

Zoning Text Amendment No.: 22-10
Concerning: Streets and Roads
Draft No. & Date: 1 – 7/19/2022
Introduced: July 26, 2022
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**

Lead Sponsor: Council President at the Request of the Planning Board

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 3.3.2	“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 INSTUTIONAL 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”

Section 3.5.9	“Parking”
Section 3.5.10	“Recreation and Entertainment”
Section 3.5.12	“Vehicle/Equipment Sales and Rental”
Section 3.5.13	“Vehicle Service”
DIVISION 4.6	“EMPLOYMENT ZONES”
Section 4.6.3	“Standard Method Development”
DIVISION 4.9	“OVERLAY ZONES”
Section 4.9.3	“Burtonsville Employment Area (BEA) Overlay Zone
DIVISION 6.2	“PARKING, QUEUING, AND LOADING”
Section 6.2.5	“Vehicle Parking Design Standards
DIVISION 6.6	“OUTDOOR DISPLAY AND STORAGE”
Section 6.6.3	“Design Standards”

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:

1 **Sec. 1. DIVISION 59-1.4 is amended as follows:**

2 **Division 1.4. Defined Terms**

3 * * *

4 **Section 1.4.2. Specific Terms and Phrases Defined**

5 * * *

6 **N.**

7 * * *

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

12 * * *

13 **R.**

14 * * *

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

17 * * *

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

23 **[Road, Business:** See Chapter 49.]

24 **[Road, Primary Residential:** See Chapter 49.]

25 * * *

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

27 **Division 2.2. Zoning Map**

28 * * *

29 **Section 2.2.4. Zoning and Development within Rights-of-Way**

30 * * *

31 **D. Development within Planned Rights-of Ways**

32 1. In areas where the Commission has adopted a M[m]aster P[p]lan of
33 H[h]ighways and Transitways showing a proposed new highway or
34 street or a proposed relocation or widening of an existing highway or
35 street, or a proposed rapid transit route or facility, no building or part
36 of a building is permitted to be erected within the planned acquisition
37 line of such proposed highway or street, or rapid transit line or
38 facility.

39 * * *

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

41 **Division 3.2. Agricultural Uses**

42 * * *

43 **Section 3.2.2. Agricultural Processing**

44 * * *

45 **B. Use Standards**

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

- 49 1. The minimum lot area is 10 acres.
- 50 2. The minimum setback for an Agricultural Processing structure from
51 any lot line is 75 feet.
- 52 3. The lot must front on and have access to a road built to [primary
53 residential]Neighborhood Connector[road] or higher standards
54 unless processing materials are produced on-site.

55 4. If the subject lot abuts property in the AR zone, screening under
 56 Division 6.5 is not required.

57 * * *

58 **Section 3.2.4. Equestrian Facility**

59 * * *

60 **B. Use Standards**

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

63 * * *

64 g. Equestrian events are restricted as follows:

Site Requirements	Hours of Operation		Number of Participants and Spectators			
	Su-Th	Fr-Sa	Event	Informal Event	Minor Event	Major Event
			0-25	26-50	51-150	151-300
Up to 17.9 acres	6am-9pm	6am-10pm	Unlimited on any day	None	None	None
18 - 24.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres and direct access to a roadway with [an arterial] <u>an Area Connector</u> or higher classification	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 3 per year lasting up to 3 consecutive days each

65

66 **Section 3.2.7. Nursery**

67 * * *

68 **A. Nursery (Retail)**

69 * * *

- 70 2. Use Standards
- 71 a. Where Nursery (Retail) is allowed as a limited use, any Nursery
- 72 (Retail) over 5,000 square feet of gross floor area, may be a
- 73 maximum of 50% of the mapped FAR.
- 74 b. Where a Nursery (Retail) is allowed as a conditional use, it may
- 75 be permitted by the Hearing Examiner under Section 7.3.1,
- 76 Conditional Use, and the following standards:
- 77 i. The minimum lot area is 2 acres.
- 78 ii. The minimum building setback from any lot line is 50
- 79 feet; the minimum outdoor storage setback is 25 feet.
- 80 iii. The lot must front on and have access to a road built to
- 81 [primary residential]Neighborhood Connector or higher
- 82 standards. In the AR, R, and RC zones, this standard is
- 83 not required if the Hearing Examiner finds that:
- 84 (a) Road access will be safe and adequate for the
- 85 anticipated traffic to be generated; and
- 86 (b) The use at this location will not be an intrusion
- 87 into an established residential neighborhood.

88 * * *

89 **Section 3.2.8. Slaughterhouse**

90 * * *

91 **B. Use Standards**

92 Where a Slaughterhouse is allowed as a conditional use, it may be permitted by the

93 Hearing Examiner under Section 7.3.1, Conditional Use, and the following

94 standards:

- 95 1. The minimum lot area is 20 acres.
- 96 2. The minimum setback from any lot line is 75 feet.

- 97 3. If the subject lot abuts property in the AR zone, screening under
98 Division 6.5 is not required.
- 99 4. The lot must front on and have direct access to a road built to [primary
100 residential]Neighborhood Connector or higher standards.

101 * * *

102 **Section 3.2.10. Accessory Agricultural Uses**

103 * * *

104 **B. Farm Alcohol Production**

105 * * *

106 **2. Use Standards**

- 107 a. Where Farm Alcohol Production is allowed as a limited use, it
108 must satisfy the following standards:

109 * * *

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

112 (a) the minimum site area is 25 acres;

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

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

120 * * *

121 **Section 3.2.11. Temporary Agricultural Uses**

122 * * *

123 **B. Seasonal Outdoor Sales**

124 * * *

125 **2. Use Standards**

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

128 * * *

129 e. In the Agricultural, Rural Residential, Residential, LSC, and
130 EOF zones:

131 i. The property must be vacant or used for nonresidential
132 purposes.

133 ii. Except where Seasonal Outdoor Sales occur on the site of
134 a Religious Assembly use, the site must front on and
135 have access to a road built to [primary
136 residential]Neighborhood Connector or higher standards.

137 * * *

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

139 **Division 3.4. Civic and Institutional Uses**

140 * * *

141 **Section 3.4.2. Charitable, Philanthropic Institution**

142 * * *

143 **B. Use Standards**

144 * * *

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

148 * * *

149 c. In the AR, R, RC, and RNC:

150 * * *

151 ii. The site fronts on and has direct access to a public road
152 built to [arterial]Area Connector or higher road
153 standards. Frontage on and access to an [arterial]Area
154 Connector or higher standard is not required where the
155 Hearing Examiner finds that road access by a [primary
156 residential or secondary residential road]Neighborhood
157 Connector, Neighborhood Street or Neighborhood Yield
158 Street will be safe and adequate for the anticipated traffic
159 to be generated.

160 * * *

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

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

170 * * *

171 **Section 3.4.5. Educational Institution (Private)**

172 * * *

173 **C. Use Standards**

174 * * *

175 2. Where an Educational Institution (Private) is allowed as a conditional
176 use, it may be permitted by the Hearing Examiner under Section 7.3.1,
177 Conditional Use, and the following standards:

178 * * *

179 d. The number of pupils per acre allowed to occupy the premises
180 at any one time must be specified by the Hearing Examiner
181 considering the following factors:

182 i. traffic patterns, including:

183 (a) impact of increased traffic on residential streets;

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

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

190 * * *

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

192 **Division 3.5. Commercial Uses**

193 * * *

194 **Section 3.5.6. Lodging**

195 * * *

196 **B. Bed and Breakfast**

197 * * *

198 **2. Use Standards**

199 * * *

200 b. Where a Bed and Breakfast is allowed as a conditional use, it
201 may be permitted by the Hearing Examiner under all limited
202 use standards, Section 7.3.1, Conditional Use, and the following
203 standards:

204 i. The Hearing Examiner may deny a petition for a Bed and
205 Breakfast with frontage on and access to a road built to
206 less than [primary residential]Neighborhood Connector
207 standards if it finds that road access will be unsafe and
208 inadequate for the anticipated traffic to be generated or
209 the level of traffic would have an adverse impact on
210 neighboring residences.

211 * * *

212 **Section 3.5.7. Medical and Dental**

213 **A. Clinic (Up to 4 Medical Practitioners)**

214 * * *

215 **2. Use Standards**

216 * * *

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

- 221 i. The minimum lot width at the front lot line is 100 feet.
- 222 ii. The minimum setback from a lot that is vacant or
223 residentially improved is 40 feet. The minimum setback
224 from all other abutting lots is 20 feet.
- 225 iii. The site must front on and have direct access to a
226 [business district]Town Center Street or Downtown
227 street or higher classification; however, access to a corner
228 lot may be from an abutting street built to [primary
229 residential]Neighborhood Connector standards, if the
230 Hearing Examiner finds the access to be appropriate and

231 not detrimental to existing residential uses on the
232 [primary residential]Neighborhood Connector street.

233 * * *

234 **Section 3.5.8. Office and Professional**

235 * * *

236 **B. Office**

237 * * *

238 **2. Use Standards**

239 * * *

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

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

244 * * *

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

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

249 (2) located along a highway with an existing
250 right-of-way with a minimum width of 90
251 feet or along a portion of [an arterial road]a
252 Boulevard, Downtown Boulevard, Town
253 Center Boulevard, Area Connector,
254 Downtown Street, or Town Center Street
255 designated as a boundary of a Central
256 Business District area.

257 * * *

258 **Section 3.5.9. Parking**

259 * * *

260 **C. Surface Parking for Use Allowed in the Zone**

261 * * *

262 **2. Use Standards**

263 * * *

- 264 b. Where a sketch plan is not required:
- 265 i. the parking layout must accommodate the landscaping required
 - 266 under Section 6.2.9; and
 - 267 ii. in the CRT, CR, LSC, and EOF zones:
 - 268 (a) the surface parking must be providing parking for a use
 - 269 on an abutting lot or be a municipal public parking lot;
 - 270 and
 - 271 (b) for properties on a [business district street]Downtown
 - 272 Street or Town Center Street, site plan approval is
 - 273 required under Section 7.3.4. The Planning Board must
 - 274 find that the surface parking supports commercial or
 - 275 residential uses that substantially conform with the
 - 276 recommendations of the applicable master plan.

277

278 **Section 3.5.10. Recreation and Entertainment**

279 * * *

280 **D. Golf Course, Country Club**

281 * * *

282 **2. Use Standards**

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

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

290 * * *

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

293 * * *

294 **2. Use Standard**

295 Where a Recreation and Entertainment Facility, Outdoor (Capacity up to
296 1,000 Persons) is allowed as a conditional use, it may be permitted by the
297 Hearing Examiner under Section 7.3.1, Conditional Use and the following
298 standards:

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

308 * * *

- 309 b. In the R-200 zone:

- 310 i. Only an outdoor catering facility is allowed. An enclosed food
- 311 preparation building is allowed but all catering parties must be
- 312 held under pavilions, or in the open, and may include various
- 313 recreational activities.
- 314 ii. The site must be a minimum of 80 acres.
- 315 iii. The maximum building height is 20 feet.
- 316 iv. Any structure, building, or parking area must be setback from
- 317 any lot line a minimum of 100 feet.
- 318 v. The site must have direct access to a public road that is built to
- 319 [primary residential]Neighborhood Collector or higher
- 320 standards.

321 * * *

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

324 * * *

325 **2. Use Standards**

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

- 329 a. In the RE-2C zone:
 - 330 i. Only a group picnic, catering and recreation facility is
 - 331 allowed.
 - 332 ii. The site must be a minimum of 80 acres.
 - 333 iii. The maximum building height is 50 feet.
 - 334 iv. Any structure or building must be set back from any lot
 - 335 line a minimum of 50 feet.

- v. 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

363 least]as an [arterial]Area Connector or higher
364 classification roadway.

365 * * *

366 **C. Light Vehicle Sales and Rental (Outdoor)**

367 * * *

368 **2. Use Standards**

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

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

376 * * *

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

379 i. less than 10 acres in size;

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

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

384 iv. abutting 2 or more rights-of-way; at least one of the
385 abutting rights-of-way must be classified as a freeway
386 and one other abutting right-of-way must be classified [at
387 least]as an [arterial]Area Connector or higher
388 classification roadway.

389 * * *

390 **Section 3.5.13. Vehicle Service**

391 * * *

392 **E. Repair (Major)**

393 **2. Use Standards**

- 394 b. In the EOF zone, the tract on which a Repair (Major) use is
 395 allowed must also be:
- 396 i. less than 10 acres in size; and
 - 397 ii. located at least 3,000 feet from a Metrorail Station;
 - 398 iii. abutting land that is not zoned in a rural residential or
 399 residential classification with any residential use located
 400 on the abutting land; and
 - 401 iv. abutting 2 or more rights-of-way; at least one of the
 402 abutting rights-of-way must be classified as a freeway
 403 and one other abutting right-of-way must be classified [at
 404 least]as an [arterial]an Area Connector or higher
 405 classification roadway.

406 * * *

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

408 **Division 4.6. Employment Zones**

409 * * *

410 **Section 4.6.3. Standard Method Development**

411 * * *

412 **D. LSC Zone, Standard Method Development Standards**

413

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* * *							
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.

414

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

416

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
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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.

417

418 * * *

419 **Sec. 7. DIVISION 59-4.9 is amended as follows:**

420 **Division 4.9. Overlay Zones**

421 * * *

422 **Section 4.9.3. Burtonsville Employment Area (BEA) Overlay Zone**

423 * * *

424 **C. Development Standards**

425 1. When property in the Overlay zone abuts a property that is not located
426 in the BEA Overlay zone, all buildings in the Overlay zone must be
427 set back as follows:

- 428 a. 100 feet from any Residential zone developed with or proposed
429 for residential uses in a master plan, or from a Boulevard or a
430 Controlled major highway separating the Overlay zone from
431 such residential uses;
- 432 b. 50 feet from a railroad or utility right-of-way that separates the
433 employment area from a Residential zone;
- 434 c. 50 feet from a limited-access freeway or parkway;
- 435 d. 50 feet from property recommended in a master plan for a
436 nonresidential public use including, but not limited to such uses
437 as a public park, stormwater management facility, maintenance
438 facility, or similar use;
- 439 e. 25 feet from an [arterial]Area Connector or higher classification
440 road that separates the employment area from a
441 Commercial/Residential or Employment zone;

442 * * *

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

444 **Division 6.2. Parking, Queuing, and Loading**

445 * * *

446 **Section 6.2.5. Vehicle Parking Design Standards**

447 * * *

448 **M. Surface Parking in R-200, R-90, R-60, and R-40 Zones**

449 * * *

450 3. A surfaced parking area may exceed the size limits in
451 Section 6.2.5.M.2 if:

452 a. the surfaced parking area existed before October 26, 2010 and
453 is not increased in size;

454 b. the property has primary access from a [primary residential
455 street, minor arterial road]Neighborhood Connector Street,
456 major highway, [arterial]Area Connector, Downtown
457 Boulevard, Town Center Boulevard, boulevard, or any state
458 road, and is equal to or less than 50% of the area between the
459 lot line and the front or side street building line;

460 * * *

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

462 **Division 6.6. Outdoor Display and Storage**

463 * * *

464 **Section 6.6.3. Design Standards**

465 * * *

466 **B. Outdoor Storage**

467 * * *

468 2. General Outdoor Storage

469 * * *

470 b. Standards

471 General outdoor storage is permitted and must:

- 472 i. in the Industrial zones, include screening of inventory
- 473 and equipment under Section 6.5.3, unless the use abuts
- 474 or confronts property in an Industrial zone; and
- 475 ii. in all other zones:
- 476 (a) have an approved plan illustrating the extent of the
- 477 permitted area for general outdoor storage;
- 478 (b) be located on property that fronts on and has direct
- 479 access to a road built to [primary]neighborhood
- 480 connector street or higher standards;

481 * * *

482 **Sec. 10. Effective date.** This ordinance becomes effective 20 days after the

483 date of Council adoption.

484

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council

DRAFT