

Ordinance No: 15-03
Zoning Text Amendment No: 03-04
Concerning: Telephone office or communications center - CBD-1 zone
Draft No. & Date: 2 – 4/22/03
Introduced: February 25, 2003
Public Hearing: April 8, 2003; 1:30 PM
Adopted: April 22, 2003
Effective: April 22, 2003

**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 Denis and Praisner

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

- amending the definition of “telephone office or communications center” to clarify that certain equipment and improvements may be located outside of the building;
- increasing the allowable density for a telephone office or communications center in the CBD-1 zone to 2.3 FAR, and
- [[allowing a roof structure on telephone office or communications center in the CBD-1 zone to have a total area greater than 25 percent but not more than a certain percent of the roof area]].
- allowing off-site public use space or improvements to existing public use space to be provided, under certain circumstances.

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

| | |
|--------------------|---|
| DIVISION 59-A-2 | “DEFINITIONS AND INTERPRETATION” |
| Section 59-A-2.1 | “Definitions” |
| DIVISION 59-C-6 | “CENTRAL BUSINESS DISTRICT ZONES” |
| Section 59-C-6.22 | “Land uses” |
| Section 59-C-6.23 | “Development Standards” |
| Section 59-C-6.233 | “Minimum Public Use Space (percent of net lot area)” |
| Section 59-C-6.234 | “Maximum Density of Development, Optional Method, Nonresidential” |
| DIVISION 59-B-1 | “EXEMPTIONS FROM HEIGHT CONTROLS” |
| Section 59-B-1.1 | “Belfries, chimneys, etc.” |

*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 (ZTA) No. 03-04 was introduced on February 25, 2003. As introduced, ZTA 03-04 would: (1) amend the definition of “telephone office or communications center” to clarify that certain equipment and improvements may be located outside of the building; (2) increase the allowable density for a telephone office or communications center in the CBD-1 zone to 2.3 FAR; and (3) allow a roof structure on telephone office or communications center in the CBD-1 zone to have a total area greater than 25 percent but not more than a certain percent of the roof area.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 03-04 be approved with a revision to clarify that the existing optional method process is an appropriate avenue for exemptions from height and roof area controls to be addressed.

The worksession on ZTA 03-04 was held on April 3, 2003, which was before the April 8, 2003 before the public hearing. After a careful review of the ZTA, the Committee recommended, pending any new issues being raised at the public hearing, that ZTA 03-04 be approved with a revision to allow an applicant under the CBD-1 optional method procedure, to provide off-site public use space, or improvements to existing public use space, as an alternative to providing public use space on-site. It was recognized by the Committee that in the case of a building not constructed under the optional method procedure that occupies most of the site, to provide the public use space on site would be difficult.

The County Council held a public hearing on April 8, 2003 to receive testimony concerning the proposed text amendment. No issue not discussed by the Committee at its April 3, 2003 worksession was raised at the public hearing.

The District Council reviewed Zoning Text Amendment No. 03-04 at a meeting held on April 22, 2003, 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. 03-04 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:

1 **Sec. 1. Division 59-A-2 is amended as follows:**

2 **DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

3 **59-A-2.1. Definitions.**

4 * * *

5 **Telephone office or communications center:** A building owned and wholly
6 occupied by a telephone or communications company regulated by the public
7 services commission containing primarily electromechanical or electronic
8 switching equipment, including such accessory uses as testing, assignment and
9 repair service, operator facilities and supervisors’ offices; provided, that all
10 electromechanical or electronic switching equipment [shall be] is completely
11 enclosed within the building.

12 * * *

13 **Sec. 2. Division 59-C-6 is amended as follows:**

14 **DIVISION 59-C-6. CENTRAL BUSINESS DISTRICT ZONES.**

15 * * *

16 **59-C.6.22. Land uses.**

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

18 * * *

| | CBD-0.5 | | CBD-R1 | | CBD-1 | | CBD-2 | | CBD-3 | | CBD-R2 | |
|---|---------|---|--------|---|-------|----------|-------|---|-------|---|--------|---|
| | S | O | S | O | S | O | S | O | S | O | S | O |
| (c) Transportation, communication and utilities. | | | | | | | | | | | | |
| * * * | | | | | | | | | | | | |
| <u>Telephone office or communications center</u> | | | | | | <u>P</u> | | | | | | |

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20 **59-C-6.23. Development standards.**

21 The development standards applicable to the standard and optional methods of
22 development, indicated by the letters “S” and “O” in each of the zones are set forth
23 in this section.

| | CBD-0.5 | | CBD-R1 | | CBD-1 | | CBD-2 | | CBD-3 | | CBD-R2 | |
|---|----------------|----|----------------|------------------|----------------|------------------|----------------|----|----------------|----|----------------|----|
| | S ⁹ | O | S ⁹ | O | S ⁹ | O | S ⁹ | O | S ⁹ | O | S ⁹ | O |
| * * * | | | | | | | | | | | | |
| 59-C-6.233. Minimum Public Use Space (percent of net lot area) | 10 | 20 | 10 | 20 ¹⁶ | 10 | 20 ^{**} | 10 | 20 | 10 | 20 | 10 | 20 |
| * * * | | | | | | | | | | | | |
| 59-C-6.234. Maximum Density of Development. | | | | | | | | | | | | |
| * * * | | | | | | | | | | | | |
| (b) Optional method of development (see section 59-C-6.215(b)): | | | | | | | | | | | | |
| * * * | | | | | | | | | | | | |
| (2) Nonresidential, including transient lodging (FAR): | | 1 | | | | 2* | | 4 | | 6 | | |

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26 * In the case of a telephone office or communications center that [[is existing
 27 as of]] exists on April 22, 2003, a maximum density of 2.3 FAR is
 28 permitted.

29 ** In the case of an expansion of a telephone office communications center that
 30 exists on April 22, 2003, if the applicant demonstrates to the Planning
 31 Board’s satisfaction that public use space cannot be provided on-site, the
 32 Planning Board may authorize off site public use space or improvements to
 33 existing public use space.

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35 **Sec. 3. Division 59-B-1 is amended as follows:**

36 **DIVISION 59-B-1. EXEMPTIONS FROM HEIGHT CONTROLS.**

37 **59-B-1.1. Belfries, chimneys, etc.**

38 * * *

39 No such roof structures, however, [shall] may have a total area greater than 25
 40 percent of the roof area except that a larger area may be approved for buildings

41 approved by the Planning Board under the optional method of development
42 procedures in the central business district zones [[, and except that a roof structure
43 on a telephone office or communications center located in the CBD-1 zone may
44 have a total area greater than 25 percent but not more than 50 percent of the roof
45 area;]] [[nor shall such]]. A roof structure must not be used for any purpose other
46 than a use incidental to the main use of the building. Exempt space may not be
47 used for retail, general and professional offices, or similar uses.

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49 **Sec. 3. Effective date.** This ordinance becomes effective immediately upon
50 Council adoption.

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52 This is a correct copy of Council action.

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56 _____

57 Mary A. Edgar, CMC

58 Clerk of the Council