

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

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3 **59-C-15.1. Zones Established.**

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5 **59-C-15.11.** The Commercial/Residential (CR) zones are established as combinations of a sequence
6 of 4 factors: maximum total floor area ratio (FAR), maximum non-residential FAR, maximum
7 residential FAR, and maximum building height. These zones are identified by a sequence of
8 symbols: CR, C, R, and H, each followed by a number where:

- 9
10 (a) the number following the symbol “CR”- is the maximum total FAR;
11 (b) the number following the symbol “C” is the maximum non-residential FAR;
12 (c) the number following the symbol “R” is the maximum residential FAR; and
13 (d) the number following the symbol “H” is the maximum building height in feet.

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15 The examples in this Division do not add, delete, or modify any provision of this Division.
16 Examples are provided only to demonstrate particular applications of the provisions in the Division.
17 Examples are not intended to limit the provisions.

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19 **59-C-15.12.** Each unique sequence of CR, C, R, and H is established as a zone under the following
20 limits:

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22 (a) the maximum total FAR must be established as an increment of 0.25 from 0.5 up to 8.0;
23 (b) the maximum non-residential and residential FAR must be established as an increment of
24 0.25 from 0.25 up to 7.5; and
25 (c) the maximum height must be established as an increment of 5 feet up to 100 feet and an
26 increment of 10 feet from 100 feet up to 300 feet.

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28 **59-C-15.121.** Permitted density may be averaged over 2 or more directly abutting or confronting
29 lots in one or more CR zones, provided that:

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31 (a) the lots are subject to the same sketch plan;
32 (b) the lots are created by the same preliminary subdivision plan;
33 (c) the maximum total density and non-residential and residential density limits apply to the
34 entire development, not to individual lots;
35 (d) no building may exceed the maximum height set by the zone;
36 (e) public benefits must be provided under the phasing element of an approved sketch plan;
37 (f) the total maximum density of a lot or parcel zoned CR that is adjacent to or confronting
38 one-family residentially zoned or agriculturally zoned lots or parcels may not be
39 exceeded; and
40 (g) the resulting development must conform to the design and land use objectives of the
41 applicable master or sector plan and design guidelines.

42 **59-C-15.13.** The CR zones can only be applied when specifically recommended by an approved and
43 adopted master or sector plan and only by the sectional map amendment process.
44

45 *Examples:*

- 46 An area zoned CR-2.0, C1.0, R1.0, H80 allows a total FAR of 2.0, with maximum non-
47 residential and residential FARs of 1.0, thereby requiring an equal mix of uses to obtain the total
48 FAR allowed. The height for any building in this zone is limited to 80 feet.
- 49 An area zoned CR-6.0, C3.0, R5.0, H200 allows a residential FAR of up to 5.0, a non-residential
50 FAR of up to 3.0, and a mix of the two uses could yield a total FAR of 6.0. This combination
51 allows for flexibility in the market and shifts in the surrounding context. The height for any
52 building in this zone is limited to 200 feet.
- 53 An area zoned CR-4.0, C4.0, R4.0, H160 allows complete flexibility in the mix of uses,
54 including buildings with no mix, because the maximum allowed non-residential and residential
55 FARs are both equivalent to the total maximum FAR allowed. The height for any building in
56 this zone is limited to 160 feet.

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58 **59-C-15.2. Description and Objectives of the CR Zones.**

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

- 64
- 65 (a) implement the policy recommendations of applicable master and sector plans;
- 66 (b) target opportunities for redevelopment of single-use areas and surface parking lots with a mix of
67 uses;
- 68 (c) reduce dependence on the automobile by encouraging development that integrates a combination
69 of housing types, mobility options, commercial services, and public facilities and amenities;
- 70 (d) encourage an appropriate balance of employment and housing opportunities and compatible
71 relationships with adjoining neighborhoods;
- 72 (e) establish the maximum density and building height for each zone, while retaining appropriate
73 development flexibility within those limits; and
- 74 (f) standardize optional method development by establishing minimum requirements for the
75 provision of the public benefits that will support and accommodate density above the standard
76 method limit.

83 **59-C-15.3. Definitions Specific to the CR Zones.**

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

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

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

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

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

98 **LEED:** the series of Leadership in Energy and Environmental Design (LEED) rating systems developed
99 by the Green Building Council as amended.

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

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

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

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

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

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

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

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

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

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124 **59-C-15.4. Methods of Development and Approval Procedures.**

125 Two methods of development are available under the CR zones.

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127 **59-C-15.41. Standard Method.**

128 Standard method development must comply with the general requirements and development
129 standards of the CR zones. A site plan approval under Division 59-D-3 is required for a standard
130 method development project only if:

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- 132 (a) the gross floor area exceeds 10,000 square feet; or
- 133 (b) any building or group of buildings contains 10 or more dwelling units.

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135 **59-C-15.42. Optional Method.**

136 Optional method development must comply with the general requirements and development
137 standards of the CR zones and must provide public benefits under Section 59-C-15.8 to obtain
138 greater density and height than allowed under the standard method of development. A sketch plan
139 and site plan are required for any development using the optional method. A sketch plan must be
140 filed under the provisions below; a site plan must be filed under Division 59-D-3. Any required
141 preliminary subdivision plan must not be submitted before a sketch plan is submitted.

142

143 (a) A sketch plan application must contain:

- 144 (1) a justification statement that addresses how the project meets the requirements and
145 standards of this Division for optional method development and describes how the
146 development will further the objectives of the applicable master or sector plan;
- 147 (2) an illustrative plan or model that shows the maximum densities for residential and
148 non-residential uses, massing, and heights of buildings; locations of public use and
149 other open spaces; and the relationships between existing or proposed buildings on
150 adjoining tracts;
- 151 (3) an illustrative diagram of proposed vehicular, pedestrian, and bicycle access,
152 circulation, parking, and loading areas;
- 153 (4) a table of proposed public benefits and the incentive density requested for each; and
- 154 (5) the general phasing of structures, uses, public benefits, and site plan applications.

155 (b) Procedure for a sketch plan:

- 156 (1) Before filing a sketch plan application, an applicant must comply with the provisions
157 of the Manual for Development Review Procedures, as amended, that concern the
158 following:
 - 159 (A) notice;
 - 160 (B) posting the site of the application submittal; and
 - 161 (C) holding a pre-submittal meeting.
- 162 (2) A public hearing must be held by the Planning Board on each sketch plan application
163 no later than 90 days after the filing of an optional method development application,
164 unless a request to extend this period is requested by the applicant, Planning Board
165 staff, or other interested parties. A request for an extension must be granted if the

166 Planning Board finds it not to constitute prejudice or undue hardship on any interested
 167 party. A recommendation regarding any request for extension must be acted upon as
 168 a consent agenda item by the Planning Board on or before the 90-day hearing period
 169 expires. Notice of the extension request and recommendation by Staff must be posted
 170 no fewer than 10 days before the item's agenda date.

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

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

179 (A) approve;

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

181 (C) disapprove.

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

184 (1) The plan: (A) meets the requirements and standards of this Division; (B) will further
 185 the objectives of the applicable master or sector plan; and (C) will provide more
 186 efficient and effective development of the site than the standard method of
 187 development;

188 (2) The proposed building massing and height and public use and other open spaces are
 189 located and scaled to achieve compatible relationships with each other and with
 190 existing and proposed buildings and open space adjacent to the site and with adjacent
 191 communities;

192 (3) The general vehicular, pedestrian, and bicyclist access, circulation, parking, and
 193 loading areas are adequate, safe, and efficient;

194 (4) The proposed public benefits and associated requested incentive density will further
 195 the objectives of the applicable master or sector plan and the objectives of the CR
 196 zones; and

197 (5) The general phasing of structures, uses, public benefits, and site plans is feasible and
 198 appropriate to the scale and characteristics of the project.

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

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

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

206 (3) In acting to approve a sketch plan modification as part of site plan review, the
207 Planning Board must make the findings required in Section 59-C-15.42 (c) in addition
208 to those required by Section 59-D-3.
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210 **59-C-15.5. Land Uses.**

211 No use is allowed in the CR zones except as indicated below:

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- 213 - *Permitted Uses* are designated by the letter “P” and are permitted subject to all applicable
- 214 regulations.
- 215 - *Special Exception Uses* are designated by the letters “SE” and may be authorized as
- 216 special exceptions under Article 59-G.
- 217

(a) Agricultural	
Farm and country markets	P
Farm, limited to crops, vegetables, herbs, and ornamental plants	P
Nursery, horticultural – retail or wholesale	P
Seasonal outdoor sales	P
(b) Residential	
Dwellings	P
Group homes, small or large	P
Hospice care facilities	P
Housing and related facilities for senior adults or persons with disabilities	P
Life care facilities	P
Live/Work units	P
Personal living quarters	P
(c) Commercial Sales and Service	
Advanced technology and biotechnology	P
Ambulance or rescue squads	P
Animal boarding places	SE
Automobile filling stations	SE
Automobile rental services, excluding storage of vehicles and supplies	P
Automobile repair and services	P
Automobile sales, indoors	P
Automobile sales, outdoors (except where a municipality prohibits the use within its jurisdiction by resolution)	P
Clinic	P
Conference centers	P
Eating and drinking establishments	P
Health clubs and gyms	P
Home occupations, major	SE

Home occupations, registered and no-impact	P
Hotels and motels	P
Laboratories	P
Dry cleaning and laundry pick-up stations	P
Offices, general	P
Recreational facilities, participatory	P
Research, development, and related activities	P
Retail trades, businesses, and services of a general commercial nature	P
Self-storage facilities	SE
Veterinary hospitals and offices without boarding facilities	P
Warehousing, not including self-storage, less than 10,000 square feet	P
(d) Institutional & Civic	
Charitable and philanthropic institutions	P
Cultural institutions	P
Day care facilities and centers	P
Educational institutions, private	P
Hospitals	P
Parks and playgrounds, private	P
Private clubs and service organizations	P
Publicly owned or publicly operated uses	P
Religious institutions	P
(e) Industrial	
Manufacturing and production, artisan	P
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development	P
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment	P
(f) Other	
Accessory buildings and uses	P
Bus terminals, non-public	P
Parking garages, automobile	P
Public utility buildings, structures, and underground facilities	P
Radio and television broadcast studios	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	P

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222 **59-C-15.6. General Requirements.**

223 Development in the CR zone must comply with the following requirements.

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225 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

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

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230 **59-C-15.62. Priority Retail Street Frontages.**

231 Development that requires a site plan and is located on a street identified as a priority retail street
232 frontage in the applicable master plan, sector plan, or design guidelines must be developed in a
233 manner that is consistent with the recommendations and objectives of the applicable plan and
234 address any applicable design guidelines approved by the Planning Board that implement the
235 applicable plan.

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237 **59-C-15.63. Streetscape.**

238 Streetscape improvements must be consistent with the recommendations of the applicable master or
239 sector plan and must address any Planning Board approved design guidelines that implement the
240 applicable plan.

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242 **59-C-15.64. Bicycle Parking Spaces and Commuter Shower/Change Facility.**

- 243 (a) Bicycle parking facilities must be secure and accessible to all residents or employees of the
244 proposed development.
- 245 (b) The number of bicycle parking spaces and shower/change facilities required is shown in the
246 following table (calculations must be rounded to the higher whole number):

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Bicycle and Shower/Change Facilities Required	
Use	Requirement
<i>Residential</i>	
In a building containing less than 20 dwelling units.	At least 4 bicycle parking spaces.
In a building containing 20 or more dwelling units.	At least 0.5 bicycle parking spaces per dwelling unit, not to be fewer than 4 spaces and up to a maximum of 100 required spaces.
In any group living arrangement expressly for senior citizens.	At least 0.1 bicycle parking spaces per unit, not to be fewer than 2 spaces, up to a maximum of 100 required spaces.

<i>Non-Residential</i>	
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	At least 2 bicycle parking spaces.
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces.
In a building with a total non-residential floor area of 100,000 square feet or greater.	Two bicycle parking spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 spaces. One shower/change facility for each gender available only to employees when the building is accessible.

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59-C-15.65. Parking.

- (a) (1) For projects that satisfy the requirements for transit proximity levels 1 or 2, the number of parking spaces provided on site must not exceed the number required under Article 59-E, except that the maximum number of parking spaces for general retail and restaurant uses is 4 spaces for every 1,000 square feet of gross leasable area, and no parking spaces are required for restaurant outdoor patron areas.
- (2) All projects that do not satisfy the requirements for transit proximity levels 1 or 2 must meet the parking requirements established under Article 59-E, except that the number of parking spaces for general retail and restaurant uses in Subsection (a)(1) may be provided without a parking waiver.
- (b) Except for retail and restaurant uses that satisfy Subsection (a)(1) and projects that do not satisfy transit proximity level 1 or 2, the number of parking spaces required is based on a building’s distance from transit as follows:

Parking Requirements				
	<i>Transit Proximity (Level 1 or 2)</i>			
	¼ mile from transit	¼ to ½ mile from transit	½ mile to 1 mile from transit	>1 mile from transit
Non-residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.20	0.40	0.60	0.80
Residential: the number of required spaces under Article 59-E multiplied by the following factor:	0.60	0.70	0.80	0.90

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The appropriate parking rates apply to the gross floor area within each distance category.

- 266 (c) Parking requirements must be met by any of the following:
- 267 (1) providing the spaces on site;
- 268 (2) constructing publicly available on-street parking; or
- 269 (3) participating in a parking lot district or entering into an agreement for shared parking
- 270 spaces in a public or private facility within 1,000 feet of the subject lot, if the off-site
- 271 parking facility is not in an agricultural (Division 59-C-9), planned unit development
- 272 (Division 59-C-7), or residential (Division 59-C-1) zone.
- 273 (d) Every “car-share” space provided reduces the total number of required spaces by 6 spaces for
- 274 non-residential use or 3 spaces for residential use.
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276 *Example:* A non-residential site requiring at least 100 spaces under Article 59-E would be required to

277 provide a maximum of 100 spaces on site. If that site was within ¼ to ½ mile of a transit station, the

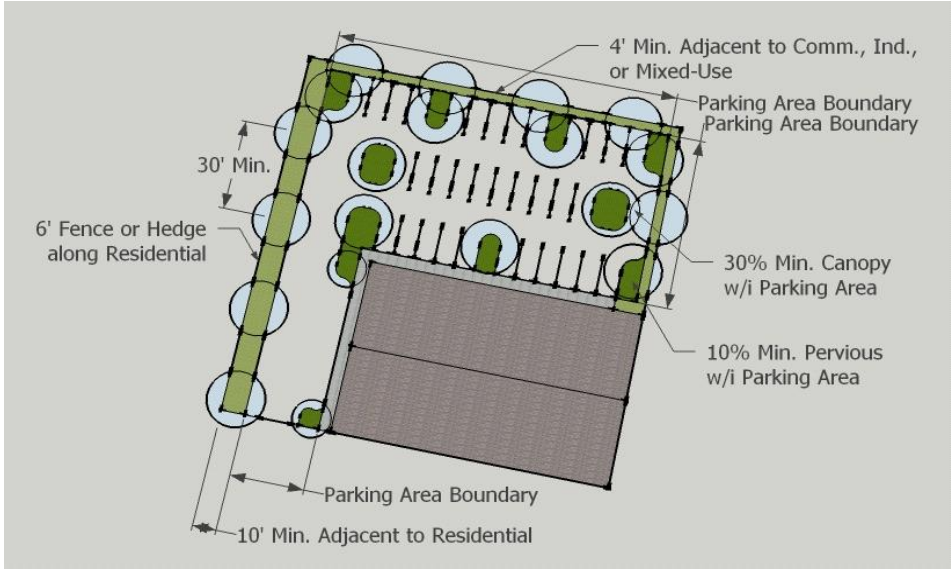
278 minimum requirement for parking would be 40 spaces (100 x 0.40 = 40). If 2 car-share spaces were

279 provided, that requirement would be 28 for non-residential use or 34 for residential use.

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- 281 (e) The design of surface parking facilities must comply with the following:
- 282 (1) a parking facility at or above grade must not be located between the street and the
- 283 main front wall of the building or the side wall of a building on a corner lot unless the
- 284 Planning Board finds that safe and efficient circulation would be better served by a
- 285 different arrangement;
- 286 (2) if a site is adjacent to an alley, the primary vehicular access to the parking facility
- 287 must be from that alley; and
- 288 (3) curb cuts must be kept to a minimum and shared by common ingress/egress
- 289 easements whenever possible.
- 290 (f) The design of parking facilities with drive-through services must comply with the following;
- 291 however, the Planning Board may approve a design if it finds that the alternative design
- 292 would provide safer and more efficient circulation:
- 293 (1) the driveway must not be located between the street and the main front wall of a
- 294 building or the side wall of a building on a corner lot;
- 295 (2) the drive-through service window must be located on the rear or side wall of the
- 296 building; any service window on the side wall of a building must be permanently
- 297 screened from any street; and
- 298 (3) curb cuts to a street must be minimized to one drive aisle of no more than 20 feet in
- 299 width for two-way traffic or two drive aisles each of no more than 10 feet in width for
- 300 one-way traffic.
- 301 (g) Except for areas used for internal driveway or sidewalk connections between lots or parcels
- 302 that are not in residential (59-C-1) or agricultural (59-C-9) zones, landscaping for surface
- 303 parking facilities must satisfy the following requirements:
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Minimum Landscape Standards for Surface Parking	
Subject	Requirement
Right-of-Way Screening	6-foot width of continuous soil panel or stormwater management recharge facility (not including any PUE or PIE) with groundcover, planting bed, or lawn; a minimum 3-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.
Adjacent to a lot or parcel in any Commercial, Industrial, or Mixed-Use Zone	4-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; one deciduous tree per 30 feet of frontage.
Adjacent to a lot or parcel in an Agricultural or Residential District	10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.
Internal Pervious Area	10 percent of the parking facility area comprised of individual areas of at least 100 square feet each.
Tree Canopy Coverage	30 percent of the parking facility area (at 15 years growth).

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Surface Parking Landscape Requirements Illustrative

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320 **59-C-15.7. Development Standards.**

321 Development in any CR zone must comply with the following standards.

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323 **59-C-15.71. Density.**

- 324 (a) The maximum density for any standard method project is the greater of 0.5 FAR or 10,000
- 325 square feet of gross floor area. Any single land use or any combination of land uses allowed
- 326 in the zone may achieve the maximum density.
- 327 (b) The maximum total density and mix of maximum non-residential and residential density for
- 328 any project using the optional method of development is specified by the zone.

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330 **59-C-15.72. Height.**

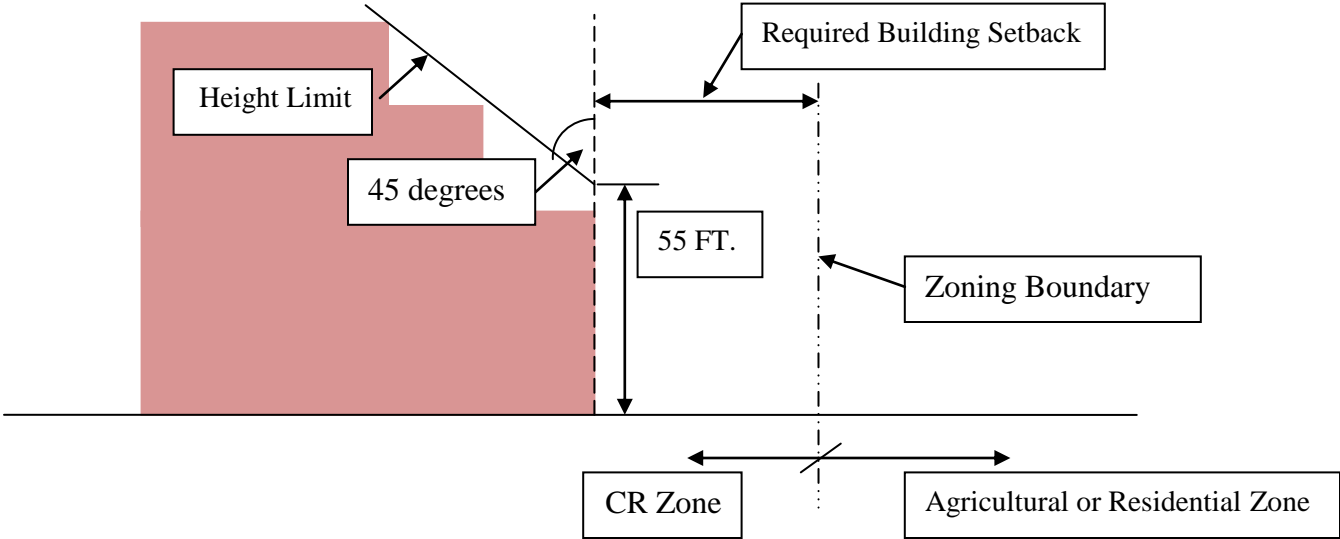
- 331 (a) The maximum height for any building or structure in a standard method project is 40 feet.
- 332 (b) The maximum height for any building or structure in an optional method project is
- 333 determined by the zone.

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335 **59-C-15.73. Setbacks.**

- 336 (a) A building must not be any closer to a lot line shared with a lot or parcel in an agricultural
- 337 (Division 59-C-9) or residential (Division 59-C-1) zone than:
- 338 (1) 25 feet or the setback required by the adjacent lot, whichever is greater; and
- 339 (2) the building must not project beyond a 45 degree angular plane projecting over the lot
- 340 measured from a height of 55 feet at the setback determined above, with the exception
- 341 of those features exempt from height and setback restrictions under Section 59-B-1.

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Angular Plan Setback Illustration

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- (b) The development of a new building in place of a building existing when the CR zone is applied may be built to the pre-existing setbacks if the height of the new building is not increased over that of the former building.

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59-C-15.74. 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, then the minimum public use space is 10 percent of the project’s net land area.
- (b) Projects using the optional method of development must provide public use space as follows:

Minimum Required Public Use Space (% of net tract area)				
<i>Acres (Gross)</i>	<i>Number of Existing and Planned Right-of-Way Frontages</i>			
	1	2	3	4+
< ½	0	0	0%	5%
½ - 1.00	0	0%	5%	10%
1.01 - 3.00	0%	5%	10%	10%
3.01 – 6.00	5%	10%	10%	10%
6.01 +	10%	10%	10%	10%

- (c) Public use space must:
 - (1) be calculated on the net tract area that was included in the sketch plan application;
 - (2) be rounded to the next highest 100 square feet;
 - (3) be easily and readily accessible to the public;
 - (4) be distributed within the entire tract area included in the sketch plan application; and
 - (5) contain amenities such as seating options, shade, landscaping, or other similar public benefits.
- (d) Instead of providing on-site public use space, for any site of 3 acres or less, a development may propose the following alternatives, subject to Planning Board approval:
 - (1) public use space improvements of an equal or greater size within ¼ mile of the subject site; or
 - (2) a payment in part or in full to the Public Amenity Fund under Section 59-D-2.31.
- (e) A development on a site larger than 3 acres may only provide off-site public use space in order to provide master-planned open space improvements, or a payment under Subsection (d)(2), for an area of equal or greater size required on site that is:
 - (1) located within the same master plan area as the proposed development; and
 - (2) indicated on the approved sketch plan.

59-C-15.75. Residential Amenity Space.

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

Required Residential Amenity Space	
<i>Type of Amenity Space</i>	<i>Area of Amenity Space</i>
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.	20 square feet per dwelling unit up to 5,000 square feet.
Passive or active outdoor recreational space.	20 square feet per dwelling unit, of which at least 400 square feet must adjoin or be directly accessible from the indoor amenity space.

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(b) The amenity space is not required for Moderately Priced Dwelling Units (MPDUs) on a site within a metro station policy area or where the Planning Board finds that there is adequate recreation and open space within a ½ mile radius of the subject site.

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

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

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389 **59-C-15.8. Special Regulations for the Optional Method of Development**

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59-C-15.81. Incentive Density Provisions.

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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, consistent with the applicable master or sector plan, up to the maximum permitted by the zone.

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(a) Public benefits must be provided that enhance or contribute to the objectives of the CR zone in the following categories:

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(1) Master-planned major public facilities;

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(2) Transit proximity for residents, workers, and patrons;

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(3) Connectivity between uses and activities and mobility options;

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(4) Diversity of uses and activities;

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(5) Quality of building and site design;

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(6) Protection and enhancement of the natural environment; and

404

(7) Advanced dedication of right-of-way.

405

Sections 59-C-15.82 through 59-C-15.88 indicate the types of public benefits that may be accepted in each of these categories.

406

407

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

408

409

(1) The policy objectives and priorities of the applicable master or sector plan;

- 410 (2) Any applicable design guidelines and any adopted public benefit standards and
- 411 guidelines;
- 412 (3) The size and configuration of the tract;
- 413 (4) The relationship of the site to adjacent properties;
- 414 (5) The presence or lack of similar public benefits nearby; and
- 415 (6) Enhancements that increase public access to or enjoyment of the benefit.
- 416 (c) Any incentive density increase approved by the Planning Board for an optional method of
- 417 development application must satisfy Subsection 59-C-15.87(a).
- 418 (d) The Planning Board must adopt, publish, and maintain guidelines that detail the standards
- 419 and requirements for public benefits that may be provided for incentive density. The
- 420 guidelines must:
 - 421 (1) be consistent with the recommendations and objectives of the applicable master or
 - 422 sector plan and the purpose of the CR zones;
 - 423 (2) be in addition to any standards, requirements, or rules of incentive density calculation
 - 424 included in this Division, but may not supersede those provisions;
 - 425 (3) allow any single feature of a project a density incentive from only 1 public benefit;
 - 426 (4) only address the public benefits listed in Sections 59-C-15.82 through 59-C-15.88 and
 - 427 must not add a public benefit category; and
 - 428 (5) include the criteria to determine when an early dedication of right-of-way qualifies for
 - 429 incentive density, and the amount of the incentive density permitted.

59-C-15.82. Incentives for Master-Planned Major Public Facilities.

Major public facilities such as schools, libraries, recreation centers, urban parks, and county service centers provide public services at convenient locations, centers for community meetings, and civic events. Because of their significance in place-making, the Planning Board may approve incentive density of up to 70 percent for the conveyance of a site and/or construction of a major public facility that is designated on a master plan or sector plan and is accepted for use and operation by the appropriate public agency, community association, or nonprofit organization.

59-C-15.83. Incentives for Transit Proximity.

In order to encourage greater use of transit, control sprawl, and reduce vehicle miles traveled, congestion, and carbon emissions, the Planning Board may approve incentive density for transit proximity under this section. The percentage of incentive density awarded to a project for transit proximity is as follows:

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

445

- 446 (a) A project is adjacent to or confronting a transit station or stop if it shares a property line,
 447 easement line, or is separated only by a right-of-way from an existing or planned transit
 448 station or stop and 100 percent of the gross tract area submitted in a single sketch plan
 449 application is within ¼ mile of the transit portal.
- 450 (b) (1) For all other projects to qualify for incentive density availability at the other distances,
 451 at least 75 percent of the gross tract area in a single sketch plan application must be
 452 within the range for which the incentive is proposed.
- 453 (2) The incentive density for projects less than 75 percent of the gross tract in 1 distance
 454 range must be calculated as the weighted average of the percentage of area in each
 455 range.

456
 457 **59-C-15.84. Incentives for Connectivity and Mobility.**

458 In order to enhance connectivity between uses and amenities and increase mobility options;
 459 encourage non-automotive travel for short and multi-purpose trips as well as for commuting;
 460 facilitate social and commercial interaction; provide opportunities for healthier living; and stimulate
 461 local businesses, the Planning Board may approve incentive density of up to 30% for a project that
 462 provides at least 2 of the following public benefits:

- 463
- 464 (a) **Neighborhood Services:** Safe and direct pedestrian access to 10 different retail services on
 465 site or within ¼ mile, of which at least 4 have a maximum retail bay floor area of 5,000
 466 square feet.
- 467 (b) **Minimum Parking:** Provision of the minimum required parking for projects of one acre of
 468 gross tract area or more.
- 469 (c) **Through-Block Connections:** Safe and attractive pedestrian connections between streets.
- 470 (d) **Public Parking:** Provision of up to the maximum number of parking spaces allowed in the
 471 zone as public parking.
- 472 (e) **Transit Access Improvement:** Ensuring that access to transit facilities meets County
 473 standards for handicapped accessibility.
- 474 (f) **Trip Mitigation:** A binding and verifiable Traffic Mitigation Agreement to reduce the
 475 number of weekday morning and evening peak hour trips attributable to the site in excess of
 476 any other regulatory requirement; the agreement must result in a non-auto driver mode share
 477 of at least 50% for trips attributable to the site.

478
 479 **59-C-15.85. Incentives for Diversity of Uses and Activities.**

480 In order to increase the variety and mixture of land uses, types of housing, economic diversity, and
 481 community activities; contribute to development of a more efficient and sustainable community;
 482 reduce the necessity for automobile use; and facilitate healthier lifestyles and social interaction, the
 483 Planning Board may approve incentive density of up to 30% for a project that provides affordable
 484 housing or a public facility, as described below, or at least 2 of the other following public benefits:

485

486 (a) **Affordable Housing:** All residential development must comply with the requirements of
 487 Chapter 25A for the provision of Moderately Priced Dwelling Units (MPDUs) and may
 488 provide Workforce Housing Units (WFHUs) under Chapter 25B.

489 (1) MPDU Incentive Density: Provision of MPDUs above the minimum required is
 490 calculated on the total number of dwelling units as required by Chapter 25A, and the
 491 percent of incentive density increase is based on the proposed FAR for the entire
 492 project.

493

494 *Example: Provision of 14.5% MPDUs is awarded an incentive density of 20% (see 25-A-*
 495 *5(c)(3)). In the case of a CR 4.5 zone that proposes 4.5 FAR, that equals 0.20 x 4.0 (the*
 496 *incentive density), which is 0.8 FAR.*

497

498 (2) WFHU Incentive Density: Provision of WFHUs is calculated at the following rate: 2
 499 times the percentage of units provided as WFHUs.

500

501 *Example: Provision of 5% WFHUs is awarded incentive density of 10%; provision of*
 502 *12% WFHUs is awarded incentive density of 24%.*

503

504 (b) **Adaptive Buildings:** Provision of buildings with minimum floor-to-floor heights of at least
 505 15 feet on any floor that meets grade and 12 feet on all other floors. Internal structural
 506 systems must be able to accommodate various types of use with only minor modifications.

507 (c) **Care Centers:** Child or adult day care facilities.

508 (d) **Small Business Retention:** Provision of on-site space for small, neighborhood-oriented
 509 businesses.

510 (e) **Dwelling Unit Mix:** Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-
 511 bedroom units, and 5% 3-or-more bedroom units.

512 (f) **Enhanced Accessibility for the Disabled:** Provision of dwelling units that satisfy American
 513 National Standards Institute A117.1 Residential Type A standards or units that satisfy an
 514 equivalent County standard.

515

516 **59-C-15.86. Incentives for Quality Building and Site Design.**

517 High quality design is especially important in urban, integrated-use settings to ensure that buildings
 518 and uses are compatible with each other and adjacent communities and to provide a harmonious
 519 pattern of development. Due to the increased density of these settings, buildings tend to have high
 520 visibility. High quality design may help to attract residents and businesses to locate in these settings.
 521 Location, height, massing, façade treatments, and ornamentation of buildings affect sense of place,
 522 orientation, and the perception of comfort and convenience. The quality of the built environment
 523 affects light, shadow, wind, and noise, as well as the functional and economic value of property. In
 524 order to promote high quality design, the Planning Board may approve incentive density of up to
 525 30% to a project that provides at least 2 of the following public benefits:

- 526 (a) **Historic Resource Protection:** Preservation and/or enhancement of a historic resource
 527 indicated on the Master Plan for Historic Preservation in conformance with a plan approved
 528 by the Historic Preservation Commission. A fee-in-lieu for a specific preservation project
 529 may be paid to the Historic Preservation Division as specified in the Guidelines for Public
 530 Benefits.
- 531 (b) **Structured Parking:** Parking provided within a structure or below-grade.
- 532 (c) **Tower Setback:** Setback of building by a minimum of 6 feet beyond the first floor façade at
 533 a maximum height of 72 feet.
- 534 (d) **Public Art:** Provision of public art must be reviewed for comment by the Public Arts Trust
 535 Steering Committee. A fee-in-lieu may be paid to the Trust as specified in the Guidelines for
 536 Public Benefits.
- 537 (e) **Public Open Space:** Provision of open space in addition to the minimum required by the
 538 zone. Public open space must be easily accessible to the public during business hours and/or
 539 at least from sunrise to sunset and must contain amenities such as seating, plantings, trash
 540 receptacles, kiosks, and water features.
- 541 (f) **Streetscape:** Construction of off-site streetscape in addition the requirements of this
 542 division.
- 543 (g) **Exceptional Design:** Building design that provides innovative solutions in response to the
 544 immediate context; creates a sense of place and serves as a landmark; enhances the public
 545 realm in a distinct and original manner; introduces new materials, forms, or building
 546 methods; uses design solutions to make compact infill development living, working, and
 547 shopping environments more pleasurable and desirable; and integrates low-impact
 548 development methods into the overall design of the site and building.

549
 550 **59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.**

551 In order to combat sprawl and mitigate or reverse environmental problems such as heat from the
 552 built environment, inadequate carbon-sequestration, and pollution caused by reliance on the
 553 automobile, the Planning Board may approve a density increase up to 30% for the public benefits in
 554 this Subsection:

- 555
 556 (a) CR zones require the purchase of BLT easements or payment to the Agricultural Land
 557 Preservation Fund for at least 5% but no more than 30% of the incentive density under the
 558 following conditions.
- 559 (1) Any private BLT easement must be purchased in whole units; or
- 560 (2) BLT payments must be made to the Agricultural Land Preservation Fund, based on
 561 the amount established by Executive Regulations under Chapter 2B; if a fraction of a
 562 BLT easement is needed, a payment based on the gross square footage of incentive
 563 density must be made to the Agricultural Land Preservation Fund for at least the
 564 fraction of the BLT easement.

- 565 (3) (A) For the first 5% of incentive density, each BLT easement purchase or payment
 566 allows 20,000 gross square feet of incentive density or a proportion thereof,
 567 allowed by a payment for a fraction of a BLT.
- 568 (B) For the incentive density above 5%, each BLT easement purchase or payment
 569 allows 30,000 gross square feet of incentive density or a proportion thereof,
 570 allowed by a payment for a fraction of a BLT.
- 571 (b) **Energy Conservation and Generation:** Provision of energy-efficiency that exceeds
 572 standards for the building type by 17.5% for new buildings or 10% for existing buildings, or
 573 provision of renewable energy generation facilities on-site or within ½ mile of the site for a
 574 minimum of 2.5% of the projected energy requirement.
- 575 (c) **Green Wall:** Installation and maintenance of a vegetated wall that covers at least 30% of any
 576 blank wall or parking garage façade visible from a public street or open space.
- 577 (d) **Tree Canopy:** Coverage at 15 years of growth of at least 25% of the on-site open space.
- 578 (e) **Vegetated Area:** Installation of plantings in a minimum of 12 inches of soil covering at least
 579 5,000 square feet of previously impervious surfaces. This does not include vegetated roofs.
- 580 (f) **Vegetated Roof:** Provision of a vegetated roof with a soil depth of at least 4 inches covering
 581 at least 33% of a building's roof, excluding space for mechanical equipment.
 582

583 **59-C-15.88. Advanced dedication of right-of-way.**

584 When sketch plans or site plans are approved, the Planning Board may allow an incentive density not
 585 to exceed 30% for a prior dedication of rights-of-way for roadways, sidewalks, or bikeways
 586 recommended in the applicable master or sector plan, if the County or the State is responsible for
 587 constructing the facility on the right-of-way.
 588

589 **59-C-15.9. Existing Approvals.**

- 590 (a) One or more lawfully existing buildings or structures and the uses therein, which predate the
 591 applicable sectional map amendment, are conforming structures or uses, and may be continued,
 592 renovated, repaired, or reconstructed to the same size and configuration, or enlarged up to a total
 593 of 10 percent above the total existing floor areas of all buildings and structures on site or 30,000
 594 square feet, whichever is less, and does not require a site plan. Enlargements in excess of the
 595 limitations in this Subsection will require compliance with the full provisions of this Division.
- 596 (b) A project that received an approved development plan under Division 59-D-1 or schematic
 597 development plan under Division 59-H-2 before the enactment of the CR zones may proceed
 598 under the binding elements of the development plan and will thereafter be treated as a lawfully
 599 existing building, and may be renovated or reconstructed under Subsection (a) above. Such
 600 development plans or schematic development plans may be amended as allowed under Division
 601 59-D-1 or 59-H-2 under the provisions of the previous zone; however, any incremental increase
 602 in the total floor area beyond that allowed by Subsection (a) above or any incremental increase in
 603 building height greater than 15 feet requires, with respect to the incremental increase only, full
 604 compliance with the provisions of this Division.

- 605 (c) At the option of the owner, any portion of a project subject to an approved development plan or
606 schematic development plan described in Subsection (b) above may be developed under this
607 Division. The remainder of that project continues to be subject to the approved development
608 plan or schematic development plan, under Subsections (a) and (b).
- 609 (d) A project which has had a preliminary or site plan approved before the applicable sectional map
610 amendment may be built or altered at any time, subject to either the full provisions of the
611 previous zone or this division, at the option of the owner. If built under the previous approval, it
612 will be treated as a lawfully existing building and may be renovated or reconstructed under
613 Subsection (a) above. If built with an incremental increase over the previous approval, only that
614 incremental increase must comply with this Division.