

Introduced by: Councilmember Clay

**CITY OF TAKOMA PARK, MARYLAND**

**RESOLUTION NO. 2009-67**

**RECOMMENDING ADOPTION OF THE ZONING TEXT AMENDMENT NO. 09-08  
COMMERCIAL/ RESIDENTIAL (CR) ZONES**

**(MONTGOMERY COUNTY)**

WHEREAS, the Zoning Text Amendment No. 09-08 is an amendment to the Montgomery County Zoning Ordinance establishing a new Commercial/Residential (CR) zone, its intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures; and

WHEREAS, the Montgomery County Council is holding a public hearing on October 27, 2009 to solicit comment on the proposed amendment; and

WHEREAS, the CR zone would regulate future growth and redevelopment near transit facilities and in established commercial areas in Montgomery County, including areas included in the Takoma/Langley Crossroads Sector Plan; and

WHEREAS, the Council of the City of Takoma Park has reviewed and discussed the Zoning Text Amendment and its impact on the future growth and development of Takoma Park; and

WHEREAS, the Council has advocated for and strongly supports the development method included in the CR zones, which encourage the development of environmentally sustainable mixed use commercial centers that are walkable, diverse, and compact; and

WHEREAS, the Council supports the proposed “public benefit groups” included in the CR zones, particularly those which encourage the preservation of local businesses, development of affordable housing, and the incorporation of environmentally-sensitive design features; and

WHEREAS, Takoma Park is generally built out, providing few new green field development opportunities in the community; and

WHEREAS, the Council’s goal is to foster infill development; and

WHEREAS, the Council supports the contributions of the many smaller, locally owned and operated businesses located within Takoma Park and throughout the region,

which provide a diversity of goods and services to the community and are often operating out of smaller buildings located on parcels of less than one acre in size; and

WHEREAS, for many years, even with the flexible zoning and financial incentives currently available to new and expanding business owners and commercial real estate developers, the City has found it to be difficult to attract new investment in the community and believes that additional public incentives are needed to facilitate the redevelopment of its aging and often obsolete commercial districts; and

WHEREAS, to achieve pedestrian orientation and compact development form, the City strongly believes that the development standards included in the CR zones should be flexible, enhance pedestrian mobility, and encourage opportunities for shared vehicular access and parking facilities; and

WHEREAS, the structure of the density incentives included in the CR zones are less favorable when applied to parcels less than one acre in size, many of which are either unlikely to be awarded or not applicable, or otherwise cost-intensive and generally burdensome to the owners of smaller properties; and

WHEREAS, the Council wishes to provide comment to the Montgomery County Council on the impact of the proposed CR zones on future development in Takoma Park.

NOW, THEREFORE, BE IT RESOLVED THAT the Council of the City of Takoma Park supports the adoption of the Zoning Text Amendment No. 09-08 Commercial/Residential (CR) Zone by the Montgomery County Planning Board, conditioned upon the following changes to the draft Zoning Text Amendment:

1. *59-C-15.5 Land Uses*: Reclassify “Automobile repair and services,” and “Automobile rental services, excluding storage of vehicles and supplies” currently listed as Permitted Uses” as “Special Exception Uses.”
2. *59-C-15.5 Land Uses*: Delete “Automobile sales, indoors and outdoors” from the list of Permitted Uses.
3. *59-C-15.65.g Parking*: Amend the minimum landscape standards for parcels adjacent to, or located within a Commercial, Industrial, or Mixed Use Zone to allow for more flexibility when reviewing projects which include design features such as shared driveway access and parking.
4. *59-C-15.73.a Setbacks*: Amend the minimum side building setback from an agricultural or residential lot to allow for more flexibility in the placement of the

building, ensuring an appropriate transition between uses while maintaining an urban streetscape.

5. *59-C-15.74.a Public Use Space*: Amend the minimum public space requirements to exclude parcels of less than one acre in size. This exemption would not apply to sites consisting of multiple, adjoining parcels that individually are less than one acre in size and under common ownership by at least one individual or entity, regardless of whether the parcel(s) are to be developed individually or as a group of two or more parcels.
6. *59-C-15.81. Incentive Density Provision*: The definition of incentive density is confusing and should be more clearly stated as to how it is calculated and under what conditions a property owner could achieve maximum density on a property. Clarify that the incentive density is the difference between the .5 base FAR and the maximum CR FAR in the zone. The current language implies that, if an applicant is proposing to build less than the maximum CR FAR, the applicant is still required to provide 100% of public benefits.
7. *59-C-15.81.g Incentive Density Provisions*: Establish an additional incentive that provides an incentive density to parcels less than one acre in size. Development and redevelopment sites consisting of multiple, adjoining lots that are less than one acre each and are under common property ownership by at least one owner or partner, however, should be excluded from this incentive.
8. *59-C-15.9 Existing Approvals*: Specify the conditions under which a lawfully existing building or structure is qualified to be “renovated, reconstructed ... or enlarged up to 10 percent above the existing areas or 30,000 square feet ...” and clarify the required review process. Provide definitions for ‘renovate’ and ‘reconstruct’ to exclude the reconstruction of a building under the prior standards and require any new building construction to conform to current development standards.
9. Specify that a *public utility/improvement easement* may not be required, but that utilities are to be located in the right-of-way or public use easement.
10. Incorporate general recommendations, identified in Exhibit A, attached hereto and made a part of this Resolution, which are intended to clarify the intent of the Zoning Text Amendment No. 09-08, and provide more consistency in terminology.

BE IT FURTHER RESOLVED that the Council of the City of Takoma Park expresses its appreciation to the Montgomery County Council and the Montgomery County Planning Board for its recognition of the importance of an updated, innovative planning tool that promotes transit-oriented development and for providing density incentives which encourage diversified, compact, and environmentally sustainable development.

Adopted this 26<sup>th</sup> day of October, 2009.

ATTEST:

---

Jessie Carpenter, CMC  
City Clerk