

## 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

Updated 9/21/12

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## DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL (CR) ZONES

### Sec. 59-C-15.1. Zones established.

#### 59-C-15.11. Sec.2.1.2.F. Commercial-/Residential Zones

(a) There are 3 commercial/residential classifications with variable uses, density and height limits, general requirements, development standards, and public benefit requirements to respond to different settings. These zone classifications are:

- (1) CR Neighborhood (CRN);
- (2) CR Town (CRT); and
- (3) CR (CR).

(b) Each CRN, CRT, or CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by a number where:

- (1) the number following the CRN, CRT, or CR is the maximum total FAR;
- (2) the number following the “C” is the maximum non-residential FAR;
- (3) the number following the “R” is the maximum residential FAR; and
- (4) the number following the “H” is the maximum building height in feet.

(c) The Commercial/Residential zones must be applied on the zoning map that will show, for each property classified:

- (1) the commercial/residential classification; and
- (2) the 4 standards (total, non-residential, and residential densities and building height).

(d) This Division uses examples and illustrations to demonstrate the intent of the CR zones. These examples and illustrations do not add, delete, or modify any provision of this Division.

## 59-C-15.12. Density and height allocation.

### 59-C-15.121. Density and height limits. Sec. 4.5.1.A. C/R Density and Height Allocation

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

Category	Maximum Total FAR	Maximum C or R FAR	Maximum H
CRN	0.25 to 1.5	0 to 1.5	25 to 65
CRT	0.5 to 4.0	0.25 to 3.5	40 to 150
CR	0.5 to 8.0	0.25 to 7.5	40 to 300

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

~~Example: Under the provisions of Section (a) and (b) above, the CRN zones may establish maximum total densities of 0.25, 0.5, 0.75, 1.0, 1.25, or 1.5 FAR, and maximum heights of 25, 30, 35, 40, 45, 50, 55, 60, or 65. The range of densities and heights from which the various CRN zones can be established and mapped provides guidance to the Planning Board's recommendation and to the Council when applying a particular zone. Once the zone is approved on a zoning map, it allows a property owner to build at any height and density up to the maximum. For example, a property owner whose land is zoned at CRN 1.0 C 0.5 R 1.0 H 45 could elect to build at a 1.0 FAR with a height of 35 feet or 0.75 FAR and 42 feet, or any other combination up to 1.0 FAR and 45 feet.~~

### 59-15.122. Density averaging. Sec. 4.5.1.B. C/R FAR Averaging

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

(a) the lots or parcels are subject to the same site plan or sketch plan; however, if a sketch plan is required, density averaging must be shown on the sketch plan;

(b) the lots or parcels are created by the same preliminary subdivision plan or satisfy a phasing plan established by an approved sketch plan;

(c) the maximum total non-residential and residential density limits apply to the entire development, not to individual lots or parcels;

(d) no building may exceed the maximum height set by the zone;

(e) uses are subject to the provisions of the property's zone classification;

(f) the total allowed maximum density on a lot or parcel that is adjacent to or confronting a lot or parcel in a one-family residential zone or an agricultural zone, that is not improved with a commercial, industrial, or utility use, may not exceed that allowed by the lot or parcel's commercial/residential zone; and

(g) public benefits must be provided under the phasing element of an approved sketch plan.

### ~~59-C-15.13. Applicability.~~

~~The CRN, CRT, and CR zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by sectional map amendment.~~

**Examples:**

~~An area zoned CRN 1.5 C 1.0 R 1.0 H 45 allows a total FAR up to 1.5, with maximum non-residential and residential FARs of 1.0, thereby requiring a mix of uses to obtain the total FAR allowed. The height for any building in this zone is limited to 45 feet.~~

~~An area zoned CR 6.0 C 3.0 R 5.0 H 200 allows a non-residential FAR up to 3.0, a residential FAR 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 3.5 C 3.5 R 3.5 H 100 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 feet.~~

**59-C-15.2. Description and objectives of the CR zones.** Sec. 2.2.4.A. C/R Zones In General

The CRN, CRT, and CR zones permit a mix of residential and non-residential uses 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:

- (a) implement the policy recommendations of applicable master and sector plans;
- (b) target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- (c) reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- (d) allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighborhoods;
- (e) allow an appropriate balance of employment and housing opportunities; and
- (f) standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

**59-C-15.3. Definitions specific to the CR zones.** Definitions Section 59-1

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

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

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

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

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

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

*Live/Work unit:* Buildings or spaces within buildings that are used jointly for non-residential and residential purposes.

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

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

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

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

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

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

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

*Teen Center:* A supervised building, or a supervised area of a building, which provides a facility for the social, recreational, or educational use of children between the ages of 12 and 18. At least 80 percent of the facility's hours of operation must be for the use of teenagers.

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

*Transit proximity:* Transit proximity is categorized in two levels: 1. proximity to an existing or master planned Metrorail Station; 2. proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

#### **59-C-15.4. Methods of development and approval procedures. Sec. 4.5.2. C/R Methods of Development**

The CRN zones 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.

**59-C-15.41. Standard method.** **Sec. 4.5.2.A. C/R Standard Method**

Standard method development is allowed under the following requirements.

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

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

- (c) A site plan approval under Division 59-D-3 is required for a standard method development only if the development: **Sec. 8.3.4.A. Site Plan Applicability & Description**

- (1) is a Limited Use;
- (2) is located in a CRN zone and results in 10,000 square feet or more of floor area, including any existing floor area, except where Section 59-C-15.9(a) applies;
- (3) is located in a CRT or CR zone and results in 10,000 square feet or more of floor area in addition to any floor area existing when the CRT or CR zone was applied, except where Section 59-C-15.9(a) applies;
- (4) includes a building height exceeding 40 feet;
- (5) includes 10 or more dwelling units; or
- (6) includes a drive-through facility.

**59-C-15.42. Optional method.** **Sec.6.4.1 C/R Optional Method of Development Requirements – General Requirements**

Optional method development is allowed under the following requirements.

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

**59-C-15.43. Sketch plan.** **Sec. 8.3.3. Sketch Plan**

Any optional method development in the CRT and CR zones requires an approved sketch plan. Any required preliminary plan of subdivision or site plan may be submitted when a sketch plan is submitted, or any time thereafter.

(a) A sketch plan application must contain:

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

(2) illustrative plans showing:

(A) building densities, massing, heights, and the anticipated mix of uses;

(B) locations of public use and other open spaces;

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

(D) relationships between existing or proposed adjacent buildings and rights-of-way;

(3) a table of proposed public benefits and the incentive density requested for each; and

(4) a general phasing outline of structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

(b) Procedure for a sketch plan:

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

(A) notice;

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

(C) holding a pre-submittal meeting.

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

(3) No fewer than 10 days before the public hearing on a sketch plan, Planning Board staff must submit its analysis of the application, including its findings, comments, and recommendations with respect to the requirements and standards of this Division and any other matters that may assist the Planning Board in reaching its decision on the application. This staff report must be included in the record of the public hearing.

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

(A) approve;

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

(C) disapprove.

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

- (1) meet the objectives, general requirements, and standards of this Division;
- (2) further the recommendations and objectives of the applicable master or sector plan;
- (3) achieve compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;
- (4) provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;
- (5) propose an outline of public benefits that supports the requested incentive density; and
- (6) establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

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

(1) Amendments to the binding elements may be approved, if such amendments are:

- (A) requested by the applicant;
- (B) recommended by the Planning Board staff and agreed to by the applicant; or
- (C) made by the Planning Board, based on a staff recommendation or on its own initiative, if the Board finds that a change in the relevant facts and circumstances since sketch plan approval demonstrates that the binding element either is not consistent with the applicable master or sector plan or does not meet the requirements of the zone.

(2) Notice of proposed amendments to the binding elements must be identified in the site plan application if requested by the applicant, or in the final notice of the site plan hearing if recommended by Planning Board staff and agreed to by the applicant.

(3) For any amendments to the binding elements, the Planning Board must make the applicable findings under Section 59-C-15.43(c), in addition to the findings necessary to approve a site plan under Section 59-D-3.

#### **59-C-15.5. Land uses. Sec..3.1.7. Allowed Use Table**

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 under Section 59-C-15.51.

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

Use	CRN	CRT	CR
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(a) Agricultural (non-residential)			
Farm and country markets <u>Farm Market, On-site</u>	L <u>L</u>	P <u>L</u>	P <u>L</u>
Farm, limited to crops, vegetables, herbs, and ornamental plants <u>Urban Farm</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Nursery, horticultural - retail or wholesale <u>Nursery, Retail</u>		P <u>P</u>	P <u>P</u>
Seasonal outdoor sales <u>Seasonal Outdoor Sales</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
<b>(b) Residential</b>			
Dwellings <u>Single-Unit Living, Two-Unit Living, Multi-Unit Living</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Group homes, small <u>Residential Care Facility (Up to 8 Persons)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Group homes, large <u>Residential Care Facility (9 to 16 Persons)</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Hospice care facilities <u>Residential Care Facility (Up to 8 Persons / 9 to 16 Persons / Over 16 Persons)</u>	L <u>P/L</u>	P <u>P</u>	P <u>P</u>
Housing and related facilities for senior adults or persons with disabilities <u>Independent Living Facility for Seniors or Persons with Disabilities</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Life care facilities <u>Residential Care Facility (Up to 8 Persons / 9 to 16 Persons / Over 16 Persons)</u>	P <u>P/L</u>	P <u>P</u>	P <u>P</u>
Live/Work units <u>Live/Work Units</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Personal living quarters <u>Personal Living Quarters (Up to 50 Individual Living Units / Over to 50 Individual Living Units)</u>	P <u>L/C</u>	P <u>L/C</u>	P <u>L/C</u>
<b>(c) Commercial Sales and Service (non-residential)</b>			
Advanced technology and biotechnology <u>Research and Development</u>		P <u>P</u>	P <u>P</u>
Ambulance or rescue squads, private <u>Fire/EMS (Private)</u>		L <u>L</u>	P <u>P</u>
Animal boarding places <u>Animal Boarding and Care</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>
Automobile filling stations <u>Fuel Sales</u>		SE <u>C</u>	SE <u>C</u>
Automobile rental services, excluding storage of vehicles and supplies <u>Light Vehicle/Equipment (Indoor)</u>	P	P <u>L</u>	P <u>P</u>
Automobile rental services, including storage of vehicles and supplies <u>Light Vehicle/Equipment (Outdoor)</u>		L <u>L</u>	L <u>P</u>
Automobile repair and services <u>Vehicle Repair (Minor or Major)</u>		L <u>L/C</u>	P <u>L/C</u>
Automobile sales, indoors <u>Light Vehicle/Equipment Sales and Rental (Indoor)</u>		L <u>L</u>	P <u>P</u>
Automobile sales, outdoors <u>Light Vehicle/Equipment Sales and Rental (Outdoor)</u>		L <u>L</u>	P <u>P</u>
Clinic <u>Clinic (More than 4 practitioners)</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Conference centers <u>Conference Center</u>		P <u>P</u>	P <u>P</u>
Eating and drinking establishments <u>Restaurant</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Health clubs and gyms <u>Health Clubs and Facilities</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Home occupations, major <u>Major Home Occupation</u>	SE <u>C</u>	SE <u>C</u>	SE <u>C</u>
Home occupations, registered and no-impact <u>No Impact / Low Impact Home Occupation</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>



Hotels and motels <u>Hotel, Motel</u>		P <u>P</u>	P <u>P</u>
Laboratories <u>Medical, Dental Laboratory</u>		P <u>P</u>	P <u>P</u>
Dry cleaning and laundry pick-up stations <u>Retail/ Service Establishments</u>	P <u>P/L</u>	P <u>P/L</u>	P <u>P/L</u>
Dry Cleaner/Laundry Under 3,000 square feet GFA <u>Dry Cleaning Facility (Up to 3,000 SF)</u>		P <u>L</u>	P <u>L</u>
Offices, general <u>Office</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Recreational facilities, participatory <u>Recreational and Entertainment Facility (Indoor/Outdoor/Major)</u>	SE <u>C/C</u>	P <u>P/C/C</u>	P <u>P/P/P</u>
Research, development, and related activities <u>Research and Development</u>		P <u>P</u>	P <u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 5,000 square feet <u>Retail/Service Establishment up to 5,000 SF</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 5,000 square feet and 15,000 square feet <u>Retail/Service Establishment 5,001-15,000 SF</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 15,000 square feet and 60,000 square feet <u>Retail/Service Establishment Tenants 15,001 – 49,999 SF</u>		P <u>P</u>	P <u>P</u>
Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000 square feet <u>Retail/Service Establishments over 50,000 SF</u>		L <u>L</u>	P <u>L</u>
Self-storage facilities <u>Self-Storage</u>		SE <u>C</u>	SE <u>C</u>
Veterinary hospitals and offices with boarding facilities <u>Animal Boarding and Care</u>	SE <u>C</u>	L <u>C</u>	P <u>C</u>
Veterinary hospitals and offices without boarding facilities <u>Veterinary Office/Hospital</u>	P <u>L</u>	P <u>L</u>	P <u>L</u>
Warehousing, not including self-storage, less than 10,000 square feet <u>Storage Facility (Up to 10,000 SF)</u>		P <u>L</u>	P <u>L</u>
<b>(d) Institutional and Civic (non-residential)</b>			
Charitable and philanthropic institutions <u>Charitable, Philanthropic Institution</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Cultural institutions less than or equal to 5,000 square feet GFA <u>Cultural Institution</u>	P <u>L</u>	P <u>P</u>	P <u>P</u>
Cultural institutions greater than 5,000 square feet GFA <u>Cultural Institution</u>	<u>L</u>	P <u>P</u>	P <u>P</u>
Day care facilities and centers with over 30 users <u>Day Care Center (Over 30 Persons)</u>	L <u>L</u>	L <u>L</u>	P <u>P</u>
Day care facilities and centers with up to 30 users <u>Family Day Care / Group Day Care / Day Care Center (13 – 30 Persons)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Educational institutions, private <u>Educational Institution (Private)</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Hospitals <u>Hospital</u>		P <u>P</u>	P <u>P</u>
Parks and playgrounds, private <u>Park, Playground (Private)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Private clubs and service organizations <u>Private Club, Service Organization</u>	L <u>L</u>	P <u>P</u>	P <u>P</u>
Publicly owned or publicly operated uses <u>Public Use (except utilities)</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Religious institutions <u>Religious Assembly</u>	P <u>P</u>	P <u>P</u>	P <u>P</u>
<b>(e) Industrial (non-residential)</b>			

Manufacturing and production, artisan <a href="#">Artisan Manufacturing &amp; Production</a>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development <a href="#">Medical/Scientific Manufacturing &amp; Production</a>		L <u>L</u>	P <u>P</u>
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment <a href="#">Medical/Scientific Manufacturing &amp; Production</a>		L <u>L</u>	P <u>P</u>
<b>(f) Other (non-residential)</b>			
Accessory buildings and uses <a href="#">Accessory Buildings, Structures and and Uses</a>	P <u>P</u>	P <u>P</u>	P <u>P</u>
Bus terminals, non-public <a href="#">Bus, Rail Terminal</a>		P <u>L</u>	P <u>L</u>
Parking garages, automobile <a href="#">Structured Parking</a>		P <u>P</u>	P <u>P</u>
Public utility buildings, structures, and underground facilities <a href="#">Utilities (various)</a>		P	P
Radio and television broadcast studios <a href="#">Office</a>	P	P <u>P</u>	P <u>P</u>
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms <a href="#">Wireless Communication on Existing Structure</a>	P <u>L</u>	P <u>L</u>	P <u>L</u>

**59-C-15.51. Limited Uses. [Sec. 3.1.1.B](#)**

**59-C-15.511. Applicability.** [Div 3.2-Div. 3.7: Where a site plan is required in CRN, CRT or CR per provisions below, the requirement has been carried over into the limited use standards in](#)

Uses designated by an “L” in the land use table are Limited Uses and must comply with the requirements of this Section if they are on properties that are:

- (a) located adjacent to a property in a one-family residential or agricultural zone that is not improved with a commercial, industrial, or utility use; or
- (b) separated from such a property only by the right-of-way of a primary, secondary, or tertiary residential street.

Where these circumstances do not apply, the use is considered a permitted use, and Section 59-C-15.512 does not apply.

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

Development applications that include Limited Uses must:

- (a) satisfy the site plan requirements of [59-D-3](#);

**[Sec. 8.3.4. D. Approval Criteria- Site Plan](#)**

- (b) comply with the design recommendations of the applicable sector or master plan and associated design guidelines; and
- (c) ensure compatible relationships with existing and proposed adjacent residential housing through mitigating factors including, but not limited to:

- (1) increased setbacks;
- (2) sound and visual barriers;
- (3) decreased structural heights; or
- (4) diminished site lighting.

**59-C-15.6. General requirements. DIV 4.5 C/R Development Standards**

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

**59-C-15.61. Master plan and design guidelines conformance. Sec. 4.5.3.A. C/R Master Plan and Design Guidelines**

Development that requires a site plan must be substantially consistent with the applicable master or sector plan and must substantially conform to any design guidelines approved by the Planning Board that implement the applicable plan.

**59-C-15.62. Bicycle parking spaces and commuter shower/change facility. Sec 7.2.5. Parking, Queuing and Loading-Commercial/Residential and Employment Zones**

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

(a) Bicycle Parking Spaces

Use	Publicly Accessible Bike Spaces	Private, Secure Bike Spaces
(1) Multi-family Residential		
In a building containing less than 20 dwelling units	2	4
In a building containing 20 or more dwelling units	0.1 per unit to a maximum requirement of 10	0.35 per unit to a maximum requirement of 100
In any group living arrangement expressly for senior citizens	0.1 per unit, not fewer than 2, to a maximum requirement of 100	0.1 per unit, not fewer than 2, to a maximum requirement of 100
(2) Non-Residential		
Total non-residential floor area under 10,000 square feet gross floor area	2	2
Total non-residential floor area between 10,000 square feet and 100,000 square feet gross floor area	2 per 10,000 square feet	1 per 10,000 square feet, not fewer than 2, to a maximum requirement of 10
Total non-residential floor area greater than 100,000	20	1 per 10,000 square feet, not fewer than 10, to a maximum

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

**59-C-15.63. Parking.** **Sec 7.2.5. Parking, Queuing and Loading-Commercial/Residential and Employment Zones**

Instead of the requirements of Article 59-E regarding parking space numerical requirements, landscaping, and surface parking design, development in the CRN, CRT, and CR zones must comply with the following provisions. All standards and requirements of Article 59-E that are not modified by this Section must be satisfied.

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

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

Use	CRN		CRT		CR			
Distance from a level 1 or 2 transit station or stop	Up to ½ mile	Greater than ½ mile	Up to ½ mile	Greater than ½ mile	Up to ¼ mile	¼ to ½ mile	½ to 1 mile	Greater than 1 mile
(a) Residential								
Maximum:	None	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.7	0.8	0.6	0.7	0.8	0.9
(b) Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)								
Maximum:	None	None	None	None	59-E	59-E	59-E	None
Minimum:	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet
(c) All other non-residential uses								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.6	0.8	0.2	0.4	0.6	0.8

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

**59-C-15.632. Accepted Parking Spaces.** **Sec 7.2.5. Parking, Queuing and Loading-Commercial/Residential and Employment Zones**

Parking requirements must be met by any one or a combination of the following:

- (a) providing the spaces on site;
- (b) constructing publicly available on-street parking; or
- (c) participating in:
  - (1) a parking lot district;
  - (2) a shared parking program established by municipal resolution; or
  - (3) entering into an agreement for shared parking spaces within ¼ mile of the subject property in a public or private facility, if the off-site parking facility is not in an agricultural (Division 59-C-9), planned unit development (Division 59-C-7), or one-family residential (Division 59-C-1) zone, unless otherwise allowed by this Chapter.

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

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

**59-C-15.633. Parking space location and access. Sec 4.5.4.C.10-12 Parking Setbacks for Surface Parking Lots**

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

- (a) parking spaces on or above grade must not be located between the street and the main front wall of the building or the side wall of the main building on a corner lot; and

~~—(b)— if a site is adjacent to an alley, the primary vehicular access to the parking facility must be from that alley.~~

**59-C-15.634. Drive-through facility design. Sec 3.5.14.C.2 Drive Thru Facility Limited Use Standards**

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

- (a) no part of a drive-through facility, including the stacking area, may be located within 100 feet of a property line shared with one-family (Division 59-C-1) or agriculturally (Division 59-C-9) zoned land;
- (b) no drive-through service window, drive aisle, or stacking area may be located between the street and the main front wall of the main building;
- (c) no drive-through service window, drive aisle, or stacking area may be located between the street and the side wall of the main building on a corner lot unless permanently screened from any street by a 5-foot or higher wall or fence.

**59-C-15.635. Landscaping and lighting. Sec. 7.5.6. Parking Lot Landscaping & Lighting**

Except for areas used for internal driveway or sidewalk connections between lots or parcels that are not zoned one-family residential or agricultural, landscaping for surface parking spaces must satisfy the following requirements:

Minimum Landscape Standards for Surface Parking	
Subject	Requirement
(a) Property line adjacent to a right of way	No less than 6-foot wide continuous soil panel (excluding any utility easements) with stormwater facilities, planting bed, or lawn, including a minimum 3-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.
(b) Property line adjacent to a lot or parcel in a one-family residential or agricultural zone	No less than 10-foot wide continuous soil panel (excluding any utility easements) with stormwater facilities, planting bed, or lawn, including a minimum 6-foot high continuous evergreen hedge or fence; plus one deciduous tree per 30 feet of frontage.
(c) Property line adjacent to a lot or parcel in any zone not subject to (b), above.	No less than 4-foot wide continuous soil panel (excluding any utility easements) with stormwater facilities, planting bed, or lawn; plus one deciduous tree per 30 feet.
Subject	Requirement
(d) Internal Pervious Area	No less than 10 percent of the parking facility area composed of individual areas of at least 100 square feet each.
(e) Tree Canopy Coverage	No less than 30 percent of the parking facility area (at 15 years growth).
(f) Lighting	Per the Illuminating Engineering Society of North America standards, or County equivalent, with full or partial cut-off fixtures and no more than 0.5 footcandle illumination at any property line subject to (b), above.

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

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

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

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

**59-C-15.71. Density and height.** **Sec. 6.4.2 C/R Zone Optional Method Development Standards**

Maximum density and height are specified by the zone established on the zoning map under Section 59-C-15.1.

**59-C-15.72. Setbacks.** **Sec 4.5.3.B. C/R Development Standards Neighborhood Compatibility**

(a) Where a tract of land is adjacent to a lot or parcel in a one-family residential or agricultural zone that is not improved with a commercial, industrial, or utility use, any building:

(1) must have a minimum setback of 25 feet or the setback required by the adjacent lot or parcel, whichever is greater; and

(2) must not project beyond a 45 degree angular plan projecting over the subject lot or parcel measured from a height of 55 feet in the CR zones, 45 feet in the CRT zones, or 35 feet in the CRN zones at the setback line determined above, with the exception of those features exempt from height and setback restrictions under Section 59-B-1.

(b) The development of a new building in place of a building existing when a CRN, CRT, or CR zone is applied may be built to the previously allowed setback if the height of the new building is not increased above the height of the former building.

#### **59-C-15.73. Public use space.**

(a) Public use space is not required for any standard method project that does not require a site plan. If a site plan is required for the proposed project, public use space is required as follows: [Sec 4.5.4.A C/R Standard Method Development-Open Space](#)

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

(b) Projects using the optional method of development must provide public use space as follows: [Sec. 6.4.2.A. C/R Public Use Space](#)

Minimum Required Public Use Space (% of net tract area)				
Acres (Gross)	Number of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
	1	2	3	4+
< ½	0	0	0	5
½ - 1.0	0	0	5	10
Acres (Gross)	Number of Existing, Proposed, and Master-Planned Right-of-Way Frontages			
1.01 - 3.00	0	5	10	10
3.01 - 6.00	5	10	10	10
6.01 +	10	10	10	10

(c) Public use space must: [Sec. 7.3.6.A.3. Public Use Space: Amount of Public Use Space](#)

- (1) be rounded to the next highest 100 square feet;
- (2) be easily and readily accessible to the public; and
- (3) contain amenities such as seating options, shade, landscaping, artwork, or fountains.

(d) Instead of providing on-site public use space, an applicant may satisfy all or part of the requirement by one or more of the following means, subject to Planning Board approval: Sec. 7.3.6.A.C Public Use Space: Off-site options

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

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

(A) equal to the cost of constructing an equal amount of public use space and associated amenities on site per square foot plus the fair market value of the applicable tract of land per square foot;

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

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

**59-C-15.74. Residential amenity space.** Div 7.4 Recreation Facilities

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

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

~~—(b)— Additional amenity space is not required for Moderately Priced Dwelling Units (MPDUs) or Workforce housing Units (WFHUs) on a site within a metro station policy area or where the Planning Board finds adequate recreation facilities and open space area available within ½ mile of the subject site. If such a finding cannot be made, amenity space must be provided as if all the dwelling units were market rate units.~~

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

**59-C-15.8. Special regulations for the optional method of development.** Div. 6.6. Optional Method Public Benefits

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

**59-C-8.1. Incentive Density Categories.** Sec. 6.6.1.A. Public Benefit Categories



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

- (a) Major public facilities;
- (b) Transit proximity;
- (c) Connectivity between uses, activities, and mobility options;
- (d) Diversity of uses and activities;
- (e) Quality of building and site design;
- (f) Protection and enhancement of the natural environment; and
- (g) Retained Buildings.

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

**59-C-15.82. Public benefits required. Sec. 6.4.1. C/R Optional Method of Development Requirements**

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

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

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

(b) Development in the CR zones must provide BLTs required under Section 59-C-15.856(a) for at least 5 points and provide additional public benefits; the sum of the public benefit points must equal at least 100. Sec. 6.6.3.F.1.a. Building Lot Termination in the CR zone

**59-C-15.83. General incentive density consideration. Sec. 6.6.1.B. General Public Benefit Considerations**

In approving any incentive density based on the provision of public benefits, the Planning Board must not grant incentive density for any attribute required by law and must consider:

- (a) The recommendations, objects, and priorities of the applicable master or sector plan;

- (b) The CR Zone Incentive Density Implementation Guidelines and any design guidelines adopted for the applicable master plan area;
- (c) The size and configuration of the tract;
- (d) The relationship of the site to adjacent properties;
- (e) The presence or lack of similar public benefits nearby; and
- (f) Enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit.

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

**59-C-15.84. CR zones incentive density implementation guidelines. Sec. 6.6.1.C. Public Benefit Implementation Guidelines**

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

- (a) be consistent with the objectives of the applicable master or sector plan and the purpose of the CR zones;
- (b) be in addition to any standards, requirements, or rules of incentive density calculation included in this Division, but may not conflict with those provisions; and
- (c) only allow incentive density for those public benefits listed in Section 59-C-15.85.

**59-C-15.85. Individual public benefit descriptions and criteria for CR zones.**

**59-C-15.851. Major public facilities. Sec.6.6.3.A. Major Public Facilities**

Major public facilities provide public services at convenient locations and where increased density creates a greater need for civic uses and greater demands on public infrastructure.

- (a) Major public facilities include, but are not limited to, such facilities as schools, libraries, recreation centers, parks, county service centers, public transportation or utility upgrades, or other resources delineated in an applicable master or sector plan.
- (b) If a major public facility is not recommended in the applicable master or sector plan, the Planning Board must find that the facility or improvement provides the community with a resource that is at least as beneficial as other major facilities recommended in the applicable master or sector plan. Additionally, any infrastructure upgraded may only receive incentive density for improvements beyond those required by any applicable adequate public facilities requirement to complete the proposed development.
- (c) Because of their significance in place-making, the Planning Board may approve incentive density of up to 40 points in the CRT zone and 70 points in the CR zones for (1) the conveyance of a site or floor area for, (2) construction of, and/or (3) making a payment for a major public facility that is accepted for use and/or operation by an appropriate public agency, community association, or nonprofit organization.

**59-C-15.852. Transit Proximity. Sec. 6.6.3.B. Transit Proximity**

Development near transit facilities encourages greater use of transit, controls sprawl and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density. The Planning Board may approve incentive density for transit proximity under this section. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones as follows:

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

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

(b) For split proximity-range projects:

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

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

#### **59-C-15.853. Connectivity and mobility. Sec. 6.6.3.C. Connectivity and Mobility**

Development that enhances connectivity between uses and amenities; increases mobility options; encourages non-automotive travel; facilitates social interaction; provides opportunities for healthier living; and stimulates local businesses is eligible for incentive density:

(a) *Neighborhood Services*: When fewer than 10 different basic services are within ¼ mile of the subject site, up to ~~45~~10 points for providing floor area resulting in at least 10 different basic services within ¼ mile of the subject site. Of those 10 services, at least 4 must have tenant or owner bays of no more than 5,000 square feet each. However, for all sketch plan applications approved by the Planning Board before October 11, 2011, and for any subsequent related site plan approvals, at least 10 points for safe and direct pedestrian access to at least 10 different retail services on site or within ¼ mile, of which at least 4 have a retail bay floor area of no greater than 5,000 square feet.

(b) *Minimum Parking*: Up to 10 points for providing less than the maximum allowed number of parking spaces, if a maximum is applicable under Section 59-C-15.631.

(c) *Through-Block Connections*: Up to ~~20~~10 points for safe and attractive pedestrian connection between streets.

(d) *Public Parking*: Up to 25 points for providing up to the maximum number of parking space allowed in the zone as public parking.

(e) *Transit Access Improvement*: Up to 20 points for ensuring that access to transit facilities meets County standards for handicapped accessibility.

(f) *Trip Mitigation*: Up to ~~20~~15 points for entering into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips attributable to the site in excess of any other regulatory requirement; the agreement must result in a non-auto driver mode share of at least 50% for trips attributable to the site

(g) *Streetscape*: Up to 20 points for construction of off-site streetscape, excluding any streetscape improvements required by this Division.

(h) *Advance Dedication*: Up to 30 points in CR 15 in CRT for dedicating or providing a reservation for dedication for master-planned rights-of-way in advance of a preliminary or site plan application.

(i) *Way-Finding*: Up to ~~40~~5 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities, and transit opportunities.

**59-C-15.854. Diversity of uses and activities. Sec. 6.6.3.D. Diversity of Uses and Activities**

Development that increases the variety and mixture of land uses, types of housing, economic variety, and community activities; contributes to development of more efficient and sustainable communities; reduces the necessity for automobile use; and facilitates healthier lifestyles and greater social interaction is eligible for incentive density.

(a) *Affordable Housing*:

(1) All residential development must comply with the requirements of Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs).

(2) *MPDU Incentive Density*: Provision of MPDUs above the minimum number of units required by Chapter 25A.

(A) MPDU units above the minimum number of units required, but not more than 15 percent of all units, entitles the applicant to 12 incentive density points for each 1 percent increase in MPDUs. Any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 12 points.

(B) Above 15 percent of MPDUs, each 1 percent of additional MPDUs entitles the applicant to an additional 2 benefit points; any fraction of 1 percent increase in MPDUs entitles the applicant to an equal fraction of 2 points.

(C) MPDUs under this subsection may be provided in any manner allowed by Chapter 25A.

(b) *Adaptive Buildings*: Up to ~~45~~10 points for constructing commercial or mixed-use buildings with minimum floor-to-floor heights of at least 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural systems must be able to accommodate various types of use with only minor modifications.

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

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

(e) *Dwelling Unit Mix*: Up to 10 points for integrating a mix of residential unit types with at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.

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

(g) *Live/Work*: Up to ~~15~~10 points for developments of up to 2.0 FAR total density that provide at least the greater of 3 units or 10% of the total unit count as live/work units.

**59-C-15.855. Quality building and site design. Sec. 6.6.3.E. Quality Building and Site Design**

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development, and is eligible for incentive density. Due to increased density in these settings, buildings tend to be highly visible; high quality design helps attract residents, patrons, and businesses to these areas. Location, height, massing, facade treatments, and ornamentation of buildings affect sense of place, orientation, and the perception of comfort and convenience. The quality of the built environment affects light, shadow, wind, and noise, as well as the functional and economic value of property.

(a) *Historic Resource Protection*: Up to 20 points for the preservation and/or enhancement of, or payment towards preservation or enhancement of a historic resource or a contributing element within a historic district designation in the Master Plan for Historic Preservation.

(b) *Structured Parking*: Up to 20 points for placing parking within above- or below- grade structures.

(c) *Tower Step-Back*: Up to ~~10~~5 points for stepping back a building's upper floors by a minimum of 6 feet behind the first floor facade. The step-back must begin at a height no greater than 72 feet.

(d) *Public Art*: Up to 15 points for installing public art reviewed for comment by, or paying a fee accepted by, the Arts and Humanities Council.

(e) *Public Open Space*: Up to 20 points for providing, or making a payment for, open space in addition to the minimum public use space required by this Division.

(f) *Exceptional Design*: Up to 10 points for building or site design whose visual and functional impacts enhance the character of a setting and the purposes delineated in this Section.

(g) *Architectural Elevations*: Up to 20 points for providing elevations of architectural facades and agreeing to be bound by particular elements of design, such as minimum amounts of transparency, maximum separation between doors, awning provisions, sign restrictions, or lighting parameters that affect the perception of mass or pedestrian comfort, or enhance neighborhood compatibility.

**59-C-15.856. Protection and enhancement of the natural environment. Sec. 6.6.3.F. Protection and Enhancement of the Natural Environment**

Protecting and enhancing natural systems and decreasing energy consumption help mitigate or reverse environmental impacts, such as heat island effects from the built environment, inadequate carbon-sequestration, habitat and agricultural land loss, and air and water pollution caused by reliance on the automobile, and are eligible for incentive density.

(a) *Building Lot Termination (BLT)*: Up to 30 points for the purchase of BLT easements or payment to the Agricultural Land Preservation Fund (ALPF). The first 5 points are mandatory for all developments in the CR zones; up to 25 additional points are allowed as an option.

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

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

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

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

(2) Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 5%. Each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment. This is converted into points by dividing the incentive density floor area covered by the purchase or payment by the total square feet of the incentive density area.

(3) In the CRT zones, BLT payments are optional; each BLT easement purchase or payment is equal to 30,000 square feet of gross floor area, or such proportionate square footage represented by a fractional BLT purchase or payment.

*Example: If a 50,000 square foot CR 3.0 site is fully developed, the incentive density available to be earned equals 125,000 square feet (150,000 square feet — 25,000 square feet — 125,000 square feet). The 5% BLT requirement for 125,000 square feet equals 6,250 square feet, which equals 0.32 BLT (6,250 square feet/20,000 square feet = 0.32). If the applicant seeks an additional 10 points through the purchase of BLTs, 10% of the incentive density is calculated, which in this case is 12,500 square feet (125,000 square feet x 0.10 = 12,500 square feet). Because 1 BLT, above the required 5%, is equivalent to 30,000 square feet, the 12,500 square feet requires a payment for an additional 0.42 BLTs (12,500 square feet/30,000 square feet = 0.42). Together, the required and incentive BLTs equal 0.74 BLTs for 15 points in the Environment category.*

(b) *Energy Conservation and Generation:* Up to ~~15~~ 10 points for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new buildings or 10% for existing buildings. At least 15 points for providing renewable energy generation facilities on site or within ½ mile of the site for a minimum of 2.5% of the projected energy requirement for the development.

(c) *Vegetated Wall:* Up to ~~10~~ 5 points for the installation and maintenance of a vegetated wall that covers at least 30% of any blank wall or parking garage facade that is at least 300 square feet in area and is visible from a public street or open space.

(d) *Tree Canopy:* Up to ~~15~~ 10 points for tree canopy coverage at 15 years of growth of at least 25% of the on-site open space.

(e) *Vegetated Area:* Up to ~~10~~ 5 points for installation of plantings in a minimum of 12 inches of soil, covering at least 5,000 square feet. This does not include vegetated roofs.

(f) *Vegetated Roof:* Up to ~~15~~ 10 points for installation of a vegetated roof with a soil depth of at least 4 inches covering at least 33% of a building's roof, excluding space for mechanical equipment.

(g) *Cool Roof:* Up to ~~10~~ 5 points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

(h) *Recycling Facility Plan:* Up to ~~10~~ 5 points for providing a recycling facility plan to be approved as part of a site plan for buildings that must comply with Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04.

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

**59-C-15.857. Retained Buildings.** **Sec. 6.6.3.F.2 Protection and Enhancement of the Natural Environment- Building Reuse**

Development that:

- (a) maintains 75% of the structural system of the existing building;
- (b) uses an architectural deconstruction company or organization to remove recyclable materials prior to any demolition; and
- (c) submits documentation showing compliance with these criteria before the County issues a building permit for a new development may receive public benefit points, determined by applying the following formula:

Public benefit points in CR zones = (Retained gross floor area/Incentive density gross floor area) x 100;

Public benefit points in CRT zones = (Retained gross floor area/Incentive density gross floor area) x 50.

**59-C-15.9. Existing approvals.**

(a) One or more lawfully existing buildings, structures, or uses that predate the application of the CR zone to the land are conforming structures or uses and may be continued, renovated, repaired, or reconstructed to the same size and configuration, or enlarged up to a total of 10 percent above the total existing floor areas of all buildings and structures on site or 30,000 square feet, whichever is less, and such development does not require a site plan. Expansions in excess of the limitations in this Subsection will require compliance with the full provisions of this Division. Uses located in a building or structure deemed conforming under the provisions of this Subsection may be converted to any permitted non-residential or residential use(s) up to the density limits for the land use established by the CRT, CRN, or CR zone.

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

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

(d) A project which has had a preliminary or site plan approved before the application of the CR zone to the property may be built or altered at any time, subject to either the full provisions of the previous zone or this Division, at the option of the owner. If built under the previous approval, it will then be treated as a conforming building, structure, or use and may be renovated, continued, repaired, or reconstructed under Subsection (a) above. If built with an incremental increase over the previous approval, only that incremental increase must comply with this Division.

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