

Key

Text highlighted in bright green deals with floating zones and will be addressed in the coming months

Text highlighted in turquoise deals with grandfathering language and will be addressed in the coming months

Text highlighted in yellow is language that staff intends to add to the draft.

Text with ~~red strikethrough~~ has not been included in the draft Zoning Code

9/14/12

DIVISION 59-C-14, TRANSIT MIXED-USE (TMX) ZONE

Sec. 59-C-14.1. Zones permitted. Sec. 2.1.2.F Commercial/Residential Zones

~~The TMX zone is permitted only in a Transit Station Development Area.~~ The Transit Station Mixed-Use zone and its identifying symbol is as follows:

TMX-2 — Transit Mixed-Use, 2. CR

Sec. 59-C-14.2. Transit Mixed-Use (TMX) Zone.

59-C-14.21. Description, purpose, and general requirements.

59-C-14.211. Description. Sec. 2.2.4.D Commercial Residential (CR) Intent Statement

All of the references to the TMX zone in Chapter 59 apply to the TMX-2 zone. The TMX zone must be recommended in a master or sector plan. The zone permits moderate through intensive mixed-use development in a Transit Station Development Area. The zone establishes densities, land uses, and standards for the standard and optional methods of development.

59-C-14.212. Purpose. Sec. 2.2.4.D Commercial Residential (CR) Intent Statement

The purposes of the TMX zone are to:

(a) Implement the recommendations of approved and adopted master or sector plans for Transit Station Development Areas by:

(1) facilitating mixed-use development with a compatible network of interconnecting streets, open squares, plazas, and civic and community oriented uses;

(2) providing flexible development standards; and

(3) encouraging designs that produce a desirable relationship among individual buildings, the circulation system, public spaces, and adjacent areas, and that foster use of non-auto forms of transportation, including pedestrian, bicycle, and public transit.

- (b) Encourage land assembly.
- (c) Provide a variety of housing opportunities.
- (d) Promote the effective use of transit facilities.
- (e) Provide for building lot terminations (BLTs).

59-C-14.213. General requirements.

(a) **Master plan or sector plan conformance.** Development under the TMX zone must be consistent with the recommendations of the applicable master or sector plan. Sec. 4.5.3. Development Standards for Commercial Residential Zones

(b) **MPDUs and workforce housing.** If residential uses are included in a development, Moderately Priced Dwelling Units must be provided under Chapter 25A, Sec 4.4.1.A Standard Method- rules for all zones and workforce housing units may be provided under Section 59-A-6.18 and Chapter 25B. ~~The maximum residential FAR may be increased in proportion to any MPDU bonus density. Workforce housing units may increase the maximum residential FAR under Section 59-A-6.18.2.~~ Site plan review under Section 59-D-3 is required. Sec 4.5.2 CR Zones Method of Development

59-C-14.214. Off-street parking. Off-street parking must satisfy Article 59-E except: Sec. 7.2.5. Parking Requirements for Commercial Residential & Employment Zones

(a) the minimum number of parking spaces for every residential unit, without regard to the number of bedrooms in each unit, is 1 space for every market rate unit and .5 space for every MPDU and workforce housing unit;

~~—(b)—the minimum number of parking spaces required for office development in the Southern Area must be used to determine the minimum number of spaces required for office development in the South Central Area; however, for office space under a lease to any government agency or entity for a duration of 15 years or more, the minimum number of spaces required is 1.5 spaces for every 1,000 square feet of gross floor area; and~~

(c) the minimum number of parking spaces required for general retail and restaurant use is 4 spaces for every 1,000 square feet of gross leasable area, if less than 20 percent of the leasable area is devoted to restaurant use.

~~—59-C-14.215. Location.~~

~~Land classified in the TMX zone must be located in a Transit Station Development Area.~~

59-C-14.22. Methods of development. Sec. 4.5.2 Methods of Development Commercial/Residential Zones

Two methods of development are available under the TMX zone.

(a) **Standard Method of Development:** The standard method requires compliance with a specific set of development standards and permits a range of uses and a density compatible with these standards. ~~Site Plan is required under Section 59-D-3. If streetscaping on the right of way immediately fronting the development is needed, then development may only be approved on the condition that the development will provide that streetscaping.~~ Sec 4.5.2.A CR Standard Method Development

(b) **Optional Method of Development:**

(1) Under the optional method, greater densities may be permitted and these are fewer specific standards, but additional public facilities and amenities must be provided by the developer. The procedure for the approval of an optional method of development project is under Section 59-D-2. Site plan review is required under Section 59-D-3. Site plans submitted for optional method projects must be consistent with general design principles recommended by the applicable master or sector plan, and design guidelines adopted by the Planning Board, to implement the applicable master or sector plan. Sec 6.4.1 General Requirements -Commercial/ Residential Zones Optional Method Development

~~—(2)—Projects that are subject to subdivision under Chapter 50 have the option of submitting a Division 59-D-2 Project Plan. If the applicant chooses not to submit a Project Plan, the Planning Board must find that the proposed subdivision will satisfy the standards of 59-D-2.42 and 59-D-2.43 in order to approve the preliminary plan of subdivision.~~

59-C-14.23. Land uses. Sec. 3.1.7 Allowed Use Table

No use is allowed except as indicated below:

— **Permitted Uses.** Uses designed by the letter “P” are permitted, subject to all applicable regulations.

— **Special Exception Uses.** Uses designated by the letters “SE” may be authorized as special exceptions under Article 59-G.

TMX Land Uses	<u>CR</u>
(a) Residential:	
Dwellings. <u>Household Living</u>	P <u>P</u>
Group home, small. <u>Residential Care Facility (Up to 8 persons)</u>	P <u>P</u>
Group home, large. <u>Residential Care Facility (9 to 16 persons)</u>	P <u>P</u>
Hotel or motel. <u>Hotel, Motel</u>	P <u>P</u>
Housing and related facilities for senior adults or persons with disabilities. <u>Residential Care Facility (Up to 8 persons), (9 to 16 persons), (over 16 persons)</u>	P <u>P</u>
Life care facility. <u>Residential Care Facility (Up to 8 persons), (9 to 16 persons), Over 16 persons)</u>	P <u>P</u>
Personal living quarters. <u>Personal Living Quarters (Up to 50 Individual Living Units, Over 50 Individual Living Units)</u>	P <u>L</u> , <u>C</u>
(b) Transportation, communications, and utilities:	
Bus terminal, non-public. <u>Bus, Rail Terminal</u>	P <u>L</u>
Parking garages, automobile. <u>Parking, structured</u>	P <u>P</u>
Public utility buildings, structures, and underground facilities. <u>-Utilities (various types)</u>	P
Radio and television broadcasting studio. <u>Office</u>	P <u>P</u>
Rooftop mounted antennas and related unmanned equipment building, equipment cabinet, or equipment room. <u>Wireless Communication on Existing Structure</u>	P <u>L</u>
Taxicab stand, not including storage while not in use. <u>Taxi/Limo Facility</u>	P <u>L</u>
(c) Commercial:	
Antique shops, handicrafts or art sales and supplies. <u>Retail/Service Establishment</u>	P <u>P/L</u>

Appliance store. Retail/Service Establishment	P P/L
Automobile sales, indoors and outdoors. Light Vehicle Sales and Rental (Indoor), (Outdoor)	P P
Automobile sales, retail showroom. Light Vehicle Sales and Rental (Indoor)	P P
Book store. Retail/Service Establishment	P P/L
Convenience food and beverage store, without fuel sales. Retail/Service Establishment	P P/L
Department stores. Retail/Service Establishment	P P/L
Drug store. Retail/Service Establishment	P P
Eating and drinking establishment, excluding drive-in. Restaurant	P P
Florist shop. Retail/Service Establishment	P P/L
Furniture store, carpet, or related furnishing sales or service. Retail/Service Establishment	P P/L
Gift shop. Retail/Service Establishment	P P/L
Grocery store. Retail/Service Establishment	P P/L
Hardware store. Retail/Service Establishment	P P/L
Office supply store. Retail/Service Establishment	P P/L
Office, general. Office	P P
Office, professional including banks and financial institutions (excluding check cashing stores). Office	P P
Offices for companies principally engaged in health services, research and development. Office	P P
Newsstand. Retail/Service Establishment	P P/L
Photographic and art supply store. Retail/Service Establishment	P P/L
Pet sales and supply store. Retail/Service Establishment	P P/L
Specialty shop. Retail/Service Establishment	P P/L
(d) Services:	
Adult foster care homes. Residential Care Facility (up to 8 persons)	P P
Ambulance or rescue squad, public supported. Public Use (Except Utilities)	P P
Animal boarding place. Animal Boarding and Care	SE C
Art, music, and photographic studios. Artisan Manufacturing & Production	P P
Automobile filling station. Fuel Sales	P C
Automobile rental services, excluding automobile storage and supplies. Light Vehicle/Equipment (Indoors), (Outdoors)	P P
Automobile repair and service. Repair (Major), (Minor)	P C/L
Barber and beauty shop. Retail/Service Establishment	P P/L
Charitable and philanthropic institutions. Charitable, Philanthropic Institution	P P
Clinic. Clinic (more than 4 practitioners)	P P
Child daycare facility.	

— Family day care. Family Day Care (Up to 8 Persons)	P <u>P</u>
— Group day care. Group Day Care (9 to 12 Persons)	P <u>P</u>
— Child day care center. Day Care Center (13 – 30 Persons), (Over 30 Persons)	P <u>P</u>
Daycare facility for not more than 4 senior adults and persons with disabilities. Family Day Care (Up to 8 Persons)	P <u>P</u>
Domiciliary care for no more than 16 senior adults. Residential Care Facility (Over 16 Persons)	P <u>P</u>
Dry cleaning and laundry pick-up station. Retail/Service Establishment	P <u>P/L</u>
Duplicating services. Retail/Service Establishment	P <u>P/L</u>
Educational, private institution. Educational Institution (Private)	P <u>P</u>
Home occupation, no impact. No Impact Home Occupation	P <u>L</u>
Home occupation, registered. Low Impact Home Occupation	P <u>L</u>
Home occupation, major. Major Impact Home Occupation	SE <u>C</u>
Hospice care facility. Residential Care Facility (Up to 8 persons), (9 to 16 persons), Over 16 persons)	P <u>P</u>
Hospitals, veterinary. Veterinary Office/Hospital	SE <u>L</u>
International public organization. Office	P <u>P</u>
Place of worship. Religious Assembly	P <u>P</u>
Publicly owned or publicly operated uses. Public Use (Except Utilities)	P <u>P</u>
Shoe repair shop. Retail/Service Establishment	P <u>P/L</u>
Tailoring or dressmaking shop. Retail/Service Establishment	P <u>P/L</u>
Universities and colleges teaching and research facilities. Educational Institution (Private)	P <u>P</u>
(e) Research and Development and Biotechnology:	
Laboratories. Research and Development	P <u>P</u>
Advanced Technology and Biotechnology. Research and Development	P <u>P</u>
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and projects resulting from biotechnical and biogenetic research and development. Medical/Scientific Manufacturing and Production	P <u>P</u>
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment. Medical/Scientific Manufacturing and Production	P <u>P</u>
Research, development, and related activities. Research and Development	P <u>P</u>
(f) Cultural, entertainment and recreational:	
Auditoriums or convention halls. Recreation and Entertainment Facility, Major, Indoor	P <u>P</u>
Billiard parlor. Recreation and Entertainment Facility, Major, Indoor	P <u>P</u>
Bowling alley. Recreation and Entertainment Facility, Major, Indoor	P <u>P</u>
Health clubs and gyms. Health Clubs and Facilities	P <u>P</u>
Libraries and museums. Cultural Institution	P <u>P</u>

Park and playgrounds. <u>Park, Playground (Private)</u>	P <u>P</u>
Private clubs and service organizations. <u>Private club, Service organization</u>	P <u>P</u>
Recreational or entertainment establishments, commercial. <u>Recreation and Entertainment Facility, Major, Indoor, Outdoor</u>	P <u>P</u>
Theater, indoor. <u>Recreation and Entertainment Facility, Major, Indoor</u>	P <u>P</u>
Theater, legitimate. <u>Recreation and Entertainment Facility, Major, Indoor, Outdoor</u>	P <u>P</u>
(g) Miscellaneous uses:	
Accessory buildings and uses <u>Accessory buildings, structures and uses</u>	P <u>P</u>

59-C-14.24. Development standards. Div. 4.5. Commercial/Residential Zones Standard Method Development and Div 6.4 Commercial/Residential Zones Optional Method Development

Standard method and optional method of development projects must satisfy the following development standards.

	TMX-2		Special Provisions
	Standard <u>Sec 4.5. 4.</u>	Optional <u>Sec 6.4.2 (unless otherwise noted)</u>	
59-C-14.241. Minimum net lot area required for any development (in square feet):		18,000	A lot smaller than 18,000 s.f. may be approved if it abuts or confronts another lot classified in or recommended for TMX zone, and the combined lots are subject to a single project plan.
59-C-14.242. Maximum Building Coverage (percentage of net lot area):	75	Determined at project plan	
59-C-14.243. Minimum Public Use Space (percent of net lot area):	10	20	The required public use space for a standard method project may be reduced to 5% if the Planning Board finds that the reduction is necessary to accommodate the construction of MPDU's, including any bonus units, on site.
59-C-14.244. Maximum Building Height (in feet):	42	Determined at project plan <u>as mapped</u>	See Section <u>59-C-14.26</u>
	TMX-2		Special Provisions
	Standard <u>Sec 4.5. 4.</u>	Optional <u>Sec 6.4.2 (unless otherwise noted)</u>	
— If adjoining or confronting lot is recommended for or in a residential zone with a maximum of 15 dwelling units per acre or less	35	Determined at project plan <u>as mapped</u>	

59-C-14.245. Minimum Setbacks (in feet):		Determined at project plan	
— From an adjacent building on a separate lot	15	Determined at project plan	A setback is not required for any building if the proposed building and any building on an abutting lot has no windows or apertures facing the lot line. The setback must be 15 feet in the optional method if the proposed building or any building on an abutting lot has windows or apertures facing the lot line that provide light, access, or ventilation to a habitable space.
— From an adjacent commercial or industrial zone	20		
— From an adjacent single family residential zone	25	25	
— From a public right-of-way	10		
59-C-14.246. Maximum Density of Development (floor area ratio):	0.5	2 <u>as mapped</u>	The maximum residential FAR may be increased in proportion to any MPDU density bonus and workforce housing units provided on site.
59-C-14.247 BLT Requirement:		12.5% of any density above 0.5 FAR <u>Public Benefits Descriptions and Criteria – Sec. 6.6.3.F.2</u>	See Section 59-C-14.28

~~**59-C-14.25. Additional provisions for optional method of development projects.**~~

~~— (a) — In approving an optional method project, the Planning Board must find that the project meets the requirements of Section 59-D-2. The Planning Board must also find, in the context of development in the Transit Station Development Area or on the site of the application, that the project satisfies the following criteria:~~

- ~~— (1) — Density and building height should generally decrease as the distance from a transit facility increases;~~
- ~~— (2) — Density and building height should generally be lower as the distance to single family homes decreases;~~
- ~~— (3) — Buildings should be sited to minimize the impact of shadows on single family neighborhoods outside the TMX zone;~~
- ~~— (4) — Building heights may be adjusted to avoid or minimize environmental impacts; and~~
- ~~— (5) — The project meets all standards and requirements of the TMX zone.~~

59-C-14.251. Public facilities and amenities or public use space. The presence of certain public facilities and amenities is intended to create an environment capable of supporting the greater densities and intensities of development. The Planning Board may, under Division 59-D-2.31: Sec 7.3.6.C. Public Use Space Off-site Options

(a) authorize a payment instead of all or some of the required public facilities and amenities, or any required public use space; or

(b) permit any required public use space to be provided off-site in the same Transit Station Development Area.

59-C-14.252. Transfer of Density. Will be added to 4.5.1.B and referenced in Div 6.4 The Planning Board may approve an optional method of development project for two or more TMX-zoned parcels in the same Transit Station Development Area that are not adjacent to each other, but when combined, total gross tract area is a minimum of 18,000 square feet. A transfer of density may also be approved when the combined gross tract area is less than 18,000 square feet if it is recommended in an approved and adopted master plan or sector plan. The project must comply with Section 59-C-6.2355; however, if an approved and adopted master plan or sector plan recommends open space or recommends that less than the standard method of development density be retained on the site transferring density, then the maximum gross square feet of future development on the site transferring density may be reduced below the standard method of development density consistent with the recommendations of the master plan or sector plan. Any transfer of density must satisfy the approval requirements of Section 59-D-2.42(g).

59-C-14.26. Existing buildings, uses and approvals.

(a) Any lawful structure, building, or established use that existed before the applicable Sectional Map Amendment adoption date is a conforming structure or use, and may be continued, structurally altered, reconstructed, repaired, renovated, or enlarged up to 10 percent of the gross building floor area or 7,500 square feet, whichever is less. However, any enlargement of a building that is more than 10 percent of the gross floor area or 7,500 square feet of construction must comply with the standards of the TMX Zone.

(b) A development plan or a supplementary plan approved before adoption of the applicable Sectional Map Amendment remains valid, and construction may proceed subject to applicable approvals under the standards of the previous zone. Any increase in density above the approved development plan or supplementary plan limit must be subject to the standards of the TMX zone.

(c) Development under a preliminary plan or site plan approved before adoption of the applicable Sectional Map Amendment remains valid, and construction may proceed subject to applicable approvals under the standards of the previous zone. A preliminary plan or site plan approved before adoption of the applicable Sectional Map Amendment may, at the option of the applicant, be amended after the adoption of the applicable Sectional Map Amendment under the standards of the previous zone or under the TMX zone standards. However, any enlargement of a proposed building that is more than 10 percent of the approved gross floor area or 7,500 square feet of construction, whichever is less, must comply with the standards of the TMX Zone.

59-C-14.27. Special regulations for use of a Building Lot Termination (BLT) Development Right. Sec. 6.6.3.F.2 Public Benefits Descriptions and Criteria

The approval of an application for any gross floor area in an optional method of development project must be subject to the following requirements:

(a) 12.5 percent of any floor area above the maximum allowed under the standard method of development, as recommended in the applicable master or sector plan, must be supported through the purchase by the applicant of a BLT easement or through a contribution to the Agricultural Land Preservation Fund under Chapter 2B, for purchase of a BLT easement on real property to preserve agricultural land in the County. One Buildable RDT lot must be extinguished for each 9,000 square feet of residential space, or for each 7,500 square feet of non-residential space. The BLT requirement does not apply to residential development in areas subject to the workforce housing program under Section 59-A-6.18 and Chapter 25B.

(b) If the applicant for optional method of development under the TMX zone cannot purchase an easement, or if the amount of density to be attributed to BLT easement is a fraction of the applicable floor area equivalent, the Planning Board must require the applicant to pay the Agricultural Land Preservation Fund an amount set annually by Executive Regulation.