MEMORANDUM

July 11, 2014

TO: County Council
FROM: Jeff Zyontz, Legislative Attorney
SUBJECT: Action: District Map Amendment (DMA) G-956

The Planning, Housing, and Economic Development (PHED) Committee held work sessions on DMA G-956 on June 9, July 3, and July 10, reviewing general and specific mapping issues identified by Staff from a review of the record. The Committee voted to recommend approval of DMA G-956 with the following changes:

1) Revise the C-1 zone translations as follows (3-0):

<table>
<thead>
<tr>
<th>Location of C-1 Zoned Land</th>
<th>Proposed Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1 abuts R-150 or a lower density residential zone, or property is &gt;5 acres or contiguous with 5 or more acres of C-1</td>
<td>NR ±0 0.75, H 45</td>
</tr>
<tr>
<td>Property is in a master plan designated historic district</td>
<td>NR ±0 0.75, H 45</td>
</tr>
<tr>
<td>Abuts R-90, R-60, or R-40 zone</td>
<td>CRT 0.5 0.75, C 0.5 0.75, R 0.25, H 45</td>
</tr>
<tr>
<td>Confronts R-90, R-60, or R-40 zone or abuts townhouse or more intense zone</td>
<td>CRT 0.75, C 0.5-0.75, R 0.25, H 45 35</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone</td>
<td>CRT ±0 0.75, C 0.75, R 0-5 0.25, H 45</td>
</tr>
</tbody>
</table>

The Committee considered but did not recommend changing the following:
1) Planning staff's interpretation of binding height and density (3-0).
2) The proposed translation of I-1 zoning in the Westbard area to IM 2.5, H 50 (2-1; Councilmember Elrich would limit any IM zoning to 45 feet if it abuts a residential zone).
3) Making all the zoning of all land with existing building consistent with the height and density of the building (3-0).
4) The Zoning Rewrite's provisions for MPDUs (3-0).
5) The proposed zoning for the TOMX-2 and TOMX-2/TDR zone near Shady Grove Metro (3-0).
6) The proposed zoning for:
   - the Grove Site – as corrected June 3 – CR 0.75, C 0.75, R 0.25, H 80 T (3-0)
   - the C-4 property in Westbard (3-0)
   - 1315 Apple Avenue (3-0)
   - The Woodmoor shopping Center (2-1; Councilmember Elrich would recommend CRN or NR zoning)
   - RE-2 property in Darnestown (3-0)
   - Quiagen property in Germantown (3-0)
   - The Pleasants' properties (3-0).
2) Revise the C-2 zone translations as follows (3-0):

<table>
<thead>
<tr>
<th>Location of C-2 Zoned Land</th>
<th>Proposed Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuts R-150 or a lower intensity residential zone, or is a regional shopping center</td>
<td>GR 1.5, H 45</td>
</tr>
<tr>
<td>Abuts R-90, R-60, or R-40 zone</td>
<td>CRT 1.5, C 1.5, R 0.75 0.5, H 45</td>
</tr>
<tr>
<td>Confronts R-90, R-60, or R-40 zone</td>
<td>CRT 2.0 1.5, C 1.5, R 0.75 0.5, H 45</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone and is &lt;300’ from one-family detached zone</td>
<td>CRT 2.25, C 1.5, R 0.75, H 45</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone and is &gt;300’ from one-family detached zone</td>
<td>CRT 2.25, C 1.5, R 0.75, H 75</td>
</tr>
</tbody>
</table>

3) Revise the zoning in the Germantown area affected by a master plan recommendation for an average density to allow a 2.0 FAR consistent with it current zoning CR 2.0, C 1.5, R 1.5, H 150 T (2-1 Council Elrich would retain the 1.0 FAR maximum).

4) Revise the zoning for the OM property in the Wildwood Shopping Center to CRT 1.25, C 0.5, R 0.75, H 50 (3-0).

5) Correct the already approved PD-3 zoning for 10400 Darnestown Road (3-0).

6) Reflect the approved site plan on the Chevy Chase Center and apply CR 0.75, C 0.75, R 0.25, H 55 T zoning (3-0).

7) Revise the zoning map to correct all errors recommended by Staff (3-0).

8) Deferred a recommendation on zoning for the Pooks Hill Marriot site until the Council’s meeting on July 15.

Background

The Council approved a new zoning code (ZTA 13-04) with an October 30, 2014 effective date. Although virtually all residential zones will not change in name or development standards, the new code creates some new zones and deletes some current zones. The zoning map must now change to conform to the new code. Except for R-150, RMH-200, RMH, and the name of the Rural Density Transfer zone, there are no changes to mapping residential zones. With regard to all other zones, the Planning Board recommended zones in the DMA with essentially the same development standards (building height and density) as current zoning. The PHED Committee refined that approach to recommend zoning be consistent with master plan recommendations and binding elements in rezoning cases.\(^2\) That change was made to the online maps as a Committee proposed change in September 2013, before the Council’s second public hearing in November 2013.

---

\(^2\) For example, following the PHED Committee’s recommendation to map master plan recommendations for height and density, all property within the Woodmont Triangle Sector Plan area was mapped with a maximum commercial FAR of 1.0. Under Section C-6.215 of the current code, "[t]he density allowed must not exceed ... the density recommended by the applicable master plan or sector plan." In the case of Woodmont Triangle, the plan states (on page 13): "FAR – In order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to an FAR of 1.0 for non-residential development."
The proposed web-based zoning map (available at www.zoningmontgomery.org or www.mcaltas.org/zc) follows published conversion “rules”. Since its introduction, Planning staff has made changes to the map to correct translation errors (properties mapped in a manner inconsistent with the rules); to implement PHED Committee recommended changes to the translation rules; and to incorporate all local, sectional, and corrective map amendments approved by the Council since May 2, 2013. Documentation of all changes to individual properties is available on the same website.

The approval of DMA G-956 will make the web-based map the official zoning map for the County effective October 30, 2014. October 30, 2014 is when the new Zoning Ordinance will become effective. A ZTA to correct errors, add clarifications, address problems raised in the record of the DMA, reflect ZTAs approved since the approval of the new code, and issues raised by Staff will be available for introduction on July 29, 2014.

All back-up material can be found in the PHED Committee packets for July 3 and July 10.

Issues

The following is a list of all mapping issues considered by the PHED Committee during its worksessions on June 9, July 3, and July 10. The Committee recommendation for each issue is noted.

1. Alternative translations for the C-1 zone

During the PHED Committee review of the Zoning Ordinance Rewrite last fall, the proposed translation of the C-1 zone was discussed twice. Both times, a majority of the Committee voted to retain the Planning Board’s recommendation. However, as part of the reexamination of all translations, Planning staff believes the alternative translation more closely matches the maximum potential under the current code.

The current C-1 zone does not have a maximum density in terms of Floor Area Ratio (FAR). Planning staff estimated the potential maximum FAR in order to establish a limit under the new zone. Upon further review and recalculation of lot coverage to accommodate parking requirements, Planning staff believes a maximum FAR of 0.75 is a better approximation of the maximum potential under the current zone. The few properties that exceed .75 FAR in the C-1 zone appear to have been developed under a different zone and then rezoned to C-1.

---

3 The 37 pages of conversion rules are attached (see attachment to the draft resolution approving DMA G-956).

4 Staff did not include the written material submitted by individuals in this packet. It may be found in the July 3 and July 10 Committee packets.

5 The average FAR for developed C-1 zoned properties is .29 FAR. The properties that exceeded .75 do not satisfy C-1 height limits and appear to have developed under a different zone than C-1.
In addition, the alternative translation simplifies the current proposal by combining the translations for properties abutting or confronting an R-90, R-60, or R-40 zone vacant or improved with a residential use into one translation. Also, in every translation, the maximum total and commercial FAR is the same and the percentage of residential development is limited to 30 percent of the total FAR for all conversions, providing a more uniform translation of the C-1 zone.

In low density residential areas where driving to a neighborhood shopping center is almost assured, C-1 translates to NR, the Neighborhood Retail zone. A majority of C-1 acreage falls into this category. The development standards regarding access and location of parking are compatible with the predominance of auto use in these areas. Height is allowed up to 45 feet. Homes in the surrounding low density residential zones are allowed a height of up to 50 feet.

Where C-1 abuts or confronts an R-90 or higher density zone, C-1 translates to the CRT zone, where the building form standards are more pedestrian-oriented to help create a more walkable environment. Building height is restricted where a C-1 zoned property shares a property line with or is across the street from homes in an R-90, R-60, or R-40 zone. Homes in these residential zones are limited to a maximum height of 35 feet. Where C-1 abuts a townhouse zone or more intense area, height is allowed up to 45 feet.

For large C-1 properties (5 acres or more), a C-1 translation to NR is also proposed, regardless of the abutting and confronting zones. These large shopping centers include pad sites and drive-thrus that are more compatible with the NR zone.

In addition, C-1 properties in historic districts translate to the NR zone. While the Historic Preservation Commission (HPC) is well-suited to ensure that form standards similar to those in the CRT zone would be applied where appropriate, the HPC cannot regulate the uses allowed within historic structures; therefore, a translation to NR ensures that uses allowed under the current code are retained.

---

### Location of C-1 zoned land

<table>
<thead>
<tr>
<th>Proposed new translation</th>
<th>Acres</th>
<th>% Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuts R-150 or less dense; or comprises 5 acres or more</td>
<td>NR 1.0 0.75, H 45</td>
<td>240</td>
</tr>
<tr>
<td>Abuts R-90, R-60 or R-40</td>
<td>CRT 0.5 0.75, C 0.5 0.75, R 0.25, H 35</td>
<td>30</td>
</tr>
<tr>
<td>Confronts R-90, R-60 or R-40</td>
<td>CRT 0.5 0.75, C 0.5 0.75, R 0.25, H 35</td>
<td>20</td>
</tr>
<tr>
<td>Abuts or confronts townhouse or more dense</td>
<td>CRT 1.0 0.75, C 0.75, R 0.5 0.25, H 45</td>
<td>46</td>
</tr>
</tbody>
</table>

In addition, there are 53 acres of C-1 zoned land that have customized transition zones based on their master plan or current overlay zone. Customized transition zones would not be changed by the changed translation in the table above, but would be changed by the Planning Board recommendation to translate all properties in historic districts to NR.

7 Councilmember Elrich requested additional information on current building heights on C-1 zoned property. (Development of C-1 property was never the subject of site plan review, unless required due to a special exception approval.) Planning staff found 25 instances where structures on C-1 zoned land exceeded 30 feet in height. In 15 of those cases, the building was higher along a side lot line (36 feet on average). In only 4 cases was the highest height on the front of the property.

8 Currently, C-1 properties in the Takoma Park historic district are proposed for CRT zoning. Under the proposed policy change, these 11.6 acres would go to NR with the same overlay zone influenced height limit (50 feet). In Capital View, .95 acres would change. Only .2 acres would change in Garrett Park, and an even smaller amount in Sandy Spring (.08 acres).
The alternative C-1 zone translation is as follows:

<table>
<thead>
<tr>
<th>Location of C-1 Zoned Land</th>
<th>Proposed Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1 abuts R-150 or a lower density residential zone, or property is &gt;5 acres or contiguous with 5 or more acres of C-1</td>
<td>NR 1:0 0.75, H 45</td>
</tr>
<tr>
<td>Property is in a master plan designated historic district</td>
<td>NR 1:0 0.75, H 45</td>
</tr>
<tr>
<td>Abuts R-90, R-60, or R-40 zone</td>
<td>CRT 0.5 0.75, C 0.5 0.75, R 0.25, H 35</td>
</tr>
<tr>
<td>Confronts R-90, R-60, or R-40 zone or abuts townhouse or more intense zone</td>
<td>CRT 0.75, C 0.5 0.75, R 0.25, H 45 35</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone</td>
<td>CRT 1:0 0.75, C 0.75, R 0.25, H 45</td>
</tr>
</tbody>
</table>

The Committee approved the alternative translation for the C-1 zone (3-0).

2. Alternative translations for the C-2 zone

Planning staff also recommended an alternative translation for the C-2 zone, combining the abutting and confronting conversions and setting the residential FAR equal to 30 percent of the total FAR for the abutting/confronting R-90, R-60, or R-40 zone conversions.

The alternative C-2 zone translation is as follows:

<table>
<thead>
<tr>
<th>Location of C-2 Zoned Land</th>
<th>Proposed Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuts R-150 or a lower intensity residential zone, or is a regional shopping center</td>
<td>GR 1.5, H 45</td>
</tr>
<tr>
<td>Abuts R-90, R-60, or R-40 zone</td>
<td>CRT 1.5, C 1.5, R 0.75 0.5, H 45</td>
</tr>
<tr>
<td>Confronts R-90, R-60, or R-40 zone or abuts townhouse or more intense zone</td>
<td>CRT 2.0 1.5, C 1.5, R 0.75 0.5, H 45</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone and is &lt;300’ from one-family detached zone</td>
<td>CRT 2.25, C 1.5, R 0.75, H 45</td>
</tr>
<tr>
<td>Abuts townhouse or more intense zone and is &gt;300’ from one-family detached zone</td>
<td>CRT 2.25, C 1.5, R 0.75, H 75</td>
</tr>
</tbody>
</table>

The Committee approved the alternative translation for the C-2 zone (3-0).

3. Current nonconforming structures – Should all existing buildings be made conforming in their new zone, even if the building is not conforming under current zoning?

The record of G-956 includes requests to map existing nonconforming properties to their built height and/or density. The request to zone to the existing building height and density should not be confused with a modification to the PHED Committee’s recommendation to map master plan recommended heights and density. The Committee was aware that applying master plan recommendations for height and density could result in non-conforming structures. The Committee modified the master plan

---

9 A letter is in the record of G-956 regarding 5520 Wisconsin Avenue. The existing building at this location has a higher height and slightly more density than is allowed under the current CBD-1 zone. A representative for the property owner requested that the property be mapped at its existing height and density.
mapping rule to address this situation. The Committee directed Staff to map in a manner that accommodated the approved project whenever a property owner or their representative requested such accommodation for a built or unbuilt building.

Planning staff applied the Committee’s decision rule to buildings that conform to their current zone and that only through the mapping of master plan recommendations (in the absence of the Committee decision rule) would the property have become non-conforming. Properties that are non-conforming under the current code are grandfathered, but Staff did not change the zone to accommodate their buildings. The conversion aims to be compatible to the current code; it does not change the status of a property currently unable to meet the zoning code.

The purpose of the DMA is to translate current zoning into zones in the new code. It is not to change the decisions made in master plans. At the request of the County Attorney’s office, Staff will propose amending the grandfathering text to give rights to legally constructed buildings, not all buildings.

The Committee approved retaining the translations to equal the height and density of the property’s current zone and retaining the zoning recommendations of approved master plans (3-0).

4. Binding elements – To what extent should a development plan be binding when all elements are categorized as binding on the plan?

Some current floating zones required development plans (TSR, TSM, MXN, MXPD). Some of those development plans have specific binding elements. The Rewrite refers to development plans and binding elements for the purpose of conformance. There are approved floating zones that do not have development plans.

Concern has been raised in the record as to whether the height and density specified in the development plan are binding if the development plan does not specify them as binding elements. After careful consideration of the development plan language in the current zoning code and the language in the resolution of the rezoning applications, Staff believes that the intent of both is to bind the development to the height and density, regardless of whether or not the plan specifies these as binding elements. The development plan language in the current code implies that any development must conform to its

---

10 Some current floating zones did not require development plans (CT, OM, CP, C-3, HM, I-3, RS).

11 Article 59-D. Zoning Districts-Approval Procedures.

Introduction.
(a) In certain zones, the developer must submit plans for approval, and development must be consistent with the approved plans. Article 59-C indicates under each zone which, if any, of these plans are required. These plans are of 4 kinds, as follows:

(1) Development plan. This is a plan submitted as a part of an application for the reclassification of land into the zone, and the approval of the application includes the approval of the plan. (See division 59-D-1.)

***

Division 59-D-1. Development Plan.
Sec. 59-D-1.1. Zones in which required.
Development in the following zones is permitted only in accordance with a plan approved by the district council at the time the land is classified in one of these zones, as provided by article 59-C, “Zoning Districts; Regulations,” and Section D-1.7.

***

Sec. 59-D-1.2. Development plan general requirements.
(a) In order to assist in achieving the flexibility of the design needed for the implementation of the purposes of these zones, the applicant must submit a development plan as a part of the application for reclassification. A site plan that
approved development plan. Because height and density are key factors in establishing the intensity of a development project, Staff believes this language makes height and density inherently binding for a project approved through a development plan and therefore applied that information as zone limits in the proposed map.

Landowners and the Building Industry Association have argued that the limits of their current zoning should be applied. Under the current code, a Development Plan Amendment (DPA) is required to increase height and density to the maximum of the zone. Changing height and density in a CR or CRT zone is a zoning change. As proposed by Staff, a Local Map Amendment (LMA) for a new zone or a Sectional Map Amendment (SMA) would be required instead of merely a DPA. Staff notes that both processes require a Council decision after a quasi-judicial hearing by the Hearing Examiner.

If properties approved with a development plan are translated to a zone allowing the maximum height and density in the current zone—without regard to any approved development—the discretion for development above standard method would be with the Planning Board (at least sketch plan approval and site plan approval). The Council would not have a future role in the Building Industry’s proposed process absent a ZTA, LMA, or future SMA.

Where a development plan is not required by the current zone and there is no clear intent for the developer to be bound by the description of proposed development, the property retains the height and density of its approved floating zone without limitation under the proposed DMA. An even more expansive view of binding elements than the one taken by Staff would be to make any numeric limit stated as part of the approval as the basis for rezoning. Planning staff did not recommend this more expansive approach.

The Committee approved retaining the zoning limits specified in a development plan as binding; however, the Committee requested that Staff draft text that would give properties currently zoned under an LMA with a development plan the ability to amend those plans up to the current zoning limit (3-0).

---

forms to all non-illustrative elements of the approved development plan must later be approved under Division 59-D-3 before any building permit is issued.

(b) Sec. 59-D-1.3. Contents of development plan.

(b) In the zones indicated by "X" below, the following shall also be shown:

<table>
<thead>
<tr>
<th></th>
<th>P-D</th>
<th>&quot;Mixed Use PD&quot;</th>
<th>Town sector</th>
<th>P.N</th>
<th>R-MH</th>
<th>TS-R</th>
<th>TS-M</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The maximum population proposed for each residential area.</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) A diagram showing the general build and height of the principal buildings and their relationship to each other and to adjacent areas.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) The gross floor area of buildings, by type of use, and the FAR.</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5. Rounding for property currently zoned I-1

CR zones change in increments of .25 in FAR and 5 feet in height. When the current zoning envelope falls in between those marks, the zoning translation rounds up. A particular concern was raised by the Citizens Coordinating Committee on Friendship Heights, which objected to the I-1 zone with a 42 foot height limit being translated to 50 feet. Planning staff’s translation summary states:

I-1 Default: IM-2.5, H-50

The I-1 zone allows a maximum building height of 42'; however, the Planning Board increased the height in the conversion to 50' after hearing concerns from several industrial property owners about the height necessary to accommodate certain industrial uses. The I-1 zone has no maximum FAR; the 2.5 FAR in the conversion accommodates existing buildings. Under special regulations in the I-1 zone, height can be increased up to 120' for providing an employment center if the master plan does not indicate that large employment centers are unsuitable.

Only 24 out of some 500 I-1 zoned properties (5%) are abutting single-family residential zones and would allow a building height of 50 feet. Another six I-1 zoned properties that abut residential zones would be limited to 45 feet due to master plan height restrictions.

The Committee approved retaining the Planning Board proposed default translation (2-1; Councilmember Elrich would limit the height in the IM zone to 45 feet for properties abutting a residential zone).

6. Property-specific requests

a. Greater Colesville

In a letter dated April 13, 2014, the Greater Colesville Citizens Association requested that zoning for 2 properties in the commercial area of Colesville be modified to match the zoning proposed for other contiguous properties in the same block. Currently, the NR and CRT zones are proposed.

Both of these properties have a proposed density that is greater than the other properties within the block. This occurred because the other properties within the block abut property in a residential zone. The alternative translation for the C-1 zone approved by the Committee eliminates this disparity in density, since the alternative translation proposes the same maximum density for all C-1 conversions.

Planning staff’s proposed alternative translation would not change the base zone. In one case, the majority of the block is proposed to translate to NR (it abuts property in an RE-1 zone), while one property at the intersection of Randolph Road and New Hampshire Avenue would still convert to CRT, since it abuts and confronts only other commercial zones.

The Committee-approved alternative translation for the C-1 zone eliminates the disparity in density, since the alternative translation proposes the same maximum density for all C-1 conversions. The Committee did not recommend any further changes to the zone translation for this area (3-0).
b. C-2 along Oak Drive in Kensington

There is a request by a resident of Kensington to translate a C-2 property along Oak Drive, confronting an R-60 neighborhood, to CRN rather than CRT. Planning staff did not change the translation rules for a particular property; however, the alternative translation proposed to the Committee for C-2 would result in a lower FAR and a lower maximum height for this property.

*The Committee-approved alternative translation for the C-2 zone would result in a lower FAR and a lower maximum height for this property. The Committee did not recommend any further changes to the zone translation for this property (3-0).*

c. Ambassador Hotel site and building height generally

The same Kensington resident who expressed concern over the Oak Drive site (and was very involved in the Wheaton plan) wrote in with a concern over the additional height and density allowed for the provision of more than 12.5 percent MPDUs. There was particular concern for the Ambassador Hotel site in Wheaton.

In the course of its work on the Zoning Rewrite, the Council was persuaded that the existing and proposed code did not give sufficient incentives for MPDUs. To that end, the Council generally allowed additional height to the extent required for the floor area taken by the MPDUs in excess of 12.5 percent. The allowance for additional height did not change the compatibility rules (building setbacks next to one-family residential zones must be 1.5 times the residential setback; at the start of the setback, the height may be no greater than the height allowed in the residential zone with 1 foot increase in height for each additional 1 foot setback thereafter).

The Council’s actions with regard to density and MPDUs should also be noted. If the project provides between 12.5 percent and 15 percent MPDUs, then the floor area required above 12.5 percent MPDUs is not counted against density. If more than 15 percent MPDUs are provided, then all of the floor area used for MPDUs is not counted against density. The Council does not expect wholesale use of these MPDU provisions due to the price restrictions on MPDUs and the cost of high-rise construction. This would include Wheaton. If the occasional property, such as the Ambassador property, exceeds a master plan recommended building height, that is acceptable to the Council. The Council believes that providing more MPDUs enhances the public interest more than the strict adherence to master plan recommended height limits. Any change to these situations would require a ZTA, not a map change.

The provision for property in central business districts, which only allows higher buildings for workforce housing and master plan recommended properties in zones with less than 145 feet, is a repeat of the current code, which was not changed; height may be increased by a factor of 1.5 times the height stated in the zone. (CBD zoned properties that were not rezoned by SMA to a CR zone will have a “T”.) A property that allows more than 145 feet would NOT be allowed to increase its height. This could lead to a property designated with a lower height getting a building with a higher height than its more entitled neighbors.

There appears to also be a problem in the code as approved with a building that will be all MPDUs. Such a building would have no height limits and there would be no FAR limit. Now the likelihood of an all-MPDU building would be extremely low, but the fear of an all-MPDU building with unlimited height and density is extremely high.
The Committee did not approve any changes to the Council adopted text regarding incentives for MPDUs that would reduce those incentives (3-0).

d. Kaiser Foundation Health and the Symmetry at Cloverleaf sites in Germantown

A letter from a representative for the Kaiser Health Plan Foundation is in the record. An additional letter from Symmetry at Cloverleaf in the same area with the same complaint was also received. The Kaiser Health Plan Foundation owns undeveloped land in Germantown, zoned TMX-2. In the zoning translation, this property is proposed to convert to CR 1.0, C 0.75, R 0.5, H 145 T.

In the May 2, 2013 proposed DMA, the Planning Board recommended this property translate to CR 2.0, C 1.5, R 1.5, H 150 T. Following direction from the PHED Committee to map master plan recommendations regarding height and density, the translation for the property in question was revised to CR 1.0, C 0.75, R 0.5, H 145 T. The owners believe that the Planning Board’s original recommendation for the site should be applied.

Both properties are part of the Germantown Forward Sector Plan, adopted in October 2009. The Sector Plan identifies this property as part of the “Seneca Meadows property (North of Crystal Rock Tributary)” and recommends the following:

“Concentrate mixed-use development at the transit station with an average density of 1.0 FAR on the Seneca Meadows property north of Crystal Rock Tributary (SM-1). To ensure the area retains an employment profile, develop with a minimum of 70 percent employment uses that include limited street level retail and a maximum of 30 percent residential uses. Street level retail must conform to the Plan’s urban design guidance.” [Page 67, first bullet]

While the Sector Plan recommends an average of 1.0 FAR for the Seneca Meadows area, this could only be achieved by limiting all properties to a 1.0 FAR, or allowing some properties an FAR greater than 1.0 and restricting other properties to an FAR of less than 1.0. In an effort to treat all properties in a uniform manner, the properties in Seneca Meadow are proposed to translate to CR with a 1.0 FAR.

The representatives of Symmetry claim that the Sector Plan could have recommended TMX-1 if it wanted to limit density to 1 on each site. They fail to note that there is no TMX-1 zone.

The Committee approved a revised translation for properties in the Germantown Master Plan where an average FAR is recommended. The revised translations allow the maximum total density under the current code, relying on the master plan text to remain a guide to development approvals (2-1; Councilmember Eirich would retain the average FAR as the maximum for all applicable properties).

e. Property in the TOMX-2 and TOMX-2/TDR zone near Shady Grove metro

The owner of three parcels (N171, N313, N388) located in Shady Grove near the Shady Grove Metro Station requested relief from the proposed zoning. A representative for these properties believes the proposed translation represents a down-zoning of residential density.

The TOMX-2 and TOMX-2/TDR zones do not have a default conversion because every property under a TOMX-2 or TOMX-2/TDR zone has a master plan recommendation for height and density. The most closely related new zone is the CRT zone. All of the properties zoned TOMX-2 (and TOMX-2/TDR)
were translated to CRT except for one property, which was converted to CR to accommodate height above the maximum allowed under the CRT zone.

The Sector Plan includes a map which indicates the density limitations for each of these properties. The map divides the region into several named areas. Specific language for each of the areas is also in the text.

The areas defined by the Sector Plan are:

- **Metro West**
  Subdivided into the “1.6 FAR area” – this includes N171. The map on page 35 notes the following limitations for this area: 1.6 FAR, and 30-40 du/c and the “1.4 FAR area” – (none of the 3 parcels falls in this area)

- **Metro South**
  Subdivided into the “1.6 FAR area” – this includes N313. The map on page 35 notes the following limitations for this area: 1.6 FAR, and 30-40 du/ac and the “1.4 FAR area” – this includes N388. The map on page 35 notes the following limitations for this area: 1.4 FAR, and 25-30 du/ac

Within the text of the Sector Plan, more specific direction is given.

*For the 1.6 FAR Area (including parcels N171 and N313)*

The recommendation for 1.6 FAR is the total base density, without bonus density that can be achieved through TDRs or MPDUs. While it’s true that there is only a minimal requirement for commercial, there is a cap of 40 dwelling units per acre in base residential density. Under the TOMX-2 and TOMX-2/TDR zones, all of the provisions regarding density must be followed. A maximum of 1.6 FAR is allowed only if the maximum number of dwelling units does not exceed 40 units per acre.

---

12 Page 35 of the Sector Plan.
13 Metro West is discussed starting on page 39 of the Plan. An excerpt is below:

- Providing some commercial uses within all development to ensure an adequate mix of uses. Retail at the ground level should be achieved on blocks with good market visibility.
- Allowing a base range of 1.4 to 1.6 FAR as shown on the Density Distribution Map. Require a minimum of 70% residential uses and allow up to a maximum of 30% commercial uses. A variety of unit sizes must be provided. In the 1.6 FAR area, allow a base density range of 30-40 dwelling units per acre. The number of units per acre may increase for workforce housing, TDRs, and MPDU bonus density.
- Providing 20% TDRs for properties within the base density of 1.6 FAR, potentially achieving up to 2.0 FAR and 50-60 dwelling units per acre. (The 2.0 FAR and 50-60 dwelling units per acre is only achievable with the density bonus provided by the purchase of TDRs, provision of 15% MPDUs, and the provision of workforce housing)

Metro South is discussed starting on page 42 of the Plan. An excerpt is below:

- Creating a mixed-use residential community with office and retail, oriented toward MD 355 and Redland Road.
- Allowing a density range of 1.4 to 1.6 base density FAR with a minimum of 70% residential and a maximum of 30% commercial uses.
- Providing 20% TDRs for properties with a base density of 1.6 FAR potentially achieving up to 2.0 FAR and up to 50-60 dwelling units per acre. (The 2.0 FAR and 50-60 dwelling units per acre is only achievable with the density bonus provided by the purchase of TDRs, provision of 15% MPDUs, and the potential for workforce housing).
- Providing some commercial uses within all development to ensure an adequate mix of uses. Retail at the ground level should be achieved on blocks that have good visibility.
In translating zones where residential density is given in terms of dwelling units per acre, Planning staff used a standard unit size. Assumed unit sizes varied by unit type and whether a property is inside or outside of a Central Business District (CBD). For the properties in question, 1,437.5 square feet per unit was used (1,250 square feet is average dwelling unit size times 1.15 to account for common areas like lobbies and hallways). Forty dwelling units per acre at that average size equals a FAR of 1.32. The base Residential in the proposed translation is 1.5 FAR. This residential FAR represents a rounding up of the calculated FAR to accommodate the potential for workforce housing and the requirement for a mix in unit type. The density bonus for the provision of MPDUs is accommodated by the T language. The bonus density awarded for the purchase of TDRs is accommodated by the TDR overlay.

What the owner views as a potential down-zoning of residential density involves the difference between the proposed maximum residential density of 1.5 FAR and the 1.6 total FAR allowed under the current code. The premise is that in projects that are mainly residential, the provision of a modest amount of commercial development allows a property owner the ability to develop the remaining FAR as residential – up to potentially a 1.59 FAR. The proposed translation capping residential density at 1.5 is a potential loss of up to .09 FAR.

In translating total density for these parcels, Planning staff rounded total density up to 1.75 FAR. Residential density was not rounded up to 1.75 FAR following a Sector Plan recommendation for mixed-use. In addition, if the residential FAR were set at 1.75, this increase could be a disincentive for the purchase of Transferable Development Rights (TDRs).

For the 1.4 FAR Area (including parcel N388)

The recommendation for total density is 1.4 FAR. Similar to the other parcels, while there is only a minimal requirement for commercial FAR, there is a cap of 30 dwelling units per acre in base residential density. Thirty dwelling units per acre at 1437.5 square feet per unit would equal an FAR of 0.99. The base Residential in the proposed translation is 1.25 FAR. This residential FAR represents a rounding up of the calculated FAR to accommodate the potential for workforce housing and the requirement for a mix in unit type. The density bonus for the provision of MPDUs is accommodated by the T language.

In translating total density for this parcel, Planning staff rounded up to 1.5 FAR. Residential density was not rounded up to match total density following a Sector Plan recommendation for mixed-use. The parcel in this area is not in a “TDR” zone.

The Committee did not approve changing the Planning staff recommended translation for these parcels. The Committee also endorsed the Staff proposed TDR density calculation (3-0).

f. TS-M zoning and the Grove Site

The proposed zoning for the TS-M site located at the intersection of Shady Grove Road and MD 355 has been a subject of review. The density and the height of the zone were lowered in the April 2014 version of the DMA, over the protests of the property owner. Staff believes height and density should be adjusted once again based on an analysis of the site’s original development plan approval and subsequent amendments.

In the May 2013 proposed DMA, this TS-M site was mapped to the maximum density allowed in the existing zone (3.0 FAR). Since the TS-M zone does not specify a maximum height, Staff chose a height based on an assumption about the tallest approved building in the TS-M zone. The zone initially
proposed for the site was CR 3.0, C 2.5, R 2.5, H 200. Presumably, the property owner anticipated a redevelopment scenario based on this original proposed zoning classification.

After the Council postponed the adoption of the DMA, Planning staff undertook a detailed review of the justifications for all proposed zone translations. Planning staff decided that the original approach to the TS-M translation was overly permissive, given that TS-M is a floating zone approved by the County Council in conjunction with a development plan that specifies a proposed height and density. Given the PHED Committee direction to map height and density based on master plan recommendations, mapping to Council approved development plans seemed the most consistent approach.

Planning staff did not immediately find the development plan. A site plan was used as the basis for the April 2014 revised zoning classification. Site plan 8-1982-0310 authorized approximately 0.43 FAR of commercial development on the site, but the site plan included only a portion of the existing development. The existing hotel on the site was not included on this site plan. Because the site plan did not cover the entire site, Staff rationalized this zoning translation based on the maximum density allowed on surrounding properties (1.5 FAR), and estimated the height of the hotel, the tallest building on the site (seven stories or 80 feet). The translation on the website as of April 19, 2014 is CR 1.5, C 1.5, R 0.25, H 80 T.

After further review of this site, Planning staff identified two development plans approved for this site.14

To most accurately reflect the zoning approved by the development plans above, Planning staff recommends the following zoning: CR 0.75, C 0.75, R 0.25, H 80 T.

**The Committee approved retaining the zoning limits specified in a development plan as binding; however, the Committee requested that Staff draft text that would allow properties currently zoned under an LMA with a development plan the ability to amend those plans up to the current zoning limit (3-0).**

---

14 These zoning approvals give precise zoning specifications for this site, as detailed below.

**Zoning History**

**January 1978:** Application G-7 was approved by the County Council to reclassify 3 contiguous parcels, consisting of 4.264 acres, from the C-1 and R-200 zones to the TS-M zone. The Council Resolution (8-1717) states, “According to the Amended Site Development Plan, part of the evidence of record, the applicant intends to develop 13,000 square feet of retail and 55,000 square feet of office space on the subject property. The evidence of record reflects that the subject site will be developed with a five-story office building to accommodate the 55,000 square feet of medical office space.” Furthermore, the *Resolution to Grant* language states “that - Application No. G-7 for the reclassification from the C-1 and R-200 zones to the TS-M zone of 4.264 acres of land being property known as ‘part of L. F. Huntt property’ located at the southwest quadrant of the intersection of Shady Grove and Maryland State Route No. 355, Gaithersburg, in the Ninth Election District is hereby granted for the TS-M zone in the amount requested.”

**April 1984:** Application G-401 and Development Plan Amendment 83-4 were approved concurrently by the County Council. Application G-401 reclassified a 26,423 square foot parcel, located next to the TS-M property, from the C-3 zone to the TS-M zone. The combined G-7 and G-401 tract is 4.9 acres. According to Council resolution 10-673, “the development plan proposes a seven-story, 126 unit hotel-motel to be located immediately south of existing TS-M development. The new building would ... contain about 61,600 square feet... The floor area ratio would be limited to .5585...” DPA 83-4 integrated the G-401 property under a unified development plan, including the previously approved G-7 property. The *Resolution to Grant* language states “that - Application No. G-401 for the reclassification from the C-3 zone to the TS-M zone of 26,423 square feet of land known as Lots 5, 6, and part of Lot 4, Block 3, Michel C Zetts Subdivision, located at 9 Fedor Street and 907 Zetts Avenue, Gaithersburg, in the 9th Election District is hereby granted for the TS-M zone in the amount requested and subject to the specifications and requirements of the combined development plan amendment approved above.”
g. C-4 zoned property in Westbard

The Citizens Coordinating Committee on Friendship Heights believes that the proposed translation should limit the height to 30 feet and the density to .25 FAR. The C-4 zone allows higher height unless the master/sector plan says that the height is not appropriate. Planning staff used the following translation rule for C-4 zoned property:

15 59-C-4.372 Building Height. No building shall exceed the following height limits:
- Stories -2
- Feet - 30
59-C-4.373 Floor Area. The total floor area of buildings, including cellars shall not exceed 0.25 FAR.

59-C-4.378 Special Regulations – C-4 Zone.
Development above FAR 0.25. In order to encourage the orderly grouping and planned development of low-intensity, highway commercial centers, to limit the number and to control the location of access points to C-4 zoned sites, and to generally enhance the appearance of small commercial centers located along major roadways, the following optional method of development may be permitted, provided that the applicable approved and adopted master plan does not indicate that higher intensity commercial development above FAR 0.25 would be unsuitable for the applicable site; and provided further that the following site development standards and site plan review procedures shall be in effect. If this method is used, all of the above requirements of the C-4 zone shall be met except as follows:
(a) ...
(b) Development density. Increases in the floor area of buildings, above FAR 0.25, may be permitted, up to a maximum FAR 0.75, upon a finding by the Planning Board that an increased amount of floor area, above FAR 0.25 would be compatible with the intensity of surrounding existing and planned land uses, would not have an adverse impact on existing and planned public facilities in the area and would be in accord with the land use recommendations and guidelines of the applicable approved and adopted master or sector plan.
(c) Height limit. No building shall exceed three stories or 40 feet in height.
There’s a table on Page 65 of the Sector Plan that describes the development standards of all the zones in Westbard. In the line for C-4, it says this:

<table>
<thead>
<tr>
<th>ZONE</th>
<th>Min Lot Size</th>
<th>Height Limit</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-4 Limited Commercial</td>
<td>None</td>
<td>3 stories or 40 feet</td>
<td>0.25 FAR (up to 0.75 FAR under optional method)</td>
</tr>
</tbody>
</table>

The Sector Plan identifies the areas zoned C-4 as: A, E (portion), J (portion), and L. The recommendations under the Plan are as follows. None specifically say the Optional Method is inappropriate.

Analysis Area A
Recommendation
This site along the north side of River Road should be designated for limited commercial uses. The new zoning category entitled “Limited Commercial” (C-4) is designed to allow for low density, limited commercial uses including auto filling stations under special exception permit. This zone is included in the Appendix of this report. The Zoning Proposals section contains discussion on several other zoning alternatives which were considered but regarded to be less effective in achieving the foregoing objectives.

Analysis Area E
Recommendation
It is recommended that this be rezoned to the new C-4 Zone, as contained in Appendix B of this report, with the exception of the C-1 parcel along Ridgefield Road and the Kenwood Professional Building which is recommended for the C-O Office Zone. If properties are assembled for redevelopment, the number of curb cuts should be reduced during resubdivision. The vegetative cover along the Willett Branch stream banks should be restored.

Analysis Area J
Recommendation
It is recommended that the zoning be changed to the I-1, Light-Industrial Zone with the exception of Parcels MK-1 which is designated for the C-4 Limited-Commercial Zone so as not to generate high levels of traffic in this small area between two intersections. Other acceptable zones for redevelopment would be the C-T, Commercial Transition, or O-M, Office Building Moderate-Intensity Zone if applied for by the owners. Where property assembly occurs, elongated buildings parallel to Little Falls Parkway and extending between side lot lines should be encouraged so as to block the noise from trucks on Butler Road. If redeveloped to office uses, new buildings should be constructed in an office-townhouse configuration.
If less than 2 acres in size or master plan recommends lower intensity: CRT 0.25, C 0.25, R 0.25, H 35.
The C-4 zone typically allows a maximum building height of 30’ and a maximum FAR (including cellar space not used for storage) of 0.25.

If 2 acres or greater in size and master plan doesn’t recommend against greater density: CRT 0.75, C 0.75, R 0.5, H 40. There are special regulations for development above 0.25 FAR in the C-4 zone. The special regulations allow a maximum building height of 40’ and a maximum FAR of 0.75, as long as the “master plan does not indicate that higher intensity commercial development above 0.25 FAR would be unsuitable for the applicable site....” To achieve this higher density and height, the lot must be a minimum of 2 acres in size.

The Committee did not approve changing the translation of C-4 zoned properties in the Westbard plan area; the Committee agreed with Planning staff that the Sector Plan did not make the required finding that additional height is unsuitable\(^{16}\) (3-0).

h. 1315 Apple Avenue in Silver Spring (west of Second Avenue)

The property is currently zoned CBD-1 with a proposed translation to CR 3.0, C 2.0, R 2.75, H 90 T. Other properties on the block are currently zoned CBD-2. The owner’s representative requests a new conversion rule as follows:

If parcel [sic] abuts a heavy public transportation facility that is not below ground at that location, and abuts or confronts CBD-2 property on at least two of the remaining three sides, then, if requested by the property owner, convert to: CR 5.0, C 4.0, R 4.75, H 145 T.

The Committee did not approve changing the current translation rules or the proposed zone on this property. The requested change would increase the allowable density and height beyond the master plan recommended zone (3-0).

i. Woodmoor Shopping Center

A resident of Woodmoor, who attended one of the Planning Department Open House events held this spring on the proposed DMA and who wrote several emails, expressed continued concern over the proposed translation of the C-4 zone to the CRT zone. Her primary concern is with additional uses allowed under the CRT zone. She would prefer that the Woodmoor Shopping Center translate to the

---

Analysis Area L
Recommendation
It is recommended that all of the properties fronting on River Road, including Security Storage, be rezoned to the new C-4, Limited Commercial use. A change to the C-4 Zone would place all parcels in a single consistent zone better fitted to the existing uses and, at the same time, place more suitable limitation on possible future use changes. In view of the existing parking deficiencies in the area, any proposed change in use requiring a special exception permit will require careful analysis.

\(^{16}\) The Coordinating Committee would point out that the proposed conversion increases the height above the 30 foot average that is set out in the Westbard Sector Plan. Page 54 of the Sector Plan states that the Westwood Shopping Center is built to its maximum capacity. It then goes on to say that the C-1 zone is the lowest intensity commercial zone which is appropriate and that it is recommended to be retained. Also, the chart in the Sector Plan lists an average of 30 feet for the site. A new zone of 45 feet will not lead to an average of 30 feet.
CRN zone; however, if that is deemed too restrictive, she would like the Committee to consider a translation to the NR zone.

Planning staff initially recommended that the C-4 zone translate to the CRN zone; however, the Planning Board changed the C-4 translation to the CRT zone upon review of the uses that would no longer be available to C-4 property owners under the CRN zone. Under the CRN zone, property owners would lose the rights for the following:

- Structured parking as a stand-alone use
- Funeral Home, Undertaker
- Retail over 15,000 SF (the C-4 allows appliance shop, bank, furniture store, clothing store, hardware store, drugstore, bookstore, jewelry store, etc., some of which have the potential to be 15,000 SF or larger)
- Car Wash
- Filling Station

The Planning Board was concerned about removing uses like the car wash and filling station, as many of these sites have developed with these uses.

At the July 3 work session, the Committee approved retaining the Planning Board recommended CRT zone; however, following this work session, Councilmember Elrich asked for the Committee's consideration of additional information concerning the Woodmoor Shopping Center. He recommends CRN or NR zoning, which would limit uses in a manner more consistent with the text of the 1996 Four Corners Master Plan.

The Committee did not change its opinion on July 10 after additional discussion.

j. Apex building

The Apex building was included in the Bethesda Purple Line Sectional Map Amendment (SMA) (G-961). The SMA was approved on June 17, 2014 with CR zoning for 6.5 acres of property, including the 1.9-acre Apex building site. (The DMA will be identical to the SMA zoning.) Any building existing on October 30, 2014 may be rebuilt to its October 30 height, floor area, and footprint without regard to its zoning. The new code also gives the building owner some rights to enlarge an existing building (the lesser of 10% of the existing floor area or 10,000 square feet) under the standards of their zoning on October 29, 2014. Because the property was rezoned under the approved SMA, its zoning on October 29, 2014 will no longer be a CBD zone. The property owner's representative believes that the property will be disadvantaged by not being grandfathered to its CBD zoning. He requests using an earlier date (before June 17, 2014) for determining the grandfathered zoning.

The Committee did not approve any changes that would expand grandfathering rights (3-0).

k. Tri-State Stone (near the intersection of River Road and Seven Locks)

The representatives of Tri-State Stone requested a note on the DMA that there is a grandfathered use.

The Committee did not approve the addition of any such note (3-0).
I. Property in Darnestown currently zoned RE-2, recommended for the RE-2 or Country Inn zone in the Master Plan

A representative for this property spoke at the public hearing on the DMA. The PHED Committee discussed the proposed translation for this property during one of its worksessions last fall. At that time, the Committee voted to retain the RE-2 zone proposed by Staff.

The representative for this property maintains that the use of this property is unfairly limited by the proposed zoning. This property is currently zoned RE-2. The proposed translation reconfirms the RE-2 zone for this property. The Potomac Master Plan recommends either the RE-2 zone or Country Inn zone for this property. The concern over the usefulness of this property stems from the fact that the existing lot is slightly less than 2 acres in size. This means the property cannot meet the minimum lot size for development under the RE-2 zone. However, a Country Inn can be approved for a property of less than 2 acres in size if it is recommended in the master plan. Therefore, while a detached house cannot be built on this property, a Country Inn could be, and under the adopted code a Country Inn would require a conditional use approval rather than a rezoning through a local map amendment. The additional material submitted was not persuasive because the subject property was not recommended for commercial zoning.

_The Committee did not approve any changes to the translation of this property currently zoned RE-2; it is consistent with how all RE-2 zoned property has been translated (3-0)._

m. Qiagen property – Germantown

The owner of a split zone property would like a single zone for the property and text amendments that would accommodate the current use of the property (research and development, laboratory, manufacturing, warehouse, and distribution).

The Qiagen property is zoned I-I and has a building height of 79 feet. Planning staff recommends rezoning the property to I-M with a height of 80 feet to accommodate its existing and approved building height.

The uses allowed by the proposed zoning are sufficiently broad to allow current uses on the property to continue and expand. In addition, rezoning the property to a single zone would be counter to the master plan recommendation and would entail a conversion process that Planning staff has not considered as part of this DMA.

_The Committee did not approve an additional text amendment to accommodate what would already be allowed, nor did the Committee approve translation to a single zone for this property (3-0)._

n. Property owned by Pleasants Development

Pleasants Development owns or represents 35 lots and parcels (including 1 outlot). The owner said in a letter to the Council that he is still evaluating proposed changes to these properties and may submit additional material. Without any specific complaint, he requested that he or his representative be able to participate in the Committee’s worksessions. A later email to Staff indicated 1) a complaint with zoning text issues (the inability to apply for PD zoning in the future); and 2) a request to be mapped to the maximum IM zoned density whenever IM zoning was along Frederick Road (not current approved development).
The Committee did not approve any changes for these properties (3-0).

o. Wildwood Manor Shopping Center

The O-M zoned portion of the Wildwood Manor Shopping center is currently proposed to be translated using the default zoning for O-M property (EOF 1.5, H 75). The owner requested a previously offered custom zone based on their development plan approval (CRT 1.25, C 0.5, R 0.75, H 50). Staff did not object to the conversion.

The Committee approved the proposed change to CRT 1.25, C 0.5, R 0.75, H 50 (3-0).

p. Pooks Hill Marriott site

Planning staff and members of the Council have received inquiries about the proposed mapping for the Pooks Hill Marriott site. The property is currently zoned H-M (Hotel-Motel), with a maximum FAR of 1.0 and a maximum height of 15 stories.17 The correspondence regarding this property has come from a representative of the property owner, as well as from a representative for the neighboring Promenade community.

In the initial DMA, the proposed translation for this property was CRT 1.0, C 1.0, R 0.75, H 150. In September, the residential FAR was lowered from 0.75 to 0.5 following discussions with the Committee regarding limitations on residential FAR for current commercial zones. Upon further review this spring, it was noted that the standard formula for converting stories into feet was not adhered to for this property. In general, to convert stories into feet, Staff assumed 10 feet for each story of a building and added 10 feet to accommodate the additional height necessary for ground floor retail.18 To apply this rule to the Pooks Hill site meant changing the base zone from CRT to CR, as the maximum height allowed under the CRT zone is 150 feet. In April, Planning staff made a correction to the map, to CR 1.0, C 1.0, R 0.5, H 160.

The residents of the Promenade condominium are concerned about the potential loss of green area that would no longer be required under the CR zone.19 The same residents also expressed concern over the change in translation from CRT with a height of 150 feet to CR with a height of 160 feet.

17 The H-M zoning did not allow any residential uses. The CR or CRT zone would allow 0.5 FAR for residential use under Planning staff’s recommendation.

18 Several zones in the current code limit height based on stories and feet:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Stories or Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-M</td>
<td>5 stories or 60’</td>
</tr>
<tr>
<td>C-O</td>
<td>3 stories or 42’</td>
</tr>
<tr>
<td>C-2</td>
<td>3 stories or 42’, or 5 stories or 60’</td>
</tr>
<tr>
<td>C-3</td>
<td>7 stories or 84’</td>
</tr>
<tr>
<td>C-4</td>
<td>3 stories or 40’</td>
</tr>
</tbody>
</table>

19 Language in the adopted code ensures that binding elements for any property under a development plan or schematic development plan continue to apply until the property is rezoned through a sectional or local map amendment, or is amended through a major development plan amendment. To address the desire that the green area minimum required under the H-M zone be retained, Staff recommends a new zoning code requirement for adherence to any green area requirement in effect on October 29, 2014. This requirement would be in addition to binding elements. This potential ZTA could retain the higher green area requirement of the MXN, MXPD, C-P, and I-3 zones until a sectional or local map amendment rezones the property, if the Council wishes to apply the concept more broadly.
A representative of the Pooks Hill Marriott supported the change in translation from CRT with a height of 150 feet to CR with a height of 160 feet; however, they believe the residential FAR should be higher than 0.5.

The Pooks Hill Marriott is 1 of only 2 sites in the County zoned H-M. The owner of the other property in Germantown has not submitted anything in the record.

*The Committee deferred its recommendation pending expected additional material on July 15.*

7. **Map corrections – proposed for inclusion in the DMA**

**Property ID/Location:** Part of Parcel W, Block E, “Stonebridge” located at 10400 Darnestown Road, Potomac Subregion Master Plan

**Proposed Reclassification:** 1.25 acres from the R-200 zone to the PD-3 zone

Parcel W, Block E is located on the southwest corner of Darnestown Road and Hunting Lane (Subject Property). The Property is occupied by the King of Nations Christian Fellowship, a religious organization. On October 1, 1986, the Subject site was rezoned from the R-200 Zone to the PD-3 Zone, via a local map amendment G-523 (County Council Resolution 10-2227). An associated development plan amendment (DPA 85-2), which amended G-262, was included to add the proposed religious institution to the existing overall development plan, known then as “Stonebridge.” However, currently, the zoning maps show the Property split-zoned as PD-3 (4.31 acres) and R-200 (1.25 acres).

In 2002, the District Council granted G-800, implementing the zoning recommendations from the 2002 Potomac Subregion Master Plan (Council Resolution 14-1468). It was in this SMA that the zoning map error occurred. In the 2002 SMA books, the “existing” and “proposed” zoning maps showed this property as being split-zoned, with part of the property being R-200 and part being PD-3. The portion marked R-200 is identical to the portion that was rezoned from R-200 to PD-3 under G-523/DPA 85-2.

It appears the error occurred when transitioning the new zoning maps from hand-drawn into a digital database and a misinterpretation of the zoning boundary for the R-200 was drawn in error. Essentially, the Subject Property was redrawn to be split-zoned in the R-200 and PD-3 Zone. The District Council adopted SMA G-800, incorrectly and unintentionally rezoning a portion of this property from PD-3 to R-200.

Further, the text of Council Resolution 14-1468 does not indicate that this property was to be rezoned, nor does the application associated with the SMA proposed changes.

*The Committee approved rezoning approximately 1.25 acres of the Subject Property from the R-200 zone to the PD-3 zone to correct the error in the current and future zoning Maps (3-0).*
Property ID/Location: Chevy Chase Center

Proposed Reclassification: CR 0.75, C 0.75, R 0.25, H 40 T to CR 0.75, C 0.75, R 0.25, H-55 T

The Chevy Chase Center, located at the southeast corner of Wisconsin Avenue and Montgomery Street in Friendship Heights, is currently zoned TS-M. It is subject to Preliminary Plan 119990830 and Site Plan 820010130. The Friendship Heights Sector Plan (1998) recommends the same densities as developed under the Preliminary and Site plans, as it was written as the development was being proposed.

The TS-M zone is a floating zone that has approved density and height applied by LMA. For that reason, all TS-M zones receive a non-standard conversion in the DMA to reflect, as nearly as possible, the density and height that is currently approved for the site. In the specific case of this site, the Sector Plan and Prelim/Site Plan allow development up to 112,000 SF (0.57 FAR) on this site, and height up to “3 stories”. Staff translates “stories” to feet by multiplying the number of stories by 10 feet and then adding 10 feet for the base.

The site developed in the manner described in the Sector Plan and Prelim/Site Plan. The proposed translation is to CR 0.75, C 0.75, R 0.25, H 40 T.

According to the plan (Sheet A7) on the certified site plan, the roof elevation is 367.25 feet and the top of the curb nearest the middle of the building is 315.11 feet. That difference (the building height) is 52.14 feet; significantly higher than would be expected from 3 stories.

Because the building is conforming to the zone today by virtue of only being 3 stories [Planning] staff recommends revising this non-standard translation (known in our documentation as non-standard FSHIP-06) to CR 0.75, C 0.75, R 0.25, H 55 T.

The Committee approved the revised translation for this property, which is consistent with the approved site plan for the subject site (3-0).

Possible substantive zoning text changes for a ZTA in addition to corrections of errors, omissions, and clarifications:

1. Amend Takoma Park Commercial Revitalization Overlay zone.
2. Ripley area - restore standard method maximum under CR for the Ripley/South Silver Spring area.
3. Add green area requirement where floating zones were approved.
4. Allow increased height for more MPDUs in T zones when height limits are greater than 145 feet.
5. Keep illegal buildings illegal.
6. Change the date from which the grandfathered zone is determined.
7. Provide for Registered Living Units in grandfathering provisions.

This packet includes

- Detailed Changes 1 – 3
- Resolution to approve DMA G-956 4 – 45
Changes to the comprehensive table of zoning translations

Planning staff has found instances where the comprehensive documentation of zoning translation did not match the zone they mapped and intend to apply. The document also needed to be updated with PHED approved changes to the zoning translation and approvals by SMA. The following list corrects the table which will be part of the legislative history of DMA G-956. The circle page numbers refer to the table in the Committee’s July 3 packet:

**ERRORS**

- **FSHIP-03 (Circle Page 25):**
  The conversion is shown as being CR-3.0 C-2.75 R-0.25 H-145 T. However, this was a staff error in the DMA that has already been corrected. The R should be 3.0. So the actual conversion that should be shown is CR-3.0 C-2.75 R-3.0 H-145 T.

- **GSSCR-05A (Circle Page 32):**
  The conversion is transposed with the next one. GSSCR-05A should have CRT-0.5 C-0.5 R-0.25 H-70 T. Recommendation to modify height in list of changes pending PHED approval.

- **GSSCR-05B (Circle Page 32):**
  The conversion is transposed with the previous one. GSSCR-05B should have CRT-0.5 C-0.25 R-0.25 H-70 T. Recommendation to modify height in list of changes pending PHED approval.

- **SDYGR-04 (Circle Page 12):**
  This is not a non-standard conversion. It is exactly the same as the standard conversion (listed directly above). This paragraph should be deleted.

- **WFLNT-01 (Circle Page 13):**
  The H on this conversion should be H-220. The correct full conversion is CR-2.0 C-0.5 R-1.5 H-220 T.

**MISSING NON-STANDARD CONVERSIONS IN the Comprehensive Table before July 15**

- **BTHDA-41:** Should convert from C-2 to CRT-2.25 C-1.5 R-0.75 H-60.
- **BTHDA-42:** It is C-2 being converted to CRT-1.5 C-1.5 R-0.5 H-45. The non-standard conversion will indicate that the height is the result of a request to match approvals for 42' under Building Permit 274090 (approved in 1992).
- **NBETH-09:** Should convert from RMX-3C to CR-2.0 C-0.5 R-1.5 H-220 T. (This is the same zoning polygon as WFLNT-01 above, but it is split between master plans. We should just make the entry for WFLNT-01 on Circle Page 13 say WFLNT-01/NBETH-09).
- **NBETH-10:** Should convert from I-3 to EOF-1.5 H-100 T.
- **NBETH-11:** Should convert from I-3 to EOF-1.0 H-100 T.
- **NBETH-12:** Should convert from I-3 to EOF-1.25 H-100 T.
- **SLVSP-21:** Should convert from CBD-2 to CR-5.0 C-4.0 R-4.75 H-200 T.
- **TAKOM-16:** Modified below based on PHED approved changes.
- **TAKOM-17:** Modified below based on PHED approved changes.
- **TAKOM-18:** Modified below based on PHED approved changes.
- **WDMNT-13:** Should convert from CBD-1 to CR-3.0 C-1.0 R-2.75 H-120 T.

**UPDATES BASED ON PHED APPROVED CHANGES** (These have an asterisk* in the comprehensive zone translation document. These changes will appear with the next update to the online zoning map on July 11.)

- The C-1 and C-2 zones are revised per item #1 (C-1) and #2 (C-2) in this packet.
- **BTHDA-18:** Changed because C-2 Res'1 standard changed. Still non-standard due to Height. Will now be CRT-1.5 C-1.5 R-0.5 H-35.
- **BTHDA-33** – Changed because C-2 standard changed. Still non-standard due to Height. Will now be CRT-1.5 C-1.5 R-0.5 H-35.

- **BTHDA-34** – (renumber to BTHDA-34A) Changed because C-2 standard changed. Still non-standard due to Height. Will now be CRT-1.5 C-1.5 R-0.5 H-35.

- **BTHDA-34B** (new, split from BTHDA-34) Changed because C-2 standard changed. Also, Steve Robins asked for built height. Will now be CRT-1.5 C-1.5 R-0.5 H-40.

- **CLRKG-04** – Changed because C-1 abutting/confronting RLD default changed. Non-standard because MP Height. Will now be NR-0.75 H-30.

- **FSHIP-06** – Changed to reflect built height. Will now be CR-0.75 C-0.75 R-0.25 H-55 T.

- **POTMC-06** – Changed to reflect new standard conversion for C-1 abutting/confronting RLD. Non-standard because MP Height. Will now be NR-0.75 H-35.

- **POTMC-13** – (new) This is the CMA rolled into the DMA at Stonebridge. Is R-200, should be PD-3, which is happening because of the DMA.

- **SANDY-01** – Changed to reflect new C-2 conversion, however, MP limits Comm’l to 0.75 FAR, height to 30’. Will now be CRT-1.25 C-0.75 R-0.5 H-35.

- **SANDY-04** – Changed to reflect new C-1 in Historic Districts Rule. Height limited by Overlay/MP. Will now be NR-0.75 H-30.

- **TAKOM-01** – Changed to reflect new C-2 alternate conversion. Height nonstandard by TP/ESS Overlay. Will now be CRT-1.5 C-1.5 R-0.5 H-50.

- **TAKOM-02** – Changed to reflect C-1 in Historic Districts Rule. Height nonstandard by TP/ESS Overlay. Will now be NR-0.75 H-50.

- **TAKOM-03** – Changed to reflect C-1 in Historic Districts Rule. Height nonstandard by TP/ESS Overlay. Will now be NR-0.75 H-50.

- **TAKOM-04** – Changed to reflect C-1 in Historic Districts Rule. Height nonstandard by TP/ESS Overlay. Will now be NR-0.75 H-50.

- **TAKOM-07** – Changed to reflect new C-2 alternate conversion. Height nonstandard by TP/ESS Overlay. Will now be CRT-1.5 C-1.5 R-0.5 H-50.

- **TAKOM-08** – Changed to reflect new C-2 alternate conversion. Height nonstandard by TP/ESS Overlay. Will now be CRT-1.5 C-1.5 R-0.5 H-50.

- **TAKOM-09** – Changed to reflect new C-2 alternate conversion. Height nonstandard by TP/ESS Overlay. Will now be CRT-1.5 C-1.5 R-0.5 H-50.

- **TAKOM-10A** – (renumbered from TAKOM-10) No change to zone.

- **TAKOM-10B** – (new, split from TAKOM-10) Split from TAKOM-10 because one C-2 parcel actually abuts R-60. Nonstandard because TP/ESS. Will now be CRT-1.5 C-1.5 R-0.5 H-50.

- **TAKOM-16** – Changed because of the new Historic District Rule for C-1. Height 50 because of TP/ESS Overlay. Will now be NR-0.75 H-50.

- **TAKOM-17** – Changed to reflect C-1 alternate conversion. Height because TP/ESS Overlay. Will now be CRT-0.75 C-0.75 R-0.25 H-50.

- **TAKOM-18** – Changed to reflect C-1 alternate conversion. Height because TP/ESS Overlay. Will now be CRT-0.75 C-0.75 R-0.25 H-50.

- **TAKOM-19** (new) – This is being split from TAKOM-03W, which is within the Historic District. TAKOM-19 is not in the Historic District, and therefore should get the (new) default conversion for C-1 confronting/abutting, except with a 50’ height for the TP/ESS Overlay. Convert to CRT-0.75 C-0.75 R-0.25 H-50.

- **WDMNT-12** (delete) – This is being merged with WDMNT-06, since it now has the same conversion to CR-5.0 C-1.0 R-4.75 H-145 T.
CHANGES PENDING PHED APPROVAL ON 7/10/14 (These have an asterisk* in the comprehensive zone translation document. These changes will appear with the next update to the online zoning map on July 11.)

- **GRMTC-01**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.75 R-1.0 H-145 T
- **GRMTC-04**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.75 R-0.5 H-125 T
- **GRMTC-07**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.25 R-1.0 H-145 T
- **GRMTC-14**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.75 R-1.0 H-145 T
- **GRMTC-15A**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.75 R-0.75 H-100 T
- **GRMTC-15B**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.75 R-0.75 H-100 T
- **GRMTC-15C**: Master plan only limits non-residential density to 1.0 FAR. Will be (if approved) CR-2.0 C-1.0 R-1.5 H-100 T
- **GRMTC-20B**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.5 R-1.5 H-40 T
- **GRMTC-24**: Changed to no longer reflect the “average” language in the Sector Plan. Will be (if approved) CR-2.0 C-1.5 R-0.75 H-145 T.
- **GSSCR-05A**: Changed to reflect a request to map to 100' (allowed by the zone) since the LMA is silent. Will now be CRT-0.5 C-0.5 R-0.25 H-100 T.
- **GSSCR-05B**: Changed to reflect a request to map to 100' (allowed by the zone) since the LMA is silent. Will now be CRT-0.5 C-0.25 R-0.25 H-100 T.
COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

SUBJECT: District Map Amendment (G-956)

OPINION

On May 7, 2013, the Maryland-National Capital Park and Planning Commission filed District Map Amendment (DMA) G-956, a comprehensive rezoning application for the purpose of implementing Zoning Text Amendment 13-04 (a new zoning ordinance). The new ordinance consolidates zones and land uses. Several zoning classifications will no longer exist in the new code. DMA G-956 translates current zoning into new zones and implements the building height and density recommendations of approved master plans or development approvals granted to applicants. The DMA application rezones or confirms the zoning for all of the land within the authority of the District Council.

The District Council approved ZTA 13-04 on March 4, 2014, with an effective date of October 30, 2014. The Planning Board’s recommended zoning map will change the following zones within the County’s zoning jurisdiction:


Properties zoned RE-1/TDR, RE-2/TDR, RE-2C/TDR, R-200/TDR, R-60/TDR and R-40/TDR will retain their base zoning and a TDR overlay zone will be applied.

The CR, CRT, and CRN zones will be retained, with some change to their standards. These zones would be used to replace a wide variety of Mixed-use zones and in some instances, commercial zoning such as C-1, C-2, and C-4. CRN is also proposed to replace C-T and, in the Rural Village Overlay, C-1. In many instances, the new zone is based on a current zone but may also be used to consolidate other zones:

- NR is based on C-1, and in most instances would replace C-1.
- GR is based on C-2, and in most instances would replace C-2. GR would also be used to replace C-3 and C-6.
• EOF is based on, and would replace, C-O. EOF would also be used to replace O-M, C-P, and I-3.
• IL is based on and would replace I-4.
• IM is based on and would replace I-1. IM would also be used to replace R&D and R-S.
• IH is based on and would replace I-2.

The one-family residential zones are retained with the same development standards. The LSC, RT, RH, PD, T-S, PNZ, PRC, and PCC zones are retained. The R-150, R-MH, and RMH-200 zones are consolidated into other existing zones with similar development standards.

The County Council held a public hearing on June 11, 2013 to receive testimony concerning the proposed text amendment and DMA. The text amendment and DMA were referred to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

After conducting 11 worksessions fully devoted to ZTA 13-04 and District Map Amendment (DMA) G-956 during 2013 (June 14, 21, 28; July 2, 12, 19, 30; September 13, 17, 20, and 27), the PHED Committee published a draft with their recommendations on October 11, 2013. The Council conducted a second public hearing on November 12 and November 14 to allow the public an opportunity to comment on the Committee’s draft. Thereafter, the Committee held two additional worksessions (on December 2 and 9, 2013).

The District Council reviewed Zoning Text Amendment No. 13-04 at worksessions held on January 14 and 15, 2014 and agreed with the Committee recommendation to defer action on DMA G-956.

The PHED Committee held additional worksessions on DMA G-956 on June 9, July 3, and July 10, 2014 to review and make recommendations on additional written testimony. The conversion rules that reflect the Committee’s recommendations are included in the attached table. Geographic references in that table are identifiable on the Planning Department’s web page.

The evidence of record for District Map Amendment G-956 consists of the application of the DMA by the Planning Board, all approved master plans and sector plans, record materials compiled in connection with the County Council public hearings on the Planning Board Draft of Zoning Text Amendment 13-04, all record materials compiled in connection with the public hearing held by the Council on District Map Amendment G-956, all of the staff memorandums to the Council and the Committee, and all minutes and recordings of Council and Committee deliberations.

The Council considered and approved the recommendations of the PHED Committee on July 15, 2014.

For these reasons, and because to grant this application will aid in the accomplishment of a coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District, this application will be GRANTED as amended.
Based on the evidence of record, 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 resolution:

2. The official map displaying the zoning in the County is on the Planning Department website at http://www.mcatlas.org/zoning.
3. The effective date of DMA G-956 as amended is October 30, 2014.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council
Detailed Summary of PHED Approved Zone Translations

C-T (Commercial, transitional) floating zone

Default: CRN-0.5 C-0.5 R-0.25 H-35
The current zoning code specifies a maximum density of 0.5 FAR and maximum height according to lot size:
  o on a lot with an area of less than 12,000 square, the maximum height is 24'.
  o on a lot with an area of 12,000 square feet or more, the maximum height is 35'.

Seven (out of 36) of the C-T zoned properties are less than 12,000 sf; some of which are currently built to a height above 24'. Since the surrounding houses are allowed to be 35' or higher, and the majority of C-T zoned property has a lot area of more than 12,000 square feet, staff felt a maximum height of 35' was appropriate for the conversion of all the C-T zones, regardless of lot size.

O-M (Office building, moderate intensity) floating zone

Default:
If lot is less than ½ acre: EOF- 1.5 H-60
If lot is greater than ½ acre: EOF- 1.5 H-75

The current zoning code specifies a maximum density of 1.5 FAR in the O-M zone. The height in the O-M zone is based on lot size. On lots less than ½ acre, the maximum height is 60'. On lots greater than ½ acre, the maximum height is 72'. Staff retained the lot size distinction in mapping height as the O-M heights are greater than the maximum height in any residential detached, or townhouse zone.

Custom BTHDA-10: EOF-1.5 H-60
The height map in the Bethesda CBD Sector Plan (pg. 39) limits the height to 60'.

Custom BTHDA-13: EOF-1.5 H-45
The height map in the Bethesda CBD Sector Plan (pg. 39) limits the height to 45'.

Custom BTHDA-14: EOF-1.5 H-50
The height map in the Bethesda CBD Sector Plan (pg. 39) limits the height to 50'.

Custom GRMTC-29: EOF-1.5 H-60
This property, which would have a 75' maximum height based on the standard conversion, is given a lower height based on the Germantown Employment Area Sector Plan. The plan (pg. 75) recommends, "stepping down in height to 50 to 60 feet along the eastern edge of the district to be compatible with existing residential neighbors." This lot is given the more permissive height of 60' and the plan will guide the appropriate step down in height during the development review process.
Custom NBETH-01: EOF-0.5 H-60
The North Bethesda-Garrett Park Master Plan (pg. 106) recommends “confirming the existing O-M zoning with a development cap of 0.5 FAR over the entire site.”

Custom NBETH-13: CRT-1.25 C-0.5 R-0.75 H-50
The property owner requested that this O-M property be converted to CRT due to an approval for productivity housing (SDPA 12-01; special exception No. S-2830) that would exceed the 30% residential maximum in the EOF zone. The density and heights in the conversion accommodate the DPA and special exception approval.

Custom POTMC-12: CRT-1.25 C-0.5 R-0.75 H-100 T
This lot was part of the adjacent site (Park Potomac) approved under the optional method for the I-3 zone. The approvals for Park Potomac allow for up to 0.39 FAR of non-residential development and up to 600 units of residential (Site Plans 820040150 & 82004015A, 82004015B). Because this lot was approved as part of the large mixed-use development, it converts to the same zone as the rest of Park Potomac to maintain a consistent zoning pattern across the entire development.

Custom SANDY-05: EOF-1.0 H-35
The density and height are modified by the Sandy Spring/Ashton Rural Village Overlay zone. The Overlay zone limits the commercial density to 0.75 FAR. Since the EOF zone limits Household Living uses to 30% of the total gross floor area of the subject site, 0.23 FAR of Household Living uses and an overall total FAR of 0.98 would be possible under the Overlay zone. The Overlay zone limits the height to 30’, based on site plan approval. However, the EOF zone must be mapped at a minimum height of 35’, so this property is mapped accordingly.

Custom TAKOM-06: CRT-1.5 C-1.5 R-0.5 H-50
Planning Staff in the City of Takoma Park requested that the O-M properties adjacent to C-1 and C-2 in Takoma Park translate to CRT instead of EOF for a more consistent zoning pattern in the City. The subject O-M properties fall under the Takoma Park/ East Silver Spring Commercial Revitalization Overlay zone, and the translation of these properties to CRT furthers the intent of the Overlay zone. The height of the translation is also modified by the Overlay zone:

...building height is limited to 30 feet. However, the Board may allow a building height: (i) up to 42 feet for commercial development, and (ii) up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and consistent with the intent of the applicable master plan.

This property is mapped at the maximum height that would be allowed under the Overlay zone, subject to Planning Board approval.

Custom TAKOM-13: CRT-1.5 C-1.5 R-0.5 H-50
Planning Staff in the City of Takoma Park requested that the O-M properties adjacent to C-1 and C-2 in Takoma Park translate to CRT instead of EOF for a more consistent zoning pattern in the City. The subject O-M properties fall under the Takoma Park/ East Silver Spring Commercial Revitalization Overlay zone, and the translation of these properties to CRT furthers the intent of the Overlay zone. The height of the translation is also modified by the Overlay zone:
...building height is limited to 30 feet. However, the Board may allow a building height: (i) up to 42 feet for commercial development, and (ii) up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and consistent with the intent of the applicable master plan.

This property is mapped at the maximum height that would be allowed under the Overlay zone, subject to Planning Board approval.

**Custom TAKOM-14: CRT-1.5 C-1.5 R-0.5 H-50**

Planning Staff in the City of Takoma Park requested that the O-M properties adjacent to C-1 and C-2 in Takoma Park translate to CRT instead of EOF for a more consistent zoning pattern in the City. The subject O-M properties fall under the Takoma Park/ East Silver Spring Commercial Revitalization Overlay zone, and the translation of these properties to CRT furthers the intent of the Overlay zone. The height of the translation is also modified by the Overlay zone:

...building height is limited to 30 feet. However, the Board may allow a building height: (i) up to 42 feet for commercial development, and (ii) up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and consistent with the intent of the applicable master plan.

This property is mapped at the maximum height that would be allowed under the Overlay zone, subject to Planning Board approval.

**Custom TAKOM-15: CRT-1.5 C-1.5 R-0.5 H-50**

Planning Staff in the City of Takoma Park requested that the O-M properties adjacent to C-1 and C-2 in Takoma Park translate to CRT instead of EOF for a more consistent zoning pattern in the City. The subject O-M properties fall under the Takoma Park/ East Silver Spring Commercial Revitalization Overlay zone, and the translation of these properties to CRT furthers the intent of the Overlay zone. The height of the translation is also modified by the Overlay zone:

...building height is limited to 30 feet. However, the Board may allow a building height: (i) up to 42 feet for commercial development, and (ii) up to 50 feet to accommodate residential development if the Planning Board finds that such buildings are compatible with the neighborhood and consistent with the intent of the applicable master plan.

This property is mapped at the maximum height that would be allowed under the Overlay zone, subject to Planning Board approval.

---

**C-O (Commercial, office building)**

**Default: EOF- 3.0 H-100**

The current zoning code specifies a maximum density of 3.0 FAR and a maximum height of 97’ provided “the adopted master plan does not indicate that additional height over 3 stories or 42 feet is unsuitable for the applicable site.”

**Custom ASPEN-02: EOF-3.0 H-60**

The Aspen Hill Master Plan (pg. 40-41) limits the height of the zone as follows, “no structure, excluding building mechanics, should be higher than two stories above the existing structure.”

7/10/14
The existing structure is 3 stories, approximately 40', so 2 stories above the existing structure would be 60'.

Custom BTHDA-09: EOF-1.5 H-60
The density allowed on this property is based on a recommendation in the Bethesda CBD Master Plan (pg. 116) that, "office uses at East-West Highway and Pearl Street (north-east) would continue, but a density limit of 1.5 FAR is recommended on properties in the current C-O zone." The height map in the master plan (pg. 39) limits the height on this property to 60'.

Custom BTHDA-11: EOF-1.5 H-100
The Bethesda CBD Plan (pg. 116) limits the density as follows: "The southeast corner of Pearl Street and Montgomery Avenue is occupied by the three-story Potomac Valley Bank and its parking lot directly to the east. The bank's C-O zoning should be extended to the parking lot, which is zoned R-60, with a density limit of 1.5 FAR."

Custom BTHDA-12: EOF-1.5 H-50
The Bethesda CBD Plan (pg. 116) limits the density as follows: "Office uses at East-West Highway and Pearl Street (north-east) would continue, but a density limit of 1.5 FAR is recommended on properties in the current C-O zone." The height map in the master plan (pg. 39) limits the height on these properties to 50'.

Custom BTHDA-15B: EOF- 3.0 H-35
The height map in the Bethesda CBD Plan (pg. 39) limits the height to 35'.

Custom WESTB-01: EOF-1.5 H-45
The table in the Westbard Master Plan (pg. 65) limits the density to 1.5 FAR and limits the height to 3 stories or 42'.

C-P (Commercial, office park) floating zone
The current zoning code does not specify a maximum density for projects in the C-P zone, but the maximum height is determined by the language in the paragraph below.

No building or structure shall exceed a height of 50 feet, except as follows:
(1) The height may be increased by one foot for each foot by which the building setback exceeds the minimum setback required in the adjoining zone.
(2) There shall be no height limit for a building located more than 300 feet from any property line.
(3) Additional floors shall be permitted if the following requirements are met:
   (i) For each such floor a floor is provided on which at least 60 percent of the area is used for automobile parking.
   (ii) Not more than 3 such additional floors shall be permitted.
   (iii) The average height of such additional floors shall not exceed 11 feet.

Since the existing zoning code does not specify a maximum density for the zone, staff looked to the development approvals and the relevant master plan for guidance on creating the CR zone.
The development plan (E-643) did not include information about height and density, so staff used site plan approvals and the North Bethesda/Garrett Park Master Plan. The land in the C-P zone consists of 3 different lots, each with existing buildings. The Democracy Center property is built at a density of 1.07 FAR and 14 stories (Site Plan 819810300.) The Rockledge Center property is built at 1.01 FAR and 10 stories (Site Plan 819840330.) The Martin Marietta property is built to 0.42 FAR and 94' (81974005J.) The master plan (pg. 105) also includes the following language about the Martin Marietta property: "...the height/setback/coverage requirements could result in an FAR of as much as 1.25..."

To accommodate the existing buildings on the Rockledge Center and Democracy Center properties, and the master plan recognized development potential on the Martin Marietta property, the C-P zone will translate to: **C-1.25 H-150**

---

**C-1**

**Default:**

- **Abuts** R-150 or a lower density residential zone (R-200, RE-1, RE-2, RE-2C); or property is greater than 5 acres or the zoning polygon is contiguous with 5 or more acres of C-1 property; or property is in a master plan designated historic district - NR-0.75 H-45

Abutting zones have a 50' height limit. Height in the C-1 zone can be up to 45' on one side of a building as long as the average building height is no greater than 30'. Current maximum FAR is approximately 0.75 when lot coverage to accommodate parking requirements is taken into account. These properties are most-likely to remain auto-oriented due to the density of surrounding area or the size/scale of development.

- **Abuts or confronts RMD (R-90, R-60, or R-40) - CRT-0.75 C-0.75 R-0.25 H-35**

Abutting and confronting zones have a 35' height limit. Current maximum FAR is approximately 0.75 when lot coverage to accommodate parking requirements is taken into account.

- **Abuts townhouse or denser zone - CRT-0.75 C-0.75 R-0.25 H-45**

Abutting townhouse, multi-family, or any non-residential zone, height in the abutting zone would be at least 45'. Current maximum FAR is approximately 0.75 when lot coverage to accommodate parking requirements is taken into account.

**Custom CLRKG-04: NR-0.75 H-30**

Historic district. The Clarksburg master plan recommends 2-story height limit on pages 48-49.

**Custom DAMSC-01: CRN-0.25 C-0.25 R-0.0 H-35**

Overlay limits commercial uses to 0.2 FAR. Height limited to 35'.

**Custom POTMC-01: CRN-0.25 C-0.25 R-0.0 H-35**

Overlay limits commercial uses to 0.2 FAR. Height limited to 35'.

**Custom POTMC-06: NR-0.75 H-35**

The Potomac master plan limits height to 35' for the C-1 properties around the intersection of Fall Rd. and River Rd. (Pages 63-67 in the Potomac master plan)

**Custom SANDY-04: NR-0.75 H-30**

Historic district. The Sandy Spring/Aston Rural Village overlay limits building height to 30'.
Custom TAKOM-02: NR-0.75 H-50
Historic district. Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-03: NR-0.75 H-50
Historic district. The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-04: NR-0.75 H-50
Historic district. The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-16: NR-0.75 H-50
Historic district. The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-17: CRT-0.75 C-0.75 R-0.25 H-50
The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-18: CRT-0.75 C-0.75 R-0.25 H-50
The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

Custom TAKOM-19: CRT-0.75 C-0.75 R-0.25 H-50
The Takoma Park/East Silver Spring Revitalization overlay limits height to 50' with Planning Board approval.

C-2

Default:
Abuts R-150 or lower density residential zone (R-200, RE-1, RE-2, RE-2C) - GR-1.5 H-45
Density allowed to 1.5 FAR. Height allowed to 45'.

Abuts or confronts RMD (R-90, R-60, or R-40) - CRT-1.5 C-1.5 R-0.5 H-45
Density allowed to 1.5 FAR. Height allowed to 45'.

Abuts townhouse or denser zone and is less than 300' from one-family detached zone - CRT-2.25 C-1.5 R-0.75 H-45
Density allowed to 1.5 FAR Commercial. Additional density for residential development.

Abuts townhouse or denser zone and is greater than 300' from one-family detached zone - CRT-2.25 C-1.5 R-0.75 H-75
Density allowed to 1.5 FAR Commercial. Additional density for Residential development. Height allowed to 75' for residential development if property is greater than 300' from a one-family residential zone.

The current C-2 zone is complicated. Distinction regarding walkability/auto dominated areas used to convert C-2 to GR versus CRT. C-2 has a base FAR of 1.5, where 2.5 FAR is allowed for mixed-use development that provides at least 60% of the density as residential. In addition,
height is allowed to increase to 75' for mixed-use development more than 300' from single-family houses.

**CUSTOM BTHDA-18: CRT-1.5 C-1.5 R-0.5 H-35**
The height map on pg. 39 of the master plan calls for a maximum height of 35'. The remainder of the conversion is a result of the default conversion for abutting RMD.

**CUSTOM BTHDA-33: CRT-1.5 C-1.5 R-0.5 H-35**
The height map on pg. 39 of the master plan calls for a maximum height of 35' on this parcel. The remainder of the conversion is a result of the default conversion for confronting RMD.

**CUSTOM BTHDA-34A: CRT-1.5 C-1.5 R-0.5 H-35**
The height map on pg. 39 of the master plan calls for a maximum height of 35' on this parcel. The remainder of the conversion is a result of the default conversion for abutting RMD.

**CUSTOM BTHDA-34B: CRT-1.5 C-1.5 R-0.5 H-40**
The height map on pg. 39 of the master plan calls for a maximum height of 35' on this parcel but the property owner called and requested 40' in height to match an approval (preliminary plan #119840480). The remainder of the conversion is a result of the default conversion for abutting RMD.

**CUSTOM BTHDA-36: CRT-0.5 C-0.5 R-0.25 H-45**
The height map on pg. 39 of the master plan calls for a maximum height of 42'. Further, the current Arlington Road Overlay limits the FAR to a maximum of 0.5. The Overlay zone also states that the Planning Board must find that the site plan does not conflict with the recommendations in the Bethesda CBD Sector Plan, which calls for the 42' height.

**CUSTOM BTHDA-41: CRT-2.25 C-1.5 R-0.75 H-60**
The height map on pg. 39 of the master plan calls for a maximum height of 60'. The remainder of the conversion is a result of the default conversion for abuts townhouse or denser zone.

**CUSTOM BTHDA-42: CRT-1.5 C-1.5 R-0.5 H-45**
The height map on pg. 39 of the master plan calls for a maximum height of 35'. However, a property owner requested a height of 45' to match an approval (building permit #274090). The remainder of the conversion is a result of the default conversion for abutting RMD.

**CUSTOM BURTNO-01: CRT-1.5 C-1.0 R-1.25 H-70**
The master plan (pg. 42) says to rezone former parcel P645, which is now the northeast 0.71 acre portion of the "Burtonsville Shopping Center" property (Parcel B/N703), from RC to C-2 zoning with a recommendation to change to CRT-1.5 C-1.0 R-1.25 H-70 when the Zoning Ordinance Rewrite is adopted.

**CUSTOM CLRKG-02: GR-1.5 H-30**
The category and density in the conversion are a result of the default Abuts RLD or lower density residential zone. For height, the master plan (pg. 48-49) states that the "area between existing MD 355 and Relocated MD 355 to the west is identified as a buffer zone, appropriate only for single-family detached housing with a maximum height of 2 stories....On the east side of the historic district, all development 400' east of existing MD 355 and/or on land which is within the historic district should be single-family detached structures which are no higher than 2 stories."
CUSTOM GRMTC-27: CRT-2.25 C-1.5 R-0.75 H-60
The master plan (pg. 75) says “building heights should not exceed 60 feet along MD 355, stepping down in height to 50 to 60 feet along the eastern edge of the district to be compatible with existing residential neighbors. The remainder of the conversion is a result of the default conversion for abuts townhouse or denser zone & >300' from SFD.

CUSTOM POTMC-08: GR-1.5 H-45
This is the site of the Montgomery Mall.

CUSTOM POTMC-11: CRT-2.5 C-1.5 R-2.0 H-75
This conversion is the result of the property owner requesting that staff match the site’s overall and residential density to its development approval under site plan 820090140. The site plan notes that the maximum total FAR is 2.36 and the maximum commercial FAR is 0.45, leaving 1.91 FAR for residential density. The site plan also states that the maximum building height is 75’. The commercial density and height in the conversion are a result of the default conversion for Abuts/Confronts RT or more intense & >300' from SFD.

CUSTOM SANDY-01: CRT-1.25 C-0.75 R-0.5 H-35
For lots in a Commercial/Residential or Employment zone, the Sandy Spring/Ashton Rural Village Overlay limits height to 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan. The lowest height allowed in CRT is 35’. The height is still capped by the text of the Overlay. The maximum density for commercial uses is limited to 0.75 FAR in the Overlay zone. The R FAR is a result of the default conversion for abutting RMD. The total FAR is modified due to the reduction of commercial FAR by the master plan (0.75 + 0.5 = 1.25)

CUSTOM TAKOM-01: CRT-1.5 C-1.5 R-0.5 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for confronting RMD.

CUSTOM TAKOM-05: CRT-2.25 C-1.5 R-0.75 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for abutting RMD.

CUSTOM TAKOM-07: CRT-1.5 C-1.5 R-0.5 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for abutting RMD.

CUSTOM TAKOM-08: CRT-1.5 C-1.5 R-0.5 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for confronting RMD.
CUSTOM TAKOM-09: CRT-1.5 C-1.5 R-0.5 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for confronting RMD.

CUSTOM TAKOM-10A: CRT-2.25 C-1.5 R-0.75 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for abuts townhouse or denser zone.

CUSTOM TAKOM-10B: CRT-1.5 C-1.5 R-0.5 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for abuts RMD.

CUSTOM TAKOM-11: CRT-2.25 C-1.5 R-0.75 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for Abuts/Confronts RT or more intense.

CUSTOM TAKOM-12: CRT-2.25 C-1.5 R-0.75 H-50
The Takoma Park/East Silver Spring Commercial Revitalization Overlay allows a maximum height of 50' if approved by the Planning Board. The remainder of the conversion is a result of the default conversion for Abuts/Confronts RT or more intense.

CUSTOM WHEAT-01: GR-1.5 H-4S
This is the site of the Wheaton Plaza shopping mall.
C-4

If less than 2 acres in size or master plan recommends lower intensity: CRT-0.25 C-0.25 R-0.25 H-35
The C-4 zone typically allows a maximum building height of 30' and a maximum FAR (including cellar space not used for storage) of 0.25.

If 2 acres or greater in size and master plan doesn’t recommend against greater density: CRT-0.75 C-0.75 R-0.5 H-40
There are special regulations for development above 0.25 FAR in the C-4 zone. The special regulations allow a maximum building height of 40' and a maximum FAR of 0.75 as long as the “master plan does not indicate that higher intensity commercial development above 0.25 FAR would be unsuitable for the applicable site.” To achieve this higher density and height, the lot must be a minimum of 2 acres in size.

Within ¼ mile of metro and 2 acres or greater in size: CR-1.5 C-1.0 R-1.0 H-75
There are special regulations for development above 0.25 FAR in the C-4 zone. The special regulations allow a maximum building height of 75' and a maximum FAR of 1.5 for a mixed use project within ¼ a mile of metro that includes a large retail use designed for a single retailer (see Sec. C-4.379) To achieve this higher density and height, the lot must be a minimum of 2 acres in size. In addition, these C-4 properties were converted to CR instead of CRT due to proximity to metro.

Custom UPROK-01: CRT-0.25 C-0.25 R-0.25 H-35
This property is in the Upper Rock Creek Overlay, which limits impervious surface to 8%, and there’s no recommendation for sewer. Therefore, it is not appropriate for the additional density or height provided for under the special regulations of the C-4 zone.

C-6

Default: GR-0.5 H-100
The maximum FAR, including cellar space not used for storage, is 0.5. The maximum FAR for buildings containing principally retail commercial uses is 0.25 FAR. The C-6 zone allows a maximum building height of 40', excluding parapets, except that buildings containing principally office uses are allowed a maximum building height of 100'.

H-M (Hotel-motel) floating zone

Default: CR-1.0 C-1.0 R-0.5 H-160
The current zoning code specifies a maximum density of 1.0 FAR and a maximum height of 15 stories (160') in the H-M zone. In the translation, 0.5 FAR of residential uses are allowed. This is similar to the provision in the commercial zones to allow 30% residential.
RMX-1

**Default: CRT-2.0 C-0.5 R-1.5 H-65 T**
The current code specifies a maximum commercial density of 0.35 FAR and a maximum residential density of 40 du/ac (1.32 FAR, assuming an average unit size of 1437.5 sf) in the RMX-1 zone. The zoning code does not specify a maximum height for the RMX-1 zone; staff selected a maximum height of 65' based on the tallest possible multi-unit structure built with wood frame construction – the type of structure typically built under this density.

**Custom GRMTC-23: CRT-1.5 C-0.5 R-1.0 H-90 T**
The Germantown Town Center Master Plan (pg 58) limits the residential density to 25 du/ac (0.83 FAR, assuming an average unit size of 1437.5 sf) and allows a maximum building height of 90'.

RMX-1/TDR

**Default: CRT-0.75 C-0.5 R-0.25 H-65 T**
The current code specifies a maximum commercial density of 0.35 FAR and a maximum residential density, without the purchase of TDRs, equivalent to the density of the R-200 zone. The zoning code does not specify a maximum height for the RMX-1/TDR zone; staff selected a maximum height of 65' based on the tallest possible multi-unit structure built with wood frame construction.

**TDR Overlay zone:**
The maximum residential density allowed with the purchase of TDRs is 40 du/ac.

**Custom CLRKG-06: CRT-0.5 C-0.25 R-0.25 H-65 T**
This site was approved in conjunction with an adjacent site in the MXPD zone (CLRKG-06), and this conversion takes the approvals for the adjacent site into account. The commercial density is limited to 0.25, the lowest amount allowed in CRT, because CLRKG-06 is approved for more than the 2,300,000 sf of commercial development recommended for this neighborhood in the Clarksburg master plan (p67).

**TDR Overlay zone:**
The TDR Overlay zone was calculated based on a binding element in the development plan (G-806) that requires the purchase of 635 TDRs in the Cabin Branch neighborhood. The TDR Overlay zone has a designation of 0.39, which allows the residential density to increase to 0.39 FAR and the total density to increase to 0.64 FAR with the purchase of TDRs.

**Custom POTMC-07: CRT-0.5 C-0.25 R-0.25 H-60 T**
The Potomac Subregion Master Plan (pg. 56-7) recommends residential development for this site, so the commercial density is decreased to the lowest amount allowed under the CRT zone (0.25 FAR). The master plan (pg. 62) limits the maximum height to 5 stories (60').

**TDR Overlay zone:**
The master plan limits residential density to 97 total units. The TDR Overlay zone has a designation of 0.47, allowing the residential density to increase to 0.47 FAR and the total density to increase to 0.72 FAR with the purchase of TDRs.

RMX-2

Default: CRT-2.0 C-0.5 R-1.5 H-65 T
The current code specifies a commercial density of 0.5 FAR, and maximum residential density of 40 du/ac (1.32 FAR, assuming an average unit size of 1437.5 sf). The zoning code does not specify a maximum height for the RMX-2 zone; staff selected a maximum height of 65’ based on the tallest possible multi-unit structure built with wood frame construction.

Custom CLRKG-01: CRT-0.75 C-0.25 R-0.5 H-65 T
The Clarksburg Master Plan (p 46) recommends a maximum of 300,000 sf of commercial development in the 635 acre Town Center District (.01 FAR). The master plan also limits the residential density to 7 du/acre (0.39 FAR, assuming an average unit size of 2400 sf).

Custom GRMTC-18: CRT-1.0 C-0.25 R-0.75 H-65 T (TC-33)
The Germantown Master Plan (p. 53) limits the commercial density to 200,000 sf (0.25 FAR) and residential density to 300 units (0.62 FAR, assuming an average unit size of 2400 sf) on the Martens property.

RMX-2C

Default: CRT-2.0 C-0.5 R-1.5 H-65 T
The current zoning code specifies a maximum commercial density of 0.5 FAR and a maximum residential density of 40 du/ac (1.32 FAR assuming a unit size of 1437.5 sf). The zoning code does not specify a maximum height for the RMX-2C zone; staff selected a maximum height of 65’ based on the tallest possible multi-unit structure built with wood frame construction.

Custom GRMTC-16: CRT-0.75 C-0.5 R-0.5 H-100 T
The Germantown Master Plan (p 49) recommends an average density of 0.6 FAR of mixed uses for the Sugarloaf Shopping Center. The residential density is decreased to 0.5 FAR to require a mix of uses to achieve maximum density. The master plan (p51) allows properties fronting on MD 118 between Wisteria Drive and Aircraft Drive to have building heights up to 100’.

Custom GRMTC-17: CRT-0.5 C-0.5 R-0.5 H-65 T
The Germantown Master Plan (p49) recommends an average density of 0.5 FAR, so the residential density and total density were decreased accordingly.

Custom GRMTC-19: CRT-1.0 C-0.5 R-0.75 H-65 T
The Germantown Master Plan (p 53) allows up to 220,000 sf of commercial uses (0.5 FAR) and 100 dwelling units (0.54 FAR, assuming an average unit size of 2400 sf) on the Waters Road Triangle property.
Custom POTMC-04: CRT-0.75 C-0.5 R-0.25 H-35 T
The Potomac Subregion Master Plan (p46) limits commercial development at Cabin John Mall to 300,000 sf (0.5 FAR) and limits residential development to 135 dwelling units (0.22 FAR, assuming 95 units at 1437.5sf and 40 units at 2400sf). The master plan (p48) limits the height to 35'.

RMX-2C/TDR

Default: CRT-1.0 C-0.5 R-0.5 H-65 T
The current zoning code specifies a maximum commercial density of 0.5 FAR and a maximum residential density, without the purchase of TDRs, of 14.50 units/acre (0.49 FAR assuming a 1437.5 sf average unit size). The zoning code does not specify a maximum height for the RMX-2C/TDR zone; staff selected a maximum height of 65' based on the tallest possible multi-unit structure built with wood frame construction.

TDR Overlay zone:
The zoning code allows residential density to increase to 40 du/acre (1.32 FAR) with the purchase of TDRs.

Custom GRMTC-28: CRT-1.0 C-0.5 R-0.5 H-60 T
The Germantown Master Plan (p75) limits commercial uses on this site to 0.3 FAR and limits the height to 60'.

TDR Overlay zone:
The master plan limits residential density, with the purchase of TDRs, to 22 units/acre. The TDR Overlay zone has a designation of 0.91, which allows residential density to increase to 0.91 FAR and total density to increase to 1.41 FAR with the purchase of TDRs.

RMX-3/TDR

Default: CRT-0.75 C-0.5 R-0.25 H-65 T
The zoning code specifies a maximum commercial density of 0.5 FAR and a maximum residential density, without the purchase of TDRs, to 2.18 du/ac (0.25 FAR, assuming a unit size of 4000 sf). The zoning code does not specify a maximum height for the RMX-3/TDR zone; staff selected a maximum height of 65' based on the tallest possible multi-unit structure built with wood frame construction.

TDR Overlay zone:
The zoning code allows a maximum residential density of 40 units/ac with the purchase of TDRs. The TDR Overlay designation is 2.33, which indicates that residential density may increase to 2.33 and total density may increase to 2.83 with the purchase of TDRs.
RMX-3C

Default: CRT-2.0 C-0.5 R-1.5 H-65 T
The zoning code specifies a maximum commercial density of 0.5 FAR and a maximum residential density of 40 du/ac (1.5 FAR, assuming a unit size of 1437.5 sf). The zoning code does not specify a maximum height for the RMX-3C zone; staff selected a maximum height of 65' based on the tallest possible multi-unit structure built with wood frame construction.

Custom WFLNT-01 and NBETH-09: CR-2.0 C-0.5 R-1.5 H-220 T
The Montrose Crossing Project was approved with a height of up to 218.5' by site plan 8-2004-013B. The zone group is CR, instead of CRT, because buildings over 150' are not allowed in the CRT zone, while they are allowed in the CR zone.

MXTC (Mixed-Use Town Center)

Default: CRT-2.0 C-1.0 R-1.0 H-70 T
The current zoning code specifies a maximum commercial density of 1.0 FAR and a maximum residential density of 20 du/acre (0.88 FAR, assuming an average unit size of 1919 sf) in the MXTC zone. The unit size used for the residential density calculation assumes a mix of apartments (1437.5 sf) and townhouses (2400 sf). The zoning code specifies a maximum height of 70' in the MXTC zone.

Custom DAMSC-03: CRT-1.5 C-0.5 R-1.0 H-55 T
A chart in the Damascus Master Plan (pg. 97) limits the commercial, industrial, or mixed-use density in the outer area of the town center to 0.5 FAR and limits the height to 55'.

Custom DAMSC-04: CRT-1.75 C-1.0 R-0.75 H-55 T
A chart in the Damascus Master Plan (pg. 97) limits residential density in the inner core of the town center to 15 du/acre (0.66 FAR, assuming an average unit size of 1919sf.) The unit size assumes a mix of apartments (1437.5 sf) and townhouses (2400 sf), as recommended in the Damascus Master Plan (pg. 21). The master plan also limits the height to 55'.

MXTC/TDR

Default: CRT-1.5 C-1.0 R-0.5 H-70 T
The current code specifies a maximum commercial density of 1.0 FAR and a maximum residential density, for properties that do not purchase TDRs, of 8 du/acre (0.44 FAR, assuming a 2400 sf average unit size). The zoning code specifies a maximum height of 70'.

TDR Overlay Zone:
Residential density may be increased under the TDR Overlay zone to allow a maximum of 20 du/acre.
Custom DAMSC-02 and DAMSC-05: CRT-1.0 C-0.5 R-0.5 H-55 T
The Damascus Master Plan (p97) limits the commercial density in the outer area of the town center to 0.5 FAR and limits the maximum height to 55’.

TDR Overlay Zone:
The TDR Overlay zone has a designation of 1.16, allowing a residential density of 1.16 FAR and a total density of up to 1.66 FAR with the purchase of TDRs. The TDR overlay zone allows a slightly higher residential density than would be otherwise allowed in this zone to help preserve the TDR program.

TOMX-2

Default: None
The TOMX-2 zone is a mixed-use zone with a total FAR of 2.0 and no height limit under optional method development. Every TOMX-2 property has a master plan recommendation so there is no default, only custom conversions.

Custom SDYGR-09 (master plan property Metro West): CRT-1.5 C-0.5 R-1.25 H-100 T
The master plan (pg. 35) shows a density map with an FAR of 1.4 and 25-30 dwelling units/acre. There’s also an asterisk, with a note that says “plan allows up to 30% maximum commercial FAR and requires a minimum of 70% residential FAR.” The master plan (pg. 39) also says to allow “a maximum of 15 stories adjacent to Metro and stepping down to a four-story edge along Redland Road and MD 355.” The Sector Plan does not give a specific height limit for this area, however, it calls for a step down from 15 stories at Metro to 4 stories at Route 355. As a result, staff is proposing a 100’ limit here to match the step-down in height.

Custom SDYGR-10 (master plan property part of Metro West): CRT-0.75 C-0.75 R-0.25 H-50T
The master plan (pg. 35) shows a density map with a total FAR of 0.75 for this property and no residential. Further, pg. 41 says to allow “a maximum of 0.75 FAR of mixed-use commercial uses without residential development for 3 properties northwest of King Farm Boulevard.” The master plan (pg. 39) also says to permit “a maximum of 15 stories adjacent to Metro and stepping down to a four-story edge along Redland Road and MD 355.” However, Gaithersburg annexed a large portion of the property, and in context, the 50’ height is appropriate.

Custom SDYGR-11 (master plan property Metro South): CRT-1.5 C-0.5 R-1.25 H-90 T
The master plan (pg. 35) shows a density map with an FAR of 1.4 and 25-30 dwelling units/acre. There’s also an asterisk, with a note that says “plan allows up to 30% maximum commercial FAR and requires a minimum of 70% residential FAR.” The master plan (pg. 42) also says to “permits a maximum of 8 stories on interior blocks and 4 stories along Redland Road and MD 355.”

TOMX-2/TDR

Default: None
The TOMX-2/TDR zone is a mixed-use zone with a total optional method FAR of 1.6 without the purchase of TDRs and no height limit. With the purchase of TDRs, residential density may be increased by 20%. Additionally the maximum dwelling units per acre without TDRs is 40 units.
per acre. With the purchase of TDRs, the dwelling units per acre can be increased by a maximum of 20%. Every TOMX-2/TDR property has a master plan recommendation so there is no default, only custom conversions.

**Custom SDYGR-05 (CSP Metro North): CRT-1.0 C-0.25 R-0.75 H-90 T**
The master plan (pg. 44) says to “allow up to 615 base density units on Metro North-CSP that can be increased to 960 base density units if jointly developed with Casey 6 and Casey 7....permitting up to 40,000 SF if retail and 133,250 SF of office use.” Square footage allowed for non-residential uses works out to 0.09 FAR on this site. Residential FAR, using the base density of 615 ranges from 0.45 (assuming 1437.5 SF) to .75 (assuming 2400 SF). For height, the master plan (pg. 45) says to limit “building heights to 8 stories closest to the metro and stepping down to 4 stories along Crabb Brach Way for a compatible transition to existing single-family neighborhoods to the east.”

**TDR Overlay Zone:**
The TDR Overlay zone has a designation of 0.89, allowing a residential density of 0.89 FAR and total density up to 1.14 FAR with the purchase of TDRs.

**Custom SDYGR-06 (CSP Jeremiah Park): CRT-0.75 C-0.25 R-0.5 H-60 T**
The master plan (pg. 52) allows “435 base housing units on Jeremiah Park with a mix of single-family attached, live-work units, and multi-family units. Unit yield can be increased to achieve workforce housing, TDRs, and MPDU bonus density up to 700 units with bonus density...Achieving a mix of unit types with sufficient number of townhouses to offer housing choices but limited enough to achieve a series of community open spaces for adequate passive recreation. A minimum of 50% single-family attached housing shall be provided.” The density of 435 base housing units ranges from 0.26 FAR (assuming 1437.5 SF) to 0.43 (assuming 2400 SF). For height, the master plan (pg. 53) says to “limit townhouse building heights to 4 stories with multi-family units up to 5 stories. Maintain a 4 story building height along Crabbs Branch Way.”

**TDR Overlay Zone:**
The TDR Overlay zone has a designation of 0.56, allowing a residential density of 0.56 FAR and total density up to 0.81 FAR with the purchase of TDRs.

**Custom SDYGR-07 (Metro North WMATA): CRT-1.0 C-0.25 R-0.75 H-70 T**
The master plan (pg. 44) says to allow “a base density of 530 units in a mix of unit types and sizes with some single-family attached units, and up to 26,000 SF of non-residential uses located in front of the existing, 3-story parking garage. Housing density can increase with workforce housing, TDR, and MPDU bonus units up to 855 units maximum.” The master plan also says to “provide 20% TDRs on this property.” On this site, 26,000 SF of non-residential uses is a 0.014 FAR. The residential FAR ranges from 0.4 for multifamily (assuming 1437.5 SF) to 0.7 for townhouses (assuming 2400 SF). For height, the master plan (pg. 43) says to maintain “building heights at 6 stories or less to form a compatible transition to the existing single-family neighborhoods. Building heights along Redland Road should not exceed 4 stories.”

**TDR Overlay Zone:**
The TDR Overlay zone has a designation of 0.86, allowing a residential density of 0.86 FAR and total density up to 1.11 FAR with the purchase of TDRs.
Custom SDYGR-08 (master plan property Metro West with TDRs): CR-1.75 C-0.5 R-1.5 H-160 T
The density map in the master plan (pg. 35) shows this area at a maximum base density of 1.6 FAR with 30-40 dwelling units per acre, allowing up to 30% maximum commercial FAR and a minimum of 70% residential FAR. The master plan (pg. 39) also says to permit “a maximum of 15 stories adjacent to Metro and stepping down to a four-story edge along Redland Road and MD 355.” The CR zoning category is required because the CRT zone doesn’t allow heights up to 160’.

TDR Overlay Zone:
The TDR Overlay zone has a designation of 1.76, allowing a residential density of 1.76 FAR and a total density up to 2.01 FAR with the purchase of TDRs.

Custom SDYGR-12 (master plan property Metro South with TDRs): CRT-1.75 C-0.5 R-1.5 H-90 T
The density map in the master plan (pg. 35) shows this area at a maximum base density of 1.6 FAR with 30-40 dwelling units per acre, allowing up to 30% maximum commercial FAR and a minimum of 70% residential FAR. The master plan (pg. 42) also says to “Permit a maximum of 8 stories on interior blocks and 4 stories along Redland Road and MD 355.”

TDR Overlay Zone:
The TDR Overlay zone has a designation of 1.76, allowing a residential density of 1.76 FAR and a total density up to 2.01 FAR with the purchase of TDRs.

TMX-2
Default: CR-2.0 C-1.5 R-1.5 H-145 T
The TMX-2 zone is a mixed use zone, with a total allowed FAR of 2.0 and no height limit under optional method development. The master plans limit height in the TMX-2 zone, with the exception of one property where height is recommended for 143’. There is no specific requirement for commercial versus residential FAR. The default of C-1.5 and R-1.5 requires mixed-use to achieve the full FAR.

Custom GRMTC-01 (master plan property NE-1): CR-2.0 C-1.75 R-1.0 H-145 T
The master plan (pg. 63) says to develop this area with “a mix of uses with a minimum of 60 percent employment and a maximum of 40 percent residential.” The master plan (pg. 64) also says “For the west side of I-270, permit building heights of 143 feet, clustered at the transit station and along I-270.”

Custom GRMTC-02 (master plan property NE-2): CR-0.75 C-0.5 R-0.5 H-145 T
The master plan (pg. 63) says to “allow up to 1.5 million square feet of employment uses, a hotel, and up to 110,000 square feet of retail space. Residential development may include a mix of high-rise and low-rise residential units, provided the total density for the site does not exceed 0.7 FAR.” (The square footage allowed for the employment and retail space is equivalent to about .38 FAR.) The master plan (pg. 64) also says “for the west side of I-270, permit building heights of 143 feet, clustered at the transit station and along I-270...”

Custom GRMTC-04 (master plan property NE-8): CR-2.0 C-1.75 R-0.5 H-125 T
The master plan (pg. 64) says to develop this property “with a mix of research and development, employment, technology, street level retail, restaurants, and new housing. Orient up to 225 new multifamily housing units to the existing residential areas. Residential uses are not to exceed
20% of total development on this site. For the east side of I-270, permit buildings up to 125 feet along I-270.

**Custom GRMTC-07** (master plan property Cloverleaf District): **CR-2.0 C-1.25 R-1.0 H-145 T**
The master plan (pg. 60-61) says to “Allow a ratio of land uses that are 50 to 60 percent commercial uses and 40 to 50 percent residential uses for each property to create a mixed-use neighborhood....Allow building height of 143 feet (12 stories) clustered around the transit station to define the center, transitioning to lower building heights along Crystal Rock Drive. Permit up to 125 feet along I-270 with a variety of heights ranging from 6 to 10 stories.” Zoning to the lower heights would require split zoning properties, so the entire area was mapped to the more permissive 145’, with the step down being assured through the finding of master plan conformance during site plan.

**Custom GRMTC-08** (master plan property TC-9): **CR-2.0 C-0.5 R-1.5 H-180 T**
The master plan (pg. 47) allows for a maximum total FAR of 2.0 with a minimum of 70% residential uses. It also calls for a maximum height of 180' on this property (pg. 51).

**Custom GRMTC-09** (master plan property TC-12): **CR-1.5 C-1.0 R-1.0 H-100 T**
The master plan (pg. 47) says that the TC-12 property “should be rezoned from TS to TMX-2 with an FAR of 1.5.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

**Custom GRMTC-10A** (master plan property TC-11): **CR-1.0 C-0.75 R-0.75 H-60 T**
The master plan (pg. 47) says that the TC-11 property “should be rezoned from TS to TMX-2 with an FAR of 1.0.” Also, on pg. 51, the master plan says “Along Century Boulevard, limit building heights to 60 feet to maintain sufficient light and air along the Promenade.”

**Custom GRMTC-10B** (master plan property TC-24): **CR-1.0 C-0.75 R-0.5 H-100 T**
The master plan (pg. 48) says that “The Germantown Commons Shopping Center (TC-23) and Upcounty Government Center (TC-24) should be rezoned from the existing TS zoning to TMX-2 zoning with up to 1.0 FAR with a maximum of 40 percent residential uses.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

**Custom GRMTC-10C** (master plan property TC-20): **CR-1.0 C-0.75 R-0.75 H-100 T**
The master plan (pg. 48) says the TC-20 property “should be rezoned from C-3 and R-30 to TMX-2 with an FAR of 1.0 to allow the densities and uses indicated in the Plan.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

**Custom GRMTC-11A** (master plan property TC-16): **CR-0.5 C-0.5 R-0.25 H-60 T**
The master plan (pg. 48) says that it “is the site of the library, the BlackRock Center for the Arts, and the Town Commons. Although no change in use is recommended for these properties, the zoning should be changed to TMX-2 (limited to 0.5 FAR) to provide a consistent zoning pattern.” As the master plan stated that no change in use is recommended for the property, the residential FAR was limited to the lowest amount available under CR. The master plan (pg. 51) also says “Along Century Boulevard, limit building heights to 60 feet to maintain sufficient light and air along the promenade.”

18 7/10/14
**Custom GRMTC-11B (master plan property TC-10 & TC-15): CR-0.5 C-0.5 R-0.5 H-60 T**

For the TC-10 property, the master plan (pg. 47) says “this property (as well as areas 15 and 18) should be rezoned from the TS to TMX-2 Zone with an FAR of 0.5.” For the TC-15 property, the master plan (pg. 48) says it “is a stormwater management parcel and not likely to redevelop, but is recommended to be rezoned to the TMX-2 Zone with a 0.5 FAR to create a consistent zoning pattern.” The recommendation for these properties doesn’t say anything about residential versus non-residential uses, and because of the small FAR, it makes sense for both the C and the R FAR to match the total FAR.

**Custom GRMTC-12A (master plan property TC-18): CR-1.0 C-0.75 R-0.75 H-60 T**

The master plan (pg. 48) says that TC-18 is developed as single-family attached residences and is not likely to redevelop, but the master plan recommends rezoning the property to TMX-2 with an FAR of 1.0 to maintain a consistent zoning pattern south of Locbury Drive. There is no specific height recommendation for this property, but the Germantown Building Heights map in the master plan (pg. 22) implies that this is an “other areas and transitions – 60 feet.”

**Custom GRMTC-12B (master plan property TC-23): CR-1.0 C-0.75 R-0.5 H-60 T**

The master plan (pg. 48) says that “The Germantown Commons Shopping Center (TC-23) and Upcounty Government Center (TC-24) should be rezoned from the existing TS zoning to TMX-2 zoning with up to 1.0 FAR with a maximum of 40 percent residential uses.” There is no specific height recommendation for this property, but the Germantown Building Heights map in the master plan (pg. 22) implies that this is an “other areas and transitions – 60 feet.”

**Custom GRMTC-13 (master plan property TC-19): CR-1.5 C-1.0 R-1.0 H-60 T**

The master plan (pg. 48) says “Allow up to 1.5 FAR on the Safeway (TC-19) and EuroMotors (TC-17) properties between Century Boulevard and MD 118. Redevelopment should be a mix of commercial and residential uses with street level retail.” The master plan (pg. 51) also says “Along Century Boulevard, limit building heights to 60 feet to maintain sufficient light and air along the promenade.”

**Custom GRMTC-14 (master plan property TC-17): CR-2.0 C-1.5 R-1.5 H-100 T**

The master plan (pg. 51) says “properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

**Custom GRMTC-15A (master plan property TC-30): CR-2.0 C-1.75 R-0.75 H-100 T**

The master plan (pg. 49) says “The Trevion property (TC-30) should be rezoned from the existing C-O zoning to TMX-2 to allow for the mix of uses and densities indicated in the Plan... with an employment emphasis that achieves at least 65 percent office uses, a hotel and some service retail, and a maximum of 35 percent residential uses located along the Wisteria Drive end of the site.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

**Custom GRMTC-15B (master plan property TC-25): CR-2.0 C-1.75 R-0.75 H-100 T**

The master plan (pg. 49) says this property should be rezoned “to provide a consistent zoning pattern and density with adjoining properties.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”
Custom GRMTC-15C (master plan property TC-29): CR-2.0 C-1.0 R-1.5 H-100 T
The master plan (pg. 49) says that this property is recommended “to be rezoned to TMX-2 to create a consistent zoning pattern with non-residential development limited to 1.0 FAR.” The master plan (pg. 51) also says “The Trevion property and properties fronting MD 118 between Wisteria Drive and Aircraft Drive should have building heights up to 100 feet.”

Custom GRMTC-20A (master plan property TC-37): CR-0.5 C-0.25 R-0.25 H-60 T
The master plan (pg. 54) says to “Redevelop properties south of MD 118 between the MARC station and Wisteria Drive (TC-37) with mixed uses up to 0.5 FAR.” The master plan (pg. 54) also says to “Allow building heights along MD 118 to gradually increase from 40 feet at the County’s commuter parking lot to 100 feet at Middlebrook Road. Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities.” This property is not at Middlebrook Road or the County’s commuter lot, so the 60’ height is appropriate.

Custom GRMTC-20B (master plan property TC-35, TC-38): CR-2.0 C-1.5 R-1.5 H-40 T
The master plan (pg. 54) says to “Allow building heights along MD 118 to gradually increase from 40 feet at the County’s commuter parking lot to 100 feet at Middlebrook Road. Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities.” These properties encompass the County’s commuter parking lot, so the 40’ height is appropriate.

Custom GRMTC-20C (master plan property TC-39): CR-0.75 C-0.25 R-0.5 H-60 T
The master plan (pg. 54) says this property, which is in the west end, “is suitable for multifamily and attached housing with the FAR limited to 0.5.” The master plan (pg. 54) also says to “Allow building heights along MD 118 to gradually increase from 40 feet at the County’s commuter parking lot to 100 feet at Middlebrook Road. Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities.”

Custom GRMTC-21A (master plan property TC-40): CR-1.0 C-0.5 R-0.75 H-60 T
The master plan (pg. 54) says “Redevelop the Medical Office Park (TC-40) as mixed-use with a residential emphasis, up to 18 units per acre. The property should be rezoned from R-200 to TMX-2 to allow a mix of uses.” The master plan (pg. 54) also says to “Allow building heights along MD 118 to gradually increase from 40 feet at the County’s commuter parking lot to 100 feet at Middlebrook Road. Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities.” This property is in the west end.

Custom GRMTC-21B (master plan property TC-41): CR-1.0 C-0.25 R-1.0 H-60 T
The master plan recommends these properties for 18 units/acre, ( 1.0 FAR assuming a 2400 SF unit size). Specifically, the master plan (pg. 54) says “If the post office (TC-41) relocates, redevelop the site for residential uses at 18 units per acre. The property should be rezoned from C-T Zone to TMX-2 so the zoning will be consistent with that of the surrounding properties.” The master plan (pg. 54) also says to “Allow building heights along MD 118 to gradually increase from 40 feet at the County’s commuter parking lot to 100 feet at Middlebrook Road. Building heights in the west end generally should not exceed 60 feet and should step down adjacent to existing residential communities.” This property is in the west end.
Custom GRMTC-24 (master plan property SM-1): CR-2.0 C-1.75 R-0.75 H-145 T
The master plan (pg. 67) says “To ensure the area retains an employment profile, develop with a minimum of 70 percent employment uses that include limited street level retail and a maximum of 30 percent residential uses.” The master plan (pg. 68) also says to “Allow building heights up to 143 feet clustered at the transit station to create a defined center.”

Custom TWBRK-01 (master plan property Metro Core 3) CR-1.5 C-1.0 R-1.25 H-145 T
The master plan (pg. 33) says this area is good for moderate intensity mixed use and to “Rezone from O-M to TMX-2 with a 1.5 FAR cap, consistent with uses and densities proposed for adjacent sites in the City of Rockville. Limit development to 1.5 FAR with a requirement that at least 25% of any optional method development is residential.” The master plan (pg. 30) also says to “establish building heights, but no higher than those at Twinbrook Station, with 10 to 12 stories, or a maximum of 143 feet, near the Metro station, stepping down to approximately 60 feet, or four to five stories, next to the residential communities along Ardennes Avenue and Halpine Road.”

Custom TWBRK-02 (master plan property Technology Employment Area 4, excluding USP site & Technology Employment Area 5): CR-1.5 C-1.5 R-1.5 H-145 T
The master plan (pg. 38) says to “Rezone Fishers Place from I-1 to TMX-2, with a 1.5 FAR cap for all development. Rezone remaining acres from I-1 to TMX-2, with a 1.5 FAR cap for all development.” The master plan (pg. 34) also says for the entire Technology Employment Area to “locate the tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet. Step buildings down form a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with existing garden apartments.”

Custom TWBRK-03 (master plan property Technology Employment Area 6 & 8): CR-2.0 C-1.5 R-2.0 H-145 T
For density on Employment Area 6, the master plan (pg. 40) says “Rezone from I-1 to TMX-2 with a 1.5 FAR cap on commercial development, with up to 2.0 FAR for residential development. For density on Employment Area 8, the master plan (pg. 41) says to “limit commercial development to 1.5 FAR and allow additional residential development up to 2.0 FAR.” The master plan (pg. 34) says for the entire Technology Employment Area to “locate the tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet. Step buildings down form a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with existing garden apartments.”

Custom TWBRK-04 (master plan property USP site in Technology Employment Area 4): CR-2.0 C-2.0 R-1.5 H-145 T
The master plan (pg. 38) says to “Rezone the USP site from C-O to TMX-2, with a 1.85 FAR cap for commercial development reflecting the existing density of construction completed in 2007.” The master plan (pg. 34) also says for the entire Technology Employment Area to “locate the tallest buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12 stories or 143 feet. Step buildings down form a maximum of 143 feet along Fishers Lane and Parklawn Drive to approximately 60 feet along the northern edge of the planning area to establish compatibility with existing garden apartments.”
Custom TWBRK-05 (master plan property Metro Core 2 Area): CR-2.0 C-1.5 R-2.0 H-145 T
The master plan (pg. 33) states that "The full 2.0 FAR is appropriate in this area, but any
development above 1.5 must be applied to residential uses. The site could also redevelop
completely with residential uses at 2.0 FAR, and provide MPDUs and workforce housing." The
master plan (pg. 34) also says for the entire Technology Employment Area to "locate the tallest
buildings along Parklawn Drive and Fishers Lane with a maximum building height of 10 to 12
stories or 143 feet. Step buildings down form a maximum of 143 feet along Fishers Lane and
Parklawn Drive to approximately 60 feet along the northern edge of the planning area to
establish compatibility with existing garden apartments."

Custom TWBRK-06: CR-1.75 C-1.75 R-1.5 H-145 T
Originally part of TWBRK-02, the property owner called and requested to be zoned to the FAR
allowed under their site plan approval (82001025B). Per the PHED Committee's
recommendation to match currently conforming approvals when requested, this site was given
additional total and commercial FAR.

CBD 0.5

Default: CR-1.0 C-1.0 R-1.5 H-60 T
Under the current code, the maximum total density is 1.5 FAR. Maximum commercial density is
1.0 FAR, and the maximum residential density is 100 du/acre. The maximum height is 60'. A
maximum residential density of 100 du/acre is approximately 2.5 FAR (assuming an average unit
size of a 1000sf). Residential density cannot exceed the total FAR, therefore the residential
density is set equal to the maximum total FAR of 1.5.

Custom SLVSP-17: CR-1.5 C-1.0 R-1.5 H-90 T
Properties where the currently conforming approved height or density is greater than the
proposed zone can be mapped to accommodate the approval. The property denoted as Custom
SLVSP-17 has an approved height of 90' under project plan 919980050.

CBD-R1

Default: CR-3.0 C-0.75 R-3.0 H-145 T
Under the current code, the maximum total density is 3.0 FAR. Maximum commercial density is
0.6 FAR, in the conversion this density limit would round to 0.75. The maximum residential
density is 125 du/acre, and the maximum height is 145'. A maximum residential density of 125
du/acre is approximately 3.0 FAR (assuming an average unit size of a 1000 sf).

Custom SLVSP-20: CR-3.0 C-1.25 R-3.0 H-145 T
This conversion is based on a footnote for the CBD-R1 zone: "The FAR may be increased to 1.2
FAR by the Planning Board if the site will be owned and occupied by a nonprofit organization
that provides needed child care and adult day care services in cooperation with the
Montgomery County Department of Health and Human Services that is in effect on December
31, 1999." This property is the site of a nonprofit organization providing child and adult day
care that entered into a partnership agreement with Montgomery County HHS as of December
31, 1999. (Staff Report for Site Plan 820020160, page 11).
CBD-R2

Default: CR-5.0 C-1.0 R-5.0 H-200 T
Under the current code, the maximum total density is 5.0 FAR. Maximum commercial density is 1.0 FAR, and the maximum residential density is 200 du/acre. The maximum height is 200'. A maximum residential density of 200 du/acre is approximately 5.0 FAR (assuming an average unit size of a 1000sf).

Custom BTHDA-19A: CR-3.0 C-1.0 R-3.0 H-75 T
This conversion is based on a recommendation in the Bethesda CBD master plan (page 124) which states that the CBD-R1 property south of Miller Ave. should be limited to a 3.0 FAR and a height 75'.

Custom BTHDA-19B: CR-3.0 C-1.0 R-3.0 H-120 T
This custom conversion is based on an approved site plan (820130230). This property is located in the same block as BTHDA-19A implying that the conversion for this property should be limited to a 3.0 FAR and a height 75'; however, the Planning Board approved a site plan for this property with a height of 120' to accommodate bonus density and the provision of MPDUs in excess of 12.5%. The custom conversion in this case increases height to 120' to match the site plan approval.

Custom BTHDA-25: CR-5.0 C-1.0 R-5.0 H-145 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 143' for this property.

Custom SLVSP-16: CR-5.0 C-0.5 R-5.0 H-200 T
This conversion is based on footnote 18 attached to the maximum commercial FAR allowed in the CBD-R1 zone. It states that "On sites of 10 contiguous acres or more, the amount of non-residential development is limited to a maximum of 450,000 gross square feet." This footnote was drafted in conjunction with the Silver Spring CBD master plan, where the plan recommends this ZTA for the Blair's site (page 69). The site area in this case is approximately 29 acres. 450,000SF of commercial development for this site translates into an FAR of 0.36 – rounding up to an FAR of 0.5.

Custom WDMNT-03: CR-5.0 C-1.0 R-5.0 H-145 T
This custom conversion is based on a master plan recommendation in the Woodmont Triangle plan. The sector plan contains a table on page 22 indicating by block the building heights for the plan area. The properties within this area zoned CBD-R2 have a recommended building height limit of 143'.

CBD-1

Default: CR-3.0 C-2.0 R-2.75 H-90 T
Under the current code, the maximum total density is 3.0 FAR. Maximum commercial density is 2.0 FAR, and the maximum residential density is 125 du/acre. The maximum height is 90’. A maximum residential density of 125 du/acre is approximately 3.0 FAR (assuming an average unit size of 1000 sf), density is set at 2.75 FAR to ensure mixed-use to maximize total density.

**Custom BTHDA-01: CR-3.0 C-2.0 R-2.75 H-75 T**
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 75’ for these properties.

**Custom BTHDA-02: CR-3.0 C-2.0 R-2.75 H-60 T**
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 60’ for these properties.

**Custom BTHDA-17: CR-3.0 C-2.0 R-2.75 H-35 T**
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 35’ for these properties.

**Custom FSHIP-01: CR-3.0 C-1.5 R-2.75 H-90 T**
This custom conversion limits commercial density based on a 1974 sector plan recommendation to allow 200 du/acre and 30,000 SF ground-floor retail if the office building is demolished. 30,000 SF on this site is approximately 0.32 FAR, thus the proposed conversion limits commercial FAR to 0.5. Total and residential FAR unchanged. However, if the building is not demolished, current commercial density should be allowed. Recommend 1.5 commercial FAR as this is what is currently built.

**Custom FSHIP-05: CR-2.0 C-2.0 R-1.5 H-90 T**
This custom conversion is based on a master plan recommendation that limits total development on this site to a maximum of 300,000 SF, with approximately 65,000 SF of neighborhood ground floor retail, and 235,000 square feet of office space (page 42 in the Friendship Heights sector plan). This limit includes any existing structure that is not redeveloped. On this site, 300,000 SF of development would be approximately 1.9 FAR. Residential density is reduced to 1.5 to accommodate mandatory ground-floor retail recommended in Sector Plan.

**Custom SLVSP-10: CR-3.0 C-2.0 R-2.75 H-75 T**
This custom conversion is based on the Fenton Village overlay zone which state that “for properties with frontage on both Wayne Avenue and Fenton Street, notwithstanding the height limitations in Subsection (b)(1)(B)-(D), (height) may be increased by 15 feet for a building that includes residential uses or a mix of residential and commercial uses, if such additional height is not more than 200 feet from the right-of-way line for Fenton Street as recommended in the Approved and Adopted 2000 Silver Spring CBD Sector Plan...” The height limitation in Subsection (b)(1)(B)-(D) is that property located in a block that includes property in any single-family residential zone must not exceed 45’ in height for all uses except the height must not exceed 60 feet for: (i) residential use; or (ii) mixed use optional method, if at least 33% of the project’s floor area is residential and the project includes a hotel.
Custom SLVSP-11: CR-3.0 C-2.0 R-2.75 H-110 T
This custom conversion is based on the Fenton Village overlay zone which state that “[Building Height in the overlay zone] within the area between a major highway and a street that confronts a block that includes property zoned in any one-family residential classification, must not exceed 60 feet but may increase up to 90 feet the maximum height if at least 33% of a project’s floor area is residential; however, if additional building height is necessary to allow to accommodate workforce housing units and at least 33% of the project’s floor area is residential, up to 110 feet and where the additional height is placed near a major highway and decreases in the direction of the closest property zoned in any one-family residential classification;”

Custom SLVSP-12: CR-3.0 C-2.0 R-2.75 H-60 T
This custom conversion is based on the Fenton Village overlay zone which states that property located in a block that includes property in any single-family residential zone must not exceed 45’ in height for all uses except the height must not exceed 60 feet for: (i) residential use; or (ii) mixed use optional method, if at least 33% of the project’s floor area is residential and the project includes a hotel.

Custom SLVSP-15: CR-3.0 C-2.0 R-2.75 H-125 T
This custom conversion is based on the Ripley Street overlay zone which states that “Building height in the overlay zone along Newell Street and Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to: (A) a maximum of 90 feet for any building or portion of a building that is set back at least 60 feet from the street; or (B) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street and includes a public parking garage constructed under a General Development Agreement with the County.”

Custom SLVSP-18: CR-3.0 C-2.0 R-2.75 H-145 T
Under certain circumstances, the Planning Board may increase height in the CBD-1 zone to 143’. This site is being developed under project plan 91998005A and 91998005B, and has been approved for a height of 143’ in the CBD-1 zoned areas. For that reason, the conversion is proposing a height limit of 145’ to match the development which has already been approved.

Custom WDMNT-01: CR-3.0 C-1.0 R-3.0 H-90 T
This custom conversion is based on the Woodmont Triangle plan which states on page 13 that “in order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to a FAR of 1.0 for nonresidential development.” In addition, this property has been approved for residential density above the standard conversion up to 3.0 FAR under site plan 82006036B. As a result, the conversion will give the additional density which has already been approved.

Custom WDMNT-02: CR-3.0 C-1.0 R-2.75 H-90 T
This custom conversion is based on the Woodmont Triangle plan which states on page 13 that “in order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to a FAR of 1.0 for nonresidential development.” Custom conversion limits commercial FAR to 1.0.
Custom WDMNT-11: CR-3.0 C-1.0 R-2.75 H-120 T
This custom conversion is based on the Woodmont Triangle plan which states on page 13 that “in order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to a FAR of 1.0 for nonresidential development.” In addition, this plan “limits height in Block 9 to 90 feet. Parcel 646, the American Inn property, is situated between two taller buildings. To achieve comparable heights, building height may be increased on this property up to 118 feet.”

Custom WDMNT-13: CR-3.0 C-1.0 R-2.75 H-120 T
This custom conversion is based on the Woodmont Triangle plan which states on page 13 that “in order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to a FAR of 1.0 for nonresidential development.” In addition, this plan limits height in Block 11 “to 118 feet or 143 feet with a 22 percent MPDU bonus density.”

CBD-2

Default: CR-5.0 C-4.0 R-4.75 H-145 T
Under the current code, the maximum total density is 5.0 FAR. Maximum commercial density is 4.0 FAR, and the maximum residential density is 200 du/acre. The maximum height is 143’. A maximum residential density of 200 du/acre is approximately 5.0 FAR (assuming an average unit size of 1000sf). Residential density is set at 4.75 FAR to ensure mixed-use for maximum total density.

Custom BTHDA-03: CR-5.0 C-4.0 R-4.75 H-90 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 90’ for these properties.

Custom BTHDA-04: CR-5.0 C-4.0 R-4.75 H-60 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 60’ for these properties.

Custom BTHDA-08: CR-5.0 C-4.0 R-4.75 H-100 T
This custom conversion is based on an approval for this site. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 90’ for these properties. However, under site plan 820090150, height is approved for 98’.

Custom BTHDA-22: CR-5.0 C-4.0 R-4.75 H-125 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 125’ for this property.
Under the current zoning ordinance, additional commercial density can be granted by the Planning Board for sites meeting certain criteria, including:

- A minimum lot size of 22,000 square feet
- Frontage on a "major highway"
- Within an "Urban District" as defined by Chapter 68A
- At least 250' from single-family zoned land
- Includes a hotel
- Includes ground-floor retail

This site has been approved for density under this method; commercial FAR for this property is set at 5.0. (Site plan 820120210)

This custom conversion is based on a master plan recommendation to "rezone the site from the CBD-1 Zone to the CBD-2 Zone with a maximum of 1,050,000 square feet of total development.... With optional method development, the Plan recommends a total of 750,000 square feet of combined retail and office space. ... In addition, the Plan recommends a hotel of approximately 150,000 square feet and a minimum of 150,000 square feet of residential space. ... A grocery store could also be included within the development on the site... A facility of up to 40,000 square feet could be constructed. If the Planning Board determines... that additional grocery space is desirable for Friendship Heights, it may allow the grocery store to be included in the development without being counted toward the overall square footage limits. On this site, 1,050,000 square feet would be approximately 3.0 FAR. Commercial development (office, retail, and hotel) totaling 900,000 square feet would be approximately 2.6 FAR. And, 150,000 square feet of residential would be approximately 0.4 FAR (which is the minimum required).

This custom conversion is based on the Silver Spring CBD master plan which recommends “[allowing] additional height above 143’ on the Silver Triangle site with Planning Board Approval.” Footnote 11 of the Montgomery County Zoning Ordinance, §59-C-6.235(b) states that “under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if ... (ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan...”

This custom conversion is based on the Silver Spring CBD master plan that states “rezone the National Concrete Ready Mix parcels located on Cedar Street and Ellsworth Drive from CBD-1 to CBD-2 with a height limit of 60 feet, allowing the height to exceed 60 feet up to a maximum height of 75 feet with Planning Board approval based on compatibility with surrounding structures.”

Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: ... “(ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan is located fully or partially within 800 feet of an entrance to a metro station...” In addition, this site has been...
approved for development with a residential FAR of 4.86. As a result, the conversion maps this property with a 5.0 residential FAR. (Site plan 82008015)

Custom SLVSP-14C: CR-5.0 C-4.0 R-4.75 H-200 T
Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: ... “(ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan is located fully or partially within 800 feet of an entrance to a metro station...”

Custom SLVSP-14D: CR-5.0 C-4.0 R-4.75 H-200 T
Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: ... “(ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan is located fully or partially within 800 feet of an entrance to a metro station...”

Custom SLVSP-19: CR-5.0 C-4.0 R-4.75 H-200 T
Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if: ... “(ii) the additional height is specifically recommended for the property in the applicable sector plan or urban renewal plan or the property is within a revitalization area designated in the applicable sector plan is located fully or partially within 800 feet of an entrance to a metro station...” In addition, this property has an approval for 200' in height. (Project plan 91998005A).

Custom SLVSP-21: CR-5.0 C-4.0 R-4.75 H-200 T
This custom conversion is based on the Ripley Street Overlay, which states that “The Planning Board may approve a maximum building height of 200 feet in any CBD-2 zoned optional method of development project that provides ground floor retail. Any structure or device used to collect or radiate electromagnetic waves, including a satellite dish, must not be included in calculating building height under this paragraph.”

Custom WDMNT-06: CR-5.0 C-1.0 R-4.75 H-145 T
This custom conversion is based on the Woodmont Triangle plan that states on page 13 “in order to encourage residential development, the recommended increase in density up to the maximum allowed would be for residential development. All CBD zoned parcels within the study area will be limited to an FAR of 1.0 for nonresidential development.”

CBD-3

Default: CR-8.0 C-6.0 R-7.5 H-200 T
Under the current code, the maximum total density is 8.0 FAR. Maximum commercial density is 6.0 FAR, and the maximum residential density is 200 du/acre. The maximum height is 200’. Under the translation residential density is set at 7.5 FAR to ensure mixed-use for maximum total density.
Custom BTHDA-05: CR-5.0 C-5.0 R-4.0 H-200 T
This custom conversion is based on the Bethesda CBD master plan. It states that "the following specific requirements for the optional method of development apply to the Hot Shoppes site: (a) Limit the density to 615,000 square feet of gross floor area (4 FAR). This density can be increased to 750,000 square feet (approximately 4.9 FAR) of retail and office uses with the provision of a professional theater as the preferred, substantial benefit. The gross floor area of the professional theater is not included in the limitations on density and would be in addition to the 750,000 square feet. If the Planning Board determines that the theater is not viable, a minimum of 135,000 SF of housing may be provided within the 750,000 SF."

Custom BTHDA-23: CR-8.0 C-6.0 R-7.5 H-145 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 143' for this property.

Custom BTHDA-24: CR-8.0 C-6.0 R-7.5 H-175 T
This custom conversion is based on a master plan recommendation to limit height. The Bethesda CBD plan provides a recommended height map for the entire sector plan boundary on page 39. This map indicates a height limit of 175' for this area.

TS-R (Transit station, residential)

In the current zoning code, TS-R is a floating zone with a maximum overall density of 2.5. The commercial density is determined by the master plan or, if the master plan is silent, limited to street level or a restaurant in the penthouse. Residential density is limited to 150 dwelling units/ acre and the maximum height is established during site plan review.

Many projects in the TS-R zone were approved for residential development without a commercial component. For projects approved as residential only, the commercial density in the CR formula is set to 0.25 because that is the lowest threshold of commercial FAR required in by the CR zone.

Custom BTHDA-27: CR-2.25 C-0.5 R-2.0 H-125 T
This site, in conjunction with BTHDA-28, was reclassified to the TS-R zone by Local Map Amendment/ Development Plans G-561, G-583, and received further development approvals with Preliminary Plan 1-1988-0860, and Site Plan 8-1988-0310 & A. The project was approved for a total FAR of 2.20, including 21,050 sf of commercial development and 149 dwelling units. This portion of the site was approved with a maximum height of 122'.

Custom BTHDA-28: CR-2.25 C-0.5 R-2.0 H-35 T
This site, in conjunction with BTHDA-27, was reclassified to the TS-R zone by Local Map Amendment/ Development Plans G-561, G-583, and received further development approvals with Preliminary Plan 1-1988-0860, and Site Plan 8-1988-0310 & A. The entire project was approved for a total FAR of 2.20, including 21,050 sf of commercial development, and 149 dwelling units. The development plan limited the offices in this portion of the site to the
existing structures, which were built under R-60 standards, so the maximum height is 35', identical to the maximum height in the R-60 zone.

**Custom BTHDA-29A: CR-1.0 C-0.25 R-1.0 H-40 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-720, as amended by DPA 03-2. The zoning approvals authorized 6 three story townhouses (approximately 1.0 FAR and 40' in height).

**Custom BTHDA-29B: CR-1.75 C-0.25 R-1.75 H-40 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-720, and received further development approvals with Preliminary Plan 1-1997-0380 and Site Plan 8-1998-0120. This site was approved for 22 three story townhouses (approximately 1.64 FAR and 40' height.)

**Custom BTHDA-29C: CR-2.0 C-0.25 R-2.0 H-50 T**
This site was approved for the TS-R zone by G-865, G-779, and DPA 07-03 with a 2.0 FAR of residential density and a maximum height of 48'.

**Custom BTHDA-29D: CR-2.0 C-0.25 R-2.0 H-50 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-778, and received further development approvals with Preliminary Plan 1-2001-0180 and Site Plan 8-2001-0040. The project was approved for 36,700 sf (1.9 FAR) of residential development and a maximum height of 3 stories, up to 46'.

**Custom BTHDA-30: CR-2.5 C-0.25 R-2.5 H-70 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plans G-954 and DPA 13-0, and received further development approvals with Preliminary Plan 1-2008-0050 & A, and Site Plan 8-2008-0030. The project was approved for 3.05 FAR of residential development, including a 22% density bonus for providing 15% MPDUs. The MPDU density bonus is captured in the 'T' provision, so the maximum and residential FAR are capped at 2.5 FAR. The project was approved with a maximum height of 70'.

**Custom BTHDA-30B: CR-2.5 C-0.25 R-2.5 H-70 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-908, and received further development approvals with Preliminary Plan 1-2013-0120 and Site Plan 8-2013-0150. The project was approved for 2.496 FAR of residential development at a maximum height of 69'.

**Custom BTHDA-31: CR-2.5 C-0.25 R-2.5 H-130 T**
This site was approved for the TS-R zone by Local Map Amendment / Development Plan Amendment 87-1, and received further development approvals with Preliminary Plan 1-1986-2830 and Site Plan 8-1986-1020. The site was approved for a total FAR of 2.50 with 255 dwelling units with a maximum height of 12 stories (130').

**Custom BTHDA-32A: CR-2.5 C-0.25 R-2.5 H-75 T**
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-347 and received further development approvals with Preliminary Plan 1-1984-0580 and Site Plan 8-
1986-0810. The site was approved for 115,192 sf of residential development (2.499 FAR) and a height of 8 stories, or 72'.

Custom BTHDA-32B: CR-1.5 C-0.25 R-1.5 H-40 T
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-755 and received further development approvals with Preliminary Plan 1-1998-0670 and Site Plan 8-1988-0350. The site was approved for 17 dwelling units (1.39 FAR, assuming a 2400 sf unit size) and a maximum height of 38'.

Custom BTHDA-32C: CR-2.5 C-0.25 R-2.5 H-75 T
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-842, as modified by DPA 00-2 and DPA 06-02. DPA 06-02 approved 60 residential units at 3.05 FAR, including a 22% density bonus for providing 15% MPDUs. The site was mapped with a 2.5 total and residential FAR, and the 22% bonus density is incorporated into the “T” provision. The site was approved with a maximum height of 71'.

Custom BTHDA-32D: CR-1.75 C-0.25 R-1.75 H-50 T
This site was approved for the TS-R zone by Local Map Amendment/Development Plans G-721, G-755, G-769, G-842, DPA 98-1, DPA 98-2, DPA 00-2, and DPA 06-2. The site received further development approvals with Preliminary Plan 1-2007-0720 and Site Plan 8-2007-0230 for 12,750 sf of residential development (approximately 1.71 FAR) and a maximum height of 48'.

Custom BTHDA-32E: CR-2.5 C-0.25 R-2.5 H-75 T
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-819, and received further development approvals with Preliminary Plan 1-2007-0280 and Site Plan 8-2007-0060. The site was approved for 3.05 FAR of residential development, including a 22% bonus density for providing 15% MPDUs. The site was mapped with a 2.5 total and residential FAR, and the 22% bonus density is incorporated into the “T” provision.

Custom BTHDA-32F: CR-1.75 C-0.25 R-1.75 H-45 T
This site was approved for the TS-R zone by Local Map Amendment/Development Plan G-721, as amended by DPA-96-4, and received further development approvals with Preliminary Plan 1-1996-0590 and Site Plan 8-1997-0110/A. The site was ultimately approved for 12 dwelling units (1.66 FAR, assuming a unit size of 2400 sf) at a maximum height of 42'.

Custom WFLINT-03: CR-2.5 C-0.25 R-2.5 H-190 T
This site was approved for the TS-R zone by Local Map Amendment / Development Plan Amendment DPA 86-1 and received further development approvals with Preliminary Plan 1-1980-1120 and Site Plan 8-1986-0590(A). The project was approved for a total FAR of 2.43, 3,000 sf of retail space (rounded up 0.25 FAR), 945 dwelling units, and a maximum height of 18 stories (190').

TS-M (Transit station, mixed)

TS-M is a floating zone with an overall density limitation of 3.0 FAR in the existing zoning code. The current zoning code does not provide guidance about height or the appropriate mix of commercial and residential densities, so development plans were used to create the CR formula.
Custom BTHDA-20: CR-2.75 C-0.5 R-2.5 H-55 T
This site is part of a project in downtown Bethesda (see also BTHDA-21) approved for the TS-M zone by Local Map Amendment/ Development Plan G-850. The development plan authorized a maximum overall density of 2.59 FAR, including 250 dwelling units (approximately 2.5 FAR using a 1437.5 average unit size assumption). The development plan did not have an explicit statement about commercial development, so staff looked to the site plan for guidance. Site plan 8-2007-0180 authorized 40,000 sf of commercial development (approximately 0.28 FAR). The development plan limited the height to 54' on this lot.

Custom BTHDA-21: CR-2.75 C-0.5 R-2.5 H-90 T
This site is part of a project in downtown Bethesda (see also BTHDA-20) approved for the TS-M zone by Local Map Amendment/ Development Plan G-850. The development plan authorized a maximum overall density of 2.59 FAR, including 250 dwelling units (approximately 2.5 FAR using a 1437.5 average unit size assumption). The development plan did not have an explicit statement about commercial development, so staff looked to the site plan for guidance. Site plan 8-2007-0180 authorized 40,000 sf of commercial development (approximately 0.28 FAR). The development plan limited the height to 90' on this lot.

Custom FSHIP-02: CR-3.0 C-2.0 R-1.0 H-100 T
This site was reclassified to the TS-M zone by Local Map Amendment/ Development Plan G-760. The development plan authorized a maximum overall density of 2.85 FAR comprised of 810,000 sf of commercial space (1.88 FAR) and 420,536 sf of residential development (0.97 FAR). The development plan set the maximum height at 9 stories.

Custom FSHIP-06: CR-0.75 C-0.75 R-0.25 H-55 T
This site was reclassified to the TS-M by Local Map Amendment/ Development Plan G-775, and amended by DPA 10-01. The development plan authorized 112,000 sf of commercial development (0.54 FAR) and a maximum height of 3 stories. However, the property owner requested a height of 55' to match the building's current and approved height (at 3 stories, it still complies with the zone) it received under the TS-M zone (site plan #82001021A). Since no residential development was approved for this site, staff recommends decreasing the residential density to 0.25 FAR, the lowest amount allowed in the CR zone.

Custom SDYGR-15: CR-0.75 C-0.75 R-0.25 H-80 T
The zoning translation for this property was based on Local Map Amendments/ Development Plans G-7, G-401, and DPA 83-4 (which modified G-7). Based on the most recent approvals, G-401 and DPA 83-4, the density of this site should be limited to 0.5585 FAR of commercial development with a maximum height of 7 stories.

Custom WFLINT-02: CR-3.0 C-2.5 R-0.75 H-200 T
The zoning translation for this property was based on G-96, as amended by DPA 87-2, and DPA 92-3. The original development plan, G-96, consisted of 12.25 acres. However, a portion of the original TS-M zoned site (Lot 5, owned by HOC) has since been rezoned to CR by the White Flint Sector Plan. The portion of the site that remains in the TS-M zone is 6.646 acres. Therefore, density is calculated based on the 6.646 acres, assuming 673,990 sf of commercial space (2.32 FAR), and 200 dwelling units (approximately 0.69 FAR, assuming an average unit size of 1000 sf).
The zoning translation was based on Local Map Amendment/Development Plan G-726, as amended by DPA-01-01, DPA-04-01 and DPA 06-04. The most recent zoning approval, DPA 06-04, authorized an overall density of 2.4 FAR (2.39 FAR of residential plus .01 FAR of commercial) and a maximum height of 18 stories.

MXN (Mixed Use Neighborhood) floating zone

The current zoning code specifies a maximum overall density of 0.3 FAR in the MXN zone. The current code also requires that 25% of the gross floor area for any project be residential. The maximum height in the MXN zone when adjoining an area of existing or planned one-family detached house residential zoning is equal to the setback from the tract boundary.

All land classified as MXN is located in the 192 acre Traville development. The site was rezoned to MXN by Local Map Amendment/Development Plan G-718. The development plan authorized 1,322,500 sf of non-residential development (0.16 FAR) and 750 dwelling units (approximately 0.22 FAR). The LMA doesn’t specify a height and just states that the application provides sufficient setbacks and height. Further, the Hearing Examiner’s report states that “the proposed development will provide for extensive setbacks including a 100’ setback from adjoining single-family detached homes. The building heights will be limited to a height no greater than the setback from the tract boundary because the applicant did not request a waiver of this requirement.” The height is mapped at 100’ to accommodate the existing development and allow a reasonable height for new buildings given the current language about height in the MXN zone.

Custom GSSCR-05A: CRT-0.5 C-0.5 R-0.25 H-100 T
This translation is the result of a request from a property owner based on Site Plan 820010120, which authorized 1,030,000 sf (0.34 FAR) of commercial development to locate on this lot.

Custom GSSCR-05B: CRT-0.5 C-0.25 R-0.25 H-100 T
This translation is based on the standards of the zone and the development plan approval.

MXPD (Mixed Use Planned Development) floating zone

The current zoning code specifies a maximum commercial density of 0.75 FAR and a maximum residential density of 75 du/acre (2.48 FAR, assuming an average unit size of 1437.5 sf) for the MXPD zone. Since the zoning code does not specify a maximum height in the MXN zone, staff used the development plan to set the parameters of the translation.
Custom CLRGK-06: CRT-0.5 C-0.25 R-0.25 H-130 T
This site was reclassified to the MXPD zone by Local Map Amendment/ Development Plan G-806, as amended by DPA 13-02. DPA 13-02 authorized 2,420,000 sf of commercial development (.20 FAR) and 1,639 residential units (0.25 FAR assuming 700 detached or townhouse units at an average size of 2400 sf, and 939 multifamily units averaging 1437.5 sf).

Custom GSSCR-06: CRT-1.0 C-0.25 R-1.0 H-110 T
This site was reclassified to the MXPD zone by Local Map Amendment/ Development Plan G-439, as amended by DPA 86-2 and DPA 86-5. However, a majority of the original 212.6 acre MXPD site has since been annexed by the City of Gaithersburg. Because this translation only applies to a small portion of the land area in the original development plan, and the development plan was vague about the location of buildings, staff based the CRT density on the following Site Plans: 819940040, 819930180, 819970150. These site plans approved a residential density of approximately 0.85 FAR, and a commercial density of 0.0008 FAR. The height in the translation is based on G-439, which authorized a maximum height of 10 stories for the majority of the area.

Custom NBETH-02: CR-1.5 C-0.75 R-0.75 H-275 T
The District Council approved local Map Amendment/ Development Plan G-713 in 1997 to reclassify this property from the R-H zone to the MXPD zone. The development plan authorized 1250 multi-family dwelling units (0.67 FAR assuming a 1437.5 average unit size) and 1,325,000.00 sf of commercial space (0.58 FAR). The tallest building is approved at 272’ per Site Plan 820090030. This site, unlike the other MXPD sites which translate to CRT, translates to CR because the CRT zone does not permit building heights above 150’.

I-1

Default: IM-2.5 H-50
The I-1 zone allows a maximum building height of 42’; however, the Planning Board increased the height in the conversion to 50’ after hearing concerns from several industrial property owners about the height necessary to accommodate certain industrial uses. The I-1 zone has no maximum FAR; the 2.5 FAR in the conversion accommodates existing buildings. Under special regulations in the I-1, height can be increased up to 120’ for providing an employment center if the master plan does not indicate that large employment centers are unsuitable.

Custom BOYDS-02: IM-1.5 H-45
The master plan (pg. 9) states that “Although the master plan recommends I-1 zoning, this property is not suitable as a major employment center. Low intensity uses, such as warehousing, are envisioned.” Since the master plan recommends a lower intensity on this site, it was given a lower FAR and height in the conversion.

Custom GTOWN-03: IM-2.5 H-80
This conversion is the result of the property owner requesting that staff match the site’s development approval under site plan 81998022F, which allows for a maximum building height of 79’.
Custom WESTB-02: IM-1.5 H-45
The master plan (table on pg. 65) notes that the height limit in the I-1 zone is 42’. The master plan also states (pg. 64) that “the optional method of development in both the C-O zone and I-1 zoned areas may not be authorized” for all of Westbard. Since the master plan recommends a lower intensity on this site, it was given a lower FAR and height in the conversion.

---

I-2

**Default: IH-2.5 H-70**
The I-2 zone allows a maximum of 70’ in height and has no maximum FAR. The 2.5 FAR given in the conversion accommodates existing development.

---

I-4

**Default: IL-1.0 H-50**
The I-4 zone allows a maximum building height of 42’; however, the Planning Board increased the height in the conversion to 50’ after hearing concerns from industrial property owners about the height necessary to accommodate certain industrial uses. The I-4 zone allows a maximum FAR of 1.0.

---

R&D

**Default: IM-0.5 H-75**
The R&D zone allows a maximum building height of 50’ for standard method and 75’ for optional method. The maximum FAR in the R&D zone is 0.3 under standard method and 0.5 under optional method.

---

R-S

**Default: IM-0.25 H-50**
The R-S zone allows a maximum building height of 50’ and a maximum FAR of 0.15.

---

I-3

**Default: EOF-0.75 H-100 T**
The I-3 zone allows a maximum building height of 100 feet. The maximum density is 0.5 FAR, except that the maximum density may be increased to a 0.6 FAR, provided that the applicant for development obtains approval of a traffic mitigation agreement at time of site plan review that will result in traffic generation equal to or less than a project with a FAR of 0.5. In addition, special regulations for optional method development in the I-3 zone permit a mixed-use development at locations that have convenient access to transit and are recommended in the master plan. The purpose of the I-3 mixed use option is to promote mixed use, transit and pedestrian oriented centers, which include housing and a commercial component with an
employment emphasis. Dwellings are permitted by right under this method of development and density must not exceed any density limits set in the master plan. The maximum non-residential density is 0.6 FAR, and retail/service can be no more than 20% of total FAR while employment has to be at least 60% of FAR. Base residential density must not exceed 8 units per acre. Base density may be increased to accommodate MPDUs and TDRs provided that the final density does not exceed 12.5 units per acre and does not exceed the recommended total density in the applicable master plan.

Custom GTOWN-01 (KI-B): EOF-0.25 H-100
The master plan (pg. 73) “recommends that the property be zoned I-3 with a 0.25 FAR. The base zone should be R&D; however, this area is not suitable for the optional method of development due to issues of compatibility with surrounding residential uses.” Since the master plan recommends against the optional method of development, this conversion does not include the “T.”

Custom NBETH-05: EOF-1.0 H-100 T
This conversion is the result of the property owner requesting that staff match the site’s development approval under site plan 819890490. Site plan amendment G says “in no event shall the total FAR on the site exceed 1,635,100 SF.” The gross tract area is 44.1628 acres. This works out to a 0.849 FAR.

Custom NBETH-06: EOF-1.0 H-100 T
This conversion is the result of the property owner requesting that staff match the site’s development approval under site plan 819900270. The site plan is approved for 463,651 SF of development on 12.52 acres, which is a 0.85 FAR.

Custom NBETH-07: EOF-1.0 H-100 T
This conversion is the result of the property owner requesting that staff match the site’s development approval. There is no available plan information for this site, but the master plan confirms that the site is built to 0.84 FAR (see table on page 97).

Custom NBETH-08: EOF-1.0 H-110 T
This conversion is the result of the property owner requesting that staff match the site’s development approval. There is no available plan information for this site, but the master plan confirms that the site is built to 1.0 FAR and is 10 stories tall (see table on page 97).

Custom NBETH-10: EOF-1.5 H-100 T
This conversion is the result of the property owner requesting that staff match the site’s development approval. The site plan provides limited information; according to the North Bethesda/Garrett Park Master Plan (page 97), this site is built to an FAR of 1.36

Custom NBETH-11: EOF-1.0 H-100 T
This conversion is the result of the property owner requesting that staff match the site’s development approval. There is no site plan information; According to the North Bethesda/Garrett Park Master Plan (page 97), this site is built to an FAR of 0.79.
Custom NBETH-12: EOF-1.25 H-100 T
This conversion is the result of the property owner requesting that staff match the site's development approval. The site plan provides limited information; According to the North Bethesda/Garrett Park Master Plan (page 97), this site is built to an FAR of 1.15.

Custom POTMC-10: CRT-1.25 C-0.5 R-0.75 H-100 T
This conversion is the result of the property owner requesting that staff match the site's development approval under site plan 82004015K. The site is approved for 600 dwelling units (150 townhouses and 450 multifamily) and 850,000 SF of commercial FAR, on 54.84 acres. According to the resolution and site plan, the commercial portion is on 20.28 acres, which is 0.35 FAR of commercial. For the residential, the FAR works out to 0.67 (assuming 150*2400 + 450*1437.5, on 34.41 acres as stated in the site plan). This I-3 conversion utilizes CRT instead of EOF because of the residential to commercial split that was already approved (EOF would limit residential development to 30% of the FAR on site).

Custom SDYGR-01 (Robert’s Oxygen Property-Site 1): EOF-0.5 H-45
The master plan (pg. 29-30) states that this area should be rezoned to the “R&D/I-3 zone standard method. Development should be limited to 0.3 FAR in order to maintain the jobs to housing ration in the plan area.” It also says to “establish a 42’ building height limit to improve compatibility with adjacent residential community.” Since the master plan recommends the standard method of development, this conversion does not include the “T.”

Custom SDYGR-02 (Casey 6-Site 2): EOF-0.5 H-50
The master plan (pg. 30) says “to accommodate housing options between Casey 6, Casey 7, Metro North-CSP and Jeremiah Park, allowing up to 130 units on Casey 6...Density cannot be increased for bonus MPDUs due to site constraints.” It also recommends “rezoning from I-1 to R&D/I-3 zone. Allow up to 0.3 FAR industrial/office uses and support the I-3 optional method with housing under the provisions outlined in the Potential Joint Development section....Limit building heights to 4 stories to establish compatibility with nearly residential communities.” Since the master plan notes that density cannot be increased for bonus MPDUs, this conversion does not include the “T.”

Custom SDYGR-03 (Casey 7-Site 3): EOF-0.75 H-60 T
The master plan (pg. 31) says to limit “non-residential density to 0.3 FAR to limit employment in the plan area....to accommodate housing options among Casey 6, Casey 7, Metro North-CSP, and Jeremiah Park, this site can accommodate up to approximately 135 base density housing units on Casey 7 under the R&D/I-3 zone optional method with housing...Housing units can be increased for workforce housing, TDRs, and MPDU bonus density where applicable, but cannot exceed 340 units maximum. Allow up to 0.3 FAR industrial/office uses....Rezoning from I-1 to R&D/I-3 zone and support housing options under the I-3 optional method with housing or with PD-18 zoning....Limit building heights to 5 stories to establish a midrise character along Shady Grove Road. Maintain 4 stories or less along Crabbs Branch Way.”

Custom SDYGR-13 (Casey Property – Vacant Site 2): EOF-0.75 H-100
The master plan (pg. 26) says to “Provide technology, research and development, or office uses... Rezone from R-20 to R&D with an I-3 standard method allowing expanded employment.” Since the master plan recommends the standard method of development, this conversion does not include the “T.”
Custom SDYGR-14 (Casey Property – Vacant Site 3): EOF-0.75 H-100
The master plan (pg. 26) says to “Provide technology, research and development, or office uses to create a technology corridor...Rezone from I-1 to R&D with an I-3 standard method allowing expanded employment. Housing is not appropriate given the site’s proximity to solid waste transfer station.” Since the master plan recommends the standard method of development, this conversion does not include the “T.”

LSC

Default: LSC-2.0 H-200 T
The maximum building height allowed in the LSC zone is 200’ and the maximum allowed FAR is 2.0

Custom CCLAK-01: LSC-0.5 H-65 T
The master plan (pg. 36) recommends limiting development at HHMI to a maximum of 0.5 FAR and a maximum building height of 65 feet.

Custom GRMTC-26: LSC-2.0 H-100 T
The master plan (pg. 73) says to “permit building height up to 100 feet (8 stories) and cluster new development to ensure a dense and cohesive campus.”

Custom GSSCR-01: LSC-1.0 H-150 T
The master plan (pg. 36) says to “allow a maximum of 1.0 FAR for properties in LSC Central...Locate the highest density and tallest buildings (150 feet) adjacent to the transit station to form an identifiable center.”

Custom GSSCR-02: LSC-1.5 H-150 T
The master plan (pg. 36) says to “allow a maximum of 1.5 FAR for properties in the center of the district (bounded by Key West Avenue, Medical Center Drive, and Broschart Road): AHC, JHU, and 9707, 9711, and 9715 Medical Center Drive...Locate the highest density and tallest buildings (150 feet) adjacent to the transit station to form an identifiable center.”

Custom GSSCR-03: LSC-1.0 H-110 T
The master plan (pg. 36) says to “allow a maximum of 1.0 FAR for LSC Central.” Although the text broadly recommends the highest density and tallest buildings (150 feet) adjacent to the transit station to form an identifiable center, the map on pg. 36 shows these properties limited to 110’ maximum.

Custom GSSCR-04: LSC-1.0 H-150 T
The master plan (pg. 45) says to “rezone the Belward property from R&D to the LSC zone and allow up to 1.0 FAR.” On pg. 46, the master plan says to “concentrate the highest density and building heights (150 feet) near the CCT station.”

Miscellaneous
The following mapping change is a result of a Corrective Map Amendment that is being incorporated into DMA G-956:

**Custom POTMC-13: PD-3**  
This property is currently incorrectly zoned R-200 on the official Mylar zoning maps and is being corrected to PD-3.