



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #9**  
**7/18/02**

**DATE:** July 12, 2002  
**TO:** Montgomery County Planning Board  
**VIA:** Michael Ma, Zoning Supervisor *Ma*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To allow a golf course in the Rural Density Transfer (RDT) zone approved before (ZTA effective date) to provide limited lodging facilities by special exception, under certain circumstances.

**TEXT AMENDMENT:** No. 02-15  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Silverman  
**INTRODUCED DATE:** June 18, 2002

**PLANNING BOARD REVIEW:** July 18, 2002  
**PUBLIC HEARING:** July 23, 2002; 1:30 PM

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**STAFF RECOMMENDATION:** APPROVAL with modifications

#### **PURPOSE OF THE TEXT AMENDMENT**

To allow a golf course in the Rural Density Transfer (RDT) zone approved before (ZTA effective date) to provide limited lodging facilities by special exception, under certain circumstances.

#### **BACKGROUND**

- Four Streams Golf Course in Beallsville is interested in modifying its golf course special exception to add a lodging facility for members and guests. The text amendment would allow for a maximum of eight rooms and 16 individuals at any one time and a lodging facility limited to 11,000 gross square feet of floor area.

- The subject site was approved for a private golf course via a special exception approved in November of 1992 (S-1944), at a time when the golf course use was allowed in the RDT Zone.
- In July 1993, the Board of Appeals approved a modification (S-1944-A) to the 1992 special exception to permit the special exception holder to open the golf course to the public in addition to offering private memberships--, finding *“the proposal would not alter the expected impact of the golf course.”* In obtaining the modification the applicant stated that members would be entitled to preferential tee times and locker room space -- otherwise, the use of the course would be the same for members and the public. The request stemmed from the applicant’s belief at that time that there would not be a sufficient number of members to support the club. However, the applicant has stated to staff that at this time there is no public use of the club facilities and this modification is not in use.
- In November 2000, the Board of Appeals approved a minor modification to the approved special exception to permit the historic farmhouse on the property to be used for overnight lodging in 5 rooms of the farmhouse by members and guests. Because the Board of Appeals authorized this review as a minor modification, the M-NCPPC staff and Planning Board did not comment on the request. The Board of Appeals resolution noticing the approval was not issued until October 1, 2001. This resolution is based on Section 59-G-1.3(c)(1) of the Zoning Ordinance which states:

*“If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.”*

The Board of Appeals approved the requested modification, stating:

*“The Board finds, based on the fact that no exterior modifications are proposed, and that the house will be used for lodging for Club members only, that the requested modification will neither substantially change the nature, character or intensity of the use, nor the effect on traffic or on the immediate neighborhood, and that it can be granted without a public hearing.”*

However, the applicant stated that they subsequently found construction and logistical difficulties (primarily structural and septic) in pursuit of this approved modification in converting the historic farmhouse to a lodge while preserving its historic features. Therefore, Four Streams decided not to proceed with the conversion, but to leave the historic farmhouse for continued residential use by the superintendent of the Golf Club (consistent with the original approval).

- The petitioner requested to instead amend the approved special exception to add a new lodge with 6 guestrooms and an annex with 2 guestrooms for use by up to 16 members and guests at the Golf Club. On November 5, 2001, however, the staff

received a copy of a request from the applicant to the Board of Appeals to amend the application to remove the request for the Annex from the petition, and to instead provide up to 4 single occupancy guestrooms in the historic house (pending septic approval). This was done to address concerns expressed by the Historic Preservation Commission. This amendment was deferred pending the proposed text amendment to allow eight rooms and 16 individuals for overnight lodging for members and their guests only.

## ANALYSIS

### Current and Proposed Regulations

The current and proposed (underlined) language within paragraph 1 of Section 59-G-2.241 states:

*The Board may authorize a golf course with minor accessory uses such as a snack bar, a golf or pro shop for the incidental sale and service of golf equipment, a driving range, locker rooms, and other similar facilities including limited lodging for golfers and guests.*

The proposed substantive text amendment changes for new Section “i” are as follows:

- (i) Accessory lodging to accommodate golfers and guests may be allowed only under the following circumstances:
  - (1) use of the golf course and facilities associated with the golf course is limited to members of the golf course and invited guests;
  - (2) lodging is available only to members of the golf course and invited guests;
  - (3) not more than eight bedrooms are provided and not more than sixteen individuals are accommodated at any given time;
  - (4) the special exception holder maintain a record of all individuals who are provided lodging;
  - (5) a lodging facility must not exceed 11,000 square feet in floor area, including hallways, service areas, lobby and other space directly related or part of the lodging facility, and must be compatible with the rural character of the surrounding area; and
  - (6) any structure used as a lodging facility for golf course members or guests must no longer be used for lodging purposes, if the golf course is opened for play to the general public.

The Zoning Ordinance permits golf courses as a special exception use in the RDT Zone only if filed prior to June 16, 1992 and based on a number of criteria established to maintain the character and low intensity nature of agricultural zones. Staff has no objection with the inclusion of a limited number of rooms for members and their guests only. However, staff has concerns with the criteria allowing up to 8 lodging rooms and up to 16 overnight guests. Staff’s objection to the large number of rooms is based on the intent of the RDT Zone and the original intent for Special Exceptions for a golf course in the RDT Zone.

## **RDT Zone**

The intent of the Rural Density Transfer (RDT) zone is to promote agriculture as the primary land use in sections of the County designated for agricultural preservation in the General Plan and the Functional Master Plan for Preservation of Agriculture and Rural Open Space. This is to be accomplished by providing large areas of generally contiguous properties suitable for agricultural and related uses and permitting the transfer of development rights from properties in this zone to properties in designated receiving areas.

Agriculture is the preferred use in the Rural Density Transfer zone. All agricultural operations are permitted at any time, including the operation of farm machinery. No agricultural use can be subject to restriction on the grounds that it interferes with other uses permitted in the zone, but uses that are not exclusively agricultural in nature are subject to the regulations prescribed in this Division 59-C-9 and in Division 59-G-2, "Special Exceptions-Standards and Requirements."

The proposed text amendment, as submitted, to allow an existing private golf course in the Rural Density Transfer (RDT) zone to provide limited lodging facilities (up to 8 rooms and 16 individuals at in one time) by special exception, under certain circumstances could be consistent with the purpose of the zone if the number of rooms were reduced to five (5). The RDT Zone is not intended to be a place for country clubs, summer camps, and other types of recreational uses; primarily due to the conflicts they can cause due to traffic and standard agricultural practices. When the special exception for the Four Streams Golf Course was reviewed in November of 2001, one of the primary objections was that it was asking for a quantity of lodging that exceeded that allowed for the Bed and Breakfast use (no more than 5 rooms), the only other type of lodging use allowed in the RDT zone. Staff believes that maintaining consistency with the maximum number of rooms allowed in the existing Bed and Breakfast category would provide consistency with the purpose of the RDT Zone.

### **Maintaining the Intent of a Special Exceptions for a Golf Course in the RDT Zone**

The other primary objection to the text amendment as submitted was that the clear intent of the special exception was only for a golf course and limited related facilities. The wording of the first sentence of the requirements states "*The Board may authorize a golf course with minor accessory uses*". It was definitely not intended to allow the incremental development of a country club. The country club use is intentionally not allowed in the RDT. Staff does not believe that 8 lodging rooms for up to 16 overnight guests, combined with the range of other "accessory" uses to be proposed for this use will constitute "minor" accessory uses. Staff further does not consider 8 lodging rooms for members or their "guests" to be "limited". As stated above, by reducing the number of rooms to 5, consistent with the Bed and Breakfast category (permitted by special exception in the RDT Zone), staff believes that the intent of the original special exception approval can be maintained.

Staff has therefore modified the text to reduce the maximum number of rooms to 5 and the number of individuals accommodated at any given time to 10.

## **RECOMMENDATION**

The staff supports the proposed text amendment, as modified by staff, to allow a golf course in the Rural Density Transfer (RDT) zone approved before (ZTA effective date) to provide limited lodging facilities by special exception, under certain circumstances. Staff believes that the number of rooms should be limited to 5 with ten individuals at any one time.

Attachment 1 depicts the proposed text amendment as modified by staff. 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 (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

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#### Attachments

1. Proposed Text Amendment 02-15 (as amended by staff)

Zoning Text Amendment No: 02-15  
Concerning: Lodging facilities as accessory  
Use on Golf Course in RDT zone  
Draft No. & Date: 1 – 5/29/02  
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**

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By: Councilmember Silverman

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

- allowing a golf course in the RDT Zone approved before (ZTA Effective Date) to provide limited lodging facilities by special exception, under certain circumstances.

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

DIVISION 59-G-2 “SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”  
Section 59-G-2.241 “Golf Course in the RDT Zone”

**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-G-2 is amended as follows:**

**DIVISION 59-G-2. "SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS"**

\* \* \*

**59-G-2.241 Golf Course in the RDT Zone.**

The Board may authorize a golf course with minor accessory uses such as a snack bar, a golf or pro shop for the incidental sale and service of golf equipment, a driving range, locker rooms, and other similar facilities [[facilities]] including limited lodging for golfers and guests. The Board may not approve a golf course if any of the acreage is included as part of the land needed to meet the dwelling unit density requirements in the RDT zone. In approving a golf course in the RDT Zone, the Board must find that the following requirements and standards can be met:

- (a) The application for a golf course special exception was filed with the Board of appeals prior to June 16, 1992.
- (b) A golf course in the RDT Zone must not be located within 3 miles of any other golf course in the RDT zone.
- (c) A 200-foot open space or agricultural buffer must be maintained between a proposed golf course use and an abutting public road, an adjoining property that [[8]]is actively farmed or adjoining property developed with other uses allowed in the RDT zone.
- (d) The maximum building height limit must not exceed 2 stories or 35 feet.
- (e) All buildings and structures must be compatible with agricultural architecture.
- (f) No outdoor light is permitted except for security and safety purposes. Any such lighting must be shielded so that direct light is not visible from any residence and would not adversely affect an adjoining road, highway, or other nearby use.



26 (g) Off-street parking must be provided in accordance with the provision of Article  
27 59-E. A golf course must provide at least 4 parking spaces per hole plus one  
28 space per employee.

29 (h) The Board must also find that:

30 (1) The use will not have an adverse impact on any neighboring use because of  
31 traffic, noise, number of patrons, level of activity, or environmental impact.

32 (2) Development is in accordance with Planning Board guidelines or other  
33 criteria for the protection of environmentally sensitive features including  
34 adjoining agricultural uses.

35 (i) Accessory lodging to accommodate golfers and guests may be allowed only under  
36 the following circumstances:

37 (1) use of the golf course and facilities associated with the golf course is limited  
38 to members of the golf course and invited guests;

39 (2) lodging is available only to members of the golf course and invited guests;

40 (3) not more than ~~eight~~ five bedrooms are provided and not more than  
41 ~~sixteen~~ ten individuals are accommodated at any given time;

42 (4) the special exception holder maintain a record of all individuals who are  
43 provided lodging;

44 (5) a lodging facility must not exceed 11,000 square feet in floor area, including  
45 hallways, service areas, lobby and other space directly related or part of the  
46 lodging facility, and must be compatible with the rural character of the  
47 surrounding area; and

48 (6) any structure used as a lodging facility for golf course members or guests  
49 must no longer be used for lodging purposes, if the golf course is opened for  
50 play to the general public.

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52 Any golf course in the RDT zone for which an application was filed before April 12, 1992  
53 and subsequently approved by the Board of Appeals is [not] a [non-]conforming use and  
54 may be modified in accordance with the provisions of this section.

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

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59 This is a correct copy of Council action.

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64 Mary A. Edgar, CMC

65 Clerk of the Council