

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

Chapter 59 Zoning [Note] / Article 59-C. Zoning Districts; Regulations. / Division 59-C-18. Overlay Zones. / Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.

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59-C-18.151. Purpose.

It is the purpose of this overlay zone to:

(a) Protect the water quality and quantity of the Upper Paint Branch Watershed and its tributaries, as well as the biodiversity situated in these resources. The resources consist of the headwater tributary areas-Good Hope, Gum Springs, Right Fork and Left Fork-and the segment of the main stem of the Paint Branch north of Fairland Road.

(b) Regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature.

(c) Regulate land uses that could adversely affect this very high quality, cold water stream system resource that is afforded the highest order of resource protection (Use III Waters) under the State of Maryland's watershed classification system.

Chapter 59 Zoning [Note] / Article 59-C. Zoning Districts; Regulations. / Division 59-C-18. Overlay Zones. / Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area. / 59-C-18.152. Regulations.

59-C-18.152. Regulations.

(a) **Development standards.** The development standards of the underlying zone apply except as modified by the requirements of this overlay zone.

(1) **Restriction on Impervious Surface.** Any development must not result in

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more than 10 percent impervious surface of the total area under application for development.

(A) Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 1997 that exceeds the 10 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.

(B) Any impervious surface which results from construction pursuant to a building permit application pending before the Department of Permitting Services on July 1, 1997, may continue or be reconstructed under the development standards in effect when the building permit was issued.

(C) Any expansion of an impervious surface above the 10 percent restriction is not allowed, except in accordance with the waiver provisions of Subsection (a)(2) or as provided under Subsection (a)(1)(D).

(D) Any impervious surface resulting from an addition or accessory structure to an existing one-family residential dwelling must not be counted against any calculation of the 10 percent impervious surface restriction.

(2) **Waiver.** The Director may grant a waiver from the 10 percent impervious surface restriction subject to the following standards and procedures:

(A) **Written Request.** An applicant may apply for a waiver from the 10 percent impervious surface restriction if enforcement would result in undue hardship to the applicant. The request must be in writing to the Director.

(B) **Review and action.** The Director may grant a waiver from the 10 percent impervious surface restriction if the applicant shows by clear and convincing evidence that:

(i) the 10 percent impervious limitation would result in undue hardship to the applicant because of events or circumstances not caused or facilitated by the applicant;

(ii) the applicant complies with all applicable federal, state, and county water quality standards; and

(iii) the relief sought is the minimum needed to prevent the hardship and the Director must consider alternative techniques.

(b) **Land use.** All permitted or special exception uses allowed in the underlying zones are allowed in the overlay zone except that:

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(1) The following special exception uses are allowed subject to the requirements of Article 59-G and specified environmental protection requirements:

Landscape contractor.¹

Retail nursery or garden center.¹

Wholesale nursery or greenhouse.¹

Golf courses and country clubs.²

Golf driving range.²

Riding stables.³

(2) The uses in Section (1), if validly existing on July 1, 1997, may be continued under the regulations in effect at the time the use was established. Any expansion requires compliance with the provisions of this overlay zone.

(3) The following uses are prohibited in the overlay zone:

Airstrips, in common open space.

Helistops.

Pipelines, aboveground.⁴

Pipelines, underground.⁴

Automobile filling stations.

Automobile fluid maintenance stations.

Automobile repair and services.

1 If certified as an organic grower by the State of Maryland or another approved certifying body.

2 Must have an Integrated Pest Management program.

3 Must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.

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4 Pipelines used for interstate transmission of petroleum products.

(Legislative History: Ord. No. 13-64, § 1.)

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§59-C-5.1

DIVISION 59-C-5. INDUSTRIAL ZONES.

Sec. 59-C-5.1. Zones established.

The following are the industrial zones and their identifying symbols:

- I-1—Light industrial
- I-2—Heavy industrial
- I-3—Technology and business park
- I-4—Low-intensity, light industrial
- R&D—Research and development
- LSC—Life Sciences Center

(Legislative History: Ord. No. 10-7, § 1; Ord. No. 11-49, § 1; Ord. No. 11-50, § 3; Ord. No. 13-33, § 1.)

Sec. 59-C-5.2. Land uses.

A fundamental distinction between heavy industrial uses and light industrial uses involves the character of the industrial development. Typically, heavy industrial uses require larger sites to accommodate activities that often involve a variety of concurrent industrial processes on one site. Heavy industrial developments generally involve larger volumes of heavy truck traffic and are located near specialized transportation links such as rail and major highways. In addition, heavy industrial uses are often noisy, dusty and dirty, as compared to other types of industrial and commercial activities. Heavy industrial uses are restricted to land classified in the I-2 Zone because the large scale nature of such uses, the traffic impacts, and environmental effects could be disruptive to lighter intensity industrial and commercial areas.

Light industrial uses generally involve small to medium scale industrial activities including, but not limited to, research and development, warehousing and storage activities, light manufacturing and assembly of products, and other similar uses. Light industrial uses usually generate less heavy truck traffic and have fewer adverse environmental effects on surrounding areas, as compared to heavy industrial uses.

59-C-5.21. Allowable uses.

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

- **Permitted Uses.** Uses designated by the letter "P" and uses of a similar character, 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.

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	I-1	I-2	I-3	I-4	R&D	LSC
(a) Residential.						
Dwellings.	SE		SE	SE		
Dwellings, for caretakers or watchkeepers and their families or for bona fide agricultural operations.	P	P	P	P	P	
Hotel or motel. ¹	SE		SE			
(b) Manufacturing and industrial.						
I. Uses of a light industrial nature.						
Bakery.	P	P		P		
Blacksmith shops, welding shops, ornamental iron works, and machinery shops, excluding drop hammers and punch presses over 20 tons rated capacity.	P	P	P	P	P	
Bottling plants.	P	P		P		
Confectionery production.	P	P		P		
Contractors, storage yards.	P	P				
Dry cleaning and laundry plant.	P	P		P		
Electroplating and manufacturing of small parts such as coils, condensers, transformers, and crystal holders.	P	P	P	P	P	
Food production, packaging, packing and canning of.	P	P		P		
Fuel storage yards.	P	P				
Ice manufacturing and storage.	P	P		P		
Manufacturing of light sheet metal products.	P	P	P	P	P	
Manufacturing, compounding, assembling or treatment of articles from the following previously prepared materials: bone, cellophane, plastic, canvas, cloth, cork, feathers, felt, fiber, fur, hair, horn, leather, textiles, yarns, glass, precious or semi-precious metals or stones, and tobacco.	P	P		P		

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§59-C-5.2

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	I-1	I-2	I-3	I-4	R&D	LSC
Manufacturing, compounding, processing or packaging of cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.	P		P	P	P	P
Manufacturing, fabrication and/or subassembly of aircraft or satellite parts, components, and equipment.	P		P	P	P	
Manufacturing of musical instruments, toys, novelties, and rubber and metal stamps.	P		P	P		
Manufacturing of paint not employing a boiling or rendering process.	P	P		P		
Manufacturing of pottery and figurines or other products using previously pulverized clay and kilns fired only by electricity or gas.	P	P		P		
Manufacturing and assembly of electronic components, instruments and devices.	P		P	P	P	
Manufacturing and assembly of machine parts, components and equipment.	P	P		P		
Manufacturing and assembly of medical, scientific or technical instruments, devices and equipment.	P		P	P	P	P
Manufacturing and assembly of mobile, modular and manufactured homes.	P	P		P		
Manufacturing and assembly of semi-conductors microchips, circuits and circuit boards.	P		P	P	P	
Manufacturing of yeasts, molds, and other natural products necessary for medical and biotechnical research and development.	P		P	P	P	P
Paper products manufacturing.	P	P		P		
Printing and publishing.	P		P	P	P	
Research, development and related activities.	P		P	P	P	P
Sawmills.	P	P				

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	I-1	I-2	I-3	I-4	R&D	LSC
Sign making shop.	P	P		P		
Stoneworks.	P	P				
Tinsmith and roofing services.	P	P		P		
Wood products manufacturing.	P	P		P		
II Uses of a heavy industrial nature.						
Alcoholic beverage manufacturing.	SE	P				
Automobile recycling facility		P				
Distillation of coal, tar, or wood		P				
Central mixing plants for asphalt, concrete or other paving materials.		P				
Chemicals, except sulfuric, nitric, hydrochloric acid or other corrosive or offensive chemicals.		P				
Dye works.		P				
Fertilizer mixing plants.		SE				
Foundries or metal fabrication plants.		P				
Incinerators. ⁶		SE ²⁷				
Manufacturing of brick, clay, terra cotta and tile.		P				
Manufacturing of cinder blocks.		P				
Manufacturing of printing inks.		P				
Manufacturing of synthetic fabrics such as rayon.		P				
Manufacturing of cloth made from shoddy or other similar material.		P				
Off-loading and transfer sites for storage of sand, gravel or rocks.	p ⁷	P		p ⁷		
Recycling facility.	p ³⁰	P		p ³⁰		

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	I-1	I-2	I-3	I-4	R&D	LSC
Rock crusher, washing and screening plants.		P				
Sanitary landfills. ⁶		SE ²⁷				
Starch, glucose and dextrin.		P				
Steam power plants.		P				
Stove polish.		P				
Sugar refineries.		P				
(c) Transportation, communication and utilities.						
Cable communications system. ⁵	SE	SE	SE	SE	SE	SE
Electric power transmission and distribution lines, overhead, carrying more than 69,000 volts.	P	P	SE	SE	SE	P
Electric power transmission and distribution lines, overhead, carrying 69,000 volts or less.	P	P	P	P		
Electric power transmission and distribution lines, underground.	P	P	P	P	P	P
Heliports.	SE	SE	SE	SE	SE	SE
Helistops.	SE	SE	SE	SE	SE	SE
Parking of motor vehicle, off-street, in connection with any use permitted.	P ²	p ³	P	P	P	P
Parking of motor vehicle, off-street, in connection with any use permitted in a commercial zone.	SE					
Pipelines, aboveground.	P	P	SE	SE	SE	SE
Pipelines, underground.	P	P	P	P	P	P
Public utility buildings, public utility structures, and telecommunication facilities. ⁴	P/SE	P/SE	P/SE	P/SE	P/SE	SE
Radio and television broadcasting stations, towers, and accessory structures.	SE/ P ³³	P	SE/ P ³³	SE/ P ³³	SE/ P ³³	SE/ P ³³

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	I-1	I-2	I-3	I-4	R&D	LSC
Railroad tracks.	P	P	P	P	P	P
Railroad yards or roundhouses.		P				
Rooftop mounted antennas and related unmanned equipment building, equipment cabinets, or equipment room. ²⁶	P	P	P	P	P	P
Solid waste transfer station, private. ⁶		SE ²⁷				
Telephone and telegraph lines.	P	P	P	P	P	P
Telephone offices, communication and telecommunication centers.	P		P	P	P	P
Trucking terminals.	P			P		
d) Commercial.						
Adult entertainment business. ²²	P	P				
Aircraft parts, sales and services, including the sale of fuel for aircraft only.	P			P		
Animal research service facilities.						P
Automobile parts, sales and services, including but not limited to tire sales and transmission services, but excluding automobile filling stations.	P			P		
Automobile repair and services.	P			P		
Automobile sales, indoors and outdoors.	P ⁸			P ⁸		
Building materials and supplies, wholesale and retail. ²⁰	P	P		P		
Cafeteria, dining room, snack bar, or other such facilities is an accessory use in connection with the operation and primarily for employees of the zone in which the use is located. ⁹	P	P	P	P	P	P ²⁹
Consignment store		P ³¹				
Eating and drinking establishments. ^{9,10}	SE		SE	SE	SE	SE

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	I-1	I-2	I-3	I-4	R&D	LSC
Lumberyards.	P	P		P		
Retail sales and personal services, dealing primarily with employees in the zone, in accordance with section 59-C-5.23.	P		P	P	P	P ²⁰
Transitory use. ²⁵	P/SE	P/SE	P/SE	P/SE	P/SE	P/SE
Wholesale trades limited to sale or rental of products intended for industrial or commercial users.	P			P		
(e) Services.						
Ambulance or rescue squads, publicly supported.	P		P	P	P	P
Animal boarding places. ¹¹	P			P		
Automobile filling stations. ²¹	SE	SE ¹⁴		SE		
Automobile repair and services.	P			P		
Automobile, truck and trailer rentals, outdoor.	P			P		
Chancery.	SE		P ²⁴			
Child day care facility. ²⁸						
—Family day care home.	P		P	P	P	P
—Group day care home.	P		P	P	P	P
—Child day care center.	P		P	P	P	P
Clinics, medical or dental.	P		P	P	P	P
Computer programming and software services including data banks and data retrieval.	P		P	P	P	
Conference centers:						
—With lodging facilities.			SE		SE	
—Without lodging facilities.			P		P	P

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	I-1	I-2	I-3	I-4	R&D	LSC
Corporate, administrative or business offices for companies principally engaged in health services, research and development or high technology industrial activities.					P	P
Day care facility for senior adults and persons with disabilities.	P		P	P	P	P
Duplicating services.	P		P	P	P	p ²⁹
Fire stations, publicly supported.	P		P	P	P	P
General offices.	P	p ¹²	P	SE	p ¹³	p ¹³
Highway fuel and food service.	SE					
Hospitals.	SE		SE	SE	SE	P
Hospitals, veterinary, when in a soundproof building.	P			P		
International organization, public.	SE		p ²⁴		p ²⁴	P
Laboratories.	P		P	P	P	P
Landscape contractor.	P					
Meeting centers.	SE					
Nursing and care homes.						P
Place of religious worship.	P		P	P	P	P
Physical therapy facilities.						P
Publicly owned or publicly operated uses.	P	P	P	P	P	P
Storage, outdoor. ¹⁵	P	P		P		
Trade, artistic or technical schools.	P		p ¹⁹	P	p ¹⁹	p ¹⁹
Universities and colleges providing teaching and research facilities.	p ³²		P		P	P
Warehousing and storage services:						
—Industrial and commercial users.	P	P	p ¹⁶	P		

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	I-1	I-2	I-3	I-4	R&D	LSC
—Self-storage facilities.	P			P		
(f) Cultural, entertainment and recreational.						
Art or cultural centers.			SE		SE	SE
Health clubs. ¹⁷	P		P	P	P	P
Libraries, scientific or technical.	P		P	P	P	P
Private clubs. ¹⁷	SE		SE	SE	SE	
Recreational facilities primarily for the use of employees. ¹⁷	P	P	P	P	P	P ²⁹
Recreational or entertainment establishments, commercial.	SE	SE		SE		
Rifle or pistol ranges, indoor.	SE	SE		SE		
Service organizations.	SE			SE		
Swimming pools, private.			P ¹⁸			
(g) Resource production and extraction.						
Agricultural uses.	P	P		P		
Dairy products processing.	P			P		
Rock or stone quarries.		P				
Sand gravel or clay pits.		P				
Stockyards.	SE	SE				
(h) Miscellaneous uses.						
Accessory buildings and uses.	P	P	P	P	P	P
Signs, in accordance with the provisions of article 59-F.	P	P	P	P	P	P

¹ On a lot which is a part of or adjacent to an area of at least 50 acres which is zoned industrial or shown for industrial use on an approved and adopted master plan.

² All parking must be on I-1 zoned land.

³ All parking must be on I-2 zoned land.

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4 A freestanding monopole for a telecommunication facility is a permitted use up to 199 feet in height with a
5 setback of one foot for every foot of height from all residential and agricultural zoned properties.

6 Except as provided in sections 59-A-6.9 and 59-G-2.10.1.

7 Must be included in the Comprehensive Solid Waste Management Plan for Montgomery County.

8 In the I-1 and I-4 zones, activities involving the off-loading, transfer or storage of sand, gravel or rocks
9 must be set back at least 750 feet from the nearest residential property.

10 Subject to requirements of section 59-C-4.367. In addition, automobile sale uses are subject to the
11 requirements for site plan review as contained in division 59-D-3.

12 Excluding drive-ins.

13 When located in an industrially zoned area containing more than 10 acres of land. Such facilities may be
14 freestanding, and may be located on an internal business district street, but shall not adjoin any street or
15 highway which provides access to the industrial area.

16 When in a building that is insulated sufficiently to prevent interior noise from reaching any neighboring
17 use.

18 For business related to the principal use.

19 In the R&D and LSC zones, no more than 50 percent of the gross floor area may be utilized for general
20 office use.

21 If in existence on June 26, 1989. Such use is not a nonconforming use and may be modified in accordance
22 with paragraph (c) Section 59-G.1.3.

23 Such uses must not include the storage of materials and goods associated with uses prohibited in the zone.
24 Where such uses abut residentially-zoned properties, they must be screened by a solid or sight-tight fence
25 not less than 6 feet in height. Stored materials cannot exceed the height of the fence within a setback area
26 equal to the required setback in the adjoining residential zone, and in no case can stored materials exceed
15 feet in height. This requirement is not applicable to quarries licensed under to Chapter 38 of the
Montgomery County Code.

Not including storage of materials and goods prohibited in this zone. Temporary outdoor storage must
comply with the requirements of subsection 59-C-5.434, "Enclosed Buildings and Temporary Outdoor
Storage."

Must not adjoin any street which provides the principal access to the principal use or uses served.

For use in connection with the operation of an establishment and primarily for employees.

Related to uses allowed in the zone.

A building materials and supplies use operating in the I-3 zone as of June 6, 1989, is not a non-conforming
use and may be expanded in accordance with the standards of the I-3 zone.

A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station.

In accordance with adult entertainment business restrictions as provided in Section 59-A-6.16.

Reserved.

Must comply with all County building and related codes. Application for a building permit must be
accompanied by a letter or other communication indicating that the State Department has been notified of
the proposed location.

In accordance with Section 59-A-6.13.

Refer to Sec. 59-A-6.14.

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- 27 Subject to the special exception standards of Sec. 59-G-2.54.2.
28 Preschool and kindergarten educational programs, subject to accreditation by the State, are permitted as an
accessory use.
29 In accordance with Section 59-C-5.23; and also operated for the convenience of hospital and clinic users.
30 Recycling construction or demolition debris is prohibited.
31 If in existence in this zone on February 9, 1998.
32 In a building existing in the I-1 zone as of May 25, 1998. Research facilities are not required.
33 A radio and television broadcasting station without a broadcast tower is a permitted use.

59-C-5.22. Prohibited uses.

The following heavy industrial uses, and others of a similar nature, are expressly prohibited.

- Arsenals.
- Blast furnaces.
- Boiler works.
- Distillation of bones.
- Dumps.
- Fat rendering.
- Forge plants.
- Grease, lard or tallow manufacturing or processing.
- Incinerators or reduction of dead animals, garbage or offal, except when operated or
licensed by a duly authorized public agency.
- Manufacture of any of the following:

- Acetylene.
- Ammonia, bleaching powder, chlorine.
- Asphalt.
- Celluloid or pyroxylin (or treatment thereof).
- Disinfectants
- Emery cloth and/or sandpaper.
- Explosives, fireworks or gunpowder.
- Fertilizers.
- Gas for illumination or heating.
- Glue, size or gelatin.
- Insecticides.
- Lampblack.
- Leather goods.
- Linoleum.
- Matches.

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Mortar, lime, plaster, cement, gypsum.
Oil cloth and/or oiled products.
Paint, oil, shellac, turpentine or varnish employing a boiling or rendering process.
Potash.
Rubber or products made therefrom.
Soap.
Shoeblacking or polish.
Soda or soda compound.
Acids or other corrosive or offensive substances.
Tar or tar roofing or water proofing or other tar products or distillation thereof.
Yeast, except as part of medical and biotechnical research and development.

Ore reduction.
Packing houses, including meat canning or curing houses.
Petroleum refining, or storage in more than tank car lots.
Rolling mills.
Smelting.
Tanning, curing or dyeing of leather, rawhides or skins, or storage of skins.
Wool pulling or scouring.

59-C-5.23. Retail sales and personal services.

Retail sales and personal services operating primarily for the convenience of employees of Industrial zones are permitted uses subject to the following limitations:

- (a) Such use must not be located in an industrially zoned area containing less than ten contiguous acres of land classified in industrial zones.
- (b) Such use must not occupy more than 5 percent of the total floor area of the buildings on a lot or group of contiguous lots in common ownership and control at the time of subdivision approval.
- (c) Such use must not front on or abut any street with a right-of-way of 70 feet or more unless the street is internal to the industrially zoned area. Such use, however, must **not** front on or abut any street with an existing or master planned right-of-way of 100 feet or more. All access to such use must be from interior streets within the industrially zoned area.