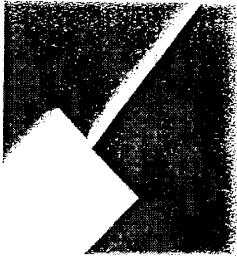


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

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

December 9, 2004

The Honorable Tom Perez
President, Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

SUBJECT: Zoning Text Amendment for a new mixed-use zone—Olney Town Center

Dear Mr. ^{Tom}Perez:

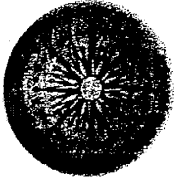
I am pleased to forward the attached Zoning Text Amendment (ZTA) for a new set of zoning controls for the Olney Town Center to the Council for the purposes of introducing this ZTA.

The Planning Board reviewed the proposed text amendment in its meeting of December 9, 2004, and supported the staff's recommendation for creating a new mixed-use zone for the Olney Town Center as proposed in the Draft Olney Master Plan. The new mixed-use zone has been designed to encourage compact, mixed-use developments with emphasis on pedestrian-oriented streets and public spaces in the Olney Town Center. The new zone is meant to be flexible enough to address the unforeseen conditions of various property shapes, sizes and development programs. It is also designed to be used elsewhere in the County.

I look forward to discussing the ZTA and the Draft Olney Master Plan with the Council during its worksession on the Draft Plan.

Sincerely,

Derick P. Berlage
Chairman



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

November 5, 2004

MEMORANDUM

TO: Montgomery County Planning Board

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

FROM: Khalid Afzal, Team Leader (301-495-4650)
Georgia Avenue Planning Team
Community-Based Planning Division *KA*

SUBJECT: Framework for a New Zone for the Olney Town Center

STAFF RECOMMENDATION: Approval to transmit the attached Olney Town Center Zone framework to the County Council's PHED Committee.

INTRODUCTION

The Olney Draft Master Plan recommends a new zone to replace the existing five zones in the Olney Town Center. The County Council's PHED Committee is in the process of discussing the Draft Plan before making its recommendations to the full Council. The PHED Committee has asked that a draft of the proposed new zone be included in the PHED Committee's deliberations of the Olney Town Center portion of the plan later this month. This report summarizes the need to replace existing zones in the Olney Town Center, analyzes various options to design and implement a new set of zoning controls, and includes a proposed framework for a new zone, which will be brought before the Planning Board at a later date when it is formally introduced as a Zoning Text Amendment at the County Council. The Legal Department will provide input in preparing the final zone.

BACKGROUND

Although the Olney Town Center has been successful in adhering to the 1980 Master Plan policies and preventing the spread of commercial strips outside the Town Center, it is presently a suburban crossroads comprising strip shopping centers and individual stores with no sense of place. It is not pedestrian-oriented and lacks easy and convenient connections among the different shopping centers. The community has identified a need for a civic center; a place where a variety of community services such as a library, a police substation, a County services center, the Olney Chamber of Commerce, a visitor's center, and a teen center can be located jointly, preferably in the Town Center. The Town Center lacks an outdoor public open space for the community where it can gather and enjoy its civic functions and annual events that take place in Olney; Currently, they are held in parking lots or playgrounds.

The Draft Plan's goal for the Olney Town Center is to create an economically healthy, attractive, pedestrian-oriented, and well connected Town Center that is also the commercial and civic heart of the community with a civic center and a town commons located in the Town Center. The Draft Plan proposes to achieve this goal through a combination of Master Plan guidelines, regulatory mechanisms such as site plan review, and a modified set of zoning controls.

Issues with the Existing Commercial Zones

Currently there are five different commercial zoning districts in the Olney Town Center: C-1, C-2, C-T, C-O, and O-M. The most significant problem with the current zones is that none of them has urban design controls such as street walls and mixed-use developments that are needed to convert parking-lots-in-front shopping centers into commercial centers with attractive streets neighborhood centers. C-O is more suited to regulate office uses in a higher density Central Business District than a local service center. C-2 does not allow residential uses in non-Metro station locations and is more appropriate for uses generally found in regional shopping centers. C-1 specifically excludes residential uses such as elderly housing, which should be allowed in the Olney Town Center.

The Draft Plan's recommendation to create a new zone for the Olney Town Center derives from staff analysis and experience that the existing commercial and mixed-use zones in the County's Zoning Ordinance are not the best tools to transform the existing strip shopping centers into attractive neighborhood centers oriented towards pedestrian circulation and main street type of development pattern. These conventional zoning districts have proven to be less desirable since they allow, and some critics say encourage, the current pattern of strip shopping centers with big parking lots devoid of any civic functions or street life typical of the old, small towns and cities across America. They do not provide for a mix of uses and pedestrian-oriented controls since they are based on a retail model that relies heavily on the car as the main mode of access and therefore does not focus on pedestrian-oriented centers.

Form-Based Codes

Staff has done extensive research into new zoning techniques and codes in other jurisdictions and planning literature including form-based and other prescriptive codes such as the Smart Code developed by DPZ of the new urbanism. The common theme among these codes is that they all derive their inspiration from traditional main street type of development pattern by emphasizing the physical form of the public space rather than the individual buildings and uses. They focus on what is needed and desirable rather than what is prohibited. An article attached to this report describes a brief overview of smart codes and form-based zoning controls.

Staff discovered that most form-based codes rely on a combination of Euclidean and newer form-based techniques in creating a new set of zoning controls. Their advantage is that they create clearly delineated urban design controls through maps and other graphic illustrations incorporated in the code contrary to the current practice of relying solely on the text without any illustrations. Form-based codes can be shorter and

simpler in conveying the same information through drawings and graphics rather than words.

Their disadvantage is that, pure form-based codes require a paradigm shift in how the zoning controls are conceived, designed and implemented. Creating a form-based code instead of a use-based code can make the implementation of the Zoning Ordinance more complicated and confusing. Most jurisdictions that have adopted form-based codes create them as a parallel option, sweetened through shorter approval processes and other incentives, while leaving the old code in place.

The most significant consideration, one that convinced staff not to use a pure form-based code in the Olney Town Center, is that a form-based code is best suited to a place where a well defined development pattern of streets and blocks already exists, or it can be prescribed in exact detail as to where the new streets, blocks, open spaces, and other amenities should occur, and the resultant building form in terms of frontage, height and setbacks, combination of uses and other aspects of design can be determined beforehand. Defining a detailed layout and desired building form is essential to the success of a form-based code. Since the larger shopping center properties have multiple options to design the layout of their future redevelopment, the application of a pure form-based code becomes less desirable. Attempting to estimate the use, building height, or location on a 30-acre site would certainly lead to future changes in the code to reflect the actual conditions and circumstances of each property and the development program.

Based on this investigation and analysis of the County's regulatory framework, staff believes that using the current regulatory mechanism of standard and optional method of development and the site plan review process in the County's Zoning Ordinance, in conjunction with the urban design guidelines in the Master Plan, a hybrid code which borrows some of the techniques (required street wall, for example) would be the best course of action for implementing a new set of zoning controls in the Olney Town Center.

Proposed Framework of the New Zone

In devising a new set of controls for the Olney Town Center, staff has developed a framework for the new zone. This framework (attached to this report), combined with the density and other development standards recommended in the Draft Olney Master Plan, will be used as a basis to create either a new zone or modify an existing zone as needed to address the needs of the Olney Town Center. This framework is based on the following considerations:

1. Mixed-use developments--encourage residential uses in the Town Center;
2. Incorporate a flexible mechanism to allow a wide variety of uses that serve the local community;
3. Use an incentive mechanism to achieve public open spaces and facilities including a civic center, a town commons, and institutional uses;

4. Include urban design controls that would help create pedestrian-oriented streets by requiring stores and other retail establishments to front on sidewalks instead of large parking lots to create a main street type of environment along certain streets;
5. Encourage reduced parking through requirements for shared facilities (parking spaces, driveways) for mixed uses and adjoining lots;
6. The new zone should be simple in implementation and reduce application and approval process especially for smaller properties. Only larger sites with multiple development options and layout choices should be subject to more complicated reviews such as site plan or project plan; and
7. Develop flexible controls and development process to address unexpected site conditions, and development scenarios in the future.

Some of the specific recommendations of the Draft Master Plan are as follows:

1. A flexible list of uses intended for the local community;
2. A base non-residential FAR of 0.3, which can be increased to a maximum of 0.8 FAR through the optional method of development;
3. Maximum residential density of 15 units per acres which can be increased to include MPDUs pursuant to the MPDU law;
4. Renovations and additions of five percent of the existing floor area or 1,000 square feet should not be subject to site plan review; and
5. Buildings with the core area of the Town Center should be limited to a maximum height of five stories, while buildings along the edge should be limited to a maximum building height of three to four stories depending upon the building height in the adjacent areas.

IMPLEMENTATION OPTIONS

There are four different options to achieve a new set of zoning controls for the Olney Town Center:

1. Leave the existing five zones in place and create a new overlay zone to implement the mixed-use controls and urban design requirements;
2. Leave the existing zones in place and create a new floating zone, or modify an existing floating zone to match the needs in the Olney Town Center, and make it attractive enough to entice properties to apply for rezoning to a new floating zone as they redevelop;
3. Modify an existing mixed use zone (e.g. RMX-2C) to meet the requirements of the Olney Town Center; or
4. Create a new mixed-use zone for the Olney Town Center.

Option 1: An Overlay Zone

This option would keep all the existing zones in the Olney Town Center and create a new overlay zone for the Olney Town Center. Although the advantage of an overlay zone is that it can be tailored to a specific location or neighborhood and therefore can address the local issues in a direct and clear manner, it creates another layer of

regulatory controls on top of the existing set of zoning controls that developers and property owners see as an additional barrier. Also, an overlay zone is more appropriate to address issues that are unique to one location and not likely to be found anywhere else, which is not the case in Olney. Although some of the site-specific issues are unique to the Olney Town Center, the more significant ones--no sense of place, big parking lots with strip shopping centers, no public space-- are common to all suburban shopping centers and should be addressed through a tool that can be applied in other areas if needed.

Option 2: A New Floating Zone

Similar to the option of a new overlay zone, this option would keep all the existing zones in the Olney Town Center and create a new floating zone for the Olney Town Center. The advantage is that it can be applied to selective properties as they go through redevelopment and it can also be used elsewhere in the County if deemed appropriate. The disadvantage is that unless it is made very attractive, the property owners may not opt to apply for it, and the objectives of the master plan for a new kind of Olney Town Center may not be realized. This option was applied in the 1980 Master Plan for the northeast quadrant of the Town Center.

Option 3: Modify an Existing Zone

This option would take an existing commercial or mixed-use zone and modify it to fit the requirements for the proposed Olney Town Center zoning framework. The advantage is that this option would not add another zone to the Zoning Ordinance. Modifying an existing zone to match the needs of a new master plan vision can be complicated.

Of the existing commercial or mixed-use zones in the Zoning Ordinance, the RMX-2C zone would be the one that can be modified with the smallest number of changes and the least impact on existing developments in other places that are currently zoned RMX-2C. But even this zone would require numerous changes before it can be applied in the Olney Town Center. Staff is looking at the possibility of modifying the existing set of RMX zones in the Zoning Ordinance to address the needs of not only the Olney Town Center but also the Damascus and Shady Grove master plans. The use of an existing zone would allow the zone to be applied to a limited number of existing centers and to be implemented in future master plan areas.

Option 4: Create a New Mixed-use Zone

This option would create a new mixed-use zone for the Olney Town Center. The major benefit of this zone is that it would address the specific needs of the Olney Town Center without having to worry about existing conditions in the areas already zoned RMX-2C (or any other zone that may be altered for use in the Olney Town Center). Another benefit of a new zone is that it can be designed in such a way that it can be used elsewhere in the County for other shopping centers with similar issues and characteristics.

The disadvantage of a new zone is that it would not apply to any existing centers without establishing a new master plan. It would also add yet another zone to the Zoning Ordinance with the possibility that it would not be used anywhere else.

CONCLUSION

The existing commercial zones are not the appropriate tools to meet the demands of newer land use objectives especially in encouraging mixed-use developments with a more compact development pattern. Some of them are unnecessarily complicated in terms of process and implementation (optional method with project plans and site plans even for smaller sites), while others have minor technical differences but no distinguishing features in the final building product.

Modifying an existing zone would require changes to the existing zones. The process of modifying an existing zone to fit the Olney Town Center, but making sure that it does not create any conflicts or issues for places where it already exists, is also more complicated than creating a new zone.

Another benefit of a new mixed-use zone is that it can be designed in such a way that over time it can be one of a set of new zones to consolidate and replace the existing group of mixed-use that are becoming obsolete and less desirable due to their archaic structure (long list of specific individual uses including a lengthy series of footnotes, front setbacks that encourage large front parking lots) and lack of urban design controls generally found in newer, form-based zones and other types of progressive zoning codes.

Staff is proceeding with the recommendation that a new zone or limited modifications to an existing zone be established. The zone will be designed in such a way that it can be used in other commercial locations around the County. At the same time, staff is investigating the possibility of incorporating the zone into a set of new mixed-use zones that would eventually replace the existing set of mixed-use (e.g. RMX, TS-R and TS-M) zones in the Zoning Ordinance. Staff is also investigating the feasibility of incorporating green building technology into the new set of controls.

Staff recommends approval of the attached framework for a new zone for the Olney Town Center and its transmittal to the PHED Committee.

**ATTACHMENT, DRAFT NOVEMBER 4, 2004
FRAMEWORK FOR A NEW MIXED-USE ZONE FOR THE OLNEY TOWN CENTER**

Purpose

This zone is intended to create a compact, mixed-use town center for Olney with a variety of building types of one to five stories. It should have at least one street as the main street of the community designed primarily for pedestrian traffic with buildings lined along the street front. The town center will have civic functions such as a library and community center and more than one main street or public gathering area. Ample pedestrian connections will connect it to the surrounding neighborhood of single-family attached and detached housing. It is meant for both infill and new development. Development should primarily be oriented to pedestrian streets and public spaces.

New Construction, Re-use of Existing Building, Remodeling and Construction

Where an otherwise lawful structure or building existed in a zone other than this zone prior to adoption of this zone, such structure or building is a conforming structure and may be continued, structurally altered for compliance with the health and building codes, repaired or enlarged for up to 10 percent of the gross building floor area or 10,000 square feet, which ever is less. Any new construction, substantial reconstruction, or complete demolition and replacement with new construction of a lot will be subject to the controls of this zone.

Definitions

Build-to-line: A line along which the front building wall or principal facade of the building shall be built when required in this zone and as recommended in the applicable master plan.

Public use space: In addition to the definition of public use space in the Zoning Ordinance, public use space included in any development in this zone should be a contiguous area with landscaping, seating, lighting and other features and amenities. It should be accessible from an adjoining sidewalk or other public space and building entrances and must be useable and identifiable as a public space. Such space should be exclusive of front, rear or side yards associated with individual units, public sidewalks, driveways, parking medians, entry decorative features and landscaped areas associated with parking lots or structures.

Development Procedures

Developments in this zone can be developed under either the standard method or the optional method of development.

Standard Method of Development

Standard method projects in this zone must comply with the Standard method development requirements as specified in this chapter. Development under this method also must be in compliance with the guidelines of an applicable master or sector plan.

Optional Method of Development

Properties that intend to achieve higher densities than those permitted under the standard method of development must use the optional method of development. A site plan must be submitted and approved in accordance with the provisions of division 59-D-3. Mixed use developments and developments five acres or more must also file a project plan.

Permitted Uses

- P: permitted under standard method and optional method
- OM: permitted under optional method only
- SE: permitted through special exception process for both the standard and optional method projects

Use Group	MX-2
(a) Residential:	
Single-family, multiple-family, group homes, live/work units, housing and related facilities for senior adults or persons with disabilities	P
(b) Transportation, Communication, and Utilities:	
Power transmission lines, rooftop antennas and related unmanned equipment structures	P
(c) Retail:	
Hotel or motel	P
General retail stores:	
Up to 20,000 gsf per establishment	P
More than 20,000 gsf per establishment	OM
Eating and drinking establishments	P
(d) Office/services	
General office and professional services	
Up to 20,000 gsf per establishment	P
More than 20,000 gsf per establishment	OM
Places of worship	P
Publicly owned or operated uses	P
Educational institutions	P
Auto workshops	P
Clinics, hospitals, day care	P
(e) Cultural, Entertainment and Recreational:	
Indoor amusement and entertainment establishments, recreation centers, health clubs, theaters, skating rinks, and community service centers:	
Up to 20,000 gsf per establishment	P
More than 20,000 gsf per establishment	OM

Use Group	MX-2
(f) Uses permitted by special exception	
Cable communications systems, Public utility buildings and structures, and telecommunication facilities and towers	SE
Gas stations, car wash, Auto and truck rental	SE
Automobile sales, outdoor	SE
Drive-in restaurants	SE
Dry cleaning establishments in a mixed-use building	SE
Pawn shops, manufacturing, self storage and warehouses	SE
Outdoor recreation (driving ranges, miniature golf, skating rinks)	SE
(g) Miscellaneous	
Signs, in accordance with article 59-F	P
Accessory uses and structures	P

Development Standards

Standard and optional methods of development are allowed in this zone. Residential developments under both methods may increase the number of maximum permitted units to accommodate Moderately Priced Dwelling Units in accordance with the provisions of Chapter 25 A.

Development Standards Table

	Standard	MX-2	
		SM	OM
	Process		
1	Maximum residential density (units/acre)	8	15
2	Maximum non-residential FAR	0.3	1.0
3	Maximum building height (stories)	3	5 ¹
4	Public use space		
	For lots of less than 20,000 sf (percent of gross lot area)	0	15
	For lots of more than 20,000 sf:		
	Residential (lot area per unit)	200 sf	200 sf
	Non-residential (percent of gross lot area)	10%	20% ²
5	Minimum required front building wall	75%	75%
6	Building setbacks:		
	Minimum front setback (feet)	0	0
	Maximum front setback (feet)	10	70 ³
	From an adjacent residential zone (feet)	20	20

¹ Must not exceed any limitations in the master or sector plan.

² For optional method projects the Planning Board may allow all or part of the public use space requirement to be satisfied by the provision of indoor amenities.

³ The Planning Board may allow a maximum front setback of larger than 70 feet if it finds that such front setback is needed for public use space or the development has more than one street frontage, and that such front setback would not disrupt the continuity of front building walls on adjacent properties on the same street frontage. For corner lots or lots comprising entire block, the Planning Board may establish which sides would be subject to front wall requirements for the development during the site plan review based on a layout that best achieves the objective of creating pedestrian oriented streets.

Street Wall Requirements

1. Developments in this zone must have at least one front building wall for a minimum of 75 percent of building frontage located along a street or a public use space within 10 feet of its front lot line or the public use space. If the local area master plan recommends a location and a minimum height for such front building wall, the required front building wall should be provided in accordance with those recommendations.
2. The ground floor portion of any such street wall must have display windows and principal entrances to stores and retail establishments from the adjoining sidewalk or public use space.
3. The street wall requirement, as specified in this zone or the local area master plan may be modified by the Planning Board through the optional method of development if deemed appropriate and desirable to achieve the objectives of the area master plan.
4. Off-street parking structures should not be located along the street level floor of the required street walls. Minimum street wall requirement may be reduced to allow driveway entrances to such parking lots or structures if it can be demonstrated that no other street frontage or feasible alternative is available to the subject lot.
5. The Director or the Planning Board may reduce the street wall requirement for smaller lots where strict application of this requirement will preclude the development from having a driveway access to the street. The reduction should be minimum needed to allow one driveway access to the lot. Any other reduction or change in the street wall requirement must be subject to a site plan review through the optional method of development.

Parking Lots

For parking lots of one acre or more, at least 10 percent of the parking lot area shall be devoted to landscaping within the parking lot. This landscaping would not count towards the public use space requirements. Off-street parking structures are not subject to this requirement.

Internal Connection Between Parking Areas

All new developments must provide for a current or a future pedestrian and vehicular connection to current or future parking areas on at least one adjoining lot. The Director or the Planning Board may grant a waiver if the applicant demonstrates that the compliance with this requirement would preclude the subject lot from meeting the required off-street parking on site.

Off-Street Parking

- (a) Except as modified in this section, required off-street parking must be provided pursuant to Section 59-E.
- (b) Except as modified in this section, Off-Street parking spaces for mixed-use projects must be provided pursuant to Section 59-E 3.1.
- (c) Off-street parking for two or more properties may be grouped to serve more than one lot or establishment pursuant to Section 59-E-3.4. Off-site parking spaces, and be eligible for reduction in required number of space pursuant to Section 59-E. 3.1- Mixed uses.

KA:ha: j:\staff reports\team 5\PB report-A New Town Center zone 11-4-04

193 **Sec. 4. Effective date.** This ordinance becomes effective 20 days
194 after the date of Council adoption.

195

196 This is a correct copy of Council action.

197

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199

200

201 Mary A. Edgar, CMC

202 Clerk of the Council