Resolution No. R-32-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF KENSINGTON CONCERNING CERTAIN AMENDMENTS TO THE CR ZONE

Whereas, the Mayor and Town Council have been supportive of the revised Kensington Sector Plan throughout the Maryland National Capital Park & Planning Commission and the Montgomery County Planning Board process to update the Sector Plan; and

Whereas, the Mayor and Council have supported the use of the CR Zone for implementing the Kensington Sector Plan, subject, however, to certain amendments to the zone occurring prior to the adoption of the Sector Plan; and

Whereas, the Mayor and Council have determined that certain changes to the CR Zone are necessary to effectively accommodate the redevelopment of property in conjunction with the unique aspects of the Town of Kensington; and

Whereas, while the intent of amendments to the CR Zone that are proposed by the Planning Board staff are acceptable to the Town, how those changes are to be put into law are problematic; and

Whereas, the Planning Board staff have recommended to the Planning Board that certain changes to the CR Zone requested by the Town be included in the Master or Sector Plan instead of the CR Zone; and

Whereas, the Mayor and Council support including the proposed amendments requested by the Town in the CR Zone.

Now Therefore Be It Resolved the Mayor and Town Council do hereby request the following amendments to the CR Zone:

A. With respect to 59-C-15.65, to add (c)(4) to read as follows:

1. Parking Waiver. Waivers, under Chapter 59-E, of the minimum number of parking spaces, are deemed especially appropriate in the CR Zones for the following circumstances:

a. lots under 10,000 square feet;

b. lots with existing and retained buildings that cover 80% or more of the net lot area; or

c. when the subject lot is within a site, district, or other areas specifically recommended as an appropriate place for waiver of minimum parking requirements by the Master Plan or Sector Plan.

B. With respect to public Benefit Reductions 59-C-15.84, 85, 86 and 87 and Incentive Density Provisions – 59-C-15.81

2. Amendment for public benefit reductions for small/low density lots in the four incentive density categories that list individual public benefits.

59-C-15.81. Incentive Density Provisions.

(e) The Planning Board may approve incentive density of up to 30% under each of the sections 59-C-15.84, 59-C-15.85, 59-C-15.86, and 59-C-15.87for projects that provide public benefits under the applicable category according to the following table and subsections (i) and (ii) below.

Net Lot Size		Zoned CR Density		# of Required Benefits
20,000 sf or less	Or	2.0 FAR or less	Must provide a minimum of	1
20,001 sf or greater	Or	2.25 FAR or greater	Must provide a minimum of	2

(i) Any project may be granted incentive density of up 30% for the applicable category when providing affordable housing under 59-C-15.85 or building lot terminations under 59-C-15.87.
(ii) The number of required benefits for projects with lots 20,001 sf or greater or with a zoned CR density of 2.25 FAR or greater may be allowed to provide only 1 benefit for up to 30% incentive density in the applicable category if the subject lot is within a site, district, or area specifically recommended for such consideration in the applicable master or sector plan.

59-C-15.84. Incentives for Connectivity and Mobility.
In order to ... the Planning Board may approve incentive density of up to 30% for projects that provide public benefits under this category according to 59-C-15.81.

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 as described below or for projects that provide other public benefits under this category according to 59-C-15.81.

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 projects that provides public benefits under this category according to 59-C-15.81.

59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.
In order to ... the Planning Board may approve incentive density of up to 30% for a project that provides BLTs as described below, or for projects that provide other public benefits under this category according to 59-C-15.81.

3. 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 a property is within a site, district or area 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....

4. Amendment for additional public benefits and minor changes under the four categories with individual public benefit lists.

59-C-15.84. Incentives for Connectivity and Mobility.
(g) **Wayfinding:** Provision of one or more wayfinding signs on- or off-site along a publicly accessible sidewalk that indicates the locations of local facilities and attractions such as transit

stations and stops, public buildings, parks, public artworks, and cultural attractions on a street map covering a minimum of ¼ mile around the subject site.

59-C-15.85. Incentives for Diversity of Uses and Activities.
(g) **Live/Work:** For projects developing at or under 1.5 total FAR, include a minimum 20% and maximum 80% residential floor area or construct any commercial uses as live/work units. For projects developing above 1.5total FAR, construct at least 50% of the commercial uses as live/workunits.

59-C-15.86. Incentives for Quality Building and Site Design.
(h) **Street Level Articulation:** For projects that are not on a street delineated in a master or sector plan or applicable design guidelines, provision of a building façade and streetscape within 20 feet maximum of the curb that provides closely spaced usable entries; significant transparency along the first floor street wall; and architectural differentiation for those floors below the third floor though materials, ornamentation, or the equivalent.

59-C-15.87. Incentives for Protection and Enhancement of the Natural Environment.
(d) **Tree Canopy:** Coverage at 15 years of growth of at least 25% of the onsite open space or off-site planting of trees that will provide tree canopy coverage at 15 years growth of an area equal to 20% of the net lot area of
the application.

(g) **Recycling Facilities Plan:** Delineate recycling collection facilities, outreach and education signage, storage areas, and pick-up location points on the certified site plan that further the goals of Montgomery County Executive Regulation #15-04AM, "Residential and Commercial Recycling", as amended.

C.With respect to 59-C-15.5 "Land Uses" and 59-C-15.51 "Limited Uses

The Town supports a designation in 15.5 of "P/L" instead of "L", to make it clear that the uses are permitted unless they fall within the Limited Use category in 15.51. In addition, a statement in 15.51 to the effect that if a use does not come within 15.51 restrictions, it is permitted is also requested.

Adopted by the Mayor and Town Council and effective this **8th** day of **November,** 2010.

Peter Fosselman, Mayor

This is to Certify that the foregoing Resolution was adopted by the Town Council in public meeting assembled on the **8th** day of **November**, 2010.

Susan Engels, Clerk-Treasurer