall apply except as specifically modified in this section 59-C-1.43.

	R-200	R-150	R-90	RMH-200
59-C-1.431. Net Lot Area (Square Feet).	-	-	-	-
(a) No lot shall be less in area than:	15,000	10,500	8,000	15,000
(b) The average area of all lots in any subdivision shall be at least:	20,000	15,000	9,000	20,000
59-C-1.432. Minimum Lot Width (in Feet).	-	-	-	-
(a) At front building line:	-	80	-	-
(b) At existing or proposed street line:	-	25	-	-
59-C-1.433. Yard Requirements for a Main Building (in Feet). Each lot shall have building lines parallel to each of its boundaries and so located as to provide front, side and rear yards as specified in this section.	-	-	-	-
(a) Setback from street:	-	30	-	-
(b) Setback from adjoining lot:	-	-	-	-
— Either side:	-	10	-	-
— Rear:	-	25	-	-
59-C-1.434. Maximum Building Height (in Feet). For a main building in the R-150 zone, the height shall not exceed 2 1/2 stories nor 35 feet; except, that if each side yard is increased by one-half foot for each additional foot of height, this may be increased to not more than 3 stories nor 40 feet.	-	-	-	-
For an accessory building which shall not exceed 2 stories:	-	25	-	-
59-C-1.435. Building Coverage. Maximum percentage of net lot area that may be covered by buildings, including accessory buildings:	-	30	-	-
59-C-1.436. Yard Requirements for an Accessory Building (in Feet). An	-	-	-	-

accessory building shall be located only in a rear yard and shall occupy not more than 25 percent thereof. It shall be set back at least as follows:				
-from the front lot line or proposed street line:	60	60	-	-
-from a rear lot line of an interior lot:	-	2	-	-
-from an alley line:	-	5	-	-
-from a side lot line of an interior lot:	-	2	-	-
-on a corner lot:	-	-	-	-
— (a) If the adjoining lot on the side street is in a residential zone and has frontage on that street, the setback from the side street line shall be:	-	30	-	-
— and the setback from the rear lot line shall be:	-	10	-	-
— (b) If there is no residentially-zoned lot on the side street fronting on that street in the same block, the setback from the side street line shall be:	-	15	-	-

59-C-1.44. Discontinuance.

The density control method of development is discontinued. No record plats pursuant to this method of development may be approved for recordation by the planning board on or after September 23, 1986, with one exception. If the subject property is less than 5 acres, and if it is part of a density control subdivision that was previously approved by the planning board but expired without recordation of a plat for the subject property, the planning board may approve a preliminary plan of subdivision and approve a plat for recordation after September 23, 1986.

Lots recorded prior to September 23, 1986, pursuant to this method of development and included in record plats containing the notice concerning control of resubdivision specified by section 59-C-1.429, above, are not nonconforming. Development on such lots must be in accord with the provisions of this section 59-C-1.4.

Sec. 59-C-1.5. Cluster development. Sec. 6.2

59-C-1.51. Purpose and description. See Sec. 6.2.1 – General Requirements

The purpose of the cluster method of development is to provide an optional method of development that encourages the provision of community open space for active or passive recreation as well as the preservation of trees. The cluster method provides for flexibility in lot layout and for 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. In order to accomplish this purpose certain changes in lot areas and dimensions are permitted, a greater variety of building types is introduced in certain zones, and the use of this method of development and site plan approval for portions of such development are subject to approval by the Planning Board.

59-C-1.52. Special requirements.

In addition to the development standards set forth in section 59-C-1.53, the following regulations shall apply:

~~—59-C-1.521. Development Approval Procedure. The procedure for approval of one-family detached dwellings and one-family semi-detached dwellings shall be as set forth in section 50-39 of the Subdivision Regulations, being chapter 50 of the Montgomery County Code. At the time of preliminary subdivision plan approval, the planning board may require that, in order to resolve specific environmental, transportation or compatibility issues, certain of the detached and semi-detached dwellings shall be subject to site plan approval as set forth in division 59-D-3 and shall not be included in an application for record plat until a site plan is approved for those portions of the proposed development. The procedure for the approval of townhouses and one-family attached dwellings shall be as set forth in division 59-D-3 of this ordinance and section 50-39 of the subdivision regulations.~~

59-C-1.522. Community Water and Sewer. See Sec. 6.2.1.B

No land shall be subdivided under this method and no building permit shall be issued unless the resulting development will be connected to community water supply and sewerage systems. The only exception to this requirement is the RE-2C zone where land that is not served by community sewer may be subdivided under this method if it meets all of the following conditions:

- (a) An approved and adopted master plan or sector plan specifically recommends cluster development with community water but not community sewer.
- (b) The resulting development will be connected to community water.
- (c) The resulting development meets all of the requirements for individual sewerage systems outlines in the most recent county comprehensive water supply and sewerage systems plan and Executive Regulation No. 5-79 on individual water supply and sewage disposal systems.

59-C-1.523. Usable Area. See Sec. 6.2.2.C – Development Standards (Usable Area)

The usable area upon which the density of development is calculated, as set forth in subsection 59-C-1.533, shall be determined by deducting from the gross area of the tract the following:

- (a) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more, and
- (b) All one-hundred-year flood plain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.

59-C-1.524. Common Open Space. The preliminary or site plan must include a description of the procedures and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan. Sec. 8.3.4.B.5.

59-C-1.525. Dedicated Land. Land dedicated to public use for school and park sites may be included in the calculation of the density of development; provided, that development of the remaining land can be accomplished in compliance with the purpose of this section. See Sec. 6.2.2.D – Development Standards (Dedicated Land)

59-C-1.526. Combined Cluster Development. Sec 6.2.2 B – Cluster Development Across Different Zones
The planning board may permit the combining of 2 or more cluster developments as follows:

~~—(a) **In the same zone.** The planning board may waive the minimum areas specified in subsection 59-C-1.532 if the tract abuts an existing cluster development in the same zone and approval of the proposed subdivision will make possible a compatible extension thereof.~~

(b) **In different zones.** The planning board may permit a combined cluster in 2 or more zones, each of which has provisions for cluster development; provided, that each of the following conditions is complied with:

- (1) The tracts to be combined for development share a common boundary with one another sufficient to provide a unified development which will achieve the purposes of cluster development.
- (2) The total area of the combined tracts meets the largest minimum area requirement for cluster development found in the zoning classifications of the individual tracts.
- (3) No uses shall be permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified.

(4) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.

(5) The amount of green area in the combined development is not less than the total amount that would be required if the component areas of the combined tracts were developed separately.

59-C-1.527. Lots Fronting on Private Cul-de-Sacs in RE-2C Zone. See Sec. 6.2.2.E – Development Standards (Lots fronting on private cul-de-sacs in the RE-2C zone)

In the RE-2C zone, lots may front on a private cul-de-sac if the planning board finds, as part of the cluster subdivision plan approval, that the private cul-de-sac:

- (1) Provides safe and adequate access;
- (2) Has sufficient width to accommodate the dwelling units proposed;
- (3) Will better protect significant environmental features on and off site than would a public road; and
- (4) Has proper drainage.

Each private cul-de-sac must comply with the requirements of subsection 59-C-7.235 of the zoning ordinance and section 50-25(h) of the subdivision regulations pertaining to private roads. A subdivision with lots fronting on a private cul-de-sac may also be required to comply with the site plan review provisions of division 59-D-3.

59-C-1.528. Preservation of Trees. The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain. Sec.8.3.4.b.7.j. Application requirements for site plan

59-C-1.53. Development standards. See Sec. 6.2 – Cluster Development in Rural Residential and Residential Zones

All requirements of the standard method of development in the respective zones, as specified in Section 59-C-1.3, apply, except as expressly modified in this section.

	RE-2C <u>RE-2C</u>	RE-1 <u>RE-1</u>	R-200 <u>R-200</u>	R-150 <u>R-200</u>	R-90 <u>R-90</u>	R-60 <u>R-60</u>	RMH- 200 <u>R-200</u>
59-C-1.531. Uses Permitted. No uses shall be permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section 59-C-1.31. <u>See Use Table Sec. 3.1.7</u>							
Dwellings, one-family detached. <u>Single-Unit Living</u>	P	P	P	P	P	P	P
Dwellings, one-family semi-detached. <u>Two-Unit Living</u>					P	P	
Townhouses. ³					P ¹	P ¹	
Accessory buildings and uses.	P	P	P	P	P	P	P
Accessory apartment. ²	SE	SE	SE	SE	SE	SE	SE
Bed-and-breakfast lodging with one or 2 guest rooms. ^{2,4} <u>Bed and Breakfast</u>	P	P	P	P	P	SE	P

	RE-2C <u>RE-2C</u>	RE-1 <u>RE-1</u>	R-200 <u>R-200</u>	R-150 <u>R-200</u>	R-90 <u>R-90</u>	R-60 <u>R-60</u>	RMH-200 <u>R-200</u>
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ^{2,4} <u>Bed and Breakfast</u>	SE	SE	SE	SE	SE	SE	SE
Community swimming pools and other recreational facilities for the exclusive use of residents of the development and their guests, in accordance with a site plan or an amended site plan approved after October 24, 1978, in accordance with section <u>59-D-3</u> .	P	P	P	P	P	P	
Mobile homes, double-wide <u>Single-unit Living</u>	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P ⁷	P
Registered living unit. ^{2,8} <u>Accessory apartment</u>	P	P	P	P	P	P	P
Transitory use ⁹	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE
59-C-1.532. Minimum Area of Development (in Acres). Except as provided in section <u>59-C-1.526</u> , no development shall be permitted with an area of less than <u>See Sec. 6.2.3.A (A1)</u>	50 ⁶ <u>50 acres</u>	50 ⁶ <u>50 acres</u>	5 <u>5 acres</u>	5 <u>5 acres</u>	5 ⁵ <u>5 acres</u>	5 ⁵ <u>5 acres</u>	20 <u>5 acres</u>
59-C-1.533. Density of Development. The maximum number of dwelling units per acre of usable area, as defined in section <u>59-C-1.523</u> , shall be <u>See Sec. 6.2.3.A (A2)</u>	0.4 <u>0.4</u>	1 <u>1</u>	2 <u>2</u>	2.6 <u>2</u>	3.6 <u>3.6</u>	5 <u>5</u>	2.2
59-C-1.534. Setbacks From Street (in Feet). No detached dwelling shall be nearer to any public street than <u>See Sec. 6.2.4.B (B1)</u>	40 <u>35'</u>	40 <u>35'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	15 <u>20'</u>	25 <u>25'</u>
59-C-1.535. Regulations Governing One-Family Detached and One-Family Semi-Detached Dwelling Units.							
Minimum net lot area (in sq.ft.) <u>Detached House – See Sec. 6.2.4.A (A1)</u> <u>Duplex – See Sec. 6.2.4.A (A1)</u>	25,000 <u>15,000 SF</u> <u>7,500 SF</u>	15,000 <u>12,000</u> <u>6,000 SF</u>	10,000 <u>9,000 SF</u> <u>4,500 SF</u>	8,000 <u>9,000 SF</u> <u>4,500 SF</u>	5,000 <u>5,000 SF</u> <u>2,500 SF</u>	4,000 <u>3,000 SF</u> <u>1,500 SF</u>	10,000 <u>9,000 SF</u> <u>4,500 SF</u>
Minimum lot width at existing or proposed street line (in feet) <u>See Sec. 6.2.4.A (A3)</u>	25 <u>25</u>	25 <u>25</u>	25 <u>25</u>	25 <u>25</u>	25 <u>25</u>	25 <u>25</u>	25 <u>25'</u>
The requirement for a minimum lot width at the front building line, as stated in section <u>59-C-1.322(b)</u> does not apply. <u>See Sec. 6.2.4.A (A2)</u>							
Setbacks (in feet)							
–No dwelling unit can be nearer to any lot line than	15	15	10	10	0	0	10
except that a side yard adjoining a boundary line of the subdivision must not be less than that required in the adjoining zone. <u>See Sec. 6.2.4.B (B3)</u>							
Minimum rear yard setback from any boundary line of the subdivision; <u>See Sec. 6.2.4.B (B5)</u>	50 <u>50</u>	50 <u>50</u>	40 <u>40</u>	30 <u>40</u>	30 <u>30</u>	30 <u>30</u>	40 <u>40</u>

except that the planning board may permit a lesser setback if the adjoining land is subdivided by the cluster method or is not classified in a one-family residential zone.							
59-C-1.536. Regulations Governing Townhouses. Each townhouse shall be located on a separate recorded lot, and shall front on a public street, a private street, or a common open space.							
Minimum net lot area (in sq.ft.) <u>See Sec. 6.2.5.A (A1)</u>					2,000 <u>1,500 SF</u>	2,000 <u>1,500 SF</u>	
Minimum width (in feet)							
-Width of each townhouse lot <u>See Sec. 6.2.5.A (A2)</u>					18 <u>16'</u>	18 <u>14'</u>	
-Average frontage of a group of attached townhouses. <u>See Sec. 6.2.5.A (A3)</u>					20 <u>Establish at site plan</u>	20 <u>Establish at site plan</u>	
Setback from any boundary line of the subdivision; <u>See Sec. 6.2.5.B (B4)</u>					<u>50</u> <u>30'</u>	30 <u>30'</u>	
except, that the planning board may permit a lesser setback if the adjoining land is subdivided by the cluster method or is not classified in a one-family detached residential zone.							

¹ ~~Not permitted in clusters less than 10 acres in size.~~ In clusters of 3 acres or more, permitted when recommended on a master or sector plan approved and adopted after October 30, 1978.

² Not permitted in a townhouse, one-family attached dwelling unit or mobile home. Use standard for accessory apt (pending ZTA)

³ The maximum building height limit for townhouses is 35 feet.
See Sec. 6.2.3.C – Development Standards (Cluster Development).

⁴ Not permitted in a townhouse, one-family attached dwelling or mobile home. The owner must maintain a record of transient visitors and register the lodging with the Department. Minimum lot size for a lodging with more than 3 guest rooms is 2 acres.
See Sec. 3.5.6.B – Bed and Breakfast. Note: Only permitted in a detached house.

⁵ There shall be no minimum acreage requirement when the site is recommended for cluster development by an approved and adopted master or sector plan.
See Sec. 6.2.3.A – Development Standards (Cluster Development) (A1)

⁶ This minimum area requirement may be waived by the planning board upon a finding that the cluster development is more desirable for environmental reasons.
See Sec. 6.2.3.A – Development Standards (Cluster Development) (A1)

⁷ ~~Provided that such a dwelling has minimum dimensions of 24 feet by 40 feet, a gable roof, and is permanently affixed to a foundation supporting the load-bearing framework of the mobile home and a foundation wall enclosing~~

~~its entire perimeter, in compliance with the provisions of chapter 8, title "Buildings," of this Code. Such a mobile home shall have its wheels, axles, transportation light and removable towing apparatus removed.~~

~~⁸ —In accordance with Executive Regulations and subject to the requirements enumerated in section 59-A-6.10.
Note: Registered Living Unit use not carried forward.~~

⁹ In accordance with section 59-A-6.13. Sec.3.5.15.C. Transitory Use

Sec. 59-C-1.6. Development including moderately priced dwelling units. Div 6.1 – MPDU Development

59-C-1.61. Purpose and description.

Where moderately priced dwelling units are included in a development in accordance with chapter 25A of this Code, as amended, this optional method of development is permitted in order to facilitate the construction of those units. The method permits an increase in density above the total number of dwelling units permitted by the standard method of development, as stated in section 59-C-1.32. It also permits additional dwelling unit types and a reduction in certain area and dimensional requirements. The site plan approval procedures of division 59-D-3 must be followed, except as provided in section 59-C-1.63. Where any of the provisions of this section are elected for a development, all of the requirements of this section apply.

See Sec. 6.1.1 and 6.1.2

59-C-1.62. Development standards. Sec 6.1.6- 6.1.7

	RE-2C ⁸ <u>RE-2</u>	RE-1 ⁸ <u>RE-1</u>	R-200 <u>R-200</u>	R-150 <u>R-200</u>	R-90 <u>R-90</u>	R-60 <u>R-60</u>	R-40 <u>R-40</u>
59-C-1.621. Uses Permitted. No uses are permitted except as indicated by the letter "P" in the following schedule. Special exceptions may be authorized as indicated in section <u>59-C-1.31</u> , title "Land Uses," subject to the provisions of article 59-G. <u>See Use Table Sec. 3.1.7</u>							
Dwelling unit, one-family attached. ¹ <u>Two-unit living</u>			P	P	P	P	P
Dwelling unit, one-family detached. <u>Single-unit living</u>	P	P	P	P	P	P	P
Dwelling unit, one-family semidetached. ¹ <u>Two-unit living</u>	P	P	P	P	P	P	P
Townhouse. ¹	P	P	P	P	P	P	P
Mobile home, double-wide. ² <u>Single-unit living</u>	P	P	P	P	P	P	P
Registered living unit. ^{3,5} <u>Accessory apartment</u>	P	P	P	P	P	P	
Accessory apartment. ³	SE	SE	SE	SE	SE	SE	
Bed-and-breakfast lodging with one or 2 guest rooms. ^{3,4} <u>Bed and Breakfast</u>	P	P	P	P	P	SE	
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ^{3,4} <u>Bed and Breakfast</u>	SE	SE	SE	SE	SE	SE	
Accessory buildings and uses.	P	P	P	P	P	P	P
59-C-1.622. Density of development. The maximum number of dwelling units per acre of usable area, as defined in section <u>59-C-1.628(a)</u> , is <u>Sec. 6.1.2.A – General Site and Building Type Mix</u>	0.48 <u>0.48</u>	1.22 <u>1.22</u>	2.44 <u>2.44</u>	3.17 <u>2.44</u>	4.39 <u>4.39</u>	6.10 <u>6.1</u>	10.12 <u>10.12</u>
59-C-1.623. Setbacks from street (in feet).							
No detached dwelling must be nearer to any public street than: <u>Sec. 6.1.3.B</u>	35 <u>35'</u>	35 <u>35'</u>	25 ⁷ <u>25'</u>	25 ⁷ <u>25'</u>	25 ⁷ <u>25'</u>	20 <u>20'</u>	20 <u>20'</u>

In the case of a corner lot, if the adjoining lot on one of the streets either does not front on that street or is in a nonresidential zone, the setback from that street line must be at least: Sec. 6.1.3.B	20 <u>20'</u>	20 <u>20'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>	15 <u>15'</u>
59-C-1.624. Yard requirements (in feet). For a side or rear yard that abuts a lot that is not developed under the provisions of this section 59-C-1.6, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than <u>Side or rear setback</u>	35 <u>Establish at site plan</u>	35 <u>Establish at site plan</u>	20 <u>Establish at site plan</u>	20 <u>Establish at site plan</u>	20 <u>Establish at site plan</u>	15 <u>Establish at site plan</u>	15 <u>Establish at site plan</u>
59-C-1.625. Lot area and width.							
(a) Minimum net lot area (in sq.ft.):							
(1) For a one-family detached dwelling unit Sec. 6.1.3.A	15,000 <u>12,000</u>	10,000 <u>9,000 SF</u>	6,000 ⁷ <u>6,000 SF</u>	6,000 ⁷ <u>6,000 SF</u>	5,000 ⁷ <u>4,000 SF</u>	4,000 ⁷ <u>3,000 SF</u>	4,000 <u>3,000 SF</u>
(2) For each one-family semidetached dwelling unit Sec. 6.1.4.A	7,500 <u>7,500 SF</u>	5,000 <u>4,500 SF</u>	3,500 <u>3,000 SF</u>	3,500 <u>3,000 SF</u>	3,500 <u>2,000 SF</u>	3,500 <u>1,500 SF</u>	3,500 <u>1,500 SF</u>
(3) For a townhouse, unless a smaller lot size is approved by the planning board. ⁶ Sec. 6.1.5.A	<u>1,500 SF</u>	<u>1,500 SF</u>	1,500 <u>1,200 SF</u>	1,500 <u>1,200 SF</u>	1,500 <u>1,000 SF</u>	1,500 <u>1,000 SF</u>	1,500 <u>1,000 SF</u>
(4) Where an individual lot for each dwelling unit is deemed to be infeasible because of the manner in which individual units are attached to each other the board may approve a site plan depicting more than one dwelling unit on a lot.							
(b) Minimum lot width for a one-family detached dwelling unit at existing or proposed street line (in feet): Sec. 6.1.3.A	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>	25 <u>25'</u>
59-C-1.626. Maximum Building Height (in Feet).							
(a) For a main building. The height must not exceed 3 stories or 40 feet. If the abutting lot is not developed under the provisions of this section 59-C-1.6, the yard abutting that lot must be increased by one foot for each 2 feet of height above 35 feet Sec. 6.1.3.C. Sec. 6.1.4.C. Sec. 6.1.5.C							
(b) For an accessory building. The height must not exceed 2 stories or 25 feet. Sec. 6.1.3.C. Sec. 6.1.4.C. Sec. 6.1.5.C							
59-C-1.627. Green area. Green area must be provided for each townhouse or one-family attached dwelling unit erected in the subdivision, at the rate, in square feet per unit, of Sec. 6.1.2.A			2,000	2,000	2,000	2,000	1,500

¹ The maximum percentage of one-family attached dwelling units, semidetached dwelling units, or townhouses allowed in a subdivision is: [Sec 6.1.2.B – Building Type](#)

RE-2C and RE-1 zones: 30%

R-200 and R-150 Zones: 40%;

R-90 Zone: 50%;

R-60 Zone: 60%.

The balance must be one-family detached dwelling units. Except in the RE-1 and RE-2C Zones, however, the Planning Board may approve a development in which up to 100 percent of the total number of units are one-family

attached dwelling units, one-family semidetached dwelling units, or townhouses upon a finding that a (1) proposed development is more desirable from an environmental perspective than development that would result from adherence to these percentage limits, or (2) limits on development at that site would not allow the applicant to achieve MPDUs under Chapter 25A on-site. However, any increase in any dwelling unit type above the standard percentage allowed must achieve not less than the same level of compatibility as would exist if the development were constructed using the standard percentage of that type of dwelling unit. Any development that exceeds the maximum percentage of allowable dwelling unit types must be compatible with adjacent existing and approved development.

~~2 Provided that such a dwelling has minimum dimensions of 24 feet by 40 feet, a gable roof, and is permanently affixed to a foundation supporting the load-bearing framework of the mobile home and a foundation wall enclosing its entire perimeter in compliance with the provisions of chapter 8, title "Building," of this Code. Such a mobile home must have its wheels, axles, transportation light and removable towing apparatus removed.~~

~~3 Not permitted in a townhouse, one family attached dwelling unit or mobile home.~~

~~4 Not permitted in a townhouse, one family attached dwelling or mobile home. The owner must maintain a record of transient visitors and register the lodging with the Department. Minimum lot size for a lodging with more than 3 guest rooms is 2 acres.~~

~~5 In accordance with Executive Regulations and subject to the requirements enumerated in section 59-A-6-10.~~

~~6 The planning board may approve a smaller lot size for a townhouse, in accordance with the site plan criteria of section 59-D-3.4 and taking into account the following factors: the size of the unit, the number of units in a group, the proximity of the several groups of units to each other or an area of significant size at one location that will be maintained as common open space or public park land, the topography or other natural features of the site, or such other factors as the planning board deems appropriate and specifies in its approval. In approving smaller townhouse lots, the board may increase the amount of green space per dwelling unit prescribed in accordance with section 59-C-1.627.~~

7 For Moderately Priced Dwelling Unit lots designated as such on a site plan, the minimum lot area must not be less than 3,000 square feet and the setback from a public street must not be less than 15 feet. For each one-family detached dwelling unit with a lot area less than 3,500 square feet, 500 square feet of green area must be provided in the subdivision.

See Sec. 6.1.3.A and Sec. 6.1.3.B

8 Required only for development that is served by public sewer service and where designated for sewer service in the applicable master plan.

See Sec. 6.1.2.B (B6)

59-C-1.628. Additional Requirements.

(a) **Usable area.** The usable area upon which the density of development is calculated, as set forth in section 59-C-1.622, is determined by deducting from the gross area of the tract the following:

(1) All land indicated on the master plan of highways as a right-of-way with a width of 100 feet or more; and See Sec. 6.1.1.C

~~(2) All ultimate 100-year floodplain areas which, in the opinion of the planning board, would constitute an excessively high percentage of the total area of the tract.~~

~~(b) **Townhouse frontage.** Each townhouse must front on a public street, a private street or a common open space.~~

(c) **Common open space.** The preliminary or site plan must include a description of the procedure and methods to be followed for assuring the common use and adequate maintenance of common open space included in the plan. [Sec. 8.3.4.B.5.p](#)

(d) **Dedicated land.** Land dedicated to public use for school and park sites may be included in the calculation of the density of development, provided that development of the remaining land can be accomplished in compliance with the purposes of this section. [Sec. 6.1.1.G Dedicated Land](#)

(e) **Development in different zones.** The planning board may permit a combined MPDU development in 2 or more zones, each of which has provisions for MPDU development, provided that each of the following conditions is complied with:

[See Sec. 6.1.1.B – MPDU Development Across Different Zones](#)

(1) The tracts to be combined for development must share a common boundary with one another sufficient to provide a unified development which will achieve the purposes of MPDU development.

(2) No uses are permitted in any part of the combined tract except those that are permissible in the zone in which that part is classified.

(3) The total number of dwelling units in the combined development does not exceed the total number that would be permitted if the component areas of the combined tracts were developed separately.

(4) The amount of green area in the combined development is not less than the total amount that would be required if the component areas of the combined tracts were developed separately.

(f) **Preservation of trees.** The preliminary plan and site plan must show the location and extent of all trees as well as methods for preservation of those trees selected to remain. [Sec.8.3.4.b.7.j. Application requirements for site plan](#)

59-C-1.629. Special Optional Method of Development Requirements for MPDU Projects with 20 or fewer dwelling units.

[See Sec. 6.1.1.D – Requirements for MPDU Projects with 20 or Fewer Dwelling Units](#)

An applicant who voluntarily builds at least 12.5 percent MPDUs in a development with 20 or fewer dwelling units may use the optional method development standards of Sec. 29-C-1.62, except: (1) any perimeter lot that is adjacent, abutting, or fronting one or more existing one-family detached dwellings must conform to the lot area and yard requirements of the standard method of development; (2) the MPDU buildings must be similar in size and height to the market rate dwellings in that development, and (3) the maximum percentage of townhouses must not exceed 40% of the total residential dwellings in that development; however, the Planning Board may approve a development in which up to 100 percent of the units consist of townhouses, if the Board finds that the increased use of townhouses is more desirable for environmental reasons and the increased use of townhouses is compatible with adjacent development.

59-C-1.63. Procedure for application and approval.

For approval of townhouses and one-family attached dwelling units, the procedure is as set forth in division 59-D-3. For approval of one-family detached and one-family semidetached dwelling units, there are 2 alternative procedures, as follows:

(a) Where one-family detached and one-family semidetached dwelling units are proposed in accordance with the setback, yard and minimum lot size requirements for moderately priced dwelling unit development of sections

59-C-1.623, 59-C-1.624 and 59-C-1.625, the procedure for approval is as set forth in division 59-D-3. Sec. 6.1.1.A. Development Approval Procedure

~~(b) — Where one family detached dwelling units are proposed in accordance with both the minimum lot size provisions for moderately priced dwelling units of section 59 C 1.625 and the cluster development setback and yard requirements of sections 59 C 1.534 and 59 C 1.535, the procedure for development is as set forth in section 50 39. The provisions for public posting set forth in section 50 39(e)(1)a do not apply. At the time of approval of the preliminary plan of subdivision, the Planning Board may require that, in order to resolve specific environmental or compatibility issues, certain of the detached dwelling units are subject to site plan approval, as set forth in division 59 D 3. Such dwelling lots must not be included in an application for record plat until a site plan is approved for those portions of the proposed development.~~

Sec. 59-C-1.7. R-T zones, townhouse, residential. R-T zones will be retained as they currently exist, but use table will likely be annotated with new use terms

59-C-1.71. Land uses.

No use is allowed except as indicated in the following table.

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	R-T 6.0	R-T 8.0	R-T 10.0	R-T 12.5	R-T 15.0
(a) Residential					
Dwelling unit, one-family detached. <u>Single Unit Living (Residential)</u>	P ¹	P ¹	P ¹	P ¹	P ¹
Dwelling unit, one-family attached. <u>Two Unit Living (Residential)</u>	P ²	P ²	P ²	P ²	P ¹⁵
Dwelling unit, one-family semidetached. <u>Two Unit Living (Residential)</u>	P	P	P	P	P
Group home, small. <u>Residential Care Facility (Up to 8 persons) (Residential)</u>	P	P	P	P	P
Group home, large. ⁸ <u>Residential Care Facility (Up to 16 persons) (Residential)</u>	SE	SE	SE	SE	SE
Guest rooms for not more than 2 roomers in any dwelling unit. <u>Household Living</u>	P	P	P	P	P
Housing and related facilities for senior adults or persons with disabilities <u>Independent Living Facility for Seniors or Persons with Disabilities (Residential)</u>	SE	SE	SE	SE	SE
Life care facility. <u>Residential Care Facility (Residential)</u>	SE	SE	SE	SE	SE
Townhouse. <u>Multi-Unit Living (Residential)</u>	P	P	P	P	P
(b) Transportation, communication and utilities.					
Amateur radio facility. <u>Amateur Radio Facility (Commercial)</u>	P ¹⁶ /SE	P ¹⁶ /SE	P ¹⁶ /SE	P ¹⁶ /SE	P ¹⁶ /SE
Cable communication system. <u>Cable Communication System (Commercial)</u>	SE ¹	SE ¹	SE ¹	SE ¹	SE ¹
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts. <u>Major Public Utility (Industrial)</u>	SE	SE	SE	SE	SE

Electric power, transmission and distribution lines, underground. Minor Public Utility (Industrial)	P	P	P	P	P
Pipelines, underground. Minor Public Utility (Industrial)	P	P	P	P	P
Public utility buildings and structures. Other Public Utility Building or Structure (Industrial)	SE	SE	SE	SE	SE
Telephone and telegraph lines. Minor Public Utility (Industrial)	P	P	P	P	P
(c) Commercial.	I	I	I	I	I
Christmas trees, sale of, between December 5 and December 25. Seasonal Outdoor Sales (Agricultural)	P	P	P	P	P
Transitory use. ¹⁴ Transitory Use (Commercial)	P/SE	P/SE	P/SE	P/SE	P/SE
(d) Services.	I	I	I	I	I
Adult foster care home. Residential Care Facility (Residential)	P	P	P	P	P
Ambulance or rescue squads, publicly supported. Public Use (Civic & Institutional)	P	P	P	P	P
Child day care facility:	I	I	I	I	I
—Family day care home. Family Day Care (Civic & Institutional)	P	P	P	P	P
—Group day care home. ⁹ Group Day Care (Civic & Institutional)	SE	SE	SE	SE	SE
—Child day care center. Day Care Center (Civic & Institutional)	SE	SE	SE	SE	SE
Churches, memorial gardens, convents, monasteries, and other places of worship. Religious Assembly (Civic & Institutional)	P	P	P	P	P
Day care facility for not more than 4 senior adults and persons with disabilities. Family Day Care (Civic & Institutional)	P	P	P	P	P
Day care facility for more than 4 senior adults and persons with disabilities Day Care (Civic & Institutional)	SE	SE	SE	SE	SE
Domiciliary care home for more than 16 residents. ⁶ Residential Care Facility (Residential)	SE	SE	SE	SE	SE
Educational institutions, private Educational Institution (Civic & Institutional)	SE	SE	SE	SE	SE
Fire stations, publicly supported. Public Use (Civic & Institutional)	P	P	P	P	P
Home health practitioner's office. ¹⁰ Low Major Impact Home Health Practitioner (Residential)	SE	SE	SE	SE	SE
Home occupation, major. ¹⁰ Major Impact Home Occupation (Residential)	SE	SE	SE	SE	SE
Home occupation, registered. ¹¹ Low Impact Home Occupation (Residential)	P	P	P	P	P
Home occupation, no impact. ¹² No Impact Home Occupation (Residential)	P	P	P	P	P
Hospice care facilities. Residential Care Facilities (Residential)	SE	SE	SE	SE	SE
Hospitals. Hospital (Civic & Institutional)	SE	SE	SE	SE	SE
Nursing home. ⁶ Residential Care Facility (Residential)	SE	SE	SE	SE	SE
Offices, business.	P	P	P	P	P
Offices, medical practitioners, for use of other than a resident of the building.	SE	SE	SE	SE	SE
Opportunity housing projects.	P	P	P	P	P
Publicly owned or publicly operated uses. Public Use (Civic & Institutional)	P	P	P	P	P
Respite care home. Residential Care Facility (Residential)	P	P	P	P	P

(e) Cultural, entertainment and recreational.	I	I	I	I	I
Golf courses and country clubs. Golf Course, Country Club (Commercial)	SE	SE	SE	SE	SE
Libraries and museums. Cultural Institution (Civic & Institutional)	P	P	P	P	P
Parks and playgrounds, publicly owned. Public Use (Civic & Institutional)	P	P	P	P	P
Private clubs and service organizations. Private Clubs, Service Organization (Civic & Institutional)	SE	SE	SE	SE	SE
Recreational facilities primarily for the use of residents.	P	P	P	P	P
Swimming pools, community. Swimming Pool (Community) (Civic & Institutional)	SE	SE	SE	SE	SE
Swimming pools, private.	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵
(f) Miscellaneous.	I	I	I	I	I
Accessory buildings and uses.	P	P	P	P	P
Signs in accordance with article 59-F	P	P	P	P	P

- 1 Subject to the requirements of the R-60 zone.
- 2 In accordance with the special regulations applying to developments which include moderately priced dwelling units as required by chapter 25A.
- 3 Underground only.
- 4 Except as provided in sections 59-A-6.9 and 59-G-2.10.1.
- 5 On undeveloped tracts only.
- 6 Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-2.37.
- 7 For business connected with the management, service, and maintenance of the development.
- 8 Subject to the special exception standards for a group home, section 59-G-2.26.
- 9 This applies only to freestanding buildings located in the zone.
- 10 In accordance with Section 59-G-2.29, title "Home Occupation, major."
- 11 In accordance with Sections 59-A-3.4 and 59-A-6.1.
- 12 There must be no more than 5 visits per week, no nonresident employees and no discernible adverse impact on the neighborhood.
- 13 For the exclusive use of residents within the tract.
- 14 In accordance with section 59-A-6.13.
- 15 No more than 40 percent of the dwelling units may be one-family attached except in accordance with the moderately priced dwelling unit requirements of Section 59-C-1.74.

¹⁶ Must not exceed 65 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the Federal Communications Commission. Any amateur radio facility existing before December 26, 2005 that exceeds 65 feet in height is a conforming structure.

59-C-1.72. Special regulations.

59-C-1.721. Intent and purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

(a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or

(b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all

specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

59-C-1.722. Row Design.

(a) Eight townhouses is the maximum number permitted in any one attached row.

(b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.

(c) For one-family attached units, there can be no more than 12 units in one row.

59-C-1.723. Combined Tracts. A tract in the R-T Zone may be combined with a tract in another residential zone, subject to the requirements of Division 59-D-3, provided that:

(a) No use other than those permitted in the R-T Zone is permitted in the R-T portion of the combined tract;

(b) The number of dwelling units in the combined tract must not exceed the total number permitted on the separate tracts;

(c) The amount of green area in the combined tract must not be less than the total required for the separate tracts;

(d) The number of parking spaces in the combined tract must not be less than the total number required for the separate tracts; and

(e) The two or more tracts to be so developed must share a common boundary with one another.

59-C-1.724. Existing structures. Multiple-family dwellings existing before the application of an RT zone are conforming structures and may be repaired, reconstructed, or structurally altered under the provisions of their prior zone, if the gross floor area of those dwellings is not increased above the gross floor area that existed on the date that the lot was rezoned; however, if covenants were recorded under an approved schematic development plan, any reconstruction or alteration must satisfy the conditions of those covenants.

59-C-1.73. Development standards.

In addition to the following, the regulations concerning row design in section 59-C-1.722 apply.

	R-T 6.0	R-T 8.0	R-T 10.0	R-T 12.5	R-T 15.0
59-C-1.731. Tract Area and Density.					
(a) Minimum tract area (sq.ft.)	20,000	20,000	20,000	20,000	40,000
(b) Maximum density of development (dwelling units) per acre of usable area as defined in Section 59-C-1.523 of the special requirements for cluster development.	6	8	10	12.5	15
59-C-1.732. Building Setbacks (Minimum, in Feet).					
(a) From any detached dwelling lot or land classified in a one-family, detached, residential zone.	30'	30'	30'	30'	30'
(b) From any public street.	25	25	25	25	20
(c) From an adjoining lot:					
(1) Side (end unit)	10	10	10	10	8
(2) Rear.	20	20	20	20	20
59-C-1.733. Maximum Building Height (in Feet). Except for agricultural buildings and except as provided in Division B-1(b) the maximum height of any building is:					
(a) For a main building	35	35	35	35	35
(b) For an accessory building.	25	25	25	25	25
59-C-1.734. Coverage and Green Area.					
(a) Maximum percentage of tract that may be covered by buildings.	35	35	35	35	
(b) Minimum percentage of tract that must be devoted to green area.	50	50	50	50	30
59-C-1.735. Parking. Off-street parking must be provided in accordance with the requirements of Article 59-E, title "Off-Street Parking and Loading." Parking space need not be located on the same lot as the dwelling unit but must be within a reasonable distance of each unit.					
59-C-1.74. Development including moderately priced dwelling units.					
Where moderately priced dwelling units are included in a development in accordance with the requirements of chapter 25A, the following optional method standards are permitted in order to facilitate the provision of those units. It permits an increase over the total number of dwelling units otherwise permitted. It also permits some additional housing types and modification of some area and dimensional requirements.					
(a) Additional use: dwelling unit, one-family attached.	P ²	P ²	P ²	P ²	P

(b) Maximum density of development (dwelling units) per acre of usable area as defined in section 59-C-1.523 of the special requirements for cluster development.	7.32	9.76	12.20	15.25	18.30
(c) Maximum percentage of tract occupied by buildings may be increased to:	40	40	40	40	
(d) If necessary in order to accommodate the increased density:					
(1) The percentage of the tract devoted to green area may be reduced to not less than:	45	45	45	45	30
(2) The row design requirements of section 59-C-1.722 may be waived.					
59-C-1.75. Procedure for application and approval.					
Site plans must be submitted and approved in accordance with the provisions of the division.	59-D-3	59-D-3	59-D-3	59-D-3	59-D-3

1 Unless a more desirable form of development can be demonstrated by the applicant to the satisfaction of the planning board using the street, side and rear lot line setbacks as provided in this section.

2 Where the side lot of an end unit abuts a public street, the side yard setback must equal the required front yard setback.

3 Not more than 40 percent of the total number of dwelling units.