

Division 59-C-15. Commercial/Residential District

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Section 59-C-15.1. Zones Established.

The following are the commercial/residential (CR) district density zones and their identifying symbols. The CR district delineates allowed uses and general provisions and requirements. The density zones within that district enumerate the allowed dimensional and discretionary standards.

CR District Zones Established			
District	Total Base FAR (T)	Total Base Commercial FAR (C)	Total Base Residential FAR (R)
CR	T0.5	C0.25	R0.25
CR	T1.0	C0.75	R0.5
CR	T1.0	C0.5	R0.75
CR	T1.5	C0.5	R1.0
CR	T2.0	C1.0	R1.5
CR	T2.0	C1.5	R1.0
CR	T3.0	C2.0	R2.5
CR	T3.0	C2.5	R2.0
CR	T4.0	C2.5	R3.5
CR	T4.0	C3.0	R3.0

Both district and density zone are indicated on the official zoning maps. For example, “CR T2.0 C1.5 R1.0” is indicated on the zoning maps wherever a property is allowed to develop according to the restrictions and requirements of the CR district and the standards of the CR T2.0 C1.5 R1.0 zone. The density in such a case is allowed up to a maximum FAR of 2.0, up to 1.5 of which may be non-residential and up to 1.0 of which may be residential. Where total (T) FAR is greater than either the non-residential (C) or the residential (R) FAR, some mixing of uses is necessary in order to achieve the maximum density. The dimensional and discretionary standards and allowed bonus densities and heights for each density zone are uniformly applied across every property within that zone.

Section 59-C-15.2. Provisions of the Commercial/Residential (CR) District.

59-C-15.21. Description and Purpose of the District.

The CR district allows commercial and residential uses and encourages a mix of both. The purpose of the CR district is to:

- a) Implement the goals and objectives of applicable master plans and sector plans;
- b) Provide opportunities for the redevelopment of strip malls and surface parking lots with a sustainable mix of uses;
- c) Provide for a range of context-sensitive densities to achieve an appropriate balance of “jobs to housing”;
- d) Increase the supply of housing near employment and retail centers and expand affordable housing opportunities;
- e) Define public spaces and streets to encourage pedestrian activity and enhance safety;
- f) Provide neighborhoods with enhanced service amenities and options for mobility; and
- g) Define public amenities and benefits for which density and height bonuses may be granted.

59-C-15.22. Intent of the District.

- a) The CR district promotes a mix of commercial and residential uses at varying densities to provide more sustainable development where people can live, work, and find services and amenities while minimizing automobile use. The use of this district is appropriate for any commercial area where our impact on the environment can be reduced by placing housing closer to jobs and services.
- b) The various zones within the CR district are designed with base dimensional and discretionary standards to ensure a fundamental sense of certainty while allowing for flexibility to accommodate the visions of disparate master plans and sector plans.

59-C-15.23. Land Uses.

59-C-15.23.1. No use is allowed except as indicated in the following table:

- **Permitted Uses.** Uses designated by the letter “P” are permitted on any lot or parcel in the CR district, subject to all applicable regulations and standards.

- **Conditional Uses.** Uses designated by the letter “C” are permitted on any lot or parcel in the CR district, subject to all applicable regulations and standards as well as additional regulations and standards as delineated in the applicable section of division 59-C-15 noted in the table.
- **Special Uses.** Uses designated by the letter “S” are permitted on any lot or parcel in the CR district, subject to all applicable regulations and standards if authorized by the Board of Appeals according to the requirements of article 59-G.

Allowed Land Uses in the Commercial/Residential (CR) District		
Use	P, C, S	C or SE section reference; general notes.
a) Agricultural		
b) Residential		
c) Institutional & Civic		
d) Commercial		
e) Industrial		
f) Other		

****draft of use table and conditional use notes provided separately****

59-C-15.23.2. Conditional Use Requirements and Standards.

Those uses indicated by a C in the allowed land use table are subject to the general restrictions and requirements of the CR district and the dimensional and discretionary standards of the applicable zone as well as the restrictions and requirements delineated in this section. In cases where only the dimensional standards of a conditional use are supplemented by this section, a site plan may not be necessary; when particular discretionary restrictions and requirements are entailed, a site plan may be necessary.

59-C-15.23.21. Use.

A(n) xxxxxx may be allowed in the CR district if the following conditions are met:

- 1) This;
- 2) That; and
- 3) The other.

A site plan is **not** required in accordance with the provisions of section 59-D-3.

59-C-15.23.22. Use.

A(n) xxxxxx may be allowed in the CR district if the following conditions are met:

- 1) This;

- 2) That; and
- 3) The other.

A site plan is **not** required in accordance with the provisions of section 59-D-3.

59-C-15.23.3. Operational Restrictions.

The following operational uses are only permitted according to the additional restrictions of this section.

59-C-15.23.31. Drive-Through Service.

A drive-through service is allowed in the CR district provided that:

- 1) No part of the driveway is located between the street and the main front wall of a building or the side wall of a building on a corner lot;
- 2) The drive-through service window is screened from visibility from the street by the main building; and
- 3) Curb cuts to a street are kept to a minimum and the drive aisle is kept to a maximum width of 20 feet for two-way traffic and 10 feet for one-way traffic.

59-C-15.23.32. Surface Parking.

Surface parking is allowed in the CR district provided that:

- 1) No part of the parking facility is located between the street and the main front wall of the building or the side wall of a building on a corner lot;
- 2) Primary vehicular access to the parking facility is kept to the side of a building whenever possible; and
- 3) Curb cuts are kept to a minimum and shared by common ingress/egress easements whenever possible.

Section 59-C-15.3. General Restrictions and Requirements in the CR District.

The following provisions apply to development in any density zone in the CR district.

59-C-15.31. Existing Buildings and Uses.

- a) A lawfully existing building or structure and the uses therein, which predates the applicable sectional map amendment, may continue and be renovated or enlarged up to 10 percent above the existing floor areas or 7,500 square feet, whichever is less. A larger addition requires compliance with the full provisions of this division.
- b) A project in either a TS-R or TS-M zone may proceed provided the development plan was approved prior to the applicable sectional map amendment. Any increase in the total floor area above that approved by the development plan requires compliance with the full provisions of this division.
- c) A project subject to preliminary or site plan approved prior to the applicable sectional map amendment may be built or altered at any time subject to either the full provisions of the previous zone or this division.

- d) A property that was re-zoned to a lower density by any applicable map amendment may retain its previously allowed density as its base density and apply for any bonus density as allowed by this division prorated by the difference between the base and the maximum bonus.

59-C-15.32. Calculating Maximum Floor Area Ratio.

A building constructed on a lot or parcel in the CR district may not exceed the following floor area limits designated by the zone indicated on the official zoning maps as calculated as follows:

- a) A combined non-residential floor area and residential floor area equal to the gross lot area multiplied by the number following the symbol “T”,
- b) A non-residential floor area equal to the gross lot area multiplied by the number following the symbol “C”, and
- c) A residential floor area equal to the gross lot area multiplied by the number following the symbol “R”.

FAR Illustration

59-C-15.33. Dwelling Unit Mix and Size.

Any development with more than 20 dwelling units must provide:

- a) A minimum percentage of unit types, rounded to the next higher whole number as follows:
 - 1) 10 percent as efficiency dwelling units,
 - 2) 10 percent as one-bedroom dwelling units,
 - 3) 10 percent as two-bedroom dwelling units,
 - 4) 7.5 percent as three-bedroom dwelling units and
- b) An average floor area of the dwelling units, measured from the exterior wall surfaces, of at least 750 square feet.

59-C-15.34. Required Amenities and Floor Area Exemptions.

Development in the CR district must provide certain amenities as described below; any floor area required to provide such amenities is excluded from any floor area limit calculation subject to the restrictions and requirements delineated. Amenities are divided into four categories based on the following goals:

- a) To increase neighborhood connectivity and mobility options;
- b) To promote economic diversity and provide housing for all income levels;
- c) To provide high quality site and building design; and
- d) To protect the local and regional water, soil, and air quality.

Amenities Required in the Commercial/Residential (CR) District	
Amenity	Section reference; general notes.
a) Connectivity & Mobility	
Streetscape	59-C-15.34.4
b) Diversity	

Moderately priced dwelling units	59-C-15.34.1
Workforce housing	59-C-15.34.1
c) Design	
Public Use Space	59-C-15.34.3
d) Environment	
Bicycle parking spaces	59-C-15.34.2
Commuter shower/change facility	59-C-15.34.2

59-C-15.34.1. Affordable Housing.

- a) A mixed-use or residential building with 20 or more dwelling units must provide a minimum of 12.5 percent of the market rate units as moderately priced dwelling units.
- b) A mixed-use or residential building with 35 or more dwelling units that is located in a metro-station policy area must provide a minimum of 10 percent of the number of market rate units.
- c) In a mixed-use or residential building, required affordable housing units are calculated in the following manner (calculations of additional affordable housing units for bonus density are enumerated in section 59-C-15.34):
 - 1) Total Market Rate Units * 0.125 = # of MPDUs.
 - 2) Total Market Rate Units * 0.10 = # of Workforce Housing Units.
 - 3) Total MRUs + MPDUs + WFHUs = Total Units.
- d) In a non-residential building with a floor area of 35,000 square feet or greater, the developer must provide a contribution of land or funding to a housing builder to construct housing, or make a fee-in-lieu payment to the Housing Initiative Fund, or a combination of either option as set out below:
 - 1) Calculation of fee or land of equal value....
 - 2) Calculation of dwelling units to be constructed....
 - 3) Combination of fee or land and constructed dwelling units....
 - 4) The selling units built as required by this section must be either MPDUs or WFHUs for a minimum period of 99 years and the proportion of MPDUs must be a minimum of 12.5%.
- e) Building heights may exceed limits recommended in the applicable master plan or sector plan the minimum required to accommodate required MPDUs and/or WFHUs, but no more than is allowed by the zoning standards, if the Planning Board finds that the increase in height is compatible with existing or planned development in the immediate vicinity.

59-C-15.34.2. Bicycle Parking Spaces and Shower/Change Facility.

- a) The number of bicycle parking spaces and shower/change facilities required is determined as follows (calculations are rounded to the higher whole number):

Bicycle and Shower/Change Facilities Required in the CR District	
Use	Requirement
a) Residential	
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.
In any group living arrangement expressly for senior citizens.	A minimum of 0.1 bicycle parking spaces, not to be less than 2 spaces.
b) Non-Residential	
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.
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. One shower/change facility for each gender.

- b) Bicycle parking spaces must not be provided in individual dwelling units or private balconies.
- c) Bicycle parking facilities must be secure and accessible to all residents.

59-C-15.34.3. Public Use Space

- a) Public use space must be provided on-site as indicated in the following table:

Minimum Required Public Use Space in the CR District					
Size of Net Lot (acres)	Less than ½	½ to 1.0	1.01 to 5.00	5.01 to 10.00	Greater than 10.00
% of net lot provided as public use space	0	2	5	5 + 1% per acre	10 + 1% per acre

- b) Public use space must be provided according to the following provisions:
 - 1) Public use space is calculated on the net lot area of the site;
 - 2) Calculations are rounded to the next highest 100 square feet;
 - 3) The area must be easily and readily accessible to the public;
 - 4) A public access easement is placed on the public use space in perpetuity;
 - 5) The area must provide a diversity of seating options, shade, landscaping, and other amenities to ensure a welcoming and comfortable environment for pedestrians; and
 - 6) Floor area equal to 0.25 times the area dedicated to public use space is exempt from the total FAR calculation.
- c) There are two options allowed in lieu of providing on-site public use space:
 - 1) An equal area within ¼ mile of the subject site may be improved as public use space in lieu of provision of the area on-site if it meets the provisions of this section;
 - 2) A payment may be made to the Public Amenity fund equal to cost of site improvements added to the current square foot market value of the % net lot required as public use space; but
 - 3) No site greater than 5 acres may “opt-out” of these in-lieu provisions.

59-C-15.34.4. Streetscape.

Any building fronting on a right-of-way with recommended streetscape standards must improve that area along their frontage as prescribed by the applicable master plan or sector plan or to the standards required by Chapter 49, as amended.

59-C-15.35. Development Standards.

59-C-15.35.1. Density.

Maximum base density is determined by the zoning designation as established on the official zoning maps and as described in section 59-C-15.1. Any increase in this density is only allowed when in conformance with the applicable master plan or sector plan and in accordance with the incentive bonus provisions of section 59-C-15.4. Exemptions from the FAR calculation are listed in section 59-C-15.34.

59-C-15.35.2. Height.

Maximum base height is determined by the total (T) base density as indicated on the official zoning maps as enumerated in the following table:

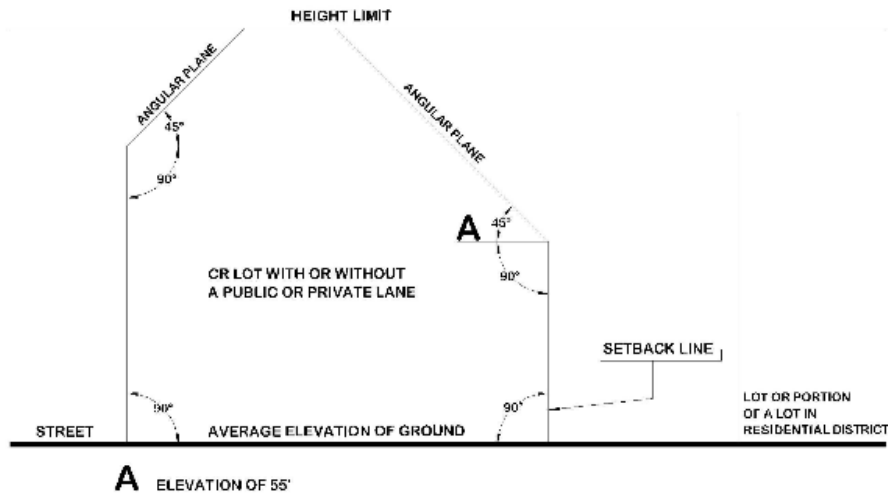
Maximum Base Height in the CR District						
Total (T) FAR	0.5	1.0	1.5	2.0	3.0	4.0
Maximum Base Height (feet)	40	45	50	60	80	100

Any increase in this height is only allowed when in conformance with the applicable master plan or sector plan and in accordance with the incentive bonus provisions of section 59-C-15.4.

59-C-15.35.3. Setbacks.

- a) A window of any dwelling unit (other than a kitchen or bathroom window) may not be closer than:
 - 1) 17.5 feet to a lot line that is not a street or a dedicated park or open space and
 - 2) 35 feet to a window in any other wall that is between perpendicular to parallel to the subject building.
- b) The minimum setback for any building in a CR district from a lot line in an agricultural or residential districts:
 - 1) 25 feet or the setback required by the adjacent lot to the shared lot line, whichever is greater, and
 - 2) No part of the building may project beyond a 45 degree angular plane projecting over the lot measure at a height of 55 feet at the setback determined above, with the exception of those features exempt from height restrictions according to section 59-B-1.

**CROSS SECTION OF ANGULAR PLANE AND
SETBACK RESTRICTION**



Illustration

59-C-15.35.4. Site Design and Layout.

59-C-15.35.41. Pedestrian-Oriented Streets.

The following regulations are intended to preserve and create pedestrian streets where retail and service shops create animated building frontages along sidewalks with high levels of pedestrian activity. The goal is to provide safe pedestrian-oriented environments where economic activity can evolve through increased pedestrian movement. Any street identified as a “main street” or “pedestrian-oriented street” should have the following characteristics:

- 1) There is no setback from the front property line (or side property line on a corner lot);
- 2) On-street parking is provided along the frontage of the building and no surface parking is visible from the street;
- 3) Display windows and entries are the dominant façade features and are generally arranged parallel to the sidewalk providing animation and light; and
- 4) Shop entrances are not generally more than 50 feet apart;

And must meet the following requirements:

- 5) The building façade must occupy a minimum of 65% of the aggregate length of the portion of the frontage of the lot abutting a pedestrian-oriented street;
- 6) The building must be located within five feet of the public right-of-way;
- 7) A minimum of 60% of the building façade facing the pedestrian-oriented street between 3 feet high and 9 feet high must be glass that allows views of the interiors; and
- 8) The primary entrance of the building must be facing the pedestrian-oriented street.

59-C-15.35.42. Residential Amenity Space.

- 1) Any building containing 20 or more dwelling units on a lot in the CR district must provide residential amenity space as set out in the following table:

Required Residential Amenity Space in the CR District	
Type of Amenity Space	Minimum Area of Amenity Space
Indoor space in a multi-purpose room or contiguous multi-purpose 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 space 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.

- 2) The requirements of this section do not apply to MPDUs except where the Planning Board finds that there is inadequate recreation and open space within a ½ mile radius of the subject site.
- 3) The requirements of this section do not apply to MPDUs on a site within a metropolitan policy area.
- 4) The requirements of this section are reduced by ½ for WFHUs when no public open space is provided per section 59-C-15-34.3 or when such units are located within a metropolitan policy area.

59-C-15.35.43. Parking and Loading.

- 1) Single-use parking in the CR district must be provided according to the following table:

Single-Use Parking Standards in the CR District		
Use	Min and/or Max Spaces	Notes

- 2) Shared use parking for mixed-use developments in the CR district is calculated according to the following table. The total number of spaces required per time-period is equal to the sum of all values of the single-use parking standards multiplied by the percentage indicated; the minimum number of parking spaces required is the median average of the time-periods.

Shared-Use Parking Standards in the CR District				
Use	Weekday		Weekend	
	6am – 6pm	6pm – 12am	6am – 6pm	6pm – 12am
Office	100%	10%	10%	5%
Retail	60%	90%	100%	70%
Hotel	75%	100%	75%	100%
Restaurant	50%	100%	100%	100%
Other Commercial	40%	100%	100%	60%
Multi-Family Dwelling Units	50%	100%	100%	100%
Detached or	50%	100%	100%	100%

Attached Dwelling Units				
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- 3) Parking requirements may be met by providing the spaces on the subject lot or in a permitted parking facility within 1,000 feet of the subject lot, provided that off-site parking facility is not in an agricultural or residential district.
- 4) Landscaping for surface parking facilities must be provided according to the following table:

Minimum Landscape Standards for Surface Parking in the CR District	
Subject	Requirement
Right-of-Way Screening	6' width of continuous soil panel (not including any PUE or PIE) with groundcover or lawn; a minimum 3' continuous evergreen hedge or fence; and one deciduous tree per 40' of frontage.
Adjacent to a Property in any Commercial, Industrial, or Mixed-Use District	4' width continuous soil panel with groundcover or lawn; one deciduous tree per 40' of frontage.
Adjacent to a Property in an Agricultural or Residential District	10' width continuous soil panel with groundcover or lawn; 6' continuous evergreen hedge or fence; and one deciduous tree per 40' of frontage.
Internal Pervious Area	10% of the parking facility area; pervious areas must be a minimum of 8'x16' to be included in the calculation.
Internal Tree Coverage	50% of the parking facility area (at 15 years growth).

Illustration

- 5) No part of an above-grade structured parking facility between grade and a height of 13 feet may be built within 35 feet of a right-of-way, excluding the means of access, and that space between the parking facility and the right-of-way must be occupied by active, non-residential floor area.

Illustration

59-C-15.36. Application Procedures.

- a) A site plan is required for any development in the CR district with a total floor area of 10,000 square feet or greater.
- b) If multiple plans are required for any application, the following submittal guidelines must be followed:
 - a. Project and preliminary concurrent, followed by site plan.
 - b. Preliminary and site concurrent (when a project plan is not required).
 - c. Amendments to any plan must be concurrent.
- c) The illustrative or non-illustrative binding elements of any application approved by development plan, schematic development plan, supplementary plan, or diagrammatic plan must be

amended per Article 59-D if any increase in floor area is requested as indicated in section 59-C-15.31.

- d) The application requirements, bases of consideration, and findings of all applicable plans reminds binding and in effect according to Chapters 50 and 59 except as modified by this division.

Section 59-C-15.4. Incentive Bonus Provisions.

The Planning Board may approve a density and/or height bonus in the CR district for projects that provide additional public facilities, amenities, or benefits as described in this section and subject to the restrictions and requirements set out for each. Facilities, amenities, and benefits may be combined in any number up to the maximum bonus density allowed by the zone.

The proportional mix of uses to achieve the maximum base density must be retained in any bonus density situation to achieve the bonus density.

59-C-15.41. Purpose of Incentive Provisions.

Density bonuses allowed in the CR district may be granted if the Planning Board finds they will further the goals and objectives of the applicable master plan or sector plan and one or more of the following objectives:

- a) To enhance the health, safety, and welfare of the public through to provision of passive and active open space;
- b) To increase the supply of affordable housing;
- c) To broaden the range of housing options;
- d) To improve mobility options for employees, residents, and patrons and to dissuade the use of automobiles;
- e) To enhance environmental sustainability and reduce energy consumption locally and regionally; and
- f) To advance quality building and site design.

59-C-15.42. Bonus Density and Height Provisions.

- a) Density
In any CR district zone the maximum allowed bonus density is determined by the base density and the proximity of a site to a Metro, MARC, or other major MTA transit facility (define). The following table establishes the maximum densities allowed in all CR district zones. These densities may be reduced by the applicable master plan or sector plan and may only surpass that recommended density if found to be compatible and not detrimental to neighboring properties.

Maximum Bonus Densities Allowed in the CR District						
Base FAR (T)	0.5	1.0	1.5	2.0	3.0	4.0

Maximum total density allowed on a site more than ½ mile from a transit facility.	1	1.5	2.0	3.0	5.0	6.0
Maximum density allowed if site is within ¼ to ½ mile of a transit facility.	1.5	2.0	3.0	4.0	6.0	7.0
Maximum density allowed if site is within ¼ mile of a transit facility.	2.0	2.5	4.0	5.0	7.0	8.0

b) Height

In any CR district zone the maximum allowed bonus height is determined by base density, allowed bonus density, and the provision of a podium (**define**). The following table establishes the maximum heights allowed in all CR district zones. These heights may be reduced by the applicable approved master plan or sector plan and may only surpass that recommended height if found to be compatible and not detrimental to neighboring properties.

Maximum Bonus Heights Allowed in the CR District						
Base FAR (T)	0.5	1.0	1.5	2.0	3.0	4.0
Base Height (feet)	40	45	50	60	80	100
Maximum height allowed if site is within ¼ to ½ mile of a transit facility.	45	50	60	80	130	150
Maximum height allowed if site is within ¼ mile of a transit facility.	60	80	120	130	150	170
Maximum height allowed if site is within ½ mile of a transit facility and provides a podium.	120	160	300	300	300	300

59-C-15.43. Bonus Density Options.

The FAR limits established in section 59-C-15.362 are allowed, upon approval of the Planning Board, provided the following general restrictions and requirements are met:

- a) The additional floor area above the base FAR delineated on the official zoning maps is based on the provisions of the individual public facilities, amenities, and/or benefits described in this section;
- b) Where any bonus exceeds 0.3 FAR for non-residential floor area, MPDUs and/or WFHUs must be provided according to the provisions of 59-C-15.34.1; and
- c) Building lot termination easements for any bonus floor area are provided according to the provisions of 59-C-15.43.2.

Incentive Bonus Density Options in the CR District		
Public Facility, Amenity, or Benefit	Maximum Bonus Floor Area Increase (in each case the allowed increase is the lesser	Section Reference

	of the two numbers)	
a) Connectivity & Mobility		
Pedestrian walkway	0.2 FAR or the on-site area of the pedestrian walkway.	59-C-15.43.14
Transit access improvement	0.2 FAR or the area of the improvement.	59-C-15.43.19
Pedestrian retail frontage	0.3 FAR or the non-residential floor area of the retail space fronting on a publicly accessible street.	59-C-15.43.13
Community facility	0.5 FAR or the area of the facility multiplied by 2.	59-C-15.43.3
Day care facility	0.1 FAR or the area of the facility multiplied by 2.	59-C-15.43.5
Community garden	0.1 FAR or the area of the garden multiplied by 2.	59-C-15.43.4
b) Diversity		
MPDUs	Varies by base density.	59-C-15.43.1
WFHUs	Varies by base density.	59-C-15.43.1
Local Retail Preservation	0.3 FAR or the non-residential floor area of the retail space	59-C-15.43.11
c) Design		
Floor plate size	0.2 FAR	59-C-15.43.7
Historic resource protection	0.2 FAR or the FAR of the historic resource multiplied by 2.	59-C-15.43.9
Public art	0.1 FAR or the square foot area of the site equal to the cost of the art.	59-C-15.43.16
Public plaza	0.5 FAR or the on-site area of the plaza multiplied by 0.80 above the base requirement.	59-C-15.43.17
Streetscape	0.25 FAR or the off-site area of the improvements multiplied by 0.5.	59-C-15.43.18
Design guidelines	0.1 FAR.	59-C-15.43.6
d) Environment		
Green roof	0.2 FAR or the green roof area divided by the lot area multiplied by 0.30 multiplied by the base FAR $((gr/lot)*0.30)*base\ FAR$.	59-C-15.43.8
Green wall	0.1 FAR or the vertical area of the green wall.	59-C-15.43.8
Pervious open space (24" soil depth or less)	0.1 FAR or the area of the pervious area.	59-C-15.43.15
Pervious open space (greater than 24" soil depth)	0.2 FAR or the area of the pervious area multiplied by 2.	59-C-15.43.15
LEED gold rating (or equal)	0.1 FAR	59-C-15.43.10
On-site energy production	0.3 FAR or 0.01 FAR for every 1% of on-site energy needs produced.	59-C-15.43.12
Building lot termination	12.5% of the base FAR	59-C-15.43.2

59-C-15.43.1. Affordable Housing.

Additional floor area for either residential or non-residential uses can be considered as a public benefit when a percentage of the additional dwelling units or non-residential floor area includes affordable housing as either Moderately Priced Dwelling Units (MPDUs) and Workforce Housing Units (WFHUs). The bonus floor area is exempt from the permitted floor area totals providing the following standards area met:

- 1) The bonus residential floor area set out in the following table is exempt from the permitted floor area as long as the number of dwelling units provided in that floor area includes MPDUs and WFHUs equal to the percentages enumerated:

Bonus Density for Affordable Housing		
Bonus Residential Floor Area	Percentage of Dwelling Units Required to be MPDUs or WFHUs	Percentage of Total Dwelling Units Required to by MPDUs
0.1	23	12.6
0.2	26	12.7
0.3	29	12.8
0.4	32	12.9
0.5	35	13.0
0.6	38	13.1
0.7	41	13.2
0.8	44	13.3
0.9	47	13.4
1.0	50	13.5

- 2) Both MPDUs and WFHUs are reasonably distributed throughout the project;
- 3) If the bonus non-residential floor area exceeds 0.3 FAR, the Applicant must make a contribution of land or funding to a housing builder to construct housing or make a payment to the Housing Initiative Fund or a combination of both, as set out below, applied to the amount of non-residential floor area above 0.3 FAR bonus:

- a. A contribution to the Housing Initiative Fund must be equal to the product of one of the formulas enumerated below applicable to the use of the bonus floor area:

Bonus Non-Residential FAR Affordable Housing Fee			
Use of Bonus Floor Area	Total Bonus Floor Area (provide)	Multiplication Factor	Required Fee
Hotel	_____*	X =	?
Office	_____*	X =	?
Research & Development	_____*	X =	?
Retail	_____*	X =	?

- b. A contribution to a housing builder (or builders) is calculated as above and they are required to construct a minimum number of dwelling units according to the formulas enumerated below:

Bonus Non-Residential FAR Housing Builder Contribution			
Use of Bonus Floor Area	Total Bonus Floor Area (provide)	Multiplication Factor	# of Dwelling Units
Hotel	_____*	.00011 =	?
Office	_____*	.00027 =	?
Research & Development	_____*	.0002 =	?
Retail	_____*	.00014 =	?

- c. Any dwelling units built under this section must be either MPDUs or WFHUs for a minimum period of 99 years and the proportion of MPDUs may not be less than 12.5%;
- 4) The options set out above may be combined where the number of dwelling units required to be built is reduced by the amount of square feet for which a payment is made.

59-C-15.43.2. Building Lot Termination.

Any building with bonus floor area must provide for building lot termination easements if required under an approved master or sector plan according to the following provisions:

- 1) Residential development within a metro-station policy area where workforce housing is provided is exempt from this section;
- 2) Building lot termination easements must be purchased or a contribution to the Agricultural Land Preservation Fund under Chapter 2B equal to 12.5 percent of the bonus FAR. One building lot termination is required for every 7,500 square feet of bonus residential floor area; and for every 9,000 square feet of bonus non-residential floor area; and
- 3) When a BLT easement cannot be purchased or the amount of bonus floor area attributed to a building lot termination easement is a fraction of the floor area equivalent, payment must be made to the Ag Land Preservation Fund according to the rate set annually by executive regulation.

59-C-15.43.3. Community Facility.

Community facilities help meet the needs of residents and workers and are eligible for a floor area bonus provided they meet the following standards:

- 1) They are listed in the appropriate master plan or sector plan;
- 2) They are in addition to any base requirement of this Section;
- 3) The entrance to the community facility is on a street; and
- 4) A building used for the community facility is located at the front lot line and, in the case of a corner lot, on the side lot lone facing the flanking street, unless the Planning Board sets a higher setback during the approval of a site plan.

59-C-15.43.4. Community Garden.

Community gardens allow for residents to grow their own produce, reduce automobile use, increase water and air quality, and foster social interaction. A green roof that also serves as a community garden may count its bonus density for both uses. Community gardens are eligible for a floor area bonus provided they meet the following standards:

- 1) The garden is located on the subject site (or on/within the building on the subject site) or within 500 feet of the subject site;
- 2) Provides at least one 16 square foot garden space that is accessible according to ADA standards for 2% of the total spaces allocated;
- 3) Provides all garden spaces with a minimum of 18" of soil depth and access to water; and
- 4) Provides a minimum of 16 square feet of space for a minimum of 10% of the dwelling units to a maximum of 320 square feet.

59-C-15.43.5. Day Care.

A day care is eligible for a floor area bonus provided it meets the following standards:

- 1) A safe drop-off location is provided on site;
- 2) A minimum of 40 percent of the available space in the day care is available to the general public.

59-C-15.43.6. Design Guidelines.

An Applicant may proffer a set of design guidelines ensuring quality design and construction of various architectural, site, and amenity features and is eligible for a floor area bonus provided they meet the following standards:

- 1) The Planning Board has the right to review and approve the design guidelines;
- 2) The design guidelines become binding and conditioned as part of the site plan approval; and
- 3) Changes to the design guidelines must be processed as a site plan amendment.

59-C-15.43.7. Floor Plate Size.

A project may be eligible for a floor area bonus equal to two additional floors in height above the recommendation of an applicable master plan or sector plan, but no more than allowed by the zone, provided it meets the following standards:

- 1) The Planning Board finds that the additional height is compatible with existing or planned uses on the adjacent and confronting properties;
- 2) The floor area of any floor above a height of 120 feet does not exceed 10,000 square feet for residential uses or 17,000 square feet of non-residential uses, or 12,00 square feet of mixed-uses (provided that not more than 60 percent of a mixed- use floor is used for any single use); and
- 3) the exterior of the building facing any street or public open space has a minimum of 65 percent glass.

59-C-15.43.8. Green Roof and Green Wall.

A green roof or green wall is eligible for a floor area bonus provided it meets the applicable standards as follow:

- 1) The green roof must cover a minimum of 50 percent of the area of the roof of the building, excluding any space occupied by mechanical equipment.
- 2) The green wall is designed, installed, and maintained to cover a minimum of 30 percent of the area of a blank wall and the Planning Board finds that the green wall will add to the design quality and sustainability of the development.

- 3) The vegetation of either roof or wall must be maintained for the life of the building and the County may gain access to inspect, install, and/or maintain the vegetation at the expense of the owners.

59-C-15.43.9. Historic Resource Protection.

Protection of a historic resource is eligible for a floor area bonus provided a preservation plan for the resource is approved by the Historic Preservation Commission.

59-C-15.43.10. LEED Gold Rating (or equal).

A LEED Gold (or equal) building is eligible for a floor area bonus provided it meets any continuing requirements necessary to maintain that status.

59-C-15.43.11. Local Retail Preservation.

Need language.

59-C-15.43.12. On-Site Energy Production.

Any building equipped for on-site energy production is eligible for a floor area bonus provided that it meets the following standards:

- 1) The on-site energy production is not included in the LEED gold floor area bonus and
- 2) The on-site energy production continues for a minimum of 30 years.

59-C-15.43.13. Pedestrian Retail Frontage .

A building that enhances community connectivity by providing pedestrian retail frontage is eligible for a floor area bonus according to the following provisions:

- 1) The pedestrian retail uses are located on a lot within 0.5 miles of either a transit station (existing or proposed in an approved master plan or sector plan) or an existing residential neighborhood with a minimum average density of 30 units per acre;
- 2) Pedestrian access between the property and a minimum of ten existing or proposed diverse pedestrian retail uses (including those provided on site) are within 0.5 miles;
- 3) No parking spaces or drive aisles are located between the main front wall of the building and the street;
- 4) The front setback (and side setback for a corner lot) of the building containing the pedestrian retail uses must be zero, unless a site plan approved by the Planning Board grants a larger setback;
- 5) A minimum of 50 percent of the pedestrian 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; and
- 6) The non-residential floor area of any existing business under 10,000 square feet, retained in redevelopment, will be exempt from the base FAR limit up to twice the non-residential floor area occupied by such business, provided the maximum floor area bonus does not exceed the cap set in the Maximum Bonus Densities table in section 59-C-15.362.

59-C-15.43.14. Pedestrian Walkway.

Through block connections enhance pedestrian mobility and help to create interesting spaces, particularly on larger blocks. A pedestrian walkway is eligible for a floor area bonus if it meets the following standards:

- 1) The pedestrian walkway provides direct access between parks, public buildings or facilities, publicly accessible open space, transit facilities, and at least one street;
- 2) The minimum width of the *pedestrian walkway* shall be 20 feet;
- 3) A minimum of 70 percent of the walls facing the interior *pedestrian walkway* below a height of eight feet must have clear unobstructed glazing for a minimum of 65 percent of its length and be fronted with active *pedestrian retail uses* for the same percentage of frontage;
- 4) The *pedestrian walkway* must be open to the public at a minimum between 8:00 a.m. and 7:00 p.m. and where it leads to a transit facility, for the hours of operation of the transit served; and
- 5) Retail uses fronting both a *pedestrian walkway* and a *street*, shall maintain operable doors from both.

59-C-15.43.15. Pervious Open Space.

Provide language.

59-C-15.43.16. Public Art.

Provide language.

59-C-15.43.17. Public Plaza.

Plazas are an important public amenity and create interesting spaces and active gathering areas. Any plaza for which a floor area bonus is provided, must meet the following standards:

- 1) The plaza is directly accessible to a street;
- 2) The minimum width of the plaza shall be 50 feet;
- 3) The plaza must be open to the public at a minimum between 8:00 a.m. and 9:00 p.m.;
- 4) Where the plaza is provided as part of a redevelopment, buildings facing the plaza must be designed so that:
 - a. The walls of any non-residential floor area facing the plaza must have a minimum of 70 percent glazing below a height of four floors and
 - b. The main entry to any dwelling units is from a wall facing the plaza;
- 5) No loading or parking facilities should be visible below a height of the fourth floor; and
- 6) The plaza must be in addition to any public use space required by the development standards or other minimum open space requirement of this Code.

59-C-15.43.18. Streetscape.

Streetscape improvements enhance the pedestrian experience and better connect buildings to the public spaces. A floor area bonus for streetscape improvements must meet the following standards:

- 1) The Planning Board makes a finding as part of an approved site plan that the streetscape improvements are in excess of current standards currently required as part of the development process;
- 2) The improvements must be located within 2,500 feet of the subject site;

- 3) The improvements may include any of the following elements and plans submitted as part of the site plan application process should detail these elements:
 - special surface treatments such as pavers,
 - enhanced street lighting including pedestrian scale lighting,
 - sustainable landscaping treatment such as native plantings to capture storm water,
 - public art in the publicly accessible areas,
 - facilities for bicycles,
 - energy saving or producing features such as the creative use of solar panels,
 - creative signage to assist pedestrians in way finding,
 - interactive media electronic display to engage pedestrians, and/or
 - sidewalk widening;
- 4) The size of the floor area bonus is equal to the square foot value of the bonus that equals the value of the streetscape improvements. The value of floor area bonus is determined by the property values within one mile of the site averaged over the last five years, based on the following formula: the cost of 1 square foot of floor area for the subject use in the building = 80 % x the median cost of land per buildable square foot; and
- 5) The Applicant may make a cash contribution for the value of improvements to a County Agency which will undertake the improvements.

59-C-15.43.19. Transit Access Improvement.

Transit access and improvements enhance the pedestrian experience and better connect transit to the street. A floor area bonus for this purpose must meet the following standards:

- 1) The improvements must be part of an approved site plan;
- 2) The improvements must be located within 2,500 feet of the subject site or in the case of mobile transit improvements, provide regular access for passengers to the transit station; and
- 3) The improvements may include new access easements, connecting walkways, mezzanines or concourse areas.

59-C-15.44. Application Procedures.

A project plan in accordance with section 59-D-2 is required for any application requesting an increase in density per the bonus density provisions of this section.