



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB
Item # 8
07/15/04

DATE: July 9, 2004
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Zoning Text Amendment
PURPOSE: To amend the Zoning Ordinance to permit a security pavilion in the RE-2, RE-1, R-200, and the agricultural zones.

TEXT AMENDMENT: No. 04-08
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 County Executive
INTRODUCED DATE: June 15, 2004

PLANNING BOARD REVIEW: July 15, 2004
PUBLIC HEARING: July 20, 2004; 1:30 PM

STAFF RECOMMENDATION: APPROVAL with modifications

PURPOSE OF THE TEXT AMENDMENT

To amend the Zoning Ordinance to create and define a new use entitled "security pavilion" and to permit a security pavilion in the RE-2, RE-1, R-200, and the agricultural zones.

BACKGROUND/ANALYSIS

The proposed text amendment was introduced at the request of the County Executive and would create and define a new use entitled "security pavilion". Construction of a security pavilion would be limited to the large lot residential zones and the agricultural zones. A minimum site size of 2 acres would be required for a security pavilion. The intent of the amendment as expressed by the Executive is to augment security on property owned by prominent leaders, executives, and celebrities. The Executive believes that County police cannot and should not be expected to provide a higher level of protection for the aforementioned residences than for the overall community. The Zoning Ordinance does

not allow security pavilions (accessory buildings) in the front yards of residential properties. When such structures are requested, the Department of Permitting Services (DPS) must reject the requests and refer the applicants to the Board of Appeals (BOA) for variances. Currently, the Zoning Ordinance does not provide the Board explicit authority to consider matters of security in deciding variance requests. The proposed text amendment would permit security pavilions in the front yards of estate properties without a Board of Appeals hearing.

The proposed text amendment language is as follows:

Security pavilion: A single-room building designed and arranged for housing security personnel and surveillance equipment that complies with Section 59-A-6.17. A security pavilion may not be designed or used as a dwelling unit and may not be used for the storage of goods, materials or automobiles.

* * *

Sec. 2. Division 59-A-6 is amended as follows:

DIVISION 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS OF ZONE.

* * *

59-A-6.17. Security pavilion.

A security pavilion is permitted in the RE-2, RE-1, R-200 and the Agricultural zones if it:

- (a) is located on a lot or parcel within a minimum lot size of 2 acres;*
- (b) does not exceed 196 square feet of total floor area, with maximum linear dimensions that do not exceed 14 feet per side;*
- (c) does not exceed 12 feet in height;*
- (d) is set back a minimum distance of 30 feet from the front lot line and 15 feet from any side lot line; and*
- (e) is placed within 5 feet of the main driveway that provides access to the main dwelling located on the same lot.*

Staff has no objection to the proposed text amendment. The proposal limits the impact of the use on the community in several ways. The text amendment permits a security pavilion in the front yard of a property only if the site is a minimum of 2 acres in size and is located in the RE-2, RE-1, R-200 or in any Agricultural Zones. Security pavilions are typically requested on parcels of two or more acres where the homes are set back some distance from the public right-of-way. The development standards require the structure to be located within 5 feet of the main driveway entrance and set back a minimum of 30 feet from the front lot line to minimize the visual

presence of the building and to preserve site distances from either the driveway of the main house or driveways of adjacent residences. The proposed side yard setback of 15 feet is consistent with the side yard standards of the applicable zones. The visual impact of the security pavilion is further minimized by limiting the structure to 12 feet in height, 14 feet in linear dimensions and 196 square feet in floor area. Further, a security pavilion is narrowly defined to eliminate the opportunity for its use as a dwelling or as a storage facility.

RECOMMENDATION

The staff recommends approval of the proposed text amendment to amend the Zoning Ordinance to create and define a new use entitled “security pavilion” and to permit a security pavilion to be located in the RE-2, RE-1, R-200, and the agricultural zones.

Attachment 1 depicts the proposed text amendment as modified by staff with plain language changes.

GR

Attachments

1. Proposed Text Amendment 04-08.

ATTACHMENT 1

Zoning Text Amendment No: 04-08
Concerning: Security Pavilions –
Residential and Agricultural Zones
Draft No. & Date: 1 – 6/15/04
Introduced: June 15, 2004
Public Hearing: July 20, 2004; 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 at the request of the County Executive

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

- permitting a security pavilion in the RE-2, RE-1, R-200, and the agricultural zones.

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-A-6	“USES PERMITTED IN MORE THAN ONE CLASS OF ZONE”
Add a new section:	
<u>Section 59-A-6.17</u>	<u>“Security Pavilion”</u>
DIVISION 59-C-1	“RESIDENTIAL ZONES, ONE-FAMILY”
Section 59-C-1.31	“Land uses”
DIVISION 59-C-9	“AGRICULTURAL ZONES”
Section 59-C-9.3	“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-A-2 is amended as follows:**

2 **DIVISION 59-A-2 DEFINITIONS AND INTERPRETATION.**

3 **59-A-2. Definitions.**

4 * * *

5 **Security pavilion:** A single-room building designed and arranged for housing
6 security personnel and surveillance equipment that complies with Section 59-A-
7 6.17. A security pavilion may not be designed or used as a dwelling unit and may
8 not be used for the storage of goods, materials or automobiles.

9 * * *

10 **Sec. 2. Division 59-A-6 is amended as follows:**

11 **DIVISION 59-A-6. USES PERMITTED IN MORE THAN ONE CLASS**
12 **OF ZONE.**

13 * * *

14 **59-A-6.17. Security pavilion.**

15 A security pavilion is permitted in the RE-2, RE-1, R-200 and the Agricultural
16 zones if it:

- 17 (a) is located on a lot or parcel within a minimum lot size of 2 acres;
18 (b) does not exceed 196 square feet of total floor area, with maximum linear
19 dimensions that do not exceed 14 feet per side;
20 (c) does not exceed 12 feet in height;
21 (d) is set back a minimum distance of 30 feet from the front lot line and 15
22 feet from any side lot line; and
23 (e) is placed within 5 feet of the main driveway that provides access to the main
24 dwelling located on the same lot.

25 **Sec. 3. Division 59-C-1 is amended as follows:**

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

27 * * *

28 **59-C-1.31. Land uses.**

29 * * *

	RE-2	RE-2C	RE-1	R-200	R-150	R-90	R-60	R-40	R-4 plex	RMH 200
(g) Miscellaneous.										
* * *										
Security pavilion.	<u>P*</u>		<u>P*</u>	<u>P*</u>						

30 _____
 31 * In accordance with Section 59-A-6.17

32 **Sec. 4. Division 59-C-9 is amended as follows:**

33 **DIVISION 59-C-9. AGRICULTURAL ZONES.**

34 * * *

35 **59-C-9.3 Land uses.**

	Rural	RC	LDRC	RDT	RS	RNC
(j) Miscellaneous:						
* * *						
Security pavilion.	<u>P**</u>	<u>P**</u>	<u>P**</u>	<u>P**</u>	<u>P**</u>	<u>P**</u>
* * *						

36 _____
 37 ** In accordance with Section 59-A-6.17.

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

40
 41 This is a correct copy of Council action.
 42
 43
 44 _____

45 Mary A. Edgar, CMC
 46 Clerk of the Council