

## Zoning Text Amendment (ZTA) No. 14-08, Transit Station Residential Zones – Requirements

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Completed: 08/28/14

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### Description

ZTA 14-08 allows for the application of the Transit Station -Residential zone (TS-R) within the sector plan boundaries of a Central Business District without being recommended as a Transit Station Development Area in a master plan or sector plan. Currently, the TS-R zone can only be applied to an area adjacent to a Central Business District, within 1,500 feet of a metro station if the area is not recommended as a Transit Station Development Area in a master plan or sector plan.

### Summary/Analysis

Staff recommends approval of ZTA 14-08 as introduced to allow property located within the sector plan boundaries of a Central Business District to be classified in the Transit Station-Residential (TS-R) zone without being recommended for such in a master plan or sector plan.

Under current zoning regulations, the TS-R zone is intended for properties outside of the Central Business Districts, with this zone being transitional in nature for the edges of the CBD's unless otherwise recommended in a master plan or sector plan. A property owner may apply for the TS-R zone in an area designated as a Transit Station Development Area, which by definition is outside of a Central Business District, or in an area adjacent to a Central Business District, within 1,500 feet of a metro station.

The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan. Also, in order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk, and arrangement of buildings and the location of the various land uses are eliminated and instead, requiring all development be in accordance with a plan of development meeting the requirements of this division. Any project is further required to mitigate possible detrimental effects to the use or development of adjacent properties or the surrounding neighborhood. Staff believes that these parameters must continue to be adhered to in the development plan and site plan review processes for approving a TS-R zoned project.

### Development standards

The maximum density of development in the TS-R Zone is a 2.5 FAR or 150 dwelling units per acre (not to exceed either). The maximum height permitted for any building is determined in the process of site plan review taking into consideration the size of the lot or parcel, the relationship of the building or buildings to surrounding uses, the need to preserve light and air for the residents of the development and residents of surrounding properties and any other relevant factors. Ancillary commercial uses, as a permitted use or by special exception as delineated by the land use table, cannot exceed the amount or substantially alter the configuration specified for the site in the applicable master or sector plan. Where the master or sector plan does not make a specific recommendation as to the amount of floor area allowed, commercial uses are limited to the street level only. In any case, all development standards are established either during the rezoning process or in the process of site plan review.

#### Development Process: TS-R Zone

The TS-R zone requires approval of a development plan and a site plan. The development plan is submitted as part of an application for the reclassification of land into the zone. Approval of the rezoning application includes the approval of the plan. The development plan requires approval by the County Council. The site plan is a more detailed plan, approved by the Planning Board after the reclassification of the property to TS-R and must be consistent with the development plan.

The County Council adopted a new County Zoning Ordinance on March 5, 2014 (ZTA No. 13-04), with an effective date of October 30, 2014. Subsequent to the adoption of the code, a new zoning map was adopted (District Map Amendment DMA G-956—effective date of October 30, 2014) to reflect several new zones created by the new code and the deletion of some current zones. As part of DMA G-956, all existing TS-R zones will translate to the Commercial Residential (CR) family of zones with the densities and heights set on the map based on their TS-R zone project approvals. Local map amendment applications submitted to the Hearing Examiner's office by May 1, 2014, must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014. If the District Council approves such an application after October 30, 2014 for a zone that is not retained in Chapter 59 (TS-R for example), then the zoning will automatically convert to the equivalent zone as translated under DMA G-956 when the Local Map Amendment is approved. The approval of any of these applications or amendments to these applications approved before October 30, 2014 will allow the applicant to proceed through any other required application or step in the process within the time allowed by law or plan approval, under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

Local Map Amendment (LMA) No. G-963 is the only pending application for reclassification to the TS-R zone that is located in the sector plan boundaries of a Central Business District. The specifics of the application are as follows:

- Local map amendment G-963 to change zoning from R-60 to TSR;
- Located on 90,659 square feet (Lot 56) of land with 25,537 square feet of previous right of way dedication;
- Located at 5020 Battery Lane Bethesda;
- One residential building with up to 280 apartment units and up to 9,500 square feet of commercial use;
- One civic and institutional building for provision of emergency services (rescue squad).

- Date of acceptance at HE office: April 23, 2014

The merits of this application will be addressed as part of the local map amendment review process.

#### GIS Maps of CBD Sector Plan Boundaries

Attachment 2 depicts maps of the four central business districts and the sector plan boundaries and zoning associated with each. This information is provided for ease of discussion during Planning Board and County Council hearings. As stated above in the “development process” for the TS-R zones, only one current local map amendment application exists for reclassification to the TS-R zone (LMA No. G-963). LMA No. G-963 is located within the sector plan boundaries of the Bethesda CBD at 5020 Battery Lane.

#### Conclusion

Staff recommends approval of ZTA 14-08 to allow for the application of the Transit Station -Residential zone (TS-R) within the sector plan boundaries of a Central Business District without being recommended for such in a master plan or sector plan. ZTA 14-08 would simply make properties eligible for filing a local map amendment to seek rezoning approval and does not grant any additional entitlement rights; the burden will remain on an applicant to satisfy all of the requirements to have a rezoning application approved. Specifically, only those applications submitted to the Hearing Examiner by May 1, 2014, are eligible to utilize this provision since properties currently zoned TS-R zone will be translated to the CR family of zones on October 30, 2014. Also, the rezoning process, which includes approval of a development plan, along with the required approval of a site plan, further ensures that a project is compatible in layout and design with adjacent properties.

GR/PD/am

#### ATTACHMENTS

1. ZTA 14-08 as introduced
2. GIS Maps of CBD Sector Plan boundaries

## ATTACHMENT 1

Zoning Text Amendment No.: 14-08

Concerning: TS-R Zone –  
Requirements

Draft No. & Date: 1 – 6/27/14

Introduced: July 8, 2014

Public Hearing:

Adopted:

Effective:

Ordinance No.:

**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 Berliner and Andrews

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

- allow for the application of Transit Station Development Area Residential zone (TS-R) within the sector plan boundaries of a Central Business District; and
- generally amend where Transit Station Development Area zones may be applied.

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-8.2. “Intent, purposes and general requirements.”

**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.*

*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:*

**Sec. 1. DIVISION 59-C-8 is amended as follows:**

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

**Sec. 59-C8.2. Intent, purposes and general requirements.**

**59-C-8.21. Intent.**

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

(a) The TS-R and TS-M zones are intended to be used in a Transit Station Development Area as defined in [section] Section 59-A-2.1. However, the TS-R zone may also be used:

(1) in an area adjacent to a Central Business District, within 1,500 feet of a metro transit station [, and the]; or

(2) in an area within the sector plan boundaries of a Central Business District.

The TS-M zone may [be] also be used within a Central Business District if the property immediately adjoins another property outside a Central Business District that is eligible for classification in the TS-M zone 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.

(b) The TS-R zone is intended for locations where multiple-family residential development already exists or where such development is recommended by an approved and adopted master plan.

(c) The TS-M zone is intended for locations where substantial commercial or office uses already exist or where such uses are recommended by an approved and adopted master plan.

(d) In order to facilitate and encourage innovative and creative design and the development of the most compatible and desirable pattern of land uses, some of the specific restrictions which regulate, in some other zoning categories, the height, bulk, and arrangement of buildings and the location of the various land uses are eliminated and the requirement substituted that all development be in accordance with a plan of development meeting the requirements of this division.

**59-C-8.22. Purposes of the TS-R zone.**

(a) To promote the effective use of the transit station development areas and access thereto;

(b) To provide residential uses and certain compatible non-residential uses within walking distance of the transit stations;

(c) To provide a range of densities that will afford planning choices to match the diverse characteristics of the several transit station development areas within the [county] County; and

(d) To provide the maximum amount of freedom possible in the design of buildings and their grouping and layout within the areas classified in this

zone; to stimulate the coordinated, harmonious, and systematic development of the area within the zone, the area surrounding the zone, and the regional district as a whole; to prevent detrimental effects to the use or development of adjacent properties or the surrounding neighborhood; to provide housing for persons of all economic levels; and to promote the health, safety, morals and welfare of the present and future inhabitants of the regional district and the [county] County as a whole.

\* \* \*

**Sec. 2. Effective date.** This ordinance becomes effective immediately after Council adoption.

This is a correct copy of Council action.

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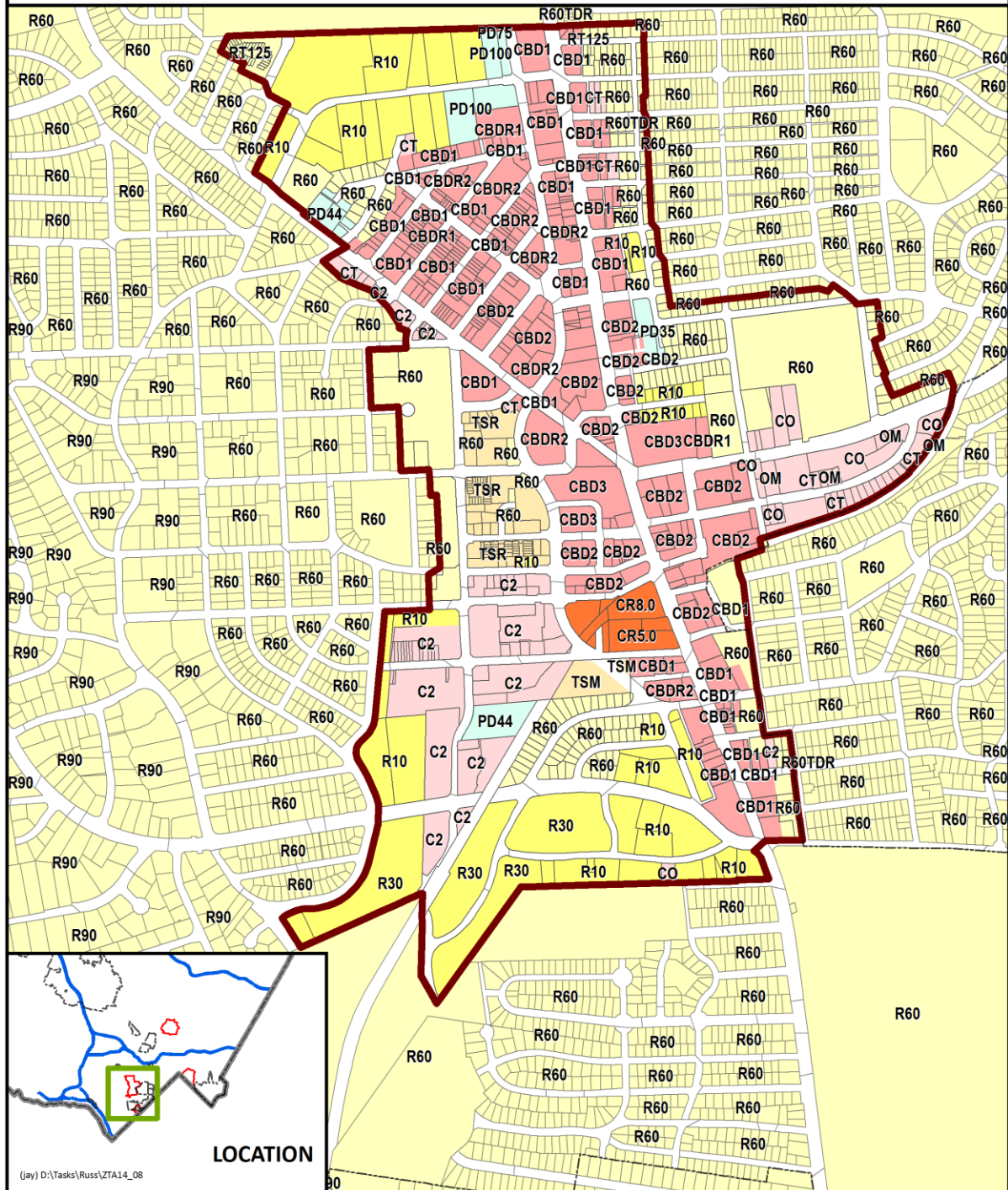
Linda M. Lauer, Clerk of the Council



# Bethesda CBD Zoning

## ZTA 14-08

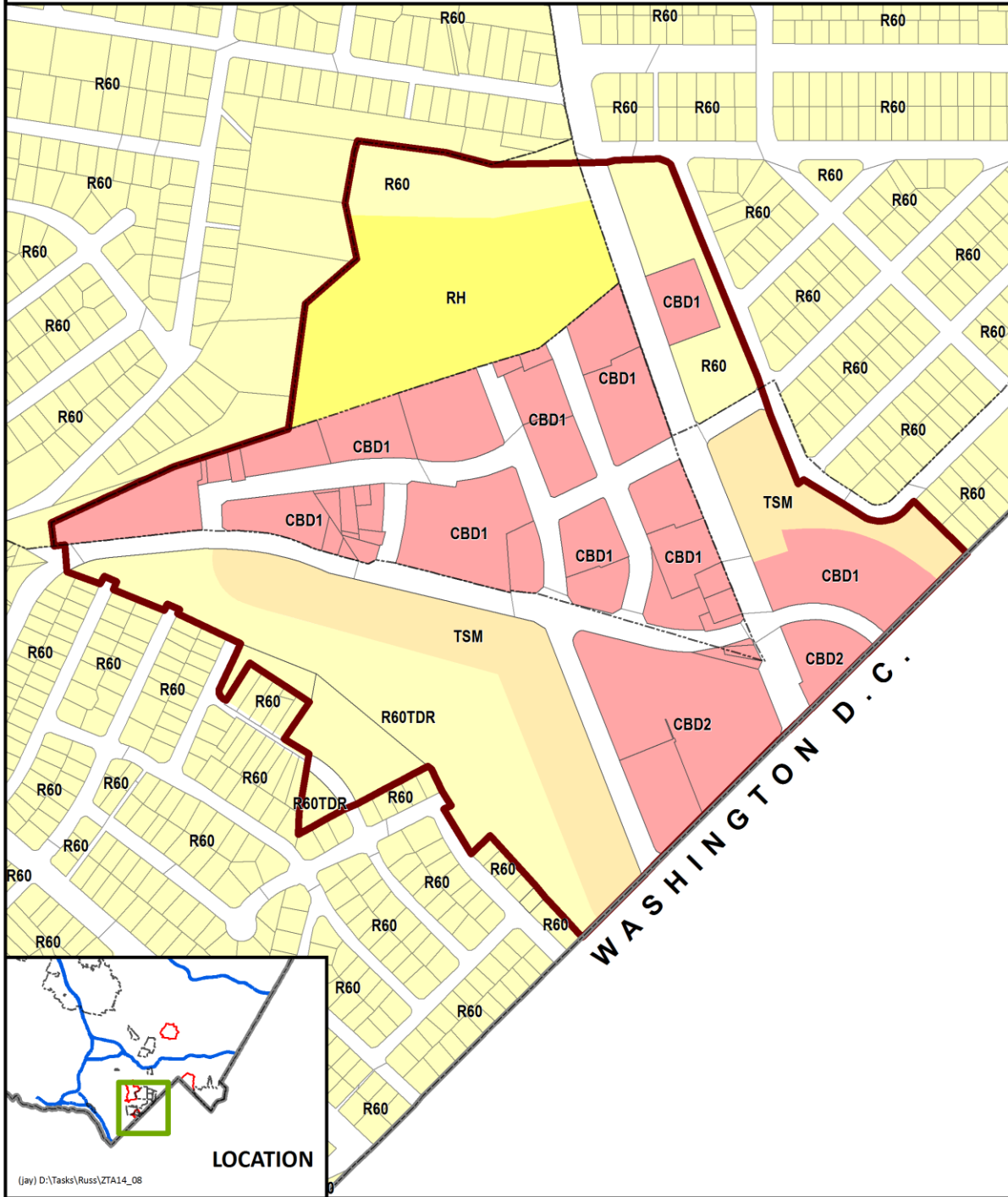
**MAP 1**  
**August 2014**



# Friendship Heights CBD Zoning

ZTA 14-08

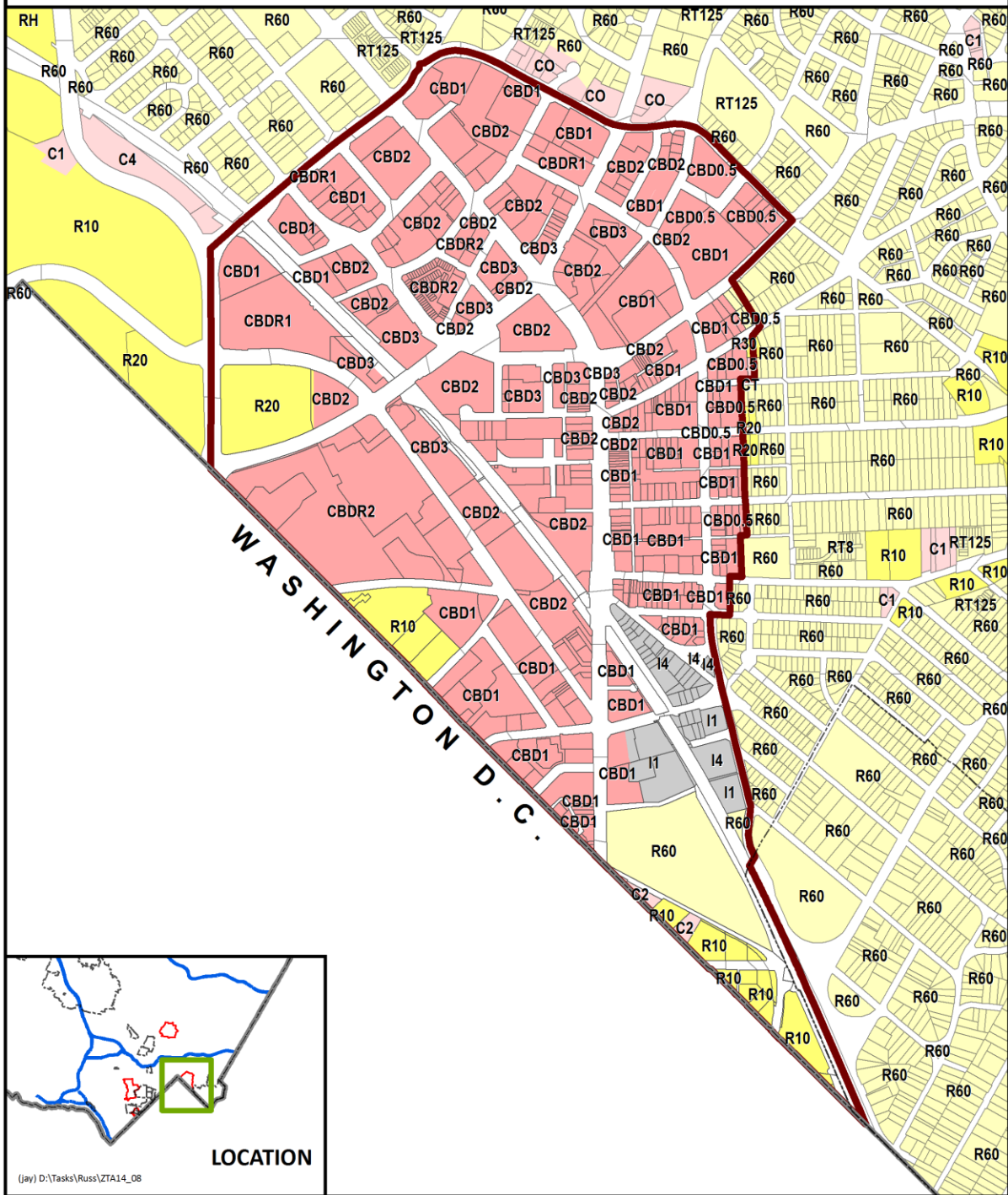
MAP 2  
August 2014



# Silver Spring CBD Zoning

## ZTA 14-08

**MAP 3**  
**August 2014**





# Wheaton CBD Zoning

## ZTA 14-08

**MAP 4**  
**August 2014**

