

Changes to the Rural Residential Zones in the Planning Board Draft

Article 59-2: Zoning Districts

Section 2.1.4.A establishes the three Rural Residential zones, the R (Rural), RC (Rural Cluster), and RNC (Rural Neighborhood Cluster) zones. Section 2.1.4.B provides the intent statement for the Rural Residential zones.

Changes from the current code:

- The R, RC, and RNC zones are currently categorized as agricultural zones. The proposed draft creates a new category for these zones that more closely aligns with the intent of these zones.
- Modified the intent statement of the zones as follows:

Intent Statements

1. Rural (R)

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

2. Rural Cluster (RC)

The intent of the RC zone is to provide designated areas of the County for a compatible mixture of agricultural uses and very low-density residential development, to promote agriculture, and to protect scenic and environmentally sensitive areas. **The RC zone permits an Optional Method Cluster alternative to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive areas without jeopardizing farming or other agricultural uses. (Taken from the purpose statement for Cluster Development)**

3. Rural Neighborhood Cluster (RNC)

a. The intent of the RNC zone is to preserve open land, environmentally sensitive natural resources, and rural community character ~~that would be lost under conventional large-lot zoning~~ through clustering of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting. A master plan must recommend the RNC zone, and must provide development guidelines and recommendations regarding density, and the location and rationale for preserving the rural open space.

b. It is also the intent of the RNC zone to implement the recommendations of the applicable master plan, such as maintaining broad vistas of open space, preserving agrarian character, or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the applicable master plan and is compatible with existing development in adjoining communities. (Reordered from current code, nothing deleted).

Article 59-3: Uses and Use Standards

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 R, RC, and/or RNC	Proposed in the R, RC and/or RNC	Notes
AGRICULTURAL				
Agricultural Processing	Agricultural Processing	SE (R, RC)	C (R, RC)	Consolidates several agricultural processing uses – standardizing the use standards. Removed Agricultural Processing in the RNC zone, incompatible as a primary use in cluster development.
	Grain Elevator	SE (R, RC)		
	Manufacturing of Mulch and Composting	SE (R, RC)		
	Milk Plant	SE (R, RC)		
	Sawmill	SE (R, RC)		
Community Garden	Other Agricultural Uses	P (R, RC, RNC)	L (R, RC, RNC)	Provides limited use standards specifying coverage and accessory structure height.

Equestrian Facility	Equestrian Facility	P/SE (R, RC, RNC)	L (R, RC, RNC)	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 (RC)	C (RC)	Consolidates two uses. Retains use standards associated with more intense use.
	Farm supply: sales, storage, or service	SE (RC)		
Farming	Farm	P (R, RC, RNC)	P (R, RC, RNC)	Consolidates farming uses into one use
	Fish Hatchery	P (R, RC, RNC)		
	Other Agricultural Uses	P (R, RC, RNC)		
Nursery (Retail)	Nursery, horticultural – Retail	SE (R, RC, RNC)	C (R, RC, RNC)	
Nursery (Wholesale)	Nursery, horticultural – Wholesale	SE (R, RC, RNC)	C (R, RC, RNC)	
Slaughterhouse	Abattoir	SE (R, RC)	C (R, RC)	
Winery	Winery	P/SE (R, RC) SE (RNC)	L (R, RC) C (RNC)	Incorporates footnotes into limited use standards.
Accessory Agricultural Uses				
Animal Husbandry	Farm	P (R, RC, RNC)	P (R, RC, RNC)	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 Rural Residential zones.
	Other Agricultural Uses	P (R, RC, RNC)		

Farm Airstrip, Helistop	Airstrip, Associated with Farming Operations	SE (RC)	C (RC)	Consolidates two uses. Retains restriction for use only when associated with agricultural operations.
	Helistop	SE (R, RC)		
Farm Market, On- Site	Farm Market	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnotes into limited use standards.
Temporary Agricultural Uses				
Seasonal Outdoor Sales	Christmas Tree Sales between Dec. 5 and 25	P (R, RC, RNC)	L (R, RC, RNC)	Christmas Tree Sales are currently a permitted use. Provides additional standards for the broader use of Seasonal Outdoor Sales.

RESIDENTIAL				
Single-Unit Living	Dwellings, one-family detached	P (R, RC, RNC)	P (R, RC, RNC)	
	Mobile Home, double-wide	P (R, RC, RNC)		
Two-Unit Living	Dwellings, one-family semi-detached	P (RNC)	P (RNC)	
Townhouse Living	Townhouse	P (RNC)	P (RNC)	
Group Living (Use Group)	(Use Group – see individual uses below)			
Independent Living Facility for Seniors or Persons with Disabilities	Housing and Related Facilities for Senior Adults or Persons with Disabilities	SE (R, RC, RNC)	C (R, RC, RNC)	
Residential Care Facility (up to 8)	Adult Foster Care Home	P (R, RC, RNC)	P (R, RC, RNC)	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 (R, RC, RNC)		
	Respite Care Home	P (R, RC, RNC)		
Residential Care Facility (9 to 16)	Group Home, large	SE (R, RC, RNC)	C (R, RC, RNC)	
Residential Care Facility (over 16)	Domiciliary Care Home (more than 16 residents)	SE (R, RC, RNC)	C (R, RC, RNC)	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 (R, RC, RNC)		
	Life Care Facility	SE (R, RC, RNC)		
	Nursing home	SE (R, RC, RNC)		
	Sanitarium	SE (R, RC, RNC)		

Accessory Residential Uses				
Attached Accessory Apartment	Registered Living Unit	P (R, RC, RNC)	L (R, RC, RNC)	Current ZTA incorporated as limited use standards retaining ability to seek a 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 RLU.
	Accessory Apartment	P/SE (R, RC, RNC)		
Detached Accessory Apartment	Accessory Apartment	SE (R, RC)	C (R, RC)	
Farm Tenant Dwelling	Farm Tenant Dwelling	P (R, RC, RNC)	L (R, RC, RNC)	Restricts Farm Tenant Dwelling to less than 4 mobile homes.
	Farm Tenant Mobile Home, more than one but less than 4	SE (R, RC, RNC)		
Guest House	Guest house, accessory use	P (R, RC, RNC)	L (R, RC, RNC)	Footnote retained as a limited use standard.
Home Health Practitioner (Low Impact)	Home Health Practitioner's office	P/SE (R, RC, RNC)	L (R, RC, RNC)	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 (R, RC, RNC)	C (R, RC, RNC)	
Home Occupation (No Impact)	Home Occupation, no impact	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnotes into limited use standards.
Home Occupation (Low Impact)	Home Occupation, registered	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnotes into limited use standards.
Home Occupation (Major Impact)	Home Occupation, major	SE (R, RC, RNC)	C (R, RC, RNC)	

CIVIC and INSTITUTIONAL				
Charitable, Philanthropic Institution	Charitable or Philanthropic Institution	SE (R, RC, RNC)	C (R, RC, RNC)	
Cultural Institution	Libraries and Museums	P (RC, RNC)	L (RC, RNC)	Limited use standards incorporate current footnotes.
Family Day Care (up to 8)	Child Day Care Facility: Family Day Care Home	P (R, RC, RNC)	P (R, RC, RNC)	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 (R, RC, RNC)		
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE (R, RC, RNC)		
Group Day Care (9 to 12)	Child Day Care Facility: Group Day Care Home	P (R, RC, RNC)	L (R, RC, RNC)	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 (R, RC, RNC)		

Day Care Center (13 to 30)	Child Day Care Facility: Child Day Care Center	SE (R, RC, RNC)	C (R, RC, RNC)	
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE (R, RC, RNC)		
Day Care Center (over 30)	Child Day Care Facility: Child Day Care Center	SE (R, RC, RNC)	C (R, RC, RNC)	
	Day Care Facility for more than 4 Senior Adults and Person with Disabilities	SE (R, RC, RNC)		

Educational Institution (Private)	Educational Institutions, private	SE (R, RC, RNC)	C (R, RC, RNC)	
Playground, Outdoor Area (private)	Recreational facilities primarily for the use of residents		P (R, RC, RNC)	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 (R, RC, RNC)	C (R, RC, RNC)	
Public Use (except Utilities)	Publicly Owned or Publicly Operated Use	P (R, RC, RNC)	P (R, RC, RNC)	
	Ambulances or Rescue Squads, publicly supported	P (R, RC, RNC)		
	Fire Stations, publicly supported	P (R, RC, RNC)		
Religious Assembly	Churches, memorial gardens, convents, monasteries and other places of worship	P (R, RC, RNC)	P (R, RC, RNC)	
Swimming Pool (Community)	Swimming Pools, community	SE (R, RC, RNC)	C (R, RC, RNC)	

COMMERCIAL				
Animal Boarding and Care	Animal Boarding Place	SE (R, RC, RNC)	C (R, RC, RNC)	Modified conditional use standards regarding noise, setback for exterior areas, hours of outdoor care.
Veterinary Office/Hospital	Hospital, Veterinary	SE (R, RC, RNC)	C (R, RC, RNC)	Modified conditional use standards regarding noise, setback for exterior areas, hours of outdoor care.
Cable Communication System	Cable Communications System	SE (R, RC, RNC)	C (R, RC, RNC)	
Media Broadcast Tower	Radio and Television Broadcasting Stations and Towers	SE (R, RC)	C (R, RC)	
Telecommunication Tower	Telecommunications Facility	P/SE (R, RC) SE (RNC)	L (R, RC) C (RNC)	
Country Inn	Country Inns	Allowed in the Country Inn zone	L (R, RC)	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 (R, RC, RNC)	C (R, RC, RNC)	
	Family Burial Sites	SE (R, RC)		
Landscape Contractor	Landscape Contractor	SE (R, RC, RNC)	C (R, RC, RNC)	

Bed and Breakfast	Bed-and-breakfast lodging with one or 2 guest rooms	P (R, RC, RNC)	L (R, RC, RNC)	All non-discretionary Special Exception standards are retained as Limited Use standards.
	Bed-and-breakfast lodging with 3, 4 or 5 guest rooms	SE (R, RC, RNC)		
(Removed)	Parking of Motor Vehicles, off-street, in connection with any use permitted	P (R, RC, RNC)		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.
Surface Parking for Commercial Uses in a Historic District	Parking of motor vehicles, off-street, in connection with commercial uses	P (R)	L (R)	Incorporates footnote 39. Clarified that the use is intended only for commercial uses in an historic district.
Campground	Campgrounds	SE (R)	C (R)	Retains current footnote allowing only those established by a certain date.
	Camp retreat, non-profit	P (RC)	L (RC)	
Golf Course, Country Club	Golf Course	SE (R, RC)	C (R, RC)	
	Country Club	SE (R, RC)		
Recreation and Entertainment, Indoor (Capacity up to 1,000)	Recreational or Entertainment Establishment, Commercial	SE (R)	C	
	Theaters, legitimate	SE (R)	C	
Recreation and Entertainment, Outdoor (Capacity up to 1,000)	Recreational or Entertainment Establishment, Commercial	SE (R)	C	

Shooting Range (Outdoor)	Rifle, pistol, or skeet shooting range, outdoor	SE (R, RC)	C (R, RC)	
Rural Antique Shop	Antique Shop	SE (R, RC, RNC)	C (R, RC, RNC)	
Rural Country Market	Country Market	SE (R, RC, RNC)	C (R, RC, RNC)	
Accessory Commercial Uses				
Amateur Radio Facility (up to 65')	Amateur Radio Facility	P/SE (R, RC, RNC)	P (R, RC, RNC)	An Amateur Radio Facility is permitted with a height up to 65 feet.
Amateur Radio Facility (over 65')	Amateur Radio Facility	P/SE (R, RC, RNC)	C (R, RC, RNC)	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 equip. building, equip. cabinets, or equip. room	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnote 27 and standards under Section A-6.14.
	Telecommunications Facility	P/SE (R, RC, RNC)		
Temporary Commercial Uses				
Construction Administration or Sales Office	Temporary Construction Administration or Sales Office	P (R, RC, RNC)	L (R, RC, RNC)	Currently allowed in all zones under certain conditions stated under Section A-6.11.
Transitory Use	Transitory Use	P/SE (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnote 39 and standards under Section A-6.22.

INDUSTRIAL				
Mining, Excavation	Rock or Stone Quarry, as a temporary use	SE (R, RC)	C (R, RC)	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 (R, RC)		
Railroad Track	Railroad Track	P (R, RC)	P (R, RC)	
Distribution Lines (Above Ground)	Electric Power Transmission and Distribution Lines, overhead, carrying 69,000 volts or less	P (R, RC, RNC)	P (R, RC, RNC)	Electric Power Transmission and Distribution Lines, overhead, carrying more than 69,000 volts cannot be regulated under the zoning ordinance
	Electric Power Transmission and Distribution Lines, overhead, carrying more than 69,000 volts	SE (R, RC, RNC)		
	Telephone and Telegraph Lines	P (R, RC, RNC)		
Distribution Lines (Below Ground)	Telephone and Telegraph Lines	P (R, RC, RNC)	P (R, RC, RNC)	
	Electric Power Transmission and Distribution Line, underground	P (R, RC, RNC)		
Pipeline (Above Ground)	Pipelines, above ground	SE (R, RC)	C (R, RC)	
Pipeline (Below Ground)	Pipelines, underground	P (R, RC, RNC)	P (R, RC, RNC)	
Public Utility Buildings or Structure	Public Utility Buildings and Structures	SE (R, RC, RNC)	C (R, RC, RNC)	

MISCELLANEOUS				
Noncommercial Kennel	Kennels, Noncommercial	P (R, RC, RNC)	P (R, RC, RNC)	
Solar Collection System	Accessory Buildings, Structures and Uses	P (R, RC, RNC)	L (R, RC, RNC)	Provides use standards specific to solar panels as an accessory use.
Wildlife, Game Preserve, and Other Conservation Areas	Wildlife or Game Preserve	P (R, RC)	P (R, RC)	
ACCESSORY MISCELLANEOUS USES				
Accessory Structures	Accessory Buildings, Structures and Uses	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates restriction on size of accessory structures. Retains exemption for structures housing an agricultural use.
	Boathouse, Private	P (R, RC, RNC)		
	Hunting or Fishing Cabin, Private	P (R, RC)		
	Signs	P (R, RC, RNC)		
Security Pavilion	Security Pavilion	P (R, RC, RNC)	L (R, RC, RNC)	Incorporates footnote 43 and standards under Section A-6.17.
USES REMOVED				
Current Use		Rationale for Removal		
Parking of Motor Vehicles, Off-street, in connection with commercial uses	P (R)	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.		
Parking of Motor Vehicles, Off-street, in connection with any use permitted	P (R, RC, RNC)	Parking as the primary use of a parcel of land in the Rural zone is not compatible with the rural character of these zones. 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 (R, RC, RNC)	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.

3. Farm Airstrip, Helistop.

- The proposed Farm Airstrip, Helistop use is a consolidation of the farm airstrip and helistop uses. The consolidated use restricts the operation to only those associated with agricultural operations. This restriction is currently in place under the RC zone for both the airstrip and helistop. A farm airstrip is not currently allowed in the rural zone. A helistop in the rural zone is not restricted to agricultural operations. The Farm

Airstrip, Helistop use is not allowed in the rural zone in following the current farm airstrip use, however, this removes the helistop use from the Rural zone.

4. 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.

5. 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 Agricultural zones and will remain permitted in the Rural Residential 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.

6. 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, Sanitarium, Nursing Home and Life Care Facility have no stated limitation on capacity. All of these uses are currently a special exception in the R, RC, and RNC zones. A Group Home, Large (9-16 residents), and Domiciliary Care Home for more than 16 persons also require a special exception in the R, RC, and RNC zones.
- In the proposed code, Residential Care Facility (up to 8) is a permitted use in the Rural Residential zones. Residential Care Facility (9-16

persons) and Residential Care Facility (over 16 persons) are proposed as conditional uses.

- 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.~~

- 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.
 - 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.

- Modification of Uses

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 rural 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 R, RC, and RNC zones, 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

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

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

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. The Rural and Rural Cluster zones only allow 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 Rural Residential zones. In addition to detached houses and general buildings, the Rural Neighborhood Cluster zone allows duplex and townhouse building types.

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 in the Agricultural and Rural 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. All references to stories have been removed.

Standard method is the only development method in the Rural zone. Under the Rural Cluster and Rural Neighborhood Cluster zones, both standard and optional method development are allowed. Under standard method, density and lot areas are not substantively changed from the current ordinance.

Density, lot dimensions, and all principle dwelling setbacks remain the same; the “sum of both sides” setback has been removed because it is entirely redundant (the side setback must be 20’, the sum of both sides must be 40’). For all three Rural Residential zones the 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 and those used for non-agricultural purposes range in height from 35-50 feet.

Article 59-6: Optional Method Requirements

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 Rural Residential Zones**
 - Only the Rural Neighborhood Cluster zone allows optional method development for MPDUs.
 - 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.
 - Development standards for a detached house building type are not substantially changed from the current code; 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.
 - 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 setbacks equal that of a detached house in the abutting zone.
 - Development standards for duplex and townhouse building types are provided in the Planning Board draft; there are no standards for these building types in the current code.
- **Cluster Development in Rural Residential Zones**
 - Only the Rural Cluster zone allows optional method cluster development.
 - 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.
 - Development standards for a detached house building type are not substantially changed from the current code; side and rear setbacks are determined at site plan, except where abutting a property not included in the application then the setbacks equal 30 feet.
 - 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 setbacks equal that of a detached house in the abutting zone.

Article 59-7: General Development Requirements

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 Rural Residential zones. The RC zone requires rural open space under optional method cluster development. The RNC zone requires rural open space for both standard and optional method development. In addition, the RNC zone requires common open space for optional method MPDU development containing duplex and townhouse building types.

The definition of rural open space and the features and uses allowed and prohibited in the rural open space follow the current ordinance, with modifications regarding use names due to use consolidation/modernization.

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

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 Rural Residential zone is the Bed and Breakfast. (Not including the modification to Residential Care facility that allows the use based on capacity)

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 Rural and Rural Cluster 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.