



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Ralph D. Wilson, Zoning Supervisor

DATE: June 18, 2008

RE: Transit Station Mixed-Use Zone for Transmittal to the County Council for Introduction

It was agreed at the Board's June 5, 2007 meeting that staff would development a Transit Station Mixed-Use (TMX) Zone for use in Transit Station Development Areas. The thought is that the new TMX zone would eventually replace the TOMX zones as the primary zoning tools for development in the Twinbrook Sector Plan, the Germantown Master Plan, and other plans in designated transit areas. After the TMX zone is adopted, a master plan amendment and sectional map amendment will be needed for the Shady Grove Master Plan to replace the TOMX zone with the TMX zone.

An important element of the TMX zone is its use as a receiving area for buildable lot termination (TDR) development rights. Under the TMX zone, 12.5 percent of any density above the maximum of the standard method of development, as set in the applicable master or sector plan, must be through the purchase of BLTs or through a contribution to the BLT Land Trust. One BLT will be the equivalent of 9,000 square feet of residential space, or 7,500 square feet of non-residential space. Supporting legislation and an Executive Regulation will be needed for the BLT program to be fully effective. The standard method density under the TMX zone ranges from 0.25 to 0.50. The optional method density is 3.0 with no minimum. The maximum density within these limits will be established in the applicable master or sector plan. The TMX zone also provides the same amenity fund provisions applicable in the CBD and RMX zones. Site plans submitted for projects in the TMX zone must address general design principles recommended by the applicable master or sector plan and specific design principles adopted by the Board.

The Council is expecting the TMX zone to be transmitted to Council staff this Friday for introduction on Tuesday, June 24. It is expected that the Council will hold its public hearing on July 29, with work sessions in the fall.

Zoning Text Amendment No: 08-
Concerning: Transit Mixed Use (TMX) Zone
Draft No. & Date: 3 -6/17/08
Introduced:
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**

By: District Council at Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- establish a Transit Mixed-Use (TMX) Zone; and
- establish allowable land uses, development standards, use of buildable transferable development rights, and approval procedures for development under the Transit Mixed-Use Zone.

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

DIVISION 59-A-2	“DEFINITIONS”
DIVISION 59-C-14	“TRANSIT MIXED-USE ZONES (TMX)”
Section 59-C-14.1	“Zones established”
Section 59-C-14.2	“Provisions of the Transit Mixed-Use Zone”
DIVISION 59-D-2	“PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES, AND RMX ZONES.”
Section 59-D-2.0	“Zones enumerated”

*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. Definitions and Interpretation.**

2 * * *

3 **Building Lot Termination Easement Program** A program by which the County may purchase a BLT
4 Easement on land in the Rural Density Transfer (TDR) Zone in exchange for terminating some or all of
5 the residential building lots. A transferable development right that is eligible for transfer into a designated
6 TDR receiving area that is not a residential building lot on a parcel in the RDT Zone is not eligible for use
7 under the Building Lot Termination Easement Program.

8
9 **Buildable lot Termination (BLT) Transferable Development Right:** A transferable development
10 right (as defined in this section) in the Rural Density Transfer (TDR) Zone that can be used for building
11 one dwelling on a 25 acre-lot in that zone; distinguished from a transferable development right that is in
12 excess of the density allowed in the RDT zone.

13 * * *

14 **Transferable Development Right :** The right to transfer the residential buildable capacity in the Rural
15 Density Transfer (RDT) Zone to other designated zones at the rate of one transferable development right
16 (TDR) for each full five acres owned in the RDT Zone.

17
18 **Transfer of development rights:** The conveyance of development rights by deed, easement, or other
19 legal instrument authorized by local law to another parcel of land and the recordation of that conveyance
20 among the land records of Montgomery County, Maryland.

21
22 **Sec. 1. Division 59-C- is amended as follows:**

23
24 **DIVISION 59-C-14. TRANSIT MIXED-USE (TMX) ZONE**

25 **59-C-14.1. Zone permitted.**

26 The TMX zone is for use in a transit station development area as defined in Section 59-A-2.1.

27 **Sec. 59-C-14.2. Transit Mixed-Use (TMX) Zone.**

28 **59-C-14.21. Description, purpose, and general requirements**

29 **59-C-14. 21.1. Description.**

30 The TMX Zone permits moderate through intensive mixed-use development in a Transit
31 Station Development Area, as defined under Section 59-A-21. The TMX zone must be shown
32 on a master or sector plan and applied by Sectional Map Amendment. The zone provides for
33 a wide range of uses and establishes maximum densities for standard and optional methods of

34 development, within which the applicable master or sector plan may establish densities and
35 recommend uses for specific tracts or areas.

36 **59-C-14.21.2. Purpose.**

37 The TMX zone fosters transit-oriented development by permitting increased density and
38 height where that increase is consistent with the recommendations of an approved and adopted
39 master plan or sector plan. The purpose of the TMX zone is to:

40 (a) Implement the land use and density recommendations of approved and adopted master or
41 sector plans for Transit Stations Development Areas by:

42 (i) Facilitating mixed-use development with a compatible network of interconnecting
43 streets, open squares, plazas, defined streetscapes, and civic and community
44 oriented uses ; and

45 (ii) Providing incentives and flexible development standards that foster innovative
46 design and technology.

47 (b) Encourage land assembly in a compact and efficient form.

48 (c) Provide a variety of housing opportunities, including affordable housing, near transit
49 stations.

50 (d) Encourage sustainable and efficient design.

51 (e) Improve multi-modal access to transit from the communities surrounding transit station
52 development areas.

53 (f) Provide receiving capacity for buildable lot termination (BLT) transferable development
54 rights (TDRs), as defined in this code.

55 **59-C-14.22. Location.**

56 Land classified in the TMX Zone must be located in a Transit Station Development Area as defined
57 in Section 59-A-2.1.

58 **59-C-14.23. Methods of development.** Two methods of development are available.

59 (a) **Standard Method of Development:** The standard method requires compliance with a
60 specific set of development standards and permits a range of uses and a density compatible
61 with these standards. Site plan review is required in accordance with section 59-D-3. If
62 residential uses are included in a development, Moderately Priced Dwelling Units must be
63 provided as required under Chapter 25A and workforce housing units must be provided as
64 required under Section 59-A-6.18 and Chapter 25. The maximum dwelling unit density or
65 residential FAR may be increased in proportion to any MPDU density bonus provided on-
66 site.

67 **(b) Optional Method of Development:** The Optional Method of Development allows greater
 68 densities and innovative design and building technologies to create pedestrian-oriented and
 69 mixed-use development patterns and an environment capable of supporting the greater
 70 densities. Approval of the Optional Method of Development is dependent upon providing
 71 required public use space, public amenities and facilities, and participation in the BLT
 72 program. Public use space and public facilities and amenities are required to support the
 73 additional densities permitted under the Optional Method of Development. If residential
 74 uses are included in a development, Moderately Priced Dwelling Units must be provided as
 75 required under Chapter 25A and workforce housing units must be provided as required
 76 under Section 59-A-6.18 and Chapter 25. The maximum dwelling unit density or
 77 residential FAR may be increased in proportion to any MPDU density bonus provided on
 78 site. The procedure for the approval of the Optional Method of Development is under
 79 Section 59-D-2. Site plans review is required under Section 59-D-3.

80 **59-C-14.24. Land uses.**

81 No use is allowed except as indicated in the following table:

	<u>TMX</u>	
	<u>Standard</u>	<u>Optional</u>
<u>(a) Residential:</u>		
<u>Dwellings.</u>	<u>P</u>	<u>P</u>
<u>Group home, small.</u>	<u>P</u>	<u>P</u>
<u>Group home, large.</u>	<u>P</u>	<u>P</u>
<u>Hotel or motel.</u>	<u>P</u>	<u>P</u>
<u>Housing and related facilities for senior adults or persons with disabilities.</u>	<u>P</u>	<u>P</u>
<u>Life care facility.</u>	<u>P</u>	<u>P</u>
<u>Personal living quarters.</u>	<u>P</u>	<u>P</u>
<u>(b) Transportation, communication and utilities:</u>		
<u>Parking garages, automobile.</u>	<u>P</u>	<u>P</u>
<u>Public utility buildings, structures, and underground facilities.</u>	<u>P</u>	<u>P</u>
<u>Radio and television broadcasting studio.</u>	<u>P</u>	<u>P</u>
<u>Rooftop mounted antennas and related unmanned equipment building, equipment cabinet or equipment room.</u>	<u>P</u>	<u>P</u>
<u>Taxicab stand, not including storage while not in use.</u>	<u>P</u>	<u>P</u>
<u>(c) Commercial:</u>		
<u>Antique shops, handicrafts or art sales and supplies.</u>	<u>P</u>	<u>P</u>
<u>Automobile sales, retail showroom.</u>	<u>P</u>	<u>P</u>
<u>Book store.</u>	<u>P</u>	<u>P</u>
<u>Convenience food and beverage store, without fuel sales.</u>	<u>P</u>	<u>P</u>
<u>Department stores.</u>		<u>P</u>
<u>Drug store.</u>	<u>P</u>	<u>P</u>
<u>Eating and drinking establishment, excluding drive-in.</u>	<u>P</u>	<u>P</u>
<u>Florist shop.</u>	<u>P</u>	<u>P</u>

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	TMX	
	Standard	Optional
<u>Furniture store, carpet, or related furnishing sales or service.</u>	<u>P</u>	<u>P</u>
<u>Gift shop.</u>	<u>P</u>	<u>P</u>
<u>Grocery store.</u>	<u>P</u>	<u>P</u>
<u>Hardware store.</u>	<u>P</u>	<u>P</u>
<u>Office supply store.</u>	<u>P</u>	<u>P</u>
<u>Office, general.</u>	<u>P</u>	<u>P</u>
<u>Office, professional including banks and financial institutions (excluding check cashing stores).</u>	<u>P</u>	<u>P</u>
	Standard	Optional
<u>Offices for companies principally engaged in health services, research and development.</u>	<u>P</u>	<u>P</u>
<u>Newsstand.</u>	<u>P</u>	<u>P</u>
<u>Photographic and art supply store.</u>	<u>P</u>	<u>P</u>
<u>Pet sales and supply store.</u>	<u>P</u>	<u>P</u>
<u>Specialty shop.</u>	<u>P</u>	<u>P</u>
(d) Services:		
<u>Adult foster care homes.</u>	<u>P</u>	<u>P</u>
<u>Ambulance or rescue squad, public supported.</u>	<u>P</u>	<u>P</u>
<u>Animal boarding place.</u>	<u>SE</u>	<u>SE</u>
<u>Art, music and photographic studios.</u>	<u>P</u>	<u>P</u>
<u>Automobile filling station.</u>	<u>SE</u>	<u>SE</u>
<u>Automobile rental services, excluding automobile storage and supplies.</u>	<u>P</u>	<u>P</u>
<u>Barber and beauty shop.</u>	<u>P</u>	<u>P</u>
<u>Charitable and philanthropic institutions.</u>	<u>P</u>	<u>P</u>
<u>Clinic.</u>	<u>P</u>	<u>P</u>
<u>Child daycare facility</u>		
<u>- Family day care.</u>	<u>P</u>	<u>P</u>
<u>- Group day care.</u>	<u>P</u>	<u>P</u>
<u>- Child day care center.</u>	<u>P</u>	<u>P</u>
<u>Daycare facility for not more than 4 senior adults and persons with disabilities.</u>	<u>P</u>	<u>P</u>
<u>Domiciliary care for no more than 16 senior adults.</u>	<u>P</u>	<u>P</u>
<u>Dry cleaning and laundry pick-up station.</u>	<u>P</u>	<u>P</u>
<u>Duplicating services.</u>	<u>P</u>	<u>P</u>
<u>Educational, private institution.</u>	<u>P</u>	<u>P</u>
<u>Home occupation, no impact.</u>	<u>P</u>	<u>P</u>
<u>Home occupation, registered.</u>	<u>P</u>	<u>P</u>
<u>Home occupation, major.</u>	<u>SE</u>	<u>SE</u>
<u>Hospice care facility.</u>	<u>P</u>	<u>P</u>
<u>Hospitals, veterinary.</u>	<u>SE</u>	<u>SE</u>
<u>International public organization.</u>	<u>P</u>	<u>P</u>
<u>Place of religious worship.</u>	<u>P</u>	<u>P</u>
<u>Publicly owned or publicly operated uses.</u>	<u>P</u>	<u>P</u>
<u>Self storage.</u>		<u>P¹</u>
<u>Shoe repair shop.</u>		<u>P</u>

	TMX	
	Standard	Optional
<u>Tailoring or dressmaking shop.</u>	<u>P</u>	<u>P</u>
<u>Universities and colleges teaching and research facilities.</u>	<u>P</u>	<u>P</u>
(e) <u>Research and Development and Biotechnology</u>	<u>P</u>	<u>P</u>
<u>Laboratories.</u>	<u>P</u>	<u>P</u>
<u>Advanced Technology and Biotechnology.</u>	<u>P</u>	<u>P</u>
<u>Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and products resulting from biotechnical and biogenetic research and development.</u>	<u>P</u>	<u>P</u>
<u>Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment.</u>	<u>P</u>	<u>P</u>
<u>Research, development, and related activities.</u>	<u>P</u>	<u>P</u>
(f) <u>Cultural, entertainment and recreational:</u>		
<u>Auditoriums or convention halls.</u>	<u>P</u>	<u>P</u>
<u>Billiard parlor.</u>	<u>P</u>	<u>P</u>
<u>Bowling alley.</u>	<u>P</u>	<u>P</u>
<u>Health clubs and gyms.</u>	<u>P</u>	<u>P</u>
<u>Libraries and museums.</u>	<u>P</u>	<u>P</u>
<u>Park and playgrounds.</u>	<u>P</u>	<u>P</u>
<u>Private clubs and service organizations.</u>	<u>SE</u>	<u>P</u>
<u>Recreational or entertainment establishments, commercial.</u>	<u>P</u>	<u>P</u>
<u>Theater, legitimate.</u>	<u>P</u>	<u>P</u>
<u>Theater, indoor.</u>	<u>P</u>	<u>P</u>

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59-C-14.25. Development standards.

The development standards applicable to the Standard Method and Optional Method of Development are established in this section. In addition to the requirements specified in this table, all Optional Method of Development projects must be consistent with the recommendations of the applicable master plan or sector plan.

	TMX	
	Standard	Optional
59-C-14.25.1. Minimum net lot area required for any development (in square feet):¹		<u>18,000</u>
59-C-14.25.2. Maximum Building Coverage (percent of net lot area):	<u>75</u>	
59-C-14.25.3. Minimum Public Use Space (percent of net lot area):	<u>10²</u>	<u>20³</u>
59-C-14.25.4. Maximum Building Height (in feet):	<u>28</u>	
- If adjoining or directly across the street from land recommended for or developed in a residential zone with a maximum of 15 dwelling units per acre or less (in feet)	<u>35</u>	
59-C-14.25.5. Minimum Setbacks (in feet):		
- From an adjacent TMX Zone ⁴	<u>15</u>	
- From an adjacent commercial or industrial zone	<u>20</u>	
- From an adjacent single family residential zone	<u>25</u>	
- From a public right-of-way	<u>10</u>	
59-C-14.25.6. Maximum Density of Development⁵ (floor area ratio)	<u>.25 - .5⁶</u>	<u>3.0⁶</u>
<u>12.5% of any density above the maximum of the standard method, as set in the applicable master or sector plan, must be through the purchase of BLTs or through a contribution to the BLT Land trust, as described in Section 59-C-14.30.</u>		

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¹ A smaller lot may be approved if the lot is located adjacent to or confronting another lot either classified in or under application for either zone, or the combined lots are subject to a single project plan. The minimum area requirement does not prohibit a lot of less than 18,000 square feet for purposes of subdivision or record plat approval.

² The required standard method public use space may be reduced to 5% if the Planning Board finds that the reduction is necessary to accommodate the construction of MPDU's, including any bonus units, on-site.

³ The required optional method public use space may be reduced or eliminated to accommodate the construction of MPDUs, including any bonus density units, on-site, if an equivalent amount of public use space is provided off-site in the same transit station development area within a reasonable time. a payment instead of all or some of the required public use space may be made if approved under Division 59-D-2.

⁴ If the proposed building or the adjacent building has windows or apertures facing the lot line that provides light, access, or ventilation to a habitable space, the setback shall be 15 feet. If the adjacent building does not have windows or apertures, no setback is required.

⁵ The maximum dwelling unit density or residential FAR may be increased in proportion to any MPDU density bonus provided on-site.

⁶ Master or sector plan may set the maximum density within these ranges.

105 **59-C-14.26. Special standards for development under the TMX zone.**

106 (a) **Public facilities and amenities:** In addition to the public facilities and amenities required under
107 Section 59-A, the following public facilities and amenities may be required for approval of a
108 standard or optional method of development project: (1) pocket and urban parks, (2) town
109 squares, (3) public plazas and water features, (4) wide sidewalks, (5) bus shelters, (6) benches,
110 (7) special street lighting and paving, (8) construction or enhancement of pedestrian tunnels and
111 bridges, (9) public art, landscaping of public areas, and (10) improvements to pedestrian access
112 to transit stations. Public amenities do not include road improvements or other capital projects
113 that are required to provide adequate public facilities in compliance with Section 50-35(k). All
114 public facilities and amenities must be accessible to the public. The location, type, and nature of
115 the public facilities and amenities must be shown on any project plan and site plan as required by
116 Section 59-D-2 and Section 59-D-3.

117 (b) **Design Principles:** Site Plans submitted for projects in the TMX zone must address general
118 design principles recommended by the applicable master or sector plan and specific design
119 principles adopted by the Planning Board to implement the applicable master or sector plan.
120 Unless those general and specific principles recommend otherwise, or it is infeasible to do so
121 due to site constraints or other reasons approved by the Planning Board, projects develop in the
122 TMX zone should:

- 123 - Orient all buildings to streets.
- 124 - Locate off-street parking to the side, rear, or below grade.
- 125 - Create a continuous building line to accentuate open space and building entrances and
126 blank building facades should be avoided.
- 127 - Provide pedestrian-oriented activity at street level with uses such as storefront retail,
128 residential entrances, office lobbies, and restaurants.
- 129 - Promote pedestrian safety with safety-oriented environmental design and clearly
130 designated crosswalks and sidewalks.
- 131 - Include street trees and landscaping on all streets.
- 132 - Provide continuous, direct and convenient connections to transit stations for
133 pedestrians and bicyclists.
- 134 - Locate and screen service and loading areas to reduce visibility from any street.
- 135 - Locate mechanical equipment within buildings or within a mechanical equipment
136 penthouse. If mechanical equipment is located on a roof or is freestanding, it must be
137 effectively screened. This design principle does not apply to one-family residential
138 development.

- 139 - Design street lighting to avoid an adverse impact on surrounding uses, while also
- 140 providing a sufficient level of illumination for access and security.
- 141 - Provide a canopy of closely spaced street trees along each street.
- 142 - Provide street furniture such as benches, trash receptacles and planters.
- 143 - Enhance crosswalk areas with accessible curb ramps.

144 **59-C-14.27. Off-street parking.** As required under Article 59-E.

145 **59-C-14.28. Special Standards for Optional Method of Development projects.**

146 (a) **Density and mix of uses:** In approving the mix of uses and the proposed densities, the Planning
147 Board must consider the size of the parcel, and the relationship of the existing and proposed
148 building or buildings to its surrounding uses. The mix of uses and the proposed densities must
149 conform to the approved and adopted master plan or sector plan.

150 (b) **Building height and setbacks:** The maximum height permitted for any building and the
151 minimum building setback requirements must be determined during project plan review. In
152 approving height limits or setback requirements, the Planning Board must consider the size of the
153 lot or parcel, the relationship of existing and proposed buildings to surrounding uses, the need to
154 preserve light and air for the residents of the development and residents of surrounding
155 properties, and any other factors relevant to the height or setback of the building. The proposed
156 building height and the proposed setbacks must substantially conform to the approved and
157 adopted master plan or sector plan.

158 (c) **Transfer of public use space, density, and mix of uses:** The Planning Board may approve the
159 transfer of density, the mix of uses, and the public use space, between parcels classified in the
160 TMX zone within the same transit station development area. The transfer of density must not
161 result in an increase of density or height on parcels that abut or confront properties
162 recommended for one-family residential development by an approved and adopted master plan
163 or sector plan. Any transfer of public use space, density, or mix of uses must not result in a
164 change in the total combined amount of public use space, density, or mix of uses otherwise
165 attributable to the relevant parcels, and such transfers must be approved as part of a combined
166 project plan for all relevant parcels in accordance with the provisions in Section 59-D-2 and
167 Section 59-D-3.

168 **59-C-14.29. Existing buildings and uses.**

169 Any lawful structure, building or established use that existed before the applicable Section Map
170 Amendment adoption date, is a conforming structure or use and may be continued, structurally
171 altered, repaired, renovated or enlarged up to 10 percent of the gross building floor area or 7,500
172 square feet, whichever is less. However, any enlargement of the building that is more than 10

173 percent of the gross floor area or 7,500 square feet, whichever is less, or construction of a new
174 building must comply with the standards of the TMX Zone.

175 **59-C-14.30. Special regulations for use of a buildable Lot Termination (BLT) Development**

176 **Right.**

177 **59-C-14.30.1. Applicability.** The following applies to the use of a buildable lot termination
178 (BLT) transferable development right. At least 12.5 percent of any density above the
179 maximum allowed under the standard method of development, as set in the applicable master
180 or sector plan, must be supported through the direct purchase of a BLT from a property owner
181 in the Rural Density Transfer Zone or through a contribution to the BLT Land Trust for
182 purchase of an easement on real property to preserve agricultural land in the County.

183 **59-C-14.30.2. General provisions.**

- 184 (a) One BLT will be the equivalent of 9,000 square feet of residential space, or 7,500 square
185 feet of non-residential space.
- 186 (b) A BLT must be created, transferred and extinguished only by means of a recordable
187 easement in perpetuity approved by the Planning Board, including appropriate releases.
188 The BLT easement must extinguish the right to construct a dwelling unit on each 25
189 acres in the RDT zone subject to the easement.
- 190 (c) If the applicant for optional method of development under the TMX zone
191 cannot purchase an easement, or if the amount of density to be attributed to
192 BLT easement is a fraction of the applicable floor area equivalent, the Planning
193 Board must require payment to the BLT Land Trust of an amount equal to the
194 average market rent for class A office space or multi-family residential space in
195 the applicable master or sector plan area for the amount of space attributed to
196 buildable rights termination. The Land Trust must use such funds to purchase or
197 otherwise acquire BLT as they become available.
- 198 (d) Such payment to the BLT Land Trust must be the value of the first 12.5 percent of any
199 additional floor area ratio (measured in square feet) above the maximum floor area ratio
200 under the standard method, as set in the applicable master or sector plan.

201 **59-C-14.31. Development approval procedures under the standard and optional method of**
202 **development.**

- 203 (a) A development proposal must be in the form of a preliminary subdivision plan submitted
204 under Chapter 50.
- 205 (b) A site plan must be submitted and approved under the provisions of Division 59-D-3.

- 206 (c) The Planning Board must find that the proposed development:
- 207 (1) Satisfies the provisions of this chapter;
- 208 (2) Satisfies Chapter 50, title "Subdivision of Land";
- 209 (3) Conforms to any numeric limits in the applicable master or sector plan concerning
- 210 floor area ratio, dwelling units per acre, building heights, and setbacks; and is in all
- 211 other respects consistent with the applicable master or sector plan; and
- 212 (4) Achieves a desirable development compatible with site conditions, surrounding
- 213 existing development, and anticipated future development.
- 214 (d) Before the Planning Board approves a final record plat for a subdivision using BLTs
- 215 under the optional method , an easement to the County or the BLT Land Trust in the form
- 216 required by Section 59-C-2432(a) above limiting future construction of dwellings on a
- 217 property in the RDT zone by the number of buildable lot termination rights received
- 218 must be recorded among the land records of Montgomery County, Maryland.
- 219 (e) A final record plat for a subdivision using BLTs must contain a statement setting forth
- 220 the development proposed, the zoning classification of the property, the number of
- 221 development rights used, and a notation of the recordation of this conveyance required by
- 222 Section 59-C-2432(b).

59-C-14.32. Development standards applicable to the standard and optional method of development.

- 225 (a) The final density achieved for any property developed under the procedures herein must
- 226 be determined by the Planning Board and must conform to the site plan provisions
- 227 (Division 59-D-3) and subdivision regulations (Chapter 50).
- 228 (b) In making the determination as to the final density, the Planning Board must consider
- 229 whether the proposal:
- 230 (1) Conforms to any numeric limits in the applicable master or sector plan concerning
- 231 floor area ratio, dwelling units per acre, building heights, and setbacks; and is in all
- 232 other respects consistent with the approved master or sector plan;
- 233 (2) Preserves environmentally sensitive and priority forest areas, and mitigates
- 234 unavoidable impacts on the natural environment;
- 235 (3) Facilitates good transit serviceability and creates a desirable and safe pedestrian
- 236 environment; and
- 237 (4) Achieves compatibility with surrounding land uses and promotes harmonious
- 238 development of the planning area.

239

240 * * *

241 **Sec. 2. Article 59-D is amended as follows:**

242 **ARTICLE 59-D. ZONING DISTRICTS—APPROVAL PROCEDURES.**

243 **INTRODUCTION****

244 * * *

245 The following table is provided for the convenience of the public, citing the appropriate sections
 246 of article 59-C and indicating the types of plans required in each zone. In event of conflict
 247 between this table and the provisions of article 59-C, the latter must govern.

248 **Plan Approvals Required**

249

<u>Zone</u>	<u>Section Number</u>	<u>Development Plan (Division 59-D-1)</u>	<u>Project Plan Optional Method (Division 59-D-2)</u>	<u>Site Plan (Division 59-D-3)</u>	<u>Diagrammatic Plan (Division 59-D-4)</u>
* * *					
<i>Standard Method</i>					
* * *					
<u>TMX</u>				<u>X</u>	
<i>Optional Method</i>					
* * *					
<u>TMX</u>			<u>X</u>	<u>X</u>	

250

251

252 * * *

253 **Sec. 3. Division 59-D-2 is amended as follows:**

254

255 DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD
 256 ZONES, RMX ZONES, [TOMX,] AND TMX ZONES.*

257

258 **Sec. 59-D-2.0. Zones enumerated.**

259 The Planning Board is authorized to approve development under the optional method of development
 260 procedures described in Section 59-C-6.2 of the CBD zones, Section 59-C-10 of the RMX Zones, Section
 261 59-C-13 of the TOMX Zone[s], Section 59-C-14 of the TMX Zone, and the approval procedure set forth
 262 in this Division, for the following zones:

263 * * *

264 TMX – Transit Mixed-Use

265 * * *

266 **Sec. Division 59-D-2 is amended as follows:**

267
268 **Division 59-D-2. Project plan for optional method of development in the CBD, TOMX, TMX AND**
269 **RMX ZONES.**

270
271 **Sec. 59-D-2.0. Zones enumerated.**

272
273 The Planning Board is authorized to approve development under the optional method of development
274 procedures described in Section 59-C-6.2 of the CBD zones, Section 59-C-10 of the RMX Zones, Section
275 59-C-13 of the TOMX Zones, and Section 59-C-14 of the TMX zone, and the approval procedure set
276 forth in this Division, for the following zones:

277 * * *

278 [TOMX-1-Transit Oriented Mixed-Use, 1.0]

279 * * *

280 [TOMX-1/TDR-Transit Oriented Mixed-Use/Transferable Development Rights, 1.0]

281 * * *

282
283 TMX- Transit Mixed-Use

284

285

286

287 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

288

289 This is a correct copy of Council action.

290

291 _____

292 Linda M. Lauer

293 Clerk of the Council

294