

MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #4
9/20/01

DATE: September 14, 2001
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *Ma*
FROM: Greg Russ, Zoning Coordinator *R*
REVIEW TYPE: Transmittal to County Council for introduction as a Zoning Text Amendment
PURPOSE: To permit a hotel or motel, housing and related facilities for elderly or handicapped persons, auditoriums and convention halls and legitimate theatres in a number of the Central Business District (CBD) zones as permitted uses in both the standard and optional methods.

TEXT AMENDMENT: Not applicable until introduced
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: N/A
INTRODUCED DATE: N/A

PLANNING BOARD REVIEW: September 20, 2001
PUBLIC HEARING: N/A

STAFF RECOMMENDATION: TRANSMIT to County Council for introduction

PURPOSE OF THE TEXT AMENDMENT

- Permit a hotel or motel, housing and related facilities for elderly or handicapped persons, auditoriums and convention halls and legitimate theatres in a number of the Central Business District (CBD) zones as permitted uses.

BACKGROUND

- Staff has received inquiries related to development potential in CBD zones for uses such as hotels, legitimate theatres, convention halls and housing and related facilities for elderly and handicapped persons. Currently, most of these uses are permitted only under the optional method of development in many of the CBD zones, thereby requiring project plan review and

site plan approval in order to obtain greater densities. No opportunities exist for development under the standard method of development (permitted by-right) where compliance with a specific set of development standards is required. Hotels are permitted under the optional method of development in the CBD-1, 2 and 3 zones only if located in an urban renewal area. Otherwise, in these zones special exception approval and site plan review are required for hotels. Convention halls are permitted only by special exception approval in the CBD-1 and 2 zones while legitimate theatres currently are not permitted in CBD zones. Elderly housing is currently permitted under the optional method of development in all CBD zones but no option for the standard method of development is available.

- The Citizens Advisory Committee to Study Zoning in Central Business Districts and Transit Station Areas was created by resolution of the County Council in June, 1971 (Resolution No. 7-270). It presented its first report on the concepts to be used in Central Business Districts (CBDs) and Transit Station Areas (TSAs) in February, 1972 (Toward Development of Better Central Business Districts in Montgomery County) and was then charged further by the Council to draft the necessary legal instruments to carry out its proposals and submit them to the Council (Resolution No. 7-541, adopted June 22, 1971). This report was submitted to the County Council in January, 1973 and included, among other issues, the proposed establishment of three new CBD zones (CBD-1, 2 and 3) and two TSAs. Excerpts from this document (Planning, Zoning & Development of Central Business Districts & Transit Station Areas) pertaining to why and where certain residential, institutional, recreational, retail sales and services and other uses should be located are included as Attachment 2.

ANALYSIS

As seen below, staff is recommending that hotels, convention halls and legitimate theatres be permitted in the CBD-1, 2 and 3 under the standard method with a new footnote No. 22 that requires site plan approval for the uses. This caveat results in Planning Board review for both the standard and optional methods of development. The proposed text amendments further permit these uses under the optional method of development whether or not they are located in an urban renewal area.

The proposed amendments also permit housing and related facilities for elderly or handicapped persons to be located in all CBD zones, consistent with the requirements of multi-family uses.

The proposed text amendment is as follows:

Underlining indicates text that is added to existing laws by the original text amendment. [Single boldface brackets] indicate text that is deleted from existing law by the original text amendment. The letter "P" in the appropriate column indicates the zones in which each use is permitted. The letters "SE" in the appropriate column indicate the zones in which each use may be authorized as a special exception.

	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												
Hotel or motel. ¹⁴		[P]		[P]	P ²²	P ²² [SE]	P ²²	P ²² [SE]	P ²²	P ²² [SE]	P ²²	P
Housing and related facilities for [elderly or handicapped persons] <u>senior adults and persons with disabilities.</u> ⁴	P	P	P	P	P	P	P	P	P	P	P	P

(f) Cultural, entertainment and recreational.												
Auditoriums and convention halls.					P ²²	[SE] P	P ²²	[SE] P	P ²²	P		
<u>Theatres, legitimate</u>					P ²²	P	P ²²	P	P ²²	P		

4 *Subject to the provisions of Section G-2.35 concerning occupancy and ancillary facilities and services.*

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.*

22 *[Permitted only in an urban renewal area.] Subject to site plan approval under Division D-3.*

The Final Report of the Citizens Advisory Committee to Study Zoning in Central Business Districts and Transit Station Areas, January 1973

As stated in the excerpts for this final citizens advisory report (Attachment 2), hotels should be encouraged, but conditionally permitted based on their need for ingress and egress, special parking requirements and the inclusion of ancillary functions such as meeting rooms and convention facilities. These same issues would apply to convention halls and legitimate theatres. Staff believes that the proposed text amendment language to require site plan review for standard method development proposals for hotels, convention halls and legitimate theatres would address ingress/egress, parking and ancillary function issues. The proposed exclusion of these uses from

the lower density CBD-0.5 and CBD-R1 zones will further minimize negative impacts on surrounding development

CBD Zone

The Zoning Ordinance separates the CBD zone into six categories with the intent of each zones described as follows:

- (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.*

In accordance with Section 59-C-6.213, additional intent of certain zones include the following:

- (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.*

Staff believes that the proposed changes to the CBD zones are consistent with the aforementioned intent of these areas since the proposed language does not permit hotels, auditoriums and convention halls and legitimate theatres in the lower density CBD-0.5 and R1 zones. Additionally, development of these uses in the remaining zones will require a project plan (for optional development) or a site plan (as stated in the proposed footnote No. 22) for the standard method of development. In either case, Planning Board review is required to ensure the appropriateness and compatibility of scale and intensity of the use with the surrounding development.

RECOMMENDATION

The staff recommends the proposed text amendment to permit a hotel or motel, housing and related facilities for elderly or handicapped persons, auditoriums and convention halls and legitimate theatres in a number of the Central Business District (CBD) zones as permitted uses in both the standard and optional development methods be transmitted to the County Council for introduction.

Attachment 1 depicts the proposed text amendment as proposed by staff.

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Attachments

1. Proposed Text Amendment
2. Excerpts from Planning, Zoning & Development of Central Business Districts & Transit Station Areas

Zoning Text Amendment No:
Concerning: Development Standards
Draft No. & Date: 1 – 9/14/01
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- Permit a hotel or motel, housing and related facilities for elderly or handicapped persons, auditoriums and convention halls and legitimate theatres in a number of the Central Business District (CBD) zones as permitted uses.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-6
Section 59-C-6.22

“CENTRAL BUSINESS DISTRICT ZONES”
“Land uses”

EXPLANATION: *Boldface indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
**** indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-C-6 is amended as follows:

DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

* * *

59-C-6.32. "Land uses."

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.

	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												
Hotel or motel. ¹⁴		[P]		[P]	<u>P</u> ²²	P ²² /SE	<u>P</u> ²²	P ²² /SE]	<u>P</u> ²²	P ²² /SE]	<u>P</u> ²²	P
Housing and related facilities for [elderly or handicapped persons] <u>senior adults and persons with disabilities.</u> ⁴	<u>P</u>	P	<u>P</u>	P	<u>P</u>	P	<u>P</u>	P	<u>P</u>	P	<u>P</u>	P

(f) Cultural, entertainment and recreational.												
Auditoriums and convention halls.					<u>P</u> ²²	[SE] P	<u>P</u> ²²	[SE] P	<u>P</u> ²²	P		
<u>Theatres, legitimate</u>					<u>P</u> ²²	P	<u>P</u> ²²	P	<u>P</u> ²²	P		
* * *												

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4 Subject to the provisions of Section G-2.35 concerning occupancy and ancillary facilities and services.

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.

22 [Permitted only in an urban renewal area.]. Subject to site plan approval under Division D-3.

1 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
2 date of Council adoption.

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4 This is a correct copy of Council action.

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Mary A. Edgar, CMC

10 Clerk of the Council

RESERVE

LIBRARY

The Maryland-National Capital
Park and Planning Commission
6767 Georgia Avenue
Silver Spring, Maryland 20907

PLANNING, ZONING & DEVELOPMENT OF CENTRAL BUSINESS DISTRICTS & TRANSIT STATION AREAS

January 9, 1973

The Honorable William Sher
President
Montgomery County Council
Rockville, Maryland

Dear Mr. Sher:

Transmitted herewith is the final report of the Citizens Advisory Committee to Study Zoning of Central Business Districts and Transit Station Areas. This report is responsive to Council Resolution No. 7-270, and contains the specific text amendments, legislation and draft resolutions or memoranda necessary to carry out the recommendations made by the committee in its first report, presented February 23, 1972.

This report recommends the amendment of the Montgomery County Zoning Ordinance to establish five new zones--three for central business districts and two for transit station areas. The CBD Zones would replace the use of the C-2, C-O, R-CBD and R-OCBD Zones in central business districts. Accordingly, the R-CBD and R-OCBD Zones should be repealed as the new zones are enacted. Since the C-2 and C-O Zones are used outside the central business districts their texts should be revised to reduce intensities within them so their use in other locations will not frustrate the effectiveness of the new zoning system. These amendments were not prepared by the Committee, but are currently being prepared for filing by the Montgomery County Planning Board so that they may be considered along with the proposals of the Committee.

The new zones are designed to enhance the quality of development in very critical areas of the County. The need for them and their practicality has already been demonstrated by the fact that the Planning Board has recommended their use in the Preliminary Sector Plans it has recommended for Friendship Heights and Takoma Park, and is using them in its current studies of the Silver Spring and Bethesda CBDs.

The Committee also recommends a refinement of the master planning process for CBDs and TSAs. Our proposals for sector plans are also already in use by the Planning Board.

Finally, we present in this report revised and more detailed recommendations for development districts to allow more fruitful public participation, where needed, in CBD redevelopment.

The Committee has labored for almost 18 months, bringing to bear the often widely divergent views of its members on the issues posed by the need to create a viable system of planning, zoning and development for the CBDs and TSAs. We believe that we have been able to honor each other's point of view and to reach a result which will be in the best interests of the County as a whole. We have attended to both the economic and aesthetic concerns raised by CBD and TSA development. The proposals presented represent, then, a synthesis of many interests. Not every member of the Committee agrees with every element in the report on the zones. Two members have presented additional views, and as the process for adoption of the recommendations proceeds, additional members will advise the Council of specific points which they would prefer to see changed. In spite of these individual reservations, to be expected in so extensive and complex an undertaking, there is no general dissent or minority report.

The proposals of the Committee represent a closely inter-related system for development. The sector plans are functionally and legally related to the administration of the zones. And the standards within each zone and among the several zones are also related to each other. Development districts provide an additional tool to reinforce what cannot be accomplished through better planning and zoning alone.

The Committee believes that the most expeditious way of proceeding to a consideration of this report is to file the zoning text amendments for public hearing so that the next stage of public discussion may be directly focussed on the issues involved and be on the public record so the ability of the Council to reach an early decision can be expedited.

All of the Committee thank the Council for the opportunity to have been of service to the County. We have learned much about the problems of CBDs and TSAs in the course of the study.

We remain ready to assist the Council and the civic and business groups in the County in their consideration of our recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Royce Hanson". The signature is written in a cursive style with a large, sweeping initial "R".

Royce Hanson
Chairman

The Basic System: Three New Zones with Standard and Optional Methods of Development

To bring about the sort of densities, use mixtures and design characteristics that will make use of the opportunities offered in the CBDs, we recommend three new zoning categories. These are designated CBD-1, CBD-2 and CBD-3. The zones are similar in that they all permit a variety and mixture of development.

In order to permit the Council to apply the CBD zones by sectional map amendment, they must be Euclidean zones--classifications in which all parcels in the same zone are treated alike--yet some of the objectives which must be met require them to have the characteristics and flexibility of floating zones--classification in which standards of development may be varied from parcel to parcel to achieve planning objectives.

It was, thus, decided that each of the CBD zones will contain a Euclidean "base" or "Standard Method of Development" in which fixed development standards will permit economic and reasonable development, but the land, if built upon to the fullest extent permitted by those standards, will not achieve the full density for which the Master and Sector Plans will be designed. Lower densities are provided under the standard method because development within it will not provide the facilities and amenities necessary to support the higher densities envisioned by the Optional Method of Development, which will allow greater density in return for utilizing the site plan review process with both the concomitant flexibility and public benefit requirements.

The Euclidean "base" in the Standard Method of Development will assure the county of a minimal pattern of zoning consistent with the Sector Plans. It permits application of the zones by sectional map amendment, and will thereby assure a comprehensive, planned approach to the development of each CBD. The Optional Method of Development within each zone will be more attractive economically since it will permit the landowner wide latitude of use within the limits on density. This approach will also ensure that residential neighborhoods adjacent to CBDs will not be confronted with a continuing series of local rezoning applications. Since the zoning will be applied to the entire CBD at one time and since the CBD zones will be flexible as to uses, this approach will also considerably reduce the time and money now spent in rezoning cases in the CBD.

Figure 3 illustrates the relationships among the three zones, and the differences in densities between the standard and optional methods of development. By utilizing these zones through sectional map amendments, the Council can control the density of development in conformance with Sector Plans, guiding growth the most acceptable areas of the CBD, yet retain sufficient flexibility to allow response to market changes and achieve better urban design and use of land. All three zones will not necessarily be appropriate for every CBD. Some CBDs may be best served with only two, or even one of the zones.

As Figure 4 shows, the CBD-3 zone will permit the highest intensity of development and is intended for use in the "core" of the CBD. This will normally be in the area nearest to the Metro station. This area is expected to contain principally office buildings with specialty shops, restaurants, and similar retail uses at the pedestrian level. The office workers will make maximum use of the Metro and the associated feeder bus lines; the retail uses will be oriented toward the office workers, but serve some additional markets and keep the area alive at night. Major retail facilities will not be encouraged to locate here because of the heavy vehicular traffic they attract. Apartments will be welcome, but on this highest priced land will probably have difficulty competing with the more profitable office use.

The CBD-2 zone will permit a medium density of development and will generally surround the core area, although CBD-2 might be used as a "core" zone in a smaller CBD. The zone is designed in such a way as to make residential development competitive with office buildings and to allow for mixed uses--combinations of apartments and commercial activity. The CBD-2 zone is also expected to be the prime location for major retail and commercial facilities such as department stores as well as many of the public parking facilities to serve the "core" uses and those in the CBD-2 zone itself.

The CBD-1 zone will normally appear in the outermost part of the CBD, will have the lowest density, and will be aimed at attracting both retail and residential development but probably will not compete successfully for major office buildings because of its relatively low density.

FIGURE 3

RELATIONSHIP OF STANDARD AND OPTIONAL
METHODS OF DEVELOPMENT IN CBD ZONES

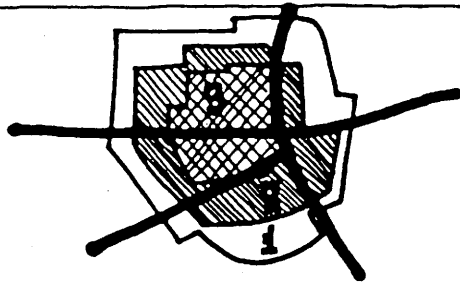
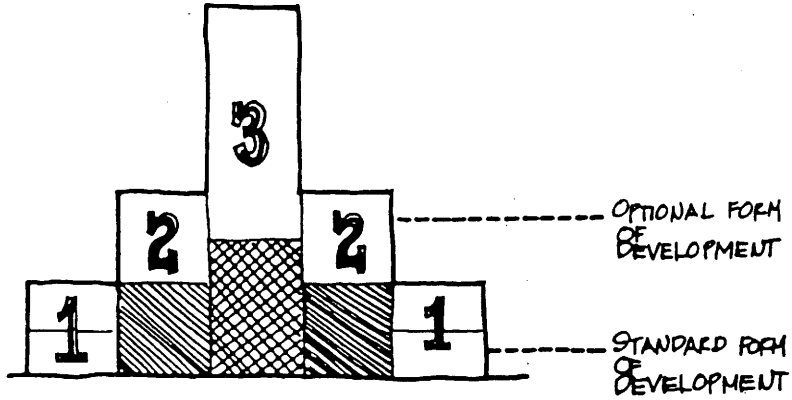


FIGURE 4

ILLUSTRATION OF APPLICATION OF CBD ZONES
TO A CENTRAL BUSINESS DISTRICT

Following is an analysis of the three zones:

Purposes

The purpose section of each zone distinguishes it from the other two, and provides a basis for determining where and how it should be applied. Each zone is designed to: "encourage development in accordance with an adopted and approved Master and Sector Plan . . . ," and such purposes as effective use of transit, improved vehicular and pedestrian circulation, land assembly, flexibility in responding to the market and the needs of workers, shoppers and residents are included in each zone. In addition, the zones are designed to encourage a desirable relationship among buildings and between circulation systems and buildings as well as between the CBD and nearby areas.

The CBD-1 is designed, in its permitted uses and development standards to provide orderly development of the periphery of the CBD, encouraging small business and providing a harmonious transition to the adjacent areas outside the CBD.

The CBD-2 is especially designed to offer incentive to commercial retail and residential development and to allow an appropriate transition between the core and the less intense parts of the CBD.

The CBD-3 places emphasis on the orderly development of the most dense part of the CBD to enhance the economic status of the county.

No land in the county may be placed in any of these zones unless it is recommended on an approved and adopted Master Plan. Thus, these zones, unlike existing commercial zones, may not be applied for outside of planned CBDs.

Uses

Table I lists the uses permitted under the Standard and Optional Methods of Development for each zone. One particular feature of these zones should be made clear. They contain no special exceptions. Consequently, some uses are made "conditional" rather than "permitted." These are uses which, by their

TABLE I

PERMITTED USES IN CBD ZONES

P=Permitted
C=Conditional

	CBD-3		CBD-2		CBD-1	
	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>
RESIDENTIAL						
Dwelling, any type	P	P	P	P	P	P
Hotel or Motel		C		C		C
INSTITUTIONAL						
Child Care (Child Day Care)	P	P	P	P	P	P
Church or other place of worship	P	P	P	P	P	P
Educational institution, private		P		P		P
Hospital		C		P		P
Nursing Home				P		P
Housing for the Elderly		C		C		C
Library, Museum & similar institution of non-commercial nature	P	P	P	P	P	P
RECREATIONAL						
Swimming pool		C		C		C
Theaters & cinemas, or billiard parlor, indoor & legitimate	P	P	P	P	P	P
Bowling alley	P	P	P	P	P	P
Private clubs	P	P	P	P	P	P
Commercial or noncommercial health or recreational clubs	P	P	P	P	P	P
Convention & Civic Centers		C		C		C
RETAIL SALES AND SERVICES						
<u>Food and Drug Stores</u>						
Food or Beverage Stores	P	P	P	P	P	P
Drug Store	P	P	P	P	P	P
Eating & drinking places (not including drive-ins)	P	P	P	P	P	P
<u>Personal Service</u>						
Barber shop or beauty parlor	P	P	P	P	P	P
Dry cleaning pick-up station (may include pressing)	P	P	P	P	P	P
Laundry, pick-up station	P	P	P	P	P	P
Laundry, self-service	P	P	P	P	P	P
Tailor or dressmaking shop	P	P	P	P	P	P
Shoe or hat repair	P	P	P	P	P	P

Permitted Uses in CBD Zones, Continued

	CBD-3		CBD-2		CBD-1	
	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>
<u>Clothing, shoe & dry goods stores</u>	P	P	P	P	P	P
<u>Home Furnishings, etc.</u>						
Hardware store, paint & wall- paper; decorator shops		C	P	P	P	P
Furniture store & appliance stores		P		P		P
<u>Specialty Shops, such as but not limited to:</u>						
Florist	P	P	P	P	P	P
Book store or newsstand	P	P	P	P	P	P
Antiques or gift shop	P	P	P	P	P	P
Camera shop	P	P	P	P	P	P
Millinery shop	P	P	P	P	P	P
Art supply shop	P	P	P	P	P	P
China or crystal	P	P	P	P	P	P
<u>Stationery or office supplies</u>	P	P	P	P	P	P
<u>Bank or financial institution</u>		P	P	P	P	P
<u>Department or variety store</u>		P		P		P
<u>Automotive Sales & Service</u>						
Automobile filling station				C		C
Automobile & Boat sales, indoors				C		C
Automobile repair & service (includes car wash)				C		C
Automobile parking garage, group or public				C		C
<u>Miscellaneous Sales & Service</u>						
Medical or dental laboratory		P	P	P	P	P
Photographic studio	P	P	P	P	P	P
Electrical repair		P	P	P	P	P
Radio & television repair		P	P	P	P	P
Pet shop		C		C		C
Printing & publishing shop		P		P		P
Duplicating services		P		P		P
Veterinary hospital & clinic				C		C
Funeral parlor				C		C
<u>OFFICES, PROFESSIONAL & BUSINESS & CLINICAL</u>	P	P	P	P	P	P

Permitted Uses in CBD Zones, Continued

	CBD-3		CBD-2		CBD-1	
	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>	<u>ST.</u>	<u>OP.</u>
HELISTOP		C		C		C
RAILROADS & PIPELINES	P	P	P	P	P	P
RADIO TOWERS		C		C		C
DRIVE-IN RESTAURANTS						C
FURNITURE & UPHOLSTERY REPAIR			P	P	P	P
LABORATORIES		C	P	P	P	P
PUBLIC SERVICES						
Public Utilities		C	P	P	P	P
Bus Terminals		C	P	P	P	P
Firehouses & Rescue Squads		C	P	P	P	P
Taxi Stand (but not including storage while not in use) & Delivery Service	P	P	P	P	P	P
Publicly owned & operated building & uses, including community buildings and public parks, playgrounds, and other recreational areas	P	P	P	P	P	P

nature may require special conditions beyond those normally associated with site plan review. Examples are uses which generate unusual or intermittently heavy traffic, odors, loading problems, noise, or need special architectural features or control over hours of operation. Conditional uses, accordingly, will not be permitted under the Standard Method of Development, and must be separately applied for and reviewed under the Optional Method. The Planning Board, rather than the Board of Appeals, will have authority to permit the conditional use.

Residential

Any type of dwelling unit will be permitted in each zone. While this theoretically could include single family homes, the economics of development will effectively preclude any such new buildings. Permitting any type of dwelling will avoid making the few existing structures non-conforming uses and will also allow a developer, especially in the CBD-1 zone or even the CBD-2 zone, to mix types of dwellings ranging from townhouse or garden apartments at the edge of the CBD zone to high rise units at the interior of the tract. Such variety can add interest and visual relief to the street scene and provide a more attractive environment.

Hotels and Motels are encouraged, but are made conditional uses because of their need for ingress and egress, special parking requirements and their ancillary functions, such as meeting rooms and convention facilities.

Institutional

Housing for the elderly is listed as an institutional rather than a residential use since it is often associated with special facilities for health care and recreation and has lower parking requirements. This does not, of course, preclude building of regular dwellings restricted to older people. The aims here are (1) to provide for publicly assisted housing in the CBDs, which is a good location for some elderly people, and (2) to assure that such housing will meet their special needs.

Hospitals, nursing homes and educational institutions will be excluded under the Standard Method of Development because there is no control over their site plans in that method. These uses

normally require enough land to be eligible for the Optional Method. Nursing homes do not seem an appropriate use in the intensively developed CBD-3 zone. Hospitals are made a conditional use in CBD-3 because of the problems of traffic and ambulance access which should be considered. Child care facilities will be permitted in all zones and methods. Health regulations adequately safeguard building requirements, and many firms are finding that child care facilities for employees' children are both convenient and desirable.

Recreational

Recreational uses are desirable in the CBD, and, except where special conditions are required as in the case of swimming pools and civic centers, these uses are permitted. They may often be uses occupying only a small part of the total space in an office building or commercial area; nevertheless they are an important complement to the major business activity of the CBD. They increase the opportunities to operate the business district during evening hours, and help support other businesses such as restaurants and specialty shops.

Retail Sales and Services

Most business uses are permitted under Standard and Optional Methods in all three zones. Some, such as furniture stores, department or variety stores, printing and publishing and duplicating services will not be permitted under the Standard Method in CBD-1 and CBD-2, either because space requirements normally will be great enough to warrant use of the Optional Method, or due to requirements of the business, such as loading facilities, which warrant site plan review to ensure compatibility with neighboring uses and traffic requirements. A few other uses are excluded from CBD-3 because they do not seem to be appropriate for the core area since they often generate a large number of automobile trips. The list of retail uses is left open-ended because the list of such activities is almost limitless.

The conditional uses are mainly those which need some additional regulation beyond that which could be expected through review of site plans. Automobile services will be excluded entirely from the CBD-3 as inappropriate to that zone, but made conditional in the CBD-2 and CBD-1.

Other Uses

Much the same rationale applies to other uses. Uses which present difficult problems in noise, aesthetics or design, such as bus terminals or radio towers, and drive-in restaurants are all made conditional uses.

Non-Conforming Uses

One of the most troublesome problems which accompanies any major change in the zoning scheme accomplished by Sectional Map Amendment is the non-conforming uses which are created thereby. This is a particularly sensitive problem and must be dealt with it in a way which will avoid the uncertainty and turmoil which may result if all buildings in our CBDs were to become non-conforming at once.

It is only within the last ten years that buildings of major size have been constructed within the CBDs. Substantial investment has gone into them and they will be with us for many years to come. Buildings which have been built within the ten years preceding the adoption of the CBD zoning ordinance will not become non-conforming uses under them. This approach has its precedent in the case of the adoption of the R-CBD zone which "grandfathered" the apartment-hotels constructed under a clause of the C-2 zone which had been repealed. All buildings constructed prior to the ten year "grace" period will not become non-conforming uses until 7 years after the adoption of these ordinances. This will allow the owners of buildings thus affected to re-finance them if appropriate. This grace period will also allow further amortization of the improvements before they become non-conforming uses.

This solution to the non-conforming use problem will safeguard major new investments while at the same time gently thrust into non-conforming status the older and less economic buildings in our CBDs.

Parking Requirements

The existing parking requirements for non-residential development will be retained. However, a reduction in the parking requirement is recommended for residential units from an average of