

Division 59-C-9. Agricultural Zones.*

Sec. 59-C-9.1. Zones established.

The following are the agricultural zones and their identifying symbols:

Rural-Rural

RC-Rural Cluster

RDT-Rural Density Transfer

Rural Neighborhood Cluster-RNC

RS-Rural Service

LDRCDZ-Low Density Rural Cluster Development Zone

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 12-79, § 1; Ord. No. 13-13, § 1; Ord. No. 13-94, §1.)

Sec. 59-C-9.2. Purposes or intent of the zones.

59-C-9.21. Intent of the Rural zone.

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

59-C-9.22. Intent of the Rural Cluster zone.

The intent of this zone is to provide designated areas in the county for a compatible mixture of agricultural uses and low-density residential development to promote agriculture, and to protect scenic and environmentally sensitive areas.

59-C-9.23. Intent of the Rural Density Transfer zone.

The intent of this zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan and the Functional Master Plan for Preservation of Agriculture and Rural Open Space. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of

development rights from properties in this zone to properties in designated receiving areas.

Agriculture is the preferred use in the Rural Density Transfer zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to the regulations prescribed in this division 59-C-9 and in division 59-G-2, "Special Exceptions-Standards and Requirements."

59-C-9.23.1. Intent of the Rural Neighborhood Cluster zone.

The intent of the Rural Neighborhood Cluster zone is to preserve open land, environmentally sensitive natural resources and rural community character that would be lost under conventional, large-lot development. This would be accomplished by requiring clusters of residential development in the form of small neighborhoods that provide neighborhood identity in an open space setting.

It is further the intent of this zone to implement the recommendations of the relevant master plan, such as maintaining broad vistas of open space, preserving agrarian character or preserving environmentally sensitive natural resources to the maximum extent possible, and to ensure that new development is in harmony with the policies and guidelines of the relevant master plan and is compatible with existing development in adjoining communities.

In order to accomplish the intent of the Rural Neighborhood Cluster zone, no land must be classified in this zone unless the land is within an area for which there is an approved and adopted master or sector plan which recommends application of the Rural Neighborhood Cluster zone. Master plans that recommend the Rural Neighborhood Cluster zone must provide development guidelines and recommendations regarding the density of development in the optional method of development, and the location and rationale for preserving the rural open space.

59-C-9.24. Purpose of the Rural Service zone.

The purpose of this zone is to allow limited types of service and commercial uses in rural areas of the County. Such uses must support traditional low density rural land uses, while protecting and maintaining an overall rural character. Further, it is intended that this zone be located in areas that are not suitable for primarily residential

development. The zone must be located in areas recommended on an approved and adopted master plan and must front on and have direct access to a road of arterial or higher classification.

Development in this zone must have a rural appearance and character. In order to maintain rural character, development must have limited imperviousness and may provide landscaping and screening and a high percentage of open space. Landscaping and screening is also to be used to provide adequate screening from adjacent land uses. All proposed landscaping, and screening must be approved at the site plan review.

The fact that an application for this zoning designation complies with all specific requirements and purposes set forth herein does not create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself, is not sufficient to require the granting of any application.

59-C-9.25. Purpose of the Low Density Rural Cluster Development zone.

It is the purpose of the Low Density Rural Cluster Development zone to implement the general plan for the Maryland-Washington Regional District and the local area master plan by permitting well designed development consistent with the density proposed by the local area master plan. It is also the purpose of the Low Density Rural Cluster Development Zone to provide suitable sites for low-density residential development which may be served by community sewer and water service at locations designated: a) for development at densities not more than one unit per 5 acres by an approved and adopted master plan; b) for a buffer or transitional use between agricultural areas and low-density one-family uses and between 2 higher density developments; c) for conservation of a sensitive environmental area; d) for protection of scenic and sensitive environmental resources and the preservation of existing open space or agricultural areas. Under this zone, the general plan or area master plan can be implemented in a manner and to a degree more closely compatible with County plans and policies than otherwise possible.

The Low Density Rural Cluster Development Zone is intended to provide the maximum amount of freedom in lot size and design in order to permit the greatest amount of open space to be conserved, and to prevent detrimental affects on the environment. The open space should be appropriately located for agricultural preservation, environmental protection, and preservation of the rural character as

viewed from areas visible to the community. Therefore, to meet this objective the optional standards, guidelines, and requirements of Section 59-C-9.5 apply in this zone. In addition, the lots developed under these provisions must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

The fact that an application complies with all the specific requirements and purposes of the zone will not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself will not be sufficient to require granting the application.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 12-79, § 1; Ord. No. 13-13, § 1; Ord. No. 13-45, § 1; Ord. No. 13-76, §1; Ord. No. 13-94, §1; [Ord. No. 15-31](#), § 1.)

Sec. 59-C-9.3. Land uses.

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

- **Permitted uses.** Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special exception uses.** Uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC
(a) Agricultural:						
Agricultural processing, primary						P
Equestrian facility. ⁴¹	P/SE	P/SE	P/SE	P/SE	P/SE	SE ²
Farm. ¹	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P	
Other agricultural use.	P	P	P	P	P	P
(b) Agricultural-Industrial:						
Abattoir.	SE	SE ²	SE ²	SE		
Agricultural processing. ³⁶	SE	SE ²	SE ²	SE	SE	

Construction Debris Reclamation Facility.					P	
Contractors storage yard. ²⁸ (existing)					P	
Grain elevator. ³⁶	SE	SE ²	SE ²	SE	SE	
Manufacture of light sheet metal products. ²⁸ (existing)					P	
Manufacture of mulch and composting.	SE	SE ²	SE ²	SE	SE	
Milk plant. ³⁷	SE	SE ²	SE ²	SE		
Sawmill.	SE	SE ²	SE ²	SE		
Storage for recycling of building or construction materials. ²⁸ (existing)					P	
Winery. ³⁸	SE/P	SE/P	SE/P	SE/P	SE/P	SE ²
Wood product and furniture manufacturing. ²⁸ (existing)					P	
(c) Agricultural-Commercial:						
Blacksmith. ⁴	SE	SE ²	SE ²	SE	P	P ²
Christmas tree sales between December 5 and 25.	P	P	P	P	P	P ²
Country market.	SE	SE	SE	SE	P	SE ²
Farm market. ⁵	P	P	P	P	P	P ²
Landscape contractor. ^{3, 2}	SE	SE	SE	SE	P	SE ²
Nursery, horticultural - retail. ^{1,3}	SE	SE	SE	SE	P	SE ²
Nursery, horticultural - wholesale. ^{1,3}	SE	SE ²	SE ²	SE	P	SE ²
(d) Resource Production and Extraction:²						
Rock or stone quarry, as a temporary use.	SE	SE	SE	SE		
Sand, gravel or clay pit, or extraction of other natural materials, as a temporary use.	SE	SE	SE	SE		
(e) Residential:²						

Accessory apartment. ^{6,7}	SE	SE	SE	SE		SE
Accessory dwelling. ⁷	SE	SE	SE	SE	SE	SE
Accessory dwelling for agricultural workers. ⁴²				P		
Bed-and-breakfast lodging with one or 2 guest rooms. ³¹	P	P	P	P	P	P
Bed-and-breakfast lodging with 3, 4 or 5 guest rooms. ¹⁸	SE	SE	SE	SE	P	SE
Dwelling, one-family detached.	P	P	P	P	P	P
Farm tenant dwelling. ⁸	P	P	P	P		P
Farm tenant mobile home, more than one but less than 4. ⁸	SE	SE	SE	SE		SE
Group home, small.	P	P	P	P	P	P
Group home, large. ¹⁵	SE	SE	SE	SE	SE	SE
Guest house, as accessory use. ⁸	P	P	P	P	P	P
Guest rooms, for not more than 2 roomers in any dwelling unit.	P	P	P	P	P	P
Housing and related facilities for senior adults or persons with disabilities.	SE	SE	SE		SE	SE
Life care facility.	SE	SE	SE			SE
Mobile home, double-wide. ⁹	P	P	P	P	P	P
Registered living unit. ^{6,20}	P	P	P	P	P	P
(f) Transportation, Communication and Utilities:						
Airstrip, associated with farm.		SE ²	SE	SE		
Cable communication system. ¹⁰	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying more than 69,000 volts.	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution line, overhead, carrying 69,000 volts or less.	P	P	P	P	P	P

Electric power transmission and distribution line, underground.	P	P	P	P	P	P
Helistop.	SE	SE ^{2,11}	SE ^{2,11}	SE ¹¹		
Parking of motor vehicles, off-street, in connection with any use permitted.	P	P	P	P	P	P
Parking of motor vehicles, off-street, in connection with commercial uses.	P ³⁹			P ³⁹		
Pipeline, aboveground.	SE	SE	SE	SE	SE	
Pipeline, underground.	P	P	P	P	P	P
Public utility buildings, public utility structures, and telecommunication facilities. ³³	SE	SE	SE	SE	P ³² / SE	SE ²
Radio or television broadcasting station or tower.	SE	SE ²	SE ²	SE	SE	
Railroad track.	P	P	P	P	P	
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁷	P	P		P		P
Telephone or telegraph line.	P	P	P	P	P	P
(g) Commercial: ²						
Antique shop.	SE	SE	SE	SE	P	SE
Auction facility. ¹²				SE	P	
Farm machinery: sales, storage, or service.		SE	SE	SE	P	
Farm supply: sales, storage, or service.		SE	SE	SE	P	
Transitory use. ²⁶	P/SE	P/SE		P/SE		P/SE
(h) Services: ²						
Adult foster care home.	P	P	P	P	P	P
Ambulance or rescue squad, publicly supported.	P	P	P	P	P	P
Animal boarding place.	SE	SE	SE	SE	SE	SE

Cemetery.	SE	SE	SE	SE	SE	SE
Charitable or philanthropic institution. ¹⁹	SE	SE	SE	SE	SE	SE
Child day care facility:						
—Family day care home.	P	P		P	P	P
—Group day care home. ³⁴	P	P		P	P	P
—Child day care center.	SE	SE		SE	P	SE
Church, memorial garden, convent, monastery, and/or other place of worship.	P	P	P	P	P	P
Day care facility for more than 4 senior adults and persons with disabilities.	SE	SE	SE	SE	SE	SE
Day care facility for not more than 4 senior adults and persons with disabilities. ¹⁴	P	P	P	P	P	P
Domiciliary care home for more than 16 residents. ³⁵	SE	SE	SE	SE	SE	SE
Educational institution, private.	SE	SE	SE	SE ¹³	SE	SE
Family burial sites.	SE	SE	SE	SE		
Fire station, publicly supported.	P	P	P	P	P	P
Funeral parlor or undertaking establishment				SE ⁴⁰		
Home health practitioner's office.	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹	P ²² / SE ²¹
Home occupation, major. ²¹	SE	SE	SE	SE	SE	SE
Home occupation, registered. ²²	P	P	P	P	P	P
Home occupation, no impact. ²³	P	P	P	P	P	P
Hospice care facility.	SE	SE	SE	SE	SE	SE
Hospital, veterinary.	SE	SE	SE	SE	SE	SE
Nursing home. ³⁵	SE	SE			SE	SE
Offices, general. ²⁹					SE	

Publicly owned or publicly operated use.	P	P	P	P	P	P
Respite care home.	P	P	P	P	P	P
Sanitarium.	SE	SE	SE	SE	SE	SE
(i) Cultural, Entertainment and Recreational:						
Boathouse, private.	P	P	P	P	P	
Campground.	SE					
Country club.	SE	SE	SE			
Golf course.	SE	SE	SE	SE ²⁵		
Hunting or fishing cabin, private. ¹⁶	P	P	P	P		
Kennel, noncommercial.	P	P	P	P	P	P
Libraries and museums. ³⁰		P				P ²
Private club or service organization.	SE	SE	SE	SE	SE	SE ²
Recreational or entertainment establishment, or commercial.	SE				SE	
Riding stable, private. ¹⁷						P
Rifle, pistol, or skeet shooting range, outdoor.	SE	SE ²	SE ²	SE	SE	
Swimming pool, community.	SE	SE	SE			SE ²
Swimming pool, private. ¹⁶	P	P	P	P	P	P
Theater, legitimate.	SE				SE	
(j) Miscellaneous:						
Accessory buildings and uses.	P	P	P	P	P	P
Security pavilion	P ⁴³	P ⁴³	P ⁴³	P ⁴³	P ⁴³	P ⁴³
Signs, in accordance with the provisions of Article 59-F.	P	P	P	P	P	P
Wildlife or game preserve, regulated shooting ground licensed by the Maryland Wildlife Administration, and other conservation areas.	P	P	P	P	P	

1 Products of agriculture and agricultural processing may be sold from a farm if the products are produced on site. The sale from a farm of horticultural products grown primarily on site or, if grown off-site, are planted in the ground or in pots or beds for a period of time on not more than 2 acres or 20% of the site, whichever is less, is an accessory use to the farm.

2 This use or class of uses is not permitted in the portion of a rural cluster development regulated by section 59-C-9.52 or in the rural open space as regulated by section 59-C-9.57, except as noted in those sections.

3 The delivery and installation of horticultural products grown on the farm that provides the delivery and installation service is an accessory use to the farm. A landscape contractor or wholesale nursery in operation on October 22, 1985, is a conforming use and is not required to obtain a special exception, unless:

(a) The on-site operation is expanded or enlarged;

(b) The on-site operation is diversified to include retail facilities or a related use not in operation prior to October 22, 1985; or

(c) The operation is discontinued for a period of 6 months or more. A period of seasonal inactivity of up to 4 months does not constitute discontinuance.

4 A farrier whose operation is limited to shoeing horses or other equines is not a commercial blacksmith.

5 The sale and display area must be located at least 25 feet from the paved edge of the roadway. There must be at least 3 off-street parking spaces. Firewood sold at a farm market must be cut and split on the farm or location where the wood is harvested.

6 Not permitted in a mobile home.

7 As a special exception regulated by divisions 59-G-1 and 59-G-2, such a dwelling unit is excluded from the density calculations set forth in sections 59-C-9.41, title "Density in RDT Zone," and 59-C-9.6, title "Transfer of Density-Option in RDT Zone." Once the property is subdivided, such a dwelling would no longer comply with the special exception regulations or with this exclusion. A special exception is not required for a dwelling that was a farm tenant dwelling in existence prior to June 1, 1958, provided, that the dwelling meets all applicable health and safety regulations.

8 A farm tenant dwelling, farm tenant mobile home, or guest house, as defined in section 59-A-2.1, title "Definitions," is excluded from the density calculations set forth in sections 59-C-9.41, title "Density in RDT Zone," and 59-C-9.6, title "Transfer of Density-Optional in RDT Zone," provided that these uses remain accessory to a farm. Once the property is subdivided, such dwellings would no longer comply with these definitions or with this exclusion. A farm tenant dwelling in existence prior to June 1, 1958, may be rented to a non-farm family without obtaining a special exception as an accessory dwelling, provided that the dwelling meets all applicable health and safety regulations.

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

10 Except as provided in sections 59-A-6.9 and 59-G-2.10.1.

11 Provided it is a private helistop associated with a farm.

12 Merchandise restricted as stated in section 59-G-2.05.1.

13 Limited to individual or small class instruction provided within a dwelling or an accessory use, such as a swimming pool, by a resident of the dwelling. However, a private educational institution for persons with disabilities may be established subject to the special exception requirements of section 59-G-2.19, and provided (1) the site was previously used to provide educational services to persons with disabilities, (2) no more than 75 students are enrolled at any one time, (3) enrolled students are not boarded, and (4) improvements exist on the property (as of July 21, 2003) to accommodate the school's educational programs. A residence may be provided on site for use by a caretaker. Educational services to persons without disabilities are limited to enrichment activities related to providing educational services to persons with disabilities. A private educational institution lawfully existing prior to January 6, 1981, when the Rural Density Transfer Zone sectional map amendment was enacted is a conforming use, and may be extended, enlarged or modified by special exception subject to the provisions of section 59-G-2.19, "Educational Institutions, Private."

14 As defined under "Day Care Facility for Senior Adults and Persons with Disabilities."

15 Subject to the special exception standards for a group home, section 59-G-2.26.

16 For use of the property owner and nonpaying guests only.

17 Reserved.

18 Not permitted in an accessory dwelling, farm tenant dwelling or mobile home. The owner must maintain a record of transient visitors and register the lodging with the Department. Minimum lot size for a lodging with more than 3 guest rooms is 2 acres.

19 Provided the special exception is for re-use of an existing building and has a maximum lot size of 2 acres.

20 In accordance with Executive Regulations and subject to the requirements enumerated in section 59-A- 6.10.

21 In accordance with section 59-G-2.29, title "Home Occupation, Major." A professional office for a resident of a dwelling for which a use-and-occupancy permit

was issued prior to February 5, 1990, may be continued as a nonconforming use, as provided in division 59-G-4. Alternatively, an existing resident professional may register a home occupation or home health practitioner's office, in accordance with sections 59-A-3.4 and 59-A-6.1, or apply for a special exception, in accordance with section 59-G-2.29.

22 In accordance with sections 59-A-3.4 and 59-A-6.1.

23 There must be no more than 5 visits per week, no nonresident employees and no discernible adverse impact on the neighborhood.

24 Reserved.

25 If an application was filed with the Board of Appeals prior to June 16, 1992. Any golf course approved by the Board of Appeals is not a non-conforming use and may be modified in accordance with Sec. 59-G-2.241.

26 In accordance with Section 59-A-6.13.

27 Refer to Sec. 59-A-6.14.

28 Valid only for uses existing as of the date of placement in the zone or on a parcel adjoining I-1 zoned property devoted to a similar use at the time of placement in the zone. Expansion on such a parcel adjoining I-1 zoned property shall require that the entire site is covered by site plan review for both properties.

29 For existing residential structures as of the date of placement in the zone and in accordance with the special exception requirements of Section 59-G-2.38.1.

30 Whenever main and accessory structures exceed an aggregate floor area of 5,000 square feet, development will be subject to site plan review under Division 59-D-3. All properties designated as resources in the Master Plan for Historic Preservation are excluded from the site plan review requirement.

31 May be permitted in an accessory building designated as historic on the Master Plan for Historic Preservation.

32 A freestanding monopole for a telecommunication facility is a permitted use if the height does not exceed the building height of the zone and the monopole is set back one foot for every foot of height from the property line.

33 A freestanding monopole for a telecommunication facility is a permitted use up to 199 feet in height within an overhead transmission line right-of-way but must not be closer than 300 feet to any residence.

34 Not to be located in a townhouse unit or an attached unit.

35 Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G- 2.37.

36 Permitted by right as an accessory use to a farm.

37 A milk plant and a milk parlor are permitted by right as an accessory use to a farm.

38 Permitted by right provided no more than two public events are held per year.

39 Parking of motor vehicles is permitted in an historic district in accordance with the provisions of Sec. 59-A-6.22.

40 If operated in conjunction with a cemetery established by special exception before (ZTA effective date) [August 20, 2001].

41 Any riding stable, including buildings, show rings, paddocks, activities and events established in an agricultural zone before April 5, 2004 is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards in effect after April 5, 2004 except that any riding stable existing before April 5, 2004 must be in compliance with the nutrient management, water quality, and soil conservation standards of 59-C-9.31(c) no later than March 2, 2005.

42 Only for workers actively engaged on a full-time or part-time basis in managing or maintaining a lawful agricultural use that is under the control of the owner or operator of property on which the accessory dwelling is located. An accessory dwelling for use by agricultural workers is permitted in addition to a main dwelling.

43 In accordance with Section 59-A-6.17

59-C-9.31. Equestrian facility standards as a permitted use in the agricultural zones.

(a) Equestrian events:

(1) Any equestrian event that does not involve more than 25 participants and spectators may take place on any site that has at least 18 acres.

(2) An informal equestrian event may take place on Saturdays, Sundays and Holidays at any time on any site that has at least 18 acres. An informal equestrian event may take place no more than 6 weekdays in any calendar month on at least 18 acres.

(3) No more than 7 minor equestrian events may take place each year on any site that has at least 25 acres.

(4) No more than 3 major equestrian events may take place each year on any site that has at least 75 acres and that has direct access to a roadway with an arterial or higher classification. A permit

must be obtained from the Department of Permitting Services for each major event. Each major event must not take place for more than 3 consecutive days. The applicant must specify the nature of the event, the anticipated attendance of spectators and participants, the number of days the event will take place, the hours during which the event will take place, the area to be used for parking, any traffic control measures intended to be put in place, and any other information determined by the Department of Permitting Services to be relevant to the issuance of the permit. A fee for issuance of the permit may be set by the Department.

(5) A maximum of 10 major and minor equestrian events may take place each year at any equestrian facility.

(6) An equestrian event must not be held on a site that does not have the minimum acreage specified in this subsection.

(b) Minimum number of gross acres per horse:

(1) For 1-2 horses, 2 acres;

(2) For 3-10 horses, one acre per horse;

(3) For more than 10 horses, an additional one-half acre per horse.

(c) Plan Approvals and Compliance.

Any equestrian facility that keeps or boards more than 10 horses must meet all nutrient management, water quality and soil conservation standards of the County and State. A nutrient management plan prepared by a qualified professional and a soil conservation and water quality plan prepared by the Montgomery Soil Conservation District Board must be submitted through a letter of certification by the landowner to the Department of Permitting Services, or other relevant agency. Enforcement of the nutrient management, water quality, and soil conservation plans is the responsibility of the State of Maryland. The land owner must obtain all plans within one year after commencement of operations. Any equestrian facility existing before April 5, 2004 must comply with the requirements of this subsection no later than March 2, 2005.

(d) Setbacks.

Each building, show ring, paddock, outdoor area, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent tract of land.

(e) Noise Levels.

Amplified sound must meet all requirements of Chapter 31B.

(f) Lighting.

Any outdoor arena lighting must direct light downward using full cutoff fixtures, not produce any glare or direct light onto nearby properties, and not be illuminated after 10 p.m., except for an equestrian event which must not be illuminated after 9 p.m. Sunday through Thursday. A lighting plan that establishes compliance with this provision must be submitted to Planning Board staff for approval before an electrical permit may be issued.

(g) Hours an equestrian event may operate.

An equestrian event may operate only from 6 a.m. to 9 p.m. Sunday through Thursday and from 6 a.m. to 10 p.m. Friday and Saturday.

(h) An equestrian facility special exception may be filed with the Board of Appeals to deviate from any permitted use standard regarding: (1) number of participants and spectators, (2) number of events each year, (3) event acreage, (4) hours of operation, and (5) a road classification requirement. An equestrian facility special exception must be renewed every five years at which time the Board must evaluate the effectiveness of the terms and conditions of the original special exception grant.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 10-85, §§ 3--5; Ord. No. 11-14, § 7; Ord. No. 11-29, § 6; Ord. No. 11-34, § 3; Ord. No. 11-41, § 10; Ord. No. 11-58, § 1; Ord. No. 11-61, § 4; Ord. No. 11-67, § 8; Ord. No. 11-69, § 2; Ord. No. 11-70, § 3; Ord. No. 11-72, § 9; Ord. No. 11-73, § 10; Ord. No. 11-85, § 1; Ord. No. 12-1, § 1; Ord. No. 12-4, § 3; Ord. No. 12-20, § 1; Ord. No. 12-61, § 3; Ord. No. 12-72, §1; Ord. No. 12-75, § 9; Ord. No. 12-79, § 3; Ord. No. 13-2, § 1; Ord. No. 13-6, § 1; Ord. No. 13-13, § 1; Ord. No. 13-21, § 9; Ord. No. 13-27, § 5; Ord. No. 13-31, § 4; Ord. No. 13-35, § 1; Ord. No. 13-47, § 9; Ord. No. 13-76, §1; Ord. No. 13-85, §2; Ord. No. 13-94, §1; Ord. No. 13-107, § 2; Ord. No. 13-110, § 3; Ord. No. 13-

112, § 1; Ord. No. 14-25, § 2; Ord. No. 14-36, § 1; Ord. No. 14-39, § 2; Ord. No. 14-41, § 1; Ord. No. 14-47, § 1; Ord. No. 14-49, § 1; [Ord. No. 15-08](#), § 1; [Ord. No. 15-21](#), § 4; [Ord. No. 15-31](#), § 1; Ord. No. 15-28, § 4.)

Editor's note-Sections 3-5 of Ord. No. 10-85 amended §§ 59-C-9.1, 59-C-10.1, 59-C-11.1, without taking into account the reorganization of divs. 59-C-9-59-C-11 by Ord. No. 10-69. The substantive provisions of §§ 59-C-9.1, 59-C-10.1, 59-C-11.1 are now given in this § 59-C-9.3. The editor has, therefore, included provisions relative to family burial sites enacted by Ord. No. 10-85, §§ 3-5, in subsection (h) of this section.

Sec. 59-C-9.4. Development standards.

The following requirements apply in all cases, except as specified in the optional standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the exemption provisions of section 59-C-9.7.

59-C-9.41. Density in RDT zone.

Only one one-family dwelling unit per 25 acres is permitted. (See section 59-C-9.6 for permitted transferable density.) The following dwelling units on land in the RDT zone are excluded from this calculation, provided that the use remains accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

(a) A farm tenant dwelling, farm tenant mobile home or guest house as defined in section 59-A-2.1, title "Definitions."

(b) An accessory apartment or accessory dwelling regulated by the special exception provisions of division 59-G-1 and 59-G-2.

	Rural	RC	LDRC	RDT	RS	RNC
59-C-9.42. Minimum net lot area.						
No main building, together with its accessory buildings, shall be located on a lot having a net area of less than	5 acres	5 acres	5 acres	40,000 sq.ft.	2 acres ⁴	25,000 sq.ft.
59-C-9.43. Minimum lot width (in feet):						
(a) Measured along front building line	300	300	300	125	125	100

(b) Measured along front street line	25	300	300	25	300	25
59-C-9.44. Yard requirements for a main building (in feet):						
(a) Minimum setback from street. The front building line must be parallel to the front lot line or proposed street line and set back from the lot or street line at least	50	50 ¹	50 ¹	50 ¹	50 ³	40
(b) Minimum side yard, 2 required:						
(1) One side	20	20	20	20	20	15
(2) Sum of both sides	40	40	40	40	40	
(3) Abutting a public street	50	50 ¹	50 ¹	50 ¹	50 ³	50 ¹
(c) Minimum rear yard	35	35	35	35	35 ³	35
59-C-9.45. Yard requirements for an accessory building (in feet).						
In the Rural and Rural Cluster zone, an accessory building on a residential lot must be located in the rear yard and occupy no more than 25 percent thereof. In all 6 zones, it must be set back at least as follows:						
(a) From the front lot line or proposed street line	80	80	80	(see note 1)	80	80
(b) From the side lot line:						
(1) Of an interior lot	15	15	15	15	15	15
(2) Of a lot abutting a public street	50 ¹	50 ¹	50 ¹	50 ¹	50 ¹	50
(c) From a rear lot line	10	10	10	10	10 ³	10
Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be located at least 25 feet from a lot line and at least 100 feet from dwelling on another						

lot or parcel.						
59-C-9.46. Maximum Lot Coverage.						
No more than this percentage of the net lot area may be covered by buildings, including accessory buildings. ²	10	10	10	10	10	10
59-C-9.47. Maximum building height, except that there is no height limit for agricultural buildings (in feet)	50	50	50	50	50	35

1 This setback must consist of any scenic setback indicated on an approved and adopted master plan or 50 feet, whichever is greater.

2 On a lot or parcel where agricultural products are grown predominantly in greenhouses, a maximum lot coverage of 40 percent is permitted, subject to the following provisions:

- (a) Any increase above 10 percent must consist entirely of greenhouse area.
- (b) The plan receives site plan approval as provided in division 59-D-3.

3 This minimum setback may be increased at the time of site plan review in accordance with 59-D-3 in order to protect or enhance the open space on the property.

4 Any lot smaller than two acres, created by deed and existing at the date of inclusion in the zone may be created as a record lot. A record lot may also be created through the replatting of two or more otherwise substandard lots. Any lawfully constructed structure on such lot may continue as a conforming structure; however additions or structural alterations must conform to the setback, height, floor area ratio, and green area requirements for the Rural Service zone. Any new or replacement structures proposed for such a lot must conform to the setback, height, floor area ratio, and open space requirements for the Rural Service zone.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 11-57, § 1; Ord. No. 12-28, § 1; Ord. No. 12-61, § 3; Ord. No. 12-79, § 4; Ord. No. 13-13, § 1; Ord. No. 13-69, §4; Ord. No. 13-94, §1.)

Sec. 59-C-9.5. Cluster development--Option in Rural Cluster zone and Low Density Rural Cluster zone.

59-C-9.51. Purpose.

The purpose of the cluster method of development is to provide greater flexibility in achieving a compatible mixture of agricultural and residential uses and to protect scenic and environmentally sensitive

areas without jeopardizing farming or other agricultural use on a portion of the property or on adjacent or nearby properties.

59-C-9.52. Intent.

In order to accomplish the purpose of rural cluster development, the intent of this method is that at least 60 percent of the property must normally be reserved for open space or for the following classes of uses stated in section 59-C-9.3. The exceptions noted are not permitted and are excluded from this area.

- (a) Agricultural.
- (b) Transportation, communication and utilities; except:
 - (1) Airstrip associated with a farm;
 - (2) Helistop; and
 - (3) Radio or television broadcasting station or tower.
- (c) Cultural, entertainment and recreational, except outdoor rifle, pistol, or skeet shooting range.
- (d) Miscellaneous.

The following classes of uses are not permitted in this reserved area. The exceptions noted are not excluded from this area; they are permitted by right or by special exception, as stated in section 59-C-9.3.

- (a) Agricultural-industrial, except winery;
- (b) Agricultural-commercial, except country market and farm market;
- (c) Resource production and extraction;
- (d) Residential, except detached dwelling in existence prior to approval of the rural cluster subdivision;
- (e) Commercial; and
- (f) Services, except:

- (1) Private educational institution; and
- (2) Professional office for a resident of a dwelling in existence prior to approval of the rural cluster subdivision.

No more than 40 percent of the property can normally be used for residential cluster development, except that the planning board may approve a plan of subdivision for cluster development that includes a higher percentage of residential development if it can be demonstrated that such a plan would better accomplish the purposes of the zone than would strict adherence to the 40 percent standard. Such a plan must also be in accordance with the guidelines stated in section 59-C-9.53 below.

59-C-9.53. Guidelines.

The following guidelines are in addition to those provided in section 50-39 of the subdivision regulations and apply to all cluster development in this zone:

(a) The plan of cluster development must locate and arrange the residential development so as to protect, to the maximum extent reasonable, that portion of the tract appropriate for open space, farming or other permissible uses listed in section 59-C-9.52, above.

(b) The plan of cluster development must indicate an arrangement of residential development so as to reduce as much as possible any nuisance, jeopardy, or conflict between the residential and the agricultural uses both within the tract and in relation to adjoining or nearby tracts and to demonstrate the compatibility of the proposed cluster plan with existing development.

(c) The residential portion of the plan of cluster development must be so laid out, and protected during construction, as to remain as harmonious as possible with the natural environment, minimizing as much as possible the clearing of trees, grading of earth, disturbing of streams, and other similar dislocations of the natural environment.

(d) The plan of cluster development must provide that, if any area is reserved for open space in accordance with the provisions of section 59-C-9.52, above, it may be recorded as either:

- (1) A parcel for common open space;

(2) An outlot; or

(3) An open space easement on a residential lot, provided that the area is clearly delineated and its reservation as open space is clearly stated on the record plat in the land records of Montgomery County.

(e) The minimum size of a farm in the area reserved for farming or other uses, as provided in section 59-C-9.52 above, must be 25 acres unless the planning board finds that a smaller size would better implement the purposes of the zone and the guidelines of this section.

(f) The plan of cluster development must show how scenic vistas are being preserved or enhanced, and reflect an arrangement which has considered the visual impact of the residential development on such vistas.

(g) The planning board may refuse to approve the cluster method or a plan of cluster development if in its judgment:

(1) Significant agricultural, farming, or similar activity would be jeopardized unduly through development under the cluster method;

(2) The natural integrity of environmentally sensitive areas would be threatened due to the cluster development; or

(3) Significant scenic vistas would be lost, obliterated, or substantially diminished in value due to the cluster development.

59-C-9.54. Development standards.

The density under the cluster development option must not exceed one unit per 5 acres.

(a) **Net lot area.** Any main building hereafter erected, together with its accessory buildings, must be located on a lot having a net area of at least 40,000 square feet.

(b) **Lot coverage, percentage of.** A maximum of 10 percent of the net area of the lot is to be covered by buildings, including accessory buildings.

(c) **Yard, front.** Each lot must have a front building line at least 50 feet from and parallel to the front lot line or a proposed front street line, if such has been established within the lot, or such additional

setback as is indicated as a scenic setback in an approved and adopted master plan.

(d) **Yard, side.** Each lot must have 2 side yards, the sum of which must be 35 feet. Each side yard must be at least 17 feet in width, except that the width of a side yard which abuts a public street must be calculated in the same manner as a front yard.

(e) **Yard, rear.** Each lot must have a rear yard at least 35 feet in depth.

(f) For accessory building setbacks, see section 59-C-9.45.

(g) **Lot width at front building line.** Each lot must have a width of at least 125 feet measured along the front building line.

(h) **Lot width at front street line.** Each lot must have a width of at least 25 feet measured along the front street line.

(i) **Building height limit.** A building must not exceed a height of 50 feet except that there is no height limit for agricultural buildings.

59-C-9.55. Special exception uses.

In addition to the usual special exception provisions of divisions 59-G-1 and 59-G-2, the following additional standards and requirements must apply to applications for special exception uses in the nonresidential portion of a rural cluster development regulated by section 59-C-9.52 above:

(a) Particular attention must be given to the purpose, intent, and guidelines for the cluster development option as specified in sections 59-C-9.51, 59-C-9.52 and 59-C-9.53. The board of appeals must determine that the use will not adversely affect, jeopardize, impair, or diminish:

(1) Significant agricultural, farming or similar activity on the property or adjacent properties;

(2) The natural integrity of environmentally sensitive areas;
and

(3) Significant scenic vistas.

(b) Special exception uses within the open space area must have access to a primary road or road of higher classification.

(c) Special exception uses must not normally adjoin land classified in the Rural Density Transfer Zone or other land that is primarily in agricultural use. The following uses or classes of uses may, however, be allowed to adjoin agricultural land:

(1) Agricultural;

(2) Transportation, communication and utilities, except those uses prohibited by section 59-C-9.52;

(3) Winery;

(4) Country market; and

(5) Riding stable.

(d) Buildings in connection with special exception uses may be located in the open space area of the cluster development only if such location will:

(1) Achieve greater compatibility with adjacent properties and any residential uses of the cluster development;

(2) Assure more sensitive attention to environmental concerns; and

(3) Maintain the open space character of the entire cluster.

Such buildings are not permitted in the open space area of a previously recorded subdivision, unless the recorded subdivision is resubdivided.

59-C-9.56. Site plan requirement for low density rural cluster development zone.

The procedure for site plan approval in the Low Density Rural Cluster Development Zone is set forth in division 59-D-3.

59-C-9.57.Special regulations for development in the Rural Neighborhood Cluster zone.

59-C-9.571. Purpose.

The cluster method of development is intended to preserve large areas of contiguous rural open space, consistent with the recommendations and guidelines of the applicable master or sector plan. Cluster development is required under both the standard and optional methods of development. Cluster development requires the setting aside of rural open space.

59-C-9.572. Rural Open Space

Rural open space is land that is managed, as described in Section 59-C-9.574(g)(3), or is unmanaged, which means that it is returning to its natural state without human intervention. Contiguous rural open space shares an extended boundary with a residential cluster neighborhood. The open space may preserve sensitive natural resources, other sensitive areas and associated habitat.

Recreational facilities in the rural open space are limited to trails and related amenities or other facilities recommended in the master plan. The following classes of uses are not permitted in the rural open space area. The exceptions noted in subsections (d) and (f) are not excluded from this area; they are permitted by right or special exception, as stated in section 59-C-9.3:

- (a) Agricultural-industrial;
- (b) Agricultural-commercial;
- (c) Resource production and extraction;
- (d) Residential, with the following exceptions:
 - a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
 - accessory apartment that is part of a one-family detached dwelling located on a lot, 10 acres or greater in size, that contributes to the overall total of rural open space;
 - a farm tenant dwelling in existence prior to application of the Rural Neighborhood Cluster zone, or a structure converted to a farm tenant dwelling included as part of a historic site designated in the Historic Master Plan;
- (e) Commercial; and

(f) Services, except a home occupation associated with an otherwise permitted residential use.

59-C-9.573. Standard method of development.

(a) The density under the standard method of development must not exceed one dwelling per 5 acres of gross tract area.

(b) In the Rural Neighborhood Cluster zone, rural open space is defined as land contiguous to the periphery of the residential portion of a rural neighborhood which is subject to an instrument assuring its preservation as permanent open space.

(c) The following guidelines are in addition to those provided in section 50-39 of the subdivision regulations and apply to all cluster development in this zone:

(1) The development must be clustered so as to maximize that portion of the tract appropriate for open space, farming or other permissible uses listed in section 59-C-9.52, above.

(2) The cluster development must be designed so as to remain as harmonious as possible with the natural environment, minimizing as much as possible the clearing of trees, grading of earth, disturbing of streams, and other similar dislocations of the natural environment.

(3) Rural open space: A minimum of 60 percent of the property must be reserved for contiguous rural open space, consistent with the recommendations and guidelines set forth in the applicable master or sector plan. All land in the rural open space area must be preserved in perpetuity, either by dedication as parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The rural open space may be recorded as either:

(A) A parcel for common open space;

(B) An outlot; or

(C) An open space easement on a residential lot, provided that the area is clearly delineated and its reservation as open space is clearly stated on the record plat in the land records of Montgomery County.

(4) No development under the standard method is to be served by public sewer and water unless recommended in the relevant master plan.

59-C-9.574. Optional method of development.

The density of development under the optional method must not exceed one dwelling unit per gross acre. The density must conform to the recommendations and guidelines of the applicable master or sector plan. In such cases, the following development standards apply:

(a) Minimum area of development: 10 acres, except that the Planning Board may waive this requirement where the property abuts an existing property developed under the provisions of this section, and the resulting development is a logical extension of the existing development.

(b) Diversity of Lot Sizes: Under the optional method, a diversity of lot sizes is required for developments. The Planning Board must evaluate the range of lot sizes provided and insure that a proposed development is compatible with existing development on adjoining properties and consistent with the purpose and intent of the zone.

(c) Diversity of House Sizes: The Planning Board should encourage diversity of house sizes where such diversity would be consistent with neighboring communities.

(d) Development standards: The requirements of section 59-C-9.42 do not apply:

(i) Minimum lot area—4,000 sq.ft.

(ii) Minimum setback from the street—15 feet.

(iii) Yard requirements (in feet). A side yard, if provided, must be at least 8 feet. For a side or rear yard that abuts a lot that is not developed under the optional method of this section, the setback must be at least equal to that required for the abutting lot, provided that no rear yard is less than 30 feet.

(iv) Minimum lot width at the existing or proposed street line—25 feet.

(v) Maximum building height—35 feet.

(vi) Maximum lot coverage—35 percent.

(vii) The rear and side yard setbacks for accessory structures should be consistent with the requirements in the R-60 Zone, 5 feet for rear and side yard setbacks and 60 feet from the street.

(e) Common open space: Common open space within the residential neighborhood is required for all development of 10 dwellings or more. Such open space, if provided, must not be applied towards the rural open space requirement. If provided, common open space should be configured with the following guidelines:

- Common open space is intended for common use by the residents of the neighborhood and may be either located in a central position in the neighborhood bordered by streets and/or building lots; or configured as an open space bordered by streets on all sides and generally intended for a smaller neighborhood. The common open space may contain surface features such as storm water management facilities or limited parking areas.

(f) Lots fronting on private streets. Within the Rural Neighborhood Cluster zone lots may front on a private street if the Planning Board finds, as part of the cluster subdivision plan approval, that the private street:

(1) provides safe and adequate access;

(2) has sufficient width to accommodate the dwelling units proposed;

(3) will better advance the goal of preserving rural open space and the rural character than would a public road;

(4) has proper drainage.

Each private road must comply with the requirements of subsection 59-C-7.234 of the zoning ordinance and section 50-25(h) of the subdivision regulations pertaining to private roads.

(g) Lots developed under the optional method must be connected to a community water and sewerage system, unless it can

be demonstrated at the time of subdivision that a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

(h) Rural open space design guidelines.

(1) Rural open space should be a contiguous area and be located and designed to:

(A) Protect rural features and other sensitive areas identified in the applicable master or sector plan;

(B) Maximize common boundaries with rural open space on adjacent tracts where recommended in the applicable master or sector plan, or as otherwise required by the Planning Board.

(2) Rural open space must comprise a sizeable contiguous area must be within a range of 65 percent to 85 percent of the tract area and must be consistent with the recommendations and guidelines of the applicable master plan. When a property includes rights-of-way for roads classified as major highways or freeways, rural open space is calculated on the net tract area by deducting those rights-of-way from the gross area of the property. The Planning Board may approve a minor variation in the master plan-recommended rural open space if the Board finds that the variation would retain both the quality and character of the open space as set forth in the guidelines of the master plan.

(3) Rural open space may be managed and maintained but may be modified to improve its appearance, function or overall condition by using the following techniques:

(A) Reforestation

(B) Woodland management

(C) Meadow management

(D) Stream bank protection

(E) Non-structural stormwater best management practices as defined by the most recent edition of the Maryland Stormwater Design Manual adopted for use by Montgomery County.

- The Planning Board may, at its discretion, allow structural stormwater management facilities in the rural open space if the location and appearance of any facility is consistent with the general intent of the RNC zone, and with the policy and guidance of the relevant master plan for use of the open space.

(F) Wetlands management

(G) Agricultural management

(4) All land in the rural open space area must be preserved in perpetuity, either by dedication to parkland or by application of an easement or covenant in a recordable form approved by the Planning Board. The easement or covenant must restrict uses in the rural open space area to those set forth in this zone, establish procedures for the management of natural or agricultural features as set forth in the approved site plan and prohibit any further development or subdivision within the rural open space area.

A developed lot intended to provide any portion of the rural open space requirement must be a minimum of 10 acres, and a substantial majority of the lot must be encumbered by the instrument regulating the rural open space.

59-C-9.575. Off-street parking.

Parking must be provided in accordance with the provisions of Division 59-E except as follows: All parking must be located on the same lot as the use with which it is associated.

59-C-9.576. Site plan review.

Site plan approval is required under the optional method of the Rural Neighborhood Zone as set forth in Division 59-D-3.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 11-70, § 3; Ord. No. 13-13, § 1; Ord. No. 13-45, § 1; Ord. No. 13-94, § 1; [Ord. No. 15-31](#), §1.)

Sec. 59-C-9.6. Transfer of density-Option in Rural Density Transfer zone.

In accordance with section 59-C-1.39 and in conformance with an approved and adopted general, master, sector, or functional plan,

residential density may be transferred at the rate of one development right per 5 acres minus one development right for each existing dwelling unit, from the Rural Density Transfer zone to a duly designated receiving zone, pursuant to section 59-C-1.39. The density transfer provisions are not applicable to publicly owned rights-of-way for roads, streets, alleys, easements, or rapid transit routes classified in the Rural Density Transfer zone. The following dwelling units on land in the RDT zone are excluded from this calculation, provided that the use remains accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

(a) A farm tenant dwelling, farm tenant mobile home, or guest house as defined in section 59-A-2.1, title "Definitions."

(b) An accessory apartment or accessory dwelling regulated by the special exception provisions of divisions 59-G-1 and 59-G-2.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 10-75, § 3; Ord. No. 11-4, § 6; Ord. No. 12-61, § 4.)

Sec. 59-C-9.7. Exempted lots and parcels and existing buildings and permits.

59-C-9.71. Exempted lots and parcels--Rural zone.

The following lots are exempt from the area and dimensional requirements of section 59-C-9.4, but they must comply with the requirements of the zone applicable to them prior to their classification in the Rural zone.

(a) A record lot created by subdivision and recorded not later than July 1, 1975, where the application for a preliminary subdivision plan had been submitted to the planning board in accordance with section 50-34 of the subdivision regulations on or before June 4, 1974.

(b) A lot created by deed executed on or before June 4, 1974.

(c) A record lot having an area of less than 5 acres created after June 4, 1974, by replatting 2 or more lots; provided that the resulting number of lots is not greater than the number of lots which were replatted.

(d) A lot created for use for a one-family residence by a child, or the spouse of a child, of the property owner; provided that the following conditions are met:

(1) The property owner can establish that he had legal title on or before June 4, 1974;

(2) This provision applies to only one such lot for each child of the property owner; and

(3) The overall density of the property does not exceed one dwelling unit per 5 acres in any subdivision recorded as of October 1, 1981.

59-C-9.72. Existing buildings and building permits-Rural zone.

(a) Any building or structure for which a building permit was issued and any lawful use which was instituted on property reclassified to the Rural zone prior to the date of enactment of the last approved sectional map amendment by which such lot was rezoned to the Rural zone is not deemed to be nonconforming. Such building or use may be structurally altered, replaced, or repaired, or may be enlarged in conformance with the requirements of the previous zone, so long as it remains an otherwise lawful use as previously allowed.

(b) Construction is permitted pursuant to a building permit validly issued and existing at the time of reclassification to the Rural zone of the property to which it applies if all necessary excavation and piers and/or footings of one or more buildings covered by the permit are completed not more than 6 months subsequent to such reclassification. Buildings and structures so constructed are not considered to be nonconforming.

59-C-9.73. Exempted lots and parcels--Rural Cluster zone and Low Density Rural Cluster Development zone.

(a) Lots created for children in accordance with the Maryland Agricultural Land Preservation Program are exempt from these regulations.

(b) The following lots are exempt from the area and dimensional requirements of section 59- C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Cluster zone or Low Density Rural Cluster zone:

(1) A recorded lot created by subdivision, if the record plat was approved for recordation by the planning board prior to the approval date of the most recent sectional map amendment or local map amendment that included the lot.

(2) A lot created by deed executed on or before the approval date of the most recent sectional map amendment or local map amendment that included the lot.

(3) A record lot having an area of less than 5 acres created after the approval date of the most recent sectional map amendment or local map amendment that included the lot, by replatting 2 or more lots; provided that the resulting number of lots is not greater than the number which were replatted.

(4) A lot created for use for a one-family residence by a child, or the spouse of a child, of the property owner, provided that the following conditions are met:

(i) The property owner can establish that he had legal title on or before the approval date of the most recent sectional map amendment that included the lot; and

(ii) This provision applies to only one such lot for each child of the property owner.

59-C-9.74. Exempted lots and parcels-Rural Density Transfer zone.

(a) The number of lots created for children in accordance with the Maryland Agricultural Land Preservation Program must not exceed the development rights assigned to the property.

(b) The following lots are exempt from the area and dimensional requirements of section 59- C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer zone.

(1) A recorded lot created by subdivision, if the record plat was approved for recordation by the Planning Board prior to the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.

(2) A lot created by deed executed on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.

(3) A record lot having an area of less than 5 acres created after the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone by replatting 2 or more lots; provided that the resulting number of lots is not greater than the number which were replatted.

(4) A lot created for use for a one-family residence by a child, or the spouse of a child, of the property owner, provided that the following conditions are met:

(i) The property owner can establish that he had legal title on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone;

(ii) This provision applies to only one such lot for each child of the property owner; and

(iii) Any lots created for use for one-family residence by children of the property owner must not exceed the number of development rights for the property.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 12-1, § 1; Ord. No. 12-76, § 1; Ord. No. 13-13, § 1.)

Sec. 59-C-9.8. Special Requirements for Rural Service Zone.

59-C-9.81. Building Coverage, Setbacks and Open Space.

(a) **Minimum open space.** A minimum of 40 percent of the lot must remain in open, non-impervious surface; and must not be used for outdoor storage or parking.

(b) **Floor area.** The gross floor area of buildings shall not exceed FAR 0.15.

(c) **Setback from limited access freeway.** All buildings, off-street parking, loading and maneuvering areas must be set back a minimum of 100 feet from an existing or planned limited access freeway.

(d) **Parking requirements.** Off-street parking is encouraged to be provided in the rear or side yard and will be in accordance with the requirements and standards of article 59-E of this Zoning Ordinance, providing adequate screening from the primary access road and adjacent uses.

(e) **Signage and Screening.** Any new use or expansion of an existing use proposed in the Rural Service zone must meet the general signage standards of Article 59-F.

Also, any use or expansion of an existing use must provide adequate screening from adjacent land uses. Screening must be approved at the site plan review.

59-C-9.82. Development Procedures for Site Plan.

All uses proposed in the Rural Service zone shall be subject to site plan review, under the procedures set forth in Division 59-D-3.

59-C-9.83. Special Development Standards for a Construction Recycling Facility.

(a) Minimum lot size of 10 acres.

(b) Minimum frontage of 1,000 feet and direct access to a road classified as a primary industrial street or higher.

(c) No more than 2 miles from an interstate highway interchange.

(d) A building setback of 50 feet from any road right-of-way, except a limited access freeway which is controlled by Section 59-C-9.81, and 75 feet from any adjoining property not classified in an industrial zone or the RS zone.

(e) Off-street parking of haul trucks and roll off containers must be in a building or screened from off-site visibility, and

(f) A landscaping plan approved by the Planning Board as part of the site plan approval process.

59-C-9.84. Construction Debris Recycling Permit.

A permit to operate a construction debris recycling facility must be obtained from the Department of Permitting Services. The Executive

must adopt a Method 2 regulation to establish fees and requirements to implement a Construction Debris Recycling Facility. The regulation must require that:

- (a) Construction debris be transported to the construction recycling facility in covered "Roll off" containers or covered trucks.
- (b) All sorting and processing be done in an enclosed structure.
- (c) When construction debris is separated, collected and processed, an average of 50% of the processed materials by weight have a marketable value.
- (d) Permanent storage is not permitted,
- (e) Fifty-one percent (51%) of the materials processed be collected by the facility operator and
- (f) the total volume of construction and demolition debris collected and recycled be reported to the Division of Solid Waste Services on an annual basis.

(Ord. No. 12-79, § 5; Ord. No. 13-76, §1; Ord. No. 14-39, §§ 2, 3.)