

# Changes to the Rural Density Transfer (RDT) Zone in Planning Board Draft

## Article 59-2: Zoning Districts

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Section 2.1.2.C establishes the Agricultural Reserve (AR) as the only agricultural zone. Section 2.2.1 provides the intent statement for the zone.

### Changes from the current code:

- Changed zone name from Rural Density Transfer (RDT) to Agricultural Reserve (AR).
- Separated the AR zone as the only agricultural zone.
- Modified the intent statement of the zone as follows:
  1. The intent of ~~this zone~~ the AR zone is to promote agriculture as the primary land use in ~~sections~~ areas of the County designated for agricultural preservation in the General Plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas. Residential uses should be located and arranged to support agriculture as the primary use and to support the rural character of the area.
  2. Agriculture is the preferred use in the ~~Rural Density Transfer~~ AR zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to ~~the regulations in Division 59 C 9 and in Division 59 G 2, "Special Exceptions—Standards and Requirements."~~ additional use standards or the conditional use approval process.
  3. The intent of the child lot option in the ~~Rural Density Transfer~~ AR zone is to facilitate the continuation of the family farming unit or to otherwise meet the purposes of the ~~RDT~~ AR zone.

## Article 59-3: Uses and Use Standards

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Article 59-3 is significantly different in format from the current ordinance. It contains one use table showing all the zones and uses. Next to each use in the table is a section reference for both the definition and any use standards. New, too, is the concept of the limited use. Currently uses are either permitted by-right, "P" in the use table, or require a special exception, denoted "SE". The proposed draft specifies uses as "P", permitted by-right, or "L", permitted by-right but limited by particular use standards, or "C", permitted conditioned on approval by the Board of Appeals or the Hearing Examiner.

The following table is a summary of the single use table in Section 3.1.7. of the proposed code. It lists all uses allowed in the AR zone, the current use name(s), how the use is allowed, and a brief explanation for uses that have been consolidated or have changed.

Proposed Use/Use Group	Current Use	Allowed in the RDT	Allowed in the AR	Notes
<b>AGRICULTURAL</b>				
Agricultural Auction Facility	Auction Facility	SE	C	
Agricultural Processing	Agricultural Processing	SE	C	Consolidates several agricultural processing uses – standardizing the use standards.
	Grain Elevator	SE		
	Manufacturing of Mulch and Composting	SE		
	Milk Plant	SE		
	Sawmill	SE		
Community Garden	Other Agricultural Uses	P	L	Provides limited use standards specifying coverage and accessory structure height.
Equestrian Facility	Equestrian Facility	P/SE	L	Incorporates current standards regulated under Section C-9.31. Retains ability to seek a special exception/conditional use to deviate from specific standards.
Farm Supply, or Machinery Sales, Storage, Service	Farm machinery: sales, storage, or service	SE	C	Consolidates two uses. Retains use standards associated with more intense use. Removes footnote 48; prohibition on use for properties under TDR easement.
	Farm supply: sales, storage, or service	SE		
Farming	Farm	P	P	
	Fish Hatchery	P		
	Other Agricultural Uses	P		
Nursery (Retail)	Nursery, horticultural – Retail	SE	C	

Nursery (Wholesale)	Nursery, horticultural – Wholesale	SE	C	
Slaughter House	Abattoir	SE	C	
Winery	Winery	P/SE	L	Incorporates footnotes into limited use standards.
<b>Accessory Agricultural Uses</b>				
Animal Husbandry	Farm	P	P	Including Animal Husbandry as a permitted use clarifies that the use is allowed – even though the more intense use of farming is also a permitted use in the AR zone,
	Other Agricultural Uses	P		
Farm Airstrip, Helistop	Airstrip, Associated with Farming Operations	SE	C	Consolidates two uses. Retains restriction for use only when associated with agricultural operations.
	Helistop	SE		
Farm Market, On-Site	Farm Market	P	L	Incorporates footnotes into limited use standards.
<b>Temporary Agricultural Uses</b>				
Seasonal Outdoor Sales	Christmas Tree Sales between Dec. 5 and 25	P	L	Christmas Tree Sales are currently a permitted use. Provides additional standards for the broader use of Seasonal Outdoor Sales.

<b>RESIDENTIAL</b>				
<b>Single-Unit Living</b>	Dwellings, one-family detached	P	P	
	Mobile Home, double-wide	P		
<b>Group Living (Use Group)</b>	(Use Group – see individual uses below)			
<b>Residential Care Facility (up to 8)</b>	Adult Foster Care Home	P	P	Small group homes are a permitted use in this zone, per state law. A small hospice care facility (up to 8 persons) functions in a similar manner to these other residential care facilities.
	Group Home, small	P		
	Respite Care Home	P		
<b>Residential Care Facility (9 to 16)</b>	Group Home, large	SE	C	
<b>Residential Care Facility (over 16)</b>	Domiciliary Care Home (more than 16 residents)	SE	C	These uses have been consolidated with group home and other residential care uses (e.g. nursing home). These uses will be allowed based on the number of residents.
	Hospice Care Facility	SE		
	Sanitarium	SE		
<b>Accessory Residential Uses</b>				
<b>Attached Accessory Apartment</b>	Registered Living Unit	P	L	Current ZTA incorporated as limited use standards retaining ability to seek a special exception/conditional use approval if certain standards cannot be met.
	Accessory Apartment	P/SE		
<b>Farm Tenant Dwelling</b>	Accessory Dwelling for Agricultural Workers	P	L	Restricts Farm Tenant Dwelling to less than 4 mobile homes.
	Farm Tenant Dwelling	P		
	Farm Tenant Mobile Home, more than one but less than 4	SE		
<b>Guest House</b>	Guest house, as accessory use	P	L	Footnote retained as a limited use standard.

Home Health Practitioner (Low Impact)	Home Health Practitioner's office	P/SE	L	Separated use into low and major impact to clarify use standards and process.
Home Health Practitioner (Major Impact)	Home Health Practitioner's office	P/SE	C	
Home Occupation (No Impact)	Home Occupation, no impact	P	L	Incorporates footnotes into limited use standards.
Home Occupation (Low Impact)	Home Occupation, registered	P	L	Incorporates footnotes into limited use standards.
Home Occupation (Major Impact)	Home Occupation, major	SE	C	

<b>CIVIC and INSTITUTIONAL</b>				
<b>Charitable, Philanthropic Institution</b>	Charitable or Philanthropic Institution	SE	<b>C</b>	
<b>Family Day Care (up to 8)</b>	Child Day Care Facility: Family Day Care Home	P	<b>P</b>	The day care for seniors use has been consolidated with the day care for children use. Family Day Care for up to 8 children is a permitted use under current zoning. Because the impact of a facility would be similar, this use is proposed as a permitted use up to 8 persons.
	Day Care Facility for up to 4 Senior Adults and Persons with Disabilities	P		
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE		
<b>Group Day Care (9 to 12)</b>	Child Day Care Facility: Group Day Care Home	P	<b>L</b>	Day care for up to 12 children is permitted, subject to certain standards under current zoning regulations. Because the impact of a facility would be similar, this use is proposed as a limited use up to 12 persons.
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE		
<b>Day Care Center (13 to 30)</b>	Child Day Care Facility: Child Day Care Center	SE	<b>C</b>	
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE		
<b>Day Care Center (over 30)</b>	Child Day Care Facility: Child Day Care Center	SE	<b>C</b>	
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE		
<b>Private Club, Service Organization</b>	Private Clubs and Service Organizations	SE	<b>C</b>	
<b>Public Use (except Utilities)</b>	Publicly Owned or Publicly Operated Use	P	<b>P</b>	

	Ambulances or Rescue Squads, publicly supported	P		
	Fire Stations, publicly supported	P		
Religious Assembly	Churches, memorial gardens, convents, monasteries and other places of worship	P	L	Incorporates footnote 48 as a limited use standard.

<b>COMMERCIAL</b>				
<b>Animal Boarding and Care</b>	Animal Boarding Place	SE	<b>C</b>	
<b>Veterinary Office/Hospital</b>	Hospital, Veterinary	SE	<b>C</b>	
<b>Cable Communication System</b>	Cable Communications System	SE	<b>C</b>	
<b>Telecommunication Tower</b>	Telecommunications Facility	P/SE	<b>L</b>	
<b>Media Broadcast Tower</b>	Radio and Television Broadcasting Stations and Towers	SE	<b>C</b>	
<b>Cemetery</b>	Cemetery	SE	<b>C</b>	
	Family Burial Sites	SE		
<b>Funeral Home, Undertaker</b>	Funeral Parlor or Undertaking Establishments	SE	<b>C</b>	
<b>Landscape Contractor</b>	Landscape Contractor	SE	<b>C</b>	
<b>Bed and Breakfast</b>	Bed-and-breakfast lodging with 3, 4 or 5 guest rooms	P	<b>L</b>	All non-discretionary Special Exception standards are retained as Limited Use standards. When the Bed and Breakfast is accessory to a farm, a use and occupancy permit may be granted even if TDRs have been severed. Bed and Breakfasts can provide a supplementary income for farmers.
	Bed-and-breakfast lodging with one or 2 guest rooms	SE		
<b>Surface Parking for Commercial Uses in a Historic District</b>	Parking of motor vehicles, off-street, in connection with commercial uses	P	<b>L</b>	Incorporates footnote 39. Clarified that the use is intended only for commercial uses in an historic district.
<b>Shooting Range</b>	Rifle, pistol, or skeet	SE	<b>C</b>	



(Outdoor)	shooting range, outdoor			
Rural Antique Shop	Antique Shop	SE	C	
Rural Country Market	Country Market	SE	C	

Accessory Commercial Uses				
Amateur Radio Facility (up to 65')	Amateur Radio Facility	P/SE	P	An Amateur Radio Facility is permitted with a height up to 65 feet.
Amateur Radio Facility (over 65')	Amateur Radio Facility	P/SE	C	Where height is greater than 65 feet, a special exception/conditional use approval is required.
Antenna on existing structure	Rooftop Mounted Antennas and related unmanned equipment building, equipment cabinets, or equipment room	P	L	Incorporates footnote 27 and standards under Section A-6.14.
	Telecommunications Facility	P/SE		
Temporary Commercial Uses				
Construction Administration or Sales Office	Temporary Construction Administration or Sales Office	P	L	Currently allowed in all zones under certain conditions stated under Section A-6.11.
Transitory Use	Transitory Use	P/SE	L	Incorporates footnote 39 and standards under section A-6.22.

<b>INDUSTRIAL</b>				
Mining, Excavation	Rock or Stone Quarry, as a temporary use	SE	C	Consolidates two uses. Current special exception for Sand, Gravel or Clay Pits references the standards the special exception standards for the Rock or Stone Quarry use.
	Sand, Gravel or Clay Pit, or extraction of other natural materials, as a temporary use	SE		
Railroad Track	Railroad Track	P	P	
Pipeline (Above Ground)	Pipelines, above ground	SE	C	
Pipeline (Below Ground)	Pipelines, underground	P	P	
Public Utility Buildings or Structure	Public Utility Buildings and Structures	SE	C	
Transmission Lines (Above Ground)	Electric Power Transmission and Distribution Lines, overhead, carrying 69,000 volts or less	P	P	
	Telephone and Telegraph Lines	P		
Transmission Lines (Below Ground)	Telephone and Telegraph Lines	P	P	
	Electric Power Transmission and Distribution Line, underground	P		
<b>MISCELLANEOUS</b>				
Noncommercial Kennel	Kennels, Noncommercial	P	P	
Solar Collection System	Accessory Buildings, Structures and Uses	P	L	Provides use standards specific to solar panels as an accessory use.
Wildlife, Game Preserve, and Other Conservation Areas	Wildlife or Game Preserve	P	P	

<b>ACCESSORY MISCELLANEOUS USES</b>				
<b>Accessory Structures</b>	Accessory Buildings, Structures and Uses	P	L	<b>Incorporates restriction on size of accessory structures. Retains exemption for structures housing an agricultural use.</b>
	Boathouse, Private	p		
	Hunting or Fishing Cabin, Private	p		
	Signs	p		
<b>Security Pavilion</b>	Security Pavilion	P	L	<b>Incorporates footnote 43 and standards under Section A-6.17.</b>
<b>USES REMOVED</b>				
<b>Current Use</b>		<b>Rationale for Removal</b>		
Parking of Motor Vehicles, Off-street, in connection with commercial uses	P	Parking as the primary use of a parcel of land in the AR zone is not compatible with the preservation of agricultural land. Surface Parking for Commercial Uses in a Historic District has been retained.		
Parking of Motor Vehicles, Off-street, in connection with any use permitted	P	Parking as the primary use of a parcel of land in the AR zone is not compatible with the preservation of agricultural land. Surface Parking for Commercial Uses in an Historic District has been retained. Removal of this use does not affect parking on-site (accessory) for any use allowed in the zone.		
Swimming Pool, private	P	A Swimming Pool, private is a pool owned by not more than 10 families and used by only member families and their guests. Footnote 16 adds that a Swimming Pool, private is “for use of the property owner and their nonpaying guest”.		

**Changes from the current code:**

- Use Consolidation and Simplification
  1. **Agricultural Processing.**
    - The proposed Agricultural Processing use is a consolidation of the following current agricultural processing uses: Agricultural Processing, Grain Elevator, Manufacturing of Mulch and Composting, Milk Plant, and Sawmill.
    - Proposed use standards require
      - a minimum lot area of 10 acres, and
      - minimum setback from any lot line of 75 feet.

- The current standards for the various agricultural processing uses are as follows:

Use	Minimum lot area in acres	Minimum setback in feet
Agricultural Processing	10	75
Grain elevator	5	75
Manufacturing of Mulch and Composting	5	50
Milk Plant	10	75
Saw Mill	n/a	50

## 2. Farm Supply or Machinery Sales, Storage, and Service.

- The proposed use Farm Supply or Machinery Sales, Storage and Service is a consolidation of Farm Machinery: Sales, Storage or Service, and Farm Supply: Sales, Storage or Service.
- Proposed use standards require
  - a minimum lot area of 5 acres, and
  - a minimum setback from any lot line of 75 feet.
- Currently, Farm Machinery: Sales, Storage or Service requires a minimum lot area of 5 acres, and a minimum setback from any lot line of 75 feet. Farm Supply: Sales, Storage or Service requires a minimum lot area of only 2 acres, and a minimum setback from any lot line of 50 feet.
- Under the current code, footnote 48 prohibits both the Farm Machinery and Farm Supply uses on a lot or parcel encumbered by a recorded Transfer of Development Rights easement. The proposed code removes this restriction.

## 3. Farm Tenant Dwelling.

- The proposed Farm Tenant Dwelling use is a consolidation of the following uses: Accessory Dwelling for Agricultural Workers, Farm Tenant Dwelling and Farm Tenant Mobile Home, more than one but less than 4.
- Both Accessory Dwelling for Agricultural Workers and Farm Tenant Dwelling are permitted uses. Farm Tenant Mobile Home, more than one but less than 4 is currently a special exception. The proposed code retains any non-discretionary special exception standards as limited use standards under the consolidated use.

#### **4. Day Care Facility.**

- Adult and child day care uses have been consolidated under a broader day care use without differentiating the use based on recipient age.
- Currently, the use Day Care Facility for more than four Senior Adults and Persons with Disabilities allows for up to 40 persons.
- The proposed code distinguishes Day Care use based on capacity. Family Day Care allows up to 8 persons. Group Day Care Home is for 9-12 persons. These are both currently permitted uses in the RDT zone and will remain permitted in the AR zone. Day Care Center, currently a special exception, has been split into two uses based on size; Day Care Center (13-30 persons) and Day Care Center (over 30 persons). Both are proposed as a conditional use.

#### **5. Residential Care Facility.**

- The proposed code recommends consolidating 9 residential care-type uses into one use, Residential Care Facility, which is differentiated by the capacity of the facility.
- Residential care homes that care for up to 8 persons are a permitted use in almost every zone. Currently, this includes Adult Foster Care Home, Respite Care Home and Group Home, Small (up to 8 residents).
- Hospice Care Facility and Sanitarium have no stated limitation on capacity. Both uses are currently a special exception in the RDT. A Group Home, Large (9-16 residents), and Domiciliary Care Home for more than 16 persons also require a special exception in the RDT.
- In the proposed code, Residential Care Facility (up to 8) is a permitted use in the AR zone. Residential Care Facility (9-16 persons) and Residential Care Facility (over 16 persons) are proposed as conditional uses in the AR zone.

- New Uses

##### **1. Community Garden.**

- A Community Garden is the cultivation of land by a group of people to grow products for personal use or distribution; not for sale on-site. The limited use standards restrict gross floor area of all structures to 10% of the lot or parcel, accessory structure height is limited to 12 feet, and only manual or walk-behind mechanical equipment and practices commonly used in residential gardening is allowed.

##### **2. Solar Collection System.**

- A Solar Collection System is allowed only as an accessory use; free-standing systems are limited to the production of 120% of the on-site energy consumption.

- Modification of Use

**Seasonal Outdoor Sales.**

Seasonal Outdoor Sales is the temporary sale of seasonal farm products such as pumpkins and evergreen trees. The limited use standards require a temporary use permit from DPS, the sales site cannot be used for residential purposes, and if on the site of a Religious Assembly use, the site must front on and have access to a road built to primary or higher standards.

- Uses Removed

**1. Parking of Motor Vehicles, off-street, in connection with commercial uses.**

This use has been removed, except for surface parking for commercial uses in an historic district. This is a commercial use of agricultural/residential land. Once used for parking, the property becomes commercial. During subsequent master plan review such properties tend to be recommended for commercial zoning thereby removing the property from the primary intended use of the zone.

**2. Parking of Motor Vehicles, other than heavy commercial vehicle, off-street in connection with any use permitted.**

This use was removed as a primary use. Surface parking lots are not considered a compatible agricultural land use. This does not affect parking on-site (accessory) for any use allowed in the zone.

**3. Swimming Pool, private.**

A Swimming Pool, private is a pool owned by not more than 10 families and used by only member families and their guests. In the RDT zone, however, footnote 16 adds that a Swimming Pool, private is “for use of the property owner and their nonpaying guest”.

- Change from Special Exception Use to a Limited Use

**Bed and Breakfast**

Almost all nondiscretionary special exceptions standards have been retained as limited use standards. For the AR zone this use is allowed as a limited use; it may be prohibited if not accessory to Farming under Sec. 3.1.5, Transferable Development Rights (current footnote 48).

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**Article 59-4: Euclidean Zone Requirements: General and Standard Method**

Standard method is the only development method in the AR zone, maintaining the status quo. Density, lot areas, and child lot provisions are not substantively changed from the current ordinance: only one unit is allowed per 25 acres.

**Changes from the current code:**

A flexible lot alternative, establishing a maximum lot size of 3 acres, is provided to encourage agricultural and conservation easements; coverage up to 15% allowed for this alternative.

Building types are a new concept in all zones; the AR zone only allows detached houses and general buildings. Standards for the general building are entirely new reflecting the need to address the development of uses other than residential living that are currently allowed in the AR zone.

Rear setback for accessory structures is increased from 10 feet to 15 feet. The increased setback is proposed to provide a modest increase in protection for abutting lots as accessory structures used in agriculture are exempt from height restrictions.

**Article 59-7: General Development Requirements**

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This article provides general requirements for all development with respect to parking, open space, landscaping, outdoor lighting, screening, and signs. Many of the requirements are not new, however the organization of these regulations into one section is new to the code.

**Changes from the current code:**

Several requirements under this article do not apply to the AR zone including regulations on site access, open space, recreation facilities, and signs.

Under Division 7.5 Landscaping and Outdoor Lighting, outdoor lighting for conditional uses is limited to a maximum 0.1fc illumination level at any lot line abutting a detached house. Landscaping is required for parking areas for conditional uses requiring more than 3 parking spaces. Parking lot lighting and screening may also be required depending on the level and type of development. Agricultural uses are exempt for the regulations on Outdoor Storage and Display.

**Article 59-8: Administration and Procedures**

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This article provides a summary of the review and approval authority for District Council approvals, regulatory approvals, and administrative approvals required under the zoning code.

**Changes from the current code:**

The majority of changes made to the administration and procedures of the code are general and not specific to a particular zone.

Changes to procedure that are zone specific include modifications in how a use is allowed within a zone. Some uses that are currently a special exception, requiring approval by the Hearing Examiner and/or the Board of Appeals may be proposed as a limited use whereby the standards for approval are listed in the code, and approval can be made by DPS. Some limited uses require site plan approval.

The only current special exception proposed to become a limited use in the AR zone is the Bed and Breakfast.

Several permitted uses are proposed to be limited use in order to incorporate existing footnotes. Most of these footnotes limit or specify standards that must be met in order for the use to be approved. Thus changes from a permitted to a limited use rarely change the nature of the approval process.