

Zoning Text Amendment No.: 13-07
Concerning: US 29 Overlay Zone –
Land Use
Draft No. & Date: 1 – 7/18/13
Introduced: July 30, 2013
Public Hearing:
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: Councilmembers Ervin and Floreen

AN AMENDMENT to the Montgomery County Zoning Ordinance to revise the provisions of the US 29/Cherry Hill Road Employment Area Overlay Zone to:

- allow retail sales and services under certain circumstances;
- reflect the changes proposed in ZTA 13-05 to allow for a grocery store in the overlay zone under certain circumstances;
- generally amend the text of the zone to make it more concise, precise, and decisive

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

DIVISION 59-C-18. “OVERLAY ZONES.”

Section 59-C-18.13. “US 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan.”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by 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:

Sec. 1. DIVISION 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

* * *

Sec. 59-C-18.13. U.S. 29/Cherry Hill Road Employment Area Overlay Zone of the Fairland Master Plan.

* * *

59-C-18.132. Regulations.

(a) Land uses.

(1) The following uses are permitted in the U.S. 29/Cherry Hill Road Employment Area overlay zone:

(A) All permitted and special exception uses allowed in the underlying zones are allowed in the U.S. 29/Cherry Hill Road Employment Area overlay zone, except as specifically modified in this overlay zone.

(i) The following additional retail commercial uses are permitted:

Beauty supply stores.

Computer and computer supply stores.

Electronics stores.

Express or mailing offices.

Food and beverage stores.

Music stores.

Office supply stores.

Pet supply stores.

Retail trades, businesses, and services of a general commercial nature.

Shoe stores.

28 Theaters, indoor.

29 * * *

30 (b) **Development standards.** Development will proceed under the standards of
31 the underlying zones except as modified by the provisions of this overlay
32 zone.

33 * * *

34 (2) **Retail commercial area.**

35 (A) Where the underlying base zone is other than the C-6 Zone:

36 (i) the cumulative square footage of retail commercial uses
37 permitted on land classified in each particular base zone
38 within the boundaries of the overlay zone must [not
39 exceed] be equal to or less than a total of 50,000¹ gross
40 square feet; and

41 (ii) development of retail commercial use cannot exceed
42 15,000¹ square feet on any individual lot; and

43 (iii) [no] except for a grocery store, a single tenant free-
44 standing structure that devotes 50 percent or more of its
45 gross floor area to a retail commercial use [may exceed a
46 total of] must be equal to or less than 10,000 gross square
47 feet.

48 (B) Subsection (A) also applies where the underlying base zone is
49 C-6, and when development occurs [pursuant to] under Section
50 59-C-18.132(b)(6)(B).

51 (C) Anywhere in the overlay zone, the limitations in Subsection (A)
52 do not apply to the floor area used for retail trades, businesses,
53 and services of a general commercial nature if the footprint of
54 the use is 15,000 square feet or less.

55 * * *

56 (d) **Site plan.**

57 (1) Any retail commercial development in the U.S. 29/Cherry Hill Road
58 Employment Area overlay zone must be approved under the site plan
59 review provisions of Division 59-D-3, except where:

60 (A) the cumulative redevelopment [does not exceed] is 20 percent
61 or less of the existing gross floor area; or

62 (B) the floor area is used for retail trades, businesses, and services
63 of a general commercial nature up to a footprint of 15,000
64 square feet.

65 (2) For uses other than retail, site plan review is required only where it is
66 required in the [underlying] underlying zone.

67

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

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71 This is a correct copy of Council action.

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74 Linda M. Lauer, Clerk of the Council