



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

Planning Board Meeting of October 16, 2025

Case No./Petitioner: ZRA-218; Department of Planning and Zoning

Request: The purpose of this Zoning Regulation Amendment (ZRA) is to implement the State Law (HB-1466) regarding Accessory Dwelling Units and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. The ZRA includes:

- Rename Accessory Apartments to *Accessory Dwelling Unit*
- Add a definition of Accessory Dwelling Unit
- Amend the definitions of Density, Dwelling Unit and Kitchen
- Remove the definitions for Dwelling, Accessory Apartment; and Dwelling, Temporary Accessory Family
- Amend the Accessory Dwelling Unit accessory uses in the R-ED, R-20, R-12, R-SC, R-SA-8 & PGCC districts to remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.
- Amend the Uses Permitted as a Matter of Right in the RC, RR, R-ED, R-20, and R-12 districts to permit one two-family dwelling unit per lot. Impose a 16,000 square foot minimum lot size requirement for two-family dwellings in the R-ED and R-12 districts
- Remove two-family dwellings, accessory apartments and multi-plex dwellings as a conditional use within County Preservation Easements
- Add an Accessory Dwelling Unit as a permitted Accessory Use in the R-H-ED, R-A-15, R-APT, R-MH, HO, HC, TOD, CAC, and TNC districts
- Exempt an Accessory Dwelling Unit from the accessory structure lot coverage requirements for lots developed with a single-family detached dwelling
- Amend the restrictions for detached accessory structures on lots developed with a single-family detached dwelling
- Amend the supplemental zoning regulations for an Accessory Dwelling Unit
- Remove the lot size restriction for an Accessory Dwelling Unit in Traditional Residential Neighborhoods
- Remove the Conditional Use for Dwelling, Temporary Accessory Family; and Two-Family Dwellings and Accessory Apartments

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Accessory Apartments:

Accessory Apartments were first introduced in the Zoning Regulations with Zoning Board Case, ZB-928, approved September 18, 1992. This ZB case defined Accessory Apartments and specified the zoning districts where the use was permitted as an accessory use. ZRA-13, effective December 8, 1997, amended the definition for Accessory Apartments and imposed additional criteria. During the 2013 Comprehensive Zoning Plan (current Regulations), the definition for Accessory Apartments was amended and imposed additional regulations such as size limitations, connectivity and permit approval requirements. This ZRA proposes to rename Accessory Apartments to Accessory Dwelling Unit. The table below shows where Accessory Apartments are permitted in the current Zoning Regulations.

Use	Accessory Apartments
Zoning District*	RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, PGCC
Allowed on Preservation Easements	Yes
Minimum Lot Size	12,000 sf if zoned R-ED, R-20, R-12, R-SC, R-SA-8, PGCC
Permitted Use	Accessory or Conditional
Conditional Use Criteria	<ul style="list-style-type: none"> • On lots less than 12,000 sf within R-ED, R-20, R-12, R-SC • If Accessory Apartment exceeds 1,500 sf or more than 1/3 of the net floor area, a Two-Family Dwelling may be permissible in RC, RR, R-ED, R-20, R-12 as a Conditional Use, if approved by Hearing Examiner
Supplemental Approval Criterion	<ul style="list-style-type: none"> • Must be in an owner-occupied dwelling • Must share a common wall overlap of 50% if within an addition. Cannot be separated from principal dwelling by attached garage or breezeway • Shall not occupy no more than 1/3 the net floor area of the building, up to 1,500 sf • Shall operate only upon approval of a permit issued by DPZ
Required Parking	1 space per apartment

*The MXD (Mixed Use) district allows the accessory use provisions in the R-12 district, unless different accessory uses are indicated in the MXD Preliminary Development Plan.

*The NT (New Town) district allows the accessory use provisions in the R-SC district, except otherwise provided in the Final Development Plan.

Two-Family Dwellings:

Two-Family Dwellings were introduced during the 1953 Zoning Regulations and were called “Two family detached dwellings” which were permitted as a matter of right in the Rural Residential (R-R), Residential 1 (R-1), Residential 2 (R-2), Business 1 (B-1), Business 2 (B-2), Manufacturing 1 (M-1), and Manufacturing 2 (M-2) districts. During the 1961 Comprehensive Zoning, Two-Family Dwellings were permitted in the Residential, one and two family detached (R-90, R-40, R-20), Residential Garden Type Apartments (R-A-1), Residential Apartments (R-A-2), Tourist Accommodations – Motel (T-1), Tourist Accommodations – Trailer Park (T-2), Business Local (B-1), and Business General (B-2) districts. The regulations for Two-Family Dwellings remained unchanged until the 1971 General Plan which prohibited Two-Family Dwellings in the R-90, R-40, R-20 and R-16 zoning districts. The 2013 (current) Zoning Regulations permit Two-Family Dwellings only as a Conditional Use within the RR, RC, R-ED, R-20, or R-12 districts subject to additional requirements. The table below shows in the current code where Two-Family Dwellings are currently permitted as well as other additional regulations.

Use	Two Family Dwelling
Permitted As	Conditional Use subject to Hearing Examiner Approval
Zoning District	RC, RR, R-ED, R-12, R-20
Minimum Lot Size	16,000sf in R-ED and R-12 districts
Parking	Not Specified
Allowed in Preservation/ALPP	No
Criteria	<ul style="list-style-type: none"> • Must be on its own individual lot • Only 1 permitted per lot • Lot is an existing recorded lot at the time of Conditional Use Application

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner’s proposed amendment. The Petitioner’s proposed amendment text is attached as Exhibit A.

Sec. 103.0: Definitions

The Petitioner is proposing to amend the following definitions:

- Amend the definition of Accessory Apartments
 - Rename to *Accessory Dwelling Unit*
 - Amend the definition to state that an Accessory Dwelling Unit must be subordinate to the principal dwelling and located on a lot developed with a single-family detached, single-family attached, single-family semi-detached or a two-family dwelling unit.
 - Remove provisions that the accessory dwelling unit should be within an existing single-family detached dwelling
 - Remove reference to the definition of Two-Family Dwelling
- Rename Accessory Apartments to *Accessory Dwelling Units* in the definition of Density and Two-Family Dwelling
- Amend the definition of Dwelling Unit to copy the definition in HB-1466
 - Remove the provisions for *independent* living facilities and *permanent* provisions for living, sleeping, eating, cooking
 - Remove the limitation of 1 kitchen per dwelling unit
- Amend the definition of Kitchen

The Petitioner is proposing to remove the following definitions:

- Dwelling, Accessory Apartment
- Dwelling, Temporary Accessory Family

Sec. 104.0: Rural Conservation (RC) District

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*.

Sec. 105.0: Rural Residential (RR) District

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*.

Sec. 106.1: County Preservation Easements

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove Two-Family Dwellings, Accessory Apartments and Multi-Plex dwellings as a Conditional Use.

Sec. 107.0: Residential: Environmental Development (R-ED)

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and impose a 16,000 square foot minimum lot size for two-family dwellings. The Petitioner is also proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 108.0: Residential: Single (R-12)

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and impose a 16,000 square foot minimum lot size for two-family dwellings. The Petitioner is also proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 110.0: Residential: Single Cluster (R-SC)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 111.0: Residential: Single Attached (R-SA-8)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*, and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 111.1: Residential: Historic – Environmental District (R-H-ED)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 112.0: Residential: Apartments (R-A-15)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 112.1: Residential: Apartments (R-APT)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 113.1: Residential: Mobile Home (R-MH)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.1: Residential: Village Housing (R-VH)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.2: Historic: Office (HO)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.3: Historic: Commercial (HC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 126.0: Planned Golf Course Community (PGCC)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*, and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 127.4: Transit Oriented Development (TOD)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 127.5: Corridor Activity Center (CAC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 127.6: Traditional Neighborhood Center (TNC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 128.0.A.12: Supplemental Zoning Regulations: Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

The Petitioner is proposing to amend the regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings to:

- Exclude an Accessory Dwelling Unit from the detached accessory structure maximum cumulative lot coverage requirements.
- Exclude an Accessory Dwelling Unit from the restrictions for detached accessory structures to allow full baths, full kitchens and residential habitation. Prohibit commercial use in all accessory structures, including an Accessory Dwelling Unit.

Sec. 128.0.A.13: Supplemental Zoning Regulations: Restrictions for Accessory Apartments

The Petitioner is proposing to amend the regulations for accessory apartments to:

- Rename Accessory Apartment to *Accessory Dwelling Unit*
- Add that only one (1) Accessory Dwelling Unit is permitted per lot
- Add that an Accessory Dwelling Unit is only permitted on the same lot, parcel, or tract of land developed with a Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling unit.
- Add that an Accessory Dwelling Unit can be separate from the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling, or attached as an addition to the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling
- Remove the requirement for a 50% common wall overlap if the Accessory Dwelling Unit is within an addition to the principal dwelling
- Amend the size limitation for an Accessory Dwelling Unit to be not more than 75% of the size of the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling
- Remove the floor area calculation that factors in 1/3 of the area of any shared

- storage or utility area.
- Add that if an Accessory Dwelling Unit is detached from the principal dwelling, it must follow the accessory structure side and rear setbacks of the underlying zoning district
 - Add that an Accessory Dwelling Unit must comply with the front setback requirements of the underlying zoning district, and that the Accessory Dwelling Unit may be located in front of the principal dwelling if it is within an existing detached structure

Sec. 128.0.G: Supplemental Zoning Regulations: Traditional Residential Neighborhoods

The Petitioner is proposing to amend the permitted accessory uses within the Traditional Residential Neighborhood to:

- Rename Accessory Apartments to *Accessory Dwelling Unit*
- Remove the minimum lot size requirement
- Remove the Regulation stating that an Accessory Dwelling Unit is limited to two (2) bedrooms.

Sec. 131.0: Conditional Uses

The Petitioner is proposing to remove the following Conditional Use categories:

- Temporary Accessory Family Dwelling
- Two-Family Dwellings and Accessory Apartments

The Petitioner is proposing to renumber the Conditional Use categories to account for the removal of the above conditional uses.

Sec. 133.0.D: Off-Street Parking and Loading Facilities: Minimum Parking Requirements for Specific Uses

The Petitioner is proposing to amend the accessory apartment parking requirements to rename Accessory Apartments to *Accessory Dwelling Unit*.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-218 in accordance with Section 16.208(f) of the Howard County Code.

(1) The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

Staff does not anticipate this ZRA would produce adverse impacts that are substantially greater than what the current regulations allow. This amendment would have a general impact on all properties zoned RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, NT, PGCC, TOD, CAC and TNC and developed with a single-family detached, single-family attached, single-family semi-detached or two-family dwelling. The ZRA would amend, add or remove the permitted uses, accessory uses and conditional uses in those districts. The NT district would be impacted as it permits Accessory uses from the R-12 district. The current regulations allow accessory dwelling units in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, and PGCC districts on lots that are developed with a single-family detached dwelling. The current regulations allow two-family dwelling units as a conditional use in the RC, RR, R-ED, R-20 and R-12 districts.

(2) The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.

This ZRA would amend, add or remove permitted, accessory and conditional uses in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, NT, PGCC, TOD, CAC and TNC districts. A map detailing each of these uses and the properties to which the uses could apply are provided in Attachments A-B.

(3) Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

If adopted, this amendment would not create any conflicts in the Howard County Zoning Regulations. The purpose of the proposed legislation is to update the Zoning Regulations to comply with State law (HB-1466) and align the Regulations with the broader goals of HoCo By Design and the County's Housing Opportunities Master Plan.

(4) The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The proposed ZRA is strongly supported by the Dynamic Neighborhoods chapter of HoCo By Design, which emphasizes the need for diverse, attainable, and inclusive

housing options through the County. The below Policy Statements and Implementation Actions are taken from HoCo By Design and are supportive of the proposed ZRA.

Policy Statement DN-2 states to “Allow attached and detached accessory dwelling units (ADUs) on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.”

Implementing Actions:

1. Explore a clear, predictable process and location-specific criteria for ADUs, including, but not limited to, consideration of lot coverage, lot size, setbacks, and other bulk regulations; stormwater management; and parking.
2. Consider revising the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.
3. Establish a clear definition of ADUs in the updated Zoning Regulations.

Policy Statement DN-5 states to “Allow the development of small-scale missing middle housing and accessory dwelling units (ADUs) that are consistent with the character and integrity of their surroundings, meet specific site conditions in single-family neighborhoods, and comply with all applicable APFO and parking requirements.”

Implementing Actions:

1. Establish design requirements, pattern book, or character-based regulations for missing middle housing types and detached accessory dwelling units to ensure that new construction is consistent with the character of the surrounding existing housing.
2. Establish provisions in the regulations that include dimensional and design standards to ensure neighborhood compatibility, off-street parking requirements, minimum lot sizes, and other standards.
3. Explore zoning and other incentives for minor subdivisions that consist of missing middle housing types and explore form-based or character-based zoning for these types of residential infill developments.
4. Evaluate how accessory dwelling units and other types of new development could enhance or impact stormwater management practices.

Policy Statement DN-9 states to “Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West.”

Implementing Actions:

1. Consider the development of accessory dwelling units that conform to specific

design and site criteria.

Policy Statement DN-12 states to “Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.”

Implementing Actions:

1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.

Conclusion

Overall, DPZ finds that the proposed amendments described in this TSR, and the proposed legislation are consistent with the Policy Statements and Implementing Actions in HoCo By Design. The ZRA supports the County’s vision for inclusive and dynamic neighborhoods by enabling a broader range of housing types that meet the needs of residents across all life stages and income levels.

Environmental Policies and Objectives

The proposed ZRA-218 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

Lynda Eisenberg

10/2/2025

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Lynda D. Eisenberg, AICP, Director Date

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Legislative Text Changes

Howard County Zoning Regulations

SECTION 103.0: Definitions

Accessory DWELLING UNIT: ~~[[Apartment: See "Dwelling, Accessory Apartment".]]~~ A SECOND DWELLING UNIT SUBORDINATE TO THE PRINCIPAL DWELLING, LOCATED ON A LOT DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS WHICH COMPLIES WITH THE REQUIREMENTS FOR SUCH USES WITHIN SECTION 128.0.A

Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS are not included when calculating density.

Dwelling Unit: A single unit providing complete ~~[[independent]]~~ living facilities for AT LEAST one ~~[[or more persons]]~~ INDIVIDUAL, including, AT A MINIMUM, ~~[[permanent]]~~ provisions for SANITATION, COOKING, EATING, AND SLEEPING~~[[living, sleeping, eating, cooking limited to one kitchen, and sanitation]]~~.

~~[[Dwelling, Accessory Apartment: A second dwelling unit located within a single-family detached dwelling which complies with the requirements for such uses within Section 128.0.A.~~

~~(See also the definition of Dwelling, Two-family)]]~~

~~[[Dwelling, Temporary Accessory Family: A Conditional Use category for a second dwelling unit on a lot which is used for the housing of an elderly or disabled family member of the resident of the principal dwelling unit and which complies with the requirements of Section 131.0.N. A temporary accessory family dwelling shall either be a removable modular building designed for this purpose or an alteration of an existing accessory building. A temporary accessory family dwelling shall not be a newly constructed building.]]~~

Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory [[apartment]] DWELLING UNIT, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway.

[[(See also the definition of Dwelling, Accessory Apartment.)]]

Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room which includes a [[sink and a]] range or oven, [[or utility connections suitable for the operation of a range or oven,]] shall be considered as the establishment of a kitchen.

Section 104.0: RC (Rural Conservation) District

B. Uses Permitted as a Matter of Right

14. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT subject to the requirements of Section 128.0.A.

Section 105.0: RR (Rural Residential) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

Section 106.1: County Preservation Easements Section

C. Accessory Uses

1.c. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

2.d. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

D. Conditional Uses

[[2.a.(20). Two family dwellings, accessory apartments and multi-plex dwellings]]

Section 107.0: R-ED (Residential: Environmental Development) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size requirements

D. TWO-FAMILY DWELLINGS.....16,000 SQ. FT.

Section 108.0: R-20 (Residential: Single) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

Section 109.0: R-12 (Residential: Single) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size (except as provided in Section 109.0.F of these Regulations for mandatory open space)12,000 sq. ft. EXCEPT THAT TWO-FAMILY DWELING UNITS REQUIRE A MINIMUM LOT SIZE OF16,000 SQ. FT.

Section 110.0: R-SC (Residential: Single Cluster) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:]]

- [[a. The area of the lot is at least 12,000 square feet;]]
- [[b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,]]
- [[c. The accessory apartment shall have no more than two bedrooms.]]

Section 111.0: R-SA-8 (Residential: Single Attached) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;

b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,

c. The accessory apartment shall have no more than two bedrooms.]]

Section 111.1: R-H-ED (Residential: Historic-Environmental) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to

agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

a. Not more than four non-transient roomers or boarders; or

b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or

c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.0: R-A-15 (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection

4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.1: R-APT (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to

agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

-
- a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.
- [[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- [[6]]7. Parking:
- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
- a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
- [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.
- [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
- [[10]]11. Accessory ground-mount solar collectors.

Section 113.1: R-MH (Residential: Mobile Home) District**C. Accessory Uses**

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing of not more than four non-transient roomers or boarders by a resident family.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care.

[[5]]6. Parking:

a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Management office and maintenance facilities in mobile home parks.

[[7]]8. Central common laundry facilities in mobile home parks.

[[8]]9. Convenience establishments of a commercial nature, not including Motor Vehicle

Fueling Facility but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:

a. May occupy up to 5% of the area of the park, but in any case, not more than two and one-half acres,

b. Shall be subordinate to the residential use and character of the park,

c. Shall be located, designed and intended to serve frequent trade or service needs of the residents of the park, and

d. Shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

[[9]]10. Snowball stands, subject to the requirements of Section 128.0.D.

- [[10]]11. Temporary storage of abandoned mobile homes in mobile home parks, provided that:
- a. This use shall be limited to storage of mobile homes which were occupied and subsequently abandoned by their owners within the mobile home park.
 - b. An abandoned mobile home shall be stored for a period of time not to exceed six months.
 - c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the minimum required distance between mobile homes shall not apply to the distance between abandoned mobile homes.
 - d. Prior to moving an abandoned mobile home from its site to a storage area, a permit shall be obtained from the Department of Planning and Zoning. The permit application shall include a plan showing the storage area and documentation that the park owner has begun the necessary proceedings in accordance with State law to take possession of and remove the mobile home from the premises.
12. Accessory ground-mount solar collectors.

Section 114.1: R-VH (Residential: Village Housing) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.

[[5]]6. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

8. Accessory ground-mount solar collectors.

Section 114.2: HO (Historic: Office) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

- [[2]]3. Community meeting houses, commercial establishments for receptions and parties.
- [[3]]4. Antennas accessory to a principal use on the lot.
- [[4]]5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[5]]6. Accessory ground-mount solar collectors.

Section 114.3: HC (Historic: Commercial) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

- [[2]]3. Antennas accessory to a principal use on the lot.
- [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[4]]5. Accessory ground-mount solar collectors.

Section 126.0: PGCC (Planned Golf Course Community) District

C. Accessory Uses

- 1.b. [[Accessory apartments]]ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A. [[provided that:
- (1) The area of the lot is at least 12,000 square feet.
 - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
 - (3) The accessory apartment shall have no more than two bedrooms.]]

Section 127.4: TOD (Transit Oriented Development) District

D. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[3]]4. Home occupations, subject to the requirements of Section 128.C.
 [[4]]5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[5]]6. Accessory ground-mount solar collectors.

Section 127.5.C: CAC (Corridor Activity Center) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Home occupations, subject to the requirements of Section 128.C.
 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[4]]5. Retail sale of propane on the site of a principal retail business.
 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
 [[7]]8. Accessory ground-mount solar collectors.

Section 127.6.C: TNC (Transit Oriented Development) District

D. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Home occupations, subject to the requirements of Section 128.C.
 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[4]]5. Retail sale of propane on the site of a principal retail business.
 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
 [[7]]8. Accessory ground-mount solar collectors.

Section 128.0: Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

- (1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:
 - (a) 600 square feet for a lot in the planned public water and sewer service area.
 - (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
 - (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.
- (2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools. Farm structures, shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.
- (3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

FULL BATHROOMS, FULL KITCHENS, AND RESIDENTIAL HABITATION ARE PROHIBITED IN ACCESSORY STRUCTURES, EXCEPT AS PART OF AN APPROVED ACCESSORY DWELLING UNIT. COMMERCIAL USES ARE PROHIBITED IN ALL ACCESSORY STRUCTURES, INCLUDING ACCESSORY DWELLING UNITS.

13. Regulations for [[Accessory Apartments]]ACCESSORY DWELLING UNITS

The following shall apply to all [[accessory apartments]]ACCESSORY DWELLING UNITS:

- a. [[If the accessory apartment is within an addition to the existing dwelling it must share a common wall overlap of at least 50% of the length of the shared wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.]]ONLY 1 ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED,

AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.

- b. [[In all dwellings, an accessory apartment shall occupy no more than one-third of the net floor area of the building, up to a maximum of 1,500 square feet. The boundaries of the accessory apartment must encompass at a minimum area devoted to sleeping, food preparation, sanitary facilities and the intervening areas which link these. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas. Accessory apartments which exceed 1,500 square feet or more than one-third of the net floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing Authority.]]ACCESSORY DWELLING UNITS CAN BE SEPARATE FROM THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, ATTACHED AS AN ADDITION TO THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, OR WITHIN AN EXISTING SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.
- c. An accessory [[apartment]]DWELLING UNIT shall operate only upon approval of a permit issued by the Department of Planning and Zoning based on compliance with the requirements of this section and those of the applicable zoning district With the permit application, the owner must submit a floor plan drawn to scale which delineates the boundaries of the accessory DWELLING UNIT[[apartment]] and [[identifies all of the living spaces as specified in (c) above.]]A PLOT PLAN SHOWING COMPLIANCE WITH THE MAX SIZE LIMITATION AND COMPLIANCE WITH THE REQUIRED SETBACKS.
- d. ACCESSORY DWELLING UNITS SHALL HAVE A MAXIMUM SIZE LIMITATION EQUAL TO 75% OF THE SIZE OF THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS. FOR THE PURPOSE OF THIS REGULATION, SIZE SHALL BE CALCULATED BASED ON THE LOT COVERAGE OF THE PRINCIPAL DWELLING.
- e. IF AN ACCESSORY DWELLING UNIT IS DETACHED FROM THE PRINCIPAL DWELLING, IT SHALL COMPLY WITH THE ACCESSORY STRUCTURE SIDE AND REAR SETBACKS OF THE UNDERLYING ZONING DISTRICT. AN ACCESSORY DWELLING UNIT WITHIN A

DETACHED STRUCTURE SHALL COMPLY WITH THE FRONT SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT AND MAY BE LOCATED IN FRONT OF THE PRINCIPAL SINGLE-FAMILY, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED DWELLING UNITS IF IT IS WITHIN AN EXISTING DETACHED STRUCTURE.

Section 128.0: Supplementary Zoning District Regulations

G. Traditional Residential Neighborhoods

3. Permitted Uses

Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as indicated in the applicable section of these Regulations, except that [[accessory apartments]]ACCESSORY DWELLING UNITS shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

- a. [[The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District.]]
- b. [[The [[accessory apartment]]ACCESSORY DWELLING UNIT shall have no more than two bedrooms.]]

Section 131.0.N Conditional Uses and Permissible Zoning Districts

Conditional Use
[[Dwelling, Accessory Family]]
[[Two-family Dwellings and Accessory Apartments]]

[[Section 131.0.N.18 Dwelling, Temporary Accessory Family

A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary accessory family dwelling provided that:

- a. The minimum lot size shall be 2 acres.
- b. The temporary accessory family dwelling shall be accessory to a single-family detached dwelling on the same lot.
- c. If the temporary accessory family dwelling is a removable modular building, the maximum gross floor area of the use shall be less than 1,000 square feet. If the temporary accessory family dwelling is proposed as an alteration to an existing accessory building, the Hearing Authority may increase the maximum gross floor

area of the use to 1,000 square feet or greater, provided that the use clearly remains subordinate to the principal dwelling on the lot. A temporary accessory family dwelling is not subject to the standard lot coverage regulations for accessory structures in Section 128.0.A.

- d. For newly constructed or installed temporary accessory family dwellings, the petition shall include a plan for appropriate screening as necessary to provide an attractive buffering for neighboring residential properties.
- e. A resident of the temporary accessory family dwelling shall be a relative of at least one resident of the principle dwelling and shall either be:
 - (1) 62 years of age or older; or
 - (2) 18 years of age or older and determined by a qualified medical authority to have physical, mental, or developmental impairments that:
 - (a) Are expected to be of a long, continued and indefinite duration;
 - (b) Substantially impede the ability to live independently or are of such a nature that the ability to live independently is facilitated by more suitable living conditions.
- f. If determined necessary by a qualified medical authority, a long-term caregiver shall also be permitted to reside in the temporary accessory family dwelling.
- g. No more than one temporary accessory family dwelling or accessory apartment shall be permitted per lot.
- h. The name of the elderly or disabled family member who will reside in the temporary accessory family dwelling shall be documented with the Conditional Use approval. The temporary accessory family dwelling shall only be used as a dwelling unit for the housing of this elderly or disabled family member of the resident of the principal dwelling unit and a long-term caregiver as provided above, and shall not be used as a dwelling unit by any other person(s).
- i. A Conditional Use for a temporary accessory family dwelling shall become void unless an owner of the property provides an affidavit to the Hearing Authority once a

year from the date of approval attesting under penalties of perjury that the accessory family dwelling continues to comply with the specific requirements of this section.

- j. If the temporary accessory family dwelling is a removable modular building, it shall be removed from the property within 60 days after the documented elderly or disabled family member no longer resides in this dwelling. If the temporary accessory family dwelling is established as an alteration to an existing accessory building, 60 days after the documented elderly or disabled family member no longer resides in this building, the alterations authorized by the Conditional Use shall be removed and the accessory building shall no longer be used as a dwelling.]]

Section 131.0.N. [[19]] 18. Farm Tenant House

A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined in these Regulations, provided that:

- a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner. The petitioner shall provide documentation substantiating this requirement.
- b. The house shall be located on a parcel which is principally used for farming and is at least 25 acres but less than 50 acres in area.
- c. The parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the petitioner, the Hearing Authority authorizes an exception to this requirement based on the nature of farming activities on the property.
- d. In the event farming ceases to be the principal use on the property, the house shall either be removed or converted to no longer be used for residential purposes, or the property subdivided so that the house becomes a principal single-family detached dwelling on a legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be subject to this criteria.

Section 131.0.N. [[20]] 19. Fast Food Restaurant

A Conditional Use may be granted for a fast-food restaurant in the B-1, M-1 or M-2 Districts, provided that:

- a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific landscaping plan, which if approved becomes binding on the development of the facility. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.

- b. The petitioner shall demonstrate that the noise generated by speakers for drive-through service lanes will not be audible from residentially zoned land and residential uses.
- c. If the site borders a residential district:
 - (1) A detailed lighting plan must be approved by the Hearing Authority.
 - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

Section 131.0.N. [[21]] 20. Funeral Homes and Mortuaries

A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially zoned properties other than public road rights-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
 - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
 - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- e. At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

Section 131.0.N. [[23]] 22. Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of

A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline, fuel oil, liquefied petroleum or compressed natural gas, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and no single container may contain more than 1,000 gallons of liquefied petroleum or compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the M-1 District but shall not be limited in the M-2 District
- b. If the use is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site adjoins a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.
- d. The minimum structure and use setback from all property lines shall be 75 feet.

Section 131.0.N. [[24]] 23. Reserved

Section 131.0.N. [[25]] 24. Golf Courses

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs with golf courses, provided that:

- a. A minimum setback of 50 feet is required for all structures and uses from all adjoining properties. This may be reduced by the Hearing Authority if the adjoining property is a farm
- b. A separation distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures. The design of the fairways shall minimize the potential of errant golf shots from causing damage or hazards on adjoining properties to the greatest extent possible.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.
- d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority
- e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.
- f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be

subject to the general standards and to Section A, Section C and Section D above.

Section 131.0.N. [[26]] 25. Guest House

A Conditional Use may be granted in the R-12 District for a guest house provided that:

- a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel shall have frontage on and direct access to an arterial road designated in the General Plan
- b. Accessory limited outdoor social assembly uses are not permitted.
- c. The Hearing Authority shall establish limitations on the size and frequency of indoor events with food and drink, considering the size, design and location of the facility in relation to neighboring properties. The guest house shall post rules to prevent guest noise from disturbing neighbors.
- d. The Hearing Authority shall establish limitations on the hours for trash collection and deliveries.
- e. The front setback for parking shall be the same as the front setback for structures.
- f. The owner of the guest house shall reside on the property. The Hearing Authority may permit the owner to reside off-site and allow a specific owner's agent if the Hearing Authority finds that such an arrangement will ensure that the use will be properly maintained and managed in accordance with all criteria and conditions.
- g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.
- i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and motel uses. Parking shall be limited to approved paved parking spaces and there shall be no off-site or valet parking.
- j. Meals may be served to guests residing on the premises only and there shall be no public restaurant use.

Section 131.0.N. [[27]] 26. Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the

requirements of Section 128.0.D.4; service agencies; or community meeting halls, provided that:

- a. The building is a historic structure as defined in these Regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.
- c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these Regulations.
- d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
 - (1) No material or equipment shall be stored outside of structures.
 - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.
 - (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan
- f. A historic building that is converted for historic venue uses shall be subject to the following standards:
 - (1) The property is located in an R-20 district.
 - (2) The minimum lot size shall be 7 acres.
 - (3) The use shall not share a driveway with another residential lot.
 - (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way, and as close as possible to the primary ingress or egress points, and adequately screened to minimize visibility from the roadway and adjacent properties.
 - (5) The site shall have frontage on and direct access onto a collector or arterial road designated in the general plan.
 - (6) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield adjacent residential lots from noise and nuisance. Any temporary structure, including tents, shall be within the fully screened approved outdoor use area.
 - (7) All outdoor uses shall be located within 350 feet of the principal historic structure on the property.
 - (8) Petitioner shall submit a sound management plan demonstrating how sound from outdoor uses will be managed to minimize adverse impacts on surrounding residential properties. The sound management plan

- shall include provisions made to mitigate the impact of any amplified sound equipment. The sound management plan shall be reviewed by the hearing authority every three years.
- (9) The source of all amplified music, including speakers and all relevant sound producing or enhancing equipment, shall be sited within 175 feet of the principal historic structure and not less than 200 feet from any adjacent residential dwelling, and remain in that location during the entirety of an event.
 - (10) No amplified music shall be permitted between 7:00 p.m. and 11:00 a.m., unless contained in a soundproof structure with no perceptible sound at lot lines.
 - (11) Section 8.900 of the County Code - Noise Affecting Residential Areas applies to all events under this subsection.
 - (12) The petitioner will ensure that parking is sufficient and the perimeter of the property is secure so that there is no overflow parking or pedestrian traffic from events by patrons in any of the adjacent or nearby residential areas.
 - (13) Outdoor uses, including parking, shall be fully screened from all adjacent properties, except along the boundary with any arterial road.
 - (14) The hearing authority may set the days, hours of operation, and maximum number of guests for historic venue uses.
 - (15) For a historic building converted for historic venue use shall become void unless an owner of the property provides an affidavit to the hearing authority once every six years from the date of approval attesting under penalties of perjury that the historic building converted for historic venue conditional use continues to comply with the specific requirements of this section.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
- (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement

Section 131.0.N.27. Home-Based Contractors

A Conditional Use may be granted in the RC, RR and R-20 Districts for home-based contractors, subject to the following requirements, except that landscape contractors have separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

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- a. The minimum lot size is three acres in the RC and RR Districts. The minimum lot size is 2.5 acres in the R-20 district and the lot shall abut an intermediate arterial highway, as designated in the General Plan.
 - b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.
On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.
 - c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
 - d. In the RR and RC Districts, structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines.
 - e. In the R-20 district, structures for and uses of the home-based contractor conditional use shall be restricted as follows:
 - (1) The use shall not alter the residential appearance of the neighborhood.
 - (2) The structures used for the Conditional Use shall be at least 100 feet from the nearest residential lot lines.
 - (3) Outdoor parking or storage areas shall be at least 75 feet from residential lot lines and screened from public streets and residential lots by solid walls, fences, or a tree buffer at least 25 feet wide.
 - f. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
 - g. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
 - h. Parking and storage areas shall be restricted as follows:
 - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.

- (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- i. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- j. The Hearing Authority shall establish the days and hours of operation.
- k. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- l. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.
- m. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- n. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[29]] 28. Home Occupations

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1 are permitted accessory uses:

- a. Home occupations approved under this section include the following uses:
 - (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the nonresident employee or client visitation limitations of that Section;
 - (2) Home Occupations which plan to construct a new detached accessory structure;

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- (3) Individual or group instruction of more than 6 students at one time in an academic or non-academic subject;
 - (4) Catering, subject to health department approval; and
 - (5) Other home occupations may be approved by the Hearing Examiner for single-family detached properties 12,000 square feet or greater in area, excluding specific home based businesses that are allowed under other Conditional Use categories listed at the beginning of Section 131.0.N.
- b. The total area devoted to the home occupation may exceed 33% of the gross floor area of the dwelling.
 - c. The petition shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.
 - d. The home occupation shall be located entirely within the dwelling, an accessory building, or both.
 - e. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An existing or proposed accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.
 - f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking area.
 - g. The unrestricted sale or rental of commodities may not take place on the lot. Allowed sales related activities include: processing orders by mail, telephone or computer; receiving and mailing merchandise (subject to the limitation on truck deliveries); storage of catalogues, samples, previously ordered merchandise and inventory; office functions such as telephone, computer, and record keeping. In addition, occasional, small volume sales associated with home parties held for the purposes of the display and sale of goods such as cookware, fashion accessories, skin care products, etc. may occur on the site at a frequency determined by the Hearing Authority.
 - h. Prohibited home occupations include, but are not limited to the following uses:
 - (1) Vehicle repair, sales or rentals.
 - (2) Restaurants.
 - (3) Laundry and dry cleaning services.
 - (4) Firearm sales.

- i. The home occupation shall be principally conducted by persons residing in the dwelling. In addition, not more than five nonresident employees may work on the lot at one time in connection with the home occupation.
- j. Business-related off-street parking areas shall be screened from public roads and neighboring properties.
- k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- l. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[30]] 29. Junk Yard

A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

- a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material or motor vehicles will be:
 - (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-of-way and at least 30 feet from property lines; and
 - (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design approved by the Hearing Authority. Building walls may form part of the enclosure.
- c. No storage of tires shall be permitted.
- d. All toxic materials shall be properly disposed of in accordance with established Federal, State and County Regulations.

Section 131.0.N. [[31]] 30. Kennels and Pet Grooming Establishments

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
 - (1) Minimum lot size5 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet
 - (3) Minimum structure setback

- a) From public street right-of-way100 feet
- b) From any other lot line200 feet
- (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.
- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:
 - (1) Minimum lot size3 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
 - (3) Minimum structure setback:
 - a) From public street right-of-way75 feet
 - b) From any other lot line100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be 40,000 square-feet.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operation or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[32]] 31. Landscape Contractors

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.32. Limited Social Assemblies

A Conditional Use may be granted for limited social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these Regulations.
- b. The minimum lot size is 5 acres or greater.
- c. If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner

- shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight distance analysis.
 - e. The limited social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
 - f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.
 - g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
 - h. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
 - i. All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized. Event activities within enclosed tents are permitted, however.
 - j. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.
 - k. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.

- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[34]] 33. Mobile Homes for Security Purposes

A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner shall demonstrate that there is a need for the mobile home as a security measure.

Section 131.0.N. [[35]] 34. Movie Theaters, Legitimate Theaters, Dinner Theaters

A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, and that adequate off-street parking facilities are available in close proximity to the proposed use.

Section 131.0.N. [[36]] 35. Museums and Libraries

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

Section 131.0.N. [[37]] 36. Nonprofit Clubs, Lodges, Community Halls and Camps

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-H-ED Districts for nonprofit clubs, including health or athletic clubs, and similar nonprofit organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways.
- b. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.
- e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12, R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

Section 131.0.N.37. Nursing Homes and Residential Care Facilities

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

Section 131.0.N.38. Pet Day Care Facilities

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.
- b. All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.

- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.
- h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.
- i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.[[40]]39. Produce Stands

A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

- a. The use may not be located on a lot less than one acre nor larger than two acres.
- b. The produce stand shall be the sole use on the property.
- c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays, baked goods, dairy products and bottled/package food products.
- d. The site has frontage on and direct access to a minor arterial road as designated in the General Plan.

Section 131.0.N.[[41]]40. Quarries—or Rock, Stone, Sand Excavations

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which shall be retained in its natural topographic condition, undisturbed by excavation or mining or other associated uses. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made landforms may be limited by the Hearing Authority.

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- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
 - e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way as a result of the development or operation of the quarry.
 - f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
 - g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.
 - h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
 - i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration date.
 - j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. Only sales and deliveries may be permitted on Saturdays.
 - k. The Conditional Use plan submitted with the Conditional Use application shall show the following:
 - (1) Setback area, including screening and fencing.
 - (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
 - (3) Existing and proposed structures and major mechanical equipment;
 - (4) Existing and proposed access roads;
 - (5) Water supply and sewage disposal;
 - (6) All necessary pollution control measures;
 - (7) Stockpile area;
 - (8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
 - (9) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System.
 - (10) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the quarry.

1. Reclamation Plan

A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional Use application setting forth a plan for reclamation of the permit area. A reclamation contour plan showing contour intervals of 2 feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation of topsoil shall be specified. The reclamation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No reclamation plan shall be approved unless it provides for the following minimum program.

- (1) **Regrading**—All disturbed land shall be regraded as required by the Maryland Department of Natural Resources. Whenever the site of an excavation for a quarry is greater than 50% grade, the excavated area shall be fenced with a durable galvanized fence six feet high, located not less than 20 feet from the edge of excavation. The County shall have the right to enter and repair or maintain such fence whenever the property owner shall fail to do so. The property owner shall be liable to the County for the cost of the repairs or maintenance.
- (2) **Landscaping, Erosion, Backfilling**—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The graded area shall be covered with suitable soil to sustain growth, then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) **Removal of Machinery and Structures**—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) **Access Roads**—Upon the abandonment of excavation operations on any site or portion thereof in the permit areas, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

- (5) Adequate Collateral or Bonds—Detailed engineering studies shall be provided by the petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such studies shall be submitted for the approval and periodic review of the Hearing Authority. A bond shall be provided or adequate collateral shall be kept in escrow, drawing interest to the benefit of the petitioner, to cover the estimated cost of the accepted plan for rehabilitation. Such bond or money shall only be released upon completion of the rehabilitation program.
- m. No excavation or processing operations shall be commenced on land in the permit area until all persons having an interest of record in said land shall cause to be recorded among the land records of the County:
- (1) A description of the area included within the permit area,
 - (2) The application number and the date the permit was granted by the Hearing Authority,
 - (3) A statement indicating that use of the land will be in accordance with an approved Site Development Plan and an approved rehabilitation plan, and
 - (4) A declaration binding their heirs and assigns to utilize the land in accordance with said Site Development Plan and rehabilitation plan until excavation processing or filling operations cease and rehabilitation of the land is completed.
- n. The County and the applicant shall enter into an agreement providing that, should the quarry have been operated in violation of any of the provisions or conditions of the Conditional Use including failure to comply with an approved rehabilitation plan, in such a way as to require corrective action, the applicant shall cause the corrective action to be taken. The agreement shall further stipulate that, should the applicant fail to take the necessary corrective action within 30 days of written notice from the County to do so, the required bonds or collateral will be forfeited and the County may cause corrective actions to be commenced. In addition, the applicant shall agree to pay the cost for corrective action which exceed the bond or collateral amount.
- o. In the RC District, the minimum lot size is 25 acres.

Section 131.0.N.[42]41. Religious Facilities, Structures and Land Used Primarily for Religious Activities

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-

SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious activities provided that:

- a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area.
- b. Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.
- c. The access to the facility shall not be on a driveway or private road shared with other uses.
- d. The Hearing Authority may approve parking facilities which are accessory to a religious facility, and are located on a separate lot, but do not meet the location requirements of Section 133.0.B.4.d of the parking regulations by being separated from the religious facility by a public street, if the Hearing Authority finds that the accessory parking facility complies with the following criteria:
 - (a) The accessory parking facility is not separated from the lot containing the principal use by an arterial highway of any category.
 - (b) A pedestrian street crossing connecting the accessory parking facility lot to the principal use lot is provided and is made clearly noticeable to drivers by means of both pavement marking and signs
 - (c) The pedestrian street crossing is safe, based upon such factors as, but not limited to: traffic volume at the times(s) of the use of the accessory parking facility; practical traffic speeds; sight distance; length of the crossing; and adequate markings and signage.
 - (d) The entire pedestrian pathway from the accessory parking facility to the principal religious facility is a durable, paved, no-step path.

Section 131.0.N.[[43]]42. Residential/Commercial Buildings

- a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public water and sewer service area for residential/commercial buildings, provided that:
 - (1) The site is at least 5 acres but not more than 15 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
 - (3) All residential units shall be located above the first floor.
 - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
 - (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.

- b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the planned public water and sewer service area for residential/commercial buildings, provided that:
- (1) The site is at least 1 acre but not more than 5 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
 - (3) All residential units shall be located above the first floor.
 - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
 - (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.

Section 131.0.N. [[44]] 43. Retreat Center

A Conditional Use may be granted in the RC and RR Districts, on properties that are not on ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center provided that:

- a. The minimum lot area shall be six acres.
- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

Section 131.0.N. [[45]] 44. Rubble Landfill and Land Clearing Debris Landfill Facilities

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and

minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
 - (1) Land Clearing Debris, as defined in these Regulations.
 - (2) Demolition Debris—The types of demolition debris that may be accepted for disposal are as follows:
 - a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.
 - b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.
 - (3) Construction Debris—The types of construction debris that may be accepted for disposal are as follows:
 - a) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging, spacing, or building materials, provided that they do not exceed 10% by volume of the waste, may be accepted at the rubble landfill. Paint containers, caulk containers, or glaze containers, provided that they are empty, and any residual material which is dried before acceptance at the rubble fill, and further provided that this waste category does not exceed 1% by volume of the waste accepted at the rubble fill.
 - b) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other

preservatives or their containers, tile, paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the approving authority to be unacceptable.

- (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with the requirements of the State of Maryland Department of the Environment for proper disposal of these materials.
- c. The waste materials which may be accepted at the land clearing debris fill facility are restricted to land clearing debris as defined in these Regulations.
- d. The Hearing Authority may further limit the waste materials which may be accepted at or disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a finding of a specific adverse effect associated with the acceptance or disposal of such waste materials on the proposed site. The Hearing Authority shall approve the method by which unacceptable materials, which are delivered to the site, will be segregated and handled for final removal and disposal.
- e. In addition to all other required setbacks, the following use setbacks shall apply, except for landfill facilities on permitted quarry sites, in which case the Hearing Authority shall establish setback requirements on a case-by-case basis:
 - (1) From an existing residence on a different lot500 feet
 - (2) From adjacent residentially zoned lots300 feet
 - (3) From public street and utility rights-of-way100 feet
 - (4) From existing streams and wetlands100 feetThe approved portion of the tract shall have a surrounding landscaped buffer at least 100 feet wide which shall be retained in its existing topographic condition and undisturbed by excavation or fill. The buffer area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. In the event that the provision of a 100-foot buffer is not feasible, the applicant shall provide for alternative means of buffering in concert with a Site Development Plan. Within the approved portion of the tract, all land within 50 feet of a stream or wetland shall be retained in its existing topographic condition and undisturbed by excavation or fill.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or other operations associated with a land clearing debris landfill facility or a rubble landfill facility shall not be located within one hundred feet of a property line. Sedimentation ponds shall not normally be located

closer than 300 feet from a property line. However, the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

- i. All operations shall be conducted in a safe and environmentally sound manner with respect to the likelihood of hazard to persons or damage to lands, natural resources, improvements, streets, bridges, or public rights-of-way as a result of the development or operation of the facility.
- j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas shall be maintained at all times by burial of material received for disposal.
- k. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except emergency repairs to equipment and the fill site.
- l. The Conditional Use plan submitted with the Conditional Use application shall show the following:
 - (1) Setback and buffer area, including type of screening and fencing;
 - (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
 - (3) Portion of tract, separate from fill areas, to be used for recycling operations including areas for unloading, storage, processing, and loading.
 - (4) Existing and proposed structures and major mechanical equipment;
 - (5) Existing and proposed access roads;
 - (6) Water supply and sewage disposal including any liquid waste generated by processing and filling operations;
 - (7) Stockpile area;
 - (8) Other uses and their extent on the property;
 - (9) Existing or proposed points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
 - (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified either as non-buildable areas or as future building sites;
 - (11) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System;
 - (12) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the landfill;
 - (13) A noise, litter and dust control plan;
 - (14) Storm water management facilities for quantity and quality control;
 - (15) The length of time the facility is expected to be in operation.
- m. Rehabilitation Plan

A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use application for all areas to be filled with land clearing debris or rubble or used for processing and recycling operations. A rehabilitation contour plan showing contour intervals of two feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program:

- (1) **Regrading**—All disturbed land shall be regraded so that no slope exceeds a maximum of 50% grade.
- (2) **Landscaping, Erosion, Backfilling**—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The disturbed area shall be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) **Removal of Machinery and Structures**—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) **Access Roads**—Upon the abandonment of filling operations on any site or portion thereof in the area covered by a Conditional Use approved under this section, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

Section 131.0.N.[[46]]45. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood processing, mulch manufacture, or soil processing provided that:

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.

- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- g. The vehicular access to the use shall be from an arterial OR collector highway and not from a local road unless authorized by the Hearing Examiner.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of the easement.

Section 131.0.N.46. School Buses, Commercial Service

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these Regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;
- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be done in a building. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.
- f. The minimum lot size in the RC and RR Districts for a new commercial school bus service business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new commercial school bus service business is one acre. An existing commercial school bus service business is not required to comply with this criteria.

- g. For a new commercial school bus service business, the area used for vehicle parking shall be at least 200 feet from an existing dwelling on a different lot. An existing commercial school bus service business is not required to comply with this criteria.
- h. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) The use shall operate within a one-half acre area specified on the Conditional Use plan.
 - (3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.47. Schools, Colleges, Universities—Private (Academic)

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

- a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.
- b. In addition to meeting the minimum area requirements above, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.
- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.
- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

Section 131.0.N. [[49]]48. Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.
- e. The applicant shall demonstrate that the use complies with the requirements of the Department of Inspections, Licenses and Permits for such uses.
- f. The Hearing Authority shall set the days and hours of operation.

Section 131.0.N. [[50]]49. Small Wind Energy Systems, Building Mounted

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. The systems are permitted only on the principal structure.
- c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
- d. The systems shall comply with the principal building setbacks.
- e. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.

- f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached dwellings.
- g. In the R-12 District, systems are only permitted on semi-detached dwellings.
- h. Only one system per lot is permitted on properties less than 3 acres in area.
- i. Only one system is permitted per building side on properties 3 acres or greater in area.
- j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- k. All systems shall be gray or a similar color that minimizes visibility.
- l. No exterior lighting is permitted.
- m. The systems shall comply with all applicable local, state, and federal laws and provisions.
- n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted
- o. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

Section 131.0.N.[[51]]50. Small Wind Energy Systems, Freestanding Tower

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
- c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the minimum lot size shall be 5 acres.
- d. The system shall not be located within the front yard between the principal structure and the front property line.
- e. The minimum setback for a system shall equal its total height, plus 10% from any property line.
- f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- g. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132.0, except that there shall be no further extensions of,

- or new petition for, a Temporary Use permit which has already been extended to the one year limit.
- h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
 - i. No other equipment unrelated to the operation of the system shall be attached to the structure.
 - j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
 - k. The system shall comply with all applicable local, state, and federal laws and provisions.
 - l. A system that is no longer used shall be removed from the site within one year of the date that use ceases.
 - m. On an ALPP purchased or dedicated easement property, the following additional criteria are required.
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.51. Solar Collector Facility, Commercial Ground-Mount

A Conditional Use may be granted in the RC, RR District for a commercial ground-mount solar collector facility, provided that:

- a. The parcel on which the commercial ground-mount solar collector facility is proposed must be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. However, on parcels which are in the Agricultural Land Preservation Program, the maximum size shall be 16 acres or 20% of the property, whichever is less.

However, a ground-mount solar collector facility on an Agricultural Preservation Parcel can be increased to a maximum of 34% of the parcel by the Hearing Authority if the Hearing Authority finds that the use shall not interfere with farming operations or limit future farming production. The Hearing Authority shall consider the following:

 - (1) A. At least 60% of the acreage outside of the ground-mount solar collector facility area is viable for a farm operation, inclusive of farm buildings needed for the farm operation; and
B. The remaining soils capability are more than 50% USDA Classes I—III and more than 66% USDA Classes I—IV or;
 - (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.

-
- b. All structures and uses must meet a minimum 50 foot setback from all property lines.
 - c. No structure or use may be more than 20 feet in height.
 - d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial ground-mount solar collector facility unless the Hearing Authority determines that an alternative buffer is sufficient.
 - e. All security fencing must be located between the landscaping buffer and the commercial ground-mount solar collector facility.
 - f. The systems shall comply with all applicable local, state, and federal laws and provisions.
 - g. A commercial ground-mount solar collector facility that is no longer used shall be removed from the site within 6 months of the date that the use ceases. The Property Owner shall secure this obligation by maintaining a bond, escrow, or other form of security, in an amount equal to the estimated future cost of removal, that is acceptable to the Director of Finance.
 - h. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial ground-mount solar collector facility. The applicant shall provide the Hearing Authority with details regarding maintenance and access for the site.
 - i. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.
 - j. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.
 - k. Scenic Views.
 - (1) The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:
 - A. A public park;
 - B. A national or state designated scenic byway;
 - C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or
 - D. A historic structure as defined in Section 16.601 of the Howard County Code.
 - (2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from Scenic Views
 - A. The Conditional Use petition shall include a visual impact analysis mapping all viewshed impacts and any proposed mitigation. This analysis shall include mapped visual impact assessments of all

important or critical viewpoints or elevations from which the solar facility can be seen from a fixed vantage point. For purposes of this subsection, A viewshed is a topographically defined area including all critical observation points from which the solar facility is viewed.

- B. If the visual impact assessment as mapped particularly interferes with and compromises critical observation points within the viewshed that warrant viewshed protection, the petitioner shall mitigate the view through additional landscaping or other forms of mitigation, including reconfiguration of the solar panels, or as may be required by the Hearing Authority.
 - C. Fencing along road frontage or the perimeters of the commercial ground-mount solar collector facility site where the fencing would be visible shall be constructed of a material and design consistent with the character of the roadway or area.
 - D. The petition shall include a landscape plan.
1. The Howard County Agricultural Preservation Board shall review any Conditional Use petition which proposes to build a new commercial ground-mount solar collector facility on parcels which are in the Agricultural Land Preservation Program prior to approval by the Hearing Authority, using a two-step review process, in the following manner:
- (1) Prior to scheduling and convening a presubmission community meeting pursuant to Howard County Zoning Regulations Section 131.0.f.1, the petitioner shall submit a proposed concept plan for a commercial ground-mount solar collector facility on a parcel or parcels in the Agricultural Land Preservation Program to the Howard County Agricultural Preservation Board for advisory review as to whether the siting of the commercial ground-mount solar collector facility on the parcel or parcels supports the primary agricultural purpose of the easement property or is an ancillary business which supports the economic viability of the farm.
 - A. Preliminary review: The Agricultural Preservation Board shall conduct a preliminary review of a concept plan to review the placement of the proposed facility and the remaining soil capability. The materials submitted for the preliminary review shall include, at a minimum, a letter signed by the property owner requesting the commercial ground-mount solar collector facility, a concept plan depicting proposed locations for the facility and a soil classification analysis, consistent with the provisions of the Agricultural Preservation Board's commercial Solar Facilities Policy. The Concept Plan should show at least two potential placements of the CSF on the property to allow the APB an

- opportunity to advise on the best placement of the solar facility to minimize negative impacts on the farming operation.
- B. Final Review: The materials submitted for final review shall include, at a minimum, a copy of the Agricultural Land Preservation Program easement, a copy of the Howard County Soil Conservation and Water Quality Plan, and a copy of the proposed final concept plan.
- (2) The Board's advisory review shall be in writing.
 - (3) The petitioner shall make the Board's advisory review available at the presubmission community meeting.
 - (4) The Department of Planning and Zoning's Technical Staff Report on the petition shall include an evaluation of and a recommendation on the Board's advisory review of the petition and shall include as attachments the Board's advisory review and a copy of the Agricultural Preservation Easement.
- m. Subject to Section 106 of these regulations, the property on which an approved commercial ground-mount solar collector facility is located is eligible to be a sending parcel provided that one density right is retained for the conditional use until the commercial ground-mount solar collector facility is removed.
- n. For ground-mount solar collector facilities on agriculture preservation parcels, the area used for the ground-mount solar collectors must also be used for pollinator or native grass habitats, grazing for livestock such as sheep, crop production under or directly adjacent to the installation such as edible landscape barriers or tree crops, or other agricultural or ecologically enhancing alternative that the applicant proposes and the hearing authority finds to be harmonious with the purposes of the Agricultural Land Preservation Program.
- o. Regulations for Solar Collector Facility, Commercial Ground-Mount
A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. The petitioner or applicant shall provide to the Department of Planning and Zoning a glare study or other certification or assurance acceptable to the Department that the solar collectors are designed, manufactured, and will be installed:
- A. To eliminate glare;
 - B. To ensure that glare will not be reflected onto nearby buildings or roadways;
 - or
 - C. With anti-reflective coatings or light-trapping technologies.

Section 131.0.N.52. Spa, Country

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, for a country spa provided that:

- a. The facility shall principally have the purpose of providing health and wellness services to individuals and groups. Documentation shall establish that the proposed facility generally is "...devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit."
- b. The minimum lot area shall be 20 acres.
- c. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including, but not limited to, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in character with the rural character in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other off-site residential uses.

[[Section 131.0.N.53. Two-family Dwellings and Accessory Apartments]]

[[A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character may be in architectural style, materials or details. Compatibility shall be demonstrated by architectural elevations or renderings submitted with the petition.

- a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts, provided that the two-family dwelling is on an individual lot, with only one two-family dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for two-family dwelling structures in the R-ED and R-12 Districts.
- b. [[Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts).]]

Section 133.0.D Minimum Parking Requirements for Specific Uses

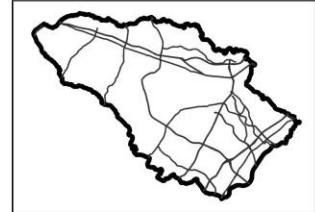
In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

1. Accessory Uses to Residences

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence:

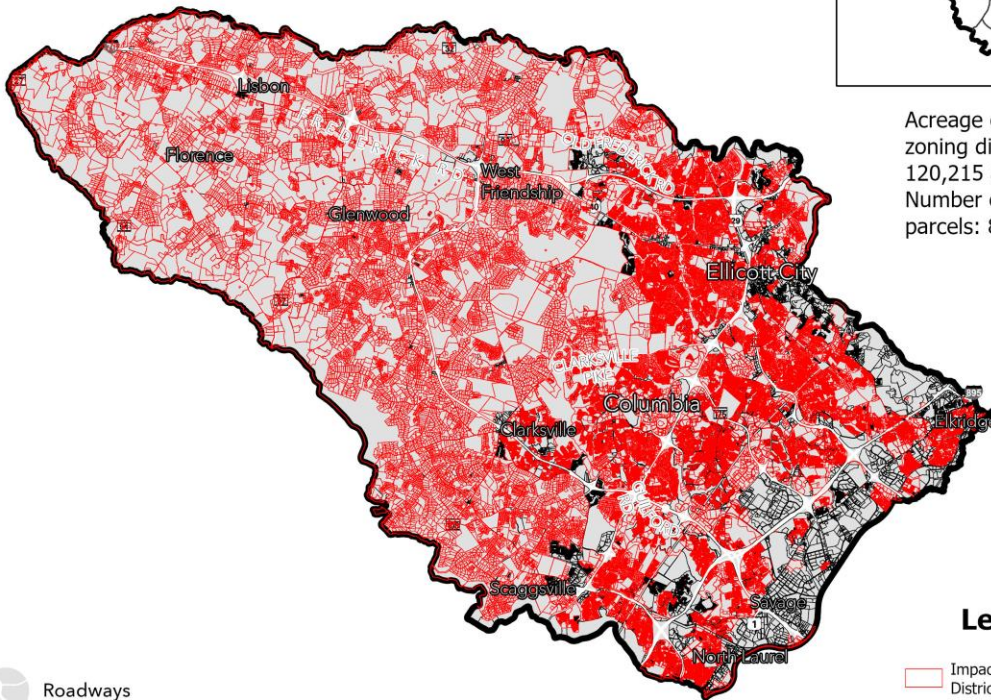
a. [[Accessory apartment]] ACCESSORY DWELLING UNIT	1.0 per [[apartment]] ACCESSORY DWELLING UNIT
b. Home-based contractors	1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older	One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces

Attachment A ADU ZRA



Map Extent

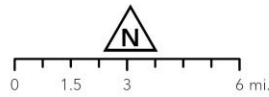
Acreage of impacted zoning districts: 120,215 acres
Number of impacted parcels: 89,294



- Roadways
- County Boundary

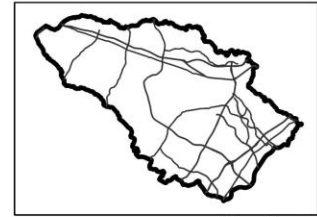
- ### Legend
- Impacted Zoning Districts
 - Property Boundaries

Howard County Department of Planning & Zoning
Maryland Department of Planning
Month Day, Year

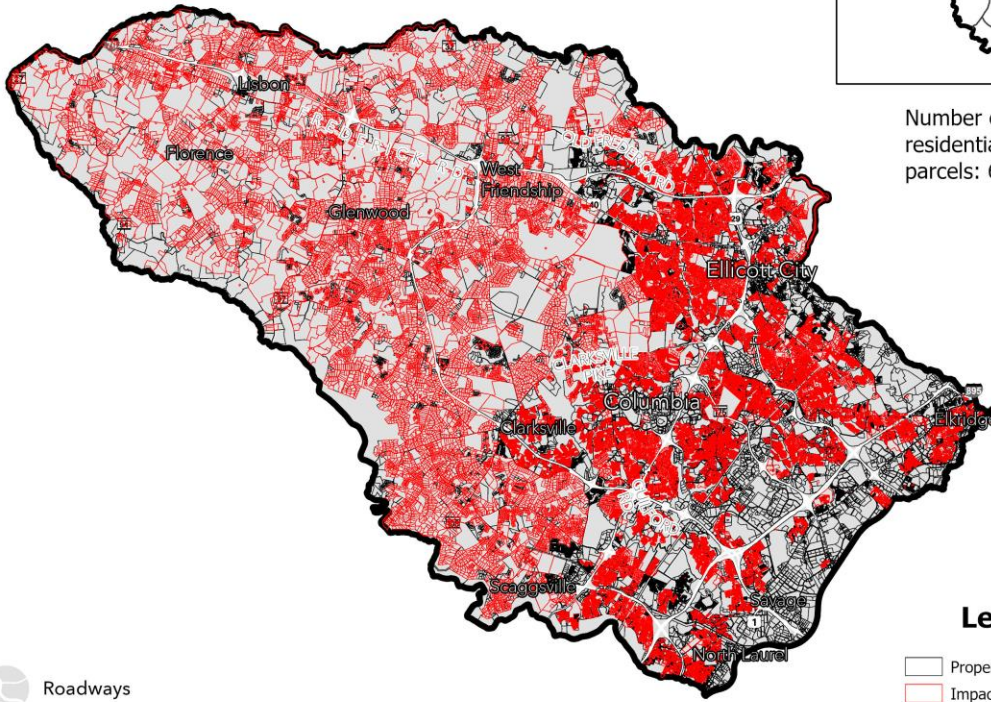


Attachment B

ADU ZRA



Map Extent
Number of impacted
residentially developed
parcels: 68,156



-  Roadways
-  County Boundary

- ### Legend
-  Property Boundaries
 -  Impacted Res. Dev.

