

CHAPTER 59
MONTGOMERY COUNTY ZONING ORDINANCE
[PLANNING BOARD]
PRELIMINARY PHED COMMITTEE DRAFT

The Preliminary PHED Committee Draft is still under review. Any additional changes will be incorporated in the Final PHED Committee Draft. Article 59-8 has yet to be reviewed by the PHED Committee therefore it is not included in the Preliminary PHED Committee Draft.

SEPTEMBER 4 [MAY 2], 2013

[Use of the Zoning Ordinance

1. Coordination with Other Chapters

- A. The use of structures and land within Montgomery County must satisfy all other applicable provisions as well as this Chapter, whether or not such other provisions are specifically referenced in the Chapter. Reference to other chapters or provisions of the Montgomery County Code is for the convenience of the reader; the lack of a cross-reference does not exempt a property, building, structure, or use from other requirements.
- B. If a requirement adopted by this Chapter imposes a higher standard than those required under another statute or provision, the requirement adopted under this Chapter controls. If the other statute or provision imposes a higher standard, that statute or provision controls.

2. Chapter Organization

- A. Article 59-1., **General Zoning Ordinance Provisions** establishes the legal framework and purpose of this Chapter; describes what properties and land use elements are controlled by this Chapter; addresses how annexed properties are treated; how coordination with other provisions is governed; how tables, illustrations, and examples are to be interpreted; and defines certain terms used in this Chapter.
- B. Article 59-2., **Zones**, establishes the various zones used by the County to implement land use policy; the intent of each zone; and how zoning maps are recorded and interpreted.
- C. Article 59-3., **Uses and Use Standards**, provides a Use Table for all zones; defines each use; and specifies any use-specific standards in addition to the zone standards and requirements, and general requirements.
- D. Article 59-4., **Euclidean Zone Requirements: General and Standard Method**, establishes the allowed development methods; defines how standards are measured and what exceptions are allowed; and establishes the development standards and requirements for each Euclidean zone.
- E. Article 59-5., **Floating Zone Requirements**, establishes the development standards and requirements for each Floating zone.

- F. Article 59-6., **Optional Method Requirements**, establishes the development requirements and standards for all optional method development, including development with Moderately Priced Dwelling Units, Cluster Development, TDRs, and development requiring public benefits in the Commercial/Residential and Employment zones.
- G. Article 59-7., **General Development Requirements**, establishes the applicability, standards, and requirements for site access; parking, queuing, and loading; open space; recreation facilities; landscaping and outdoor lighting; outdoor storage and display; and signs.
- H. Article 59-8., **Administration and Procedures**, establishes the application requirements necessary to comply with this Chapter and the related submittal requirements; review and approval authorities for such applications; decision-making requirements; how approvals received before this Chapter became effective are treated; how nonconforming sites, designs, uses, and structures are treated; and how this Chapter is enforced.
- I. Article 59-9., **Zones Retained from Previous Ordinance**, establishes zones that were applied by local map amendment before this Zoning Ordinance was adopted; may be mapped on the zoning map, but may not be requested by any property owner under a Local Map Amendment; and may not be applied to any additional property in a master plan adopted after [date of adoption].

3. Step-By-Step Use of the Chapter

This section describes in general terms, and for the benefit of the reader, how to use the Chapter. It is not exhaustive, and may not contain all of the steps, information, or references necessary to make or evaluate a development application or to implement this Chapter.

A. To Determine the Zone

1. Obtain a scaled, certified copy of a property's zoning map from the Montgomery County Planning Department to ensure that zoning information is accurate and reliable. Take note of any Overlay zones that apply.
2. Take note of the zoning for abutting and confronting properties because this may affect land use classifications, development standards, and other

requirements. In particular, if a property is in a Commercial/Residential, Employment, Industrial, or Floating zone and is abutting property in an Agricultural, Rural Residential, or Residential Detached zone, limits on use, increases in setbacks, height restrictions, and other limits may be imposed; and

3. Refer to Article 59-2 to find the intent of the zone because some approvals require an applicant to show that an application meets the intent of the zone.

B. To Identify the Allowed Uses and Applicable Use Standards

1. Refer to the Use Table in Article 59-3 to determine which uses are allowed in the zone and ensure that the desired use meets the definition in that Article.
2. Consider a Floating zone that allows the use if the desired use is prohibited in the current zone. In this case, the requirements for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Sec. 8.2.1 will apply.
3. A use identified as limited ("L") or conditional ("C") must satisfy additional standards or review. All conditional uses must be approved by the Hearing Examiner or Board of Appeals, as indicated. Some limited uses will require a site plan under Sec. 8.3.4.

C. To Review the Building Types Allowed by the Zone

1. Sec. 4.1.4 identifies which building types are allowed in the zone.
2. Only uses allowed in the zone may be approved for any given building type, which must also be allowed in the zone: the building type name does not imply any particular use as defined by this Chapter.
3. If the desired building type is prohibited in the zone, the applicant may wish to pursue a Floating zone that allows the building type. In this case, the requirements for a Floating zone under Article 59-5 and the procedures for a Local Map Amendment under Sec. 8.2.1 will apply.

D. To Determine the Development Method

1. There are 2 types of development allowed in this Chapter: standard method and optional method. In most cases, standard method development allows

a base density and has set standards and requirements. Optional method typically allows more flexibility in building types, density, height, and standards and requirements, and may require the provision of public amenities and benefits and entails additional public review.

2. Refer to the applicable Division in Article 59-4 or Article 59-6 to determine the development thresholds for standard and optional method development.

E. To Determine the Applicable Zone Requirements

1. Under standard method development, the zone requirements, including lot size, lot width, setbacks, coverage, height, etc., are contained in Article 59-4 for Euclidean zones.
2. Under optional method development, the zone requirements, including public amenity and benefit requirements, are contained in Article 59-6.
3. The zone requirements for a Floating zone are contained in Article 59-5.

F. To Identify the General Development Requirements

1. Development must comply with the general development requirements established in Article 59-7, as specified in that Article.
2. General development requirements include standards for site access; parking, queuing, and loading; open space; landscaping and lighting; outdoor storage and display; and signage. Each Division or Section of Article 59-7 includes the intent or applicability of the provisions and should be reviewed to ensure compliance.
3. If any applicant cannot comply with a provision in Article 59-7, or wishes to pursue an alternative, the mechanism for pursuing alternative compliance is indicated.

G. To Determine Review Procedures

1. Article 59-8 identifies what types of approvals are required and who performs the review.
2. Div. 8.1 identifies what types of approvals are required depending on the zone and method of development.
3. For each applicable approval, the application requirements, submittal

requirements, necessary findings, and other pertinent information are provided. The intake and review bodies are also enumerated. These agencies should be the first point of contact to ensure correct interpretation of the steps required and compliance with the requirements for development of any structure or land in the County.

H. Ensure Proper Interpretation

1. Refer to Div. 1.4. for the rules of interpretation and defined terms.
2. If a meaning, calculation, or measurement is unclear, a written interpretation may be obtained from DPS.]

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