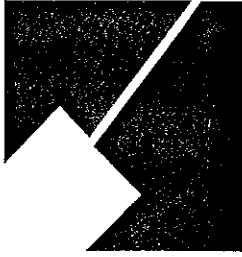


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item 5
11/01/01

DATE: October 26, 2001
TO: Montgomery County Planning Board
VIA: Michael Ma, Zoning Supervisor *MM*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: Comprehensive Review of the Zoning Ordinance

TEXT AMENDMENT: No. 01-10
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: District Council at the request of the Planning Board
INTRODUCED DATE: October 2, 2001

PLANNING BOARD REVIEW: November 1, 2001
PUBLIC HEARING: November 6, 2001; 7:30pm

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

The proposed text amendment includes the revision, renumbering, clarification and certain substantive modifications to the existing 44 special exception uses in the one-family residential zones, including modifications to Sections 59-A (County Board of Appeals), 59-E (Off-Street Parking and Loading) and 59-G (Special Exceptions, Variances, and Nonconforming Uses) of the Zoning Ordinance.

BACKGROUND

As the first phase of Comprehensive Zoning Ordinance Review, the Planning Board reviewed 44 special exception uses in the one-family residential zones, the General Provisions of Section 59-A and the General Standards of Sections 59-E and 59-G. On July 5, 2001, the Board recommended that the text amendments for 43 of the 44 special exception uses (exclusive of charitable and philanthropic institutions) and the modifications to Sections 59-A, 59-E and 59-G of the Zoning Ordinance be introduced by the County Council. On July 30, 2001, the Board recommended that the text amendment

for charitable and philanthropic institutions be introduced by the County Council and included in the overall text amendment.

The proposed text amendment encompasses the Board's recommendations that were transmitted to the County Council by letter to the Council President, Blair Ewing, dated August 13, 2001.

ANALYSIS

The County Council's staff has provided plain language and technical language changes to the Planning Board's initial transmittal of Phase I of the Comprehensive Zoning Ordinance Review. In addition, staff recommends several text clarifications to the following sections:

Section 59-G-1.23.-General development standards

Staff proposes clarification to the introduction paragraph to Section 59-G-1.23 as follows:

The purpose of the following standards is to achieve a harmonious integration of each special exception use in the surrounding area, promote attractive and pedestrian-friendly streets, and implement sound environmental principles. The Board may approve alternative methods of compliance for subsections (g) through (k) that meet these objectives.

Section 59-G-2.35.- Housing and Related Facilities for Elderly or Handicapped Persons

Staff proposes to make minor clarifications to Section 59-G-2.35. (h) pertaining to *Provisions governing facilities approved prior to March 7, 1990* as follows (new change is double underlined):

- (1) A housing facility for [elderly or handicapped persons] senior adults or persons with disabilities existing on March 7, 1990, or for which a petition was approved prior to March 7, 1990, is [not] a [non]conforming use, and may be continued in accordance with the terms and conditions of the special exception grant. Modifications may be approved by the Board of Appeals that are in compliance with the special exception standards in effect prior to March 7, 1990, except that modifications affecting height, density, green area or setbacks must be in compliance with the special exception standards [[that became]] effective [[on March 7, 1990]] at the time of approval of the modification. If damaged, the facility may be rebuilt, repaired and/or reconstructed.

Additional Discussion

Outdoor Catering Facility in the R-200 Zone

Phase I of the Comprehensive Zoning Ordinance Review proposes to limit outdoor catering facilities in the R-200 zone to the existing facility located on the Egan's Barbeque site, with any expansion being limited to five percent (5%). The County

Council is currently reviewing a text amendment to allow the Smokey Glen Farm (similar use) to (1) operate as a special exception under a new use category in the RE-2C zone and (2) 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

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 for a group picnic, catering and recreational facility. An outdoor catering facility is allowed a permanent enclosed structure for food preparation only and includes a maximum building height of 20 feet.

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 has no objection with the Egan site being categorized under the proposed new group picnic, catering and recreational facility use. The proposed special exception standards can be accommodated with minimal impact to adjacent residential properties since the site encompasses over 100 acres and is surrounded on three sides by I-270, Little Bennett Regional Park and a power transformer station. As with the Smokey Glen Farm site, the special exception review process will ensure minimal impacts to the surrounding area. Staff believes that the current Planning Board recommendation should remain, which limits outdoor catering facilities in the R-200 zone to the existing facility located on the Egan’s Barbeque site, with any expansion being limited to five percent (5%). Should the Council adopt the text amendment to establish a new group picnic, catering and recreational facility use, modification to include the Egan site (R-200 zone) under the new category could be requested by Egan’s Barbeque, as part of the Comprehensive Zoning Ordinance Review.

RECOMMENDATION

The staff supports the proposed text amendment to revise, renumber, clarify and provide certain substantive modifications to the existing 44 special exception uses in the one-family residential zones, including modifications to Sections 59-A (County Board of Appeals), 59-E (Off-Street Parking and Loading) and 59-G (Special Exceptions, Variances, and Nonconforming Uses) of the Zoning Ordinance. The only modifications are technical and plain language.

Attachment 1 depicts the proposed text amendment as modified by staff on pages 36, 92 and 93. 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 01-10 (as amended by staff)**