



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Items 2&3**  
**05/09/02**

**DATE:** May 3, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Joe Davis, Chief, Development Review *JRD*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Transmittal to County Council for introduction as a Zoning Text Amendment  
**PURPOSE:** To amend the Zoning Ordinance language based on recommendations from the Potomac Subregion Master Plan

**TEXT AMENDMENT:** Not applicable until introduced  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance  
**INTRODUCED BY:** N/A  
**INTRODUCED DATE:** N/A

**PLANNING BOARD REVIEW:** May 9, 2002  
**PUBLIC HEARING:** N/A

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**STAFF RECOMMENDATION:** TRANSMIT to County Council for introduction

**PURPOSE OF THE TEXT AMENDMENT**

- To amend the Zoning Ordinance language based on recommendations from the Potomac Subregion Master Plan approved on March 5, 2002. The Master Plan includes recommendations for four new text amendments. This report will address two of the proposed amendments while the May 16, 2002 Planning Board meeting will address the remaining two proposed text amendments. The two proposed text amendments to be discussed in this memorandum are as follows: to amend the Zoning Ordinance Division 59-C-18, Overlay Zones, to create a Rural Village Center Overlay Zone; and to incorporate TDR requirements in the PD-2 zone (Division 59-C-7).

**BACKGROUND**

The Potomac Subregion Master Plan includes the Potomac, North Potomac, Travilah and Darnestown communities and updates the 1980 Master Plan. The proposed text amendments associated with the updated Master Plan pertain to the following areas: Fortune Parc (Potomac); Tri-State Quarry (Potomac); Hanson Farms (North Potomac); and Darnestown Village Center (Darnestown). The two text amendments to be included in this report were initiated based on recommendations in Hanson Farms (TDRs in the PD-2 zone) and Darnestown (Rural Village Center Overlay)

## **ANALYSIS**

### **Darnestown**

Darnestown's commercial center covers about 10.18 acres and is located at the intersection of Darnestown and Seneca Roads. Surrounding development is primarily low-density housing, mostly zoned RE-2. The center is also bounded by a 189-acre site owned by the Archdiocese of Washington, west of Seneca Road, zoned RC. The Archdiocese site currently houses a church, regional parish school, and youth recreational facility. Additional institutional uses related to Archdiocesan activities may be developed on this large property consistent with applicable regulatory requirements. Rural Cluster residential development may also occur. Lacking sewer, development is subject to septic requirements. Current development in the Village Center is auto-dominated and includes a Food Lion grocery store, a gas station, and several one- and two-story retail and office structures.

The village's zoning is mixed, approximately 8.53 acres zoned C-1, and approximately 1.65 acres in the O-M Zone. There are several concerns with the existing zoning:

- Development in the C-1 Zone does not require site plan review and has resulted in patterns that are objectionable to the surrounding community.
- The O-M Zone is inappropriate in this location. Its densities are too high for a rural village and for an area reliant on septic systems.
- The current combination of zoning and septic requirements prohibit some desirable uses, such as a restaurant.

Absent an existing commercial zone appropriate for a rural area, the Plan recommends a new Overlay Zone based on existing zones and designed to allow compatible uses in a rural village pattern. Its purpose is to retain and enhance the commercial crossroads character through compatible scale, massing, siting, and setbacks for new and expanded uses; to encourage a variety of uses that serve the needs of the local community; to provide opportunities for new and existing business expansion, while keeping the commercial area compact and low density; to create a pedestrian-friendly commercial area; and to draw on the open, green character of the surrounding area, emphasizing this character through streetscape design. The Council stated that this overlay should be

created in a general manner that allows other rural areas of the County to consider its use, if appropriate for the vicinity.

The Rural Village Center Overlay Zone would delete certain C-1 uses considered inappropriate for a rural village. The Overlay Zone would include development standards for green area, location of buildings and parking, building height, and density. The Plan recommendations specifically state:

- Create an attractive, pedestrian-friendly rural village center, consisting primarily of retail uses. Draw upon the open, green character of the surrounding area.
- Use the overlay zone to limit the uses that would otherwise be allowed in the base zones (C-1 and O-M) to those that would be appropriate for rural village.
- Develop standards in the overlay zone to promote the objectives of the rural village center, including green character and a pedestrian friendly environment.

The proposed zoning text amendment reflects the aforementioned issues by creating a Rural Village Overlay Zone and is included as Attachment 1.

### **Hanson Farms**

The 170-acre Hanson farms are located along Muddy Branch Park, west of Quince Orchard and Dufief Mill Roads and north of Travilah Road.

The property has been actively farmed by three generations of the Hanson family, raising beef cattle, grain and timber. Because the fourth generation of Hansons are not farmers, the owners have contemplated development proposals within the time frame of this Master Plan. However, due to the fact that the owners wish to continue farming as long as possible, it may be many years before the property is developed.

Ultimately, the development of this 170-acre working farm will present an opportunity to preserve environmentally sensitive lands, expand the stream valley park system, provide a needed public facility, and create a walkable residential community.

The site includes sensitive areas, such as steep slopes and forested areas along stream valleys and along Travilah Road. It is zoned RE-2, which would allow for development of two acre lots outside the environmentally sensitive areas.

The Plan recommendations specifically state:

- Rezone the site from RE-2 to PD-2 with a TDR option, to encourage more compact development, expand the regional stream valley system, protect sensitive areas, provide community facilities, and promote walking and biking.
- Limit the allowable density to a maximum of 170 dwelling units, including MPDUs. The Council is considering a text amendment to provide a TDR option

in the PD zone. If this change is approved, TDR density incentives may be used to increase the maximum number of dwelling units by 10 percent, to 187.

The proposed text amendment, as depicted in Attachment 2, addresses this issue by establishing a maximum density bonus of 10% for the provision of TDRs, consistent with any recommendations of the master plan.

Staff believes that the proposed changes to the Zoning Ordinance, although spurred by Potomac Master plan recommendations and Subdivision Regulations are consistent with the existing language and further clarifies the intent of both ordinances.

### **RECOMMENDATION**

The staff recommends that the proposed amendments to address Potomac Subregion Master Plan recommendations be transmitted to the County Council for introduction. As stated above, the remaining two text amendments will be reviewed by the Planning Board at its May 16, 2002 meeting.

Attachments 1 and 2 depict the proposed amendments as proposed by staff.

**GR**

#### **Attachments**

1. Proposed Zoning Text Amendment for a Rural Village Center Overlay Zone
2. Proposed Zoning Text Amendment for a TDR option in the PD-2 Zone

**ATTACHMENT 1**

Zoning Text Amendment No.:  
Concerning: Creating a Rural Village Center  
Overlay Zone  
Draft No. & Date:  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

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

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By: District Council at the Request of the Planning Board

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

- Creating a Rural Village Center Overlay Zone

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

Division 59-C-18 "Overlay Zones"

Section 59-C-18.23 "Rural Village Center Overlay Zone"

Section 59-C-18.231. "Purpose."

Section 59-C-18.232. Regulations

Section 59-C-18.233. "Procedure for application and approval"

Section 59-C-18.234. "Planning Board approval"

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

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

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

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

*[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

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

Sec. 1. Division 59-C-18 is amended as follows:

**DIVISION 59-C-18 OVERLAY ZONES.**

\* \* \*

**Sec. 59-C-18.23 Rural Village Center Overlay Zone.**

**59-C-18.231. Purpose.**

It is the purpose of this overlay zone to create attractive, cohesive, and pedestrian-friendly rural village centers, consisting primarily of retail uses. Specifically, the overlay zone is designed to:

- (a) Draw upon the open, green character of the surrounding area, emphasizing this character through streetscape design, open space, and landscaping.
- (b) Enhance the rural village character through compatible scale, massing, siting, and setbacks for new and expanded uses.
- (c) Emphasize the pedestrian and bicycle circulation through street design, including streetscape and traffic calming.
- (d) Encourage a variety of uses that serve the needs of the local community.
- (e) Provide opportunities for appropriately scaled new and existing business expansion, while keeping the commercial area compact and low density.

**59-C-18.232. Regulations.**

**59-C-18.232(a) Commercial zones.** Where a lot is either partially or totally in a commercial zone the following regulations apply:

- (1) Land uses. All permitted or special exception uses allowed in the underlying zones are allowed in the commercial portion of the overlay zone. The following uses are prohibited in the overlay zones:

Animal boarding place

Appliance repair shops

Automobile, light truck and light trailer rentals, outdoor, except any automobile rental business, in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced in accordance with provisions of the zone in effect at the time the use was established.

Automobile parts, supplies and tire stores.

Automobile sales, indoor

Automobile sales, outdoor

Baseball driving range

Boat sales, indoors

Building materials and supplies

Chancery

Eating and drinking establishments, drive-in

Heliports

Helistops

Ice storage

International Organization

Multi-family dwellings, except when included in a structure containing retail or commercial uses

Newspaper, printing and publishing shops

Rifle or pistol ranges, indoor

Roller and ice skating rinks

Stadiums or arenas

Swimming pools, commercial

(2) **Development standards:**

- (a) **Setbacks.** All buildings, off-street parking, loading and maneuvering areas must be set back from lot lines adjoining residential zones a distance not less than the applicable front, rear or side yard of the adjoining residential zone. All other setbacks will be determined at site plan.
- (b) **Density.** The floor area ratio for commercial uses is limited to FAR 0.2, and is computed only on the area of the underlying commercially zoned portion of the site.
- (c) **Green Area.** The minimum green area is 35% of the gross tract area



- (d) Building height. No building can exceed a height of 35 feet.
- (e) Off street parking and loading. Parking must be provided in accordance with the provisions of Division 59-E with the following exceptions:
  1. Parking facilities must be located maintain a pedestrian-friendly street orientation.
  2. Trees must be planted and maintained throughout the parking facility to assure that at least 30 percent of the area is shaded. Shading must be calculated using the area of the tree crown at 15 years after the parking facility is built.
  3. For any cumulative enlargement of a surface parking facility that is greater than 50% of the total parking area approved before (effective date of ZTA), the entire off-street parking facility must be brought into conformance with this Section. An existing surface parking facility included as part of a special exception granted before (effective date of ZTA) is a conforming use.
- (f) Commercial facilities must provide, as necessary, noise mitigation measures to minimize impact on adjacent residentially used properties.
- (g) All outdoor lighting of commercial uses must be located, shielded, landscaped or otherwise buffered so that no direct light intrudes into an adjacent residential property. Unless the Planning Board requires different standards for a recreational facility or to improve public safety, luminaries must incorporate a glare and spill light control device to minimize glare and light trespass.

**59-C-18.232 (b) Residential zones:** Where a lot is in a residential zone the following regulations apply:

- (1) Land uses. All uses as allowed in the underlying zone as set forth in Sec. 59-C- 1.31. In addition, residentially zoned land may provide septic capacity for an adjacent commercial use consistent with the applicable master plan recommendations.
- (2) Development standards. The development standards are the same as those in the underlying zones.

**59-C-18.233. Procedure for application and approval.**

A site plan for any development in the Rural Village Overlay Zone must be approved under the provisions of Section 59-D-3. Development includes the following:

- (a) Construction of a new building;
- (b) Additions and other exterior improvements to existing buildings that increase the amount of gross floor area on a site; and

- (c) Additions of off-street parking spaces or revisions to parking facilities that would otherwise require the approval of a new parking facilities plan under Section 59-E-4.1.

**59-C-18.234. Planning Board approval.**

The procedures for Planning Board approval under Section 59-D-3.4 are modified for this overlay zone to require the following additional findings:

- (a) The site plan is consistent with the recommendations and guidelines in the applicable Master Plan; and
- (b) The site plan meets all of the requirements of this overlay zone as well as the applicable requirements of the underlying zone.

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

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk to the Council

ATTACHMENT 2

Zoning Text Amendment No.:  
Concerning: Use of TDR's in the PD-2 zone  
Draft No. & Date: 2 & 5/2/02  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No.:

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

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By: District Council at the Request of the Planning Board

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

- Creating a TDR option in the PD-2 zone.

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

Division 59-C-7 "PLANNED UNIT DEVELOPMENT ZONE"

Section 59-C-7.14 Density of residential development.

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

**ORDINANCE**

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

**Sec. 1. Amend Division 59-C-7 as follows:**

**DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONE**

**59-C-7.14. Density of residential development.**

- (e) Notwithstanding the density provisions of this zone, the District Council may approve a density bonus of up to 10%, for the provision of TDRs, consistent with any recommendations of the master plan.

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

This is a correct copy of Council action.

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Mary A. Edgar, CMC  
Clerk to the Council

