

# Changes to the Residential Zones in the Planning Board Draft

## Article 59-2: Zoning Districts

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Section 2.1.5.A.1 establishes 7 Residential Detached zones, 3 Residential Townhouse zones and 3 Residential Multi-Unit zones. Section 2.1.5.B provides the intent statement for these sets of zones, breaking down the Residential Detached zones into 3 categories, Residential Estate, Residential Low Density and Residential Medium Density.

### Changes from the current code:

- In the current code, only the townhouse zones have an intent statement. These townhouse zones are proposed to remain in the code, but will no longer be available for application. The intent statements for the Residential Detached zones, the Residential Townhouse zones, and the Residential Multi-Unit zones are all new.
- The intent statements for the Residential zones are as follows:

### B. Intent Statements

#### 1. Residential Detached Zones

##### a. Residential Estate (RE-2, RE-2C, RE-1)

The intent of the RE-2, RE-2C, and RE-1 zones is to provide designated areas of the County for large-lot residential uses. The predominant use is residential in a detached house. The RE-2C zone permits Optional Method Cluster Development.

##### b. Residential Low Density (R-200)

The intent of the R-200 zone is to provide designated areas of the County for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.

##### c. Residential Medium Density (R-90, R-60, R-40)

The intent of the R-90, R-60, and R-40 zones is to provide designated areas of the County for moderate density residential uses. In the R-90 and R-60 zones, the predominant use is residential in a detached house. In the R-40 zone, the predominant use is residential in a duplex or detached house. A limited number of other building types may be allowed in these zones under the Optional Method of Development.

#### 2. Residential Townhouse Zones (TLD, TMD, THD)

The intent of the TLD, TMD, and THD zone is to provide designated areas of the County for residential purposes at slightly higher densities

than the Residential Medium Density zones. It is also the intent of the Residential Townhouse zones to provide a buffer or transition between nonresidential or high-density residential uses and the medium- or low-density Residential zones.

### 3. Residential Multi -Unit Zones (R-30, R-20, R-10)

The intent of the R-30, R-20, and R-10 zones is to provide designated areas of the County for higher-density, multi-unit residential uses. The predominant use is residential in an apartment/condo building, although detached house, duplex, and townhouse building types are allowed within these zones.

## **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 tables summarize the single use table in Section 3.1.7 of the proposed code. Each table lists all uses allowed by zone, the current use name(s), how the use is allowed, and a brief explanation for uses that have been consolidated or have changed. There are 3 tables one for the Residential Detached zones, one for the Residential Townhouse zones and a third table for the Residential Multi-Unit zones.

| Proposed Use/Use Group             | Current Use                        | Allowed in the RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40 | Proposed in the RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40 | Notes   |
|------------------------------------|------------------------------------|---|--|---|
| <b>AGRICULTURAL</b>                |                                    |   |  |   |
| Community Garden                   | Agricultural Uses                  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)         | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)          | Provides limited use standards specifying coverage and accessory structure height.  |
| Equestrian Facility                | Equestrian Facility                | SE<br>(RE-2, RE-2C, RE-1, R-200)                          | C<br>(RE-2, RE-2C, RE-1, R-200)                            |   |
| Farming                            | Agricultural Uses                  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)         | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)          | Farm is one of the agricultural uses listed under Agricultural in Sec. 59-C-9.3. In the proposed draft, Farming is limited to crop farming in the Residential Medium density zones (R-200, R-90, R-60 and R-40)   |
| Nursery (Retail)                   | Nursery, horticultural – Retail    | SE<br>(RE-2, RE-2C, RE-1, R-200)                          | C<br>(RE-2, RE-2C, RE-1, R-200)                            |   |
| Nursery (Wholesale)                | Nursery, horticultural – Wholesale | SE<br>(RE-2, RE-2C, RE-1, R-200)                          | C<br>(RE-2, RE-2C, RE-1, R-200)                            |   |
| <b>Accessory Agricultural Uses</b> |                                    |   |  |   |
| Animal Husbandry                   | Agricultural Uses                  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)         | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)          | Current code only limits the keeping of livestock through the accessory structure used to house animal and fowl. Draft proposes limiting the size and type of animal allowed, as well as the number of animals allowed per lot, while reducing the setbacks for accessory structures. |

|                                    |  |  |  |  |
|------------------------------------|--|--|--|--|
|                                    |  |  |  |  |
| Farm Market, On-Site               | Farm Market                                | P (RE-2, RE-2C, RE-1)                          | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates footnotes into limited use standards and expands use to other residential zones where land is being farmed (as current definition of agriculture allows for the sale of products produced on the farm). |
| <b>Temporary Agricultural Uses</b> |  |  |  |  |
| Agricultural Vending               | Agricultural Vending                       | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60)       | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Footnote 53 retained as the limited use standards. Expanded the use to R-40 zone.  |
|                                    |  |  |  |  |
| Seasonal Outdoor Sales             | Christmas Tree Sales between Dec. 5 and 25 | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | 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<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)   |  |
|   | Embassy                                 | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |  |  |
|   | Mobile Home, double-wide                | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60)  |  |  |
| <b>Two-Unit Living</b>                            | Dwellings, one-family semi-detached     | Under optional method<br>MPDU (RE-2C, RE-1, R-200, R-90, R-60, R-40) or Cluster Development (R-90, R-60)<br><br>P (R-40) | Under optional method<br>MPDU (RE-2C, RE-1, R-200, R-90, R-60, R-40) or Cluster Development (R-90, R-60)<br><br>P (R-40) |  |
|   | Dwellings, two-family detached          | P (R-40)   | P (R-40)   |  |
| <b>Townhouse Living</b>                           | Townhouse                               | Under optional method<br>MPDU (RE-2C, RE-1, R-200, R-90, R-60, R-40) or Cluster Development (R-90, R-60)                 | Under optional method<br>MPDU (RE-2C, RE-1, R-200, R-90, R-60, R-40) or Cluster Development (R-90, R-60)                 |  |
| <b>Group Living (Use Group)</b>                   | (Use Group – see individual uses below) |  |  |  |
| <b>Independent Living Facility for Seniors or</b> | Housing and Related                     | SE<br>(RE-2, RE-2C,  | C<br>(RE-2, RE-2C,   |  |

|                                     |  |   |  |  |
|-------------------------------------|--|---|--|--|
| Persons with Disabilities           | Facilities for Elderly or Handicapped Persons  | RE-1, R-200, R-90, R-60, R-40)                  | RE-1, R-200, R-90, R-60, R-40)                 |  |
| Residential Care Facility (up to 8) | Adult Foster Care Home                         | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Small group homes are a permitted use in these zones, 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 (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |  |  |
|                                     | Respite Care Home                              | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |  |  |
| Residential Care Facility (9 to 16) | Group Home, large                              | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
| Residential Care Facility (over 16) | Domiciliary Care Home (more than 16 residents) | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | These uses have been consolidated with other residential care uses (e.g. nursing home). These uses will be allowed based on the number of residents.   |
|                                     | Hospice Care Facility                          | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |  |
|                                     | Life Care Facility                             | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |  |
|                                     | Nursing home                                   | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |  |

| <b>Accessory Residential Uses</b>              |                                   |   |  |   |
|--|-----------------------------------|---|--|---|
| <b>Attached Accessory Apartment</b>            | Registered Living Unit            | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60)          | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60)       | Current ZTA incorporated as limited use standards retaining ability to seek a special exception/conditional use approval if certain standards cannot be met. Registered Living Unit has been consolidated under the accessory apartment use as the recent changes to accessory apartments operate in a fashion similar to the Registered Living Unit. |
|  | Accessory Apartment               | P/SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60)       |  |   |
| <b>Detached Accessory Apartment</b>            | Accessory Apartment               | P/SE (RE-2, RE-2C, RE-1)                          | L (RE-2, RE-2C, RE-1)                          |   |
| <b>Farm Tenant Dwelling</b>                    | Farm Tenant Dwelling              | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Restricts Farm Tenant Dwelling to only 1 mobile home in the RE-2, RE-2C, RE-1 and R-200 zones.  |
|  | Farm Tenant Mobile Home, one only | P (RE-2, RE-2C, RE-1, R-200)                      |  |   |
| <b>Guest House</b>                             | Guest house, as accessory use     | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    | L (RE-2, RE-2C, RE-1)                          | Footnote retained as a limited use standard. This use has been removed from the Medium Density Residential zones R-200, R-90, R-60 and R-40.  |
| <b>Home Health Practitioner (Low Impact)</b>   | Home Health Practitioner's office | P/SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Separated use into low and major impact to clarify use standards and process.   |
| <b>Home Health Practitioner (Major Impact)</b> | Home Health Practitioner's office | P/SE (RE-2, RE-2C, RE-1, R-200,                   | C (RE-2, RE-2C, RE-1, R-200,                   | Separated use into low and major impact to clarify use standards and process.   |

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|                                |                             | R-90, R-60, R-40)                               | R-90, R-60, R-40)                              |  |
|                                |                             |   |  |  |
| Home Occupation (No Impact)    | Home Occupation, no impact  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates footnotes into limited use standards. |
|                                |                             |   |  |  |
| Home Occupation (Low Impact)   | Home Occupation, registered | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates footnotes into limited use standards. |
|                                |                             |   |  |  |
| Home Occupation (Major Impact) | Home Occupation, major      | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |



| <b>CIVIC and INSTITUTIONAL</b>        |  |  |   |  |
|---------------------------------------|--|--|---|--|
| Charitable, Philanthropic Institution | Charitable or Philanthropic Institution                                      | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60)       | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60)       |  |
| Cultural Institution                  | Libraries and Museums  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Limited use standards incorporate current footnotes.   |
| Family Day Care (up to 8)             | Child Day Care Facility: Family Day Care Home                                | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | 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<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |   |  |
|                                       | Day Care Facility for more than 4 Senior Adults and Person with Disabilities | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |  |
| Group Day Care (9 to 12)              | Child Day Care Facility: Group Day Care Home                                 | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | 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<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |  |

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|                                    |  |   |  |  |
| Day Care Center (13 to 30)         | Child Day Care Facility: Child Day Care Center                               | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
|                                    | Day Care Facility for more than 4 Senior Adults and Person with Disabilities | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |  |
|                                    |  |   |  |  |
| Day Care Center (over 30)          | Child Day Care Facility: Child Day Care Center                               | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
|                                    | Day Care Facility for more than 4 Senior Adults and Person with Disabilities | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |  |
|                                    |  |   |  |  |
| Educational Institution (Private)  | Educational Institutions, private  | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
|                                    |  |   |  |  |
| Playground, Outdoor Area (private) | Recreational facilities primarily for the use of residents                   |   | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | An outdoor area used for outdoor recreation often containing outdoor recreation facilities such as slides, swings, trails and greenways. |
|                                    |  |   |  |  |
| Private Club, Service Organization | Private Clubs and Service Organizations                                      | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |

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|                               |   |  |   |  |
| Public Use (except Utilities) | Publicly Owned or Publicly Operated Use                                       | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
|                               | Ambulances or Rescue Squads, publicly supported                               | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |   |  |
|                               | Fire Stations, publicly supported   | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |   |  |
|                               |   |  |   |  |
| Religious Assembly            | Churches, memorial gardens, convents, monasteries and other places of worship | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |
|                               |   |  |   |  |
| Swimming Pool (Community)     | Swimming Pools, community   | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |  |

| <b>COMMERCIAL</b>              |   |  |   |   |
|--------------------------------|---|--|---|---|
| Animal Boarding and Care       | Animal Boarding Place   | SE<br>(RE-2, RE-2C, RE-1, R-200)                     | C<br>(RE-2, RE-2C, RE-1, R-200)                   | Modified conditional use standards regarding noise (refers to Noise Ordinance), setback for exterior areas, hours of outdoor care.                                      |
| Veterinary Office/<br>Hospital | Hospital,<br>Veterinary   | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)   | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60)       | Modified conditional use standards regarding noise (refers to Noise Ordinance), setback for exterior areas, hours of outdoor care.                                      |
| Cable Communication System     | Cable Communicatio<br>ns System                                   | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)   | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| Media Broadcast Tower          | Radio and<br>Television<br>Broadcasting<br>Stations and<br>Towers | SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)   | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| Telecommunication Tower        | Telecommunica<br>-tions Facility                                  | P/SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Drafts separates out the antenna from the tower facility – the antenna is permitted, while the tower remains a conditional use.   |
| Country Inn                    | Country Inns  | Allowed in the<br>Country Inn<br>zone                | L<br>(RE-2, RE-1, R-200)                          | Only a limited use if existing at the date of adoption of the code, otherwise a conditional use with use standards equivalent to the standards of the Country Inn zone. |
| Cemetery                       | Cemetery  | SE<br>(RE-2)   | C<br>(RE-2)                                       | Family Burial Sites are only allowed if in existence prior to July 1991.  |
|                                | Family Burial Sites   | SE<br>(RE-2, RE-2C, RE-1, R-200)                     |   |   |
| Funeral Home,<br>Undertaker    | Funeral Parlor<br>or Undertaking                                  | SE<br>(RE-2, RE-1, R-                                | C<br>(RE-2, RE-1, R-                              |   |

|   |   |   |  |   |
|---|---|---|--|---|
|   | Establishment   | 200, R-90)                                      | 200, R-90)                                     |   |
| <b>Landscape Contractor</b>                                       | Landscape Contractor  | SE (RE-2, RE-2C, RE-1, R-200)                   | C (RE-2, RE-2C, RE-1, R-200)                   |   |
| <b>Bed and Breakfast</b>  | Bed-and-breakfast lodging with one or 2 guest rooms                         | P (RE-2, RE-2C, RE-1, R-200, R,90)<br>SE (R-60) | L (RE-2, RE-2C, RE-1, R-200)<br>C (R-90, R-60) | Only one Bed and Breakfast use with up to 5 guest rooms. All non-discretionary Special Exception standards are retained as Limited Use standards.                               |
|   | Bed-and-breakfast lodging with 3, 4 or 5 guest rooms                        | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60)       |  |   |
| <b>Clinic (up to 4 Medical Practitioners)</b>                     | Clinic, medical or dental, for no more than 4 medical practitioners         | SE (R-200, R-90, R-60)                          | C (R-200, R-90, R-60)                          | Retained specific special exception use standards. Modified minimum setback from an abutting property – where abutting non-residential setback reduced from 40 feet to 20 feet. |
| <b>Office</b>   | Offices, professional, nonresident  | SE (R-200, R-90, R-60)                          | C (R-200, R-90, R-60)                          | Retained specific special exception standards. Definition has been modified. Use standards regarding storage, deliveries and parking have been added.                           |
| <b>Surface Parking for Use Allowed in the Zone</b>                | Parking of Motor Vehicles, off-street, in connection with any use permitted | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Limited use standards require parking setbacks accommodate landscaping required under Sec. 7.2.9.   |
| <b>Surface Parking for Commercial Uses in a Historic District</b> | Parking of motor vehicles, off-street, in connection with commercial uses   | P (RE-2, RE-2C, RE-1, R-200)<br>SE (R-60, R-40) | L (RE-2, RE-2C, RE-1, R-200)<br>C (R-60, R-40) | Clarified that the use is intended only for commercial uses in an historic district.  |

|   |   |   |  |   |
|---|---|---|--|---|
| <b>Campground</b>   |   |   |  |   |
| Campgrounds   | Campgrounds                                     | SE (RE-2C)  | C (RE-2C)                                      |   |
| <b>Golf Course, Country Club</b>                                    |   |   |  |   |
| Golf Course and Country Club  | Golf Course and Country Club                    | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)   | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| <b>Recreation and Entertainment, Outdoor (Capacity up to 1,000)</b> |   |   |  |   |
| Group Catering, Picnic, and Recreation Facility                     | Group Catering, Picnic, and Recreation Facility | SE (RE-2C)  | C (RE-2C, R-200)                               | Special exception standards for the 2 consolidated uses were retained for the applicable zone.  |
|   | Catering Facility Outdoors                      | SE (R-200)  |  |   |
| <b>Recreation and Entertainment, Major (Capacity over 1,000)</b>    |   |   |  |   |
| Group Catering, Picnic, and Recreation Facility                     | Group Catering, Picnic, and Recreation Facility | SE (RE-2C)  | C (RE-2C)                                      |   |
| <b>Rural Antique Shop</b>   |   |   |  |   |
| Antique Shop  | Antique Shop                                    | SE (RE-2, RE-1, R-200)                            | C (RE-2, RE-1, R-200)                          |   |
| <b>Rural Country Market</b>   |   |   |  |   |
| Country Market  | Country Market                                  | SE (RE-2, RE-2C, RE-1, R-200)                     | C (RE-2, RE-2C, RE-1, R-200)                   |   |
| <b>Accessory Commercial Uses</b>                                    |   |   |  |   |
| <b>Amateur Radio Facility (up to 65')</b>                           |   |   |  |   |
| Amateur Radio Facility  | Amateur Radio Facility                          | P/SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | An Amateur Radio Facility is permitted with a height up to 65 feet.                             |
| <b>Amateur Radio Facility (over 65')</b>                            |   |   |  |   |
| Amateur Radio Facility  | Amateur Radio Facility                          | P/SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Where height is greater than 65 feet, a special exception/conditional use approval is required. |
| <b>Commercial Kitchen</b>   |   |   |  |   |
| Commercial Kitchen  | Commercial Kitchen                              | P (R-90, R-60)                                    | L (R-90, R-60)                                 | Must be accessory to Religious Assembly or Public Use.  |

|   |   |  |   |  |
|---|---|--|---|--|
| Antenna on existing structure               | Telecommunications Facility   | P/SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates footnote 18 and standards under Section A-6.12 and A-6.14.  |
| <b>Temporary Commercial Uses</b>            |   |  |   |  |
| Construction Administration or Sales Office | Temporary Construction Administration or Sales Office                                       | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Currently allowed in all zones under certain conditions stated under Section A-6.11.   |
| Transitory Use                              | Transitory Use  | P/SE<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates footnote 38 and standards under Section A-6.22.   |
| <b>INDUSTRIAL</b>                           |   |  |   |  |
| Mining, Excavation                          | Rock or Stone Quarry  | P/SE<br>(R-200)                                      | L<br>(R-200)                                      |  |
| Railroad Track                              | Railroad Track  | P<br>(RE-2, RE-1, R-200, R-90, R-60, R-40)           | P<br>(RE-2, RE-1, R-200, R-90, R-60, R-40)        |  |
| Distribution Lines (Above Ground)           | Electric Power Transmission and Distribution Lines, overhead, carrying 69,000 volts or less | P<br>(RE-2, RE-1, R-200, R-90, R-60, R-40)           | L<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Electric Power Transmission and Distribution Lines, overhead, carrying more than 69,000 volts cannot be regulated under the zoning ordinance |
|   | Telephone and Telegraph Lines   | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    |   |  |
| Distribution Lines (Below Ground)           | Telephone and Telegraph Lines   | P<br>(RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)    |  |
|   | Electric Power Transmission and Dist. Line, underground                                     | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)       |   |  |

|                                       |   |   |  |   |
|---------------------------------------|---|---|--|---|
| Pipeline (Above Ground)               | Pipelines, above ground                   | SE (RE-2, RE-1, R-200, R-90, R-60, R-40)        | C (RE-2, RE-1, R-200, R-90, R-60, R-40)        |   |
| Pipeline (Below Ground)               | Pipelines, underground                    | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| Public Utility Buildings or Structure | Public Utility Buildings and Structures   | SE (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | C (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| <b>MISCELLANEOUS</b>                  |   |   |  |   |
| Noncommercial Kennel                  | Kennels, Noncommercial                    | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| Solar Collection System               | Accessory Buildings, Structures and Uses  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Provides use standards specific to solar panels as an accessory use.  |
| <b>ACCESSORY MISCELLANEOUS USES</b>   |   |   |  |   |
| Accessory Structures                  | Accessory Buildings, Structures and Uses  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | L (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) | Incorporates restriction on size of accessory structures. Retains exemption for structures housing an agricultural use. |
|                                       | Signs                                     | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  |  |   |
| Accessory Uses                        | Accessory Buildings, Structures, and Uses | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40)  | P (RE-2, RE-2C, RE-1, R-200, R-90, R-60, R-40) |   |
| Security Pavilion                     | Security Pavilion                         | P (RE-2, RE-1, R-200)                           | L (RE-2, RE-1, R-200)                          | Incorporates footnote 50 and standards under Section A-6.17.  |



| <b>USES REMOVED</b>   |  |   |
|---|--|---|
| <b>Current Use</b>  |  | <b>Rationale for Removal</b>  |
| Airstrips, in the common open space   |  | Retained airstrips only where needed for agricultural operations.   |
| Boardinghouses  |  | Removed. No active Boardinghouse special exceptions.  |
| Clinic , medical or dental, for 5 or more medical practitioners                 |  | Removed. Requires a petition prior to February 1989. Grandfathered if existing.   |
| Community Redevelopment Areas   |  | Only those in existence prior to 1991. Grandfathered existing.  |
| Offices, medical practitioner, for use by other than a resident of the dwelling |  | Removed. If not a resident, use is treated as a Clinic up to 4 medical practitioners.   |
| Opportunity Housing Projects  |  | Removed after consultation with DHCA/HOC.   |
| Parking of Motor Vehicles, Off-street, in connection with commercial uses       |  | Parking as the primary use of a parcel of land in the Rural zone is not compatible with the rural character of the area. Surface Parking for Commercial Uses in a Historic District has been retained.                                |
| 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. 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. Farm Tenant Dwelling.**

- The proposed Farm Tenant Dwelling use is a consolidation of Farm Tenant Dwelling and Farm Tenant Mobile Home, only.
- A Farm Tenant Dwelling is a permitted in all of the Residential Detached zones except for the RE-2C zone. A Farm Tenant Mobile Home, only one is permitted in the RE-2, RE-2C, RE-1 and R-200 zones. The proposed code retains any non-discretionary special exception standards as limited use standards under the consolidated use.

**2. 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 is almost every zone. Currently, this includes Adult Foster Care Home, Respite Care Home and Group Home, Small (up to 8 residents).

- A Group Home, Large (9-16 residents) require a special exception in the Residential detached zones.
- And larger residential care facilities require a special exception in the Residential Detached zones.
- In the proposed code, Residential Care Facility (up to 8) is a permitted use in the Residential Detached zone. Residential Care Facility (9-16 persons) and Residential Care Facility (over 16 persons) are proposed as conditional uses in these zones.

**3. 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 the Day Care use based on capacity.
- Family Day Care allows up to 8 persons and is permitted in all Residential Detached zones.
- Group Day Care Home is for 9-12 persons. This use is permitted in the RE-2, RE-2C, RE-1, and R-200 zones. It is a special exception in the R-90, R-60 and R-40 zones. The proposed use, Group Day Care, is allowed in the same fashion for these zones.
- 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 in the Residential Detached zones.

- Modified Conditional Use Standards

**1. Animal Boarding and Care**

- Some of the current special exception standards for animal boarding in a rural or residential zone have been modified.
  - i. ~~On weekdays, The sound at the nearest receiving property line cannot must not exceed 60 dBA. between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.~~

- ii. For all buildings in which animals will be present contained, maximum expected interior sound levels emanating from the interior of the building must be reduced to 40 dBA (A-weighted decibels) outside satisfy Chapter 31B as measured at ten feet from the structure at the property line.
  - o Propose to combine into one standard, "The sound at the nearest property line must not exceed the maximum allowable noise levels as specified under Chapter 31B."
- iii. ~~No~~ Animals are prohibited from being ~~may be~~ outdoors between ~~6~~ 9:00 p.m. and ~~8~~ 7:00 a.m. (This corresponds to the definition of weekday, nighttime hours under Chapter 31 B).
- iv. All buildings and accessory structures must be set back from any property line a minimum of ~~75~~ 50 feet from any lot line.

## 2. Veterinary Office/Hospital

- i. ~~On weekdays,~~ The sound at the nearest receiving property line cannot must not exceed 60 dBA. ~~between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.~~
- ii. For all buildings in which animals will be present contained, maximum expected interior sound levels emanating from the interior of the building must be reduced to 40 dBA (A-weighted decibels) outside satisfy Chapter 31B as measured at ten feet from the structure at the property line.
  - o Propose to combine into one standard, "The sound at the nearest property line must not exceed the maximum allowable noise level as specified under Chapter 31B."
- iii. ~~No~~ Animals are prohibited from being ~~may be~~ outdoors between ~~6~~ 9:00 p.m. and ~~8~~ 7:00 a.m. (This corresponds to the definition of weekday, nighttime hours under Chapter 31 B).
- iv. All buildings and accessory structures must be set back from any property line a minimum of 50 feet from any residential lot line.

- v. Exterior areas used to exercise, walk or keep animals must be set back from any property line a minimum of 200 75 feet from any lot line and screened from adjacent residential properties.

- 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. **Playground, Outdoor Area (Private)**

- This is a new use to accommodate active and passive recreational uses in common open space, where common open space is only required for certain building types and development methods.
    - We will be requesting as part of our review and recommendation to the Planning Board that this use be removed from the Rural zone as there is not a development method/building type that needs to be accommodated by this use.

- 3. **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.

- Change from Special Exception Use to a Limited Use

- Bed and Breakfast**

- All nondiscretionary special exceptions standards have been retained as limited use standards.

- Use Modification

- 1. **Animal Husbandry**

- Animal Husbandry is a modification of an existing use in the Residential Detached zones. Currently, any type of farm animal is allowed, provided that the structure used to house the animal is 100' from a dwelling on a neighboring lot and 25' from a lot line. These setback standards prevent many residents in small-lot residential zones from being allowed to legally raise farm animals. Recognizing the growing interest in raising hens, rabbits and pygmy goats, the draft proposes modified standards for the accessory structure and limitations on the type and number of animals allowed.

- 2. **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.
- Change from Special Exception Use to a Limited Use

**Bed and Breakfast**

All nondiscretionary special exceptions standards have been retained as limited use standards in the RE-2, RE-2C, RE-1 and R-200 zones. Bed and Breakfast remains a conditional use in the R-90 and R-60 zones.

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

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This article provides general information regarding building types, measurements and exceptions, development requirements for standard method development by zone, and regulations for overlay zones.

**Changes from the current code:**

Section 4.1.3 Building Types is an entirely new section establishing building types and describing their basic attributes. Section 4.1.4 Building Types Allowed by Zone is also an entirely new section establishing which building types are allowed in each zone. 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 Residential zones. Some building types are only allowed under the optional method of development – either MPDU and/or Cluster.

Section 4.1.5 Measurement and Exceptions replaces several definitions from Section 59-A-2 and Article 59-B. This section is organized to parallel the development standard tables for each of the zones:

- A. Site;
- B. Lot and Density;
- C. Placement;
- D. Height; and
- E. Form.

Several terms, not defined under the current, are defined in this section. Site is defined as “an area of land including all existing and proposed lots and parcels in one application, except proposed and existing dedications and rights-of-way.” Lot has been redefined from “A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the

provisions of this chapter, having a least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public street or public way” to “A contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.” This change removes unnecessary language about development standards that are addressed by the standards of the zone.

A new section defining building setbacks and their measurement has been added. Corner lots remain defined as they currently are; the proposed language for the measurement of setbacks on corner lots is similar, but the proposed addressing language for corner lots is new.

Under Mechanical Equipment and Utility Line Encroachments, a permanent rainwater collection or harvesting systems may projects a maximum of 3 feet into any side street, side, or rear setback.

The measurement of building height all Residential zones is taken from the definition of building height for the R-90 and R-60 zones under the current code. Building height is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of a roof surface of a flat roof. Average grade is calculated using the average of the highest and lowest elevation along pre-development or finished level of ground (whichever is more restrictive), along the front of the building parallel to the front setback line — regardless of how far the building is set back from the street. The proposed code discourages terracing as it does not allow for a building’s height to be increased by the height of the terrace. The Department of Permitting Services and other stakeholders noted that the many variations in how we currently measure height made it difficult to apply consistently and thought these changes would make measuring height easier and ensure better consistency of measurement while maintaining certain safeguards for the Agricultural, Rural, and Residential zones. All references to stories have been removed.

Density, lot dimensions, and all principle dwelling setbacks remain the same for the Residential Detached zones. Maximum coverage for accessory structures in the rear yard has been removed. The total lot coverage, setbacks and placement of accessory structures behind the rear building line, and the requirement that an accessory structure be subordinate to the principal dwelling all remain unchanged. In addition, the maximum accessory structure height in the R-200 zones has been decreased from 50’ to 35’.

The development requirements for the townhouse zones are all new as these Euclidean townhouse zones are new to the ordinance.

The development requirements for the multi-unit zones have been simplified. Density, lot area per unit and per site, minimum lot width, setback from the street, side lot line and rear lot line setbacks, building height, coverage and open space standards have all been retained. Setback compatibility standards when abutting an agricultural, rural residential or residential zone have been added. Minimum lot width for corner lots or multiple group-dwellings, setback from the

street center line, sum of side lot line setbacks, and minimum required distance between buildings has been removed.

## **Article 59-6: Optional Method Requirements**

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The optional methods of development contain alternative development requirements for the zones in which the method is allowed.

### **Changes from the current code:**

- **MPDU Development in Residential Zones**
  - Currently, MPDU optional method development is allowed in all but the RE-2 zone. This remains the case.
  - Density limits are identical in all cases as are the allowed building types.
  - Density of development is calculated on usable area within a tract. Calculating density in this fashion is not new; however, the definition of usable area has been modified by the Planning Board. Currently,
    - “The usable area upon which the density of development is calculated 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.
    - The proposed definition of usable area is “The area upon which the density of development is calculated in MPDU and Cluster Development Optional Method projects. If more than 50% of the tract is within environmental buffers, usable area is calculated by deducting from the tract the incremental area of the environmental buffer that exceeds 50%.”
    - The rationale for modifying usable area is twofold. One, removal of the requirement to deduct all land indicated on a master plan of highways as a right-of-way with a width of 100 feet or more has the potential to increase usable area for the production of affordable housing. Two, changing the requirement for environmental conditions, from one that is subject to the determination of an “excessively high percentage” to one that states the percentage provides clarity to the ordinance, yet may decrease to amount of usable area based on environmental conditions.

- In the Residential Detached zones, removed the different lot size and setback requirements for MPDU units, which are captured in footnote 7. Instead, the proposed draft recommends slight reductions in lot sizes for all units under MPDU optional method development. These modifications have been proposed to provide more flexibility in design and placement while also ensuring adequate buffering.
  - Side and rear setbacks within the development are determined at site plan, however, where abutting a property not included in the application then the setbacks equal that of a detached house in the abutting zone (rather than increasing the setback by 2 feet for every foot in height over 35 feet – height is capped at 40 feet.)
  - Accessory structure setbacks are treated in a fashion similar to principle dwelling setbacks; side and rear setbacks are determined at site plan, except where abutting a property not included in the application then the setbacks equal that of a detached house in the abutting zone.
  - Maximum coverage standards provided for each zone is new. Under optional method the maximum lot coverage is greater than that allowed under standard method. This modification is compatible with the reduced lot size requirement providing more flexibility in design and placement while also ensuring adequate buildable area.
  - Common open space is required for all MPDU development in a Residential Detached zone. Currently the amount of “green area” required is a fixed number of square feet per duplex or townhouse unit. The proposed draft requires a percentage of usable area be provided as common open space. This modification is proposed to provide more flexibility in design and provide an outdoor area that better fits the scale of development.
  - Density and open space requirements for the new Euclidean Townhouse zones are based on the density and “green area” requirements under optional method MPDU development in the comparable R-T zones.
  - For the Multi-unit zones, density and open space requirements are the same as those under the current code.
  - Development standards for setbacks and accessory structures are provided for the Townhouse and Multi-unit zones. The current code does not specify these standards.
- **Cluster Development in Residential Zones**
  - Cluster optional method development is allowed in the RE-2C, RE-1, R-200, R-90, and R-60 zones under the current and proposed code.
  - Minimum site area remains unchanged, however, a specification is provided that allows the Planning Board to approve cluster development on a smaller site if cluster development is recommended for the site in a master plan (currently allowed under R-90 and R-60), or the Board finds the smaller site would be more



suitable for environmental reasons (currently allowed under RE-2C and RE-1), which is more broadly written than the existing language.

- Density limits are identical in all cases as are the allowed building types.
- Density of development is calculated on usable area within a tract. Calculating density in this fashion is not new; however, the definition of usable area has been modified by the Planning Board as noted above.
- Minimum lot sizes are reduced, except for a detached house in the R-90 zone. Minimum lot width for a townhouse building type has been reduced. And, an open space requirement has been added since a specific amount is not currently required. These modifications are proposed to encourage smaller lots, more clustering, and greater preservation of open space.
- Setback from a public street has been decreased by 5' for RE-2C and RE-1 and increased by 5' in the R-60.
- Front setback from a private street or open space is new, as is side street setback.
- Side and rear setbacks are determined at site plan, except where abutting a property not included in the application then the side setback equals that of a detached house in the abutting zone. Rear setbacks are unchanged.
- Accessory structure setbacks are treated in a similar fashion; side and rear setbacks are determined at site plan, except where abutting a property not included in the application then the side setback equals that of a detached house in the abutting zone. Rear setbacks are unchanged.

## **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, compatibility standards, 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:**

#### **Parking:**

Parking requirements will be covered as a separate topic.

#### **Open Space:**

Open space is not new to the Residential zones. The townhouse zones, multi-family zones and optional method MPDU development all require some amount of "green area". Under the proposed code, "green area" has been renamed "common outdoor area" to better illustrate the purpose of the space. Open space requirements for the new Euclidean townhouse zones are based on the "green area" requirements for the existing R-T zones, while the open space

requirements for the multi-unit zones remains unchanged. In addition, all optional method MPDU and cluster development requires a minimum amount of usable area to be provided as common open space by zone, regardless of building type.

**Compatibility Standards:**

Compatibility standards are intended to ensure appropriate distances, height relationships, and screening between different building types, development intensities, and uses.

Conditional uses in any building type and any use in a general building must provide screening if an abutting property is in an Agricultural, Rural Residential, or Residential zone and is vacant or improved with an agricultural or residential use. (Some use standards specifically exempt a particular use from the screening requirement). Setback standards are increased for general buildings abutting property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use. In addition, height restrictions apply to development abutting property that is vacant or improved with an agricultural or residential use, where the proposed height is greater than the height in the abutting zone.

**General Landscaping and Outdoor Lighting:**

Under Division 7.5 General 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.

**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.

Only 2 current special exceptions are proposed to become a permitted or limited use in the Residential zones.

- One is Bed and Breakfast. The draft proposed consolidating Bed and Breakfast (up to 2 rooms) with Bed and Breakfast (3, 4, or 5 rooms). The new use would allow up to 5 rooms, and in the RE-2, RE-2C, RE-1 and R-200 zones it would be a limited use with all non-discretionary special exception standards retained as limited use standards.
- The other is Day Care for More Than 4 Senior Adults or Persons with Disabilities. Adult and child day care uses have been consolidated under a broader day care use without differentiating the use based on recipient age. Family Day Care for up to 8 children is a permitted use under current zoning. Because the impact of a facility would be similar, Day Care for More Than 4 Senior Adults or Persons with Disabilities is proposed as a permitted use up to 8 persons. Currently, Day Care for up to 12 children is allowed subject to certain standards under current zoning regulations. Because the impact of a facility would be similar, Day Care for More Than 4 Senior Adults or Persons with Disabilities is proposed as a limited use for 9 to 12 persons.

Several permitted uses are proposed to be a 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. One exception is the Country Inn use. Currently, the Country Inn is a floating zone. It is proposed that the areas currently zoned Country Inn revert to their prior zoning. This would introduce a Country Inn use in the RE-2, RE-1, and R-200 zones. The Country Inn is proposed as a limited use retaining all non-discretionary standards that applied to the Country Inn zone. In addition, only those existing at the time of adoption of the code would be considered a limited use. All new Country Inn uses would be required to meet the limited use standards and obtain a conditional use approval.