

ATTACHMENT 1

Zoning Text Amendment No: 05-01
Concerning: Special Exception standards
for non-resident professional offices in the
R-90 zone
Draft No. & Date: 1 – 1/18/05
Introduced: January 18, 2005
Public Hearing: March 8, 2005; 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: Councilmember Denis

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

- allowing a nonresidential professional office by special exception in the R-90 zone; and
- making technical, stylistic, and conforming changes throughout the nonresidential office special exception section.

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”
DIVISION 59-G-1	“SPECIAL EXCEPTIONS, VARIANCES AND NONCONFORMING USES”
Section 59-G-2.38	“Offices, professional, nonresidential”

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-C-1 is amended as follows:

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

* * *

59-C-1.31. Land uses.

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4plex	RMH 200
(d) Services.										
* * *										
Offices, professional, nonresidential. ⁴⁴						<u>SE</u>	SE			
* * *										

⁴⁴ If designated as being suitable for nonresidential profession offices [on] in an approved and adopted master or sector plan or classified in the R-90 zone and designated as historic in the Master Plan for Historic Preservation

Sec.2. Division 59-G-1 is amended as follows:

DIVISION 59-G-1. SPECIAL EXCEPTIONS, VARIANCES AND NONCONFORMING USES.

* * *

59-G-2.38. Offices, professional, nonresidential.

An existing single-family structure may be used for professional office purposes by any member or members of a recognized profession, such as a doctor[s], lawyer[s], architect[s], accountant[s], engineer[s], veterinarian[s], but not including the following:

- (a) a medical, dental or veterinarian clinic[s]
- (b) an in-patient treatment facility[ies]
- (c) a general business office[s], such as [the] [offices of] an insurance [companies] company office, a trade association[s], a manufacturing

[companies] company, an investment [concerns] company, a bank[s],
or a real estate [companies] company.

The property must be:

- (a) located in a central business district that is designated as being suitable for the transit station-residential (TS-R) zone on an approved and adopted sector plan; [or,]
- (b) designated as [being] suitable for a nonresidential professional office[s] in the R-60 zone on an approved and adopted master or sector plan and [is] located along a [major] highway with an existing right-of-way width of [no less than] at least 90 feet or along [that] a portion of an arterial road designated as a boundary of a [central business district] Central Business District; or
- (c) located in the R-90 zone and:
 - (1) designated as historic in the Master Plan for Historic Preservation;
 - (2) located along a highway with an existing right-of-way of at least 120 feet; and
 - (3) contain a structure formerly used for nonresidential purposes.

The Board must find that the property [meets the following criteria]:

- (a) [Such use] will not constitute a nuisance because of traffic or physical activity;
- (b) [Such use] will not affect adversely the use and development of any adjacent [properties] property;
- (c) [A minimum of] will have at least 25 percent of the lot area [shall be] devoted to green area;

49 [(d) The board may allow the exterior of the premises to be changed,
50 altered or modified provided the single-family character and the basic
51 residential appearance of the building is retained.]

52 The Board may allow the exterior of the premises to be changed, altered or
53 modified provided the single-family character and the basic residential appearance
54 of the building are retained.

55 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
56 date of Council adoption.

57

58 This is a correct copy of Council action.

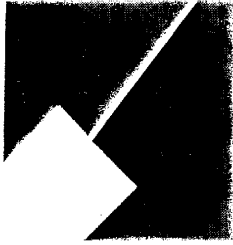
59

60 _____

61 Elda M. Dodson, CMC

62 Acting Clerk of the Council

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

February 18, 2005

TO: Greg Russ, Development Review

FROM: Marilyn Clemens, Community Based Planning Division *MC*
Bethesda-Chevy Chase Team

SUBJECT: Zoning Ordinance Text Amendment TA 05-01
Non-Resident Professional Offices in the R-90 Zone

RECOMMENDATION: APPROVAL

The proposed text amendment would not have a negative impact on the Bethesda-Chevy Chase Master Plan, Bethesda Central Business District (CBD), or Friendship Heights CBD Sector Plan areas. It will instead help facilitate the reuse of existing structures, which predate the master plans, in a creative way. Of the R-90 sites located along wide roadways, many are no longer attractive for residential because of roadway impacts.

MC:tv: G:/Clemens/zta5yc.doc



February 17, 2005

MEMORANDUM

TO: Greg Russ, Zoning Coordinator
Development Review Division

FROM: Gwen Wright, Historic Preservation Supervisor
Countywide Planning Division

SUBJECT: Zoning Text Amendment #05-01

Historic preservation staff supports Zoning Text Amendment #05-01 and recommends that the Planning Board support this legislation as it is considered by the Montgomery County Council.

The purpose of this amendment is to allow, by special exception, a nonresidential professional office in the R-90 zone **if** the structure in question was formerly used for a nonresidential purpose, is on the *Master Plan for Historic Preservation*, and is along a highway with a right-of-way of at least 120 feet.

Although this amendment will potentially affect a very small number of properties in the county, it will allow for the adaptive reuse of one very important structure: the Sycamore Store on MacArthur Boulevard. The Sycamore Store has been nominated by the owner for historic designation on the *Master Plan for Historic Preservation* and has been recommended for designation by the HPC and the Planning Board.

This building, for most of its life, served as a commercial establishment which was a landmark in the surrounding community. However, it was never zoned commercially. It is always desirable for historic buildings to be put to a new use that as closely approximates its original use as possible. Thus, it is very appropriate for the Sycamore Store to be rehabilitated for a nonresidential use. Indeed, staff believes that it would be very difficult to preserve the Sycamore Store building strictly as a residence – it is small and the interior does not have a typical residential floor plan.

In this case, there is a private owner who wishes to preserve a historically commercial building for an appropriate new use and, through these actions, will maintain an important part of the county's history. Staff believes that there is a great public interest in assisting in the achievement of these goals and that the proposed text amendment is an appropriate mechanism for this effort.