

Zoning Text Amendment No: 06-02
Concerning: Modifications to
MXTC Zone
Draft No. & Date: 1 – 1/20/06
Introduced: January 24, 2006
Public Hearing: 2/28/06; 1:30 p.m.
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: District Council at the request of the Planning Board

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

- amending the Mixed-Use Town Center Zone; and
- generally amending the Mixed-Use Town Center zone.

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

DIVISION 59-C-11	“MIXED-USE TOWN CENTER ZONE (MXTC)
Section 59-C-11.3.1	“Site Plan Approval”
Section 59-C-11.4	“Permitted uses”
Section 59-C-11.5	“Development standards”
Section 59-C-11.5.1	“Street façade requirements”

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-11 is amended as follows:**

2 **DIVISION 59-C-11. MIXED-USE TOWN CENTER ZONE**
3 **(MXTC).**

4 **59-C-11.1 Where Applicable.**

5 No land may be classified in the MXTC zone unless recommended in an
6 approved and adopted master or sector plan.

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8 **59-C-11.2. New construction, re-use of existing building, remodeling**
9 **and reconstruction.**

10 Any lawful structure or building that existed before the applicable Sectional
11 Map Amendment adoption date, is a conforming structure and may be
12 continued, structurally altered, repaired, renovated or enlarged up to 10
13 percent of the gross building floor area or 10,000 square feet, whichever is
14 less. However, any enlargement of the building that is more than 10 percent
15 of the gross floor area or 10,000 square feet, or construction of a new
16 building must comply with the standards of the MXTC zone.

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18 **59-C-11.3. Methods of Development.**

19 Two methods of development are available under the MXTC zone.

20 **(a) Standard Method.**

21 A standard method project must comply with the applicable
22 development requirements of 59-C-11.5 and the recommendations of
23 the applicable master or sector plan. If residential uses are included in
24 a development, moderately priced dwelling units must be provided in
25 accordance with Chapter 25A. The maximum dwelling unit density
26 or residential FAR may be increased in proportion to any MPDU
27 density bonus provided on-site.

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29 **(b) Optional Method.**

30 Under the optional method of development, building height, and
 31 density levels greater than allowed under the standard method of
 32 development may be achieved for increased public use space. An
 33 optional method development must comply with the applicable
 34 development requirements of 59-C-11.5 and the recommendations of
 35 the applicable master or sector plan. If residential uses are included in
 36 a development, moderately priced dwelling units must be provided in
 37 accordance with Chapter 25A. The maximum dwelling unit density
 38 or residential FAR may be increased in proportion to any MPDU
 39 density bonus provided on site.

40 **59-C-11.3.1. Site Plan Approval.**

41 Site plan approval is required for:

- 42 [1. A standard method development with a lot area of five acres or
- 43 more;
- 44 2. A standard method development that has certain uses with more
- 45 than 20,000 square feet for each establishment as specified in Sec. 59-
- 46 C-11.4.;
- 47 3. A standard method development proposal for any modification of
- 48 the maximum front setback or the street facade requirements; or]

49 1. A standard method development:

- 50 a. for a net lot area of five acres or more;
- 51 b. for certain uses with more than 20,000 square feet for each
- 52 establishment as specified in Sec. 59-C-11.4;
- 53 c. for any modification or reduction of the maximum front
- 54 setback or the street facade requirements; or

- 55 d. if required in the applicable master or sector plan.
56 [4.]2.[An optional method development project.] All optional method
57 development projects. For an optional method development project,
58 the Board must find that the proposed development:
- 59 e. conforms to recommendations of the applicable approved
60 and adopted master or sector plan;
 - 61 f. is not detrimental to any existing development due to the
62 size, intensity, design, scale and operational characteristics
63 of its uses;
 - 64 g. satisfies the public use space requirements of the zone;
 - 65 h. takes maximum advantage of the topography, vistas, façade
66 articulation, and other urban design elements to create an
67 attractive physical environment;
 - 68 i. provides adequate linkages among different functions or
69 structures, open areas, public amenities, parking, and
70 adjoining properties and streets, and
 - 71 j. provides adequate parking and loading service areas with
72 appropriate landscaping, screening, and lighting that will
73 not adversely affect adjoining neighborhoods.

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75 **59-C-11.4. Permitted uses.**

76 No use is allowed except as indicated in the following table:

77 **-Permitted Uses.** Uses designated by the letter "P" are permitted on any
78 lot in the zones indicated, subject to all applicable regulations.

79 **-Special Exception Uses.** Uses designated by the letters "SE" may be
80 authorized as special exceptions, in accordance with the provisions of
81 Article 59-G.

(a) Residential ²:	
Dwellings	P
Group home, small	P
Group home, large	P
Hotel or Motel	P
Housing and related facilities for the elderly or handicapped	P
Life care facility	P
Personal living quarters	P
(b) Transportation, Communication and Utilities:	
Parking of motor vehicles, off-street, in connection with any use permitted	P
Public utility buildings and structures, telecommunications facilities	SE
Radio and television broadcasting studio	SE
Rooftop mounted antennas and related unmanned equipment building, equipment cabinet or equipment room	P ⁶
Taxicab stand	P
(c) Commercial ²:	
Antique stores, handicrafts or art sales	P ¹
Book store	P ¹
Delicatessen	P
Drug store	P ¹
Eating and drinking establishment, excluding drive-in	P
Eating and drinking establishment, drive-in	SE
Florist shop	P
Furniture store, carpet or related furnishing sales or service	P ¹
Garden supply shop	P ¹
Gift shop	P
Grocery store	P ¹
Hardware store	P ¹
Jewelry store	P
Newsstand	P
Office supply store	P ¹
Photographic supply store	P
Pet sales and supply store	P ¹
Specialty shop	P ¹
Variety and dry goods store	P ¹
(d) Services:	
Adult foster care home	P
Ambulance or rescue squad	P
Animal boarding place	SE
Appliance repair shop	P ¹
Art, music and photographic studio	P ¹
Automobile filling station	SE ³
Automobile fluid maintenance station	SE ⁴
Automobile rental services, excluding automobile storage	P/SE ⁵
* Automobile repair and service	SE ⁴
Barber and beauty shop	P

Car wash	SE
(d) Services: (cont)	
Charitable and philanthropic institution	P
Clinic	P
Child daycare facilities: Family day care home Group day care home Child day care center	P P P
Daycare facility for not more than 4 senior adults and persons with disabilities	P
Domiciliary care home for more than 16 residents	P
Dry cleaning and laundry establishment, consisting of no more than 3,000 square feet of gross floor area	P
Dry cleaning and laundry pick-up station	P ¹
Duplicating services	P ¹
Educational institution	SE
Home occupation, no impact	P
Home occupation, registered	P
Home occupation, major	SE
Hospice care facility	P
Hospitals, veterinary	SE
Laundromat, self-service	P ¹
Office, general	P ¹
Office, professional	P ¹
Place of worship	P
Publicly owned or publicly operated uses	P
Shoe repair shop	P
Tailoring or dressmaking shop	P
Research, development and related activities	P ¹
(e) Cultural, Entertainment and Recreational:	
Billiard parlor	P ¹
Bowling alley	P ¹
Health clubs and gyms	P ¹
Libraries and museums	P
Private clubs and service organizations	SE
Recreational or entertainment establishments, commercial	P ¹
Theaters, indoor	P ¹
(f) Miscellaneous Uses	
Accessory buildings and uses	P ¹
Signs in accordance with Article 59-F	P
(g) Uses of a light industrial nature⁷	
<u>Warehouse</u>	<u>P</u>
<u>Manufacturing of electronic components, instruments and devices</u>	<u>P</u>
<u>Manufacturing of medical, scientific or technical instruments, devices and equipment.</u>	<u>P</u>
<u>Manufacturing and assembly of semi-conductors, microchips, circuits and circuit boards.</u>	<u>P</u>

<u>Printing and publishing.</u>	<u>P</u>
<u>Research, development and related activities.</u>	<u>P</u>
<u>Sign making shop.</u>	<u>P</u>
* <u>Warehousing and storage services:</u>	
<u>- Industrial and commercial users.</u>	<u>P</u>
<u>- Self-storage facilities.</u>	<u>P</u>

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1. Any non-residential use with more than 20,000 square feet per floor requires approval of a site plan under Division 59-D-3

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2. A commercial use other than a grocery store, is limited to a maximum of 40,000 square feet of gross floor area.

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3. A car wash with up to 2 bays may be allowed as an accessory use to an automobile filling station.

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4. Not abutting or confronting any lot which is in a residential zone and is not recommended for commercial or industrial use on a master plan; and not within 300 feet of an entrance to a school, park, playground, or hospital.

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5. Up to 10 cars may be stored on site.

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6. Refer to section 59-A-6.14.

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7. Industrial Uses allowed only if authorized in a master or sector plan.

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59-C-11.5. Development standards.

Development standards applicable to the standard and optional method development are indicated by the letters “S” and “O”.

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		S	O
1	Maximum residential density (units/acre)	8	20 ¹
2	Maximum non-residential FAR	0.35	1.0 ¹
3	Maximum Building height	42 <u>feet</u>	70 <u>feet</u> ¹
4	Minimum public use space		

	For lots of up to 40,000 sf:	10% ³	10 % ³
	For lots of more than 40,000 sf:	10% ³	20% ³
5	Building setbacks:		
	Minimum front setback (feet)	0 ⁴	0 ⁴
	Maximum front setback (feet)	10 ²	10 ²
	Minimum side or rear setback from another lot in the same zone, or from an adjacent commercial zone (feet)	0	0
	Minimum side or rear setback from an adjacent residential zone (feet)	20	20

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1. A master or sector plan may establish a building height or density limit up to the maximum of the zone, and the appropriate mix of commercial [and], residential [development], and light industrial uses.

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Notwithstanding any building height limitation established in a master plan or sector plan, the Planning Board may further limit the maximum allowable building height to achieve compatibility with surrounding land uses.

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2. The Planning Board may allow a maximum front setback greater than 10 feet subject to site plan review and the street façade controls of the MXTC zone.

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3. Public use space may be provided indoors or outdoors, and must be in conformance with the guidance in the master or sector plan.

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Development on lots of up to 40,000 square feet may provide a portion or all of the required public use space as green area. Development on lots of more than 40,000 square feet may not provide all of the required public use space as green area.

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4. Setbacks shall be no less than fifteen (15) feet measured from the curb, unless authorized by the Planning Board.

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59-C-11.5.1. Street façade requirements.

- 1. Any development under the MXTC zone must provide at least one street facade for a minimum of 75 percent of the lot frontage along a street or other publicly accessible sidewalk, way or space. The street façade must be located within 10 feet of: 1) the front lot line or; 2) the public use space along a street or other publicly accessible sidewalk, way or space.

- 2. The ground floor portion of any street facade in a non-residential development must have [display] windows or other street activating elements and principal entrances to stores and retail establishments from the adjoining sidewalk or public use space. Off-street parking structures, if located along required street facades, must have retail or other pedestrian-oriented uses at the ground floor level fronting the street with direct access to the sidewalk or a public use space.

- 3. The Planning Board may modify a street facade requirement, including the location or the minimum length of a required street facade as specified in this zone or as recommended in the local area master plan or sector plan, during site plan review to achieve the objectives of the applicable master or sector plan. For lots with more than one street frontage, the Planning Board may establish which side would be subject to the street façade requirements during site plan review based on a layout that best achieves pedestrian oriented streets.

148 **59-C-11.6. Off-Street Parking.**

- 149 (a) Required off-street parking must be provided pursuant to Article 59-E.
- 150 and off-street parking spaces for mixed-use projects must be provided
- 151 pursuant to Sec. 59-E 3.1.
- 152 (b) Off-street parking for two or more properties may be grouped to serve
- 153 more than one lot or establishment pursuant to Section 59-E-3.4 and
- 154 may be eligible for reduction in required number of spaces pursuant to
- 155 Section 59-E. 3.1.

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157 **59-C-11.6.1. Internal connection between parking lots.**

158 Any new developments pursuant to this zone must provide for

159 pedestrian and vehicular connection to existing and proposed parking

160 areas on at least one adjoining lot where feasible. The Planning Board

161 may modify this requirement during site plan review if the applicant

162 demonstrates that compliance with this requirement is not feasible or

163 that compliance with the requirement would preclude the lot from

164 meeting the off-street parking requirements on site. The Director may

165 modify this requirement for projects not subject to site plan review.

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167 **Sec. 2. Effective date.** This ordinance becomes effective 20 days

168 after the date of Council adoption.

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170 This is a correct copy of Council action.

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174 Linda M. Lauer, Clerk of the Council