

Ordinance No:
Zoning Text Amendment No: 11-
Concerning: Commercial/Residential
(CR) Zones - Establishment
Draft No. & Date:
Introduced:
Public Hearing:
Adopted:
Effective:

**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: District Council at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- **Establish** Commercial/Residential (CR) zones; and
- **Establish** the intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures for development under the Commercial/Residential zones.

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

DIVISION 59-C-15 "COMMERCIAL/RESIDENTIAL ZONES"
Sections 59-C-15.1 through 59-C-15.9

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

ORDINANCE

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

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

2 * * *

3 **DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL ZONES**

4
5 **59-C-15.1. Zones Established.**

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

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

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

17 (b) The context designations are followed by a number and a sequence of three
18 additional symbols: C, R, and H, each followed by a number where:

- 19 (1) the number following the context designation is the maximum total FAR;
- 20 (2) the number following the “C” is the maximum non-residential FAR;
- 21 (3) the number following the “R” is the maximum residential FAR; and
- 22 (4) the number following the “H” is the maximum building height in feet.

23 (c) This Division uses examples and illustrations to demonstrate applications and
24 intent of the provisions of the Commercial/Residential zones. These examples
25 and illustrations do not add, delete, or modify any provision of this Division.

26 **59-C-15.12. Density and Height Allocation.**

27 **59-C-15.121. Density and Height Limits.**

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

Context	Min/Max Total FAR	Min/Max C FAR	Min/Max R FAR	Density Increment	Min/Max H (feet)	Height Increment (feet)
CRN	0.5/2.0	0.25/1.5	0.25/1.5	0.25	40/80	5
CRT	0.5/4.0	0.25/3.5	0.25/3.5	0.25	40/100	5
CR	0.5/8.0	0.25/7.5	0.25/7.5	0.25	40/300	5

30 (b) Zones may be established and mapped at densities and heights within the
 31 range of the minimums and maximums indicated in the table.

32 **59-C-15.122. Density Averaging.**

33 Permitted density may be averaged over 2 or more directly abutting or confronting
 34 properties in one or more CRN, CRT, or CR zones, provided that:

- 35 (a) the properties are subject to the same sketch plan and provide public benefits
 36 as required for the sum of their total densities;
- 37 (b) the resulting lots or parcels are created by the same preliminary subdivision
 38 plan or per a phasing plan established by an approved sketch plan;
- 39 (c) the maximum total, non-residential, and residential density limits apply to the
 40 entire development, not to individual lots or parcels;
- 41 (d) no building may exceed the maximum height set by the zone;
- 42 (e) uses are subject to the underlying zone allowances and restrictions; and
- 43 (f) the total allowed maximum density on a resulting lot or parcel that is adjacent
 44 to or confronting an agriculturally-zoned (under Division 59-C-9) or single-
 45 family residentially-zoned (under Division 59-C-1) lot or parcel may not
 46 exceed that allowed by the zone.

47 **59-C-15.13. Applicability.** The application of the CRN, CRT, and CR zones is
 48 appropriate where environmental impacts from sprawl and green-field
 49 development can be avoided by co-locating housing, jobs, services, and amenities

50 in existing and emerging commercial and mixed use centers and corridors. The
 51 CRN, CRT, and CR zones can only be applied when specifically recommended by
 52 an approved and adopted master or sector plan and only by the sectional map
 53 amendment process.

54 *Examples:*

- 55 • An area zoned CRN2.0, C1.0, R1.0, H80 allows a total FAR up to 2.0, with maximum
 56 non-residential and residential FARs of 1.0, thereby requiring an equal mix of uses to
 57 obtain the total FAR allowed. The height for any building in this zone is limited to 80
 58 feet.
- 59 • An area zoned CR6.0, C3.0, R5.0, H200 allows a non-residential FAR up to 3.0, a
 60 residential FAR of up to 5.0, and a mix of the two uses could yield a total FAR of 6.0.
 61 This combination allows for flexibility in the market and shifts in the surrounding
 62 context. The height for any building in this zone is limited to 200 feet.
- 63 • An area zoned CRT4.0, C4.0, R4.0, H100 allows complete flexibility in the mix of uses,
 64 including buildings with no mix, because the maximum allowed non-residential and
 65 residential FARs are both equivalent to the total maximum FAR allowed. The height for
 66 any building in this zone is limited to 100 feet.

67
 68 **59-C-15.2. Description and Objectives of the CR Zones.**

69 The CRN, CRT, and CR zones permit a mix of residential and non-residential uses
 70 according to context designation at varying densities and heights. The zones
 71 promote economically, environmentally, and socially sustainable development
 72 patterns where people can live, work, recreate, and have access to services and
 73 amenities while minimizing the need for automobile use. The objectives of the
 74 CRN, CRT, and CR zones are to:

- 75 (a) implement the policy recommendations of applicable master and sector plans;
- 76 (b) target opportunities for redevelopment of auto-oriented, single-use areas, and
 77 surface parking lots with a mix of uses;
- 78 (c) reduce dependence on the automobile by encouraging development that
 79 integrates a balanced combination of housing types, mobility options,
 80 commercial services, and public facilities and amenities;

81 (d) allow a flexible mix of uses, densities, and building heights appropriate to
82 various contexts to ensure compatible relationships with adjoining
83 neighborhoods; and

84 (e) standardize optional method development by establishing minimum
85 parameters for the provision of the public benefits.

86 **59-C-15.3. Definitions Specific to the CR Zones.**

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

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

91 **Cultural institutions:** public or private institutions or businesses including: art,
92 music, and photographic studios; auditoriums or convention halls; libraries and
93 museums; recreational, performance, or entertainment establishments,
94 commercial; theater, indoor; theater, legitimate.

95 **Day care facilities and centers:** facilities and centers that provide daytime care
96 for children and/or adults, including: child daycare facility (family day care,
97 group day care, child day care center); daycare facility for not more than 4
98 senior adults and persons with disabilities; and day care facility for senior
99 adults and persons with disabilities.

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

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

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

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

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

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

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

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

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

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

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

128 **Transit proximity:** Transit proximity is categorized in two levels: 1. proximity
129 to an existing or planned Metrorail Station; 2. proximity to an existing or
130 planned station or stop along a rail or bus line with a dedicated, fixed path.

131 **59-C-15.4. Methods of Development and Approval Procedures.**

132 The CRN zones only allow development under the standard method. The CRT
 133 and CR zones allow development under the standard method and may allow
 134 development under the optional method.

135 **59-C-15.41. Standard Method.**

136 Standard method development is allowed under the following the limitations and
 137 requirements.

- 138 (a) In the CRN zones, the maximum density, non-residential, residential density,
 139 and height for any project is set by the zone.
- 140 (b) In the CRT and CR zones, the maximum standard method density and height
 141 is the lesser of the density and height set by the zone or:

Context	Maximum total density (FAR)	Maximum building height (feet)
CRT	1.5	80
CR	1.5	80

- 142 (c) If either the maximum non-residential or residential density specified by the
 143 zone is greater than the standard method density, then up to the maximum total
 144 density allowed may be developed with that use.
- 145 (d) A site plan approval under Division 59-D-3 is required only for a standard
 146 method development that:
 - 147 (1) Is adjacent to or confronting a property that is in an agricultural (under
 148 Division 59-C-9) or single-family residential (under Division 59-C-1)
 149 zone;
 - 150 (2) Requests a gross floor area exceeding 10,000 square feet;
 - 151 (3) Requests a building height exceeding 40 feet; or
 - 152 (4) Contains 10 or more dwelling units.

153 **59-C-15.42. Optional Method.**

154 Optional method development is allowed under the following limitations and
 155 requirements.

- 156 (a) The maximum total density, non-residential density, residential density, and
157 height for any project is set by the zone.
- 158 (b) A sketch plan must be filed under the provisions below. Future site plan(s) must
159 be submitted for any development on a property with an approved sketch plan.
- 160 (c) Public benefits must be provided under the provisions of Section 59-C-15.8.

161 **59-C-15. 43. Sketch Plan.**

162 A sketch plan must be approved for any optional method development in the CRT
163 and CR zones. Any required preliminary subdivision plan or site plan may not be
164 submitted before approval of a sketch plan.

165 (a) A sketch plan application must contain:

166 (1) A justification statement that addresses how the project meets the
167 requirements and standards of this Division and describes how the
168 development will further the objectives of the applicable master or sector
169 plan;

170 (2) Illustrative plans showing:

171 (A) Building densities, massing, and heights;

172 (B) Locations of public use and other open spaces;

173 (C) Pedestrian, bicycle, and vehicular circulation, parking, and loading;
174 and

175 (D) Relationships to adjacent buildings and roads;

176 (4) A table of proposed public benefits and the incentive density requested for
177 each; and

178 (5) A general phasing outline of structures, uses, roads, sidewalks,
179 dedications, public benefits, and future preliminary and site plan
180 applications.

181 (b) Procedure for a sketch plan:

- 182 (1) Before filing a sketch plan application, an applicant must comply with the
183 provisions of the Manual for Development Review Procedures, as
184 amended, that concern the following:
- 185 (A) notice;
 - 186 (B) posting the site of the application submittal; and
 - 187 (C) holding a pre-submittal meeting.
- 188 (2) A public hearing must be held by the Planning Board on each sketch plan
189 application no later than 90 days after the filing of an optional method
190 development application, unless a request to extend this period is
191 requested by the applicant, Planning Board staff, or other interested
192 parties. A request for an extension must be granted if the Planning Board
193 finds it not to constitute prejudice or undue hardship on any interested
194 party. A recommendation regarding any request for extension must be
195 acted upon as a consent agenda item by the Planning Board on or before
196 the 90-day hearing period expires. Notice of the extension request and
197 recommendation by Staff must be posted no fewer than 10 days before the
198 item's agenda date.
- 199 (3) No fewer than 10 days before the public hearing on a sketch plan,
200 Planning Board staff must submit its analysis of the application, including
201 its findings, comments, and recommendations with respect to the
202 requirements and standards of this division and any other matters that may
203 assist the Planning Board in reaching its decision on the application. This
204 staff report must be included in the record of the public hearing.
- 205 (4) The Planning Board must act within 30 days after the close of the record
206 of the public hearing, by majority vote of those present and voting based
207 upon the hearing record, to:

- 208 (A) approve;
- 209 (B) approve subject to modifications, conditions, or binding elements; or
- 210 (C) disapprove.
- 211 (c) In approving a sketch plan, the Planning Board must find that the following
- 212 elements are appropriate in concept and appropriate for further detailed review
- 213 at site plan. The sketch plan must:
- 214 (1) Meet the objectives, general requirements, and development standards of
- 215 this Division;
- 216 (2) Further the objectives of the applicable master or sector plan;
- 217 (3) Achieve compatible internal and external relationships between existing
- 218 and proposed buildings and open space;
- 219 (4) Provide satisfactory general vehicular, pedestrian, and bicyclist access,
- 220 circulation, parking, and loading;
- 221 (5) Delineate an outline of public benefits that compensate for the requested
- 222 incentive density; and
- 223 (6) Establish a feasible and appropriate provisional phasing plan for all
- 224 structures, uses, roads, sidewalks, dedications, public benefits, and future
- 225 preliminary and site plan applications.
- 226 (d) During site plan review, the Planning Board may approve modifications to the
- 227 binding elements or conditions of an approved sketch plan.
- 228 (1) If changes to a sketch plan are requested by the applicant, notice of the site
- 229 plan application must identify those changes requested. The applicant has
- 230 the burden of persuading the Planning Board that such changes should be
- 231 approved.
- 232 (2) If other changes are recommended after the application is made, notice of
- 233 the site plan hearing must identify changes requested.

234 (3) In acting to approve a sketch plan modification as part of site plan review,
 235 the Planning Board must make the findings required in Section 59-C-
 236 15.42 (c) in addition to those required by Section 59-D-3.

237 **59-C-15.5. Land Uses.**

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

- 239 - *Permitted Uses* are designated by the letter “P” and are permitted subject
 240 to all applicable regulations.
- 241 - *Limited Uses* are designated by the letter “L” and are permitted subject to
 242 all applicable regulations and the additional restrictions in Section 59-C-
 243 15.51.
- 244 - *Special Exception Uses* are designated by the letters “SE” and may be
 245 authorized as special exceptions under Article 59-G.

246

Use	CRN	CRT	CR
(a) Agricultural			
Farm and country markets	L	P	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	P	P	P
Nursery, horticultural – retail or wholesale		P	P
Seasonal outdoor sales	P	P	P
(b) Residential			
Dwellings	P	P	P
Group homes, small or large	P	P	P
Hospice care facilities	P	P	P
Housing and related facilities for senior adults or persons with disabilities	P	P	P
Life care facilities	P	P	P
Live/Work units	P	P	P
Personal living quarters	P	P	P
(c) Commercial Sales and Service			
Advanced technology and biotechnology		P	P
Ambulance or rescue squads, private	SE	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	L	P

Automobile sales, indoors	L	L	P
Automobile sales, outdoors (except where a municipality prohibits the use within its jurisdiction by resolution)	L	L	P
Clinic	P	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
Offices, general	P	P	P
Recreational facilities, participatory	L	P	P
Research, development, and related activities		P	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 5,000sf	P	P	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 15,000sf	L	P	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 60,000sf		P	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000sf		L	P
Self-storage facilities		SE	SE
Veterinary hospitals and offices with boarding facilities	SE	L	
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			
Charitable and philanthropic institutions	L	P	P
Cultural institutions	L	P	P
Day care facilities and centers with over 30 users	L	L	P
Day care facilities and centers with up to 30 users	P	P	P
Educational institutions, private	L	P	P
Hospitals		P	P
Parks and playgrounds, private	P	P	P
Private clubs and service organizations	L	P	P
Publicly owned or publicly operated uses	P	P	P
Religious institutions	P	P	P
(e) Industrial			
Manufacturing and production, artisan	P	P	P
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development		L	P

Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment		L	P
(f) Other			
Accessory buildings and uses	P	P	P
Bus terminals, non-public		P	P
Parking garages, automobile		P	P
Public utility buildings, structures, and underground facilities	P	P	P
Radio and television broadcast studios		P	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	P	P	P

247 **59-C-15.51. Limited Uses.**

248 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table must
 249 comply with the requirements of this Section if they are on properties that are:

- 250 (a) Located adjacent to a property in an agricultural (under Division 59-C-9)
- 251 or single-family residential (under Division 59-C-1) zone; or
- 252 (b) Separated from such a property only by the right-of-way of a primary,
- 253 secondary, or tertiary residential street.
- 254 (c) Where these circumstances do not apply, the use is considered a
- 255 permitted use.

256 **59-C-15.12. Restrictions and requirements of limited uses.**

- 257 (a) No structures, parking spaces, or driveway entrances associated with
- 258 limited uses may be located within 100 feet of the adjacent agriculturally-
- 259 or residentially-zoned property line or, when separated by an applicable
- 260 right-of-way, within 100 feet of the confronting property line.
- 261 (b) When adjacent to an agriculturally- or residentially zoned property and
- 262 not separated by an an applicable right-of way:
- 263 (1) The required 100-foot setback must contain at least an 8-foot
- 264 evergreen hedge, a 6-foot solid wall or fence, and 1 deciduous tree
- 265 planted at a minimum of every 30 feet; and

266 (2) Illumination levels may not exceed 0.1 footcandles at the subject
267 property line.

268 (3) These requirements replace any applicable surface parking
269 landscaping requirements in Section 59-C-15.645.

270 (c) If the required distance between a driveway entrance for a limited use and
271 an adjacent or confronting agriculturally- or residentially-zoned property
272 precludes access to the property, the driveway may be built closer than
273 100 feet subject to reasonable mitigating requirements above the
274 minimum standards imposed through site plan approval by the Planning
275 Board.

276 **59-C-15.6. General Requirements.**

277 Development in the CRN, CRT, and CR zones must comply with the following
278 requirements.

279 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

280 Development that requires a site plan must be consistent with the applicable
281 master or sector plan and must address any design guidelines approved by the
282 Planning Board that implement the applicable plan.

283 **59-C-15.62. Streetscape.**

284 Development that requires a site plan must improve the streetscape along the
285 property's frontage consistent with the recommendations of the applicable master
286 or sector plan and must address any Planning Board approved design guidelines
287 that implement the applicable plan.

288 **59-C-15.63. Bicycle Parking Spaces and Commuter Shower/Change Facility.**

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

292

Use	Publicly Accessible Bike Spaces	Private, Secure Bike Spaces	Shower/Change Facilities
(a) Residential			
In a building containing less than 20 dwelling units.	2	4	n/a
In a building containing 20 or more dwelling units.	0.1 per unit to a maximum of 10	0.5 per unit to a maximum of 100	n/a
In any group living arrangement expressly for senior citizens.	0.1 per unit to a maximum of 10	0.1 per unit, not fewer than 2, to a maximum of 100	n/a
(b) Non-Residential			
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	2	2	n/a
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	2 per 10,000 square feet	1 per 10,000 square feet, not fewer than 2, to a maximum of 10	n/a
In a building with a total non-residential floor area of 100,000 square feet or greater.	20	1 per 10,000 square feet, not fewer than 10, to a maximum of 100	One shower/change facility for each gender available only to employees when the building is accessible.

293 **59-C-15.64. Parking.**

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

299 **59-C-15.641. Parking Ratios.**

300 Parking spaces must be provided according to the following minimums and
 301 maximums. The minimum number of spaces required is equal to the number of
 302 parking spaces that would otherwise be required by Division 59-E-3 multiplied by
 303 the applicable factor in the table, or to the ratio indicated. When maximums are
 304 imposed, no more parking than would otherwise be required by Division 59-E-3
 305 may be provided.

Use	CRN		CRT		CR			
	Up to ½ mile	Greater than ½ mile	Up to ½ mile	Greater than ½ mile	Up to ¼ mile	¼ to ½ mile	½ to 1 mile	Greater than 1 mile
Distance from a level 1 or 2 transit station or stop								
(a) Residential								
Maximum:	None	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.7	0.8	0.6	0.7	0.8	0.9
(b) Retail and restaurant non-residential uses								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.6	0.8	0.4	0.6	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	0.8
(c) All other non-residential uses								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.6	0.8	0.4	0.6	0.2	0.4	0.6	0.8

306 **59-C-51.642. Accepted Parking Spaces.** Parking requirements must be met by
 307 any of the following:
 308 (a) providing the spaces on site;
 309 (b) constructing publicly available on-street parking; or
 310 (c) participating in:
 311 (1) A parking lot district;
 312 (2) A shared parking program established by municipal resolution or;
 313 (3) Entering into an agreement for shared parking spaces in a public or private
 314 facility within ¼ mile feet of the subject lot, if the off-site parking facility

315 is not in an agricultural (Division 59-C-9), planned unit development
316 (Division 59-C-7), or residential (Division 59-C-1) zone, unless otherwise
317 allowed by this Chapter.

318 (d) Every “car-share” space provided reduces the total number of required spaces
319 by 6 spaces for a non-residential use or 3 spaces for a residential use.

320 *Example:* A non-residential project on a CR-zoned site requiring at least 100 spaces under
321 Article 59-E would be required to provide a maximum of 100 spaces on site. If that site was
322 within ¼ to ½ mile of a transit station, the minimum requirement for parking would be 40 spaces
323 (100 x 0.40 = 40). If 2 car-share spaces were provided, that requirement would be 28 for non-
324 residential use or 34 for residential use.

325 **59-C-15.643 Parking Design.**

326 The design of surface parking spaces must comply with the following:

327 (a) Parking spaces at or above grade must not be located between the street and
328 the main front wall of the building or the side wall of the main building on a
329 corner lot;

330 (b) If a site is adjacent to an alley, the primary vehicular access to the parking
331 facility must be from that alley; and

332 (c) Curb cuts must be kept to a minimum and shared by common ingress/egress
333 easements whenever possible.

334 **59-C-15.644 Drive-through Facility Design.**

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

336 (a) No part of a drive-through service facility, including the stacking area, may be
337 located within 100 feet of a property line shared with an adjacent
338 agriculturally- (under Division 59-C-9) or residentially-zoned (under Division
339 59-C-1) property.

340 (b) No drive-through service window, drive aisle, or stacking area may be located
341 between the street and the main front wall of the main building;

- 342 (c) No drive-through service window, drive aisle, or stacking area may be located
 343 between the street and the side wall of the main building on a corner lot unless
 344 permanently screened from any street by a 5-foot or higher wall or fence; and
 345 (d) Curb cuts to a street must be minimized to one drive aisle of no more than 20
 346 feet in width for two-way traffic or two drive aisles each of no more than 10
 347 feet in width for one-way traffic.

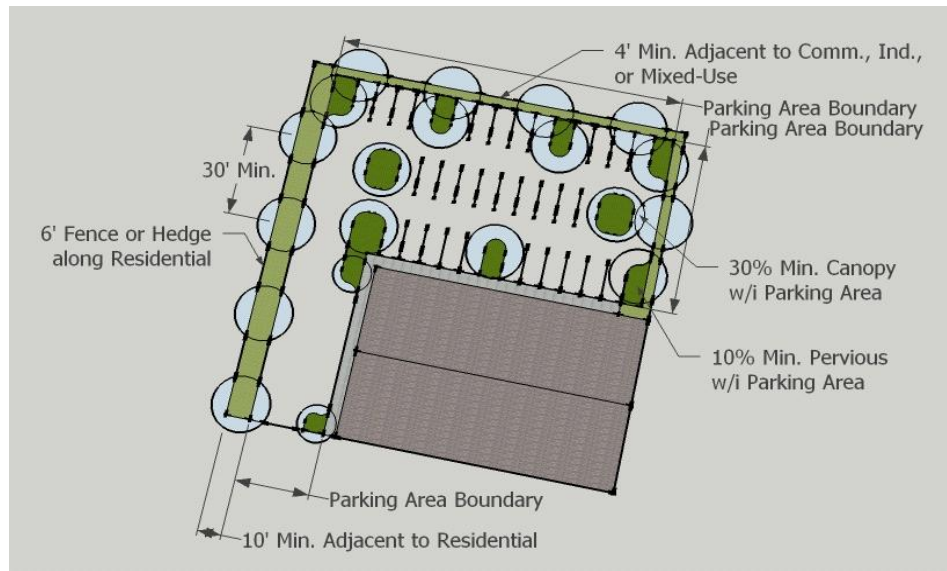
348 **59-C-15.645. Landscaping and Lighting.**

349 Except for areas used for internal driveway or sidewalk connections between lots
 350 or parcels that are not in agricultural (under Division 59-C-9) or residential (under
 351 Division 59-C-1) or zones, landscaping for surface parking []spaces must satisfy
 352 the following requirements:

Subject	Requirement
(a) Property line adjacent to a right-of-way	No less than 6-foot wide continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 3-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.
(b) Property line adjacent to a lot or parcel in an agricultural (under Division 59-C-9) or single-family residential (under Division 59-C-1)	No less than 10-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet.
(c) Property line adjacent to a lot or parcel in any zone not subject to (b) above	No less than 4-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn; one deciduous tree per 30 feet.
Internal Pervious Area	No less than 10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.
Tree Canopy Coverage	No less than 30 percent of the parking facility area (at 15 years growth).
Lighting	Per IESNA standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line subject to (b) above.

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Surface Parking Landscape Requirements Illustrative

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59-C-15.7. Development Standards.

359 Development in the CRN, CRT, and CR zones must comply with the following
360 standards.

59-C-15.71. Setbacks.

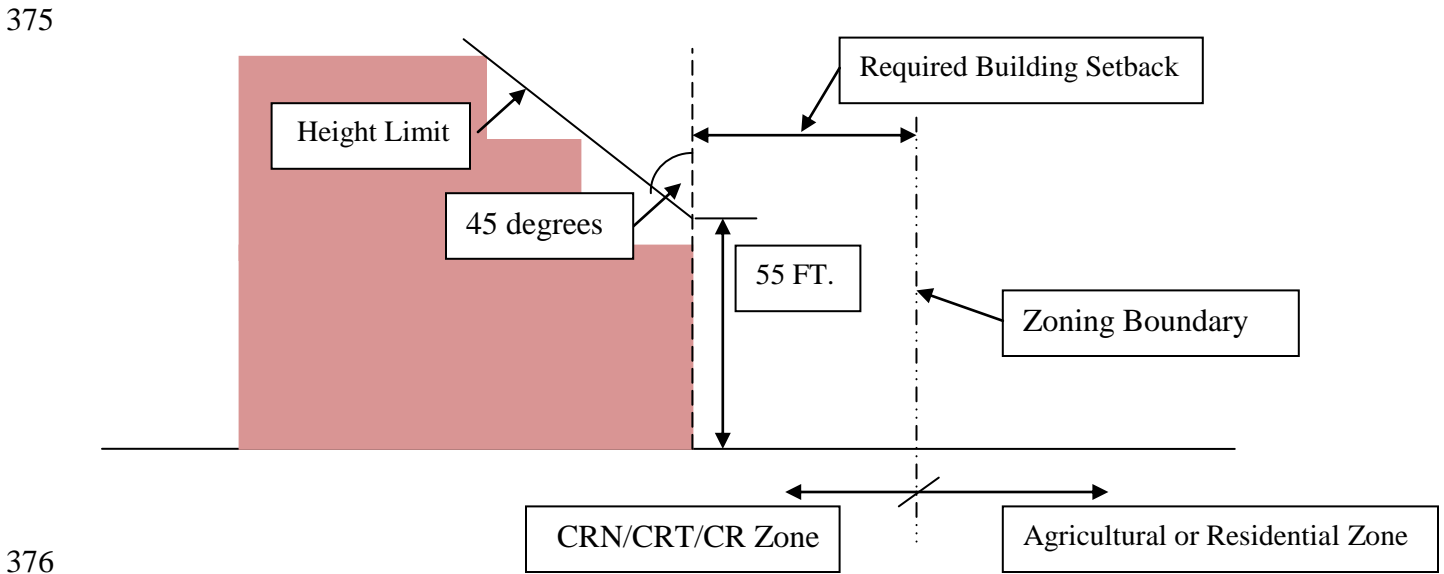
362 (a) Where a property is adjacent to a lot or parcel in an agricultural (under
363 Division 59-C-9) or single-family residential (under Division 59-C-1) zone,
364 any building:

365 (1) Must have a minimum setback of 25 feet or the setback required by the
366 adjacent property, whichever is greater; and

367 (2) Must not project beyond a 45 degree angular plane projecting over the
368 subject property measured from a height of 55 feet at the setback line
369 determined above, with the exception of those features exempt from height
370 and setback restrictions under Section 59-B-1.

371 (b) The development of a new building in place of a building existing when a
372 CRN, CRT or CR zone is applied may be built to the previously allowed

373 setback if the height of the new building is not increased above the height of
 374 the former building.



376
 377 *Angular Plan Setback Illustration*

378 **59-C-15.72. Public Use Space.**

379 (a) Public use space is not required for any standard method project that does not
 380 require a site plan. If a site plan is required for the proposed project, public
 381 use space is required as follows:

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

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

384

Minimum Required Public Use Space (% of net tract area)				
Acres (Gross)	Number of Existing, Proposed, and Planned Right-of-Way Frontages			
	1	2	3	4+
< 1/2	0	0	0	5
1/2 - 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

385 (c) Public use space must be:

386 (1) Rounded to the next highest 100 square feet;

387 (2) Easily and readily accessible to the public;

388 (3) Contain amenities such as seating options, shade, landscaping, artwork, or
389 fountains.

390 (d) Instead of providing on-site public use space, an applicant may satisfy all or
391 part of the requirement by one or more of the following means, subject to
392 Planning Board approval:

393 (1) Implementing public park or public use space improvements of an equal or
394 greater size within or near the applicable master or sector plan area; or

395 (2) Making a payment in part or in full for design, construction, renovation,
396 restoration, installation, and/or operation near the applicable master or
397 sector plan area if the payment is:

398 (A) Equal to the cost of constructing an equal amount of public use
399 space and associated amenities on-site per square foot plus the fair
400 market value of the application property per square foot;

401 (B) Used to implement the open space, recreation, and cultural goals of
402 the applicable master or sector plan; and

403 (C) Made within 30 days of the release of any building permit for the
404 subject application.

405 **59-C-15.75. Residential Amenity Space.**

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

408

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

409 (b) Additional amenity space is not required for Moderately Priced Dwelling
 410 Units (MPDUs) or Workforce Housing Units (WFHUs) on a site within a
 411 metro station policy area or where the Planning Board finds adequate
 412 recreation facilities and open space are available within ½ mile of the subject
 413 site. If such a finding can not be made, amenity space must be provided for
 414 each MPDU and WFHU per the rate in the table above.

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

418 **59-C-15.8. Special Regulations for the Optional Method of Development**

419 This section establishes incentives for optional method projects to provide public
 420 benefits in return for increases in density and height above the standard method
 421 maximums up to the maximum permitted by the zone.

422 **59-C-15.81. Incentive Density Categories.**

423 Public benefits must be provided that enhance or contribute to the objectives of
 424 the CRT and CR zones in some or all of the following categories:

- 425 (a) Major public facilities;
- 426 (b) Transit proximity;

- 427 (c) Connectivity between uses, activities, and mobility options;
- 428 (d) Diversity of uses and activities;
- 429 (e) Quality of building and site design; and
- 430 (f) Protection and enhancement of the natural environment.

431 Section 59-C-15.85 indicates the individual public benefits that may be accepted
432 in each of these categories.

433 **59-C-15.82. Public Benefits Required.**

- 434 (a) Any optional method development must provide public benefits from at least 4
435 of the 6 categories.
- 436 (b) Development in the CRT zones must provide public benefits worth a
437 minimum total of 50 points.
- 438 (c) Development in the CR zones must provide BLTs required under Section 59-
439 C-15.856(a) for 5 points and additional public benefits worth a minimum total
440 of 95 points (100 minimum points in sum).

441 **59-C-15.83. General Incentive Density Considerations.**

442 In approving any incentive density based on the provision of public benefits, the
443 Planning Board must consider:

- 444 (a) The policy objectives and priorities of the applicable master or sector plan;
- 445 (b) Any applicable design guidelines and any adopted public benefit standards
446 and guidelines;
- 447 (c) The size and configuration of the tract;
- 448 (d) The relationship of the site to adjacent properties;
- 449 (e) The presence or lack of similar public benefits nearby; and
- 450 (f) Enhancements not listed in the individual public benefit descriptions or
451 criteria that increase public access to or enjoyment of the benefit.

452 **59-C-15.84. CR Zones Incentive Density Implementation Guidelines.**

453 The Planning Board must adopt, publish, and maintain guidelines that detail the
454 standards and requirements for public benefits. The guidelines must be:

- 455 (a) Consistent with the objectives of this Division; and
456 (b) In addition to any standards, requirements, or rules of incentive density
457 calculation included in this Division, but may not supersede those provisions.

458 **59-C-15.85. Individual Public Benefit Descriptions and Criteria.**

459 **59-C-15.851. Major Public Facilities.**

460 Major public facilities provide public services at convenient locations and where
461 increased density creates higher demand for civic uses and demands on public
462 infrastructure.

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

467 (b) If a major public facility is not recommended in the applicable master or sector
468 plan, the Planning Board must find that the facility or improvement provides
469 the community with a resource of particularly beneficial civic impact.

470 (c) Because of their significance in place-making, the Planning Board may
471 approve incentive density of up to 40 percent in the CRT zones and 70 percent
472 in the CR zones for the conveyance of a site, floor area, and/or construction of
473 a major public facility that is accepted for use and/or operation by the
474 appropriate public agency, community association, or nonprofit organization.

475 **59-C-15.852. Transit Proximity.**

476 Development near transit facilities encourages greater use of transit, controls
477 sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions.

478 Transit proximity points are granted based on service level and CR context as
 479 follows:

480

Proximity	Adjacent or confronting		Within ¼ mile		Between ¼ and ½ mile		Between ½ and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Level	1	2	1	2	1	2	1	2
CRT	25	15	20	10	15	5	10	5
CR	50	30	40	25	30	20	20	15

481 (a) A project is adjacent to or confronting a transit station or stop if it shares a
 482 property line, easement line, or is separated only by a right-of-way from an
 483 existing or planned transit station or stop and 100 percent of the gross tract
 484 area submitted in a single sketch plan application is within ¼ mile of the
 485 transit portal.

486 (b) For split proximity-range projects:

487 (1) If at least 75 percent of the gross tract area in a single sketch plan
 488 application is within the closer of two proximity ranges, the entire project
 489 may take the points for the closer range; but

490 (2) If less than 75 percent of the gross tract area in a single sketch plan is
 491 within the closer of two proximity ranges, the points must be calculated as
 492 the weighted average of the percentage of area in each range.

493 **59-C-15.853. Connectivity and Mobility.**

494 Development that enhances connectivity between uses and amenities and increase
 495 mobility options; encourages non-automotive travel; facilitates social interaction;
 496 provides opportunities for healthier living; and stimulates local businesses.

497 (a) **Neighborhood Services:** 10 points for safe and direct pedestrian access to 10
 498 different retail services on site or within ¼ mile, of which at least 4 have a
 499 maximum retail bay floor area of 5,000 square feet.

- 500 (b) **Minimum Parking:** Up to 10 points for providing less than the maximum
501 allowed number of parking spaces, if applicable.
- 502 (c) **Through-Block Connections:** Up to 20 points for safe and attractive
503 pedestrian connections between streets.
- 504 (d) **Public Parking:** Up to 25 points for providing up to the maximum number of
505 parking spaces allowed in the zone as public parking.
- 506 (e) **Transit Access Improvement:** Up to 20 points for ensuring that access to
507 transit facilities meets County standards for handicapped accessibility.
- 508 (f) **Trip Mitigation:** 15 points for entering into a binding and verifiable Traffic
509 Mitigation Agreement to reduce the number of weekday morning and evening
510 peak hour trips attributable to the site in excess of any other regulatory
511 requirement; the agreement must result in a non-auto driver mode share of at
512 least 50% for trips attributable to the site.
- 513 (g) **Grey-Field Redevelopment:** 5 points for the redevelopment of an infill site.
- 514 (h) **Streetscape:** Up to 20 points for construction of off-site streetscape excluding
515 any streetscape improvements required by this Division.
- 516 (i) **Advance Dedication:** Up to 30 points for dedicating or providing a
517 reservation for dedication for master-planned rights-of-way in advance of a
518 preliminary or site plan application.
- 519 (j) **Way-Finding:** 5 points for design and implementation of a way-finding
520 system orienting pedestrians and cyclists to major open spaces, cultural
521 facilities, and transit opportunities.

522 **59-C-15.854. Diversity of Uses and Activities.**

523 Development that increases the variety and mixture of land uses, types of housing,
524 economic variety, and community activities contributes to development of a more

525 efficient and sustainable community; reduces the necessity for automobile use; and
526 facilitates healthier lifestyles and greater social interaction.

527 (a) **Affordable Housing:**

528 (1) All residential development must comply with the requirements of
529 Chapter 25A for the provision of Moderately Priced Dwelling Units
530 (MPDUs) except that the percent bonus density achieved per the table in
531 Section 25A-5(c)(3) is equivalent to points required by this Division.

532 *Example:* Provision of 14.5% MPDUs is awarded 20 points; provision of 13.0%
533 MPDUs is awarded 5 points.

534 (2) Up to 30 points for providing Workforce Housing Units (WFHUs) at a
535 rate of 2 points per the percentage of total units, excluding MPDUs.

536 *Example:* Provision of 5% WFHUs is awarded 10 points; provision of 12% WFHUs is
537 awarded 24 points.

538 (b) **Adaptive Buildings:** Up to 15 points for constructing commercial or mixed
539 use buildings with minimum floor-to-floor heights of at least 15 feet on any
540 floor that meets grade and 12 feet on all other floors. Internal structural
541 systems must be able to accommodate various types of use with only minor
542 modifications.

543 (c) **Care Centers:** Up to 20 points for constructing child or adult day care
544 facilities. The minimum care center that may qualify must provide spaces for
545 at least 15 users.

546 (d) **Small Business Retention:** Up to 20 points for providing on-site space for
547 small, neighborhood-oriented businesses.

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

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

554 (g) **Diversity Ratio:**

555 (1) 30 points for developments over 2.0 FAR that provide a minimum of 30%
556 of the market rate units as rentals; 30% of the market rate units for sale;
557 15% of the total units as MPDUs and/or WFHUs (rental or for sale); and
558 10% of the total FAR as retail trades, businesses, and services of a general
559 commercial nature.

560 (2) 10 points for developments of up to 2.0 FAR that provide at least the
561 greater of 3 units or 10% of the total unit count as live/work units.

562 **59-C-15.855. Quality Building and Site Design.**

563 High quality design is especially important in urban, integrated-use settings to
564 ensure that buildings and uses are visually compatible with each other and
565 adjacent communities and to provide a harmonious pattern of development. Due to
566 increased density in these settings, buildings tend to be highly visible and high
567 quality design helps attract residents, patrons, and businesses to these areas.

568 Location, height, massing, façade treatments, and ornamentation of buildings
569 affect sense of place, orientation, and the perception of comfort and convenience.

570 The quality of the built environment affects light, shadow, wind, and noise, as well
571 as the functional and economic value of property.

- 572 (a) **Historic Resource Protection:** Up to 20 points for the preservation and/or
573 enhancement of, or payment towards preservation and/or enhancement of a
574 historic resource designated in the Master Plan for Historic Preservation.
- 575 (b) **Structured Parking:** Up to 20 points for placing parking within a above- or
576 below-grade structures.
- 577 (c) **Tower Step-Back:** 5 points for stepping back a building's upper floors by a
578 minimum of 6 feet behind the first floor façade at a maximum height of 72
579 feet.
- 580 (d) **Public Art:** Up to 15 points for installing public art reviewed for comment
581 by, or paying a fee accepted by, the Public Arts Trust Steering Committee.
- 582 (e) **Public Open Space:** Up to 20 points for providing, or making a payment for,
583 open space in addition to the minimum public use space required by this
584 Division.
- 585 (f) **Exceptional Design:** Up to 10 points for building and/or site design whose
586 visual and functional impacts enhance the character of a setting per the
587 purposes delineated in this Section.
- 588 (g) **Architctural Elevations:** Up to 20 points for providing elevations of
589 architectural façades. Particular elements of design, such as minimum amount
590 of transparency, maximum separation between doors, and awning, sigh, or
591 lighting parameters that affect the perception of mass and neighborhood
592 compatibility may be binding on the applicant.
- 593 (h) **Public Charette:** 10 points for conducting a public charette prior to the
594 required pre-submittal meeting for a sketch plan, suring which input is
595 solicited from parties that are required to be noticed. Documentation and
596 discussion of promotion of the event, the process, and responses to input are
597 required.

598 **59-C-15.856. Protection and Enhancement of the Natural Environment.**

599 Protection and enhancement of natural systems and decreases in energy
600 consumption help mitigate or reverse environmental impacts such as heat island
601 effects from the built environment, inadequate carbon-sequestration, habitat and
602 agricultural land loss, and air and water pollution caused by reliance on the
603 automobile.

604 (a) **BLTs:** Up to 30 points for the purchase of building lot termination (BLT)
605 easements or payment to the Agricultural Land Preservation Fund (ALPF).

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

609 (A) One BLT must be purchased or equivalent payment made for every
610 20,000 square feet included in the 5% incentive density floor area;
611 and

612 (B) Any private BLT easement must be purchased in whole units; or

613 (C) BLT payments must be made to the ALPF, based on the amount
614 established by Executive Regulations under Chapter 2B; if a fraction
615 of a BLT easement is needed, a payment based on the gross square
616 footage of incentive density must be made for at least the fraction of
617 the BLT easement.

618 (2) Up to 25 points for the purchase of BLTs, or equivalent payments to the
619 ALPF for any incentive density above 5%. Each BLT easement purchase
620 or payment is equal to 30,000 square feet of floor area, or proportion
621 thereof. This is converted into points by dividing the incentive density
622 floor area covered by the purchase or payment by the total square feet of
623 the incentive density area.

Example: If a 50,000 square-foot CR3.0 site is fully developed, the incentive density available to be earned equals 125,000sf (150,000sf - 25,000sf = 125,000sf). The 5% BLT requirement of 125,000sf equals 6,250sf, which equals 0.32 BLTs (6,250sf / 20,000sf = 0.32). If the applicant seeks an additional 10 points through the purchase of BLTs, 10% of the incentive density is calculated, which in this case is 12,500sf (125,000sf x 0.10 = 12,500sf). Because 1 BLT, above the required 5%, is equivalent to 30,000sf, the 12,500sf requires a payment for an additional 0.42 BLTs (12,500sf / 30,000sf = 0.42). Together the required and incentive BLTs equal 0.74 BLTs for 10 points in the Environment category.

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- (b) **Energy Conservation and Generation:** 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. 15 points for providing renewable energy generation facilities on-site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.
- (c) **Vegetated Wall:** 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage façade that is at least 300 feet in area and is visible from a public street or open space.
- (d) **Tree Canopy:** 10 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space.
- (e) **Vegetated Area:** 5 points for installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet. This does not include vegetated roofs.
- (f) **Vegetated Roof:** 10 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building’s roof, excluding space for mechanical equipment.
- (g) **Cool Roof:** 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ration of 2:12 and a minimum SRI of 25 for slopes above 2:12.

653 (h) **Recycling Facility Plan:** 5 points for providing a recycling facility plan to be
654 approved as part of a site plan for buildings that must comply with
655 Montgomery County Executive Regulation 15-04AM or Montgomery County
656 Executive Regulation 18-04.

657 (i) **Habitat Preservation and Restoration:** Up to 20 points for protection,
658 restoration, or enhancement of natural habitats onsite or within the same local
659 watershed that are in addition to requirements of the Forest Conservation Law
660 or other county laws.

661 **59-C-15.9. Existing Approvals.**

662 (a) One or more lawfully existing buildings or structures and the uses therein,
663 which predate the applicable sectional map amendment, are conforming
664 structures or uses, and may be continued, renovated, repaired, or reconstructed
665 to the same size and configuration, or enlarged up to a total of 10 percent
666 above the total existing floor areas of all buildings and structures on site or
667 30,000 square feet, whichever is less, and does not require a site plan.
668 Enlargements in excess of the limitations in this Subsection will require
669 compliance with the full provisions of this Division.

670 (b) A project that received an approved development plan under Division 59-D-1
671 or schematic development plan under Division 59-H-2 before the enactment of
672 the CR zones may proceed under the binding elements of the development
673 plan and will thereafter be treated as a lawfully existing building, and may be
674 renovated or reconstructed under Subsection (a) above. Such development
675 plans or schematic development plans may be amended as allowed under
676 Division 59-D-1 or 59-H-2 under the provisions of the previous zone;
677 however, any incremental increase in the total floor area beyond that allowed
678 by Subsection (a) above or any incremental increase in building height greater

679 than 15 feet requires, with respect to the incremental increase only, full
680 compliance with the provisions of this Division.

681 (c) At the option of the owner, any portion of a project subject to an approved
682 development plan or schematic development plan described in Subsection (b)
683 above may be developed under this Division. The remainder of that project
684 continues to be subject to the approved development plan or schematic
685 development plan, under Subsections (a) and (b).

686 (d) A project which has had a preliminary or site plan approved before the
687 applicable sectional map amendment may be built or altered at any time,
688 subject to either the full provisions of the previous zone or this division, at the
689 option of the owner. If built under the previous approval, it will be treated as
690 a lawfully existing building and may be renovated or reconstructed under
691 Subsection (a) above. If built with an incremental increase over the previous
692 approval, only that incremental increase must comply with this Division.

693

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

696

697 This is a correct copy of Council action.

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700 _____
Linda M. Lauer, Clerk of the Council