

**MEMORANDUM**

July 23, 2009

TO: Planning, Housing, and Economic Development Committee  
FROM: Jeff Zyontz,  Legislative Attorney  
SUBJECT: Update – Zoning Ordinance Rewrite

This is the Committee's third briefing on the Planning Department's progress on the Zoning Ordinance Rewrite project. This is another opportunity for the Committee to get a sense of the Planning Department's current efforts. The Department recently hired a consultant to help with this project.

**Schedule previously presented for the Zoning Ordinance Re-write**

On January 15, 2009 the Planning Department provided the following:

**Discovery phase** – fall 2008 through mid-2009

- analysis
- outreach
- code diagnosis

**Idea development and drafting**– early 2009 through mid-2010

- development
- sampling new ideas
- engaging user groups
- completing the mixed-use, agriculture, industrial districts
- grandfather clauses
- outreach

### **Drafting** – early 2010 through early 2011

- new GIS maps
- definitions
- general provisions
- footnotes and exceptions
- process
- outreach

### **Final stages** – fall 2011

- residential districts
- cleanup of linkages

### **Agenda**

The Department will shortly ask the Council to introduce the CR family of zones to implement the Draft White Flint Sector Plan. (The latest draft of CR zones is attached to this memorandum.) The Department intends to make CR zones a building block of the Zoning Ordinance Re-write. The Planning Department will focus on answering the following questions:

- 1) What are the basics of CR zones?
- 2) What current zones should CR zones replace?
- 3) How will other sets of zones be clustered?
- 4) How does the department anticipate translating current zones to CR zones?
- 5) How do CR zones relate to other aspects of the rewrite, such as list of uses, definitions, processes? How might CR zones lead or be changed by the ultimate zoning rewrite?
- 6) Are there general ideas to include as aspects of the rewrite?

### **Reply from the Planning Department**

In advance of the Committee's meeting, the Planning Department provided the following:

#### **What are the basics of CR zones?**

- Zones are a sequence of four symbols (CR, C, R, H) with associated numbers.
  - CR indicates use and maximum total density
  - C indicates maximum non-residential density
  - R indicates maximum residential density
  - H indicates maximum height
  - Examples of two CR zones: CR-2.0, C1.0, R1.5, H60 and CR-5.0, C4.0, R4.0, H160
- Establishes rules for assigning density and height to zones
- Establishes procedure for sectional map amendments and local map amendments (in limited circumstances)
- Maximum densities and heights are only attainable by optional method

- Establishes general requirements and development standards for more progressive and sustainable urban form
- Establishes standard method density of 0.5 FAR and height of 40 feet
- Provides incentives – public benefits – to achieve maximum density and height allowed by zone
- Establishes standards and procedures for allocating incentive density
- Defines terms used specifically in CR zones

**What current zones should CR zones replace?**

- Currently focused on RH, CT, OM, CO, CP, C-3, HM, I-3, Planned Unit Development, TS-R, TS-M, RS, TOMX, or TMX
- Potential to replace additional multi-family residential, mixed use, and single-use commercial zones

**How will other sets of zones be clustered?**

- Generally by use:
  - Agricultural
  - Low density residential (detached units)
  - Medium density residential (detached units, some ability for semi-detached or towns)
  - High density residential (detached, attached, towns, multi-)
  - Industrial
  - Mixed Campus (for LSC, R&D, maybe some I-3)
  - Planned Developments

**How does the department anticipate translating current zones to CR zones?**

- Initial review by a table that correlates existing allowed density/height with proposed CR density/height
- Additional review on case-by-case analysis of master plan recommendation and existing conditions
- Finalize with full report for comprehensive zoning study

**How do CR zones relate to other aspects of the rewrite, such as list of uses, definitions, processes? How might CR zones lead or be changed by the ultimate zoning rewrite?**

- Sets up uses in categories that will be proposed in the rewrite
- Begins changing definitions, but these will be consolidated in one place
- Changes process and establishes “sketch” plan to replace project plan; most processes will be significantly revamped because of focus on sustainability and design quality
- Establishes one form of incentive process – another will focus on incentive development “typologies”: defined and illustrated building and subdivision types for optional method fast-track approvals
- Uses no footnotes – terms are defined, conditions/caveats are incorporated in text
- Begins to use illustrations – more are necessary
- Generally is a hybrid of conventional, performance, and form-based zoning

- Will get cleaned up and simplified as processes, definitions, etc. are relegated to their own sections and further detailed to work with all zones

**Are there general ideas to include as aspects of the rewrite?**

- Separating uses and standards
  - Creating classifications that allow similar uses - A, RLD, RMD, RHD, CR, MC, IL, IH
  - Under each classification, zones are identified by varying densities of FAR
  - All properties within a zone have the same development standards (uniformity)
- Land use tables
  - All 425 land uses in the current code have been reviewed and analyzed
  - Those uses that are outdated, repetitive, or listed as a variation on the name of a use have been identified
  - Uses have been relisted, sometimes in a broader category on the master use table
  - Records document the disposition of each of the 425 uses
- Definitions
  - Each land use will be defined
  - Certain definitions will be illustrated
  - All definitions will be evaluated and updated
- New website devoted to the zoning code rewrite will be unveiled this summer
- Individual “specialist” groups are working on specific topics:
  - Sustainability
  - Parking
  - Industrial
  - Development Typologies
  - Footnotes
  - Definitions
  - Planned Developments
  - Agricultural Zones
  - Enabling Legislation
  - Etc.

This Packet contains  
Draft CR zone

© Page  
1 - 30

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

2 \* \* \*

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

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

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

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

16  
17 **59-C-15.12.** Each unique sequence of CR, C, R, and H is established as a zone  
18 according to the following rules:

- 19 a) The maximum total FAR must be an increment of 0.25 from 0.5 up to 8.0;  
20 b) The maximum non-residential and residential FAR must be an increment of  
21 0.25 from 0.25 up to 7.5; and  
22 c) The maximum height must be an increment of 5 feet up to 100 feet and an  
23 increment of 10 feet from 100 feet up to 300 feet.

24  
25 **59-C-15.13.** The CR zones can only be applied:

- 26 a) By sectional map amendment or  
27 b) By local map amendment on areas with existing or master- or sector-plan  
28 recommended RH, CT, OM, CO, CP, C-3, HM, I-3, Planned Unit  
29 Development, TS-R, TS-M, RS, TOMX, or TMX zoning provided that the  
30 maximum commercial density and maximum height of the requested CR  
31 zone(s) are compatible with the maximum allowed total density and  
32 maximum height of the previously recommended zone(s).

33  
34 

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

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

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

- a) Implement the policy recommendations of applicable master and sector plans;
- b) Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses;
- c) Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
- d) Encourage an appropriate balance of employment and housing opportunities and compatible relationships with adjoining neighborhoods;
- e) Establish the maximum densities and building height for each zone, while retaining appropriate development flexibility within those limits; and
- f) Standardize optional method development by establishing minimum requirements for the provision of the public benefits that will support and accommodate density above the standard method limit.

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

Two methods of development are available under the CR zones.

#### 59-C-15.31. Standard Method.

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

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

79

80 **59-C-15.32. Optional Method.**

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

88 a) Contents of a sketch plan:

- 89 1) Justification statement for optional method development addressing the  
90 requirements and standards of this Division.
- 91 2) Conceptual uses and maximum densities per use.
- 92 3) Building massing and height.
- 93 4) General vehicular, pedestrian, and cyclist circulation.
- 94 5) Table of proposed public benefits and incentive density requested per  
95 each benefit.
- 96 6) General phasing of structures, uses, public benefits, and site plans.

97 b) Procedure for a sketch plan:

- 98 1) Before an application for review of a sketch plan, notice of the pending  
99 submission of the sketch plan, a public meeting to present and discuss the  
100 sketch plan, and site posting of the submission must comply with Section  
101 4 of the Adopted and Approved Manual for Development Review  
102 Procedures for Montgomery County, as amended.
- 103 2) Submittal, review procedure, and fees for a sketch plan are the same as  
104 for a pre-application submission under Section 50-33A(a).

105

106 **59-C-15.4. Land Uses.**

107 No use is allowed except as indicated below:

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- 108
- 109 • *Permitted Uses* are designated by the letter “P” and are permitted subject to all
- 110 applicable regulations.
- 111 • *Special Exception Uses* are designated by the letters “SE” and may be
- 112 authorized as special exceptions under Article 59-G.
- 113

<b>a) Agricultural</b>	
Farmer’s markets	P
Farming, limited to vegetables, herbs, and ornamental plants	P
Nurseries	P
Seasonal outdoor sales	P
<b>b) Residential</b>	
Dwellings	P
Group homes, small or large	P
Hospice care facilities	P
Housing and related facilities for senior adults or persons with disabilities	P
Life care facilities	P
Live/Work units	P
Personal living quarters	P
<b>c) Commercial Sales and Service</b>	
Ambulances or rescue squads	P
Animal boarding facilities	SE
Automobile filling stations	SE
Automobile rental services, excluding storage of vehicles and supplies	P
Automobile repair and service	P
Automobile sales	P
Conference centers	P
Entertainment and spectator sports facilities such as cultural centers; art, athletic, and other events; theaters and cinemas; meeting/banquet halls	P
Health clubs and gyms	P
Home occupations, major	SE
Home occupations, registered and no-impact	P
Hotels and motels	P
Laboratories	P
Laundry or dry-cleaning services	P
Medical clinics	P
Offices	P
Recreational facilities, participatory, indoor	P
Recreational facilities, participatory, outdoor	SE
Research, development, and related activities	P
Restaurants	P
Retail sales and service, general	P

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Self-storage facilities	SE
Veterinary hospitals and offices without boarding facilities	P
Warehousing, not including self-storage, less than 10,000 square feet	P
<b>d) Institutional &amp; Civic</b>	
Charitable and philanthropic institutions	P
Cultural and art exhibits, libraries and museums	P
Day care facilities and centers	P
Educational institutions, private	P
Hospitals	P
Parks and playgrounds, private	P
Private clubs	P
Publicly owned or operated uses	P
Religious institutions	P
<b>e) Industrial</b>	
Manufacturing and production, artisanal	P
Manufacturing and packaging related to biotechnical research and development	P
<b>f) Other</b>	
Accessory buildings and uses	P
Bus terminals, private	P
Parking garages, automobile	P
Public utility buildings, structures, and underground facilities	P
Radio and television broadcast studios	P
Rooftop mounted antennas and related unmanned equipment buildings, cabinets, or rooms	P

114

115 **59-C-15.5. General Requirements.**

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

117

118 **59-C-15.51. Master Plan and Design Guidelines Conformance.**

119 Development that requires a site plan must be consistent with the applicable  
120 master or sector plan and design guidelines.

121

122 **59-C-15.52. Priority Retail Street Frontages.**

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

- 125 a) On-street parallel parking, unless specifically denied by the agency  
126 maintaining the right-of-way;
- 127 b) Majority of display windows and entrances arranged between zero and 45  
128 degrees to the sidewalk;

- 129 c) Shop entrances spaced at minimal distances;
- 130 d) Building façade along a minimum of 65% of the aggregate length of the
- 131 front street right-of-way;
- 132 e) Front building wall no farther than 10 feet from the public right-of-way or 5
- 133 feet if no public utility/improvement easement (PUE or PIE) is required; and
- 134 f) Windows or glass doors on 60% of the building façade between 3 and 9 feet
- 135 above sidewalk grade.

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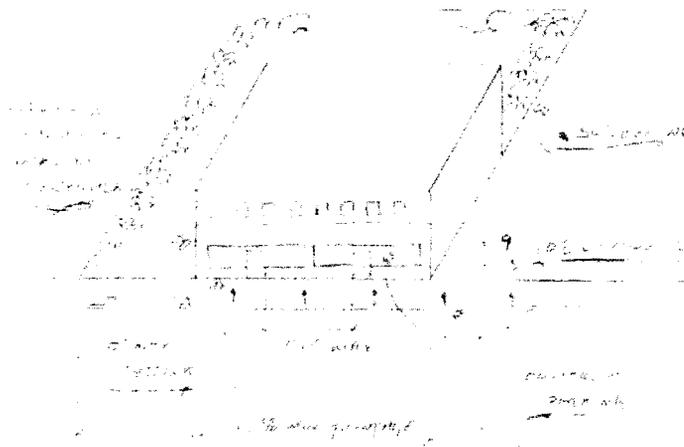
137 These provisions may be modified or waived by the Planning Board during the

138 review of a site plan if found to be unreasonably burdensome to a proposed

139 development due conditions such as unusual lot size, topography, limited

140 frontage, or other atypical circumstance.

141



142

143 *Priority Retail Building Requirements Illustrative (Place Holder)*

144

145 **59-C-15.53. Streetscape.**

146 Streetscape improvements must satisfy the recommendations of the applicable

147 approved and adopted master or sector plan.

148

149 **59-C-15.54. Bicycle Parking Spaces and Commuter Shower/Change**

150 **Facility.**

- 151 a) Bicycle parking facilities must be free of charge, secure, and accessible to all
- 152 residents or employees of the proposed development.

- 153 b) The number of bicycle parking spaces and shower/change facilities required  
 154 is shown in the following table (calculations must be rounded to the higher  
 155 whole number):

Bicycle and Shower/Change Facilities Required	
Use	Requirement
<i>Residential</i>	
In a building containing less than 20 dwelling units.	A minimum of 4 bicycle parking spaces.
In a building containing 20 or more dwelling units.	A minimum of 0.5 bicycle parking spaces per dwelling unit, not to be less than 4 spaces and up to a maximum of 100 required spaces.
In any group living arrangement expressly for senior citizens.	A minimum of 0.1 bicycle parking spaces per unit, not to be less than 2 spaces up to a maximum of 100 required spaces.
<i>Non-Residential</i>	
In a building with a total non-residential floor area of 1,000 to 9,999 square feet.	A minimum of 2 bicycle parking spaces.
In a building with a total non-residential floor area of 10,000 to 99,999 square feet.	One bicycle parking space per 10,000 square feet up to a maximum of 100 required spaces.
In a building with a total non-residential floor area of 100,000 square feet or greater.	One bicycle parking space per 10,000 square feet up to a maximum of 100 required spaces. One shower/change facility for each gender.

156  
 157 **59-C-15.55. Parking.**

- 158 a) The maximum number of parking spaces provided on site must not exceed  
 159 the number established under Article 59-E.  
 160 b) The minimum number of parking spaces required is based on transit  
 161 proximity as defined under 59-C-15.9 and calculated according to the  
 162 following table:  
 163

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

- 164  
 165 c) Parking requirements must be met by any of the following:  
 166 • Providing the spaces on site,

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- 167 • Constructing on-street parking, or
- 168 • Entering into an agreement for shared parking spaces in a facility within
- 169 1,000 feet of the subject lot provided that the off-site parking facility is
- 170 not in an agricultural (59-C-9), planned unit development (59-C-7), or
- 171 residential (59-C-1) zone.

172 d) Every “car-share” space provided reduces the total minimum number of

173 required spaces by six spaces for non-residential use or three spaces for

174 residential use.

175

176 *Example:* A site requiring a minimum of 100 spaces according to Article 59-E would be

177 required to provide a maximum of 100 spaces on site. If that site was within ¼ to ½ mile of a

178 transit station, the minimum requirement for parking would be 40 spaces ( $100 \times 0.40 = 40$ ). If

179 two car-share spaces were provided, that requirement would be 28 for non-residential use or 34

180 for residential use.

181

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

- 183 1) A parking facility at or above grade must not be located between the
- 184 street and the main front wall of the building or the side wall of a
- 185 building on a corner lot unless the Planning Board finds that safe and
- 186 efficient circulation would be better served by a different arrangement;
- 187 2) When a site is adjacent to an alley, the primary vehicular access to the
- 188 parking facility must be from that alley; and
- 189 3) Curb cuts must be kept to a minimum and shared by common
- 190 ingress/egress easements whenever possible.

191 f) The design of parking facilities with drive-through services must comply

192 with the following:

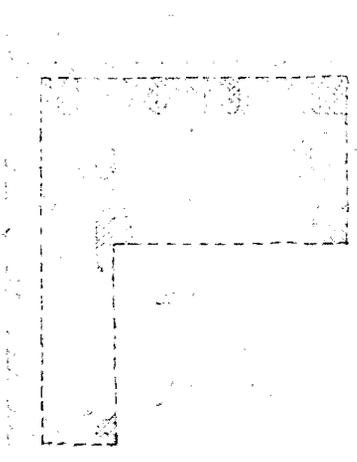
- 193 1) The driveway must not be located between the street and the main front
- 194 wall of a building or the side wall of a building on a corner lot unless the
- 195 Planning Board finds that safe and efficient circulation would be better
- 196 served by a different arrangement;
- 197 2) The drive-through service window must be located on the rear wall of the
- 198 building; and
- 199 3) Curb cuts to a street must be minimized to one drive aisle of no more
- 200 than 20 feet in width for two-way traffic or two drive aisles each of no
- 201 more than 10 feet in width for one-way traffic unless the Planning Board

202 finds that safe and efficient circulation would be better served by a  
203 different arrangement.

204 g) Landscaping for surface parking facilities must satisfy the following  
205 requirements:  
206

Minimum Landscape Standards for Surface Parking	
Subject	Requirement
Right-of-Way Screening	6-foot width of continuous soil panel or stormwater management recharge facility (not including any PUE or PIE) with groundcover, planting bed, or lawn; a minimum 3-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of street frontage or per the applicable streetscape standards.
Adjacent to a Property in any Commercial, Industrial, or Mixed-Use Zone	4-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; one deciduous tree per 30 feet of frontage.
Adjacent to a Property in an Agricultural or Residential District	10-foot width continuous soil panel or stormwater management recharge facility with groundcover, planting bed, or lawn; 6-foot high continuous evergreen hedge or fence; and one deciduous tree per 30 feet of frontage.
Internal Pervious Area	10% of the parking facility area comprised of individual areas of at least 100 square feet each.
Tree Canopy Coverage	30% of the parking facility area (at 15 years growth).

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208

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*Surface Parking Requirements Illustrative (Place Holder)*

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211 **59-C-15.6. Development Standards.**

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

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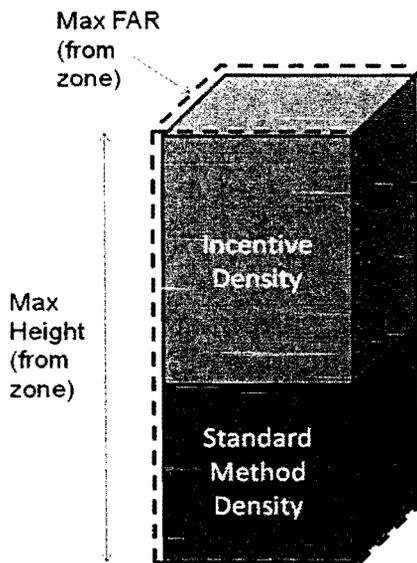
215 **59-C-15.61. Density.**

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

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224 **59-C-15.62. Height.**

- 225 a) The maximum height for any standard method project is 40 feet.  
226 b) The maximum height for any optional method project is specified by the  
227 zone.



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*Incentive Density Illustration (Place Holder)*

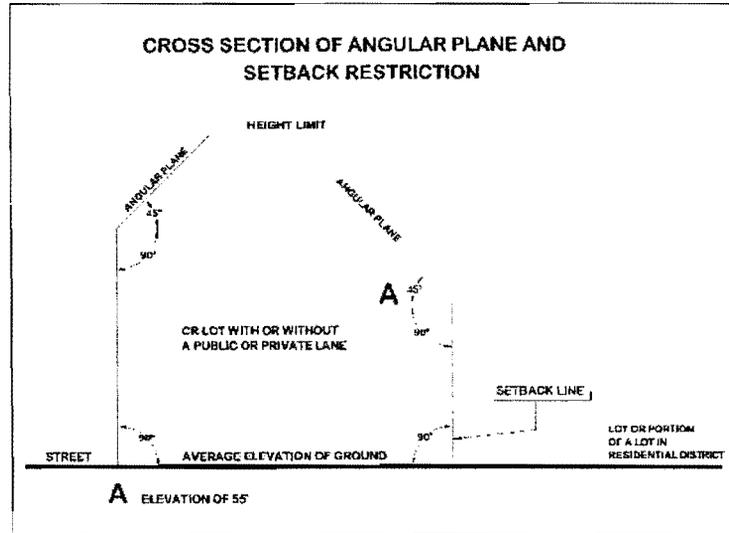
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231 **59-C-15.63. Setbacks.**

232 A building must not be any closer to a lot line of an agricultural (59-C-9) or  
233 residential (59-C-1) zone than:

- 234 a) 25 feet or the setback required by the adjacent lot, whichever is greater, and  
235 b) The building must not project beyond a 45 degree angular plane projecting  
236 over the lot measured from a height of 55 feet at the setback determined  
237 above, with the exception of those features exempt from height and setback  
238 restrictions under Section 59-B-1.

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Angular Plan Setback Illustration (Place Holder)

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**59-C-15.64. Public Use Space.**

- a) The minimum public use space for any standard method project is 10%.
- b) Projects using the optional method of development, must provide public use space as follows:

Minimum Required Public Use Space				
Acres (Gross)	Frontages			
	1	2	3	4+
< 1/2	0	0	4%	6%
1/2 - 1.00	0	4%	6%	8%
1.01 - 3.00	4%	6%	8%	10%
3.01 - 6.00	6%	8%	10%	10%
6.01 +	8%	10%	10%	10%

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- c) Public use space must be:
  - 1) Calculated on the net lot area of the site;
  - 2) Rounded to the next highest 100 square feet;
  - 3) Easily and readily accessible to the public;
  - 4) Placed under a public access easement in perpetuity; and
  - 5) Contain amenities such as seating options, shade, landscaping, or other similar public benefits.
- d) In lieu of providing on-site public use space, for any site of 3 acres or less, a development may propose the following alternatives, subject to Planning Board approval:

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

264

265 **59-C-15.65. Residential Amenity Space.**

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

268

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

269

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

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

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

280

281 **59-C-15.7. Special Regulations for the Optional Method of Development**

282

283 **59-C-15.71. Incentive Density Provisions.**

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

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- 287 a) The incentive density approved for each proposed public benefit is  
288 calculated as a percentage of the incentive density, which is the incremental  
289 difference between the standard method maximum FAR (0.5) and the  
290 maximum FAR in the zone.
- 291 b) The minimum and maximum incentive density percentage increases for each  
292 public benefit are established in Section 59-C-15.71(f).
- 293 c) The Planning Board may accept, reject, or modify the requested percentage  
294 above the minimum of incentive density established up to the maximum  
295 established. Except for those benefits with specific maximum standards, in  
296 approving incentive densities above the minimum, the Planning Board must  
297 consider:
- 298 i. The size and configuration of the parcel;
  - 299 ii. The policy objectives and priorities of the applicable master or sector  
300 plan;
  - 301 iii. The applicable design guidelines;
  - 302 iv. The relationship of the site to adjacent properties;
  - 303 v. The presence or lack of similar benefits nearby; and
  - 304 vi. Quantitative and qualitative enhancements provided exceeding the  
305 delineated minimum incentive density standards.
- 306 d) Public benefits that apply to one building in a multi-building development  
307 must be weighted proportionally according to the density of the applicable  
308 building against the total density of the development.
- 309 e) In addition to the public benefits set forth below, an Applicant may propose  
310 other public benefits that will further the goals and objectives of the subject  
311 master or sector plan for the purpose of obtaining an incentive density  
312 increase.
- 313 f) The Planning Board may grant no more than 30% of the total incentive  
314 density for a development for the connectivity, design, diversity, or  
315 environment incentive categories under (f) below or any public benefit  
316 approved under (d) above.
- 317

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

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- e) Provision for inspections, maintenance, and enforcement of public benefits provided in return for incentive density must be established in a Site Plan Enforcement Agreement approved by the Department of Permitting Services and by resolution of the Planning Board prior to the certification of a site plan.
- f) Table of density incentives:

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

Vegetated Area	5	10	15.7610
Vegetated Roof	10	20	15.7611
<i>Building Lot Terminations</i>	-	50	15.77

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**59-C-15.72. Transit Proximity Incentives.**

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

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

**59-C-15.73. Connectivity and Mobility Incentives.**

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

**59-C-15.731. Community Connectivity.**

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

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

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

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**59-C-15.732 Community Garden.**

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

- a) Is located on the subject site or within 500 feet of the subject site;
- b) Provides all garden spaces with a minimum of 12” of soil depth and access to water; and
- c) Provides community garden space at a rate equivalent to one space per 20 dwelling units. Each space must be at least 16 square feet. At least one out of each ten spaces must be accessible according to ADA standards.

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

**59-C-15.733. Parking at the Minimum.**

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

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

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

- a) The pedestrian connection must provide direct access between two or more streets;
- b) The minimum width of the pedestrian connection must be 15 feet;
- c) A minimum of 35 percent of the walls facing the interior pedestrian connection below a height of 8 feet must have clear, unobstructed windows unless an alternative design is found to be at least equally safe;

- 397 d) The pedestrian connection must be open to the public between sunrise  
398 and sunset and, where it leads to a transit facility or publicly-accessible  
399 parking facility within ½ mile, for the hours of operation of the transit  
400 and/or parking facility; and  
401 e) New retail uses fronting both a pedestrian connection and a street, must  
402 maintain operable doors from both unless not required by the Planning  
403 Board during site plan review.

404

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

409

410 **59-C-15.735. Public Parking.**

411 The minimum increase requires providing on-site the difference between the  
412 minimum number of required parking spaces and the maximum number of  
413 allowed parking spaces as publicly accessible spaces for free or at a market  
414 rate.

415

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

419

420 **59-C-15.736. Transit Access Improvement.**

421 The minimum incentive density increase for transit access improvements  
422 requires that:

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

427

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

431

432 **59-C-15.74. Diversity Incentives.**

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434 **59-C-15.741. Adaptive Buildings.**

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

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

443  
444 The maximum increase requires additional benefits such as that the  
445 structural system has additive capacity for any available density and height  
446 that is not used by the building without demolition of the structure or the  
447 internal layout is built with a flexible cellular system that allows for  
448 residential, retail, and office uses to occupy any of the cells.

449  
450 **59-C-15.742. Affordable Housing.**

451 All development must comply with the requirements of Chapters 25A and  
452 25B for the provision of Moderately Priced Dwelling Units (MPDUs) and  
453 Workforce Housing Units (WFHUs).

454  
455 Provision of MPDUs above the minimum required grants an incentive  
456 density increase providing the following standards are met:

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

462  
463 *Example:* Provision of 14.5% MPDUs achieves an incentive density increase of 20% (25-A-  
464 5(c)(3)). In the case of a CR4.5, that would equal  $0.20 \times 4.0$  (the incentive density), which is 0.8  
465 FAR.

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

469

470 *Example:* Provision of 5% WFHUs achieves an incentive density increase of 10%; provision of  
471 12% WFHUs achieves an incentive density increase of 24%.

472

473 **59-C-15.743. Care Center.**

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

478

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

482

483 **59-C-15.744. Community Facility.**

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

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

490

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

496

497 **59-C-15.745. Local Retail Preservation.**

498 Preservation of locally-owned small businesses on site is eligible for  
499 incentive density according to the following:

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

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**59-C-15.746. Unit Mix and Size.**

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

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

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

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

**59-C-15.75. Design Incentives.**

**59-C-15.751. Floor Plate Size.**

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

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

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

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**59-C-15.752. Historic Resource Protection.**

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

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

**59-C-15.753. Parking Below Grade.**

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

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

**59-C-15.754. Podium/Tower Setback.**

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

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

**59-C-15.755. Public Art.**

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

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

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The maximum increase requires that, in addition to the above requirements, the artwork fulfill a minimum of five of the following goals as determined by the Public Arts Trust Steering Committee:

- a) Achieve aesthetic excellence;
- b) Ensure an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;
- c) Ensure public access and invite public participation;
- d) Encourage collaboration between the artist(s) and other project designers early in the design phases;
- e) Ensure long-term durability of permanent works through material selection or a documented maintenance program;
- f) Encourage a rich variety of arts including permanent, temporary (revolving), and event programming;
- g) Increase public understanding and enjoyment of art through interpretive information and/or programmed events; and
- h) Achieve a collection of commissioned art that is unique and contributes in a positive way to the identity of the community.

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

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

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

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

- a) The plaza is directly accessible to a street;

- 606 b) The plaza must be open to the public at a minimum between sunrise and  
607 sunset;  
608 c) No proposed loading or parking facilities should be visible below a  
609 height of the fourth floor; and  
610 d) The plaza must be in addition to any public use space required by the  
611 development standards or other minimum open space requirement of this  
612 Article.

613

614 The maximum increase requires that the above requirements are met in  
615 addition to the following:

- 616 a) The minimum width of the plaza must be 50 feet;  
617 b) Where the plaza is provided as part of a redevelopment, buildings facing  
618 the plaza must be designed so that:  
619 1) The walls of any non-residential floor area facing the plaza must have  
620 windows on a minimum of 60 percent of the façade below a height of  
621 40 feet and  
622 2) The main entry to any dwelling units is from a wall facing the plaza;  
623 c) The plaza should contain seating, trash receptacles, landscaping, and  
624 other amenities such as water features, kiosks, and passive recreation  
625 areas.

626

627 **59-C-15.757. Streetscape, Off-Site.**

628 Streetscape improvements enhance the pedestrian experience and better  
629 connect buildings to the public spaces. The minimum incentive density  
630 increase for streetscape improvements requires that the following criteria are  
631 met:

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

634

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

637

638 **59-C-15.758. Wow Factor.**

639 The minimum incentive density increase for high-quality site and  
640 architectural design requires that at least three of the following criteria are

- 641 met. The maximum density increase requires that a least five of the  
642 following criteria are met.
- 643 a) Provides innovative solutions in response to the architectural context and  
644 surrounding landscape, for example by rotating floor plates for views or  
645 reconciling offset street-walls;
  - 646 b) Creates a sense of place that will serve as a landmark in the community,  
647 for example by creating a distinguishing element that is visible from an  
648 important view or at a gateway to an area;
  - 649 c) Enhances the public realm in a distinct and original manner, for example  
650 by using existing materials and forms in new ways to provide continuity  
651 and contrast;
  - 652 d) Adds to the diversity of the built realm within the community, for  
653 example by introducing new materials, building methods, or design  
654 styles;
  - 655 e) Uses design solutions to make compact/infill living, working, and  
656 shopping environments pleasurable and desirable, for example by  
657 retrofitting surface parking lots and single-use retail malls or creating  
658 multi-use, pedestrian-dominated realms in previous auto-oriented areas;  
659 and
  - 660 f) Integrates environmentally sustainable solutions, for example by using  
661 bmp stormwater management facilities in an apparent and observable  
662 way or integrating passive solar features into the visible structure of a  
663 building or site.

664  
665 **59-C-15.76. Environment Incentives.**

666  
667 **59-C-15.761. Bio-retention and Stormwater Recharge.**

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

672  
673 The maximum increase requires that a minimum of 50% of projected  
674 stormwater for a 10-year event be contained and recharged.

675

676 **59-C-15.762. Conveyed Parkland.**

677 The minimum incentive density increase for land conveyed to the M-  
678 NCPPC Department of Parks for inclusion in or provision of parkland, trail  
679 area, or other master-planned Parks' use requires conveyance of at least of  
680 15% of the gross lot area. The maximum increase requires conveyance of at  
681 least 30% of the gross lot area.

682

683 **59-C-15.763. Dark Skies.**

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

688

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

692

693 **59-C-15.764. Energy Efficiency and Generation.**

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

699

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

702

703 **59-C-15.765. Green Walls**

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

- 705 a) It must be designed, installed, and maintained to cover a minimum of  
706 30% of the area of a blank wall or parking garage facing a street or plaza;  
707 b) It must be found to add to the aesthetic quality and environmental  
708 sustainability of the project; and  
709 c) It should be on the south or west facades of the building to achieve  
710 maximum energy savings.

711  
712 The maximum increase requires additional benefits such as a greater percent  
713 of coverage, the use of plants with varying flowering seasons, or integration  
714 into an overall energy or environmental site design program.

715

716 **59-C-15.766. LEED Rating.**

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

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

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

725

726 **59-C-15.767. Rainwater Reuse.**

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

731

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

734

735 **59-C-15.768. Transferable Development Rights**

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

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

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**59-C-15.769. Tree Canopy.**

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

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

**59-C-15.7610. Vegetated Area.**

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

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

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

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

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

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

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

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

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

- 780 a) BLT easements must be purchased or a contribution must be made to the  
781 Agricultural Land Preservation Fund under Chapter 2B equal to 12.5 percent  
782 of the incentive density FAR;
- 783 b) One BLT is required for every 7,500 square feet of residential floor area of  
784 the 12.5% incentive density area calculated in (a);
- 785 c) One BLT is required for every 9,000 square feet of non-residential floor area  
786 of the 12.5% incentive density area calculated in (a);
- 787 d) When a BLT easement cannot be purchased or the amount of floor area  
788 attributed to a building lot termination easement is a fraction of the floor  
789 area equivalent, payment must be made to the Ag Land Preservation Fund  
790 according to the rate set annually by executive regulation; and
- 791 e) The maximum incentive density increase is 30% for developments over 1/2  
792 acre and 50% for lots less than or equal to 1/2 acre.

793

794 **59-C-15.8. Existing Approvals.**

- 795 a) A lawfully existing building or structure and the uses therein, which predates  
796 the applicable sectional map amendment, is a conforming structure or use, and  
797 may be continued, renovated, reconstructed to the same size and configuration,  
798 or enlarged up to 10 percent above the existing floor areas or 30,000 square  
799 feet, whichever is less and does not require a site plan. A larger addition  
800 requires compliance with the full provisions of this division.
- 801 b) A project that received an approved development plan under 59-D-1 or  
802 schematic development plan under 59-H-2 prior to the enactment of the CR  
803 zones may proceed according to the binding elements of the development plan  
804 and will thereafter be treated as a lawfully existing building and may be  
805 renovated or reconstructed under section a) above. Such projects may be  
806 amended as allowed under 59-D-1 or 59-H-2 in accordance with the full  
807 provisions of the previous zone, provided that any increase in the total floor  
808 area or building height beyond that allowed by section a) above requires full  
809 compliance with the full provisions of this division.
- 810 c) A project which has had a preliminary or site plan approved prior to the  
811 applicable sectional map amendment may be built or altered at any time subject  
812 to either the full provisions of the previous zone or this division at the option of  
813 the owner. If built in accordance with the provisions of the previous approval,

814 it shall thereafter be treated as a lawfully existing building and may be  
815 renovated or reconstructed under section a) above.

816

817 **59-C-15.9. Definitions Specific to the CR Zones.**

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

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

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

823 a) Is majority-owned by a resident of Montgomery County or any adjacent  
824 jurisdiction and

825 b) Meets the size standards as determined by the Small Business  
826 Administration's Table of Small Business Size Standards (SBA Table) or is  
827 a franchised company with total holdings by the local-owner that meets the  
828 size standards of the Table.

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

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

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

838 **Recreational facilities, participatory, indoor:** Provision of sports or recreation  
839 by and for participants for uses conducted within an enclosed building.  
840 Spectators would be incidental on a nonrecurring basis. Typical uses include  
841 bowling alleys, billiard parlors, indoor tennis and handball courts, and health  
842 clubs.

843 **Recreational facilities, participatory, outdoor:** Provision of sports or recreation  
844 by and for participants for uses conducted outside of an enclosed building.  
845 Spectators would be incidental on a nonrecurring basis. Typical uses include  
846 driving ranges, miniature golf courses, swimming pools, and outdoor ice  
847 skating rinks.

848 **Retail sales and service, general:** Commercial establishments engaged in selling  
849 merchandise to the general public and services incidental to the sale of  
850 merchandise. These establishments include, for example, antique shops, drug  
851 stores, dry-cleaning pick up stations, duplicating services, florists, grocery

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852 stores, health clubs, newsstands, photographic studios, shoe repair shops,  
853 specialty shops, and tailoring shops, among many others.

854 **Transit proximity:** Level 1 proximity is based on location with access to an  
855 existing or planned Metrorail Station. Level 2 proximity is based on location  
856 with access to an existing or planned Marc Station, light rail station, or a stop  
857 along a transportation corridor with fixed route bus service where service  
858 intervals are no longer than 15 minutes during peak commute hours. A project  
859 is considered adjacent or confronting a transit station or stop if it shares a  
860 property line, easement line, or is only separated by a right-of-way from a  
861 property with a transit station or stop. A project is considered to have access to  
862 a transit facility if all parcels within the project have no more than 25% of their  
863 area farther than the applicable distance from the transit station or stop and if  
864 not more than 10% of the residential units in the project are farther than the  
865 applicable distance from the station or stop. A planned transit station or stop is  
866 one that is funded for construction within the first four years of the  
867 Consolidated Transportation Program or the Capital Improvement Program.

868  
869 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the date of  
870 Council adoption.

871  
872 This is a correct copy of Council action.

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875 Linda M. Lauer, Clerk of the Council

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