



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB**  
**Item #7**  
**06/09/05**

**DATE:** June 3, 2005  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief, Development Review *RKX*  
**FROM:** Greg Russ, Zoning Coordinator *GR*  
**REVIEW TYPE:** Zoning Text Amendment  
**PURPOSE:** To clarify building and parking setback requirements in the Country Inn Zone and to authorize the District Council to approve certain exceptions to the setback requirements for a parking facility existing at the time of reclassification to the Country Inn zone.

**TEXT AMENDMENT:** No. 05-07  
**REVIEW BASIS:** Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance  
**INTRODUCED BY:** Councilmember Knapp  
**INTRODUCED DATE:** April 12, 2005

**PLANNING BOARD REVIEW:** June 9, 2005  
**PUBLIC HEARING:** June 14, 2005; 1:30 p.m.

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**STAFF RECOMMENDATION:** APPROVAL

#### **PURPOSE OF THE TEXT AMENDMENT**

To clarify building and parking setback requirements in the Country Inn Zone and to authorize the District Council to approve certain exceptions to the setback requirements for a parking facility existing at the time of reclassification to the Country Inn zone.

#### **BACKGROUND/ANALYSIS**

An earlier adopted text amendment (ZTA 03-22, adopted on September 30, 2003) authorized the District Council to approve a setback of less than 50 feet for any building and/or parking facility that existed on a site at the time of reclassification to the County Inn Zone (See Attachment 2). The issue was that some existing structures suitable for use as a country inn were constructed close to roads, and the existing structures and any potential improvements to those structures, in some instances, could encroach into the

required building setback area. The authority to approve a setback reduction for an existing parking facility was codified in Section 59-C-4.394 “Setbacks” but not in Section 59-C-4.397 “Off-Street Parking”.

ZTA 05-07 corrects this oversight and eliminates any confusion that could occur concerning the Council’s authority to grant a setback reduction for a parking facility existing at the time a site is reclassified to the Country Inn Zone.

The proposed changes are as follows:

**59-C-4.39. Country Inn Zone – Purpose and development standards.**

\* \* \*

**59-C-4.394. Setbacks.**

\* \* \*

- (a) *Minimum setback from any street – 50 feet, except that the District Council may approve a setback less than 50 feet for any building [and parking] existing on the site at the time of reclassification to the Country Inn zone, and for any addition or improvement to an existing building shown on the Development Plan.*
- (b) *Minimum setback from any other boundary of the lot – 75 feet, except that the District Council may approve a setback less than 75 feet for any building [and parking] existing on the site at the time of reclassification to the Country Inn zone, and for any [addition or improvement] modification to an existing building shown on the Development Plan.*

**59-C-4.397. Off-street parking.**

\* \* \*

- (b) **Design.** *The design and location of [the] any parking [facilities shall] facility must [be such as to] minimize any adverse effect upon surrounding land and development, [including] and comply with the following requirements:*
  - (1) *No parking space is allowed within 25 feet of any street or highway, [nor] or within 50 feet of any other boundary of the lot, except that, the District Council may approve a setback less than 25 feet or 50 feet for any parking facility existing on the site at the time of reclassification to the Country Inn Zone and for any modification to an existing parking facility shown on the Development Plan.*

Staff believes that the proposed modifications provide clarification measures that are necessary to eliminate unintended confusion created by the adoption of ZTA 03-22.

### Master and Sector Plan Conformance

The Community-Based Planning Division reports that the proposed text amendment would not affect the goals and objectives of any master and sector plans.

### **RECOMMENDATION**

Staff recommends that Zoning Text Amendment No. 05-07 be approved as submitted. The proposed Zoning Text Amendment is included as Attachment 1.

#### Attachments:

1. Zoning Text Amendment No. 05-07
2. Ordinance No. 15-16 adopting Zoning Text Amendment No. 03-22