



MCPB
Item #5
3/9/06

DATE: March 3, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To clarify the motor vehicle off-street parking standards for lots reclassified from the R-200 zone to the RE-1 zone, provide an amortization period for certain uses on certain lots

TEXT AMENDMENT: No. 06-06
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Praisner
INTRODUCED DATE: February 7, 2006
PLANNING BOARD REVIEW: March 9, 2006
PUBLIC HEARING: March 14, 2006; 1:30 p.m.

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To clarify the motor vehicle off-street parking standards for lots reclassified from the R-200 zone to the RE-1 zone, provide an amortization period for certain uses on certain lots

BACKGROUND/ANALYSIS

The RE-1 zone allows off-street parking of various motor vehicles that either are not permitted or are permitted in a limited capacity in the R-200 zone (Footnote 11 in the land use table). These include: farm vehicles and farm machinery for agricultural use (permitted in the R-200 zone); the parking of three commercial vehicles and one unoccupied recreation vehicle on any lot at any one time (only one commercial

vehicle—meeting several height, weight and length requirements--permitted on R-200 property); and the parking of one recreation vehicle used for dwelling purposes for not more than three days in a month (one recreational vehicle may be parked in the R-200 zone—however, it cannot be used for dwelling purposes for more than 3 days in a month). The applicable off-street parking regulations for the R-200 zone are listed in Footnote 12 of the land use table (Attachment 2).

According to County Council staff, the major reason for the text amendment stems from the parking of more than one commercial vehicle on lots zoned RE-1 that previously were zoned R-200. Lots were reclassified to RE-1 from R-200 (as part of a Sectional Map Amendment-SMA) but the lot sizes remained those of the R-200 zone (a minimum 20,000 square feet). As such, the lots are too small to accommodate the off-street motor vehicle capacity as permitted in the RE-1 zone. The zoning text amendment addresses this issue by not applying the current off-street motor vehicle parking provisions of Footnote 11 to property rezoned from R-200 to RE-1 if the site does not meet the minimum lot size requirement of the RE-1 zone. Instead, the lot would be subject to the motor vehicle off-street parking provision in effect for the lot before the lot was reclassified from R-200 to the RE-1 zone.

The second part of the proposal sets up an amortization period of one year from the effective date of Council approval of the text amendment for existing properties that were reclassified from R-200 to RE-1 that do not conform to the new provisions. At the one-year time limit, the use of the lot must be brought into conformance with the new provision or cease to operate.

Staff acknowledges that there are sometimes unintended impacts that result through implementation of master plan or sector plan recommendations. This is one of those instances. Staff is in agreement with the proposed strategy to minimize the consequences by requiring that the off-street parking standards that were in place prior to the rezoning to RE-1 be re-instated within a one-year period of adoption of the text amendment.

RECOMMENDATION

Staff recommends approval of the proposed text amendment as submitted.

Attachment 1 depicts the proposed text amendment as submitted.

GR

Attachments

1. Proposed Text Amendment 06-06
2. Footnote 12 of Section 59-C-1.31

ATTACHMENT 1

Zoning Text Amendment No: 06-06
Concerning: Off-street parking – RE-200
and RE-1 zones
Draft No. & Date: 2 – 1/18/06
Introduced: February 7, 2006
Public Hearing: March 14, 2006; 1:30 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**

By: Councilmember Praisner

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

- clarifying the motor vehicle off-street parking standards for lots reclassified from the R-200 zone to the RE-1 zone,
- providing an amortization period for certain uses on certain lots; and
- generally amending the provisions for off-street parking of motor vehicles.

By amending the following section 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”

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-1 is amended as follows:**

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

3 * * *

4 **59-C-1.31. Land uses.**

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	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
(b) Transportation, communication and utilities.										
* * *										
Parking of automobiles, off-street, in connection with commercial uses.	P ³⁹	P ³⁹	P ³⁹	P ^{39,43}	42	42	SE	SE		SE
Parking of motor vehicles, off-street, in connection with any use permitted in the zone.	P ^{11,13}	P ¹¹	P ¹¹	P ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²
Pipelines, aboveground.	SE		SE	SE	SE	SE	SE	SE	SE	SE

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7 * * *

8 11 Including farm vehicles and farm machinery for agricultural use. Not more
9 than 3 commercial vehicles and not more than one unoccupied recreation
10 vehicle may be parked on any lot at any one time. One additional recreation
11 vehicle may be used on a lot for dwelling purposes for not more than 3 days
12 in any month. A tow truck is not permitted to park with a disabled car
13 attached. The provision for parking motor vehicles off-street in connection
14 with any use permitted in the RE-1 zone does not apply to a lot reclassified
15 from the R-200 to the RE-1 zone that does not meet the minimum lot size
16 requirement of the RE-1 zone. A lot reclassified from the R-200 to the RE-1
17 zone that does not meet the minimum lot size requirement of the RE-1 zone
18 is subject to the motor vehicle off-street parking provision in effect for the
19 lot before the lot was reclassified from the R-200 to the RE-1 zone. To
20 provide for a reasonable period of amortization, the use of a lot reclassified

21 from the R-200 to the RE-1 zone that does not conform to this provision
22 may continue to operate for one year following (the effective date of this
23 ZTA). On that date, the use of the lot must be brought into conformity with
24 this provision or cease to operate.

25

26 * * *

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

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30 This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

ATTACHMENT 2

- 12 Including farm vehicles and farm machinery for agricultural use. One commercial vehicle may be parked on any lot or parcel provided the vehicle meets all the following: (1) 10,000 pounds or less gross vehicle weight, (2) 19 feet or less in length measured from the extremes of the vehicle or load, or (3) 8 feet or less in height including racks needed for materials. A tow truck is not permitted to park with a disabled car attached. One recreation vehicle may be parked on a lot or parcel, however it must not be used for dwelling purposes for more than 3 days in any month. Up to three commercial vehicles owned or operated by the resident of the property may be parked on any lot or parcel in the RMH-200 zone, provided: (1) the lot or parcel used to park commercial vehicles is at least one acre in size; (2) the commercial vehicles are parked in the rear yard of the lot or parcel; and (3) use of the lot or parcel to park commercial vehicles was established before October 23, 2000.