

Article 10: Business Districts

“B-1” Business District Shopping Center

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“B-1” Business District Shopping Center

Preamble This district shall only be permitted where the parcel fronts along State Route 48 or State Route 725. (Revised August 5, 2002)

Section 1 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair) completely within an enclosed building.
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- F. Sexually-Oriented Businesses. (see Article 13)
- G. Internet Sweepstakes Café (See Article 13, Section 28 for additional Requirements)
- H. Day Care Centers.
- I. Institutional. Uses providing social, cultural and educational services.
- J. Hotel/Motel.
- K. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)
- L. Communication Centers. Uses for the transmission/reception of information by electronic means.
- M. Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Section 2 Accessory Uses

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 3 Conditional Uses

The following uses and their customary accessory buildings, structures or uses, subject to the approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and requirements:
 - 1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.

2. The area shall be under the control of the eating and drinking establishment owner/operator.
 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 4. Be in compliance with all applicable building and fire codes.
 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 6. No food preparation or cooking facilities, including grills, shall be permitted.
 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 8. Amplified sounds are prohibited.
 9. Live entertainment is prohibited.
 10. Banners are prohibited.
 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.
 12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
 13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
 14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
 15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
 16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.
- C. Other Commercial – Other commercial or retail uses that are conducted completely within an enclosed building not otherwise classified.

Section 4 Development Standards

No building or structure shall be created or structurally altered except in accordance with the following regulations: (Revised June 21, 1999)

- A. Minimum Aggregate Site Area - Five (5) acres. (In the case of this zone, more than one principal building or structure, as defined herein, may be permitted to be constructed within the minimum building site area.) (Revised June 21, 1999)
- B. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards.
- C. No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

Section 5 Required Conditions

No zoning certificate shall be issued for a "B-1" use, until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)
- 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. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. 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.
- H. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- I. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant 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 Combined Health District. 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 vibrations which can be detected without the use of instruments at or beyond the lot lines.
- L. Landscape Buffer Strip as per General Regulations, Article 13.
- M. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- N. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- O. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire

area of the proposed shopping center and shall take into consideration good shopping design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)

- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined sq. ft.	Distance
0 - 24,999	n/a
25,000 - 49,999	25 ft.
50,000 - 74,999	50 ft.
75,000 - 100,000	75 ft.

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-2” Business District

Section 6 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.
- F. Day Care Centers.
- G. Institutional. Uses providing social, cultural and educational services.

- H. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)
- I. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- J. Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Section 7 Accessory Uses

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 8 Conditional Uses (Revised September 12, 2011)

The following uses and their customary accessory buildings, structures or uses, subject to the approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service Stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and requirements:
 - 1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.
 - 2. The area shall be under the control of the eating and drinking establishment owner/operator.
 - 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 - 4. Be in compliance with all applicable building and fire codes.
 - 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 - 6. No food preparation or cooking facilities, including grills, shall be permitted.
 - 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 - 8. Amplified sounds are prohibited.
 - 9. Live entertainment is prohibited.
 - 10. Banners are prohibited.
 - 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.
 - 12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.

13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.

C. Storage Facilities (Store & Lock)

Section 9 Development Standards

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-2" Business District.

A. Height Regulations

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:

None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, whichever is greater. (Revised January 8, 2001)

2. Rear Yard:

None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District or four (4) foot of yard for each one (1) foot of building height, whichever is greater. (Revised January 8, 2001)

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

Section 10 Required Conditions

No zoning certificate shall be issued for a "B-2" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity shall be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)

- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for Drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. All business shall be retail or service. Wholesale establishments shall not be permitted. (Revised June 21, 1999)
- 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. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted.
- G. 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.
- H. Landscape Buffer Strip as per General Regulations, Article 13.
- I. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- J. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- K. A final development plan as regulated by Article 12 of this Resolution, shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- L. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- M. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property, to animal or plant 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.
- N. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined Health District. 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.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. The number of employees working within a dry cleaner at any one time shall not exceed a total of ten (10). (Revised June 21, 1999)
- Q. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- R. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'
50,000 - 74,999	50'
75,000 - 100,000	75'

- S. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- T. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- U. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- V. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- W. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-3” Business District

Section 11 Principal Permitted Uses

- A. Retail. Uses primarily engaged in selling or rendering merchandise for personal or household consumption or that renders services incidental to the sale of the goods (including processing for resale or repair).
- B. Eating and Drinking Establishments. (see Note #1)
- C. Personal Services. The provision of services generally involving the care of the person or personal effects.
- D. Administrative, Business and Professional Offices. Offices providing tangible and intangible services for people and businesses, carrying on no retail trade with the general public and having no stock of goods for retail sale.
- E. Veterinary Offices. Offices or day cares providing for the care of animals (no boarding permitted), including medical services.
- F. Child Daycare Centers.
- G. Institutional. Uses providing social, cultural and educational services.
- H. Entertainment. Uses providing special services and activities to the community for entertainment purposes. (see Note #1)
- I. Organizations and Associations. Groups and facilities, including lodges, clubs, halls, banquet facilities, civic and other social groups organized on a profit or non-profit basis for the promotion of membership interests.
- J. Hotel/Motel

- K. Government facilities. Uses owned or operated by federal, state or local government.

Note #1 – Building or structure must be located two hundred (200) feet or more from Residential Uses. (Revised August 5, 2002)

Section 12 **Accessory Uses**

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution. (Revised December 15, 2014)

Section 13 **Conditional Uses** (Revised September 12, 2011)

The following uses and their customary accessory buildings, structures or uses, subject to approval by the Board of Zoning Appeals, as set forth in Article 2 of this Resolution. (Revised June 21, 1999)

- A. Automobile Repair or Service stations -- provided all activities, except refueling, shall be conducted within a completely enclosed building and providing further that such repair or service station is located adjacent to an arterial street. (See Note #1)
- B. Outdoor Dining Areas – Provided such areas comply with all of the following conditions and requirements:
 - 1. The area shall be located on the property abutting the building that houses the associated eating and drinking establishment.
 - 2. The area shall be under the control of the eating and drinking establishment owner/operator.
 - 3. The area shall not exceed five hundred (500) square feet nor have a seating capacity of more than thirty (30) persons.
 - 4. Be in compliance with all applicable building and fire codes.
 - 5. Any additional conditions as determined to be warranted by the Board of Zoning Appeals.
 - 6. No food preparation or cooking facilities, including grills, shall be permitted.
 - 7. Lighting shall be installed so that direct or indirect illumination from the source of light shall not cause any spillover onto adjacent property or tenant space. Strobe lights, flashing lights or torches are prohibited.
 - 8. Amplified sounds are prohibited.
 - 9. Live entertainment is prohibited.
 - 10. Banners are prohibited.
 - 11. All furnishings, other than tables, chairs and umbrellas, are prohibited. This prohibition includes, but is not limited to: serving stations; bar counters; shelves; racks; sofas; televisions; and trash receptacles.
 - 12. Umbrellas shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.
 - 13. The area shall not be enclosed but may be covered with a canopy. Canopies shall be designed and constructed of fabric suitable for outdoor use and be free of all signage and/or advertisement of any kind. The fabric must be canvas-type. No plastic material, plastic/vinyl laminated material or any type of rigid material is permitted.

14. The area shall be kept clear of refuse and maintained in a safe and sanitary condition. This includes all furnishings and any other site elements.
15. The arrangement of the area shall facilitate pedestrian traffic patterns and not unreasonably impede the ingress and/or egress from the principal building or access to nearby businesses or residences.
16. The perimeter of the area is to be delineated by some form of barrier, the specific nature of which is to be approved by the Board of Zoning Appeals.

Section 14 Development Standards

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

A. Height Regulations

No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)

B. Lot Area, Frontage, and Yard Requirements

The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:

None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. When a side lot line adjoins a lot in an "R" District then equal to the required depth of the rear yard in said adjoining "R" District. (Revised January 8, 2001)

2. Rear Yard:

None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. When rear lot line adjoins a lot in an "R" District then equal to the required depth of rear yard in said adjoining "R" District. (Revised January 8, 2001)

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

Section 15 Required Conditions

No zoning certificate shall be issued for a "B-3" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. The business activity will be conducted wholly within a completely enclosed building or structure, except for automobile service stations in accordance with point F herein. (Revised June 21, 1999)
- B. The business establishment shall not directly offer goods, services, food, beverages or make sales to customers in automobiles, except for drive-in windows which will be provided with adequate driveway space on the premises for waiting vehicles.
- C. 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.

- D. 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.
- E. 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.
- F. Automobile service stations shall be limited to the selling and dispensing of petroleum fuel primarily to passenger vehicles and to such accessory uses as the sale and installation of lubricants, tires, batteries, accessories and supplies, incidental washing and polishing, tune-ups and brake repair. No outdoor dismantling, wrecking or storage of automobile vehicles, parts or accessories shall be permitted. No outdoor storage or rental of trucks, trailers or passenger vehicles shall be permitted. (Revised August 5, 2002)
- G. Landscape Buffer Strip as per General Regulations, Article 13.
- H. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- J. A final development plan as regulated by Article 12 of this Resolution shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- K. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- L. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property to animal or plant 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.
- M. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. 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.
- N. 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.
- O. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- P. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- Q. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'
50,000 - 74,999	50'
75,000 - 100,000	75'

- R. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for

approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)

- S. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- T. Dumpster and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- U. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent building, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- V. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

“B-4” Business District

Section 16 Principal Permitted Uses

- A. All activity except display and sales shall be conducted entirely within an enclosed structure. (Revised August 5, 2002)
 - 1. Agricultural implement sales and service.
 - 2. Automobiles and truck sales, new and used (elevated stands used for the display of an automobile or truck shall be prohibited).
 - 3. Boat and marine equipment sales, rental and service.
 - 4. Eating places (drive-in).
 - 5. Garden stores, garden centers, greenhouses and nurseries.
 - 6. Motorcycle sales and service.
 - 7. Utility trailer sales and rentals.
- B. Outdoor recreation (non-enclosed places of recreation or amusement not heretofore appearing as a permitted use).
- C. Government facilities. Uses owned or operated by federal, state or local government. (Revised August 5, 2002)

Section 17 Accessory Uses (Revised December 15, 2014)

- A. Refer to Article 13, Section 14 Permitted Accessory Uses and Standards of this Resolution.

Section 18 Development Standards

In addition to the provisions of General Regulations, the following standard for arrangement and development of land and building are required in the "B-4" Business District.

- A. Height Regulations
No building or structure shall exceed forty-four (44) feet in height. (Revised June 21, 1999)
- B. Lot Area, Frontage, and Yard Requirements
The following minimum requirements shall be observed:

Lot Area	Lot Frontage	Front Yard Depth
None	None	60'

1. Side Yard:
None, when the side lot line adjoins another lot in a "B" District. Forty (40) feet when the side lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the side lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)
2. Rear Yard:
None, when the rear lot line adjoins another lot in a "B" District. Forty (40) feet when the rear lot line adjoins a lot in an "A", "I", "O" or "SU" District. Two hundred (200) feet when the rear lot line adjoins a lot in a residential district or use. (Revised January 8, 2001)

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

Section 19 Required Conditions

No zoning certificate shall be issued for a "B-4" District use until the applicant has certified to the Zoning Inspector and the Zoning Inspector has verified that the proposed development meets all of the following: (Revised August 5, 2002)

- A. Drive-in windows for pick-up or delivery shall be located on and accessible only from the premises and shall be provided with adequate driveway space for waiting vehicles.
- B. 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.
- C. 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.
- D. 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.
- E. Landscape Buffer Strip as per General Regulations, Article 13.
- F. Off-street parking and loading and/or unloading shall be provided in accordance with Article 13 of this Resolution.
- G. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed container which must be screened from surrounding properties as per General Regulations.
- H. A final development plan as regulated by Article 12 of this Resolution shall be required for any use permitted in this zone. Such development plan shall include the layout of the entire area proposed for development and shall comply with the Montgomery County Drainage Regulations. (Revised June 21, 1999)
- I. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 13 of this Resolution.
- J. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property to animal or plant 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.
- K. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. 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.

- L. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- M. Maximum size of any building shall be 50,000 square feet. (Revised June 21, 1999)
- N. Minimum distance between two buildings shall be as follows: (Revised June 21, 1999)

Combined Square Feet	Distance
0 - 24,999	n/a
25,000 - 49,999	25'
50,000 - 74,999	50'
75,000 - 100,000	75'

- O. A minimum of sixty-five percent (65%) of each side of the exterior of the building shall be full sized standard brick or stone, excluding windows and doors. The remaining thirty-five percent (35%) of the exterior finish materials shall not be concrete block. Brick or stone must be earth tone and not painted material. Samples of materials shall be submitted for approval. (Note: Under the Planned Development district, other building materials and colors may be submitted for consideration providing they are architecturally compatible with the surrounding neighborhood.) (Revised June 21, 1999)
- P. Mechanical equipment, transformers, and other utility hardware shall be screened from public view with materials harmonious with the building or landscaping. (Revised June 21, 1999)
- Q. Dumpsters and trash receptacles must be enclosed by brick or stone on three (3) sides and of a color harmonious with the building. Dumpsters shall be located to the side or behind the building. (Revised June 21, 1999)
- R. Green Space shall be a minimum of twenty percent (20%) of the land area and shall not be used or occupied by permanent buildings, structures or parking. A minimum of 1/2 of the required green space shall be located within the parking area. (Revised June 21, 1999)
- S. Earth tone base and accent colors shall be used. (Revised June 21, 1999)

