



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

MCPB
Item #11
1/13/11

DATE: January 3, 2011
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Area 1 *RAK*
FROM: Greg Russ, Zoning Coordinator, Functional Planning & Policy *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To conform the land uses allow in the RNC/TDR zone to the land uses allowed in the RNC zone

TEXT AMENDMENT: No. 10-14
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Floreen
INTRODUCED DATE: December 14, 2010

PLANNING BOARD REVIEW: January 13, 2011
PUBLIC HEARING: January 18, 2011; 1:30pm

STAFF RECOMMENDATION: Approval as introduced to conform the land uses allow in the RNC/TDR zone to the land uses allowed in the RNC zone.

ANALYSIS

The RNC/TDR Zone was recommended by the Planning Board in January, 2006 to enable the realization of the recommendations contained in the Planning Board Draft of the Damascus Master Plan relating to properties in the Damascus transitional areas and ultimately for properties in other master plans. The intent was to add to the tools available to establish TDR receiving capacity, allowing smaller lots and greater preservation of open space.

The Planning Board recommended that the RNC/TDR Zone include the same land uses as allowed in the RNC Zone. The County Council approved the Zone but did not include several of the land uses allowed in the RNC Zone although there is no evidence in the record that the Council's intent regarding allowable land uses was different than the Planning Board's intent.

ZTA 10-14 proposes to rectify these omissions. The land uses to be added to the RNC/TDR zone include: accessory dwelling (requires special exception approval); guest house, as accessory use (permitted by-right); amateur radio

facility (permitted by-right if it does not exceed 65 feet in height; otherwise a special exception for additional height is required through the Board of Appeals); telecommunications facility (requires special exception approval); and a private riding stable (by-right based on acreage requirements per horse—minimum two acre site).

On surface, it appears that allowing accessory dwellings and guest houses in the RNC/TDR zone could allow for additional development units without the additional density calculation. However, as with all other agricultural zones (including the RDT zone), an accessory dwelling must be located on a tract or parcel that is primarily agricultural in use, thereby limiting its impact on adjacent properties (generally located on larger tracts than the smaller RNC lots created through subdivision). Also, the special exception process would ensure that any adverse impacts of the use on surrounding properties would be addressed. A guest house, as defined and as codified under footnote 8, is excluded from the density calculations set forth in sections 59-C-9.41 only if it remains accessory to a farm. Otherwise, its density is calculated based on the applicable zoning requirements.

In summary, the impact of establishing land uses in the RNC/TDR zone that are consistent with those allowed in the RNC zone should be minimal. It also appears to be in conformance with the RNC/TDR zone's original intent of establishing land uses and development standards consistent with the RNC zone.

GR

Attachments

1. Proposed Text Amendment No. 10-14

ATTACHMENT 1

Zoning Text Amendment No.: 10-14
Concerning: RNC/TDR Zone – Land Uses
Draft No. & Date: 1 – 11/08/10
Introduced: December 14, 2010
Public Hearing:
Adopted:
Effective:
Ordinance No.:

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

By: Councilmember Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- conform the land uses allow in the RNC/TDR zone to the land uses allowed in the RNC zone

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

Section 59-C-9.3. Land uses.

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

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

Sec. 1. Section 59-C-9 Agricultural Zones is amended as follows:

59-C-9.3. Land uses.

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

- **Permitted uses.** Uses designated by the letter “P” are permitted on any lot in the zones indicated, subject to all applicable regulations.
- **Special exception uses.** Uses designated by the letters “SE” may be authorized as special exceptions, in accordance with the provisions of Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/ TDR
* * *							
(e) Residential:²							
Accessory apartment. ^{6,7}	SE	SE	SE	SE ⁴⁸		SE	SE
Accessory dwelling. ⁷	SE	SE	SE	SE ⁴⁸	SE	SE	<u>SE</u>
* * *							
Guest house, as accessory use. ⁸	P	P	P	P ⁴⁸	P	P	<u>P</u>
* * *							
(f) Transportation, Communication and Utilities:							
* * *							
Amateur radio facility	P ⁴⁶ /SE	P ⁴⁶ /SE	P ⁴⁶ /SE	P ⁴⁶ /SE	P ⁴⁶ /SE	P ⁴⁶ /SE	<u>P⁴⁶/SE</u>
* * *							
Telecommunications facility	P ³³ /SE	P ³³ /SE	P ³³ /SE	P ³³ /SE	P ³² /SE	SE ²	<u>SE²</u>
* * *							
(i) Cultural, Entertainment and Recreational:							
* * *							
Riding stable, private. ¹⁷						P	<u>P</u>
* * *							

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

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14 This is a correct copy of Council action.

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18 Linda M. Lauer, Clerk of the Council