

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 Div. 8.7 of draft

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

3/18/2013

Division 59-C-6. Central Business District Zones.

Sec. 59-C-6.1. Zones established. Sec 2.2.1.A.4.b

59-C-6.11. Zones permitted.

These zones are permitted only in the central business districts, as described in section 59-C-6.12 and indicated on the zoning map. The central business district zones and their identifying symbols are as follows:

CBD-0.5-Central business district, 0.5 CR
CBD-R1-Central business district, residential, 1.0 CR
CBD-R2-Central business district, residential, 2.0 CR
CBD-1-Central business district, 1.0 CR
CBD-2-Central business district, 2.0 CR
CBD-3-Central business district, 3.0 CR

59-C-6.12. Central business districts. Under Review for inclusion in an appendix

The central business districts are located as follows, and may be amended in accordance with the procedure for text amendments as set forth in division 59-H-9:

(a) **Friendship Heights Central Business District.** All of the area contained within the metes and bounds description attached to Ordinance No. 13-96, adopted July 14, 1998.

....

(b) **Bethesda Central Business District.** All of the area contained within the metes and bounds description attached to Ordinance No. 12-62, adopted July 14, 1994.

....

(c) **Silver Spring Business District.** All of the area contained within the metes and bounds description attached to Ordinance No. 8-25, adopted April 13, 1976.

...

(d) **Wheaton Central Business District.** All of the area contained within the metes and bounds description attached to Ordinance No. 16-34, adopted February 10, 2009.

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Sec. 59-C-6.2. Provisions of CBD zones. Sec 2.2.4.D: CR intent statement

59-C-6.21. Description, intent and general requirements.

~~**59-C-6.211. Description.** Each Central Business District zone is intended to be shown on the master plan, sector plan, or urban renewal plan of any Central Business District, as described in Section 59 C 6.12, in order to serve one or more specific functions in the implementation of the master plan, sector plan, or urban renewal plan. These functions are based upon: (1) the location of a site with respect to the core, or area of highest intensity of the Central Business District; (2) existing or planned development adjacent to the Central Business District; and (3) the availability or adequacy of public facilities.~~

~~—(a)—CBD 0.5 is intended to provide for a decrease in the density of development at the perimeter of the Central Business District.~~

~~—(b)—CBD R1 is intended for use in Central Business District where predominantly residential development is appropriate and compatible with adjacent existing and planned uses.~~

~~—(c)—CBD R2 is intended for use in areas of a central business district designated to accommodate high density residential development.~~

~~—(d)—CBD 1 is intended for use in areas where higher densities are not appropriate.~~

~~—(e)—CBD 2 is intended for land lying generally between the core area and the areas of the lowest density within the central business district.~~

~~—(f)—CBD 3 is intended for the core areas of central business districts.~~

~~—(g)—In addition, CBD 1 and CBD 2 are intended to be used as the zone of highest density in those central business districts where higher densities are not appropriate.~~

59-C-6.212. Intent of the Zones. These zones are designed to accomplish the following:

~~(a)—To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.~~

~~—(b)—To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.~~

~~—(c)—To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.~~

~~—(d)—To promote the effective use of transit facilities in the central business district and pedestrian access thereto.~~

~~—(e)—To promote improved pedestrian and vehicular circulation.~~

~~—(f) To assist in the development of adequate residential areas for people with a range of different incomes.~~

~~—(g) To encourage land assembly and the most desirable use of land in accordance with a sector plan.~~

59-C-6.213. Additional intent of certain zones.

~~(a) In the CBD 0.5, CBD R1, and CBD 1 zones it is further the intent:~~

~~—(1) To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and~~

~~—(2) To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.~~

~~—(b) In the CBD R1, CBD R2, CBD 2 and CBD 3 zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.~~

~~—(c) In the CBD 2 zone it is further the purpose:~~

~~—(1) To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and~~

~~—(2) To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.~~

59-C-6.214. Location. ~~Except for existing and proposed public rights of way and privately owned railroad rights of way, as shown on an approved and adopted master or sector plan, no land shall be classified in any central business district zone unless it lies within a central business district as defined in section 59-A-2.1 and is recommended for that zone on an approved and adopted master plan or sector plan.~~

59-C-6.215. Methods of development and approval procedures. Two methods of development are possible in each of these zones. Sec 4.5.2. C/R Zones Method of Development

(a) **Standard method of development.** The standard method requires compliance with a specific set of development standards and permits a range of uses and a density compatible with these standards. If residential uses are included in a development, Moderately Priced Dwelling Units (MPDUs) must be provided as required by Chapter 25A, and workforce housing units may be provided under Section 59-A-6.18 and Chapter 25B. ~~The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site and under Section 59-A-6.18.2.~~

(b) **Optional method.** Under the optional method, greater densities may be permitted and there are fewer specific standards, but the developer must provide certain public facilities and amenities. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted. The Planning Board may, under Division 59-D-2: (1) authorize a payment instead of all or some of the required public facilities and amenities, or any required public use space; or (2) permit any required public use space to be provided off-site on private or public property in the same CBD. If residential uses are included in a development, Moderately Priced Dwelling Units must be provided under Chapter 25A and workforce housing units may be provided under Section 59-A-6.18 and Chapter 25B. The maximum

dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site and under Section 59-A-6.18.2. The procedure for approval of an optional method project is specified in Division 59-D-2, and the procedure for approval of a site plan is specified in Division 59-D-3.

59-C-6.22. Land uses. Sec. 3.1.7. Use Table

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

-Permitted Uses. The letter "P" in the appropriate column indicates the zones in which each use is permitted, subject to all applicable regulations under the standard or the optional method of development, indicated by the letters "S" and "O," respectively.

-Special Exception Uses. The letters "SE" in the appropriate column indicate the zones in which each use may be authorized as a special exception, in accordance with Article 59-G, under the standard or the optional method of development respectively. Special exception uses in a development under the optional method are subject to approval by both the Planning Board and the Board of Appeals. Conditional uses

| | CBD-0.5 | | CBD-R1 | | CBD-1 | | CBD-2 | | CBD-3 | | CBD-R2 | |
|--|------------|------------|------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|-----------------|------------|
| | S | O | S | O | S | O | S | O | S | O | S | O |
| (a) Residential. | | | | | | | | | | | | |
| Apartment hotels.⁺ | | | | | | | | | | | | |
| Dwellings. <u>Household living</u> <u>(Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Embassy. ¹⁷ <u>Single</u> <u>Unit Living</u> <u>(Residential)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | P | P | P | <u>P</u> | <u>P</u> |
| Group home, small. <u>Residential Care</u> <u>Facility. Up to 8</u> <u>persons (Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Group home, large. <u>Residential Care</u> <u>Facility 9 to 16</u> <u>persons (Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Hotel or motel. ¹⁴ <u>Hotel, Motel</u> <u>(Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P ²² | P | P ²² | P | P ²² | P | P ²² | P |
| Housing and related facilities for senior adults and persons with disabilities. ⁴ <u>Independent Living</u> <u>Facility for Seniors or</u> <u>Persons with</u> <u>Disabilities</u> <u>(Residential)</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> | P <u>L</u> |

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| Life care facility. ⁵ <u>Residential Care Facility (Residential)</u> | <u>P</u> | P | <u>P</u> | P | <u>P</u> | P | <u>P</u> | P | <u>P</u> | P | <u>P</u> | P |
| Personal living quarters. ²¹ <u>Personal Living Quarters (under 50) and (over 50) (Residential)</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/SE <u>P or C</u> | P/S E <u>P or C</u> | P/SE <u>P or C</u> |
| (b) Manufacturing and industrial. | | | | | | | | | | | | |
| Printing and publishing shops, excluding establishments using heavy duty equipment such as newspaper printing. <u>Retail/Service Establishments</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | P <u>P or L</u> | <u>P or L</u> | P <u>P or L</u> | <u>P or L</u> | P <u>P or L</u> | <u>P or L</u> | <u>P or L</u> |
| (c) Transportation, communication and utilities. | | | | | | | | | | | | |
| Amateur radio facility. <u>Amateur Radio Facility (up to 65' / over 65') (Commercial)</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> | P ²⁷ / SE <u>P or C</u> |
| Bus terminals. <u>Bus, Rail Terminal (Industrial)</u> | <u>L</u> | <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> |
| Cable communications system. <u>Cable Communications System (Commercial)</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> | SE ³ <u>C</u> |
| Helistops. <u>Helistop, (Commercial)</u> | | | | | | | | | | | | |
| Parking garages, automobile. <u>Structured (Commercial)</u> | <u>P</u> | P | <u>P</u> | <u>P</u> | <u>P</u> | P | <u>P</u> | P | <u>P</u> | <u>P</u> | <u>P</u> | P |
| Parking lots, automobile, commercial. ² <u>Surface for Use Allowed in the Zone (Commercial)</u> | | | | <u>P</u> | | <u>P</u> | | <u>P</u> | | <u>P</u> | | <u>P</u> |

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| Pipelines, underground . <u>Pipeline (Belowground) (Industrial)</u> | P | P | <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P |
| Public utility buildings and structures. <u>Public Utility Building or Structure (Industrial)</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> | <u>L</u> | SE <u>L</u> |
| Radio and television broadcasting studio. <u>Office (commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | P | P | P | <u>P</u> | <u>P</u> |
| Radio and television stations <u>Office (commercial)</u> and towers. <u>Media Broadcast Tower (Commercial)</u> | | | | SE | | SE | | SE | | SE | | SE |
| Railroad tracks. | P | P | <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P |
| Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ¹⁹ <u>Antenna on Existing Structure (Commercial)</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> |
| Taxicab stands. <u>Taxi/Limo Facility (Industrial)</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> | <u>P L</u> |
| Telephone office or communications center <u>Office (commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| (d) Commercial. | | | | | | | | | | | | |
| Antique shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Appliance stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> |
| Automobile sales, indoors and outdoors. <u>Light Vehicle Sales</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | SE <u>P</u> | <u>P P</u> | SE <u>P</u> | <u>P P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |

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| and Rental (Indoor) or (Outdoor) (Commercial) | | | | | | | | | | | | |
| Boat sales, indoors. <u>Light Vehicle Sales</u> and Rental (Indoor) (Commercial) | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> <u>P</u> | <u>P</u> | <u>P</u> <u>P</u> | <u>P</u> | <u>SE</u> <u>P</u> | <u>P</u> | <u>P</u> |
| Book stores. <u>Retail/</u> <u>Service</u> <u>Establishment</u> (Commercial) | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> |
| Building materials and supply store. ¹¹ <u>Retail/ Service</u> <u>Establishment</u> (Commercial) | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> |
| Department stores. <u>Retail/ Service</u> <u>Establishment</u> (Commercial) | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> |
| Drug stores. <u>Retail/</u> <u>Service</u> <u>Establishment</u> (Commercial) | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> |
| Eating and drinking establishments. <u>Restaurant</u> (Commercial) | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Eating and drinking establishments including drive-in. ⁷ <u>Drive Thru Facility</u> (Commercial) | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>P</u> / <u>SE</u> ²⁰ <u>L</u> | <u>L</u> | <u>L</u> |
| Florists. <u>Retail/</u> <u>Service</u> <u>Establishment</u> (Commercial) | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> |
| Food and beverage stores. <u>Retail/ Service</u> <u>Establishment</u> (Commercial) | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> |
| Furniture stores. <u>Retail/ Service</u> <u>Establishment</u> (Commercial) | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> |
| Gift shops. <u>Retail/</u> | <u>P</u> <u>P</u> | <u>P</u> <u>P</u> | <u>P</u> or | <u>P</u> <u>P</u> | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> or | <u>P</u> <u>P</u> | <u>P</u> <u>P</u> |

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| <u>Service Establishment (Commercial)</u> | <u>or L</u> | <u>or L</u> | <u>L</u> | <u>or L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>or L</u> | <u>or L</u> |
| Grocery store. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Hardware stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> |
| Millinery shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> |
| Newsstands. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Office supply stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Pet shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>SE P or L</u> | <u>P or L</u> | <u>SE P or L</u> | <u>P or L</u> | <u>SE P or L</u> | <u>P or L</u> | <u>P or L</u> |
| Photographic and art supply stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Specialty shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P⁸ P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> |
| Transitory use. ¹⁸ <u>Transitory Use (Commercial)</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> | <u>P/SE L</u> |
| Variety and dry goods stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P or L</u> |
| Wearing apparel stores. <u>Retail/ Service Establishment (Commercial)</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> | <u>P P or L</u> |

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| (e) Services. | | | | | | | | | | | | |
| Adult foster care home. <u>Residential Care Facility up to 8 persons (Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Ambulance or rescue squads, privately supported, nonprofit. <u>Fire/EMS Private (Civic and Institutional)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | P | <u>P</u> | SE <u>P</u> | <u>P</u> | <u>P</u> |
| Ambulance or rescue squads, publicly supported. <u>Fire/EMS Private (Civic and Institutional)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | P | <u>P</u> | SE <u>P</u> | P | P |
| Animal boarding place. <u>Animal boarding place (Commercial)</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Appliance repair shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> |
| Automobile filling stations. ¹³ <u>Fuel Sales (Vehicle/Service, Commercial)</u> | SE <u>C</u> | SE <u>C</u> | <u>C</u> | <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> | SE <u>C</u> |
| Automobile repair and services. <u>Vehicle Repair (Vehicle Service, Commercial)</u> | SE <u>L</u> or <u>C</u> | <u>P</u> <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> | SE <u>L</u> or <u>C</u> | <u>P</u> <u>L</u> or <u>C</u> | SE <u>L</u> or <u>C</u> | <u>P</u> <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> | <u>L</u> or <u>C</u> |
| Barber and beauty shops. <u>Retail/ Service Establishment (Commercial)</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> | <u>P</u> <u>P</u> or <u>L</u> |
| Boat repair and services. <u>Vehicle Repair (major)?</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | SE <u>C</u> | <u>C</u> | <u>C</u> |
| Car wash. <u>Car Wash (Vehicle/Service, Commercial)</u> | SE | SE | | | SE | SE | SE | SE | | | | |
| Chancery. ¹⁷ <u>Office (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P | P | P | P | P | P | <u>P</u> | <u>P</u> |
| Child day care facility in a residential building: ¹⁰ | | | | | | | | | | | | |

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| —Family day care home. <u>Family Day Care up to 8 (Day Care Facility, Civic)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| —Group day care home. <u>Group Day Care up to 12 (Day care facility, civic)</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> |
| —Child day care center. <u>Day Care Center (Day Care Facility, Civic)</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> |
| Child day care facility in a commercial or mixed use building: ¹⁰ | | | | | | | | | | | | |
| —Family day care home. <u>Family Day Care up to 8 (Day Care Facility, Civic)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| —Group day care home. <u>Group Day Care up to 12 (Day care facility, civic)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| —Child day care center. <u>Day Care Center (Day Care Facility, Civic)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Clinics. <u>Medical and Dental Clinic (Medical and Dental, Commercial)</u> | P | P | <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P |
| Day care facility for not more than 4 senior adults and persons with disabilities. ¹⁰ <u>Family Day Care, up to 8 (Day Care Facility, Civic)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Domiciliary care home for more than 16 residents. <u>Residential Care Facility, Over 16 persons (Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Dry cleaning and laundry establishments, | P ¹⁵ <u>L</u> | P ¹⁵ <u>L</u> | <u>L</u> | <u>L</u> | P ⁹ <u>L</u> | P ⁹ <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> |

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| consisting of no more than 3,000 square feet of gross floor area. ²⁵ <u>Dry Cleaning Facility up to 3,000 sf (Industrial)</u> | | | | | | | | | | | | |
| Dry cleaning and laundry pick-up stations <u>Retail/ Service Establishment (Commercial)</u> . | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> |
| Duplicating services. <u>Retail/ Service Establishment (Commercial)</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> |
| Educational institutions, private. <u>Educational Institution, Private (Civic)</u> | P | P | <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P |
| Fire stations, publicly supported. <u>Public Use (Civic)</u> | P | P | <u>P</u> | <u>P</u> | P | P | P | P | <u>P</u> | SE <u>P</u> | P | P |
| Funeral parlors or undertaking establishments. <u>Funeral Home, Undertaking (Funeral and Interment services, Commercial)</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | SE <u>C</u> | <u>C</u> | SE <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Furniture or upholstery repair shops. <u>Retail/ Service Establishment (Commercial)</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> |
| Health clubs. <u>Health Clubs and Facilities (Recreation and Entertainment, Commercial)</u> | P | P | <u>P</u> | P | P | P | P | P | P | P | P | P |
| Home occupation, no impact <u>No Impact Home Occupation (Residential)</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | P ²⁴ <u>L</u> | P ²⁴ <u>L</u> |
| Hospice care facilities. <u>Residential Care Facilities</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> | SE <u>P</u> |

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| <u>(Residential)</u> | | | | | | | | | | | | |
| Hospitals. <u>Hospital (Civic)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> <u>P</u> | <u>P</u> | <u>P</u> <u>P</u> | <u>P</u> | <u>SE</u> <u>P</u> | <u>P</u> | <u>P</u> |
| Hospitals, veterinary. <u>Veterinary Office/ Hospital</u> | <u>SE</u> <u>L</u> | <u>SE</u> <u>L</u> | <u>L</u> | <u>L</u> | <u>SE</u> <u>L</u> | <u>SE</u> <u>L</u> | <u>L</u> | <u>SE</u> <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> | <u>L</u> |
| International Organization, public. ¹⁷ <u>Office (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Laboratories. <u>Research and Development (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Laundromats, self-service. <u>Retail/ Service Establishment (Commercial)</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> |
| Nursing home <u>Residential Care Facility (Residential)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Offices, banking or financial. <u>Office (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Offices, business. <u>Office (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Offices, professional. <u>Office (commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Opportunity housing projects. | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Pawnshop ²³ <u>Retail/ Service Establishment (Commercial)</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> |
| Photographic studios. <u>Retail/ Service Establishment (Commercial)</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> | <u>P</u> <u>P</u> <u>or L</u> |
| Place of religious worship. <u>Religious Assembly (Civic)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Publicly owned or publicly operated uses. <u>Public Use –</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |

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| <u>Except Utilities (Civic)</u> | | | | | | | | | | | | |
| Respite care home. <u>Residential Care Facility up to 8 persons (Residential)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Self storage <u>Self Storage (Warehouse, Industrial)</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | p ²⁶ <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>C</u> |
| Shoe repair shops. <u>Retail/ Service Establishment (Commercial)</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> |
| Tailoring or dressmaking shops. <u>Retail/ Service Establishment (Commercial)</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> | P <u>P</u> or <u>L</u> |
| (f) Cultural, entertainment and recreational. | | | | | | | | | | | | |
| Auditoriums or convention halls. <u>Recreation and Entertainment Facility (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | p ²² | P | p ²² | P | p ²² | P | <u>P</u> | <u>P</u> |
| Billiard parlors. <u>Recreation and Entertainment Facility (Commercial)</u> | P | P | <u>P</u> | P | P | P | P | P | P | P | P | P |
| Bowling alleys. <u>Recreation and Entertainment Facility (Commercial)</u> | P | P | <u>P</u> | P | P | P | P | P | P | P | P | P |
| Libraries and museums. <u>Cultural Institution (Civic)</u> | P | P | <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P |
| Park and playgrounds. <u>Park, Playground (Private) (Civic and Inst)</u> | P | P | P | P | P | P | P | P | P | P | P | P |
| Private clubs and service organizations. <u>Private Club, Service Org (Civic and Inst)</u> | SE <u>P</u> | SE <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P | P |

| | | | | | | | | | | | | |
|--|-------------|-------------|----------|----------|-----------------|----------|-----------------|----------|-----------------|-------------|----------|----------|
| Recreational or entertainment establishments, commercial. <u>Recreation and Entertainment Facility (Commercial)</u> | P | P | <u>P</u> | P | P | P | P | P | P | P | P | P |
| Swimming pools. <u>Recreation and Entertainment Facility (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | SE <u>P</u> | <u>P</u> | <u>P</u> |
| Swimming pools, private. ¹² | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | <u>P</u> | <u>P</u> |
| Theatres, indoor. <u>Recreation and Entertainment Facility (Commercial)</u> | SE <u>P</u> | SE <u>P</u> | <u>P</u> | P | P | P | P | P | P | P | P | P |
| Theatres, legitimate <u>Recreation and Entertainment Facility (Commercial)</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | P ²² | P | P ²² | P | P ²² | P | <u>P</u> | <u>P</u> |
| (g) Miscellaneous uses. | | | | | | | | | | | | |
| Accessory buildings and uses. <u>Accessory Buildings, Structures and Uses (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; and 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—~~Permitted use in CBD-1, CBD-2, CBD-3, CBD-R1, and CBD-R2 zones that lie within the county parking district.~~ *(Attached to 'Parking lots, automobile, commercial')*

3 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'

- 4 Subject to the provisions of Section G-2.35 concerning occupancy and ancillary facilities and services. *(Attached to 'Housing and related facilities for senior adults and persons with disabilities')*. Sec 3.3.2.C.1: Definition for 'Independent Living Facility for Seniors or Persons with Disabilities' (ancillary facilities and services) & Sec 3.3.2.C.2.iii: Limited use standards for 'Independent Living Facility for Seniors or Persons with Disabilities' (occupancy)
- 5 ~~Subject to the provisions of Section G-2.35.1 concerning occupancy facilities and services.~~ *(Attached to 'Life Care Facility')*.
- 6 ~~Such uses are prohibited from street level leasable space.~~ (Not attached to any use?)
- 7 ~~No drive thru lanes permitted. The setback from a road right of way is the minimum for the zone.~~ *(Attached to 'Eating and drinking establishments including drive-in')*.
- 8 ~~Within a residential building.~~ (Not attached to any use?)
- 9 ~~Primarily intended for local service; however, work may be done on the premises for one other similar establishment or pick-up station.~~ *(Attached to 'Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area.')*
- 10 Under the optional method of development, a child day care center or a day care center for senior adults and persons with disabilities may qualify as a public facility and amenity as described in section 59-C-6.215(b), but not for public use space as required in section 59-C-6.233. *(Attached to 'Child Day Care' and 'Day care center for senior adults')* Care Centers (child or adult day care) is a public benefit that can be provided under CR optional method development in Sec 6.6.3.D.3.
- 11 If in existence since September 4, 1973. Such use is not nonconforming and may be continued, repaired, reconstructed, structurally altered, or enlarged in conformance with the provisions of the CBD-1 Zone. *(Attached to 'Building Materials and Supply Store')*.
- 12 As an accessory use. *(Attached to 'Swimming pools, private')*. Private swimming pools would be allowed as accessory uses in the CR zones under 'Accessory Buildings, Structures and Uses'
- 13 A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station. *(Attached to 'Automobile filling station')* Sec. 3.5.13.B: Definition for 'Fuel Sales'
- 14 ~~Any nonconforming hotel or motel structure on land reclassified to any CBD zone may be converted in whole or in part to multi-family residential use provided that 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. Such nonconforming structures may continue to exist in accordance with the provisions of the C-2 zone in effect prior to October 24, 1972.~~ *(Attached to 'Hotel/Motel')*
- 15 Work may be done on the premises for other establishments or pick-up stations on sites of 6000 square feet or less which were rezoned from the C-2 zone to the CBD-0.5 zone by sectional map amendment, provided that:
- (1) There is an existing building on the site which predates the sectional map amendment;
 - (2) The dry cleaning establishment is no larger than 3,000 sq. ft. in size and contains a retail counter; and
 - (3) No more than five (5) trucks are operated in connection with the establishment. *(Attached to 'Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area' in CBD 0.5)*

- 16 ~~Reserved.~~
- 17 ~~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 'Embassy,' 'Chancery,' 'International Organization, public')
- 18 In accordance with Section 59-A-6.13. (Attached to 'Transitory Use'). Sec 3.5.15.C: Limited use standards for a 'Transitory Use'
- 19 Refer to Sec. 59-A-6.14. (Attached to 'Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room.') Sec 3.5.14.E: Limited use standards for 'Wireless Communication on Existing Structure'.
- 20 ~~A drive in that adjoins or confronts land classified in a one family residential zone must obtain a special exception under the provisions of Section 59-G-2.16.~~ (Attached to 'Eating and drinking establishments including drive-in.')
- 21 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'). Sec 3.3.2.D
- 22 ~~Permitted only in an urban renewal area.~~ (Attached to 'Hotel, Motel,' 'Auditoriums or Convention Halls,' and 'Theatres, legitimate' in standard method of some zones.)
- 23 ~~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')
- 24 ~~Townhouses only. Parking in connection with a no impact home occupation in the CBD-R2 zone must not use parking that serves townhouse units.~~ (Attached to 'Home Occupation, no impact')
- 25 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. (Attached to 'Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area')
- 26 ~~Only if in an arts and entertainment district designated under State law,~~ and the use was established before March 15, 2004. (Attached to 'Self-storage' in CBD-1)
- 27 ~~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. (Attached to 'Amateur radio facility'). Sec 3.5.14.B.2: Conditional Use Standard for 'Amateur Radio Facility' (Over 65 feet in height)

59-C-6.23. Development standards. Sec. 4.5.4 C/R Zone Standard Method Development Standards or Sec. 6.4.2 C/R Zone Optional Method Development Standards (unless otherwise noted) or Part of zone conversion process

The development standards applicable to the standard and optional methods of development, indicated by the letters “S” and “O” in each zone, are specified in this section.⁸

| | CBD-0.5 <u>CR</u> | | CBD-R1 ² <u>CR</u> | | CBD-1 <u>CR</u> | | CBD-2 <u>CR</u> | | CBD-3 <u>CR</u> | | CBD-R2 <u>CR</u> | |
|---|----------------------|------------------|-------------------------------|-------------------------------|-------------------|-------------------------------------|-------------------|----------------------------------|-------------------|----------------------------------|-------------------|------------------|
| | S | O | S | O | S | O | S | O | S | O | S | O |
| 59-C-6.231. Minimum Area of Lot (in thousands of square feet): | | 18 ²¹ | | 18 ²¹ | | 18 ²¹ | | 18 ²¹ | | 18 ²¹ | | 18 ²¹ |
| 59-C-6.232. Maximum Building Coverage for apt/condo, multi-use, general building types- no coverage max (percent of net lot area): | 50 ¹⁴ | | 75 | | 75 | | 75 | | 75 | | 75 | |
| 59-C-6.233. Minimum Public Use Space (percent of net lot area): | 10 <u>0-10%</u> | 20 <u>0-10%</u> | 10 <u>0-10%</u> | 20 ¹⁶ <u>0-10%</u> | 10 <u>0-10%</u> | 20 ^{20,22,24} <u>0-10%</u> | 10 <u>0-10%</u> | 20 ^{22,24} <u>0-10%</u> | 10 <u>0-10%</u> | 20 ^{22,24} <u>0-10%</u> | 10 <u>0-10%</u> | 20 <u>0-10%</u> |
| (a) Standard Method — The public use space requirement may be reduced to accommodate the construction of MPDUs, including any resulting bonus density units, and workforce housing units, provided on-site to: | 5 | | 5 | | 5 | | 5 | | 5 | | 5 | |
| (b) Optional Method — The public use space requirement may be provided in part or entirely off-site in the same CBD if approved under Division 59-D-2. <u>Sec 7.3.6.C. Public Use Space- Off-Site Options</u> | | | | | | | | | | | | |
| A payment instead of all or some of the required public use space may be made if approved under Division 59- D-2. <u>Sec 7.3.6.C. Public Use Space- Off-Site Options</u> | | | | | | | | | | | | |
| 59-C-6.234. Maximum Density of Development. <u>Mapped based on current zone and master plan recommendations</u> | | | | | | | | | | | | |
| (a) Standard method of development (see section 59-C-6.21(a) <u>Sec. 4.5.2.A</u> | | | | | | | | | | | | |
| (i) For projects that are 100 percent residential (dwelling units per acre)(FAR): | 35 | | 43 | | 43 | | 80 | | 120 | | 80 | |
| (ii) For non-residential or mixed-use projects: Maximum permitted non-residential, including transient lodging (FAR) limited to: | 0.5 ^{10,14} | | 1.0 | | 1.0 ¹⁰ | | 2.0 ¹⁰ | | 3.0 ¹⁰ | | 1.0 ¹⁸ | |

| | | | | | | | | | | | | |
|--|------------------|------------------|-----|---------------------|------------------|-------------------------|------------------|------------------------|------------------|------------------------|-----|---------------------|
| Total FAR ¹⁵ Greater of 0.5 FAR or 10,000 SF of gross floor area (or FAR on zoning map) | 1.0 ⁹ | | 1.0 | | 2.0 ⁹ | | 3.0 ⁹ | | 4.0 ⁹ | | 1.0 | |
| (b) Optional method of development (see section 59-C-6.215(b)): <u>Mapped based on current zone standards in this table and master plan recommendations.</u> | | | | | | | | | | | | |
| The density allowed must not exceed either the following densities or the density recommended by the applicable master plan or sector plan. | | | | | | | | | | | | |
| (i) For projects that are 100 percent residential (dwelling units per acre): | | 100 | | 125 | | 125 | | 200 | | 200 | | 200 |
| (ii)(A) Non-residential, including transient lodging; however, the maximum excludes a site that satisfies subsection (ii)(B) (FAR): | | 1.0 | | | | 2.0 ^{19,23,25} | | 4.0 ^{23,25} | | 6.0 ^{23,25} | | |
| (ii)(B) Maximum permitted non-residential on a site that: (1) includes transient lodging , (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A , (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground-floor retail use (FAR) | | | | | | 3.0 | | 5.0 | | 8.0 | | |
| (iii) Mixed-use (non-residential and residential uses) | | | | | | | | | | | | |
| (A) Maximum permitted non-residential, including transient lodging; however, the maximum excludes a site that satisfies subsection (iii)(B) (FAR) limited to: | | 1.0 ⁴ | | 0.6 ^{7,17} | | 2.0 ^{4,23,25} | | 3.0 ^{5,23,25} | | 5.0 ^{6,23,25} | | 1.0 ^{3,18} |
| (B) Maximum permitted non-residential on a site that: (1) includes transient lodging , (2) confronts a major highway, (3) is located at least 250 feet from single-family zoned land, (4) is in an urban district defined in Chapter 68A , (5) has a minimum lot area of 22,000 square feet, and (6) includes a ground-floor retail use (FAR) | | | | | | 3.0 | | 5.0 | | 8.0 | | |
| —Total FAR ^{13, 15} | | 1.5 | | 3.0 | | 3.0 ^{23,25} | | 5.0 ^{23,25} | | 8.0 ^{23,25} | | 5.0 ³ |
| 59-C-6.235. Maximum Building Heights (in feet). <u>Mapped based on current zone and master plan recommendations</u> | | | | | | | | | | | | |

| | | | | | | | | | | | | |
|---|----|------------------|----|-----|----|-----------------|----|-------------------|----|-----|----|-----|
| (a) Standard method of development. | | | | | | | | | | | | |
| —Normally: | 45 | | 60 | | 60 | | 60 | | 72 | | 60 | |
| —If adjoining or directly across a street from land which is recommended for or developed in a residential zone with a maximum density of less than 15 dwelling units per acre: | 35 | | 35 | | 35 | | | | | | | |
| plus an additional 8 feet for air conditioners or similar rooftop structures and mechanical appurtenances pursuant to division 59-B-1(b). | | | | | | | | | | | | |
| (b) Optional method of development. | | | | | | | | | | | | |
| —Normally: | | 60 | | 60 | | 60 | | 143 | | 143 | | 143 |
| —If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to: | | 60 ¹² | | 143 | | 90 ¹ | | 200 ¹¹ | | 200 | | 200 |

⁺ ~~For projects using the optional method of development, the Planning Board may approve height over 90 feet, but not more than 143 feet, if the additional height is necessary for the project to accommodate workforce housing under Section 59-A 6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed. For projects using the optional method of development involving more than one lot under Section 59-C 6.2351, the Planning Board may approve height over 90 feet, but not more than 143 feet, if the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan. In order to approve additional height for property where the additional height is specifically recommended for the property in a sector plan or urban renewal plan, the Planning Board must find that: (i) the additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or urban renewal plan; (ii) except as recommended in an urban renewal plan, the portion of the property upon which the additional height is to be used is on all sides abutted by or adjacent to property recommended in the applicable sector plan or urban renewal plan for classification in the CBD 0.5, CBD 1, CBD 2, or CBD 3 zones; (iii) the proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height of the building; and (iv) the proposed development will produce a substantial amount of consolidated public open space in excess of that which would be required if this process were not used. The public open space must be designated as public amenity space and be accessible to and usable by the public in accordance with the applicable sector or master plan, or urban renewal plan.~~

² Nonresidential structures in existence at the time the property is placed in the zone, that exceed the normal limit imposed for such uses will not be regarded as nonconforming and may be repaired, remodeled, or replaced so long as there is no increase in the amount of floor area.

³ ~~In order to provide services to residents and continuity of retail street frontage activity, at least 5 percent of the gross floor area must consist of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. A hotel or motel up to FAR 1 is permitted. A hotel or motel with up to 3 FAR may be allowed where recommended as appropriate in the relevant sector plan. Sec. 3.1.7. Use Table-Hotel, motel allowed in CR zone~~

⁴ Not to exceed 67 percent of the gross floor area. Factored into zone translation process

⁵ Not to exceed 60 percent of the gross floor area. Factored into zone translation process

⁶ Not to exceed 62.5 percent of the gross floor area. Factored into zone translation process

⁷ Not to exceed 20 percent of the gross floor area. Factored into zone translation process

⁸ ~~All provisions of Section 59 C 18.10, entitled the Wheaton Retail Preservation Overlay Zone, shall continue in effect and remain unaltered, except that additional FAR for residential density may be included in a standard method project, provided the restrictions on the utilization of street level space for multi-story buildings constructed or reconstructed after July 16, 1990 are followed.~~

⁹ ~~Additional density for housing purposes may be permitted, so long as the degree of nonconformity from the setback (59 C 6.231), lot coverage (59 C 6.232), and the public open space (59 C 6.233) requirements is not increased. The maximum density must not exceed the density provisions for mixed-use projects in section 59-C-6.234(a)(ii).~~

¹⁰ Development that exceeds this FAR is subject to the procedures set forth in Div. D-3. Integrated into zone conversion process for CBD-0.5

¹¹ ~~Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: (i) the additional height is necessary for the project to accommodate workforce housing under Section 59 A 6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed; or (ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan and is located fully or partially within 800 feet of an entrance to a metro station. In order to approve additional height for property recommended in a sector plan or urban renewal plan or within a designated revitalization area, the Planning Board must find that: (i) the additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or an urban renewal plan approved by the County Council under Chapter 56, or in the case of a site outside an urban renewal area, accomplishing the objectives of incorporating residential development with commercial development in a mixed-use project in close proximity to a metro station otherwise unobtainable due to site conditions, proximity of adjacent non-residential buildings, or other physical constraints that prevent the achievement of sector plan objectives; (ii) the proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties, and any other factors relevant to the height of the building; and (iii) the proposed development will provide additional public facilities and amenities beyond what could otherwise have been provided if the excess height were not approved. Such facilities must be accessible to and usable by the public in accordance with the applicable sector or master plan or urban renewal plan.~~

¹² ~~The Planning Board may approve height over 60 feet, but not more than 90 feet, if: (i) the additional height is consistent with an applicable sector plan or an approved urban renewal plan; or (ii) the additional height is needed to accommodate workforce housing under Section 59 A 6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.~~

¹³ An historic resource recommended in the relevant master or sector plan to be preserved and reused, which does not occupy more than 10% of the gross floor area, is excluded from the FAR calculation. *(Attached to Total FAR)*
Sec. 4.5.4.B.1. Specification for Density

¹⁴ Subject to the provisions of Sec. 59-C-6.2353, the maximum permitted nonresidential development may be increased to FAR 1 and the maximum building coverage to 75%.

¹⁵ The total FAR for mixed-use development may be exceeded under the special regulations of Sec. 59-C-6.2354.

¹⁶ This requirement may either be reduced by the Planning Board, or satisfied by the provision of off-site public use space or improvements to existing public use space, if the site will be owned and occupied by a nonprofit organization that provides needed child care and adult day care services under a partnership agreement with the Montgomery County Department of Health and Human Services in effect on December 31, 1999. If the requirements of this paragraph for a public use space reduction cannot be met by an occupant of the site, an amended project plan must be submitted and the Planning Board may require the project plan applicant to provide off-site public use space or improvements to existing public use space.

¹⁷ The FAR may be increased to FAR 1.2 by the Planning Board if the site will be owned and occupied by a nonprofit organization that provides needed child care and adult day care services in cooperation with the Montgomery County Department of Health and Human Services that is in effect on December 31, 1999.

¹⁸ ~~On sites of 10 contiguous acres or more, the amount of non-residential development is limited to a maximum of 450,000 gross square feet.~~

¹⁹ In the case of a telephone office or communications center that exists on April 22, 2003, a maximum density of 2.3 FAR is permitted.

²⁰ In the case of an expansion of a telephone office communications center that exists on April 22, 2003, if the applicant demonstrates to the Planning Board's satisfaction that public use space cannot be provided on-site, the Planning Board may authorize off-site public use space or improvements to existing public use space.

²¹ ~~The minimum lot area for an optional method project may be less than 18,000 square feet, when recommended in a master or sector plan. The minimum lot area may consist of more than one lot under the density transfer provisions of Section 59-C-6.2355.~~

²² The entire optional method public use space requirement is satisfied if the applicant has provided to the County, by conveyance or dedication, land or building space ~~to accommodate an arts or entertainment use under Section 59-C-6.2356.~~ Sec 7.3.6.C Public Use Space, Off-Site Options

²³ ~~The gross floor area of the arts or entertainment use that satisfies the public use space and the public facility and amenity requirements for the optional method of development under Section 59-C-6.2356 must not be counted in the gross floor area of the optional method project~~ (Attached to non-residential FAR in CBD-1, CBD-2, CBD-3)

²⁴ The entire optional method public use space requirement is satisfied if the applicant conveys, to the County or other governmental body, land or building space within the same central business district for a publicly owned or operated government facility under Section 59-C-6.2357. Sec 7.3.6.C Public Use Space, Off-Site Options

²⁵ The gross floor area of the publicly owned or operated government facility that is provided in satisfaction of the public facility and amenity requirements for the optional method of development under Section 59-C-6.2357 must not be counted in the gross floor area of the optional method project. (Attached to non-residential FAR in CBD-1, CBD-2, CBD-3) Sec. 1.5.2. Definition of GFA

²⁶ For certain properties adjacent to the Fenton Village Overlay Zone, permitted heights may be increased under Section 59-C-18.192(b)(1)(E). Integrated into conversion process

59-C-6.2351. Special standards for optional method of development projects involving more than one lot. The Planning Board may approve a request for optional method of development for more than one lot ~~in accordance~~

with the findings required for project plan approval contained in Section ~~59-D-2.42(g)~~ and the following additional requirements: Sec. 4.5.1.B. FAR Averaging

(a) Lots must be adjacent to each other or separated only by a public street or right- of-way.

~~—(b)—The density of development for any lot smaller 22,000 square feet must be measured in accordance with the maximum density provisions of the standard method of development.~~

(c) The density of development for the combined lots must not exceed the total density otherwise permitted on the separate lots.

~~(d)—If the project plan does not contain development density from a lot to which public use space is being transferred, no additional public use space is required from that lot.~~

~~—59-C-6.2352. Combined development in an urban renewal area. In the CBD-0.5, CBD-1, CBD-2, and CBD-3 zones the Planning Board may approve an optional method development for property that lies in two or more CBD-zones, each of which has provisions for optional method approval under Section 59-D-2.41 if all of the following conditions are met:~~

~~—(1)—The combined development is consistent with the relevant sector or urban renewal plan;~~

~~—(2)—The properties in multiple CBD-zones, including lots adjacent to each other or separated only by a public street or right of way, are or will be combined to provide a unified development which will achieve the intent of the sector plan or urban renewal plan;~~

~~—(3)—The total area of the combined properties is at least 22,000 square feet.~~

~~—(4)—The aggregate total amount of development density in the combined development must not exceed the amount of density that would be permitted if each CBD-zoned area were developed separately.~~

~~—(5)—The amount of public facilities and amenities as defined under Section 59-A-2.1, is not less than the amount that would be required if the component areas of the lot were developed separately.~~

~~—(6)—Development must be approved under Section 59-D-3.~~

~~—(7)—The density of development for any lot smaller than 22,000 square feet must be measured in accordance with the maximum density provisions of the standard method of development.~~

~~—Uses permitted in the respective zones may be allowed anywhere in the combined development.~~

~~—In any area subject to Section 59-C-18, development must be subject to the provisions of the relevant overlay district.~~

59-C-6.2353. Special regulations for properties within the Central Business Districts zoned CBD-0.5 and designated as an Enterprise Zone area as defined in Article 83-A of the Annotated Code of Maryland: Under the standard method of development, the gross floor area of a building for nonresidential development may be increased to a maximum of FAR 1, and building coverage to 75%, subject to approval of a site plan under Division 59-D-3 submitted for approval before August 24, 2005. Any building constructed pursuant to a site plan approved under this section is a conforming structure and may be repaired or reconstructed in accordance with the approved site plan. Properties that adjoin or confront a one-family residential zone are not eligible for development above FAR-0.5 under this provision.

59-C-6.2354. Special regulations-transfer of density option for properties in the CBD-0.5, CBD-1 and CBD-R2 zones and designated as an Enterprise Zone area as defined in Article 83-A of the Annotated Code of Maryland.

(a) A transferable development credit, in square feet of gross floor area, may be established with the demolition of a building before August 24, 2000 that exceeds the amount of floor area allowed under the standard method of development in a CBD-0.5, CBD-1, or CBD-R2 zone. A development credit may be retained for purposes of reconstruction on the property generating the development credit, or transferred and used for new construction on any property in the CBD-0.5, CBD-1, CBD-2, CBD-3, or CBD-R2 zone that does not adjoin or confront a one-family residential zone. Use of a transferable development credit on property generating the development credit must be submitted before August 24, 2005 and must be shown on either:

(1) a site plan approved under Division 59-D-3 and the transferable development credit must not exceed 50% of the FAR for the property allowed under the standard method of development, or on

(2) a project plan in the CBD-2 or CBD-3 zones approved under Division 59-D-2. A project plan may exceed the allowable maximum FAR and may reduce the public use space to 10%.

Any building constructed pursuant to a project plan or site plan approved under this section is a conforming structure and may be repaired or reconstructed in accordance with the approved project plan or site plan.

(b) A transferable development credit must be established, transferred, and attached to a property only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. Any easement must:

(i) limit future construction of the property that transfers the development credit to the amount of gross square feet of the demolished building minus all development credits transferred;

(ii) indicate the amount of development credit, in gross square feet to be transferred;

(iii) indicate the maximum gross square feet of future development for the property that transfers the development credit, but no less than the amount that could be constructed on the property under the standard method of development; and

(iv) be recorded in the land records of Montgomery County.

59-C-6.2355. Special regulations for Optional Method of development projects for more than lot involving a density transfer. This section includes special regulations for optional method of development projects involving more than one lot located within a Density Transfer Area designated in a master or sector plan. [Sec. 4.5.1.B.](#)
Replaced with FAR averaging

(a) The Planning Board may approve an optional method of development project for more than one lot in the same Density Transfer Area that are not adjacent to each other, but when combined, the lots total a minimum of 18,000 square feet, or less if recommended in a master or sector plan. The optional method of development project must comply with the project plan approval requirements of Section 59-D-2.42(g) and the following provisions:

(i) Density transferred is measured in terms of gross square feet of development.

(ii) The lot that receives a density transfer must not abut or confront a one- family residential zone.

(iii) The development capacity of the combined lots may be transferred among lots as shown on the project plan approved by the Planning Board; however, the development capacity of the combined lots must not

exceed the total development capacity otherwise permitted on the separate lots under the optional method of development procedure or any density limit recommended in a master or sector plan.

(iv) Public use space must be provided based on the total area of the lots included in the optional method of development project and may be distributed among lots as shown on the project plan approved by the Planning Board, in consideration of any master plan public use space recommendation. Public use space may be located off-site in the same density transfer area if the Planning Board finds that an off-site location implements a master or sector plan recommendation.

(b) A density transfer must be established, transferred, and attached to a property only by means of documents, including an easement and appropriate releases, in a recordable form approved by the Planning Board. Any easement must:

(i) limit future construction of the property that transfers the density to the amount of gross square feet of the building minus all development transferred;

(ii) indicate the amount of development, in gross square feet to be transferred;

(iii) indicate the maximum gross square feet of future development for the property that transfers the development credit, but no less than the amount that could be constructed on the property under the standard method of development; and

(iv)* be recorded in the land records of Montgomery County.

59-C-6.2356 Special standards for optional method of development projects that include an arts or entertainment use.

~~— (a) In the CBD 1, CBD 2, and CBD 3 zones, the land or building space for an arts or entertainment use satisfies the entire public use space requirements under Sections 59 C 6.233 and 59 C 6.234 and the entire public facility and amenity requirement for the Optional Method of Development required under Section 59 C 6.215(b) if when the applicant files the original application for an optional method project:~~

~~— (1) the arts or entertainment use is located in an area designated as an Arts and Entertainment District under State law;~~

~~— (2) the proposed total interior area for all floors of the arts or entertainment building space conveyed or dedicated is at least 20 percent of the net lot area;~~

~~— (3) the applicant agrees to the conveyance of land or floor area for arts or entertainment use and has a signed conveyance agreement with the County; and~~

~~— (4) The County Council by resolution has recommended that the Executive accept a conveyance or dedication of land or a building space to accommodate an arts or entertainment use. The Council in the resolution must find that the arts and entertainment use will:~~

~~— (A) have a positive economic revitalization or economic impact in the Arts and Entertainment District;~~

~~— (B) provide an opportunity for public use; and~~

~~— (C) create unique cultural opportunities for the public in the Arts and Entertainment District.~~

~~—(b)— After land or building space for an arts or entertainment use is transferred to the County:~~

~~—(1)— the entire public use space and public amenity space requirement is satisfied for any amendment to the original project plan; and~~

~~—(2)— the Executive may transfer or lease the land or building space without any effect on the approval of the project plan or site plan.~~

~~—(c)— Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate an arts or entertainment use must be required during the phase of the project that contains the arts or entertainment use. Standard streetscaping improvements, beyond the improvements required for the frontage of the phase of the project associated with the arts or entertainment use, must be required with the phase of the project associated with the standard streetscaping improvements being required.~~

59-C-6.2357 Special standards for optional method of development projects that include a building or land for a publicly owned or operated government facility. Public Use Space: Off-Site Options (Sec 7.3.6.C)

(a) The public facility and amenity requirement and the public use space requirement are satisfied when:

(1) The Planning Board finds that the project plan application warrants approval with a publicly owned or operated facility satisfying the amenity and the public use space requirements;

(2) the applicant conveys in fee simple, to the County or other government body, the identified land or building space, and the County accepts the land or building space for a publicly owned or operated government facility within the same central business district; and

~~—(3)— the proposed total interior area for all floors of the building space conveyed for a publicly owned or operated government facility or the land dedicated for that purpose is at least 20 percent of the net lot area.~~

~~—(b)— Once the County or other government body has accepted the fee simple conveyance of the land or building space for the publicly owned or operated government facility:~~

~~—(1)— the public facility and amenity requirement also is satisfied for any amendment to the original optional method of development project plan that does not increase the floor area of the project;~~

~~—(2)— the land area that is conveyed to the County for the publicly owned or operated government facility also is treated as public use space for any amendment to the original project plan that does not increase floor area; and~~

~~—(3)— any transfer or lease of the building, land, or any portion thereof, by the County will not affect the approval of the optional method of development project plan or the site plan.~~

~~—(c)— Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate the publicly owned or operated government facility use must be provided during the phase of the project that contains the facility.~~

59-C-6.236. Minimum setbacks, standard method of development. Sec. 4.5.4.C – (CR Zones, Standard Method Development Standards)

~~The following setbacks shall be required and shall be maintained as green area, but these distances may be reduced if it is demonstrated during site plan review that such reduction is necessary to accommodate an increase in density due to the inclusion of moderately priced dwelling units in accordance with section 59 C 6.215.~~

~~— (a) — No part of any building or structure shall be located on land indicated on an approved and adopted master plan as a right of way or as a public pathway, walkway or sidewalk.~~

~~— (b) — The setback from any right of way shall be at least:~~

~~— (1) — In the CBD 0.5 zone, one foot for every 3 feet by which the building or structure exceeds 30 feet;~~

~~— (2) — In all other zones, one foot for every 6 feet by which the height of the building or structure exceeds 30 feet.~~

~~— (c) — Setbacks from adjoining lots CBD 0.5 and CBD R zones.~~

~~— (1) — If the building has windows or apertures facing that lot line, which provide light, access or ventilation to a habitable space, the setback shall be at least 15 feet;~~

~~— (2) — If the adjoining lot is in a residential zone and is not recommended for commercial or industrial zoning on the adopted master plan, the setback shall be at least 15 feet;~~

~~— (3) — In all other cases no setback shall be required.~~

~~— (d) — Setbacks from adjoining lots CBD 1, CBD 2 and CBD 3 zones.~~

~~— (1) — If the adjoining lot is outside of the central business district.~~

~~— The setback shall be equal to that required in the zone recommended on an approved and adopted master plan for the adjoining property.~~

~~— (2) — If the adjoining lot is within the central business district and the proposed building has windows or apertures which provide light, access or ventilation to space intended to be occupied for commercial or residential purposes; and:~~

~~— If the adjoining lot is occupied by a residential building or is recommended by an approved and adopted sector plan for residential use, then a proposed building shall be set back from that adjoining lot at least one foot for every 2 feet of the height of the building, but not less than 15 feet.~~

~~— If the adjoining lot is occupied by a nonresidential building or is recommended by an approved and adopted sector plan for nonresidential use, then a proposed nonresidential building shall be set back from that adjoining lot at least 15 feet.~~

~~— (3) — If the adjoining lot is within the central business district and the proposed building has no windows or apertures; and:~~

~~— If the adjoining lot is occupied by a residential building, then a proposed building must be set back from that adjoining lot at least one foot for every 2 feet of the height of the building, but not less than 15 feet.~~

~~— If the adjoining lot is occupied by a nonresidential building which has windows or apertures facing a proposed building, then the proposed building must be set back at least 15 feet from the adjoining lot.~~

~~— If the adjoining lot is undeveloped or is occupied by a nonresidential building which has no windows or apertures facing a proposed building, then no building setback from that adjoining lot is required.~~

~~(4) Any setback required by this section may be reduced if approved by the planning board through the site plan approval procedures of division 59-D-3. In such situations, site plan review is limited to the setback of the proposed building, for which applicable exhibits must be provided.~~

~~(e) Within a lot, the distance between any 2 buildings shall be not less than whichever of the following is applicable:~~

~~Twice the setback required above for any building from a residential building, or~~

~~Twice the setback required above between nonresidential buildings.~~

59-C-6.237. Parking facilities. Repealed by Ordinance No. 8-89, § 2.

59-C-6.24. Existing buildings and building permits.

(a) Any building or structure for which a building permit was issued and any use which was instituted, after December 31, 1958, shall not be regarded as a nonconforming use and may be structurally altered, repaired or enlarged in conformance with the requirements of the CBD zone in which it is located, so long as it remains an otherwise lawful use as previously allowed.

(b) Any building, structure or use which becomes nonconforming as a result of the reclassification of land from a non-central business district zone to any central business district zone except the CBD-0.5 Zone will not be subject to the provisions of sections 59-G-4.12, 59-G-4.13, 59-G-4.14 and 59-G-4.15 for a period of 7 years thereafter unless specifically regulated elsewhere in this Ordinance.

(c) Construction pursuant to a building permit validly issued and subsisting at the time of reclassification of the property to which it applies to any central business district zone shall be permitted, provided all necessary excavation and piers and/or footings of one or more buildings covered by the permit are completed not more than 6 months subsequent to such reclassification. Buildings and structures so constructed shall be considered nonconforming but shall not be subject to the provisions of sections 59-G-4.12, 59-G-4.13, 59-G-4.14 and 59-G-4.15 for a period of 7 years from the time of such reclassification.

(d) In the CBD-0.5 Zone, any building, structure, or use for which a valid building permit was issued prior to April 27, 1993, is conforming and subject to the following standards:

(i) Existing structures which exceed the standards of the CBD-0.5 zone. Structural alterations, repairs or reconstruction of such buildings or structures may proceed under the standards of the zone in effect at the time the building was constructed. However, such alterations, renovations or reconstruction must not increase the gross floor area existing or approved as of April 27, 1993 except as provided in subsection (f). In the case of reconstruction, if the existing building has a height greater than that allowed in the CBD-0.5 Zone, such height may be allowed but must not be exceeded.

(ii) Existing structures that do not exceed the standards of the CBD-0.5 zone. Structural alterations, repairs or reconstruction of such buildings or structures may proceed under the standards of the zone in effect at the time the building was constructed. However, such alterations, renovations or reconstruction must not increase the gross floor area existing or approved as of April 27, 1993 by more than the maximum available in the CBD-0.5 Zone or by 1,500 sq. ft., whichever is greater; no expansion beyond the standards of the CBD-0.5 Zone is permitted for those properties that adjoin land in a one-family residential zone; expansion of any structure will be subject to the requirements of the Adequate Public Facilities Ordinance.

(iii) Existing Uses. Any use, except those specifically regulated elsewhere in this Ordinance, which becomes nonconforming as a result of reclassification of land to the CBD-0.5 Zone will not be subject to the provisions of sections 59-G-4.13 and 59-G-4.14 for a period of 7 years following reclassification.

(e) Notwithstanding the provisions of subsection (a) above, multiple-family structures, if lawfully existing in any CBD zone prior to May 10, 1993, will not be considered nonconforming and may be repaired, reconstructed, or structurally altered as multiple-family dwellings in accordance with the provisions of this Chapter for the C-2 Zone in effect prior to March 23, 1976, so long as the floor area does not exceed what is in existence as of May 10, 1993.

(f) Notwithstanding any limitation or restriction established under subsection (a) above or under the development standards of the applicable CBD zone:

(i) An existing building may convert in whole or in part to a residential use.

(ii) Any building regulated under subsection (a) above that exceeds the development standards of the existing CBD zone may make facade improvements and expand lobby and public waiting areas so long as the gross floor area does not increase by more than 10 percent or 500 square feet, whichever is less.

(iii) Minor additions to a building may be permitted for purposes of meeting building and fire code requirements, so long as the addition is the minimum required to meet the code requirements as determined by the Director.

Sec. 59-C-6.3. R-CBD zone-Multiple-family, central business district residential. No land currently zoned R-CBD

~~—59-C-6.31. Purpose.~~

~~It is the purpose of this zone to provide for the development of an appropriate mixture of residential and commercial facilities in the central commercial areas of the county at densities higher than can be permitted elsewhere in the county. These relatively high densities are hereby declared to be feasible and desirable only in locations immediately adjacent to the greatest concentrations of commercial, transportation, cultural and recreational facilities. It is therefore the purpose of this section to permit the development of apartment hotels or hotels and a mixture of residential and commercial facilities, only in such locations, and to prohibit further development of the same in any area of the county which is incompatible with the aforementioned declaration. Development of the type permitted by this zone in that portion of the county within one-half mile of the east bank of the Potomac River and one-half mile of the west bank of the Patuxent River, commonly referred to as the Potomac River Valley Basin and the Patuxent River Valley Basin, respectively, is expressly declared to be incompatible with and contrary to the purpose of this section. After September 19, 1978 no further land shall be placed in the R-CBD zone.~~

~~—59-C-6.32. Location.~~

~~No land shall be classified in the R-CBD zone, and no application for such reclassification shall be accepted, except with respect to land located within the boundaries of a central business district as defined in section 59-A-2.1.~~

~~—59-C-6.33. Uses permitted.~~

~~No use is permitted except the following:~~

- ~~—Dwellings, multiple-family.~~
- ~~—Off street parking of private automobiles in connection with any use permitted by this section.~~
- ~~—Apartment hotels.~~
- ~~—Hotels and motels.~~
- ~~—Swimming pools as accessory use.~~

~~Any retail commercial, general office or professional office use permitted in the C-2 zone. Such uses shall be permitted on any floor not containing one or more dwelling units.~~

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

~~—59-C-6.34. Area requirements.~~

~~In any lot on which multiple family dwellings, apartment hotels or hotels are constructed there shall be sufficient net area to provide 150 square feet for each apartment unit and 75 square feet for each hotel unit.~~

~~—59-C-6.35. Setbacks.~~

~~All buildings shall be set back as follows:~~

~~—(a)—No building shall be within 50 feet of the center line of any street.~~

~~—(b)—No building with a height of 143 feet or less shall be located within 10 feet of any lot line.~~

~~—(c)—The above setbacks shall be increased by one foot for each foot of height above 143 feet.~~

~~—59-C-6.36. Off-street parking requirements.~~

~~Off street parking shall be provided in accordance with the requirements of Article 59 E.~~

~~—59-C-6.37. Development procedure.~~

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

~~Sec. 59-C-6.4. Reserved.~~