

MEMORANDUM

January 21, 2010

TO: Planning, Housing, and Economic Development Committee
FROM:  Jeff Zyontz, Legislative Attorney
SUBJECT: Zoning Text Amendment 09-08, Commercial/Residential (CR) Zones - Establishment

A majority of the Planning, Housing, and Economic Development Committee came to the following recommendations:

- 1) Revise the definition of transit proximity:
 - a) allow for existing or planned stations;
 - b) determine bus intervals when a sketch plan is approved; and
 - c) delete the requirement for a facility to be funded within the first 4 years of the CIP.
- 2) Consider the testimony of the Executive and DANAC concerning the amount of incentive density given to level 2 transit and revise as appropriate.
- 3) Adopt the Planning Staff's draft to allow the Planning Board to determine the detail of what criteria warrants how much of a percentage density increase;
- 4) Allow community facilities and large sites for community facilities to get more than a 30 percent density increase.

Staff worked with Planning Staff to develop a comprehensive redrafted ZTA that includes all of the Committee's recommendations and additional items raised by Planning Staff. The table that follows is an index of all amendments. The amendments marked with an X in the Planning Recommended column are included in the amended ZTA. Staff does not object to any of these changes.

Staff did not agree with the Planning Staff recommended changes in 3 areas:

- 1) amendments to sketch plans at the Planning Board's initiative;
- 2) designating priority retail streets in Planning Board adopted guidelines; and
- 3) changing the provisions for the purchase of BLTs.

	Committee Recommended	Planning Recommended (not yet Committee endorsed)	Line numbers (in attached ZTA)
Allow density averaging between different CR zones (lower density may transfer to higher density)		X	25; 46-47
Delete the definition of locally owned small business	X		107-113
Add definitions of renovation and reconstruction	X		138-141
Revise the definition of recreation	X		130-137
Revise the definition of transit proximity	X		146-168
Delete site plan requirement caused only by trip productions	X		179-180
Require a sketch plan application before or with a preliminary plan application		X	191
Defined sketch plan process	X		222-291
Planning Board amendment to sketch plan		Allow changes by Planning Board	292-296
Designation of a priority retail street		Allow designation by guidelines	312
Revise the requirement for bike parking	X		349
Reduce the number of parking spaces for retail and restaurants		X	351-370
Parking rates apply to floor area within each distance category		X	371-372
Allow drive-through service windows on side walls, if screened		X	413-415
Amend the floor area allowed as a standard method development	X		430-431
Allow for retaining existing setbacks	X		458-460
Amend public use space requirements	X		471-502
Allow Planning Board to adopt guideline to determine the density increase for every criteria (calculation methods no longer required)	X		1021-1025
Allow more than a 30 percent density increase for major public facilities or sites	X		1026-1033
Amend the density increase for proximity to non-metro transit		X	1038
Apply density increase for proximity to transit proportionally	X		1039-1045
Make BLTs optional		20,000 sq. ft. per BLT	
Amend the grandfathering provisions		X	1192-1224

Should the Planning Board be allowed to amend a sketch plan at site plan approval without the consent of the applicant?

The sketch plan was intended to allow a developer to get the ground rules for proceeding with an optional method project. A site plan conforming to the sketch plan would only be subject to more detailed compatibility issues. Planning Staff proposes allowing the Planning Board to amend the sketch plan at site plan. This provision reduces the value of the sketch plan to the applicant and the neighbors of the proposed project. *Staff does not recommend this amendment as proposed by Planning Staff.*

Should the Council identify priority retail streets in a master plan?

A priority retail street will have more specific design guidelines than other areas. It should be a long term decision. Planning Staff recommends allowing the Planning Board to designate priority retail streets by guidelines. *Staff recommends only designating a priority retail street in a Council approved master plan.*

Should BLTs be optional (20,000 square foot of floor area for each BLT)?

Making BLTs optional will dramatically limit the purchase of BLTs as compared to a mandatory program. *Staff does not recommend making BLTs optional for projects more dense than .5 FAR.*

The Planning Staff did not provide any rationale for increasing the floor area allowed for each BLT (20,000 square feet of floor area for every BLT purchased). The CR zone would be the third zoning series that includes BLTs. Both the TMX zone and the proposed amendment to the LSC zone require the following:

12.5 percent of any floor area above an FAR of 0.50 must be supported through the purchase by the applicant of a BLT easement or through a contribution to the Agricultural Land Preservation Fund, under Chapter 2B, for purchase of a BLT easement on real property to preserve agricultural land in the County. One buildable RDT zoned lot must be extinguished for each 9,000 square feet of residential space, or for each 7,500 square feet of non-residential space.

Staff recommends a consistent equation for BLTs between zones.

What should the density increase be for level 2 and level 3 transit proximity?

Planning Staff, based on the Committee’s January 11 discussion, recommends increasing their previous recommendation for level 2 and level 3 density increases by 5 percent. That recommendation would result in the following table:

Transit Proximity	Level 1	Level 2	Level 3
Adjacent or confronting	50%	30%	15%
Within ¼ mile	40%	25%	10%
Between ¼ and ½ mile	30%	20%	5%
Between ½ and 1 mile	20%	15%	0%

DANAC continues to argue for even more level 2 density on the basis of national mode share data. MCDOT Staff provided the following reasons to reduce the proposed density increases based the passenger moving capacity of various modes:

- The capacity of the Metro Red Line is about 17,280 passengers per hour. (6 car trains X 120 pass. per car x 24 trains per hour) and the capacity of the proposed CCT in Montgomery is about 3,000 passengers per hour (3 car train x 100 passenger per car x 10 trains per hour). This is a ratio of less than 20%. Assuming a 20% ratio, the credit would be more like 10%, not 25% and certainly not 30% or 40%.
- We have researched the ratio for a few cities that have both heavy rail and light rail. For Baltimore, Philadelphia and Los Angeles the ratio is under 30% of the heavy rail capacity. So, a credit of about 15% would be more in line with those cities. So, 25% credit is too high.
- We have heard the argument that light rail carries more passengers than heavy rail in Toronto. That may be true, although Toronto does not report ridership numbers to the agency that monitors ridership in the US (for obvious reasons). But what we do know is that the light rail system in Toronto is reported to be 189.1 miles vs. only 42.5 miles of heavy rail. So, a light rail system that is more than four times as large as the heavy rail system SHOULD carry more riders.
- In the Washington DC area, where we live and what we are discussing, the CCT will be less than 20 miles, with connection to another major transit system (Metro Rail) at a single station: Shady Grove. In cities where the light rail system is much more integrated (several stations with connecting light rail lines) the ridership maybe higher, and the credit may be closer to a heavy rail line system. But, that is not the case, nor will be the case, in Montgomery County.

By this same line of reasoning, the credit for the so called high service bus route with 15 minute headways is also too high. Applying a similar rationale to the comparison with light rail, a "high service bus route" could carry less than 250 passengers per hour. This is less than two (2) percent of the capacity of a heavy rail line. So, by this line of analysis the credit should not be more than ONE (1) percent... The proposed credit of 15% is way too high.

Staff would defer to Planning Staff's judgment on how much density should be given for level 2 and level 3 transit proximity.

Other issues

Staff had previously suggested considering deleting the following density increasing criteria:

Community gardens
Floor plate size
Bio-retention and stormwater recharge
Rainwater reuse
Dark skies
LEED rating

The Committee's recommendation to allow the Planning Board to add density incentive criteria makes staff's recommendation to delete some density incentive criteria moot. The Planning Board would also be authorized to determine if a single attribute warrants density credit from multiple criteria.

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Ordinance No:
Zoning Text Amendment No: 09-08
Concerning: Commercial/Residential (CR)
Zones - Establishment
Draft No. & Date: 6 - 1/20/10
Introduced: September 22, 2009
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 Commercial/Residential (CR) zones; and
- Establish the intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures for development under the Commercial/Residential zones.

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-15.9

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:

1 **Sec. 1. Division 59-C-15 is added as follows:**

2 * * *

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

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

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

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

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

22 **59-C-15.12.** Each unique sequence of CR, C, R, and H is established as a
23 zone under the following limits:

- 24 a) the maximum total FAR must be established as an increment of 0.25
25 from 0.5 up to 8.0;
26 b) the maximum non-residential and residential FAR must be
27 established as an increment of 0.25 from 0.25 up to 7.5; and

28 c) the maximum height must be established as an increment of 5 feet up
29 to 100 feet and an increment of 10 feet from 100 feet up to 300 feet[[;
30 and]].

31 [[d) permitted]] **59-C-15.121.** Permitted density may be averaged over 2
32 or more directly abutting or confronting lots in [[the same]] one or
33 more CR [[zone]] zones, provided that:

- 34 1) the lots are subject to the same sketch plan;
- 35 2) the lots are created by the same preliminary subdivision plan;
- 36 3) the maximum total density and non-residential and residential
37 density limits apply to the entire development [[subject to the
38 sketch plan and subdivision plan,]] not to individual lots;
- 39 4) no building may exceed the maximum height set by the zone;
- 40 5) public benefits must be provided [[in proportion to any phased
41 development on individual lots]] under the phasing element of
42 an approved sketch plan; and
- 43 6) the resulting development must conform to the design and land
44 use objectives of the applicable master or sector plan and
45 design guidelines.
- 46 7) the total maximum density on the area zoned with a lower
47 maximum total FAR may not be exceeded.

48 **59-C-15.13.** The CR zones can only be applied when specifically
49 recommended by an approved and adopted master or sector plan and only
50 by the sectional map amendment [[in conformance with the zoning
51 recommendations of an approved and adopted master or sector plan]]
52 process.

53 Examples:

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

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

The CR zones permit a mix of residential and non-residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, and have access to services and amenities while minimizing the need for automobile use.

The application of the CR zones ~~[[are]]~~ is 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;

- 84 e) establish the maximum density and building height for each zone, while
85 retaining appropriate development flexibility within those limits; and
86 f) standardize optional method development by establishing minimum
87 requirements for the provision of the public benefits that will support and
88 accommodate density above the standard method limit.

89 **59-C-15.3. Definitions Specific to the CR Zones.**

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

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

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

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

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

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

107 **Locally-owned small business:** a commercial business that:

- 108 **a)** is majority-owned by a resident of Montgomery County or any
109 adjacent jurisdiction; and

110 **b)** meets the size standards as determined by the Small Business
111 Administration's Table of Small Business Size Standards (SBA Table)
112 or is a franchised company with total holdings by the local-owner that
113 meets the size standards of the Table.]]

114 **Live/Work unit:** Buildings or spaces within buildings that are used jointly for
115 [[commercial]] non-residential and residential purposes where the residential
116 use of the space [[is]] may be secondary or accessory to the primary use as a
117 place of work.

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

122 **[[Priority retail street frontage:** Frontage along a right-of-way identified in a
123 master or sector plan to be developed with street-oriented retail to encourage
124 pedestrian activity.]]

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

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

130 **Recreational facilities, participatory [[, indoor]]:** Facilities used for [[indoor]]
131 sports or recreation. [[Spectators would be incidental on a nonrecurring basis.
132 Such uses typically include bowling alleys, billiard parlors, indoor tennis and
133 handball courts, and health clubs.]]

134 **[[Recreational facilities, participatory, outdoor:** Facilities used for outdoor
135 sports or recreation. Spectators would be incidental on a nonrecurring basis.

136 Such uses typically include driving ranges, miniature golf courses, swimming
137 pools, and outdoor ice skating rinks.]]

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

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

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

146 **Transit proximity:** [[Level 1 proximity is based on the location of a project with
147 access to an existing or planned Metrorail Station. Level 2 proximity is based
148 on the location of a project with access to an existing or planned MARC
149 Station, light rail station, or a stop along a transportation corridor with fixed
150 route bus service where service intervals are no longer than 15 minutes during
151 peak commute hours. A project adjacent to or confronting a transit station or
152 stop shares a property line, easement line, or is only separated by a right-of-
153 way from a transit station or stop. In addition to a project that is adjacent or
154 confronting, a project is also considered to have access to a transit facility if all
155 parcels and lots within the project's gross tract area have no more than 25
156 percent of their area farther than the applicable distance from the transit station
157 or stop and if not more than 10 percent of the residential units in the project are
158 farther than the applicable distance from the station or stop. A planned transit
159 station or stop must be funded for construction within the first 4 years of the
160 Consolidated Transportation Program or the Capital Improvement Program. If
161 a project qualifies for more than one transit proximity level, the project may

162 only take incentive density for one of the qualifying benefits.]] Transit
163 proximity is categorized in three levels: 1. Proximity to an existing or planned
164 Metrorail Station; 2. Proximity to an existing or plan station or stop along a rail
165 or bus line with a dedicated, fixed path; and 3. Proximity to a station or stop
166 along a bus line that does not have a dedicated, fixed path but has service
167 intervals that are no longer than 15 minutes during peak commute hours when a
168 sketch plan application is submitted.

169 **59-C-15.4. Methods of Development and Approval Procedures.**

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

171 **59-C-15.41. Standard Method.**

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

- 176 a) the gross floor area exceeds 10,000 square feet; or
177 b) any building or group of buildings contains 10 or more dwelling units
178 [[; or]]
179 [(c) the proposed development generates 30 or more new peak-hour
180 trips]].

181
182 **59-C-15.42. Optional Method.**

183 Optional method development must comply with the general requirements
184 and development standards of the CR zones and must provide public
185 benefits under Section 59-C-15.8 to obtain [[the full densities]] greater
186 density and height than allowed [[by the zone]] under the standard method
187 of development. A sketch plan and site plan are required for any

188 development using the optional method. A sketch plan must be filed under
189 the provisions below; a site plan must be filed under Division 59-D-3. Any
190 required preliminary subdivision plan must not be submitted [[concurrently
191 with the site plan]] before a sketch plan is submitted.

192 [(a) Contents of a sketch plan:

- 193 1) justification statement for optional method development
194 addressing the requirements and standards of this Division,
195 how the development will further the objectives of the
196 applicable master or sector plan, and how the development will
197 be more efficient and effective than the standard method of
198 development;
- 199 2) total FAR, conceptual uses and maximum densities per use;
- 200 3) building massing, height, public use and other open spaces, and
201 the relationship of proposed buildings to adjacent buildings;
- 202 4) general vehicular, pedestrian, and cyclist circulation and
203 access;
- 204 5) table of proposed public benefits and incentive density
205 requested for each benefit; and
- 206 6) general phasing of structures, uses, public benefits, and site
207 plans.

208 b) Procedure for a sketch plan:

- 209 1) Before filing a sketch plan application, an applicant must
210 comply with the provisions of Section 4 of the Manual for
211 Development Review Procedures for Montgomery County, as
212 amended, that concern the following procedures:

213 (a) notice;

- 214 (b) holding a public meeting; and
- 215 (c) posting the site of the submission.

216 2) The submittal, review procedure, and fees for a sketch plan are
217 the same as a pre-application submission under Section 50-
218 33A(a), except that there is no requirement to submit a
219 preliminary subdivision plan within 90 days.

220 3) The Planning Board may require some elements of the sketch
221 plan to be binding on any subsequent site plans.]]

222 a) A sketch plan application must contain:

223 1) A justification statement that addresses how the project meets
224 the requirements and standards of this Division for optional
225 method development and describes how the development will
226 further the objectives of the applicable master or sector plan;

227 2) An illustrative plan or model that shows the maximum densities
228 for residential and non-residential uses, massing, and heights of
229 buildings; locations of public use and other open spaces; and
230 the relationships between existing or proposed buildings on
231 adjoining tracts;

232 3) An illustrative diagram of proposed vehicular, pedestrian, and
233 bicycle access, circulation, parking, and loading areas;

234 4) A table of proposed public benefits and the incentive density
235 requested for each; and

236 5) The general phasing of structures, uses, public benefits, and
237 site plan applications.

238 b) Procedure for a sketch plan:

- 239 1) Before filing a sketch plan application, an applicant must
240 comply with the provisions of the Manual for Development
241 Review Procedures, as amended, that concern the following:
242 1. Notice;
243 2. Posting the site of the application submittal; and
244 3. Holding a pre-submittal meeting.
245 2) A public hearing must be held by the Planning Board on each
246 sketch plan application no later than 90 days after the filing of
247 an optional method development application unless a request to
248 extend this period is requested by the applicant, Planning
249 Board staff, or other interested parties. A request for an
250 extension must be granted if the Planning Board finds it not to
251 constitute prejudice or undue hardship on any interested party.
252 A recommendation regarding any request for extension must be
253 acted upon as a consent agenda item by the Planning Board on
254 or before the 90-day hearing period expires. Notice of the
255 extension request and recommendation by Staff must be posted
256 no fewer than 10 days before the item's agenda date.
257 3) No fewer than 10 days before the public hearing on a sketch
258 plan, Planning Board staff must submit its analysis of the
259 application including its findings, comments, and
260 recommendations with respect to the requirements and
261 standards of this division and any other matters that may assist
262 the Planning Board in reaching its decision on the application.
263 This staff report must be included in the record of the public
264 hearing.

265 4) The Planning Board must act within 30 days after the close of
266 the record of the public hearing, by majority vote of those
267 present and voting based upon the hearing record, to approve,
268 approve subject to modifications, conditions, or binding
269 elements, or disapprove.

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

273 1) The plan meets the requirements and standards of this division,
274 the development will further the objectives of the applicable
275 master or sector plan, and will provide more efficient and
276 effective development of the site than the standard method of
277 development;

278 2) The proposed building massing and height and public use and
279 other open spaces are located and scaled to achieve compatible
280 relationships with each other and with existing and proposed
281 buildings and open space adjacent to the site and with adjacent
282 communities;

283 3) The general vehicular, pedestrian, and bicyclist access,
284 circulation, parking, and loading areas are adequate, safe, and
285 efficient;

286 4) The proposed public benefits and associated requested
287 incentive density will further the objectives of the applicable
288 master or sector plan and the objectives of the CR zone; and

289 5) The general phasing of structures, uses, public benefits, and
290 site plans is feasible and appropriate to the scale and
291 characteristics of the project.

292 d) At applicant's request, the Planning Board may approve changes or
293 modification of its findings regarding a sketch plan at the time of site
294 plan review. The applicant must identify any inconsistency between
295 the approved sketch plan and the proposed site plan in the notice of
296 application for the site plan.

297 **59-C-15.5. Land Uses.**

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

- 299 - Permitted Uses are designated by the letter "P" and are permitted
300 subject to all applicable regulations.
- 301 - Special Exception Uses are designated by the letters "SE" and may be
302 authorized as special exceptions under Article 59-G.

a) Agricultural	
<u>Farm and country markets</u>	<u>P</u>
<u>Farm, limited to crops, vegetables, herbs, and ornamental plants</u>	<u>P</u>
<u>Nursery, horticultural – retail or wholesale</u>	<u>P</u>
<u>Seasonal outdoor sales</u>	<u>P</u>
b) Residential	
<u>Dwellings</u>	<u>P</u>
<u>Group homes, small or large</u>	<u>P</u>
<u>Hospice care facilities</u>	<u>P</u>
<u>Housing and related facilities for senior adults or persons with disabilities</u>	<u>P</u>
<u>Life care facilities</u>	<u>P</u>
<u>Live/Work units</u>	<u>P</u>
<u>Personal living quarters</u>	<u>P</u>
c) Commercial Sales and Service	
<u>Advanced technology and biotechnology</u>	<u>P</u>
<u>Ambulance or rescue squads</u>	<u>P</u>
<u>Animal boarding places</u>	<u>SE</u>
<u>Automobile filling stations</u>	<u>SE</u>
<u>Automobile rental services, excluding storage of vehicles and supplies</u>	<u>P</u>
<u>Automobile repair and services</u>	<u>P</u>
<u>Automobile sales, indoors and outdoors</u>	<u>P</u>
<u>Clinic</u>	<u>P</u>
<u>Conference centers</u>	<u>P</u>
<u>Eating and drinking establishments</u>	<u>P</u>
<u>Health clubs and gyms</u>	<u>P</u>
<u>Home occupations, major</u>	<u>SE</u>
<u>Home occupations, registered and no-impact</u>	<u>P</u>
<u>Hotels and motels</u>	<u>P</u>
<u>Laboratories</u>	<u>P</u>
<u>Dry cleaning and laundry pick-up stations</u>	<u>P</u>
<u>Offices, general</u>	<u>P</u>
<u>Recreational facilities, participatory[, indoor]]</u>	<u>P</u>
<u>[[Recreational facilities, participatory, outdoor</u>	<u>SE]]</u>
<u>Research, development, and related activities</u>	<u>P</u>
<u>Retail trades, businesses, and services of a general commercial nature</u>	<u>P</u>
<u>Self-storage facilities</u>	<u>SE</u>
<u>Veterinary hospitals and offices without boarding facilities</u>	<u>P</u>
<u>Warehousing, not including self-storage, less than 10,000 square feet</u>	<u>P</u>

d) Institutional & Civic	
<u>Charitable and philanthropic institutions</u>	<u>P</u>
<u>Cultural institutions</u>	<u>P</u>
<u>Day care facilities and centers</u>	<u>P</u>
<u>Educational institutions, private</u>	<u>P</u>
<u>Hospitals</u>	<u>P</u>
<u>Parks and playgrounds, private</u>	<u>P</u>
<u>Private clubs and service organizations</u>	<u>P</u>
<u>Publicly owned or publicly operated uses</u>	<u>P</u>
<u>Religious institutions</u>	<u>P</u>
e) Industrial	
<u>Manufacturing and production, artisan</u>	<u>P</u>
<u>Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development</u>	<u>P</u>
<u>Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment</u>	<u>P</u>
f) Other	
<u>Accessory buildings and uses</u>	<u>P</u>
<u>Bus terminals, no-public</u>	<u>P</u>
<u>Parking garages, automobile</u>	<u>P</u>
<u>Public utility buildings, structures, and underground facilities</u>	<u>P</u>
<u>Radio and television broadcast studios</u>	<u>P</u>
<u>Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms</u>	<u>P</u>

304 **59-C-15.6. General Requirements.**

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

306 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

307 Development that requires a site plan must be consistent with the applicable
 308 master or sector plan and must address any design guidelines [[adopted]]
 309 approved by the Planning Board that implement the applicable plan.

310 **59-C-15.62. Priority Retail Street Frontages.**

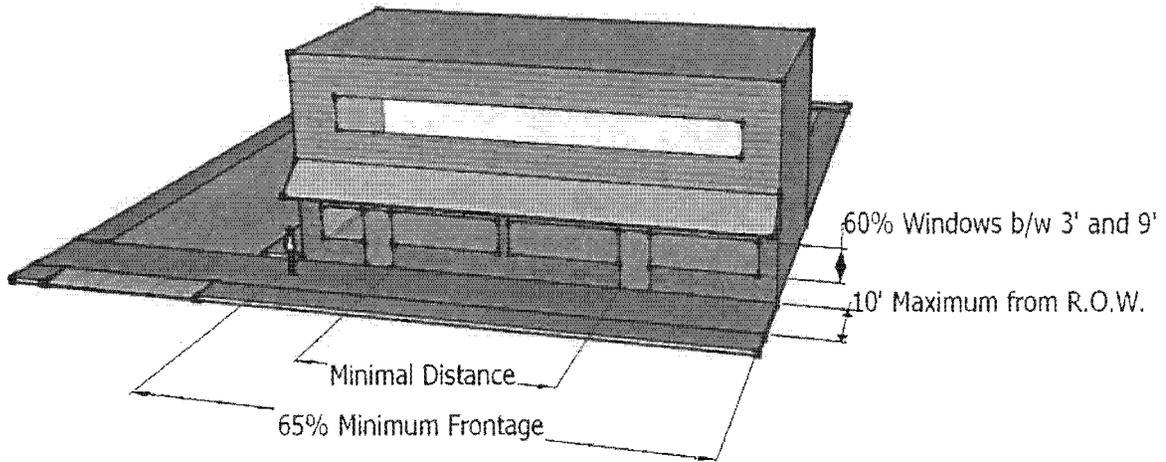
311 Development that requires a site plan and is located on a street identified as
 312 a priority retail street frontage in the applicable master or sector plan must
 313 [[provide the following:]] be developed in a manner that is consistent with

314 the recommendations and objectives of the applicable plan and address any
315 applicable design guidelines approved by the Planning Board that
316 implement the applicable plan.

- 317 [(a) on-street parallel parking, unless specifically denied by the agency
318 maintaining the right-of-way;
319 b) majority of display windows and entrances arranged between zero
320 and 45 degrees to the sidewalk;
321 c) shop entrances spaced at minimal distances in order to activate the
322 street;
323 d) building façade along at least 65 percent of the aggregate length of
324 the front street right-of-way;
325 e) front building wall no farther than 10 feet from the public right-of-
326 way or 5 feet if no public utility/improvement easement (PUE or PIE)
327 is required; and
328 f) windows or glass doors on 60 percent of the building façade between
329 3 and 9 feet above sidewalk grade.

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

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Priority Retail Building Requirements Illustrative]]

59-C-15.63. Streetscape.

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

59-C-15.64. 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><u>Residential</u></i>	
<u>In a building containing less than 20 dwelling units.</u>	<u>At least 4 bicycle parking spaces.</u>
<u>In a building containing 20 or more dwelling units.</u>	<u>At least 0.5 bicycle parking spaces per dwelling unit, not to be [[less]] fewer than 4 spaces and up to a maximum of 100 required spaces.</u>

<p><u>In any group living arrangement expressly for senior citizens.</u></p>	<p><u>At least 0.1 bicycle parking spaces per unit, not to be [[less]] fewer than 2 spaces up to a maximum of 100 required spaces.</u></p>
<p><u>Non-Residential</u></p>	
<p><u>In a building with a total non-residential floor area of 1,000 to 9,999 square feet.</u></p>	<p><u>At least 2 bicycle parking spaces.</u></p>
<p><u>In a building with a total non-residential floor area of 10,000 to 99,999 square feet.</u></p>	<p>[[One bicycle parking space per]] <u>Two bicycle spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 [[required]] spaces.</u></p>
<p><u>In a building with a total non-residential floor area of 100,000 square feet or greater.</u></p>	<p>[[One bicycle parking space per]] <u>Two bicycle spaces for the first 10,000 square feet plus one additional space for every additional 10,000 square feet, up to a maximum of 100 [[required]] spaces. <u>One shower/change facility for each gender available only to employees when the building is accessible.</u></u></p>

59-C-15.65. Parking.

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- a) ~~[[The maximum]]~~ (1) For projects that satisfy the requirements for transit proximity levels 1 or 2, the number of parking spaces provided on site must not exceed the minimum number ~~[[established]]~~ required under Article 59-E., except that the maximum number of parking spaces for general retail and restaurant uses is 4 spaces for every 1,000 square feet of gross leasable area and no parking spaces are required for restaurant outdoor patron areas.
- (2) All projects that do not satisfy the requirements for transit proximity levels 1 or 2, must meet the parking requirements established under Article 59-E, except that the number of parking spaces for general retail and restaurant uses in subsection (a)(1) may be provided without a parking waiver.

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b) [[The]] Except for retail and restaurant uses that satisfy subsection (a) and projects that satisfy transit proximity level 3, the minimum number of parking spaces required is based on transit proximity as follows:

Minimum Parking Requirements				
	<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>Non-residential: the minimum number of required spaces under Article 59-E multiplied by the following factor:</u>	<u>0.20</u>	<u>0.40</u>	<u>0.60</u>	<u>0.80</u>
<u>Residential: the minimum number of required spaces under Article 59-E multiplied 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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The appropriate parking rates apply to the gross floor area within each distance category.

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c) Parking requirements must be met by any of the following:

- 1) providing the spaces on site;
- 2) constructing publicly available on-street parking, including on-street parking in the public right-of-way; or
- 3) particitating in a parking lot district or entering into an agreement for shared parking spaces in a public or private facility within 1,000 feet of the subject lot, [[provided that]] if the off-site parking facility is not in an agricultural (Division 59-C-9), planned unit development (Division 59-C-7), or residential (Division 59-C-1) zone.

384 d) Every “car-share” space provided reduces the total minimum number
385 of required spaces by 6 spaces for non-residential use or 3 spaces for
386 residential use.

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

392 e) The design of surface parking facilities must comply with the
393 following:

394 1) a parking facility at or above grade must not be located
395 between the street and the main front wall of the building or the
396 side wall of a building on a corner lot [[: however,]] unless the
397 Planning Board [[:may approve a design if it]] finds that [[:the
398 alternative design would provide safer and more]] safe and
399 efficient circulation would be better served by a different
400 arrangement;

401 2) if a site is adjacent to an alley, the primary vehicular access to
402 the parking facility must be from that alley; and

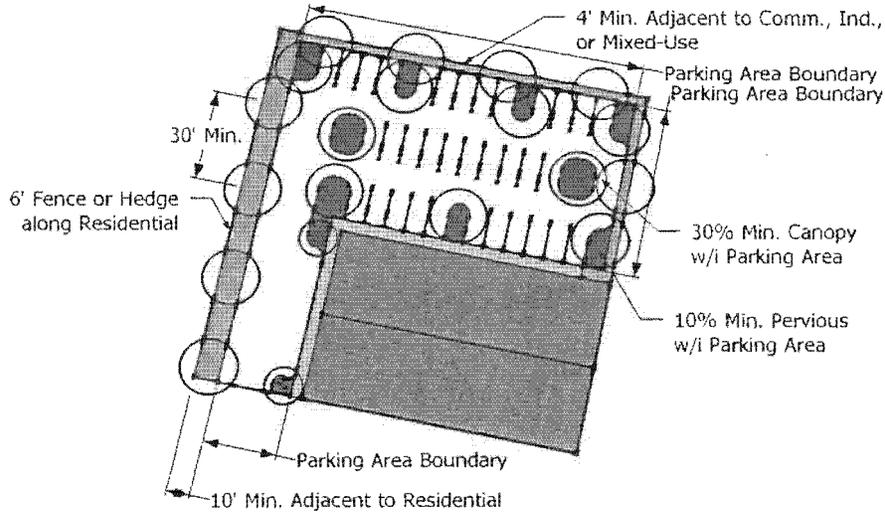
403 3) curb cuts must be kept to a minimum and shared by common
404 ingress/egress easements whenever possible.

405 f) The design of parking facilities with drive-through services must
406 comply with the following; however, the Planning Board may
407 approve a design if it finds that the alternative design would provide
408 safer and more efficient circulation:

- 409 1) the driveway must not be located between the street and the
 410 main front wall of a building or the side wall of a building on a
 411 corner lot;
- 412 2) the drive-through service window must be located on the rear
 413 or side wall of the building; any service window on the side
 414 wall of a building must be permanently screened from any
 415 street; and
- 416 3) curb cuts to a street must be minimized to one drive aisle of no
 417 more than 20 feet in width for two-way traffic or two drive
 418 aisles each of no more than 10 feet in width for one-way traffic.
- 419 g) [[Landscaping]] Except for an area along a driveway that is adjacent
 420 to non-residential uses, landscaping for surface parking facilities must
 421 satisfy the following requirements:

Minimum Landscape Standards for Surface Parking	
<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 per the applicable streetscape standards.</u>
<u>Adjacent to a lot or parcel 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 lot or parcel 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 percent of the parking facility area comprised of individual areas of at least 100 square feet each.</u>
<u>Tree Canopy Coverage</u>	<u>30 percent of the parking facility area (at 15 years growth).</u>

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Surface Parking Landscape Requirements Illustrative

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427 **59-C-15.7. Development Standards.**

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

429 **59-C-15.71. Density.**

430 a) The maximum density for any standard method project is the greater
431 of 0.5 FAR or 10,000 square feet of gross floor area. Any single land
432 use or any combination of land uses allowed in the zone may achieve
433 the maximum density.

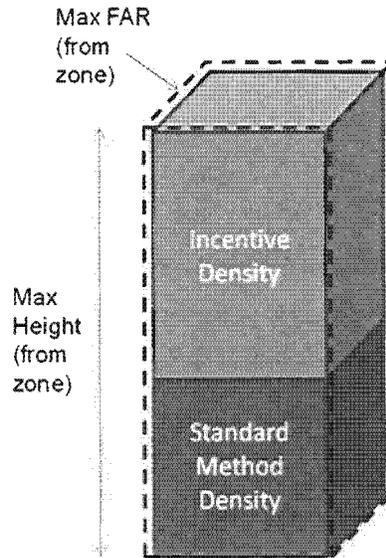
434 b) The maximum total density and mix of maximum non-residential and
435 residential density for any project using the optional method of
436 development is specified by the zone. [[The difference between the
437 standard method density and optional method density is defined as
438 “incentive density” and is allowed under the incentive density
439 provisions of Section 59-C-15.8.]]

440 **59-C-15.72. Height.**

441 a) The maximum height for any building or structure in a standard
442 method project is 40 feet.

443 b) The maximum height for any building or structure in an optional
444 method project is determined by the zone.

445 [[



Incentive Density Illustration (with maximum FAR)]]

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447 **59-C-15.73. Setbacks.**

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449 a) A building must not be any closer to a lot line [[of an]] shared with a
450 lot or parcel in an agricultural (Division 59-C-9) or residential
451 (Division 59-C-1) zone than:

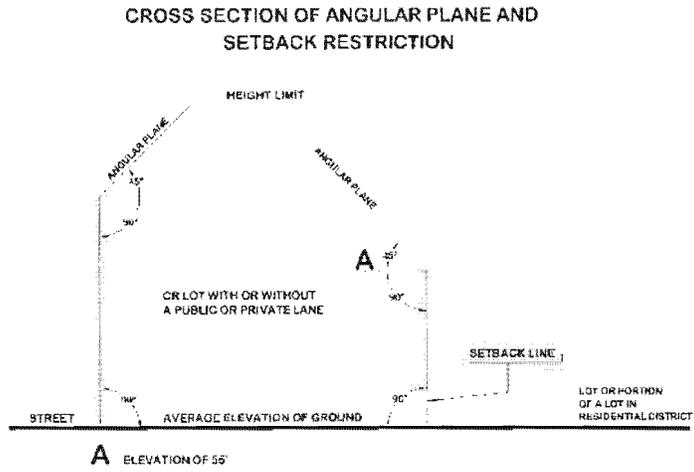
452 [[a)]] 1) 25 feet or the setback required by the adjacent lot,
453 whichever is greater; and

454 [[b)]] 2) the building must not project beyond a 45 degree angular
455 plane projecting over the lot measured from a height of
456 55 feet at the setback determined above, with the
457 exception of those features exempt from height and
458 setback restrictions under Section 59-B-1.

459 b) The development of a new building in place of a building existing
460 when the CR is applied may be built to the pre-existing setbacks if the

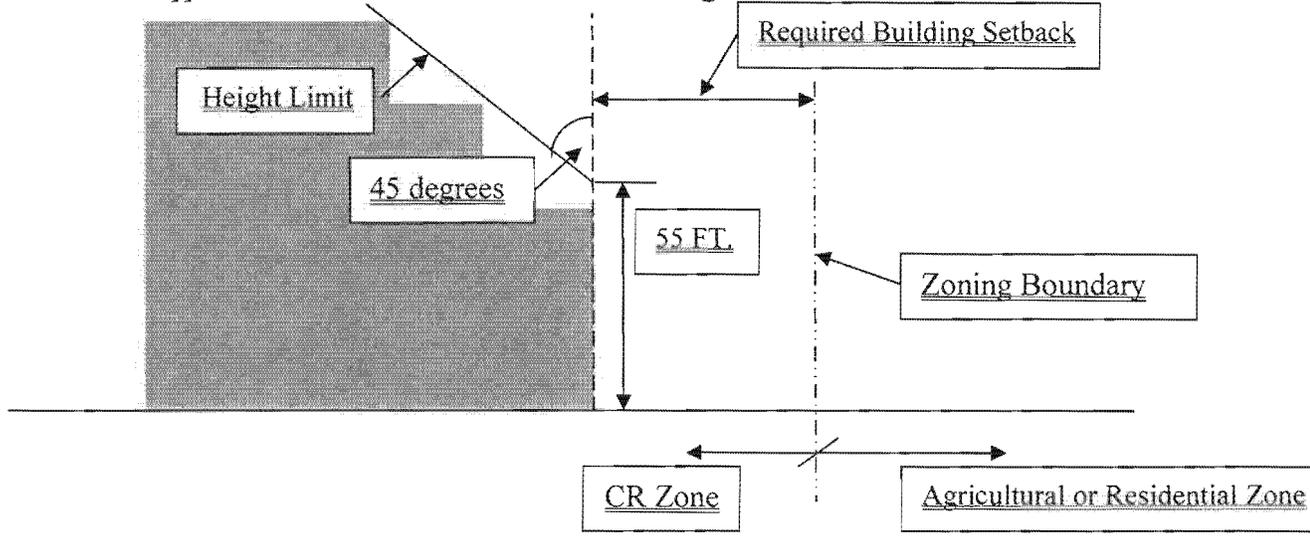
461 height of the new building is not increased over that of the former
462 building.

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]] NOTE to editor: add the following illustration



467
468

Angular Plan Setback Illustration

59-C-15.74. Public Use Space.

- 471 a) [[The minimum public]] Public use space is not required for any
- 472 standard method project [[is 10 percent of the net tract area of the
- 473 site]].

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

476

Minimum Required Public Use Space (% of net lot tract area)				
Acres (Gross)	Number of Existing and Planned Right-of-Way Frontages			
	1	2	3	4+
< ½	0	0	[[4]]0%	[[6]]5%
½ - 1.00	0	[[4]]0%	[[6]]5%	[[8]]10%
1.01 - 3.00	[[4]]0%	[[6]]5%	[[8]]10%	10%
3.01 - 6.00	[[6]]5%	[[8]]10%	10%	10%
6.01 +	[[8]]10%	10%	10%	10%

477

478 c) Public use space must:

479 1) be calculated on the net ~~lot~~ tract area ~~of the site~~ that was
 480 included in the sketch plan application;

481 2) be rounded to the next highest 100 square feet;

482 3) be easily and readily accessible to the public;

483 4) ~~be placed under a public access easement in perpetuity;~~ be
 484 distributed within the entire tract area included in the sketch
 485 plan application and

486 5) contain amenities such as seating options, shade, landscaping,
 487 or other similar public benefits.

488 d) Instead of providing on-site public use space, for any site of 3 acres
 489 or less, a development may propose the following alternatives,
 490 subject to Planning Board approval:

491 1) public use space improvements ~~to an area equal in~~ of an
 492 equal or greater size within ¼ mile of the subject site; or

493 2) a payment in part or in full to the Public Amenity Fund~~, equal~~
 494 to the average cost of required site improvements, added to the

495 current square foot market value of the area required as public
 496 use space]] under Section 59-D-2.31.

- 497 e) A development on a site larger than 3 acres may only provide
 498 off-site public use space in order to provide master-planned
 499 open space improvements, or a payment under subsection d)
 500 (2), for an area of equal or greater size required on site that is:
 501 1) located within the same master plan area as the proposed
 502 development; and
 503 2) indicated on the approved sketch plan.

504 **59-C-15.75. Residential Amenity Space.**

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

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

- 508
 509 b) The amenity space is not required for Moderately Priced Dwelling
 510 Units (MPDUs) on a site within a metro station policy area or where
 511 the Planning Board finds that there is adequate recreation and open
 512 space within a ½ mile radius of the subject site.

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

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

519 **59-C-15.8. Special Regulations for the Optional Method of Development**

520 **59-C-15.81. Incentive Density Provisions.**

521 This section establishes incentives for optional method projects to provide
522 public benefits in return for increases in density and height above the
523 standard method maximums, consistent with the applicable master or sector
524 plan, up to the maximum permitted by the zone.

525 [(a) The incentive density approved for each proposed public benefit is
526 calculated as a percentage of the total incentive density, which is the
527 incremental difference between the standard method maximum FAR
528 (0.5) and the proposed project FAR up to the maximum FAR allowed
529 by the zone.

530 b) The minimum and maximum incentive density percentage increases
531 for each public benefit are established in Section 59-C-15.81(f).

532 c) The Planning Board may accept, reject, or modify a proposed
533 incentive density or modify the requested percentage above the
534 minimum of incentive density established up to the maximum
535 established. Except for those benefits with specific maximum
536 standards, in approving incentive densities above the minimum, the
537 Planning Board must consider:

- 538 1) the size and configuration of the parcel;
539 2) the policy objectives and priorities of the applicable master or
540 sector plan;
541 3) the applicable design guidelines;

- 542 4) the relationship of the site to adjacent properties;
 543 5) the presence or lack of similar benefits nearby; and
 544 6) quantitative and qualitative enhancements provided exceeding
 545 the delineated minimum incentive density standards.
 546 d) Public benefits that apply to 1 building in a multi-building
 547 project must be weighted proportionally to the density of the
 548 applicable building compared to the total density of the project
 549 e) In addition to the public benefits set forth below, an applicant
 550 may propose other public benefits that will further the goals and
 551 objectives of the applicable master or sector plan for the purpose of
 552 obtaining an incentive density increase.
 553 f) The Planning Board may grant no more than 30 percent of the total
 554 incentive density for a project for the connectivity, design, diversity,
 555 or environment incentive categories under (h) below or any public
 556 benefit approved under (e) above.

557 Example: A development in a zone with a maximum FAR of 5.5 would base all public benefit
 558 calculations on the incentive density of 5.0 FAR (5.5-0.5). Thus, being on a site adjacent to a
 559 metro station would yield an automatic incentive density of 2.5 FAR (5.0 x 0.50), and full
 560 density would be allowed by providing public benefits equal to an additional 50 percent.

- 561 g) Provision for inspections, maintenance, and enforcement of public
 562 benefits provided in return for incentive density must be established
 563 in a Site Plan Enforcement Agreement approved by the Department of
 564 Permitting Services and by resolution of the Planning Board before
 565 the certification of a site plan.]]

[[h) Table of density incentives: Incentive Zoning Table			
Public Benefit	Percent of Incentive Density		Section Reference
	Minimum	Maximum	
<i>Transit Proximity</i>	See section reference		15.82

<i>Connectivity & Mobility</i>			
<u>Community Connectivity</u>	<u>10</u>	<u>20</u>	<u>15.831</u>
<u>Community Garden</u>	<u>5</u>	<u>10</u>	<u>15.832</u>
<u>Parking at the Minimum</u>	<u>10</u>	<u>20</u>	<u>15.833</u>
<u>Pedestrian Through-Block Connection</u>	<u>5</u>	<u>10</u>	<u>15.834</u>
<u>Public Parking</u>	<u>20</u>	<u>30</u>	<u>15.835</u>
<u>Transit Access Improvement</u>	<u>10</u>	<u>20</u>	<u>15.836</u>
<i>Diversity</i>			
<u>Adaptive Buildings</u>	<u>15</u>	<u>30</u>	<u>15.841</u>
<u>Affordable Housing: MPDUs</u>	See section reference		<u>15.842</u>
<u>Affordable Housing: WFHUs</u>	See section reference		
<u>Care Center</u>	<u>10</u>	<u>20</u>	<u>15.843</u>
<u>Community Facility</u>	<u>10</u>	<u>20</u>	<u>15.844</u>
<u>Local Retail Preservation</u>	<u>10</u>	<u>20</u>	<u>15.845</u>
<u>Unit Mix and Size</u>	<u>5</u>	<u>10</u>	<u>15.846</u>
<i>Design</i>			
<u>Floor Plate Size</u>	<u>10</u>	<u>20</u>	<u>15.851</u>
<u>Historic Resource Protection</u>	<u>10</u>	<u>20</u>	<u>15.852</u>
<u>Parking Below Grade</u>	<u>10</u>	<u>20</u>	<u>15.853</u>
<u>Podium/Tower Setback</u>	<u>5</u>	<u>10</u>	<u>15.854</u>
<u>Public Art</u>	<u>10</u>	<u>20</u>	<u>15.855</u>
<u>Public Plaza/Open Space</u>	<u>5</u>	<u>10</u>	<u>15.856</u>
<u>Streetscape, Off-Site</u>	<u>5</u>	<u>10</u>	<u>15.857</u>
<u>Exceptional Design</u>	<u>10</u>	<u>20</u>	<u>15.858</u>
<i>Environment</i>			
<u>Bio-retention and Stormwater Recharge</u>	<u>5</u>	<u>10</u>	<u>15.861</u>
<u>Conveyed Parkland</u>	<u>10</u>	<u>20</u>	<u>15.862</u>
<u>Dark Skies</u>	<u>5</u>	<u>10</u>	<u>15.863</u>
<u>Energy Efficiency and Generation</u>	<u>10</u>	<u>20</u>	<u>15.864</u>
<u>Green Wall</u>	<u>5</u>	<u>10</u>	<u>15.865</u>
<u>LEED Rating</u>	<u>10</u>	<u>30</u>	<u>15.866</u>
<u>Rainwater Reuse</u>	<u>5</u>	<u>10</u>	<u>15.867</u>

<u>Transferable Development Rights</u>	<u>10</u>	<u>30</u>	<u>15.868</u>
<u>Tree Canopy</u>	<u>10</u>	<u>20</u>	<u>15.869</u>
<u>Vegetated Area</u>	<u>5</u>	<u>10</u>	<u>15.8610</u>
<u>Vegetated Roof</u>	<u>10</u>	<u>20</u>	<u>15.8611</u>]]

566

567 **[[59-C-15.82. Transit Proximity Incentives.]]**

568 [[A project on a site near transit encourages greater transit use and reduces
 569 vehicle miles traveled, congestion, and carbon emissions. The additional
 570 percent of incentive density automatically allowed is as follows:

<u>Transit 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>

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573 **[[59-C-15.83. Connectivity and Mobility Incentives.**

574 A project that enhances connectivity and mobility encourages pedestrian
 575 and other non-auto travel for short and multi-purpose trips as well as for
 576 commuting. Such a project facilitates social interaction, provides
 577 opportunities for healthier living, and stimulates local businesses.]]

578 **[[59-C-15.831. Community Connectivity.**

579 a) The minimum incentive density increase for a building that enhances
 580 community connectivity by locating near existing retail uses or
 581 provides retail uses, requires that:

- 582 1) at least 10 different existing or proposed retail uses with direct
 583 pedestrian access are within 1/2 mile; and

584 2) at least 35 percent of those uses have a maximum floor area of
585 5,000 square feet and that any newly provided retail uses
586 remain at or below that area for a period of at least 4 years after
587 the initial use-and-occupancy permit is issued for that use.

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

592 **[[59-C-15.832 Community Garden.**

593 A community garden allows any resident to grow their own produce, reduce
594 reliance on automobiles, increase water and air quality, and interact with
595 other residents.

596 a) The minimum incentive density increase requires that the garden:

597 1) is located on the subject site or within 500 feet of the subject
598 site;

599 2) provides all garden spaces with at least 12 inches of soil depth
600 and access to water; and

601 3) provides community garden space at a rate equivalent to 1
602 space per 20 dwelling units. Each space must be at least 16
603 square feet. At least 1 out of each 10 spaces must be accessible
604 under ADA standards.

605 b) The maximum increase requires additional features such as a
606 composting facility, additional garden space, seating areas, doubling
607 as a green roof, or additional accessible garden plots.]]

608 **[[59-C-15.833. Parking at the Minimum.**

609 a) The minimum incentive density increase requires that sites of 1 acre
610 or more provide on-site only the minimum required number of
611 parking spaces.

612 b) The maximum increase requires that sites of less than 1 acre provide
613 on-site only the minimum required number of parking spaces.]]

614 **[[59-C-15.834. Pedestrian Through-Block Connections.**

615 A through-block connection enhances pedestrian mobility and helps to
616 create a variety of open spaces, particularly on larger blocks.

617 a) The minimum incentive density increase for a pedestrian through-
618 block connection requires that:

619 1) the pedestrian connection must provide direct access between
620 streets;

621 2) the pedestrian connection must be at least 15 feet in width;

622 3) at least 35 percent of the walls facing the interior pedestrian
623 connection below a height of 8 feet must have clear,

624 unobstructed windows, unless the Planning Board finds that an
625 alternative design is at least equally safe;

626 4) the pedestrian connection must be open to the public between
627 sunrise and sunset and, where it leads to a transit facility or
628 publicly-accessible parking facility within ½ mile, for the hours
629 of operation of the transit and/or parking facility; and

630 5) retail uses fronting both a pedestrian connection and a street
631 must maintain operable doors from both unless not required by
632 the Planning Board during site plan review due to exceptional
633 site circumstances.

634 b) The maximum increase requires additional benefits such as:

- 635 1) direct connection to parks;
- 636 2) transit facilities;
- 637 3) public buildings;
- 638 4) pedestrian connection with accessible retail uses along a
639 majority of its length;
- 640 5) connections increased in width; or
- 641 6) public artworks integrated into the walk.]]

642 **[[59-C-15.835. Public Parking.**

- 643 a) The minimum increase requires providing on-site the difference
644 between the minimum number of required parking spaces and the
645 maximum number of allowed parking spaces as publicly accessible
646 spaces for free or at a market rate.
- 647 b) The maximum increase requires providing public parking spaces, as
648 required above, in combination with additional improvements, such
649 as constructing those spaces underground or in a structure.]]

650 **[[59-C-15.836. Transit Access Improvement.**

- 651 a) The minimum incentive density increase for transit access
652 improvements requires that the improvements:
 - 653 1) are located within 1/2 mile of the proposed development site
654 or, in the case of mobile transit improvements such as a bus
655 shuttle, provide regular access for passengers within 1/2 mile;
656 and
 - 657 2) are built to ADA accessibility standards as amended.
- 658 b) The maximum increase requires additional benefits such as closer
659 access, new access easements, connecting walkways, mezzanines,

660 seating areas, structures for wind/rain protection, or concourse
661 areas.]]

662 **[[59-C-15.84. Diversity Incentives.]]**

663 **[[59-C-15.841. Adaptive Buildings.**

664 An adaptive building can adjust to a diversity of uses over time, which
665 makes the building more accommodating of mixed uses, more sustainable,
666 and more embedded in the pattern of a community.

667 a) The minimum incentive density increase for an adaptive building
668 requires that:

- 669 1) the floor to floor dimension must be at least 15 feet for all
670 floors; and
671 2) the internal floor plan is based on a structural system allowing
672 flexibility of volumes divisible from 1 open floor plate to any
673 number of parceled volumes.

674 b) The maximum increase requires additional benefits such as that:

- 675 1) the structural system has additive capacity for any available
676 density and height that is not used by the building without
677 demolition of the structure; or
678 2) the internal layout is built to allow changes between residential,
679 retail, and office uses by minor modifications.]]

680 **[[59-C-15.842. Affordable Housing.**

681 a) All residential development must comply with the requirements of
682 [[Chapters]]Chapter 25A and 25B for the provision of Moderately
683 Priced Dwelling Units (MPDUs) and Workforce Housing Units
684 (WFHUs).

- 685 b) Provision of MPDUs above the minimum required grants an incentive
686 density increase, providing the following standards are met:
687 1) the increase in density is calculated on the incentive density as
688 required by Chapter 25A;
689 2) the MPDUs must be reasonably distributed throughout the
690 project; and
691 3) any dwelling units built under this section must be controlled
692 under the MDPU or WFHU provisions for a minimum period
693 of 99 years.

694 Example: Provision of 14.5 percent MPDUs achieves an incentive density increase of 20 percent
695 (25-A-5(c) (3)). In the case of a CR4.5, that would equal 0.20 x 4.0 (the incentive density),
696 which is 0.8 FAR.

- 697 c) Provision of WFHUs grants an incentive density increase at the
698 following rate: 2 times the percentage of units provided as WFHUs
699 up to 30 percent.]]

700 Example: Provision of 5 percent WFHUs achieves an incentive density increase of 10 percent;
701 provision of 12 percent WFHUs achieves an incentive density increase of 24 percent.]]

702 **[[59-C-15.843. Care Center.**

- 703 a) The minimum incentive density increase for a center for daytime
704 adult or child care requires a facility for at least 12 users and the
705 general public must have the opportunity to comprise at least 25
706 percent of the users.
707 b) The maximum increase requires additional benefits such as providing
708 for additional users, a safe drop-off area, and an increase in users
709 from the general public, and recreation facilities provided above those
710 required by law.]]

711 **[[59-C-15.844. Community Facility.**

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

715 1) is recommended in the applicable master plan or sector plan;
716 and

717 2) is accepted for operation and use by an appropriate public
718 agency, community association, or nonprofit organization.

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

724 **[[59-C-15.845. Local Retail Preservation.**

725 Preservation of locally-owned small businesses on site is eligible for
726 incentive density as follows:

727 a) preservation of up to 2 small businesses: 10 percent; and

728 b) preservation of 3 or more small businesses: 20 percent.

729 Exact terms of lease requirements and rental agreements must be established
730 by the site plan enforcement agreement.]]

731 **[[59-C-15.846. Unit Mix and Size.**

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

736 1) 7.5 percent as efficiency dwelling units;

737 2) 8 percent as one-bedroom dwelling units;

- 738 3) 8 percent as two-bedroom dwelling units; and
739 4) 5 percent as three-bedroom dwelling units.
740 b) The maximum increase requires provision of at least (calculated by
741 rounding to the next higher whole number):
742 1) 10 percent as efficiency dwelling units;
743 2) 10 percent as one-bedroom units;
744 3) 10 percent as two-bedroom units; and
745 4) 7.5 percent as three-bedroom units.]]

746 **[[59-C-15.85. Design Incentives.]]**

747 **[[59-C-15.851. Floor Plate Size.**

- 748 a) The minimum incentive density increase for the provision of floor
749 plate restrictions requires that:
750 1) the floor area of any floor above a height of 120 feet does not
751 exceed 10,000 square feet for residential uses or 19,000 square
752 feet for non-residential uses, or 12,000 square feet for mixed-
753 uses (if not more than 60 percent of a mixed-use floor is used
754 for any single use); and
755 2) the exterior of the building facing any street or public open
756 space has at least 60 percent glass on the floors with the
757 reduced floor plate.
758 b) The maximum increase requires additional benefits, such as providing
759 the reduced floor plates in conjunction with the Exceptional Design
760 factor, providing smaller floor plates, combining this incentive with
761 the tower setback, providing a larger percentage of glass, or
762 integrating sustainable technologies into the architecture.]]

763 **[[59-C-15.852. Historic Resource Protection.**

764 a) The minimum incentive density increase for the preservation of a
765 historic resource designated in the Master Plan for Historic
766 Preservation requires that a preservation strategy for the resource is
767 approved by the Planning Board as part of the site plan enforcement
768 agreement and that a historic area work permit is issued by the
769 Historic Preservation Commission.

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

774 **[[59-C-15.853. Parking Below Grade.**

775 a) The minimum incentive density increase requires that sites of 1 acre
776 or more provide all on-site parking spaces below the average grade of
777 the primary street frontage.

778 b) The maximum increase requires that sites of less than 1 acre provide
779 all on-site parking spaces below the average grade of the primary
780 street frontage.]]

781 **[[59-C-15.854. Podium/Tower Setback.**

782 a) The minimum incentive density increase for the provision of a tower
783 setback requires that the tower must be set back from the first floor
784 building frontage at or below 72 feet and the setback must be at least
785 6 feet.

786 b) The maximum increase requires that the tower setback be at or below
787 50 feet and that the setback be at least 12 feet.]]

788 **[[59-C-15.855. Public Art.**

789 Public art is considered a public benefit because it enhances the quality of
790 place and creates a sense of identity in a community.

791 a) The minimum incentive density increase for public art requires that it:

792 1) enhances the general or specific cultural objectives of the
793 applicable master or sector plan; and

794 2) is approved by the Public Arts Trust Steering Committee.

795 b) The maximum increase requires that, in addition to the above
796 requirements, the artwork fulfill at least 5 of the following goals as
797 determined by the Public Arts Trust Steering Committee:

798 1) achieve aesthetic excellence;

799 2) ensure an appropriate interaction between the art and the
800 architectural setting in terms of scale, materials, and context;

801 3) ensure public access and invite public participation;

802 4) encourage collaboration between the artist(s) and other project
803 designers early in the design phases;

804 5) ensure long-term durability of permanent works through
805 material selection or a documented maintenance program;

806 6) encourage a rich variety of arts including permanent, temporary
807 (revolving), and event programming;

808 7) increase public understanding and enjoyment of art through
809 interpretive information and/or programmed events; and

810 8) achieve a collection of commissioned art that is unique and
811 contributes in a positive way to the identity of the community.

812 c) A fee instead of public art may be accepted for incentive density as
813 follows:

- 814 1) the minimum fee is calculated on 1 percent of the
- 815 development's projected cost;
- 816 2) the fee is paid to the Public Arts Trust Steering Committee;
- 817 3) the fee is used for installation, management, and maintenance
- 818 of public art at the discretion of the Public Arts Trust Steering
- 819 Committee, with preference given to the policy area where the
- 820 proposed development is located; and
- 821 4) the incentive density is equal to a 5 percent increase for every 1
- 822 percent of projected development cost paid to the Public Arts
- 823 Trust, up to 20 percent.]]

824 **[[59-C-15.856. Public Plaza/Open Space.**

825 Plazas are important public amenities and create interesting spaces and

826 active gathering areas.

- 827 a) The minimum incentive density increase for any plaza requires that:
- 828 1) the plaza is directly accessible to a street;
- 829 2) the plaza must be open to the public at least between sunrise
- 830 and sunset;
- 831 3) no proposed loading or parking facilities should be visible
- 832 below a height of the fourth floor; and
- 833 4) the plaza must be in addition to any public use space required
- 834 by the development standards or other minimum open space
- 835 requirement of this Division.
- 836 b) The maximum increase requires that the above requirements are met,
- 837 in addition to the following:
- 838 1) the plaza's width must be at least 50 feet;

- 839 2) where the plaza is provided as part of a redevelopment,
840 buildings facing the plaza must be designed so that:
841 A) the walls of any non-residential floor area facing the
842 plaza must have windows on at least 60 percent of the
843 façade below a height of 40 feet; and
844 B) the main entry to any dwelling units is from a wall facing
845 the plaza; and
846 3) the plaza should contain seating, trash receptacles, landscaping,
847 and other amenities such as water features, kiosks, and passive
848 recreation areas.]]

849 **[[59-C-15.857. Streetscape, Off-Site.**

850 Streetscape improvements enhance the pedestrian experience and better
851 connect buildings to the public spaces.

- 852 a) The minimum incentive density increase for streetscape
853 improvements requires that the following criteria are met:
854 1) the improvements must be located within 1/2 mile of the
855 subject site; and
856 2) the improvements are equal to 18 percent of the net lot.
857 b) The maximum increase requires that the improvements be equal to at
858 least 36 percent of the net lot area.]]

859 **[[59-C-15.858. Exceptional Design.**

860 The minimum incentive density increase for high-quality site and
861 architectural design requires that at least 3 of the following criteria are met;
862 the maximum density increase requires that at least 5 of the following
863 criteria are met:

- 864 a) provides innovative solutions in response to the architectural context
865 and surrounding landscape, for example, by rotating floor plates for
866 views or reconciling offset street-walls;
- 867 b) creates a sense of place that will serve as a landmark in the
868 community, for example, by creating a distinguishing element that is
869 visible from an important view or at a gateway to an area;
- 870 c) enhances the public realm in a distinct and original manner, for
871 example, by using existing materials and forms in new ways to
872 provide continuity and contrast;
- 873 d) adds to the diversity of the built realm within the community, for
874 example, by introducing new materials, building methods, or design
875 styles;
- 876 e) uses design solutions to make compact/infill living, working, and
877 shopping environments pleasurable and desirable, for example, by
878 retrofitting surface parking lots and single-use retail malls or creating
879 multi-use, pedestrian-dominated realms in previous auto-oriented
880 areas; and
- 881 f) integrates environmentally sustainable solutions, for example, by
882 using stormwater management facilities that incorporate best
883 management practices in an apparent and observable way or
884 integrating passive solar features into the visible structure of a
885 building or site.]]

886 **[[59-C-15.86. Environment Incentives.]]**

887 **[[59-C-15.861. Bio-retention and Stormwater Recharge.**

- 888 a) The minimum incentive density increase for the use of bio-retention
889 and recharge facilities requires that at least 25 percent of projected

890 stormwater outfall for a 10-year event be contained and recharged on
891 site or within ¼ mile of the site.

892 b) The maximum increase requires that at least 50 percent of projected
893 stormwater for a 10-year event be contained and recharged.]]

894 **[[59-C-15.862. Conveyed Parkland.**

895 a) The minimum incentive density increase for land conveyed to the M-
896 NCPPC for inclusion in or provision of parkland, trail area, or other
897 master-planned Parks' use requires conveyance of at least of 15
898 percent of the gross lot area.

899 b) The maximum increase requires conveyance of at least 30 percent of
900 the gross lot area.]]

901 **[[59-C-15.863. Dark Skies.**

902 a) The minimum incentive density increase for dark skies-compliant
903 projects requires that they be built and maintained in conformance
904 with the standards established by the International Dark-Sky
905 Association as amended.

906 b) The maximum increase requires that the exterior lighting plan be
907 integrated into an energy efficiency plan for the entire project
908 submitted and approved by the Planning Board with a site plan
909 application.]]

910 **[[59-C-15.864. Energy Efficiency and Generation.**

911 a) The minimum density incentive increase for the use of on-site
912 renewable energy generation requires that buildings must meet the
913 minimum energy efficiency standards of 17.5 percent for new
914 buildings, 10.5 percent for existing buildings, or generate at least 1.5
915 percent of their energy on-site.

916 b) The maximum increase requires additional benefits such as greater
917 energy efficiency and the generation of at least 2.5 percent of energy
918 on-site.]]

919 **[[59-C-15.865. Green Walls**

920 a) The minimum incentive density increase for a green wall requires that
921 it:

- 922 1) must be designed, installed, and maintained to cover at least 30
923 percent of the area of a blank wall or parking garage facing a
924 street or plaza; and
925 2) must be found to add to the aesthetic quality and environmental
926 sustainability of the project.

927 b) The maximum increase requires additional benefits such as a greater
928 percent of coverage, southern or western exposure, the use of plants
929 with varying flowering seasons, or integration into an overall energy
930 or environmental site design program.]]

931 **[[59-C-15.866. LEED Rating.**

932 A LEED-rated building or equivalent rating system approved under Chapter
933 8 Article VII is eligible for an incentive density increase if it meets any
934 continuing requirements necessary to maintain that status.

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

- 937 a) LEED Silver: 10 percent
938 b) LEED Gold: 20 percent
939 c) LEED Platinum: 30 percent]]

940 **[[59-C-15.867. Rainwater Reuse.**

- 941 a) The minimum incentive density increase for the collection of
942 rainwater for on-site irrigation, grey-water use, or filtration for re-use
943 requires that a minimum of 25 percent of projected rainwater for a 10-
944 year event be collected and used on-site or within ¼ mile of the site.
945 b) The maximum increase requires that at least 50 percent of projected
946 rainwater for a 10-year event be collected and used.]]

947 **[[59-C-15.868. Transferable Development Rights.**

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

- 950 a) the purchase must be executed and recorded before approval of a
951 record plat;
952 b) the use of this incentive must be for development on land
953 recommended as a TDR receiving area in the appropriate master or
954 sector plan;
955 c) TDRs must be purchased in increments of 10; and
956 d) the incentive density increase is equal to 10 percent for every 10
957 TDRs purchased, up to 30 percent.]]

958 **[[59-C-15. 869. Tree Canopy.**

- 959 a) The minimum incentive density increase for the provision of tree
960 canopy requires coverage of at least 25 percent of the on-site open
961 space at 15 years growth.
962 b) The maximum increase requires coverage of at least 50 percent of the
963 on-site open space at 15 years growth.]]

964 **[[59-C-15.8610. Vegetated Area.**

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

- 967 1) the area must be in addition to any required on-site open space
968 or any vegetated roof incentive;
969 2) the area must replace at least 5,000 square feet of impervious
970 area;
971 3) the area provides at least 12 inches of soil depth; and
972 4) the area is planted with well-maintained vegetation.
973 b) The maximum increase requires additional benefits, such as larger
974 area or greater soil depth.]]

975 **[[59-C-15.8611. Vegetated Roof.**

- 976 a) The minimum incentive density increase for a vegetated roof requires
977 that the:
978 1) vegetated roof must cover at least 33 percent of the roof of the
979 building, excluding any space occupied by mechanical
980 equipment; and
981 2) soil or media depth must be at least 4 inches.
982 b) The maximum increase requires coverage of at least 60 percent of the
983 roof area.]]

984 **[[59-C-15.87. Special Regulations for Purchase of Building Lot**

985 **Termination (BLT) Development Rights.**

- 986 a) A development under the Optional Method must purchase building
987 lot termination (BLT) easements under Chapter 2B, or a contribution
988 must be made to the Agricultural Land Preservation Fund under
989 Chapter 2B equal to 12.5 percent of the incentive density floor area
990 using the following formula:
991 1) one BLT easement is required for each 9,000 square feet of
992 residential floor area;

993 2) one BLT easement is required for every 7,500 square feet of
994 non-residential floor area.

995 b) When a BLT easement cannot be purchased or the amount of floor
996 area attributed to a building lot termination easement is a fraction of
997 the floor area equivalent, payment must be made to the Agricultural
998 Land Preservation Fund according to the rate set annually by
999 executive regulation.]]

1000 a) Public benefits must be provided that enhance or contribute to the
1001 objectives of the CR zone in the following categories:

1002 1) Master-planned major public facilities;

1003 2) Transit proximity for residents, workers, and patrons;

1004 2) Connectivity between uses and activities and mobility options

1005 3) Diversity of uses and activities;

1006 4) Quality of building and site design; and

1007 5) Protection and enhancement of the natural environment.

1008 Sections 59-C-15.82 through 59-C-15.87 indicate the types of public
1009 benefits that may be accepted in each of these categories.

1010 c) In approving any incentive density based on the provision of public
1011 benefits, the Planning Board must consider:

1012 1) The policy objectives and priorities of the applicable master or
1013 sector plan;

1014 2) Any applicable design guidelines and any adopted public
1015 benefit standards and guidelines;

1016 3) The size and configuration of the tract;

1017 4) The relationship of the site to adjacent properties;

1018 5) The presence or lack of similar public benefits nearby; and

1019 6) Enhancements that increase public access to or enjoyment of
 1020 the benefit.

1021 The Planning Board must adopt, publish, and maintain guidelines that
 1022 detail the standards and requirements for public benefits that may be
 1023 provided for incentive density. These guidelines are in addition to
 1024 and do not supercede any standards, requirements, or rules of
 1025 incentive density calculation included in this Division.

1026 **59-C-15.82. Incentives for Master-Planned Major Public Facilities.**

1027 Major public facilities such as schools, libraries, recreation centers, urban parks,
 1028 and county service centers provide public services at convenient locations, centers
 1029 for community meetings and civic events. Because of their significance in place-
 1030 making, the Planning Board may approve incentive density of up to 70 percent for
 1031 the conveyance of a site and/or construction of a major public facility that is
 1032 designated on a master plan or sector plan and is accepted for use and operation by
 1033 the appropriate public agency, community association, or nonprofit organization.

1034 **59-C-15.83. Incentives for Transit Proximity.**

1035 In order to encourage greater use of transit, control sprawl, and reduce vehicle
 1036 miles traveled, congestion, and carbon emissions, the Planning Board may approve
 1037 incentive density for transit proximity under this section. The percentage of
 1038 incentive density awarded to a project for transit proximity is as follows:

<u>Transit Proximity</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>
<u>Adjacent or confronting</u>	<u>50%</u>	<u>30%</u>	<u>15%</u>
<u>Within ¼ mile</u>	<u>40%</u>	<u>25%</u>	<u>10%</u>
<u>Between ¼ and ½ mile</u>	<u>30%</u>	<u>20%</u>	<u>5%</u>

<u>Between ½ and 1 mile</u>	<u>20%</u>	<u>15%</u>	<u>0%</u>
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1039 a) A project is adjacent to or confronting a transit station or stop if it
 1040 shares a property line, easement line, or is separated only by a right-
 1041 of-way from an existing or planned transit station or stop and 100
 1042 percent of the gross tract area submitted in a single sketch plan
 1043 application is within ¼ mile of the transit portal.

1044 b) The appropriate incentive density applies to the area of the project
 1045 within each distance category.

1046 **59-C-18.84. Incentives for Connectivity and Mobility.**

1047 In order to enhance connectivity between uses and amenities and increases
 1048 mobility options, encourage non-automotive travel for short and multi-purpose
 1049 trips as well as for commuting, facilitate social and commercial interaction,
 1050 provide opportunities for healthier living, and stimulate local businesses, the
 1051 Planning Board may approve incentive density of up to 30% to a project that
 1052 provides at least two of the following public benefits:

- 1053 a) Neighborhood Services: Safe and direct pedestrian access to 10 different
 1054 retail services on site or within ¼ mile, of which at least 4 have a maximum
 1055 retail bay floor area of 5,000 square feet.
- 1056 b) Community Gardens: Safe and accessible garden space of 500 square feet or
 1057 one 16 square-foot plot per 20 dwelling units, whichever is greater, on site
 1058 or within 500 feet of the site.
- 1059 c) Minimum Parking: Provision of the minimum required parking for projects
 1060 of one acre of gross tract area or more.
- 1061 d) Through-Block Connections: Safe and attractive pedestrian connections
 1062 between streets.

- 1063 e) Public Parking: Provision of up to the maximum number of parking spaces
1064 allowed in the zone as public parking free or at a market rate.
1065 f) Transit Access Improvement: Ensuring that access to transit facilities meets
1066 County standards for handicapped accessibility.

1067 **59-C-15.85. Incentives for Diversity of Uses and Activities.**

1068 In order to increase the variety and mixture of land uses, types of housing,
1069 economic diversity, and community activities; contribute to development of a
1070 more efficient and sustainable community; reduce the necessity for automobile
1071 use; and facilitate healthier lifestyles and social interaction, the Planning Board
1072 may approve incentive density of up to 30% to a project that provides affordable
1073 housing or a public facility, as described below, or at least two of the other
1074 following public benefits:

- 1075 a) Affordable Housing:

1076 All residential development must comply with the requirements of Chapter
1077 25A for the provision of Moderately Priced Dwelling Units (MPDUs) and
1078 may provide Workforce Housing Units (WFHUs) under Chapter 25B.

- 1079 1) MPDU Incentive Density: Provision of MPDUs above the minimum
1080 required is calculated by Method 1 and the required number of
1081 MPDUs is calculated on the total number of dwelling units as
1082 required by Chapter 25A and the percent of incentive density increase
1083 is based on the proposed FAR for the entire project.

1084 *Example: Provision of 14.5% MPDUs is awarded an incentive*
1085 *density of 20% (see 25-A-5(c)(3)). In the case of a CR 4.5 zone that*
1086 *proposes 4.5 FAR, that equals 0.20 x 4.0 (the incentive density),*
1087 *which is 0.8 FAR.*

1088 2) WFHU Incentive Density: Provision of WFHUs is calculated at the
1089 following rate: 2 times the percentage of units provided as WFHUs.

1090 Example: Provision of 5% WFHUs is awarded incentive density of
1091 10%, provision of 12% WFHUs is awarded incentive density of 24%.

1092 b) Adaptive Buildings: Provision of buildings with minimum floor-to-floor
1093 heights of at least 15 feet on any floor that meets grade and 12 feet on all
1094 other floors. Internal structural systems must be able to accommodate
1095 various types of use with only minor modifications..

1096 c) Care Centers: Child or adult day care facilities.

1097 d) Small Business Retention: Provision of on-site space for small,
1098 neighborhood-oriented businesses.

1099 e) Dwelling Unit Mix: Provision of at least 7.5% efficiency units, 8% 1-
1100 bedroom units, 8% 2-bedroom units, and 5% 3 or more bedroom units.

1101 **59-C-15.86. Incentives for Quality Building and Site Design.**

1102 High quality design is especially important in urban, integrated-use settings to
1103 ensure that buildings and uses are compatible with each other and adjacent
1104 communities and to provide a harmonious pattern of development. Due to the
1105 increased density of these settings, buildings tend to have high visibility. High
1106 quality design may help to attract residents and businesses to locate in these
1107 settings. Location, height, massing, façade treatments, and ornamentation of
1108 buildings affect sense of place, orientation, and the perception of comfort and
1109 convenience. The quality of the built environment affects light, shadow, wind,
1110 and noise, as well as the functional and economic value of property. In order to
1111 promote high quality design, the Planning Board may approve incentive density of
1112 up to 30% to a project that provides at least two of the following public benefits:

- 1113 a) Reduced Floor Plate: Provision of buildings in which floor areas above 120
1114 feet that do not exceed 10,000 square feet for residential uses or 19,000
1115 square feet for non-residential uses. The reduced floor plate must contain a
1116 minimum of 60% glass on all exterior walls facing a street or public open
1117 space..
- 1118 b) Historic Resource Protection: Preservation and/or enhancement of an
1119 historic resource indicated on the Master Plan for Historic Preservation in
1120 conformance with a plan approved by the Historic Preservation
1121 Commission. A fee-in-lieu for a specific preservation project may be paid
1122 to the Historic Preservation Division as specified in the Guidelines for
1123 Public Benefits.
- 1124 c) Structured Parking: Parking provided within a structure or below-grade.
- 1125 d) Tower Setback: Setback of building by a minimum of 6 feet beyond the
1126 first floor façade at a maximum height of 72 feet.
- 1127 e) Public Art: Provision of public art must be reviewed for comment by the
1128 Public Arts Trust Steering Committee. A fee-in-lieu may be paid to the
1129 Trust as specified in the Guidelines for Public Benefits.
- 1130 f) Public Open Space: Provision of open space in addition the the minimum
1131 required by the zone. Public open space must be easily accessible to the
1132 public during business hours and/or at least from sunrise to sunset and must
1133 contain amenities such as seating, plantings, trash receptacles, kiosks, and
1134 water features.
- 1135 g) Streetscape: Construction of off-site streetscape in addition the requirements
1136 of this division.
- 1137 h) Exceptional Design: Building design that provides innovative solutions in
1138 response to the immediate context; creates a sense of place and serves as a

1139 landmark; enhances the public realm in a distinct and original manner;
1140 introduces new materials, forms, or building methods; uses design solutions
1141 to make compact infill development living, working, and shopping
1142 environments more pleasurable and desirable; and integrates low-impact
1143 development methods into the overall design of the site and building.

1144 **59-C-15.87. Incentives for Protection and Enhancement of the Natural**
1145 **Environment.**

1146 In order to combat sprawl and mitigate or reverse environmental problems such as
1147 lack of groundwater recharge, inadequate carbon-sequestration, and pollution
1148 caused by reliance on the automobile, the Planning Board may approve incentive
1149 density of up to 50% for certain projects that purchase building lot terminations, as
1150 described below, or up to 30% to a project that provides a LEED Platinum, or
1151 County-approved equivalent, building, as described below, or at least two of the
1152 other following public benefits:

1153 a) Building Lot Termination (BLT): The Planning Board may approve
1154 incentive density for the purchase of Building Lot Termination easements or
1155 for payment to the Agricultural Land Preservation Fund in an amount set
1156 regularly by Executive Regulation under Chapter 2B, subject to the
1157 following conditions:

- 1158 1) BLT easement purchases or payments must be whole units;
- 1159 2) Each BLT easement purchase or payment allows 20,000 gross square
1160 feet of incentive density; and
- 1161 3) The Planning Board may grant up to 20% of total incentive density
1162 for sites greater than ½ acre and up to 50% of the total incentive
1163 density for sites ½ acre or smaller.

- 1164 b) LEED, or County-Approved Equivalent: The incentive density for a
1165 building or project that achieves a LEED rating, or an equivalent rating
1166 approved under Chapter 8, Article VII.
- 1167 c) Groundwater Recharge: Bio-retention and stormwater recharge facilities
1168 beyond existing County requirements on-site or within ¼ mile of the site
1169 must provide a minimum of 25% recharge of projected stormwater outfall
1170 for a 10-year event.
- 1171 d) Lighting: Provision of lighting that complies with the standards established
1172 by the International Dark Sky Association, or county-approved equivalent.
1173 Energy Conservation and Generation: Provision of energy-efficiency that
1174 exceeds standards for the building type by 17.5% for new buildings or 10%
1175 for existing buildings, or provision of renewable energy generation facilities
1176 on-site or within ½ mile of the site for a minimum of 2.5% of the projected
1177 energy requirement.
- 1178 e) Green Wall: Installation and maintenance of a vegetated wall that covers at
1179 least 30% of any blank wall or parking garage façade visible from a public
1180 street or open space.
- 1181 f) Rainwater Reuse: Collection and reuse of at least 25% of rainwater from a
1182 10-year event on site.
- 1183 g) Tree Canopy: Coverage at 15 years of growth of at least 25% of the on-site
1184 open space.
- 1185 h) Vegetated Area: Installation of plantings in a minimum of 12 inches of soil
1186 covering at least 5,000 square feet of previously impervious surfaces. This
1187 does not include vegetated roofs.

1188 i) Vegetated Roof: Provision of a vegetated roof with a soil depth of at least 4
 1189 inches covering at least 33% of a building’s roof, excluding space for
 1190 mechanical equipment.

1191 **59-C-15.9. Existing Approvals.**

1192 a) [[A]] One or more lawfully existing [[building]]buildings or
 1193 [[structure]]structures and the uses therein, which [[predates]] predate the
 1194 applicable sectional map amendment, are[[is a]] conforming [[structure]]
 1195 structures or [[use]] uses, and may be continued, renovated, repaired, or
 1196 reconstructed to the same size and configuration, or enlarged up to a total of
 1197 10 percent above the total existing floor areas of all buildings and structures
 1198 on site or 30,000 square feet, whichever is less, and does not require a site
 1199 plan. [[A larger addition requires]] Enlargements in excess of the
 1200 limitations in this subsection will require compliance with the full
 1201 provisions of this Division.

1202 b) A project that received an approved development plan under Division 59-D-
 1203 1 or schematic development plan under Division 59-H-2 before the
 1204 enactment of the CR zones may proceed under the binding elements of the
 1205 development plan and will thereafter be treated as a lawfully existing
 1206 building and may be renovated or reconstructed under Subsection (a) above.
 1207 Such development plans or schematic development plans[[projects]] may be
 1208 amended as allowed under Division 59-D-1 or 59-H-2[[.]] under the
 1209 provisions of the previous zone; however, any incremental increase in the
 1210 total floor area[[or building height]] beyond that allowed by Subsection (a)
 1211 above or any incremental increase in building height greater than 15 feet
 1212 requires, with respect to the incremental increase only, full compliance with
 1213 the[[full]] provisions of this Division.

1214 c) At the option of the owner, any portion of a project subject to an approved
1215 development plan or schematic development plan described in Subsection
1216 (b) above may be developed under this Division. The remainder of that
1217 project continues to be subject to the approved development plan or
1218 schematic development plan, under Subsections (a) and (b).

1219 ~~[[c]]~~d) A project which has had a preliminary or site plan approved before
1220 the applicable sectional map amendment may be built or altered at any time,
1221 subject to either the full provisions of the previous zone or this division, at
1222 the option of the owner. If built under the previous approval, it will be
1223 treated as a lawfully existing building and may be renovated or
1224 reconstructed under Subsection (a) above.

1225

1226 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of
1227 Council adoption.

1228
1229 This is a correct copy of Council action.

1230

1231 _____
1232 Linda M. Lauer, Clerk of the Council