**MEMORANDUM**

**DATE:** January 17, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Joseph R. Davis, Chief  
 Development Review Division *LRP*  
**FROM:** Robert A. Kronenberg, RLA and Malcolm Shaneman, Supervisor  
 Planning Department Staff *PAK*  
 (301) 495-2187 and (301) 495-4587

**REVIEW TYPE:** Preliminary and Site Plan Review  
**APPLYING FOR:** RS Zone; 10.81 Acres Property  
 38,400 Square Foot, Construction Debris Recycling Facility  
**PROJECT NAME:** Pleasants Rural Service Property  
**CASE #s:** 8-02020 and 1-02060  
**REVIEW BASIS:** Preliminary Plan, Chapter 50, Subdivision Regulations  
 Site Plan Review Required in the RS Zone, Article 59-D

**ZONE:** RS Rural Service  
**LOCATION:** Clarksburg  
 Frederick Road, 2,500 northwest of Comus Road  
**MASTER PLAN:** Clarksburg  
**APPLICANT:** Pleasants Excavating Co., Inc. c/o Mr. Larry Cartano  
**FILING DATE:** December 12, 2001  
**HEARING DATE:** January 17, 2002

**STAFF RECOMMENDATION FOR PRELIMINARY PLAN:** Approval, subject to the following conditions:

1. Approval under this preliminary plan is limited to a maximum development of 38,400 square feet of construction debris recycling facility as described in Chapter 59 of the Montgomery County Zoning Ordinance.
2. Prior to MCPB release of building permit, applicant to submit, for technical approval, a final grading plan for the area immediately adjoining the stream valley buffer to establish a non-disturbance area of at least 50 feet from the stream channel.
3. Prior to MCPB release of building permit, applicant to submit, for technical approval, a final landscape, lighting, and signage plan.
4. Compliance with the conditions of approval of the preliminary forest conservation

plan dated December 31, 2001, including reforestation of stream valley buffer, where possible.

5. Place into reservation, for a maximum of three (3) years, an additional 50 feet of right of way along I-270 to accommodate the I-270/Transit right of way.
6. Dedication of 40 feet of centerline for Frederick Road (MD 355).
7. Record plat to establish a 50 foot building restriction line along the property frontage and a 100 foot building restriction line along I-270.
8. Record plat to reflect the delineation of the stream valley buffer, forest conservation areas and building restriction lines.
9. Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas.
10. All roads shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Master Plan, unless otherwise designated on the approved plan
11. All roads shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan "To be constructed by \_\_\_\_\_" are excluded from this condition.
12. Access and improvements as required to be approved by MDSHA prior to issuance of access permit
13. Conditions of Health Department approval dated 1-04-02.
14. Conditions of MCDPS stormwater management approval dated 5-17-96 (Reaffirmed).
15. No clearing, grading or recording of plat prior to site plan approval.
16. This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Boards opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
17. The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty one (61) months from the date of mailing of the Planning Board opinion
18. All other necessary easements.

**STAFF RECOMMENDATION:** Approval of 38,4000 sf Construction Debris Recycling Facility and ancillary parking, with the following conditions:

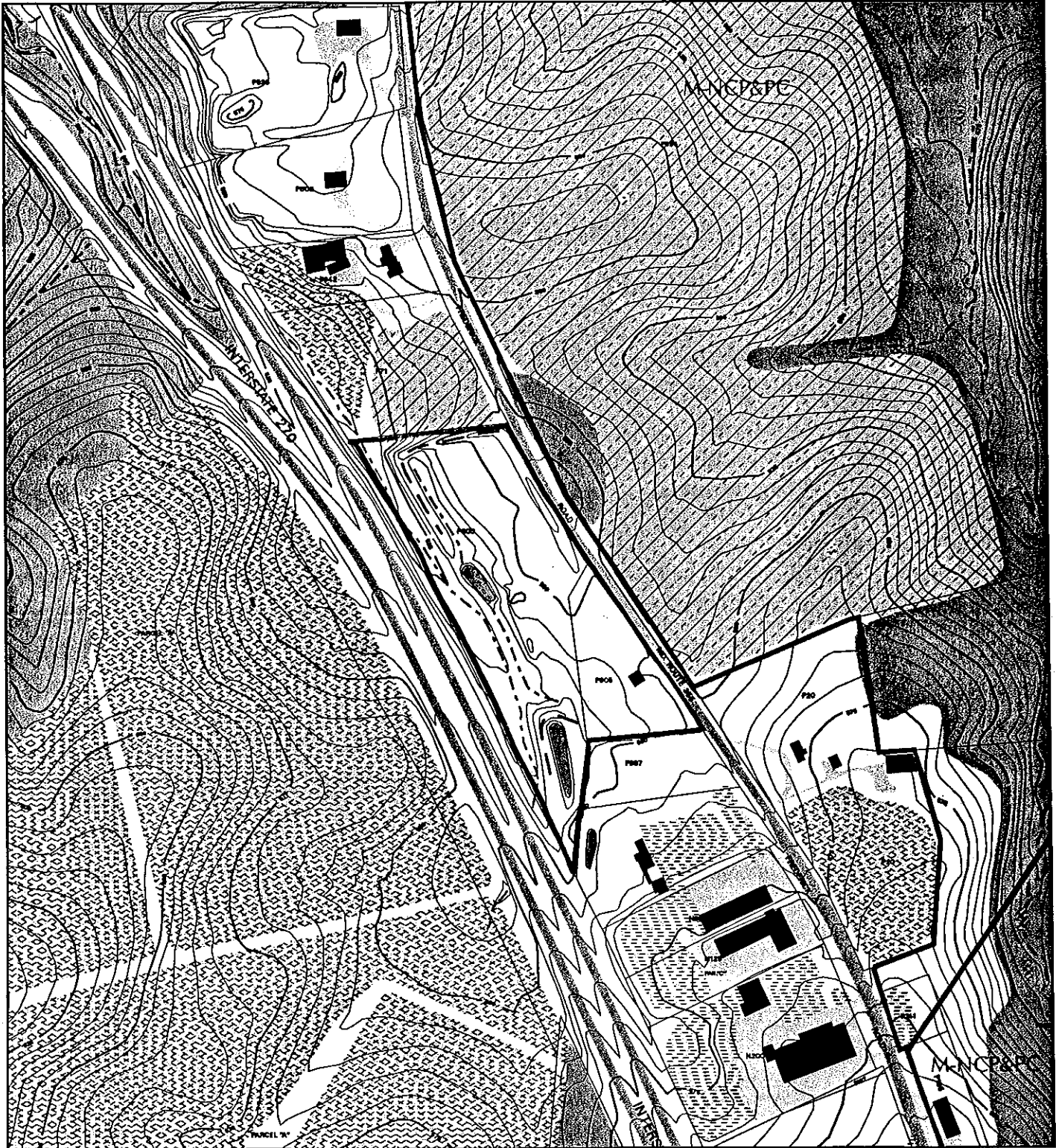
1. Standard Conditions dated October 10, 1995, Appendix A.
2. Conditions of MCDPS stormwater management concept approval dated February 28, 2001 (Reaffirmed).
3. Conditions of MCDPS well and septic section approval dated January 4, 2002.
4. Prior to signature set approval, applicant to provide the following revisions and/or

information:

- a. Show all zoning lines, easements, buffers and rights-of-ways
- b. Sidewalks:
  - i. All sidewalks 4 feet in width
  - ii. Show sidewalk connections from parking to warehouse entrance
- c. Show area to be placed in reservation for I-270 widening and future Clarksburg transitway.
- d. Show the existing 30 foot right-of-way for the Frederick Gas Company on the site plan and record plat.
- e. Landscape and Lighting Plan to show the following:
  - i. Provide specifications for lighting fixtures; minimum of .725 footcandles(fc) and maximum of 5 fc, average of 3 fc;
  - ii. Light poles not to exceed 15 feet in height;
  - iii. Provide light distribution plan; wattage not to exceed 175 watts;
  - iv. Deflectors to be installed on all light fixtures causing potential glare on I-270 and Route 355;
  - v. Provide specifications for soil amendment on the berm along Route 355 and within the proposed planting area of the stream valley buffer.
5. Applicant shall post bond to cover those landscape trees that are credited towards reforestation stream buffer mitigation requirements.
6. Landscaping, including on-site forest mitigation within the stream buffer, to be installed and approved prior to occupancy and use of the facility.
7. Landscape trees subject to preservation as shown on the approved Final Forest Conservation Plan and the easement area should be noted on the record plat.
8. Applicant to reforest the entire stream valley buffer on site, where possible.
9. Applicant to relocate the security gate at the entry drive further into the site to allow for safe and adequate stacking of vehicles. The gate should be relocated approximately 40 feet west into the site at the intersection with the parking bay.
10. Applicant to delineate the limits of work on the site plan at the southern boundary to define a future connection to parcel 987.
11. No outdoor building material storage is permitted unless properly screened from I-270, Route 355 and adjacent parcels.

VICINITY MAP FOR

# PLEASANTS RURAL SERVICE PROPERTY (8-02020)



Map compiled on December 18, 2001 at 1:10 PM | Site located on base sheet no - 233NW14

## NOTICE

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This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



Research & Technology Center

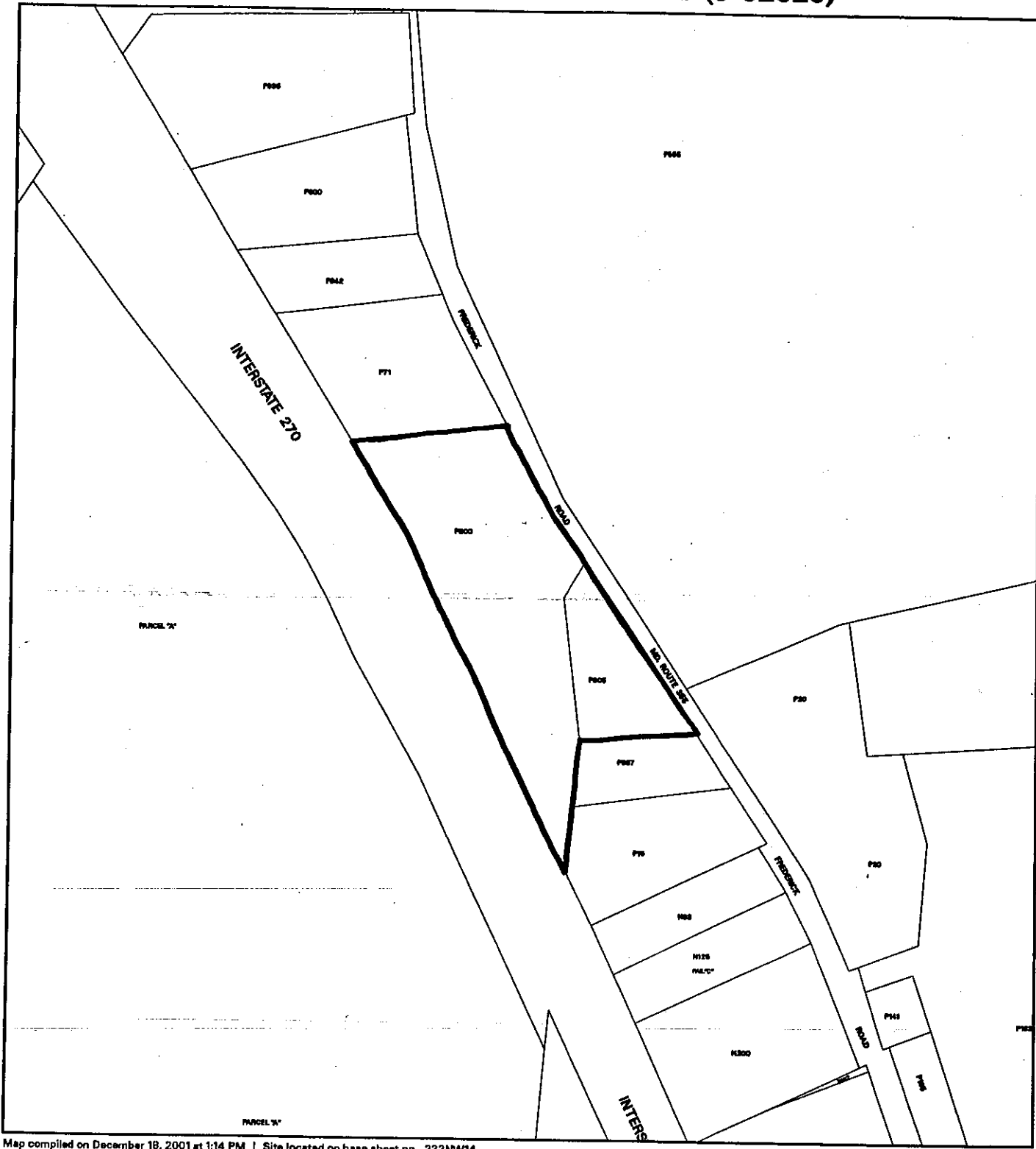


1 : 4800

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-9760

VICINITY MAP FOR

# PLEASANTS RURAL SERVICE PROPERTY (8-02020)



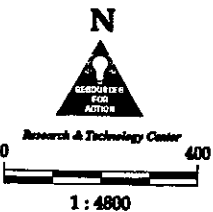
Map compiled on December 18, 2001 at 1:14 PM | Site located on base sheet no - 233NW14

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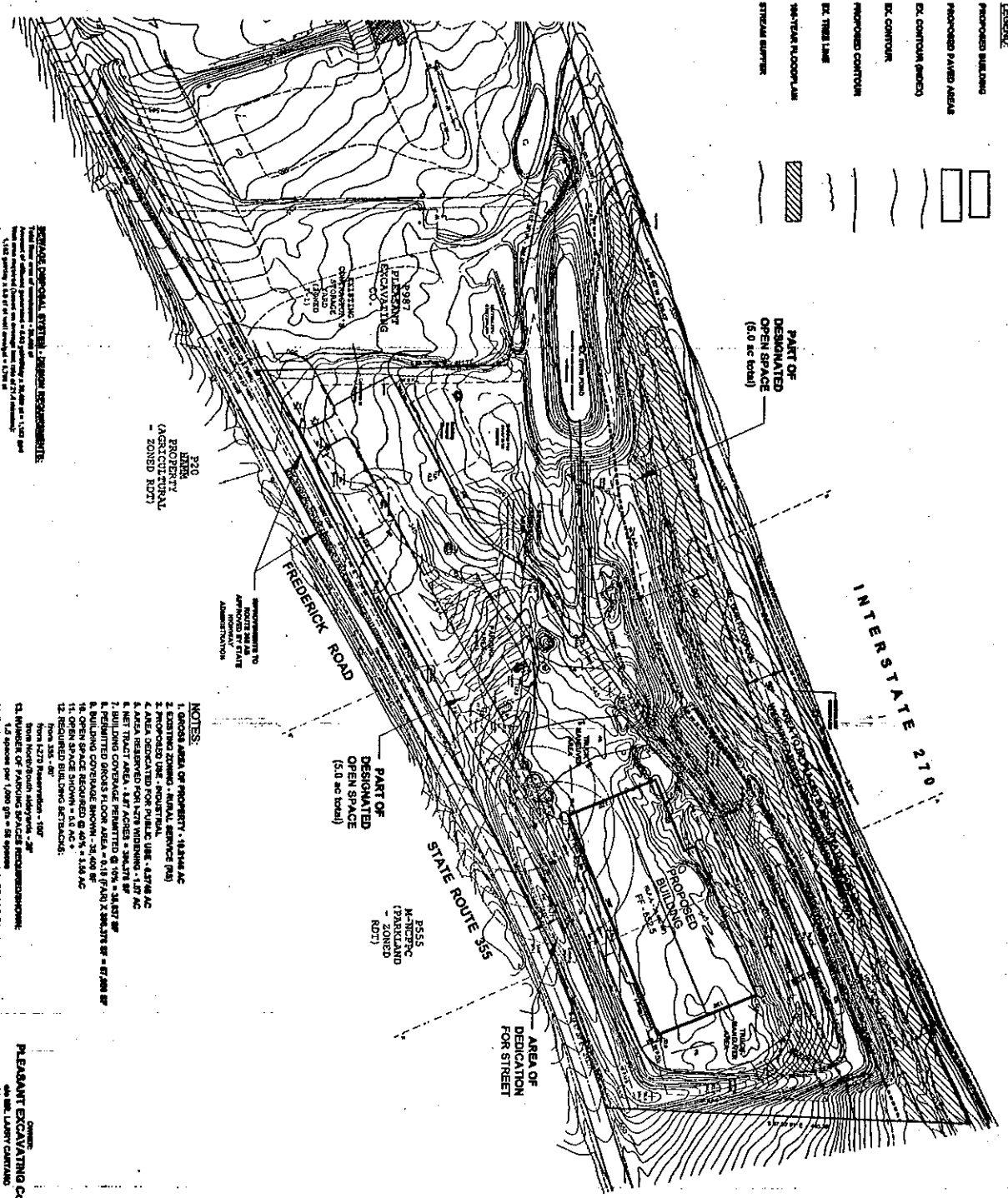
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**LEGEND**

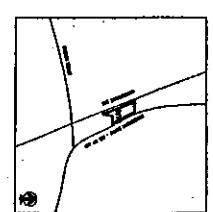
- PROPOSED BUILDING
- PROPOSED PAVED AREA
- EX. CONTOUR (AKRO)
- EX. CONTOUR
- PROPOSED CONTOUR
- EX. TRAIL LINE
- INTERNAL FLOORPLAN
- STEAM TUNNEL



**PERMITS**  
 P20 INTER-MEDIAN (AGRICULTURAL ZONED R07)  
 P255 RESIDENTIAL (SINGLE-FAMILY ZONED R07)

- NOTES:**
1. TOTAL AREA OF PROPERTY - 14.34 AC
  2. PROPOSED LOTS - 12
  3. PROPOSED LOTS - 12
  4. AREA DESIGNATED FOR PUBLIC USE - 1.77 AC
  5. AREA RESERVED FOR 27% WINDROW - 1.77 AC
  6. NET TRACT AREA - 1.77 ACRES - 2.0 AC
  7. PERMITTED GROSS FLOOR AREA - 17,770 sq. ft.
  8. BUILDING COVERAGE REQUIRED - 40% = 7.108 AC
  9. OPEN SPACE REQUIRED - 32,400 sq. ft.
  10. OPEN SPACE SHOWN - 5.0 AC
  11. DESIRED BUILDING SETBACKS:
  12. FROM 27% WINDROW - 10'
  13. FROM INTER-MEDIAN - 10'
  14. FROM 27% WINDROW - 10'
  15. FROM 27% WINDROW - 10'
  16. SETS TO BE SERVED BY ON-SITE WELL AND SEWAGE DISPOSAL
  17. LOCATED IN LITTLE ROCKCROCK OVER WATERED CLASS B

**PLEASANT EXCAVATING CO. INC.**  
 448 W. LIBERTY CHURCH  
 CLARKSBURG, MARYLAND 21554  
 (301) 525-5588



### DETAILED SITE PLAN PLEASANTS RURAL SERVICE PROPERTY Montgomery County, Maryland

Boning & Associates, Inc.  
 Land Planning Consultants  
 612 Third Street East  
 Odessa, MD 21877  
 (301) 963-6666

Date: Nov. 1, 2001  
 Scale: 1" = 50'

802020  
 RECEIVED  
 802020  
 11/1/2001  
 SHEET 1 OF 3

## **SUMMARY OF ISSUES:**

A new use for a "Construction Debris Recycling Facility" was adopted by the County Council on June 26, 2001. The new use requires that additional landscaping and screening for proposed parking of trucks and containers. The previous application and use comprised of a warehouse for contractor storage, also permitted in the RS zone.

During the course of site plan review and discussion, staff and the applicant reviewed location of the building as it pertains to visibility from I-270 and Route 355 (Frederick Road). Design and placement of parking spaces was studied for adaptability to separate the truck loading from standard vehicular circulation. Screening and buffering of the warehouse from both major roadways was reviewed, as well as reforestation and mitigation within the stream buffer to further enhance the buffer from I-270. Lighting was reviewed for visibility from I-270. Deflector shields are proposed on all lights backing to each roadway in order to contain light within the subject boundaries. Location of the proposed entrance was reviewed and approved for alignment and sight distance with a future access to Little Bennett Regional Park across Route 355.

### **PROJECT DESCRIPTION: Surrounding Vicinity**

The subject property is located approximately 1 mile north from the intersection of Comus Road and Frederick Road (Route 355). The property is directly adjacent to Frederick Road on the east and Interstate 270 on the west. Little Bennett Regional Park is located directly across Route 355 and is accessible by vehicular traffic.

The adjacent property to the north is zoned RS and the property to the south is zoned I-1, as are the remaining properties to the south toward Comus Road. The properties across Frederick Road, which include Little Bennett Regional Park are zoned RDT.

### **PROJECT DESCRIPTION: Site Description**

The site is presently being used as a contractor storage yard for Pleasants Construction. The western portion of the property contains a stream paralleling I-270 and two existing silt ponds within the stream buffer; one near the center of the property and the other at the southern boundary. The property drains north to south with a 10 foot difference in elevation. The larger silt pond is located at the lowest elevation on the site, and is proposed as the future stormwater management facility.

An existing berm, varying four to six feet in height, encompasses the northeastern boundary of the site, wrapping the edge of the property and creating a bowl shaped area within the berm. The I-270 boundary is completely forested, with the exception of a partial opening near the existing larger silt pond. There are two other small strips of woods or hedgerows; one on the southern boundary separating the adjacent parcel and another one down the center of the property. A large white oak is located to the north of the existing silt pond and is in good condition. There is an existing house on the property proposed for demolition.

The overall slope of the property is approximately 3%, although slopes within the stream buffer exceed 50%.



## **PROJECT DESCRIPTION: Proposal**

The current proposal for Site Plan consists of 38,400 sf Construction Debris Recycling Facility with ancillary parking for employees.

The previous application and use, which has expired, comprised of a 38,400 square foot warehouse for contractor storage. The design and layout of the buildings has not changed with the building located to the north of the property and setback approximately 50 feet from Route 355. Vehicular access to the site has been approved by the MDSHA for safety and appropriate sight distance measures.

The applicant is proposing to improve Route 355 along the full frontage of their property. Northbound Route 355 will remain the through-lane. A designated left turn lane is proposed into the site changing the present southbound travel lane. In addition, the applicant is proposing to construct an acceleration/deceleration lane within the confines of the improvements. All of the improvements will take place on the north side of Route 355.

With the exception of the southern boundary, the entire perimeter is being screened from the major roadways and adjacent property owners. The applicant has met the conditions of the use, requiring that "off-street parking of trucks and containers must be in a building or screened from off-site visibility". Lighting has been addressed by facing the fixtures on the perimeter toward the interior of the site and requiring that deflector shields be placed on the fixtures to screen visibility from I-270 and Route 355.

Storm Water Management Concept for the Site Plan was approved on February 28, 2001 (Reaffirmed) by the Montgomery County Department of Permitting Services, as well as Health Department, well and septic section was approved January 4, 2002.

## **PROJECT DESCRIPTION: Prior Approvals**

The Planning Board approved Preliminary Plan (#1-96101), dated January 6, 1997, and the subsequent Site Plan (#8-01005), dated April 26, 2001 for a proposed warehouse to store construction materials. During the course of Site Plan approval, the opinion and decision was appealed and the Preliminary Plan expired resulting in the expiration of the Site Plan as well.

The County Council approved a zoning text amendment (ZTA 01-03) to include a new use for a "Construction Debris Recycling Facility, in the Rural Service zone, for which this site was specifically identified. The September 2001 Supplement to the Montgomery County Code, Chapter 59 (Zoning Ordinance) includes the aforementioned use which was adopted on June 26, 2001, becoming effective July 16, 2001.

## **ANALYSIS: Conformance to Master Plan**

The proposal conforms to the Clarksburg Master Plan recommendations for environmental management, land use and the transit system. This property also conforms to the Hyattstown Special Study Area for encouragement of appropriate screening from I-270 and MD 355.

### Land Use

This property is identified on the Generalized Land Use plan as Rural Residential, although the property is being used for contractor storage. The Plan recommends "continuation of the I-1 Zone and encourages landscaping along MD 355 to enhance the character of the existing industrial uses".

### Environmental

The Master Plan recommends that forested buffers be protected along all stream valleys to promote water quality. This plan proposes removing the smaller silt pond from within the stream buffer and providing extensive planting within the remainder of the stream valley buffer. Planting in the stream valley buffer will retain the wooded areas if the right-of-way for the transit system is improved.

### Transit System

The Master Plan proposes a comprehensive transit system along the I-270 corridor from Shady Grove to Frederick that will reduce dependence on automobiles. This plan recommends the following:

- To place a 50' wide area of land adjacent to I-270 in reservation for a period of three years for road widening or construction of the proposed transitway.

The Hyattstown Special Study Area recommends screening to improve the vistas of drivers entering Montgomery County along I-270. The proposed plan recommends increased landscaping along I-270 to supplement the already existing vegetation. The majority of the planting adjacent to I-270 will be within the stream valley buffer and placed in a forest conservation easement. The planting will be bonded, installed and maintained by the applicant. The plan also indicates a 4-5' earth berm along MD 355 as well as increased landscaping along the MD 355 to buffer the building and proposed parking.

**ANALYSIS: Conformance to Development Standards**

**PROJECT DATA TABLE**

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Lot Area (ac.):	10.00	10.81
Gross Floor Area (sq. ft.):	57,956 sf	38,400 sf
Floor Area Ratio (FAR):	0.15	0.10
Green Space (%):	40	56
Building Coverage (%):	10%	10%
Setbacks (ft.):		
front yard	50	50
side yard	20/40 combined	20
Frederick Rd. (Rte. 355)	50	50
I-270 Reservation	100	105
Minimum Road Frontage(ft.)	1000	1011.79
Distance from an Interstate Highway Interchange(mi.)	2	.5 (I-270)
Parking (1.5 sp/1000 gfa):		
Standard	57	55
handicapped-accessible	1	3
Total	58	58

**FINDINGS for Site Plan Review:**

1. The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.
2. The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.
3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

**a. Location of Buildings**

The proposed 38,400 sf building for a Construction Recycling Debris Facility is situated on the north end of the property between the earth berm adjacent to MD 355 and the stream valley buffer parallel to I-270. Consistent with the use, the building and parking is to be screened from I-270 and Route 355.

**b. Open Spaces**

The five acres of open space provided on site surpasses the required amount. The majority of the proposed open space will be within the stream buffer and include the stormwater management facility. The remainder of the open space includes the entire frontage of MD Route 355. The stream buffers, floodplain and forest conservation areas have been protected and include supplemental landscaping to increase the buffers.

The Stormwater Management Concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) on February 28, 2001 (Reaffirmed).

**c. Landscaping and Lighting**

Landscaping on the site consists of large evergreen and deciduous trees to provide screening from I-270 and MD 355. Earth berms along the northeastern boundary also provide visual screens to buffer parking from both major roads. Exterior lighting is proposed for the building and the ancillary parking area. Lighting standards as specified by IESNA (Illuminating Engineering Society of North America) are conditioned with this proposal to prevent glare from interfering with drivers on I-270.

**d. Recreation. Not applicable.**

**e. Vehicular and Pedestrian Circulation**

Vehicular access to the site is in accordance with the traffic study for safe sight distance for traffic on Route 355. The single entrance to the site provides direct access to the recycling facility for sorting and processing within the building. The northbound lane of Route 355 will remain as the through travel lane with a dedicated left turn lane into the site. The improved southbound lane will be constructed by the applicant. An acceleration/deceleration lane is proposed for the frontage of the property to assist trucks entering and exiting the site. The parking lot derives access from the main entrance and is separated from the loading and truck driveways.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development. The relationship of the building does not create unsightly views from I-270.

Landscaping within the stream buffer and along the earth berm will help to buffer views from I-270 and MD 355 to the proposed building.

The activity associated with the proposed building will not cause any negative effect on adjacent properties, public works or future recreational users of Little Bennett Regional Park.

Lighting fixtures are to be screened to prevent glare from interfering with drivers on I-270.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

Forest Conservation requirements have been met by the preservation of 0.53 acres of existing forest/specimen trees, with additional planting in the stream valley buffer for on-site forest mitigation.

A Category I Conservation easement will be placed over the forest conservation and stream valley buffer areas as shown on the Forest Conservation Plan.

**APPENDIX**

- A. Standard conditions dated October 10, 1995
- B. Correspondence from DuFour & Kohloss dated December 12, 2001
- C. Documentation of relevant approvals from other agencies
- D. Adopted Zoning Text Amendment to permit a Construction Debris Recycling Facility

**APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:**

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to plat recordation.
  - b. Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval.
2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Undisturbed stream buffers and a non-disturbance area 50' feet from the stream channel;
  - b. Limits of disturbance;
  - c. Methods and location of tree protection;
  - d. Forest Conservation areas;
  - e. Conditions of DPS Stormwater Management Concept approval letter dated February 28, 2001 (Reaffirmed);
  - f. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - g. The development program inspection schedule.
  - h. Conservation easement boundary
  - i. Street trees 35' feet on center along all public streets;
  - j. Conditions of DPS Well and Septic Division dated January 4, 2002.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans.

G:\ASP\_STAFFRPT\8-02020.doc

December 12, 2001

Mr. A. Malcolm Shaneman, Supervisor  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Mr. Robert Kronenberg  
Development Review Division  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Pleasants Development, Inc.  
Pleasants Rural Service Property  
Preliminary Plan 1-02026  
Site Plan 8-02020

Gentlemen:

The above referenced plans are pending action by the Planning Board and are tentatively scheduled for review by the Development Review Committee on December 17, 2001. Subsequent to the submission of the Preliminary Plan and Site Plan applications, on November 27, 2001, the County Council approved an amendment to the County's Solid Waste Management Plan to approve the location of a Construction Debris Reclamation Facility at the subject Property. The amendment to the Solid Waste Management Plan was endorsed by the Planning Board at its regular meeting held on November 29, 2001.

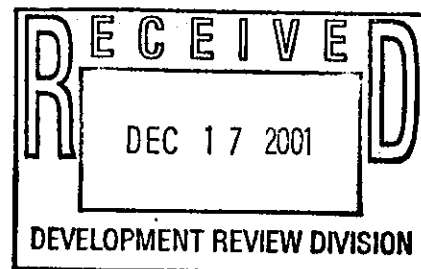
The use of the building and parking facility depicted on the site plan will not alter the configuration of the parking area or the exterior features of the proposed structure or site. Nonetheless, we wanted to be sure that you were both aware of this recent SWMP amendment and its relationship to the ultimate use of the Subject Property.

Very truly yours,

DUFOUR & KOHLHOSS, CHTD.

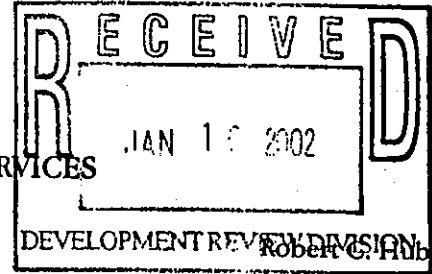
By:   
Stephen J. Orens

cc: Larry Cartano  
David McKee





DEPARTMENT OF PERMITTING SERVICES



Douglas M. Duncan  
County Executive

MEMO- DRC COMMENTS

To: Benning & Asso.

From: Gene von Gunten *626*

Re: PLEASANTS RURAL SERVICE, M-NCPPC # 1-02060

Date: January 4, 2002

1. Sewer line from building to septic tank should have min. 2% fall.
2. Indicate by note that all septic trenches that fall beneath parking lot are to be installed with initial septic per M.C. policy. Add a note that the remainder of the septic reserve area is to be maintained in its current condition until needed.
3. Prior to approval of a record plat a "DECLARATION OF COVENANT FOR SEPTIC FIELD USE" must be recorded. This document is to be drafted by the property owner's attorney and then submitted to Well & Septic for approval and signatures.

cc: M-NCPPC- Dev. Review



MONTGOMERY COUNTY CODE  
ZONING ORDINANCE  
Chapter 59

Instruction Sheet

SEPTEMBER 2001 SUPPLEMENT

This Supplement contains all changes to the Montgomery County Code, Chapter 59 (Zoning Ordinance) made by the laws in the following table which became effective between July 16, 2001, and August 15, 2001:

<i>Ordinance</i>	<i>Concerning</i>	<i>Date Adopted</i>	<i>Effective Date</i>	<i>Amending</i>
14-39	Construction debris recycling facility in the RS zone	6/26/2001	7/16/2001	§§ 59-A-2.1, 59-C-9.3; Adding §§ 59-C-9.83, 59-C-9.84
14-40	Automobile repair and service use in Employment Area Overlay Zone	6/26/2001	7/16/2001	§ 59-C-18.132

Changes to the Montgomery County Code, Chapter 59 (Zoning Ordinance), pursuant to the following enacted laws will appear in the appropriate Supplement following the stated effective date:

<i>Ordinance</i>	<i>Concerning</i>	<i>Date Adopted</i>	<i>Effective Date</i>	<i>Amending</i>
14-41	Funeral parlors or undertaking establishments as a special exception use in the RDT zone	7/31/2001	8/20/2001	§§ 59-C-9.3, 59-G-2.23

<i>Remove Old Pages</i>	<i>Insert New Pages</i>
iii, iv	iii, iv
Checklist of up-to-date pages	Checklist of up-to-date pages
<b>Article 59-A</b>	
59A-13 — 59A-16	59A-13 — 59A-16
59A-35, 59A-36	59A-35, 59A-36
59A-47 — 59A-48	59A-47 — 59A-48

MONTGOMERY COUNTY CODE  
ZONING ORDINANCE  
Chapter 59

Instruction Sheet

<i>Remove Old Pages</i>	<i>Insert New Pages</i>
<i>Article 59-C</i>	
C9-3, C9-4	C9-3, C9-4
C9-11, C9-12	C9-11, C9-12
C9-29	C9-29, C9-30
C18-11 — C18-14	C18-11 — C18-14
C18-17, C18-18	C18-17, C18-18
<i>Ordinance Table</i>	
15, 16	15, 16

**MONTGOMERY COUNTY GOVERNMENT**

**Douglas M. Duncan**  
*County Executive*

**Bruce Romer**  
*Chief Administrative Officer*

**THE COUNTY COUNCIL  
FOR  
MONTGOMERY COUNTY, MARYLAND**

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**Howard A. Denis**  
**Isiah Leggett**  
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**Michael L. Subin**

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*County Attorney*

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*Chief, General Counsel Division*

Joann Robertson  
*Chief, Litigation Division*

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*Chief, Special Projects Division*

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**Family day care home:** A dwelling in which child day care services are provided:

- a. in the home where the registrant is the provider and a resident, or when the registrant is not a resident but where more than half of the children cared for are residents;
- b. for not more than 8 children including the children of the provider who are less than 6 years of age, and;
- c. where staffing complies with state and local regulations, but no more than 2 non-resident staff members are on site at any time.

**Group day care home:** A dwelling in which child day care services are provided:

- a. in the home where the licensee is the provider and is a resident;
- b. for 9 but not more than 12 children including the children of the provider, and;
- c. where staffing complies with state and local regulations, but no more than 3 non-resident staff members are on site at any time.

**Child day care center:**

- a. a dwelling in which child day care services are provided and the provider is not a resident and does not meet the requirements for a non-resident provider of a family day care home or a group day care home, or;
- b. a building in which child day care services are provided:
  - 1) for 13 or more children, or;
  - 2) which exceed the staffing limits of a family day care home, or a group day care home, or;
  - 3) for 24 hours a day provided that they are in conformance with state and local regulations.

Preschool and kindergarten educational programs, subject to accreditation by the State, are permitted as an accessory use in all child care facilities.

**Clinic:** See "medical or dental clinic."

**Commercial vehicle:** A duly licensed and registered vehicle used to transport passengers or property to further a commercial enterprise. A commercial vehicle must not be used as an office nor have customer entry for a retail transaction. For the purposes of this Chapter the following are also commercial vehicles:



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- (a) vehicles of more than 10,000 pounds gross vehicle weight;
- (b) vehicles with a manufacturers rated load capacity of more than 3/4 ton;
- (c) vehicles registered as commercial vehicles by the Motor Vehicle Administration of the state of Maryland or other jurisdiction;
- (d) "for hire" vehicles as classified by the Maryland Motor Vehicle Administration;
- (e) a funeral motor vehicle or ambulance as classified by the Maryland Motor Vehicle Administration;
- (f) a freight trailer or semitrailer as defined by the Maryland Motor Vehicle Administration;

A recreational vehicle, or a farm machine or a farm vehicle for agricultural use is not a commercial vehicle.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Common open space:** In any residential development, all that area not included in individual record lots nor dedicated to public use.

**Community sewerage system:** Any system, whether publicly or privately owned, serving 2 or more individual lots, for the collection and disposal of sewage or industrial wastes of a liquid nature, including various devices for the treatment of such sewage and industrial wastes.

**Community water supply system:** A source of water and a distribution system, including treatment and storage facilities, whether publicly or privately owned, serving 2 or more individual lots.

**Conference center:** Facilities for conducting meetings, discussions, conferences. Facilities include meeting rooms, auditoriums, cafeterias, dining rooms, dormitories, guest rooms or other similar lodging accommodations, recreational uses, and supporting services designed mainly to accommodate planned meetings and discussions for the interchange of ideas and opinions of individuals or groups. A conference center is not a hotel, motel or inn, which are separately defined in this section and which may have meeting rooms as a secondary use.

**Construction Debris Reclamation Facility.** Any land or building used for the collection, sorting and recovery of construction or demolition debris where the debris:

- (a) is separated, collected, processed or marketed in the form of raw materials or products;
- (b) has a marketable value; and

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- (c) is sorted at the reclamation facility site, with the inventory, by volume, being turned over at least once every 3 months.

**Convenience food and beverage store:** An establishment which sells packaged and/or prepared foods and beverages and other convenience items for consumption off the premises by travelers and highway users. Sales of items are dependent upon convenience of location, speed of service and highway accessibility and are not dependent upon comparison shopping or pedestrian traffic within the site or on adjoining sites.

**Corridor city:** A corridor city as designated in the General Plan for the Physical Development of the Maryland-Washington Regional District. Corridor cities are planned for location in the radial corridors which extend outward from the central core of the Washington Metropolitan Area and which are planned to contain the greatest concentrations of transportation facilities and public utilities.

**Council or district council:** The county council, sitting as the district council for the county portion of the Maryland-Washington Regional District.

**Country inn:** An establishment primarily for dining in a rural area of the county, removed from planned or existing commercial areas and generally accessible for patronage only by automobile transportation. A country inn may contain in the same building a maximum of 12 guest rooms where, for compensation, food and lodging are provided for guests, and may also contain specific commercial uses. A country inn is not a bed-and-breakfast lodging, motel, inn or other use defined or regulated elsewhere in this ordinance.

**Country market:** The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or the establishment of an eating and drinking establishment, including a drive-in restaurant. A country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland.

**County:** Montgomery County, Maryland.

**County medical center:** See life sciences center.

**Court:** An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on 2 or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

**Court height:** The vertical distance measured from the lowest elevation in the court to the highest point of any adjacent building.

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**Court, inner:** Any court other than an outer court. The width of an inner court is its least horizontal dimension between opposite sides, measured at right angles to its longest side. The length of an inner court is its greatest horizontal dimension, measured parallel to its longest side.

**Court, outer:** A court open on at least one side for not less than 75 percent of its width and extending to any yard on a lot or to a street, alley or public way. The depth of an outer court shall be the greatest horizontal dimension measured at right angles from the yard, street, alley or public way upon which such court opens, to the face of the building or wall opposite thereto. The width of an outer court is its least horizontal dimension measured at right angles to the depth of such court.

**Dairy farm:** A tract of land equipped with buildings, machinery, dairy cattle and other necessary resources for the purpose of producing, cooling and storing fluid milk.

**Dairy products or milk plant:** Any place or establishment where milk or milk products are collected, skimmed, condensed, evaporated, powdered or processed into butter, cheese, cultured dairy products, frozen dairy products or otherwise prepared for distribution or sale.

**Dental clinic:** See "medical or dental clinic."

**Department:** The Department of Permitting Services.

**Development rights:** The potential for the improvement of a parcel of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of the parcel.

**Director:** The Director of the Department of Permitting Services or the Director's designee.

**District:** That portion of the Maryland-Washington Regional District in the county.

**District council:** See "council."

**Domiciliary care home:** A facility licensed, funded, certified, or registered by the State of Maryland or the County which provides a protective institutional or home-type environment, and maintains the necessary services for persons who, because of advanced age or disability require a supportive environment. A domiciliary care home for not more than 8 residents is a small group home and a domiciliary care home for 9 but not more than 16 residents is a large group home for zoning purposes. The number of residents include members of the staff who reside at the group home.

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**Public facilities and amenities:** Those facilities and amenities of a type and scale necessary to provide an appropriate environment or to satisfy public needs resulting from the development of a particular project. Facilities and amenities may include, but are not limited to, green area or open space which exceeds the minimum required, with appropriate landscaping and pedestrian circulation; streetscaping such as street plantings, furniture, and lighting; provision of space with commitment for public performances and events, vending and recreation; and finally, dedicated uses open to the public such as museums, art galleries, cultural arts centers, community rooms, recreation areas, and child or elderly day care. Facilities and amenities may be recommended or identified on an approved and adopted master or sector plan.

**Public use space:** Space required by the sector plan and other space devoted to such uses as space for public enjoyment consisting of such things as, but not limited to, green areas, gardens, malls, plazas, walks, pathways, promenades, arcades, lawns, fountains, decorative plantings, passive or active recreational areas. Such space may also consist of space and/or amenities recommended by an approved urban renewal plan. Such space shall not include parking or maneuvering areas for vehicles. Area devoted to this purpose shall be easily and readily accessible to the public without restrictions to particular segments of the public. In areas where pedestrian walkways are shown on an approved and adopted master plan or sector plan, such area within the percentage required for public space as is necessary shall be devoted to the provision of pedestrian walkways or paths for general public use.

**Radio and television broadcasting studio:** A facility used for the creation and production of radio, television, and other electronic media programming. This includes studios, stages, editing facilities, post-production facilities, and program distribution via wire or fiber optic cable. A radio and television broadcasting studio does not include a broadcast tower at the same location as the studio.

**Receiving area:** An area designated on an approved and adopted general, master, sector or functional plan appropriate for development beyond its base density through the transfer of development rights.

**Recreational vehicle:** A duly licensed and registered vehicle, with or without motor power, which is solely intended for the leisure use of the operator and guests. A recreational vehicle must not be used as an office nor have customer entry for a retail transaction. For the purpose of this Chapter the following are recreation vehicles:

- (a) motor homes;
- (b) travel trailers;
- (c) campers or camping trailers including truck inserts and collapsible units; or

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- (d) non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

**Recycling facility:** Any land or building used for the collection and recovery of paper, metals, plastic, glass, lumber, presorted construction or demolition debris, or other marketable scrap where the materials:

- (a) are separated, collected, processed, or marketed in the form of raw materials or products;
- (b) have monetary value;
- (c) when separated, collected, processed, or marketed, result in less than 10% non-marketable waste by volume; and
- (d) are stored on-site with the inventory, by volume, being turned over at least once every 3 months.

The sorting of demolition or construction materials must be done before reaching the recycling facility. A solid waste transfer station is not a recycling facility.

**Regional shopping center:** A shopping center comprised of a minimum of 600,000 gross leasable square feet and a minimum of 50 separate stores.

**Registered living unit:** A second dwelling unit, that is part of an owner-occupied one-family detached dwelling and is:

- (a) Suitable for use as a complete living facility with provision within the facility for cooking, eating, sanitation and sleeping;
- (b) Occupied by:
  - (1) No more than 2 persons related to each other by blood, marriage or adoption, at least one of whom must be a household employee of the owner-occupant of the main dwelling; or
  - (2) No more than 3 persons related by blood, marriage or adoption to the owner-occupant of the main dwelling; except that one may instead be an unrelated caregiver needed to assist an elderly, ill or handicapped relative of the owner-occupant; and
- (c) Subordinate to the main dwelling.

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No. 13-50, § 1; Ord. No. 13-56, § 1; Ord. No. 13-58, § 1; Ord. No. 13-68, § 1; Ord. No. 13-69, § 1; Ord. No. 13-71, § 1; Ord. No. 13-76, § 1; Ord. No. 13-80, § 1; Ord. No. 13-97, § 1; Ord. No. 13-98, § 1; Ord. No. 13-105, § 1; Ord. No. 13-107, § 1; Ord. No. 13-108, § 1; Ord. No. 13-110, § 1; Ord. No. 13-112, § 1; Ord. No. 14-4, § 1; Ord. No. 14-10, § 1; Ord. No. 14-11, § 1; Ord. No. 14-19, § 1; Ord. No. 14-36, § 1; Ord. No. 14-39, § 1.)

Editor's note— The above Section is quoted in Mossburg v. Montgomery County, 107 Md.App. 1, 666 A.2d 1253 (1995); and is cited in Permanent Financial Corporation v. Montgomery County, 308 Md. 239, 518 A.2d 123 (1986). Section 59-A-2.1 [formerly §111-2] is interpreted in St. Luke's House, Inc. v. Digiulian, 274 Md. 317, 336 A.2d 781 (1975); is quoted in Cohen v. Willett, 269 Md. 194, 304 A.2d 824 (1973); is quoted and interpreted in LaForce v. Bucklin, 260 Md. 692, 273 A.2d 144 (1971); is quoted in City of Takoma Park v. County Board of Appeals for Montgomery County, 259 Md. 619, 270 A.2d 772 (1970); and is cited in Gruver-Cooley Jade Corporation v. Perlis, 252 Md. 684, 251 A.2d 589 (1969). Section 59-A-2.1 [Ord. 8-66] is applied in Lone v. Montgomery County, 85 Md.App. 477, 584 A.2d 142 (1991). Section 59-A-2.1 [formerly §111-57(c)] is quoted in part and interpreted in Canada's Tavern, Inc. v. Town of Glen Echo, 260 Md. 206, 271 A.2d 664 (1970). The predecessor to the above Section is mentioned in Bigenho v. Montgomery County Council, 248 Md. 386, 237 A.2d 53 (1968). Section 59-A-2.1 [formerly §111-4] is quoted in Marathon Builders, Inc. v. Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, 246 Md. 187, 227 A.2d 755 (1967). Section 59-A-1 [formerly §104-2] is quoted in Chevy Chase Village v. Montgomery County Board of Appeals, 249 Md. 334, 239 A.2d 740 (1968); and in Town of Somerset v. Montgomery County Board of Appeals, 245 Md. 52, 225 A.2d 294 (1966). Section 59-A-2.1 [formerly §107-2] is quoted in Young v. Montgomery County, 216 Md. 341, 140 A.2d 527 (1958).

Ord. No. 14-36, § 1, amending Section 5 of Ord. No. 13-35, reads: "Sunset. On July 1, 2002, any function transferred by this Ordinance to the Department of Permitting Services reverts to the Department which administered that function before this Ordinance took effect [August 1, 1996]." Section 5 of Ord. No. 13-35 was previously amended by Ord. No. 13-112, § 2.

**Sec. 59-A-2.2. General rules of interpretation.**

- (a) In this chapter, words used in the present tense include the future; the singular number includes the plural number and the plural the singular; and the word "shall" is mandatory and not optional.
- (b) In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety and general welfare of the public.
- (c) This chapter shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or easements, covenants or other agreements between parties; provided, that where this chapter

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imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances; rules, regulations or permits, or by easements, covenants, or agreements, the provisions of this chapter shall prevail. Except as hereinafter provided, the general regulations set out in this article shall apply.

- (d) Uses designated by the letter "P" and uses of a similar character are permitted in the zones indicated, subject to all applicable regulations. Uses explicitly listed in one or more zones are permitted only in those zones. Where a use is not explicitly listed in any zone but is similar in character to more than one listed use, then the use must be deemed to be included in the more intensive of the designated uses in terms of traffic impact, noise, or other community impact.
- (e) Uses designated by the letters "SE" may be authorized as special exceptions in the zones indicated, subject to the provisions of article 59-G.

(Legislative History: Ord. No. 10-76, § 1; Ord. No. 10-82, § 1; Ord. No. 10-84, § 1; Ord. No. 10-85, § 1; Ord. No. 11-50, § 2.)

*Editor's note*—The above Section is cited in Cowles v. Montgomery County, 123 Md. App. 426, 718 A.2d 678 (1998); in Lee v. Maryland-National Capital Park and Planning Commission, 107 Md.App. 486, 668 A.2d 980 (1995); and in Council of Chevy Chase View v. Rothman, 323 Md. 674, 594 A.2d 1131 (1991). Section 59-A-2.2(a) is quoted in part in Columbia Road Citizens' Association v. Montgomery County, 98 Md.App. 695, 635 A.2d 30 (1994). Section 59-A-2.2 [formerly §111-4(d)] is cited in Aspen Hill Venture v. Montgomery County Council, 265 Md. 303, 289 A.2d 303 (1972). Section 59-A-2.2 [formerly §104-4] is cited in Marathon Builders, Inc. v. Polinger, 263 Md. 410, 283 A.2d 617 (1971). Section 59-A-2.2 [formerly §111-4] is quoted in Marathon Builders, Inc. v. Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, 246 Md. 187, 227 A.2d 755 (1967).

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 REGISTRATION OF CERTAIN USES.\*

Sec. 59-A-3.1. Building permit.

- (a) **Building permits generally.** A building permit must be issued by the director before any building or other structure can be erected, moved, structurally altered, added to, or enlarged and before any excavation can be started. A building permit is not required for any building or structure to be used exclusively for purposes of agriculture upon land

\**Editor's note*—Section 2 of Ord. No. 11-67 added "Registration of Home Occupations and Home Health Practitioners' Offices" to the title of this division. Subsequently, section 1 of Ord. No. 12-72 renamed the title of this division to "Building and Use-and-Occupancy Permits; Registration of Certain Uses."

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§59-C-9.2

Division 59-C-9

**59-C-9.25. Purpose of the Low Density Rural Cluster Development zone.**

It is the purpose of the Low Density Rural Cluster Development zone to implement the general plan for the Maryland-Washington Regional District and the local area master plan by permitting well designed development consistent with the density proposed by the local area master plan. It is also the purpose of the Low Density Rural Cluster Development Zone to provide suitable sites for low-density residential development which may be served by community sewer and water service at locations designated: a) for development at densities not more than one unit per 5 acres by an approved and adopted master plan; b) for a buffer or transitional use between agricultural areas and low-density one-family uses and between 2 higher density developments; c) for conservation of a sensitive environmental area; d) for protection of scenic and sensitive environmental resources and the preservation of existing open space or agricultural areas. Under this zone, the general plan or area master plan can be implemented in a manner and to a degree more closely compatible with County plans and policies than otherwise possible.

The Low Density Rural Cluster Development Zone is intended to provide the maximum amount of freedom in lot size and design in order to permit the greatest amount of open space to be conserved, and to prevent detrimental affects on the environment. The open space should be appropriately located for agricultural preservation, environmental protection, and preservation of the rural character as viewed from areas visable to the community. Therefore, to meet this objective the optional standards, guidelines, and requirements of Section 59-C-9.5 apply in this zone. In addition, the lots developed under these provisions must be connected to a community water and sewerage system, unless it can be demonstrated that at the time of subdivision a limited number of lots on a private well and septic facility within the cluster will provide a more beneficial subdivision design because of environmental or compatibility reasons.

The fact that an application complies with all the specific requirements and purposes of the zone will not be deemed to create a presumption that the application is, in fact, compatible with surrounding land uses, and, in itself will not be sufficient to require granting the application.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 12-79, § 1; Ord. No. 13-13, § 1; Ord. No. 13-45, § 1; Ord. No. 13-76, §1; Ord. No. 13-94, §1.)

**Sec. 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.



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Division 59-C-9

	Rural	RC	LDRC	RDТ	RS	RNC
<b>(a) Agricultural:</b>						
Agricultural processing, primary						P
Farm. <sup>1</sup>	P	P	P	P	P	P
Fish hatchery.	P	P	P	P	P	
Other agricultural use.	P	P	P	P	P	P
<b>(b) Agricultural-Industrial:</b>						
Abattoir.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Agricultural processing. <sup>36</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Construction Debris Reclamation Facility.					P	
Contractors storage yard <sup>28</sup> (existing)					P	
Grain elevator. <sup>36</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Manufacture of light sheet metal products. <sup>28</sup> (existing)					P	
Manufacture of mulch and composting.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	SE	
Milk plant. <sup>37</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Sawmill.	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE		
Storage for recycling of building or construction materials. <sup>28</sup> (existing)					P	
Winery. <sup>38</sup>	SE/P	SE/P	SE/P	SE/P	SE/P	SE <sup>2</sup>
Wood product and furniture manufacturing. <sup>28</sup> (existing)					P	
<b>(c) Agricultural-Commercial:</b>						
Blacksmith. <sup>4</sup>	SE	SE <sup>2</sup>	SE <sup>2</sup>	SE	P	P <sup>2</sup>
Christmas tree sales between December 5 and 25.	P	P	P	P	P	P <sup>2</sup>

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24 Reserved.

25 If an application was filed with the Board of Appeals prior to June 16, 1992. Any golf course approved by  
the Board of Appeals is not a non-conforming use and may be modified in accordance with Sec. 59-G-  
2.241.

26 In accordance with Section 59-A-6.13.

27 Refer to Sec. 59-A-6.14.

28 Valid only for uses existing as of the date of placement in the zone or on a parcel adjoining I-1 zoned  
property devoted to a similar use at the time of placement in the zone. Expansion on such a parcel  
adjoining I-1 zoned property shall require that the entire site is covered by site plan review for both  
properties.

29 For existing residential structures as of the date of placement in the zone and in accordance with the special  
exception requirements of Section 59-G-2.38.1.

30 Whenever main and accessory structures exceed an aggregate floor area of 5,000 square feet, development  
will be subject to site plan review under Division 59-D-3. All properties designated as resources in the  
Master Plan for Historic Preservation are excluded from the site plan review requirement.

31 May be permitted in an accessory building designated as historic on the Master Plan for Historic  
Preservation.

32 A freestanding monopole for a telecommunication facility is a permitted use if the height does not exceed  
the building height of the zone and the monopole is set back one foot for every foot of height from the  
property line.

33 A freestanding monopole for a telecommunication facility is a permitted use up to 199 feet in height within  
an overhead transmission line right-of-way but must not be closer than 300 feet to any residence.

34 Not to be located in a townhouse unit or an attached unit.

35 Subject to the special exception standards for a Nursing Home; and Domiciliary Care Home, section 59-G-  
2.37.

36 Permitted by right as an accessory use to a farm.

37 A milk plant and a milk parlor are permitted by right as an accessory use to a farm.

38 Permitted by right provided no more than two public events are held per year.

39 Parking of motor vehicles is permitted in an historic district in accordance with the provisions of Sec. 59-  
A-6.22.

(Legislative History: Ord. No. 10-69, § 5; Ord. No. 10-85, §§ 3--5; Ord. No. 11-14, § 7; Ord. No. 11-29, §  
6; Ord. No. 11-34, § 3; Ord. No. 11-41, § 10; Ord. No. 11-58, § 1; Ord. No. 11-61, § 4; Ord. No. 11-67, §  
8; Ord. No. 11-69, § 2; Ord. No. 11-70, § 3; Ord. No. 11-72, § 9; Ord. No. 11-73, § 10; Ord. No. 11-85, §  
1; Ord. No. 12-1, § 1; Ord. No. 12-4, § 3; Ord. No. 12-20, § 1; Ord. No. 12-61, § 3; Ord. No. 12-72, § 1;  
Ord. No. 12-75, § 9; Ord. No. 12-79, § 3; Ord. No. 13-2, § 1; Ord. No. 13-6, § 1; Ord. No. 13-13, § 1;  
Ord. No. 13-21, § 9; Ord. No. 13-27, § 5; Ord. No. 13-31, § 4; Ord. No. 13-35, § 1; Ord. No. 13-47, § 9;  
Ord. No. 13-76, § 1; Ord. No. 13-85, § 2; Ord. No. 13-94, § 1; Ord. No. 13-107, § 2; Ord. No. 13-110, § 3;  
Ord. No. 13-112, § 1; Ord. No. 14-25, § 2; Ord. No. 14-36, § 1; Ord. No. 14-39, § 2.)

Editor's note—Sections 3—5 of Ord. No. 10-85 amended §§ 59-C-9.1, 59-C-10.1, 59-C-11.1, without  
taking into account the reorganization of divs. 59-C-9—59-C-11 by Ord. No. 10-69. The substantive provisions of  
§§ 59-C-9.1, 59-C-10.1, 59-C-11.1 are now given in this § 59-C-9.3. The editor has, therefore, included provisions  
relative to family burial sites enacted by Ord. No. 10-85, §§ 3—5, in subsection (h) of this section.

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Ord. No. 14-36, § 1, amending Section 5 of Ord. No. 13-35, reads: "Sunset. On July 1, 2002, any function transferred by this Ordinance to the Department of Permitting Services reverts to the Department which administered that function before this Ordinance took effect [August-1, 1996]." Section 5 of Ord. No. 13-35 was previously amended by Ord. No. 13-112, § 2.

**Sec. 59-C-9.4. Development standards.**

The following requirements apply in all cases, except as specified in the optional standards for cluster development set forth in sections 59-C-9.5 and 59-C-9.57 and the exemption provisions of section 59-C-9.7.

**59-C-9.41. Density in RDT zone.**

Only one one-family dwelling unit per 25 acres is permitted. (See section 59-C-9.6 for permitted transferable density.) The following dwelling units on land in the RDT zone are excluded from this calculation, provided that the use remains accessory to a farm. Once the property is subdivided, the dwelling is not excluded:

- (a) A farm tenant dwelling, farm tenant mobile home or guest house as defined in section 59-A-2.1, title "Definitions."
- (b) An accessory apartment or accessory dwelling regulated by the special exception provisions of division 59-G-1 and 59-G-2.

	Rural	RC	LDRC	RDT	RS	RNC
<b>59-C-9.42. Minimum net lot area.</b>						
No main building, together with its accessory buildings, shall be located on a lot having a net area of less than	5 acres	5 acres	5 acres	40,000 sq.ft.	2 acres <sup>4</sup>	25,000 sq.ft.
<b>59-C-9.43. Minimum lot width (in feet):</b>						
(a) Measured along front building line	300	300	300	125	125	100
(b) Measured along front street line	25	300	300	25	300	25
<b>59-C-9.44. Yard requirements for a main building (in feet):</b>						
(a) Minimum setback from street. The front building line must be parallel to the front lot line or proposed street line and set back from the lot or street line at least	50	50'	50'	50'	50'	40

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- (d) **Parking requirements.** Off-street parking is encouraged to be provided in the rear or side yard and will be in accordance with the requirements and standards of article 59-E of this Zoning Ordinance, providing adequate screening from the primary access road and adjacent uses.
- (e) **Signage and Screening.** Any new use or expansion of an existing use proposed in the Rural Service zone must meet the general signage standards of Article 59-F.

Also, any use or expansion of an existing use must provide adequate screening from adjacent land uses. Screening must be approved at the site plan review.

**59-C-9.82. Development Procedures for Site Plan.**

All uses proposed in the Rural Service zone shall be subject to site plan review, under the procedures set forth in Division 59-D-3.

**59-C-9.83. Special Development Standards for a Construction Recycling Facility.**

- (a) Minimum lot size of 10 acres.
- (b) Minimum frontage of 1,000 feet and direct access to a road classified as a primary industrial street or higher.
- (c) No more than 2 miles from an interstate highway interchange.
- (d) A building setback of 50 feet from any road right-of-way, except a limited access freeway which is controlled by Section 59-C-9.81, and 75 feet from any adjoining property not classified in an industrial zone or the RS zone.
- (e) Off-street parking of haul trucks and roll off containers must be in a building or screened from off-site visibility, and
- (f) A landscaping plan approved by the Planning Board as part of the site plan approval process.

**59-C-9.84. Construction Debris Recycling Permit.**

A permit to operate a construction debris recycling facility must be obtained from the Department of Permitting Services. The Executive must adopt a Method 2 regulation to establish fees and requirements to implement a Construction Debris Recycling Facility. The regulation must require that:

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- (a) Construction debris be transported to the construction recycling facility in covered "Roll off" containers or covered trucks.
- (b) All sorting and processing be done in an enclosed structure.
- (c) When construction debris is separated, collected and processed, an average of 50% of the processed materials by weight have a marketable value.
- (d) Permanent storage is not permitted,
- (e) Fifty-one percent (51%) of the materials processed be collected by the facility operator and
- (f) the total volume of construction and demolition debris collected and recycled be reported to the Division of Solid Waste Services on an annual basis.

(Ord. No. 12-79, § 5; Ord. No. 13-76, §1; Ord. No. 14-39, §§ 2, 3.)

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§59-C-18.13

Division 59-C-18

**59-C-18.132. Regulations.**

**(a) Land uses.**

(1) The following uses are permitted in the U.S. 29/Cherry Hill Road Employment Area overlay zone:

(A) All permitted or special exception uses allowed in the underlying zones are allowed in the U.S. 29/Cherry Hill Road Employment Area overlay zone, except as specifically modified and set forth in this overlay zone.

(i) The following additional retail commercial uses are permitted:

Beauty supply stores.  
Computer and computer supply stores.  
Eating and drinking establishment, excluding a drive-in.  
Electronics stores.  
Express or mailing offices.  
Food and beverage stores.  
Music stores.  
Office supply stores.  
Pet supply stores.  
Shoe stores.  
Theaters, indoor.

(ii) The following additional cultural, entertainment or recreational use is permitted:

Tennis club.

(2) The following uses are prohibited in the U.S. 29/Cherry Hill Road Employment Area overlay zone:

Adult entertainment business.  
Automobile parts, sales and services, including but not limited to tire sales and transmission service.  
Automobile repair and service.  
Automobile sales, indoors and outdoors.  
Bakery.  
Blacksmith shops and machinery shops.  
Billiard parlors.  
Boat sales, indoors and outdoors.

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- Bottling plant.
- Bowling alleys.
- Building materials and supplies, except where the underlying zone is I-1.
- Carpet sales.
- Confectionery production.
- Contractor's storage yards, except as an accessory use.
- Convenience food and beverage.
- Country inns.
- Dry cleaning plants.
- Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.
- Fairgrounds, circuses and amusement parks.
- Farm implements, storage and sale.
- Feed and grain storage and sales.
- Food production, packaging, packing and canning of.
- Fuel storage yards.
- Garden supply shops.
- Heavy equipment, sales and services.
- Health clubs.
- Ice manufacturing and storage.
- Laundry plants.
- Liquor stores.
- Manufacturing of light sheet metal products.
- Manufacturing, compounding, assembling or treatment of articles from the following previously prepared materials; bone, cellophane, plastic, canvas, cloth, cork, feathers, felt, fiber, fur, hair, horn, leather, textiles, yarns, glass, precious or semi-precious metals or stones, and tobacco.
- Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.
- Manufacturing, fabrication and/or subassembly of aircraft parts, components, and equipment.
- Manufacturing of musical instruments toys, novelties, and rubber and metal stamps.
- Manufacturing of paint not employing a boiling or rendering process.
- Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas.
- Mobil home sales.

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Paper products manufacturing.  
Roller and ice skating rinks.  
Sawmills.  
Stadiums or arenas.  
Stoneworks.  
Swimming pools, commercial.  
Tinsmith and roofing services.  
Tire, battery and accessory store.  
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.  
Wood products manufacturing.

Except that an automobile repair and service use may be established in a warehouse and storage building constructed before July 16, 2001 if the automobile repair and service use is a permitted use in the underlying zone. The exterior dimensions of a warehouse and storage building may not be extended, or enlarged beyond the dimensions of the building that existed on July 16, 2001 for the purpose of accommodating an automobile repair and service use. The automobile repair and service use and building are conforming and may be structurally altered, repaired, or reconstructed, so long as the building is not increased, extended, or enlarged beyond the exterior dimensions of the building that existed on July 16, 2001.

(b) **Development standards.** Development will proceed under the standards of the underlying zones except as modified by the provisions of this overlay zone.

(1) **Setbacks.**

(A) Where the overlay zone adjoins, or is separated only by a public road from residentially zoned land that is recommended for residential use and development in the Fairland Master Plan, all buildings must be set back at least 100 feet from such residential land. All parking and maneuvering areas must be set back at least 50 feet from such residential land and be appropriately screened from such adjoining uses.

(B) A building containing principally retail commercial uses (i.e., 50 percent or more of the gross floor area) must be located at least 200 feet from the boundary of the overlay zone, unless a waiver is granted by the Planning Board. The 200 foot building setback requirement must not be reduced below 150 feet. The parking and maneuvering areas for such a building must be located at least 100 feet from the boundary of the overlay zone. No setback is required from lot lines, zoning lines, utility rights-of-way or road rights-of-way within this overlay zone.



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- (2) **Retail commercial area.**
  - (A) Where the underlying base zone is other than the C-6 Zone:
    - (i) the cumulative square footage of retail commercial uses permitted on land classified in each particular base zone within the boundaries of the overlay zone must not exceed a total of 50,000 gross square feet, and
    - (ii) development of retail commercial use cannot exceed 5,000 square feet on any individual lot.
  - (B) Subsection (A) also applies where the underlying base zone is C-6, and when development occurs pursuant to Section 59-C-18.132(b)(6)(B).
- (3) **Height limit.** A retail building must not exceed 40 feet in height, excluding parapets.
- (4) **Coverage limitation.** Where the underlying base zone is other than C-6, the coverage standards for principally retail buildings will be as follows:
  - (A) Green area must encompass at least 35 percent of the lot area.
  - (B) Off-street parking is not allowed to occupy more than 45 percent of the lot area, except that in unusual circumstances the Planning Board may waive this requirement at the time of site plan approval upon a finding that a more compatible arrangement of uses would result.
- (5) **Office development.** Where the underlying base zone is C-6, office uses must be developed pursuant to the following standards, except that no setback is required from lot lines, zoning lines, utility rights-of-way or road rights-of-way within the overlay zone:
  - (A) **Building height.** No building can exceed a height of 100 feet.
  - (B) **Coverage limitations.** (Percent of gross tract area)
    - Green area shall be provided for not less than: 35
    - Off-street parking is not allowed to occupy more than 45'

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<sup>2</sup> Off-street parking is permitted between a building and a street identified on an approved preliminary plan of subdivision as providing access for public transit service unless the Planning Board determines that the location of the parking will discourage or adversely affect public transit use.

**(6) Retail commercial development.**

**(A)** Where the underlying base zone is C-6 and the principal use of the C-6 zoned property is a retail commercial use, then the standards of the C-6 Zone will apply, and, in addition:

**(i)** no single retail use within a multiple tenant principally retail use structure may be less than a gross floor area of 10,000 square feet.

**(ii)** no more than one principally retail commercial use can exceed a gross floor area of 100,000 square feet.

**(B)** Where the underlying zone is C-6 and the principal use of the C-6 property is other than retail commercial use, then the standards of the overlay zone will apply.

**(c) Trip reduction guidelines.** Within the overlay zone, compliance with the special trip reduction guidelines under Section 59-C-5.436, satisfies and represents full compliance with the requirements and/or goals for traffic mitigation/management.

**(d) Site plan.**

**(1)** Any retail commercial development in the U.S. 29/Cherry Hill Road Employment Area overlay zone must be approved under the site plan review provisions of Division 59-D-3, except where the cumulative redevelopment does not exceed 20 percent of the existing gross floor area.

**(2)** For uses other than retail, site plan review is required only where it is required in the underlying zone.

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- (e) **Special provisions for existing buildings.** Any structure lawfully existing as of the date of application of this overlay zone that does not conform to the standards of the overlay zone may be rebuilt, repaired, expanded and/or reconstructed in accordance with the standards of the underlying zone. However, any expansion must comply with the standards of the overlay zone.
- (f) **Special provisions for existing uses.** Any lawfully existing use allowed as of the date of application of this overlay zone, including parking and maneuvering areas, which is not otherwise allowed in the overlay zone may be continued as a lawful use under the standards of the underlying zone.
- (g) **Special provisions for approved site plans.** Any proposed development shown on a site plan or plan of development approved prior to the date of application of this overlay zone may be constructed in accordance with the approved plan regardless of whether said development is built in one or more phases. Such development is not subject to the provisions of Sec. 59-G-4.1 and 59-G-4.25, and may be continued, repaired, reconstructed, or structurally altered in accordance with the approved site plan or plan of development. In cases where detailed review of subsequent phases of an approved plan is anticipated, such reviews will continue to be required under the provisions of division 59-D-3.
- (h) **Transfer of density.** Where the underlying base zone is either C-6 or I-3, density may be transferred from any one or more area(s) or lot(s) that were in common ownership and classified in the I-3 Zone on July 5, 1990 and that are now within the boundaries of the overlay zone, to any other such area(s) or lot(s) within the overlay zone, regardless of current base zone. For such property now within the overlay zone, the maximum density of development must not exceed a floor area ratio of 0.4. Calculation of said floor area ratio is to be based on and may be averaged over the gross tract area of the owner on July 5, 1990. This is intended to and must include the area of all I-3 property owned by the owner on July 5, 1990, (without regard to current underlying zone), that is within the overlay zone. Calculation of the floor-area ratio may be averaged over two or more lots. When averaging is used for previously approved subdivision plans the total development density must not exceed the density for which the approval was previously granted.

(Ord. No. 13-53, § 1; Ord. No. 14-40, § 1.)

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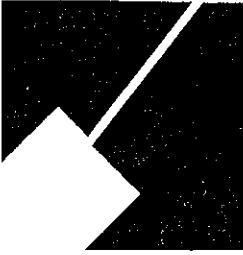
Ord. Number	Section	Section this Code	Ord. Number	Section	Section this Code	Ord. Number	Section	Section this Code
		59-G-2.25.1			59-C-12.6	14-13	1	59-G-2.19
		59-G-2.30			59-D-2.5	14-14	1	59-C-4.2
	Rnbd	59-G-2.30.0			59-D-3.4	14-15	1	59-G-2.19
	Rnbd	59-G-2.30.00			59-D-3.6	14-16	1 Added	59-C-18.20
	Rnbd	59-G-2.30.000			59-E-4.1	14-17	1 Added	59-C-18.19
		59-G-2.36.1			59-F-10.1	14-18	1	59-C-18.11
		59-G-2.49			59-G-1.3	14-19	1	59-A-2.1
		59-G-2.51.1			59-G-2.09.2		2 Added	59-A-6.16
		59-G-2.54			59-G-2.27		3	59-C-4.2
		59-G-2.63			59-G-2.30		4	59-C-5.21
13-108	1	59-A-2.1			59-G-2.51.1		5	59-C-6.22
	2	59-C-1.31			59-G-3.2		6 Rpld	59-G-2.00.3
	3 Added	59-G-2.11.2			59-G-4.34	14-20	1	59-C-6.23
13-109	1	59-C-7.28			59-H-3.2	14-21	1	59-H-5.2
13-110	1	59-A-2.1			59-H-8.3	14-22	1	59-C-1.394
	2	59-C-1.31			59-H-9.5			59-C-1.395
	3	59-C-9.3	14-1	1	59-C-7.243	14-23	1	59-C-18.182
	Rpld	59-G-2.51.1			59-C-7.28	14-24	1	59-C-18.204
13-112	1	59-A-2.1	14-2	1	59-C-4.2	14-25	1 Added	59-A-6.2
		59-A-3.12	14-3	1	59-A-4.23		Rnbd	59-A-6.2 as
		59-A-3.13	14-4	1	59-A-2.1			59-A-6.21
		59-A-3.22		2	59-C-6.22		Added	59-A-6.22
		59-A-3.41	14-5	1	59-C-4.2		Added	59-A-6.23
		59-A-4.21		2	59-C-5.21		2	59-C-1.31
		59-A-4.43	14-6	1	59-A-6.1			59-C-1.32
		59-A-4.46	14-7	1	59-C-5.321			59-C-9.3
		59-A-4.51	14-9	1	59-C-6.23			59-C-4.343
		59-A-4.62	14-10	1	59-A-2.1			59-C-4.345
		59-A-6.2		2	59-B-1.1			59-E-2.81
		59-A-6.3		3	59-C-6.23			59-G-2.14
		59-A-6.6		4	59-F-1.1	14-26	1	59-C-1.31
		59-A-6.7		5	59-F-1.2			(note 12)
		59-C-1.31		6	59-F-2	14-27	1	59-C-6.22
		59-C-1.37		7	59-F-4	14-28	1	59-C-4.2
		59-C-1.5		8	59-F-7.1		2	59-G-2.02
		59-C-1.6		9	59-F-9.1	14-29	1	59-B-6.2
		59-C-4.335	14-11	1	59-F-10.1			59-B-6.3
		59-C-4.342		2 Added	59-F-10.2			59-B-6.4
		59-C-5.43			59-A-2.1		Rpld	59-B-6.5
		59-C-7.37			59-G-1.2.1		2	59-C-4.2
		59-C-9.3	14-12	2	59-G-1.21	14-30	1	59-C-2.25
					59-G-1.22	14-31	1	59-G-4.32
					59-G-1.3			59-G-4.34
					59-A-6.14		Added	59-G-4.35

MONTGOMERY COUNTY CODE  
Ordinance Table

Ord. Number	Section	Section this Code	Ord. Number	Section	Section this Code
14-32	1	Added 59-C-18.22			59-E-4.1
		Added 59-C-18.221			59-F-10.1
		Added 59-C-18.222			59-G-1.3
		Added 59-C-18.223			59-G-2.09.2
		Added 59-C-18.224			59-G-2.27
14-33	1	Added 59-C-18.21			59-G-2.30
		Added 59-C-18.211			59-G-2.51.1
		Added 59-C-18.212			59-G-3.2
		Added 59-C-18.213			59-G-4.34
		Added 59-C-18.214			59-H-3.2
		Added 59-C-18.215			59-H-8.3
		Added 59-C-18.216			59-H-9.5
14-34	1	59-A-6.12	14-39	1	59-A-2.1
		59-A-6.14		2	59-C-9.3
14-35	1	59-C-6.215		Added	59-C-9.83
	2	59-C-7.14		3 Added	59-C-9.84
	3	59-C-8.42			
14-36	1	59-A-2.1			
		59-A-3.12			
		59-A-3.13			
		59-A-3.22			
		59-A-3.41			
		59-A-4.21			
		59-A-4.43			
		59-A-4.46			
		59-A-4.51			
		59-A-4.62			
		59-A-6.2			
		59-A-6.3			
		59-A-6.6			
		59-C-1.31			
		59-C-1.372			
		59-C-1.53			
		59-C-1.62			
		59-C-4.335			
		59-C-4.342			
		59-C-5.435			
		59-C-7.37			
		59-C-9.3			
		59-C-12.6			
		59-D-2.5			
		59-D-3.4			
		59-D-3.6			



M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

Item #6

M E M O R A N D U M

**DATE:** January 11, 2002  
**TO:** Montgomery County Planning Board  
**FROM:** A. Malcolm Shaneman  
Development Review Division  
(301) 495-4587  
**SUBJECT:** Informational Maps for Subdivision Items on the  
Planning Board's Agenda for January 17, 2002.

---

Attached are copies of plan drawings for Items #06, #09, #10, #11. These subdivision items are scheduled for Planning Board consideration on January 17, 2002. The items are further identified as follows:

Agenda Item #06 - Preliminary Plan 1-02060  
Pleasants Rural Property

Agenda Item #09 - Preliminary Plan 1-00075  
Stamoulis Property

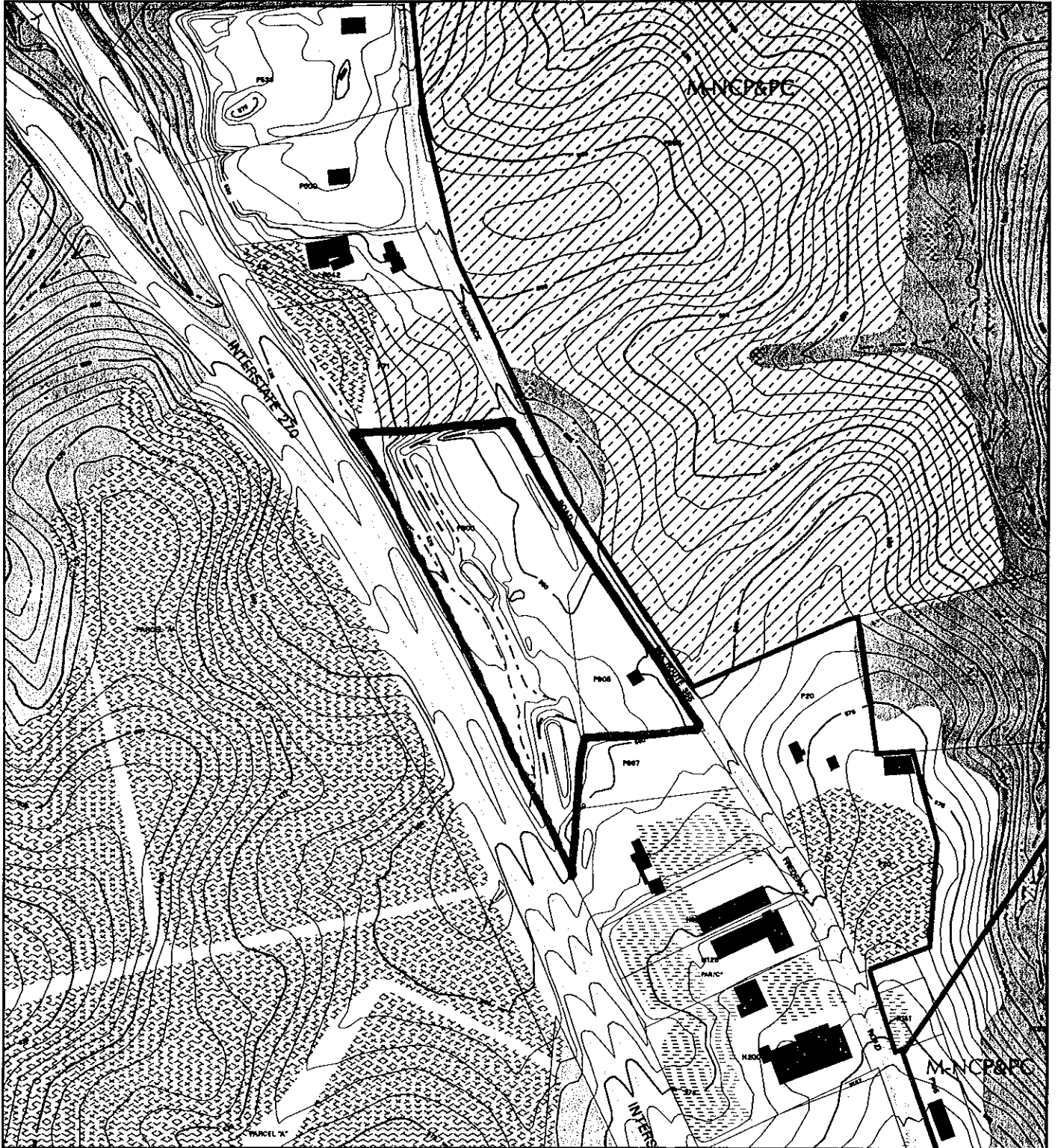
Agenda Item #10 - Preliminary Plan 1-02010  
Capitol View Park

Agenda Item #11 - Preliminary Plan 1-02023  
Westchester

Attachment

VICINITY MAP FOR

# PLEASANTS RURAL SERVICE PROPERTY (1-02060)



Map compiled on January 11, 2002 at 9:28 AM | Site located on base sheet no - 233NW14

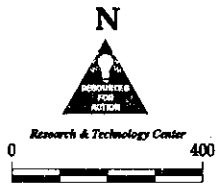
### NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

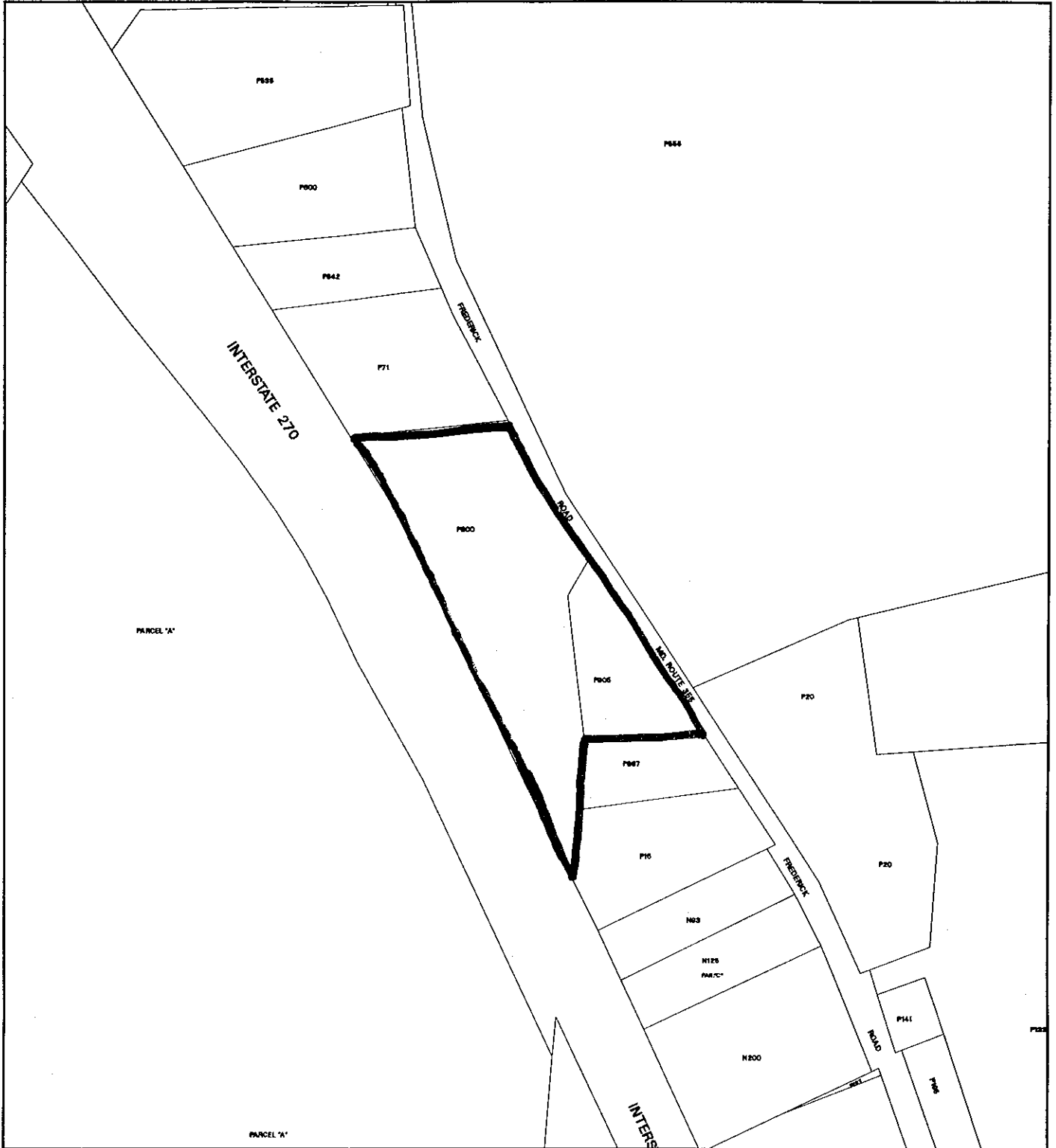
Key Map





VICINITY MAP FOR

# PLEASANTS RURAL SERVICE PROPERTY (1-02060)



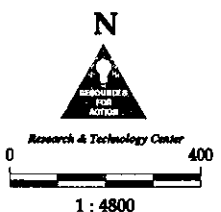
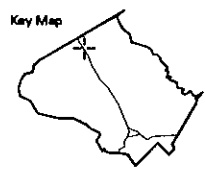
Map compiled on January 11, 2002 at 9:14 AM | Site located on base sheet no - 233NW14

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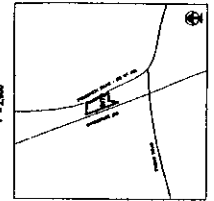


Date: Nov. 1, 2001  
Scale: 1" = 50'

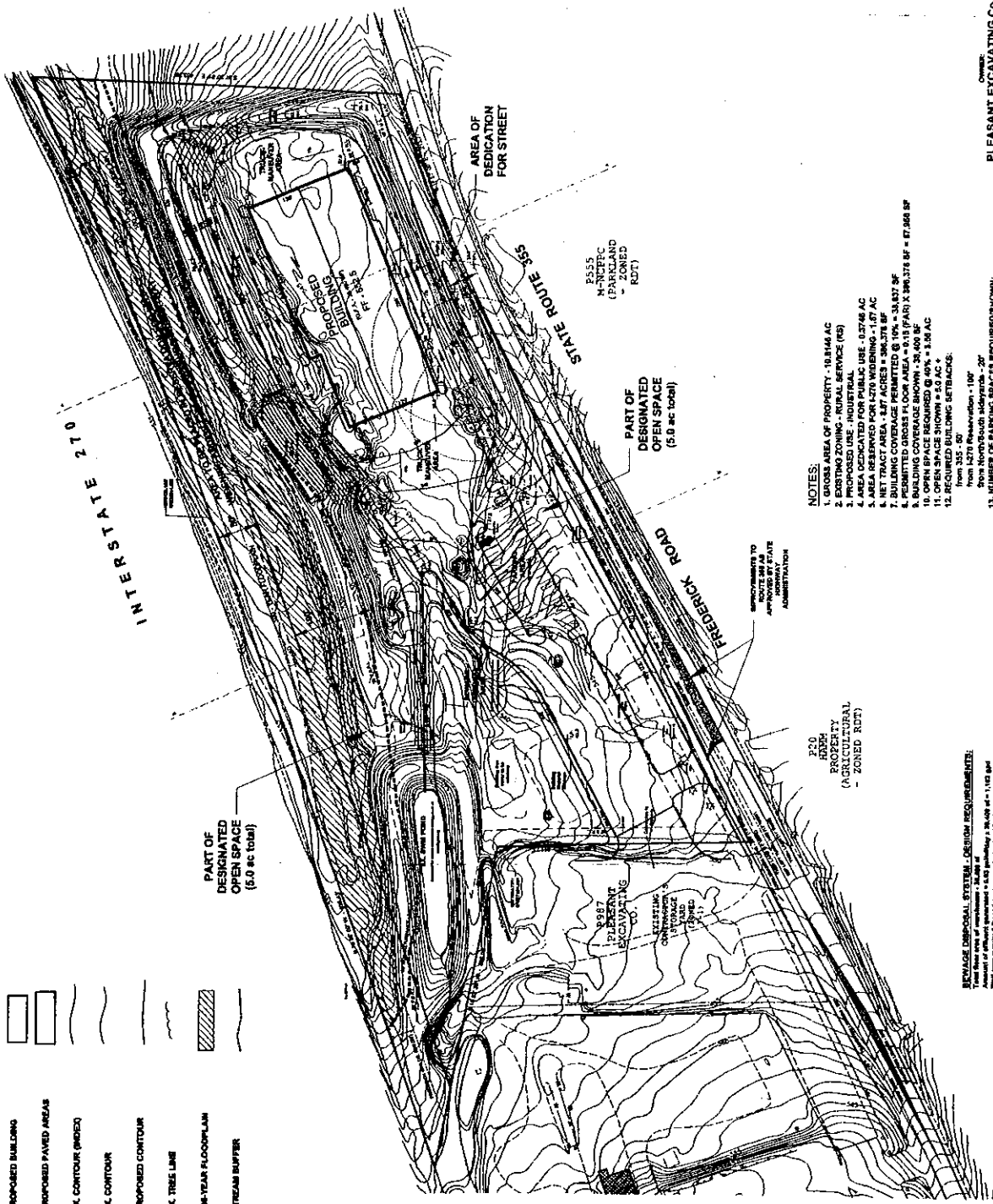
B&A  
Brasfield & Associates, Inc.  
Land Development  
and Planning Consultants  
1001 West 10th Street  
Columbia, MD 21040  
(410) 326-4200

DETAILED SITE PLAN  
PLEASANTS RURAL SERVICE PROPERTY  
Montgomery County, Maryland

802020  
RECEIVED  
MONTGOMERY COUNTY DEPARTMENT OF PERMITS



P711  
BARBERRY  
FOREST  
(ZONED  
RS)



PLEASEANT EXCAVATING CO. INC.  
C/O JAMES L. CALVIN  
2423 FREDERICK ROAD  
CLARKSBURG, MARYLAND 20784  
(410) 326-8888

- NOTES:
1. GROSS AREA OF PROPERTY - 10.8146 AC
  2. EXISTING ZONING - RURAL SERVICE (RS)
  3. PROPOSED USE - INDUSTRIAL
  4. AREA DEDICATED FOR PUBLIC USE - 0.2746 AC
  5. PROPOSED LOT ZONING - R-1.07 AC
  6. NET TRACT AREA - 10.5400 AC
  7. BUILDING COVERAGE PERMITTED @ 10% = 34,827 SF
  8. PERMITTED GROSS FLOOR AREA = 5,115 (FAR) X 390,378 SF = 47,960 SF
  9. BUILDING COVERAGE REQUIRED @ 40% = 1,581 AC
  10. OPEN SPACE REQUIRED @ 40% = 1.581 AC
  11. REQUIRED BUILDING SETBACKS:  
From 355' - 60'  
From 4270 Reservation - 100'  
From North/South Sidewalks - 20'
  12. REQUIRED BUFFER REQUIREMENTS:  
1.5' between 1,000 sq ft - 68' minimum  
1.5' between 1,000 sq ft - 68' minimum
  13. EXISTING WATER & SEWER SERVICE CATEGORIES: W-4, S-5
  14. SITE TO BE SERVED BY ON-SITE WELL AND SEWAGE DISPOSAL
  15. LOCATED IN LITTLE MONACACY RIVER WATERSHED (CLASS I)

APPROVED TO  
CONFORM WITH THE  
APPROVED BY THE STATE  
ADMINISTRATION

P20  
RURAL  
PROPERTY  
(AGRICULTURAL  
- ZONED RUT)

SEWAGE DISPOSAL SYSTEM DESIGN REQUIREMENTS:  
The total area of all septic tanks shall be 1,100 sq ft.  
Amount of effluent treatment = 0.55 gallons per 1,000 sq ft of residentially zoned area.  
Septic tanks shall be installed on a minimum depth of 21" of permeable soil.  
Length of pipes = 4 ft.  
Length of pipes between tanks = 2.00 ft.

- LEGEND:
- PROPOSED BUILDING
  - PROPOSED PAVED AREAS
  - EX. CONTOUR (INDEX)
  - EX. CONTOUR
  - PROPOSED CONTOUR
  - EX. TREE LINE
  - 100-YEAR FLOODPLAIN
  - STREAM BUFFER