

Key

Text highlighted in bright green deals with floating zones and will be addressed in the coming months

Text highlighted in turquoise deals with grandfathering language and will be addressed in the coming months

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

9/14/12

Division 59-C-10. RMX Zones-Residential Mixed Use Development. [Note]

Sec. 59-C-10.1. Zones established. Sec. 2.1.1.A.4. Summary of Established Zones-Commercial/Residential Zones

The Residential-Mixed Use Development Zones are Euclidean zones and their identifying symbols are as follows:

RMX-1 Zone	Residential-Mixed Use Development, Community Center <u>CRT</u>
RMX-2 Zone	Residential-Mixed Use Development, Specialty Center <u>CRT</u>
RMX-2C Zone	Residential-Mixed Use Development, Specialty Center, Commercial Base <u>CRT</u>
RMX-3 Zone	Residential-Mixed Use Development, Regional Center <u>CRT</u>
RMX-3C Zone	Residential-Mixed Use Development, Regional Center, Commercial Base <u>CRT</u>
RMX-1/TDR	Residential-Mixed Use, Community Center/Transferable Development Rights <u>CRT w/ TDR</u>
<u>overlay</u> RMX-2/TDR	Residential-Mixed Use, Specialty Center/Transferable Development Rights <u>CRT w/ TDR</u>
<u>overlay</u>	
RMX-2C/TDR	Residential-Mixed Use Development, Specialty Center, Commercial Base/Transferable Development Rights <u>CRT w/ TDR overlay</u>
RMX-3/TDR	Residential-Mixed Use, Regional Center/Transferable Development Rights <u>CRT w/ TDR</u>
<u>overlay</u>	

Sec. 59-C-10.2. Methods of development. Sec. 4.5.2 Methods of Development for Commercial/Residential Zones

The following methods of development are available in the RMX Zones:

1. **Standard method of development.** RMX-1, RMX-1/TDR, RMX-2, RMX-2/TDR, RMX-3, and RMX-3/TDR Zones: Under this method, lower density residential development is permitted in these zones in accordance with the provisions of Section 59-C-10.2. [Note]
2. **Optional method of development.** Under this method, general commercial uses and higher density residential uses are allowed in the RMX Zones provided that they are in accordance with the provisions of Section 59-C-10.3, as well as the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. In addition, a project plan and site plan must be approved by the Planning Board.

Sec. 59-C-10.2.1. Standard Method of development regulations. Sec. 4.5.4. C/R standard method development regulations

59-C-10.2.1.1. Land uses Sec. 3.1.7. Use Table and development standards. Sec. 4.5.4. C/R standard method development regulations

1. **RMX-1, RMX-2 and RMX-3 Zones:** ~~Standard method projects in these zones must comply with the standards and requirements of the R-200 Zone including the cluster and moderately priced dwelling unit methods of development. The land uses allowed under this method are those uses allowed in the R-200 Zone as contained in Section 59-C-1.31.~~

2. **RMX-1/TDR, RMX-2/TDR, and RMX-3/TDR Zones:** ~~Standard method projects in these zones must occur in accordance with the development methods, standards and special regulations of the R-200/TDR Zone as contained in 59-C-1.331, 59-C-1.332 and 59-C-1.39. The maximum density with the use of TDRs is 11 units dwelling units per acre. The land uses allowed are those uses allowed in the R-200/TDR Zone. Development under this method must comply with density, numerical limitations and other guidelines contained in the applicable master or sector plan approved by the District Council.~~

3. **RMX-2C, RMX-2C/TDR and RMX-3C Zones:** Standard method commercial projects in these zones must comply with the standards and requirements of the standard method of development in the C-2 Zone, as contained in Sections 59-C-4.351 and 59-C-4.353 through 59-C-4.355. A maximum floor area ratio of 0.3 is permitted under this form of development. The uses allowed under this method are the same as those allowed under the optional method of development as set forth in Section C-10.3.2. Standard method residential projects in these zones must comply with the standards and requirements of the R-30 Zone as contained in Division 59-C-2.

59-C-10.2.1.2. Development procedure for RMX-2C and RMX-3C Zones. Sec. 8.3.4.A Site Plan Applicability and Description

(a) **New Development.** On properties where any of the following conditions exist, a site plan for the area proposed for development must be submitted and approved in accordance with the provisions of Division 59-D-3:

- i. The property is not a recorded lot.
- ii. There are no existing structures on the site; or
- iii. Complete demolition of existing structures prior to redevelopment is proposed.

The site plan must include the area of the lot proposed for development and also demonstrate that the proposed development will not have an adverse impact on adjoining properties.

(b) **Existing development or developments for which a building permit was issued before June 15, 1993.** When one or more of the following circumstances exist, a site plan must be submitted and approved in accordance with the provisions of Division 59-D-3 for the area occupied by the enlargement of an existing structure or the addition of a free-standing structure, including the associated parking, landscaping and other appurtenances:

- i. Any enlargement of an existing or approved structure that results in the addition of a gross floor area of 5 percent of the gross floor area of the entire lot or tract, or 10,000 square feet, of a structure, whichever is less.
- ii. The addition of a new free-standing structure with a gross floor area of 3,000 square feet or more.

(c) **Cumulative Additions and Major Redevelopment**

i. If demolition of 50 percent or more of the gross floor area of a building containing 3,000 square feet or more occurs, and the demolition does not exceed 50% of the existing or approved floor area of the entire tract, site plan review in accordance with the provisions of Division 59-D-3 will be required only for the area encompassed by redevelopment or reconstruction, including the associated parking, landscaping and appurtenances, and must also demonstrate that the proposed redevelopment or reconstruction will not have an adverse impact on adjoining properties.

ii. When the addition of a free-standing structure or proposed additions will result in a gross floor area increase over the entire lot or tract of more than 5% of the existing or approved gross floor area, or where demolition of more than 50% of the gross floor area of the entire lot or tract occurs, site plan review will be required for the entire tract in accordance with the provisions of Division 59-D-3.

Sec. 59-C-10.2.2. Optional method of development for mixed use development. Div. 6.4 Optional Method of Development in Commercial/Residential Zones

Under this method, general commercial uses and higher density residential uses are allowed in the RMX Zones provided that they are in accordance with the provisions of section 59-C-10.3, as well as the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. In addition, a project plan and site plan must be approved by the Planning Board.

Sec. 59-C-10.3. Optional Method of Development Regulations.

59-C-10.3.1. The optional method. Div. 6.4 Optional Method of Development in Commercial/Residential Zones

This optional method of development accommodates mixed use development comprised of planned retail centers and residential uses, at appropriate locations in the County. This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted master plans.

Approval of this optional method of development is dependent upon the provision of certain public facilities and amenities by the developer. The requirement for public facilities and amenities is essential to support the mixture of uses at the increased densities of development allowed in this zone.

59-C-10.3.2. Land uses. Sec. 3.1.7. Use Table

The following uses are allowed in the RMX Zones under the Optional Method of Development in the RMX-1, RMX-2, RMX-3, RMX-1/TDR, RMX-2/TDR, and RMX-3/TDR Zones. The following uses are permitted under both the Standard Method and Optional Method of Development in the RMX-2C, RMX-2C/TDR and RMX-3C Zones:

-Permitted uses. Those uses designated by the letter "P" and uses of a similar character are permitted on any lot, subject to all applicable regulations.

-Special exception uses. Those uses designated by the letters "SE" may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	RMX-1 RMX-1/TDR <u>CRT</u>	RMX-2 RMX-2/TDR <u>CRT</u>	RMX-2C RMX-2C/TDR <u>CRT</u> ¹⁴	RMX-3 RMX-3/TDR <u>CRT</u>	RMX-3C <u>CRT</u>
(a) Residential:					
Dwellings, multiple-family. <u>Multi-Unit Living (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Dwellings, one-family attached. <u>Single-Unit living (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Dwelling, carriage house. ¹¹ <u>Detached Accessory Apartment (Residential)</u>	P <u>PL</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>

Dwellings, one-family detached. <u>Single-Unit living (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Group home, small. <u>Residential care facility (up to 8 persons) (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Group home, large. <u>Residential care facility (9 to 16 persons) (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Hotel or motel <u>Hotel, motel (Commercial)</u>	<u>P</u>	<u>P</u>	SE <u>P</u>	<u>P</u>	SE <u>P</u>
Housing and related facilities for senior adults or persons with disabilities <u>Independent Living Facility for Seniors or Persons with Disabilities (Residential)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
(b) Transportation, Communication, and Utilities:					
Amateur radio facility. <u>Amateur Radio Facility, up to 65', over 65' (Commercial)</u>	P ¹³ /SE <u>P/C</u>	P ¹³ /SE <u>P/C</u>	P ¹³ /SE <u>P/C</u>	P ¹³ /SE <u>P/C</u>	P ¹³ /SE <u>P/C</u>
Cable communications systems. ¹ <u>Cable Communications System (Commercial)</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>
Electric power transmission and distribution lines. <u>Transmission lines, Above ground / Below ground (Industrial)</u>	P <u>L/P</u>	P <u>L/P</u>	P <u>L/P</u>	P <u>L/P</u>	P <u>L/P</u>
Parking garage, automobile <u>Structured, parking (Commercial)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Parking of motor vehicles, off-street, in connection with any use permitted. <u>Surface for use allowed in the zone, parking</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public utility buildings and structures. <u>Public Utility Building or Structure</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>	SE <u>L</u>
Radio and television broadcasting studio. <u>Office</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Rooftop mounted antennas and related unmanned equipment building, equipment cabinet, or equipment room. ¹⁰ <u>Wireless Communication -on Existing Structure</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Taxicab stand. <u>Taxi/Limo facility</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Telephone and telegraph lines, underground. <u>Transmission lines, below ground</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Telephone office and communications center. <u>Office</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
(c) Commercial:					
Retail sales and personal services. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Retail trade, businesses and services of a general commercial nature. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Antique shops, handicrafts or art sales. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Appliance store. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>

Automobile parts, supplies and tire store. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Automobile sales. <u>Light Vehicle/Equipment Sales (Indoor)/(Outdoor)</u>	<u>L</u>	P <u>L</u>	P <u>L</u>	<u>L</u>	<u>L</u>
Book store. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Building materials and supplies. <u>Retail/Service Establishment</u>	<u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	<u>P/L</u>	P <u>P/L</u>
Convenience food and beverage. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Delicatessen. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Department stores. <u>Retail/Service Establishment</u>	<u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Drug stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Eating and drinking establishment. <u>Restaurant</u>	P ² <u>P</u>	P <u>P</u>	P <u>P</u>	P ³ <u>P</u>	P <u>P</u>
Florist. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Food and beverage stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Furniture stores, carpet or related furnishing sales or service. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Garden supply shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Gift shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Grocery stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Hardware stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Jewelry stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Newsstand. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Pet shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Photographic and art supply stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Tire, battery, and accessory stores located in integrated shopping center. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Transitory use. ⁹ <u>Transitory use</u>	P/SE <u>L</u>	P/SE <u>L</u>	P/SE <u>L</u>	P/SE <u>L</u>	P/SE <u>L</u>
Variety and dry goods stores. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Wearing apparel stores <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
(d) Services:					
Ambulance or rescue squads, privately supported, non-profit. <u>Fire/EMS (Private)</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Appliance repair shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	<u>P/L</u>	<u>P/L</u>
Automobile filling stations. <u>Fuel Sales</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>	P <u>C</u>

Automobile fluid maintenance station. ⁴ <u>Vehicle Repair (Minor)</u>	<u>C/L</u>	P <u>C/L</u>	P <u>C/L</u>	<u>C/L</u>	<u>C/L</u>
Automobile repair and services. ⁴ <u>Vehicle Repair (Minor)/(Major)</u>	<u>C/L</u>	P <u>C/L</u>	P <u>C/L</u>	<u>C/L</u>	<u>C/L</u>
Banks and financial institutions. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Barber or beauty shop. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Car wash. <u>Car Wash</u>	<u>C</u>	SE <u>C</u>	SE <u>C</u>	<u>C</u>	SE <u>C</u>
Child day care facility in a residential building:					
-Family day care home. <u>Family Day Care (Up to 8 Persons)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
-Group day care home. <u>Group Day Care (9 to 12 Persons)</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 (13-30 Persons)/(Over 30 Persons)</u>	SE <u>P/L</u>	SE <u>P/L</u>	SE <u>P/L</u>	SE <u>P/L</u>	SE <u>P/L</u>
Child day care facility in a commercial or mixed use building:					
-Family day care home. <u>Family Day Care (Up to 8 Persons)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
-Group day care home. <u>Group Day Care (9 to 12 Persons)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
-Child day care center. <u>Day Care Center (13-30 Persons)/(Over 30 Persons)</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Clinics. <u>Clinic (more than 4 practitioners)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	<u>P</u>	<u>P</u>
Domiciliary care home for more than 16 residents. ¹² <u>Residential Care Facility (Over 16 Persons)</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>	SE <u>P</u>
Dry cleaning and laundry establishments, consisting of no more than 3,000 square feet of gross floor area. ⁵ <u>Dry Cleaning Facility up to 3,000sf</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>	<u>L</u>	P <u>L</u>
Dry cleaning and laundry pick-up station. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Duplicating services. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Educational institutions. <u>Educational Institution (Private)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Express or mailing offices. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Laundromats self-service. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	<u>P/L</u>	<u>P/L</u>
Offices, professional and business. ⁶ <u>Office</u>	P <u>P</u>	P <u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Place of worship. <u>Religious Assembly</u>	P <u>P</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Offices, general. ⁸ <u>Office</u>	<u>P</u>	<u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>

Publicly owned or publicly operated uses. <u>Public Use (Except Utilities)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Shoe repair shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	<u>P/L</u>	P <u>P/L</u>
Tailoring or dressmaking shops. <u>Retail/Service Establishment</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Trade, artistic or technical schools. <u>Educational Institution (Private)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
(e) Cultural, Entertainment and Recreational:					
Amusement centers. <u>Recreation and Entertainment Facility, Major/Indoor/Outdoor</u>	<u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>
Billiard parlors. <u>Recreation and Entertainment Facility, Major/Indoor</u>	<u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>	<u>C/P</u>	<u>C/P</u>
Bowling alleys. <u>Recreation and Entertainment Facility, Major/Indoor</u>	<u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>
Libraries and museums. <u>Cultural Institution</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Miniature golf. <u>Recreation and Entertainment Facility, Outdoor</u>	<u>C</u>	P <u>C</u>	P <u>C</u>	<u>C</u>	<u>C</u>
Racquet ball, squash, indoor tennis and handball courts, commercial. ⁷ <u>Recreation and Entertainment Facility, Major/Indoor</u>	<u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>	P <u>C/P</u>
Recreational or entertainment establishments, commercial. <u>Recreation and Entertainment Facility, Major/Indoor/Outdoor</u>	<u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>
Roller and ice skating rinks. ⁷ <u>Recreation and Entertainment Facility, Major/Indoor/Outdoor</u>	<u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	<u>C/P/C</u>	<u>C/P/C</u>
Swimming pools, commercial. ⁷ <u>Recreation and Entertainment Facility, Major/Indoor/Outdoor</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	P <u>C/P/C</u>	<u>C/P/C</u>	<u>C/P/C</u>
Swimming pools, community. <u>Swimming Pool (Community)</u>	P				
(f) Resource Production and Extraction:					
Christmas trees, sales of, between 12/5-12/25 <u>Seasonal Outdoor Sales</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
(g) Miscellaneous Uses:					
Accessory building and uses. <u>Accessory buildings, structures and uses</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Signs, in accordance with the provisions of <u>article 59-F. Accessory buildings, structures and uses</u>	P	P	P	P	P

1 Except as provided in Sections 59-A-6.9 and 59-G-2.10.1. Sec. 3.5.2.C. Cable Communications System

~~2—No free standing establishments are permitted. Attached to Eating and Drinking Establishment~~

~~3— Not to exceed a total of 30,000 square feet of floor area with no more than 5,000 square feet of such floor area located outside of designated food courts in which a substantial part of the food or drink merchandised and sold has been prepared and packaged for consumption in an adjacent common eating area. Attached to Eating and Drinking Establishment~~

~~4— 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 800 feet of an entrance to a school, park, playground, or hospital. Attached to Automobile fluid maintenance station & Automobile repair and service~~

5 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.

~~6— Such use may not exceed 5 percent of the total gross floor area nor more than 20,000 square feet of the gross floor area whichever is less, unless recommended in a master plan, where the maximum cannot exceed 100,000 square feet. Attached to Office, professional and business~~

~~7— See "Recreational or entertainment establishments, commercial," Section 59-G-2.45. Attached to several Cultural, Recreation and Entertainment uses~~

~~8— Five percent of the total floor area, up to 20,000 square feet maximum, is permitted; however, if recommended as appropriate in the relevant master or sector plan, up to 25% of the non residential floor area may be general offices. Attached to Office, general~~

9 In accordance with Section 59-A-6.13. Sec. 3.5.15.C. Transitory Use

10 Refer to Sec. 59-A-6.14. Sec. 3.5.14.E. Wireless Communication Structure on Existing Building

~~11 The use may not exceed 20 percent of the total number of dwelling units on the project plan. A carriage house may be accessory to a one-family detached dwelling either attached to a main dwelling or as a part of a detached building. It may be a maximum floor area of 800 square feet or one third of the floor area of the main dwelling whichever is less. Sec 3.3.3.A & Sec 3.3.3.B Attached and Detached Accessory Apartments~~

~~12— Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-2.37. Attached to Nursing Home and Domiciliary Care Home~~

¹³ 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. Sec. 3.5.14. A/B Amateur Radio Facility, up to 65 feet in height/over 65 feet in height

¹⁴ Any existing structure or established use for which a building permit was issued prior to the reclassification of land to the RMX-2C/TDR zone must not be regarded as a nonconforming structure or use.

59-C-10.3.3. Minimum green area or outside amenity area= Sec. 6.4.2.A Public Use Space

Minimum green area or outside amenity area:

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR RMX-2C RMX-2C/TDR	RMX-3 RMX-3/TDR	RMX-3C
(a) Within the commercial portion of a site	15%	15%	20%	10%
(b) Within the residential portion of a site	50%	50%	50%	20%

59-C-10.3.4. Maximum commercial density. As mapped

- (a) In the RMX-1 and RMX-1/TDR Zones the maximum commercial density must not exceed 0.35 FAR.
- (b) In the RMX-2, RMX-2C, RMX-3, RMX-3C, RMX-2C/TDR, RMX-2/TDR and RMX-3/TDR Zones the maximum commercial density must not exceed 0.5 FAR.
- (c) The density of development approved by the Planning Board must not exceed the density shown on the approved and adopted master or sector plan.

~~**59-C-10.3.5. Maximum gross leasable (non-residential) floor area.**~~

-	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR	RMX-2C RMX-2C/TDR	RMX-3 RMX-3/TDR	RMX-3C
Maximum gross leasable (non-residential) floor area (in square feet):	200,000	600,000	600,000	1,300,000	1,300,000

~~**59-C-10.3.6. Minimum number of dwelling units required.**~~

~~In the RMX-1, RMX-2, RMX-2C, RMX-3, RMX-3C, RMX-1/TDR, RMX-2/TDR, RMX-2C/TDR and RMX-3/TDR Zones any site over 30 acres in size must include a minimum of 150 dwelling units, but not more than the number recommended on the approved and adopted master plan.~~

59-C-10.3.7. Maximum residential density. As mapped

- (a) The maximum residential density in an RMX Zone must not exceed 30 dwelling units per acre for residential areas shown on the project plan. The density approved by the Planning Board must not exceed the density shown on the approved and adopted master plan, which must be no greater than the density permitted by the RMX zone. Where residential development is proposed to be located within a proposed commercial area, the maximum residential density for such areas must not exceed 40 dwelling units per acre. Any residential development must include Moderately Priced Dwelling units (MPDUs) as required by Chapter 25A and may include workforce housing units under Section 59-A-6.18 and Chapter 25B.
- (b) Under the RMX-2C/TDR optional method of development, any increase in residential density or residential units above the standard method density or dwelling units requires the use of TDRs. Any residential units above the standard method density must be based on a ratio of one single-family dwelling unit for each TDR, and two multi-family dwelling units for each TDR; however, within a designated Metro Station Policy Area, a ratio of three multi-family dwelling units for each TDR and two one-family units for each TDR applies.

(c) The density of residential development must comply with the density recommended on the approved and adopted master plan; however, the number of residential dwellings must be increased to accommodate the construction of Moderately Priced Dwelling Units (MPDUs) as required by Chapter 25A and the construction of workforce housing units under Section [59-A-6.18](#) and Chapter 25B.

59-C-10.3.8. Minimum building setbacks. [Sec 6.4.2.C C/R zones Optional Method Development-Placement](#)

	Commercial Buildings	Residential Buildings
(a) From one-family residential zoning	100'	100'
(b) From residential zoning other than one-family	50'	30'
(c) From any street ¹	25'	30'
(d) From abutting commercial or industrial zoning	25'	30'

1 No minimum setback is required if in accordance with master plan.

The Planning Board may reduce the minimum setbacks shown in (a) through (d) above, no greater than 50%, upon a finding that trees or other features on the site permit a lesser setback without adversely affecting development on an abutting property.

59-C-10.3.9. Required public facilities and amenities.

(a) The size, location and nature of the public facilities and amenities must be shown as part of any development proposed under this optional method and must be shown on the required concept plan, Division 59-D-2 project plan and Division 59-D-3 site plan. [Sec 8.3.4.B.8.K Site plan Application Requirements](#)

(b) The regional scale of development under the optional method in the RMX-3, RMX-3C and RMX-3/TDR (Regional Center) Zones may require the provision of regional public facilities and amenities to be located within a town center or other regional focal point, as shown on an approved and adopted master plan. Regional public facilities and amenities include but should not be limited to cultural arts centers, museums, galleries, or equivalent facilities which include auditorium space sufficient to accommodate at least 500 persons. Development, under this option in the RMX-3 and RMX-3C Zones, may create a need for public facilities and amenities to serve future residents, workers, and visitors of an entire region or planning area. A town center or other regional focal point may be an appropriate location for these public facilities and amenities in order to ensure the development of a cohesive community, which might otherwise be jeopardized by the dispersal of regional facilities and amenities. [Div 6.6 Optional Method Public Benefits](#)

(c) For the purpose of this section, public facilities and amenities do not include road improvements or other capital projects that are required to provide adequate public facilities on a timely basis to serve the property.

59-C-10.3.10. Off-street parking.

All off-street parking must be provided in accordance with the standards and requirements of [Article 59-E](#) of this Chapter. In addition, all such parking must be located on land classified in an RMX Zone.

59-C-10.3.11. Development procedure. [Sec 6.4.1.B Optional Method Commercial/Residential Zones Procedure for Approval](#)

(a) **RMX-1, RMX-1/TDR, RMX-2, RMX-2/TDR, RMX-3, RMX-3/TDR Zones:**

The procedure for approval for an optional method of development in these zones requires a project plan in accordance with Division 59-D-2 and a site plan in accordance with Division 59-D-3.

(b) RMX-2C, RMX-2C/TDR and RMX-3C Zones:

The RMX-2C, RMX-2C/TDR and RMX-3C zones are intended primarily for sites where there is existing commercial development that is suitable for substantial expansion or redevelopment with mixed uses.

In order to encourage the orderly and staged development of large-scale mixed use centers, a concept plan may be submitted to the Planning Board in lieu of a project plan for the entire site. In approving a concept plan, the Board must take into account the mix of uses and density of development recommended for the site in the applicable master or sector plan.

When an optional concept plan is submitted, a project plan as defined in division 59-D-2 must be submitted for the first stage of new development proposed in the concept plan's development program. A concept plan must show the general location of proposed types of land use, the number of residential units and square footage of non-residential space, the staging or sequence of development, and such other features as enumerated in section 59-C-10.3.12. A project plan, as required in division 59-D-2, must be submitted for each stage of development according to the sequence established in the concept plan. Such project plans must be consistent with the concept plan approved by the Planning Board unless accompanied by a requested amendment to the concept plan. If a concept plan is not submitted, a project plan must be submitted for the entire site in addition to the individual phases.

~~59-C-10.3.12. Contents of concept plan and procedures for approval.~~

~~The requirements for the concept plan and procedures for approval must be the same as those for a project plan as enumerated in division 59-D-2 except for the following:~~

~~—(a)—In lieu of the requirements of section 59-D-2.12, the following items must be shown on a generalized land use plan of appropriate scale:~~

~~——(1)——The general locations of points of access to the site.~~

~~——(2)——The location and boundaries of all building development areas including the general land use quantities for each area.~~

~~——(3)——All setbacks from roads and exterior property lines.~~

~~——(4)——The maximum amount of commercial or office floor area proposed, and the overall floor area ratio of the commercial or office uses. This is the ratio of the proposed amount of commercial and office floor area to the total land area shown for commercial or office uses on the site.~~

~~——(5)——Where residential uses are proposed, the maximum number of dwelling units and the gross residential density expressed in terms of the gross residential building areas.~~

~~——(6)——The general location of the following:~~

~~——a.——Open space system, including environmentally sensitive areas and active recreation areas.~~

~~——b.——Internal circulation including both vehicular and pedestrian systems.~~

~~——c.——All land to be dedicated to public use.~~

~~— d. — All land which is intended for common or public use but not proposed to be in public ownership.~~

~~— (b) — In lieu of the requirements of section 59-D-2.12(h), the following information must be included on the concept plan:~~

~~— (1) — A development program establishing the staging and/or sequence in which the various development areas are to be developed.~~

~~— (2) — The first stage of development must include an appropriate minimum percentage of proposed commercial or office floor area, depending on the total amount of land in the concept plan application, as follows:~~

Total Acreage Under Application	Minimum % of Total Proposed Commercial Floor Area Required in First Stage
Up to 20 acres	30%
More than 20 up to 50 acres	25%
More than 50 up to 100 acres	20%
over 100 acres	15%

~~— In cases where the subject site is already partially developed with such uses, these percentages refer to the additional development proposed above what is currently existing on the site.~~

~~— (3) — As subsequent development stages shown on the concept plan are proposed for development, a project plan as defined in division 59-D-2 must be submitted and processed in accordance with the procedures for amending an approved project plan, as contained in section 59-D-2.1.~~

~~— Each stage of development proposed in the development program of the concept plan must involve sufficient development to enable that stage to exist as an independent entity, integrated with prior stages, but not dependent upon later stages of construction.~~

~~— (4) — The development program proposed under this section should be compatible with any staging recommendations or guidelines contained in the applicable master or sector plan.~~

~~— (5) — If the total project is proposed for construction in one stage, then the concept plan cannot be submitted and development must be depicted on a project plan in accordance with all of the standards and requirements of division 59-D-2.~~

~~— (6) — The staging relationship between the commercial or office development and residential development will be evaluated as part of the development program review. More detailed decisions concerning the specific staging of different land use types will be made when reviewing subsequent project plans.~~

59-C-10.3.13. Special regulations for development using transferable development rights zone. Div. 6.3.D.2 Transferable Development Rights (TDR) Overlay

59-C-10.3.131. Applicability. The following procedures and regulations apply to the transfer of development rights to land classified in the RMX-2C/TDR zone. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in these zones and must conform to the numeric limits in the applicable master or sector plan concerning floor area ratio, dwelling units per acre, building heights and setbacks. In all other respects the development must be consistent with the applicable master or sector plan. Any residential density or units above the standard method density must be increased by the use of TDRs. Residential units must be based on a ratio of one single-family dwelling unit for each TDR, and two multi- family dwelling units for each

TDR, except within a designated Metro Station Policy Area, where a ratio of three multi-family dwelling units for each TDR and two one-family units for each TDR applies.

59-C-10.3.132. General provisions.

(a) A development right must be created, transferred and extinguished only by means of documents in a recordable form approved by the Planning Board, including an easement and appropriate releases. The easement must limit the future construction of one-family dwellings on a property in the RDT zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred in accordance with this section, the number of development rights to be transferred by the instant transaction, and the number of existing one-family detached dwellings on the property.

(b) The transfer of development rights must be recorded among the land records of Montgomery County, Maryland.

(c) A property developed under the RMX-2C/TDR zone must conform to the requirements of Chapter 25A requiring MPDUs.

59-C-10.3.133. Development approval procedures under the optional method of development.

(a) A request to use transferred development rights under the optional method must be in the form of a preliminary subdivision plan in accordance Chapter 50.

(b) A site plan must be submitted and approved in accordance with the provisions of Division 59-D-3.

(c) The Planning Board must approve a request to use transferred development rights if the request:

(1) is in accordance with provisions of this chapter;

(2) is in accordance with Chapter 50, title “Subdivision of Land”;

(3) conforms to the numeric limits in the applicable master or sector plan concerning floor area ratio, dwelling units per acre, building heights, and setbacks; in all other respects the development is consistent with the applicable master or sector plan; and

(4) achieves a desirable development compatible with both site conditions and surrounding existing and future development.

(d) Prior to Planning Board approval of a final record plat for a subdivision using transferred development rights, an easement to the County in the form required by Section 59-C-10.132(a)* above limiting future construction of dwellings on a property in the RDT zone by the number of development rights received must be recorded among the land records of Montgomery County, Maryland.

***Editor’s note**—should read 59-C-10.3.132(a)

(e) A final record plat for a subdivision using transferred development rights must contain a statement setting forth the development proposed, the zoning classification of the property, the number of development rights used, and a notation of the recordation of this conveyance required by Section 59-C- 10.132(b).*

***Editor’s note**—should read 59-C-10.3.132(b)

59-C-10.3.134. Development standards applicable to the optional method of development.

(a) The final density achieved for any property located in a TDR receiving area developed under the procedures herein must be determined by the Planning Board and must conform to the site plan provisions (Division 59-D-3) and subdivision regulations (Chapter 50).

(b) In making the determination as to the final density, the Planning Board will consider the following factors:

(1) conforms to the numeric limits in the applicable master or sector plan concerning floor area ratio, dwelling units per acre, building heights, and setbacks; in all other respects the development is consistent with the approved master or sector plan;

(2) preserves environmentally sensitive and priority forest areas, and mitigates unavailable impacts on the natural environment;

(3) facilitates good transit serviceability and creates a desirable and safe pedestrian environment; and

(4) achieves compatibility with surrounding land uses.