

Worksession

Agenda Item #	5
Meeting Date	October 19, 2009
Prepared By	Carman Lam Associate Planner
Approved By	Barbara B. Matthews City Manager

Discussion Item	Discussion of Zoning Text Amendment 09-08 (Commercial/Residential (CR) Zone)
Background	<p>Montgomery County is considering changes to the Zoning Code which will create a new commercial residential mixed-use zone, the CR Zone. The new zoning designation would be applied in master and sector plans. It is likely that this zone, once approved by the County Council, would be applied in the Takoma Langley Crossroads and Long Branch areas as well as other areas in the County, such as White Flint.</p> <p><u>Development Standards – Density and Height Limitations</u></p> <p>The density of development which can occur on a site in the CR Zone is established by the underlying Master or Sector Plan and is based on the Floor Area Ratio (FAR) of the proposed development ($FAR = \text{Total floor area of building} / \text{Total are of the development site}$). Height (H) limits are governed by the underlying Master or Sector Plan.</p> <p>Under the CR Zone, there are three FAR calculations that may be applied when evaluating a proposed development: 1) the total FAR of the site (CR), 2) the Residential FAR (R), and 3) the Commercial FAR (C), which includes both retail and office space. The combined FAR of the Residential (R) and the Commercial (C) uses may not exceed the total FAR permitted in the underlying Master or Sector Plan.</p> <p>For example, the development standards included in the draft Takoma Langley Sector plan for the property on the south east corner of the Crossroads limit density to CR of 2.5, a C of 1, a R of 2. Height limitations range from 60 feet to 100 feet. (CR-2.5, C-1, R-2, H 60-100).</p> <p>There are two ways a site could be developed under the proposed CR Zone: the standard method and the optional method.</p> <p><u>Standard Method</u></p> <p>The standard method of development does not require site plan review for projects of less than 10,000 square feet or ten dwelling units, or uses generating fewer than 30 new peak hour trips. The maximum FAR that is permitted using the standard method of development is .5 FAR and the maximum height is 40 feet. Projects must meet the general bulk requirements and development standards of the CR Zone but are not required to go through site plan review. For example, a general requirement of the CR Zone for the provision of open space under this method is a minimum of 10 percent.</p>

	<p>The CR Zone requires site plan review and the use of the optional method of development (described below) for all projects unable to use the standard method.</p> <p><u>Optional Method</u></p> <p>Under the optional method of development, a project begins with a maximum of “base density” of .5 FAR. The density may be increased depending upon the extent of community amenities provided in the development and the incorporation of certain design features into the project. This “incentive density,” as it is referenced in the ordinance, is the difference between the base density (.5 FAR) and the proposed density of the project. The total density of the project may not exceed the CR FAR permitted under the sector or master plan.</p> <p>The optional method of development features five categories or “benefit groups” that are used to achieve the “incentive density.” The five benefit groups are transit proximity, connectivity and mobility, diversity, design, and environment. Under the optional method, a project must include multiple design features and community amenities in at least four of the above benefit groups.</p> <p>While the CR zone allows a sector or master plan to set a maximum density of 8 FAR, the highest FAR under consideration in the Takoma Langley Sector Plan is likely to be 3.5 on the site adjacent to the Purple Line stop.</p> <p>Additional information on the proposed CR Zone will be presented by staff.</p>
<p>Policy</p>	<p>Coordinate with surrounding jurisdictions to foster and promote comprehensive, environmentally sound development and redevelopment in the community and throughout the region; support higher density retail, commercial, and residential development near transportation routes and hubs, that is environmentally sensitive and of a design and scale appropriate to surrounding neighborhoods and their historic nature.</p> <p style="text-align: right;"><i>City of Takoma Park Strategic Plan</i></p>
<p>Fiscal Impact</p>	<p>NA</p>
<p>Attachments</p>	<ul style="list-style-type: none"> • County ZTA 09-08 Memo • Zoning Text Amendment No: 09-08
<p>Recommendation</p>	<p>Discuss proposed text amendment and provide staff with direction on the pending resolution</p>
<p>Special Consideration</p>	<p>The comments received during the October 19 worksession will be used in the development of a draft resolution for council consideration on October 26. The County Council has scheduled a public hearing on the proposed zone on October 27 at 7:30 p.m.</p>

Introduction

MEMORANDUM

September 18, 2009

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: Introduction – Zoning Text Amendment 09-08,
Commercial/Residential (CR) Zones - Establishment

Zoning Text Amendment (ZTA) 09-08, sponsored by the District Council at the request of the Planning Board, is scheduled to be introduced on September 22, 2009. A public hearing will be held on October 27, 2009 at 7:30 p.m. if the Council approves the attached resolution.

ZTA 09-08 would establish a new family of Commercial/Residential (CR) zones. Every CR zone would allow the same land uses and require the same development procedures. Each zone would have a different total maximum floor area ratio (FAR). The maximum allowable FAR in the family of zones would be 8.0. Within the maximum FAR, each zone would have a maximum residential FAR and a maximum non-residential FAR. Unless the residential FAR maximum or the non-residential maximum equals the total maximum FAR, a mix of uses would be required to achieve the total maximum FAR of the zone. The maximum allowable height of any structure would also vary with each zone; the maximum height would be limited to 300 feet. There are design standards in the zone and references to Planning Board adopted design guidelines. Site plan approval would be required for projects adding more than 10,000 feet of floor area.

CR zones would have a “standard method of development” similar to Central Business District zones; however, a maximum standard method density of .5 FAR is the same for all zones. Structures under the standard method of development would not be allowed to be higher than 40 feet.

The optional method of development would establish 5 categories of public benefit under which a project may achieve the zones’ maximum density:

- 1) Transit proximity
- 2) Connectivity and mobility
- 3) Diversity (affordability, public facilities, and land use)
- 4) Design
- 5) Environment

Within the 5 public benefit categories, 33 different criteria would allow the approval of increased density above the standard method of development. Each criterion allows a range of increased density, expressed as a percentage of the applicant's requested FAR minus .5 FAR (the standard method of development FAR). The ZTA specifies the circumstances under which a project might be allowed the upper end of the density range within each criterion. It would not be possible to achieve the applicant's requested optional method of development density by satisfying all of the criteria in a single public benefit category. If a project is not near transit, maximum density will require the use of criteria from 4 different public benefit categories. The Planning Board would have the authority to add ways to increase the density of a project or waive particular requirements of some criteria. The purchase of Building Lot Termination Easements would be required for 12.5 percent of the FAR that exceeds .5 FAR.

A project in the CR zone may include more than 1 building or more than 1 parcel. Some criteria only apply to buildings and not the entire project. A building that satisfies such criteria would be entitled to a density increase in proportion to its size compared to the size.

This packet contains

ZTA 09-08
Resolution

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Ordinance No:
Zoning Text Amendment No: 09-08
Concerning: Commercial/Residential (CR) Zones -
Establishment
Draft No. & Date: 3 - 9/15/09
Introduced: September 22, 2009
Public Hearing:
Adopted:
Effective:

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

By: District Council at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Establish Commercial/Residential (CR) zones; and
- Establish the intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures for development under the Commercial/Residential zones.

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

DIVISION 59-C-15 "COMMERCIAL/RESIDENTIAL ZONES"
Sections 59-C-15.1 through 59-C-15.9

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

ORDINANCE

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

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

2 * * *

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

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

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

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

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

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

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

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

31 d) permitted density may be averaged over 2 or more directly abutting or
32 confronting lots in the same CR zone, provided that:

33 1) the lots are subject to the same sketch plan;

34 2) the lots are created by the same preliminary subdivision plan;

35 3) the maximum total density and nonresidential and residential
36 density limits apply to the entire development subject to the
37 sketch plan and subdivision plan, not to individual lots;

38 4) no building may exceed the maximum height set by the zone;

39 5) public benefits must be provided in proportion to any phased
40 development on individual lots; and

41 6) the resulting development must conform to the design and land
42 use objectives of the applicable master or sector plan and design
43 guidelines.

44 **59-C-15.13.** The CR zones can only be applied by sectional map amendment
45 in conformance with the zoning recommendations of an approved and
46 adopted master or sector plan.

47 Examples:

- 48 • An area zoned CR-2.0, C1.0, R1.0, H80 allows a total FAR of 2.0, with maximum non-
49 residential and residential FARs of 1.0, thereby requiring an equal mix of uses to obtain
50 the total FAR allowed. The height for any building in this zone is limited to 80 feet.
- 51 • An area zoned CR-6.0, C3.0, R5.0, H200 allows a residential FAR up to of 5.0, whereas
52 non-residential density is only allowed an FAR of up to 3.0, and a mix of the two uses
53 could yield a total FAR of 6.0. This combination allows for flexibility in the market and
54 shifts in the surrounding context. The height for any building in this zone is limited to
55 200 feet.

56

- An area zoned CR-4.0, C4.0, R4.0, H160 allows the ultimate flexibility in the mix of uses, 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 residential and non-residential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can live, work, and have access to services and amenities while minimizing the need for automobile use. 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 density 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. Definitions Specific to the CR Zones.

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

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

88 **Cultural institutions:** public or private institutions or businesses including: art,
89 music, and photographic studios; auditoriums or convention halls; libraries and
90 museums; recreational or entertainment establishments, commercial; theater,
91 indoor; theater, legitimate.

92 **Day care facilities and centers:** facilities and centers that provide daytime care
93 for children and/or adults, including: child daycare facility (family day care,
94 group day care, child day care center); daycare facility for not more than 4
95 senior adults and persons with disabilities; and day care facility for senior adults
96 and persons with disabilities.

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

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

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

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

104 **b)** meets the size standards as determined by the Small Business
105 Administration's Table of Small Business Size Standards (SBA Table)
106 or is a franchised company with total holdings by the local-owner that
107 meets the size standards of the Table.

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

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

115 **Priority retail street frontage:** Frontage along a right-of-way identified in a
116 master or sector plan to be developed with street-oriented retail to encourage
117 pedestrian activity.

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

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

123 **Recreational facilities, participatory, indoor:** Facilities used for indoor sports or
124 recreation. Spectators would be incidental on a nonrecurring basis. Such uses
125 typically include bowling alleys, billiard parlors, indoor tennis and handball
126 courts, and health clubs.

127 **Recreational facilities, participatory, outdoor:** Facilities used for outdoor sports
128 or recreation. Spectators would be incidental on a nonrecurring basis. Such
129 uses typically include driving ranges, miniature golf courses, swimming pools,
130 and outdoor ice skating rinks.

131 **Seasonal Outdoor Sales:** A lot or parcel where a use or product is offered
132 annually for a limited period of time during the same calendar period each year.

133 The availability or demand for the use or product is related to the calendar
 134 period, such as Christmas trees, pumpkin patches, or corn mazes.

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

152 **59-C-15.4. Methods of Development and Approval Procedures.**

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

154 **59-C-15.41. Standard Method.**

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

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

163 **59-C-15.42. Optional Method.**

164 Optional method development must comply with the general requirements
165 and development standards of the CR zones and must provide public
166 benefits under Section 59-C-15.8 to obtain the full densities and height
167 allowed by the zone. A sketch plan and site plan are required for any
168 development using the optional method. A sketch plan must be filed under
169 the provisions below; a site plan must be filed under Division 59-D-3. Any
170 required preliminary subdivision plan must be submitted concurrently with
171 the site plan.

- 172 a) Contents of a sketch plan:
 - 173 1) justification statement for optional method development
174 addressing the requirements and standards of this Division, how
175 the development will further the objectives of the applicable
176 master or sector plan, and how the development will be more
177 efficient and effective than the standard method of
178 development;
 - 179 2) total FAR, conceptual uses and maximum densities per use;
 - 180 3) building massing, height, public use and other open spaces, and
181 the relationship of proposed buildings to adjacent buildings;
 - 182 4) general vehicular, pedestrian, and cyclist circulation and access;
 - 183 5) table of proposed public benefits and incentive density
184 requested for each benefit; and

185 6) general phasing of structures, uses, public benefits, and site
186 plans.

187 b) Procedure for a sketch plan:

188 1) Before filing a sketch plan application, an applicant must
189 comply with the provisions of Section 4 of the Manual for
190 Development Review Procedures for Montgomery County, as
191 amended, that concern the following procedures:

192 (a) notice;

193 (b) holding a public meeting; and

194 (c) posting the site of the submission.

195 2) The submittal, review procedure, and fees for a sketch plan are
196 the same as a pre-application submission under Section 50-
197 33A(a), except that there is no requirement to submit a
198 preliminary subdivision plan within 90 days.

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

201 **59-C-15.5. Land Uses.**

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

203 - Permitted Uses are designated by the letter “P” and are permitted
204 subject to all applicable regulations.

205 - Special Exception Uses are designated by the letters “SE” and may be
206 authorized as special exceptions under Article 59-G.

207

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

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

209 **59-C-15.6. General Requirements.**

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

211 **59-C-15.61. Master Plan and Design Guidelines Conformance.**

212 Development that requires a site plan must be consistent with the applicable
 213 master or sector plan and any design guidelines adopted by the Planning
 214 Board.

215 **59-C-15.62. Priority Retail Street Frontages.**

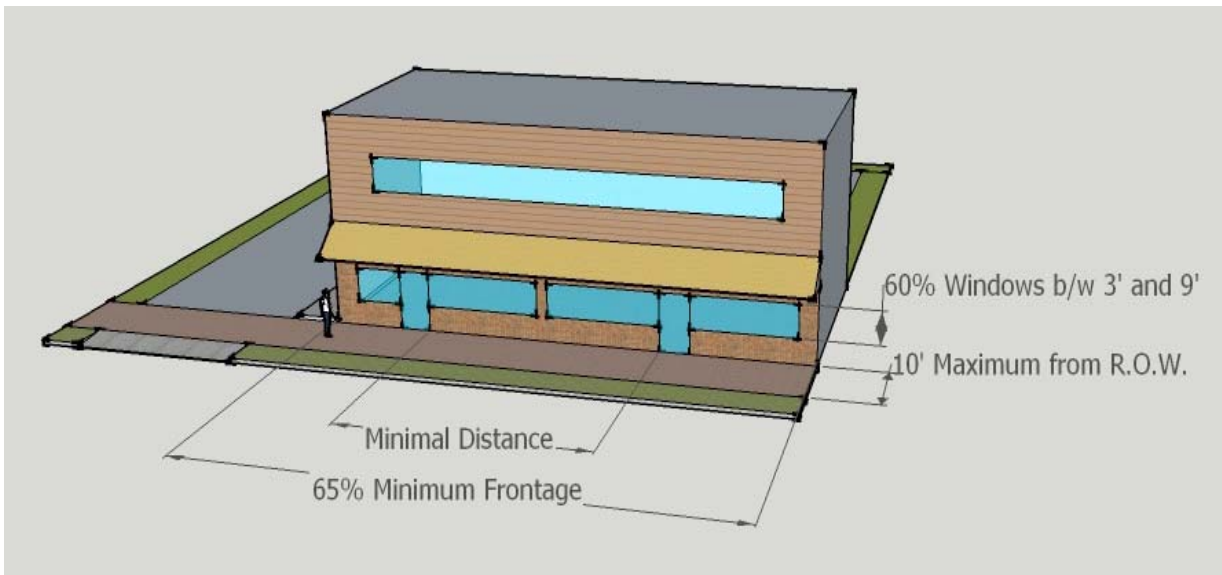
216 Development that requires a site plan and is located on a street identified as a
 217 priority retail street frontage must provide the following:

- 218 a) on-street parallel parking, unless specifically denied by the agency
 219 maintaining the right-of-way;
- 220 b) majority of display windows and entrances arranged between zero and
 221 45 degrees to the sidewalk;

- 222 c) shop entrances spaced at minimal distances in order to activate the
- 223 street;
- 224 d) building façade along at least 65 percent of the aggregate length of the
- 225 front street right-of-way;
- 226 e) front building wall no farther than 10 feet from the public right-of-
- 227 way or 5 feet if no public utility/improvement easement (PUE or PIE)
- 228 is required; and
- 229 f) windows or glass doors on 60 percent of the building façade between
- 230 3 and 9 feet above sidewalk grade.

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

235
236



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238
239

Priority Retail Building Requirements Illustrative

240 **59-C-15.63. Streetscape.**

241 Streetscape improvements must be consistent with the recommendations of
 242 the applicable master or sector plan.

243 **59-C-15.64. Bicycle Parking Spaces and Commuter Shower/Change**
 244 **Facility.**

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

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

251 **59-C-15.65. Parking.**

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

254 b) The minimum number of parking spaces required is based on transit
 255 proximity as follows:

Minimum Parking Requirements				
	<u>Transit Proximity (Level 1 or 2)</u>			
	<u>¼ mile from transit</u>	<u>¼ to ½ mile from transit</u>	<u>½ mile to 1 mile from transit</u>	<u>>1 mile from transit</u>
<u>Non-residential: the minimum number of required spaces under Article 59-E multiplied by the following factor:</u>	<u>0.20</u>	<u>0.40</u>	<u>0.60</u>	<u>0.80</u>
<u>Residential: the minimum number of required spaces under Article 59-E multiplied by the following factor:</u>	<u>0.60</u>	<u>0.70</u>	<u>0.80</u>	<u>0.90</u>

257
 258 c) Parking requirements must be met by any of the following:
 259 1) providing the spaces on site;
 260 2) constructing publicly available on-street parking; or
 261 3) entering into an agreement for shared parking spaces in a public
 262 or private facility within 1,000 feet of the subject lot, provided
 263 that the off-site parking facility is not in an agricultural
 264 (Division 59-C-9), planned unit development (Division 59-C-
 265 7), or residential (Division 59-C-1) zone.
 266 d) Every “car-share” space provided reduces the total minimum number
 267 of required spaces by 6 spaces for non-residential use or 3 spaces for
 268 residential use.

269 <u>Example: A non-residential site requiring at least 100 spaces under Article 59-E would be</u> 270 <u>required to provide a maximum of 100 spaces on site. If that site was within ¼ to ½ mile of a</u> 271 <u>transit station, the minimum requirement for parking would be 40 spaces (100 x 0.40 = 40). If 2</u> 272 <u>car-share spaces were provided, that requirement would be 28 for non-residential use or 34 for</u> 273 <u>residential use.</u>

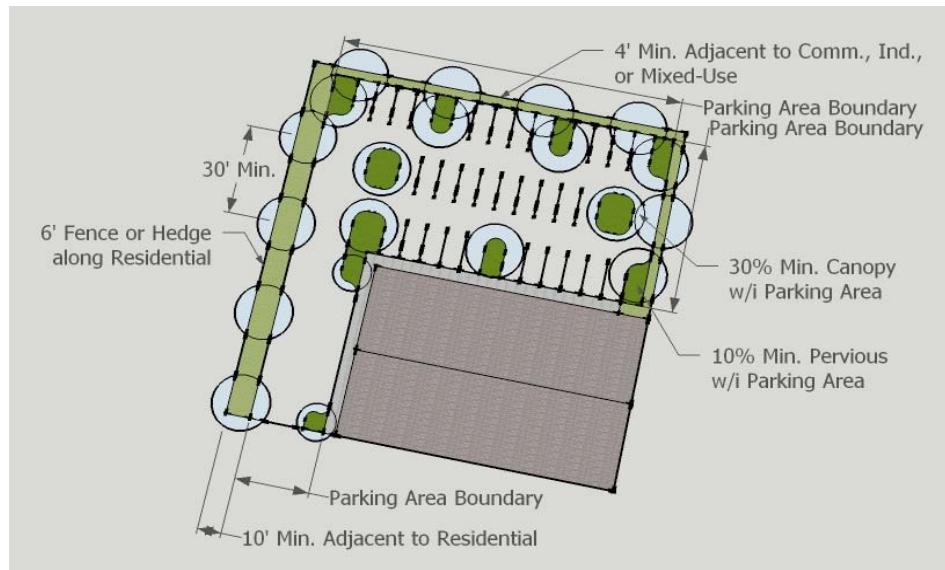
- 274 e) The design of surface parking facilities must comply with the
275 following:
- 276 1) a parking facility at or above grade must not be located between
277 the street and the main front wall of the building or the side
278 wall of a building on a corner lot; however, the Planning Board
279 may approve a design if it finds that the alternative design
280 would provide safer and more efficient circulation;
- 281 2) if a site is adjacent to an alley, the primary vehicular access to
282 the parking facility must be from that alley; and
- 283 3) curb cuts must be kept to a minimum and shared by common
284 ingress/egress easements whenever possible.
- 285 f) The design of parking facilities with drive-through services must
286 comply with the following; however, the Planning Board may approve
287 a design if it finds that the alternative design would provide safer and
288 more efficient circulation:
- 289 1) the driveway must not be located between the street and the
290 main front wall of a building or the side wall of a building on a
291 corner lot;
- 292 2) the drive-through service window must be located on the rear
293 wall of the building; and
- 294 3) curb cuts to a street must be minimized to one drive aisle of no
295 more than 20 feet in width for two-way traffic or two drive
296 aisles each of no more than 10 feet in width for one-way traffic.
- 297 g) Landscaping for surface parking facilities must satisfy the following
298 requirements:
299

300

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

301

302



Surface Parking Landscape Requirements Illustrative

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59-C-15.7. Development Standards.

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

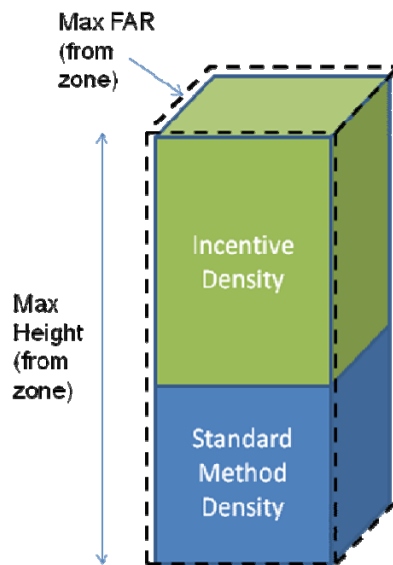
59-C-15.71. Density.

308

- 309 a) The maximum density for any standard method project is 0.5 FAR.
310 Any single land use or any combination of land uses allowed in the
311 zone may achieve the maximum density.
- 312 b) The maximum total density and mix of maximum non-residential and
313 residential density for any project using the optional method of
314 development is specified by the zone. The difference between the
315 standard method density and optional method density is defined as
316 “incentive density” and is allowed under the incentive density
317 provisions of Section 59-C-15.8.

318 **59-C-15.72. Height.**

- 319 a) The maximum height for any building or structure in a standard
320 method project is 40 feet.
- 321 b) The maximum height for any building or structure in an optional
322 method project is determined by the zone.

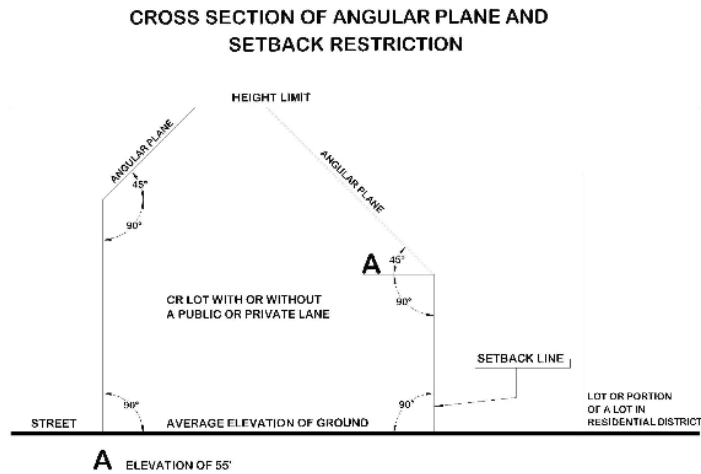


323 *Incentive Density Illustration (with maximum FAR)*

324 **59-C-15.73. Setbacks.**

325 A building must not be any closer to a lot line of an agricultural (Division
326 59-C-9) or residential (Division 59-C-1) zone than:

- 328 a) 25 feet or the setback required by the adjacent lot, whichever is
329 greater; and
330 b) the building must not project beyond a 45 degree angular plane
331 projecting over the lot measured from a height of 55 feet at the
332 setback determined above, with the exception of those features
333 exempt from height and setback restrictions under Section 59-B-1.
334



335
336 *Angular Plan Setback Illustration*
337

338 **59-C-15.74. Public Use Space.**

- 339 a) The minimum public use space for any standard method project is 10
340 percent of the net tract area of the site.
341 b) Projects using the optional method of development must provide
342 public use space as follows:
343

344

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

345

346

c) Public use space must:

347

1) be calculated on the net lot area of the site;

348

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

349

3) be easily and readily accessible to the public;

350

4) be placed under a public access easement in perpetuity; and

351

5) contain amenities such as seating options, shade, landscaping,

352

or other similar public benefits.

353

d) Instead of providing on-site public use space, for any site of 3 acres or

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less, a development may propose the following alternatives, subject to

355

Planning Board approval:

356

1) public use space improvements to an area equal in size within 1/4
mile of the subject site; or

357

358

2) a payment in part or in full to the Public Amenity Fund, equal

359

to the average cost of required site improvements, added to the

360

current square foot market value of the area required as public

361

use space.

362

59-C-15.75. Residential Amenity Space.

363

a) Any building containing 20 or more dwelling units must provide

364

amenity space for its residents as follows:

365

Required Residential Amenity Space

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

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

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

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

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

59-C-15.81. Incentive Density Provisions.

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

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

- 388 b) The minimum and maximum incentive density percentage increases
389 for each public benefit are established in Section 59-C-15.81(f).
- 390 c) The Planning Board may accept, reject, or modify a proposed
391 incentive density or modify the requested percentage above the
392 minimum of incentive density established up to the maximum
393 established. Except for those benefits with specific maximum
394 standards, in approving incentive densities above the minimum, the
395 Planning Board must consider:
- 396 1) the size and configuration of the parcel;
397 2) the policy objectives and priorities of the applicable master or
398 sector plan;
399 3) the applicable design guidelines;
400 4) the relationship of the site to adjacent properties;
401 5) the presence or lack of similar benefits nearby; and
402 6) quantitative and qualitative enhancements provided exceeding
403 the delineated minimum incentive density standards.
- 404 d) Public benefits that apply to 1 building in a multi-building project
405 must be weighted proportionally to the density of the applicable
406 building compared to the total density of the project.
- 407 e) In addition to the public benefits set forth below, an applicant may
408 propose other public benefits that will further the goals and objectives
409 of the applicable master or sector plan for the purpose of obtaining an
410 incentive density increase.
- 411 f) The Planning Board may grant no more than 30 percent of the total
412 incentive density for a project for the connectivity, design, diversity,

413 or environment incentive categories under (h) below or any public
 414 benefit approved under (e) above.

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

419 g) Provision for inspections, maintenance, and enforcement of public
 420 benefits provided in return for incentive density must be established in
 421 a Site Plan Enforcement Agreement approved by the Department of
 422 Permitting Services and by resolution of the Planning Board before
 423 the certification of a site plan.

h) Table of density incentives: Incentive Zoning Table			
<u>Public Benefit</u>	<u>Percent of Incentive Density</u>		<u>Section Reference</u>
	<u>Minimum</u>	<u>Maximum</u>	
<i>Transit Proximity</i>	See section reference		15.82
<i>Connectivity & Mobility</i>			
<u>Community Connectivity</u>	<u>10</u>	<u>20</u>	<u>15.831</u>
<u>Community Garden</u>	<u>5</u>	<u>10</u>	<u>15.832</u>
<u>Parking at the Minimum</u>	<u>10</u>	<u>20</u>	<u>15.833</u>
<u>Pedestrian Through-Block Connection</u>	<u>5</u>	<u>10</u>	<u>15.834</u>
<u>Public Parking</u>	<u>20</u>	<u>30</u>	<u>15.835</u>
<u>Transit Access Improvement</u>	<u>10</u>	<u>20</u>	<u>15.836</u>
<i>Diversity</i>			
<u>Adaptive Buildings</u>	<u>15</u>	<u>30</u>	<u>15.841</u>
<u>Affordable Housing: MPDUs</u>	See section reference		<u>15.842</u>
<u>Affordable Housing: WFHUs</u>	See section reference		
<u>Care Center</u>	<u>10</u>	<u>20</u>	<u>15.843</u>
<u>Community Facility</u>	<u>10</u>	<u>20</u>	<u>15.844</u>
<u>Local Retail Preservation</u>	<u>10</u>	<u>20</u>	<u>15.845</u>
<u>Unit Mix and Size</u>	<u>5</u>	<u>10</u>	<u>15.846</u>

<i>Design</i>			
<u>Floor Plate Size</u>	<u>10</u>	<u>20</u>	<u>15.851</u>
<u>Historic Resource Protection</u>	<u>10</u>	<u>20</u>	<u>15.852</u>
<u>Parking Below Grade</u>	<u>10</u>	<u>20</u>	<u>15.853</u>
<u>Podium/Tower Setback</u>	<u>5</u>	<u>10</u>	<u>15.854</u>
<u>Public Art</u>	<u>10</u>	<u>20</u>	<u>15.855</u>
<u>Public Plaza/Open Space</u>	<u>5</u>	<u>10</u>	<u>15.856</u>
<u>Streetscape, Off-Site</u>	<u>5</u>	<u>10</u>	<u>15.857</u>
<u>Exceptional Design</u>	<u>10</u>	<u>20</u>	<u>15.858</u>
<i>Environment</i>			
<u>Bio-retention and Stormwater Recharge</u>	<u>5</u>	<u>10</u>	<u>15.861</u>
<u>Conveyed Parkland</u>	<u>10</u>	<u>20</u>	<u>15.862</u>
<u>Dark Skies</u>	<u>5</u>	<u>10</u>	<u>15.863</u>
<u>Energy Efficiency and Generation</u>	<u>10</u>	<u>20</u>	<u>15.864</u>
<u>Green Wall</u>	<u>5</u>	<u>10</u>	<u>15.865</u>
<u>LEED Rating</u>	<u>10</u>	<u>30</u>	<u>15.866</u>
<u>Rainwater Reuse</u>	<u>5</u>	<u>10</u>	<u>15.867</u>
<u>Transferable Development Rights</u>	<u>10</u>	<u>30</u>	<u>15.868</u>
<u>Tree Canopy</u>	<u>10</u>	<u>20</u>	<u>15.869</u>
<u>Vegetated Area</u>	<u>5</u>	<u>10</u>	<u>15.8610</u>
<u>Vegetated Roof</u>	<u>10</u>	<u>20</u>	<u>15.8611</u>

424 **59-C-15.82. Transit Proximity Incentives.**

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

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

428 **59-C-15.83. Connectivity and Mobility Incentives.**

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

433 **59-C-15.831. Community Connectivity.**

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

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

439 2) at least 35 percent of those uses have a maximum floor area of
440 5,000 square feet and that any newly provided retail uses
441 remain at or below that area for a period of at least 4 years after
442 the initial use-and-occupancy permit is issued for that use.

443 b) The maximum increase requires additional benefits, such as a large
444 diversity of retail uses, a greater number of retail shops, provision of
445 services associated with live-work units, or that the required number
446 of retail uses are within 1/4 mile.

447 **59-C-15.832 Community Garden.**

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

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

452 1) is located on the subject site or within 500 feet of the subject
453 site;

- 454 2) provides all garden spaces with at least 12 inches of soil depth
455 and access to water; and
- 456 3) provides community garden space at a rate equivalent to 1
457 space per 20 dwelling units. Each space must be at least 16
458 square feet. At least 1 out of each 10 spaces must be accessible
459 under ADA standards.
- 460 b) The maximum increase requires additional features such as a
461 composting facility, additional garden space, seating areas, doubling
462 as a green roof, or additional accessible garden plots.

463 **59-C-15.833. Parking at the Minimum.**

- 464 a) The minimum incentive density increase requires that sites of 1 acre
465 or more provide on-site only the minimum required number of
466 parking spaces.
- 467 b) The maximum increase requires that sites of less than 1 acre provide
468 on-site only the minimum required number of parking spaces.

469 **59-C-15.834. Pedestrian Through-Block Connections.**

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

- 472 a) The minimum incentive density increase for a pedestrian through-
473 block connection requires that:
- 474 1) the pedestrian connection must provide direct access between
475 streets;
- 476 2) the pedestrian connection must be at least 15 feet in width;
477 3) at least 35 percent of the walls facing the interior pedestrian
478 connection below a height of 8 feet must have clear,

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

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

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

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

490 1) direct connection to parks;

491 2) transit facilities;

492 3) public buildings;

493 4) pedestrian connection with accessible retail uses along a
494 majority of its length;

495 5) connections increased in width; or

496 6) public artworks integrated into the walk.

497 **59-C-15.835. Public Parking.**

498 a) The minimum increase requires providing on-site the difference
499 between the minimum number of required parking spaces and the
500 maximum number of allowed parking spaces as publicly accessible
501 spaces for free or at a market rate.

502 b) The maximum increase requires providing public parking spaces, as
503 required above, in combination with additional improvements, such as
504 constructing those spaces underground or in a structure.

505 **59-C-15.836. Transit Access Improvement.**

- 506 a) The minimum incentive density increase for transit access
507 improvements requires that the improvements:
- 508 1) are located within 1/2 mile of the proposed development site or,
509 in the case of mobile transit improvements such as a bus shuttle,
510 provide regular access for passengers within 1/2 mile; and
 - 511 2) are built to ADA accessibility standards as amended.
- 512 b) The maximum increase requires additional benefits such as closer
513 access, new access easements, connecting walkways, mezzanines,
514 seating areas, structures for wind/rain protection, or concourse areas.

515 **59-C-15.84. Diversity Incentives.**

516 **59-C-15.841. Adaptive Buildings.**

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

- 520 a) The minimum incentive density increase for an adaptive building
521 requires that:
- 522 1) the floor to floor dimension must be at least 15 feet for all
523 floors; and
 - 524 2) the internal floor plan is based on a structural system allowing
525 flexibility of volumes divisible from 1 open floor plate to any
526 number of parceled volumes.
- 527 b) The maximum increase requires additional benefits such as that:
- 528 1) the structural system has additive capacity for any available
529 density and height that is not used by the building without
530 demolition of the structure; or

531 2) the internal layout is built to allow changes between residential,
532 retail, and office uses by minor modifications.

533 **59-C-15.842. Affordable Housing.**

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

537 b) Provision of MPDUs above the minimum required grants an incentive
538 density increase, providing the following standards are met:

539 1) the increase in density is calculated on the incentive density as
540 required by Chapter 25A;

541 2) the MPDUs must be reasonably distributed throughout the
542 project; and

543 3) any dwelling units built under this section must be controlled
544 under the MDPU or WFHU provisions for a minimum period of
545 99 years.

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

549 c) Provision of WFHUs grants an incentive density increase at the
550 following rate: 2 times the percentage of units provided as WFHUs up
551 to 30 percent.

552 *Example: Provision of 5 percent WFHUs achieves an incentive density increase of 10 percent;*
553 *provision of 12 percent WFHUs achieves an incentive density increase of 24 percent.*

554 **59-C-15.843. Care Center.**

555 a) The minimum incentive density increase for a center for daytime adult
556 or child care requires a facility for at least 12 users and the general
557 public must have the opportunity to comprise at least 25 percent of the
558 users.

559 b) The maximum increase requires additional benefits such as providing
560 for additional users, a safe drop-off area, an increase in users from the
561 general public, and recreation facilities provided above those required
562 by law.

563 **59-C-15.844. Community Facility.**

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

- 567 1) is recommended in the applicable master plan or sector plan;
568 and
569 2) is accepted for operation and use by an appropriate public
570 agency, community association, or nonprofit organization.

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

576 **59-C-15.845. Local Retail Preservation.**

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

- 579 a) preservation of up to 2 small businesses: 10 percent; and
580 b) preservation of 3 or more small businesses: 20 percent.

581 Exact terms of lease requirements and rental agreements must be established
582 by the site plan enforcement agreement.

583 **59-C-15.846. Unit Mix and Size.**

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

- 588 1) 7.5 percent as efficiency dwelling units;
- 589 2) 8 percent as one-bedroom dwelling units;
- 590 3) 8 percent as two-bedroom dwelling units; and
- 591 4) 5 percent as three-bedroom dwelling units.

592 b) The maximum increase requires provision of at least (calculated by
593 rounding to the next higher whole number):

- 594 1) 10 percent as efficiency dwelling units;
- 595 2) 10 percent as one-bedroom units;
- 596 3) 10 percent as two-bedroom units; and
- 597 4) 7.5 percent as three-bedroom units.

598 **59-C-15.85. Design Incentives.**

599 **59-C-15.851. Floor Plate Size.**

600 a) The minimum incentive density increase for the provision of floor
601 plate restrictions requires that:

- 602 1) the floor area of any floor above a height of 120 feet does not
603 exceed 10,000 square feet for residential uses or 19,000 square
604 feet for non-residential uses, or 12,000 square feet for mixed-
605 uses (if not more than 60 percent of a mixed-use floor is used
606 for any single use); and
- 607 2) the exterior of the building facing any street or public open
608 space has at least 60 percent glass on the floors with the
609 reduced floor plate.

610 b) The maximum increase requires additional benefits, such as providing
611 the reduced floor plates in conjunction with the Exceptional Design
612 factor, providing smaller floor plates, combining this incentive with
613 the tower setback, providing a larger percentage of glass, or
614 integrating sustainable technologies into the architecture.

615 **59-C-15.852. Historic Resource Protection.**

616 a) The minimum incentive density increase for the preservation of a
617 historic resource designated in the Master Plan for Historic
618 Preservation requires that a preservation strategy for the resource is
619 approved by the Planning Board as part of the site plan enforcement
620 agreement and that a historic area work permit is issued by the
621 Historic Preservation Commission.

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

626 **59-C-15.853. Parking Below Grade.**

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

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

633 **59-C-15.854. Podium/Tower Setback.**

634 a) The minimum incentive density increase for the provision of a tower
635 setback requires that the tower must be set back from the first floor

636 building frontage at or below 72 feet and the setback must be at least 6
637 feet.

638 b) The maximum increase requires that the tower setback be at or below
639 50 feet and that the setback be at least 12 feet.

640 **59-C-15.855. Public Art.**

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

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

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

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

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

650 1) achieve aesthetic excellence;

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

653 3) ensure public access and invite public participation;

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

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

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

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

- 662 8) achieve a collection of commissioned art that is unique and
663 contributes in a positive way to the identity of the community.
- 664 c) A fee instead of public art may be accepted for incentive density as
665 follows:
- 666 1) the minimum fee is calculated on 1 percent of the
667 development's projected cost;
- 668 2) the fee is paid to the Public Arts Trust Steering Committee;
- 669 3) the fee is used for installation, management, and maintenance of
670 public art at the discretion of the Public Arts Trust Steering
671 Committee, with preference given to the policy area where the
672 proposed development is located; and
- 673 4) the incentive density is equal to a 5 percent increase for every 1
674 percent of projected development cost paid to the Public Arts
675 Trust, up to 20 percent.

676 **59-C-15.856. Public Plaza/Open Space.**

677 Plazas are important public amenities and create interesting spaces and
678 active gathering areas.

- 679 a) The minimum incentive density increase for any plaza requires that:
- 680 1) the plaza is directly accessible to a street;
- 681 2) the plaza must be open to the public at least between sunrise
682 and sunset;
- 683 3) no proposed loading or parking facilities should be visible
684 below a height of the fourth floor; and
- 685 4) the plaza must be in addition to any public use space required
686 by the development standards or other minimum open space
687 requirement of this Division.

- 688 b) The maximum increase requires that the above requirements are met,
689 in addition to the following:
- 690 1) the plaza's width must be at least 50 feet;
691 2) where the plaza is provided as part of a redevelopment,
692 buildings facing the plaza must be designed so that:
- 693 A) the walls of any non-residential floor area facing the
694 plaza must have windows on at least 60 percent of the
695 façade below a height of 40 feet; and
- 696 B) the main entry to any dwelling units is from a wall facing
697 the plaza; and
- 698 3) the plaza should contain seating, trash receptacles, landscaping,
699 and other amenities such as water features, kiosks, and passive
700 recreation areas.

701 **59-C-15.857. Streetscape, Off-Site.**

702 Streetscape improvements enhance the pedestrian experience and better
703 connect buildings to the public spaces.

- 704 a) The minimum incentive density increase for streetscape improvements
705 requires that the following criteria are met:
- 706 1) the improvements must be located within 1/2 mile of the subject
707 site; and
- 708 2) the improvements are equal to 18 percent of the net lot.
- 709 b) The maximum increase requires that the improvements be equal to at
710 least 36 percent of the net lot area.

711 **59-C-15.858. Exceptional Design.**

712 The minimum incentive density increase for high-quality site and
713 architectural design requires that at least 3 of the following criteria are met;

- 714 the maximum density increase requires that at least 5 of the following
715 criteria are met:
- 716 a) provides innovative solutions in response to the architectural context
717 and surrounding landscape, for example, by rotating floor plates for
718 views or reconciling offset street-walls;
 - 719 b) creates a sense of place that will serve as a landmark in the
720 community, for example, by creating a distinguishing element that is
721 visible from an important view or at a gateway to an area;
 - 722 c) enhances the public realm in a distinct and original manner, for
723 example, by using existing materials and forms in new ways to
724 provide continuity and contrast;
 - 725 d) adds to the diversity of the built realm within the community, for
726 example, by introducing new materials, building methods, or design
727 styles;
 - 728 e) uses design solutions to make compact/infill living, working, and
729 shopping environments pleasurable and desirable, for example, by
730 retrofitting surface parking lots and single-use retail malls or creating
731 multi-use, pedestrian-dominated realms in previous auto-oriented
732 areas; and
 - 733 f) integrates environmentally sustainable solutions, for example, by
734 using stormwater management facilities that incorporate best
735 management practices in an apparent and observable way or
736 integrating passive solar features into the visible structure of a
737 building or site.

738 **59-C-15.86. Environment Incentives.**

739 **59-C-15.861. Bio-retention and Stormwater Recharge.**

740 a) The minimum incentive density increase for the use of bio-retention
741 and recharge facilities requires that at least 25 percent of projected
742 stormwater outfall for a 10-year event be contained and recharged on
743 site or within ¼ mile of the site.

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

746 **59-C-15.862. Conveyed Parkland.**

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

751 b) The maximum increase requires conveyance of at least 30 percent of
752 the gross lot area.

753 **59-C-15.863. Dark Skies.**

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

758 b) The maximum increase requires that the exterior lighting plan be
759 integrated into an energy efficiency plan for the entire project
760 submitted and approved by the Planning Board with a site plan
761 application.

762 **59-C-15.864. Energy Efficiency and Generation.**

763 a) The minimum density incentive increase for the use of on-site
764 renewable energy generation requires that buildings must meet the
765 minimum energy efficiency standards of 17.5 percent for new

766 buildings, 10.5 percent for existing buildings, or generate at least 1.5
767 percent of their energy on-site.

768 b) The maximum increase requires additional benefits such as greater
769 energy efficiency and the generation of at least 2.5 percent of energy
770 on-site.

771 **59-C-15.865. Green Walls**

772 a) The minimum incentive density increase for a green wall requires that
773 it:

774 1) must be designed, installed, and maintained to cover at least 30
775 percent of the area of a blank wall or parking garage facing a
776 street or plaza; and

777 2) must be found to add to the aesthetic quality and environmental
778 sustainability of the project.

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

783 **59-C-15.866. LEED Rating.**

784 A LEED-rated building or equivalent rating system approved under Chapter
785 8 Article VII is eligible for an incentive density increase if it meets any
786 continuing requirements necessary to maintain that status.

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

789 a) LEED Silver: 10 percent

790 b) LEED Gold: 20 percent

791 c) LEED Platinum: 30 percent

792 **59-C-15.867. Rainwater Reuse.**

- 793 a) The minimum incentive density increase for the collection of
794 rainwater for on-site irrigation, grey-water use, or filtration for re-use
795 requires that a minimum of 25 percent of projected rainwater for a 10-
796 year event be collected and used on-site or within ¼ mile of the site.
- 797 b) The maximum increase requires that at least 50 percent of projected
798 rainwater for a 10-year event be collected and used.

799 **59-C-15.868. Transferable Development Rights.**

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

- 802 a) the purchase must be executed and recorded before approval of a
803 record plat;
- 804 b) the use of this incentive must be for development on land
805 recommended as a TDR receiving area in the appropriate master or
806 sector plan;
- 807 c) TDRs must be purchased in increments of 10; and
- 808 d) the incentive density increase is equal to 10 percent for every 10
809 TDRs purchased, up to 30 percent.

810 **59-C-15. 869. Tree Canopy.**

- 811 a) The minimum incentive density increase for the provision of tree
812 canopy requires coverage of at least 25 percent of the on-site open
813 space at 15 years growth.
- 814 b) The maximum increase requires coverage of at least 50 percent of the
815 on-site open space at 15 years growth.

816 **59-C-15.8610. Vegetated Area.**

- 817 a) The minimum incentive density increase for a vegetated area requires
818 that the following criteria are met:
- 819 1) the area must be in addition to any required on-site open space
820 or any vegetated roof incentive;
 - 821 2) the area must replace at least 5,000 square feet of impervious
822 area;
 - 823 3) the area provides at least 12 inches of soil depth; and
 - 824 4) the area is planted with well-maintained vegetation.
- 825 b) The maximum increase requires additional benefits, such as larger
826 area or greater soil depth.

827 **59-C-15.8611. Vegetated Roof.**

- 828 a) The minimum incentive density increase for a vegetated roof requires
829 that the:
- 830 1) vegetated roof must cover at least 33 percent of the roof of the
831 building, excluding any space occupied by mechanical
832 equipment; and
 - 833 2) soil or media depth must be at least 4 inches.
- 834 b) The maximum increase requires coverage of at least 60 percent of the
835 roof area.

836 **59-C-15.87. Special Regulations for Purchase of Building Lot**
837 **Termination (BLT) Development Rights.**

- 838 a) A development under the Optional Method must purchase building
839 lot termination (BLT) easements under Chapter 2B, or a contribution
840 must be made to the Agricultural Land Preservation Fund under
841 Chapter 2B equal to 12.5 percent of the incentive density floor area
842 using the following formula:

- 843 1) one BLT easement is required for each 9,000 square feet of
844 residential floor area;
- 845 2) one BLT easement is required for every 7,500 square feet of
846 non-residential floor area.
- 847 b) When a BLT easement cannot be purchased or the amount of floor
848 area attributed to a building lot termination easement is a fraction of
849 the floor area equivalent, payment must be made to the Agricultural
850 Land Preservation Fund according to the rate set annually by
851 executive regulation.

852 **59-C-15.9. Existing Approvals.**

- 853 a) A lawfully existing building or structure and the uses therein, which predates
854 the applicable sectional map amendment, is a conforming structure or use,
855 and may be continued, renovated, reconstructed to the same size and
856 configuration, or enlarged up to 10 percent above the existing floor areas or
857 30,000 square feet, whichever is less, and does not require a site plan. A
858 larger addition requires compliance with the full provisions of this Division.
- 859 b) A project that received an approved development plan under Division 59-D-
860 1 or schematic development plan under Division 59-H-2 before the
861 enactment of the CR zones may proceed under the binding elements of the
862 development plan and will thereafter be treated as a lawfully existing
863 building and may be renovated or reconstructed under Subsection (a) above.
864 Such projects may be amended as allowed under Division 59-D-1 or 59-H-2,
865 under the provisions of the previous zone; however, any increase in the total
866 floor area or building height beyond that allowed by Subsection (a) above
867 requires full compliance with the full provisions of this Division.

868 c) A project which has had a preliminary or site plan approved before the
869 applicable sectional map amendment may be built or altered at any time,
870 subject to either the full provisions of the previous zone or this division, at
871 the option of the owner. If built under the previous approval, it will be
872 treated as a lawfully existing building and may be renovated or reconstructed
873 under Subsection (a) above.

874

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

877

878 This is a correct copy of Council action.

879

880

881 Linda M. Lauer, Clerk of the Council