



## Corrective Map Amendments G-915 through G-926

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notice dates-not applicable

Completed: 9/26/12

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### Description

These Corrective Map Amendments (CMAs) are part of the Department's initiative to create official zoning layer for the county in a Geographical Information System (GIS). Staff reviewed all official zoning maps for mapping errors that needed to be corrected before requesting District Council approval of the GIS-based official repository of zoning information. Staff has found a total of 50 corrections to the zoning maps. The County Council approved fifteen corrections on July 26, 2011 (County Council resolution #17-243). The remaining 35 corrections will be brought forward as three separate staff reports: right-of-way withholding cases; technical mapping errors; and technical mapping errors as a result of annexations. As described below, staff is recommending zoning corrections for twelve right-of-way withholding cases in this round.

### Summary

Staff recommendation: Approval to file 12 Corrective Map Amendments (G-915 through G-926) with the District Council for the following reasons:

1. The corrections will conform to the 1969 Maryland Court of Appeals decision, also known as the "Freeman Decision."
2. The corrections will conform to District Council Ordinance 10-75, requiring all previously withheld rights-of-way on private properties to assume the zoning classification of the land of which they are a part.

Attachment 1 contains a Table of Properties Recommended for Reclassification of the twelve withholding cases (G-915 through G-926).

## **Introduction**

Section 59-H-10.1(b) of the Zoning Ordinance states that the purpose of a CMA is to “enable the District Council in lieu of a comprehensive sectional map amendment to correct technical errors or inaccurate depictions of zoning boundary lines on an adopted map that are known as a result of mapping, surveying or other technical information.”

In the spring of 2008, the District Council approved The Zoning Discovery document, which, among other recommendations, proposed to modernize Montgomery County’s zoning maps from the current hand-drawn and AutoCAD maps to ones generated through a GIS-based mapping tool. Should there be a need for a future comprehensive rezoning, the mapping process could be done quickly and accurately.

The Corrective Map Amendment process is the first step toward finalizing this project. Step two, which will take place after action has occurred on all of the corrective map amendments, will be to seek the County Council’s approval to adopt a digital zoning layer for Montgomery County.

## **Background**

Right-of-way withholdings occurred through District Map Amendments, Sectional Map Amendments (SMA) and Local Map Amendments (LMA). The 1958 Zoning Ordinance stated that “any area reclassified by a local or sectional or District plan map amendment shall exclude and be held to exclude any portion of the area which lies in the bed of a road, street or alley, whether existing or proposed on a plan adopted by the Commission...” In 1969, the Maryland Court of Appeals found withholding future rights-of-way from rezoning to be unconstitutional. On July 7, 1986, the District Council adopted Ordinance 10-75 (§59-A-1.72 of the Zoning Ordinance), which required the zoning for any previously withheld rights-of-way to match the zoning of the property from which the zoning had been withheld.

Proposed CMAs G-915 through G-926 include parcels where zoning designations were withheld for purposes of right-of-way expansions. The majority of these CMAs were a result of right-of-way withholdings that occurred with the Comprehensive District Map Amendment, adopted in June 1958 (County Council Ordinance # 3-206). Since there was no comprehensive rezoning action to correct all such areas, portions of these properties still show the withholding.

The properties are identified by WSSC map grid number, proposed reclassification and property description (e.g., parcel and tax account numbers). Graphic depictions of the proposed changes are shown in attachments at the back of this report.

**A. Corrective Map Amendment G-915 (Attachment 2)**

**Property ID/Location:** P805 and P817/Southwest corner of Laytonsville Rd and Damascus Rd, Damascus  
**WSSC Grid:** 234NW07  
**Proposed Reclassification:** 0.46 acres from the R-200 Zone to the C-1 Zone

P805 and P817 are located on the southwest corner of Laytonsville Road (MD 108) and Damascus Road. Previously R-R, these parcels are currently split-zoned between the R-200 and C-1 Zones. In June 1958, the Regional District was expanded to include the entire County, and a comprehensive District Map Amendment (County Council Ordinance #3-206) adopted the split zoning for Parcels P805 and P817 and withheld approximately 60 feet each from the centerline of Etchison-Unity Road (Damascus Road) and Etchison-Laytonsville Road (Laytonsville Road). Approximately 0.46 acres of land were withheld in the R-R Zone for future rights-of-way. On October 2, 1973, the R-R Zone was renamed R-200 Zone via text amendment 73013. In 1974, the Council approved Rural SMA F-925 to implement the change in zoning designation, which rezoned the R-R Zone to the R-200 Zone, thereby changing the zoning designation for the 0.46 acres from R-R Zone to the R-200 Zone, but incorrectly retained the withholding. Two subsequent SMAs, G-352, approved September 21, 1982 and G-854 approved May 25, 2006, to implement the *Damascus Master Plan* zoning recommendations retained the withholding on the subject property.

Staff recommends rezoning the area withheld, approximately 0.46 acres of Parcels P805 and P817, from the R-200 Zone to the C-1 Zone.

**B. Corrective Map Amendment G-916 (Attachment 2)**

**Property ID/Location:** P802/Southeast corner of Laytonsville Rd and Damascus Rd, Damascus  
**WSSC Grid:** 234NW07  
**Proposed Reclassification:** 0.27 acres from the R-200 Zone to the C-1 Zone

Parcel P802 is located on the southeast corner of Laytonsville Road (MD 108) and Damascus Road (MD 650) and became split zoned via LMA C-690 (County Council Resolution #4-2913), which rezoned approximately 1.8 acres of land from the R-R Zone to the C-1 Zone except for “that portion of the subject property lying within 60 feet of the centerline of both Etchison –Unity and Etchison-Laytonsville Roads.” On October 2, 1973, the R-R Zone was renamed R-200 Zone, and the subsequent Rural SMA F-925 changed the map but did not correct the withholding. Two subsequent SMAs, G-352, approved September 21, 1982 and G-854 approved May 25, 2006 to implement the zoning recommendations of the *Damascus Master Plan* retained the withholding on the subject property.

Staff recommends rezoning the area withheld, approximately 0.27 acres of Parcel P802, from the R-200 Zone to the C-1 Zone.

**C. Corrective Map Amendment G-917 (Attachment 3)**

**Property ID/Location:** P413, P453, P466, P523, N500 located at 23800, 23830, 23810, 23720 and 23820 Old Hundred Rd, respectively; Agricultural and Rural Open Space  
**WSSC Grid:** 233NW17  
**Proposed Reclassification:** 1.08 acres from the R-200 Zone to the C-1 Zone

P413, P453, P466, P523 and N500 are located on the southwest corner of Old Hundred Road, and Comus Road. Currently, these parcels are split-zoned between the R-200 and the C-1 Zones. The 1958 comprehensive District Map Amendment (County Council Ordinance #3-206) adopted the split-zoning of these parcels and withheld those areas lying within 60 feet and 75 feet of the centerlines of Old Hundred Road and Comus Road, respectively. As a result these parcels were split-zoned as R-R and C-1. Subsequently, the R-R Zone was renamed R-200, and the Rural SMA F-925 changed the map designation to its current split zoning to R-200 and C-1, but did not correct the withholding. SMA G-266 (January 6, 1981) confirmed the split zoning.

Staff recommends rezoning the areas withheld, approximately 1.08 acres of Parcels P413, P453, P466, P523 and N500 from the R-200 Zone to the C-1 Zone.

**D. Corrective Map Amendment G-918 (Attachment 4)**

**Property ID/Location:** P009 and P980 located at 23401 and 23407 Frederick Rd, respectively; Clarksburg  
**WSSC Grid:** 233NW13  
**Proposed Reclassification:** 0.2 acres from the R-200 Zone to the C-2 Zone

Parcels P009 and P980 are located on the north side of the intersections of Clarksburg Road (MD121) and Frederick Road (MD355). Currently, these parcels are split-zoned between C-2 and R-200 Zones. In 1965, both parcels underwent separate reclassifications via LMAs E-293 and E-135, respectively, and were zoned C-2 “except the amount remaining after withholding all land within 60 feet of the centerline of Route 121 and Route 355 to provide for a 120 foot right-of-way” (County Council Resolutions #5-1998 and #5-2121). Subsequently, the R-R Zone was renamed R-200, and then Rural SMA F-925 changed the map designation to its current split zoning of R-200 and C-1, but did not address the withholding. In 1994, SMA G-710 did not correct the withholding, and the parcels remained split-zoned.

Staff recommends rezoning the area withheld, approximately 0.2 acres of Parcels P009 and P980, from the R-200 Zone to the C-2 Zone.

**E. Corrective Map Amendment G-919 (Attachment 5)**

**Property ID/Location:** P650, P787, P788, and P835 located at 20120 Mouth of Monocracy Rd, 22201 Dickerson Rd, and 22222 and 22230 Mt. Ephraim Rd, respectively; Agricultural and Rural Open Space  
**WSSC Grid:** 231NW20  
**Proposed Reclassification:** 0.64 acres from the R-200 Zone to the C-1 Zone

Parcels P650, P787, P788, and P835 are located on the north side of the intersection of Mount Ephraim Road, and Dickerson Road (MD 28). Currently, these parcels are split-zoned between the C-1 and R-200 Zones. The 1958 comprehensive District Map Amendment (County Council Ordinance 3-206), split-zoned the parcels between the R-R Zone and the C-1 Zone, but withheld all lands within 60 feet each of the centerline of Dickerson Road (MD 28) and Mount Ephraim Road from the C-1 Zone, leaving approximately 0.64 acres zoned R-R. In 1974, the Rural SMA F-925 remapped all R-R Zones to R-200 Zones in the rural area, including this property, but did not correct the withholding. SMA G-266 (January 6, 1981), confirmed the split zoning.

Staff recommends rezoning the area withheld, approximately 0.64 acres of Parcels P650, P787, P788 and P835 from the R-200 Zone to the C-1 Zone.

**F. Corrective Map Amendment G-920 (Attachment 6)**

**Property ID/Location:** P575 located at 19800 Darnestown Rd; Agricultural and Rural Open Space  
**WSSC Grid:** 227NW20  
**Proposed Reclassification:** 0.33 acres from the R-200 Zone to the C-1 Zone

Parcel P575 is located on the south side of the intersection of West Hunter Road and Darnestown Road (MD 28). Currently, the parcel is split-zoned between R-200 and C-1. The 1958 comprehensive District Map Amendment (County Council Ordinance #3-206) withheld all lands within 75 feet of the centerline of Beallsville Road (MD 109), 60 feet of the centerline of Darnestown Road (MD 28), and 60 feet from the centerline of West Hunter Road, from the C-1 Zone, leaving P575 split-zoned between C-1 and R-R. In 1981, SMA G-266 reclassified the R-R Zone to the R-200 Zone in this area, including this property, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.33 acres of P575 from the R-200 Zone to the C-1 Zone.

**G. Corrective Map Amendment G-921 (Attachment 6)**

**Property ID/Location:** P627 located at 19640 Darnestown Rd; Agricultural and Rural Open Space  
**WSSC Grid:** 227NW20  
**Proposed Reclassification:** 0.4 acres from the R-200 Zone to the C-1 Zone

Parcel P627 is located on the southwest corner of the intersection of Darnestown Road (MD 28) and Beallsville Road (MD 109). Currently, the parcel is split-zoned between R-200 and C-1. The 1958 comprehensive District Map Amendment (County Council Ordinance #3-206) withheld all lands within 75 feet from the center line of Beallsville Road (MD 109) from the C-1 Zone, leaving P627 split-zoned between C-1 and R-R. In 1981, SMA G-266 reclassified the R-R Zone to the R-200 Zone, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.4 acres of Parcel P627 from the R-200 Zone to the C-1 Zone.

**H. Corrective Map Amendment G-922 (Attachment 6)**

**Property ID/Location:** P624 located at 19730 Beallsville Rd; Agricultural and Rural Open Space  
**WSSC Grid:** 227NW20  
**Proposed Reclassification:** 0.7 acres from the R-200 Zone to the C-1 Zone

Parcel P624 is located on the southeast corner of the intersection of Darnestown Road (MD 28) and Beallsville Road (MD 109). Currently the parcel is split-zoned between the R-200 and C-1 Zones. The 1958 comprehensive District Map Amendment (County Council Ordinance #3-206), withheld all lands within 60 feet from the centerline of Darnestown Road (MD 28), and 75 feet from the centerline of Beallsville Road (MD 109) from the C-1 Zone, leaving P624 split-zoned between the C-1 and R-R Zones. In 1981, SMA G-266 reclassified the R-R Zone to the R-200 Zone in this area, including this property, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.7 acres of P624 from the R-200 Zone to the C-1 Zone.

**I. Corrective Map Amendment G-923 (Attachment 6)**

**Property ID/Location:** P570 located at 19725 Darnestown Rd; Agricultural and Rural Open Space  
**WSSC Grid:** 227NW20  
**Proposed Reclassification:** 0.3 acres from the R-200 Zone to the C-1 Zone

Parcel P570 is located on the northeast corner of the intersection of Beallsville Road (MD109) and Darnestown Road (MD 28). Currently, it is split-zoned R-200 and C-1. In 1968, LMA E-905 rezoned the parcel from the R-R to the C-1 Zone, except for the lands which “lies 40 feet from the centerline of MD109 and all land within 40 feet of the centerline of MD28” (County Council Resolution #6-1686), leaving Parcel P570 split-zoned between the R-R and C-1 Zones. In 1981, SMA G-266 reclassified the R-R Zone to R-200, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.3 acres of P570, from the R-200 Zone to the C-1 Zone.

**J. Corrective Map Amendment G-924 (Attachment 6)**

**Property ID/Location:** P300 located at 19811 Darnestown Rd; Agricultural and Rural Open Space  
**WSSC Grid:** 227NW20  
**Proposed Reclassification:** 0.4 acres from the RDT Zone to the C-1 Zone

Parcel P300 located on the northwest side of the intersection of Beallsville Road (MD 109) and Darnestown Road (MD 28). Currently, P300 is split-zoned between the RDT and C-1 Zones. The 1958 comprehensive District Map Amendment (County Council Ordinance #3-206) withheld all lands within 75 feet from the centerline of Beallsville Road (MD 109) and 60 feet from the centerline of Darnestown Road (MD 28) from the C-1 Zone, leaving the parcel split-zoned between the R-R and C-1 Zones.

In 1974, Rural SMA F-925 reclassified the parcel to the Rural Zone and in 1981, SMA G-266 reclassified approximately 23.57 acres of P300 from the Rural Zone to Rural Density Transfer (RDT) Zone, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.4 acres of P300, from the RDT Zone to the C-1 Zone.

**K. Corrective Map Amendment G-925 (Attachment 7)**

**Property ID/Location:** P902 and P933 located at 23110 and 29000 Whites Ferry Rd, respectively; Agricultural and Rural Open Space  
**WSSC Grid:** 226NW23  
**Proposed Reclassification:** 0.8 acres from the R-200 Zone to the C-1 Zone

Parcels P902 and P933 are located on the southeast corner of the intersection of Whites Ferry Road and Elmer School Road. Currently, these parcels are split-zoned between the R-200 and C-1 Zones. The 1958 Comprehensive District Map Amendment (County Council Ordinance #3-206), withheld all lands within 75 feet from the centerline of Whites Ferry Road and 60 feet from the centerline of Elmer School Road from the C-1 Zone, leaving P902 and P933 split-zoned between the R-R and C-1 Zones. Subsequently, the R-R Zone was renamed R-200, and the Rural SMA F-925 changed the map designation to its current split-zoning of R-200 and C-1, but did not correct the withholding. SMA G-266 (January 6, 1981) confirmed the split zoning.

Staff recommends rezoning the area withheld, approximately 0.8 acres of P902 and P933, from the R-200 Zone to the C-1 Zone.

**L. Corrective Map Amendment G-926 (Attachment 8)**

**Property ID/Location:** N987 and P935 located at 15508 Georgia Ave and 4007 Norbeck Rd, respectively; Olney  
**WSSC Grid:** 221NW04  
**Proposed Reclassification:** 0.2 acres from the R-200 Zone to the C-1 Zone

Parcels N987 and P935 are located on the northwest corner of the intersection of Georgia Avenue (MD 97) and Norbeck Road (MD 28), and are currently split-zoned between R-200 and C-1. On January 28, 1969, LMA F-200 rezoned these two parcels from R-R to the C-1 Zone “less the area needed for the truncation of Route 97 and Route 28” (County Council Resolution #6-1832). On October 2, 1973, the R-R Zone was renamed R-200; however, at the time the properties were not the subject of either of the Rural SMAs (F-925 or F-926). The split-zone between the R-R and the C-1 Zones remained throughout subsequent SMAs G-256 (1980), and G-564 (1987), which implemented zoning recommendations for the *Olney Master Plan*. The Master Plan did not propose any rezoning for these properties. It appears that the change to the R-200 Zone occurred in the 1990s, prior to SMA G-709 (1994, which implemented the zoning recommendations for the *Aspen Hill Master Plan*). There is no specific recommendation or zoning action reclassifying this parcel to the R-200 Zone until 2005, with the adoption of SMA G-838 (2005), which implemented the zoning recommendations for the 2005 *Olney Master Plan*, and reconfirmed the split-zone, but did not correct the withholding.

Staff recommends rezoning the area withheld, approximately 0.2 acres of N987 and P935, from the R-200 Zone to the C-1 Zone.

**Conclusion and Recommendations**

Staff recommends approval to file Corrective Map Amendments G-915 through G-926 with the District Council, and a recommendation of approval for the above corrective actions by the Planning Board to be transmitted to the District Council.

**Attachments**

- Attachment 1:** Table of Properties Recommended for Reclassification
- Attachment 2:** Corrective Map Amendment s G-915 – G-916
- Attachment 3:** Corrective Map Amendment G-917
- Attachment 4:** Corrective Map Amendment G-918
- Attachment 5:** Corrective Map Amendment G-919
- Attachment 6:** Corrective Map Amendments G-920 – G-924
- Attachment 7:** Corrective Map Amendment G-925
- Attachment 8:** Corrective Map Amendment G-926

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## ATTACHMENT 1

### Properties Recommended for Reclassification

CMA #	Acreage <sup>1</sup>	Address/Parcel ID	Area	Existing zone <sup>2</sup>	New Zone	Reason for Correction
G-915 (A)	0.46	SW Corner of Damascus Rd (MD28) and Olney-Laytonville Rd (MD108)  P805 (01-00002486); P817 (01-00003253)	Damascus	R-200	C-1	Right-of-way withholding
G-916 (B)	0.27	24221 Laytonville Rd  P802 (01-00007160)	Damascus	R-200	C-1	Right-of-way withholding
G-917 (C)	1.08	23800 Old Hundred Rd P413 (11-00917033)  23830 Old Hundred Rd P453 (11-009186026)  23810 Old Hundred Rd P466 (11-00921310)  23720 Old Hundred Rd P523 (11-00917022)  23820 Old Hundred Rd N500 (11-00914700)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding)
G-918 (D)	0.2	23401 Frederick Rd P009 (02-00021365)  23407 Frederick Rd P980 (02-00018642)	Clarksburg	R-200	C-2	Right-of-way withholding
G-919 (E)	0.64	22201 Dickerson Rd P788 (11-00918174)  22222 Mt. Ephraim Rd P787 (11-00919577)  22230 Mt. Ephraim Rd P835 (11-00915056)  20120 Mouth of Monocracy Rd P650 (11-00919566)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding

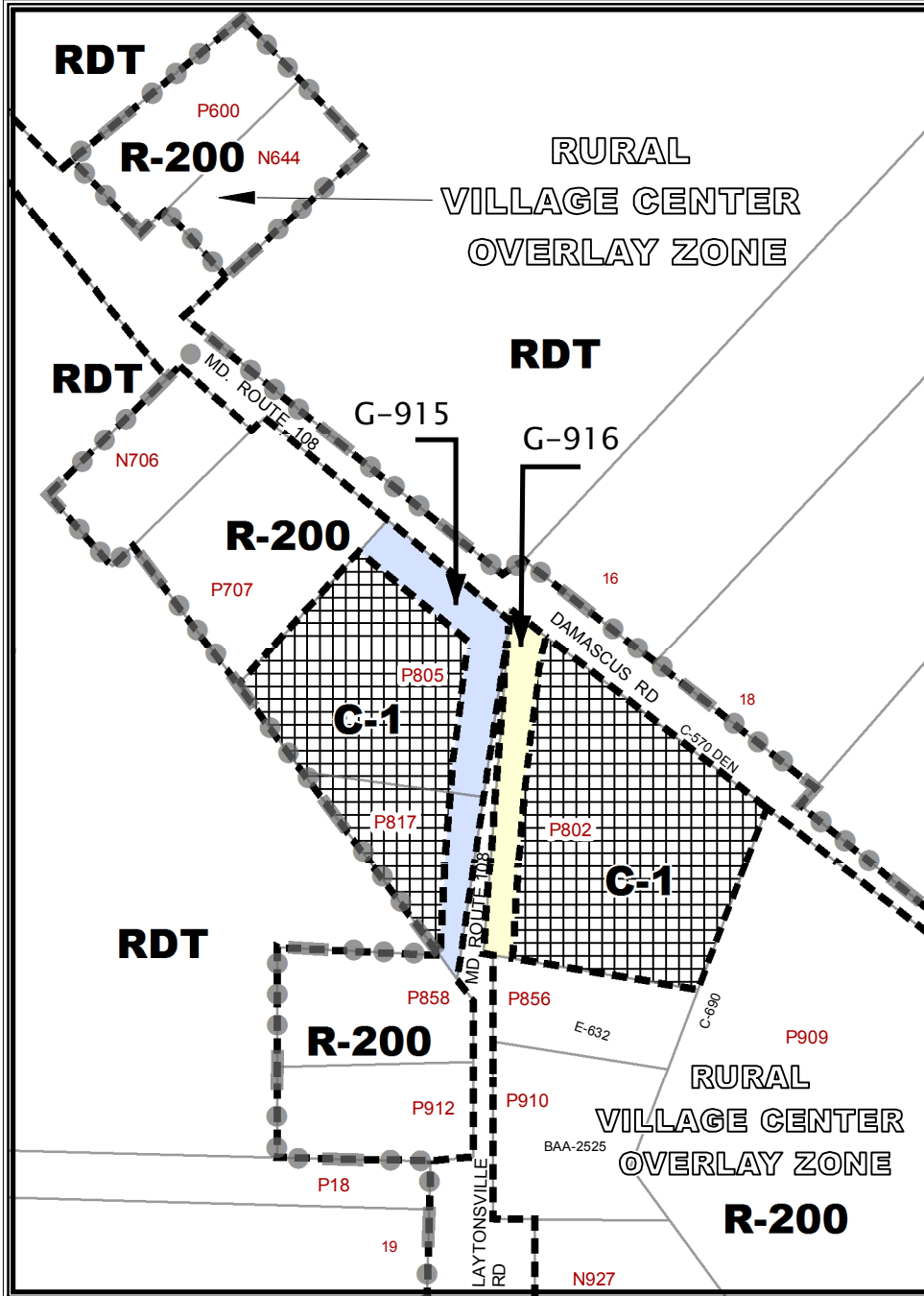
<sup>1</sup> Acreage equates to the total number of acres affected by the proposed zoning change, not the individual size(s) of the parcel.

<sup>2</sup> Existing zone correlates to the amendment area only.

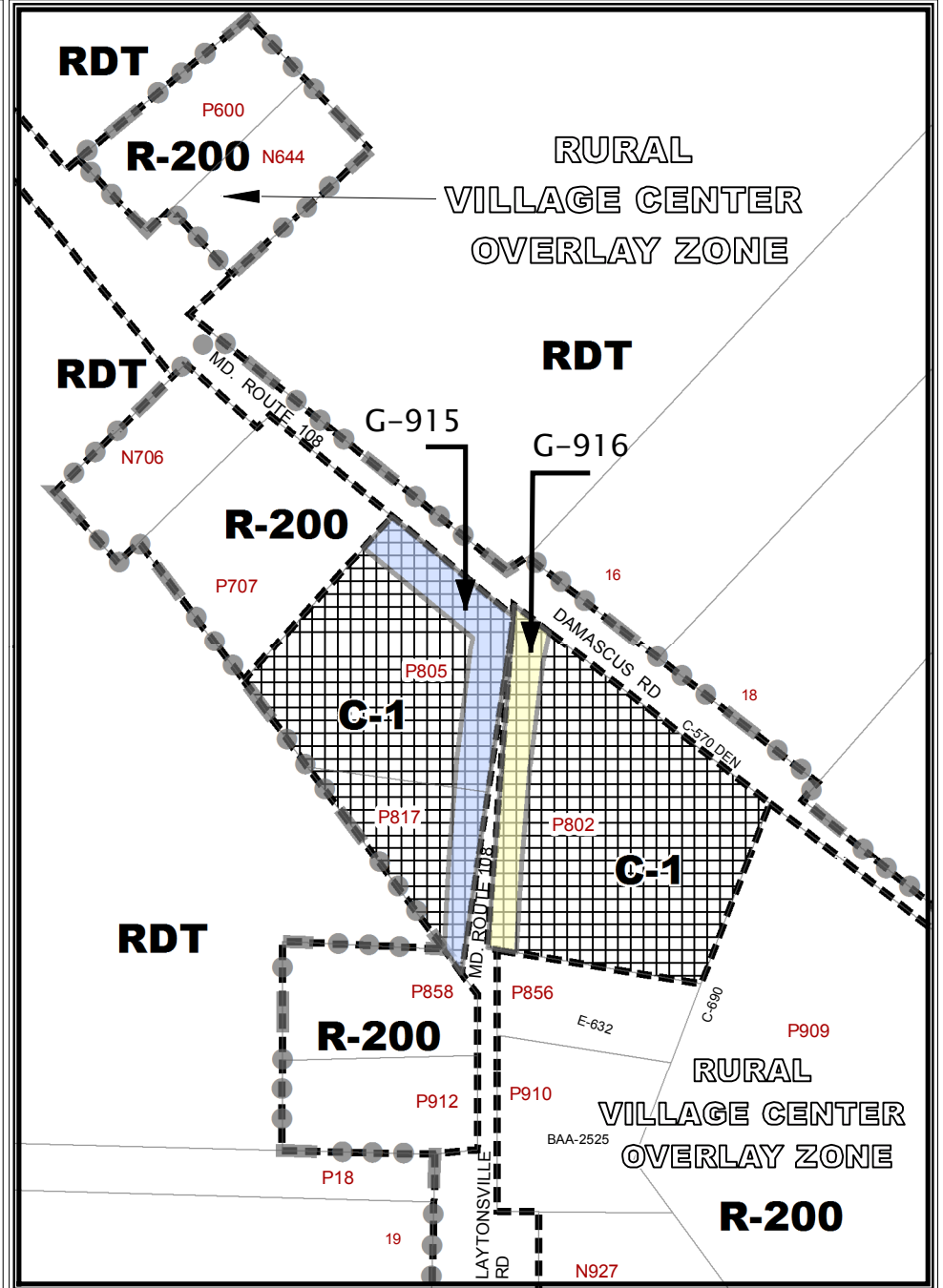
CMA #	Acreage <sup>1</sup>	Address/Parcel ID	Area	Existing zone <sup>2</sup>	New Zone	Reason for Correction
G-920 (F)	0.33	19800 Darnestown Rd P575 (03-0040927)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding
G-921 (G)	0.4	19640 Darnestown Rd P627 (03-00040938)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding
G-922 (H)	0.7	19730 Beallsville Rd  P624 (03-00033864)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding
G-923 (I)	0.3	19725 Darnestown Rd  P570 (11-00921002)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding
G-924 (J)	0.4	19811 Darnestown Rd  P300 (11-00914917)	Agricultural & Rural Open Space	RDT	C-1	Right-of-way withholding
G-925 (K)	0.8	23110 Whites Ferry Rd P902 (03-00034777)  29000 Whites Ferry Rd P933 (03-00041192)	Agricultural & Rural Open Space	R-200	C-1	Right-of-way withholding
G-926 (L)	0.2	15508 Georgia Ave N987 (08-00722694)  4007 Norbeck Rd P935 (08-02775033)	Olney	R-200	C-1	Right-of-way withholding

# ATTACHMENT 2

Existing Zoning

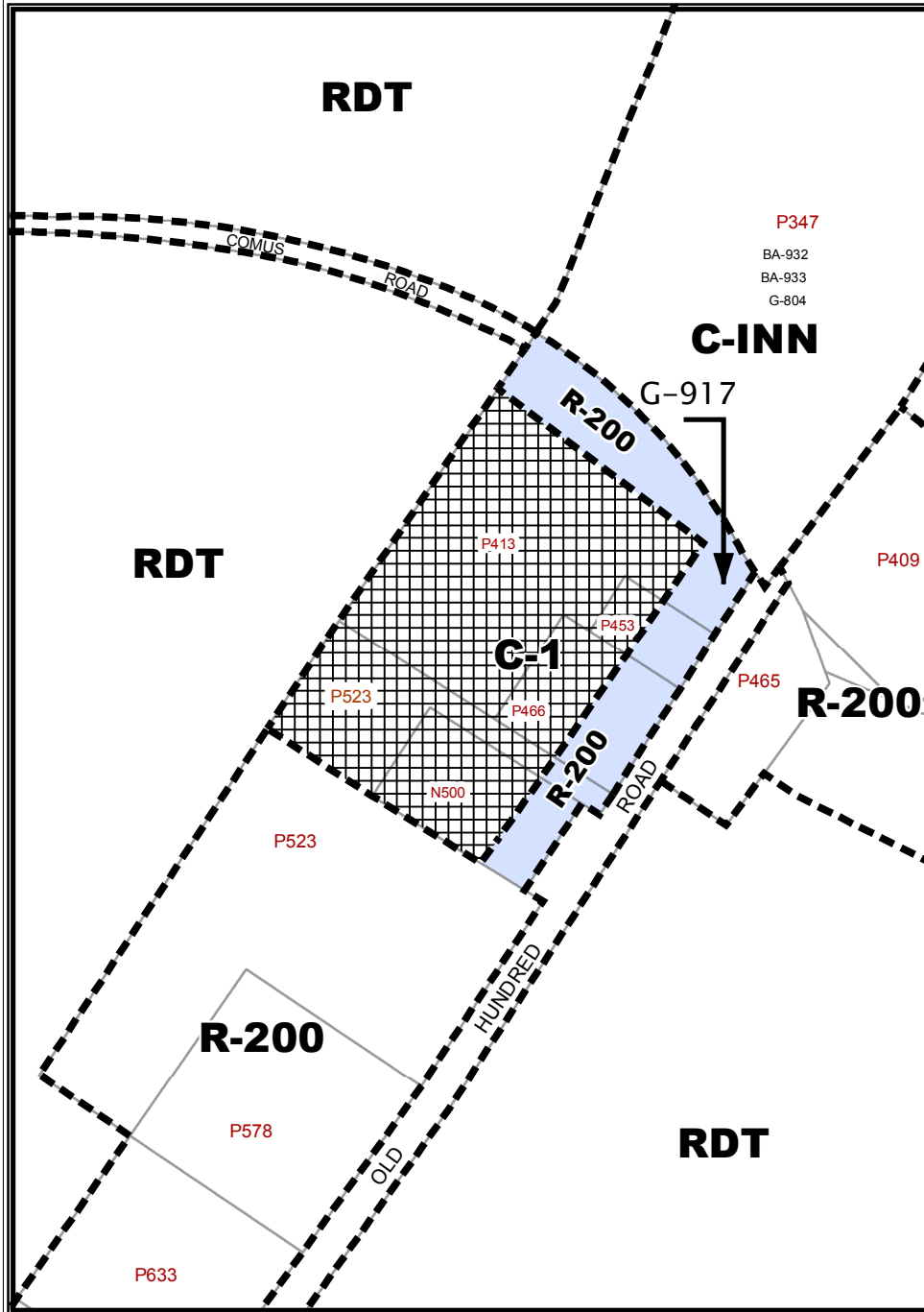


Proposed Zoning

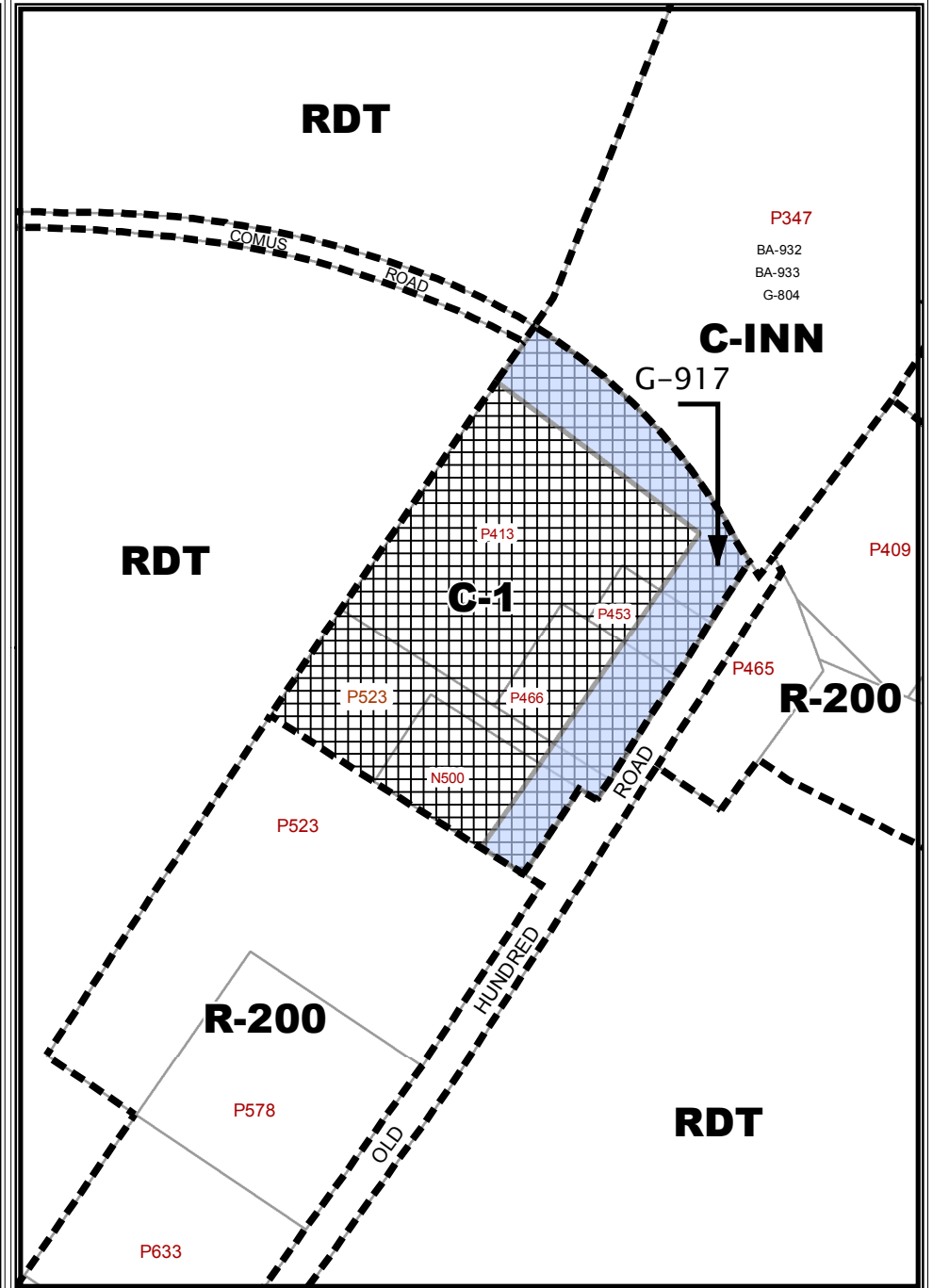


# ATTACHMENT 3

## Existing Zoning



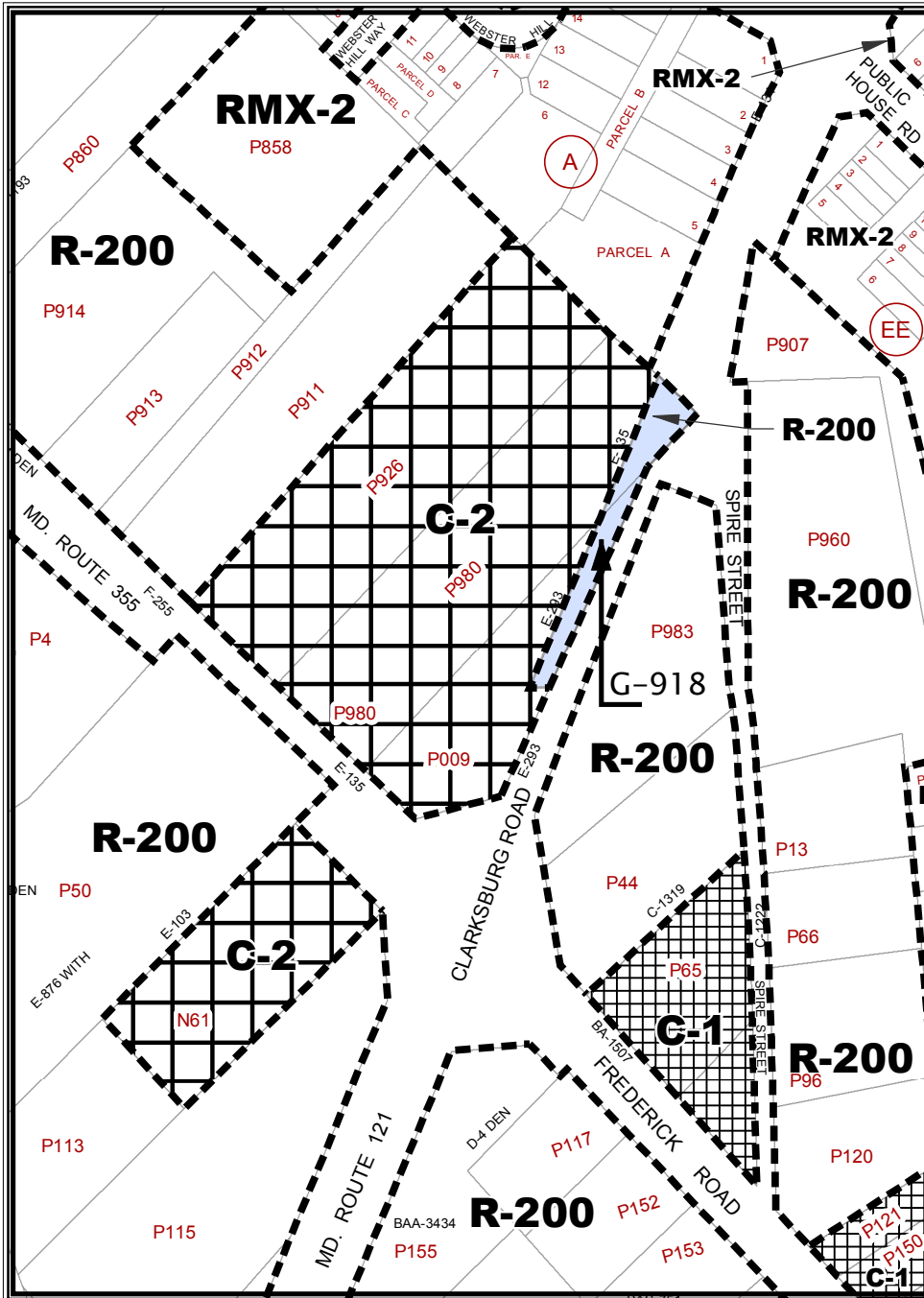
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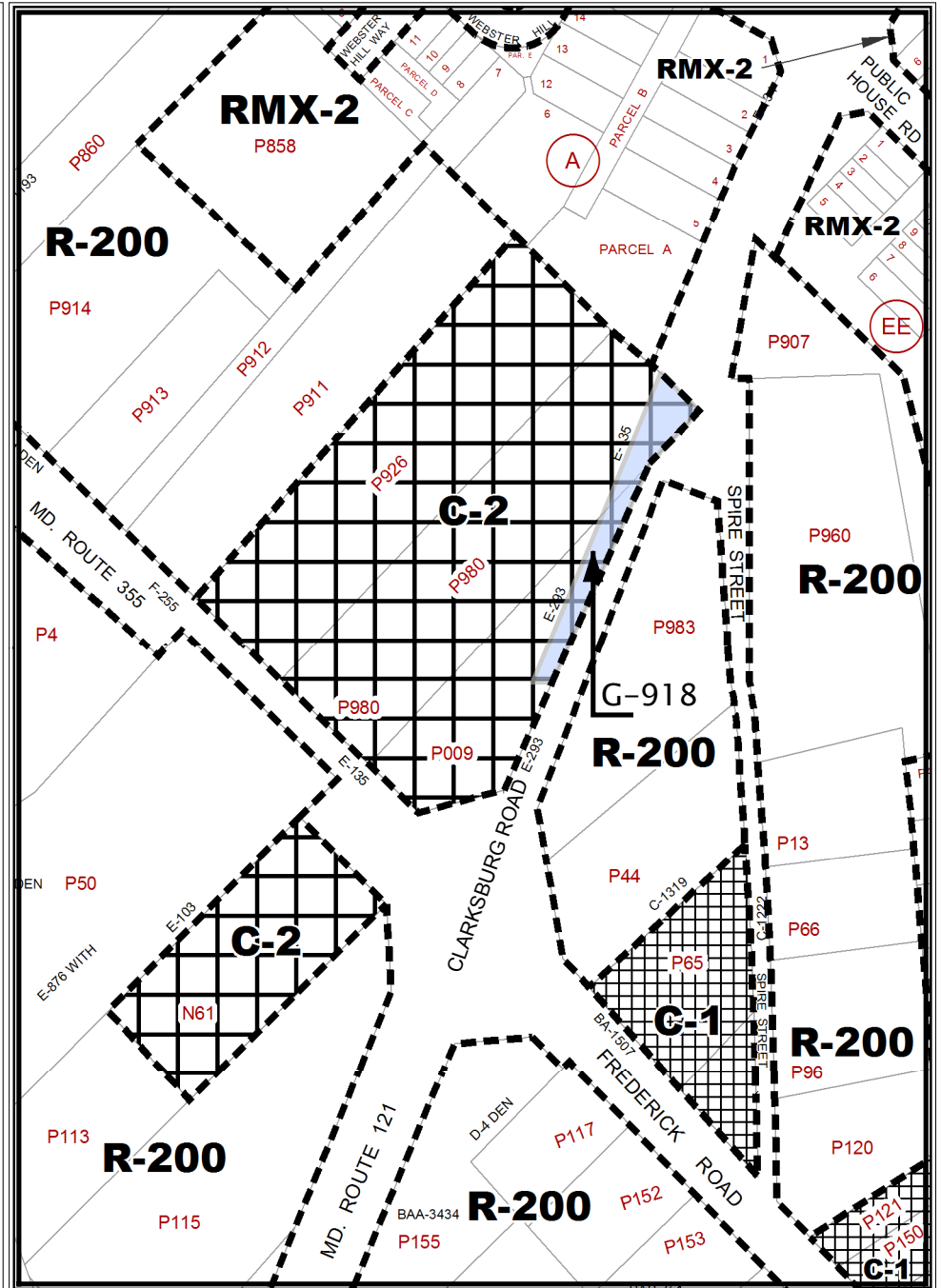
# ATTACHMENT 4

Existing Zoning

 G-918



Proposed Zoning



Map Grid: 233NW13

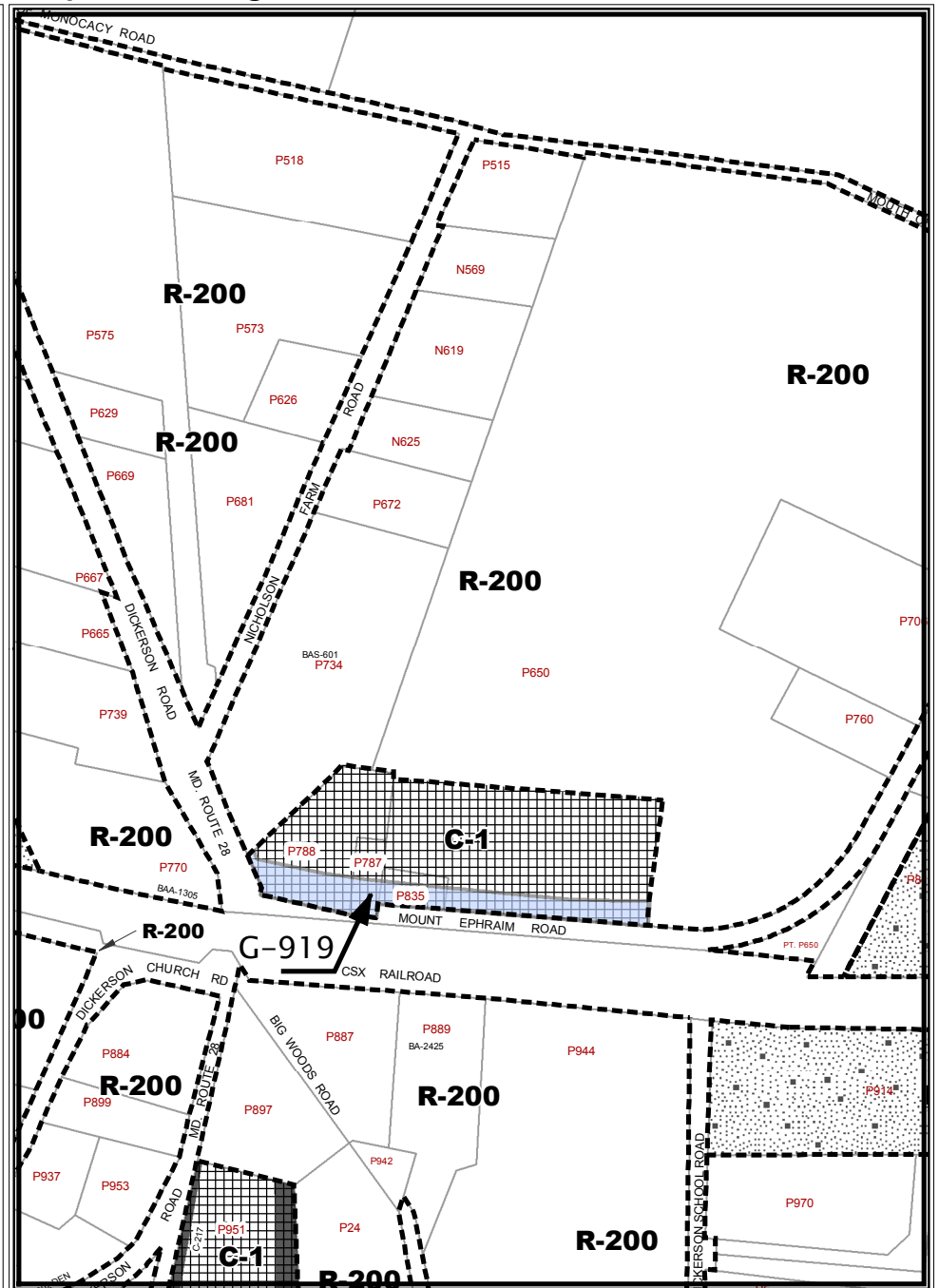
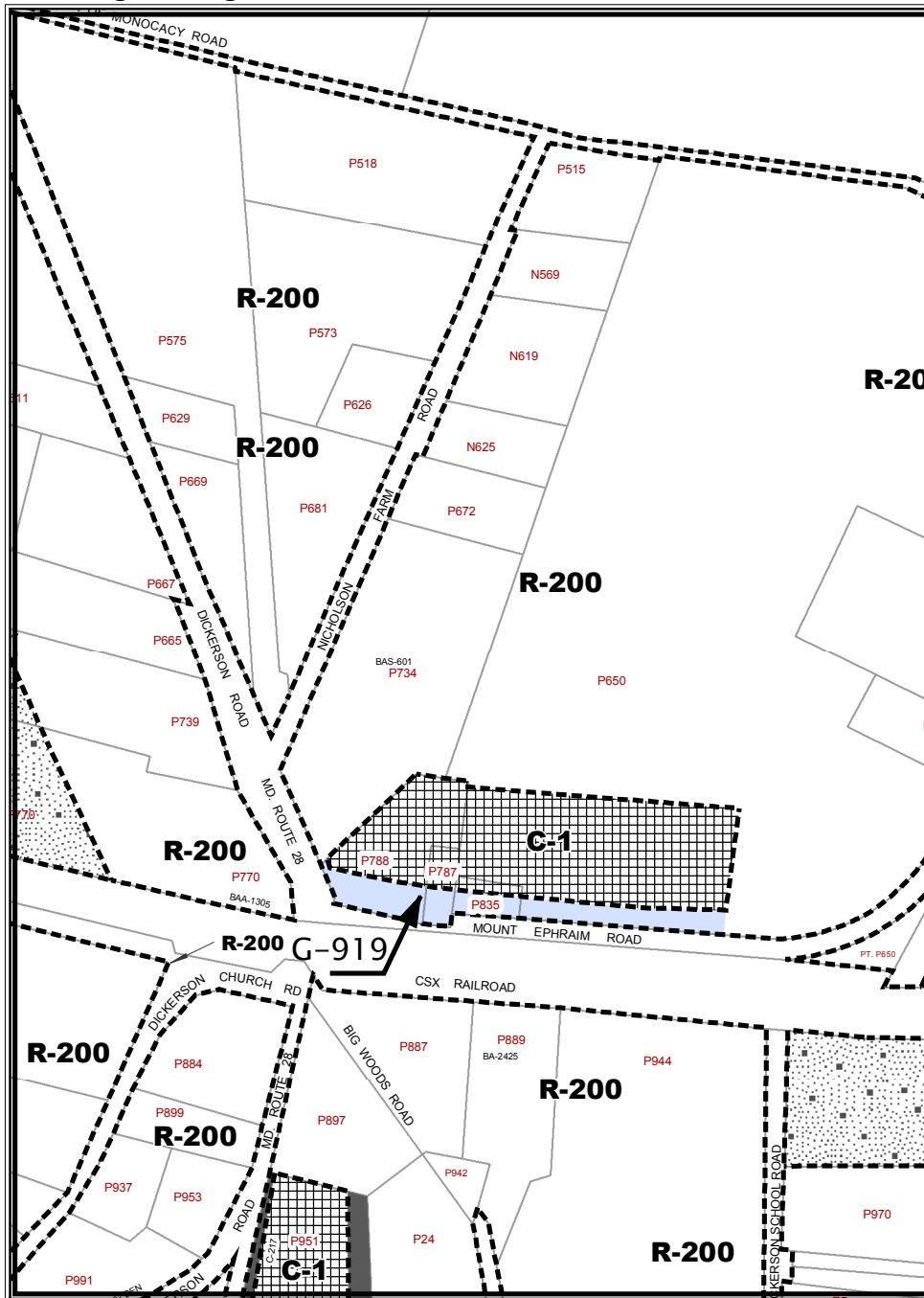
1 in = 200 ft

# ATTACHMENT 5

## Existing Zoning

 G-919

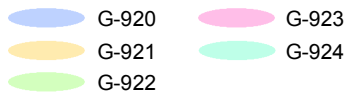
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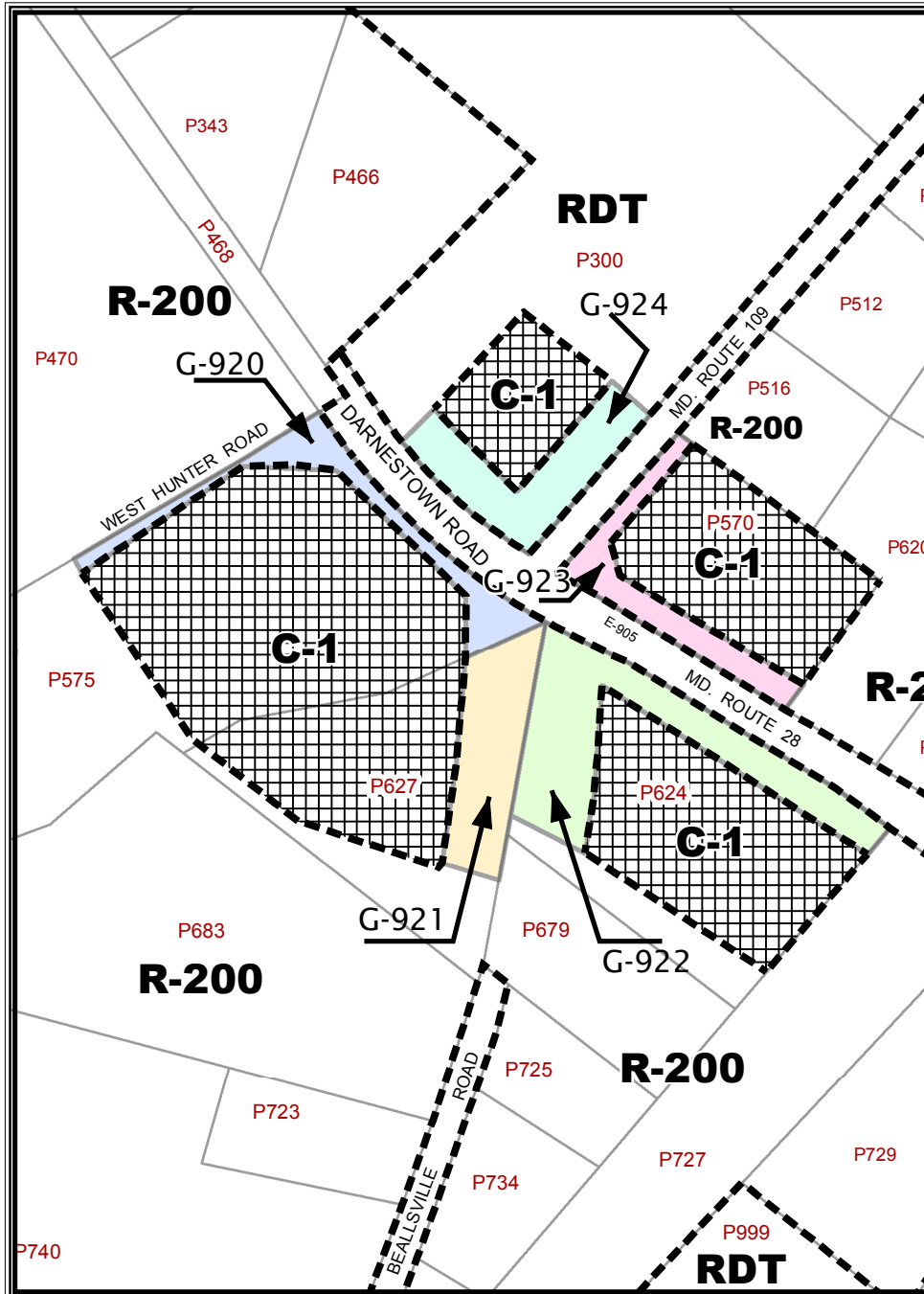
Map Grid: 231NW20

1 in = 300 ft

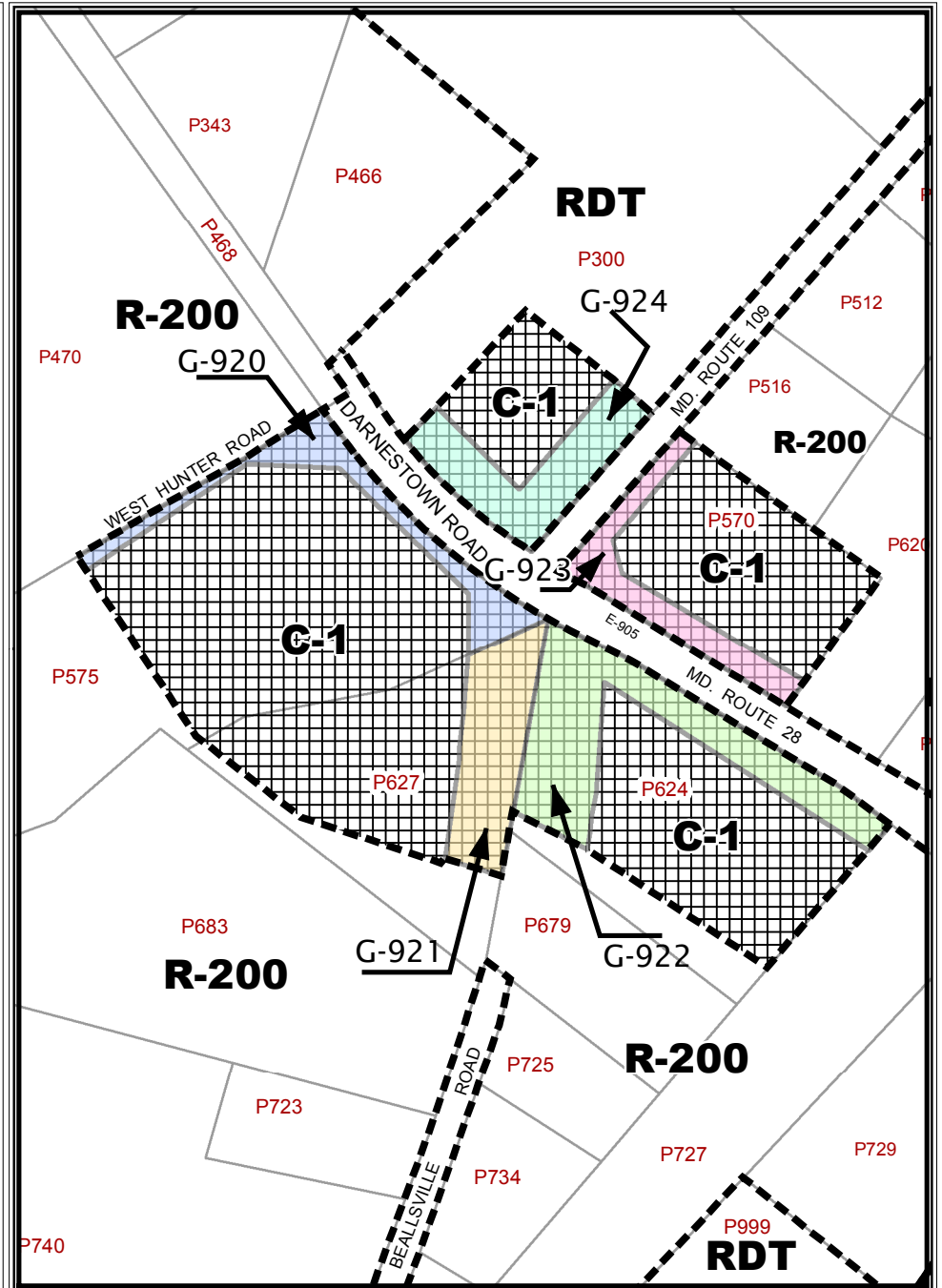
# ATTACHMENT 6



## Existing Zoning



## Proposed Zoning



Map Grid: 227NW20

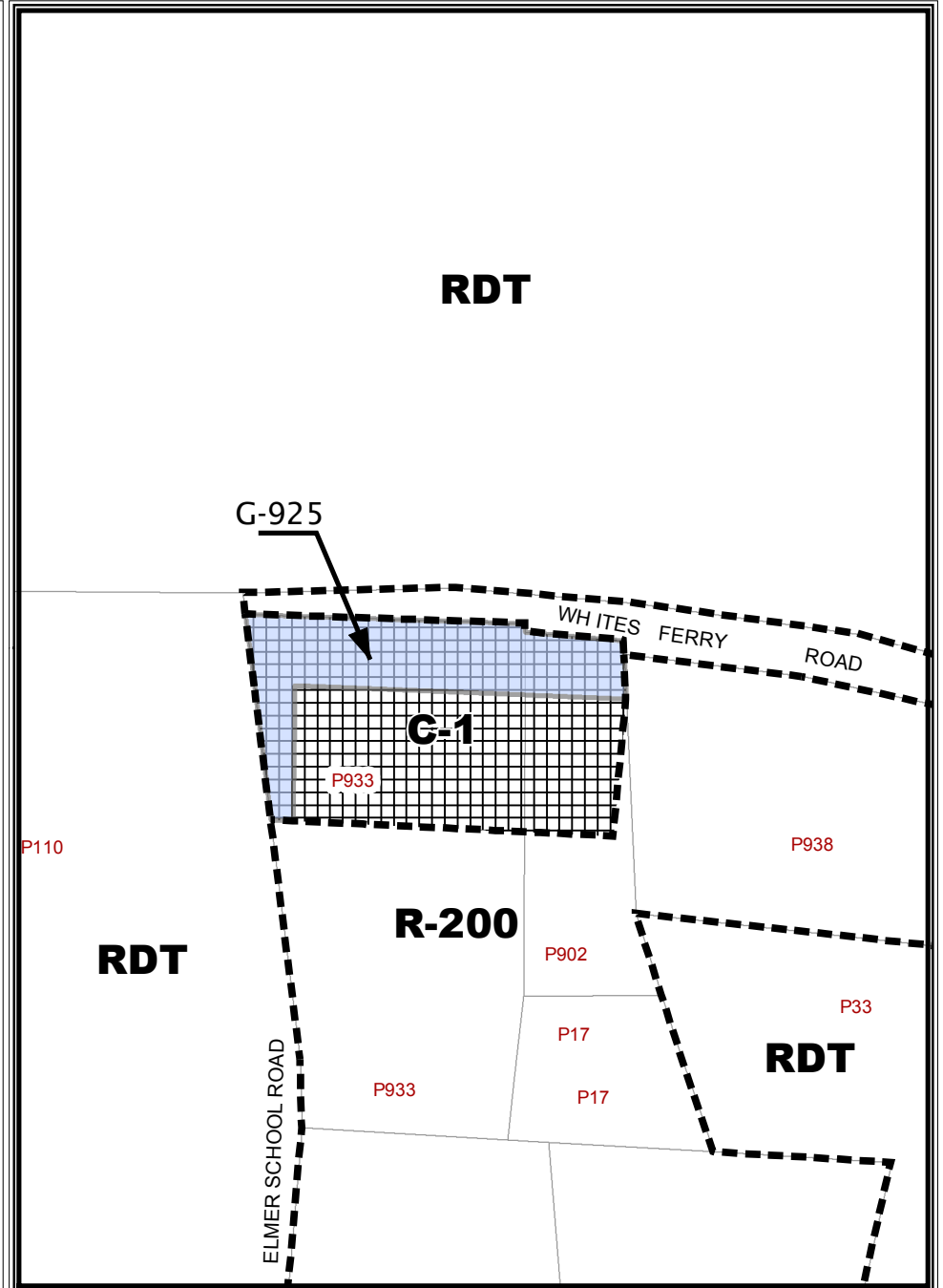
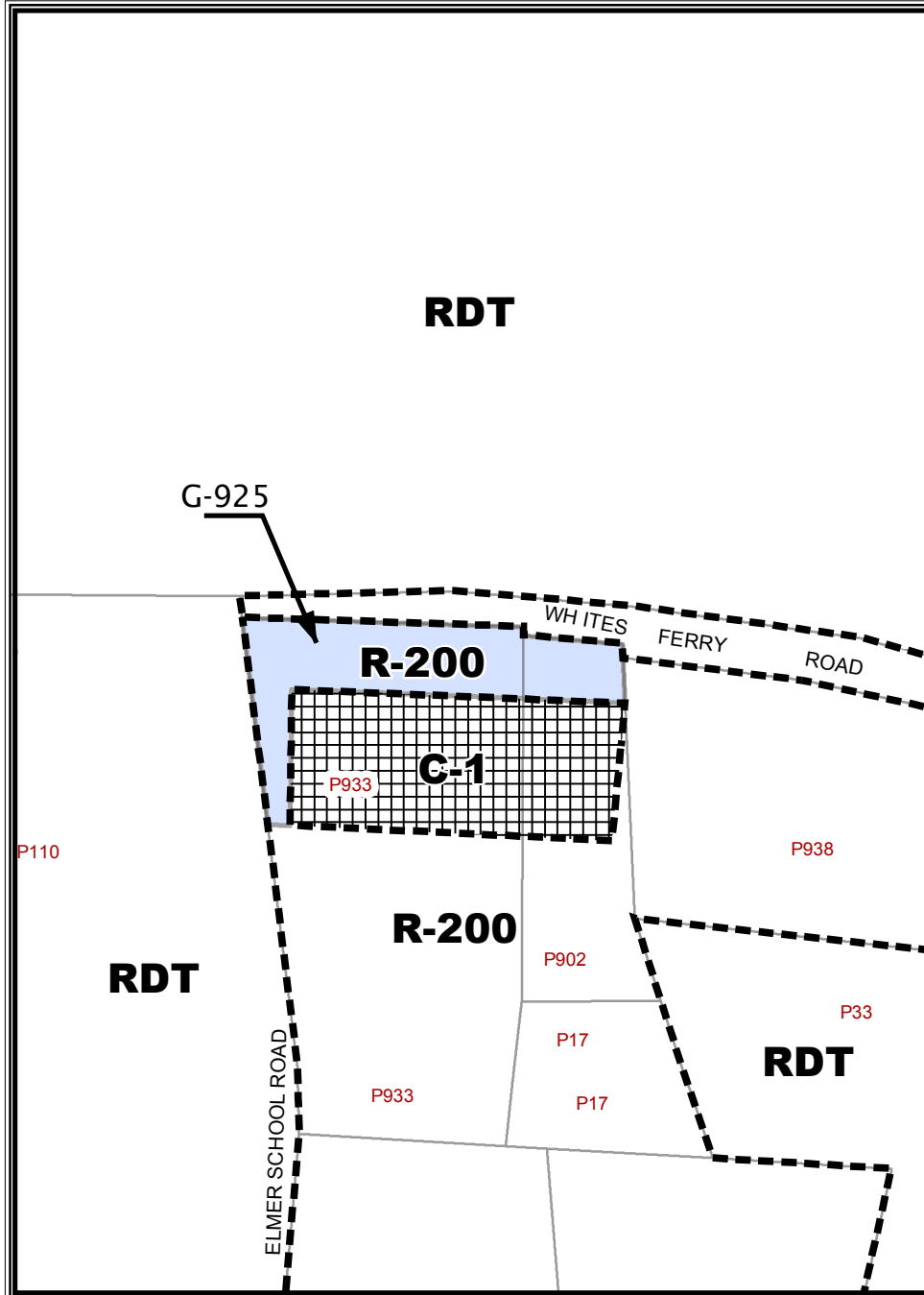
1 in = 200 ft

# ATTACHMENT 7

Existing Zoning

 G-925

Proposed Zoning



Map Grid: 226NW23

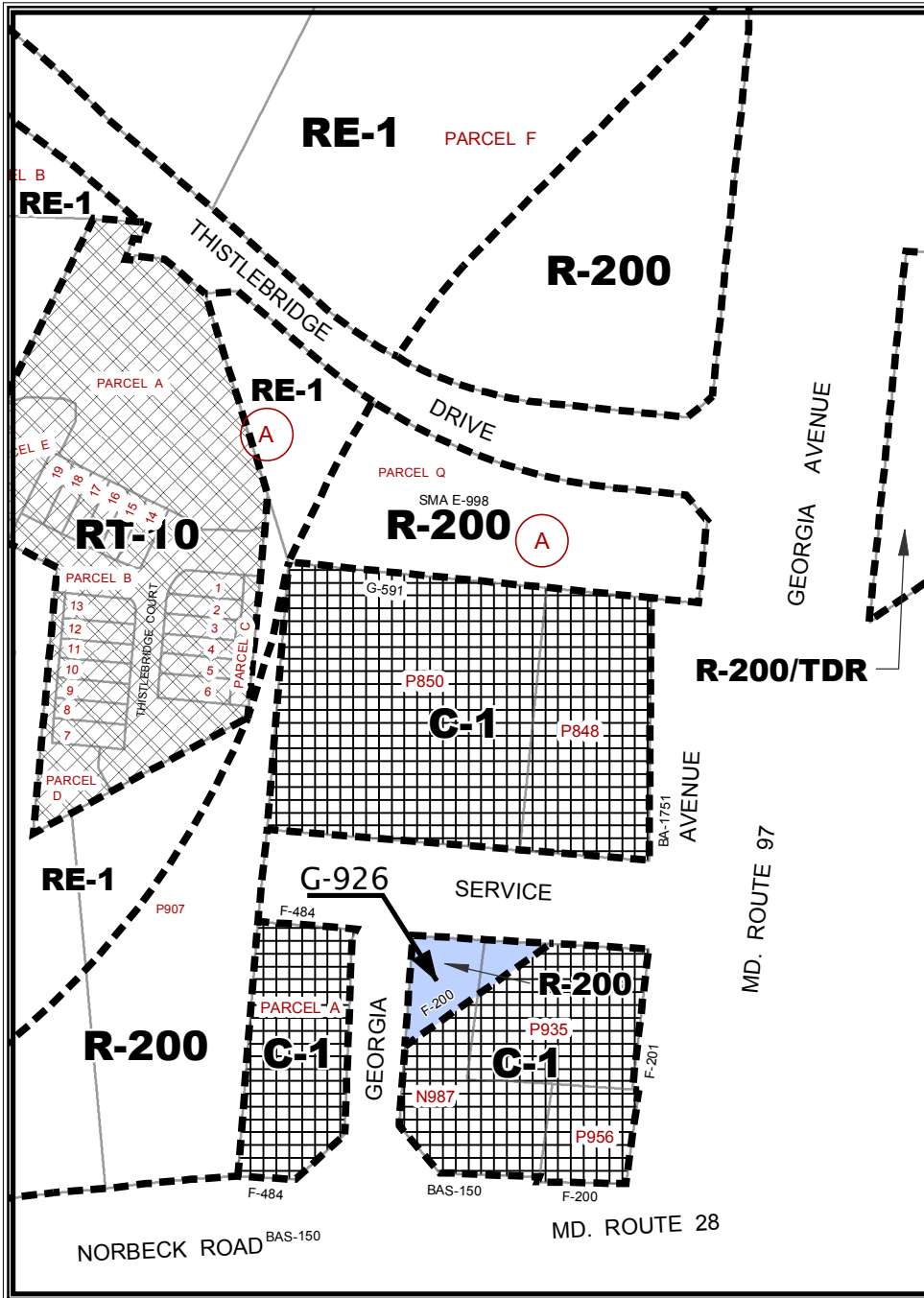
1 in = 200 ft



# ATTACHMENT 8

## Existing Zoning

 G-926



## Proposed Zoning

