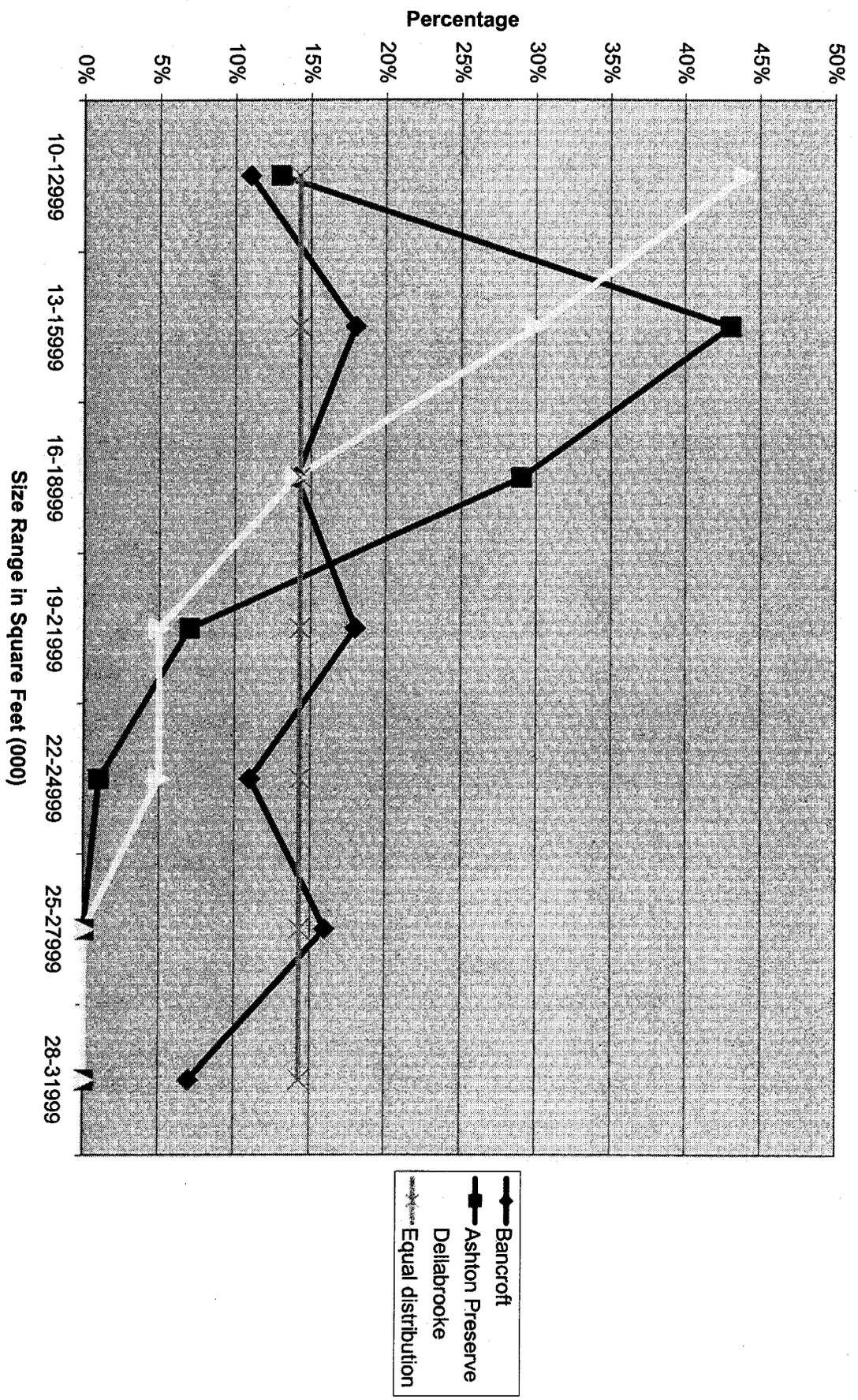
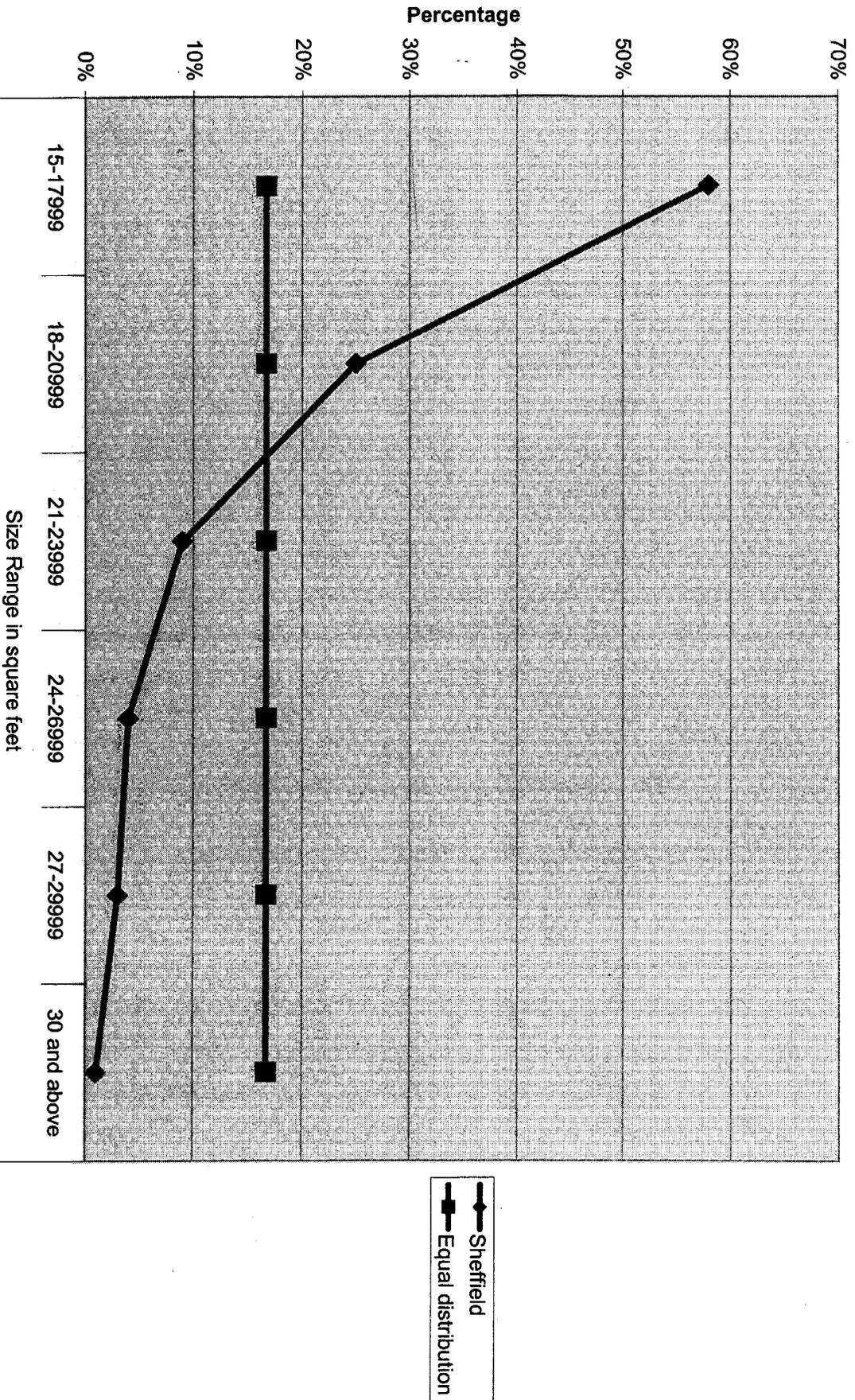


### Lot Distribution in Sandy Spring



### Lot Diversity at Sheffield



## ATTACHMENT 3

Zoning Text Amendment No: 04-17  
Concerning: Various Modifications  
to the RNC Zone  
Draft No. & Date: 4-07/20/2004  
Introduced: July 27, 2004  
Public Hearing: 9/14/04; 7:30 p.m.  
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:

- clarifying the intent and purpose of the RNC Zone including the rural open space requirements.

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

DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.2.	“Purposes or intent of the zones”
Section 59-C-9.3	“Land uses”
Section 59-C-9.57	“Special regulations for development in the Rural Neighborhood Cluster 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:*

1           **Sec. 1. DIVISION 59-C-9 is amended as follows:**

2           **DIVISION 59-C-9. AGRICULTURAL ZONES.**

3           \* \* \*

4           **Sec. 59-C-9.2.       Purposes or intent of the zones.**

5           \* \* \*

6           **59-C-9.23.1. Intent of the Rural Neighborhood Cluster zone.**

7           The intent of the Rural Neighborhood Cluster zone is to preserve open land,  
8           environmentally sensitive natural resources [areas] and rural community character that  
9           would be lost under conventional, large-lot development. This would be accomplished  
10          by requiring clusters of residential development in the form of small neighborhoods that  
11          provide neighborhood identity in an open space setting.

12  
13          It is further the intent of this zone to implement the recommendations of the relevant  
14          master plan, such as maintaining broad vistas of open space, [and] preserving [the natural  
15          features and] agrarian character or preserving environmentally sensitive natural resources  
16          to the maximum extent possible, [[and]] to ensure that new development is in harmony  
17          with the policies and guidelines of the relevant master plan and is compatible with  
18          existing development in adjoining communities.

19          \* \* \*

20          **59-C-9.3.    Land uses.**

21          No use is allowed except as indicated in the following table:

- 22           -       **Permitted uses.** Uses designated by the letter "P" are permitted on any lot in  
23                    the zones indicated, subject to all applicable regulations.
- 24           -       **Special exception uses.** Uses designated by the letters "SE" may be  
25                    authorized as special exceptions, in accordance with the provisions of  
26                    Article 59-G.

1

	Rural	RC	LDRC	RDT	RS	RNC
* * *						
<b>(a) Agricultural:</b>						
* * *						
Equestrian facility	P/SE	P/SE	P/SE	P/SE	P/SE	SE <sup>2</sup>
* * *						

2

3 <sup>2</sup> This use or class of uses is not permitted in the portion of a rural cluster development  
 4 regulated by section 59-C-9.52 or in the rural open space as regulated by section 59-C-  
 5 9.57, except as noted in those sections.

6

---

7 \* \* \*

8 **59-C-9.5. Cluster development--Option in Rural Cluster zone and Low Density**  
 9 **Rural Cluster zone.**

10 \* \* \*

11 **59-C-9.57. Special regulations for development in the Rural Neighborhood Cluster**  
 12 **zone.**

13 **59-C-9.571. Purpose.**

14 The cluster method of development [required in this zone] is intended to preserve  
 15 large areas of contiguous rural open space, consistent with the recommendations  
 16 and guidelines of the applicable master or sector plan. The preserved open space is  
 17 to be classified as rural open space, which is defined as managed land as described  
 18 in Section 59-C-9.573(g)(3) or as unmanaged land, which is defined as land  
 19 returning to its natural state without human intervention. Contiguous rural open  
 20 space shares an extended boundary with a residential cluster neighborhood. The  
 21 open space may preserve sensitive natural resources, other sensitive areas and  
 22 associated habitat. Cluster development is required under [either] both the

1 standard [method of development or the] and optional methods of development.  
2 Cluster development requires the setting aside of rural open space.  
3 Rural open space may be used for limited and passive recreation, such as hiking or  
4 biking trails. The following classes of uses are not permitted in the rural open  
5 space area. The exceptions noted in subsections (d) and (f) are not excluded from  
6 this area; they are permitted by right or special exception, as stated in Section 59-  
7 C-9.3:

8 \* \* \*

9 **59-C-9.572. Standard method of development.**

10 \* \* \*

11 (c) The following guidelines are in addition to those provided in section 50-39  
12 of the subdivision regulations and apply to all cluster development in this  
13 zone:

14 \* \* \*

15 (3) Rural open space: A minimum of 60 percent of the property must be  
16 reserved for contiguous rural open space, [which must be a contiguous  
17 area and be] consistent with the recommendations and guidelines set  
18 forth in the applicable master or sector plan. All land in the rural open  
19 space area must be preserved either by dedication as parkland or by  
20 application of an easement or covenant in a recordable form approved by  
21 the Planning Board. The rural open space may be recorded as either:

22 \* \* \*

23 **59-C-9.573. Optional method of development.**

24 The density of development under the optional method must not exceed one  
25 dwelling unit per gross acre. The density must conform to the recommendations  
26 and guidelines of the applicable master or sector plan. In such cases, the following  
27 development standards apply:

1 \* \* \*

2 (b) Diversity of Lot Sizes: Under the optional method, a diversity of lot sizes is  
3 required for all developments, [of 70 acres or more. Diversity of lot sizes is  
4 also encouraged in developments of less than 70 acres in order to provide for  
5 a range of housing opportunities. Where diversity of lots is provided, t]The  
6 Planning Board must evaluate the range of lot sizes provided and insure that  
7 a proposed development is compatible [consider the compatibility of the  
8 proposed development] with existing development on adjoining properties.

9

10 \* \* \*

11 (g) Rural open space design guidelines.

12 \* \* \*

13 (2) Rural open space must comprise a sizeable contiguous area, must  
14 be within a range of 65 percent to 85 percent of the tract area and  
15 must be consistent with the recommendations and guidelines of  
16 the applicable master plan. When a property includes rights-of-  
17 way for roads classified as major highways or freeways, rural  
18 open space is calculated on the net tract area by deducting those  
19 rights-of-way from the gross area of the property. The Planning  
20 Board may approve a minor variation in the master plan-  
21 recommended rural open space if the Board finds that the  
22 variation would retain both the quality and character of the open  
23 space as set forth in the guidelines of the master plan.

24

25 (3) Rural open space may be managed and maintained but may be  
26 modified to improve its appearance, function or overall condition  
27 by using the following techniques:

1 \* \* \*

2 (E) Stormwater management facilities that do not require  
3 man-made or hard surface structures and use best  
4 management practices as defined by the most recent  
5 edition of the Maryland Stormwater Design Manual.

6 \* \* \*

7 (4) All land in the rural open space area must be preserved either by  
8 dedication to [public use] parkland or by application of an  
9 easement or covenant in a recordable form approved by the  
10 Planning Board. The easement or covenant must restrict uses in  
11 the rural open space to those set forth in this zone, establish  
12 procedures for the management of natural or agricultural features  
13 as set forth in the approved site plan and prohibit any further  
14 development or subdivision within the rural open space area.

15 \* \* \*

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

18  
19 This is a correct copy of Council action.

20  
21 \_\_\_\_\_

22 Mary A. Edgar, CMC  
23 Clerk of the Council