

Ordinance No: 15-58  
Zoning Text Amendment No: 05-06  
Concerning: Building Materials & Supplies  
in the R&D Zone  
Draft No. & Date: 3- 03/15/05  
Introduced: April 5, 2005  
Public Hearing: May 10, 2005; 1:30 PM  
Adopted: January 17, 2006  
Effective: February 6, 2006

**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:

- allowing a building materials and supplies store as a permitted use in the Research and Development (R&D) zone under certain circumstances, and
- requiring site plan review for standard method development in the R&D zone, after a certain date.

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

DIVISION 59-C-5     “INDUSTRIAL ZONES”  
Section 59-C-5.2    “Land uses”  
Section 59-C-5.45   “Special regulations-R&D zone.”  
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.*

## OPINION

Zoning Text Amendment No. 05-06 was introduced on April 5, 2005, to allow a building materials and supplies store as a permitted use in the Research and Development (R&D) zone under certain circumstances, and require site plan review for standard method development in the R&D zone, after a certain date.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved with minor wording revisions.

The County Council held a public hearing on May 10, 2005, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 13, 2005 to review the amendment. The Committee recommended that ZTA 05-06 be approved with minor wording revisions recommended by the Planning Board. The Shady Grove Sector Plan supports continuation of an existing building and supply use; however, redevelopment of the property is recommended to take place only under the standards of the R&D zone. It was the position of the Committee that ZTA 05-06 was needed to prevent any materials and supply use reclassified to the R&D zone from nonconforming status even though it may not conform to the requirements of the R&D zone

The District Council reviewed Zoning Text Amendment No. 05-06 at worksessions held on September 6 and November 15, 2005 and January 17, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 05-06 will be approved as amended.

## 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-5 is amended as follows:**

**DIVISION 59-C-5 INDUSTRIAL ZONES.**

\* \* \*

**59-C-5.2. Land uses.**

\* \* \*

	I-1	I-2	I-3	I-4	R&D	LSC
<b>(d) Commercial.</b>						
* * *						
Building material[s] and [supplies] <u>supply</u> , wholesale and retail. <sup>20</sup>	P	P		P	<u>P*</u>	

\* Only if a building permit was issued before the property was classified to the R&D zone. Any building material and supply use for which a building permit was issued before the property was classified to the R&D zone is a conforming use and may be modified, reconstructed, or enlarged in accordance with the standards of the zone in effect for [[a]] the property before the property was reclassified to the R&D zone.

\* \* \*

**59-C-5.45. Special regulations-R&D zone.**

\* \* \*

**(b) Standard method of Development.** Under the standard method of development, a site plan must be filed with the Planning Board under 59-D-3.

**([b]c) Optional method of development.** In order to encourage the orderly grouping and planned development of research and development projects at higher densities than permitted under the standard method of development, [the following] an optional method of development project may be

25 [permitted, provided] approved, if: (1) [it] the project is not inconsistent with  
 26 the applicable approved and adopted master plan; and (2) [provided that] the  
 27 requirements for site plan approval [contained in division] under Division  
 28 59-D-3 are met. If the optional method of development is used, all the  
 29 [normal] standard requirements of the R&D zone will be in effect, except as  
 30 follows:

31 \* \* \*

32 **Sec. 2. Article 59-D is amended as follows:**  
 33 **ARTICLE 59-D. ZONING DISTRICTS—APPROVAL**  
 34 **PROCEDURES.**

35 **INTRODUCTION**

36  
 37 \* \*

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

42  
 43 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&D				[O] <u>X</u>	
* * *					

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

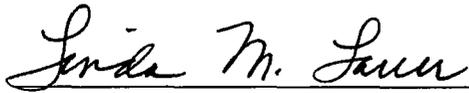
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48 This is a correct copy of Council action.

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A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a solid horizontal line.

52 Linda M. Lauer, Clerk of the Council