

Ordinance No: 15-72  
Zoning Text Amendment No: 06-02  
Concerning: Modifications to  
MXTC Zone  
Draft No. & Date: 4 – 3/31/06  
Introduced: January 31, 2006  
Public Hearing: 3/07/06; 1:30 p.m.  
Adopted: May 25, 2006  
Effective: June 14, 2006

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: District Council at the request of the Planning Board

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

- amending the Mixed-Use Town Center Zone; and
- generally amending the Mixed-Use Town Center zone.

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

DIVISION 59-C-11	“MIXED-USE TOWN CENTER ZONE (MXTC)
Section 59-C-11.3.1	“Site Plan Approval”
Section 59-C-11.4	“Permitted uses”
Section 59-C-11.5	“Development standards”
Section 59-C-11.5.1	“Street façade requirements”

**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.*

## OPINION

Zoning Text Amendment (ZTA) No. 06-02 was introduced on January 24, 2006, to amend standards for the Mixed Use Town Center (MXTC) zone. As introduced, the proposed amendment would require site plan approval for the standard method of development if required in a master or sector plan, permit certain light industrial uses if authorized in a master or sector plan, require public use space to conform to the applicable master or sector plan, provide for at least 15-foot setbacks unless the Montgomery County Planning Board authorizes otherwise, and modify the street façade requirements to broaden the directive for ground floor design.

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved.

The County Council held a public hearing on March 7, 2006, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held worksessions on March 17, March 20, and March 27, 2006 to review the amendment. The Committee supported the Planning Board's recommendation to allow the Board to modify street façade requirements and recommended modifying the ZTA to allow the Planning Board to waive setback, height, and public use space requirements if recommended in a master or sector plan. The Council received testimony inquiring whether the existing definition of public use space included environmental areas, community recreation areas, and Legacy Open Space dedication and the Committee believed that the existing definition includes these spaces. The Committee also recommended several changes to the development standards chart for clarity.

The District Council reviewed Zoning Text Amendment No. 06-02 at worksessions held on April 4 and May 25, 2006, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 06-02 will be approved as amended.

## 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-11 is amended as follows:**

2       **DIVISION 59-C-11.     MIXED-USE TOWN CENTER ZONE**  
3       **(MXTC).**

4       \*       \*       \*

5       **59-C-11.3.1.     Site Plan Approval.**

6       Site plan approval is required for:

7       [1. A standard method development with a lot area of five acres or  
8       more;

9       2. A standard method development that has certain uses with more  
10       than 20,000 square feet for each establishment as specified in Sec. 59-  
11       C-11.4.;

12       3. A standard method development proposal for any modification of  
13       the maximum front setback or the street facade requirements; or]

14       1. A standard method development project that includes:

15           a. [[for]] a net lot area of five acres or more;

16           b. [[for]] certain uses with more than 20,000 square feet for  
17           each establishment as specified in Sec. 59-C-11.4;

18           c. [[for any]] a modification [[or reduction]] of the maximum  
19           front setback or the street facade requirements; or

20           d. [[if required]] a recommendation for site plan review in the  
21           applicable master or sector plan.

22       [4.]2.[An optional method development project.] All optional method  
23       development projects. For an optional method development project,  
24       the Board must find that the proposed development:

25           e. conforms to recommendations of the applicable approved  
26           and adopted master or sector plan;

- 27 f. is not detrimental to any existing development due to the
- 28 size, intensity, design, scale and operational characteristics
- 29 of its uses;
- 30 g. satisfies the public use space requirements of the zone;
- 31 h. takes maximum advantage of the topography, vistas, façade
- 32 articulation, and other urban design elements to create an
- 33 attractive physical environment;
- 34 i. provides adequate linkages among different functions or
- 35 structures, open areas, public amenities, parking, and
- 36 adjoining properties and streets, and
- 37 j. provides adequate parking and loading service areas with
- 38 appropriate landscaping, screening, and lighting that will
- 39 not adversely affect adjoining neighborhoods.

41 **59-C-11.4. Permitted uses.**

42 \* \* \*

<b>(d) Services:</b>	
Adult foster care home	P
Ambulance or rescue squad	P
Animal boarding place	SE
Appliance repair shop	P <sup>1</sup>
Art, music and photographic studio	P <sup>1</sup>
Automobile filling station	SE <sup>3</sup>
Automobile fluid maintenance station	SE <sup>4</sup>
Automobile rental services, excluding automobile storage	P/SE <sup>5</sup>
[[*]] Automobile repair and service	SE <sup>4</sup>
Barber and beauty shop	P
<u>Bank and other financial institution</u>	<u>P/SE<sup>8</sup></u>
Car wash	SE

43

44 \* \* \*

<b>(g) Uses of a light industrial nature<sup>7</sup></b>	
<u>[[Warehouse</u>	<u>P]]</u>
<u>Manufacturing of electronic components, instruments and devices</u>	<u>P</u>
<u>Manufacturing of medical, scientific or technical instruments, devices and equipment.</u>	<u>P</u>
<u>Manufacturing and assembly of semi-conductors, microchips, circuits and circuit boards.</u>	<u>P</u>
<u>Printing and publishing.</u>	<u>P</u>
<u>Research, development and related activities.</u>	<u>P</u>
<u>Sign making shop.</u>	<u>P</u>
<b>[[*]] Warehousing and storage services:</b>	
<u>- Industrial and commercial users.</u>	<u>P</u>
<u>- Self-storage facilities.</u>	<u>P</u>

45  
46 \* \* \*

- 47 7. [[Industrial Uses a]] Allowed only if [[authorized]]  
 48 recommended in a master or sector plan.  
 49 8. A drive up bank or a bank with a drive in window must be  
 50 approved by special exception subject to the general  
 51 requirements of Section 59-G-1.

52  
53 **59-C-11.5. Development standards.**

54 Development standards applicable to the standard and optional method  
 55 development are indicated by the letters “S” and “O”.

		<b>S</b>	<b>O</b>
1	<b>Maximum residential density (units/acre)</b>	8	20 <sup>1</sup>
2	<b>Maximum non-residential FAR</b>	0.35	1.0 <sup>1</sup>
3	<b>Maximum Building height</b>	42 <u>feet</u>	70 <u>feet</u> <sup>1</sup>

4	<b>Minimum public use space</b>		
	For lots of up to 40,000 sf:	10% <sup>3</sup>	10% <sup>3</sup>
	For lots of more than 40,000 sf:	10% <sup>3</sup>	20% <sup>3</sup>
5	<b>Building setbacks:<sup>4</sup></b>		
	[[Minimum front setback (feet) <u>Minimum front setback (feet)</u>	0 <sup>4</sup> <u>0</u>	0 <sup>4</sup> ]] <u>0</u>
	Maximum front setback (feet) <u>from a [[public right-of-way]] street line</u>	10 <sup>2</sup>	10 <sup>2</sup>
	Minimum side or rear setback from another lot in the same zone, or from an adjacent commercial zone (feet)	0	0
	Minimum side or rear setback from an adjacent residential zone (feet)	20	20

56

57 1. A master or sector plan may [[establish]] recommend a building  
58 height or density limit up to the maximum of the zone, and the  
59 appropriate mix of commercial [and], residential [development], and  
60 light industrial uses. Notwithstanding any building height limitation  
61 [[established]] recommended in a master plan or sector plan, the  
62 Planning Board may further limit the maximum allowable building  
63 height to achieve compatibility with surrounding land uses. However,  
64 the Planning Board may waive any height limit established in a master  
65 or sector plan, up to the maximum allowed in the zone, if expressly  
66 recommended in the applicable master or sector plan.

67 2. The Planning Board may allow a [[maximum]] front setback from the  
68 public right-of-way greater than 10 feet subject to site plan review and  
69 the street façade controls of the MXTC zone. [[Unless authorized by

70 the Planning Board, s]] Setbacks from the curb must [[not]] be of  
71 sufficient width [[less than 15 feet]] to provide for streetscape and  
72 adequate sidewalk space for pedestrians.

73 3. Public use space may be provided indoors or outdoors, and must [[be  
74 in conformance with]] conform to [[the guidance in the]] master or  
75 sector plan recommendations. Development on lots of up to 40,000  
76 square feet may provide a portion or all of the required public use  
77 space as green area. Development on lots of more than 40,000 square  
78 feet [[may]] must not provide all of the required public use space as  
79 green area. However, the Planning Board may waive any public use  
80 space requirement if expressly recommended in a master or sector  
81 plan.

82 4. [[Setbacks shall be no less than fifteen (15) feet measured from the  
83 curb, unless authorized by the Planning Board.]] The Planning Board  
84 may waive setback requirements if expressly recommended in a  
85 master or sector plan.

86

87 **59-C-11.5.1. Street façade requirements.**

88 \* \* \*

89 2. The ground floor portion of any street facade in a non-  
90 residential development must have [display] windows [[or other  
91 street activating elements]] and principal entrances to stores and  
92 retail establishments from the adjoining sidewalk or public use  
93 space. Off-street parking structures, if located along required  
94 street facades, must have retail or other pedestrian-oriented uses  
95 at the ground floor level fronting the street with direct access to  
96 the sidewalk or a public use space.

97 \* \* \*

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

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102 This is a correct copy of Council action.

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106 Elda M. Dodson, CMC, Acting Clerk of the Council