GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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D C OFFICE OF ZONING

Office of the Director

MEMORANDUM

TO: D. C Zoning Commission

FROM: Andrew Altman
Director

DATE: October 18, 2004

SUBJECT: Final Report on Zoning Commission Case Number 04-16, A Proposed Zoning Text Amendment to Create the Takoma Neighborhood Commercial Overlay District and Map Amendment to Map the Overlay

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The Office of Planning (OP) recommends amending Chapter 13 of the District of Columbia Municipal Regulations (DCMR), Zoning, to create the Takoma Neighborhood Commercial Zoning Overlay District, and approval of a Map Amendment to establish this zoning overlay district on specific lots and portions of lots located on Squares 3187, 3188, 3275, 3276, 3278, 3280, 3352, 3353, 3354, 3356 and 3357

The proposed overlay boundaries and final revised amendment text are provided in Exhibits 1 and 2

BACKGROUND

The impetus for this amendment is the Takoma Central District Plan (the Plan) approved by the Council of the District of Columbia on June 4, 2002 (Resolution 14-460) The Plan, which provides supplemental guidance to the Zoning Commission in regards to the D C Comprehensive Plan, establishes a vision for future development, preservation, and revitalization of the Takoma Central District Specifically it establishes guidelines, goals and standards for revitalization in the areas of historic preservation, market economics, land use, urban design and transportation The document also includes an Implementation Summary that links selected strategies with the necessary implementation actions This proposed text amendment is the first Action Item listed in the Land Use section of the Summary

The Zoning Commission set down this petition for a public hearing during its public meeting on June 14, 2004 The Commission gave OP the flexibility to continue working with the Office of the Attorney General to further refine the proposed amendment text The revised draft text was subsequently advertised for this public hearing on August 13, 2004

ZONING COMMISSION
District of Columbia
CASE NO. 04-16
EXHIBIT NO. 6

#4

ZONING COMMISSION
District of Columbia
CASE NO.04-16
EXHIBIT NO.6

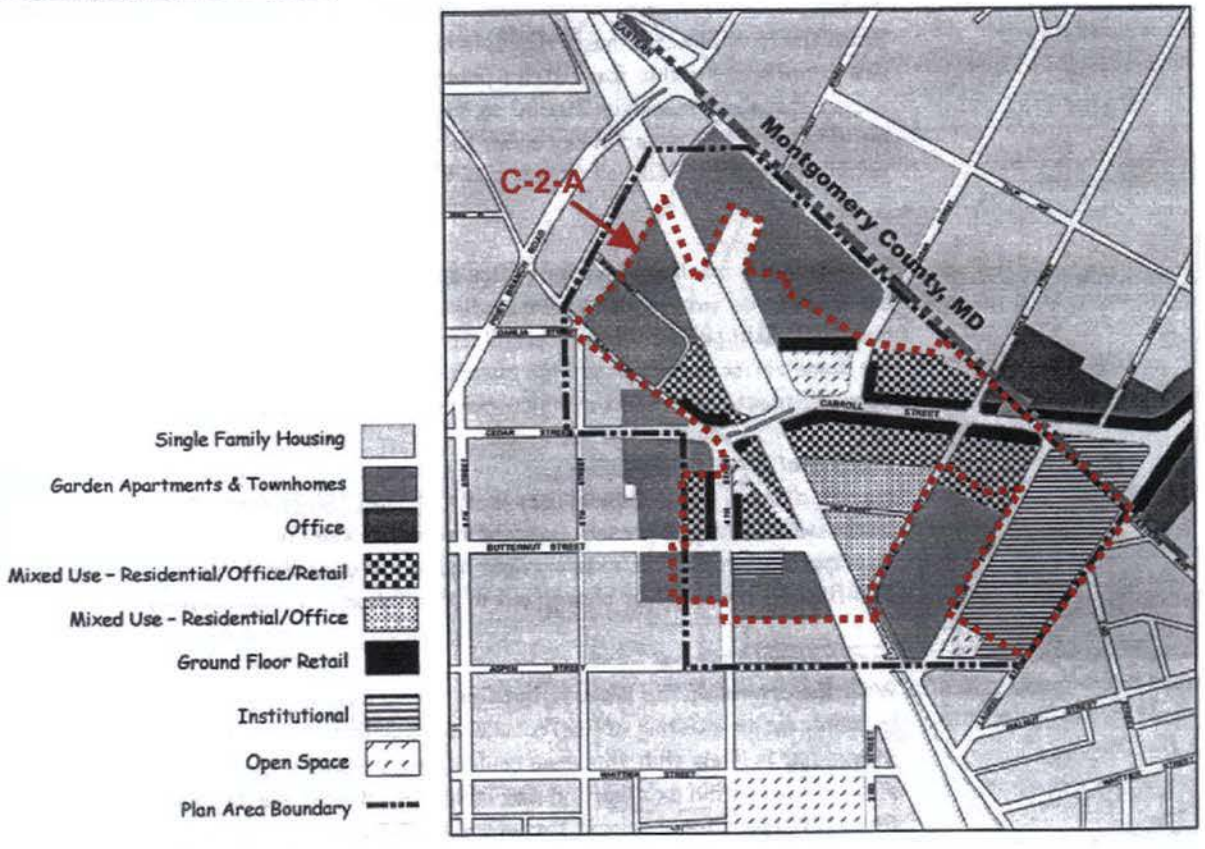
APPLICABILITY OF THE NEW OVERLAY

The proposed Takoma Neighborhood Commercial Overlay District would include properties in the C-2-A zone district within the Central District generally located around the Takoma Metro station. It would encompass all property on Squares 3188 and 3278, and certain lots and portions of lots on Square 3187 along the Blair Road and Cedar Street frontages; Squares 3275 and 3276 along the 4th Street frontage; Squares 3352, 3353, 3354, 3356, and 3357 along Cedar and Carroll Street frontages; and Square 3280 along the Blair Road, Butternut and 4th Street, N.W. frontages. Outer boundaries of the overlay would uniformly extend 100 feet from the listed rights-of-way onto the abutting squares (refer to Exhibit 1).

ANALYSIS

The goal of the proposed overlay district and map amendment is to encourage implementation of the preferred land use pattern identified in the Plan on properties in the C-2-A zone district within the Takoma Central District (figure 1 below).

Preferred Land Use Pattern



From east to west within the C-2-A zone district, the preferred land use pattern emphasizes

- garden apartment and townhouse uses along the northern frontage of Blair Road from the C-2-A zone district boundary east to Spring Place,
- mixed (residential, office and retail) use including ground floor retail along the same frontage between Spring Place and Cedar Street;
- mixed and ground floor retail uses east and west of 4th Street (the existing open space at the corner of Blair Road will be retained),
- mixed use including ground floor retail east and west of Blair Road south of Cedar Street,
- mixed use with ground floor retail north and south of Cedar Street from 4th Street east to the railroad overpass,
- mixed use with ground floor retail along the southern frontage of Cedar Street from the railroad overpass east to the C-2-A zone district boundary; and
- mixed use and ground floor retail uses further east along the northern and southern frontages of Carroll Street to the District boundary

Immediately east of the railroad overpass, the Plan provides for an open space (village green) along the northern frontage of Cedar Street. Garden apartment and townhouse uses with ground floor retail would be located north of this open space After reviewing this land use pattern OP determined that, although implementing the basic requirements and standards of the Neighborhood Commercial overlay zone would generally encourage the desired pattern of land use within existing C-2-A zone districts, a few additional provisions are needed The draft text and map amendments were developed as a result

Modification of Draft Amendment Text

OP now recommends the following changes to the current draft text amendment

- *Exempt Some Residential Developments from the Ground Floor Retail Requirement:* Subsequent to the OP Preliminary Report and Pre-hearing Statement, issues were raised about the possible impact of this overlay on two projects in early stages of development. The contract purchaser of property next to Blair Road, between the C-2-A zone district boundary and Spring Place, expressed concern about the viability of ground floor retail uses along this frontage There are no nearby retail uses along this frontage to the west, or on the opposite (south) side of Blair Road in the Residential (R-1-B) zone district The adjacent property east of Spring Place in the C-2-A zone district is also under construction with a purely residential development The purchaser was also concerned about how the lack of on-street parking along Blair Road would impact the marketability of new retail space, the difficulty of directing passing vehicles and customers toward retail parking provided in the rear of the property; and the capacity of the narrow Blair Road right-of-way to accommodate vehicle-turning movements into and out a parking area behind any ground floor retail

A partner involved in the planned joint redevelopment of the Takoma Metro station site on the eastern side of the railroad overpass also questioned the impacts of the ground floor retail requirement on planned "live/work" townhouses planned just north of the open space (village green)

OP agreed with the concerns about potential Blair Road retail uses This frontage is somewhat isolated from the established 4th Street commercial corridor, and the Plan actually identifies garden apartment and town house uses in this area. The Land Use Revitalization Strategies section of the Plan explain, "Encourag(ing) new mixed use retail/residential development at the northeast corner of Cedar Street and Blair Road " is "... a first step in support of future development of housing opportunities to the north along Blair Road and Spring Street " Staff also recognizes that requiring ground floor retail north of the village green on the Metro station would do little to enhance the visibility of retail tenants or the vitality of the Cedar/Carroll Street commercial corridor

As a result, OP now recommends exempting new residential construction along Blair Road frontage of Square 3187, and Cedar Street frontage of Square 3352 and 3353 (western portion) from the provisions of Section 1302 4 (refer to Exhibit 3 & 4)

- *Require any change of ground floor uses in exempted residential developments to comply with requirements of the Takoma Neighborhood Commercial Overlay:* OP proposes to retain protections provided by the proposed Takoma Neighborhood Commercial overlay district so that any future changes of ground floor residential uses in exempted buildings are consistent with the Plan Therefore, it is recommended that subsequent changes in ground floor residential uses not be permitted unless. buildings associated with the exempted construction meet the requirements of the overlay, including a minimum ceiling height of 14 feet clear; and the proposed use is consistent with other provisions of the overlay (refer to Exhibits 3 & 5)

Clarification of Maximum Height Increase

In response to an issue raised during the Commission meeting, proposed Sections 1310 7 and 1310 8, were revised by OP and the Office of the Attorney General to clarify that the increase in the height allowed in the underlying C-2-A zone district from 50 to 55 feet only applies to portions of buildings with a minimum ground floor level height of 14 feet clear Amendment text advertised on August 13, 2004 reflected these revisions (refer to Exhibit 2)

Modifications to the Overall District Boundaries

No changes are proposed.

COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use Map designates this area for a mixture of Low Density residential development characterized by single-family detached and semi-detached housing, and Low Density Commercial characterized by shopping and service areas that generally low in scale, character and activity that provide a limited range of retail goods and

services, as predominant uses The adopted Takoma Central District Plan offers additional recommendations for the core area to be a mixture of land uses including single-family housing, garden apartments and townhouses, mixed use retail, office and residential, and office, institutional and open space

The Land Use Revitalization Strategies section of the Plan includes the following description of the potential development site around the Metro railway station

> "Opportunity Site A Encourage new housing as a primary elements of Metro site redevelopment, ensuring that new development support community revitalization goals and includes appropriate green space The proposed redevelopment concept maintains a green space as a 0 8-1 2 acre "Village Green" and proposes a density of approximately 65-95 total units on three acres of the site Limited retail/service uses are incorporated into this development along the proposed Village Green, possibly in live/work units *The proposed Eakin Youngentob townhouse and live/work project is consistent with this land use strategy* "

Ward 4 Objectives for Economic Development under Section 1505 of the Comprehensive Plan includes the following

> "(a) Create and expand retail activity focused primarily on designated nodes and on Georgia Avenue, Kennedy Street and the **Takoma** Metrorail Station areas, "

Ward 4 Action in Support of Economic Development under Section 1506 include

> "1506 1 The policies in support of economic development are as follows
>
> (a) Develop an action plan for vacant commercial properties at designated commercial nodes .. at the Takoma commercial and retail area .
> (1) Commercial properties that are underused do not contribute to the economic activity in the ward or District. They afford an opportunity to upgrade existing neighborhood commercial centers and to eliminate blighted sites from the ward, and
> (2) Recommended actions
> (B) Encourage businesses that provide neighborhood - serving retail support to the surrounding neighborhoods ,
> (C) Identify additional areas with underused properties that have the potential for new and expanded residential and commercial development,
> (D) Develop detailed plans for the above areas Recommend to the Zoning Commission zoning changes to advance the improvement and stability of the specialized areas,

Ward 4 Objectives for Housing under Section 1508 1 include

"The objectives for housing are as follows
(a) Provide for the housing needs of low- and moderate-income households, improve the District's low-rent housing programs, encourage home ownership and reduce the overall cost of housing among low- and moderate-income households in the ward, . "

Ward 4 Objectives for Land Use/Zoning under Section 1529 includes

"(a) Protect and enhance existing residential neighborhoods;
(b) Protect the ward's residential areas from incompatible land uses and from activities generating excessive traffic, parking, noise, litter and other damaging environmental impacts,
(d) Encourage development of adequate neighborhood shopping and support services;
(e) Promote the vitality of the ward's commercial areas and to increase employment and economic growth,
(f) Encourage the appropriate and compatible development of land adjacent to the . . Takoma Metrorail station(s);
(k) Encourage, with higher density rezoning as necessary, and with appropriate measures to mitigate potential adverse impacts on surrounding areas, "

Ward 4 Actions in Support of Land Use/Zoning include

"1530 1 The policies in support of land use/zoning are as follows
(c) Complete a Takoma Metrorail Station Area Study to determine the appropriate mix, scale, intensity and design of development
(1) The area near the intersection of Blair Road and Cedar Street, N W , has been the subject of a number of land use proposals Any development in this area may adversely impact existing nearby residential development and the Takoma historic district; and
(3) Recommended actions ..
(B) Provide land use and zoning actions that encourage new and accommodate existing town houses and garden apartment development and that discourage more industrial use,
(C) Coordinate new commercial development activities around the Takoma Metrorail Station area through the Joint Development Review Process, "

The proposed Takoma Overlay District supports the following Action Items listed in the Takoma Central District Plan Implementation Summary

"2 0 Market Economics
Action Item

2.2 *Investigate a zoning overlay district that ensures retention and establishment of small to moderate scale ground floor retail uses in a continuous pattern along Carroll Street*

3 0 Land Use *residential and mixed-use development*
3 d Retain and strengthen the Takoma Central District as a mixed-use neighborhood
Action Items .
3.1 Concentrate retail activities in key opportunity sites and areas along Carroll Street and 4th Street by establishing a zoning overlay district along these corridors to required retention and establishment of ground floor retail uses
3.2 Limit negative activities and inappropriate uses thought targeted rezoning, a zoning overlay district, and coordination with the Mayor's Neighborhood Action Service Initiative

4 0 Transportation
Action Items
4 1 Under DDOT direction and in partnership with a citizen transportation task force, initiate a comprehensive traffic study for the Takoma Central District and surrounding neighborhoods to identify methods for reducing adverse impacts from commuter/cut-through traffic, reducing congestion and *improving parking and pedestrian safety*
4 2 *Improve pedestrian safety in the Takoma Central District* with a coordinated program of physical improvements

5 0 Urban Design
Guidelines
5 b *Improve built edges, public frontages and retail storefronts along major commercial corridors and pedestrian connectors*
Action Items .
5 2 Enhance the Metro Station as a community gateway
5 3 Improve the overall streetscape quality
5 4 Increase pedestrian safety "These objectives are supported by encourage safe streetscapes through wide sidewalks that lead to the Metro, active ground level retail by requiring neighborhood serving uses in spaces with a minimum floor to ceiling height, and residential uses by allowing a minimal increase in building height in combination with the ground floor height requirement to ensure there is no reduction in potential residential floor area

In general, instituting current requirements of Section 1300 in the Central District would encourage establishment (and retention) of ground floor retail " in a continuous pattern along Carroll Street ", as well as 4th Street, Cedar Street, and Blair Road (south of Cedar Street) Unique provisions of the proposed Overlay would further " encourage neighborhood shopping and support services " in the Central District by requiring a ground floor area height thought

sufficient to be competitive in the market for commercial lease space, designating a portion of the ground floors of new construction for neighborhood-serving retail and service uses, and keeping new construction a minimum distance from both sides of major roadways, leaving space that could potentially be used for outdoor commercial activity and pedestrian circulation improvements.

These provisions would also generally retain the current residential potential of the underlying C-2-A zone district by providing a minimal increase in building height in combination with the ground floor height requirement for nonresidential uses It is anticipated that the Central District would experience a gradual upgrade to a neighborhood commercial center without any loss in the residential development potential

Based on this information, this proposal is not inconsistent with the Comprehensive Plan and implements the Land Use Action items listed in the Takoma Central District Plan supplement

AGENCY COMMENTS

Draft amendment text was distributed to the Police and Fire Departments, and Departments of Transportation (DDOT), and Housing & Community Development (DHCD) for comment To date, no comments have been received.

COMMUNITY COMMENT

The original proposal was presented to the Plan Takoma organization and area property owners on April 27 and June 1, 2004, respectively Advisory Neighborhood Commissions (ANC) 4B and 4D was notified about the revised text as advertised. OP phoned both ANCs about the revised proposal, but to date no comments have been received

RECOMMENDATION

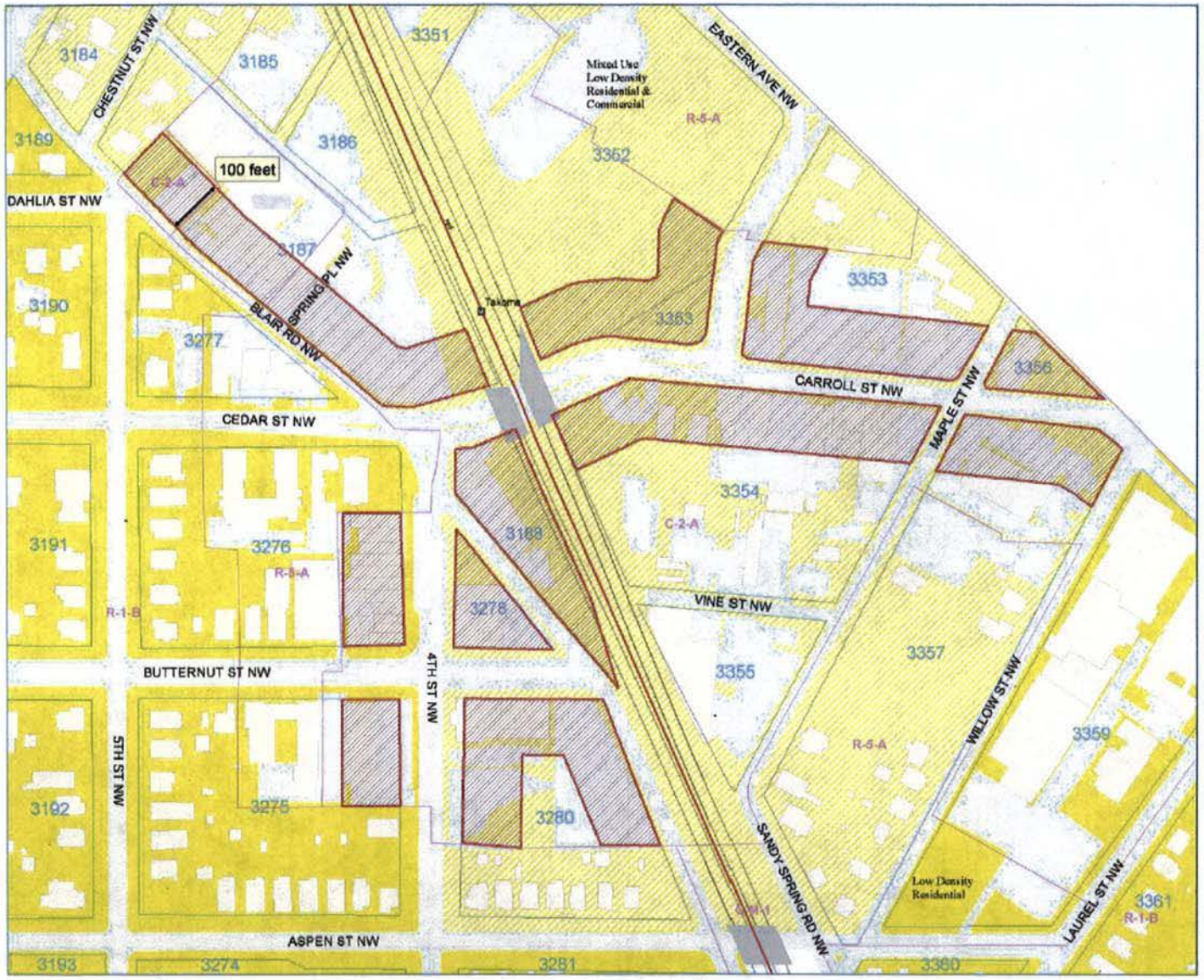
The Office of Planning (OP) recommends change and approval of the proposed amendment Chapter 13 of the District of Columbia Municipal Regulations (DCMR), Zoning, to create the Takoma Neighborhood Commercial Overlay Districts in a C-2-A zone district, and approval of a Map Amendment to establish the new zoning overlay district on specific lots located on Squares 3187, 3188, 3275, 3276, 3278, 3280, 3352, 3353, 3354, 3356 and 3357 The proposed change would add new Subsections 1310 5 and 1310 6 as follows, and renumber the subsequent subsections.

1310.5 Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187, and Cedar Street frontage of Square 3352 and 3353 within the Takoma Overlay District do not have to provide the designated retail and service establishments on the ground level required by § 3102.1, nor comply with the ground level requirements of §§ 1310.9 and 1310.10, if the ground level is devoted exclusively to residential uses.

1310.6 If ground floor residential uses are established pursuant to § 1310.5, no certificate of occupancy for a permitted non-residential use on the ground level may be issued, unless the ground level of the subject building complies with §§ 1310.9 and 1310.10.

Attachments
- Exhibit 1 Proposed Takoma Overlay District Boundaries (also Designated Areas and Generalized Land Use Map Designations in Comprehensive Plan)
- Exhibit 2 Revised Amendment to Establish the Takoma Neighborhood Commercial Overlay District
- Exhibit 3 Chapter 13 Neighborhood Commercial Overlay District (portion)
- Exhibit 4 Designated Roadways
- Exhibit 5 Allowable Uses from Section 701.1 and 701 4 (C-1 Zone District)

AFJ/afj



Takoma Park Overlay

Legend

- Property Squares
- Zoning Districts
- Water
- Street Centerlines
- Railroads
- Buildings
- Bridges, overpasses, tunnel entrances, and underpasses
- Metro buildings, stations, and bus shelters
- Metro Stations
- Curbs
- Alleys and Parking
- Roads

N

Feet

0 50 100 150

Government of the District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ May 19, 2004

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

Exhibit 1

Draft Amendment to Establish the Takoma Neighborhood Commercial Overlay District [1]

Amend Section 1300 of, and add a new Section 1310 to Title 11 of the District of Columbia Municipal Regulations, "Zoning" as follows Added language is shown bolded and underlined

CHAPTER 13 NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

Secs
1300 Preamble
1301 General Provisions
1302 Designated and Restricted Uses
1303 Limitations on Driveways and Curb Cuts
1304 Special Exceptions
1305 Planned Unit Development Guidelines
1306 Cleveland Park Neighborhood Commercial Overlay District
1307 Woodley Park Neighborhood Commercial Overlay District
1308 Macomb-Wisconsin Neighborhood Commercial Overlay District
1309 Eighth Street Southeast Neighborhood Commercial Overlay District
1310 Takoma Neighborhood Commercial Overlay District

The proposed text amendment would add a new § 1310 to Chapter 13, "Neighborhood Commercial Overlay District."

1310 TAKOMA NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1310 1 The Takoma Neighborhood Commercial Overlay District (TK) applies to Squares 3188 and 3278 in their entirety, and certain lots and portions of lots zoned C-2-A on

(a) Square 3187 along the frontages of Blair Road and Cedar Street, N W ;
(b) Squares 3275 and 3276 along the frontage of 4th Street, N W ,
(c) Squares 3352, 3353, 3354, 3356, and 3357 along the frontages of Cedar Street and Carroll Street, N W., and
(d) Square 3280 along the frontages of Blair Road, Butternut Street, and 4th Street, N W

1310 2 The Overlay begins at the street right-of-way lines abutting the Squares named in § 1310 1, and extends to a depth of one hundred feet (100 ft)

1310 3 In addition to the purposes in § 1300, the purposes of the Takoma Overlay District are to

(a) Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station,

[1] Revised July 19, 2004 and October 13, 2004

(b) Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service and office uses, and

(c) Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses.

1310.4 For the purposes of § 1302, the designated use area within the Takoma Overlay District shall coincide with the boundaries of this District, as set forth in §§ 1310.1 and 1310 2

1310.5 Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187, and Cedar Street frontage of Square 3352 and 3353 within the Takoma Overlay District do not have to provide the designated retail and service establishments on the ground level required by § 3102.1, nor comply with the ground level requirements of §§ 1310.9 and 1310.10, if the ground level is devoted exclusively to residential uses.

1310.6 If ground floor residential uses are established pursuant to § 1310.5, no certificate of occupancy for a permitted non-residential use on the ground level may be issued, unless the ground level of the subject building complies with §§ 1310.9 and 1310.10.

1310.7 For the purposes of §§ 1302 5 and 1303 2, the designated roadways within the Takoma Overlay District shall be portions of 4th Street, N.W., Blair Road, N W , Cedar Street, N W to the intersection with Carroll Street, N W , and Carroll Street, N W that abut any property zoned C-2-A on Squares named in § 1310 1

1310.8 The street wall of each new building fronting on Blair Road, N W , Cedar Street, N W , and Carroll Street, N W , or any addition to an existing building frontage on any of these streets shall set back for its entire height and frontage not less than thirteen feet (13 ft), measured from the adjacent curbline

1310.9 The ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft)

1310.10 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft)

1310.11 DEFINITION

1310.12 When used in § 1310, the following term has the meaning ascribed.

Clear Floor-to-Ceiling Height: A vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following

a) Elements of the building structure other than columns and walls,

b) Components of mechanical or plumbing systems, or
c) Components of electrical systems, except lighting fixtures

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements or systems referenced in a), b), or c) above

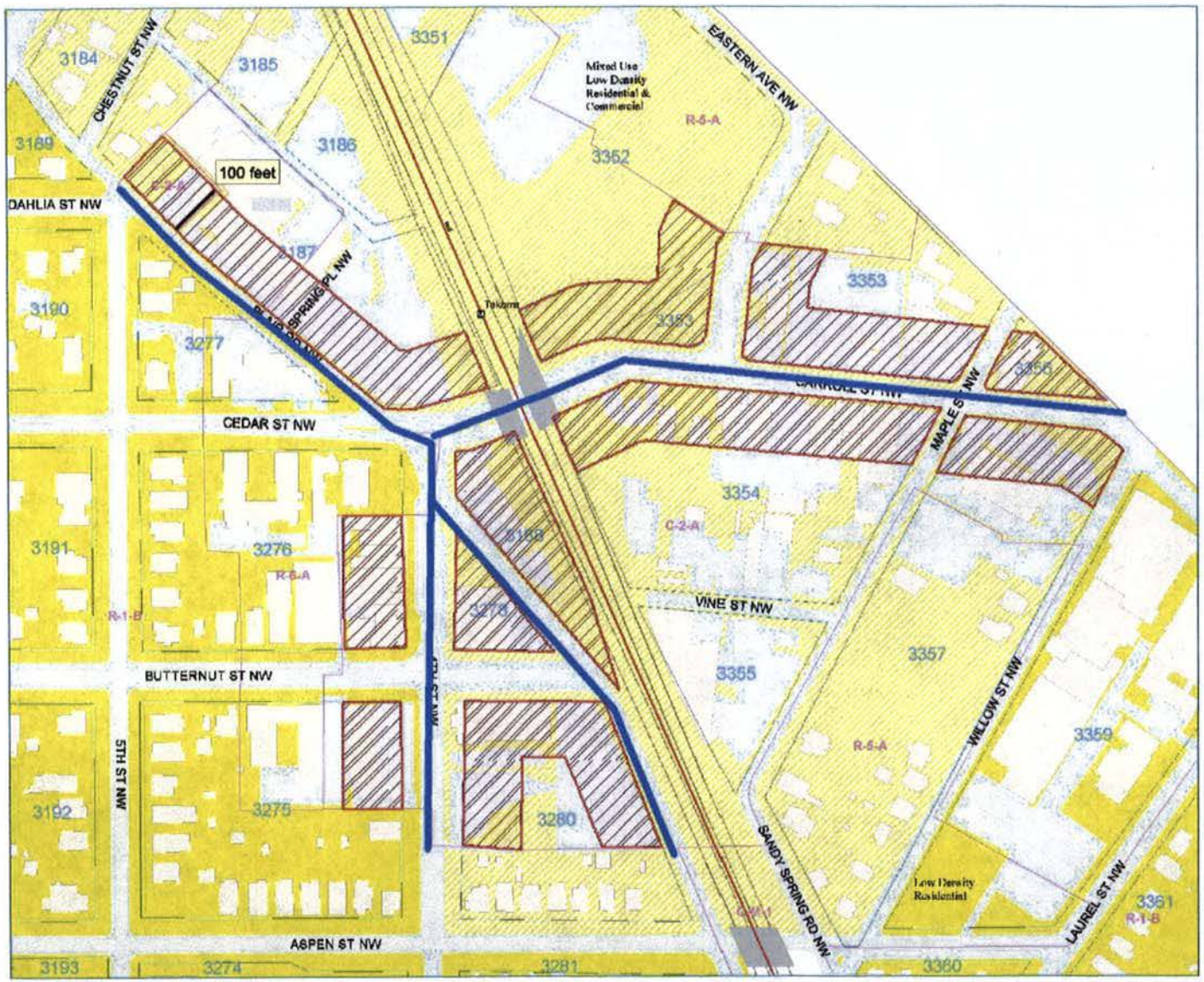

Takoma Park Overlay
Designated Roadways
100 feet
CHESTNUT ST NW
DAHLIA ST NW
PARK PL NW
CEDAR ST NW
BUTTERNUT ST NW
ASPEN ST NW
5TH ST NW
6TH ST NW
EASTERN AVE NW
CARROLL ST NW
MAPLE ST NW
VINE ST NW
WILLOW ST NW
SANDY SPRING RD NW
LAUREL ST NW
Takoma
Mixed Use
Low Density
Residential &
Commercial
Low Density
Residential
R-5-A
C-2-A
R-1-B
3184
3185
3186
3187
3189
3190
3191
3192
3193
3274
3275
3276
3277
3278
3279
3280
3281
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3359
3360
3361
Legend
Property Squares
Zoning Districts
Water
Street Centerlines
Railroads
Buildings
Bridges, overpasses, tunnel entrances, and underpasses
Metro buildings, stations, and bus shelters
Metro Stations
Curbs
Alleys and Parking
Roads
N
Feet
0 50 100 150
Government of the
District of Columbia
Anthony A. Williams, Mayor
Office of Planning ~ May 18, 2004
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Exhibit 3

CHAPTER 13 NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

Secs
1300 Preamble
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1307 Woodley Park Neighborhood Commercial Overlay District
1308 Macomb-Wisconsin Neighborhood Commercial Overlay District
1309 Eighth Street Southeast Neighborhood Commercial Overlay District

1300 PREAMBLE

1300 1 The Neighborhood Commercial (NC) Overlay District is established to preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services

1300.2 The NC Overlay District includes a number of individual overlay zone districts that may be established and mapped from time to time, consistent with the general provisions of this chapter

1300.3 The purposes of the NC Overlay District are to

(a) Encourage a scale of development, a mixture of building uses, and other attributes, such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan,
(b) Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, so as to meet the needs of the surrounding area's residents, workers, and visitors, and
(c) Limit the maximum permitted height of new buildings so as to encourage a general compatibility in scale between new and older buildings

1300 4 The provisions of this chapter that apply to the discrete NC Overlay Districts shall reflect the character, scale, and needs of the particular district

1301 GENERAL PROVISIONS

1301 1 The NC Overlay District is mapped in combination with the underlying Commercial District and not instead of the underlying district.

1301 2 Except as provided in § 1301 3 and in other provisions of this chapter, all uses, buildings, and structures permitted in accordance with this chapter and the appropriate

regulations of the underlying district with which the mapped NC Overlay District is combined shall be permitted in the combined district

1301 3 Where there is a conflict between this chapter and the underlying zoning, the more restrictive provisions of this title shall govern

1302 DESIGNATED AND RESTRICTED USES

1302 1 Any building that occupies or is constructed on a lot in a designated use area within an NC Overlay District shall provide designated retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the particular overlay district

1302 2 The designated uses for purposes of this section are the following

(a) Any use that is permitted as a matter of right in the C-1 District pursuant to §§ 701 1 or 701 4,
(b) Library;
(c) Blueprinting or similar reproduction service,
(d) Film exchange,
(e) Interior decorating shop,
(f) Laundry, self service,
(g) Photographic studio,
(h) Picture framing studio or shop,
(i) Tailor shop or valet shop,
(j) Telegraph office,
(k) Antique store or shop,
(l) Auction house,
(m) Department store,
(n) Display stand or store for mail order sales,
(o) Dry goods store,
(p) Furniture store,
(q) Home furnishings sales,
(r) Leather goods store,
(s) Musical instruments and accessories sales,
(t) Office supplies and equipment sales;
(u) Optical goods store,
(v) Pet shop,
(w) Precision instrument sales, and
(x) Theater, including motion picture theater

1302 3 If the underlying zone district is C-1, the designated uses shall include only those uses that are referenced in paragraphs (a) and (b) of § 1302 2

1302 4 The designated uses listed in § 1302 2 shall occupy no less than fifty percent (50%) of the gross floor area of the ground level of the building, subject to the following requirements

(a) No more than twenty percent (20%) of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices,
(b) The ground level floor shall be the floor that is nearest in grade elevation to the sidewalk, and
(c) In those parts of the affected building or lot other than as delineated in this section, the use provisions of the underlying zone district shall apply

1302 5 Restaurants, fast food restaurants, delicatessens, carry-outs, and similar eating or drinking establishments shall be subject to the following limitations

(a) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC Overlay District, as measured along the lots that face designated roadways in the particular district, and
(b) Except for a fast food restaurant, such uses may be applied to fulfill the requirements of § 1302 4, provided, that when such uses are so applied, they shall remain subject to the provisions of paragraph (a) of this subsection

1303 LIMITATIONS ON DRIVEWAYS AND CURB CUTS

1303 1 No drive-through accessory to any use shall be permitted in the NC Overlay District

1303 2 Within the area of the NC Overlay District, notwithstanding the provisions of § 2117 8(c), no driveway providing access from any designated roadway to required parking spaces or loading berths shall be permitted

1304 SPECIAL EXCEPTIONS

1304 1 Exceptions from the requirements of this chapter shall be permitted only as a special exception, if approved by the Board of Zoning Adjustment after public hearing, in accordance with § 3104, and subject to the following requirements

(a) The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC Overlay District and the particular NC Overlay District, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity,
(b) Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver;
(c) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions, and
(d) The Board may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC Overlay District and the particular overlay district

1304 2 This section shall not operate to allow any exception to the height or floor area ratio limits of any NC Overlay District

1305 PLANNED UNIT DEVELOPMENT GUIDELINES

1305 1 In the NC Overlay District, the matter-of-right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments

Allowable Uses from Sections 701 1 AND 701 4 (C-1 Zone District)

701.1 The following service establishments shall be permitted in a C-1 district as a matter of right:

(a) Bank or other financial institution;
(b) Bar or cocktail lounge
(c) Barber or beauty shop;
(d) Cobbler or shoe repair shop;
(e) Collection station for dry cleaning, dying, or laundry,
(f) Dressmaking shop or establishment;
(g) Frozen food locker for family or individual use only;
(h) Gasoline service station existing on May 12, 1958;
(i) Gasoline service station as an accessory use to a parking garage, or public storage garage, subject to the special provisions of Chapter 23; Provided, that the following requirements shall be met:
  (1) All portions of the gasoline service station shall be located entirely within the garage;
  (2) No part of the accessory use shall be visible from a sidewalk, and
  (3) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
(j) Laundry, self service, not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area;
(k) Laundry or dry cleaning establishment, not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area,
(l) Locksmith;
(m) Newspaper distribution station,
(n) Optician and optometrist;
(o) Radio or television repairs;
(p) Shoeshine parlor,
(q) Tailor shop or valet shop not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area; and
(r) Watch repair shop.

701.4 The following retail establishments shall be permitted in a C-1 district as a matter of right.

(a) Art supplies store,
(b) Automatic ice delivery station;
(c) Automobile accessories sales, excluding installation;
(d) Bakery; Provided, that any manufacture of bakery goods shall be limited to goods retailed on the premises,
(e) Bicycle sales and repair;
(f) Book store;
(g) Camera or photographic supplies store;
(h) Cosmetics or toiletries store;
(i) Drug store or pharmacy;
(j) Electric appliance store, including television and radio sales,
(k) Flower stand or florist shop;
(l) Food or grocery store;
(m) Gift shop;
(n) Hardware store,
(o) Hobby shop, including the sale of toys;
(p) Jewelry store,

(q) Restaurant, but not including a fast food restaurant, drive-in restaurant, or a food delivery service;
(r) Music store;
(s) Newsstand;
(t) Notions or novelty store;
(u) Off-premises alcoholic beverages sales.
(v) Paint store;
(w) Sporting goods store;
(x) Stationery store;
(y) Tobacco products store; and
(z) Variety store