AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- replace any reference to road or street types with the updated typology from Chapter 49;
- define Residential Streets; and
- generally amend provisions related to streets and roads.

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

DIVISION 1.4  “DEFINED TERMS”
Section 1.4.2  “Specific Terms and Phrases Defined
DIVISION 2.2  “ZONING MAP”
Section 2.2.4  “Zoning and Development within Rights-of-Way
DIVISION 3.2  “AGRICULTURAL USES
Section 3.2.2  “Agricultural Processing”
Section 3.2.4  “Equestrian Facility”
Section 3.2.7  “Nursery”
Section 3.2.8  “Slaughterhouse”
Section 3.2.10  “Accessory Agricultural Uses”
Section 3.2.11  “Temporary Agricultural Uses
DIVISION 3.4  “CIVIC AND INSTITUTIONAL USES”
Section 3.4.2  “Charitable, Philanthropic Institutions”
Section 3.4.5  “Educational Institutions (Private)”
DIVISION 3.5  “COMMERCIAL USES”
Section 3.5.6  “Lodging”
Section 3.5.7  “Medical and Dental”
Section 3.5.8  “Office and Professional”
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 text that 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 59-1.4 is amended as follows:

Division 1.4. Defined Terms

* * *

Section 1.4.2. Specific Terms and Phrases Defined

* * *

N.

* * *

Nonresidential Street: A right-of-way with a [business district street or higher] classification of Downtown Boulevard, Downtown Street, Town Center Boulevard, Town Center Street, Boulevard, Major Highway, Area Connector, and Industrial Street under Chapter 49.

* * *

R.

* * *

Residential Street: A right-of-way with a classification of Neighborhood Connector, Neighborhood Street, or Neighborhood Yield Street under Chapter 49.

* * *

Road[, Arterial]: A right-of-way with a classification of Freeway, Parkway, Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown Boulevard, Town Center Street, Downtown Street, Industrial, Connector, Country Connector, Country, Rustic, Neighborhood Street, Neighborhood Yield Street or Alley[See]under Chapter 49.

[Road, Business: See Chapter 49.]

[Road, Primary Residential: See Chapter 49.]

* * *

Sec. 2. DIVISION 59-2.2 is amended as follows:

Division 2.2. Zoning Map
Section 2.2.4. Zoning and Development within Rights-of-Way

D. Development within Planned Rights-of Ways

1. In areas where the Commission has adopted a Master Plan of Highways and Transitways showing a proposed new highway or street or a proposed relocation or widening of an existing highway or street, or a proposed rapid transit route or facility, no building or part of a building is permitted to be erected within the planned acquisition line of such proposed highway or street, or rapid transit line or facility.

Sec. 3. DIVISION 59-3.2 is amended as follows:

Division 3.2. Agricultural Uses

Section 3.2.2. Agricultural Processing

B. Use Standards

Where Agricultural Processing is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 10 acres.

2. The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.

3. The lot must front on and have access to a road built to [primary residential] [Neighborhood Connector] [road] or higher standards unless processing materials are produced on-site.
4. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.

Section 3.2.4. Equestrian Facility

B. Use Standards

1. Where an Equestrian Facility is allowed as a limited use, it must satisfy the following standards:

   g. Equestrian events are restricted as follows:

<table>
<thead>
<tr>
<th>Site Requirements</th>
<th>Hours of Operation</th>
<th>Number of Participants and Spectators</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Su-Th</td>
<td>Fr-Sa</td>
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<tr>
<td></td>
<td>Event</td>
<td>Informal Event</td>
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<tr>
<td>Up to 17.9 acres</td>
<td>6am-9pm</td>
<td>6am-10pm</td>
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<tr>
<td>18 - 24.9 acres</td>
<td>6am-9pm</td>
<td>6am-10pm</td>
</tr>
<tr>
<td>25 - 74.9 acres</td>
<td>6am-9pm</td>
<td>6am-10pm</td>
</tr>
<tr>
<td>75+ acres and direct access to a roadway with [an arterial] an Area Connector or higher classification</td>
<td>6am-9pm</td>
<td>6am-10pm</td>
</tr>
</tbody>
</table>

Section 3.2.7. Nursery

A. Nursery (Retail)
2. Use Standards

a. Where Nursery (Retail) is allowed as a limited use, any Nursery (Retail) over 5,000 square feet of gross floor area, may be a maximum of 50% of the mapped FAR.

b. Where a Nursery (Retail) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

   i. The minimum lot area is 2 acres.

   ii. The minimum building setback from any lot line is 50 feet; the minimum outdoor storage setback is 25 feet.

   iii. The lot must front on and have access to a road built to [primary residential] Neighborhood Connector or higher standards. In the AR, R, and RC zones, this standard is not required if the Hearing Examiner finds that:

      (a) Road access will be safe and adequate for the anticipated traffic to be generated; and

      (b) The use at this location will not be an intrusion into an established residential neighborhood.

*     *     *

Section 3.2.8. Slaughterhouse

*     *     *

B. Use Standards

Where a Slaughterhouse is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 20 acres.

2. The minimum setback from any lot line is 75 feet.
3. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required.

4. The lot must front on and have direct access to a road built to [primary residential]Neighborhood Connector or higher standards.

Section 3.2.10. Accessory Agricultural Uses

B. Farm Alcohol Production

2. Use Standards
   a. Where Farm Alcohol Production is allowed as a limited use, it must satisfy the following standards:

   xvi. In the RE-1 and RE-2 zones, for breweries, distilleries, and wineries:

   (a) the minimum site area is 25 acres;

   (b) the site must be located in an area classified as sewer category 6 in the Ten Year Comprehensive Water Supply and Sewerage Systems Plan; and

   (c) access must be directly from a roadway classified in the approved Master Plan of Highways and Transitways as a [primary residential ] Neighborhood Connector or higher roadway.
2. Use Standards

Where Seasonal Outdoor Sales is allowed as a limited use, it must satisfy the following standards:

e. In the Agricultural, Rural Residential, Residential, LSC, and EOF zones:
   i. The property must be vacant or used for nonresidential purposes.
   ii. Except where Seasonal Outdoor Sales occur on the site of a Religious Assembly use, the site must front on and have access to a road built to primary residential Neighborhood Connector or higher standards.

Sec. 4. DIVISION 59-3.4 is amended as follows:

Division 3.4. Civic and Institutional Uses

Section 3.4.2. Charitable, Philanthropic Institution

B. Use Standards

2. Where a Charitable, Philanthropic Institution is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

c. In the AR, R, RC, and RNC:
ii. The site fronts on and has direct access to a public road built to [arterial] Area Connector or higher road standards. Frontage on and access to an [arterial] Area Connector or higher standard is not required where the Hearing Examiner finds that road access by a [primary residential or secondary residential road] Neighborhood Connector, Neighborhood Street or Neighborhood Yield Street will be safe and adequate for the anticipated traffic to be generated.

*     *     *

g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

i. The site fronts on and has direct access to a road built to [primary residential road] Neighborhood Connector or higher standards. Access to a corner lot may be from an abutting primary street, constructed to a [primary residential standards] Neighborhood Connector street, if the Hearing Examiner finds this access to be appropriate and not detrimental to existing residential uses on that [primary residential] Neighborhood Connector street.

*     *     *

Section 3.4.5. Educational Institution (Private)

C. Use Standards

2. Where an Educational Institution (Private) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:
d. The number of pupils per acre allowed to occupy the premises at any one time must be specified by the Hearing Examiner considering the following factors:

i. traffic patterns, including:

(a) impact of increased traffic on residential streets;

(b) proximity to transit services, [arterial roads]Area Connectors, Town Center Streets, Downtown Streets, Boulevards, and Controlled major highways; and

(c) provision of measures for Transportation Demand Management in Chapter 42 (Section 42A-21).

Sec. 5. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

Section 3.5.6. Lodging

B. Bed and Breakfast

2. Use Standards

b. Where a Bed and Breakfast is allowed as a conditional use, it may be permitted by the Hearing Examiner under all limited use standards, Section 7.3.1, Conditional Use, and the following standards:
The Hearing Examiner may deny a petition for a Bed and Breakfast with frontage on and access to a road built to less than [primary residential]Neighborhood Connector standards if it finds that road access will be unsafe and inadequate for the anticipated traffic to be generated or the level of traffic would have an adverse impact on neighboring residences.

Section 3.5.7. Medical and Dental

A. Clinic (Up to 4 Medical Practitioners)

2. Use Standards

b. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

i. The minimum lot width at the front lot line is 100 feet.

ii. The minimum setback from a lot that is vacant or residentially improved is 40 feet. The minimum setback from all other abutting lots is 20 feet.

iii. The site must front on and have direct access to a [business district]Town Center Street or Downtown street or higher classification; however, access to a corner lot may be from an abutting street built to [primary residential]Neighborhood Connector standards, if the Hearing Examiner finds the access to be appropriate and
not detrimental to existing residential uses on the primary residential Neighborhood Connector street.

Section 3.5.8. Office and Professional

B. Office

2. Use Standards

b. Where an Office is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

i. In the R-200, R-90, and R-60 zones:

(g) In the R-60 zone, the site must be:

(1) designated as suitable for an Office or nonresident professional office in a master plan; and

(2) located along a highway with an existing right-of-way with a minimum width of 90 feet or along a portion of an arterial road, an arterial road, Downtown Boulevard, Downtown Boulevard, Town Center Boulevard, Area Connector, Downtown Street, or Town Center Street designated as a boundary of a Central Business District area.
Section 3.5.9. Parking

C. Surface Parking for Use Allowed in the Zone

2. Use Standards

b. Where a sketch plan is not required:
   i. the parking layout must accommodate the landscaping required under Section 6.2.9; and
   ii. in the CRT, CR, LSC, and EOF zones:
      (a) the surface parking must be providing parking for a use on an abutting lot or be a municipal public parking lot; and
      (b) for properties on a Business district street, site plan approval is required under Section 7.3.4. The Planning Board must find that the surface parking supports commercial or residential uses that substantially conform with the recommendations of the applicable master plan.

Section 3.5.10. Recreation and Entertainment

D. Golf Course, Country Club

2. Use Standards
Where a Golf Course, Country Club is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- The maximum coverage is no more than 3%.
- The minimum setback for a principal building is 50 feet.
- In a Residential zone, the minimum frontage is 200 feet on a road of [arterial]Area Connector or higher classification.

G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons)

2. Use Standard

Where a Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use and the following standards:

- In the RE-2C zone:
  - Only a group picnic, catering and recreation facility is allowed.
  - The site must be a minimum of 80 acres.
  - The maximum building height is 50 feet.
  - Any structure or building must be set back from any lot line a minimum of 50 feet.
  - The site must have direct access to a public road that is built to [primary residential]Neighborhood Collector or higher standards.

- In the R-200 zone:
i. Only an outdoor catering facility is allowed. An enclosed food preparation building is allowed but all catering parties must be held under pavilions, or in the open, and may include various recreational activities.

ii. The site must be a minimum of 80 acres.

iii. The maximum building height is 20 feet.

iv. Any structure, building, or parking area must be setback from any lot line a minimum of 100 feet.

v. The site must have direct access to a public road that is built to [primary residential] Neighborhood Collector or higher standards.

* * *

H. Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons)

* * *

2. Use Standards

Where a Recreation and Entertainment Facility, Major (Capacity over 1,000 Persons) is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

a. In the RE-2C zone:

i. Only a group picnic, catering and recreation facility is allowed.

ii. The site must be a minimum of 80 acres.

iii. The maximum building height is 50 feet.

iv. Any structure or building must be set back from any lot line a minimum of 50 feet.

* * *
The site must have direct access to a public road that is built to [primary residential] Neighborhood Connector or higher standards.

* * *

Section 3.5.12. Vehicle/Equipment Sales and Rental

* * *

B. Light Vehicle Sales and Rental (Indoor)

* * *

2. Use Standards

a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:

i. Access to the site from a street with a residential classification is prohibited.

* * *

b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Indoor) use is allowed must also be:

i. less than 10 acres in size;

ii. located at least 3,000 feet from a Metrorail Station;

iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and

iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at
C. Light Vehicle Sales and Rental (Outdoor)

2. Use Standards

a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
   i. Access to the site from a street with a residential classification is prohibited.

b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Outdoor) use is allowed must also be:
   i. less than 10 acres in size;
   ii. located at least 3,000 feet from a Metrorail Station;
   iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
   iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at least] as an [arterial] Area Connector or higher classification roadway.
Section 3.5.13. Vehicle Service

E. Repair (Major)

2. Use Standards

b. In the EOF zone, the tract on which a Repair (Major) use is allowed must also be:

   i. less than 10 acres in size; and
   ii. located at least 3,000 feet from a Metrorail Station;
   iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
   iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at least ]as an [arterial]an Area Connector or higher classification roadway.

Sec. 6. DIVISION 59-4.6 is amended as follows:

Division 4.6. Employment Zones

Section 4.6.3. Standard Method Development

D. LSC Zone, Standard Method Development Standards

<table>
<thead>
<tr>
<th>1. Site</th>
<th>Detached House</th>
<th>Duplex - Side</th>
<th>Duplex - Over</th>
<th>Townhouse</th>
<th>Apartment</th>
<th>Multi Use</th>
<th>General</th>
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Specification for Parking Setbacks for Surface Parking Lots and Build-to Area
a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street] Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

**Specification for Building Orientation and Transparency**

a. Building Orientation and Transparency requirements only apply when the development fronts on a [business district street] Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

**E. EOF Zone, Standard Method Development Standards**

<table>
<thead>
<tr>
<th>Site Type</th>
<th>Detached House</th>
<th>Duplex - Side</th>
<th>Duplex - Over</th>
<th>Townhouse</th>
<th>Apartment</th>
<th>Multi Use</th>
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* * *

**Specification for Parking Setbacks for Surface Parking Lots and Build-to Area**

a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street] Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

**Specification for Building Orientation and Transparency**

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* * *

**Sec. 7. DIVISION 59-4.9 is amended as follows:**
Division 4.9. Overlay Zones

Section 4.9.3. Burtonsville Employment Area (BEA) Overlay Zone

C. Development Standards

1. When property in the Overlay zone abuts a property that is not located in the BEA Overlay zone, all buildings in the Overlay zone must be set back as follows:
   a. 100 feet from any Residential zone developed with or proposed for residential uses in a master plan, or from a Boulevard or a Controlled major highway separating the Overlay zone from such residential uses;
   b. 50 feet from a railroad or utility right-of-way that separates the employment area from a Residential zone;
   c. 50 feet from a limited-access freeway or parkway;
   d. 50 feet from property recommended in a master plan for a nonresidential public use including, but not limited to such uses as a public park, stormwater management facility, maintenance facility, or similar use;
   e. 25 feet from an [arterial] Area Connector or higher classification road that separates the employment area from a Commercial/Residential or Employment zone;

Sec. 8. DIVISION 59-6.2 is amended as follows:

Division 6.2. Parking, Queuing, and Loading

Section 6.2.5. Vehicle Parking Design Standards
M. Surface Parking in R-200, R-90, R-60, and R-40 Zones

3. A surfaced parking area may exceed the size limits in Section 6.2.5.M.2 if:
   a. the surfaced parking area existed before October 26, 2010 and is not increased in size;
   b. the property has primary access from a [primary residential street, minor arterial road] Neighborhood Connector Street, major highway, [arterial] Area Connector, Downtown Boulevard, Town Center Boulevard, boulevard, or any state road, and is equal to or less than 50% of the area between the lot line and the front or side street building line;

Sec. 9. DIVISION 59-6.6 is amended as follows:

Division 6.6. Outdoor Display and Storage

Section 6.6.3. Design Standards

B. Outdoor Storage

2. General Outdoor Storage
   b. Standards

General outdoor storage is permitted and must:
i. in the Industrial zones, include screening of inventory and equipment under Section 6.5.3, unless the use abuts or confronts property in an Industrial zone; and

ii. in all other zones:

(a) have an approved plan illustrating the extent of the permitted area for general outdoor storage;

(b) be located on property that fronts on and has direct access to a road built to [primary]neighborhood connector street or higher standards;

* * *

Sec. 10. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.
This is a correct copy of Council action.

________________________________
Judy Rupp
Clerk of the Council