

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.

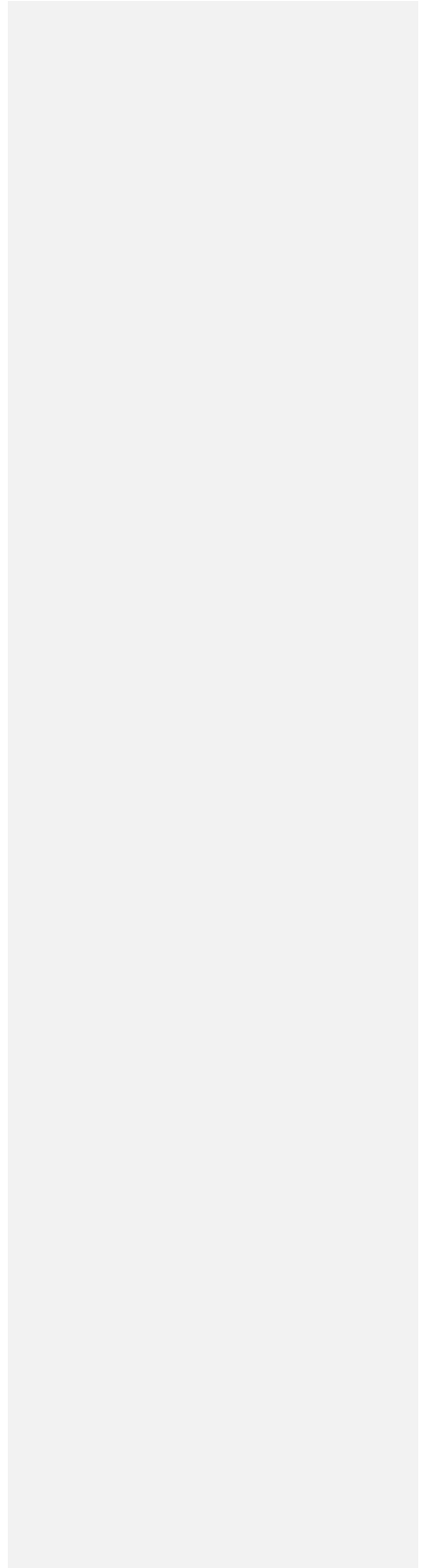
By **adding** the following Division to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

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 ~~[(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 context designation and a sequence of 4 factors: maximum total
8 floor area ratio (FAR), maximum non-residential FAR, maximum residential FAR,
9 and maximum 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 [These zones are~~
18 ~~identified by]~~ a sequence of three additional symbols: ~~[(CR,)]~~C, R, and H, each
19 followed by a number where:

20 ~~[(a)]~~ (1) the number following the context designation ~~[symbol “CR”]~~ is the
21 maximum total FAR;

22 ~~[(b)]~~ (2) the number following the ~~[symbol]~~ “C” is the maximum non-
23 residential FAR;

24 ~~[(c)]~~ (3) the number following the ~~[symbol]~~ “R” is the maximum residential
25 FAR; and

26 ~~[(d)]~~ (4) the number following the ~~[symbol]~~ “H” is the maximum building
27 height in feet.

Comment [JCS1]: Introduction of context designations.

Comment [JCS2]: Reformatted to reflect context designation and new numbering.

Comment [JCS3]: “symbol” is redundant.

28 (c) This Division uses examples and illustrations to demonstrate applications and
 29 intent of the provisions of the Commercial/Residential zones. These examples and
 30 illustrations [in this Division] do not add, delete, or modify any provision of this
 31 Division. [Examples are provided only to demonstrate particular applications of
 32 the provisions in the Division. Examples are not intended to limit the provisions.]
 33 **59-C-15.12. Density and Height Allocation.**

Comment [JCS4]: Moved language.

Comment [JCS5]: Redundant language - if the examples and illustrations don't "add, delete, or modify" - they don't "limit" either.

34 **59-C-15.121. Density and Height Limits.**

Comment [JCS6]: New section to set out ranges for each context.

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

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

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

Comment [JCS7]: New language clarifying that max ranges are not allowed defacto, only when mapped.

39 ~~[(a) the maximum total FAR must be established as an increment of 0.25 from~~
 40 ~~0.5 up to 8.0;~~

Comment [JCS8]: Language replaced by table above.

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

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

45 **59-C-15.122[121]. Density Averaging.**

Comment [JCS9]: New numbering section and title.

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

Comment [JCS10]: Use of "property" to ensure "lots or parcels" are covered by provisions.

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- 48 (a) the properties [lots] are subject to the same sketch plan and provide public
49 benefits as required for the sum of their total densities;
- 50 (b) the resulting lots or parcels are created by the same preliminary subdivision
51 plan or per a phasing plan established by an approved sketch plan;
- 52 (c) the maximum total, [density and] non-residential, and residential density
53 limits apply to the entire development, not to individual lots or parcels;
- 54 (d) no building may exceed the maximum height set by the zone;
- 55 (e) uses are subject to the underlying zone allowances and restrictions; and
56 [public benefits must be provided under the phasing element of an approved
57 sketch plan;]
- 58 (f) the total allowed maximum density on a resulting [of a] lot or parcel [zoned
59 CR] that is adjacent to or confronting an agriculturally-zoned (under
60 Division 59-C-9) or single[one]-family residentially-zoned (under Division
61 59-C-1)[or agriculturally zoned] lot[s] or parcel[s] may not [be] exceed[ed]
62 that allowed by the zone.]; and
- 63 ~~(g) the resulting development must conform to the design and land use
64 objectives of the applicable master or sector plan and design guidelines.]~~
- 65 **59-C-15.13. Applicability.** The application of the CRN, CRT, and CR zones is
66 appropriate where environmental impacts from sprawl and green-field
67 development can be avoided by co-locating housing, jobs, services, and amenities
68 in existing and emerging commercial and mixed use centers and corridors. The
69 CRN, CRT, and CR zones can only be applied when specifically recommended by
70 an approved and adopted master or sector plan and only by the sectional map
71 amendment process.
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Comment [JCS11]: Consolidated two outline points.

Comment [JCS12]: New language needed to provide for density averaging when "sending" lots for later phases have not been recorded yet.

Comment [JCS13]: Language on uses necessary to accommodate new use table by context.

Comment [JCS14]: Consolidated with (a) above.

Comment [JCS15]: Provision generally changed for clarity and consistency.

Comment [JCS16]: Redundant, any sketch plan must be consistent with the master plan.

Comment [JCS17]: New section title. New provision providing guidance on application of zones taken from 15.2 and expanded.

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Examples:

- An area zoned CRN-2.0, C1.0, R1.0, H80 allows a total FAR ~~[of]~~ up to 2.0, with maximum non-residential and residential FARs of 1.0, thereby requiring an equal mix of uses to obtain the total FAR allowed. The height for any building in this zone is limited to 80 feet.
- An area zoned CR-6.0, C3.0, R5.0, H200 allows ~~[a residential FAR of up to 5.0,]~~ a non-residential FAR ~~[of]~~ up to 3.0, a residential FAR of up to 5.0, and a mix of the two uses could yield a total FAR of 6.0. This combination allows for flexibility in the market and shifts in the surrounding context. The height for any building in this zone is limited to 200 feet.
- An area zoned CRT-4.0, C4.0, R4.0, H~~100[+60]~~ allows complete flexibility in the mix of uses, including buildings with no mix, because the maximum allowed non-residential and residential FARs are both equivalent to the total maximum FAR allowed. The height for any building in this zone is limited to ~~100[+60]~~ feet.

Comment [JCS18]: Examples generally modified to reflect new context designations and for consistency.

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

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

Comment [JCS19]: New reference to expand description to all context designations.

Comment [JCS20]: Added to reinforce open space and health aspects of zone and benefits.

Comment [JCS21]: Moved to 15.13 above.

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

- 107 (d) ~~allow a flexible mix of uses, densities, and building heights appropriate to~~
- 108 ~~various contexts to ensure compatible relationships with adjoining~~
- 109 ~~neighborhoods; and encourage an appropriate balance of employment and~~
- 110 ~~housing opportunities and compatible relationships with adjoining~~
- 111 ~~neighborhoods;~~
- 112 ~~(e) establish the maximum density and building height for each zone, while~~
- 113 ~~retaining appropriate development flexibility within those limits; and]~~
- 114 (e)(f) standardize optional method development by establishing minimum
- 115 ~~[requirements.]parameters for the provision of the public benefits [that will~~
- 116 ~~support and accommodate density above the standard method limit].~~

Comment [JCS22]: New objective to reflect need to take into account variable uses across new contexts.

Comment [JCS23]: Redundant language when (c) above is modified and the new (d) is added.

Comment [JCS24]: Unnecessary language.

Comment [JCS25]: Some requirements will be in guidelines – “parameters” more broadly reflects what is in the zoning language. End of sentence is unnecessary – death with in 15.8.

117 **59-C-15.3. Definitions Specific to the CR Zones.**

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

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

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

Comment [JCS26]: Added to ensure existing performance spaces can continue or new ones can be accommodated.

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

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

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

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

Comment [JCS27]: Added due to revision of public use space requirement for standard method projects over 3 acres in 15.74.

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

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

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

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

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

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

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

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

Comment [JCS28]: Added to implement changes to "retail trades" in the land use table.

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

162 **59-C-15.4. Methods of Development and Approval Procedures.**

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

Comment [JCS29]: Modified because of different methods of development available under each context.

167 **59-C-15.41. Standard Method.**

168 ~~Standard method development is allowed under the following the limitations and~~
169 ~~requirements.~~

170 ~~[Standard method development must comply with the general requirements and~~
171 ~~development standards of the CR zones.--]~~

Comment [JCS30]: No need to say that development has to comply with the law – those sections already say which projects have to comply.

172 (a) ~~In the CRN zones, the maximum density, non-residential, residential~~
173 ~~density, and height for any project is set by the zone.~~

Comment [JCS31]: CRN, CRT, and CR zones have different thresholds for standard method – this section lays out those parameters.

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

<u>Context</u>	<u>Maximum total density (FAR)</u>	<u>Maximum building height (feet)</u>
<u>CRT</u>	<u>1.5</u>	<u>80</u>
<u>CR</u>	<u>1.5</u>	<u>80</u>

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177 (c) ~~If either the maximum non-residential or residential density specified by the~~
178 ~~zone is greater than the standard method density, then up to the maximum~~
179 ~~total density allowed may be developed with that use.~~

180 (d) A site plan approval under Division 59-D-3 is required only for a standard
181 method development that[project only if]:

182 (1)[(a)] [s] adjacent to or confronting a property that is in an
183 agricultural (under Division 59-C-9) or single-family residential (under
184 Division 59-C-1) zone;

185 (2) Requests a [the] gross floor area exceeding[s] 10,000 square feet;

186 (3) Requests a building height exceeding 40 feet; or

187 (4)[(b)] [any building or group of buildings e]Contains 10 or more
188 dwelling units.

Comment [JCS32]: New provision providing extra protection for compatibility at the interface between residential neighborhoods and mixed use/commercial areas.

Comment [JCS33]: New review protection due to higher standard method allowances.

Comment [JCS34]: Unnecessary – “development” covers all buildings.

189 **59-C-15.42. Optional Method.**

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

Comment [JCS35]: First sentence is unnecessary as noted in 15.41 above. Results of the rest of this section are retained in new language below broken out into outlined provisions.

199 (a) (a) — [The] maximum total density, non-residential density, residential
200 density, and height for any project is set by the zone.

Comment [JCS36]: Keeps format consistent with 15.41 above.

201 (b) [A] sketch plan must filed under the provisions below. Future site plan(s)
202 must be submitted for any development on a property with an approved
203 sketch plan.

Comment [JCS37]: New sections below replace and clarify previous deleted language.

204 (c) Public benefits must be provided under the provisions of Section 59-C-15.8.

205 **59-C-15. 43. Sketch Plan.**

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

(a) A sketch plan application must contain:

(1) ~~[a]~~ A justification statement that addresses how the project meets the requirements and standards of this Division ~~[for optional method development]~~ and describes how the development will further the objectives of the applicable master or sector plan;

Comment [JCS38]: Unnecessary.

(2) ~~[an]~~ illustrative plans ~~[or model that]~~ showing[s]:

(A) ~~Building densities, massing, and heights the maximum densities for residential and non-residential uses, massing, and heights of buildings];~~

Comment [JCS39]: Outline format is easier and reflects further experience with applications.

(B) ~~[f]~~ Locations of public use and other open spaces;

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

(D) ~~[the] [f]~~ Relationships ~~[between existing or proposed] to adjacent buildings and roads[on adjoining tracts];~~

Comment [JCS40]: Modified for clarity and to get proper information.

~~[(3) an illustrative diagram of proposed vehicular, pedestrian, and bicycle access, circulation, parking, and loading areas];~~

Comment [JCS41]: Moved to (2)(C) above.

(4) ~~[a]~~ A table of proposed public benefits and the incentive density requested for each; and

(5) ~~[the]~~ ~~A~~ general phasing outline of structures, uses, roads, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

Comment [JCS42]: Expanded to reflect experience with applications.

(b) Procedure for a sketch plan:

- 231 (1) Before filing a sketch plan application, an applicant must comply
232 with the provisions of the Manual for Development Review
233 Procedures, as amended, that concern the following:
- 234 (A) notice;
 - 235 (B) posting the site of the application submittal; and
 - 236 (C) holding a pre-submittal meeting.
- 237 (2) A public hearing must be held by the Planning Board on each sketch
238 plan application no later than 90 days after the filing of an optional
239 method development application, unless a request to extend this
240 period is requested by the applicant, Planning Board staff, or other
241 interested parties. A request for an extension must be granted if the
242 Planning Board finds it not to constitute prejudice or undue hardship
243 on any interested party. A recommendation regarding any request for
244 extension must be acted upon as a consent agenda item by the
245 Planning Board on or before the 90-day hearing period expires.
246 Notice of the extension request and recommendation by Staff must be
247 posted no fewer than 10 days before the item's agenda date.
- 248 (3) No fewer than 10 days before the public hearing on a sketch plan,
249 Planning Board staff must submit its analysis of the application,
250 including its findings, comments, and recommendations with respect
251 to the requirements and standards of this division and any other
252 matters that may assist the Planning Board in reaching its decision on
253 the application. This staff report must be included in the record of the
254 public hearing.

255 (4) The Planning Board must act within 30 days after the close of the
256 record of the public hearing, by majority vote of those present and
257 voting based upon the hearing record, to:

- 258 (A) approve;
- 259 (B) approve subject to modifications, conditions, or binding
- 260 elements; or
- 261 (C) disapprove.

262 (c) In approving a sketch plan, the Planning Board must find that the following
263 elements are appropriate in concept and appropriate for further detailed
264 review at site plan. The sketch plan must:

265 (1) ~~[The plan: (A) m]Meet[s] the objectives, general requirements, and~~
266 ~~development standards of this Division;~~

Comment [JCS43]: Generally reformatted, simplified, and clarified this section based on review experience.

267 ~~(2) [(B) will f]Further the objectives of the applicable master or sector~~
268 ~~plan; [and (C) will provide more efficient and effective development~~
269 ~~of the site than the standard method of development;]~~

Comment [JCS44]: Should be assumed that development under the optional method is more efficient and effective if all the other numerous findings can be made.

270 ~~(3) [(2) — The proposed building massing and height and public use and~~
271 ~~other open spaces are located and scaled to a]Achieve compatible~~
272 ~~internal and external relationships between [with each other and with]~~
273 ~~existing and proposed buildings and open space [adjacent to the site~~
274 ~~and with adjacent communities];~~

Comment [JCS45]: Removed extraneous and ineffective language; simplified.

275 ~~(4) [(3)] Provide satisfactory [— The general vehicular, pedestrian, and~~
276 ~~bicyclist access, circulation, parking, and loading [areas are adequate,~~
277 ~~safe, and efficient];~~

Comment [JCS46]: Adequate, safe, and efficient findings are too detailed at sketch plan – made at site plan.

278 ~~(5) [(4)] Delineate an outline of [The proposed] public benefits that~~
279 ~~compensate for the [and associated] requested incentive density [will~~

~~further the objectives of the applicable master or sector plan and the objectives of the CR zones]; and~~

~~(6)(5) Establish a feasible and appropriate provisional [The general] phasing plan for all[~~of~~] structures, uses, roads, sidewalks, dedications, public benefits, and future preliminary and site plan[s] applications[is feasible and appropriate to the scale and characteristics of the project].~~

Comment [JCS47]: Redundant – already required in (1) and (2) above.

Comment [JCS48]: Reformatted and expanded.

(d) During site plan review, the Planning Board may approve modifications to the binding elements or conditions of an approved sketch plan.

(1) If changes to a sketch plan are requested by the applicant, notice of the site plan application must identify those changes requested. The applicant has the burden of persuading the Planning Board that such changes should be approved.

(2) If other changes are recommended after the application is made, notice of the site plan hearing must identify changes requested.

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

59-C-15.5. Land Uses.

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

- *Permitted Uses* are designated by the letter “P” and are permitted subject to all applicable regulations.

- ~~Limited Uses are designated by the letter “L” and are permitted subject to all applicable regulations and the additional restrictions in Section 59-C-15.51.~~

Comment [JCS49]: Introduction of limited uses to help ensure compatibility of certain uses that are adjacent to residential neighborhoods.

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306 | Special Exception Uses are designated by the letters “SE” and may be
 307 | authorized as special exceptions under Article 59-G.
 308 |

<u>Use</u>	<u>CRN</u>	<u>CRT</u>	<u>CR</u>
(a) Agricultural			
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
Hospice care facilities	<u>P</u>	<u>P</u>	P
Housing and related facilities for senior adults or persons with disabilities	<u>P</u>	<u>P</u>	P
Life care facilities	<u>P</u>	<u>P</u>	P
Live/Work units	<u>P</u>	<u>P</u>	P
Personal living quarters	<u>P</u>	<u>P</u>	P
(c) Commercial Sales and Service			
Advanced technology and biotechnology		<u>P</u>	P
Ambulance or rescue squads, <u>private</u>	<u>SE</u>	<u>L</u>	P
Animal boarding places	<u>SE</u>	<u>SE</u>	SE
Automobile filling stations		<u>SE</u>	SE
Automobile rental services, excluding storage of vehicles and supplies	<u>P</u>	<u>P</u>	P
<u>Automobile rental services, including storage of vehicles and supplies</u>		<u>L</u>	<u>L</u>
Automobile repair and services	<u>L</u>	<u>L</u>	P
Automobile sales, indoors	<u>L</u>	<u>L</u>	P
Automobile sales, outdoors (except where a municipality prohibits the use within its jurisdiction by resolution)	<u>L</u>	<u>L</u>	P
Clinic	<u>P</u>	<u>P</u>	P
Conference centers		<u>P</u>	P
Eating and drinking establishments	<u>L</u>	<u>P</u>	P
Health clubs and gyms	<u>L</u>	<u>P</u>	P
Home occupations, major	<u>SE</u>	<u>SE</u>	SE
Home occupations, registered and no-impact	<u>P</u>	<u>P</u>	P
Hotels and motels	<u>L</u>	<u>P</u>	P
Laboratories		<u>P</u>	P
Dry cleaning and laundry pick-up stations	<u>P</u>	<u>P</u>	P
Offices, general	<u>P</u>	<u>P</u>	P
Recreational facilities, participatory	<u>L</u>	<u>P</u>	P

Comment [JCS50]: Uses allowed in CRN are generally low-impact, mixed-use services; some higher-impact uses are allowed as limited ones; more intense uses are not permitted.

Comment [JCS51]: Uses allowed in CRT range from low- to medium-impact services; the most intense uses are not allowed.

Comment [JCS52]: To differentiate between public uses that are allowed everywhere.

Comment [JCS53]: To allow a previously prohibited use in appropriate context.

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Research, development, and related activities		<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature <u>with each tenant footprint up to 5,000sf</u>	<u>P</u>	<u>P</u>	P
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 15,000sf</u>	<u>L</u>	<u>P</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 60,000sf</u>		<u>P</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000sf</u>		<u>L</u>	<u>P</u>
Self-storage facilities		<u>SE</u>	SE
<u>Veterinary hospitals and offices with boarding facilities</u>	<u>SE</u>	<u>L</u>	
Veterinary hospitals and offices without boarding facilities	<u>P</u>	<u>P</u>	P
Warehousing, not including self-storage, less than 10,000 square feet		<u>P</u>	P
(d) Institutional & Civic			
Charitable and philanthropic institutions	<u>L</u>	<u>P</u>	P
Cultural institutions	<u>L</u>	<u>P</u>	P
<u>Day care facilities and centers with over 30 users</u>	<u>L</u>	<u>L</u>	<u>P</u>
Day care facilities and centers <u>with up to 30 users</u>	<u>P</u>	<u>P</u>	P
Educational institutions, private	<u>L</u>	<u>P</u>	P
Hospitals		<u>P</u>	P
Parks and playgrounds, private	<u>P</u>	<u>P</u>	P
Private clubs and service organizations	<u>L</u>	<u>P</u>	P
Publicly owned or publicly operated uses	<u>P</u>	<u>P</u>	P
Religious institutions	<u>P</u>	<u>P</u>	P
(e) Industrial			
Manufacturing and production, artisan	<u>P</u>	<u>P</u>	P
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>	P
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment		<u>L</u>	P
(f) Other			
Accessory buildings and uses	<u>P</u>	<u>P</u>	P
Bus terminals, non-public		<u>P</u>	P
Parking garages, automobile		<u>P</u>	P
Public utility buildings, structures, and underground facilities	<u>P</u>	<u>P</u>	P
Radio and television broadcast studios		<u>P</u>	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	<u>P</u>	<u>P</u>	P

Comment [JCS54]: Retail trades have been split to fine-tune footprint sizes appropriate for each context.

Comment [JCS55]: To be consistent with small-business provisions.

Comment [JCS56]: To allow a previously prohibited use in appropriate context.

Comment [JCS57]: To differentiate by impact.

Comment [JCS58]: Provides new section with restrictions for allowance of limited uses.

309 **59-C-15.51. Limited Uses.**

310 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table must
311 comply with the requirements of this Section if they are on properties that are:

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

318 59-C-15.12. Restrictions and requirements of limited uses.

- 319 (a) No structures, parking spaces, or driveway entrances associated with
320 limited uses may be located within 100 feet of the adjacent agriculturally-
321 or residentially-zoned property line or, when separated by an applicable
322 right-of-way, within 100 feet of the confronting property line.
323 (b) When adjacent to an agriculturally- or residentially zoned property and
324 not separated by an an applicable right-of way:
325 (1) The required 100-foot setback must contain at least an 8-foot
326 evergreen hedge, a 6-foot solid wall or fence, and 1 deciduous tree
327 planted at a minimum of every 30 feet; and
328 (2) Illumination levels may not exceed 0.1 footcandles at the subject
329 property line.
330 (3) These requirements replace any applicable surface parking
331 landscaping requirements in Section 59-C-15.645.
332 (c) If the required distance between a driveway entrance for a limited use and
333 an adjacent or confronting agrilturally- or residentially-zoned property
334 precludes access to the property, the driveway may be built closer than
335 100 feet subject to reasonable mitigating requirements above the

336 minimum standards imposed through site plan approval by the Planning
337 Board.

338 **59-C-15.6. General Requirements.**

339 Development in the CRN, CRT, and CR zones must comply with the following
340 requirements.

341 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

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

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

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

Comment [JCS59]: Redundant in practice with 15.61 above.

352 **59-C-15.62[3]. Streetscape.**

353 Development that requires a site plan must improve the [S]streetscape along the
354 property's frontage [improvements must be] consistent with the recommendations
355 of the applicable master or sector plan and must address any Planning Board
356 approved design guidelines that implement the applicable plan.

Comment [JCS60]: Any master plan reference should be with regard to projects that require a site plan.

357 **59-C-15.63[4]. Bicycle Parking Spaces and Commuter Shower/Change**
358 **Facility.**

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

Comment [JCS61]: New introduction to section to clarify relationship to 59-E.

362 ~~[(a) Bicycle parking facilities must be secure and accessible to all residents or~~
 363 ~~employees of the proposed development.~~
 364 ~~(b) The number of bicycle parking spaces and shower/change facilities required~~
 365 ~~is shown in the following table (calculations must be rounded to the higher~~
 366 ~~whole number):]~~

Comment [JCS62]: Information moved to table below

Bicycle and Shower/Change Facilities Required			
Use	<u>Publicly Accessible Bike Spaces</u> [Requirement]	<u>Private, Secure Bike Spaces</u>	<u>Shower/Change Facilities</u>
(a) Residential			
In a building containing less than 20 dwelling units.	2 [At least 4 bicycle parking spaces.]	<u>4</u>	<u>n/a</u>
In a building containing 20 or more dwelling units.	0.1 per unit to a maximum of 10 [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.]	<u>0.5 per unit to a maximum of 100</u>	<u>n/a</u>
In any group living arrangement expressly for senior citizens.	0.1 per unit to a maximum of 10 [At least 0.1 bicycle parking spaces per unit, not to be fewer than 2 spaces, up to a maximum of 100 required spaces.]	<u>0.1 per unit, not fewer than 2, to a maximum of 100</u>	<u>n/a</u>

Comment [JCS63]: Revised for clarity and to differentiate between public/private bike spaces.

(b) Non-Residential			
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	2 [At least 2 bicycle parking spaces.]	<u>2</u>	<u>n/a</u>
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	2 per 10,000 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.]	<u>1 per 10,000 square feet, not fewer than 2, to a maximum of 10</u>	<u>n/a</u>
In a building with a total non-residential floor area of 100,000 square feet or greater.	20 [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.]	<u>1 per 10,000 square feet, not fewer than 10, to a maximum of 100</u>	<u>One shower/change facility for each gender available only to employees when the building is accessible.</u>

368

369 **59-C-15.64[5]. Parking.**

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

Comment [JCS64]: New introduction to section to clarify relationship to 59-E.

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

Comment [JCS65]: All parking information has been tabulated below; reductions have been lessened for CRN and CRT, some maximum caps have been removed.

381 ~~(2) All projects that do not satisfy the requirements for transit proximity levels~~
 382 ~~1 or 2 must meet the parking requirements established under Article 59-E,~~
 383 ~~except that the number of parking spaces for general retail and restaurant~~
 384 ~~uses in Subsection (a)(1) may be provided without a parking waiver.~~
 385 ~~(b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and~~
 386 ~~projects that do not satisfy transit proximity level 1 or 2, the [[minimum]]~~
 387 ~~number of parking spaces required is based on a building's distance from~~
 388 ~~transit as follows:~~

389

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

390

391 ~~The appropriate parking rates apply to the gross floor area within each distance~~
 392 ~~category.]~~
 393 59-C-15.641. Parking Ratios.
 394 Parking spaces must be provided according to the following minimums and
 395 maximums. The minimum number of spaces required is equal to the number of
 396 parking spaces that would otherwise be required by Division 59-E-3 multiplied by
 397 the applicable factor in the table, or to the ratio indicated. When maximums are
 398 imposed, no more parking than would otherwise be required by Division 59-E-3
 399 may be provided.

<u>Use</u>	<u>CRN</u>		<u>CRT</u>		<u>CR</u>			
<u>Distance from a level 1 or 2 transit station or stop</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</u>								
<u>Maximum:</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>None</u>	<u>59-E</u>	<u>59-E</u>	<u>59-E</u>	<u>None</u>
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>4 per 1,000 square</u>	<u>4 per 1,000 square</u>	<u>4 per 1,000 square</u>	<u>0.8</u>

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					<u>e feet</u>	<u>e feet</u>	<u>e 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>E</u>					
<u>Minimum:</u>	<u>0.6</u>	<u>0.8</u>	<u>0.4</u>	<u>0.6</u>	<u>0.2</u>	<u>0.4</u>	<u>0.6</u>	<u>0.8</u>

400 59-C-51.642. Accepted Parking Spaces.

Comment [JCS66]: New section headings for clarity and ease of citation.

401 (e) Parking requirements must be met by any of the following:

402 (a)(1) providing the spaces on site;

403 (b)(2) constructing publicly available on-street parking; or

404 (c)(3) participating in:

405 (1) A[a] parking lot district;

406 (2) A shared parking program established by municipal resolution

Comment [JCS67]: Added to allow municipalities to create PLD-like arrangements.

407 or;

408 (3) E[-e]ntering into an agreement for shared parking spaces in a

409 public or private facility within ¼ mile [1,000] feet of the

Comment [JCS68]: Changed to be consistent with transit proximity numbers.

410 subject lot, if the off-site parking facility is not in an

411 agricultural (Division 59-C-9), planned unit development

412 (Division 59-C-7), or residential (Division 59-C-1) zone,

413 unless otherwise allowed by this Chapter.

Comment [JCS69]: To ensure that provisions do not conflict with existing allowances, such as in historic districts.

414 (d) Every “car-share” space provided reduces the total number of

415 required spaces by 6 spaces for a non-residential use or 3 spaces for a

416 residential use.

417

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

423 **59-C-15.643 Parking Design.**

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

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

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

433 ~~(c)[(3)]~~ ~~C[e]~~urb cuts must be kept to a minimum and shared by
434 common ingress/egress easements whenever possible.

435 **59-C-15.644 Drive-through Facility Design.**

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

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

441 ~~[(f) —]~~ ~~The design of parking facilities with drive-through services must comply~~
442 ~~with the following; however, the Planning Board may approve a design if it~~
443 ~~finds that the alternative design would provide safer and more efficient~~
444 ~~circulation:~~

Comment [JCS70]: New section headings for clarity and ease of citation.

Comment [JCS71]: To avoid confusion with a term used elsewhere.

Comment [JCS72]: Waiver provision moved to end of section 15.646.

Comment [JCS73]: Drive-through provisions have been generally re-written to accommodate concerns about compatibility and pedestrian impacts.

445 ~~(1)~~(b) No drive-through service window, drive aisle, or stacking area may
 446 [the driveway must not] be located between the street and the main front
 447 wall of the main[a] building ~~[or the side wall of a building on a corner lot];~~
 448 (c)~~(2)~~ No [the-]drive-through service window, drive aisle, or stacking area
 449 may [must-]be located between the street and the [on the rear or-]side wall
 450 of the main building on a corner lot unless [;-any service window on the side
 451 wall of a building must be-]permanently screened from any street by a 5-foot
 452 or higher wall or fence; and
 453 (d)~~(3)~~ [e]Curb cuts to a street must be minimized to one drive aisle of no
 454 more than 20 feet in width for two-way traffic or two drive aisles each of no
 455 more than 10 feet in width for one-way traffic.

456 **59-C-15.645. Landscaping and Lighting.**

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

Comment [JCS74]: Modified for consistency.

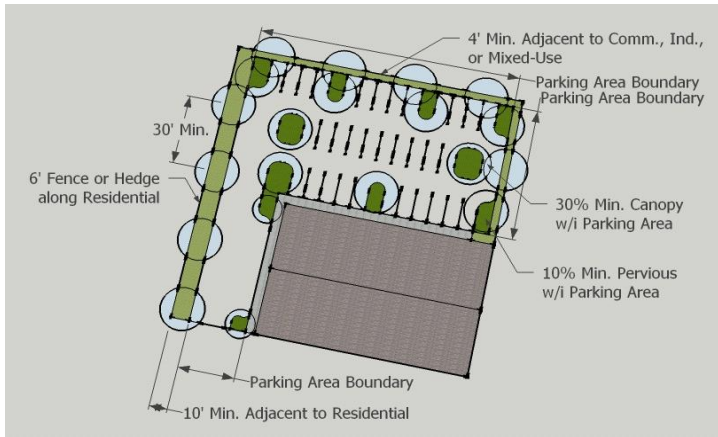
Subject	Requirement
(a) <u>Property line adjacent to a [R]right-of-[W]way [Screening]</u>	<u>No less than 6-foot wide[th-of] continuous soil panel (excluding any easements) with[or] stormwater [management recharge] facilities.[y-(not including any PUE or PIE) with groundcover,] planting bed, or lawn 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 an agricultural (under Division 59-C-9) or single-family residential (under Division 59-C-1)</u>	<u>No less than 10-foot width continuous soil panel (excluding any easements) with stormwater facilities, planting bed, or lawn including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet.</u>

Comment [JCS75]: Table generally modified for clarity, consistency, and to better reflect ESD requirements.

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<p>(b)(c) <u>Property line</u> [A] adjacent to a lot or parcel in any [Commercial, Industrial, or Mixed-Use Zone not subject to (b) above]</p>	<p><u>No less than 4-foot width continuous soil panel (excluding any easements) with [or] stormwater [management recharge-] facilities [y with groundcover], planting bed, or lawn; one deciduous tree per 30 feet [of frontage].</u></p>
<p>Adjacent to a lot or parcel in an Agricultural or Residential District</p>	<p>10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.</p>
<p>Internal Pervious Area</p>	<p><u>No less than 10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.</u></p>
<p>Tree Canopy Coverage</p>	<p><u>No less than 30 percent of the parking facility area (at 15 years growth).</u></p>
<p><u>Lighting</u></p>	<p><u>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.</u></p>

462
463



Surface Parking Landscape Requirements Illustrative

464
465
466
467

59-C-15.7. Development Standards.

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

470 ~~[59-C-15.71, Density,~~

Comment [JCS76]: Consistency.

Comment [JCS77]: All information on density and height is incorporated in 15.12, 15.41, and 15.42. Since density and height are specified by zones, placing information in the standards is repetitive and confusing.

- 471 ~~(a) The maximum density for any standard method project is the greater of 0.5~~
472 ~~FAR or 10,000 square feet of gross floor area. Any single land use or any~~
473 ~~combination of land uses allowed in the zone may achieve the maximum~~
474 ~~density.~~
- 475 ~~(b) The maximum total density and mix of maximum non-residential and~~
476 ~~residential density for any project using the optional method of development~~
477 ~~is specified by the zone.~~

478 **59-C-15.72. Height.**

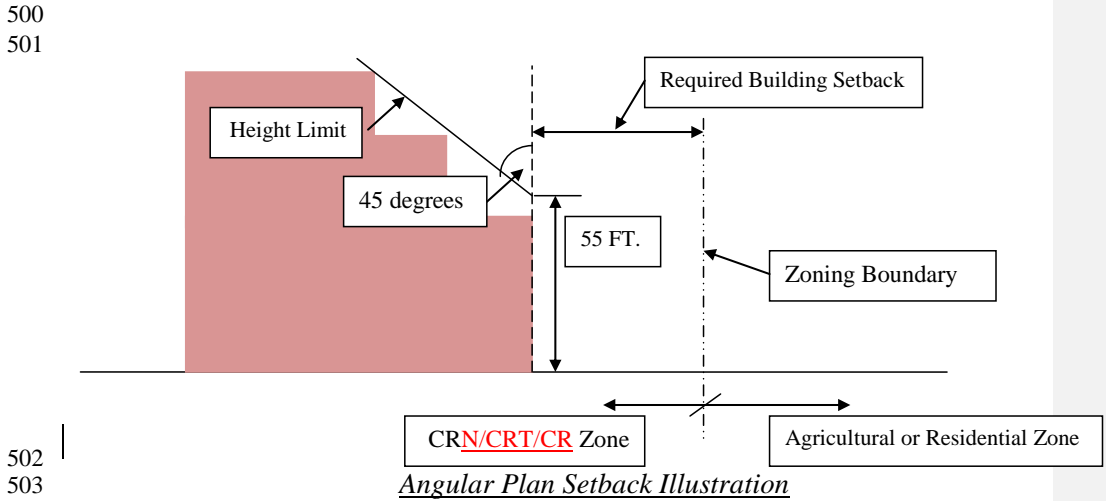
- 479 ~~(a) The maximum height for any building or structure in a standard method~~
480 ~~project is 40 feet.~~
- 481 ~~(b) The maximum height for any building or structure in an optional method~~
482 ~~project is determined by the zone.]~~

483 **59-C-15.71[3]. Setbacks.**

- 484 (a) ~~[A building must not be any closer to a lot line shared with.]~~ Where a
485 property is adjacent to a lot or parcel in an agricultural (under Division 59-
486 C-9) or single-family residential (under Division 59-C-1) zone ~~[-than], any~~
487 building:
- 488 (1) Must have a minimum setback of 25 feet or the setback required by
489 the adjacent property[lot], ~~—~~ whichever is greater; and
- 490 (2) ~~[the building m]~~ Must not project beyond a 45 degree angular plane
491 projecting over the subject property[lot] measured from a height of 55
492 feet at the setback line determined above, with the exception of those
493 features exempt from height and setback restrictions under Section
494 59-B-1.
- 495 (b) The development of a new building in place of a building existing when
496 ~~[the]~~ a CRN, CRT or CR zone is applied may be built to the previously

Comment [JCS78]: This section is only changed for clarity and consistency.

497 | ~~allowed [pre-existing-]setback[s]~~ if the height of the new building is not
 498 | increased ~~above[over that of]~~ the height of the former building.
 499 |



505 | **59-C-15.72[4]. Public Use Space.**

506 | (a) Public use space is not required for any standard method project that does
 507 | not require a site plan. If a site plan is required for the proposed project,
 508 | ~~[then the minimum-]~~public use space is ~~[10 percent of the project's net land~~
 509 | ~~area.]~~ required as follows:

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

Comment [JCS79]: Increased to address concerns of municipalities with multiple small lots and to ensure useful public use space rather than simply buildings with large setbacks.

Comment [JCS80]: Introduced to respond to need for interim uses and development.

510 |

511 | (b) Projects using the optional method of development must provide public use
 512 | space as follows:

513

Minimum Required Public Use Space (% of net tract area)				
Acres (Gross)	Number of Existing, <u>Proposed</u> , and 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

514

515 (c) Public use space must be:

516 ~~(1) — be calculated on the net tract area that was included in the sketch plan~~
 517 ~~application;~~

Comment [JCS81]: Unnecessary language.

518 ~~(1)(2) — be r~~ounded to the next highest 100 square feet;

519 ~~(2)(3) — be e~~asily and readily accessible to the public;

520 ~~(3)(4) — be distributed within the entire tract area included in the sketch~~
 521 ~~plan application; and~~

Comment [JCS82]: Unnecessary language.

522 ~~(5) — e~~Contain amenities such as seating options, shade, landscaping,
 523 ~~artwork, or fountains~~ ~~[other similar public benefits].~~

Comment [JCS83]: Removed confusing term used elsewhere.

524 (d) Instead of providing on-site public use space ~~[, for any site of 3 acres or less,~~
 525 ~~a development may propose the following alternatives], an applicant may~~
 526 ~~satisfy all or part of the requirement by one or more of the following means,~~

Comment [JCS84]: Public use space standards changed to respond to small lot, low density areas, and concerns of particular municipalities and agencies regarding existing public amenity fund and off-site improvement choices. Pay-in-lieu becomes self-contained under these proposed changes with no reference to 59-D-2.

527 subject to Planning Board approval:

528 (1) Implementing public park or public use space improvements of an
 529 equal or greater size within ~~[¼ mile of the subject site]~~ or near the
 530 applicable master or sector plan area; or

531 (2) Making a payment in part or in full ~~[to the Public Amenity Fund~~
 532 ~~under Section 59-D-2.31]~~ for design, construction, renovation,

533 restoration, installation, and/or operation near the applicable master
534 or sector plan area if the payment is:[-]

535 (A) Equal to the const of constructing an equal amount of public
536 use space and associated amenities on-site per square foot plus
537 the fair market value of the application property per square
538 foot;

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

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

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

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

548 ~~(2) indicated on the approved sketch plan.]~~

549 **59-C-15.75. Residential Amenity Space.**

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

552

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

Comment [JCS85]: Modified for clarity and to coordinate with changes below.

553

554 (b) Additional [The-]amenity space is not required for Moderately Priced
 555 Dwelling Units (MPDUs) or Workforce Housing Units (WFHUs) on a site
 556 within a metro station policy area or where the Planning Board finds [that
 557 there is] adequate recreation facilities and open space are available within
 558 [a] ½ mile [radius-]of the subject site. If such a finding can not be made,
 559 amenity space must be provided for each MPDU and WFHU per the rate in
 560 the table above.

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

Comment [JCS86]: Modified to reflect change in law.

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

567 **59-C-15.8. Special Regulations for the Optional Method of Development**

568 ~~59-C-15.81. Incentive Density Provisions.~~

Comment [JCS87]: Section has been re-subdivided for clarity and for easier citation.

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

Comment [JCS88]: Redundant – see 15.83.

573 **59-C-15.81. Incentive Density Categories.**

574 ~~(a)~~ Public benefits must be provided that enhance or contribute to the
575 objectives of the CRT and CR zones in some or all of the following
576 categories:

577 ~~(a)(1)~~ ~~[Master-planned m]~~ Major public facilities;

Comment [JCS89]: See note in 15.851 below.

578 ~~(b)(2)~~ Transit proximity ~~[for residents, workers, and patrons];~~

Comment [JCS90]: Simplified.

579 ~~(c)(3)~~ Connectivity between uses, ~~[and]~~ activities, and mobility
580 options;

581 ~~(d)(4)~~ Diversity of uses and activities;

582 ~~(e)(5)~~ Quality of building and site design; and

583 ~~(f)(6)~~ Protection and enhancement of the natural environment. ~~;~~ and

584 ~~(7)~~ ~~Advanced dedication of right of way;~~

Comment [JCS91]: Moved to connectivity.

585 Section ~~[s]~~ 59-C-15.85 ~~[2 through 59-C-15.88]~~ indicates the individual ~~[types~~
586 ~~of]~~ public benefits that may be accepted in each of these categories.

587 **59-C-15.82. Public Benefits Required.**

Comment [JCS92]: New section enumerating benefits required per context.

588 (a) Any optional method development must provide public benefits from at
589 least 4 of the 6 categories.

590 (b) Development in the CRT zones must provide public benefits worth a
591 minimum total of 50 points.

592 (c) Development in the CR zones must provide BLTs required under Section
593 59-C-15.856(a) for 5 points and additional public benefits worth a minimum
594 total of 95 points (100 minimum points in sum).

595 **59-C-15.83. General Incentive Density Considerations.**

596 ~~[(b)]~~ In approving any incentive density based on the provision of public
597 benefits, the Planning Board must consider:

598 | ~~(a)(4)~~ The policy objectives and priorities of the applicable master or sector
599 | plan;

600 | ~~(b)(2)~~ Any applicable design guidelines and any adopted public benefit
601 | standards and guidelines;

602 | ~~(c)(3)~~ The size and configuration of the tract;

603 | ~~(d)(4)~~ The relationship of the site to adjacent properties;

604 | ~~(e)(5)~~ The presence or lack of similar public benefits nearby; and

605 | ~~(f)(6)~~ Enhancements not listed in the individual public benefit descriptions
606 | or criteria that increase public access to or enjoyment of the benefit.

607 | ~~[(e) Any incentive density increase approved by the Planning Board for an~~
608 | ~~optional method of development application must satisfy Subsection 59-C-~~
609 | ~~15.87(a).]~~

Comment [JCS93]: Covered in 15.82(c) above.

610 | **59-C-15.84. CR Zones Incentive Density Implementation Guidelines.**

611 | ~~[(d)]~~The Planning Board must adopt, publish, and maintain guidelines that
612 | detail the standards and requirements for public benefits~~[that may be~~
613 | ~~provided for incentive density]~~. The guidelines must be:

614 | ~~(a)(1) be e~~Consistent with the ~~[recommendations and]~~ objectives of this
615 | Division~~[e applicable master or sector plan and the purpose of the CR~~
616 | ~~zones]~~;

Comment [JCS94]: Duplicative and hard to figure out – how can guidelines be consistent with “applicable master or sector plans”. Not necessary, the benefits must further the objectives of the master plan.

617 | ~~(b)(2) be i~~In addition to any standards, requirements, or rules of incentive
618 | density calculation included in this Division, but may not supersede those
619 | provisions;

620 | ~~[(3) allow any single feature of a project a density incentive from only 1 public~~
621 | ~~benefit;~~

622 | ~~(4) only address the public benefits listed in Sections 59-C-15.82 through 59-C-~~
623 | ~~15.88 and must not add a public benefit category; and~~

624 ~~(5) include the criteria to determine when an early dedication of right of way~~
625 ~~qualifies for incentive density, and the amount of the incentive density~~
626 ~~permitted.]~~

Comment [JCS95]: Unnecessary language.

627 **59-C-15.85. Individual Public Benefit Descriptions and Criteria.**

628 **59-C-15.851[2]. ~~[Incentives for Master Planned]~~ Major Public Facilities.**

Comment [JCS96]: Language removed to allow for infrastructure improvements and public facilities not foreseen by master plans, which may not be updated for decades.

629 Major public facilities ~~[such as schools, libraries, recreation centers, urban parks,~~
630 ~~and county service centers]~~ provide public services at convenient locations and
631 where increased density creates higher demand for civic uses and demands on
632 public infrastructure~~[-centers for community meetings, and civic events].~~

Comment [JCS97]: Examples moved below.

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

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

641 ~~(a)(c)~~ Because of their significance in place-making, the Planning Board may
642 approve incentive density of up to 40 percent in the CRT zones and 70
643 percent in the CR zones for the conveyance of a site, floor area, and/or
644 construction of a major public facility that is ~~[designated on a master plan or~~
645 ~~sector plan and is]~~ accepted for use and/or operation by the appropriate
646 public agency, community association, or nonprofit organization.

647 **59-C-15.852[3]. ~~[Incentives for]~~ Transit Proximity.**

648 Development near transit facilities ~~[In order to]~~ encourages greater use of transit,
649 controls sprawl, and reduces vehicle miles traveled, congestion, and carbon

650 emissions. ~~[, the Planning Board may approve incentive density for transit~~
 651 ~~proximity under this section. The percentage of incentive density awarded to a~~
 652 ~~project for transit proximity is as follows]. Transit proximity points are granted~~
 653 ~~based on service level and CR context as follows:~~

Comment [JCS98]: Section modified for consistency and to incorporate contexts.

Transit Proximity	Level 1	Level 2
Adjacent or confronting	50%	30%
Within ¼ mile	40%	25%
Between ¼ and ½ mile	30%	20%
Between ½ and 1 mile	20%	15%

Comment [JCS99]: Easier to make a new table than to modify the existing one.

655

<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>CRT</u>	<u>25</u>	<u>15</u>	<u>20</u>	<u>10</u>	<u>15</u>	<u>5</u>	<u>10</u>	<u>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>

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

- 661 (b) For split proximity-range projects:
- 662 (1) [For all other projects to qualify for incentive density availability at
- 663 the other distances,]If at least 75 percent of the gross tract area in a
- 664 single sketch plan application is within the closer of two proximity
- 665 ranges, the entire project may take the points for the closer range;
- 666 but[must be within the range for which the incentive is proposed.]
- 667 (2) If [The incentive density for projects-]less than 75 percent of the gross
- 668 tract area in a single sketch plan is within the closer of two proximity
- 669 ranges, the points[+ distance range] must be calculated as the
- 670 weighted average of the percentage of area in each range.

Comment [JCS100]: New language for clarification.

671 **59-C-15.853[4]. [Incentives for-]Connectivity and Mobility.**

672 [In order to]Development that enhances connectivity between uses and amenities

673 and increase mobility options; encourages non-automotive travel [for short and

674 multi-purpose trips as well as for commuting]; facilitates social [and commercial

675]interaction; provides opportunities for healthier living; and stimulates local

676 businesses[,- the Planning Board may approve incentive density of up to 30% for a

677 project that provides at least 2 of the following public benefits:]

Comment [JCS101]: Simplified and made consistent. Most changes throughout this subsection are to reflect change to point system.

- 678 (a) **Neighborhood Services:** 10 points for [S]safe and direct pedestrian access
- 679 to 10 different retail services on site or within ¼ mile, of which at least 4
- 680 have a maximum retail bay floor area of 5,000 square feet.
- 681 (b) **Minimum Parking:** Up to 10 points for providing [Provision of the
- 682 minimum required]less than the maximum allowed number of parking
- 683 spaces, if applicable[for projects of one-acre of gross tract area or more].
- 684 (c) **Through-Block Connections:** Up to 20 points for [S]safe and attractive
- 685 pedestrian connections between streets.

- 686 (d) **Public Parking:** Up to 25 points for providing ~~[Provision of]~~ up to the
687 maximum number of parking spaces allowed in the zone as public parking.
- 688 (e) **Transit Access Improvement:** Up to 20 points for ~~[E]~~ ensuring that access
689 to transit facilities meets County standards for handicapped accessibility.
- 690 (f) **Trip Mitigation:** 15 points for entering into a ~~[A]~~ binding and verifiable
691 Traffic Mitigation Agreement to reduce the number of weekday morning
692 and evening peak hour trips attributable to the site in excess of any other
693 regulatory requirement; the agreement must result in a non-auto driver mode
694 share of at least 50% for trips attributable to the site.
- 695 (g) **Grey-Field Redevelopment:** 5 points for the redevelopment of an infill
696 site.
- 697 (h) **Streetscape:** Up to 20 points for construction of off-site streetscape
698 excluding any streetscape improvements required by this Division.
- 699 (i) **Advance Dedication:** Up to 30 points for dedicating or providing a
700 reservation for dedication for master-planned rights-of-way in advance of a
701 preliminary or site plan application.
- 702 (j) **Way-Finding:** 5 points for design and implementation of a way-finding
703 system orienting pedestrians and cyclists to major open spaces, cultural
704 facilities, and transit opportunities.
- 705 **59-C-15.854[5]. ~~[Incentives for]~~ Diversity of Uses and Activities.**
706 Development that ~~[In order to]~~ increases the variety and mixture of land uses,
707 types of housing, economic ~~[diversity]~~ variety, and community activities~~[;]~~
708 contributes to development of a more efficient and sustainable community;
709 reduces the necessity for automobile use; and facilitates healthier lifestyles and
710 greater social interaction. ~~[, the Planning Board may approve incentive density of~~

Comment [JCS102]: Encourages and rewards development on infill sites with existing impervious cover.

Comment [JCS103]: Moved from design category.

Comment [JCS104]: Moved from separate category.

Comment [JCS105]: Encourages creation of signage system to locate civic amenities and promotes walking and cultural improvements.

Comment [JCS106]: Consistency. Most changes throughout this subsection are to reflect change to point system.

711 ~~up to 30% for a project that provides affordable housing or a public facility, as~~
712 ~~described below, or at least 2 of the other following public benefits:]~~

713 ~~(a)~~ **Affordable Housing:**

Comment [JCS107]: Modified to reflect change in law and point system.

714 (1) All residential development must comply with the requirements of
715 Chapter 25A for the provision of Moderately Priced Dwelling Units
716 (MPDUs) ~~except that the percent bonus density achieved per the table in~~
717 ~~Section 25A-5(c)(3) is equivalent to points required by this~~
718 ~~Division.[and may provide Workforce Housing Units (WFHUs) under~~
719 ~~Chapter 25B.~~

720 ~~(1) MPDU Incentive Density: Provision of MPDUs above the minimum~~
721 ~~required is calculated on the total number of dwelling units as required~~
722 ~~by Chapter 25A, and the percent of incentive density increase is based~~
723 ~~on the proposed FAR for the entire project.]~~

Example: Provision of 14.5% MPDUs is awarded ~~[an incentive density of] 20~~
725 ~~points; provision of 13.0% MPDUs is awarded 5 points.[% (see 25A-5(c)(3)). In~~
726 ~~the case of a CR 4.5 zone that proposes 4.5 FAR, that equals 0.20 x 4.0 (the~~
727 ~~incentive density), which is 0.8 FAR.]~~

728 (2) ~~Up to 30 points for providing [WFHU Incentive Density: Provision of]~~
729 ~~Workforce Housing Units (WFHUs) at a rate of [-is calculated at the~~
730 ~~following rate:] 2 points [times]per the percentage of total units,~~
731 ~~excluding MPDUs[-provided as WFHUs].~~

Example: Provision of 5% WFHUs is awarded ~~[incentive density of] 10~~
733 ~~points[%]; provision of 12% WFHUs is awarded [incentive density of]24~~
734 ~~points[%].~~

735 ~~(a)(b) Adaptive Buildings: Up to 15 points for constructing commercial or mixed~~
736 ~~use buildings with [Provision of buildings with] minimum floor-to-floor~~

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

740 ~~(b)~~(c) **Care Centers:** Up to 20 points for constructing [C]child or adult day care
741 facilities. The minimum care center that may qualify must provide spaces
742 for at least 15 users.

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

745 ~~(d)~~(e) **Dwelling Unit Mix:** 5 points for integrating a mix of residential unit types
746 with [Provision of] at least 7.5% efficiency units, 8% 1-bedroom units, 8%
747 2-bedroom units, and 5% 3-or-more bedroom units.

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

752 (g) **Diversity Ratio:**
753 (1) 30 points for developments over 2.0 FAR that provide a minimum of
754 30% of the market rate units as rentals; 30% of the market rate units
755 for sale; 15% of the total units as MPDUs and/or WFHUs (rental or
756 for sale); and 10% of the total FAR as retail trades, businesses, and
757 services of a general commercial nature.

758 ~~(1)~~(2) 10 points for developments of up to 2.0 FAR that provide at least the
759 greater of 3 units or 10% of the total unit count as live/work units.

760 **59-C-15.855[6]. [Incentives for] Quality Building and Site Design.**

761 High quality design is especially important in urban, integrated-use settings to
762 ensure that buildings and uses are visually compatible with each other and

Comment [JCS108]: Encourages and rewards truly integrated housing diversity and service-oriented retail.

Comment [JCS109]: Simplified and made consistent. Most changes throughout this subsection are to reflect change to point system.

763 adjacent communities and to provide a harmonious pattern of development. Due to
764 ~~[the]~~ increased density ~~[of]in~~ these settings, buildings tend to ~~be~~ ~~[have-]~~ highly
765 visible~~[ity]~~ and ~~[-H]~~ high quality design ~~[may-]~~ helps ~~[to]~~ attract residents, ~~patrons,~~
766 and businesses to ~~[locate in-]~~ these ~~areas[settings]~~. Location, height, massing,
767 façade treatments, and ornamentation of buildings affect sense of place,
768 orientation, and the perception of comfort and convenience. The quality of the
769 built environment affects light, shadow, wind, and noise, as well as the functional
770 and economic value of property.~~[In order to promote high quality design, the~~
771 ~~Planning Board may approve incentive density of up to 30% to a project that~~
772 ~~provides at least 2 of the following public benefits:]~~
773 (a) **Historic Resource Protection:** ~~Up to 20 points for the [P]~~ preservation
774 and/or enhancement of, ~~or payment towards preservation and/or~~
775 ~~enhancement of~~ a historic resource ~~[indicated on]designated in~~ the Master
776 Plan for Historic Preservation~~[in conformance with a plan approved by the~~
777 ~~Historic Preservation Commission. A fee in lieu for a specific preservation~~
778 ~~project may be paid to the Historic Preservation Division as specified in the~~
779 ~~Guidelines for Public Benefits]~~.
780 (b) **Structured Parking:** ~~Up to 20 points for placing [P]~~ parking ~~[provided]~~
781 within a ~~above- or below-grade~~ structures~~[or below-grade]~~.
782 (c) **Tower Step-Back[etback]:** ~~5 points for [Setback of]~~ stepping back a
783 building's ~~upper floors~~ by a minimum of 6 feet ~~behind[yond]~~ the first floor
784 façade at a maximum height of 72 feet.
785 (d) **Public Art:** ~~Up to 15 points for installing [Provision of]~~ public art ~~[must~~
786 ~~be]~~ reviewed for comment ~~by, or paying a fee accepted~~ by, the Public Arts
787 Trust Steering Committee.~~[A fee in lieu may be paid to the Trust as~~
788 ~~specified in the Guidelines for Public Benefits.]~~

Comment [JCS110]: Covered in guidelines.

789 (e) **Public Open Space:** Up to 20 points for providing, or making a payment
790 for, ~~Provision of~~ open space in addition to the minimum public use space
791 required by this Division ~~e zone. Public open space must be easily~~
792 ~~accessible to the public during business hours and/or at least from sunrise to~~
793 ~~sunset and must contain amenities such as seating, plantings, trash~~
794 ~~receptacles, kiosks, and water features].~~

795 ~~[Streetscape: Construction of off-site streetscape in addition to the~~
796 ~~requirements of this division.]~~

Comment [JCS111]: Moved to connectivity category.

797 (f) **Exceptional Design:** Up to 10 points for building and/or site design whose
798 visual and functional impacts enhance the character of a setting per the
799 purposes delineated in this Section. ~~Building design that provides~~
800 ~~innovative solutions in response to the immediate context; creates a sense of~~
801 ~~place and serves as a landmark; enhances the public realm in a distinct and~~
802 ~~original manner; introduces new materials, forms, or building methods; uses~~
803 ~~design solutions to make compact infill development living, working, and~~
804 ~~shopping environments more pleasurable and desirable; and integrates low-~~
805 ~~impact development methods into the overall design of the site and~~
806 ~~building.]~~

Comment [JCS112]: Covered in guidelines.

807 (g) **Architctural Elevations:** Up to 20 points for providing elevations of
808 architectural façades. Particular elements of design, such as minimum
809 amount of transparency, maximum separation between doors, and awning,
810 sign, or lighting parameters that affect the perception of mass and
811 neighborhood compatibility may be binding on the applicant.

812 (f)(h) **Public Charette:** 10 points for conducting a public charette prior to the
813 required pre-submittal meeting for a sketch plan, during which input is
814 solicited from parties that are required to be noticed. Documentation and

815 discussion of promotion of the event, the process, and responses to input are
816 required.

817 **59-C-15.856[7]. ~~Incentives for~~ Protection and Enhancement of the Natural**
818 **Environment.**

Comment [JCS113]: Consistency. Most changes throughout this subsection are to reflect change to point system.

819 Protection and enhancement of natural systems and decreases in energy
820 consumption help ~~In order to combat sprawl and~~ mitigate or reverse
821 environmental ~~impacts/problems~~ such as heat island effects from the built
822 environment, inadequate carbon-sequestration, ~~habitat and agricultural land loss,~~
823 and ~~air and water~~ pollution caused by reliance on the automobile ~~., the Planning~~
824 ~~Board may approve a density increase up to 30% for the public benefits in this~~
825 ~~Subsection.~~

826 (a) ~~BLTs: Up to 30 points for the purchase of building lot termination (BLT)~~
827 ~~[CR zones require the purchase of BLT]~~easements or payment to the
828 Agricultural Land Preservation Fund (ALPF) ~~., for at least 5% but no more~~
829 ~~than 30% of the incentive density under the following conditions.~~

Comment [JCS114]: Changed to reflect point system and provide relief for CRT context areas.

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

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

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

838 (C) BLT payments must be made to the ALPF, based on the
839 amount established by Executive Regulations under Chapter 2B; if a
840 fraction of a BLT easement is needed, a payment based on the gross

841 square footage of incentive density must be made for at least the
842 fraction of the BLT easement.

843 (2) Up to 25 points for the purchase of BLTs, or equivalent payments to
844 the ALPF for any incentive density above 5%. Each BLT easement
845 purchase or payment is equal to 30,000 square feet of floor area, or
846 proportion thereof. This is converted into points by dividing the
847 incentive density floor area covered by the purchase or payment by
848 the total square feet of the incentive density area, must be made to the
849 Agricultural Land Preservation Fund, based on the amount
850 established by Executive Regulations under Chapter 2B; if a fraction
851 of a BLT easement is needed, a payment based on the gross square
852 footage of incentive density must be made to the Agricultural Land
853 Preservation Fund for at least the fraction of the BLT easement.

854 (3) (A) ~~For the first 5% of incentive density, each BLT easement~~
855 ~~purchase or payment allows 20,000 gross square feet of~~
856 ~~incentive density or a proportion thereof, allowed by a payment~~
857 ~~for a fraction of a BLT.~~

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

861 Example: If a 50,000 square-foot CR3.0 site is fully developed, the
862 incentive density available to be earned equals 125,000sf (150,000sf -
863 25,000sf = 125,000sf). The 5% BLT requirement of 125,000sf equals
864 6,250sf, which equals 0.32 BLTS (6,250sf / 20,000sf = 0.32). If the
865 applicant seeks an additional 10 points through the purchase of BLTs, 10%
866 of the incentive density is calculated, which in this case is 12,500sf

Comment [JCS115]: Information in deleted sections moved above.

(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.

- 867 |
868 |
869 |
870 |
- 871 | (b) **Energy Conservation and Generation:** 10 points for constructing
872 | buildings that [~~Provision of energy efficiency that~~] exceed[s] the energy-
873 | efficiency standards for the building type by 17.5% for new buildings or
874 | 10% for existing buildings. 15 points for providing [~~or provision of~~
875 | renewable energy generation facilities on-site or within ½ mile of the site
876 | for a minimum of 2.5% of the projected energy requirement for the
877 | development.
- 878 | (c) **Vegetated[Green] Wall:** 5 points for the [F]installation and maintenance of
879 | a vegetated wall that covers at least 30% of any blank wall or parking
880 | garage façade that is at least 300 feet in area and is visible from a public
881 | street or open space.
- 882 | (d) **Tree Canopy:** 10 points for tree canopy [C]coverage at 15 years of growth
883 | of at least 25% of the on-site open space.
- 884 | (e) **Vegetated Area:** 5 points for [F]installation of plantings in a minimum of 12
885 | inches of soil covering at least 5,000 square feet [~~of previously impervious~~
886 | surfaces]. This does not include vegetated roofs.
- 887 | (f) **Vegetated Roof:** 10 points for installation [~~Provision~~] of a vegetated roof
888 | with a soil depth of at least 4 inches covering at least 33% of a building’s
889 | roof, excluding space for mechanical equipment.
- 890 | (g) **Cool Roof:** 5 points for constructing any roof area that is not covered by a
891 | vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs

892 with a slope at or below a ration of 2:12 and a minimum SRI of 25 for
893 slopes above 2:12.

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

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

902 ~~**[59-C-15.88. Advanced dedication of right-of-way.**~~

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

Comment [JCS116]: Moved to connectivity category.

908 **59-C-15.9. Existing Approvals.**

909 (a) One or more lawfully existing buildings or structures and the uses therein,
910 which predate the applicable sectional map amendment, are conforming
911 structures or uses, and may be continued, renovated, repaired, or
912 reconstructed to the same size and configuration, or enlarged up to a total of
913 10 percent above the total existing floor areas of all buildings and structures
914 on site or 30,000 square feet, whichever is less, and does not require a site
915 plan. Enlargements in excess of the limitations in this Subsection will
916 require compliance with the full provisions of this Division.

- 917 (b) A project that received an approved development plan under Division 59-D-
918 1 or schematic development plan under Division 59-H-2 before the
919 enactment of the CR zones may proceed under the binding elements of the
920 development plan and will thereafter be treated as a lawfully existing
921 building, and may be renovated or reconstructed under Subsection (a)
922 above. Such development plans or schematic development plans may be
923 amended as allowed under Division 59-D-1 or 59-H-2 under the provisions
924 of the previous zone; however, any incremental increase in the total floor
925 area beyond that allowed by Subsection (a) above or any incremental
926 increase in building height greater than 15 feet requires, with respect to the
927 incremental increase only, full compliance with the provisions of this
928 Division.
- 929 (c) At the option of the owner, any portion of a project subject to an approved
930 development plan or schematic development plan described in Subsection
931 (b) above may be developed under this Division. The remainder of that
932 project continues to be subject to the approved development plan or
933 schematic development plan, under Subsections (a) and (b).
- 934 (d) A project which has had a preliminary or site plan approved before the
935 applicable sectional map amendment may be built or altered at any time,
936 subject to either the full provisions of the previous zone or this division, at
937 the option of the owner. If built under the previous approval, it will be
938 treated as a lawfully existing building and may be renovated or
939 reconstructed under Subsection (a) above. If built with an incremental
940 increase over the previous approval, only that incremental increase must
941 comply with this Division.

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

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946 This is a correct copy of Council action.

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949 Linda M. Lauer, Clerk of the Council