

Zoning Plan

Overview

The zoning recommendations of this Plan will be implemented by separate action of the County Council following adoption of the Plan.

Existing and Proposed Zoning Plan

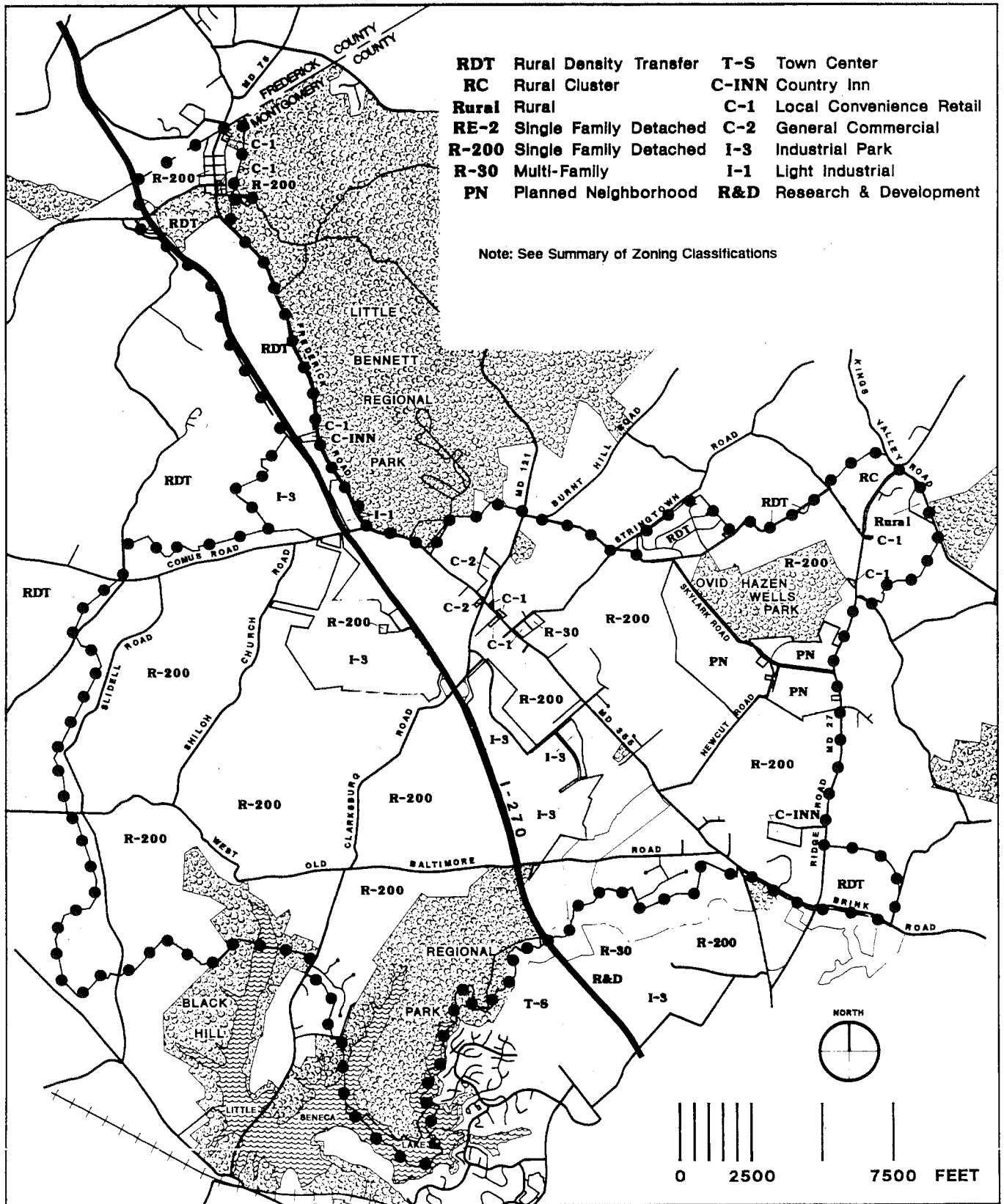
The zoning pattern as of 1993 is shown in Figure 37, page 96. The recommended zoning plan is shown in Figure 38, page 97.

The Zoning Plan includes two different types of zones: Euclidean (base) zones and floating zones. It is standard practice in all master plans adopted in Montgomery County since 1971 to designate a base, or “Euclidean” zone, for every parcel and to indicate for some parcels an appropriate floating or optional zone that allows somewhat different development and sets a higher limit on the intensity of development than the base zone. Euclidean zones contain rigid requirements, such as lot size, setbacks, and height limits. Except when developed under the cluster option, the entire land area will be divided into approximately equal size lots.

Base (or Euclidean zones) may be applied to an entire area by the County Council in a comprehensive rezoning following a master plan study. Piecemeal requests for Euclidean rezonings may be granted only upon a showing that

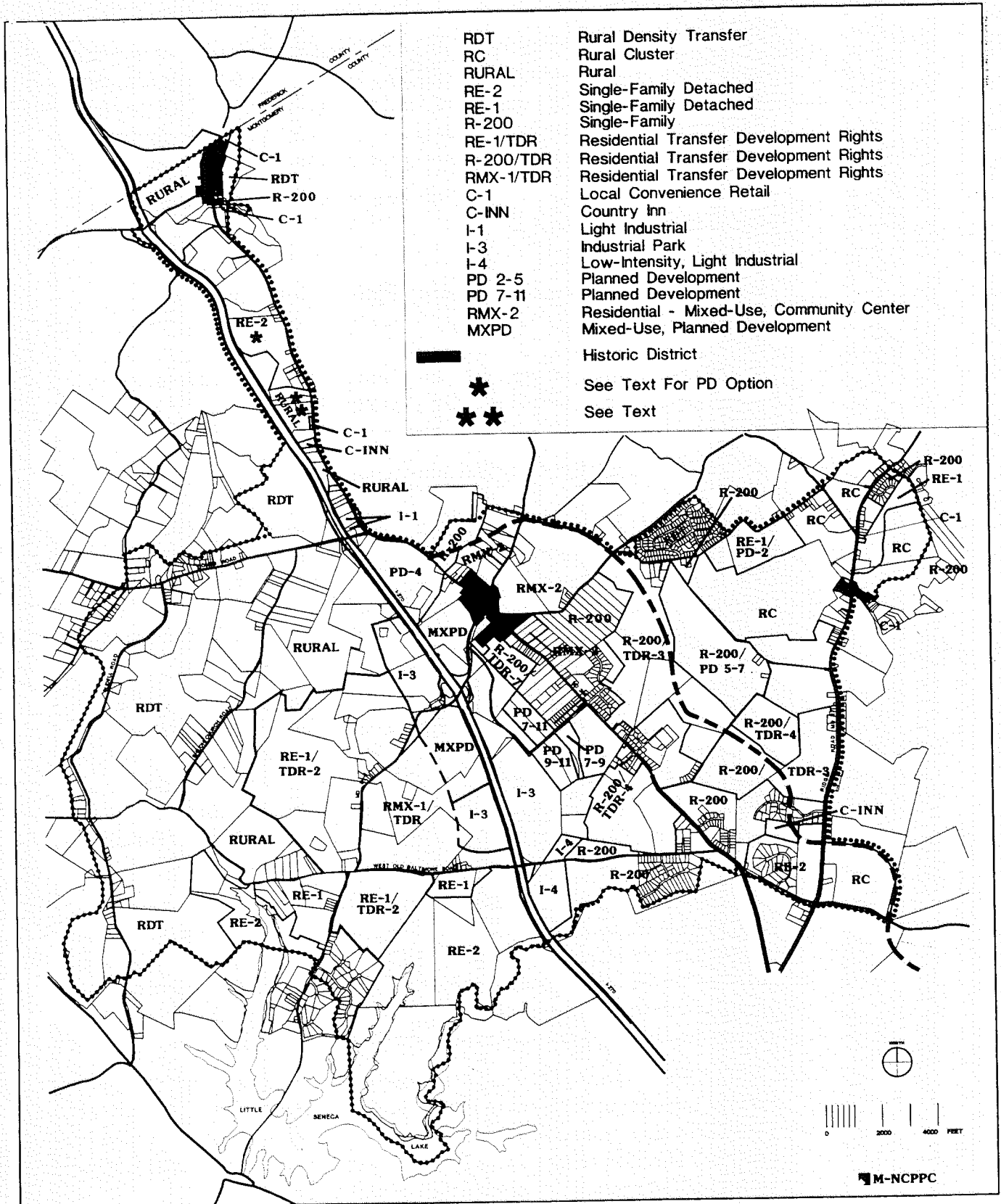
Existing Zoning (as of 1993)

Figure 37



Zoning Plan

Figure 38



there has been a change in the character of the neighborhood since the last comprehensive rezoning or that there was a mistake in that comprehensive rezoning.

Floating zones have more flexible development standards, but they may be approved by County Council only upon a finding that the development will be compatible with surrounding land uses and is in accord with the purpose clause of the zone. In all floating zones, development can only occur in accordance with a detailed site plan approved by the Planning Board.

A generalized description of the zones recommended in this Plan is included in Table 4, page 102.

Relationship of Proposed Zoning Plan to Key Land Use Objectives

The relationship between the Plan's land use recommendations and zoning proposals is summarized in Table 5, page 104.

1. Implementing Mixed-Use Neighborhoods

The Land Use Plan includes many guidelines regarding housing mix, character of neighborhoods, road cross-sections, and the interrelationship of different public and private uses. These types of objectives are best implemented through zones which allow the developer more flexibility in terms of layout and provide for more rigorous design review by the Planning Board and/or County Council.

For this reason, the Zoning Plan designates key areas of the Plan for either "floating zones" or Euclidean zones, which require project plan approval by the Planning Board. This strategy is essential if the mixed-use concepts of the Plan are to be realized. At the same time, this approach allows the Planning Board and/or County Council more opportunity to look at the details of a development proposal and test it against the Plan guidelines prior to authorizing higher density development.

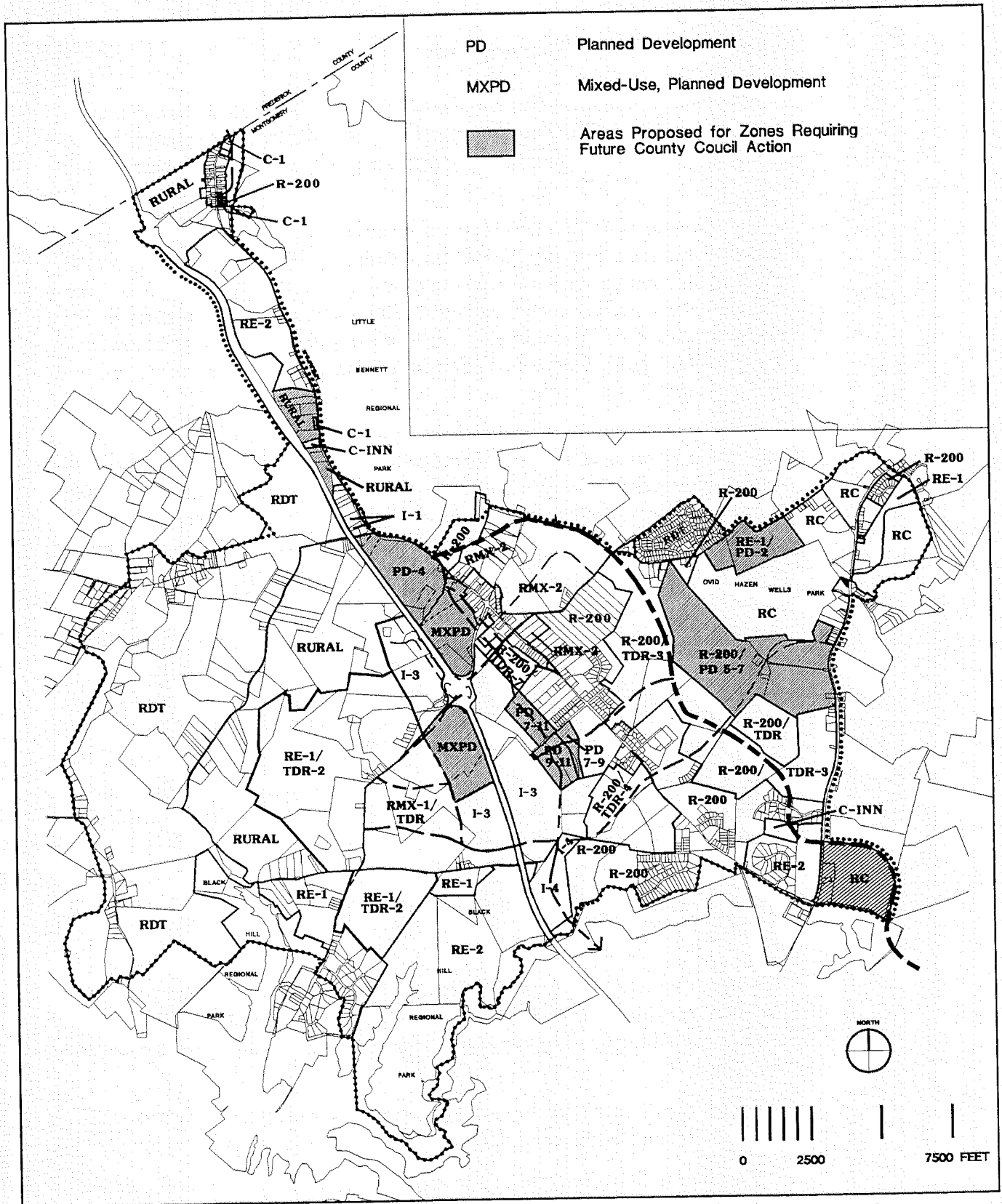
Figure 39, page 99, identifies those properties which will require additional legislative action by the County Council to achieve the end-state density (Planned Development zones) as well as those which will require project plan approval by the Planning Board to achieve end-state density (residential-mixed use zones). Where there is a range in the PD density, the higher density may be achieved only through maximum use of the MPDU provisions.

The Town Center District, the proposed transit stop neighborhoods, and the majority of the Newcut Road and Cabin Branch Neighborhoods are covered by these zones. As a result, the end-state densities recommended in the Land Use Plan cannot occur without more detailed review than is typically required by the subdivision or site plan process.

The boundary of the Town Center to the north and east is A-305. The actual alignment of A-305 may change as a result of design and engineering

Areas Proposed for Zones Requiring Future County Council Action

Figure 39



studies. The area appropriate for RMX-2 should be bounded by A-305's final alignment.

2. Designation of TDR Receiving Areas

This Plan designates several parcels of land as suitable for transferable development rights (TDR) receiving areas. Receiving areas are permitted to develop to a specified density greater than that designated by the base zoning density.

The zoning density of a development in any residential zone within a designated TDR receiving area may be increased (subject to Planning Board approval and in conformance with an approved and adopted master plan) by one dwelling unit for each development right received from a rural property designated a "sending area." Transferable development rights is a method of preserving agricultural land. Owners of agricultural land sell "development rights" from their land.

The zoning density in a receiving area may not be increased by transfer of development rights beyond the density recommended by the Land Use Plan. A request to utilize development rights on a property within a receiving area is submitted in the form of a preliminary subdivision plan. The preliminary subdivision plan must normally include at least two-thirds of the maximum number of development rights permitted to be transferred to the property.

A property developed with TDR's must provide moderately priced dwelling units (MPDU's) in accord with the Montgomery County Code. The MPDU requirement is calculated on the total dwelling unit count, including TDR units. (Additional TDR's do not have to be purchased to exercise the MPDU bonus.) Development with TDR's must conform to the standards of the PD zone nearest (but not higher) in density to the TDR density shown on the Master Plan.

The recommended TDR receiving areas in Clarksburg are identified on the Land Use Plan map and the Zoning Plan map. The characteristics of the receiving areas are described on Table 3, page 101.

3. Implementing the Vision of I-270 as a High-Technology Employment Corridor.

This Plan includes many employment sites along I-270. Some are presently zoned I-3, but this Plan recommends a substantial reduction in the actual acreage proposed for I-3. The key reasons for reducing the amount of I-3 zoned land include:

- The Plan's intent to keep employment uses clustered toward I-270 rather than allowing buildings to spread over large expanses of land.
- Concern that continuing the existing zoning pattern could allow upwards of over 80,000 employees in an area envisioned as a town rather than a major employment center.

The most significant area of new employment is located in the Cabin Branch Neighborhood where up to 2.3 million square feet of office-type uses could occur. This Plan recommends this development occur as part of a mixed-use concept to allow the opportunity for housing. RMX zoning will be the base zoning for the northern portion of this site and I-3 Zone for the southern portion with an MXPB option over the entire area to allow for comprehensive planning of these mixed uses.

A similar zoning approach is recommended along I-270 in the Town Center to encourage joint development of employment and residential uses near a future proposed transit stop. The R-200 Zone is recommended as the base zone with MXPB Zone recommended as the appropriate floating zone.

The Land Use Plan designates sites west of I-270 as suitable for the I-3 Zone; the actual zoning configuration will be refined at time of zoning.

Summary of TDR Zone Recommendations

Table 3

Area	Acres	Recommended Zone	Maximum Potential Development Rights
Cabin Branch Neighborhood	355 165	RMX-1/TDR RE-1/TDR-2 *	734 31
Newcut Road	670	R-200/TDR-3	670
MD 355 Corridor	175	R-200/TDR-4	350
Transit Corridor	41	R-200/TDR-7	205
Ten Mile Creek East	593	RE-1/TDR-2 *	194
Total	1,999		2,184

* The owners/representatives of these properties have requested the TDR designation. The Master Plan establishes density caps of less than the full density allowed by the zone on these properties.

Summary of Zoning Classifications¹

Table 4

Zone	Description	Maximum Density (Units Per Acre)/Building Height ²
<u>AGRICULTURAL ZONES³</u>		
RDT	Rural Density Transfer	1 Unit/25 Acres
RC	Rural Cluster	1 Unit/5 Acres
Rural	Rural	1 Unit/5 Acres
<u>RESIDENTIAL ZONES</u>		
RE-2	Single-Family Detached	0.4/Acre
RE-1	Single-Family Detached	1.0/Acre
R-200	Single-Family	2.0/Acre
R-150	Single-Family	2.9/Acre
R-90	Single-Family	3.6/Acre
R-60	Single-Family	5.0/Acre
R-30	Multi-Family	14.5/Acre
<u>TRANSFERABLE DEVELOPMENT RIGHTS (TDR)</u>		
RMX-1/TDR		The TDR density shown on the Zoning Plan can only be achieved through the transfer of development rights from the Agricultural Reserve
R-200/TDR		
RE-1/TDR		
<u>COMMERCIAL ZONES</u>		
C-1	Local Convenience Retail	30 Feet
C-2	General Commercial	3 Stories/42 Feet
C-Inn*	Country Inn	2-1/2 Stories
<u>EMPLOYMENT ZONES</u>		
I-1	Light Industrial	10 Stories/120 Feet
I-3*	Industrial Park	100 Feet/0.5 FAR
I-4	Low-Intensity, Light Industrial	42 Feet
<u>PLANNED DEVELOPMENT AND MIXED-USE ZONES</u>		
PD*	Planned Development	Variable
PN*	Planned Neighborhood	Variable
MXPD*	Mixed-Use Planned Development	Variable
RMX-1*	Residential - Mixed-Use Development, Community Center	Variable
RMX-2*	<i>Same as above</i>	Variable

Note: * These zones generally involve more rigorous review procedures by the Planning Board and/or County Council.

Table 4 Footnotes:

- 1 The Montgomery County Zoning Ordinance gives the specific provisions for each zone. In certain instances, dwelling unit types and building heights may be changed.
- 2 Densities indicated are the maximum permissible, without the bonus for inclusion of Moderately Priced Dwelling Units (MPDU's). These densities do include the cluster option where applicable. Maximum density can only be obtained on land with dedicated rights-of-way and the capability to accommodate required lot sizes. Any subdivision of 50 or more units must include 12.5 percent MPDU's, in which case a density increase of up to 20 percent and optional development standards and unit types are permitted.
- 3 In order to utilize the cluster provisions of the Zoning Ordinance, a developer must receive the approval of the Montgomery County Planning Board. The property must be posted and a public hearing must be held on the application prior to the Planning Board's action.

Zoning Recommendations by Geographic Area

Table 5

PLANNING SUBAREA	KEY LAND USE RECOMMENDATIONS	KEY ZONING RECOMMENDATIONS
1. TOWN CENTER DISTRICT	<ul style="list-style-type: none"> • To encourage a variety of uses. • To encourage a mix of housing types. • To reinforce the concept of I-270 as a high technology employment corridor. • To encourage a proposed neighborhood shopping center be integrated with surrounding uses. • To protect the scale and character of the Clarksburg Historic District. 	<ul style="list-style-type: none"> • Recommend the RMX-2 Zone for a large portion of the Town Center District. This zone allows a mix of uses but only upon a finding by the Planning Board that a development plan is consistent with Master Plan recommendations. • Designates a site near I-270 for employment use. The MXPD Zone is recommended to encourage the joint development of residential and employment uses.
2. TRANSIT CORRIDOR DISTRICT	<ul style="list-style-type: none"> • To encourage a mix of uses at the proposed Shawnee Lane transit stop area. • To continue the employment zoning (I-3) on the Comsat and Gateway I-270 properties and to provide the future opportunity for a mix of housing. • To retain the residential character of MD 355 	<ul style="list-style-type: none"> • Recommend Planned Development (PD) Zone for mixed-use area. • Recommend Mixed-Use Planned Development (MXPDP) Zone as an option for properties now zoned I-3. • Retain existing residential zoning along MD 355.
3. NEWCUT ROAD NEIGHBORHOOD	<ul style="list-style-type: none"> • To create a mixed-use neighborhood center. 	<ul style="list-style-type: none"> • Recommend Planned Development (PD) Zone for vacant land currently zoned Planned Neighborhood (PN). The PN Zone was developed over 20 years ago; planning and zoning concepts in terms of neighborhoods have changed and the PN Zone is no longer the best way to achieve Plan objectives. For this reason, the PD Zone is recommended instead.

Zoning Recommendations by Geographic Area (continued)

PLANNING SUBAREA	KEY LAND USE RECOMMENDATIONS	KEY ZONING RECOMMENDATIONS
4. CABIN BRANCH NEIGHBORHOOD	<ul style="list-style-type: none"> • To encourage a variety of housing types. • To create a mixed-use neighborhood center. • To encourage an employment pattern which is supportive of I-270 as a high-technology Corridor. 	<ul style="list-style-type: none"> • Designate areas recommended for residential and retail uses as RMX-1, a mixed-use zone. • Recommends the MXP Zone if area is planned and designed in a comprehensive fashion.
5. HYATTSTOWN SPECIAL STUDY AREA	<ul style="list-style-type: none"> • To preserve the scale and character of the Hyattstown Historic District. • To preserve the rural character between Hyattstown and Clarksburg. • To recommend compatible land uses in areas severely impacted by noise. 	<ul style="list-style-type: none"> • Allows a PD zoning application in the area between Hyattstown and Clarksburg if it is supportive of the Plan objective to provide sewer service to Hyattstown in a timely manner. • Recommends a new zone to permit services of a scale and character which would be compatible in rural settings.
6. TRANSITION AREAS	<ul style="list-style-type: none"> • To create a suitable transition from other communities (Damascus/ Germantown) to Clarksburg. 	<ul style="list-style-type: none"> • Recommend residential zones that will facilitate provision of detached units (R-200 and R-90). • Recommend large lot zoning as transition to neighboring rural and agricultural areas (5-acre and 2-acre lots).
7. TEN MILE CREEK AREA	<ul style="list-style-type: none"> • To encourage the preservation of agricultural and open space. • To balance environmental concerns, County housing needs, and the importance of I-270 as a high-tech employment corridor. 	<ul style="list-style-type: none"> • Recommend RDT zoning west of Shiloh Church Road. • Recommend employment sites along I-270. • Recommend residential land uses west of MD 121.