

Key

Red underlined text provides either the section reference or a use name change in the draft

Text highlighted in turquoise deals with grandfathering language. All grandfathering provisions are located in Sec. 8.7.1 of draft

Text with ~~red strikethrough~~ has not been included in the draft Zoning Code

4/1/2013

Division 59-C-4. Commercial Zones.

Sec. 59-C-4.1. Zones established.

The following are the commercial zones and their identifying symbols and the location of development standards for each (land uses are listed in section 59-C-4.2):

C-T zone-Commercial, transitional C-4.30 CRN

O-M zone-Office building, moderate intensity C-4.31 EOF

C-O zone-Commercial, office building C-4.32 EOF

C-P zone-Commercial, office park C-4.33 EOF

C-1 zone-Convenience commercial C-4.34 CRN, CRT or NR

C-2 zone-General commercial C-4.35 CRT or GR

C-3 zone-Highway commercial C-4.36 GR

C-4 zone-Limited commercial C-4.37 CRN

~~C-5 zone Low density, office commercial C-4.40 No property currently zoned C-5~~

~~C-6 zone Low density regional commercial (Euclidean) C-4.41 The only property zoned C-6 is part of the East County Science Center Master Plan area and planners anticipate rezoning this property to a zone other than C-6.~~

H-M zone-Hotel-motel C-4.38 CRT

Country inn zone C-4.39 All property currently in the Country Inn Zone will revert to the zone that it was before reclassification to the Country Inn zone

Sec. 59-C-4.2. Land uses. The land use table, in addition to definitions and standards for each use, are located in 59-3

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

-Permitted Uses. Uses designated by the letter "P" are permitted on any lot in the zones indicated, subject to all applicable regulations.

-Special Exception Uses. Uses designated by the letters "SE" may be authorized as special exceptions under article 59-G. Renamed Conditional Uses

	C-T <u>CRN</u>	O-M <u>EOF</u>	C-O <u>EOF</u>	C-P <u>EOF</u>	C-1 <u>var-</u> <u>ies</u>	C-2 <u>var-</u> <u>ies</u>	C-3 <u>GR</u>	C-4 <u>CR</u> <u>N</u>	C-5	C-6	H-M <u>CRT</u>	Countr y Inn <u>prev-</u> <u>ious</u> <u>zone</u>
(a) Residential:												

Apartment hotels. ⁺												
Boarding houses.			P			P						
Dwellings. <u>Household Living</u> <u>(Residential)</u>	P ⁶	P ⁶ /SE	P ^{2, 52}		SE	P ⁴⁰ /S E	SE	SE		SE		P ⁴
Guest rooms.												P ⁵
Hotel or motel. <u>Hotel, Motel</u> <u>(Commercial)</u>						P ³					P	
Personal living quarters. ⁵⁰ <u>Personal</u> <u>Living Quarters,</u> <u>Group Living</u> <u>(Residential)</u>					P/S E	P/SE	P/SE	P/S E				
Tourist homes. <u>Hotel/Motel</u> <u>(Commercial)</u>	P		P			P	P					
(b) Manufacturing and industrial.												
Ice storage. <u>Storage</u> <u>Facility (Industrial)</u>						P	P					
Manufacturing and assembly of medical, scientific or technical instruments, devices, products and equipment. <u>Medical/Scientific</u> <u>Manufacturing and</u> <u>Production</u> <u>(Industrial)</u>		P ⁵⁶										
Newspaper, printing and publishing shops. <u>Light</u> <u>Manufacturing and</u> <u>Production,</u> <u>(Industrial)</u>						P	P					
(c) Transportation, communication and utilities:												
Amateur radio facility. <u>Amateur</u> <u>Radio Facility,</u> <u>(Commercial)</u>	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE	P ⁶³ / SE
Cable communications	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹	SE ⁹

system. <u>Cable Communications System, Communication Facility (Commercial)</u>												
Electric power transmission and distribution lines. <u>Transmission Lines, Aboveground (Industrial)</u>			P									
Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less. <u>Transmission Lines, Aboveground (Industrial)</u>						P						
Electric power transmission and distribution lines, underground. <u>Transmission Lines, (Belowground) (Industrial)</u>				P								
Heliports. <u>Helipad, Heliport (Industrial)</u>			SE	SE		SE	SE	SE		SE		
Helistops. <u>Helistop, Accessory Commercial Uses (Commercial)</u>		SE	SE	SE		SE	SE	SE	SE	SE		
Parking garages, automobile. <u>Structured, Parking (Commercial)</u>				P ⁷		P	P	SE		SE		
Parking of automobiles, off-street, in connection with commercial uses. <u>Structured, Parking or Surface for Use Allowed in the Zone (Commercial)</u>			SE									
Parking of motor vehicles, off-street, in connection with any use permitted.	P	P	P	P	P	P	P	P	P	P	P	P

<u>Structured, Parking or Surface for Use Allowed in the Zone (Commercial)</u>												
Parking lots, automobile. <u>Surface for use allowed in the zone, Parking (Commercial)</u>						P	P					
Pipelines, aboveground. <u>Pipeline (Aboveground) (Industrial)</u>			P			P						
Pipelines, underground. <u>Pipeline (Belowground) (Industrial)?</u>			P	P		P						
Public utility buildings and structures. <u>Public Utility Building or Structure (Industrial)</u>	SE	SE	SE	SE	SE	SE	SE	SE	SE	P/S E	SE	SE
Radio and television broadcasting stations <u>Office (Commercial)</u> and towers. <u>Media Broadcast Tower, Communication Facility (Commercial)</u>			SE/P ⁵ ₅			SE/P ⁵ ₅	SE/P ⁵ ₅					
Radio and television broadcasting studios. <u>Office (commercial)</u>			P			P		P		P		
Railroad tracks.			P			P		P		P		
Roof top mounted antennas and related unmanned equipment building, equipment cabinets or equipment room. ⁴⁶ <u>Antenna on existing structure, accessory</u>	P	P	P	P	P	P	P	P	P	P	P	

commercial use (commercial)												
Taxicab stands. Taxi/Limo Facility, Transportation (Industrial)					P	P		P		P		
Telecommuni- cations facility. Freestanding Wireless Communications Tower (Commercial)	SE	SE	P ^{8/} SE	P ^{8/} SE	SE	P ^{8/} SE	P ^{8/} SE	SE	P ^{8/} SE		P ^{8/} SE	SE
Telephone and telegraph lines. Transmission Lines (Aboveground) (Industrial)			P			P						
Telephone and telegraph lines, underground. Transmission Lines (Belowground)				P					P			
Telephone offices and communications centers. Office (Commercial)		P	P	P		P			P			
(d) Commercial:												
Adult entertainment business. ⁴³ Adult Entertainment, (Commercial)						P						
Antique shops, handicrafts or art sales. Retail Sales and Service (Commercial)		P ⁴⁹			P	P		P		P		P ¹²
Appliance stores. Retail Sales and Service (Commercial)					P	P	P	P		P		
Automobile parts, supplies and tire stores. Retail Sales and Service (Commercial)					P ¹³	P	P					
Automobile sales,						P	P ¹⁴					

indoor. <u>Light Vehicle Sales and Rental (Indoor) (Commercial)</u>												
Automobile sales, outdoors. <u>Light Vehicle Sales and Rental (Outdoor) (Commercial)</u>						SE	P ¹⁴					
Automobile sales and service mall. <u>Light Vehicle Sales and Rental (Indoor or (Outdoor) (Commercial)</u>							P ¹⁴					
Boat sales, indoors. <u>Light Vehicle Sales and Rental (Indoor) (Commercial)</u>							P					
Boat sales, outdoors. <u>Light Vehicle Sales and Rental (Outdoor) (Commercial)</u>							P					
Book stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Building materials and supplies. <u>Retail Sales and Service (Commercial)</u>						P	P					
Combination retail store <u>Retail Sales and Service (Commercial)</u>						SE	SE					
Convenience food and beverage. <u>Retail Sales and Service (Commercial)</u>							P					
Country inns. <u>Country Inn (Commercial)</u>												P
Delicatessen. <u>Restaurant (Commercial)</u>	SE ¹⁵		SE ¹¹	SE ¹¹		P		P		P		
Department stores. <u>Retail Sales and</u>						P				P		

<u>Service</u> <u>(Commercial)</u>												
Drug store. <u>Retail Sales and Service</u> <u>(Commercial)</u>	SE ¹⁵		SE ¹¹	SE ¹¹	P	P	P	P		P		
Eating and drinking establishment, excluding a drive-in. <u>Restaurant</u> <u>(Commercial)</u>	SE ¹⁵	P/SE ⁶ ₂	SE ¹¹	SE ⁶²	P ¹⁷	P		P ¹⁷	P ¹⁶	P	P	
Eating and drinking establishments, including drive-ins. <u>Drive-Thru Facility</u> <u>(Accessory Commercial Uses)</u>					SE	SE	P	SE		SE		
Farm building supply and construction. ⁶⁴ <u>Farm Supply or Machinery Sales, Storage and Service</u> <u>(Agriculture)</u>					P							
Farm implements, storage and sales. <u>Farm Supply or Machinery Sales, Storage and Service</u> <u>(Agriculture)</u>						P	P					
Feed and grain, storage and sales. <u>Farm Supply or Machinery Sales, Storage and Service</u> <u>(Agricultural)</u>						P	P					
Florist. <u>Retail Sales and Service</u> <u>(Commercial)</u>	SE ^{15,20}	P ⁶⁵			P	P		P		P		
Food and beverage store. <u>Retail Sales and Service</u> <u>(Commercial)</u>					P ¹⁹	P ¹⁹		P ¹⁹		P		
Furniture stores, carpet or related furnishing sales or service. <u>Retail Sales and Service</u> <u>(Commercial)</u>					P ¹⁸	P	P	P		P		
Garden supply					P	P	P	P				

shops. <u>Retail Sales and Service (Commercial)</u>												
Gift shops. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Grocery stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Hardware stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Heavy equipment, sales and services. <u>Heavy Vehicle Sales and Rental (Commercial)</u>							P					
Jewelry stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Landscape contractor. <u>Landscape Contractor (Commercial)</u>	P ⁶⁰											
Mobile homes and trailer sales. <u>Heavy Vehicle Sales and Rental (Commercial)</u>							P					
Newsstand. <u>Retail Sales and Services (Commercial)</u>	SE ¹⁵	P ¹⁶	SE ¹¹	SE ¹¹	P	P		P	P ¹⁶	P		
Pet shops. <u>Retail Sales and Service (Commercial)</u>					SE	P		SE				
Photographic and art supply stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Printing and publishing. <u>Light Manufacturing and Production</u>						P						

<u>(Industrial)</u>												
Retail sales and personal services. <u>Retail Sales and Service (Commercial)</u>	SE ¹⁵		SE ¹¹	SE ¹¹							P	
Retail trades, businesses, and services of a general commercial nature. <u>Retail Sales and Service (Commercial)</u>						P						
Saddlery.												P ¹²
Specialty shop. <u>Retail Sales and Service</u>			SE ¹¹	SE ¹¹						P		
Tire, battery and accessory stores located in an integrated shopping center. <u>Retail Sales and Service (Commercial)</u>					SE							
Transitory use. ⁴⁵ <u>Transitory Use, Temporary Commercial Uses (Commercial)</u>	P/SE	P/SE	P/SE	P/S E	P/S E	P/SE	P/SE	P/S E	P/S E	P/S E	P/S E	P/SE
Variety and dry goods stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Wearing apparel stores. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
(e) Services:												
Ambulance or rescue squads, privately supported, nonprofit. <u>Fire/EMS- Private (Civic and Institutional)</u>	P	P	SE		P	P	P	P	P			
Ambulance or rescue squads, publicly supported.	P	P	P		P	P	P	P	P	P		

Public Use (Civic and Institutional)												
Animal boarding place. <u>Animal Boarding Place (Commercial)</u>					SE		P ²¹					
Appliance repair shops. <u>Retail Sales and Service (commercial)</u>					P	P	P	SE		P		
Automobile filling stations. ⁴¹ <u>Fuel Sales (Commercial)</u>					SE	SE	SE	SE		SE		
Automobile fluid maintenance stations. <u>Vehicle Repair (Minor) (Commercial)</u>					SE ²²	P ²³	P	SE ²²		P		
Automobile, light truck and light trailer rentals, outdoor. <u>Light Vehicle Sales and Rental (Outdoor)</u>					SE							
Automobile repair and services. <u>Vehicle Repair (Minor) or (Major) (Commercial)</u>						P ²³	P ¹⁴	SE ²²				
Automobile storage lots. <u>Automobile Storage Lots (Commercial)</u>						SE						
Automobile, truck and trailer rentals. <u>Vehicle/Equipment Sales and Rental (Commercial)</u>							P ¹⁴					
Automobile, truck and trailer rentals, outdoor. <u>Heavy Vehicle Sales and Rental (Commercial)</u>						SE						
Banks and financial institutions. <u>Retail Sales and Service (Commercial)</u>	P	P	P	P	P ²⁴	P	P ²⁵	P	P	P	P	

Barber or beauty shop. <u>Retail Sales and Service (Commercial)</u>	SE ¹⁵	P ¹⁶	SE ¹¹	SE ¹¹	P	P		P	P ¹⁶			
Beauty shops, special provision. ²⁶ <u>Retail Sales and Service (Commercial)</u>			P									
Blacksmith shop.												P ¹²
Car wash. <u>Car Wash (Commercial)</u>						SE	P	SE				
Chancery. ⁴⁴ <u>Office (Commercial)</u>		P	P	P		P	P					
Charitable or philanthropic institutions. <u>Charitable, Philanthropic Institution (Civic and Institutional)</u>	P	P	P	P	SE	P	SE	P	P	P		
Child day care facility:												
-Family day care home. <u>Family Day Care Facility (Civic and Institutional)</u>	P	P	P	P	P	P	P	P	P	P		
-Group day care home. <u>Group Day Care Facility (Civic and Institutional)</u>	P	P	P	P	P	P	P	P	P	P		
-Child day care center. <u>Day Care Center (Civic and Institutional)</u>	P	P	P	P	P	P	P	P	P	P		
Clinics. <u>Medical and Dental Clinic (Commercial)</u>	P ²⁷	P ²⁷	P ²⁷	P ²⁷		P	P ²⁷	P ²⁷	P ²⁷	P ²⁷		
Corporate training center. <u>Included in floating zone development plan</u>				P								
Day care facility for senior adults and persons with disabilities <u>Day Care Facility (Civic</u>	P	P	P	P	P	P	P	P	P	P		

<u>and Institutional)</u>												
Domiciliary care home for more than 16 residents. ⁵¹ <u>Residential Care Facility for Over 16 persons</u> <u>(Residential)</u>	SE		SE			SE						
Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area. ²⁸ <u>Dry Cleaning Facility up to 3,000 sf</u> <u>(Industrial)</u>					P	P		P		P		
Dry cleaning and laundry pick-up station. <u>Retail Sales and Service</u> <u>(Commercial)</u>	SE ¹⁵		SE ¹¹	SE ¹¹	P	P		P		P		
Duplicating services. <u>Retail Sales and Service</u> <u>(Commercial)</u>	P ²⁹	P ²⁹	P ²⁹	P ²⁹	P	P	P	P	P ²⁹	P		
Educational institutions, private. <u>Educational Institution –private</u> <u>(Civic and Institutional)</u>	P	P	P	P		P			P	P		
Emergency health care facility <u>Included in floating zone development plan</u>	P ⁵⁷											
Express or mailing offices. <u>Retail Sales and Service</u> <u>(Commercial)</u>						P	P			P		
Fire stations, publicly supported. <u>Fire/EMS (Private)</u> <u>(Civic and Institutional)</u>	P	P	P			P		P	P	P		
Funeral parlors or undertaking	SE	SE	SE			P	P	SE	SE	P		

establishments. <u>Funeral Home, Undertaker (Commercial)</u>												
Furniture or upholstery repair shops. <u>Retail Sales and Service (Commercial)</u>						P	SE		SE			
Hospitals. <u>Hospital (Civic and Institutional)</u>			SE			SE						
Hospitals, veterinary. <u>Veterinary Office/ Hospital (Commercial)</u>					SE	P ²¹	P ²¹					
International Organizations, public. ⁴⁴ <u>Office (commercial)</u>		P	P	P		P	P					
Laboratories. <u>Research and Development (Commercial)</u>						P						
Laundromats, self- service. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Nursing home. ⁵¹ <u>Residential Care Facility (Residential)</u>	SE		SE			SE						
Offices, general. <u>Office (Commercial)</u>	P	P	P	P		P	P ⁴²	P	P	P		
Offices, insurance claims. <u>Office (Commercial)</u>							P					
Offices, professional and business. <u>Office (Commercial)</u>					P ²⁴			P ²⁴				
Offices, real estate. <u>Office (commercial)</u>					P ⁶⁶		P	P				
Pawnshop ⁵³ <u>Retail Sales and Service</u>						P						

<u>(Commercial)</u>												
Place of religious worship. <u>Religious Assembly (Civic and Institutional)</u>	P	P	P	P	P	P	P	P	P	P		
Publicly owned or publicly operated uses. <u>Public Use (Civic and Institutional)</u>	P	P	P	P	P	P	P	P		P	P	P
Research, development and related activities. <u>Research and Development, Office and Professional (Commercial)</u>		P ⁴⁷	P ^{30, 59}	P ³⁰								
Roofing contractor. <u>Contractor Storage Yard (Industrial)</u>								SE ³¹				
Shoe repair shops. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Sign painting shops. <u>Retail Sales and Service (Commercial)</u>						P						
Tailor or dress making shops. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Telegraph or messenger service. <u>Retail Sales and Service (Commercial)</u>					P	P		P		P		
Trade, artistic or technical schools. <u>Educational Institution (Private) (Civic and Institutional)</u>					P	P		SE		P		
Warehousing and storage service.												
-Industrial and						P		SE				

commercial uses, wholly enclosed. <u>Storage Facility (Industrial)</u>												
-Self-storage facility. <u>Self-Storage(Industrial)</u>						P	P					
(f) Cultural, entertainment and recreational:												
Amusement centers. <u>Recreation and Entertainment Facility (Commercial)</u>					SE ³²	SE/P ³						
Baseball driving ranges. <u>Recreation and Entertainment Facility (Commercial)</u>					SE ³²		P					
Billiard parlors. <u>Recreation and Entertainment Facility (Commercial)</u>					SE ³²	P	P					
Bowling alleys. <u>Recreation and Entertainment Facility (Commercial)</u>						P	P	SE				
Fairgrounds, circuses and amusement parks. <u>Recreation and Entertainment Facility (Commercial)</u>						P	P					
Golf courses and country clubs. <u>Golf Course, Country Club (Commercial)</u>			SE			SE						
Golf courses, miniature. <u>Recreation and Entertainment Facility (Commercial)</u>						P	P					
Golf driving ranges. <u>Recreation and</u>						SE ³²	SE					

<u>Entertainment Facility (Commercial)</u>												
Health club. <u>Health Clubs and Facilities, (Commercial)</u>	P ⁵⁸	P ³⁴	P ³⁴	P ³⁴	P ⁵⁴	P	P	P		P		
Libraries and museums. <u>Cultural Institution (Civic and Institutional)</u>	P	P	P	P		P	P	P	P	P		
Parks and playgrounds, publicly owned. <u>Public Use (except utilities), (Civic and Institutional)</u>	P	P	P	P		P		P	P	P		
Private clubs and service organizations. <u>Private Club, Service Organization (Civic and Institutional)</u>			SE			SE	P					
Racquet ball, squash, indoor tennis and handball courts, commercial. <u>Recreation and Entertainment Facility (Commercial)</u>	SE ³²	SE ³²	SE ³²		SE ³²	SE ³²		SE ³²	SE ³²			
Recreational facilities primarily for the use of guests. <u>Recreation and Entertainment Facility (Commercial)</u>												P
Recreational facilities as an accessory use in connection with an office building, primarily for employees. <u>Accessory Buildings, Structures and Uses (Miscellaneous)</u>				P								
Recreational or					SE ³⁵	SE	P ³⁶			P		

entertainment establishments, commercial. Recreation and Entertainment Facility (Commercial)												
Rifle or pistol ranges, indoor. Shooting Range, Indoor (Commercial)						SE						
Roller and ice skating rinks. Recreation and Entertainment Facility (Commercial)						SE ³²	P					
Stadiums or arenas. Recreation and Entertainment Facility (Commercial)						SE ³²	SE					
Swimming pools, commercial. Recreation and Entertainment Facility, Commercial						SE ³²	P	SE ³⁷				
Swimming pools, community. Swimming Pools, Community (Civic and Institutional)			SE			SE		SE ³⁷		SE ³⁷		
Swimming pools, private.			P			P						
Theaters, indoor. Recreation and Entertainment Facility (Commercial)					SE	P	P	SE				
Theaters, outdoor. Recreation and Entertainment Facility (Commercial)							P					
(g) Resource production and extraction:												

Agricultural uses. <u>Various</u> <u>(Community</u> <u>Garden, Crop Farm,</u> <u>Livestock Farm,</u> <u>Urban Farm,</u> <u>Animal Husbandry)</u>												P
Christmas trees, sale of between 12/5 and 12/25. <u>Seasonal Outdoor</u> <u>Sales, Temporary</u> <u>Agricultural Uses</u> <u>(Agricultural)</u>										P		P
Farm products, sale of. <u>Agricultural</u> <u>Vending,</u> <u>Temporary</u> <u>Agricultural Uses</u> <u>(Agriculture)</u>							P					
Horticultural nurseries and commercial greenhouses. <u>Nurser</u> <u>y Retail, Nursery</u> <u>Wholesale</u>							P	P		P		
(h) Miscellaneous uses:												
Accessory buildings and uses. <u>Accessory</u> <u>Buildings,</u> <u>Structures and Uses</u> <u>(Miscellaneous)</u>	P	P ³⁸	P	P	P ⁴⁸	P ⁴⁸	P	P	P	P	P	P
Signs, in accordance with the provisions of article 59-F, <u>Accessory</u> <u>Buildings,</u> <u>Structures and Uses</u> <u>(Miscellaneous)</u>	P	P	P	P	P	P	P	P	P	P	P	P

1 If lawfully existing prior to April 26, 1966. They shall not be regarded as nonconforming uses and may be continued, repaired, reconstructed, structurally altered or enlarged. An apartment hotel meeting the above requirements is not required to maintain any guest rooms. No more than 20 percent of the total units contained in any apartment hotel may be guest rooms, except that any apartment hotel with more than 20 percent of its units already used or being converted to guest room use on March 30, 1982, may continue to use that proportion, up to a maximum of 45 percent. After March 30, 1982, an apartment hotel may increase the number or proportion of guest rooms above 20 percent, but not above 45 percent of its total dwelling units upon approval by the board of appeals pursuant to the provisions for granting special exceptions and under the terms of the hotel-motel special exception. (Attached to 'Apartment hotels')

~~2—Subject to the regulations of the R-60 zone~~ (Attached to 'Dwellings' in C-O)

~~3—A hotel or motel is a permitted use in the C-2 zone (i) if located in a central business district, or (ii) if located as part of a regional shopping center with gross leaseable area in excess of 1,200,000 square feet.~~ Additionally, any hotel or motel lawfully existing in the C-2 zone on October 24, 1972, or reclassified to the C-2 zone on (effective date of Takoma Park SMA) is a conforming use and may continue to exist in accordance with the provisions of this chapter in effect prior to October 24, 1972. Any hotel or motel lawfully existing in the C-2 zone on October 24, 1972 may be converted in whole or in part to multi-family residential use provided that: (i) at least 25% of the units are restricted in sales price or rental price to amounts that comply with Montgomery County's Moderately Priced Dwelling Unit ("MPDU") regulations. In the event of conversion in whole or in part to multi-family residential use, the residential use will not be regarded as a nonconforming use and may continue to exist in accordance with the development standards of this Chapter in effect prior to October 24, 1972 which were applicable to hotel or motel uses. (Attached to 'Hotel/Motel in C-2) Grandfathering provision probably no longer relevant

~~4—Dwellings, for caretakers, innkeepers or watchkeepers and their families or for bona fide agricultural operations.~~ (Attached to 'Dwellings' in Country Inn Zone)

5 Up to 12 guest rooms may be permitted as part of the main country inn building. (Attached to 'Guest Rooms' in Country Inn Zone). Sec 3.5.3.A.1 Definition of 'Country Inn'

6 If lawfully existing at the time the property was reclassified to the O-M or C-T zone. Such property may continue as residential or be used for a combination of residential and general office purposes. Any multi-family building existing as of July 1, 1997, reclassified to the O-M zone on (effective date of Takoma Park SMA) may be used for multi-family dwelling purposes. No more than four residential units may be located in a building. (Attached to Dwellings in O-M zone)

~~7—To provide the parking requirements for uses on the same lot.~~ (Attached to 'Parking garages, automobile' in C-P)

8 A telecommunications facility is a permitted use up to 150 feet in height with a setback of one foot for every foot of height from all residential and agricultural zoned properties. (Attached to 'Telecommunications Facility' in C-O, C-P, C-2, C-3 & H-M) Sec. 3.5.2.B.2.a.v. Limited use standard for EOF, GR only

9 Except as provided in sections 59-A-6.9 and 59-G-2.10.1. (Attached to Cable Communications System) Sec 3.5.2.A.2: Conditional Use standards for 'Cable Communications System'

~~10—Subject to the requirements of section 59-C 4.387~~ Footnote 10 not found in use table?

~~11—See "Retail establishments in an office building," section 59-G 2.48~~ (Attached to many Retail and Service uses in C-O and C-P).

~~12—Subject to the requirements of section 59-C 4.399.~~ Relates to country inn zone provisions, zone has been deleted.

~~13—When located in a shopping center containing at least 50,000 square feet of commercial floor area and fronting on an arterial road, or highway; provided that no reconditioning, repair or installation work is performed on or about the premises, and that there be no outside storage~~ (Attached to Automobile parts, supplies and tire stores in C-1).

~~14—Subject to the requirements of section 59-C 4.367.~~ (Attached to auto uses in C-3)

~~15—See "Retail and service establishments," section 59-G 2.46.~~ (Attached to commercial and service uses in C-T)

~~16— Provided there is no direct patron entrance to the facility from the exterior of the building. (Attached to some commercial/service uses in C5) C5 zone not currently mapped~~

~~17— No entertainment, except music may be offered; however, patron dancing is permitted if the area designated for dancing purposes does not occupy more than 10 percent of the total gross floor area of the restaurant, not to exceed 200 square feet. (Attached to 'Eating and drinking establishment, excluding a drive-in' in C-1 and C-4)~~

~~18— Not to occupy more than 20 percent of the total gross floor area permitted at one location. (Attached to 'Furniture stores, carpet or related furnishing sales or service' in C-1).~~

~~19— Provided that any goods prepared on the premises shall be offered for sale only on the premises and at retail. (Attached to 'Food and beverage store in C-1, C-2, C-4)~~

20 A florist in existence on April 1, 1986, and located within an existing single-family structure abutting a roadway with an existing pavement of at least 4 lanes does not require a special exception and is not a nonconforming use, but it is subject to the special regulations of section 59-C-4.307(a).

21 When in a soundproof building. (Attached to 'Animal Boarding Place' and 'Hospitals, veterinary' in some zones). Sec 3.5.1.B.2.a.ii: Limited use standard for 'Animal Boarding and Care' and Sec 3.5.1.C.2.a.ii: Limited use standard for 'Veterinary Office/ Hospital'

22 Subject to the requirements for "automobile filling stations" as contained in section 59-G-2.06 and in the C-1 zone. All automobile fluid maintenance stations and automobile repair and service operations must be conducted entirely within a building containing not more than 3 service bays. (Attached to 'Automobile fluid maintenance stations' in C-1 and C-4). Sec. 3.5.13.F.2.b

~~23— Not abutting or confronting any lot which is in a residential zone and is not recommended for commercial or industrial use on a master plan; and not within 300 feet of an entrance to a school, park, playground, or hospital. (Attached to some auto uses in C-2).~~

~~24— Provided that such uses are consistent with the purposes of this zone; and provided further that on tracts of 5 acres or more such uses shall not occupy more than 50 percent of total gross floor area. (Attached to 'Banks and financial institutions in C-1).~~

~~25— Drive in banks only. (Attached to 'Banks and financial institutions' in C-3.)~~

~~26— Provided that the operator or owner thereof acted in substantial reliance upon an official county order regarding compliance with county safety standards prior to the change in zone by sectional map amendment and further provided that said owner or operator applied for a certificate of use and occupancy therefor by June 15, 1976. Such use shall not continue if redevelopment of the property occurs in accordance with provisions of the C-O zone. (Attached to 'Beauty shops, special provision in C-O)~~

~~27— May include professional pharmacy, subject to same restrictions as in a clinic approved as a special exception (section 59-G-2.14). (Attached to 'Clinics' in most commercial zones).~~

28 Work for other similar establishments is not permitted. (Attached to 'Dry cleaning and laundry establishments'). Sec 3.6.3.A.2: Limited use standard for 'Dry Cleaning Facility (Up to 3,000 SF) A dry cleaning and laundry establishment larger than 3,000 square feet of gross floor area which existed on June 23, 2003 is a conforming use and may be continued, structurally altered, repaired or reconstructed, if the floor area devoted to the use is not increased, extended or enlarged beyond the floor area devoted to the use on June 23, 2003. If a dry cleaning and laundry establishment larger than 3,000 square feet of gross floor area remains under the same ownership and control, it may relocate as a conforming use to another permitted site in any zone where it could have located before June 23, 2003. Otherwise, a dry cleaning and laundry establishment that discontinues operations for

more than six months must not be reestablished. However, a dry cleaning and laundry establishment that discontinues operations because of a fire, flood, natural disaster, or other event beyond the owner's control may be reestablished no later than one year after it last operated.

~~29—A duplicating service is allowed within an existing single family structure that abuts a roadway with a planned or existing pavement of at least 4 lanes. A duplicating service may also be located within an office building if there is no direct entrance from the exterior of the building. (Attached to 'Duplicating services' in some commercial zones.) This use would be classified with Retail/ Service Establishment and not subject to these limitations.~~

30 Not to include manufacturing, mixing, fermentation or treatment of resultant products for marketing purposes. The assembly, packaging and servicing of resultant products is allowed provided that such activities do not occupy more than 30 percent of the gross floor area of the building(s) on the lot or parcel. (Attached to 'Research, development and related activities' in C-O and C-P.) Sec 3.5.8.C.2: Limited use standard for 'Research and Development' in EOF.

31 If lawfully existing prior to classification in the C-4 zone, such use is not regarded as a nonconforming use and may be continued or repaired without the grant of a special exception.

32 See "Recreational or entertainment establishments, commercial," section 59-G-2.45. (Attached to various cultural, recreation and entertainment' uses in commercial zones). Special Exception language not carried over where 'Recreation and Entertainment Facilities' are allowed as a Conditional Use.

~~33—When located in a regional shopping center. (Attached to 'Amusement Centers' in C-2.)~~

~~34—In the O-M, C-O, and C-P zones, a health club is permitted only within an office building. A health club is not to exceed 10 percent of the gross floor area of the building and must not exceed 10,000 square feet in size.~~

35 Such as bowling alleys, pool halls, or billiard parlors, and amusement centers. (Attached to 'Recreational or entertainment establishments, commercial' in C-1) Included in definition for Recreation and Entertainment Facility.

~~36—Such as swimming pools, miniature golf courses, golf or baseball driving ranges, or roller and ice skating rinks, or amusement centers. (Attached to 'Recreational or entertainment establishments, commercial' in C-3)~~

~~37—Indoor only. (Attached to swimming pool uses in C-4 and C-6).~~

~~38—Including storage and shipping facilities for books, etc., serving office uses, occupying less than half the floor area and not detracting from the appearance of the buildings as offices. (Attached to 'Accessory buildings and uses' in O-M zone)~~

~~39—Reserved.~~

~~^{40*}—Dwellings are permitted in the C-2 zone: (1) in a hotel or motel lawfully existing in the C-2 zone on October 24, 1972, (2) on a site larger than 1.5 acres within 1,500 feet of a Metro station located in a Central Business District provided: (a) the sector plan district in which the property is located is recommended for residential development, (b) the site adjoins a public parking garage which exceeds 50 feet in height as measured from the ground surface along the side facing the development, and (c) the development complies with the Section 59-D-3 site plan review requirements, or (3) on a site within 500 feet of a Bus Transit Center, provided the development complies with the Section 59-D-3 site plan review requirements.~~

~~—*Editor's note—Footnote 40 appears above as it was adopted by Ord. No. 14-54 and amended by Ord. No. 16-23. However, in *Humphrey v. Planning Board for Montgomery County*, Civil Nos. 239679 and 239680, the Circuit Court for Montgomery County found that Zoning Text Amendment 02-04 (Ord. No. 14-54) was an invalid and unconstitutional text amendment, violating the uniformity requirement of the Regional District Act and prohibited~~

~~under the Maryland Constitution. The text of footnote 40 prior to the adoption of Ord. No. 14-54 and Ord. No. 16-23, was:~~

~~⁴⁰—In a hotel or motel lawfully existing in the C-2 zone on October 24, 1972 or within 1,500 feet of a Metro station located in a Central Business District; provided: (1) the sector plan district in which the property is located is recommended for residential development, and (2) the development complies with the Section 59-D-3 site plan review requirements.~~

41 A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station. (Attached to 'Automobile filling stations' in all zones). Sec 3.5.13.B: Definition of 'Fuel Sales'.

~~42—Permitted only within an automobile sales and service mall. (Attached to 'Offices, general' in C-3)~~

43 In accordance with adult entertainment business restrictions as provided in Section 59A-6.16. (Attached to 'Adult entertainment business in C-2.'). Sec 3.5.10.A.2: Limited use standards for 'Adult Entertainment.'

~~44—Must comply with all County building and related codes. Application for a building permit must be accompanied by a letter or other communication indicating that the State Department has been notified of the proposed location (Attached to 'International Organizations, public' and 'Chancery' in many commercial zones).~~

45 In accordance with section 59-A-6.13. (Attached to 'Transitory use'). Sec 3.5.15.C. 2: Limited use standards for a 'Transitory Use.'

46 Refer to section 59-A-6.14. (Attached to 'Roof top mounted antennas and related unmanned equipment building, equipment cabinets or equipment room.'). Sec 3.5.14.E.2: Limited use standards for 'Antenna on Existing Structure'.

~~47—In the O-M zone, manufacturing, mixing, fermentation, treatment, assembly, packaging, and servicing of resultant products for marketing purposes is allowed, only if the use is not the principal use. (Research, development and related activities)~~

~~48—Unbagged mulch stored outdoors on a portion of a lot adjoining or confronting residentially-zoned property must: 1) not exceed 6 feet in height; 2) be screened by landscape or by a solid sight tight fence; and 3) be set back from the property line a distance not less than the applicable front, rear, or side yard setback required in the adjacent residentially-zoned property that adjoins or confronts the outdoor storage. (Attached to 'Accessory Buildings and Uses' in C-1 and C-2.~~

~~49—Permitted in a building designated as historic on the master plan for historic preservation. (Attached to 'Antique shops, handicrafts or art sales' in O-M zone.)~~

50 In accordance with the provisions of Section 59-A-6.15. A special exception is required for a PLQ development with 50 or more individual living units. (Attached to 'Personal living quarters'). PLQ has been split into two uses (up to/ over 50 individual living units)

51 Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-2.37. (Attached to 'Nursing Home' in C-T, C-O and C-2 zones) Sec 3.3.2.E. 4: Conditional use standards for 'Residential Care Facility' (over 16 persons).

~~52—In an office structure lawfully existing in the C-O zone, provided any commercial space is limited to the first two floors (Attached to 'dwellings' in C-O zone)~~

~~53—A pawnshop must be located at least 1,000 feet from any other pawnshop and at least 300 feet from any residentially zoned property. Distance must be measured from the main entrance of a pawnshop to the main entrance of another pawnshop or to the nearest residential zone. (Attached to 'Pawnshop' in C-2).~~

~~54—Must not exceed 14,500 sq.ft. of gross floor area. (Attached to 'Health Club' in C-1).~~

55 A radio and television broadcasting station without a broadcast tower is a permitted use. (Attached to 'Radio and television broadcasting stations and towers.') This use would be considered an 'office' and permitted in most C/R and Employment zones.

~~56—Only in conjunction with a substantial office component and on land consisting of a minimum of 10 contiguous acres, that: (1) adjoins I-1 zoned land, and (2) fronts on a road with right of way of 100 feet or more. Warehousing of products produced on site is allowed. (Attached to 'Manufacturing and assembly of medical, scientific, or technical instruments, devices, products and equipment' in O-M)~~

~~57—Only in an area designated "Town Center" on an approved and adopted master plan. An emergency health care facility must not exceed 30,000 square feet of gross floor area. (Attached to 'Emergency health care facility' in CT)~~

58 On a site approved by special exception before May 19, 2003 for use as a racquet ball, squash, indoor tennis, and handball court, whether the original approval was for a commercial recreational or entertainment establishment or for a racquetball, squash, indoor tennis and handball court. The reuse and interior remodeling of an existing building to accommodate a health club, which is on a site approved by special exception before May 19, 2003 for use as a commercial recreational or entertainment establishment or racquet ball, squash, indoor tennis, and handball court, is not subject to site plan review.

59 An analytical chemistry laboratory that establishes standards for the manufacture of pharmaceuticals is permitted in conjunction with research, development and related activities in the C-O zone. (Attached to 'Research, Development and Related Activities in C-O). Sec 3.5.8.C: Definition of 'Research and Development'.

~~60—Permitted if: (A)(1) any part of the site adjoins property zoned I-1, and (2) the site adjoins any property recommended for commercial, industrial, or public use; or (B)(1) any part of the site adjoins a railroad right of way, (2) the site adjoins any property recommended for commercial, industrial, or public use, and (3) the site is not located in a Central Business District Sector Plan area. If the site adjoins a residential use, screening at least 6 feet high must be provided. (Attached to 'Landscape Contractor' in CT)~~

61 Any combination retail store in existence before November 29, 2004 is a conforming use and may continue in accordance with the standards in effect before November 29, 2004. Any reconstruction or enlargement of a combination retail store in existence before November 29, 2004 must comply with the standards in effect after November 29, 2004. (Attached to 'Combination retail store' in C-2 and C-3.

~~62—An eating and drinking establishment is a permitted use in an office building and may have an exterior patron entrance. An eating and drinking establishment in an office building requires a special exception only when the office building in which the eating and drinking establishment is located adjoins or confronts one family residential zoned property. See Section 59-G-2.18 "Eating and Drinking Establishments in the O-M Zone" or Section 59-G-2.48 "Retail Establishments in an office building." (Attached to 'Eating and drinking establishment, excluding a drive-in' in O-M and C-P.)~~

⁶³ Must not exceed 65 feet in height; however, a special exception for additional height may be granted, by the Board of Appeals if it can be demonstrated that the additional height is the minimum needed to engage in amateur radio communications under a license issued by the Federal Communications Commission. Any amateur radio facility existing before December 26, 2005 that exceeds 65 feet in height is a conforming structure. Use is now broken into two – one for under 65 ft and one for over 65 ft.

⁶⁴ ~~Only businesses located in the Agricultural Reserve as delineated in the 1980 Agricultural Preservation Master Plan that construct, stabilize, and repair farm accessory buildings, structures, and fences. (Attached to 'Farm building supply and construction' in C-1)~~

⁶⁵ ~~Must not exceed 1,000 square feet of floor area of the building and only if the use is not the principal use. (Attached to 'Florist' in O-M)~~

⁶⁶ ~~Provided that such uses must not occupy more than 50 percent of total gross floor area. (Attached to 'Offices, real estate' in C-1).~~

⁶⁷ As part of a mixed-use project designed for a large retail user that complies with the standards and requirements of Section 59-C-4.379. (Attached to 'Dwellings' in C-4). Dwellings will be permitted when C-4 converts to CRN

⁶⁸ In the C-4 zone, if project is within the scope of Section 59-C-4.379, the project must satisfy the requirements of Section 59-C-4.379. (Attached to Commercial category of land use table). Sec 3.5.11: Included as limited use standards for 'Retail/Service Establishment (50,000 and over)'

Sec. 59-C-4.30. C-T zone-Purpose and development standards.

59-C-4.301. Purpose. Sec. 2.2.4.B CRN Zone Intent Statement

~~The purpose of the C-T zone is to provide sites for low intensity commercial buildings which, singly or in groups, will provide an appropriate transition between one-family residential areas and high intensity commercial development. The C-T zone is intended to constitute a margin of limited width at the border between a commercial area and a one-family residential area. For that reason, the C-T zone can only be applied:~~

~~—(a)—In areas designated for the C-T zone on adopted and approved master or sector plans; or~~

~~—(b)—On property so located that it is between and adjoining or separated only by a street, highway, or utility right of way from both of the following uses:~~

~~——(1)——Existing or proposed one-family residential uses; and~~

~~——(2)——Existing high intensity commercial uses. As used herein, the term "high intensity commercial use" refers to any commercial or central business district development with an existing height that is greater than 40 feet. The term "high intensity commercial use" does not include development in the C-1 zone.~~

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

59-C-4.302. New construction, re-use of existing building, remodeling, and reconstruction.

~~The following provisions apply:~~

~~—(a)—For new construction, a building permit can be issued only on a lot with a minimum front lot line of 100 feet on a public street. For this purpose, "new construction" does not include either remodeling an existing structure or reconstruction as the result of fire or other catastrophe, as regulated in paragraphs (c) and (d), below.~~

~~—(b)— For commercial re-use of a building existing at the time the C T zone is granted, a use and occupancy permit can be issued only after site plan approval as set forth in division 59-D-3, whether or not there is remodeling of the structure or redesign of the lot.~~

~~—(c)— For remodeling of a building existing at the time the C T zone is granted, the board may, at the time of site plan approval, approve an expansion of the gross floor area of the building, provided the increase:~~

~~——(1)—— Is compatible with neighboring residential and commercial uses; and~~

~~——(2)—— Does not exceed 40 percent.~~

~~—(d)— For reconstruction of a building damaged by fire or other catastrophe, the board may, at the time of site plan approval, approve an expansion not exceeding 10 percent of the gross floor area of the building as it existed prior to the damage, provided the increase:~~

~~——(1)—— Is compatible with neighboring residential and commercial uses;~~

~~——(2)—— Does not exceed a 40 percent increase in the gross floor area of the building, if any, as it existed at the time the C T zone was granted; and~~

~~——(3)—— Is not subject to the special regulations of section 59-C-4.308 below.~~

59-C-4.303. Building coverage and building height. Div 4.5 Commercial/ Residential Zone development standards

The maximum percentage of coverage by buildings and accessory structures, and the maximum building height at any point, shall be as follows:

Coverage Height

(a) On a lot with an area of less than 12,000 square feet. 30 percent none (for most building types) 24 feet
(25'-65') as mapped

(b) On a lot with an area of 12,000 square feet or more. 35 percent none (for most building types) 35 feet
(25'-65') as mapped

59-C-4.304. Floor area.

The gross floor area of all buildings on a lot must not exceed FAR 0.5, except as provided in the special regulations of section 59-C-4.308. FAR maximum of 0.25-1.5, as mapped

59-C-4.305. Setbacks.

All buildings must be set back from lot lines at least as follows:

(a) From any street right-of-way as shown on a master plan-10 feet. None (for most building types)

(b) From any other lot line: 0' or Sec. 4.6.3.B Neighborhood Compatibility

~~(1)—If the building has windows or apertures providing light, access, or ventilation to a space intended to be occupied for commercial or residential purposes that faces that lot line 15 feet, except as provided in subparagraph (3) below.~~

~~—(2)— If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan 15 feet, except as provided in subparagraph (3) below.~~

~~—(3)— For a building existing at the time the C-T zone is granted, the board may approve a setback of less than 15 feet, provided the smaller setback is not less than the setback existing at the time of rezoning.~~

~~—(4)— In all other cases, no building setback is required.~~

59-C-4.306. Green area.

Green area must constitute at least 10 percent of the area of the lot. ~~0- 10% (for most building types)~~

59-C-4.307. Parking.

(a) All parking in accord with the requirements of article 59-E ~~must be provided on site or on a nearby property in the C-T zone with one exception.~~

~~—(b)— The exception is a property in a parking lot district, as defined in chapter 60 of this Code, that has been designated on an approved and adopted master or sector plan as one that may utilize public parking facilities to satisfy the requirements of article 59-E.~~

~~—(c)— All properties in a parking lot district that are not designated as prescribed in paragraph (b) above would be required to provide their parking on site and therefore may apply for an exemption to the parking district tax, pursuant to chapter 60.~~

59-C-4.308. Special regulations.

(a) Where an otherwise lawful structure or development exists or has received site plan approval in the C-T zone on April 1, 1986, this structure or development is not a nonconforming use and may be continued, if it remains an otherwise lawful use. If damaged, the structure may be rebuilt, repaired and/or reconstructed, subject to the following provisions:

(1) The maximum building coverage, building height, and gross floor area of the original building must not be increased; and

(2) The original number of on-site parking spaces must not be changed except as provided by article 59-E, title "Off-Street Parking and Loading."

(b) Development in accord with a schematic development plan and covenants recorded prior to April 1, 1986, pursuant to the provisions of section 59-H-2.5, title "Contents of Optional Method of Application-Local Map Amendments," is lawful, even though development in accord with that plan would not comply with the standards prescribed by sections 59-C-4.303, 59-C-4.304 and 59-C-4.307 above. Such development is not a nonconforming use and is subject to the provisions regarding an existing structure set forth in paragraph (a) above.

59-C-4.309. Development procedure. Sec. 8.3.4.A Site Plan Applicability and Description

~~—(a)— **Subdivision.** Subdivision or resubdivision of lots must be consistent with the recommendations of the relevant approved and adopted master or sector plan.~~

(b) **Site Plan.** The procedure for site plan approval is as set forth in division 59-D-3. Site plan approval is required for re-use of a building existing at the time the C-T zone is granted as well as for remodeling, rebuilding or new construction.

Sec. 59-C-4.31. O-M zone-Purpose and development standards. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

59-C-4.310. Purpose. Sec 2.2.5.E Intent statement for EOF zone

~~It is the purpose of the O-M zone to provide locations for moderate intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one family residential in character.~~

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

59-C-4.311. Lot coverage and building height See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

(a) Except as provided in paragraph (b) below, the following shall apply:

- ~~(1) Not more than 60 percent of the lot area shall be covered by buildings and accessory structures.~~
- (2) No building shall exceed 5 stories or 60 feet in height at any point. Factored into zone implementation process
- ~~(3) At least 10 percent of the lot area shall be devoted to green area.~~

(b) ~~Coverage may be permitted to increase to 75 percent~~ and height to 7 stories, but not more than 72 feet if the following conditions are met:

- (1) The lot has an area of at least one-half acre. Factored into zone implementation process
- ~~(2) At least 80 percent of the additional floor area is used for off street parking.~~
- ~~(3) At least 15 percent of the lot area is devoted to green area.~~

59-C-4.312. Floor area. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

The gross floor area of buildings shall not exceed FAR 1.5. Factored into zone implementation process

59-C-4.313. Setbacks. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

~~All buildings shall be set back from lot lines at least as follows:~~

~~—(a)—From any street right of way as shown on a master plan 15 feet.~~

~~—(b)—From any other lot line:~~

~~—(1)—If the building has windows or apertures providing light, access or ventilation to a space intended to be occupied for commercial or residential purposes that faces that lot line One foot for each 3 feet of building height.~~

~~—(2)— If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on a master plan One foot for each 3 feet of building height.~~

~~—(3)— In all other cases, no setback is required.~~

59-C-4.314. Development procedure. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

The procedure for site plan approval shall be as set forth in division 59-D-3.

Sec. 59-C-4.32. C-O zone-Development standards. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

59-C-4.320. Building height. Factored into zone implementation

(a) Except as provided in paragraph (b) below, no building shall exceed 3 stories nor 42 feet in height.

(b) Additional stories may be permitted, provided that the applicable approved and adopted master plan does not indicate that additional height over 3 stories or 42 feet is unsuitable for the applicable site, and further provided that the following requirements shall apply:

(1) Approval of a site plan as set forth in division 59-D-3.

(2) Not more than 5 such additional stories shall be permitted.

(3) The average height of such additional stories shall not exceed 97 feet.

59-C-4.321. Floor area. Factored into zone implementation

The gross floor area of buildings shall not exceed FAR 1.5 except as provided in paragraph (a) below:

(a) Exclusive of parking areas, the total floor area of buildings may be increased higher than FAR 1.5 to a maximum of FAR 3 upon approval of a site plan as provided in division 59-D-3, where the planning board determines the proposed development would be compatible with the height and FAR of surrounding existing and proposed land uses.

59-C-4.322. Setbacks on lots located within central business districts. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

~~—(a)— From any street right of way:~~

~~—(1)— If the right of way line is established on a master plan, no setback is required.~~

~~—(2)— If there is no master plan showing the right of way line, no building shall be within 70 feet of the center line of the street.~~

~~—(3)— In the case of a side street on a corner lot, the setback shall be equal to the majority of the lots fronting on that street.~~

~~—(b)— From any other lot line:~~

~~—(1)— If the lot adjoins a residential zone which is not:~~

- ~~— recommended on a master plan for commercial or industrial zoning, nor~~
- ~~— used for off street parking in connection with a multiple family, commercial or industrial use,~~
- ~~— then the setback shall be not less than that required in the adjoining zone.~~
- ~~— (2) In all other cases, no setback is required.~~
- ~~— (3) No yard shall be less than 3 feet in width.~~

59-C-4.323. Setbacks on lots not located within central business districts. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

- ~~— (a) The setback from any street shall be equal to not less than one sixth the height of the building above the average grade level of that street frontage, measured from the right of way line as shown on a master plan. If there is no master plan, the right of way line shall be assumed to be 60 feet from the center line of the street.~~
- ~~— (b) From any other lot line:~~
 - ~~— (1) If:~~
 - ~~— the wall of the building being constructed facing that lot line contains windows, or~~
 - ~~— the adjoining lot is zoned or recommended on a master plan for uses other than commercial or industrial,~~
 - ~~— then the building shall be set back from that lot line a distance equal to not less than one fourth of its height.~~
 - ~~— (2) No setback from a one family residential zone shall be less than required in that zone.~~
 - ~~— (3) In all other cases, no setback is required.~~

59-C-4.324. Special regulations-Amendment of 1978.

(a) **Existing Structure.** Where an otherwise lawful structure exists in the C-O zone on October 31, 1978, or an otherwise lawful lot on which such structure is located is diminished in area by reason of taking under eminent domain, purchase or other governmental action, so that such structure could not then be built under the terms of this chapter because of insufficient net lot or other requirements of this chapter dealing with dimensions of the structure or its location on the lot, such structure is a conforming structure and may be continued, structurally altered, repaired or reconstructed, so long as it is not increased, extended or enlarged beyond the dimensions which existed on the above date.

(b) **Future Construction.** On land zoned in the C-O classification on October 31, 1978 construction may be carried out in accordance with the provisions of the C-O zone as they existed prior to that date, if construction has been undertaken over and beyond the excavation and foundation work prior to October 31, 1979. Where such construction is undertaken, the resulting structure is a conforming structure and may be continued, structurally altered, repaired or reconstructed, so long as it is not increased, extended or enlarged beyond the dimensions of the construction pursuant to the original building permit.

Sec. 59-C-4.33. C-P zone-Purpose and development standards. EOF zone

59-C-4.330. Purpose. Sec 2.2.5.E Intent statement for EOF zone

~~The purpose of the C-P zone is to provide for low-density, park-like development of office uses suitable for locations in proximity to similar commercial/industrial development or to low- and medium-density residential uses, in areas where it would implement the land-use recommendations of approved and adopted master or sector plans, or in areas where such uses are appropriate.~~

~~It is further the purpose of the C-P zone to:~~

- ~~—(a)— Create campus-like settings for offices in locations where such uses are compatible with existing and planned land uses in the surrounding area and where appropriate roadway access can be provided;~~
- ~~—(b)— Maximize the amount of green area by limiting building coverage and encouraging structured parking; and~~
- ~~—(c)— Regulate building height and setbacks to ensure that there is a balance between height and open space, as well as a skyline that is harmonious with the architecture and land use of the surrounding area.~~

~~In order to secure development of this type, the standards prescribed herein must be met.~~

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

59-C-4.331. Area requirements.

- ~~—(a)— No tract of land shall be zoned C-P unless it has an area of at least 5 acres.~~
- ~~—(b)— Each main building together with its accessory buildings shall be located on a lot with an area of at least 2 acres.~~

59-C-4.332. Frontage and access.

- ~~—(a)— Each lot shall have at least 100 feet of frontage on a public street or private way.~~
- ~~—(b)— Vehicular access shall be only to one of the following:~~
 - ~~—(1)— A major highway.~~
 - ~~—(2)— An arterial road.~~
 - ~~—(3)— A business district or industrial street.~~
 - ~~—(4)— A private way which connects with any of the above, but not directly with any residential street.~~

59-C-4.333. Building coverage and building height. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

(a) **Building Coverage.** ~~Not more than 20 percent of the area of a lot may be covered by buildings, including accessory buildings; except, that if all of the parking requirements of the building are provided in a building above ground level this may be increased to 25 percent.~~

(b) **Building Height.** ~~Factored into zone conversion process~~

No building or structure shall exceed a height of 50 feet, except as follows:

- ~~—— (1) The height may be increased by one foot for each foot by which the building setback exceeds the minimum setback required in the adjoining zone.~~
- ~~—— (2) There shall be no height limit for a building located more than 300 feet from any property line.~~
- ~~—— (3) Additional floors shall be permitted if the following requirements are met:~~
 - ~~—— (i) For each such floor a floor is provided on which at least 60 percent of the area is used for automobile parking.~~
 - ~~—— (ii) Not more than 3 such additional floors shall be permitted. _____~~
 - ~~—— (iii) The average height of such additional floors shall not exceed 11 feet.~~

59-C-4.334. Setbacks. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

- ~~(a) From a street right of way:~~
 - ~~—— (1) Of a limited access freeway or parkway 150 feet.~~
 - ~~—— (2) Of a major highway or arterial road 100 feet.~~
 - ~~—— (3) Of any other street 50 feet.~~
- ~~—— (b) From a lot line adjoining a residential zone 100 feet.~~
- ~~—— (c) From a lot line adjoining an I-3 zone 30 feet.~~
- ~~—— (d) From a lot line adjoining any commercial zone, or any land recommended on a master plan for a commercial zone or uses as a public parking lot or for off-street parking in connection with a commercial or industrial zone, no setback is required.~~

59-C-4.335. Green area. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

~~Green area must constitute at least 40 percent of the area of the lot. The green area, including the required setback areas, must be landscaped by the planting and maintenance in good condition of grass, shrubs, trees or other ground cover in accordance with a plan approved by the Department.~~

59-C-4.336. Roads.

~~Interior roads may be private or public, but private roads shall have a minimum width of 20 feet for two-way traffic or 10 feet for one-way traffic and shall be paved and maintained in good condition.~~

59-C-4.337. Signs.

The display of a sign must comply with the requirements established in Article 59-F of this chapter.

59-C-4.338. Off-street parking.

~~The following regulations shall apply to parking facilities:~~

- ~~—(a)—No parking spaces may be located within the minimum required yards except for visitor parking which may constitute 20 percent of the required number of spaces.~~
- ~~—(b)—Parking may be grouped in facilities serving more than one lot or establishment.~~
- ~~—(c)—In any parking lot with an area of one acre or more, at least 10 percent of the area shall be devoted to landscaping within the parking area. Screen planting shall be adjacent to the parking area rather than at the periphery of the lot.~~
- ~~—(d)—No luminaries shall be more than 10 feet above ground level.~~
- ~~—(e)—Aboveground parking structures shall be in the rear yard and architecturally compatible with other buildings on the site.~~
- ~~—(f)—Underground parking structures shall have their entrances from a rear yard or from a side yard adjoining land zoned, or recommended on a master plan for zoning, in a commercial or industrial zone or used as a public parking lot or for off-street parking in connection with a commercial use. Landscaped areas above underground parking structures shall qualify as green area and shall not be computed as building coverage.~~

59-C-4.339. Development procedure. See EOF zone development standards (Sec. 4.6.6. Standard Method or Sec. 6.5.1. Optional Method)

The procedure for site plan approval shall be as set forth in division 59-D-3.

Sec. 59-C-4.34. C-1 zone--Purpose and development standards.

59-C-4.340. Purpose. Sec 2.2.4 (Commercial/Residential Zones Intent Statements) or Sec 2.2.5 (Employment Zones Intent Statements)

It is the purpose of the C-1 zone to provide locations for convenience shopping facilities in which are found retail commercial uses which have a neighborhood orientation and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel. Such facilities should be located so that their frequency and distributional pattern reflect their neighborhood orientation. In addition, such facilities should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood. It is further the intent of this zone that, in order to restrict the size of such facilities, the convenience commercial zone should not be located in close proximity to other commercial areas; and it shall not be applied to land which is located within a central business district as defined in section 59-A-2.1.

59-C-4.341. Area requirements.

~~Land classified in the C-1 zone shall not exceed 15 acres at one location, including land which is zoned for, or developed with, commercial uses and which is adjacent and contiguous or separated only by a street or other right-of-way; except where, by reason of exceptional topographic conditions, exceptional narrowness, shallowness, shape or juxtaposition of specific parcels, the failure to so classify would result in unusable, abandoned or unproductive land or properties; and any such exception shall be limited to the extent necessary to avoid such result.~~

59-C-4.341.1 Special area provision.

~~Notwithstanding the area limitation of this zone, more than 15 acres of land at one location may be classified in the C-1 zone if such zoning is recommended for more than 15 acres on the applicable master or sector plan.~~

59-C-4.341.2. Site Plan Review. Sec 8.3.4.A.8. Site Plan Applicability

~~Any development or redevelopment of any portion of land zoned C-1 where C-1 zoning is in excess of 15 acres at one location requires approval of a site plan in accordance with Division 59-3. In order to approve a site plan, the Planning Board must find that the proposed development is consistent with the criteria and guidelines relating to the property, if any, as shown in the area master or sector plan.~~

59-C-4.342. Building height. Factored into zone implementation

~~Notwithstanding any other provisions of this Code allowing greater height for any reason, no building shall exceed the height of 30 feet as measured from the average elevation of finished grade surface along the base of the front, rear and sides of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridges of a gable, hip or gambrel roof; provided, however, that the height in the front, rear or any side shall not exceed 45 feet. On lots having severe topography, the Board of Appeals shall have authority to grant variances from the maximum 45 foot height limitation on the front, rear or any side up to a maximum 60 feet on such side; provided, however, that the average height shall in no case exceed the 30 foot average height limitation contained herein.~~

Where land is zoned in the C-1 classification on October 30, 1978, and an application for a building permit is received by the Department on or before March 1, 1979, the height of a building may not exceed 35 feet measured as set forth in this section.

59-C-4.343. Setbacks. Div 4.5.4.C (C/R Zoning District Regulations) or Div 4.6.4.C (Employment Zoning District Regulations)

All buildings shall be set back from lot lines at least as follows:

~~—(a)— From any street right of way:~~

~~——(1)—— If the right of way line is established on a master plan 10 feet.~~

~~——(2)—— Be equal to the majority of the lots fronting on that street but not less than 10 feet.~~

~~——(3)—— If there is no master plan showing the right of way line, the setback shall be 60 feet from the center line of the street.~~

~~——(4)—— A setback is not required when a "mainstreet" type of development is recommended in a master or sector plan.~~

~~—(b)— From any other lot line:~~

~~——(1)—— If the lot adjoins a residential zone which is not~~

~~—— Recommended on a master plan for commercial or industrial zoning, nor~~

~~—— Used as a public parking lot~~

~~Used for the parking of motor vehicle in connection with a commercial use in an historic district under the provisions of Sec. 59-A-6.22.~~

~~then the setback must be not less than that required in the adjoining zone.~~

~~(2) In all other cases, no setback is required.~~

~~(3) No yard shall be less than 10 feet in width.~~

59-C-4.344. Green area. Div 4.5.4.A (C/R Zoning District Regulations) or 4.6.4.A (Employment Zoning District Regulations)

~~Green area shall constitute at least 10 percent of the area of the lot.~~

59-C-4.345. Off-street parking.

The off-street parking required by Article 59-E ~~must be provided on land which is in the C-1 zone,~~ except as required in the special exception provisions of section 59-G-2.39 or 59-G-2.40. In a designated historic district, required parking is permitted in an agricultural or residential zone in accordance with the provisions of sections 59-A-6.22 and 59-C-1.31(b). Sec. 3.5.9.D Surface Parking for Commercial Uses in an Historic District

~~**59-C-4.346. Nuisances.**~~

~~Any use which is found by the board of appeals to be a public nuisance, by reason of emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance, is and shall be expressly prohibited. No such finding shall be made by the board except after a hearing upon reasonable notice, and any person, the commission or the district council may file a petition with the board for such hearing.~~

59-C-4.347. Nonconforming uses, amendment of 1971.

Any use which is not permitted in the C-1 zone but was lawfully existing prior to the amendment of the C-1 zone on March 26, 1971, shall not be regarded as a nonconforming use; but any additions or structural alterations shall be in conformance with the above yard, green area and height regulations and shall not exceed 10 percent of the gross floor area of such use as it existed on that date.

59-C-4.348. Effective date.

Where land is zoned in C-1 classification on March 16, 1971, the effective date of adoption of this section, the provisions of this section shall not be in effect if construction in accordance with the provisions of this zone prior to March 16, 1971, shall be undertaken over and beyond the excavation and foundation work within a period of one year from March 16, 1971. If construction shall not be undertaken within such period, the provisions of this section shall be in effect. Where such construction is undertaken, the resulting use shall not be regarded as a nonconforming use, in accordance with the provisions of subsection 59-C-4.347.

59-C-4.349. Nonconforming building-Amendment of 1978.

Any building or structure which is not now permitted due to its height in the C-1 zone but was lawfully existing prior to the amendment of the C-1 zone on October 30, 1978, shall not be regarded as nonconforming due to its height.

Sec. 59-C-4.35. C-2 zone-Purpose and development standards.

***59-C-4.350. Purpose. Sec 2.2.4 (C/R Zone Intent Statements) or Sec 2.2.5 (Employment Zone Intent Statements)**

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. A further purpose of this zone is to encourage housing with commercial uses: (1) within 500 feet of a Bus Transit Center; (2) in Metro Station Policy Areas; and (3) in close proximity to Metro stations located in Central Business Districts.

***Editor's note**—59-C-4.350, Purpose, appears above as it was adopted by Ord. No. 14-54 and amended by Ord. 16-23. However, in Humphrey v. Planning Board for Montgomery County, Civil Nos. 239679 and 239680, the Circuit Court for Montgomery County found that Zoning Text Amendment 02-04 (Ord. No. 14-54) was an invalid and unconstitutional text amendment, violating the uniformity requirement of the Regional District Act and prohibited under the Maryland Constitution. The text of 59-C-4.350 prior to the adoption of Ord. 14-54 and Ord. 15-23 was:

59-C-4.350. Purpose.

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. A further purpose of this zone is to promote the effective use of transit facilities in Central Business Districts by encouraging housing with commercial uses in close proximity to Metro stations located in Central Business Districts.

~~—59-C-4.351. Building height.~~

~~—The maximum building height at any point measured from the finished grade is 3 stories or 42 feet, except that the height may be increased as follows:~~

~~—(a) To 5 stories or 60 feet if the building satisfies all of the following criteria:~~

~~—1. The building is an expansion of a use that either:~~

~~—(i) Existed on November 23, 1976; or~~

~~—(ii) Received site plan approval in accordance with division 59-D-3 between November 23, 1976, and March 26, 1985, for the purpose of attaining the increased height allowed by this section.~~

~~—2. The roof elevation of the expansion does not exceed the roof elevation of the existing or approved use as specified by paragraph (a) above. Elevation is measured from sea level.~~

~~—3. The expansion receives site plan approval in accordance with division 59-D-3; or~~

~~—(b) To 65 feet to accommodate mixed commercial and residential development, provided:~~

~~—1. The residential component consists of a minimum of 60% of the overall FAR, and~~

~~—2. The development is at least 300 feet from any one family residential use.~~

(c) To accommodate development at a regional shopping center with a gross leaseable area that exceeds or will exceed subject to site plan approval 1,200,000 square feet, building height may be increased to (1) 90 feet for a building that includes a theater complex, and (2) 130 feet for a hotel. Any increase in building height under this

provision must receive site plan approval in accordance with Division 59-D-3 and be set back from the nearest residential zone at least 3 feet for each 1 foot of building height. Under review

~~**Editor's note**—Paragraphs (a) and (b) of § 59-C-4.351, Building height, appear above as adopted by Ord. No. 14-54. However, in *Humphrey v. Planning Board for Montgomery County*, Civil Nos. 239679 and 239680, the Circuit Court for Montgomery County found that Zoning Text Amendment 02-04 (Ord. No. 14-54) was an invalid and unconstitutional text amendment, violating the uniformity requirement of the Regional District Act and prohibited under the Maryland Constitution. The text of paragraphs (a) and (b) of § 59-C-4.351 prior to the adoption of Ord. 14-54 was:~~

59-C-4.351. Building height. **Factored into zone implementation**

The maximum building height at any point measured from the finished grade is 3 stories or 42 feet, except that the height may be increased as follows:

(a) To 5 stories or 60 feet if the building satisfies all of the following criteria:

1. The building is an expansion of a use that either:

(i) Existed on November 23, 1976; or

(ii) Received site plan approval in accordance with division 59-D-3 between November 23, 1976, and March 26, 1985, for the purpose of attaining the increased height allowed by this section.

2. The roof elevation of the expansion does not exceed the roof elevation of the existing or approved use as specified by paragraph (1) above. Elevation is measured from sea level.

3. The expansion receives site plan approval in accordance with division 59-D-3; or

(b) To 75 feet to accommodate mixed commercial and residential development, provided:

1. The residential component consists of a minimum of 60% of the overall FAR, and

2. The development is at least 300 feet from any one-family residential use.

59-C-4.352. Floor area. **Factored into zone implementation**

The gross floor area of buildings shall not exceed FAR 1.5, except that the FAR may be increased to a maximum of 2.5 FAR for a mixed commercial and residential project provided: (1) the commercial FAR does not exceed 1.0 FAR, and (2) the ground floor is commercial, except for uses incidental to the residential use, such as lobbies and loading areas.

~~**Editor's note**—59-C-4.352, Floor area, appears above as it was adopted by Ord. No. 14-54. However, in *Humphrey v. Planning Board for Montgomery County*, Civil Nos. 239679 and 239680, the Circuit Court for Montgomery County found that Zoning Text Amendment 02-04 (Ord. No. 14-54) was an invalid and unconstitutional text amendment, violating the uniformity requirement of the Regional District Act and prohibited under the Maryland Constitution. The text of 59-C-4.352 remained unchanged when Ord. 14-54 was adopted.~~

59-C-4.353. Setbacks **Div 4.5.4.C (C/R Zoning District Regulations) or Div 4.6.4.C (Employment Zoning District Regulations)**

~~All buildings must be set back from lot lines at least as follows:~~

~~—(a) Front.~~

~~—(1) The front building line must not be less than 10 feet from the front lot line.~~

~~—(2) A setback is not required when a "mainstreet" type of development is recommended in a master or sector plan.~~

~~—(b) Side and Rear.~~

~~—(1) If the lot adjoins a residential zone, the setback must not be less than required in the adjoining zone.~~

~~—(2) In all other cases no setback is required.~~

~~—(3) No yard must be less than 3 feet in width.~~

59-C-4.354. Green area Div 4.5.4.A (C/R Zoning District Regulations) or 4.6.4.A (Employment Zoning District Regulations).

~~Green area shall constitute at least 10 percent of the area of the lot.~~

~~—59-C-4.355. Nuisances.~~

~~Any use which is found by the board to be a public nuisance, by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance, is and shall be expressly prohibited in the C-2 zone. No such finding shall be made by the board except after a hearing upon reasonable notice, and any person, the commission or the district council may file a petition with the board for such a hearing.~~

59-C-4.356. Special regulations-Amendment of 1976.

(a) **Existing Structure.** Where an otherwise lawful structure exists in the C-2 zone on March 23, 1976, and the otherwise lawful lot on which such structure is located is diminished in area by reason of taking under eminent domain, purchase or other governmental action, so that such structure could not then be built under the terms of this chapter because of insufficient net lot or other requirements of this ordinance dealing with dimensions of the structure or its location on the lot, such structure shall not be regarded as a nonconforming use and may be continued, if it remains an otherwise lawful use; and, if damaged, it may be rebuilt, repaired and/or reconstructed so long as it is not increased, extended or enlarged beyond the dimensions which existed on the above date.

(b) **Future Construction.** On land zoned in the C-2 classification on March 23, 1976, construction may be carried out in accordance with the provisions of the C-2 zone as they existed prior to that date, if construction has been undertaken over and beyond the excavation and foundation work prior to March 23, 1977.

59-C-4.357. C-2 zone—purpose and development standards. Sec 4.1.1.A Rules for All Zones- Development Options-Standard Method

Residential development in the C-2 zone under Section 59-C-4.351(b) must include Moderately Priced Dwelling Units (MPDUs) as required by Chapter 25A ~~and workforce housing units as required by Section 59A-6.18 and Chapter 25B.~~

Editor's note-Formerly, section 59-C-4.6.

~~—59-C-4.358. C-2 zone Special Development Procedure for Transit-Oriented Mixed Use Development.~~

~~59-C-4.358.1. Intent.~~

~~The Special Development Procedure is intended to facilitate the effective development of properties located within a Metro Station Policy Area, with residential and non-residential land uses that will promote and serve transit ridership. It is intended that the special development procedure provide a significant public benefit, including such features as active and passive recreational use, parkland, or public right-of-way dedications.~~

~~59-C-4.358.2. Eligibility.~~

~~The following requirements must be satisfied:~~

~~(a) The property must be classified in the C-2 zone and not recommended for the TS-M zone in an approved and adopted master or sector plan;~~

~~(b) The property must abut property recommended for the TS-M zone or separated from such property only by a road or other public right-of-way;~~

~~(c) The property must be located in a Metro Station Policy Area that is not within a Central Business District;~~

~~(d) At least 60 percent of the development must be for residential use and the ground floor must be for commercial use; however, certain incidental non-commercial uses, such as lobbies, loading areas, and parking access may be at the ground floor level;~~

~~(e) Moderately Priced Dwelling Units (MPDUs) must be provided as required by Chapter 25A.~~

~~59-C-4.358.3. Regulations.~~

~~(a) Land uses. The following uses are allowed:~~

~~(1) All permitted or special exception uses in the C-2 zone as identified in Section 59-C-4.2, and~~

~~(2) All residential uses, other than one-family detached dwellings.~~

~~(b) Development standards. Development under the special development procedure must comply with standards of the C-2 Zone, except as modified by the following:~~

(1) Minimum area.	-
The minimum area required for any development in square feet:	40,000
however, a smaller eligible parcel may be approved if located adjacent to or confronting another parcel approved for or under application for the special development procedure.	-
(2) Density of development.	-
The density of development must not exceed any of the following:	-
(a) Floor area ratio (FAR):	2.0
The density of development must not exceed the FAR allowed under the special development procedure, except that the maximum FAR must be increased to accommodate the construction of moderately priced dwelling units and any density bonus units authorized under Chapter 25A. The provision of MPDUs does not authorize a reduction in any public facility and amenity or active or passive recreation space.	-

recommended in a master or sector plan.	
(3) Minimum percentage of net lot area devoted to on-site public use space:	40
(4) Minimum percentage of net lot area devoted to off-site parkland or public right-of-way dedications.	25
(5) Maximum building height in feet:	180
(6) Setbacks.	-
Where the property abuts or is separated only by a public road from residentially zoned land that is recommended for one-family detached residential use in an approved and adopted master or sector plan, all buildings must be set back from the residentially zoned property at least 3 feet for each 1 foot of building height above 75 feet.	-

~~—(c)—~~ **Procedures for application and approval.**

~~—Site Plan:~~ Development under the special development procedure must be approved under the site plan review provisions of Division 59-D-3.

***59-C-4.359. C-2 zone—Site Plan Review. Sec. 8.3.4. Site Plan Applicability**

~~—Before a building permit is issued in the C-2 zone, the Planning Board must approve a site plan under § 59-D-3 if the permit is not for a regional shopping center but allows any new structure, addition to an existing structure, or any new structure that would replace a demolished structure that in any combination would exceed 200,000 square feet of total floor area. Total floor area for this purpose includes gross floor area, and the sum of the gross horizontal area on any floor or paved surface of any: Parking deck, above-ground parking garage, and basement with public access. Total floor area must also include any new structure, addition to an existing structure, or new structure that replaces any existing structures with building permits approved up to 5 years before the building permit application; however total floor area approved by building permits issued before August 1, 2006 must be excluded from total floor area. If construction authorized by a building permit issued in the C-2 zone after August 1, 2006 has not started, the Planning Board must approve a site plan under § 59-D-3, if site plan approval would be required for a new building permit under this section.~~

Sec. 59-C-4.36. C-3 zone-Purpose and development standards. GR Zone

59-C-4.360. Purpose. Sec. 2.2.5.B

~~It is the intent of this zone to provide a method for the orderly grouping and spacing of commercial development on properties which abut or front on, and have access to, heavily travelled major highways with a planned or existing pavement of at least 6 lanes, or on properties which are recommended for such zoning on approved and adopted master plans or which are adjacent to properties previously or concurrently zoned C-3. This zone is intended to provide sites for commercial activities that may require large land areas and do not depend upon adjoining uses for reasons of comparison shopping and pedestrian trade; and sites for commercial facilities which are related to the traveller and highway user. At the same time, it is the intent that the frequency, design and location of points of direct access to the highway be controlled by restricting development to service road access, thereby minimizing interference with through traffic movements. The fact that an application complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself, shall not be sufficient to require the granting of any application.~~

59-C-4.361. Building height. Factored into zone implementation

No building may exceed 42 feet in height, except an arena, or stadium, which must be set back from the nearest lot line one foot for each additional foot of height over 42 feet. Where recommended as appropriate in the applicable master or sector plan, the maximum building height for an auto sales and service mall is 7 stories or 84 feet.

59-C-4.362. Setbacks. Sec. 4.6.4

~~All buildings shall be set back from lot lines at least as follows:~~

~~—(a)— From any street right of way—~~

~~—(1)— If the right of way line is established on a master plan 10 feet.~~

~~—(2)— If there is no master plan showing the right of way line, no building shall be within 70 feet of the center line of the street.~~

~~—(b)— From any other lot line—~~

~~—(1)— If the lot adjoins a residential zone which is not~~

~~—Recommended on a master plan for commercial or industrial zoning, or~~

~~—Used as a public parking lot, or~~

~~—Used for off street parking in connection with a multiple family, commercial or industrial use~~

~~—then the setback shall be not less than that required in the adjoining zone.~~

~~—(2)— In all other cases, no setback is required.~~

59-C-4.363. Green area. Sec. 4.6.4

~~Green area shall constitute at least 10 percent of the area of the lot. The green area, including the required setback areas, shall be landscaped. Where yards are required adjoining a residential zone a solid wall or fence at least 5 feet high or a compact evergreen hedge at least 3 feet high at the time of planting shall be provided, unless the site is already effectively screened, in the opinion of the planning board, by a permanent natural or artificial screen. Such wall, fence or hedge shall be located so as to provide the most effective screening for adjoining or facing premises, shall be maintained in good condition, shall have no advertising placed upon it and shall be so designed as to provide safe sight distances at entrances, exits and street intersections.~~

59-C-4.364. Roads and internal circulation.

~~—(a)— Access from the abutting major highway shall be by way of channelized service drives providing for the separation of all vehicular movements, acceleration, deceleration and left turn storage, except where existing adjoining development makes it infeasible.~~

~~—(b)— A one year renewable permit may be issued to a lot for temporary access from the highway at a point other than one approved for permanent access. The number of such permits shall not be such as would impede the flow of traffic on the highway. All such permits shall become void when the permanent access is constructed or when any part of the tract or parcel is reclassified to another zone.~~

59-C-4.365. Off-street parking.

~~The following regulations shall apply to parking facilities:~~

- ~~—(a)— All parking shall be located on land classified in the C-3 zone.~~
- ~~—(b)— All parking shall be located to the side or rear of the main building, inside of the building or on the roof.~~
- ~~—(c)— A driveway, without parking areas, may be located in front of the building.~~

59-C-4.366. Development procedure. Sec. 8.3.4.A.8. Site Plan Applicability

The procedure for site plan approval shall be as set forth in division 59-D-3.

~~**59-C-4.367. Special regulations applicable to designated automobile-related uses.**~~

~~—(a)— **Setbacks.** All buildings, off street parking and maneuvering areas (not to include access driveways), and all outdoor storage and display of motor vehicles must be set back from all property lines, in accordance with the requirements of the zone, except as follows:~~

- ~~——(1)—— 10 feet from any adjoining land classified in a commercial or industrial zone.~~
- ~~——(2)—— 50 feet from any adjoining or abutting land classified in a residential zone.~~
- ~~——(3)—— 50 feet from a controlled major highway or a limited access freeway.~~

~~——(4)—— From any other street with a planned right of way of 120 feet or greater, buildings must be set back at least 50 feet from the street right of way. The Planning Board, however, may reduce this building setback at the time of site plan approval upon a finding that such reduction will not adversely affect the character of the roadway and surrounding uses taking into consideration setbacks on nearby properties.~~

~~——The storage of waste material, auto parts, refuse and motor vehicles is prohibited in any required setback.~~

(b) **Building Coverage.** Sec. 4.6.4 ~~No more than 35 percent of the area of a lot may be covered by buildings, except that parking structures are excluded from the building coverage calculation.~~

(c) **Lighting.** In order to prevent any objectionable glare on surrounding properties or streets, the exterior lighting plan that is submitted as part of the required site plan must indicate the height, number and types of lighting fixtures, and a diagram showing their light distribution characteristics. Sec. 8.3.4. B.5.1.v.

(d) **Signs.** The display of a sign must comply with the requirements established in Article 59-F of this chapter.

(e) **Exemption for Buildings Constructed Prior to August 22, 1988.** Any building constructed prior to August 22, 1988, that does not satisfy the provisions of subsections (a) and (b) above is a conforming use, provided that the building satisfies all other lawful requirements. Any future alterations or expansions of the building may be done only if the work does not increase the lack of conformity with either subsection (a) or (b); however, in considering site plans for alterations or expansions subject to subsection (a) (2), the Planning Board may waive the setbacks required to not less than that required in the adjoining residential zone in cases where the adjoining residentially zoned land is developed with a structure used entirely or in part for a non-residential purpose and upon a finding that the proposed development is compatible with, and will not be detrimental to, the use and enjoyment of the adjoining residential property.

Sec. 59-C-4.37. C-4 zone-Purpose and development standards. CRN Zone

59-C-4.371. Purpose. Div 2.2.4 –Intent Statement for CRN Zone

It is the intent of this zone to provide locations for low-density commercial uses of a nature which are compatible with locations on arterial or major roads outside of central business districts and regional shopping centers and where low-intensity development is necessary to preclude an adverse impact on public facilities in the area.

59-C-4.372. Building height. Factored into zone implementation

~~No building shall exceed the following height limits:~~

~~—— Stories 2.~~

~~—— Feet 30.~~

59-C-4.373. Floor area. Factored into zone implementation

The total floor area of buildings, including cellar space not used for storage, shall not exceed 0.25 FAR.

59-C-4.374. Coverage limitations. Div 4.5.B.5 (C/R Zoning District Regulations)

- ~~Buildings shall occupy not more than 25 percent of the lot.~~
- Green area shall be provided for not less than 10 percent of the lot. 0-10%, depending on size

~~**59-C-4.375. Lot frontage.**~~

~~No building permits shall be issued for new construction in the C-4 zone except on lots having a minimum frontage of 100 feet on an arterial or major road.~~

59-C-4.376. Setbacks. Div 4.5.4.C (CR Principle Building Setbacks)

~~All buildings shall be set back from lot lines at least as follows:~~

~~——(a)—— From any street right of way, the most restrictive of the following:~~

~~——(1)—— If the right of way line is established on a master plan 10 feet.~~

~~——(2)—— Be equal to the majority of the lots fronting on that street, but not less than 10 feet.~~

~~——(3)—— If there is no master plan showing the right of way line, the setback shall be 60 feet from the center line of the street.~~

~~——(b)—— No side or rear setback shall be required; except that if the building has windows or apertures providing light, access or ventilation to a habitable space facing the side or rear lot line, or if such lot line adjoins a residential zone not recommended for commercial or industrial zoning on an approved and adopted master or sector plan, the setback shall not be less than that required in the adjoining zone. All setbacks required by this subsection shall be maintained as green area with appropriate landscaping and screening provided.~~

59-C-4.377. Parking. Div 7.1 & Div. 7.5

Parking shall be provided in accordance with article 59-E of this chapter and shall be so located as to have a minimal impact on any adjoining residential properties. ~~All such parking shall be provided on land which is in the C-4 zone and~~ shall be appropriately screened from adjacent uses.

59-C-4.378. Special regulations-C-4 zone.

~~Development above FAR 0.25. In order to encourage the orderly grouping and planned development of low-intensity, highway commercial centers, to limit the number and to control the location of access points to C-4 zoned sites, and to generally enhance the appearance of small commercial centers located along major roadways, the following optional method of development may be permitted, provided that the applicable approved and adopted master plan~~

~~does not indicate that higher intensity commercial development above FAR 0.25 would be unsuitable for the applicable site; and provided further that the following site development standards and site plan review procedures shall be in effect. If this method is used, all of the above requirements of the C-4 zone shall be met except as follows:~~

~~—(a)— **Minimum Area of Lot.** The optional method of development shall not be permitted on a lot or parcel of land which has a total area of less than 2 acres.~~

~~—(b)— **Development Density.** Increases in the floor area of buildings, above FAR 0.25, may be permitted, up to a maximum FAR 0.75, upon a finding by the planning board that an increased amount of floor area, above FAR 0.25, would be compatible with the intensity of surrounding existing and planned land uses, would not have an adverse impact on existing and planned public facilities in the area, and would be in accord with the land use recommendations and guidelines of the applicable approved and adopted master or sector plan. Factored into zone implementation~~

(c) **Height Limit.** No building shall exceed 3 stories or 40 feet in height. Factored into zone implementation

~~—(d)— **Maximum Lot Coverage.** The building coverage may be increased to a maximum of 35 percent of the lot.~~

~~—(e)— **Setbacks.** The setback from adjoining residentially zoned land, not recommended for commercial or industrial zoning on an approved and adopted master or sector plan, shall not be less than either the setback required in the adjacent residential zone or the height of the building, whichever is greater.~~

(f) **Development Procedures.** The procedures for site plan approval shall be as set forth in division 59-D-3.

59-C-4.379. Large retail uses near a metro station. Sec 3.5.11.A: Limited use standards for Retail/Service Establishment (50,000sf and over)

59-C-4.379.1. Scope.

This subsection applies to any project with:

(a) a retail use designed for a single retailer that uses at least 50,000 square feet of gross floor area on the ground area of a building (footprint), or more than 100,000 square feet of all floor area designed for a single retail user; and

(b) a pedestrian entrance designed for a single large retail user defined in Subsection (a), located within one-half mile of a metro station entrance.

59-C-4.379.2. Requirements.

(a) For any project within the scope of this subsection, notwithstanding any other provision of this Chapter, the maximum building footprint of the area designed for a single retail user is 80,000 square feet.

(b) In addition to the requirements of the C4 zone, for any project within the scope of this Section:

(1) site plan approval under Division 59-D-3 is required; and

(2) the following land uses are prohibited on the site:

~~(A) a drive-through service window or lane that is visible from a public street, except for any drive-through existing on January 1, 2012;~~

~~(B) an automobile repair or service facility; and~~

~~(C) an automobile filling station.~~

(c) On or in each building designed for a large retail user:

(1) Any facade longer than 100 horizontal feet must incorporate wall plane projections or recesses.

(2) Street level retail facades that front public or private streets or parking areas must provide transparent glazing (i.e., transparent windows, unobstructed display windows, or transparent store doors) for at least 60 percent of the horizontal length of the building facade between the height, at a minimum, of 3 feet and 8 feet above the walkway grade. The Planning Board may waive this requirement if it finds that a satisfactory site design can otherwise assist in activating pedestrian traffic along the public or private street.

(3) Additional floor area equal to at least 20% of the footprint designed for the largest single retail user must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and the facade and customer entrance must front a public or private street. A secondary entrance accessing the primary retail use is prohibited. At least 50 percent of the additional tenant space(s) must be located along the facade where the primary active customer entrance for the largest single retail use is located. The Planning Board may waive this requirement if it finds that a satisfactory site design can otherwise assist in activating pedestrian traffic along the public or private street.

(4) All sides of a building that front an abutting public right-of-way must have at least one active retail, residential, or office entrance.

(5) Areas for storage, truck parking, trash collection or compaction and loading must be screened from public rights-of-way.

(6) Variations in rooflines must be used when possible. Full architectural parapets or equivalent features must be used around the entire building to conceal rooftop mechanical equipment.

(7) The total of any residential floor area and any office floor area must be equal to or greater than the gross floor area designed for a single large retail user. At least 50 percent of the gross floor area of the non-retail component must be located above the street level retail footp (8) Parking facilities designed for a large retail user, excluding access driveways, must be located below-grade or in a structure behind or within the primary building. The Planning Board may waive the location requirement if it finds that a satisfactory site design can be achieved to screen parked vehicles from view along any public or private street.

(8) Parking facilities designed for a large retail user, excluding access driveways, must be located below-grade or in a structure behind or within the primary building. The Planning Board may waive the location requirement if it

finds that a satisfactory site design can be achieved to screen parked vehicles from view along any public or private street.

Sec. 59-C-4.38. H-M zone-Purpose and development standards. See CRT zone

59-C-4.380. Purpose.

~~It is the purpose of this zone to provide sites for hotels and motels adjacent to, and directly or indirectly accessible from, major highways or limited access freeways. It is intended that adequate access be available to such sites so that traffic is not required to pass through a one-family residential area in order to reach the entrance to the hotel or motel. It is intended that the H-M zone be located so as not to have an adverse impact, from traffic or other factors, on the surrounding neighborhood.~~

~~It is further the purpose of this zone to locate hotels and motels in areas of the county where major business, commercial, industrial or governmental activity creates the need for lodging for transient visitors. It is intended that this zone be used only on tracts which are planned for commercial, industrial or high-density residential uses. This zone is not intended for use on tracts which are planned for the C-T, commercial transition zone, or the C-1, convenience commercial zone. In addition, this zone is not intended for use on tracts whose immediate surroundings are predominantly one-family residential.~~

~~—59-C-4.381. Minimum area.~~

~~No tract of land shall be zoned H-M unless it has an area of at least 2 acres.~~

~~—59-C-4.382. Building coverage.~~

~~Not more than 25 percent of the area of a lot may be covered by buildings, including accessory buildings.~~

~~—59-C-4.383. Floor area ratio.~~

~~The gross floor area of buildings shall not exceed FAR 1.~~

~~—59-C-4.384. Building height.~~

~~No building shall exceed 15 stories in height at any point.~~

~~—59-C-4.385. Setbacks.~~

~~All buildings shall be set back from lot lines at least as follows:~~

~~—(a)—If the lot adjoins a one-family residential zone which is not recommended on a master plan for multiple-family, commercial or industrial zoning, the setback shall be a distance equal to the height of the highest section of the building.~~

~~—(b)—In all other cases, the setback shall be a distance equal to one-third the height of the highest section of the building.~~

~~—59-C-4.386. Green area.~~

~~Green area shall constitute at least 45 percent of the area of the lot.~~

~~—59-C-4.387. Retail facilities.~~

~~The retail sales and personal services permitted in the H-M zone in accordance with section 59-C-4.2 are subject to the following restrictions:~~

- ~~—(a)—Automobile filling stations and other drive-in uses are prohibited.~~
- ~~—(b)—The shops must be of such size and scope as to be primarily for service to the guests of the hotel.~~
- ~~—(c)—They must have no direct entrances from the exterior.~~
- ~~—(d)—The display of a sign must comply with the requirements established in Article 59-F of this chapter.~~

~~—59-C-4.388. Development procedure.~~

~~The procedure for site plan approval shall be as set forth in division 59-D-3.~~

~~Sec. 59-C-4.39. Country inn zone Purpose and development standards.~~

~~—59-C-4.390. Purpose.~~

~~This zone is intended to be used for the purpose of permitting country inns at appropriate rural locations. It is primarily intended that country inns be located in existing structures, but this does not preclude such uses being located in new structures where appropriate. Since this zone permits commercial uses in a rural location, approval of this zone shall be based upon certain restrictions not imposed upon other uses in rural areas nor upon restaurants and inns in commercial areas. Construction and development of a country inn zoned site must ensure that the proposed uses permitted in this zone will be compatible with and will not adversely affect the rural character of the surrounding area. In addition, it is the purpose of this zone to preserve and maintain significant trees. Development shall be in conformance with a development plan submitted in accordance with the provisions of division 59-D-1 and approved as being consistent with the purposes of this section. The use of this category at any location is not an indication that the surrounding area is other than rural, that its character is altered by the granting of this zoning category or the presence of the country inn, or that any other change in zoning is appropriate because of this change.~~

~~—59-C-4.391. Minimum area of lot.~~

~~No country inn shall be developed on a lot smaller than 2 acres in size.~~

~~—59-C-4.392. Building coverage.~~

~~Not more than 10 percent of the lot shall be covered by buildings, including accessory buildings.~~

~~—59-C-4.393. Green area.~~

~~At least 50 percent of the lot shall be devoted to green area.~~

~~—59-C-4.394. Setbacks.~~

- ~~—(a)—Minimum setback from any street—50 feet, except that the District Council may approve a setback less than 50 feet for any building existing on the site at the time of reclassification to the County Inn zone, and for any addition or improvement to an existing building shown on the Development Plan.~~

~~—(b)— Minimum setback from any other boundary of the lot —75 feet, except that the District Council may approve a setback less than 75 feet for any building existing on the site at the time of reclassification to the Country Inn zone, and for any modification to an existing building shown on the Development Plan.~~

~~—59-C-4.395. Building height, maximum.~~

~~—(a)— Main building 2 1/2 stories except for existing buildings and additions thereto.~~

~~—(b)— Accessory building 2 stories except for existing buildings and additions thereto.~~

~~—59-C-4.396. Signs.~~

~~The display of a sign must comply with the requirements established in Article 59-F of this chapter.~~

~~—59-C-4.397. Off-street parking.~~

~~—(a)— **Requirement.** Parking facilities shall be provided on the site in accordance with the requirements set forth in section 59-E-3.7 for restaurants, rural resort hotels, and retail commercial establishments.~~

~~—(b)— **Design.** The design and location of any parking facility must minimize any adverse effect upon surrounding land and development, and comply with the following requirements:~~

~~——(1)—— No parking space is allowed within 25 feet of any street or highway, or within 50 feet of any other boundary of the lot; except that, the District Council may approve a setback less than 25 feet or 50 feet for any parking facility existing on the site at the time of reclassification to the Country Inn Zone and for any modification to an existing parking facility shown on the Development Plan.~~

~~——(2)—— Adequate screening, including planting;~~

~~——(3)—— Low level lighting, designed so as to prevent glare off the site;~~

~~——(4)—— Such other matters as the planning board shall find to be necessary.~~

~~—59-C-4.398. Procedures for application and approval.~~

~~—(a)— Application and development plan approval shall be in accordance with the provisions of division 59-D-1.~~

~~—(b)— Site plans shall be submitted and approved in accordance with the provisions of division 59-D-3.~~

~~—59-C-4.399. Retail facilities.~~

~~The retail uses permitted in the country inn zone in accordance with section 59-C-4.2 are permitted only as accessory to the main country inn use.~~

~~—Sec. 59-C-4.399.1. Remedial Map Amendment.~~

~~—(a)— **Purpose.** The purpose of a remedial map amendment is to allow a property owner to request the District Council to reclassify a property in the Country Inn zone to the zone for the property established by the last comprehensive rezoning, if the following criteria apply:~~

~~——(1)—— Due to circumstances that are unique to the property and that are not self-created, the property owner cannot use the property to develop a country inn;~~

~~—(2)—The zoning classification established by the last comprehensive rezoning is consistent with the general plan for physical development of the District, including land use and zoning recommendations contained in any master or functional plan; and,~~

~~—(3)—The property meets the development standards of the zoning classification established for the property in the last comprehensive rezoning.~~

~~—(b)—**Contents of Application.** An applicant for a remedial map amendment must include:~~

~~—(1)—A description of the parcel of property proposed for adjustment.~~

~~—(2)—A map depicting the existing zoning for the property and the proposed zoning adjustment, and;~~

~~—(3)—A statement describing the rationale in support of the zoning adjustment.~~

~~—(c)—**Planning Board recommendation.** The Planning Board must prepare and submit a report and recommendation to the District Council concerning a remedial map amendment application. The report and recommendation must describe the nature of the proposed zoning reclassification, any known information in support of the reclassification, and a summary of the grounds for the reclassification.~~

~~—(d)—**District Council Public Hearing.** The District Council must conduct a public hearing on a remedial map amendment and cause to be published once in at least two newspapers of general circulation in the county, at least 30 days before the date of the hearing, a notice stating the application number, date, time, and place of the public hearing and a statement generally describing the area included in the application, and the place where copies of the application may be examined.~~

~~—(e)—**District Council Action.**~~

~~—(1)—An application for a remedial map amendment must be decided by the District Council, based upon the evidence of record, in open session, within 60 days of the public hearing, unless such time has been extended by the District Council. The District Council is not required to find a change in the character of the neighborhood, or a mistake in the last comprehensive zoning, in order to grant a remedial map amendment.~~

~~—(2)—The District Council may approve a remedial map amendment with respect to property included in the application if it finds that the remedial map amendment application complies with Section (a) 1-3. A remedial map amendment does not alter the prior comprehensive zoning as the basis for determining change in the character of the neighborhood.~~

~~—(3)—Action by the District Council must be by resolution securing the affirmative vote of 5 members of the District Council. A copy of the resolution and opinion setting forth the District Council findings and conclusions must be mailed to all parties of record and to the Planning Board. A resolution that does not receive the minimum number of votes is denied.~~

Sec. 59-C 4.40. C-5 zone Development standards.

~~—59-C 4.401. Maximum building height.~~

~~No building or structure may exceed a height of 35 feet.~~

~~—59-C 4.402. Maximum floor area.~~

~~The gross floor area of all buildings on a lot must not exceed FAR 0.25.~~

~~—59-C-4.403. Setbacks.~~

~~All buildings must be set back from lot lines at least as follows:~~

- ~~—(a)—30 feet from a major highway or other road with a right-of-way of 100 feet or more.~~
- ~~—(b)—15 feet from a street with a right-of-way less than 100 feet in width.~~
- ~~—(c)—30 feet from abutting residentially-zoned land.~~
- ~~—(d)—15 feet from abutting commercially or industrially-zoned land.~~
- ~~—(e)—For a building existing at the time the C-5 zone is granted, a setback not less than that required under the former zone is permitted if the setback of the C-5 zone cannot otherwise be met.~~

~~—59-C-4.404. Green area.~~

~~At least 25 percent of the lot must be devoted to green area.~~

Sec. 59-C-4.41. C-6 zone-Intent and development standards. The only property zoned C-6 is part of the East County Science Center Master Plan area, and planners anticipate rezoning this property to a zone other than C-6.

~~—59-C-4.411. Intent.~~

~~The intent of this zone is to encourage the orderly grouping of low-density regional commercial uses of a nature appropriate for concentration at locations outside of central business districts in proximity and with controlled access to major roadways and where such use is appropriate under the relevant approved and adopted master plan. The intent of this zone is also to provide a more flexible approach to the design and development of the commercial centers to encourage viability and promote compatibility with surrounding uses.~~

- ~~—(a)—**Minimum area.** Land may be classified in the low-density regional commercial zone if it contains a minimum of 40 acres.~~
- ~~—(b)—**Location.** Land in the low-density regional commercial zone must be so located as to be readily accessible from existing or planned major highways. In addition, direct access may also be provided from arterial, industrial or primary roads.~~

~~—59-C-4.412. Building height.~~

~~Building height is limited to no more than 40 feet, excluding parapets, except that buildings containing principally office uses are allowed a building height up to 100 feet.~~

~~—59-C-4.413. Floor area.~~

- ~~—(a)—The total floor area of buildings that contain principally retail commercial uses (i.e., 50% or more of the gross floor area) must not exceed 0.25 FAR, excluding storage area exceeding 35% of the gross area devoted to retail uses. The total floor area of buildings, including cellar space not used for storage, must not exceed 0.50 FAR.~~
- ~~—(b)—The total FAR in subsection (a) above is calculated based on the gross tract area of the land within the zone, which may be averaged over two or more lots, if the density is recorded by covenant in the land records for all affected lots, and provided that the floor area on any such individual lot(s) can exceed the FAR limitations set forth in (a) above.~~

~~—59-C-4.414. Coverage limitations.~~

~~—(a)—Buildings must not occupy more than 35 percent of the lots, calculated based on the gross tract area of land within the zone; provided however, that building coverage on any individual lot(s) may exceed 35 percent.~~

~~—(b)—Green area must be provided for not less than 20 percent of the gross tract area.~~

~~—59-C-4.415. Setbacks.~~

~~All buildings must be set back from lot lines at least as follows:~~

-	Buildings	Parking, Loading, and Maneuvering Areas
From any property developed or recommended for residential use and development in a residential zone:	200'	100'
From any public roadway separating the zone from property developed or recommended for residential use and development in a residential zone.¹	200'	100'
From abutting industrial or commercial zones:	20'	20'
From the following roadways as shown on the approved and adopted master plan:	-	-
—An existing or planned limited access freeway.²	200'	100'
—A major highway:	100'	100'
—An arterial road:	25'	25'
—A transitway:	25'	25'
—Other roads:	20'	20'

~~1—The Planning Board may grant a waiver of the 200 foot building setback requirement, but not below 150 feet.~~

~~2—One hundred feet from interchange ramp for buildings and 50 feet from interchange ramp for parking. The setback for parking structures may be reduced below 200 feet but not below 100 feet upon approval by the Planning Board.~~

~~—59-C-4.416. Parking.~~

~~Parking must be provided in accordance with Sec. 59-C-4.416 and Article 59-E of this chapter. All such parking must be provided on land which is in the C-6 zone and must be appropriately screened from adjacent residential uses.~~

~~—59-C-4.417. Development procedure.~~

~~All development in the C-6 Zone must be approved under the site plan review provisions of Division 59-D-3.~~