



Proposed Zoning Text Amendment (ZTA), Overlay Zone – Bethesda



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Completed: 9/29/16

Description

The proposed ZTA would establish the Bethesda Overlay Zone (BOZ) to implement recommendations of the Planning Board Draft of the Bethesda Downtown Plan.

Summary

Staff recommends transmittal to County Council for introduction the proposed zoning text amendment to implement the recommendations of the *Planning Board Draft of the Bethesda Downtown Plan* by establishing the Bethesda Overlay Zone.

Background/Analysis

On July, 2016, the Planning Board unanimously voted to transmit to the County Council the *Planning Board Draft Bethesda Downtown Plan*. The proposed overlay zone was recommended to assist in implementing many of the goals in the Plan.

The aim of the Plan is not to radically transform the community but to achieve a sustainable downtown through incremental measures addressing its economic, social and environmental future. The recommendations work to increase:

- 1. Parks and open spaces**, including new civic greens at Veteran’s Park, Bethesda Farm Women’s Cooperative Market, Capital Crescent Trail and new urban parks, pathways and gateways.
- 2. Affordable housing**, including the preservation of existing market-rate affordable housing, providing a mix of housing options and the provision of Moderately Priced Dwelling Units in exchange for development incentives.

3. Environmental innovation, including more energy-efficient buildings, better stormwater management, improved sidewalks and bicycle routes, and other measures to enhance community health and quality of life.

4. Economic competitiveness, based on new development, public amenities and proximity to public transit to attract businesses and visitors from throughout the region, and foster entrepreneurship and innovation.

Montgomery County's new Zoning Ordinance, enacted in October 2014, provides valuable tools for developing a mix of residential and non-residential uses within the Commercial Residential (CR) or Commercial Residential Town (CRT) zones, such as those of Downtown Bethesda. At the same time, these zones allow for public amenities and benefits, including affordable housing, energy conservation, public open space and high quality designs of streetscapes and buildings. One of the proposed methods for achieving several of these benefits is the subject zoning text amendment to establish the Bethesda Overlay Zone: This new overlay zone would provide a planning and zoning strategy that implements the recommendations outlined in the Plan while providing a comprehensive zoning scheme that does not exceed the densities recommended in the land use vision.

Generally, the Bethesda Overlay Zone:

- Establishes a funding mechanism for parks and open space critical to support additional development
- Expands the County's affordable housing inventory
- Ensures high quality design through the use of a Design Review Advisory Panel.
- Modifies the density averaging rules for certain priority sites in the Plan area. The Sector Plan designates Open Space Priority Sending Sites, Historic/Community Resources Priority Sending Sites and Affordable Housing Sending Sites. Density transfers from these sites are encouraged to facilitate, respectively, the creation or enlargement of urban parks, protection of significant landmarks and retention of affordable housing.

In order to accomplish these objectives, the Plan recommends zoning individual properties CR with the currently mapped density limit and with the building heights recommended in the Sector Plan. These properties will also be covered under the Bethesda Overlay Zone.

Specifically, the Bethesda Overlay Zone will:

- Cover all properties within the Sector Plan boundary.
- Set a cap on development to ensure that additional density in the Plan Area (excluding mapped CR and CRT density) does not exceed 3,289,000 square feet. (*Lines 64-71*)

- Allow development to exceed the mapped CR density limit on a property if overlay zone density is available and the proposed development meets certain requirements. *(Lines 64-91)*
- Establish the requirements for additional density received through the Bethesda Overlay Zone, including a requirement to provide a Park Impact Payment, provide 15 percent MPDUs and participate in a Design Review Advisory Panel at the Concept Plan and/or Sketch Plan application phase. *(Lines 74-91)*
- Not give additional building height for projects with MPDUs located outside of the High Performance Area. *(Lines 60-63)*
- Establish the process for obtaining approval of a development with overlay zone density and using it in a timely manner so that unused density is not hoarded. *(Lines 135-156)*
- Modify the density averaging rules to encourage transfers of density from the Priority Sending Sites identified in the Sector Plan. *(Lines 92-132)*

Overall, staff believes that the proposed overlay zone consistently implements the recommendations of *Planning Board Draft Bethesda Downtown Plan* which intends to create a truly sustainable downtown by focusing on components that will bolster the elements most in need of enhancement.

Attachments

1. ZTA No. 16-XX
2. Map-Proposed Overlay Zone Boundary

ATTACHMENT 1

Zoning Text Amendment No.: 16-XX
Concerning: Overlay Zone – Bethesda
Draft No. & Date: 2-9/14/16
Introduced:
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:

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- establish the Bethesda Overlay Zone

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

ARTICLE 59-1	“General Zoning Ordinance Provisions”
Section 1.4.2.	“Specific Terms and Phrases Defined”
ARTICLE 59-2.	“Zones and Zoning Map”
Section 2.1.2.	“Zoning Categories”
ARTICLE 59-4.	“Development Standards for Euclidean Zones”
Section 59.4.9.	“Overlay Zones”
Section 4.9.2	“Burtonsville Employment Area (BEA) Overlay Zone”
Section 4.9.3	“Chevy Chase Neighborhood Retail (CCNR) Overlay Zone”
Section 4.9.4	“Clarksburg East Environmental (CEE) Overlay Zone”
Section 4.9.5	“Clarksburg West Environmental (CWE) Overlay Zone”
Section 4.9.6	“Community-serving Retail (CSR) Overlay Zone”
Section 4.9.7	“Fenton Village (FV) Overlay Zone”
Section 4.9.8	“Garrett Park (GP) Overlay Zone”
Section 4.9.9	“Germantown Transit Mixed Use (GTMU) Overlay Zone”
Section 4.9.10	“Montgomery Village (MV) Overlay Zone”
Section 4.9.11.	“Regional Shopping Center (RSC) Overlay Zone”
Section 4.9.12.	“Ripley/South Silver Spring (RSS) Overlay Zone”
Section 4.9.13.	“Rural Village Center (RVC) Overlay Zone”
Section 4.9.14.	“Sandy Spring/Ashton Rural Village (SSA) Overlay Zone”
Section 4.9.15.	“Takoma Park/East Silver Spring Commercial Revitalization (TPESS) Overlay Zone”
Section 4.9.16.	“Transferable Development Rights (TDR) Overlay Zone”

Section 4.9.17. Twinbrook (TB) Overlay Zone
Section 4.9.18. Upper Paint Branch (UPB) Overlay Zone
Section 4.9.19. Upper Rock Creek (URC) Overlay Zone

And adding

New defined term

Section 1.4.2 “Bonus Density”

Section 59.4.9.2. “Bethesda (B) Overlay Zone”

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. ARTICLE 59-1 is amended as follows:**

2 * * *

3 **DIVISION 1.4. Defined Terms**

4 * * *

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

6 In this Chapter, terms that are not specifically defined have their ordinary meaning.

7 The following words and phrases have the meanings indicated.

8 * * *

9 **Bonus Density:** See Section 4.9.2.C.2.a

10 * * *

11 **Sec. 2. ARTICLE 59-2 is amended as follows:**

12 **DIVISION 2.1. Zones Established**

13 * * *

14 **Section 2.1.3. Establishment of Zones**

15 * * *

16 **G. Overlay Zones**

17 1. There are [18] 19 Overlay zone classifications:

18 a. Bethesda (B)

19 [a] b. Burtonsville Employment Area (BEA),

20 [b] c. Chevy Chase Neighborhood Retail (CCNR),

21 [c] d. Clarksburg East Environmental (CEE),

22 [d] e. Clarksburg West Environmental (CWE),

23 [e] f. Community-serving Retail (CSR),

24 [f] g. Fenton Village (FV),

25 [g] h. Garrett Park (GP),

26 [h] i. Germantown Transit Mixed Use (GTMU),

27 [i] j. Montgomery Village (MV)

- 28 [j] k. Regional Shopping Center (RSC),
- 29 [k] l. Ripley/South Silver Spring (RSS),
- 30 [l] m. Rural Village Center (RVC),
- 31 [m] n. Sandy Spring/Ashton Rural Village (SSA),
- 32 [n] o. Takoma Park/East Silver Spring Commercial Revitalization
- 33 (TPESS),
- 34 [o] p. Transferable Development Rights (TDR),
- 35 [p] q. Twinbrook (TB),
- 36 [q] r. Upper Paint Branch (UPB), and
- 37 [r] s. Upper Rock Creek (URC).

38 2. Building types, uses, density, height, and other standards and
 39 requirements may be modified by the Overlay zones under Section
 40 4.9.2 through Section [4.9.19] 4.9.20.

41 * * *

42 **Sec. 3. ARTICLE 59-4 is amended as follows:**

43 **DIVISION 4.9. Overlay Zones**

44 * * *

45 **Section 4.9.2. Bethesda Overlay Zone**

46 **A. Purpose**

47 The purpose of the Bethesda Overlay Zone is to appropriately allocate
 48 density within the Bethesda Downtown area that will protect existing
 49 residential neighborhoods, establish a funding mechanism for parks
 50 and open space critical to support additional development, expand the
 51 County’s affordable housing inventory, ensure high quality design
 52 through the use of a Design Review Advisory Panel, and modify
 53 density averaging rules for Priority Sending Sites.

54 **B. Land Uses**

- 55 1. The land uses of the Commercial Residential (CR) and the
56 Commercial Residential Town (CRT) zones are applicable.
57 2. Surface Parking for Use Allowed in the Zone is not allowed on a
58 Priority Sending Site from which density has been transferred.

59 **C. Development Standards**

- 60 1. Building Height
61 Outside of the High Performance Area designated in the Bethesda
62 Downtown Plan, development may not exceed the mapped height limit in
63 order to facilitate the provision of MPDUs under Section 4.7.3.D.6.b.
- 64 2. Density
- 65 a. A development may exceed the mapped CR or CRT FAR on a site if
66 the Planning Board approves on a sketch and site plan the allocation
67 of FAR from Bonus Density. Bonus Density is the total square
68 footage by which approved development in the Downtown Bethesda
69 plan area may cumulatively exceed the maximum square footage
70 allowed under the mapped CR and CRT zones. Bonus Density is
71 limited to 3,289,000 square feet.
- 72 b. FAR allocated from Bonus Density may be developed with any
73 Commercial or Residential use allowed in the underlying zone.
- 74 c. In order to qualify for Bonus Density FAR, a proposed development
75 must:
- 76 1. Use all mapped CR or CRT FAR associated with the property.
77 Density may not be transferred from the property.
- 78 2. Provide a minimum of 15 percent MPDUs.
- 79 3. Make a Park Impact Payment before the filing of any building
80 permit application at a rate of \$10 per square foot of approved Bonus

81 Density FAR. If a property owner dedicates land designated as an
82 Open Space Priority Sending Site to the M-NCPPC Parks Department,
83 the Planning Board may reduce the amount of square footage for
84 which a Park Impact Payment must be made in proportion to the
85 dedicated area.

86 4. Be reviewed by the Design Review Advisory Panel at sketch plan
87 and site plan review to help ensure the development achieves the
88 highest level design quality, consistent with the master plan, design
89 guidelines, and other applicable requirements. The Design Review
90 Advisory Panel must consist of at least five members appointed by the
91 Planning Director.

92 **3. FAR Averaging**

- 93 a. The Bethesda Downtown Plan designates certain properties as Priority
94 Sending Sites to encourage the creation or enlargement of urban
95 parks, protect significant historic and community resources, and to
96 retain existing affordable housing.
- 97 b. Density transferred from a Priority Sending Site may be included in a
98 development application for any CR or CRT-zoned site within the
99 Sector Plan Area boundary.
- 100 c. Density transferred from a Priority Sending Site may be used on
101 another site without the Priority Sending Site being under the same
102 sketch plan or site plan.
- 103 d. Density transferred from a Priority Sending Site is exempt from the
104 BLT purchase requirements of Section 4.7.3.F.1.a.
- 105 e. Density transferred from a Priority Sending Site is exempt from any
106 requirement to provide MPDUs above the 12.5 percent minimum.

- 107 f. Before a certified site plan for a development using density transferred
108 from an Open Space Priority Sending Site may be approved, all
109 development rights must be extinguished on the Open Space Priority
110 Sending Site by a recorded instrument approved by the M-NCPPC.
- 111 g. Before a certified site plan for a development using density transferred
112 from an Affordable Housing Priority Sending Site may be approved,
113 the owner of the sending site must enter into a rental agreement with
114 the Department of Housing and Community Affairs to retain a
115 minimum of 30% of the existing affordable housing units, defined as
116 65 percent of Area Median Income (AMI) or below, for 20 years.
- 117 h. Before a certified site plan for a development using density transferred
118 from a Historic/Community Resource Priority Sending Site may be
119 approved, all development rights not associated with an existing
120 structure, and any amount of square footage determined by the
121 Planning Board in reviewing a Sketch Plan to be necessary for
122 operational purposes, must be extinguished on the
123 Historic/Community Resource Priority Sending Site by a recorded
124 instrument approved by the M-NCPPC.
- 125 i. If all or part of an Open Space Priority Sending Site off of which no
126 density has been transferred is dedicated to the M-NCPPC Parks
127 Department, it may qualify for public benefit points as a major public
128 facility.
- 129 j. If all or part of a Historic/Community Resource Priority Sending Site
130 off of which no density has been transferred is dedicated to the M-
131 NCPPC Parks Department, it may qualify for public benefit points as
132 a major public facility.
- 133

134

135 **D. Development Procedures**

136 1. Sketch plan and site plan approval under Section 7.3.3 and Section
137 7.3.4, respectively, are required for all development in the Bethesda
138 Overlay Zone that uses the FAR averaging provisions of Section
139 4.9.2.C.3.

140 2. To approve a site plan with Bonus Density FAR, the Planning Board
141 must find that the proposed allocation of FAR from Bonus Density, in
142 addition to all previously approved allocations, does not exceed
143 3,289,000 square feet.

144 3. If the Planning Board approves a site plan using Bonus Density, the
145 applicant must have the Department of Permitting Services accept at
146 least a core and shell building permit application no later than two
147 years after the date the resolution is sent. The applicant must provide
148 the Planning Department proof of acceptance of the core and shell
149 building permit application no later than 15 days after the Department
150 of Permitting Services accepts it. No later than two years after the
151 Department of Permitting Services accepts the core and shell building
152 permit application, the applicant must obtain at least a core and shell
153 building permit. The deadlines for applying for and obtaining a core
154 and shell building permit under this section may not be extended. If
155 an applicant fails to apply for or obtain a building permit within the
156 time allowed under this section, the site plan approval is revoked.

157

158

159

160 **Section [4.9.2] 4.9.3. Burtonsville Employment Area (BEA),**

161 * * *

162 **B. Land Uses**

163 1. The following uses are prohibited:

164 * * *

165 k. Light Manufacturing and Production, except as noted in Section
166 [4.9.2.B.3] 4.9.3.B.3;

167 * * *

168 **Section [4.9.3] 4.9.4. Chevy Chase Neighborhood Retail (CCNR),**

169 * * *

170 **Section [4.9.4] 4.9.5. Clarksburg East Environmental (CEE),**

171 * * *

172 **D. Development Standards**

173 1 Except as allowed under Section [4.9.4.B] 4.9.5.B, the maximum total
174 impervious surface area for any development after August 4, 2014 is
175 15% of the total area under application for development.

176 * * *

177 **E. Site Plan**

178 1. Any development that must file a preliminary plan of subdivision under
179 Chapter 50 requires approval of a site plan by the Planning Board under
180 Section 7.3.4, unless excluded under Section [4.9.4.E.2] 4.9.5.E.2.

181 * * *

182 **Section [4.9.5] 4.9.6. Clarksburg West Environmental (CWE),**

183 * * *

184 **D. Development Standards**

185 1. Except for County owned land or land under a conservation easement
186 granted to the benefit of the County and development exempted under
187 Section [4.9.5.B] 4.9.6.B, the maximum total impervious surface area

188 for any development after August 4, 2014 is 6% of the total area under
189 application for development.

190 * * *

191 **E. Site Plan**

192 1. Any development that must file a preliminary plan of subdivision under
193 Chapter 50 requires approval of a site plan by the Planning Board under
194 Section 7.3.4, unless excluded under Section [4.9.5.E.2] 4.9.6.E.2 or
195 Section [4.9.5.E.3] 4.9.6.E.3.

196 * * *

197 **Section [4.9.6] 4.9.7. Community-serving Retail (CSR),**

198 * * *

199 **Section [4.9.7] 4.9.8. Fenton Village (FV),**

200 * * *

201 **C. Development Standards**

202 1. Building Height

203 * * *

204 b. Maximum building height is 60 feet along any street confronting
205 any block that includes property in a Residential Detached zone
206 and, when a building is allowed to be higher than 60 feet under
207 Section [4.9.7.C.1.c] 4.9.8.C.1.c, each additional foot in building
208 height above 60 feet requires at least an additional one foot
209 stepback from the front of the building along Fenton Street;

210 * * *

211 e. For properties with frontage on both Wayne Avenue and Fenton Street,
212 in spite of the height limitations in Section [4.9.7.C.1.b] 4.9.8.C.1.b
213 through Section [4.9.7.C.1.d] 4.9.8.C.1.d, maximum building height may
214 be increased by 15 feet for a building that includes residential uses or a

215 mix of residential and commercial uses, if such additional height is not
216 more than 200 feet from the right-of-way line for Fenton Street as
217 recommended in the Approved and Adopted 2000 Silver Spring CBD
218 Sector Plan; however, any building using additional height must be set
219 back from abutting Residentially zoned land no less than the setback
220 required in the abutting Residential zone or the height of the building,
221 whichever is greater.

222 f. Building heights may be approved under the standards of Section
223 [4.9.7.C.1] 4.9.8.C.1 without regard to the building height
224 recommendations of the master plan.

225 * * *

226 **Section [4.9.8] 4.9.9. Garrett Park (GP),**

227 * * *

228 **C. Land Uses**

229 The land uses and use standards of the underlying zone are applicable unless
230 the development standards in Section [4.9.8.D] 4.9.9.D are more restrictive,
231 in which case Section [4.9.8.D] 4.9.9.D must be followed.

232 * * *

233 **Section [4.9.9] 4.9.10. Germantown Transit Mixed Use (GTMU),**

234 * * *

235 **Section [4.9.10] 4.9.11. Montgomery Village (MV),**

236 * * *

237 **Section [4.9.11] 4.9.12. Regional Shopping Center (RSC) Overlay Zone**

238 * * *

239 **D. Site Plan**

240 Site plan approval under Section 7.3.4 is required for any increase in
241 building height under Section [4.9.11.C.1] 4.9.12.C.1.

242 **E. Parking**

243

244 **4. Pedestrian Access**

245 The major point of pedestrian access for an off-street parking facility that
246 occupies contiguous land area integral to the regional shopping center property
247 may extend more than 500 feet walking distance from an entrance to the center
248 to satisfy the number of spaces required under Section [4.9.11.E.1.a]

249 4.9.12.E.1.a.

250 * * *

251 **Section [4.9.12] 4.9.13. Ripley/South Silver Spring (RSS) Overlay Zone**

252 * * *

253 **Section [4.9.13] 4.9.14. Rural Village Center (RVC) Overlay Zone**

254 * * *

255 **C. Development Standards**

256 1. Where a lot is either partially or totally in a Commercial/Residential
257 zone:

258 * * *

259 e. In addition to the parking requirements in Division 6.2:

260 * * *

261 iii. For any cumulative enlargement of a surface parking
262 facility that is greater than 50% of the total parking area
263 approved before November 4, 2002, the entire off-street
264 parking facility must be brought into conformance with
265 Section [4.9.13] 4.9.14.

266 * * *

267 **Section [4.9.14] 4.9.15. Sandy Spring/Ashton Rural Village (SSA) Overlay**
268 **Zone**

269 * * *

270 **Section [4.9.15] 4.9.16. Takoma Park/East Silver Spring Commercial**
271 **Revitalization (TPESS) Overlay Zone**

272 * * *

273 **D. Site Plan**

274

275 3. For any addition, reconstruction, or alteration that changes a building by
276 less than 1,000 square feet and does not require site plan approval under
277 Section [4.9.15.D.1.c] 4.9.16.D.1.c, the Planning Board or its designee
278 must review the building permit to determine compliance with master
279 plan recommendations and the provisions of this Overlay zone. If an
280 existing building is located on the site or on an adjacent property, the
281 minimum setback of the zone may be reduced to conform to the existing
282 setback on the site or on the adjacent property.

283

284 **Section [4.9.16] 4.9.17. Transferable Development Rights (TDR) Overlay Zone**

285 * * *

286 **B. Optional Method**

287 **1. In General**

288 The TDR Overlay optional method of development permits an
289 increase in the maximum residential density, if the development
290 satisfies the requirements for optional method development using
291 Transferable Development Rights under Section [4.9.16.B] 4.9.17.B.

292 **a. Applicability**

293 The procedures and requirements in Section [4.9.16.B] 4.9.17.B
294 apply to the transfer of development rights from land in the AR
295 zone to land in a Transferable Development Rights (TDR)

296 Overlay zone. The Planning Board may approve subdivision of
297 such land at densities up to the maximum density allowed in the
298 applicable TDR Overlay zone and substantially conforming to
299 the recommendations in the applicable master plan.

300 * * *

301 **c. Recording of Development Right**

302 * * *

303 ii. A final record plat for a subdivision using transferred
304 development rights must contain a statement including the
305 development proposed, the zoning classification of the
306 property, the number of development rights used, and a
307 notation of the recordation of the conveyance as required by
308 Section [4.9.16.B] 4.9.17.B.

309 **d. Development with Moderately Priced Dwelling Units**

310 i. A property developed under Section 4.9.16.B must satisfy
311 Chapter 25A.

312 ii. A density bonus allowed under Chapter 25A is calculated
313 after the base density of the property has been increased
314 under Section [4.9.16.B] 4.9.17.B through TDRs.

315 * * *

316 **e. Additional Findings**

317 In addition to the findings required for approval of a site plan
318 under Section 7.3.4, for projects developed under Section
319 [4.9.16.B] 4.9.17.B, the Planning Board must find that the
320 proposed development provides an appropriate range of
321 housing types that takes advantage of existing topography and

322 environmental features and achieves a compatible relationship
323 between the proposed development and adjoining land uses.

324 * * *

325 **Section [4.9.17] 4.9.18. Twinbrook (TB) Overlay Zone**

326 * * *

327 **Section [4.9.18] 4.9.19. Upper Paint Branch (UPB) Overlay Zone**

328 * * *

329 **B. Exemptions**

330 The following are exempt from Section [4.9.18] 4.9.19:

331 * * *

332 **C. Land Uses**

333 1. Except as listed in Section [4.9.18.C.2] 4.9.19.C.2 and Section
334 [4.9.18.C.3] 4.9.19.C.3, the land uses of the underlying zone apply.
335 The use standards of the underlying zone apply unless the
336 development standards in Section [4.9.18.D] 4.9.19.D are more
337 restrictive, in which case Section [4.9.18.D] 4.9.19.D must be
338 followed.

339 * * *

340 3. If validly existing on July 1, 1997, the uses in Section [4.9.18.C.2]
341 4.9.19.C.2 may be continued under the requirements in effect at the
342 time the use was established. Any expansion requires compliance with
343 the UPB Overlay zone.

344 * * *

345 **E. Waiver**

346 The applicable review body may grant a waiver of the development
347 standards in Section [4.9.18.D] 4.9.19.D if it finds that:

348 * * *

349 4. Alternative water quality and control techniques are used to meet the
 350 purposes of Section [4.9.18] 4.9.19.

351 **Section [4.9.19] 4.9.20. Upper Rock Creek (URC) Overlay Zone**

352 * * *

353 **B. Exemptions**

354 1. The following are exempt from Section [4.9.19] 4.9.20:

355 * * *

356 **D. Waiver**

357 The applicable review body may grant a waiver of the development
 358 standards in Section [4.9.19.C] 4.9.20.C if it finds that:

359 * * *

360 4. Alternative water quality and quantity control techniques are used to
 361 meet the purposes of Section [4.9.19] 4.9.20.

362 * * *

363 **Sec. 4. OLD ZONING ORDINANCE TO NEW ZONING**
 364 **ORDINANCE SECTION CROSS REFERENCE is amended as follows:**

Old ZONING ORDINANCE	New ZONING ORDINANCE
Article 59-C: Zoning Districts; Regulations.	
* * *	
Division 59-C-18. Overlay Zones.	
* * *	
Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.	Sec. [4.9.18] <u>4.9.19</u> . Upper Paint Branch (UPB) Overlay Zone
* * *	
Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.	Sec. [4.9.14] <u>4.9.15</u> . Sandy Spring/ Ashton Rural Village (SSA) Overlay Zone
* * *	
Sec. 59-C-18.20. Ripley/South Silver Spring Overlay Zone.	Sec. [4.9.12] <u>4.9.13</u> . Ripley/South Silver Spring (RSS) Overlay Zone
Sec. 59-C-18.21. Takoma Park/East Silver Spring commercial revitalization overlay zone.	Sec. [4.9.15] <u>4.9.16</u> . Takoma Park/ East Silver Spring Commercial Revitalizations (TPESS) Overlay Zone
* * *	

Sec. 59-C-18.23. Rural village center overlay zone.	Sec. [4.9.13] <u>4.9.14</u> . Rural Village Center (RVC) Overlay Zone
Sec. 59-C-18.24. Environmental overlay zone for the Upper Rock Creek Special Protection Area.	Sec. [4.9.19] <u>4.9.20</u> . Upper Rock Creek (URC) Overlay Zone

365

366 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the
367 date of Council adoption.

368

369 This is a correct copy of Council action.

370

371

372 _____
Linda M. Lauer, Clerk of the Council

