

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #4
01/10/02

DATE: January 4, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator
REVIEW TYPE: Zoning Text Amendment
PURPOSE: Require residential development in the C-2 zone, pursuant to Section 59-C-4.351(b), to provide Moderately Priced Dwelling Units in accordance with the provisions of Chapter 25A of the County Code.

TEXT AMENDMENT: No. 01-12
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmembers Berlage, Denis and Silverman
INTRODUCED DATE: November 20, 2001

PLANNING BOARD REVIEW: January 10, 2002
PUBLIC HEARING: January 22, 2002; 1:30pm

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

The proposed text amendment requires residential development in the C-2 zone, pursuant to 59-C-4.351(b), to provide Moderately Priced Dwelling Units (MPDUs) in accordance with the provisions of Chapter 25A of the County Code.

BACKGROUND

- On November 6, 2001, the County Council adopted Ordinance No. 14-43 (Zoning Text Amendment No. 01-08) to permit residential housing in conjunction with commercial uses in the C-2 zone on sites within 1,500 feet of a Central Business District Metro Station. The ordinance also included an amendment of the purpose and development standards for the C-2 zone to encourage housing in conjunction with commercial uses near Metro stations and by increasing the building height and

FAR for a mixed commercial and residential development under certain conditions. The effective date of the ordinance was November 26, 2001 (see Attachment 2).

- At the time of the PHED Committee hearing on this application, Councilmembers requested that staff prepare amendments to Chapter 25A and the Zoning Ordinance to require construction of residential units in the C-2 zone to adhere to MPDU requirements.

ANALYSIS

Currently, the MPDU requirements of Chapter 25A do not apply to residential development in the commercial zones. The subject text amendment will require residential development in the C-2 zone within 1,500 feet of a metro station located in a Central Business District (CBD) to adhere to the MPDU requirements. As such, the current MPDU regulations require that all developments of 50 dwelling units or more include a minimum of 12.5% of the units as moderately priced dwellings. It should be noted that the County is currently reviewing the minimum MPDU threshold requirements for a possible extension of the MPDU requirement to subdivisions of 35 or more dwelling units.

The proposed text amendment complements the recent addition of housing as a permitted use in the C-2 zone near metro stations. Additionally, both the proposed text amendment and the recently approved ordinance will contribute to providing housing in a variety of price ranges near metro stations, as envisioned in the County's General Plan and recently adopted Housing Policy.

RECOMMENDATION

The staff supports the proposed text amendment to require residential development in the C-2 zone, pursuant to 59-C-4.351(b), to provide Moderately Priced Dwelling Units in accordance with the provisions of Chapter 25A of the County Code. Attachment 1 depicts the proposed text amendment.

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Attachments

1. Proposed Text Amendment 01-12
2. Ordinance No. 14-43
3. Memorandum from Sally Roman to Gregory Russ

Zoning Text Amendment No: 01-12
 Concerning: MPDU requirement in C-2
 zone
 Draft No. & Date: 1 – 11/14/01
 Introduced: November 20, 2001
 Public Hearing: January 22, 2002; 1:30 PM
 Adopted:
 Effective:
 Ordinance No:

**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: Councilmembers Berlage, Denis and Silverman

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

requiring residential development in the C-2 zone pursuant to 59-C-4.351(b) to provide Moderately Priced Dwelling Units in accordance with the provisions of Chapter 25A.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-4
 Section C-4.35

“COMMERCIAL ZONES”
 “C-2—Purpose and development standards”

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-4 is amended as follows:**

2 **DIVISION 59-C-4. COMMERCIAL ZONES**

3 * * *

4 **59-C-4.35. C-2 zone-Purpose and development standards.**

5 * * *

6 **59-C-4.357 MPDU requirement – C-2 zone.**

7 Residential development in the C-2 zone pursuant to 59-C-4.351(b) must
8 provide Moderately Priced Dwelling Units (MPDUs) in accordance with the
9 provisions of Chapter 25A.

10

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

13

14 This is a correct copy of Council action.

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19 Mary A. Edgar, CMC

20 Clerk of the Council

Ordinance No: 14-43
Zoning Text Amendment No: 01-08
Concerning: Residential uses in C-2 zone
Draft No. & Date: 1 – 9/6/01
Introduced: September 11, 2001
Public Hearing: October 16, 2001; 1:30 PM
Adopted: November 6, 2001
Effective: November 26, 2001

**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: Councilmembers Denis, Silverman and Ewing

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- permitting housing with commercial uses in the C-2 zone on sites within 1,500 feet of a Central Business District Metro station.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
Section 59-C-4.35	“C-T zone—Purpose and development standards”
Section 59-C-4.350	“Purpose
Section 59-C-4.351	“Building height”
Section 59-C-4.352	“Floor area”

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

Zoning Text Amendment 01-08 was introduced on September 11, 2001 to promote the effective use of transit facilities in Central Business Districts. Under the ZTA, housing could be developed in connection with commercial uses in the C-2 zone on sites that are within 1,500 feet of a Central Business District Metro station. To accommodate mixed-use development, the ZTA proposes to allow building height to be increased from 42 feet to 75 feet, and a FAR increase from 1.5 to 2.5.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with a revision to clarify that the ground floor of a mixed-use building must be commercial.

The County Council held a public hearing on October 16, 2001, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on October 22, 2001 to review the amendment. The Committee recommends approval of the ZTA with revisions to: 1) clarify that the ground floor of a mixed-use building must be commercial, except for uses incidental to the residential use, such as lobbies and loading areas; and 2) delete requirement that a mixed-use, C-2 project be adjacent to a public parking garage.

The District Council reviewed Zoning Text Amendment No. 01-08 at a worksession held on November 6, 2001, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 01-08 will be approved as amended.

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-4 is amended as follows:**

2 **DIVISION 59-C-4. COMMERCIAL ZONES.**

3 * * *

4 **59-C-4.2. Land uses.**

5 * * *

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Coun try Inn
(a) Residential:												
Apartment hotels. ¹												
Boarding houses.			P			P						
Dwellings.	P ⁶	P ^{6/} SE	P ^{2,32}		SE	P ^{40/} SE	SE	SE		SE		P ⁴

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7 40 In a hotel or motel [structure] lawfully existing in the C-2 zone on October 24, 1972
 8 or within 1,500 feet of a Metro station located in a Central Business District[[and
 9 adjacent to a public parking garage]]: provided: (1) the sector plan district in which
 10 the property is located is recommended for residential development, and (2) the
 11 development complies with the Section 59-D-3 site plan review requirements.

12

13 **59-C-4.35. C-2 zone—Purpose and development standards.**

14 **59-C-4.350. Purpose.**

15 It is the purpose of this zone to provide locations for general commercial uses representing
 16 various types of retail trades, businesses and services for a regional or local area. Typical
 17 locations for such uses shall include: central urban commercial areas, regional shopping
 18 centers and clusters of commercial development. A further purpose of this zone is to
 19 promote the effective use of transit facilities in Central Business Districts by encouraging
 20 housing with commercial uses in close proximity to Metro stations located in Central
 21 Business Districts.

1 **59-C-4.351. Building height.**

2 The maximum building height at any point measured from the finished grade is 3 stories
3 or 42 feet, except that the height may be increased [to 5 stories or 60 feet if the building
4 satisfies all of the following criteria] as follows:

5 (a) To 5 stories or 60 feet if the building satisfies all of the following criteria:

6 [(a)]1. The building is an expansion of a use that either:

7 [(1)] (i) Existed on November 23, 1976; or

8 [(2)] (ii) Received site plan approval in accordance with division 59-D-3
9 between November 23, 1976, and March 26, 1985, for the purpose
10 of attaining the increased height allowed by this section.

11 [(b)]2. The roof elevation of the expansion does not exceed the roof elevation of the
12 existing or approved use as specified by paragraph [(a)] (1) above. Elevation is
13 measured from sea level.

14 [(c)]3. The expansion receives site plan approval in accordance with division 59-D-3[.];
15 or

16 (b) To 75 feet to accommodate mixed commercial and residential development,
17 provided:

18 1. The residential component consists of a minimum of 60% of the overall
19 FAR, and

20 2. The development is at least 300 feet from any one-family residential use.

21 **59-C-4.352. Floor area.**

22 The gross floor area of buildings shall not exceed FAR 1.5, except that the FAR may be
23 increased to a maximum of 2.5 FAR for a mixed commercial and residential

24 [[development]] project provided: (1) the commercial FAR does not exceed 1.0 FAR, and
25 (2) the ground floor is commercial, except for uses incidental to the residential use, such as
26 lobbies and loading areas.

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

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4 This is a correct copy of Council action.

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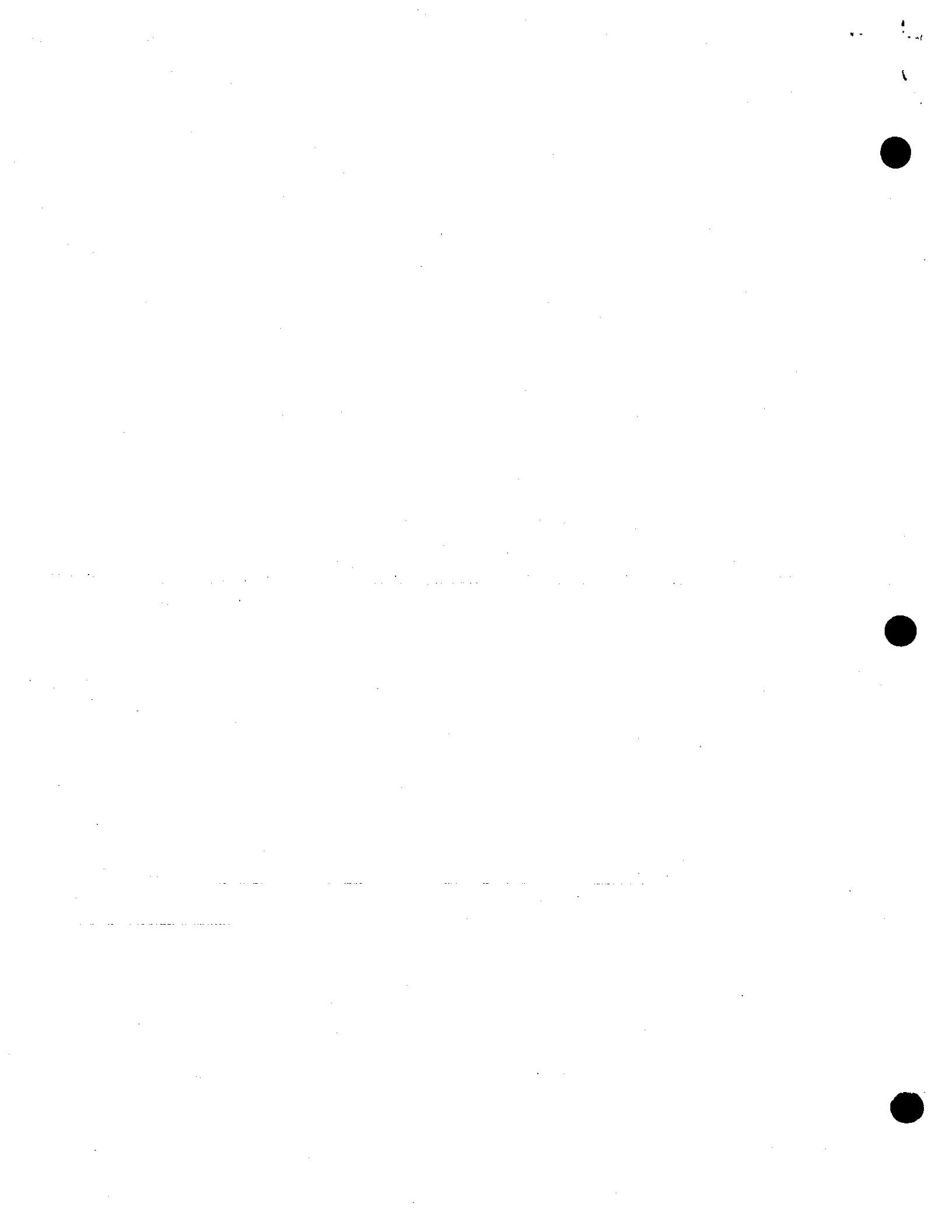
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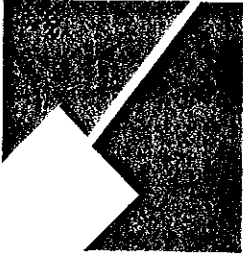
8 *Mary A. Edgar*

9 Mary A. Edgar, CMC

10 Clerk of the Council



M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760MEMORANDUM

DATE: December 18, 2001

TO: Gregory Russ, Zoning Planner Coordinator

FROM: Sally Roman, ^{SR} Research Supervisor, Research and Technology Center

SUBJECT: Zoning Text Amendment Number 01-12

Research staff strongly supports Zoning Text Amendment Number 01-12 to require MPDUs in residential development in the C-2 Zone. This amendment complements the recent addition of housing as a use to the C-2 Zone in CBD locations near Metro. Both will contribute to the provision of housing in a variety of price ranges near Metro as envisioned in the Montgomery County General Plan and in the County's recently adopted Housing Policy. MPDUs are particularly desirable in CBDs, not only because of the proximity to Metro but also to jobs within the CBD. Land costs in these areas often preclude affordable housing unless there is an incentive or subsidy. This text amendment should contribute to positive growth in the County's housing supply.

