

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**MCPB  
Item #10  
9/21/06**

**DATE:** September 12, 2006  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review *RK*  
Carlton Gilbert, Zoning Supervisor *CG*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To add real estate office as a permitted use in the C-1 and C-2 zones

**TEXT AMENDMENT:** No. 06-22  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Praisner  
**INTRODUCED DATE:** July 18, 2006  
**PLANNING BOARD REVIEW:** September 21, 2006  
**PUBLIC HEARING:** September 26, 2006, 1:30 p.m.

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**STAFF RECOMMENDATION:** APPROVAL WITH MODIFICATIONS

**PURPOSE OF THE TEXT AMENDMENT**

To add real estate office as a permitted use in the C-1 and C-2 zones

**BACKGROUND**

The proposed zoning text amendment was initiated to provide consistency in the use of various office use terminology. Specifically, the legislation proposes to show real estate offices as a permitted use in the C-1 and C-2 zones since office uses are already permitted in these zones. General office, with a definition that actually includes real estate companies, is a permitted use in the C-2 zone while professional and business offices, (including real estate offices - according to the definition of general office), are a permitted use in the C-1 zone. However, the use table in the code only shows "offices, real estate" as Permitted Uses in the C-3 and C-4 zones. The C-1 and C-2 zones are blank, which seems to imply that real estate offices are not, in fact, permitted. This text

amendment would correct that by specifically showing “offices, real estate” as permitted uses in the C-1 and C-2 zones.

**ANALYSIS**

Below, is the proposed text amendment that depicts the proposal to permit real estate offices in the C-1 and C-2 zones:

**Sec. 1. DIVISION 59-C-4 is amended as follows:**

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

\* \* \*

**59-C-4.2. Land uses.**

\* \* \*

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
<b>(e) Services:</b>												
* * *												
Offices, real estate.					<u>P</u>	<u>P</u>	P	P				
Pawnshop. <sup>53</sup>						P						
* * *												

General Office Category as it Relates to Real Estate Offices

The definition of general office is as follows:

**Office, general:** *An office for the use of (a) professional persons such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.*

As stated above, the definition of “general office” encompasses the real estate and professional and business office categories. Since a general office is a permitted use in the C-2 zone, real estate offices could be included in the C-2 zone without policy implications.

Professional and Business Office Use as it Relates to Real Estate Offices

General business offices (within the general office definition) include real estate offices. The C-1 zone also permits professional and business offices (as a separate land use category from general office) with a footnote (No. 24) that reads as follows:

*“Provided that such uses are consistent with the purposes of this zone; and provided further that on tracts of 5 acres or more such uses shall not occupy more than 50 percent of total gross floor area.”*

The footnote requires consistency with the purpose of the C-1 zone and limits the size of the use when located on parcels 5 acres or larger. The purpose of the C-1 zone is *“to provide locations for convenience shopping facilities in which are found retail commercial uses which have a neighborhood orientation and which supply necessities usually requiring frequent purchasing with a minimum of consumer travel. Such facilities should be located so that their frequency and distributional pattern reflect their neighborhood orientation. In addition, **such facilities should not be so large or so broad in scope of services as to attract substantial amounts of trade from outside the neighborhood....”***

Real estate offices typically do not generate substantial amounts of trade from outside of the neighborhood; traffic is generated mainly through employee trips. As such, a real estate office can be considered consistent with the purpose of the C-1 zone. Staff recommends that real estate offices be permitted in the C-1 zone with a footnote that restricts the maximum floor area percentage to 50 percent of the total gross floor area on tracts of 5 acres or more. This language is consistent with that of a professional and business office located in the C-1 zone.

## **RECOMMENDATION**

Staff recommends that the Planning Board support the text amendment as modified and included as Attachment 1.

GR

### Attachments

1. Proposed Text Amendment 06-22

# ATTACHMENT 1

Zoning Text Amendment No: 06-22  
Concerning: Office, Real Estate – C-1 and  
C-2 zones  
Draft No. & Date: 1 – 6/27/06  
Introduced: July 18, 2006  
Public Hearing: 9/16/06; 1:30 PM  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Praisner

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

- adding real estate office as a permitted use in the C-1 and C-2 zones; and
- generally amending the permitted uses in the C-1 and C-2 zones.

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

DIVISION 59-C-4    “COMMERCIAL ZONES”  
Section 59-C-4.2    “Land uses”

*EXPLANATION: **Boldface** indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws  
by the original text amendment.  
[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.  
Double underlining indicates text that is added to the text  
amendment by amendment.  
[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

1           **Sec. 1. DIVISION 59-C-4 is amended as follows:**

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

3   \* \* \*

4   **59-C-4.2.   Land uses.**

5   \* \* \*

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
<b>(e) Services:</b>												
* * *												
Offices, real estate.					<u>P</u> *	<u>P</u>	P	P				
Pawnshop. <sup>53</sup>						<u>P</u>						
* * *												

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7   \*   Provided that on tracts of 5 acres or more such uses shall not occupy more  
 8       than 50 percent of total gross floor area.

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10       **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of  
 11   Council adoption.

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13   This is a correct copy of Council action.

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 Linda M. Lauer, Clerk of the Council