



**Zoning Text Amendment (ZTA) No. 12-06, Commercial/Residential Zones – Transit Proximity Definition**

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**Completed 3/29/12**

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**Description**

**ZTA No. 12-06** amends the definition of *Transit Proximity* in Section **59-C-15.3. Definitions specific to the CR zones.** Specifically, the ZTA would exclude MARC stations from the facilities that qualify when measuring a site’s proximity to transit.

This amendment impacts two aspects of development in the CR, CRT, and CRN zones:

- The points available for incentive density in the CR and CRT zones; and
- The parking requirements for development in the CR, CRT, and CRN zones.

In the first case, incentive density points would have to be obtained by providing public benefits other than those that would have been available via transit proximity. In the second, parking requirements will be higher than they would have been for the affected properties.

**Summary**

ZTA 12-06 was introduced to disallow MARC Stations as qualifying transit facilities in the definition of Transit Proximity. This change would impact the ability to receive incentive density for optional method projects in the CR and CRT zones and would result in increased parking requirements in the CRN, CRT, and CR zones for properties that are not within 1/2 to 1 mile of other qualifying transit facilities.

**Staff recommends approval of ZTA 12-06 with modifications to disassociate the impacts on public benefits and parking reductions and proceed only with the proposed changes to the public benefits.**

## Transit Proximity Defined

### Current Definition

*Transit proximity:* Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

### Definition Proposed by ZTA 12-06

*Transit proximity:* Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path; excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

## Background

### Overview of Relevant Sections of the CR, CRT, and CRN Zones

The Commercial/Residential zones allow density based on a formula of total, non-residential, and residential maximums and maximum height that is mapped for each property or area. In the CR and CRT zones, density above a certain “standard method” base density (and up to the maximums established by the mapped zone) may only be achieved through the provision of public benefits. (CRN-zoned property may only develop under the standard method.) These public benefits are based on a point system, transit proximity being one of many that may be provided. Transit proximity points are based on distance and level of service, as defined above.

#### **59-C-15.852. Transit Proximity.**

Development near transit facilities encourages greater use of transit, controls sprawl and reduces vehicle miles traveled, congestion, and carbon emissions, and is eligible for incentive density. The Planning Board may approve incentive density for transit proximity under this section. Transit proximity points are granted for proximity to existing or master planned transit stops based on transit service level and CRT and CR zones as follows:

Proximity	Adjacent or confronting		Within ¼ mile		Between ¼ and ½ mile		Between ½ and 1 mile	
	1	2	1	2	1	2	1	2
Transit Service Level								
CRT	25	15	20	12.5	15	10	10	7.5
CR	50	30	40	25	30	20	20	15

(a) A project is adjacent to or confronting a transit station or stop if it shares a property line or easement line, or is separated only by a right-of-way from an existing or master-planned transit station or stop, and 100 percent of the gross tract area in a single sketch plan application is within ¼ mile of the transit portal.

(b) For split proximity-range projects:

- (1) If at least 75 percent of the gross tract area in a single sketch plan application is within the closer of two proximity ranges, the entire project may take the points for the closer range;
- (2) If less than 75 percent of the gross tract area in a single sketch plan is within the closer of 2 proximity ranges, the points must be calculated as the weighted average of the percentage of area in each range.

Additionally, the Commercial/Residential zones establish certain development standards and general requirements, including parking. Parking minimums and maximums are established based on transit proximity and no distinction is made between level 1 and 2 transit facilities.

**59-C-15.631. Parking Ratios.**

Parking spaces must satisfy the following minimums and maximums unless the minimum number of parking spaces is waived under Section [59-C-15.636](#). The minimum number of spaces required is equal to the number of parking spaces that would otherwise be required by Division 59-E-3, multiplied by the applicable factor in the table, or at the rate indicated. When a maximum number of spaces is indicated, no more parking than would otherwise be required by Division 59-E-3 may be provided.

Use	CRN		CRT		CR			
Distance from a level 1 or 2 transit station or stop	Up to ½ mile	Greater than ½ mile	Up to ½ mile	Greater than ½ mile	Up to ¼ mile	¼ to ½ mile	½ to 1 mile	Greater than 1 mile
<b>(a) Residential</b>								
Maximum:	None	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.7	0.8	0.6	0.7	0.8	0.9
<b>(b) Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)</b>								
Maximum:	None	None	None	None	59-E	59-E	59-E	None
Minimum:	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet	4 per 1,000 square feet
<b>(c) All other non-residential uses</b>								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.6	0.8	0.2	0.4	0.6	0.8

- (d) The appropriate rates to determine the number of parking spaces apply to the gross floor area of each use within each distance category.

ZTA 11-01 Discussions

This question of whether MARC should be included as a qualifying transit facility was raised over the course of the hearings at both the Planning Board and the County Council on the recently approved ZTA 11-01 that

created and incorporated the CRT and CRN zones within the Commercial/Residential zones. Both bodies ultimately approved the current version that includes MARC stations as facilities that qualify when measuring a site's proximity to transit and parking requirements.

In large part, the recommendations of Planning Staff and the Planning Board were based on discussions with the Town of Kensington residents, property owners, and Council. Owners of small properties and those with sites that were mapped at relatively low densities argued convincingly that incentive density would be hard to achieve through provision of other public benefits. Further, strong arguments were made that existing parking requirements are too high and that lower parking requirements would encourage redevelopment. Changes were even made to allow municipalities to establish parking programs for shared public parking that could count towards meeting a development's requirement.

## **Affected Sites**

### Kensington

At this point, the only affected sites are within Kensington. Only a few sites in Kensington with CRT or CRN zoning may be considered adjacent to or confronting the MARC Station; about ½ of the properties are within ¼ mile; most of the rest are within ½ mile of the station; and a few are just outside of ½ mile. For the CRT properties, incentive density points may be approved for 15, 12.5, 10, and 7.5 points, respectively.

The larger impact, however, is to parking requirements. The sites within ½ mile of the MARC Station with CRT or CRN zoning would shift from having lower minimums and, in some cases, maximum caps to a higher minimum without any caps. Specifically:

- Minimum residential parking would be increased 10% on CRN-zoned sites and 20% on CRT-zoned sites;
- Retail and restaurant parking would be unchanged;
- Non-residential parking (except retail and restaurant) would be increased 20%; and
- Maximum limits would be removed from the residential parking for CRT-zoned sites and for non-residential (except for retail and restaurant) CRN- and CRT-zoned sites.

### Possible Future Implications

Under the Zoning Ordinance rewrite, early drafts of conversions from existing commercial and mixed-use zones to new zones, including CR, CRT, and CRN zones, could have impacts on other properties. For example, in Germantown the predominant mixed-use zoning is TMX-2 and the draft conversion for this zone is to the CR zones (with limits on density and height as recommended in the master plan). While much of the Germantown area will be served by the Corridor Cities Transitway ("CCT"), there are areas near the MARC Station that may not be able to take advantage of the transit proximity public benefit for incentive density if it is removed from the definition. Further, minimum parking requirements would be increased up to 60%.

The MARC Stations in Dickerson, Boyds, and Garrett Park have some commercial-zoned properties nearby; Barnesville has none. These properties would only be affected by the parking changes – some minimum requirements being raised by 20%.

The MARC Station at Washington Grove has some commercial- and industrial-zoned properties nearby; Metropolitan Grove has some industrial-zoned properties. In both cases, the industrial-zoned properties may be affected by both the incentive density and parking changes; the commercial, only the parking changes.

### **MARC Statistics**

The general argument for the ZTA is that ridership is too low to have a significant impact on congestion. This is due to the fact that MARC is used as a commuter line one-way in the morning and the opposite way in the evening with relatively long headway intervals (9 inbound, 9 outbound (10 on Fridays)).

#### Average Boardings at Stations between July 2005 and April 2006:

<b>Dickerson</b>	11.3
<b>Barnesville</b>	84.2
<b>Boys</b>	8.3
<b>Germantown</b>	726.5
<b>Metro Grove</b>	205.9
<b>Gaithersburg</b>	422
<b>Wash Grove</b>	31.8
<b>Rockville</b>	634.1
<b>Garrett Park</b>	32.7
<b>Kensington</b>	111.3
<b>Silver Spring</b>	652.2

#### Trends

The Brunswick line, serving Montgomery and Frederick Counties, has seen ridership increase steadily about 24% between 2003 and 2010.<sup>1</sup> These numbers vary month-by-month, but have been consistently rising. This trend will only be enhanced as new unit types and demographic shifts occur in Kensington due to the revitalization efforts implementing the new Sector Plan.

### **Town of Kensington Position**

As the original debate was guided largely by the Town of Kensington, it seems appropriate to take into consideration the Town Council's recommendation on this ZTA. At the date of this staff report, no resolution has been published on the ZTA, but the Town Council did vote 2-1 in favor of ZTA 12-06. It may require a super-majority of the County Council to overturn this decision.

### **Recommendation**

In summary, although the original argument in favor of retaining MARC Stations is buttressed by the ridership numbers and trends, Staff supports the Town of Kensington's position that it should not be counted as a public benefit. Also, it is reasonable to believe that the points required for any optional method project can be achieved by providing public benefits other than transit proximity. Further, the Town of Kensington will be reviewing regulatory applications and will express their opinion on particular public benefits on a case-by-case basis. The implications regarding parking, however, are in direct contradiction to the Town's position on

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<sup>1</sup> [http://mta.maryland.gov/sites/default/files/MARC\\_Ridership\\_and\\_Delays\\_2003\\_to\\_2010\\_20100920\\_for\\_web.pdf](http://mta.maryland.gov/sites/default/files/MARC_Ridership_and_Delays_2003_to_2010_20100920_for_web.pdf)

decreased and shared parking policies. Staff does not support the proposed change to the parking requirements that would result from ZTA 12-06.

#### Transit Proximity: Public Benefit vs. Parking Requirements

In order to disallow the incentive density associated with transit proximity for MARC stations, but allow the parking requirement to be unaffected, the definition could be altered to disassociate the two provisions.

*Transit proximity:* Transit proximity is categorized in two levels: 1. Proximity to an existing or master planned Metrorail Station; 2. Proximity to an existing or master planned station or stop along a rail or bus line with a dedicated, fixed path. For the purposes of granting incentive density, MARC stations do not qualify for the transit proximity public benefit. For the purposes of calculating parking requirements, MARC stations qualify as transit stations [[: excluding a site that is within one mile of a MARC station and that is more than one mile from any other transit station serving a dedicated, fixed path transit facility]]. All distances for transit proximity are measured from the nearest transit station entrance or bus stop entrance.

An alternative approach would be to allow both measures, but add language stipulating that the increased parking requirements do not apply in municipalities with municipal parking programs.

#### Conclusion

The use of MARC stations for incentive density and parking reductions is supported in the broader context of increasing use, demographic changes, and forthcoming dwelling unit types that may be allowed in current commercial-only areas. As multi-family, mixed-use village and town centers are created – even at low densities, opportunities should be encouraged for multi-modal connectivity. Further, in recognition of the difference between MARC Stations and Metro Stations, the points awarded and parking reductions are appropriately lower for MARC. That said, Staff supports ZTA 12-06, as modified, to encourage the provision of alternative public benefits in Kensington, the only area that will be affected by the change in the Zoning Ordinance for the near future.

#### Attachments

1. ZTA 12-06
2. Maps of MARC stations and zoning

**Attachment 1**

Zoning Text Amendment No.: 12-06  
Concerning: Commercial/Residential  
Zones – Transit  
Proximity Definition  
Draft No. & Date: 1 – 3/2/12  
Introduced: March 6, 2012  
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**

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By: Councilmembers Leventhal and Elrich

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amend the definition of transit proximity for CR, CRN, and CRT zones.

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

DIVISION 59-C-15      “COMMERCIAL/RESIDENTIAL ZONES”  
Section 59-C-15.3      “Definitions specific to CR zones”

**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.*

*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 amended as follows:**

2   DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL ZONES.

3   \*   \*   \*

4   **59-C-15.3. Definitions specific to the CR zones.**

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

7   \*   \*   \*

8   *Transit proximity:* Transit proximity is categorized in two levels: 1. proximity to  
9    an existing or master planned Metrorail Station; 2. proximity to an existing or  
10   master planned station or stop along a rail or bus line with a dedicated, fixed  
11   path; excluding a site that is within one mile of a MARC station and that is  
12   more than one mile from any other transit station serving a dedicated, fixed path  
13   transit facility. All distances for transit proximity are measured from the  
14   nearest transit station entrance or bus stop entrance.

15   \*   \*   \*

16           **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of  
17   Council adoption.

18  
19   This is a correct copy of Council action.

20  
21   \_\_\_\_\_  
22   Linda M. Lauer, Clerk of the Council

Attachment 2: MARC Stations and Zoning within 1 Mile































