THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING DEPARTMENT

Date: October 21, 2010

To: Montgomery County Planning Board

Via: Rollin Stanley, Director
Planning Department

From: Joshua Sloan, Coordinator
Development Review Division

Re: Proposed Amendments to the CR Zones

The CR zones were developed and adopted simultaneously with the White Flint Sector Plan, the Great Seneca Science Corridor Sector Plan, and the early phases of the Kensington, Wheaton, and Takoma/Langley Park Plans. The timing of adoption was critical to continue the momentum of the Plans and development applications are currently being submitted and pre-application meetings are being held for properties in the White Flint and GSSC areas.

In most respects, the CR zones are fulfilling expectations and ensuring that applications and development proposals focus on Plan implementation and the intended objectives of the zone. Initial sketches provided by property owners show innovative, forward-thinking designs at varying scales.

For many reasons, however, a number of zoning innovations were not included in the original zoning text amendment for the CR zones. These innovations were being developed during the course of the zoning ordinance rewrite project and were thought to create undue complexity if included in the original legislation. After several months discussing applications in numerous areas, most interested people now understand the novel approach of the CR framework. Staff finds it appropriate and timely to incorporate several changes to the CR zones.

These changes do not affect the framework or the objectives of the zones. Instead, they provide refinements in line with the evolution of the ongoing area Plans and the zoning ordinance rewrite. Specifically, they amend six sections of the Division 59-C-15:

1. Establish limited uses in transitional areas next to one-family, detached house residential zones.
2. Expand parking provisions to include participation in a municipal shared parking program.
3. Grant the Department of Permitting Services (DPS) the same authority as the Planning Board for review of parking facilities when plans are not subject to Board review.
4. Allow master plans to require fewer public benefits for incentive density on small properties or properties with low densities.
5. Allow master plans to exempt properties from the provision of BLTs.
6. Allow master plans to designate additional public benefits that qualify for incentive density.

These changes are presented in detail below; underlined text is added to the existing language of the zone, ~~struck-through~~ text is removed from the existing language of the zone.

1. Amendment for restrictions on uses in transitional areas next to detached-unit residential zones.

59-C-15.5. Land Uses.
No use is allowed in the CR zones except as indicated below:

- *Permitted Uses* are designated....
- *Special Exception Uses* are designated....
- *Limited Uses* are designated by the letter "L" and are limited according to the additional standards contained in Section 59-C-15.51.

Ambulance or rescue squads	~~P~~ L
Automobile repair and services	~~P~~ L
Automobile sales, outdoors (except where a municipality prohibits the use within its jurisdiction by resolution)	~~P~~ L
Eating and drinking establishments	~~P~~ L
Entertainment/performance venue	~~P~~ L
Retail trades, businesses, and services of a general commercial nature	~~P~~ L
Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development	~~P~~ L
Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment	~~P~~ L

59-C-15.51. Limited Uses
Uses designated by the letter "L" in the allowed land use table must comply with the following standards if they are located on a property adjacent to, and not separated by a right-of-way from, a property in an agricultural (Division 59-C-9) or residential (59-C-1) zone.

(a) Buildings, parking facilities, and driveway entrances must not be located within 100 feet of the agriculturally- or residentially-zoned property line for the following uses:
  (1) Ambulance or rescue squads;
  (2) Automobile repair and services;
  (3) Automobile sales, outdoors;
  (4) Entertainment/performance venue;

(5) Manufacturing, compounding, processing, or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, synthetic molecules, and projects resulting from biotechnical and biogenetic research and development; and

(6) Manufacturing and assembly of medical, scientific, or technical instruments, devices, and equipment.

(b) Notwithstanding Section59-C-15.65(f), no drive-through services are allowed on buildings or structures within 100 feet of the agriculturally- or residentially-zoned property line for the following uses:

(1) Eating and drinking establishments; and

(2) Retail trades, businesses, and services of a general commercial nature.

2. Amendment for parking reductions under certain circumstances.

59-C-15.65. Parking.

(c) Parking requirements must be met by any of the following:

(1) providing the spaces on site;

(2) constructing publicly available on-street parking; ~~or~~

(3) participating in:

(i) a parking lot district or other municipal shared parking program; and/or

(iii) entering into an agreement for shared private or publicly accessible parking spaces ~~in a public or private facility~~ within ¼ mile ~~1,000 feet~~ of the subject lot, if the off-site parking facility is not in an agricultural (Division 59-C-9), planned unit development (Division 59-C-7), or residential (Division 59-C-1) zone, unless part of a municipal shared parking program or otherwise allowed by this Ordinance.

3. Amendment to grant the Department of Permitting Services the same authority as the Planning Board to review the design of surface parking facility locations and drive-through services when not subject to Planning Board review.

59-C-15.65. Parking.

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

(1) a parking facility at or above grade must not be located between the street and the main front wall of the building or the sidewall of a building on a corner lot unless the Planning Board, or, in the case of a standard method project that does not require a preliminary or site plan approval, the Department of Permitting Services finds that safe and efficient circulation would be better served by a different arrangement;

(f) The design of parking facilities with drive-through services must comply with the following; however, the Planning Board, or, in the case of a standard method project that does not require a preliminary or site plan

approval, the Department of Permitting Services may approve an alternative design if it finds that the alternative would provide safer and more efficient circulation.

4. Amendment for public benefit reductions for specific master plan-determined areas in the four incentive density categories that list individual public benefits.

59-C-15.84. Incentives for Connectivity and Mobility.
In order to … the Planning Board may approve incentive density of up to 30% for a project that provides at least 2 of the following public benefits. The number of required benefits for projects may be reduced to 1 for up to 30% incentive density in this category if the subject lot is within an area specifically recommended for such consideration in the applicable master or sector plan.

59-C-15.85. Incentives for Diversity of Uses and Activities.
In order to … the Planning Board may approve incentive density of up to 30% for a project that provides ~~affordable housing or a public facility, as described below, or~~ at least 2 of the ~~other~~ following public benefits. The number of required benefits for projects may be reduced to 1 for up to 30% incentive density in this category if the subject lot is within an area specifically recommended for such consideration in the applicable master or sector plan, or if the project provides affordable housing as described below.

59-C-15.86. Incentives for Quality Building and Site Design.
In order to … the Planning Board may approve incentive density of up to 30% for a project that provides at least 2 of the following public benefits. The number of required benefits for projects may be reduced to 1 for up to 30% incentive density in this category if the subject lot is within an area specifically recommended for such consideration in the applicable master or sector plan.

59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.
In order to … the Planning Board may approve ~~a density increase~~ incentive density of up to 30% for a project that provides at least two of the following public benefits. ~~the public benefits in this Subsection:~~ The number of required benefits for projects may be reduced to 1 for up to 30% incentive density in this category if the subject lot is within a site, district, or area specifically recommended for such consideration in the applicable master or sector plan, or if the project provides BLTs as described below.

5. Amendment for elimination of BLT requirement under specific recommendations of a master or sector plan.

59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.

(a) Unless specifically exempted by the applicable master or sector plan, CR Zones require the purchase of BLT easements or payment to the Agricultural Land Preservation fund....

6. Amendment for additional public benefits when specified in a master or sector plan.

59-C-15.81. Incentive Density Provisions.

(d) The Planning Board must adopt, publish, and maintain guidelines that detail the standards and requirements for public benefits that may be provided for incentive density. The guidelines must:

(4) only address the public benefits listed in Sections 59-C-15.82 through 59-C-15.88 and those additional public benefits specifically indicated in an approved master or sector plan and calculated according to the CR zoning implementation guidelines required by this division and must not add a public benefit category; and