

Ordinance No: 15-61  
Zoning Text Amendment No: 05-22  
Concerning: TS-R/TS-M Zone Amendment  
Draft No. & Date: 1 – 11/18/05  
Introduced: December 13, 2005  
Public Hearing: January 24, 2006; 1:30 pm  
Adopted: February 7, 2006  
Effective: February 27, 2006

**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 Denis and Perez

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- allowing property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone under certain circumstances; and
- generally amending provisions related to the TS-R and TS-M zones.

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

DIVISION 59-A-2.	“DEFINITIONS AND INTERPRETATIONS”
Section 59-A-2.1.	“Definitions”
DIVISION 59-C-8.	“TRANSIT STATION DEVELOPMENT AREA ZONES”
Section 59-C-8.21.	“Intent”
Section 59-C-8.24.	“Location”
Section 59-C-8.4.	“Development Standards”

**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 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. 05-22 was introduced on December 13, 2005, to allow property located within a Central Business District to be classified in the Transit Station-Mixed (TS-M) zone under certain circumstances and generally amend provisions related to the TS-R and TS-M zones.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with a revision to extend the scope of the ZTA to include the TS-R zone.

The County Council held a public hearing on January 24, 2006, to receive testimony concerning the proposed text amendment. 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 a worksession on January 26, 2006 to review the amendment. The Committee recommended (2-0) that the ZTA be approved, with a minor amendment. Written comments provided by Councilmember Praisner stressed the following: (1) the importance of ensuring that the ZTA does not have unintended consequences; (2) that a separation exists between process and development decisions affecting any particular project; (3) and that the language regarding the TS-R zone is corrected.

The objective of the ZTA is to allow a single TS-M rezoning application to be filed for property on the periphery of a Central Business District (CBD) with an adjoining property just outside the CBD that is eligible for the TS-M zone, was supported by the Committee. In the Committee's view, ZTA 05-22 provides a procedural improvement that will allow a more rational zoning review and development process for certain adjoining properties that otherwise would have to conform to different zoning standards if processed separately. The Committee noted that ZTA 05-06 would not change any development standards or convey any entitlements to eligible properties. The Committee agreed with Council staff that inclusion of the word "or" on line 20 of the ZTA is an unintentional broadening of the scope of the ZTA and should be deleted. The Committee did not support extending the scope of the ZTA to include the TS-R zone as recommended by the Planning Board

The District Council reviewed Zoning Text Amendment No. 05-22 at a worksession held on February 7, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

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. 05-22 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:*

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

2           **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3           \* \* \*

4           **59-A-2.1. Definitions.**

5           \* \* \*

6           **Transit station development area:** An area near a metro transit station, which is  
7 not located within a central business district, which has been designated as a  
8 [transit station development area] Transit Station Development Area by an  
9 approved and adopted master plan or sector plan.

10          \* \* \*

11           **Sec. 2. DIVISION 59-C-8 is amended as follows:**

12           **Division 59-C-8. TRANSIT STATION DEVELOPMENT AREA ZONES.**

13           \* \* \*

14           **59-C-8.21. Intent.**

15           The TS-R and TS-M zones are intended to be used as follows:

16           (a) [Both the] The TS-R and TS-M zones are intended to be used in  
17 [transit station development areas] a Transit Station Development  
18 Area as defined in section 59-A-2.1[, and] However, the TS-R zone  
19 may also be used in [areas] an area adjacent to [central business  
20 districts] a Central Business District, [[or]] within 1,500 feet of a  
21 metro transit station, and the TS-M zone may be also be used within a

22 Central Business District if the property immediately adjoins another  
 23 property outside a Central Business District that is eligible for  
 24 classification in the TS-M zone or separated only by a public right-of-  
 25 way from property outside a Central Business District that is eligible  
 26 for classification in the TS-M zone.

27 \* \* \*

28 **59-C-8.24. Location.**

29 [These zones] The TS-R and TS-M zones are permitted only in [the transit  
 30 station development areas] a Transit Station Development Area [described]  
 31 defined in section 59-A-2.1 and in accordance with an approved and adopted  
 32 master plan or sector plan, except in areas within and adjacent to [central  
 33 business districts] a Central Business District [as set forth in section] in  
 34 accordance with Section 59-C-8.21(a).

35 \* \* \*

36 **59-C-8.4 Development standards.**

	TS-R	TS-M
<b>59-C-8.41. Minimum area.</b>		
The minimum area required for any development (in square feet) <u>is</u> ;	18,000	40,000
[provided,] however, [that] a smaller parcel may be approved for either the TS-R or TS-M zones [where] [such] <u>if: (1) the parcel is designated for [one of these] the TS-R or TS-M zone[s] on an approved and adopted master plan or sector plan, (2) the parcel is located</u>		

<p>adjacent to or confronting another parcel either classified in or under application for either zone, and (3) the combined parcels are subject to a single [development plan] Development Plan [subject to approval or approved by the District Council], or (4) <u>the parcel is within a Central Business District and immediately adjoins or separated only by a public right-of-way from property outside a Central Business District that is eligible for classification in the TS-M zone.</u></p>		
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39 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
40 date of Council adoption.

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42 This is a correct copy of Council action.

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44 *Linda M. Lauer*

45 Linda M. Lauer, Clerk of the Council