

Ordinance No: 15-24
Zoning Text Amendment No: 04-01
Concerning: Additional Height in CBD-2
Zone
Draft No. & Date: 1 – 02/03/04
Introduced: February 10, 2004
Public Hearing: March 16, 2004; 1:30 PM
Adopted: April 13, 2004
Effective: May 3, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

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

- permitting additional height in the CBD-2 zone under the optional method of development for residential and commercial mixed use projects in revitalization areas as designated in the relevant sector plan and located within 800 feet of the entrance of a metro station.

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

DIVISION 59-C-6
Section 59-C-6.23

“CENTRAL BUSINESS DISTRICT ZONES”
“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. 04-01 was introduced on February 10, 2004 and is an amendment to the CBD-2 zone to allow additional building height for mixed-use projects located in a designated revitalization area and within 800 feet of an entrance to a metro station, if approved by the Planning Board.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved as introduced.

The County Council held a public hearing on March 16, 2004 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 April 1, 2004 to review the amendment. The Committee considered revisions to expand the radius in which CBD-2 properties would be eligible for a building height increase. It was the position of the Committee that the CBD-2 properties within 1,200 feet and 1,500 feet of the transit center that would be eligible for an increase in building height had not been evaluated by the Planning Board and the effect of an increase in building height was unknown. The Committee recommended that ZTA 04-01 be approved and that the scope be limited to CBD-2 properties located in a designated revitalization area and within 800 feet of a metro station

The District Council reviewed Zoning Text Amendment No. 04-01 at a worksession held on April 13, 2004, 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. 04-01 will be approved as introduced.

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-6 is amended as follows:**
 2 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

3 * * *

4 **59-C-6.23. Development standards.**

5 The development standards applicable to the standard and optional methods of
 6 development, indicated by the letters "S" and "O" in each of the zones are set forth
 7 in this section.⁸

8

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
* * *												
59-C-6.235. Maximum Building Heights (in feet).												
* * *												
(b) Optional method of developme nt.												
-Normally:		60		60		60		143		143		143
-If approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties, height may be increased to:		60 ¹²		143		90 ¹		200 ¹¹		200		200

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10 8 All provisions of Section 59-C-18.10, entitled the Wheaton Retail
 11 Preservation Overlay Zone, shall continue in effect and remain unaltered,
 12 except that additional FAR for residential density may be included in a
 13 standard method project, provided the restrictions on the utilization of street

1 level space for multi-story buildings constructed or reconstructed after July
2 16, 1990 are followed.

3 11 Under the optional method of development process, the Planning Board may
4 approve height over 143 feet, but not more than 200 feet. In order to approve
5 height over 143 feet, the Planning Board must find that:

6 (1) The additional height is specifically recommended for the property in
7 the applicable sector plan or urban renewal plan or the property is
8 within a revitalization area designated in the applicable sector plan
9 and is located fully or partially within 800 feet of an entrance to a
10 metro station;

11 (2) The additional height is consistent with the criteria and guidelines for
12 the property as contained in the applicable sector plan or an urban
13 renewal plan approved by the County Council under Chapter 56, or in
14 the case of a site outside an urban renewal area, accomplishing the
15 objectives of incorporating residential development with [limited]
16 commercial development in a mixed use project in close proximity to
17 a metro station otherwise unobtainable due to site conditions,
18 proximity of adjacent non-residential buildings, or other physical
19 constraints which prevent the achievement of sector plan objectives;

20 (3) The proposed development is compatible with the surrounding
21 development, considering but not limited to the relationship of the
22 building or buildings to the surrounding uses, the need to preserve
23 light and air for the residents of the development and residents of
24 surrounding properties, and any other factors relevant to the height of
25 the building; and
26

1 (4) The proposed development will provide additional public facilities and
2 amenities beyond what could otherwise have been provided if the excess
3 height were not approved. Such facilities must be accessible to and
4 usable by the public in accordance with the applicable sector or master
5 plan or urban renewal plan.

6
7 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
8 date of Council adoption.

9
10 This is a correct copy of Council action.

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14 _____
15 Mary A. Edgar, CMC
16 Clerk of the Council