


Action

MEMORANDUM

October 7, 2011

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney 

SUBJECT: **Action** – Zoning Text Amendment (ZTA) 11-01, CR zones

On October 4, the Council conducted its second worksession on ZTA 11-01. The Council (6-3; Councilmembers Elrich, Leventhal, and Andrews opposed) approved Councilmember Floreen's amendments to ZTA 11-01. Thereafter, the Council approved the following additional amendments:

- 1) Allow teen centers as a public benefit and define teen centers (lines 144; 173-176; 858);
- 2) Allow "clinics" as a "limited" use in CRN zones (line 351 - in land use table);
- 3) Allow public benefit points for neighborhood services only if the applicant is providing small retail space in an area where retail choices do not exist (lines 769-776);
- 4) Allow fewer public benefit points for small lots and properties zoned at lower density (lines 648-655);
- 5) Require that optional method projects substantially conform to Planning Board approved design guidelines (lines 382-383);
- 6) Allow non-substantive editorial changes.

The attached ZTA conforms to the Council's straw vote. It also includes a draft opinion for the Council's approval.

Issues not raised at the Council's worksession

New neighborhood services public benefit

Currently, a percentage of incentive density is allowed for locating a project in an area where 10 retail services are within ¼ mile. Some approved sketched plans used that provision in their approved sketch plan. Pending sketch plan applications were submitted using the current provision as well. The Council's straw vote would change that provision to allow public benefit points for neighborhood services only if the applicant is providing small retail space in an area where retail choices do not exist. The current approved sketch plans, the pending sketch plans, and sketch plan applications about to be submitted may not be able to use the new provision.

If the Council wants to grandfather these projects, staff would recommend changing the text to ultimately read as follows:

Neighborhood Services: When fewer than 10 different basic services are within ¼ mile of the subject site, up to 15 points for providing floor area resulting in at least 10 different basic services within ¼ mile of the subject site. Of those 10 services, at least 4 must have tenant or owner bays of no more than 5,000 square feet each. However, for all sketch plan applications filed before January 1, 2012, and for any of those applicants' subsequent site plan approvals, at least 10 points for safe and direct pedestrian access to at least 10 different retail services on site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.

Minimum density and height limits

Under subsection 59-C-15.121, the CRN, CRT, and CR zones have a maximum FAR, commercial floor area (C), residential floor area (R), and height (H) that may not go below stated minimums. The provision in the attached ZTA is as follows:

59-C-15.121. Density and height limits.

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

<u>Category</u>	<u>Maximum Total FAR</u>	<u>Maximum C or R FAR</u>	<u>Maximum 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>

Residents recommend extending the ranges for CRN to have lower minimums. The minimum Total FAR could be lowered to .25, the “C” and the “R” minimums could be lowered to 0 and the minimum height could be lowered to 25 feet. The particular concern is for CRN zones that may replace CT zones. CT zoning sometimes has lower heights, lower density, and restrictive land uses enforced by binding covenants. Expanding the allowable range by reducing the minimum would increase the Council’s range of options in implementing master plans. The master plan would still govern what gets applied where.

Allowing full density without both residential and non-residential elements would be an affront to the Planning staff philosophy of only allowing full density with both residential and non-residential elements. The Council can take the position that a residential project adjacent to a non-residential project is still mixed-use. Staff agrees with the residents’ recommendation. It would allow the Council more flexibility to implement master plans.

Site Plan triggers

As recommended by the Planning, Housing, and Economic Development Committee, the provision for triggering site plan approval was as follows:

59-C-15.41. Standard Method.

* * *

- (c) A site plan approval under Division 59-D-3 is required for a standard method development only if the development:
- (1) is a Limited Use;
 - (2) includes a gross floor area 10,000 square feet more than the floor area on the site when the CRN, CRT, or CR zone was applied;
 - (3) includes a building height exceeding 40 feet;
 - (4) includes 10 or more dwelling units; or
 - (5) includes a drive-through facility.

Residents point out that the provision would allow an expansion of 10,000 square feet, but the Planning Board recommended site plan approval when the total gross floor area exceeded 10,000 square feet. The residents recommended changing subsection (2) to read as follows:

- (2) in CRN zones, includes a gross floor area exceeding 10,000 square feet; in CRT and CR zones, 10,000 square feet of gross floor area more than the floor area on the site when a CRT or CR zone was applied...

This package includes

ZTA 11-01 as amended by Council

© Pages

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Zoning Text Amendment No: 11-01
Concerning: Commercial/Residential
zones – Neighborhood
and Town zones
Draft No. & Date: 8 – 9/21/11
Introduced: April 12, 2011
Public Hearing: May 17, 2011
Adopted:
Effective:
Ordinance No:

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

By: Council President Ervin at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- **establish** the Commercial/Residential Neighborhood (CRN) and Commercial/Residential Town (CRT) zones; and
- generally amend the Commercial/Residential zones.

By **amending** the following Division to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-15 “COMMERCIAL/RESIDENTIAL [(CR)] ZONES”

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

OPINION

Zoning Text Amendment No. 11-01 was introduced on April 12, 2011 by Council President Ervin, at the request of the Planning Board.

The initial Planning Board Draft Kensington Sector Plan proposed using CR zones to implement the Plan. The Planning, Housing, and Economic Development Committee did not believe that CR zones were appropriate because of the burdens it placed on development. The Committee asked the Planning Board to develop zones more appropriate for Kensington, Takoma/Langley, and Wheaton. The Planning Board responded with a request to introduce ZTA 11-01 on March 11, 2011. In the Planning Board's opinion, ZTA 11-01 has 3 functions:

- (1) establish new Commercial/Residential Neighborhood (CRN) zones;
- (2) establish new Commercial/Residential Town (CRT) zones; and
- (3) enact various amendments to the Commercial/Residential (CR) zones, some related to integrating the new CRN and CRT zones, and some representing improvements and clarifications resulting from experience with the CR zones since their adoption.

The Commercial/Residential Neighborhood (CRN) and Commercial/Residential Town (CRT) zones were developed for areas where there are smaller properties, lower densities, and more challenging economic conditions. The new zones are structured like the current CR zones; the total floor area ratio (FAR), the residential FAR, the non-residential FAR, and the maximum building height are identified with each zone. One zoning series is needed for areas where existing commercial zones are located next to single-family residential neighborhoods. Another zoning series is needed for areas where requiring too many public benefits might impede redevelopment. The allowed land uses and development standards vary with each zone. The CRN zones would have the most limited land uses of the 3 commercial/residential zones. Optional method development would not be allowed in CRN zones.

The Montgomery County Planning Board, in its letter to the Council dated May 13, 2011, recommended that the text amendment be approved with amendments to the provisions for parking requirements in the CRN and CRT zones, sketch plan amendments during the site plan approval process, and the definition of transit proximity. The Board's recommendations were based on testimony from its hearing and its deliberations thereafter.

The County Council held a public hearing on May 17, 2011 to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The PHED Committee took a hard look at the Planning Board's recommendations. It recommended strengthening the role of master plans; maintaining the current role of design guidelines; clarifying the sketch plan process as recommended by the Planning Board; amending the parking provisions as recommended by the Planning Board; protecting neighborhoods by limiting land uses in CRN zones; increased incentives for MPDUs above the minimum required;

adding a provision for retaining existing buildings; and allowing a shorter list of public benefits for projects zoned CR or CRT after the approval of ZTA 11-01.

The shorter list of public benefits deleted environmental and some design provisions and amended transit-related public benefits. A majority of the Committee believed that much of the deleted public benefits could be required elements of a development for which additional density should not be granted. A majority of the Committee also believed that a reduced list of public benefits would focus on more important benefits, such as affordable housing. The detailed recommendation of the Committee is identified in the staff memorandum to the Council for its October 4, 2011 worksession. This opinion incorporates that memorandum by reference.

On September 19, 2011, the Committee recommended the approval of ZTA 11-01, with amendments identified in the October 4, 2011 staff memorandum to the Council. The Committee's recommendation was developed after the Committee held previous worksessions on June 13, June 22, June 23, June 27, June 30, July 11, July 14, and July 18, 2011.

The District Council reviewed Zoning Text Amendment No.11-01 at worksessions held on September 27, October 4, and October 11, 2011. After a review of the Committee's recommendations and deliberations on the testimony received, the Council agreed with most of the recommendations of the Planning, Housing, and Economic Development Committee; however, the Council did not agree with the Committee's recommendations concerning the definition of transit proximity and the list of public benefits. The Council agreed with Councilmember Floreen's substitute amendment to accomplish that objective.

The Council agreed with the Planning Board's May 13, 2011 recommendation for the definition of transit proximity and the treatment of development that satisfies the definition. The Council believed that it is in the public interest to make it easier to develop nearest transit than to develop further from transit. A recommendation to delete the benefits for a project located between ½ mile and 1 mile from transit was not approved.

The Council agreed with the Committee's recommendations for increased public benefit points for affordable housing and new public benefits for retaining existing buildings, but added the 5 new public benefits recommended by the Planning Board:

- 1) way-finding signage;
- 2) live/work units;
- 3) architectural elevations;
- 4) habitat preservation/restoration; and
- 5) cool roofs.

In the Council's opinion, the increased list of benefits added the flexibility needed in softer markets. It also avoided the need to have one set of public benefit rules in White Flint and the Shady Grove Science Corridor and a different set of rule outside of those areas. The Council made 6 changes to the ZTA as amended by Councilmember Floreen. The Council:

- 1) allowed teen centers as a public benefit and defined teen centers;
- 2) allowed “clinics” as a “limited” use in CRN zones;
- 3) allowed public benefit points for neighborhood services only if the applicant is providing small retail space in an area where retail choices do not exist;
- 4) allowed fewer public benefit points for small lots and properties zoned at lower density;
- 5) required that optional method projects substantially conform to Planning Board approved design guidelines;
- 6) corrected 2 subsection references in the sketch plan provision and deleted one duplicate provision in the public benefit provision.

The Council was also satisfied that ZTA 11-01 includes provisions to allow the Planning Board to disapprove a project if the package of public benefits does not sufficiently conform to the master plan and public needs created by the development. The Planning Board Chair agreed that the ZTA will be administered using that discretion.

The Council did not change the applicability provisions as submitted by the Planning Board. The Council wanted to retain the opportunity to apply the zones after a full examination in a master plan, without being constrained by strict standards. The Council retained the provision that only allowed the application of the CR, CRN, and CRT zones by the specific recommendation of a master plan. In doing so, the Council did not intend to prejudge if that provision might be retained or amended when it considers a rewritten zoning ordinance.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 11-01 will be approved as amended.

ORDINANCE

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

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 a sequence of 4 factors: maximum total floor area ratio (FAR),
8 maximum non-residential FAR, maximum residential FAR, and maximum
9 building height.]

10 (a) There are 3 commercial/residential classifications 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 classifications are:

14 (1) CR Neighborhood (CRN);

15 (2) CR Town (CRT); and

16 (3) CR (CR).

17 (b) [These zones are identified by] Each CRN, CRT, or CR zone classification
18 is followed by a number and a sequence of 3 additional symbols: [CR,] C,
19 R, and H, each followed by a number where:

20 [(a)](1) the number following the [symbol "CR"-] CRN, CRT, or CR is
21 the 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 must be applied on the zoning map that
 29 will show, for each property classified:

30 (1) the commercial/residential classification; and

31 (2) the 4 standards (total, non-residential, and residential densities and
 32 building height).

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

38 **59-C-15.12. Density and height allocation.**

39 **59-C-15.121. Density and height limits.**

40 (a) Each [[unique sequence of]] CRN, CRT, or CR[.,] classification and
 41 unique sequence of C, R, and H is established as a zone under the following
 42 limits:

<u>Category</u>	<u>Maximum Total FAR</u>	<u>Maximum C or R FAR</u>	<u>Maximum 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>

44

45 (b) Zones may be established and mapped at densities in increments of 0.25 and
 46 heights in increments of 5 feet, within the ranges indicated in the table.

47

48 Example: Under the provisions of Sections (a) and (b) above, the CRN zones may
 49 establish maximum total densities of 0.5, 0.75, 1.0, 1.25, or 1.5 FAR, and
 50 maximum heights of 40, 45, 50, 55, 60, or 65. The range of densities and heights

51 from which the various CRN zones can be established and mapped provides
 52 guidance to the Planning Board's recommendation and to the Council when
 53 [[applying]] applying a particular zone. Once the zone is approved on a zoning
 54 map, it allows a [[developer]] property owner to build at any height and density up
 55 to the maximum. For example, a property owner whose land is zoned at CRN-1.0
 56 C-0.5 R-1.0 H-45 could elect to build at a 1.0 FAR with a height of 35 feet or 0.75
 57 FAR and 42 feet, or any other combination up to 1.0 FAR and 45 feet.

58

- 59 [(a) the maximum total FAR must be established as an increment of 0.25 from
- 60 0.5 up to 8.0;
- 61 (b) the maximum non-residential and residential FAR must be established as an
- 62 increment of 0.25 from 0.25 up to 7.5; and
- 63 (c) the maximum height must be established as an increment of 5 feet up to 100
- 64 feet and an increment of 10 feet from 100 feet up to 300 feet.]

65 **[59-C-15.121]59-C-15.122. Density averaging.**

66 Permitted density may be averaged over 2 or more directly abutting or confronting
 67 lots or parcels in one or more CRN, CRT, or CR zones, provided that:

- 68 (a) the lots or parcels are subject to the same site plan or sketch plan; however,
 69 if a sketch plan is required, density averaging must be shown on the sketch
 70 plan;
- 71 (b) the lots or parcels are created by the same preliminary subdivision plan or
 72 satisfy a phasing plan established by an approved sketch plan;
- 73 (c) the maximum total [density and] [[,]] non-residential and residential density
 74 limits apply to the entire development, not to individual lots or parcels;
- 75 (d) no building may exceed the maximum height set by the zone;

- 76 (e) [public benefits must be provided under the phasing element of an approved
 77 sketch plan] uses are subject to the provisions of the property's zone
 78 classification;
- 79 (f) the total allowed maximum density [of] on a lot or parcel [zoned CR] that is
 80 adjacent to or confronting [one-family residentially zoned or agriculturally
 81 zoned lots or parcels] a lot or parcel in a one-family residential zone or an
 82 agricultural zone may not [be exceeded] exceed that allowed by the lot or
 83 parcel's commercial/residential zone; and
- 84 (g) [the resulting development must conform to the design and land use
 85 objectives of the applicable master or sector plan and design guidelines.]
 86 public benefits must be provided under the phasing element of an approved
 87 sketch plan.

88 **59-C-15.13. Applicability.**

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

92
 93 *Examples:*

- 94 • An area zoned [CR-2.0] [[CRN1.5, C1.0, R1.0, [H80] H45]] CRN-1.5 C-1.0 R-1.0 H-45
 95 allows a total FAR [of 2.0] up to 1.5, with maximum non-residential and residential
 96 FARs of 1.0, thereby requiring [an equal] a mix of uses to obtain the total FAR allowed.
 97 The height for any building in this zone is limited to [80] 45 feet.
- 98 • An area zoned [[CR-]6.0, C3.0, R5.0, H200]] CR-6.0 C-3.0 R-5.0 H-200 allows [a
 99 residential FAR of up to 5.0,] a non-residential FAR [of] up to 3.0, a residential FAR up
 100 to 5.0, and a mix of the two uses could yield a total FAR of 6.0. This combination allows
 101 for flexibility in the market and shifts in the surrounding context. The height for any
 102 building in this zone is limited to 200 feet.
- 103 • An area zoned [CR-4.0] [[CRT3.5, [C4.0] C3.5, [R4.0] R3.5, [H160] H100]] CRT-3.5 C-
 104 3.5 R-3.5 H-100 allows complete flexibility in the mix of uses, including buildings with
 105 no mix, because the maximum allowed non-residential and residential FARs are both
 106 equivalent to the total maximum FAR allowed. The height for any building in this zone
 107 is limited to [160] 100 feet.

108

109 **59-C-15.2. Description and objectives of the CR zones.**

110 The CRN, CRT, and CR zones permit a mix of residential and non-residential uses
 111 at varying densities and heights. The zones promote economically,
 112 environmentally, and socially sustainable development patterns where people can
 113 live, work, recreate, and have access to services and amenities while minimizing
 114 the need for automobile use. The application of the CR zones is appropriate where
 115 ecological impacts can be moderated by co-locating housing, jobs, and services.

116 The objectives of the CRN, CRT, and CR zones are to:

- 117 (a) implement the policy recommendations of applicable master and sector
 118 plans;
- 119 (b) target opportunities for redevelopment of single-use areas and surface
 120 parking lots with a mix of uses;
- 121 (c) reduce dependence on the automobile by encouraging development that
 122 integrates a combination of housing types, mobility options, commercial
 123 services, and public facilities and amenities;
- 124 (d) allow a mix of uses, densities, and building heights appropriate to various
 125 contexts to ensure compatible relationships with adjoining neighborhoods;
- 126 (e) [encourage] allow an appropriate balance of employment and housing
 127 opportunities [and compatible relationships with adjoining neighborhoods;
- 128 (e) establish the maximum density and building height for each zone, while
 129 retaining appropriate development flexibility within those limits]; and
- 130 (f) standardize optional method development by establishing minimum
 131 requirements for the provision of [the] public benefits that will support and
 132 accommodate density above the standard method limit.

133 **59-C-15.3. Definitions specific to the CR zones.**

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

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

138 **Cultural institutions:** public or private institutions or businesses, including: art,
139 music, and photographic studios; auditoriums or convention halls; libraries and
140 museums; recreational, performance, or entertainment establishments,
141 commercial; theater, indoor; theater, legitimate.

142 **Day care facilities and centers:** facilities and centers that provide daytime care
143 for children and/or adults, including: child ~~[[daycare]]~~ day care facility (family
144 day care, group day care, child day care center, teen center); ~~[[daycare]]~~ day
145 care facility for not more than 4 senior adults and persons with disabilities; and
146 day care facility for senior adults and persons with disabilities.

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

149 **Limits of Disturbance:** an area on a certified site plan within which all
150 construction work must occur.

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

154 **Manufacturing and production, artisan:** The manufacture and production of
155 commercial goods by a skilled manual worker or craftsman, such as jewelry,
156 metalwork, cabinetry, stained glass, textiles, ceramics, or hand-made food
157 products; however, it does not include any activity which causes noise, odor, or
158 vibration to be detectable on a neighboring property.

- 159 **Public Arts Trust Steering Committee:** A committee of the Arts and
160 Humanities Council that allocates funds from the Public Arts Trust.
- 161 **Public owned or operated uses:** Activities that are located on land owned by or
162 leased and developed or operated by a local, county, state, or federal body or
163 agency.
- 164 **Recreational facilities, participatory:** Facilities used for sports or recreation.
- 165 **Reconstruction:** Building the same or less floor area on or within the footprint of
166 a demolished or partially demolished building.
- 167 **Renovation:** An interior or exterior alteration that does not affect a building's
168 footprint.
- 169 **Seasonal Outdoor Sales:** A lot or parcel where a use or product is offered
170 annually for a limited period of time during the same calendar period each year.
171 The availability or demand for the use or product is related to the calendar
172 period, such as Christmas trees, pumpkin patches, or corn mazes.
- 173 **Teen Center:** A supervised building, or a supervised area of a building, which
174 provides a facility for the social, recreational, or educational use of children
175 between the ages of 12 and 18. At least 80 percent of the facility's hours of
176 operation must be for the use of teenagers.
- 177 **Tenant Footprint:** The horizontal area measured within the exterior walls for the
178 ground floor of the main structure allocated to each non-residential tenant or
179 owner-occupant.
- 180 **Transit proximity:** Transit proximity is categorized in two levels: 1. proximity
181 to an existing or master planned Metrorail Station; 2. proximity to an existing
182 or master planned station or stop along a rail or bus line with a dedicated, fixed
183 path. All distances for transit proximity are measured from the nearest transit
184 station entrance or bus stop entrance. [[To qualify as a planned station or stop,

185 the station or stop must have funds appropriated in the relevant Capital
 186 Improvement Program.]]

187 **59-C-15.4. Methods of development and approval procedures.**

188 [Two methods of development are available under the CR zones] The CRN zones
 189 allow development only under the standard method. The CRT and CR zones
 190 allow development under the standard method and may allow development under
 191 the optional method.

192 **59-C-15.41. Standard Method.**

193 Standard method development [must comply with the general requirements and
 194 development standards of the CR zones] is allowed under the following
 195 requirements.

- 196 (a) In the CRN zones, the maximum total, non-residential, and residential
 197 densities and maximum building height for any property are shown on the
 198 zoning map.
 199 (b) In the CRT and CR zones, the maximum standard method density is the
 200 lesser of the density shown on the zoning map or:

Category	Maximum Total Density
<u>CRT</u>	<u>The greater of 1.0 FAR or 10,000 gross square feet of floor area.</u>
<u>CR</u>	<u>The greater of 0.5 FAR or 10,000 gross square feet of floor area.</u>

202
 203 (c) A site plan approval under Division 59-D-3 is required for a standard
 204 method development [project] only if the development:

- 205 [(a)] (1) is a Limited Use;
 206 (2) [the] includes a gross floor area [exceeds] [[exceeding]] 10,000
 207 square feet more than the floor area on the site when the CRN, CRT,
 208 or CR zone was applied; [or]

- 209 (3) includes a building height exceeding 40 feet; [[or]]
210 [(b)] (4) [any building or group of buildings contains] includes 10 or
211 more dwelling units; or
212 (5) includes a drive-through facility.

213 **59-C-15.42. Optional method.**

214 Optional method development [must comply with the general requirements and
215 development standards of the CR zones and must provide public benefits under
216 Section 59-C-15.8 to obtain greater density and height than allowed under the
217 standard method of development. A sketch plan and site plan are required for any
218 development using the optional method. A sketch plan must be filed under the
219 provisions below; a site plan must be filed under Division 59-D-3. Any required
220 preliminary subdivision plan must not be submitted before a sketch plan is
221 submitted] is allowed under the following requirements.

- 222 (a) The maximum total, non-residential, and residential densities and building
223 height for any property are set by the zone shown on the zoning map.
224 (b) A sketch plan must be submitted under Section 59-C-15.43.
225 (c) Site plan(s) must be submitted under Division 59-D-3.
226 (d) Public benefits must be provided under Section 59-C-15.8.

227 **59-C-15.43. Sketch plan.**

228 Any optional method development in the CRT and CR zones requires an approved
229 sketch plan. Any required preliminary plan of subdivision or site plan may [[not]]
230 be submitted [[before a sketch plan has been approved]] when a sketch plan is
231 submitted, or any time thereafter.

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

- 235 development] and describes how the development will further the
236 objectives of the applicable master or sector plan;
- 237 (2) [an] illustrative [plan] plans [or model that shows] showing:
- 238 (A) [the maximum densities for residential and non-residential
239 uses, massing, and heights of buildings] building densities,
240 massing, heights, and the anticipated mix of uses;
- 241 (B) locations of public use and other open spaces;
- 242 (C) pedestrian, bicycle, and vehicular circulation, parking, and
243 loading; and
- 244 (D) [the] relationships between existing or proposed adjacent
245 buildings [on adjoining tracts] and rights-of-way;
- 246 (3) [an illustrative diagram of proposed vehicular, pedestrian, and bicycle
247 access, circulation, parking, and loading areas;
- 248 (4)] a table of proposed public benefits and the incentive density
249 requested for each; and
- 250 [(5)](4) [the] a general phasing outline of structures, uses, rights-of-
251 way, sidewalks, dedications, public benefits, and future preliminary
252 and site plan applications.
- 253 (b) Procedure for a sketch plan:
- 254 (1) Before filing a sketch plan application, an applicant must comply
255 with the provisions of the Manual for Development Review
256 Procedures, as amended, that concern the following:
- 257 (A) notice;
- 258 (B) posting the site of the application submittal; and
- 259 (C) holding a pre-submittal meeting.

- 260 (2) A public hearing must be held by the Planning Board on each sketch
261 plan application no later than 90 days after the filing of an optional
262 method development application, unless a request to extend this
263 period is requested by the applicant, Planning Board staff, or other
264 interested parties. A request for an extension must be granted if the
265 Planning Board finds it not to constitute prejudice or undue hardship
266 on any interested party. A recommendation regarding any request for
267 extension must be acted upon [as a consent agenda item] by the
268 Planning Board on or before the 90-day hearing period expires.
269 Notice of the extension request and recommendation by Staff must be
270 posted no fewer than 10 days before the item's agenda date.
- 271 (3) No fewer than 10 days before the public hearing on a sketch plan,
272 Planning Board staff must submit its analysis of the application,
273 including its findings, comments, and recommendations with respect
274 to the requirements and standards of this [[division]] Division and
275 any other matters that may assist the Planning Board in reaching its
276 decision on the application. This staff report must be included in the
277 record of the public hearing.
- 278 (4) The Planning Board must act within 30 days after the close of the
279 record of the public hearing, by majority vote of those present and
280 voting based upon the hearing record, to:
- 281 (A) approve;
 - 282 (B) approve subject to modifications, conditions, or binding
283 elements; or
 - 284 (C) disapprove.

- 285 (c) In approving a sketch plan, the Planning Board must find that the following
 286 elements are appropriate in concept and appropriate for further detailed
 287 review at site plan. The sketch plan must:
- 288 (1) [The plan: (A) meets the] meet objectives, general requirements, and
 289 standards of this Division;
- 290 (2) [(B) will further] further the recommendations and objectives of the
 291 applicable master or sector plan; [and (C) will provide more efficient
 292 and effective development of the site than the standard method of
 293 development;]
- 294 [(2)](3) [The proposed building massing and height and public use and
 295 other open spaces are located and scaled to achieve] achieve
 296 compatible internal and external relationships [with each other and
 297 with] between existing and proposed nearby buildings, [and] open
 298 space [adjacent to the site and with adjacent communities], and uses;
- 299 [(3)](4) [The] provide satisfactory general vehicular, pedestrian, and
 300 bicyclist access, circulation, parking, and loading [areas are adequate,
 301 safe, and efficient];
- 302 [(4)](5) [The proposed] propose an outline of public benefits [and
 303 associated] that supports the requested incentive density [will further
 304 the objectives of the applicable master or sector plan and the
 305 objectives of the CR zones]; and
- 306 [(5)](6) [The general] establish a feasible and appropriate provisional
 307 phasing [of] plan for all structures, uses, rights-of-way, sidewalks,
 308 dedications, public benefits, and future preliminary and site [plans is
 309 feasible and appropriate to the scale and characteristics of the project]
 310 plan applications.

- 311 (d) During site plan review, the Planning Board may approve [[modifications to
312 the binding elements or conditions of an approved sketch plan.
- 313 (1) If changes to a sketch plan are requested by the applicant, notice of
314 the site plan application must identify those changes requested. The
315 applicant has the burden of persuading the Planning Board that such
316 changes should be approved.
- 317 (2) If changes are recommended after the application is made, notice of
318 the site plan hearing must identify changes requested.
- 319 (3) In acting to approve a sketch plan modification as part of site plan
320 review, the Planning Board must make the findings required in
321 Section 59-C-15.42(c) in addition to those required by Section 59-D-
322 3]] amendments to the binding elements of an approved sketch plan.
- 323 (1) Amendments to the binding elements may be approved, if such
324 amendments are:
- 325 (A) requested by the applicant;
326 (B) recommended by the Planning Board staff and agreed to by the
327 applicant; or
328 (C) made by the Planning Board, based on a staff recommendation
329 or on its own initiative, if the Board finds that a change in the
330 relevant facts and circumstances since sketch plan approval
331 demonstrates that the binding element either is not consistent
332 with the applicable master or sector plan or does not meet the
333 requirements of the zone.
- 334 (2) Notice of proposed amendments to the binding elements must be
335 identified in the site plan application if requested by the applicant, or

336 in the final notice of the site plan hearing if recommended by
 337 Planning Board staff and agreed to by the applicant.
 338 (3) For any amendments to the binding elements, the Planning Board
 339 must make the applicable findings under Section 59-C-15.43(c), in
 340 addition to the findings necessary to approve a site plan under Section
 341 59-D-3.

342 **59-C-15.5. Land uses.**

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

- 344 - *Permitted Uses* are designated by the letter “P” and are permitted
 345 subject to all applicable regulations.
- 346 - *Limited Uses* are designated by the letter “L” and are permitted
 347 subject to all applicable regulations and the additional restrictions
 348 under Section 59-C-15.51.
- 349 - *Special Exception Uses* are designated by the letters “SE” and may be
 350 authorized as special exceptions under Article 59-G.

351

Use	CRN	CRT	CR
(a) Agricultural (non-residential)			
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) Residential			
Dwellings	<u>P</u>	<u>P</u>	P
Group homes, small [or large]	<u>P</u>	<u>P</u>	P
Group homes, large	<u>L</u>	<u>P</u>	<u>P</u>
Hospice care facilities	<u>L</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
(c) Commercial Sales and Service (non-residential)			
Advanced technology and biotechnology		<u>P</u>	P

Use	CRN	CRT	CR
Ambulance or rescue squads, <u>private</u>	[[L]]	L	P
Animal boarding places	SE	SE	SE
Automobile filling stations		SE	SE
Automobile rental services, excluding storage of vehicles and supplies	P	P	P
Automobile rental services, including storage of vehicles and supplies		L	L
Automobile repair and services		L	P
Automobile sales, indoors	[[L]]	L	P
Automobile sales, outdoors [(except where a municipality prohibits the use within its jurisdiction by resolution)]		L	P
Clinic	L	P	P
Conference centers		P	P
Eating and drinking establishments	L	P	P
Health clubs and gyms	L	P	P
Home occupations, major	SE	SE	SE
Home occupations, registered and no-impact	P	P	P
Hotels and motels	[[L]]	P	P
Laboratories		P	P
Dry cleaning and laundry pick-up stations	P	P	P
<u>Dry Cleaner / Laundry Under 3,000 square feet GFA</u>		P	P
Offices, general	P	P	P
Recreational facilities, participatory	[[L]] SE	P	P
Research, development, and related activities		P	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint up to 5,000[[sf]] square feet</u>	P	P	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint between 5,000[[sf]] square feet and 15,000[[sf]] square feet</u>	L	P	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint between 15,000[[sf]] square feet and 60,000[[sf]] square feet</u>		P	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint over 60,000[[sf]] square feet</u>		L	P
Self-storage facilities		SE	SE
Veterinary hospitals and offices with boarding facilities	SE	L	P
Veterinary hospitals and offices without boarding facilities	P	P	P
Warehousing, not including self-storage, less than 10,000 square feet		P	P
(d) Institutional & Civic (non-residential)			
Charitable and philanthropic institutions	[[L]] P	P	P
Cultural institutions <u>less than or equal to 5,000 square feet GFA</u>	[[L]] P	P	P

Use	CRN	CRT	CR
<u>Cultural institutions greater than 5,000 square feet GFA</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>
(e) Industrial (non-residential)			
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>
(f) Other (non-residential)			
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>

352

353 **59-C-15.51. Limited Uses.**

354 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table are
 355 Limited Uses and must comply with the requirements of this Section if they are on
 356 properties that are:

357 (a) [[Located]] located adjacent to a property in a one-family residential or
 358 agricultural zone; or

359 (b) [[Separated]] separated from such a property only by the right-of-way of a
 360 primary, secondary, or tertiary residential street.

361 Where these circumstances do not apply, the use is considered a permitted use, and
 362 Section 59-C-15.41(c)(1) does not apply.

363 **59-C-15.512. Requirements of Limited Uses.**

364 Development applications that include Limited Uses must:

- 365 (a) satisfy the site plan requirements of 59-D-3;
366 (b) comply with the design recommendations of the applicable sector or master
367 plan[[,]] and associated design guidelines; and
368 (c) ensure compatible relationships with existing and proposed adjacent
369 residential housing through mitigating factors including, but not limited
370 to[[:]]:
371 (1) increased setbacks;
372 (2) sound and visual barriers;
373 (3) decreased structural heights[[,]]; or
374 (4) diminished site lighting.

375 **59-C-15.6. General requirements.**

376 Development in the CRN, CRT, and CR [zone] zones must comply with the
377 following requirements.

378 **59-C-15.61. Master plan and design guidelines conformance.**

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

384 **[59-C-15.62. Priority retail street frontages.**

385 Development that requires a site plan and is located on a street identified as a
386 priority retail street frontage in the applicable master plan, sector plan, or design
387 guidelines must be developed in a manner that is consistent with the
388 recommendations and objectives of the applicable plan and address any applicable

389 design guidelines approved by the Planning Board that implement the applicable
 390 plan.

391 **59-C-15.63. Streetscape.**

392 Streetscape improvements must be consistent with the recommendations of the
 393 applicable master or sector plan and must address any Planning Board approved
 394 design guidelines that implement the applicable plan.]

395 **[59-C-15.64]59-C-15.62. Bicycle parking spaces and commuter shower/change**
 396 **facility.**

397 [(a) Bicycle parking facilities must be secure and accessible to all residents or
 398 employees of the proposed development.

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

402

Bicycle and Shower/Change Facilities Required			
Use	Requirement		
<i>Multi-family 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.

403 |

404 Instead of the requirements of Article 59-E regarding bicycle parking spaces,
 405 development in the CRN, CRT, and CR zones must satisfy the following
 406 provisions.

407 (a) Bicycle Parking Spaces

408

<u>Use</u>	<u>Publicly Accessible Bike Spaces</u>	<u>Private, Secure Bike Spaces</u>
(1) <u>Multi-family 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]] 0.35 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>
(2) <u>Non-Residential</u>		
<u>Total non-residential floor area under 10,000 square feet gross floor area</u>	<u>2</u>	<u>2</u>
<u>Total non-residential floor area between 10,000[[sf]] square feet and 100,000 square feet gross floor area [[(sf)]]</u>	<u>2 per 10,000[[sf]] square feet</u>	<u>1 per 10,000[[sf]] square feet, not fewer than 2, to a maximum requirement of 10</u>
<u>Total non-residential floor area greater than 100,000 square feet gross floor area [[(sf)]]</u>	<u>20</u>	<u>1 per 10,000[[sf]] square feet, not fewer than 10, to a maximum requirement of 100.</u>

409

410 (b) For office uses with a total non-residential floor area of 100,000 square feet
 411 of gross floor area or greater, one shower/change facility is required for
 412 each gender; the facility may be made available only to employees when the
 413 building is accessible.

414 **[59-C-15.65]59-C-15.63. Parking.**

415 [(a) (1) For projects that satisfy the requirements for transit proximity levels 1
 416 or 2, the number of parking spaces provided on-site must not exceed the
 417 number required under Article 59-E, except that the maximum number of
 418 parking spaces for general retail and restaurant uses is 4 spaces for every
 419 1,000 square feet of gross leasable area, and no parking spaces are required
 420 for restaurant outdoor patron areas.

- 421 (2) All projects that do not satisfy the requirements for transit proximity levels
 422 1 or 2 must meet the parking requirements established under Article 59-E,
 423 except that the number of parking spaces for general retail and restaurant
 424 uses in Subsection (a)(1) may be provided without a parking waiver.
- 425 (b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and
 426 projects that do not satisfy transit proximity level 1 or 2, the number of
 427 parking spaces required is based on a building's distance from transit as
 428 follows:
 429

Parking Requirements	Transit Proximity (Level 1 or 2)			
	¼ mile from transit	¼ to ½ mile from transit	½ mile to 1 mile from transit	>1 mile from transit
Non-residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.20	0.40	0.60	0.80
Residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.60	0.70	0.80	0.90

430

431 The appropriate parking rates apply to the gross floor area within each distance
 432 category.]

433 Instead of the requirements of Article 59-E regarding parking space numerical
 434 requirements, landscaping, and surface parking design, development in the CRN,
 435 CRT, and CR zones must comply with the following provisions. All standards and

436 requirements of Article 59-E that are not modified by this Section must be
 437 satisfied.

438 **59-C-15.631. Parking Ratios.**

439 Parking spaces must satisfy the following minimums and maximums unless the
 440 minimum number of parking spaces is waived under §59-C-15.636. The minimum
 441 number of spaces required is equal to the number of parking spaces that would
 442 otherwise be required by Division 59-E-3, multiplied by the applicable factor in
 443 the table, or at the rate indicated. When a maximum number of spaces is
 444 indicated, no more parking than would otherwise be required by Division 59-E-3
 445 may be provided.

446

<u>Use</u>	<u>CRN</u>		<u>CRT</u>		<u>CR</u>			
	<u>Up to ½ mile</u>	<u>Greater than ½ mile</u>	<u>Up to ½ mile</u>	<u>Greater than ½ mile</u>	<u>Up to ¼ mile</u>	<u>¼ to ½ mile</u>	<u>½ to 1 mile</u>	<u>Greater than 1 mile</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>
<u>(b) 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]] None</u>	<u>None</u>	<u>[[59-E]] None</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]] 4 per 1,000 square feet</u>	<u>[[0.8]] 4 per 1,000 square feet</u>	<u>[[0.4]] 4 per 1,000 square feet</u>	<u>[[0.6]] 4 per 1,000 square feet</u>	<u>4 per 1,000 square feet</u>	<u>4 per 1,000 square feet</u>	<u>4 per 1,000 square feet</u>	<u>[[0.8]] 4 per 1,000 square feet</u>
<u>(c) 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]] 0.8</u>	<u>[[0.8]] 1.0</u>	<u>[[0.4]] 0.6</u>	<u>[[0.6]] 0.8</u>	<u>0.2</u>	<u>0.4</u>	<u>0.6</u>	<u>0.8</u>

447

448 (d) The appropriate rates to determine the number of parking spaces apply to
 449 the gross floor area of each use within each distance category.

450 **59-C-15.632. Accepted Parking Spaces.**

451 [(c)] Parking requirements must be met by any one or a combination of the
452 following:

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

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

455 [(3)](c) participating in:

456 (1) a parking lot district;

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

458 (3) entering into an agreement for shared parking spaces within ¼ mile of

459 the subject property in a public or private facility ~~[[within]]~~ [1,000

460 feet] ~~[[¼ mile of the subject lot]]~~, if the off-site parking facility is not

461 in an agricultural (Division 59-C-9), planned unit development

462 (Division 59-C-7), or one-family residential (Division 59-C-1) zone,

463 unless otherwise allowed by this Chapter.

464 [(d)] Every “car-share” space provided reduces the total number of required spaces

465 by 6 spaces for a non-residential use or 3 spaces for a residential use.

466

467 *Example:* A non-residential project on a CR-zoned site requiring at least 100 spaces under
468 Article 59-E would be required to provide a maximum of 100 spaces on site. If that site was
469 within ¼ to ½ mile of a transit station, the minimum requirement for parking would be 40 spaces
470 (100 x 0.40 = 40). If 2 car-share spaces were provided, that requirement would be 28 for non-
471 residential use or 34 for residential use.

472

473 **59-C-15.633. Parking space location and access.**

474 [(e)] The design of surface parking [facilities] spaces must comply with the

475 following:

476 [(1)](a) [a] parking [facility at] spaces on or above grade must not be located

477 between the street and the main front wall of the building or the side wall of

478 [a] the main building on a corner lot [unless the Planning Board finds that

479 safe and efficient circulation would be better served by a different
480 arrangement]; and

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

483 (3) curb cuts must be kept to a minimum and shared by common ingress/egress
484 easements whenever possible.]

485 **59-C-15.634. Drive-through facility design.**

486 Any drive-through facility requires the approval of a site plan under Division 59-
487 D-3 and must satisfy the following:

488 [(f))(a) [The design of parking facilities with drive-through services must
489 comply with the following; however, the Planning Board may approve a
490 design if it finds that the alternative design would provide safer and more
491 efficient circulation:] no part of a drive-through [[service]] facility,
492 including the stacking area, may be located within 100 feet of a property
493 line shared with [[an]] one-family (Division 59-C-1) or agriculturally
494 (Division 59-C-9) zoned land;

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

498 [(2))(c) [the] no drive-through service window [must], drive aisle, or stacking
499 area may be located [on the rear or] between the street and the side wall of
500 the main building [; any service window on the side wall of a building must
501 be] on a corner lot unless permanently screened from any street by a 5-foot
502 or higher wall or fence[; and]].

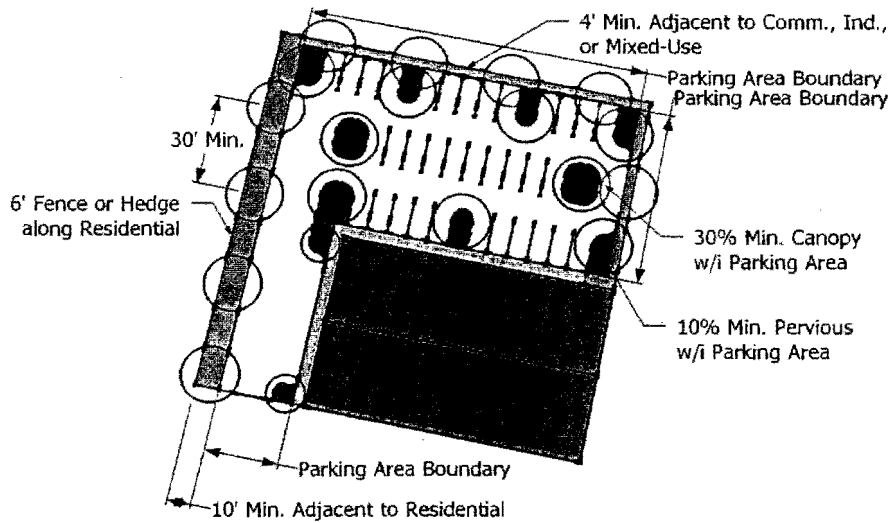
503 [(3) curb cuts to a street must be minimized to one drive aisle of no more than 20
504 feet in width for two-way traffic or two drive aisles each of no more than 10
505 feet in width for one-way traffic.]

506 **59-C-15.635. Landscaping and lighting.**

507 [(g)] Except for areas used for internal driveway or sidewalk connections
508 between lots or parcels that are not [in] zoned one-family residential [(59-C-1)] or
509 agricultural [(59-C-9) zones], landscaping for surface parking [facilities] spaces
510 must satisfy the following requirements:

511

Minimum Landscape Standards for Surface Parking	
Subject	Requirement
(a) [Right-of-Way Screening] <u>Property line adjacent to a right-of-way</u>	No less than 6-foot [width of] <u>wide continuous soil panel [or] (excluding any easements) with stormwater [management recharge facility (not including any PUE or PIE) with groundcover] facilities, planting bed, or lawn, including[;] a minimum 3-foot high continuous evergreen hedge or fence; [and] plus one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.</u>
(b) <u>Property line adjacent to a lot or parcel in a one-family residential or agricultural zone</u>	<u>No less than 10-foot [[width]] wide 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>
(c) <u>Property line [Adjacent] adjacent to a lot or parcel in any [Commercial, Industrial, or Mixed-Use Zone] zone not subject to (b), above</u>	<u>No less than 4-foot [[width]] wide continuous soil panel [or] (excluding any easements) with stormwater [management recharge facility with groundcover] facilities, planting bed, or lawn; plus one deciduous tree per 30 feet [of frontage].</u>
[Adjacent to a lot or parcel in an Agricultural or Residential District	10-foot 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.]
(d) 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>
(e) Tree Canopy Coverage	<u>No less than 30 percent of the parking facility area (at 15 years growth).</u>
(f) <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]] footcandle illumination at any property line subject to (b), above.</u>



513

514

Surface Parking Landscape Requirements *[[Illustrative]] Illustration*

515

516 **59-C-15.636. Waiver of parking provisions.**

517 The Director, Planning Board, or Board of Appeals may waive any requirement of
518 Section 59-C-15.63 not necessary to accomplish the objectives of this Division
519 and Section 59-E-4.2, and in conjunction with such a waiver may adopt reasonable
520 mitigating requirements above the minimum standards. At least 10 days notice of
521 any request for a waiver under this Section must be provided to all adjoining
522 property owners, affected citizen associations, and Planning Department Staff, if
523 applicable, before a decision may be made.

524 **59-C-15.7. Development standards.**

525 Development in [any] the CRN, CRT, and CR [zone] zones must comply with the
526 following standards.

527 **59-C-15.71. Density and height.**

528 Maximum density and height are specified by the zone established on the zoning
529 map under [[the provisions of]] Section 59-C-15.1.

- 530 [(a) The maximum density for any standard method project is the greater of 0.5
531 FAR or 10,000 square feet of gross floor area. Any single land use or any
532 combination of land uses allowed in the zone may achieve the maximum
533 density.
- 534 (b) The maximum total density and mix of maximum non-residential and
535 residential density for any project using the optional method of development
536 is specified by the zone.]

537 **[59-C-15.72. Height.**

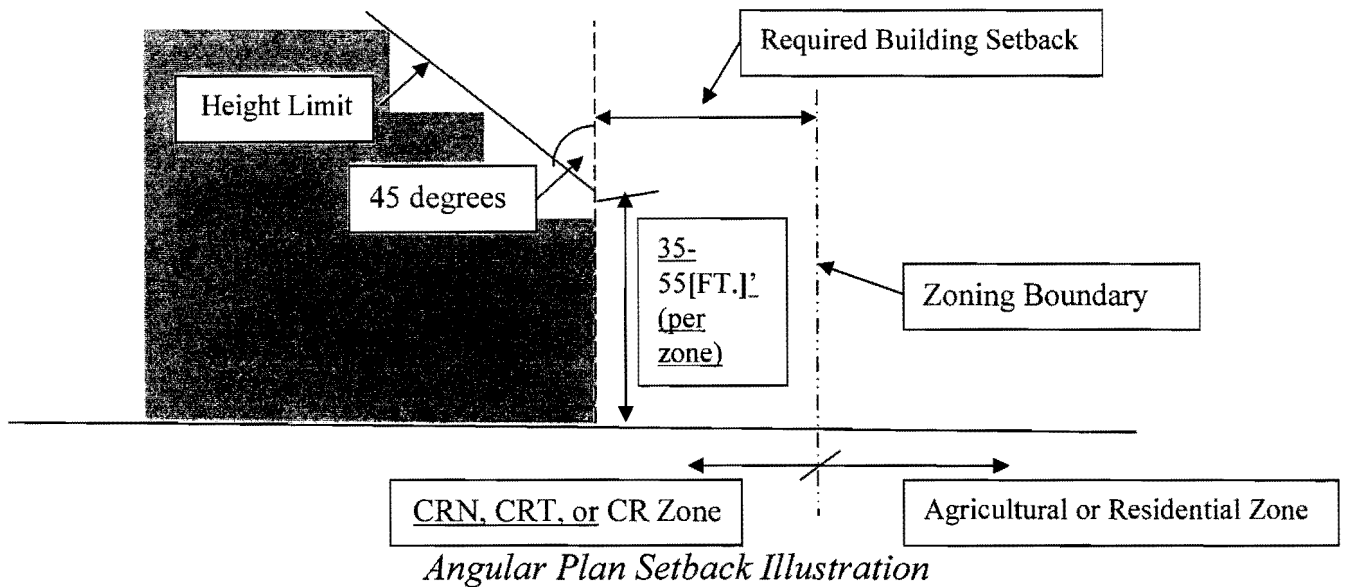
- 538 (a) The maximum height for any building or structure in a standard method
539 project is 40 feet.
- 540 (b) The maximum height for any building or structure in an optional method
541 project is determined by the zone.]

542 **[59-C-15.73]59-C-15.72. Setbacks.**

- 543 (a) [A building must not be any closer to a lot line shared with] Where a tract of
544 land is adjacent to a lot or parcel in [an agricultural (Division 59-C-9) or
545 residential (Division 59-C-1)] a one-family residential or agricultural zone,
546 [than] any building:
- 547 (1) must have a minimum setback of 25 feet or the setback required by
548 the adjacent lot or parcel, whichever is greater; and
- 549 (2) [the building] must not project beyond a 45 degree angular plane
550 projecting over the subject lot or parcel measured from a height of 55
551 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN
552 zones at the setback line determined above, with the exception of
553 those features exempt from height and setback restrictions under
554 Section 59-B-1.

555 (b) The development of a new building in place of a building existing when
 556 [the] a CRN, CRT, or CR zone is applied may be built to the [pre-existing
 557 setbacks] previously allowed setback if the height of the new building is not
 558 increased [over that] above the height of the former building.

559



560

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562

563 **[59-C-15.74]59-C-15.73. Public use space.**

564 (a) Public use space is not required for any standard method project that does
 565 not require a site plan. If a site plan is required for the proposed project,
 566 [then the minimum] public use space is [10 percent of the project's net land
 567 area.] required as follows:

568

Gross Tract Area	Minimum Public Use Space
Up to 10,000[[sf]] square feet	None
10,001[[sf]] square feet up to 3 acres	10% of net tract area
Over 3 acres	10% of limits of disturbance

569

570 (b) Projects using the optional method of development must provide public use
 571 space as follows:

572

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

573

574 (c) Public use space must:

575 (1) be [calculated on the net tract area that was included in the sketch
 576 plan application;

577 (2) be] rounded to the next highest 100 square feet;

578 [(3)](2) be easily and readily accessible to the public; and

579 [(4) be distributed within the entire tract area included in the sketch plan
 580 application; and

581 (5)](3) contain amenities such as seating options, shade, landscaping,
 582 artwork, or [other similar public benefits] fountains.

583 (d) Instead of providing on-site public use space, [for any site of 3 acres or less,
 584 a development may propose the following alternatives,] an applicant may
 585 satisfy all or part of the requirement by one or more of the following means,
 586 subject to Planning Board approval:

587 (1) implementing public park or public use space improvements of an
 588 equal or greater size within [¼ mile of the subject site] or near the
 589 applicable master or sector plan area; or

590 (2) making a payment in part or in full [to the Public Amenity Fund
591 under Section 59-D-2.31.] for design, construction, renovation,
592 restoration, installation, and/or operation within or near the applicable
593 master or sector plan area if the payment is:

594 (A) equal to the cost of constructing an equal amount of public use
595 space and associated amenities on~~[-]~~ site per square foot plus
596 the fair market value of the ~~[[application]] applicable tract of~~
597 land per square foot;

598 (B) used to implement the open space, recreation, and cultural
599 goals of the applicable master or sector plan; and

600 (C) made within 30 days of the release of any building permit for
601 the subject application.

602 [(e) A development on a site larger than 3 acres may only provide off-site public
603 use space in order to provide master-planned open space improvements, or a
604 payment under Subsection (d)(2), for an area of equal or greater size
605 required on site that is:

606 (1) located within the same master plan area as the proposed development; and

607 (2) indicated on the approved sketch plan.]

608 **~~[59-C-15.75]~~59-C-15.74. Residential amenity space.**

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

611

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.	<u>A minimum of 20 square feet per market-rate dwelling unit up to 5,000 square feet.</u>
Passive or active outdoor recreational space.	<u>A minimum of 20 square feet per market-rate dwelling unit, of which at least 400 square feet must adjoin or be directly accessible from the indoor amenity space, up to 5,000 square feet.</u>

612

613 (b) [The] Additional amenity space is not required for Moderately Priced
 614 Dwelling Units (MPDUs) or Workforce Housing Units (WFHUs) on a site
 615 within a metro station policy area or where the Planning Board finds [that
 616 there is] adequate recreation facilities and open space area available within
 617 [a] ½ mile [radius] of the subject site. If such a finding cannot be made,
 618 amenity space must be provided as if all the dwelling units were market-rate
 619 units.

620 (c) [The amenity space requirement may be reduced by ½ for Workforce
 621 Housing Units (WFHUs) located within a metro station policy area or if the
 622 minimum public open space requirement is satisfied on site.

623 (d)] The provision of residential amenity space may be counted towards meeting
 624 the required recreation calculations under the M-NCPPC Recreation
 625 Guidelines, as amended.

626 **59-C-15.8. Special regulations for the optional method of development.**

627 **[59-C-15.81. Incentive Density Provisions.]**

628 This section establishes incentives for optional method projects to provide public
 629 benefits in return for increases in density and height above the standard method
 630 maximums[, consistent with the applicable master or sector plan,], up to the
 631 maximum permitted by the zone.

632 **59-C-15.81. Incentive Density Categories.**

633 [(a)] Public benefits must be provided that enhance or contribute to the
 634 objectives of the CRT and CR [zone] zones in some or all of the following
 635 categories:

- 636 [(1)](a) [Master-planned major] Major public facilities;
- 637 [(2)](b) Transit proximity [for residents, workers, and patrons];
- 638 [(3)](c) Connectivity between uses [and], activities, and mobility options;
- 639 [(4)](d) Diversity of uses and activities;
- 640 [(5)](e) Quality of building and site design; ~~[[and]]~~
- 641 [(6)](f) Protection and enhancement of the natural environment[; and
- 642 (7) Advanced dedication of right-of-way]; and
- 643 (g) Retained Buildings.

644 [Sections 59-C-15.82 through 59-C-15.88 indicate] Section 59-C-15.85 indicates
 645 the individual [types of] public benefits that may be accepted in each of these
 646 categories.

647 **59-C-15.82. Public benefits required.**

648 (a) Any optional method development must satisfy the minimum public benefit
 649 points from the mininum number of benefit categories as follows:

650

<u>Zoning Classification</u>	<u>Sites smaller than 10,000 square feet of land area or less than 1.5 maximum allowed FAR</u>		<u>Sites equal to or larger than 10,000 square feet of land area or equal to or more than 1.5 maximum allowed FAR</u>	
	<u>Public Benefit Points</u>	<u>Number of Benefit Categories</u>	<u>Public Benefit Points</u>	<u>Number of Benefit Categories</u>
<u>CRT</u>	<u>25</u>	<u>2</u>	<u>50</u>	<u>3</u>
<u>CR</u>	<u>50</u>	<u>3</u>	<u>100</u>	<u>4</u>

651

652 For the purpose of determining the minimum number of public benefit points and
653 the minimum number of benefit categories, all land adjoining and abutting the
654 subject property under common ownership when the CR or CRT zone was applied
655 must be included to determine the area of the site.

656 [[Any optional method development must provide public benefits from at least 4
657 of the categories listed in Section 59-C-15.81 and:

658 (a) Development in the CRT zones must provide public benefits worth a
659 minimum total of 50 points; and]]

660 (b) Development in the CR zones must provide BLTs required under Section
661 59-C-15.856(a) for at least 5 points and provide additional public benefits;
662 the sum of the public benefit points must equal at least 100.

663 **59-C-15.83. General incentive density considerations.**

664 [(b)] In approving any incentive density based on the provision of public
665 benefits, the Planning Board must not grant incentive density for any
666 attribute required by law and must consider:

667 [(1)](a) The [policy] recommendations, [[and]] objectives, [and priorities] and
668 priorities of the applicable master or sector plan;

669 [(2)](b) [Any applicable design guidelines and any adopted public benefit
670 standards and guidelines] The CR Zone Incentive Density Implementation
671 Guidelines and any design guidelines adopted for the applicable master plan
672 area;

673 [(3)](c) The size and configuration of the tract;

674 [(4)](d) The relationship of the site to adjacent properties;

675 [(5)](e) The presence or lack of similar public benefits nearby; and

676 [(6))(f) Enhancements beyond the elements listed in the individual public
677 benefit descriptions or criteria that increase public access to or enjoyment of
678 the benefit.

679 Examples: Pedestrian activation along a through-block connection, greater
680 vegetated roof or tree canopy area than required, tower step-backs at a lower
681 height or deeper into the site than the minimum necessary to qualify for the
682 benefit, or provision of neighborhood services for more smaller businesses
683 than required.

684 [(c) Any incentive density increase approved by the Planning Board for an
685 optional method of development application must satisfy Subsection 59-C-
686 15.87(a).]

687 **59-C-15.84. CR zones incentive density implementation guidelines.**

688 [(d)] The Planning Board must adopt, publish, and maintain guidelines that detail
689 the standards and requirements for public benefits [that may be provided for
690 incentive density]. The guidelines must:

691 [(1))(a) be consistent with the [recommendations and] objectives of [the
692 applicable master or sector plan and the purpose of the CR zones] [[this
693 Division]] the applicable master or sector plan and the purpose of the CR
694 zones;

695 [(2))(b) be in addition to any standards, requirements, or rules of incentive
696 density calculation included in this Division, but may not [supersede]
697 conflict with those provisions; and

698 [(3) allow any single feature of a project a density incentive from only 1 public
699 benefit;

- 700 (4)(c) only [address the] allow incentive density for those public benefits
701 listed in [Sections 59-C-15.82 through 59-C-15.88 and must not add a
702 public benefit category; and
- 703 (5) include the criteria to determine when an early dedication of right-of-way
704 qualifies for incentive density, and the amount of the incentive density
705 permitted] Section 59-C-15.85.

706 **59-C-15.85. Individual public benefit descriptions and criteria for CR zones.**
707 **[59-C-15.82]59-C-15.851. [Incentives for master-planned major] Major public**
708 **facilities.**

709 Major public facilities [such as schools, libraries, recreation centers, urban parks,
710 and county service centers] provide public services at convenient locations and
711 where increased density creates a greater need for civic uses and greater demands
712 on public infrastructure [, centers for community meetings, and civic events].

713 (a) Major public facilities include, but are not limited to, such facilities as
714 schools, libraries, recreation centers, parks, county service centers, public
715 transportation or utility upgrades, or other resources delineated in an
716 applicable master or sector plan.

717 (b) If a major public facility is not recommended in the applicable master or
718 sector plan, the Planning Board must find that the facility or improvement
719 provides the community with a resource that is at least as beneficial as other
720 major facilities recommended in the applicable master or sector plan.

721 Additionally, any infrastructure upgrade may only receive incentive density
722 for improvements beyond those required by any applicable adequate public
723 facilities requirement to complete the proposed development.

724 (c) Because of their significance in place-making, the Planning Board may
725 approve incentive density of up to 40 points in the CRT zones and 70

726 [percent] points in the CR zones for (1) the conveyance of a site or floor
 727 area for, [and/or] (2) construction of, and/or (3) making a payment for a
 728 major public facility that is [designated on a master plan or sector plan and
 729 is] accepted for use and/or operation by [the] an appropriate public agency,
 730 community association, or nonprofit organization.

731 **[59-C-15.83]59-C-15.852. [Incentives for transit] Transit Proximity.**

732 [In order to encourage] Development near transit facilities encourages greater use
 733 of transit, [control] controls sprawl, and [reduce] reduces vehicle miles traveled,
 734 congestion, and carbon emissions[, the Planning Board may approve incentive
 735 density for transit proximity under this section. The percentage of incentive
 736 density awarded to a project for transit proximity is], and is eligible for incentive
 737 density. The Planning Board may approve incentive density for transit proximity
 738 under this section. Transit proximity points are granted for proximity to existing
 739 or master planned transit stops based on transit service level and CRT and CR
 740 zones as follows:

<u>[Transit Proximity</u>	<u>Level 1</u>	<u>Level 2</u>
<u>Adjacent or confronting</u>	<u>50%</u>	<u>30%</u>
<u>Within ¼ mile</u>	<u>40%</u>	<u>25%</u>
<u>Between ¼ and ½ mile</u>	<u>30%</u>	<u>20%</u>
<u>Between ½ and 1 mile</u>	<u>20%</u>	<u>15%]</u>

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742

<u>Proximity</u>	<u>Adjacent or confronting</u>		<u>Within ¼ mile</u>		<u>Between ¼ and ½ mile</u>		<u>Between ½ and 1 mile</u>	
	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>Transit Service Level</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>2</u>
<u>CRT</u>	<u>25</u>	<u>15</u>	<u>20</u>	<u>12.5</u>	<u>15</u>	<u>10</u>	<u>10</u>	<u>7.5</u>
<u>CR</u>	<u>50</u>	<u>30</u>	<u>40</u>	<u>25</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>15</u>

743

744 (a) A project is adjacent to or confronting a transit station or stop if it shares a
 745 property line[,] or easement line, or is separated only by a right-of-way from

746 an existing or planned transit station or stop, and 100 percent of the gross
 747 tract area [submitted] in a single sketch plan application is within ¼ mile of
 748 the transit portal.

749 (b) For split proximity-range projects:

750 (1) [For all other projects to qualify for incentive density availability at
 751 the other distances,] If at least 75 percent of the gross tract area in a
 752 single sketch plan application [must be within the range for which the
 753 incentive is proposed.] is within the closer of two proximity ranges,
 754 the entire project may take the points for the closer range;

755 (2) [The incentive density for projects] If less than 75 percent of the
 756 gross tract area in [1 distance range] a single sketch plan is within the
 757 closer of 2 proximity ranges, the points must be calculated as the
 758 weighted average of the percentage of area in each range.

759 **[59-C-15.84]59-C-15.853. [Incentives for connectivity] Connectivity and**
 760 **mobility.**

761 [In order to enhance] Development that enhances connectivity between uses and
 762 amenities; [and increase] increases mobility options; [encourage] encourages non-
 763 automotive travel [for short and multi-purpose trips as well as for commuting];
 764 [facilitate] facilitates social [and commercial] interaction; [provide] provides
 765 opportunities for healthier living; and [stimulate] stimulates local businesses[, the
 766 Planning Board may approve incentive density of up to 30% for a project that
 767 provides at least 2 of the following public benefits:] is eligible for incentive
 768 density.

769 (a) **Neighborhood Services:** [Safe] [[At least 10 points for safe and direct
 770 pedestrian access to at least 10 different retail services on site or within ¼
 771 mile, of which at least 4 have a [maximum] retail bay floor area of no

772 greater than 5,000 square feet]] When fewer than 10 different basic services

773 are within ¼ mile of the subject site, up to 15 points for providing floor area

774 resulting in at least 10 different basic services within ¼ mile of the subject

775 site. Of those 10 services, at least 4 must have tenant or owner bays of no

776 more than 5,000 square feet each.

777 (b) **Minimum Parking:** [Provision of the minimum required] Up to 10 points

778 for providing less than the maximum allowed number of parking [for

779 projects of one acre of gross tract area or more] spaces, if a maximum is

780 applicable under Section 59-C-15.631.

781 (c) **Through-Block Connections:** [Safe] Up to 20 points for safe and attractive

782 pedestrian connections between streets.

783 (d) **Public Parking:** [Provision of] Up to 25 points for providing up to the

784 maximum number of parking spaces allowed in the zone as public parking.

785 (e) **Transit Access Improvement:** [Ensuring] Up to 20 points for ensuring that

786 access to transit facilities meets County standards for handicapped

787 accessibility.

788 (f) **Trip Mitigation:** [A] At least 15 points for entering into a binding [and

789 verifiable] Traffic Mitigation Agreement to reduce the number of weekday

790 morning and evening peak hour trips attributable to the site in excess of any

791 other regulatory requirement; the agreement must result in a non-auto driver

792 mode share of at least 50% for trips attributable to the site.

793 (g) **Streetscape:** Up to 20 points for construction of off-site streetscape,

794 excluding any streetscape improvements required by this Division.

795 (h) **Advance Dedication:** Up to 30 points for dedicating or providing a

796 reservation for dedication for master-planned rights-of-way in advance of a

797 preliminary or site plan application.

798 (i) **Way-Finding:** At least 5 points for design and implementation of a way-
799 finding system orienting pedestrians and cyclists to major open spaces,
800 cultural facilities, and transit opportunities.

801 ~~[59-C-15.85]~~**59-C-15.854. [Incentives for diversity] Diversity of uses and**
802 **activities.**

803 [In order to increase] Development that increases the variety and mixture of land
804 uses, types of housing, economic [diversity] variety, and community activities;
805 [contribute] contributes to development of [a] more efficient and sustainable
806 [community] communities; [reduce] reduces the necessity for automobile use; and
807 [facilitate] facilitates healthier lifestyles and greater social interaction], the
808 Planning Board may approve incentive density of up to 30% for a project that
809 provides affordable housing or a public facility, as described below, or at least 2 of
810 the other following public benefits:] is eligible for incentive density.

811 (a) **Affordable Housing:**

812 (1) All residential development must comply with the requirements of
813 Chapter 25A for the provision of Moderately Priced Dwelling Units
814 (MPDUs) [and may provide Workforce Housing Units (WFHUs)
815 under Chapter 25B.

816 (1) MPDU Incentive Density: Provision of MPDUs above the minimum
817 required is calculated on the total number of dwelling units as
818 required by Chapter 25A, and the percent of incentive density
819 increase is based on the proposed FAR for the entire project]]], except
820 that achieving bonus density under Section 25A-5(c)(3), as amended
821 from time to time, entitles an applicant to incentive density points
822 under this Division equal to the bonus density percentage]].

847 *Example:* Provision of 5% WFHUs is awarded [incentive density of] 10[%]
 848 points; provision of 12% WFHUs is awarded [incentive density of] 24[%]
 849 points.

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(b) **Adaptive Buildings:** [Provision of buildings with] At least 10 points for
constructing commercial or [[mixed use]] mixed-use buildings with

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minimum floor-to-floor heights of at least 15 feet on any floor that meets
 grade and 12 feet on all other floors. Internal structural systems must be
 able to accommodate various types of use with only minor modifications.

857

(c) **Care Centers:** [Child] Up to 20 points for constructing a child [[or]] day
care, adult day care [facilities], or teen center facility, with spaces for at
least 15 users.

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(d) **Small Business [Retention] Opportunities:** [Provision of] Up to 20 points
for providing on-site space for small, neighborhood-oriented businesses.

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(e) **Dwelling Unit Mix:** [Provision of] At least 5 points for integrating a mix of
residential unit types with at least 7.5% efficiency units, 8% 1-bedroom
units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.

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(f) **Enhanced Accessibility for the Disabled:** [Provision of] Up to 20 points
for constructing dwelling units that satisfy American National Standards
Institute A117.1 Residential Type A standards or [units that satisfy] an
equivalent County standard.

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(g) **Live/Work:** At least 10 points for developments of up to 2.0 FAR total
density that provide at least the greater of 3 units or 10% of the total unit
count as live/work units.

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~~[59-C-15.86]~~**59-C-15.855.** [Incentives for quality] **Quality building and site**
design.

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874 High quality design is especially important in urban, integrated-use settings to
875 ensure that buildings and uses are visually compatible with each other and
876 adjacent communities and to provide a harmonious pattern of development. Due to
877 [the] increased density [of] in these settings, buildings tend to [have high
878 visibility. High] be highly visible; ~~[[and]]~~ high quality design [may help to] helps
879 attract residents, patrons, and businesses to [locate in] these [settings] areas.
880 Location, height, massing, façade treatments, and ornamentation of buildings
881 affect sense of place, orientation, and the perception of comfort and convenience.
882 The quality of the built environment affects light, shadow, wind, and noise, as well
883 as the functional and economic value of property. [In order to promote high
884 quality design, the Planning Board may approve incentive density of up to 30% to
885 a project that provides at least 2 of the following public benefits:]

886 (a) **Historic Resource Protection:** [Preservation] Up to 20 points for the
887 preservation and/or enhancement of, or payment towards preservation
888 [[and/]]or enhancement of a historic resource [indicated on] or a
889 contributing element within a historic district designated in the Master Plan
890 for Historic Preservation [in conformance with a plan approved by the
891 Historic Preservation Commission. A fee-in-lieu for a specific preservation
892 project may be paid to the Historic Preservation Division as specified in the
893 Guidelines for Public Benefits].

894 (b) **Structured Parking:** [Parking provided] Up to 20 points for placing
895 parking within [a structure or below-grade] above- or below-grade
896 structures.

897 (c) **Tower [Setback] Step-Back:** [Setback of building] At least 5 points for
898 stepping back a building's upper floors by a minimum of 6 feet [beyond]

- 899 behind the first floor façade [at a maximum height of]. The step-back must
900 begin at a height no greater than 72 feet.
- 901 (d) **Public Art:** [Provision of] Up to 15 points for installing public art [must
902 be] reviewed for comment by, or paying a fee accepted by, the [Public Arts
903 Trust Steering Committee. A fee-in-lieu may be paid to the Trust as
904 specified in the Guidelines for Public Benefits] Arts and [[Humanity]]
905 Humanities Council.
- 906 (e) **Public Open Space:** [Provision of] Up to 20 points for providing, or
907 making a payment for, open space in addition to the minimum public use
908 space required by [the zone. Public open space must be easily accessible to
909 the public during business hours and/or at least from sunrise to sunset and
910 must contain amenities such as seating, plantings, trash receptacles, kiosks,
911 and water features] this Division.
- 912 [(f) **Streetscape:** Construction of off-site streetscape in addition to the
913 requirements of this division][[.]]
- 914 (f) **Exceptional Design:** [Building design that provides innovative solutions in
915 response to the immediate context; creates a sense of place and serves as a
916 landmark; enhances the public realm in a distinct and original manner;
917 introduces new materials, forms, or building methods; uses design solutions
918 to make compact infill development living, working, and shopping
919 environments more pleasurable and desirable; and integrates low-impact
920 development methods into the overall design of the site and building.] Up to
921 10 points for building or site design whose visual and functional impacts
922 enhance the character of a setting and the purposes delineated in this
923 Section.

924 (g) Architectural Elevations: Up to 20 points for providing elevations of
925 architectural façades and agreeing to be bound by particular elements of
926 design, such as minimum amount of transparency, maximum separation
927 between doors, awning provisions, sign restrictions, or lighting parameters
928 that affect the perception of mass[[,]] or pedestrian comfort, or enhance
929 neighborhood compatibility.

930 ~~[59-C-15.87]~~59-C-15.856. [Incentives for] Protection and enhancement of the
931 natural environment.

932 [In order to combat sprawl and] Protection and enhancement of natural systems
933 and decreases in energy consumption help mitigate or reverse environmental
934 [problems] impacts, such as heat island effects from the built environment,
935 inadequate carbon-sequestration, habitat and agricultural land loss, and air and
936 water pollution caused by reliance on the automobile[, the Planning Board may
937 approve a density increase up to 30% for the public benefits in this Subsection:].

938 (a) Building Lot Termination(BLT): [CR zones require] Up to 30 points for
939 the purchase of BLT easements or payment to the Agricultural Land
940 Preservation Fund (ALPF) [for at least 5% but no more than 30% of the
941 incentive density under the following conditions]. The first 5 points are
942 mandatory for all developments in the CR zones; up to 25 additional points
943 are allowed as an option.

944 (1) In the CR zones, an applicant must purchase BLT easements, or make
945 payments to the ALPF, in an amount equal to 5% of the incentive
946 density floor area under the following parameters:

947 (A) One BLT must be purchased or equivalent payment made for
948 every 20,000 square feet of gross floor area to qualify for the
949 first 5% incentive density floor area; [[and]]

975 feet of incentive density or a proportion thereof, allowed by a
 976 payment for a fraction of a BLT.

977 (B) For the incentive density above 5%, each BLT easement purchase or
 978 payment allows 30,000 gross square feet of incentive density or a
 979 proportion thereof, allowed by a payment for a fraction of a BLT.]

980 Example: If a 50,000 square-foot [(sf) CR3.0] CR-3.0 site is fully
 981 developed, the incentive density available to be earned equals 125,000[(sf)]
 982 square feet (150,000[(sf)] square feet - 25,000[(sf)] square feet =
 983 125,000[(sf)] square feet). The 5% BLT requirement for 125,000[(sf)]
 984 square feet equals 6,250[(sf)] square feet, which equals 0.32 BLT
 985 (6,250[(sf)] square feet / 20,000[(sf)] square feet = 0.32). If the applicant
 986 seeks an additional 10 points through the purchase of BLTs, 10% of the
 987 incentive density is calculated, which in this case is 12,500[(sf)] square feet
 988 (125,000[(sf)] square feet x 0.10 = 12,500[(sf)] square feet). Because 1
 989 BLT, above the required 5%, is equivalent to 30,000[(sf)] square feet, the
 990 12,500[(sf)] square feet requires a payment for an additional 0.42 BLTs
 991 (12,500[(sf)] square feet / 30,000[(sf)] square feet = 0.42). Together, the
 992 required and incentive BLTs equal 0.74 BLTs for 15 points in the
 993 Environment category.

994 (b) **Energy Conservation and Generation:** [Provision of energy-efficiency
 995 that exceeds] At least 10 points for constructing buildings that exceed the
 996 energy-efficiency standards for the building type by 17.5% for new
 997 buildings or 10% for existing buildings [, or provision of]. At least 15
 998 points for providing renewable energy generation facilities on[[-]] site or
 999 within ½ mile of the site for a minimum of 2.5% of the projected energy
 1000 requirement for the development.

- 1001 (c) **[Green] Vegetated Wall:** [Installation] At least 5 points for the installation
1002 and maintenance of a vegetated wall that covers at least 30% of any blank
1003 wall or parking garage façade that is at least 300 square feet in area and is
1004 visible from a public street or open space.
- 1005 (d) **Tree Canopy:** [Coverage] At least 10 points for tree canopy coverage at 15
1006 years of growth of at least 25% of the on-site open space.
- 1007 (e) **Vegetated Area:** [Installation] At least 5 points for installation of plantings
1008 in a minimum of 12 inches of soil, covering at least 5,000 square feet [of
1009 previously impervious surfaces]. This does not include vegetated roofs.
- 1010 (f) **Vegetated Roof:** [Provision] At least 10 points for installation of a
1011 vegetated roof with a soil depth of at least 4 inches covering at least 33% of
1012 a building's roof, excluding space for mechanical equipment.
- 1013 (g) **Cool Roof:** At least 5 points for constructing any roof area that is not
1014 covered by a vegetated roof with a minimum solar reflectance index (SRI)
1015 of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI
1016 of 25 for slopes above 2:12.
- 1017 (h) **Recycling Facility Plan:** At least 5 points for providing a recycling facility
1018 plan to be approved as part of a site plan for buildings that must comply
1019 with Montgomery County Executive Regulation 15-04AM or Montgomery
1020 County Executive Regulation 18-04.
- 1021 (i) **Habitat Preservation and Restoration:** Up to 20 points for protection,
1022 restoration, or enhancement of natural habitats, [[onsite]] on site or within
1023 the same local watershed, which are in addition to requirements of the
1024 Forest Conservation Law or other county laws.
- 1025 [59-C-15.88. Advanced dedication of right-of-way.

1026 When sketch plans or site plans are approved, the Planning Board may allow an
1027 incentive density not to exceed 30% for a prior dedication of rights-of-way for
1028 roadways, sidewalks, or bikeways recommended in the applicable master or sector
1029 plan, if the County or the State is responsible for constructing the facility on the
1030 right-of-way.]

1031 **59-C-15.857. Retained Buildings.**

1032 Development that:

- 1033 (a) maintains 75% of the structural system of the existing building;
1034 (b) uses an architectural deconstruction company or organization to remove
1035 recyclable materials prior to any demolition; and
1036 (c) submits documentation showing compliance with these criteria before the
1037 County issues a building permit for a new development

1038 may receive public benefit points, determined by applying the following formula:

1039 Public benefit points in CR zones =
1040 (Retained gross floor area / Incentive density gross floor area) x 100;
1041 Public benefit points in CRT zones =
1042 (Retained gross floor area / Incentive density gross floor area) x 50.

1043 **59-C-15.9. Existing Approvals.**

- 1044 (a) One or more lawfully existing buildings [or], structures [and the], or uses
1045 [therein which][[,]] that predate the [applicable sectional map amendment]
1046 application of the CR zone to the [[site]][,] land are conforming structures
1047 or uses[[,]] and may be continued, renovated, repaired, or reconstructed to
1048 the same size and configuration, or enlarged up to a total of 10 percent
1049 above the total existing floor areas of all buildings and structures on site or
1050 30,000 square feet, whichever is less, and such development does not
1051 require a site plan. [Enlargements] Expansions in excess of the limitations

1052 in this Subsection will require compliance with the full provisions of this
 1053 Division. Uses located in a building or structure deemed conforming under
 1054 the provisions of this Subsection may be converted to any permitted non-
 1055 residential or residential use(s) up to the density limits for the land use
 1056 established by the CRT, CRN, or CR zone.

1057 (b) A project that received an approved development plan under Division 59-D-
 1058 1 or schematic development plan under Division 59-H-2 before the
 1059 [enactment] application of the CR zones to the [[site]] land may proceed
 1060 under the binding elements of the development plan and will thereafter be
 1061 treated as a lawfully existing building, and may be renovated or
 1062 reconstructed under Subsection (a) above. Such development plans or
 1063 schematic development plans may be amended as allowed under Division
 1064 59-D-1 or 59-H-2 under the provisions of the previous zone; however, any
 1065 incremental increase in the total floor area beyond that allowed by
 1066 Subsection (a) above or any incremental increase in building height greater
 1067 than 15 feet requires, with respect to the incremental increase only, full
 1068 compliance with the provisions of this Division. Any failure to fully
 1069 comply with the binding elements of the development plan will require full
 1070 compliance with the provisions of this Division.

1071 (c) At the option of the owner, any portion of a project subject to an approved
 1072 development plan or schematic development plan described in Subsection
 1073 (b) above may be developed under this Division. The remainder of that
 1074 project continues to be subject to the approved development plan or
 1075 schematic development plan[[,]] under Subsections (a) and (b).

1076 (d) A project which has had a preliminary or site plan approved before the
 1077 [[applicable sectional map amendment]] application of the CR zone to the

1078 property may be built or altered at any time, subject to either the full
1079 provisions of the previous zone or this [division] Division, at the option of
1080 the owner. If built under the previous approval, it will then be treated as a
1081 [lawfully existing building] conforming building, structure, or use and may
1082 be renovated, continued, repaired, or reconstructed under Subsection (a)
1083 above. If built with an incremental increase over the previous approval, only
1084 that incremental increase must comply with this Division.

1085 (e) A project that has had a special exception approved before application of
1086 the CR zone to the site may continue as a lawfully existing use as long as it
1087 fully complies with the terms and conditions of its approval. Any failure to
1088 fully comply with the terms and conditions of the special exception
1089 approval will require full compliance with the provisions of this Division.
1090 If a special exception holder chooses to operate under this Division instead
1091 of under the special exception, written notice must be provided to the Board
1092 of Appeals that the special exception has been abandoned.

1093 * * *

1094 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
1095 Council adoption.

1096

1097 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council