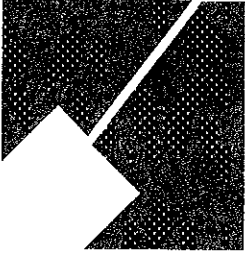


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

MCPB  
Item #4  
10/25/01

**DATE:** October 19, 2001  
**TO:** Montgomery County Planning Board  
**VIA:** Michael Ma, Zoning Supervisor *MM*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To establish a category use for a Group Picnic, Catering and Recreational Facility as a special exception in the RE-2C zone, including a definition for the use and development standards.

**TEXT AMENDMENT:** No. 01-09  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmembers Subin, Silverman, Dacek, Leggett and Denis  
**INTRODUCED DATE:** September 25, 2001  
**PLANNING BOARD REVIEW:** October 25, 2001  
**PUBLIC HEARING:** October 30, 2001; 1:30pm

---

**STAFF RECOMMENDATION:** APPROVAL with modifications

**PURPOSE OF THE TEXT AMENDMENT**

Smokey Glen Farm requests the subject zoning text amendment to allow the farm to (1) operate as a special exception under a new use category in the RE-2C zone and (3) modify and expand its existing facilities. The zoning text amendment is proposed to achieve the following:

- Establish a new use category- "Group Picnic, Catering and Recreational Facility"
- Allow a Group Picnic, Catering and Recreational Facility in the RE-2C zone as a special exception use.
- Establish a new section (59-G-2.26), including special exception standards and requirements

## **BACKGROUND**

Smokey Glen Farm, located along the north side of Riffle Ford Road, west of Gaithersburg, has been operating a group picnic, catering and recreational facility since the late 1950s. On March 2, 1959, the Board of Appeals approved this use as an outdoor restaurant facility under Special Exception No. BA 719. Smoky Glen has operated as a non-conforming use since 1985, when the subject property was down-zoned from the R-A (similar to R-200) zone to the RE-2C zone as part of the sectional map amendment for the Gaithersburg Vicinity Master Plan.

### Current Operation

The existing operation includes company and group picnics, casual banquets, meetings and parties, on-site and off-site food preparation for buffet service, sale and consumption of alcohol for events on-site and off-site. Facilities include enclosed structures for administrative offices, dining, food preparation, beverage service, commissaries for food and dry goods storage and equipment storage for on-site and off-site catering. Facilities also include open pavilion structures for picnic dining, serving, beverage service and barbecuing, paved roadways and paved and unpaved parking areas. Recreation facilities include softball fields, horseshoe areas, basketball and volleyball courts, miniature golf, a team building/challenge course and nature trails for hiking and mountain biking. Recreation activities also include hayrides, pony rides, petting zoos, inflatable amusements, a D. J. or live band for background music (does not include live concerts), field games for adults and children, clowns, magicians and arts and crafts.

### Future Plans

Smokey Glen Farms proposes to continue the operations as mentioned above. However, reconstruction of several buildings (with possible minor expansion) will require the subject site to be a conforming use under Zoning Ordinance requirements. No further encroachment of buildings/facilities towards the property boundaries is proposed with the project. A majority of the project will include reconstruction/expansion of several pavilions, a food preparation building and a barn (used for storage purposes).

## **ANALYSIS**

The text amendment proposes to add group picnic, catering and recreational facility to the RE-2C zone with a footnote in the land use table that limits this use to existing non-conforming uses as of the effective date of the approved amendment.

### Definition

The proposed definition of a group picnic, catering and recreational facility is as follows:

**Group picnic, catering and recreation facility:** *A facility for company and group picnics, casual banquets, meetings and parties, on-site and off-site food preparation for buffet service, sale and consumption of alcohol for events on-site and off-site. Facilities*

include enclosed structures for administrative offices, dining, food preparation, beverage service, commissaries for food and dry goods storage and equipment storage for on-site and off-site catering. Facilities also include open pavilion structures for picnic dining, serving, beverage service and barbecuing, paved roadways and paved and unpaved parking areas. Recreation facilities include softball fields, horseshoe areas, basketball and volleyball courts, miniature golf, a team building/challenge course and nature trails for hiking and mountain biking. Recreation activities include all of the above and may also include, but are not limited to hayrides, pony rides, petting zoos, inflatable amusements, a D. J. or live band for background music (does not include live concerts), field games for adults and children, clowns, magicians and arts and crafts.

\* \* \*

The proposed definition reflects the existing uses and activities included on the Smokey Glen Farm site. According to Smokey Glen representatives, many of the existing buildings on the site are in need of repair and reconstruction and therefore, must be demolished to accomplish this. Because of Smokey Glen Farm's non-conforming status, the Zoning Ordinance does not permit reconstruction and/or minor expansion of this facility. Staff believes that the minor expansion of several structures on the site could be adequately monitored through the special exception process, should the text amendment be adopted by County Council.

#### Development Standards

The proposed special exception standards and requirements are as follows:

A special exception may be granted for a group picnic, catering, and recreation facility, subject to the following requirements:

- a. The site must be 80 acres or more in size;
- b. The maximum building height is 50 feet;
- c. Any structure or building must be set back from any property line a minimum of 50 feet;
- d. The site must have direct access to a public road that is built to primary or higher standards;
- e. Outdoor catering and recreational facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent

residential properties. The facilities must be designed and sighted to protect adjacent residential properties from objectionable impacts by providing adequate screening measures.

- f. Off-street parking must be sufficient to accommodate the number of people participating in the events and adequately screened.

The proposed standards and requirements reflect the existing conditions and physical dimensions of Smokey Glen Farm. Staff believes that Standard “e” above, and the setback requirement of 50 feet, provides appropriate impact measures of the facility from the adjacent residential development.

#### Similar Use-Outdoor Catering Facility

As mentioned above, a group picnic, catering and recreational facility is currently not defined in the Zoning Ordinance. An outdoor catering facility is a similar use that is defined in the Zoning Ordinance. This use was established as a special exception use for the R-200 zone only to address the Egan’s Barbeque site (Sherwood Farm) located in Clarksburg (on Route 355). There are no other outdoor catering facilities in the R-200 zone. Below are the definition and special exception standards for an outdoor catering facility.

***Definition: Catering facility, outdoors:*** *A catering facility, outdoors, which may include an enclosed food preparation building but all catering parties are held under pavilions, or in the open, and may include various recreational activities.*

#### ***Sec. 59-G-2.11.2. Catering facility, outdoors.***

*A special exception may be granted for a catering facility outdoors, subject to the following requirements.*

- (a) the site must be zoned R-200 and recommended for the PD zone in an approved and adopted master or sector plan;*
- (b) the site must be 50 acres or more in size;*
- (c) the maximum building height is 20 feet;*
- (d) any structure, building, or parking area must be setback from any property line a minimum of 100 feet;*
- (e) the site must have direct access to a public road that is built to primary or higher standards; and*
- (f) other than a permanent food preparation building, permanent structures are limited to open pavilions.*

As seen above, there are two major differences in the existing category use (outdoor catering) and the proposed new group picnic, catering and recreational facility. These differences pertain to the use of permanent, enclosed structures and a greater building height (up to 50 feet) for the proposed text amendment. Staff believes that modifying the existing definition of outdoor catering facility to include enclosed permanent structures (other than a food preparation building) would undermine the intent of the originally-established category that pertains to outdoor catering.

It should be noted that the Egan's Barbeque site has recently inquired about establishing similar special exception standards for the outdoor catering facility (located in the R-200 zone) as those proposed for the group picnic, catering and recreational facility category. Staff believes that this request is outside of the scope of the subject request in terms of including the proposed new special exception category use in the R-200 zone (The subject proposal limits the new category to the RE-2C zone). Should it be determined appropriate for the R-200 zone to permit permanent enclosed structures (other than food preparation) and an increase in building height from 20 to 50 feet for outdoor catering facilities, staff believes that the inclusion of a group picnic, catering and recreational facility (as a special exception use) in this zone (for the Egan's Barbeque site) would be more appropriate than modifying the definition and standards for an outdoor catering facility. It should be further noted that the Comprehensive Zoning Ordinance Review-Phase I (Special Exception Uses in One-Family Residential Zones) proposes to limit outdoor catering facilities in the R-200 zone to the existing facility located on the Egan site, with any expansion being limited to five percent (5%). Again, this issue should be addressed separate from the requested zoning text amendment.

## RECOMMENDATION

The staff supports the proposed text amendment to establish a group picnic, catering and recreational facility category in the Zoning Ordinance and to allow this use as a special exception use in the RE-2C zone subject to the text amendment recommended standards, as modified. The only modifications are technical and plain language.

Attachment 1 depicts the proposed text amendment as modified by staff. 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 (staff's changes). [[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment (staff's changes).

GR

### Attachments

1. Proposed Text Amendment 01-09 (as amended by staff)

Zoning Text Amendment No: 01-09  
Concerning: Special exception in RE-2C  
zone  
Draft No. & Date: 1 – 9/25/01  
Introduced: September 25, 2001  
Public Hearing: October 30, 2001; 1:30 PM  
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**

---

By: Councilmembers Subin, Silverman, Dacek, Leggett and Denis

---

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

- permitting a group picnic, catering, and recreation facility as a special exception in the RE-2C zone.

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-1    “RESIDENTIAL ZONES, ONE-FAMILY”  
Section 59-C-1.31   “Land Uses”  
DIVISION 59-G-2    SPECIAL EXCEPTIONS—STANDARDS AND  
                          REQUIREMENTS”  
Add a new section:  
59-G-2.26           “Group Picnic, Catering and Recreation Facility”

**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.*

**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           **Group home:** \* \* \*

6           **Group picnic, catering and recreation facility:** A facility for company and  
7           group picnics, casual banquets, meetings and parties, on-site and off-site food  
8           preparation for buffet service, sale and consumption of alcohol for events on-site  
9           and off-site. Facilities may include enclosed structures for administrative offices,  
10           dining, food preparation, beverage service, commissaries for food and dry goods  
11           storage and equipment storage for on-site and off-site catering. Facilities may also  
12           include open pavilion structures for picnic dining, serving, beverage service and  
13           barbecuing, paved roadways and paved and unpaved parking areas. Recreation  
14           facilities may include softball fields, horseshoe areas, basketball and volleyball  
15           courts, miniature golf, a team building/challenge course and nature trails for hiking  
16           and mountain biking. Recreation activities may include all of the above and may  
17           also include, but are not limited to hayrides, pony rides, petting zoos, inflatable  
18           amusements, a D. J. or live band for background music (does not include live  
19           concerts), field games for adults and children, clowns, magicians and arts and  
20           crafts.

21

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

23           **DIVISION 59-C-1. RESIDENTIAL ZONES, ONE-FAMILY.**

24           \* \* \*

25



1 **59-C-1.31. Land uses.**

2 \* \* \*

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
(d) Services.										
* * *										
Funeral parlor or undertaking establishments.	SE		SE	SE	SE	SE				SE
Group picnic, catering and recreation facility.		SE*								

3  
4 \*If in existence as a non-conforming use on (effective date).

5 **Sec. 3. Division 59-G-2 is amended as follows:**

6 **DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND**  
7 **REQUIREMENTS.**

8 \* \* \*

9 **59-G-2.26.1 Group picnic, catering and recreation facility.**

10 A special exception may be granted for a group picnic, catering, and recreation  
11 facility, subject to the following requirements:

- 12 a. The site must be 80 acres or more in size;
- 13 b. The maximum building height is 50 feet;
- 14 c. Any structure or building must be set back from any property line a minimum  
15 of 50 feet;
- 16 d. The site must have direct access to a public road that is built to primary or  
17 higher standards;
- 18 e. Outdoor catering and recreational facilities must be located, landscaped or  
19 otherwise buffered so that the activities associated with the facilities will not  
20 constitute an intrusion into adjacent residential properties. The facilities must  
21 be designed and ~~[[sighted]]~~ sited to protect adjacent residential properties from  
22 objectionable impacts by providing adequate screening measures.

1 f. Off-street parking must be sufficient to accommodate the number of people  
2 participating in the events and adequately screened.

3 \* \* \*

4 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the  
5 date of Council adoption.

6

7 This is a correct copy of Council action.

8

9

10

11

12 \_\_\_\_\_  
Mary A. Edgar, CMC

13 Clerk of the Council