

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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**MCPB
Item #13
7/13/06**

DATE: July 5, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief, Development Review *RK*
Carlton Gilbert, Zoning Supervisor
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To allow a florist business in the O-M (Moderate Intensity-Office) zone, under certain circumstances; and generally to amend provisions related to the O-M zone

TEXT AMENDMENT: No. 06-19
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: Councilmember Knapp
INTRODUCED DATE: January 31, 2006
PLANNING BOARD REVIEW: July 13, 2006
PUBLIC HEARING: July 18, 2006, 1:30 p.m.

STAFF RECOMMENDATION: APPROVAL

PURPOSE OF THE TEXT AMENDMENT

To allow a florist business in the O-M (Moderate Intensity- Office) zone, under certain circumstances; and generally to amend provisions related to the O-M zone

BACKGROUND

Councilmember Knapp is sponsoring this zoning text amendment to allow a florist as accessory to a principal use in an O-M. The sponsor further limits the scope of the use to a maximum of 1,000 square feet.

ANALYSIS

The proposed text amendment language is as follows:

59-C-4.2. Land uses.

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
<i>Feed and grain, storage and sales.</i>						P	P					
<i>Florist[s].</i>	<i>SE^{15,20}</i>	<i>P*</i>			P	P		P		P		
* * *												

* Must not exceed 1,000 square feet of floor area of the building and only if the use is not the principle use.

As stated above, the text amendment limits the scope of the use in the O-M zone to an accessory use to the main use of an office building and limits it in size to no more than 1,000 square feet.

The purpose of the O-M zone is to provide locations for moderate-intensity office buildings in areas outside of central business districts. It is intended that the O-M zone be located in areas where high-intensity uses are not appropriate, but where moderate intensity office buildings will not have an adverse impact on the adjoining neighborhood. This zone is not intended for use in areas which are predominantly one-family residential in character.

A limited application of a florist land use would not constitute a high intensity use in an office building. Currently a newsstand is considered an appropriate accessory use in an office building (with no size limitation) as long as no direct patron entrance from the exterior of the building is provided. In addition, restaurants (excluding a drive-in) are permitted as a matter of right when the office building does not adjoin or confront a one family residential property. If the building does adjoin or confront a one family residential property, then a special exception is required for the restaurant. In the case of the proposed florist use, size limitation is used to ensure that the moderate intensity of the O-M zone is adhered to, thereby minimizing any adverse impact on adjoining neighborhoods.

RECOMMENDATION

Staff recommends that the Planning Board support the text amendment as submitted and included as Attachment 1.

GR

Attachments

1. Proposed Text Amendment 06-19

ATTACHMENT 1

Zoning Text Amendment No: 06-19
Concerning: Florist – OM Zone
Draft No. & Date: 2 – 6/6/06
Introduced: June 13, 2006
Public Hearing: 7/18/06; 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 Knapp

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

- allowing a florist business in the O-M (Office building, moderately density) zone, under certain circumstances; and
- generally amending provisions related to the O-M zone.

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

DIVISION 59-C-4 “COMMERCIAL ZONES”
Section 59-C-4.2 “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-4 is amended as follows:**

2 **DIVISION 59-C-4. COMMERCIAL ZONES**

3 * * *

4 **59-C-4.2. Land uses.**

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
Feed and grain, storage and sales.						P	P					
Florist[s].	SE ^{15,20}	P*			P	P		P		P		
* * *												

5 _____

6 * Must not exceed 1,000 square feet of floor area of the building and only if
 7 the use is not the principle use.

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9 **Sec. 2. Effective date.** This ordinance takes effect 20 days after the date of
 10 Council adoption.

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12 This is a correct copy of Council action.

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 Linda M. Lauer, Clerk of the Council