

Ordinance No: 15-72
Zoning Text Amendment No: 06-02
Concerning: Modifications to
MXTC Zone
Draft No. & Date: 4 – 3/31/06
Introduced: January 31, 2006
Public Hearing: 3/07/06; 1:30 p.m.
Adopted: May 25, 2006
Effective: June 14, 2006

**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.*

OPINION

Zoning Text Amendment (ZTA) No. 06-02 was introduced on January 24, 2006, to amend standards for the Mixed Use Town Center (MXTC) zone. As introduced, the proposed amendment would require site plan approval for the standard method of development if required in a master or sector plan, permit certain light industrial uses if authorized in a master or sector plan, require public use space to conform to the applicable master or sector plan, provide for at least 15-foot setbacks unless the Montgomery County Planning Board authorizes otherwise, and modify the street façade requirements to broaden the directive for ground floor design.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved.

The County Council held a public hearing on March 7, 2006, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on March 17, March 20, and March 27, 2006 to review the amendment. The Committee supported the Planning Board's recommendation to allow the Board to modify street façade requirements and recommended modifying the ZTA to allow the Planning Board to waive setback, height, and public use space requirements if recommended in a master or sector plan. The Council received testimony inquiring whether the existing definition of public use space included environmental areas, community recreation areas, and Legacy Open Space dedication and the Committee believed that the existing definition includes these spaces. The Committee also recommended several changes to the development standards chart for clarity.

The District Council reviewed Zoning Text Amendment No. 06-02 at worksessions held on April 4 and May 25, 2006, 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. 06-02 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-C-11 is amended as follows:**

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

4 * * *

5 **59-C-11.3.1. Site Plan Approval.**

6 Site plan approval is required for:

7 [1. A standard method development with a lot area of five acres or
 8 more;

9 2. A standard method development that has certain uses with more
 10 than 20,000 square feet for each establishment as specified in Sec. 59-
 11 C-11.4.;

12 3. A standard method development proposal for any modification of
 13 the maximum front setback or the street facade requirements; or]

14 1. A standard method development project that includes:

15 a. [[for]] a net lot area of five acres or more;

16 b. [[for]] certain uses with more than 20,000 square feet for
 17 each establishment as specified in Sec. 59-C-11.4;

18 c. [[for any]] a modification [[or reduction]] of the maximum
 19 front setback or the street facade requirements; or

20 d. [[if required]] a recommendation for site plan review in the
 21 applicable master or sector plan.

22 [4.]2.[An optional method development project.] All optional method
 23 development projects. For an optional method development project,
 24 the Board must find that the proposed development:

25 e. conforms to recommendations of the applicable approved
 26 and adopted master or sector plan;

- f. is not detrimental to any existing development due to the size, intensity, design, scale and operational characteristics of its uses;
- g. satisfies the public use space requirements of the zone;
- h. takes maximum advantage of the topography, vistas, façade articulation, and other urban design elements to create an attractive physical environment;
- i. provides adequate linkages among different functions or structures, open areas, public amenities, parking, and adjoining properties and streets, and
- j. provides adequate parking and loading service areas with appropriate landscaping, screening, and lighting that will not adversely affect adjoining neighborhoods.

59-C-11.4. Permitted uses.

* * *

(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
<u>Bank and other financial institution</u>	<u>P/SE⁸</u>
Car wash	SE

44 * * *

(g)	<u>Uses of a light industrial nature</u> ⁷	
	<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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46 * * *

47 7. [[Industrial Uses a]]Allowed only if [[authorized]]

48 recommended in a master or sector plan.

49 8. A drive up bank or a bank with a drive in window must be

50 approved by special exception subject to the general

51 requirements of Section 59-G-1.

52

53 **59-C-11.5. Development standards.**

54 Development standards applicable to the standard and optional method

55 development are indicated by the letters "S" and "O".

		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:⁴		
	[[Minimum front setback (feet) Minimum front setback (feet)	0 ⁴ <u>0</u>	0 ⁴]] <u>0</u>
	Maximum front setback (feet) <u>from a [[public right-of-way]] street line</u>	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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57 1. A master or sector plan may [[establish]] recommend a building
58 height or density limit up to the maximum of the zone, and the
59 appropriate mix of commercial [and], residential [development], and
60 light industrial uses. Notwithstanding any building height limitation
61 [[established]] recommended in a master plan or sector plan, the
62 Planning Board may further limit the maximum allowable building
63 height to achieve compatibility with surrounding land uses. However,
64 the Planning Board may waive any height limit established in a master
65 or sector plan, up to the maximum allowed in the zone, if expressly
66 recommended in the applicable master or sector plan.

67 2. The Planning Board may allow a [[maximum]] front setback from the
68 public right-of-way greater than 10 feet subject to site plan review and
69 the street façade controls of the MXTC zone. [[Unless authorized by

the Planning Board, s]] Setbacks from the curb must [[not]] be of sufficient width [[less than 15 feet]] to provide for streetscape and adequate sidewalk space for pedestrians.

3. Public use space may be provided indoors or outdoors, and must [[be in conformance with]] conform to [[the guidance in the]] master or sector plan recommendations. 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]] must not provide all of the required public use space as green area. However, the Planning Board may waive any public use space requirement if expressly recommended in a master or sector plan.

4. [[Setbacks shall be no less than fifteen (15) feet measured from the curb, unless authorized by the Planning Board.]] The Planning Board may waive setback requirements if expressly recommended in a master or sector plan.

59-C-11.5.1. Street façade requirements.

* * *

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.

97 * * *

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

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102 This is a correct copy of Council action.

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106 Elda M. Dodson, CMC, Acting Clerk of the Council