



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Chairman, Montgomery County Planning Board

MCPB
Items 4 & 5
05/16/02

DATE: May 10, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *Ma*
FROM: Greg Russ, Zoning Coordinator
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. Specifically, to create an optional method of development in the I-3 Zone and to permit certain quarry-related uses in the R-200 zone.

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 16, 2002
PUBLIC HEARING: N/A

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. Two proposed text amendments were heard by the Planning Board at its May 9, 2002 meeting:

1. Amend the Zoning Ordinance Division 59-C-18 to create a Rural Village Center Overlay Zone; and
2. Incorporate TDR requirements in the PD-2 zone (Division 59-C-7).

The two proposed text amendments to be discussed in this memorandum are:

1. Create an optional method of development in the I-3 Zone (Division 59-C-5); and
2. Permit certain quarry-related uses in the R-200 Zone (Section 59-C-1.31).

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 for Fortune Parc (Optional method of development in the I-3 zone) and Tri-State Quarry (Permitting certain quarry-related uses in the R-200 zone).

ANALYSIS

▪ Optional method of development in the I-3 zone

Fortune Parc

Fortune Parc is currently zoned R-200, but was recommended for the I-3 zone in the 1980 Master Plan in response to the site's size, location, and increasing development in the I-270 Corridor. In 1980, the maximum density in the I-3 Zone was 1.5 FAR, which could have yielded 3,326,459 square feet of development on Fortune Parc. The I-3 Zone was subsequently amended to reduce the FAR to 0.5, yielding a potential maximum of 1,108,820 square feet.

The Adopted 2002 Potomac Subregion Master Plan

The Plan recommendations set density limits consistent with the current I-3 Zone. While employment uses are highly desirable along the I-270 corridor, it is also important to create a mix of uses rather than the sterile environment of a single-use office park.

The Plan recommendations specifically state:

- Create an option in the I-3 Zone adding housing and retail uses to create a mixed-use development with a commercial component having an employment emphasis, when recommended by the applicable master plan. A TDR program should be part of this option and housing for the elderly should be a permitted use. In the event that the County Council does not adopt a zoning text amendment to create such an option, this master plan recommends the I-3 zone at time of sectional map amendment and the floating MXPD Zone as the ultimate zone for the property.

- Create a mixed-use center that provides employment, housing, and retail opportunities configured to minimize environmental impact.
- Including the adjacent Lot 40, the allowable density on the site will not exceed 850,000 square feet (0.39 FAR) of commercial space (office, street retail, and hotel) (800,000 square feet without Lot 40), 300 apartments, and 150 single family homes. An additional 150 dwelling units may be provided as part of a TDR program. The final combination of densities must not exceed trip generation rates equal to an office project at 0.5 FAR.
- Should Lot 40 not be incorporated into the development plan for the Fortune Parc tract, this plan reconfirms the O-M Zone existing on the property.
- Include the property in the Washington Suburban Sanitary District (WSSD).
- A shuttle service or other transit connection should be provided to Metro when development supports the service as determined at time of development plan approvals. Additional trip mitigation measures such as the provision of a park-and-ride facility, or financial contribution to such a facility, should be considered at site plan.

I-3 Zoned Properties

Linowes and Blocher LLP, conducted an inventory of I-3 zoned properties located in the I-270 Corridor to assist in the evaluation of the impact of an I-3 option being included in the Zoning Ordinance. In reviewing the inventory (see attached memorandum-Attachment 2), it is noted that the existing I-3 zoned properties located north of Bethesda and Rockville (within the Germantown and Gaithersburg Vicinity Master Plan Areas) total approximately 570 acres, with 290 acres already developed. Of the remaining 280 unimproved acres, approximately 150 acres have development approvals under existing zoning, leaving approximately 130 acres with the most development potential. Of the remaining parcels, only three exceed 10 acres in size.

As such, it would appear that the Planning Board and County Council would have sufficient control of the application of the I-3 option since the number of parcels could be limited to those recommended for such in the applicable Master Plan.

Proposed Zoning Text Amend

The proposed zoning text amendment reflects the aforementioned issues by creating an optional method of development in the I-3 Zone and is included as Attachment 1.

- **Add permitted uses in the R-200 zone**

Potomac Quarries

The Potomac area has three working quarries near the intersection of River and Seven Locks Roads: the Giancola Quarry, the Stoneyhurst Quarry and the Tri-State Quarry. These quarries are zoned R-200 and are nonconforming uses in that zone. The subregion has a long history of stone quarrying, but while these three quarries are still operating, their commercial viability varies. The Tri-State Quarry has the most extensive reserves and is anticipated to continue operating for at least 20 years. As such, recommendations have been proposed to address the Tri-State Quarry.

Tri-State Quarry

This 21.49-acre quarry (historically known as the Carderock Quarry) is located at 8200 Seven Locks Road, southwest of the interchange of River Road and the Capital Beltway. The property is zoned R-200 and is a legal non-conforming use as the quarry and building supply operation predates implementation of the zone. The quarry is bordered by Cabin John Park to the north and east, and by the one-family detached homes Carderock Springs subdivision to the west and south. Most of the site is dedicated to mineral resource recovery and material stocking operations and is highly disturbed, with the largest pit facing Seven Locks Road. The quarry is in fourth generation ownership and the reserves are extensive.

While floods, fire, or other disasters are not the same threat to a quarry and building supply operation as they are to other legal non-conforming uses, the quarry and building supply owners have requested a public review mechanism that would both legitimize the present non-conformity, and permit future applications with public hearings for either modified or ancillary uses. For example, these could include a showroom to display and store natural stone and/or building supplies, an enlarged service garage, or an enlarged truck scale.

The Adopted 2002 Potomac Subregion Master Plan

The adopted Plan recommends:

“Draft a minor zoning text amendment to legitimize the present non-conforming quarry and building supply operation, and to permit additional or expanded related ancillary uses through the special exception process.”

Proposed Zoning Text Amend

The proposed text amendment, as depicted in Attachment 3, addresses this issue by: permitting the existing quarry-related uses, if recommended in the applicable Master Plan; by not requiring extraction operations to obtain a special exception; and by

requiring any expansion of an existing building or construction of a new building to obtain a special exception.

RECOMMENDATION

The staff recommends that the proposed amendments to address Potomac Subregion Master Plan recommendations be transmitted to the County Council for introduction.

Attachments 1 and 3 depict the proposed amendments as proposed by staff.

GR

Attachments

1. Proposed Zoning Text Amendment for an Optional Method of Development in the I-3 Zone
2. Memorandum from Linowes and Blocher regarding Fortune Parc-I-3 Zone Inventory Letter dated May 8, 2002, from Stephen Z. Kaufman to Chairman Holmes
3. Proposed Zoning Text Amendment to include certain quarry-related uses in the R-200 Zone

ATTACHMENT 1

Zoning Text Amendment No.:
Concerning: Optional Method of Development
in the I-3 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**

By: District Council at the Request of the Planning Board

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

- Creating an Optional Method of Development in the I-3 Zone.

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

Division 59-C-5 "INDUSTRIAL ZONES"

And by adding a new section:

Section 59-C-5.439 Optional Method of Development

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. Amend Division 59-C-5 as follows:

59-C-5.439 Optional Method of Development.

The optional method permits a mixed-use development in the I-3 Zone at locations that have convenient access to transit and are recommended in the Master Plan. Under the optional method, commercial uses that maintain an employment emphasis must be mixed with residential uses. Development must be in accordance with the provisions of this section, as well as the density, numerical limitations, and other guidelines contained in the applicable master plan approved by the District Council. The procedure for site plan approval is set forth in Division 59-D-3.

59-C-5.4391 Purpose. It is the purpose of the I-3 Mixed-Use Option to promote mixed-use, transit and pedestrian-oriented centers, which include housing and a commercial component with an employment emphasis. It is also the purpose to promote development that follows sound environmental principles and maximizes preservation of natural features. Specifically, the optional method is designed to:

- (a) Provide a compatible mix of uses including employment, housing, and retail configured to define and animate the streets and to create a strong sense of place in the manner of traditional towns and urban neighborhoods;
- (b) Promote compact, environmentally sensitive development that preserves natural features;
- (c) Provide high quality residential neighborhoods consisting of a mix of unit types with open spaces and community facilities that are centrally located and easily accessible;
- (d) Provide an interconnected street system, which consists of short blocks and is designed to promote pedestrian, bicycle and transit use as attractive, practical alternatives to automobile use for daily activities such as shopping and commuting; and
- (e) Encourage the efficient use of the center and its transit facilities by providing pedestrian and bicycle linkages to adjacent areas and convenient access to transit.

59-C-5.4392 Regulations.

(a) Land uses.

In addition to all uses permitted in the I-3 zone, the following uses are permitted under the optional method, without requiring a special exception approval:

Dwellings

Health club

Hotel

Housing and related facilities for elderly or handicapped persons

All other commercial and service uses permitted in the C-1 Zone pursuant to Sections 59-C-4.2 (d) and (e) with the exception of the following uses:

Animal boarding place

Appliance repair shop

Automobile fluid maintenance stations

Automobile, light truck, and light trailer rental, outdoors.

Automobile parts, supplies and tire store

Eating and drinking establishments, including drive-ins

Tire, battery and accessory stores located in a shopping center

(b) Development standards.

Development under the optional method must meet all the requirements of the I-3 zone except:

(1) Development Density.

(A) Overall Density. Development (including residential and commercial development) must not:

(i) Exceed any density limits provided in the approved master plan; and

(ii) Generate a greater number of peak hour automobile trips than the total number of peak hour automobile trips that would be generated by general office development of the gross tract at a 0.5 floor area ratio.

(B) Non-residential uses. The maximum non-residential density is 0.6 FAR. In order to maintain an appropriate mixed-use character, the following minimum or maximum percentages, as applicable, of the total non-residential gross floor area proposed are required:

- Retail/services –20% maximum
- Employment - 60% minimum

(C) Residential uses, excluding hotels. The base residential density must not exceed eight (8) units per acre for the gross tract area. The base density may be increased to accommodate Moderately Priced Dwelling Units (MPDUs) in accordance with Chapter 25A of this Code, as amended, and to accommodate the provision of Transferable Development Rights (TDRs), provided that the final density does not exceed twelve (12) units per acre for the gross tract area and does not exceed the recommended total density in the applicable master plan. One quarter of the units, excluding MPDUs must be TDRs.

(2) Setbacks.

All buildings, off-street parking, loading and maneuvering areas must be set back from lot lines in accordance with the following standards:

(A) From abutting residentially zoned property:

-Recommended for one-family zone and development on the applicable master plan, one hundred (100) feet

-Recommended for residential zoning and development other than one-family on the applicable master plan, thirty (30) feet for residential development and one hundred (100) feet for commercial development.

-Recommended for non-residential development, twenty five (25) feet.

(B) From abutting non-residential development, twenty five (25) feet.

(C) From an existing or planned limited access freeway one hundred (100) feet for buildings and fifty feet (50) for parking.

(D) From a major highway, fifty (50) feet.

(E) Other setbacks, if any, must be determined by the Planning Board as part of the site plan review.

(3) Minimum lot sizes and frontage requirements must be determined at time of site plan.

- (4) The Planning Board may approve a waiver of any development standard if it determines that such waiver is consistent with the purposes of the optional method.

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

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk to the Council

MEMORANDUM

TO: Rob Truland
Sven Sahkul
Bob Youngentob
Terry Eakin

FROM: Linowes and Blocher LLP

DATE: April 17, 2002

RE: Fortune Parc - I-3 Zone Inventory

Attached is an Inventory of the land zoned I-3 and located adjacent to I-270 within the Germantown and Gaithersburg Master Plan Areas. We have limited the scope of the Inventory to the I-3 parcels along I-270 because we have previously proposed, in discussions with MNCPPC and County Staff, limiting the applicability of the I-3 Zone Option to parcels located in "close proximity or adjacent to an interstate highway". (*There is no I-3 zoned land along I-370.*)

We have further limited the scope of the Inventory to parcels located within the Germantown and Gaithersburg Vicinity Master Plan Areas because we have also proposed (and Staff has accepted) limiting the applicability of the I-3 Zone Option to parcels recommended for such in the applicable Master Plan. In that regard, and as noted previously, the MNCPPC Master Plan work schedule (as of March 2002) through 2006 indicates that seven master plans will be completed in the next 4 years: Kemp Mill, Upper Rock Creek, Olney, Damascus, Shady Grove, Gaithersburg and Germantown. Of those seven Master Plan Areas, there are no I-3 zoned parcels or recommendations for the I-3 Zone in the Kemp Mill Master Plan, the only one of these areas for which a draft Master Plan is currently available. There is no I-3 zoned land in Olney or Upper Rock Creek. (Further, there are no interstate highways in these planning areas.)

With regard to Damascus, Shady Grove, Gaithersburg and Germantown, the Planning Board has not begun its work on these Plans. We note initially that there are no "interstate highways" in the Damascus or Shady Grove Master Plan Areas. However, there are significant I-3 parcels along I-270 in the Germantown and Gaithersburg Master Plan Areas, which parcels are accounted for in the attached Inventory.

In reviewing the Inventory, we note that the I-3 zoned land in the I-270 corridor north of Bethesda and Rockville totals approximately 570 acres. Of that, 290 acres are improved already (including significant institutional users like Montgomery College), leaving 280 unimproved acres with the most immediate development potential.

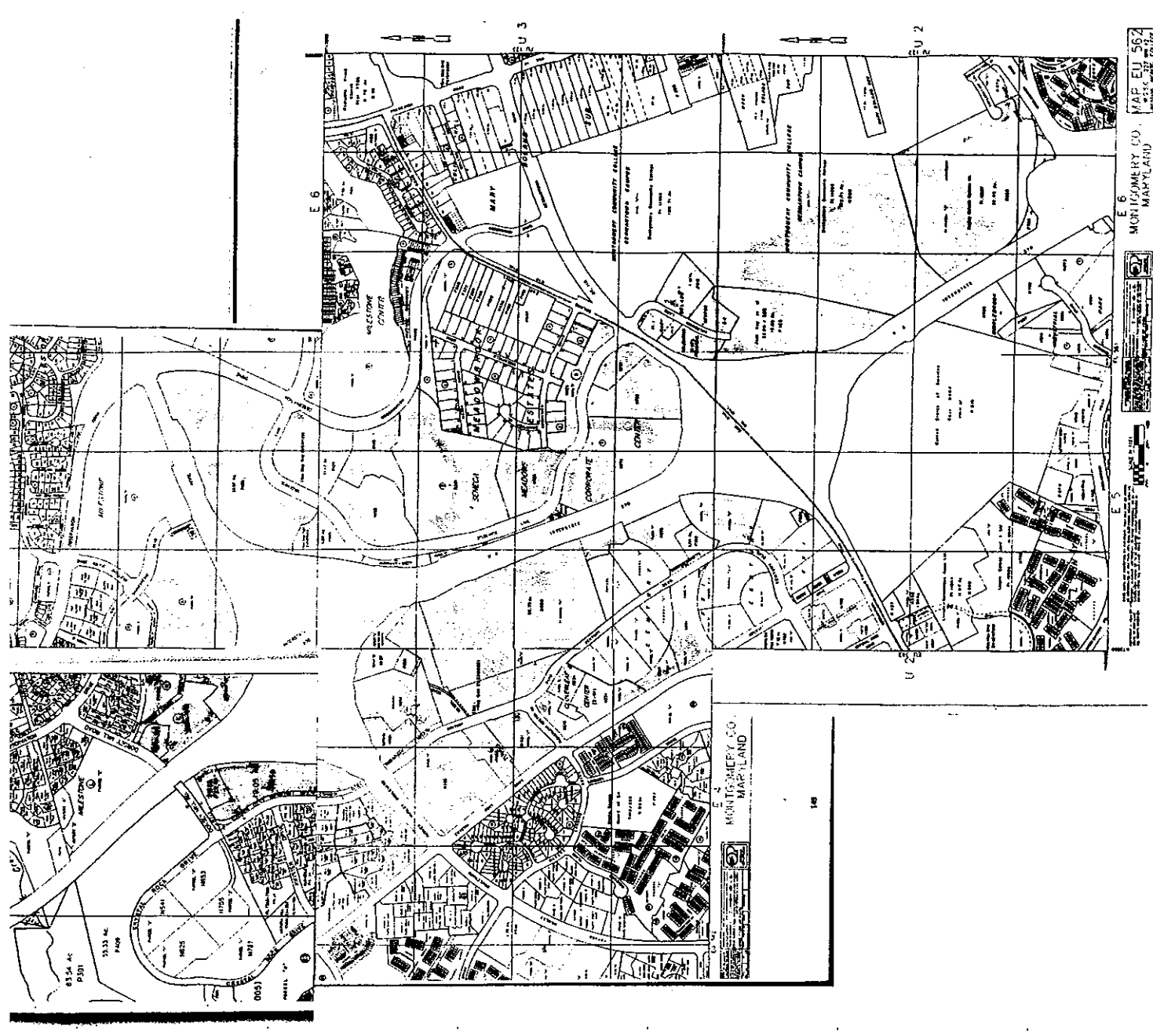
Barbara A. Sears
April 17, 2002
Page 2

Of that 280 acres, significant sections, although unimproved, already have development approvals under existing zoning: Seneca Meadows Corporate Center, which includes approximately 112 acres and the remaining 41 acres of Cloverleaf Center. Of the remaining approximately 130 acres, there are only 3 parcels that exceed 10 acres: (1) the 65 acre McGown parcel, located on the west side of I-270, south of Game Preserve Road; (2) the 19.6 acre Kay tract located at the terminus of Goldenrod Lane, off of Route 118 and (3) the 13 acre (aggregate) Bellmead parcel located adjacent to Cloverleaf Center at the intersection of Century Boulevard and Aircraft Drive. Attached is an exhibit highlighting the parcels in the Inventory, including these three parcels.

To summarize, the I-3 Inventory shows that there are few remaining I-3 parcels in the I-270 Corridor (and within the Germantown and Gaithersburg Master Plan Areas) with significant immediate development potential. Accordingly, it would appear that if the I-3 Zone Option is limited in the manner we suggested, then the Planning Board and the Council would have adequate control over its application through the programmed Master Plan processes.

Owner	Tax Map	Parcel/Lot/Block	Acreage	Improved
Bellemead Development	EU 52	Parcel H	7.65	No
Bellemead Development	EU 52	Pt. Parcel G	3.99	No
Bellemead Development	EU 52	P228	.46	No
WSSC	EU 52	P229	.14	No
Fanaroff & Steppa LLC	EU 52	N222	.42	No
Fanaroff & Steppa LLC	EU 52	N265	.49	Yes
Fanaroff & Steppa LLC	EU 52	N277	.10	No
Hughes Network Systems	EU 62	P768	2.05	No
Hughes Network Systems	EU 62	N668	39.49	Yes
Montgomery Community College	EU 62	N200	108.05	Yes
State Farm Mutual Automobile	EU 62	N004	2.55	Yes
Jack Kay et al	EU 62	P166	19.60	No
Salvation Army	EU43	N890	1.91	No
Glenborough Fund IX LLC	EU43	N734	4.58	Yes
Glenborough Fund IX LLC	EU43	N624	2.65	Yes
Glenborough Properties LP	EU43	N615	2.6	No
Rosecliff Realty Funding Inc.	EU43	N521	5.52	Yes
Potomac Edison Company	EU43	P190	1.07	Yes
First Federal Corporation	EU43	N137	4.49	No
First Federal Corporation	EU43	N194	12.57	No
Riggs & Co. Trustee	EU43	N339	15.41	Yes
North Clark LLC	EU43	N450	3.78	Yes
Oxbridge Development at Century South LC	EU53	N909	2.0	No
Westphalia Center II LP	EU53	N340	26.01	No
Seneca Meadows Corp. Center V LLC	EU53	N145	6.55	No
Seneca Meadows Corp. Center IV LLC	EU53	N150	10.08	No
Seneca Meadows Corp. Center VI LLC	EU53	P125	11.77	No
Kaiser Found Health Plan of the Mid-Atlantic States Inc.	EU53	P045	4.59	No
Seneca Meadows	EU53	N224	1.36	No
Westphalia Center II LP	EU53	N497	1.25	No
Westphalia Center II LP	EU53	N636	.34	No
Seneca Meadows Corp. Center II LLC	EU53	N525	8.43	No
Seneca Meadows Corp. Center II LLC	EU53	N625	5.29	No
OBA Federal Savings & Loan	EU53	N731	2.98	No
Seneca Meadows Corp. Center I LLC	EU53	N790	9.67	No

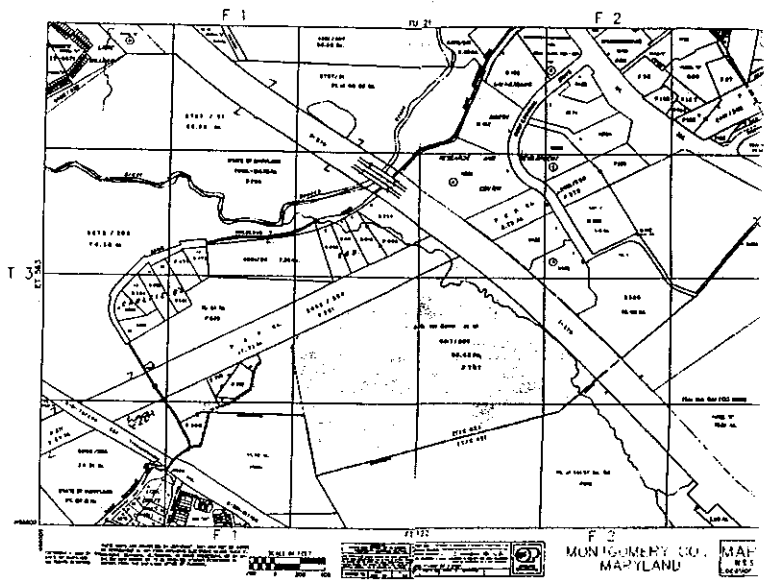
Westphalia Center II LP	EU53	N775	4.07	Yes
XXI Office Plaza Assoc.	EU53	P980	.02	No
Salvation Army	EU53	N921	6.85	Yes
Homestead Village LP	EU53	N875	5.44	Yes
Century Technology LLC	EU53	N600	55.75	Yes
Consortium-2 Germantown Technology Center LLC	EU63	Pt. Lot 3	4.62	Yes
Butera Goldenrod Lane LLC	EU63	Pt. Lots 3 & 4	2.03	Yes
Innkeepers USA LP	EU63	N973	3.03	Yes
Milestone Industrial LC	EV51	Parcel F Block K	2.55	No
Milestone Industrial LC	EV51	Parcel H Block K	24.16	Yes
Milestone Industrial LC	EV51	Parcel J Block K	8.3	No
Westphalia Center I LP	EV51	P825	22.94	No
ESA Maryland Inc.	EV41	Parcel E Block K	2.58	Yes
Milestone Industrial LC	EV41	Parcel I Block K	9.32	No
Oxbridge Development at Cloverleaf LC	EV41	P850	19.05	No
Oxbridge Development at Cloverleaf LC	EV41	N688	3.2	No
Augusta B McGown	FT23	P707	65.43	No
Michael Berceli	FT13	P715	.97	No
Michael Berceli et al	FT13	P717	1.02	No



E 6
 MONTGOMERY CO. MAP EU 562
 MARYLAND



E 2
 MONTGOMERY CO.
 MARYLAND



LINOWES AND BLOCHER LLP

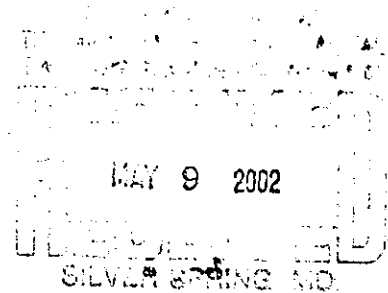
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May 8, 2002

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szk@linowes-law.com

Mr. Arthur Holmes
Chairman
Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910



Re: Potomac Master Plan -- Tri-State (Carderock) Quarry Zoning Text Amendment

Dear Chairman Holmes:

This office represents Ben Porto and Sons, Ltd. ("Porto"), the owner of the Carderock Quarry located at 8200 Seven Locks Road in Potomac (the "Property") and Tri-State Stone and Building Supply, Inc., the operator of the Carderock Quarry and a retail and wholesale building supply company ("Tri-State") also located on the Property. As we believe you will recall, the County Council approved the following recommendation for the Property in the Potomac Master Plan:

"Draft a minor zoning text amendment to legitimize the present non-conforming quarry and building supply operation, and to permit additional or expanded ancillary uses through the special exception process."

In furtherance thereof, on Thursday, May 16, 2002, the Planning Board will review a draft of a proposed zoning text amendment developed by Staff in accordance with the Master Plan recommendation for the Property. We have discussed the draft of the zoning text amendment proposed by Staff and are in general agreement with its provisions. The purpose of this letter is to request a minor revision to the proposed zoning text amendment to permit, for flexibility and business operations, up to 1000 square feet of expansion of floor area for permitted uses on the Property without review and approval of a special exception. We have attached as Attachment "1" our proposed language for this revision.

Given the size of the Property (approximately 22 acres), expansion of commercial operations limited to 1000 square feet of floor area will have minimal, if any, impact on surrounding residential development and, therefore, should not require review for compatibility through the special exception process. Accordingly, our proposed revision would allow Porto and Tri-State


Mr. Arthur Holmes
May 8, 2002
Page 2

to make minor improvements and additions to permitted uses on the Property without unnecessarily incurring the cost and delay associated with the special exception process.

Again, Porto and Tri-State are in substantial agreement with Staff's proposal for the zoning text amendment and appreciate their efforts in that regard. We believe our request that minor expansions be permitted without special exception approval is reasonable and in accordance with the intent of the Master Plan recommendation to provide for the continuation of this long-term family business within Montgomery County. Your consideration of this request is appreciated.

Very truly yours,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman

SZK:cp
Attachment

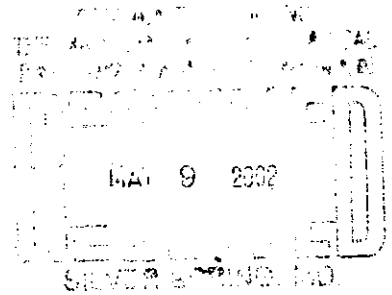
cc: Mr. Callum Murray
Mr. Greg Russ
Mr. Brian Porto
Scott C. Wallace

MAY 9 2002

Attachment "1"

Proposed footnote for Tri-State Quarry Zoning Text Amendment:

Any expansion greater than 1000 square feet of the gross floor area of a building in existence prior to (Effective Date) or construction of a new building greater than 1000 square feet in gross floor area must be conducted under the special exception provisions of Article 59-G.



ATTACHMENT 3

Zoning Text Amendment No.:
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**

By: District Council at the Request of the Planning Board

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

- Permitting Certain Uses in the R-200 Zone

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

Division 59-C- 1 “Residential Zones, One-Family”

Section 59-C-1.31 “Land Uses”

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

ORDINANCE

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

Sec. 1. Division 59-C-1.31 "Land Uses" is amended as follows:

59-C-1.31. 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.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH200
* * *										
(c) Commercial.										
* * *										
<u>Business offices operated in conjunction with uses permitted in the zone</u>				<u>P#</u> <u>SE##</u>						
<u>Wholesale and retail building supply operation</u>				<u>P#</u> <u>SE##</u>						
* * *										
(h) Manufacturing and industrial										
<u>Contractor, storage yards</u>				<u>P#</u> <u>SE##</u>						
<u>Facilities for the maintenance and repair of equipment used in conjunction with uses permitted in the zone</u>				<u>P#</u> <u>SE##</u>						

<u>Off-loading and transfer sites for storage of sand, gravel or rocks</u>				<u>P^{#,*}</u>						
<u>Rock and stone crushing, mixing washing and screening plants</u>				<u>P^{#,*}</u>						
<u>Stoneworks, including the cutting and polishing of dimensional stone</u>				<u>P^{#,*}</u>						
<u>(i)Resource production and extraction</u>										
<u>Stone or rock quarries</u>				<u>P^{#,*}</u>						

If recommended as appropriate in the applicable Master Plan and if in existence prior to 1958.

Any expansion of a building in existence prior to (Effective Date) or construction of a new building.

* Mineral resource extraction, processing and utilization operations established on the property prior to (Effective Date) are governed by the standards applicable prior to (Effective Date). The expansion of a mineral resource extraction, processing and/or utilization use existing on the property prior to (Effective Date) does not require approval of a special exception.

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

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk to the Council