AGENDA ITEM #7
July 15, 2008

Public Hearing

MEMORANDUM

July 10, 2008

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney

SUBJECT: **Public Hearing** – Zoning Text Amendment 08-13,
General Commercial (C-2) Zone – Transit Oriented Mixed-Use Development

Zoning Text Amendment (ZTA) 08-13, sponsored by Councilmember Berliner, was introduced on June 10, 2008. This ZTA would amend the Zoning Ordinance to allow C-2 zoned property within 500 feet of a transit center to allow transit oriented mixed-use development.

The Planning, Housing, and Economic Development Committee worksession is tentatively scheduled for July 21, 2008, at 9:30 a.m.

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Zoning Text Amendment No: 08-13
Concerning: Transit Oriented Mixed-Use - General Commercial (C-2) Zone Development
Draft No. & Date: 1- 5/30/2008
Introduced: June 10, 2008
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: Councilmember Berliner

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- define a Transit Center;
- amend the purpose of the C-2 zone to allow transit oriented mixed-use development use in close proximity to Transit Centers; and
- generally amend the provisions of the C-2 to allow transit oriented mixed-use development near transit stations.

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

DIVISION 59-A-2	DEFINITIONS AND INTERPRETATION
Section 59-A-2.1	Definitions
DIVISION 59-C-4	COMMERCIAL ZONES
Section 59-C-4.35	Purpose
Section 59-C-4.358	C-2 zone – Purpose and development standards
Section 59-C-4.358.1	Intent
Section 59-C-4.358.2	Eligibility

EXPLANATION:	***Boldface*** *indicates a heading or a defined term.* *<u>Underlining</u> 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.* *<u>Double underlining</u> 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:

Sec. 1. DIVISION 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

Sec. 59-A-2.1. Definitions.

In this Chapter, the following words and phrases have the meanings indicated.

* * *

Transit Center: A station constructed or funded for construction under the county or state capital improvement program that: 1) accommodates for a minimum of 3 public bus routes, and 2) is used by or is forecast in the Capital Improvements Program by the Department of Transportation to be used by more than 150 passengers per day.

* * *

Sec. 2. DIVISION 59-C-4 is amended as follows:

DIVISION 59-C-4. COMMERCIAL ZONES.

* * *

59-C-4.35. C-2 zone – Purpose and development standards.

59-C-4.350. Purpose

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. A further purpose of this zone is to promote the effective use of Transit Centers and transit facilities in Central Business Districts by encouraging housing with

23 commercial uses within 500 feet of a Transit Center or in close proximity to Metro
24 stations located in Central Business Districts.
25 * * *
26 **59-C-4.358. C-2 zone—Special Development Procedure for Transit-Oriented**
27 **Mixed Use Development.**
28 **59-C-4.358.1. Intent.**
29 The Special Development Procedure is intended to facilitate the effective
30 development of properties located within a Metro Station Policy Area or within
31 500 feet of a Transit Center, with residential and non- residential land uses that will
32 promote and serve transit ridership. It is intended that the special development
33 procedure provide a significant public benefit, including such features as active
34 and passive recreational use, parkland, or public right-of-way dedications.
35 **59-C-4.358.2. Eligibility.**
36 The following requirements must be satisfied:
37 (a) The property must be classified in the C-2 zone and not recommended
38 for the TS-M zone in an approved and adopted master or sector plan;
39 (b) The property must abut property recommended for the TS-M zone or
40 separated from such property only by a road or other public right-of-
41 way;
42 (c) The property must be located in a Metro Station Policy Area that is
43 not within a Central Business District or within 500 feet of a Transit
44 Center;
45 (d) At least 60 percent of the development must be for residential use and
46 the ground floor must be for commercial use; however, certain
47 incidental non-commercial uses, such as lobbies, loading areas, and
48 parking access may be at the ground floor level;

49 (e) Moderately Priced Dwelling Units (MPDUs) must be provided as
50 required by Chapter 25A.
51 * * *
52 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
53 date of Council adoption.
54 This is a correct copy of Council action.
55
56 _____
57 Linda M. Lauer, Clerk of the Council

Resolution No:
Introduced: June 10, 2008
Adopted: June 10, 2008

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner

Subject: Notice of Public Hearing on Zoning Text Amendment 08-13

Background

1. Section 59-H-9.3 of the Montgomery County Ordinance requires that, within 30 days of introduction of any text amendment, the Council act by resolution to set a date and time for public hearing on the proposed amendment.

2. Zoning Text Amendment No. 08-13, introduced on June 10, 2008, would amend the Zoning Ordinance to:
   - define a Transit Center;
   - amend the purpose of the C-2 zone to allow transit oriented mixed-use development use in close proximity to Transit Centers; and
   - generally amend the provisions of the C-2 to allow transit oriented mixed-use development near transit stations.

Action

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 resolution:

> Legal notice will be given of the public hearing to be held on July 15, 2008 at 1:30 p.m., in the Council Hearing Room, Stella Werner Council Office Building, Rockville, Maryland, for the purpose of giving the public an opportunity to comment on the proposed amendment.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council