

## PROPOSED ZTA – SILVER SPRING DOWNTOWN AND ADJACENT COMMUNITIES, OVERLAY ZONE MODIFICATIONS

### Description

The proposed zoning text amendment would implement the recommendations of the Silver Spring Downtown and Adjacent Communities (SSDAC) Plan by removing the Ripley/South Silver Spring Overlay Zone, modifying the Fenton Village Overlay Zone, and creating a new Downtown Silver Spring Overlay Zone.

PROPOSED ZTA 22-##

COMPLETED: 03-31-2022

MCPB

Item No. 11

04-07-2022

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## Summary

- The proposed ZTA will implement the zoning recommendations from the SSDAC Plan including removing the Ripley/South Silver Spring Overlay, modifying the Fenton Village Overlay, and adding a new Downtown Silver Spring Overlay.
- Recommendations are based primarily on the Planning Board Draft, with some modifications made by the Planning, Housing and Economic Development Committee to date.
- The ZTA will be introduced prior to the SSDAC Plan being reviewed by the full Council with an anticipated public hearing in late spring or early summer.

### LEAD TEAM

Downcounty Planning &  
Countywide Planning and Policy

### REVIEW BASIS:

Chapter 59

## SECTION ONE

### BACKGROUND

#### **Rationale for the Proposed Zoning Text Amendment**

This proposed zoning text amendment (ZTA) is needed to implement the recommendations from the Silver Spring Downtown and Adjacent Communities (SSDAC) Plan. There are many recommendations around plan-specific regulations for height, density, design, open space and other elements which require the creation of a new Downtown Silver Spring overlay zone. Other overlay zones, such as the Fenton Village overlay, need amendments, while the Ripley/South Silver Spring overlay is recommended for full deletion.

## SECTION TWO

### ANALYSIS

#### **ZTA As Proposed**

This ZTA would make a small change to Section 4.5 Commercial/Residential Zones, and three changes to the Overlay Zone section (4.9) in the Zoning Ordinance. First, it removes the entire Ripley/South Silver Spring overlay, it amends the Fenton Village overlay, and proposes a new Downtown Silver Spring overlay. The following is more detail on these three changes.

#### [Commercial/Residential Zones](#)

The ZTA would add a small amount of language under Section 4.5.2.A. of the Code, where limits on the density and height of the CR family of zones is described. Currently, subsection 3 allows the total FAR, or height to be modified beyond the limits described within the section if its to accommodate MPDUs or FAR averaging. The ZTA would also add 'or an Overlay Zone' to the text, because it is the intent in the Downtown Silver Spring Overlay Zone discussed later in this report to make some modifications beyond what Section 4.5.2.A. allows.

#### [Ripley/South Silver Spring \(RSS\) Overlay Zone](#)

The proposed ZTA eliminates the existing RSS Overlay Zone in its entirety. The Ripley Silver Spring Overlay Zone was created as a result of the 2000 *Silver Spring Central Business District Sector Plan* to incentivize development in the Ripley District. The Ripley District has been transformed over the last 20 years and several of the provisions in the zone are outdated or unnecessary. The Sector Plan recommends increasing the maximum building height on the one property impacted by the provision allowing additional height for a supermarket. The overlay zone also constrains development on sites in South Silver Spring along Eastern Avenue by limiting height. With the removal of this overlay zone,

heights along Eastern Avenue will be controlled by the forthcoming Design Guidelines that will accompany this Sector Plan.

### Fenton Village (FV) Overlay Zone

The proposed ZTA makes several modifications to the text of the existing FV Overlay Zone. This overlay zone is proposed to have its boundaries expanded slightly to the east as part of a future Sectional Map Amendment (SMA) process to encompass some commercial/residential properties in the plan area that are not currently in this overlay. The FV overlay will become an overlay zone within the larger Downtown Silver Spring overlay zone, which is proposed for the entire downtown area.

The changes to the FV Overlay include:

- *Removing the Land Use section* – This section was made obsolete with the uses allowed in the CR zone.
- *Updating text in the Development Standards section* – Clarification in subsection one that the major highway in the overlay is Georgia Avenue and that the eastern road near the residential blocks is Fenton Street.
- *Removing sections from the Development Standards section* – The second half of subsection one for building heights includes provisions that either no longer exist (blocks that include a detached zone), had provisions for extra height for specific properties that are recommended for the additional height through the pending sectional map amendment, or had requirements that are now standards with the CR zone. Additionally, sections regarding building height transitions will be addressed in the Sector Plan Design Guidelines and are not necessary here.
- *Adding a new Development Standards section two* – New provisions for retail bays limiting their width to 60 feet of façade except for grocery stores or basement level retailers, and a requirement that developments with retail provide two small bays (one less than 1,200 SF and another less than 2,000 SF). This is a recommendation that comes directly from the *Retail in Diverse Communities Study*.
- *Removing provision to transfer open space requirements* – The DSS Overlay Zone includes a provision addressing open spaces that are not identified in the Sector Plan. Any property not specifically recommended for open space by the SSDAC Plan should contribute instead to existing or planned public parks within the plan area.
- *Associated technical updates to section numbering*

### Downtown Silver Spring (DSS) Overlay Zone

The Downtown Silver Spring (DSS) Overlay Zone is a new proposed overlay zone that would cover the downtown properties in the Plan (i.e., all plan districts as described in the Sector Plan except the Adjacent Communities district). The overlay is split into four primary sections: Purpose, Land Use, Development Standards, and Height Incentive Area Map.

### *Purpose*

The purpose of the zone is to implement specific recommendations from the SSDAC Plan including land use, height, density, affordability, public benefits, design, and open spaces.

### *Land Uses*

The DSS overlay would allow all uses currently permitted within the CR zone, plus allow the following uses as permitted uses accessory to larger developments to support the food security recommendations in the Plan:

- Light manufacturing if for the purposes of food processing, including a food service facility defined by Chapter 15 of the County Code
- Urban Farming, if located on a rooftop

### *Development Standards*

The development standards section is the largest of the sections in the proposed ZTA and includes five sub-sections; Building Height, Density, Moderately Priced Dwelling Units, Public Benefit Points, and Public Open Space.

- Building Height – The DSS Overlay is proposing a new Height Incentive Area (HIA) (referred to in the Sector Plan as the Building Height Incentive Zone and shown in Figure 1 below) where the maximum building height for any optional method development project within the HIA may request at the Planning Board a height of up to 150% the mapped building height, not to exceed 300 feet. Additionally, selective properties recommended by the SSDAC Plan may have building heights up to 360 feet. To qualify for this increased height, projects must either provide greater than 15% MPDUs, contribute to the Housing Initiative Fund, or include activating ground-floor neighborhood serving uses which could include small commercial spaces, art galleries, meeting space, educational uses, medial uses, historic preservation, or non-ground-floor Design for Life residences. Any increase in height, in addition to Planning Board approval, would require the approval of a Silver Spring Design Advisory Panel.
- Density – The density section outlines two primary provisions. First, properties in the overlay mapped at an FAR of 8 would not be subject to the 7.5 FAR cap on commercial (C) or residential (R) spaces and instead be able to utilize the full 8 FAR for either use if desired. The second provision within the density section establishes provisions for Downtown Silver Spring Density (DSSD). DSSD is floor area that is available for purchase above the mapped floor area for a property. The density may be used as commercial or residential space. Any awarded DSSD is for the applying property only and may not be transferred to another site. The density can be purchased at a rate of \$5 per square foot and would support the Civic Improvement Fund (previously the Connectivity and Infrastructure Fund described in the Sector Plan) which will contribute to the implementation of several civic improvements in the Plan, including, but not limited to, the proposed bridge connection over the rail between South Silver Spring and

the Ripley District, improvements to the Transit Center to enhance the arrival experience, portions of the Green Loop and long-term public bike parking facilities as proposed in the Plan.

- [Moderately Priced Dwelling Units \(MPDUs\)](#) – The DSS Overlay will require MPDUs to be at least 15% of any qualifying project, rather than the County minimum of 12.5%.
- [Public Benefit Points](#) – The overlay zone would not allow the Planning Board to award public benefit points to optional method projects for the categories of transit proximity or structured parking. The presumption is almost every project would automatically qualify for these categories therefore limiting the actual public benefit being provided that justifies the optional method standards.
- [Public Open Space](#) – Rather than each development site providing its required public open space on site as a series of fragmented areas, any property not specifically recommended for open space by the SSDAC Plan instead should contribute to existing or planned public parks within the plan area, based on the provisions for providing off-site open space under the corresponding section of the Zoning Ordinance.



## **Conclusion**

Staff recommends the Planning Board transmit a request to the District Council to introduce the proposed ZTA implementing the SSDAC Plan. This draft will be part of the materials considered by the full Council when making their final recommendations on the plan. It is anticipated that a public hearing on this ZTA would be scheduled for early summer; Planning Staff will bring the ZTA back before the Board prior to that hearing.

## **Attachments**

1 – Draft Proposed ZTA

# Attachment 1

Zoning Text Amendment No.: 22-##  
Concerning: Removal of the  
Ripley/South Silver  
Spring (RSS) Overlay  
Zone; modifying Fenton  
Village Overlay Zone;  
and creation of a new  
Downtown Silver Spring  
Overlay Zone

Draft No. & Date: \* - \*\*\*

Introduced:

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**

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Lead Sponsor: Councilmember \*\*\*

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Implement the recommendations of the Silver Spring Downtown and Adjacent Communities Plan by:
  - Removing the Ripley/South Silver Spring (RSS) Overlay Zone, and
  - Modifying Fenton Village Overlay Zone
  - Establishing the Downtown Silver Spring Overlay Zone

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

DIVISION 4.5	Commercial/Residential Zones
Section 4.5.2	Density and Height Allocation
DIVISION 4.9	Overlay Zones
Section 4.9.[8] <u>9</u>	Fenton Village (FV) Overlay Zone
Section 4.9.[9] <u>10</u>	Garret Park (GP) Overlay Zone
Section 4.9.[10] <u>11</u>	Germantown-Churchill Village (GCV) Overlay Zone
Section 4.9.[11] <u>12</u>	Germantown Transit Mixed Use (GTMU) Overlay zone
Section 4.9.[12] <u>13</u>	Montgomery Village (MV) Overlay Zone
Section 4.9.[13] <u>14</u>	Regional Shopping Center (RSC) Overlay Zone
[Section 4.9.14]	[Ripley/South Silver Spring (RSS) Overlay Zone]

And adding the following new sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 4.9  
Section 4.9.8

Overlay Zones  
Downtown Silver Spring 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.*

*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 4.5 is amended as follows:**

**Division 4.5. Commercial/Residential Zones**

**Section 4.5.1. Intent Statements**

\* \* \*

**Section 4.5.2. Density and Height Allocation**

\* \* \*

**A. Density and Height Limits**

\* \* \*

3. The following limits apply unless additional total FAR, residential FAR, or height are allowed under Section 4.5.2.C, Section 4.5.2.D, [or] Section 4.5.2.A.2.e, or an Overlay Zone:

<b>Zone</b>	<b>Total FAR (max)</b>	<b>C FAR (max)</b>	<b>R FAR (max)</b>	<b>Height (max)</b>
CRN	0.25 to 1.5	0.00 to 1.5	0.00 to 1.5	25' to 65'
CRT	0.25 to 4.0	0.25 to 3.5	0.25 to 3.5	35' to 150'
CR	0.5 to 8.0	0.25 to 7.5	0.25 to 7.5	35' to 300'

\* \* \*

**Sec. 2. DIVISION 4.9 is amended as follows:**

**Division 4.9. Overlay Zones**

\* \* \*

**Section 4.9.8 Downtown Silver Spring (DSS) Overlay Zone**

**A. Purpose**

The purpose of the DSS Overlay Zone is to implement the recommendations of the Silver Spring Downtown and Adjacent Communities Plan as it relates to land use, building height, density, affordable housing, public benefit points, design, and public open space.

**B. Land Uses**

The land uses of the underlying zones apply. The following uses are permitted on properties where the underlying zone is the CR Zone, as accessory uses pursuant to Section 3.7.4.B., in addition to the uses allowed in the zone:

1. Light Manufacturing and Production for the purposes of food production, including any associated food service facility as defined in Chapter 15 of the County Code, and
2. Urban Farming, except the raising of roosters, if done on a rooftop.

### **C. Development Standards**

#### 1. Building Height

- a. Except as provided in Subsection b. below, the maximum building height is limited to the height allowed in the underlying zone.

#### b. Height Incentive Area

- i. In the Height Incentive Area illustrated in Subsection D, the maximum building height for optional method of development projects may be increased by the Planning Board up to 150 percent of the mapped maximum building height, to a maximum of 300 feet.
- ii. Sites recommended in the Sector Plan to exceed the maximum building height of 300 feet may be approved by the Planning Board for up to 360 feet.
- iii. To qualify for additional height under this section, projects must provide greater than the minimum 15% MPDUs on-site, a contribution to the Montgomery County Housing Initiative Fund (HIF), or include an activating ground-floor Neighborhood Service including, but not limited to, small business, art gallery/venue, community meeting space, educational or medical use, historic

50 preservation, or non-ground-floor area dedicated to Design for Life  
51 residences.

52 iv. Additional height under this section is subject to review by the  
53 Silver Spring Design Advisory Panel and must substantially  
54 conform to the Design Guidelines. The Planning Board must  
55 appoint a Design Advisory Panel composed of relevant  
56 independent professionals, including at least one resident of Silver  
57 Spring, and consider the comments from that panel on all projects  
58 before making their determination concerning exceptional design  
59 points.

60 2. Density

61 a. Properties in the CR zone with a mapped total FAR of 8 are not subject  
62 to the maximum C FAR or maximum R FAR limits under section  
63 59.4.5.2.A.3.

64 b. In the CR or CRT zones, a development may exceed the mapped total  
65 FAR on a site if the Planning Board approves a sketch or site plan  
66 under Section 7.3.3 or Section 7.3.4, or a Bio-Health Priority Campus  
67 Plan under Section 7.3.6, that includes the allocation of gross floor area  
68 of Downtown Silver Spring Overlay Zone (DSS) Density, or FAR  
69 Averaging under Section 4.9.2.C.5.

70 c. DSS Density is the gross floor area by which development on a site in  
71 the Overlay Zone may exceed the maximum gross floor area mapped on  
72 the site, consistent with the requirements of the Overlay Zone,  
73 including design review, public benefits, and the qualifications set forth  
74 in paragraph e. below. DSS density may not be transferred to any other  
75 property.

76 d. Land Use

77           The gross floor area allocated from DSS Density may be developed as  
78           Commercial or Residential square footage.

79           e. Qualification

80           To qualify for DSS Density, a proposed development must:

81           i. Make a contribution to the Civic Improvement Fund before the  
82           issuance of any building permit at a rate of \$5 per square foot of  
83           approved DSS Density gross floor area.

84           ii. The Planning Board, after advertising and holding a public  
85           hearing, must adjust this payment rate by July 1 of each even-  
86           numbered year by the annual average increase or decrease in a  
87           published construction cost index for the two most recent calendar  
88           years.

89           3. Moderately Priced Dwelling Units (MPDUs)

90           For any development application that includes 20 or more residential  
91           dwelling units, the Planning Board may only approve the application if the  
92           development provides at least 15% MPDUs under the provisions of  
93           Chapter 25A.

94           4. Public Benefit Points

95           The requirements for public benefit points are established by Division  
96           59.4.7, and as follows:

97           a. The Planning Board must not grant any public benefit points for transit  
98           proximity under Section 59.4.7.3.B. or structured parking under Section  
99           59.4.7.3.E.6.

100           b. The Planning Board must determine that the development achieves 10  
101           points in the exceptional design public benefit under Section  
102           59.4.7.3.E.4. The Planning Board must consider the comments from the

103                    Design Advisory Panel on all projects before making their  
104                    determination concerning exceptional design points.

105        5. Public Open Space

106                    Any project required to provide public open space on a site not  
107                    recommended in the Sector Plan for a new public space must contribute to  
108                    the creation of new or improvement of existing public parks recommended  
109                    by the Sector Plan, preferably within the same district, based on the cost  
110                    per square foot of constructing park area equivalent to the required public  
111                    space.

112        **D. Height Incentive Area Map**

113        \*   \*   \*

114        **Section 4.9.[8]9. Fenton Village (FV) Overlay Zone**

115        **A. Purpose**

116                    The purpose of the FV Overlay zone is to:

- 117                    1. Facilitate the implementation of an organized and cohesive development
- 118                    pattern that is appropriate for an urban environment.
- 119                    2. Encourage attractive design and ensure compatibility with existing
- 120                    buildings and uses within and adjacent to the Overlay zone.
- 121                    3. Provide flexibility of development standards to encourage innovative
- 122                    design solutions.
- 123                    [4. Allow for the transfer of the public open space requirement to other
- 124                    properties within the Overlay zone.
- 125                    5. Allow new uses.]

126        **[B. Land Uses**

127                    The following uses are permitted in addition to the uses allowed in the  
128                    underlying zone:

- 129 1. The following Light Manufacturing and Production use: assembly of  
130 computer components; and
- 131 2. The following Retail/Service Establishment uses: bakery, if less than  
132 1,500 square feet of gross floor area; and catering facility.]

133 **[C]B. Development Standards**

- 134 1. Building Height
  - 135 a. Maximum building height is 90 feet along [a major highway] Georgia  
136 Avenue;
  - 137 b. Maximum building height is [60] 65 feet along [any street confronting  
138 any block that includes property in a Residential Detached zone and,]  
139 Fenton Street. [w]When a building is allowed to be higher than [60]  
140 65 feet under Section 4.9.8.[C]B.1.c, each additional foot in building  
141 height above 65 feet requires at least an additional one-foot setback  
142 from the front of the building along Fenton Street;
  - 143 [c. Within the area between a major highway and a street that confronts a  
144 block that includes property in a Residential Detached zone,  
145 maximum building height is
    - 146 i. 60 feet but may increase to a maximum of 90 feet if at least 33% of  
147 a project's floor area is residential;
    - 148 ii. 110 feet if additional building height is necessary to accommodate  
149 workforce housing units, at least 33% of the project's floor area is  
150 residential, and the additional height is placed near a major  
151 highway and decreases in the direction of the closest property in a  
152 Residential Detached zone;
  - 153 d. For property located in a block that includes property in a Residential  
154 Detached zone maximum building height is 45 feet for all uses, except  
155 maximum building height is 60 feet for:

- 156 i. residential use; or
- 157 ii. mixed-use optional method project, if at least 33% of the project's
- 158 floor area is residential and the project includes a hotel;
- 159 e. For properties with frontage on both Wayne Avenue and Fenton
- 160 Street, in spite of the height limitations in Section 4.9.8.C.1.b through
- 161 Section 4.9.8.C.1.d, maximum building height may be increased by 15
- 162 feet for a building that includes residential uses or a mix of residential
- 163 and commercial uses, if such additional height is not more than 200
- 164 feet from the right-of-way line for Fenton Street as recommended in
- 165 the Approved and Adopted 2000 Silver Spring CBD Sector Plan;
- 166 however, any building using additional height must be set back from
- 167 abutting Residentially zoned land no less than the setback required in
- 168 the abutting Residential zone or the height of the building, whichever
- 169 is greater.
- 170 f. Building heights may be approved under the standards of
- 171 Section 4.9.8.C.1 without regard to the building height
- 172 recommendations of the master plan.
- 173 2. Parking between the street and the front building line of properties
- 174 fronting on Georgia Avenue is prohibited.
- 175 3. Costs associated with meeting the public open space off-site may be
- 176 shared by multiple property owners.]
- 177 2. Retail Bays
- 178 a. Limit the frontage of any storefront bay to 60 feet in façade width for
- 179 large and combination retailers, except grocery stores and basement-
- 180 level retail with a street-level entrance.

181 b. Developments with ground-floor retail (except grocery stores) must  
182 provide at least one retail bay of 1,200 square feet or less of leasable  
183 space, and another retail bay of 2,000 square feet or less.

184 c. The Planning Board may approve either or both an alternative retail  
185 bay width or retail bay size through a site plan under Section 7.3.4.

186 [4]3. In the CR zone, under the standard method of development the  
187 maximum FAR is 2.0 if approved by site plan under Section 7.3.4.

188 [5. Under standard method development, the public open space requirement  
189 may be transferred to other properties within the Overlay zone if approved  
190 by a site plan under Section 7.3.4.]

191 [D]C. **Site Plan**

192 Site plan approval under Section 7.3.4 is required for any development in the  
193 FV Overlay zone.

194 [E]D. **Existing Buildings**

195 Any building for which a valid building permit was issued before approval of  
196 the FV Overlay zone Sectional Map Amendment, is a conforming building  
197 and may be altered, repaired, or reconstructed under the standards of the zone  
198 in effect at the time the building was constructed, except:

199 If the building exceeds the standards of the underlying zone, any alteration,  
200 repair, or reconstruction of the building must not increase the gross floor area  
201 or the height of the building above that which existed as of the date of  
202 application of the FV Overlay zone.

203 \* \* \*

204 **Section 4.9.[9]10. Garrett Park (GP) Overlay Zone**

205 \* \* \*

206 **Section 4.9.[10]11. Germantown-Churchill Village (GCV) Overlay Zone**

207 \* \* \*

208 **Section 4.9.[11]12. Germantown Transit Mixed Use (GTMU) Overlay Zone**

209 \* \* \*

210 **Section 4.9.[12]13. Montgomery Village (MV) Overlay Zone**

211 \* \* \*

212 **Section 4.9.[13]14. Regional Shopping Center (RSC) Overlay Zone**

213 \* \* \*

214 **[Section 4.9.14. Ripley/South Silver Spring (RSS) Overlay Zone**

215 **A. Purpose**

216 The purpose of the RSS Overlay zone is to:

- 217 1. Facilitate the implementation of an organized and cohesive development
- 218 pattern that is appropriate for an urban environment.
- 219 2. Encourage attractive design and ensure compatibility with existing
- 220 buildings and uses within and adjacent to the Overlay zone.
- 221 3. Provide flexibility of development standards to encourage innovative design
- 222 solutions.
- 223 4. Allow for the transfer of the public open space requirement to other
- 224 properties within the Overlay zone.
- 225 5. Allow new uses.

226 **B. Land Uses**

227 The following uses are permitted in addition to the uses allowed in the underlying  
228 zone:

- 229 1. The following Light Manufacturing and Production use: assembly of
- 230 computer components; and
- 231 2. The following Retail/Service Establishment uses: bakery, if less than 1,500
- 232 square feet of gross floor area; and catering facility.

233 **C. Development Standards**

- 234 1. Building Height

- 235 a. The maximum building height is 45 feet along Newell Street and  
236 Eastern Avenue that confronts a Residential zone in the District of  
237 Columbia; however, this building height may be increased to:
- 238 i. a maximum of 90 feet for any building or portion of a building that is  
239 set back a minimum of 60 feet from the street; or
  - 240 ii. a maximum of 125 feet for residential development that is set back  
241 at least 100 feet from Eastern Avenue and Newell Street and  
242 includes a public parking garage constructed under a General  
243 Development Agreement with the County.
- 244 b. For a property zoned CR and mapped at 200 feet, the Planning Board  
245 may approve a maximum building height of 200 feet only in an optional  
246 method development project that provides ground floor retail. If no  
247 ground floor retail is provided, the maximum building height is 145  
248 feet. Any structure or device used to collect or radiate electromagnetic  
249 waves, including a satellite dish, must not be included in calculating  
250 building height under this paragraph.
- 251 c. For a property zoned CR and mapped at 200 feet, the Planning Board  
252 may approve a maximum building height of 270 feet, if an optional  
253 method development project includes the provision of an on-site or off-  
254 site major public facility under Section 4.7.3.A and also provides a  
255 ground floor level grocery store or other qualifying basic service under  
256 Section 4.7.3.C.3 of at least 10,000 square feet of floor area.
- 257 2. Parking between the street and the front building line of properties fronting  
258 on Georgia Avenue is prohibited.
- 259 3. Costs associated with meeting the public open space off-site may be shared  
260 by multiple property owners.

261 4. In the CR zone, under the standard method of development, the maximum  
262 FAR is 1.0 if approved by site plan under Section 7.3.4.

263 5. Under standard method development, the public open space requirement  
264 may be transferred to other properties within the Overlay zone if approved  
265 by a site plan under Section 7.3.4.

266 **D. Site Plan**

267 Site plan approval under Section 7.3.4 is required for any development in the RSS  
268 Overlay zone.

269 **E. Existing Buildings**

270 Any building for which a valid building permit was issued before February 1, 2000  
271 is a conforming building and may be altered, repaired, or reconstructed under the  
272 standards of the zone in effect when the building was constructed, except:

273 If the building exceeds the standards of the underlying zone, any alteration, repair,  
274 or reconstruction of the building must not increase the gross floor area or the  
275 height of the building above that which existed on February 1, 2000.]

276 \* \* \*

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

279

280 This is a correct copy of Council action.

281

282

283 \_\_\_\_\_  
284 Selena M. Singleton, Esq.  
Clerk of the Council