

Zoning Text Amendment No.: 12-06  
Concerning: Commercial/Residential  
Zones – Transit  
Proximity Definition  
Draft No. & Date: 2 – 6/21/12  
Introduced: March 6, 2012  
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**

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By: Councilmembers Leventhal and Elrich  
Amendment proposed by: Councilmember Floreen

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

- amend the definition of transit proximity for CR, CRN, and CRT zones; and
- generally amend the parking requirements and amenity points associated with transit proximity.

By **amending** the following Division to the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-15	“COMMERCIAL/RESIDENTIAL ZONES.”
Section 59-C-15.3	“Definitions specific to the CR zones.”
<u>Section 59-C-15.631</u>	<u>“Parking Ratios.”</u>
<u>Section 59-C-15.852</u>	<u>“Transit Proximity.”</u>

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining 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.*  
*Double underlining indicates text that is added to the text amendment by Councilmembers Floreen’s proposed 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:*

1           **Sec. 1. Division 59-C-15 is amended as follows:**

2   DIVISION 59-C-15. COMMERCIAL/RESIDENTIAL ZONES.

3   \*   \*   \*

4   **59-C-15.3. Definitions specific to the CR zones.**

5   The following words and phrases, as used in this Division, have the meaning  
6   indicated. The definitions in Division 59-A-2 otherwise apply.

7   \*   \*   \*

8   *Transit proximity:* Transit proximity is categorized in ~~[[two]]~~ 3 levels: 1.

9       proximity to an existing or master planned Metrorail Station; 2. proximity to an  
10      existing or master planned station or stop along a rail or bus line with a  
11      dedicated, fixed path; ~~[[excluding a site that is within one mile of a MARC~~  
12      station and that is more than one mile from any other transit station serving a  
13      dedicated, fixed path transit facility]] 3. proximity to an existing or master  
14      planned MARC station, except that, for the purpose of calculating the parking  
15      requirements, MARC stations only qualify as transit stations for development  
16      within an area that has a shared parking program established by municipal  
17      resolution. All distances for transit proximity are measured from the nearest  
18      transit station entrance or bus stop entrance.

19   \*   \*   \*

20   **59-C-15.631. Parking Ratios.**

21   Parking spaces must satisfy the following minimums and maximums unless the  
22   minimum number of parking spaces is waived under §59-C-15.636. The minimum  
23   number of spaces required is equal to the number of parking spaces that would  
24   otherwise be required by Division 59-E-3, multiplied by the applicable factor in the  
25   table, or at the rate indicated. When a maximum number of spaces is indicated, no

26 more parking than would otherwise be required by Division 59-E-3 may be  
 27 provided.

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Use	CRN		CRT		CR			
	Up to ½ mile	Greater than ½ mile	Up to ½ mile	Greater than ½ mile	Up to ¼ mile	¼ to ½ mile	½ to 1 mile	Greater than 1 mile
Distance from a <u>transit proximity</u> level 1 <del>[[or]]</del> , 2, or 3 transit station or stop								
(a) Residential								
Maximum:	None	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.7	0.8	0.6	0.7	0.8	0.9
(b) Retail and restaurant non-residential uses (gross leasable indoor area; no parking spaces are required for outdoor patron area)								
Maximum:	None	None	None	None	59-E	59-E	59-E	None
Minimum:	4 per 1,000 square feet							
(c) All other non-residential uses								
Maximum:	59-E	None	59-E	None	59-E	59-E	59-E	None
Minimum:	0.8	1.0	0.6	0.8	0.2	0.4	0.6	0.8

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31 **59-C-15.852. Transit Proximity.**

32 Development near transit facilities encourages greater use of transit, controls  
 33 sprawl, and reduces vehicle miles traveled, congestion, and carbon emissions, and  
 34 is eligible for incentive density. The Planning Board may approve incentive  
 35 density for transit proximity under this section. Transit proximity points are  
 36 granted for proximity to existing or master planned transit stops based on transit  
 37 service level and CRT and CR zones as follows:

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Proximity [[Service]] <u>Proximity</u> Level	Adjacent or confronting			Within ¼ mile			Between ¼ and ½ mile			Between ½ and 1 mile		
	1	2	<u>3</u>	1	2	<u>3</u>	1	2	<u>3</u>	1	2	<u>3</u>
CRT	25	15	<u>5</u>	20	12.5	<u>2.5</u>	15	10	<u>0</u>	10	7.5	<u>0</u>
CR	50	30	<u>10</u>	40	25	<u>5</u>	30	20	<u>5</u>	20	15	<u>2.5</u>

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42           **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of  
43 Council adoption.

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45 This is a correct copy of Council action.

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48 Linda M. Lauer, Clerk of the Council