

# Regular Meeting

<b>Agenda Item #</b>	5
<b>Meeting Date</b>	June 23, 2014
<b>Prepared By</b>	Erkin Ozberk Planner
<b>Approved By</b>	Brian T. Kenner City Manager

<b>Discussion Item</b>	Resolution Endorsing Certain Zoning Map and Zoning Text Amendments for the Historic District.
<b>Background</b>	<p>The Montgomery County Planning Department has been working since 2008 on the development of a proposal to modernize, clarify, and simplify the 1977 county zoning ordinance, which, over time, has grown unwieldy, outdated and complicated. It is the explicit intent of the Montgomery County Zoning Ordinance Rewrite to make no substantive changes to the permitted development during this transition.</p> <p>Montgomery County Planning staff proposed an alternative translation of the C-1 zone in historic districts to Neighborhood Retail (NR) from the original proposal to Commercial Residential Town (CRT) at the June 9 Montgomery County Council Planning, Housing and Economic Development (PHED) Committee meeting. The PHED has asked the Takoma Park City Council to weigh in on a proposed zoning change before its next meeting on July 3. The alternative proposal was presented to the City Council for consideration at its June 16, 2014 work session.</p>
<b>Policy</b>	<p>Coordinate with surrounding jurisdictions to foster and promote comprehensive, environmentally sound development and redevelopment in the community and throughout the region; support higher density retail, commercial, and residential development near transportation routes and hubs, that is environmentally sensitive and of a design and scale appropriate to surrounding neighborhoods and their historic nature.</p> <p>-- <i>Takoma Park Strategic Plan FY 2010 – FY 2015</i></p>
<b>Fiscal Impact</b>	Properties in the Historic District currently and in the future will be impacted by the zoning change which will have a fiscal impact.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Resolution Supporting Zoning Translation from C-1 to NR in Takoma Park Historic District</li> <li>• Revised text for Montgomery County Zoning Ordinance, Section 4.9.12. Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone (Exhibit A)</li> </ul>
<b>Recommendation</b>	Approve the accompanying Resolution
<b>Special Consideration</b>	

Introduced by:

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION 2014-**

**SUPPORTING ZONING TRANSLATION FROM C-1 TO NR  
IN TAKOMA PARK HISTORIC DISTRICT**

WHEREAS, the Montgomery County Zoning Ordinance Rewrite is being developed by Montgomery County's Planning Department, to modernize, clarify, and simplify the existing outdated and unwieldy ordinance; and

WHEREAS, the Montgomery County Zoning Ordinance is being rewritten to reflect more sustainable policy goals; and provide the tools necessary to shift from greenfield development to infill, mixed-use development; and

WHEREAS, the City of Takoma Park Housing and Community Development staff has been coordinating with Montgomery County Planning staff on proposed zoning translations that affect properties within the City limits; and

WHEREAS, the Montgomery County Planning staff recommends an alternative translation for the C-1 zones in master plan designated historic districts to Neighborhood Retail (NR); and

WHEREAS, in the event the alternative zoning translation proposed by the Montgomery County Planning staff is enacted, the text of the Takoma Park East Silver (TPESS) Overlay Zone must be corrected to ensure the retention of existing development rights, controls, and permissions outlined in the current overlay zone.

WHEREAS, the Montgomery County Council Planning, Housing and Economic Development (PHED) Committee is holding a worksession on July 3, 2014, to deliberate on the alternative zoning recommendation affecting commercial properties in the Takoma Park Historic District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Takoma Park supports Montgomery County Planning Department's alternative proposed translation from C-1 to NR in the Takoma Park Historic District with the explicit understanding that, if the proposed zoning translation is enacted, the Montgomery County Council PHED Committee will incorporate the corrections to the Takoma Park East Silver Spring (TPESS) Overlay Zone, identified in Exhibit A, attached hereto and made a part of this Resolution, which are intended to retain existing development rights, controls, and permissions outlined in the current overlay zone.

Adopted this \_\_\_ day of June, 2014.

ATTEST:

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Jessie Carpenter, CMC  
City Clerk

**Section 4.9.12.**

**Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone**

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**A. Purpose**

The purpose of the TPESS Overlay zone is to:

1. Foster economic vitality and attractive community character in areas needing revitalization.
2. Promote an enhanced pedestrian environment and an improved circulation system to pedestrians and bicycles as well as motor vehicles.
3. Substantially conform with the master plan vision for specific existing commercial areas.
4. Provide for the combination of residential with commercial uses.

**B. Land Uses**

1. Residential Uses

- a. In the CRT zone, residential density may be increased above the number following the R on the zoning map, up to the maximum mapped density.
- b. In the NR zone, Household Living uses may exceed 30% of the total gross floor area on the subject site up to the maximum mapped density.
- ~~a.c.~~ Residential uses must be in a multi-use building type with the ground floor devoted to commercial uses, unless this requirement is waived by the Planning Board. .

2. In the CRT and NR zones, the following additional Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 Persons) uses are permitted: bowling alley and theater.

3. In the CRT and NR zones, the following uses, as allowed in the underlying zone, are allowed in the Overlay zone only if the use does not abut or confront land in a Residential Detached zone:

- a. Car Wash;
- b. Filling Station;
- c. Funeral Home, Undertaker;
- d. Light Vehicle Sales and Rental (Indoor);
- e. Light Vehicle Sales and Rental (Outdoor);
- f. Repair (Major); and

g. Repair (Minor).

4. In the NR zone, the following additional uses are permitted:

a. Clinic (More than 4 Medical Practitioners)

b. Cultural Institutions

c. Research and Development

d. Artisan Manufacturing and Production

**C. Development Standards**

1. The maximum building height is 30 feet; however, the Planning Board may allow a building height:

a. up to 42 feet for commercial development, and

b. up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and substantially conform with the intent of the applicable master plan.

2. Household Living uses must meet the development standards of the underlying zone but the required open space may be adjusted to assure compatibility of uses, or to provide adequate area to accommodate housing, if appropriate.

3. In the NR zone, surface parking must be behind front building line.

**D. Site Plan**

1. Site plan approval under Section 7.3.4 is required for:

a. new construction;

b. any addition, reconstruction, or exterior alteration to a building that changes the gross floor area by more than 1,000 square feet;

c. an expansion of a building by 1,000 square feet or less if the building was existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone and was a conforming building on that date, but that does not conform to the standards of the Overlay zone;

d. a waiver of more than 50% of the off-street parking requirements under Division 6.2;

e. conversion of an existing structure to residential use; or

f. if required under Section 7.3.4.A.8.

2. During site plan review, the Planning Board may:

- a. waive the requirements for parking setbacks and numbers of spaces where it finds that such waivers will accomplish the goals of the master plan including revitalization, enhancing the pedestrian environment and encouraging the use of transit;
- b. waive the building setbacks in the NR zone;
- c. where recommended in the master plan, allow direct pedestrian access for all uses from the exterior of a structure in the EOF or CRT zone; and
- d. reduce building setbacks to accomplish master plan objectives.

3. For any addition, reconstruction, or alteration that changes a building by less than 1,000 square feet that does not require site plan approval under Section 4.9.12.D.1.c, there will be a review of the building permit by the Planning Board or its designee to determine compliance with master plan recommendations and the provisions of this Overlay zone. If an existing building is located on the site or on an adjacent property, the minimum setback of the zone may be reduced to conform to the existing setback on the site or on the adjacent property.

#### **E. Existing Buildings and Uses**

Any use or building existing on the effective date of the Sectional Map Amendment implementing the Takoma Park/East Silver Spring Commercial Revitalization Overlay Zone that was a conforming use or building on that date, but that does not conform to the standards of the Overlay zone, may continue as a conforming use or building and may be rebuilt, repaired, or reconstructed. Any such building or use may expand up to 1,000 square feet with site plan approval under Section 7.3.4.