

MEMORANDUM

June 26, 2013

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz,  Legislative Attorney

SUBJECT: Worksession 3 – CR Zones
Zoning Text Amendment 13-04, Zoning Ordinance – Revised
District Map Amendment G-956

Alert: The Staff memorandum for the July 2 worksession concerning Employment and Industrial zones will be posted on July 1. The tentative schedule for the Committee's future worksessions through July are as follows: July 12 – Overlay zones; July 19 – Floating zones; July 26 – Parking/Signs

The Committee's directions for staff from the June 21 worksession (residual issues on the AR zone Rural and Residential zones) are as follows:

- 1) Replace 3.1.2.D with the following provision:
Uses listed are general. The DPS Director or the Director's designee must determine whether a specific use falls within the general use. Specific uses fall within the general use when the use is included within the ordinary meaning of the general use and is similar in impact, nature, function, and duration. Uses that are not allowed as permitted, limited, or conditional are prohibited. (2-1, Councilmember Elrich may propose amendments at a future worksession.)
- 2) Delete the following sentence from the intent provision of the AR zone (§2.1.3.B): "Residential uses should be located and arranged to support agriculture as the primary use and to support the rural character of the area."

Insert the following provision into Sec. 4.2.2. General Requirements (underlining indicates new text):

A. Building Types...

B. Location of Residential Uses

Residential uses must be located and arranged to support agriculture as the primary use and to support the rural character of the area.

- 3) Amend §4.2.5.B “Lot and Density” by deleting the provision concerning “Alternative lot area (max)” and adding the following after “Specification for Coverage”:

	Detached House	General
Voluntary Conservation Lots		
<u>Lot Area (voluntary max)</u>	3 acres	3 acres
<u>Remainder of site must be placed in a conservation or agricultural easement or land trust</u>	Yes	Yes
<u>Coverage (max)</u>	15%	n/a

NOTE: Planning Staff recommends changing n/a to 10%.

- 4) Amend the subsection of the definition of farming as follows:
- a. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled ~~within Montgomery or adjacent counties~~ by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.
- 5) Do not add a new land use for Agricultural Education and Tourism at this time, but any Committee member may bring this issue back to the Committee before the Committee’s recommendation are sent to the full Council.
- 6) In the RNC zone, change the “P” in the land use table to an “L” for Playground, Outdoor Area and insert the following limited use standard in §3.4.7:
 “Where a Playground, Outdoor Area (Private) is allowed as a limited use, it is prohibited in rural open space.”
- 7) For Country Inn, change the land use table to replace “L” with “L/C” and amend 3.5.3.A.2. as follows:
- a. Where a Country Inn is allowed as a limited use, it must satisfy the following standards:
 - a. i. It must be legally existing before [INSERT DATE OF ADOPTION OF MAP AMENDMENT], and must fully comply with the schematic development plan and any associated binding element or covenant applicable to the property as of [INSERT DATE OF ADOPTION OF MAP AMENDMENT].
 - ii. A conditional use application for a Country Inn may be filed with the Board of Appeals if this use standard can not be met.
 - b. Where a Country Inn was not legally existing before [INSERT DATE OF ADOPTION OF MAP AMENDMENT], it may only be allowed as a conditional use and must satisfy the following standards:
 - ~~b. i.~~ i. The minimum lot area is 2 acres, or a lesser area if a master plan recommends a lesser area.
 - ~~e. ii.~~ ii. The maximum coverage is 10%.
 - ~~d. iii.~~ iii. A minimum of 50% of the lot must be open space.
 - ~~e. iv.~~ iv. The minimum setback from any street is 50 feet. The minimum setback from any other lot line is 75 feet.
 - ~~f. A lawfully existing structure may be used that does not meet requirements b. through e.~~

- 8) Delete the last sentence in the description of a general building (§4.1.3.F). Add a provision for site plan approval and modify Sec. 8.3.1.E.2 to require a finding that, in residential zones, “the building and site design must be compatible with the character of the residential neighborhood.” (2-1, Councilmember Elrich may propose additional text to protect small lots from consolidation.)
- 9) For R-90, R-60, and R-40 zones, delete the “L” in the land use table for farm tenant dwellings.
- 10) In §3.2.11.A. Animal Husbandry, change “land area” to “lot area” and add the following requirements as a limited use:
 - 15 feet minimum setback from any lot line for any shelter
 - Shelters must have a solid roof
 - Backyard must be fenced
- 11) For 3.5.1.B. Animal Boarding and Care, replace the proposed 50 foot setback with 75 feet.

Unresolved Items from June 21, 2013

- 1) Get comments from FRS on an appropriate duration for Christmas tree sales (seasonal outdoor sales).

The Fire Marshall has no guidance for the Committee on the duration of Christmas tree sales. The fire hazard from a Christmas tree increases as the moisture level in the tree decreases. The duration of sales would only have a bearing on moisture levels if all trees were cut on the day that sales commenced. Trees are in fact cut well in advance of sales. Any tree’s moisture level depends upon how long ago it was cut and how it was handled since it was cut, not how long it has been on a lot for sale.

- 2) Review land uses with DPS to determine if they are too restrictive.

Newly Raised Problem in the AR zone

The proposed code generally requires residential development to have not more than 1 unit per 25 acres. A residential lot within the 25 acre application may be smaller, but each plat must be at least 25 acres. The proposed code would appear to allow a record plat for a 3-acre general use building without any regard to overall density. Every 3 acres, a new general building may be proposed on a plat. Planning staff may wish to revise the proposed code if this is not their intent.

Newly Raised Problem in the RC zone

Under the current code, a Camp Retreat, Nonprofit is a permitted use in the RC zone if it was existing before April 11, 2005. Planning Staff added Campground as a limited use to the RC zone where the limited use standard requires the use to be in existence prior to April 11, 2005. The definition of Campground, however, does not cover all of the structures and activities allowed under the Camp Retreat, Nonprofit use.

The Camp Retreat, Nonprofit can be handled in the same manner as the Educational Institution, Private/Barnesville School issue. Both of these uses under the current code are only allowed if they existed by a particular date.

Amend Sec. 3.1.2. Use Classifications by adding the underlined section as follows:

- A. Use Categories...
- B. Use Groups and Individual Uses...
- C. Use Definitions...
- D. Grandfathered Uses Not Indicated with a “P”, “L”, or “C” in Sec. 3.1.6, Use Table
 - 1. Conditional Uses
 - a. The following conditional uses that were lawfully existing on [date of adoption minus one] that are not indicated with a “P”, “L”, or “C” in Sec. 3.1.6, Use Table, may, at the option of the owner, be continued, renovated, repaired, or enlarged under the conditional use requirements and process of Sec. 8.3.1, Conditional Use:
 - i. Educational Institution (Private)
 - b. Any other conditional use that was lawfully existing on [date of adoption minus one] that are not indicated with a “P”, “L”, or “C” in Sec. 3.1.6, Use Table, must satisfy the requirements of Sec. 8.7.1, Exemptions.
 - 2. Permitted Uses
 - a. The following permitted uses that were lawfully existing on [date of adoption minus one] that are not indicated with a “P”, “L”, or “C” in Sec. 3.1.6, Use Table, may, at the option of the owner, be continued, renovated, repaired, or enlarged under the site plan use requirements and process of Sec. 8.3.4, Site Plan:
 - i. Camp retreat, nonprofit
- E. Uses Not Specifically Listed...

THE CR ZONE FAMILY OF ZONES

(CR, CRT, CRN and CR...T, CRT...T, and CRN...T) This memorandum is organized around the following topics. Detailed tables on proposed changes from existing zoning provided by Planning Staff are in attachments.

Headlines for the CR Family of Zones

Zoning Requirement Issues

- 1. Development that provides more than the minimum percentage of MPDUs may get bonus density above the total “maximum” FAR (and additional height for workforce housing).
- 2. Public benefit points for some non-MPDU benefits would be reduced, in addition to changes for BLTs and TDRs.
- 3. The public benefit points required for an optional method project would increase, depending upon the size of the development.
- 4. Some permitted, limited and conditional land uses would change.

Zoning Map Transition Issues

5. The prohibition on applying CR zones outside of areas specifically recommended in master plans would be deleted.
6. In general, how does the application of the CR zones on the zoning maps compare to current zoning?
7. Which zones are going into which family of zone?
8. Specifically how do land uses change from a current zone to the proposed zone?
9. Below the Headlines

1) Development that provides more than the minimum MPDUs may get bonus density above the total “maximum” FAR.

The total maximum FAR in the CR family of zones is currently indicated by the first number in the CR family of zones.¹ The Planning Board recommends the exclusion of MPDUs that are in excess of 12.5% from the calculation of floor area in optional method projects.² Although some might say that this “violates” the rule that the maximum FAR stated in the CR number is the maximum, Planning Staff would argue that FAR currently does not count garage floors as FAR.

Project in “Temporary” CR Zones³

Where the CRT or CR zones were not specifically designated in a master plan, bonus density for MPDUs is also allowed to the same extent that it was allowed in the underlying zone. (The new family of zones is designated with a “T” at the end of the zone.) ZTA 13-04 would allow the FAR used for MPDUs in excess of 12.5% to be excluded from the calculation of total FAR.⁴ A property with “T” would also be allowed an increase in height if the additional height is for workforce housing. This too would only apply to the extent it is allowed in the underlying zone. Currently, additional height for workforce housing is only allowed in the CBD zones.

The math for accomplishing this is a little complicated:

Residential density may be increased above the number following the R on the zoning map by up to 1.195 times for MPDUs provided above 12.5%, as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A (Sec. 25A-5(c)(3)) minus the

¹ The CR, CRT, and CRN category is followed by a number and a sequence of three additional symbols: C, R, and H, each followed by a number where:

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

² §6.6.3.D.2.c. The proposed relief is when the floor area of MPDUs exceeds 12.5%, not when the number of MPDU units exceeds 12.5%. This attribute is buried in a public benefits section but, in staff’s opinion, it should be in the standards section.

³ Just like there is no crying in baseball, there is no “temporary” in zoning. All zones exist until the Council approves a new zone. One zone is no more temporary than the next. The Planning Board’s recommendation for different standards for CR, CRT, and CRN zones first applied by a District Map Amendment requires some distinction between these zones and the zone recommended by a master plan, but the term “temporary” may be misleading.

⁴ 2.1.6.A.6.

increment above 12.5%. MPDUs provided over 12.5% are not considered in the calculation of gross floor area.

- a) Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
- b) In any case, to achieve a density bonus under this Section (Sec.2.1.6.A.6), at least one more MPDU than would be required at 12.5% must be provided.

This is a re-codification of current code provisions for allowing bonus density, with the exception that currently the maximum bonus density is 22% and MPDUs are not excluded for the calculation of floor area. The amount of density bonus achieved in the approved development determines the **percentage of total units** that must be MPDUs, as follows:

Achieved Density Bonus	MPDUs Required		Achieved Density Bonus	MPDUs Required
Zero	12.5%		Up to 11%	13.6%
Up to 1%	12.6%		Up to 12%	13.7%
Up to 2%	12.7%		Up to 13%	13.8%
Up to 3%	12.8%		Up to 14%	13.9%
Up to 4%	12.9%		Up to 15%	14.0%
Up to 5%	13.0%		Up to 16%	14.1%
Up to 6%	13.1%		Up to 17%	14.2%
Up to 7%	13.2%		Up to 18%	14.3%
Up to 8%	13.3%		Up to 19%	14.4%
Up to 9%	13.4%		Up to 20%	14.5%
Up to 10%	13.5%		Up to 22%	15.0%

Planning Staff should explain MPDU mathematics to the Committee.⁵ The MPDU requirement in Chapter 25A is stated as a percentage of the number of new dwelling units. Residential density in the CR family of zones is stated in FAR terms. MPDUs may have less floor area per unit than market rate units. A project that includes more than 12.5% MPDUs therefore may use less than 12.5 % percent of the project’s residential FAR for those units. Staff suggests the following text:

Residential floor area may be increased above the maximum and residential FAR limit indicated on the zoning map. Up to 22% increase in residential floor area may be allowed if MPDUs are provided above the total number of units required by Chapter 25A. The floor area increase allowed varies with the number of additional MPDUs provided and is equal to the percent indicated in Chapter 25A (Sec. 25A-5(c)(3)), using the residential floor area allowed by the zone as the basis for calculating the increase.

⁵ The first rule of statistics is: If you torture a number sufficiently, it will confess.

- 2) **Public benefit points for some non-MPDU benefits would be reduced, in addition to changes for BLTs and TDRs.**

Public Benefits

All Optional Method Projects in the CR family of zones require a developer to provide public benefit points (See §6.6 on page 6-20). The CRT and CRN zones were established in October 2011, and the issue of MPDU incentives within the point structure was addressed by the Committee. The Committee majority at that time recommended increased incentives for MPDUs above 12.5% by recommending a shorter list of public benefits for projects zoned CR or CRT. The Council did not approve that recommendation.

The Planning Board took a different approach. The Planning Board recommended reducing the point value of 20 out of 34 current non-MPDU public benefits. This has the effect of increasing the relative value of the benefits that did not reduce in value, including providing MPDUs above the minimum required:

Changes in Public Benefit Points by Category (this list only includes public benefits if a point change is proposed)	Current	Proposed
Connectivity and Mobility		
Transit Access	20	n/a
Streetscape Improvement	20	n/a
Transit Access or Streetscape Improvement	n/a	20 (combined into one benefit)
Neighborhood Services	15	10
Through-Block Connections	20	15
Trip Mitigation	20	15
Way-Finding	10	5
Advanced Dedication	30	15 (reduced for CRT only)
Diversity of Uses and Activities		
Adaptive Buildings	15	10
“Live/Work”	15	10
Enhanced Accessibility for Seniors or the Disabled	20	15
Enhanced Visitability for Seniors or the Disabled	n/a	15 (new benefit)
Workforce Housing	n/a	20 (new benefit)
Quality Building and Site Design		
Tower Step-back	10	5
Enhanced Recreation Facilities	n/a	10 (new benefit)
Protection and Enhancement of the Natural Environment		
TDRs	n/a	20 (new benefit – mandatory in TDR Overlay zone)
Cool Roof	10	5
Energy Conservation and Generation	15	n/a (split this benefit into two)
Energy Conservation	n/a	10
Energy Generation	n/a	15
Recycling Facility Plan	10	5
Tree Canopy	15	10
Vegetated Area	10	5
Vegetated Roof	15	10
Vegetated Wall	10	5

It should not go unnoticed that the Planning Board is proposing 4 new benefits: Enhanced Visitability for Seniors or the Disabled; Workforce Housing; Enhanced Recreation Facilities; and TDRs. The split of the “Energy and Conservation” benefit into 2 parts would increase the total amount of possible benefit points for this use from 15 to 25.

Reducing public benefit points may change the economic equation for developers. If on balance the changes increase the cost of development, then the marginal project is less likely to be viable. The Council tried to address this issue when the CRT zone was established with Takoma Park and Kensington in mind. **Planning Staff should address this issue at the Committee’s worksession.**

Building Lot Termination (BLT) as a Public Benefit

Unlike other public benefits, the purchase of BLTs is required for development in the CR zones (but not in the CRT zones). It is optional in CRT zones and other zones where the Planning Board is

recommending the provision of public benefits. Currently, for the first 5% of floor area above standard method density, 1 BLT must be purchased for every 20,000 square feet of floor area. The development gets 5 public benefit points for doing so. Up to 30 points can be achieved by additional purchase at the rate of 30,000 square feet per BLT.

The proposed code amends that equation (the following quote deletes the additional complication of fractional BLTs):

- One BLT, equivalent to 9 points, must be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area...
- Up to 25 points for the purchase of BLTs or equivalent payments to the ALPF may be made for any incentive density above 7.5%. Each BLT easement purchase or payment is equivalent to 9 points.

Currently, a developer who is seeking 100,000 square feet of incentive density must purchase BLTs for 5,000 square feet of floor area. At the rate of 1 BLT per 20,000 square feet, the developer must purchase .25 of one BLT. The developer would get 1 public benefit point.

Under the proposed calculus, the same developer for the same project would need to purchase BLTs for 7,500 square feet. At the rate of 1 BLT per 31,500 square feet, the developer must purchase .238 of one BLT. The developer would get 2.14 public benefit points. **Planning Staff will explain the reasoning for the change at the Committee's worksession.**⁶

TDRs

This is a new public benefit. Up to 20 points may be earned by a developer for the purchase of TDRs. Every TDR purchased would be worth 1 point. "If a site is within a TDR Overlay zone, TDRs must be purchased as recommended by the master plan or, if no recommendation is made, at least 5 points must be provided through the purchase of TDRs." There are no recommendations for TDRs outside of TDR overlay zoned areas. **Planning staff should clarify if there is an intent to make purchase of TDRs mandatory outside of TDR Overlay zones and how voluntary TDRs would work in a mixed-use setting.**

The Agricultural Preservation Advisory Board recommends using TDR purchase as a public benefit in all mixed-use zones, with 1 public benefit point for the addition of every 3,500 square feet of development. (The Board believes that TDRs are worth 1/9 of the value of a BLT. If 1 BLT is worth 31,500 square feet of development, then 1/9 of that is 3,500 square feet.)

Staff Comments

The Planning Board's efforts to enhance the benefits to a developer for providing more than the minimum number of MPDUs were unrecognized in public testimony. Part of the problem in getting more MPDUs is the County's multiple aspirations for new development. In particular, the County wants contributions to farm land preservation through BLTs and TDRs while trying to lower housing prices. In CR zones, BLTs are mandatory, but providing additional MPDUs is not mandatory. If reducing

⁶ Staff believes that there must be a reason for the change beyond an aversion to round numbers. These rates may also apply to other employment zones. Current LSC property owners are concerned about the new equation.

rooftops in the AR zone is a higher value than additional MPDUs then this is appropriate. If it is not, the Council can fix it.

One of the previously touted benefits of CR zones when they were established was honesty in zoning. The new zones would no longer state a maximum FAR. The Planning Board’s recommendation to accommodate MPDUs and workforce housing would again be in excess of stated maximums. The same provision can be accomplished by increasing the stated FAR and height but only allowing the marginal increase to the extent that MPDUs are provided in excess of minimum requirements.

3) The public benefit points required for an optional method project would increase, depending upon the size of the development.

The more points required for an optional method project, the more interest a developer may have to obtain points by providing more MPDUs. The Planning Board recommended scaling the public benefit points required based on the size of the project or the FAR. This change was prompted by concern that very large developments provide the same number of public benefit points as some more modest projects.

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRT	< 10,000 SF OR < 1.5 max FAR	25	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.25 max FAR	50	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4
CR	< 10,000 SF OR < 1.5 max FAR	50	3
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.25 max FAR	100	4
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	125	5

The Planning Board would use FAR and GFA to determine if a project should be required to provide more public benefit points. An FAR of 3.5 or greater is not uncommon. Many projects in the Bethesda Central Business District are 4.0 FAR. A project of 1.25 million square feet of floor area (Montgomery Mall includes approximately 1.5 million square feet of floor area) is uncommon.

For the CRT zone, projects over 1,250,000 square feet or 3.5 maximum FAR would be required to provide 75 public benefit points in 4 categories. For the CR zone, projects over 1,250,000 square feet or 3.5 maximum FAR would be required to provide 125 public benefit points in 5 categories.

4) **Some permitted, limited, and conditional land uses would change.**

The proposed code includes a broader range of retail/service uses because uses would be more generalized. New uses are proposed in the CR family of zones related to agriculture, including Urban Farming, Community Garden, and Animal Husbandry (limited to beekeeping). Veterinary Office/Hospital would be allowed in most Commercial/Residential zones as a limited use rather than a special exception. Drive-Thru facilities (such as those that are accessory to a bank or a restaurant) are allowed as a limited use with a site plan requirement rather than a special exception. Special exceptions are currently required for a drive-thru restaurant in most zones that are translating into a Commercial/Residential zone.

Retail/Service Establishment

Rather than distinguishing between the merchandise being sold (antiques or books) or the service being provided (banks or barbers), the proposed code distinguishes between the square footage in the use.⁷ Smaller amounts of retail are allowed in the CRN zone and the most retail is allowed in CR zones.⁸ The current code has 3 provisions related to the square footage of retail: regional malls; retail within ½ mile of metro-rail; and combination retail stores.

Regional malls will be a topic of conversation at a future Committee meeting. The provision for large retail centers near metro that the Council approved in the C-4 zone (ZTA 12-01) would apply to all similarly located CR and CRT zoned property. These include the provisions for smaller business.⁹

There are 6 size groupings of retail in the proposed code: 5,000 square feet or less; 5,000–15,000; 15,001–50,000; 50,001–85,000; 85,001–120,000; and greater than 120,000. Testimony recommended a different treatment (conditional use with economic impact studies before approval) for big box stores and that big box stores be greater than 75,000 square feet.

The current code requires a combination retail store (120,000 square feet with a pharmacy any food sale) to be approved only as a special exception in the C-2 and C-3 zones. The proposed code is different. Conditional approval is required for all retail establishments larger than 120,000 square feet in the GR and NR zones, but such development is a limited use in the CRT, CR, IL, IM, and IH zones. The proposed code does not make any distinction for a “combination retail store”.

Filling Stations, Communication Facilities, and Commercial Building Heights

These issues will be addressed in a subsequent worksession.

⁷ Currently, the code uses 25 separate retail and service land uses.

⁸ In CRN zone, less than 5,000 square feet of retail is a “P”. More than 5,000 but less than 50,000 is an “L” use. More than 50,000 square feet is prohibited. As a limited use, site plan would be required for projects abutting or confronting residential uses and projects above 15,000 square feet must include a grocery store.

⁹ §3.5.11.A.2.a. Special provision for the development of more than 50,000 square feet of retail within ½ mile of a Metro station:

Additional floor area equal to at least 20% of the footprint designed for the largest Retail/Service Establishment must be provided as street level retail spaces with less than 5,000 square feet of tenant gross floor area each. These spaces must be located at street level, and a secondary entrance accessing the primary Retail/Service Establishment use is prohibited. At least 50% of the additional tenant space(s) must be located along the facade where the primary active customer entrance for the largest single Retail/Service Establishment is located.

Other Change in Standards

The lower end of the maximum height range for the CRT and CR zones has been decreased from 40 feet to 35 feet.

5) The prohibition on applying CR zones outside of areas specifically recommended in master plans would be deleted.

Currently the CRN, CRT, and CR zones can only be applied when specifically recommended by an approved and adopted master or sector plan and only by sectional map amendment.¹⁰ This limitation on applying these zones is nowhere to be found in ZTA 13-04. The CR, CRN and CRT zones would be used to replace: C-T, C-4, HM, RMX zones, MXTC, TOMX, TMX-2, TSR, TSM, MXN, MXPB and CBD zones. The family of CR zones would also substantially replace: O-M, C-1, and C-2 zones. In the absence of replacing these zones with a new zone on the County's zoning maps, all of these zones would have to be retained along with their standards, definitions, land uses and procedures.

How long would it take to apply the CR family of zones through the recommendations of master plans, and what would happen during that period? The Planning Board Chair has estimated that it will take 30 years. During that 30-year period, the Council could:

- a) adopt a new ordinance with a provision for retained zones (making the retained zone provisions significantly longer, almost like 2 separate ordinances);
- b) adopt a new ordinance and retain the current ordinance to the extent that "old" zones are still on the zoning map (requiring DPS and Planning Staff to be expert in 2 ordinances);
or
- c) add new zones as needed to implement master plans in the current ordinance.

All options have problems. Option 1 would result in a much longer new ordinance. The total number of allowable zones would increase. The Council would need to make decisions on allowable land uses. The elegance of a single land use table may be lost.

The thought of having 2 ordinances in place is fraught with peril. It is difficult enough for zoning users to be experts in one zoning ordinance. Using 2 ordinances would likely result in administrative errors.

Adding new zones to the current ordinance forgoes the opportunity for a more streamlined code. It would retain all the exceptions and conditions that have been added to the code over the past 35 years.

Did the Council make a commitment to only using the CR family of zones when specifically recommended by a master plan? The restriction on using the CR family of zones is in the current code. ZTA 13-04 would replace the entire code. Every line of zoning code is subject to change by this ZTA. When the Council adopted changes to establish the CRT and CRN zones, it said the following in its opinion:

The Council retained the provision that only allowed the application of the CR, CRN, and CRT zones by the specific recommendation of a master plan. In doing so, the Council did not intend

¹⁰ Sec. 59-C-15.13.

to prejudge if that provision might be retained or amended when it considers a rewritten zoning ordinance.

6) In general, how does the application of the CR zones on the zoning maps compare to current zoning?

The CR family of zones has a wider array of land uses than current commercial and mixed-use zones. Housing options are included where that option may not be available under the property's current zoning. Minimum lot size for optional development would no longer be required. In some instances there would be new design standards for "build to" lines instead of buildings setbacks. There are new setbacks for surface parking. Open space standards would be reduced. Height sensitive setbacks would be applied next to Agricultural, Rural Residential and Residential zones.

There is an incentive to build the maximum FAR in the CRT and CR zones.¹¹ The combination of reduced open space, reduced requirement for parking space, and a liberal translation of allowable building height¹² would allow more sites to achieve the maximum allowable FAR without building structured parking.¹³ On the other hand, more development would be subject to site plan (including a master plan conformance requirement) and there are more rules for development abutting residential zones.

The Planning Board's intent behind the District Map Amendment is to implement the density and building height limits in master plans and current zoning. Density in the proposed CR family of zones generally follows a property's current zoning density for optional method development. When the current ordinance makes the master plan binding (e.g., CBD zones, optional method density), the Planning Board is recommending density limits in the proposed zone that conform to the master plan mandates.¹⁴ The Planning Board considered but rejected the idea of applying master plan height limits even when zoning did not require master plan conformance.

7) Which zones are going into which family of zone?

It is relatively simple to state which zones would be changed to which major CR classification:

¹¹ When a 1% increase in development requires 100% of the public benefit points, developers have a reason to develop to 100% of density.

¹² The C-1 zone allows up to 45' in height on any one façade but an average of 30 foot overall. Some properties currently zoned C-1 would have a 45 foot height limit. When abutting residential zones, this would be limited to 35 feet at the setback and impose an angular plane restriction – effectively limiting the visual and physical impact – and the newly imposed FAR limit will establish the maximum build-out more effectively (and predictably) than a de facto limit imposed by height and parking. Planning Staff believes that higher building height allows for more environmentally sustainable design – open space, tree canopy, sun exposure.

In C-2, the current 42 foot height limit is rounded up to 45 feet.

¹³ The Council may or may not see this as a problem. The current maximum FAR is not always achieved by new buildings. Although it would be interpreted as a down zoning, the Council could establish the maximum FAR as the 75th percentile of development in the property's current zoning.

¹⁴ Although master plans might have recommendations concerning height, the master plan guidance can only be enforced if the zone requires master plan conformance (such as the CBD zones).

Proposed CR zone	Current Zoning (percent indicates how much of the named zone would translate – the absence of a percentage means 100%)
CR	CBD zones, TMX, TSR, TSM
CRT	O-M, RMX-1, C-1 (28%), RMX-2, C-2 (55%), RMX-2C, C-4, RMX-3, H-M, MXN, MXTC, MXP, TOMX-2 (87%)
CRN	CT

This is only a partial answer for the CR family of zones; the designation is not complete without knowing the maximum: density; commercial density; residential density, and height. The table in appendix 1 shows that detail. The FAR and height limits of the current zone are compared to the proposed total FAR, Commercial FAR, Residential FAR and Height. A number of current zones are proposed to be translated into multiple CR zones (C-1, C-2, O-M, CBD-1, CBD-2, CBD-3, CBD-R2 and TMX-2).

C-2 is currently a complicated zone. It is understandable that the Planning Board would recommend 5 different alternative new zones to translate C-2.

C-1 is a simple Euclidian zone with no reference to master plan conformance. The only special provision in the code is to require site plan approval when there is more than 15 acres of C-1 zoning at one location. The Planning Board recommended a conversion to 5 new zones.¹⁵

Currently, the RMX and MXTC zones have an FAR limit and allow a specified number of dwelling units per acre. The conversion rate of dwelling units per acre to residential FAR is different for different zones.

Planning Staff should explain the proposed conversion to the CR family of zones.

8) Specifically, how do land uses change from a current zone to the proposed zone?

The changes in allowable land use for individual properties change depending upon how the property is currently zoned and the proposed future zone. The attached material from Planning Staff documents land use changes for each “old” zone. The CR, CRN, and CRT zones each have text and a table that lists the zones that are proposed for translation.

The land uses in CR zones are generally more permissive than a property’s current zone. There is no doubt that the proposed translation of current zones allows housing where housing was not permitted before or was permitted under limited circumstances. The C-T and H-M are the only zones going into the CR family that don’t allow housing under any circumstances. In the commercial zones (like C-1,

¹⁵ Planning Staff offered a written explanation as follows:

In the R-90 or denser areas, we felt the walkable, pedestrian-oriented designs were important to reinforce non-auto driver goals in combination with the newly permitted residential uses. Thus, they were placed in CRT because the use table is most similar. The CRT is fine-tuned to reflect expected build-out from abutting detached residential, confronting detached residential, or surrounding higher densities. There is no FAR limit in C-1, so these contextual relationships were used to define appropriate densities.

C-2), dwellings are allowed, but as a special exception; housing would not be a conditional use under the proposed code. If the Council finds this objectionable, it may amend the FAR of housing to zero.¹⁶

9) Below the headlines

There is a repeated phrase in non-residential intent statements; the zones provide a place for people to live and work “while minimizing their reliance on automobile.” Staff would argue that an individual’s reliance on cars is not at issue for individual zones. The reliance on an automobile is an individual decision that is influenced by isolated land uses but not directly controlled by zoning. The mixed-use and employment zones are doing positive things - increasing walkability, providing increased accessibility to a variety of land uses. Staff would recommend emphasizing positive ideas that are within the purview of the zone rather than a possible indirect outcome.

Why change the word “intensity” in the intent statement? Density is what is controlled by zoning. Intensity concerns the amount of activity in a given space; employees per square foot, occupants per car, or shoppers per retail store are measures of intensity.

Why have density limit standards in §2.1.6.A.4 (Zones Established)? It should be in §4.5.1.A.

Why is a slang word that describes ownership used in the proposed code (apartment/condo)? What happens to co-op ownership? Types of ownership are not a zoning issue. How about replacing apartment/condo with just apartment?

Transit Proximity has been modified consistent with the recent amendment to add Level 3 to Transit Proximity. The last sentence in the definition of transit proximity was not captured – “All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance” – and should be retained.

A building feature encroachments provision would remove the requirement that an unenclosed balcony be less than 10 feet wide to project into a required setback; it would require at least a 2-foot setback. Permanent rainwater collection or harvesting systems would be allowed to project a maximum of 3 feet into any side street, side interior, or rear setback.

<u>Attachments</u>	<u>© Number</u>
1 Proposed Zone Translation	1 – 4
2 Use Changes as a Result of Translation to the CRN Zone	5 – 7
3 Use Changes for Zones Translating to CRN Zone (Table)	8 – 11
4 Use Changes as a Result of Translation to the CRT Zone	12 – 17
5 Use Changes from Zones Translating to CRT Zone (Table)	18 – 25
6 Use Changes as a Result of Translation to the CR Zone	26 – 30
7 Use Changes for Zones Translating to CR Zone (Table)	31 – 38
8 Commercial/Residential (summary of all changes to the CR family of zones)	39 – 67
9 Fact Sheets (on-line)	68 – 70

¹⁶ Currently, residential maximum can be established as zero in the CRN zones. The current standards for the CRT zone would have to be changed if the Council wished to use that zone.

Proposed Zone Translation -Edited

Current Zone				Parameters	Proposed Zone	
Symbol	Name	Max. FAR	Max. Height		Symbol	Name
C-T	Commercial, Transitional	0.50	24' under 12K 35' over 12k		CRN-0.5 C-0.5 R-0.25 H-35	Commercial Residential Neighborhood
C-1	Convenience Commercial	none	30' to 45' (based on grade finish)	If site is within Rural Overlay Zone:	CRN-0.25 C-0.25 R-0.0 H-35	Commercial Residential Neighborhood
				If site abuts R-40, R-60, or R-90 zone, then convert to:	CRT-0.5 C-0.5 R-0.25 H-35	Commercial Residential Town
				If site confronts R-40, R-60, or R-90 zone, then convert to:	CRT-0.75 C-0.5 R-0.5 H-45	Commercial Residential Town
				If site confronts or abuts RT-6 or more intense zone, then convert to:	CRT-1.0 C-0.75 R-0.75 H-45	Commercial Residential Town
				Custom based on Overlay zone or other factors	CRT (various density, mix and height)	Commercial Residential Town
C-2	General Commercial		3 stories or 42'; 5 stories: 60' for pre 1976 building; 75' for mixed use not near residential	If site abuts R-40, R-60, or R-90 zone, then convert to:	CRT-1.5 C-1.5 <u>R-0.75</u> H-45*	Commercial Residential Town
				If site confronts R-40, R-60, or R-90 zone, then convert to:	CRT-2.0 C-1.5 <u>R-0.75</u> H-45*	Commercial Residential Town
				If site abuts or confronts RT-6 or more intense zone, then convert to:	CRT- <u>2.25</u> C-1.5 <u>R-0.75</u> H-75*	Commercial Residential Town
				Custom based on Overlay zone or other factors:	CRT (various density, mix and height)	Commercial Residential Town
C-4	Limited Commercial	0.75 (except 1.5 for large retail uses near Metro)	30' under 2 a; 40' over 2 a; 75' for large retail uses near Metro	If master plan recommends low intensity development only, then convert to:	CRT-0.25 C-0.25 R-0.25 H-30	Commercial Residential Town
				Otherwise:	CRT-0.75 C-0.75 R-0.5 H-40	Commercial Residential Town

* The proposed DMA online map does match the densities underlined above because the Planning Board recommended changes after the DMA was transmitted to the County Council on May 2. This table and the fact sheets attached to the zoning map reflect all changes recommended by the Planning Board during the ZTA 13-04 and DMA G-956 worksession on May 23.

Proposed Zone Translation -Edited

Current Zone				Parameters	Proposed Zone	
Symbol	Name	Max. FAR	Max. Height		Symbol	Name
O-M	Office Building, Moderate Intensity	1.50	60' with no parking	If parcel is less than 1/2 acre and abutting C-2 (but not R-200), convert to:	CRT-1.5 C-1.5 R-0.5 H-60	Commercial Residential Town
			72' with parking- more than .5 acre		If parcel is greater than 1/2 acre and abutting C-2 (but not R-200), convert to:	CRT-1.5 C-1.5 R-0.5 H-75
H-M	Hotel-Motel	1.00	150		CRT-1.0 C-1.0 R-0.75 H-150	Commercial Residential Town
RMX-1	Residential-Mixed Use Development	0.35 commercial and 40 units/acre	none		CRT-2.0 C-0.5 R-1.5 H-65 T	Commercial Residential Town
				Custom based on Overlay zone or other factors:	CRT-1.5 C-0.5 R-1.0 H-90 T	Commercial Residential Town
RMX-1/TDR	Residential-Mixed Use Development	0.35 commercial and 40 units/acre	none	Custom based on Overlay zone or other factors:	CRT (various density, mix, and height) T	Commercial Residential Town
RMX-2, RMX-2C & RMX-2C/TDR	Residential-Mixed Use Development	0.5 commercial and 40 units/acre	none	Custom based on Overlay zone or other factors:	CRT (various density, mix, and height) T	Commercial Residential Town
RMX-3/TDR	Residential-Mixed Use Development	0.5 commercial and 40 units/acre	none		CRT-2.0 C-0.5 R-1.5 H-65 T	Commercial Residential Town
MXTC & MXTC/TDR	Mixed-Use Town Center	1.0 commercial and 20 units/acre	70		CRT-2.0 C-1.0 R-1.5 H-70 T	Commercial Residential Town
TOMX-2/TOMX-2/TDR	Transit-Oriented, Mixed-Use Zones	2.0	none	Custom based on Overlay zone or other factors:	CRT (various density, mix, and height) T	Commercial Residential Town
MXN	Mixed Use Neighborhood	varies	varies	Retains density granted in the applicable development plan.	CRT-0.5 C-0.25 R-0.25 H-100 T	Commercial Residential Town
MXPD	Mixed Use Planned Development	varies	varies	Retains density granted in the applicable development plan.	CRT-1.0 C-0.75 R-1.0 H-100 T	Commercial Residential Town

Proposed Zone Translation -Edited

Current Zone				Parameters	Proposed Zone	
Symbol	Name	Max. FAR	Max. Height		Symbol	Name
CBD-0.5	Central Business District, 0.5	1.50	60' OM		CR-1.5 C-1.0 R-1.0 H-60 T	Commercial Residential
CBD-R1	Central Business District, Residential, 1.0	3.00	143' OM		CR-3.0 C-0.75 R-3.0 H-145 T	Commercial Residential
CBD-1	Central Business District, 1.0	3.00	90' OM; 143' OM with workforce housing or MP allowed	If parcel fronts on a major highway, is at least 250' from parcels containing single-family detached residential housing and has a minimum lot size of 22,000 sf, then convert to:	CR-3.0 C-3.0 R-2.5 H-90 T	Commercial Residential
				Custom based on Overlay zone or other factors:	CR (various density, mix, and height) T*	Commercial Residential
				Otherwise:	CR-3.0 C-2.0 R-2.5 H-90 T	Commercial Residential
CBD-2	Central Business District, 2.0	5.00	143' OM; 200' OM with workforce housing or MP allowed	If parcel fronts on a major highway, is at least 250' from parcels containing single-family detached residential housing and has a minimum lot size of 22,000 sf, then convert to:	CR-5.0 C-5.0 R-4.5 H-145 T	Commercial Residential
				Custom based on Overlay zone or other factors:	CR (various density, mix, and height) T*	Commercial Residential
				Otherwise:	CR-5.0 C-3.0 R-4.5 H-145 T	Commercial Residential
CBD-3	Central Business District, 3.0	8.00	143' OM; 200' OM with no adverse finding	If parcel fronts on a major highway, is at least 250' from parcels containing single-family detached residential housing and has a minimum lot size of 22,000 sf, then convert to:	CR-8.0 C-7.5 R-7.5 H-200 T	Commercial Residential
				Custom based on Overlay zone or other factors:	CR-5.0 C-5.0 R-4.0 H-200 T*	Commercial Residential
				Otherwise:	CR-8.0 C-5.0 R-7.5 H-200 T	Commercial Residential
CBD-R2	Central Business District, Residential, 2.0	5.00	143' OM; 200' OM with no adverse finding	Custom based on Overlay zone or other factors:	CR (various density, mix, and height) T	
				Otherwise:	CR-5.0 C-1.0 R-5.0 H-200 T	Commercial Residential

* The fact sheets attached to the proposed DMA online map may recommend a change from the zone on the map because the Planning Board recommended changes after the DMA was transmitted to the County Council on May 2. This table and the fact sheets attached to the zoning map reflect all changes recommended by the Planning Board during the ZTA 13-04 and DMA G-956 worksession on May 23.

Proposed Zone Translation -Edited

Current Zone				Parameters	Proposed Zone	
Symbol	Name	Max. FAR	Max. Height		Symbol	Name
TSR	Transit Station, Residential	2.50	none		CR-2.5 C-1.0 R-2.0 H-200 T	Commercial Residential
TSM	Transit Station, Mixed	3.00	none		CR-3.0 C-2.5 R-2.5 H-200 T	Commercial Residential
TMX-2	Transit Mixed-Use	2.0	none	Custom based on Overlay zone or other factors:	CR-2.0 C-1.5 R-1.5 H-180 T	Commercial Residential
				Otherwise:	CR-2.0 C-1.5 R-1.5 H-150 T	Commercial Residential
RMX-3C	Residential-Mixed Use Development	0.5 commercial and 40 units/acre	none	Custom based on Overlay zone or other factors:	CR- 2.0 C-0.5 R-1.5 H-200	Commercial Residential

Note: A "T" following the CR formula indicates that in these areas, additional density may be applied for MPDU bonus density under Chapter 25A or for additional height to provide for workforce housing within a Central Business District. The "T" was mapped as a temporary measure through the conversion process on properties not currently zoned CR or CRT, and will remain on the map until these areas are reviewed in a new master or sector plan. See Div. 2.1.6 for more information.

4

Use Changes as a Result of Translation to the CRN Zone

Commercial Zones Converting to CRN

C-T = 39.82 acres (100% of zone acreage)

New Permitted and Limited Uses

In converting C-T to CRN, a number of agricultural uses have been added to land currently zoned C-T. Agricultural uses were added to all zones in the proposed code as a policy decision to provide better access to local food production. The permitted and limited agricultural uses that have been added to land zoned C-T are:

- Community Garden
- Urban Farming
- Animal Husbandry
- Farm Market, On-site
- Agricultural Vending
- Seasonal Outdoor Sales

In converting C-T to CRN, a number of residential uses have been added to land currently zoned C-T. Residential uses and related accessory uses were added to commercial zones as a policy decision to move from single use commercial zones to more flexible mixed use zones. The permitted and limited residential uses that have been added to land zoned C-T are:

- All Household Living Uses (currently only allowed if existing as of a certain date)
- Independent Living Facility for Seniors of Persons with Disabilities
- Personal Living Quarters (up to 50 individual living units)
- Residential Care Facility (up to 8 Persons) and (9 – 16 Persons)
- Home Health Practitioner (Low Impact)
- Home Occupation (No Impact)
- Home Occupation (Low Impact)
- Live/Work Unit

One of the primary goals of the zoning rewrite is to simplify the ordinance. Decreasing the number of zones in the zoning code is a key mechanism for simplification, and moving from zones that are extremely limited in use to a more flexible set of zones will reduce the impetus to add new zones with every master plan.

The CRN zone, along with the CRT and CR zones, were recently approved by County Council and as such are the most up-to-date/timely zones regarding land use practices. As a result, in converting C-T to CRN, some permitted and limited civic and institutional, commercial, industrial, and miscellaneous uses have been added to land currently zoned C-T. Additionally, some uses were added to both CRN and C-T for consistency as they are allowed in several commercial zones. This includes:

- Playground, Outdoor Area (Private)
- Private Club, Service Organization
- Veterinary Office/Hospital
- Bed and Breakfast
- Artisan Manufacturing and Production
- Railroad Tracks
- Distribution Line (Below Ground)
- Pipeline (Below Ground)
- Solar Collection System

New Conditional Uses

In converting C-T to CRN, a number of residential uses have been added to land currently zoned C-T. Residential uses and related accessory uses are proposed for commercial zones to move away from single use commercial development. The conditional residential uses that have been added to land zoned C-T are:

- Personal Living Quarters (over 50 individual living units)
- Home Health Practitioner (Major Impact)
- Home Occupation (Major Impact)

In converting C-T to CRN, some conditional commercial, industrial, and miscellaneous uses have been added to land currently zoned C-T. This includes:

- Animal Boarding and Care
- Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)
- Pipeline (Above Ground)

Special Exceptions that are now Limited or Permitted

In converting C-T to CRN, a number of special exception uses have become limited or permitted uses. This change most often is a result of zone consolidation or because of a policy change to regulate uses based on size, intensity, and impact rather than a specific use (e.g. Retail/Service and Residential Care Facility is now regulated by size instead of specific use) The conditional uses that have become permitted or limited for land zoned C-T are:

- Residential Care Facility (over 16 persons)
- Restaurant
- Retail/Service Establishment (up to 5,000), (5,001 – 15,000) and (15,001 – 50,000) (currently there are 2 permitted retail uses and 6 that are special exception)

- Transitory Use

Removed Uses

In converting C-T to CRN, the following uses have been removed from land currently zoned C-T:

- Ambulance, Rescue Squad (Private)
- Telecommunications Tower
- Funeral Home, Undertaker
- Landscape Contractor
- Structure Parking (as a principal use)

Tourist Home, which is currently a permitted use in the C-T zone, has been removed from the zoning ordinance.

Use Changes for Zones Translating to CRN Zone

	Proposed CRN Zone	C-T	Notes
Acreage Converting to CRN and % of total zone acreage	--	39.82 acres 100%	--
AGRICULTURAL			
Community Garden	L	--	For access to local food production
Urban Farming	L	--	Existing CRN is limited to crops and plants; for access to local food production urban farming allows limited fowl, bees, and aquaculture; Limited use standards regarding minimum area, number of fowl, and structures
ACCESSORY AGRICULTURAL USES			
Animal Husbandry	L	--	Only bees are allowed
Farm Market, On-Site	L	--	For access to local food production; it is accessory to a farm; site plan requirement removed, restriction placed on sale of goods to only those produced on-site.
TEMPORARY AGRICULTURAL USES			
Agricultural Vending	L	--	For access to local food production; use standards specify type of site, setback from dwelling, and length of time
Seasonal Outdoor Sales	P	--	Permitted in existing CRN
RESIDENTIAL			
HOUSEHOLD LIVING			
Single-Unit Living	P	P*	Permitted in existing CRN and grandfathered in C-T; Policy decision to go from single use commercial zones to mixed use commercial zones
Two-Unit Living	P	P*	Permitted in existing CRN and grandfathered in C-T; Policy decision to go from single use commercial zones to mixed use commercial zones
Townhouse Living	P	P*	Permitted in existing CRN and grandfathered in C-T; Policy decision to go from single use commercial zones to mixed use commercial zones
Multi-Unit Living	P	P*	Permitted in existing CRN and grandfathered in C-T; Policy decision to go from single use commercial zones to mixed use commercial zones
GROUP LIVING			
Independent Living Facility for Seniors or Persons with Disabilities	L	--	Permitted in existing CRN; provides Limited use standards from other mixed use zones in current code regarding staffing and occupancy
Personal Living Quarters (Up to 50 Individual Living Units)	L	--	Permitted in existing CRN with no size distinction; provides Limited use standards regarding current requirements of Section A-6.15
Personal Living Quarters (Over 50 Individual Living Units)	C	--	Permitted in existing CRN with no size distinction; provides use standards regarding current requirements of Section A-6.15 and standards under G-2.41.2
Residential Care Facility (Up to 8 persons)	P	--	Permitted in existing CRN
Residential Care Facility (9 - 16 persons)	L	--	- In existing CRN, hospice care facilities and large group homes are Limited, life care facilities are Permitted; Limited use standards retain site plan requirement if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use - Allowed in existing CRN
Residential Care Facility (Over 16 persons)	L	SE	- Allowed in existing CRN; In existing CRN, hospice care facilities and large group homes are Limited, life care facilities are Permitted; Limited use standards retain site plan requirement if abutting or confronting... - In C-T Domiciliary care home for more than 16 and nursing home are a special exception
ACCESSORY RESIDENTIAL USES			
Home Health Practitioner (Low Impact)	L	--	Home Occupations are allowed in current CRN; Home Health Practitioner has similar impacts and occurs in the same setting

	Proposed CRN Zone	C-T	Notes
Acreage Converting to CRN and % of total zone acreage	--	39.82 acres 100%	--
Home Health Practitioner (Major Impact)	C	--	Home Occupations are allowed in current CRN; Home Health Practitioner has similar impacts and occurs in the same setting
Home Occupation (No Impact)	L	--	- Incorporates standards from Sec. A-6.1 - Policy decision to add residential and related accessory uses to commercial zones; Permitted in existing CRN
Home Occupation (Low Impact)	L	--	- Incorporates standards from Sec. A-6.1 - Policy decision to add residential and related accessory uses to commercial zones; Permitted in existing CRN
Home Occupation (Major Impact)	C	--	Policy decision to add residential and related accessory uses to commercial zones; special exception in existing CRN
Live/Work Unit	P	--	Policy decision to add residential and related accessory uses to commercial zones; Permitted in existing CRN
CIVIC AND INSTITUTIONAL			
Ambulance, Rescue Squad (Private)		P	Not allowed in the existing CRN
Cultural Institution	L	P	- Permitted in existing CRN, limited to 5,000 SF of GFA, which is retained in the Limited use standards - Libraries and museums are Permitted in C-T
DAY CARE FACILITY			
Day Care Center (Over 30 Persons)	L	P	Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards
Educational Institution (Private)	L	P	Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards
Playground, Outdoor Area (Private)	P	--	Permitted in existing CRN
Private Club, Service Organization	L	--	Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards
COMMERCIAL			
ANIMAL SERVICES			
Animal Boarding and Care	C	--	Special exception in existing CRN
Veterinary Office/ Hospital	L	--	Provides Limited use standards specifying requirements for outdoor exercise yards, soundproofing, and site plan requirement if abutting or confronting...
COMMUNICATION FACILITY			
Telecommunications Tower		SE	Not allowed in the existing CRN
EATING AND DRINKING			
Restaurant	L	SE	Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards
FUNERAL AND INTERMENT SERVICES			
Funeral Home, Undertaker		SE	Not allowed in the existing CRN
Landscape Contractor		P	Allowed only in certain locations in the C-T zone
LODGING			
Bed and Breakfast	L	--	In the C-T, Tourist Homes is Permitted. Detached house building type allowed in the CRN - use may occur and is compatible with the zone.
MEDICAL AND DENTAL			
Clinic (More than 4 Medical Practitioners)	L	P	Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards
PARKING			
Structured Parking		P	C-T allows parking off-street in connection with any use permitted without distinguishing between structured and surface; proposed code makes distinction between structured and surface parking
Surface Parking for Use Allowed in the Zone	L	P	Must accommodate the landscaping required
RECREATION AND ENTERTAINMENT			
Health Clubs and Facilities	L	P	- Restricted to already approved sites in C-T - Limited in existing CRN; site plan requirement if abutting or confronting... retained in Limited use standards

	Proposed CRN Zone	C-T	Notes
Acreage Converting to CRN and % of total zone acreage	--	39.82 acres 100%	--
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	C	SE	- C-T allows racquet ball, squash, indoor tennis and handball courts, which was consolidated into Recreation and Entertainment - Recreation and Entertainment is a special exception in existing CRN
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	C	--	Recreation and Entertainment is a special exception in existing CRN
Recreation and Entertainment Facility, Major (Capacity over 1,000)		--	Existing CRN does not differentiate based on size
RETAIL SALES AND SERVICE			
Retail/ Service Establishment (Up to 5,000 SF)	P	P and SE	- Permitted in existing CRN - C-T has 2 permitted and 6 special exception retail uses; the CRN zone regulates by retail size instead of specific use
Retail/ Service Establishment (5,001 - 15,000 SF)	L	P and SE	- Limited in existing CRN; use standards retain site plan requirement if abutting or confronting... - C-T has 2 permitted and 6 special exception retail uses; the CRN zone regulates by retail size instead of specific use
Retail/ Service Establishment (15,001 - 50,000 SF)	L	P and SE	- Limited in existing CRN; use standards retain site plan requirement if abutting or confronting... and if 15,000 SF or larger only grocery stores are allowed - C-T has 2 permitted and 6 special exception retail uses; the CRN zone regulates by retail size instead of specific use
Retail/ Service Establishment (50,001 - 85,000 SF)		P and SE	- C-T has 2 permitted and 6 special exception retail uses each of which are usually self-regulating in size and not characteristically this large
Retail/ Service Establishment (85,001 - 120,000 SF)		P and SE	- C-T has 2 permitted and 6 special exception retail uses each of which are usually self-regulating in size and not characteristically this large
Retail/ Service Establishment (120,001 SF and Over)		P and SE	- C-T has 2 permitted and 6 special exception retail uses each of which are usually self-regulating in size and not characteristically this large
VEHICLE/EQUIPMENT SALES AND RENTAL			
Light Vehicle Sales and Rental (Indoor)		--	Existing CRN allows rental, not sales
ACCESSORY COMMERCIAL USES			
Antenna on Existing Structure	L	P	Incorporates current standards under Sec. A-6.12 and Sec. A-6.14
Drive-Thru		--	- All existing Commercial/Residential zones allow drive-thru facilities with a site plan and adherence to certain standards. Removed from proposed CRN
TEMPORARY COMMERCIAL USES			
Construction Administration or Sales Office	L	P	The current code defines Construction Administration or Sales Office as an accessory use (accessory uses are a permitted use); the proposed code pulls it out in the use table for clarity; Incorporates current standards under Sec. A-6.11
Transitory Use	L	P/SE	Added for consistency, allowed in several commercial zones.
INDUSTRIAL			
MANUFACTURING AND PRODUCTION			
Artisan Manufacturing and Production	P	--	Permitted in existing CRN
TRANSPORTATION			
Railroad Tracks	P	--	Added for consistency, allowed in several commercial zones.
UTILITIES			
Distribution Line (Below Ground)	P	--	Added for consistency, allowed in several commercial zones.

	Proposed CRN Zone	C-T	Notes
Acreage Converting to CRN and % of total zone acreage	--	39.82 acres 100%	--
Pipeline (Above Ground)	C	--	Added for consistency, allowed in several commercial zones.
Pipeline (Below Ground)	P	--	Added for consistency, allowed in several commercial zones.
MISCELLANEOUS			
Solar Collection System	L	--	This is a new use in the use table; in the existing CRN and C-T it can be done under the use Accessory Buildings and Uses

Uses Removed from the Ordinance C-T: Tourist Home

Use Changes as a Result of Translation to the CRT Zone

Commercial and Mixed-Use Zones Converting to CRT

O-M = 5.15 acres (100% of total zone acreage)	RMX-1 = 333.1 acres (100%)
C-1 = 107.15 acres (28%)	RMX-2 = 310.80 acres (100%)
C-2 = 152.20 acres (55%)	RMX-2C = 123.88 acres (100%)*
C-4 = 34.61 acres (100%)	RMX-3 = 122.25 (100%)
H-M = 21.42 acres (100%)	MXN = 175.43 acres (100%)
MXTC = 298.44 (100%)	MXPD = 372.74 acres (100%)
TOMX-2 = 170.37 acres (87%)	

*Upon further review Planning Board Staff is recommending that the 13.21 acres of RMX-2C that is proposed to be converted to EOF be converted to CRT.

In General

The CRT zone is one of the most recent zones approved by County Council. Uses that are new to several of the existing mixed-use zones are proposed because they are allowed under the CRT zone, however, although some of these uses may appear intensive at first glance, these uses will be significantly limited by the property's existing lot size and density, which was retained in conversion.

O-M, H-M, MXN, MXPD

Only 5.15 acres of O-M land is converting to CRT (this is a standard conversion; if O-M land abuts property currently zoned C-2, it is proposed to be converted to CRT). A number of agricultural uses have been added for access to local food production. Dwellings were already allowed in the O-M, and they are permitted in CRT. In moving from single use commercial to more mixed use zones, the residential group living uses have been add to these 5.15 acres of O-M, as have some of the residential accessory uses. Some commercial uses allowed in CRT, such as animal boarding and care, veterinary hospital/office, hotel, dry cleaning facility (up to 3,000 SF), light vehicle sales and rental, etc. are also new to these 5.15 acres. Two communication facility uses have been removed from the O-M converting to CRT.

H-M is a very limited zone that currently allows only 13 uses, more than half of which are communications, utilities, transportation and miscellaneous uses. All of the agricultural, residential, civic and institutional, and industrial uses allowed in CRT are new to the land currently zoned H-M (except Public Use and Public Utility Structure). Most of the commercial uses allowed in CRT are new to land currently zoned H-M (except hotel, restaurant, parking, and retail/service, which are already allowed in the zone).

MXN and MXPD allowed uses are determined by other zones. The MXN zone allows any type of dwelling unit as well as any accessory use to a dwelling unit and any use allowed in the C-1, C-T, O-M, and R&D zone. For comparing commercial, civic and institutional, industrial, and miscellaneous uses allowed in the existing MXN with those allowed in CRT, the comparison to C-1 is comparable (except for the

hospital and conference center use, which the MXN zone gets from the R&D zone). In the MXP zone, all residential uses, including accessory uses, are permitted uses. All commercial, civic and institutional, industrial, and miscellaneous uses that are allowed in the C-2 and H-M zones are permitted uses in the MXP zone, with the exception of a Helipad/Heliport, which is a special exception. Further, all industrial and office uses allowed in the I-3 zone are permitted uses in the MXP. Therefore, all of the uses in MXP zone are permitted, with the exception of the Helipad/Heliport. For the uses added or removed from the MXP zone, the comparison to C-2 is comparable.

C-1, C-2, C-4, RMX-1, RMX-2, RMX-2C, RMX-3, MXTC, TOMX-2

New Permitted and Limited Uses

In converting the commercial and mixed use zones listed above to CRT, a number of agricultural uses have been added to land in these zones. Agricultural uses were added to all zones in the proposed code as a policy decision to provide better access to local food production. The permitted and limited agricultural uses that have been added to land in these zones are:

- Community Garden
- Nursery (Retail) (TOMX-2)
- Urban Farming
- Animal Husbandry
- Farm Market, On-site
- Agricultural Vending
- Seasonal Outdoor Sales (C-1, C-2, C-4, TOMX-2)

In converting some commercial and mixed use zones to CRT a number of residential uses have been added to land in these zones. Residential uses and related accessory uses were added to commercial zones as a policy decision to move from single use commercial zones to more flexible mixed use zones. The permitted and limited residential uses that have been added to these zones are:

- Townhouse Living (RMX zones)
- Independent Living Facility for Seniors or Persons with Disabilities (C-1, C-2, C-4)
- Personal Living Quarters (up to 50 individual living units) (RMX zones)
- Residential Care Facility (up to 8 persons), (9-16 persons), (over 16 persons) (C-1 and C-4)
- Home Health Practitioner (Low Impact)
- Home Occupation (No Impact) (C-1, C-2, C-4, RMX zones)
- Home Occupation (Low Impact) (C-1, C-2, C-4, RMX zones)
- Live/Work Unit

One of the primary goals of the zoning rewrite is to simplify the ordinance. Decreasing the number of zones in the zoning code is a key mechanism for simplification, and moving from zones that are

extremely limited in use to a more flexible set of zones will reduce the impetus to add new zones with every master plan.

The CRT zone, along with the CRN and CR zone, was recently approved by County Council and as such is the most up-to-date/timely zone regarding land use practices. As a result, in converting commercial and mixed use zones to CRT, some permitted and limited commercial, industrial, and miscellaneous uses have been added to land in these zones. Additionally, some uses were added to both CRT and the commercial and mixed use zones for consistency as they are allowed in several commercial zones. This includes:

- Bed and Breakfast
- Ambulance, Rescue Squad (Private) (TOMX-2)
- Charitable, Philanthropic Institution (RMX zones)
- Cultural Institution (C-1)
- Hospital (C-1, C-4, RMX zones, MXTC, TOMX-2)
- Playground, Outdoor Area (Private) (C-1, C-2, C-4, RMX zones, MXTC)
- Private Club Service Organization (C-1, C-4, RMX zones)
- Veterinary Office/Hospital (C-4, RMX zones)
- Funeral Home, Undertaker (C-1, RMX zones, MXTC, TOMX-2)
- Hotel, Motel (C-1, C-4, RMX-1, RMX-2, RMX-3)
- Clinic (up to 4 Medical Practitioners) and (Over 4 Medical Practitioners) (C-1, RMX-3)
- Medical, Dental Laboratory (C-1, C-4, RMX zones, MXTC)
- Research and Development (C-1, C-4, RMX zones)
- Structured Parking (TOMX-2)
- Surface Parking for Use Allowed in the Zone (TOMX-2)
- Conference Center
- Health Club and Facilities (RMX zones)
- Recreation and Entertainment Facility, Indoor (up to 1,000) (RMX-1)
- Retail/Service Establishment (50,001 – 85,000 SF), (85,001 – 120,000 SF), and (120,001 SF and over) (MXTC)
- Light Vehicle Sales and Rental (Indoor) and (Outdoor) (RMX-1 and RMX-3)
- Light Vehicle Sales and Rental (Indoor) (C-1 and C-4)
- Light Vehicle Sales and Rental (Outdoor) (C-4)
- Repair (Minor) (RMX-1, RMX-3, TOMX-2)
- Amateur Radio Facility (up to 65 feet) (MXTC, TOMX-2)
- Drive-Thru (RMX zones, TOMX-2)
- Transitory Use (MXTC, TOMX-2)
- Dry Cleaning Facility (up to 3,000 SF) (RMX-3, TOMX-2)
- Artisan Manufacturing and Production
- Medical/Scientific Manufacturing and Production
- Bus, Rail Terminal/Station
- Railroad Tracks (C-1, RMX zones, MXTC, TOMX-2)

- Distribution Line (Above Ground) (C-1, C-4, MXTC, TOMX-2)
- Distribution Line (Below Ground) (C-1, C-2, C-4, MXTC, TOMX-2)
- Pipeline (Above Ground) (C-1 and C-4)
- Pipeline (Below Ground) (C-1, C-4, RMX zones, MXTC, TOMX-2)
- Storage Facility (less than 10,000 SF) (C-1, RMX zones, TOMX-2)
- Solar Collection System
- Accessory Structures (MXTC, TOMX-2)
- Accessory Uses (MXTC, TOMX-2)

New Conditional Uses

In converting some commercial and mixed zones to CRT, some conditional residential, commercial, industrial, and miscellaneous uses have been added to land currently in these zones. This includes:

- Personal Living Quarters (over 50 individual living units) (RMX zones)
- Home Health Practitioner (Major Impact)
- Home Occupation (Major Impact) (C-1, C-2, C-4, RMX zones)
- Animal Boarding and Care (C-2, C-4, RMX zones)
- Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000) (RMX-1)
- Recreation and Entertainment Facility, Major (Capacity over 1,000) (RMX-1)
- Cable Communications System (MXTC, TOMX-2)
- Car Wash (C-1, RMX-1, RMX-3, TOMX-2)
- Repair (Major) (C-1, RMX-1, RMX-3, TOMX-2)
- Amateur Radio Facility (over 65 feet) (MXTC, TOMX-2)
- Pipeline (Above Ground) (RMX zones, MXTC, TOMX-2)
- Self-Storage (C-1, C-4, RMX zones)

Special Exceptions that are now Limited or Permitted

In converting some commercial and mixed use zones to CRT, a number of special exception uses have become permitted or limited uses (with the limited uses often requiring site plan if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use). This change most often is a result of zone consolidation or because of a policy change to move from single use commercial zones to more flexible mixed use zones or to regulate uses based on size, intensity, and impact rather than a specific use (e.g. Retail/Service and Residential Care Facility is now regulated by size instead of specific use). The conditional uses that have become permitted or limited for land in these zones are:

- All Household Living Uses (C-1, C-2, C-4)
- Residential Care Facility (up to 8 persons) (C-2)

- Residential Care Facility (9-16 persons) (C-2)
- Residential Care Facility (over 16 persons) (C-2, RMX zones)
- Charitable, Philanthropic Institution (C-1)
- Educational Institution (Private) (C-4, MXTC)
- Group Day Care (9-12 persons) (RMX zones: was a special exception if in a residential building)
- Day Care Center (13-30 persons) and (over 30 persons) (RMX zones: was a special exception if in a residential building)
- Private Club, Service Organization (MXTC, TOMX-2)
- Hospital (C-2)
- Private Club Service Organization (C-2)
- Veterinary Office/Hospital (C-1, MXTC, TOMX-2)
- Funeral Home, Undertaker (C-4)
- Hotel, Motel (RMX-2C)
- Structured Parking (C-4)
- Recreation and Entertainment Facility, Indoor (Capacity up to 1,000) (C-1, C-2, C-4)
- Retail/Service Establishment (120,001 SF and over) (in C-2 a combination retail store is a SE; all other retail uses are permitted)
- Light Vehicle Sales and Rental (Outdoor) (C-1 and C-2)
- Repair (Minor) (C-1, C-4, MXTC)
- Drive-Thru (C-1, C-2, C-4, MXTC)
- Transitory Use (C-1, C-2, C-4, RMX zones)
- Public Utility Structure (C-1, C-2, C-4, RMX zones, MXTC)
- Storage Facility (C-4)

Permitted Uses that are now Conditional Uses

In converting some commercial and mixed use zones to CRT, a few permitted uses have become conditional uses. This change most often is a result of zone consolidation or because of a policy change to regulate uses based on size, intensity, and impact rather than a specific use (e.g. Retail/Service and Residential Care Facility is now regulated by size instead of specific use). The permitted uses that have become conditional for land in these zones are:

- Personal Living Quarters (over 50 individual living units) (MXTC, TOMX-2)
- Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000) (C-2, RMX-2, RMX-2C, RMX-3, MXTC, TOMX-2)
- Recreation and Entertainment Facility, Major (Capacity over 1,000) (RMX-2, RMX-2C, RMX-3, MXTC, TOMX-2)
- Repair (Major) (C-2, RMX-2 and RMX-2C)
- Self-Storage (MXTC, TOMX-2)

Removed Uses

In converting some commercial and mixed use zones to CRT, the following uses have been removed from land in these zones:

- Farm Supply, Machinery Sales, Storage, and Service (C-1 and C-2)
- Swimming Pool (Community) (C-2 , C-4, RMX-1)
- Media Broadcast Tower (C-2)
- Telecommunications Tower (C-1, C-2, C-4)
- Golf Course, Country Club (C-2)
- Shooting Range (Indoor) (C-2)
- Heavy Vehicle Sales and Rental (C-2)
- Automobile Storage Lot (C-2)
- Helistop (accessory) (C-2 and C-4)
- Light Manufacturing and Production (C-2)
- Helipad, Heliport (C-2 and C-4)

Boardinghouse, Tourist Home, and Swimming Pool, Private which are currently permitted uses in the C-2 zone, have been removed from the zoning ordinance.

Use Changes for Zones Translating to CRT Zone

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
AGRICULTURAL															
Community Garden	L	--	--	--	--	--	--	--	--	--	--	--	--	--	For access to local food production
Farm Supply, Machinery Sales, Storage, and Service		--	P	P	--	--	--	--	--	--	--	--	P	P	- Not allowed in existing CRT - In C-1 and MXN permitted only if in the Agricultural Reserve as delineated in the 1980 Agricultural Preservation Master Plan and only to construct, stabilize, repair farm structures - C-2 permits farm implements, storage and sales
NURSERY															
Nursery (Retail)	P	--	P	P	P	--	P	P	P	P	P	--	P	P	- Permitted in existing CRT - C-1, C-2, C-4, the RMX zones, MXTC, MXN, MXPD permit a garden supply shop; C-4 also permits horticultural nurseries and commercial greenhouses
Urban Farming	L	--	--	--	--	--	--	--	--	--	--	--	--	--	Existing CRT is limited to crops and plants; for access to local food production urban farming allows limited fowl, bees, and aquaculture; Limited use standards regarding minimum area, number of fowl, and structures
ACCESSORY AGRICULTURAL USES															
Animal Husbandry	L	--	--	--	--	--	--	--	--	--	--	--	--	--	Only bees are allowed
Farm Market, On-Site	L	--	--	--	--	--	--	--	--	--	--	--	--	--	- For access to local food production; it is accessory to a farm - Limited use standards specify products must be produced on-site and setbacks
TEMPORARY AGRICULTURAL USES															
Agricultural Vending	P	--	--	--	--	--	--	--	--	--	--	--	--	--	For access to local food production; planning staff recommend it as an L
Seasonal Outdoor Sales	P	--	--	--	--	--	P	P	P	P	--	--	--	--	- Permitted in existing CRT - RMX zones permit Christmas tree sales
RESIDENTIAL															
HOUSEHOLD LIVING															
Single-Unit Living	P	P/SE	SE	P/SE	P/SE	--	P	P	P	P	P	P	P	P	Permitted in existing CRT, grandfathered in O-M (for the permitted use), locational requirements for C-2 and C-4 (permitted use); Policy decision to go from single use commercial zones to mixed use commercial zones
Two-Unit Living	P	P/SE	SE	P/SE	P/SE	--	P	P	P	P	P	P	P	P	Permitted in existing CRT, grandfathered in O-M (for the permitted use), locational requirements for C-2 and C-4 (permitted use); Policy decision to go from single use commercial zones to mixed use commercial zones
Townhouse Living	P	P/SE	SE	P/SE	P/SE	--	--	--	--	--	P	P	P	P	Permitted in existing CRT, grandfathered in O-M (for the permitted use), locational requirements for C-2 and C-4 (permitted use); Policy decision to go from single use commercial zones to mixed use commercial zones
Multi-Unit Living	P	P/SE	SE	P/SE	P/SE	--	P	P	P	P	P	P	P	P	Permitted in existing CRT, grandfathered in O-M (for the permitted use), locational requirements for C-2 and C-4 (permitted use); Policy decision to go from single use commercial zones to mixed use commercial zones
GROUP LIVING															
Independent Living Facility for Seniors or Persons with Disabilities	L	--	--	--	--	--	P	P	P	P	P	P	--	P	Permitted in existing CRT; provides Limited use standards from other mixed use zones in current code regarding staffing and occupancy
Personal Living Quarters (Up to 50 Individual Living Units)	L	--	P	P	P	--	--	--	--	--	P	P	P	P	Permitted in existing CRT with no size distinction; provides Limited use standards regarding current requirements of Section A-6.15
Personal Living Quarters (Over 50 Individual Living Units)	C	--	SE	SE	SE	--	--	--	--	--	P	P	SE	P	- Permitted in existing CRT, MXTC, and TOMX-2 with no size distinction; provides use standards regarding current requirements of Section A-6.15 and standards under G-2.41.2

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Residential Care Facility (Up to 8 persons)	P	--	--	SE	--	--	P	P	P	P	P	P	SE	P	- Permitted in existing CRT - In C-2 and MXN, Nursing Home is a special exception without a distinction based on size - In the RMX zones, MXTC, and TOMX-2 zone, small and large group homes are permitted; MXTC and TOMX-2 also permits a life care facility, adult foster care home, hospice care facility
Residential Care Facility (9 - 16 persons)	P	--	--	SE	--	--	P	P	P	P	P	P	SE	P	- Permitted in existing CRT - In C-2 and MXN, Nursing Home is a special exception without a distinction based on size - In the RMX zones, MXTC, and TOMX-2 zone, small and large group homes are permitted; MXTC and TOMX-2 also permits a life care facility, adult foster care home, hospice care facility
Residential Care Facility (Over 16 persons)	L	--	--	SE	--	--	P and SE	P and SE	P and SE	P and SE	P	P	SE	P	- Permitted in existing CRT; added a limited use standard for site plan requirement if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use - In C-2 and MXN, Nursing Home is a special exception without a distinction based on size and Domiciliary Care for more than 16 is a special exception - In the RMX zones, small and large group homes are permitted and domiciliary care for more than 16 is a special exception - In the MXTC and TOMX-2, small and large group homes, life care facility, adult foster care home, hospice care facility and domiciliary care for more than 16 are permitted
ACCESSORY RESIDENTIAL USES															
Attached Accessory Apartment		--	--	--	--	--	P	P	P	P	--	--	--	P	- In the RMX zones, carriage houses are a permitted use, but are limited to no more than 20% of dwelling units on a project plan
Detached Accessory Apartment		--	--	--	--	--	P	P	P	P	--	--	--	P	- In the RMX zones, carriage houses are a permitted use, but are limited to no more than 20% of dwelling units on a project plan
Dwelling for Caretaker/Watchkeeper		--	--	--	--	--	--	--	--	--	--	--	P	P	Not allowed in existing CRT; isn't necessary in this zone because other residential uses allowed
Home Health Practitioner (Low Impact)	L	--	--	--	--	--	--	--	--	--	--	--	P	--	Home Occupations are allowed in current CRT; Home Health Practitioner has similar impacts and occurs in the same setting
Home Health Practitioner (Major Impact)	C	--	--	--	--	--	--	--	--	--	--	--	SE	--	Home Occupations are allowed in current CRT; Home Health Practitioner has similar impacts and occurs in the same setting
Home Occupation (No Impact)	L	--	--	--	--	--	--	--	--	--	P	P	P	--	- Permitted in existing CRT; limited use standards incorporate standards from Sec. A-6.1 - Policy decision to add residential and related accessory uses to commercial zones
Home Occupation (Low Impact)	L	--	--	--	--	--	--	--	--	--	P	P	P	--	- Permitted in existing CRT; limited use standards incorporate standards from Sec. A-6.1 - Policy decision to add residential and related accessory uses to commercial zones
Home Occupation (Major Impact)	C	--	--	--	--	--	--	--	--	--	SE	SE	SE	--	Policy decision to add residential and related accessory uses to commercial zones; special exception in existing CRT
Live/Work Unit	P	--	--	--	--	--	--	--	--	--	--	--	--	P	Policy decision to add residential and related accessory uses to commercial zones; permitted use in existing CRT
CIVIC AND INSTITUTIONAL															
Ambulance, Rescue Squad (Private)	L	P	P	P	P	--	P	P	P	P	P	--	P	P	Limited in existing CRT; limited use standards retain site plan requirement if abutting or confronting...
Charitable, Philanthropic Institution	P	P	SE	P	P	--	--	--	--	--	P	P	P	P	Permitted in existing CRT
Cultural Institution	P	P	--	P	P	--	P	P	P	P	P	P	P	P	Permitted in existing CRT
DAY CARE FACILITY															
Family Day Care (Up to 8 Persons)	P	P	P	P	P	--	P	P	P	P	P	P	P	P	Permitted in existing CRT
Group Day Care (9 - 12 Persons)	P	P	P	P	P	--	P and SE	P and SE	P and SE	P and SE	P	P	P	P	- Permitted in existing CRT - In the RMX zones, permitted if in a commercial or mixed use building, special exception if in residential building
Day Care Center (13 - 30 Persons)	P	P	P	P	P	--	P and SE	P and SE	P and SE	P and SE	P	P	P	P	- Permitted in existing CRT - In the RMX zones, permitted if in a commercial or mixed use building, special exception if in residential building

19

20

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Day Care Center (Over 30 Persons)	L	P	P	P	P	--	P and SE	P and SE	P and SE	P and SE	P	P	P	P	- Limited in existing CRT with a site plan requirement if abutting or confronting... - In the RMX zones, permitted if in a commercial or mixed use building, special exception if in residential building
Educational Institution (Private)	P	P	P	P	SE	--	P	P	P	P	SE	P	P	P	- Permitted in existing CRT - C-1 permits trade, artistic or technical schools - C-4 allows trade, artistic or technical schools as a special exception
Hospital	L	--	--	SE	--	--	--	--	--	--	--	--	SE	P	- Permitted in existing CRT; added a Limited use standard requiring it abut property zoned Commercial/Residential, Employment, or Industrial
Playground, Outdoor Area (Private)	P	--	--	--	--	--	--	--	--	--	--	P	--	--	Permitted in existing CRT
Private Club, Service Organization	P	--	--	SE	--	--	--	--	--	--	SE	SE	--	P	Permitted in existing CRT
Swimming Pool (Community)		--	--	SE	SE	--	P	--	--	--	--	--	--	P	Not allowed in existing CRT
COMMERCIAL															
ANIMAL SERVICES															
Animal Boarding and Care	C	--	SE	--	--	--	--	--	--	--	SE	SE	SE	--	- Special exception in existing CRT
Veterinary Office/ Hospital	L	--	SE	P	--	--	--	--	--	--	SE	SE	SE	P	Limited in existing CRT; Limited use standards incorporate the footnote from C-2 about soundproof buildings and include parameters for an outdoor exercise yard and site plan requirement if abutting or confronting...
COMMUNICATION FACILITY															
Cable Communications System	C	SE	SE	SE	SE	SE	SE	SE	SE	SE	--	--	SE	P	Consolidation of zones - Not allowed in existing CRT
Media Broadcast Tower		--	--	P/SE	--	--	--	--	--	--	--	--	P/SE	P/SE	- This use is permitted in the C-2, MXN, MXPD if there is no broadcast tower
Telecommunications Tower		SE	SE	P/SE	SE	P/SE	--	--	--	--	--	--	SE	P/SE	- Not allowed in existing CRT - C-2, H-M, MXPD permit a tower up to 150 feet with additional setback
EATING AND DRINKING															
Restaurant	P	P/SE	P	P	P	P	P	P	P	P	P	P	SE	P	- Permitted in existing CRT - RMX-1 and RMX-3 have footnotes limiting size
FUNERAL AND INTERMENT SERVICES															
Funeral Home, Undertaker	L	SE	--	P	SE	--	--	--	--	--	--	--	SE	P	Limited use standards incorporate some of the current standards from Sec. G-2.23 and a site plan requirement if abutting or confronting...
LODGING															
Bed and Breakfast	L	--	--	--	--	--	--	--	--	--	--	--	--	--	- In the C-2, Tourist Homes is Permitted - Appropriate use in this zone where dwellings and hotels are allowed
Hotel, Motel	P	--	--	P	--	P	--	--	SE	--	P	P	SE	P	- Permitted in existing CRT - C-2 has a footnote for locational requirements (in a CBD or part of a regional mall)
MEDICAL AND DENTAL															
Clinic (Up to 4 Medical Practitioners)	P	P	--	P	P	--	P	P	P	--	P	P	P	P	Permitted in existing CRT
Clinic (More than 4 Medical Practitioners)	P	P	--	P	P	--	P	P	P	--	P	P	P	P	Permitted in existing CRT
Medical, Dental Laboratory	P	--	--	P	--	--	--	--	--	--	--	P	P	P	Permitted in existing CRT
OFFICE AND PROFESSIONAL															
Office	P	P	P	P	P	--	P	P	P	P	P	P	P	P	- Permitted in existing CRT - C-1 restricts GFA to 50% of total GFA - In all the RMX zones, telephone office and communications center and radio and television broadcasting studio are permitted; In RMX-1 and RMX-2, professional and business offices are permitted and in RMX-2C and RMX-3, general offices are permitted; each office use has a footnote limiting the size - In MXTC, radio and television broadcasting studio is a special exception

(12)

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Research and Development	P	P	--	P	--	--	--	--	--	--	P	P	P	P	- Permitted in existing CRT - In MXTC, requires site plan if more than 20,000 SF
PARKING															
Structured Parking	P	P	P	P	SE	P	P	P	P	P	P	--	P	P	- Permitted in existing CRT - O-M, C-1, C-2, C-4, H-M, MXTC, MXN permit parking off-street in connection with use permitted, without specifying lot or garage; C-4 also lists parking garages as a special exception
Surface Parking for Use Allowed in the Zone	L	P	P	P	P	P	P	P	P	P	P	--	P	P	- Added to CRT to address interim parking during phased development - O-M, C-1, C-2, C-4, H-M, MXTC, MXN permit parking off-street in connection with use permitted, without specifying lot or garage; C-2 also permits parking lots
RECREATION AND ENTERTAINMENT															
Adult Entertainment		--	--	P	--	--	--	--	--	--	--	--	--	P	No property in the C-2 and MXPD zone converting to CRT meets locational requirements for this use, so no impact.
Conference Center	P	--	--	--	--	--	--	--	--	--	--	--	P	--	Permitted in existing CRT
Golf Course, Country Club		--	--	SE	--	--	--	--	--	--	--	--	--	P	Not allowed in existing CRT
Health Clubs and Facilities	P	P	P	P	P	--	--	--	--	--	P	P	P	P	- Permitted in existing CRT - In MXTC, if more than 20,000 SF site plan is required
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	L	SE	SE	P and SE	SE	--	P	P	P	P	P	P	SE	P	- Permitted in existing CRT; Limited use standards cap capacity at 250 persons and can apply for a conditional use if want additional capacity up to 1,000 - O-M allows racquet ball, squash, tennis, handball courts as a special exception and doesn't distinguish based on size - C-1 and MXN allow amusement centers, baseball driving ranges, billiard parlors, recreational or entertainment establishments, commercial as a special exception, and no distinction based on size - C-2 permits amusement centers if part of a regional shopping center, otherwise they're a special exception, as are bowling alleys, racquet ball, squash, tennis courts, recreational or entertainment establishments, commercial and no distinction based on size - C-4 allows bowling alleys, racquet ball, squash, tennis courts, theaters, indoor as a special exception and no distinction based on size - RMX-2, RMX-2C, and RMX-3 permit amusement centers, bowling alleys, commercial recreational or entertainment establishments, etc; RMX-1 only permits a commercial swimming pool - MXTC permits billiard parlor, bowling alley, commercial recreation or entertainment establishments, indoor theaters - TOMX-2 permits auditoriums or convention halls, billiard parlor, bowling alley, commercial recreation or entertainment establishment, indoor theaters

22

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	C	--	SE	P and SE	SE	--	P	P	P	P	P	P	SE	P	<ul style="list-style-type: none"> - Existing CRT does not differentiate based on size - Conditional use standards require screening and additional parameters when abutting any Residential zone - C-1 and MXN allow recreational or entertainment establishments, commercial as a special exception - C-2 permits fairgrounds, circuses, amusement parks, mini golf and allows driving ranges and recreational or entertainment establishments, commercial as a special exception - C-4 allows commercial swimming pools and theaters, indoor as a special exception - RMX-2, RMX-2C, and RMX-3 permit amusement centers, commercial recreational or entertainment establishments, etc; RMX-2 and RMX-2C also permit roller and ice skating rinks and miniature golf; RMX-1 only permits a commercial swimming pool - MXTC permits commercial recreation or entertainment establishments - TOMX-2 permits commercial recreation or entertainment establishment
Recreation and Entertainment Facility, Major (Capacity over 1,000)	C	SE	SE	P and SE	SE	--	--	P	P	P	P	P	SE	P	<ul style="list-style-type: none"> - Existing CRT does not differentiate based on size - Conditional use standards require screening and additional parameters when abutting any Residential zone - O-M allows racquet ball, squash, tennis, handball courts as a special exception and doesn't distinguish based on size - C-1 and MXN allow amusement centers, baseball driving ranges, billiard parlors, recreational or entertainment establishments, commercial as a special exception, and no distinction based on size - C-2 permits amusement centers if part of a regional shopping center, otherwise they're a special exception, as are bowling alleys, racquet ball, squash, tennis courts, and recreational or entertainment establishments, commercial and no distinction based on size; C-2 also permits theaters, indoor - C-4 allows bowling alleys, racquet ball, squash, tennis courts, theaters, indoor as a special exception and no distinction based on size - RMX-2, RMX-2C, and RMX-3 permit amusement centers, bowling alleys, commercial recreational or entertainment establishments, etc - MXTC permits billiard parlor, bowling alley, commercial recreation or entertainment establishments, indoor theaters - TOMX-2 permits auditoriums or convention halls, billiard parlor, bowling alley, commercial recreation or entertainment establishment, indoor theaters
Shooting Range (Indoor)		--	--	SE	--	--	--	--	--	--	--	--	--	P	Not allowed in existing CRT
RETAIL SALES AND SERVICE															
Retail/ Service Establishment (Up to 5,000 SF)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size
Retail/ Service Establishment (5,001 - 15,000 SF)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size
Retail/ Service Establishment (15,001 - 50,000 SF)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<ul style="list-style-type: none"> - Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - MXTC allows commercial/retail uses up to 40,000 SF; in addition, some retail uses over 20,000 SF require site plan
Retail/ Service Establishment (50,001 - 85,000 SF)	L	P	P	P	P	P	P	P	P	P	--	P	P	P	<ul style="list-style-type: none"> - Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - O-M and H-M permit retail uses that are usually self-regulating in size and not characteristically this large - Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Retail/ Service Establishment (85,001 - 120,000 SF)	L	P	P	P	P	P	P	P	P	P	--	P	P	P	- Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - O-M and H-M permit retail uses that are usually self-regulating in size and not characteristically this large - Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro
Retail/ Service Establishment (120,001 SF and Over)	L	P	P	P and SE	P	P	P	P	P	P	--	P	P	P	- In C-2 and MXPD, combination retail is a special exception; all other retail uses allowed in this zone are permitted - O-M and H-M permit retail uses that are usually self-regulating in size and not characteristically this large - Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro
VEHICLE/EQUIPMENT SALES AND RENTAL															
Heavy Vehicle Sales and Rental		--	--	SE	--	--	--	--	--	--	--	--	--	P	- Not allowed in existing CRT - C-2 and MXPD permit outdoor truck and trailer rental
Light Vehicle Sales and Rental (Indoor)	L	--	--	P	--	--	--	P	P	--	P	P	--	P	- In existing CRT, auto rental services are a Permitted use and auto sales are a Limited use; Limited use standards specify access and site plan requirement if abutting or confronting... - In C-2 and MXPD, sales are permitted - RMX-2 and 2C permit automobile sales, without specifying indoor or outdoor - MXTC and TOMX-2 permit auto rental without specifying indoor or outdoor
Light Vehicle Sales and Rental (Outdoor)	L	--	SE	SE	--	--	--	P	P	--	P	P	SE	P	- Limited use in existing CRT; Limited use standards include a site plan requirement if abutting or confronting... , access requirements and vehicle placement - RMX-2 and 2C permit automobile sales, without specifying indoor or outdoor - MXTC and TOMX-2 permit auto rental, without specifying indoor or outdoor - MXN rental only and MXPD sales only
VEHICLE SERVICE															
Automobile Storage Lot		--	--	SE	--	--	--	--	--	--	--	--	--	P	Not allowed in existing CRT
Car Wash	C	--	--	SE	SE	--	--	SE	SE	--	SE	--	--	P	Consistency of zone consolidation
Filling Station	C	--	SE	SE	SE	--	P	P	P	P	SE	SE	SE	P	Special exception in existing CRT
Repair (Major)	C	--	--	P	SE	--	--	P	P	--	SE	--	--	P	- Limited use in existing CRT, with no distinction between major and minor - Permitted in C-2 and MXPD and special exception in C-4, with no distinction between major and minor - Permitted in RMX-2 and RMX-2C if not abutting or confronting land in a residential zone that isn't recommended for commercial or industrial use and if not within a certain distance of school, park, or hospital; no distinction between major and minor - Special exception in MXTC but cannot abut or confront land in a residential zone that isn't recommended for commercial or industrial use and if not within a certain distance of school, park, or hospital; no distinction between major and minor

23

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MPXD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Repair (Minor)	L	--	SE	P	SE	--	--	P	P	--	SE	--	SE	P	- Limited use in existing CRT; limited use standards have setback, site and access requirements if abutting or confronting Ag, Rural Res or Res and a site plan requirement if abutting or confronting... - C-1 and MXN allow automobile fluid maintenance stations as a special exception - Permitted in C-2 and MPXD and special exception in C-4, with no distinction between major and minor - Permitted in RMX-2 and RMX-2C if not abutting or confronting land in a residential zone that isn't recommended for commercial or industrial use and if not within a certain distance of school, park, or hospital; no distinction between major and minor - Special exception in MXTC but cannot abut or confront land in a residential zone that isn't recommended for commercial or industrial use and if not within a certain distance of school, park, or hospital; no distinction between major and minor
ACCESSORY COMMERCIAL USES															
Amateur Radio Facility (Up to 65 Feet)	P	P	P	P	P	P	P	P	P	P	--	--	P	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Amateur Radio Facility (Over 65 feet)	C	SE	SE	SE	SE	SE	SE	SE	SE	SE	--	--	SE	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Antenna on Existing Structure	L	P	P	P	P	P	P	P	P	P	P	P	P	P	Incorporates current standards under Sec. A-6.12 and Sec. A-6.14
Drive-Thru	L	--	SE	SE	SE	--	--	--	--	--	SE	--	SE	P	- Existing CRT allows drive-thru facilities with a site plan and adherence to certain standards; in C-1, C-2, C-4, MXTC, MXN, MPXD Eating and Drinking Establishments, including drive-ins is a special exception - Limited use standards specify queuing and stacking and window placement and require site plan if abutting or confronting...
Helistop		SE	--	SE	SE	--	--	--	--	--	--	--	SE	SE	Not allowed in existing CRT
TEMPORARY COMMERCIAL USES															
Construction Administration or Sales Office	L	P	P	P	P	P	P	P	P	P	P	P	P	P	The current code defines Construction Administration or Sales Office as an accessory use (accessory uses are a permitted use); the proposed code pulls it out in the use table for clarity; Incorporates current standards under Sec. A-6.11
Transitory Use	L	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	--	--	P/SE	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
INDUSTRIAL															
Dry Cleaning Facility (Up to 3,000 SF)	L	--	P	P	P	--	P	P	P	--	P	--	P	P	Permitted in CRT; limited use standards incorporate footnote in current commercial zones prohibiting work for other similar dry cleaning or laundering establishments
MANUFACTURING AND PRODUCTION															
Artisan Manufacturing and Production	P	--	--	--	--	--	--	--	--	--	--	--	--	--	Permitted in existing CRT
Light Manufacturing and Production		--	--	P	--	--	--	--	--	--	P	--	P	P	- Not allowed in existing CRT - C-2 permitted uses Newspaper, printing and publishing shops and Printing and publishing consolidated into this use - In MXTC, only allowed if specifically recommended in a master plan; Damascus master plan refers generally to light industrial uses but doesn't necessarily recommend them for the area; Olney doesn't recommend
Medical/Scientific Manufacturing and Production	L	P	--	--	--	--	--	--	--	--	P	P	P	P	- Limited in existing CRT; Limited use standards retain site plan requirement if abutting or confronting... - Permitted use in O-M has footnotes about location and lot size - In MXTC, only allowed if specifically recommended in a master plan
TRANSPORTATION															
Bus, Rail Terminal/Station	L	--	--	--	--	--	--	--	--	--	--	--	--	--	Permitted in existing CRT; Limited use standard prohibits bus or train storage
Helipad, Heliport		--	--	SE	SE	--	--	--	--	--	--	--	SE	SE	Not allowed in existing CRT
Railroad Tracks	P	--	--	P	P	--	--	--	--	--	--	--	P	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones

24

	Proposed CRT Zone	O-M	C-1	C-2	C-4	H-M	RMX-1	RMX-2	RMX-2C	RMX-3	MXTC	TOMX-2	MXN	MXPD	Notes
Acreage Converting to CRT and % of total zone acreage	--	5.15 acres 3%	107.15 acres 28%	152.20 acres 55%	34.61 acres 100%	21.42 acres 100%	333.1 acres 100%	310.80 acres 100%	123.88 acres 100%	122.25 acres 100%	298.44 acres 100%	170.37 acres 87%	175.43 acres 100%	372.74 acres 100%	--
Taxi/Limo Facility	L	--	P	P	P	--	P	P	P	P	P	P	P	P	Consistency of zone consolidation. Limited use standard prohibits vehicle storage - TOMX-2 doesn't allow vehicle storage
UTILITIES															
Distribution Line (Above Ground)	L	--	--	P	--	--	P	P	P	P	--	--	P	P	Added for consistency of zone consolidation - Limited use standard allows only electric distribution lines
Distribution Line (Below Ground)	P	--	--	--	--	--	P	P	P	P	--	--	P	--	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Pipeline (Above Ground)	C	--	--	P	--	--	--	--	--	--	--	--	SE	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Pipeline (Below Ground)	P	--	--	P	--	--	--	--	--	--	--	--	P	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Public Utility Structure	L	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SE	P	Limited use standard is a site plan requirement if abutting or confronting...
WAREHOUSE															
Self-Storage	C	--	--	P	--	--	--	--	--	--	P	P	--	P	- Special exception in existing CRT - In MXTC, only allowed if specifically recommended in a master plan - In TOMX-2 allowed in optional method if recommended in master plan and limited to max 0.75 FAR
Storage Facility	L	--	--	P	SE	--	--	--	--	--	P	--	--	P	- Existing CRT limits size to less than 10,000 SF, which is incorporated in the Limited use standards - C-4 allows warehousing and storage for industrial and commercial uses, wholly enclosed, as a special exception - In MXTC, only allowed if specifically recommended in a master plan
MISCELLANEOUS															
Solar Collection System	L	--	--	--	--	--	--	--	--	--	--	--	--	--	This is a new use in the use table; in the existing zones it can be done under the use Accessory Buildings and Uses
ACCESSORY MISCELLANEOUS USES															
Accessory Structures	P	P	P	P	P	P	P	P	P	P	P	--	P	P	Permitted in existing CRT
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	--	P	P	Permitted in existing CRT

Uses Removed from the Ordinance C-2: Boardinghouse; Tourist Homes; Swimming Pool, Private

Use Changes as a Result of Translation to the CR Zone

Mixed-Use and CBD Zones Converting to CR

TMX-2 = 623.19 acres (100% of total zone acreage)

RMX-3C = 3.25 acres (100%)

TS-R = 24.21 acres (100%)

TS-M = 38.57 acres (100%)

CBD-0.5 = 12.08 acres (100%)

CBD-R1 = 13.40 acres (100%)

CBD-1 = 156.24 acres (100%)

CBD-2 = 109.32 acres (100%)

CBD-3 = 24.93 acres (100%)

CBD-R2 = 48.76 acres (100%)

In General

The CR zone is one of the most recent zones approved by County Council. Uses that are new to several of the existing mixed-use zones are proposed because they are allowed under the CR zone, however, although some of these uses may appear intensive at first glance, these uses will be significantly limited by the property's existing lot size and density, which was retained in conversion.

For the CBD use changes, the uses allowed under optional development were used for comparison.

All Zones

New Permitted and Limited Uses

In converting the mixed use and central business district zones listed above to CR, a number of agricultural uses have been added to land in these zones. Agricultural uses were added to all zones in the proposed code as a policy decision to provide better access to local food production. The permitted and limited agricultural uses that have been added to land in these zones are:

- Community Garden
- Nursery (Retail)
- Urban Farming
- Animal Husbandry
- Farm Market, On-site
- Agricultural Vending
- Seasonal Outdoor Sales (TMX-2, all CBDs, TS-R, TS-M)

In converting the mixed use and central business district zones to CR a number of residential uses have been added to land in these zones. The permitted and limited residential uses that have been added to these zones are:

- Townhouse Living (RMX-3C)
- Personal Living Quarters (up to 50 individual living units) (RMX-3C)
- Home Health Practitioner (Low Impact)
- Home Occupation (No Impact) (RMX-3C, CBD-0.5, CBD-R1, CBD-1, CBD-2, CBD-3, TS-R, TS-M)
- Home Occupation (Low Impact) (RMX-3C, all CBDs, TS-R, TS-M)
- Live/Work Unit

One of the primary goals of the zoning rewrite is to simplify the ordinance. Decreasing the number of zones in the zoning code is a key mechanism for simplification, and moving from zones that are extremely limited in use to a more flexible set of zones will reduce the impetus to add new zones with every master plan.

The CR zone, along with the CRN and CRT zone, was recently approved by County Council and as such is the most up-to-date/timely zone regarding land use practices. As a result, in converting mixed use and central business district zones to CR, some permitted and limited civic and institutional, commercial, industrial, and miscellaneous uses have been added to land in these zones. Additionally, some uses were added to both CR and the mixed use and central business district zones for consistency as they are allowed in several mixed use and central business district zones. This includes:

- Ambulance, Rescue Squad (Private) (TMX-2, CBD-0.5, CBD-R1, CBD-R2)
- Charitable, Philanthropic Institution (RMX-3C, all CBDs)
- Cultural Institution (CBD-R1)
- Educational Institution (Private) (CBD-R1, TS-R)
- Hospital (TMX-2, RMX-3C CBD-0.5, CBD-R1, CBD-R2, TS-R, TS-M)
- Playground, Outdoor Area (Private) (RMX-3C)
- Private Club, Service Organization (RMX-3C)
- Veterinary Office/Hospital (RMX-3C, CBD-R1, CBD-3, CBD-R2)
- Funeral Home, Undertaker (TMX-2, RMX-3C, CBD-0.5, CBD-R1, CBD-3, CBD-R2, TS-R, TS-M)
- Hotel, Motel (CBD-0.5, CBD-R1)
- Clinic (up to 4 medical practitioners) and (more than 4 medical practitioners) (RMX-3C, CBD-R1, TS-R)
- Medical, Dental Laboratory (RMX-3C, CBD-R1, CBD-R2, TS-R)
- Office (CBD-R1)
- Research and Development (RMX-3C, CBD-R1, CBD-R2, TS-R, TS-M)
- Structured Parking (CBD-R1, CBD-3, TS-R, TS-M)
- Surface Parking for Use Allowed in the Zone (TMX-2, CBD-0.5, TS-R, TS-M)
- Conference Center
- Health Club and Facilities (RMX-3C)
- Recreation and Entertainment Facility, Indoor (Capacity up to 1,000) (TS-R)
- Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000) (TS-R)
- Recreation and Entertainment Facility, Major (Capacity over to 1,000) (TS-R)
- Light Vehicle Sales and Rental (Indoor) (RMX-3C, CBD-0.5, CBD-R1, CBD-3, CBD-R2, TS-R)
- Light Vehicle Sales and Rental (Outdoor) (RMX-3C, CBD-0.5, CBD-R1, CBD-3, CBD-R2, TS-R, TS-M)
- Repair (Minor) (RMX-3C, CBD-R1, CBD-3, CBD-R2, TS-R)
- Amateur Radio Facility (up to 65 feet) (TMX-2)
- Drive-Thru (TMX-2, RMX-3C, CBD-0.5, CBD-R1, CBD-R2, TS-R, TS-M)
- Transitory Use (TMX-2)
- Dry Cleaning Facility (up to 3,000 SF) (TMX-2, CBD-R1, CBD-2, CBD-3, CBD-R2, TS-R, TS-M)

- Artisan Manufacturing and Production
- Medical/Scientific Manufacturing and Production (RMX-3C, all CBDs, TS-R, TS-M)
- Bus, Rail Terminal/Station (RMX-3C, CBD-0.5, TS-R, TS-M)
- Railroad Tracks (TMX-2, RMX-3C, CBD-R1, TS-R, TS-M)
- Taxi/Limo Facility (CBD-0.5, CBD-R1)
- Distribution Line (Above Ground) and (Below Ground) (TMX-2, all CBDs, TS-R, TS-M)
- Pipeline (Below Ground) (TMX-2, RMX-3C, CBD-R1, TS-R, TS-M)
- Public Utility Structure (TS-R)
- Storage Facility (less than 10,000 SF)
- Solar Collection System

New Conditional Uses

In converting mixed use and central business district zones to CR, some conditional residential, commercial, industrial, and miscellaneous uses have been added to land currently in these zones. This includes:

- Personal Living Quarters (over 50 individual living units) (RMX-3C)
- Home Health Practitioner (Major Impact)
- Home Occupation (Major Impact) (RMX-3C, all CBDs, TS-R, TS-M)
- Animal Boarding and Care (RMX-3C, all CBDs)
- Cable Communications System (TMX-2)
- Filling Station (CBD-R1, TS-R)
- Repair (Major) (RMX-3C, CBD-R1, CBD-3, CBD-R2, TS-R)
- Amateur Radio Facility (over 65 feet) (TMX-2)
- Pipeline (Above Ground)

Special Exceptions that are now Limited or Permitted

In converting mixed use and central business district zones to CR, a number of special exception uses have become permitted or limited uses (with the limited uses often requiring site plan if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use). This change most often is a result of zone consolidation or because of a policy change to move from single use commercial zones to more flexible mixed use zones or to regulate uses based on size, intensity, and impact rather than a specific use (e.g. Retail/Service and Residential Care Facility is now regulated by size instead of specific use). The conditional uses that have become permitted or limited for land in these zones are:

- Residential Care Facility (over 16 persons) (RMX-3C)
- Ambulance, Rescue Squad (Private) (CBD-3)

- Charitable, Philanthropic Institution (TS-R, TS-M)
- Group Day Care (9-12 persons) (TS-R; in RMX-3C, all CBDs, TS-M was a special exception if in a residential building)
- Day Care Center (13-30 persons) and (over 30 persons) (TS-R; in RMX-3C, all CBDs, TS-M was a special exception if in a residential building)
- Hospital (CBD-3)
- Private Club, Service Organization (CBD-0.5, TS-R)
- Veterinary Office/Hospital (TMX-2, CBD-0.5, CBD-1, CBD-2, TS-R, TS-M)
- Funeral Home, Undertaker (CBD-1, CBD-2,)
- Hotel, Motel (RMX-3C; TS-R and TS-M if not operated in conjunction with a publicly owned or operated conference center)
- Medical, Dental Laboratory (TS-M)
- Repair (Minor) (TS-M)
- Drive-Thru (CBD-1, CBD-2, CBD-3 special exception if abutting or confronting single-family residential; proposed limited use requiring site plan)
- Transitory Use (RMX-3C, all CBDs, TS-R, TS-M)
- Bus, Rail Terminal/Station (CBD-R1, CBD-1, CBD-2, CBD-3, CBD-R2)
- Public Utility Structure (RMX-3C, all CBDs)

Permitted Uses that are now Conditional Uses

In converting mixed use and central business district zones to CR, a few permitted uses have become conditional uses. This change most often is a result of zone consolidation or because of a policy change to regulate uses based on size, intensity, and impact rather than a specific use (e.g. Retail/Service and Residential Care Facility is now regulated by size instead of specific use). The permitted uses that have become conditional for land in these zones are:

- Personal Living Quarters (over 50 individual living units) (TMX-2)
- Filling Station (TMX-2, RMX-3C)
- Repair (Major) (TMX-2, CBD-0.5, CBD-1, CBD-2)

Removed Uses

In converting mixed use and central business district zones to CR, the following uses have been removed from land in these zones:

- Media Broadcast Tower (CBD-R1, CBD-1, CBD-2, CBD-3, CBD-R2)
- Car Wash (RMX-3C, CBD-0.5, CBD-1, CBD-2)
- Helistop (TS-M)

Opportunity Housing Projects and Swimming Pools, Private which are currently permitted uses in the CBD zones, have been removed from the zoning ordinance.

Use Changes for Zones Translating to CR Zone

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
AGRICULTURAL												
Community Garden	L	--	--	--	--	--	--	--	--	--	--	For access to local food production
NURSERY												
Nursery (Retail)	P	--	P	--	--	--	--	--	--	--	--	- Permitted in existing CR - RMX-3C permits garden supply stores
Urban Farming	L	--	--	--	--	--	--	--	--	--	--	Existing CR is limited to crops and plants; for access to local food production urban farming allows limited fowl, bees, and aquaculture; Limited use standards regarding minimum area, number of fowl, and structures
ACCESSORY AGRICULTURAL USES												
Animal Husbandry	L	--	--	--	--	--	--	--	--	--	--	Only bees are allowed
Farm Market, On-Site	L	--	--	--	--	--	--	--	--	--	--	- For access to local food production, it is accessory to a farm - Limited use standards specify products must be produced on-site and setbacks
TEMPORARY AGRICULTURAL USES												
Agricultural Vending	P	--	--	--	--	--	--	--	--	--	--	For access to local food production; planning staff recommend it as an L
Seasonal Outdoor Sales	P	--	P	--	--	--	--	--	--	--	--	Permitted in existing CR
RESIDENTIAL												
HOUSEHOLD LIVING												
Townhouse Living	P	P	--	P	P	P	P	P	P	P	P	Permitted in existing CR
GROUP LIVING												
Independent Living Facility for Seniors or Persons with Disabilities	L	P	P	P	P	P	P	P	P	P	P	Permitted in existing CR; provides Limited use standards in footnotes in current code regarding staffing and occupancy
Personal Living Quarters (Up to 50 Individual Living Units)	L	P	--	P	P	P	P	P	P	P	P	Permitted in existing CR with no size distinction; provides Limited use standards regarding current requirements of Section A-6.15
Personal Living Quarters (Over 50 Individual Living Units)	C	P	--	SE	SE	SE	SE	SE	SE	SE	SE	- Permitted in existing CR and TMX-2 with no size distinction; provides use standards regarding current requirements of Section A-6.15 and standards under G-2.41.2
Residential Care Facility (Up to 8 persons)	P	P	P	P	P	P	P	P	P	P and SE	P and SE	- Permitted in existing CR - In the RMX zones, small and large group homes are permitted - In the TS zones, small and large group homes, adult foster care home, nursing home, respite care home are permitted; hospice care facility and life care facility are a special exception

31

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
Residential Care Facility (9 - 16 persons)	P	P	P	P	P	P	P	P	P	P and SE	P and SE	- Permitted in existing CR - In the RMX zones, small and large group homes are permitted - In the TS zones, small and large group homes, adult foster care home, nursing home, respite care home are permitted; hospice care facility and life care facility are permitted
Residential Care Facility (Over 16 persons)	P	P	P and SE	P	P	P	P	P	P	P and SE	P and SE	- Permitted in existing CR - In the RMX zones, small and large group homes are permitted and domiciliary care for more than 16 is a special exception - In the TS zones, small and large group homes, adult foster care home, nursing home, respite care home, and domiciliary care for more than 16 persons are permitted; hospice care facility and life care facility are a special exception
ACCESSORY RESIDENTIAL USES												
Attached Accessory Apartment		--	P	--	--	--	--	--	--	--	--	- In the RMX-3C, carriage houses are a permitted use, but are limited to no more than 20% of dwelling units on a project plan
Detached Accessory Apartment		--	P	--	--	--	--	--	--	--	--	- In the RMX-3C, carriage houses are a permitted use, but are limited to no more than 20% of dwelling units on a project plan
Home Health Practitioner (Low Impact)	L	--	--	--	--	--	--	--	--	--	--	Home Occupations are allowed in current CR; Home Health Practitioner has similar impacts and occurs in the same setting
Home Health Practitioner (Major Impact)	C	--	--	--	--	--	--	--	--	--	--	Home Occupations are allowed in current CR; Home Health Practitioner has similar impacts and occurs in the same setting
Home Occupation (No Impact)	L	P	--	--	--	--	--	--	P	--	--	- Permitted in existing CR; Limited use standards incorporate standards from Sec. A-6.1 - CBD-R2 only allows this use in townhouses
Home Occupation (Low Impact)	L	P	--	--	--	--	--	--	--	--	--	Permitted in existing CR; Limited use standards incorporate standards from Sec. A-6.2
Home Occupation (Major Impact)	C	SE	--	--	--	--	--	--	--	--	--	Permitted in existing CR; Limited use standards incorporate standards from Sec. A-6.2
Live/Work Unit	P	--	--	--	--	--	--	--	--	--	--	Permitted in existing CR
CIVIC AND INSTITUTIONAL												
Ambulance, Rescue Squad (Private)	P	--	P	--	--	P	P	SE	--	P	P	Permitted in existing CR
Charitable, Philanthropic Institution	P	P	--	--	--	--	--	--	--	SE	SE	Permitted in existing CR
Cultural Institution	P	P	P	P	--	P	P	P	P	P	P	Permitted in existing CR
DAY CARE FACILITY												
Group Day Care (9 - 12 Persons)	P	P	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	SE	P and SE	In RMX-3C, CBDs, and TS-M permitted if in a commercial or mixed use building, special exception if in residential building; TS-R is a special exception and only allowed in residential building

32

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
Day Care Center (13 - 30 Persons)	P	P	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	SE	P and SE	In RMX-3C, CBDs, and TS-M permitted if in a commercial or mixed use building, special exception if in residential building; TS-R is a special exception and only allowed in residential building
Day Care Center (Over 30 Persons)	P	P	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	P and SE	SE	P and SE	In RMX-3C, CBDs, and TS-M permitted if in a commercial or mixed use building, special exception if in residential building; TS-R is a special exception and only allowed in residential building
Educational Institution (Private)	P	P	P	P	--	P	P	P	P	--	P	Permitted in existing CR
Hospital	P	--	--	--	--	P	P	SE	--	--	--	Permitted in existing CR
Playground, Outdoor Area (Private)	P	P	--	P	P	P	P	P	P	P	P	Permitted in existing CR
Private Club, Service Organization	P	P	--	SE	P	P	P	P	P	SE	P	Permitted in existing CR
COMMERCIAL												
ANIMAL SERVICES												
Animal Boarding and Care	C	SE	--	--	--	--	--	--	--	SE	SE	Special exception in existing CR
Veterinary Office/Hospital	L	SE	--	SE	--	SE	SE	--	--	SE	SE	Limited use standards regarding soundproof buildings and includes parameters for an outdoor exercise yard, site plan requirement if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use
COMMUNICATION FACILITY												
Cable Communications System	C	--	SE	SE	SE	SE	SE	SE	SE	SE	SE	Consolidation of zones
Media Broadcast Tower		--	--	--	SE	SE	SE	SE	SE	--	--	Not allowed in existing CR
FUNERAL AND INTERMENT SERVICES												
Funeral Home, Undertaker	L	--	--	--	--	SE	SE	--	--	--	--	Limited use standards incorporate some of the current standards from Sec. G-2.23 and a site plan requirement if abutting or confronting...
LODGING												
Hotel, Motel	P	P	SE	--	--	P	P	P	P	P/SE	P/SE	- Permitted in existing CR - In TS zones, permitted if operated in conjunction with a publicly-owned or operated conference center
MEDICAL AND DENTAL												
Clinic (Up to 4 Medical Practitioners)	P	P	--	P	--	P	P	P	P	--	P	Permitted in existing CR
Clinic (More than 4 Medical Practitioners)	P	P	--	P	--	P	P	P	P	--	P	Permitted in existing CR
Medical, Dental Laboratory	P	P	--	P	--	P	P	P	--	--	SE	Permitted in existing CR
OFFICE AND PROFESSIONAL												
Office	P	P	P	P	--	P	P	P	P	P	P	- Permitted in existing CR - In RMX-3C general offices are permitted; each office use has a footnote limiting size
Research and Development	P	P	--	P	--	P	P	P	--	--	--	Permitted in existing CR

23

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
PARKING												
Structured Parking	P	P	P	P	--	P	P	--	P	--	--	Permitted in existing CR
Surface Parking for Use Allowed in the Zone	L	--	P	--	P	P	P	P	P	--	--	- Added to CR to address interim parking during phased development - In CBDs, permitted if within the county parking district
RECREATION AND ENTERTAINMENT												
Conference Center	P	--	--	--	--	--	--	--	--	--	--	Permitted in existing CR
Health Clubs and Facilities	P	P	--	P	P	P	P	P	P	P	P	Permitted in existing CR
Recreation and Entertainment Facility, Indoor (Capacity up to 1,000)	P	P	P	P	P	P	P	P	P	--	P	- Permitted in existing CR - TMX-2 permits auditoriums, conventional halls, billiard parlor, bowling, commercial recreational or entertainment establishments, theater, etc. - RMX-3C permits amusement centers, bowling, racquet ball, commercial recreational or entertainment establishments - All CBDs permit billiard parlors, bowling alleys, commercial recreational or entertainment establishments and theaters (except theater is SE in CBD-0.5); CBD-1, CBD-2, CBD-3 permit auditoriums and convention halls - TS-M permits bowling alleys, commercial recreational or entertainment establishments, and indoor theater
Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000)	P	P	P	P	P	P	P	P	P	--	P	- Permitted in existing CR - TMX-2, RMX-3C permit commercial recreational or entertainment establishments - All CBDs and TS-M permit commercial recreational or entertainment establishments
Recreation and Entertainment Facility, Major (Capacity over 1,000)	P	P	P	P	P	P	P	P	P	--	P	- Permitted in existing CR - TMX-2 permits auditoriums, conventional halls, billiard parlor, bowling, commercial recreational or entertainment establishments, theater, etc. - RMX-3C permits amusement centers, bowling, racquet ball, commercial recreational or entertainment establishments - All CBDs permit billiard parlors, bowling alleys, commercial recreational or entertainment establishments and theaters (except theater is SE in CBD-0.5); CBD-1, CBD-2, CBD-3 permit auditoriums and convention halls - TS-M permits bowling alleys, commercial recreational or entertainment establishments, and indoor theater
RETAIL SALES AND SERVICE												

34

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
Retail/ Service Establishment (Up to 5,000 SF)	P	P	P	P	P	P	P	P	P	P	P	- Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, footnotes limit size for some uses and C-8.54 allows size as recommended by master plan
Retail/ Service Establishment (5,001 - 15,000 SF)	P	P	P	P	P	P	P	P	P	P	P	Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, footnotes limit size for some uses and C-8.54 allows size as recommended by master plan
Retail/ Service Establishment (15,001 - 50,000 SF)	P	P	P	P	P	P	P	P	P	P	P	Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, footnotes limit size for some uses and C-8.54 allows size as recommended by master plan
Retail/ Service Establishment (50,001 - 85,000 SF)	L	P	P	P	P	P	P	P	P	P	P	- Permitted in CR; Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro -Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, per footnote and C-8.54, size recommended by master plan
Retail/ Service Establishment (85,001 - 120,000 SF)	L	P	P	P	P	P	P	P	P	P	P	- Permitted in CR; Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro -Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, footnotes limit size for some uses and C-8.54 allows size as recommended by master plan
Retail/ Service Establishment (120,001 SF and Over)	L	P	P	P	P	P	P	P	P	P	P	- Permitted in CR; Limited use standards include a site plan requirement if abutting or confronting... and specific regulations for properties within 1/2 mile of metro -Consolidation of uses; all zones allowed some retail uses differentiating by specific use instead of size - In TS-R, footnotes limit size for some uses and C-8.54 allows size as recommended by master plan
VEHICLE/EQUIPMENT SALES AND RENTAL												

35

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
Light Vehicle Sales and Rental (Indoor)	P	P	--	--	--	P	P	--	--	--	P	- Permitted in existing CR, auto rental services including storage of vehicles and supplies is a limited use whereas without storage is a permitted use; site plan requirement removed for rental services with storage - Some CBD permits auto and boat sales
Light Vehicle Sales and Rental (Outdoor)	P	P	--	--	--	P	P	--	--	--	--	- Permitted in existing CR - Some CBD permits auto sales
VEHICLE SERVICE												
Car Wash		--	SE	SE	--	SE	SE	--	--	--	--	Not allowed in existing CR
Filling Station	C	P	P	SE	--	SE	SE	SE	SE	--	SE	Special exception in existing CR
Repair (Major)	C	P	--	P	--	P	P	--	--	--	SE	- Permitted use in existing CR, with no distinction between major and minor - TMX-2 and some CBDs permit auto repair and service with no distinction between major and minor
Repair (Minor)	L	P	--	P	--	P	P	--	--	--	SE	- Permitted use in existing CR; limited use standards have setback, site and access requirements if abutting or confronting Ag, Rural Res or Res and a site plan requirement if abutting or confronting... - TMX-2 and some CBDs permit auto repair and service with no distinction between major and minor; in TS-M, auto repair and service with no distinction between major and minor is a special exception
ACCESSORY COMMERCIAL USES												
Amateur Radio Facility (Up to 65 Feet)	P	--	P	P	P	P	P	P	P	P	P	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Amateur Radio Facility (Over 65 feet)	C	--	SE	SE	SE	SE	SE	SE	SE	SE	SE	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Antenna on Existing Structure	L	P	P	P	P	P	P	P	P	P	P	Incorporates current standards under Sec. A-6.12 and Sec. A-6.14
Drive-Thru	L	--	--	--	--	P/SE	P/SE	P/SE	--	--	--	- Existing CR allows drive-thru facilities with a site plan and adherence to certain standards; - Limited use standards specify queuing and stacking and window placement and require site plan if abutting or confronting... - In CBD, its a special exception if abutting or confronting land in a one-family residential zone
Helistop		--	--	--	--	--	--	--	--	--	SE	Not allowed in existing CR
TEMPORARY COMMERCIAL USES												

36

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
Construction Administration or Sales Office	L	P	P	P	P	P	P	P	P	P	P	The current code defines Construction Administration or Sales Office as an accessory use (accessory uses are a permitted use); the proposed code pulls it out in the use table for clarity; Incorporates current standards under Sec. A-6.11
Transitory Use	L	--	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
INDUSTRIAL												
Dry Cleaning Facility (Up to 3,000 SF)	L	--	P	P	--	P	--	--	--	--	--	Permitted in CR; limited use standards incorporates footnote in current commercial zones prohibiting work for other similar dry cleaning or laundering establishments
MANUFACTURING AND PRODUCTION												
Artisan Manufacturing and Production	P	--	--	--	--	--	--	--	--	--	--	Permitted in existing CR
Light Manufacturing and Production		--	--	--	--	P	P	P	--	--	--	Some CBD zones permit printing and publishing shops
Medical/ Scientific Manufacturing and Production	P	P	--	--	--	--	--	--	--	--	--	Permitted in existing CR
TRANSPORTATION												
Bus, Rail Terminal/Station	L	P	--	--	SE	SE	SE	SE	SE	--	--	Permitted in existing CR; Limited use standard prohibits bus or train storage
Railroad Tracks	P	--	--	P	--	P	P	P	P	--	--	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Taxi/Limo Facility	L	P	P	--	--	P	P	P	P	P	P	Consistency of zone consolidation. Limited use standard prohibits vehicle storage
UTILITIES												
Distribution Line (Above Ground)	L	--	P	--	--	--	--	--	--	--	--	- Added for consistency of zone consolidation - Limited use standard allows only electric distribution lines
Distribution Line (Below Ground)	P	--	P	--	--	--	--	--	--	--	--	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Pipeline (Above Ground)	C	--	--	--	--	--	--	--	--	--	--	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Pipeline (Below Ground)	P	--	--	P	--	P	P	P	P	--	--	Consistency of zone consolidation. Allowed in most commercial mixed-use zones
Public Utility Structure	L	P	SE	SE	SE	SE	SE	SE	SE	--	P	Limited use standard is a site plan requirement if abutting or confronting a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use
WAREHOUSE												
Self-Storage		--	--	--	--	P	--	--	--	--	--	- Consistency of zone consolidation - In CBD-1, only permitted if in an arts and entertainment district and established before a certain date
Storage Facility	L	--	--	--	--	--	--	--	--	--	--	- Existing CR limits size to less than 10,000 SF, which is incorporated in the Limited use standards

	Proposed CR Zone	TMX-2	RMX-3C	CBD-0.5 (Optional Method)	CBD-R1 (Optional Method)	CBD-1 (Optional Method)	CBD-2 (Optional Method)	CBD-3 (Optional Method)	CBD-R2 (Optional Method)	TS-R	TS-M	Notes
Acreage Converting to CR and % of total zone acreage	--	623.19 acres 100%	3.25 acres 100%	12.08 acres 100%	13.40 acres 100%	156.24 acres 100%	109.32 acres 100%	24.93 acres 100%	48.76 acres 100%	24.21 acres 100%	38.57 acres 100%	--
MISCELLANEOUS												
Solar Collection System	L	--	--	--	--	--	--	--	--	--	--	This is a new use in the use table; in the existing zones it can be done under the use Accessory Buildings and Uses

Uses Removed from the Ordinance CBDs: Opportunity Housing Projects; Swimming Pools, Private

38

Commercial/Residential Zones

Proposed Draft:

Article 59-2: Zoning Districts

Section 2.1.6.A establishes 3 Commercial/Residential zones, Commercial Residential Neighborhood (CRN), Commercial Residential Town (CRT), and Commercial Residential (CR). As in the current code, each CRN, CRT, and CR zone classification is followed by a number and a sequence of 3 additional symbols: C, R, and H, each followed by another number where:

- a. The number following the classification is the maximum total FAR allowed;
- b. The number following the C is the maximum nonresidential FAR allowed;
- c. The number following the R is the maximum residential FAR allowed; and
- d. The number following the H is the maximum building height in feet allowed.

The CRN, CRT, and CR zones will be applied on the Zoning Map by showing, for each property classified, the maximum total FAR, maximum nonresidential FAR (C), maximum residential FAR (R), and maximum height (H). Each unique sequence is a zone under the following limits:

Zone	Total FAR (max)	C FAR (max)	R FAR (max)	Height (max)
CRN	0.25 to 1.5 0.00	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.5 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

Section 2.1.6.B provides an general intent statement for this set of C/R zones as well as an intent statement for each zone, CRN, CRT, and CR.

Changes from the current code:

- The lower end of the maximum height range for the CRT and CR zones has been decreased from 40 feet to 35 feet.
- The draft contains special provisions for "T" zones translated from certain zones existing before [date of adoption of district map amendment minus one].
 - i. These special provisions are temporary and apply to certain properties rezoned by District Map Amendment to implement this Chapter and are indicated on the zoning map as the zoning classification followed by a T, such as "CR2.0 C1.5 R1.5 H75 T".
 - ii. For Commercial/Residential-zoned properties designated with a T, the following provisions apply:
 1. Residential density may be increased above the number following the R on the zoning map by up to 1.195 times for MPDUs provided above 12.5% as allowed under Chapter 25A. The density bonus achieved is equal to the percent indicated in Chapter 25A (Sec. 25A-5.(c)(3)) minus the increment above 12.5%. MPDUs provided

- over 12.5% are not considered in the calculation of gross floor area.
2. Total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential density bonus achieved.
 3. In any case, to achieve a density bonus under this Section (Sec. 2.1.6.A.6), at least one more MPDU than would be required at 12.5% must be provided.
- iii. On a property within a designated central business district, height may be increased above the number following the H on the zoning map by up to 1.5 times if the height is the minimum necessary for any workforce housing units provided based on the floor area provided for workforce housing units divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.
 - iv. Any density or height increases under this Section (Sec. 2.1.6.A.6) requires site plan under Sec. 8.3.4.
- The general intent statement for the C/R zones follows the description and objectives of the C/R zones provided in the current code with minor modifications to the language as noted below. Individual intent statements for the CRN, CRT, and CR zones are new in the proposed draft.

B. Intent Statements

1. The CRN, CRT, and CR zones permit a mix of residential and non-residential uses at varying densities intensities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and have access to services and amenities while minimizing the need for their reliance on automobile use. The application of the CRN, CRT, and CR zones is appropriate where ecological impacts can be moderated mitigated by co-locating housing, jobs, and services. The objectives intent of the CRN, CRT, and CR zones are is to:

- a. implement the policy recommendations of applicable master and sector plans;
- b. target opportunities for redevelopment of single-use commercial 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, where parking is prohibited between the building and the street;

- d. allow a flexible mix of uses, densities, and building heights appropriate to various contexts settings to ensure compatible relationships with adjoining neighborhoods;
- e. allow integrate an appropriate balance of employment and housing opportunities; and
- f. standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

2. Commercial Residential Neighborhood (CRN)

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers and transitional edges. Retail tenant ground floor footprints are limited in order to preserve community scale.

3. Commercial Residential Town (CRT)

The CRT zone is intended for small downtown, mixed-use, pedestrian oriented centers and edges of larger, more intense downtowns. Retail tenant ground floor footprints are limited in order to preserve the town center scale. Transit options may include light rail, Metro, and bus.

4. Commercial Residential (CR)

The CR zone is intended for larger downtown, mixed-use, and pedestrian oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.

Article 59-3: Uses and Use Standards

Article 59-3 is significantly different in format from the current ordinance. It contains one use table showing all the zones and uses. Next to each use in the table is a section reference for both the definition and any use standards. New, too, is the concept of the limited use. Currently uses are either permitted by-right, "P" in the use table, or require a special exception, denoted "SE". The proposed draft specifies uses as "P", permitted by-right, or "L", permitted by-right but limited by particular use standards, or "C", permitted conditioned on approval by the Board of Appeals or the Hearing Examiner.

The following tables summarize the single use table in Section 3.1.7 of the proposed code. Each table lists all uses allowed by zone, the current use name(s), how the use is allowed, and a brief explanation for uses that have been consolidated or have changed.

Proposed Use/Use Group	Current Use	Allowed in CRN, CRT, or CR	Proposed in CRN, CRT, or CR	Notes
AGRICULTURAL				
Community Garden	Farm, limited to crops, vegetables, herbs, and ornamental plants	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Modification of existing use by allowing multiple growers; limiting coverage, equipment and accessory structure height.
Nursery (Retail)	Nursery, horticultural – retail or wholesale	P (CRT, CR)	P (CRT, CR)	
Urban Farming	Farm, limited to crops, vegetables, herbs, and ornamental plants	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Currently, almost all of the commercial and mixed-use zones prohibit agricultural uses. Urban Farming expands the current Farming use to include the limited keeping and raising of fowl and bees, and the practice of aquaculture.
Accessory Agricultural Uses				
Animal Husbandry		New	L (CRN, CRT, CR)	Animal Husbandry, similar to the Community Garden and Urban Farming use also promotes local food production through beekeeping.
Farm Market, On-Site	Farm and Country Markets	P (CRT, CR) L (CRN)	L (CRN, CRT, CR)	Restricts the sale of products to those produced on site.
Temporary Agricultural Uses				
Agricultural Vending		New	P (CRT, CR) L (CRN)	Currently allowed in several Residential zones. Promotes access to local food production.
Seasonal Outdoor Sales	Seasonal Outdoor Sales	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Limited use standards indicate that a temporary use permit is required, property must be used for nonresidential purposes, and must front a road built to primary or higher standards unless on the site of a Religious Assembly use.

RESIDENTIAL				
Single-Unit Living	Dwellings	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Two-Unit Living	Dwellings	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Townhouse Living	Dwellings	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Group Living (Use Group)	(Use Group – see individual uses below)			
Independent Living Facility for Seniors or Persons with Disabilities	Housing and Related Facilities for Elderly or Handicapped Persons	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Use standards provide requirements for occupancy of a dwelling unit – related to age, marital status, etc...
Personal Living Quarters (up to 50 Individual Units)	Personal Living Quarters	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Limited use standards are from Sec. 59-A-6.15, referenced in a footnote where allowed as a permitted use – in other non-residential zones.
Personal Living Quarters (over 50 Individual Units)	Personal Living Quarters	P (CRN, CRT, CR)	C (CRN, CRT, CR)	The current C/R use table does not distinguish between up to 50 and more than 50 living units. However, several other zones that are proposed to be consolidated into a C/R zone do, allowing the 50+ unit PLQ only as a special exception.
Residential Care Facility (up to 8)	Group Home, small	P (CRN, CRT, CR)	P (CRN, CRT, CR)	Small group homes are a permitted use in all zones, per state law. A small hospice care facility (up to 8 persons) functions in a similar manner to these other residential care facilities.
	Hospice Care Facility	L (CRN) P (CRT, CR)		
	Life Care Facility	P (CRN, CRT, CR)		
Residential Care Facility (9 to 16)	Group Home, large	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	Large Group Homes are either limited or permitted, other care facilities with the same number of residents are allowed in the same way.
	Hospice Care Facility	L (CRN) P (CRT, CR)		
	Life Care Facility	P (CRN, CRT, CR)		

Residential Care Facility (over 16)	Hospice Care Facility	L (CRN) P (CRT, CR)	L (CRN, CRT) P (CR)	These uses have been consolidated with other residential care uses (e.g. nursing home). These uses will be allowed based on the number of residents.
	Life Care Facility	P (CRN, CRT, CR)		
Accessory Residential Uses				
Home Health Practitioner (Low Impact)		new	L (CRN, CRT, CR)	Separated use into low and major impact to clarify use standards and process. Home Occupations allowed.
Home Health Practitioner (Major Impact)		new	C (CRN, CRT, CR)	Separated use into low and major impact to clarify use standards and process. Home Occupations allowed.
Home Occupation (No Impact)	Home Occupation, no impact	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Incorporates footnotes into limited use standards.
Home Occupation (Low Impact)	Home Occupation, registered	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Incorporates footnotes into limited use standards.
Home Occupation (Major Impact)	Home Occupation, major	SE (CRN, CRT, CR)	C (CRN, CRT, CR)	
Live/Work Units	Live/Work Units	P (CRN, CRT, CR)	P (CRN, CRT, CR)	

CIVIC and INSTITUTIONAL				
Ambulance or Rescue Squad (Private)	Ambulances or Rescue Squads, private	L (CRT) P (CR)	L (CRT) P (CR)	
Charitable, Philanthropic Institution	Charitable or Philanthropic Institutions	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Cultural Institution	Cultural Institutions, less than or equal to 5,000 square feet GFA	P (CRN, CRT, CR)	L (CRN) P (CRT, CR)	Limited use standard restricts GFA to a maximum of 5,000 sf under the CRN zone.
	Cultural Institutions, less than or equal to 5,000 square feet GFA	P (CRT, CR)		
Family Day Care (up to 8)	Day Care Facilities and centers with up to 30 users	P (CRN, CRT, CR)	P (CRN, CRT, CR)	The day care for seniors use has been consolidated with the day care for children use. Because the impact of a facility would be similar, this use is proposed as a permitted use up to 8 persons.
Group Day Care (9 to 12)	Day Care Facilities and centers with up to 30 users	P (CRN, CRT, CR)	P (CRN, CRT, CR)	The day care for seniors use has been consolidated with the day care for children use. Because the impact of a facility would be similar, this use is proposed as a permitted use for 9 to 12 persons.
Day Care Center (13 to 30)	Day Care Facilities and centers with up to 30 users	P (CRN, CRT, CR)	P (CRN, CRT, CR)	The day care for seniors use has been consolidated with the day care for children use. Because the impact of a facility would be similar, this use is proposed as a permitted use for 13 to 30 persons.

Day Care Center (over 30)	Day Care Facilities and centers with over 30 users	L (CRN, CRT) P (CR)	L (CRN, CRT) P (CR)	The day care for seniors use has been consolidated with the day care for children use. Because the impact of a facility would be similar, this use is proposed as a conditional –or over 30 persons.
Educational Institution (Private)	Educational Institutions, private	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	
Hospital	Hospitals	P (CRT, CR)	L (CRT) P (CR)	Limited use standard restricts use to property abutting a C/R, Employment, or Industrial zone.
Playground, Outdoor Area (private)	Parks and Playgrounds, private	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Private Club, Service Organization	Private Clubs and Service Organizations	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	
Public Use (except Utilities)	Publicly Owned or Publicly Operated Use	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Religious Assembly	Religious Institutions	P (CRN, CRT, CR)	P (CRN, CRT, CR)	

COMMERCIAL				
Animal Boarding and Care	Animal Boarding Place	SE (CRN, CRT, CR)	C (CRN, CRT, CR)	Modified conditional use standards regarding noise (refers to Noise Ordinance), setback for exterior areas, hours of outdoor care.
Veterinary Office/ Hospital	Veterinary Hospitals and offices without boarding facilities	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Modified conditional use standards regarding noise (refers to Noise Ordinance), setback for exterior areas, hours of outdoor care.
Cable Communication System		new	C (CRN, CRT, CR)	This use is allowed as a special exception in most commercial and mixed-use zones. It has been added to the C/R zone due to zone consolidation.
Restaurant	Eating and Drinking Establishments	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	
Funeral Home, Undertaker		new	L (CRT, CR)	This use is allowed as a permitted or special exception use in several commercial and mixed-use zones. It has been added to the C/R zone due to zone consolidation.

Bed and Breakfast		new	L (CRN, CRT)	Allowed in a detached house building type.
Hotel, Motel	Hotel or Motel	P (CRT, CR)	P (CRT, CR)	
Clinic (up to 4 Medical Practitioners)	Clinic	L (CRN) P (CRT, CR)	P (CRN, CRT, CR)	Current Clinic use does not distinguish size – up to 4 practitioners as a permitted use.
Clinic (more than 4 Medical Practitioners)	Clinic	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	Current Clinic use does not distinguish size – more than 4 practitioners CRN requires a site plan when abutting an Agricultural, Rural Residential or Residential zone.
Medical, Dental Laboratory	Laboratories	P (CRT, CR)	P (CRT, CR)	
Office	Offices, general	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Research and Development	Advanced technology and biotechnology	P (CRT, CR)	P (CRT, CR)	
	Laboratories	P (CRT, CR)		
	Research, Development and Related Activities	P (CRT, CR)		
Structured Parking	Parking Garages, automobile	P (CRT, CR)	P (CRT, CR)	
Surface Parking for Use Allowed in the Zone		new	L (CRN, CRT, CT)	Limited use standards regulate this use as an interim use where a sketch plan is required. Where a sketch plan is not required, use standards regulate landscaping and other requirements.
Conference Center	Conference Center	P (CRT, CR)	P (CRT, CR)	
Health Clubs and Facilities	Health Clubs and Gyms	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	

Recreation and Entertainment, Indoor (Capacity up to 1,000)	Recreational Facilities, participatory	SE (CRN) P (CRT, CR)	C (CRN) L (CRT) P (CR)	Recreation and Entertainment facilities are separated by indoor and outdoor use, as well as number of participants.
Recreation and Entertainment, Outdoor (Capacity up to 1,000)	Recreational Facilities, participatory	SE (CRN) P (CRT, CR)	C (CRN, CRT) P (CR)	Recreation and Entertainment facilities are separated by indoor and outdoor use, as well as number of participants.
Recreation and Entertainment, Major (Capacity over 1,000)	Recreational Facilities, participatory	SE (CRN) P (CRT, CR)	C (CRT) P (CR)	Recreation and Entertainment facilities are separated by indoor and outdoor use, as well as number of participants.
Retail/Service Establishment up to 5,000 SF	Retail trades, businesses, and services of a general commercial nature with each tenant footprint up to 5,000 SF	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Retail/Service Establishment 5,001-15,000 SF	Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 5,000 and 15,000 SF	L (CRN) P (CRT, CR)	L (CRN) P (CRT, CR)	
Retail/Service Establishment 15,000-50,000 SF	Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 15,000 and 60,000 SF	P (CRT, CR)	L (CRN) P (CRT, CR)	Limited use standard requires site plan when abutting property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use.
Retail/Service Establishment 50,001-85,000 SF	Retail trades, businesses, and services of a general commercial nature with each tenant footprint between 15,000 and 60,000 SF and over 60,000 SF	P (CRT, CR) up to 60,000 SF L (CRT) P (CR) Over 60,000 SF	L (CRT, CR)	Limited use standard requires site plan when abutting property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use. In addition, if within ½ mile of Metro other requirements must be met.

Retail/Service Establishment 85,001-120,000 SF	Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000 SF	L (CRT) P (CR)	L (CRT, CR)	Limited use standard requires site plan when abutting property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use. In addition, if within ½ mile of Metro other requirements must be met.
Retail/Service Establishment 120,001 SF and over	Retail trades, businesses, and services of a general commercial nature with each tenant footprint over 60,000 SF	L (CRT) P (CR)	L (CRT, CR)	Limited use standard requires site plan when abutting property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use. In addition, if within ½ mile of Metro other requirements must be met.
Light Vehicle Sales, and Rental (Indoor)	Automobile Sales, Indoors	L (CRT) P (CR)	L (CRT) P (CR)	Limited use standard prohibits access to the site from a residential street, and requires site plan approval.
	Automobile Rental Services, excluding automobile storage and supplies	P (CRN, CRT, CR)		
	Automobile Rental services, including automobile storages and supplies	L (CRT, CR)		
	Automobile Sales, Outdoors	L (CRT) P (CR)		
Car Wash		new	C (CRT)	Several current commercial and mixed-use zones allow a Car Wash as a special exception use. Some of these zones will convert to CR while others covert to CRT. A Car Wash has been added to the CRT zone as a conditional use.
Filling Station	Automobile Filling Station	SE (CRT, CR)	C (CRT, CR)	

Repair, minor	Automobile Repair and Services	L (CRT) P (CR)	L (CRT, CR)	Proposed draft splits vehicle repair into minor and major repair. Specific use standards have been added if the use abuts a property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use.
Repair, major	Automobile Repair and Services	L (CRT) P (CR)	C (CRT, CR)	Proposed draft splits vehicle repair into minor and major repair. Specific use standards have been added if the use abuts a property in an Agricultural, Rural Residential, or Residential zone vacant or improved with an agricultural or residential use.
Accessory Commercial Uses				
Amateur Radio Facility (up to 65')		new	P (CRN, CRT, CR)	An Amateur Radio Facility is permitted with a height up to 65 feet in almost all commercial and mixed-use zones.
Amateur Radio Facility (over 65')		new	C (CRN, CRT, CR)	Where height is greater than 65 feet, a special exception/conditional use approval is required.
Antenna on existing structure	Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment rooms	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Incorporates standards under Section A-6.12 and A-6.14 attached to this use in several commercial and mixed-use zones.
Drive Thru Facility		new	L (CRT, CR)	Use is discussed in Sec. 59-C-15.634 but not included in the use table for the C/R zones.
Temporary Commercial Uses				
Construction Administration or Sales Office	Temporary Construction Administration or Sales Office	P (CRN, CRT, CR)	L (CRN, CRT, CR)	Currently allowed in all zones under certain conditions stated in Section A-6.11.

Transitory Use		new	L (CRN, CRT, CR)	Incorporates standards under Section A-6.22. Allowed in almost all commercial and mixed-use zones.
INDUSTRIAL				
Dry Cleaning Facility, up to 3,000 SF	Dry Cleaning and Laundry, consisting of no more than 3,000 SF of GFA.	P (CRT, CR)	L (CRT, CR)	Limited use standard prohibits cleaning and laundering for another establishment.
Artisan Manufacturing and Production	Manufacturing and production, artisan	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Medical/Scientific Manufacturing and Production	Manufacturing and assembly of medical, scientific, or technical instruments, devices and equipment	L (CRT) P (CR)	L (CRT) P (CR)	Consolidated to similar uses.
	Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and products resulting from biotechnical and biogenetic research and development	L (CRT) P (CR)		
Bus, Rail Terminal	Bus Terminal, non-public	P (CRT, CR)	L (CRT, CR)	Storage of train cars or buses is prohibited.
Railroad Tracks		new	P (CRN, CRT, CR)	Allowed in several mixed-use zones. Added to C/R for zone consolidation
Taxi/Limo Facility		new	L (CRT, CR)	Taxicab stands are allowed in almost all commercial, mixed-use zones.

Distribution Lines (Above Ground)		new	L (CRT, CR)	Electric Power Transmission and Distribution Lines, overhead, carrying more than 69,000 volts cannot be regulated under the zoning ordinance
Distribution Lines (Below Ground)		new	P (CRN, CRT, CR)	Allowed in several mixed-use zones.
Pipeline (Above Ground)		new	C (CRN, CRT, CR)	Allowed in some mixed-use zones.
Pipeline (Below Ground)		new	P (CRN, CRT, CR)	Allowed in several mixed-use zones.
Public Utility Structure	Public Utility Buildings, Structures, and underground facilities	P (CRT, CR)	C (CRN) L (CRT, CR))	This use is a special exception in several mixed-use zones therefore due to consolidation of zones it is C in the CRN zone, and retains the subjective special exception standards as the limited use standards for the CRT and CR zones.
Self-Storage	Self-storage	SE (CRT, CR)	C (CRT)	Use removed from the CR zone.
Storage facility	Warehousing, not including self-storage, less than 10,000 SF	P (CRT, CR)	L (CRT, CR)	Limited use standard restricts the size to less than 10,000 SF
MISCELLANEOUS				
Solar Collection System		new	L (CRN, CRT, CR)	Provides use standards specific to solar panels as an accessory use.
ACCESSORY MISCELLANEOUS USES				
Accessory Structures	Accessory Buildings, and Uses	P (CRN, CRT, CR)	P (CRN, CRT, CR)	
Accessory Uses	Accessory Buildings, and Uses	P (CRN, CRT, CR)	P (CRN, CRT, CR)	

Changes from the current code:

- Use Consolidation and Simplification

1. Residential Care Facility

- The proposed code recommends consolidating 5 residential care-type uses into one use, Residential Care Facility, which is differentiated by the capacity of the facility.
- Residential care homes that care for up to 8 persons are a permitted use in almost every zone. Currently, in the C/R zones this includes Group Home, Small (up to 8 residents).
- A Group Home, Large (9-16 residents) and a Hospice Care Facility are limited uses in the CRN zone (requiring site plan), and are permitted uses in the CRT and CR zones.
- A Life Care Facility (includes Assisted Living and Nursing Home Care) is a permitted use in all three C/R zones.
- In the proposed code, Residential Care Facility (up to 8) is a permitted use in the C/R zones. Residential Care Facility (9-16 persons) and Residential Care Facility (over 16 persons) are proposed as limited uses in the CRN zone, and as permitted uses in the CRT, and CR zones.

2. Day Care Facility

- Adult and child day care uses have been consolidated under a broader day care use without differentiating the use based on recipient age.
- Currently, under the C/R zones the Day Care Facility use is split into 2 uses based on size; one for up to 30 users, the other for more than 30 users.
- The proposed code also distinguishes the Day Care use based on capacity, providing a more fine-grained separation based on size to accommodate the day use in other zones.
- Following the current day care uses in C/R, the proposed day care uses up to 30 persons are permitted in all three zones, CRN, CRT, and CR.
- Day Care Center (over 30 persons) is a limited use in the CRN and CRT zones and a permitted use in the CR zone. This is the same as is currently allowed in the C/R zones.

3. Personal Living Quarters (PLQs)

- Under the current C/R zones PLQs are a permitted use, regardless of the number of units. In other commercial and mixed-use zones, the PLQ use is split into PLQs (up to 50 units) and PLQs (over 50 units). Typically, PLQs (up to 50 units) is allowed as a permitted

use and PLQs (over 50 units) is a special exception under the current code.

- The proposed draft recommends that PLQs (up to 50 units) be allowed as a limited use with standards from Sec. 59-A-6.15 of the current code. These standards are typically referenced in a footnote where the use is allowed as a permitted use.
- The proposed draft recommends that PLQs (over 50 units) be allowed as a conditional use as several other zones that are proposed to be consolidated into a C/R zone require a special exception for this use

4. Recreation and Entertainment Facilities

- Under the current C/R zones, Recreation and Entertainment Facilities are allowed as one use, Recreational Facilities, Participatory. The current use requires a special exception in the CRN zone, and is permitted in the CRT and CR zones.
 - In the proposed draft, there are three recreational uses based on the number of participants and whether the use occurs predominantly indoors, or outdoors.
 - For the CRN zone, Recreation and Entertainment Facility, Indoor (capacity up to 1,000) and Recreation and Entertainment Facility, Outdoor (capacity up to 1,000) are conditional uses. This is basically how the use is currently allowed under the CRN zone.
 - For the CRT zone, Recreation and Entertainment Facility, Indoor (capacity up to 1,000) is a limited use, whereas Recreation and Entertainment Facility, Outdoor (capacity up to 1,000) and Recreation and Entertainment Facility, Major (capacity over 1,000) are conditional uses. This change in the way recreational uses are allowed in the CRT zone was prompted by the consolidation of several recreational uses (approximately 20), and the consolidation of several mixed-use and commercial zones (more than 15).
 - For the CR zone, all three proposed recreational uses are allowed as a permitted use, therefore there is no change with respect to the CR zone.
- Modified Conditional Use Standards
 - **Animal Boarding and Care**
 - Some of the current special exception standards for animal boarding in a rural or residential zone have been modified.
 - i. ~~On weekdays, The sound at the nearest receiving property line cannot must not exceed 60 dBA. between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal~~

~~holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.~~

- ii. For all buildings in which animals will be present contained, ~~maximum expected interior sound levels emanating from the interior of the building must be reduced to 40 dBA (A-weighted decibels) outside satisfy Chapter 31B as measured at ten feet from the structure at the property line.~~
 - o Propose to combine into one standard, "The sound at the nearest property line must not exceed the maximum allowable noise levels as specified under Chapter 31B."
- iii. ~~No~~ Animals are prohibited from being ~~may be~~ outdoors between ~~6~~ 9:00 p.m. and ~~8~~ 7:00 a.m. (This corresponds to the definition of weekday, nighttime hours under Chapter 31 B).
- iv. All buildings and accessory structures must be set back ~~from any property line~~ a minimum of ~~75~~ 50 feet from any lot line.

- **Veterinary Office/Hospital**

- i. ~~On weekdays, The sound at the nearest receiving property line cannot must not exceed 60 dBA. between the hours of 8 a.m. to 6 p.m. and 50 dBA between the hours of 6 p.m. to 8 a.m. On Saturdays, Sundays, and federal holidays, the sound at the nearest receiving property line must not exceed 60 dBA between the hours of 9 a.m. to 6 p.m. and 50 dBA between 6 p.m. and 9 a.m. Terms are defined in accordance with the Montgomery County Noise Ordinance (Chapter 31B of the Montgomery County Code). In any event, the predicted maximum receiving property line sound levels must not exceed the characteristic ambient sound levels by more than 3 dBA at any time.~~
- ii. For all buildings in which animals will be present contained, ~~maximum expected interior sound levels emanating from the interior of the building must be reduced to 40 dBA (A-weighted decibels) outside satisfy Chapter 31B as measured at ten feet from the structure at the property line.~~

- Propose to combine into one standard, “The sound at the nearest property line must not exceed the maximum allowable noise level as specified under Chapter 31B.”
 - iii. ~~No~~ Animals are prohibited from being ~~may be~~ outdoors between ~~6~~ 9:00 p.m. and ~~8~~ 7:00 a.m. (This corresponds to the definition of weekday, nighttime hours under Chapter 31 B).
 - iv. All buildings and accessory structures must be set back ~~from any property line~~ a minimum of 50 feet from any residential lot line.
 - v. Exterior areas used to exercise, walk or keep animals must be set back ~~from any property line~~ a minimum of ~~200~~ 75 feet from any lot line and screened from adjacent residential properties.
- **Hospital**
 - Currently, a hospital is a permitted use in the CRT zone. The proposed draft recommends a hospital as a limited use in the CRT zone where the limited use standard requires that the property abut land in a C/R, Employment or Industrial zone.
- **Retail/Service Establishment**
 - In the current code, the use Retail Trades, Businesses and Services is broken down into 4 separate uses based on the size (in square feet) of the establishment.
 - The proposed draft renames the use Retail/Service Establishments and breaks down the use into 6 separates uses based on size.
 - For the CRN zone, current establishments over 15,000 SF are not allowed. The proposed draft allows establishments between 15,001 and 50,000 SF in the CRN zone, but restricts the use to a grocery store.
 - For the CRT zone, limited use standards kick in at 50,001 SF in the proposed draft rather than 60,001 SF.
 - For the CRT and Cr zones, limited use standards regulate the form of development for projects with ½ mile of metro containing either a 50,000 SF footprint, or 100,000 SF of GFA.
- **New Uses**
 1. **Community Garden**
 - A Community Garden is the cultivation of land by a group of people to grow products for personal use or distribution; not for sale on-site. The limited use standards restrict gross floor area of all structures to 10% of the lot or parcel, accessory structure height is limited to 12 feet, and only manual or walk-behind

mechanical equipment and practices commonly used in residential gardening is allowed. Currently, the use Farm, limited to crops, vegetables, herbs, and ornamental plants is allowed as a permitted use in all three C/R zones.

2. Urban Farming

- Urban Farming allows for the raising of crops, vegetables, herbs, and ornamental plants, as well as the limited keeping of hen, bees and aquaculture. Urban Farming is a limited use in all three C/R zones. Currently, these zones allow as a permitted use a Farm, limited to crops, vegetables, herbs, and ornamental plants.
- Urban Farming expands the agricultural activities allowed under this use, but also provides numerous standards to regulate its intensity.

3. Animal Husbandry

- This is a new use in code designed to allow the modest raising of small farm animals and fowl as an accessory to household living.
- In the C/R zones, this use is limited to only the keeping of bees.

4. Agricultural Vending

- This is a new in the C/R zones added to support land uses that provide greater access to locally grown food.

5. Home Health Practitioner

- Currently Home Occupations are allowed in the C/R zones. The proposed draft adds Home Health Practitioner (Low Impact and Major Impact). In a fashion similar to Home Occupations, and the manner in which Home Health Practitioners are allowed in other zones, the Low Impact practitioner office is a limited use, and the Major Impact practitioner requires a conditional use approval.

6. Bed and Breakfast

- In addition to this use being added to the C/R zones, so is the explicit allowance of all residential building type.
- With the addition of allowing a Detached House in the C/R zones, a Bed and Breakfast use seemed appropriate.

7. Drive Thru

- Not technically a new use to the C/R zones, but new to the use table.
- Under the current code Drive Thru facilities are regulated under Sec. 59-C-15.634, requiring site plan, certain setbacks and queuing standards. These standards are retained and a Drive Thru is allowed a limited use in the CRT and CR zones.

- 8. **Solar Collection System**
 - A Solar Collection System is allowed only as an accessory use; free-standing systems are limited to the production of 120% of the on-site energy consumption.
 - Other standards are provided to regulate height exemptions and use over surface parking lots.

- Zone Consolidation
 1. **Cable Communication System**
 - Allowed as a conditional use in the C/R zones. Currently a special exception use allowed in almost all commercial and mixed-use zones.
 2. **Funeral Home, Undertaker**
 - Recommended as a limited use in the CRT and CR zones. Currently, a funeral home is a permitted or special exception use in several mixed-use zones consolidating into CRT. A funeral home is also allowed as a special exception in CBD-1 and CBD-2 which are proposed for conversion to CR.
 3. **Surface Parking for Use allowed in the zone**
 - The uses Parking of Automobiles, Off-street in Connection with Any Use Permitted, and Parking Lots, Automobile, Commercial are allowed as permitted uses in most mixed-use and commercial zones.
 - The proposed draft recommends retaining this use as a limited use with standards regarding phasing of sketch plan projects, landscaping, and proximity to use for which the parking is provided.
 4. **Car Wash**
 - Proposed as a conditional use in the CRT zone to accommodate the use in several mixed-use zones that currently allow it as a special exception.
 5. **(Vehicle Service) Repair, Major**
 - Under the current code, the use Vehicle Repair and Service is a limited use in the CRT zone and a permitted use in CR zone. Other commercial and mixed-use zones require a special exception for any type of car repair.
 - The proposed draft splits automobile repair into 2 uses, minor and major allowing minor repair as a limited use and major repair as a special exception use in the CRT, and CR zones.
 6. **Amateur Radio Facility**
 - Currently allowed in most mixed-use and commercial zones as a P/SE. Draft proposes to retain this standard, separating the use into “up to 65 ft” as a permitted use, and “over 65 ft” as a conditional use.

7. Transitory use

- Under the current code, a transitory use is a P/SE in almost all mixed-use and commercial zones.
- The draft proposes to allow transitory uses as a limited use – the change here is that a conditional use could be allowed as a transitory use if it met all the limited use standards.

8. Railroad

- Currently a permitted use in several commercial and mixed-use zones, retained use.

9. Taxi/Limo Facility

- Currently Taxi Stands are a permitted use in most commercial and mixed-use zones, retained use as a limited use in the CRT and CR zones, prohibiting the storage of vehicles.

10. Distribution Lines and Pipelines

- The use Distribution Lines (above and below ground) refers mainly to power lines and telephone lines. It is currently permitted in several mixed-use and commercial zones and is therefore recommended for retention.
- Pipelines (above ground) are allowed in a few zones and have been retained as a conditional use in the C/R zones.
- Pipelines (below ground) are currently allowed more liberally and are therefore recommended as a permitted use in the C/R zones.

11. Public Utility Structure

- This use is a special exception in several mixed-use zones therefore due to consolidation of zones it is recommended as a conditional use in the CRN zone, and as a limited use in the CRT and CR zones retaining the subjective special exception standards.

• Uses Removed

- The Nursery, Wholesale use is separate from the retail nursery; the retail nursery is a permitted use in the C/R zones. The wholesale nursery has not been retained in these zones –it is allowed in the AR, Rural Residential, RE-2, RE-2C, RE-1, R-200, IL, and IM zones.
- Self-Storage has been removed as a use allowed in the CR zone. It is a conditional use in the CRT zone, a limited use in the GR zone, and a permitted use in the IL and IM zones.

Article 59-4: Euclidean Zone Requirements: General and Standard Method

This article provides general information regarding building types, measurements and exceptions, development requirements for standard method development by zone, and regulations for overlay zones.

Changes from the current code:

Section 4.1.3 Building Types is an entirely new section establishing building types and describing their basic attributes. Section 4.1.4 Building Types Allowed by Zone is also an entirely new section establishing which building types are allowed in each zone. Standards for the general building are entirely new reflecting the need to address the development of uses other than residential living that are currently allowed in Residential zones. Some building types are only allowed under the optional method of development – either MPDU and/or Cluster.

Section 4.1.5 Measurement and Exceptions replaces several definitions from Section 59-A-2 and Article 59-B. This section is organized to parallel the development standard tables for each of the zones:

- A. Site;
- B. Lot and Density;
- C. Placement;
- D. Height; and
- E. Form.

Several terms, not defined under the current, are defined in this section. Site is defined as “an area of land including all existing and proposed lots and parcels in one application, except proposed and existing dedications and rights-of-way.” Lot has been redefined from “A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this chapter, having a least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public street or public way” to “A contiguous area of land that is described by a plat recorded in the land records for which a building permit can be issued.” This change removes unnecessary language about development standards that are addressed by the standards of the zone.

A new section defining building setbacks and their measurement has been added. Corner lots remain defined as they currently are; the proposed language for the measurement of setbacks on corner lots is similar, but the proposed addressing language for corner lots is new. An entirely new concept – a “Build-to Area” is proposed for use in mixed-use, higher density zones. Surface parking setbacks are defined and their measurement is established.

Building coverage has been redefined to include parking structures but remains otherwise similar. A new section has been added that clarifies which structures are not included in building coverage: Sec. 4.1.5.C.5.a.ii. Building coverage does not include paved areas such as driveways, pedestrian walkways, bay windows, uncovered porches or patios, decks, swimming pools, or roof overhangs.

Setback encroachments have been separated into three sections: Building Features, Mechanical Equipment and Utility Lines, and Other Encroachments. This section generally replaces Divisions 59-B-2 and 59-B-3. The only significant change in building feature encroachments is the removal of the requirement that an unenclosed balcony

be less than 10 feet wide to project into a required setback; the requirements that it maintain at least a 2-foot setback is retained. This change encourages building forms that provide more outdoor space and more flexible building forms that decrease the sense of mass and scale.

Several requests from designers and developers have been received to allow balconies and awnings to project into rights-of way because of the small setbacks. This is done in numerous jurisdictions, and is especially important in tight, historic situations and where urbanization and pedestrian-oriented sidewalk life is encouraged. At this point, Staff has not proposed such a change – there are small (6”) allowances for sills and cornices in keeping with the existing ordinance.

A provision to allow for conservation and environmental site design facilities has been added: Sec. 4.1.5.C.6.b.ii. Permanent rainwater collection or harvesting systems may project a maximum of 3 feet into any side street, side interior, or rear setback.

Height of building: Building height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. On a corner lot exceeding 20,000 square feet, the height of the building may be measured from either adjoining curb grade. For a lot extending through from street to street, the height may be measured from either curb grade. In the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. The only change between this language and the current code is requiring the measure of height from “curb” grade rather than “approved street grade”.

Form standards are entirely new and apply mostly to multi-use and general buildings in mixed-use zones. The draft provides standards for transparency, blank wall area, and allowed building elements (porch, stoop, awning, gallery, etc.). Minimum transparency and blank wall area requirements help to create a more pedestrian-friendly environment with more active streetscapes in appropriate zones.

Div. 4.5 Changes from Current Code

In the existing ordinance, the establishment of the C/R zones (59-C-15.1), applicability of the zones (59-C-15.13), the description and objectives of the C/R zones (59-C-15.2), and Density and Height Allocation (59-C-15.12.1) have moved to Article 59-2. The specific changes to these sections are dealt with under different sections of this Report. The definitions in the existing C/R zones have been incorporated into use definitions, covered elsewhere, and the definitions section.

FAR Averaging, as it is termed in the proposed draft, is basically the same as Density Averaging (59-C-12.122) under the current code. The triggers for optional method, under proposed Sec. 4.5.2, are the same in the proposed draft as the current ordinance. Site plan triggers for standard method are different and will be reviewed in later

worksessions on process, but many concepts developed in the original C/R zones still apply – reviews are based on uses, intensity, abutting properties, etc. Similarly, the sketch plan provisions (59-C-15.43), and Master plan and design guidelines conformance (59-C-15.61) have been moved to Article 59-8. Administration and Procedures.

Parking requirements and standards have been moved to Article 59-7. General Development Requirements, which will be discussed in later review worksessions. The neighborhood compatibility requirement that establishes an angular plane restricting height when C/R-zoned property is next to Agricultural, Rural Residential, or Residential Detached zones has been modified to include confronting property situations and has also moved to Article 59-7.

The current ordinance has few development standards. Density and height remain specified by the zone itself. Setbacks, however, only applied under the “neighborhood compatibility” requirement discussed above. In the proposed ordinance, development standards are established for standard method development in several categories: site (open space); lot and density; placement; height; and form. Public use space for standard method projects remains the same, except no open space is required for detached or duplex lots. Townhouse developments must provide common open area for their residents rather than public use space.

Minimum lot sizes, widths, and coverage apply to detached, duplex, and townhouse development. Setbacks apply to all building types with new restrictions on maximum setbacks in some cases. Form standards are entirely new and apply to Apartment/Condo, Multi-Use, and General Building building types.

Article 59-6: Optional Method Requirements

The optional methods of development contain alternative development requirements for the zones in which the method is allowed.

Changes from the current code:

Optional method development in the C/R zones is based on the current code. The procedures for approval, master plan and design guideline conformance, open space, and neighborhood compatibility regulations are all the same (although as stated above may be located in a different article).

The building types allowed are new to the ordinance, generally, but development standards are flexible and established during the approval process as they currently are; density and height are, of course, set by the mapped zone.

The public benefit point and category requirements have been modified to include a third level whereby based on tract size or maximum FAR, additional public benefits are required as well as an additional benefit category.

For the CRT zone – projects over 1,250,000 SF or 3.5 maximum FAR will be required to provide 75 public benefit points in 4 categories. For the CR zone, projects over 1,250,000 SF or 3.5

maximum FAR will be required to provide 125 public benefit points in 5 categories. This change was prompted by concern that very large developments provide the same number of public benefit points as some more modest projects.

All of the existing categories for public benefits have been retained except for the “building reuse” category, which is proposed as a separate benefit under the Protection and Enhancement of the Natural Environment category.

Major Public Facilities is not substantively changed. Transit Proximity has been modified with following ZTA 17-21 which recently amended the current code by adding a Level 3 to Transit Proximity. The last sentence in the definition of transit proximity was not captured, “All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance” and should be retained.

Under Connectivity and Mobility:

- “Transit Access Improvements” and “Streetscape Improvements” have been combined. The combined public benefit can earn up to 20 public benefit points.
- “Neighborhood Services”, “Through-Block Connections”, “Trip Mitigation”, and “Way-Finding” are all proposed with lower maximum points than currently allowed. Each one was reduced by 5 points.
- “Advanced Dedication” retained a maximum of 30 public benefit points for advanced dedication under the CR zone, but lower the maximum earned under the CRT zone to 15 points.

The criteria have not, however, changed; the proposed reduction is based on discussion and criticism regarding the ease of providing these public benefits when compared to other benefits such as affordable housing.

Under the Diversity of Uses and Activities:

- “Adaptive Buildings” and “Live/Work” units” and “Enhanced Accessibility for Seniors or the Disabled” are all proposed with lower maximum points than currently allowed. Each one was reduced by 5 points.
- The reduction to “Enhanced Accessibility for Seniors or the Disabled” public benefit was the result of adding a new public benefit, “Enhanced Visitability for Seniors or the Disabled” that can also earn up to 15 public benefit points.
- Last, “Workforce Housing”, which was approved with the original C/R zones, has been reintroduced.

Under the Quality Building and Site Design:

- The only change proposed is a reduction of the maximum points allowed for the “Tower Step-Back” public benefit.
- “Enhanced Recreation Facilities” is a new proposed public benefit.

Under the Protection and Enhancement of the Natural Environment:

- Several changes are proposed. First, several public benefits are proposed with lower maximum points (for the same reasons as those modified above).
- “Cool Roof”, “Energy Conservation”, “Recycling Facility Plan”, “Tree Canopy”, “Vegetated Area”, “Vegetated Roof”, and “Vegetated Wall” are all reduced by 5 points.

- The calculation of “BLTs” points has been modified. With respect to the CR zone the change in relative points and square feet values makes little difference.
- “BLTs” are optional for all zones that require public benefit points.
- The maximum number of public benefit points earned from the purchase of “BLTs” is 30, an increase of 5 points.
- “TDRs” have been added to accommodate mixed-use zones that are within TDR overlay zones. When a development in a TDR overlay zone is under the optional method, TDRs are required.
- The formula for TDRs is based on the cost per point for a BLT (based on square footage of incentive density) and the equivalent cost of a TDR.
- Although mandatory for optional method in the TDR overlay zone, it is recommended that they be optional for any C/R or Employment zone optional method development providing up to a maximum of 20 points.

Article 59-7: General Development Requirements

This article provides general requirements for all development with respect to parking, open space, landscaping, outdoor lighting, compatibility standards, and signs. While many of the requirements are not new, the organization of these requirements into one section is new to the code.

Most of the changes to the general requirements are based on achieving greater sustainability relating to issues such as impervious area, tree canopy, air and water quality, and public health. Some changes provide more certainty to the community and developers as to what to expect during the development review process. To this end:

- Parking requirements are generally lower and surface parking require more landscaping;
- Open space has minimum permeable and tree canopy requirements; and
- Landscape and lighting standards have been codified.

To protect established neighborhoods, the general requirements have been modified to include compatibility standards— establishing setback, height, and screening standards based on the abutting uses, further requirements for outdoor storage and display, and lighting restrictions.

Each Division of this Article has an alternative compliance section allowing the deciding body to approve an alternative method of compliance if the intent of the Division is satisfied, the functional results are met or exceeded and the alternative plan is in the public interest. These provisions allow flexibility for new, innovative ideas, and creative solutions to site issues.

Specific changes between the current code and that proposed as it relates to the C/R zones will be highlighted during a worksession dedicated to addressing changes in general requirements.

General changes include:

Site Access (Div. 7.1.)

- Driveway dimensions based on zone instead of one set of standards for all zones.
- Minimum required width of driveways has been modified.
- Added maximum width for driveway access.
- Added maximum number of driveways allowed for every 300 feet of site frontage along any street.
- Added restriction to driveways on corner or through lots.

Parking, Queuing and Loading (Div. 7.2.)

- New adjustments to vehicle parking minimums (Sec. 7.2.3.)
- Modified Parking Lot Districts (per impending changes to Chapter 60)
- Modified vehicle parking requirements based on recommendations from MCDOT's Parking Policy Study, the Institute of Transportation Engineers and the Urban Land Institute (Sec. 7.2.4.B).
- Modified bicycle parking requirements
- New design standards for queuing in drive-thru lanes (Sec. 7.2.7.).
- New requirements for off-street spaces and design standards for loading facilities (Sec. 7.2.8).
- Modification of parking lot landscaping requirements (Sec. 7.2.9.)
- Parking facility plans (from existing code) replaced with requirements about site access (Div. 7.1.) or parking, queuing and loading (Div. 7.2).
- Share-a-ride provisions not retained.

Open Space (Div. 7.3.)

- Consolidated open space requirements for all zones into one division; currently they are spread throughout the code.
- Changed the name of green space to amenity open space.
- Added permeable area and tree canopy requirements and lighting standards

Compatibility Standards (Div. 7.4.)

- Adds new standards for setbacks, heights and screening requirements based on the building type and the abutting zone to ensure context sensitive infill development and protection of existing neighborhoods.

General Landscaping and Outdoor Lighting (Div. 7.5.)

- Prohibits use of invasive plants in any required plantings.
- Provides reference to American Standards for Nursery Stock and the Manual of Woody Landscape Plants.
- Defines types of plants materials and the size required at planting time.
- Gives new lighting standards (lighting for conditional uses abutting/ confronting detached houses is the same as existing code).

Article 59-8: Administration and Procedures

This article provides a summary of the review and approval authority for District Council approvals, regulatory approvals, and administrative approvals required under the zoning code.

Changes from the current code:

The majority of changes made to the administration and procedures of the code are general and not specific to a particular zone.

Changes to procedure that are zone specific include modifications in how a use is allowed within a zone. Some uses that are currently a special exception, requiring approval by the Hearing Examiner and/or the Board of Appeals may be proposed as a limited use whereby the standards for approval are listed in the code, and approval can be made by DPS. Some limited uses require site plan approval.

Several permitted uses are proposed to be a limited use in order to incorporate existing footnotes. Most of these footnotes limit or specify standards that must be met in order for the use to be approved. Thus changes from a permitted to a limited use rarely change the nature of the approval process.

There are no current special exception uses under the C/R zones that are proposed to become a permitted or limited use.



Commercial Residential Neighborhood (CRN)

Intent

The CRN zone is intended for pedestrian-scale, neighborhood-serving mixed-use centers, and transitional edges. Retail tenant ground floor footprints are limited in order to preserve community scale.

Overview of Development Standards

The CRN zone can only be developed using the standard method. Density and height are limited as indicated on the zoning map.



Development Standard	Standard Method
Total FAR (max)	0.25 - 1.5
Commercial FAR (max)	0 - 1.5
Residential FAR (max)	0 - 1.5
Height (max)	25' - 65'
Build-to Area	The area on the lot where a certain percentage of the front façade of a building must be located
Form Standards	Includes building orientation and transparency requirements for apartment/condo, multi use and general building types
Parking Lot Location	Not allowed between building and street
Public Open Space (min % of site area)	0-10% (for most building types)
Site Plan Required	For certain limited uses, or a development application including permitted or limited uses with $\geq 10,000$ SF of GFA or $> 40'$ in height and is abutting or confronting property in an Agricultural, Rural Residential, Residential, or Residential Floating zone

Density and Height Limits

Density in the CRN zone is calculated as an allowed floor area ratio (FAR). FAR is the ratio of the total floor area of buildings on a property to the size of that property. Each CRN zone has a unique sequence of maximum total FAR, maximum non-residential FAR (C), maximum residential FAR (R), and maximum height (H) subject to the limits specified in the table to the left. In most cases, developers must mix residential and non-residential uses to achieve the maximum allowed density.

For example, a CRN zone allowing a maximum total FAR of 1.5, a maximum non-residential FAR of 1.5, a maximum residential FAR of 0.5, and a maximum height of 40 feet would be mapped as follows:

Example CRN1.5 C1.5 R0.5 H40

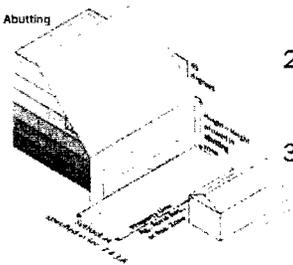
Benefits of the CRN Zone

1. Because density and height can be mapped for each property, the zone can be tailored to fit the surrounding area.
2. Residential development is usually allowed, providing increased opportunities for housing in the County's growing communities.
3. Encourages pedestrian-friendly development because parking is not allowed between the building and the street.

Compatibility Standards

When a CRN-zoned property abuts or confronts a property in an Agricultural, Rural Residential, or Residential zone, it may be subject to compatibility standards regarding:

1. Side and rear setbacks;
2. Height of the building at the setback line; and
3. Screening





Commercial Residential Town (CRT)

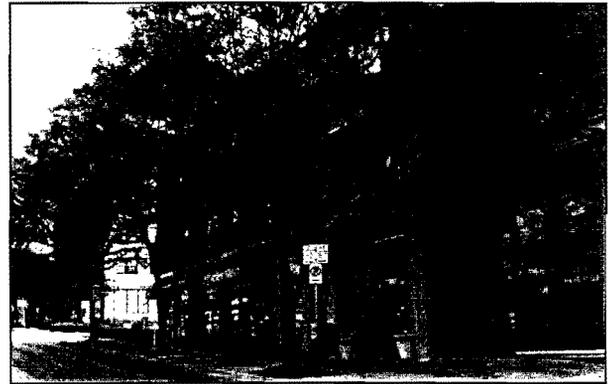
Intent

The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers and transitional edges. Retail tenant ground floor footprints are limited in order to preserve the town center scale. Transit options may include light rail, Metro, and bus.

Overview of Development Standards

Standard method density is limited as indicated in the table below or on the zoning map, whichever FAR is less. Optional method is limited to the density and height indicated on the map.

Development Standard	Standard Method	Optional Method
Total FAR (max)	The greater of 1.0 FAR or 10,000 SF	0.5 - 4.0
C FAR (max)	The greater of 1.0 FAR or 10,000 SF	0.25 - 3.5
R FAR (max)	The greater of 1.0 FAR or 10,000 SF	0.25 - 3.5
Height (max)	35' - 150'	35' - 150'
Build-to Area	The area on the lot where a certain percentage of the front façade of a building must be located	Established at site plan
Form Standards	Includes building orientation and transparency requirements for apartment/condo, multi use, and general building types	Established at site plan
Parking Lot Location	Not allowed between building and street	Established at site plan
Public Open Space (min % of site area)	0-10% (for most building types)	0 -10% (for most building types)
Site Plan Required	For certain limited uses, or a development application including permitted or limited uses with \geq 10,000 SF of GFA or $>$ 40' in height and is abutting or confronting property in an Agricultural, Rural Residential, Residential, or Residential Floating zone	Yes, plus a sketch plan
Public Benefits Required	No	Yes
Compatibility Standards	Yes	Established at site plan



Density and Height Limits

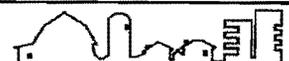
Density in the CRT zone is calculated as an allowed floor area ratio (FAR). FAR is the ratio of the total floor area of buildings on a property to the size of that property. Each CRT zone has a unique sequence of maximum total FAR, maximum non-residential FAR (C), maximum residential FAR (R), and maximum height (H) subject to the limits specified in the table to the left. In most cases, developers must mix residential and non-residential uses to achieve the maximum allowed density.

For example, a CRT zone allowing a maximum total FAR of 3.5, a maximum non-residential FAR of 2.5, a maximum residential FAR of 3.0, and a maximum height of 65 feet would be mapped as follows:

Example CRT3.5 C2.5 R3.0 H65

Benefits of the CRT Zone

1. Because density and height can be mapped for each property, the zone can be tailored to fit the surrounding area.
2. Residential development is usually allowed, providing increased opportunities for housing in the County's growing communities.
3. Encourages pedestrian-friendly development because parking is not allowed between the building and the street.
4. Encourages public benefits that help achieve master plan priorities.





Commercial Residential (CR)

Intent

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options such as Metro, light rail, and bus. Retail tenant gross floor area is not restricted.

Overview of Development Standards

Standard method density is limited as indicated in the table below or on the zoning map, whichever FAR is less. Optional method is limited to the density and height indicated on the map.

Development Standard	Standard Method	Optional Method
Total FAR (max)	The greater of 0.5 FAR or 10,000 SF of GFA	0.5 - 8.0
C FAR (max)	The greater of 0.5 FAR or 10,000 SF of GFA	0.25 - 7.5
R FAR (max)	The greater of 0.5 FAR or 10,000 SF of GFA	0.25 - 7.5
Height (max)	35' - 300'	35' - 300'
Build-to Area	The area on the lot where a certain percentage of the front façade of a building must be located	Established at site plan
Form Standards	Includes building orientation and transparency requirements for apartment/condo buildings, multi use and general building types	Established at site plan
Parking Lot Location	Not allowed between building and street	Established at site plan
Public Open Space (min % of site area)	0 - 10% (for most building types)	0 - 10% (for most building types)
Site Plan Required	For certain limited uses, or a development application including permitted or limited uses with $\geq 10,000$ SF of GFA or $> 40'$ in height and is abutting or confronting property in an Agricultural, Rural Residential, Residential, or Residential Floating zone	Yes, plus a sketch plan
Public Benefits Required	No	Yes
Compatibility Standards	Yes	Established at site plan



Density and Height Limits

Density in the CR zone is calculated as an allowed floor area ratio (FAR). FAR is the ratio of the total floor area of buildings on a property to the size of that property. Each CR zone has a unique sequence of maximum total FAR, maximum non-residential FAR (C), maximum residential FAR (R), and maximum height (H) subject to the limits specified in the table to the left. In most cases, developers must mix residential and non-residential uses to achieve the maximum allowed density.

For example, a CR zone allowing a maximum total FAR of 5.0, a maximum non-residential FAR of 4.0, a maximum residential FAR of 3.5, and a maximum height of 80 feet would be mapped as follows:

Example CR5.0 C4.0 R3.5 H80

Benefits of the CR Zone

1. Because density and height can be mapped for each property, the zone can be tailored to fit the surrounding area.
2. Encourages pedestrian-friendly development because parking is not allowed between the building and the street.
3. Encourages public benefits that help achieve master plan priorities.

