

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING**

**Wednesday, May 21, 2014
(MRO) 9:30 a.m. – 11:30 a.m.**

				<u>ACTION</u>	
				Motion	Second
1.	Approval of Commission Agenda	(+*)	Page 1		
2.	Approval of Commission Minutes				
	a) April 16, 2014, Open Session	(+*)	Page 3		
	b) Special Teleconference – May 1, 2014	(+*)	Page 9		
	c) Special Teleconference Closed Session – May 1, 2014	(++*)			
3.	General Announcements				
	a) Fitness Days in May for National Fitness Month				
	b) One Commission Diversity Celebration May 30, 2014				
	c) Asian Pacific Heritage Month				
	d) Director Bradford's last Commission meeting				
4.	Committee/Board Reports (For Information Only):				
	a) Executive Committee Meeting Minutes – Open Session, May 7, 2014	(+)	Page 11		
	b) Executive Committee Meeting Minutes – Closed Session, May 7, 2014	(++)			
	c) Executive Committee Teleconference Minutes – Open Session, April 8, 2014	(+)	Page 15		
	d) Executive Committee Teleconference Minutes – Closed Session, April 8, 2014	(++)			
	e) Minutes of the Regular Employees' Retirement System Board of Trustees Meeting, March 4, 2014	(+)	Page 19		
5.	Action and Presentation Items				
	a) Recommendation to Approve the ERS FY15 Operating Budget (Rose)	(+*)	Page 23		
	b) Request to use FY14 Salary Lapse – Internal Audit (Kenney)	(+*)	Page 29		
	c) Request to use FY14 Salary Lapse – Legal (Gardner)	(+*)	Page 31		
	d) Resolution #14-05 – Southern Green Line Station Area Sector Plan & Sectional Map Amendment (Lewis)	(+*)	Page 33		
	e) Resolution #14-06 – Park Resource Amendment to the Master Plan for Historic Preservation (Kelly)	(+*)	Page 251		
	f) Resolution #14-09 – Disposal of M-NCPPC Property from Brandywine North Keys Park to the County DPW&T for Permit to Construct Additional Recreational Facilities in the Park (Palfrey)	(+*)	Page 283		
	g) Resolution #14-13 – Adoption for the Approved 10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area (Lazdins, Dolan, Boyd)	(+*)	Page 289		
	h) Resolution #14-07 – Amendments to Policy for Seasonal/Intermittent, Temporary and Term Contract Employees (Overtime Calculation Methodology (A. Bennett/Harris/C. Bennett)	(+*)	Page 329		
	i) Recommended Amendments to Chapter 1200 of the Merit System Rules and Regulations: Salary Equity/Retention Incentives (Bennett)	(+*)	Page 333		
6.	Officers' Reports				
	a) Executive Director – (For Information Only)				
	Employee Evaluations Not Completed by Due Date – (April 2014).....	(+)	Page 369		
	b) Secretary-Treasurer – (For Information Only)				
	1. Investment Report (March 2014).....	(+)	Page 371		
	2. Enterprise Resource Planning (ERP) Briefing				
	c) General Counsel				
	1. Litigation Report (April 2014).....	(+)	Page 377		

7. Closed Session - Pursuant to Maryland State Government Article of the Annotated Code of Maryland, Section 10-508(a) (7) & (9), a closed session is proposed to consult with counsel for legal advice, conduct collective bargaining discussions, and consider matters that relate to negotiations.

- a) Internal Revenue Service (IRS) Briefing (Zimmerman)
- b) Collective Bargaining (Barney)

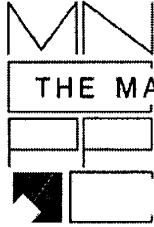
(+) Attachment

(++) Commissioners Only

(*) Vote

(H) Handout

(LD) Late Delivery



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
April 16, 2014

The Maryland-National Capital Park and Planning Commission met at 9:30 a.m., on April 16, 2014, at the Parks and Recreation Auditorium in Riverdale, Maryland.

PRESENT

Montgomery County Commissioners
Françoise M. Carrier, M-NCPPC Chair
Amy Presley
Norman Dreyfuss

Prince George's County Commissioners
Elizabeth M. Hewlett, M-NCPPC Vice-Chair
Manuel Geraldo
John Shoaff
Dorothy Bailey
A. Shuanise Washington

ABSENT

Casey Anderson
Marye Wells-Harley

M-NCPPC Chair Carrier convened the meeting at 9:48 a.m.

The Commission meeting proceeded in the following order:

- ITEM 1 APPROVAL OF COMMISSION AGENDA WITH AMENDMENTS
- Executive Director Barney added Item 5f - Request to Spend Salary Lapse from the Department of Human Resources and Management (DHRM).
 - Item 7 - Closed Session was pulled from the agenda.
- ACTION: Motion of Geraldo to approve the agenda with amendments
Seconded by Washington
8 approved the motion (Anderson and Wells-Harley were absent)
- ITEM 2 APPROVAL OF COMMISSION MINUTES
- March 19, 2014 – Open Session
March 19, 2014 – Closed Session
- ACTION: Motion of Hewlett to approve the Commission meeting minutes
Seconded by Bailey
8 approved the motion (Anderson and Wells-Harley were absent)

ITEM 3

GENERAL ANNOUNCEMENTS

- Purchase Card Program: A presentation was conducted on earnings resulting from M-NCPPC's participation in an interagency purchase card program consortium managed by JP Morgan Chase. M-NCPPC Secretary-Treasurer Zimmerman and JP Morgan Chase representatives Senior Vice President Bill Zuk, Vice President Robin Daly, and Vice President Greg Powell conducted this presentation which explained that as a part of an earlier purchase card program study, it was determined that it would be beneficial for M-NCPPC to join Montgomery and Fairfax in the consortium as it would yield greater earnings for M-NCPPC.

The decision resulted in \$145,265 being returned in the last year to M-NCPPC from purchase card use. The prior program generated approximately \$35,000.

Mr. Zimmerman introduced M-NCPPC Purchasing Manager Stacey Pearson and Principal Administrative Specialist Mechelle Myers from the M-NCPPC Purchasing Division. A photo was taken of the check presentation for the UPDATE Newsletter.

Chair Carrier announced:

- Both Montgomery County Parks and Prince George's County Parks and Recreation won awards at the recent Maryland Recreation of Parks Association Conference. Montgomery County Director of Parks Mary Bradford announced six awards presented to the agency:
 - Minnow Minutes Newsletter, by Natural Resource Specialist Amanda Matheny;
 - A park project designed with environmental needs in mind to reclaim an unused parking lot (Conversion of the Meadowbrook Maintenance Facility into a wetland), awarded to Montgomery County Planning Park Development Project Manager Robert (Andrew) Frank and Erin McArdle;
 - Best Photo taken at the Woodstock Equestrian Park;
 - History in the Parks.org for Best Website developed by Barbara Lerch;
 - Program Guide for Camps and Summer Programs designed by Colleen Holt;
 - Maryland State Award for Historic Site at Little Bennett Regional Park, awarded to School House Volunteer Ralph Buglass.

Vice-Chair Hewlett announced:

- The following awards were received from the Maryland Association of Counties (MACO):
 - Therapeutic Recreation Innovative Program Award for the Stay Focused Adaptive Football Clinic, a Partnership between M-NCPPC and Usama Young (from Prince George's County) of the Oakland Raiders.

- Therapeutic Recreation Branch Practitioner Award awarded to Mary Bowie, Therapeutic Recreational Program Manager for the Prince George’s Parks and Recreation Special Programs Division.
 - Staff members recognized in leadership roles: Joe O’Neill, Member of the Year for MRPA; Greg Kernan, Park Branch Chair Elect; Leigh Ann Eckenrode, Recreation and Leisure Services (RALS) Branch Chair; Dana Hill, RALS Branch Secretary, and Wendy Donley, RALS Branch Treasurer.
- Prince George’s County Department of Parks and Recreation is hosting the Seniors on Stage Performance.

The Commissioners wished Executive Director Barney a happy birthday.

ITEM 4 COMMITTEE/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting Minutes – Open Session – March 11, 2014
- b) Executive Committee Meeting Minutes – Closed Session – March 11, 2014

ITEM 5 ACTION AND PRESENTATION ITEMS

- a) COMMISSION FOR ACCREDITATION OF PARKS & RECREATION AGENCIES (CAPRA): COMPREHENSIVE RECREATION PROGRAM PLAN
Edith Michel, CAPRA Project Manager, requested approval of the Comprehensive Recreation Program Plan (CRPP) as part of M-NCPPC’s Accreditation of Parks and Recreation Agencies (CAPRA) recertification effort. The Comprehensive Recreation Program Plan is needed to achieve CAPRA accreditation. Ms. Michel provided a PowerPoint briefing on the project team’s progress towards achieving CAPRA recertification. She acknowledged Joe O’Neill, Debbie Tyner, Darin Conforti, Mike Horrigan, and Christine Brett for their support of this process.
ACTION: Motion of Geraldo to approve the CRPP
Seconded by Washington
8 approved the motion (Anderson and Wells-Harley were absent)
- b) RESOLUTION #14-04 – APPROVED EASTOVER/FOREST HEIGHTS/GLASSMANOR SECTOR PLAN AND SECTIONAL MAP AMENDMENT
ACTION: Motion of Hewlett
Seconded by Bailey
8 approved the motion (Anderson and Wells-Harley were absent)
- c) RESOLUTION #14-08 – MONTGOMERY COUNTY BOND SALE
Secretary-Treasurer Zimmerman reported that a \$14,000,000 bond issue is planned to fund a variety of projects. The bonds will be sold in June 2014 with the rating visit scheduled for May 12-13. A full schedule of the events of the bond sale will be available at a later date.
ACTION: Motion of Washington to Approve the Bond Sale
Seconded by Geraldo
8 approved the motion (Anderson and Wells-Harley were absent)

d) RESOLUTION #14-10 – TRANSFER OF WHEATON VETERAN’S URBAN PARK TO MONTGOMERY COUNTY, MARYLAND, IN EXCHANGE FOR AIR RIGHTS TO A PORTION OF THE WHEATON TOWN SQUARE THAT SERVES AS THE ENTRY PLAZA TO THE NEW MONTGOMERY REGIONAL OFFICE IN WHEATON, MARYLAND

ACTION: Motion of Presley

Seconded by Geraldo

8 approved the motion (Anderson and Wells-Harley were absent)

e) ANNUAL AUDIT REPORT PURSUANT TO PRACTICE 1-31

Commissioner Presley presented the Audit Committee’s Activity Report for FY 13. The Audit Committee recognized the agency’s continued compliance with existing policies and timely corrective action by management in response to findings.

Ms. Presley shared that she will be stepping down as Audit Committee member and thanked the Commission for the opportunity to serve. Commissioner Dreyfuss has replaced Commissioner Presley as the Montgomery County representative. It was also noted that Commissioner Shoaff replaced Commissioner Washington as Prince George’s County Audit Committee member. The Audit Committee is currently seeking its public member.

Chair Carrier and Vice-Chair Hewlett thanked Commissioners Presley and Washington for their service, and Commissioners Shoaff and Dreyfuss for replacing them as Audit Committee members.

The Commissioners also thanked the Internal Audit Team. Acting Internal Audit Chief Samuel Raines was recognized for his leadership and support in the role in 2013, as was Internal Audit Chief Renee Kenney for her seamless transition to her new role in August 2013.

Commissioner Bailey inquired about the delay of the peer review. Ms. Kenney noted that the peer review will be held at M-NCPPC during the week of August 25th through August 29th. The peer review team will issue their report to Ms. Kenney by the end of September, and she will present the findings to the Commissioners in October 2014.

f) REQUEST TO SPEND SALARY LAPSE (DHRM)

Executive Director Barney presented a request for authorization to use \$300,000 from salary lapse to support successful implementation of the ERP project. She explained that the savings resulted from difficult to fill positions. Funding was needed to provide additional resources in areas including training, communications, change management, technical consulting, and backfill for work programs. Proposals for specific use of the funds will be presented to the ERP Steering Committee.

ACTION: Motion of Hewlett to Approve Use of Salary Lapse
Seconded by Geraldo
8 approved the motion (Anderson and Wells-Harley were absent)

ITEM 6

OFFICER'S REPORTS (For Information Only)

a) Employee Evaluations Not Completed By Due Date - March 2014

Executive Director Barney reported that Directors are working on completing evaluations.

b) Secretary-Treasurer's Report

1. Investment Report (February 2014) - The agency is in full compliance with the investment policy per February 2014 report.
2. Enterprise Resource Planning (ERP) Briefing – Enterprise Financial Management and Supply Chain Management went live on April 14th. The Vendor Portal went live on April 1st and everything is working well. Training sessions for staff are continuing next week. Human Capital Management (Human Resources/Payroll/Budget) will be deployed this summer.

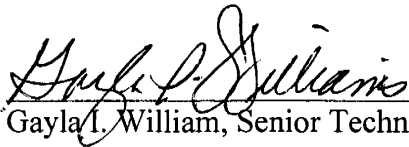
c) General Counsel

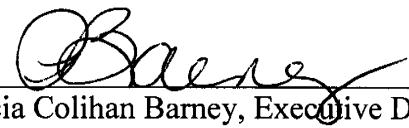
1. Litigation Report (For Information Only)
2. Legislative Year-End Report – General Counsel Gardner introduced Associate General Counsel Julio Aleman and Legislative Law Clerk Sheronda Rose. He provided as a handout, the 2014 Session of the Maryland General Assembly Annual Report. The following bills were highlighted in his presentation:
 - HB 977 – M-NCPPC Park Police Workers' Compensation Lyme Disease Presumption – Repeal of Termination Date (Passed).
 - HB 1334 – M-NCPPC Regulations to Prohibit Smoking or Use of Electronic Cigarettes (Failed). M-NCPPC supported the bill as written and amended by county delegations.
 - HB 138 – Montgomery County Archery Hunting Safety Zone (Passed).
 - HB1013 – Prince George's County Board of Education – Public High Schools, Outdoor Artificial Turf Fields (Failed). M-NCPPC supported this bill, with certain amendments that were proposed after close collaboration with County authorities.
 - HB 1260 – State Government – Open Data Policy/Council on Open Data (Passed).
 - HB 53 – Public Records – Provision of Copies, Printouts, and Photographs Required (Passed). General Counsel Gardner presented an option to go through a third party vendor, which should be discussed further to determine how to eliminate metadata from documents before submitting them to the requestor.
 - HB 157/SB 847 – Joint Committee on Transparency and Open Government Study on Requiring Public Bodies to Provide Agendas

Under the Open Meetings Act (Failed). General Counsel Gardner noted that Page 9 of the 2014 Session of the Maryland General Assembly Annual Report requires a correction as it indicates the bill passed.

General Counsel Gardner shared that Program Open Space was funded at the Governor's recommended level. He thanked Montgomery Parks and Prince George's County Parks and Recreation for their assistance on this bill. He also thanked Mr. Aleman and Ms. Rose for their efforts.

There being no further business to discuss, the meeting adjourned at 11:16 a.m.


Gayla I. William, Senior Technical Writer


Patricia Colihan Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting - Special Teleconference
May 1, 2014
Minutes

The Maryland-National Capital Park and Planning Commission met for a special session to discuss matters pertaining to collective bargaining negotiations. This session was held via teleconference. Participants dialed in from the Executive Director's Conference Room in Riverdale, Maryland; the County Administration Building in Upper Marlboro, Maryland; and the Montgomery Regional Office in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Françoise M. Carrier, M-NCPPC Chair
Amy Presley
Norman Dreyfuss
Casey Anderson
Marye Wells-Harley

Prince George's County Commissioners

Elizabeth M. Hewlett, M-NCPPC Vice-Chair
Manuel Geraldo
John Shoaff
Dorothy Bailey
Shuanise Washington (arrived at 10:04 a.m.)

Chair Carrier convened the meeting at 9:43 a.m.

A motion was made by Commissioner Presley to move to closed session to seek legal counsel and discuss matters related to collective bargaining.

ACTION: Motion by Presley
Seconded by Wells-Harley
9 approved the motion (Commissioner Washington was not present for this vote)

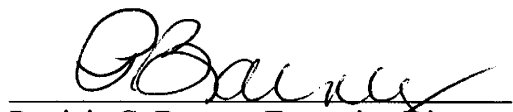
Commissioners returned to open session at 10:43 a.m. to ratify a vote taken in closed session.

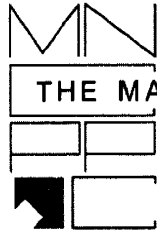
A motion was made by Vice-Chair Hewlett to ratify the vote taken in closed session for the Adoption of Resolution No. 14-12, Collective Bargaining Agreement with Fraternal Order Police, Lodge No. 30, as amended by the Commission.

ACTION: Motion by Hewlett
Seconded by Geraldo
10 approved the motion

There being no further business to discuss, the meeting adjourned at 10:45 a.m.


Brenda D. Barge, Administrative Specialist


Patricia C. Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee Meeting
May 7, 2014
OPEN SESSION - MINUTES

The Maryland-National Capital Park and Planning Commission's Executive Committee met at 9:20 a.m., in the Executive Director's Conference Room, in Riverdale, Maryland. Present were Chair Françoise M. Carrier, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Gwen Wright, Director, Montgomery County Planning

Joe Zimmerman, Secretary-Treasurer (arrived at 9:35 a.m.)

William Dickerson, Associate General Counsel (arrived at 9:55 a.m.)

Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

William Spencer, Human Resources Director

Lisa Dupree, Senior Management Analyst (CPMO)

Executive Director Barney convened the meeting at 9:20 a.m.

ITEM 1 ANNOUNCEMENTS AND AGENDA APPROVALS

The July 16, 2015 M-NCPPC Meeting will be held as scheduled. Commissioners are also asked to hold July 31, 2014 on their calendars if an additional meeting is necessary. Update to be provided to commissioners during the June Commission Meeting. A correction to the April 8, 2014 Minutes is needed to reflect this previous decision.

a) MAY EXECUTIVE COMMITTEE AGENDA

Agenda amended to add:

- Item 4. Confidential Closed Session: Internal Revenue Service (IRS) Audit Update (Zimmerman/Gardner)
- Background on Change in Overtime Calculation Methodology for Contract Employee/Enterprise Resource Planning (ERP) System
- Payroll Deduction Requested by Montgomery County Parks Foundation

b) MAY COMMISSION MEETING AGENDA - the following adjustments were recommended:

- ITEM 3. General Announcements
 - Add: a) Fitness Days in May for National Fitness Month
 - b) One Commission Diversity Celebration, May 30, 2014
 - c) Asian Pacific Heritage Month
 - d) Director Mary Bradford's last Commission Meeting
- ITEM 5. Action and Presentation Items
 - f) Change names "(Bennett/Bennett)" to "(A. Bennett/C. Bennett)"
- ITEM 7. Closed Session
 - Add Item: Internal Revenue Service (IRS) Audit

c) ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS

The Executive Committee requested the following changes:

- June Meeting
 - Move: Employees Retirement System (ERS) Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association (GFOA) and Award for Outstanding Achievement in Popular Annual Financial Reporting from GFOA to Reports and Presentation section.
 - Add: Internal Revenue Service (IRS) Audit to Closed Session
 - Shift order of Stadium Authority Study. It should come before Showplace Arena updates.
- July Meeting
 - Adoption of the White Oak Master Plan is "tentative"
 - Add: Rotate Chair to Resolutions/Policies/Other Action Items
 - Medical Plan Design must occur in July. Health insurance premium changes for 2015 may be moved to September.

ITEM 2 MINUTES

- a) Executive Committee Open Session, April 8, 2014 - correction on page 2. The July 16, 2014 M-NCPPC meeting will be held as scheduled. Commissioners are also asked to hold July 31, 2014 on their calendars, in the event an additional meeting is necessary.
- b) Executive Committee Closed Session, April 8, 2014 - no changes recommended.

ADDITIONAL ITEM COVERED

Leadership Training: Montgomery County Planning Director Gwen Wright opened a discussion regarding leadership training. Director Wright stated her department is in the process of undertaking a leadership program and wants to make sure it is complimentary with programs being developed by Central Administrative Services'. Executive Director Barney added the item to the May 27, 2014 Department Heads' Meeting Agenda and requested Department Directors

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Vice-Chair Hewlett stated she is passionate about the work of the Literacy Council and wants to see that program is reactivated for Commission employees. Executive Director Barney asked Ms. Bennett's office if they could include this research for the May Department Heads' Meeting.

ITEM 3 DISCUSSION/REPORTS/PRESENTATIONS

a) INVESTMENT REPORT – March 2014

Secretary-Treasurer Zimmerman reviewed the report as presented in the meeting packet. He noted the agency is in compliance with the investment policy.

b) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING

Secretary-Treasurer Zimmerman reported the financial and supply chain modules are moving forward with good progress and the vendor portal is working well. Conversions remain the biggest challenge for the Human Capital Management (HCM) module as data needs to be verified and linked. He added the supply chain requisition process needs some retooling to provide more detailed information.

Montgomery Parks' Director Bradford complimented Secretary-Treasurer Zimmerman for his team's efforts. Executive Director Barney indicated that the agency will conduct a performance recognition for folks who have worked so hard.

c) PROPOSED AMENDMENTS ON SALARY EQUITY AND COUNTER OFFERS AS RETENTION INCENTIVES.

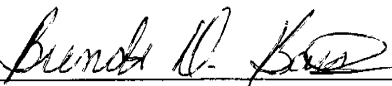
Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief presented this item. She requested the Executive Committee's support of final policy proposals moving to the Commission for adoption. She provided an overview of the efforts that have gone into developing these proposals (management reviews, Executive Committee input, review with the Merit System Board, and formal employee comment periods). She stated employees shared comments during forums and through online comments. These comments and policy staff analysis were shared with the Merit System Board. The proposals have received approval from the Merit System Board. The Merit Board's review is required before amendments may be adopted by Commissioners. Ms. Bennett highlighted the additional changes in three (3) sections:

- Section 1250, Pay Adjustments - the Executive Committee agreed the Commission Chair and Vice-Chair shall be informed of all pay exceptions, including those affecting base salary and lump sum incentives.
- Section 1256, Within Grade Pay Adjustments (Salary Equity Adjustments) - Ms. Bennett explained the Merit System Board supported one additional amendment to this section, which enables the Human Resources Director to expand the scope of a salary equity review using similar positions when the position being analyzed is unique and/or does not have other employees in the same classification to do a meaningful comparison. Chair Carrier requested a rewording to indicate the Human Resources "may" expand the scope.
- Section 1257, Retention Incentives as Counter Offers - Ms. Bennett stated that provisions describing the use of base pay adjustments and lump sum incentives were organized into two subsections. Ms. Bennett explained the


changes help clarify management's initial intention that the 10% standard adjustment applies to base pay increases rather than lump sum incentives.

The Executive Committee supported all proposals and asked that the item be forwarded to the Commission this month. Ms. Bennett requested clarification of how much background information should be included. Chair Carrier and Vice-Chair Hewlett indicated that extensive research and efforts have gone into this product. The packet should highlight the work that was done with Directors, Merit Board, employees, and internal/external policies. Chair Carrier requested the May meeting packet be forwarded to Commissioners as early as possible to allow them ample time to review the information before the meeting. Ms. Bennett and her team were applauded for their efforts.

The meeting adjourned to closed session, pursuant to Section 10-508 (a) 7 and 9 of the State Government Article of the Annotated Code of Maryland, at 10:10 a.m., for purposes of consultation with legal counsel and to discuss matters relating to collective bargaining and an Internal Revenue Service Audit.



Brenda D. Barge, Administrative Specialist



Patricia C. Barney, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Executive Committee Teleconference

April 8, 2014

OPEN SESSION - MINUTES

The Maryland-National Capital Park and Planning Commission's Executive Committee met via teleconference at 2:30 p.m. on April 8, 2014, in the Executive Director's Conference Room, in Riverdale, Maryland, the County Administration Building in Upper Marlboro, Maryland, and the Montgomery Regional Office in Silver Spring, Maryland. Present on the conference call were Chair Françoise M. Carrier, Vice-Chair Elizabeth M. Hewlett, and Executive Director Patricia C. Barney.

Department Directors/Deputies/Presenters/Staff

Adrian Gardner, General Counsel

Ronnie Gathers, Director, Prince George's County Parks and Recreation

Fern Piret, Director, Prince George's County Planning

Gwen Wright, Director, Montgomery County Planning

Joe Zimmerman, Secretary-Treasurer

Anju Bennett, Corporate Policy and Management Operations (CPMO) Division Chief

William Spencer, Human Resources Director

Executive Director Barney convened the meeting at 2:32 p.m. She thanked the Directors for providing staff assistance to Classification/Compensation/HRIS/Employee Records Manager, Boni King and her team in maintaining the current work program while Ms. King's team focused on ERP implementation and testing.

ITEM 1 AGENDA APPROVALS

a) EXECUTIVE COMMITTEE AGENDA

Accepted without changes

b) COMMISSION MEETING AGENDA (for month of April)

- The Annual Audit Report Pursuant to Practice 1-31, will be presented in open session (moved from present placement as a closed item); however, if needed, the Commission will move to closed session. General Counsel Gardner will contact Chief Internal Auditor Renee Kenney to discuss potential closed session topics.
- The Legislative Update will be changed on the agenda to Legislative Year End Report, and will be labeled Late Delivery (LD).
- During closed session, Executive Director Barney will cover key points of the Fraternal Order of Police negotiations. The actual language and the formal action will be presented to the Montgomery County and Prince George's County Planning Boards for ratification.

c) **ROLLING AGENDA FOR UPCOMING COMMISSION MEETINGS**

The Executive Committee requested the following changes:

- **May**
 - The Prince George's County Planning Resolution should be changed to reflect that it is from Prince George's County Parks.
 - Executive Director Barney moved the Increase in Life Insurance Coverage Amounts for Employee, Spouse, and Children item to the July Commission meeting agenda to coincide with the Medical Plan and Other Design Benefit Changes.
 - Move the Prince George's County General Plan as a Resolution item as it must be adopted.

- **June**
 - With regard to the Planner Survey Study, the group discussed this item and its presentation. Mr. Spencer explained that there was some difficulty finding comparative data for Planners in Montgomery County Government. Chair Carrier mentioned that she, Montgomery County Planning Deputy Director Rose Krasnow, and Senior Legislative Analyst to the Montgomery County Council Marlene Michaelson, may have suggestions on similar positions in Montgomery County Government that might assist in providing an analogous comparison. Human Resources Director William Spencer will pass this information to Ms. King.
 - The Branding/Marketing item (currently scheduled for June) may be moved to July to provide additional time for finalizing the project.

- **July**
 - Clarify that Merit System Rules items are proposed amendments to Overtime Policies
The July Commission meeting will be moved to the 30th. This meeting will replace the July 16th regularly scheduled monthly meeting. The Montgomery County Council has asked the M-NCPPC to be prepared to adopt the White Oak Master Plan on July 30th, after the Montgomery County Council approves the plan at the meeting on July 29th, because the sectional map amendment must be done before the fall election. Vice-Chair Hewlett indicated that she will have a quorum from the Prince George's Planning Board: she and Commissioners Geraldo, Washington, and Bailey are available to attend the July 30th Commission meeting. Chair Carrier is waiting to hear which Commissioners are available to form a quorum from the Montgomery County Planning Board. As the date was requested from the MC Planning Board, it is likely a go, but we need to reserve both dates until final decision.

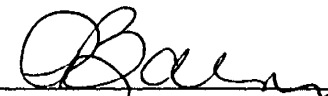
- ITEM 2 MINUTES
a) Executive Committee Open Session – March 11, 2014 - No changes recommended
b) Executive Committee Closed Session – March 11, 2014 - No changes recommended

- ITEM 2 a) INVESTMENT REPORT – FEBRUARY 2014
Secretary-Treasurer Zimmerman reviewed the report as presented in the meeting packet. He noted that the trend is up and the agency is in compliance with the investment policy.
- b) ENTERPRISE RESOURCE PLANNING (ERP) BRIEFING
Secretary-Treasurer Zimmerman reported the vendor portal is up and about 200 vendors have registered. Data is being converted from the old to the new system. The system has been stable for six weeks. Enterprise Financial Management (EFM) and Supply Chain Management (SCM) will go live on Monday.

The meeting adjourned to closed session, pursuant to Section 10-508 (a) 7 and 9 of the State Government Article of the Annotated Code of Maryland, on April 8, 2014, at 3:03 p.m., in the Executive Director's Conference Room, 6611 Kenilworth Avenue, Riverdale, Maryland, for purposes of consultation with legal counsel and to discuss matters relating to collective bargaining and an Internal Revenue Service Audit Update.



Gayla L. Williams, Senior Technical Writer



Patricia Colihan Barney, Executive Director



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission

**REGULAR BOARD OF TRUSTEES MEETING
MINUTES**

Tuesday, March 4, 2014; 10:00 A.M.
ERS/Merit Board Conference Room

The regular meeting of the Board of Trustees convened in the ERS/Merit Board Conference Room on Tuesday, March 4, 2014 at 10:00 a.m. Voting members present were: Khalid Afzal, Richard H. Bucher, Ph.D., LaKisha Giles, Elizabeth M. Hewlett, Elton King, Barbara Walsh and Joseph C. Zimmerman, CPA. Casey Anderson, Josh Ardison, Patricia Colihan Barney, CPA and Tracy Lieberman were not present.

ERS staff included: Andrea L. Rose, Administrator and Sheila S. Joynes, Accounting Manager.

Presentations by Wilshire Associates - Mike Dudkowski, Managing Director and Wilshire Private Markets Marc Friedberg, Managing Director.

1. CONSENT AGENDA

The following items are to be approved or accepted by vote on one motion unless a Board member requests separate consideration:

- A. Approval of the March 4, 2014 Board of Trustees Meeting Agenda
- B. Minutes of Regular Meeting, February 4, 2014
- C. Closed Session Minutes of Meeting, February 4, 2014 (***Confidential-Trustees Only***)
- D. Disbursements Granted Report – January 2014
- E. Transfer of \$12,600,000 to Cover Administration Expenses and Benefit Payments for March 2014 – May 2014

CHAIRMAN HEWLETT revised the March 4, 2014 Board of Trustees Meeting Agenda to add Private Equity Training as Item 6.B.i. prior to Private Equity Market Trends.

DR. BUCHER made a motion, seconded by MS. WALSH to approve the Consent Agenda, as revised. The motion PASSED unanimously (7-0). (Motion #14-1)

2. CHAIRMAN'S ITEMS

- A. Board of Trustees Conference Summary
 - i. Opal Group's Investment Education Conference Report by Elton King (Handout)

3. MISCELLANEOUS

4. REPORT OF THE ADMINISTRATOR

Presentation by Administrator, Andrea L. Rose

- A. Administrator's Report dated February 21, 2014

Andrea Rose presented the Administrator's Report dated February 21, 2014. Ms. Rose discussed current staff initiatives including the Preliminary FY2015 Operating Budget; on-site workshops; video

webcasts; analysis of ePersonality Pension System; funding the bank loan mandate with ING Investment Management; and the GASB 67 & 68 review with Boomershine Consulting Group.

5. COMMITTEE REPORTS/RECOMMENDATIONS

- A. Investment Monitoring Group
 - Presentation by Committee Chairman, Patricia Barney, CPA
 - i. Regular Report of February 18, 2014

Committee Chairman MS. BARNEY was attending the International Foundation of Employee Benefit Plans' Investments Institute. In her absence, Ms. Rose presented highlights from the Investment Monitoring Group's Regular Report of February 18, 2014.

The IMG conducted performance reviews with FLAG Capital Management and Artisan Partners. The ERS' investments in FLAG's funds include \$20 million each in FLAG Energy & Resources Partners II and II, \$10 million in FLAG Real Estate Partners II and \$20 million in FLAG Real Estate Partners III. FLAG's Ryan Sullivan highlighted early successes and challenges for the funds and explained that performance is not reported until after the 5-year mark. Wilshire's Mike Dudkowski conducted a due diligence visit at FLAG's offices in early February. Artisan Partners' process has been out of step with the market and performance has struggled the last 3-5 years. Wilshire's Brad Baker explained to the IMG that Artisan performs best over a full market cycle that includes down markets, but there have been few down markets in the last 5 years. Artisan has made enhancements to the strategy to correct the underperformance issues and performance remains consistent with its style. There have been no large outflows from the strategy and Wilshire has no concerns at this time.

In light of expiration of the current Transition Management Agreement, the IMG discussed transition management options with Wilshire Associates' Mike Dudkowski. Given the small number of separate accounts, the IMG concurred with Wilshire that utilizing Northern Trust's transition group may be the best interim solution. The IMG agreed this is not a high priority and plans to revisit the issue the next time the Board is considering a new investment allocation.

Mr. Dudkowski reported to the IMG that further due diligence is being conducted on Western Asset Management in light of the recent turnover and as a result of two settlements with the US Securities and Exchange Commission and the US Department of Labor.

6. MANAGER REPORTS/PRESENTATIONS

- A. Wilshire Associates
 - Presentations by Mike Dudkowski, Managing Director
 - i. Executive Summary of Investment Performance; as of December 31, 2013
 - ii. Memo dated March 4, 2014 re: Loomis, Sayles & Company – High Yield Fixed Income Conversion
 - a. Recommendation to Convert the Loomis Sayles High Yield Fixed Income Account from its Current Separate Account Structure to the Loomis Sayles High Yield Full Discretion Trust, an Institutional Commingled Fund
 - iii. Manager Comparison - 3yr and 5yr Rolling Returns; as of December 31, 2013
 - iv. Summary of Investment Performance – Gross of Fees; Qtr. Ending December 31, 2013

Mike Dudkowski reported on the fund's performance for the quarter ending December 31, 2013. The ERS' total return was 14.21% (net of fees) for the one-year ending December 31, 2013. The total fund outperformed the policy index return of 13.99% by 0.22%. The ERS fund return was 9.99% for the

three-years ended December 31, 2013 and 13.06% for the five-years ended December 31, 2013 versus the policy index which returned 10.07% and 12.25%, respectively. The total market value through December 31, 2013 was \$779 million.

In its' Memo dated March 4, 2014, Wilshire Associates reported Loomis Sayles is seeking to convert all of separate account clients with assets under management below \$30 million into a fund format. The Loomis Sayles High Yield Full Discretion Trust institutional commingled fund (the "Fund") is managed with a similar investment style and by the same portfolio management team as the separate account. The ERS would keep its existing fee schedule, which is less than the standard fee for the Fund. In addition, clients who agree by March 31, 2014 to convert to the Fund will receive a discounted fee for one quarter. The conversion must occur by September 30, 2014 to receive the discount. Wilshire recommends converting the Loomis Sayles High Yield Fixed Income account from its current structure as a separate account to the Loomis Sayles High Yield Full Discretion Trust institutional commingled fund.

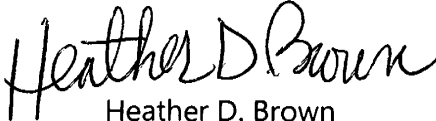
DR. BUCHER made a motion, seconded by MR. AFZAL to approve Wilshire's Recommendation to Convert the Loomis Sayles High Yield Fixed Income Account from its Current Separate Account Structure to the Loomis Sayles High Yield Full Discretion Trust. The motion PASSED unanimously (6-0). MR. ZIMMERMAN was out of the room during the vote. (Motion #14-2)

- B. Wilshire Private Markets
 - Presentation by Marc Friedberg, Managing Director
 - i. Private Equity Training
 - ii. Private Equity Market Trends
 - iii. 4th Quarter 2013 Investor Review

Marc Friedberg conducted private equity training prior to presenting an update on private equity market trends and the 4th quarter 2013 Wilshire Private Markets investor review.

The Board of Trustees meeting of March 4, 2014 adjourned at 12:30 p.m.

Respectfully,


Heather D. Brown
Senior Administrative Specialist


Andrea L. Rose
Administrator

MEMORANDUM

EMPLOYEES' RETIREMENT SYSTEM
 The Maryland-National Capital Park and Planning Commission
 6611 Kenilworth Avenue, Suite 100
 Riverdale, Maryland 20737

(301) 454-1415 - Telephone
 (301) 454-1413 - Facsimile
<http://ers.mnccppc.org>

BOARD OF TRUSTEES

Chairman Elizabeth M. Hewlett
 Vice Chairman Casey Anderson

Andrea L. Rose
 Administrator

Khalid Afzal	Josh Ardison
Patricia Colihan Barney, CPA	Richard H. Bucher, Ph.D.
Tracy Lieberman	Lakisha Giles
Elton F. King	Barbara Walsh
Joseph C. Zimmerman, CPA	

TO: The Commission

Date: May 6, 2014

VIA: Elizabeth M. Hewlett *Elizabeth M. Hewlett*
 Chairman, Board of Trustees

FROM: Andrea L. Rose, Administrator *Andrea L. Rose*
 Sheila S. Joynes, Accounting Manager *Sheila S. Joynes*

SUBJECT: FY2015 Operating Budget

RECOMMENDATION

The Board of Trustees ("Board") of the Maryland-National Capital Park and Planning Commission ("Commission") Employees' Retirement System ("ERS") respectfully submits the FY2015 Operating Budget for approval. The budget totals \$1,708,195 which is a 3.9% increase from FY2014 and provides for comprehensive services and communications in the administration of the Commission's primary retirement program.

BACKGROUND

The Commission established the ERS effective July 1, 1972, in accordance with the Trust Agreement between the Commission and the ERS' Board. The Board's primary responsibility is to administer the ERS for the sole benefit of the members in order to pay the promised benefits.

Annually, the Board prepares and presents an operating budget setting forth projected expenditures for the operation of the ERS for the Commission's review and approval. The Board also prepares certain projected expenses, including banking, investment consulting and investment manager fees for the Commission's information. The Board monitors closely the fees and expenses from consultants and professional advisors to ensure comparability to other public funds of the ERS' size and complexity.

Although there is no formal restriction or budget guideline imposed by parties outside the Board, the Board is sensitive to the limitations imposed on the Commission by the two counties. Historically, administrative expenses were equal to 1% of estimated covered payroll and the ERS consistently maintained its budget within this expense assumption. As the Commission payroll

was reduced through management restructuring, the amount available for budget consideration using the 1% expense assumption decreased as work program requirements increased making it difficult to effectively manage the ERS' work program. After considerable analysis, at its February 5, 2013 meeting, the Board approved an operating budget each year based exclusively on the ERS' fiscal work program requirements which is consistent with other local retirement systems.

ANALYSIS

The Personnel Committee examined each expenditure category and its funding. The FY2015 Operating Budget (Attachment 1) proposes overall spending at \$1,708,195 based on the work program requirements reflected below. The FY2015 Operating Budget is an increase of 3.9% in spending from FY2014.

Personnel Services

Total Personnel Services are estimated to increase by 6.7% from FY2014. The ERS staff consists of eight career positions: the Administrator and seven full-time employees. The FY15 Operating Budget includes a placeholder for salary adjustments in the amount of \$49,479. Employee compensation usually follows suit with non-represented Commission employees. Pension costs are 20.11% for the six employees in the defined benefit plan. Pension costs remain flat at 8% for the two employees in the ICMA 401(a) plan. Health insurance and OPEB costs are projected to increase by 10% and 7.9%, respectively.

Other Services & Charges

This category nets to an overall decrease of 3.3% and includes professional services (actuarial, auditing, and legal); education and training; insurance (fiduciary, general liability and a fidelity bond); and miscellaneous services (printing, rent, copier and software maintenance fees).

Actuarial Services

Actuarial services are projected at \$47,000 and include funding for the annual actuarial valuation, actuarial deficiency calculations for transfers, board and staff training, annual review of the investment and salary assumption, and additional work required as a result of GASB Statement No. 67, *Financial Reporting for Pension Plans*, and GASB 68, *Accounting and Financial Reporting for Pensions*.

Auditing & Tax Consulting Services

Auditing & Tax Consulting Services are projected at \$34,879 and include funding for the annual audit, tax advice related to the ERS' alternative investments, review of all K-1s, and assistance in navigating the filing and disclosure requirements for the ERS' international investments.

Legal Services

The Board continues to contract with outside pension law specialists, the Groom Law Group of Washington, D.C. Fees are projected at \$102,500 (a 7.9% increase from FY2014) and include issues related to the new and existing alternative investment structures, complex plan member issues, maintenance of the ERS' tax qualified status and follow up on the IRS Determination Letter Application. The increase in funding for outside counsel affords the Administrator the flexibility to use outside counsel for urgent matters.

Computer Consulting

Computer Consulting is projected at \$22,500 and includes a required Oracle upgrade and modifications to the interface between the ERS and the Commission. In FY2016, staff is planning for replacement of the existing pension software system which was developed in 2001. The FY2015 work program includes preparation of a Scope of Work and Request for Proposal.

Education & Training

The Board continues its commitment to trustee and staff education and training in order to maintain the highest standards of fiduciary accountability. Trustees are required to complete eight hours of investment and fiduciary training each year and to attend at least one educational conference every other year that will better enable trustees to perform their fiduciary duties. Funding remains level at \$31,500 for FY2015.

Rent

The ERS reimburses the Commission for rent which is set at \$86,317, a 9.9% increase from FY2014. Rental rates remained artificially low for the past two fiscal years with the Commission offsetting increases by utilizing a fund balance. For FY2015, the Commission lowered the fund balance and increased rental rates.

Chargebacks

Finance

In July 2005, ERS technology operations were integrated with the CAS-IT Department in an effort to establish cross training, back up and enhanced services for the ERS and CAS-IT. The ERS reimburses Finance through a chargeback for these services in an amount of \$47,200. The Board continues to maintain Commission standards for hardware, software, security and access control provided funds are available.

Legal

The Commission's General Counsel's office provide legal services to the ERS in the areas of contract review and negotiation, litigation oversight, employee appeals and general plan advice. The ERS reimburses the General Counsel's Office through a chargeback of \$64,200 for these services.

Capital Outlay

In order to maintain Commission standards for hardware, Capital Outlay in the amount of \$10,000 is anticipated for the purchase of two virtual servers.

FY2015 Investment Services

Attachment 2 estimates fees for bank custodial services provided by The Northern Trust Company of Chicago, Illinois; investment consulting services provided by Wilshire Associates of Pittsburgh, Pennsylvania; an independent investment consultant to monitor the private equity allocation; and investment management services provided by investment managers investing in domestic equities, international equities, fixed income, alternatives, real estate and high yield income. Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshire Associates' report as of December 31, 2013 was \$779,074,000. Fees are estimated at 43 basis points, excluding performance fees for private investments. Growth of the market value is based on the investment return assumption of 7.4% for FY2014 and FY2015. The Board is considering a reduction in the actuarial investment assumption effective for FY2015.

Attachments

1. FY2015 Operating Budget
2. FY2015 Investment Services

The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2015 Operating Budget

	FY2012	FY2013	FY 2014		FY 2015	Variance		
	Actual as of 30-Jun-12	Actual as of 30-Jun-13	Budget	Actual as of 31-Dec-13	Projected as of 6/30/14	Proposed	Amount	%
PERSONNEL SERVICES:								
SALARIES-FULL TIME	602,728	622,157	744,306	323,661	724,416	793,785	49,479	6.6%
SALARIES-PART TIME	96,825	109,910	0	0	0	0	0	0.0%
TOTAL SALARIES	699,553	732,067	744,306	323,661	724,416	793,785	49,479	6.6%
EMPLOYEE BENEFITS	264,345	243,745	291,010	137,817	287,183	316,770	25,760	8.9%
OPEB BENEFITS	15,800	27,400	29,457	27,200	29,457	27,124	(2,333)	-7.9%
RETIREE BENEFITS	11,631	11,890	9,910	4,181	7,310	6,570	(3,340)	-33.7%
TOTAL BENEFITS	291,776	283,035	330,377	169,198	323,950	350,464	20,087	6.1%
ACCRUED LEAVE	660	0	7,191	0	7,191	10,393	3,202	N/A
TOTAL PERSONNEL SERVICES	991,989	1,015,102	1,081,874	492,859	1,055,557	1,154,642	72,768	6.7%
SUPPLIES & MATERIALS:								
OFFICE SUPPLIES & FURNITURE	8,605	3,996	6,500	2,267	4,148	5,000	(1,500)	-23.1%
COMPUTER SUPPLIES	152	3,464	6,500	0	6,500	4,000	(2,500)	-38.5%
TOTAL SUPPLIES & MATERIALS	8,756	7,460	13,000	2,267	10,648	9,000	(4,000)	-30.8%
OTHER SERVICES & CHARGES:								
PROFESSIONAL SERVICES:								
Actuarial	70,654	64,810	50,000	25,290	50,000	47,000	(3,000)	-6.0%
Auditing & Tax Consulting	22,731	22,210	34,000	20,789	27,000	34,879	879	2.6%
Legal	56,205	112,237	95,000	31,421	95,000	102,500	7,500	7.9%
Computer Consulting	500	32,750	50,000	14,225	25,000	22,500	(27,500)	-55.0%
EDUCATION AND TRAINING								
MEMBERS	482	68	500	0	500	500	0	0.0%
STAFF	5,255	5,553	10,000	1,930	6,000	10,000	0	0.0%
TRUSTEES	16,165	11,591	21,000	5,259	6,635	21,000	0	0.0%
SUBTOTAL EDUCATION AND TRAINING	21,902	17,212	31,500	7,189	13,135	31,500	0	0.0%
ADVERTISING	0	0	3,500	0	0	3,500	0	0.0%
COMMUNICATIONS	1,368	1,500	1,500	0	1,500	1,500	0	0.0%
POSTAGE	3,994	6,000	6,000	225	6,000	6,850	850	14.2%
INSURANCE								
FIDUCIARY LIABILITY	30,890	30,890	35,365	31,971	31,971	34,500	(865)	-2.4%
BUSINESS/GENERAL LIABILITY	2,044	1,077	1,577	325	1,502	1,656	79	5.0%
FIDELITY BOND	1,688	1,688	1,740	0	1,688	1,827	87	5.0%
SUBTOTAL INSURANCE	34,622	33,655	38,682	32,296	35,161	37,983	(699)	-1.8%
MEMBERSHIPS AND SUBSCRIPTIONS	2,112	2,112	2,550	1,322	2,000	2,615	65	2.5%
MISCELLANEOUS SERVICES:								
Payroll Services	2,907	3,013	3,200	1,471	3,200	3,200	0	0.0%
PRINTING & BINDING	6,138	6,917	7,800	1,029	6,917	4,500	(3,300)	-42.3%
RENT:								
Office	73,780	77,370	78,560	39,280	78,560	86,317	7,757	9.9%
Copier	4,098	8,796	6,500	0	6,500	7,800	1,300	20.0%
REPAIRS & MAINTENANCE	24,024	28,079	24,684	990	23,800	26,509	1,825	7.4%
OTHER	4,244	3,138	4,000	2,201	4,000	4,000	0	0.0%
TOTAL OTHER SERVICES & CHARGES	329,279	419,799	437,476	177,728	377,773	423,152	-14,324	-3.3%
CHARGEBACKS-M-NCPPC:								
CHARGEBACKS-FINANCE	47,200	47,200	47,200	47,200	47,200	47,200	0	0.0%
CHARGEBACKS-LEGAL	64,200	64,200	64,200	0	64,200	64,200	0	0.0%
TOTAL CHARGEBACKS	111,400	111,400	111,400	47,200	111,400	111,400	0	0.0%
CAPITAL OUTLAY:								
TOTAL CAPITAL OUTLAY	0	0	0	0	0	10000	10,000	0.0%
TOTAL	1,441,423	1,553,760	1,643,750	720,054	1,555,378	1,708,195	64,445	3.9%

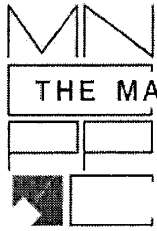
ATTACHMENT 2
The Maryland-National Capital Park and Planning Commission
Employees' Retirement System

FY 2015 Investment Services

	Actual FY 2012	Actual FY 2013	Estimated FY 2014	Estimated FY 2015	% Increase
Bank Custodial Services	\$ 288,054	\$ 307,646	\$ 298,229	\$ 307,176	3.00%
Investment Consulting Services	\$ 186,300	\$ 189,400	\$ 192,700	\$ 198,480 ⁽²⁾	3.00%
Investment Management Services	\$ 1,907,590	\$ 2,398,202	\$ 3,346,902	\$ 3,594,573 ⁽¹⁾	
Total	\$ 2,381,944	\$ 2,895,248	\$ 3,837,831	\$ 4,100,229	

(1) Investment manager fees fluctuate based on the market value of the portfolio. The market value per Wilshire Associates' report as of December 31, 2013 was \$779,074,000. Fees are estimated at 43 basis points, excluding performance fees for private investments. Growth of the market value is based on the investment return assumption of 7.4% for FY2014 and FY2015. The Board is considering a reduction in the investment return assumption effective for FY2015.

(2) Investment Consulting services include fees for the primary investment consultant, Wilshire Associates.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 21, 2014

To: Maryland-National Capital Park and Planning Commission

From: Renee Kenney, Chief Internal Auditor *Renee M Kenney*

Subject: FY14 Salary Lapse

The Office of Internal Audit is requesting permission to transfer \$10,472 of fiscal year 2014 salary lapse to their general operating budget. The funds will be used to cover costs associated with obtaining required continuing education for all employees within the office.

The Audit Office staff consists of four professionals. All have various certifications (e.g. CPA, CFE) that require continuing professional education (CPE). In addition, Government Auditing Standards requires each auditor to have a minimum of 80 CPE's every two years. The current budget only contains \$3,210 for training and workshops.

Thank you for your consideration of this matter.



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

May 15, 2014

Adrian R. Gardner
 General Counsel
 6611 Kenilworth Avenue, Suite 200
 Riverdale, Maryland 20737
 (301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner /s/
 General Counsel

SUBJECT: Legal Department – Year End Budget Adjustment:
 Request to Spend Bi-County Salary Lapse – FY14

RECOMMENDATION: Authorize re-allocation of \$350,000 (from personnel services objects to non-personnel objects) derived from salary lapse for reasons discussed below.

Background

After reviewing our year-to-date spending, our Chief Departmental Administrator projects that the Office of the General Counsel (OGC) will save approximately \$350,000 from FY14 salary lapse.

The bulk of this lapse/savings relates to unforeseen vacancies within OGC Transactions Practice Team (TP Team) – the work unit that mainly supports our Prince George's County Department of Parks and Recreation and Montgomery County Department of Parks. We are currently completing the recruitment process for one senior vacancy, and have procured a legal temporary firm to help back-fill the other. We accordingly request Commission approval to re-allocate and spend the FY 14 Personnel Services savings as described in this memorandum.

- Temporary Legal Support and Outside Counsel (\$275,000). As indicate above, OGC has employed a temporary legal service firm to help back-fill one of the vacancies on the TP Team. This is an unbudgeted expense that is appropriate to cover with savings from the lapse. In addition, OGC recommends additional funding for outside counsel to contribute to: (a) potential litigation relating to an ongoing tax controversy and (b) several

ongoing litigation disputes over construction projects in both counties.

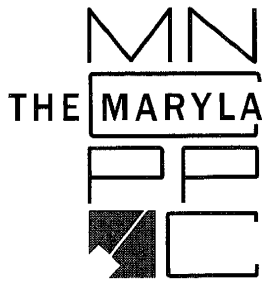
If requested by the Commissioners, the General Counsel will provide further details in a Closed Session appropriate to protect lawyer-client and other privileges.

- Library and Online Information Services Expenses (\$60,000). To prefund online legal database (Westlaw) and additional library subscriptions. This approval will provide additional budget flexibility during the FY 15 fiscal year.
- Ancillary Consulting for OGC Job Series Revision (\$15,000). The process of retooling the Associate General Counsel job classification series is ongoing and nearing completion. This request is to allow for additional consulting services as appropriate. In the event those services are not necessary, this expenditure would roll-over into additional fund balance.

* * *

Please do not hesitate to call me with any questions or concerns.

c: Joseph Z. Zimmerman, Secretary-Treasurer
Barbara Walsh, Accounting Manager
Tonya Miles, Chief Departmental Administrator (OGC)



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

Prince George's County Planning Department
Community Planning Division

301-952-3972

May 21, 2014

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Fern Piret, Planning Director *F.P.*
Ivy A. Lewis, Chief, Community Planning Division *IAL*

SUBJECT: **The Maryland-National Capital Park and Planning Commission Resolution to certify the *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment***

Attached for your review and approval is the Full Commission Resolution Number 14-05 to certify the *Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment*. Also attached for your information are the Prince George's County Council Resolutions CR-9-2014 and CR-10-2014, both of which are dated February 25, 2014, and the Prince George's County Planning Board Resolution PGCPB No. 13-98 dated September 26, 2013.

RECOMMENDATION

Staff recommends that the Full Commission approve the resolution to certify.

Attachments

1. Full Commission Resolution Number 14-05
2. Prince George's County Resolutions CR-9-2014 and CR-10-2014
3. Prince George's County Planning Board Resolution PGCPB No. 13-98
4. Certificate of Adoption and Approval

HUMAN RESOURCES DIVISION
RECEIVED

MAY 6 2014

M-NCPPC

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of The Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to a General Plan for Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the District Council approved CR-10-2012 on March 20, 2012 initiating a sector plan and concurrent sectional map amendment for the four stations along the Metro Green Line and adjacent communities in southern Prince George's County; and

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, held a duly advertised joint public hearing with the Prince George's County Council, sitting as the District Council, on July 2, 2013 to consider the Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment; and

WHEREAS, approval by the District Council amended the 2002 *Prince George's County Approved General Plan*, the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, and the 2010 *Subregion 4 Master Plan and Sectional Map Amendment* and county functional master plans including the 2005 *Countywide Green Infrastructure Functional Master Plan*, 2008 *Approved Public Safety Facilities Master Plan*, 2009 *Countywide Master Plan of Transportation*, 2010 *Water Resources Master Plan*, and 2013 *Central Branch Avenue Corridor Revitalization Sector Plan*; and

WHEREAS, the Prince George's County Planning Board on September 26, 2013, after due deliberation and consideration of the public hearing testimony, adopted the sector plan and endorsed the sectional map amendment with revisions, as described in Prince George's County Planning Board Resolution PGCPB No. 13-98, and transmitted the plan to the District Council on October 1, 2013; and

WHEREAS, the Prince George's County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Prince George's County, held a work session on October 15, 2013, to consider hearing testimony and the Planning Board's resolution; and directed technical staff to prepare a resolution of amendment incorporating proposed amendments, and on November 19, 2013 approved CR- 139-2013 with proposed amendments to the plan and directed that a second joint public hearing be held to take public testimony on the proposed amendments; and

WHEREAS, the District Council and the Planning Board held a duly-advertised joint public hearing on the proposed amendments to the *Adopted Southern Green Line Station Area Sector Plan and Endorsed Sectional Map Amendment* on January 14, 2014; and

WHEREAS, upon consideration of the testimony received through the hearing process, the District Council on February 25, 2014, approved the Southern Green Line Station Area Sector Plan and Sectional

Map Amendment, subject to the modifications and revisions set forth in Resolutions CR-9-2014 and CR-10-2014.

WHEREAS, approval of the sector plan by the District Council amended the 2002 *Prince George's County Approved General Plan*, the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, and the 2010 *Subregion 4 Master Plan and Sectional Map Amendment* and county functional master plans including the 2005 *Countywide Green Infrastructure Functional Master Plan*, 2008 *Approved Public Safety Facilities Master Plan*, 2009 *Countywide Master Plan of Transportation*, 2010 *Water Resources Master Plan*, and 2013 *Central Branch Avenue Corridor Revitalization Sector Plan*.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby certify the Approved Southern Green Line Station Area Sector Plan and Sectional Map Amendment; and

BE IT FURTHER RESOLVED, that the Recitals are hereby incorporated into this Resolution by reference.

* * * * *

Patricia Colihan Barney
Executive Director

APPROVED AS TO LEGAL SUFFICIENCY
George Plus
M-NCPPC Legal Department
Date 5/5/14

CERTIFICATE OF ADOPTION AND APPROVAL

The Southern Green Line Station Area Sector Plan and Sectional Map Amendment, being an amendment of the 2002 Prince George's County Approved General Plan, the 2000 Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A), the 2008 Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment, and the 2010 Subregion 4 Master Plan and Sectional Map Amendment and county functional master plans including the 2005 Countywide Green Infrastructure Functional Master Plan, 2008 Approved Public Safety Facilities Master Plan, 2009 Countywide Master Plan of Transportation, 2010 Water Resources Master Plan, and 2013 Central Branch Avenue Corridor Revitalization Sector Plan; has been adopted by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by Resolution No. 13-98 on September 26, 2013, after a duly advertised joint public hearing held on July 2, 2013 in conjunction with the Prince George's County Council, sitting as the District Council. The Prince George's County Council, sitting as the District Council, approved this sector plan and sectional map amendment by Resolution Nos. CR-9-2014 and CR-10-2014 on February 25, 2014.

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Elizabeth M. Hewlett
Vice-Chair

Françoise M. Carrier
Chair

Joseph Zimmerman
Secretary-Treasurer

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Resolution No. CR-9-2014
Proposed by The Chairman (by request – Planning Board)
Introduced by Council Members Toles, Franklin and Patterson
Co-Sponsors _____
Date of Introduction February 25, 2014

RESOLUTION

1 A RESOLUTION concerning

2 The Southern Green Line Station Area Sector Plan

3 For the purpose of approving, with revisions, as an Act of the County Council of Prince George's
4 County, sitting as the District Council for that part of the Maryland-Washington Regional
5 District in Prince George's County, the Southern Green Line Station Area Sector Plan, thereby
6 defining long-range land use and development policies for the land area that follows and
7 surrounds the alignment of the southern portion of the Metrorail Green Line in Prince George's
8 County and that is generally bound by Southern Avenue as a western boundary; Suitland Road
9 and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495
10 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch
11 Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run
12 Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler
13 Road as the southern boundary.

14 WHEREAS, on March 20, 2012, the County Council of Prince George's County,
15 Maryland, sitting as the District Council, adopted CR-10-2012, thereby initiating preparation of a
16 new sector plan and sectional map amendment for the four (4) metro stations along the Metro
17 Green Line and adjacent communities in southern Prince George's County to implement and/or
18 update the recommendations of the *Master Plan and Sectional Map Amendment for the Heights
19 and Vicinity* (Planning Area 76A) (2000); *Suitland Mixed-Use Town Center Development Plan
20 (2006)*; *Branch Avenue Corridor Sector Plan and Sectional Map Amendment* (2008); and the
21 *Subregion 4 Master Plan and Sectional Map Amendment* (2010) to ensure that future

1 development is consistent with County policies; and

2 WHEREAS, the District Council, by way of CR-10-2012, also endorsed the Goals,
3 Concepts, Guidelines and Public Participation Program and established the Plan boundaries as
4 recommended by the Planning Board for the Southern Green Line Station Area Sector Plan and
5 SMA pursuant to Sections 27-641 and 27-643 of the Zoning Ordinance; and

6 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
7 community work sessions and informational meetings, with a broad spectrum of stakeholders,
8 including community leaders and residents, business and property owners, non-profit
9 organizations, developers, as well as other municipal, county, state, and regional agencies; and

10 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
11 community work sessions and informational meetings, with a broad spectrum of stakeholders,
12 including community leaders and residents, business and property owners, non-profit
13 organizations, developers, as well as other municipal, county, state, and regional agencies; and

14 WHEREAS, on May 9, 2013, the Planning Board granted permission to print the
15 Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map
16 Amendment; and

17 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
18 hearing on the Preliminary Southern Green Line Station Area Sector Plan and Proposed
19 Sectional Map Amendment on July 2, 2013; and

20 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
21 and the District Council reviewed the public facilities element of the Preliminary Southern Green
22 Line Station Area Sector Plan and Proposed Sectional Map Amendment in order to identify
23 inconsistencies between the proposed public facilities recommended within the preliminary
24 sector plan and proposed sectional map amendment and existing County or State public facilities,
25 as embodied in CR-77-2013; and

26 WHEREAS, on September 12, 2013, the Planning Board held a public work session to
27 consider the digest of testimony compiled from comments received in the July 2013 joint public
28 hearing record and staff recommendations thereon; and

29 WHEREAS, on September 26, 2013, the Planning Board, in response to the public hearing
30 testimony, adopted the Sector Plan in Prince George's County Planning Board Resolution
31

1 PGCPB No. 13-98, and transmitted the Sectional Map Amendment to the District Council on
2 October 1, 2013; and

3 WHEREAS, on October 15, 2013, the District Council held a work session to consider the
4 record o public hearing testimony and the Planning Board's recommendations embodied in
5 PGCPB No. 13-98 and, after discussion, directed staff a to prepare a resolution proposing
6 amendments to the adopted sector plan and sectional map amendment, and that a second joint
7 public hearing be held to seek public testimony on the proposed amendments; and

8 WHEREAS, on January 14, 2014, the District Council and the Planning Board held a
9 second joint public hearing to collect public testimony on the proposed amendments to the
10 adopted sector plan and sectional map amendment; and

11 WHEREAS, on February 6, 2014, the Planning Board held an additional public work
12 session to review the digest of testimony compiled from comments received in the January 14,
13 2014, joint public hearing record and provided comments to the District Council pursuant to
14 Sections 27-226 and 27-646 of the Zoning Ordinance; and

15 WHEREAS, on February 18 and February 25, 2014, the District Council held work
16 sessions to consider the record of public hearing testimony and the Planning Board's
17 recommendations embodied in PGCPB No. 13-98, as well as comments within its letter to the
18 Council dated February 6, 2014, and, after discussion, directed Technical Staff to prepare a
19 Resolution of Approval for the Southern Green Line Station Area Sectional Map Amendment
20 and incorporating certain revisions; and

21 WHEREAS, upon approval this Sector Plan will update the recommendations of the *Master Plan*
22 *and Sectional Map Amendment for the Heights and Vicinity* (Planning Area 76A) (2000);
23 *Suitland Mixed-Use Town Center Development Plan* (2006); *Branch Avenue Corridor Sector*
24 *Plan and Sectional Map Amendment* (2008); and the *Subregion 4 Master Plan and Sectional*
25 *Map Amendment* (2010) to ensure that future development is consistent with County policies.

26 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
27 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
28 Regional District in Prince George's County, Maryland, that the Southern Green Line Station
29

1 Area Sector Plan as adopted on October 1, 2013, by the Planning Board in Resolution PGCPB
2 No. 13-98, be and the same is hereby approved, with the following revisions:

REVISION ONE:

Revise the text of the 'Roadway / Access Consolidation at Silver Hill Road and Navy Day Drive' subsection within the "Major Transportation System Projects" section on Page 50 of Chapter 2: Project Area, as follows:

"This project would consolidate the three closely spaced intersections on the south side of Silver Hill Road at Pearl Drive, Navy Day Drive, and Randall Road into one signalized intersection. [This would involve re-routing Pearl Drive to intersect Navy Day Drive to the south of Silver Hill Road]. Randall Road would be terminated as a cul-de-sac south of Silver Hill Road or at the southern edge of a parking lot on the back side of a reconfigured retail area along the south side of Silver Hill Road. This project will remove redundant roadway facilities, better manage turning movements, and open up redevelopment opportunities near the Metro station."

REVISION TWO:

Revise the second paragraph within 'Paragraph F - Navy Day Corners' on Page 104 of Chapter 4 - Suitland Metro Station as follows:

"The intersection of Navy Day Drive and Silver Hill road is a main entrance to the Metro station and also a pedestrian route onto the federal campus. A ready-made opportunity for immediate implementation is the construction of a new casual restaurant [with sports bar] or coffee shop, delicatessen, and/or open fresh food market next to the WMATA garage at the Navy Day Drive entrance to the station. This building is located only 200 yards from the front entrance to the Census Bureau where 6,000 employees work every day."

REVISION THREE:

Delete the third, fourth, and fifth paragraphs of the 'Streets and Blocks' subsection and the associated illustration within the "Urban Design" section on Page 106 of Chapter 4: Suitland Metro Station. Insert the following text on Page 106 in lieu thereof:

"While the efficient circulation of traffic is a priority for future development, the importance of citizens' quality of life and protection of the established residential communities around the Suitland Federal campus and Metro Station cannot be overstated. Rather than perpetuating an obsolete, car-dependent paradigm of transportation, future development projects should involve coordination with public-private partnerships to

ensure a development pattern at the street and block level that emphasizes adequate pedestrian and bikeway facilities, including the installation of walkways and / or sidewalks, adequate street lighting and furniture, and reflective pedestrian crosswalks and bike lanes and signage to encourage a safe, health-based model that is environmentally sustainable. Further, consideration should be given during implementation to develop transportation facilities consistent with the upcoming transportation study planned for FY 2015 in collaboration with SHA, WMATA, M-NCPPC, DPW&T and local government officials.”

REVISION FOUR:

Add the following text within the ‘Urban Parks and Trails’ subsection within the “Urban Design” section on Page 106 of Chapter 4: Suitland Metro Station as follows:

“Conservation and preservation of existing green space, including forests, specimen trees, and established tree canopy between the established residential communities and Swann Road is essential to maintaining the character of the communities surrounding the Suitland federal campus.”

REVISION FIVE:

Delete the last sentence of the second paragraph in the ‘Boulevards and Streetscapes’ subsection within the “Urban Design” section on Page 107 of Chapter 4: Suitland Metro Station. Delete Recommendations 2, 4, and 5 entirely within the ‘Boulevards and Streetscapes’ subsection on Page 107 of the “Urban Design” Section within Chapter 4: Suitland Metro Station. Delete the first sentence of Recommendation 3 within the ‘Boulevards and Streetscapes’ subsection on Page 107 of the “Urban Design” Section within Chapter 4: Suitland Metro Station. Renumber the remaining text of the ‘Boulevards and Streetscapes’ subsection within the “Urban Design” section on Page 107 of Chapter 4: Suitland Metro Station.

REVISION SIX:

Delete the last sentence of the ‘Commercial Shopping Center and Retail Nodes’ subsection of the “Future Land Use Plan” section on Page 108 of Chapter 4: Suitland Metro Station. Delete the third bullet of the ‘Residential’ subsection of the “Future Land Use Plan” section on Page 108 of Chapter 4: Suitland Metro Station.

REVISION SEVEN:

Delete the subsection ‘Navy Day Drive Roadway Consolidation’ and all associated text within the “Multi-modal Mobility Plan” section on Page 112 of Chapter 4: Suitland Metro Station.

1 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate
2 textual and graphical revisions to the sector plan to correct identified errors, reflect updated
3 information and revisions, and otherwise incorporate the change reflected in this Resolution.

4 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
5 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
6 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
7 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
8 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
9 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
10 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
11 clause, section, zone, zoning map, or part had not been included therein.

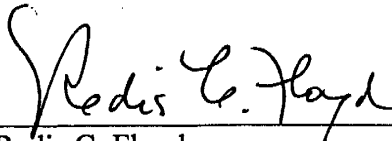
Adopted this 25th day of February, 2014.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____

Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

Prince George's County Council Agenda Item Summary

Meeting Date: 2/25/2014
Reference No.: CR-009-2014
Draft No.: 2
Proposer(s): Park & Planning
Sponsor(s): Toles, Franklin, Patterson
Item Title: A Resolution approving, with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, the Southern Green Line Station Area Sector Plan, thereby defining long-range land use and development policies for the land area that follows and surrounds the alignment of the southern portion of the Metrorail Green Line in Prince George's County and that is generally bound by Southern Avenue as a western boundary; Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler Road as the southern boundary.

Drafter: M-NCPPC
Resource Personnel: M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:	2/25/2014 - C.O.W.	Effective Date:
Committee Action:	2/25/2014 - FAV(A)	
Date Introduced:	2/25/2014	
Public Hearing:		
Council Action (1)	2/25/2014 - ADOPTED	
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

CODE INDEX TOPICS:

INCLUSION FILES:

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session

Resolution No. CR-10-2014
Proposed by The Chairman (by request – Planning Board)
Introduced by Council Members Toles, Franklin and Patterson
Co-Sponsors _____
Date of Introduction February 25, 2014

RESOLUTION

1 A RESOLUTION concerning

2 The Southern Green Line Station Area Sectional Map Amendment

3 For the purpose of approving, with revisions, as an Act of the County Council of Prince George’s
4 County, sitting as the District Council for that part of the Maryland-Washington Regional
5 District in Prince George’s County, the Southern Green Line Station Area Sectional Map
6 Amendment, thereby setting forth and adopting detailed zoning proposals for the land area that
7 follows and surrounds the alignment of the southern portion of the Metrorail Green Line in
8 Prince George’s County and that is generally bound by Southern Avenue as a western boundary;
9 Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary;
10 Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south
11 side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th
12 Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run
13 stream, and Wheeler Road as the southern boundary.

14 WHEREAS, on March 20, 2012, the County Council of Prince George’s County,
15 Maryland, sitting as the District Council, adopted CR-10-2012, thereby initiating preparation of a
16 new sector plan and sectional map amendment for the four (4) metro stations along the Metro
17 Green Line and adjacent communities in southern Prince George’s County to implement and/or
18 update the recommendations of the *Master Plan and Sectional Map Amendment for the Heights*
19 *and Vicinity* (Planning Area 76A) (2000); *Suitland Mixed-Use Town Center Development Plan*
20 *(2006)*; *Branch Avenue Corridor Sector Plan and Sectional Map Amendment* (2008); and the
21 *Subregion 4 Master Plan and Sectional Map Amendment* (2010) to ensure that future

1 development is consistent with County policies; and

2 WHEREAS, the District Council, by way of CR-10-2012, also endorsed the Goals,
3 Concepts, Guidelines and Public Participation Program and established the Plan boundaries as
4 recommended by the Planning Board for the Southern Green Line Station Area Sector Plan and
5 SMA pursuant to Sections 27-641 and 27-643 of the Zoning Ordinance; and

6 WHEREAS, as part of the Public Participation Program, Planning staff held numerous
7 community work sessions and informational meetings, with a broad spectrum of stakeholders,
8 including community leaders and residents, business and property owners, non-profit
9 organizations, developers, as well as other municipal, county, state, and regional agencies; and

10 WHEREAS, on May 9, 2013, the Planning Board granted permission to print the
11 Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map
12 Amendment; and

13 WHEREAS, the District Council and the Planning Board held a duly-advertised joint public
14 hearing on the Preliminary Southern Green Line Station Area Sector Plan and Proposed
15 Sectional Map Amendment on July 2, 2013; and

16 WHEREAS, pursuant to Section 27-645(b) of the Zoning Ordinance, the County Executive
17 and the District Council reviewed the public facilities element of the Preliminary Southern Green
18 Line Station Area Sector Plan and Proposed Sectional Map Amendment in order to identify
19 inconsistencies between the proposed public facilities recommended within the preliminary
20 sector plan and proposed sectional map amendment and existing County or State public facilities,
21 as embodied in CR-77-2013; and

22 WHEREAS, on September 12, 2013, the Planning Board held a public work session to
23 consider the digest of testimony compiled from comments received in the July 2013 joint public
24 hearing record and staff recommendations thereon; and

25 WHEREAS, on September 26, 2013, the Planning Board, in response to the public hearing
26 testimony, adopted the Sector Plan in Prince George's County Planning Board Resolution
27 PGCPB No. 13-98, and transmitted the Sectional Map Amendment to the District Council on
28 October 1, 2013; and

29 WHEREAS, on October 15, 2013, the District Council held a work session to consider the
30 record o public hearing testimony and the Planning Board's recommendations embodied in
31 PGCPB No. 13-98 and, after discussion, directed staff a to prepare a resolution proposing

1 amendments to the adopted sector plan and sectional map amendment, and that a second joint
2 public hearing be held to seek public testimony on the proposed amendments; and

3 WHEREAS, on January 14, 2014, the District Council and the Planning Board held a
4 second joint public hearing to collect public testimony on the proposed amendments to the
5 adopted sector plan and sectional map amendment; and

6 WHEREAS, on February 6, 2014, the Planning Board held an additional public work
7 session to review the digest of testimony compiled from comments received in the January 14,
8 2014, joint public hearing record and provided comments to the District Council pursuant to
9 Sections 27-226 and 27-646 of the Zoning Ordinance; and

10 WHEREAS, on February 18 and February 25, 2014, the District Council held work
11 sessions to consider the record of public hearing testimony and the Planning Board's
12 recommendations embodied in PGCPB No. 13-98, as well as comments within its letter to the
13 Council dated February 6, 2014, and, after discussion, directed Technical Staff to prepare a
14 Resolution of Approval for the Southern Green Line Station Area Sectional Map Amendment
15 and incorporating certain revisions; and

16 WHEREAS, upon approval by the District Council, this SMA will amend portions of
17 the Prince George's County Zoning Ordinance and the Zoning Map for the land area that follows
18 and surrounds the alignment of the southern portion of the Metrorail Green Line in Prince
19 George's County and that is generally bound by Southern Avenue as a western boundary;
20 Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary;
21 Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south
22 side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th
23 Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run
24 stream, and Wheeler Road as the southern boundary.

25 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
26 County, Maryland, sitting as the District Council for that part of the Maryland-Washington
27 Regional District in Prince George's County, Maryland, that the Southern Green Line Station
28 Area Sectional Map Amendment, as endorsed on October 1, 2013, in PGCPB No. 13-98, be and
29 the same is hereby approved with the following amendments and revisions:

REVISION ONE:

Delete SMA Change Number 6 of the Endorsed SMA within PGCPB No. 13-98, and retain the existing zoning category of One-Family Detached Residential (R-55) for the Gromen Landing LLC (Exhibit 24) property south of Ryan Road and between Swann Road and Suitland Road.

REVISION TWO:

Add SMA Change Number 6 to impose a Development District Overlay Zone pursuant to notice and second joint public hearing as follows:

DEVELOPMENT DISTRICT OVERLAY ZONE (“DDOZ”)

(a) Apply a Development District Overlay Zone to the Southern Green Line Station Area boundary defined by Southern Avenue as a western boundary; Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler Road as the southern boundary.

(1) Use Restrictions within Development District Overlay Zone

Except as otherwise provided herein, the purpose of the DDOZ is to prohibit the following uses within the sector plan area, as set forth in ATTACHMENT A, attached hereto and incorporated as if set forth fully herein:

- (A) Adult entertainment;
- (B) Check cashing establishments;
- (C) Liquor stores;
- (D) Pawnshops;
- (E) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary or accessory use;
- (F) Beauty supply and accessories store (in this DDOZ, a “Beauty supply and accessories store” is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail) , except as an ancillary or accessory use;
- (G) Banquet halls (in this DDOZ, a “Banquet Hall” is an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door. A “Banquet Hall” is not a night club or dance hall);
and
- (H) Tattoo parlors.

(2) Use Restrictions within Metro Station Areas of the Development District Overlay Zone

Except as otherwise provided herein, the following uses are prohibited within the Naylor Road, Southern Avenue, and Suitland Metro Station Areas, defined as parcels lying wholly or in part within a one-half mile radius from any entrance to the Naylor Road, Suitland, and Southern Avenue Metro Stations:

- (A) Cemetery;
- (B) Vehicle sales and services;
- (C) Wholesale trade and warehouse distribution;
- (D) Amusement Park;
- (E) Secondhand businesses (in this DDOZ, a "Secondhand business" is an establishment whose regular business includes the sale (including retail and non-retail sale or resale) or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased); and
- (F) Industrial equipment sales.

(3) Development Standards and Regulations

Except for parcels located wholly or partially within a one-half mile radius to either entrance to the Branch Avenue Metro Station, the DDOZ imposed within the Southern Green Line Station Area will revise the list of permitted uses and applicable development standards and regulations in order to supplement the regulations of the underlying zoning districts at the Naylor Road and Southern Avenue Metro Stations, including street design and block standards, building location and height, and parking. The new regulations are intended to provide a consistent design framework to ensure that new development and redevelopment meet the goals and objectives of the sector plan. ATTACHMENT A, attached hereto and incorporated as if set forth fully herein, contains the proposed Development District Standards and regulations for the Southern Green Line Station Area.

(b) The use restrictions and development regulations of this Section shall not apply to parcels located wholly or in part within ½ half mile of either entrance to the Branch Avenue Metro Station.

(c) All uses lawfully existing at the time of approval of the SMA located within a building legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming. Such uses may be altered, enlarged, or extended without an approved detailed site plan, provided the alteration, enlargement, or extension does not increase the gross floor area by more than 15% percent, or 5,000 square feet, whichever is less. A valid use and occupancy permit must be continuously maintained for the use from the time of the SMA approval, and may continue to be permitted during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for that use is continuously maintained.

(d) For integrated shopping centers lawfully existing at the time of the SMA and legally constructed before January 1, 1983, such uses shall be permitted uses and shall not be deemed nonconforming.

(e) Gas stations lawfully existing at the time of the SMA and legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming, provided that there is no vehicle repair service use on the site. Such uses may be altered, enlarged, or extended with an approved detailed site plan.

REVISION THREE:

Add SMA Change Number 7 to impose a Development District Overlay Zone for parcels located wholly or in part within ½ mile of either entrance to the Branch Avenue Metro Station as follows:

**BRANCH AVENUE METRO STATION AREA REGULATIONS
AND DEVELOPMENT STANDARDS**

(a) Solely for parcels located wholly or partially within a ½ mile radius of either entrance to Branch Avenue Metro Station (parcels located wholly or partially within a ½ mile radius of either entrance to Branch Avenue Metro Station are hereafter collectively defined as the “Branch Avenue Metro Station Area”), and as set forth in ATTACHMENT A, attached hereto and incorporated as if set forth fully herein, the following standards, restrictions, and regulations apply:

(1) Establish M-X-T flexibility for TOD parcels not in the M-X-T zone

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: This subsection shall

(i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;

(ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and

(iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

(2) Design requirements and limitations

Any development project, except as provided herein, for which Detailed Site Plan approval is sought, regardless of underlying zoning approvals, located in the Branch Avenue Metro Station Area, shall:

(A) Encourage a mix of moderate and high density development within walking distance of the transit station in order to increase transit ridership, with generally the most intense

density and highest building heights in closest proximity to the transit station;

(B) Promote the reduction of automobile dependency and roadway congestion by:

(i) locating multiple destinations and trip purposes within walking distance of one another in conjunction with other existing and planned (in an approved master plan or sector plan) uses in the Branch Avenue Metro Station Area;

(ii) creating a high quality, active streetscape to encourage walking and transit use;

(iii) minimizing surface parking; and

(iv) providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, bicycling, or public transportation use;

(C) Minimize building setbacks from the street;

(D) Utilize pedestrian scale blocks and street grids;

(E) Incorporate the design standards of Section 27A-209 of the Code to the extent deemed practicable by the District Council;

(F) Not include strip commercial development (in this DDOZ, "Strip commercial development" means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);

(G) Not include any automobile drive-through or drive-up service; and

(H) Not include single-family residential structures or low density housing (in this DDOZ, "low density housing" is defined as a residential structure, or a mixed use structure containing residential uses, with a gross residential density of less than ten (10) units per gross residential acre).

(3) Exemptions for Public Buildings, Utilities, and Approved and Existing Projects.

(A) Southern Green Line Station Area design requirements and limitations of subsection (2), above, shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

(B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of subsection (2), above, and

limitations on public utility uses or structures prescribed in this subsection shall

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

(4) Use restrictions and exceptions

The following uses, except as provided herein, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in Subtitle 27 (or, if not defined in Subtitle 27, the normal dictionary meaning), are not allowed uses in the Branch Avenue Metro Station Area:

(A) Adult entertainment;

(B) Check cashing business;

(C) Pawnshop or Pawn Dealer;

(D) Cemetery;

(E) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);

(F) Wholesale trade, warehouse and distribution, or storage (also includes self-service storage, mini-storage, and any storage or salvage yards);

(G) Amusement park;

(H) Sale, rental, or repair of industrial or heavy equipment;

(I) Secondhand business (in this DDOZ, a "Secondhand business" is an establishment whose regular business includes the sale (including retail and non-retail sale or resale) or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);

(J) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary or accessory use;

(K) Beauty supply and accessories store (in this DDOZ, a "Beauty supply and accessories store" is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail), except as an ancillary or accessory use;

(L) Banquet hall, unless ancillary or accessory to a restaurant, tavern, hotel, or convention center (in this DDOZ, a "Banquet Hall" is an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door. A "Banquet Hall" is not a night club or dance hall); and

(M) Tattoo parlor.

Exceptions: A legally existing use in the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective date of this DDOZ shall be exempt from use restrictions (A) – (M), above, and shall continue to be a conforming and permitted use (including alteration, enlargement or extension of such uses), provided that a valid use and occupancy permit is continuously maintained thereafter for the use. Additionally, a legally existing use in

the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective date of this DDOZ shall continue to be a conforming and permitted use during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for the existing use is maintained.

(5) Height and floor area ratio minimums and exceptions

The height of any buildings (including structured parking) for which Detailed Site Plan approval is sought shall be equal to or greater than the lesser of 5 stories or an average height of 55 feet (above grade) if located wholly or partially within a ¼ mile radius from either entrance to Branch Avenue Metro Station and the lesser of 4 floors or an average height of 45 feet (above grade) if located wholly or partially within a ½ mile radius (but entirely outside of ¼ mile radius) from either entrance to Branch Avenue Metro Station. A development project located in the Branch Avenue Metro Station Area, for which Detailed Site Plan approval is sought, shall have a building floor area ratio of 1.0 or greater as applied to the net lot area that is the subject of the Detailed Site Plan (gross floor area from structured parking shall be included in calculating building floor area ratio for the purposes of satisfying the minimum FAR requirement of this subsection).

Exceptions: The height and floor area ratio minimums prescribed herein

(i) shall not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ;

(ii) shall not apply to alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought;

(iii) shall be only advisory and non-binding for property described in subsection (3)(A), above; and

(iv) may be waived in whole or in part at Detailed Site Plan review by the District Council if the strict application of the requirements would cause undue or unreasonable economic hardship.

(6) No height, density, gross floor area (GFA), or floor area ratio (FAR) maximums

There shall be no maximums for building (including structured parking) height, density, gross floor area, or floor area ratio in the Branch Avenue Metro Station Area for development projects for which a Detailed Site Plan approval is sought. Nonetheless, the development project, including its building heights, densities, gross floor area, and floor area ratio must conform to the design standards and other requirements and provisions of this DDOZ, if applicable.

Exceptions: The provisions of this subsection shall

(i) not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) not apply to buildings legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which Detailed Site Plan approval is sought to modify or expand such buildings.

(7) Site Plan Review

Detailed Site Plan approval in accordance with Section 27-548.25 and Part 3, Division 9 of the Code shall be required for a development project located in the Branch Avenue Metro Station Area, but no other site plan approvals shall be required. At site plan review, the Planning Board and District Council shall apply development standards and requirements that comply and are consistent with the DDOZ standards, restrictions, and requirements contained herein and not alternate standards pursuant to Section 27-548.25(c) that differ with those prescribed in this DDOZ. Applicants are encouraged, but not required, to apply as an Expedited Transit-Oriented Development Project pursuant to Section 27-290.01 or 27-290.02 of the Code, if applicable. In considering approval of a Detailed Site Plan, the provisions of this DDOZ supersede any conflicting components of any approved Conceptual Site Plan or underlying zoning within the Branch Avenue Metro Station Area.

1 BE IT FURTHER RESOLVED that this Sectional Map Amendment is an amendment to
2 the Zoning Ordinance and to the official Zoning Map for the Maryland-Washington Regional
3 District in Prince George’s County. The zoning changes approved by this Resolution shall be
4 depicted on the official Zoning Map of the County.

5 BE IT FURTHER RESOLVED that the planning staff is authorized to make appropriate
6 textual, graphical, and map revisions to correct identified errors, reflect updated information and
7 revisions, and incorporate the zoning map changes reflected in this Resolution.
8

1 BE IT FURTHER RESOLVED that the provisions of this Resolution are severable. If any
 2 provision, sentence, clause, section, zone, zoning map, or part thereof is held illegal, invalid,
 3 unconstitutional, or unenforceable, such illegality, invalidity, unconstitutionality, or
 4 unenforceability shall not affect or impair any of the remaining provisions, sentences, clauses,
 5 sections, zones, zoning maps, or parts hereof or their application to other zones, persons, or
 6 circumstances. It is hereby declared to be the legislative intent that this Resolution would have
 7 been adopted as if such illegal, invalid, unconstitutional, or unenforceable provision, sentence,
 8 clause, section, zone, zoning map, or part had not been included therein.

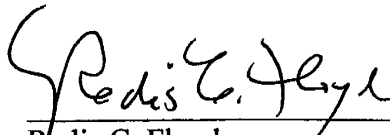
Adopted this 25th day of February, 2014.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____

Mel Franklin
Chairman

ATTEST:



Redis C. Floyd
Clerk of the Council

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
RESIDENTIAL USE TABLE**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE DISTRICT COUNCIL.

TABLE OF USES FOR THE RESIDENTIAL ZONES

Uses permitted.

(a) No use shall be allowed in the Residential Zones, except as provided for in the Table of Uses. In the table, the following applies:

- (1) The letter "P" indicates that the use is permitted in the zone indicated.
- (2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.
- (3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.
- (4) The letters "PA" indicate that the use is permitted, subject to the following:
 - (A) There shall be no entrances to the use directly from outside the building;
 - (B) No signs or other evidence indicating the existence of the use shall be visible from outside the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
 - (C) The use shall be secondary to the primary use of the building.
- (5) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a primary use on the premises;
 - (B) The use shall be located on the same record lot as the primary use;
 - (C) The use shall not be located within a building not occupied by the primary use;and
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the primary use is located.
- (6) The letter "X" indicates that the use is prohibited.
- (7) The letters "SP" indicate that the use is permitted subject to approval of a Special Permit, in accordance with Section 27-239.02.
- (8) All uses not listed are prohibited.
- (9) Whenever the table refers to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.

(CB-12-2001; CB-4-2003)

TABLE OF USES.

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(1) COMMERCIAL:												
Agritourism	P ⁶⁰	P	P ⁶⁰	P	X	X	X	X	X	X	X	X
Animal Hospital, veterinary office (CB-76-2003)	SE	P*	SE	P*	SE	P*	X	X	P ⁷⁴	P	X	X
Antique shop	X	X	SE	P*	SE	P*	X	X	X	X	X	X
Barber Shop (CB-81-2008)	X	X	X	X	SE ⁸⁶	P*	X	X	X	X	X	X
Bed-and-Breakfast Inn in accordance with Section 27-445.13 (CB-39-2009)	P	P	P	P	P	P	P	P	P	P	P	X
Bus maintenance accessory to a private school, church, or other place of worship (CB-23-1988)	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Buying of items within guest rooms and pursuant to Section 27-115(a)(2)	X	X	X	X	X	X	X	X	X	X	X	X
Collection of recyclable materials as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Commercial recreational development (CB-35-2000)	X	X	X	X	P ⁶⁶	P	X	X	X	X	X	X
Contractor's office (must include sanitary facilities), construction yard or shed, or storage building (in connection with a construction project) as a temporary use:												
(A) Subject to Sections 27-260 and 27-261	X	X	P	P	P	P	P	P	P	P	P	P
(B) All others	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Contractor's Office, which may include wholly-enclosed storage, as a permanent use (CB-75-2001)	X	X	X	X	P ⁶⁷	P	X	X	X	X	X	X
Distillery for the production of fuel alcohol	SE	P*	SE	P*	X	X	X	X	X	X	X	X
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Eating or Drinking Establishments:												
(i) Eating or drinking establishment, with drive-through service	X	X	X	X	X	X	P ⁶⁶	P	X	X	X	X
(ii) Eating or drinking establishment, excluding drive-through service	X	X	X	X	X	X	X	X	X	X	X	X
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment, (CB-14-2013)	X	X	X	X	X	X	X	X	X	X	X	X
Farm implement sales or repair, farm supplies sales	X	X	X	X	X	X	X	X	X	X	X	X
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-63-1988)	P	P	P	P	P	P	P	P	P	P	P	P
Farm Winery ⁶⁶ (CB-36-2009)	P	P	P	P	P	P	P	P	P	P	P	P
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Funeral parlor, undertaking establishment	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Gas station (CB-36-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Kennel:												
(A) On a lot having a net area of 20,000 sq. ft. or less	X	X	SE	P*	SE	P*	X	X	X	X	X	X
(B) On a lot having a net area between 20,000 sq. ft. and 80,000 sq. ft.	X	X	P	P	P	P	X	X	X	X	X	X
(C) On a lot having a net area exceeding 80,000 sq. ft. (CB-37-1991, CB-16-1993)	P	P	P	P	P	P	X	X	X	X	X	X
Landscaping contractor's business (CB-10-1998)	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X
Limited professional uses in multifamily projects												
Monument and headstone sales establishment (CB-60-1998)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Offices:	P ⁷	P	P ⁷	P	P ¹⁸	P	P ¹⁹	P	P ¹⁸	P	P ^{15,18}	P
(A) Accountants, architects, clergymen, engineers, lawyers, medical practitioners, and similar recognized and learned professions, as an accessory use in a dwelling	X	X	X	X	X	X	X	X	X	X	X	X
(B) Business office and model apartments in a multifamily dwelling or multifamily project and used only in connection with the sale, rental, operation, service, and maintenance of the dwelling or project (CB-36-1987)	X	X	X	X	X	X	X	X	X	X	X	X
(C) General business and professional offices	X	X	X	X	X	X	X	X	X	X	X	X
(D) Insurance sales office as an accessory use in a dwelling	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
(E) Medical practitioner's office in a one-family dwelling (except as provided in (A) above)	X	X	X	X	SE	P*	SE	P*	SE	P*	SE ¹⁵	P*
(F) Real estate sales office as an accessory use in a dwelling	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
(G) Real estate subdivision sales office as a temporary use:												
(i) Subject to Sections 27-260 and 27-261	X	X	P	P	P	P	P	P	P	P	P	P
(ii) All others	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(H) Multifamily dwelling management company (must manage the project within which it is located)	X	X	X	X	X	X	X	X	X	X	X	X
(I) Temporary trailer for office space accessory to an existing group residential facility, which services more than eight (8) persons, in accordance with Sections 27-260 and 27-261 (CB-35-1996)	X	X	P	P	X	X	X	X	X	X	X	X
Parking lot, required, serving adjacent Commercial or Industrial Zone	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Photography studio and darkroom, as an accessory use solely by the resident of a one-family detached dwelling and located within such dwelling (CB-140-1986)	X	X	X	X	X	X	X	X	SE	P*	X	X
Retail sales and consumer service establishment (CB-140-1986)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 ³ (CB-23-1989)	P	P	P	P	P	P	P	P	P	P	P	P
Waterfront Entertainment/Retail Complex, in accordance with Section 27-445.08 (CB-44-1997)	P	P	P	P	P	P	P	P	X	X	X	X
Wayside stand as a temporary use:												
(A) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), if, as of February 1, 2003: (1) the use is located on a parcel which is surrounded by commercial and institutional uses; (2) said parcel does not abut any property that is improved with single-family detached residential dwellings; and (3) the site has frontage on a street shown on the applicable Master Plan as an arterial or higher classification. Any such use shall only be located upon property that is the subject of an approved Detailed Site Plan. (CB-4-2003)	X	X	X	X	X	X	X	X	X	X	X	X
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone, if, as of February 1, 2003: (1) the use is located on a parcel which is surrounded by commercial and institutional uses; (2) said parcel does not abut any property that is improved with single-family detached residential dwellings; and (3) the site has frontage on a street shown on the applicable Master Plan as an arterial or higher classification. Any such use shall only be located upon property that is the subject of an approved Detailed Site Plan. (CB-4-2003)												
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception) (CB-65-2003; CB-70-2003)	X	X	X	X	P ¹²	P	X	X	X	X	X	X
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone. (CB-65-2003; CB-70-2003)	X	X	X	X	SE ¹²	P*	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S EN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), may be located within a multi-family development, provided that the multi-family development is the subject of a high-rise condominium regime; the uses are located on the street level of the multi-family building, the property is located in a Transit District Overlay Zone, and the property abuts the District of Columbia (CB-92-2008).	X	X	X	X	X	X	X	X	X	X	X	X
(2) Institutional/Educational: Adult day care center Assisted living facility (CB-110-2004) Chancery, on a lot having a net area of at least 15 acres Church or similar place of worship:	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(A) Located on a lot less than 1 acre in size	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
(B) Located in a building that was originally constructed as a dwelling, on a lot less than 1 acre in size	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
(C) Located on a lot between 1 and 2 acres in size ⁵²	X	X	X	X	P	P	P	P	P	P	P	P
(D) Located in a building that was originally constructed as a dwelling, on a lot between 1 and 2 acres in size ⁵²	X	X	X	X	P	P	P	P	P	P	P	P
(E) All others (CB-23-1988; CB-23-1993; CB-75-1993) Day care center for children:	SE	P*	P ⁶³	P	P	P	P	P	P	P	P	P
(A) Accessory to a publicly-owned recreational facility, a school, a surplus school building, improved property (other than a school) that is under the control of the Board of Education, a church, a public building, or a community building, in accordance with Section 27-445.03 ⁶⁴	P	P	P	P	P	P	P	P	P	P	P	P
(B) Accessory to a multifamily dwelling or project when located within a community room for the sole use of the residents or employees, in accordance with Section 27-445.03	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(C) Accessory to a multifamily development when located within an existing building in accordance with Section 27-445.03	X	X	P	P	P	P	P	P	P	P	P	P
(D) All others ⁶⁵ (CB-23-1988; CB-44-1989; CB-24-1999; CB-2-2013) Eileomony or philanthropic institution	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(A) An adaptive reuse of a structure last occupied by a Federal postal facility on a lot or parcel not more than 25,000 square feet in area for use by an organization serving the homebound	SE	P*	SE	P*	P	P	SE	P*	SE	P*	SE	P*
(B) A building containing no more than 7,000 square feet of gross floor area on a lot or parcel with not more than 1.5 acres for use by an organization providing benevolent services, for a permitted use, any change in occupant or use shall require Detailed Site Plan approval by the District Council	SE	P*	SE	P*	SE	P*	SE ⁶⁶	P*	P	P	SE	P*
(C) All others (CB-78-1997; CB-8-1998; CB-105-2012)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Family day care	P	P	P	P	P	P	P	P	P	P	P	P
Health campus	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
Hospital	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Medical/residential campus	X	X	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Modular classroom as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-106-1989)	P	P	P	P	P	P	P	P	P	P	P	P
Nursing or care home (may include a private spa) (CB-55-2011)	X	X	SE	P*	SE	P*	SE ⁶³	P*	SE	P*	SE	P*
School, private												
(A) In accordance with Section 27-443	X	X	P	P	P	P	P	P	P	P	P	P
(B) All others	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Small group child care center (CB-131-1993)	P	P	P	P	P	P	P	P	P	P	P	P

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S-IN DDOZ	R-R in ZO	R-R-IN DDOZ	R-80 in ZO	R-80-IN DDOZ	R-55 in ZO	R-55-IN DDOZ	R-35 in ZO	R-35-IN DDOZ
(3) Miscellaneous: Accessory structures and uses (when not otherwise provided for)	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a surplus public school, when not otherwise allowed	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Adaptive use of a Historic Site, when not otherwise allowed (CB-58-1987)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Animals, not customarily household pets (CB-117-1986; CB-55-1988)	X	X	X	X	X	X	X	X	X	X	X	X
Buildings and uses, serving public health purposes, on land owned by Prince George's County, Maryland, upon which hospitals or health centers are located, except if otherwise allowed as a Permitted (P) use ⁴¹ (CB-55-1986)	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery, crematory												
(A) Cemetery, in accordance with Section 27-445.06	SE	X	P	X	X	X	X	X	X	X	X	X
(B) Cemetery, accessory to a church, convent, or monastery ⁴⁸	SE	P*	P	P	P	P	P	P	P	P	P	P
(C) All others (CB-86-1989; CE-11-1991)	SE	X	SE	X	SE	X	SE	X	SE	X	SE	X
Home occupations for residents ²⁰ (CB-86-1989; CB-78-2003; CB-11-2004)	P	P	P	P	P	P	P	P	P	P	P	P
Home occupations for residents, low-impact (CB-11-2004)	P	P	P	P	P	P	P	P	P	P	P	P
Increase in height of accessory building, used for:												
(A) Servant, household help living quarters ³⁰	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) Agricultural purposes on a lot having a net area of less than 5 acres	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(C) Agricultural purposes on a lot having a net area of at least 5 acres	P	P	P	P	P	P	P	P	P	P	P	P
(D) Office	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Signs, in accordance with Part 12, associated with uses allowed in the applicable Residential Zone (CB-85-1988)	P	P	P	P	P	P	P	P	P	P	P	P
Signs, outdoor advertising (Billboards) (CB-85-1988)	X	X	X	X	X	X	X	X	X	X	X	X
Temporary structures and uses not otherwise allowed	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(4) Public/Quasi Public:												
Library	P	P	P	P	P	P	P	P	P	P	P	P
Public buildings and uses, except as otherwise provided	P	P	P	P	P	P	P	P	P	P	P	P
Sanitary landfill, rubble fill, or Class 3 fill ^{7, 71}	P	P	P	P	P	P	P	P	P	P	P	P
(CB-15-1990; CB-8-2003; CB-87-2003)												
Voluntary fire, ambulance, or rescue station ²⁸	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(CB-70-2008)												
(5) Recreational/Entertainment/Social/Cultural:												
Archery range, privately owned and commercially operated on land leased from, and owned by, a public agency	P	P	P	P	P	P	P	P	X	X	X	X
Athletic field, outdoor, private nonprofit (CB-43-1994)	SE	P*	P ⁶⁵	P	P ²⁷	P	SE	P*	SE	P*	SE	P*
Boathouse (private) as an accessory use	P	P	P	P	X	X	X	X	X	X	X	X
Carnival, circus, fair, or similar use, not exceeding 17 days duration and only on a parking lot as a temporary use in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Club, private	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Commercial recreational attraction	X	X	SE	P*	SE	P*	X	X	X	X	X	X
Commercial recreational facilities (privately owned) on land leased from a public agency, except as otherwise allowed:												
(A) Leased on or after January 1, 1974	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X

USE	ZONE											
	R-O-S in Z0	R-O-S IN DDOZ	O-S in Z0	O-S-IN DDOZ	R-R in Z0	R-R-IN DDOZ	R-80 in Z0	R-80-IN DDOZ	R-55 in Z0	R-55-IN DDOZ	R-35 in Z0	R-35-IN DDOZ
(B) Leased before January 1, 1974 Community building or similar nonprofit social use, not publicly owned or operated:	SE	P*	SE	P*	P	P	X	X	X	X	X	X
(A) Only for residents and guests	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) All others (CB-85-1988; CB-33-1989)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Conference center and uses accessory thereto (such as restaurants, tennis courts, auditoriums, swimming pools, racquetball courts, riding stables, golf courses, or other recreational, physical fitness, or educational activities) privately owned and commercially operated, on a tract having a gross area of at least 500 acres, owned by a public agency, on which a public golf course is operated on a regular basis	SE	P*	P	P	X	X	X	X	X	X	X	X
Courts (indoor or outdoor) (tennis, handball, racquetball, or volleyball), not including courts accessory to a dwelling:												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	P	P	P	P	P	P	X	X	X	X	X	X
(B) All others (CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X
Golf course:												
(A) At least 18 holes on a tract having a gross area of at least 200 acres; provided that any accessory recreational facilities shall be located at least 100 feet from the nearest property line and effectively screened from view of any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, not on publicly owned land	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	P	P	P	P	P	P	X	X	X	X	X	X
(C) Golf Course Conference/Hotel complex	X	X	X	X	SE	P*	X	X	X	X	X	X
(D) All others (CB-47-1995; CB-45-2002)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Golf course, miniature (indoor or outdoor):												

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶ (B) All others (CB-47-1995) Golf driving range	P	P	P	P	P	P	X	X	X	X	X	X
	X	X	SE	P*	SE	P*	X	X	X	X	X	X
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶ (B) All others (CB-47-1995)	P	P	P	P	P	P	X	X	X	X	X	X
	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X
Homes Association Recreational Use, in accordance with Section 27-445 Marina (CB-76-2001)	SE	P*	P	P	P	P	P	P	P	P	P	P
	X	X	X	X	P ⁶⁷	P	X	X	X	X	X	X
Museum, art gallery, aquarium, cultural center, or similar facility (noncommercial) Performance arts center, in accordance with Section 27-445.09 (CB-12-2001)	SE	P*	SE	P*	P	P	P	P	P	P	P	P
	X	X	X	X	X	X	X	X	SP	SP	SP	SP
Racetrack, including part-mutuel Racetrack, part-mutuel only Recreational campground	X	X	X	X	X	X	X	X	X	X	X	X
	X	X	SE	P*	SE	P*	X	X	X	X	X	X
Recreational program, before- and after-school Recreational use (nonprofit) not publicly owned or operated, when not otherwise allowed: (A) Only for residents and guests (B) All others (CB-33-1989)	SE	P	P	P	P	P	P	P	P	P	P	P
	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Saunas, solariums, and health clubs, noncommercial, for the sole use of residents and their guests Shooting range (rifle, pistol, or skeet):	X	X	X	X	X	X	X	X	X	X	X	X
	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(A) On a lot having a net area of at least 20 acres, and subject to annual renewal	SE	P*	SE	P*	X	X	X	X	X	X	X	X
(B) All others	X	X	X	X	SE	P*	X	X	X	X	X	X
Skating facility												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-89-1984; CB-47-1995)	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X
Spa, private	SE	P*	P	P	P	P	P	P	P	P	P	P
Spa, community	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Stable, private (CB-29-1985)	P ³⁵	P	P ³⁶	P	P ³⁵	P	P ^{35,37}	P	P ^{35,37}	P	SE ³⁵	P*
Swimming pool (community) for sole use of residents and their guests, in accordance with Section 27-411	X	X	X	X	X	X	X	X	X	X	X	X
Swimming pool (community), in accordance with Section 27-411	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Swimming pool (private)												
(A) Accessory to a one-family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P
(B) Accessory to other dwellings	X	X	X	X	X	X	X	X	X	X	R	X
Swimming pool, privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁷	P	P	P	P	P	P	X	X	X	X	X	X
(CB-47-1995)												
(6) Residential/Lodging:												
Apartment hotel	X	X	X	X	X	X	X	X	X	X	X	X
Apartment housing for elderly or handicapped families in a building other than a surplus public school building (with provisions for increased density and reduced lot size in Multifamily Zones) (CB-85-1988, CB-91-1991, CB-44-1992)	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Apartment housing for elderly or handicapped families in a surplus public school building	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Artists' residential studios, in accordance with Section 27-445.09 (CB-12-2001)	X	X	X	X	X	X	X	X	SP	SP	SP	SP
Boardinghouse	SE	P*	P	P	P	P	X	X	X	X	X	X
Congregate living facility for more than 8 elderly or physically handicapped residents (CB-90-1985)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Congregate living facility for not more than 8 elderly or physically handicapped residents (CB-90-1985)	P	P	P	P	P	P	P	P	P	P	P	P
Conservation subdivision pursuant to Section 24-152 of Subtitle 24 (CB-6-2006)	X	X	P	P	P	P	X	X	X	X	X	X
Convent or monastery (CB-23-1993)	P	P	P	P	P	P	P	P	P	P	P	P
Conversion of one-family detached dwelling to a building containing up to 3 dwelling units (not considered as a two-family, three-family, or multifamily dwelling)	X	X	X	X	X	X	X	X	X	X	X	X
(A) Prior to November 29, 1949, if the owner of the building resides in the building, and a valid Use and Occupancy permit was in effect on July 1, 1986												
(B) Prior to November 29, 1949, if the owner of the building does not reside in the building, or a valid Use and Occupancy permit was not in effect on July 1, 1986	X	X	X	X	X	X	X	X	SE	P*	SE	P*
(C) Prior to November 18, 1980, but on or after November 29, 1949	X	X	X	X	X	X	X	X	SE	P*	SE	P*
(D) On or after November 18, 1980 (CB-58-1986; CB-73-1986)	X	X	X	X	X	X	X	X	SE	P*	SE	P*
Country Inn	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Dwelling, farm tenant	P	P	P	P	P	P	X	X	X	X	X	X
Dwelling, metropolitan, one-family attached (CB-33-2005)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Dwelling, multifamily	X	X	X	X	P ^{7B}	P	X	X	X	X	X	X
(A) In general (CB-37-2005)	X	X	X	X	X	X	X	X	X	X	X	X
(B) Subject to applicable bedroom percentages	X	X	X	X	X	X	X	X	X	X	X	X
(C) In excess of applicable bedroom percentages	X	X	X	X	X	X	X	X	X	X	X	X
(D) Restricted to one-bedroom and efficiency apartments	X	X	X	X	X	X	X	X	X	X	X	X
(E) Higher than 110 feet (CB-85-1988)	X	X	X	X	X	X	X	X	X	X	X	X
(F) Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes (CB-91-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, one-family attached, for the elderly ⁵⁸ (CB-71-1996)	X	X	X	X	SE	P*	X	X	X	X	X	X
Dwelling, one-family detached, for the elderly (CB-90-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, one-family detached, cluster development, shown on a preliminary plat of subdivision approved prior to July 1, 2006 (CB-6-2006)	X	X	X	X	P	P	P	P	P	P	P	P
Dwelling, one-family detached (in general) (CB-6-2006)	P	P	P ⁸³	P	P ⁸³	P	P	P	P	P	P	P
Dwelling, one-family semidetached ¹ (CB-85-1988)	X	X	X	X	P ¹³	P	P ^{13,32}	P	P ^{13,32}	P	P	P
Dwelling, quadruple-attached (CB-83-1997)	X	X	X	X	X	X	X	X	X	X	P ²	P
Dwelling, three-family	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Dwelling, two-family detached (CB-85-1988)	X	X	X	X	X	X	X	X	X	X	P	P
Dwelling, two-family (in general) (CB-9-2012)	X	X	X	X	P ⁷⁸	P	X	X	X	X	X	X
Dwellings, one-family attached, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	X	P ³²	P	P ³²	P	X	X
Dwellings, one-family triple-attached, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	X	P ³²	P	P ³²	P	X	X
Dwellings, one-family triple-attached (in general)	X	X	X	X	X	X	X	X	X	X	X	X
Flag lot development												
(A) In accordance with preliminary plats approved prior to February 1, 1980, pursuant to Subtitle 24 and recorded within the prescribed time period	X	X	X	X	P	P	P	P	P	P	X	X
(B) In accordance with Section 24-138.01 of Subtitle 24	X	X	X	X	P	P	P ⁴⁶	P	X	X	X	X
Fraternity or sorority house												
(A) If legally existing prior to May 20, 1983, and not extended beyond the boundary lines of the lot as it legally existed (prior to May 20, 1983)	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others	X	X	X	X	X	X	X	X	X	X	X	X
Group residential facility for more than 8 mentally handicapped dependent persons, or for 5 or more other dependent persons (CB-28-2012)	P	P	P	P	P	P	P	P	P	P	P	P
Group residential facility for not more than 8 mentally handicapped dependent persons	P	P	P	P	P	P	P	P	P	P	P	P
Guest house, as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P
Mobile home used as a dwelling for emergency purposes as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Mobile home used as a one-family detached dwelling (CB-79-1989)	SE	P*	SE	P*	X	X	X	X	X	X	X	X
Mobile home, with use for which amusement taxes collected ²⁸	X	X	P	P	P	P	P	P	P	P	P	P
Motel	X	X	X	X	SE	P*	X	X	X	X	X	X
Opportunity Housing dwelling units (CB-66-1991)	X	X	X	X	P	P	P	P	P	P	P	P
Planned retirement community (CB-53-2005, CB-4-2013)	X	X	X	X	SE	P*	SE	P*	SE	P*	SE	P*
Recreational Community Development, in accordance with Section 27-444 (CB-16-1989)	SE	P*	P	P	P ²²	P	X	X	X	X	X	X
Public Benefit Conservation Subdivision pursuant to Section 24-152 of Subtitle 24 (CB-32-2008)	X	X	X	X	P ²⁵	P	X	X	X	X	X	X
Rental of guest rooms (by the residents):												
(A) To 1 or 2 persons (unrelated to all principal residents)	P	P	P	P	P	P	X	X	X	X	X	X
(B) To 3 persons (unrelated to all principal residents)	P	P	P	P	P	P	X	X	X	X	X	X
(C) To not more than 3 persons (unrelated to all principal residents) by a family of related individuals, 1 individual, or 2 unrelated individuals (CB-122-1986)	P	P	P	P	P	P	P	P	P	P	P	P
Residential Revitalization: Comprising any form of proposed multifamily, attached one-family or detached one-family dwellings, in a Residential Revitalization project, as shown on a Detailed Site Plan approved in accordance with Section 27-445.10 (CB-58-2001)	X	X	X	X	P	P	P	P	P	P	P	P
Rooming houses	SE	P*	P	P	P	P	X	X	X	X	X	X
Tourist cabin camp	X	X	X	X	SE	P*	X	X	X	X	X	X
Tourist homes	SE	P*	X	X	SE	P*	X	X	X	X	X	X

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Townhouse, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986 (CB-54-1986)	X	X	X	X	X	X	P ³²	P	P ³²	P*	X	X
Townhouse, all others (CB-44-1991; CB-47-1996; CB-37-2005)	X	X	X	X	P ⁷⁶	P	X ⁴⁸	X	X ⁴⁸	X	X ⁴⁸	X
Townhouse, shown on a preliminary plat of subdivision approved pursuant to part 4A. (CB-47-1996)	X	X	X	X	X	X	P	P	P	P	P	P
Townhouse, Transit Village (CB-37-2006)	X	X	X	X	X	X	X	X	X	X	X	X
Townhouse, if located within a designated Revitalization Tax Credit District (CB-112-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Townhouses or Multi-Family Units (CB-97-2005)	X	X	X	X	X	X	X	X	X ⁸²	X	P	P
(7) Resource Production/Recovery: Agricultural uses:												
(A) All general agriculture ²	P	P	P	P	P ²³	P	SE	P*	SE	P*	SE	P*
(B) Limited to floriculture, horticulture, gardening, and private, noncommercial greenhouses	X	X	X	X	X	X	P	P	P	P	P	P
(C) Keeping of homing or racing pigeons, provided the use was in existence: (i) Prior to June 30, 1987 (ii) On or after June 30, 1987 (CB-45-1987; CB-36-1991)	P	P	P	P	P ⁴	P	X	X	P ⁵⁰	P	X	X
(D) Equine activities	P	P	P	P	SE	P*	X	X	X	X	X	X
(E) Equine facility: (i) Keeping of horses or ponies	P	P	P	P	P ²³	P	P ³⁷	P	P ³⁷	P	SE	P*

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(i) Private stable	P ³⁵	P	P ³⁵	P	P ³⁵	P	P ^{35,37}	P	P ^{35,37}	P	SE ³⁵	P*
(ii) Riding stable:												
(aa) On a tract consisting of less than 20,000 sq. ft.	X	X	SE	P*	X	X	X	X	X	X	X	X
(bb) On a tract consisting of between 20,000 sq. ft. and 9 contiguous acres.	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X
(cc) All others	P	P	P	P	SE ⁶⁷	P*	X	X	X	X	X	X
(iv) All others (CB-92-2010) Nursery and garden center.	P	P	P	P	X	X	X	X	X	X	X	X
(A) in accordance with Section 27-445.05	X	X	P	P	P	P	X	X	X	X	X	X
(B) All others (CB-35-1989; CB-143-1989; CB-135-1993)	SE	P*	SE	P*	SE	P*	X	X	X	X	X	X
Sand or gravel wet-processing, in accordance with Section 27-445.02	SE	P*	SE	P*	SE	P*	SE	SE	SE	P*	SE	P*
Sawmill:												
(A) Only for timber grown on the premises	X	X	X	X	X	X	X	X	X	X	X	X
(B) In connection with an agricultural operation	SE ²⁴	P*	SE ²⁴	P*	SE	P*	X	X	X	X	X	X
Surface mining, in accordance with Section 27-445.02	SE	P*	SE	P*	SE	P*	SE	SE	SE	P*	SE	P*
(9) Transportation/Parking/Communications/Utilities: Airport, airpark, airfield, heliport, or heli-stop; private (CB-14-1992)	SE	P*	SE	P*	SE	P*	SE	SE	SE	P*	SE	P*
Airstrip, private:												
(A) In accordance with Section 27-445.07	P	P	P	P	SE	P*	SE	SE	SE	P*	SE	P*

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(B) All others (CB-14-1992)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Antennas and related equipment buildings and enclosures, other than satellite dish antennas:												
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-65-2000)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Farm vehicles and farm machinery used on farm premises ⁵¹ (CB-105-1983)	P	P	P	P	P	P	P	P	P	P	P	P
Monopoles and related equipment buildings and enclosures:												
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-65-2000)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Parking lot or garage, or loading area, used in accordance with Part 11 to serve:												
(A) A permitted, PA, or PB use	P	P	P	P	P	P	P	P	P	P	P	P
(B) A Special Exception use (CB-85-1988)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Parking lot used in accordance with Part 11 to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone (CB-85-1988; CB-88-1999)	X	X	SE	P*	SE	P*	SE	P*	SE ⁵⁵	P*	SE	P*
Parking of mobile home except as otherwise specified												
Parking of mobile home in a public right-of-way ⁵¹	X	X	X	X	X	X	X	X	X	X	X	X
Parking of vehicles owned or used by the occupants of the premises or their bona fide guests												
(A) Boats and boat trailers ⁵¹ (CB-24-2010)	P	P	P	P	P ¹⁷	P	P	P ¹⁷	P	P	P ^{17,28}	P
(B) Buses ¹⁸ , on the same lot with, and accessory to, the principal use, such as a school or church	SE	P*	P	P	P	P	P	P	P	P	P ²⁸	P

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
(C) Camping trailer (unoccupied). ⁴	P	P	X	X	P	P	P	P	P	P	P ^{2b}	P
(i) Not more than one	X	X	P	P	X	X	X	X	X	X	X	X
(ii) Unlimited number (CB-43-1989)												
(D) Not more than 1 commercial vehicle:												
(i) Having a maximum manufacturer's gross vehicle weight specification of up to 17,000 pounds, and which may include unlimited advertising on the side of the vehicle:												
(aa) If parked within a wholly enclosed private parking garage	P	P	P ⁴	P	P	P	P	P	P	P	P ^{2b}	P
(bb) If parked in a side or rear yard ¹¹	P	P	P	P	P	P	P	P	P	P	X	X
(ii) If parked on the premises, having a maximum manufacturer's gross vehicle weight specification of up to 8,500 pounds, no advertising (other than a firm name or similar designation not exceeding 4 inches high), and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, and vehicles with dual rear axles												
(iii) Owned and registered by an occupant of the premises, having a manufacturer's gross vehicle weight specification of greater than 17,000 pounds, parked only in the side or rear yard for not more than 72 continuous hours on a lot at least 5 acres in size, and set back 300 feet from all lot lines ¹¹	P	P	P	P	X	X	X	X	X	X	X	X
(iv) Owned and registered by an occupant of the premises, having a manufacturer's gross vehicle weight specification of greater than 17,000 pounds, parked only in the side or rear yard for not more than 72 continuous hours, on a lot at least 2 acres in size ¹¹ (CB-53-1987, CB-35-1983)	SE	P*	SE	P*	X	X	X	X	X	X	X	X
(E) Commercial vehicles not exceeding a manufacturer's gross vehicle weight specification of 8,500 pounds; containing no advertising other than a firm name or similar designation not more than 4 inches high; and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, or vehicles with dual rear wheels	X	X	X	X	X	X	X	X	X	X	X	X
(F) Private passenger vehicles	P	P	P	P	P	P	P	P	P	P	P	P

USE	ZONE											
	R-O-S in ZO	R-O-S IN DDOZ	O-S in ZO	O-S IN DDOZ	R-R in ZO	R-R IN DDOZ	R-80 in ZO	R-80 IN DDOZ	R-55 in ZO	R-55 IN DDOZ	R-35 in ZO	R-35 IN DDOZ
Public utility uses or structures:	P	P	P	P	P	P	P	P	P	P	P	P
(A) Underground pipelines, electric power facilities or equipment, or telephone facilities or equipment, and railroad tracks or passenger stations, but not railroad yards	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) Other public utility uses or structures (including major transmission and distribution lines and structures, but excluding railroad yards, round houses, car barns, and freight stations) (CB-25-1987; CB-65-2000)												
Satellite dish antenna, in accordance with Section 27-424.02:												
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P	P	P	P	P	P	P	P	P	P
(B) More than 10 feet in diameter, to serve only 1 dwelling unit	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(C) All others (CB-19-1985)	P	P	P	P	P	P	P	P	P	P	P	P
Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where specifically allowed (CB-4-1987)	X	X	X	X	X	X	X	X	X	X	X	X
Towers or poles (electronic, radio, or television, transmitting or receiving):												
(A) Commercial purposes	SE	P*	SE	P*	X	X	X	X	X	X	X	X
(B) Nonprofit, noncommercial purposes (CB-18-1984; CB-39-1984; CB-94-1984; CB-133-1984; CB-33-1985; CB-123-1994; CB-65-2000)	P	P	P	P	P	P	P	P	P	P	P	P

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(1) COMMERCIAL:												
Agritourism (CB-39-2009)	X	X	X	X	X	X	X	X	X	X	X	X
Animal Hospital, veterinary office	X	X	X	X	X	X	X	X	X	X	X	X
Antique shop	X	X	X	X	X	X	X	X	X	X	X	X
Barber Shop (CB-81-2008)	X	X	X	X	X	X	X	X	X	X	X	X
Bed-and-Breakfast Inn in accordance with Section 27-445.13 (CB-39-2009)	X	X	X	X	X	X	X	X	X	X	X	X
Bus maintenance accessory to a private school, church, or other place of worship (CB-23-1988)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	X	X
Buying of items within guest rooms and pursuant to Section 27-115(a)(2)	X	X	X	X	X	X	X	X	X	X	X	X
Collection of recyclable materials as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Commercial recreational development (CB-35-2000)	X	X	X	X	X	X	X	X	X	X	X	X
Contractor's office (must include sanitary facilities), construction yard or shed, or storage building (in connection with a construction project) as a temporary use:												
(A) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	X	P*
Contractor's Office, which may include wholly-enclosed storage, as a permanent use (CB-75-2001)	X	X	X	X	X	X	X	X	X	X	X	X
Distillery for the production of fuel alcohol	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X	X	X	X	X	X	X
Eating or Drinking Establishments:												
(i) Eating or drinking establishment, with drive-through service	X	X	X	X	X	X	X	X	X	X	X	X
(ii) Eating or drinking establishment, excluding drive-through service	X	X	X	X	X	X	X	X	X	X	X	X
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment (CB-14-2013)	X	X	X	X	X	X	X	X	X	X	X	X
Farm implement sales or repair, farm supplies sales	X	X	X	X	X	X	X	X	X	X	X	X
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-63-1998)	P	P	P	P	P	P	P	P	P	P	P	P
Farm Winery ⁸⁸	X	X	X	X	X	X	X	X	X	X	X	X
Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Funeral parlor, undertaking establishment	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Gas station (CB-36-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Kenrel:												
(A) On a lot having a net area of 20,000 sq. ft. or less	X	X	X	X	X	X	X	X	X	X	X	X
(B) On a lot having a net area between 20,000 sq. ft. and 80,000 sq. ft.	X	X	X	X	X	X	X	X	X	X	X	X
(C) On a lot having a net area exceeding 80,000 sq. ft. (CB-37-1981, CB-16-1983)	X	X	X	X	X	X	X	X	X	X	X	X
Landscaping contractor's business (CB-10-1996)	X	X	X	X	X	X	X	X	X	X	X	X
Limited professional uses in multifamily projects	X	X	SE ⁸	P*	SE	P*	SE	P*	X	X	X	X
Monument and headstone sales establishment (CB-60-1998)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-1 in ZO	R-1 IN DDOZ	R-30 in ZO	R-30 in DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Offices:												
(A) Accountants, architects, clergymen, engineers, lawyers, medical practitioners, and similar recognized and learned professions, as an accessory use in a dwelling	P ^{16,19}	P	P ⁹	P	P ⁹	P	X	X	X	X	X	X
(B) Business office and model apartments in a multifamily dwelling or multifamily project and used only in connection with the sale, rental, operation, service, and maintenance of the dwelling or project (CB-36-1987)	X	X	P ^{10,36}	P	PB ¹⁰	PB	P ^{10,36}	P	PB ¹⁰	PB	PB ¹⁰	PB
(C) General business and professional offices (CB-4-2003)	X	X	X	X	X	X	X	X	X	X	SE ⁷⁰	P*
(D) Insurance sales office as an accessory use in a dwelling	X	X	X	X	X	X	X	X	X	X	X	X
(E) Medical practitioner's office in a one-family dwelling (except as provided in (A) above)	X	X	X	X	X	X	X	X	X	X	X	X
(F) Real estate sales office as an accessory use in a dwelling	X	X	X	X	X	X	X	X	X	X	X	X
(G) Real estate subdivision sales office as a temporary use:												
(i) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
(ii) All others	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
(H) Multifamily dwelling management company (must manage the project within which it is located)	X	X	P ^{10,36}	P	P ^{10,36}	P	X	X	X	X	X	X
(I) Temporary trailer for office space accessory to an existing group residential facility, which services more than eight (8) persons, in accordance with Sections 27-260 and 27-261 (CB-35-1996)	X	X	X	X	X	X	X	X	X	X	X	X
Parking lot, required, serving adjacent Commercial or Industrial Zone	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	X	X
Photography studio and darkroom, as an accessory use solely by the resident of a one-family detached dwelling and located within such dwelling (CB-140-1986)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Retail sales and consumer service establishment (CB-140-1986)	X	X	X	X	X	X	X	X	P	P	SE	P*
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261 ³³ (CB-23-1989)	P	P	P	P	P	P	P	P	P	P	P	P
Waterfront Entertainment/Retail Complex, in accordance with Section 27-445.08 (CB-44-1997)	X	X	X	X	X	X	X	X	X	X	X	X
Wayside stand as a temporary use:												
(A) Subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), if, as of February 1, 2003: (1) the use is located on a parcel which is surrounded by commercial and institutional uses; (2) said parcel does not abut any property that is improved with single-family detached residential dwellings; and (3) the site has frontage on a street shown on the applicable Master Plan as an arterial or higher classification. Any such use shall only be located upon property that is the subject of an approved Detailed Site Plan. (CB-4-2003)	X	X	X	X	X	X	X	X	X	X	X	X
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C, if, as of February 1, 2003: (1) the use is located on a parcel which is surrounded by commercial and institutional uses; (2) said parcel does not abut any property that is improved with single-family detached residential dwellings; and (3) the site has frontage on a street shown on the applicable Master Plan as an arterial or higher classification. Any such use shall only be located upon property that is the subject of an approved Detailed Site Plan. (CB-4-2003)	X	X	X	X	X	X	X	X	X	X	X	X
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception). (CB-65-2003; CB-70-2003)	P ⁷³	P	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone. (CB-65-2003; CB-70-2003) Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception), may be located within a multi-family development, provided that the multi-family development is the subject of a high-rise condominium regime; the uses are located on the street level of the multi-family building, the property is located in a Transit District Overlay Zone, and the property abuts the District of Columbia. (CB-82-2006)	SE ⁷³	P*	X	X	X	X	X	X	X	X	X	X
	P ⁶⁷	P*	X	X	X	X	X	X	X	X	X	X
(2) Institutional/Educational: Adult day care center Assisted living facility (CB-110-2004) Chancery, on a lot having a net area of at least 15 acres Church or similar place of worship:	X	X	X	X	X	X	X	X	X	X	X	X
(A) Located on a lot less than 1 acre in size	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) Located in a building that was originally constructed as a dwelling, on a lot less than 1 acre in size	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(C) Located on a lot between 1 and 2 acres in size:	P	P	P	P	P	P	P	P	P	P	P	P
(D) Located in a building that was originally constructed as a dwelling, on a lot between 1 and 2 acres in size:	P	P	P	P	P	P	P	P	P	P	P	P
(E) All others (CB-23-1988; CB-23-1993; CB-76-1993)	P	P	P	P	P	P	P	P	PA	P	P	P

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Day care center for children	P	P	P	P	P	P	P	P	P	P	P	P
(A) Accessory to a publicly-owned recreational facility, a school, a surplus school building, improved property (other than a school) that is under the control of the Board of Education, a church, a public building, or a community building, in accordance with Section 27-445.03 ³												
(B) Accessory to a multifamily dwelling or project when located within a community room for the sole use of the residents or employees, in accordance with Section 27-445.03	X	X	P	P	P	P	P	P	P	P	P	P
(C) Accessory to a multifamily development when located within an existing building in accordance with Section 27-445.03	X	X	P	P	P	P	P	P	P	P	P	P
(D) All others ⁶⁵ (CB-23-1988; CB-44-1989; CB-24-1999; CB-2-2013)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Elementary or philanthropic institution:												
(A) An adaptive reuse of a structure last occupied by a Federal postal facility on a lot or parcel not more than 25,000 square feet in area for use by an organization serving the homebound	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) A building containing no more than 7,000 square feet of gross floor area on a lot or parcel with not more than 1.5 acres for use by an organization providing benevolent services; for a permitted use, any change in occupant or use shall require Detailed Site Plan approval by the District Council	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(C) All others (CB-78-1997; CB-8-1998)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Family day care	P	P	P	P	P	P	P	P	P	P	P	P
Health campus	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Hospital	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Medical/residential campus	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 in DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Modular classroom as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-106-1989)	P	P	P	P	P	P	P	P	P	P	P	P
	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Nursing or care home (may include a private spa)												
School, private:												
(A) In accordance with Section 27-443	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Small group child care center (CB-131-1993)	P	P	P	P	P	P	P	P	P	P	P	P
(3) Miscellaneous:												
Accessory structures and uses (when not otherwise provided for)	P	P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a surplus public school, when not otherwise allowed	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Adaptive use of a Historic Site, when not otherwise allowed (CB-58-1987)	SE	P*	SE	P*	SE	P*	SE	P*	SE	SE	SE	P*
Animals, not customarily household pets (CB-117-1986; CB-55-1988)	X	X	X	X	X	X	SE	P*	SE	SE	SE	P*
Buildings and uses, serving public health purposes, on land owned by Prince George's County, Maryland, upon which hospitals or health centers are located, except if otherwise allowed as a Permitted (P) use ⁴⁸ (CB-55-1988)	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery, crematory:												
(A) Cemetery, in accordance with Section 27-445.06	X	X	X	X	X	X	X	X	X	X	X	X
(B) Cemetery, accessory to a church, convent, or monastery ⁴⁸	P	P	P	P	P	P	P	P	P	P	P	P
(C) All others (CB-86-1989; CB-11-1997)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Home occupations for residents ²⁰ (CB-86-1989; CB-78-2003; CB-11-2004)	P ¹⁶	P	X	X	X	X	X	X	X	X	X	X
Home occupations for residents, low-impact (CB-11-2004)	P	P	X	X	X	X	X	X	X	X	X	X
Increase in height of accessory building, used for: (A) Servant, household help living quarters ³⁰	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
(B) Agricultural purposes on a lot having a net area of less than 5 acres	X	X	X	X	X	X	X	X	X	X	X	X
(C) Agricultural purposes on a lot having a net area of at least 5 acres	X	X	X	X	X	X	SE	P*	X	X	X	X
(D) Office	X	X	X	X	X	X	SE	P*	X	X	X	X
Signs, in accordance with Part 12, associated with uses allowed in the applicable Residential Zone (CB-85-1988)	P	P	P	P	P	P	P	P	P	P	P	P
Signs, outdoor advertising (Billboards) (CB-85-1988)	X	X	X	X	X	X	X	X	X	X	X	X
Temporary structures and uses not otherwise allowed	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
(4) Public/Quasi Public: Library												
Public buildings and uses, except as otherwise provided	P	P	P	P	P	P	P	P	PA	PA	P	P
Sanitary landfill, rubble fill, or Class 3 fill ^{47, 71}	P	P	P	P	P	P	P	P	P	P	P	P
Sanitary landfill, rubble fill, or Class 3 fill ^{47, 71}	X	X	X	X	X	X	X	X	X	X	X	X
Voluntary fire, ambulance, or rescue station ²⁸ (CB-70-2003)	P	P	P	P	P	P	P	P	P	P	P	P
(5) Recreational/Entertainment/Social/Cultural: Archery range, privately owned and commercially operated on land leased from, and owned by, a public agency	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Athletic field, outdoor, private nonprofit (CB-43-1994)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Boathouse (private) as an accessory use	X	X	X	X	X	X	X	X	X	X	X	X
Carnival, circus, fair, or similar use, not exceeding 17 days duration and only on a parking lot as a temporary use in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	P	P	P
Club, private	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Commercial recreational attraction	X	X	X	X	X	X	X	X	X	X	X	X
Commercial recreational facilities (privately owned) on land leased from a public agency, except as otherwise allowed:												
(A) Leased on or after January 1, 1974	X	X	X	X	X	X	X	X	X	X	X	X
(B) Leased before January 1, 1974	X	X	X	X	X	X	X	X	X	X	X	X
Community building or similar nonprofit social use, not publicly owned or operated:												
(A) Only for residents and guests	SE	P*	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-85-1988; CB-33-1989)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Conference center and uses accessory thereto (such as restaurants, tennis courts, auditoriums, swimming pools, racquetball courts, riding stables, golf courses, or other recreational, physical fitness, or educational activities) privately owned and commercially operated, on a tract having a gross area of at least 500 acres, owned by a public agency, on which a public golf course is operated on a regular basis	X	X	X	X	X	X	X	X	X	X	X	X
Courts (indoor or outdoor) (tennis, handball, racquetball, or volleyball), not including courts accessory to a dwelling:												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁵	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(B) All others (CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X
Golf course:												
(A) At least 18 holes on a tract having a gross area of at least 200 acres; provided that any accessory recreational facilities shall be located at least 100 feet from the nearest property line and effectively screened from view of any adjoining land in a Residential Zone, or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan, not on publicly owned land	SE	P*	SE	P*	P	P*	SE	P*	X	X	SE	P*
(B) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	X	X	X	X	X	X	X	X	X	X	X	X
(C) Golf Course Conference/Hotel Complex	X	X	X	X	X	X	X	X	X	X	X	X
(D) All others (CB-47-1995, CB-45-2002)	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Golf course, miniature (indoor or outdoor):												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others (CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X
Golf driving range:												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others (CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Homes Association Recreational Use, in accordance with Section 27-445	P	P	X	X	X	X	X	X	X	X	X	X
Marina (CB-76-2001)	X	X	X	X	X	X	X	X	X	X	X	X
Museum, art gallery, aquarium, cultural center, or similar facility (noncommercial)	P	P	P	P	P	P	P	P	PA	PA	P	P
Performance arts center, in accordance with Section 27-445.09 (CB-12-2001)	SP	SP	SP	SP	X	X	SP	SP	X	X	SP	SP
Racetrack, including pari-mutuel	X	X	X	X	X	X	X	X	X	X	X	X
Racetrack, pari-mutuel only	X	X	X	X	X	X	X	X	X	X	X	X
Recreational campground	X	X	X	X	X	X	X	X	X	X	X	X
Recreational program, before- and after-school	P	P	P	P	P	P	P	P	X	X	P	P
Recreational use (nonprofit) not publicly owned or operated, when not otherwise allowed:												
(A) Only for residents and guests	SE	P*	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-33-1989)	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Saunas, solariums, and health clubs, noncommercial, for the sole use of residents and their guests	X	X	X	X	X	X	X	X	X	X	X	X
Shooting range (rifle, pistol, or skeet):												
(A) On a lot having a net area of at least 20 acres, and subject to annual renewal	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others	X	X	X	X	X	X	X	X	X	X	X	X
Skating facility												
(A) Privately owned and commercially operated on land leased from, and owned by, a public agency ³⁶	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(B) All others (CB-66-1994, CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X
Spa, private	P	P	P	P	P	P	P	P	P	P	P	P
Spa, community	P	P	P	P	P	P	P	P	P	P	P	P
Stable, private (CB-29-1985)	X	X	X	X	X	X	X	X	X	X	X	X
Swimming pool (community) for sole use of residents and their guests, in accordance with Section 27-411	X	X	P	P	P	P	P	P	P	P	P	P
Swimming pool (community), in accordance with Section 27-411	P	P	X	X	X	X	X	X	X	X	X	X
Swimming pool (private)												
(A) Accessory to a one-family detached dwelling	P	P	P	P	P	P	P	P	P	P	P	P
(B) Accessory to other dwellings	SE	P*	SE ²¹	P*	P*	P*	SE ²¹	P*	X	X	X	X
Swimming pool, privately owned and commercially operated on land leased from, and owned by, a public agency ⁵⁶ (CB-47-1995)	X	X	X	X	X	X	X	X	X	X	X	X
(6) Residential/Lodging												
Apartment hotel	X	X	X	X	X	X	X	X	X	X	X	X
Apartment housing for elderly or handicapped families in a building other than a surplus public school building (with provisions for increased density and reduced lot size in Multifamily Zones) (CB-65-1988, CB-91-1991, CB-44-1992, CB-46-1989, CB-66-2005)	SE ⁶³	P*	X	X	X	X	SE ⁶¹	P*	X	X	SE	P*
Apartment housing for elderly or handicapped families in a surplus public school building	SE	P*	SE	P*	SE	P*	SE	P*	X	SE	SE	P*
Artists' residential studios, in accordance with Section 27-445.09 (CB-12-2001)	SP	SP	SP	SP	X	X	SP	SP	X	SP	SP	SP
Boardinghouse	X	X	X	X	X	X	P	P	X	P	P	P

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Congregate living facility for more than 8 elderly or physically handicapped residents (CB-90-1985)	X	X	X	X	X	X	P	P	X	X	X	X
Congregate living facility for NOT more than 8 elderly or physically handicapped residents (CB-90-1985)	X	X	X	X	X	X	SE	P*	X	X	X	X
Convent or monastery (CB-23-1983)	P	P	P	P	P	P	P	PA	PA	PA	P	P
Conservation subdivision pursuant to Section 24-152 of Subtitle 24 (CB-6-2006)	X	X	X	X	X	X	X	X	X	X	X	X
Conversion of one-family detached dwelling to a building containing up to 3 dwelling units (not considered as a two-family, three-family, or multifamily dwelling) ⁵												
(A) Prior to November 29, 1949, if the owner of the building resides in the building, and a valid Use and Occupancy permit was in effect on July 1, 1986	X	X	X	X	X	X	X	X	X	X	X	X
(B) Prior to November 29, 1949, if the owner of the building does not reside in the building, or a valid Use and Occupancy permit was NOT in effect on July 1, 1986	X	X	X	X	X	X	X	X	X	X	X	X
(C) Prior to November 18, 1980, but on or after November 29, 1949	X	X	X	X	X	X	X	X	X	X	X	X
(D) On or after November 18, 1980 (CB-58-1986, CB-73-1996)	X	X	X	X	X	X	X	X	X	X	X	X
Country Inn	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, farm tenant	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, metropolitan, one-family attached (CB-33-2005)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, multifamily	P	P	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(A) In general (CB-67-2003; CB-109-2004; CB-82-2008)	P ⁸⁸	P	P ⁶	P	P ⁶	P	P ⁷⁶	P	X	X	X	X
(B) Subject to applicable bedroom percentages	X	X	P	P	X	X	P	P	X	X	P	P
(C) In excess of applicable bedroom percentages	X	X	SE	P*	X	X	SE	P*	X	X	SE	P*
(D) Restricted to one-bedroom and efficiency apartments	X	X	X	X	X	X	X	X	P	P	X	X
(E) Higher than 110 feet (CB-85-1988)	X	X	X	X	X	X	X	X	SE	P*	SE	P*
(F) Up to six dwelling units in a building of no more than two stories, where the first story was previously used for commercial purposes (CB-91-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, one-family attached, for the elderly ⁵⁸ (CB-71-1986)	P	P	P ²	P	P ²	P	P ²	P	X	X	X	X
Dwelling, one-family detached, for the elderly (CB-90-2004)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, one-family detached, cluster development, shown on a preliminary plat of subdivision approved prior to July 1, 2006 (CB-6-2006)	X	X	X	X	X	X	X	X	X	X	X	X
Dwelling, one-family detached (in general) (CB-85-1988)	P	P	P	P	P	P	P	P	X	X	P	P
Dwelling, one-family semidetached ¹ (CB-85-1988)	P	P	P ²	P	P ²	P	P ²	P	X	X	X	X
Dwelling, quadruple-attached (CB-83-1997)	P ²	P	P ²	P	P ²	P	P ²⁵	P	X	X	X	X
Dwelling, three-family	P	P	P ²	P	P ²	P	P ²	P	X	X	X	X
Dwelling, two-family detached (CB-85-1988)	P ³	P	P ²	P	P ²	P	P ²	P	X	X	X	X
Dwelling, two-family (in general)	P ³	P	P ²	P	P ²	P	P ²	P	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Dwellings, one-family attached, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	X	X	X	X	X	X	X
Dwellings, one-family triple-attached, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986	X	X	X	X	X	X	X	X	X	X	X	X
Dwellings, one-family triple-attached (in general)	X	X	X	X	X	X	X	X	X	X	X	X
Flag lot development												
(A) In accordance with preliminary plats approved prior to February 1, 1990, pursuant to Subtitle 24 and recorded within the prescribed time period (CB-72-1989)	X	X	X	X	X	X	X	X	X	X	X	X
(B) In accordance with Section 24-138.01 of Subtitle 24	X	X	X	X	X	X	X	X	X	X	X	X
Fraternity or sorority house												
(A) If legally existing prior to May 20, 1983, and not extended beyond the boundary lines of the lot as it legally existed (prior to May 20, 1983)	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others	X	X	X	X	X	X	X	X	X	X	X	X
Group residential facility for more than 8 mentally handicapped dependent persons, or for 5 or more other dependent persons (CB-29-2012)	P	P	P	P	P	P	P	P	P	P	P	P
Group residential facility for not more than 8 mentally handicapped dependent persons (CB-29-2012)	P	P	P	P	P	P	P	P	P	P	P	P
Guest house, as an accessory use	X	X	X	X	X	X	X	X	X	X	X	X
Mobile home used as a dwelling for emergency purposes as a temporary use, in accordance with Sections 27-260 and 27-261	X	X	X	X	X	X	X	X	X	X	X	X
Mobile home used as a one-family detached dwelling	X	X	X	X	X	X	X	X	X	X	X	X
Mobile home, with use for which amusement taxes collected ²⁸	P	P	P	P	P	P	P	P	P	P	P	P
Motel	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Opportunity Housing dwelling units ⁵⁹ (CB-66-1991; CB-55-1996)	P	P	P	P	P	P	P	P	P	P	P	P
Planned retirement community ⁵⁹ (CB-55-1986; CB-21-1989)	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Public Benefit Conservation Subdivision pursuant to Section 24-152 of Subtitle 24 (CB-32-2008)	X	X	X	X	X	X	X	X	X	X	X	X
Recreational Community Development, in accordance with Section 27-444 ⁵⁹ (CB-16-1989; CB-55-1996)	X	X	X	X	X	X	X	X	X	X	X	X
Rental of guest rooms (by the residents):												
(A) To 1 or 2 persons (unrelated to all principal residents)	X	X	X	X	X	X	X	X	X	X	X	X
(B) To 3 persons (unrelated to all principal residents)	X	X	X	X	X	X	X	X	X	X	X	X
(C) To not more than 3 persons (unrelated to all principal residents) by a family of related individuals, 1 individual, or 2 unrelated individuals (CB-122-1986)	X	X	X	X	X	X	X	X	X	X	X	X
Residential Revitalization: Comprising any form of proposed multifamily, attached one-family or detached one-family dwellings, in a Residential Revitalization project, as shown on a Detailed Site Plan approved in accordance with Section 27-445.10 (CB-58-2001)	P	P	P	P	P	P	P	P	P	P	P	P
Rooming houses	X	X	X	X	X	X	X	X	X	X	X	X
Tourist cabin camp	X	X	X	X	X	X	X	X	X	X	X	X
Tourist homes	X	X	X	X	X	X	X	X	X	X	X	X
Townhouse, cluster development, shown on a preliminary plat of subdivision approved prior to September 1, 1986 (CB-54-1986)	X	X	X	X	X	X	X	X	X	X	X	X
Townhouse, shown on a Detailed Site Plan approved prior to December 30, 1986, and in compliance with Section 3 of CB-55-1996 (CB-84-1990; CB-55-1996)	P	P	P ²	P	P ²	P	P ^{2.5}	P	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
Townhouse, shown on a preliminary plat of subdivision approved pursuant to Part 4A. (CB-47-1996)	P	P	P ²	P	P ²	P	P ^{2,5}	P	X	X	X	X
Townhouse, Transit Village (CB-37-2006)	P ⁶⁴	P	X	X	X	X	X	X	X	X	X	X
Townhouse, if located within a designated Revitalization Tax Credit District (CB-112-2004)	X	X	X	X	X	X	P ^{7b}	P	X	X	X	X
Townhouse, all others (CB-55-1996)	P	P	SE	P*	SE	P*	SE	P*	X	X	X	X
(7) Resource Production/Recovery: Agricultural uses:												
(A) All general agriculture ²²	X	X	X	X	X	X	X	X	X	X	X	X
(B) Limited to floriculture, horticulture, gardening, and private, noncommercial greenhouses	P	P	P	P	P	P	P	P	P	P	P	P
(C) Keeping of homing or racing pigeons, provided the use was in existence: (i) Prior to June 30, 1987 (ii) On or after June 30, 1987 (CB-45-1987; CB-36-1991)	X	X	X	X	X	X	X	X	X	X	X	X
(D) Equine Activities	X	X	X	X	X	X	X	X	X	X	X	X
(E) Equine Facility	X	X	X	X	X	X	X	X	X	X	X	X
(i) Keeping of horses or ponies												
(ii) Private stable												
(iii) Riding stable												
(aa) On a tract consisting of less than 20,000 sq. ft.	X	X	X	X	X	X	X	X	X	X	X	X
(bb) On a tract consisting of between 20,000 sq. ft. and 9 contiguous acres.	X	X	X	X	X	X	X	X	X	X	X	X

USE	ZONE											
	R-T in ZO	R-T in DDOZ	R-30 in ZO	R-30 in DDOZ	R-30C in ZO	R-30C in DDOZ	R-18 in ZO	R-18 in DDOZ	R-10A in ZO	R-10A in DDOZ	R-10 in ZO	R-10 in DDOZ
(cc) All others (CB-92-2010) Nursery and garden center:	X	X	X	X	X	X	X	X	X	X	X	X
(A) In accordance with Section 27-445.05	X	X	X	X	X	X	X	X	X	X	X	X
(B) All others (CB-35-1989; CB-143-1989; CB-135-1993)	X	X	X	X	X	X	X	X	X	X	X	X
Sand or gravel wet-processing, in accordance with Section 27-445.02	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Sawmill:												
(A) Only for timber grown on the premises	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
(B) In connection with an agricultural operation	X	X	X	X	X	X	X	X	X	X	X	X
Surface mining, in accordance with Section 27-445.02	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
(B) Transportation/Parking/Communications/Utilities: Airport, airpark, airfield, heliport, or heli-stop, private (CB-14-1992)	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
Airstrip, private:												
(A) In accordance with Section 27-445.07	SE	P*	SE	P*	SE	P*	SE	P*	X	X	SE	P*
(B) All others (CB-14-1992)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Antennas and related equipment buildings and enclosures, other than satellite dish antennas:												
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-65-2000)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Farm vehicles and farm machinery used on farm premises ⁵¹ (CB-105-1993)	X	X	X	X	X	X	X	X	X	X	X	X
Monopoles and related equipment buildings and enclosures:												

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(A) In accordance with Section 27-445.04	P	P	P	P	P	P	P	P	P	P	P	P
(B) All others (CB-65-2000)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Parking lot or garage, or loading area, used in accordance with Part 11 to serve.												
(A) A permitted, PA, or PB use												
(B) A Special Exception use (CB-85-1988)	P	P	P	P	P	P	P	P	P	P	P	P
Parking lot used in accordance with Part 11 to serve a use in an adjacent Commercial, Industrial, or M-X-T Zone (CB-85-1988; CB-4-2003)	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Parking of mobile home except as otherwise specified	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*	SE	P*
Parking of mobile home in a public right-of-way ³¹	X	X	X	X	X	X	X	X	X	X	X	X
Parking of vehicles owned or used by the occupants of the premises or their bona fide guests	X	X	X	X	X	X	X	X	X	X	X	X
(A) Boats and boat trailers ³¹ (CB-24-2010)												
(B) Buses 18 on the same lot with, and accessory to, the principal use, such as a school or church	P ¹⁷	P	P	P	P	P	P	P	P	P	P	P
(C) Camping trailer (unoccupied). ⁴⁴												
(i) Not more than one												
(ii) Unlimited number (CB-43-1988)												
(D) Not more than 1 commercial vehicle.												
(i) Having a maximum manufacturer's gross vehicle weight specification of up to 17,000 pounds, and which may include unlimited advertising on the side of the vehicle.												

USE	ZONE											
	R-T in ZO	R-T IN DDOZ	R-30 in ZO	R-30 IN DDOZ	R-30C in ZO	R-30C IN DDOZ	R-18 in ZO	R-18 IN DDOZ	R-10A in ZO	R-10A IN DDOZ	R-10 in ZO	R-10 IN DDOZ
(aa) If parked within a wholly enclosed private parking garage	P	P	X	X	X	X	X	X	X	X	X	X
(bb) If parked in a side or rear yard ¹¹	X	X	X	X	X	X	X	X	X	X	X	X
(i) If parked on the premises, having a maximum manufacturer's gross vehicle weight specification of up to 8,500 pounds, no advertising (other than a firm name or similar designation not exceeding 4 inches high), and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, and vehicles with dual rear axles	P	P	X	X	X	X	X	X	X	X	X	X
(ii) Owned and registered by an occupant of the premises, having a manufacturer's gross vehicle weight specification of greater than 17,000 pounds, parked only in the side or rear yard for not more than 72 continuous hours on a lot at least 5 acres in size, and set back 300 feet from all lot lines ¹¹	X	X	X	X	X	X	X	X	X	X	X	X
(iv) Owned and registered by an occupant of the premises, having a manufacturer's gross vehicle weight specification of greater than 17,000 pounds, parked only in the side or rear yard for not more than 72 continuous hours, on a lot at least 2 acres in size ¹¹ (CB-53-1987; CB-35-1893)	X	X	X	X	X	X	X	X	X	X	X	X
(E) Commercial vehicles not exceeding a manufacturer's gross vehicle weight specification of 8,500 pounds; containing no advertising other than a firm name or similar designation not more than 4 inches high; and excluding vehicles exceeding 300 cubic feet of load space, stake platform trucks, dump trucks, crane or tow trucks, or vehicles with dual rear wheels	X	X	P	P	P	P	P	P	P	P	P	P
(F) Private passenger vehicles	P	P	P	P	P	P	P	P	P	P	P	P

USE	ZONE											
	R-1 in ZO	R-1 in DDOZ	R-30 in ZO	R-30 in DDOZ	R-30C in ZO	R-30C in DDOZ	R-18 in ZO	R-18 in DDOZ	R-10A in ZO	R-10A in DDOZ	R-10 in ZO	R-10 in DDOZ
Public utility uses or structures:	P	P	P	P	P	P	P	P	P	P	P	P
(A) Underground pipelines, electric power facilities or equipment, or telephone facilities or equipment and railroad tracks or passenger stations, but not railroad yards	SE	P*	SE	P*	SE	P*	SE	P*	X	SE	P*	P*
(B) Other public utility uses or structures (including major transmission and distribution lines and structures, but excluding railroad yards, round houses, car barns, and freight stations) (CB-25-1987; CB-65-2000)												
Satellite dish antenna, in accordance with Section 27-424.02:												
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P	P	P	P	P	P	P	P	P	P
(B) More than 10 feet in diameter, to serve only 1 dwelling unit	SE	P*	SE	P*	SE	P*	SE	P*	P*	SE	P*	P*
(C) All others (CB-19-1985)	P	P	P	P	P	P	P	P	P	P	P	P
Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where specifically allowed ¹² (CB-4-1987)	X	X	X	X	X	X	X	X	X	X	X	X
Towers or poles (electronic, radio, or television, transmitting or receiving):												
(A) Commercial purposes	X	X	X	X	X	X	X	X	X	X	X	X
(B) Nonprofit, noncommercial purposes (CB-18-1984; CB-39-1984; CB-94-1984; CB-133-1984; CB-33-1985; CB-123-1994; CB-65-2000)	P	P	P	P	P	P	P	P	P	P	P	P

- 1** Provided both of an adjoining pair are erected at the same time.
- 2** Subject to all requirements applicable to the R-T Zone (except as specifically modified for the R-20 Zone).
- 3** Limited to dwelling units arranged one above the other.
- 4** On lots having a net area exceeding twenty thousand (20,000) square feet. (CB-45-1987)
- 5** The townhouses may be developed without conforming to the regulations applicable to townhouses governing roadways and drives, tract widths and sizes, density, and net lot area, provided:
 - (A) A Special Exception for multifamily dwelling bedroom percentages increase (Section 27-382) has been granted for the subject property with a condition that the property be developed with townhouses;
 - (B) A preliminary plat of subdivision has been approved for the property as of June 1, 1975, in accordance with the net lot area and lot frontage requirements applicable to multifamily dwellings in the R-18 Zone, with a maximum density of 22 dwelling units per acre; and
 - (C) A final plat was recorded prior to June 1, 1976.
- 6** Provided a condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit.
- 7** Provided the use is limited to a person residing in the dwelling.
- 8** Except as allowed without a Special Exception.
- 9** Provided the use is located in a community building (constructed as part of a multifamily project), owned by a homes association, that does not contain any dwelling units. Not more than one-third (1/3) of the gross floor area of the community building may be used for professional office space.
- 10** Provided the multifamily dwelling or project contains at least twenty-four (24) dwelling units. (CB-36-1987)
- 11** For lots having frontage on more than one (1) street (i.e., a corner lot), a commercial vehicle may only be parked in a yard that does not have street frontage. (CB-53-1987)
- 12** This shall not apply to:
 - (A) Such storage accessory to an allowed use; or
 - (B) One (1) such vehicle which is stored in a wholly enclosed garage.
- 13** For zero lot line development, in accordance with Optional Residential Design Approach provisions of Subtitle 24.
- 14** Only for the expansion of the existing business on abutting land in the C-M, I-1, I-2, or I-4 Zones.
- 15** Restricted to one-family detached and semidetached dwellings.
- 16** Restricted to one-family detached dwellings.
- 17** Only one (1) of each.

- 18** Provided:
- (A) The parking area shall be in addition to any required parking lot on the premises. The parking area shall be connected to a public street by means of a driveway (constructed in compliance with the minimum standards of the Department of Public Works and Transportation) with a minimum width of eleven (11) feet for each lane;
 - (B) The parking area shall be screened from any adjoining land in any Residential Zone (on land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan; and
 - (C) No repairs, service, maintenance, or gasoline dispensing or storage facility shall be permitted without a Special Exception.
- 19** Provided:
- (A) The use is limited to one (1) bona fide resident of the dwelling;
 - (B) Not more than two (2) nonresident, nonprofessional assistants may be employed;
 - (C) Professional consultation at a professional's dwelling with a visiting consultant, or the employment of an alternate professional in the event of the death, disability, illness, temporary absence, or vacation of the resident professional, is also allowed;
 - (D) The use shall not alter the residential character or appearance of the premises; and
 - (E) The use shall not occupy more than fifty percent (50%) of the gross floor area of the dwelling.
- 20** Home occupations consisting of general clerical work or professional offices require a use and occupancy permit. (CB-31-1985)
- 21** Not applicable to multifamily dwellings.
- 22** Slaughterhouses, fertilizer works, bone yards, plants for the reduction of animal matter, and any uses which are noxious or offensive because of odor, dust, smoke, gas, or noise, are prohibited; may include an equine facility in conjunction with the agricultural use. (CB-92-2010)
- 23** On lots having a net area of twenty thousand (20,000) square feet or less, keeping cattle, equines, poultry, or other animals or birds (other than customary household pets) shall only be permitted upon approval of a Special Exception. (CB-92-2010)
- 24** As a temporary use subject to annual renewal and located at least five hundred (500) feet from the boundary line of any other land in a Residential Zone, or land proposed to be used for residential purposes in a Comprehensive Design, Mixed Use, or Planned Community Zone.
- 25** Limited to four hundred (400) square feet.

- 2 6** Provided the site is either:
- (A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
 - (B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
 - (C) Occupied by a station that was in use as a station on June 30, 1982.
- The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Environmental Resources), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).
- All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing. (CB-70-2008)
- 2 7** The field shall be located on a lot having a net area of at least ten (10) acres, which is owned and operated by an eleemosynary or philanthropic institution. Any accessory building shall not exceed one thousand (1,000) square feet of gross floor area, and shall only be used for maintenance and storage. Otherwise, a Special Exception is required.
- 2 8** Provided:
- (A) The mobile home is located on a lot having a net area of at least five (5) acres;
 - (B) The use of the mobile home is in connection with another use on the property for which the County levies an amusement tax;
 - (C) The occupants of the mobile home are employed by, or reasonably connected with, the other use; and
 - (D) The mobile home shall not be located on the property for more than one hundred twenty (120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks where the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.
- 2 9** Limited to two (2) vehicles (total, all types) for a lot used for one-family semidetached dwelling, and four (4) vehicles (total, all types) for a two-family detached dwelling.
- 3 0** Only in connection with one-family detached dwellings.
- 3 1** Except in an emergency. In this case, the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.
- 3 2** In a cluster development for which the preliminary plat of subdivision was approved prior to September 1, 1986, showing such one-family attached dwellings. Up to twenty percent (20%) in the R-80 Zone, and twenty-five percent (25%) in the R-55 Zone, of the total number of dwelling units in the cluster development may be one-family attached dwellings. The remainder shall be one-family detached dwellings. (CB-54-1986)
- 3 3** Only for expansion of an existing sanitary landfill or rubble fill on abutting land for which an approved Special Exception has not expired.
- 3 4** Minimum lot size of two (2) acres required. A church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children. (CB-23-1988; CB-44-1989)
- 3 5** In conjunction with an agricultural use.
- 3 6** Not allowed in an Agricultural Preservation Development, unless it existed prior to the approval of the site plan.

- 37** Permitted only on lots having a gross lot area of one (1) acre or more, otherwise a special exception is required.
(CB-29-1985)
- 38** Provided the use either:
(A) Is located at or below the ground floor level of a multifamily dwelling and does not exceed two thousand (2,000) square feet; or
(B) Is located in a community building (constructed as part of a multifamily project) owned by a homeowners' association and not containing dwelling units, and does not occupy more than one-half of the gross floor area of the community building.
(CB-81-1985)
- 39** The use shall be related to, dependent on, secondary to, and located on the same record lot as, the multifamily dwelling or project.
(CB-36-1987)
- 40** This does not provide for accessory antennas or overhead distribution lines.
(CB-25-1987)
- 41** Provided the health center is located on a minimum of twenty-five (25) acres.
(CB-55-1988)
- 42** Either:
(A) In conjunction with an existing golf course or equestrian center; or
(B) The golf course or equestrian center shall be constructed within five (5) years of approval of the Detailed Site Plan.
(CB-16-1989)
- 43** Minimum lot size of thirty thousand (30,000) square feet required, except for bona fide nonprofit groups or organizations.
(CB-23-1989)
- 44** Parking shall be provided as follows:
(A) The vehicle shall be located at least eight (8) feet from a street line; and
(B) If parked in a yard abutting a street, it shall be parked on a dust-free surfaced area.
(CB-43-1989)
- 45** The sale of gazebos and sheds is permitted for a Special Exception approved in 1984 as incidental to its operation if such sale and display is in accordance with Section 27-385 and provided no more than two (2) gazebos and two (2) sheds are visible from any public street.
(CB-143-1989)
- 46** If the property is located within the Chesapeake Bay Critical Area, was zoned R-80 prior to December 18, 1989, and is not the subject of a record plat.
(CB-72-1989)
- 47** A sanitary landfill, rubble fill, or Class 3 fill may include a rock crusher only if it is approved as part of the Special Exception.
(CB-15-1990; CB-8-2003; CB-87-2003)
- 48** Townhouses which were permitted when developed pursuant to former Part 4A of this Subtitle prior to January 21, 1997, are permitted. No more than twenty percent (20%) of the total number of dwelling units in the development may be townhouses.
(CB-84-1990; CB-47-1996)

- 49** Provided both uses were existing as of January 1, 1991.
(CB-11-1991)
- 50** On lots having a total area exceeding twelve thousand (12,000) square feet.
(CB-36-1991)
- 51** Includes semitrailers for an agricultural use located on a minimum of ten (10) acres.
(CB-105-1993)
- 52** A church or similar place of worship that is located on a lot between one (1) and two (2) acres in size shall require a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle. In addition to the requirements of Section 27-285(b), the following requirements shall be met:
(A) The minimum setback for all buildings shall be twenty-five (25) feet from each lot line;
(B) When possible, there should be no parking or loading spaces located in the front yard; and
(C) The maximum allowable lot coverage for the zone in which the use is proposed shall not be increased.
(CB-76-1993)
- 53** Provided the net lot area is at least five (5) acres.
(CB-76-1993)
- 54** Any property rezoned to the R-E Zone by a Sectional Map Amendment prior to January 1, 1994, on which a previous special exception was approved for a nursery and garden center may continue to operate as a permitted special exception use, notwithstanding the provisions of Section 27-320 of this Subtitle.
(CB-135-1993)
- 55** Provided the field is located on a lot having a net area of at least 40 acres, and any field constructed after August 1, 1996, is set back 100 feet from all property lines. Otherwise, a Special Exception is required.
(CB-43-1994; CB-33-1996)
- 56** Subject to Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle, unless the use is located in a Regional Park owned by the M-NCPPC.
(CB-47-1995)
- 57** Conversion shall not occur until:
(A) The building is structurally modified to include the additional dwelling units; and
(B) The additional dwelling units are occupied.
(CB-73-1996)
- 58** For the purposes of this Section, a dwelling for the elderly shall be housing which is operated in accordance with State and Federal Fair Housing laws.
(CB-71-1996)
- 59** Townhouses shall comply with the design guidelines set forth in Section 27-274(a)(11) and the regulations for development set forth in Section 27-433(d).
(CB-55-1996)

- 6 0** Section 3 of CB-55-1996 reads as follows: "BE IT FURTHER ENACTED that the provisions of this Ordinance shall not apply to projects for which a Detailed Site Plan has been filed and accepted prior to November 1, 1996, provided the design guidelines and regulations not resulting in a requirement of resubdivision are applicable, and provided building permits for ten percent of the dwelling units included in the Detailed Site Plan are issued within one year of the effective date of this legislation (December 30, 1996), and extensions of time for the permits do not exceed six months, and that the dwelling units are constructed pursuant to the permits.
- 6 1** Provided the use is located on a lot or parcel with not more than one-half acre which is adjoining and contiguous to an existing cemetery. (CB-60-1998)
- 6 2** Permitted use without requirement for special exception provided the use is on a parcel of land in the R-H Zone, the gross tract area of which is a maximum of twenty (20) acres, which is adjoining R-R zoned land developed with an existing Medical Residential Campus. The entire tract of land in the R-H Zone shall require Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Regulations restricting the height of structures, lot size and coverage, frontage, setbacks, density, and other requirements of the zone shall be consistent with existing development in the adjacent Medical Residential Campus. The dimensions and percentages shown on the approved site plan shall constitute the regulations for development. (CB-21-1999)
- 6 3** Provided:
- (A) The use is located on a lot or parcel not less than 15 or more than 20 acres in size and has frontage on a public street having a proposed right-of-way width of at least 120 feet;
 - (B) The lot or parcel abuts property in the C-O Zone; and
 - (C) The property is located in a Revitalization Tax Credit Area. (CB-46-1999)
- 6 4** Use of permitted mobile homes is restricted to employees at a riding stable on the Special Exception property. No more than two mobile homes may be located on such a property, and each must be on its own R-E lot as required by Section 27-118.01(c). A building permit shall be issued by the Department of Environmental Resources for each mobile home. Any mobile home unoccupied for more than 60 days must be removed from the property. (CB-79-1999)
- 6 5** Permitted use without requirement for Special Exception provided the land on which the lot exists is in the R-55 Zone, immediately adjoins land in the C-S-C Zone, is a part of the same parcel as the land in the C-S-C Zone, and is located within the municipal limits of the City of New Carrollton. (CB-88-1999)
- 6 6** The use is permitted on R-R zoned property leased from a public agency before January 1, 1974. Parking and loading facilities shall be provided in accordance with Part 11 (parking and loading requirements). Landscaping, buffering, and screening shall be provided in accordance with the Landscape Manual. Development regulations for building setbacks shall be provided in accordance with Part 6 (Commercial Zone regulations).
The following uses are not permitted: car wash, animal hospital, training, kennel, grooming, blacksmith, carpet or rug shampooing, department store exceeding 80,000 square feet, electric or gas appliance repair, farm implement sales and repair, upholstery or furniture repair, locksmith, laboratories, lawn mower repair, machine shop, massage establishment, methadone treatment center, model studio, photo processing plant, studio or darkroom, pizza delivery, print shop, newspaper publishing, sauna or steam bath, septic tank sales, service, sewage dump (pump out) services, shoe repair, taxidermy, welding shop, bait shop, bottled gas, feed sales, wayside stand, and any use prohibited in the lease with the public agency, as modified or amended. (CB-35-2000; CB-60-2009)

- 67** Permitted use without requirement for Special Exception provided the use was existing as of July 1, 2001, is located on a lot or parcel that is not less than 10 acres in size, and abuts a multi-use trail designated on an Approved Master Plan.
(CB-53-2001)
- 68** Provided the use will be located on land that is located within the median of a road classified as a freeway on the applicable Master Plan; the property is at least one-half (1/2) acre in size; and access to the property will not be directly from the main travel lanes of the freeway.
(CB-75-2001)
- 69** Provided:
(A) The use abuts an existing marina in the C-W-Zone approved prior to 1972 pursuant to a special exception; and
(B) Notwithstanding the provisions to the contrary, a revised site plan shall be approved by the Planning Board that incorporates the entire property showing existing and proposed improvements in both the R-R and C-W Zones.
(CB-76-2001)
- 70** Permitted use without requirement for special exception, provided; if as of February 1, 2003:
(A) The use is on a parcel of land which is surrounded by commercial and institutional uses;
(B) The parcel does not abut any property that is improved with single-family detached residential dwellings;
(C) The site has frontage on a street shown on the applicable Master Plan as an arterial or higher classification; and
(D) Any such use shall only be located upon property that is the subject of an approved Detailed Site Plan.
(CB-4-2003)
- 71** A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.
(CB-8-2003; CB-87-2003)
- 72** Provided:
(A) The property is located on and inside the Capital Beltway at an existing interchange with said Beltway;
(B) The site contains a minimum of eighty (80) acres that is split-zoned, I-3 and R-R, with not more than twenty percent (20%) zoned R-R;
(C) The property is proposed for employment uses in the most recently approved applicable Master Plan;
(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle; and
(E) The site plan shall include at least two (2) stores containing one hundred thousand (100,000) square feet or more of gross floor area.
(CB-65-2003)
- 73** Provided:
(A) The use is located on land no less than thirty (30) acres and not more than seventy (70) acres in size;
(B) The land adjoins properties in the R-T Zone that is at least sixty (60) acres in size and is developed with at least three hundred and fifty (350) townhouses;
(C) The land and adjoining properties described in Subsection (B) were placed in the R-T Zone as a result of an approved Sectional Map Amendment;
(D) The land has frontage on and access to a road classified as an arterial on the applicable Master Plan and maintained by the State Highway Administration; and
(E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.
(CB-70-2003)

- 7 4** Permitted as an expansion of an existing nonconforming animal hospital, veterinary office with a valid use and occupancy permit issued on or before July 1, 1998. Said expansion, is limited to four thousand (4,000) square feet of gross floor area and is subject to Detailed Site Plan approval, in accordance with Part 3, Division 9, of this Subtitle, by the Planning Board or its designee.
(CB-76-2003)
- 7 5** Provided:
- (A) The use is located on property in both the C-M and R-A Zones;
 - (B) The property has frontage on a road classified as a freeway on the applicable Master Plan;
 - (C) The property is between forty thousand (40,000) and forty-five thousand (45,000) square feet in size and abuts the site of an existing gas station that was certified as a nonconforming use; and
 - (D) A Detailed Site Plan shall be approved by the Planning Board that shows proposed improvements in both the C-M and R-A Zones and demonstrated compliance with Section 27-358(a)(1),(2),(4),(5),(6),(7),(8),(9) and (10). In addition, the Detailed Site Plan shall demonstrate that there are no single family homes on the property or on any abutting property.
(CB-36-2004)
- 7 6** Provided:
- (A) A condominium plat is recorded, in accordance with the provisions of the Maryland Condominium Act, setting out each dwelling unit as a separate unit, or a housing cooperative is established to own the dwelling units; and
 - (B) At least ninety percent (90%) of all required parking spaces are provided in a parking structure.
(CB-109-2004)
- 7 7** Up to seventy-five (75) dwelling units are permitted only if adjoining and operated by the same organization as an adult day care use, approved by Special Exception. All assisted living facilities standards and requirements in Part 6, Division 5, must be met, including Detailed Site Plan approval under Part 3, Division 9.
(CB-110-2004)
- 7 8** Provided:
- (A) Townhouse development is within a multifamily complex formerly used for multifamily dwellings, where residential (multifamily and/or townhouse) density was reduced as part of its redevelopment;
 - (B) Townhouse development shall be in accordance with the regulations for the R-T Zone; and
 - (C) Detailed Site Plan approval is required in accordance with Part 3, Division 9, of this Subtitle.
(CB-112-2004)
- 7 9** Permitted only to replace an existing surface mining or Class III fill operation located directly adjacent to an interstate (with "I" classification, not "US" or "MD") highway, which operation has an active permit at the time of preliminary plan approval for the townhouse, two-family dwelling or multifamily development. The Planning Board shall approve a Detailed Site Plan under Part 3, Division 9, of the Zoning Ordinance. Multifamily dwellings are permitted as provided in Section 27-436 for the R-18 Zone, and townhouses are permitted as provided in Section 27-433 for the R-T Zone. Regulations concerning lot size, coverage, frontage, setbacks, density, bedroom percentages, and other requirements applicable to multifamily, two-family dwellings and townhouse dwellings shall not apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or District Council after review) in the Detailed Site Plan. In its site plan review, the District Council may require the applicant to demonstrate in the site plan record that highway facilities are adequate to serve the townhouse project. This provision shall not apply to legal nonconforming sand and gravel or Class III fill operations.
(CB-37-2005; CB-9-2012)
- 8 0** Reserved.

8 1

(A) Permitted in the R-18 Zone without a Special Exception, provided that the subject property:

- (i) Includes at least five (5) acres;
- (ii) Is located within the Developed Tier; and
- (iii) Adjoins property also in the R-18 Zone.

(B) Age restrictions in conformance with the Federal Fair Housing Act shall be set forth in covenants submitted with the application and shall be approved by the District Council and filed in the land records at the time the final subdivision plat is recorded. The applicant must obtain approval of a Detailed Site Plan, as provided in Part 3, Division 9, and demonstrate by evidence in the record that:

- (i) The net lot area is at least fifty percent (50%) of the minimum net lot area normally required in the zone;
- (ii) The density is not more than twice that normally allowed in the zone; and
- (iii) The project is financed at least partially by tax credits approved by the State of Maryland.

(CB-66-2005)

8 2 Permitted in the R-55 Zone provided that the subject property meets the following criteria:

(A) Has area of at least two (2) acres;

(B) Has frontage on a freeway or highway; and

(C) Is within a Growth Corridor or Growth Center as defined in the General Plan.

In accordance with the standards listed below, the applicant must obtain approval of a Detailed Site Plan as provided in Part 3, Division 9. In site plan review, the Planning Board shall find that the proposed use and subject property meet all Division 9 requirements (except as provided below) and will:

- (A) Include at least thirty (30) but not more than fifty (50) residential units;
 - (B) Include a traffic study that is prepared in accordance with the Planning Board Guidelines for Analysis of Traffic Impact of Development Proposals showing on-site circulation patterns, access points on and off site, impacts on major highways and intersections, and impacts mitigated in accordance with the Guidelines;
 - (C) Incorporate reasonable regulations for height of structures, architectural design, lot size and coverage, frontage, setbacks, density (as restricted below), dwelling unit types, percentages of uses, and other dimensional requirements, in place of conventional requirements;
 - (D) Have residential densities not exceeding eighteen (18) units per gross tract acre;
 - (E) Have interior private roads only where appropriate for and in furtherance of community purposes, and approved by DPW&T; and
 - (F) Be adjacent to or connected to C-S-C zoned land being redeveloped as a mixed-use development defined as at least two (2) uses including residential, retail, or office with each use comprising no less than ten percent (10%) of the uses of the site.
- (i) Recreation facilities should be provided to serve the community; and
 - (ii) The recreation facilities shall be constructed prior to or concurrently with the residential units or as stated in a construction schedule approved by the District Council.

(G) The site plan shall also demonstrate the development and uses:

- (i) Are in harmony with the purposes of this Subtitle;
- (ii) Conform with all applicable requirements of this Subtitle;
- (iii) Will not substantially impair the integrity of the applicable Master Plan, any applicable Functional Master Plan, or the General Plan;
- (iv) Will not adversely affect the health, safety, or welfare of residents or workers in the neighborhood;
- (v) Will not be detrimental to the use or development of adjacent properties or the neighborhood generally; and
- (vi) Conform to an approved Tree Conservation Plan.

(CB-97-2005)

- 8 3** In the Rural Tier as defined by the 2002 General Plan or as amended through a subsequent planning process where a preliminary plat of subdivision is required pursuant to Subtitle 24 after June 30, 2006 the subdivision of land shall be subject to Section 24-152(g)(2) through (6), and (h) of the Conservation Subdivision regulations. The minimum lot width at the building line and street line, and main building setback along a scenic and historic road are contained in Section 27-445.12(a) Tables 1 and 3. (CB-1-2006)
- 8 4** Provided the property has a net lot area of at least six (6) acres and is located in a mixed use activity center designated as a "Transit Village" in the applicable Area Master Plan. (CB-37-2006)
- 8 5** In a Public Benefit Conservation Subdivision, townhouses, one-family semidetached, and one-family metropolitan dwellings are allowed subject to the approval of a Detailed Site Plan and subject to the design guidelines of Section 27-274 (a) (11) and the regulations for development set forth in Section 27-433 (c) through (k). Townhouses, one-family semidetached, and one-family metropolitan dwellings may not comprise more than twenty-five percent (25%) of the total number of units included in a Public Benefit Conservation Subdivision. (CB-32-2008)
- 8 6** Provided:
- (A) The subject property is a minimum of eighteen thousand (18,000) square feet in size.
 - (B) The subject property is located on a corner lot with frontage on at least one public street with a right of way greater than eighty (80) feet in width.
 - (C) The use requires no new "building" construction on the subject property.
 - (D) The use meets the Additional Requirements for Specific Special Exception as set forth in Sec. 27-348.03.
- (CB-81-2008)
- 8 7** Each project developed pursuant to this provision shall be subject to a mandatory Detailed Site Plan reviewed by the District Council. (CB-82-2008)
- 8 8** Permitted only where the multifamily development is the subject of a condominium regime, the property is located in a Transit Development Overlay Zone, the property abuts the District of Columbia, and the development includes a mix of residential and commercial uses. A Detailed Site Plan shall be approved by the Planning Board in accordance with Part 3, Division 9 of the Zoning Ordinance. Regulations concerning lot size, coverage, frontage, setbacks, density, bedroom percentages, and other requirements applicable to multifamily dwellings shall apply; these dimensional (bulk) requirements shall be those approved by the Planning Board (or the District Council) in the Detailed Site Plan. (CB-82-2008)
- 8 9** Permitted in accordance with Section 27-445.01 on land assessed for agricultural use. A restaurant may be permitted as an accessory use to a farm winery subject to approval of a special exception. The inclusion of a food or beverage store is not permitted as an accessory use to a Farm Winery. (CB-36-2009)
- 9 0** The use is permitted by right, but requires approval of a Detailed Site Plan to ensure the development of an appropriate rural/environmental setting whenever the land area covered by buildings and other structures exceeds 40,000 square feet. (CB-39-2009)
- 9 1** Parking shall be provided as follows:
- (A) The boat and boat trailer shall be located at least eight (8) feet from a street line;
 - (B) The boat and boat trailer shall be parked on a dust-free surface area such as concrete, asphalt, or gravel;
 - (C) The boat and boat trailer shall be properly licensed and operable;
 - (D) The boat and boat trailer shall not be in excess of twenty (20) feet unless located on a lot at least two (2) acres in size; and
 - (E) The boat and boat trailer shall be covered to prevent the accumulation of water. (CB-24-2010)

- 9 2** Provided the use is for the purpose of promoting agritourism as defined in Sec. 27-107 (a).
(CB-92-2010)
- 9 3** Permitted use without requirement for Special Exception only to replace a legal, nonconforming nursing or care home on an abutting R-80 Zone lot, which has been in continuous operation since 1970. A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.
(CB-55-2011)
- 9 4** Permitted use without requirement for Special Exception provided the property on which the use is located is owned by a non-profit organization as of October 1, 2012
(CB-105-2012)
- 9 5** If the day center is owned and operated by a church and was previously a Head Start public school and day care center operated by Prince George's Board of Education, it may be permitted by right, in accordance with Section 27-445.03. Said day care center must be adjacent to the church. The church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit, as well as documentation demonstrating the contractual relationship between the church and the Prince George's Board of Education.
(CB-2-2013)
- 9 6** Permitted use provided the subject property is subject to a previously approved special exception for a parking lot on residential land serving an adjacent property in a commercial zone and the adjacent property is developed with an eating or drinking establishment with drive-through service.
(CB-14-2013)

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")

M-X-T USE TABLE**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE DISTRICT COUNCIL.

TABLE OF USES FOR THE COMMERCIAL ZONES

Uses permitted.

(a) No use shall be allowed in the Commercial Zones, except as provided for in the Tables of Uses. In the tables, the following applies:

- (1) The letter "P" indicates that the use is permitted in the zone indicated.
- (2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.
- (3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with the provisions of Part 4 of this Subtitle.
- (4) The letters "PA" indicate that the use is permitted, subject to the following:
 - (A) There shall be no entrances to the use directly from outside of the building;
 - (B) No signs or other evidence indicating the existence of the use shall be visible from the outside building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
 - (C) The use shall be secondary to the primary use of the building.
- (5) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a principal use on the premises;
 - (B) The use shall be located on the same record lot as the principal use;
 - (C) The use shall not be located within a building not occupied by the principal use;and
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.
- (6) The letter "X" indicates that the use is prohibited.
- (7) The letters "SP" indicate that the use is permitted subject to approval of a Special Permit, in accordance with Section 27-239.02.
- (8) All uses not listed are prohibited.
- (9) Whenever the tables refer to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as listed in the zone in which it is allowed.

(CB-58-1990; CB-12-2001; CB-14-2003)

TABLE OF USES.

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
(1) COMMERCIAL:										
(A) Eating or Drinking Establishments:										
(i) Eating or drinking establishment, with drive-through service (CB-49-2005, CB-19-2010)	X	X	X	P ²⁴	P ²⁴	P ^(M)	P ²⁴	P ²⁴	P ^(M)	P ^(M)
(ii) Eating or drinking establishment, excluding drive-through service (CB-49-2005; CB-19-2010)	P	P	P	P	P	P	P	P	P	P
(iii) Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment (CB-49-2005; CB-19-2010; CB-56-2011)	X	X	X	SE	P*	P*	SE	P*	P*	P*
(B) Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service:										
Bus maintenance accessory to:										
(i) A private school or educational institution	SE	P*	P ^(M)	SE	P*	P ^(M)	P	P	P ^(M)	P ^(M)
(ii) A church or other place of worship	SE	P*	P ^(M)	SE	P*	P ^(M)	P	P	P ^(M)	P ^(M)
Boat fuel sales at the waterfront	X	X	X	P	P	P ^(M)	P	P	P ^(M)	P ^(M)
Boat sales, service, and repair, including outdoor storage of boats and boat trailers:										
(i) Accessory to a marina	X	X	X	P	P	P ^(M)	P	P	P ^(M)	P ^(M)
(ii) All others	X	X	X	SE	P*	P ^(M)	P	P	P ^(M)	P ^(M)
Boat storage yard	X	X	X	X	X	X	P	P	P ^(M)	P ^(M)
Car wash:										

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-CIN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
<p>(i) On a parcel of at least 10 acres with any structures located at least 200 feet from any land in any Residential Zone or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan</p> <p>(ii) Self-service, coin operated, automatic car wash as an accessory use to the permitted use of a commercial parking lot, with shuttle service to Metro and located within two (2) miles of a Metro station (CB-76-1998)</p> <p>(iii) All others (CB-76-1998; CB-114-2004)</p> <p>Gas Station (in the C-M Zone, subject to Detailed Site Plan review in accordance with Section 27-358(a)(1),(2),(4),(5),(6),(7),(8),(9), and (10)) (CB-1-1989; CB-72-1999)</p> <p>Incidental automobile service in a parking garage³</p> <p>Private Automobile and Other Motor Vehicle Auctions</p> <p>(i) Operating prior to January 1, 2011, as a use that conforms to the definition under Section 27-107.01, subject to the provisions of Section 27-464.06(C),(d) and (f)</p> <p>(ii) All Others, subject to the requirements of Section 27-464.06 (CB-59-2010)</p> <p>Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage (CB-43-1987)</p> <p>Vehicle, mobile home, or camping trailer repair and service station (CB-50-1993)</p> <p>Vehicle, mobile home, or camping trailer sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale, but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair³⁷ (CB-95-1987; CB-87-2000; CB-28-2002)</p>	X	X	X	P	P	P ^(iv)	P	P	X	
	X	X	X	P	P	P ^(iv)	X	X	X	
	X	X	X	SE	P*	P ^(iv)	P ²⁴	P ²⁴	X	
	X	X	X	SE	P*	P ^(iv)	P	P	P ^(iv)	
	X	X	X	SE	P*	X	X	X	X	
	X	X	X	X	X	X	P ⁵⁷	X	X	
	X	X	X	X	X	X	P	X	X	
	X	X	X	SE	P*	X	P	P	X	
	X	X	X	SE ¹⁹	P*	X	P	P	X	
	P ⁴²	X	X	SE	P*	X	P	X	X	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Vehicle or camping trailer rental (in the C-M Zone, subject to Section 27-417(a),(b)(2), and (c))	X	X	X	SE	P*	X	P	P	X	
Vehicle or camping trailer storage yard (CB-80-1996)	P ²⁶	P ²⁶	X	X	X	X	P	P	X	
Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage										
(i) On a parcel of at least 10 acres, with any structures located at least 200 feet from any land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan)	X	X	X	P	P	X	P	P	X	
(ii) Accessory to a department store (CB-58-1980)	X	X	X	X	X	X	X	X	X	
(iii) All others (CB-21-1992)	X	X	X	SE	P*	X	P	P	X	
Vehicle parts or tire store without installation facilities	X	X	X	P	P	X	P	P	X	
Vehicle towing station, provided it is enclosed by a sight-tight wall or fence at least 6 feet high, or an evergreen screen (CB-30-1992)	X	X	X	X	X	X	P	P	X	
(C) Offices:										
Bank, savings and loan association, or other savings or lending institution:										
(i) Automatic teller machine, only	P	P	P	P	P	P	P	P	P	
(ii) All others	P	P	P	P	P	P	P	P	P	
Check Cashing Business (CB-23-2009)	SE ⁵⁵	X	X	SE ⁵⁵	X	X	SE ⁵⁵	X	X	
Contractor's office (see paragraph (3), Miscellaneous)										

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Office accessory to an allowed use Office (except as otherwise provided):	P	P	P	P	P	P	P	P	P	
(i) Within an integrated shopping center, and not exceeding 10% of the gross floor area of the center	X	X	X	X	X	X	X	X	X	
(ii) All others	P	P	P	P	P	P	P	P	P	
Office of a certified massage therapist (CB-44-2000)	P	P	P	P	P	P	P	P	P	
Office of a medical practitioner or medical clinic (which may include an accessory private spa)	P	P	P	P	P	P	P	P	P	
Real estate subdivision sales office as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Where not otherwise specifically permitted, any use allowed in the C-R-C Zone (excluding those permitted by Special Exception) may be located within an office building, provided that the uses shall not be located above the ground floor; not more than 15% of the gross floor area of the building shall be devoted to the use; and not more than 3,000 square feet of gross floor area shall be allotted to any one shop (CB-58-1990)	PA	PA	PA	X	X	X	PA	PA	PA	
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception) may be located within an office building, provided that the uses shall not be located above the ground floor; not more than 15% of the gross floor area of the building shall be devoted to the uses; and not more than 3,000 square feet of gross floor area shall be allotted to any one shop	PA	PA	PA	X	X	X	PA	PA	PA	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/4 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/4 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/4 MILE OF METRO	
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception) may be located within an existing building no more than three (3) stories in height, including a maximum of 65,000 square feet of gross leasable area, provided such building and its associated parking are located on one or more contiguous parcels of property abutting two (2) streets shown on the Master Plan as arterial or higher classification, and located at an intersection where the three (3) other corners of said intersection are zoned C-S-C, and where the parcel or parcels of property upon which the building and its associated parking are located about land zoned C-S-C at a minimum of two (2) locations (CB-69-1999)	P	P	P	X	X	X	X	X	X	X
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone may be located within an existing building no more than three (3) stories in height, including a maximum of 65,000 square feet of gross leasable area, provided such building and its associated parking are located on one or more contiguous parcels of property abutting two (2) streets shown on the Master Plan as arterial or higher classification, and located at an intersection where the three (3) other corners of said intersection are zoned C-S-C, and where the parcel or parcels of property upon which the building and its associated parking are located about land zoned C-S-C at a minimum of two (2) locations (CB-69-1998)	SE	P*	P*	X	X	X	X	X	X	X
(D) Services: Ambulance service, private Animal hospital, animal training, kennel Artist's studio Barber or beauty shop (CB-148-1987) Bicycle repair shop. (i) Non-motorized only (ii) All others	X X P P	X X P P ⁽ⁱⁱ⁾	X X P P ⁽ⁱⁱ⁾	X SE P P	X P* P P ⁽ⁱⁱ⁾	X P* P P ⁽ⁱⁱ⁾	X P X P	P P* X P ⁽ⁱⁱ⁾	P P* X P ⁽ⁱⁱ⁾	P P* X P ⁽ⁱⁱ⁾
	X X	X X	X X	P SE	P P*	P X	P P	P P	P P	P X

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Blacksmith shop	X	X	X	X	X	X	P	P	P	
Blueprinting, photostating, or other photocopying establishment	X	X	X	P	P	P	P	P	P	
Carpet or rug shampooing establishment	X	X	X	X	X	X	P	P	P	
Catering establishment (CB-56-2011)	X	X	X	P	P	P	P	P	P	
Data processing	P	P	P	P	P	P	P	P	P	
Dry cleaning or laundry pickup station (CB-127-1986)	X	X	X	P	P	P	SE	P*	P*	
Dry cleaning store or plant ⁴³										
(i) Retail, gross floor area under 6,000 square feet (CB-85-2012)	X	X	X	P	P	P	P	P	P	
(ii) Retail, unrestricted	X	X	X	X	X	X	P	P	P	
(iii) Wholesala (may include retail service) (CB-55-2002)	X	X	X	X	X	X	P	P	X	
Electric or gas appliance, radio, or television repair shop	X	X	X	P	P	P	P	P	P	
Employment agency	P	P	P	P	P	P	X	X	X	
Farm implement repair	X	X	X	X	X	X	P	P	P	
Fortune telling	P	P	P	P	P	P	P	P	P	
Funeral parlor, undertaking establishment (CB-2-1989)	SE ¹⁶	P*	P*	SE	P*	P*	P	P	P	
Household appliance or furniture repair shop	X	X	X	P	P	P	P	P	P	
Key or locksmith shop (CB-128-1986)	X	X	X	P	P	P	SE	P*	P*	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Laboratory:										
(i) Accessory to an allowed use	PA	PA	PA	P	P	P	P	P	P	P
(ii) Dental laboratory	P	P	P	P	P	P	P	P	P	P
(iii) All other laboratories (CB-4-1986)	SE	P*	P*	P	P	P	P	P	P	P
Laundromat:										
(i) Accessory to an allowed use	X	X	X	X	X	X	X	X	X	X
(ii) All others	X	X	X	P	P	P	P	P	P	P
Laundry store or plant: 45										
(i) Retail, gross floor area under 6,000 square feet (CB-85-2012)	X	X	X	P	P	P	P	P	P	P
(ii) Retail, unrestricted	X	X	X	X	X	X	P	P	P	P
(iii) Wholesale (may include retail service) (CB-55-2002)	X	X	X	X	X	X	P	P	P	X
Lawn mower repair shop:										
(i) Non-motorized, only	X	X	X	P	P	P	P	P	P	P
(ii) All others, provided all repairs are performed within a wholly enclosed building	X	X	X	SE	P*	P*	P	P	P	P
Limousine service:										
(i) Storage of up to 10 limousines (not to include buses and vans), may include routine vehicle repair or servicing within a wholly enclosed building, with no outdoor storage	X	X	X	P ²⁴	P ²⁴	X	P ²⁴	P ²⁴	X	X
(ii) All others (CB-120-1994)	X	X	X	X	X	X	P ²⁴	P ²⁴	X	X
Machine shop accessory to an allowed use	X	X	X	X	X	X	PB	PB	PB	PB

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Massage establishment	X	X	X	SE	P*	P*	SE	P*	P*	
Methadone Treatment Center (CB-103-1993)	SE	P*	P*	SE	P*	P*	SE	P*	P*	
Model studio	X	X	X	X	X	X	SE	P*	P*	
Newspaper publishing establishment	X	X	X	SE	P*	P*	P	P	P	
Pet grooming shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor	X	X	X	P	P	P	P	P	P	
Photographic processing plant	X	X	X	X	X	X	P	P	P	
Photography studio or darkroom	P	P	P	P	P	P	P	P	P	
Pizza delivery service, limited to off-premises delivery with no eat-in or drive-in service:										
(i) With carry-out service in a building with less than 2,500 sq. ft. of gross floor area#	X	X	X	P	P	P	X	X	X	
(ii) Unrestricted in size with no carryout service (CB-83-1986; CB-102-2001)	X	X	X	X	X	X	P	P	P	
Printing shop:										
(i) Not exceeding 2,000 square feet of gross floor area	X	X	X	P	P	P	P	P	P	
(ii) All others	X	X	X	SE	P*	P*	P	P	P	
Sauna or steam bath	X	X	X	P	P	P	P	P	P	
Septic tank service	X	X	X	X	X	X	P	P	P	
Sewage dump station for camping trailers or boats	X	X	X	X	X	X	P	P	P	
Shoe repair shop	X	X	X	P	P	P	P	P	P	
Tailor or dressmaking shop (may include incidental dyeing and pressing allowed as a "PB" use)	X	X	X	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Tattoo Parlor (CB-10-2012)	X	X	X	P	X	X	P	X	X	
Taxidermy (CB-30-1986)	X	X	X	P	P	P	P	P	P	
Travel bureau	P	P	P	P	P	P	X	X	X	
Upholstery shop (CB-65-1989)	X	X	X	PA	PA	PA	P	P	P	
Veterinarian's office:										
(i) Outpatient	X	X	X	P	P	P	P	P	P	
(ii) Inpatient (CB-96-1988)	X	X	X	PB	PB	PB	PB	PB	PB	
Watch or jewelry repair shop	X	X	X	P	P	P	X	X	X	
Welding shop:										
(i) Accessory to an allowed use	X	X	X	X	X	X	P	P	P	
(ii) All others	X	X	X	X	X	X	P	P	P	
(E) Trade (Generally Retail):										
Adult book store (CB-65-1989; CB-53-1996)	X	X	X	X	X	X	X	X	X	
Arts, crafts, and hobby supply store	X	X	X	P	P	P	P	P	P	
Bait shop	X	X	X	P	P	P	X	X	X	
Bakery products, wholesale (may include retail sales)	X	X	X	X	X	X	P	P	P	
Bicycle (sales) shop:										
(i) Nonmotorized, only	X	X	X	P	P	P	P	P	P	
(ii) All others	X	X	X	SE	P*	X	P	P	X	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Book (except adult bookstore) or camera store (CB-71-1993)	X	X	X	P	P	P	P ²⁰	P ²⁰	P	
Bottled gas sales:										
(i) Accessory to an allowed use	X	X	X	P	P	P	P	P	P	
(ii) All others	X	X	X	P	P	P	P	P	P	
Building supply store:										
(i) Wholly enclosed, except for nursery stock	X	X	X	P	P	P	P	P	P	
(ii) With outdoor storage on not more than 50% of the lot, provided it is enclosed by a slightly opaque wall or fence at least 8 feet high (CB-76-1992)	X	X	X	X	X	X	P	P	P	
Bulk retailing:										
(i) Products allowed to be sold in a C-S-C Zone (CB-65-1989; CB-25-1999)	X	X	X	P ³²	P ³²	P	P	P	P	
(ii) Products allowed to be sold in a C-M Zone	X	X	X	X	X	X	P	P	P	
Buying of items within guest rooms and vehicles, pursuant to Section 27-115(a)(2)	X	X	X	X	X	X	X	X	X	
Carpet or floor covering store	X	X	X	P	P	P	P	P	P	
Clothing, dry goods, millinery, or shoe store (CB-58-1985; CB-71-1993)	X	X	X	P	P	P	P ²⁰	P ²⁰	P	
Confectioner (not exceeding 40,000 square feet of gross floor area):										
(i) Retail (CB-65-1989)	X	X	X	P	P	P	X	X	X	
(ii) Wholesale (may include accessory retail sales)	X	X	X	X	X	X	P	P	X	
Department or variety store, excluding pawnshops										
(i) Not exceeding 125,000 square feet of gross floor area so long as the department or variety store does not contain any food or beverage component (CB-64-2012)	X	X	X	P	P ⁽ⁱⁱ⁾	P ⁽ⁱⁱ⁾	P ^{20,31}	P ^{20,31(ii)}	P ⁽ⁱⁱ⁾	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ¼ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ¼ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ¼ MILE OF METRO	
(i) Exceeding 125,000 square feet of gross floor area within the developed tier or a designated Revitalization Tax Credit Area (as long as the department or variety store does not contain any food or beverage component) (CB-19-2005; CB-13-2012)	X	X	X	P ⁵²	P ⁵⁴⁰	P	P ²⁰³¹	P ²⁰³¹⁰	P ²⁰³¹⁰⁰	
(ii) Not exceeding 85,000 square feet of gross floor area without regard to percentage of gross floor area for food and beverage component. (CB-13-2012; CB-64-2012)	X	X	X	P ⁵²	P ⁵⁴⁰	P	P	P	P	
(iv) Exceeding 85,000 square feet of gross floor area and less than 10% of that gross floor area for food and beverage component. (CB-64-2012)	X	X	X	P ⁵²	P ⁵⁴⁰	P	P	P	P	
(v) All others, ⁴⁰ in accordance with Section 27-348.02 (CB-71-1993; CB-28-1997; CB-4-1999; CB-2-2002; CB-13-2012; CB-64-2012)	X	X	X	SE	P ⁴⁰	P ⁴⁰	SE	P ⁴⁰	P ⁴⁰	
Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)	X	X	X	X	X	X	X	X	X	
Drug store:	X	X	X							
(i) Not exceeding 3,000 square feet of gross floor area	X	X	X	P	P	P	X	X	X	
(ii) Within an office building or complex, and not exceeding 25% of the gross floor area, or 2,000 square feet, whichever is less (CB-65-1989)	P	P	P	P	P	P	P	P	P	
(iii) All others	X	X	X	P	P	P	X	X	X	
Farm implement sales	X	X	X	X	X	X	P	P	X ⁽¹⁰⁾	
Feed sales	X	X	X	X	X	X	P	P	P	
Firewood sales as a temporary use in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Farmer's market or flea market as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-63-1998)	X	X	X	P	P	P	P	P	P	
Florist shop	X	X	X	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Food or beverage goods preparation on the premises of a food or beverage store, provided the goods are only sold on the premises and at retail	X	X	X	PB	PB	PB	PB	PB	PB	
Food or beverage goods preparation for wholesale sales:										
(i) Not exceeding 1,500 square feet of gross floor area	X	X	X	P	P	X	P	P	X	
(ii) Containing 1,501 to 3,000 square feet of gross floor area	X	X	X	SE	P*	X	P	P	X	
(iii) All others (CB-37-1992)	X	X	X	X	X	X	SE	P*	X	
Food or beverage store:										
(i) Not exceeding 3,000 square feet of gross floor area	X	X	X	P	P	P	SE	P*	P*	
(ii) Not exceeding 125,000 square feet of gross floor area	X	X	X	P	P	P	SE	P*	P*	
(iii) In combination with a department or variety store on the same or adjacent site, in accordance with Section 27-348.02	X	X	X	SE	P*	P*	SE	P*	P*	
(iv) In combination with a gas station, subject to Detailed Site Plan review in accordance with Part 3, Division 8	X	X	X	X	X	X	P	P	P	
(v) All others (CB-112-1986; CB-65-1988; CB-2-2002; CB-99-2012)	X	X	X	P	P	P	SE	P*	P*	
Garden supplies store, floricultural or horticultural nursery, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees (CB-65-1989)	X	X	X	P	P	P	P	P	P	
Gift, jewelry, music, souvenir, or other specialty store not specifically listed (CB-71-1993)	X	X	X	P	P	P	X	X	X	
Hardware store (CB-65-1989)	X	X	X	P	P	P	P	P	P	
Household appliance or furniture store:										
(i) Not exceeding 50,000 square feet of gross floor area	X	X	X	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
(ii) Exceeding 50,000 square feet of gross floor area (CB-32-1986, CB-77-1988)	X	X	X	X	X	X	P	P	P	
Ice vending machine (not exceeding 8 ton capacity)	X	X	X	P	P	X	P	P	P	
Lawn mower (sales) store	X	X	X	X	X	X	P ⁴⁰	P ⁴⁰	P ⁴⁰	
Monument and headstone sales establishment (CB-22-2004)	X	X	X	X	X	X	X	X	X	
Newspaper, magazine, or tobacco shop	X	X	X	P	P	P	X	X	X	
Nursery and garden center, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees	X	X	X	P	P	P	P	P	P	
Outdoor display of merchandise for sale (except as otherwise specified) and excluding merchandise displayed on gasoline pump islands associated with gas stations which is allowed:										
(i) Not more than 6 feet from main building (subject to Section 27-388)	X	X	X	P	P	P	P	P	P	
(ii) More than 6 feet from main buildings (subject to Section 27-388)	X	X	X	SE	P*	P*	P	P	P	
Paint or wall covering store	X	X	X	P	P	P	P	P	P	
Pawnshop										
(i) In accordance with Section 27-250.01	X	X	X	X	X	X	X	X	X	
(ii) In accordance with Section 27-394.01 (CB-28-1987, CB-22-2010)	X	X	X	SE	X	X	SE	X	X	
Pet (sales) shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor, may include the sale of pet feed and supplies (CB-2-1991)	X	X	X	P	P	P	X	X	X	
Retail shop or store (not listed) similar to one permitted (P) in the:										
(i) C-S-C Zone	X	X	X	P	P	P	X	X	X	
(ii) C-M Zone	X	X	X	X	X	X	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
(iii) C-R-C Zone (CB-65-1989; CB-58-1990)	X	X	X	X	X	X	X	X	X	
Sales from guest rooms and vehicles, in accordance with Section 27-115(a)(2)	X	X	X	X	X	X	X	X	X	
Seafood market:										
(i) Containing less than 3,000 square feet of gross retail space	X	X	X	P	P	P	P	P	P	
(ii) Containing less than 7,000 square feet of gross retail space	X	X	X	P	P	P	P	P	P	
(iii) Unrestricted in size (CB-49-1987)	X	X	X	P	P	P	SE	P*	P*	
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Septic tank sales (CB-65-1989)	X	X	X	X	X	X	P	P	P	
Sporting goods shop, which may include marine equipment and supplies	X	X	X	P	P	P	P	P	P	
Stationery or office supply store which may include the sale of furniture or business machines	X	X	X	P	P	P	P	P	P	
Swimming pool or spa sales and service:										
(i) Excluding outdoor display	X	X	X	P	P	P	X	X	X	
(ii) Including outdoor display, provided it is enclosed by a 6-foot high fence (subject to Section 27-388)	X	X	X	X	X	X	P	P	P	
Toy store (CB-71-1983)	X	X	X	P	P	P	P ²⁰	P ²⁰	P ²⁰	
Video game or tape store	X	X	X	P	P	P	P	P	P	
Wayside stand:										
(i) As a temporary use, subject to Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
(1) All others (CB-122-1986)	P	P	P	P	P	P	P	P	P	P
(2) Institutional/Educational: Adult day care center Assisted living facility, subject to the requirements of Section 27-464.04 (CB-72-1996) Church or similar place of worship, convent, or monastery (CB-23-1988) Day care center for children: (A) In accordance with Section 27-464.02 ¹² (B) All others (CB-23-1988) Eleemosynary or philanthropic institution: (A) A building containing no more than 7,000 square feet of gross floor area on a lot or parcel with not more than 1.5 acres for use by an organization providing benevolent services; any change in occupant or use shall require Detailed Site Plan approval by the District Council (B) All others (CB-8-1988) Hospital (may include a private spa) Modular classroom as a temporary use, in accordance with Sections 27-280 and 27-281 (CB-106-1989) Nursing or care home (may include a private spa) School, Private (A) Driving school, automobile only	SE X P	P* X P	P* X P	SE X P	P* X P	P* X P	P SE P	P SE P	P P P	P P P

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
(B) For artistic instruction (including a studio)	P	P	P	P	P	P	P	P	P	
(C) Of business or trade, where the business or trade is permitted (P) in the respective zone	P	P	P	P	P	P	P	P	P	
(D) Of business or trade, where the business or trade is permitted by Special Exception (SE) in the respective zone	SE	P*	P*	SE	P*	P*	SE	P*	P*	
(E) Tutoring establishment	P	P	P	P	P	P	P	P	P	
(F) Private college or university	P ²⁶	P ²⁸	P ²⁸	P ²⁶	P ²⁸	P ²⁸	P ²⁶	P ²⁸	P ²⁸	
(G) Private schools, subject to Section 27-463	P	P	P	P	P	P	P	P	P	
(H) All others (CB-40-1988; CB-50-1988; CB-113-1994; CB-93-1996; CB-94-2000)	SE	P*	P*	SE	P*	P*	SE	P*	P*	
(3) Miscellaneous:										
Accessory structures and uses, except as otherwise provided	P	P	P	P	P	P	P	P	P	
Adaptive reuse of a surplus public school, when not otherwise allowed	SE	P*	P*	SE	P*	P*	SE	P*	P*	
Adaptive use of a Historic Site, when not otherwise allowed (CB-58-1997)	SE	P*	P*	SE	P*	P*	SE	P*	P*	
Auction house	X	X	X	SE	P*	P*	P	P	P	
Buildings and uses, serving public health purposes, on land owned by Prince George's County, Maryland, upon which hospitals or health centers are located, except if otherwise allowed as a Permitted (P) use ¹⁵	P	P	P	P	P	P	P	P	P	
Carpentry, cabinet making, or other woodworking shop:										
(A) Accessory to an allowed use	X	X	X	X	X	X	P	P	P	
(B) All others	X	X	X	X	X	X	P	P	P	
Cemetery or crematory:										
(A) Cemetery, accessory to a church, convent, or monastery ¹⁸	P	P	X	P	P	X	P	P	X	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
(B) All others (CB-11-1991)	X	X	X	X	X	X	SE	P*	X	
Collection of recyclable materials as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Commercial recreational development (CB-35-2000, CB-60-2009)	X	X	X	X	X	X	X	X	X	
Consolidated Storage (CB-147-1986; CB-55-1989; CB-45-1999; CB-29-2000)	X	X	X	P ³⁴	P ³⁴	P ^{34(N)}	X ³⁶	X ³⁶	X	
Contractor's office (general) as a permanent use, including the businesses of siding, flooring, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping, and the like, with buildings, and uses accessory to the business (as well as the office) use:										
(A) With no outdoor storage of materials or equipment	P	P	P	P	P	P	P	P	P	
(B) With outdoor storage of materials, located only in a side or rear yard, enclosed by a slightly opaque wall or fence at least 6 feet high, with no storage of material higher than the fence, but excluding the use or outdoor storage of earthmoving or other heavy equipment, or outdoor storage of machinery	X	X	X	X	X	X	P	P	P ^(N)	
(C) Including the fabrication (only within a wholly enclosed building) of plumbing, air conditioning, heating, carpentry and lighting (and the like) parts for installation off the site (CB-110-1994, CB-46-1995)	X	X	X	X	X	X	P	P	P	
Contractor's office (must include sanitary facilities), construction yard or shed, or storage building (in Connection with a construction project) as a Temporary use:										
(A) In accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
(B) All others	SE	P*	P*	SE	P*	P*	SE	P*	P*	
Hardware fabrication and manufacturing of products from material produced elsewhere ²⁶ (CB-39-1996)	X	X	X	X	X	X	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Mobile home, with use for which amusement taxes collected?	P	P	P	P	P	P	P	P	P	
Recycling collection center as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Recycling collection center, paper only (limited to collection, storage, and shipping): (A) On a lot contiguous to a railroad siding and not abutting land in any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan), subject to Section 27-391(a)(2) and (3) (B) All others	X	X	X	X	X	X	P	P	P	
Rental business: (A) Rental of motor vehicles or camping trailers (in the C-M Zone subject to the requirements of Section 27-417) (B) Rental of boats (C) Rental of any other merchandise allowed to be sold in the respective zone Sanitary landfill, rubble fill, or Class 3 fill ⁴⁵ (CB-6-2003; CB-87-2003)	X	X	X	SE	P*	P ⁽¹⁾⁽¹⁾	P	P	P ⁽¹⁾⁽¹⁾	
Sign, in accordance with Part 12: (A) Outdoor advertising (billboard) (B) All others (CB-65-1989; CB-24-1991)	X	X	X	X	X	X	X	X	X	
Sign shop Stationery or office supply corporate headquarters including office, showroom, and distribution (no retail sales) also including office furniture as an accessory use within an office building complex of at least twenty acres (CB-116-1986)	SE	P*	P*	P ⁵⁴	X	P ⁵⁴	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Storage, wholly enclosed, accessory to an allowed use	P	P	P ⁽¹⁰⁾	P	P	P ⁽¹⁰⁾	P	P	P ⁽¹⁰⁾	
Temporary shelter for commercial display, sale, or service use permitted (P) in the respective zones, as a temporary use, in accordance with Sections 27-260 and 27-261	X	X	X	P	P	P	P	P	P	
Trash removal services (CB-17-2002)	X	X	X	X	X	X	P ³⁹	P	P	
Wholesaling, distribution, and related storage:										
(A) Incidental to any use allowed and in an office building, but limited to a floor area ratio of 0.1	X	X	X	X	X	X	PA and PB	PA and PB	X	
(B) Of materials (products) not used or produced on the premises (CB-61-1985, CB-5-2004)	X	X	X	P ⁴⁸	P ⁴⁸	X	P ¹⁴	P ¹⁴	X	
Wholesaling of products incidental to the retail sales of the products on the premises	X	X	X	PA	PA	X	PA	PA	X	
(4) Public/Quasi Public:										
Ambulance service, private	X	X	X	X	X	P	P	P	P	
Community building, except as otherwise provided	SE	P*	P*	P	P	P	P	P	P	
Library, private	P	P	P	P	P	P	P	P	P	
Post Office	P	P	P	P	P	P	P	P	P	
Public building and use, except as otherwise prohibited	P	P	P	P	P	P	P	P	P	
Sanitary landfill or rubble fill ¹⁷ (CB-15-1980)	SE	P*	P*	SE	P*	P*	SE	P*	P*	
Voluntary fire ambulance, or station ¹ (CB-70-2006)	P	P	P	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
(5) Recreational/Entertainment/Social/Cultural:										
Adult Entertainment (CB-46-2010; CB-56-2011)	X	X	X	X ⁵⁸	X	X	X ⁵⁸	X	X	X
Amusement arcade	X	X	X	P	P	P	SE	P*	P*	P*
(A) Not exceeding 2,500 square feet of gross floor area, with adult supervision on the premises during all hours of operation; provided the use is located either within a wholly enclosed shopping mall, or within the main group of stores of an integrated shopping center having a minimum gross floor area of 150,000 square feet										
(B) All others	X	X	X	SE	P*	P*	SE	P*	P*	P*
Amusement Center (CB-35-1994)	X	X	X	P	P	P	P	P	P	P
Amusement park:										
(A) Within a wholly enclosed shopping mall	X	X	X	SE	P*	P*	SE	P*	P*	X
(B) All others	X	X	X	X	X	X	SE	P*	P*	X
Archery or baseball batting range	X	X	X	SE	P*	P*	P	P	P	P
Arena or stadium (which may include a private spa)	X	X	X	X	X	X	SE	P*	P*	P*
Athletic field:										
(A) With no seating or nonpermanent bleacher-type seating for not more than 100 spectators	P	P	P	P	P	P	P	P	P	P
(B) With permanent bleacher-type seating for more than 100 spectators	SE	P*	P*	SE	P*	P*	P	P	P	P
Auditorium	X	X	X	P ⁵⁶	P ⁵⁶	P ⁵⁶	P ⁵⁶	P ⁵⁶	P ⁵⁶	P ⁵⁶
Beach	X	X	X	P	P	P	P	P	P	P
Billiard or pool parlor	X	X	X	SE	P*	P*	P	P	P	P
Boat ramp	X	X	X	P	P	P	P	P	P	P

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Bowling alley:	X	X	X	P	P	P	P	P	P	
(A) On a parcel of at least 10 acres, provided all structures are located at least 200 feet from any Residential Zone (or land proposed to be used for residential purposes on an approved Basic Plan for a Comprehensive Design Zone, approved Official Plan for an R-P-C Zone, or any approved Conceptual or Detailed Site Plan)										
(B) All others	X	X	X	SE	P*	P*	P	P	P	
Carnival, circus, fair or similar use, not exceeding seventeen (17) days duration and located at least 250 feet from any dwelling, as a temporary use in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P	P	P	P	
Club or lodge (private) except as otherwise provided	SE	P*	P*	P	P	P	P	P	P	
Employees' recreational facilities (private, nonprofit) accessory to an allowed use	P	P	P	P	P	P	P	P	P	
Fishing pier	X	X	X	X	X	X	SE	P*	P*	
Go-cart track	X	X	X	X	X	X	SE	P*	P*	
Golf course or country club:										
(A) Accessory to a commercial use	P	P	P	P	P	P	P	P	P	
(B) All others	SE	P*	P*	SE	P*	P*	P	P	P	
Golf driving range	SE	P*	P*	SE	P*	P*	P	P	P	
Marina (CB-72-1987)	X	X	X	SE	P*	P*	SE	P*	P*	
Miniature golf course	SE	P*	P*	P	P	P	P	P	P	
Museum, aquarium, art gallery, cultural center, or similar facility	P	P	P	P	P	P	P	P	P	
Park or playground	P	P	P	P	P	P	P	P	P	
Performance arts center, in accordance with Section 27-464.05 (CB-12-2001)	SP	P*	P*	SP	P*	P*	SP	P*	P*	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Race track	X	X	X	X	X	X	SE	P*	P*	
Recreational campground (in the C-M Zone subject to paragraphs (1) thru (7) of Section 27-400(a))	X	X	X	X	X	X	P	P	P	
Recreational or entertainment establishment of a commercial nature, if not otherwise specified:										
(A) Abutting residential property or land residentially zoned	X	X	X	SE	P ⁽⁴⁾	P ⁽⁴⁾	SE	P ⁽⁴⁾	P ⁽⁴⁾	
(B) All others (CB-72-1998)	X	X	X	SE	P ⁽⁴⁾	P ⁽⁴⁾	P	P ⁽⁴⁾	P ⁽⁴⁾	
Reducing/exercise salon or health club	X	X	X	P	P	P	P	P	P	
Riding stable	X	X	X	X	X	X	P	P	P	
Rifle, pistol, or skeet shooting range:										
(A) Indoor	X	X	X	SE	P*	P*	P	P	P	
(B) Outdoor	X	X	X	X	X	X	SE	P*	P*	
Skating rink	X	X	X	SE	P*	P*	P	P	P	
Spa (community)	P	P	P	P	P	P	P	P	P	
Spa (private), accessory to an allowed dwelling unit	P	P	P	P	P	P	P	P	P	
Spa (public):										
(A) Accessory to a hotel or motel	X	X	X	P	P	P	P	P	P	
(B) Accessory to a reducing/exercise salon or health club	X	X	X	P	P	P	P	P	P	
(C) Accessory to a commercial swimming pool	X	X	X	P	P	P	P	P	P	
(D) Accessory to a recreational campground	X	X	X	X	X	X	P	P	P	
(E) Accessory to a summer camp	X	X	X	X	X	X	P	P	P	
(F) Unrestricted	X	X	X	SE	P*	P*	SE	P*	P*	
Summer camp	X	X	X	X	X	X	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/4 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/4 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Swimming pool:										
(A) Accessory to a hotel or motel (CB-8-2004)	P	P	P	P	P	P	P	P	P	P
(B) Accessory to a recreational campground	X	X	X	X	X	X	X	X	X	X
(C) Community	P	P	P	P	P	P	P	P	P	P
(D) Indoor	X	X	X	X	X	X	X	X	X	X
(E) Private, accessory to an allowed one-family detached dwelling	P	P	P	P	P	P	P	P	P	P
(F) All others	X	X	X	X	X	X	X	X	X	X
Tennis, basketball, handball, or similar court:										
(A) Indoor (within a permanent wholly enclosed building)	P	P	P	P	P	P	P	P	P	P
(B) Outdoor	P	P	P	P	P	P	P	P	P	P
(C) With a temporary removable cover (bubble)	SE	P*	P*	P	P	P	P	P	P	P
Theatre:										
(A) Indoor	SE	P*	P*	P	P	P	P	P	P	P
(B) Outdoor (including drive-in)	X	X	X	X	X	X	X	X	X	X
Zoo, not publicly owned	X	X	X	X	X	X	SE	P*	P*	P*
(6) Residential/Lodging:										
Apartment housing for the elderly or physically handicapped	X	X	X	SE	P*	P*	X	X	X	X
Artists' residential studios, in accordance with Section 27-464.05 (CB-12-2001)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Country Inn	X	X	X	P	P	P	P	P	P	P
Dwelling, Multifamily (CB-75-2003; CB-28-2004)	P ⁴⁶	P	P	P ⁵⁰	P	P	X	X	X	X

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Dwelling, provided that it was legally erected prior to the date upon which the property was classified in a Commercial Zone, or was legally erected in a Commercial Zone under prior regulations	P	P	P	P	P	P	P	P	P	
Dwelling unit within a building containing commercial uses:										
(A) Not exceeding 3 units per building, to be located above the ground floor, except where otherwise allowed	P	P	P	P	P	P	P	P	P	
(B) Not exceeding 3 units per building, with 1 unit at ground level for a resident manager, caretaker, or night watchman (and family)	X	X	X	X	X	X	P	P	P	
(C) In a building containing 4 or more stories, provided the units are located above the third story (CB-07-2005)	SE	P*	P*	SE ⁵³	P*	P*	SE	P*	P*	
Hotel or motel:										
(A) Hotel or motel in general	P ²	P	P	P	P	P	P	P	P	
(B) Including any use allowed in the C-S-C Zone (but not generally allowed in the C-M Zone, excluding those permitted by Special Exception), when located within a hotel, provided the uses shall not be located above the ground floor not more than fifteen (15) percent of the gross floor area of the building, shall be devoted to the uses, and not more than 3,000 square feet shall be allotted to any one use (CB-105-1985; CB-58-1990)	X	X	X	X	X	X	PA	PA	PA	
Multifamily retirement community (CB-85-2003)	p47	P	P	X	X	X	X	X	X	
Planned retirement community (CB-22-2002)	p41	P	P	X	X	X	X	X	X	
Tourist cabin camp	X	X	X	X	X	X	SE	P*	P*	
Tourist Home	X	X	X	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	C-M WITHIN ½ MILE OF METRO
Transitional Shelter for the Homeless:										
(A) Operated in conjunction with an adjacent eleemosynary institution; and containing 8 or fewer residential units	P	P	P	X	X	X	X	X	X	X
(B) All others (CB-62-1991)	X	X	X	X	X	X	X	X	X	X
(7) Resource Production/Recovery:										
Agricultural use										
(A) Other than animal or poultry raising	P	P	P	P	P	P	P	P	P	P
(B) Animal or poultry raising (other than customary household pets)										
(i) on lots 20,000 square feet or more	P	P	P	P	P	P	P	P	P	P
(ii) on lots under 20,000 square feet	SE	P*	P*	SE	P*	P*	SE	P*	P*	P*
(iii) on lots under 20,000 square feet adjoining occupied residentially-zoned property ⁸	X	X	X	X	X	X	X	X	X	X
(CB-71-2001)										
Sand and gravel wet-processing	SE	P*	P*	SE	P*	P*	SE	P*	P*	P*
Surface mining	SE	P*	P*	SE	P*	P*	SE	P*	P*	P*
(8) Transportation/Parking/Communications/Utilities:										
Airport, airpark, airfield, airstrip, heliport, heli-stop	SE	P*	P*	SE	P*	P*	SE	P*	P*	P*
Antennas and related equipment buildings and enclosures, other than satellite dish antennas, in accordance with Section 27-464.03 (CB-65-2000)	P	P	P	P	P	P	P	P	P	P
Broadcasting studio (without tower)	P	P	P	P	P	P	P	P	P	P
Bus station or terminal	X	X	X	SE	P*	P*	P	P	P	P

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN 1/2 MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN 1/2 MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN 1/2 MILE OF METRO	
Monopoles and related equipment buildings and enclosures, in accordance with Section 27-464.03 (CB-65-2000)	P	P	P	P	P	P	P	P	P	
Parking garage, commercial	P	P	P	P	P	P	P	P	P	
Parking garage or lot or loading area, used in accordance with Part 11	P	P	P	P	P	P	P	P	P	
Parking lot, commercial:										
(A) With shuttle service to Metro and within two (2) miles of a Metro station	SE	P*	P*	P	P	P	P	P	P	
(B) All others (CB-14-2003)	SE ⁴⁴	P*	P*	SE	P*	P*	P	P	P	
Parking of mobile home, except as otherwise specified	X	X	X	X	X	X	X	X	X	
Parking of a mobile home in a public right-of-way ⁴	X	X	X	X	X	X	X	X	X	
Parking of vehicles accessory to an allowed use	P	P	P	P	P	P	P	P	P	
Public utility uses or structures:										
(A) Underground pipelines, electric power facilities or equipment, or telephone facilities or equipment, and railroad tracks or passenger stations, but not railroad yards	P	P	P	P	P	P	P	P	P	
(B) Other public utility uses or structures (including major transmission and distribution lines and structures, but excluding towers and poles not otherwise permitted, railroad yards, roundhouses, car barns, and freight stations) (CB-25-1987; CB-61-1988; CB-8-1990; CB-123-1994; CB-102-1997; CB-65-2000)	SE	P*	P*	P	P	P	P	P	P	
Satellite dish antenna, in accordance with Section 27-451.01:										
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P	P	P	P	P	P	P	
(B) More than 10 feet in diameter to serve only 1 dwelling	SE	P*	P*	SE	P*	P*	SE	P*	P*	
(C) All others (CB-19-1985)	P	P	P	P	P	P	P	P	P	

USE	ZONE									
	C-O in ZO	C-O IN DDOZ AREA	C-O WITHIN ½ MILE OF METRO	C-S-C in ZO	C-S-C IN DDOZ AREA	C-S-C WITHIN ½ MILE OF METRO	C-M in ZO	C-M IN DDOZ AREA	C-M WITHIN ½ MILE OF METRO	
Storage of any motor vehicle which is wrecked, dismantled or not currently licensed, except where specifically allowed ⁶ (CB-4-1987)	X	X	X	X	X	X	X	X	X	
Taxicab dispatching station:										
(A) Without cab storage, repair, or servicing	P	P	P	P	P	P	P	P	P	
(B) With cab storage	X	X	X	SE	P*	X	P	P	X	
(C) With cab repair or servicing within a wholly enclosed building (CB-50-1987)	X	X	X	X	X	P ^(w)	P	P	P	
Taxicab stand	P	P	P	P	P	P	P	P	P	
Telegraph or messenger service	P	P	P	P	P	P	P	P	P	
Towers or poles (electronic, public utility when not otherwise permitted, radio, or television, transmitting or receiving):										
(A) Nonprofit, noncommercial purposes, with no height restrictions	P	P	P	P	P	P	P	P	P	
(B) Freestanding for commercial purposes, not exceeding 100 feet above ground level	P	P	P	P	P	P	P	P	P	
(C) Attached to a roof for commercial purposes, not exceeding 40 feet above the height of the building	P ²³	P	P	P ²³	P	P	P ²³	P	P	
(D) All others (CB-8-1990; CB-41-1994; CB-123-1994; CB-65-2000)	SE	P*	P*	SE	P*	P*	SE	P*	P*	

1 Provided the site is either:

- (A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
- (B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
- (C) Occupied by a station that was in use immediately prior to July 1, 1982.

The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Environmental Resources), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).

All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing. (CB-70-2008)

2 Provided:

- (A) The mobile home is located on a lot having a net area of at least five (5) acres;
- (B) The use of the mobile home is in connection with another use on the property for which the County levies or collects an amusement tax;
- (C) The occupants of the mobile home are employed by or reasonably connected with the other use; and
- (D) The mobile home shall not be located on the property for more than one hundred twenty (120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks when the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.

3 Provided:

- (A) The service shall be limited to supplying gasoline, oil, water, tire pressure, and washing;
- (B) Only automobiles parking in the parking garage may be served;
- (C) No signs visible from outside the structure shall indicate the presence of the service facilities; and
- (D) The garage shall be wholly enclosed.

4 Except in an emergency. In this case, the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.

5 Reserved.

6 This shall not apply to:

- (A) Storage accessory (and related) to an allowed use; or
- (B) One (1) such vehicle stored in a wholly enclosed garage.

7 Approval as an accessory use with approval of the Special Exception for the hotel or motel. (CB-28-1985)

8 Approval as an accessory use with approval of the Special Exception for the recreational campground. (CB-28-1985)

- 9** Provided:
- (A) The minimum seating capacity is one hundred fifty (150);
 - (B) More than fifty percent (50%) of its revenue is derived from the sale of food;
 - (C) The operation is limited to the sale of food and beverages for consumption on the premises;
 - (D) Customer service is at table side. No counter service and no cafeteria-style service is provided; and
 - (E) The restaurant is not open to the public before 11:00 A.M.
(CB-104-1985)
- 10** The requirement for at least 6 businesses and a 50,000 square feet minimum gross floor area does not apply to a fast-food restaurant which is legally existing or which is subsequently constructed pursuant to a building permit filed prior to May 6, 1986.
(CB-29-1986)
- 11** This does not provide for accessory antennas or overhead distribution lines.
(CB-25-1987)
- 12** In a publicly-owned recreational facility, a school, a church, or a public building, a day care center shall only be permitted as an accessory use. A church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children.
(CB-23-1988; CB-98-1988; CB-44-1989)
- 13** Provided the health center is located on a minimum of twenty-five (25) acres.
(CB-55-1988)
- 14** Provided it is an adaptive reuse of existing space, such space having been previously utilized for bulk retailing, and only where the property on which the use is located abuts land in the I-3 Zone.
(CB-61-1988; CB-81-1993; CB-123-1994; CB-61-1995)
- 15** May include an accessory crematory.
(CB-2-1989)
- 16** Delivery service is permitted provided an additional parking space, over and above the required number of parking spaces, is provided for each vehicle used for delivery. No more than six (6) vehicles shall be permitted for the delivery service.
(CB-126-1989)
- 17** A sanitary landfill or rubble fill may include a rock crusher only if it is approved as part of the Special Exception.
(CB-15-1990)
- 18** Provided both uses were existing as of January 1, 1991.
(CB-11-1991)

- 19** For:
- (A) The relocation of such uses, provided the last site on which the use was located was in the I-1 Zone, not more than three (3) miles from the subject property, is currently used by a public entity for a mass transit facility, and was acquired prior to June 1, 1993; or
 - (B) A property of 15,000 to 20,000 square feet, formerly the site of a full-service gas station, abutting on at least one side property in the C-S-C Zone, limited to repair of vehicles with a maximum gross vehicle weight of 17,000 pounds.
(CB-50-1993; CB-68-1999; CB-90-2000)
- 20** Provided the use is on a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is a minimum of fifty (50) acres, which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, and of which no more than thirty-five percent (35%) is occupied by the uses subject to this requirement. The entire tract of land in the C-M Zone shall require Detailed Site Plan approval in accordance with Part 3, Division 9 of this Subtitle. Each use subject to these requirements shall consist of at least twenty-five thousand (25,000) square feet of gross floor area, and uses consisting of less than fifty thousand (50,000) square feet of gross floor area are permitted only if there is one existing retail use consisting of more than one hundred thousand (100,000) square feet of gross floor area for every two (2) retail uses consisting of less than fifty thousand (50,000) square feet of gross floor area. Clothing, dry goods, millinery, and shoe stores shall be permitted by Special Exception in all other cases. For the purposes of this footnote, the word "contiguous" shall include parcels that are separated only by a right-of-way. However, a department or variety store consisting of no more than fifteen thousand (15,000) square feet of gross floor area shall be permitted upon a parcel or contiguous parcels of land in the C-M Zone, the gross tract area of which is no more than three (3) acres, and which is contiguous to an existing street right-of-way at least one hundred twenty (120) feet wide, subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle.
(CB-71-1993; CB-70-1998)
- 21** If the use has a valid use and occupancy permit as of September 30, 1993, and a sight-tight fence or wall at least six (6) feet in height is erected along the perimeter of all abutting residential property as of December 31, 1993, the use shall be permitted by right. Change in ownership of the use shall not affect the conforming use status.
(CB-89-1993)
- 22** Subject to Detailed Site Plan approval, in accordance with Part 3, Division 9, of this Subtitle, if the use is abutting land in a residential zone, or land proposed to be used for residential purposes on an approved Basic Plan, approved Official Plan, or any approved Conceptual or Detailed Site Plan.
(CB-90-1993)
- 23** Provided the building to which it is attached is at least fifty (50) feet in height. Otherwise, a Special Exception is required.
(CB-41-1994)
- 24** Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. The requirement for Detailed Site Plan approval does not apply to eating or drinking establishments within, and sharing the same points of vehicular access as, an integrated shopping center having six individual businesses (including the fast-food restaurant) and a minimum 50,000 square foot gross floor area.
(CB-120-1994; CB-19-2010; CB-46-2010; CB-56-2011)
- 25** Provided the property abuts property in a commercial zone, a residential zone in common ownership with the subject property, or a transportation facility right-of-way.
(CB-46-1995)

- 26** Provided the property on which the use is located is under single ownership which includes the I-1 and C-M zones, where the uses on the C-M zoned portion are an expansion of the currently existing uses on the I-1 zoned portion of the property. (CB-39-1996)
- 27** Provided the property on which the use is located is abutting an existing vehicle storage yard with a valid use and occupancy permit. (CB-80-1996)
- 28** If not conducted in an existing office building, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. (CB-93-1996)
- 29** Reserved.
- 30** Except when located on a tract of land which is less than 1.5 acres in size and surrounded on all sides by land in any residential zone in order to ensure safety on contiguous parcels and to minimize negative aesthetic impact on neighboring areas. A maximum of one (1) monopole and antennas for four (4) carriers are permitted. For any use for which the original permit was applied for prior to November 25, 1997, and legally issued, telecommunications-related equipment may be moved inside an existing structure without obtaining a special exception for the alteration of a nonconforming use. (CB-102-1997; CB-38-1998; CB-29-2003)
- 31** Provided:
- (A) The store shall be no less than 10,000 square feet nor more than 15,000 square feet;
 - (B) The use involves the demolition and redevelopment of a commercial use that has been vacant for a minimum of five years; and
 - (C) The site contains a minimum of three (3) acres and is adjacent to, or across from, an enclosed mall of at least 500,000 square feet. (CB-4-1999)
- 32** If located outside a Revitalization Tax Credit Area in a commercial center with less than thirty (30) acres, a bulk retailing store may not have gross floor area greater than 50,000 square feet. But if the store was in use and had necessary permits issued on or before September 1, 1998, then the restriction in this note does not apply and the store is not subject to nonconforming use requirements in Part 3, Division 6, unless the store discontinues bulk retailing operations for 180 or more consecutive calendar days. In this note, a commercial center is one or more contiguous, commercially-zoned lots separated from other commercially-zoned lots by public streets or rights-of-way. (CB-25-1999)
- 33** Provided the use does not exceed 5,000 square feet. (CB-34-1999)
- 34** Limited to the adaptive re-use of vacant or partially vacant property in former or existing shopping centers which are limited in their ability to modify or expand. The C-S-C parcels in the shopping center shall:
- (A) Lie adjacent to federal government property;
 - (B) Include not less than 10 or more than 15 acres;
 - (C) Be confined by road networks which limit access changes to the parcels; and
 - (D) Lie contiguous to and below the grade of a multilane limited-access highway.
- All such consolidated storage units shall meet the requirements of Sections 27-375(a)(5), (6) and (7), and 27-281 through 27-290. (CB-45-1999)
- 35** Reserved.

- 36** Special Exception applications filed prior to January 1, 2000, may continue through the review and hearing procedures in Part 4. Uses which are approved may continue in effect, may be revised or amended under procedures in Part 4, and shall not be considered nonconforming. The maximum height of structures not approved by January 1, 2000, shall be thirty-six (36) feet.
(CB-29-2000)
- 37** Except for new vehicle sales lots, the use shall be located on a tract of land containing a minimum of 25,000 square feet. All such uses on property less than 25,000 square feet in existence on September 1, 2000, may not be certified as nonconforming uses and must cease operations on or before August 31, 2003.
(CB-87-2000)
- 38** All such uses in existence on September 1, 2001, may not be certified as nonconforming uses and must cease operations, with removal of all animal or poultry facilities, by February 1, 2002.
(CB-71-2001)
- 39** (A) The subject C-M Zone property shall have at least seventy-five (75) feet of frontage on a street shown on the Master Plan as a collector or higher classification, be at least twenty-five thousand (25,000) square feet in area, and be the subject of a use and occupancy permit for commercial vehicle storage issued prior to January 1, 1990.
(B) In addition, the use may be placed on a C-M Zone property contiguous to property meeting the requirements in paragraph (A), but only if both properties are in the same ownership and the paragraph (A) property has a valid use and occupancy permit for trash removal services.
(CB-17-2002)
- 40** Permits for a store approved before January 15, 2002, without a special exception may continue in effect and be revised or amended, and such a store shall not be considered a nonconforming use. No permits for new food or beverage operations in such a store may be approved without a Special Exception.
(CB-2-2002)
- 41** Provided:
(A) The property in the C-O Zone is within a Special Taxing District and adjoins or lies across a public right-of-way from land in the R-H Zone with an existing planned retirement community.
(B) The Planning Board approves a Detailed Site Plan, in accordance with Part 3, Division 9, and makes the following findings:
(1) The site plan meets all Special Exception requirements in Section 27-395; and
(2) The proposed project will serve, in a high quality, well-designed retirement community, the needs of a retirement-aged population while not adversely affecting the character of the surrounding neighborhood.
(CB-22-2002)
- 42** Provided the use is an expansion of an existing vehicle sales lot onto surplus land owned by a State agency, but is not in use as a street or right-of-way. The subsequent conveyance of the State land shall not result in the use becoming nonconforming.
(CB-29-2002)
- 43** All such uses with permits validly issued or applied for as of July 1, 2002, including those on properties rezoned from C-S-C to M-U-I, are deemed permitted uses, are not nonconforming, and may be altered, enlarged, or extended.
(CB-55-2002)

- 44** Permitted use without requirement for a Special Exception provided:
- (A) The property is located within one thousand (1,000) feet of an existing mass transit rail station operated by the Washington Metropolitan Area Transit Authority (WMATA) and within the boundaries of a TDOZ approved prior to 1990;
 - (B) Permits may not be issued for the commercial parking lot until the Planning Board approves a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle;
 - (C) The Planning Board shall find that the site plan meets the requirements of any applicable TDOZ Development Plan; and
 - (D) All commercial parking lot operations on the property shall cease by September 1, 2008.
- (CB-14-2003)
- 45** A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.
- (CB-8-2003; CB-87-2003)
- 46** Multifamily condominium or rental units are permitted provided:
- (A) The use is located on one or more lots of less than twelve (12) acres in size;
 - (B) The property is located within a Center or a Corridor designated by the General Plan;
 - (C) The adjoining properties are developed with institutional, commercial office, and residential uses;
 - (D) Development of the site is subject to the regulations of the R-18 Zone for this use; and
 - (E) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan shall include architectural review in order to ensure compatibility with the existing neighborhood.
- (CB-75-2003; CB-69-2004)
- 47** Provided:
- (A) The community is located on a minimum of five (5) acres and a maximum of eleven (11) acres;
 - (B) The property is located within a Center or a Corridor designated by the General Plan;
 - (C) The property upon which the community is located shall be located adjacent to property, also zoned C-O, which includes medical offices, an assisted living facility, adult day care center, and/or other facility designed for senior citizens, but in no event shall the use be deemed nonconforming if the adjacent C-O property is no longer occupied by one of the aforementioned uses;
 - (D) Each multifamily building shall consist of at least three (3) stories, and shall be served by an elevator;
 - (E) The community shall include a clubhouse consisting of at least five thousand (5,000) square feet;
 - (F) At least one (1) resident of each household shall be at least fifty-five (55) years old and no permanent resident of the retirement community shall be under eighteen (18) years old;
 - (G) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9 of this Subtitle;
 - (H) Covenants setting forth the minimum age of the residents shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the Maryland National Capital Park and Planning Commission; and
 - (I) Development of the community is subject to the regulations of the R-18C Zone for multifamily dwellings.
- (CB-85-2003)

- 48** Provided:
- (A) The use is an adaptive reuse of a furniture warehouse store, which has or had a valid use and occupancy permit prior to January 1, 2004, and is in an existing shopping center that is located on a parcel(s) containing not less than five (5) or more than eleven (11) acres;
 - (B) The use is located in a building of at least sixty-five thousand (65,000) square feet and was constructed after 1980 with a minimum of 16-foot ceilings; and
 - (C) A Detailed Site Plan must be approved in accordance with Part 3, Division 9, of this Subtitle. The site plan should address, but not be limited to, ingress and egress, truck traffic and parking on the site, and screening for any on-site truck storage.
(CB-5-2004)
- 49** Provided the use is located on a lot or parcel with not more than one-half (1/2) acre and is located within one-half (1/2) mile of an existing cemetery.
(CB-22-2004)
- 50** Multifamily condominium units are permitted provided:
- (A) The multifamily dwellings shall be located on a parcel(s) containing at least six (6) acres;
 - (B) The property is contiguous to an existing mass transit rail station operated by Washington Metropolitan Area Transit Authority (WMATA);
 - (C) The bedroom percentages for multifamily dwellings as set forth in Section 27-419 shall not be applicable;
 - (D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
 - (E) Regulations concerning the height of structure, lot size and coverage, frontage, setbacks, density, and other requirements of the C-S-C Zone shall not apply. All such requirements shall be established and shown on the Detailed Site Plan;
 - (F) Density regulations shall be in accordance with the R-10 Zone for multifamily dwellings;
 - (G) The Detailed Site Plan shall include architectural review in order to ensure high quality design and construction materials; and
 - (H) Covenants setting forth that appropriate condominium fees are necessary to provide adequate maintenance of required landscaping to ensure the aesthetics of the property shall be submitted with the Detailed Site Plan application. The covenants shall run to the benefit of the local citizens' association.
(CB-28-2004)
- 51** Reserved.
- 52** This limitation shall not apply to property which is located within the Developed Tier for which any portion of same:
- (A) Has an approved Preliminary Plan of subdivision for property which is or was at the time of subdivision split-zoned I-3 and R-R, and is located on and inside the Capital Beltway at an existing interchange with said Beltway, or
 - (B) Is or was the subject of a Preliminary Plan of subdivision or Detailed Site Plan for an integrated shopping center developed pursuant to CB-65-2003; or
 - (C) Is the subject of a building permit issued for said use prior to September 1, 2005 pursuant to CB-65-2003. All such uses on property meeting the above criteria shall be deemed permitted uses and shall not be considered nonconforming.
(CB-19-2005; CB-13-2012)
- 53** Condominium residential dwellings may be permitted in the C-S-C Zone within the Developed Tier on property that is the location of an existing hotel, if located along the Capital Beltway and within one (1) mile of a WMATA station, subject to an approved Detailed Site Plan as provided in Part 3, Division 9. The use is permitted only if:
- (A) The units are part of a mixed-use development of commercial and retail/commercial;
 - (B) The minimum percentage of any single use is ten percent (10%) for either residential, commercial, or retail of the gross square footage of floor area; and
 - (C) The density, bulk, height, and other regulations are as required for townhouses in the R-T Zone and for multi-family units in the R-18 Zone.
(CB-97-2005)

54 Provided:

- (A) The use does not exceed 3,000 square feet of gross floor area;
- (B) Outdoor storage and outdoor fabrication of signs are prohibited;
- (C) The occupant of the premises shall be allowed to park no more than two (2) commercial vehicles each of which does not exceed a manufacturer's gross vehicle weight of 8,500 pounds; and
- (D) The use employs digital, graphic design, or other technological equipment to produce the signage. (CB-14-2008)

55 Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming, regardless of a change in tenancy or ownership of the check cashing business. (CB-23-2009; CB-106-2012)

56 Businesses with a valid use and occupancy permit issued prior to May 1, 2010, may continue as a matter of right and shall not be deemed nonconforming if the use does not include any form of adult entertainment. (CB-46-2010)

57 Any private automobile and other vehicle auction operating in the C-M Zone prior to January 1, 2011, shall not be certified as a nonconforming use and shall meet the requirements of Section 27-464.06 (c), (d) and (f). If the use is not brought into conformance within the prescribed two-year time period, the property owner shall cease all auction operations on the property. (CB-59-2010)

58 Any existing establishment in the C-S-C Zone or C-M Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of "adult entertainment" may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012. The hours of operation shall be limited to 5:00 P.M. to 3:00 A. M. (CB-56-2011)

FOOTNOTES TO THE SOUTHERN GREEN LINE DDOZ TABLE OF USES FOR THE COMMERCIAL ZONES

- (i) Except for a "Banquet hall," which shall be defined for purposes of this DDOZ as "an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door," unless as an ancillary or accessory use to a restaurant, tavern, hotel, or convention center, or as otherwise provided herein.
- (ii) Except for a "Beauty supply and accessories store," which shall be defined for purposes of this DDOZ as "a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail," unless as an ancillary or accessory use, or as otherwise provided herein.
- (iii) Except for a "Nail salon," which shall be defined for purposes of this DDOZ as "a use designated as North American Industry Classification System ('NAICS') No. 812113," unless as an ancillary or accessory use, or as otherwise provided herein.#
- (iv) Permitted use within the DDOZ except for parcels located wholly or partially within a ½ mile radius of either entrance to Branch Avenue Metro Station.

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
INDUSTRIAL ZONES USE TABLE**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE DISTRICT COUNCIL.

TABLE OF USES FOR THE INDUSTRIAL ZONES

Uses permitted.

(a) No use shall be allowed in the Industrial Zones, except as provided for in the Table of Uses or in Subsection (c) of this Section. In the table, the following applies:

(1) The letter "P" indicates that the use is permitted in the zone indicated.

(2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.

(3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.

(4) The letters "PA" indicate that the use is permitted, subject to the following: (A)

There shall be no entrances to the use directly from outside the building;

(B) No signs or other evidence indicating the existence of the use shall be visible from outside the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and

(C) The use is secondary to the primary use of the building.

(5) The letters "PB" indicate that the use is permitted, subject to the following:

(A) The use shall be related to, dependent on, and secondary to a primary use on the premises;

(B) The use shall be located on the same record lot as the primary use;

(C) The use shall not be located within a building not occupied by the primary use; and

(D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the primary use is located, unless otherwise provided.

(6) The letters "SP" indicate the use is permitted, subject to the approval of a Special Permit, in accordance with Section 27-239.02.

(7) The letters "NA" indicate that the language is not applicable.

(8) The letter "X" or a blank (unless otherwise clear from the context) indicates that the use is prohibited. (9)

All uses not listed are prohibited.

(10) The word "manufacture" includes the words "fabricate," "assemble," and "repair."

(11) In the I-3 Zone, the word "manufacture" also means that the activity involves materials or parts produced elsewhere.

(12) Whenever the table refers to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.

(CB-37-1988; CB-3-1989; CB-90-1992; CB-1-1994; CB-10-2003; CB-11-2003)

TABLE OF USES.

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
(1) COMMERCIAL:						
(A) Eating or Drinking Establishments:						
(i) <u>Eating or drinking establishment, with drive-through service</u> (CB-19-2010)	P ⁵⁴	P	P ^(iv)	P ⁵⁴	P	P ^(iv)
(ii) <u>Eating or drinking establishment, excluding drive-through service</u> (CB-19-2010)	P	P	P	P	P	P
(iii) <u>Eating or drinking establishment of any type, including music and patron dancing past the hours of 12:00 A.M., excluding adult entertainment</u> (CB-19-2010; CB-56-2011)	SE	P*	P*	P ⁵⁴	P	P
(iv) <u>Within a University Research and Development Park, other than freestanding fast-food</u> (CB-72-2010; CB-56-2011)	X	X	X	P	P	P
(B) Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service:						
<u>Car wash</u> (CB-92-2001)	P	P	X	P ⁴¹	P	X
<u>Commercial Fuel Depot</u> (CB-66-2006)	P ⁵¹	P	X	X	X	X
<u>Gas station</u> (CB-1-1989; CB-57-1994; CB-40-1998; CB-97-2004)	SE ¹⁰	P*	P ^(iv)	SE	P*	P ^(iv)

USE	ZONE					
	I-1 ³³ in ZO	I-1 UNDDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
<u>Incidental automobile service in parking garage³</u>	P	P	X	X	X	X
<u>Mobile or modular home sales lot, which may include the storage of mobile homes or modular home components for sale</u>	P	P	P ^(iv)	X	X	X
<u>Private Automobile and Other Motor Vehicle Auctions</u>	P ⁵⁵	P	X	X	X	X
<u>(i) Operating as of January 1, 2011, as a use that conforms to the definition under Section 27-107.01, subject to the provisions of Section 27-475.06.07(b), (c), and (d).</u>						
<u>(ii) All others, subject to the requirements of Section 27-475.06.07 (CB-59-2010)</u>	P	P	X	X	X	X
<u>Vehicle, boat, or camping trailer sales, or boat or camping trailer rental lot, including outdoor display of the vehicles (CB-37-1988; CB-58-1993; CB-75-1998; CB-33-2002; CB-39-2004)</u>	P	P	X	X	X	X
<u>Vehicle, boat, mobile home, or camping trailer repair and service station, and the sales of parts and tires which may include:</u>						
<u>(i) Installation of parts within a wholly enclosed building</u>	P	P	X	X	X	X
<u>(ii) Incidental retail sales of gasoline, subject to Section 27-358(a)(1),(2),(4),(5),(6),(7),(8), and (10)</u>	PB	PB	X	X	X	X
<u>Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage (CB-43-1987)</u>	P	P	X	X	X	X
<u>Vehicle rental lot, excluding boats or camping trailers, including outdoor display of the vehicles (CB-58-1993)</u>	P	P	P ^(iv)	SE ²⁴	P*	P ^(iv)

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Vehicle sales or rental lot, including outdoor display of the vehicles (CB-73-1997)	X	X	X	P ³⁷	P	X
Vehicle towing station (CB-12-1991; CB-75-1998; CB-39-2004)	P	P	X	X	X	X
(C) Offices:						
Bank, savings and loan association, or other savings or lending institution:						
(i) With drive through	P	P	P ^(iv)	P	P	P ^(iv)
(ii) All others (CB-1-1994)	P	P	P	P	P	P
Check Cashing Business (CB-23-2009)	SE ⁶³	X	X	SE ⁶³	X	X
Other offices:						
(i) Accessory to a permitted use	P	P	P	P	P	P
(ii) Medical practitioner's office	P	P	P	P	P	P
(iii) Medical practitioner's office less than 3 stories in height and not exceeding 33% of net tract area in a development comprising a gross tract area of at least 25 acres	X	X	X	X	X	X
(iv) Offices less than 3 stories in height and not exceeding 33% of net tract area in a development comprising a gross tract area of at least 25 acres	X	X	X	X	X	X
(v) Trailer for office space accessory to an existing industrial use in accordance with Sections 27-260 and 27-261 (CB-75-1998; CB-39-2004)	X	X	X	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 in DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
(vi) All other offices (CB-3-1989; CB-24-1993; CB-75-1998)	P	P	P	P	P	P
Real estate subdivision sales office:						
(i) As a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P
(ii) All others	X	X	X	P	P	P
University Research and Development Park (CB-72-2010)						
(D) Services:						
Animal hospital, animal training, kennel	P	P ⁽ⁱⁱⁱ⁾	P ⁽ⁱⁱⁱ⁾	X	X	X
Barber or beauty shop	P	P	P	X	X	X
Bicycle repair shop	P	P	P	X	X	X
Blacksmith shop	P	P	P	X	X	X
Blueprinting, photostating, or other photocopying establishment (CB-66-1996; CB-75-1998; CB-39-2004)	P ³⁴	P	P	P	P	P
Carpet or rug shampooing establishment	P	P	P	X	X	X
Catering establishment (CB-46-2010)	P	P ^(iv)	P ^(iv)	X	X	X
Data processing (CB-66-1996)	P ³⁴	P	P	P	P	P
Dry cleaning or laundry pickup	P	P	P	X	X	X
Dry cleaning plant	P	P	P	X	X	X
Electrical or electronic equipment, radio or television, computer repair shop (CB-3-1989; CB-66-1996)	P ³⁴	P	P	P	P	P

USE	ZONE					
	I-1 ³³ in ZO	I-1 in DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 in DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Farm implement repair	P	P	P ^(iv)	X	X	X
Household appliance or furniture repair shop:						
(i) Furniture and small appliances only	P	P	P	P	P	P
(ii) All others	P	P	P	X	X	X
Key or locksmith shop	P	P	P	X	X	X
Laboratory:						
(i) Accessory to allowed use	P ³⁴	P	P	P	P	P
(ii) Medical or dental	P ³⁴	P	P	P	P	P
(iii) Research, development, or testing	P ³⁴	P	P	P	P	P
(iv) All others	P	P	P	X	X	X
(CB-3-1989; CB-66-1996)						
Laundromat	P	P	P	X	X	X
Laundry plant	P	P	P	X	X	X
Lawn mower repair shop	P	P	P	X	X	X
Massage establishment	SE	P*	P	X	X	X
Methadone Treatment Center (CB-103-1993)	SE	P*	P*	SE	P*	P*
Photographic processing plant	P ³⁴	P	P	P	P	P
(CB-66-1996)						
Photography studio (may include darkroom)	P	P	P	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/4 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Printing shop (CB-66-1996)	P ³⁴	P	P	P	P	P
Research and Development (CB-3-1989)	X	X	X	X	X	X
Septic tank service	P	P	P	X	X	X
Shoe repair shop	P	P	P	P	P	P
Tailor or dressmaking shop (may include incidental dyeing and pressing)	P	P	P	P	P	P
Tattoo Parlor (CB-10-2012)	P	X	X	X	X	X
Taxidermist	P	P	P	X	X	X
Upholstery shop	P	P	P	P	P	P
(E) Trade (Generally Retail):						
Adult book store and/or Adult video store (CB-53-1996; CB-75-1998; CB-39-2004; CB-28-2009)	X	X	X	X	X	X
Arts, crafts, and hobby supply store (CB-18-1997)	P	P	P	X	X	X
Bicycle (sales) shop	P	P	P	X	X	X
Bottled gas sales (retail)	P	P	P	X	X	X
Building supply store (CB-3-1989)	P	P	P	X	X	X
Buying of items within guest rooms and vehicles, pursuant to Section 27-115(a)(2)	X	X	X	X	X	X
Carpet or floor covering store	P	P	P	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
<u>Clothing, dry goods, millinery, or shoe store</u> (CB-89-1986)	SE	P*	P*	X	X	X
<u>Department or variety stores, excluding pawnshops</u> (CB-21-1994; CB-97-2004; CB-64-2012)						
(i) <u>Not exceeding 13,000 square feet</u>	P ¹⁰	P ⁽ⁱⁱ⁾	P ⁽ⁱⁱ⁾	P ²⁷	P ⁽ⁱⁱ⁾	P ⁽ⁱⁱ⁾
(ii) <u>All others, in accordance with Section 27-348.02</u>	X	X	X	SE ²⁷	P ⁽ⁱⁱ⁾	P ⁽ⁱⁱ⁾
<u>Drug paraphernalia display or sales, pursuant to Section 27-115(a)(1)</u>	X	X	X	X	X	X
<u>Drug store</u> (CB-91-1986; CB-97-2004)	SE ¹⁰	P*	P*	X	X	X
<u>Electrical supply store</u> (CB-3-1989)	P	P	P	X	X	X
<u>Farm implement or feed sales</u>	P	P	X	X	X	X
<u>Farmer's market or flea market, in accordance with Sections 27-260 and 27-261</u> (CB-63-1998)	P	P	P	P	P	P
<u>Firewood sales as a temporary use, in accordance with Sections 27-260 and 27-261</u> (CB-66-1996)	P ³⁴	P	P	P	P	P
<u>Food or beverage store</u>						
(i) <u>Within an existing retail center with net leasable building space of less than 26,000 square feet</u>	P ⁴³	P	P	P ⁴²	P	P
(ii) <u>All others</u> (CB-92-2001; CB-93-2001; CB-97-2004)	SE ¹⁰	P*	P*	X	X	X
<u>Hardware store (may include electrical or plumbing supplies)</u>	P	P	P	X	X	X

USE	ZONE					
	I-1 ³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
<u>Home furnishing store (such as interior decorations, electronics, housewares, household accessories, or textiles) (CB-89-1990)</u>	P	P	P	X	X	X
<u>Household appliance or furniture store</u>	P	P	P	X	X	X
<u>Lawn mower (sales) store</u>	P	P	P ^(M)	X	X	X
<u>Nursery and garden center (CB-3-1989)</u>	P	P	P	X	X	X
<u>Paint or wall covering store (CB-3-1989)</u>	P	P	P	X	X	X
<u>Pawnshop (CB-28-1997)</u>	X	X	X	X	X	X
<u>Pet feed and supply store (CB-2-1991)</u>	P	P	P	X	X	X
<u>Plumbing supply store (CB-3-1989)</u>	P	P	P	X	X	X
<u>Retail sales of products:</u>						
(i) <u>Provided the retail sales are incidental to the manufacturing of the products on the premises and the retail sales area does not exceed 15% of the gross floor area of the building, or 5,000 square feet, whichever is less</u>	X	X	X	P	P	P
(ii) <u>Provided the retail sales are incidental to the manufacturing of the products on the premises, except where permitted by (i) above</u>	PB	PB	PB	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
(iii) Provided the retail sales are incidental to the warehousing, wholesaling, or distribution of the products on the premises (CB-122-1986, CB-3-1989)	PB	PB	X	X	X	X
Sales events sponsored by bona fide nonprofit groups or organizations, in accordance with Sections 27-260 and 27-261 (CB-26-1997)	P	P	P	X	X	X
Seafood market (CB-49-1987)	SE	P*	P*	X	X	X
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P	P	P	P
Septic tank sales	P	P	P	X	X	X
Stationery or office supply store, which may include the sale of office furniture and business machines	P	P	P	X	X	X
Swimming pool or spa sales and service (which may include outdoor display, provided it is enclosed by a 6-foot high fence)	P	P	P	X	X	X
Wayside stand:						
(i) As a temporary use, subject to Sections 27-260 and 27-261	P	P	P	P	P	P
(ii) All others	P ⁴⁷	P	P	X ⁴⁷	X	X
Where not otherwise specifically permitted, any use allowed in the C-S-C Zone (excluding those permitted by Special Exception) (CB-65-2003, CB-19-2005)	P ⁴⁷	P	P	P ⁴⁷	P	P
Where not otherwise specifically permitted, any use allowed by Special Exception in the C-S-C Zone. (CB-65-2003)	X	X	X	SE ⁴⁷	P*	P*

USE	ZONE					
	<u>I-1³³ in ZO</u>	<u>I-1 UNDDOZ AREA</u>	<u>I-1 WITHIN 1/2 MILE OF METRO</u>	<u>I-3 in ZO</u>	<u>I-3 IN DDOZ AREA</u>	<u>I-3 WITHIN 1/2 MILE OF METRO</u>
(2) INDUSTRIAL:						
(A) Chemical and Allied Manufacturing:						
<u>Abrasive and asbestos products</u>	X	X	X	X	X	X
<u>Acids and caustics</u>	X	X	X	X	X	X
<u>Carbon black</u>	X	X	X	X	X	X
<u>Celluloid or pyroxylin</u>	X	X	X	X	X	X
<u>Cosmetics, medicinal, pharmaceutical, and toilet article products, fabrication (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Distillery for the production of fuel alcohol, which may include bulk storage (CB-75-1998; CB-39-2004)</u>	SE	P*	P*	X	X	X
<u>Drugs, compounding (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Dvestuffs</u>	X	X	X	X	X	X
<u>Fertilizers</u>	X	X	X	X	X	X
<u>Gum and wood chemicals, which may include distilling</u>	X	X	X	X	X	X
<u>Ink:</u>						
<u>(i) Paste inks (CB-75-1998; CB-39-2004)</u>	P	P	P	X	X	X
<u>(ii) All other inks</u>	X	X	X	X	X	X
<u>Organic and inorganic chemicals (except as specified):</u>						
<u>(i) Blending and mixing (CB-75-1998; CB-39-2004)</u>	X	X	X	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 in DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
(ii) Breaking bulk	P	P	P	X	X	X
Paints, varnishes, lacquers, enamels, and shellacs (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Pesticides and insecticides	X	X	X	X	X	X
Plastics and synthetic fibers (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Soaps, cleaners, polishes, sanitation preparations, bleaches, and detergents	X	X	X	X	X	X
(B) Fabrication of Wood, Metal, Paper, Plastic, and Glass <u>Products from Materials Produced Elsewhere:</u>						
Armament control and sighting systems	P	P	P	X	X	X
Communications equipment, computers, telephones, electronic equipment, radios, sound systems, or televisions (which may include parts for these items) (CB-66-1996)	P ³⁴	P	P	P	P	P
Containers:						
(i) Paper or plastic	SE	P*	P*	P	P	P
(ii) Glass, metal, or wood or other materials (CB-75-1998; CB-39-2004)	SE	P*	P*	X	X	X
Electrical lighting fixtures	P	P	P	P	P	P
Engines, generators, turbines, or miscellaneous machinery (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Furniture, cabinets, fixtures, or interior decorating components	P	P	P	P	P	P
Hardware (except as otherwise specified)	P	P	P	X	X	X

USE	ZONE					
	L-1 ³³ in ZO	L-1 IN DDOZ AREA	L-1 WITHIN 1/2 MILE OF METRO	L-3 in ZO	L-3 IN DDOZ AREA	L-3 WITHIN 1/2 MILE OF METRO
Heavy armament (CB-75-1998; CB-39-2004)	SE	P*	P*	X	X	X
Household appliances:						
(i) Small electrical household appliances, including televisions but excluding refrigerators and similar large appliances	P	P	P	P	P	P
(ii) All others	P	P	P	X	X	X
Motorized and nonmotorized vehicles, aircraft, construction, farm, or railroad equipment, ships or boats (which may include the parts for these items)	X	X	X	X	X	X
Office supplies and equipment (CB-66-1996)	P ³⁴	P	P	P	P	P
Plumbing, air conditioning, carpentry, electrical heating, and lighting supplies and equipment (except where otherwise specified):						
(i) Plastic	P	P	P	P	P	P
(ii) Other materials	P	P	P	X	X	X
Spas and swimming pools	P	P	P	X	X	X
Structural components of buildings (except as otherwise specified)	P	P	P	X	X	X
Vending machines	P	P	P	X	X	X
(C) Manufacturing and Processing of Lumber, Wood, and Related Products:						
Logging camps or contractors (CB-75-1998; CB-39-2004)	X	X	X	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Mobile or manufactured homes (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Modular buildings (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Sawmills or planing mills (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Veneer and plywood (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Wood preserving (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
(D) Manufacturing of Scientific, Specialized, and Technical Instruments and Equipment:						
Engineering, computer, drafting, laboratory, office, research, and scientific instruments, devices, equipment and supplies (CB-66-1996)	P ³⁴	P	P	P	P	P
Optical, dental, medical, ophthalmic, orthopedic, and prosthetic devices and supplies (CB-66-1996)	P ³⁴	P	P	P	P	P
Photographic equipment and supplies (CB-66-1996)	P ³⁴	P	P	P	P	P
Timing, light, mixing, safety, temperature, or weight control devices (CB-66-1996)	P ³⁴	P	P	P	P	P
Watches, clocks, measuring, or time-keeping devices (CB-66-1996)	P ³⁴	P	P	P	P	P
(E) Metal Production:						

USE	ZONE				I-3 IN 1/2 MILE OF METRO	I-3 IN DDOZ AREA	I-3 IN ZQ	I-3 IN 1/2 MILE OF METRO
	I-1 ³³ IN ZQ	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-1 IN ZQ				
Blast furnace	X	X	X	X	X	X	X	X
Foundry:								
(i) Nonferrous metals (CB-75-1998; CB-39-2004)	X	X	X	X	X	X	X	X
(ii) Nonornamental ferrous	X	X	X	X	X	X	X	X
(iii) Ornamental metals (CB-75-1998; CB-39-2004)	X	X	X	X	X	X	X	X
Recycling of nonferrous metals (CB-75-1998; CB-39-2004)	SE	P*	P*	P*	X	X	X	X
Rolling mill	X	X	X	X	X	X	X	X
Smelting	X	X	X	X	X	X	X	X
(F) Miscellaneous Industrial, Manufacturing, and Related Uses:								
Brushes, brooms, combs, or lamp shades manufacturing	P	P	P	P	X	X	X	X
Cigarettes, cigars, or other tobacco products (chewing or smoking) manufacturing (CB-75-1998; CB-39-2004)	X	X	X	X	X	X	X	X
Consolidated Storage, in accordance with Section 27-475.04 (CB-32-1988; CB-75-1998; CB-45-1999; CB-39-2004)	P	P	P ^(iv)	P	X	X	X	X
Contractor's office (general) as a permanent use, including the businesses of siding, flooring, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping, and the like, with buildings and uses accessory to the business (as well as the office) use:								
(i) With storage of materials or equipment:								

USE	ZONE				I-3 IN 1/2 MILE OF METRO	I-3 IN DDOZ AREA	I-3 IN ZO	I-3 WITHIN 1/2 MILE OF METRO
	I-1 ³³ in ZO	I-1 UNDDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-1 IN ZO				
(aa) Indoors	P	P	P ^(iv)	P	P	P	P ^(iv)	
(bb) Outdoors (CB-75-1998; CB-39-2004)	P	P	P ^(iv)	X	X	X	P ^(iv)	
(ii) Including the fabrication (only within a wholly enclosed building) of plumbing, air conditioning, heating, carpentry (and the like) parts for installation off site	P	P	P	PB	PB	PB	PB	
(iii) Including the retail sale of parts and supplies as an accessory use (CB-89-1985; CB-75-1998)	P	P	X	PB	PB	PB	X	
Contractors' plant or storage yard:								
(i) Those involving the operation or storage of heavy equipment over 17,000 pounds gross vehicle weight	P	P	P ^(iv)		X	X	X	
(ii) All others (CB-89-1985; CB-1-1994)	P	P	P ^(iv)		X	X	X	
Electronic Recycling Facility (CB-91-2012)	SE ⁵⁸	P*	P*		X	X	X	
Explosives, fireworks, or gunpowder manufacturing	X	X	X		X	X	X	
Gelatin manufacturing	X	X	X		X	X	X	
Glue or size manufacturing	X	X	X		X	X	X	
Heavy motorized equipment, motor vehicle, truck, boat, camping trailer, or trailer storage yard (CB-90-1992; CB-75-1998; CB-39-2004)	P	P	P ^(iv)		X	X	X	
Jewelry manufacturing (CB-66-1996)	P ³⁴	P	P		P	P	P	
Junk yard	SE	P*	X		X	X	X	
Machine shop	P	P	P		X	X	X	

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
<u>Matches manufacturing</u>	X	X	X	X	X	X
<u>Motion picture or broadcasting equipment manufacturing and production</u>	P	P	P	X	X	X
<u>Musical instruments, athletic goods, notions, novelties, sporting goods manufacturing</u>	P	P	P	P	P	P
<u>Pens, artist or drafting supplies, clerical equipment, business machines, or pencils manufacturing</u>	P	P	P	P	P	P
<u>Plastic products manufacturing, except as otherwise specified</u>	P	P	P	P	P	P
<u>Precious metalware manufacturing and plating</u>	P	P	P	P	P	P
<u>Recycling plant, except as otherwise specified (CB-75-1998; CB-39-2004)</u>	SE	P*	P	X	X	X
<u>Storage building accessory to:</u>						
(i) <u>A permitted use</u>	P	P	P ^(iv)	P	P	P ^(iv)
(ii) <u>A special permit use</u>	NA	NA	X	NA	NA	X
(iii) <u>A Special Exception use (CB-90-1992; CB-1-1994)</u>	SE	P*	P ^(iv)	SE	P*	P ^(iv)
<u>Storage yard, except as otherwise specified (CB-75-1998; CB-39-2004)</u>	P	P	P ^(iv)	X	X	X
<u>Tobacco packing, processing, and treatment</u>	P	P	P	X	X	X
<u>Transfer station (CB-71-1994; CB-76-2012)</u>	X	X	X	X	X	X
<u>Trash removal services (CB-82-1991; CB-75-1998; CB-39-2004)</u>	P ²²	P	P	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	L-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	L-3 in ZO	L-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Uses which are noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, radiation, glare, or noise, or which constitute a public hazard by fire, explosion, or other means. (in the discretion of the District Council)	X	X	X	X	X	X
Vehicle salvage yard	SE	P*	X	X	X	X
Warehousing:						
(i) Subject to Section 27-471(g)	NA	NA	X	P	P	X
(ii) All others (CB-90-1992)	P	P	X	X	X	X
Waste material separation and processing facility, in accordance with Section 27-475.05 (CB-77-1990; CB-75-1998; CB-39-2004)	X	X	X	X	X	X
(G) Petroleum, Gas, and Related Products:						
Asphalt mixing plant (CB-111-2004)	X	X	X	X	X	X
Breaking bulk for home consumption or portable appliances (CB-75-1998; CB-39-2004)	P	P	X	X	X	X
Distribution for home consumption (CB-75-1998; CB-39-2004)	P	P	X	X	X	X
Gasoline or gasohol bulk storage (other than gas station or vehicle repair and service station) (CB-75-1998)	SE	P*	P ^(iv)	X	X	X
Gasohol fabrication (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Liquid gas storage	X	X	X	X	X	X
Refinery	X	X	X	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
Tank farm, except as otherwise specified (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
(H) Printing, Publishing, Paper, and Related Industries:						
Bookbinder manufacturing	P	P	P	P	P	P
Bookbinding	P	P	P	P	P	P
Paper or paper board products (except containers) manufacturing	SE	P*	P*	P	P	P
Paper recycling collection center (only for collection, storage, and shipping) (CB-75-1998; CB-39-2004)	P	P	P	X	X	X
Printing and engraving (which may include all processes) (CB-66-1996)	P ³⁴	P	P	P	P	P
Publishing	P	P	P	P	P	P
Pulp making	X	X	X	X	X	X
(I) Processing of Food and Kindred Products for Human Consumption:						
Bakery products manufacturing	P	P	P	X	X	X
Beverage bottling (all containers):						
(i) Alcoholic	X	X	X	P	P	P
(ii) Nonalcoholic	P	P	P	P	P	P
Brewery, distillery, winery	X	X	X	X	X	X
Cereals, grains, or spice processing	P	P	P	X	X	X
Coffee roasting	P	P	P	X	X	X
Confectionery products manufacturing	P	P	P	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
Drying and dehydrating of food products	P	P	P	X	X	X
Freezing of food products	P	P	P	X	X	X
Oil and fat manufacturing (edible)	P	P	P	X	X	X
Packaging, packing, and canning of food products	P	P	P	X	X	X
Pickling	SE	P*	P*	X	X	X
Reduction plant	X	X	X	X	X	X
Sauce, seasoning, and dressing manufacturing	P	P	P	X	X	X
Slaughterhouse	X	X	X	X	X	X
Smoking and curing	SE	P*	P*	X	X	X
Sugar refinery	X	X	X	X	X	X
Syrup and flavor extract manufacturing	P	P	P	X	X	X
(J) Rubber and Synthetic Rubber Products:						
Fabrication of rubber products (CB-75-1998; CB-39-2004)	P	P	P	X	X	X
Recycling of rubber products	SE	P*	P*	X	X	X
Rubber manufacturing	X	X	X	X	X	X
Rubberizing of wearing apparel or household items	P	P	P	X	X	X
Synthetic rubber (and similar products) manufacturing	X	X	X	X	X	X
Tire or tube manufacturing (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
Tire recapping (CB-75-1998; CB-39-2004)	P	P	P	X	X	X
(K) Stone, Clay, Glass, and Cement Products:						

USE	ZONE					
	I-1 ³⁵ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Cement manufacturing	X	X	X	X	X	X
Concrete batching or cement mixing plant (CB-111-2004)	X	X	X	X	X	X
Cutting of nonstructural stone (CB-75-1998; CB-39-2004)	P	P	P	X	X	X
Glass blowing and molding	P	P	P	X	X	X
Manufacturing of ornamental products made of clay, concrete, glass plaster, porcelain, or stone (excluding the use of a rock crusher) (CB-75-1998; CB-39-2004; CB-78-2004)	P	P	P	X	X	X
Manufacturing or cutting of structural products made of clay, concrete, glass, stone, or similar materials (CB-75-1998; CB-39-2004)	X	X	X	X	X	X
(L) Textile Products:						
Fabrication of finished goods	P	P	P	P	P	P
Felt manufacturing	P	P	P	P	P	P
Fiber or thread manufacturing	X	X	X	X	X	X
Finishing of textile goods	P	P	P	P	P	P
Knitting	P	P	P	P	P	P
Lace (and similar products) manufacturing	P	P	P	P	P	P
Recycling of textiles (CB-75-1998; CB-39-2004)	SE	P*	P*	P	P	P
Synthetics manufacturing	X	X	X	X	X	X
Weaving	P	P	P	P	P	P

USE	ZONE			
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO
	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO	I-3 IN ZO	I-3 IN DDOZ AREA
				I-3 WITHIN ½ MILE OF METRO
(M) Wholesale Trade: ⁹				
Apparel, garments, or related products	P	P	P	P
Automotive or motorized equipment (parts and accessories only)	P	P	P	P
Bakery products, wholesale	P	P	P	P
Bulk raw materials	P	P	P	P
Chemical and related products (except as otherwise specified)	P	P	P	P
Electronic, glass, metal, paper, rubber, or wood products	P	P	P	P
Food or kindred products	P	P	P	P
Garden supplies or nursery stock	P	P	P	P
Livestock (CB-75-1998; CB-39-2004)	X	X	X	X
Ornamental products made of china, clay, concrete, glass, or stone	P	P	P	P
Petroleum products for home distribution	P	P	P	P
Structural products made of clay, concrete, or stone, with:				
(i) Indoor storage, only	P	P	P	P
(ii) Outdoor storage (CB-75-1998; CB-39-2004)	X	X	X	X
Textile products	P	P	P	P
Tobacco and related products	P	P	P	P

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
Wholesaling or distribution of materials (products) not used or produced on the premise.						
(i) Subject to Section 27-47 1(g)	NA	NA	X	P	P	X
(ii) All others (CB-90-1992)	P	P	X	X	X	X
Wholesaling or distribution of materials (products) used or produced on the premises (CB-90-1992)	P	P	X	P	P	X
Wholesaling or distribution use not listed (CB-90-1992)	SE	P*	X	X	X	X
(3) INSTITUTIONAL/EDUCATIONAL:						
Adult day care center (CB-44-1987; CB-66-1996)	P ^{12,34}	P	P	P	P	P
Adult rehabilitation center (CB-108-1987; CB-75-1988; CB-39-2004)	X	X	X	X	X	X
Church or similar place of worship, convent, or monastery (CB-23-1988; CB-99-1993; CB-84-1996)	P	P	P	P	P	P
Church or similar place of worship, convent, or monastery in the Route 202 Corridor Study Area, unless constructed pursuant to a Conceptual Site Plan approved by the Planning Board prior to June 1, 1997 (CB-72-1997)	X	X	X	X	X	X
Community building	P	P	P	X	X	X
Day care center for children:						
(A) In accordance with Section 27-475.02 ¹⁴	P ³⁴	P*	P	P	P	P

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
(B) All others (CB-23-1988; CB-66-1996)	<u>SE</u>	<u>P*</u>	<u>P*</u>	<u>SE</u>	<u>P*</u>	<u>P*</u>
School, private:						
(A) Business	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(B) Driving	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>
(C) Institution of higher learning (may include a private spa)	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>
(D) School or studio for artistic or technical instruction and practice	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(E) Scientific	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(F) Trade	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(G) Private college or university	<u>P³⁶</u>	<u>P</u>	<u>P</u>	<u>P³⁶</u>	<u>P</u>	<u>P</u>
(H) In accordance with Section 27-475.06.01 ²⁸	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
(I) All others (CB-26-1985; CB-33-1986; CB-23-1988; CB-14-1994; CB-113-1994; CB-66-1996; CB-93-1996; CB-94-2000)	<u>SE</u>	<u>P*</u>	<u>P*</u>	<u>SE</u>	<u>P*</u>	<u>P*</u>
(4) MISCELLANEOUS:						
Accessory structures and uses (CB-66-1996)	<u>P³⁴</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Adaptive use of a Historic Site, when not otherwise allowed (CB-58-1987)	<u>SE</u>	<u>P*</u>	<u>P*</u>	<u>SE</u>	<u>P*</u>	<u>P*</u>
Any use allowed in the C-S-C Zone (except those permitted by Special Exception), when located within an office building or hotel, provided not more than 15% of the gross floor area of the building shall be devoted to such uses and not more than 3,000 square feet shall be allotted to any one use; except hotels may include auditoriums or showrooms unlimited in size	<u>X</u>	<u>X</u>	<u>X</u>	<u>PA</u>	<u>PA</u>	<u>PA</u>

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
<u>Auction house (CB-55-1988)</u>	P	P	P	X	X	X
<u>Buildings and uses, serving public health purposes, on land owned by Prince George's County, Maryland, upon which hospitals or health centers are located, except if otherwise allowed as a Permitted (P) use¹⁵ (CB-55-1988; CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Cemetery, crematory:</u>						
(A) <u>Cemetery, accessory to a church, convent, or monastery²¹</u>	P	P	X	P	P	X
(B) <u>All others (CB-11-1991; CB-27-1995)</u>	SE	P*	X	X	X	X
<u>Collection of recyclable materials:</u>						
(A) <u>As a temporary use, in accordance with Sections 27-260 and 27-261 (CB-75-1998; CB-39-2004)</u>	P	P	P	P	P	P
(B) <u>All others</u>	P	P	P	X	X	X
<u>Commercial uses not listed</u>	X	X	X	X	X	X
<u>Contractor's office (must include sanitary facilities), construction yard, shed, or storage building (in connection with a construction project) as a temporary use:</u>						
(A) <u>In accordance with Sections 27-260 and 27-261</u>	P	P	P	P	P	P
(B) <u>All others</u>	P	P	P	X	X	X
<u>Ice vending machine for block ice</u>	P	P	P	X	X	X
<u>MARC Planned Community, in accordance with Section 27-475.06.05 (CB-21-2006)</u>	P	P	P	P	P	P

USE	ZONE				I-3 IN 1/2 MILE OF METRO	I-3 IN DDOZ AREA	I-3 IN ZO	I-3 WITHIN 1/2 MILE OF METRO
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-1 IN ZO				
<u>Metro Planned Community, in accordance with Section 27-475.06.03 (CB-35-1998)</u>	X	X	X	X	X	X	X	
<u>Mobile home, with a use for which amusement taxes are collected?</u>	P	P	P	P	P	P	P	
<u>Rental business for items permitted to be sold (except as otherwise specified)</u>	P	P	P	P	X	X	X	
<u>Sign making shop</u>	P	P	P	P	X	X	X	
<u>Signs, in accordance with Part 12:</u>								
<u>(A) Outdoor advertising sign (billboard)</u>	X	X	X	X	X	X	X	
<u>(B) All others (CB-45-1988; CB-24-1991; CB-66-1996)</u>	P ³⁴	P	P	P	P	P	P	
<u>Welding shop</u>	P	P	P	P	X ⁴⁹	X	X	
<u>Where not otherwise specifically permitted, any use allowed in the I-1 Zone (excluding those permitted by Special Exception) (CB-92-2004)</u>	X	X	X	X	P	P	P	
<u>Where not otherwise specifically permitted, any use allowed by Special Exception in the I-1 Zone (CB-92-2004)</u>	X	X	X	SE ⁴⁹	P	P	P	
(5) PUBLIC/QUASI PUBLIC:								
<u>Ambulance service, private</u>	P	P	P	P	X	X	X	
<u>Library</u>	P	P	P	P	P	P	P	
<u>Post office</u>	P	P	P	P	P	P	P	
<u>Public buildings and uses</u>	P	P	P	P	P	P	P	
<u>Sanitary landfill, rubble fill, or Class 3 fill^{19, 46} (CB-15-1990; CB-8-2003; CB-87-2003)</u>	SE	P	P	P	X	X	X	

USE	ZONE				I-3 IN ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/4 MILE OF METRO
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/4 MILE OF METRO	I-3 in ZO			
<u>Voluntary fire, ambulance, or rescue station</u> ¹	P	P	P	P	P	P	P
(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:							
<u>Adult Entertainment, in accordance with Section 27-475.06.06 (CB-46-2010)</u>	X	X	X	X	X	X	X
<u>Amusement Center (CB-8-2007)</u>	P ⁵²	P	P	X	X	X	X
<u>Amusement park</u>	SE	P*	X	X	X	X	X
<u>Athletic field, with or without seating for spectators</u>	P	P	P	X	X	X	X
<u>Auditorium (CB-56-2011)</u>	P ⁵⁶	P	P	X	X	X	X
<u>Billiard or pool parlor</u>	P	P	P	X	X	X	X
<u>Bowling alley</u>	P	P	P	X	X	X	X
<u>Carnival, circus, fair, or similar use, not exceeding 17 days duration and located at least 250 feet from any dwelling, as a temporary use in accordance with Sections 27-260 and 27-261.</u>							
<u>(A) On a parking lot</u>	P	P	P	P	P	P	P
<u>(B) All others</u>	P	P	P	X	X	X	X
<u>Club or lodge, private</u>	P	P	P ⁽¹⁾	X	X	X	X
<u>Commercial recreational attractions</u>	X	X	X	SE	P*	P*	P*
<u>Employees recreational facilities (private, nonprofit), accessory to an allowed use (CB-66-1996)</u>	P ³⁴	P	P	P	P	P	P
<u>Golf course or country club (CB-66-1996)</u>	P ³⁴	P	P	P	P	P	P

USE	ZONE					
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
<u>Golf driving, archery, or baseball batting range (CB-130-1993)</u>	P	P	P	P	P	P
<u>Miniature golf course</u>	P	P	P	X	X	X
<u>Museum, aquarium, art gallery, cultural center, or similar facility (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Park or playground</u>	P	P	P	X	X	X
<u>Performance arts center, in accordance with Section 27-475.06.04 (CB-12-2001)</u>	SP	P*	P*	X	X	X
<u>Reducing/exercise salon or health club (CB-3-1989; CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Riding stable</u>	P	P	P	X	X	X
<u>Rifle, pistol, or skeet shooting range:</u>						
<u>(A) Indoor²⁰</u>	P	P	P	X	X	X
<u>(B) Outdoor (CB-4-1991)</u>	SE	P*	P*	X	X	X
<u>Sauna or steam bath</u>	PA	PA	PA	X	X	X
<u>Skating rink:</u>						
<u>(A) Indoor</u>	P	P	P	X	X	X
<u>(B) Outdoor</u>	SE	P*	P*	X	X	X
<u>Spa, community (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Spa, private, accessory to an allowed dwelling unit (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Spa, public:</u>						

USE	ZONE				I-3 IN ZONE	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
	I-1 ³³ in ZONE	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-1 in ZONE			
(A) Accessory to a reducing/exercise salon, health club, or summer camp	P	P	P	X	X	X	X
(B) Accessory to a commercial swimming pool	P ³⁴	P	P	P	P	P	P
(C) Accessory to a hotel or motel (in the I-1 and I-2 Zones, included on the approved Special Exception site plan for the hotel)	SE	P*	P*	P	P	P	P
(D) All others (CB-3-1989, CB-66-1996)	SE	P*	P*	X	X	X	X
Summer camp	P	P	P	X	X	X	X
Swimming pool (which may include a community or public spa)	P	P	P	P	P	P	P
Tennis, basketball, handball or similar court:							
(A) Enclosed by a wall or fence at least 6 feet high	P	P	P	P	P	P	P
(B) All others	P	P	P	X	X	X	X
Theater:							
(A) Indoor	P ³⁴	P	P	P	P	P	P
(B) Outdoor (including drive-in) (CB-66-1996)	SE	P*	P*	X	X	X	X
(7) RESIDENTIAL/LODGING:							
Artists' residential studios, in accordance with Section 27-475.06.04 (CB-12-2001)	SP	P*	P*	X	X	X	X
Dwelling:							
(A) If legally erected prior to the date upon which the property was classified in the I-1, I-2, or U-L-I Zone, or legally erected in the I-1, I-2, or U-L-I Zone under prior regulations	P	P	P	X	X	X	X

USE	ZONE					
	I-1 ³³ in ZO	I-1 in DDOZ AREA	I-1 WITHIN ½ MILE OF METRO	I-3 in ZO	I-3 IN DDOZ AREA	I-3 WITHIN ½ MILE OF METRO
(B) if legally erected prior to the date upon which the property was classified in the I-3 or I-4 Zone	X	X	X	P	P	P
(C) All others (CB-1-1994)	X	X	X	X	X	X
Dwelling unit within a building, containing commercial or industrial uses not exceeding 3 units per building, with 1 unit permitted at ground floor level for a resident manager, caretaker, or night watchman (and family) and all other units located above the ground floor	P	P	P	X	X	X
Hotel or motel (which may include public spas, swimming pools, or tennis courts, provided they are enclosed by a fence or wall at least 6 feet high).						
(A) In an industrial park having a gross tract area of at least 25 acres (CB-97-2004)	SE ¹⁰	P*	P*	P	P	P
(B) All others	SE	P*	P*	X ^{SE⁹⁹}	X	X
Planned retirement community (CB-89-1999)	X	X	X		P*	P*
(8) RESOURCE PRODUCTION/RECOVERY:						
Agricultural uses	P	P	P	P	P	P
Concrete recycling facility (CB-78-2004)	SE	P*	P*	SE	P*	P*
Sand and gravel wet-processing (CB-75-1998, CB-39-2004)	SE	P*	P*	X	X	X
Surface mining	SE	P*	P*	SE	P*	P*
(9) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:						

USE	ZONE				I-3 IN DD0Z AREA	I-3 WITHIN 1/2 MILE OF METRO
	I-1 ³³ in ZO	I-1 IN DD0Z AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO		
<u>Airport, airpark, airfield, heliport</u>	SE	P*	P*	SE	P*	P*
<u>Airstrip or helistop</u>	SE	P*	P*	SE	P*	P*
<u>Antennas and related equipment buildings and enclosures, other than satellite dish antennas, in accordance with Section 27-475.06.02</u>	P	P	P	P ¹⁶	P	P
<u>(CB-65-2000)</u>						
<u>Broadcasting studio (without tower) (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Bus station or terminal</u>	P	P	P	X	X	X
<u>Monopoles and related equipment buildings and enclosures, in accordance with Section 27-475.06.02</u>	P	P	P	P ¹⁶	P	P
<u>(CB-65-2000)</u>						
<u>Motor freight receiving or shipping (loading) facilities:</u>						
<u>(A) When accessory to, in conjunction with, as an integral part of, under the same ownership or leasehold interest as, and solely serving another allowed use on the property</u>	P ³⁴	P	P	P	P	P
<u>(B) All others</u>	X ²³	X	X	X ²³	X	X
<u>(CB-90-1992; CB-66-1996)</u>						
<u>Moving and Storage Operation (CB-70-2004)</u>	P ^{26, 48}	P	P	X	X	X
<u>Parking lot or garage, commercial (CB-43-2002)</u>	P	P	P	P ⁴⁵	P	P
<u>Parking lot or garage, or loading area, in accordance with Part 11 (CB-66-1996)</u>	P ³⁴	P	P	P	P	P
<u>Parking of mobile home except as otherwise specified</u>	X	X	X	X	X	X
<u>Parking of mobile home in a public right-of-way⁴</u>	X	X	X	X	X	X

USE	ZONE				I-3 IN ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/2 MILE OF METRO
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO			
Parking of vehicles accessory to an allowed use (CB-66-1996)	P ³⁴	P	P	P	P	P	P
Public utility uses or structures:							
(A) Underground pipelines, electric power facilities or equipment, or telephone facilities or equipment, and railroad tracks or passenger stations, but not railroad yards (CB-66-1996)	P ³⁴	P	P	P	P	P	P
(B) Railroad yards, roundhouses, car barns, and freight stations	X	X	X	X	X	X	X
(C) Other public utility uses or structures (including major transmission and distribution lines and structures) (CB-25-1987; CB-61-1988; CB-65-2000)	P	P	P	SE	P*	P*	P*
Satellite dish antenna, in accordance with Section 27-468.01							
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P	P	P	P	P
(B) Over 10 feet in diameter, to serve only 1 dwelling unit	SE	P*	P*	SE	P*	P*	P*
(C) All others	P	P	P	P	P	P	P
Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where specifically allowed (CB-4-1987)	X	X	X	X	X	X	X
Taxicab dispatching station:							
(A) Without cab storage repair, or servicing	P	P	P	P	P	P	P
(B) With cab storage	P	P	P ^(w)	X	X	X	X
(C) With cab repair or servicing within a wholly enclosed building (CB-50-1987)	P	P	P	X	X	X	X
Taxicab stand	P	P	P	P	P	P	P

USE	ZONE				I-3 IN ZO	I-3 IN DDOZ AREA	I-3 WITHIN 1/4 MILE OF METRO
	I-1 ³³ in ZO	I-1 IN DDOZ AREA	I-1 WITHIN 1/2 MILE OF METRO	I-3 in ZO			
<u>Telegraph or messenger service (CB-66-1996)</u> <u>Towers or poles (electronic, radio, or television, transmitting or receiving).</u> <u>(A) Nonprofit, noncommercial purposes, with no height restrictions</u> <u>(B) Freestanding, for commercial purposes, up to 175 feet above ground level</u> <u>(C) Attached to a roof, for commercial purposes, with the total combined height of the building, tower, or monopole and antenna not exceeding 250 feet above ground level</u> <u>(D) All others</u> <u>(CB-8-1990; CB-123-1994; CB-103-1997; CB-65-2000)</u> <u>Trucking operations, except as otherwise specified</u> <u>(CB-90-1992; CB-5-1994; CB-75-1998; CB-13-2000; CB-39-2004)</u>	P ³⁴	P	P	P	P	P	P
	P	P	P	P	P	P	P
	P	P	P	P	P	P	P
	SE	P*	P*	SE	P*	P*	P*
	X ^{26, 40}	X	X	X	X	X	X

1 Provided the site is either:

- (A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
- (B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
- (C) Occupied by a station that was in use immediately prior to July 1, 1982.

The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Environmental Resources), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).

All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing.
(CB-70-2008)

2 Provided:

- (A) The mobile home is located on a lot having property consisting of five (5) acres or more;
- (B) The use of the mobile home is in connection with another use on the property for which the County levies or collects an amusement tax;
- (C) The occupants of the mobile home are employed by, or reasonably connected with, the other use; and
- (D) The mobile home shall not be located on the property for more than one hundred twenty (120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks where the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.

3 Provided:

- (A) The service shall be limited to supplying gasoline, oil, water, tire pressure, and washing;
- (B) Only automobiles parking in the parking garage shall be served;
- (C) No signs visible from outside the structure shall indicate the presence of the service facilities; and
- (D) The garage shall be wholly enclosed.

4 Except in an emergency. In this case, the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.

5 Approved as an accessory use with approval of the Special Exception for the hotel or motel.

6 **Reserved.**

7 Office building requires a Special Exception to be approved, in accordance with Part IV.

8 This shall not apply to:

- (A) Storage accessory (and related) to an allowed use; or
- (B) One (1) such vehicle stored in a wholly enclosed garage.

- 2 In the I-3 Zone, subject to Section 27-471(c) and (g).
- 10 Permitted use without requirement for Special Exception provided:
 (A) The use is located within an industrial park which is adjacent to a Beltway interchange constructed after June, 2002;
 (B) The parcel(s) is the subject of a Preliminary Plan of Subdivision that was approved pursuant to Subtitle 24 of this Code prior to June 30, 2004;
 (C) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle;
 (D) The acreage of lots (used for commercial purposes) shall not exceed twenty-five percent (25%) of the acreage of lots used for industrial purposes in the industrial park;
 (E) No more than two (2) fast-food restaurants shall be allowed in the industrial park;
 (F) Motels are prohibited; and
 (G) Hotel amenities shall include at a minimum a swimming pool, fitness center, room service, concierge service, parking, and restaurant(s) located within the building.
 (CB-97-2004)
- 11 **Reserved.**
- 12 Located only on or abutting a lot or group of lots containing an office building or group of office buildings having a gross floor area of at least fifty thousand (50,000) square feet.
 (CB-44-1987)
- 13 This does not provide for accessory antennas or overhead distribution lines.
 (CB-25-1987)
- 14 In a publicly-owned recreational facility, a school, a church, or a public building, a day care center shall only be permitted as an accessory use. A church must provide its tax-exempt identification number when applying for a Detailed Site Plan or a building or use and occupancy permit for an accessory day care center for children.
 (CB-23-1988; CB-98-1988; CB-44-1989)
- 15 Provided the health center is located on a minimum of twenty-five (25) acres.
 (CB-55-1988)
- 16 Provided:
 (A) The whip antenna does not extend more than fifteen (15) feet above the height of the structure to which it is attached and does not support lights or signs unless required for aircraft warning or other safety reasons;
 (B) The equipment building does not exceed five hundred sixty (560) square feet of gross floor area or twelve (12) feet in height; (C) The equipment building matches the construction material and color(s) of an existing building when it is attached thereto; and
 (D) The equipment building is constructed of brick and designed to coordinate with the design of any existing main building on the same lot or on an adjoining lot when constructed as a freestanding building.
 (CB-61-1988; CB-81-1993)
- 17 Subject to Detailed Site Plan approval, in accordance with Part 3, Division 9, of this Subtitle.
 (CB-3-1989)
- 18 Limited to twenty percent (20%) of the gross floor area of the building within which it is located, but not to exceed a maximum of five thousand (5,000) square feet.
 (CB-3-1989)

- 19 A sanitary landfill, rubble fill, or Class 3 fill may include a rock crusher only if it is approved as part of the Special Exception.
(CB-15-1990; CB-8-2003; CB-87-2003)
- 20 Provided there is no discernible noise from the exterior of the building.
(CB-4-1991)
- 21 Provided both uses were existing as of January 1, 1991.
(CB-11-1991)
- 22 In accordance with Section 27-475.06.
(CB-82-1991)
- 23 Except as provided for in Section 27-467.01.
(CB-90-1992)
- 24 Provided the vehicle rental lot is located within one-half (1/2) mile of a mass transit facility.
(CB-58-1993)
- 25 The gross floor area shall not exceed 25% of the gross floor area of the building within which this accessory use is located.
(CB-1-1994)
- 26 Moving and storage operations that have less than one hundred thousand (100,000) square feet of gross floor area, have hours of operation between 7:30 A.M. and 5:30 P.M., and are located in a building that was existing on August 31, 1994, are permitted by right.
(CB-5-1994)
- 27 A Special Exception shall not be required for development on a lot of no less than ten (10) or more than twenty (20) acres, located within five hundred (500) feet of property in the M-A-C or C-S-C Zones, said lot having frontage on at least two (2) public streets, and a store with a gross floor area not exceeding 85,000 square feet of sales and service floor area (excluding mezzanines) under one roof, of which no more than a total of twenty percent (20%) of sales and service floor area may be dedicated to the sale and/or display of building materials, including, among other things, building supplies, plumbing supplies, electrical supplies, and hardware, either individually or in the aggregate; or the use is located on a lot or parcel that is between ten (10) and twenty (20) acres in size; said lot or parcel is located within five hundred (500) feet of property in the M-A-C Zone and has frontage on at least two public streets; the store has no more than twenty-five thousand (25,000) square feet gross floor area; the store fills medical prescriptions and sells medical supplies and nonprescription medicines, in addition to general merchandise; and except for medical prescriptions, medical supplies, and nonprescription medicines, the store has no more than fifty percent (50%) of its gross floor area devoted to the sale of a single type of merchandise, such as food or specialty items.
(CB-21-1994; CB-11-2003; CB-64-2012)
- 28 The Board of Appeals may grant variances from the requirements of Section 27-475.06-01(a)(1).
(CB-14-1994)
- 29 **Reserved.**
- 30 **Reserved.**
- 31 **Reserved.**

- 32 In accordance with the provisions of Part 16, Section 27-248 and Section 27-904 provide for expedited processing of applications for adult book store and/or adult video store use and occupancy permits.
(CB-53-1996; CB-28-2009)
- 33 Approval of a Special Exception is required for any use in the I-1 or I-2 Zones if any portion of the lot on which the use is proposed is within the subject area of a pending Transit District Overlay Zoning Map Amendment that has been initiated by resolution of the District Council. This provision does not apply to uses or buildings in existence as of July 1, 1996, or uses set forth in Section 27-473(b)(1)(A)(i), (A)(iv), and (C), and (b)(5).
(CB-66-1996)
- 34 Notwithstanding the language in Footnote 33, a Special Exception is not required if any portion of the lot is within the subject area of a pending Transit District Overlay Zoning Map Amendment that has been initiated by resolution of the District Council, and is located at least 2,000 feet from an existing Metrorail station.
(CB-66-1996)
- 35 Provided:
(A) The church is located in an existing freestanding building not exceeding two stories in height;
(B) If the building in which the church is located contains other uses, a separate entry to the church must be provided for its use; and
(C) At the time of issuance of the initial use and occupancy permit, the church shall be located within 1,000 feet of another existing church.
(CB-84-1996)
- 36 If not conducted in an existing office building, a Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle.
(CB-93-1996)
- 37 Provided:
(A) The vehicle sales or rental lot is subordinate in area to, and is an expansion of, an existing permitted vehicle sales or rental use located on a contiguous adjacent lot in the I-1, I-2, or I-4 Zones, and
(B) The two contiguous adjacent lots are owned by the same individual(s); and
(C) The property on which the expansion will be located is adjacent to a public roadway; and
(D) No structure may be erected except for paving, and with the exception of one structure not to exceed 6,000 square feet gross floor area which is architecturally compatible with the surrounding neighborhood.
(CB-73-1997)
- 38 Reserved.
- 39 Townhouses shall comply with the design guidelines set forth in Section 27-274(a)(1) and the regulations for development set forth in Section 27-433(d).
(CB-89-1999)
- 40 A business limited to truck storage, maintenance, and repair only, with associated administrative offices, is permitted by right. Transporting of any items to or from the site is prohibited.
(CB-13-2000)
- 41 Permitted as an accessory use to a gas station located within an industrial park.
(CB-92-2001)

- 42 Permitted as an accessory use to a gas station located within an industrial park, provided the uses are located within the same building.
(CB-92-2001)
- 43 Provided:
(A) The retail center is built and has one or more approved occupancy permits prior to October 1, 2001;
(B) The retail center lies on property that adjoins land in the R-18 Zone and has frontage on a road classified as an arterial on the applicable Master Plan; and
(C) No food or beverage store may occupy more than ten thousand (10,000) square feet or one-third (1/3) of the property's net feasible building space, whichever is less.
(CB-93-2001)
- 44 Except for new vehicle sales lots, the use shall be located on a tract of land containing a minimum of twenty-five thousand (25,000) square feet. All such uses on property less than twenty-five thousand (25,000) square feet in existence on September 1, 2002, may not be certified as nonconforming uses and must cease operations on or before August 31, 2005.
(CB-33-2002)
- 45 The property shall lie within one-quarter (1/4) mile of an existing mass transit rail station operated by the Washington Metropolitan Area Transit Authority (WMATA). Permits may not be issued for the commercial parking structure until the Planning Board approves a Detailed Site Plan, as required in the I-3 Zone. The Planning Board shall find:
(A) The site plan meets all I-3 Zone requirements;
(B) The proposed parking structure will not prevent the achievement of Transit Oriented Development goals in the neighborhood surrounding the WMATA station; and
(C) The location and design of the parking structure provide for ample pedestrian ways, landscaping, lighting, and other amenities, to create direct and pleasant connections between the structure and the WMATA station.
All commercial parking lot or garage operations on the property shall cease by September 1, 2008.
(CB-43-2002)
- 46 A Class 3 fill in existence as of October 7, 2003 that is operating pursuant to any validly issued grading permit, and is not in violation, shall be permitted to continue in operation as a matter of right, but is limited to the fill area established by any previously issued grading permit, not to exceed two (2) renewals of the permit. Those fill operations that are in violation on October 7, 2003 have until December 31, 2003 to comply, or their permit is void.
(CB-8-2003; CB-87-2003)
- 47 Provided:
(A) The property is located on and inside the Capital Beltway at an existing interchange with said Beltway;
(B) The site contains a minimum of eighty (80) acres that is split-zoned I-3, I-1, and R-R, with not more than twenty percent (20%) zoned R-R;
(C) The property is proposed for employment uses in the most recently approved applicable Master Plan;
(D) A Detailed Site Plan shall be approved in accordance with Part 3, Division 9, of this Subtitle; and
(E) The site plan shall include at least two (2) stores containing one hundred thousand (100,000) square feet or more of gross floor area.
(CB-65-2003; CB-19-2005)
- 48 Subject to the approval of a Detailed Site Plan in accordance with Part 3, Division 9, of this Subtitle.
(CB-70-2004)

- 49 Provided:
- (A) The use is located within a development with no less than fifty (50) acres included in the Preliminary Plan.
 - (B) The development adjoins properties in the I-1 and I-2 Zones and a railroad right-of-way at the time of Preliminary Plan approval.
 - (C) The development shall not be subject to the requirements of Section 27-471(f)(2) or (g).
 - (D) The development shall comply with the regulations applicable to the I-1 Zone set forth in Section 27-474, except that the setback from any residentially-zoned property shall be fifty (50) feet.
 - (E) The development shall be subject to the approval of a Detailed Site Plan, but not a Conceptual Site Plan. Noise, landscaping, buffering or uses from adjoining residential properties, and preservation and interpretation of any archeological or paleontological resources shall be addressed at the Detailed Site Plan stage.
 - (F) Outdoor storage is prohibited unless approved on a Detailed Site Plan and screened from surrounding properties. (CB-92-2004)
- 50 Permitted use without the requirement for a Special Exception provided:
- (A) The site on which the use is located is within an existing industrial park containing a minimum of five (5) acres; (B) The site is not contiguous to any land used for residential purposes;
 - (C) The site abuts a railroad spur; and
 - (D) The site is located within the Developed Tier as described in the General Plan. (CB-111-2004)
- 51 Provided:
- (A) The use is limited to property that has at least one hundred and fifty (150) feet of frontage on and vehicular access to at least one (1) road classified as a collector or lower classification on the applicable Master Plan and a minimum right-of-way width of sixty (60) feet;
 - (B) A Limited Detailed Site Plan shall be approved for the use in accordance with Section 27-286(a). The site plan shall address architecture, landscaping, lighting, and infrastructure which is essential to the development of the site including streets, utilities, and stormwater management facilities;
 - (C) The Limited Detailed Site Plan shall demonstrate compliance with Section 27-358(a) (2), (3), (4), (5), (6), (8), and (10); and (b)(1), (2), and (3); and
 - (D) Upon the abandonment of a commercial fuel depot, all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this footnote, the term "abandonment" shall mean non-operation as a commercial fuel depot for a period of fourteen (14) months after the services cease. (CB-68-2006)
- 52 Does not include the sale of alcoholic beverages or hours of operation that extend beyond 10:00 P.M. (CB-8-2007)
- 53 Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming, regardless of a change in tenancy or ownership of the check cashing business. (CB-23-2009; CB-106-2012)
- 54 Subject to Detailed Site Plan approval in accordance with Part 3, Division 9, of this Subtitle. Any fast-food restaurant operating pursuant to an approved Special Exception as of the effective date of CB-49-2005 shall remain valid, be considered a legal use, and shall not be deemed a nonconforming use. Such fast-food restaurants and their underlying special exceptions may be modified pursuant to the existing provisions relating to revisions or amendments to special exceptions generally and fast-food restaurants specifically as they exist in the Zoning Ordinance. (CB-19-2010; CB-46-2010)

- 55** Any private automobile and other vehicle auction operating in the I-1 Zone prior to January 1, 2011, shall not be certified as a nonconforming use and shall meet the requirements of Section 27-475.06.07.(b), (c), and (d). If the use is not brought into conformance with these requirements within the prescribed two-year time period, the property owner shall cease all auction operations on the property.
(CB-59-2010)
- 56** Any existing establishment in the I-1 or U-L-I Zone with a valid use and occupancy permit for an auditorium, private club or lodge that included activity that meets the definition of "adult entertainment" may continue upon approval of a Special Exception. Applications for adult entertainment must be filed and accepted by June 1, 2012.
(CB-56-2011)
- 57** Permitted use without the requirement of a Special Exception provided:
(A) The site on which the use is located is operating as an existing construction and demolition processing and recycling facility within five miles of access to a State Highway of arterial classification or higher; and
(B) The facility is approved for acceptance of Municipal Solid Waste generated in Prince George's County pursuant to the Prince George's County FY 2002-2011 Ten Year Solid Waste Management Plan.
(CB-76-2012)
- 58** Permitted without a special exception provided:
(A) All operations shall be confined to the interior of a wholly enclosed building. There shall be no outdoor storage and/or unattended drop offs of materials or equipment;
(B) The facility shall not accept material from individual residents and shall not operate as a public drop-off center.
(C) The use and occupancy permit application shall include an operations plan and checklist indicating the methods by which the facility intends to comply with the approved certification standard;
(D) Within twelve (12) months after issuance of any use and occupancy permit to an electronic recycling facility, the occupant shall obtain, and at all times thereafter, maintain certification under the most recently adopted Responsible Recycling (R2) standard, e-steward standard, or an equivalent standard determined by the Department of Environmental Resources to meet or exceed these standards;
(E) Following initial certification, each electronic recycling facility shall certify to the Department of Environmental Resources in January of each calendar year that the permitted facility is certified under the R2 or equivalent approved standard; and
(F) In the event an electronic recycling facility fails to obtain the required certification within twelve (12) months after the issuance of the use and occupancy permit, or fails to maintain such certification, the Department of Environmental Resources shall revoke the use and occupancy permit and operations must cease until the certification is obtained.
(CB-91-2012)

FOOTNOTES TO THE SOUTHERN GREEN LINE DDOZ TABLE OF USES FOR THE INDUSTRIAL ZONES

- (i) Except for a "Banquet hall," which shall be defined for purposes of this DDOZ as "an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door," unless as an ancillary or accessory use to a restaurant, tavern, hotel, or convention center, or as otherwise provided herein.

- (ii) Except for a **“Beauty supply and accessories store,”** which shall be defined for purposes of this DDOZ as “a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail,” unless as an ancillary or accessory use, or as otherwise provided herein.
- (iii) Except for a **“Nail salon,”** which shall be defined for purposes of this DDOZ as “a use designated as North American Industry Classification System (‘NAICS’) No. 812113,” unless as an ancillary or accessory use, or as otherwise provided herein.

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE DISTRICT COUNCIL.

TABLE OF USES FOR THE M-U-TC ZONE

Uses permitted.

(a) No use shall be allowed in the Mixed Use Zones, except as provided for in the Table of Uses. In the table, the following applies:

(1) The letter "P" indicates that the use is permitted in the zone indicated.
(2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.

(3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.

(4) The letters "PA" indicate that the use is permitted, subject to the following:
(A) There shall be no entrances to the use directly from outside the building;
(B) No signs or other evidence indicating the existence of the use shall be visible from the outside of the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and

(C) The use is secondary to the primary use of the building;
(5) The letters "PB" indicate that the use is permitted, subject to the following:
(A) The use shall be related to, dependent on, and secondary to a principal use on the premises;

(B) The use shall be located on the same record lot as the principal use;
(C) The use shall not be located within a building not occupied by the principal use;

and

(D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.

(6) The letters "SP" indicate that the use is permitted subject to the approval of a Special Permit, in accordance with Section 27-239.02.

(7) The letter "X" or a blank (unless otherwise clear from the context) indicates that the use is prohibited.

(8) All uses not listed are prohibited.

(9) Whenever the table refers to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as accordingly listed in the zone in which it is allowed.

(CB-23-1988; CB-2-1994)

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

****NOTE:** THIS USE TABLE REFLECTS ADDITIONS, MODIFICATIONS, AND ASSOCIATED CORRECTIONS PURSUANT TO THE ADOPTION OF CR-10-2014 BY THE DISTRICT COUNCIL.

TABLE OF USES

USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
1) COMMERCIAL:			
A) Eating or Drinking Establishments:			
Drive-in restaurant	SE	P*	P*
Fast-food restaurant:			
(i) Within a wholly enclosed shopping mall, or department, variety, or drug store	P	P	P
(ii) Within an office building	P	P	P
(iii) Within a hotel	P	P	P
(iv) All others	SE	P*	P*
Other than a drive-in or fast-food restaurant (which may include incidental carry out service, except where specifically prohibited):			
(i) Without entertainment (of any sort) other than music, and no patron dancing	P	P	P
(ii) Within an office building	P	P	P
(iii) Accessory to an allowed use	P	P	P
(iv) All others	SE	P*	P*
(B) Vehicle, Mobile Home, Camping Trailer, and Boat Sales and Service:			
Gas station	SE	P*	X
Incidental automobile service in a parking garage	SE	P*	X
Vehicle lubrication or tune-up facility, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage	SE	P*	X
Vehicle, mobile home, or camping trailer sales lot, which may include dealer servicing and outdoor storage of vehicles awaiting sale; but shall exclude the storage or sale of wrecked or inoperable vehicles, except as accessory to the dealership for vehicles which the dealership will repair² (CB-26-2002)	SE	P*	X
Vehicle, boat, or camping trailer rental:			
(i) If existing prior to the adoption date of the M-U-TC Zone	SP	SP	SP
(ii) All others	SE	P*	P*
Vehicle parts or tire store including installation facilities, provided all sales and installation operations are conducted in a wholly enclosed building with no outdoor storage	SE	P*	X

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Vehicle parts or tire store without installation facilities	P	P	P
C) Offices:			
Bank, savings and loan association, or other savings or lending institution:			
(i) Automatic teller machine, only	SP	SP	SP
(ii) All others	P	P	P
Check cashing business CB-23-2009)	SE ⁴	X	X
Office accessory to an allowed use	P	P	P
Office of a medical practitioner or medical clinic (which may include an accessory private spa)	P	P	P
Office, except as otherwise provided	P	P	P
D) Services:			
Animal hospital, animal training, kennel	SE	P*	P*
Artist's studio	P	P	P
Barber or beauty shop	P	P ⁽ⁱⁱⁱ⁾	P ⁽ⁱⁱⁱ⁾
Bicycle repair shop:			
(i) Nonmotorized only	P	P	P
(ii) All others	SE	P*	P*
Blacksmith shop	P	P	P
Blueprinting, photostating, or other photocopy establishment	P	P	P
Catering establishment:			
(i) Accessory to an allowed use	P	P ⁽ⁱ⁾	P ⁽ⁱ⁾
(ii) With a retail component	P	P ⁽ⁱ⁾	P ⁽ⁱ⁾
(iii) All others	SE	P*(i)	P*(i)
Data processing	P	P	P
Dry cleaning or laundry pickup station	P	P	P
Dry cleaning store or plant:			
(i) Retail	P	P	P
(ii) Wholesale (may include retail service)	X	X	X
Electric or gas appliances, radio, or television repair shop	P	P	P

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Employment agency	P	P	P
Fortune telling	SE	P*	P*
Funeral parlor, undertaking establishment	SP	SP	SP
Household appliance or furniture repair shop	P	P	P
Key or locksmith shop	P	P	P
Laboratory	P	P	P
Laundromat	SP	SP	SP
Laundry store or plant:			
(i) Retail	P	P	P
(ii) Wholesale (may include retail service)	X	X	X
Lawn mower repair shop, provided all repairs are performed within a wholly enclosed building	SP	SP	SP
Machine shop accessory to an allowed use	SP ¹	SP	SP
Massage establishment	SE	P*	P*
Newspaper publishing establishment	SE	P*	P*
Pet grooming shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor	P	P	P
Photography studio or darkroom	P	P	P
Pizza delivery service, limited to off-premises delivery with no eat-in, drive-in, or carry-out service	P	P	P
Printing shop:			
(i) Less than 2,000 square feet	P	P	P
(ii) 2,000 square feet or greater	SP	SP	SP
Sauna or steam bath	PB	PB	PB
Shoe repair shop	P	P	P
Tailor or dressmaking shop (may include incidental dyeing and pressing allowed as a "PB" use)	P	P	P
Travel bureau	P	P	P
Upholstery shop	P	P	P
Veterinarian's office:			

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
(i) Outpatient	P	P	P
(ii) Inpatient	PB	PB	PB
Watch or jewelry repair shop	P	P	P
E) Trade (Generally Retail):			
Arts, crafts, and hobby supply store	P	P	P
Bakery products, wholesale (must include retail sales)	P	P	P
Bicycle (sales) shop:			
(i) Nonmotorized, only	P	P	P
(ii) All others	SE	P*	P*
Book (except adult bookstore), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed	P	P	P
Bottled gas sales:			
(i) Accessory to an allowed use	P	P	P
(ii) All others	SE	P*	P*
Building supply store:			
(i) Wholly enclosed, except for nursery stock	P	P	X
(ii) With outdoor storage on not more than 50% of the lot, provided it is enclosed by a slightly opaque wall or fence at least 8 feet high	SE	P*	X
Bulk retailing of products allowed to be sold in a M-U-TC Zone	P	P	P
Carpet or floor covering store	P	P	P
Clothing, dry goods, millinery, or shoe store	P	P	P
Confectioner:			
(i) Retail	P	P	P
(ii) Wholesale	PB	PB	X
Department or variety store	P	P ⁱⁱ	P ⁱⁱ
Drug store	P	P	P
Florist shop	P	P	P
Food or beverage goods preparation on the premises of a food or beverage store for retail or wholesale sales	PB	PB	PB
Food or beverage store, excluding liquor stores	P	P	P

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC Use TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Garden supplies store, floricultural or horticultural nursery, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees:			
(i) Less than 3,000 square feet	SP	SP	SP
(ii) 3,000 square feet or greater	SE	P*	P*
Hardware store	P	P	P
Household appliance or furniture store	P	P	P
Lawn mower (sales) store	P	P	P
Liquor stores	SP	X	X
Newspaper, magazine, or tobacco shop	P	P	P
Nursery and garden center, which may include the outdoor display of nursery stock, such as plants, shrubbery, and trees:			
(i) Less than 3,000 square feet	SP	SP	SP
(ii) 3,000 square feet or greater	SE	P*	P*
Outdoor display of merchandise for sale (except as otherwise specified) and excluding merchandise displayed on gasoline pump islands associated with gas stations which is allowed:			
(i) Not more than 6 feet from main building (subject to Section 27-388)	P	P	P
(ii) More than 6 feet from main buildings (subject to Section 27-388)	SE	P*	P*
Paint or wall covering store	P	P	P
Pet (sales) shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor; may include the sale of pet feed and supplies	P	P	P
Retail shop or store (not listed) similar to one permitted (P)	P	P ⁽ⁱⁱ⁾	P ⁽ⁱⁱⁱ⁾
Seafood market	P	P	P
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P
Sporting goods shop, which may include marine equipment and supplies	P	P	P
Stationery or office supply store which may include the sale of furniture or business machines	P	P	P
Swimming pool or spa sales and service (excluding outdoor display)	P	P	P
Toy store	P	P	P
Video game or tape store	P	P	P

SOUTHERN GREEN LINE METRO STATION AREA
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
2) INSTITUTIONAL/EDUCATIONAL:			
nursing day care center	SP	SP	SP
church or similar place of worship, convent, or monastery	SP	SP	SP
day care center for children:			
(A) In accordance with Section 27-464.02(a)(1)(A)	P	P	P
(B) All others	SP	SP	SP
hospital (may include a private spa)	SE	P*	P*
nursing or care home (may include a private spa)	SE	P*	P*
school, Private:			
(A) Driving school, automobile only	P	P	P
(B) For artistic instruction (including a studio)	P	P	P
(C) Of business or trade, where the business or trade is permitted (P) in the respective zone	P	P	P
(D) Of business or trade, where the business or trade is permitted by Special Exception (SE) in the respective zone	SE	P*	P*
(E) Tutoring establishment	P	P	P
(F) Private schools, subject to Section 27-463	P	P	P
(G) All others	SE	P*	P*
3) MISCELLANEOUS:			
accessory structures and uses, except as otherwise provided	P	P	P
adaptive reuse of a surplus public school, when not otherwise allowed	SE	P*	P*
adaptive use of a Historic Site, when not otherwise allowed	SE	P*	P*
action house	SP	SP	SP
carpentry, cabinet making, or other woodworking shop:			
(A) Accessory to an allowed use	P	P	P
(B) All others	SP	SP	SP
cemetery or crematory:			
(A) Cemetery, accessory to a church, convent, or monastery	SP	SP	X
(B) All others	X	X	X

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Contractor's office (general) as a permanent use, including the businesses of siding, roofing, plumbing, air conditioning, heating, painting, carpentry, electrical work, landscaping, and the like, with buildings and uses accessory to the business (as well as the office) use:			
(A) With no outdoor storage of materials or equipment	P	P	P
(B) With outdoor storage of materials, located only in a side or rear yard; enclosed by a slightly, opaque wall or fence at least 8 feet high; with no storing of material higher than the fence; but excluding the use or outdoor storage of earthmoving or other heavy equipment, or outdoor storage of machinery	X	X	X
(C) Including the fabrication (only within a wholly enclosed building) of plumbing, air conditioning, heating, carpentry and lighting (and the like) parts for installation off the site	X	X	X
Contractor's office (must include sanitary facilities, construction yard or shed, or storage building (in connection with a construction project) as a temporary use:			
(A) In accordance with Sections 27-260 and 27-261	P	P	P
(B) All others	X	X	X
Rental of any merchandise allowed to be sold in the zone:			
(A) If the merchandise sold is permitted by SP	SP	SP	SP
(B) If the merchandise sold is permitted by SE	SE	P*	P*
(C) If the merchandise sold is permitted by right	P	P	P
Sign, in accordance with an approved Development Plan	P	P	P
Storage, wholly enclosed, accessory to an allowed use	P	P	P
Wholesaling of products incidental to the retail sales of the products on the premises	PB	PB	X
(4) PUBLIC/QUASI PUBLIC:			
Community building, except as otherwise provided	P	P	P
Library, private	P	P	P
Post Office	P	P	P
Public building and use, except as otherwise prohibited	P	P	P
Voluntary fire, ambulance, or rescue station ^d (CB-70-2008)	P	P	P
(5) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:			
Amusement arcade	SE	P*	P*

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Archery or baseball batting range	SP	SP	SP
Auditorium	P	P ^(l)	P ^(l)
Billiard or pool parlor	SE	P*	P*
Bowling alley	SE	P*	P*
Carnival, circus, fair or similar use, not exceeding seventeen (17) days duration and sited at least 250 feet from any dwelling, as a temporary use in accordance with sections 27-260 and 27-261	SP	SP	SP
Club or lodge (private, nonprofit) except as otherwise provided	SP	SP ^(l)	SP ^(l)
Employees' recreational facilities (private, nonprofit) accessory to an allowed use	P	P	P
Miniature golf course	SP	SP	SP
Museum, aquarium, art gallery, cultural center, or similar facility	P	P	P
Park or playground	P	P	P
Performance arts center, in accordance with Section 27-548.01.03 (B-12-2001)	SP	SP	SP
Recreational or entertainment establishment of a commercial nature, if not otherwise specified	SE	P ^(l)	P ^(l)
Reducing/exercise salon or health club	P	P	P
Rifle, pistol, or skeet shooting range:			
(A) Indoor	SE	P*	P*
(B) Outdoor	X	X	X
Skating rink	SP	SP	SP
Swimming pool (community)	PB	PB	PB
Swimming pool (private), accessory to an allowed dwelling unit	P	P	P
Swimming pool (public):			
(A) Accessory to a hotel or motel	P	P	P
(B) Accessory to a reducing/exercise salon or health club	PB	PB	PB
(C) Accessory to a commercial swimming pool	PB	PB	PB
(D) Unrestricted	SE	P*	P*
Swimming pool:			
(A) Accessory to a hotel or motel	P	P	P

SOUTHERN GREEN LINE METRO STATION AREA
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(CR-10-2014)

DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
(B) Community	SP	SP	SP
(C) Indoor	SP	SP	SP
(D) Private, accessory to an allowed one-family detached dwelling	P	P	P
(E) All others	SE	P*	P*
Tennis, basketball, handball, or similar court:			
(A) Indoor (within a permanent wholly enclosed building)	P	P	P
(B) Outdoor	SP	SP	SP
(C) With a temporary removable cover (bubble)	SP	SP	SP
Theatre:			
(A) Indoor	P	P	P
(B) Outdoor	SE	P*	P*
(C) Drive-in	X	X	X
(6) RESIDENTIAL/LODGING:			
Apartment housing for the elderly or physically handicapped	SP	SP	SP
Artists' residential studios, in accordance with Section 27-548.01.03 (CB-12-2001)	SP	SP	SP
Country Inn	SP	SP	SP
Dwelling, provided that it was legally erected prior to the date upon which the property was classified in the M-U-TC Zone, or was legally erected in the M-U-TC Zone under prior regulations	P	P	P
Dwelling unit:			
(A) Within a building containing commercial uses on the first floor	P	P	P
(B) All others	SP	SP	SP
Hotel or motel	SE	P*	P*
Tourist Home	SP	SP	SP
(7) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:			
Helistop	SE	P*	P*
Broadcasting studio (without tower)	P	P	P
Bus station or terminal	SE	P*	P

SOUTHERN GREEN LINE METRO STATION AREA
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-U-TC USE TABLE**

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USE	ZONE		
	M-U-TC IN ZO	M-U-TC IN DDOZ	M-U-TC WITHIN ½ MILE OF METRO
Parking garage, commercial	SP	SP	SP
Parking lot, commercial:			
(A) With shuttle service to Metro, MARC, or similar mass transit service	SP	SP	SP
(B) All others	SE	P*	P*
Parking of vehicles accessory to an allowed use	P	P	P
Public utility use or structure	P	P	P
Satellite dish antenna, in accordance with Section 27-541.02:			
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P
(B) More than 10 feet in diameter to serve only 1 dwelling	SE	P*	P*
(C) All others	P	P	P
Taxicab dispatching station:			
(A) Without cab storage, repair, or servicing	P	P	P
(B) With cab storage	SE	P	X
(C) With cab repair or servicing within a wholly enclosed building	X	X	X
Taxicab stand	P	P	P
Telegraph or messenger service	P	P	P
Tower, pole, or antenna (electronic, radio, or television, transmitting or receiving), except satellite dish antenna:			
(A) Freestanding for commercial or noncommercial purposes, not exceeding 100 feet above ground level	P	P	P
(B) Freestanding for commercial or noncommercial purposes, exceeding 100 feet above ground level	SE	P*	P*
(C) Attached to a roof for commercial purposes, not exceeding 40 feet above the height of the building	P	P	P
(D) Attached to a roof for commercial purposes, exceeding 40 feet above the height of the building	SP	SP	SP

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT (“SMA”)
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DEVELOPMENT DISTRICT OVERLAY ZONE (“DDOZ”)
M-U-TC USE TABLE**

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- 1** The gross floor area shall not exceed 25% of the gross floor area of the building within which this accessory use is located.
- 2** Except for new vehicle sales lots, the use shall be located on a tract of land containing a minimum of twenty-five thousand (25,000) square feet. All such uses on property less than twenty-five thousand (25,000) square feet in existence on September 1, 2002, may not be certified as nonconforming uses and must cease operations on or before August 31, 2005.
(CB-33-2002)
- 3** The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Environmental Resources), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).

All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing.
(CB-70-2008)

- 4** Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming, regardless of a change in tenancy or ownership of the check cashing business.
(CB-23-2009; CB-106-2012)

SOUTHERN GREEN LINE METRO STATION AREA
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DEVELOPMENT DISTRICT OVERLAY ZONE (“DDOZ”)
M-U-TC USE TABLE**

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FOOTNOTES TO THE SOUTHERN GREEN LINE DDOZ TABLE OF
USES FOR THE MIXED USE TOWN CENTER ZONE

- (i) Except for a “**Banquet hall**,” which shall be defined for purposes of this DDOZ as “an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door,” unless as an ancillary or accessory use to a restaurant, tavern, hotel, or convention center, or as otherwise provided herein.
- (ii) Except for a “**Beauty supply and accessories store**,” which shall be defined for purposes of this DDOZ as “a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail,” unless as an ancillary or accessory use, or as otherwise provided herein.
- (iii) Except for a “**Nail salon**,” which shall be defined for purposes of this DDOZ as “a use designated as North American Industry Classification System (‘NAICS’) No. 812113,” unless as an ancillary or accessory use, or as otherwise provided herein.

SOUTHERN GREEN LINE METRO STATION AREA
SECTIONAL MAP AMENDMENT ("SMA")
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DEVELOPMENT DISTRICT OVERLAY ZONE ("DDOZ")
M-X-T USE TABLE**

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TABLE OF USES FOR THE M-X-T ZONE

Uses permitted.

- (a) No use shall be allowed in the Mixed Use Zones, except as provided for in the Table of Uses. In the table, the following applies:
- (1) The letter "P" indicates that the use is permitted in the zone indicated.
 - (2) The letter "P*" indicates that the use is permitted, but subject to the general special exception standards in Section 27-317(a)(1), (4), (5), and (6) and conforms to the recommendations of this preliminary sector plan.
 - (3) The letters "SE" indicate that the use is permitted, subject to the approval of a Special Exception in accordance with Part 4 of this Subtitle.
 - (4) The letters "PA" indicate that the use is permitted, subject to the following: (A) There shall be no entrances to the use directly from outside the building;
(B) No signs or other evidence indicating the existence of the use shall be visible from the outside of the building, other than a business identification sign lettered on a window. The sign shall not exceed six (6) square feet in area; and
(C) The use is secondary to the primary use of the building.
 - (5) The letters "PB" indicate that the use is permitted, subject to the following:
 - (A) The use shall be related to, dependent on, and secondary to a principal use on the premises;
 - (B) The use shall be located on the same record lot as the principal use;
 - (C) The use shall not be located within a building not occupied by the principal use; and
 - (D) The floor area of any building (and the land area occupied by any structure other than a building) devoted to the use shall not exceed an area equal to forty-five percent (45%) of the gross floor area of the building within which the principal use is located.
 - (6) The letters "SP" indicate that the use is permitted subject to the approval of a Special Permit, in accordance with Section 27-239.02.
 - (7) The letter "X" or a blank (unless otherwise clear from the context) indicates that the use is prohibited.
 - (8) All uses not listed are prohibited.
 - (9) Whenever the table refers to an allowed use, that use is either permitted (P), permitted but subject to certain general special exception standards (P*), permitted by Special Exception (SE), permitted by Special Permit (SP), or permitted as a (PA) or (PB) use, as originally listed in the zone in which it is allowed.
- (CB 1988; CB-2-1994)

TABLE OF USES.

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
(1) COMMERCIAL:			
All Types Offices and Research	P	P	P
Banks, savings and loan association, or other savings or lending institution	P	P	P
Bulk Retailing (CB-83-2006)	X	P	X
Check Cashing Business (CB-23-2009)	SE ¹¹	X	X
Data processing facilities	P	P	P
Eating or Drinking Establishments	P	P	P
Offices (may include a private spa in a medical practitioner's office or medical clinic)	P	P	P
Research, development, and testing laboratory (may include testing facilities and equipment), medical or dental laboratory	P	P	P
Services and Trade (Generally Retail):			
Barber or beauty shop	P	P ⁽¹¹⁾	P ⁽¹¹⁾
Blue printing, photostating, or other photocopying establishment	P	P	P
Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed (CB-63-1992)	P	P	P
Buying of items within guest rooms or vehicles, pursuant to Section 27-115(a)(2)	X	X	X
Department store	P	P ⁽¹¹⁾	P ⁽¹¹⁾
Pet grooming establishment (CB-63-1992)	P	P	P
Dry cleaning or laundry establishment	P	P	P
Drug paraphernalia display or sales, pursuant to Section 27-115(a)	X	X	X

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/4 MILE OF METRO
Drug store	P	P	P
Food or beverage store (CB-63-1992)	P	P	P
Gas station:			
(A) With or without a service center for minor repairs (placed underground or in a wholly enclosed structure)	P	P	X
(B) With or without a service center, and may include a car wash (CB-63-1992)	X	X	X
Hardware store (CB-63-1992)	P	P	P
Hobby shop	P	P	P
Pet (sales) shop, provided all animals are confined to the interior of the building and adequate measures are taken to control noise and odor (CB-63-1992)	P	P	P
Photographic supply store	P	P	P
Private Automobile and Other Motor Vehicle Auctions (CB-59-2010)	X ¹²	X	X
Seafood market (CB-49-1987)	P	P	P
Seasonal decorations display and sales as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P
Studio for artistic practice	P	P	P
Repair shops for small items (such as bicycles, watches, clothing, and shoes) (CB-63-1992)	P	P	P
Valet shop	P	P	P
Variety or dry goods store	P	P ⁽¹⁾	P ⁽¹⁾

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/4 MILE OF METRO
Veterinary clinic (CB-63-1992)	P	P	P
Waterfront Entertainment/Retail Complex (CB-44-1997)	P	P	P
(2) INDUSTRIAL:			
<u>Manufacturing, fabrication, assembly or repair of the following, from materials or parts previously produced elsewhere:</u>			
Artist's supplies and equipment	P	P	P
Business machines	P	P	P
Drafting supplies and equipment	P	P	P
<u>Electrical and electronic equipment and component parts for radio, television, telephone, computer, and similar equipment</u>	P	P	P
Flex Space (CB-28-2012)	P ¹³	P	P
Jewelry and silverware	P	P	P
Musical instruments	P	P	P
<u>Optical equipment and supplies</u>	P	P	P
<u>Photographic developing and processing establishment</u>	P	P	P
<u>Photographic equipment and supplies</u>	P	P	P
<u>Scientific and precision instruments, devices, and supplies</u>	P	P	P
<u>Small electrical household appliances (including televisions, but excluding refrigerators and the like)</u>	P	P	P
<u>Surgical, medical, and dental instruments, devices, and supplies</u>	P	P	P
<u>Toys, sporting and athletic equipment (excluding ammunition, firearms, and fireworks)</u>	P	P	P
<u>Watches, clocks, and similar timing devices</u>	P	P	P

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
Wearing apparel	P	P	P
Where not otherwise specifically permitted, any use allowed in the I-1 Zone (excluding those permitted by Special Exception) (CB-6-2007)	P ¹⁰	P	P
(3) INSTITUTIONAL/EDUCATIONAL:			
Adult day care facility (CB-63-1992)	P	P	P
Assisted Living Facility, subject to the requirements of Section 27-464.04 (CB-26-2002)	X	X	X
Church or similar place of worship, convent, or monastery (CB-23-1988)	P	P	P
Day care center for children (CB-23-1988)	P	P	P
Eleemosynary or philanthropic institution (excluding hospital)	P	P	P
Family day care	P	P	P
Modular classroom as a temporary use, in accordance with Sections 27-260 and 27-261 (CB-106-1989)	P	P	P
Nursing or Care Home (CB-26-2002)	X	X	X
School, private or public, all types (which may include private spas)	P	P	P
Small group child care center (CB-131-1993)	P	P	P
(4) MISCELLANEOUS:			
Accessory structures and uses	P	P	P
Cemetery, accessory to a church, convent, or monastery ⁵ (CB-11-1991)	P	P	X

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
Home occupations (except in multifamily dwellings)	P	P	P
Metro Planned Community (CB-35-1998)	P	P	P
Mixed Use Planned Community, list of permitted uses is the same as in the M-X-T Zone (CB-13-2002)	P	P	P
Mobile home, with use for which amusement taxes collected ²	P	P	P
Other uses of appropriate size, which can be justified as similar to one of the uses listed in this Section	P	P	P
Real estate subdivision sales office as a temporary use, in accordance with Sections 27-260 and 27-261	P	P	P
Regional Urban Community (CB-29-2008)	P	P	P
Signs, in accordance with Part 12	P	P	P
Temporary contractor's office (must include sanitary facilities), construction yard, construction shed, or storage building, in connection with a construction project on the same property, provided no item stored or assembled there is offered for sale at the location, and in accordance with Sections 27-260 and 27-261	P	P	P
(5) PUBLIC/QUASI PUBLIC:			
Library	P	P	P
Post office	P	P	P
Public building and use, if not otherwise specified (CB-63-1992)	X	X	X
Sanitary Landfill or rubble fill (CB-63-1992)	X	X	X
Volunteer fire, ambulance, or rescue station ¹	P	P	P
(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:			
Community building	P	P	P

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
Convention center	P	P	P
Exhibition halls and facilities	P	P ⁽¹⁾	P ⁽¹⁾
Golf course or country club (CB-63-1992)	P	P	P
Indoor theater or recital hall	P	P	P
Marina			
— (A) In accordance with Sections 27-371.01(a) and 27-548.01.01	P	P	P
(B) All others (CB-72-1987, CB-34-1989)	SE	P*	P*
Museum, art gallery, aquarium, cultural center, or similar facility (noncommercial)	P	P	P
Outdoor exhibition, displays, entertainment, or performance	P	P	P
Park, playground, or other outdoor recreational area	P	P	P
Private club or service organization	P	P ⁽¹⁾	P ⁽¹⁾
Recreational or entertainment establishment (commercial or noncommercial)	P	P ⁽¹⁾	P ⁽¹⁾
Reducing/exercise salon or health club	P	P	P
Skating facility (CB-89-1994)	P	P	P
Spa, community	P	P	P
Spa, private	P	P	P
Spa, public, accessory to hotel, motel, reducing/exercise salon, health club, or swimming pool	P	P	P
Swimming pool (indoor or outdoor) commercial or noncommercial (CB-63-1992)	P	P	P
Tennis, basketball, handball, or similar court (indoor or outdoor) commercial or noncommercial (CB-63-1992)	P	P	P

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
<u>Tourist home (CB-63-1992)</u>	P	P	P
<u>(7) RESIDENTIAL/LODGING:</u>			
<u>Country inn (CB-63-1992)</u>	P	P	P
<u>Dwellings, all types (except mobile homes) (CB-56-1996)</u>	P ⁷	P	P
<u>Flag lot development, subject to the provisions of Section 24-138.01 of Subtitle 24 (CB-25-2002)</u>	X	X	X
<u>Group residential facility for up to 8 mentally handicapped dependent persons</u>	P	P	P
<u>Hotel or motel</u>	P	P	P
<u>(8) TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES:</u>			
<u>Heliport</u>	P	P	P
<u>Helistop (CB-63-1992)</u>	P	P	P
<u>Parking lot or garage, or loading area, in accordance with Part 11</u>	P	P	P
<u>Parking of mobile home in public rights-of-way³</u>	X	X	X
<u>Parking of mobile home not otherwise provided for</u>	X	X	X
<u>Passenger transportation station or depot (such as rapid transit station, bus stop, taxi or auto rental stand)</u>	P	P	P
<u>Public utility use or structure:</u>			
<u>(A) Railroad yard, round house, car barn, and freight station</u>	X	X	X
<u>(B) All others</u>	P	P	P
<u>Radio or television broadcasting studio</u>	P	P	P
<u>Satellite dish antenna, in accordance with Section 27-541.02:</u>	P	P	P

USE	ZONE		
	M-X-T in ZO	M-X-T in DDOZ Area	M-X-T WITHIN 1/2 MILE OF METRO
(A) Up to 10 feet in diameter, to serve only 1 dwelling unit	P	P	P
(B) Over 10 feet in diameter, to serve only 1 dwelling unit	SE	P*	P*
(C) All others (CB-19-1985)	P	P	P
Storage of any motor vehicle which is wrecked, dismantled, or not currently licensed, except where specifically authorized ⁴ (CB-4-1987)	X	X	X
Telegraph or messenger service	P	P	P
Tower, pole, or antenna (electronic, radio, or television, transmitting or receiving), except a public utility structure or a satellite dish antenna. ⁵	P	P	P
(A) Maximum of 150 feet	P	P	P
(B) Exceeding 150 feet (CB-123-1994; CB-103-1997)	SE	P*	P*

- 1** Provided the site is either:
- (A) In the proximity of an area designated as a fire or rescue station on an approved Functional Master Plan of Fire and Rescue Stations;
 - (B) In a location which the Fire Chief has indicated (in writing) is appropriate; or
 - (C) Is occupied by a station that was in use immediately prior to July 1, 1982.

The following activities are considered to be ancillary uses permitted within the hall/assembly area of a voluntary fire, ambulance, or rescue station: bingo (with an approved license from the Department of Environmental Resources), weddings, dinners, community events, organization functions, and private events (with no advance or at the door ticket sales).

All events must comply with County or State regulations, and events requiring a specific license must obtain such license to be considered a permitted ancillary use. All events must be organized by the voluntary fire, ambulance, or rescue corporation or company and/or a community group from within the immediate vicinity of the station. For weddings, receptions, and dinners, the event may be organized by an individual in conjunction with the voluntary fire, ambulance, or rescue corporation or company and/or a community group within the immediate vicinity of the station. A permitted ancillary use does not include the leasing of the station facility for use by a promoter. Private events may not have advance or at the door ticket sales. All events must end by 10:00 p.m., Sunday through Thursday (except that bingo events must end by 11:00 p.m.), and by midnight on Friday and Saturday, with all patrons off the site within thirty (30) minutes after closing.

(CB-70-2008)

- 2** Provided:
- (A) The mobile home is located on a lot having a net area of at least five (5) acres;
 - (B) The use of the mobile home is in connection with another use on the property for which the County levies or collects an amusement tax.
 - (C) The occupants of the mobile home are employed by, or reasonably connected with, the other use;
 - and (D) The mobile home shall not be located on the property for more than one hundred twenty (120) cumulative days per calendar year, except mobile homes used in connection with pari-mutuel racetracks when the use shall not exceed two hundred eighteen (218) cumulative days per calendar year.
- 3** Except in an emergency. In this case the parking shall be subject to the traffic and parking regulations applicable to the right-of-way.
- 4** This shall not apply to:
- (A) Storage accessory (and related) to an allowed use; or
 - (B) One (1) such vehicle stored in a wholly enclosed garage.
- 5** Provided both uses were existing as of January 1, 1991.
- (CB-11-1991)

- 6 Accessory uses such as light manufacturing, assembly service, repair, or warehousing associated with this use are permitted.
(CB-63-1992)
- 7 Except as provided in Section 27-544(b), for development pursuant to a Detailed Site Plan for which an application is filed after December 30, 1996, the number of townhouses shall not exceed 20% of the total number of dwelling units in the total development. This townhouse restriction shall not apply to townhouses on land any portion which lies within one-half (½) mile of an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority and initially opened after January 1, 2000.
(CB-56-1996; CB-40-2002; CB-78-2006)
- 8 Any related telecommunications equipment building shall be screened by means of landscaping or berming to one hundred percent (100%) opacity.
(CB-103-1997)
- 9 Bulk retailing may be permitted as part of a Detailed Site Plan for a planned mixed use development which, at a minimum, includes other commercial retail uses (at least one (1) of which shall be a freestanding use consisting of a minimum of seventy-five thousand (75,000) square feet) as well as commercial office uses.
(CB-83-2006)

10 Provided:

- (A) The property was rezoned from the I-1 Zone to the M-X-T Zone through a Sectional Map Amendment approved after January 1, 2007; and
- (B) All or part of the property is located within an airport noise zone subject to noise measuring a minimum of seventy (70) dBA at the time the property was zoned M-X-T.
(CB-6-2007)

Editor's Notes:

Pursuant to Section 2 of CB-5-2010, this Ordinance shall be abrogated and no longer effective after July 9, 2012, at which time, the use(s) then located on the property or for which permits were issued pursuant to this Ordinance shall be deemed nonconforming.

Pursuant to CR-54-2012, the provisions of Section 2 of Chapter No. 4 of the 2010 Laws of Prince George's County, Maryland, shall remain in full force and effect, subject to the requirements specified in Section 27-547(b) until July 1, 2013.

Pursuant to Section 2 of CB-61-2012, this Ordinance shall be abrogated and no longer effective after July 1, 2013, at which time the use(s) then located on the property or for which permits were issued pursuant to this Ordinance shall be deemed nonconforming in accordance with part 3, Division 6 of this Subtitle.

CR-67-2013 provides that the provisions of CB-61-2012 amending Section 2 of Chapter No. 4 of the 2010 Laws of Prince George's County, Maryland, shall remain in full force and effect, subject to the requirements specified in Section 27-547(b) until July 1, 2014.

- 11 Businesses with a valid state license for check cashing issued prior to September 1, 2009 may continue as a matter of right and shall not be deemed nonconforming, regardless of a change in tenancy or ownership of the check cashing business.
(CB-23-2009; CB-106-2012)
- 12 Any private automobile and other motor vehicle auction operating in the M-X-T Zone prior to January 1, 2011, shall have until January 1, 2013, to cease all auction operations on the property.
(CB-59-2010)
- 13 Provided the property was rezoned from the E-I-A Zone to the M-X-T Zone through a Sectional Map Amendment approved between January 1, 2006 and July 1, 2012.
(CB-28-2012)

**FOOTNOTES TO THE SOUTHERN GREEN LINE DDOZ TABLE OF USES FOR THE
MIXED USE - TRANSPORTATION ORIENTED ZONE**

- (i) Except for a “Banquet hall,” which shall be defined for purposes of this DDOZ as “an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door,” unless as an ancillary or accessory use to a restaurant, tavern, hotel, or convention center, or as otherwise provided herein.
- (ii) Except for a “Beauty supply and accessories store,” which shall be defined for purposes of this DDOZ as “a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail,” unless as an ancillary or accessory use, or as otherwise provided herein.
- (iii) Except for a “Nail salon,” which shall be defined for purposes of this DDOZ as “a use designated as North American Industry Classification System (‘NAICS’) No. 812113,” unless as an ancillary or accessory use, or as otherwise provided herein.

Southern Green Line Development District Overlay Zone

The Development District Overlay Zone (DDOZ) is superimposed over the Southern Green Line to ensure that the development of land meets goals and objectives of the sector plan. The development district standards are specifically intended to address new development and redevelopment proposals in the development district. The standards establish a consistent design framework to ensure quality in future development.

The development district standards follow and implement the recommendations of the Southern Green Line Sector Plan and SMA. Property owners and citizens consulting the standards should also review the goals and objectives of the sector plan, the Zoning Ordinance, and the *Landscape Manual* to have a full understanding of the regulations for property within the district.

Applicability and Administration

Development in the Southern Green Line DDOZ is subject to the development district standards as detailed below. All new development and redevelopment of existing structures within the DDOZ should comply with the general intent and goals of the development district standards and the Southern Green Line sector plan. Development must show compliance with the development district standards during the detailed site plan process.

Section 27-107.01 of the Zoning Ordinance and this Development District Overlay Zone defines development as “Any activity that materially affects the condition or use of dry land, land under water, or any structure.” Redevelopment, rehabilitation, and renovation of existing structures are all forms of development.

Development district standards within this document replace comparable standards and regulations required by the Zoning Ordinance of Prince George’s County. Wherever a conflict between the Southern Green Line DDOZ and the Prince George’s County Zoning Ordinance or *Landscape Manual* occurs, the DDOZ shall prevail. For development standards not covered by the Southern Green Line DDOZ, the Zoning Ordinance and the *Landscape Manual* shall serve as the requirement as stated in Section 27-548.21. All development shall comply with all relevant federal, state, county, and local regulations and ordinances.

Exemptions from the Development District Standards

The following are exemptions from the development district standards:

1. **Properties Zoned Mixed-Use Town Center (M-U-TC).** Properties within the Suitland Mixed Use Town Center (M-U-TC) boundaries are exempt from the development district standards and detailed site plan review. Properties zoned M-U-TC shall be developed in accordance with the Suitland M-U-TC development plan and the processes stated therein. However, the Southern

Green Line Tables of Uses Permitted may eliminate certain uses permitted within the M-U-TC Zone, and therefore supersede the use table of the Suitland M-U-TC development plan. See the Use Tables herein for specific use designations pursuant to this DDOZ in the M-U-TC Zone.

2. Applicability Provisions for Parcels within ½ mile radius of entrance to the Branch Avenue Metro Station

(A) Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

(B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

3. **Other legally existing development within the DDOZ area.** Until a detailed site plan is submitted, all buildings, structures, and uses which were lawful or could be certified as a legal nonconforming use on the date of SMA approval are exempt from the development district standards and from detailed site plan review and are not nonconforming.
4. **Legally existing parking and loading.** Until a detailed site plan is submitted, all legally existing parking and loading spaces in the development district that were lawful and not nonconforming on the date of SMA approval are exempt from the development district standards and detailed site plan review, need not be reduced, and are not nonconforming.

5. **Single-family residential dwellings.** Additions to single-family residential dwellings are exempt from the development district standards and detailed site plan review, if the residential use continues.
6. **Multifamily development.** An addition to a multifamily residential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the gross floor area (GFA) by more than 15 percent or 750 square feet, whichever is less.
7. **Nonresidential development.** An addition to a nonresidential structure that was lawful and not nonconforming on the date of SMA approval is exempt from the development district standards and detailed site plan review, if the addition (and the accumulated sum of all additions since approval of the SMA) does not increase the GFA by more than 15 percent or 5,000 square feet, whichever is less.
8. **Parking facilities.** Resurfacing, restriping, or adding landscaping to parking facilities are exempt from the development district standards and detailed site plan review, if the parking facilities were lawful and not nonconforming on the date of SMA approval.
9. **Nonconforming Buildings, Structures, and Uses.**
 - a. Changes in ownership of a certified nonconforming use or a use that was lawful or could be certified as a legal nonconforming use on the date of SMA approval shall be permitted subject to the provisions of Section 27-241 and, in the case of property within the DDOZ that is zoned M-U-TC, subject to the requirements of Parts 3 and 10 of the Zoning Ordinance.
 - b. Restoration or reconstruction of a nonconforming building or structure, or a certified nonconforming use, is exempt from the development district standards and from detailed site plan review if it meets the requirements of Section 27-243(a)(1) of the Zoning Ordinance.
 - c. Except for improvements listed in 10. **General** below, a property owner may not expand a certified nonconforming use unless a detailed site plan is approved with findings that the expansion is compatible with adjacent uses and meets the goals of the sector plan.
10. **General.** The following are exempt from the development district standards and detailed site plan review if the existing or proposed use is permitted:
 - a. Permits for alteration or rehabilitation, with no increase in the existing gross floor area.
 - b. Canopies.
 - c. Fences of six feet in height or less for rear and side yards and made of wood or masonry (not concrete block) are exempt. Fences and walls in the front yard that are four feet in height or less and made of wood or masonry (not concrete block) are exempt.
 - d. Decks.
 - e. Ordinary maintenance.
 - f. Changes in use or occupancy.

g. Changes in ownership.

11. **Signs.** Signs in a development requiring a detailed site plan will be reviewed in the detailed site plan process. Signs for development not otherwise requiring a detailed site plan will be reviewed in the permit review process for compliance with the development district standards.
- a. Refacing of an existing sign with no increase in sign area or increase in the height of freestanding signs is exempt from the development district standards.
 - b. Certain public signs are exempt from the development district standards in accordance with Section 27-602 of the Zoning Ordinance.

12. Additional exemptions for existing uses.

All uses lawfully existing at the time of approval of the SMA located within a building legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming. Such uses may be altered, enlarged, or extended without an approved detailed site plan, provided the alteration, enlargement, or extension does not increase the gross floor area by more than 15% percent, or 5,000 square feet, whichever is less. A valid use and occupancy permit must be continuously maintained for the use from the time of the SMA approval, and may continue to be permitted during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for that use is continuously maintained.

For integrated shopping centers lawfully existing at the time of the SMA and legally constructed before January 1, 1983, such uses shall be permitted uses and shall not be deemed nonconforming.

Gas stations lawfully existing at the time of the SMA and legally constructed before January 1, 1983, shall be deemed permitted uses and shall not be nonconforming, provided that there is no vehicle repair service use on the site. Such uses may be altered, enlarged, or extended with an approved detailed site plan.

Site Plan Submittal Requirements

- a. *Site Plan Submittal Requirements for Development within one-half mile radius from any entrance to the Branch Avenue Metro Station.*

M-X-T flexibility for TOD parcels not in the M-X-T zone

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: The provisions of this subsection shall

- (i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;
- (ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and

(iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

Exemption for certain public projects at Branch Avenue Metro Station

Southern Green Line Station Area design requirements and limitations of the Development District Overlay Zone shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.

Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

The design requirements and limitations of the the Development District Overlay Zone, and limitations on public utility uses or structures prescribed in this subsection shall?

(i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and

(ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

b. Site Plan Submittal Requirements for all other Development within the DDOZ.

Unless otherwise specified herein, the detailed site plan submittal requirements for the Southern Green Line Development District are intended to supplement those required by Part 3, Division 9, of the Zoning Ordinance. In addition, all site plan applications should be designed in accordance with the land use recommendations of the sector plan.

Other pertinent information required for detailed site plan submittals as per Section 27-282(e)(20) shall include:

- Architectural elevations in full color.
- Street and streetscape sections.

- Build-to lines.
- A parking schedule and plan.
- A list of all applicable development district standards, as well as a list of standards that have not been fulfilled and explanations as to why they have not been fulfilled, in the form of a signed and dated justification statement.

Uses

The Southern Green Line Development District includes properties classified in the O-S, R-O-S, R-R, R-80, R-55, R-30, R-30C, R-35, R-18, R-T, R-10, R-10A, C-O, C-M, C-S-C, I-1, I-3, M-X-T, and M-U-TC Zones. The uses allowed on these properties shall be the same as those allowed in the underlying zone in which the property is classified, except as modified by the use tables contained herein.

Certain uses have been modified by the development district standards in accordance with Sections 27-548.22(b) and 27-548.25(d) of the Zoning Ordinance to limit uses that are incompatible with, or detrimental to, the goals of the development district and purposes of the D-D-O Zone and to eliminate the need for special exceptions, which shall not apply to uses within a development district. Please refer to the table of uses provided herein for specific use designations within the sector plan area.

Uses that would normally require a special exception in the underlying zone are permitted uses if the development district standards so provide, subject to site plan review by the Planning Board. Development district standards may restrict or prohibit such uses. The Planning Board shall find in its approval of the site plan that the use complies with all applicable development district standards, meets the general special exception standards in Section 27-317(a)(1), (4), (5), and (6), and conforms to the recommendations in the sector plan. These uses have been identified with the notation "P*" within the tables of uses permitted. Development district standards may not allow uses prohibited in the underlying zone.

It should be noted that the Southern Green Line Station Area Development District makes a distinction between uses within the overall development district boundaries and those uses located on any parcel wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station. Generally, uses on parcels wholly or in part within a one-half mile radius of any entrance to the Branch Avenue Metro Station are more restrictive than elsewhere in the development district in order to implement the county and sector plan's vision of Branch Avenue as a priority for transit-oriented development. Accordingly, the tables of uses permitted within the Southern Green Development District are designed specifically to incorporate this distinction.

Development District Standards

Modification of the development district standards is permitted through the process described in Section 27-548.25(c) of the Zoning Ordinance. "If the applicant so requests, the Planning Board may apply development standards which differ from the approved Development District Standards, unless the Sectional Map Amendment provides otherwise. The Planning Board shall find that the alternative

Development District Standards will benefit the development and the development district and will not substantially impair implementation of the Master Plan, Master Plan Amendment, or Sector Plan.”

Per Section 27-548.26 of the Zoning Ordinance, there are two types of amendments that are required to be heard by the District Council: changes to the boundary of the DDOZ and changes to the underlying zones and to the list of permitted uses. These amendment requests may be in the form of a conceptual or detailed site plan.

Equivalent or better practices and products than those specified are always encouraged and may be submitted for approval.

As set forth in Section 27-108.01(a)(15) of the Zoning Ordinance, “The words ‘including’ and ‘such as’ do not limit a term to the specified examples, but are intended to extend its meaning to all other instances or circumstances of like kind or character.” As set forth in Section 27-108.01(a)(19) of the Zoning Ordinance, “The words ‘shall,’ ‘must,’ ‘may only,’ or ‘may not’ are always mandatory and not discretionary. The word ‘may’ is permissive.” The word “should” is also construed as a permissive term and provides guidance on the intended development character.

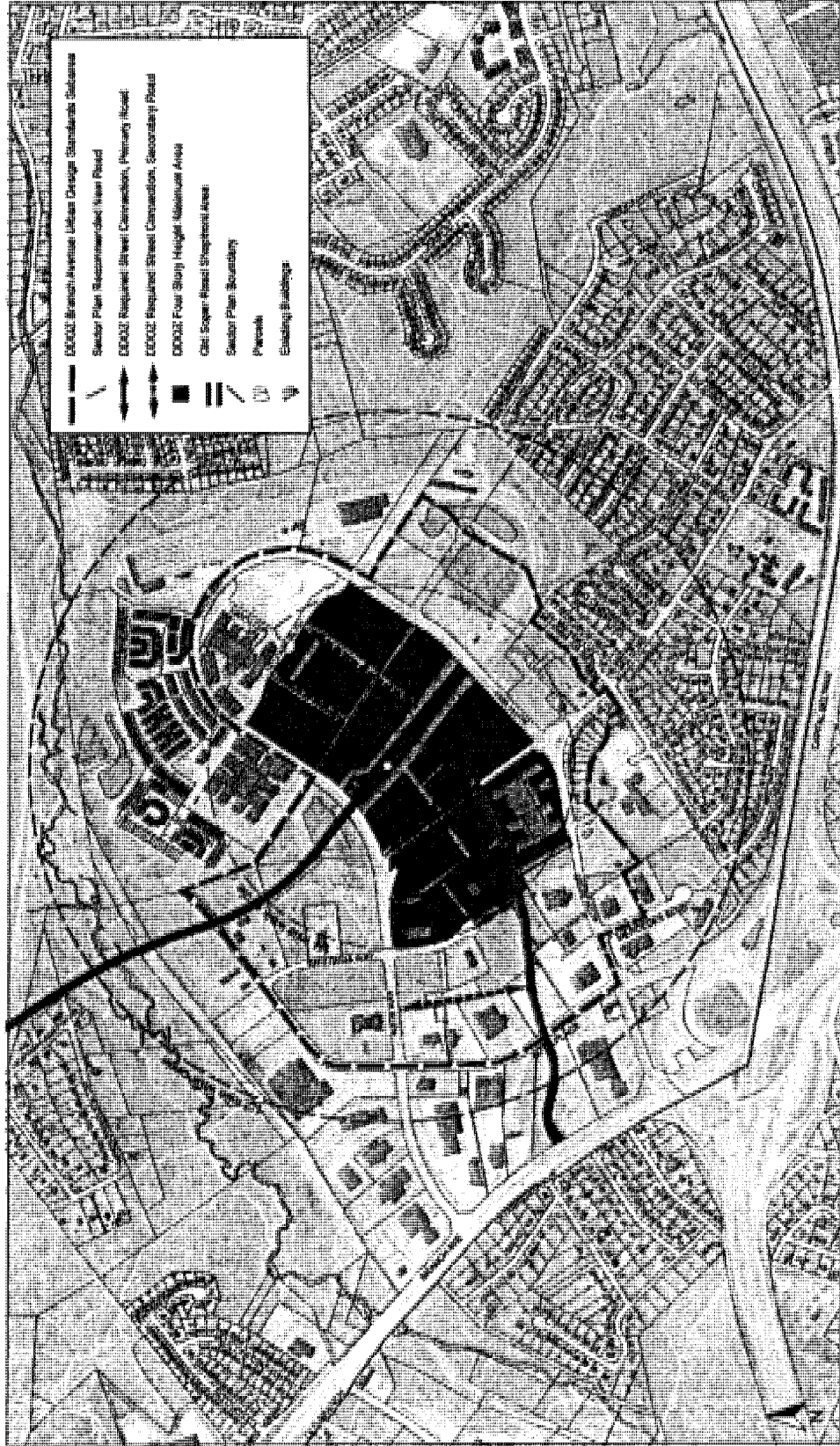
Except as modified or referenced by the development district standards, the provisions of the *Landscape Manual* regarding alternative compliance and buffering incompatible uses do not apply within the development district. All other standards and regulations of the *Landscape Manual* apply as necessary.

Development proposals evaluated under these regulations should be measured against the general intent and desired character for the Southern Green Line Development District as established in the sector plan.

Development District Urban Design Standards

Branch Avenue Urban Design Standards Subarea

A subarea of the larger DDOZ area is defined to establish urban design standards, as shown on the Fig. below, as the Branch Avenue Urban Design Standards Subarea. This area is also defined as regulating new development east of Auth Place, fronting on Auth Way or Auth Road, or between Auth Road north of Gloria Drive and the east side of Auth Place.



Guiding Principles – Transit-Oriented Development at the Branch Avenue Metro Station

By establishing this DDOZ, it is the intent of the county that the design standards recited herein advance the county and sector plan's vision of Branch Avenue as a priority for transit-oriented development. In so doing, development proposals on parcels within the area of the Branch Avenue Metro Station as recited herein must incorporate the following components:

I. Establish M-X-T flexibility for TOD parcels not in the M-X-T zone

As of the effective date of this DDOZ, conditioned on approval of a Detailed Site Plan and compliance with the provisions of this DDOZ and other applicable provisions of the Zoning Ordinance for M-X-T zoned projects (provided such provisions do not conflict with this DDOZ), a development project not located in the M-X-T zone, but located in the Branch Avenue Metro Station Area, is entitled to the uses of the M-X-T zone.

Exceptions: This subsection shall

- (i) not apply to a development project for which an amendment to an approved Detailed Site Plan is sought if such Detailed Site Plan is in a valid status as of the effective date of this DDOZ;
- (ii) not apply to buildings or structures legally in existence as of the effective date of this DDOZ; and
- (iii) not apply to property in a residential zone (as defined in Section 27-109(a)(1) of the Code) as of the effective date of this DDOZ. Applications to rezone property in a residential zone to the M-X-T zone in the Branch Avenue Metro Station Area are compatible and consistent with the purposes and goals of this DDOZ and the Southern Green Line Station Area Sector Plan and SMA subject to the provisions of Section 27-213 of the Code.

II. Design requirements and limitations; Use Restrictions

1. Design Requirements and Limitations:

- Any development project, except as provided herein, for which Detailed Site Plan approval is sought, regardless of underlying zoning approvals, located in the Branch Avenue Metro Station Area, shall:
- (A) Encourage a mix of moderate and high density development within walking distance of the transit station in order to increase transit ridership, with generally the most intense density and highest building heights in closest proximity to the transit station;
 - (B) Promote the reduction of automobile dependency and roadway congestion by:
 - (i) locating multiple destinations and trip purposes within walking distance of one another in conjunction with other existing and planned (in an approved master plan or sector plan) uses in the Branch Avenue Metro Station Area;
 - (ii) creating a high quality, active streetscape to encourage walking and transit use;
 - (iii) minimizing surface parking; and
 - (iv) providing facilities to encourage alternative transportation options to single-occupancy vehicles, like walking, biking, or public transportation use;

- (C) Minimize building setbacks from the street;
- (D) Utilize pedestrian scale blocks and street grids;
- (E) Incorporate the design standards of Section 27A-209 of the Code to the extent deemed practicable by the District Council;
- (F) Not include strip commercial development (in this DDOZ, "Strip commercial development" means commercial development characterized by a low density, linear development pattern usually one lot in depth, organized around a common surface parking lot between the building entrance and the street and lacking a defined pedestrian system);
- (G) Not include any automobile drive-through or drive-up service; and
- (H) Not include single-family residential structures or low density housing (in this DDOZ, "low density housing" is defined as a residential structure, or a mixed use structure containing residential uses, with a gross residential density of less than ten (10) units per gross residential acre).

2. Use Restrictions

The following uses, except as provided herein, as defined in Section 27A-106 or, if not defined in Section 27A-106, as otherwise defined in Subtitle 27 (or, if not defined in Subtitle 27, the normal dictionary meaning), are not allowed uses in the Branch Avenue Metro Station Area:

- (A) Adult entertainment;
- (B) Check cashing business;
- (C) Pawnshop or Pawn Dealer;
- (D) Cemetery;
- (E) Vehicle and vehicular equipment sales and services (also includes gas station, car wash, towing services, RV mobile home sales, and boat sales);
- (F) Wholesale trade, warehouse and distribution, or storage (also includes self-service storage, mini-storage, and any storage or salvage yards);
- (G) Amusement park;
- (H) Sale, rental, or repair of industrial or heavy equipment;
- (I) Secondhand business (in this DDOZ, a "Secondhand business" is an establishment whose regular business includes the sale (including retail and non-retail sale or resale) or rental of tangible personal property (excluding motor vehicles) previously used, rented, owned or leased);
- (J) Nail salon and similar uses designated as North American Industry Classification System (NAICS) No. 812113, except as an ancillary or accessory use;
- (K) Beauty supply and accessories store (in this DDOZ, a "Beauty supply and accessories store" is a cosmetology, beauty, or barbering supply establishment engaged in the sale of related goods and materials wholesale and/or retail), except as an ancillary or accessory use;
- (L) Banquet hall, unless ancillary or accessory to a restaurant, tavern, hotel, or convention center (in this DDOZ, a "Banquet Hall" is an establishment that is used regularly for serving food or beverages to groups that, in advance of the event, have reserved the facility for banquets or meetings, to which the general public is not admitted, and for which no admission charge is imposed at the door. A "Banquet Hall" is not a night club or dance hall); and
- (M) Tattoo parlor.

Exceptions: A legally existing use in the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective date of this DDOZ shall be exempt from use restrictions (A) – (M), above, and shall continue to be a conforming and permitted use (irrespective of any zoning alteration, enlargement or extension of such uses), provided that a valid use and occupancy permit is continuously maintained thereafter for the use. Additionally, a legally existing use in the Branch Avenue Metro Station Area with a valid use and occupancy permit as of the effective

date of this DDOZ shall continue to be a conforming and permitted use during the sale or transfer of business ownership or control of the use, provided that a valid use and occupancy permit for the existing use is maintained.

III. Street Design Standards

Required Street Connections

Creation of a grid of streets is an important component of transit-oriented development and can be achieved in the Branch Avenue Metro station area through a series of logical street extensions and connections. In order to create this grid of streets the following primary or secondary street connections are required:

1. A new secondary north-south street connecting Auth Way to the planned Woods Way between Auth Place and Britannia Way.
2. A new secondary street connecting the southern cul-de-sac of Britannia Way to Woods Way.
3. Conversion of the existing Metro access drive at the western edge of the Metro parking lot to a primary public street from Auth Way to Woods Way.
4. Extension of Old Soper Road as a primary road from its current terminus and entrance to the Metro parking lot north to Auth Way.
5. Extension of Woods Way as a primary road from its planned terminus through the Metro parking lot to a new Metro bus facility and the station entrance.
6. Two new public secondary road connections from Telfair Boulevard southwest through the Metro station parking lot to the station and at least one new primary road parallel to the station from Auth Way to Auth Way.

Right of Way Design Standards

All internal roadways identified as primary are to be constructed as publicly dedicated Commercial Urban Street (DPW&T standard 100.05) with curb to curb pavement width of 46 feet accommodating two 11-foot wide travel lanes, two 7-foot parking lanes, and two 5-foot on-road bicycle lanes. The required sidewalk width is increased as appropriate for the Metro transit station area where pedestrian access is a priority to a minimum of 8 feet, but can be wider, and should also include a 6-foot wide landscape buffer between the curb and sidewalk, and pedestrian scale street lights (DPW&T Standard 500.06)

All internal roadways identified as secondary are to be constructed as publicly dedicated Urban Primary Residential Street (DPW&T standard 100.06) with curb to curb pavement width of 36 feet consisting of two 11-foot wide travel lanes with marked bicycle sharrows and two 7-foot parking lanes. The required sidewalk width is increased as appropriate for the Metro transit station area where pedestrian access is a priority to minimum of 6 feet, but can be wider, and should also include a 6-foot wide landscape buffer between the curb and sidewalk, and pedestrian scale street lights (DPW&T Standard 500.06)

In addition, following the recommendations of the sector plan to create a special shopping street along the existing and extended Old Soper Road, the Commercial Urban Street standard shall be adjusted to include a 12-foot center turn lane, if deemed necessary to accommodate the anticipated traffic levels and turning movements, and shall have a minimum 15 foot sidewalk on both sides of the street. Tree grates and other paving areas are allowed within the 15-foot sidewalk zone, but shall not reduce the sidewalk width to less than 10 feet. See Build-To-Line section below for further details.

Intersection Standards

1. All internal intersections shall have highly visible cross walk, ADA compatible curb ramps and with blub-out to minimize pedestrian crossing distance and eliminate free right turn lanes.
2. All curb return radii on all internal intersections shall be no more than 15 feet.
3. Install pedestrian countdown signal at all signalized intersections as well as provision of an all red phase to allow the intersection to clear. Implement no-turn on red at all intersections within ¼ mile of the station.

Pedestrian Facilities

1. Pedestrian access ways and greenways shall be incorporated within the development plan to connect parking lots, adjoin properties, the Metro station and supplement the identified pedestrian access routes along publicly dedicated roadways.
2. Where a road connection (needed for a grid network or the road network envisioned in the Sector Plan) between dead-end streets is not feasible or practicable due to environmental constraints, lack of right-of-way, or prohibitive costs, a bicycle and pedestrian connection shall be provided to allow non-motorized access in place of the automobile connection. Pedestrian access ways and greenways shall be incorporated within the development plan to connect parking lots, adjoin properties, the Metro station and supplement the identified pedestrian access routes along publicly dedicated roadways.
3. Wide sidewalks shall be provided within the areas covered by the DDOZ Branch Avenue Urban Design Standards Subarea, with 6 to 8-foot wide sidewalks provided in residential areas, 8 to 10-foot wide sidewalks provided in nonresidential areas, and 15-foot minimum sidewalks provided in the Shopfront Area along Old Soper Road.
4. Pedestrian access shall be provided to the building entrance from all public or private rights-of-way that abut or run through a subject site. For long block sizes or large buildings, more than one connection may be required, not to exceed one per every 75 feet of frontage.

IV. Block Standards

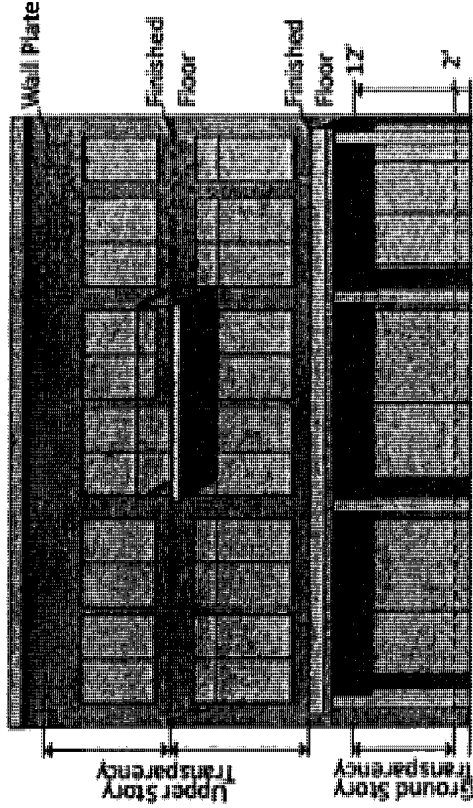
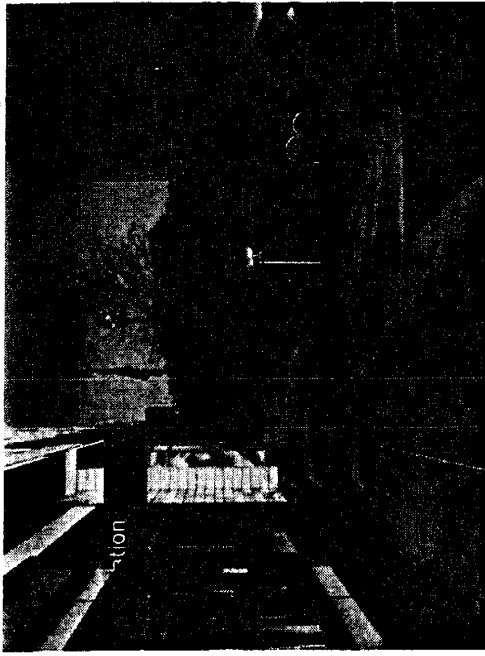
Smaller blocks help create a walkable, grid of streets in the transit station area, which is important to minimizing walk distances to the station entrance and improving access for pedestrians and bicyclists. Required block length and block perimeter maximums listed below are to be measured from street curb to curb.

1. No block length shall be greater than 700 feet.
2. The block perimeter (the sum of block lengths) shall not exceed 2,200 feet.
3. No alley or service drive can be considered as a block length divider.

V. Building Location: Build-To Zone and Build-To Line

230 The space between the street curb and building is regulated by minimum sidewalk and landscape buffer widths as previously stated and the **130** ion of the building. In order to create consistent street frontage all buildings should be located to meet a build-to line established within a

build to zone set by a minimum and maximum distance from the street curb. The front build-to line governs the placement of buildings along streets and shall be measured from the street curb to the edge of the building at the ground floor. The build-to zone for all development types and uses within the Branch Avenue Urban Design Standards Subarea shall be a minimum of 15 feet and maximum of 30 feet from the curb. The entire building façade, including primary façade and any secondary façades, shall be built within the build-to zone.



Old Soper Road Shopfront Area Standards

In order to create a vibrant, urban shopping street to anchor the Branch Avenue Station Area with a variety of shops lining a pedestrian-oriented public realm and attractive streetscape, new development facing Old Soper Road is required to have a shopfront form with the following elements:

1. A minimum 15-foot sidewalk zone from curb to building, which may include tree grates and other landscaping areas, but retains a consistent minimum sidewalk width of 10 feet.
2. Additional sidewalk space is allowed with a maximum build to line of 30 feet from the curb, allowing additional public walk space or semi-private café seating space.
3. Minimum ground floor height shall be 14 feet.
4. Ground floor elevations shall have a minimum of 60 percent transparency within the zone from 2 to 12 feet of the ground

VI. Building Height, Gross Floor Area (GFA), Floor Area Ratio (FAR), and Density Standards

A key goal of the Southern Green Line Sector Plan is to increase development intensity within the immediate Metro station areas and one component of development intensity is building heights. In order to provide an incentive for taller and more intense development within the immediate station area, the zoning regulations regarding building heights are adjusted as follows:

A. Height and floor area ratio minimums

The height of any buildings (including structured parking) for which Detailed Site Plan approval is sought shall be equal to or greater than the lesser of 5 stories or an average height of 55 feet (above grade) if located wholly or partially within a ¼ mile radius from either entrance to Branch Avenue Metro Station and the lesser of 4 floors or an average height of 45 feet (above grade) if located wholly or partially within a ½ mile radius (but entirely outside of ¼ mile radius) from either entrance to Branch Avenue Metro Station. A development project located in the Branch Avenue Metro Station Area, for which Detailed Site Plan approval is sought, shall have a building floor area ratio of 1.0 or greater as applied to the net lot area that is the subject of the Detailed Site Plan (gross floor area from structured parking shall be included in calculating building floor area ratio for the purposes of satisfying the minimum FAR requirement of this subsection).

Exceptions: The height and floor area ratio minimums prescribed herein

- (1.) shall not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ;
- (2.) shall not apply to alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought;
- (3.) shall be only advisory and non-binding for property described in subsection (3)(A), above; and
- (4.) may be waived in whole or in part at Detailed Site Plan review by the District Council if the strict application of the requirements would cause undue or unreasonable economic hardship.

1. No height, density, gross floor area (GFA), or floor area ratio (FAR) maximums

There shall be no maximums for building (including structured parking) height, density, gross floor area, or floor area ratio in the Branch Avenue Metro Station Area for development projects for which a Detailed Site Plan approval is sought. Nonetheless, the development project, including its building heights, densities, gross floor area, and floor area ratio must conform to the design standards and other requirements and provisions of this DDOZ, if applicable.

Exceptions: The provisions of this subsection shall

- (i) not apply to applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and
- (ii) not apply to buildings legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which Detailed Site Plan approval is sought to modify or expand such buildings.

VII. Parking Standards

1. No surface parking is allowed between a building façade and the curb.
2. Any surface parking along a public right of way will be screened by landscaping or a decorative fence following the standards of the landscape manual.
3. There is no minimum off-street parking space requirement.

4. Maximum surface parking ratios are as follows:
- Retail/Commercial, stand-along development = 2.75 spaces per 1000 gross square feet.
 - Mixed Use Office or Residential development with ground floor retail = 2.5 space per 1000 square feet and 1.5 space per dwelling unit.
 - Office development = 2.75 spaces per 1000 square feet of gross office space
 - Residential, multi-family development = 2.0 spaces per dwelling unit.
 - Residential, single-family attached (rowhouse) development = 2.0 spaces per dwelling unit.
5. There are no parking space maximums for spaces in structured parking.
6. Shared parking facilities serving two or more adjoining property owners are exempt from maximum off-street parking requirements. There is no maximum or minimum number of required parking for shared parking facilities as defined here.
7. Off-site surface parking lots may be allowed with Planning Board approval in order to encourage a district wide parking supply strategy and a denser development pattern near the transit station.

VIII. Detailed Site Plan Review

Detailed Site Plan approval in accordance with Section 27-548.25 and Part 3, Division 9 of the Code shall be required for a development project located in the Branch Avenue Metro Station Area, but no other site plan approvals shall be required. At site plan review, the Planning Board and District Council shall apply development standards and requirements that comply and are consistent with the DDOZ standards, restrictions, and requirements contained herein and not alternate standards pursuant to Section 27-548.25(c) that differ with those prescribed in this DDOZ. Applicants are encouraged, but not required, to apply as an Expedited Transit-Oriented Development Project pursuant to Section 27-290.01 or 27-290.02 of the Code, if applicable. In considering approval of a Detailed Site Plan, the provisions of this DDOZ supersede any conflicting components of any approved Conceptual Site Plan or underlying zoning within the Branch Avenue Metro Station Area.

IX. Exemptions for Public Buildings, Utilities, and Approved and Existing Projects

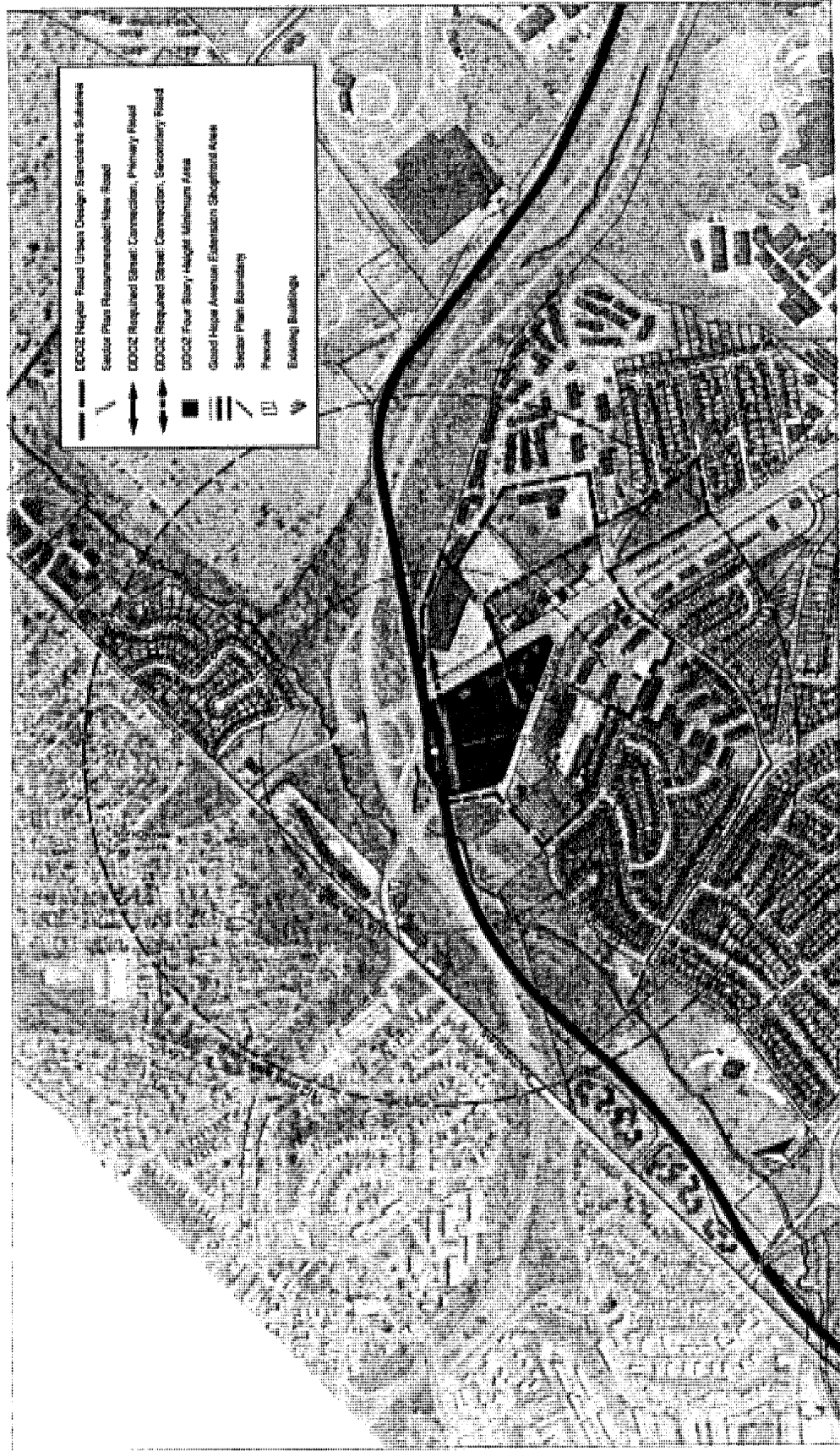
- (A) Southern Green Line Station Area design requirements and limitations of subsection II, above, shall not be binding and shall be only advisory for property located within the Branch Avenue Metro Station Area, for which the subject property will be developed for a public building or public use, to be operated or occupied by any department or branch of federal or state government for public purposes, excluding warehouses; the public building or public use included in the project is subject to an executed lease, or letter of intent to enter into a lease, with a term of not less than 20 years; the total density of the public building or public use is a minimum of five-hundred thousand (500,000) square feet; and greater than fifty percent (50%) of its net lot area is located in the Branch Avenue Metro Station Area.
- (B) Public utility uses or structures, including underground pipelines, electric power facilities or equipment, or telephone facilities or equipment; and railroad tracks or passenger stations, but not railroad yards, shall be permitted in all frontages in the Branch Avenue Metro Station Area, subject to the design standards of this DDOZ and the Sector Plan provided in this Section. These uses or structures shall be designed to be harmonious to the overall design and character of the DDOZ and the Sector Plan. All other public utility uses or structures, including major transmission and overhead distribution lines and structures, are prohibited in the Branch Avenue Metro Station Area.

(C) The design requirements and limitations of subsection II, above, and limitations on public utility uses or structures prescribed in this subsection shall

- (i) be only advisory and non-binding for applications to amend an approved Detailed Site Plan for property located in the Branch Avenue Metro Station Area, provided that such Detailed Site Plans are in a valid status as of the effective date of this DDOZ; and
- (ii) be only advisory and non-binding for alteration, enlargement or extension of uses legally in existence in the Branch Avenue Metro Station Area as of the effective date of this DDOZ for which a Detailed Site Plan is sought.

Naylor Road Station Area

A subarea of the larger DDOZ area is defined to establish urban design standards as the Naylor Road Urban Design Standards Subarea. This area is also defined as begin south of Suitland Parkway, east of Oxon Run Drive, north of Oxon Park Street and 31st Street, and north of Curtis Drive and west of the Carriage Hill Apartments and Overlook Elementary School.



Street Design Standards

Required Street Connections

Creation of a grid of streets is an important component of transit-oriented development and can be furthered in the Naylor Road Metro station area through creation of a small number of required street connections, specifically in the immediate station area. In order to create this grid of streets the following primary or secondary street connections are required:

1. A new primary road north-south street connecting from Naylor Road and the existing Good Hope Avenue roundabout intersection north to the station busway and entrance.
2. A new primary road east-west street connection across Branch Avenue (MD) roughly half way between the intersection of MD 5 and Naylor Road and the Metro entrance from MD 5; this road shall create a new four-way stop intersection across MD 5 and carry through to the redevelopment site on the east side of Branch Avenue.
3. Maintenance of the existing east-west connection across MD 5 at the Metro station entrance as a secondary road with enhanced pedestrian facilities.
4. A new secondary road connection east of and parallel to MD 5 from Curtis Drive north to the redevelopment site.

Right of Way Design Standards

All internal roadways identified as primary are to be constructed as publicly dedicated Commercial Urban Street (DPW&T standard 100.05) with curb to curb pavement width of 46 feet consisting of two 11-foot wide travel lanes, two 7-foot parking lanes, and two 5-foot on-road bicycle lanes. The required sidewalk width is increased as appropriate for the Metro transit station area where pedestrian access is a priority to a minimum of 8 feet, but can be wider, and should also include a 6-foot wide landscape buffer between the curb and sidewalk, and pedestrian scale street lights (DPW&T Standard 500.06)

All internal roadways identified as secondary are to be constructed as publicly dedicated Urban Primary Residential Street (DPW&T standard 100.06) with curb to curb pavement width of 36 feet consisting of two 11-foot wide travel lanes with marked bicycle sharrows and two 7-foot parking lanes. The required sidewalk width is increased as appropriate for the Metro transit station area where pedestrian access is a priority to a minimum of 6 feet, but can be wider, and should also include a 6-foot wide landscape buffer between the curb and sidewalk, and pedestrian scale street lights (DPW&T Standard 500.06)

In addition, following the recommendations of the sector plan to create a special shopping street along an extended Good Hope Avenue from Naylor Road to the entrance of the Metro station, the Commercial Urban Street standard shall be adjusted to have 12-foot drive lanes that allow for Metro bus circulation and shall have a minimum 15 foot sidewalk on both sides of the street. Tree grates and other landscaping areas are allowed within the 15-foot sidewalk zone, but shall not reduce the sidewalk width to less than 10 feet. See Build-To-Line section below for further details.

Intersection Standards

1. All internal intersections shall have highly visible cross walk, ADA compatible curb ramps and with blub-out to minimize pedestrian crossing distance and eliminate free right turn lanes.
2. All curb return radii on all internal intersections shall be no more than 15 feet.
3. Install pedestrian countdown signal at all signalized intersections as well as provision of an all red phase to allow the intersection to clear.
4. Implement no-turn on red at all intersections within ¼ mile of the station.

Pedestrian Facilities

1. Pedestrian access ways and greenways shall be incorporated within the development plan to connect parking lots, adjoin properties, the Metro station and supplement the identified pedestrian access routes along publicly dedicated roadways.
2. Where a road connection (needed for a grid network or the road network envisioned in the Sector Plan) between dead-end streets is not feasible or practicable due to environmental constraints, lack of right-of-way, or prohibitive costs, a bicycle and pedestrian connection shall be provided to allow non-motorized access in place of the automobile connection. Pedestrian access ways and greenways shall be incorporated within the development plan to connect parking lots, adjoin properties, the Metro station and supplement the identified pedestrian access routes along publicly dedicated roadways.
3. Wide sidewalks shall be provided within the DDOZ Naylor Road Urban Design Standards Subarea, with 6 to 8-foot wide sidewalks provided in residential areas, 8 to 10-foot wide sidewalks provided in nonresidential areas, and 15-foot minimum sidewalks provided in the Shopfront Area along Good Hope Avenue.
4. Pedestrian access shall be provided to the building entrance from all public or private rights-of-way that abut or run through a subject site. For long block sizes or large buildings, more than one connection may be required, not to exceed one per every 75 feet of frontage.

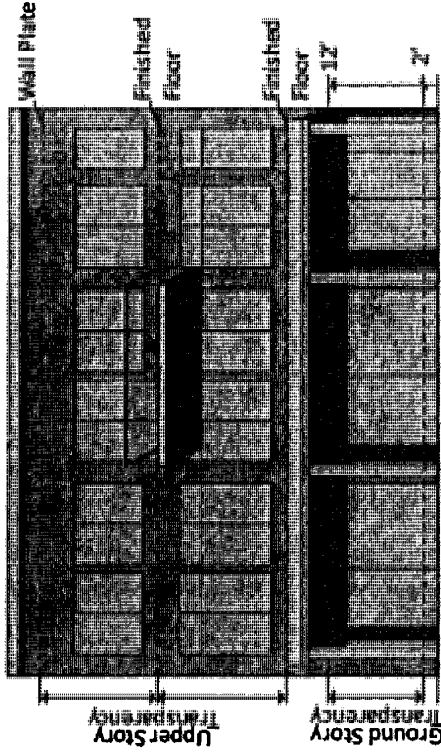
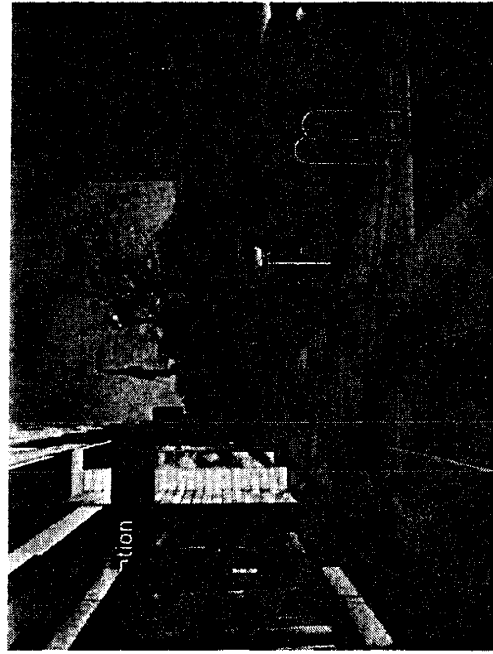
Block Standards

Smaller blocks help create a walkable, grid of streets in the transit station area, which is important to minimizing walk distances to the station entrance and improving access for pedestrians and bicyclists. Required block length and block perimeter maximums listed below are to be measured from street curb to curb.

1. No block length shall be greater than 700 feet, unless steep slopes in excess of 25 percent make a street connection less feasible, and in those cases a pedestrian passage is created.
2. The block perimeter (the sum of block lengths) shall not exceed 2,200 feet.
3. No alley or service drive can be considered as a block length divider.

Building Location: Build-To Zone and Build-To Line

The space between the street curb and building is regulated by minimum sidewalk and landscape buffer widths, as previously stated, and the location of the building. In order to create consistent street frontage all buildings should be located to meet a build-to line established within a build to zone set by a minimum and maximum distance from the street curb. The front build-to line governs the placement of buildings along streets and shall be measured from the street curb to the edge of the building at the ground floor. The build-to zone for all development types and uses within the Naylor Road Urban Design Standards Subarea shall be a minimum of 15 feet and maximum of 30 feet from the curb.



Good Hope Avenue Shopfront Area Standards

In order to create a vibrant, urban shopping street to anchor the Naylor Road Station Area with a variety of shops lining a pedestrian-oriented public realm and attractive streetscape, new development fronting on Good Hope Avenue from Naylor Road to the Metro station entrance is required to have a shopfront form with the following elements:

1. A minimum 15-foot sidewalk zone from curb to building, which may include tree grates and other landscaping areas, but retains a consistent minimum sidewalk width of 10 feet.
2. Additional public sidewalk space is allowed with a maximum build to line of 30 feet from the curb, allowing additional public walk space or semi-private café seating space.

3. Minimum ground floor height shall be 14 feet.
4. Ground floor elevations shall have a minimum of 60 percent transparency within the zone from 2 to 12 feet of the ground

Building Height Standards

A key goal of the Southern Green Line Sector Plan is to increase development intensity within the immediate Metro station areas and one component of development intensity is building heights. In order to provide an incentive for taller and more intense development within the immediate station area, the zoning regulations regarding building heights are adjusted as follows:

1. There are no maximum building heights within the Naylor Road Urban Design Standards Subarea.
2. Residential and office buildings on the 'Naylor Triangle,' between Suitland Parkway and the Metro station, Oxon Run Drive, Naylor Road, and Branch Avenue (MD 5), shall have a minimum height of four stories.

Parking Standards

1. No surface parking is allowed between a building façade and the curb.
2. Any surface parking along a public right of way will be screened by landscaping or a decorative fence following the standards of the landscape manual.
3. There is no minimum off-street parking space requirement.
4. Maximum surface parking ratios are as follows:
 - Retail/Commercial, stand-along development = 2.75 spaces per 1000 gross square feet.
 - Mixed Use Office or Residential development with ground floor retail = 2.5 space per 1000 square feet and 1.5 space per dwelling unit.
 - Office development = 2.75 spaces per 1000 square feet of gross office space
 - Residential, multi-family development = 2.0 spaces per dwelling unit.
 - Residential, single-family attached (rowhouse) development = 2.0 spaces per dwelling unit.
5. There are no parking space maximums for spaces in structured parking.
6. Shared parking facilities serving two or more adjoining property owners are exempt from maximum off-street parking requirements. There is no maximum or minimum number of required parking for shared parking facilities as defined here.
7. Off-site surface parking lots may be allowed with Planning Board approval in order to encourage a district wide parking supply strategy and a denser development pattern near the transit station.

**Prince George's County Council
Agenda Item Summary**

Meeting Date: 2/25/2014
Reference No.: CR-010-2014
Draft No.: 1
Proposer(s): Park & Planning
Sponsor(s): Toles, Franklin, Patterson
Item Title: A Resolution approving, with revisions, as an Act of the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, the Southern Green Line Station Area Sectional Map Amendment, thereby setting forth and adopting detailed zoning proposals for the land area that follows and surrounds the alignment of the southern portion of the Metrorail Green Line in Prince George's County and that is generally bound by Southern Avenue as a western boundary; Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler Road as the southern boundary.

Drafter: M-NCPPC
Resource Personnel: M-NCPPC

LEGISLATIVE HISTORY:

Date Presented:		Executive Action:
Committee Referral:	2/25/2014 - C.O.W.	Effective Date:
Committee Action:	2/25/2014 - FAV	
Date Introduced:	2/25/2014	
Public Hearing:		
Council Action (1)	2/25/2014 - ADOPTED	
Council Votes:	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:N, KT:A	
Pass/Fail:	P	
Remarks:		

AFFECTED CODE SECTIONS:

COMMITTEE REPORTS:

BACKGROUND INFORMATION/FISCAL IMPACT:
(Includes reason for proposal, as well as any unique statutory requirements)

CODE INDEX TOPICS:

INCLUSION FILES:

I-CR-10-2014 Applicability DDOZ.pdf, I-CR-10-2014 Commercial Uses DDOZ.pdf, I-CR-10-2014 Industrial Uses.pdf, I-CR-10-2014 MUTC Uses.pdf, I-CR-10-2014 MXT Uses.pdf, I-CR-10-2014 Residential Zones.pdf, I-CR-10-2014 UrbanDesignStandards.pdf

RESOLUTION

WHEREAS, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission, in conjunction with the Prince George's County Council, pursuant to Section 27-644 of the Zoning Ordinance of Prince George's County, held a duly advertised public hearing on the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment*, on July 2, 2013; and

WHEREAS, the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment* is proposed to amend the 2002 *Prince George's County Approved General Plan*, the 2000 *Approved Master Plan and Sectional Map Amendment for the Heights and Vicinity (Planning Area 76A)*, the 2008 *Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment*, and the 2010 *Subregion 4 Master Plan and Sectional Map Amendment* and county functional master plans including the 2005 *Countywide Green Infrastructure Functional Master Plan*, 2008 *Approved Public Safety Facilities Master Plan*, 2009 *Countywide Master Plan of Transportation*, and 2010 *Water Resources Master Plan*; and

WHEREAS, the Prince George's County Planning Department of The Maryland-National Capital Park and Planning Commission (M-NCPPC) applied for and received a grant from the U.S. Department of Housing and Urban Development under the 2010 Community Challenge Grant program of the Office of Sustainable Housing and Communities to fund preparation of an action plan to create transit-oriented development for the corridor that encompasses the last four Metro stations on the southern part of the Green Line in Prince George's County; and

WHEREAS, the Sector Plan area follows and surrounds the alignment of the southern portion of the Metrorail Green Line in Prince George's County and is defined by Southern Avenue as a western boundary; Suitland Road and the boundary of the Suitland M-U-TC as a northern and eastern boundary; Interstate 495 (Capital Beltway) and Branch Avenue, including properties fronting on the south side of Branch Avenue from St. Barnabas Road to Curtis Drive, and continuing along 28th Parkway, Oxon Run Drive, 23rd Parkway, Chatwick Street to the north side of Barnaby Run stream, and Wheeler Road as the southern boundary; and

WHEREAS, the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment* seeks to bring transit-oriented development to the four Metrorail station areas along the Southern Green Line: Branch Avenue, Suitland, Naylor Road, and Southern Avenue and maximize their value for economic and community development, and identifies opportunities for infill and redevelopment, sets a vision for each station area, and makes recommendations for future land use, creation of new Transit-Oriented Development zoning districts, regional and local roadway projects,

and pedestrian and bicycle facilities and outlines implementation strategies, including specific recommendations for rezoning through the proposed SMA where existing zoning districts can be applied to facilitate plan implementation; and

WHEREAS, on September 12, 2013 the Planning Board held a public work session on the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment* to examine the digest of testimony presented at the Joint Public Hearing and exhibits received before the close of the record on July 16, 2013; and

WHEREAS, the Prince George's County Planning Board agrees to amend the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment* in response to staff recommendations and public testimony considered on September 12, 2013, and to adopt the sector plan and transmit the plan with further amendments, extensions, deletions, and additions in response to the public hearing record and including the suggested revisions in the staff errata presented during the Joint Public Hearing on July 2, 2013 as Exhibit 21 (see Attachment A) and incorporated herein below, as follows:

Chapter 1 Introduction

1. Add to and revise the text with subheading "State Planning Policy" (pages 4 and 5), last paragraph, to read: "The entirety of the sector plan location is within the Targeted Growth and Revitalization area as shown on the county's Plan Maryland Designated Places map and is designated a PFA by the county and state."

Chapter 2 Project Area Existing Conditions, TOD Goals, and Recommendations Overview

2. Revise the text under the subheading "Development Review and Proposed Zoning Concept" and further subheading "Development Approval Process" (page 46), fourth paragraph to read: "In order to identify responsibilities for transportation improvements a transportation study for each station area should be prepared by the Planning Department in consultation with SHA, DPW&T and WMATA. This study would identify the set of transportation improvements needed in each station area and the estimated costs for these improvements. The costs for those improvements not funded for construction in the CIP, CTP or by WMATA would be negotiated between the public jurisdictions and private developers on a case-by-case basis prior to permit issuance. At priority stations, with an undeveloped street grid such as Branch Avenue, strong consideration should be given to county design, construction and ownership of the grid of local streets."

Chapter 3 Branch Avenue Station

3. Revise the text under the subheading "Transportation System" and "Roadway Network and Traffic Analysis," third paragraph, second sentence, to read: "Traffic analysis shows that the segment of Branch Avenue between Auth Way and Auth Road, which is classified as an expressway, carries 69,351 vehicles per day, which is 68 percent of capacity for a level of service rating of 'D.'"

4. Change "Figure 30 Old Soper Road, Street Section Concept" to add on street bicycle lanes, specifically, narrow the sidewalks on each side of the road from 19 feet to 14 feet in width and add 5-foot wide bike lanes in each direction.

Chapter 4 Suitland Station

5. Delete the word “Metro” from the chapter heading.
6. Add the zoning labels to Figure 46 Suitland Existing Zoning.
7. Add a bullet point to list of Key Elements of the Plan (page 102): “New development of an entertainment district, including a performing arts center as well as associated commercial, retail, hotel, restaurant, and/or civic uses that complement the proposed uses in the vicinity of the Suitland Metro Station, Suitland High School, and Suitland Federal Center.”
8. Ensure that final document includes all text included in the ‘permission to print’ edition at the end of the Urban Design section on page 107 and the start of the Future Land Use Plan section, as follows:

“Policy recommendations regarding streets, blocks, and urban design features at Suitland are:

1. Establish a final plan for street extensions and vacations in the former Suitland Manor area, with an emphasis on placemaking and a basic grid of streets.
2. Turn the alignment of Pearl Drive to the east to create a new intersection with Navy Day Drive and vacate the current intersection with Silver Hill Road to simplify turning movements and consolidate frontage.
3. Construct a cul-de-sac at the end of Randall Road north of Navy Day Place, and remove its intersection with Silver Hill Road. Consolidate frontage along Silver Hill Road as part of redevelopment.
4. Extend Navy Day Place to a new intersection with Swann Road.
5. Extend Sycamore Lane to Suitland Road.
6. Work with the General Services Administration, the National Park Service, and the Smithsonian to design and construct a multi-use off street trail and greenway along federal property in the Suitland and Silver Hill communities.
7. Include placemaking urban park amenities in the redevelopment of the former Suitland Manor site.

Future Land Use Plan

The future land use plan for the Suitland station area is consistent with the General Plan which designated the area as a Regional Center in 2002.

Flexible Use

The Suitland Station Area Future Land Use Plan is, in general, in keeping with the spirit and policies of the existing regulatory framework covering the area, the 2006 *Approved Suitland Mixed-Use Town Center Development Plan*. The document states, on page 25, that “the M-U-TC Zone is intended to be flexible and allow the applicant alternatives... and the future land use plan for the station area follows this approach, specifically with a land use plan that uses a ‘flexible’ land use category for the majority of frontage along Silver Hill Road and Suitland Road.”

9. Revise the third paragraph under the Future Land Use Plan and Flexible Use section to read: “The location where the illustrative plan shows a new Suitland Civic Campus, between Hudson Avenue and Shadyside Avenue, is shown on the future land use plan in the flexible category, meaning that if this land is not selected for a civic use, the plan is flexible in terms of allowing its use for office, multi-family residential, or retail.”

10. Replace the second policy recommendation under the Future Land Use Plan section on page 108 with the following: “2. Construct an entertainment district, to include a new performing arts center in the vicinity of the Suitland Metro station, Suitland High School, and Suitland Federal Center in order to ensure a vibrant mix of commercial, retail, hotel, restaurant, and/or civic uses recommended for the vicinity in the plan.”

11. Delete the fourth policy recommendation under the Future Land Use Plan section on page 108, which reads: “Study the potential need and locations for a new Suitland High School, a new performing arts center, or other civic uses.”

12. Revise “Figure 53 Suitland Future Land Use Plan” to show medium density residential on the Gromen Landing LLC (Exhibit 24) property south of Ryan Road and between Swann Road and Suitland Road and revise “Figure 54 Suitland Recommended Zoning Concept” on the same Gromen Landing LLC property to show the color for R-T and label for R-T zoning.

13. Revise the recommendation regarding the Suitland M-U-TC in the Proposed Zoning section, per the staff errata:

Delete paragraph six, which reads:

“The Southern Green Line plan recommends retaining the Suitland M-U-TC, but updating and clarifying allowed uses and standards as necessary to eliminate ambiguities, better clarify when standards apply, and allow greater flexibility.

Specifically, the following recommendations are made to amend the Suitland M-U-TC:”

And replace with the language below to read:

“Clarification is needed regarding the applicability of the M-U-TC design standards to renovation and expansion projects. The current language states that: “the design standards and guidelines are applicable to any new development and exterior renovation of buildings” (p.23), however, the language also exempts from “full or partial review” additions of less than 250 square feet or routine maintenance, which conflicts in some cases with the intent for a review of exterior renovations. What constitutes a full or partial review by the Design Review Committee, and what powers the committee has to require changes to an application are not clear and therefore need to be defined.

Policy recommendation for the Suitland M-U-TC is:

1. Retain the Suitland M-U-TC, but undertake a process to amend the zoning ordinance in order to update and clarify the permitted uses and design standards as necessary to eliminate ambiguities and conflicts, allow for greater flexibility in terms of land use, and clearly define when standards apply.
2. Consider the following recommendations when updating the Suitland M-U-TC, including but not limited to:”

Change paragraph seven from numbered list to bulleted list.

Chapter 5 Naylor Road Station

14. Change “Figure 71 Good Hope Avenue Extension Street Section Concept” to add on street bicycle lanes, specifically, narrow the sidewalks on each side of the road from 20 feet to 17 feet in width, add 5-foot wide bike lanes in each direction, and change the drive lane width to 12 feet.

Chapter 6 Southern Avenue Station

15. Revise Figure 89 Southern Avenue Future Land Use Plan to show “Flexible” land use on WMATA property by the transit station and all of the property fronting on Southern Avenue southwest of the station, excluding the existing apartment complex; add a 100 foot deep strip of “Medium Density Residential” along the south side of Wheeler Hills Road on property owned by the county and A.M.E. Zion Church.

16. Change the policy recommendations for future land use to read:

“1. Allow for a flexible mix of land uses—including commercial uses, office uses, or medium and high density residential uses, or a mix of these uses—for property fronting on Southern Avenue southwest of the station, with the exception of the existing medium-density residential apartment complex and environmentally sensitive land on the bluff southwest of the station.

2. Designate undeveloped property to the north and south of Wheeler Hills Road as medium-density residential, including the immediate frontage to a depth of 100 feet on the south side and at the bottom of steep slopes from Wheeler Road to the edge of M-NCPPC property and a recommended roadway.

3. Plan for high-density residential use on WMATA property at the corner of Oxon Run Drive and the Metro access road and where possible on relatively flat land on top of the bluff.

4. Consider environmental constraints created by steep slopes and streams and plan for conservation and passive park space on lands that should not be developed.”

17. Revise “Figure 90 Southern Avenue Recommended Zoning,” to show M-X-T on property fronting on Southern Avenue southwest of the station, with the exception of the existing medium-density residential apartment complex, and also property fronting on Wheeler Hills Road, excluding the already developed property on the south side of the road.

18. Revise the policy recommendations for zoning to read:

“1. Rezone property fronting on Southern Avenue, including WMATA property and the former Byrne Manor property, from the Commercial-Office zone to M-X-T, for Mixed Use Transportation.

2. Rezone property along the south and north sides of Wheeler Hills Road from R-55, for low-density residential development, to M-X-T.

3. Rezone WMATA property at the intersection of Oxon Run Drive and the Metro access road from R-T to R-10 to allow for multi-family residential.”

Chapter 7 Implementing the Plan

19. Add to “Table 32 Implementation Strategies Action Plan” under the “Regulatory Strategies”:
“Conduct a transportation study for each of the four stations in consultation with SHA, DPW&T, and WMATA to identify needed transportation improvements, particularly in regard to creating a grid of public streets, and establishing the capacity, cost, and responsible parties for these improvements.”

Chapter 8 Sectional Map Amendment

20. Revise the “Residential Rezoning Recommendations” on page 188 to read:

“The sector plan recommends rezoning property in Suitland south of Ryan Road and between Swann Road and Suitland Road from R-55 to R-T. Near the Southern Avenue Metro Station the recommendation is to rezone WMATA property at the corner of Oxon Run Drive and the Metro access road from R-T to R-10 to allow high density residential development.”

21. Add text on page 188 under a new subheading to read: “Mixed Use Rezoning Recommendations” and “In order to facilitate mixed use development near the Southern Avenue Station the plan recommends rezoning property fronting on Southern Avenue southwest of the station currently zoned C-O, R-10, and C-S-C to Mixed Use Transportation (M-X-T). The plan also recommends rezoning property currently zoned One-Family Detached Residential (R-55) along Wheeler Hills Road and flanking the Reserved Open Space zone (R-O-S) to Mixed Use Transportation (M-X-T).”

22. Revise SMA Change Number 1 to expand the area recommended for rezoning per the map included on page 4 of the staff digest of testimony and to include property along both sides of Wheeler Hills Road, Wheeler Road and to Southern Avenue, and revise the Zoning Change to read: “R-10, C-O, C-S-C, and R-55 to M-X-T.”

23. Revise SMA Change Number 2, Zoning Change to read: “C-O to M-X-T.”

24. Correct the text on SMA Change Number 4, Approved SMA/ZMA/SE, Date to “9/30/2008”.

25. Add SMA Change Number 6 to recommend rezoning the Gromen Landing LLC (Exhibit 24) property south of Ryan Road and between Swann Road and Suitland Road and from One-Family Detached Residential (R-55) to Residential Townhouse (R-T).

Appendix

26. Add an Appendix, per the staff errata, with public facilities cost estimates.

NOW, THEREFORE, BE IT RESOLVED, that the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby adopt the Preliminary Southern Green Line Station Area Sector Plan, this adopted plan containing amendments, extensions, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission does hereby endorse the Preliminary Southern Green Line Station Area and Proposed Sectional Map Amendment, this endorsed SMA containing amendments, extensions, deletions, and additions in response to the public hearing record; and

BE IT FURTHER RESOLVED that the adopted sector plan comprises the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment* text as amended by this resolution; and

BE IT FURTHER RESOLVED that in accordance with Section 27-645(c)(2) of the Zoning Ordinance of Prince George's County, copies of the adopted plan, consisting of this resolution to be used in conjunction with the *Preliminary Southern Green Line Station Area Sector Plan and Proposed Sectional Map Amendment*, will be transmitted to the County Executive and each municipality whose territorial boundaries are in and within one-half mile of the sector plan area; and

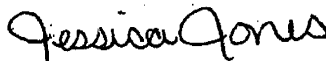
BE IT FURTHER RESOLVED that an attested copy of the adopted plan, and all parts thereof, shall be certified by the Commission and transmitted to the District Council of Prince George's County for its approval pursuant to the Land Use Article, Annotated Code of Maryland; and

BE IT FURTHER RESOLVED that the Prince George's County Planning Board finds that the plan recommendations, as heretofore described, are in conformance with the principles of orderly comprehensive land use planning and staged development, and with consideration having been given to the applicable County Laws, Plans, and Policies; and

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Shoaff and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, September 12, 2013.

Adopted by the Prince George's County Planning Board this 26th day of September 2013.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPE Legal Department

Date 9/27/13



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB No. 14-19
M-NCPPC No. 14-06

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to the General Plan for the Physical Development of the Maryland-Washington Regional District; and


WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to said law and in accordance with Chapter 33A of the Montgomery County Code, held a duly advertised public hearing on October 17, 2013, and continued on November 14, 2013, regarding the Public Hearing Draft of an amendment to the *Master Plan for Historic Preservation: M-NCPPC Park Resources*, being also an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, revised the Public Hearing Draft and forwarded it as the Planning Board Draft on January 8, 2014, to the Montgomery County Executive and to the Montgomery County Council; and

WHEREAS, the Montgomery County Executive did not submit any comments on the Planning Board Draft; and

WHEREAS, the Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on February 25, 2014, wherein testimony was received concerning the Planning Board Draft of the amendment; and

APPROVED AS TO LEGAL SUFFICIENCY

 4/17/14
M-NCPPC LEGAL DEPARTMENT

WHEREAS, the District Council approved the Planning Board Draft of the proposed amendment, with revisions, on March 25, 2014, by Council Resolution No.17-1028;

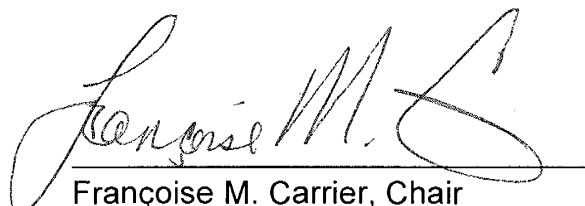
NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the amendment to the *Master Plan for Historic Preservation: M-NCPPC Park Resources*, being also an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District, as revised and approved by the Montgomery County Council, sitting as the District Council, in the attached Resolution No. 17-1028; and

BE IT FURTHER RESOLVED, that copies of said amendment shall be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerks of the Circuit Courts of Montgomery and Prince George's Counties, as required by law.

* * * * *

CERTIFICATION

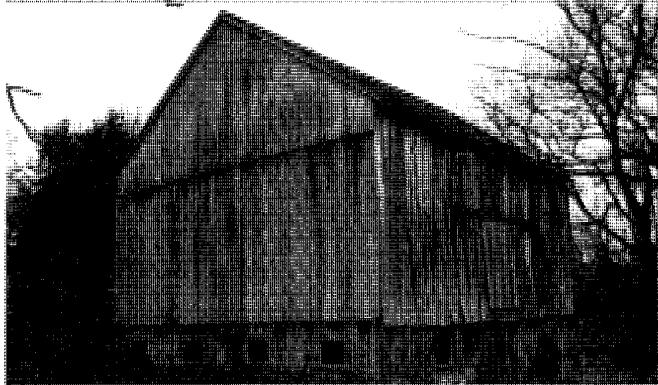
This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, May 1, 2014, in Silver Spring, Maryland.



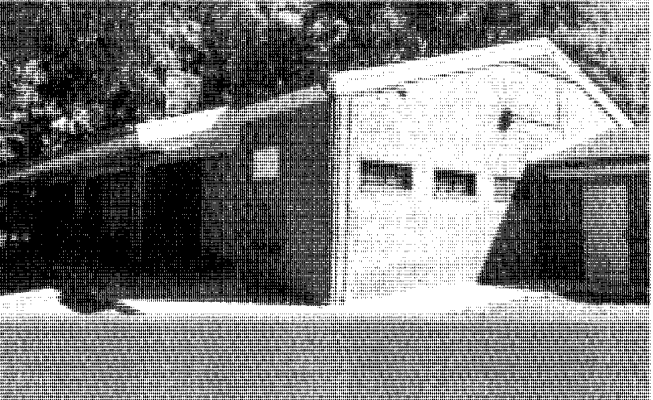
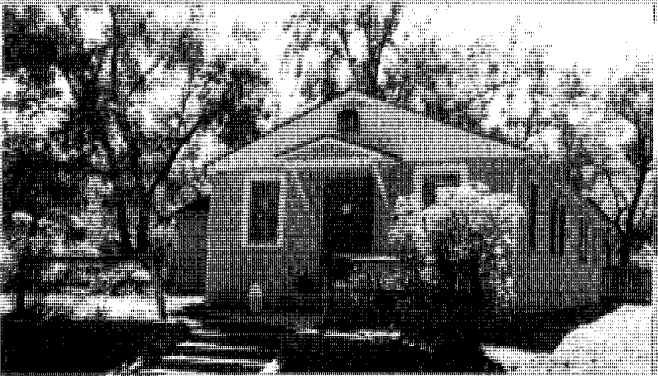
Françoise M. Carrier, Chair
Montgomery County Planning Board

M-NCPPC Park Resources

An Amendment to the Master Plan for Historic Preservation in Montgomery County



Planning Board Draft
January 2014



Planning Board Draft

M-NCPPC Park Resources

An Amendment to the *Master Plan for Historic Preservation in Montgomery County*

ABSTRACT

This document contains the text and supporting graphics for the Planning Board Draft Amendment to the *Master Plan for Historic Preservation: M-NCPPC Park Resources*. If adopted by the County Council and approved by the M-NCPPC, this document amends the *Master Plan for Historic Preservation in Montgomery County, Maryland* (1979), as amended; the *Master Plan for the Communities of Kensington-Wheaton* (1989), as amended; the *North and West Silver Spring Master Plan* (2000), as amended; the *Four Corners Master Plan* (1996), as amended; the *Olney Master Plan* (2005), as amended; *The General Plan (on Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties* (1964), as amended; and the *Revised Master Plan of Highways for the Maryland-Washington Regional District in Montgomery and Prince George's Counties Maryland* (1955), as amended.

This amendment considers the historic designation of eight M-NCPPC park-related resources—located in Planning Area 23 (Olney), Planning Area 31 (Kensington-Wheaton), and Planning Area 32 (Kemp Mill-Four Corners)—that have been nominated for addition to the *Locational Atlas and Index of Historic Sites in Montgomery County Maryland* and designation on the *Master Plan for Historic Preservation*.

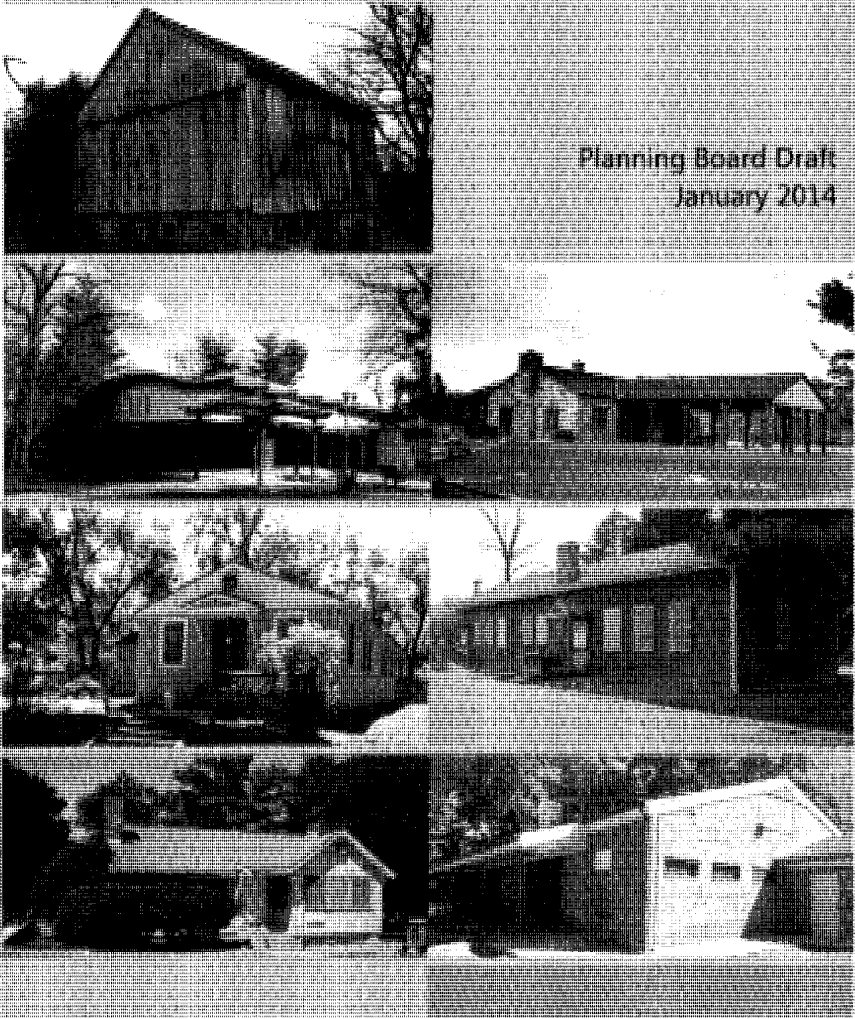
Source of copies

The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Online at www.montgomeryplanning.org/historic

M-NCPPC Park Resources

An Amendment to the Master Plan for Historic Preservation in Montgomery County



Planning Board Draft
January 2014

Prepared by
The Montgomery County Planning Department

The Master Plan for Historic Preservation

The *Master Plan for Historic Preservation* is a functional master plan with countywide application. The plan and the *Historic Preservation Ordinance*, Chapter 24A of the Montgomery County Code, are designed to protect and preserve Montgomery County's historic and architectural heritage. When a historic resource is placed on the *Master Plan for Historic Preservation*, the adoption action officially designates the property as an historic site or historic district, and subjects it to the further procedural requirements of the Historic Preservation Ordinance.

Designation of historic sites and districts serves to highlight the values that are important in maintaining the individual character of the County and its communities. It is the intent of the County's preservation program to provide a rational system for evaluating, protecting and enhancing the County's historic and architectural heritage for the benefit of present and future generations. The accompanying challenge is to weave protection of this heritage into the County's planning program so as to maximize community support for preservation and minimize infringement on private property rights.

The following criteria apply, as stated in Section 24A-3 of the *Historic Preservation Ordinance* when historic resources are evaluated for designation in the *Master Plan for Historic Preservation*:

1. Historical and cultural significance

The historic resource:

- a. has character, interest, or value as part of the development, heritage or cultural characteristics of the County, State, or Nation;
- b. is the site of a significant historic event;
- c. is identified with a person or a group of persons who influenced society; or
- d. exemplifies the cultural, economic, social, political or historic heritage of the County and its communities; or

2. Architectural and design significance

The historic resource:

- a. embodies the distinctive characteristics of a type, period or method of construction;
- b. represents the work of a master;
- c. possesses high artistic values;
- d. represents a significant and distinguishable entity whose components may lack individual distinction;
or
- e. represents an established and familiar visual feature of the neighborhood, community, or County due to its singular physical characteristic or landscape.

The Process of Amending the Master Plan for Historic Preservation

The STAFF DRAFT PLAN is prepared for presentation to the Montgomery County Historic Preservation Commission. The Staff Draft reflects the recommendations of the Historic Preservation staff. The Historic Preservation Commission holds a public hearing and receives testimony, after which it holds a public worksession to review the testimony and revise the Staff Draft Plan as appropriate. When the Historic Preservation Commission's changes are made, the document becomes the Public Hearing Draft Plan.

The PUBLIC HEARING DRAFT PLAN reflects the Historic Preservation Commission's recommendations for amending the Master Plan for Historic Preservation. The Planning Board holds a public hearing and receives testimony, after which it holds a public worksession to review the testimony, consider the analysis and recommendations provided by the Historic Preservation Commission and Historic Preservation staff, and revise the Public Hearing Draft Plan as appropriate. When the Planning Board's changes are made, the document becomes the Planning Board Draft Plan.

The PLANNING BOARD DRAFT PLAN is the Planning Board's recommended Plan and reflects its revisions to the Public Hearing Draft Plan. The Regional District Act requires the Planning Board to transmit a master plan amendment to the County Council with copies to the County Executive who must, within sixty days, prepare and transmit a fiscal impact analysis of the Planning Board Draft Plan to the County Council. The County Executive may also forward to the County Council other comments and recommendations.

After receiving the Executive's fiscal impact analysis and comments, the County Council holds a public hearing to receive public testimony. After the hearing record is closed, the Council's Planning, Housing, and Economic Development (PHED) Committee holds public worksessions to review the testimony and makes recommendations to the County Council. The Council holds its own worksessions, makes revisions to the Planning Board Draft according to its assessment of which resources and districts should be designated, then adopts a resolution approving the final amendment to the Master Plan for Historic Preservation.

After Council approval the plan is forwarded to the Maryland-National Capital Park and Planning Commission for adoption. Once adopted by the Commission, the plan officially amends the master plans, functional plans, and sector plans cited in the Commission's adoption resolution.

Implementing the Master Plan for Historic Preservation

Once designated on the *Master Plan for Historic Preservation*, historic resources are subject to the protection of the Montgomery County Preservation Ordinance, Chapter 24A of the County Code. Any substantial changes to the exterior of a resource or its environmental setting must be reviewed by the Historic Preservation Commission and a Historic Area Work Permit issued under the provisions of the County's Preservation Ordinance, Section 24A-6. In accordance with the *Master Plan for Historic Preservation* and unless otherwise specified in the master plan amendment, the environmental setting for each site, as defined in Section 24A-2 of the Ordinance, is the entire parcel on which the resource is located as of the date it is designated on the Master Plan.

Designation of the entire parcel provides the County adequate review authority to preserve historic sites in the event of development. It also ensures that, from the beginning of the development process, important features of these sites are recognized and incorporated in the future development of designated properties. In the case of large acreage parcels, the amendment may provide general guidance for the refinement of the setting by indicating when the setting is subject to reduction in the event of development; by describing an appropriate area to preserve the integrity of the resource; and by identifying buildings and features associated with the site which should be protected as part of the setting. For a majority of the sites designated, the appropriate point at which to refine the environmental setting will be when the property is subdivided.

Public improvements can profoundly affect the integrity of an historic area. Section 24A-6 of the Ordinance states that a Historic Area Work Permit for work on public or private property must be issued prior to altering an historic resource or its environmental setting. The design of public facilities in the vicinity of historic resources should be sensitive to and maintain the character of the area. Specific design considerations should be reflected as part of the Mandatory Referral review processes.

In many cases, the parcels of land on which historic resources sit are also affected by other planned facilities in a master plan; this is particularly true with respect to transportation right-of-way. In general, when establishing an environmental setting boundary for a historic resource, the need for the ultimate transportation facility is also acknowledged, and the environmental setting includes the entire parcel minus the approved and adopted master planned right-of-way. In certain specific cases, however, the master planned right-of-way directly affects an important contributing element to the historic resource. In such cases, the amendment addresses the specific conflicts existing at the site, and suggests alternatives and recommendations to assist in balancing preservation with the implementation of other equally important community needs. In addition to protecting designated resources from unsympathetic alteration and insensitive redevelopment, the County's Preservation Ordinance also empowers the County's Department of Permitting Services and the Historic Preservation Commission to prevent the demolition of historic buildings through neglect.

Montgomery County provides a tax credit against County real property taxes to encourage the restoration and preservation of privately owned structures located in the County. The credit applies to all properties designated on the *Master Plan for Historic Preservation* (Chapter 52, Art. VI). The HPC maintains current information on the status of preservation incentives including tax credits, tax benefits possible through the granting of easements, outright grants, and low-interest loans. In 2001, the County Council passed legislation requiring an owner of a resource on the *Master Plan for Historic Preservation* or the *Locational Atlas and Index of Historic Sites in Montgomery County Maryland* to disclose the property's historic status to each prospective buyer before signing a sales contract (Sec. 40-12A).

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The Amendment

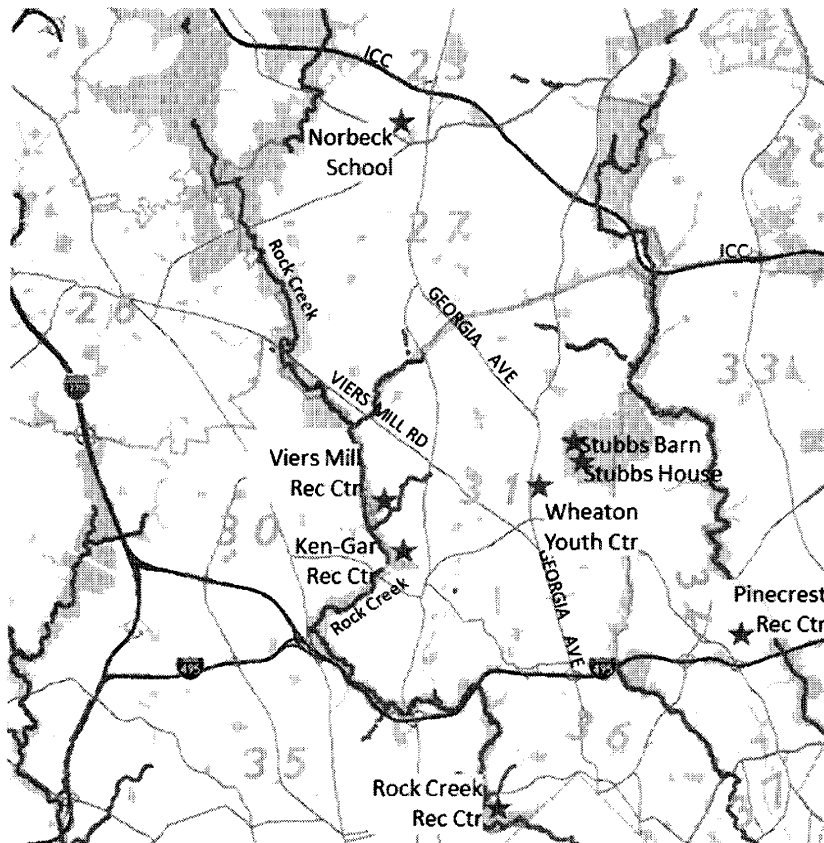
This Amendment considers the designation of eight potential historic resources that are owned or maintained by M-NCPPC. The Amendment recommends designation of 7 historic sites on the *Master Plan for Historic Preservation* and does not recommend designation of one nominated resource. If designated on the Master Plan, a resource would be protected by the County's Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code. If listed in the Locational Atlas, the resource would be protected under one provision of the Ordinance, being Chapter 24A-10, the Moratorium on Demolition and Substantial Alteration.

Individual Sites Recommended for *Master Plan* Designation

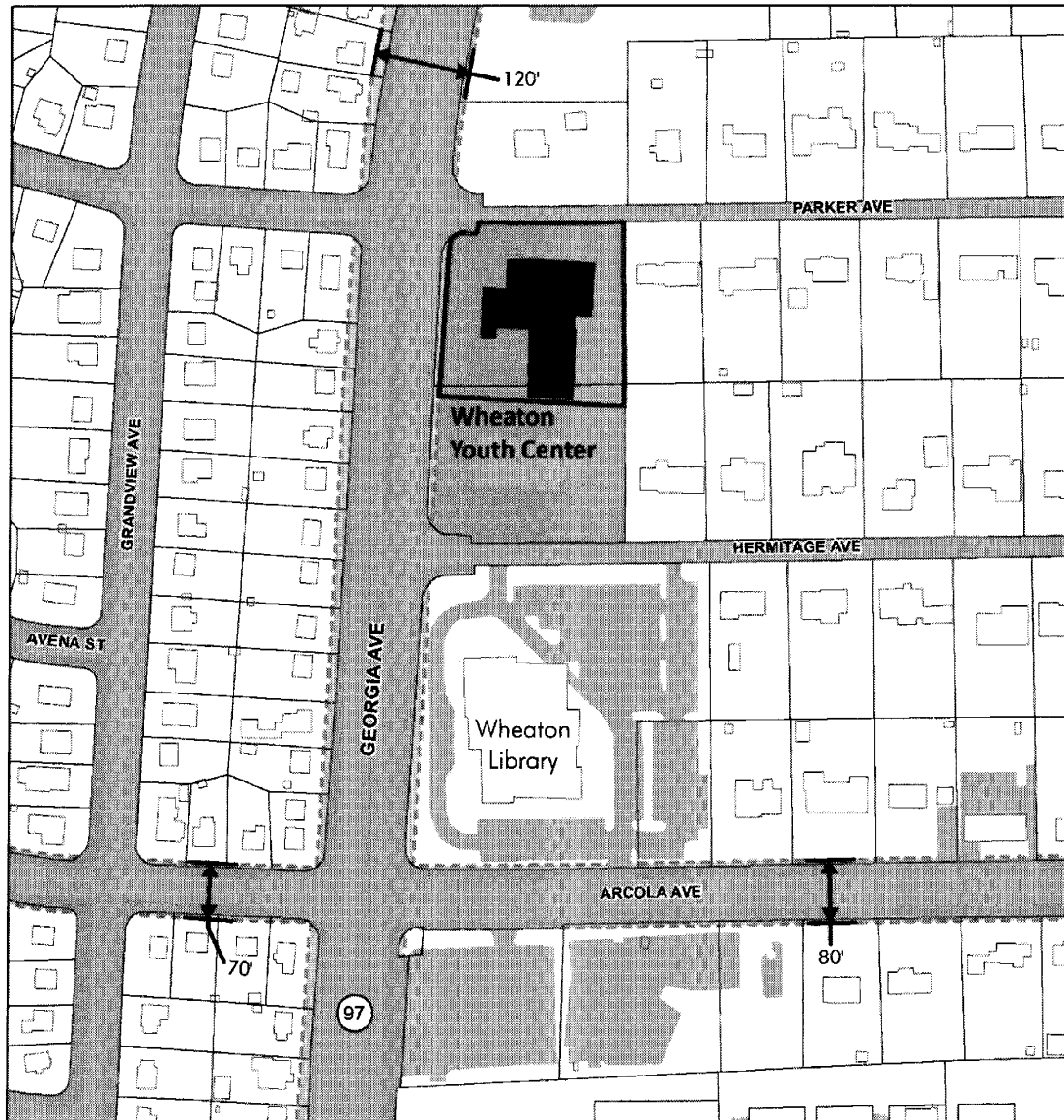
- Wheaton Youth Center, 11711 Georgia Avenue, Silver Spring, #31/48
- Stubbs Barn, 2000 Shorefield Road, Wheaton Regional Park, #31/3-2
- Rock Creek Recreation Center, 7901 Meadowbrook Lane, Chevy Chase, #36/90
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Resource Not Recommended for *Master Plan* Designation

- Stubbs House, 2000 Shorefield Road, Wheaton Regional Park, #31/3-1

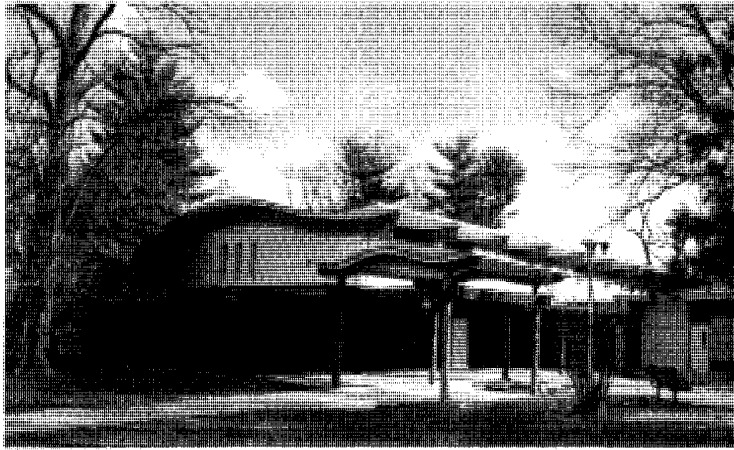


Wheaton Youth Center Proposed Environmental Setting



- | | | | |
|--|---------------------------|--|------------------------|
| | Environmental setting | | Contributing buildings |
| | Pavement outside ROW | | Other buildings |
| | Parcel boundaries | | Existing Parkland |
| | Public Right-of-Way (ROW) | | Water features |
| | Master planned ROW | | |

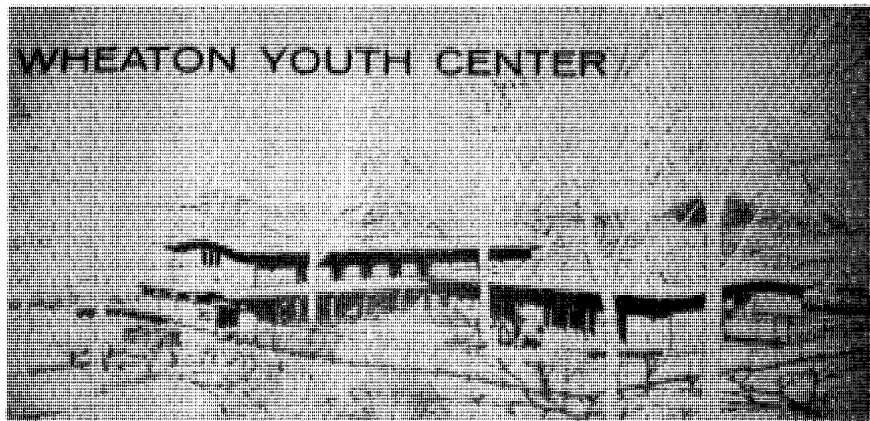




Wheaton Youth Center (1963), 11711 Georgia Avenue, Silver Spring, #31/48

Combining sophistication and rusticity, the Wheaton Youth Center is an excellent example of modern design executed for a simple and relatively inexpensive community building. Designed by Keyes, Lethbridge & Condon, the Wheaton Youth Center won an award from the American Institute of Architect's Potomac Valley Chapter and was featured in the first edition of the AIA's *Guide to the Architecture of Washington D.C.* (1965). The signature design feature is the double-curved form of the vaulted roof of the main auditorium block, which becomes a motif for the complex, echoed in the roofs of activity wing and entrance pavilion, as well as interior stage wall. Simplicity and warmth emanate from the elements of texture, wood and natural light that bring an organic quality to the design. The structure of the complex is concrete block with steel posts, with massive exposed beams of laminate wood, clear spandrel glass between the rafter tails, and textured brick facing. The property is still well-wooded, and features mature trees of species original to the site, including locust, oak, and maple.

The resource represents the work of Keyes, Lethbridge & Condon, an architectural firm recognized for setting high standards for modern architecture in the Washington, D.C. region. The principal architect was Arthur Keyes, known for his ability to create innovative yet economic designs to suit his clients' needs. The Wheaton Youth Center reflects Keyes' interest in Asian architecture. Japanese architectural traditions are evident in the double-curved roof motif that is characteristic of the Shinto shrine, as well as the Torii-like entrance pavilion, and covered loggia entrance. The Wheaton Youth Center has increased significance since other custom projects designed by Arthur Keyes in Montgomery County have recently been lost, including the award-winning Harold Hirschberg House (1951) in Bethesda and Arthur Keyes House (1960), a cantilevered retreat built along the Potomac.



Keyes, Lethbridge & Condon Rendering
(M-NCPPC Annual Report 1962-63)



Auditorium

The Wheaton Youth Center has historic significance for representing the youth culture of the post-war era. In 1956, the Commission embarked on a new initiative to build a series of youth centers to meet the needs of teenagers. From 1965 to 1970, the facility was a major local music venue, offering concerts ranging from indigenous teen bands to national recording artists, reaching a regional audience in the days before the large-scale concert venue. Musicians who played at the Wheaton Youth Center included Rod Stewart, Iggy Pop, Bob Seger, and Led Zeppelin.

The resource, including auditorium block and activity wing, retains a high level of integrity inside and out. While the window glass has been replaced with insulated glass, the frames and sash remain intact. A renovation of the courtyard removed the original concrete pavers and historic board fence, and installed poured concrete patio and storm drains. A small airlock foyer addition was constructed at the front entrance, underneath the historic porch. Metal window grills were installed for security. These alterations do not significantly detract from the resource's integrity.

The Wheaton Youth Center meets the following criteria of the Preservation Ordinance:

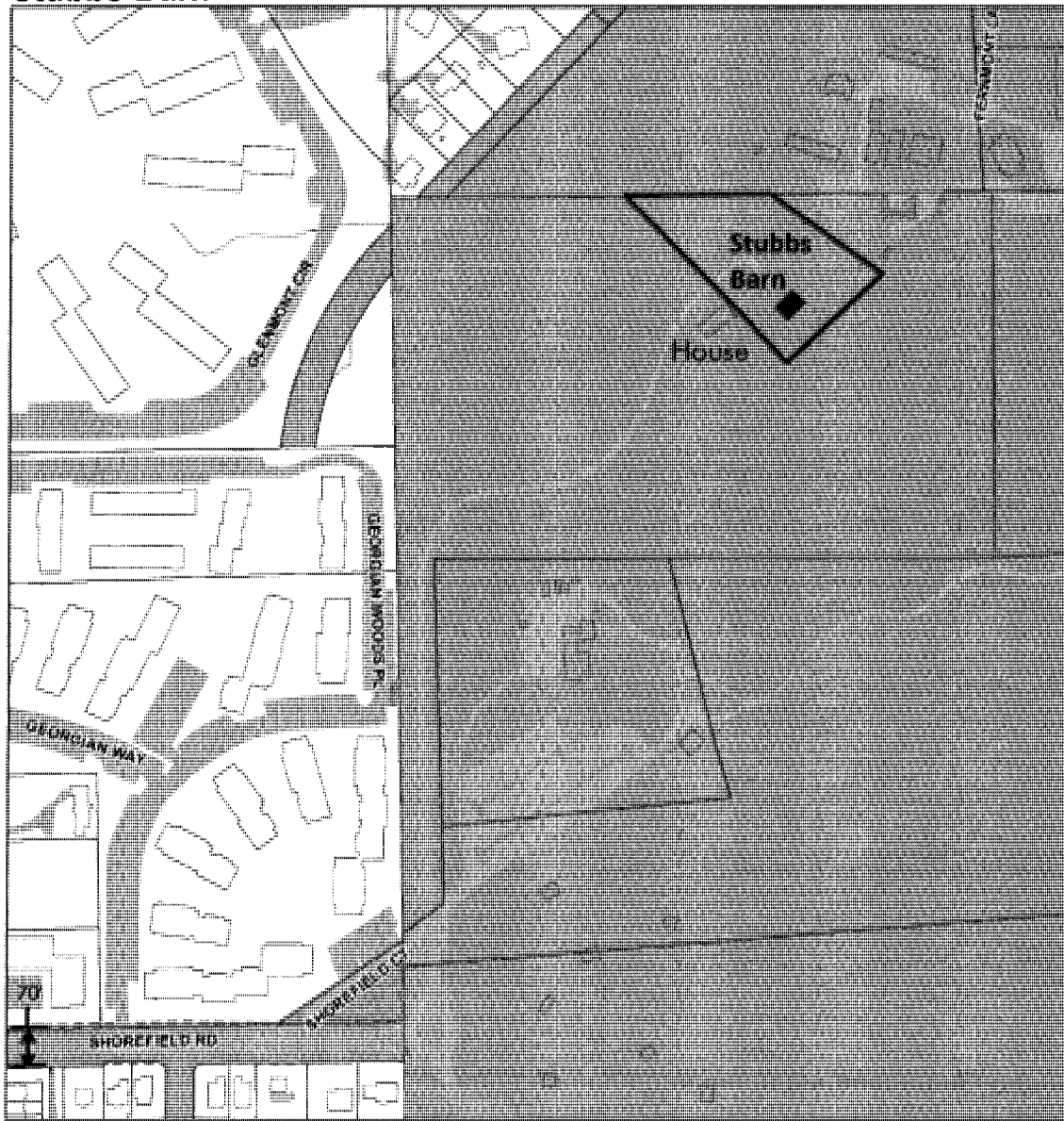
- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction
- 2(b) represents the work of a master
- 2(c) possesses high artistic values.










The recommended environmental setting is approximately 1.19 acres (52,000 sq ft), as shown on the map, excluding the master planned right of way for Georgia Avenue. This designation recognizes the possibility that the Wheaton Youth Center property and the adjacent library property may be redeveloped for a combined Wheaton Library/Community Recreation & Gilchrist Center facility. There shall be leniency in the review of alterations to the Wheaton Youth Center that are necessary for achieving the overall programmatic requirements of the proposed new library-recreation center facility.

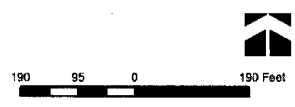


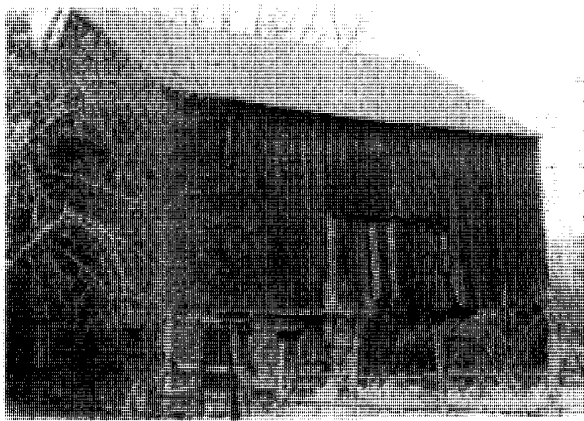
Wheaton Youth Center, Auditorium and Activity Wing, View from Georgia Avenue

Stubbs Barn Proposed Environmental Setting



-  Environmental setting
-  Pavement outside ROW
-  Parcel boundaries
-  Public Right-of-Way (ROW)
-  Master planned ROW
-  Contributing buildings
-  Other buildings
-  Existing Parkland
-  Streams, rivers and lakes





Stubbs Barn, 1976 view (Michael Dwyer)



Current view

Stubbs Barn (1843), 2000 Shorefield Road, Wheaton Regional Park, #31/3-2

The Stubbs Barn, constructed of white oak framing, is a two-story, heavy-timber, pegged bank barn built in 1843 by Edward Stubbs. The barn predates the house's construction by several years, and is an English Lake District bank barn. This barn type lacks the forebay—a second story which projects over the lower level—which is a characteristic of the Pennsylvania Bank Barn type. The barn is sheathed in vertical wood siding and covered with a standing seam metal roof with snowguards.

The southeast, stable-side face shows alteration to the corner it shares with the southwest face. This rear façade features only one stable door near the corner (it appears in an older photo as a "Dutch door" with interior, diagonal Z-bracing) and is adjacent to a window that once held a nine-pane sash. This door probably once gave way to the horse stall area, but now opens onto a 20th century, small converted dairy milking aisle.

This resource is a multi-function agricultural building that represents diversification of farming in the mid-19th century. Crop storage, feed storage, and stabling of livestock were all accommodated under one roof. This barn represents a once thriving, prosperous farm owned and operated by the same family for over hundred years. It retains strong integrity. The Stubbs family and heirs owned the property from 1841 until 1941, when Clara Stubbs sold it to Louis and Annie Melikian.

The Stubbs Barn meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

The recommended environmental setting is approximately 1.175 acres (51,187.5 square feet), as shown on the map. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.



Opening Day at Veirs Mill Recreation Center, 1955



M-NCPPC Seal, from 1957 publication

M-NCPPC Recreation Centers

The Maryland-National Capital Park and Planning Commission (M-NCPPC) was founded in 1927 as a stream-valley park system protecting the headwaters of the Anacostia and Potomac Rivers. In addition, the Commission's charge was to oversee subdivision review and the creation and maintenance of a recreational park system. Along the stream valleys and, later, in the neighborhood and regional parks, the Commission augmented the natural landscape with the construction of buildings to house indoor recreation activities, such as parties, club meetings, scouts, daycare, and summer camps.

As M-NCPPC approaches its 100th anniversary and out of a mission to provide cultural resource stewardship, the Montgomery County Department of Parks has identified park recreation buildings worthy of preservation. Currently, there are 30 buildings that serve or have operated as recreation buildings (now termed park activity buildings) throughout the 35,000 acre park system.¹ Originally, there were at least 41 of these community facilities. Some of these structures were "purpose-built," while others were converted to recreational use. In order to show a history of the evolution of park activity buildings over the lifetime of the Maryland-National Capital Park and Planning Commission (1927 to present), the Department of Parks' Cultural Resources Stewardship Section proposes to preserve at least one building from each of the five respective park community/recreation building eras:²



Rock Creek
Recreation Center,
c1940s (M-NCPPC)











- Era I: The Origins of the M-NCPPC Park System: 1927-1940
- Era II: The World War II-Era Buildings: 1941-1946
- Era III: Conversion of World War II Federal Surplus Buildings: 1953-1956
- Era IV: Purpose-Built Recreation Centers in the Cold War-era of Suburbanization: 1950-1990
- Era V: Repurposing Structures to Become Recreation Buildings, 1937-1968

¹The M-NCPPC *Catalog of Recreation and Ancillary Buildings* (2007) defines recreation buildings as those structures that are "operated for the benefit of the general public, rented by the hour with Fees set by the Park Commission, reserved through Park Permits, and maintained by the Department of Parks Central Maintenance Divisions."

²In addition to recognizing the recreation buildings still standing, it is worth identifying the (at least) eleven structures that have since been demolished or transferred to the Montgomery County Recreation Department: Cabin John Recreation Center (off MacArthur Blvd.), Garrett Park Estates Community Building, Jesup-Blair Cabin, Kensington Park Community Building (off Frederick Ave.), Long Branch Recreation Center, Randolph Hills Recreation Center, Rosemary Hills Recreation Center, Scotland Community Building, Sligo Avenue Recreation Center, Sligo Cabin, and Wheaton Woods Recreation Center.

Rock Creek Recreation Center Proposed Environmental Setting

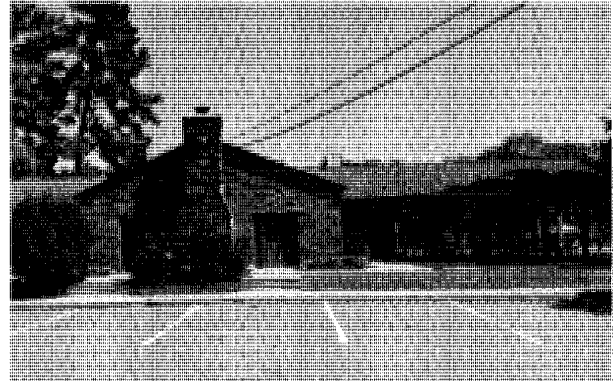


- | | | | |
|---|---------------------------|---|------------------------------------|
|  | Environmental setting |  | Other buildings |
|  | Pavement outside ROW |  | Existing Master Plan Historic Site |
|  | Parcel boundaries |  | Existing Parkland |
|  | Public Right-of-Way (ROW) |  | Streams, rivers and lakes |
|  | Contributing buildings |  | Water features |





1940s view (M-NCPPC)



Current view

Rock Creek Recreation Center (1940), 7901 Meadowbrook Lane, Chevy Chase, #36/90

Era I: The Origins of the M-NCPPC Park System: 1927-1940

The Rock Creek Recreation Center, more recently known as the Meadowbrook Recreation Center, is one of the earliest public recreation buildings in the County, designed and constructed specifically for recreational use. Located along Rock Creek in the Meadowbrook Local Park, this rustic stone and timber lodge was constructed by the Civilian Conservation Corps in 1940, replacing a mid-1930s open-air shelter destroyed by fire.

The resource is a fine example of a type of rustic park building known as “parkitecture.” By using natural building materials, recreational facilities could more easily blend into the surrounding landscape. First built by the National Park Service during the Great Depression, this style of architecture continued to influence M-NCPPC park building design as late as the 1950s. The Rock Creek Recreation Center is constructed of multi-colored granite and mica schist, with the rock-faced stone arranged in a random pattern. An attached picnic pavilion, sheltered by an open king post truss roof, has heavy framed wooden timbers that are bolted and/or pegged and a flagstone patio.

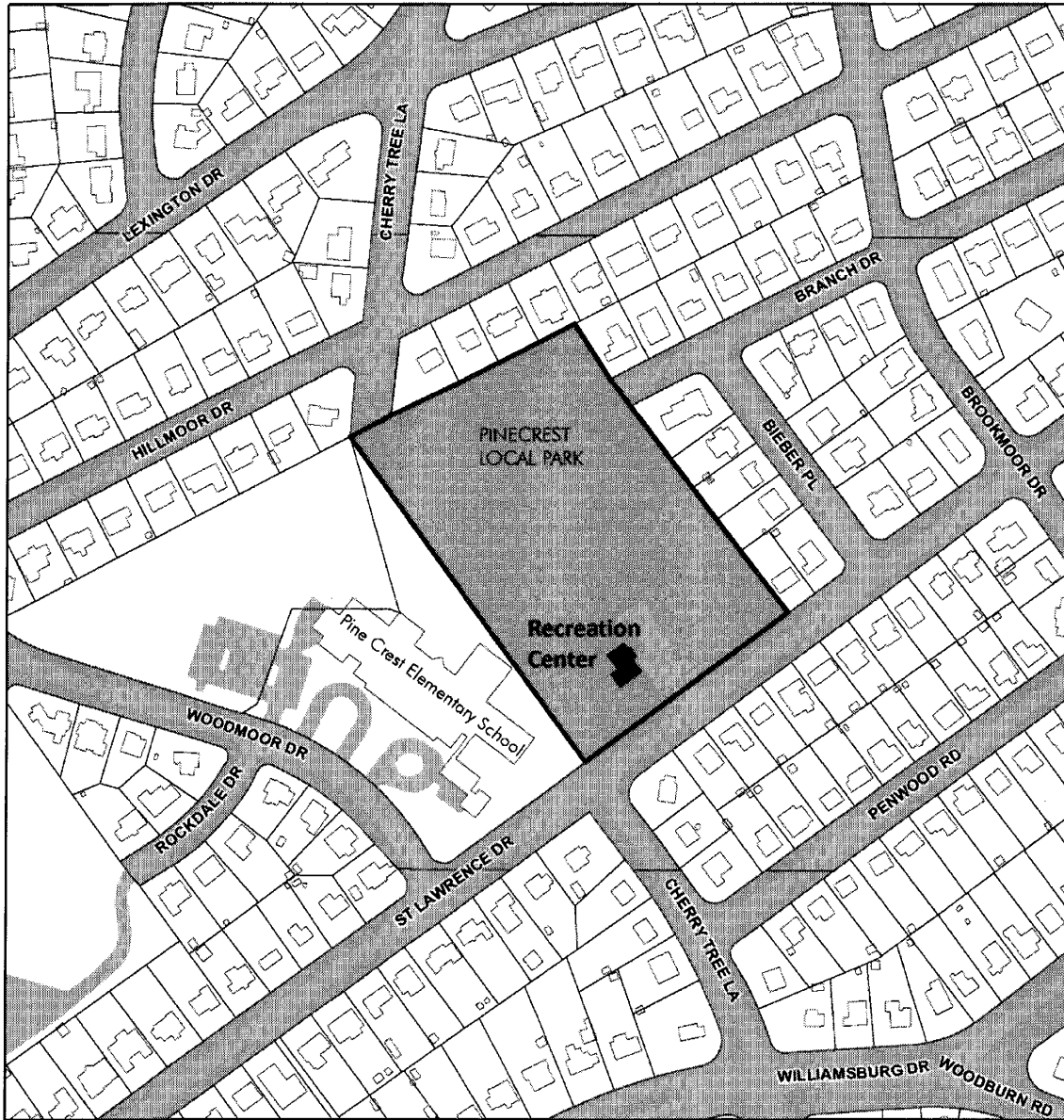
The Rock Creek Recreation Center was designed by Howard W. Cutler and Katherine Cutler, a father-daughter architectural firm. Howard Cutler is best known for the early 20th century schools which he designed for Montgomery County in classical revival and early modernist styles.








This building provides a tangible example of the early infrastructure of the Montgomery County Parks system, and continues to function as a recreation center. It also retains strong integrity. The Meadowbrook Recreation Building meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

The recommended environmental setting encompasses that portion of Parcel P122 that lies within the Meadowbrook Local Park, as depicted on the map, excluding the Master Planned Right of Way for Beach Drive. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.

Pinecrest Recreation Center Proposed Environmental Setting

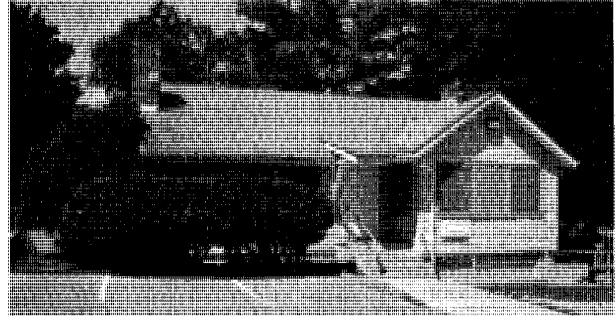


-  Environmental setting
-  Pavement outside ROW
-  Parcel boundaries
-  Public Right-of-Way (ROW)
-  Contributing buildings
-  Other buildings
-  Existing Parkland





1955 view (M-NCPPC Annual Report)



Current view

Pinecrest Recreation Center (c1944-1946), 301 St. Lawrence Drive, Silver Spring, #32/31

Era II: The World War II-Era Buildings: 1941-1946

The Pinecrest Recreation Center is located in Pinecrest Local Park, a five-acre park with mature trees and open space, in the Woodmoor section of Silver Spring. The facility was built to serve the growing suburbs beyond the original stream valley parks, in accordance with the 1944 M-NCPPC *Master Plan of Recreation*. The building continues to serve as a recreation center for the surrounding community.

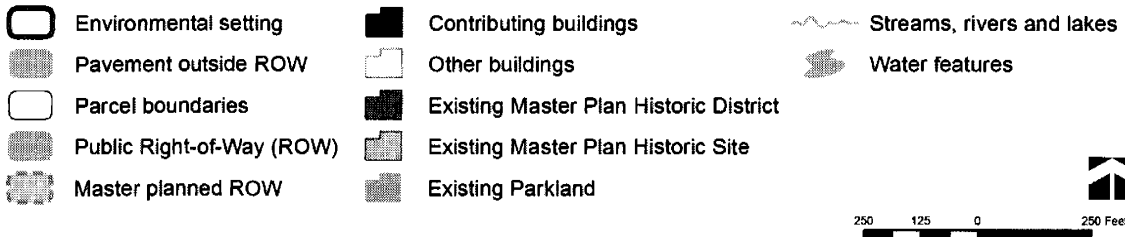
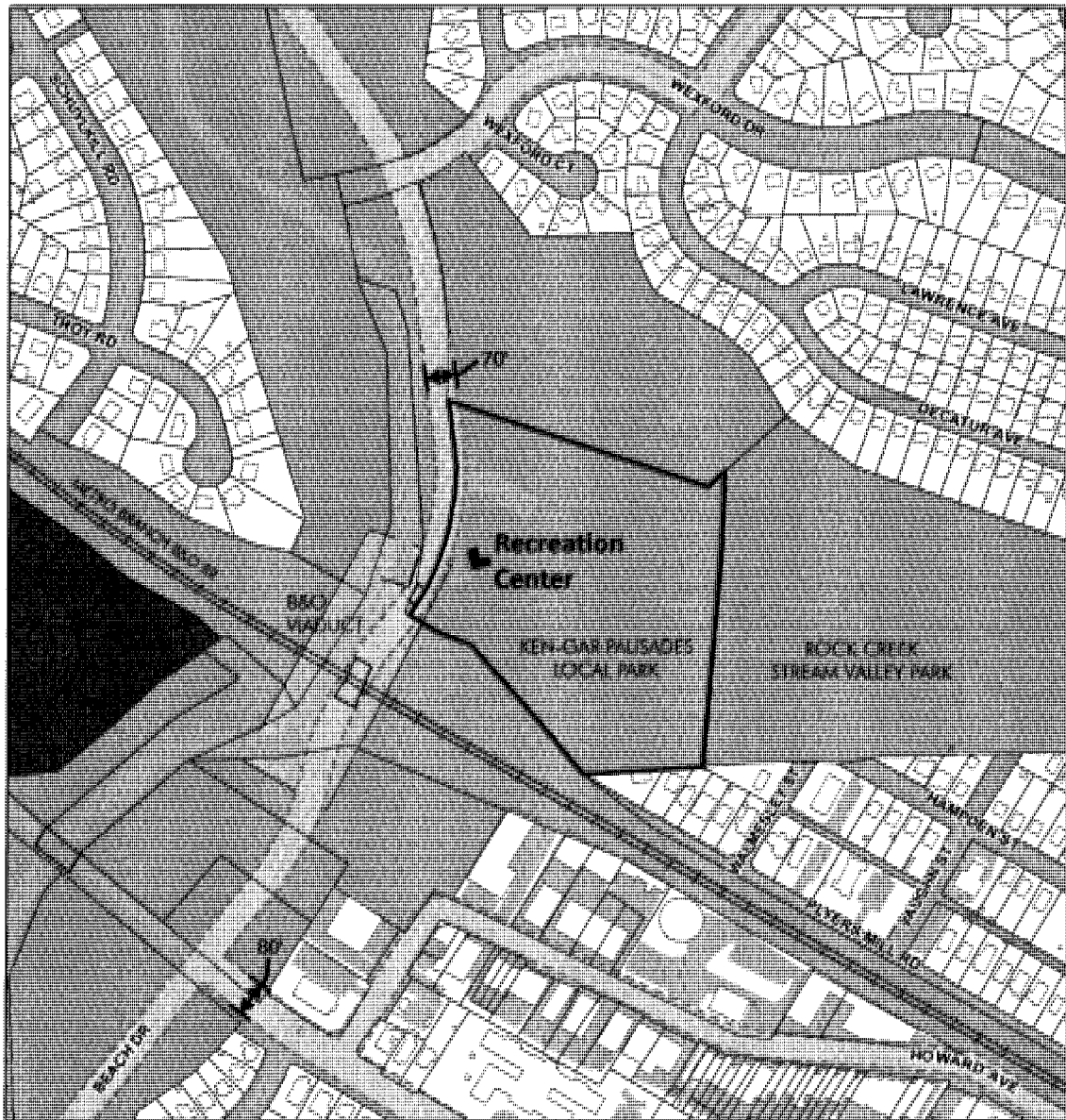
Designed in a cottage style, this facility became a model for M-NCPPC recreational facilities in Montgomery County built from the late 1940s to the 1950s. Banked into its site, the cross-gabled wood frame structure features paired and tripled windows and two ashlar stone chimneys. Original multi-paned windows have been replaced with single pane sash, and wood siding is replaced with vinyl. Other examples of this era have been demolished (Kensington View and Long Branch Valley), or have a higher loss of integrity (Hillandale).

The Pinecrest Recreation Building meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

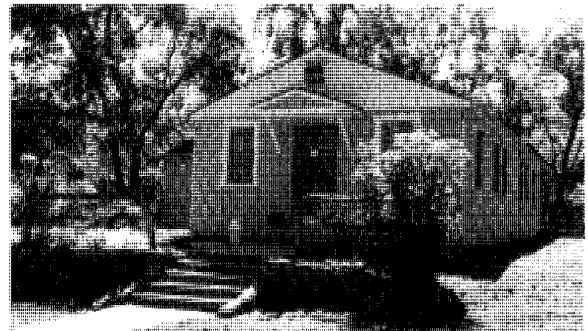
The recommended environmental setting is the 5.05 acre parcel N960, being the same as the boundary of the Pinecrest Local Park, excluding the master planned right of way for St. Lawrence Drive. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.

Ken-Gar Palisades Recreation Center Proposed Environmental Setting





1962 view (M-NCPPC)



Current view

Ken-Gar Palisades Recreation Center (c1942-44; 1956), 4140 Wexford Dr, Kensington, #31/49

Era III: Conversion of World War II Federal Surplus Buildings: 1953-1956

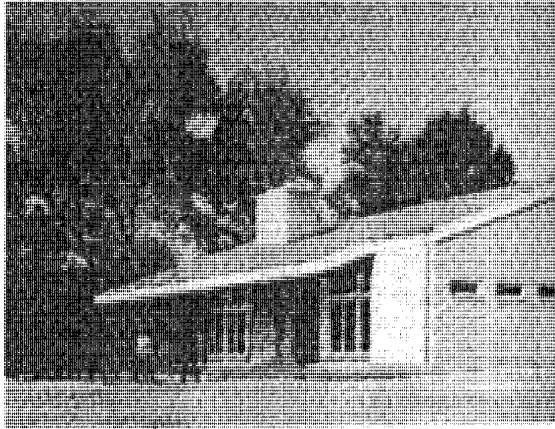
The Ken-Gar Palisades Recreation Center is located in the Ken-Gar Palisades Local Park in Kensington, Maryland. This structure is composed of temporary Federal surplus buildings used by the U.S. Army during World War II and donated to M-NCPPC in 1953. The temps, as they were called, had been used during the war at the Naval Ordnance Laboratory, in White Oak. A *Washington Post* article of July 24, 1956 described "six prefabricated houses formerly used for experimental purposes were turned over to M-NCPPC yesterday by the Naval Ordnance Laboratory. The houses, worth about \$35,000, will be remodeled as community buildings and set up in recreation centers. The centers are Wheaton Woods, Ken-Gar-Rock Creek Palisades, Hillandale, Westmoreland Hills, and Randolph Hills."

Two Army surplus rectangular structures were merged to create one L-shaped facility, with vertical wooden plank siding and 2/2 horizontal-muntin windows. Situated on a knoll, the building is accessed by concrete steps leading up from the parking, with a paved walkway surrounding the facility.

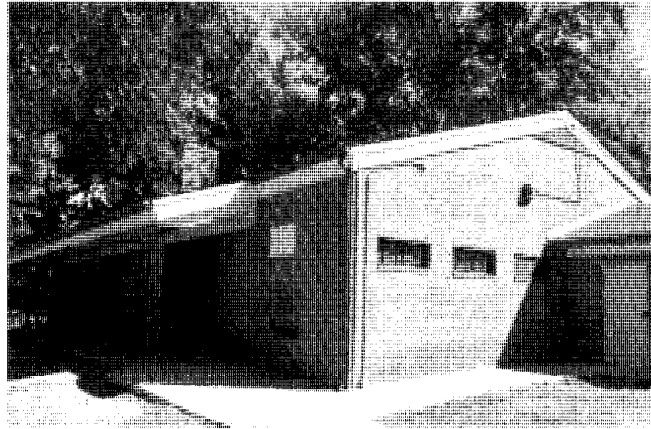
Ken-Gar Palisades Recreation Center meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

The proposed environmental setting is the boundary of the 19.85-acre Ken-Gar Palisades Local Park, being a portion of parcel P617, which may include that portion of the master planned right of way for Beach Drive that lies within said parcel. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.



1955 view (M-NCPPC)



Current view

Veirs Mill Recreation Center (1954), 4425 Garrett Park Road, Wheaton, #31/50

Era IV: Purpose-Built Recreation Centers in the Cold War-era of Suburbanization: 1950-1990

The Veirs Mill Recreation Center, built in 1954 for the Veirs Mill Local Park, is highly representative of the larger recreation centers built in the 1950s-1960s to serve the growing community. In addition, buildings were durable and low maintenance, being constructed primarily of brick and/or concrete (CMU) block. An architectural feature that evolved over time was the shape and location of windows. While post-war era recreation facilities had large windows for users to partake of the scenic views, by the mid-1950s the number of windows decreased, as did the size of these openings. Privacy windows became popular, being narrow and highly-placed units that kept spectators from viewing special private events in these permitted-use public facilities.

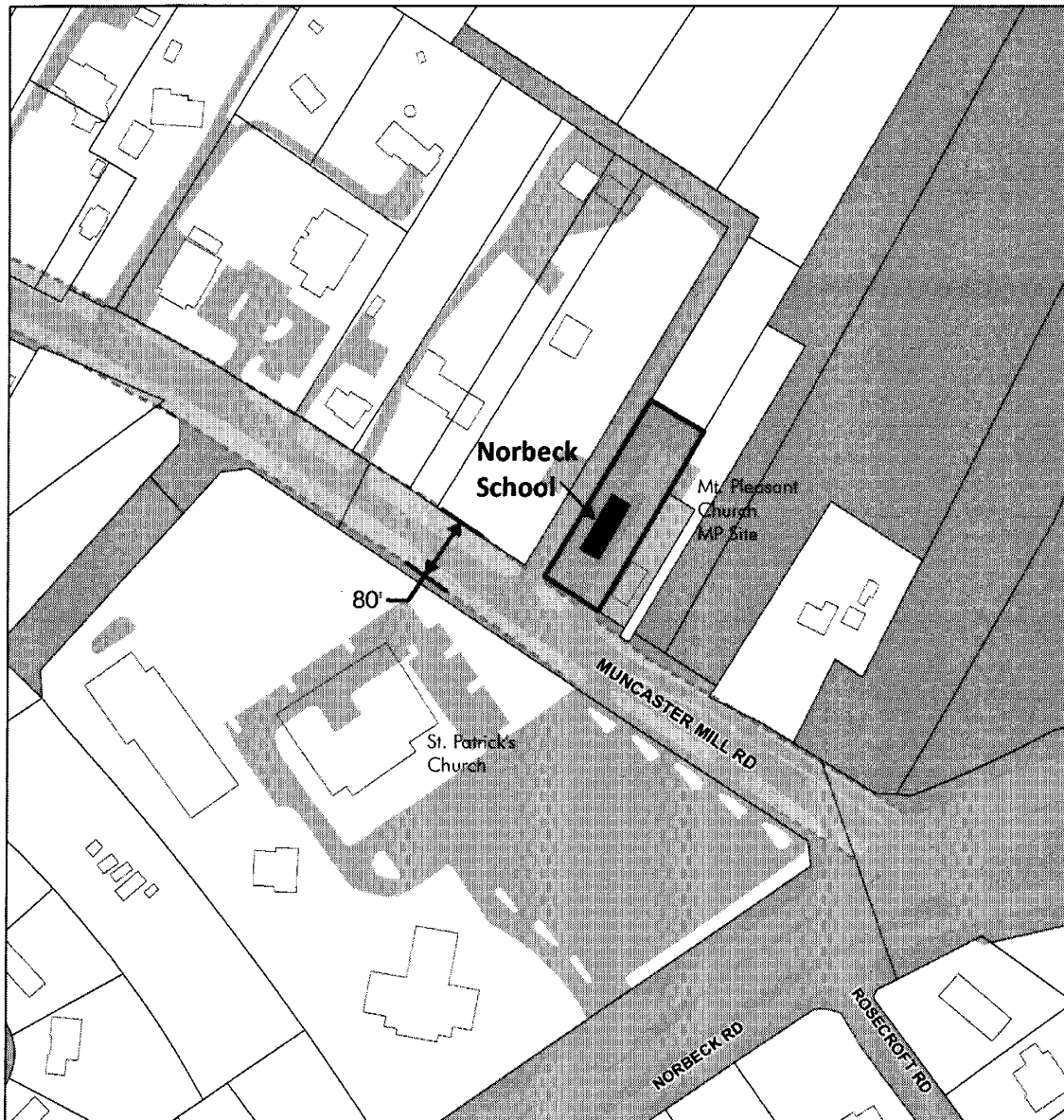
The facility has a modernist character representative of the mid-century era. Stylistic features include a massive exterior brick chimney piercing through the eaves to the roofline; a substantial overhanging front eave over an open covered terrace; fenestration pattern based upon a standard module; an open interior floor plan; and a simple, unadorned style. The resource has some diminished integrity since a large picture window in the gable end has been filled in with brick.

Veirs Mill Recreation Center meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

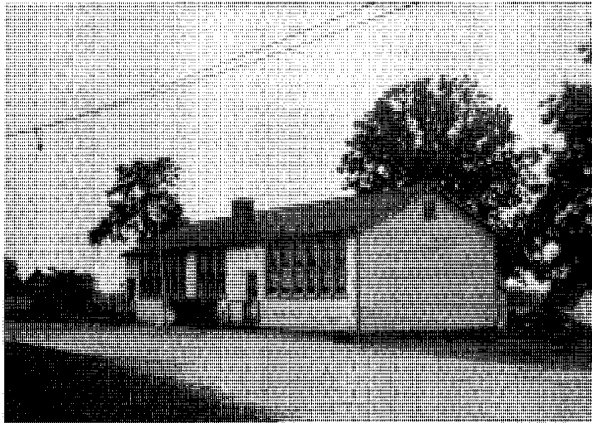
The proposed environmental setting is the boundary of Veirs Mill Local Park (the park name, Veirs, is spelled differently from the historic site, Viers), excepting that portion that lies south of Garrett Park Road, as shown on the map, which may include a portion of the master planned right of way for Garrett Park Road. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.

Norbeck Rosenwald Center Proposed Environmental Setting



- | | |
|---------------------------|------------------------------------|
| Environmental setting | Contributing buildings |
| Pavement outside ROW | Other buildings |
| Parcel boundaries | Existing Master Plan Historic Site |
| Public Right-of-Way (ROW) | Existing Parkland |
| Master planned ROW | Water features |





1962 view (MCHS)



Current view

Norbeck Rosenwald School (1927), 4101 Muncaster Mill Road, Rockville, #23/113-2

Era V: Repurposing Structures to Become Recreation Buildings, 1937-1968

Located in Norbeck Local Park, this resource was built in 1927 as a Rosenwald School, a segregated school for local African American children which operated until 1951. It is adjacent to the Mount Pleasant M.E. Church (MP site 23-113-1), which was also a community resource for Mount Pleasant, a community of freed slaves in the post-Civil War era.

The Norbeck School was previously listed on the Locational Atlas as a contributing resource in the Norbeck Historic District. The district was subsequently evaluated and removed from the Atlas. The school is now being considered as an individual site and is recommended for designation based on its significance as a Rosenwald School. In 2002, the Norbeck School was found eligible for the National Register for its historic association.

Recognizing equality in the era of segregation when black schools were chronically underfunded, philanthropist Julius Rosenwald, president and part-owner of Sears, Roebuck & Co, established a fund to construct improved public schools. From 1918-1932, the Julius Rosenwald Fund built new schools for black students across the South for black students. The two-teacher, two-room plan used at Norwood was the most common one built in Maryland using the Julius Rosenwald Fund. The Norwood School is the only Rosenwald School in Montgomery County that maintains public access.

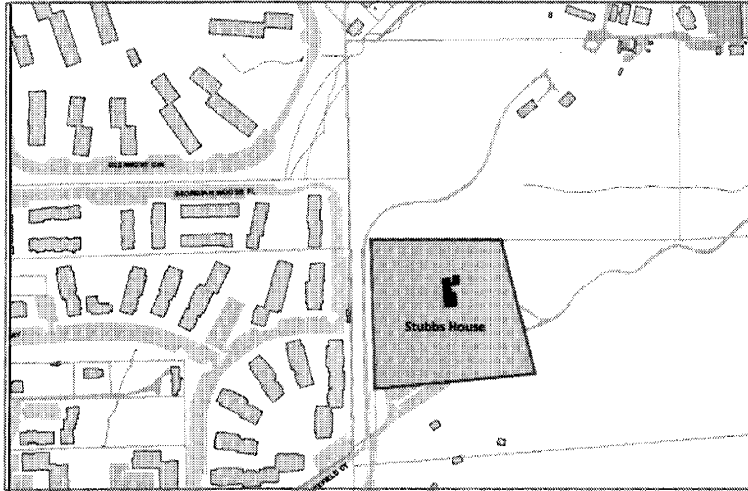
Though the resource has diminished integrity, with replacement doors and windows, it is a rare resource with outstanding historic significance. The c1927 one-story frame building remains in its original site.

The Norbeck Recreation Building meets the following criteria of the Preservation Ordinance, Section 24A-3:

- 1(a) has character, interest, or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation
- 1(d) exemplifies the cultural, economic, social, political, or historic heritage of the County and its communities
- 2(a) embodies the distinctive characteristics of a type, period, or method of construction.

The recommended environmental setting is the entire parcel on which the resource is located, P923, being 21,780 square feet. Site changes that are considered normal park operations, including installation of playground equipment, may be done through staff-level review and do not require a historic area work permit.

Resource Not Recommended for *Master Plan* Designation



Stubbs House, c1940



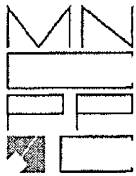
Current view

Stubbs House (1850), 2000 Shorefield Road, Wheaton Regional Park, #31/3-1

The Stubbs House dates from 1850, the first era of summer retreats in Montgomery County. The residence continued to function as a country estate over much of the subsequent century. After the Parks Department acquired the Stubbs House in 1959, the structure became the residence of the Director of Parks, Stanton Ernst. Later the building housed the headquarter offices of the Park Police. The Historic Preservation Commission recommends in favor of Master Plan designation, finding that the resource is a rare surviving example of a Wheaton country estate, meeting criteria 1a and 1d.

The Stubbs House was previously listed on the Locational Atlas. It was evaluated, found not to merit designation, and was removed from the Atlas in 1989. The house has been substantially altered since its original construction, with alterations including installation of brick veneer siding, a one-story front addition that replaces the original porch, and rear additions. Hence, the Planning Board found the resource does not merit historic designation.

M-NCPPC Park Resources
An Amendment to the Master Plan for Historic Preservation in Montgomery County
Planning Board Draft, January 2014




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation
6600 Kenilworth Avenue Riverdale, Maryland 20737

May 2, 2014

SUBJECT: PGCPB Resolution No. 14-25 (M-NCPPC No. 14-09)
for Full Commission Review

TO: The Maryland-National Capital Park and Planning Commission

FROM:  Raymond B. Palfrey
Land Acquisition Supervisor

Attached, please find the above-referenced Resolution regarding the land disposal between the Commission and the Prince George's County Department of Public Works and Transportation (DPW&T). The Department of Parks and Recreation (DP&R) has applied for a permit to construct additional recreation facilities in Brandywine North Keys Park. DPW&T is requiring the Commission to dedicate 0.175 acres of land from Parcel 63, along the frontage of the Park, as a condition of approval of the permit to construct the park facilities.

It has been scheduled for Full Commission on May 21, 2014.

Attachment

- M-NCPPC Resolution No. 14-09



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 Department of Parks and Recreation
 6600 Kenilworth Avenue Riverdale, Maryland 20737

PGCPB No. 14-25

M-NCPPC No. 14-09

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission ("Commission") is authorized under Maryland Annotated Code, Land Use Article, §17-205 to sell, convey, transfer, lease, or exchange any land held by it and deemed by the Commission not to be needed for park purposes or other authorized purposes; and

WHEREAS, The Commission owns certain property, known as, Brandywine North Keys Park (R68), located in Brandywine, Maryland, having an address of 11500 Block of the North Keys Road, identified as Tax Map 146, Grid C-2, Part of Parcel 163 and Election District 13, Tax Account Number 1145861 at Liber 08474, folio 0216, containing 0.175 ± total acres, hereinafter collectively referred to as "Brandywine North Keys Park", and

WHEREAS, the Prince George's County Department of Parks and Recreation has applied for a permit to construct additional recreation facilities in Brandywine North Keys Park and,

WHEREAS, the Prince George's County Department of Public Works and Transportation (DPW&T) has required the Commission to dedicate 7,624 ± square feet or 0.175 ± acres of land along the frontage of Brandywine North Keys Road from Part of Parcel 163 (Tax Account 1145861) as a condition of approval of a permit to construct additional recreational facilities in the park,

NOW, THEREFORE, BE IT RESOLVED THAT the Prince George's County Board at its meeting on Thursday, March 20, 2014, approved the dedication of 7,624 square feet or 0.175 ± acres to the Prince George's County Department of Public Works and Transportation for public use for no consideration subject to the approval of the Full Commission. The Executive Director is hereby authorized to take any and all actions including signing any needed deeds and/or plats of dedication to convey 7,624 square feet or 0.175 ± acres from the Brandywine North Keys Park to public use and maintenance by the Prince George's County Department of Public Works and Transportation.


* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Washington, with Commissioners Geraldo, Washington, Hewlett, and Bailey voting in favor of the motion, and with Commissioner Shoaff absent, on Thursday, March 20, 2014, in Upper Marlboro.

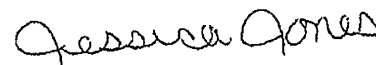
Adopted by the Prince George's County Planning Board this 3rd day of April, 2014.

Elizabeth M. Hewlett
 Chairman

APPROVED AS TO LEGAL SUFFICIENCY


 M-NCPPC Legal Department

Date 4/8/14

By: 
 Jessica Jones
 Planning Board Administrator

MCPB
Item No.
Date:**Resolution of Adoption for the Approved 10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area**

-
- Valdis Lazdins, Chief, Special Projects, valdis.lazdins@montgomeryplanning.org, 301-495-4506
- Mary Dolan, Chief, Functional Planning & Policy, mary.dolan@montgomeryplanning.org 301-495-4552
- Frederick Vernon Boyd, Planner Coordinator, Area 3, fred.boyd@montgomeryplanning.org 301-495-4654

Completed: 5/5/2014**Description**

M-NCPPC Resolution of Adoption for the Approved 10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area

Summary

Staff recommends **Approval of the Resolution of Adoption.**

Description

Attached for your review and approval is M-NCPPC Resolution Number 14-13 to adopt the Approved 10 Mile Creek Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area. The County Council, sitting as the District Council, approved the 10 Mile Creek Limited Amendment by Resolution Number 17-1048 on April 1, 2014.

Attachments:

1. M-NCPPC Resolution Number 14-13
2. Montgomery County Council Resolution Number 17-1048



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB NO. 14-23
M-NCPPC NO. 14-13

RESOLUTION


WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Division II of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, pursuant to procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Tuesday September 10, 2013 on the Public Hearing Draft *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*, being also an amendment to the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended; the *Clarksburg Master Plan and Hyattstown Special Study Area*, as amended; the *Master Plan of Highways and Transitways within Montgomery County*, as amended; the *Countywide Bikeways Functional Master Plan*, as amended; and the *Legacy Open Space Functional Master Plan*, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on October 24, 2013, approved the Planning Board Draft *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*, recommended that it be approved by the District Council, and on October 25, 2013 forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*, and forwarded those recommendations and analysis to the District Council on December 20, 2013; and

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date

9/17/14

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on December 3, 2013 and December 5, 2013, wherein testimony was received concerning the Planning Board Draft *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area*; and

WHEREAS, the District Council, on April 1, 2014, approved the Planning Board Draft *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area* subject to the modifications and revisions set forth in Resolution No. 17-1048.

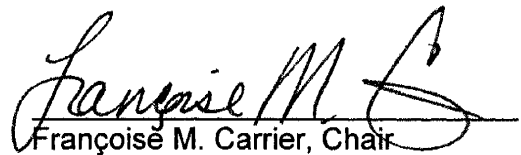
NOW, THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt the said, *10 Mile Creek Area Limited Amendment, Clarksburg Master Plan and Hyattstown Special Study Area* together with the *General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties*, as amended; the *Clarksburg Master Plan and Hyattstown Special Study Area*, as amended; the *Master Plan of Highways and Transitways within Montgomery County*, as amended; and the *Legacy Open Space Functional Master Plan*, as amended; and as approved by the District Council in the attached Resolution No. 17-1048; and

BE IT FURTHER RESOLVED, that copies of said Amendment must be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Anderson, seconded by

Commissioner Dreyfuss, with Chair Carrier, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and Vice Chair Wells-Harley and Commissioner Presley absent, at its regular meeting held on Thursday, April 24, 2014, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

Resolution No.: 17-1048
Introduced: April 1, 2014
Adopted: April 1, 2014

**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: County Council

SUBJECT: Approval of Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area

1. On October 25, 2013, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.
2. The Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area amends the Approved and Adopted 1994 Clarksburg Master Plan and Hyattstown Special Study Area, as amended. It also amends the General Plan (on Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George's Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County, as amended; the Countywide Bikeways Functional Master Plan, as amended; and the Legacy Open Space Functional Master Plan, as amended.
3. On December 20, 2013, the County Executive transmitted to the County Council his fiscal impact analysis for the 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.
4. On December 3 and 5, 2013, the County Council held a public hearing regarding the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. The Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On January 28, 2014, the County Council held an additional public hearing for the sole purpose of determining whether the Council should expand the boundaries of the Master Plan Amendment area to include the entire Historic District, even though a small portion of it is outside the Ten Mile Creek Watershed.
6. On January 13, 17, 24, 27, and 29 and February 4 and 11, 2014, the Planning, Housing, and Economic Development Committee and the Transportation, Infrastructure, Energy and Environment Committee held joint worksessions to review the issues raised in connection with

the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.

7. On March 4, 2014, the County Council reviewed the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

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 resolution:

The Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area, dated October 2013, is approved with revisions. County Council revisions to the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Introduction

In October 2012, the Montgomery County Council directed the Planning Board to undertake a limited amendment of the 1994 Clarksburg Master Plan (the 1994 Plan) because environmental analyses showed continued uncertainty about the ability to protect sensitive resources in Ten Mile Creek if full development occurred under the original [plan] Plan recommendations. This [amendment] Amendment includes the watershed of Ten Mile Creek, which is a high quality stream within the Plan area boundaries. Ten Mile Creek drains portions of Clarksburg west of I-270, as well as part of the Town Center, approximately between I-270 and MD 355, which is now the main route through Clarksburg (see Map 1). The Amendment also includes the entire Clarksburg Historic District, even though a portion of the District is outside of the Ten Mile Creek watershed.

This [amendment] Amendment includes recommendations for achieving the desired community elements envisioned for Clarksburg in the 1994 [plan] Plan, while protecting the quality of Ten Mile Creek. These objectives required studying the extent to which land use and environmental site design could combine to help protect natural resources and maintain high water quality in the watershed. Various transportation and land use alternatives were also examined for their effect on traffic and transit services and the balance of jobs and housing.

[While this amendment] This Amendment retains the core of the 1994 Plan's vision, [it refines] refining the 1994 Plan's recommendations to better achieve two important objectives: the creation of a complete, well-defined corridor town that provides jobs, homes, and commercial activities; and the preservation of natural resources critical to the County's well-being. This Limited Amendment covers only the Ten Mile Creek watershed and portions of the Historic District outside the watershed; the 1994 Plan, as amended in 2012, continues to guide land use development in the rest of Clarksburg. Where this Limited Amendment revises or alters the underlying vision of the 1994 Plan, the text makes note of those changes.

The [amendment] Amendment further draws on the expertise of independent environmental consultants who studied the effects of several development scenarios on Ten Mile Creek's water quality, [and] transportation consultants who evaluated the effect of land use changes on Clarksburg's existing and planned road network and plans for transit service, and economic consultants who assessed the potential effects of land use change. These consultant reports and additional staff analysis are available in the Appendix.

The recommendations in this Amendment are designed to further the completion of Clarksburg, following the [tenets] main policies of the 1994 Plan, while taking advantage of increased knowledge about environmental protection, innovations in environmental mitigation techniques, and new zones created since approval of the 1994 Plan.

Map 1 Plan Area Boundary: Revise to reflect Council decision to expand the boundary to include the entire Historic District.

Planning Context

1994 Plan Vision

The Clarksburg Master Plan manages Clarksburg's evolution from a rural crossroads to a vibrant corridor town surrounded by open space (see Appendix 1 for relevant excerpts from the 1994 Plan). A number of policies guide that process.

Policy 1, *Town Scale of Development*, proposes that Clarksburg develop at "a larger scale than proposed in the 1968 Clarksburg Master Plan but smaller than a corridor city such as Germantown" (page 16). The Plan implements this policy by:

- including the Clarksburg Historic District as an important component of the Town Center
- making land use recommendations that balance the need to protect sensitive environmental resources with the desirability of somewhat higher densities that can support transit service
- keeping intact the concept of a technology corridor centered on I-270, while reducing its scale
- organizing future development into defined neighborhoods that include broad mixes of housing.

From these four components, the Plan derives other important guiding policies. The *Town Center* (Policy 6) describes a mixed-use, transit-oriented central area that concentrates Clarksburg's civic resources to define it clearly as the focus of public life in Clarksburg and creates a "Main Street" on MD 355 through the [historic district] Historic District.

Plan recommendations also recognize the importance of environmental protection (Policy 2, *Natural Environment*) by:

- recognizing the Countywide significance of the Ten Mile Creek watershed
- recommending public acquisition of stream valleys that in turn can support a *Greenway Network* (Policy 3)

- offering development guidelines for stream systems likely to experience substantial impacts, including refinements to the water quality review process required for Clarksburg's existing Special Protection Area (SPA) prior to development in Ten Mile Creek.

At the same time, Plan recommendations are premised on a comprehensive *Transit System* (Policy 4) that reduces auto dependence and targets higher densities to areas near the proposed transit line. In the Town Center, these recommendations include high technology *Employment* centers (Policy 8) at the interstate interchange and higher residential densities near transit stations. This Limited Amendment reevaluates and, through its recommendations, revises this policy.

The Plan proposes creating seven neighborhoods in Clarksburg that would be oriented toward *pedestrians* and would maintain *connections to the transit network* (Policy 7). These neighborhoods would contain a mix of uses and a diversity of housing types. They would also incorporate a *Hierarchy of Roads and Streets* (Policy 5) that would allow through traffic to bypass the developed areas in the Town Center's [historic district] Historic District, connect streets within neighborhoods for improved local movements, and include pedestrian-friendly designs for streets that link neighborhoods to through routes.

The thrust of these policies is to create a clearly defined community that would include land uses ranging from agriculture, which would contribute to *Farmland Preservation* (Policy 9) in the western parts of Clarksburg, to employment along the proposed Corridor Cities Transitway. Civic activities in the Town Center would draw residents from the neighborhoods, whose retail nodes would include grocery shopping and other routine retail needs. Community building would be managed by a *Staging Plan* (Policy 10) that would balance the provision of needed civic infrastructure with the pace of development, with a particular focus on early development of the Town Center and the need to undertake significant environmental monitoring before allowing development in the Ten Mile Creek watershed.

1994 Plan Recommendations for Ten Mile Creek

The Ten Mile Creek watershed is the principal focus of this Limited Amendment. The Amendment's recommendations reflect a re-balancing of the 1994 Plan's original visions in light of an evolving understanding of the impacts of development on sensitive natural resources like Ten Mile Creek. This section summarizes the 1994 Plan recommendations for the Ten Mile Creek District.

The 1994 Master Plan's recommendations for Ten Mile Creek [are] were based on the Plan's policy for protecting the natural environment. The 1994 Plan [takes a balance approach, relying] relied on agricultural activities and low-density residential development—with environmental best management practices—to limit impacts on water quality in the western part of the watershed. Elsewhere, the Plan recommends a series of mitigation strategies, including expanded green buffers, impervious caps on key properties, and park dedication to reduce environmental impacts. These protections allowed the Plan to recommend a broad array of land uses, including relatively high-density uses in the headwaters and medium-density residential uses between the creek and MD 121 (see Map 2).

West of I-270, the 1994 Plan [recommends] recommended:

- adding 1,800 acres west of the main stem of Ten Mile Creek to the Agricultural Reserve, creating a transition from more intense uses in the corridor town of Clarksburg to the productive agricultural lands in the western county

- residential development east of the creek, between Shiloh Church and Clarksburg Roads, fulfilling a longer-term countywide need for single-family housing and incorporating significant amounts of parkland and open space to preserve resources:
 - rural development (one unit per five acres) on about 800 acres between the creek's mainstem and Shiloh Church Road
 - although the zone would allow up to two units per acre on about 600 acres between the creek's mainstem and MD 121, [including lands currently owned or controlled by the Pulte Corporation, with up to] the Master Plan capped development at 900 [of those] units [possible] (one and one-half units per acre), if developed with the purchase of transferable development rights available [when] and if environmental and housing mix guidelines are met
- employment, including institutional uses, along I-270, with maximum allowable imperviousness of 15 percent and no more than 400,000 square feet of floor area on each of the two County sites to preserve natural resources. (One site has since been used for the Montgomery County Correctional Facility.)

East of I-270, the 1994 Plan [recommends] recommended:

- floating zones—the Planned Development and Mixed-Use Planned Development Zones—to encourage joint development of residential and employment uses and allow detailed analysis of proposals for conformance with Plan policies:
 - residential development at two to four units per acre in the Planned Development Zone on the Egan property near Comus Road
 - approximately 470,000 square feet of employment activities on the Miles-Coppola properties at I-270.

The property owners have not applied for the recommended floating zones.

Map 2 1994 Land Use Plan: Revise to reflect Council decisions on the Master Plan Amendment.

1994 Plan Staging and Implementation

The 1994 Plan staged development to match specific targets for the provision of infrastructure needed to support it. The Plan also provided for the evaluation of environmental protection techniques to ensure they were sufficient. The Montgomery County Department of Environmental Protection has been monitoring conditions in the Clarksburg Special Protection Area (SPA) since 1994, which includes the Stage 4 portion of Ten Mile Creek.

Staging was the Plan's primary implementation strategy, and the Ten Mile Creek watershed was included in the last stage—Stage 4. Approval to move ahead with Stage 4 was based on two benchmarks: substantial residential development in the Town Center and Newcut Road Districts to support retail and transit, and an evaluation of water quality impacts associated with development, which could help anticipate potential effects on Ten Mile Creek.

The required biological evaluation of stream conditions to determine if measures in use were sufficient to ensure protection of Ten Mile Creek was triggered to occur after the 2,000th building permit in the Town Center and Newcut Road Districts. The Plan [indicated] stated that, once the evaluation was

complete, the County Council could allow Stage 4 development to move ahead or determine whether additional land use actions were necessary.

The 2009 publication of the County's annual report on Special Protection Area (SPA) monitoring for the year 2007 constituted the required environmental evaluation. This report documented deteriorating stream conditions in the Clarksburg SPA and offered recommendations for remedial efforts. The report further concluded that new development in the Town Center [district] District, west of MD 121 and east of MD 355, as well as ongoing construction activity at the correctional facility, had resulted in a decline [in] of Ten Mile Creek's stream conditions from good to fair between 1998 and 2007. Conditions in the Little Seneca watershed portion of the SPA also declined during the period, from good/excellent to fair.

Several factors contributed to declining water quality. External events, such as the unexpected housing crisis, resulted in construction delays, during which only sediment and erosion control structures were in place to protect water quality. This, in conjunction with large areas of disturbed land and a delay in implementing full stormwater management, resulted in altered stream hydrology and impacts to stream biology.

The 2007 report recommended stormwater management improvements in the SPA and proposed that environmental site design (ESD) be integrated into overall project design for new development. It also recommended improvements to sediment and erosion controls and limits to the amount of land being graded at any given time during construction. The report recognized, however, that stormwater management structures and facilities could not completely offset inevitable increases in impervious surfaces that accompany development.

Subsequent annual monitoring reports showed continued improvement in Little Seneca Creek subwatersheds as development in Clarksburg stabilized and full stormwater controls were implemented. However, the portion[s] of the Ten Mile Creek [sub]watershed that [have] has been most affected by development LSTM 206 remains in fair condition as measured with the County's Benthic Index of Biotic Integrity, and none of the monitored streams in the Town Center or Newcut Road Districts has returned to pre-development conditions. Consequently, in 2012, the County Council determined that a limited plan amendment was necessary to consider refining 1994 Plan recommendations [to achieve the original stated goals,] given stream monitoring findings, changes to environmental regulations, and the potential need for further safeguards to protect Ten Mile Creek while balancing [with] community building goals.

Limited Amendment Concept

This [limited amendment] Limited Amendment retains the overall vision of the 1994 Plan, but recognizes that additional environmental protection is needed to allow development to move ahead. It emphasizes environmental protection west of I-270 and provides more flexibility in achieving the community building goals east of I-270 (see Map 3). Its recommendations also acknowledge that market conditions no longer support the goal that large amounts of land in Clarksburg should be devoted to office and employment activities, which was a major vision of the 1994 Plan.

Considerable additional information about environmental conditions emerged during development of this Amendment. Information used in the development of the Plan was received from independent

consultants retained by M-NCPPC; verbal and written public testimony; and federal, state, and local government staff advice at Committee and Council worksessions. As a result, the Plan's recommendations include substantial open space requirements and environmental buffers throughout the watershed. These recommendations will extend the maximum protection practicable to Ten Mile Creek and its tributaries while responding to the goal for Clarksburg to be a "complete" community.

On the east side of I-270, proximity to the interstate and the Town Center commercial area, as well as the impact of previous development in the headwaters, offer opportunities to accommodate modest levels of residential and mixed-use development that [is] are complementary to the Town Center [district] District, and help[s] to support enhanced transit and roadway improvements while strengthening protection for environmental resources.

In the western portion of the Plan Area, the presence of significant, sensitive tributaries requires [substantially larger conservation areas, with more] limiting development to tightly-clustered residential uses that contribute to Clarksburg's community-building needs by providing options for [clustering and a greater range of] housing [types. A] choice. In addition, a large, new conservation park and a nature-oriented neighborhood park will create a focus for a new green neighborhood, connecting Clarksburg residents to this important natural resource and providing recreation opportunities [to incorporate substantial community gardens] in natural settings, including hiking, nature appreciation, picnicking, nature play, and community gardening.

Map 3 Limited Amendment Concept: Revise to reflect Council decisions on the Master Plan Amendment.

Environment

Ten Mile Creek originates just north of MD 355 (Frederick Road) and flows into Little Seneca Lake, which then flows into the Potomac River via Seneca Creek. Little Seneca Lake serves as a reservoir that provides additional water flow to the Potomac River, a public water supply, during drought periods. The portion of the watershed east of the Ten Mile Creek mainstem and north of West Old Baltimore Road is located within the Clarksburg Master Plan Special Protection Area (SPA). The Ten Mile Creek watershed within the Plan area includes approximately 3,200 acres, [11] 12 subwatersheds, and over 22 miles of streams (see Map 4). [It is important to view] This Plan views Ten Mile Creek as a complete and functioning watershed and ecosystem, including the watershed and all contributing [subwatersheds] tributaries and their drainage areas[, and not just consider the potential effects to the mainstem].

Ten Mile Creek and its tributaries are designated as a Use I-P stream[—] by the state of Maryland, defined as protection of water contact recreation, aquatic life, and drinking water supply. Except for the headwater area subwatershed[s] (LSTM_206 [and LSTM202] on Map 4), which has [have] already been affected by development, Ten Mile Creek is in good to excellent condition based on stream biology (see Appendix 3 for a full report on existing conditions and environmental analyses). This is primarily due to existing conditions, which include a combination of agricultural and low-density residential development balanced by a very high proportion of dense forests and a wealth of springs and wetlands. LSTM 110 (King Spring Tributary) is considered one of the highest quality streams in

Montgomery County, as measured by the DEP Countywide stream monitoring program and in an assessment by EPA using the Biological Conditions Gradient (See Appendix 9, Attachment R).

Ten Mile Creek is a reference stream in Montgomery County, serving as a high quality benchmark against which other streams are compared. Long-term monitoring indicates overall biological conditions to be healthy and diverse. Sensitive indicator organisms that occur in few other areas within the County are found here. Ten Mile Creek is part of a small group of high quality watersheds still remaining within the County (e.g., many Patuxent River tributaries, Bennett Creek, and Little Bennett Creek). As a result of its unique characteristics, Ten Mile Creek warrants extraordinary protection.

The majority of the streams within the Ten Mile Creek watershed are small and spring fed with cool, clean groundwater. The mainstem is characterized by high concentrations of interior forest and wetlands. There is no evidence of widespread and long-term channel instability. In addition, the stream bed material is ideal to support a benthic macroinvertebrate community.

The dominant land use/land cover is forest (48 percent), followed by agriculture (38 percent), with the remainder in institutional, residential, and commercial uses. Existing imperviousness is approximately 4.1 percent. Slopes are steep and soils are generally rocky, with shallow to moderate depth to bedrock.

Methods to help protect water quality have changed significantly since 1994 and monitoring has been underway continuously since that time. The County Department of Environmental Protection reports annually on the results of monitoring in all the Special Protection Areas. These reports state that environmental protection measures, as applied to date in Clarksburg, have not prevented a deterioration in the quality of Ten Mile Creek. Environmental Site Design (ESD) represents the state of the practice for site planning and post-construction stormwater runoff management. It is also now required [in Montgomery County] throughout Maryland. However, rigorous and comprehensive implementation of ESD across or within watersheds has not occurred, nor has the practice been monitored, either in the County or elsewhere, at a scale large enough to establish likely expectations of post-development stream conditions. Impervious cover continues to be widely accepted as an indicator of the complex impacts that are difficult to model sufficiently, including pollutants such as oil, gasoline, and salt associated with roads and parking areas, and impacts to groundwater quality and quantity, as well as heat island effects and the effects of more severe storms.¹

While gaining watershed-based knowledge on the efficacy of ESD for its ecological effects beyond hydrology will be valuable, given the current lack of corroborating studies at a comparable scale, it remains prudent to include safeguards in addition to ESD to help ensure that the [good] high quality Ten Mile Creek watershed will continue to be able to sustain sensitive species and achieve [good] high quality stream conditions over most of the watershed.

Environmental analyses of various development scenarios studied for this Plan Amendment included [pollutant loadings,] hydrology (stream flow volumes), effects on specific natural resources, pollutant loadings and effects on the imperviousness in each subwatershed. An analysis (see Appendices 3 and 4) of building out the 1994 Plan showed the following impacts:

- the potential for significant increases in the total volumes of stream flow[,] (Hydrologic Analysis)

¹ Many studies have confirmed and expanded upon the work of nationally-recognized expert on imperviousness, stormwater, and water quality, Tom Schueler, and others. This information is summarized in Dr. Matthew Baker's Letter (with references) in Appendix 9, Attachment R.

- substantial impacts to specific natural resources [and] (Impacts on Resources)
- the limited nutrient and sediment loading analysis showed that post development impacts of residential uses would be similar to existing agricultural uses. Stream bank erosion, a significant source sediment, was not accounted for in the analysis (Pollutant Loading Analysis)
- [extremely large] increases of up to 10 times in imperviousness in the most sensitive subwatersheds ([LSTM202,] LSTM_110 and LSTM_111) (Imperviousness Analysis). [However, pollutant loading analysis indicated that the differences between the existing agricultural uses and proposed land uses (regardless of the scenario) would be minimal.]

The degree of modeled impacts on stream flow volumes, the amount of imperviousness, and the impacts to natural resources in the most sensitive watersheds demonstrates the importance of recommending limits [in] as part of this Plan Amendment to ensure that imperviousness does not increase above that which is [typical] protective of this very good quality stream system. It is not necessarily the impervious cover *per se* that causes observed degradation—while imperviousness has a direct impact, it is also the strongest, most detectable indicator available for [comparable land uses] the many correlated and contributing factors associated with urbanization.²

High quality subwatersheds with very low impervious cover, such as LSTM 110 (1.6 percent) and LSTM 111 (1.2 percent), are more sensitive to changes in impervious cover than watersheds like LSTM 206 (16.6 percent) and LSTM 202 (11 percent), which already have a significant amount of existing impervious cover and are showing signs of degradation. Recent studies (see Appendix 9, Attachment R) have shown that impervious cover levels as low as 5 percent are correlated with significant degradation in water quality. This Plan recommends a 6 percent impervious surface cap for new development in the most sensitive subwatersheds to minimize risk as much as possible. While it is not possible to keep all the subwatersheds at this low level without unreasonably restricting development, this Plan provides a combination of imperviousness limits and required open space protection that would keep the overall watershed imperviousness level at slightly more than 6 percent if all planned development occurs. The highest levels of imperviousness allowed in this Amendment for new development (15 percent) are permitted in the Town Center District (LSTM 206 and portions of LSTM 201), where existing imperviousness levels are already high. Various alternatives were analyzed, and the vast majority of environmental experts indicated that the impervious cover increases in this area would have a smaller environmental impact than in the subwatersheds with the most sensitive and highest quality streams and existing low levels of imperviousness (LSTM 110 and LSTM 111). The lowest levels of impervious cover for new development are allowed in the subwatersheds west of I-270, because the tributaries to Ten Mile Creek in this area are unique and among the highest quality streams in the County. Restricting imperviousness, (combined with ESD and development at or near ridgelines and away from stream channels), provides the best chance of protecting these streams. In addition, this Plan recommends expanding the environmental buffers around sensitive areas and protecting additional forest to preserve natural resources. The Plan also protects the natural ability to buffer areas to mitigate impacts, and reduces the total amount of area disturbed.

Significant protection is also afforded by the forest cover within the watershed. Maintaining and expanding the forest cover is essential to protection of water quality and habitat in the watershed. About 46% of the watershed is in forest cover, including approximately 400 acres of forest capable of supporting forest interior dwelling species (according to the Maryland Department of Natural

² See Appendix 9, Attachment R.

Resources criteria). This is one of the largest interior forest areas in the County and it could be substantially expanded by filling some key gaps in LSTM 202 and LSTM 302. The overall forest cover could be expanded to cover approximately 50% of the watershed if all the planned open space on the key developable properties is planted in forest. Additional forest cover could be achieved if developed properties and properties in the rural and RDT zones increase forest cover. While this cannot be required, incentives should be developed to encourage voluntary plantings with a goal of increasing forest cover in the watershed to 65%.

[Consequently, this] This Plan [amendment] Amendment recommends a significant increase in required [conservation areas] open space to protect sensitive resources and limits on impervious cover to ensure, in combination with Environmental Site Design, that environmental impacts are minimized in Ten Mile Creek and particularly sensitive tributaries (see Appendices 3 and 4 for details of the environmental analysis). Sustaining Ten Mile Creek's ecological [health] health and water quality requires a combination of [efforts] actions: protecting the largest possible area of undisturbed natural vegetation, improving conditions in areas already developed or planned to remain in agricultural use, and instituting the highest standards of protection for future development areas.

Map 4 Ten Mile Creek Subwatersheds: Revise to reflect Council decisions on the Master Plan Amendment.

Imperviousness is an important factor in watershed health and affects both the water quality and many other factors. This Plan Amendment is designed to achieve an overall imperviousness goal of [approximately eight] slightly more than six percent for the entire Ten Mile Creek watershed (as shown on Map 4) and limit the development footprint to preserve sensitive natural resources. (If measured for the portion of the watershed that drains to the DEP monitoring station at West Old Baltimore Road, the potential watershed imperviousness would be approximately 6.7 percent.) Limiting imperviousness within the development footprint is important to achieving this overall goal while still allowing flexibility in the numbers, types and sizes of structures and accompanying roads and parking areas. The Amendment sets different imperviousness levels for major properties on each side of I-270 to address the unique environmental conditions in the different subwatersheds and support the Plan's land use objectives of allowing development that will support Town Center [that accommodate the proposed land use recommendations].

Recommendations

East of I-270

- [Retain the Special Protection Area for the Stage 4 area of Ten Mile Creek and establish an environmental overlay zone to limit imperviousness associated with new development.] Limit imperviousness levels to 15 percent for new development on properties [in excess of five acres in subwatersheds LSTM206 and LSTM201 to 25 percent. In LSTM202, LSTM110, LSTM111, and LSTM112 limit imperviousness for new development on properties in excess of five acres to ten percent imperviousness except for the County properties, which have different imperviousness limits] that are recommended for the proposed Clarksburg East Environmental Overlay Zone. Details of the proposed overlay zones are found in the Implementation chapter of this Plan Amendment.

- Forest Conservation Plans prepared for properties in the Ten Mile Creek watershed should protect the forest on the Miles/Coppola properties bounded by the two northernmost environmental buffer areas on the north and south, I-270 on the west, and the existing agricultural fields on the east.
- Work with the Maryland State Highway Administration to provide stormwater retrofits for any expansion or modification of I-270.

West of I-270

- Reduce the development footprint and impervious cover [west of I-270], emphasizing reduced impacts to upland forested areas and steep slopes. In particular, protect existing stream conditions in the high quality headwater subwatersheds LSTM 110 (King Spring) and LSTM 111. [In LSTM 202, reduce the extent of development on County-owned property so that existing forest is not disturbed. The recommended conservation area is shown on the land use plan (see Map 7).]
- Limit imperviousness to six percent for new development on properties recommended for the RNC zone.
- No additional impervious cover is recommended for the County-owned properties, except that the impervious surface overlay zone may be amended in the future to allow for a less than one acre expansion of the Correctional Facility.
- Require development of the Pulte/King properties to include a conservation management plan for areas outside the limits of disturbance [(but] that are not either dedicated to [the Department of Parks)] M-NCPPC for parkland or placed in a rural open space easement, if such areas are located in a development plan. This [plan] Plan should be coordinated with the Planning Department and Department of Parks to [determine the optimal mix of meadow and forest habitat and to guarantee perpetual] address management of [rural open space not dedicated to Parks. It would] natural resources, preservation of pervious land cover, and compatibility with adjacent land uses (both Parks and development area). This conservation management plan must be approved as part of [a] the preliminary or site plan for the site.
- [Require at least 175-foot wide buffers on both sides of streams. They should be expanded as required by the Planning Board's most recently amended *Environmental Guidelines for Development* to protect floodplains, wetlands, and steep slopes that extend beyond the 175 feet and to maintain natural topography and vegetation within 50 feet of zero order streams (ephemeral streams not currently regulated).]

Throughout Ten Mile Creek:

- Environmental buffers must be consistent with all regulations and guidelines. In addition, in all areas in Ten Mile Creek other than the Historic District, on both sides of perennial and intermittent streams and adjacent to wetlands, springs and seeps, buffers must be a minimum of 200 feet, and must be expanded to include:
 - All erodible soils (listed in the Planning Board's *Environmental Guidelines for Development*)
 - Wetlands that extend beyond the buffer must have a minimum 50 foot wetland buffer
 - All ephemeral streams, not including roadside drainage ditches, plus a 50 foot buffer
 - All slopes 15 percent or greater that begin within the buffers described above.
- Amend the Clarksburg Special Protection Area to include additional area east of I-270 (see Map X).
- Establish environmental overlay zones to apply the Plan's limits on imperviousness for new development and reduce development footprints to protect sensitive resources.

- Minimize disturbance of natural resources throughout the Ten Mile Creek watershed, especially forests in the headwater areas. Forest Conservation Plans prepared for properties in the Ten Mile Creek watershed should protect:
 - All forest required by the Forest Conservation Law and Regulations (includes Environmental Buffers as previously described and minimum retention requirements), as well as areas defined in this Master Plan:
 - ❖ All interior forest (as defined by the Maryland Department of Natural Resources)
 - ❖ On the Miles-Coppola properties, the forest bounded by the two northernmost environmental buffer areas on the north and south, I-270 on the west, and the existing agricultural fields on the east
 - ❖ On the Pulte/King properties, all forest adjacent to environmental buffers
 - ❖ All forest on County-owned properties.
- [Establish a forest banking program that would give additional credit for rural or RDT zoned properties in Ten Mile Creek to voluntarily establish banks for forest planting in unforested stream buffers.]
- All off-site forest planting for [Stage 4] new development should be [achieved within] located in the Ten Mile Creek watershed as a first priority.
- Explore ways to incentivize additional voluntary forest planting (via forest banks or other strategies) on rural or RDT zoned properties in the Ten Mile Creek watershed to help in reaching a watershed goal of 65% forest cover.
- [Work with the Maryland State Highway Administration to provide stormwater retrofits for any expansion or modification of I-270.]

Although additional development in Ten Mile Creek will adversely affect stream biology, it is important to retain as much stream biodiversity and overall health as possible. Because of the unusual quality and sensitivity of Ten Mile Creek, a higher level of protection than that already provided under SPA regulations is [recommended] required to help achieve this goal.

Water Quality Plans for development in the Ten Mile Creek watershed [should] must comply with the most current water quality regulations, which include ESD outfall and overflow management strategies such as:

- avoiding overflow discharges onto steep slopes
- ensuring that any overflow is safely conveyed and occurs as sheet flow to the floodplain and/or receiving streams
- managing discharges from stormwater outfalls using step-pool storm drainage conveyance systems or comparable designs, as appropriate
- minimizing environmental buffer impacts associated with ESD overflow outfalls
- minimizing the need to convey stormwater across steep slopes and forested areas and ensure any such conveyance is done in a nonerosive manner.

In addition to current SPA requirements, Water Quality Plans for development in the Ten Mile Creek watershed [should] must demonstrate the application of the following principles and strategies:

- Minimize disturbance of natural resources throughout the Ten Mile Creek watershed, especially forest cover in the headwater areas.
- Minimize direct impacts associated with new infrastructure, such as the MD 355 Bypass and sanitary sewer extensions on natural resources.

- Minimize grading the thin and rocky soils in Ten Mile Creek, which help sustain groundwater flows to the many springs and seeps, and indicate the importance of limiting grading and soil compaction as much as possible through creative site design and development staging.
- New development [should] must employ planning and zoning options and design techniques[,] which minimize impervious cover, including:
 - cluster development with smaller building footprints on smaller lots with shorter driveways
 - place houses near the front of a building envelope to reduce driveway length, and provide shared driveways, where feasible
 - design narrower streets with limited sidewalks
 - use vegetated swales to guide runoff toward ESD facilities or pervious areas instead of curbs and gutters on secondary streets, unless it conflicts with other requirements
 - limit impervious cover for cul-de-sacs by reducing curve radii and having a green space in the turn-around area
 - preserve land with a high infiltration capacity to be used for storm water infiltration or natural recharge area.
- Maintain natural drainage patterns, especially around ephemeral (zero order) streams, by:
 - preserving and designing around ephemeral streams within the limits of disturbance
 - maintaining existing natural topography and vegetation within 50 feet of ephemeral streams
 - [decompacting] de-compacting and amending soils within the limits of disturbance (LODs) with organic matter to a greater depth than currently required (this would be determined by the Department of Permitting Services as part of development plan approvals).
- Environmental Site Design (ESD).
 - As a first step, apply appropriate ESD site planning techniques within proposed development areas to maximize environmental benefits.
 - Site planning and design [should] must be guided by and integrated with the selection and appropriate location of ESD [facilities] practices to achieve the greatest watershed benefits based on an evaluation of specific site and subwatershed considerations.
 - To the extent feasible, ESD practices should minimize the [need for clearing conveyances across steep slopes and through forested areas or stream buffers] concentration of flows through sheet flow and dispersion and must ensure any such conveyance is done in a nonerosive manner.
- Require restoration of streams and wetlands adversely affected by existing uses after all development is completed in the drainage area so as to allow the hydrology to adjust to the new landscape.

Transportation

Transportation is an ongoing issue in Clarksburg, primarily because the transit network proposed in the 1994 Plan to reduce auto dependence has not yet been implemented. Recommendations included a transitway along the MD 355 Bypass (Observation Drive) and a number of bikeways. Interconnected neighborhood bus loops and park-and-ride lots were further proposed as part of this system.

The 1994 Plan also contained recommendations for roadway classifications and rights-of-way. Changes to these are not recommended in this Plan Amendment. However, the completion of many key arterials will depend on completing various development projects. Furthermore, some key links

will require expensive bridges, which are waiting for funding through the County’s Capital Improvement Program.

Area-wide analysis using the Transportation Policy Area Review (TPAR) method indicates most of the Clarksburg Policy Area’s major roads [currently] are projected to operate at [an A] a B or [B] high C level of service (LOS) at the time horizon of this Plan. MD 27 (Ridge Road) [operates] is projected to operate at [a “D”] an F level, bringing down the average for the Policy Area to a [“C”] C level of service. [However, most roads are currently underused and provide a high level of service] (see Appendix 6 for additional transportation modeling information).

All of the intersections in the Plan area [also] function at adequate levels of service under existing conditions. Although the intersection of Clarksburg Road (MD 121) and Frederick Road (MD 355) has the lowest level of service, LOS [“C”] C in both the morning and evening peak hours, traffic volumes are similar to those at Stringtown Road and Frederick Road (MD 355). Stringtown Road has more lanes, which results in greater intersection capacity (LOS [“A”] A and [“B”] B).

The following describe current transportation conditions:

- Transit service is limited to two routes and the Clarksburg Policy Area does not yet have adequate transit service in terms of two of the measures of adequacy in TPAR, coverage and peak headways. Current transit is just adequate in terms of a third measure, the span of service (the total number of hours/day that transit service is provided).
- Most travel in the area is north-south, with the east-west movements generally providing access to north-south travel routes.
- I-270 is heavily used and the directional split (the percent of traffic going either northbound or southbound) during peak hours reflects this. Typically 60 percent of the traffic goes in the peak direction, while 40 percent goes in the non-peak direction.
- MD 355 has a much higher peak to daily traffic ratio, an indication that morning trips are commuters and evening peak hour trips are a combination of commuter and local trips.

Table 1 Clarksburg Critical Lane Volumes

Intersection	Existing			
		AM		PM
MD 121 and I-270 western intersection	A	365	A	250
I-270 and MD 121 eastern intersection	A	609	A	480
MD 355 and MD 121	C	1,225	C	1,150
MD 355 and Shawnee Lane	A	750	A	875
MD 355 and Stringtown Road	A	914	B	1,068
Gateway Center Drive and Stringtown Road	A	667	A	846

The 1994 Plan recommended a bypass to avoid significantly widening MD 355 (“Old Frederick” Road) through the Clarksburg Historic District and to provide an alternate route when emergencies cause full or partial closures on I-270 or MD 355. It would also accommodate future access to the Miles-Coppola properties and the Corridor Cities Transitway (CCT), as it transitions from Observation

Drive and then continues onto the bypass. The Plan further proposed a transit station at the intersection of the bypass and Redgrave Place.

While pedestrian and bicycle connectivity are essential to promote community cohesion and provide access to both transit and community amenities, the difficult topography, numerous stream crossings, and major roadways hinder the integration of land uses. Providing appropriate transit service for Clarksburg's residents and businesses will require a different approach than that used in other areas of the County, which are closer to employment, have higher development densities, and are better connected. Consequently, the relatively small number of potential transit users and the distances to key destinations will require an approach that relies on express and limited stop bus service to achieve reasonable travel times.

Testing future development scenarios under the Transportation Policy Area Analysis for both the 1994 master-planned land uses and land use options with the highest intensity of retail development continues to show levels of service that do not exceed the suburban policy area standard for roadway adequacy. Analyses of potential intersection congestion associated with [plan] Plan options that have the highest combination of retail uses (with the highest traffic generation rates) indicate that four intersections could exceed the standard for congestion in the study area:

- MD 355 and MD 121
- MD 355 and Stringtown Road
- Gateway Center Drive and Stringtown Road
- Observation Drive and Stringtown Road.

The intersection of a reconfigured bypass alignment and existing MD 355, north of Clarksburg Road [(MD121)], could also exceed the standard, but it could be designed as a roundabout, should proposed development result in congestion at this proposed intersection. Improvements could address congestion at the other listed intersections if determined necessary at the time of development.

Recommendations

All transportation recommendations in the 1994 Master Plan are continued, except as indicated by the following refinements to improve the transportation system (see Table 2 and Maps 5 and 6):

- The following intersection improvements are necessary to accommodate the master planned development in Ten Mile Creek:
 - MD 355 & MD 121: add an eastbound through lane on MD 121 through the intersection.
 - MD 355 & Stringtown Road: add an eastbound and a westbound through lane on Stringtown Road through the intersection.
 - Gateway Center Drive & Stringtown Road: create double left turn lanes on both the eastbound and westbound approaches of Stringtown Road; add double right turn lanes from southbound Gateway Center Drive to westbound Stringtown Road.
 - Observation Drive & Stringtown Road: add an eastbound and a westbound through lane on Stringtown Road through the intersection; create double left turn lanes and free right turn lanes on each of Stringtown Road's approaches.
- Retain the MD 355 bypass, but realign it as a T-intersection [with MD 355 near the proposed fire station] 0.3 miles south of Snowden Farm Parkway. Reduce the number of through lanes on the Bypass segment north of Clarksburg Road to 2 lanes, plus the CCT, within a 130'-wide right-of-way. This will avoid significant wetland impacts, while still providing access to [the fire station and the Miles-Coppola] developable properties. The [plan] Plan shows the original alignment as it crosses Redgrave Place. Two alternative alignments are also shown and should be studied as part

of a facility [plan] planning study when the Miles-Coppola properties develop (see Map 5). The facility [plan] planning study should [study the need for the full 150-foot ROW] determine the appropriate right-of-way south of Clarksburg Road for the bypass, considering potential modifications to the design of the Corridor Cities Transitway. If an alternative alignment is chosen, the transit station location should retain a pedestrian connection to Redgrave Place and fulfill the intent of the 1994 Plan to [connect the] extend Redgrave Place to the east so as to create a connection between the new Town Center development, [to] the Historic District, and the transit station. Set the minimum right-of-way of MD 355 from Redgrave Place to Roberts Tavern Drive at 50 feet.

- Provide additional [turn lanes or] transit service to help achieve acceptable traffic operating conditions at key intersections.
- Accommodate bus rapid transit in mixed traffic along MD 355, south from the Town Center Transit station within the Clarksburg Policy Area, and retain the CCT designation for the MD 355 Bypass.
- Provide facilities for peak period, frequent (20 minutes or less) express non-stop bus service from the Clarksburg Town Center to:
 - Shady Grove Red Line Metrorail Station via I-270 (estimated 30-35 minute travel time).
 - Germantown Town Center/Germantown MARC via I-270 (estimated 15-20 minute one-way travel time).
- Provide facilities for peak period, limited stop, Ride On service from the Clarksburg Town Center to:
 - Milestone (and future CCT stop) via MD 355 (estimated 15-20 minute travel time).
 - Lakeforest/Gaithersburg MARC via MD 355 (estimated 30-35 minute travel time).
- Provide an internal Clarksburg bus circulator, which connects activity centers east and west of I-270 with the Town Center and the CCT COMSAT station until such time that the CCT is extended to the Town Center area.
- Add bike accommodation on Comus Road between Shiloh Church Road and on Clarksburg Road between Snowden Farm Parkway and Stringtown Road.

Table 2 Street and Highway Classifications for Roads within the Ten Mile Creek Watershed³

Master Plan Roadway Designation	Name	Limits	Number of Travel Lanes ⁴ Maximum Recommended	Minimum Right-of-way Width ⁵
Freeway				
F-1	Washington National Pike (I-270)	Southern Study Area Boundary to MD 121	8 lanes	350'
		MD 121 to Comus Road	6 lanes	250'
Arterial Highways				
A-7	West Old Baltimore Road	MD 355 to MD 121	2 lanes	80'
A-251	Frederick Road (MD 355)	[A-19 to B-1 (MD 355 Bypass ⁶) Newcut Road Extended to Roberts Tavern Drive	4 lanes Divided	120'
	Roberts Tavern Drive (MD 355 Bypass ⁶)	Frederick Road (MD 355) to Observation Drive	4 lanes Divided	120'
	Observation Drive (MD 355 Bypass ⁶)	Roberts Tavern Drive to Clarksburg Road	4 lanes Divided w/transitway	150'
	Observation Drive	Clarksburg Road to Frederick Road (MD 355)	2 lanes w/transitway	130'
	Frederick Road (MD 355)	[B-1] Observation Drive to Comus Road	2 lanes w/transitway	130'
A-258	Slidell Road	Northern to Southern Study Area Boundary	2 lanes	80'
A-259	Comus Road	MD 355 to Western Study Area Boundary	2 lanes	80'
Business Streets				
B-1	"Old Frederick" Road ⁷	[Through Town Center Area] MD 121 to Roberts Tavern Drive	2 lanes	50'
B-2	Redgrave Place	Little Seneca Creek to A-260	2 lanes w/no parking inside [historic district] Historic District	70'
Primary Residential Streets				
P-3	Shiloh Church Road	West Old Baltimore Road to Comus Road	2 lanes	70'
P-5	Redgrave Place	Little Seneca Creek to A-260	2 lanes	70'
Rustle Roads				
E-1	West Old Baltimore Road	Clarksburg Road (MD 121) to Western Study Area Boundary	N/A	80'

Map 5 Proposed Roads and Transit: Revise to reflect Council decisions on the Master Plan Amendment.

³ Text highlighted indicate changes relative to the Adopted 1994 Clarksburg Master Plan.

⁴ These are the number of planned through travel lanes for each segment, not including lanes for turning, parking, acceleration, deceleration, or other purposes auxiliary to through travel.

⁵ This minimum may be increased at time of subdivision on the basis of more detailed engineering studies.

⁶ See Plan text (pages **)** for description of proposed alternative alignment options.

⁷ See Plan text (pages **)** for description of proposed alternative alignment options.

⁸ See Plan text (page **) for discussion of this road.

Map 6 Bikeways: Revise to reflect Council decisions on the Master Plan Amendment.

Land Use and Zoning

The most [appropriate] effective way to protect the unique environmental resources in the Ten Mile Creek watershed is to combine the advanced stormwater management techniques of Environmental Site Design with [efforts] actions to significantly reduce the amount of land disturbed by development. To achieve this goal, the Plan Amendment recommends a zoning pattern that encourages innovative site design as a means to limit disturbance and imperviousness. Consequently, recommended maximum dwelling units per acre are higher than impervious limits would typically accommodate using traditional site design and forms of development. Property owners are provided a great deal of flexibility regarding unit type and, where appropriate, building height, to allow them to achieve development objectives, if impervious caps can be met. Higher densities may encourage new forms of development as a means of achieving increased development potential. Full density allowed by a recommended zone may only be achieved if it does not exceed the applicable impervious surface cap in the proposed overlay zones.

East of I-270, the relationship between development in the headwaters areas and overall stream quality magnifies the tension among three important elements of the 1994 Plan's vision for Clarksburg: timely development at an appropriate scale in the Town Center, provision of employment land uses, and resource protection. The elements are not exclusive—some development can occur while reasonably protecting natural resources—but shifting development toward uses that reduce imperviousness and have less disturbance in the part of the Town Center [district] District that drains to Ten Mile Creek would provide additional safeguards.

More generally, a broad mix of uses in parts of Clarksburg can create vibrant neighborhoods that are attractive to employers, workers and residents[,] by providing jobs, amenities, gathering places and entertainment. Areas along I-270 now designated exclusively for employment are appropriate for such mixed-use development, including retail uses, which reflects changes in the demand for exclusively office uses. Mixed-use activities can support Clarksburg's development by attracting people to the area, supporting other employment and providing amenities.

West of I-270, keeping more undeveloped and forested land means reducing the development footprint—the amount of land that is disturbed by development. This [means] involves a series of potential choices that include:

- [reducing] limiting the development footprint while [maintaining] reducing development densities recommended by the 1994 Plan. This would [require] be mitigated by changes to the dwelling unit mix and higher net densities per acre to accommodate the [recommended] number of units[,but] recommended in the Plan Amendment on less land.
- retaining the generally single-family housing emphasis, while reducing the development footprint, which would significantly reduce overall development density and the number of units.

This Plan adopts the first choice as the most reasonable means to balance the need to protect the environment with achieving important land use goals for the Clarksburg Plan, while at the same time maximizing the development potential for the area West of I-270.

Recommendations for the three large, privately owned undeveloped properties in the watershed have two [objectives] aims:

- for [the] all properties, but particularly those that fall within the portion of the Town Center in the Ten Mile Creek headwaters, determining their roles in fulfilling [master plan] Master Plan objectives
- determining the size and location of protection and open space areas that should remain undeveloped, to be managed for conservation purposes and to reduce impervious areas devoted to development in the watershed, thereby reducing impacts to overall stream quality.

Map 7 Proposed Land Use: Revise to reflect Council decisions on the Master Plan Amendment.

Map 8 Proposed Zoning: Revise to reflect Council decisions on the Master Plan Amendment.

East of I-270

[The] This area lies within the headwaters of Ten Mile Creek east of I-270 and within the Town Center District of Clarksburg, comprising the western portion of that District. It includes the Egan/Mattlyn Enterprises and Miles-Coppola properties [lie in the headwaters of Ten Mile Creek, between I-270 and MD 355] along with the Historic District, and some additional properties (see Map 9). The properties outside the Historic District total [nearly 200] approximately 240 acres and [both] most are zoned R-200. The 1994 Master Plan recommended planned development floating zones for the properties—Planned Development (PD) for the Egan/Mattlyn Enterprises property and Mixed-use [planned development] Planned Development (MXPD) for the Miles-Coppola properties.

The Plan did not discuss the Egan/Mattlyn property in detail, but [the] its Land Use Plan does show the property with a density of two to four units per acre. The 1994 Plan made no explicit density recommendation for the Miles-Coppola properties, stating instead that the property be designated an employment site suitable for as much as 470,000 square feet of space. This reflects its location along I-270 and proximity to a future stop along the Corridor Cities Transitway. The Land Use Plan showed approximately equal parts of the property as residential (at seven to nine units to the acre) and research and development (R&D) uses.

The water quality in the streams that drain this area, particularly in the southern portion, is already compromised by the existing development associated with the roadways, elementary school, power substation, Historic District and Clarksburg Heights. Limiting additional imperviousness in this area and, to the extent reasonable, protecting most of the existing forest, is essential to keeping the downstream effects to a minimum while supporting the Town Center District. Reducing imperviousness below the recommended limits would not significantly change the resulting water quality in the subwatershed.

Egan/Mattlyn Enterprises LLC Property

The northernmost headwaters tributary of Ten Mile Creek runs through the approximately 100-acre Egan/Mattlyn property. A second tributary traverses the eastern portion of the property. The two tributaries are in different subwatersheds of Ten Mile Creek. The property is largely open, with

sparsely wooded areas in the stream valleys, and most of the property is in turf or meadow. Its owners currently operate a catering and entertainment venue for outings and other special events. Main and support buildings are located along the ridge that separates the two subwatersheds. Topography slopes to the northwest and southeast, toward I-270. Removing the floating zone option could reduce the imperviousness that would have resulted from implementing the 1994 Plan recommendations.

The 1994 Plan [recommends] recommended residential development for the property largely because of its distance from the Town Center and the transit station. Retaining that recommendation while [limiting development] allowing up to [two] three units per [acres could reduce water quality impacts by reducing imperviousness and providing] acre, restricted by an impervious cap and substantial open space[, either through master plan guidelines for a floating zone development plan or as a recommendation for] requirements, will reduce the potential impact on stream quality while maximizing development potential. Design techniques that reduce lot sizes; cluster development [in the R-200 Zone]; or flexibility in unit types can reduce the amount of land disturbance. Such a development [could also permit] pattern permits a broader array of housing types, while [including Environmental Site Design. Design techniques that reduce lot sizes or cluster development could reduce imperviousness as well] protecting sensitive resources and maintaining fair stream conditions.

Recommendations

- [Retain current recommendations for residential uses by applying residential cluster development used] Include this property in the [R-200 Zone. Establish an environmental overlay] proposed Clarksburg East Environmental Overlay zone [to limit] with a 15 percent imperviousness [of new development greater than five acres to 25 percent] limit and an 80 percent open space requirement.
- Rezone properties to R-90, with a maximum density of three units per acre (approximately a 297 unit limit), or up to 3.66 units per acre with a Moderately Priced Dwelling Unit (MPDU) bonus and flexibility regarding unit types and building heights via the overlay zone.
- Use the overlay zone to permit varied unit types, including single-family attached, single-family detached, and multi-family. This Plan recommends that maximum development yields may only be realized with units that achieve higher densities within the smaller developable area established by the imperviousness limit and open space requirement.

Map 9 Properties East of I-270: Revise to reflect Council decisions on the Master Plan Amendment.

Miles-Coppola Properties

Two branches of a headwaters tributary run through the Miles-Coppola properties and the western part drains to a second tributary. The heavily wooded stream valleys are steep and there is a significant drop in elevation across the properties from MD 355 to I-270. Topography, forest, and steep slopes create three separate developable areas that constitute about 50 percent—50 acres—of the properties, which total about 98 acres. This assumes that the MD 355 Bypass would consume a portion of the property along the northeastern edge.

These environmental and man-made constraints make it difficult to achieve the 1994 Plan's goal of promoting "a better relationship between this property and portions of the Town Center east of MD 355." The most direct route from the largest development area to the transit station location proposed in the 1994 Plan requires crossing both a stream and [MD 121] Clarksburg Road. The

distance from the center of that development area to the core of the Town Center is more than three quarters of a mile. While the central development area may be close to Redgrave Place, topography on both sides of [MD 121] Clarksburg Road will make the walk challenging for pedestrians.

Physical constraints, combined with the future roadway and transit network, suggest that the area should function independently, but in a way that supports the Town Center. While an employment focus might be desirable to achieve the goal of increasing opportunities to live and work in Clarksburg, there are significant amounts of available and yet to be developed space to the south in Germantown and the Great Seneca Science Corridor. This, combined with a weakened regional office market and more attractive and available locations elsewhere, suggests that a zone that would focus exclusively on [retaining the] employment [recommendation] for the Miles-Coppola properties would mean significantly delaying development of these properties. [Moreover, the recommended level of development and market conditions may not be able to support tall buildings with smaller footprints and parking structures that would reduce imperviousness and enhance the effect of Environmental Site Design.]

Recommendations

[Earlier development] Development of these properties could help support important commercial activity in the Town Center, [provided] if it is complementary. A five acre area close to MD 121 and the Town Center is recommended for zoning that could result in [A mix of commercial and] residential or commercial uses [could further] or a mix of uses. The remaining developable area on the property is recommended for residential uses that can provide homes to support retail in Clarksburg's Town Center. Such a pattern could provide [the types of services that today require travel outside Clarksburg. They could also provide] more variety in higher density residential uses, shopping, restaurants, and other business opportunities desired by Clarksburg residents. This [amendment proposes a flexible, but integrated mix of retail, office, and housing uses on the Miles-Coppola properties. It] Amendment recommends:

- [Commercial uses that complement, but do not compete with or encroach on the core Town Center. Retail development that requires a broader market, and amenities like restaurants and entertainment venues, could help create a separate attraction on these properties for Clarksburg residents to enjoy.]
- Including these properties in the proposed Clarksburg East Environmental Overlay zone with a 15 percent imperviousness limit and an 80 percent open space requirement.
- Directing development to two potential development areas. The southern area, located near Clarksburg Road, benefits from access to Clarksburg Road and the Town Center and, therefore, is appropriate for more intense development. The Plan Amendment recommends CRT zoning (CRT 2.0, C 2, R 2, H 120) for this area, with a residential zone (R-90) on the remainder of the Miles-Coppola property, to concentrate density and imperviousness on the southern developable area near major roads and within proximity of the Historic District and Town Center.
- Allowing housing or commercial uses on the southern developable area that complement, but do not compete with, the core Town Center. High density residential housing, lodging, or office development would all support Town Center.
- Orienting residential development on the northern developable area toward the MD 355 Bypass to take advantage of proximity to future transit and to enable residents to reach businesses or activities in the Town Center using an integrated network of roads, trails, and sidewalks.

- Concentrating and integrating development to allow more of the existing forest and natural terrain to remain undisturbed, [reducing] reduce imperviousness, and [contributing] contribute to improved water quality.
- [Establishing an imperviousness cap of 25 percent of the total tract area on properties in excess of five acres]
- [The Commercial Residential Zones offer an opportunity to balance a mix of uses for each development area, while providing significant amounts of housing and commercial uses that would help implement the 1994 Plan's vision for a complete corridor town. Development on the properties should nonetheless employ Environmental Site Design techniques and preserve undeveloped open space to reduce imperviousness. Should optional method development occur, construction of the MD 355 Bypass should be considered a priority as a major public benefit.]
- [This Plan Amendment recommends CR 0.75, C 0.5, R 0.5 H 85 for these properties. Maximum building heights of 85 feet are appropriate in the portion of the properties nearer I-270, and in areas along Md 121 closest to the I-270 interchange, where buildings will be less visible from the Historic District, but not exceed 45 feet. There should also be a transition in heights on the Miles/Coppola properties, from the areas designated for lower building heights to those where taller buildings are envisioned.]
- Permitting varied unit types via the overlay zone, including single-family attached, single-family detached, and multi-family, with flexibility regarding building heights.
- Permitting a maximum density of three units per acre (approximately a 279 unit limit), or 3.66 units per acre with an MPDU density bonus on the portion of the property to be zoned R-90.
- Recognizing that maximum development yields may only be realized with unit types that achieve higher densities within the smaller developable areas created by the imperviousness limit and open space requirement.

Clarksburg Historic District and Vicinity

The majority of Clarksburg's Historic District lies within the Ten Mile Creek watershed (see Map 9). The [district] District straddles MD 355 from its intersection with Stringtown Road to west of its intersection with [MD 121] Clarksburg Road. The 1994 Plan identified the [historic district] Historic District as a focal point of the Town Center, encouraging sensitive and appropriate infill development in the [district] District as an important component of the Plan's objectives for the Town Center. The Plan includes a series of design guidelines that are designed to retain the identity of the [historic district] Historic District by reinforcing building scale and historic building patterns—structures close to the road, deep back yards, and expanses of nearby green space—that characterized the original settlement. The 1994 Plan recommended renovations of existing buildings that would allow both residential and smaller scale commercial activities, like shops and offices. To protect the [district] District, the Plan recommended reduced building heights and residential zones in the immediately adjacent areas, and recommended relocation of MD 355 to carry through trips away from the Historic District.

The existing zones in the [district] District—convenience and general commercial (C-1 and C-2) and one-family residential (R-200)—are not adequate to accomplish the 1994 Plan's [historic preservation] goals, particularly the idea of accommodating residential and light commercial uses across the entire [district] District. The Commercial Residential [Neighborhood (CRN)] Town (CRT) Zone allows densities and building heights that will encourage infill development in [tailored more precisely to] the District and will allow [Plan's land use objectives for] new uses to be introduced that may help to invigorate the [district, while supporting the Plan's recommendation to protect the scale and character

of the historic district] District. It [also] allows property owners the flexibility to rehabilitate properties for a variety of potential uses, making renovation more attractive.

[Although it is not in the Historic District, t]The area between the Miles-Coppola properties and existing MD 355 is [also] appropriate for the CRN Zone as a transition between the CRT in the Historic District and the R-90 zoning on this portion of the Miles-Coppola property. This area—nine parcels totaling about 10.5 acres—is in the C-2 and R-200 zones. The County [plans to] may build a new Clarksburg Fire Station on two of the parcels, and the remaining parcels are vacant, or improved with small homes or businesses. The CRN Zone would allow redevelopment that would complement Historic District development across MD 355 [and create a consistent physical setting along the road].

Recommendations

- Rezone properties within the Historic District to CRT 0.5, C 0.5, R 0.5, H 45.
- For new development and redevelopment within the Historic District, support Historic Preservation Commission (HPC) decisions that guide protection of Clarksburg's historic character. This may result in limits on density or height less than the maximum allowed by the zone.
- Exclude the Historic District from the Clarksburg East Environmental Overlay Zone and the Environmental Buffer requirements in this Plan that exceed standard regulatory requirements, but encourage future development and redevelopment to minimize impervious surface area to the extent feasible.
- [This Plan Amendment recommends CRN 0.25, C 0.25, R 0.25 H 35 for the portion of the historic district within the Amendment boundary. It should be noted that the proposed revision of the Zoning Ordinance includes language exempting from density calculations those historic resources that are recommended for preservation and reuse in the applicable master plan. Contributing resources in the Clarksburg Historic District shown on the Master Plan for Historic Resources would be eligible for the exemption.]
- [Design guidelines set out for the Historic District in the 1994 Plan remain in place and should be used to direct infill development. In addition, infill or new development must adhere to district-specific guidelines found in the Master Plan for Historic Preservation.]
- The following guidelines, for use by the Historic Preservation Commission when reviewing historic area work permits, are intended to assure that infill development in the Clarksburg Historic District is supportive of the District's development patterns and consistent with the character of the Historic District. These guidelines supersede the guidelines in the 1994 Clarksburg Master Plan.
 - Orient buildings to the street with parking behind the buildings.
 - Retain existing paving widths, locate street trees close to the pavement edge (but in a manner that allows views of significant historic resources) and provide sidewalks (particularly along both sides of Old Frederick Road), lighting, and signage appropriate to the District.
 - Road improvements and pedestrian and bicycle linkages to and through the District should be appropriate to the scale and character of the District.
 - Match the setback of existing buildings, particularly along Old Frederick Road.
 - Encourage the rehabilitation of existing buildings.
 - Encourage compatible new construction that highlights and respects historic resources around it.
 - Move historic resources only as a last resort if necessary for public capital improvements and relocate within the Historic District to the extent feasible.
 - The prominence of Hammer Hill, and the Clarksburg Methodist Episcopal Church and the open space in front of the Clarksburg Methodist Church, must not be diminished by any surrounding development.

- Encourage the maintenance of existing trees and major landscaping features.
- Encourage gateways at both north and south entrances to the District.

[This Plan Amendment recommends CRN 0.25, C 0.25, R 0.25 H 35 for the area between the Miles Coppola properties and existing MD 355.] This Plan Amendment recommends CRN 0.25, C 0.25, R 0.25 H 35 for the area between the Miles Coppola properties and existing MD 355.

Transit Station

The 1994 Plan shows a transit station where the MD 355 Bypass intersects Redgrave Place. The Plan recommends residential uses near the station at a scale sympathetic to the adjacent [historic district] Historic District, enabling local residents to walk to the transit stop. Clarksburg Elementary School is currently located in the area proposed for the station and the Plan recognizes that the school would remain for a number of years before its eventual relocation or replacement. It is important that the transit station maintain a strong pedestrian connection to the Town Center via Redgrave Place.

Recommendations

- Maintain the transitway to Clarksburg [and] in the vicinity of the Miles-Coppola properties, where it could serve [primarily residential and employment uses, as well as development east of MD 355 and west of MD 121] uses in the Town Center District.
- Two alternative alignments for the Bypass are also shown and should be studied as part of a facility plan when the Miles-Coppola properties develop (see Map 9). The facility plan should study the appropriate [need for the full 150-foot] ROW for the bypass, considering potential modifications to the design of the Corridor Cities Transitway. If an alternative alignment is chosen, the transit station location should retain a pedestrian connection to Redgrave Place and fulfill the intent of the 1994 Plan to connect the Town Center with the Historic District.

Fire station

Montgomery County has acquired a vacant, forested property within the Ten Mile Creek watershed to build a fire station. The site is directly outside the Historic District, between MD 355 and the Miles-Coppola properties. If developed as currently planned and approved, the fire station would result in 37 percent of the property with impervious cover.

Given its location at the headwaters of Ten Mile Creek, every effort should be made to explore other possible sites, either outside the Ten Mile Creek watershed or on land within the Planning Area that is already developed with impervious surfaces. Leaving the current fire station site undeveloped would not only reduce overall subwatershed imperviousness, but also would provide greater flexibility in the alignment of the planned bypass. While an extensive search for an alternate location should be conducted, if another one is not found, a fire station at the current location should not be ruled out.

Recommendation

Consider other options for a fire station, either outside the Ten Mile Creek watershed or on already developed land where building the fire station would result in a reduced amount of imperviousness. If no other site is found, allow development on the current site, but redesign the station to reduce imperviousness to the extent feasible.

Remaining Properties

Portions of the Ten Mile Creek tributaries drain several residential and institutional developments. The 1994 Land Use Plan showed three properties at the intersection of MD 355 and Comus Road as suitable for the PD Zone. These properties would have qualified for the PD Zone only as part of a single development plan with the Egan-Mattlyn property. Because this Amendment recommends the Egan-Mattlyn property for the R-90 Zone only, this Amendment eliminates the potential to use a Planned Development zone for those properties and recommends retaining the existing R-200 zoning. Five other properties, between the Egan-Mattlyn and Miles-Coppola properties (but in separate ownership), are recommended to be rezoned to the R-90 zone (as are the properties that surround them) within the overlay zone.

Recommendations

- Confirm the existing zoning for properties to the north of the Egan-Mattlyn property and rezone properties between the Miles-Coppola and Egan-Mattlyn properties to the R-90 zone. The Clarksburg East Environmental Overlay zone would apply to the portion of these properties within the Ten Mile Creek watershed.
- Rezone the one-acre Wright property (between the Miles-Coppola property and Clarksburg Road near Gateway Commons Drive) to CRT 2.0, C 2.0, R 2.0, H 120 to allow for the possibility of joint development with the portion of the Miles-Coppola property also zoned CRT.

West of I-270

Pulte and King Properties

These unique properties comprise [The Pulte Corporation owns or controls] almost 540 acres west of I-270 and between Shiloh Church and Clarksburg Roads (see Map 10). Three major Ten Mile Creek tributaries originate on the properties and two are contained almost entirely within them. The properties are a mix of woodlands and farm fields, with forest covering much of the stream valleys. The 1994 Plan recommended the properties (and two other parcels to the north [of the Pulte holdings] totaling about 65 acres) for residential development, with a number of guidelines for environmental protection and housing unit mix. The Plan designated the 600 acres as a receiving area for Transferable Development Rights, with a maximum of up to 900 units. The entire area is in the RE-1/TDR Zone. The 1994 Plan also included a staging element. The Plan required further review of the effectiveness of stormwater practices and monitoring of results from development elsewhere in Clarksburg and in similar stream systems before any development was approved in this sensitive area. The Council reserved its authority to consider other land use actions, as appropriate, based upon the results of this further review. This review has now been completed, and the analysis indicates that the proposed levels of development in the 1994 Plan would create a significant risk to stream quality in these sensitive subwatersheds.

The subwatersheds that would be affected by building out these properties are largely undeveloped, have high overall stream quality, and support many sensitive species. Any development of these properties will have a negative impact on stream quality.⁹ It is on these properties that preserving more

⁹ See Appendix 9, Attachment R.

undeveloped and forested open space [can], along with Environmental Site Design, [limit] will most effectively reduce the impact of development on water quality.

This area includes the most sensitive subwatersheds (LSTM 110 and 111) and the monitoring stations for the reference stream reach. The very low existing imperviousness and long-term agricultural uses have resulted in excellent stream conditions that have been maintained since monitoring began in 1994. Even small changes in imperviousness will likely affect the stream, but if imperviousness is kept as near 5 percent as possible, stream conditions can be maintained in the good to excellent range, based on the majority opinion of environmental experts. The stream impacts [will] should be minimized by making preservation and protection of natural resources a clear priority; maintaining natural drainage routes and patterns; minimizing imperviousness; clustering development; planting all stream buffers in forest; and minimizing grading, soil disturbance, and soil compaction.

The combination of reduced densities and cluster development could increase undeveloped open space using privately owned conservation areas in addition to parkland. The Rural Neighborhood Cluster (RNC) Zone would allow a more precise percentage of open space [—as much as 85 percent of the gross acreage—] to be required on the properties. The RNC Zone requires a significant portion of the open space to be undisturbed and contiguous. It provides an optional method of development on public water and sewer service with a range of allowable development densities up to a maximum of one dwelling unit [to the] per acre, and allows master plans to make density recommendations, enabling a more precise density designation appropriate to the properties. It also provides a standard method of development without sewer service at one dwelling unit for every five acres, should that be determined more appropriate. [The RNC Zone can be used with TDRs, retaining an important policy in support of agriculture.]

The Cephas-Summers House, a locally-designated historic resource, is located on the property proposed for development along Clarksburg Road. The current environmental setting includes the whole property, but it could be reduced to approximately five acres as part of the proposed development. The house should be restored and become part of the adjacent development.

Map 10 Properties West of I-270: Revise to reflect Council decisions on the Master Plan Amendment.

Recommendations

- Include these properties in the proposed Clarksburg West Environmental Overlay zone, with a 6 percent imperviousness limit and an 80 percent open space requirement.
- Allow optional method development [on] in the RNC Zone with public sewer, at [in the RNC/Zone for these properties, with] a [recommended] permitted density of one unit [to the] per acre[, if recommended amounts of open space are provided]. Moderately priced dwelling units beyond the minimum 12.5 percent [can] would be [added] in addition to the recommended density, in accord with Chapter 25A of the Montgomery County Code, if the development does not exceed the impervious surface cap.
- Provide flexibility in the mix of housing types; allow either a blend of single-family lots and attached units or exclusively attached units as a means of achieving maximum development yields.

- Rural open space requirements:
 - Include all land meeting the Environmental Buffer requirements, as well as forest protection, listed on page X.
 - The neighborhood park recommended for this portion of the watershed may be wholly or partially within the rural open space.
 - Dedicate most of the rural open space as parkland (see recommendations for Legacy Open Space).

The following should be addressed when implementing the Rural Open Space Design Guidelines as part of the development review process for these properties:

- Concentrate cluster development in unforested upland areas; wooded stream valleys should be left intact, undeveloped, and in their natural states as rural open space.
- Reduce environmental impacts and imperviousness during development by applying ESD techniques.
- Require a conservation management plan for areas outside the limits of disturbance that are not either dedicated to M-NCPPC for parkland or placed in a rural open space easement, if such areas are located in a development plan. This conservation management plan should be coordinated with the Planning Department, the Department of Parks, and the Department of Environmental Protection to address management of natural resources, preservation of pervious land cover, and compatibility with adjacent land uses (both Parks and development area). This conservation management plan must be approved as part of the preliminary plan for the site. Direct new sewers away from Ten Mile Creek, utilizing proposed and existing roads; pump stations may be required to make connections to sewer lines in Cabin Branch.
- [Provide substantial variations in lot sizes, as required by the RNC Zone's development standards.]
- Size and locate lots to preserve rural views from Clarksburg Road and ensure an environmental setting of five acres for the historic Cephas-Summers house. Include restoration of the Cephas-Summers house in a development plan.
- Incorporate open space into the clustered community to provide neighborhood residents with recreational opportunities.
- Provide [connections] access from public roads within the development to the proposed Ten Mile Creek Conservation [Park's] Park to facilitate the creation of trailheads for natural surface [trail system] trails and allow park maintenance access.
- [Allow forest planting in buffers (required by Special Protection Area regulations) in excess of the forest conservation threshold to be used as a forest bank. The credits could be used for development projects or sold.]

Montgomery County Properties

Montgomery County owns more than 380 acres in the upper reaches of the Ten Mile Creek watershed (see Map 10). The majority of this land, known in the 1994 Plan as Site 30, now houses a County correctional facility. The majority of the property is heavily wooded, and the County has no development plans beyond a planned expansion of the correctional facility. The Parks Department has identified [almost all] most of this wooded area as a [suitable for acquisition through the] Legacy Open Space [program] Natural Resource that is suitable for transfer to Parks as a key part of the Ten Mile Creek Conservation Park.

Two parcels totaling about 94 acres are located at the I-270 interchange with [MD 121] Clarksburg Road. The headwater branches that originate on the Miles-Coppola properties combine on one of the

County properties to form a headwater tributary. Several smaller streams feed the tributary on these properties and the steeply sloped stream valleys are heavily forested.

[The 1994 Plan identified these properties as an employment site, recommending them for no more than 400,000 square feet of space and applying a 15 percent imperviousness cap. They are in the Technology and Business Park (I-3) Zone.]

The County has considered the site for its north county bus maintenance and storage facility, but has no current plans for the properties. Montgomery County government commits to keeping this site fully pervious with no development. The Parks Department has identified [the wooded stream valleys for acquisition under the] areas of this site as a suitable Legacy Open Space [Program, which] Natural Resource. It would [reduce imperviousness and enhance water quality] be appropriate to have its management transferred to Parks as part of Ten Mile Creek Conservation Park.

The remaining County property surrounding the Detention Center is planned for only a small expansion of the existing facility. This plan intends to accommodate the planned expansion, but limits further development on the site.

Recommendations

- Include this area in the Clarksburg West Environmental Overlay Zone with no additional imperviousness permitted. Minimal development of this property would help contribute to water quality in this portion of the watershed. Forested areas should remain undisturbed and the designated [western] portion protected [via] under the Legacy Open Space Program.
- No additional impervious cover would be permitted on County owned land west of I-270. However, the Clarksburg West Environmental Overlay Zone may need to be amended at some point to allow a minimal amount of imperviousness associated with an expansion of the Correctional Facility of less than one acre.
- Transfer management of areas designated as Legacy Open Space and other appropriate open space in County ownership to the Parks Department to create the northern portion of the Ten Mile Creek Conservation Park.
- [If the County chooses to develop the land, limit imperviousness to eight percent on the former depot site.]
- [Imperviousness on the remaining County properties is limited to 4.5 percent.]

The Rural Properties and the Agricultural Reserve

The rurally-zoned properties and the Agricultural Reserve are not proposed for change in this limited [master plan] Master Plan. The rural zoning allows up to one unit per five acres on properties between the mainstem of Ten Mile Creek and Shiloh Church Road. The Agricultural Reserve Rural Density Transfer Zone allows only one unit per 25 acres. There are currently portions of stream buffers on properties in both areas that are not maintained in forest that could benefit from a voluntary forest banking program. Protection and restoration of these buffers at the discretion of the property owners would help in the overall health of the Ten Mile Creek watershed. Some portions of the rural properties should be protected through the Legacy Open Space Program if development is proposed.

Recommendation

- Retain the existing zoning in these areas.

- Include the Rural-zoned properties in the Clarksburg West Environmental Overlay Zone to limit imperviousness associated with special exceptions and institutional uses.
- [Establish a forest banking program that would give additional credit for rural or RDT-zoned properties in Ten Mile Creek to voluntarily establish banks for forest planting in unforested stream buffers.]
- Explore incentive programs to encourage voluntary forest planting, particularly in unforested stream buffers.

Water and Sewer Service

The 1994 Master Plan recommended the provision of public water and sewer service in the Stage 4 area of Clarksburg based on its initial zoning recommendations. This Plan Amendment continues to recommend public services to support the planned development for Stage 4. Specifically, public water and sewer service is recommended for the area identified as “Future Service Area C” in the 1994 Plan, which includes Stage 4, to support planned development densities, including recommended cluster development. The provision of public sewer service will help to reduce the potential for existing and future septic systems to impact the watershed. Public and individual water supply and wastewater disposal service in the master plan area is recommended to be provided in a manner consistent with the service policies included in the County’s *Comprehensive Water Supply and Sewerage Systems Plan*.

Properties within the Plan Area not already receiving public service or recommended for public service are expected to use individual, on-site water supply and/or sewerage systems (wells and septic systems).

The Ten Mile Creek watershed has no receiving sewers downstream of the Stage 4 area. Wastewater flow from the majority of Stage 4/Future Service Area C will need to be pumped out of the watershed into sewerage systems serving adjacent Stage 3 development. The *Clarksburg Stage 3 and 4 Area Facility Plan*, prepared for the Washington Suburban Sanitary Commission (WSSC), anticipated the need for planned Stage 3 area sewerage facilities to accept and handle pumped wastewater flows from Stage 4. Environmental concerns and competing development interests within Stage 4 could result in individual proposals for several wastewater pumping facilities scattered throughout the sewer service area. To minimize infrastructure operation and maintenance needs, and to create a logical, efficient, and environmentally responsible sewerage system for Stage 4, this amendment recommends WSSC’s coordination of a comprehensive Stage 4 sewerage facility plan, with the participation of all major Stage 4 development interests. If necessary, this requirement should be incorporated into service area category change approvals for the Stage 4 sites.

The lack of public sewer service, needed to replace aging septic systems, has hampered improvement and redevelopment of the Clarksburg Historic District, an integral part of the Town Center. The County is investigating the design and construction of a public sewerage system to serve the historic district. If this sewerage system is constructed ahead of other Ten Mile Creek development, it would include a small, interim pumping station and force main tying into the Town Center system. This interim station and force main would be removed from service when gravity sewer service becomes available from the Miles-Coppola property. Planning and development of the Miles-Coppola project sewerage system will need to include, at a minimum, a gravity main extension to accept wastewater flows from the historic district.

The Council received a substantial amount of public hearing testimony and correspondence regarding the potential impact development in the Ten Mile Creek watershed could have on the Little Seneca Reservoir and drinking water in general. In response to these concerns, the Council heard from WSSC staff, DEP staff, and the Executive Director of the Interstate Commission on the Potomac River Basin (ICPRB).

Both DEP and WSSC staff stated that based on the environmental consultants' analyses, the development under consideration in the Ten Mile Creek watershed would not have a significant impact on the Little Seneca Reservoir or on drinking water quality. However, DEP staff did note that a study of the long-term health of the reservoir (taking into account all of the watersheds draining into the reservoir) would be worthwhile.

Recommendations

- [Approve amendments for public water and sewer service for the Stage 4 area (Future Service Area C) of Ten Mile Creek in the County's Water and Sewer Plan. Include a requirement for a comprehensive Stage 4 sewerage system facility plan. WSSC service and financing policies will require construction of needed water and sewer facilities as part of the development process by the property owner.]
- Approve a comprehensive category change amendment to the County's Ten-Year Comprehensive Water Supply and Sewerage Systems Plan to support the extension of public water and sewer service to all of the properties in the Ten Mile Creek Area Limited Amendment which are recommended to be zoned R-90, R-200, CRT, CRN, and RNC. A comprehensive category change amendment is consistent with the 1994 Master Plan which recommended that future Water and Sewer Plan amendments be of a comprehensive or area-wide nature only. Include as a condition of the approval of the amendment, a requirement for a comprehensive sewerage system facility plan to serve recommended service areas in Ten Mile Creek. WSSC service and financing policies will require construction of needed water and sewer facilities by the property owner as part of the development process.
- Locate sewer main alignments and pumping station sites to minimize, as feasible, disturbance of environmental buffers and forested areas.
- The 1994 Master Plan includes the Clarksburg Historic District within the proposed sewer service area. The Limited Master Plan Amendment continues to support this recommendation.
- While approval of water and sewer service to nearby properties (as recommended by the Ten Mile Creek Area Limited Amendment) may make sewer service more economically feasible in the Clarksburg Historic District, it is uncertain when such extensions would occur and the costs to extend sewer may still be prohibitively expensive for property owners in the Historic District. Given the immediate concerns of property owners in the Clarksburg Historic District, and that public sewer service is needed to realize the County's land use goals in the area, the County should work with WSSC on a project to extend public sewer to properties in the Clarksburg Historic District as soon as possible and in a manner which is affordable to property owners.
- This Plan supports a study of the long-term health of the Little Seneca Reservoir (encompassing the land use impacts from all of the watersheds draining into the Reservoir). The details of such a study, such as the scope and who would lead and pay for the study, should be discussed by the Reservoir's regional partners (WSSC, Fairfax County Water Authority, Washington Aqueduct, and the Interstate Commission on the Potomac River Basin) and Montgomery County.
- [Provide sewer service to the Historic District as part of the Stage 4 development, including at a minimum, the removal of interim wastewater pumping facilities in favor of gravity sewer service.]

Parks

Legacy Open Space

Montgomery County preserves its most significant undeveloped open space through its Legacy Open Space program. The 2001 *Legacy Open Space Functional Master Plan* identifies natural resources, open space, farmland, and historic places that can then be conserved through a variety of protection tools, including easements, protection through the regulatory process and, when appropriate, acquisition. The Plan includes the Special Protection Area of the Ten Mile Creek watershed as a Natural Resource site that meets Legacy Open Space criteria, but needs further study to select specific properties.

Evaluation of the Ten Mile Creek watershed concluded that the 600 acres of forested headwaters met six of the eight criteria for inclusion in the Legacy Open Space program. The forest:

- “has particular countywide, regional or national significance” for its potential ability to support rare, threatened or endangered species, aquatic communities, and its varied habitats;
- “is critical to the successful implementation of public policy such as protection of the Agricultural Reserve and public water supply;”
- “is part of a ‘critical mass’ of like resources that perform an important environmental or heritage function;”
- “provides human or ecological connectivity between significant park, natural or historic areas and/or corridors;”
- “helps to buffer and thereby protect other significant resources;”
- “represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.”

Recommendations

- Designate the high quality, critical forest and open habitats that protect the quality of the Ten Mile Creek headwaters as a Legacy Open Space Natural Resource site (Class II). Approximately 1,230 acres are proposed for designation (see Map 11).
- Protect the designated Natural Resource on an individual property basis using a variety of tools, which may include easements, dedication through the development review process, and fee simple acquisition.
- To create the core of the Ten Mile Creek Conservation Park, [convey] dedicate to Parks the Rural Open Space outside of the development envelope on the Pulte and King properties as a condition of the development review process. Land not available through dedication during the development review process may be acquired by the Department of Parks.

Map 11 Proposed Legacy Open Space and Parks: Revise to reflect Council decisions on the Master Plan Amendment.

Parks and Trails

The 1994 Plan created a park and open space system that designated general locations for new local parks serving Clarksburg's developing neighborhoods and were closely integrated with proposed development. Importantly, the Plan also made provisions for connections between these local parks and the greenway network as a prominent component of its overall vision. However, since park planners did not anticipate the significant development west of I-270 that was ultimately approved as part of the 1994 Plan, no local park was included in the Ten Mile Creek watershed.

Since approval of the 1994 Plan, park planners have recognized the emerging importance of natural resource areas as a form of recreation. Bicycling, hiking, and horseback riding, as well as activities such as wildlife and bird watching or nature photography, all depend on the availability of large amounts of undisturbed forests and other natural areas. The substantial forests, steep stream valleys, and high ridges of the Ten Mile Creek watershed west of I-270 can be used for such purposes and be reached using sensitively located trails through the already proposed conservation park and greenway system (see Map 12).

Also, since approval of the 1994 Plan, the Legacy Open Space Functional Master Plan (2001) designated and the Parks Department acquired Clarksburg Triangle Civic Green as an urban open space. The site is located in the heart of the Historic District on the east corner of Clarksburg Road and MD 355. Planning and implementation for this central civic space within the Town Center District will need to be coordinated with other public infrastructure planning for Clarksburg, including the CCT, water and sewer provision, and road and bikeway improvements.

Recommendations

- Provide a countywide natural surface trail, designed to M-NCPPC Montgomery Parks standards, in the Ten Mile Creek area linking Little Bennett Regional Park and Black Hill Regional Park, per the *Countywide Park Trails Plan (2008)* and the 1994 Clarksburg Master Plan.
- Provide five trailheads, designed to M-NCPPC Montgomery Parks standards, to access the Ten Mile Creek natural surface trail and nearby natural areas for park users and operations staff.
- Provide a new natural resource-based Neighborhood Park of at least ten developable acres for close-to-home recreation for the Ten Mile Creek area, designed to M-NCPPC Montgomery Parks standards. The park, located outside of environmentally sensitive areas, is recommended as a platform for walkable, close-to-home facilities and to serve as a trailhead for the Ten Mile Creek natural surface trail. The park should have a natural resource theme and should be located adjacent to conservation parkland. The proposed Preliminary Program of Requirements for the Neighborhood Park is as follows:
 - Access to the Conservation Park to the west for trail users and operations, maintenance and police functions from the development
 - Trailhead with small gravel parking area (6-8 spaces), with access through adjacent development
 - Picnic area
 - Natural play area
 - Community garden
 - Community open space large enough for community festivals and pickup sports, at least 15,000 square feet
 - Adequate space to provide for Environmental Site Design, Stormwater Management, Forest Conservation, and other regulatory requirements. Ensure that public infrastructure planning for

Clarksburg is fully coordinated with planning and implementation efforts for Clarksburg Triangle Civic Green.

Appendix 7 includes additional information in support of these recommendations.

Implementation

Although this Amendment is limited in scope and geography, its implementation nonetheless requires cooperative efforts by a number of private and public actors. This chapter indicates follow-up efforts that are needed once the Plan is adopted.

[Areawide] Overlay Zones

This Amendment recommends limiting imperviousness, establishing open space requirements for new development both east and west of I-270[. Previous efforts to impose such caps in the Upper Paint Branch] and changing some development standards of the underlying zones in order to maximize development flexibility and protect sensitive natural resources [Upper Rock Creek watersheds have used environmental overlay zones to apply the caps]. This Amendment recommends creation of [similar] overlay zones to [impose] establish a [25] 15 percent imperviousness limit on new development in the Town Center portion of the watershed, a [ten] six percent limit on the Pulte-King properties, and no additional imperviousness [limits of 4.5 percent and eight percent] on County-owned land. [Properties of less than five acres] Very small properties will be exempt from imperviousness limits in the [Town Center under the] overlay zones.

The purpose of these zones is to preserve and protect sensitive natural resources in the watershed by reducing the amount of land disturbed for development. Limiting impervious surfaces enables natural filtering of water runoff[,] and creates undeveloped open space that can be forested, which can help support cooler water temperatures and a diverse population of insects and invertebrates within streams.

Overlay Zone Boundaries

Each overlay zone covers a large area, rather than only the key properties identified in the Master Plan. While some of the other properties are likely to develop at less than the limits in the overlay zone, including them within its boundaries will reduce/limit development that could result in significantly more imperviousness. For example, development in the rural zone west of I-270 could result in individual homes that have an imperviousness of less than 6 percent, but if an institution or special exception use were to purchase the property, the imperviousness could be significantly greater than 6 percent. On the east side of I-270, all properties in Ten Mile Creek, except those in the Historic District, would be within the boundary with exemptions for State and County roads and bikeways. Park property within the Ten Mile Creek Watershed that was not within the Master Plan boundaries will also not be in the overlay zone, but the Department should do everything feasible to limit additional imperviousness. On the west side, all land draining to Ten Mile Creek not zoned Rural Density Transfer (RDT) would be included. In both zones, small properties existing at the time of this Amendment that develop without combining into larger developments would be exempted from the restrictions of the zone.

The Clarksburg East Environmental Overlay Zone

Details regarding the overlay zone are addressed in the overlay zone for the east side of I-270. The major elements are as follows:

- Impervious surface area limit of 15 percent of the area within a development application (with a grandfathering provision for properties already exceeding the cap)
- 80 percent open space (which should include all environmental buffers and sensitive areas identified in the Master Plan)
- All base zones other than R-90 will adhere to the standards of the underlying zones.
- For properties with a base zoning of R-90, the requirements of the R-90 zone will be modified by the overlay as follows:
 - Density limited to 3 units per acre or 3.66 units per acre with the maximum MPDU bonus
 - Any unit type with no requirements for any minimum percentages of unit type should be allowed
 - Building height limits increased to 35 for single-family detached, 50 for townhouses, and 65 for multi-family
 - Site plan approval should be required
 - Setbacks and minimum lot size requirements should be eliminated
- Exempt small properties from some or all provisions of the overlay zone.
- Consider limited potential exemptions for limited public facilities, such as state and County roads and park facilities.

The Clarksburg West Environmental Overlay Zone

The major elements in the overlay zone proposed for the west side of I-270 are as follows:

- Will follow all standards and requirements of the RNC zone (which are designed to encourage clustering to protect environmental resources), except those relating to diversity of lot size and unit type
- Impervious Surface Area limit of 6 percent of the area within a development application; specific properties to be limited to 0 percent (mostly government-owned or with easements, with a grandfathering provision for properties already exceeding the recommended impervious surface limit)
- 80 percent open space (which should include all environmental buffers and sensitive areas identified in the Master Plan)
- Exempt small properties from some or all provisions of the overlay zone.
- Consider limited potential exemptions for public facilities, such as state and County roads and park facilities associated with conservation parks (e.g., small parking lots).

It is possible that the overlay zone may be amended at a future time to accommodate less than 1 acre of Correctional Facility expansion.

Sewer and Water Implementation Actions

The 1994 Clarksburg Master plan stated that "Subsequent Water and Sewer Plan amendments be of a comprehensive or area wide nature only..." Accordingly, this Master Plan Amendment reconfirms this intent for the Ten Mile Creek Area. These amendments will require Council approval consistent with

the policies of the Comprehensive Water Supply and Sewerage Systems Plan and the Comprehensive Sewerage System Study called for in this Master Plan Amendment.”

[East of I-270]

Of particular importance to development in the Town Center [district] District generally, and the Clarksburg Historic District in particular, is the timely provision of sewer service. Infill development and rehabilitation of existing historic buildings for residential, commercial or mixed-use activities cannot occur until sewer service is available to properties along MD 355. Although planning for interim solutions for service to the Historic District is underway, a permanent solution is critically needed. This Amendment recommends inclusion of facility planning funds for sewer infrastructure to the Historic District at the earliest possible date. Should the Miles-Coppola properties develop in ways that facilitate an earlier provision of sewer service, private sector involvement in facility planning and implementation is welcome.

Other Implementation Actions East of I-270

This Amendment includes recommendations for the MD 355 bypass and for a transit station along the bypass that would serve bus rapid transit riders. The Plan shows alternative alignments for the bypass and suggests consideration of alternative locations for the transit station that could reduce impervious surfaces in this part of the watershed, as well as support connections among the Town Center, the Historic District, and the Miles-Coppola properties. This Amendment recommends a facility plan for the bypass to address these issues and to evaluate potential relocation of both the historic Clarksburg School and the existing Clarksburg Elementary School, which lie in its path. The proposed facility plan should also consider appropriate rights-of-way for Observation Drive (A-19), which will include the transit alignment. Right-of-way widths should be reconsidered in light of the shift in mode from light rail to bus rapid transit. Any change to the right-of-way alignment or width can be incorporated into an amendment of the Master Plan of Highways. Design guidelines should be developed for facility planning for the bypass.

[Given changes in land use assumptions in support of community building goals, this plan also recommends a fresh look at the currently approved fire station plan:

- Consider an approach that better integrates the station and its design into the context of future development.
- Consider including other co-located public uses and functions.]

Other Implementation Actions West of I-270

This Plan recommends locating a natural resource-based neighborhood park for this part of the watershed. Designation of an appropriate place for the park will occur through the regulatory review process. It may be accomplished through dedication during the development review process or fee simple acquisition.

As part of its forest conservation programs, Montgomery County has established forest banks, which can be used to support voluntary planting of trees in areas—particularly stream buffers—that are currently unforested. Development projects take advantage of these banks to offset other forest conservation requirements. This Amendment recommends [creation of a forest banking program that would give credit to] creating a program to provide incentives for property owners in the Rural and Rural Density Transfer zones [who] to plant new forests on their properties, particularly in currently

unforested buffer areas [on their properties. The credits could be used for development projects or sold].

General

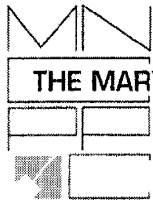
All illustrations and tables included in the Plan are to be revised to reflect District Council changes to the October 2013 Planning Board Draft Plan. The text and graphics are to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft.

The Planning Department should work with Executive Branch Departments, including the Department of Environmental Protection and Department of Permitting Services, to take all actions necessary to implement the recommendations in this Master Plan (such as a comprehensive sewer and water category change). In addition, these agencies should identify any changes in regulation or law necessary to implement the Master Plan recommendations.

This is a correct copy of Council action.



Linda Lauer, Clerk of the Council





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue Riverdale, Maryland 20730

May 13, 2014

To: The Commission

Via: Patricia C. Barney, Executive Director 

From: Anju Bennett, Chief 
Corporate Policy & Management Services Division

Subject: Adoption of Resolution #14-07, Amendments to Policy for Seasonal/Intermittent, Temporary and Term Contract Employment (Overtime Calculation Methodology)

Requested Action

The Commission is asked to adopt Resolution #14-07, Amendments to Policy for Seasonal/Intermittent, Temporary, and Term Contract Employment (Overtime Compensation Methodology). This Resolution adjusts the method used for calculation of overtime when multiple part-time jobs are being worked by Contract employees. The new method complies with federal/state wage laws and is supported by the management as a more prudent method to calculate overtime.

The new methodology also can be accommodated by the new Enterprise Resource Planning (ERP) system without a need for custom system configurations.

Background

The Corporate Policy and Management Operations Division has been working with departments to conduct a comprehensive review and amendment of contract employment policies. These policies are codified through M-NCPPC Practice 2-16, Seasonal/Intermittent, Temporary, and Term Employment, and its accompanying Administrative Procedures Manual.

We anticipate a number of amendments to the policies; however, many areas require additional work sessions with Department Directors to ensure operational and legal issues are appropriately addressed. While this work is ongoing, the anticipated implementation date of the Human Capital Management (HCM) component of the new ERP system necessitates a more immediate change to one component of existing policies. Resolution 14-07 allows this change to be adopted while the review of other policy areas continues.

Explanation of Policy Amendment Proposed by Resolution #14-07:

The Fair Labor Standards Act (FLSA) establishes standards which employers must follow to compensate its employees. The FLSA classifies jobs as either "exempt" or "non-exempt" from its mandates. There are specific tests for these classifications. Most contract employees fall under the non-exempt category due to their duties and the hourly nature of their assignments. Under FLSA, "non-exempt" employees are entitled to overtime pay at a rate of one and one half times for all work hours that exceed forty 40 hours in a workweek.

The FLSA provides employers two options that may be used to calculate payments of overtime hours. For any hours beyond 40 in the workweek:

- Option A. Pay 1 ½ times the hourly rate assigned to the position that was worked the overtime hours, or
- Option B. Pay 1 ½ times the weighted average of hourly rates assigned to all positions worked during the week **329**

M-NCPPC's existing policies allow departments to hire a contract employee into one or more part-time positions concurrently. Each position may have a different rate of pay, depending on its description (e.g., lifeguard, snack bar

cashier, camp counselor, etc.). Individual positions are assigned work hours as needed. M-NCPPC calculates overtime as follows:

- The agency utilizes Option “A” to calculate overtime pay for employees who work only in one position.
- For employees who work multiple jobs, the M-NCPPC calculates overtime using a method which meets, *and exceeds*, overtime payment standards required by FLSA. Under the existing method, when these employees work more than 40 hours, overtime pay is calculated at 1 ½ times the rate assigned to highest paid position worked during the week. This is regardless of whether the highest paid position was the one worked during the overtime hours. This method of calculation can result in an employee receiving more than 1.5 times the hourly rate of the position worked during the overtime hours. This method is used to meet limitations of the existing payroll system, which requires manual calculations of overtime for any employee assigned to work multiple positions.

As part of the continuing review of contract employee standards, overtime calculations were evaluated in tandem with the configuration of the new ERP system and its calculation of wages. Staff recommended that M-NCPPC move to an overtime calculation model that meets, but does *not* exceed, the FLSA mandates for employees holding multiple jobs. Additionally, it was recommended that overtime calculations be fully automated to mitigate the potential for human error and reduce staff time needed to carry out calculations.

- The FLSA overtime calculation Option “A” is already in place for contract employees who work a single position, and it can be accommodated under the new ERP system. These calculations will continue to be automated.
- While Option “A” was considered for multiple position calculations, it was learned that the new ERP system would require customization to accommodate automation of this model. Customization will be very costly. Alternately, calculations would continue to be performed manually. These outcomes do not support moving forward with Option “A”.

FLSA Option “B” also was considered as the new method for calculation of overtime pay. The method is supported by new ERP system and allows calculations to become automated. Management supports moving forward with this option, as it offers a more prudent calculation of overtime pay, ensures continued compliance with FLSA, and is readily accommodated by the new ERP system platform.

Impact of Change

Over the past five years, the agency employed approximately 3,500 contract employees each year. On average, only 35 contract employees worked overtime hours, averaging approximately 6.2 hours/year. Only a handful of these employees had multiple positions. It should be noted, during the current fiscal year (June 30, 2013 to present), only a dozen employees assigned to single and multiple positions have received overtime pay, averaging 2.4 hours over the fiscal year. Thus, the changes will affect a very small population of employees, while rectifying concerns related to automation, record keeping, and payment methodology.

With the adoption of Resolution 14-07, the change will become effective upon deployment of the Human Capital Management component of the ERP system. Deployment is anticipated in July. Affected employees will be notified by the Human Resources Division at least 30 days prior to implementation of the change.

This request was reviewed and supported by the Executive Committee at its May 7, 2014 meeting.

M-NCPPC
Resolution 14-07

AMENDMENTS TO POLICY FOR SEASONAL/INTERMITTENT, TEMPORARY
AND TERM CONTRACT EMPLOYEES (OVERTIME CALCULATION
METHODOLOGY)

WHEREAS, the Fair Labor Standards Act (FLSA) establishes employer mandates for wage calculations, including methods that may be elected by employers to determine overtime compensation for employees classified as “non-exempt” under FLSA; and

WHEREAS, the Maryland National Capital Park and Planning Commission (M-NCPPC) complies with FLSA in its current methodology for calculation of overtime compensation for all employees; and

WHEREAS, M-NCPPC has embarked on an Enterprise Resource Planning (ERP) program to integrate and automate its management systems, including, but not limited to, payroll and human resources data components; and

WHEREAS, in implementing the ERP modules, the M-NCPPC has conducted a review of its compensation methodologies, including those used to calculate compensation for overtime work; and

WHEREAS, Seasonal/Intermittent, Temporary and Term contract employees may hold multiple part-time positions concurrently, and each position may have a different hourly rate of assigned pay; and

WHEREAS, “non-exempt” contract employees receive overtime compensation at a rate of 1 ½ for any hours worked beyond forty in a workweek; and

WHEREAS, the current method for determining compensation for overtime hours uses a calculation of one and a half (1 ½) times the hourly rate of pay assigned to the employee’s highest paid position, regardless of whether overtime hours were worked in that position; and

WHEREAS, management recommends moving to the FLSA model that calculates 1 ½ overtime compensation by applying a weighted average of hourly rates assigned to positions worked during the workweek; and

WHEREAS, the new ERP system is configured to calculate overtime compensation using this method, and maintaining the current overtime methodology would result in a customization of the system; and

WHEREAS, the impact of this change is minimal to employees and upholds Commission desires to avoid any (further) significant cost increase related to ERP while also continuing to comply with all relevant state and federal laws regarding the calculation and payment of overtime compensation; and


WHEREAS, Section III (A) (1) of M-NCPPC Administrative Practice 2-16, Seasonal/Intermittent, Temporary and Term Employment currently states:

If a contract employee works in more than one non-exempt classification and has more than one rate of pay, overtime pay at one and one-half (1 ½) will be based on the highest rate paid during the pay period (emphasis added); and

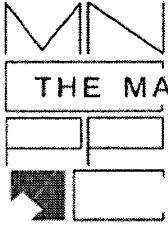
NOW THEREFORE, BE IT RESOLVED that the Commission hereby amends Section III (A) (1) of Practice 2-16, effective upon the launch of the ERP Human Capital Management module, to state:

If a contract employee works in more than one non-exempt position and has more than one rate of pay, overtime pay at one and one-half (1 ½) will be based on the weighted average of the rates of pay for all assignments worked during the week (emphasis added).

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date 5/14/2014



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

May 14, 2014

To: The Commission

Via: Patricia C. Barney, Executive Director

From: Anju A. Bennett, Chief
 Lisa Dupree, Senior Management Analyst
 Corporate Policy & Management Operations Division

Subject: Recommended Amendments to the Merit System Rules and Regulations
 Chapter 1200, Employee Compensation, "Salary Equity and Retention Incentives"

Requested Action

The Commission is asked to adopt proposed amendments to Chapter 1200 of the Merit System Rules and Regulations (MSR&R). The proposed amendments, which are presented in Attachment A, stem from a compensation study conducted by consultant Public Financial Management, Inc. (PFM), and management's desire to have greater flexibility in making pay adjustments.

Proposed amendments primarily establish standards for the use of:

- Salary equity reviews to ensure internal pay equity across existing employees in similar positions.
- Counter offer incentives to help retain existing employees when they are likely to accept an offer of external employment.

Changes to the MSR&R must be considered by the Merit System Board¹ before final adoption by the Commission. Amendments were approved by the Merit System and Executive Committee. As outlined in this memo's section titled Development and Support of Policy Recommendations, proposed amendments are the culmination of extensive research; work sessions with Department Directors, the Executive Committee, and the Merit System Board; and consideration of employee input. The adoption of these amendments is eagerly anticipated by management and employees.

Overview and Background:

As part of the continuing comprehensive review of Commission policies, staff continuously works with operating departments, the Executive Committee and the Merit System Board to identify priorities.

1 *The Merit System Board oversees the Commission's Merit System, recommends Merit System policies to the Commission for adoption, upholds employee rights guaranteed under the Merit System, and serves as the final administrative appellate body for employment matters pertaining to non-represented Merit System employees.*

Last year, PFM presented the results of a study it was asked to perform on the agency's compensation and classification program and concerns related to employee retention. The Policy Office was asked to assist management in the implementation of two study recommendations which involved the use of:

- Salary equity reviews, and
- Counter offers as retention incentives.

Staff analyzed the M-NCPPC's existing internal compensation tools, evaluated industry practices, and presented analysis and recommendations for consideration by management and the Merit System Board. The following sections provide background on the policy development process, staff research, and proposed amendments.

Development and Support of Policy Recommendations

Amendments to the MSR&R must be approved by the Merit System Board before they can be adopted by the Commission. Proposals may be initiated by management or the Merit System Board. The proposed amendments originated from staff work sessions with management. The final proposals are the result of a collaborative review and approval by the Merit System Board and the Executive Committee. The following steps were taken:

- Initial proposals were developed by policy staff following comprehensive analysis of current compensation policies and practices as well as external research of federal/state employment regulations, best practices and standards adopted by other agencies.
- Proposals were presented to Department Heads and the Executive Committee through work sessions.
- Staff presented management-supported proposals to the Merit System Board.
- Following its review of proposals, the Merit System Board released drafts for employee comment. This review is mandatory for all amendments to the MSR&R. Non-represented Merit System employees must be provided 30-calendar days to comment on proposed amendments. Proposed drafts were circulated to all offices. During the comment period, policy staff conducted informational forums in departments whereby employees could learn about proposals and ask questions.
- Fifteen individuals submitted written comments and over 100 employees attended informational forums on proposed amendments. Many of the comments related to operational implementation, and did not directly relate to the proposed amendments. Only a few comments resulted in additional amendments to the initial proposals. Implementation concerns were shared with the Human Resources Director so they could be addressed in the application/roll out of the program. A copy of all submitted comments and staff responses is provide as Attachment B.
- Policy staff analyzed all submitted comments for impact on existing policy and proposed amendments. The Policy Office prepared responses for each comment to provide the Merit System Board additional background.
- The Merit System Board reviewed all submitted comments and staff recommendations for incorporation of minor amendments to address comments as appropriate.
- On April 24, 2014, staff received the Merit System Board's approval of proposed amendments. The Board's approval of policy final proposals is provided as Attachment C.
- On May 7, staff presented final proposals to the Executive Committee. The Executive supported proposals and asked that they be forwarded to the Commission for adoption.

Proposed amendments are unanimously supported by Department Directors, the Merit System Board, and the Executive Committee. Management indicates amendments are needed to help retain excellent

employees, too many of whom are leaving the agency for external opportunities. There also is strong support from employees. Several sentiments are highlighted below. The complete set of submitted comments and staff response are included in Attachment B.

- “First, I would like to commend the Commission for taking proactive steps to improve compensation policies and procedures for employees. This issue has been of great concern of many employees for several years and it is great to see the organization moving forward to resolve this issue...”
- Several years ago, I recognized that I was at the low end of my pay grade. I firmly believe that that in my pay grade scale, that I am severely underpaid for the job responsibilities that I have been assigned, and have been severely underpaid for a number of years. Four years ago, I met with my Division Chief and HR staff to see if my salary situation could be addressed in any way. After 3 months of meetings, I was told that, although I was at the low end of my pay scale, that the Merit Rules did not allow any way to address my salary situation. The proverbial "my hands are tied." I am hopeful that if this amendment is accepted, that I can begin to address the discrepancy in my salary and my current job responsibilities”
- “I believe that these changes are well overdue and needed in order to attract and retain a well-qualified and highly skilled workforce”
- “When I found out that others were getting paid quite a bit more than I was for doing much less work and having far fewer responsibilities, it really upset me. The reason I spent so much time and effort to get my Ph.D. was so that I could do my job better and to obtain more and higher responsibilities in my profession. I wanted to do more than show up for work and collect a paycheck”

Policy Research/Recommended Amendments

Salary equity reviews and counter offers are tools used by employers to ensure fairness in compensation decisions and help retain critical employees. Both tools can be implemented through a number of different applications. Our research explored the application of these tools by public and private sector employers. Nine public employers were surveyed through interviews and the review of available written guidance. While private organizations also were contacted, these employers reported that the use of these was largely informal with significant variations. Private employers are not bound by compensation structures, salary restrictions, or Merit System requirements to which public employers must adhere.

The following information presents research on the potential applications of salary equity reviews and counter offers. It also presents information on how these tools are used by M-NCPPC and other public agencies. Research is subdivided by the different tools and includes an overview of policy amendments affecting the respective area.

I. Salary Equity Reviews

- **Potential Applications for the Use of Salary Equity Reviews:** Salary equity reviews may be used for:
 - **Position Based Salary Equity Reviews:** These reviews help determine the appropriate entry level and maximum salary that should be assigned to a position. Reviews consider market studies and position analysis (complexity of work being performed, required skills, working conditions, etc.) When a position’s salary range does not adequately attract and retain qualified employees, employers may use methods such as position series reviews, benchmarking, and special salary

adjustments to modify the pay range. M-NCPPC currently employs all of these mechanisms for position based reviews. Therefore, our policy analysis focused on employee-based position reviews (below).

- **Reviews to Determine Salary Equity Among Employees:** Reviews may be used to determine whether an existing employee is appropriately paid as compared to other employees who hold the same position. The review considers a number of factors, including a comparison of relevant qualifications of each individual (e.g., experience, skills, education and training, etc.). Reviews are generally used for making “pre-hire” salary determinations when an individual is moving into a position. However, “post-hire” or “in-grade” reviews are also used for employees remaining in their existing position. These in-grade reviews evaluate whether an employee’s salary is equitable as compared to other employee in the same position. Salary equity concerns can arise from inconsistent hiring salaries or changes in acquired relevant qualifications. When other employees with similar or less qualifications are being paid significantly higher, a pay adjustment is made to ensure greater equity.

- **Current Use of Salary Equity Reviews by M-NCPPC**

M-NCPPC utilizes salary equity reviews as a “pre-hire” tool to determine salaries of new and promoted employees. The agency does not use “post hire” or “in-grade” reviews for existing employees.

- **New Hires:** Departments may request that Human Resources conduct a salary equity review for new hires. This is frequently part of the employment offer phase.
- **Promoted Employees:** Competitive promotions (to a new position) are typically limited to a 10% increase. Managers may request consideration for a higher increase when supported by a salary equity review conducted by Human Resources. This review can consider employees in the same or similar positions. It may also consider subordinate salaries to respective supervisor salaries.
- **Post Hire/In-grade Reviews:** There is nothing in place to allow the review or an adjustment of existing employee’s salary as compared to other employees holding the same or similar positions. The Policy Office was asked to develop standards to enable this component.

- **Use of Salary Equity Reviews in Other Agencies**

Nine agencies were surveyed on the use of salary equity reviews. These included the City of Alexandria, Arlington County, Fairfax County, the Office of Personnel Management (OPM) (federal government), Montgomery County, Prince George’s County, Prince William County, Washington Metro Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC). Most agencies utilize post-hire/in-grade adjustments; however, methodologies differ. For the most part, program parameters are very broadly defined. Some agencies reported that this has led, at times, to inconsistent administration. A synopsis of findings is described below, with further details outlined in the accompanying charts (Attachment D).

- All nine agencies use “pre-hire” salary equity reviews to determining salaries for new hires and promoted employees.
- Eight agencies (all agencies except WMATA) use some form of “post-hire” equity review to assess salary equity among existing employees.

- Seven agencies permit salary equity reviews for employees holding similar positions. When inequity exists, an adjustment may be made to base pay.
 - o Montgomery County and WSSC allow up to a 10% adjustment. For Montgomery County, higher adjustments are available for extraordinary circumstances.
 - o The City of Alexandria and Arlington County permit the use of in-grade step increases to balance any inequities. This means that employees can be approved to move to the next step earlier than the normally-scheduled step adjustment.
 - o Fairfax, Prince George’s, and Prince William Counties do not specify the amount of adjustment, other than limiting any adjustment to the maximum of the pay range for that position. Fairfax County indicated that adjustments average around 5%.

- One agency (OPM) permits post hire adjustments only when salaries of supervisors are found to be lower than subordinate salaries. In such cases, OPM permits up to a 3% “supervisory differential” adjustment in the form of a temporary bonus that is not added to base pay.

▪ **Proposed Policy Amendments on Salary Equity Review and Related Adjustments**

Following an analysis of research and management input, the Policy Office recommended adopting standards that clearly define program parameters to mitigate misunderstanding or inconsistent authorization of salary adjustments as reported by some agencies. Drafted amendments are presented in Attachment A of this packet. Proposal recommendations are summarized below.

- **Amend Section 1250, Pay Adjustments:** Language was added to serve as an introduction on pay reviews and adjustments. The section affirms the agency’s commitment to uphold principles of equal pay for equal work and internal pay equity. The amendments explain that:
 - Compensation decisions shall uphold principles of equal pay for equal work.
 - The Executive Director may authorize necessary pay adjustments to maintain internal salary equity among employees while upholding the adopted established compensation system.
 - The Executive Director may approve, for exceptional situations, base pay increases greater than the standard amount established by the policy. The subsections that follow 1250 define pay adjustments available for reclassifications, promotions, salary equity reviews, counter offers, etc.
 - The Executive Director’s consideration of pay exceptions requires review of written justification/supporting documentation submitted by the Department Head and the Human Resources Director. It should be noted that the existing policy already permits the Executive Director to authorize pay exceptions in salary reviews involving promotional placements. The proposed amendments allow the Executive Director to also consider pay exceptions for other situations identified in the subsections of 1250.
 - The Commission Chair and Vice Chair shall be notified of all pay exceptions authorized by the Executive Director.

- **Add Section 1256, Salary Equity Reviews and Pay Adjustments (Within Grade Adjustments):**

This section explains the use of salary equity reviews to determine internal pay equity among existing employees in the same position/grade. Management also may request that the Human Resources Director expand the scope of a salary equity review using similar positions, when the position being analyzed is unique and/or does not have other employees in same classification to do a meaningful comparison.

Existing policies only describe the use of pay adjustments when an employee moves from one position to another (e.g., promotion, demotion, reclassification, etc.). The new provisions allow the agency to review and adjust an employee's salary without a move in position. Adjustments are permitted when it is determined that an employee's salary is notably out of line as compared to salaries of other employees in the same position who have similar or less relevant skills/qualifications. Proposed amendments explain:

- The purpose of salary equity reviews.
- The process for Department Heads to request reviews. Responsibilities for conducting the review.
- Basis of salary equity adjustments.
- The standard amount of salary adjustment. When an equity adjustment is warranted, the employee may receive up to a 10% percent increase in base salary. In exceptional situations, pursuant to Section 1250, the Executive Director may authorize a higher adjustment in base pay. In all cases, the adjustment must remain within the salary range of the employee's position and grade.
- Eligibility for salary equity adjustment (e.g., Merit employees, successful completion of probation, and performance that meets/exceeds expectations).

II. Counter Offers

▪ Potential Applications for the Use of Counter Offers

This tool has two applications:

- Most commonly, counter offers are used during the "pre-hire" process to negotiate salaries of new or promoted employees.
- The second application allows managers to counter competing offers of employment by offering the employee a retention incentive. This is used to retain critical employees who are seriously considering accepting an external offer of employment.

▪ Current Use of Counter Offers by M-NCPPC

Presently, counter offers are used only during "pre-hire" salary negotiations (for new hires and promoted employees).

- New Hires: Counter offers are routinely utilized as part of the new hire negotiations.
- Promoted Employees: Managers may consider the use of counter offers when an employee requests reconsideration of the initial salary offer. The process works similar to salary equity reviews, in that Human Resources evaluates factors such as the employee's base salary and qualifications as compared to other employee's in the same position/grade.
- Existing Employees: M-NCPPC does not use counter offers as a retention incentive. The Policy Office was asked to develop standards on this component.

▪ Use of Counter Offers by Other Agencies

Nine agencies were surveyed on the use of counter offers (City of Alexandria, Arlington County, Fairfax County, the Office of Personnel Management (OPM) (federal government), Montgomery County, Prince George's County, Prince William County, Washington Metro Area Transit Authority (WMATA), and the Washington Suburban Sanitary Commission (WSSC).

As was the case for salary equity review standards, most agencies adopted broad guidelines without specific criteria on eligibility, review process, or oversight of retention incentive decisions. A synopsis of findings is described below, with further details outlined in the accompanying charts (Attachment D).

- All nine agencies surveyed utilize counter offers during “pre-hire” negotiations.
- Eight agencies use counter offers as retention incentives.
 - Six agencies have adopted policy statements to permit the use of post-hire retention incentives: (City of Alexandria, Arlington County, Fairfax County, Federal OPM, Montgomery County, and Prince William County);
 - Two agencies (Prince George’s County and WSSC) do not have written policies, but verbally indicated that retention incentives are used in exceptional cases.
 - WMATA does not use counter offers/retention incentives.
- Retention Incentives Limitations:
 - One agency (City of Alexandria) permits the following retention incentives: accelerated step increase, up to a 10% increase in base pay plus a step increase, or the use of a lump sum bonus of up to 10%.
 - Two agencies (OPM and Montgomery County) allow the use of lump sum incentives only. Lump sum options function as bonuses and are not added to the employee’s base pay. Montgomery County permits a lump sum equivalent up to 10% of the employee’s base salary; OPM offers the ability to go as high as 50% of the employee’s salary. Both agencies require an employee stay with their agency for a specified period of service in order to receive a retention incentive.
 - Five agencies (Arlington County, Fairfax County, Prince George’s County, Prince William County, and WSSC) do not define the maximum retentive incentive which may be offered.
- **Proposed Policy Amendments for the Use of Counter Offers as Retention Incentives**

Drafted amendments are presented in Attachment A of this packet. Recommended proposal are summarized below.

 - **Add Section 1257, Retention Incentives**: This new section allows management to offer a retention incentive when an incumbent employee’s departure from the agency would place an undue hardship on the department. Proposed amendments explain:
 - The availability of retention incentive by a department is at the discretion of the Department Head and subject to funding.
 - The Department Head initiates review of each incentive by Human Resources Director. The request for review must explain how criteria have been met. The Human Resources Director determines the appropriate amount of the incentive.
 - Specific requirements that must be met before an incentive can be considered:
 - The employee’s continued employment in the position must be critical to operations of key services; and
 - There must be a verifiable offer of external employment. The potential employer cannot be another department, division, or unit within the M-NCPPC.

- The Department has reason to believe the employee is likely to leave the agency in the absence of a retention incentive.
- An employee who receives a retention incentive must agree to remain with the issuing department for at least two years after receiving the incentive or repay a prorated amount.
- The available retention incentive which may be used:
 - An employee may be offered up to 10% adjustment in base salary; higher if authorized by the Executive Director.
 - The adjusted base salary must remain within maximum pay range for the employee's position.
 - The use of lump sum payment may be used alone or in combination with the base salary adjustment. Lump sum payments must be approved by the Executive Director.

Attachments:

- A. Updated Draft Revisions to Chapter 1200 of the Merit System Rules and Regulations
- B. Analysis of Comments Submitted from Review Period for MSR&R Chapter 1200 (Informational Item Only)
- C. Letter from Merit System Board Chair Steven Cohen Recommending Policy Amendments
- D. Research on Salary Equity Adjustments, Counter Offers and Other Retention Incentives

**Proposed Amendments to
Merit System Rules and Regulations, Chapter 1200: Employee Compensation**

Key to Policy Amendments:

Double Underline: Recommended additions

~~Strikeout~~: Recommended deletions

Bold Italicized: Drafting comments regarding proposed amendments

1210 Basic Concepts

The compensation plan for Merit System employees shall be based on the principle of equal pay for equal work and principles of public accountability. The compensation plan is designed to recruit and retain a competent and dedicated workforce. As a taxpayer-supported entity, the Commission has an ongoing responsibility to ensure the highest level of integrity in the establishment of compensation policies with regard to appropriate use of its resources.

Consistent with the Commission's funding ability, the compensation plan shall be revised periodically to maintain comparability with other public agencies.

Pay regulations shall comply with applicable federal and state wage laws. Overtime compensation will be granted in accordance with appropriate sections of these regulations and the Fair Labor Standards Act.

Distinctions in pay schedules shall be in keeping with the principles of the Commission's Classification Plan. Position pay grades shall reflect differences between the levels of relevant knowledge, skills, abilities, working conditions and responsibility of the work performed.

Pay increases within a grade's pay range will be based on anniversary performance evaluation increments and any other pay adjustments as approved by the Commission.

To assure full compliance with these Merit System Rules and Regulations, Department Heads and the Human Resources Director shall review all pay actions. The Executive Director shall issue administrative procedures, as appropriate, to ensure consistent application of compensation policies.

1220 Pay Periods, Effective Dates, Deductions from Pay and Overpayments

1221 All employees shall be assigned to a bi-weekly pay schedule.

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1222 The Commission establishes pay periods and effective dates for adjustments to the compensation plan.

1223 Regular deductions from pay will be made for those required by law, those approved by the Commission and any other deductions authorized by the employee, as well as special deductions for indebtedness or salary garnishments.

1224 If an employee who is indebted to the Commission terminates his/her employment, the amount owed to the Commission may be deducted from compensation due the employee.

1225 Whenever it is determined by the Commission that an employee has received an overpayment in compensation, the Human Resources Division shall provide the employee with the facts and circumstances of the overpayment. The employee shall have ten (10) work days to respond to the notice of overpayment. The Commission will evaluate any response provided by the employee and take appropriate action. In the event that the Commission confirms that an overpayment has occurred, or is occurring, an immediate salary adjustment shall be made to correct the record. The employee will be provided a final written notice of the overpayment and options for repayment. The Commission must ensure compliance with the standards of public accountability, as governmental agencies have a responsibility to taxpayers to collect any and all overpayments.

1230 Pay Schedules

The Commission shall establish all necessary pay schedules to implement the Commission's compensation plan. The Human Resources Director shall be responsible for developing and maintaining all pay schedules. All Merit System employees shall be appointed to positions at the grade and rate of the appropriate pay schedule.

1231 **Separate Pay Schedules**

Separate pay schedules shall be established in accordance with distinctions in the work performed and the appropriate Classification Plan. Pay schedules must specify the corresponding salary range and pay grade for all Commission positions.

1
2 **Note to Draft Reviewer:** Proposed amendments in Section 1240 clarify the existing application of Special Salary
3 Ranges. Changes do not change policy application.
4

5 1240 Salary Determination

6 An employee's salary is based upon the employment action that is being implemented.
7

8 1241 **Salary for New Hires upon Appointment to Position**

9 A new hire meeting only the minimum qualifications of a position shall be placed at the entry level
10 pay rate for the appointed position.
11

12 The Department Head may authorize hiring of a new employee at a pay rate above the entry level if
13 the applicant or employee possesses ~~more than minimum~~ qualifications above the minimum for the
14 position that warrant a higher pay rate commensurate with qualifications and experience.
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16

17 **Note to Draft Reviewer:** Amendments to Section 1250 enable the Executive Director to authorize higher pay
18 increases than the standard amounts identified in the subsections that follow 1250. Similar authorization is
19 currently available in pay adjustments affecting change to higher grade (Section 1251). The new placement in
20 1250 broadens authority to consider higher pay adjustments for other types of employment actions including
21 those needed to support internal salary equity.
22

23 1250 Pay Adjustments

24 The Executive Director shall ensure that compensation decisions uphold principles of equal pay for equal
25 work.
26

27 The Executive Director may authorize necessary pay adjustments to maintain internal salary equity among
28 employees while upholding the adopted established compensation system. For pay adjustments involving
29 an increase to an individual's base salary, the Executive Director may approve in an exceptional situations,
30 an increase greater than the standard amount established by this Section (1250 and its subsections). In
31 considering whether an exception should be approved, the Executive Director shall review written
32 justification/supporting documentation from the Department Head and the Human Resources Director.
33

34 All adjustments shall uphold salary equity among employees in the same position. The resulting base **343,**
35 after the adjustment (including any exceptions authorized by the Executive Director), must remain within

1 the salary range of the position's grade. The Executive Director shall notify the Commission Chair and Vice
2 Chair of all pay exceptions, including those affecting base salary adjustments and lump sum incentives.

3
4 **1251 Pay Adjustment as a Result of a Change to Higher Grade**

5 Upon moving to a position of a higher grade, an employee shall receive an increase in base pay, as
6 stated below. However, the resulting salary shall not be less than the minimum or exceed the
7 maximum of the new pay grade (plus longevity entitlement).

8 ~~The Executive Director may approve, in an exceptional case, a pay increase greater than the~~
9 ~~standard established amount with sufficient written justification/supporting documentation from~~
10 ~~the Department Head and the Human Resources Director, as long as the resulting base pay remains~~
11 ~~within the salary range of the grade. The Executive Director shall notify the Commission of all~~
12 ~~exceptions. (Note to Draft Reviewer: the Deleted Provision has been incorporated into Section~~
13 ~~1250).~~

14
15 1251.1 Competitive Promotions: Upon promotion to a higher grade, an employee shall receive
16 an increase in base pay of up to ten percent (10%).

17
18 1251.2 Temporary Assignments to a Higher Grade: A Department Head may temporarily assign
19 an employee to perform in an acting capacity to fulfill the full duties of a higher grade
20 position when the position is anticipated to be vacant for a period of not less than sixty
21 (60) calendar days. Upon temporary assignment to a higher grade, an employee shall
22 receive an increase in base pay of up to five percent (5%). (See Chapter 1100, Section
23 1141, Temporary Assignments at a Higher Grade).

24
25 The employment action shall indicate that the assignment at a higher grade is temporary
26 and that the employee shall return to his/her former position at the grade and salary held
27 prior to the temporary assignment. The salary shall be adjusted to the rate the employee
28 would have earned had s/he continued in the position held prior to the temporary
29 assignment.

30
31 1251.3 Reclassification to a Higher Grade: Upon a reclassification to a higher grade, an employee
32 shall receive an increase in base pay of up to five percent (5%).

33
34 1251.4 Pay Adjustments for Park Police: A Park Police employee upon promotion from Grade **344**
35 (Lieutenant) through P8 (Commander) shall receive a pay increase of up to ten percent
36 (10%).

1 1254 **Shift Differential Pay**

2 An employee who is assigned to a regularly established evening or midnight shift shall receive a shift
3 differential for each hour worked on that shift. This shift differential shall be in addition to the assigned
4 rate of pay for hours worked and is not in lieu of any other pay adjustments (such as overtime, premium
5 pay, etc.). The Commission shall issue a schedule of shifts that shall receive a shift differential. The
6 Commission shall set the rate of shift differentials.

7
8 1255 **Supplemental Pay for Active Military Duty**

9 A Merit System employee who is called to serve active military duty in the Armed Forces of the United
10 States, National Guard, or Reserves is eligible to receive paid administrative leave pursuant to Chapter
11 1500, Commission Leave, Section 1538, Military Duty.

12
13 Upon exhaustion of available administrative leave benefits, an employee remaining on active duty may
14 be eligible to receive from the Commission supplemental pay to compensation provided by the military.

15
16 1255.1 Supplemental pay shall be calculated using the employee’s regular base salary, less any
17 military compensation received while on active duty. Supplemental pay may be considered
18 for a period not to exceed twelve (12) months of active duty, inclusive of any period in which
19 administrative leave was granted.

20
21 Under no circumstances may supplemental pay be used to exceed an employee’s base pay.

22
23 1255.2 Exhaustion of Supplemental Pay: Employees may be considered for approved leave-without-
24 pay when benefits available under Section 1255, Supplemental Pay for Active Military Duty
25 and Chapter 1500, Commission Leave, Section 1538, Military Duty, have been exhausted.
26 Leave-without-pay is granted in accordance with Chapter 1600, Leave Status Programs,
27 Section 1620, Leave-Without-Pay.

Note to Draft Reviewer: New Section 1256 enables the use of Salary Equity reviews and salary adjustments to support internal pay equity.

1256 Salary Equity Reviews and Adjustments (Within Grade Adjustments): The determination of an employee's salary shall be based on principles of equal pay for equal work and salary equity.

Upon the discretion and initiation of the Department Head, a written request for a salary equity review may be made when there is a concern that an employee with comparable relevant skills, knowledge, experience, and/or abilities and demonstrated high level performance, is paid a significantly lower base salary than other employees within the same position classification.

If the position is unique, and/or does not have other employees in the same classification, the Department Head may request that the Human Resources Director expand the scope of the review to include other, similar positions in order to perform a meaningful salary equity comparison. **Note to Draft Reviewer:** *The above sentence was added in response to comment #5 that was submitted during the mandatory 30-day employee review (See Attachment B).*

The Human Resources Director will initiate the salary equity review and determine whether an equity adjustment is warranted. If an adjustment is warranted, the Human Resources Director may recommend up to a 10% percent increase in base pay. In exceptional situations, pursuant to Section 1250, the Executive Director may authorize a higher adjustment in base pay. In all cases, the adjustment must remain within the salary range of the employee's position and grade.

1256.1 In order to be eligible for this equity adjustment, the employee must:

1256.1.a Be in a Merit System position;

1256.1.b Have successfully completed probation; and

1256.1.c Consistently meet all written performance expectations throughout the annual performance cycle and receive an overall rating of "2" or its equivalent on his/her most recent performance appraisal. In addition, the recommendation for the pay adjustment should be accompanied by a statement from the recommending official documenting the relevant performance achievements of the nominee that also serve to justify the proposed special salary increase.

1 1256.2 The effective date of the pay adjustment shall be the beginning of the pay period following the
2 approval of the adjustment by the Human Resources Director.

3
4 1256.3 The amount of the salary adjustment is not appealable. Salary equity concerns which relate to
5 hard to fill positions shall be addressed through Section 1232, Special Salary Ranges.

6
7 **Note to Draft Reviewer:** *New Section 1257 provides management the ability to utilize counter offers as*
8 *retention incentives when an employee is considering a competing, external offer of employment. This section*
9 *incorporates feedback received during the employee comment period (see Attachment B. Comment #9).*

10
11 1257 Retention Incentive (Counter Offers): For exceptional cases, when a Department Head and the Human
12 Resources Director determine that an incumbent employee's departure would place an undue hardship on
13 the agency, a retention incentive may be considered. In such cases, the requirements presented in
14 subsections 1257.1-1257.5 must be met:

15
16 1257.1 The employee's continued employment in the position is deemed by the Department Head as
17 critical to operations of key services. The employee must:

18
19 1257.1.a Have exceptional or unique skills, knowledge, experience, and/or abilities; and

20
21 1257.1.b Fulfill a critical need to the agency, thus making the employee's services essential to
22 retain.

23
24 1257.2 The employee has a written or otherwise verifiable external offer of employment and is likely to
25 leave the agency in the absence of a retention incentive. The potential employer cannot be
26 another department division, or unit within the M-NCPPC.

27
28 1257.3 The employee is in a Merit System position, has successfully completed probation, and has
29 received an overall rating of "2" or its equivalent on his/her most recent performance appraisal.

30
31 1257.4 Use of a retention incentive is at the discretion of the Department Head and subject to the
32 availability of funds. Each retention incentive must be reviewed by the Human Resources
33 Director.

34
35 The requests for use of a retention incentive shall be initiated by the Department Head and
36 presented in writing to the Human Resources Director. The request must explain how the

1 requirements of subsections 1257.1-1257.3 have been met. The Human Resources Director shall
2 review the request and determine the appropriate amount of retention incentive for
3 authorization before the Department Head presents the incentive to the employee.
4

5 **Note to Draft Reviewer:** *The following section describes the available retention incentives which may be*
6 *considered by management.*

7
8 1257.5 A retention incentive may be offered through an increase in base pay. In exceptional cases, a
9 lump sum payment also may be considered. The retention incentive must meet all of the
10 following requirements:
11

12 1257.5.a Base Pay Incentive - This incentive cannot exceed ten percent (10%) of the
13 employee's current base salary.

14
15 In exceptional cases, an increase higher than 10% in base salary may be authorized
16 by the Executive Director (see Section 1250). For all base salary increases, including
17 exceptions granted by the Executive Director, the adjusted base salary must remain
18 within the maximum of the pay grade for the employee's position.

19
20 1257.5.b Lump Sum Incentive - In instances where an employee's existing salary is already
21 near the maximum of the pay range of his/her position, the Executive Director may
22 authorize use of a lump sum payment that may be made in lieu of, or in addition to,
23 a base pay increase.

24
25 Lump sum payments are not added to the employee's base salary. The amount of
26 the lump sum shall be determined by the Executive Director with input from the
27 Department Head and the Human Resources Director.

28
29 1257.5.c An employee who receives a retention incentive must agree to remain with the
30 issuing department for at least two years after receiving the incentive. The
31 employee will be required to repay a prorated amount of the total incentive if
32 he/she leaves the department before the end of the two-year period. This
33 requirement for repayment may be waived by the Executive Director for
34 extenuating circumstances.

35
36 1257.5.d The total retention incentive cannot exceed the amount of employee's docum³⁴⁹
37 job offer.

**Analysis of Comments Submitted During Mandatory 30-Day Review of
Proposed Amendments to MSR&R Chapter 1200**

This document outlines comments submitted by non-represented staff during the mandatory 30-day review of policy proposals. Comments are presented as submitted. Each comment is organized by relevant section and includes corresponding staff research and recommendations. As appropriate, input was requested from the Human Resources Director and is presented with staff comments.

All comments were forwarded to the Merit System Board for its consideration in finalizing policy proposals. Comments also have been shared with Department Directors.

Section: 1250 PAY ADJUSTMENTS:

1. Comment/Question Submitted by Prince George's Parks and Recreation:

"I fully support the additional language added under Pay Adjustment, but how will the Executive Director ensure and uphold principles for equal pay for equal work? I have a staff member who was reclassified and is requesting more than the 5% increase in base pay, but if the Department Head doesn't support that, then it stops and doesn't make it to the Executive Director."

Policy Staff Response: This suggestion was shared with the Human Resources Director for input. The following reflects feedback for consideration by the Merit System Board.

Human Resources Director's Input: The Reclassification Program ensures equity among employees by assigning employees performing "like or similar" duties to the same job class and pay grade. Individual differences among employees predominately reflect tenure in the job class and/or with the agency. The current and proposed language does permit the Executive Director (based on written documentation from the Department Head and Human Resources Director) to make increases greater than 5% where there is significant disparity or inequity. It remains the responsibility of the Department Head to apply the Merit Rules equitably.

2. Comment/Question Submitted by Office of Internal Audit:

"1251.1 . . . an employee shall receive an increase in base pay of up to ten percent (10%) per pay grade not to exceed (xx%) (perhaps 12%). Current text is unclear, is it a 10% cap per pay grade? What if the individual increased 2 - 3 pay grades[?]"

Policy Staff Response: This outlines the current standard caps on pay increases. The current cap is 10% and was established irrespective of pay grade move. A pay grade was not specified intentionally as the agency has utilized position classification systems which provide for lesser and broader distinctions in pay from one level to another. Therefore a standard 10% per pay grade may not be appropriate.

It should be noted that Section 1251.1 is preceded by Section 1251, which provides the introduction to pay adjustments when an employee moves to a higher grade. This section states that the Executive Director may authorize an increase higher than the standard established amount. A cap is not provided

for exceptions, as situations such as the one submitted by the commenter may be appropriate for exceptions that permit increases well beyond 10% when needed to maintain internal equity.

3. **Comment/Question Submitted by Prince Georges Parks and Recreation:** (PLEASE NOTE: Second part of comment has been included as Comment/Question # 6, below.)

“First, I would like to commend the Commission for taking proactive steps to improve compensation policies and procedures for employees. This issue has been of great concern of many employees for several years and it is great to see the organization moving forward to resolve this issue as best as you can.

Below are my comments regarding the proposed amendments:

Section 1250 – Pay Adjustments: 2nd paragraph refers to “an increase greater than the standard established amount” when referring to the Executive Director’s ability to approve higher increases to base salaries for exceptional cases. What is the “standard established amount”? And how does this apply for this rule? When it comes to salary adjustments in the spirit of salary equity, how can there be a standard established amount for equity adjustments when there are situations where same class employees may have \$30K+ differences in their rates of pay for the same/similar work? The standard 5-10% increase still will not create salary equity in cases such as this, so this will need to be considered and explained further, as this is unclear when reviewing the amendment.

Policy Staff Response: Section 1250 serves as the introduction on all pay adjustments. This section explains that the Executive Director has the authority to approve more than the standards amounts which are outlined in the various subsections that follow section 1250. For example, subsection 1251.1 speaks to the standard increase of 10% for competitive promotion. In an exceptional case, a higher increase may be justified and permitted by the authority presented in Section 1250. Public employers generally must establish pay guidelines to avoid pay compression and also to recognize pay ranges for positions.

It should be noted that prior to the amendment of 1250, the Executive Director was authorized only to approve higher adjustments in the case of promotions. The amended exception rule now applies more broadly to pay adjustments, not just promotions. It allows the Executive Director to authorize higher increases when circumstances require the adjustment for internal equity.

Section: 1256 WITHIN GRADE PAY ADJUSTMENTS (SALARY EQUITY ADJUSTMENTS):

4. **Comment/Question Submitted by Prince George’s Parks and Recreation:**

“Wouldn't the employee [initiate] in the 1256 "Within Grade Pay Adjustments" if they feel they are not receiving the appropriate salary based on their skills, qualification, skills, etc? I was hired at the start point of my grade in 2012 and have more job relevant certifications and experience, skills than some of my peers in my grade and am probably the lowest paid. How would the Department Head know this information, unless I initiated the process. I think [an] equal pay for equal work study needs to be done to evaluate the work load/qualifications/certifications/skills/experience of people in certain grades/positions. In aquatics, Facility Managers & Regional Managers are required or highly recommended to have many certifications and internal instructor responsibilities that our counterparts in Area Operations are not required to [possess].”

352

Policy Staff Response: If an employee feels that they are not receiving the appropriate salary, they may discuss their concerns with their supervisor and request a review by their Department Head. If the Director agrees there is a disparity, he or she initiates the review process. However the comment was forwarded to the Human Resources Director so this concern can be addressed in the implementation of the policy through operational guidance to Departments.

Human Resources Director's Input: The Human Resources Division concurs with the Policy Staff.

5. Comment/Question Submitted by Office of Internal Audit:

[Under section 1256] ""... is paid a significantly lower base salary than other employees within the same position classification."

I recommend changing "classification" to "grade level". Some positions (e.g. Auditor II) only have one individual. If you want to leave "position classification", there should be an exception process.""

Policy Staff Response: Grade level is a very broad category sometimes covering hundreds of positions. The qualifications and skills required may vary significantly by the assigned work program, thus making the salary equity review difficult. However, the Merit System Board may want to consider adding language that states:

"If the position is unique, and/or does not have other employees in the same classification, the Director may request that the Human Resources Director expand the scope of the review to include other, similar positions in order to perform a meaningful salary equity comparison." (Note: The Merit System Board accepted this recommendation. It was incorporated into the final policy proposal).

Human Resources Director's Input: The Human Resources Division concurs with the Policy Staff recommendation on new language.

6. Comment/Question Submitted by Prince George's Parks and Recreation:

"1256 – Within Grade Pay Adjustments (Salary Equity Adjustments): 2nd full paragraph says "If an adjustment is warranted, the Human Resources Director may recommend up to a 10% percent increase in base pay." The way this amendment is written, it assumes that up to 10% will accomplish the goal of salary equity which it may not, especially when applied to the previous example I provided in my 1250 comments above (in cases of excessive differences in pay \$30K+).

With both amendments, the Commission needs to clarify/confirm what they consider to be salary equity or equitable pay? Is that employees in the same grade, with similar work programs must make within 5%, 10%, 15%, etc... of each other and are other considerations factored such as additional education, years of service, professional certifications, etc...?

The last paragraph of 1256.1 that reads "The amount of the salary adjustment is not appealable." How can this be if no parameters of salary equity have been shared with employees. What if the approved amount is 10% and that still does not afford the employee equitable pay? Are they just to continue working at a lower salary than their counterparts without a forum of appeal? This wording should be reviewed/amended further.

The proposed amendments also do not address the issue of supervisors making less pay than their subordinate staff. Is this an acceptable practice? And should wording be included with the above amendments to include a salary review of subordinate/reporting staff to ensure supervisors are not hired at lower salaries or pay adjustments made when supervisors are promoted into positions managing employees already making higher salaries for lower grade/classification work?

Thank you for providing us with the opportunity to comment on the proposed amendments to our MSR&R and I hope that the Merit Board will strongly consider the comments I have provided and work to clarify those areas identified.”

Policy Staff Response: The reviewer is raising a concern related to the standard amounts available for pay adjustments from salary equity reviews. Employers generally establish a standard to provide a benchmark for consideration and to minimize concerns with pay compression. Thus, the referenced subsection explains that the standard increase an employee may receive is up to a 10% increase in his/her base pay. However, that same section also authorizes the Executive Director to approve increases higher than 10% when circumstances require ensuring pay equity.

The Human Resources Director will initiate the salary equity review and determine whether an equity adjustment is warranted. If an adjustment is warranted, the Human Resources Director may recommend up to a 10% percent increase in base pay. In exceptional situations, pursuant to Section 1250, the Executive Director may authorize a higher adjustment in base pay.

Human Resources Director’s Input: The comment relating to supervisors making less than subordinates was discussed by senior leadership and the consensus was that this situation is usually apparent at the time of promotion or when offering a salary to a new hire and can be dealt with during this time with policies currently in place and introduced as part of this policy revision. The Within Grade Pay Adjustments are meant to address internal equity within the same title and not subordinate titles. The 10% adjustment that can be awarded provides a guideline as to when it is appropriate for a request for a Salary Equity Adjustment.

7. Comment/Question Submitted by Prince George’s Parks and Recreation:

“Within Grade Pay Adjustments (Salary Equity Adjustments) I would like to offer my position as an example of why this amendment is needed. I began working as a full-time career employee in October 2002. I moved from a part-time contract employee administrative position to a full-time career position as a Public Affairs Specialist. I was offered the low end of the pay scale with the explanation that budget constraints permitted little more. During the past 12 years, the Public Affairs series underwent a reclassification process and we received the minimum of, I believe a 5% adjustment. However, during the past 12 years, my job responsibilities increased from general public affairs duties such as assisting with openings and dedications, and overseeing the distribution of printed materials to my current responsibilities including: overseeing the Department’s print production schedules for the major print publications including Your Guide, Black History projects, Summer Day Camp Brochure. Before the permanent establishment of the SMARTlink Help Desk, I played the primary role of checking the accuracy and consistency of SMARTlink data entered into the major print publications. As a result of my work, I was able to point out discrepancies, not only in the consistency of the Department’s day camp fees, but I was able to isolate a wide variety of issues with programming including the exceptionally high rate of

course cancellations due to staff data entry error. As a result, and after five years, the Department instituted a consistent fee structure for day camps, and created a Programming Committee to address, among many issues, the problem of the high rate of errors during staff data entry.

My responsibilities also include writing and editing most of the print publications processed through the Public Affairs & Marketing Division. During FY13, that amounted to more than 200 print projects. I coordinate the internal production of print and web projects between the Publications, Marketing, Web and Graphics Units of the Public Affairs & Marketing Division. For many years, I was one of a two to three people updating and maintaining the Department's web site. I've been involved with training staff for posting web content and have been a general go to person from everything from print publications to web content. I now supervise an employee; oversee two large print budgets; create spending plans; serve as Acting Division Chief when called upon; act as a spokesperson for the Department in the absence of a Media Relations person (a position that was recently filled on 2/3/14); and represent the Department in community meetings.

Several years ago, I recognized that I was at the low end of my pay grade. I firmly believe that that in my pay grade scale, that I am severely underpaid for the job responsibilities that I have been assigned, and have been severely underpaid for a number of years. Four years ago, I met with my Division Chief and HR staff to see if my salary situation could be addressed in any way. After 3 months of meetings, I was told that, although I was at the low end of my pay scale, that the Merit Rules did not allow any way to address my salary situation. The proverbial "my hands are tied." I am hopeful that if this amendment is accepted, that I can begin to address the discrepancy in my salary and my current job responsibilities. I would be happy to discuss my situation at any time."

Policy Staff Response: The proposed amendments enabling salary equity reviews allow management to adjust salary based on the findings of a salary equity review.

Human Resources Director's Input: The Human Resources Division concurs with the Policy Staff.

Section: 1257 RETENTION INCENTIVES:

8. Comment/Question Submitted by Prince George's Parks and Recreation:

"For your consideration, I would like to recommend that under 1257 Retention, that the issue of retirement and retaining employees preparing to retire be considered. There are best practices that allow employees eligible to retire to retire, collect retirement AND be kept on payroll for up to 3 years, if the loss of the expertise cannot be readily supplemented. Arlington County is the best example of this that I am aware of.

Otherwise, nice job. These revisions will begin to address some compensation and equity issues we are plagued with."

Policy Staff Response: The suggestion falls outside of the scope of pay adjustments. The agency has presently suspended all rehiring of retired Merit System employees to ensure compliance with the pension plan requirements. The ability to rehire retirees is presently under review by legal. This comment was shared with the Human Resources Director so it may be discussed with the Legal Department and Department Heads.

Human Resources Director's Input: The Human Resources Division concurs with the Policy Staff.

Subsection: 1257.5a/1257.5.d

9. Comment/Question Submitted by the Classification and Compensation Office, Department Of Human Resources Management:

“In response to the invitation to comment on proposed changes to Chapter 1200 of the Merit System Rules and Regulations, I believe that these changes are well overdue and needed in order to attract and retain a well-qualified and highly skilled workforce. That said, the only comment/suggestion I have is to clearly define “exceptional cases” as specified in Section 1257.5a, Retention Incentive (Counter Offers) so that this policy can be effectively managed. The way this amendment is currently drafted looks as if the “exceptional cases” mentioned here contradicts the first sentence of the first paragraph of Section 1257.5a where it states, “The incentive cannot exceed ten percent (10%) of the employee’s current base salary.” in addition to the statement found in Section 1257.5[d]. Ideally, the goal should be to prevent an employee with a unique skill, knowledge, experience, and/or ability from leaving the Commission, not to pad the employee’s pockets with unwarranted compensation.”

Policy Staff Response: The term exceptional case was used to describe situations out of the ordinary that would merit more than a 10% standard increase in base pay. Because reviews are done on a case by case basis, it would be difficult to define parameters or identify a specific set of circumstances that would appropriately address unique situations.

Staff recommended adding a cross reference in 1257.5.a to Section 1250 which addresses the Executive Director’s authority to go beyond 10% for base pay exceptions. Additionally, in 1257.5, staff recommended adding introductory language which explains that retention incentives may be handled through base pay or lump sum increases. Lump sum increases are explained in section 1257.5.b, and are not limited to 10%. *(Note, this recommendation was accepted by the Merit System Board and incorporated into final policy proposals).*

Human Resources Director’s Input: Concur with Policy Staff. The Human Resources Division suggests perhaps we could revise the language in 1257.5.a to say “the incentive may result in an increase up to 10% of the employee’s current base salary; however, the employee’s base pay cannot exceed the maximum of the pay grade. In those cases where the employee is at/or near the maximum of the pay grade, a lump sum could be utilized

Subsection: 1257.5.d

10. Comment/Question Submitted by Prince George’s Planning

This last revision does not seem to make sense. How can the incentive not exceed the job offer? I cannot fathom what this means.

Policy Staff Response: The Human Resources Director was asked to provide input on this concern.

Human Resources Director’s Input: This was discussed by senior leadership during planning meetings and the consensus and decision was that the agency would match the external offer up to the maximum of the pay grade; but would not exceed either the documented job offer or the salary range maximum.

GENERAL COMMENTS:

11. Comment/Question Submitted by Prince George's Parks and Recreation

Great additions. If these are approved, this will help retain staff and help boost morale!

Policy Staff Response: No comment required.

12. Comment/Question Submitted by Prince George's Parks and Recreation:

1. Staff should not have to disclose additional employment.

Policy Staff Response: It is difficult to pinpoint the specific section of policy to which this comment refers. Staff believes that this comment may refer either to

- Section 1257.2 "The employee has a written or otherwise verifiable external offer of employment and is likely to leave the agency in the absence of a retention incentive. The potential employer cannot be another department division, or unit within the M-NCPPC." or
- Section 1257.5.d "The total retention incentive cannot exceed the amount of employee's documented job offer."

Both sections reference the requirement for an employee, who is seeking a retention incentive, to provide evidence of an external job offer in order to be considered for a retention offer. Without a verifiable offer, management has no way to implement a counter offer.

Human Resources Director's Input: The Human Resources Division concurs with the Policy Staff.

13. Comment/Question Submitted by Prince George's Planning:

"I am in favor of the proposed merit rule changes if they will truly lead to equal pay for equal work. It came to my attention several years ago that other people in my section were making a considerable amount more than I was. When I was hired by M-NCPPC in 2006 I had a Master's degree and 22 years of experience in my field of expertise. I had also finished all of my course work and comprehensive exams in my Ph.D. program and was working on my dissertation. I have since received my Ph.D. in American Studies at the University of Maryland. Others in my section (other than my supervisor) were hired almost a year and a half after me. One of my co-workers is a Senior Planner, was hired 15 months after me, and I believe makes more than \$10,000 more than I do. I feel this is unfair, especially since I am in a higher grade, have a much higher work load and a broader range of work assignments.

When I was hired, I was not aware that I could negotiate the salary that was offered to me. I realize that is my own fault and I should have weighed my options. The position fit perfectly what I wanted to do with my career and I wanted to once again have a full-time job doing archaeology. I enjoy the work I do and my job has never been about money. However, when I found out that others were getting paid quite a bit more than I was for doing much less work and having far fewer responsibilities, it really upset me. The reason I spent so much time and effort to get my Ph.D. was so that I could do my job better and to obtain more and higher responsibilities in my profession. I wanted to do more than show up for work and collect a paycheck.

I am also the only woman in my section and I feel it is unfair that the men in my section get paid much more than I do. I have always received a 2 on my performance evaluations and am a reliable employee. I always get my work done on time and am in the office when I am supposed to be there. I often spend extra hours outside of the office doing additional research and giving lectures for which I never get paid. I recently applied for a Master Planner position to try to obtain a salary that was comparable to my co-workers. I was told that what I

do is not unique (even though I am the only archaeologist in the Planning Department and have to review all development applications, while other sections have several people to review applications). I was also told that there was nothing anyone could do about the disparity in salary between me and my co-workers. I don't feel that is right or fair. I did not complain about this the past few years because we all know that the recession has impacted everyone and I did not want to appear to be greedy.

If I were working for a federal agency, I could be making a lot more money than I am with M-NCPPC. However, I like working at the local level because I feel there is a much greater opportunity to have an impact on my area of expertise. There are few archaeology positions available at the level at which I would like to work. There is also little opportunity for promotion in the Planning Department. So, I feel that I am stuck. If the amendments to the merit rules do not address this situation, I would like to know if there is any way to ask for a salary review in my section to ensure that I get paid a fair salary for the amount of work I have to do and a salary that is comparable to others in my section. Thank you for your consideration.”

Policy Staff Response: This comment was shared with the Human Resources Director to address concerns in the implementation of rules.

Human Resources Director's Input: This policy revision allows for a review of employees in the same job across the organization. As long as your co-workers are in the same job title, then your individual situation should be brought to the attention of your Department Head for consideration.

14. Comment/Question Submitted by Montgomery County Parks:

I support the addition of the pay equity and retention incentive programs to the Merit System Rules and Regulations. I believe that it is very important that each department establish an effective system for processing the pay equity requests. It would also be a good idea to establish goals for the review of the requests so we don't end up with a new system that takes months or years to provide remedies. Since non-represented employees can only apply for a reclassification annually, the pay equity requests should take less time since some employees are likely to submit for a reclassification if they are unsuccessful with the new system. While I understand that the pay equity analysis will take a huge toll on the Classification and Compensation unit, it is important that employees' requests be resolved within a reasonable amount of time-no more than 6 months after the request has been submitted.

Also, I think you may need to add an appeal process, other than the standard grievance process, for pay equity requests. You might want to consider a limit on the number of times and/or frequency an employee may apply for a pay equity review. I applaud the introduction of the retention incentive. I am very involved with recruitment in my division and there have been several times over the years that we could have benefitted from a retention incentive program.

Policy Staff Response: These suggestions were shared with the Human Resources Director for input. The following reflects feedback for consideration by the Merit System Board.

Human Resources Director's Input: The goal of when these requests are to be completed is a detail that may be outlined in the procedures documents for these policy revisions. To set a reasonable goal or expectation of completion, we will need history of the length of time required to complete this work. Once we have this data, then reasonable goals for completion will be determined.

15. Comment/Question Submitted by Montgomery Planning Department:

"I found it very helpful that Ms. Anju Bennett provided an in person briefing on the proposed amendments to Chapter 1200. Thank you. This message if being sent on March 1, 2014, 4:23pm.

That said, the presentation/discussion brought forward points that I feel need additional review and perhaps additional research.

- Achieving salary parity between existing and newly hired employees rests on the merits and support of the Department Head:
 - Are there codified standards that are to be applied across the Commission to ensure fairness?
 - Will operational standards within each Department have sufficient weight in the support/approval of a pay adjustment?
- Operational standards – It was mentioned that setting these standards is mainly by each Department. That said:
 - There is a disconnect between the classification standards and the operational standards required for positions in the Department(s).
 - Fiscal constraints affect internal employment advancement and maintenance of institutional knowledge.
 - Focusing on pay parity is helpful for staff retention; however fairness and improvements are needed in achieving parity within classifications as they are applied in Departments.
- Special Salary Ranges/Grades
 - How will these special salary ranges be validated/supported?
 - Salary studies should not be the only validation
 - Marketplace talent is not easily adapted to public sector employment; intangibles also drive retention and choices

While the effort to achieve salary parity is the main focus of the proposed amendments of Chapter 1200, reclassifications drive talent and salary disparity to the detriment of talent retention and equity in positions.

- Reclassification is a separate process – it has a purpose, however, it is often used to attempt to achieve salary parity and distorts the process for staff who truly have changed work roles
 - Reclassification places an undue burden on the employee to prove the business case that exists in their home department
 - The application and data gathered does not represent the differing positions (i.e., between park/recreation work and administrative-management/paraprofessional work
 - Training and education gains are fully recognized or rewarded
 - Reclassifications increase not only because of a lack of parity in salary but also because of changing job roles and responsibilities which have changed/increased because of budgetary issues over the past four (4) years.
 - Reclassification requests are often rejected because they are based on outdated classification standards.
 - Reviewers may fail to validate Departmental changes that may have weight in the review, generalize standards across Departments, and focus on assumptions about a job role and the importance and benefit to the Department.
 - Reclassification fails to address department-specific institutional knowledge that, while perhaps cumulative and subjective, remains important to the viability of a robust and effective operation. This is notwithstanding an impact on identifying and grooming candidates for succession.
- Outdated classifications
 - Use of "working titles" validates the existence of outdated classifications
 - Equal pay for equal work – presents challenges because of how classifications are applied in the Departments

- How will equal work be validated against the differing talents and job functions assigned
 - Objective? Subjective?
 - Example: Administrative Series
 - I participated in the most recent review in 2002 (12 years ago) and submitted comments that rejected the suggested minimum skill requirements – they did not represent the computer/technical skills that are important – not just in 2002 but that are obviously critical today.
 - Cuts in training further exacerbate the problem: those who do not keep up still remain and those who gain new skills are overburdened to perform duties that others cannot.
- Salary parity must consider skills and growth potential despite grade/classification disparities
- With across the board minimum qualifications, the desire to improve skills is lost because they are not expected
- Recruitment candidates apply with only basic skills in technology; if a rare gem appears, salary does not reflect the talent that exceeds the qualifications – regardless of a higher level of talent requested to perform the work role at hire.
 - Unique positions do exist in Departments, however, restrictions in classification structure prohibit them from being recognized or assigned proper grade levels because the structure base is flat
 - Equal pay for equal work may not be possible if unique positions reside within a grade level where work assignments are based on subjective factors such as work ethic, dedication, proven performance
 - Burden of proof: if the value of the qualifying relevant skills of an employee exceeds the grade level they hold, how can true equity be achieved? Could such an exception be better served through a grade level change to reward the talent and potential? A salary adjustment could match that of an assignment at higher grade.
- May assist in retention of valued institutional knowledge and talent
- Opens opportunities for succession planning
- Classification and Compensation Study
 - Mention was made that this study was conducted however no results were shared openly with staff
 - Classification is important to organization structure – our flat structure is causing:
 - Pressure by a growing and changed competitive candidate market
 - Loss of critical talent and potential candidates for succession as current workers retire
 - Did the study provide a gap analysis with classifications and the corresponding compensation?
 - Did it cover needed Improvements in human capital against criteria for strategic direction and workforce plans to ensure that our organization has identified, codified the knowledge, abilities, skills, and other characteristics (KASOCs) required to fulfill current organization goals? What improvements are proposed?
 - Do the grade levels provide the opportunity for preservation of institutional knowledge, and growth potential for succession planning?
- This is important for lean times when vacancies cover budget lapse.
- Key positions must be identified and maintained – not just by grade level determination but to avoid loss of talent that is coming up through the ranks

I agree that the issue of internal pay equity is important. However, without changes in classification and appropriate recognition of staff talent, knowledge, and structural differences across Departments, pay equity will not solve the Commission’s ability to retain well-qualified staff to realize organization goals for continuity of talent and leadership succession. I am available to provide additional information or answer any questions. I appreciate this opportunity to provide input on these proposed amendments.”

Policy Staff Response: This comment was shared with the Human Resources Director for input. The following reflects feedback for consideration by the Merit System Board.

will not solve the Commission's ability to retain well-qualified staff to realize organization goals for continuity of talent and leadership succession. I am available to provide additional information or answer any questions. I appreciate this opportunity to provide input on these proposed amendments."

Policy Staff Response: This comment was shared with the Human Resources Director for input. The following reflects feedback for consideration by the Merit System Board.

Human Resources Director's Input: The current revisions to the Merit System Rules and Regulations are the direct result of the Classification and Compensation Study. The results of this study were shared with Department Heads as the appropriate audience who are directly responsible for their individual work programs. Results are being shared with staff through the revision of the Merit System Rules and Regulations as appropriate and as changes occur. In terms of implementing these revisions, the Human Resources Office in Central Administrative Services (CAS) offers its expertise, support, and assistance to Department Heads upon request. Any procedures that result from these revisions will also provide guidance in implementation. Any additional results of the study that impact current rules, regulations, policies, and procedures will be shared with employees in the appropriate manner.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MERIT SYSTEM BOARD
6611 Kenilworth Avenue, Suite 101B
Riverdale, Maryland 20737
(301) 454-1427

April 22, 2014

To: The Commission

From: Steven R. Cohen, Chair
Merit System Board

A handwritten signature in black ink, appearing to read 'Steven R. Cohen', written in a cursive style.

Re: Merit System Rules and Regulations Chapter Revision – Chapter 1200

Under the expert direction of Anju Bennett, Division Chief, Corporate Policy and Management Operations, the Merit System Board has conducted a review of amendments to Chapter 1200 of the Merit System Rules and Regulations. This review considered policy proposals, recommendations made by the Policy office, Department Heads and the Executive Committee, and comments submitted by employees and management during the mandatory policy review period.

The final version being submitted, which considers those comments and recommendations by employees and management, is fully supported by the Merit System Board.

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Research on Salary Equity Adjustments

Agency	Policy/Standard
M-NCPPC	The agency does not currently have any formal written policy pertaining to within-grade adjustments for existing employees.
City of Alexandria	<p>In special circumstances, Department Heads may request the movement of an employee(s) to a new step in their pay grade to address issues of internal pay equity within their department, as long as the adjustments keeps the employee within the assigned pay grade.</p> <p>A memo requesting a within-grade increase must be submitted by Department Heads to the Director of Human Resources specifying pay inequities and their causes. The memo must also certify that:</p> <ol style="list-style-type: none"> 1. The employee’s job performance is satisfactory; and 2. The increase will not create pay inequities among other employees. <p>There is no specific limitation on increase other than the maximum of the pay grade. We have requested additional information on the actual practice.</p>
Arlington County	<p>Arlington County will consider within-grade adjustments for employees in the form of an “accelerated step increase” regardless of position, and are given at the discretion of the appointing authority with approval of the Office of Human Resources.</p> <p>There is no specific limitation on increase other than the maximum of the pay grade. We have requested additional information on the actual practice.</p>
Fairfax County	<p>When in the opinion of the County Executive, it is in the best interest of the County to do so, he/she may authorize a salary adjustment to encourage retention of highly qualified County employees and address pay inequities not to exceed the maximum rate of pay assigned to the employee’s class.</p> <p>The Department Director must submit a business justification to the Human Resources Director. According to the County’s Human Resources staff, the adjustments are to base pay, and average around 5%.</p>
Federal Government (Office of Personnel Management)	<p>The OPM does not provide for in-grade salary adjustments except in cases where an employee in one grade supervises an employee in a lower grade and the subordinate’s pay is equal to, or greater than, the supervisor’s. This in-grade salary adjustment is referred to as a “supervisory differential”. The supervisor must be providing direct, technical supervision of the subordinate to qualify for the adjustment.</p> <p>The differential may not exceed 3% of the subordinate’s salary and must be ended when the continuing pay of the supervisor (not including the differential) exceeds the continuing pay of the highest paid subordinate whose position is not under the General Schedule. This differential is not considered part of the base pay of the employee but issued as temporary adjustment (similar to a bonus).</p>

Agency	Policy/Standard
Montgomery County	<p>The Human Resources Director may approve, following review of a recommendation from the Department Head, to:</p> <ul style="list-style-type: none"> - Resolve a pay inequity affecting an employee. - Keep an employee in an occupational class or series to which it is difficult to attract or retain employees. <p>The increase is applied to the base salary of a Merit system employee. It may not exceed 10% (except in extraordinary cases) and must remain within the established pay range for the position. Adjustments may be made when:</p> <ul style="list-style-type: none"> - The employee’s job performance is satisfactory; and - The increase will not create pay inequities among other employees.
Prince George’s County	<p>The Director of Human Resources, in concurrence of the Chief Administrative Officer, may approve in-grade salary adjustments for current, non-represented employees to ensure salary equity between supervisors and subordinates.</p> <p>The policy does not provide information on the process or details on the maximum amount of adjustment.</p> <p>The County shared that this provision is rarely exercised.</p>
Prince William County	<p>Departmental requests for administrative pay increases may be made when such increases are in the “best interest” of the County, i.e., retention of an employee. Such increases and advancement in pay will be limited to the pay range assigned to the position classification currently held by the employee. All administrative pay increases shall be approved by the County Executive.</p>
WMATA	<p>WMATA does not have any policies regarding within-grade adjustments.</p>
WSSC	<p>WSSC considers market adjustments for market pay equity but does not do so against other internal employees.</p> <p>The WSSC permits up to a 10% market adjustment (which can be implemented in one year, or over multiple years).</p> <p>This adjustment is somewhat of a hybrid of M-NCPPC’s “special salary range” and an in-grade adjustment.</p>

Counter Offers and Other Retention Incentives

This research focuses on counter offers and other retention incentives to retain employees in their present position when they have received an offer of employment for another job.

Agency	Policies/Standards
M-NCPPC	No mechanism currently exists to adjust the salary of an individual employee for purposes of retention. However, Section 1232 of the Merit System Rules recognizes the use of special salary ranges for designated positions when it is determined, through a salary study, that the current salary range fails to attract qualified applicants or retain experienced workers, and it shows that other employers offer significantly higher salaries. Other retention tools that can be used include performance recognition awards, training opportunities, and cross training.
City of Alexandria	For current employees, Department Heads may recommend a retention offer which may be in the form of either: <ol style="list-style-type: none"> 1. A step increase. 2. A 1% to 10% increase of base pay plus a step increase or; 3. A lump sum bonus (not to exceed 10% of base salary). <p>All retention offers are subject to approval by Human Resources.</p>
Arlington County	For retention of an employee a Department Director, with the concurrence of the Human Resource Director, may give an employee an “accelerated merit pay step increase” before their anniversary date to counter an outside offer. This practice is only exercised in extraordinary cases.
Fairfax County	The County Executive may authorize a salary adjustment to address retention of “highly qualified County employees.” <p>Fairfax does not elaborate on how the County deems employees to be highly qualified, as this policy is rarely used.</p>
Federal Government (Office of Personnel Management)	§ 575.305 provides agencies with the flexibility to authorize a retention incentive for an individual employee or for a group or category of employees. However, this incentive is utilized as a bonus for a specific period of time, rather than as a permanent adjustment to salary. <p>An agency may pay a retention incentive, to a current employee if-</p> <ul style="list-style-type: none"> • The employee is in a position that is eligible for an incentive. A retention incentive may be paid to an eligible individual in a General Schedule (GS), senior-level (SL), scientific or professional (ST), Senior Executive Service (SES), Federal Bureau of Investigation and Drug Enforcement Administration (FBI/DEA) SES, Executive Schedule (EX), law enforcement officer, or prevailing rate position. OPM may approve other categories for coverage upon written request from the head of an executive agency. • The employee has unusually high or unique qualifications and that the employee would be likely to leave the Federal service in the absence of an incentive, or • The agency has a special need for the employee's services that makes it essential to retain the employee in his or her current position during a period of time before the closure or relocation of the employee's office, facility, activity, or organization and the employee would be likely to leave for a different position in the Federal service in the absence of a retention incentive.

Agency	Policies/Standards
Federal Government (Continued)	<p><u>Incentive</u></p> <ul style="list-style-type: none"> • An agency must establish a single retention incentive rate for the employee, expressed as a percentage of the employee's rate of basic pay, not to exceed 25 percent. With OPM approval, this cap may be increased to 50 percent (based on a critical agency need). The incentive may be paid in installments after the completion of specified periods of service within the full period of service required by the service agreement or in a single lump sum after completion of the full period of service required by the service agreement. • An agency may pay a retention incentive of up to 10 percent of basic pay (or up to 50 percent with OPM approval, based on a critical agency need) to an eligible group or category of employees if the agency determines that the unusually high or unique qualifications of the group or a special need of the agency for the employees' services makes it essential to retain the employees and that there is a high risk that a significant number of employees in the group would leave the Federal service in the absence of a retention incentive. • Before receiving a retention incentive, an employee must sign a written agreement to complete a specified period of service with the agency.
Montgomery County	<p>The County has the ability to offer retention incentives and may award an incentive of up to 10% of the employee's base salary in the <u>form of a lump sum payment</u>. The following conditions apply:</p> <ul style="list-style-type: none"> • The Human Resources Director has determined that the occupational class is eligible for the incentive. • Before recommending a retention incentive, a Department Head must consider whether one employee, some employees, or all employees in the occupational class should be given an incentive; the effect on employees who do not receive the incentive if an incentive is not given to each employee in the occupational class; and whether the employee should be given a permanent pay increase through a special within-grade pay increase. • An employee who receives retention incentive must agree to remain a County employee for at least two years after receiving the first incentive payment and must agree to repay a prorated amount of the total incentive if they do not stay for the entire two-year period. <p>Montgomery County rarely exercises these policies.</p>
Prince George's County	<p>Prince George's County does not have a written policy regarding the use of counter offers as retention incentives. However, in speaking with County's Human Resources Office, in practice the County allows the Department Head to make counter offers to current employees under the guidelines that any counter offer must be:</p> <ol style="list-style-type: none"> 1. Within-grade. 2. Made with funds available in the department's operating budget. <p>All retention offers are awarded at the discretion of the Appointing Authority.</p>
Prince William County	<p>Departmental requests for administrative pay increases may be made when such increases are in the "best interest" of the County, i.e., retention of an employee. Such increases and advancement in pay are limited to the pay range assigned to the position classification currently held by the employee and must be approved by the County Executive.</p>
WMATA	<p>WMATA does not have any policy regarding retention incentives.</p>
WSSC	<p>The WSSC does not have any policy regarding retentive incentives. The agency indicated there is the ability for the General Manager to authorize a "waiver" for salary adjustments under extraordinary circumstances. However, there have been no waivers granted to date.</p>

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF A APRIL 2014

	31 - 60 DAYS 03/14 04/14	61 - 90 DAYS 03/14 04/14	91 + DAYS 03/14 04/14	DEPARTMENT TOTALS 03/14 04/14
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0
CHAIRMAN, PRINCE GEORGE'S COUNTY	0	0	0	0
OFFICE OF CIO	0	0	1	1
INTERNAL AUDIT	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	0	0	0	0
LEGAL DEPARTMENT	0	0	0	0
FINANCE DEPARTMENT	7	4	0	7
PRINCE GEORGE'S PLANNING	3	1	0	3
PRINCE GEORGE'S PARKS & RECREATION	2	1	0	3
MONTGOMERY COUNTY PARKS	2	0	0	2
MONTGOMERY COUNTY PLANNING	2	1	0	2
DEPARTMENT TOTAL BY DAYS LATE	16	11	1	1
COMMISSION WIDE TOTAL:				18
COMMISSION WIDE TOTAL:				12

*DEPARTMENTS WITH RATINGS MORE THAN 60 DAYS LATE HAVE BEEN CONTACTED.

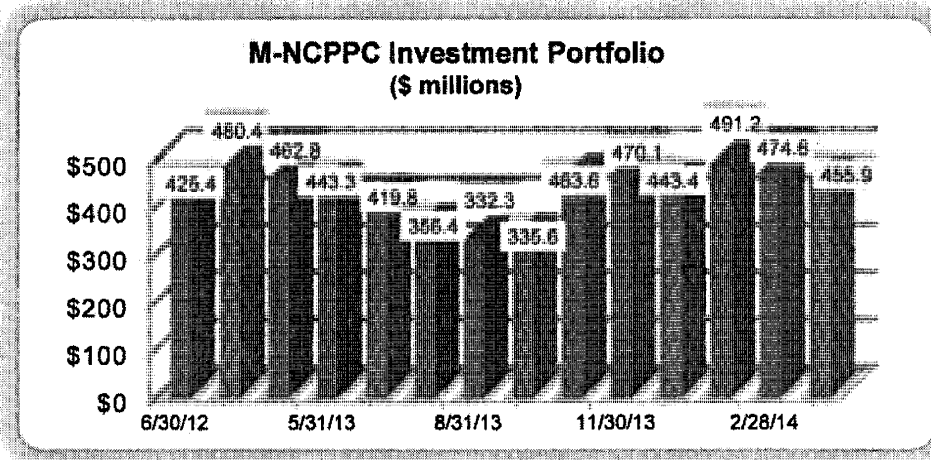


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
TREASURY OPERATIONS, FINANCE DEPARTMENT
 6611 Kenilworth Avenue, Suite 302, Riverdale, MD 20737
 Telephone (301) 454-1541 / Fax (301) 209-0413

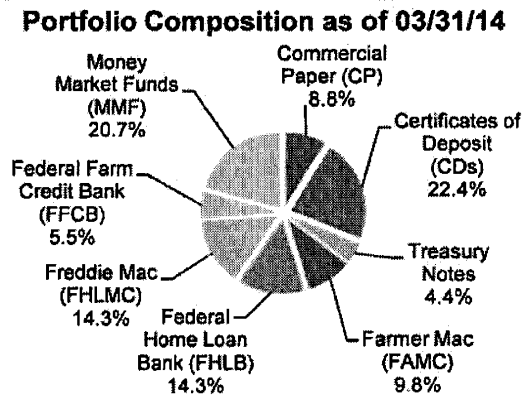
MEMO

TO: Commissioners
VIA: Joseph Zimmerman, Secretary-Treasurer
FROM: Abbey Rodman, Investment & Treasury Operations Manager *ARR*
DATE: 4/21/2014
SUBJECT: Investment Report – March 2014

The Commission's pooled cash investment portfolio totaled \$455.9 million as of March 31, 2014, with a 3.94 % decrease from February 28, 2014. Details are as follows:

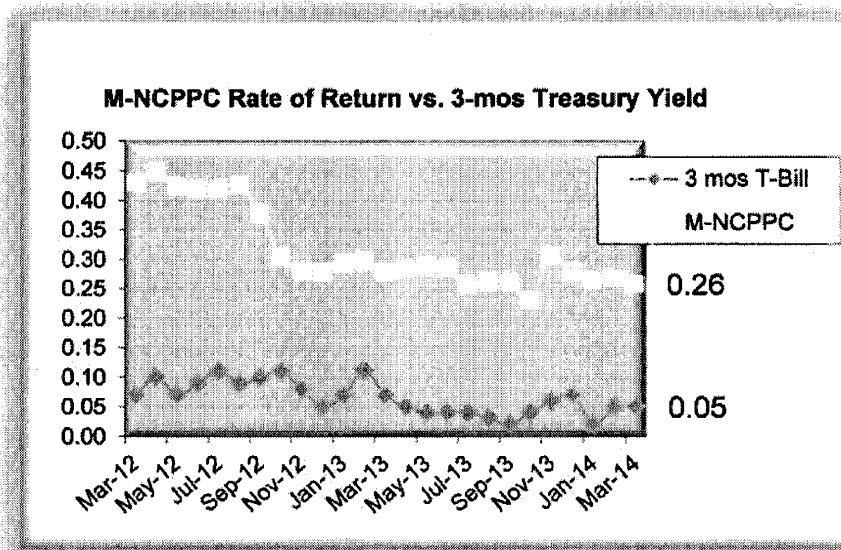


The composition of the pooled cash portfolio as of March 31, 2014 is summarized below:

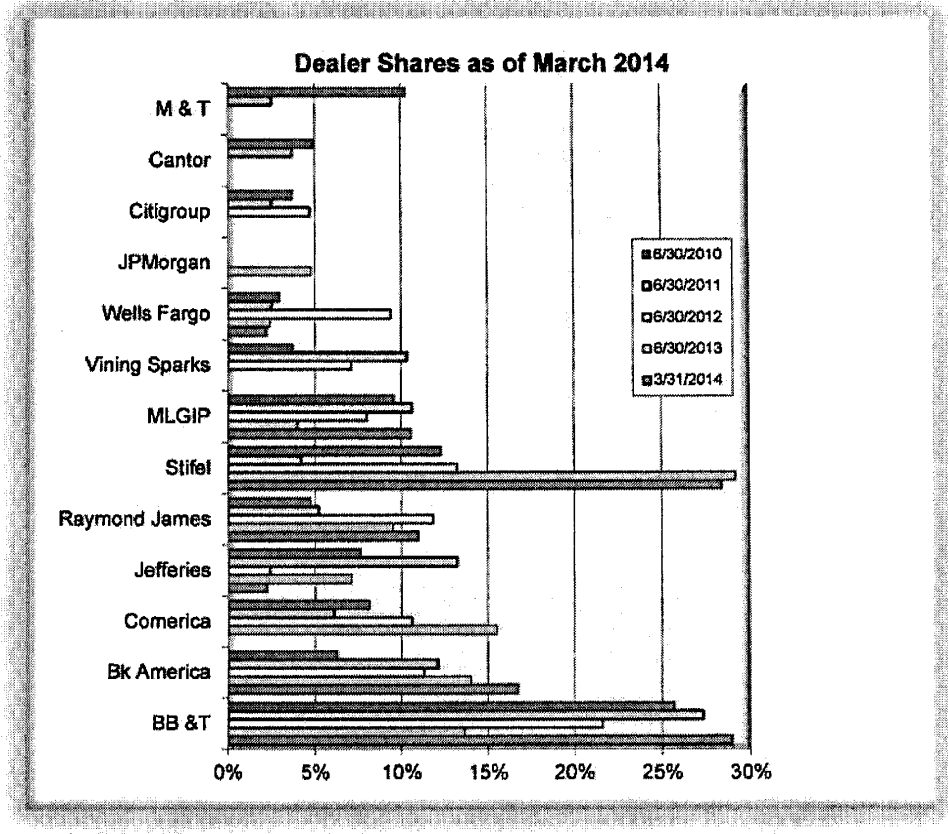


Current Investment Portfolio - March 2014				
Instrument	Policy		Par Value	Wtd. Avg. Return (B/E)
	Limit	Actual		
Certificates of Deposit	50%	22%	\$ 102,000,000	0.23%
Money Funds	25%	21%	94,438,268	n/a
Federal Home Loan Banks	20%	14%	65,000,000	0.27%
Freddie Mac	20%	14%	65,000,000	0.46%
Farmer Mac	20%	10%	44,500,000	0.23%
Commercial Paper	10%	9%	40,000,000	0.52%
Federal Farm Credit Bureau	20%	6%	25,000,000	0.24%
Treasury Notes	100%	4%	20,000,000	0.25%
Fannie Mae	20%	0%	-	
Bankers Acceptances	50%	0%	-	
Repurchase Agreements	60%	0%	-	
			\$ 455,938,268	0.26%

The pooled cash portfolio complied with all policy limits with regard to product types and proportions throughout the month.



In addition to the product limits, portfolio purchases also adhered to the 30% limit per dealer. Dealer participation is shown below:



The market values of unspent debt balances (invested by T. Rowe Price) were as follows:

Market Value- 03/31/14	
Montgomery County (MC-2012A)	\$ 2,094,181
Montgomery County (MC-2012B)	874,369
	\$ 2,968,550

The Commission had no debt service payments during the month.

Details by issue of debt outstanding as of March 31, 2014 appear below:

Debt Balances - March 2014					
	Initial Par	Amount Outstanding	% Outstanding	Issue Date	Maturity Date
Bi-County					
Total Bi-County	\$ -	\$ -	0%		
Prince George's County					
KK-2 (Refunded AA-2)	17,300,000	8,993,123	52%	Apr-08	May-18
NN-2 (Refunded Z-2)	14,080,000	10,505,000	75%	Mar-10	May-21
EE-2	37,525,000	6,940,000	18%	Mar-04	Jan-24
PG-2012A	11,420,000	9,650,000	85%	Jun-12	Jun-24
JJ-2	8,900,000	6,770,000	76%	May-07	May-27
Total Prince George's County	\$ 89,225,000	\$ 42,858,123	48%		
Montgomery County					
HH-2	5,445,000	335,000	6%	Jul-05	Jul-14
DD-2(ALA)	1,550,000	150,000	10%	Dec-02	Dec-14
CC-2	12,155,000	275,000	2%	Dec-02	Dec-14
LL-2	8,405,000	5,340,000	64%	May-09	Nov-20
FF-2 (ALA)	2,000,000	1,280,000	64%	Nov-04	Dec-24
FF-2	4,000,000	880,000	22%	Nov-04	Dec-24
II-2	4,700,000	3,590,000	76%	Mar-07	Apr-27
MM-2	5,250,000	4,200,000	80%	May-09	Nov-28
MC-2012A	12,505,000	12,110,000	97%	Apr-12	Dec-32
MC-2012B	3,000,000	2,880,000	96%	Apr-12	Dec-32
Total Montgomery County	\$ 59,010,000	\$ 31,040,000	53%		
Total	\$ 148,235,000	\$ 73,898,123	50%		

ATTACHMENT A

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 REPORT ON COMPLIANCE TO INVESTMENT POLICY Approved March 21, 2012
 FISCAL YEAR 2014 - March 31, 2014

OBJECTIVES			Met Objective	Within Limits	Comments
Protection of principal			Yes		
Limiting types and amounts of securities	Limit			Yes	
US Government	100%				All securities purchases were within the limits established by the Investment Policy at the time of purchase of the investments. This monthly report is prepared for the Secretary-Treasurer to demonstrate compliance with investment policy objectives and limitations.
US Federal Agencies - combined	60%				
US Federal Agencies - each	20%				
Repurchase Agreements	60%				
CD's and Time Deposits	50%				
Commercial Paper	10%				
Money Market Mutual Funds	25%				
MD Local Gov't Investment Pool	25%				
Investing Bond Proceeds:					
State and local agency securities	100%				
Money Market Mutual Funds	10%				
Bond Proceeds:					T. Rowe Price managed all funds within limits
Highly-rated state / local agency securities					
Highly-rated money market mutual funds					
(Max. 10% in lower-rated funds)					
Pre-qualify financial institutions, broker/dealers, intermediaries and advisers				Yes	All firms must meet defined capital levels and be approved by the Secretary-Treasurer
Ensure competition among participants	30%			Yes	No dealer share exceeded 30%
Competitive Bidding				Yes	All purchases awarded competitively.
Diversification of Maturities					
Majority of investments shall be a maximum maturity of one (1) year. A portion may be as long as two years.				Yes	All maturities within limits
Require third-party collateral and safekeeping, and delivery-versus-payment settlement				Yes	M&T Investments serves as custodian, monitoring compliance daily
Maintain sufficient liquidity			Yes		Sufficient funds available for all cash requirements during period
Attain a market rate of return			Yes		Exceeded by 21 basis points.
The pro-rated rates of return for the portfolio and T-bills were 0.26% and 0.05%, respectively.					



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

May 6, 2014

Adrian R. Gardner
 General Counsel
 6611 Kenilworth Avenue, Suite 200
 Riverdale, Maryland 20737
 (301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission

FROM: Adrian R. Gardner
 General Counsel

RE: Litigation Report for the Month of April 2014

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, May 21, 2014. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

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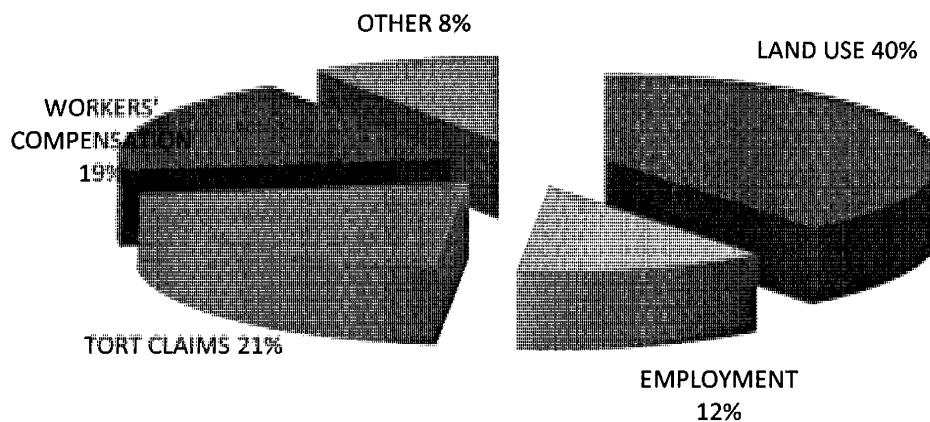
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Litigation Report Ordered By Court Jurisdiction	Page 13

April 2014 Composition of Pending Litigation

(Sorted By Subject Matter and Forum)

	State Trial Court	Federal Trial Court	Maryland COSA	Maryland Court of Appeals	Federal Appeals Court	U.S. Supreme Court	Subject Matter Totals
Admin Appeal: Land Use	2		6				8
Admin Appeal: Other							0
Land Use Dispute							0
Tort Claims	6		1				7
Employment Dispute	2	2					4
Contract Dispute	1	1					2
Property Dispute	3			2			5
Civil Enforcement	1						1
Workers' Compensation	6						6
Debt Collection							0
Bankruptcy							0
Miscellaneous		1					1
Per Forum Totals	21	4	7	2	0	0	34

OVERVIEW OF PENDING LITIGATION



By Major Case Categories

April 2014 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2014			
	Pending Last Month	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	12		4	16	10	10	8
Admin Appeal: Other (AAO)	0			0		1	0
Land Use Disputes (LD)	0			1			0
Tort Claims (T)	8	1	2	5	11	12	7
Employment Disputes (ED)	3	1		4	1	2	4
Contract Disputes (CD)	2	1	1	1	2		2
Property Disputes (PD)	5			2	3	1	5
Civil Enforcement (CE)	2		1	1		2	1
Workers' Compensation (WC)	6			14	2	4	6
Debt Collection (D)	0			3			0
Bankruptcy (B)	0			0			0
Miscellaneous (M)	1			1	2	1	1
Totals	39	3	8	48	31	33	34

**INDEX OF YTD NEW CASES
(7/1/2013 TO 4/30/14)**

A. New Trial Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Boblits Enterprises v. Commission	PG Parks	Contract Dispute	July/Aug
Lewis, et al., v. The Peterson Companies	PG Parks	Tort Claim	July/Aug
Litrenta v. Commission	PG Parks	Tort Claim	July/Aug
Glessner v. Surratt House Museum, et al	PG Parks	Tort Claim	July/Aug
8045 Newell St. Condo Assoc. v. Commission	MCP	Admin Appeal: Land Use	July/Aug
The Town of University Park v. Commission	PGB	Admin Appeal: Land Use	July/Aug
Willoner, et al. v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Hume v. Maryland National Park Police	MC Parks	Miscellaneous	July/Aug
Armstrong, et al. v. Commission	MCPB	Admin Appeal: Land Use	July/Aug
The City of College Park v. Commission	PGPB	Admin Appeal: Land Use	July/Aug
Government Employees Ins. Co. v. Allison Claire Poirier et. al. & Commission	PG Parks	Tort Claim	September
Harper v. Commission	PG Parks	Tort Claim	September
Commission v. Murray	PG Parks	Workers' Comp	October
Bell v. Commission	PG Parks	Tort Claim	January
Butler v. Commission	PG Parks	Tort Claim	January
Commission v. 6509 Rhode Island Realty	PGPB	Property Dispute	January
Commission v. MARCOPOLO GF Co.	PGPB	Property Dispute	January
Phoenix v. Commission	PG Parks	Tort Claim	January
Rivera v. Commission	PG Parks	Judicial Review: WC	January
American Humanists v. Commission	PG Parks	Miscellaneous	February
Dong Nam V. Galen Evans, et al	MCPD	Tort Claim	February
State Roads Commission v. Commission	PG	Miscellaneous	March
Presensky v. Turnbull, et. al.	PG	Employment Dispute	April
Anderson v. Commission	PG Parks	Tort	April
Hartford Casualty Insurance Co. v. Commission	PG	CD	April

B. New Appellate Court Cases.

	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Rounds v. Commission (COA)	MCPB	Admin Appeal: Land Use	January
Arking v. Commission	MCPB	Property Dispute	February
Rock Creek Hills Cit. Assoc. v. Commission	MCPB	Admin Appeal: Land Use	February

**INDEX OF YTD RESOLVED CASES
(7/1/2013 TO 4/30/2014)**

<u>C. Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Rivera v. Commission	MC Parks	Workers Compensation	July/Aug
Commission v. Rivera	MC Parks	Workers Compensation	July/Au
Commission v. Mereos	MCPB	Civil Enforcement	October
Felhauer, Jacob v. Commission	PG Parks	Tort Claim	October
Felhauer, James v. Commission	PG Parks	Tort Claim	October
Felhauer, Justin v. Commission	PG Parks	Tort Claim	October
Felhauer, Nicholas v. Commission	PG Parks	Tort Claim	October
Freeman v. Commission	PG Parks	Employment Dispute	October
Harper v. Commission	PG Parks	Tort Claim	October
Hume v. Maryland National Park Police	MC Park Police	Miscellaneous	October
Jenkins, Jennifer v. Commission	PG Parks	Tort Claim	
Mafinsky et. al. v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
McClure v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Pringle v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Sahady v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Smith v. Montgomery County Planning Board	MCPB	Admin Appeal: Land Use	October
Witherspoon v. Commission	PG Parks	Tort Claim	October
Commission v. Eludoyin	PG Parks	Tort Claim (Subrogation)	January
GEICO v. Poirier et al. and Commission	PG Parks	Tort Claim (Subrogation)	January
Glessner v. Surratt House Museum, et al.	PG Parks	Tort Claim	January
Rollins v. Commission	PGPB	Admin Appeal: Land Use	January
Schwartz v. Dobbins	PG Parks	Tort Claim	January
Smithey v. Commission	PG Parks	Unemployment Claim	January
Commission v. Tessier	MC	Workers Compensation	February
Armstrong, et al v. Montgomery County Planning Board	MCPB	AALU	March
Commission v. Brown	PGParks	CD	March
Commission v. Burke	PGParks	CD	March
Kazemi v. Commission	MCPB	AALU	March
Boblits Enterprises v. Commission	PGParks	CD	March
Jackson v. Commission	PGParks	Tort	April
Town of University Park v. Commission	PGPB	AALU	April
Willoner, et. al. v. Commission	PGPB	AALU	April
8045 Newell Street Condominium Assoc. Board	MCPB	AALU	April
Commission v. Fashina	MCPB	CE	April
Nam v. Evans, et. al.	MCPark	Tort	April

**INDEX OF YTD RESOLVED CASES
(7/1/2013 TO 4/30/2014-Continued)**

D. Appellate Court Cases Resolved.

Prince George's County Md. v. Mazzei	PG	Workers Compensation	September
Rounds v. Commission (COSA)	MCPB	Admin Appeal: Land Use	October
Keller Brothers Inc. v. Commission	PGPB	Admin Appeal: Other	January
Arking, et al. v. Montgomery County Planning Board	MCPB	AALU	February
Jones v. McNeal	PGParks	Miscellaneous	March
Kelly Canavan & R. Phoebus, et al v. Commission	PGPB	AALU	April

Disposition of FY14 Closed Cases Sorted By Department

CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources and Management		
Montgomery County Department of Planning		
Montgomery County Department of Parks Commission v. Rivera	Commission appealing the Workers' Compensation Commission's decision.	Case Remanded to WCC 07/15/13.
Commission v. Tessier	Commission appealing the Workers' Compensation Commission decision	Case Remanded to WCC 01/14/14
Nam V. Evans	Tort-Plaintiff injured on golf course not owned by Commission	Plaintiff filed Amended Complaint eliminating Commission as a defendant on 02/24/14.
Rivera v. Commission	WCC found claimant did not sustain an occupational disease, claimant appealed	Case remanded to WCC 08/06/13
Montgomery County Park Police Hume v. Maryland Park Police	Defense of claim for reimbursement for personal items allegedly taken during eviction from Commission property located in the Twinbrook section of Rock Creek Park.	Commission's Motion to Dismiss granted on 10/15/13.
Montgomery County Planning Board 8045 Newell Street Condominium Association, et. al. v. Commission, et. al.	Petition for Judicial Review of the Montgomery County Planning Board approval of development at 8001 Newell Street, Project Plan #920130020.	Case remanded to Montgomery County Planning Board on 02/21/14.

Armstrong, et al. v. Montgomery County Planning Board	Petition for Judicial Review of the Montgomery County Planning Board approval of Chelsea Court, Preliminary Plan Site Plan #120130000 and Site Plan #820130040	Case dismissed with prejudice for Plaintiff's Failure to file Memorandum of Law on 01/22/14.
Arking, et al. v. Montgomery County Planning Board	Review of Montgomery County Planning Board approval of re-subdivision plan on Gainsborough Road	Court of Special Appeals affirmed Montgomery County Circuit Court decision 11/20/13.
Commission v. Fashina, et al	Commission filed Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.	Order of Court granting Petition; judgment recorded. 2/18/14
Commission v. Mereos	Commission is seeking enforcement of the Montgomery County Planning Board's Order regarding the various environmental violations on Defendant's property.	Case dismissed without prejudice per Rule 2-507 on 07/11/13 for inability to serve and prosecute the case
Kazemi v. Montgomery County Planning Board	Petition for Judicial Review of the decision of the Montgomery County Planning Board in the case of Alvermar Woods, Lot 17, Preliminary Plan 11999034A	Case dismissed without prejudice 12/20/13.
Makfinsky, et al. v. Montgomery County Planning Board	Petition for Judicial Review filed of the decision of the Montgomery County Planning Board in the case of Rolling Stone Preliminary Plan 120110430.	Order affirming Commission approval of preliminary plan 09/04/13
McClure v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21611 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-38.	Order of Court reversing penalties ordered by the Planning Board, filed: 07/03/13; Notice of Appeal filed 08/01/13.
Pringle v. Montgomery County Planning Board	Gregory Pringle filed a petition of judicial review of the decision of the Montgomery County Planning Board in the case of Seneca Meadows Preliminary Plan 11998004A and Site Plan 820100140.	Order denying Writ of Certiorari filed: 10/21/13
Rounds v. Montgomery County Planning Board	Defense of claim for violations of Maryland Constitution & Declaratory Relief –Farm Road easement	Order affirming dismissal by Circuit Court for Montgomery County 09/09/13

Sahady v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21533 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 12-50.	Order filed September 4, 2013 affirming the approval of Preliminary Plan 120110430 by the Montgomery County Planning Board.
Smith v. Montgomery County Planning Board	Petition for Judicial Review filed regarding the decision of the Montgomery County Planning Board in enforcement action 21627 Ripplemead Drive, Laytonsville, MD 20882, Resolution No. MCPB No. 10-180.	Order reversing order and opinion of Planning Board, filed: 05/23/13; Notice of Appeal filed: 06/21/13.
Prince George's County Department of Parks and Recreation		
Bobbits Enterprises v. Commission	Construction dispute at Fairwoods Park project/Bowie	Case settled and dismissed 3/13/14.
Commission v. Brown	Commission filed summary judgment to collect monies for unpaid rental fees at Equestrian Center	Judgment renewal 05/14/12.
Commission v. Burke	Commission filed confessed judgment for failure to pay rental for park property	Lien recorded 05/18/12.
Commission v. Eludoyin	Commission filed suit to recover funds paid to employee under Workers' Compensation Act due to a vehicle accident caused by Defendant.	Case Dismissed 11/21/13 in order to pursue third party lien.
Felhauer, Jacob v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, James v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Justin v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.
Felhauer, Nicolas v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13.

Glessner v. Surratt House Museum, et al.	Defense of a tort claim against a Commission employee and facility based on the alleged slander of authenticity regarding a photograph the plaintiff purports to be of Abraham Lincoln.	Case Dismissed Pursuant to Defense's Motion to Dismiss 12/19/13
Government Employees Ins. Co. v. Allison Claire Poirier et al. and Commission	Defense of subrogation claim asserted by an insurance company arising out of motor vehicle accident involving a Commission employee and the company's insured.	Case dismissed pursuant to arbitration agreement, 11/18/13
Harper v. Commission	Defense of a \$250 tort claim for property damage allegedly caused by golf ball that escaped from the Commission's Enterprise Golf Course	Judgment in favor of the Commission on 08/20/13
Freeman v. Commission	Defense of claim alleging discrimination and retaliatory termination.	Jury verdict in Commission's favor: 10/3/13
Jackson v. Commission	Defense of claims arising from injury sustained by patron while playing tennis	Case settled and dismissed. 02/19/14
Jenkins, Jennifer v. Commission	Defense of Commission against suit for personal injuries resulting from automobile accident	Case settled and dismissed 10/16/13
Jones v. McNeal	Defense of Commission for MPIA	Case dismissed on Court of Special Appeals initiative 04/30/13.
Schwartz v. Dobbins	Defense of claim arising from motor vehicle accident.	Case settled and dismissed 02/03/14.
Smithey v. Commission	Former employee appealing administrative decision concerning unemployment benefits.	Case dismissed and administrative decision affirmed.
Witherspoon v. Commission	Defense of Commission against suit for personal injury resulting from automobile accident	Case dismissed on 10/16/13.
Prince George's County Planning Department		
Prince George's County Planning Board		
Kelly Canavan & Randy Pheobus, et. al. v. Commission	Appeal of Prince George's County Planning Board approval of Saddle Creek's Preliminary Plan of Subdivision	Order by Court of Special Appeals affirming Judgment on 03/18/14.

Keller Brothers Inc. v. Commission	Defense of claim for Judicial Review of construction change order request for Glen Arden Community Center and Theresa Banks Pool.	Case settled and Appeal dismissed on 01/27/2014.
Rollins v. Commission	Defense of approval of Preliminary Plan 4-10026	Planning Board's Decision Affirmed 12/17/13
Town of University Park v. Commission	Petition for Judicial Review of development approval for the Cafritz Property, SP-130002.	Case dismissed on 03/25/14.
Willoner, et. Al. v. Commission	Petition for Judicial Review of development approval for the Cafritz Property, Preliminary Plan #4-13002.	Case dismissed on 03/28/14.
Prince George's Park Police		
Prince George's County v. Mazzei, et al.	Order from Workers' Compensation Commission which found that claimant did not sustain an occupational disease arising out of and in the course of his employment from either Prince George's County or the Commission. Prince George's County is appealing decision from COSA in favor of Claimant, Mazzei.	Order affirming Circuit Court decision: 09/18/13.

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CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Anderson v. Commission
Case No. CAL14-07980

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim seeking damages for injuries to a minor sustained in an altercation while attending Rollingcrest/Chillum Community Center Park.

Status: Complaint filed.

Docket:

04/07/14	Complaint filed
----------	-----------------

Bell v. Commission
Case No. CAL13-35417 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claims seeking damages for injuries sustained at the Sports & Learning Complex.

Status: In discovery.

Docket:

11/19/13	Complaint filed
12/09/13	Answer filed
04/23/14	Pretrial Conference Scheduled
10/01/14	Trial

Butler v. Commission
Case No. CAL14-00382 (T)

Lead Counsel: Harvin
Other Counsel: Aleman

Abstract: Defense of claim seeking damages for injuries sustained in an accident with a vehicle driven by a Park Police officer.

Status: In discovery.

Docket:

01/22/14	Complaint filed
02/21/14	Answer filed
04/14/14	Scheduling Order filed

City of College Park v. Commission

Case No. CAL 13-21085 (AALU)

Lead Counsel: Borden
Other Counsel: Johnson, Mills

Abstract: Petition for judicial review of the Prince George's County Planning Board development approval for the Cafritz Property, Special Permit SP-130002. (Consolidated with Case No. CAL 13-21086).

Status: Pending oral argument

Docket:

07/25/13	Petition filed
08/06/13	Response to Petition filed
09/13/13	Motion to Consolidate Cases filed
01/07/14	Order consolidating cases entered & oral argument postponed
05/16/14	Oral Argument

Commission v. 6509 Rhode Island Realty Corp.

Case No. CAL 13-20939 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant

Commission v. Devore

Case No. CAL13-21820 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Petition for Judicial Review of worker's compensation case initiated by Commission.

Status: Pending Jury Trial.

Docket:

08/05/13	Petition filed
09/09/13	Scheduling Order filed
09/15/14	Jury Trial

Commission v. MARCOPOLO GF Co.
Case No. CAL 13-20940 (PD)

Lead Counsel: Mills
Other Counsel: Johnson, Borden

Abstract: Condemnation initiated by the Commission.

Status: Pending service on respondent

Docket:

07/19/13	Complaint for condemnation filed
03/19/14	Summons issued for Defendant

Commission v. Murray
CAL13-14810 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the decision by the WCC that claimant suffered from an occupational disease.

Status: Pending Trial

Docket:

05/10/13	Petition Filed
11/12/13	Pretrial Conference Held
05/22/14	Trial Scheduled

Commission v. Rivera
CAL13-37223 (WC)
(Cross-Claim of Case No. CAL 13-37715 below)

Lead Counsel: Chagrin
Other Counsel:

Abstract: Commission is appealing the WCC's decision regarding permanency award.

Status: Pending Trial

Docket:

12/12/13	Petition Filed
07/22/14	Pretrial Conference

Lewis, et al. v. The Peterson Companies, L.C., et al.

Case No. CAL13-12414 (T)

Lead Counsel: Dickerson
Other Counsel:

Abstract: Defense of tort claim alleging that Park Police failed to prevent certain third-parties from assaulting the plaintiffs during a visit to the National Harbor area.

Status: Motion to Dismiss Pending

Docket:

05/01/13	Complaint filed
09/26/13	Motion to Dismiss filed or in the Alternative for Summary Judgment filed
10/17/13	Amended Complaint filed
11/01/13	Commission's Motion to Dismiss or in the Alternative for Summary Judgment filed
05/02/14	Motions Hearing

Litrenta v. Commission, et al.

Case No. CAL13-15566 (T)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Defense of tort claim for personal injuries allegedly sustained when the plaintiff was the passenger on a Commission golf cart and fell out while his acquaintance was driving. (The driver is also named as a defendant.)

Status: In discovery.

Docket:

06/04/13	Complaint filed
07/24/13	Motion to Dismiss filed
09/20/13	Answer to Plaintiff's Amended Complaint filed
10/03/13	Commission filed cross-claim against Co-Defendant Lao
11/05/13	Cross-Defendant/Co-Defendant filed a Motion to Dismiss Plaintiff's original complaint for insufficient service of process.
01/27/14	Co-Defendant's Answer to Commission's Cross Claim filed
01/29/14	Co-Defendant's Line Withdrawing Motion to Dismiss filed
07/10/14	Pre-Trial conference

Phoenix v. Commission
Case No. CAL13-29010 (T)

Lead Counsel: Harvin
Other Counsel: Dickerson

Abstract: Defense of claim seeking damages for injuries sustained at Fletcher's Field

Status: In discovery

Docket:

10/03/13	Complaint filed
12/09/13	Answer filed
04/10/14	3 rd Party Complaint filed

Presensky v. Commission
Case No. CAL12-37360 (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: Trial.

Docket:

11/27/12	Complaint filed
02/27/14	Plaintiff's Motion for Leave to Amend Complaint
03/31/14	Trial
04/03/14	Defendant's Verdict

Presensky v. Christy Turnbull, et. al.
Case No. CAL14-07098

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging employment discrimination

Status: Complaint filed.

Docket:

03/17/14	Complaint filed
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Reijerson v. Commission
Case No. CAL13-11339 (WC)

Lead Counsel: Chagrin
Other Counsel:

Abstract: WCC found claimant sustained 10% permanent partial disability under "other cases" and claimant appealed.

Status: Pending Trial

Docket:

04/13/13	Petition for Judicial Review filed
04/29/13	Response to Petition filed
05/06/14	Trial

Rivera v. Commission

CAL13-37715 (WC)

(Cross-Claim of Case No. CAL 13-37223 above)

Lead Counsel: Chagrin

Other Counsel:

Abstract: Claimant/employee is appealing the WCC's decision regarding permanency award.

Status: Pending Pre-Trial Conference

Docket:

12/19/13	Petition filed
01/14/14	Response to Petition filed
02/03/14	Scheduling Order Filed
05/15/14	Pre-Trial Conference

Short v. Commission

Case No. CAL12-37360 (WC)

Lead Counsel: Chagrin

Other Counsel:

Abstract: WCC found claimant did not sustain an occupational disease. Claimant appealed.

Status: Pending Trial

Docket:

04/29/13	Petition filed
05/10/13	Response to Petition filed
11/07/13	Pre-Trial Conference Held
05/14/14	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

Beth Torah Congregation Inc. v. Prince George's Metro Center, Inc., Commission, et al

Case No. 376756-V (PD)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Declaratory judgment action seeking relief from deed covenants and restrictions.

Status: Pending decision.

Docket:

04/30/13	Complaint Filed
06/12/13	Motion for Additional Time to Respond filed
07/18/13	Answer filed
11/08/13	Status Conference held
01/27/14	Motion to Intervene or Join filed by Dewey LC
02/07/14	Commission's Opposition to Dewey's Motion to Intervene filed
02/26/14	Motion to Intervene as Defendant granted
02/27/14	Trial

Commission v. Johnson

Case No. 366677-V (CE)

Lead Counsel: Aleman
Other Counsel: Dickerson

Abstract: Commission requesting finding of contempt in case in which the Court already granted the Commission's Petition for Judicial enforcement of Administrative Decision by the Planning Board Concerning Forest Conservation Easement violation.

Status: Further collection action.

Docket:

11/22/13	Petition for Issuance of Show Cause Order Filed
01/16/14	Contempt Hearing held and Judicial Order issued
01/22/14	Order-Defendant must respond to Plaintiff's Interrogatories by 2/17/14

Fort Myer Construction Corporation v. Commission

Case No. 369478-V (CD)

Commission v. URS Corporation (Third-party claim by Commission)

Lead Counsel:
Other Counsel:

Saul Ewing (Garry Boehlert)
Dickerson; MarcusBonsib, LLC (Bruce L. Marcus)

Abstract:

Plaintiff filed complaint for alleged delays and damages associated with the erection of a steel girder pedestrian bridge in Montgomery County. Commission filed third party complaint for alleged breach of contract and is seeking contribution and indemnity.

Status:
Docket:

In Discovery.

10/12/12	Complaint filed
01/10/13	Motion to Dismiss for Failure to Exhaust Administrative Remedies
01/10/13	Motion to Dismiss for Insufficient Service
01/11/13	Scheduling Hearing
01/11/13	Plaintiff's Designation of Experts
01/28/13	Commission's Notice of Service of Discovery
01/28/13	Plaintiff's Opposition to Motions to Dismiss
01/30/13	Plaintiff's First Amended Response to Motions to Dismiss
02/04/13	Commission's Reply in Further Support of Motion to Dismiss
02/04/13	Commission's Reply to Plaintiff's Response to Motion to Dismiss
02/11/13	Orders Denying Commission's Motion to Dismiss
02/26/13	Commission's Answer
03/12/13	Commission's Designation of Experts
03/27/13	Commission's Third Party Complaint
05/09/13	Third Party's Answer to Third Party Complaint
11/19/13	Commission's Motion for Discovery Sanctions Against Ft. Myer filed
12/20/13	Hearing on pending discovery motions held and court refers case to Special Discovery Master for recommendations on appropriate sanctions against Ft. Myer and other pending discovery issues.
02/27/14	URS Motion to Dismiss Ft. Myer's Complaint against Commission, or alternatively Motion for Summary Judgment
03/31/14	Motions hearing held
03/31/14	Fort Myer's case dismissed without prejudice
03/31/14	Motions of URS and Commission regarding third party claim taken under advisement
04/11/14	Commission's Motion for Sanctions for Lack of Substantial Justification of Attorney's Fees and Costs against Fort Myers Construction
04/11/14	URS's Motion for Sanctions
04/28/14	Court granted Motion for Sanctions and awarded Commission's Attorney's Fees and Costs against Fort Myer Construction in the amount of \$376,597.68.
04/28/14	Court granted Motion for Sanctions by URS and awarded Attorney's Fees and Costs against Fort Myer Construction in the amount of \$248,638.31.

Kaviani v. Montgomery County Planning Board

Case No. 386387-V (AALU)

Lead Counsel: Dumais
Other Counsel: Lieb

Abstract: Petition for judicial review of Montgomery County Planning Board's enforcement order in MCPB No. 13-118, regarding Citation number EPD000007.

Status: Petition for Judicial Review filed

Docket:

01/22/14	Petition filed
02/25/14	Commission's Response to Petition for Judicial Review

MARYLAND COURT OF SPECIAL APPEALS

Beatty v. Montgomery County, et al.
September term 2012, Case No 02296 (T)

Lead Counsel: Chagrin
Other Counsel: Mills

Abstract: Claimant is suing for tort arising from slip and fall.

Status: Awaiting Decision

Docket:

01/14/13	Notice of Appeal
02/25/13	Order from Court of Special Appeals stating that case will proceed without a Prehearing Conference
12/05/13	Oral Argument held

Hall, et al. v. Commission
September Term 2009, No. 01247 (AALU)

Lead Counsel: Johnson
Other Counsel:

Abstract: Defense against Petition for Judicial Review of Planning Board's decision to approve Bundy's Subdivision of Birdlawn Preliminary Plan 4-06158.

Status: Pending scheduling of oral argument

Docket:

07/24/09	Petitioners Aimee Gray and the Estate of Affie Gray filed Notice of Appeal
12/18/09	Commission's Brief filed

McClure v. Montgomery County Planning Board

September Term 2013, No. 01031 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Pending scheduling of oral argument

Docket:

08/01/13	Notice of Appeal
04/03/14	Order re-scheduling case to September 2014 session

Rock Creek Hills Citizens Association, et al v. Commission

September Term 2013, No. 365 (AALU)

Lead Counsel: Mills
Other Counsel:

Abstract: Declaratory Judgment attempting to stop transfer & development of Commission owned property

Status: Awaiting decision

Docket:

05/20/13	Notice of Appeal-Ct of Special Appeals
07/19/13	Order-directing appeal to proceed w/o pre-hearing conference
01/24/14	Brief filed by Commission
03/05/14	Oral Argument held

Sahady v. Montgomery County Planning Board

September Term 2013, No. 01032 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Pending Oral Argument

Docket:

08/01/13	Notice of Appeal
02/07/14	Appellant's Brief filed
04/10/14	Appellee's Brief filed
06/04/14	Oral Argument

Slover et al. v. Montgomery County Planning Board

September Term 2011, No. 01460 (AALU)

Lead Counsel: Lieb
Other Counsel: Rubin

Abstract: Petition for Judicial review of the Planning Board decision to approve two-lot subdivision located at 9490 River Road in Potomac filed by project opponents. Circuit Court issued Order affirming Preliminary Plan. Plaintiff appeals Order.

Status: Decision Pending

Docket:

09/09/11	Plaintiff's Notice of Appeal filed
10/10/12	Oral argument held

Smith v. Montgomery County Planning Board

September Term 2013, No. 00774 (AALU)

Lead Counsel: Lieb
Other Counsel:

Abstract: Appeal filed in the Circuit Court ruling in the case of 21611 Ripplemead Drive.

Status: Pending Oral Argument

Docket:

06/21/13	Notice of Appeal filed
03/07/14	Commission's Brief filed
06/11/14	Oral Argument

MARYLAND COURT OF APPEALS

Arking, et al. v. MCPB

September Term 2013, Case No. 676 (PD)

Lead Counsel: Rubin
Other Counsel: Dumais

Abstract: Petition for certiorari seeking review of Court of Special Appeals order affirming Planning Board re-subdivision approval.

Status: Petition for Writ of Certiorari filed.

Docket:

02/19/14	Petition for Writ of Certiorari filed
03/07/14	Commission's answer in opposition to Petition for Certiorari filed

Rounds v. Commission

Case No. September Term 2014, No. 00019 (PD)

Lead Counsel: Gardner
Other Counsel: Dickerson

Abstract: Defense of claim for violations of the Maryland Constitution and declaratory relief concerning alleged Farm Road easement.

Status: Awaiting oral argument.

Docket:

11/01/13	Petition for Writ of Certiorari
11/12/13	Answer in Opposition to Petition for Writ of Certiorari
12/20/13	Cert Granted

U.S. DISTRICT COURT OF MARYLAND

American Humanist Association, et al v. Commission

Case #CV-14-550 (M)

Lead Counsel: Dickerson
Other Counsel: Gardner

Abstract: Defense of claim alleging religious advancement on public property

Status: Answer filed.

Docket:

02/25/14	Complaint filed in U. S. District Court for the District of MD
04/28/14	Answer filed by Commission

Hartford Casualty Insurance Company v. Commission

Case No. CV-01765 (CD)

Lead Counsel: Ober, Kaler, Grimes & Shriver (Michael A. Schollaert)
Other Counsel: Dickerson, Chagrin

Abstract: Plaintiff bonding company filed complaint seeking alleged damages associated with surety work after taking over Fort Washington Forest Park and the North Forestville Project in Prince George's County.

Status: Pending response

Docket:

06/18/13	Complaint filed
06/10/14	Responsive pleadings due

Neal v. Commission

Case No. RWT 12-CV-1186 (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination.

Status: Settlement conference held.

Docket:

04/23/12	Complaint filed
01/07/13	Motion for Summary Judgment denied
04/15/14	Settlement Conference

Streeter v. Commission
Case No. RWT 12-CV-0976 (ED)

Lead Counsel: Harvin
Other Counsel:

Abstract: Defense of claim alleging discrimination and retaliatory termination.

Status: Awaiting Final Order

Docket:

01/17/12	Complaint filed in Circuit Court for Prince George's County
04/03/12	Case removed to U.S. District Court
04/10/12	Commission's Preliminary Motion to Dismiss filed
01/07/13	Motion granted with conditions
03/27/14	Commission's Motion to Dismiss Complaint w/prejudice filed