

ATTACHMENT 1

Zoning Text Amendment No: 05-09
Concerning: Wholesale trades for industrial
or commercial users in the I-3 Zone
Draft No. & Date: 1- 06/01/05
Introduced: June 14, 2005
Public Hearing: July 18, 2005; 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: District Council

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

- allowing “wholesale trades limited to sales or rental of products intended for industrial or commercial users” as a permitted use in the I-3 zone under certain circumstances.

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

DIVISION 59-C-5 “INDUSTRIAL ZONES”
Section 59-C-5.2 “Land uses”

*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-C-5 is amended as follows:**

2 **DIVISION 59-C-5. INDUSTRIAL ZONES.**

3 * * *

4 **59-C-5.2. Land uses.**

5 * * *

| | I-1 | I-2 | I-3 | I-4 | R&D | LSC |
|--|-----|-----|------------|-----|-----|-----|
| (d) Commercial. | | | | | | |
| * * * | | | | | | |
| Wholesale trades limited to sales or rental of products intended for industrial or commercial users. | P | | <u>P</u> * | P | | |

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8 * Only if a building permit was issued before the property was reclassified to
 9 the I-3 zone. Any use or structure existing on the property before the
 10 property was reclassified to the I-3 zone is conforming and may be modified,
 11 reconstructed, or enlarged in accordance with the standards of the zone in
 12 effect for the property before the property was reclassified to the I-3 zone,
 13 except that the building height and setbacks must conform to the
 14 recommendations of the applicable master plan or sector plan. Any
 15 modification, reconstruction, or enlargement in accordance with the
 16 standards of the zone in effect for the property before the property was
 17 reclassified to the I-3 requires a site plan under Section 59-D-3.

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19 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
20 date of Council adoption.

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22 This is a correct copy of Council action.

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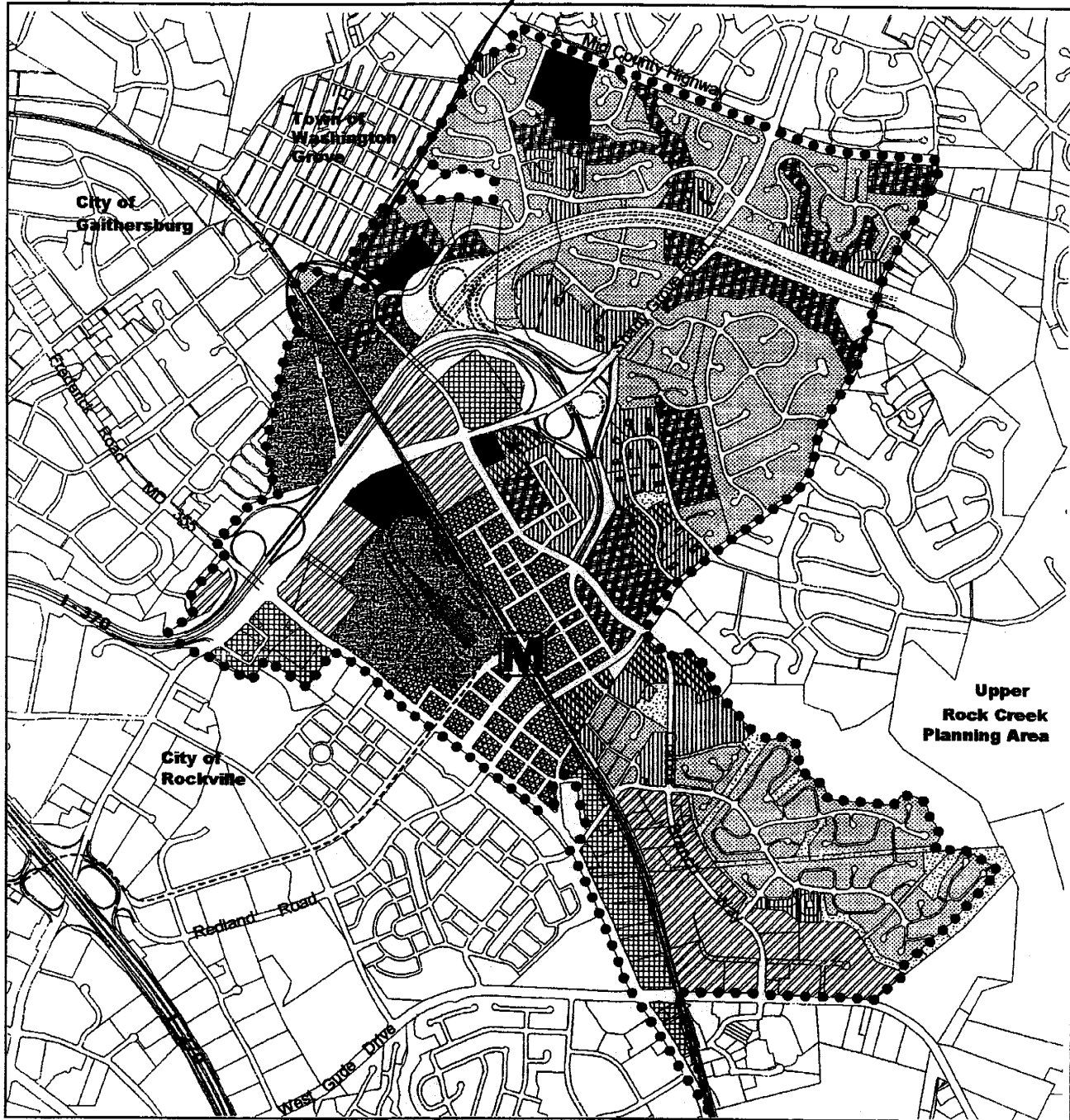
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Linda M. Lauer, Clerk of the Council

Proposed Land Use

Robert's Oxygen Site



- | | | | |
|--|---|--|---|
| | Residential, Single-Family Detached | | Industrial |
| | Residential, Townhouse | | Institutions (Public and Private) Schools, Churches, Post Office |
| | Residential, Multi-Family | | Public Parks and Open Space |
| | Residential, Mixed-Use (Primarily Residential) | | Private Open Space |
| | Commercial, Mixed-Use (Office, Retail, Service, Housing) | | Shady Grove Sector Plan Boundary |
| | Technology, Office (Research and Development) | | Corridor Cities Transitway |
| | | | Public/Private Joint Development |



This Plan divides the Corridor into two segments. MD 355 South begins at the planning area boundary south of Gude Drive and extends north to the Nissan property across Indianola Drive. It provides primary access to businesses and properties. The Metro Neighborhoods section of the Corridor runs from Indianola Drive to the entrance of the Solid Waste Transfer Station. Property west of the MD 355 right-of-way is within the City of Rockville. This Plan recommends developing an urban boulevard along the Metro Neighborhoods section of the corridor that complements Metro-focused development, improves pedestrian safety, and gives identity to the Metro station area.

Land Use and Urban Design Guidelines – MD 355 Metro Neighborhoods

This Plan recommends:

- Provide street-oriented development with buildings fronting on MD 355 with rear or below-grade parking.
- Create an urban boulevard character on MD 355 with a 25-foot wide promenade from curb to building face. Provide a double row of street trees, adequate public sidewalks, seating, bus stops, and extensive planting.
- Create a local street network that improves pedestrian and vehicle access to Metro, and increases street capacity in the Metro station area.
- Improve pedestrian safety and convenience crossing MD 355 with special crosswalk treatments, minimum corner radii to slow turning traffic, increased pedestrian crossing time, and signal timing to discourage high-speed traffic.
- Encourage redevelopment of existing auto service stations to achieve a more urban form of development and an attractive boulevard character. Gas stations can redevelop with side street access, their convenience stores fronting MD 355, and pumps located to the side of the lot. Avoid freestanding stations.
- Rezone from I-1 to the new proposed Metro Mixed-Use Residential zone that allows existing uses (particularly car dealerships) to continue operation.

Land Use and Design Guidelines – MD 355 South

This Plan recommends:

- Encourage redevelopment to increase mixed uses, including housing. Car dealerships do not necessarily require relocation if their surface lots are reconfigured creating development opportunities for other uses. Land use changes in MD 355 South are envisioned as long-term potential.
- Maintain the I-1 zone and encourage housing and limited supporting commercial uses under the provisions of the I-1 zone.
- Amend the I-1 zone to support streetscape improvements recommended in a sector plan.

✓ OAKMONT INDUSTRIAL PARK ✓

This area is an established industrial park with a variety of I-1 uses ranging from research and development firms to utility company service and storage. Oakmont Avenue offers convenient highway access for these businesses. While this clustering of industrial uses should continue, its impacts on neighboring communities should be mitigated. This Plan recommends:

- Maintaining the I-1 zone on the north side of Shady Grove Road within Oakmont Industrial Park.
- Upgrading Oakmont Avenue to County standards with sidewalks and streetscape improvements to improve pedestrian access to transit.

- Mitigating environmental impacts from noise, odors, and visually unsightly industrial activity by measures such as noise walls, landscape screening, and containment of odor producing materials.
- Allowing a new bridge over the CSX tracks and street connection to Oakmont Avenue to be constructed if needed to serve public facilities on the east side of the rail tracks.
- Limiting building heights on properties adjacent to Washington Grove to 42 feet, with a 50-foot setback for landscaped buffering.

SPECIAL EXCEPTION GUIDELINES

This Sector Plan recommends guidelines for special exception uses in the Shady Grove planning area and supports special exceptions that increase the type and diversity of residential development. Protect existing residential areas from incompatible special exceptions that are in conflict with the Sector Plan's goal of maintaining and enhancing communities. Provide opportunities to increase the type and diversity of residential development and community serving needs throughout the planning area. This Plan recommends:

- Avoiding special exceptions for commercial services along the eastern, residential end of Shady Grove Road, and along Redland Road north of Needwood Road.
- Avoiding clustering residential special exceptions in areas of the Derwood Communities, particularly along the eastern, residential end of Shady Grove Road, and along Redland Road north of Needwood Road.
- Supporting special exceptions for housing, particularly senior, assisted living, and other special needs housing.
- Supporting senior housing within the area of the Metro station and specifically on The Grove, VEIP, and WMATA's property on the east side of the station.