



**FREDERICK COUNTY PLANNING COMMISSION**  
**November 9, 2016**

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**TITLE:** Planning Commission 2016 Discussion Item

**FILE NUMBER:** N/A

**REQUEST:** Micro Apartments/Granny Pods

**PROJECT INFORMATION:** N/A

**APPLICANT/REPRESENTATIVES:** N/A

**STAFF:** Steve Horn, Division Director of Planning and Permitting  
Larry Smith, Zoning Administrator

**RECOMMENDATION:** Review the discussion item and provide any Feedback or identify any related issues or concerns

**Exhibits:**

Exhibit 1: Zoning Ordinance Sections  
Exhibit 2: Use Table

## STAFF REPORT

### ISSUE

Staff requests that the Planning Commission review the discussion item and provide feedback, or identify any related issues or concerns.

### BACKGROUND

In July of 2016, the FCPC requested that Staff move forward with presenting this topic for discussion. This topic was identified during project presentations and brought forward for discussion related to code implementation, design and planning trends.

On January 13, 2015 the FCPC requested that Staff review stand-alone, micro apartment units that can be built next to existing homes for aging family members (known as “Granny Pods”); also micro units with indoor utilities to shelter the homeless; further explore the possibility of the concept and its relation to zoning regulations.

Residential structures for aging family members, whether termed mother-in-law suite, in-law suite, or granny pod, would most likely be considered an accessory dwelling unit within the Zoning Ordinance. The Zoning Ordinance currently provides several options for alternative housing including housing for aging family members such as accessory apartments and temporary mobile homes.

The Zoning Ordinance defines an Accessory Use or Structure as follows (see also Exhibit 1):

A subordinate use or structure, which is located on the same lot as the principal use or building except as outlined in section 1-19-8.250.1(F) and serves a purpose customarily incidental to the principal use or building.

Accessory apartments provide opportunities for affordable housing and a mixture of dwelling types throughout the County. The ‘Accessory Apartment’ land use was originally added to the Use Table in 1990 by the Board of County Commissioners, in response to calls for more affordable housing units for low and moderate income residents and more flexibility for accommodating family members wishing to live closer together such as an in-law suite.

Section 1-19-5.310 Use Table (see Exhibit 2), of the Zoning Ordinance provides for ‘Accessory Apartment’ and ‘Limited Accessory Apartment’ land uses. These two uses are defined within section 1-19-11.100 of the Zoning Ordinance as follows:

Accessory Apartment: An independent, self-contained dwelling unit greater than 800 square feet within an accessory structure located on the same lot as a single-family dwelling (see also caretaker residence).

Accessory Apartment, Limited: An independent, self-contained dwelling unit within a single-family dwelling, or within an accessory structure located on the same lot as a single-family dwelling. If the limited accessory apartment is located in an accessory structure, the limited accessory apartment shall not exceed 800 square feet in size.

Accessory Apartments are allowed through a two-tier review system. The first-tier would permit a Limited Accessory Apartment within a single family dwelling and no greater than 800 square feet to be located within an accessory structure, as an accessory use where the provisions of section 1-19-8.212 are met (see Exhibit 1). In addition, accessory apartments, attached to and within a single family residence, are not limited in size provided the use is subordinate to the principal dwelling.

The second-tier would permit an Accessory Apartment over 800 square feet, to be located in an accessory structure, by special exception. An 'Accessory Apartment' is allowed by special exception (Board of Appeals) approval in the RC, A, R1, R3, R5, R8, R12, R16, VC, and MX zoning districts where specific criteria are met. An 'Accessory Apartment' must meet the general special exception criteria in section 1-19-3.210 as well as the specific criteria in section 1-19-8.321 for 'Accessory Apartments Greater Than 800 Square Feet to be Located in an Accessory Structure' (see Exhibit 1).

The accessory apartment provisions were amended in 2011 to create the two-tier review by adding the 'Limited Accessory Apartment' and to increase the maximum square footage for an accessory apartment in an accessory structure from 600 to 800 square feet.

The Zoning Ordinance also currently provides for temporary residences (through the Temporary Mobile Home provisions) that are *specifically intended to be for persons which have a physical/mental condition, or excessive age*. These are allowed as an accessory use (approved by the Zoning Administrator) where a temporary residence is provided for an immediate family member who owns or resides on the subject lot and the provisions of section 1-19-8.213 Temporary Mobile Home are met (see Exhibit 1). The Zoning Ordinance requires that "*the occupant of either the mobile home or principal dwelling must have a physical or mental condition or excessive age which requires constant care and attention...*". The mental condition or excessive age must be certified by a physician licensed within the State of Maryland.

A benefit to applicants taking advantage of this section of the Code is that Frederick County does not charge an impact fee due to the mobile home being temporary. The 'temporary' provision of this option fits well with the 'Granny Pod' concept as the mobile home (or the small living unit).

A few of the challenges in pursuing this option include the enforcement of the 'temporary' nature of the living unit, enforcement of the provision that requires the resident to be a member of the family of the property owner, renting the temporary mobile home, impacts on neighboring properties, and Health Department concerns. In the past, the Health Department has made exceptions for temporary medical hardships when a septic system and/or a well is involved. The Code of Maryland requires that any dwelling unit being placed in an area served or to be served by an individual septic system have its own 10,000 square foot septic area. The Health Department requires a written statement from the medical provider that personal, one-on-one care must be given. A written agreement must be signed that states that when the hardship ends, the temporary structure is to be removed.

The existing regulations for accessory apartments and temporary mobile homes provide multiple paths that allow property owners to choose the option that fits best for their particular situation. The provisions allow for both a temporary or permanent option as well as an attached and detached independent living situation.

With the provisions discussed above in place, there are several options to provide housing for aging family members. Lastly, although the building code may limit the minimum size of a dwelling unit, there are no existing provisions in the Zoning Ordinance that set a minimum size for a dwelling unit. Therefore development of the micro-apartment (a smaller than average independent living unit) is not precluded by the Zoning Ordinance.

## **RECOMMENDATION**

Staff requests that the FCPC review the discussion item to provide any feedback, or identify any related issues or concerns.

**§ 1-19-8.250.1. CUSTOMARY ACCESSORY USES.**

Customary accessory uses are permitted in Commercial or Industrial Districts, including the following.

- (A) Vending machines.
- (B) The storage of goods normally carried in stock, used in, or produced by commercial or industrial uses, unless the storage of particular goods is prohibited under the district regulations.
- (C) Incidental repair facilities, unless expressly prohibited under applicable district regulations.
- (D) Limited retail sales may be permitted for any manufacturing plant or warehouse in the Limited Industrial and General Industrial Districts, provided that the products sold are:
  - (1) Manufactured on the site;
  - (2) Parts or accessories to products manufactured on the site or elsewhere; or
  - (3) Stored or distributed either by the owner or lessee of the site.
- (E) It is further provided that not more than 25% of the floor area of the first floor of the main building, which is used for the manufacturing, storage or distribution of products, may be used for the retail sales of articles made, stored or distributed on the premises.
  - (1) Service facilities are limited to repair and/or service of products manufactured, stored, or distributed by the owner or lessee of the site.
  - (2) Nothing herein contained shall be construed to permit the operation of general retail sales business other than provided in this subsection.
  - (3) Off-street parking for limited accessory retail uses must comply with the requirements of § 1-19-6.220.
- (F) Guardhouses, provided that:
  - (1) It is determined through the site plan approval process that the guardhouse will provide controlled vehicular and/or pedestrian access to the site and that controlled access to the site is necessary and appropriate for security purposes in connection with and in consideration of the nature of the primary use on the site;
  - (2) Notwithstanding any other provisions relating to accessory structures, the guardhouse may be located anywhere on a lot, including a panhandle, provided that a 6-foot setback is maintained from any lot line;
  - (3) The guardhouse shall be situated in a location with adequate setbacks so as to minimize conflict with off-site traffic, existing or proposed driveways, septic fields and utilities, and shall accommodate other existing site features, rights-of-way, easements, and/or other uses; and
  - (4) In addition to the site plan requirements of §§ 1-19-3.300 and 1-19-3.300.4, the site plan shall include architectural drawings, show necessary utility connections and water and sewer infrastructure and easements, indicate the effect of the controlled access on the vehicular flow into the site and measures that will be taken to mitigate the interference of vehicles stacking with off-site traffic.

**§ 1-19-8.212 LIMITED ACCESSORY APARTMENTS IN THE RC, A, R1, R3, R5, R8, R12, R16, VC, AND MX DISTRICTS.**

The following provisions shall apply to limited accessory apartments in the RC, A, R1, R3, R5, R8, R12, R16, VC, and MX districts.

- (A) Only 1 limited accessory apartment may be created on a lot.
- (B) A limited accessory apartment shall be allowed only in single-family dwellings or in an accessory structure on a single-family lot.
- (C) The owner of the property must reside in the principal dwelling. If resident ownership ceases then the use of the limited accessory apartment shall cease.
- (D) There must be 2 additional off-street parking spaces provided for the limited accessory apartment.
- (E) If the limited accessory apartment is to be located in an accessory structure, the limited accessory apartment shall not exceed 800 square feet in size and must comply with setback requirements for principal structures. An accessory apartment greater than 800 square feet to be located in an accessory structure, shall be reviewed as a special exception (see also § 1-19-8.240 and § 1-19-8.321).
- (F) In the event a separate building entrance is utilized, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence.
- (G) The application for limited accessory apartment approval shall include the name and address of each person owning property adjacent to the subject property. The Zoning Administrator shall notify all adjacent property owners whether separated by streets, railroads, or other rights-of-way of the application for accessory apartment approval. The Zoning Administrator shall approve or deny the application for a limited accessory apartment not less than 30 days after notification of adjacent property owners.
- (H) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with a limited accessory apartment.
- (I) The owner shall file an annual report with the Zoning Administrator verifying that conditions remain the same under which the limited accessory apartment was granted.
- (J) If the ownership of the lot changes, the subsequent owner must reapply for approval.
- (K) If the Zoning Administrator determines that the limited accessory apartment is not in compliance with the above provisions as well as all safety, health, and environmental standards, approval may be revoked pursuant to § 1-19-2.210.

**§ 1-19-8.321. ACCESSORY APARTMENTS GREATER THAN 800 SQUARE FEET TO BE LOCATED IN AN ACCESSORY STRUCTURE.**

The following provisions shall apply to all accessory apartments greater than 800 square feet to be located in an accessory structure in the RC, A, R1, R3, R5, R8, R12, R16, VC, and MX districts.

- (A) Only 1 accessory apartment may be created on a lot.
- (B) Accessory apartments shall be allowed only in single-family dwellings or in an accessory structure on a single-family lot.
- (C) The owner of the property must reside in the principal dwelling. If resident ownership ceases then the use of the accessory apartment shall cease.

- (D) There must be 2 additional off-street parking spaces provided for the accessory apartment.
- (E) The maximum size of an accessory structure in which an accessory apartment may be located shall comply with § 1-19-8.240.
- (F) In the event a separate building entrance is utilized, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence.
- (G) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with accessory apartments.
- (H) The owner shall file an annual report with the Zoning Administrator verifying that conditions under which the special exception was granted remain the same.
- (I) If the ownership of the lot changes, the subsequent owner must reapply for approval.
- (J) Due to the nature of this use, site plan approval can be granted by the Zoning Administrator in lieu of the Planning Commission.
- (K) An accessory apartment meeting the provisions of § 1-19-8.212 shall be considered a permitted accessory use and therefore not subject to this section.

 **§ 1-19-8.213. TEMPORARY MOBILE HOME.**

The Zoning Administrator may approve a request for a temporary mobile home in the RC, A, or R-1 districts where the following provisions are met:

- (A) The mobile home shall be occupied by an immediate member of the family owning and residing on the subject lot.
- (B) The occupant of either the mobile home or principal dwelling must have a physical or mental condition or excessive age which requires constant care and attention. The physical or mental condition or excessive age shall be certified by a physician licensed within the State of Maryland and submitted to the Zoning Administrator.
- (C) The lot must contain no less than 40,000 square feet of area in the RC and A districts and no less than 80,000 square feet of area in the R-1 district.
- (D) Only single-wide mobile homes will be permitted.
- (E) The mobile home shall:
  - (1) Meet the setback requirements for the district;
  - (2) Be located to the rear of the principal dwelling in the R-1 district;
  - (3) Be placed so as to minimize the visual impact on the neighborhood; and
  - (4) Be placed on the property only after a site plan has been approved by the Zoning Administrator.

(F) The application for temporary mobile home approval shall include the name and address of each person owning property adjacent to the subject property. The Zoning Administrator shall notify all adjacent property owners whether separated by streets, railroads, or other rights-of-way of the application for temporary mobile home approval. The Zoning Administrator shall approve or deny the application for a temporary mobile home not less than 30 days after notification of adjacent property owners.

(G) The renting of rooms under § 1-19-8.240 will not be permitted in conjunction with a temporary mobile home.

(H) The owner shall file an annual report with the Zoning Administrator verifying that conditions remain the same under which the temporary mobile home was granted.

(I) If the Zoning Administrator determines that the temporary mobile home is not in compliance with the above provisions as well as all safety, health, and environmental standards, approval may be revoked pursuant to § 1-19-2.210.

Zoning Map and Districts

§ 1-19-5.310. USE TABLE.

(A) Permitted uses and required development review.

- P Principal permitted use subject to design regulations
- PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4
- E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following
- T Permitted as temporary use as a special exception. See § 1-19-8.300
- X Permitted as temporary use only. See § 1-19-8.700
- SW Solid Waste Floating Zone
- A blank indicates that the use is not permitted under any situation

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses</i>														
Agricultural activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Limited agricultural activity			E	E	E	E	E	E						
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural value added processing	P ***	P ***												
Agritourism enterprise	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursery retail	PS	PS									PS		PS	PS
Nursery wholesale	P	P									P		P	P
Farm winery	P ***	P ***												
Farm winery tasting room	PS ***	PS ***												
Farm brewery	P ***	P ***												
Farm brewery tasting room	PS ***	PS ***												

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Natural Resources Uses (Cont'd)</i>														
Limited roadside stand	P	P	PS	PS					PS	PS	PS			
Commercial roadside stand	PS	PS	PS	PS					PS	PS	PS			
Forestry	P	P	P	P	P	P	P	P			P		P	P
Sawmill	E	E												PS
Mineral extraction														PS
Mineral processing														PS
Spring water harvesting and storage	E													
Intensive swine farm														
<i>Residential Uses</i>														
Single-family detached	P	P	P	P	P	P	P	P	P	P				
Duplex dwelling			P	P	P	P	P	P	P	P				
Two-family dwelling		P	P	P	P	P	P	P	P	P				
Townhouse				PS*	PS	PS	PS	PS	PS	PS				
Multifamily dwellings						PS	PS	PS	PS	PS				
Multifamily group developments						PS	PS	PS	PS	PS				
Mobile homes	P	P												
Caretaker residence in conjunction with a permitted use	PS	PS							PS	PS	P		P	P
Accessory apartment *****	E	E	E	E	E	E	E	E	E	E				
<i>Temporary Housing</i>														
Bed and breakfast	PS	PS	E	E	E	E	E	E	PS	PS	PS			
Motel, hotel									PS	PS	PS	PS	PS	
<i>Commercial Uses - Retail</i>														
Antique, artisan and craft shops									PS	PS	PS			
Apparel store									PS	PS	PS			
Appliance sales and service									PS	PS	PS			

Uses	Zoning Districts													
	RC	A	R1	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Uses – Retail (Cont'd)</i>														
Auction house									PS		PS		PS	PS
Food stores									PS	PS	PS			
Boats, sales and service											PS		PS	PS
Book and magazine									PS	PS	PS			
Camera									PS	PS	PS			
Convenience stores									PS	PS	PS			
Department store or variety store									PS	PS	PS			
Farm equipment sales or service ****		E							PS		PS		PS	PS
Feed and grain mill		E											PS	PS
Florist									PS	PS	PS			
Furniture repair									PS	PS	PS		PS	PS
Shopping center									PS		PS			
Gift/souvenir									PS	PS	PS			
Hardware/garden center									PS	PS	PS			
Hobby shop									PS	PS	PS			
Horse tack and saddlery shop									PS	PS	PS			
Household furnishing									PS	PS	PS			
Jewelry									PS	PS	PS			
Lumber yard											PS		PS	PS
Mobile home sales											PS		PS	PS
Music and record shops									PS	PS	PS			
Office equipment									PS	PS	PS			
Paint store									PS	PS	PS			
Pet store									PS	PS	PS			
Pet training/day care/grooming facility									PS	PS	PS			
Pharmacy									PS	PS	PS			

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Uses - Retail (Cont'd)</i>														
Radio and TV sales and service									PS	PS	PS			
Shoe store									PS	PS	PS			
Sporting goods									PS	PS	PS			
Stone monument sales									PS	PS	PS		PS	PS
Tobacco store									PS	PS	PS			
Toy store									PS	PS	PS			
Liquor store									PS	PS	PS			
<i>Commercial Business and Personal Services</i>														
Advertising agency									PS	PS	PS			
Bank or savings and loan									PS	PS	PS	PS		
Broadcasting studio									PS	PS	PS	PS	PS	PS
Communication towers**	E	E									PS	PS	PS	PS
Barber and beauty shops									PS	PS	PS			
Bus depot											PS		PS	PS
Carpentry, electrical, plumbing, welding, printing, upholstery									PS	PS	PS		PS	PS
Contractors, fencing, pool and siding											PS		PS	PS
Commercial school or education program										PS	PS	PS	PS	
Dance or music studio									PS	PS	PS			
Dry cleaning and laundromat ****									PS	PS	PS			
Funeral home										PS	PS			
Limited landscape contractor		PS												
Landscape contractor		E									PS		PS	PS
Medical clinic									PS	PS	PS	PS	PS	PS
Office business									PS	PS	PS	PS	PS	PS
Office professional					E	E	E	E	PS	PS	PS	PS		

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Commercial Business and Personal Services (Cont'd)</i>														
Pawn shop											PS			
Photography studio ****									PS	PS	PS		PS	
Restaurant									PS	PS	PS	PS	PS	
Country inn	E	E												
<i>Wholesaling and Processing</i>														
Agricultural products processing	E	E									PS		PS	PS
Bottling plant											PS		PS	PS
Contractors, equipment and material storage yard														PS
Carpet or rug cleaning ****											PS		PS	PS
Contractors office and storage													PS	
Petroleum products storage ****													PS	PS
Laboratory research, experimental or testing											PS	PS	PS	PS
Industrial laundry and dry cleaning ****													PS	PS
Self-storage units											PS		PS	PS
Stone monument processing											PS		PS	PS
Wholesaling and/or warehouse											PS		PS	PS
Yard storage														PS
<i>Automobile and Related Services</i>														
Part sales and installation										PS	PS	PS		PS
Automobile filling and service station ****										PS	PS	PS		PS
Carwash										PS		PS		PS
Automobile repair or service shop ****										E	E	PS		PS
Sales and service center ****												PS		PS
Salvage yard ****														PS

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	RI2	RI6	VC	MX	GC	ORI	LI	GI
<i>Automobile and Related Services (Cont'd)</i>														
School bus parking	E	E							E		PS		PS	PS
Truck stop and filling station service facility ****														PS
Recreational vehicle storage facility		E									PS		PS	PS
Motor freight terminal ****													PS	PS
<i>Animal Care and Service</i>														
Animal hospital or veterinary clinic		E							E	PS	PS			
Kennel		E							E		E			
Auction sales - animals		PS									PS		PS	PS
<i>Commercial Amusements</i>														
Bowling alley									PS	PS	PS			
Carnival, circus		X	X						X	X	X		X	X
Race tracks											PS		PS	PS
Motorcycle hill climb														T
Health club, fitness center, vocational training facility									PS	PS	PS		PS	
Tennis club				E	E	E	E	E		PS	PS			
Golf course ****			PS	PS	PS	PS	PS	PS						
Skating rink										PS	PS			
Swimming pool, commercial										PS	PS			
Theater, drive-in or outdoor stage											PS		PS	PS
Theater, indoor									PS	PS	PS		PS	
Zoo/botanical garden/arboretum											PS			
Museums/gallery									PS	PS	PS			
Night club, tavern, lounge											PS		PS	
Outdoor sports recreation facility		PS									PS		PS	PS

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	RI2	RI6	VC	MX	GC	ORI	LI	GI
<i>Commercial Amusements (Cont'd)</i>														
Rodeo		E												
Indoor sports recreation facility										PS	PS		PS	
<i>Industrial Uses</i>														
Limited manufacturing and assembly use												PS	PS	PS
General manufacturing														PS
<i>Open Space and Institutional</i>														
Airports, public ****													PS	PS
Cemetery/memorial gardens		PS	PS											
Fairground											PS		PS	PS
Shooting range/club - trap, skeet, rifle, archery	E	E											PS	PS
Aircraft landing and storage areas, private		E											E	E
Aircraft landing and storage areas, private - commercial use		E											E	E
Tent campground	E	E												
Rustic retreat/camp/outdoor club	E	E												
<i>Institutional</i>														
Child care center/nursery school		E	E	E	E	E	PS	PS	PS	PS	PS		E	
Civic community center		E	PS	PS	PS	PS	PS	PS	PS	PS	PS			
Civic service clubs		E	P				PS	PS	PS	PS	PS			
Comprehensive physical rehabilitation facility								PS	PS	PS	PS	PS		
Group homes, small private	P	P	P	P	P	P	P	P	P	P	P			
Group home, large		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			
Hospital								PS	PS	PS	PS			
Assisted living facility			PS	PS	PS	PS	PS	PS	PS	PS	PS			

Uses	Zoning Districts													
	RC	A	RI	R3	R5	R8	R12	R16	VC	MX	GC	ORI	LI	GI
<i>Institutional (Cont'd)</i>														
Nursing home			PS	PS	PS	PS	PS	PS	PS	PS				
Place of worship	E	PS	PS	E	PS	PS	PS	PS	PS	PS	PS		PS	
Private school		PS	PS	PS	PS	PS	PS	PS	PS	PS	T	T	T	
Community fire and rescue service		PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
<i>Governmental and Nongovernmental Utilities</i>														
Arena or stadium											PS		PS	PS
College or university			PS	PS	PS	PS	PS	PS	PS	PS	PS			
Public school	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	T	T	T	
Nongovernmental utility	E	E	E	E	E	E	E	E	E		PS		PS	PS
Nongovernmental electric substation													E	E
<i>Solid Waste Operations</i>														
Borrow pit operations		PS											PS	PS
Industrial waste landfill ****		E												E
Rubble landfill		SW												SW
Recycling pickup and distribution centers													PS	PS
RRF (Resource Recovery Facility - Separated Recyclables)		SW											SW	SW
RRF (Resource Recovery Facility - Nonseparated Materials)														SW
Composting:														
Limited wood waste recycling facility		E												E
Unlimited wood waste recycling facility		SW												SW
Sludge amended yard waste		SW											SW	SW
Solid waste composting		SW											SW	SW
Sludge pit		E												

- \* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.
- \*\* Communication towers not permitted in residential districts, PUD, or MXD districts with a residential component
- \*\*\* A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.
- \*\*\*\* These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.
- \*\*\*\*\* A limited accessory apartment may be approved as an accessory use where the provisions in § 1-19-8.212 are met (see also § 1-19-8.240, and § 1-19-8.321)

(B) *Permitted uses and required development review for limited zoning districts.*

(1) *Euclidean Institutional Zoning District (Ie).* The following uses are permitted within the Euclidean Institutional Zoning District:

(a) College or university, public school, private school, private school in conjunction with a place of worship, or residential treatment center in conjunction with a private school, a continuing care retirement community (CCRC), and agricultural activities as defined in § 1-19-11.100, subject to all other requirements of this chapter. The continued or further application of this zoning district to land uses not meeting these standards is not permitted. Caretaker residence in conjunction with a permitted use is specifically allowed as an accessory use. (See also § 1-19-8.480.)

(Ord. 77-1-78, §40-61A, 1-24-1977; Ord. 79-5-131, 3-27-1979; Ord. 79-19-145, 8-7-1979; Ord. 80-24-176, 8-26-1980; Ord. 80-25-177, 8-26-1980; Ord. 80-31-183, 10-7-1980; Ord. 81-2-192, 1-27-1981; Ord. 81-29-219, 9-29-1981; Ord. 82-19-263, 9-7-1982; Ord. 83-15-282, 6-7-1983; Ord. 83-23-290, 10-11-1983; Ord. 83-29-296, 12-20-1983; Ord. 84-5-301, 4-3-1984; Ord. 84-34-331, 12-24-1984; Ord. 85-6-338, 1-8-1985; Ord. 85-34-366, 8-8-1985; Ord. 85-45-377, 12-3-1985; Ord. 86-5-382, 4-22-1986; Ord. 86-16-393, 5-13-1986; Ord. 86-37-414, 8-26-1986; Ord. 86-49-426, 9-23-86; Ord. 86-53-130, 10-28-1986; Ord. 88-12-489, 5-3-1988; Ord. 89-1-532, 1-3-1989; Ord. 89-14-545, 3-7-1989; Ord. 89-51-582, 8-15-1989; Ord. 90-03-601, 2-6-1990; Ord. 90-30-628, 6-19-1990; Ord. 90-44-642, 11-20-1990; Ord. 90-46-644, 11-20-1990; Ord. 91-02-002, 3-22-1991; Ord. 91-13-013, 6-4-1991; Ord. 91-32-032, 11-19-1991; Ord. 92-22-057, 10-06-1992; Ord. 92-23-058, 10-6-1992; Ord. 93-19-083, 9-13-1993; Ord. 93-28-092, 11-9-1993; Ord. 95-02-126, 3-2-1995; Ord. 95-28-152, 12-5-1995; Ord. 96-26-178, 12-17-1996; Ord. 97-17-195, 12-2-1997; Ord. 98-08-210, 4-21-1998; Ord. 99-02-229, 3-16-1999; Ord. 99-06-233, 5-18-1999; Ord. 99-14-241, 11-23-1999; Ord. 00-04-246, 4-4-2000; Ord. 00-28-270, 9-7-2000; Ord. 01-03-277, 3-6-2001; Ord. 03-09-332, 6-3-2003; Ord. 05-25-386, 9-27-2005; Ord. 05-29-390, 10-25-2005; Ord. 06-42-438, 11-30-2006; Ord. 07-16-456, 5-15-2007; Ord. 07-27-467, 6-19-2007; Ord. 07-31-471, 10-15-2007; Ord. 08-07-483, 4-10-2008; Ord. 08-26-502, 10-14-2008; Ord. 09-21-525, 6-4-2009; Ord. 09-22-526, 7-14-2009; Ord. 10-04-539, 3-11-2010; Ord. 10-18-533, 5-4-2010; Ord. 10-20-555, 8-24-2010; Ord. 10-26-561, 11-9-2010; Ord. 10-31-566, 12-21-2010; Ord. 11-06-572, 5-17-2011; Ord. 11-25-591, 10-27-2011; Ord. 11-28-594, 11-22-2011; Ord. 12-08-603, 4-17-2012; Ord. 12-23-618, 9-6-2012; Ord. 13-25-653, 10-31-2013; Ord. 14-23-678, 11-13-2014)

