





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Items 14, 15, 16 &
17
07/11/02

DATE: July 2, 2002
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor 
FROM: Greg Russ, Zoning Coordinator 
REVIEW TYPE: Zoning Text Amendments
PURPOSE: To amend the Zoning Ordinance language based on recommendations from the Potomac Subregion Master Plan. Specifically, to create a Rural Village Center Overlay Zone; to create a TDR option in the PD-2 zone; 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: 02-10, 02-11, 02-12 and 02-13
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59, the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: June 18, 2002

PLANNING BOARD REVIEW: July 11, 2002
PUBLIC HEARING: July 23, 2002, 1:30 PM

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENTS

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. The proposed text amendments are as follows:

1. ZTA No. 02-10-Amend the Zoning Ordinance Division 59-C-18 to create a Rural Village Center Overlay Zone;
2. ZTA No. 02-11-Creating a TDR option in the PD-2 zone (Division 59-C-7);

3. ZTA No. 02-12-Create an optional method of development in the I-3 Zone (Division 59-C-5); and
4. ZTA No. 02-13-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 proposed text amendments were reviewed by the Planning Board on May 9, 2002 and May 16, 2002, for transmittal to the County Council for introduction.

ANALYSIS

ZTA No. 02-10, Create a Rural Village Center Overlay Zone

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.

The Adopted 2002 Potomac Subregion Master Plan

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.

Zoning Text Amendment

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

ZTA No. 02-11, Create a TDR option in the PD-2 zone

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 Adopted 2002 Potomac Subregion Master Plan

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.

Proposed Text Amendment

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.

ZTA No. 02-12, 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 MXPDP 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 5), 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 Amendment

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 3.

ZTA No. 02-13, Permitting certain quarry-related 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 Amendment

The proposed text amendment, as depicted in Attachment 4, 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 ZTA Nos. 02-10, 11, 12 and 13 to address Potomac Subregion Master Plan recommendations be approved as submitted.

Attachments 1, 2, 3 and 4 depict the proposed amendments as proposed.

Attachments

1. Zoning Text Amendment No. 02-10 to create a Rural Village Center Overlay Zone;
2. Zoning Text Amendment No. 02-11 to create a TDR option in the PD-2 zone
3. Zoning Text Amendment No. 02-12 for an Optional Method of Development in the I-3 Zone
4. Zoning Text Amendment No. 02-13 to include certain quarry-related uses in the R-200 Zone
5. Memorandum from Linowes and Blocher regarding Fortune Parc-I-3 Zone Inventory

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.

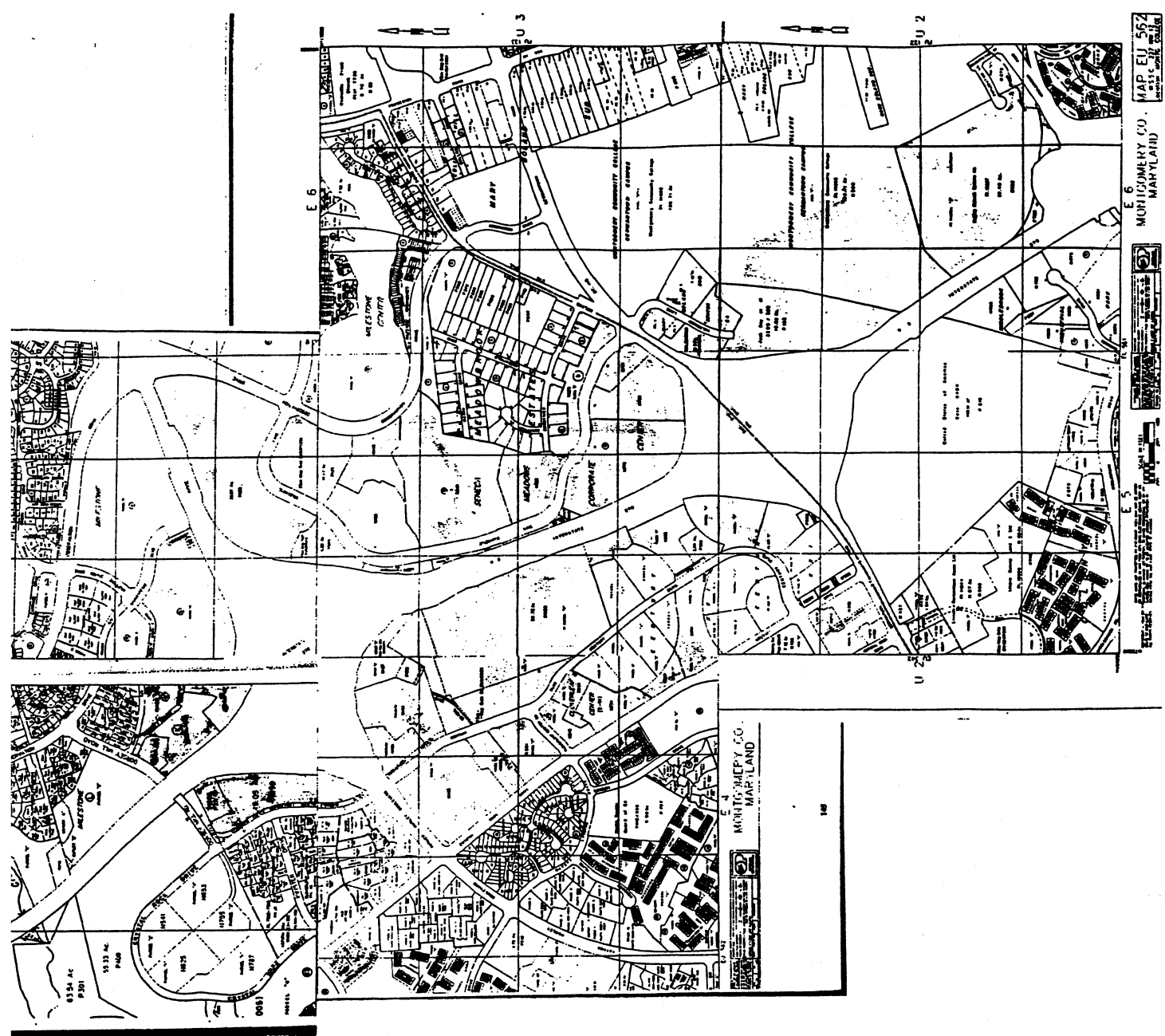
Barbara A. Sears
April 17, 2002
Page 2

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

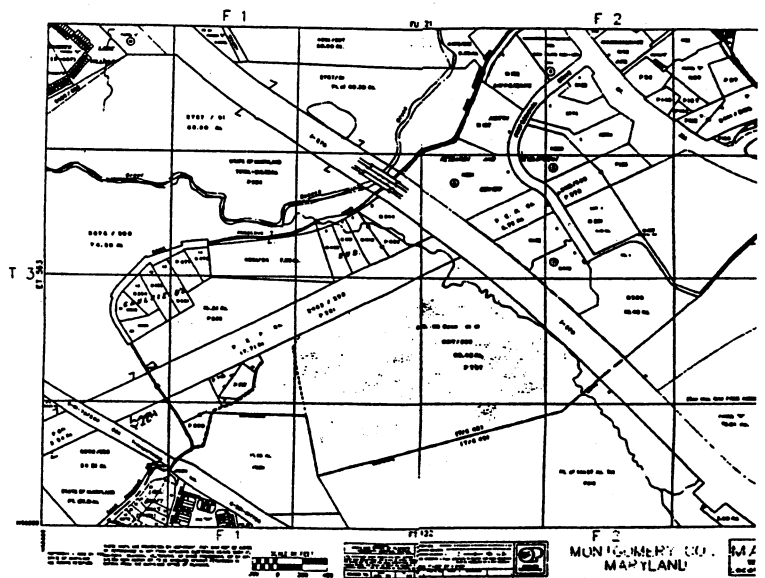
Westphalia Center II LP	EU53	N775	4.07	Yes
XXI Office Plaza Assoc.	EU53	P980	.02	No
Salvation Army	EU53	N921	6.85	Yes
Homestead Village LP	EU53	N875	5.44	Yes
Century Technology LLC	EU53	N600	55.75	Yes
Consortium-2 Germantown Technology Center LLC	EU63	Pt. Lot 3	4.62	Yes
Butera Goldenrod Lane LLC	EU63	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



MONTGOMERY CO.
MAP 14

MONTGOMERY CO.
MARYLAND
MAP EU 562

188



Zoning Text Amendment No.: 02-10
Concerning: Creating a Rural Village Center
Overlay Zone
Draft No. & Date: 1 – 6/18/02
Introduced: June 18, 2002
Public Hearing: July 23, 2002; 1:30 PM
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 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”
Add new sections:	
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:

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

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

3 * * *

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

5 **59-C-18.231. Purpose.**

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

9 (a) Draw upon the open, green character of the surrounding area, emphasizing
10 this character through streetscape design, open space, and landscaping.

11 (b) Maintain and enhance the rural village character through compatible scale,
12 massing, siting, and setbacks for new and expanded uses.

13 (c) Emphasize the pedestrian and bicycle circulation through street design,
14 including streetscape and traffic calming.

15 (d) Encourage a variety of uses that serve the needs of the local community.

16 (e) Provide opportunities for appropriately scaled new and existing business
17 expansion, while keeping the commercial area compact and low density.

18 **59-C-18.232. Regulations.**

19 **59-C-18.232.(a) Commercial zones.** Where a lot is either partially or totally in a
20 commercial zone the following regulations apply:

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

24 Animal boarding place

25 Appliance repair shops

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

30 Automobile parts, supplies and tire stores.

31 Automobile sales, indoor

32 Automobile sales, outdoor

33 Baseball driving range

34 Boat sales, indoors

35 Building materials and supplies

36 Chancery

37 Eating and drinking establishments, drive-in

38 Heliports

39 Helistops

40 Ice storage

41 International Organization

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

44 Newspaper, printing and publishing shops

45 Rifle or pistol ranges, indoor

46 Roller and ice skating rinks

47 Stadiums or arenas

48 Swimming pools, commercial

49 (2) **Development standards:**

50 **(a) Setbacks.** All buildings, off-street parking, loading and maneuvering
51 areas must be set back from lot lines adjoining residential zones a
52 distance not less than the applicable front, rear or side yard of the
53 adjoining residential zone. All other setbacks will be determined at site
54 plan.

55 **(b) Density.** The floor area ratio for commercial uses is limited to FAR 0.2,
56 and is computed only on the area of the underlying commercially zoned
57 portion of the site.

58 **(c) Green Area.** The minimum green area is 35% of the gross tract area

59 **(d) Building height.** No building can exceed a height of 35 feet.

60 (e) Off street parking and loading. Parking must be provided in
61 accordance with the provisions of Division 59-E with the following
62 exceptions:

63 1. Parking facilities must be located to maintain a pedestrian-friendly
64 street orientation.

65 2. Trees must be planted and maintained throughout the parking
66 facility to assure that at least 30 percent of the area is shaded.
67 Shading must be calculated using the area of the tree crown at 15
68 years after the parking facility is built.

69 3. For any cumulative enlargement of a surface parking facility that
70 is greater than 50% of the total parking area approved before
71 (effective date of ZTA), the entire off-street parking facility must
72 be brought into conformance with this Section. An existing surface
73 parking facility included as part of a special exception granted
74 before (effective date of ZTA) is a conforming use.

75 (f) Commercial facilities must provide, as necessary, noise mitigation
76 measures to minimize impact on adjacent residentially used properties.

77 (g) All outdoor lighting of commercial uses must be located, shielded,
78 landscaped or otherwise buffered so that no direct light intrudes into an
79 adjacent residential property. Unless the Planning Board requires
80 different standards for a recreational facility or to improve public safety,
81 luminaries must incorporate a glare and spill light control device to
82 minimize glare and light trespass.

83 **59-C-18.232(b) Residential zones:** Where a lot is in a residential zone the following
84 regulations apply:

85 (1) **Land uses.** All uses as allowed in the underlying zone as set forth in Sec. 59-
86 C- 1.31. In addition, residentially zoned land may provide septic capacity for
87 an adjacent commercial use consistent with the applicable master plan
88 recommendations.

89 (2) **Development standards.** The development standards are the same as those in
90 the underlying zones.

91 **59-C-18.233. Procedure for application and approval.**

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

94 (a) Construction of a new building;

95 (b) Additions and other exterior improvements to existing buildings that increase
96 the amount of gross floor area on a site; and

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

100 **59-C-18.234. Planning Board approval.**

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

103 (a) The site plan is consistent with the recommendations and guidelines in the
104 applicable Master Plan; and

105 (b) The site plan meets all of the requirements of this overlay zone as well as the
106 applicable requirements of the underlying zone.

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

109 This is a correct copy of Council action.

110

111

112 _____

113 Mary A. Edgar, CMC

114 Clerk of the Council

Zoning Text Amendment No.: 02-11
Concerning: Use of TDR's in the PD-2 zone
Draft No. & Date: 1 – 6/18/02
Introduced: June 18, 2002
Public Hearing: July 23, 2002; 1:30 PM
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 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.*
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:

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

2 **DIVISION 59-C-7. PLANNED UNIT DEVELOPMENT ZONES.**

3 * * *

4 **59-C-7.14. Density of residential development.**

5 * * *

6 (e) Notwithstanding the density provisions of this zone, the District
7 Council may approve a density bonus of up to 10% in the PD-2
8 Zone, for the provision of TDRs, if the use of TDRs is
9 recommended for the site in an approved and adopted master
10 plan.

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

14 This is a correct copy of Council action.

15
16
17 _____

18 Mary A. Edgar, CMC
19 Clerk of the Council



Zoning Text Amendment No.: 02-12
Concerning:: Optional Method of
Development in the I-3 Zone
Draft No. & Date: 1 – 6/18/02
Introduced: June 18, 2002
Public Hearing: July 23, 2002; 1:30 PM
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.
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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:

1 **Sec. 1. Amend Division 59-C-5 as follows:**

2 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

3 * * *

4 **59-C-5.4. Special regulations.**

5 * * *

6 **59-C-5.439. Optional Method of Development.**

7 The optional method permits a mixed-use development in the I-3 Zone at locations
8 that have convenient access to transit and are recommended in the Master Plan.

9 Under the optional method, commercial uses that maintain an employment emphasis
10 must be mixed with residential uses. Development must be in accordance with the
11 provisions of this section, as well as the density, numerical limitations, and other
12 guidelines contained in the applicable master plan approved by the District Council.

13 The procedure for site plan approval is set forth in Division 59-D-3.

14 **59-C-5.4391. Purpose.** It is the purpose of the I-3 Mixed-Use Option to promote
15 mixed-use, transit and pedestrian-oriented centers, which include housing and a
16 commercial component with an employment emphasis. It is also the purpose to
17 promote development that follows sound environmental principles and maximizes
18 preservation of natural features. Specifically, the optional method is designed to:

- 19 (a) Provide a compatible mix of uses including employment, housing, and
20 retail configured to define and animate the streets and to create a strong
21 sense of place in the manner of traditional towns and urban
22 neighborhoods;

- 23 (b) Promote compact, environmentally sensitive development that preserves
24 natural features;
- 25 (c) Provide high quality residential neighborhoods consisting of a mix of
26 unit types with open spaces and community facilities that are centrally
27 located and easily accessible;
- 28 (d) Provide an interconnected street system, which consists of short blocks
29 and is designed to promote pedestrian, bicycle and transit use as
30 attractive, practical alternatives to automobile use for daily activities
31 such as shopping and commuting; and
- 32 (e) Encourage the efficient use of the center and its transit facilities by
33 providing pedestrian and bicycle linkages to adjacent areas and
34 convenient access to transit.

35 **59-C-5.4392. Regulations.**

36 **(a) Land uses.**

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

40 Dwellings

41 Health club

42 Hotel

43 Housing and related facilities for elderly or handicapped persons

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

47
48 Animal boarding place

49 Appliance repair shop

50 Automobile fluid maintenance stations

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

52 Automobile parts, supplies and tire store

53 Eating and drinking establishments, including drive-ins

54 Tire, battery and accessory stores located in a shopping center

55 (2) Development under the optional method must include employment,
56 residential and retail uses.

57 **(b) Development standards.**

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

60 **(1) Development Density.**

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

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

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

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

74 - Retail/services –20% maximum

75 - Employment - 60% minimum

76 **(C) Residential uses, excluding hotels.** The base residential
77 density must not exceed eight (8) units per acre for the
78 gross tract area. The base density may be increased to
79 accommodate Moderately Priced Dwelling Units
80 (MPDUs) in accordance with Chapter 25A of this Code, as
81 amended, and to accommodate the provision of
82 Transferable Development Rights (TDRs), provided that
83 the final density does not exceed 12.5 units per acre for the
84 gross tract area and does not exceed the recommended
85 total density in the applicable master plan.

86 **(2) Setbacks.**

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

90 (A) From abutting residentially zoned property:

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

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

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

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

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

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

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

107 (3) Minimum lot sizes, internal setbacks and frontage requirements
108 must be determined at time of site plan.

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

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

114
115 This is a correct copy of Council action.

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118 _____

119 Mary A. Edgar, CMC
120 Clerk of the Council

Zoning Text Amendment No.: 02-13
Concerning: Quarry Related Uses in
R-200 zone
Draft No. & Date: 1 – 6/18/02
Introduced: June 18, 2002
Public Hearing: July 23, 2002 1:30 PM
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 quarry related 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”

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

Division 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.

* * *

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>						

1

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

3 ### Any cumulative building expansion, including an addition to an existing building or
 4 construction of a new building, greater than 1000 square feet of the gross floor area after
 5 (Effective Date), must be in accordance with the special exception provisions of Article 59-G.

6

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

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

3 This is a correct copy of Council action.

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7 _____
Mary A. Edgar, CMC

8 Clerk of the Council

