



Committee: PHP
Committee Review: At a future date
Staff: Livhu Ndou, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #TakomaParkMinorMasterPlanAmendment
#AccessoryStructure #AccessoryBuilding

CORRECTED
AGENDA ITEM #10A
July 30, 2024
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 24-04, Dormitory and Community Service Retail (CSR) Overlay Zone
Lead Sponsor: Council President Friedson at the Request of the Planning Board

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item

DESCRIPTION/ISSUE

ZTA 24-04 will implement recommendations from the Takoma Park Minor Master Plan Amendment.

SUMMARY OF KEY DISCUSSION POINTS

- The Takoma Park Minor Master Plan Amendment was approved by the District Council on April 2, 2024.
- The Master Plan contained two recommendations for modifications to the Zoning Code: 1) allow Dormitories as a limited use in the CR and CRT Zones, and 2) remove the plan area from the Community Serving Retail (CSR) Overlay Zone.
- Since the only area in the County with the CSR Overlay Zone is within the boundary of the Takoma Park Minor Master Plan Amendment, this ZTA would remove the overlay zone from the Zoning Ordinance.
- A public hearing is tentatively scheduled for September 17, 2024.

This report contains:

ZTA 24-04	© 1
Planning Board Recommendation	© 10
Planning Staff Report	© 11

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Ordinance No.: _____
Zoning Text Amendment No.: 24-04
Concerning: Dormitory and
Community Service
Retail (CSR) Overlay
Zone
Revised: 7/24/2024 Draft No.: 1
Introduced: July 30, 2024
Public Hearing: _____
Adopted: _____
Effective: _____

**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 request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) implement recommendations of the Takoma Park Minor Master Plan;
- (2) allow Dormitory as a limited use in certain Commercial/Residential zones;
- (3) remove the Community-serving Retail (CSR) Overlay Zone; and
- (4) generally amend the provisions of the Overlay Zones.

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

Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.3.	“Residential Uses”
Section 3.3.2.	“Group Living”
Division 4.9.	“Overlay Zones”
Section 4.9.8.	“Downtown Silver Spring (DSS) Overlay Zone”
Section 4.9.9.	“Fenton Village (FV) Overlay Zone”
Section 4.9.10.	“Garrett Park (GP) Overlay Zone”
Section 4.9.11.	“Germantown-Churchill Village (GCV) Overlay Zone”
Section 4.9.12.	“Germantown Transit Mixed Use (GTMU) Overlay Zone”
Section 4.9.13.	“Montgomery Village (MV) Overlay Zone”
Section 4.9.14.	“Regional Shopping Center (RSC) Overlay Zone”
Section 4.9.15.	“Rural Village Center (RVC) Overlay Zone”
Section 4.9.16.	“Sandy Spring/Ashton Rural Village (SSA) Overlay Zone”

- Section 4.9.17. “Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”
- Section 4.9.18. “Transferable Development Rights (TDR) Overlay Zone”
- Section 4.9.19. “Twinbrook (TB) Overlay Zone”
- Section 4.9.20. “Upper Paint Branch (UPB) Overlay Zone”
- Section 4.9.21. “Upper Rock Creek (URC) Overlay Zone”
- Section 4.9.22. “White Flint 2-Parklawn (WF-P) Overlay Zone”

And by removing the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

- Division 4.9. “Overlay Zones”
- Section 4.9.7. “Community-serving Retail (CSR) 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.
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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:

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USE OR USE GROUP	Definition s and Standards	Ag AR	Rural Residential			Residential												Commercial / Residential			Employment				Industrial		
						Residential Detached							Residential Townhouse			Residential Multi-Unit											
			R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL	IM
* * *																											
RESIDENTIAL																											
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GROUP LIVING	3.3.2																										
Dormitory	3.3.2.B																	⌊	⌊				P				
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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

* * *

Section 3.3.2. Group Living

* * *

B. Dormitory

1. Defined

Dormitory means a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

2. Use Standards

Where Dormitory is allowed as a limited use, a site plan under Section 7.3.4. is required.

* * *

Sec. 3. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

[Section 4.9.7. Community-serving Retail (CSR) Overlay Zone]

[A. Purpose

The Purpose of the CSR Overlay Zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

B. Land Uses

Retail/Service Establishment uses and Restaurants are permitted in a Multi-Unit zone where designated as suitable in the applicable master plan. The following are the permitted Retail/Service Establishment uses: bank or savings and loan office; barber and beauty shop; book store; drug store; dry

36 cleaning and laundry pick-up station; florist; food and beverage store; gift
37 shop; jewelry store; laundromat; newsstand; and variety and dry goods store.

38 **C. Development Standards**

39 If the Retail/Service Establishment use is proposed to be free-standing, the
40 scale and character of development must substantially conform with the
41 recommendations of the master plan. If the Retail/Service Establishment use
42 is proposed to be provided in an apartment building type, the use must have
43 direct access to the street.

44 **D. Site Plan**

- 45 1. Site Plan approval under Section 7.3.4. is required if:
 - 46 a. Retail/Service Establishments are proposed in a Multi-Unit
 - 47 Zone; or
 - 48 b. required under Section 7.3.4.A.8.
- 49 2. The Planning Board may waive the requirements for parking setbacks
50 and number of spaces where it finds that such waivers will substantially
51 conform with the goals of the master plan, allow better pedestrian
52 circulation, and encourages use of transit.]

53 **Section [4.9.8] 4.9.7. Downtown Silver Spring (DSS) Overlay Zone**

54 * * *

55 **Section [4.9.9] 4.9.8. Fenton Village (FV) Overlay Zone**

56 * * *

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62 **Zone**

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Section [4.9.13] 4.9.12. Montgomery Village (MV) Overlay Zone

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Section [4.9.14] 4.9.13. Regional Shopping Center (RSC) Overlay Zone

* * *

Section [4.9.15] 4.9.14. Rural Village Center (RVC) Overlay Zone

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**Section [4.9.16] 4.9.15. Sandy Spring/Ashton Rural Village (SSA) Overlay
Zone**

* * *

**Section [4.9.17] 4.9.16. Takoma Park/East Silver Spring Commercial
Revitalization (TPESS) Overlay Zone**

* * *

Section [4.9.18] 4.9.17. Transferable Development Rights (TDR) Overlay Zone

* * *

Section [4.9.19] 4.9.18. Twinbrook (TB) Overlay Zone

* * *

Section [4.9.20] 4.9.19. Upper Paint Branch (UPB) Overlay Zone

* * *

Section [4.9.21] 4.9.20. Upper Rock Creek (URC) Overlay Zone

* * *

Section [4.9.22] 4.9.21. White Flint 2-Parklawn (WF-P) Overlay Zone

* * *

Sec. 4. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

July 9, 2024

To: The Honorable Andrew Friedson
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery Planning Board

Subject: Proposed Zoning Text Amendment – Dormitories, and Community Serving Retail (CSR) Overlay Zone

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 8, 2024, and by a vote of 4:0 (Commissioner Bartley absent) recommended transmitting a new draft ZTA to the Council for introduction. This ZTA implements two recommendations from the Takoma Park Minor Master Plan Amendment, which was approved by the District Council on April 2, 2024. The Master Plan contained two specific recommendations for modifications to the Zoning Code. One to allow Dormitories as a limited use in the CR and CRT Zones, and the other to remove the plan area from the Community Serving Retail (CSR) Overlay Zone.

To add Dormitory as a limited use in the CR and CRT Zone, the Use Table under Section 3.1.6. is updated reflecting the limited use recommendation. A new section for limited use standards for Dormitory is also proposed for the code under Section 3.3.2.B. with the requirement that Dormitory be approved with a site plan.

The remainder of the draft ZTA addresses the other recommendation, removing the CSR from the plan area. That recommendation could have been accomplished with just a sectional map amendment, however the only place in the County with the CSR Overlay Zone is within the boundary of the Takoma Park Minor Master Plan Amendment, therefore the recommendation is to remove the overlay zone entirely from the code.

The Planning Board appreciates the Council's consideration in introducing this draft ZTA implementing two of the recommendations from the Takoma Park Minor Master Plan Amendment. Planning staff are available to assist with any questions or concerns as this ZTA is considered for introduction.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Monday, July 8, 2024.



Artie L. Harris
Chair

Attachments: A - Planning Board Staff Report
B – Draft ZTA

**PROPOSED ZTA 24-##
DORMITORIES, AND COMMUNITY-SERVING RETAIL (CSR)
OVERLAY ZONE**

Description

This proposed ZTA would implement two zoning recommendations from the 2024 *Takoma Park Minor Master Plan Amendment*: permitting Dormitories in the CR and CRT Zones, and removing the Community-serving Retail (CSR) Overlay Zone .

ZTA 24-##
Completed: 7-1-24

MCPB
Item No. 07
7-8-24

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

BB	Benjamin Berbert, Planner III, Countywide Planning and Policy Benjamin.Berbert@montgomeryplanning.org , 301-495-4644
ymg	Lisa Govoni, Acting Supervisor, Countywide Planning and Policy Lisa.Govoni@montgomeryplanning.org , 301-650-5624
DA	David Anspacher, Acting Chief, Countywide Planning and Policy David.Anspacher@montgomeryplanning.org , 301-495-2191

PLANNING TEAM

Countywide Planning and Policy on behalf of Downcounty Planning

PLANNING BOARD HEARING DATE

July 8, 2024

REVIEW BASIS

Chapter 59

Summary

- On April 2, 2024, the District Council approved the Takoma Park Minor Master Plan Amendment. This plan recommends adding Dormitory as a limited use in the CR and CRT Zones, and deleting obsolete overlay zones including the Community-serving Retail (CSR) Overlay Zone.
- This ZTA would implement these zoning recommendations by adding Dormitory as a limited use in the Use Table under the CR and CRT Zones, adding a new limited use standard requiring a site plan, and removing the (CSR) Overlay Zone from the zoning code.

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SECTION 1 – BACKGROUND

This Zoning Text Amendment would implement two recommendations in the 2024 [Takoma Park Minor Master Plan Amendment](#), which was approved by the District Council on April 2, 2024. The minor master plan amendment focused on a small portion of Takoma Park centered around the Washington Adventist Hospital and University Campus, and Maple Avenue. The plan contained specific zoning recommendations to modify the CR and CRT Zones to allow Dormitory as a limited¹ use, and also recommended removing obsolete overlay zones² including the Community-Serving Retail Overlay Zone.

SECTION 2 – PROPOSED ZTA

USE TABLE

The first section of the proposed ZTA is a modification to the Use Table, under [Section 3.1.6](#). One of the recommendations of the *Takoma Park Minor Master Plan Amendment* is to allow the use Dormitory as a limited use in the CRT and CR zones. The Use table on line 7 of the proposed ZTA reflects this modification, adding an L for limited use in the CRT and CR zones for the Dormitory use.

USE STANDARDS - GROUP LIVING - DORMITORY

The next section of the proposed ZTA, starting with line 15, is a modification to the Use Standards for Dormitory, which is a type of [Group Living](#) under the Residential Use Division. The existing use standards for Dormitory only offer a definition for the use. Because the only existing zone where Dormitory is allowed currently is the LSC Zone, and it is allowed as a permitted use, there are currently no additional use standards. As this ZTA adds Dormitory as a limited use in the CRT and CR zones, it is also necessary to add limited use standards. The minor master plan recommended Dormitory only be allowed in the CRT and CR zones with a site plan review. The proposed use standard starting on line 19 of the draft ZTA reflects this requirement.

¹ Limited uses are uses permitted in the underlying zone if they meet applicable additional standards set forth in that uses Use Standards in Divisions 3.2 – 3.7.

² Overlay zones are mapped zones that are layered on top of the underlying base zone that modify the requirements of the underlying zone.

OVERLAY ZONES – COMMUNITY-SERVING RETAIL (CSR)

The other major zoning change with this draft ZTA is the deletion of the Community-Serving Retail (CSR) Overlay Zone. The CSR Overlay, [Section 4.9.7](#) is an overlay zone that was unique to the part of Takoma Park covered by the minor master plan amendment and was intended to help smaller neighborhood-serving retail uses be built and survive in Multi-Unit zones. The minor master plan recommends removing the CSR Overlay Zone from the plan area, since the recommended CR zone has adequate provisions to ensure the intent of promoting small neighborhood-serving retail remains including allowing the retail uses, and provisions to ensure compatibility with surrounding residential areas. The geography of the CSR Overlay zone is entirely within the boundaries of the minor master plan, therefore this ZTA recommends removing the overlay zone from the Zoning Code in its entirety.

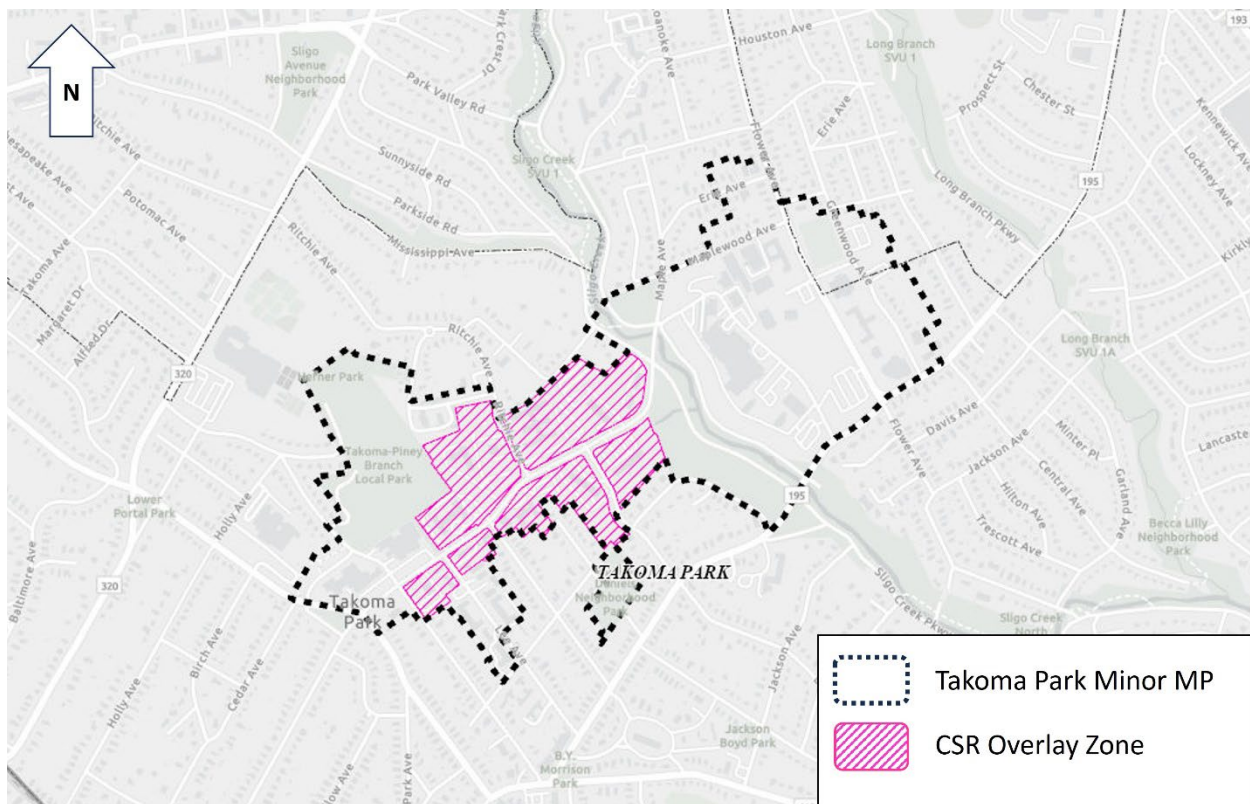


Figure 1 – Boundary of the Takoma Park Minor Master Plan, and the CSR Overlay Zone

EXISTING OVERLAY ZONES

The remainder of the proposed ZTA starting on line 53 illustrates the subsequential renumbering of the section headings for the existing overlay zones that alphabetically come after the CSR Overlay Zone. Planning Staff note that these overlay zones are re-section numbered based on the current section numbers in the code. ZTA 24-03 also would make changes to the section numbers of certain overlay zones. The section numbers may be further adjusted in a final ZTA draft depending on which ZTA is adopted first by the District Council.

SECTION 3- CONCLUSION

Planning Staff recommends the Planning Board transmit the proposed ZTA to the District Council, implementing certain recommendations from the Takoma Park Minor Master Plan including allowing Dormitories in the CRT and CR zones, and removing the Community-serving Retail Overlay Zone from the code.

SECTION 5 - ATTACHMENTS

Attachment A - Draft ZTA

Ordinance No.: _____
Zoning Text Amendment No. _____
Concerning: _____
Revised: _____ Draft No.: _____
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**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: Councilmember _____
Co-Sponsors: Councilmembers _____

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) implement recommendations of the Takoma Park Minor Master Plan by making the following changes;
- (2) allow Dormitories as a limited use in certain Commercial/Residential zones; and
- (3) remove the Community-serving Retail (CSR) Overlay Zone from the code.

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

- Division 3.1. "Use Table"
- Section 3.1.6. "Use Table"
- Division 3.3. "Residential Uses"
- Section 3.3.2. "Group Living"
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And by removing the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

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Sec. 2. DIVISION 59-3.3 is amended as follows:

Division 3.3. Residential Uses

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Section 3.3.2. Group Living

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B. Dormitory

1. Defined

Dormitory means a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.

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Where Dormitory is allowed as a limited use, a site plan under Section 7.3.4. is required.

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Sec. 3. DIVISION 59-4.9. is amended as follows:

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[Section 4.9.7. Community-serving Retail (CSR) Overlay Zone]

[A. Purpose

The Purpose of the CSR Overlay Zone is to allow for neighborhood-serving retail commercial uses in Multi-Unit zones as recommended in the applicable master plan.

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39 If the Retail/Service Establishment use is proposed to be free-standing, the
40 scale and character of development must substantially conform with the
41 recommendations of the master plan. If the Retail/Service Establishment use
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43 direct access to the street.

44 **D. Site Plan**

45 1. Site Plan approval under Section 7.3.4. is required if:

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Sec. 4. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

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Sara R. Tenenbaum
Clerk of the Council

DRAFT