

Ordinance No.: 17-17  
Zoning Text Amendment No.: 12-08  
Concerning: Transit Station Zones –  
Minimum Area  
Draft No. & Date: 1 – 4/12/12  
Introduced: April 24, 2012  
Public Hearing: June 12, 2012  
Adopted: July 10, 2012  
Effective: July 30, 2012

**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 to:

- revise the conditions for reducing the minimum lot size of any development in the TSR and TSM zones.

By amending the following sections 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-8.4. “Development standards.”

**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.*

## OPINION

Zoning Text Amendment (ZTA) No. 12-08, sponsored by Councilmember Floreen, was introduced on April 24, 2012.

Currently, the minimum area required for any development in a Transit Station zone is 18,000 square feet; however, a smaller parcel may be approved for either the TS-R or TS-M zones if: (1) the parcel is designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan, (2) the parcel is located 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; or (4) the parcel is within a Central Business District and immediately adjoins or is 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. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.

Provision (3) requires at least 2 parcels to allow a development of less than 18,000 square feet. In the opinion of Councilmember Floreen, if the code allows 2 lots to total less than 18,000 square feet, the code should also allow a development on one lot with less than 18,000 square feet.

The Montgomery County Planning Board, in its report to the Council, recommended approval of ZTA 12-08 as submitted. Planning Staff found that there are currently 6 properties that would be affected by ZTA 12-08:

The County Council held a public hearing on June 12, 2012 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 June 25, 2012 to review the amendment; the Committee (3-0) recommended approval of ZTA 12-08 as introduced.

The District Council reviewed Zoning Text Amendment No. 12-08 at a worksession held on July 10, 2012 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. 12-08 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-8 is amended as follows:**  
 2    DIVISION 59-C-8. Transit Station Development Area Zones.  
 3    \*   \*   \*

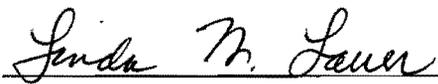
4    **Sec. 59-C-8.4. Development standards.**

	TS-R	TS-M
<b>59-C-8.41. Minimum area.</b>		
The minimum area required for any development (in square feet) is[[;]]:	18,000	40,000
however, a smaller parcel may be approved for either the TS-R or TS-M zones if: (1) the parcel is: (A) designated for the TS-R or TS-M zone on an approved and adopted master plan or sector plan[, (2)]; <u>and</u> (B) [the parcel is] located 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, or (4)]; <u>or</u> (2) the parcel is within a Central Business District and immediately adjoins or <u>is</u> 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. The required minimum area does not prohibit a lot area of less than 18,000 square feet for purposes of subdivision or record plat approval.		

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

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 9    This is a correct copy of Council action.

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 12    Linda M. Lauer, Clerk of the Council