

# ATTACHMENT 1

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:  
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 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.*

*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 metro  
21 transit station. [[, and the]] The TS-M zone may [[be]] also be used

22           within a Central Business District if the property immediately adjoins  
 23           another 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>		

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>		
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**Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

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This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council