

ATTACHMENT 1

Zoning Text Amendment No:
Concerning: Additional Height in CBD-2
Zone
Draft No. & Date: 4 – 12/08/03
Introduced:
Public Hearing:
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:

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

- permitting additional height in the CBD-2 zone under the optional method of development for residential and commercial mixed use projects in revitalization areas as designated in the relevant sector plan and located within 800 feet of the entrance of a metro station.

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

DIVISION 59-C-6
Section 59-C-6.23

“CENTRAL BUSINESS DISTRICT ZONES”
“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:

Sec. 1. DIVISION 59-C-6 is amended as follows:

DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.

* * *

59-C-6.23. "Development standards."

The development standards applicable to the standard and optional methods of development, indicated by the letters "S" and "O" in each of the zones are set forth in this section.⁸

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
* * *												
59-C-6.235. Maximum Building Heights (in feet)												
* * *												P
(b) Optional method of development.												
-Normally:		60		60		60		143		143		143
-If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to:		60 ¹²		143		90 ¹		200 ¹¹		200		200

8 All provisions of Section 59-C-18.10, entitled the Wheaton Retail Preservation Overlay Zone, shall continue in effect and remain unaltered, except that additional FAR for residential density may be included in a standard method project, provided the restrictions on the utilization of street level space for multi-story buildings constructed or reconstructed after July 16, 1990 are followed.

1 11 Under the optional method of development process, the Planning Board may
2 approve height over 143 feet, but not more than 200 feet. In order to
3 [approve height over 143 feet, the Planning Board must find that:] be
4 eligible for

5
6 [(1) T]the additional height, [is specifically recommended for the] a
7 property 1) must be specifically recommended for the additional height in
8 the applicable sector plan or urban renewal plan; or 2) must be within a
9 revitalization area designated in the approved and adopted sector plan and be
10 located within 800 feet of an entrance to a metro station.

11
12 The Planning Board must also make the following findings:

13
14 [(2)](1) The additional height is consistent with the criteria and
15 guidelines for the property as contained in the applicable sector plan
16 or an urban renewal plan approved by the County Council under
17 Chapter 56, or in the case of a site outside an urban renewal area,
18 accomplishing the objectives of incorporating residential development
19 with [limited] commercial development in a mixed use project in
20 close proximity to of a metro station otherwise unobtainable due to
21 site conditions, proximity of adjacent non-residential buildings, or
22 other physical constraints which prevent the achievement of sector
23 plan objectives;

24
25 [(3)](2) The proposed development is compatible with the surrounding
26 development, considering but not limited to the relationship of the
27 building or buildings to the surrounding uses, the need to preserve
28 light and air for the residents of the development and residents of
29 surrounding properties, and any other factors relevant to the height of
30 the building; and

31
32 [(4)](3) The proposed development will provide additional public
33 facilities and amenities beyond what could otherwise have been
34 provided if the excess height were not approved. Such facilities must
35 be accessible to and usable by the public in accordance with the
36 applicable sector or master plan or urban renewal plan.

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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9 Mary A. Edgar, CMC

10 Clerk of the Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 9, 2003

MEMORANDUM

TO: Greg Russ, Zoning Coordinator
Development Review Division

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

FROM: Glenn Kreger, Team Leader *GK*
Silver Spring/Takoma Park Team

SUBJECT: Draft CBD-2 Height Text Amendment

This memorandum conveys our comments concerning the draft Zoning Text Amendment (ZTA) for additional building height in the CBD-2 Zone.

Proposed ZTA

The proposed ZTA would permit building height over the normal maximum for optional method projects in the CBD-2 Zone without the requirement that the additional height be recommended for a property in the relevant master plan. Only properties within designated revitalization areas that are located within 800' of a Metro station entrance would be eligible for the additional height. The Planning Board would still need to make specific compatibility findings in order to approve height in excess of the normal 143' height limit for optional method projects in the CBD-2 Zone.

Policy Basis

The draft Zoning Text Amendment seeks to encourage Transit Oriented Development (TOD) in revitalizing Central Business Districts (CBDs). It ensures compatibility with surrounding uses by requiring that the Planning Board make certain findings before approving for more than the normal building height.

Master Plan Guidance

The *February 2000 Approved and Adopted Silver Spring CBD Sector Plan* specifically calls for a transit oriented downtown that focuses the highest densities around the Metro station. The projects that benefit from the proposed ZTA will provide the mixed-use development envisioned by the Sector Plan in the CBD core and the adjoining Ripley District.

Alternative Approaches

In lieu of the proposed ZTA, the Silver Spring CBD Sector Plan could be revised to recommend the necessary height flexibility on specific properties in the core and Ripley District. This would make it possible to be selective about which properties within the CBD-2 Zone should be suitable for the increased height.

Unfortunately, securing approval of a sector plan amendment would likely take longer than a ZTA and require more resources. Opening up the sector plan also invites others to request additional, unrelated changes to the plan which could slow down the process even more.

Impacts of the Proposed ZTA

a. Silver Spring CBD

At this time, only the Silver Spring CBD has designated revitalization areas. The Core and Ripley District both include properties within 800' of the Metro.

1. Core

The proposed ZTA will enable the mixed-use project over the future Transit Center to proceed through the approval process. The Sector Plan approved in 2000 did not recommend additional height for the Transit Center site because WMATA had no plans for a joint development.

2. Ripley District

The Sector Plan restricts building heights along Ripley Street and Dixon Avenue in the Ripley District in order to ensure attractive streets with adequate natural light and air. Although the proposed ZTA would allow taller buildings than those envisioned in the Sector Plan, the intent of the Sector Plan can still be accomplished and the additional building height can allow the future buildings to be compressed and set back further from the street so that Ripley Street and Dixon Avenue are not perceived as dark canyons.

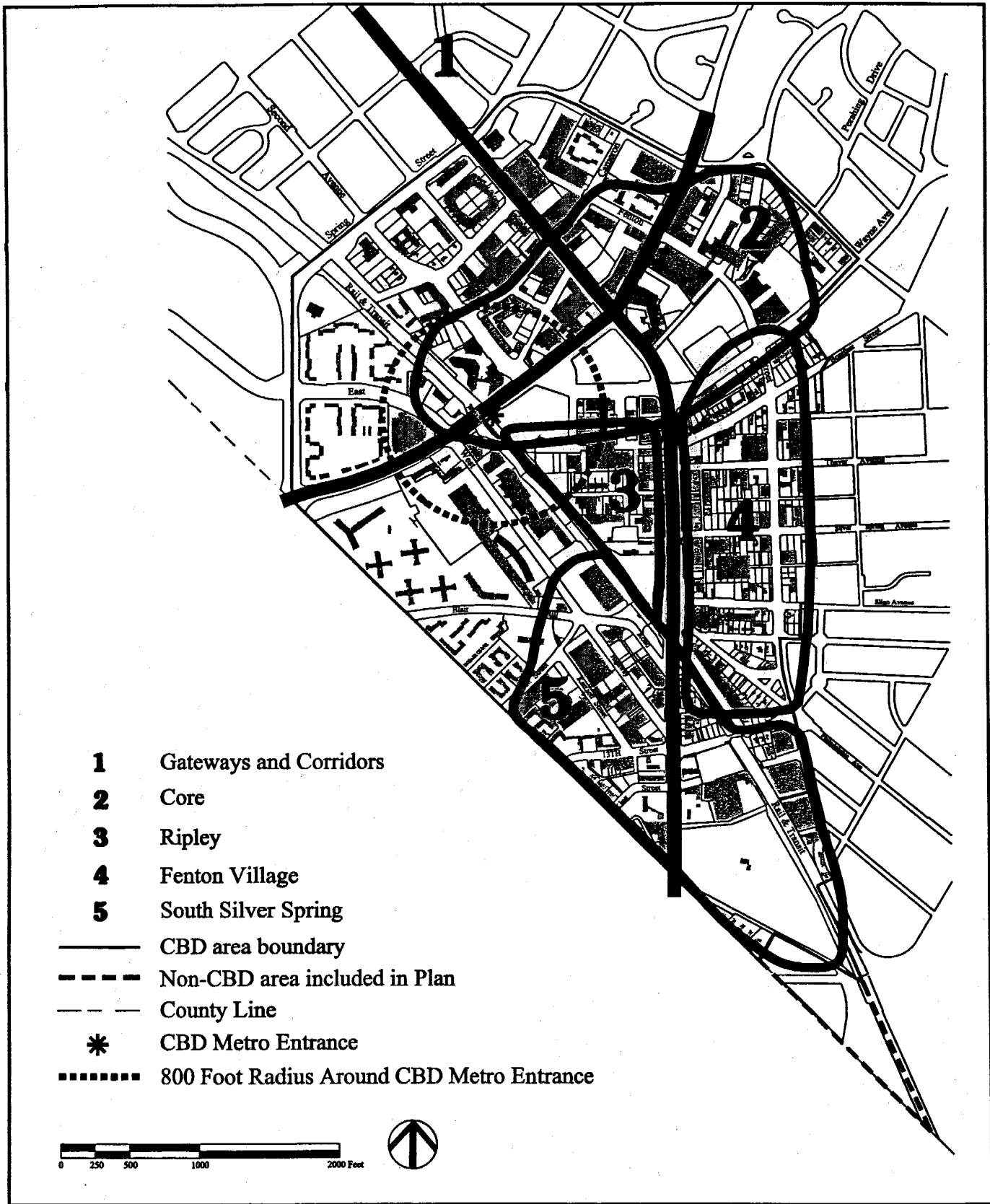
b. Wheaton

The Wheaton CBD has a large portion of its area within the CBD-2 Zone. A majority of the CBD-2 property is also in a retail overlay zone that does not allow optional method development, and the proposed ZTA would not apply to this area. The area outside the overlay zone does not have any projects proposed or anticipated that would exceed six or seven stories. Even the projects that are currently under construction did not avail themselves of the Optional Method of Development. In conclusion, the proposed ZTA is likely to have no practical impact on Wheaton in the foreseeable future.

c. Bethesda and Friendship Heights CBDs

The proposed text amendment would not apply to the Friendship Heights and Bethesda CBDs. The Friendship Heights CBD does not include any vacant sites in the CBD-2 Zone. The Sector Plan for the Bethesda CBD includes specific guidelines for building height that would not allow the application of this text amendment.

Silver Spring CBD Metro Center



- 1** Gateways and Corridors
- 2** Core
- 3** Ripley
- 4** Fenton Village
- 5** South Silver Spring
- CBD area boundary
- - - - - Non-CBD area included in Plan
- - - - - County Line
- * CBD Metro Entrance
- 800 Foot Radius Around CBD Metro Entrance

