

ATTACHMENT 1

Zoning Text Amendment No: 05-08
Concerning: Minimum Lot Area & Transfer
Of Density in CBD Zones
Draft No. & Date: 1 – 5/26/05
Introduced: May 26, 2005
Public Hearing: July 12, 2005; 7:30 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 at the request of the Planning Board

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

- reducing the minimum lot area requirement in the CBD Zones under the optional method of development to 18,000 square feet; and permitting transfer of density in Housing Resource Areas as designated in the relevant master or sector plan.

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

DIVISION 59-C-6
Section 59-C-6.23

“CENTRAL BUSINESS DISTRICT ZONES”
“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-C-6 is amended as follows:**

2 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

3 * * *

4 **59-C-6.23. Development standards.**

5 The development standards applicable to the standard and optional methods of
6 development, indicated by the letters “S” and “O” in each of the zones are set forth
7 in this section.⁸

	CBD-0.5		CBD-R1		CBD-1		CBD-2		CBD-3		CBD-R2	
	S	O	S	O	S	O	S	O	S	O	S	O
59-C-6.231. Minimum Area of Lot (in thousands of square feet):		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*		[22] 18*
* * *												

9
10 * The minimum lot area may be a single lot or more than one lot under the
11 density transfer provisions of Section 59-C-6.2355.

12 * * *

13 **59-C-6.2355. Density Transfer Provisions for properties in an Housing**
14 **Resource Area that use the Optional Method of Development Procedure.**

15 This section includes special standards for optional method of development
16 projects involving more than one lot located in a Housing Resource Area as
17 designated in the applicable master or sector plan.

- 18 (a) The Planning Board may approve an optional method of development
19 project for more than one lot in the same Housing Resource Area that
20 are not adjacent to each other but, when combined, the lots total a
21 minimum of 18,000 square feet. The optional method of development
22 project must comply with the project plan approval requirements of
23 Section 59-D-2.42(g) and the following additional requirements:

- 24 (i) The property to which a development credit is transferred must
25 not abut or confront a one-family residential zone.
- 26 (ii) Density transferred to any lot smaller than 18,000 square feet
27 must be used to provide for housing development and ancillary
28 retail and arts uses. Density on the smaller lot must be
29 measured in accordance with the maximum density provisions
30 of the optional method of development.
- 31 (iii) The density of development for the combined lots must not
32 exceed the total density otherwise permitted on the separate
33 lots. Public use space and amenities must be provided based on
34 the total area of the lots included in the optional method of
35 development project.
- 36 (b) A transferable development credit must be established, transferred,
37 and attached to a property only by means of documents, including an
38 easement and appropriate releases, in a recordable form approved by
39 the Planning Board. Any easement must:
- 40 (i) limit future construction of the property that transfers the
41 development credit to the amount of gross square feet of the
42 building minus all development credits transferred:
- 43 (ii) indicate the amount of development credit, in gross square feet
44 to be transferred;
- 45 (iii) indicate the maximum gross square feet of future development
46 for the property that transfers the development credit, but no
47 less than the amount that could be constructed on the property
48 under the standard method of development; and
- 49 (iv) be recorded in the land records of Montgomery County.
50

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

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53 This is a correct copy of Council action.

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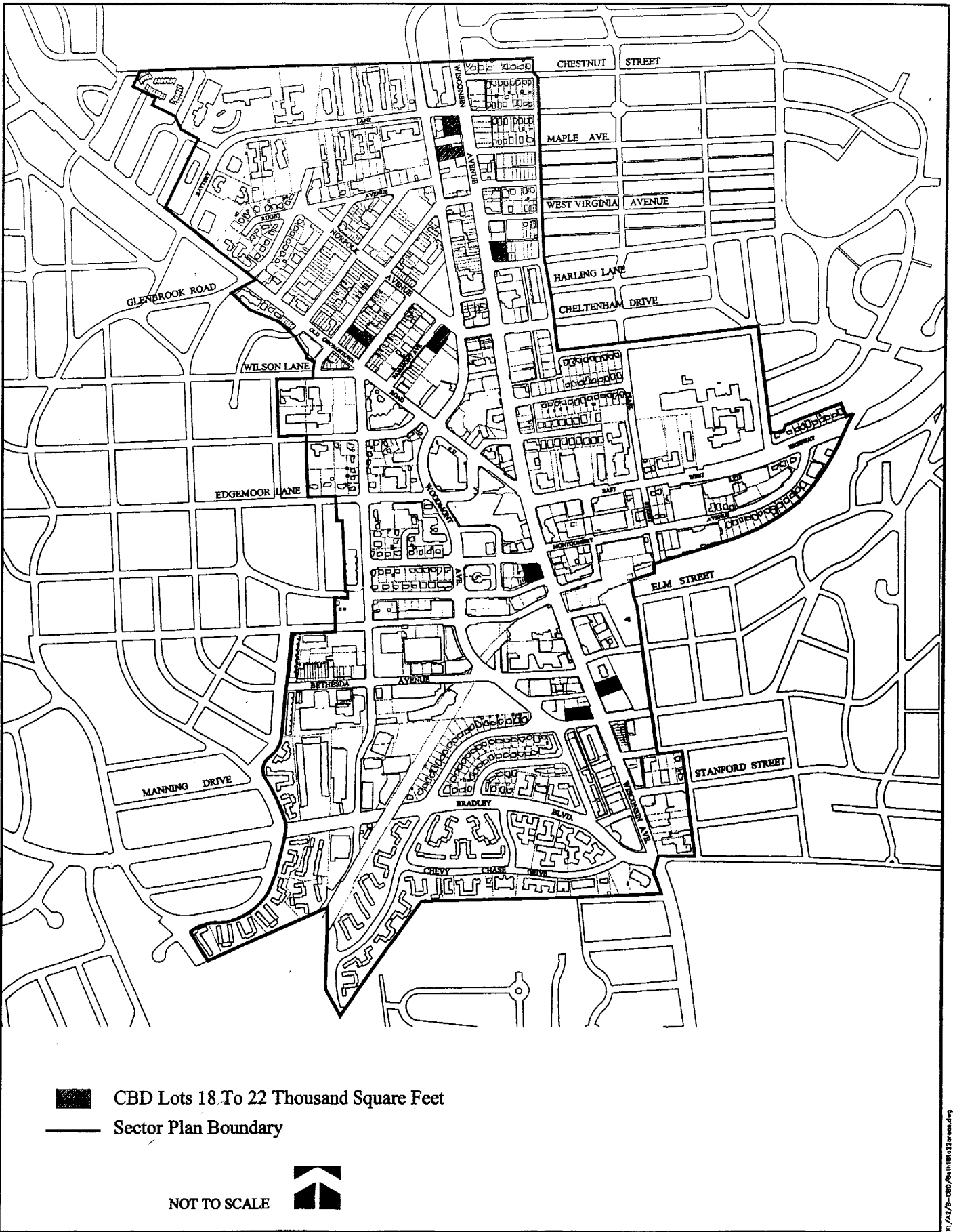
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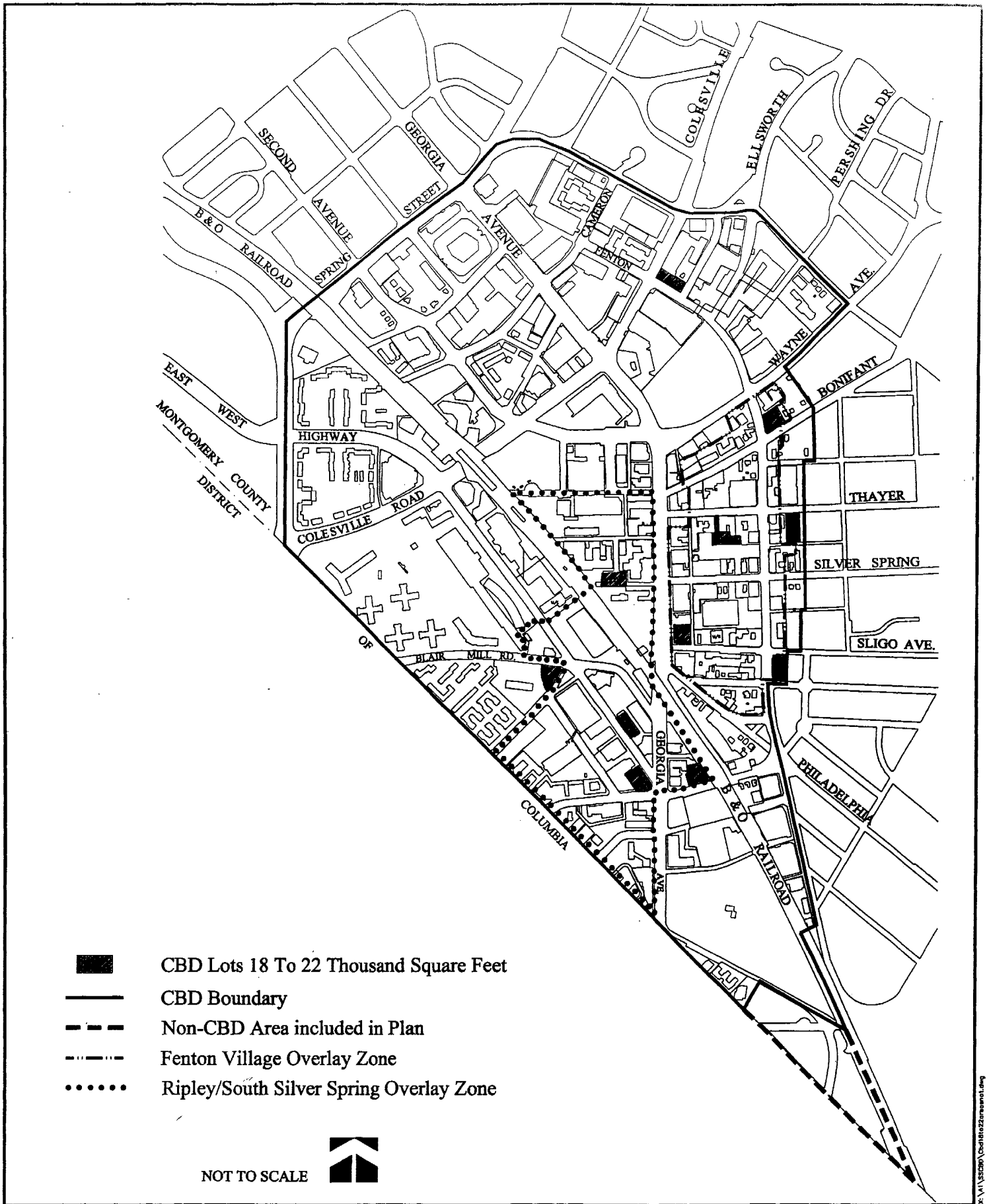
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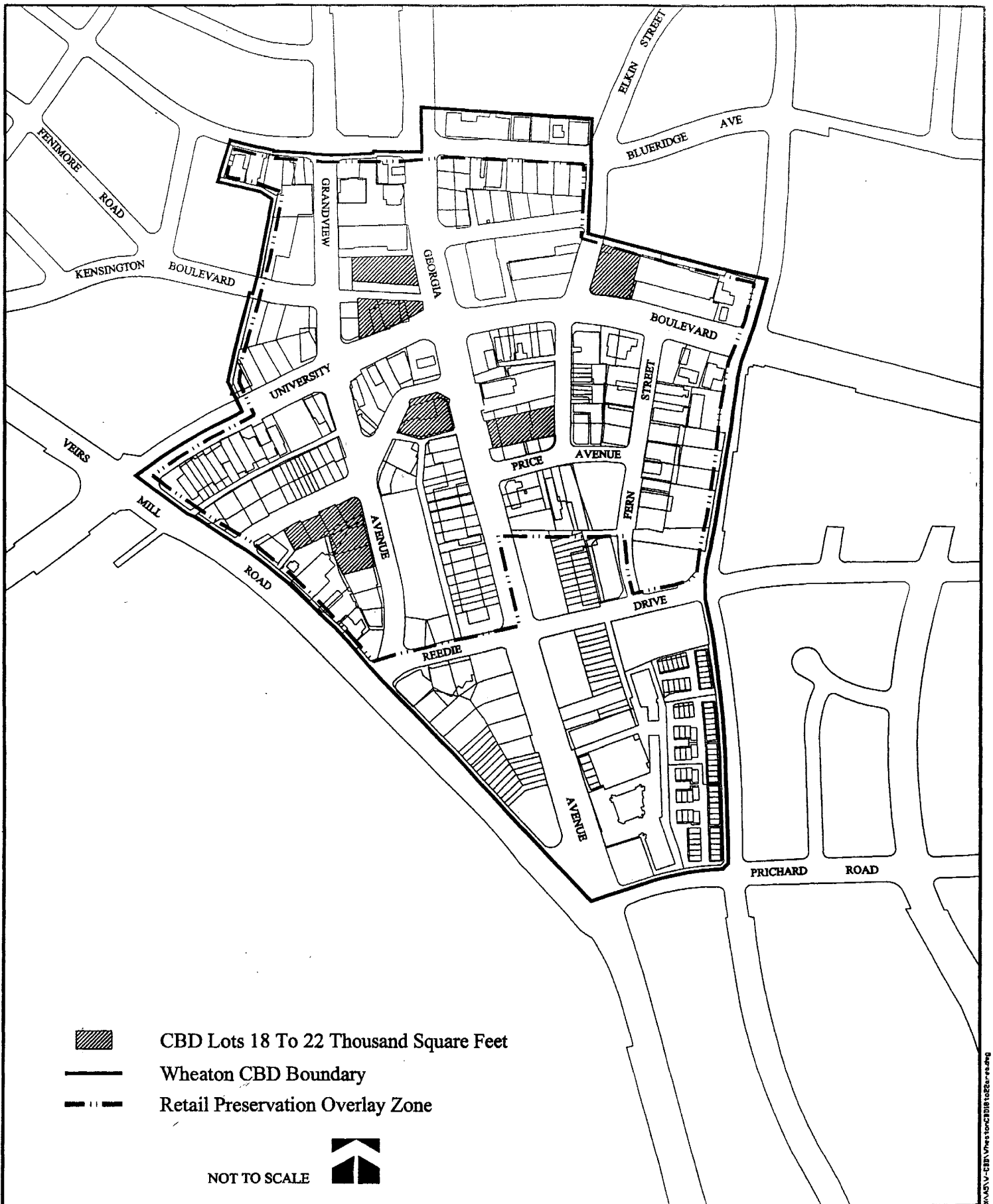
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58 Linda M. Lauer, Clerk of the Council

BETHESDA CBD









THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

May 17, 2005

The Honorable Tom Perez, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

Re: Planning Board Recommendation on Transmittal to County Council for Introduction of a Zoning Text Amendment based on recommendations from the Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

Dear Mr. ^{Tom}Perez and Councilmembers:

On May 12, 2005, the Planning Board approved, by a vote of 2:1 (on a motion of Commissioner Robinson, seconded by Commissioner Bryant, with Commissioners Bryant and Robinson voting in favor of the motion and Commissioner Wellington dissenting, and with Vice-Chair Perdue and Chairman Berlage being absent from the meeting), the transmittal to the District Council of a zoning text amendment that is related to recommendations in the Draft Woodmont Triangle Amendment to the Bethesda CBD Sector Plan. Although I was away on Planning Commission business at the time of the hearing, I am also in agreement with transmitting the proposed text amendment to the District Council for introduction. The dissenting voter on this item believed that introduction of the text amendment at this time would be premature until companion issues associated with the sector plan amendment have been resolved by the County Council.

This Zoning Text Amendment includes the following two modifications to the Zoning Ordinance:

1. Reduce the minimum lot size from 22,000 to 18,000 square feet in all CBD Zones to qualify for the Optional Method of Development.
2. Expand the ability to transfer density between lots within a "Housing Resource Area" in the CBD Zones to provide for housing, ancillary retail and arts uses. The transfer of density is presently allowed between adjacent lots or between lots separated by a public street. This amendment would allow transfer of density between lots anywhere within a "Housing Resource Area."

The text amendment, as recommended by the Planning Board, is included in the attached technical staff report.

Background

This text amendment is intended to accomplish a number of goals:

- Increase the opportunity for the use of the Optional Method of Development for projects to provide additional density near existing transportation resources and other public facilities in the CBD's
- Increase opportunities to provide needed public amenities and facilities in CBD's
- Increase opportunities to provide housing, including affordable housing, in the Woodmont Triangle
- Increase opportunities for existing retail business owners to take advantage of the Optional Method of Development
- Provide consistency with the lot requirements in the TS-R Zone (requires a minimum lot size of 18,000 square feet instead of 22,000 square feet)

The proposed reduction in the minimum lot size to qualify for the Optional Method of Development would assist in meeting the goal of creating a mixed-use neighborhood in the Woodmont Triangle as well as providing additional opportunities in other areas within the Bethesda CBD, and the Silver Spring and Wheaton CBDs.

The Woodmont Triangle Amendment designated a "Housing Resource Area." Property owners would be able to transfer density between lots located anywhere within the designated "Housing Resource Area" of the Woodmont Triangle. This would allow a property owner to retain an existing small-scale retail building and take advantage of a transfer of unused density as part of a combined development including housing.

The Planning Board recommends that the text amendment be introduced by the District Council. Members of the Planning Board and staff of the Department of Park and Planning are available to assist the Council in the review of the proposed text amendment necessary to implement our recommendations.

Sincerely,



Derick P. Berlage,
Chairman