

# ATTACHMENT 1

Zoning Text Amendment No: 04-  
Concerning: A new Mixed-use Zone  
for the Olney Town Center  
Draft No. & Date: 1 – 12/09/04  
Introduced:  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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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:

- establishing a new Mixed-Use Town Center Zone to replace the existing zones in the Olney Town Center

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

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION
Section 59-A-2.1	“Definitions”
DIVISION 59-C-11.0	“MIXED-USE TOWN CENTER ZONE (MXTC)
ARTICLE 59-D	“ZONING DISTRICTS—APPROVAL PROCEDURES “

**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-A-2 is amended as follows**

2    DIVISION 59-A.2 DEFINITIONS AND INTERPRETATION

3    Sec. 59-A-2.1 Definitions

4  
5

\*   \*   \*

6    **Street wall:** A street wall is a wall or a portion of the façade of a building  
7    facing a street.

8

\*   \*   \*

9    **Sec. 2            DIVISION 59-C-11 is amended as follows:**

10

11    **DIVISION 59-C-11    [RESERVED] MIXED-USE TOWN CENTER**  
12    **ZONE (MXTC)**

13

14    **Sec 59-C-11.1            Purpose**

15

16    The purpose of the MXTC zone is to create compact, mixed-use town  
17    centers in shopping center locations. It is meant for both infill and new  
18    development with a variety of building types primarily oriented to pedestrian  
19    streets and public spaces. It is further the purpose of this zone to achieve the  
20    area master or sector plan’s goal of creating local town centers with at least  
21    one, but preferably more, street as the main street of the local community  
22    with buildings lined along the street front. The town centers may also  
23    include a major public open space and community-oriented uses including,  
24    but not limited to, library, services center, community rooms and other civic  
25    functions. Pedestrian connections should connect town centers to the  
26    surrounding residential areas.

27

28

1 **Sec 59-C-11.2 New construction, re-use of existing building,**  
2 **remodeling and reconstruction**

3  
4 Where an otherwise lawful structure or building existed in a zone other than  
5 this zone prior to (date of adoption of this zone), such existing structure or  
6 building is a conforming structure and may be continued, structurally altered  
7 for compliance with the health and building codes, repaired, renovated or  
8 enlarged for up to 10 percent of the gross building floor area or 10,000 sf,  
9 whichever is less. Any new construction, reconstruction of more than 10  
10 percent of the gross floor area or 10, 000 sf square feet, or complete  
11 demolition and replacement with new construction, of a lot will be subject to  
12 the controls of this zone.

13  
14 **Sec 59-C-11.3 Development procedures**

15  
16 Developments in this zone can be approved under either the standard method  
17 or the optional method of development.

18  
19 **(a) Standard Method**

20  
21 Standard method projects in this zone must comply with the Standard  
22 method development requirements as specified in this chapter. Standard  
23 method developments under this zone must be in compliance with the  
24 maximum density, maximum building height and required street wall  
25 recommendations of an applicable master or sector plan.

26

1 Standard method developments with a lot area of five acres or more, or  
2 developments including certain uses with more than 20,000 sf per  
3 establishment as specified in Sec 59-C.11.4, Permitted Uses, require  
4 approval of a site plan pursuant to Division 59-D-3. Site plan is also required  
5 for any modification of street wall requirements pursuant to Section 59-C-  
6 11.5.2 (4)

7  
8 **(b) Optional Method**

9  
10 Developments seeking densities higher than those permitted under standard  
11 method of development pursuant to Section 59-C-11.5 of this chapter must  
12 be approved under the optional method of development including a project  
13 plan under Division 59-D-2 and a site plan under Division 59-D-3.

14 Developments under the optional method of development must provide  
15 public use space and/or public facilities and amenities in accordance with the  
16 development standards of Sec 59-C-11.5.1. Optional method developments  
17 under this zone must also be in conformance with the recommendations of  
18 the local area master or sector plan.

19  
20 **Sec 59-C-11.4 Permitted uses**

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

22  
23 **-Permitted Uses.** Uses designated by the letter "P" are permitted on any  
24 lot in the zones indicated, subject to all applicable regulations.

1 -Special Exception Uses. Uses designated by the letters "SE" may be  
 2 authorized as special exceptions, in accordance with the provisions of  
 3 Article 59-G.

4  
 5 -Site Plan Review. Uses designated by the letters "SP" may be permitted  
 6 only with site plan review in accordance with Division 59-D-3

7  
 8

<b>Use Group</b>	
<b>(a) Residential:</b>	
<u>Single-family, multiple-family, group homes, live/work units, housing and related facilities for senior adults or persons with disabilities</u>	<u>P</u>
<u>Hotel or motel</u>	<u>P</u>
<b>(b) General Retail and Commercial:</b>	
<u>Retail stores, offices and professional services:</u>	
<u>Up to 20,000 gsf per establishment</u>	<u>P</u>
<u>More than 20,000 gsf per establishment</u>	<u>SP</u>
<u>Eating and drinking establishments</u>	<u>P</u>
<b>(c) Services</b>	
<u>Places of worship.</u>	<u>P</u>
<u>Educational institutions, non-profit service providers</u>	<u>P</u>
<u>Clinics, hospitals, child and adult day care, animal boarding places</u>	<u>P</u>
<b>(d) Cultural, Entertainment and Recreational:</b>	
<u>Indoor entertainment and recreation establishments such as private recreation centers, health clubs, theaters, and skating rinks:</u>	
<u>Up to 20,000 gsf per establishment</u>	<u>P</u>
<u>More than 20,000 gsf per establishment</u>	<u>SP</u>
<b>(e) Uses permitted by special exception</b>	
<u>Cable communications systems, Utility buildings and structures, and telecommunication towers and related facilities</u>	<u>SE</u>
<u>Gas stations, car wash, auto and truck rental, auto repair and service workshops, outdoor automobile sales</u>	<u>SE</u>
<u>Drive-in restaurants</u>	<u>SE</u>

<b>Use Group</b>	
Dry cleaning establishments with on-site processing	<u>SE</u>
Outdoor recreation (driving ranges, miniature golf, skating rinks)	<u>SE</u>

**Sec 59-C-11.5 Development standards**

Development standards applicable to the standard and optional method developments in this zone are indicated by the letters “S” and “O” as set forth in this section. Residential developments under both methods may increase the number of maximum permitted units to accommodate Moderately Priced Dwelling Units in accordance with the provisions of Chapter 25 A.

		<u>S</u>	<u>O</u>
<u>1</u>	<b><u>Maximum residential density (units/acre)</u></b>	<u>8</u>	<u>15</u>
<u>2</u>	<b><u>Maximum non-residential FAR</u></b>	<u>0.35</u>	<u>1.0</u>
<u>3</u>	<b><u>Maximum Building height (stories)</u></b>	<u>3</u>	<u>5<sup>1</sup></u>
<u>4</u>	<b><u>Minimum public use space</u></b>		
	<u>For lots of less than 20,000 sf, residential, non-residential, or mixed-use developments (percent of net lot area)</u>	<u>10%</u>	<u>10 %</u>
	<u>For lots of more than 20,000 sf:</u>		
	<u>Residential (lot area per unit)</u>	<u>200 sf</u>	<u>200 sf</u>
	<u>Non-residential (percent of net lot area)</u>	<u>10 %</u>	<u>20 %</u>
<u>5</u>	<b><u>Minimum required street wall</u></b>	<u>75 %</u>	<u>75 %</u>
<u>6</u>	<b><u>Building setbacks:</u></b>		
	<u>Minimum front setback (feet)</u>	<u>0</u>	<u>0</u>
	<u>Maximum front setback (feet)</u>	<u>10<sup>2</sup></u>	<u>10<sup>2</sup></u>
	<u>From an adjacent residential zone (feet)</u>	<u>20</u>	<u>20</u>

<sup>1</sup> Must not exceed any limitations in the master or sector plan.



1           <sup>2</sup> The Planning Board may allow a maximum front setback of larger than 10 feet if it finds that such  
2 front setback is needed for public use space or the development has more than one street frontage,  
3 and that such front setback would not disrupt the continuity of street walls on adjacent properties  
4 on the same street frontage. For corner lots or lots comprising entire block, the Planning Board  
5 may establish which sides would be subject to street wall requirements during the site plan review  
6 based on a layout that best achieves the objective of creating pedestrian oriented streets.  
7

8  
9       Sec 59-C-11.5.2           Street wall requirements

- 10  
11           1.     Developments in this zone must provide at least one street wall  
12 for a minimum of 75 percent of the lot frontage. The street wall  
13 must be located within 10 feet of: 1) the front lot line or; 2) the  
14 public use space along a street. If the local area master plan  
15 recommends a location and a minimum height for such street  
16 wall, the required street wall should be provided in accordance  
17 with those recommendations subject to paragraph 4 and 5  
18 below.
- 19  
20           2.     The ground floor portion of any street wall in a non-residential  
21 development must have display windows and principal  
22 entrances to stores and retail establishments from the adjoining  
23 sidewalk or public use space. Off-street parking structures, if  
24 located along required street walls, must have retail or other  
25 pedestrian-oriented uses at the ground floor level fronting the  
26 street with direct access to the sidewalk or a public use space.
- 27  
28           3.     The Director of the Department of Permitting Services may  
29 reduce the minimum 75 percent street wall requirement for  
30 smaller lots if it can be demonstrated that no other street

1 frontage or feasible alternative is available to the subject lot, or  
2 that a strict application of street wall requirement will preclude  
3 the development from having a driveway access to the street.  
4 The reduction should be minimum needed to allow one  
5 driveway access to the lot. Any other reduction or change in the  
6 street wall requirement must be subject to a site plan review and  
7 approval by the Planning Board.

- 8
- 9 4. The Planning Board may modify street wall requirements  
10 including the location or the minimum length of a required  
11 street wall, as specified in this zone or as recommended in the  
12 local area master plan or sector plan through the site plan  
13 review process pursuant to Division 59-D-3 if deemed  
14 appropriate and desirable to achieve the objectives of the master  
15 or sector plan.

16

17 **Sec 59-C-11.6 Off-Street Parking**

- 18
- 19 (a) Except as modified in this section, required off-street parking must be  
20 provided pursuant to Article 59-E. and off-street parking spaces for  
21 mixed-use projects must be provided pursuant to Sec. 59-E 3.1.
- 22
- 23 (b) Off-street parking for two or more properties may be grouped to serve  
24 more than one lot or establishment pursuant to Section 59-E-3.4 and  
25 may be eligible for reduction in required number of spaces pursuant to  
26 Section 59-E. 3.1.
- 27

1 **Sec 59-C-11.6.1 Internal connection between parking lots**

2  
3 All new developments pursuant to this zone must provide for a  
4 pedestrian and vehicular connection to existing and proposed parking  
5 areas on at least one adjoining lot. The Director or the Planning Board  
6 may grant a waiver if the applicant demonstrates that compliance with  
7 this requirement would preclude the subject lot from meeting the off-  
8 street parking requirements on site.

9  
10 \* \* \*

11 **Sec. 3. Article 59-D is amended as follows:**

12  
13 **ARTICLE 59-D. ZONING DISTRICTS—APPROVAL**  
14 **PROCEDURES.**

15 **INTRODUCTION**

16  
17 \* \* \*

- 18 (a) In certain zones, the developer must submit plans for approval, and  
19 development must be consistent with the approved plans. Article 59-  
20 C indicates under each zone which, if any, of these plans are required.  
21 These plans are of 4 kinds, as follows:

22 \* \* \*

- 23 (2) **Project plan for optional method of development.** This type  
24 of plan applies [only] in the 6 “CBD” zones, the RMX zones  
25 and the MXTC zone. It is similar to a development plan,  
26 except that it is not a requirement for the approval of a rezoning

1 application but a precondition for the use of the optional  
 2 method of development. (See [d]Division 59-D-2.)

3 \* \* \*

4 The following table is provided for the convenience of the public,  
 5 citing the appropriate sections of Article 59-C and indicating the type  
 6 of plans required in each zone. In the event of any conflict between  
 7 this table and the provisions of Article 59-C, the latter must govern.

8  
 9 Plan Approvals Required

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
R-200	59-C-1.63			M	
R-150				M	
R-90				M	
R-60				M	
R-40				M	
R-T 6.0				X	
R-T 8.0				X	
R-T 10.0				X	
R-T 12.5				X	
R-T 15.0				X	
R-4 plex		X		X	
R-30				M	
R-20				M	

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
R-10				M	
R-H				X	
R-MH		X		X	
C-T				X	
O-M				X	
C-O				H	
C-P				X	
C-2				E	
C-3				X	
C-4				O	
C-6				X	
H-M				X	
C-Inn		X		X	
I-1				H	
I-3				X	
I-4				O	
LSC				X	
R&D				O	
RS				X	
RNC				O	
LDRCDZ				X	

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
<i>Standard Method</i>					
- CBD-0.5				M	
- CBD-R1				M	
- CBD-R2				M	
- CBD-1				M	
- CBD-2				M	
- CBD-3				M	
- RE-2/TDR				M	
- RE-2C/TDR				M	
- RE-1/TDR				M	
- R-200/TDR				M	
- R-150/TDR				M	
- R-90/TDR				M	
- R-60/TDR				M	
- RMX-1				M	
- RMX1/TDR				M	
- RMX-2				M	
- RMX-2/TDR				M	
- RMX-3				M	
<u>MXTC</u>	<u>Sec 59-C.</u> <u>11.3 (a)</u>			<u>Required for certain uses and developments of</u>	

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
				<u>more than 5 acres</u>	
<i>Optional Method</i>					
- RMX-3/TDR				M	
- CBD-0.5			X	X	
- CBD-R1			X	X	
- CBD-R2			X	X	
- CBD-1			X	X	
- CBD-2			X	X	
- CBD-3			X	X	
- RE-2/TDR				X	
- RE-2C/TDR				X	
- RE-1/TDR				X	
- R-200/TDR				X	
- R-150/TDR				X	
- R-90/TDR				X	
- R-60/TDR				X	
- RMX-1			X	X	
- RMX-1/TDR			X	X	
- RMX-2			X	X	
- RMX2/TDR			X	X	
- RMX-2C			X	X	

Zone	Section Number	Development Plan (Division 59-D-1)	Project Plan Optional Method (Division 59-D-2)	Site Plan (Division 59-D-3)	Diagrammatic Plan (Division 59-D-4)
- RMX-3			X	X	
- RMX-3/TDR			X	X	
- RMX-3C			X	X	
<u>MXTC</u>			<u>X</u>	<u>X</u>	
P-D	59-C-7.19	X		X	
MXN	59-C-7.79			X	X
MXPD		X		X	
Town Sector		X		X	
Planned Neighborhood		X		X	
P-R-C		X		X	
PCC		X		X	
TS-R		X		X	
TS-M		X		X	
M-R-Rec.		X		X	

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- X- Required.
- M- Required only if optional regulations for MPDUs are used.
- H- Required only if over 3 stories or 42 feet in height.
- N- Required only if development exceeds FAR 0.25.
- O- Required only for optional method of development.
- E- Required only for additional height in accordance with subsection 59-C-4.351.

\* \* \*



1 **DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF**  
2 **DEVELOPMENT, CBD ZONES, [AND] RMX ZONES AND MXTC**  
3 **ZONE.**

4  
5 **Sec. 59-D-2.0 Zones enumerated.**

6  
7 The Planning Board is authorized to approved development under the  
8 optional method of development procedures described in Section 59-C-11 of  
9 the CBD zones, Section 59-C-10 of the RMX Zones, Section 59-C-11 of the  
10 MXTC Zone and the approval procedure set forth in this Division, for the  
11 following zones:

12

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\* \* \*

14

15 MXTC-Mixed-Use Town Center