

ARTICLE 14

"R-6" MULTIPLE FAMILY RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for multiple family dwelling units with a minimum of three thousand (3,000) square feet per lot unit.

SECTION 1401 PRINCIPAL PERMITTED USES

- A. Modular home/industrialized unit
- B. Single family dwellings as governed by Section 1204.
- C. Two family dwellings as governed by Section 1304.
- D. Multiple family dwellings.
- E. Conversions of single family or two family dwellings into multiple family dwellings, provided these conform with the development standards prescribed for such multiple family dwellings in this Article and with all other applicable requirements under this Zoning Resolution.
- F. Schools and colleges for academic instruction.
- G. Publicly owned and operated buildings and facilities.
- H. Public parks, playgrounds, and community center.
- I. Adult Family Home (in accordance with Article 51)
- J. Residential Facility (in accordance with Article 51)

SECTION 1402 ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages; provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity.
- B. Home Occupation as defined in Article 2, Section 208.01.
- C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1403 CONDITIONAL USE

The following Conditional Uses subject to approval in accordance with Article 4, Section 406.

ARTICLE 17

"OR-1" OFFICE RESIDENTIAL DISTRICT

PREAMBLE

This district has been established to provide for a mixture of residential, small office and professional service establishments which will maintain the residential appearance of the neighborhood and which shall not create or generate a great amount of traffic and noise.

SECTION 1701 PRINCIPAL PERMITTED USES

- A. Any use permitted in Section 1401. The requirements of that article shall be applicable.
- B. Barber and beauty shops provided:
 - 1. It is a one chair operation.
 - 2. The sole operator is the resident on the premises.
- C. Nursery School or Child Care Facility
- D. Professional services, including but not limited to offices of physicians, surgeons, dentists, lawyers, architects, engineers, insurance and real estate agents and members of similar professions.

SECTION 1702 ACCESSORY USES

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid use, including private garages.
- B. Home Occupation is defined in Article 2, Section 209.01.
- C. The temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

ARTICLE 19

"B-1" NEIGHBORHOOD BUSINESS DISTRICT

PREAMBLE

This district has been established to provide for relatively small business and service establishments which may be placed in a residential or rural area to serve primarily near by residents.

SECTION	1901	<u>PRINCIPAL PERMITTED USES</u>
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- A. Any use permitted in Section 1701. The requirements of that article shall be applicable.
- B. Baked goods shop, retail only.
- C. Barber and beauty shops.
- D. Candy and ice cream stores.
- E. Drug Stores.
- F. Pick-up stations for dry cleaning and laundry.
- G. Dry cleaning and Laundromats of the self-service type.
- H. Grocery and delicatessen stores.
- I. Nursery school or child care facility

SECTION	1902	<u>ACCESSORY USES</u>
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- A. Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

SECTION 1903 CONDITIONAL USE

The following Conditional Uses subject to approval in accordance with Article 4, Section 406:

- A. Halfway Houses
- B. Places of Worship
- C. Rooming House

SECTION 1904 REQUIRED CONDITIONS

No zoning certificate shall be issued for a "B-1" use, until the applicant shall have certified to the zoning inspector that:

- A. The business activity is open to the public only between the hours of 6:00 A.M. and 10:00 P.M.
- B. The business activity shall be conducted wholly within a completely enclosed building.
- C. The business establishment shall not offer goods, service, food, beverages or make sales directly to customers in automobiles, except for drive-in windows for pick-up or delivery and which will be provided with adequate drive-way space on the premises for waiting vehicles.
- D. All business shall be of retail or service character.
- E. No manufacturing, processing, packaging, repair or treatment of goods shall be carried on, except when incidental or accessory to the performance of services or the sale of goods to the public on the premises.
- F. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, wood, tile, terrazzo or similar material, and, except for parking areas, the grounds shall be planted and landscaped.
- G. Where the property lines separate a Business District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be

provided along the common lot line, which may consist of any of the following:

1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
 2. A solid fence of a non-deteriorating material.
 3. Masonry wall.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- I. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the business involved shall be taken.
- J. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Health Department. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, or other acceptable means.
- K. There will be no emission of odors or odor causing substances which can be detected without the use of instruments at or beyond the lot lines.
- L. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

SECTION 1905 DEVELOPMENT STANDARDS

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standard for arrangement and development of land and building are required in the "B-1" Neighborhood Business District.

1905.01 HEIGHT REGULATIONS

No structure shall exceed forty (40) feet in height.

1905.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirement shall be observed.

Lot Area	Lot Frontage	Front Yard Depth*	Side Yards** Least / Total	Rear** Yard Depth
7,500 Sq. Ft.	60 ft.	25 ft.	8 ft. / 20 ft.	40 ft.

1905.03 MAXIMUM LOT COVERAGE

Thirty (30) percent of lot area.

1905.04 MAXIMUM FLOOR AREA RATIO

.35

*The front yard depth shall be measured from the established right-of-way lines as shown on the **Official Thoroughfare Plan for Montgomery County**.

**Unless adjoining a Business District.

ARTICLE 44

NOISE

SECTION 4401 METHOD OF MEASUREMENT

For the purposes of enforcing the provisions of these regulations, noise shall be measured in dba using a sound level meter, with the measurements taken at the most noisy point within the receiving property.

- A. A dba is the sound pressure in decibels measured using the "A" weighting network on the sound level meter. The sound pressure level, in decibels, of a sound is 20 times the logarithm to the base of 10 of the ratio of the pressure of the sound to a reference pressure of 20 micropascals.
- B. A sound level meter is a device which measures sound pressure levels and conforms to Type 1 or Type 2 as specified in the American National Standards Institute Specification S1. 4-1971.
- C. The receiving property is real property within which the maximum permissible noise levels specified herein shall not be exceeded from sources outside such property.

SECTION 4402 EXEMPTIONS

- A. The following shall be exempt from the provisions of Section 4403, Table I, between the hours of 7:00 A.M. and 10:00 P.M. only:
 - 1. Sounds created by the discharge of firearms on authorized shooting ranges.
 - 2. Sounds created by blasting.
 - 3. Sounds created by the installation of utility services.
 - 4. Sounds originating from temporary construction sites as a result of construction activity.
 - 5. Sounds created by firearms in the course of hunting.

- B. The following shall be exempt from the provisions of Section 4403, Tables I and II, at all times.
1. Sounds created by motor vehicles operated on public roads and highways.
 2. Sounds originating from aircraft in flight and sounds that originate at airports which are directly related to flight operations.
 3. Sounds created by surface carriers engaged in interstate commerce by railroad.
 4. Sounds created by warning devices not operating continuously for more than five (5) minutes, or bells, chimes, and carillons.
 5. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible.
 6. Sounds created by emergency equipment and work necessary in the interests of law enforcement or for health, safety, or welfare of the community.
 7. Sounds created by the repair of essential utility services.
 8. Sounds originating from officially sanctioned parades and other public events.
 9. Sounds emitted from venting at industrial process facilities during startup only, provided that the startup operation is performed during daytime hours whenever possible.

SECTION 4403 MAXIMUM PERMISSIBLE NOISE LEVELS

- A. No person shall cause or permit noise to intrude into the property of another person that exceeds the levels listed in:
1. Table I, between the hours of 7:00 A.M. and 10:00 P.M.

2. Table II, between the hours of 10:00 P.M. and 7:00 A.M.
- B. Between the hours of 7:00 A.M. and 10:00 P.M., the noise in Table I may be exceeded by no more than:
1. 5 dba for a total of 15 minutes in any one (1) hour period.
 2. 10 dba for a total of 5 minutes in any one (1) hour period, or
 3. 15 dba for a total of 30 seconds in any one (1) hour period.
- C. Between the hours of 10:00 P.M. and 7:00 A.M., the noise limits in Table II may be exceeded by no more than:
1. 5 dba for a total of 10 minutes in any one (1) hour period, or
 2. 10 dba for a total of 3 minutes in any one (1) hour period.
- D. Impulsive sound (such as sounds with a duration of less than 1 second, such as from gunfire or punch presses) shall not exceed the levels of Table I (daytime) or Table II (nighttime) by more than 5 dba, as measured with the sound level meter on the slow response setting.

1. Table I - Daytime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	60 dba	60 dba	65 dba
Industrial	60 dab	65 dba	70 dba

2. Table II - Nighttime Noise Limits

Receiving Property

Noise Source	Residential	Business	Industrial
Business	50 dba	60 dba	65 dba
Industrial	50 dba	65 dba	70 dba

SECTION 4404 DEFINITIONS APPLICABLE TO TABLES I AND II

- A. **Residential** - Shall include all residential zoning districts comprising A, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, and OR-1.
- B. **Business** - Shall include all business zoning districts comprising O-2, B-1, B-2, B-3, and B-4.
- C. **Industrial** - Shall include all industrial zoning districts comprising I-1, I-2, and I-3; and OSI-1 and OSI-2.