

## ARTICLE 21. “B-3” BUSINESS DISTRICT

**Preamble.** This district has been established to provide for commercial activities which primarily are conducted within an enclosed building.

### Section 21.1 Principal Permitted Uses.

#### A. Residential Uses

1. Bed & Breakfast
2. Dwelling, Multi-Family
3. Dwelling, Secondary (Upper Floor)
4. Dwelling, Two-Family
5. Long-Term Care Facility
6. Residential Care Facility

#### B. Agriculture / Public & Semi-Public Uses

1. Agriculture, Large Scale
2. Clinic
3. Community Center
4. Community Garden
5. Event / Conference Center
6. Government Facility, Non-Office
7. Government Facility, Office
8. Hospital
9. Library
10. Museum
11. Nature Preserve
12. Park / Playground
13. Place of Worship

14.School (Grades Pre-School through 12)

15.Theater

16.Trade or Business School

17.University / College

**C. Commercial Uses**

1. Auto-Oriented Use, Light

2. Auto Sales, New

3. Auto Rental

4. Bar / Lounge

5. Brewpub

6. Convenience Store

7. Daycare Center, Adult or Child

8. Dry Cleaning / Laundromats

9. Farmer's Market

10.Financial Institution

11.Fitness Center

12.Funeral Home

13.Grocery Store

14.Hookah Bar

15.Hotel

16.Instructional Center

17.Liquor Store

18.Massage Services, Therapeutic

19.Office

20.Personal Care Services

21.Recreation, Indoors

22.Restaurant

23.Retail, General

24.Retail, Small-Scale

25.Retail, Wholesale

26.Social Club

27.Veterinarian Office

**D. Industrial Uses**

1. Builder's Supply Store

2. Contractor's Office

**Section 21.2 Accessory Uses.**

**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 21.3 Conditional Use.**

**A. Residential Uses**

1. Adult Group Home

2. Dwelling, Single-Family

3. Family Child-Care Home

**B. Agriculture / Public & Semi-Public Uses**

1. Agriculture, Small Scale

2. Cemetery

3. Parking Lot / Garage (as a primary use)

**C. Commercial Uses**

1. Auto-Oriented Use, Heavy

**D. Industrial Uses**

3. Distribution Facility

4. Food & Beverage Production

5. Light Industrial Assembly & Distribution

6. Microbrewery / Artisan Distillery

7. Research & Development

## Section 21.4 Required Conditions.

No zoning certificate shall be issued for a "B-3" use until the applicant shall have certified to the zoning inspector that:

- A.** The business activity will be conducted wholly within a completely enclosed building, except for automobile service stations (no outdoor dismantling, wrecking, or storage of automotive vehicles, parts, or accessories, shall be permitted).
- B.** 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 driveway space on the premises for waiting vehicles.
- C.** All business shall be of retail or service character.
- D.** 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.
- E.** Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any property located in a Residential District or upon any public street.
- 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 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 feet in height.
  2. A solid fence or 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 41.
- I.** No emission to 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 vibrations which can be detected without the use of instruments at or beyond the lot lines.
- M. Garden Centers - Retail Only.**
1. Outdoor storage areas shall be permitted only for those items normally associated with Garden Center, requiring outdoor storage.
  2. Items to be permitted within the outdoor storage area shall be reviewed by the Board of Zoning Appeals for conformance with Section 21.4(N).
  3. Location and size of the outdoor storage area shall require approval of the Board of Zoning Appeals.
  4. The Board of Zoning Appeals may require an appropriate screening of outdoor storage areas to completely or partially obstruct the view of the items contained therein.
  5. Screening may be one of the following or a combination of two or more:
    - a. A solid masonry wall.
    - b. A solidly constructed decorative fence.

- c. A louvered fence.
  - d. Dense evergreen planting.
  - e. Landscaped mounding with ground cover.
6. A required screening plan shall be submitted to and approved by the Board of Zoning Appeals.
  7. Whenever required screening is adjacent to parking area or driveways such screening shall be protected by bumper blocks, posts or curbing to avoid damage by vehicles.
  8. All screening shall be trimmed and maintained in good condition and remain free of all signs.

**N.** Seasonal Temporary Sales as regulated by Section 45.2.

**O. Pawn Shops & Secondhand Dealers.**

1. **Recording of Transaction.** All dealers shall keep and preserve a separate book or record in which the dealer shall enter in the English language, at the time of each purchase, receipt, or exchange of such articles the following information:
  - a. The name, address, social security number or date of birth of the individual making the transaction.
  - b. A description of the person from whom the article was purchased or received.
  - c. The date and time of the transaction.
  - d. A complete and accurate description of the article(s) purchased, received or exchanged, including the name of the maker or manufacturer, initials, serial numbers or other identifying features, including the price paid for each article.
  - e. The dealer shall require the seller of any article to sign their name on the page on which that person's transaction is recorded.
2. **Inspection of Records.** The book or record shall be open to inspection by any enforcement official or law enforcement officer during normal business hours.

- 3. Maintenance of Records.** Each page of the book or record shall consist of one or more sequentially and consecutively numbered forms which shall contain appropriate blanks for furnishing all the information required in Section 21.4(O). The numbering of the forms shall begin with the number one and all numbers thereafter shall be accounted for.
- 4. Preservation of Records.** The dealer shall preserve the book or record for a period of not less than one year after making the final entry on any purchase or exchange of property recorded therein.

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 21.5 Development Standards.

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and building are required in the "B-3" Business District.

- A. Height Regulations.** No structure shall exceed 40 feet in height.
- B. Lot Area, Frontage and Yard Requirements.** The following minimum requirements shall be observed.

<b>Lot Area</b>	None
<b>Lot Frontage</b>	80 ft.
<b>Front Yard Depth*</b>	25 ft.
<b>Side Yard</b>	None, except when adjacent to a Residential or Planned Residential District. In such case the side yard shall be not less than one fourth of the sum of the height and depth of the structure, but in no case shall be less than 20 feet.
<b>Rear Yard</b>	A rear yard shall be required adjacent to a Residential Zoning District or a Planned Residential District. Such rear yards shall be not less than one fourth of the sum of the height and width of the structure, but in no case shall be less than 20 feet. If a use is to be serviced from the rear, a yard shall be provided not less than 40 feet deep.

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

**C. Maximum Lot Coverage.** 40% of lot area.

**D. Maximum Floor Area Ratio.** 0.45.