

Ordinance No: 15-15  
Zoning Text Amendment No: 03-20  
Concerning: Permitted uses – TS-R Zone  
Draft No. & Date: 2 – 9/30/03  
Introduced: July 22, 2003  
Public Hearing: 9/9/03; 1:30 p.m.  
Adopted: September 30, 2003  
Effective: October 20, 2003

**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: Councilmember Floreen

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

- permitting certain commercial uses by right, rather than by special exception, in the Transit Station-Residential (TS-R) zone.

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

DIVISION 59-C-8    “TRANSIT STATION DEVELOPMENT AREA ZONES”  
Section 59-C-8.3    “Land uses”

*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 (ZTA) No. 03-20 was introduced on July 22, 2003. Under the ZTA, the requirement that a drug store, health club, restaurant, and food and beverage store be approved by special exception would be eliminated. The ZTA would also add a grocery store to the list of retail uses permitted by right in the TS-R zone.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with a modification.

The County Council held a public hearing on September 9, 2003, 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 September 25, 2003 to review ZTA 03-20. The Committee recommended that ZTA 03-20 be approved with revisions to: (1) add footnote #3 to the proposed grocery store use; (2) permit a grocery store in the TS-R zone only in developments with 500 or more dwelling units; (3) limit the square footage of a grocery store in relation to the number of dwelling units for developments with 500 or more dwelling units; and (4) require that all parking credits and reductions be utilized to reflect the pedestrian and transit oriented nature of the TS-R zone.

The District Council reviewed Zoning Text Amendment No. 03-20 at a worksession held on September 25, 2003, 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. 03-20 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-C-8 is amended as follows:**

2   **DIVISION 59-C-8.       TRANSIT STATION DEVELOPMENT AREA**  
 3   **ZONES.**

4   \* \* \*

5   **59-C-8.3    Land uses.**

	TS-R	TS-M
* * *		
<b>(c) Commercial.</b>		
* * *		
Drug stores.	[SE] P <sup>3</sup>	P
Eating and drinking establishments, excluding drive-ins.	[SE] P <sup>3</sup>	P
Florists.	P <sup>3</sup>	P
Food and beverage stores.	[SE] P <sup>3</sup>	P
Gift shops.	P <sup>3</sup>	P
Grocery store.	<u>P<sup>3</sup></u> <sup>2</sup>	P
* * *		
<b>(d) Services.</b>		
* * *		
Health clubs.	<u>P</u>	P

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7       3           In accordance with section 59-C-8.54.

8       \*           [[Grocery store density may not exceed 50,000 square feet of gross  
 9       floor area]] A grocery store is permitted only in a development of 500  
 10      or more dwelling units. A grocery store must not exceed 35,000  
 11      square feet of gross floor area in a development with between 500 and  
 12      1,000 dwelling units or 50,000 square feet of gross floor area in a  
 13      development with more than 1,000 dwelling units. All parking credits  
 14      and reductions must be utilized.

15   \* \* \*

16   **59-C-8.5    Special requirements in the TS-R zone.**

17   \* \* \*

18   **59-C-8.54. Ancillary commercial uses.**

19 Ancillary commercial uses, as a permitted use or by special exception as set forth  
20 in section 59-C-8.3, may be permitted as follows:

21 (a) The amount of floor area devoted to commercial uses cannot exceed the  
22 amount or substantially alter the configuration specified for the site in the  
23 applicable master or sector plan.

24 (b) If the master or sector plan does not make a specific recommendation as to  
25 the amount of floor area allowed, then commercial uses are limited to the  
26 street level only.

27 In addition, a restaurant may be permitted on the top or penthouse floor. All  
28 commercial uses must be so located and constructed to protect tenants of the  
29 building from noise, traffic, odors and interference with privacy.

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31 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the  
32 date of Council adoption.

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34 This is a correct copy of Council action.

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39 Mary A. Edgar, CMC

40 Clerk of the Council