

BEFORE READING BEHIND  
 READ AND UNDERSTAND THE REQUIREMENTS  
 OF CONSTRUCTION ON YOUR  
 APPROVED SEDIMENT CONTROL  
 PLAN

**LEGEND**

EXISTING IMPROVEMENTS  
 (AS SHOWN ON THE  
 DATE OF SURVEY)  
 PROPOSED IMPROVEMENTS  
 (AS SHOWN ON THE  
 DATE OF SURVEY)

**FOR SEDIMENT CONTROL ONLY**

THIS UTILITY  
 IS NOT TO BE CONSIDERED AS A PART OF THE  
 SEDIMENT CONTROL PLAN. IT IS THE RESPONSIBILITY  
 OF THE UTILITY COMPANY TO MAINTAIN AND REPAIR  
 THIS UTILITY IN ACCORDANCE WITH THE  
 REQUIREMENTS OF THE MONTGOMERY COUNTY  
 DEPARTMENT OF PUBLIC WORKS.

**MONITORING POINTS**

NO.	LOCATION	DATE	RESULTS
1	UPSTREAM OF THE SITE		
2	AT THE ENTRANCE TO THE SITE		
3	AT THE ENTRANCE TO THE BORROW AREA		
4	AT THE ENTRANCE TO THE STORM SEWER		
5	AT THE ENTRANCE TO THE STORM SEWER		
6	AT THE ENTRANCE TO THE STORM SEWER		
7	AT THE ENTRANCE TO THE STORM SEWER		
8	AT THE ENTRANCE TO THE STORM SEWER		
9	AT THE ENTRANCE TO THE STORM SEWER		
10	AT THE ENTRANCE TO THE STORM SEWER		

FOR THE USE OF THE USER OF THIS PLAN, THE USER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND THE PUBLIC HEALTH AND SAFETY. THE USER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND THE PUBLIC HEALTH AND SAFETY. THE USER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ENVIRONMENT AND THE PUBLIC HEALTH AND SAFETY.



**SEDIMENT CONTROL PLAN - OVERALL  
 PHASE 2 - BORROW AREA  
 CLARKSBURG TOWN CENTER  
 CLARKSBURG (CD) ELECTION DISTRICT  
 MONTGOMERY COUNTY, MARYLAND**

**CPJ**  
 Associated

Charles F. Johnson & Assoc  
 PLANNING - ENGINEERING - LANDSCAPE ARCHITECTURE  
 10000 WOODBURN AVENUE, SUITE 100  
 CLARKSBURG, MD 20841  
 (301) 441-1100

## Minimum Building Setbacks per Section 59-C-10.3.8.

Setbacks shown reflect a 50% reduction as previously approved by Planning Board during Project Plan and Preliminary Plan for this Development.

1. From one-family residential zoning 50'
2. From residential zoning other than one-family 15'
3. From any street 10'

**8-90001**

## Minimum Lot, Yard and Height Requirements for Residential Lots - modification per Section 59-C-10.3.8. of the Zoning Ordinance:

	Single Family Detached	Townhomes	Courtyard Townhomes	Multi-Family
Net Lot Area in Square Feet	4,000	1,120	950	N/A
Front Yard Min.	10'	10'	10'	10'
Lot Width Min. at Street Line	25'	16'	20'	N/A
Lot Width Min. at Building Line	40'	16'	20'	N/A
Rear Yard Min.	25'	20'	6'	10'
Side Yard Min.				
One	0'	0'	0'	10'
Both	8'	0'	0'	20'
Min. Space Btwn End Buildings	N/A	* 20/4'	* 20/4'	30'
Maximum Height	35'	35'	35'	45'

\* MID-BLOCK SEPERATION BETWEEN END UNITS MAY BE REDUCED TO 4'.

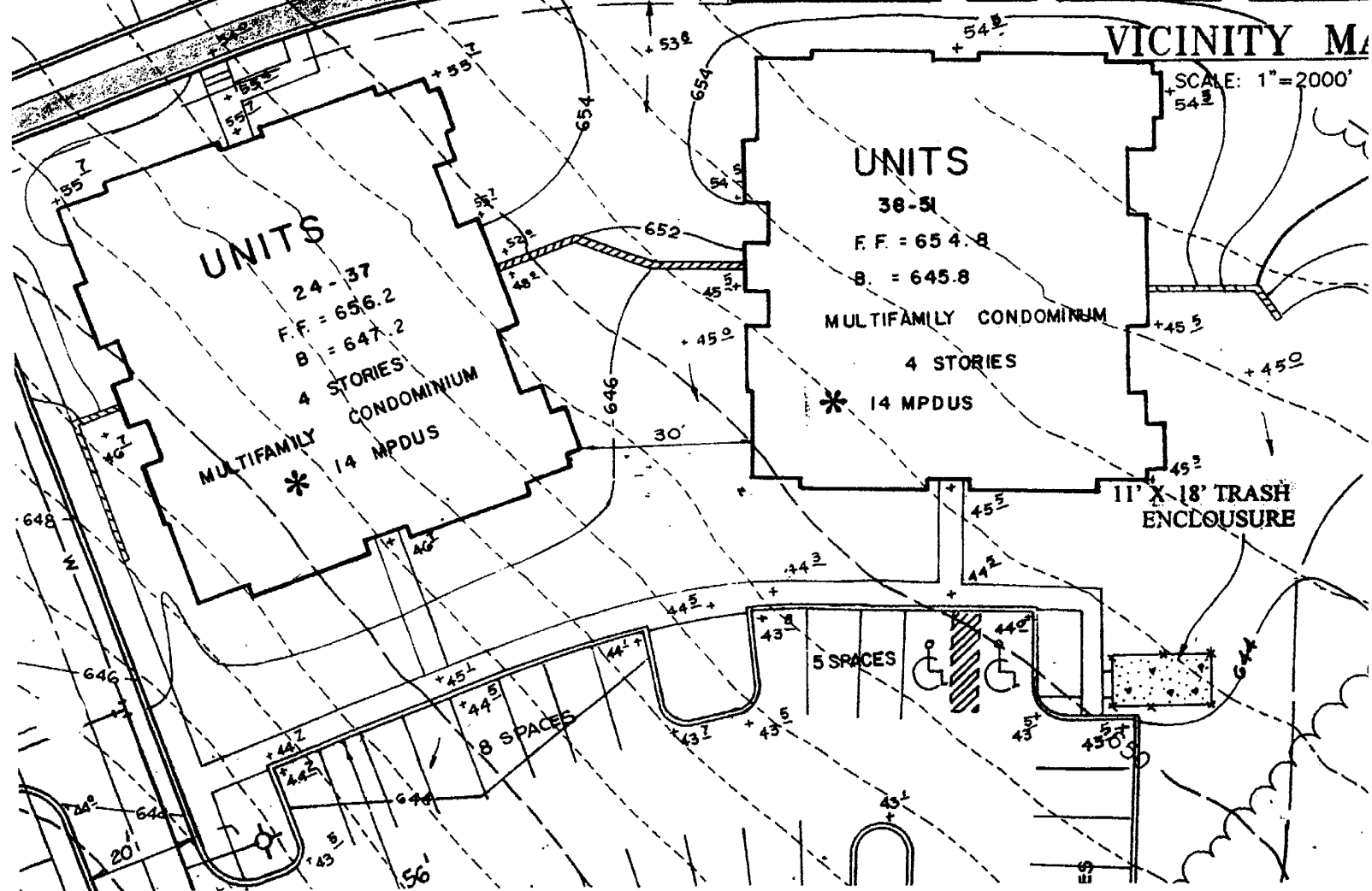
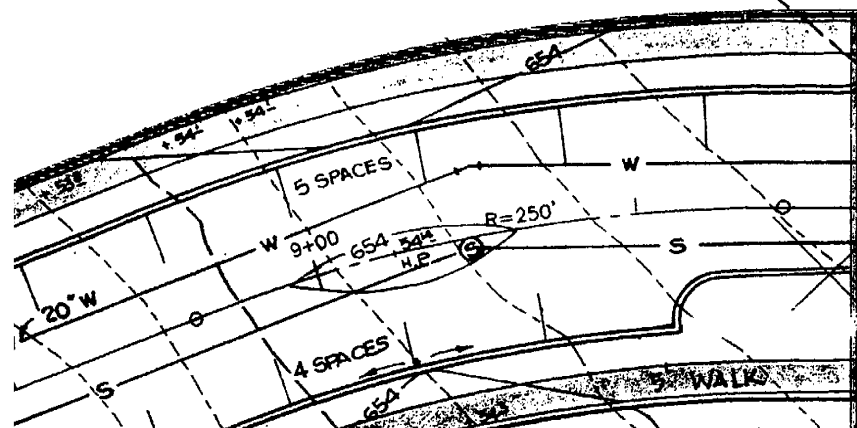
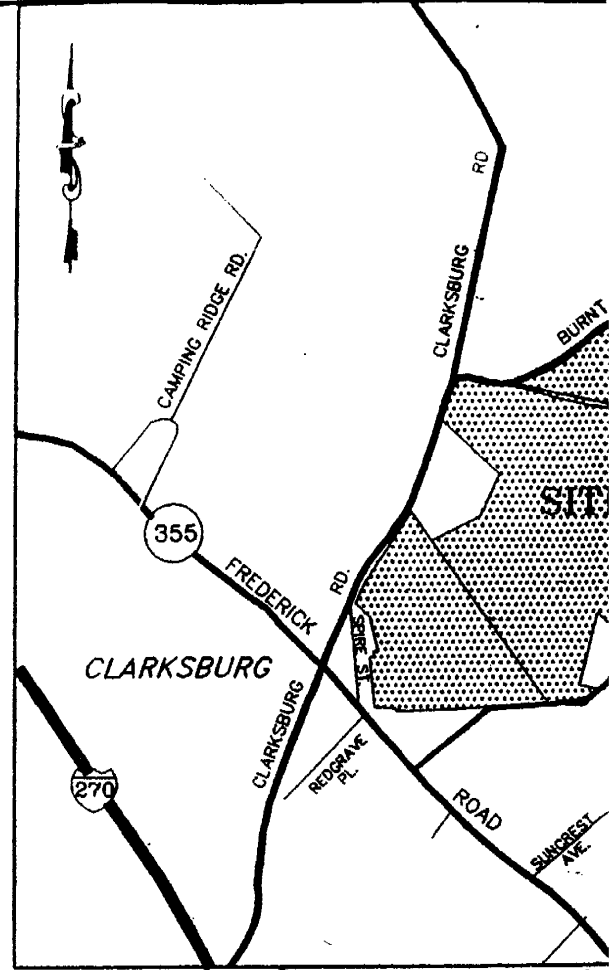
## Residential On-Site Accessory Buildings/Lot Standards:

1. Coverage (maximum percentage of yard.) 50%
2. Setback (minimum in feet - inside lot):  
from front street line 60'

# 8-98001

Plan views  
label buildings  
as 4 stories.

MATCH LINE - SEE SHEET 2



8-98001 A & 8-98001 B

- staff leave approval revised to conform per condition #

MINIMUM BUILDING SETBACKS per SECTION 59-C-10.3.8

Setbacks shown reflect a 50% reduction as previously approved by the Planning Board during Project Plan and Preliminary Plan for this Development

- 1. From one-family residential zoning 50'
- 2. From residential zoning other than one-family 15'
- 3. From any street 10'

Minimum Lot Requirements for Residential Lots - modification per Section 59-c-10.3.8 of Zoning Ordinance

	SFD	TH's	Courtyard TH's	Multi-Family
Lot Area	4000 sqft	1120 sqft	950 sqft	NA
Front Yard	10'	10'	10'	10'
Lot Width @ Street	25'	16'	20'	NA
Min. Lot Width @ Bldg. line	40'	16'	20'	NA
Rear Yard	25'	20'	6'	10'
Side Yard	0'/8'	0'	0'	10'/20'
Min. space between End Bldgs.	NA	*20'/4'	*20'/4'	30'
Max. Height	<del>4 stories</del>	<del>4 stories</del>	<del>4 stories</del>	<del>4 stories</del>

\* Mid-block separation between end units may be reduced to 4'.

Residential Accessory Buildings/Lot Standards

- 1. Coverage (Max. percentage of Lot) 50%
- 2. Setback (Inside Lot)
  - From Front Street Line 60'
  - From Side/Rear Lot Line 0'
  - From Alley Line 0'
- Setback(Corner Lot)
  - From Side Street (Where abutting Lots Front) 10'
  - From Side Street (Where abutting Lots do not Front) 10'
  - From Rear Lot Line 0'
- Max. Height 27'

RESIDENTIAL ANALYSIS - PHASE 1B/PART TWO

BLOCK	SINGLE FAMILY DETACHED							SINGLE FAMILY ATTACHED-ALLEY					
	32'	40'	50'	60'	65'	70'		18'	20'	22'	24'	28'	20' in
C	6	15	1	0	0	0		6	0	12	0	0	0
D	4	5	0	0	0	0		6	0	12	13	0	6
E	4	1	0	0	0	0		0	0	0	0	19	5
Sub Total	14	21	1	0	0	0		12	0	24	13	19	11
Totals							36						

			“necessary elements” of development for Clarksburg Town Center.
Preliminary Plan	Planning Board Approved – March 26, 1996	<p>Background: “...the underlying development authority, Project Plan #9-94004, was approved by the planning board on May 11, 1995, after two prior planning board meetings (held on April 6 and 20, 1995). The record for the preliminary plan #1-95042 specifically includes the records from those prior hearings...</p> <p>Therefore, the planning board approves the plan. The approval is subject to the following conditions: ... #14. “Preliminary plan #1-95042 is expressly tied to and interdependent upon the continued validity of Project Plan #9-94004. <b>Each term, condition and requirement set forth in the Preliminary Plan and Project Plan are determined by the Planning Board to be essential components of the approved plans and are therefore not automatically severable.</b>”</p>	<p>The Planning Board itself determined all conditions, findings, or “requirements”, as outlined in the Project Plan to be “essential components” of the approved plans and “NOT automatically severable.” Therefore, the data sheet containing height definitions of 45’ for residential and 50’ for commercial can neither be ignored at Site Plan approval, nor arbitrarily over-ridden by any member of the M-NCPPC staff or by the developer. (See definition of “Minor Amendment” under Zoning Ordinance #59... Removing the height definitions would NOT be considered a Minor Amendment – i.e. not allowable without amendment hearing.)</p>
Montgomery County Zoning Ordinance #59	Various dates of acceptance/ amendment	<p>59-C-10.2 Methods of Development 2. Optional Method of Development – Under this method, general commercial uses and higher density residential uses are allowed in the RMX zone provided they are in accordance with the provisions of Section 59-C-10.3 as well as the density, <i>numerical limitations</i> and other guidelines contained in the applicable Master Plan approved by the district Council. In addition, a Project Plan and Site Plan must be approved by the Planning Board.</p> <p>59-C-10.3 Optional Method of Development Regulations – This optional method of development accommodates mixed use development comprised of planned retail centers and residential uses at appropriate locations in the County. <i>This method of development is a means to encourage development in accordance with the recommendations and guidelines of approved and adopted Master</i></p>	<p>The Optional Method of Development, is the option under which CTC is zoned for RMX2 development. This option explicitly requires adherence to the Master Plan/Project Plan and Site Plans in accordance with the Project Plan.</p> <p>According to 59-C-10.2, #2, under the Optional Method of Development, the commercial uses and higher density residential uses are allowed only provided that they are in accordance with “<i>numerical limitations</i>” and guidelines of the plans approved.</p> <p>59-C-10.3 states that the Optional Method of Development is a “means to encourage development in accordance with” recommended guidelines. (Clearly shows the intent to regulate development under “Optional Method” vs. leaving development open to interpretation under general</p>

D

		<p>conditions associated with the plan <i>that does not entail matters that are fundamental determinations assigned to the Planning Board.</i> A minor amendment is an amendment that <i>does not alter</i> the intent, objectives, or <i>requirements expressed or imposed by the Planning Board</i> in its review of the Plan. A minor amendment may be approved, in writing, by the Planning Board staff. Such amendments are deemed to be administrative in nature and concern only matters that are not in conflict with the Board's prior action.</p> <p><b>59-D-3.6 Failure to Comply</b> If the Planning Board finds for any plan approved under this section on its own motion or after a complaint is filed with the Planning Board or the department that any of the terms, conditions or restrictions upon which the site plan was approved are not being complied with, the Planning Board after due notice to all parties concerned, and a hearing, may revoke its approval of the site plan or approve a plan of compliance which would permit the applicant to take corrective action to comply with the site plan... The Planning Board may revoke its approval of the site plan or take other action necessary to ensure compliance, including imposing civil fines, penalties, stop work orders and corrective orders under Chapter 50... Upon decision by the Planning Board to revoke approval of a site plan, any applicable building permits and use and occupancy permits issued pursuant to a prior Planning Board approval are hereby declared invalid.</p>	<p>Wynn were to position this as a "Minor Amendment" there is no documentation – i.e. approval "in writing by the Planning Board staff" to support that as a deliberate action by the Planning Board staff.)</p> <p>If the site plan, as confirmed by M-NCPPC staff members (Michael Ma, Wynn Witthans, Rose Krasnow), merely showed "4 stories" as the height notation for the buildings in question, even as approved by the Planning Board, it still does not authorize those "4 stories" to exceed the height limitations as defined within the Project Plan findings and approved by the Planning Board. Under the "Optional Method of Development" the Developer is still obligated to ensure that the "4 stories" comply with the conditions and findings of the Project Plan. The Planning Board is also obligated to enforce those conditions and findings.</p>
<p>Site Plan Review (Wynn Witthans' - Staff Report submission &amp; Planning Board Opinion)</p>	<p>Planning Board Opinion - January 22, 1998</p>	<p>Site Plan Review: Staff Recommendation; Proposal</p> <p>Findings for Site Plan review (Page 35):  "#1 Site Plan is consistent with the Project Plan approved for this site utilizing the RMX2 optional method of development. (See discussion above.)  #2 The Site Plan meets all of the</p>	<p>This is the excerpt from the Staff Report prepared by Wynn Witthans and presented to the Board for approval of the Phase 1 Site Plan.</p> <p>*Within Wynn's Staff Opinion, submitted as part of the site plan review documentation for the Board, is a data table that varies from the data table included in</p>

D

**8-98001 C**

N/A

Staff Level Approval  
 no wt stated in chart  
 types of bldg - not above 4 stories

GRAPHIC SCALE



( IN FEET )  
 1 inch = 30 ft.

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	SFD	TH's	Courtyard TH's	Multi-Family
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Front Yard	10'	NA	NA	10'
Lot Width @ Street	25'	16'	20'	NA
Min. Lot Width @ Bldg. line	40'	16'	20'	NA
Rear Yard	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
Side Yard	3'	0'	0'	10'/20'
Min. space between End Bldgs.	NA	6	6	30'

\* Mid-block separation between end units may be reduced to 4'.

Residential Accessory Buildings/Lot Standards

- 1. Coverage (Max. percentage of Lot) 50%
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