

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Montgomery County Department of Park and Planning

January 20, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC* Rose Krasnow, Chief
Community-Based Planning Division Development Review Division

FROM: Karen Kumm, Kathy Reilly and Carlton Gilbert and Greg Russ
N'kosi Yearwood Development Review Division
Community-Based Planning Division

SUBJECT: Proposed Zoning Text Amendment
New Transit Oriented, Mixed Use Zone
Shady Grove Sector Plan and Other Transit Station Areas

RECOMMENDATION

The staff recommends approval to transmit comments to the County Council for introduction of a text amendment for a new transit station zone. This new zone is intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.

INTRODUCTION

The Planning Board Draft of the Shady Grove Sector Plan recommends a new transit station zone for the Metro West, Metro South and Metro North areas located adjacent to the Shady Grove Metro Station. The County Council requested the introduction of a Zoning Text Amendment before the Shady Grove Sector Plan is approved. The PHED Committee of the County Council will begin a series of work sessions on the Planning Board Draft of the Shady Grove Sector Plan on January 25, 2005 with a tentative conclusion at the end of February. In accordance with the request from the County Council, this new zone for the Metro Neighborhoods in the Planning Board Draft of the Shady Grove Sector Plan is recommended for review and introduction. After the County Council has introduced the Zoning Text Amendment, the Planning Board will have an additional opportunity to review and comment before final approval by the County Council.

DESCRIPTION

This new mixed-use zone is intended to foster the creation of a mixed-use center at the Shady Grove Metro Station. The development standards match the recommendations in the Planning Board Draft of the Shady Grove Sector Plan. The development review process proposed in the new zone is similar to the techniques established for the CBD Zones including the use of the Optional Method and Standard Method of Development. The keys features of this new zone include the following:

- **“Euclidean Zone” Instead of “Floating Zone”** - This zone will be applied by the use of a Sectional Map Amendment after the Shady Grove Sector Plan is approved. The development review process would be similar to the existing “Euclidean” CBD Zones with an emphasis on establishing a mix of uses, compatibility, design, and public facilities and amenities. This zone could be used as a future replacement for the “floating” TS-R and TS-M Zones.
- **Development Process** - A standard and optional method of development established in the CBD and RMX Zones would be included in the review process. The review of a site plan would be required in both cases. The standard and optional method of development proposed in the new zone in combination with guidelines in the sector plan are intended to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.
- **Public Use Space, Public Facilities and Amenities** - The proposed zone will improve the existing TS-R and TS-M development standards for active and passive recreation areas and public use space. Public use space, and facilities amenities will be required. Transfer of public use space within the transit station development area will be permitted.
- **Encourage Housing Including Affordable Housing** – The proposed new zone would be established to provide a mix of uses including housing to address the need for housing in Montgomery County near transit station areas. Bonus densities would be a central part of the new zone to provide for moderately priced dwelling units.
- **List of Permitted Uses** – The proposed new zone would expand on the uses permitted in the CBD Zones to allow advanced technology and biotechnology uses including a limited amount of manufacturing.

This new zone will be applicable to transit station areas outside of Central Business Districts (CBDs). This zone and the development standards will be recommended for use in the Staff Draft of the Twinbrook Sector Plan. This new Transit Station Zone could also be used in other transit station areas located outside the existing CBDs including other areas along the Metro Red Line, the future Corridor Cities Transitway, and the Purple Line.

The following table provides a list of development standards for the Mixed Use 2.0 Zone in the Shady Grove Area. In addition, the following table also provides a sample of the development standards that could be used as a replacement for the TS-R and TS-M Zones in future sector plans and master plans.

Development Standards: Mixed Use Zones for Transit Station Areas:

	Mixed Use 2.0 (Shady Grove)		Mixed Use 2.5 (TS-R replacement)		Mixed Use 3.0 (TS-M replacement)	
	Standard Method	Optional Method	Standard Method	Optional Method	Standard Method	Optional Method
Minimum Net Lot Area	-	18,000	-	18,000	-	18,000
Maximum Allowable Density	0.5 FAR	2.0 FAR	0.65 FAR	2.5 FAR	0.75 FAR	3.0 FAR
Maximum Building Coverage	75%	-	75%	-	75%	-
Maximum Building Heights: • From adjacent residentially zoned property	50 feet 35 feet	- -	50 feet 35 feet	- -	50 feet 35 feet	- -
Minimum Public Use Space (percent of net lot area) • With MPDUs included on-site	10% 5%	20% 20%	10% 5%	20% 20%	10% 5%	20% 20%

Notes:

1. The maximum building coverage and building height would be determined during the review of the project plan and site plan in a manner consistent with the applicable sector plan or master plan.
2. The allowable density for the residential area could be increased in proportion to the amount of the applicable bonus for including moderately priced dwelling units.

ANALYSIS

This new zone is intended as a significant departure from the existing methods of review and development around transit stations located outside of CBDs. It is intended to position Montgomery County to meet the challenges of community building in the 21st century. Staff evaluated existing zones including the CBD, mixed-use, and transit station zones. Each of these zones has limitations. The following paragraphs provide a brief analysis of the existing zones and other options considered for the Shady Grove Sector Plan.

Central Business District Zones

The proposed zone recommends the use of the standard method and optional method of development that is provided in the CBD Zones. Designating the Shady Grove area as a Central Business District would be a significant land-use policy change and is not appropriate given the major employment focus of CBDs. Instead of this significant

policy and land-use change, staff recommends the proposed new zone that would achieve a compact, mixed-use, transit-oriented center not only at Shady Grove, but also at the Twinbrook Metro Station area and other transit station areas of Montgomery County. The proposed density in the Shady Grove Sector Plan is significantly less than most of the density limitations in the CBD Zones. The list of permitted uses in the CBD Zones also does not permit some of the advanced technology and biotechnology uses including manufacturing needed in the Shady Grove Metro Station area.

TS-R and TS-M Zones

The Transit Station-Residential Zone (TS-R) and the Transit Station-Mixed Zone (TS-M) have been used in areas surrounding transit stations, including the Friendship Heights, Grosvenor, White Flint, and Twinbrook areas. These floating zones require considerable time from the initial submission of the rezoning petition and County Council approval, which is followed by approval of a preliminary plan and site plan.

The TS-R and TS-M Zones require smaller land areas than other floating zones, 18,000 and 40,000 square feet, respectively. The densities exceed the recommendations for the Shady Grove area (2.5 FAR for TS-R, and 3.0 FAR for TS-M). The TS-R and TS-M Zones do not require public use space, and amenities and facilities recommended in the Planning Board Draft of the Shady Grove Sector Plan. The lengthy process associated with both zones has limited the potential of the zone. For example, the 1990 Shady Grove Study Area Plan recommended 1,250 dwelling units and one million square feet of commercial development under both the TS-R and TS-M Zones. To date, no property has been redeveloped under this method.

Mixed-Use Zones (MXP, MXN, and RMX)

The Mixed-Use Planned Development Zone (MXP), and the Mixed-Use Neighborhood Zone (MXN) are floating zones that have been used in the Clarksburg and Germantown areas of Montgomery County to address the needs of new development instead of redevelopment. These zones have not been used for development close to transit stations for the following reasons.

- **Minimum Lot Size** - Minimum land area of 20 acres is required for both the MXP and the MXN Zones. This amount of land is often under single ownership instead of the multiple owners surrounding transit station areas. Additionally, the total density is limited to a FAR of 0.3 for the MXN Zone.
- **Green Area Requirement** - Both the MXP and MXN Zones specify a 50 percent green area. Given the multiple land ownership that surrounds transit stations, including Shady Grove and Twinbrook, a zone similar to a CBD Zone is the best approach to encourage redevelopment, promote transit-oriented development, and create an efficient review process.
- **Density Limitations** - Staff also examined the Residential-Mixed Use (RMX) Zones. The RMX Zones, unlike the MXP and the MXN Zones, are Euclidean zones. The density of 30-40 dwelling units per acre for residential development and a FAR of 0.35 to 0.5 in the RMX Zones is not sufficient for development

adjacent to transit stations. The RMX Zones are useful in converting existing commercial centers, such as Cabin John Center in Potomac, Glenmont Shopping Center, and The Grove Shopping Center into mixed-use centers, but lower density in the RMX Zones is not appropriate for transit station areas.

Planned Development Zones

The Planned Development (PD) Zones allow densities from two to 100 dwelling units per acre. The PD Zones do not allow the mix of uses recommended for the transit station area in the Shady Grove Sector Plan. In addition, the green area requirement for densities of 15 to 44 dwelling units per acre is 50 percent of the gross site area. This amount of green area is difficult to achieve at transit centers. Higher densities in the PD Zones reduce the green area to 30 percent of the gross tract area. PD zones generally do not provide sufficient non-residential floor area to create a desirable mixed-use neighborhood.

Comparison of Density in Other Transit Station Areas

The following table identifies the location, zone, and density for transit station areas located outside the CBDs in Montgomery County. The density proposed in the new zone is similar to the density permitted in other areas not including the density permitted in the CBD Zones.

Table of Location, Zone, and Density for Other Transit Station Areas:

Location	Zone	Density
Friendship Heights	TS-M	FAR 3.0
Bethesda CBD	TS-R	FAR 2.5
Grosvenor	PD 75	75 DUs per acre
White Flint	TS-M	FAR 2.0
Twinbrook	TS-R	FAR 1.9
Shady Grove (Proposed)	TOMX	FAR 1.5 - 2.0
Glenmont	TS-R	51 DUs per acre

CONCLUSION

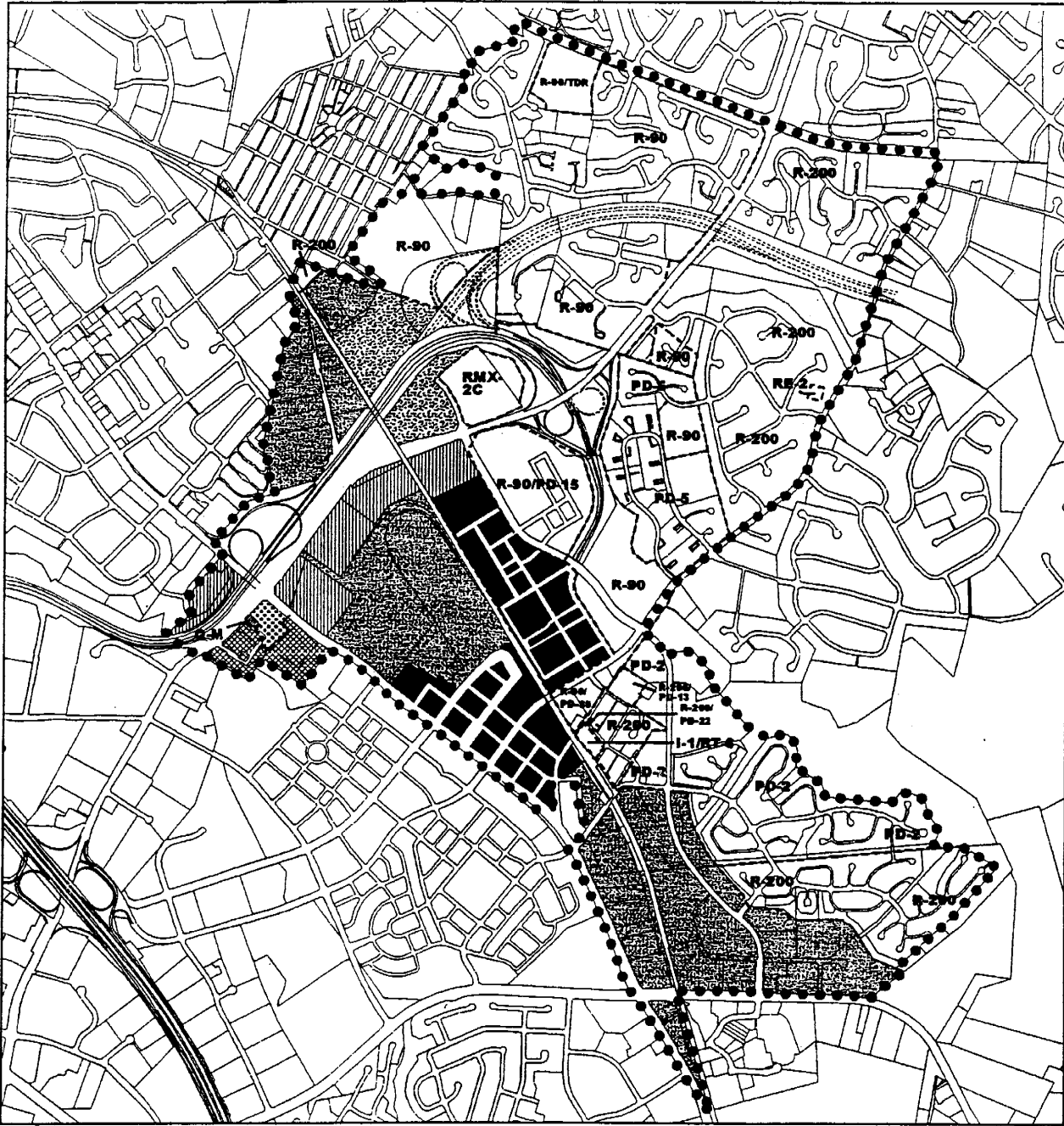
The staff recommends the introduction of the attached draft for a new transit station zone to implement the recommendations in the Planning Board Draft of the Shady Grove Sector Plan.

JAC:KKM:KR:NY:ha: a:\carter4\ZTA TOMX

Attachments:

- Map of Shady Grove Metro Station Areas
- Draft of the New Zone

Proposed Zoning



RE-2	Residential, Single-Family	PD-5	Planned Development	TS-M	Transit Station, Mixed
R-200	Residential, Single-Family	PD-13	Proposed Planned Development	OM	Office Building, Moderate Intensity
R-90	Residential, Single-Family	PD-15	Proposed Planned Development	C-3	Convenience Commercial
R-90/TDR	Residential, Transferable Development Rights	PD-22	Proposed Planned Development	I-1	Light Industrial
RT-6	Residential, Townhouse	PD-35	Proposed Planned Development	I-3	Proposed Industrial Park
R-20	Residential, Multi-Family	MXR	New Residential, Metro Mixed Use	R&D	Proposed Research & Development
PD-2	Planned Development	RMX-2C	Mixed Use, Commercial	-----	Zoning Boundary Lines



Zoning Text Amendment No: 05-
Concerning: A new Transit-Oriented Mixed
Use Zone
Draft No. & Date: 1 – 01/20/05
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:

- establishing a new Transit Oriented Mixed-Use Zone

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

Add a new Section:

DIVISION 59-C-13

“TRANSIT ORIENTED, MIXED-USE ZONE (TOMX)

*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-13 is amended as follows:**

2

3 **DIVISION 59-C-13 [RESERVED] TRANSIT ORIENTED, MIXED-USE**
4 **ZONE (TOMX)**

5

6 **Sec. 59-C-13.1. Zones established.**

7

8 **59-C-13.11 Zones permitted.**

9

10 These zones are permitted in transit station development areas as
11 defined in Section 59-A-2.1, along the Metro Rail Lines and other
12 transitways .

13

14 TOMX 2.0

15

16 **Sec. 59-C-13.2. Provisions of the Transit Oriented, Mixed Use Zones.**

17

18 **59-C-13.21. Description, purpose, intent and general requirements**

19 **59-C-13.211. Description. Each Transit Oriented, Mixed Use Zone**
20 is intended to be shown on a master plan or sector plan. The TOMX
21 2.0 Zone is intended for use adjacent to transit stations located outside
22 Central Business Districts.

23

24 **59-C-13.212. Intent. The intent of the TOMX Zones is to promote**
25 mixed use, transit and pedestrian oriented centers that include housing
26 and commercial uses. This zone is intended for use in transit station
27 development areas, as defined in Section 59-A-2.1, outside of the

1 Central Business Districts. Land shall be classified in any transit
2 oriented, mixed-use zone only if it is recommended in an approved
3 and adopted master plan or sector plan. The TOMX Zones should
4 achieve a development pattern that encourages pedestrian activity and
5 access, promotes use of transit, and creates a coherent arrangement of
6 buildings and uses that contribute to a sense of place. This zone will
7 foster development in accordance with an adopted and approved
8 master or sector plan, by permitting an increase in density, height, and
9 intensity where the increase conforms to the master plan or sector
10 plan. These zones are intended to accomplish the following:

- 11
- 12 (a) To promote mixed use, transit oriented development of
13 residential, office, commercial, advance technology and
14 research, and retail uses at various scales and designed in a
15 manner that defines streets and creates a strong sense of place.
- 16
- 17 (b) To achieve a compatible mix of uses that promotes street
18 activities, provides convenience for residents and employees.
- 19
- 20 (c) To create a pedestrian oriented environment with an
21 interconnected street system that is defined by buildings, open
22 spaces and community facilities, and improves access to transit
23 stations from surrounding communities.
- 24
- 25 (d) To provide incentives and flexible standards for mixed-use,
26 transit and pedestrian oriented development that fosters a sense
27 of community with a distinct character.

1
2 (e) To encourage land assembly in a compact and efficient form in
3 accordance with the approved and adopted master plan and
4 sector plan.

5
6 (f) To provide housing including affordable housing near transit
7 stations.

8
9 (g) To encourage Leadership in Energy and Environmental Design
10 (LEED) standards for sustainable and efficient design.

11
12 **59-C-13.213. Additional intent of the TOMX 2.0 Zone.**

13
14 The intent of the TOMX 2.0 Zone is to provide a mixed use, transit-
15 oriented center that includes housing and commercial uses. The intent
16 of this zone is to promote medium density residential and commercial
17 development at transit station development areas, as described in
18 Section 59-A-2.1. This zone provides incentives to redevelop areas
19 adjacent to transit and multi-modal stations into distinct and compact
20 mixed-use development for employment, living opportunities, and
21 appropriate public facilities and amenities. Development in this zone
22 must create a network of interconnecting streets, open squares and
23 plazas, defined streetscapes, and civic and community-oriented uses
24 as recommended in applicable master and sector plans.

25

1 **59-C-13.214. Location.** Land classified in the TOMX 2.0 Zone must
2 be located adjacent to an existing or proposed transit station located
3 along the Metro Rail lines and other transitways.

4
5 **59-C-13.215. Methods of development and approval procedures.**
6 Two methods of development are available in this zoning category.

7
8 (a) **Standard Method of Development:** The standard method
9 requires compliance with a specific set of development
10 standards and permits a range of uses and a density compatible
11 with these standards. If residential uses are included in a
12 development, moderately priced dwelling units must be
13 provided in accordance with Chapter 25A. The maximum
14 dwelling unit density or residential FAR may be increased in
15 proportion to any MPDU density bonus provided on-site. Site
16 plans must be approved in accordance with section 59-D-3.

17
18 (b) **Optional Method of Development:** The Optional Method of
19 Development promotes additional densities, and supports
20 innovative design and building technologies to create a
21 pedestrian-oriented and mixed-use development pattern.
22 Approval of the Optional Method of Development is dependent
23 on providing sufficient public amenities and facilities. The
24 public facilities and amenities are intended to support the
25 additional densities permitted under the Optional Method of
26 Development. The procedure for the approval of the Optional
27 Method of Development is set forth in Section 59-D-2. Site

1 plans must be approved in accordance with Section 59-D-3. If
 2 residential uses are included in a development, moderately
 3 priced dwelling units must be provided in accordance with
 4 Chapter 25A. The maximum dwelling unit density or
 5 residential FAR may be increased in proportion to any MPDU
 6 density bonus provided on-site.

7
 8 **59-C-13.22. Land uses.**

9
 10 No use is allowed except as indicated in the following table:

- 11
- 12 - **Permitted Uses.** The letter "P" in the appropriate column
 13 indicates the zones in which each use is permitted, subject to all
 14 applicable regulations under the Standard Method or the
 15 Optional Method of Development.

 - 16
 - 17 - **Special Exception Uses.** The letters "SE" in the appropriate
 18 column indicate the zones in which each use may be authorized
 19 as a special exception, in accordance with Article 59-G, under
 20 the Standard or the Optional Method of Development
 21 respectively. Special exception uses in a development under the
 22 optional method are subject to approval by both the Planning
 23 Board and the Board of Appeals.
- 24
 25

	<u>TOMX 2.0</u>	
(a) Residential:	Standard	Optional
<u>Dwellings</u>	<u>P</u>	<u>P</u>
<u>Group home, small</u>	<u>P</u>	<u>P</u>

<u>Group home, large</u>	<u>P</u>	<u>P</u>
<u>Housing and related facilities for senior adults and persons with disabilities</u>	<u>P</u>	<u>P</u>
<u>Life care facility</u>	<u>P</u>	<u>P</u>
<u>Personal living quarters</u>	<u>P</u>	<u>P</u>
(b) <u>Transportation, communication and utilities:</u>		
<u>Public utility buildings, structures and underground facilities</u>	<u>P</u>	<u>P</u>
<u>Radio and television broadcasting studio</u>	<u>P</u>	<u>P</u>
<u>Rooftop mounted antennas and related unmanned equipment building, equipment cabinet or equipment room</u>	<u>P</u>	<u>P</u>
<u>Taxicab stand, not including storage while not in use</u>	<u>P</u>	<u>P</u>
(c) <u>Commercial office and retail:</u>		
<u>Antique stores, handicrafts or art sales and supplies</u>	<u>P</u>	<u>P</u>
<u>Book store</u>	<u>P</u>	<u>P</u>
<u>Eating and drinking establishment, excluding drive-in</u>	<u>P</u>	<u>P</u>
<u>Drug store</u>	<u>P</u>	<u>P</u>
<u>Florist shop</u>	<u>P</u>	<u>P</u>
<u>Furniture store, carpet or related furnishing sales or service</u>	<u>P</u>	<u>P</u>
<u>Gift shop</u>	<u>P</u>	<u>P</u>
<u>Grocery store</u>	<u>P</u>	<u>P</u>
<u>Hotel</u>	<u>P</u>	<u>P</u>
<u>Office supply store</u>	<u>P</u>	<u>P</u>
<u>Office, general</u>	<u>P</u>	<u>P</u>
<u>Office, professional including banks and financial institutions (excluding check cashing stores and drive-in banks)</u>	<u>P</u>	<u>P</u>
<u>Offices for companies principally engaged in health services, research and development</u>	<u>P</u>	<u>P</u>
<u>Newsstand</u>	<u>P</u>	<u>P</u>
<u>Photographic supply store</u>	<u>P</u>	<u>P</u>
<u>Pet sales and supply store</u>	<u>P</u>	<u>P</u>
<u>Specialty shop</u>	<u>P</u>	<u>P</u>
(d) <u>Services:</u>		
<u>Adult foster care homes</u>	<u>P</u>	<u>P</u>
<u>Ambulance or rescue squad, publicly supported</u>	<u>P</u>	<u>P</u>
<u>Animal boarding place</u>	<u>SE</u>	<u>SE</u>
<u>Art, music and photographic studios</u>	<u>P</u>	<u>P</u>
<u>Automobile filling station</u>	<u>SE</u>	<u>SE</u>
<u>Automobile rental services, excluding automobile storage and supplies</u>	<u>P</u>	<u>P</u>
<u>Barber and beauty shops</u>	<u>P</u>	<u>P</u>
<u>Charitable and philanthropic institutions</u>	<u>P</u>	<u>P</u>

<u>Clinic</u>	<u>P</u>	<u>P</u>
<u>Child daycare facility:</u>		
- <u>Family day care</u>	<u>P</u>	<u>P</u>
- <u>Group day care</u>	<u>SE</u>	<u>SE</u>
- <u>Child day care center</u>	<u>SE</u>	<u>SE</u>
<u>Daycare facility for not more than 4 senior adults and persons with disabilities</u>	<u>P</u>	<u>P</u>
<u>Domiciliary care for no more than 16 senior adults</u>	<u>P</u>	<u>P</u>
<u>Dry cleaning and laundry pick-up station</u>	<u>P</u>	<u>P</u>
<u>Duplicating services</u>	<u>P</u>	<u>P</u>
<u>Educational, private institution</u>	<u>P</u>	<u>P</u>
<u>Home occupation, no impact</u>	<u>P</u>	<u>P</u>
<u>Home occupation, registered</u>	<u>P</u>	<u>P</u>
<u>Home occupation, major</u>	<u>SE</u>	<u>SE</u>
<u>Hospice care facility</u>	<u>P</u>	<u>P</u>
<u>Hospitals, veterinary</u>	<u>SE</u>	<u>SE</u>
<u>International public organization</u>	<u>P</u>	<u>P</u>
<u>Place of religious worship</u>	<u>P</u>	<u>P</u>
<u>Publicly owned or publicly operated uses</u>	<u>P</u>	<u>P</u>
<u>Shoe repair shop</u>	<u>P</u>	<u>P</u>
<u>Tailoring or dressmaking shops</u>	<u>P</u>	<u>P</u>
<u>Universities and colleges providing teaching and research facilities</u>	<u>P</u>	<u>P</u>
(e) <u>Advanced Technology and Biotechnology:</u>		
<u>Laboratories</u>	<u>P</u>	<u>P</u>
<u>Nanotechnology research and development</u>	<u>P</u>	<u>P</u>
<u>Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development</u>	<u>P</u>	<u>P</u>
<u>Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment</u>	<u>P</u>	<u>P</u>
<u>Research, development and related activities</u>	<u>P</u>	<u>P</u>
(f) <u>Cultural, entertainment and recreational:</u>		
<u>Auditoriums or convention halls</u>	<u>P</u>	<u>P</u>
<u>Billiard parlor</u>	<u>P</u>	<u>P</u>
<u>Bowling alley</u>	<u>P</u>	<u>P</u>
<u>Health clubs and gyms</u>	<u>P</u>	<u>P</u>
<u>Libraries and museums</u>	<u>P</u>	<u>P</u>
<u>Park and playgrounds</u>	<u>P</u>	<u>P</u>
<u>Private clubs and service organizations</u>	<u>SE</u>	<u>SE</u>
<u>Recreational or entertainment establishments, commercial</u>	<u>P</u>	<u>P</u>
<u>Theaters, indoor</u>	<u>P</u>	<u>P</u>

1 **59-C-13.23. Development standards.**

2

3 The development standards applicable to the Standard Method and Optional

4 Method of Development are set forth in this section. In addition to the

5 requirements specified in this table, all Optional Method of Development

6 projects must be consistent with the guidelines established in the applicable

7 master plan or sector plan.

8

	<u>TOMX 2.0</u>	
	<u>Standard</u>	<u>Optional</u>
<u>59-C-13.231.</u> <u>Minimum Net Lot Area:</u>	<u>NA</u>	<u>18,000</u>
<u>59-C-13.232.</u> <u>Maximum Building Coverage (percent of net lot area):</u>	<u>75</u>	<u>NA</u>
<u>59-C-13.233.</u> <u>Minimum Public Use Space (percent of net lot area):</u> - <u>If moderately priced dwelling units are included.</u>	<u>10</u> <u>5</u>	<u>20</u> <u>20</u>
<u>59-C-13.234.</u> <u>Maximum Density of Development*</u>	<u>FAR 0.5</u>	<u>FAR 2.0</u>
<u>59-C-11.235.</u> <u>Maximum Building Heights:</u> - <u>If adjoining or directly across the street from land which is recommended for or developed in a residential zone with a maximum of 15 dwelling units per acre or less</u>	<u>50 feet</u> <u>35 feet</u>	<u>NA</u> <u>NA</u>
<u>59-C-13.236.</u> <u>Minimum Setbacks:</u> - <u>From an adjacent TOMX Zone**</u> - <u>From an adjacent commercial or industrial zone</u> - <u>From an adjacent single family residential zone</u> - <u>From a public right-of-way</u>	<u>15 feet</u> <u>20 feet</u> <u>25 feet</u> <u>10 feet</u>	<u>NA</u> <u>NA</u> <u>NA</u> <u>15 feet</u> <u>from curbs</u>

9

10 * The maximum residential density (FAR) may be increased in

11 proportion to the amount of the MPDU bonus permitted on-site.

12

13 ** If the proposed building or the adjacent building has windows

14 or apertures facing the lot line that provide light, access or

1 ventilation to a habitable space the setback shall be 15 feet. If
2 the adjacent building does not have windows or apertures no
3 setback is required.

4
5 **59-C-13.237. Special standards and guidelines for Standard**
6 **Method and Optional Method of Development projects.**

7
8 (a) Public use space, amenities and facilities: The mixed-use
9 character of the Transit Oriented, Mixed Use Zone requires
10 significant public amenities to create a transit and pedestrian-
11 oriented and mixed-use environment.

12
13 Public amenities and facilities are not limited to the definition
14 in Section 59-A, but also include: pocket and urban parks,
15 town squares, public plazas and water features, wide sidewalk
16 areas, bus shelters, benches, special street lighting and paving,
17 construction and enhancement of pedestrian tunnels and
18 bridges, public art, landscaping of public areas, and
19 improvements to pedestrian access to transit stations. Public
20 amenities do not include road improvements or other capital
21 projects that are required to provide adequate facilities in a
22 timely basis to serve the property.

23
24 All public amenities should be in locations that are accessible
25 and welcoming to the public. The location, type and nature of
26 the public amenities must be shown on any project plan and site
27 plan as required by Section 59-D-3 and Section 59-D-2.

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(b) Site Design Guidelines for the Optional and Standard Method of Development:

- Orient all buildings to streets, which will encourage pedestrian-oriented development.
- Locate off-street parking to the side, rear or below grade if feasible.
- Create a continuous building line with varied facade setbacks to accentuate open space and building entrances. Blank building facades should be avoided.
- Increase public safety and activity at street level with activating uses such as storefront retail, residential entrances, office lobbies, and restaurants.
- Provide continuous, direct and convenient pedestrian and bicyclist pathways, and connections to transit stations.
- Ensure pedestrian safety with clearly designated crosswalks and sidewalks, and include street trees and landscaping on all streets.
- Screen and locate service and loading areas to reduce visibility from any street.
- Locate mechanical equipment within buildings or within a mechanical equipment penthouse. If mechanical equipment is located on a roof or is freestanding, it must be effectively screened.

1 (c) Streetscape Guidelines:

2

3 - Provide street lighting designed to avoid an adverse
4 impact on surrounding uses, while also providing a
5 sufficient level of illumination for access and security.

6 - Provide a canopy of closely spaced street trees along
7 each street.

8 - Provide street furniture such as benches, trash receptacles
9 and planters.

10 - Enhance crosswalk areas with accessible curb ramps and
11 crossing signals unless prohibited by the Director.

12

13 **59-C-13.238. Special standards for the Optional Method of**
14 **Development.**

15

16 (a) **Density and mix of uses:** In approving the mix of uses and the
17 proposed densities, the Planning Board shall consider the size
18 of the parcel, and the relationship of the existing and proposed
19 building or buildings to the surrounding uses. The mix of uses
20 and the proposed densities must conform to the approved and
21 adopted master plan or sector plan.

22

23 (b) **Building height:** The maximum building height permitted for
24 any building shall be determined in the process of project plan
25 review. In approving height limits, the Planning Board shall
26 take into consideration the size of the lot or parcel, the
27 relationship of existing and proposed buildings to surrounding

1 uses, the need to preserve light and air for the residents of the
2 development and residents of surrounding properties, and any
3 other factors relevant to the height of the building. The
4 proposed building height must conform to the approved and
5 adopted master plan or sector plan.

- 6
- 7 (c) **Transfer of public use space and density:** The transfer of
8 public use space and density between lots within the same
9 transit station area is permitted. The transfer of density should
10 be located toward the transit station and away from the
11 boundaries of the transit station development areas. Any
12 transfer of public use space and density must be approved as
13 part of a combined project plan and site plan for all relevant
14 parcels in accordance with the provisions in Section 59-D-2 and
15 Section 59-D-3.

16

17 **59-C-13.239. Existing buildings and building permits.**

- 18
- 19 (a) Any existing structure or established use for which a building
20 permit was issued prior to the reclassification of land to the
21 TOMX Zone must not be regarded as a nonconforming
22 structure or use and will not be subject to the provisions of
23 Section 59-G-4.1, et. Seq. for a period of seven years.
- 24 (b) For seven years after the reclassification, such structure or use
25 may be altered, repaired, reconstructed or enlarged in
26 conformance with the development standards in the zone in
27 effect prior to the reclassification. Any enlargement in excess of

1 10% of the gross floor area will require approval of a site plan
2 in accordance with Section 59-D-3.

3 (c) After seven years, such a structure or use would be
4 nonconforming and any change in the structure or use thereafter
5 must be in conformance with the provisions of Section 59-G-
6 4.1, et. Seq.

7 (d) Notwithstanding any language in this subsection, any existing
8 structure or use may be altered, repaired, reconstructed or
9 enlarged in conformance with the development standards of the
10 TOMX Zone prior to expiration of the seven year period.

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

15
16 This is a correct copy of Council action.

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20 _____
21 Mary A. Edgar, CMC
22 Clerk of the Council
23