

Thursday, July 16, 2009

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Ordinance No:
Zoning Text Amendment No: 09-
Concerning: Commercial/Residential (CR)
Zones Establishment
Draft No. & Date: 1 -6/16/09
Introduced:
Public Hearing:
Adopted:
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Establish a group of Commercial/Residential (CR) zones; and
- Establish intents, allowed land uses, development methods, general requirements, development standards, density incentive provisions, and approval procedures for development under the Commercial/Residential zones.

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By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

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

DIVISION 59-C-15 "COMMERCIAL/RESIDENTIAL ZONES"
Sections 59-C-15.1 through 59-C-15.8

EXPLANATION:

Boldface indicates a heading or a defined term.

Underlining indicates text that is added to existing laws by the original text amendment.

[**Single boldface brackets**] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

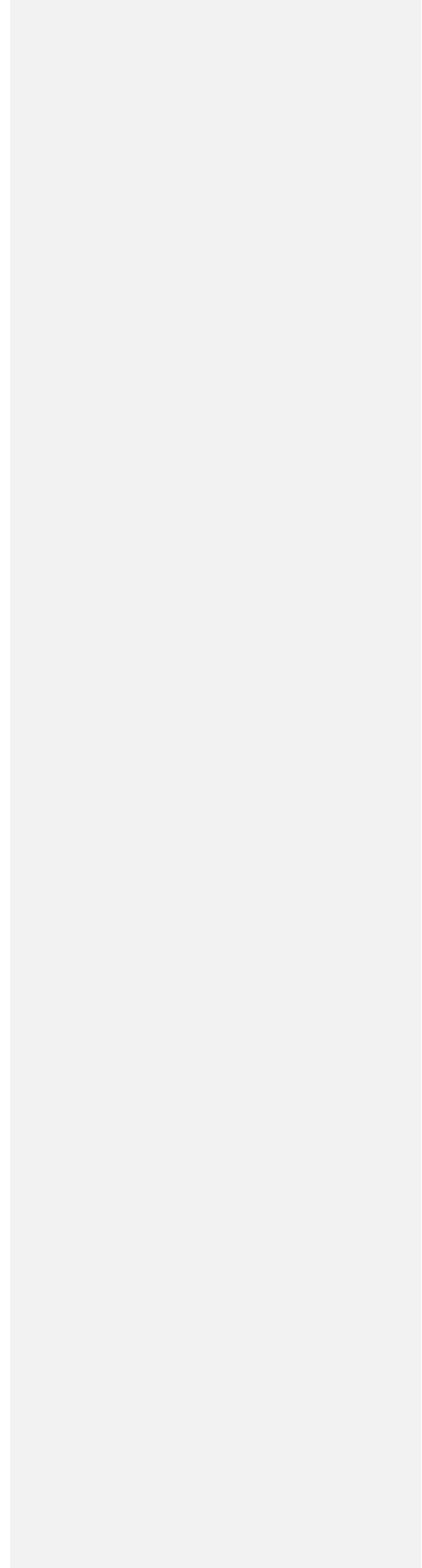
[**Double boldface brackets**] indicate text that is deleted from the text amendment by amendment.

******* indicates existing law unaffected by the text amendment.

OPINION

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:



Thursday, July 16, 2009

1 **Sec. 1. Division 59-C- is amended as follows:**

2 * * *

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

4
5 **59-C-15.1. Zones Established.**

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

- 12 • The number following the symbol “CR-“ is the maximum total FAR,
- 13 • The number following the symbol “C” is the maximum non-residential FAR,
- 14 • The number following the symbol “R” is the maximum residential FAR, and
- 15 • The number following the “H” is the maximum building height in feet.

16
17 Each unique sequence of these symbols is a zone,

18
19 **59-C-15.12.** Any sequence of CR, C, R, and H is established as a zone
20 according to the following rules:

- 21 a) The maximum total FAR must be an increment of 0.5 from 0.5 up to 8.0;
- 22 b) The maximum non-residential and residential FAR must be an increment of
- 23 0.5 from 0.5 up to 7.5; and
- 24 c) The maximum height must be an increment of 5 feet up to 300 feet.
- 25 d) The Commercial/Residential (CR) zones are Euclidean zones,

26
27 **Examples:**

- 28 • An area zoned CR-2.0, C1.0, R1.0, H80 allows a total FAR of 2.0, with maximum non-
29 residential and residential FARs of 1.0, thereby requiring an equal mix of uses to obtain
30 the total FAR allowed. The height for any building in this zone is limited to 80 feet.
- 31 • An area zoned CR-6.0, C3.0, R5.0, H200 allows a residential FAR up to of 5.0, whereas
32 commercial density is only allowed up to an FAR of 3.0 and a mix of the two uses could
33 yield a total FAR of 6.0. This combination allows for flexibility in the market and shifts
34 in the surrounding context. The height for any building in this zone is limited to 200 feet.
- 35 • An area zoned CR-4.0, C4.0, R4.0, H160 allows the ultimate flexibility in the mix of uses
36 and even buildings with no mix because the maximum allowed non-residential and

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residential FARs are both equivalent to the total maximum FAR allowed. The height for any building in this zone is limited to 160 feet.

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

The CR zones permit a mix of commercial and residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, and have access to services and amenities while minimizing the need for automobile use. CR zones are appropriate where ecological impacts can be moderated by co-locating housing, jobs, and services. The objectives of the 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) Encourage an appropriate balance of employment and housing opportunities and compatible relationships with adjoining neighborhoods;
- e) Establish the maximum densities and building height for each zone, while retaining appropriate development flexibility within those limits; and
- f) Standardize optional method development by establishing minimum requirements for the provision of the public benefits that will support and accommodate density above the standard method limit.

59-C-15.3. Methods of Development and Approval Procedures.

Two methods of development are available under the CR zones.

59-C-15.31. Standard Method.

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

- a) The gross floor area exceeds 10,000 square feet;
- b) Any building or group of buildings contains 10 or more dwelling units; or
- c) The proposed development generates 30 or more new peak-hour trips.

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59-C-15.32. Optional Method.

Optional method development must comply with the general requirements and development standards of the CR zones and must provide public benefits according to Section 59-C-15.7 to obtain the full densities and height allowed by the zone. A sketch plan and site plan are required for any development using the optional method. A sketch plan must be filed under the provisions below; a site plan must be filed under Section 59-D-3. Any required preliminary subdivision plan must be submitted concurrently with the site plan.

a) Contents of a sketch plan.

- a. Justification statement for optional method development addressing the requirements and standards of this Article.
- b. Conceptual uses and maximum densities per use.
- c. Building massing and height.
- d. General vehicular, pedestrian, and cyclist circulation.
- e. Table of proposed public benefits and incentive density requested per each benefit.

b) Procedure for a sketch plan.

- a. Before an application for review of a sketch plan, notice of the pending submission of the sketch plan, a public meeting to present and discuss the sketch plan, and site posting of the submission must comply with Section 4 of the Adopted and Approved Manual for Development Review Procedures for Montgomery County (Manual), as amended.
- b. Review procedure and fees for a sketch plan are the same as for a pre-application submission under Section 50-33A(a).

59-C-15.4. Land Uses.

No use is allowed except as indicated below:

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

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59-C-15.31. Allowed Land Uses.¶
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Thursday, July 16, 2009

a) Agricultural	
Farmer's markets	P
Farming, limited to vegetables, herbs, and ornamental plants	P
Nurseries	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	
Ambulances or rescue squads	P
Animal boarding places	SE
Automobile filling stations	<u>SE</u>
Automobile rental services, excluding storage of vehicles and supplies	P
Automobile repair and service	P
Automobile sales	P
Conference centers	P
Entertainment and spectator sports facilities such as cultural centers; art, athletic, and other events; theaters and cinemas; meeting/banquet halls	P
Health clubs and gyms	P
Home occupations, major	SE
Home occupations, registered and no-impact	P
Hotels and motels	P
Laboratories	P
Laundry or dry-cleaning services	P
Medical clinics	P
Offices	P
Recreational facilities, participatory, indoor	P
Recreational facilities, participatory, outdoor	SE
Research, development, and related activities	P
Restaurants	P
Retail sales and service, <u>general</u>	P
Self-storage facilities	SE
Veterinary hospitals	SE
Warehousing, not including self-storage, less than 10,000 square feet	P
d) Institutional & Civic	
Charitable and philanthropic institutions	P
Cultural and art exhibits, libraries and museums	P
Day care facilities and centers	P
Educational institutions, private	P

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Thursday, July 16, 2009

Hospitals	P
Parks and playgrounds, private	P
Private clubs	P
Publicly owned or operated uses	P
Religious institutions	P
e) Industrial	
Manufacturing and production, artisanal	P
Manufacturing and packaging related to biotechnical research and development	P
f) Other	
Accessory buildings and uses	P
Bus terminals, private	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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59-C-15.32. Operational Restrictions.¶
The operation of a drive-through or a surface parking lot is subject to the following:¶
¶
<#>Drive-Through Services:¶
<#>No part of the driveway may be located between the street and the main front wall of a building or the side wall of a building on a corner lot unless the Planning Board finds that no other circulation option is reasonably feasible.¶
<#>The drive-through service window must be screened from visibility from the street by the main building (or the primary street on a corner lot); and¶
<#>Curb cuts to a street must be minimized in typical situations to one drive aisle of no more than 20 feet in width for two-way traffic or two drive aisles of no more than 10 feet in width for one-way traffic. ¶
¶
<#>Surface Parking:¶
<#>No part of the parking facility at or above grade may be located between the street and the main front wall of the building or the side wall of a building on a corner lot unless the Planning Board finds that no alternative is reasonably feasible;¶
<#>Primary vehicular access to the parking facility must be from an alley when the site is bounded by such; and¶

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59-C-15.5. General Requirements.

Any development in the CR zone must comply with the following requirements.

59-C-15.51. Master Plan and Design Guidelines Conformance.

Site plans must be consistent with the applicable master or sector plan and design guidelines.

59-C-15.52. Priority Retail Street Frontages.

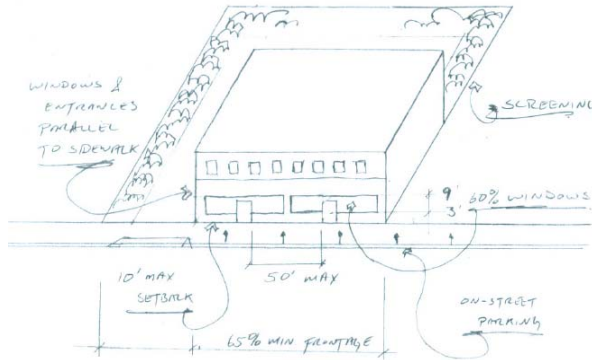
Any building that requires a site plan and is located on a street defined as a priority retail street frontage must provide the following:

- a) On-street parallel parking, unless specifically denied by the agency maintaining the right-of-way;
- b) Majority of display windows and entrances arranged between zero and 45 degrees to the sidewalk;
- c) Shop entrances not more than 50 feet apart within the same development;
- d) Building façade along a minimum of 65% of the aggregate length of the front street right-of-way;
- e) Front building wall, no farther than 10 feet from the public right-of-way or 5 feet if no public utility/improvement easement (PUE or PIE) is required; and
- f) Windows on 60% of the building façade between 3 and 9 feet above sidewalk grade.

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Thursday, July 16, 2009

These provisions may be modified or waived by the Planning Board during the review of a site plan if found to be unreasonably burdensome to a proposed development due conditions such as unusual lot size, topography, limited frontage, or other atypical circumstance.



Priority Retail Building Requirements Illustrative (Place Holder)

59-C-15.53. Streetscape.

Streetscape improvements must satisfy the recommendations of the applicable approved and adopted master or sector plan.

59-C-15.54. Bicycle Parking Spaces and Commuter Shower/Change Facility.

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

Bicycle and Shower/Change Facilities Required	
Use	Requirement
<i>Residential</i>	
In a building containing less than 20 dwelling units.	A minimum of 4 bicycle parking spaces.
In a building containing 20 or more dwelling units.	A minimum of 0.5 bicycle parking spaces per dwelling unit, not to be less than 4 spaces and up to a maximum of 100 required spaces.

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- 59-C-15.63. Master Plan and Design Guidelines Conformance.¶
- Site plans must be found consistent with the applicable master or sector plan and design guidelines.¶
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Thursday, July 16, 2009

In any group living arrangement expressly for senior citizens.	A minimum of 0.1 bicycle parking spaces <u>per unit</u> , not to be less than 2 spaces <u>up to a maximum of 100 required spaces</u> .
<i>Non-Residential</i>	
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	A minimum of 2 bicycle parking spaces.
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	One bicycle parking space per 10,000 square feet <u>up to a maximum of 100 required spaces</u> .
In a building with a total non-residential floor area of 100,000 square feet or greater.	One bicycle parking space per 10,000 square feet <u>up to a maximum of 100 required spaces</u> . One shower/change facility for each gender.

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59-C-15.55. Parking.

- a) The maximum number of parking spaces provided on site must not exceed the number established under Article 59-E.
- b) The minimum number of parking spaces required is based on transit proximity as defined under 59-C-15.9 and calculated according to the following table:

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	<u>Minimum Parking Requirements</u>			
	<u>Transit Proximity (Level 1 or 2)</u>			
	<u>¼ mile from transit</u>	<u>¼ to ½ mile from transit</u>	<u>½ mile to 1 mile from transit</u>	<u>>1 mile from transit</u>
<u>Commercial: calculate required spaces according to Article 59-E and multiply by the following factor:</u>	<u>0.20</u>	<u>0.40</u>	<u>0.60</u>	<u>0.80</u>
<u>Residential Uses: calculate required spaces according to Article 59-E and multiply by the following factor:</u>	<u>0.60</u>	<u>0.70</u>	<u>0.80</u>	<u>0.90</u>

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- c) Parking requirements must be met by any of the following:
 - Providing the spaces on site,
 - Constructing on-street parking, or
 - Entering into an agreement for shared parking spaces in a facility within 1,000 feet of the subject lot provided that the off-site parking facility is not in an agricultural, planned unit development, or residential zone.
- d) Every "car-share" space provided reduces the total minimum number of required spaces by six spaces for non-residential use or three spaces for residential use.

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Example: A site requiring a minimum of 100 spaces according to 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 two car-share spaces were provided, that requirement would be 28 for non-residential use or 34 for residential use.

- e) The design of surface parking facilities must comply with the following:
 - 1) A parking facility at or above grade must not be located between the street and the main front wall of the building or the side wall of a building on a corner lot unless the Planning Board finds that safe and efficient circulation would be better served by a different arrangement;
 - 2) When a site is adjacent to an alley, the primary vehicular access to the parking facility must be from that alley; and
 - 3) Curb cuts must be kept to a minimum and shared by common ingress/egress easements whenever possible.
- f) The design of parking facilities with drive-through services must comply with the following:
 - 1) The driveway must not be located between the street and the main front wall of a building or the side wall of a building on a corner lot unless the Planning Board finds that safe and efficient circulation would be better served by a different arrangement;
 - 2) The drive-through service window must be located on the rear wall of the building; and
 - 3) Curb cuts to a street must be minimized to one drive aisle of no more than 20 feet in width for two-way traffic or two drive aisles each of no more than 10 feet in width for one-way traffic unless the Planning Board finds that safe and efficient circulation would be better served by a different arrangement.
- g) Landscaping for surface parking facilities must satisfy the following requirements:

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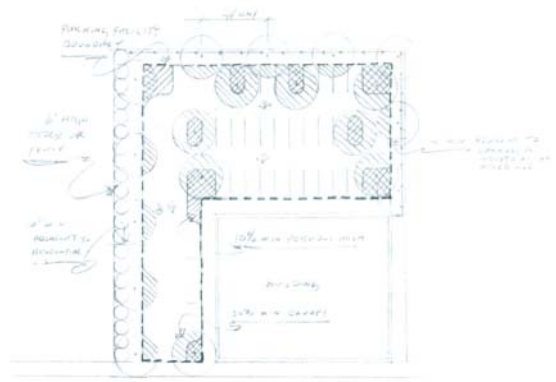
<u>Minimum Landscape Standards for Surface Parking</u>	
<u>Subject</u>	<u>Requirement</u>
<u>Right-of-Way Screening</u>	<u>6-foot width of continuous soil panel or stormwater management recharge facility (not including any PUE or PIE) with groundcover, planting bed, or lawn; a minimum 3-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of street frontage or</u>

Thursday, July 16, 2009

	per the applicable streetscape standards.
<u>Adjacent to a Property in any Commercial, Industrial, or Mixed-Use Zone</u>	<u>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.</u>
<u>Adjacent to a Property in an Agricultural or Residential District</u>	<u>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.</u>
<u>Internal Pervious Area</u>	<u>10% of the parking facility area comprised of individual areas of at least 100 square feet each.</u>
<u>Tree Canopy Coverage</u>	<u>30% of the parking facility area (at 15 years growth).</u>

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Surface Parking Requirements Illustrative (Place Holder)

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59-C-15.6. Development Standards.

The following development standards must be met by any development in the CR zones.

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59-C-15.61. Density.

- a) The maximum density for any standard method project is 0.5 FAR, which may be entirely commercial, residential, or a combination of both.
- b) The maximum total density and mix of maximum non-residential and residential density for any project using the optional method of development is specified by the zone. The difference between the standard method density and optional method density is defined as "incentive density" and is allowed under the incentive density provisions of 59-C-15.7.

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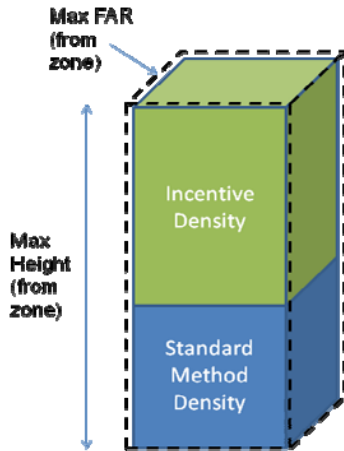
59-C-15.62. Height.

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Thursday, July 16, 2009

- 491 a) The maximum height for any standard method project is 40 feet.
- 492 b) The maximum height for any optional method project is specified by the
- 493 zone.



Incentive Density Illustration (Place Holder)

494 **59-C-15.63. Setbacks.**

495 A building must not be any closer to a lot line of an agricultural (59-C-9) or

496 residential (59-C-1) zone than:

- 497 a) 25 feet or the setback required by the adjacent lot, whichever is greater, and
- 498 b) The building must not project beyond a 45 degree angular plane projecting
- 499 over the lot measured from a height of 55 feet at the setback determined
- 500 above, with the exception of those features exempt from height and setback
- 501 restrictions under Section 59-B-1.
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<#>Consistent with the applicable master or sector plan and design guidelines and ¶

<#>Compatible with adjacent properties during site plan review.¶

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<#>A window of any dwelling unit must not be closer than 15 feet to a window in any other building wall that is between perpendicular and parallel angles to the subject building.¶

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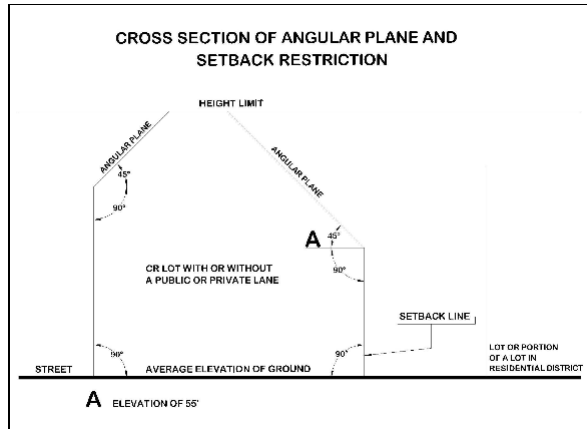
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59-C-15.64. Public Use Space.

a) The minimum public use space for any standard method project is 10%.

b) Projects using the optional method of development, must provide public use space as follows:

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Acres	Minimum Required Public Open Space			
	Street Frontages			
	1	2	3	4+
< ½	0	0	4%	6%
½ - 1.00	0	4%	6%	8%
1.01 - 3.00	4%	6%	8%	10%
3.01 - 6.00	6%	8%	10%	10%
6.01 +	8%	10%	10%	10%

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c) Public use space must be:

- 1) Calculated on the net lot area of the site;
- 2) Rounded to the next highest 100 square feet;
- 3) Easily and readily accessible to the public;
- 4) Placed under a public access easement in perpetuity; and
- 5) Contain amenities such as seating options, shade, landscaping, or other similar public benefits.

d) In lieu 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:

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- 564 1) Public use space improvements to an area equal in size within ¼ mile of
- 565 the subject site; or
- 566 2) A payment in part or in full to the Public Amenity Fund equal to the
- 567 average cost of required site improvements added to the current square
- 568 foot market value of the area required as public use space.

59-C-15.65. Residential Amenity Space.

- 570
- 571 a) Any building containing 20 or more dwelling units must provide amenity
- 572 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, <u>fitness room</u> , or <u>other common community</u> rooms, 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 a minimum of 400 square feet must adjoin or be directly accessible from the indoor amenity space.

- 574
- 575 b) The amenity space is not required for Moderately Priced Dwelling Units
- 576 (MPDUs) on a site within a metro station policy area or where the Planning
- 577 Board finds that there is adequate recreation and open space within a ½ mile
- 578 radius of the subject site.
- 579 c) The amenity space requirement may be reduced by ½ for Workforce
- 580 Housing Units (WFHUs) located within a metro station policy area or if the
- 581 minimum public open space requirement is satisfied on site.
- 582 d) The provision of residential amenity space may be counted towards meeting
- 583 the required recreation calculations under the M-NCPPC Recreation
- 584 Guidelines, as amended.

59-C-15.7. Special Regulations for the Optional Method of Development

59-C-15.71. Incentive Density Provisions.

This section provides incentives for optional method projects to provide public benefits in return for increases in density and height, consistent with the applicable master or sector plan, up to the maximum permitted by the zone.

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Thursday, July 16, 2009

- a) The incentive density approved for each proposed public benefit is calculated as a percentage of the incentive density, which is the incremental difference between the standard method maximum FAR (0.5) and the maximum FAR in the zone;
- b) The minimum and maximum incentive density percentage increases for each public benefit are established in Section 59-C-15.71(f).
- c) The Planning Board may accept, reject, or modify the requested percentage above the minimum of incentive density established up to the maximum established. Except for those benefits with specific standards, in approving incentive densities above the minimum, the Planning Board must consider:
 - i. The size and configuration of the parcel;
 - ii. The policy objectives and priorities of the applicable master or sector plan;
 - iii. The applicable design guidelines;
 - iv. The relationship of the site to adjacent properties;
 - v. The presence or lack of similar benefits nearby; and
 - vi. Quantitative and qualitative enhancements provided exceeding the delineated minimum incentive density standards.
- d) In addition to the public benefits set forth below, an Applicant may propose other public benefits that will further the goals and objectives of the subject master or sector plan for the purpose of obtaining an incentive density increase.
- e) The Planning Board may grant no more than 30% of the total incentive density for the connectivity, design, diversity, or environment incentive categories under (f) below or any public benefit approved under (d) above;

Example: A development in a zone with a maximum FAR of 5.5 would base all public benefit calculations on the incentive density of 5.0 FAR (5.5-0.5). Thus, being on a site adjacent to a metro station would yield an automatic incentive density of 2.5 FAR (5.0x.50) and full density would be allowed by providing public benefits equal to an additional 50 percent.

- e) Provision for inspections, maintenance, and enforcement of public benefits provided in return for incentive density must be established in a Site Plan Enforcement Agreement approved by the Department of Permitting Services

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<#>In approving incentive densities above the minimum, the Planning Board must considered the size and configuration of the parcel, the priorities of the applicable master or sector plan, the applicable design guidelines, the context of the adjacent properties, and the lack of similar benefits nearby.¶

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and by resolution of the Planning Board prior to the certification of a site plan.

f) Table of density incentives:

Incentive Zoning Table			
Public Benefit	Percent of Incentive Density		Section Reference
	Minimum	Maximum	
<i>Transit Proximity</i>			
Adjacent or Confronting Transit Access	<u>25</u>	<u>50</u>	
Transit Access within ¼ Mile	<u>20</u>	<u>40</u>	15.72
Transit Access between ¼ and ½ Mile	<u>15</u>	<u>30</u>	
Transit Access between ½ and 1 Mile	<u>10</u>	<u>20</u>	
<i>Connectivity & Mobility</i>			
<u>Community Connectivity</u>	<u>10</u>	<u>20</u>	15.731
Community Garden	<u>5</u>	<u>10</u>	15.732
<u>Parking at the Minimum</u>	<u>10</u>	<u>20</u>	15.733
<u>Pedestrian Through-Block Connection</u>	5	10	15.734
<u>Public Parking</u>	<u>20</u>	<u>30</u>	15.735
Transit Access Improvement	10	20	15.736
<i>Diversity</i>			
Adaptive Buildings	<u>15</u>	<u>30</u>	15.741
Affordable Housing: MPDUs	See section reference		15.742
Affordable Housing: WFHUs	See section reference		
Care Center	<u>10</u>	<u>20</u>	15.743
Community Facility	10	20	15.744
Local Retail Preservation	10	20	15.745
Unit Mix and Size	5	10	15.746
<i>Design</i>			
Floor Plate Size	10	20	15.751
Historic Resource Protection	10	20	15.752
<u>Parking Below Grade</u>	<u>10</u>	<u>20</u>	15.753
Podium/Tower Setback	5	10	15.754
Public Art	10	20	15.755
Public Plaza/Open Space	5	10	15.756
Streetscape, Off-Site	5	10	15.757
Wow Factor	10	20	15.758
<i>Environment</i>			
<u>Bio-retention and Stormwater Recharge</u>	<u>5</u>	<u>10</u>	15.761
Conveyed Parkland	10	20	15.762
Dark Skies	5	10	15.763
<u>Energy Efficiency and Generation</u>	<u>10</u>	<u>20</u>	15.764
<u>Green Wall</u>	<u>5</u>	<u>10</u>	15.765
<u>LEED Rating</u>	<u>10</u>	<u>30</u>	15.766
<u>Rainwater Reuse</u>	<u>5</u>	<u>10</u>	15.767
<u>Transferable Development Rights</u>	<u>10</u>	<u>30</u>	15.768
<u>Tree Canopy</u>	<u>10</u>	<u>20</u>	15.769
<u>Vegetated Area</u>	<u>5</u>	<u>10</u>	15.7610
<u>Vegetated Roof</u>	10	20	15.7611
<u>Building Lot Terminations</u>	=	<u>50</u>	15.77

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Thursday, July 16, 2009

59-C-15.72. Transit Proximity Incentives.

Development close to transit encourages greater transit use and reduces vehicle miles travelled, congestion, and carbon emissions. Transit proximity is defined under 59-C-15.9 and incentive density is provided as follows:

<u>Proximity</u>	<u>Level 1 Transit</u>	<u>Level 2 Transit</u>
<u>Adjacent or confronting</u>	<u>50%</u>	<u>25%</u>
<u>Within ¼ mile</u>	<u>40%</u>	<u>20%</u>
<u>Between ¼ and ½ mile</u>	<u>30%</u>	<u>15%</u>
<u>Between ½ and 1 mile</u>	<u>20%</u>	<u>10%</u>

59-C-15.73. Connectivity and Mobility Incentives.

Projects that enhance connectivity and mobility encourage pedestrian and other non-auto travel for short and multi-purpose trips as well as for commuting. They facilitate social interaction, provide opportunities for healthier living, and stimulate local businesses.

59-C-15.731. Community Connectivity.

The minimum incentive density increase for a building that enhances community connectivity by locating near existing retail uses and/or providing retail uses requires that:

- a) at least ten different existing or proposed retail uses with direct pedestrian access are within 1/2 mile and
- b) a minimum of 35% of those uses have a maximum floor area of 5,000 square feet and that any newly provided retail uses remain at or below that area for a period of at least 4 years after the initial use-and-occupancy permit is issued for that use.

The maximum increase requires additional benefits such as a large diversity of retail, a greater number of retail shops, provision of services associated with live-work units, or that the required number of retail uses are within ¼ mile.

59-C-15.732. Community Garden.

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Community gardens allow residents to grow their own produce, reduce automobile reliance, increase water and air quality, and foster social interaction. The minimum incentive density increase requires that the garden:

- a) Is located on the subject site or within 500 feet of the subject site;
- b) Provides all garden spaces with a minimum of 12" of soil depth and access to water; and
- c) Provides at least one assigned 16 square-foot minimum garden space for a minimum of 5% of the dwelling units, of which at least 1 of each 10 is accessible according to ADA standards, – get language from Jacob

The maximum increase requires additional features such as a composting facility, additional garden space, seating areas, doubling as a green roof, or additional accessible garden plots.

59-C-15.733. Parking at the Minimum.

- a) The minimum incentive density increase requires that sites of one acre or more provide on-site only the minimum required number of parking spaces.
- b) The maximum increase requires that sites of less than one acre provide on-site only the minimum required number of parking spaces.

59-C-15.734. Pedestrian Through-Block Connections.

Through-block connections enhance pedestrian mobility and help to create a variety of open spaces, particularly on larger blocks. The minimum incentive density increase for a pedestrian through-block connection requires that:

- a) The pedestrian connection must provide direct access between two or more streets;
- b) The minimum width of the pedestrian connection must be 15 feet;
- c) A minimum of 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet must have clear, unobstructed windows unless an alternative design is found to be at least equally safe;
- d) The pedestrian connection must be open to the public between sunrise and sunset and, where it leads to a transit facility or publicly-accessible

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<#>Provides a minimum of 16 square feet of space for a minimum of 5% of the dwelling units.¶
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The maximum increase requires such additional features as a composting facility, additional garden space, seating areas, doubling as a green roof, or additional accessible garden plots.¶
¶
59-C-15.822. Community Connectivity.¶ (... [33])

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935 parking facility within 1/2 mile, for the hours of operation of the transit
936 and/or parking facility; and
937 e) New retail uses fronting both a pedestrian connection and a street, must
938 maintain operable doors from both unless not required by the Planning
939 Board during site plan review.

940 The maximum increase requires additional benefits such as direct connection
941 to parks, transit facilities, or public buildings; the pedestrian connection is
942 animated by retail uses along a majority of its length; the connection is
943 increased in width; or public artworks are integrated into the walk.

944 **59-C-15.735. Public Parking.**

945 The minimum increase requires providing on-site the difference between the
946 minimum number of required parking spaces and the maximum number of
947 allowed parking spaces as publicly accessible spaces for free or at a market
948 rate.

949 The maximum increase requires providing public parking spaces as required
950 above in combination with additional improvements such as constructing
951 those spaces underground or in a structure.

952 **59-C-15.736. Transit Access Improvement.**

953 The minimum incentive density increase for transit access improvements
954 requires that:

- 955 a) The improvements are located within 1/2 mile of the proposed
956 development site or, in the case of mobile transit improvements such as a
957 bus shuttle, that provide regular access for passengers within 1/2 mile and
958 b) The improvements are built to current ADA accessibility standards.

959 The maximum increase requires additional benefits such as closer access,
960 new access easements, connecting walkways, mezzanines, seating areas,
961 structures for wind/rain protection, or concourse areas.

962 **59-C-15.74. Diversity Incentives.**

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The maximum increase requires additional benefits such as closer access, new access easements, connecting walkways, mezzanines, seating areas, structures for wind/rain protection, or concourse areas.¶

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59-C-15.741. Adaptive Buildings.

Adaptive buildings can adjust to a diversity of uses over time, which makes them more accommodating of mixed uses, more sustainable, and more embedded in the pattern of a community. The minimum incentive density increase for an adaptive building requires that:

- a) The minimum floor to floor dimension is 15 feet for all floors and
- b) The internal floor plan is based on a structural system allowing flexibility of volumes divisible from one open floor plate to any number of parceled volumes.

The maximum increase requires additional benefits such as that the structural system has additive capacity for any available density and height that is not used by the building without demolition of the structure or the internal layout is built with a flexible cellular system that allows for residential, retail, and office uses to occupy any of the cells.

59-C-15.742. Affordable Housing.

All development must comply with the requirements of Chapters 25A and 25B for the provision of Moderately Priced Dwelling Units (MPDUs) and Workforce Housing Units (WFHUs).

Provision of MPDUs above the minimum required grants an incentive density increase providing the following standards are met:

- a) The increase in density is calculated on the incentive density as required by Chapters 25A;
- b) The MPDUs must be reasonably distributed throughout the project; and
- c) Any dwelling units built under this section must be controlled as either MPDUs for a minimum period of 99 years.

Example: Provision of 14.5% MPDUs achieves an incentive density increase of 20% (25-A-5(c)(3)). In the case of a CR4.5, that would equal 0.20 x 4.0 (the incentive density), which is 0.8 FAR.

Provision of WFHUs grants an incentive density increase at the following rate: 2 times the percentage of units provided as WFHUs up to 30%.

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Example: Provision of 5% WFHUs achieves an incentive density increase of 10%; provision of 12% WFHUs achieves an incentive density increase of 24%.

59-C-15.743. Care Center.

The minimum incentive density increase for a center for daytime adult or child care requires that at least 12 slots are provided and a minimum of 25 percent of the available slots in the care center is available to the general public.

The maximum increase requires additional benefits such as additional slots, a safe drop-off area, an increase in slots available to the general public, and recreation facilities provided above those required by law.

59-C-15.744. Community Facility.

The minimum incentive density increase for a community facility that helps meet the needs of residents and workers requires that:

- a) The community facility is recommended in the appropriate master plan or sector plan and
- b) Is accepted for operation and use by an appropriate public agency, community association, or nonprofit organization;

The maximum increase requires further benefits such as an entrance to the facility directly on the street, location of the building within 10 feet of a public sidewalk, associated outdoor open space, or integration into an area with a minimum residential FAR of 2.0 or greater (or 30 dwelling units per acre).

59-C-15.745. Local Retail Preservation.

Preservation of locally-owned small businesses on site, as determined by the Small Business Administration's Table of Small Business Size Standards (SBA Table) is eligible for incentive density according to the following:

- a) Preservation of up to 2 small businesses: 10% and
- b) Preservation of 3 or more small businesses: 20%.

59-C-15.746. Unit Mix and Size.

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The maximum increase requires additional benefits such as additional spaces, a drop-off area, an increase in spaces available to the general public, and recreation facilities beyond those required by law.¶

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The maximum increase requires further benefits such as an entrance to the community facility on a street, location of the building within ten feet of a public sidewalk, associated outdoor open space, or integration into an area with a minimum residential FAR of 2.0 or greater (or 30 dwelling units per acre).¶

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The minimum incentive density increase for creating residential buildings with a minimum mix of dwelling unit types (calculated by rounding to the next higher whole number) requires provision of at least:

- a) 7.5 percent as efficiency dwelling units,
- b) 8 percent as one-bedroom dwelling units,
- c) 8 percent as two-bedroom dwelling units, and
- d) 5 percent as three-bedroom dwelling units.

The maximum increase requires provision of at least (rounded to the next higher whole number):

- a) 10 percent as efficiency dwelling units,
- b) 10 percent as one-bedroom units,
- c) 10 percent as two-bedroom units, and
- d) 7.5 percent as three-bedroom units.

59-C-15.75. Design Incentives.

59-C-15.751. Floor Plate Size.

The minimum incentive density increase for the provision of floor plate restrictions requires that:

- a) The floor area of any floor above a height of 120 feet does not exceed 10,000 square feet for residential uses or 19,000 square feet of non-residential uses, or 12,000 square feet of mixed-uses (provided that not more than 60 percent of a mixed- use floor is used for any single use); and
- b) The exterior of the building facing any street or public open space has a minimum of 60 percent glass on the floors with the reduced floor plate.

The maximum increase requires additional benefits, such as providing the reduced floor plates in conjunction with the Wow Factor, providing smaller floor plates, combining this incentive with the tower setback, providing a larger percentage of glass, or integrating sustainable technologies into the architecture.

59-C-15.752. Historic Resource Protection.

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The maximum density increase requires additional benefits, such as providing smaller floor plates, combining this incentive with a tower setback, providing a larger percentage of glass, or integrating sustainable technologies into the architecture.¶

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The minimum incentive density increase for the protection of a historic resource as designated in the Master Plan of Historic Preservation requires that a preservation plan for the resource is approved by the Historic Preservation Commission.

The maximum increase requires that other benefits are provided, such as interpretive signs/exhibits, integration and construction of context-appropriate landscapes and settings, or protection of important viewsheds.

59-C-15.753. Parking Below Grade.

The minimum incentive density increase requires that sites of one acre or more provide all on-site parking spaces below the average grade of the primary street frontage.

The maximum increase requires that sites of less than one acre provide all on-site parking spaces below the average grade of the primary street frontage.

59-C-15.754. Podium/Tower Setback.

The minimum incentive density increase for the provision of a tower setback requires that the tower must be set back from the first floor building frontage at or below 72 feet and the setback must be a minimum of 6 feet.

The maximum increase requires that the tower setback be at or below 50 feet and that the setback be a minimum of 12 feet.

59-C-15.755. Public Art.

Public art is considered a public benefit because it enhances the quality of place and creates a sense of identity in a community. The minimum incentive density increase for public art requires that:

- a) It enhances the general or specific cultural objectives of the applicable master or sector plan;
- b) It is approved by the Public Arts Trust Steering Committee.

The maximum increase requires that, in addition to the above requirements, the artwork fulfill a minimum of five of the eight goals enumerated in the

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1227 report by the Study Committee on Artwork in the Optional Method Projects
1228 report that was approved by the Planning Board, as amended.

1229
1230 A fee-in-lieu for public art may be made according to the following
1231 provisions:

- 1232 a) The minimum fee is calculated on 1% of the development's projected
- 1233 cost;
- 1234 b) The fee is paid to the Public Arts Trust Steering Committee;
- 1235 c) The fee is used for installation, management, and maintenance of public
- 1236 art in the policy area where the proposed development is located; and
- 1237 d) The incentive density is equal to a 5% increase for every 1% of projected
- 1238 development cost paid to the Steering Committee up to 20%

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1240 **59-C-15.756. Public Plaza/Open Space.**

1241 Plazas are important public amenities and create interesting spaces and
1242 active gathering areas. The minimum incentive density increase for any
1243 plaza requires that:

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- 1244 a) The plaza is directly accessible to a street;
- 1245 b) The plaza must be open to the public at a minimum between sunrise and
- 1246 sunset;
- 1247 c) No proposed loading or parking facilities should be visible below a
- 1248 height of the fourth floor; and
- 1249 d) The plaza must be in addition to any public use space required by the
- 1250 development standards or other minimum open space requirement of this
- 1251 Article.

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1252
1253 The maximum increase requires that the above requirements are met in
1254 addition to the following:

- 1255 a) The minimum width of the plaza must be 50 feet;
- 1256 b) Where the plaza is provided as part of a redevelopment, buildings facing
1257 the plaza must be designed so that:
 - 1258 1) The walls of any non-residential floor area facing the plaza must have
 - 1259 windows on a minimum of 60 percent of the façade below a height of
 - 1260 40 feet and
 - 1261 2) The main entry to any dwelling units is from a wall facing the plaza;

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1276 c) The plaza should contain seating, trash receptacles, landscaping, and
1277 other amenities such as water features, kiosks, and passive recreation
1278 areas.

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1280 **59-C-15.757, Streetscape, Off-Site.**

1281 Streetscape improvements enhance the pedestrian experience and better
1282 connect buildings to the public spaces. The minimum **incentive** density
1283 increase for streetscape improvements requires that the following criteria are
1284 met:

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- 1285 a) The improvements must be located within 1/2 mile of the subject site and
- 1286 b) The improvements are equal to 18 percent of the net lot.

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- Deleted: 2,500 feet
- Deleted: the amount of on-site public open space required by the development or
- Deleted: , whichever is greater

1288 The maximum increase requires that the improvements be equal to a
1289 minimum of 36 percent of the net lot area.

1290 **59-C-15.758, Wow Factor.**

1291 The minimum **incentive** density increase for high-quality site and
1292 architectural design requires that at least three of the following criteria are
1293 met. The maximum density increase requires that a least five of the
1294 following criteria are met.

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The Applicant may make a cash contribution for the value of improvements to a County Agency which will undertake the improvements in full.¶
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- 1296 a) Provides innovate solutions in response to the architectural context and
1297 surrounding landscape, for example by rotating floor plates for views or
1298 reconciling offset street-walls;
- 1299 b) Creates a sense of place that will serve as a landmark in the community,
1300 for example by creating a distinguishing element that is visible from an
1301 important view or at a gateway to an area;
- 1302 c) Enhances the public realm in a distinct and original manner, for example
1303 by using existing materials and forms in new ways to provide continuity
1304 and contrast;
- 1305 d) Adds to the diversity of the built realm within the community, for
1306 example by introducing new materials, building methods, or design
1307 styles;
- 1308 e) Uses design solutions to make compact/infill living, working, and
1309 shopping environments pleasurable and desirable, for example by
1310 retrofitting surface parking lots and single-use retail malls or creating

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1326 multi-use, pedestrian-dominated realms in previous auto-oriented areas;
 1327 and
 1328 f) Integrates environmentally sustainable solutions, for example by using
 1329 bmp stormwater management facilities in an apparent and observable
 1330 way or integrating passive solar features into the visible structure of a
 1331 building or site.

59-C-15.76. Environment Incentives.

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59-C-15.761. Bio-retention and Stormwater Recharge.

The minimum incentive density increase for the use of bio-retention and recharge facilities requires that a minimum of 25% of projected stormwater outfall for a 10-year event be contained and recharged on site or within ¼ mile of the site.

The maximum increase requires that a minimum of 50% of projected stormwater for a 10-year event be contained and recharged.

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59-C-15.762. Conveyed Parkland.

The minimum incentive density increase for land conveyed to the M-NCPPC Department of Parks for inclusion in or provision of parkland, trail area, or other master-planned Parks' use requires conveyance of at least of 15% of the gross lot area. The maximum increase requires conveyance of at least 30% of the gross lot area.

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59-C-15.763. Dark Skies.

The minimum incentive density increase for dark skies-compliant projects requires that they be built and maintained in conformance with the standards established by the International Dark-Sky Association (<http://docs.darksky.org/Codes/LightingCodeHandbook.pdf>).

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The maximum increase requires that the exterior lighting plan be integrated into an energy efficiency plan for the entire property submitted and approved by the Planning Board with a site plan application.

Thursday, July 16, 2009

59-C-15.764. Energy Efficiency and Generation.

The minimum density incentive increase for the use of on-site renewable energy generation requires that buildings must meet the minimum energy efficiency standards of 17.5% for new buildings or 10.5% for existing buildings and/or generate a minimum of 1.5% of their energy cost on site energy generation.

The maximum increase requires additional benefits such as greater energy efficiency and the generation of a minimum of 2.5% of energy cost on site.

59-C-15.765. Green Walls

The minimum incentive density increase for a green wall requires that:

- a) It must be designed, installed, and maintained to cover a minimum of 30% of the area of a blank wall or parking garage facing a street or plaza;
- b) It must be found to add to the aesthetic quality and environmental sustainability of the project; and
- c) It should be on the south or west facades of the building to achieve maximum energy savings.

The maximum increase requires additional benefits such as a greater percent of coverage, the use of plants with varying flowering seasons, or integration into an overall energy or environmental site design program.

59-C-15.766. LEED Rating.

A LEED-rated (or County-approved equivalent) building or site is eligible for an incentive density increase provided it meets any continuing requirements necessary to maintain that status.

(<http://www.usgbc.org/Default.aspx>) The amount of incentive density increase is equal to the following:

- a) LEED Silver: 10%
- b) LEED Gold: 20%
- c) LEED Platinum: 30%

59-C-15.767. Rainwater Reuse.

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59-C-15.853. Vegetated Roof.¶
The minimum density incentive increase for green roofs requires that:¶
¶
<#>The green roof must cover a minimum of 33% of the roof of the building excluding any space occupied by mechanical equipment; ¶
<#>The soil or media depth must be a minimum of 4 inches; and¶
<#>The vegetation must be maintained for the life of the building and the County will have access to inspect, install, and/or maintain the vegetation at the expense of the owner.¶
¶
The maximum increase requires that further benefits are provided, such as more intensive vegetation, and coverage of a minimum of 50% of the roof area.¶

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The vegetation must be maintained for the life of the building and the County will have access to inspect, install, and/or maintain the vegetation at the expense of the owner.

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59-C-15.856. Vegetated Area.¶
The minimum density incentive increase for a vegetated area requires that the following criteria are met:¶
¶
<#>The area must be a minimum of 5% of any on-site open space;¶
<#>The area is not counted towards the green roof incentive provisions;¶

... [36]

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The minimum incentive density increase for the collection of rainwater for on-site irrigation, grey-water use, or filtration for re-use, requires that a minimum of 25% of projected rainwater for a 10-year event be collected and used on-site or within ¼ mile of the site.

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The maximum increase requires that a minimum of 50% of projected rainwater for a 10-year event be collected and used.

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59-C-15.768. Transferable Development Rights

The incentive density increase for the purchase of transferable development rights (TDRs) must meet the following:

- Deleted: ¶
- 59-C-15.858. Bio-retention and Stormwater Recharge.¶
- The minimum density incentive increase for the use of bio-retention and recharge facilities requires that a minimum of 25% of projected stormwater outfall be contained and recharged on site.¶
- ¶
- The maximum increase requires that a minimum of 50% of projected stormwater be contained and recharged on site.¶

- a) The purchase must be executed and recorded prior to approval of a record plat;
- b) The use of this incentive must be for development on land recommended as a TDR receiving area in an approved and adopted master or sector plan;
- c) TDRs must be purchased in groups of 10; and
- d) The incentive density increase is equal to 10% for every 10 TDRs purchased up to 30%.

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59-C-15.769. Tree Canopy.

The minimum incentive density increase for the provision of tree canopy requires coverage of at least 25% of the on-site open space at 15 years growth.

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The maximum increase requires coverage of at least 50% of the on-site open space at 15 years growth.

59-C-15.7610. Vegetated Area.

The minimum incentive density increase for a vegetated area requires that the following criteria are met:

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- 59-C-15.8510. Renewable Energy Generation.¶
- The minimum density incentive increase for the use of on-site renewable energy generation requires that a minimum of 2.5% of a site's energy use requirement is met by the on-site energy generation.¶
- ¶
- The maximum increase requires provision of a minimum of 5% on-site energy generation.¶

- a) The area must be in addition to any required on-site open space or any vegetated roof incentive;
- b) The area must replace at least 5,000 square feet of impervious area;
- c) The area provides a minimum of 12 inches of soil depth; and

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1531 d) The area is planted with well-maintained vegetation.

1532 The maximum increase requires additional benefits such as larger area or
1533 greater soil depth.

1535 **59-C-15.7611. Vegetated Roof.**

1537 The minimum incentive density increase for a vegetated roof requires that:

- 1538 a) The vegetated roof must cover a minimum of 33% of the roof of the
- 1539 building, excluding any space occupied by mechanical equipment and
- 1540 b) The soil or media depth must be a minimum of 4 inches.

1542 The maximum increase requires coverage of a minimum of 60% of the roof
1543 area.

1545 **59-C-15.77. Special Regulations for Use of a Building Lot Termination**
1546 **(BLT) Development Right.**

1547 Building lot termination easements may be purchased for incentive density
1548 according to the following provisions:

- 1549 a) BLT easements must be purchased or a contribution must be made to the
1550 Agricultural Land Preservation Fund under Chapter 2B equal to 12.5 percent
1551 of the incentive density FAR;
- 1552 b) One BLT is required for every 7,500 square feet of residential floor area of
1553 the 12.5% incentive density area calculated in (a);
- 1554 c) One BLT is required for every 9,000 square feet of non-residential floor area
1555 of the 12.5% incentive density area calculated in (a);
- 1556 d) When a BLT easement cannot be purchased or the amount of floor area
1557 attributed to a building lot termination easement is a fraction of the floor
1558 area equivalent, payment must be made to the Ag Land Preservation Fund
1559 according to the rate set annually by executive regulation; and
- 1560 e) The maximum incentive density increase is 50%.

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- Deleted: <#>Residential development within a metro-station policy area that provides workforce housing is exempt from this section:¶ Building lot termination
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1562 **59-C-15.8. Existing Approvals.**

- 1563 a) A lawfully existing building or structure and the uses therein, which predates
1564 the applicable sectional map amendment, is a conforming structure or use, and
1565 may be continued, renovated, reconstructed to the same size and configuration,

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Thursday, July 16, 2009

1591 or enlarged up to 10 percent above the existing floor areas or 7,500 square feet,
1592 whichever is less and does not require a site plan. A larger addition requires
1593 compliance with the full provisions of this division.

1594 b) A project that received an approved development plan under 59-D-1 or 59-H-
1595 2.5 prior to the enactment of the CR zones, may proceed according to the
1596 binding elements of the development plan and will thereafter be treated as a
1597 lawfully existing building under section a) above. Any increase in the total
1598 floor area, height, or reduction of setbacks approved by the development plan
1599 requires compliance with the full provisions of this division.

1600 c) A project which has had a preliminary or site plan approved prior to the
1601 applicable sectional map amendment may be built or altered at any time subject
1602 to either the full provisions of the previous zone or this division at the option of
1603 the owner. If built in accordance with the provisions of the previous approval,
1604 it shall thereafter be treated as a lawfully existing building under section a)
1605 above.

1607 59-C-15.9. Definitions Specific to the CR Zones.

1608 Car share space: A parking space that serves as the location of an actively in-
1609 service vehicle used by a vehicle-sharing service.

1610 Live/Work unit: Buildings or spaces within buildings that are used jointly for
1611 commercial and residential purposes where the residential use of the space is
1612 secondary or accessory to the primary use as a place of work.

1613 Priority retail street frontage: Frontage along a right-of-way identified in a
1614 Master or Sector Plan to be developed with street-oriented retail to encourage
1615 pedestrian activity along the.

1616 Public owned or operated uses: Activities that are located on land owned by or
1617 leased and developed or operated by a local, county, state, or federal body or
1618 agency.

1619 Recreational facilities, participatory, indoor: Provision of sports or recreation
1620 by and for participants for uses conducted within an enclosed building.
1621 Spectators would be incidental on a nonrecurring basis. Typical uses include
1622 bowling alleys, billiard parlors, indoor tennis and handball courts, and health
1623 clubs.

1624 Recreational facilities, participatory, outdoor: Provision of sports or recreation
1625 by and for participants for uses conducted outside of an enclosed building.
1626 Spectators would be incidental on a nonrecurring basis. Typical uses include

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driving ranges, miniature golf courses, swimming pools, and outdoor ice skating rinks.

Retail sales and service, general: Commercial establishments engaged in selling merchandise to the general public and services incidental to the sale of merchandise. These establishments include, for example, antique shops, drug stores, dry-cleaning pick up stations, duplicating services, florists, grocery stores, health clubs, newsstands, photographic studios, shoe repair shops, specialty shops, and tailoring shops, among many others.

Transit proximity: Level 1 proximity is based on location within one mile of a Metrorail Station. Level 2 proximity is based on location within one mile of a Marc Station or a transportation corridor with fixed route bus service where service intervals are no longer than 15 minute during peak commute hours. A project shall be considered to be within one mile of transit if all parcels within the project have no more than 25% of their area farther than one mile from a transit stop or corridor and if not more than 10% of the residential units in the project are farther than one mile from the stop or corridor. A planned transit stop or corridor is one that is funded for construction within the first four years of the Consolidated Transportation Program and/or the Capital Improvement Program.

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

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

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59-C-15.32. Operational Restrictions.

The operation of a drive-through or a surface parking lot is subject to the following:

Drive-Through Services:

No part of the driveway may be located between the street and the main front wall of a building or the side wall of a building on a corner lot unless the Planning Board finds that no other circulation option is reasonably feasible.;

The drive-through service window must be screened from visibility from the street by the main building (or the primary street on a corner lot); and Curb cuts to a street must be minimized in typical situations to one drive aisle of no more than 20 feet in width for two-way traffic or two drive aisles of no more than 10 feet in width for one-way traffic.

Surface Parking:

No part of the parking facility at or above grade may be located between the street and the main front wall of the building or the side wall of a building on a corner lot unless the Planning Board finds that no alternative is reasonably feasible;

Primary vehicular access to the parking facility must be from an alley when the site is bounded by such; and

Curb cuts must be kept to a minimum and shared by common ingress/egress easements whenever possible.

59-C-15.4. Methods of Development.

Two methods of development are available under the CR zones.

59-C-15.41. Standard Method.

Standard method development must meet the parking standards, general requirements, and development standards under this Article. A site plan is required for a standard method development project if:

- The gross floor area exceeds 10,000 square feet;
- Any building or group of buildings contains 6 or more dwelling units; or
- Any use generates more than 15 peak-hour trips.

59-C-15.42. Optional Method.

Optional method development must meet the parking standards, general requirements, and development standards under this Article. In addition, the optional method of development allows for the maximum density and height as indicated on the official zoning maps if supported by additional public benefits as delineated by the incentive zoning provisions of this Article. Site plan review is required for any optional method of development project.

59-C-15.5. Parking.

The following parking standards apply to any development in the CR zones.

The maximum number of parking spaces provided on site must not exceed the number established under Article 59-E.

The minimum number of parking spaces must not be less than the maximum number of spaces established above, as reduced by the following table:

Minimum Parking Requirements				
	Distance from Transit Access			
	¼ mile from	¼ to ½ mile from transit	½ mile to 1 mile from	>1 mile from

The minimum number of spaces required is equal to the total as determined by Article 59-E multiplied by the following factor:	0.20	0.40	0.60	0.80
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For purposes of the CR zones, transit access is defined as a site with ADA-conforming access to an existing or master planned MetroRail, MARC, light-rail, or a bus-rapid transit station.

Parking requirements may be met by any of the following:

- Providing the spaces on site,
- Constructing on-street parking, or
- Entering into an agreement for shared parking spaces in a facility within 1,000 feet of the subject lot provided that the off-site parking facility is not in an agricultural or residential district.

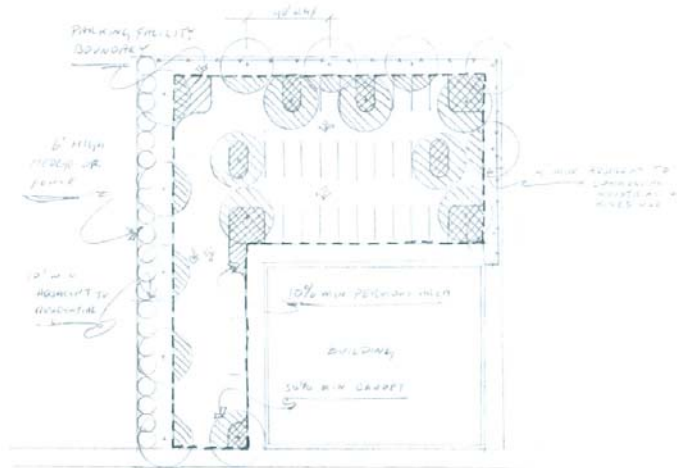
Every “car-share” space provided reduces the total minimum number of required spaces by six spaces for non-residential use or three spaces for residential use.

Example: A site requiring a minimum of 100 spaces according to Article 59-E would be allowed 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 ($100 \times 0.40 = 40$). If two car-share spaces were provided, that requirement would be 28 for non-residential use or 34 for residential use.

Landscaping for surface parking facilities must be provided according to the following table:

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 Property 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 Property 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

Internal Pervious Area	10% of the parking facility area; to count towards this requirement, individual permeable areas must be a minimum of 100 square feet.
Tree Coverage	30% of the parking facility area (at 15 years growth).



Surface Parking Requirements Illustrative (Place Holder)

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This section details the general requirements that must be met by any development in the CR zones

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or as a “main street” or “pedestrian-oriented street” in an approved and adopted master plan or adopted design guidelines

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Screening of any surface parking from the street (or the primary street in case of a corner lot);

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Community Connectivity	10	20	15.822
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Green Wall	5	10	15.854
LEED Rating	10	30	15.855
Vegetated Area	5	10	15.856
Rainwater Reuse	5	10	15.857
Bio-retention and Stormwater Recharge	5	10	15.858
Renewable Energy Generation	10	20	15.8510
Tree Canopy	10	20	15.859

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Provides all garden spaces with a minimum of 12" of soil depth and access to water; and
Provides a minimum of 16 square feet of space for a minimum of 5% of the dwelling units.

The maximum increase requires such additional features as a composting facility, additional garden space, seating areas, doubling as a green roof, or additional accessible garden plots.

59-C-15.822. Community Connectivity.

The minimum incentive density increase for a building that enhances community connectivity by locating near existing retail uses and/or providing retail uses requires that:

At least ten existing or proposed retail uses with direct pedestrian access are within 0.5 miles;

The retail uses are located on a lot that is within 0.5 miles of:

An existing transit station,

A master or sector planned transit station , or

A property that is zoned with a residential FAR of 2.0 or greater (or more than 30 units per acre);

The front setback of the proposed building containing the pedestrian retail uses is a maximum of 5 feet (or 10 feet if a public utility/improvement easement is required), unless a greater setback is approved by the Planning Board; and

A minimum of 50 percent of any proposed retail uses must have a minimum floor area of 5,000 square feet for a period of at least six years after the initial use-and-occupancy permit is issued for the use.

The maximum increase requires additional benefits such as a large diversity of retail, a greater number of retail shops, provision of services associated with live-work units, or that the required number of retail uses are within ¼ mile.

The maximum increase requires providing on-site

the difference between the minimum number of parking spaces and the maximum number of parking spaces as publicly accessible spaces for

59-C-15.856. Vegetated Area.

The minimum density incentive increase for a vegetated area requires that the following criteria are met:

- The area must be a minimum of 5% of any on-site open space;
- The area is not counted towards the green roof incentive provisions;
- The area provides a minimum of 12inches of soil depth; and
- The area is planted with well-maintained vegetation.

The maximum increase requires the above and additional benefits such as a larger area or greater soil depth.