



**Committee PHED**  
**Staff:** Jeffrey L. Zyontz, Senior Legislative Analyst  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #CR standards, #additional height

AGENDA ITEM 13A  
November 10, 2020  
**Introduction**

## **SUBJECT**

ZTA 20-05, Commercial/Residential Zones – Additional Height

## **EXPECTED ATTENDEES**

NA

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

NA

## **DESCRIPTION/ISSUE**

The proposed amendment to the Montgomery County Zoning Ordinance would allow a maximum building height of 200 feet for certain properties in the CR zone under certain circumstances.

## **SUMMARY OF KEY DISCUSSION POINTS**

The maximum building height in a CR zone is generally determined when the zone is placed on the official zoning map. There are properties very near Metrorail stations in central business districts that are mapped with a maximum height of 145 feet but have abutting and confronting properties that are mapped with a building height of 200 feet. Under certain circumstances, ZTA 20-05 would allow an increase in building height up to 200 feet for those properties without going through a local map amendment process. The ZTA includes a sunset provision.

### **This report contains:**

Cover Memo  
ZTA 20-05

### **Pages**

1  
©1-4

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**Introduction**

**MEMORANDUM**

November 5, 2020

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 20-05, Commercial/Residential Zones – Additional Height

PURPOSE: Introduction of ZTA 20-05

Zoning Text Amendment (ZTA) 20-05, lead sponsor Councilmember Hucker, is scheduled for introduction on November 10, 2020. ZTA 20-05 would allow an increase in building height for some properties in CR zones without going through a local map amendment process.

Only properties with all of the following attributes would be allowed an increase in maximum building height:

- in a Central Business District;
- within ¼ mile of a Metrorail station;
- mapped with a maximum building height of 145 feet;
- abutting or confronting properties on at least 2 sides that are mapped with a maximum building height of 200 feet;
- an approved sketch plan and site plan with at least 15% MPDUs and a major public facility.

ZTA 20-05 as introduced has a sunset provision. The additional height would not be allowed for sketch plan applications submitted more than 2 years after the date of Council approval.

A public hearing concerning ZTA 20-05 will be scheduled at a later date.

This packet contains  
ZTA 20-05

© 1-4

Zoning Text Amendment No.: 20-05  
Concerning: Commercial/Residential  
Zones – Additional  
Height  
Draft No. & Date: 2 – 10/20/2020  
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**

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Lead Sponsor: Councilmember Hucker

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- Allow additional building height in the Commercial Residential (CR) zone under certain circumstances

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

Division 4.5. “Commercial/Residential Zones ”  
Section 4.5.4. “Optional Method Development”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by 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 4.5. Commercial/Residential Zones**

2       Section 4.5.4. Optional Method Development

3       The CRT and CR zones allow development under the optional method.

4       A.     General Requirements

5       \*     \*     \*

6       B.     Development Standards

7       \*     \*     \*

8           2.     Lot, Density, and Height

9           a.     Lot standards for detached house, duplex, and townhouse  
10                 building types are determined by the site plan approval process  
11                 under Section 7.3.4.

12           b.     The maximum total, nonresidential, and residential FARs and  
13                 the maximum height are established by the mapped zone unless  
14                 increased under Section 4.5.2.C [and], Section 4.5.2.D, or  
15                 Section 4.5.4.B.2.d.

16           c.     [In the CR zone, a] A designated historic resource that does not  
17                 occupy more than 10% of the gross floor area is excluded from  
18                 the FAR calculation.

19           d.     The Planning Board may approve a maximum building height  
20                 of 200 feet on a property that is:

21                 i.     in a Central Business District;

22                 ii.    located within ¼ mile of a Metrorail Station;

23                 iii.   mapped with a maximum building height of 145;

24                 iv.   abutting or confronting, on at least two sides, properties  
25                 that are zoned CR and are mapped with a building height  
26                 of at least 200 feet; and

- 27 v. required by an approved sketch plan and site plan to
- 28 provide:
- 29 (A) a major public facility under Section 4.7.3.A; and
- 30 (B) at least 15% moderately priced dwelling units or at
- 31 least 15% of residential floor area for moderately
- 32 priced dwelling units under Chapter 25A.

33 \* \* \*

34 **Sec. 2. Effective date.** This ordinance becomes effective immediately upon  
35 the Council’s adoption.

36 **Sec. 3. Sunset date.** Subsection 4.5.4.B.2.d. will expire automatically on  
37 [effective date plus 2 years]. A complete application for sketch plan under this  
38 Subsection 4.5.4.B.2.d. must be filed and accepted as complete by the Planning  
39 Director before [effective date plus two years]. Any such sketch plan application  
40 that is subsequently approved will allow the applicant to proceed through any other  
41 required application step in the process, including amendments to all applications.

42  
43 This is a correct copy of Council action.

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46 Selena Mendy Singleton, Esq.  
47 Clerk of the Council