

Ordinance No.: 18-41
Zoning Text Amendment No.: 17-10
Concerning: White Flint 2-Parklawn
Overlay Zone
Draft No. & Date: 7 – 1/30/18
Introduced: October 10, 2017
Public Hearing: November 14, 2017
Adopted: February 6, 2018
Effective: February 26, 2018

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

Lead Sponsor: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- establish the White Flint 2-Parklawn Overlay zone with development and land use standards, and procedures for development approvals; and
- generally amend provisions concerning Overlay zones

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

Division 2.1.	“Zones Established”
Section 2.1.2.	“Zoning Categories”
ARTICLE 59-4.	“Development Standards for Euclidean Zones”
Division 4.9.	“Overlay Zones”

And adding:

Section 4.9.21. “White Flint 2-Parklawn (WF-P) Overlay Zone”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by 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.*

OPINION

Zoning Text Amendment No. 17-10 was introduced on October 10, 2017. The Council introduced the ZTA at the request of the Planning Board.

ZTA 17-10 would establish a new Overlay zone to implement the recommendations of the Planning Board Draft White Flint 2 Sector Plan.

In its report to the Council on November 7, 2017, the Montgomery County Planning Board recommended approval as a means to implement the recommendations of the Sector Plan.

The Council held a public hearing on November 14, 2017. An Overlay zone was recommended to implement the White Flint 2 Sector Plan. The Council heard positive recommendations from the Planning Board and correspondence. Amendments were suggested to promote redevelopment of the White Flint II area.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on November 27 and December 4, 2017 and January 29, 2018 to review the text amendment. After careful review of the materials of record, the Committee recommended that ZTA 17-10 be approved with amendments. On January 29, 2018, the Committee (2-1, Councilmember Leventhal opposed) recommended approval of ZTA 17-10 with the following revisions:

	PHED recommended changes
Residential building type restrictions	All residential building types allowed if consistent with the master plan; delete the limitations on residential uses in mixed use multi-unit living buildings
Ground floor requirements	No Use Requirement 14-foot floor-to-floor heights in Multi-Unit Living Buildings
Building height restrictions	All buildings are allowed a height of 75 feet
The maximum gross floor area for residential uses	0.75 FAR
The minimum gross floor area for non-residential development	0.25 FAR existing or new floor area; floor area used for general retail uses do not count toward meeting the minimum FAR
The maximum amount of gross floor area for other limited uses in the IL zone (retail)	The greater of the gross floor area of retail use existing on the site on December 1, 2017, or 0.5 FAR
Notice of land use restrictions is required in the land record	Before the Planning Department recommends a building permit

Under the Committee's recommendation, there would be no minimum required floor area for light industrial uses. An application could be made for a 0.75 FAR residential project with an additional 0.25 FAR for other non-residential uses, with no area on the site reserved for light industrial uses. The Committee interpreted the Council's direction that a 50-50 split between residential and light industrial uses would be required. The Committee believed that the zone should allow 50 percent of the maximum allowed FAR to be residential, even if that is 100 percent of the proposed project.

The District Council reviewed Zoning Text Amendment No. 17-10 at a worksession held on February 6, 2018. The Council agreed with the Committee's recommendation to approve ZTA 17-10 as amended.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 17-10 will be approved as amended.

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. ARTICLE 59-2 is amended as follows:

Division 2.1. Zones Established

* * *

Section 2.1.3. Establishment of Zones

* * *

G. Overlay Zones

1. There are [19] 20 Overlay zone classifications:

a. Bethesda (B),

* * *

r Upper Paint Branch (UPB), [and]

s. Upper Rock Creek (URC), and

t. White Flint 2-Parklawn (WF-P).

* * *

Sec. 2. ARTICLE 59-4 is amended as follows:

DIVISION 4.9. Overlay Zones

* * *

Section ~~[[4.9.20]]~~ 4.9.21. White Flint 2-Parklawn (WF-P) Overlay Zone

A. Purpose

The purpose of the WF-P Overlay zone is to implement the recommendations of the White Flint 2 Sector Plan as it relates to:

1. the retention of light industrial uses;

2. the inclusion of residential FAR;

3. total density;

4. building heights;

5. public open space; and

6. design.

B. Land Uses

Where the underlying zone is IL:

1. all non-residential uses are allowed to the extent allowed in the IL zone;
2. all residential [[use is limited to Multi-Unit Living located above the ground floor and]] uses and residential building types are allowed as part of a mixed-use development, consistent with the goals of the master plan;
- [[3. the ground floor of any building must be used only for non-residential uses allowed in the zone and any uses ancillary to Multi-Unit Living, including lobbies; entrances; garages; amenities; and offices to manage, service, and maintain the residential component of a mixed-use development.]]

C. Development Standards

The development standards in the IL zone apply in the WF-P Overlay zone, except as modified in this Section.

1. Building Height
 - a. [[Except where mixed-use development that includes Multi-Unit Living is proposed, the maximum building height is limited to the height allowed in the underlying zone.]]
 - b. [[Where mixed-use development that includes Multi-Unit Living is proposed, the]] The maximum building height is 75 feet.
 - c. The ground floor of any building that includes Multi-Unit Living above any non-residential uses must have a minimum floor-to-floor height of 14 feet.
2. Density
 - a. The maximum total FAR in the WF-P Overlay zone is 1.5.

- b. [[The maximum for residential uses is 1.0.]] A minimum 0.25 FAR must be provided for uses allowed in the IL Zone, other than the uses allowed under Subsection 59.3.5.11.B.2.a.vii(d); the floor area for such uses must be existing or built concurrently with any residential uses.
- c. The maximum density for residential uses is 0.75 FAR.
- d. The maximum amount of gross floor area for other limited uses allowed under Subsection 59.3.5.11.B.2.a.vii(d) is the greater of:
 - i. the gross floor area of those uses existing on the site on December 1, 2017; or
 - ii. 0.5 FAR.

3. Open Space

A minimum of 10% public open space is required for a mixed-use development that includes Multi-Unit Living.

4. Parking

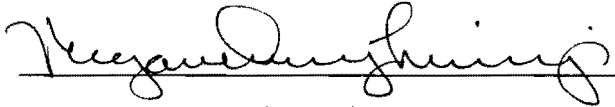
The Reduced Parking Area standards in Section 6.2.4.B apply for a mixed-use development that includes Multi-Unit Living.

5. Before the Planning Department recommends approval of a building permit to the Department of Permitting Services that includes residential land uses, the property owner must record a notice of land use restrictions in the land records to note that light industrial uses are allowed and that there are limits on residential and retail floor area.

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in cursive script, reading "Megan Davey Limarzi", written over a horizontal line.

Megan Davey Limarzi, Esq.
Clerk of the Council