

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

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

Comment [JCS1]: Modified because of different methods of development available under each context.

59-C-15.41. Standard Method.

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

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

Comment [JCS2]: No need to say that development has to comply with the law – those sections already say which projects have to comply.

(a) In the CRN zones, the maximum ~~[[density]]~~total, non-residential~~[[;]]~~ and residential density~~[[;]]~~ and height for any ~~[[project]]~~property is set by the zone shown on the zoning map.

Comment [JCS3]: CRN, CRT, and CR zones have different thresholds for standard method – this section lays out those parameters.

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

[[Context]] Category	Maximum total density (FAR)	Maximum building height (feet)
CRT	1.5	[[80]] 65
CR	1.5	80

(c) If ~~[[either]]~~the maximum non-residential or residential density shown on the zoning map~~[[by the zone]]~~ is greater than the standard method maximum total density for the property, then up to the standard method maximum total density ~~[[allowed-]]~~may be developed with that use. Otherwise the limits shown on the zoning map apply.

23 (d) A site plan approval under Division 59-D-3 is required ~~[[only-]]~~ for a
 24 standard method development only if it~~[[that]]~~project only if:
 25 (1)~~[(a)]~~ is adjacent to or confronting a property in an applicable
 26 residential or agricultural zone ~~[[property that is in an agricultural~~
 27 ~~(under Division 59-C-9) or single family residential (under Division 59-~~
 28 ~~C-1) zone]]~~ and requests a maximum total density exceeding 0.5 FAR;
 29 (2) Requests a ~~the~~ gross floor area exceeding[s] 10,000 square feet;
 30 (3) Requests a building height exceeding 40 feet; or
 31 (4)~~[(b)]~~ [any building or group of buildings e]Contains 10 or more
 32 dwelling units.

Comment [JCS4]: New provision providing extra protection for compatibility at the interface between residential neighborhoods and mixed use/commercial areas.

Comment [JCS5]: Addition of impact threshold.

Comment [JCS6]: New review protection due to higher standard method allowances.

Comment [JCS7]: Unnecessary – “development” covers all buildings.

33 **59-C-15.42. Optional Method.**

34 ~~[Optional method development must comply with the general requirements and~~
 35 ~~development standards of the CR zones and must provide public benefits under~~
 36 ~~Section 59-C-15.8 to obtain greater density and height than allowed under the~~
 37 ~~standard method of development. A sketch plan and site plan are required for any~~
 38 ~~development using the optional method. A sketch plan must be filed under the~~
 39 ~~provisions below; a site plan must be filed under Division 59-D-3. Any required~~
 40 ~~preliminary subdivision plan must not be submitted before a sketch plan is~~
 41 ~~submitted.]Optional method development is allowed under the following~~
 42 limitations and requirements.

Comment [JCS8]: 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.

43 (a) ~~(a)~~ The maximum total~~[[density]], non-residential~~~~[[density,]]~~ and
 44 residential density~~[[,]]~~ and height for any ~~[[project]]~~property is set by the
 45 zone shown under the map.

Comment [JCS9]: Keeps format consistent with 15.41 above.

46 (b) A sketch plan must ~~[[filed]]~~be submitted under the provisions below.
 47 [[Future s]]Site plan(s) must be submitted under Division 59-D-3 for any
 48 development on a property with an approved sketch plan.

Comment [JCS10]: New sections below replace and clarify previous deleted language.

49 (c) ~~Public benefits must be provided under [[the provisions of]]~~Section 59-C-
50 15.8.

51 **59-C-15. 43. Sketch Plan.**

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

55 (a) A sketch plan application must contain:

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

Comment [JCS11]: Unnecessary.

60 (2) ~~[an]Illustrative plans [or model that] showing[s];~~

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

Comment [JCS12]: Outline format is easier and reflects further experience with applications.

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

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

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

Comment [JCS13]: Modified for clarity and to get proper information.

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

Comment [JCS14]: Moved to (2)(C) above.

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

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

Comment [JCS15]: Expanded to reflect experience with applications.

76 | (b) Procedure for a sketch plan:

77 | (1) Before filing a sketch plan application, an applicant must comply
78 | with the provisions of the Manual for Development Review
79 | Procedures, as amended, that concern the following:

80 | (A) notice;

81 | (B) posting the site of the application submittal; and

82 | (C) holding a pre-submittal meeting.

83 | (2) A public hearing must be held by the Planning Board on each sketch
84 | plan application no later than 90 days after the filing of an optional
85 | method development application, unless a request to extend this
86 | period is requested by the applicant, Planning Board staff, or other
87 | interested parties. A request for an extension must be granted if the
88 | Planning Board finds it not to constitute prejudice or undue hardship
89 | on any interested party. A recommendation regarding any request for
90 | extension must be acted upon as a consent agenda item by the
91 | Planning Board on or before the 90-day hearing period expires.
92 | Notice of the extension request and recommendation by Staff must be
93 | posted no fewer than 10 days before the item's agenda date.

94 | (3) No fewer than 10 days before the public hearing on a sketch plan,
95 | Planning Board staff must submit its analysis of the application,
96 | including its findings, comments, and recommendations with respect
97 | to the requirements and standards of this division and any other
98 | matters that may assist the Planning Board in reaching its decision on

99 the application. This staff report must be included in the record of the
100 public hearing.

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

104 (A) approve;

105 (B) approve subject to modifications, conditions, or binding
106 elements; or

107 (C) disapprove.

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

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

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

116 (3) ~~[(2) — The proposed building massing and height and public use and~~
117 ~~other open spaces are located and scaled to a]Achieve compatible~~
118 ~~internal and external relationships between [with each other and with]~~
119 ~~existing and proposed buildings, [[and-]open space, and uses[~~
120 ~~adjacent to the site and with adjacent communities];~~

121 (4) ~~[(3) — Provide satisfactory[— The general vehicular, pedestrian, and~~
122 ~~bicyclist access, circulation, parking, and loading[areas are adequate,~~
123 ~~safe, and efficient];~~

Comment [JCS16]: Generally reformatted, simplified, and clarified this section based on review experience.

Comment [JCS17]: Should be assumed that development under the optional method is more efficient and effective if all the other numerous findings can be made.

Comment [JCS18]: Removed extraneous and ineffective language; simplified.

Comment [JCS19]: Adequate, safe, and efficient findings are too detailed at sketch plan – made at site plan.

124 (5)(4) Delineate an outline of ~~[The proposed]~~ public benefits that
125 ~~[[compensate for]]~~ supports the ~~[and associated]~~ requested incentive
126 density ~~[will further the objectives of the applicable master or sector~~
127 ~~plan and the objectives of the CR zones]~~; and

128 (6)(5) Establish a feasible and appropriate provisional ~~[The general]~~
129 phasing plan for all~~[of]~~ structures, uses, roads, sidewalks, dedications,
130 public benefits, and future preliminary and site plan[s] applications~~[is~~
131 ~~feasible and appropriate to the scale and characteristics of the~~
132 ~~project].~~

Comment [JCS20]: Redundant – already required in (1) and (2) above.
Comment [JCS21]: Reformatted and expanded.

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

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

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

141 (3) In acting to approve a sketch plan modification as part of site plan
142 review, the Planning Board must make the findings required in
143 Section 59-C-15.42 (c) in addition to those required by Section 59-D-
144 3.

145 **59-C-15.5. Land Uses.**

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

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

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- 149 - Limited Uses are designated by the letter “L” and are permitted
 150 subject to all applicable regulations and the additional restrictions in
 151 Section 59-C-15.51.
 152 - Special Exception Uses are designated by the letters “SE” and may be
 153 authorized as special exceptions under Article 59-G.
 154

Comment [JCS22]: Introduction of limited uses to help ensure compatibility of certain uses that are adjacent to residential neighborhoods.

Comment [JCS23]: 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 [JCS24]: Uses allowed in CRT range from low- to medium-impact services; the most intense uses are not allowed.

Comment [JCS25]: To differentiate between public uses that are allowed everywhere.

Comment [JCS26]: To allow a previously prohibited use in appropriate context.

Use	CRN	CRT	CR
(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
Automobile rental services, including storage of vehicles and <u>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

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Hotels and motels	<u>L</u>	<u>P</u>	P
Laboratories		<u>P</u>	P
Dry cleaning and laundry pick-up stations	<u>P</u>	<u>P</u>	P
Offices, general	<u>P</u>	<u>P</u>	P
Recreational facilities, participatory	<u>L</u>	<u>P</u>	P
Research, development, and related activities		<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 5,000sf	<u>P</u>	<u>P</u>	P
Retail trades, businesses, and services of a general commercial nature with each tenant footprint [[up to]] between 5,000sf and 15,000sf	<u>L</u>	<u>P</u>	<u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint [[up to]] between 15,000sf and 60,000sf		<u>P</u>	<u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000sf		<u>L</u>	<u>P</u>
Self-storage facilities		<u>SE</u>	SE
Veterinary hospitals and offices with boarding facilities	<u>SE</u>	<u>L</u>	<u>P</u>
Veterinary hospitals and offices without boarding facilities	<u>P</u>	<u>P</u>	<u>P</u>
Warehousing, not including self-storage, less than 10,000 square feet		<u>P</u>	P
(d) Institutional & Civic			
Charitable and philanthropic institutions	<u>L</u>	<u>P</u>	P
Cultural institutions	<u>L</u>	<u>P</u>	P
Day care facilities and centers with over 30 users	<u>L</u>	<u>L</u>	<u>P</u>
Day care facilities and centers with up to 30 users	<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

Comment [JCS27]: Retail trades have been split to fine-tune footprint sizes appropriate for each context.

Comment [JCS28]: To be consistent with small-business provisions.

Comment [JCS29]: To allow a previously prohibited use in appropriate context.

Comment [JCS30]: To differentiate by impact.

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 [JCS31]: Provides new section with restrictions for allowance of limited uses.

155 **59-C-15.51. Limited Uses.**

156 **59-C-15.511. Applicability.** Uses designated by an “L” in the land use table must
 157 comply with the requirements of this Section if they are on properties that are:

- 158 (a) Located adjacent to a property in an applicable residential or agricultural
 159 zone~~[(under Division 59 C 9) or single family residential (under~~
 160 Division 59 C 1) zone]; or
 161 (b) Separated from such a property only by the right-of-way of a primary,
 162 secondary, or tertiary residential street.

163 [(e)] Where these circumstances do not apply, the use is considered a
 164 permitted use.

165 **59-C-15.12. Restrictions and requirements of limited uses.**

166 (a) No structures, parking spaces, or driveway entrances associated with a
 167 limited use~~[[s]]~~ may be located within 100 feet of the adjacent
 168 agriculturally- or residentially-zoned property line or, when separated by
 169 an applicable right-of-way, within 100 feet of the confronting property
 170 line.

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

- 173 (1) The required 100-foot setback must contain at least an 8-foot
 174 evergreen hedge~~[[r]]~~ or a 6-foot solid wall or fence, and 1 deciduous
 175 tree planted at a minimum of every 30 feet; and
 176 (2) Illumination levels may not exceed 0.1 footcandles at the subject
 177 property line.

178 (3) For the 100-foot setback area, ~~[[F]]~~these requirements replace any
179 applicable surface parking landscaping requirements in Section 59-
180 C-15.645.

181 ~~(a)~~(c) If the required distance between a driveway entrance for a limited use
182 and an adjacent or confronting agriculturally- or residentially-zoned
183 property precludes access to the property, the driveway may be built
184 closer than 100 feet subject to reasonable mitigating requirements above
185 the minimum standards imposed through site plan approval by the
186 Planning Board, such as additional visual or noise buffering.