
**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

 THE MARYLAND-NATIONAL CAPITAL  
 PARK AND PLANNING COMMISSION

 8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760  
 301-495-4500, www.mncppc.org

**MCPB**  
**Items 16 & 17**  
**06/15/06**

**DATE:** June 2, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** John Carter, Chief, Community-Based Planning  
 Rose Krasnow, Chief, Development Review  
 Carlton Gilbert, Zoning Supervisor

**FROM:** M. Nkosi Yearwood and Karen Kumm, Community-Based Planning  
 Greg Russ, Zoning Coordinator

**REVIEW TYPE:** Zoning Text Amendments  
**PURPOSE:** To amend the Zoning Ordinance language based on recommendations from the Shady Grove Sector Plan. Specifically, to establish a new TOMX/TDR Zone and a RMX-2C/TDR Zone

**TEXT AMENDMENT:** 06-14 and 06-15  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance  
**INTRODUCED BY:** District Council at the request of the Planning Board  
**INTRODUCED DATE:** May 9, 2006

**PLANNING BOARD REVIEW:** June 15, 2006  
**PUBLIC HEARING:** June 13, 2006, 1:30 PM

---

**STAFF RECOMMENDATION:** APPROVAL (for both applications)

**PURPOSE OF THE TEXT AMENDMENTS**

To amend the Zoning Ordinance language based on recommendations from the Approved and Adopted Shady Grove Sector Plan. The Sector Plan includes recommendations for two text amendments as follows:

1. ZTA No. 06-14- Establish a new TOMX/TDR Zone;
2. ZTA No. 06-15- Establish a new RMX-2C/TDR Zone

## **BACKGROUND**

### ZTA 06-14

The proposed Transit-oriented Mixed Use 2/ Transferable Development Rights (TOMX-2/TDR) Zone will implement the recommendations of the Approved and Adopted Shady Grove Sector Plan by providing the opportunities for Transferable Development Rights (TDRs).

The Metro Neighborhoods within the Sector Plan, including portions of Metro West, approximately 15 acres; and Metro South, approximately 5 acres; and the County Service Park (CSP), which is approximately 90 acres are recommended to be zoned TOMX-2/TDR (see Attachment 3). The Sector Plan recommends residential development in Metro West and South at 50 to 60 dwelling units per acre (dus/acre) under the optional method of development. In the County Service Park, residential development is given specific numbers instead of an FAR.

The 'base' 1.6 FAR for the optional method in the TOMX-2/TDR zone represents the maximum density of development permitted without any bonus densities. It also represents the Sector Plan recommendation that a minimum of 70% of the 2 FAR should be residential development, and that a maximum of 30% of the FAR be designated for non-residential development. The intent of the County Council recommendation was to maintain all residential development, including bonus densities of 22% for Moderately Price Dwelling Units (MPDUs), 10% for workforce housing and 20% for Transferable Development Rights (TDRs), within 2 FAR.

In January of 2006, the County Council approved the Transit-Oriented Mixed Use (TOMX-2) zone that implements the non-TDR areas in the Metro Neighborhoods of the Sector Plan.

### ZTA 06-15

The proposed Residential-Mixed Use Development, Specialty Center, Commercial Base/Transferable Development Rights (RMX-2C/TDR) will implement the recommendations of the Shady Grove Sector Plan for the Grove Shopping Center (see Attachment 3).

Located at the intersection of Shady Grove Road and Crabbs Branch Way, this shopping center will become a mixed-use center with 0.3 FAR of commercial development and a maximum of 300 dwelling units under standard or optional method of development. Additionally, 120 senior housing units are allowed under optional method with the purchase of TDRs. As proposed, any increase above standard method in this zone will require TDRs.

The Residential-Mixed Use Development, Specialty Center, Commercial Base, (RMX-2C) has been used to convert existing shopping centers into mixed-use centers with residential, commercial and retail development.

## **ANALYSIS**

### **ZTA 06-14**

The Shady Grove Sector Plan recommends a transferable development rights version of the Transit Oriented, Mixed-Use (TOMX) Zones as rational means of creating TDR capacity in a part of the core area of the Sector Plan. The core area is zoned TOMX-2 and is intended to encourage mixed use, transit oriented development near metro stations. As part of this text amendment, TDR development standards are proposed for the TOMX-2.0/TDR Zone to coincide with the standards established for the TOMX-2.0 Zone as developed when the Shady Grove Sector Plan was adopted. The key elements of the new zone include:

- Uses allowed in the TOMX/TDR Zones are those uses allowed in the TOMX Zones
- Requirements for both a standard method of development and optional method of development are established. Without Transferable Development Rights (TDRs), the standard method of development density is proposed at a maximum floor area ratio (FAR) of 0.5 and a maximum of 20 dwelling units per acre within the permitted floor area. Optional method of development without TDRs, would permit a FAR of 1.6 with a maximum of 50 dwelling units per acre. These numbers may be increase to provide for MPDUs in accordance with Chapter 25A.
- Residential FAR and dwelling units per acre for both the standard and optional methods of development may be increased up to 20% through the use of TDRs.
- All other development standards must comply with the development standards of the applicable TOMX Zone and as specified in the special regulation provisions of the TOMX/TDR Zone. The special regulation provisions for development using transferable development rights in the TOMX/TDR zone (59-C-13.243) generally reflect the development standards for transferable development rights zones in the multiple-family zones (59-C-2.44). The exception is the method of calculating an increase in residential FAR and dwelling units per acre (as discussed in the previous bullets).

### **ZTA 06-15**

The Shady Grove Sector Plan recommends a transferable development rights version of the Residential Mixed Use Development, Specialty Center, Commercial Base Zone. The key elements of the new zone include:

- The standard method of development regulations in this zone would be the same as the standard method of development regulations of the RMX-2C, with no increase in residential density above 14.5 dwelling units per acres and no provisions for TDRs.

- For the optional method of development, any increase in residential density above the standard method maximum of 14.5 dwelling units per acre must use transferred development rights to achieve the additional density. The maximum residential density must not exceed 30 dwelling units per acre in areas designated for residential development on a project plan and must exceed 40 dwelling units per acre where residential development is proposed to be located within a proposed commercial area.
- Other than the requirement to use transferred development rights to achieve the maximum permitted density, the development standards of the zone are the same as the existing RMX-2C zone.
- The special regulation provisions for development using transferable development rights zone (59-C-10.13) generally reflect the development standards for transferable development rights zones in the multiple-family zones (59-C-2.44).

## **RECOMMENDATION**

The staff recommends that proposed ZTA Nos. 06-14 and 15 to address Shady Grove Sector Plan recommendations be approved as submitted.

Attachments 1 and 2 depict the proposed amendments as proposed.

### **Attachments**

1. Zoning Text Amendment No. 06-14
2. Zoning Text Amendment No. 06-15
3. Map Showing RMX-2C/TDR & TOMX-2/TDR Areas

# ATTACHMENT 1

Zoning Text Amendment No: 06-14  
Concerning: TOMX/TDR Standards  
Draft No. & Date: 1 - 5/4/2006  
Introduced: 5/9/2006  
Public Hearing: 6/13/2006; 1:30 p.m.  
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**

---

By: District Council

---

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

- establishing a new TOMX/TDR Zone
- creating development standards and procedures for the TOMX/TDR Zone.

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

DIVISION 59-C-13

“TRANSIT ORIENTED, MIXED USE ZONES (TOMX)”

**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-C-13 is amended as follows:

2  
3   **DIVISION 59-C-13       TRANSIT ORIENTED, MIXED-USE ZONES**  
4   **(TOMX)**

5  
6   **59-C-13.11   Zones permitted.**

7   These zones are permitted in transit station development areas as defined in  
8   Section 59-A-2.1.

9   \* \* \*

10   TOMX-2.0/TDR

11  
12   **59-C-13.24   TOMX/Transferable development rights zones.**

13  
14           **59-C-13.241.   Method of development.** The following 2 methods of  
15           development apply in any TOMX/TDR zone:

- 16  
17           (a)   **Standard method of development.** Development under the  
18                   standard method for any TOMX/TDR zone must comply with  
19                   the requirements and procedures for development and density  
20                   limitations contained in the corresponding TOMX zone, except  
21                   that greater residential densities may be permitted pursuant to  
22                   Section 59-C-13.242. Development must also conform to the  
23                   special regulations for developments in a TOMX zone using  
24                   transferable development rights contained in Section 59-C-  
25                   13.243.  
26

27 **(b) Optional method of development.** Development under the  
 28 optional method for any TOMX/TDR zone must comply with  
 29 the requirements and procedures for development and density  
 30 limitations contained in the corresponding TOMX zone and  
 31 must be conform to guidelines established in the applicable  
 32 master or sector plan, however greater residential densities may  
 33 be permitted pursuant to Section 59-C-13.242. Development  
 34 must also conform to the special regulations for developments  
 35 using transferable development rights contained in Section 59-  
 36 C-13.243. The special regulations require compliance with the  
 37 density and any numerical limitations in the applicable master  
 38 or sector plan, and consistency with other guidelines contained  
 39 in the applicable master or sector plan approved by the district  
 40 council.

41

-	<b><u>TOMX-2.0/TDR</u></b>
<b><u>59-C-13.242. Development Standards-Transferable Development Rights Zone(s):</u></b>	-
<b><u>(a) Land uses.</u></b> <u>Uses allowed in the TOMX/TDR zones are those uses allowed in the following zone(s):</u>	<u>TOMX-2.0</u>
<b><u>(b) Development standards-Standard method:</u></b>	
<u>-Maximum density of development (FAR) without TDRs</u> <u>The Residential FAR may be increased by a maximum of 20% by the use of TDRs.</u>	<u>0.5</u>
<u>-Maximum dwelling units per acre without TDRs</u> <u>Dwelling units per acre may be increased by a maximum of 20% by the use of TDRs</u>	<u>20</u>
<u>-All other development standards must be in accord with the development standards applicable to the following zones and as specified in the special regulation provisions of Section 59-C-13.243:</u>	<u>TOMX-2.0</u>



<b>(c) Development standards-Optional method of development:</b>	
<u>-Maximum density of development (FAR) without TDRs: The Residential FAR may be increased by a maximum of 20% by the use of TDRs.</u>	<u>1.6</u>
<u>-Maximum dwelling units per acre without TDRs Dwelling Units per acre may be increased by a maximum of 20% by the use of TDRs</u>	<u>50</u>
<u>-All other development standards must comply with the development standards of the applicable zone and as specified in the special regulation provisions of Section 59-C-13.243:</u>	<u>TOMX- 2.0</u>

42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61

**59-C-13.243. Special regulations for development using transferable development rights in the TOMX/TDR zone.**

**59-C-13.2431. Applicability.** The following procedures and regulations apply to the transfer of development rights to land classified in a TOMX/TDR zone. The Planning Board may approve subdivision of such land at densities not to exceed the maximum density permitted in the applicable TOMX/TDR zone and conforming to the guidelines contained in the applicable master or sector plan. Any increase in the residential FAR above the residential FAR and dwelling units per acre allowed under the standard and optional methods of development of 59-C-13.215 and 59-C-13.23 must not exceed 20% and must be based on a ratio of one single-family dwelling unit for each TDR, and 2 multi-family dwelling units for each TDR; however, within a designated Metro Station Policy Area, a ratio of three multi-family dwelling units for each TDR and two one-family detached units for each TDR applies.

62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88

**59-C-13.2432. General provisions.**

(a) A development right must be created, transferred and extinguished only by means of documents in a recordable form approved by the Planning Board, including an easement and appropriate releases. The easement must limit the future construction of one-family dwellings on a property in the RDT zone to the total number of development rights established by the zoning of the property minus all development rights previously transferred in accordance with this section, the number of development rights to be transferred by the instant transaction, and the number of existing one-family detached dwellings on the property.

(b) The transfer of development rights must be recorded among the land records of Montgomery County, Maryland.

(c) A property developed under a TOMX/TDR zone must conform to the requirements of Chapter 25A requiring MPDU's.

**59-C-13.2433. Development approval procedures under the standard and optional method of development.**

- 89                    (a) A request to use transferred development rights under the  
90                                 standard or optional method must be in the form of a  
91                                 preliminary subdivision plan in accordance Chapter 50.
- 92
- 93                    (b) A site plan must be submitted and approved in  
94                                 accordance with the provisions of Division 59-D-3.
- 95
- 96                    (c) The Planning Board must approve a request to use  
97                                 transferred development rights if the request:
- 98
- 99                                 (1) is in accordance with provisions of this chapter;
- 100
- 101                                (2) is in accordance with Chapter 50, title  
102                                         "Subdivision of Land";
- 103
- 104                                (3) is consistent with other recommendations of the  
105                                         applicable master or sector plan ; and
- 106
- 107                                (4) achieves a desirable development compatible with  
108                                         both site conditions and surrounding existing and  
109                                         future development.
- 110
- 111                    (d) Prior to Planning Board approval of a final record plat for  
112                                 a subdivision using transferred development rights, an  
113                                 easement to the County in the form required by Section  
114                                 59-C-2432 (a) above limiting future construction of  
115                                 dwelling on a property in the RDT zone by the number

116 of development rights received must be recorded among  
117 the land records of Montgomery County, Maryland.

118  
119 (e) A final record plat for a subdivision using transferred  
120 development rights must contain a statement setting forth  
121 the development proposed, the zoning classification of  
122 the property, the number of development rights used, and  
123 a notation of the recordation of this conveyance required  
124 by Section 59-C-2432(b).

125  
126 **59-C-13.2434. Development standards applicable to the**  
127 **standard and optional method of development.**

128  
129 (a) The final density achieved for any property located in a  
130 TDR receiving area developed under the procedures  
131 herein must be determined by the Planning Board and  
132 must conform to the site plan provisions (Division 59-D-  
133 3) and subdivision regulations (Chapter 50).

134  
135 (b) In making the determination as to the final density, the  
136 Planning Board will consider the following factors:

137  
138 (1) provides housing types consistent with the  
139 approved master or sector plan ;

140

- 141                   (2)   preserves environmentally sensitive and priority  
142                               forest areas, and mitigates unavoidable impacts on  
143                               the natural environment;  
144  
145                   (3)   facilitates good transit serviceability and creates a  
146                               desirable and safe pedestrian environment;  
147  
148                   (4)   achieves compatibility with surrounding land uses;  
149                               and  
150  
151                   (5)   conforms to the relevant master or sector plan  
152                               approved by the District Council  
153

154                   **Sec. 2. Effective date.** This ordinance becomes effective 20 days  
155 after the date of Council adoption.  
156

157 This is a correct copy of Council action.  
158  
159  
160

161 \_\_\_\_\_  
162 Linda M. Lauer, Clerk of the Council  
163

164  
165  
166 F:\anduse\TOMX-TDR 06-14

## ATTACHMENT 2

Zoning Text Amendment No: 06-15  
Concerning: RMX-2C/TDR Standards  
Draft No. & Date: 1 - 5/4/2006  
Introduced: 5/9/2006  
Public Hearing: 6/13/2006; 1:30 p.m.  
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**

---

By: District Council

---

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

- establishing a new RMX-2C/TDR Zone
- creating development standards and procedures for the RMX-2C/TDR Zone

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

DIVISION 59-C-10	“RMX ZONES-RESIDENTIAL MIXED USE DEVELOPMENT.”
Section 59-C-10.1.	“Zones established.”
Section 59-C-10.2.1.	“Standard Method of development regulations.”
Section 59-C-10.3.	“Optional Method of development regulations.”
Section 59-C-10.3.2.	“Land uses.”
Section 59-C-10.3.3.	“Minimum green area or outside amenity area.”
Section 59-C-10.3.4.	“Maximum commercial density.”
Section 59-C-10.3.5.	“Maximum gross leasable (non-residential) floor area.”
Section 59-C-10.3.6.	“Minimum number of dwelling units required.”
Section 59-C.10.3.11	“Development procedure.”

**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-C-10 is amended as follows:**

2  
3   **DIVISION 59-C-10. RMX ZONES-RESIDENTIAL MIXED USE**  
4   **DEVELOPMENT.**

5  
6   **Sec. 59-C-10.1. Zones established.**

7   The Residential-Mixed Use Development Zones are Euclidean zones and their  
8   identifying symbols are as follows:

9   \* \* \*

10   RMX-2C/TDR      Residential-Mixed Use Development, Specialty Center,  
11                            Commercial Base/Transferable Development Rights

12   \* \* \*

13   **Sec. 59-C-10.2.1. Standard Method of development regulations.**

14  
15       **59-C-10.2.1.1. Land uses and development standards.**

16   \* \* \*

17       3.    **RMX-2C, RMX-2C/TDR and RMX-3C Zones:** Standard method  
18           commercial projects in these zones must comply with the standards  
19           and requirements of the standard method of development in the C-2  
20           Zone, as contained in Sections 59-C-4.351 and 59-C-4.353 through  
21           59-C-4.355. A maximum floor area ratio of 0.3 is permitted under this  
22           form of development. The uses allowed under this method are the  
23           same as those allowed under the optional method of development as  
24           set forth in Section C-10.3.2. Standard method residential projects in  
25           these zones must comply with the standards and requirements of the  
26           R-30 Zone as contained in Division 59-C-2.

27   \* \* \*

1 **Sec. 59-C-10.3. Optional Method of Development Regulations.**

2 \* \* \*

3 **59-C-10.3.2. Land uses.**

4 The following uses are allowed under the Optional Method of Development  
 5 in the RMX-1, RMX-2, RMX-3, RMX-1/TDR, RMX-2/TDR, and RMX-  
 6 3/TDR Zones and under both the Standard Method and Optional Method of  
 7 Development in the RMX-2C, RMX-2C/TDR and RMX-3C Zones:

- 8
- 9 - **Permitted uses.** Those uses designated by the letter "P" and uses of a  
 10 similar character are permitted on any lot, subject to all applicable  
 11 regulations.
- 12 - **Special exception uses.** Those uses designated by the letters "SE" may  
 13 be authorized as special exceptions, in accordance with the provisions  
 14 of Article 59-G.
- 15

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR	RMX-2C <u>RMX- 2C/TDR</u>	RMX-3 RMX-3/TDR	RMX-3C
<b>(a) Residential:</b>					
Dwellings, multiple- family.	P	P	P	P	P
* * *					

16

17 **59-C-10.3.3. Minimum green area or outside amenity area.**

18

19 Minimum green area or outside amenity area:

20

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR RMX-2C <u>RMX-2C/TDR</u>	RMX-3 RMX-3/TDR	RMX-3C
(a) Within the commercial portion of a site	15%	15%	20%	10%
(b) Within the residential portion of a site	50%	50%	50%	20%

1

2 **59-C-10.3.4. Maximum commercial density.**

3 \* \* \*

4 (b) In the RMX-2, RMX-2C, RMX-3, RMX-2C/TDR, RMX-3C, RMX-  
5 2/TDR and RMX-3/TDR Zones the maximum commercial density  
6 must not exceed 0.5 FAR.

7 \* \* \*

8 **59-C-10.3.5. Maximum gross leasable (non-residential) floor area.**

9

	RMX-1 RMX-1/TDR	RMX-2 RMX-2/TDR	RMX-2C <u>RMX- 2C/TDR</u>	RMX-3 RMX-3/TDR	RMX-3C
Maximum gross leasable (non-residential) floor area (in square feet):	200,000	600,000	600,000	1,300,000	1,300,000

10

11 **59-C-10.3.6. Minimum number of dwelling units required.**

12

1 In the RMX-1, RMX-2, RMX-2C, RMX-3, RMX-3C, RMX-1/TDR, RMX-  
2 2/TDR, RMX-2C/TDR and RMX-3/TDR Zones any site over 30 acres in size must  
3 include a minimum of 150 dwelling units, but not more than the number  
4 recommended on the approved and adopted master plan.

5 **59-C-10.3.7. Maximum residential density.**

6 (a) The maximum residential density in an RMX Zone must not exceed  
7 30 dwelling units per acre for residential areas shown on the project  
8 plan. The density approved by the Planning Board must not exceed  
9 the density shown on the approved and adopted master plan which  
10 must be no greater than the density permitted by the RMX zone.  
11 Where residential development is proposed to be located within a  
12 proposed commercial area, the maximum residential density for such  
13 areas must not exceed 40 dwelling units per acre.

14 (b) Under the RMX-2C/TDR optional method of development, any  
15 increase in residential density or residential units above the standard  
16 method density or dwelling units requires the use of TDRs. Any  
17 residential units above the standard method density must be based on  
18 a ratio of one single-family dwelling unit for each TDR, and two  
19 multi-family dwelling units for each TDR; however, within a  
20 designated Metro Station Policy Area, a ratio of three multi-family  
21 dwelling units for each TDR and two one-family detached units for  
22 each TDR applies.

23 ([b]c) The density of residential development should be compatible with the  
24 density recommended on the approved and adopted master plan  
25 except that the number of units permitted may be increased by a

1 number equal to the number of moderately priced dwelling units  
2 included in the development plan in accordance with Chapter 25A of  
3 this Code, as amended, provided that the total increase does not  
4 exceed 22 percent of the total number of units recommended on the  
5 master plan.

6 \* \* \*

7 **59-C-10.3.11. Development procedure.**

8 \* \* \*

9 (b) **RMX-2C, RMX-2C/TDR and RMX-3C Zones:**

10  
11 The RMX-2C, RMX-2C/TDR and RMX-3C zones are intended primarily  
12 for sites where there is existing commercial development that is suitable for  
13 substantial expansion or redevelopment with mixed uses. [As such, a special  
14 set of procedures is required to ensure an orderly process for such  
15 development.]

16  
17 In order to encourage the orderly and staged development of large-scale  
18 mixed use centers, a concept plan may be submitted to the Planning Board in  
19 lieu of a project plan for the entire site. Individual project plans for each  
20 stage of development is required. In approving [the] a concept plan, the  
21 Board must take into account the mix of uses and density of development  
22 recommended for the site in the applicable master or sector plan.

23  
24 When an optional concept plan is submitted, a project plan as defined in  
25 division 59-D-2 must be submitted for the first stage of new development  
26 proposed in the concept plan's development program. A concept plan [is

1 intended to] must show the general location of [major] proposed types of  
2 land use [types], the [land use quantities proposed] number of residential  
3 units and square footage of non-residential space, the staging or sequence of  
4 development, and such other features as enumerated in section 59-C-10.3.12.  
5 A project plan, as [provided] required in division 59-D-2, must be submitted  
6 for each stage of development according to the sequence established in the  
7 concept plan. Such project plans must be [in accordance] consistent with the  
8 concept plan approved by the Planning Board unless [it is] accompanied by  
9 a requested amendment to the concept plan. If a concept plan is not  
10 submitted, a project plan must be submitted for the entire site in addition to  
11 the individual phases.

12 \* \* \*

13 **59-C-10.13. Special regulations for development using transferable**  
14 **development rights zone.**

15  
16 **59-C-10.131. Applicability.** The following procedures and  
17 regulations apply to the transfer of development rights to land  
18 classified in the RMX-2C/TDR zone. The Planning Board may  
19 approve subdivision of such land at densities not to exceed the  
20 maximum density permitted in these zones and conforming to the  
21 guidelines contained in the applicable master or sector plan. Any  
22 residential density or units above the standard method density must be  
23 increased by the use of TDRs. Residential units must be based on a  
24 ratio of one single-family dwelling unit for each TDR, and two multi-  
25 family dwelling units for each TDR, except within a designated Metro  
26 Station Policy Area, where a ratio of three multi-family dwelling units

1 for each TDR and two one-family detached units for each TDR  
2 applies.

3  
4 **59-C-10.132. General provisions.**

5  
6 (a) A development right must be created, transferred and  
7 extinguished only by means of documents in a recordable  
8 form approved by the Planning Board, including an  
9 easement and appropriate releases. The easement must  
10 limit the future construction of one-family dwellings on a  
11 property in the RDT zone to the total number of  
12 development rights established by the zoning of the  
13 property minus all development rights previously  
14 transferred in accordance with this section, the number of  
15 development rights to be transferred by the instant  
16 transaction, and the number of existing one-family  
17 detached dwellings on the property.

18  
19 (b) The transfer of development rights must be recorded  
20 among the land records of Montgomery County,  
21 Maryland.

22  
23 (c) A property developed under the RMX-2C/TDR zone  
24 must conform to the requirements of Chapter 25A  
25 requiring MPDU's.  
26

1                   **59-C-10.133. Development approval procedures under the**  
2                   **optional method of development.**

3  
4                   **(a) A request to use transferred development rights under the**  
5                   **optional method must be in the form of a preliminary**  
6                   **subdivision plan in accordance Chapter 50.**

7  
8                   **(b) A site plan must be submitted and approved in accordance with**  
9                   **the provisions of Division 59-D-3.**

10  
11                   **(c) The Planning Board must approve a request to use transferred**  
12                   **development rights if the request:**

13  
14                               **(1) is in accordance with provisions of this chapter;**

15  
16                               **(2) is in accordance with Chapter 50, title "Subdivision of**  
17                               **Land";**

18  
19                               **(3) is consistent with other recommendations of the**  
20                               **applicable master or sector plan ; and**

21  
22                               **(4) achieves a desirable development compatible with both**  
23                               **site conditions and surrounding existing and future**  
24                               **development.**

25  
26                   **(d) Prior to Planning Board approval of a final record plat for a**  
27                   **subdivision using transferred development rights, an easement**



1           to the County in the form required by Section 59-C-10.132(a)  
2           above limiting future construction of dwellings on a property in  
3           the RDT zone by the number of development rights received  
4           must be recorded among the land records of Montgomery  
5           County, Maryland.

6  
7           (e) A final record plat for a subdivision using transferred  
8           development rights must contain a statement setting forth the  
9           development proposed, the zoning classification of the  
10           property, the number of development rights used, and a notation  
11           of the recordation of this conveyance required by Section 59-C-  
12           10.132(b).

13  
14           **59-C-10.134. Development standards applicable to the optional**  
15           **method of development.**

16  
17           (a) The final density achieved for any property located in a  
18           TDR receiving area developed under the procedures herein  
19           must be determined by the Planning Board and must conform to  
20           the site plan provisions (Division 59-D-3) and subdivision  
21           regulations (Chapter 50).

22  
23           (b) In making the determination as to the final density, the  
24           Planning Board will consider the following factors:

25  
26           (1) provides housing types consistent with the approved  
27           master or sector plan;

- 1
- 2                   (2)   preserves environmentally sensitive and priority forest
- 3                                   areas, and mitigates unavoidable impacts on the natural
- 4                                   environment;
- 5
- 6                   (3)   facilitates good transit serviceability and creates a
- 7                                   desirable and safe pedestrian environment;
- 8
- 9                   (4)   achieves compatibility with surrounding land uses; and
- 10
- 11                   (5)   conforms to the relevant master or sector plan approved
- 12                                   by the District Council
- 13
- 14

15           **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the

16 date of Council adoption.

17

18 This is a correct copy of Council action.

19

20

21 \_\_\_\_\_

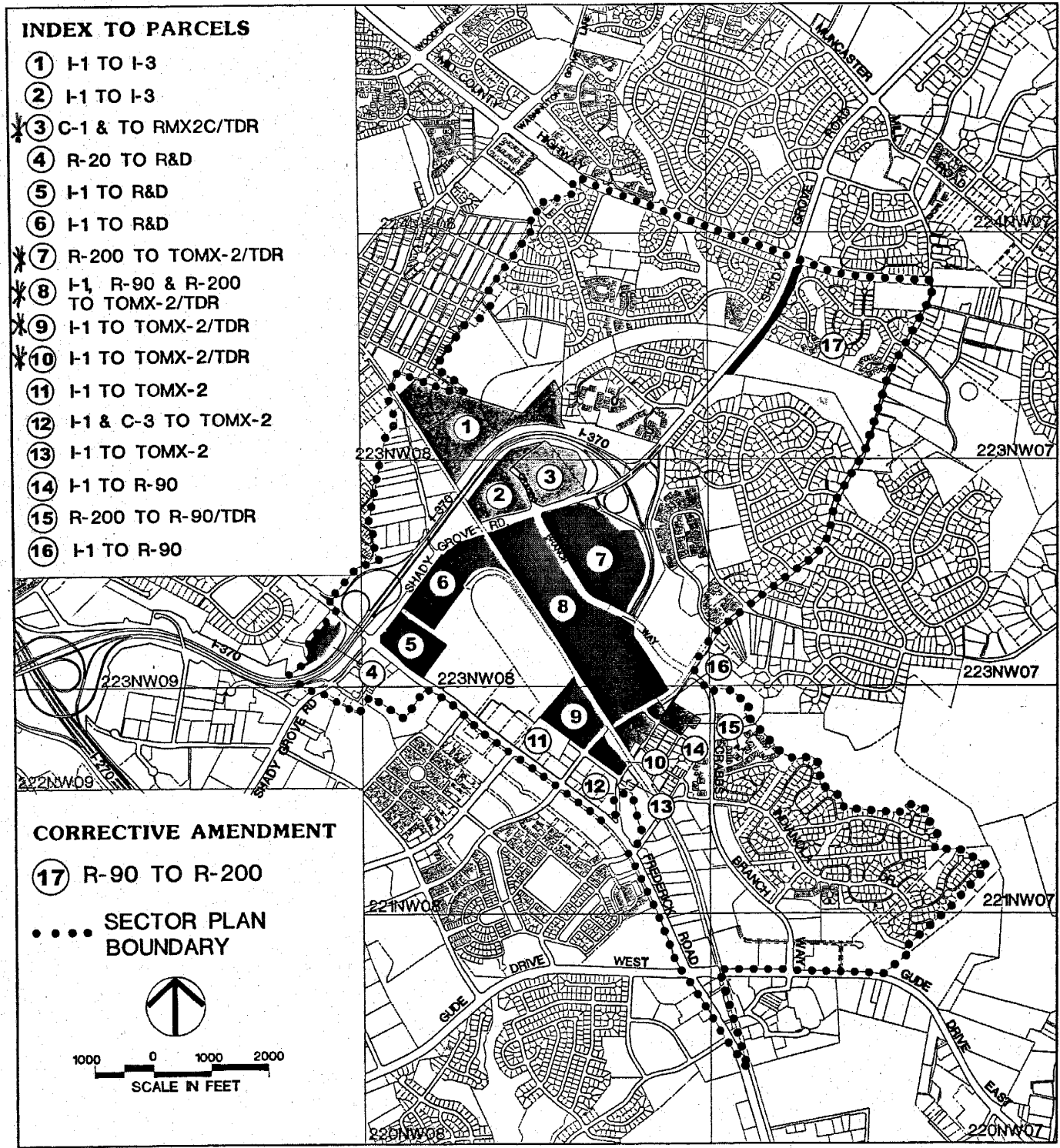
22 Linda M. Lauer, Clerk of the Council

23

24

25

# SHADY GROVE SECTOR PLAN SECTIONAL MAP AMENDMENT



## INDEX TO PARCELS