



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB  
Item # 4  
01/13/05

**DATE:** January 7, 2005  
**TO:** Montgomery County Planning Board  
**VIA:** John A. Carter, Chief, Community-Based Planning Division  
Rose Krasnow, Chief, Development Review  
Carlton Gilbert, Zoning Supervisor, Development Review  
**FROM:** Khalid Afzal, Team Leader, Georgia Avenue Planning Team  
Greg Russ, Zoning Coordinator  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To establish a new Mixed-Use Town Center Zone (MXTC).  
**TEXT AMENDMENT:** No. 04-26  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** District Council at the request of the Planning Board  
**INTRODUCED DATE:** December 14, 2004  
**PLANNING BOARD REVIEW:** January 13, 2005  
**PUBLIC HEARING:** January 18, 2005; 1:30 PM

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**STAFF RECOMMENDATION:** APPROVAL

#### **PURPOSE OF THE TEXT AMENDMENT**

To establish a new Mixed-Use Town Center Zone that would replace the existing five commercial zones—C-1, C-2, C-T, C-O, and O-M—in the Olney Town Center. The new mixed-use zone could also be applied elsewhere in the County.

#### **BACKGROUND/DISCUSSION**

The Planning Board Draft of the Olney Master Plan recommends a new mixed-use zone to replace the existing five zones in the Olney Town Center. The Planning, Housing and Economic Development (PHED) Committee of the County Council has sent its recommendations on the Planning Board Draft Plan, except for the Town Center portion, to the full Council for review. The PHED Committee decided to hold its recommendations on the Town Center until a zoning text

amendment for a new mixed-use zone is introduced by the County Council so it can review the Town Center plan and the proposed new zone at the same time.

The Planning Board reviewed a framework of the proposed new zone on November 8, 2004, which contained the major components of the new zone (Attachment 3). On December 9, 2004, the Board reviewed the specifics of the proposed text amendment based on that framework and forwarded a recommendation (unanimously) to the District Council for introduction (See Attachment 2 for the Transmittal Letter to the County Council).

## **ANALYSIS**

The text amendment proposes to establish a new Mixed-Use Town Center Zone. The following are the key elements of the new zone:

1. A list of residential and service/institutional uses.
2. Certain retail and other commercial uses of less than 20,000 sf (square feet) permitted as-of-right and requiring no site plan review. Certain other uses permitted by special exception only. All retail and other commercial uses of more than 20,000 sf require site plan review.
3. Development procedures include:
  - a. Standard method developments of less than five acres with a maximum 20,000 square feet per establishment have no site plan or project plan requirement if they comply with the standard method controls and the guidelines of the master plan.
  - b. Standard method developments of more than five acres, or those with more than 20,000 square feet per commercial establishment require site plan approval.
  - c. Optional method developments of any permitted use or lot size are required to go through project plan and site plan review because of the potential higher densities, and the desirability of greater oversight of public use spaces and amenities.
4. Maximum permitted densities are: 0.35 and 1.0 FAR non-residential for standard and optional method respectively, and eight and 15 units per acre residential for standard and optional method respectively.
5. The new zone creates opportunities for affordable housing in mixed-use centers by providing for moderately priced dwelling units in accordance with Chapter 25A including density bonus provisions.
6. Minimum public use space:
  - a. For smaller properties (20,000 sf and less) with residential or non-residential development under both the standard and optional method:

- 10% of lot area.
- b. For larger properties (more than 20,000 sf) with all or partial residential development: 200 sf per unit (217 sf per unit equals approximately 10 percent of lot area at 20 units per acre) for both standard and optional method.
  - c. For larger properties (more than 20,000 sf) with non-residential development only: 10% for standard method and 20% for optional method.
7. Minimum street wall requirements designed to create a traditional main street type of development pattern. Master plans would include recommended locations for street walls, which may be modified either by the Director of the Department of Permitting Services or the Planning Board.

Four options were discussed in the staff report of November 5, 2004 (attached)—a new overlay zone, a new floating zone, modification of an existing mixed-use zone (e.g. RMX-2C), or creation of a new mixed-use zone. Staff recommended creating a new mixed-use zone since it would be simpler than modifying an existing zone (and would not impact existing properties where the zone already exists) and it could be applied at the time of the sectional map amendment; compared to a floating zone, which would require a separate action by the individual properties as they redevelop.

## **RECOMMENDATION**

The staff recommends approval of the zoning text amendment to establish a new Mixed-Use Town Center Zone. Attachment 1 depicts the proposed text amendment as proposed.

KA:gr

### **Attachments**

1. Proposed Text Amendment 04-26
2. Transmittal Letter from the Planning Board to County Council for Introduction of the ZTA for the new MXTC Zone
3. Staff Report: Framework for a New Zone for the Olney Town Center (Planning Board date: 11/8/04)