

1 **Sec. 1. Division 59-C-15 is amended as follows:**

2 \* \* \*

3 **DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL [(CR)] ZONES**

4

5 **59-C-15.1. Zones Established.**

6 **59-C-15.11.** The Commercial/Residential [(CR)] zones are established as  
7 combinations of zone categories and a sequence of 4 factors: maximum total floor  
8 area ratio (FAR), maximum non-residential FAR, maximum residential FAR, and  
9 maximum building height.

10 (a) There are three commercial/residential (CR) categories with variable uses,  
11 density and height limits, general requirements, development standards, and  
12 public benefit requirements to respond to different settings. These zone  
13 categories are:

- 14 (1) CR Neighborhood (“CRN”);
- 15 (2) CR Town (“CRT”); and
- 16 (3) CR Metro (“CR”).

17 ~~(a)~~(b) The CR category is followed by a number and [These zones are identified  
18 by] a sequence of three additional symbols: [(CR,)] C, R, and H, each  
19 followed by a number where:

- 20 ~~[(a)]~~(1) the number following the CR category [symbol “CR”] is the  
21 maximum total FAR;
- 22 ~~[(b)]~~(2) the number following the [symbol] “C” is the maximum non-  
23 residential FAR;
- 24 ~~[(c)]~~(3) the number following the [symbol] “R” is the maximum  
25 residential FAR; and
- 26 ~~[(d)]~~(4) the number following the [symbol] “H” is the maximum  
27 building height in feet.

28 (c) The Commercial/Residential Zones will be applied on the zoning map that  
 29 will show, for each property classified under a CR zone, the zone category  
 30 and the four regulated factors (total, non-residential, and residential density  
 31 and height).

32 (d) This Division uses examples and illustrations to demonstrate the intent of  
 33 the CR zones. These[The] examples and illustrations [in this Division] do  
 34 not add, delete, or modify any provision of this Division.[Examples are  
 35 provided only to demonstrate particular applications of the provisions in the  
 36 Division. Examples are not intended to limit the provisions.]

37 **59-C-15.12. Density and Height Allocation.**

38 **59-C-15.121. Density and Height Limits.**

39 (a) Each unique sequence of CRN, CRT, or CR, and C, R, and H is established  
 40 as a zone under the following limits:

<u>Category</u>	<u>Max Total FAR</u>	<u>Max C or R FAR</u>	<u>Max H</u>
<u>CRN</u>	<u>0.5 to 1.5</u>	<u>0.25 to 1.5</u>	<u>40 to 65</u>
<u>CRT</u>	<u>0.5 to 4.0</u>	<u>0.25 to 3.5</u>	<u>40 to 150</u>
<u>CR</u>	<u>0.5 to 8.0</u>	<u>0.25 to 7.5</u>	<u>40 to 300</u>

41 (b) Zones may be established and mapped at densities in increments of 0.25 and  
 42 heights in increments of 5 feet with the ranges indicated in the table.

43 ~~[(a) the maximum total FAR must be established as an increment of 0.25 from~~  
 44 ~~0.5 up to 8.0;~~

45 ~~(b) the maximum non-residential and residential FAR must be established as an~~  
 46 ~~increment of 0.25 from 0.25 up to 7.5; and~~

47 ~~(c) the maximum height must be established as an increment of 5 feet up to 100~~  
 48 ~~feet and an increment of 10 feet from 100 feet up to 300 feet.]~~

49 **59-C-15.122[1]. Density Averaging.**

50 Permitted density may be averaged over 2 or more directly abutting or confronting  
 51 properties[lots] in one or more CRN, CRT, or CR zones, provided that:

- 52 (a) the properties[lots] are subject to the same site plan or sketch plan;
- 53 (b) the resulting lots or parcels are created by the same preliminary subdivision  
 54 plan or satisfy a phasing plan established by an approved sketch plan;
- 55 (c) the maximum total, ~~density and~~ non-residential, and residential density  
 56 limits apply to the entire development, not to individual lots or parcels;
- 57 (d) no building may exceed the maximum height set by the zone;
- 58 (e) uses are subject to the provisions of the zone category~~[public benefits must~~  
 59 ~~be provided under the phasing element of an approved sketch plan]~~; and
- 60 (f) the total allowed maximum density on a resulting~~[of a]~~ lot or parcel ~~[zoned~~  
 61 CR] that is adjacent to or confronting a lot or parcel in an applicable  
 62 residential zone~~[one-family residentially zoned or agriculturally zoned lots~~  
 63 ~~or parcels]~~ may not ~~[be]~~ exceed~~[ed]~~ that allowed by the zone.~~[; and~~
- 64 ~~(g) — the resulting development must conform to the design and land use~~  
 65 ~~objectives of the applicable master or sector plan and design guidelines.]~~

66 **59-C-15.13. Applicability.**

67 The CRN, CRT, and CR zones can only be applied when specifically  
 68 recommended by an approved and adopted master or sector plan and only by ~~[the]~~  
 69 sectional map amendment~~[process]~~.

71 *Examples:*

- 72 • An area zoned CRN-1.5~~[2.0]~~, C1.0, R1.0, H45~~[80]~~ allows a total FAR ~~[of]~~ up to 1.5~~[2.0]~~,  
 73 with maximum non-residential and residential FARs of 1.0, thereby requiring an equal  
 74 mix of uses to obtain the total FAR allowed. The height for any building in this zone is  
 75 limited to 45~~[80]~~ feet.
- 76 • An area zoned CR-6.0, C3.0, R5.0, H200 allows ~~[a residential FAR of up to 5.0,]~~ a non-  
 77 residential FAR ~~[of]~~ up to 3.0, a residential FAR up to 5.0, and a mix of the two uses  
 78 could yield a total FAR of 6.0. This combination allows for flexibility in the market and

79 shifts in the surrounding context. The height for any building in this zone is limited to  
80 200 feet.

- 81 • An area zoned CRT-3.0[4.0], C3.5[4.0], R3.5[4.0], H100[60] allows complete flexibility  
82 in the mix of uses, including buildings with no mix, because the maximum allowed non-  
83 residential and residential FARs are both equivalent to the total maximum FAR allowed.  
84 The height for any building in this zone is limited to 100[60] feet.

## 85 **59-C-15.2. Description and Objectives of the CR Zones.**

86 The CRN, CRT, and CR zones permit a mix of residential and non-residential uses  
87 at varying densities and heights. The zones promote economically,  
88 environmentally, and socially sustainable development patterns where people can  
89 live, work, recreate, and have access to services and amenities while minimizing  
90 the need for automobile use. ~~[The application of the CR zones is appropriate  
91 where ecological impacts can be moderated by co-locating housing, jobs, and  
92 services.]~~The objectives of the CRN, CRT, and CR zones are to:

- 94 (a) implement the policy recommendations of applicable master and sector  
95 plans;
- 96 (b) target opportunities for redevelopment of single-use areas and surface  
97 parking lots with a mix of uses;
- 98 (c) reduce dependence on the automobile by encouraging development that  
99 integrates a balanced combination of housing types, mobility options,  
100 commercial services, and public facilities and amenities;
- 101 (d) allow a flexible mix of uses, densities, and building heights appropriate to  
102 various contexts to ensure compatible relationships with adjoining  
103 neighborhoods; and~~[encourage an appropriate balance of employment and  
104 housing opportunities and compatible relationships with adjoining  
105 neighborhoods;~~
- 106 (e) ~~establish the maximum density and building height for each zone, while  
107 retaining appropriate development flexibility within those limits; and~~

108 ~~(f) —~~(e) standardize optional method development by establishing minimum  
109 parameters~~[requirements]~~ for the provision of ~~[the ]~~public benefits~~[-that will~~  
110 ~~support and accommodate density above the standard method limit]~~.

111 **59-C-15.3. Definitions Specific to the CR Zones.**

112 The following words and phrases, as used in this Division, have the meaning  
113 indicated. The definitions in Division 59-A-2 otherwise apply.

114 **Applicable Residential Zone:** zones governed by Division 59-C-1 and Division  
115 59-C-9 are included in all references in this Division to “an applicable  
116 residentially-zoned property” or equivalent phrases.

117 **Car share space:** a parking space that serves as the location of an in-service  
118 vehicle used by a vehicle-sharing service.

119 **Cultural institutions:** public or private institutions or businesses including: art,  
120 music, and photographic studios; auditoriums or convention halls; libraries and  
121 museums; recreational, performance, or entertainment establishments,  
122 commercial; theater, indoor; theater, legitimate.

123 **Day care facilities and centers:** facilities and centers that provide daytime care  
124 for children and/or adults, including: child daycare facility (family day care,  
125 group day care, child day care center); daycare facility for not more than 4  
126 senior adults and persons with disabilities; and day care facility for senior  
127 adults and persons with disabilities.

128 **Frontage:** a property line shared with an existing or master-planned public or  
129 private road, street, highway, or alley right-of-way or easement boundary.

130 **Limits of Disturbance:** an area defined by a perimeter within which all  
131 construction work must occur as established on a certified site plan.

132 **Live/Work unit:** Buildings or spaces within buildings that are used jointly for  
133 non-residential and residential purposes where the residential use of the space  
134 may be secondary or accessory to the primary use as a place of work.

135 **Manufacturing and production, artisan:** The manufacture and production of  
136 commercial goods by a skilled manual worker or craftsman, such as jewelry,  
137 metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food  
138 products.

139 **Public Arts Trust Steering Committee:** A committee of the Arts and Humanities  
140 Council that allocates funds from the Public Arts Trust.

141 **Public owned or operated uses:** Activities that are located on land owned by or  
142 leased and developed or operated by a local, county, state, or federal body or  
143 agency.

144 **Recreational facilities, participatory:** Facilities used for sports or recreation.

145 **Reconstruction:** Building the same or less floor area on or within the footprint of  
146 a demolished or partially demolished building.

147 **Renovation:** An interior or exterior alteration that does not affect a building's  
148 footprint.

149 **Seasonal Outdoor Sales:** A lot or parcel where a use or product is offered  
150 annually for a limited period of time during the same calendar period each year.  
151 The availability or demand for the use or product is related to the calendar  
152 period, such as Christmas trees, pumpkin patches, or corn mazes.

153 **Tenant Footprint:** The horizontal area measured within the exterior walls for the  
154 ground floor of the main structure allocated to each non-residential tenant or  
155 owner-occupant.

156 **Transit proximity:** Transit proximity is categorized in two levels: 1. proximity  
157 to an existing or master-planned Metrorail Station; 2. proximity to an existing

158 or master-planned station or stop along a rail or bus line with a dedicated, fixed  
 159 path. All distances for transit proximity are measured from the transit station  
 160 or stop portal.

161 **59-C-15.4. Methods of Development and Approval Procedures.**

162 The CRN zones allow development only under the standard method. The CRT  
 163 and CR zones allow development under the standard method and may allow  
 164 development under the optional method.~~[Two methods of development are~~  
 165 ~~available under the CR zones.]~~

166 **59-C-15.41. Standard Method.**

167 Standard method development ~~[must comply with the general requirements and~~  
 168 ~~development standards of the CR zones.]~~is allowed under the following limitations  
 169 and requirements.

170 (a) In the CRN zones, the maximum total, non-residential, and residential  
 171 density and maximum height for any property is set by the zone shown on  
 172 the zoning map.

173 (b) In the CRT and CR zones, the maximum standard method density and  
 174 height is the lesser of the density and height set by the zone shown on the  
 175 zoning map or:

<u>Category</u>	<u>Maximum Total</u> <u>Density (FAR)</u>	<u>Maximum Building</u> <u>Height (feet)</u>
<u>CRT</u>	<u>1.5</u>	<u>65</u>
<u>CR</u>	<u>1.5</u>	<u>80</u>

176 ~~[-](c)~~ A site plan approval under Division 59-D-3 is required for a standard  
 177 method development ~~[project]~~ only if it:

178 (1)~~(a)~~ is adjacent to or confronting a property in an applicable residential  
 179 zone and requests a maximum total density exceeding 0.5 FAR;

- 180 (2) requests a[the] gross floor area exceeding[s] 10,000 square feet;  
181 (3) requests a building height exceeding 40 feet; or  
182 (4)[(b)——any building or group of buildings—]contains 10 or more dwelling  
183 units.

184 **59-C-15.42. Optional Method.**

185 ~~Optional method development [must comply with the general requirements and~~  
186 ~~development standards of the CR zones and must provide public benefits under~~  
187 ~~Section 59-C-15.8 to obtain greater density and height than allowed under the~~  
188 ~~standard method of development. A sketch plan and site plan are required for any~~  
189 ~~development using the optional method. A sketch plan must be filed under the~~  
190 ~~provisions below; a site plan must be filed under Division 59-D-3. Any required~~  
191 ~~preliminary subdivision plan must not be submitted before a sketch plan is~~  
192 ~~submitted.]is allowed under the following limitations and requirements.~~

- 193 (a) The maximum total, non-residential, and residential density and height for  
194 any property is set by the zone shown on the zoning map.  
195 (b) A sketch plan must be submitted under Section 59-C-15.43. Site plan(s)  
196 must be submitted under Division 59-D-3 for any development on a  
197 property with an approved sketch plan.  
198 (c) Public benefits must be provided under Section 59-C-15.8.

199 **59-C-15.43. Sketch Plan.**

200 Any optional method development in the CRT and CR zones requires an approved  
201 sketch plan. Any required preliminary plan of subdivision or site plan may not be  
202 submitted before a sketch plan has been approved.

- 203 (a) A sketch plan application must contain:  
204 (1) a justification statement that addresses how the project meets the  
205 requirements and standards of this Division [~~for optional method~~



- 206           ~~development]~~and describes how the development will further the  
207           objectives of the applicable master or sector plan;
- 208       (2)   ~~[an]~~illustrative plans ~~[or model that]~~ showing[s]:
- 209           (A) building densities, massing, heights, and the anticipated mix of  
210           uses;~~[the maximum densities for residential and non-residential uses,~~  
211           ~~massing, and heights of buildings;]~~
- 212           (B) locations of public use and other open spaces;
- 213           (C) pedestrian, bicycle, and vehicular circulation, parking, and  
214           loading; and
- 215           (D) [the]relationships between existing or proposed adjacent  
216           buildings and rights-of-way;~~[on adjoining tracts;]~~
- 217       ~~[(3)—an illustrative diagram of proposed vehicular, pedestrian, and bicycle~~  
218           ~~access, circulation, parking, and loading areas;]~~
- 219       (3)[(4)] a table of proposed public benefits and the incentive density  
220           requested for each; and
- 221       (4)[(5)] a[the] general phasing outline of structures, uses, rights-of-  
222           way, sidewalks, dedications, public benefits, and future preliminary  
223           and site plan applications.
- 224       (b)   Procedure for a sketch plan:
- 225           (1)   Before filing a sketch plan application, an applicant must comply  
226           with the provisions of the Manual for Development Review  
227           Procedures, as amended, that concern the following:
- 228           (A)   notice;
- 229           (B)   posting the site of the application submittal; and
- 230           (C)   holding a pre-submittal meeting.

- 231           (2)    A public hearing must be held by the Planning Board on each sketch  
232                    plan application no later than 90 days after the filing of an optional  
233                    method development application, unless a request to extend this  
234                    period is requested by the applicant, Planning Board staff, or other  
235                    interested parties. A request for an extension must be granted if the  
236                    Planning Board finds it not to constitute prejudice or undue hardship  
237                    on any interested party. A recommendation regarding any request for  
238                    extension must be acted upon~~[-as a consent agenda item]~~ by the  
239                    Planning Board on or before the 90-day hearing period expires.  
240                    Notice of the extension request and recommendation by Staff must be  
241                    posted no fewer than 10 days before the item's agenda date.
- 242           (3)    No fewer than 10 days before the public hearing on a sketch plan,  
243                    Planning Board staff must submit its analysis of the application,  
244                    including its findings, comments, and recommendations with respect  
245                    to the requirements and standards of this division and any other  
246                    matters that may assist the Planning Board in reaching its decision on  
247                    the application. This staff report must be included in the record of the  
248                    public hearing.
- 249           (4)    The Planning Board must act within 30 days after the close of the  
250                    record of the public hearing, by majority vote of those present and  
251                    voting based upon the hearing record, to:
- 252                    (A)    approve;
- 253                    (B)    approve subject to modifications, conditions, or binding  
254                            elements; or
- 255                    (C)    disapprove.

- 256 (c) In approving a sketch plan, the Planning Board must determine~~[find]~~ that  
 257 the following elements are appropriate in concept and appropriate for  
 258 further detailed review at site plan. The Planning Board must find that the  
 259 sketch plan:
- 260 (1) ~~[The plan: (A)]~~meets the objectives, general requirements, and  
 261 standards of this Division;
- 262 (2) ~~[(B) will]~~ furthers the objectives of the applicable master or sector  
 263 plan;~~[and (C) will provide more efficient and effective development~~  
 264 ~~of the site than the standard method of development;]~~
- 265 (3)~~(2)~~ ~~—~~ The proposed building massing and height and public use and  
 266 other open spaces are located and scaled to achieves compatible  
 267 internal and external relationships between~~[with each other and with~~  
 268 ~~]~~existing and proposed buildings, ~~[and]~~ open space, and uses  
 269 adjacent to the site and with adjacent communities];
- 270 (4)~~(3)~~ provides satisfactory~~[The]~~ general vehicular, pedestrian, and  
 271 bicyclist access, circulation, parking, and loading~~[areas are adequate,~~  
 272 ~~safe, and efficient]~~];
- 273 (5)~~(4)~~ ~~[The]~~ proposes~~[d]~~ an outline of public benefits that supports  
 274 the ~~[and associated]~~ requested incentive density~~[will further the~~  
 275 ~~objectives of the applicable master or sector plan and the objectives~~  
 276 ~~of the CR zones]~~; and
- 277 (6)~~(5)~~ establishes a feasible and appropriate provisional~~[The general]~~  
 278 phasing plan for all ~~[of]~~ structures, uses, rights-of-way, sidewalks,  
 279 dedications, public benefits, and future preliminary and site plan  
 280 applications~~[s is feasible and appropriate to the scale and~~  
 281 ~~characteristics of the project.]~~

- 282 (d) During site plan review, the Planning Board may approve modifications to  
 283 the binding elements or conditions of an approved sketch plan.
- 284 (1) If changes to a sketch plan are requested by the applicant, notice of  
 285 the site plan application must identify those changes requested. The  
 286 applicant has the burden of persuading the Planning Board that such  
 287 changes should be approved.
- 288 (2) Other changes may be requested by Planning Board staff, the  
 289 Planning Board, or another interested party. If [~~other~~] changes are  
 290 recommended after the application is made but before posting of  
 291 Planning Board staff's recommendation, notice of the site plan  
 292 hearing must identify changes requested.
- 293 (3) In acting to approve a sketch plan modification as part of site plan  
 294 review, the Planning Board must make the findings required under[~~in~~]  
 295 Section 59-C-15.43~~2~~-(c) in addition to those findings required  
 296 under[~~by~~] Section 59-D-3.

297 **59-C-15.5. Land Uses.**

298 No use is allowed in the CRN, CRT, or CR zones except as indicated below:

- 299 - *Permitted Uses* are designated by the letter "P" and are permitted  
 300 subject to all applicable regulations.
- 301 - *Limited Uses* are designated by the letter "L" and are permitted  
 302 subject to all applicable regulations and the additional restrictions  
 303 under Section 59-C-15.51.
- 304 - *Special Exception Uses* are designated by the letters "SE" and may be  
 305 authorized as special exceptions under Article 59-G.
- 306

<u>Use</u>	<u>CR</u> <u>N</u>	<u>CR</u> <u>T</u>	<u>CR</u>
<b>(a) Agricultural</b>			
Farm and country markets	<u>L</u>	<u>P</u>	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	<u>P</u>	<u>P</u>	P
Nursery, horticultural – retail or wholesale		<u>P</u>	P
Seasonal outdoor sales	<u>P</u>	<u>P</u>	P
<b>(b) Residential</b>			
Dwellings	<u>P</u>	<u>P</u>	P
Group homes, small or large	<u>P</u>	<u>P</u>	P
Hospice care facilities	<u>P</u>	<u>P</u>	P
Housing and related facilities for senior adults or persons with disabilities	<u>P</u>	<u>P</u>	P
Life care facilities	<u>P</u>	<u>P</u>	P
Live/Work units	<u>P</u>	<u>P</u>	P
Personal living quarters	<u>P</u>	<u>P</u>	P
<b>(c) Commercial Sales and Service</b>			
Advanced technology and biotechnology		<u>P</u>	P
Ambulance or rescue squads, <u>private</u>	<u>SE</u>	<u>L</u>	P
Animal boarding places	<u>SE</u>	<u>SE</u>	SE
Automobile filling stations		<u>SE</u>	SE
Automobile rental services, excluding storage of vehicles and supplies	<u>P</u>	<u>P</u>	P
<u>Automobile rental services, including storage of vehicles and supplies</u>		<u>L</u>	<u>L</u>
Automobile repair and services	<u>L</u>	<u>L</u>	P
Automobile sales, indoors	<u>L</u>	<u>L</u>	P
Automobile sales, outdoors [ <del>(except where a municipality prohibits the use within its jurisdiction by resolution)</del> ]		<u>L</u>	P
Clinic	<u>L</u>	<u>P</u>	P
Conference centers		<u>P</u>	P
Eating and drinking establishments	<u>L</u>	<u>P</u>	P
Health clubs and gyms	<u>L</u>	<u>P</u>	P
Home occupations, major	<u>SE</u>	<u>SE</u>	SE
Home occupations, registered and no-impact	<u>P</u>	<u>P</u>	P
Hotels and motels	<u>L</u>	<u>P</u>	P
Laboratories		<u>P</u>	P
Dry cleaning and laundry pick-up stations	<u>P</u>	<u>P</u>	P
Offices, general	<u>P</u>	<u>P</u>	P
Recreational facilities, participatory	<u>L</u>	<u>P</u>	P
Research, development, and related activities		<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint up to 5,000sf</u>	<u>P</u>	<u>P</u>	P
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 5,000sf and 15,000sf</u>	<u>L</u>	<u>P</u>	<u>P</u>

<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 15,000sf and 60,000sf</u>		<u>P</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000sf</u>		<u>L</u>	<u>P</u>
Self-storage facilities		<u>SE</u>	SE
<u>Veterinary hospitals and offices with boarding facilities</u>	<u>SE</u>	<u>L</u>	<u>P</u>
Veterinary hospitals and offices without boarding facilities	<u>P</u>	<u>P</u>	<u>P</u>
Warehousing, not including self-storage, less than 10,000 square feet		<u>P</u>	<u>P</u>
<b>(d) Institutional &amp; Civic</b>			
Charitable and philanthropic institutions	<u>L</u>	<u>P</u>	<u>P</u>
Cultural institutions	<u>L</u>	<u>P</u>	<u>P</u>
<u>Day care facilities and centers with over 30 users</u>	<u>L</u>	<u>L</u>	<u>P</u>
<u>Day care facilities and centers with up to 30 users</u>	<u>P</u>	<u>P</u>	<u>P</u>
Educational institutions, private	<u>L</u>	<u>P</u>	<u>P</u>
Hospitals		<u>P</u>	<u>P</u>
Parks and playgrounds, private	<u>P</u>	<u>P</u>	<u>P</u>
Private clubs and service organizations	<u>L</u>	<u>P</u>	<u>P</u>
Publicly owned or publicly operated uses	<u>P</u>	<u>P</u>	<u>P</u>
Religious institutions	<u>P</u>	<u>P</u>	<u>P</u>
<b>(e) Industrial</b>			
Manufacturing and production, artisan	<u>P</u>	<u>P</u>	<u>P</u>
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development		<u>L</u>	<u>P</u>
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment		<u>L</u>	<u>P</u>
<b>(f) Other</b>			
Accessory buildings and uses	<u>P</u>	<u>P</u>	<u>P</u>
Bus terminals, non-public		<u>P</u>	<u>P</u>
Parking garages, automobile		<u>P</u>	<u>P</u>
Public utility buildings, structures, and underground facilities	<u>P</u>	<u>P</u>	<u>P</u>
Radio and television broadcast studios		<u>P</u>	<u>P</u>
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	<u>P</u>	<u>P</u>	<u>P</u>

307 **59-C-15.51. Limited Uses.**

308 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table must

309 comply with the requirements of this Section if they are on properties that are:

310 (a) Located adjacent to a property in an applicable residential or agricultural

311 zone; or

312 (b) Separated from such a property only by the right-of-way of a primary,  
313 secondary, or tertiary residential street.

314 Where these circumstances do not apply, the use is considered a permitted use.

315 **59-C-15.12. Restrictions and requirements of limited uses.**

316 (a) No structures, parking spaces, or driveway entrances associated with a  
317 limited use may be located within 100 feet of the adjacent agriculturally- or  
318 residentially-zoned property line or, when separated by an applicable right-  
319 of-way, within 100 feet of the confronting property line.

320 (b) When adjacent to an agriculturally- or residentially zoned property and not  
321 separated by an applicable right-of way:

322 (1) the required 100-foot setback must contain at least an 8-foot evergreen  
323 hedge or a 6-foot solid wall or fence plus 1 deciduous tree planted at a  
324 minimum of every 30 feet; and

325 (2) illumination levels may not exceed 0.1 footcandles at the subject  
326 property line.

327 (3) For the 100-foot setback area, these requirements replace any  
328 applicable surface parking landscaping requirements in Section 59-C-  
329 15.635.

330 (c) If the required distance between a driveway entrance for a limited use and  
331 the adjacent or confronting agriculturally- or residentially-zoned property  
332 precludes access to the property, the driveway may be built closer than  
333 100 feet subject to reasonable mitigating requirements above the  
334 minimum standards under Section 59-C-15.12(b), such as additional  
335 visual or noise buffering.

336 **59-C-15.6. General Requirements.**

337 Development in the CRN, CRT, and CR zones must comply with the following  
338 requirements.

339 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

340 Development that requires a site plan must be consistent with the applicable  
341 master or sector plan, unless the Planning Board finds that events have occurred to  
342 render the relevant master or sector plan recommendation no longer appropriate,  
343 and must substantially conform to[address] any design guidelines approved by the  
344 Planning Board that implement the applicable plan.

345 ~~[[59-C-15.62. Priority Retail Street Frontages.~~

346 ~~Development that requires a site plan and is located on a street identified as a~~  
347 ~~priority retail street frontage in the applicable master plan, sector plan, or design~~  
348 ~~guidelines must be developed in a manner that is consistent with the~~  
349 ~~recommendations and objectives of the applicable plan and address any applicable~~  
350 ~~design guidelines approved by the Planning Board that implement the applicable~~  
351 ~~plan.~~

352 ~~59-C-15.63. Streetscape.~~

353 ~~Streetscape improvements must be consistent with the recommendations of the~~  
354 ~~applicable master or sector plan and must address any Planning Board approved~~  
355 ~~design guidelines that implement the applicable plan.]]~~

356 **59-C-15.62[4]. Bicycle Parking Spaces and Commuter Shower/Change**  
357 **Facility.**

358 In place of the requirements of Article 59-E regarding bicycle parking spaces,  
359 development in the CRN, CRT, and CR zones must comply with the following  
360 provisions.

361 (a) Bicycle Parking Spaces

362



<u>Use</u>	<u>Publicly Accessible Bike Spaces</u>	<u>Private, Secure Bike Spaces</u>
<u>(1) Residential</u>		
<u>In a building containing less than 20 dwelling units</u>	<u>2</u>	<u>4</u>
<u>In a building containing 20 or more dwelling units</u>	<u>0.1 per unit to a maximum requirement of 10</u>	<u>0.5 per unit to a maximum requirement of 100</u>
<u>In any group living arrangement expressly for senior citizens</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>	<u>0.1 per unit, not fewer than 2, to a maximum requirement of 100</u>
<u>(2) Non-Residential</u>		
<u>Total non-residential floor area under 10,000sf</u>	<u>2</u>	<u>2</u>
<u>Total non-residential floor area between 10,000sf and 100,000sf</u>	<u>2 per 10,000sf</u>	<u>1 per 10,000sf, not fewer than 2, to a maximum requirement of 10</u>
<u>Total non-residential floor area greater than 100,000sf</u>	<u>20</u>	<u>1 per 10,000sf, not fewer than 10, to a maximum requirement of 100.</u>

363 (b) For office uses with a total non-residential floor area of 100,000sf or  
 364 greater, one shower/change facility is required for each gender available  
 365 only to employees when the building is accessible.

366 [~~(a) Bicycle parking facilities must be secure and accessible to all residents or~~  
 367 ~~employees of the proposed development.~~]

368 (b) ~~The number of bicycle parking spaces and shower/change facilities required~~  
 369 ~~is shown in the following table (calculations must be rounded to the higher~~  
 370 ~~whole number):~~

371

<b>Bicycle and Shower/Change Facilities Required</b>	
Use	Requirement
<i>Residential</i>	
In a building containing less than 20 dwelling units.	At least 4 bicycle parking spaces.
In a building containing 20 or more dwelling units.	At least 0.5 bicycle parking spaces per dwelling unit, not to be fewer than 4 spaces and up to a maximum of 100 required spaces.
In any group living arrangement expressly for senior citizens.	At least 0.1 bicycle parking spaces per unit, not to be fewer than 2 spaces, up to a maximum of 100 required spaces.
<i>Non-Residential</i>	
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	At least 2 bicycle parking spaces.
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces.
In a building with a total non-residential floor area of 100,000 square feet or greater.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces. One shower/change facility for each gender available only to employees when the building is accessible.]

372

373 **59-C-15.63[5]. Parking.**

374 In place of the requirements of Article 59-E regarding parking space numerical  
 375 requirements, landscaping, and surface parking design, development in the CRN,  
 376 CRT, and CR zones must comply with the following provisions. All standards and  
 377 requirements of Article 59-E that are not modified by this Section must be  
 378 followed.

379 ~~[(a) (1) For projects that satisfy the requirements for transit proximity levels 1~~  
 380 ~~or 2, the number of parking spaces provided on site must not exceed the~~  
 381 ~~number required under Article 59 E, except that the maximum number of~~  
 382 ~~parking spaces for general retail and restaurant uses is 4 spaces for every~~  
 383 ~~1,000 square feet of gross leasable area, and no parking spaces are required~~  
 384 ~~for restaurant outdoor patron areas.~~

385 ~~(2) All projects that do not satisfy the requirements for transit proximity levels~~  
 386 ~~1 or 2 must meet the parking requirements established under Article 59 E,~~  
 387 ~~except that the number of parking spaces for general retail and restaurant~~  
 388 ~~uses in Subsection (a)(1) may be provided without a parking waiver.~~

389 ~~(b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and~~  
 390 ~~projects that do not satisfy transit proximity level 1 or 2, the [[minimum]]~~  
 391 ~~number of parking spaces required is based on a building's distance from~~  
 392 ~~transit as follows:~~

393

<b>Parking Requirements</b>				
	<b>Transit Proximity (Level 1 or 2)</b>			
	<b>¼ mile from transit</b>	<b>¼ to ½ mile from transit</b>	<b>½ mile to 1 mile from transit</b>	<b>&gt;1 mile from transit</b>
<b>Non-residential: the number of required spaces under Article 59 E multiplied by the following factor:</b>	<b>0.20</b>	<b>0.40</b>	<b>0.60</b>	<b>0.80</b>

Residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.60	0.70	0.80	0.90
---	------	------	------	------

394

395 ~~The appropriate parking rates apply to the gross floor area within each distance~~  
 396 ~~category.]~~

397 **59-C-15.631. Parking Ratios.**

398 Parking spaces must be provided according to the following minimums and  
 399 maximums. The minimum number of spaces required is equal to the number of  
 400 parking spaces that would otherwise be required by Division 59-E-3 multiplied by  
 401 the applicable factor in the table, or to the ratio indicated. When maximums are  
 402 imposed, no more parking than would otherwise be required by Division 59-E-3  
 403 may be provided.

<u>Use</u>	<u>CRN</u>		<u>CRT</u>		<u>CR</u>			
	<u>Up to 1/2 mile</u>	<u>Greater than 1/2 mile</u>	<u>Up to 1/2 mile</u>	<u>Greater than 1/2 mile</u>	<u>Up to 1/4 mile</u>	<u>1/4 to 1/2 mile</u>	<u>1/2 to 1 mile</u>	<u>Greater than 1 mile</u>
<u>Distance from a level 1 or 2 transit station or stop</u>								
<u>(a) Residential</u>								
<u>Maximum:</u>	<u>None</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>

<u>Minimum:</u>	<u>0.8</u>	<u>1.0</u>	<u>0.7</u>	<u>0.8</u>	<u>0.6</u>	<u>0.7</u>	<u>0.8</u>	<u>0.9</u>
(b) <u>Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)</u>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>4 per</u> <u>1,000</u> <u>squar</u> <u>e feet</u>	<u>4 per</u> <u>1,000</u> <u>squar</u> <u>e feet</u>	<u>4 per</u> <u>1,000</u> <u>squar</u> <u>e feet</u>	<u>0.8</u>
(c) <u>All other non-residential uses</u>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>0.2</u>	<u>0.4</u>	<u>0.6</u>	<u>0.8</u>

404 (d) The appropriate parking rates apply to the gross floor area of each use  
 405 within each distance category.

406 **59-C-15.632. Accepted Parking Spaces**

407 [(e)—]Parking requirements must be met by any of the following:

408 (a)[(1)] providing the spaces on site;

409 (b)[(2)] constructing publicly available on-street parking; or

410 (c)[(3)] participating in-;

411 (1) a parking lot district-;

412 (2) [~~or~~] a shared parking program established by municipal resolution or;

413 (3) entering into an agreement for shared parking spaces in a public or  
 414 private facility within ¼ mile[~~1,000 feet~~] of the subject lot, if the off-  
 415 site parking facility is not in an agricultural (Division 59-C-9),

416 planned unit development (Division 59-C-7), or residential (Division  
417 59-C-1) zone, unless otherwise allowed by this Chapter.

418 ~~[(d)—]~~Every “car-share” space provided reduces the total number of required  
419 spaces by 6 spaces for a non-residential use or 3 spaces for a residential use.

420  
421 *Example: A non-residential project on a CR-zoned site requiring at least 100 spaces under*  
422 *Article 59-E would be required to provide a maximum of 100 spaces on site. If that site was*  
423 *within ¼ to ½ mile of a transit station, the minimum requirement for parking would be 40 spaces*  
424 *(100 x 0.40 = 40). If 2 car-share spaces were provided, that requirement would be 28 for non-*  
425 *residential use or 34 for residential use.*

426 **59-C-15.633. Parking Space Location and Access.**

427 ~~[(e)—]~~The design of surface parking spaces~~[facilities]~~ must comply with the  
428 following:

429 ~~(a)[(1)]~~ ~~[a-]~~parking spaces~~[facility at]~~ on or above grade must not be located  
430 between the street and the main front wall of the building or the side wall of  
431 ~~[a]the main building on a corner lot~~~~[unless the Planning Board finds that~~  
432 ~~safe and efficient circulation would be better served by a different~~  
433 ~~arrangement]; and~~

434 ~~(b)[(2)]~~ if a site is adjacent to an alley, the primary vehicular access to the  
435 parking facility must be from that alley.~~]; and~~

436 ~~(3)—~~curb cuts must be kept to a minimum and shared by common ingress/egress  
437 ~~easements whenever possible.]~~

438 **59-C-15.634. Drive-Through Facility Design.**

439 Any drive-through facility must comply with the following:

440 ~~(a)[(f)]~~ no part of a drive-through service facility, including the stacking area,  
441 may be located within 100 feet of a property line shared with an applicable  
442 residentially-zoned property;~~[The design of parking facilities with drive-~~  
443 ~~through services must comply with the following; however, the Planning~~

444 ~~Board may approve a design if it finds that the alternative design would~~  
 445 ~~provide safer and more efficient circulation:]~~

446 (b)(1) no drive-through service window, drive aisle, or stacking area may  
 447 be~~[the driveway must not be]~~ located between the street and the main front  
 448 wall of the main ~~[a]~~ building~~[or the side wall of a building on a corner lot];~~

449 (c)(2) no ~~[the]~~ drive-through service window, drive aisle, or stacking area  
 450 may~~[must]~~ be located between the street and the ~~[on the rear or]~~ side wall  
 451 of the main building on a corner lot unless~~;~~ ~~any service window on the side~~  
 452 ~~wall of a building must be~~ permanently screened from any street by a 5-foot  
 453 or higher wall or fence; and

454 (d) any development with a drive-through service facility must submit a site  
 455 plan under Section 59-D-3.~~(3) curb cuts to a street must be minimized to~~  
 456 ~~one drive aisle of no more than 20 feet in width for two-way traffic or two~~  
 457 ~~drive aisles each of no more than 10 feet in width for one-way traffic.]~~

458 **59-C-15.635. Landscaping and Lighting.**

459 ~~[(g)]~~ Except for areas used for internal driveway or sidewalk connections  
 460 between lots or parcels that are not in applicable residential ~~[(59-C-1) or~~  
 461 ~~agricultural (59-C-9)]~~ zones, landscaping for surface parking spaces~~[facilities]~~  
 462 must satisfy the following requirements:

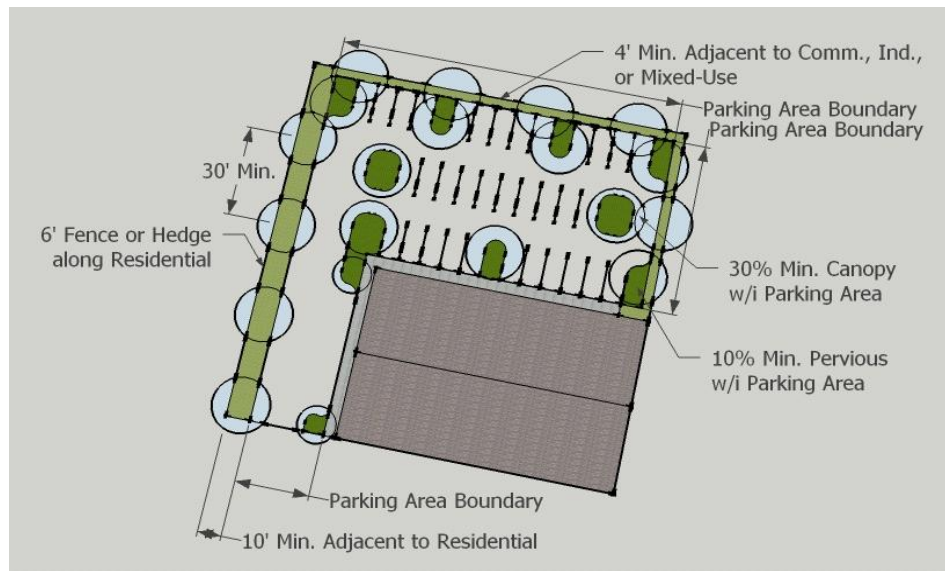
463

<b>Minimum Landscape Standards for Surface Parking</b>	
Subject	Requirement
(a) <u>Property line adjacent to a right-of-way</u> <del>[Right of-Way Screening]</del>	<u>No less than 6-foot wide</u> <del>[th-of]</del> continuous soil panel <u>(excluding any easements)</u> <del>with</del> <del>[or]</del> stormwater <del>[management recharge]</del> <del>facilities.</del> <del>[y (not including any PUE or PIE) with groundcover,]</del> planting bed, or lawn <u>including</u> <del>;</del> a minimum 3-foot high continuous evergreen hedge or fence; <del>[and]</del> <u>plus</u> one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.

(b) <u>Property line adjacent to a lot or parcel in an applicable residential zone</u>	<u>No less than 10-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of frontage.</u>
(b)(c) <u>Property line [A]adjacent to a lot or parcel in any zone not subject to (b), above[Commercial, Industrial, or Mixed-Use Zone]</u>	<u>No less than 4-foot width continuous soil panel (excluding any easements) with[or] stormwater [management recharge-]facilities,[y with groundcover,] planting bed, or lawn; <u>plus</u> one deciduous tree per 30 feet[ of frontage].</u>
Adjacent to a lot or parcel in an Agricultural or Residential District	10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.
Internal Pervious Area	<u>No less than 10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.</u>
Tree Canopy Coverage	<u>No less than 30 percent of the parking facility area (at 15 years growth).</u>
<u>Lighting</u>	<u>Per the Illuminating Engineering Society of North America standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line subject to (b), above.</u>

464

465



*Surface Parking Landscape Requirements Illustrative*

466

467

**59-C-15.636. Waiver of parking provisions.**

469 The Director, Planning Board, or Board of Appeals may waive any requirement of

470 Section 59-C-15.63 not necessary to accomplish the objectives of this Division



471 and Section 59-E-4.2, and in conjunction with such a waiver may adopt reasonable  
 472 mitigating requirements above the minimum standards. At least 10 days notice of  
 473 any request for a waiver under this Section must be provided to all adjoining  
 474 property owners, affected citizen associations, and Planning Department Staff, if  
 475 applicable, before a decision may be made.

476 **59-C-15.7. Development Standards.**

477 Development in [~~any~~]the CRN, CRT, and CR zones must comply with the  
 478 following standards.

479 **59-C-15.71. Density and Height.**

480 Maximum density and height are specified by the zone established on the zoning  
 481 map under the provisions of Section 59-C-15.1.

482 [~~(a) — The maximum density for any standard method project is the greater of 0.5~~  
 483 ~~FAR or 10,000 square feet of gross floor area. Any single land use or any~~  
 484 ~~combination of land uses allowed in the zone may achieve the maximum~~  
 485 ~~density.~~

486 [~~(b) — The maximum total density and mix of maximum non-residential and~~  
 487 ~~residential density for any project using the optional method of development~~  
 488 ~~is specified by the zone.~~

489 **59-C-15.72. Height.**

490 [~~(a) — The maximum height for any building or structure in a standard method~~  
 491 ~~project is 40 feet.~~

492 [~~(b) — The maximum height for any building or structure in an optional method~~  
 493 ~~project is determined by the zone.]~~

494 **59-C-15.72[3]. Setbacks.**

495 (a) Where a property is adjacent to [A building must not be any closer to a lot  
 496 line shared with] a lot or parcel in an applicable residential zone[

497 ~~agricultural (Division 59-C-9) or residential (Division 59-C-1) zone than~~  
498 any building:

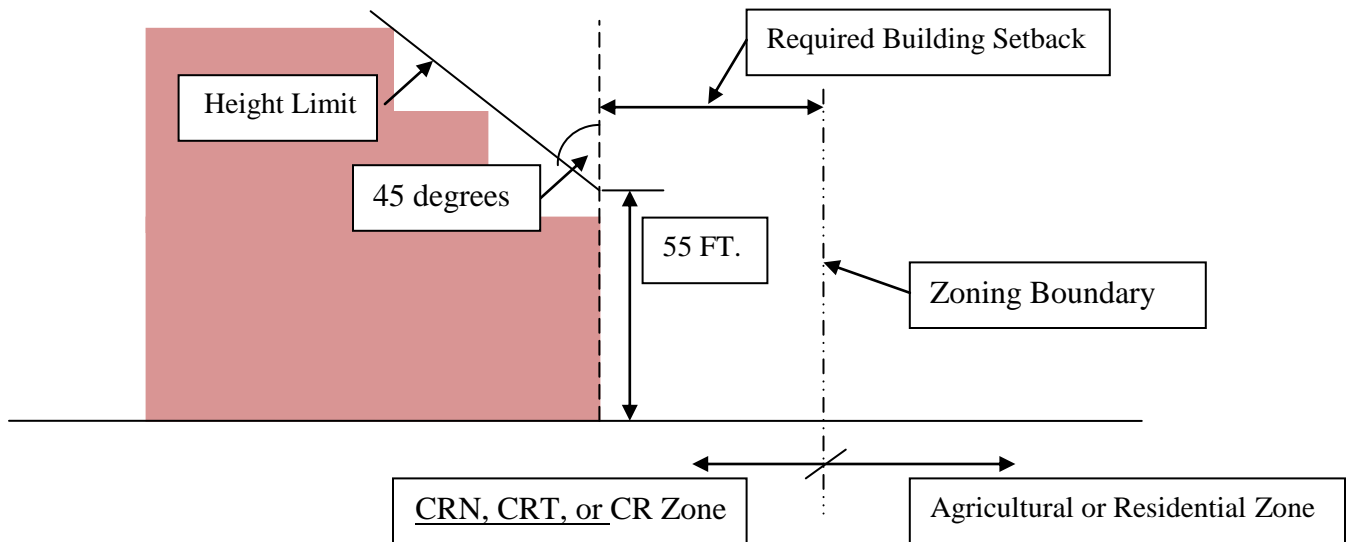
- 499 (1) must have a minimum setback of 25 feet or the setback required by
- 500 the adjacent property~~[lot]~~, whichever is greater; and
- 501 (2) ~~[the building]~~ must not project beyond a 45 degree angular plane
- 502 projecting over the subject property~~[lot]~~ measured from a height of 55
- 503 feet at the setback line determined above, with the exception of those
- 504 features exempt from height and setback restrictions under Section
- 505 59-B-1.

506 (b) The development of a new building in place of a building existing when

507 ~~[the]~~ a CRN, CRT, or CR zone is applied may be built to the previously

508 allowed~~[pre-existing]~~ setback~~[s]~~ if the height of the new building is not

509 increased above~~[over that]~~ the height of the former building.



513 *Angular Plan Setback Illustration*

514

515

516 **59-C-15.73[4]. Public Use Space.**

517 (a) ~~(a)~~—Public use space is not required for any standard method project that  
 518 does not require a site plan. If a site plan is required for the proposed  
 519 project, ~~[then the minimum]~~public use space is ~~[10 percent of the project’s~~  
 520 ~~net land area]~~required as follows: [-]

<u>Gross Tract Area</u>	<u>Minimum Public Use Space</u>
<u>Up to 10,000sf</u>	<u>None</u>
<u>10,001sf up to 3 acres</u>	<u>10% of net tract area</u>
<u>Over 3 acres</u>	<u>10% of limits of disturbance</u>

521  
 522 (b) Projects using the optional method of development must provide public use  
 523 space as follows:

<b>Minimum Required Public Use Space (% of net tract area)</b>				
Acres (Gross)	Number of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4+</b>
< ½	0	0	0	5
½ - <b>1.00</b>	0	0	5	10
<b>1.01 - 3.00</b>	0	5	10	10
<b>3.01 – 6.00</b>	5	10	10	10
<b>6.01 +</b>	10	10	10	10

525  
 526 (c) Public use space must be:  
 527 ~~[(1) be calculated on the net tract area that was included in the sketch plan~~  
 528 ~~application;~~  
 529 ~~(2) be ](1) rounded to the next highest 100 square feet;~~  
 530 ~~(2)[(3)] be easily and readily accessible to the public; and~~  
 531 ~~[(4) be distributed within the entire tract area included in the sketch plan~~  
 532 ~~application; and~~

- 533 ~~(5)~~ (3) contain amenities such as seating options, shade, landscaping,  
 534 artwork, or fountains~~[other similar public benefits].~~
- 535 (d) ~~Instead of providing on-site public use space[, for any site of 3 acres or less,~~  
 536 ~~a development may propose the following alternatives],~~ an applicant may  
 537 satisfy all or part of the requirement by one or more of the following means,  
 538 subject to Planning Board approval:
- 539 (1) implementing public park or public use space improvements of an  
 540 equal or greater size within or near the applicable master or sector  
 541 plan area~~[1/4 mile of the subject site];~~ or
- 542 (2) making a payment in part or in full~~[to the Public Amenity Fund~~  
 543 ~~under Section 59-D-2.31]~~ for design, construction, renovation,  
 544 restoration, installation, and/or operation within or near the applicable  
 545 master or sector plan area if the payment is:~~:-]~~
- 546 (A) equal to the cost of constructing an equal amount of public use  
 547 space and associated amenities on-site per square foot plus the  
 548 fair market value of the application property per square foot;
- 549 (B) used to implement the open space, recreation, and cultural  
 550 goals of the applicable master or sector plan; and
- 551 (C) made within 30 days of the release of any building permit for  
 552 the subject application.
- 553 ~~[(e) A development on a site larger than 3 acres may only provide off-site public~~  
 554 ~~use space in order to provide master-planned open space improvements, or a~~  
 555 ~~payment under Subsection (d)(2), for an area of equal or greater size~~  
 556 ~~required on-site that is:~~
- 557 (1) ~~located within the same master plan area as the proposed development; and~~
- 558 (2) ~~indicated on the approved sketch plan.]~~

559 **59-C-15.74[5]. Residential Amenity Space.**

560 (a) Any building containing 20 or more dwelling units must provide amenity  
 561 space for its residents as follows:

562

Required Residential Amenity Space	
Type of Amenity Space	Area of Amenity Space
Indoor space in a multi-purpose room, fitness room, or other common community room(s), at least one of which must contain a kitchen and bathroom.	A minimum of 20 square feet per <del>[dwelling]</del> market-rate unit up to 5,000 <del>sf</del> -square feet].
Passive or active outdoor recreational space.	A minimum of 20 square feet per <del>[dwelling]</del> market-rate unit, of which at least 400 square feet must adjoin or be directly accessible from the indoor amenity space, up to 5,000 <del>sf</del> .

563

564 (b) Additional[The] amenity space is not required for Moderately Priced  
 565 Dwelling Units (MPDUs) or Workforce Housing Units (WFHUs) on a site  
 566 within a metro station policy area or where the Planning Board finds [that  
 567 there is-]adequate recreation facilities and open space area available within  
 568 [a-]1/2 mile [radius-]of the subject site. If such a finding cannot be made,  
 569 amenity space must be provided for each MPDU and WFHU per the rate in  
 570 the table above.

571 ~~[(c) — The amenity space requirement may be reduced by 1/2 for Workforce~~  
 572 ~~Housing Units (WFHUs) located within a metro station policy area or if the~~  
 573 ~~minimum public open space requirement is satisfied on site.]~~

574 (c)[(d)] The provision of residential amenity space may be counted towards  
 575 meeting the required recreation calculations under the M-NCPPC  
 576 Recreation Guidelines, as amended.