

# ATTACHMENT 1

Zoning Text Amendment No: 05-12  
Concerning: C-2 Zone Amendment  
Draft No. & Date: 1 – 9/9/05  
Introduced: September 20, 2005  
Public Hearing: October 25, 2005; 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

---

By: Councilmember Leventhal

---

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

- creating a special development procedure in the C-2 zone to encourage transit related development at sites within walking distance of a Metro Station; and
- generally amending provisions related to a C-2 zone special development procedure

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code and adding a new Section 59-C-4.358:

DIVISION 59-C-4 “COMMERCIAL ZONES”

Add a new section:

Section 59-C-4.358 “Special Development Procedure for Transit-Oriented Mixed Use Development”

*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-4 is amended as follows:**

2           **DIVISION 59-C-4. COMMERCIAL ZONES.**

3           \* \* \*

4           **59-C-4.358. C-2 zone -- Special Development Procedure**

5           **59-C-4.358.1. Intent**

6           The Special Development Procedure is intended to facilitate the effective  
7           development of properties within walking distance of a transit station with  
8           residential and non-residential land uses that will promote and serve transit  
9           ridership.

10          **59-C-4.358.2. Eligibility.**

11          The following requirements must be satisfied:

12           (a) The property must be classified in the C-2 Zone;

13           (b) The property must be adjacent to property recommended for the TS-M zone  
14           or separated from such property only by a road or other public right-of-way;

15           (c) At least 75 percent of the development must be for residential use;

16           (d) Moderately Priced Dwelling Units (MPDUs) must be provided in  
17           accordance with Chapter 25A; and

18           (e) In addition to Moderately Priced Dwelling Units and market rate units, the  
19           development must include dwelling units that are sold or rented to  
20           households with incomes below 120 percent of the area-wide median  
21           income in an amount that is not less than 10 percent of the total number of  
22           dwelling units in the development, not counting any MPDUs or resulting  
23           bonus density units.

24 **59-C-4.358.3. Regulations.**

25 (a) **Land uses.** The following uses are allowed:

26 (1) All permitted or special exception uses in the C-2 zone as identified in  
 27 Section 59-C-4.2, and

28 (2) All residential uses, other than one-family detached dwellings.

29 (b) **Development standards.** Development under the special development  
 30 procedure must comply with standards of the C-2 Zone, except as modified  
 31 by the following development standards:

32

(1) <b><u>Minimum area.</u></b>	
<u>The minimum area required for any development in square feet:</u>  <u>however, a smaller eligible parcel may be approved if located adjacent to or</u> <u>confronting another parcel approved for or under application for the special</u> <u>development procedure.</u>	<u>40,000</u>
(2) <b><u>Density of development.</u></b>	
<u>The density of development must not exceed any of the following:</u>	
(a) <b><u>Floor area ratio (FAR):</u></b>  <u>To accommodate the construction of all dwelling units for households with</u> <u>incomes below 120 percent of the area-wide median income on site, the Planning</u> <u>Board must permit the FAR to be exceeded in proportion to the number of such</u> <u>dwellings that are provided.</u>	<u>2.0</u>

<p>(b) <u>Floor area ratio is increased to 2.4 when including Moderately Priced Dwelling Units and any bonus density constructed in accordance with Chapter 25A.</u></p>	<p><u>2.4</u></p>
<p>(3) <b><u>Minimum percentage of net lot area devoted to public use space:</u></b></p>	<p><u>10</u></p>
<p>(4) <b><u>Maximum building height in feet:</u></b>   <u>To accommodate the construction of all dwelling units for households with incomes below 120 percent of the area-wide median income and any MPDU density bonus on site, the Planning Board must permit the maximum building height to be exceeded in proportion to the number of such dwellings units that are provided.</u></p>	<p><u>180</u></p>

33 (c) **Procedures for application and approval.**

34 (1) **Site plan:** Development under the special development procedure must  
 35 be approved under the site plan review provisions of Division 59-D-3.

36 (2) Partial-cost developer participation, as may be provided in an adopted  
 37 annual growth policy, is allowed for development that occurs in the  
 38 transit station development area zone.

39

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

41

42 This is a correct copy of Council action.

43

44

45 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council